CRIMINAL AND CONSTABLE:
The Impact of Policing Reform on Crime in Nineteenth Century London.

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Abstract

Educated Londoners in the early 1800s, frightened by crime, tended to demonize the city's criminals, attributing sophistication, organisation and vigour to them. In reality, conventional Metropolitan crime was the product of acute social disorganisation, most of its exponents coming from a marginalised stratum of the urban lower working class. Change in Metropolitan policing was heavily oriented towards combating the unsophisticated, opportunistic, street crime and public disorder that characterised this group's deviance, and (independently of this) at promoting new standards of public order and decorum. The new police made an important, if sometimes exaggerated, contribution to the major reduction in Metropolitan street crime, pickpocketing, robbery, theft from shop fronts, assaults etc. that occurred in the second half of the nineteenth century. They also contributed significantly to the reduction in most other forms of deviance, as well as dramatically enhancing public order.

However, historically, the significance of a simple police *presence* on the streets has been greatly exaggerated. The Metropolitan force were most effective against crime *indirectly*, promoting social discipline in a manner that closely accords with modern 'broken windows' theory. They were much less successful in directly combating conventional crime. As this became increasingly apparent in the decades after 1829, many came to believe that the institutional result achieved in 1829, and characterised by the triumph of the 'Peelite' school of preventative policing, was inherently flawed. This prompted further change, in particular, a major reassessment of the importance of detective work.

Additionally, although a 'broken windows' approach to policing was fairly effective, it had an inescapable darker side. The imposition of new standards of public behaviour and order impinged on many 'traditional' and popular aspects of urban working class life, exciting bitter antipathy amongst the policed. It threatened long accepted civil liberties, which were increasingly attenuated during the century, and impinged on rights to 'due process', which, for minor offences, were greatly reduced. Even

more alarmingly, the 'broken windows' approach to urban policing was the raw material for police abuse of power, whether in the form of corruption, perjury or brutality. This was, in part, the price paid for the radically improved personal and public security of the late Victorian period.

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Gregory Durston.

London, 19th August, 2000.

Introduction and Methodology

The nineteenth century opened, in London, amid an apparent, though not novel, 'law and order' crisis, with burgeoning recorded crime rates eliciting widespread anxiety.[1] This concern lasted until the 1850s. By the end of the century, however, crime *generally*, had ceased to be viewed as a major Metropolitan problem. Crime-rates were falling, and optimism, ending almost 200 years of mounting pessimism, was common, especially amongst informed, educated and 'well to do' people.

Unlike many of their predecessors, who had identified crime as an inherent aspect of the human condition, influential nineteenth century Londoners combined an acute fear of crime with an unprecedented confidence in the potential for government intervention, based on rational study, to improve their security. They believed that the State could act as both 'moral tutor' and controller of their more criminogenic urban elements. Even the Reverend Francis Close, writing in 1850 on the 'dangerous classes', in a highly alarmist vein, firmly believed that they were:"...those criminal classes which are injurious to the body politic, punishable by law, and whose offences are *more or less remediable by public measures*".[2] Similarly, forty years later, the early criminologist, Havelock Ellis, observed that the crime problem, far from being hopeless, was largely a social fact, and:"...social facts are precisely the order of facts most under our control".[3] By 1902, even the radical labour leader, William Coote, could enthuse that the law was "school master to the whole community". It whipped them into obedience via penalties, and "chain[ed] the devil of impurity in a large number of men and women by fear of law".[4]

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[1]On much earlier crises see Shoemaker, R., 1991, at p.15

[2]*Lectures Delivered Before the Church of England Young Men's Society For Aiding Missions at Home and Abroad*, pub. 1850, London, James Nisbet publisher, Lecture vi, 'The Dangerous Classes' by Rev. Francis Close, delivered April 11th 1850, at pp. 4/5. My italics.

[3]Ellis, H., 1890, at p.297

[4]Petrow, Stefan, 1992, at p.66.

As a result of this confidence, the era witnessed major innovations in all areas of policing and criminal law enforcement in London, one of the most important being the advent of the Metropolitan Police. Because the peak of the apparent law and order crisis of the early century coincided with the emergence of this body, it was inevitable that the former's decline and the latter's development should be regularly linked, both then and now. Even modern academics of a radical stamp have been tempted to claim that the decline in crime between 1860 and 1914 reflected a "transient-advantage" that the new police had over criminals, and a rare triumph for the 'policeman-state'.[1] The *aim* of this thesis is to assess the validity of such a connection in a London context. Additionally, it seeks to chart the development of nineteenth-century Metropolitan policing and the complicated (sometimes competing) mixture of political concerns, operational priorities, and 'received' opinion that it reflected, and the hybrid body that inevitably emerged.

Methodology and Sources
'Whigs' against Radicals

Existing studies of nineteenth century crime and policing have often been flawed by a battle between conflicting paradigms and exegesis that owes as much to contemporary political debate as to a dispassionate examination of the available evidence. In some cases the evidence adduced has been highly selective; in others, simply very thin. Additionally, these studies have tended to concentrate on the more exotic aspects of Metropolitan police work, such as operations against Fenians and foreign anarchists, rather than the 'everyday' reality.[2] The dialectic has, nevertheless, produced a 'Whig' or 'Orthodox' thesis (its exponents including, *inter alia*, Reith, Ascoli, Critchley, Tobias and Radzinowicz), in which order was brought out of chaos in a progressive development accepted by all right thinking men. In response, a radical thesis (Storch, Miller etc.) has developed, stressing the class bias and ulterior social control motives of those involved.[3] As raw material

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[1] Gatrell, V.A.C., 1990, at p.291
[2] See, for example, Smith, P.T., 1985.
[3] See generally, Robinson, Cyril, 1979.

in this debate, London's criminals have variously been identified as artful dodgers, class warriors and ne'er do wells.

Although attempts at synthesis, producing a 'neo-Reithian' framework, have been made on a national level, these have been lacking for the Metropolis.[1] Additionally, such synthesis as exists, has often attempted to 'divide the difference' between the two main schools of thought. The aim of this study is to provide not just an amalgamation but also a selective endorsement, where justified, of discreet aspects of earlier approaches, in a work which remains closely true to the available evidence, even at the cost of neat theory (as it so often is).

Sources

Such a study requires a careful and dispassionate analysis of the available evidence, the use of which is itself a much fought over subject. The two main sources for the study of nineteenth century crime, literary accounts, whether personal views in journals, books and memoirs, or the evidence given to Royal Commissions, parliamentary committees and criminal trials, and (the main alternative), criminal statistics, are both inherently flawed. Although the advent of the latter makes the nineteenth century the first for which a detailed analysis using crime figures is at all practical, statistics suffer from major problems of changing offence definition, levels of public sensitivity, policing priority and enforcement, ease of prosecution, interpretation and collation.[2] Statistics are also unreliable because the relative importance of different types of crime change as new opportunities present themselves and others wane. Nevertheless, they continue to be of some value. Thus, it has been noted that if certain recorded crime rates decrease over a period during which police efficiency is known to have improved (as appears to have been the case for the latter 1800s), it can probably be concluded that this trend reflects a real reduction in the incidence of crime, rather than the effect of purely administrative factors.[3] Changing statistics can reflect changes in both the reality of crime *and* attitudes towards it.[4] Of

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[1]See generally, Emsley, C. 1985, 1997, and Taylor, D., 1997; for a discussion of terms, see Reiner, R., 1992, 2nd Edn., at p.55.

[2]Emsley, C., 1988, at p.41.

[3]Gatrell, V.A.C. & Haddon, T.B., 1972, at p.374

[4]Beattie, J.M., 1986, at p.200.

course, some statistics are more useful than others, those for drunkenness being amongst the least valuable and those for homicide the most significant. Furthermore, as both V.A.C. Gatrell and David Jones have remarked, the position of those, like J.J. Tobias, who completely reject statistical evidence is not as strong as might at first appear, because of the parochial and socially determined nature of many literary sources. The 'denigration' of statistics by those who reject them as 'pseudo-science', can produce an incomplete history:"...one largely dependant upon Commission reports and anecdotal evidence".[1]

Literary evidence, too, has major deficiencies. Amongst them are that it usually has an 'upper' or 'middle class' provenance, social groups which might be expected to portray offenders as members of a distinct criminal class.[2] Its authors tend to be male and significantly older than the average age for the general population, let alone for criminals, and thus, perhaps, inherently more prone to nostalgic recollection of a mythologised past. Additionally, many commentators base their own 'literary' opinions on contemporary statistics, for which, at times, there was a near mania. Thus, they are merely providing statistical evidence at one remove, refracted through the prism of 'opinion'.[3]

Some of these problems are slightly modified by the availability of a (very) small number of alternative, non-statistical, sources. In the eighteenth century, criminal biographies were popular reading, especially in London, though less so in the following century. They purported to be written by criminals or those, such as prison chaplains, who had intimate contact with them, though their acccuracy and authenticity is sometimes questionable.[4] Other sources include some works of oral history for the Edwardian and late Victorian periods, these usually being recorded between the 1950s and early 1970s (such as Raphael Samuel's *East End Underworld*). As Paul Thompson has noted, such oral histories mean that for the late Victorian period at least, it has been possible to ask members of the working classes how they drew the limits between (for example) 'rough' and 'respectable'.

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[1]Graff, H.J., 1992, at p.152.
[2]See on this, Jones, D., 1982, at p.3
[3]See on this, Philips D., 1977, at p.19.
[4]Rawlings, P., 1992, at pp.1-4 & 11-23.

Consequently, when it comes to the 'criminal classes' we are not totally limited to the accounts of the police, courts or paternalistic social workers.[1] The Victorian period also included the first real attempts at ethnography, very notably in the work of Henry Mayhew and his collaborators (such as John Binney) in London in the 1850s, but also by many others, amongst them William Augustus Miles, in 1830s' London, Hugh Shimmin, in mid-Victorian Liverpool, and Clarence Rook in his detailed study of a Lambeth 'hooligan' in 1899. These provide a useful alternative (though not a replacement) to the more 'establishment' oriented sources. As with modern ethnographies, they are particularly valuable as the product of a 'naturalistic' approach to the subject, an attempt to ascribe an importance and reality to the social actor's perception of his/her life and environment. Even resurrected over a century later, they have the capacity to depict their perspectives in ways that challenge the often misleading preconceptions that social scientists can bring to research.[2]

As a result, many modern scholars feel that literary records have value, leading to their continued use and even suggestions that their increased employment, could lead to criminal history being "enriched".[3] The risks inherent in using such material can also be limited by covering as wide a variety of sources as possible, in an attempt to identify the 'eccentric' commentator, whose views do not represent the widely held opinion of his era, from the mainstream. Throughout the nineteenth century, an era with looser notions of 'political correctness' and 'received' opinion, observers can be found to support nearly all explanations of crime and its incidence available. This phenomenon was used, to good effect, by Geoffrey Pearson, in *Hooligan; A History Of Respectable Fears* (1983), to portray what amounts, despite denials, to an almost 'steady state' and cyclical view of criminal history. However, in reality, the proportion of educated observers subscribing to such different views varied enormously throughout the century.

Whatever evidence is used, we 'see through a glass darkly'. Taken *together*, statistics and literary sources, the latter drawn

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[1]Thompson, P., 1973, at p.59

[2]Hammersley, M., and Atkinson, P., 1995, at p. 23

[3]Weiner, M.J., 1990, at p.3

from as wide a range of contemporary journals, authors, newspapers, books, reports and memoirs dealing with crime as possible, would seem to provide the best analysis. Ironically, despite the frequent ferocity of the literary/statistical debate, for much of the nineteenth century, especially after the mid-century, there is considerable agreement between statistics and what might pass for 'received' opinion in the more informed and serious literature dealing with crime. The approach adopted in this study is to employ all available evidence, statistical and literary, while remaining mindful of their limitations.

PART ONE: Crime Rates in the Victorian Period

Chapter 1. Overview and the Early Nineteenth Century

This thesis is premised on there having been a major fall in London crime in the second half of the nineteenth century. Clearly, this has to be established. There has been a vigorous, if one sided, debate as to whether crime was stationary, falling, or increasing, at various points in the nineteenth century. Most of the evidence appears to suggest a society that was becoming steadily less prone to violence and popular disturbance throughout the era, especially in London, and less prone to instrumental crime from the mid-century onwards, having (possibly) seen a very modest increase, from an already high level, up to the late 1840s (though to nothing like the degree suggested by the "spurious evidence" of official statistics).[1] Of course, levels of fear about crime (itself, perhaps, a focus for wider anxieties about change) and actual crime rates are not the same, though their impact on goverment policy might be. Real or not, the apparent rise prompted alarm. This was especially the case in London, seemingly its epicentre. Typically, men like the poet Robert Southey came to view the city as a: "...wilderness wherein they who live like wild beasts upon their fellow creatures, find prey and cover".[2] On a supposedly more objective basis, in 1829, the Duke of Wellington declared to the House of Lords, with almost no dissent, that the defective nature of policing in the capital was "clearly proved" by the increase in Metropolitan crime. Committals for the City of London and urban Middlesex had gone up from 2,539 in 1822 to 3,516 in 1828. This had been almost uniform across different types of crime. Responding, Lord Durham felt that the growth in crime was so "perfectly notorious", that the Duke did not even need to discuss it or support his assertions with statistics.[3] In the lower House, Sir Robert Peel cited similar figures,

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[1] Gatrell, V.A.C., 1990, at p. 250

[2] Quoted in Himmelfarb, G., 1984, at p.310

[3] Hansard's Parliamentary Debates, 1929, Vol. XXI, New Series, 31 March-24 June, at pp. 1750-1752 & 869-870

and pointed out that they represented an increase in crime of 41%, despite a population growth of only 15 1/2%. He, too, believed that such major increases were largely a Metropolitan phenomenon, those for the rest of the country being very modest, and some counties, such as Somerset, Yorkshire, and Lancashire, even registering a decrease. This made London and its environs an "unfavourable exception". In similar vein, when, on April 15th 1829, Peel introduced his new Police bill he declared that there was one criminal charge in London to 383 people, compared to only one in 822 elsewhere. Together, he suggested, these figures showed the ineffectiveness of the existing Metropolitan police arrangements, and the pressing need for change.[1]

However, although, in the early decades of the nineteenth century, the State's figures seemed to suggest a rapidly expanding crime level, especially in London, whether this really occurred is questionable. A sharp increase *may* have taken place over short periods. The statistics appear to show a particularly major expansion between 1815 and 1819, and this is plausible. The end of the Napoleonic wars in 1815 released 200, 000 servicemen on to a contracting labour market (with war industries and dock yards being wound down).[2] Traditionally, during such mass demobilisations, times were difficult, especially in London, where many paid off soldiers and sailors ended up, as the Sheriff of London, Sir Stephen Janssen, had noted decades earlier. Paid off sailors, not properly provided for with work or pensions, were necessarily forced to "beg, rob, or starve".[3] A short term crime wave was predictable because there was not enough work available to employ disbanded men immediately.[4] As a more *general* trend, however, a major sustained increase in crime levels in the early nineteenth century is much more doubtful.

Nevertheless, by the 1840s, the huge rise in the gathering of, and interest in, statistics, accompanied by an attendant lack of sophistication in their use, was encouraging widespread feelings of imminent social dissolution. They moved one journal to declare that

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[1] Anon., 'Proceedings in Parliament', *The Gentleman's Magazine*, Vol.99, Jan-June 1829, at p.360.
[2] Elmsley, C., 1988, at p.40.
[3] Anon, 1785, Internal Police of the Kingdom Very Much Neglected, at p.951
[4] *The Gentleman's Magazine*, Sept 1814, at p.229

it was difficult to predict the fate of a country in which the: "...progress of wickedness is so much more rapid than the increase of the numbers of the people".[1] Typically, Frederick Engels accepted the official figures (first issued in 1805) unquestioningly, and felt that there had been an "extraordinarily rapid" growth in crime, amounting to a sevenfold increase in only 37 years (1805-1842). Assorted amateur criminologists, whether prison officials, clerics or J.P.s often shared such beliefs. Samuel Phillips Day opined, totally improbably (even allowing for the wave of prison building), that the incarcerated population had increased by 1,000% from the turn of the century. The Reverend Henry Worsley, an intelligent London prison chaplain, suggested, slightly more modestly, that crime had increased fivefold since that time. Although these were the more alarmist estimates, it was received opinion, in the words of the Scottish Minister, Alexander Thomson, that: "...our criminals are steadily increasing, not only in absolute numbers, but in relative proportion to the rest of the population."[2] Indeed, far from believing that the figures might suggest enhanced levels of detection, reporting and compensation for prosecutors, some observers were becoming increasingly aware of the degree of under-reporting of London crime, fearing (rightly) that it concealed a much larger 'black figure' of hidden offences. Thus, in 1825, it was suggested that not only was it the case that the "number of rogues and vagabonds is increasing in a fearful degree", but it was also true that "by far the greatest number of robberies never reaches the public ear".[3] In 1839, it was asserted that official figures, "usually assumed as correct indications of the state of crime", could not be relied upon, often being an indication of criminals' impunity rather than the incidence of crime.[4]

However, by the second half of the century, reservations about such statistics were growing. Even as concern about the

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[1]'Causes of the increase of crime.' Blackwoods Edinburgh Magazine, LV1 (1844), quoted in Gatrell, V.A.C., 1980, at p.239.

[2]Rearson, G., 1983, at p.163, & Weiner, M.J., 1994, at p.15

[3]Memoir forwarded to Sir Robert Peel in 1825, reproduced in Cobin, J., 1832, at p.8. Many of the reasons advanced for such under-reporting were closely replicated in the modern British Crime Surveys conducted from 1982 onwards. In particular, that it would involve too much trouble for no real prospect of gain, as the case would never be solved or the stolen items recovered

[4]pp.12.b.1839, at p.2

'crisis' in urban law and order was at its zenith, there had always been some (albeit a minority) who were sceptical about whether they reflected a changed reality, or rather whether it might not be the case that: "Much of the extraordinary increase of crime...within the last twenty years, is ...apparent only, and is mainly occasioned by the bringing to light through the superior organisation of the police, and the more rigid enforcement of the law".[1] Even in the troubled 1840s, a few had been phlegmatic about the more alarmist claims. In 1840, the lawyer and judge John Mirehouse, commenting on the proposed bill to extend the jurisdiction of summary trial (he doubted both its need and efficacy), was sceptical about a major increase in crime. He felt that its causes were the same as they had always been, and so too were its rates, which had probably neither "much increased nor diminished". Any modest increase as might have occurred could be explained simply by unprecedented population growth and urbanisation (vice being naturally engendered in crowded environments) and a general increase in alcohol consumption. Additionally, he pointed out that the return of widespread peace meant that a run down in the military had resulted in the more dissolute social elements (normally fertile sources of recruits) not being controlled as they had been when drafted into the army and navy in the early part of the century. Mirehouse believed that the establishment of the Metropolitan Police had produced an apparent rather than real increase in crime. Offences were identified more frequently than previously, and criminals' chances of escape reduced by this "well organised and excellently conducted force".[2] As the early crime historian, Luke Owen Pike, later observed, although anyone studying crime from 1805 might think that criminals had been "increasing in number so rapidly that society must soon be overwhelmed by them" (there were 4,605 felonies recorded in 1805 and 29,359 in 1854), there were other, more likely, explanations for the increased figures.[3] He, too, was confident that it was largely caused by the progressive improvement in the nation's police organisation. This was especially the case with

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[1]Mc'Culloch, 1847, Vol.11, at p.481, quoted in Worsley, Henry, 1849, at p.27
[2]Mirehouse, John, 1840 at pp.11 & 12
[3]Pike, L.O., 1876, Vol.2 at p.478

regard to the apparently "truly appalling" increase in summary offences. The police themselves had brought about this result by: "... apprehending persons guilty of very small offences, such as being drunk and disorderly...The greater part of them are punishable, or at least punished, only by fine".[1] Such doubts about the value of statistics became increasingly widespread. Writing in 1856, John Glyde, a Suffolk artisan with Chartist sympathies, also appreciated that statistical returns, especially those comparing the number of prisoners at different periods, were open to many "fallacies". He identified these as being the result of ignoring changes in policing, the substantive law and the new assistance available to reimburse prosecutors.[2] In the same year, the *National Review* noted that crime and detected crime were not synonymous: "Government statistics, therefore present us with a part of the case only". It, too, emphasized improvements in policing, legal and juducial changes.[3] The newly fashionable statistical surveys of the era could produce mistaken conclusions in an age that was inexperienced in their use, especially amongst: "...persons unaccustomed to the use of statistics, making calculations founded on some isolated or exceptional fact".[4] The value of such figures were increasingly questioned even in popular debate. Thus, when, in 1877, the industrialist William Hoyle, a mainspring in the temperance movement, gave evidence to a Select Committee on Intemperance, employing impressive statistics to show that increased drunkenness also led to a large increase in crime, he was challenged by the Earl of Onslow, who asked whether: "...it would be no very difficult matter to prove almost anything you wished to prove by judiciously manipulating statistics from various parts of the country?".[5]

The sceptics appear to have been justified. The early nineteenth century concern was primarily an extreme manifestation of the general increased anxiety about crime that had developed from the latter part of the previous century. The statistics were probably not solely responsible for this change in attitude. It has also been attributed, *inter alia*, to the new problems

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[1] Pike, L.O., 1876, Vol.2 at p.481
[2] Glyde, John, 1856, Suffolk in the 19th Century, at p.116.
[3] Anon, 1856, Crime in England and its Treatment, at p.290.
[4] Beggs, Thomas, 1849, at pp.16-18
[5] Emsley, Clive, 1988, at p.41

engendered by industrialisation, urbanisation and capitalism; to the rise to political power of an urban middle class with a new set of values and concerns, and to a general decline in tolerance for disorder, especially in the period between 1780 and 1820, something made more acute by the anxieties induced by Revolutionary Europe. Certainly, there were practical, as well as cultural, reasons for greater 'bourgeois' concern about crime. It was generally small urban tradesmen, not gentlemen, who suffered most.[1] As Edward Gibbon Wakefield (the future driving force behind selective settlement in New Zealand) noted, the Metropolitan middling orders, unlike the "very rich in Grosvenor Square", could not keep country establishments to secure their wealth, or abandon their London businesses at short notice.[2]

There were some who were aware of the change: "Of late years public attention has been drawn to this solid mass of misery, of low vice, of filth, fever, and crime. Respectability has become alarmed for its own safety". However, the reasons for this unprecedented sensitivity to the squalor and crime of the low parts of London, were not obvious to contemporaries. Their explanations - for example, that it was partly due to a realisation that these areas spread disease - were unconvincing.[3] Nevertheless, although the debate as to why this change happened is insoluble, it clearly occurred. From about the middle of the 1700s, crime and disorder, hitherto seen as normal phenomena in the urban social order, began to be seen as a growing problem, unacceptable in a 'civilised' society, and one which required an institutional solution.[4] The Victorians, appalled in the early years of the Queen's reign at the apparent tide of criminality, would have been struck by their forefathers' relative indifference to the problem.[5] The early Victorian 'underclass' were as much a product of the fruition of such views, as of any real change in conduct norms and crime levels. With the vantage of hindsight, a change on the part of perceiver is apparent. At the time, it was often attributed to the

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[1] Gatrell, V.A.C., 1990, at p.248
[2] Wakefield, E.G., 1832, at p.2
[3] Dixon, W.H.,1850, at pp.224- 228
[4] See Fonblanque, Albany, 1832, at p.224
[4] Emsley, Clive, 1996, at p.16.
[5] Gatrell, V.A.C., 1990, at p.48

perceived. Typically, and implausibly, in 1806 Patrick Colquhoun opined that the indigent of his own period were "on the whole less moral [and]...more dissolute", than they had been a century earlier.[1] Colquhoun felt that, in the very lowest classes of society, there had been a deterioration in morals since the onset of the war ,with Revolutionary France, some stressed the brutalization attendant on 20 years of armed conflict and the presence of numerous battle scarred veterans (one popular explanation for increased deviance).[2] Similarly, Michael Ryan, a physician and author (with an expertise in sexual diseases), believed that it was a "historical fact" that licentiousness had spread through Europe soon after the French revolution, extending to London and producing a great increase in prostitution (in turn prompting the development of voluntarily funded societies aimed at the suppression of vice).[3] Ryan made the mistake of confusing changing social attitudes with a change in Metropolitan conduct, as a swift perusal of earlier accounts, by, *inter alia*, Defoe and Cleland, bear out.

The four decades between the end of the eighteenth century and the accession of Queen Victoria, have come to be regarded as crucial in the development of modern notions of private virtues and public manners. During this period notions of restraint, thrift, sobriety and public behaviour came to dominate the values (if not always the activities) of most social strata, from the ambitious sections of the working-class to the bulk of the aristocracy.[4] A central theme of Francis Place's autobiography was the change in London manners, for the better, from his youth in the 1780s, epitomised for Place by brutal popular recreations, such as bullock hunting in the streets, which proved "how very low were people's notions of morality" at the end of the eighteenth century.[5] By 1856, however, *The National Review* could observe, albeit with a little exaggeration that: "Innocent and instructive amusement have taken the place of those which were neither innocent nor instructive. Words and allusions which sixty years ago were common in the mouths of 'persons of quality', would now be deemed unclean in

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[1]Colquhoun, Patrick, 1806, at p.33
[2]Anon, 1822, at p.17
[3]Ryan, Michael, 1839, at p.89
[4]Simpson, Anthony, 1988, at p.100
[5]Place, Francis., 1835, 1972 Edn. , at pp.14-15 & 70.

the mouth of any respectful scavenger, and might even be resented by him from others".[1] There was a 'gentling' in society generally. Matters such as duelling had become "infamies of a past generation".[2] Indicative of such changed attitudes, by 1821, a Police Court magistrate pleaded that he might live to see specific laws of "adequate severity" to prevent cattle having their tongues torn out while alive and similar barbarities.[3] Cruel sports began a gradual (and slow) decline, regulated and gloved boxing replaced prize-fighting, bear baiting/cock fighting was reduced or abolished, societies devoted to the prevention of cruelty to children and animals were formed. Thus, it is arguable, that, in reality, it was a rising tide of order rather than disorder that reduced a previous high tolerance for disorder, in those places where it still occurred. The advent of modern police institutions may themselves have further raised expectations for improvements, in a city that in earlier times more readily accepted a 'boisterous' street culture and its attendant risks.[4]

Even in the early part of the century, there had been some who were sanguine about the reality of any increase in vice. An anonymous writer, in 1804, attacking the (London) work of the Society for the Preventing of Vice, did not dispute that vice and immorality was, as it had always been, prevalent in the capital, but rejected the Society's suggestion that modern London was "comparatively worse than [that of] our ancestors". He also rejected their explanations for such crime, feeling that the Society had an excessively "gloomy picture of mankind", and attributed far too much influence to the effects of the radical philosophy engendered by the French Revolution. He felt that even London, on a fair examination, would be found to be: "...less depraved now than it ever was; for certainly its criminal catalogue has by no means kept pace with its increased size and wealth".[5] Shortly before the Metropolitan Police was founded, the journalist, editor and historian John Wade (1788-1875) noted that whatever might be the situation with regard to instrumental crime: "Crimes

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[1]Greg, W.R., 1856, at p.291.

[2]Ballantine, Serjeant, 1890 Edn., at p.41.

[3]Allen, L.B., 1821, at p.69

[4]Paley, Ruth, 1989, at pp. 95-97

[5]Anon, 1804, *A Letter to A Member...* at pp.4-11 & 26.

accompanied by personal violence and indicating great depravity of heart are fewer in England than in other countries."[1] There was also a body of formal police committee evidence, which challenged the notion of a decline in Metropolitan security. In particular, such evidence suggested that crimes involving violence or the threat of violence were diminishing. Thus, in 1822, the magistrate Sir Richard Birnie, opined that street robberies in London had "very much" diminished over recent times, especially at night, and that robberies in the environs of London had also declined.[2] Some other types of serious violent crime were also apparently diminishing by the early nineteenth century. John Townsend, the celebrated Bow Street runner, admitted astonishment, in 1816, at the falling away of highway robbery. He recalled that at the start of his long career, in the 1790s, there would frequently be several reports a day of people being robbed by mounted men on Hounslow Heath or Wimbledon Common on the outskirts of London. Horace Walpole had written in 1785 of the need to carry a blunderbuss near Turnham Green to deal with the local highwaymen, as the woods there were apparently "infested with banditti".[3] By contrast, in the years immediately before 1816, Townsend felt there had been hardly any such crimes at all. He attributed this to policing developments, though many other factors were also probably at work as well: "People travel now safely by means of the horse-patrol that Sir Richard Ford planned". He felt that even foot pads, carrying firearms, and ready to use them, were greatly diminished, increasingly replaced by pick pocketing and snatching, with the perpetrators "merely jostling you in the streets".[4] Townsend's colleague at Bow-Street, John Vickery, a man with 17 years experience prior to 1816, agreed, feeling that highway robberies had almost completely ceased compared to earlier times, when whole gangs of such robbers would congregate in public-houses.[5] Their confidence was supported by other, independent, commentators, who had, perhaps, less of an obvious axe to grind.

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[1]Wade, John, 1829, at p.101
[2]PP.9., 1822, at p.19
[3]Letter dated July 31st, Toynbee, Paget, 1925, Vol.3, at p.344
[4]The 1822 Police Committee had asserted that the previous years had witnessed an "alarming increase of street robberies within the Metropolis". At p.9
[5]Evidence contained in PP.5.,1816, at p.144 & p.173

Thus, another writer on London crime, in 1818, was almost embarrassed to discuss highwaymen in the capital because their rarity, compared to other types of criminal in the city, made it a pointless exercise: "...so seldom are they now heard of compared to what they were formerly, that the mention of this offence will appear mere bagatelle to most of our readers".[1] Henry Mayhew attributed the decline in 'traditional' highway robbery to insignificance to the advent of new "railways and telegraphs, postal communications and currency arrangements". As a result, by the mid-century, the use of a pistol in such crimes was normally the hall mark of amateurism, because professional thieves: "...generally manage to effect their object by picking pockets".[2]

Decline in Violence

Generally, it seems that observers who concentrated on crimes of violence were unlikely to feel that Metropolitan security was bad, or deteriorating. Indeed, even Patrick Colquhoun's figures suggested that by the end of the eighteenth century the more violent crimes, such as armed robbery and murder, were on the wane.[3] Francis Place strongly asserted that 1830s' London had a decreasing crime rate.[4] Like Place, John Wade, in the 1820s, also believed that: "A great change [for the better] has, undoubtedly, taken place in the character of the people within the last fifty years", though he realistically added that no one could contemplate the: "...mass of delinquency annually brought before the tribunals of the country without being convinced of the lamentable extent of depravity which still remains".[5] By 1839, Dr D.C. Taylor was able to ask, rhetorically, with regard to burglary with violence: "...who now sleeps with pistols beneath his pillow...how many owners deem it necessary to spend a mortal half hour every night in bolting, barring and chaining doors and windows".[6]

The decline in homicide was especially indicative of this process (being historically an offence with a high recording level).

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[1]Anon, 1818, *The London Guide*,....., at p.47.

[2]Mayhew, Henry et al., 1862, Vol.4, at p.329.

[3]Rudé, George, 1985, at p.123

[4]Place, Francis, 1835, 1972 Edn., at pp.14-15, & Radzinowicz, L., 1948-56, Vol.5, at p. 113

[5]Wade, John, 1829, at p.26.

[6]Taylor, W.C., 1839, at p.481

Homicide rates appear to have run at approximately five times current levels in 1600, before falling rapidly towards present day levels in the years between the Restoration and 1800 (though this fall was not uniform).[1] There had been at least a halving in such rates between the mid-seventeenth and the late eighteenth centuries.[2] During the nineteenth century, the rate of killings in England continued to drop further, so that by the end of the century it was at the very low rate of 1 per 100 000 a year (and set to fall further in the early years of the next century), a fall in reported homicides of 53% from the latter 1860s to the late Edwardian period.[3] As a result, by the late 1800s they had fallen below modern levels. This process was especially marked in London, which by the 1890s produced an average of about 20 murders and 40 manslaughters a year in a population of c. 6, 000 000. This was despite very much inferior medical resources (to those of the modern era) to deal with potentially lethal injuries, something that meant that crimes which would now manifest themselves merely as ss.18 & 20 offences, under the Offences against the Person Act of 1861, resulted in deaths and murder or manslaughter charges. There were only 24 murders in London in 1912 and 25 in 1913. (Significantly, 9 of the 25 murderers subsequently committed suicide, a common feature in 'low homicide' cultures).[4] By the start of the twentieth century, Sir Robert Anderson, a former head of Metropolitan C.I.D., could describe this high level of personal security in London as a "standing miracle".[5]

Other forms of violent crime also apparently diminished as the century advanced. Thus, it has been estimated that the number of aggravated assaults against women heard in London Police courts dropped from c.800 in 1853, to c.200 in 1889, despite a population increase and more vigorous prosecution and magisterial attitudes towards the crime, manifest in an increasing reluctance to dismiss *serious* cases as purely private affairs. This has led one

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[1] Stone, L., 1983, at p. 22 and supported on this point by Sharpe, J.A., 1985, a p.206
[2] Sharpe, J.A.,1983, at p.214.
[3] Gatrell, V.A.C.,1980 at pp.286-287.
[4] Dilnot, George, 1915, at p.28
[5] Anderson, Robert, 1910, at p.142.

observer to conclude that it seems to reflect a real change in behaviour rather than in the recording of such crimes.[1] By 1901, the Criminal Registrar was able to state, succinctly, that: "We have witnessed a great change in manners: the substitution of words without blows for blows with or without words; an approximation in the manners of the different classes; a decline in the spirit of lawlessness".[2] At a more fundamental level, Arthur Morrison wryly captured an aspect of the phenomenon for the working classes when discussing a fight on open ground: "Punch you may on Wanstead Flats, but execration and worse is your portion if you kick anybody except your wife".[3]

Nevertheless, although probably safer than 50 years earlier, London in the early decades of the nineteenth century was still a relatively dangerous and crime prone city, with criminals showing, by later standards, a remarkable degree of audacity. Robbery from the person, sometimes violent, was still a regular feature of urban life, if less common than before. Most cases were either not solved, or, if they were, merely led to convictions for theft or possession of stolen goods, because of the difficulty in proving identity. In many areas, especially the rougher ones after dark, more prosperous people ran a constant risk of violent robbery even in very public places. The media was full of reports of blatant crimes, such as the robbery of Henry Heywood on a weekday evening, in September 1828, as walked across London Bridge.[4]

Instrumental Crime

Even if decreasing, crimes involving serious violence were always in a small minority of total offences. In London, as elsewhere in England, the great bulk of serious criminal activity was made up of purely instrumental crimes. Peel described theft as the "paramount" London crime in 1826. Thirty years later, the *National Review* noted that: "Offences against property without violence form at present the staple crime of England". In 1849, the barrister and writer, Jelinger Symons, opined that crime was

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[1]Tomes, Nancy,1978, at p.330

[2]Quoted Gatrell et al, 1972, p.241

[3]Morrison, Arthur, 1901, at p.37.

[4]PR.3.1828, The *Police Gazette; or, Hue and Cry* was a national version of the *Daily Police Report*, covering the more serious crimes, including (but not limited) to a heavy emphasis on those from London, from 1828. It was published twice weekly, rather than daily.

"largely composed of thefts alone".[1] A selection of statistics, from a variety of sources, makes this further apparent. Until 1857, about 80% of all indictable committals were for offences against property not involving violence.[2] From 1820 to 1850 crimes of violence averaged about 10% of the Old Bailey (i.e. serious Metropolitan) crimes that went to trial, though this may, in part, reflect a much higher tolerance for, and lack of concern about, violence, compared to theft, than is the case today.[3] (It was something that even surprised some contemporary observers; according to the *Illustrated London News*, in 1862, it was a "serious defect" in the criminal justice system, especially in the London Police courts, that grave crimes against the person were not treated with "anything like the severity systematically meted out" to instrumental crime).[4] Of the 72 prisoners at the Old Bailey Sessions commencing 11th April 1833, and taken from the City of London (i.e. not urban Middlesex), 16 were accused of theft from the person and 34 of larceny.[5] In 1859, of 2,853 indictable offences for which a suspect was prosecuted in the Metropolitan area, only 367 were for offences against the person, such as robbery (103 cases) or assault with intent to rob (7 cases).[6] Patterns of instrumental crime differed somewhat from the modern era. Larceny from the person appears to have been very much more common than residential burglary (unlike the modern situation), though commercial burglary may have been as frequent. Reported house-breaking was heavily oriented towards the wealthier homes, partly, perhaps, because the value of stealable goods in poorer residences was often minimal. By contrast, and typical of richer victims, when one Mr. Collins' house in Cumberland Street was entered via a false key, £50 in a variety of Bank of England bills, 4 sovereigns and several pounds worth of silver coins and teaspoons were taken.[7]

The evidence for optimism about rates for non-violent instrumental crime was much smaller in the early 1800s, although

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[1]Symons, Jelinger C.,1849, at pp.19-23.

[2]Gatrell, V.A.C. & Haddon, T.B., 1972, at p.367

[3]Rudé, George, 1985, at p.29

[4]*The Illustrated London News*, 6th December, 1862

[5]PR.4.1833. They produced 61 trials (some were co-defendants) of which 15 resulted in not-guilty verdicts.

[6]See Greg, W.R., 1856, at p.289: see also Table No.5, PR.6.1859.

[7]PR.3.1828

it was not totally absent. A (very) few, such as the radical Francis Place, were willing to extend the analysis for violence and highway robbery to crime generally. Thus, in 1838, the Judge for the Middlesex Sessions noted (with a selective use of figures) that, since 1831, although summary prosecutions had greatly increased (though he believed that the theoretical jurisdiction of such courts had not done so in the same period), the number of trials on indictment had decreased (in one year alone they had fallen from 9,893 to 7,600), and still remained, notwithstanding the increased population "far below their former number".[1] Evidence to the 1828 committee suggested that a growing practice amongst London shopkeepers in exposing their goods for sale outside shops encouraged theft. This invites the inference that shopkeepers, at least, cannot have been more concerned at the risks involved than their predecessors. Nevertheless, such confidence was not widely shared.

Although a strong case can be made for attributing much of the apparent increase in instrumental crime to the better collection of statistics, greater sensitivity and more efficient policing, a marked decrease during this period would also appear unlikely, and some support for the notion of a small increase, not nearly as large as the head-line figures indicated, for ordinary instrumental crime would seem viable.[2] This (modern) analysis had a degree of informed contemporary support, such as that of the barrister Jelinger Symons, who, while accepting that, at first, in the countryside at least committals were "probably swollen by the new-born rural police force", also felt that there had been a general and real increase of crime in the cities, and that since 1836 this had been continuous apart from a two year period. However, this mild deterioration in property security (if it occurred) appears to have been the precursor to a period of steadily declining crime rates later in the century.

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[1] Adams, Sergeant, 1838, at p.9
[2] Gatrell. V.A.C. & Haddon, T.B., 1972, at p.239

Chapter 2. The Post Mid-Century Improvement

From the middle of the Victorian period, at a time of widely prevailing pessimism, an apparent change in (or popular perceptions of) crime rates set in. An early sign of such an improvement came during the Great Exhibition of 1851, which was held with, to many, surprisingly little attendant crime or public disturbance. Thus, *The Times* observed that although a multitude of several hundred thousand people had surrounded the exhibition building, this was without any disorder: "...hardly a blow was struck or a temper ruffled during the whole day".[1] As the second half of the nineteenth century advanced there was an increasing feeling that security was improving in England generally, and the Metropolis in particular.

This was always fragile and subject to perceived short-term deteriorations or media driven 'scares'. These could produce temporary despondency, as was witnessed after the London 'garrotting' panic of 1862.[2] This prompted exaggerated stories about the "reign of terror which has grown up in the Metropolis", as a result of garrotters (though significantly, the same author, even in 1862, accepted that generally "crime is undoubtedly on the decrease").[3] Such panics were aided, in the third quarter of the century, by the unprecedented media interest, from a press that was burgeoning with new titles especially aimed at the lower middle and artisan working classes. This was particularly the case for violent crime, something that previously had been little covered unless lethal. Prior to this period, few newspapers had specialist crime correspondents (as opposed to court reporters); they were common by the 1870s.[4] Such media induced scares could influence those in high office. According to Assistant Commissioner James Munro, in 1886, the reason for the introduction of new provisions

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[1] *The Times*, May 2nd, 1851
[2] See *The Illustrated London News*, 6th December, 1862
[3] Pare, W., 1862, at pp.3 & 15
[4] Sindall, Robert, 1990, at p.6

for the control of 'habitual' criminals in the 1860s was that: "In 1863 the public mind becoming very much exercised owing to the vast increase of crime in the kingdom, and more especially in the metropolis, the expediency of granting 'Tickets of leave' or remissions was called in question".[1] In reality, rather than showing a "vast increase", by then, crime appears to have commenced its downward path in the capital. Panics about the incidence of other, very specific, types of crime also occurred periodically. An influx of cheap, foreign revolvers in the early 1880s raised concerns about armed burglars, these being exacerbated by a small number of incidents involving the shooting of bystanders and policemen in London in 1883 and 1884.[2]

However, even as such reports became sensationalised there were thoughtful individuals who felt that they bore little relationship to the real level of Metropolitan security. Thus, one London writer, in 1867, could not find one of his acquaintances who had been 'garrotted', or who even knew of someone that had. Perhaps more surprisingly, he also noted: "We ourselves have never had our pocket picked", and could find only a few people who had suffered this crime, despite their having heard a lot about the predatory habits of Londoners. He pointed out that the published figures for annual Metropolitan crime, such as that of the 4,738 pocket-handkerchiefs and 598 watches and other articles stolen in the streets, had to be seen in the light of London's immense population (already over 3 millions). In reality, he felt that garrotting was sufficiently rare that it was not necessary to take elaborate precautions against it, such as staying in after dark, carrying a revolver, not wearing a watch or carrying money when out, always walking in the middle of the street, and avoiding blind corners (all of which had been suggested by some urban commentators). Additionally, he felt that garrotting might itself be a displacement of crime from other, even more serious forms, and thus a tribute to the "fear of the police...an efficient police" not increased crime or police inefficiency. He was confident that security was worse in Paris and New York.[3]

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[1] *A Report on the History of the Department of the Metropolitan Police Known as the Convict Supervison Office:....,*1886, at pp.3-5

[2] Emsley, Clive, 1985, at p.137-139.

[3] Trollope, Anthony, 1867, at p.419-424

Nevertheless, there was to be another major panic, at the end of the century, over 'hooligans'. Again, more thoughtful observers appreciated that it was not an unprecedented phenomenon. Thus, Thomas Holmes, a police court missionary, looking back on 25 years of experience, from the vantage point of 1908, felt that at the end of the previous century: "Every assault committed by a labouring man, every bit of disorder in the streets, if caused by the poor and ignorant, was a signal for the cry 'The hooligans again!' Rubbish! But the people believed it and...magistrates caught the spirit of the thing, and proceeded to impose heavier sentences on boys charged with disorderly conduct in the streets".[1] In reality, such behaviour was not new. Thus, former P.C. John Sweeney was to note that in Hammersmith, during the latter part of 1879 and the beginning of 1880 (i.e. almost 20 years before the advent of the 'hooligans'), the area was plagued by "numerous gangs of roughs who used to infest it on Sunday evenings". (The timing of this would suggest that most of them were actually employed). They would commit extensive "petty larceny", engage in violent faction fights, pursue and abuse passers by, pushing them and assaulting any who remonstrated, as well as committing criminal damage by smashing windows and kicking in doors. As Sweeney perceptively observed in 1905: "Nowadays we should call them hooligans".[2]

Of course, moral panics apart, not everyone who gave serious thought to the subject accepted the apparent diminution of routine crime as being a reflection of reality. To the interested cleric, Canon Gregory, in 1885, it was clear that there had been no decrease in the number of crimes or smaller offences committed during the previous fourteen years, though there had been a "remarkable diminution" in the number of criminals captured by the police, and possibly a great reduction in the "stringency with which lesser offenders have been brought to justice". Generally, he felt that the level of violence was actually up, and, in compensation, some property offences slightly down. He believed that the falling prison population had more to do with decreased detection rates and more

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[1] Holmes, Thomas, 1908, at p.167. Holmes was well aware that other factors were at work, for example that "allowances" were not made for the poor that were made for the rich and soldiers and sailors on leave; boat race night was one thing but when the Hackney boys clashed with those of Bethnal Green "that's another tale."

[2] Sweeney, John, 1905, at p.13

lenient sentencing than lower crime. This was reflected in the apparent increase of actual committals to the nation's prisons, up from 157,223 in 1870, to 176,467 in 1884. (He did accept that there were fewer juveniles in prison, if only because of the presence of industrial schools and reformatories).[1] Similarly, long after the situation was felt by most observers to be patently improving, Havelock Ellis was still gloomily discussing the "rising flood of criminality".[2] As late as 1892, a lengthy debate between two thoughtful and well informed men, W.D. Morrison (a Wandsworth prison chaplain) and Edmund Du Cane (an influential soldier, penologist and prison administrator), could be conducted in the pages of the *Nineteenth Century*, as to whether crime was increasing or decreasing. Interestingly, several important social theorists, such as Marx and Durkheim, continued to assume a deterriorating situation just when most were of a contrary opinion. Nevertheless, by then pessimists held a clearly minority view.

In reality, the available statistics did not support Ellis and Gregory's comments, and even most of those who feared that there was still a "distressing" amount of crime acknowledged that it compared favourably with England's neighbours and earlier times.[3] Between the early 1860s and late 1890s the number of indictable offences in England and Wales as a whole declined by 43%, the reduction being mainly made up of theft.[4] This was despite a huge increase in population, policing, the transference of some mainstream crimes to the increasingly powerful summary courts, and growing media coverage. It was also despite the fact that such redefinitions of offences as did occur were as likely to exaggerate, rather than reduce, their apparent prevalence. Thus, following media criticism at an apparent short-term increase in burglary in London in the late 1870s, the Metropolitan Police drew up a memorandum for the Home Office complaining of the distorting effect that the re-classification of offences had had on their statistics, and the apparent crime rate, feeling that fully three quarters of the additional burglaries recorded in 1878 could be attributed to this. This problem was exacerbated as, since 1857,

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[1]Gregory, Canon, 1885, at pp.774-776
[2]Ellis, Havelock, 1890, at p.297
[3]Smith, Henry K.C.B.,1910 at p.267
[4]Gatrell, V.A.C. et al (Eds.) 1980, at p.240

when the drawing up of the judicial statistics for England and Wales had first required police forces to submit figures, there had been no clear national guidance on the definition of the various offences.[1]

Composite rates for male committals and summary trials for larcenies, declined from a high point of 459 per 100,000 in 1857 to a low point of 329 in 1891. Given the improvements in policing standards and officer/public ratios, the figures most likely *do* reflect a real decline in criminal activity, and a major one, properly deserving of Gatrell's epithet of 'extraordinary'. Contemporaries certainly thought there was value in these figures as social indicators, one newspaper observed: "The Amount of business at the Thames Police Court, Stepney, is a sure indication of the state of crime and morals in the East London district".[2] The national figure was more than reflected in London, as judged by the Metropolitan Police crime returns. In the capital it appears that the decline began (very gently at first) between the late 1840s and early 1850s. The decline led one historian to the view that: "...there can be little doubt that the long-term trends in the MPCR bear witness to a real change in traditional criminal behaviour".[3] Most similar research also indicates that this reflects a real decrease in crime rather than merely reporting changes. Thus, in his annual report for 1872, the Metropolitan Police Commissioner could opine that: "The more serious offences against person and property show a continuous decrease".[4] This was especially the case with regard to burglary and larceny to the value of £5 in dwellings, with burglary the fastest falling, reducing from 433 cases in 1871 to 344 in 1872.

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[1]Emsley, Clive, 1988, at p.41.

[2]*East London Observer*, September 19th, 1857.

[3]Jones, David , 1982, at p.143.

[4]PR.9.1869-6, at p.1. Although there had been a large increase in the numbers taken into custody in 1872: "Nearly the whole of this large increase is accounted for by the arrest of persons for being drunk, disorderly or both." He felt that the increase in public drunkeness, up from 23,007 in 1869 to 33,867 in 1872 "seems to be a sort of epidemic", though in the same report his district superintendents (especially that for No.1 District which included East London) attributed the increase firmly to changes in the law (especially the 1872 Licensing Act) and its implementation: "I do not believe that drunkeness has increased, nor has it, I fear diminished; but more cases are brought to the notice of the police, and publicans who formerly would allow drunken people to remain on their premises until they became partially sober, or were taken to their homes now turn them into the streets, or call on the Police to take them off." (at p.92). Prostitutes convicted of 'annoying' male passengers were also sharply up at 3,392, though again probably for much the same reasons.

Also significantly, he felt that "very many of these cases were of the most trivial description". Additionally, he believed that the number of "known thieves and depradators and suspected persons at large" had decreased from 4,336 in 1869 to 3,115 in 1872, and that the number of "houses of bad character" had fallen from 1,740 in 1869 to 1,148 in 1872. Although too much reliance should not be placed on a single (or even three) year's change, such a report was typical of the generally optimistic assessments from the Commissioners throughout the 1870s, nearly always manifest in the annual reports when considering serious crime (as opposed to minor offences of drunkenness and vice). Thus, in 1875, the Commissioner again noted that: "The more serious indictable offences-burglary, robbery, larceny, receiving stolen goods. &c., show still a decrease on the number recorded in 1874, which was marked as the year having the smallest number of serious crimes in this decade". The apparent speed of reduction was especially remarkable. In 1868, he observed, there had been 14,316 such crimes, but by 1875, these had fallen by 4,373, producing a reduction of 30.54%.[1] Although an increasing number of late Victorian criminal prosecutions in the Summary Courts were for newly criminalised (or prosecuted) 'status' offences, such as prostitution and drunkenness, crimes which would not have been the subject of policing or prosecution a century earlier even there, the Commissioner felt that there was a "marked improvement in the streets" with regard to public begging, with convictions staying constant at 2,000 a year (the police being "greatly assisted" in this by the work of the Charitable Organisations and Local Mendicity Societies).[2] This optimism continued through most of the (sometimes economically straitened) 1880s. The Commissioner, Charles Warren, noted in 1888 that: "Heavy Crimes have been diminishing in the Metropolis year by year, so that even within the official lives of many police officers a marked improvement has taken place". Reported loss by theft in London in 1887 stood at only £97,000. Even allowing that much crime was not reported, the total was extremely low.[3]

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[1]PR.12.1869-76, at p.3.
[2]PR.12.1869-76, Report for the Year 1872, at p.2
[3]Warren, Charles, 1888, at pp.580 and 588

Inevitably, there was a lag between improving statistics and signs of optimism becoming widespread amongst the general public. Nevertheless, these were apparent by the 1870s, and all the more remarkable given the innate human tendency, identified by Pearson, to eulogise the past. By then, the *Dark Blue* felt that it was unquestionable that the statistics demonstrated that: "...while the population of the Metropolis has increased there has been a marked diminution of crime".[1] Also indicative of this optimism was the work of the crime scholar, L.O. Pike, who, writing in 1876, was confident that"...there never was, in any nation of which we have a history, a time in which life and property were so secure as they are at present in England". He noted that this was in marked contrast to the sense of insecurity which had prevailed at the beginning of the century, and was especially the case in London. He was well aware of the changes in their historical context: "Now, between three and four millions live in one vast City, their power to obtain the necessaries and luxuries of life is limited only by the money at their disposal...order is maintained among them more perfectly and more easily that it was in any small town in the Sixteenth Century".[2] As a result, he felt that personal security was so improved that any man of average stature and strength could wander about alone, at any hour of the day or the night, through the greatest city in the world: "..and never have so much as the thought of danger thrust upon him, unless he goes out of his way to court it".[3] Sir Francis Powell was to note in Parliament, in 1897, that a reduction in sentences had occurred not simply because of increased public sympathy for criminals and their situations but also from a widespread belief that "crime had diminished", reducing the need for overt and harsh deterrence. Judges and magistrates believed that society was better ordered than formerly and that "property was in greater security".[4] By the end of the century this confidence sometimes threatened to become exaggerated, a leader in *The Times* in 1899 even suggesting that the thief was a disappearing breed![5] According to some, even

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[1]Anon, 1871, Our Police System, at p.693
[2]Pike, L.O., 1876, vol.2, at p.484
[3]Ibid., at pp.480 & 481.
[4]Reproduced in McWilliams, W., 1983, at pp.129-147.
[5]*The Times*, 6 Feb., 1899

crimes of 'morality', sexual crimes, prostitution, vagrancy, drunkenness and gambling had demonstrated, at least initially, a sharp decline from their 1830s' peak (especially if evidenced by those taken into custody in London for drunkenness and vagrancy), with a more gradual decline thereafter, until reaching a stable or gently rising level towards the end of the century (though prostitution rose to mini-peaks in 1860 and 1885).[1] Later small apparent increases in some status offences are almost certainly due to a reduction in tolerance for them, or a greater police focus on them, producing an increase in prosecutions as the century advanced.

Thus, it seems very likely that the second half of the century, especially after 1860, witnessed a national and Metropolitan decline in the number of offences committed against both persons and property, this decline continuing until the end of the century. The academic debate has *largely* been limited to the rate at which this was happening (although a few, such as Jennifer Davis, have encouraged caution about the reality of such a post-1850 decline in a London context). Significantly, this is a pattern that appears to extend (if less markedly) to a number of other diverse western cities (though perhaps not those in America), whether London, Sydney or Stockholm, all of which experienced a generally sharp fall in crime between the 1850s and the 1870s (and a more gradual reduction subsequently).[2] Many linked this decline to nineteenth century policing changes, especially those in London. To what extent is this valid? In order to assess the police role in such a decline, it is first necessary to analyse the criminal 'threat' which they were called upon to confront in the capital.

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[1] Jones, David, 1982, at p.128
[2] Gurr, T., 1981, at p.111.

PART TWO: The Criminal 'Threat' in Nineteenth Century London

Chapter 3. Rediscovering the Residuum: The Identification of a Criminal Underclass in Nineteenth-Century London

Introduction

Who was the typical criminal in early nineteenth century London? Metropolitan criminals can be (roughly) divided into two groups. At their apex was a small group of skilled 'professionals', one which had existed in the capital since at least the sixteenth century (claims that it was only 'discovered' in the late 1800s are clearly wrong).[1] Below them, was a very much larger stratum drawn from the lower working class, a group whose members were disproportionately prone to crime. This latter group was termed, at various times, *inter alia*, the 'residuum', the 'casual poor', the 'criminal', 'perishing', 'predatory' and the 'dangerous' classes (this last term appears to have been the translation of a French expression, first used by H.A. Frégier in 1840).[2] The words were usually interchangeable, although Mary Carpenter (an activist in the Sunday and Ragged school movements) sought to distinguish 'perishing' from 'dangerous'. As the Reverend Francis Close, concluded in 1850, the "dangerous classes" were synonymous with the "criminal classes". Close (and many others) stressed their criminal subculture, with its attendant deviant values, and a consequential qualitative difference between their crimes, and those of other sections of society. Although readily accepting that upper and middle class criminals existed, he felt that they were occasional 'rogue' elements within their social groups rather than typical representatives of a wider culture steeped in crime: "...in the

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[1]See Gatrell, V.A.C., 1990, at p.306 for such a claim.
[2]Emsley, Clive, 1988, at p.36

higher walks of life there are individual abominations, while, in the lower classes of life, I am sorry to say, they are corporate and congregated nuisances, and the fearful fact is established, that of the criminal offenders of the country at large,*who come within the clutches of the law*, ninety-nine out of a hundred are taken from the working-classes".[1] He was not alone. Clearly, the lack of development in notions of white-collar crime meant that levels of middle and upper class deviance were greatly underestimated.[2] Nevertheless, as will be demonstrated, conventional, especially street, crime in London was, in modern terms, largely the work of a criminogenic underclass, operating on a casual, impulsive, unsophisticated and opportunistic basis. Professional criminals might often originate in this milieu, but they were never typical of it.

However, in recent years it has become academically fashionable to question the very existence of such a group in the nineteenth century. In part, this is because the concept of a 'criminal class' has acquired considerable significance in the contemporary political debate. As a result, identification of a criminal underclass, distinct from the wider working class, is sometimes presented as a 'sleight of hand' that results in a simplistic division in the working class, one that did not accord with reality. It is claimed that it produces a 'folk devil', a middle class construct, rather than a realistic portrait of the behaviour of a distinct stratum of Victorian society.[3] This tendency is compounded, because, to modern eyes, the 'robustness' of many contemporary portrayals of the residuum, especially those influenced by social-Darwinism, is often distasteful. Nevertheless, most observers *were* convinced, at the time, that such a group existed in London (and England generally). This belief produced a:

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[1]Close, Francis, lecture delivered April 11th 1850, at pp. 4-5. My italics. It is apparent that much 'white collar' crime was simply ignored in the nineteenth century, unlike its 'conventional' couterpart. Then, as now, the illegal activities of the middle class and businesses were less closely policed than those of the working class (Garland, David, 1987, at p.37 and Sindall, R., 1983 at p.23). This was, if anything, true to a much greater extent than today.

[2]See generally, Sindall, R., 1983, at pp.23-40.

[3]See, for example, Beaumont, Peter, 'Rebirth Of The Dangerous Classes', in *The Observer*, August 11th, 1996, at p.14. For a Conservative example of its significance in the contemporary debate, see Thatcher, Margaret, 1995, *The Path to Power*, at pp.544 & 599.

"...persistent image of a seething and volatile class on the lowest rung of society".[1] Of course, most of those who left a written record of their impressions, were themselves members of the middle or upper class, their perceptions heavily shaped by their social origins. Doubtless, such people often failed to "get under the skin" of offenders or to empathise with their predicaments. However, this does not mean that such elite representations are based on "mythology".[2] The evidence for such an underclass class is very strong.

Crime was never perceived as being randomly distributed throughout the working class. Thus, Mary Carpenter had no doubt that "juvenile crime is entirely rising from the lowest class" within the wider proletariat.[3] It was a group for whom crime was a regular facet of existence, and always sharply differentiated from the mass of working class people, a distinction that would become progressively more marked as the century advanced. When the Victorians referred to the 'dangerous classes' they were never alluding to the labouring population as a whole, whether industrial workers and those in service industries (cooks, maids etc.) or the skilled artisans who formed an 'aristocracy of labour'. They meant a group whose very style of life seemed a defiance of ordered society, and its values, mores, and moralities.[4] These 'residual' people, as one female observer stressed, were quite distinct from the average working class Londoner: "I am now, of course, speaking of below the class from which we usually obtain our domestic servants...more unfit than any other for life's solemn duties".[5] They provided a permanent pool of criminality, albeit one that was supplemented, especially in the early decades of the century, when elements of the otherwise 'honest poor' fell on hard times. As a result, crime was heavily concentrated amongst certain families. Thomas Beggs, considering the "predatory [street] hordes" felt that when such youths' relations were carefully examined, a "vicious

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[1]Smith, P.F., 1985, at p.27

[2]Shore, Heather, 1999, at p.153.

[3]Evidence to Select Committee on Juveniles by Mary Carpenter. Response to Question 799 'have you much experience of the condition of the children of the lower classes, especially those who supply our criminal population?', Reproduced in Tobias, J.J., 1972, Nineteenth Century Crime, at p.46.

[4]Chesney, K., 1970, at p.76

[5]Bayly, (Mrs), 1860, at p.11

parentage", often extending over two or three generations, could usually be found. In such circumstances, "moral and physical deterioration can only be expected".[1] Less subjectively, of a selection of 175 boys committed to the Westminster House of Correction in the early 1850s, 99 had uncles, siblings or parents in prison or transported; 53 had a brother is prison.[2] As an 'educated' prisoner of the 1870s was moved to declare, "stealing is to a very great extent hereditary in England".[3]

Even within the lower working class itself, however, there were further distinctions. In the 1830s and 1840s, the sub-stratum characterised as 'vagrant', was considered to be especially prone to crime. It appeared plausible to contemporaries that the vast majority of them would embark on crime when the opportunity to do so presented itself.[4] Although there was a degree of confusion over terms, vagrancy was commonly used to denote the status of that "portion of the casual poor which is more properly designated as the homeless poor", i.e. the most hard-core of the destitute. Not *all* vagrants were potentially criminal. Some of the city's most destitute people were, despite their appalling circumstances, law abiding. A few were members of the 'deserving' poor, working men tramping from job to job. Nevertheless, these were perceived as a small minority of the total, especially in cities. The highest assessment of 'respectable' vagrants, made towards the end of the century, that of the Webbs, suggested that a third of vagrants in 'good' times, and almost two thirds in bad ones, were genuinely looking for work. Most other observers placed the number very much lower. Edward Denison, an upper class resident of East London, in 1867-1868, felt that a snap examination he had made of sixty male vagrants in Whitechapel one night, only produced a single genuine wayfarer.[5] Similarly, in the early 1870s, E.W. Holland felt that 75% of the nightly sleepers in the casual wards of workhouses were properly members of the "class of criminal vagrants, who subsist by begging or thieving during the day". As a consequence, he felt that the law ought to specifically recognise a

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[1]Beggs, Thomas, 1849, at. p.49. See also the section on juvenile crime at p.50
[2]Antrobus, Edmund, 1853, at p.19
[3]Anon., *Convict Life, or Revelations* 1879, at p.10
[4]Guy, W.A., 1848, at p.395 & p.400
[5]Vorspan, Rachel, 1977, at p.64

"semi-criminal class of vagrants".[1] Mayhew, too, believed that vagrancy was likely to lead directly to crime, and that "habitual tramps are first the beggars, then the thieves" of the nation. Vagrants were the "main source from which the criminals are continually recruited and augmented". Similarly, a poor law inspector in 1866 opined that 75% of vagrants were professional beggars and thieves.[2] Most were perceived as being permanently willing to embark on criminal ventures, to many it was notorious that: "...beggar and thief are, in many cases, convertible terms". Most habitual, able bodied beggars were believed to be petty criminals. Thus, in 1835, the occupant of an East End lodging house could state that: "I have seen a beggar without money but that was only for a few minutes - they go out, sometimes come back, sit down, swear they have had no luck and then ask who will go out with them upon a thieving trip".[3] Furthermore, the "barriers between the two classes" of criminal and honest vagrants were "practically indeterminate".[4] Even the 'deserving' could easily slip into criminality. Nevertheless, most contemporary observers appear to have been convinced that they could readily distinguish between the two classes. Not surprisingly, perhaps, although the 'casual' (as opposed to residential) wards of workhouses were occasionally used by the very elderly, females and children, at least 85% of those who had recourse to them were adult males under the age of 65.[5] Vagrancy, like the crime that so often accompanied it, was a disproportionately male and able-bodied preserve.

Edward Gibbon Wakefield's description of the London "populace" can be seen to have been an early attempt to define membership of the 'dangerous classes', before the latter term or its synonyms had come into regular use. His views are of some value, being based on personal experience acquired after he had been sentenced to three years in Newgate Prison, for abducting an heiress, in 1828. Wakefield identified the demoralised elements of London society as a social threat, with little distinction between outright thieves and the wider 'rabble'. His work was aimed at

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[1] Holland, E.W., 1870, at p.171
[2] Tobias, J.J., 1972, *Urban Crime in Victorian England*, at p.73
[3] Shore, Heather, 1997, at p.196.
[4] Holland, E.W., 1870, at p.169
[5] Vorspan, Rachel, 1977, at p.60

alerting the middle-ranking "class of householders" to the danger posed by the "populace", a group that was "bent on producing anarchy".[1] For Wakefield, this group (there was still no better terminology) encompassed an assortment of three smaller groups. They were a mixture of 'Common Thieves', the 'Rabble' and 'Desperadoes'. The latter was a very small group of politically motivated radicals such as the Huntites. Numerically much more significant, the 'Rabble' were people living in "extreme poverty, frequent unsatisfied hunger and brutalising pursuits". They were inherently dishonest and many were "occasional thieves". They included costermongers, drovers, slaughterers, knackers, cads, brickmakers, chimney-sweepers, nightmen and scavengers (i.e. typical members of the lower working class in the capital). Along with common thieves, the capital's criminal and vicious elements were drawn immediately from this group.[2] Together, they were the enemies of the "protective laws by which society is upheld". Wakefield's concern was an early indication of the intensified fear, prevalent between the 1830s and 1850s, of the urban 'residuum' (perhaps aggravated by concern engendered by Chartism).

This view of a separate and dangerous residuum remained constant throughout the rest of the century, though by the late Victorian period the numbers identified as belonging to it, were, proportionately, much smaller, and concern had considerably abated. Thus, many years after Wakefield, H.E.Hoare, of the Charity Organisation Society, spoke of the: "...casual labourers who live on the brink of starvation and crime, and who are a disgrace and may easily become a danger, to London".[3] Mayhew was anxious that: "...the public should no longer [confuse] the honest, independent working men with the vagrant beggars and pilferers of the country, that they should see the one class as respectable and worthy, and the other as being degraded and vicious". He labelled these a "vast heap of social refuse".[4] Thomas Plint, a Leeds reformer, saw the criminal class as an alien hostile force in the community, neither of it or from it, completely isolated in blood and sympathies. Similarly, in 1890, Havelock Ellis felt that London, generally, with its huge

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[1]Wakefield, E.G., 1832, at p.2
[2]Ibid., at p.7
[3]Bailey, V., 1981, at p.97
[4]Weiner, Martin, 1990, at p.23

numbers of seasonal, unskilled and casual workers, often self-employed (if employed at all) seemed a cesspit of the residuum: "... a class decidedly lower in the social scale than the labourer...[and] at open war with society".[1] Charles Booth was also to identify this stratum towards the end of the century (his social class A and elements of class B).

A fear of this group was shared by political conservatives, liberals, radicals and even revolutionaries, uniting Disraeli, Dickens and Marx. For Marx, they played the "beggar or the bully", rendered no useful service to society, created no wealth but often destroyed it, and were the "ready material" for public disorder.[2] To William Miles, they were the "vermin of society".[3] Even in the 1870s, their close proximity to the seat of government in London was considered especially dangerous: "The accumulation, in one place, of so many fermenting elements of humanity, has always been a cause of alarm".[4] Even many of those living or working close to the residuum appear to have identified them as a 'race apart'. Thus, typically, a correspondent in the rough Minories area of the East End, complained of the members of: "...that class who set all moral decency in open defiance". Locally, it was a "pest to society".[5] Although not confined to London, the Metropolis was its epicentre, so that William Miles could feel that the:"...greater part of the vagabond population circulates from the great reservoir of crime in London".[6]

Distinction of the Residuum from Professional Criminals

The criminal activity of the residuum was very different to that of London's professional criminals, who were delineated by intelligence and skills. As Havelock Ellis observed, the professional criminal adapted himself to modern conditions: "In intelligence, and in anthropological rank generally, he represents the criminal aristocracy. He has deliberately chosen a certain method of earning his living. It is a profession which requires great skill, and in which,

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[1] Ellis, Havelock,1890, at p.297
[2] See Booth, C., 1889, Vol.I (1st Edn.), at pp.33-36.
[3] Miles, W.A., 1836, at p.4
[4] Anon, 1871, Our Police System, at p.693
[5] Anon, 1859, The Social Evil, in *East London Observer*, Oct.29
[6] Miles, W.A., 1836, at p.5

though the risks are great, the prizes are equally great".[1] The two criminal groups were distinct. Thus, the imprisoned Irish Nationalist, Michael Davit, was to note that the 'Thievocracay' of forgers, professional burglars, swindlers, and long firm fraudsters looked with contempt on 'low' thieves. The popular notion of there being 'honour amongst thieves' was confined to these professional criminals, many of whom could pass as business people, unlike their lumpen colleagues.[2] Similarly, 'white-collar' prisoners of the 1870s carefully delineated the "class known as roughs" from the others. One middle class Metropolitan inmate felt that of these "very worst of characters", the "worst of all are London roughs". Such "brutes" were "almost irreclaimable", and driven by "animal instincts".[3] His views were matched by another fallen gentleman, who lamented that a numerous "ruffian class" still existed, which, although they sought to "identify themselves with the working classes", was very different to ordinary men. They were "cowardly brutes" with (again) "animal instincts", "cunning stares" and a penchant for filth and "horrible vices". He carefully distinguished such men (easily the most common sort of prisoner) from the small numbers of "naturally honest" men who stole out of desperation to support their families, during cyclical hard times such as the winter of 1878-79.[4]

The crimes committed by professionals were usually aimed at producing high value returns and were characterised by careful planning and execution, frequently having a 'command structure' and involving the effective use of commercial fences. They might be committed by members of London's 'swell mob', criminals able to infiltrate upper class environments (such as society balls) to perpetrate crimes against the person (though the word was also sometimes used indiscriminately for successful criminals generally). The abilities of the Swell mob meant that they required the greatest amount of vigilance to detect, giving them the "first place in the 'profession'." Despite the fortunes that they could amass "the most expert are seldom taken". One of their number,

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[1] Ellis, Havelock, 1890, at p.22

[2] Davitt, Michael, 1886, at pp.26 & 32

[3] Anon., *Five Years' Penal Servitude*, 1877, at p.178

[4] Anon., *Convict Life, or Revelations*, 1879, at pp.3-4

Mo. Clark, apparently survived a career lasting a full quarter of a century, without even being arrested. He retired to Boulogne, to live as a gentleman on the proceeds of his crimes, which he had invested in property.[1] Burglaries of upper and upper-middle class homes by high class "cracksmen", such as the 'Chertsey Job' in *Oliver Twist,* or those perpetrated in affluent West-End mansions, were also the province of professionals. The potential spoils were large, but so was the level of security and the attendant risks. Many were only breached as a result of information or assistance inadvertently, or deliberately, provided by the domestic servants working in them. (This explains the enormous importance placed by potential employers on domestic servants' references. In the late 1830s, Michael Ryan, deplored the corruption of servants who were "practised in every species of depravity, fraud, and imposition").[2] According to the *Quarterly Review,* in June 1856, some burglars and cracksmen had: "...become so expert that no system of bolts or bars is capable of keeping them out". Others were convinced that such burglars could break all but Chubb and Hannah locks in less than three minutes, and could knock a man sized hole in a brick wall in between one to three hours.[3] More subtly, by the later Victorian period 'long-firm' frauds were a regular occurrence in London, with mock businesses being established, acquiring goods on credit and then disappearing in the night.[4] Professional criminals were able to exploit the intricacies of the legal system, some, such as commercial receivers and members of the "swell mob" regularly used their resources to "buy off some of the witnesses, and induce them so to pervert the truth and shape their evidence before the Grand Jury that the bill [of indictment] is necessarily thrown out".[5] Others employed expensive lawyers, including counsel, to search for favourable legal technicalities.

Although Metropolitan receivers could be found in all grades of society, ranging from the keepers of the low lodging houses and dolly shops in Petticoat Lane, Rosemary Lane and Spitalfields, in

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[1]Wills, W.H., 1850, at p.370

[2]Ryan, Michael, 1839, at p.271

[3]Mayhew, H., et al., 1862, at p.355

[4]Thor, Fredur, 1879, at p.178

[5]Mirehouse, John,1840, at p.28.

the East End, to the "opulent" Jews of Houndsditch and its environs,[1] commercial receiving of stolen goods was always dominated by professional criminals. It was also a rare interface between 'ordinary' felons and professionals. The judge Mathew Davenport Hill felt that top level receivers provided the commercial element to widespread crime: "He is the capitalist, and here, as elsewhere, capital is the mainspring of commerce". Indeed, he felt that such "receiver-capitalist[s]" often acted as bankers to the thief: "...furnishing him with advances on the credit of plunder not yet captured".[2] An extreme illustration of this breed was Isaac ('Ikey') Solomons, sometimes considered to have been the role model for Dickens's 'Fagin'. His notoriety was such that even at the end of the century, Arthur Morrison, in his East End novel, a *Child Of The Jago,* was to refer to him as the "Prince of Fences". Like a number of other large commercial receivers in London (especially in the East End), he was Jewish, the son of parents from Batavia, though born and raised in the streets between Aldgate Pump and Petticoat lane, his wife, Anne, coming from Whitechapel. Solomons started his criminal career as an ordinary pickpocket for which he received a sentence of transportation in 1812 (though, like many such sentences, it was actually served in the hulks moored in the Thames). After his release in 1816 he became one of London's most important commercial fences, until a search of his premises, in 1826, revealed thousands of pounds worth of stolen goods, watches, jewellery, gold rings, silk, lace and 554 forged sovereigns, all cleverly concealed.[3] This led to his transportation to Van Dieman's land. His operations included the sophisticated laundering of stolen bank notes to the continent, especially Holland (necessary in the early nineteenth century, because their numbers were all individually recorded, so they could not safely be returned to immediate circulation).[4] Perhaps mindful of men like Solomons, the magistrate, Mr.J.Vickery, declared in 1816 that he was: "...well persuaded that there are immense fortunes made in this town by

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[1]Pike, L.O., 1876, Vol.4 at p.273
[2]Charge to the Grand Jury of Birmingham, January 1845, reproduced in Davenport Hill, Mathew,1857, at p.67
[3]Tobias, J.J., 1974, at p.84.
[4]Ibid. at p.51

receivers of stolen goods".[1] George Mainwaring, writing in 1821, felt that there were 25 'opulent' receivers in the Worship Street Court's district alone, and 186 in that for Marlborough Street. He claimed that the great dealers had furnaces to melt stolen plate "instantly", as well as the ability to sell valuable goods abroad. They usually owned 'plants' or warehouses, away from their residences, supervised by a man unconnected with the dealing.[2] Forty years later, John Binney believed that burglars sometimes stole to order for such men, and that: "...the crucible or silver pot is kept ready on a slow fire to receive the silver plate". Within fifteen minutes of being delivered it would be melted down into bullion.[3] There were huge potential profits to be made as normally only a fraction, a quarter or less, of the 'market' value would be given to the thief. Binney cited the case of an East End criminal who, having taken part in a series of lucrative 'garrottings' near London Bridge in the 1850s (his own description), subsequently broke into a pawnbroker's, and stole jewels and money to the value of £2,000. He sold the jewels to a 'Jewish receiver' for £500.[4]

Lack of 'Typicality' of Professional Criminals

Nevertheless, attention catching though they were, it is clear that the 'typical' London criminal of the nineteenth century was *not* such a sophisticated professional. They were statistically quite rare throughout the era. As Michael Davit observed, such men were only a small proportion of those in English prisons. Whatever the definition, over 2/3rds of inmates were the obvious, and grossly ignorant, products of a squalid and uncouth upbringing.[5] Similarly, in the 1890s, although Charles Booth could describe Hoxton as the "leading" criminal area of London, he also noted that: "The number of first-class burglars is said to be very small; with most, daring takes the place of skill".[6]

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[1]Minutes of Evidence. pp.5.1816, at p.331
[2]Mainwaring, George B., 1821, at pp.89-93.
[3]Mayhew, H. and Binney B.,1862, vol.4, at p.374.
[4]Ibid. at p.377
[5]Davitt, Michael, 1886, at pp.26 & 32
[6]Quoted in Evans, Alan 1988, at p.15

Much confusion was, and is, occasioned by a common inability to distinguish the mass of the criminal underclass from professional criminals. As the prison missionary, Mrs. Meredith, appreciated, it was vitally important, if linguistically difficult to:"...recognise casual crime as of another character from habitual crime".[1] Nevertheless, her usage notwithstanding, it is perhaps best to establish a distinction between 'habitual' criminals (committing 'casual' crime), those involved in crime on a regular basis, and 'professionals', those not only regularly involved in crime, but also exhibiting sophistication in their operations. Confusion was partly engendered by sensationalist literature, professionals always making good copy. An awareness of a few criminal specialists encouraged people to believe that they were typical, and that it was "seldom that one man follows several branches of the one profession of plundering".[2] In reality, and despite this being the "general notion of the public", as Detective Inspector John Shore pointed out in 1877, this was not the case. His 16 years experience led him to stress the versatility of criminal careers, most criminals regularly varied their *modus operandi*. Significantly, the one exception to this general rule were top class burglars, who, once they had graduated to that type of crime "generally stop at it". However, the number of such burglars, men ready to undertake "great cases of crime", was so small, Shore felt, that with a sufficient police staff they could all be personally identified.[3]

There was also a tendency to attribute other 'professional' qualities to the early Victorian 'residuum', viewing it as cohesive, hierarchical, energetic and skilful in its crimes. This was assisted by a long established literary genre of criminal biography. In the popular view, such criminals were numerous enough to form a 'fraternity', one marked out by peculiarities of speech. The early decades of the nineteenth century saw a continuation of the already long-standing interest in the supposed 'cant' language of London's criminals, an arcane form of slang distinguished from ordinary common parlance (though, on examination, much appears to be merely widely used lower class vernacular). Thus, one of the

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[1] Meredith, (Mrs.),1881, at p.89
[2] Mayhew, H., et al., 1862, vol.4 at p.353
[3] pp.15.1878, at p.24.

earlier leading cant dictionaries, that of Captain Gros (who had died in 1791), was updated and re-editioned in 1811. It described in detail how a 'queer cove' might 'nim' a 'jem' or a 'boung' and 'bolt' to avoid a 'China Street pig' (a thief steal a golden ring or purse and run away from a Bow Street Runner).[1] Some mid-nineteenth century London gangs, such as the 'Forty Thieves', were alleged to have progressed to sporting black dots on their knuckles as a mark of group cohesiveness.

Most of this was completely fanciful. Jock Young's observation that 'professional' crime amongst the lower working class is limited to a small minority, frequent minor crime being more common amongst them, with their crimes being the product of social disorganisation, was especially true of Victorian London.[2] Professional felons were as 'typical' of London criminals in the 1840s (or afterwards) as the Krays and Richardsons were authentic representatives of the London criminal underworld of the 1960s. Such men were rare. According to one estimate, the number of persons who made a "trade of thieving" in London in the early 1850s was not more than six thousand. Of these, less than two hundred were "first-class thieves or swell mobsmen", most of the rest were simply habitual petty criminals.[3] The "swell-mob" was especially small, the "London branch" being estimated at between one hundred and fifty to two hundred members at most.[4] These were the exceptions to a general picture in which: "The great majority of the pickpockets of the metropolis, with few exceptions, have sprung from the dregs of society". Such dregs were found loitering amongst the thieves' dens of the Borough and Whitechapel.[5] Criminals from this stratum rarely progressed far in their 'careers'. James Greenwood was well aware that the "great thief tribe" in London was highly stratified according to ability, providing an "upper, and a middle and a lower class". However, he also knew that there was little movement between these groups, especially from the large mass of "poor, shabby, hardworking thieves" at the bottom of the pyramid, the natural members of

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[1]See 'Captain Gros', 1811, under appropriate letters.
[2]Young, Jock, 1994, at p.88.
[3]Wills, W.H., 1850, at p.371
[4]Ibid., at p.370
[5]Mayhew, H., 1862, at p.188.

London's criminal underclass. No "low browed thief" was ever likely to do a criminal Dick Whittington and become a member of the swell mob: "There is no more chance of his carrying his shameful figure and miserable hang-dog visage into tip-top society of his order, than there is of his attaining the summit of that tread wheel, with...which he is so painfully familiar".[1]

Small scale opportunistic thefts were the 'norm'. Although, occasionally, professional criminals undoubtedly had received what amounted to an 'apprenticeship' in crime, the number of such 'trained' criminals was very small. Even in the 1750s John Fielding appreciated that the typical (low grade) Metropoplitan criminal the "Shoals of Shop-lifters, Pilferers, and Pickpockets" was usually the product of simple neglect.[2] At the start of the following century, Patrick Colquhoun opined that thefts, committed by people not believed to belong to the "fraternity of thieves" (i.e. professional criminals), amounted to 700,000 a year in London alone.[3] Towards the end of that century, Sir Robert Anderson still felt that the element of professional crime in London was very small: "We have in our midst a number-and a very limited number-of men who...follow crime as the business of their lives". They were to be distinguished from a "much larger" class of opportunistic offenders, supplemented by a minority of the vast "army of needy people" in the capital, who had become habitual, if incompetent, thieves and the chance crimes of people of "weak moral fibre...carried away by sudden temptation".[4] Nevertheless, the two groups, habitual and professional, were not totally unconnected or hermetically sealed from each other, adding to the confusion. Recruits for the latter would come from the more able of the former, and especially the brighter juveniles. Many of the latter groups would have sanctuaries in the same areas as the former, and might make occasional use of 'ordinary' criminals.

Origins of the Victorian Underclass

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[1]Greenwood, James, 1869, at p.71

[2]Fielding, John, 1758, at p.17

[3]Colquhoun, Patrick, 1806, *A Treatise on the Police...* , at p.74

[4]Anderson,. Robert, 1910, at p.234

Where did this criminogenic social stratum originate? The debate on the origins of the modern underclass has produced two schools of thought. Some view its behaviour as a response (often rational) to an economic predicament, one which is the result of structural inequalities in society which make crime an inevitable part of the fabric of working class life (the 'structural' thesis). Proponents of this school stress that the notion of a 'criminal class', separate from the 'poor' generally, is a 'bogeyman', a refuted concept that is periodically raised by conservatives.[1] They have suggested that historical research is likely to show that crime provided an: "...important source of outdoor relief in an age when legal charity was so difficult to come by...[and that] it seems doubtful that any clear division existed either in reality or in the minds of the working class between the poor but honest and the merely poor".[2] Against them, are ranged those who suggest that a criminogenic underclass is largely the result of a cultural commitment by that group to disfunctional values (sometimes termed the 'culture of poverty' thesis).[3] Thus, to an extent, it is: "...the poor that are to blame for their poverty because they choose to act in certain deviant ways or are conditioned to do so".[4] Both schools of thought existed in the nineteenth century, sometimes even in the same observers. Underlying the opinions of late Victorian social theorists was a degree of uncertainty as to whether residual people should be assisted or punished: "...whether the best method of treating these unfortunate persons were that of sending them to the gaol, or of taking care of them in the eating-house."[5] Victorian social policy was to attempt both, something that led to its (often fairly fruitless) efforts to distinguish the 'deserving' poor from the rest.

This debate goes to the root of assessing the contribution of the Metropolitan police to the post-1850 reduction in crime. According to the 'criminal class' analysis, such a decrease might be attributed substantially to the impact of improved policing of the mid-nineteenth century, as the Metropolitan and other forces

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[1]See Macnicol, John, 1987, at pp.293-318
[2]Davis, Jennifer, 1980, at p.213,
[3]Greenstone, J.David, 1991, at p.399
[4]See Walker, Alan, Blaming the Victims, at p.49
[5]Holland, E.W., 1870, at p.162

increased in efficiency, strength and popular acceptance. Conversely, the 'structural' thesis would identify post-1850 material improvement and political incorporation as being of primary significance. Nevertheless, the two schools are not necessarily mutually exclusive. It is most likely that it was a *combination* of hardship and 'unreformed' manners in a section of the lower working class that produced what was perceived to be an extensive, and potentially criminal, 'underclass' in early Victorian London, one that was highly (and disproportionately) prone to predatory street crime and disorder. The difficulty is assessing respective importance. However, it is clear that one of the most important factors in the initial post-1830 identification of the underclass was the separation occasioned by the advance of reformed manners within the wider working-class, something that can, generically, be termed the advance of 'respectability'.

Working Class Respectability

The Victorian working class, especially in London, was not homogenous. Economically, the main Metropolitan areas where they lived differed greatly. A survey of 30,000 working men in various parts of London, taken by the Registrar General in 1887, indicated clearly that accommodation quality and wages were closely linked. In St.George's in-the-East nearly 50% of families occupied single rooms, with more than a third being unemployed and another quarter earning less that 19s a week. At the opposite extreme, in Battersea, less than 20% were without work and two thirds earnt over 25s a week and occupied three or more rooms.[1] On a more impressionistic basis, a young graduate in 1869, who had come down to London from university, having (admittedly) "seen very little even at home of the classes lower than my own", decided to remedy this by a two year programme of visiting the poor parishioners of clergymen friends. He did this in two parts of London, the East End and West London. His conclusion was that "though poor people may all appear the same, they were in these instances very unlike one another". Compared to those in the Western parishes, those in Bethnal Green were "the worse of the

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[1] See Dyos, H.J., 1966, at p.31

two, the inhabitants were on the whole of a lower grade, and hardly any family had more than one room".[1] As another contemporary writer noted: "Between the artisan and the unskilled labourer a gulf is fixed...[the artisan] looks down on the labourer".[2] Between the extremes of artisan and residuum, and numerically much the most important, were the 'middle ranking' working classes. These were separate from the 'residuum', but not out of its range. The issue that increasingly separated the underclass from this bulk of the working class was not simply economic, it was the rise of working-class 'respectability', a phenomenon in which the underclass was unable or unwilling to participate.

A slow change in social manners, especially amongst the middling and upper 'orders', appears to commence in the latter 1600s, acclerating from the late eighteenth century. Changing cultural values, in particular the 'civilising' and 'gentling' of society, and the potential reasons for such a process, were charted as far back as 1939 by Norbert Elias, in *The Civilizing Process*. Elias examined this process with reference to a mass of social indices such as bathing and personal hygiene, table manners, the expression of aggression and toleration of public violence, conduct in front of women and children etc. During the eighteenth century, a considerable and endemic degree of crime and disorder appears to have been regarded as a 'normal' phenomenon of Metropolitan life, often making it difficult to distinguish between the 'criminal' and the ordinary poor in London.[3] However, conduct norms for most poorer Londoners changed significantly between 1780 and 1900. As The *National Review* observed in 1856, albeit with a little exaggeration: "Innocent and instructive amusement have taken the place of those which were neither innocent nor instructive. Words and allusions which sixty years ago were common in the mouths of 'persons of quality', would now be deemed unclean in the mouth of any respectful scavenger, and might even be resented by him from others".[4] Although the change of manners may originally have been centred on the middle class, it swiftly carried the upper elements of the working classes with it, and produced a significant (if

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[1] Robinson, Richard, 1869, at p.399.
[2] Quoted in Evans, Alan, 1988, at p.170
[3] Linebaugh, Peter, 1996, at p.XXI
[4] Greg, W.R., 1856, at p.291.

sometimes slightly hypocritical) shift in popular manners and social mores.[1] (It could challenge the upper, as much as the lower, classes, being opposed to both rioting plebeians and libertine aristocrats).[2] This change in cultural attitudes appears to have started to permeate the lower classes towards the end of the eighteenth century. Many modern social historians agree, broadly, with Francis Place's belief that levels of working class respectability started to increase swiftly around the turn of the eighteenth century.[3] The process gathered pace throughout the following century, so that even Thomas Holmes, looking back on the final thirty years of the century, felt that: "There are fewer crimes of violence; there is less brutality, less debauchery, less drinking".[4]

Definitions

To Victorians, the concept of 'respectability' was readily understandable, if also difficult to define precisely. Although everyone 'knew' the difference between 'rough' and 'respectable', the lack of fixed boundaries meant the distinction could be interpreted according to situation, providing a necessary degree of flexibility. The terms were used to identify both behaviour and identity. Increasingly: "...low wages and misfortune did not erase the desire for respectability, even though they made its conventions harder to observe".[5] Respectability implied earning a degree of independence, self discipline in sexual matters and over the use of alcohol, a veneration for home and family, self help, relative cleanliness (in clothes and homes), hard work and sometimes (but by no means always) Sabbath observance. Non-respectability was associated with dependence on state aid or charity, unstable accommodation, dirtiness, regular drunkenness and sexual promiscuity.[6] It is likely that as notions of respectability developed, crime ceased to be a 'normal' part of every day life for large sections of the working class, in the way that it had been in the previous century. Information gleaned from the prison and police returns, relating to age, literacy, occupations and previous

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[1]Smith, P.F., 1985, at p.279

[2]Wiener, M.J., 1990, at p.41.

[3]See Mason, Michael, 1994, at p.117, and, generally, Mason, Michael, 1998, ch.3.

[4]Holmes, Thomas,1908, at p.12

[5]Davin, Anna, 1996, at p.71

[6]Evans, Alan, 1988, at p.280

sentences of offenders suggest that towards the end of the nineteenth century offenders were much less representative of the 'character' of the rest of the working population than had been the case earlier in the century. By the 1880s and 1890s those who stole were increasingly the most depressed and least literate of the population, while the increase in age and previous convictions suggest that those who came before the courts were hard core criminals in a new sense. Respectable working men, no doubt also benefiting from the significant improvements in economic and social conditions which in earlier years may have caused the 'ordinary man' to break the law, were increasingly absent.[1] For example, in 1845, 31.8% of male and 44.2 % of female offenders were totally illiterate, not enormously different from the general working class profile. In 1885, however, it was *still* 26.2% and 36.2% respectively, despite the huge improvement in literacy rates occasioned by educational reforms from the 1840s and especially the 1870 Education Act.[2] By the start of the twentieth century, Charles Goring estimated that between 10% and 20% of those in prison were mentally defective, compared to only 0.45% for the national population.[3] The percentages of men and women who had been jailed previously (for indictable or summary offences) increased from 26.1% in 1860, to 45.6% in 1890, spawning the late-Victorian concern with recidivism. By 1890, some 60% of prisoners were over 30 years of age. This supports a growing differentiation between respectable working class people and the residuum.[4] (There are also some other explanations, for example, reduced prison sentences).[5]

There are a variety of potential explanations for such a refinement of manners. Elias emphasised the growth of social interdependence, culminating in the bourgeois market society, where self-control and consideration for others were increasingly necessary. Antonio Gramsci's work suggests that battles between competing sets of ideas and manners constitute the primary encounters between classes vying for political power. Thus, the new

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[1] Gatrell, V.A.C. & Haddon, T, 1972, at p.379
[2] Jones, David, 1982, at pp.4-6.
[3] Goring, C., 1913, 1972 edn., at pp.254-255.
[4] Jones, David, 1982, at p.6.
[5] Rigley, E.A., (Ed.), 1972, at p.382

levels of refinement could be seen as the triumph of the bourgeois middle classes.[1] Others have stressed the role of religion, especially Wesleyan Methodism, which combined an individualistic puritan ethic of work, thrift and self-reliance, with a strong social ethic, entailing charity, good works and service to others. As such: "It transcended class and even party distinctions".[2]

By the later Victorian period, Samuel Smiles, the self-help guru, felt that the "most vigorous outgrowths" of personal restraint were to be found in the "common orders of the people".[3] A major debate over the growth of such working-class 'respectability' has been over whether it was the achievement of middle-class propaganda (even a reflection of a ruling class attempt at 'dividing' the working class), or a self-imposed code of restraint.[4] To some, such values were largely imposed from above, as the prison and its allied disciplinary institutions (police, workhouse, school and labour market) "concentrated criminality into the lowest sectors of the population" and resulted in a division between these and their more respectable peers.[5] One modern academic has opined that: "...however much working-class Londoners resisted middle-class moralising (about thrift, temperance, work discipline), they were nonetheless susceptible to other influences from above".[6] Indisputably, there were several, largely middle class, campaigns to propagate the 'respectable' lifestyle amongst elements of the lower classes from the 1820s onwards. For example, that against spirits (campaigns for total abstention still lay largely in the future), especially the work of the British and Foreign Temperance movement, the Lord's Day Observance Society and the Society for the Prevention of Cruelty to Animals. Some observers, like the barrister John Adolphus, were highly critical of this moralisation of the poor even as it occurred, stressing its novelty: "...the reform of the Common People seems to be a favourite project in these times, and, as in every reform, one must see something of the temper, habits, and propensities of the reformers, so I observe, with regret,

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[1]Simpson, Anthony, 1988, at p.101
[2]Himmelfarb, Gertrude, 1995, *The Value of Victorian Virtues*
[3]Smiles, Samuel, 1859, Chapter 1.
[4]See Mason, Michael, 1994, at p.121
[5]Garland, David, 1985, at p.38
[6]Walkowitz, J.R., 1992, at p.43

in these attempts a manifestation of a gloomy, austere, and unsocial temper, an inclination to break up the accustomed forms of popular intercourse, to render difficult, if not impossible, the enjoyment of ordinary indulgences, and to enforce, an appearance at least, a rigid formal inflexible piety".[1]

Others, such as Gertrude Himmelfarb, have questioned whether such new values really were 'imposed'. They have stressed that although modern historians, concerned with writing 'history from below', have tended to claim that 'Victorian' values were, in reality, specifically middle class ones, and consequently 'alien' to the working classes, such mores were, in fact: "...as much those of the working class as of the middle class". Even more significantly, Himmelfarb suggests that they were not merely confined to the artisan class, or 'labour aristocracy', but shared by the "overwhelming majority of the working classes and even of the very poor". For them, respectability was a value that was "thoroughly indigenous".[2] It has even been mooted that an apparent major decline (it is hard to ascertain firmly) in violence amongst cohabiting partners in London between 1840 and 1889 may have been linked to the spread of this phenomenon.[3] The steps to which some members of the working class might go to preserve respectability could be extraordinary, producing well publicised stories, such as that of a poor lad, who, even when living rough kept his only shirt clean, using outflow pipes and water to wash it and then drying it near a kiln, because: "I can't bear no filth."[4] Harriet Wilson and Jephcott and Carter have, in the modern period, explored the capacity for elements of the poor to transcend the most socially inauspicious environment in a search for what is, perhaps, the modern equivalent of 'respectability'. Some of the Victorian poor appear to have been increasingly willing to accept the considerable personal costs of respectability. Families which hid their poverty might lose out by refusing public or charitable help. Sometimes, children who were kept indoors, off the streets, but in unsanitary dwellings, might be more unhealthy than their 'rough' contemporaries. There was clearly a point at which "respectability

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[1] Adolphus, John, 1824, at p.53
[2] Himmelfarb, Gertrude, 1995, *The De-Moralization of Society...*, at pp.29-32
[3] Tomes, Nancy, 1978, at p.341
[4] Anon, 1853, The Dens of London, at p.175

becomes a burden", prompting some observers to suggest that more concern should be given to those who, unlike the 'abject' poor, struggled to keep up appearances, although often on the verge of starvation. It was even suggested that it was this group that provided the bulk of suicides in poor areas, the 'true' inhabitants of slums seldom killing themselves.[1] To many gentile observers, elements of the Jewish presence in the late Victorian East End were a clear manifestation of the potential, in the harshest circumstances, for culture and self-discipline to overcome environment. Thus, George Duckworth (one of Charles Booth's collaborators) had difficulty in classifying Berner Street and its inhabitants. The filth in the gutters should have denoted 'viciousness', but the local Jews, though obviously poor, clearly did not belong to the semi-criminal classes, leading him to assess the streets as purple rather than black.[2]

Although the quest for respectability might involve hardship, for many it appears to have had its own rewards. According to Anna Martin, a Bermondsey settlement worker in the late Victorian period: "No figure among the poor is so much commended as the hardworking...drudge who, in spite of a drunken worthless husband, keeps her home together and rears her children respectable". Nevertheless, children in 'rough' areas might need to have such a value system forced on them. When one Grace Foakes' brother came home with a pilfered consignment of tomatoes, acquired in local 'Wapping fashion', her mother threw them away before his eyes when he would not explain how he came by them, and told them that "we must follow her example and never take anything that did not belong to us". In the same family their father had deliberately isolated less respectable kin, such as an aunt who could only visit the house in his absence because she still took snuff.[3] The political consequences of the rise of working class 'respectability' (especially its impact on the likelihood of revolution) were not lost on Engels. In the 1830s he had observed that the working class had "become a race apart from the English bourgeoisie". By 1858, however, he was already fearful of the

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[1]Anon, 1885, The Unseen Poor, at p.149
[2]See Englander D. & O'Day R., 1995, at p.88
[3]Davin, Anna, 1996, at pp.77-79

change induced by "British respectability", and could lament that: "The English proletariat is becoming more and more bourgeois so that this most bourgeois of all nations is apparently aiming ultimately at the possession of a bourgeois aristocracy and a bourgeois proletariat *as well* as a bourgeoisie".[1] In the same decade Macaiah Hill could call "respectability-the 'unspiritual god' of the English".[2] However, the process was not universal, especially in London, and was linked to an increasingly divided working class. Crucially, it did not extend to the 'residuum'. To an extent, it can be said that large parts of London's working populace 'grew away' from the values and conduct norms of its poorer elements, rather than the other way around.

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[1]Quoted in Harrison, Brian, 1994, at pp.374-374

[2]Hill, M., and Corwaliis, C.F., 1853, at p.16

Chapter 4. The 'Typical' Metropolitan Crime and Criminal in the Nineteenth Century

The 'Typical' Crime

Given that the 'typical' Victorian London criminal came from this residual underclass, it might be expected that most instrumental crime would be *relatively* small in scale, and, on examination, this proves to be the case. Such an examination, inevitably, is limited to recorded crime, and thus obviously only the tip of a large 'iceberg' of unreported Metropolitan crime. However, there appears little reason not to believe that the conclusions of recent British Crime Surveys, that reported crime tends to be more serious than its unreported counterpart, did not hold equally true in the Victorian period, and, given the relative absence of insurance, was probably even more the case. Thus, the average value of all crime would be much lower than the average for reported crime, and even this was not particularly high. An examination of those dealt with at the Worship Street Office on 31st January 1828 reveals an array of relatively minor offences, although all crimes in the area would have started there, even if subsequently indicted.[1] As an alternative indice, those indicted at Newgate (by their nature accused of more serious crimes) on September 15th, 1813, for offences in which property was involved produce an average of only just over £3-1s. Similarly, the London Grand Jury for the Sessions beginning on Wednesday Dec. 2 1812, produced an average of £2-9s. These offences can probably be considered to be a fairly representative selection of the more serious crimes in the Capital.[2]

Moving on a few decades, in 1859 the 156 reported cases of ordinary "burglary" within the Metropolitan Police district produces an average of £11-17s. The equivalent figure for the 67 cases of breaking into a dwelling house was £9-6s-11d, and that for

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[1] pp.10.a.1828. See also Appendix 1.

[2] PR.1.1813. By this time the sister Middlesex Grand Jury (the Old Bailey and Newgate being joint providers for the London area) was considering far more cases than that for the City of London. See Appendix 1.

commercial premises £8.43. The 1,466 cases of larceny by picking pockets produced an average value of £3-6s. The theft of goods exposed for sale produced an average of about £1. Interestingly, even cases of larceny from a dwelling house using false keys (and thus, perhaps, suggesting a degree of preparation and professionalism), of which there were 334 cases, produced an average of less than £6-6s. A total of 12,654 reported felonies, of all types, affecting property, produced an average of £4-4s.[1] If embezzlement, a primarily 'middle class' rather than 'street' crime, is taken from this category, leaving 12,481 felonies producing a total loss of £48,066, the average becomes £3-17s. This must be seen against an average worker's weekly wage, at about this time, of 20s to 25s.[2] This means that the typical reported instrumental crime produced a claimed loss (doubtless, as now, many were exaggerated) of about three weeks wages for the average worker

However, it must be appreciated that the above figures were the nominal values to the losers. Except for cash, and those used for personal consumption, all goods would have to be 'fenced', and, as Michael Davit noted, burglars rarely received more than 20% of the value to receivers of their stolen goods.[3] Often, it was significantly less, sometimes as little as 8-10%. If this is factored into the equation, the amount recovered by offenders becomes very much smaller. It was felt that few thieves in the 1850s 'earnt' more than £2 a week.[4] Most *recorded* mid-Victorian crimes, of all types, were remunerative but not enormously profitable. Unrecorded crimes were probably often not even remunerative. If an extensive 'hard core' of sophisticated crime was to be discovered, it would probably be committed by those who were listed as 'Habitual' criminals later in the century. However, an examination of the occupations of those who were born in London and whose previous offence before release were committed in London, taken in sequence from random pages of the *Register of Habitual Prisoners* of 1892, reveals few signs indicative of professionalism *despite* the fact that London

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[1]PR.6,1859.See also Appendix 1.

[2]Harrison, J.F.C., 1998, at p.68

[3]Davitt, Michael, 1886, at p.36 See also above at p.45

[4]Dixon, Hepworth, 1850, at p.22

recorded the lowest proportionate number of habitual offenders of any English city.[1]

That the proceeds of crime should be relatively modest is not, perhaps, surprising. Urban crime, as even radical criminologists accept, tends to be predominantly infra rather than inter-class: "...the majority of working-class crime, far from being a prefigurative revolt, is directed against other members of the working class".[2] In the Victorian period, with its even more limited transportation 'out of area', the victims of crime were (as now), predominantly the poor, and the incidence of crime was weighted heavily towards the slum areas of London. Despite the fears of the well to do about being 'garrotted', even this crime appears to have been heaviest in those areas where they rarely trod.[3] It only became a major, capital wide, preoccupation after the unusual, and highly publicised, attack on an M.P. in Pall Mall in July of 1862, something that was then taken up by *The Times*. In reality, it was a crime that was particularly associated with the slum areas of London, especially those to the East and South: "Most of these depredations are committed in the East-End of the metropolis, or the dark slums of the borough".[4] Similarly, Inspector Fuller felt that garrotting was "prevalent in the East End of London".[5] The same pattern applied to most non-violent forms of instrumental crime, though there were obvious exceptions, such as occupational crime by domestic servants.

Gender Profile of Metropolitan Criminals

The 'typical' London criminal of the 1800s was male, a generalisation that became ever more true as the century advanced. In the 1700s, women appear to have played a major role

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[1]Stevenson, J., 1986, at p.47. See also Appendix 1.

[2]Lea, John and Young, Jock, 1984, at p.100

[3]Sindall, Robert, 1990, at p.6. The name was first used in a letter to *The Times* by a Barrister who was alleged to have been a victim in 1851. Prior to this date, such attacks had often been called 'thugee', after the suppressed Indian cult. (Some complained that it was actually exhibitions on the cult of thugee, in London museums, which had given Metropolitan criminals the idea).

[4]Mayhew, Henry et al., 1862, Vol.4, at p.328

[5]Fuller, Robert, 1912, at pp.23 & 24

in metropolitan crime.[1] They constituted over a third of the accused at the Old Bailey at the start of the eighteenth century, after which their numbers declined steadily. This appears to reflect a 'real' change in criminal involvement.[2] Nevertheless, even in 1859, Metropolitan women still appear as a significant component in most forms of instrumental crime, other than those attended by violence. Thus, on indictment, they made up slightly over a third (33 cases) of the 96 simple larcenies in a dwelling house, and over a quarter (25 cases) of the 93 cases of receiving stolen goods.[3] In 1847, they formed 27% of defendants tried on indictment. However, by the 1890s, the proportion had declined to only 19%. Women were increasingly associated with prostitution rather than more active forms of deviance (though Mayhew found that many prostitutes "steal when they get the opportunity"). This phenomenon is hard to explain.[4] It has been argued that approved Victorian notions of 'masculinity', were potentially conducive to crime, including as they did, traits such as "Entrepreneurial drive, courage, physical vigour, and agility". Certainly, Pike felt that the minority of women who demonstrated masculine traits such as "self reliance and courage" were much more likely than their more retiring sisters to commit crime.[5] Approved 'female' characteristics, centred on delicacy, were not so conducive to law breaking.[6] This may have produced a change in women themselves, resulting in a real reduction in participation (Such perceptions may, of course, also have encouraged selective enforcement of the law against women). Other explanations have emphasised economic and social changes in Victorian England, especially the declining role of women in the

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[1]Zedner, L.,1991, at p.316. Additionally at the end of the eighteenth century some work suggests that women made up only 12% of accused in the home counties , suggesting again the unusual nature of London crime, see Heidensohn, Frances, Gender and Crime, in *The Oxford Handbook of Criminology* ,1994, p.1004.

[2]See on this Feeley, M., and Little, D., 1991, at p.719; See also Feeley, M., 1994, at p.235

[3]PR.6.1859.Table No.5, Convicted and sentenced, Acquitted, Bills Not Found, or not Prosecuted. Only 2 of the 97 burglaries, 7 of the 74 cases of 'breaking into a dwelling house and stealing' that were accompanied with violence, and 14 of the 103 cases of robbery, were carried out by females. Surprisingly, perhaps, only 55 of the 202 prosecuted cases of larceny by servants were committed by females.

[4]See Zedner, L., 1991, *Women, Crime and Penal Responses*, at p.247

[5]Pike, L.O., 1873, Vol.2, at p.528

[6]Zedner, L.,1991, *Women, Crime and Custody...*, at pp 23 &.40.

domestic economy. Whatever the reason, it produced an increasingly male criminal profile for London.

Age Profile of Metropolitan Criminals

Juveniles as a Source of Recruitment to the Criminal Classes

Throughout the nineteenth century, a particularly fertile source of recruits to the capital's criminal classes appears to have been the neglected, marginalised and impressionable juveniles with which London abounded. Historically, crime has been a disproportionately youthful occupation, and this was certainly the case in Victorian London. Even in 1780, Jonas Hanway, a London philanthropist, had been struck by how most of those executed were "boys" from 16 to 21 years old.[1] However, a new, and unprecedented, pre-occupation with juvenile crime became apparent in the early nineteenth-century, with London leading the way in the 1810s.[2] William Augustus Miles's study of 1830s' juvenile crime in London, based on interviews with several dozen such thieves, albeit only after arrest (most being carried out on the juvenile prison hulk, the *Euryalus*) portrays a close knit localised subculture of hard core juvenile thieves. The great majority of those studied lived around Soho or the parts of the East End bordering the City.[3] Many of the boys spoke of being met by former associates outside prison, on their release, and being swiftly enticed back into crime. (They were also often unemployable in worthwhile trades because of their criminal past, and would necessarily have recourse to their "old habits" to survive).[4] Several of them were overtly sceptical about any possibility of being reformed, one, William Cook, even telling Miles: "I would never trust a thief-they can never turn right". Another, Samuel Holmes, believed his colleagues: "...cannot reform if left in London, because they would be enticed away again". These views seemed to confirm the opinion of George Chesterton, the Governor of Coldbath Fields House of Correction, who felt that: "Boys brought up in a low

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[1] Hanway, Jonas, 1780, at p.31
[2] King, Peter, 1998, at p.160
[3] See on this Shore, Heather, 1997, at pp.202 &203. Miles was later to give evidence to Chadwick's 1839 Royal Commission on Constabulary.
[4] Ricardo, Ralph, 1850, at p.4

neighbourhood have no chance of being honest, because on leaving a gaol they return to their old haunts and follow the example of their parents or associates."[1] Once embarked on, such a mode of life could easily become a vicious circle.

The late eighteenth and early nineteenth centuries seem to have witnessed a "sea-change" in attitudes to young offenders.[2] While there had been concern in earlier periods about some specific groupings of young people (such as the London apprentices), they were not *generally* identified as a specially problematic category, nor did they appear before the courts in the numbers that were to characterise the nineteenth century. Often, the judiciary would deal relatively leniently with them when they did. However, in the nineteenth century, 'Juvenile Delinquency' came to be seen as a special urban problem.[3] Dedicated prison hulks for juveniles were established in 1823, and specific modes of trial and, eventually, punishments, were introduced to deal with the young, with Acts from 1847 onwards gradually transferring much jurisdictional responsibility to the summary courts.

By the late 1840s, Henry Worsley was typical in the alarm with which he witnessed the "enormous amount of juvenile crime in the Metropolis", and in believing that there had been an "extraordinary increase" in such deviance. This was evidenced by the 'fact' that the 15-20 age group comprised more offenders than any other, and that its crimes were accompanied by an unprecedented degree of "depravity".[4] William Miles also firmly believed that there was a largely juvenile criminal class in London: "...A race 'sui generis', different from the rest of society, not only in thoughts, habits, and manners, but even in appearance; possessing, moreover, a language exclusively of their own".[5] It was primarily an urban phenomenon, the mobs in places like Bethnal Green, in the 1840s, nearly always being portrayed as youthful.[6] Although Worsley felt that there were disproportionate numbers of younger

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[1]Shore, Heather, 1997, at p.205

[2]King, P., and Noel J., 1993, at p.17

[3]See on this below p.65

[4]Worsley, Henry, 1849, at pp.6 & 25

[5]See on this Shore, Heather, 1997 at p.195

[6]A report on the sanitary conditions of the labouring population in 1842, quoted in Wiener, M.J., 1990, at p.19

to older criminals in the rural areas, this was "not in so great a proportion to the adults as in the vicinities of commercial and manufacturing towns".

However, most juveniles did not graduate immediately or invariably to serious crimes, and their initial offending profiles were not normally grave. Thus, towards the end of the century, it was noted that crimes like burglary, housebreaking and shopbreaking (usually more serious offences) were four times more frequent amongst youths over 16 compared to those of 15 and under. By contrast, for petty larceny and pickpocketing the numbers were proportionately twice as high amongst under 16 year olds as those in the 16-21 bracket. Indeed, it was the frequent criminality of such youths, compared to adults in the 30-40 year bracket (the peak age for inebriation), that provided an intimation that alcohol was not necessarily a primary cause of crime.[1] However, it was appreciated that from the numerous ranks of youthful criminals would emerge hard-core adult felons. Thus, Henry Worsley feared that deviant juveniles might follow a career progression from misdemeanours to become "the daring depradator-the burglar or murderer".[2] Similarly, Francis Close felt that it was the Metropolis's large pool of destitute juveniles, living on the streets, that provided the natural recruits to the dangerous classes as they matured. Their numbers and neglect were substantial: "...until the institution of Ragged Schools, there was no effort of any kind made to reclaim some 30,000 or 40,000 little vagabonds, who daily support themselves in the streets of London by picking pockets, and by stealing anything within reach".[3] Ralph Ricardo, writing in 1850, felt that no one who walked London's streets could fail to be "shocked" at the huge numbers of "idle vagrant children hanging about". They would do anything to turn a penny. If they could, they might run an errand or hold a horse for a few legitimate coppers. In the frequent absence of such employment it was not surprising that they stole, if only, in some cases, to "save themselves from starving".[4]

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[1]Morrison, William Douglas,1896, at p.69 & pp.70-71.
[2]Worsley, Henry, 1849, at p.2
[3]Close, Francis, 1850, at pp.23 & 25.
[4]Ricardo, Ralph, 1850, at pp.4-5.

Various explanations have been advanced for the change in attitude to juvenile crime, none of them are totally convincing, all of them have some plausibility.[1] In part, it was probably founded on real demographic and social change. Rapid population growth had produced a falling average age, especially in London, where the city's many immigrants also tended to be young. Changes in the age profile of the national population, meant that those aged 0-14 made up a record 39% of the population in the early 1820s, compared to only 29% in 1670. Patrick Colquhoun, giving evidence to the 1816 Police Committee, opined, with characteristic bluntness, that many of the capital's juvenile problems had been exacerbated by the advent of vaccination and other medical advances, something which had introduced into society a "vast number of infants of both sexes left orphans, destitute, and the progeny of indigent profligate parents who cannot find employment for them". This had produced an unprecedented mass of "infantile delinquency".[2] Previously, many of them would have perished. Another factor, and one affecting perception rather than reality, may have been the growth of summary jurisdiction in the capital, something that was inherently suited to the prosecution of juveniles. It engendered a reduction in the use (and sometimes legality) of informal methods of social control, and of encouraged recourse to formal measures including increased use of the courts (especially in urban areas).[3] Another popular explanation, strongly made by J.J. Tobias (following J.A. Froude), is that the disruption occasioned by urbanisation and industrialisation made a particularly heavy impact on young town dwellers, who, receiving little or no assistance from their families, employers or the municipal authorities, found a solution to the transition by adopting criminal habits and attitudes, producing an upsurge in crime in the late eighteenth and early nineteenth century.[4] Tobias emphasised the apparent normlessness and sense of disorientation of the new urban society of the 1830s and 1840s, in which large classes of people had been newly torn from a (supposedly) stable rural

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[1]See generally, King, Peter, 1998, at pp.116-166.
[2]p.35 of Report
[3]Stack, J., 1992, at p.132
[4]Tobias, J.J., 1972, *Urban Crime in Victorian England*, at p.42

background and plunged into the confusion, hardship and squalor of industrial cities. More recently, Paul Maxim has supported Tobias's belief that the criminal class was constantly topped up by the influx to the cities. Nevertheless, London had been a huge city in 1650, problems attendant on urbanisation (and 'anomie') were certainly not new there in the 1800s, unlike provincial cities. Another common explanation for increased Metropolitan juvenile crime has stressed the reduction in traditional urban control mechanisms for London's youth, such as supervised apprenticeships in which young men lived under their masters' roofs (the 'living-in' system). These had been common in the seventeenth and early eighteenth centuries, but were swiftly eroded by the new industrial and commercial economy. Hanway was convinced that the loss of control attendant on the decline of the apprenticeship system was responsible for much youthful deviance in the capital. The growing pre-occupation with, and 'ring-fencing' of, 'childhood', something that had previously been absent, making youthful deviance less acceptable where it occurred, may also have been significant.[1]

Assessing these factors together, it appears that the unprecedented fear of juvenile crime was substantially (though not purely) the result of changed attitudes to a phenomenon that had been present for many years, as the regular disturbances associated with the London apprentices in the 1600s suggest. It was not a reflection of real change. Indeed, despite the early nineteenth century concern about juvenile deviance some have even argued (not entirely convincingly, except for serious crimes) that, unlike the modern situation, a close analysis of the statistics suggests that early Victorian property crime: "...appears to be related to larger proportions of older, not younger males". This might be explained by assuming that prior to the mid-century, a significant amount of property crime (and thus all crime) was associated with people stealing to support their families. As most married people (especially men) were over 25, this group would inevitably have had a high level of 'criminality'. However, as times became less hard, after the 1850s, subsistence problems became less pressing (and policing more effective) it is possible that:

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[1]See generally, King, Peter, 1998, at pp.116-166

"...family obligations became more of an inhibitor to larceny rather than a motivation".[1]

The establishment of the Committee that enquired into Metropolitan juvenile delinquency in 1816 was prompted by a case, the previous year, in which a group of London boys had been convicted of capital crimes. These occurred in circumstances that suggested both that juvenile crime was an unexpectedly serious problem, and that: "..a system was in action, by which these unfortunate lads were organised into gangs; that they resorted regularly to houses, where they planned their enterprises, and afterwards divided the produce of their plunder". Initially, 190 boys were examined, these being the friends and associates of some of those detained in Newgate; another 700 were subsequently questioned. The Committee was made up of over 40 notables, assisted by two secretaries. Its members carried out numerous interviews, and pooled their results. Their conclusions were simple and straightforward. However, in many ways, they shaped the debate on juvenile deviance for the following half century and more. They concluded that there really were thousands of boys in London who were daily engaged in crime, and that these boys "associate[d] with professed thieves of mature age". They also decided that it was true that such youths frequented houses of the "most infamous description", where they divided their plunder, and were corrupted.[2] Three years later, in 1819, much of their analysis was supported by the barrister, and reforming M.P., Stephen Lushington. He claimed that there were 8,000 "juvenile delinquents" aged from 15 to 20 in the Metropolis many of whom had formed into 'gangs', with specific street territories. However, on examination, even his own evidence suggests that most such gangs were merely loose associations of youths. They usually lacked leaders, command structures, proper "bond[s] of union" and did not keep set hours. Their members drifted into and out of normal employment. They committed many minor crimes, though fewer serious ones, normally using adult receivers to 'fence' their goods rather than simply giving them to their parents.[3]

[1]Maxim, P.S., 1989, at p.47

[2]pp.7.1816, at pp.16-18

[3]Evidence given to the *Select Committee on the State of the Gaols etc.* P.P. Sess.1819, Vol. vii, pp. 162-164. The loose associations, or 'near groups', identified would be

Several causes were identified for this alarming situation. Amongst the most important were the: "...improper conduct of parents. The want of education. The want of suitable employment, the violation of the Sabbath and habits of gambling in the public streets". Of these, Sabbath abuse and gambling harked back to the numerous presentiments of Middlesex and London Grand Juries in the previous century, while the role of parental neglect/abuse and unemployment were to be mainstays of the nineteenth century debate. Although many of the London boys interviewed in 1816 had attributed their criminal course of life to associating with "bad companions" (essentially a form of criminal cultural transmission), the committee had the sophistication to see that this was a secondary cause, and that it was 'primary' reasons, such as a want of employment, that had positioned them so that they could be led astray. Unemployment meant that not only were they poor, but they had too much free time, something that a youth was likely to spend in the streets, gambling and listening to the "tale of the hardened villain, until he acquires a taste for the commission of crime".[1] As a result, the Committee took an unashamedly interventionist approach, strongly recommending the formation of "Public Establishments in the most populous districts of the Metropolis, for the suitable employment of distressed youth". They believed that these bodies could combine work with moral education. (They also advocated a firm 'crack-down' on gambling, especially in public).[2] Another important theme, stressed in 1816, was parental neglect, which compounded the lack of work. Concern was expressed at the way in which many juveniles in East London lived: "The children of idle, drunken, and dishonest parents, are suffered to infest the streets in a state of destitution; the first instructions and ideas these little creatures receive are to procure the means of life by begging and thieving". It was claimed that boys and girls took up their "nightly abode in a state of promiscuous depravity" and frequented public-houses in Whitechapel. It was feared that such "born and bred thieves" were

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readily recognisable by some modern criminologists, such as Lewis Yablonsky and David Downes.

[1] pp.7.1816, at pp.16-18

[2] pp.7.1816, at pp.18-19

never reclaimed.[1] This was to become a recurring theme. John Mirehouse, writing in 1840, was sure that many children had been: "...completely deserted: thus destitute, they have resorted to degradations for a livelihood. The connection between indigence and crime is necessarily frequent, particularly in those cases in which the mind is uninformed". He, too, felt that "parental misrule and unkindness", rather than care, bred criminals. As a result, over a thousand 10-15 year olds in London were summarily convicted each year in London, and another 200 were annually sent for trial on indictment to the Old Bailey. To an extent, this was a localised phenomenon, with some areas, especially in the East End, particularly bad. Thus, in Spitalfields, there was a "dreadful neglect of children". Those who ought to be rearing them pursued, instead, lives of "absolute self-indulgence and intemperance". Children ran wild in the streets, "idle, unheeded and untaught". There they formed acquaintances with others already "expert in all the Arts of crime", becoming enthralled by tales that glamorised a deviant lifestyle.[2] The boys interviewed by Augustus Miles in the 1830s gave similar accounts of their initiation into the criminal culture, something that was especially frequent after a downward change in their personal circumstances. However, this was often through no fault of their parents. Thus, after his father's death, 15 year old William Cook, was approached by a group of boys he knew from the streets, who took him on his first thieving expedition.[3]

Even worse, however, was another group of juvenile offenders whose parents did not simply neglect their offspring, but positively encouraged or demanded that they beg or commit crime. Francis Close felt that the:"...larger portion of all criminals are either orphans, or the children of wicked parents, who have nurtured them in crime from infancy".[4] The children of the latter category were: "...driven daily from their home by wicked or cruel parents, to beg or steal, as opportunity occurs". It was alleged that they were sometimes not readmitted if they failed, and could be found sleeping out at night in Covent Garden, the pens of Smithfield, and

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[1]Minutes of Evidence , pp.5.1816, at p.6
[2]Mirehouse, John, 1840, at p.12
[3]See on this Shore, Heather, 1997
[4]Close, Francis, 1850, at pp 23 & 25.

the barrels of Whitechapel.[1] In 1828, Randle Jackson had claimed that many boys and girls were sent out, every day, to get money, no matter by what means it was secured, as long as they brought home a certain amount at night. This determined whether they received "reward or displeasure".[2] Occasionally, though not very often, action was taken against such parents for the misconduct of their children. Thus, Mary Ann Vick was convicted and committed to the house of Correction for one month's hard labour, in 1828, as an idle and disorderly person for "causing and encouraging" her nine year old child, Maria Elizabeth, to wander the streets in Shoreditch "to beg and gather alms".[3]

There was a widespread (though not new) Metropolitan concern about the operation of Fagin-like instructors: "...thief trainers of both sexes...so busy as to have no occasion to advertise for pupils".[4] Much of the phenomenon was probably merely a literary construct. Nevertheless, some hard-core juvenile criminals clearly had been inculcated from an early age into a deliberately deviant sub-culture, learning criminal techniques and attitudes from their cradles (or lack of them). According to Henry Mayhew, their numbers were extensive: "Thousands of our felons are trained from their infancy in the bosom of crime; a large proportion of them are born in the homes of habitual thieves and other persons of bad character, and are familiarised with vice from their earliest days".[5] To an extent, such juvenile thieves' dens as did exist probably provided a replacement for an otherwise missing family life, a feature that was cleverly portrayed by Dickens in *Oliver Twist*. It remained an attractive subject. The idea that young professional thieves underwent training in criminal areas was touched on again in 1850 in Dickens' journal *Household Words*. An 'accidental' visitor to a London rookery described how he came across a girl who had been punished for her lack of adroitness in : "...picking the pockets of a figure which is hung up in the room, in such a way that the least awkwardness of touch makes it shake,

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[1]Mirehouse, John, 1840, at pp.16-120

[2]Jackson, Randle, 1828, at pp.11 & 12

[3]pp.10.a.1828

[4]Mayhew , H. et al., 1862, at p.355

[5]Mayhew, H., 1862,

and rings a little bell attached to it".[1] Even towards the end of the century, Andrew Mearns still believed that there were significant numbers of juveniles being 'trained up' to a criminal way of life: "...children who can scarcely walk are taught to steal."[2] Nevertheless, as even Mayhew had appreciated, their mentors were usually parents and relatives rather than criminal masterminds. Not surprisingly, Mrs. Bayley in her preface to *Ragged homes and How to Mend Them* stressed the importance of "genial [domestic] influences" and home improvements for the poor: "...in order to save the children from destruction".[3]

When the Recorder M.D.Hill, gave evidence to the *House of Commons Select Committee on Criminals and Juveniles*, in 1852, and identified the types of children who were likely to become criminals, he produced similar profiles, including the "children of criminals...trained to crime", illegitimate children, orphans, foundlings and step children (a large class). Together, he felt, these "children of the very poor form[ed] a class". They had "all the vices and some of the virtues of savages", and were consequently often called 'City Arabs'. The following year, Mary Carpenter followed many of these themes. She felt there were five classes of juvenile criminal. Some were "hardened young offenders" who were innately incorrigible; others, had been "regularly trained by their parents" from birth to commit crimes (such as pickpocketing); some went into crime because of the "culpable neglect of their parents", particularly a lack of moral influence, as a result of which they had acquired "habits of petty thieving". In these three groups, she felt, it was cultural environment, not poverty, that was the direct explanation for their behaviour: "...actual destitution is scarcely even the alleged inciting cause of crime; if these children are poor, it is a poverty directly caused by vice". However, pressing need had prompted others into crime, producing a fourth class which consisted of those who had been "driven into crime by their utter destitution". The children of hawkers, costers, and street trades made up a fifth group. Together, she felt, these children "infest[ed]

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[1]Wills, W.H., 1850, at p.432. Such a practise tool had been recorded as early as 1590 in London.
[2]Mearns, Andrew, 1883, at p.14
[3]Bayly, (Mrs.), 1860, at p.11

large towns".[1] In such circumstances, a corrupting sub-culture of juvenile crime could easily develop. This produced a distinct criminal class, with skills and attitudes being passed down (in a manner reminiscent of Edwin Sutherland's learning theory of the 1940s).

By the 1880s, however, L.Gordon Rylands could produce a slightly more sophisticated multiple explanation for juvenile crime, incorporating the strain caused by parental neglect, cultural transmission from others, and the labelling induced by selective enforcement of the criminal law on a social basis. He attributed juvenile crime to: "...vicious and neglectful parents, absence of a parent in gaol, or death of one or both parents, together with great facilities for making immoral acquaintance. The children of the very poor playing in idleness about the slums will, out of natural childish mischief and thoughtlessness, do things which their more fortunate richer brother does almost daily with no more serious consequences to itself than slapping, and not always that, but which will lodge the friendless gutter-child in prison, and thereby start it on the way to a criminal career. Uninstructed in the elements of morality, how can a little starving wretch of 13 or 14 be expected to resist the temptation if it comes to him of helping himself to a mouthful of food from a barrow or a shop?"[2] In a similar vein, Andrew Mearns felt that the high level of juvenile crime in urban areas was not surprising to anyone who knew anything of the life of the children of the poor in the large towns: "Uncared for by their parents, and even encouraged to prowl about the streets for the purpose of begging, or getting in any way whatever something to assist in 'keeping the pot boiling', they are thrown, at an age when their character is not yet formed and their nature plastic, into constant companionship with other unfortunates. who, but a year or two before, were as themselves, but who having become corrupted, now proceed others in their turn." As a consequence, they transmitted a "most infectious disease" of criminality.[3] The potential of 'contagion' by juveniles absorbing sub-cultural and criminogenic values from other members of the criminal classes,

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[1] Carpenter, Mary, 1853, at pp.23-33
[2] Rylands, L.Gordon, 1889, at p.37
[3] Ibid., at p.18

early in life, was especially feared. L.Gordon Rylands, drawing on a range of statistics and surveys, approved the views of a Mr.Elliot who believed that: "...the great majority of professional thieves have been engaged in a criminal career almost from infancy, and have originally fallen, not from the promptings of hunger, not from any special dishonesty, not from any peculiar moral obliquity, but simply from the influx of bad example".[1] In the 1880s the neglect experienced by many such young Londoners, could prompt a stipendiary magistrate to comment, from his own experience, that the number of: "...small vagrant boys and girls who daily, and chiefly by night, fall into the hands of the police as wanderers, having no homes and being unable to give any account of themselves or their parents, who are often found sleeping or seeking shelter in obscure and out of the way places, clothed in rags and emaciated from hunger and exposure is truly astonishing."[2] Awareness of juvenile neglect was to be instrumental in encouraging support for Thomas Barnardo's movement, which originated with the founding of his East End Mission for Destitute Children in 1867, and then expanded to other parts of London. It was supported by the doctor's graphic published accounts of the operation (or lack of it) of his redeeming society, such as that of the Barnardo's boy, raised to respectability, who was called to give evidence against a man who turned out to be his own long lost brother, one who had not had the fortune to be rescued from his squalid environment and: "...from the consequences of such an upbringing, whereas the other has, alas! Been left alone, and had succumbed to the temptations of the streets and to the evil example and teachings of a criminal mother".[3]

Of course, London was not unique in having a substantially youthful criminal underclass, it was the same in all major English cities. Thus, in Liverpool, Shimmin observed large numbers of destitute boys: "...wolfish, sharp visaged little fellows, in tatters...now in the hands of a stall keeper, and frequently in the hands of the police, chased, hunted, worried." Like their London counterparts, these neglected children were exposed to the "evils of

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[1]Rylands, L. Gordon, 1889, at p.18

[2]Anon, 1882, *Metropoplitan Police Court Jottings*, Ch.VIII, Offences by children and young persons, at p.61

[3]Barnado, Thomas John, 1888, at p.33.

the criminal class" and the likelihood of being "trained in thievery".[1] According to the Stipendiary Magistrate of Liverpool, in 1842, most juvenile delinquents there, like their London counterparts, were born in "misery" devoid of moral instruction and physical comforts. As a result, they were "often stimulated to crime by sheer want", or instructed to perpetrate offences by their parents or connections. Such children had little chance to become honest. (His 'hobby-horse' was the need to establish agricultural colonies for juvenile criminals).[2]

Significantly, the reduction in the size of the residuum, and the fall in Metropolitan crime substantially correlates with increased state and private intervention to address the 'youth' problem in London, and is probably partly linked to it. If, as appears likely, a crucial time for large scale entry into the criminal underclass was during childhood, anything that reduced its likelihood might be significant. This was appreciated early on by those like Mary Carpenter, who desired, as the title of her work indicated, to establish *'Reformatory schools for the children of the dangerous and perishing classes'* (1851). By a series of initiatives, working-class children were subjected to an unprecedented degree of control, via education and training, culminating in the universal and compulsory provision of elementary schooling in the 1870 Education Act, a statute that was firmly enforced.

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[1]J.K.Walton & A.Wilcox (Eds.), 1991, at pp.130 & 131
[2]Anon, 1842, *Juvenile Delinquency*, Tract reprinted from 'The Christian Teacher', for July 1842, at p.13

Chapter 5. Motivation for Instrumental Crime in London

Why did Londoners commit crime? Some, such as R.W.Rawson, writing in 1839, confidently believed that if it were possible to ascertain correctly the true amount and nature of crimes and all the: "...circumstances of their social condition, we should be able, by comparison to ascribe to each circumstance its relative power of inducement to crime and arrive at the laws which regulate criminality".[1] Such optimism was misplaced. However, although impossible to identify precisely, the motivation behind instrumental crime is important in assigning causes for its mid-century reduction, and especially the role of policing in producing this decline. Nevertheless, answers can never be more than informed speculation.

Crime and Need

An enduring theme for both contemporary and modern students of the period has been that nineteenth-century crime, especially urban crime, was the result of need, i.e. it was 'survival' crime, this being, perhaps, the most obvious paradigm available. Although, in the modern period, criminological paradigms linking unemployment (and thus poverty) with crime rates have not been quite as strongly supported as is sometimes believed, this does not prevent the paradigm applying in the early nineteenth century.[2] It is suggested that the bulk of London criminals, as 'non-professional' (even if habitual) criminals, were prompted by pressing indigence to commit their offences; in Robert Owen's simple analysis: "...if the poor cannot procure employment, and are not supported, they must commit crimes, or starve".[3] It is not correct to assert, as some have, that "most" contemporary observers rejected such a connection between poverty and crime.[4] It was a theme that was regularly reiterated throughout the nineteenth century. Thus, in 1829, a

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[1]See generally, Rawson, R.W. 1839.
[2]See for example Wilson, J.Q., 1994, at p.186
[3]Quoted Tobias, J.J., 1967, at p.40
[4]Emsley, Clive, 1996b, at p.58.

journal argued that of the 300 criminals tried annually at the Old Bailey: "A large proportion are doubtless not thieves by profession, but persons charged with their first offence, committed from necessity or temptation".[1] Another journal, the following year, considering the apparent "rapid and alarming" increase in crime in the country laid the blame firmly at increased poverty. It felt that the common people "steeped in wretchedness", and physically unable to earn wages sufficient to render them better off or much more "respectable or independent, than the actual pauper". This in turn encouraged crime, because: "The source of crime and the fountainhead of pauperism and its consequences-is poverty".[2] To the 1832 Select Committee on Secondary Punishments, the low level of wages and "prevalence of distress" due to unemployment was "unquestionably" the main reason for crime.[3] John Mirehouse stressed that the excess of supply over demand for labour in 1830s' London engendered economic distress that produced a criminogenic "laxity of morals". Want of employment encouraged drink, early marriage and a degrading dependence on poor relief.[4] The paradigm continued to find strong support in the mid-Victorian period. In 1849, the barrister Jellinger Symons (a liberal but by no means sentimental man) considering 'The Relation of distress to crime', felt that: "The effect of hard times on theft is remarkably evidenced".[5] Men such as Porter and Symons noted the rise in the number of committals during the depression which began in 1839, and reached its peak in 1842. (The downturn in the economy lasted until the middle of the decade, when it was compounded by large-scale Irish immigration due to famine). They were satisfied that it afforded complete proof of the: "...close connection between crime and want".[6] A few years later, Thomas Plint still felt that it was undeniable that in periods of: "...general distress and destitution, crimes of all kinds, except the more serious offences against the person, and simple assaults are increased 24 per cent on the

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[1] Chadwick, Edwin, 1829, at p.260.
[2] Maginn, William, 1830, at pp.635-638
[3] pp.10.c.1832, at p.33
[4] Mirehouse, John, 1840, at p.12
[5] Symons, Jelinger C.,1849, at p.51.
[6] Radzinovitz, Leon with Hood, Roger, 1976, at p. 65

average of all England".[1] Similarly, there was no doubt in Samuel Day's mind, in 1858, that for the desperately poor, crime could be a rational choice to escape their predicament. He approvingly quoted Bentham's view that: "Rather than continue to labour under this affliction, individuals who are experiencing it will naturally and necessarily, in proportion as they find opportunity, do what depends upon them towards obtaining, at the charge of others the means of rescuing themselves from it". Day also cited the views of G.H.Bowyer (a government Inspector of parochial schools) that: "Pauperism and crime are connected with each other, not only because they are analogous corruptions of the moral nature of Man, but because they act and re-act on each other as mutual cause and effect". As a result, he felt that no stimulant to crime was more powerful (indeed "more pardonable") than want. It was not surprising that the: "...miserable hordes of homeless and nomadic outcasts who infest our towns should also become lawless and predaceous".[2] On a practical level, and especially after the mid-century, some felt that criminals who were living in "miserable holes" in "cold, starvation, and wretchedness" were likely "almost to envy the food and warmth of a prison", making them fearless.[3]

Juveniles were believed to be especially vulnerable to material pressure. Certainly, when questioned in 1819 as to why they had adopted a criminal lifestyle, many juveniles attributed it to "distress" (along with bad associations).[4] The many street children in London, necessarily "selling matches, and leading an idle life", were likely:"...if they have not the means of supporting themselves, ...[to] pilfer from shops and stalls of every description".[5] Again, there was a vicious circle at work. Even at the end of the century, considerable prejudice against street children meant that those without homes or parents found it hard to get accommodation. In turn, employers did not like to take on children who slept rough or as 'casuals' in lodging houses. This meant that for many of them, street hawking and newspaper selling were all

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[1] Emsley, Clive, 1988, at p.40

[2] Phillips Day, Samuel, 1858, at pp.1-3

[3] Ballantine, Sergeant, 1882, at p.64.

[4] pp.8.a.1819.Evidence given to the Select Committee on the State of the Gaols etc. at pp.162-164.

[5] pp.5.1816, at p.348

that was available. If these failed, they would naturally have to resort to begging or petty crime.[1]

A belief in a crime/need link was also part of popular currency. As one East End newspaper correspondent observed in the late 1850s:

"It is a startling fact, but nevertheless true, that hundreds, nay thousands of people in this great metropolis, rise in the morning without money to procure a meal, and are dependant on the merest chances for their sustenance throughout the day. What wonder then that in the absence of all moral principle and oftentimes driven by necessity, they should fly to crime for the means of obtaining that livelihood, denied them by honest industry; that such is the case is proved by the fact that crime is always more prevalent during the winter months and when circumstances combine to cause a scarcity of labor. It cannot be denied that many are criminal from choice, but many also owe their entrance on a career of crime to absolute want".[2]

A modern academic has also remarked on the 'striking' number of cases in which pleas of "distress" were made at trial, to explain (if not justify) admitted crimes, particularly in the capital. Although it was viewed as good mitigation by judges, perhaps encouraging spurious claims, its reception by the judiciary is itself indicative of an acceptance of, and sympathy for, the reality of such a connection.[3]

Need induced crime could affect women as much as men. However, females had the ready alternative (to conventional crime) of prostitution. Thus, as well as there being a permanent 'hard core' of prostitutes in London, it was widely appreciated that there were many unfortunates who, despite often working for long hours in sweat shops or as needle women, could not secure enough money to meet their immediate needs (or those of their families). As a result, they sometimes became "clandestine and occasional prostitutes", even though many were instinctively quite virtuous. For some it was simply a question of "prostitution versus starvation", and this

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[1]Morrison, William Douglas, 1896, at pp.154-155.
[2]*East London Observer,* Feb 19th 1859.
[3]Emsley, C., 1996b, at p.38.

was often accepted by their (non-judgmental) friends. Temptation was immense, especially for the young, as a deficiency of funds could: "...almost any time be met by the sacrifice of personal honour".[1] (This was certainly not a new phenomenon in London, being identified by Defoe as early as 1725).[2] The Victorian pornographer 'Walter' noted in his sexual autobiography that experience of such London prostitutes had made him appreciate:"...what a Godsend having a cunt is to many poor women, who would starve without it".[3] Similarly, in 1861, Holingshead could observe that it was a brutal reality for many youngish women that: "The best paid occupation appears to be prostitution". Some prostitutes could even live well: "While the wretched virtuous population are starving in black holes".[4] As a result, prostitution was a fact of life for many women in very poor areas, though its proceeds would fall as they became older.

Given such an abundance of contemporary support, it is not surprising that Owen's thesis has continued to find favour with modern social-historians, also being attractive in a subject that sometimes carries a large (and current) political agenda. Consequently, it has been argued that not only did law-breaking activity remain a common feature of London working-class life throughout the nineteenth century, but that given the exigencies of survival in the seasonal, underpaid, and overstocked London labour market, the pressure to engage in crimes which required little skill, and for which there was considerable local opportunity, such as shoplifting, robbery and petty theft from docks, workshops and buildings, must have been: "...overwhelming to a population of both skilled workers and casual labourers whose margin for survival was so slim".[5] Nevertheless, as has been indicated, this does not appear to have been the case. Ignoring occupational 'perks' on the margins of theft, skilled workers do not seem to have been 'overwhelmed' by such temptations, and, as the century advanced, even less skilled workers appear to have substantially withdrawn from the ranks of those who were.

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[1]Mayhew, Henry et al., 1862, at p.355

[2]Moreton, A., (D.Defoe), 1725, at p.7.

[3]'Walter', 1996 Edn., Vol. III, at p.1273.

[4]Hollingshead, John, 1861, at p. 50.

[5]Davis, Jennifer, 1980, at p.213.

Victorian Scepticism about a Crime/Need link.

Despite the support (both contemporary and modern) for the 'crime as need' paradigm, other commentators (again in both categories) have argued that the cycle of economic hardship was largely unconnected with fluctuations in crime rates, and that this suggests that crime was not, in J.J.Tobias's words, as "a rule the result of want".[1] Tobias was merely echoing the work of the many Victorians who rejected almost any connection between indigence and crime, especially juvenile crime, and who believed it was rather the result of individuals seeking a better quality of life and non-essential 'treats' (such as visits to penny gaffs), or wishing to avoid the drudgery of hard but poorly remunerated labour. Indeed, Edward Gibbon Wakefield believed that older criminals deliberately lured juveniles into crime by exposing them to an opulent lifestyle of pastry-shops, street theatres, public-houses and women, often spending up to £10 in the process.[2] When introducing his Police Bill, Robert Peel stressed that he was not "one of those" who believed that the recent increase of criminals in the Metropolis had been occasioned by an increase of hardship amongst the population.[3] A few years later, William Miles's interviews also suggested that many young boys engaged in crime were motivated by a desire to fund a lifestyle of gambling, especially 'tossing' for money, drinking, frequenting popular entertainments and associating with "loose females". It was a lifestyle in which dishonest money "comes so easy...[and was] better than hard work".[4] As a result of the prevalence such opinions, in 1839, the Constabulary Commissioners, partly (but not solely) under the influence of Chadwick, famously opined that: "Having investigated the general causes [of crime and vagrancy] we find that scarcely in any cases is it ascribable to the pressure of unavoidable want or destitution, and that in the great mass of cases it arises from the temptation of obtaining property with a less degree of labour than

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[1] In part this divergence between the two schools (Tobias and Gatrell) reflects a differing emphasis on literary and statistical sources.
[2] Wakefield, E.G., 1831, at pp.17-18
[3] Hansard's Parliamentary Debates Vol. XXI, New series, 31 March-24 June 1829, London (1829) Printed by C.C. Hansard, at p. 880
[4] Shore, Heather, 1999, at p.45

by a regular industry".[1] This view was highly controversial even at the time, and swiftly attracted hostile criticism from those who felt it was palpably wrong. However, its conclusions were by no means 'perverse', being shared by many other contemporaries, both informed and otherwise. Randle Jackson, writing in 1828, thought it notorious that most juvenile criminals in London were feckless and unemployable, and that it was 'idle' to argue that their crimes "arise from the want of employment". He felt that even if manufacturing was "brisk and labour in demand", London's young criminals were not the type to accept normal work or be: "...satisfied with the ordinary wages of servitude, while occasional depredation is so productive, as to enable them to continue their inveterate habits of wicked and expensive indulgence".[2] Over 30 years later, Henry Mayhew and John Binney, despite considerable sympathy for (and knowledge about) the urban poor, also believed that habitual criminals found labour inordinately "irksome", something which, when combined with a naturally lawless temperament, was likely to produce crime. As a result they felt that crime was: "...*not* due as some say, to an inordinate density of the population, nor to a love of intoxicating liquors, nor to an inability to read and write, nor to unwholesome dwellings... but simply to that innate love of a life of ease, and aversion to hard work".[3]

Many observers were aware that, in absolute terms, there was as much, if not more, poverty in many of the remote rural parts of the British Isles as existed in the capital (hence the constant and highly visible influx of impoverished Irishmen to London). It was widely noted that crofters in Scotland evidently lived in as much or greater material deprivation, from the aspect of food and other forms of consumption, as most of the urban poor. However, this, apparently, was without producing attendant high

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[1] Quoted in Harrison, J.F.C., 1988, at p.59

[2] Jackson, Randle,1828, at p.23. One answer, he concluded, was to intervene early in their criminal careers and to transport such petty criminals to Australia, thought not to the same colonies or conditions of service as serious adult felons. This was something which, he felt, would be in their own best interest, allowing them to escape from the "moral pest-houses of the metropolis", and the "fiend like association of those confederates, from which they cannot, or will not separate themselves", to a prosperous, growing and fertile country.

[3] *The Criminal Prisons of London and Scenes of Prison Life* (1862), reproduced in Weiner, M.J., 1990, at p.25

crime levels. Similarly, in 1849, a columnist for the *Morning Chronicle* (possibly Angus Reach) observed that the mining communities of Durham and Northumberland, although: "...exceedingly low in point of education and intelligence...contradict the theories generally entertained upon the connection of ignorance with crime, by presenting the least criminal section of the population of England". This was especially true with regard to the "more trifling offences against property" (which abounded in the Metropolis). The same columnist noted that in 1847, there were only 9.33 female thieves out of every 10,000 women in the mining areas, compared to 34.69 for Middlesex (by then, much of London). The figures for men were similar.[1] In 1854, the Reverend John Cley, too, was convinced that indigence was not directly connected with crime. Although it had long been a "popular opinion" that committals to prison increased during 'bad times', and diminished when that pressure was removed: "This opinion appears to be in many respects erroneous". Drawing on his own experience in North Lancashire, he felt that much of the working class had an inherent "fortitude and patience" in times of hardship.[2] As a general conclusion, he believed that 'bad times' might add a few cases to the Sessions list (the more serious crimes tried on indictment) and good times a large amount to the summary courts. The latter were cases of intemperance occasioned by the ready availability of money for drink, the former were committed by the "young and thoughtless", who, when thrown into idleness were "liable to lapse into dishonesty".[3] Otherwise, he felt that the role of hardship in crime was minimal.

On a less 'impressionistic' basis, it is also the case that recorded crimes were not dominated by the theft of food. Such offences did, of course, occur, on a regular basis. There were many like Charles Swindell, accused of stealing four loaves of bread from a baker's shop in Hoxton, in the winter of 1828, or Peter Lee and William Haycraft, who burgled a quantity of fat from a Shoreditch dwelling house at the same time.[4] There were women, like Sarah

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[1] Letter XXI in Razzell and Wainright R. (eds.), 1973, at p.229

[2] *Effect of Good or Bad times on amount of crime*, Paper delivered in Birmingham on 23rd Sept. 1854. Reproduced in Davenport Hill, Mathew, 1857, at p.415.

[3] Ibid., at p.423.

[4] pp.10.1828. No.3

Saunders, who took 1s 6d. worth of beef from a butcher's stall in Brick Lane in the winter of 1839/40, when she and her husband were, in her own phrase, "in distress".[1] However, at the London and Middlesex Assizes, even in the harsh first decades of the nineteenth century, cases involving the theft of food were very rare, and proportionately considerably less important, rarely more than 2.5%, than they had been in the previous century. Of course, it is likely that there would have been a higher proportion of such cases at the Sessions and summary courts (already gradually expanding their jurisdiction).[2] Nevertheless, the direct theft of food constituted a small minority of even petty/summary cases. By itself, this is of limited significance. The easy disposal of stolen goods in a city like London, with its numerous receivers, meant that it was not necessary to take food to find the means of sustenance, other forms of instrumental crime might have been more efficient. More significant, perhaps, is the evidence that in the late Victorian period, workhouse casual wards, frequent 'haunts' for this social group, were used with discrimination. Those that were perceived as 'easy', i.e. more comfortable and less rule bound, such as Marylebone and Poplar were always full. Those which were considered harsh, and where the requirement for labour was rigidly and fully enforced, as at Chelsea and St.Pancras, were often deserted.[3] Additionally, even some of those who accepted a general link between crime and need felt that London was *sui generis*. Thus, Thomas Wontner, who had three years professional experience of Newgate and the Old Bailey, believed that although, in the industrial districts of the North, there was a correlation between crime rates and poor levels of trade (accounting for offending peaks in 1817 and 1829), London had a hard-core "regular body of standing delinquents", increasing slightly each year: "...the fluctuations of trade and other natural circumstances do not affect this body, as is the case in manufacturing districts".[4]

Refined Paradigms on 'Crime and Want'

[1]Rudé, George, 1985, at p.84
[2]Ibid., at p.26
[3]Vorspan, Rachel, 1977, at p.62
[4]Wontner, T., 1833, at p.258.

Perhaps as a result of the influence of such views, even many nineteenth century commentators who believed that there *was* an important link between poverty and crime, appear to have become increasingly concerned that the simple 'urgent and unsatisfied need produces crime' paradigm was inadequate, and that poverty *alone* was not a fully satisfactory explanation. Attempts were made to synthesise the two approaches, by refining and adding subtleties to Owen's basic analysis. Many of these concentrated on what, in the modern era, would be termed relative depravation. An improved paradigm developed, with an increasing emphasis on the juxtaposition of poverty and wealth, socially, geographically (within the various parts of the city) and chronologically, amongst the urban poor, who could go from experiencing plenty to poverty with great rapidity, and yet still observe plenty all about them. Indeed, the widespread increase of wealth (rather than its absence) was a popular explanation, in its own right, for increased crime levels in London. In part, this was because it inevitably provided attractive opportunity structures in a city, which, as the location of Parliament, the Royal Court, the law courts and much national culture, was also the focus for the richer elements of the entire country. As Patrick Colquhoun noted: "...wherever riches are placed in one scale, the apparent good is counterbalanced by an increased quantum and profligacy of crimes in the other".[1] These themes were to be regularly reworked throughout the 1800s. Crime, according to some, was not so much purely the offspring of poverty as of "reduced circumstances". The urban artisan, unlike his rural counterpart, considered himself "robbed", because his "increased industry has to contend with decreasing remuneration". As a consequence, crime was particularly likely when expectations were thwarted and when "disappointment preys upon hope deferred".[2] Alternatively, some (such as Symons) explored the possibility that it was the alteration of good and bad times in the urban economy that made the bad times so intolerable. He felt that the: "... distress productive of increased crimes is not a state of uniform poverty [like persons in Wales] but those visitations of distress which arise from the alterations of trade, and which often follow gluts of

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[1] Colquhoun, Patrick, 1806, at p.34.
[2] Maginn, William, 1830, at p.638

repletion".[1] Added to such explanations was the belief, regularly canvassed throughout the 1800s, that the close situational juxtaposition of great wealth and acute squalor in the cities, in a society where a (novel) lack of social intercourse between the classes discouraged traditional forms of deference, respect and the acceptance of such differences, produced a dangerous degree of 'envy' and resentment amongst the very poor. Typically, in this vein, Henry Liddon observed in a sermon preached in 1876: "From their narrow and squalid homes they [the poor] go abroad to gaze on the mansions of the great and wealthy; at their scanty meals they discuss the splendid banquet".[2]

Conversely, increasing numbers of those, such as Lord Brougham, who believed that it was certain that the great majority of offences were primarily the result of "immoral character, of gross ignorance, of bad habits", also felt that these had to be combined with indigence to become criminogenic. It was poverty combined with bad cultural attitudes that produced crime: "...want and distress, uncombined with dissolute habits, are rarely operative in producing crime".[3] As an influential Victorian journal succinctly opined in the 1850s: "Ignorance and poverty are at the bottom of all this. It is not poverty alone".[4]

It became increasingly apparent to some observers that, for many, crime was positively attractive. Thus, Andrew Mearns felt that, for many Londoners living in areas like the East End, crime offered a real 'career' opportunity and was a rational choice. However, by this time, the 1880s, Mearns was stressing the unattractiveness, rather then the simple unavailability, of the alternatives: "A child 7 years old is known easily to make 10s 6d. a week by thieving, but what can he earn by such work as match-box making, for which 2 1/2d a gross is paid...before he can make as much as the young thief he must make 56 gross of match-boxes a week".[5] In some cases, the quality of life obtained by crime could be exceptionally good. Even in 1836, William Miles had been

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[1] Symons, Jelinger C., 1849 at p.51
[2] Sermon Preached on the 9th June 1876, in Welsby, Paul, (Ed.) 1970, at p.284
[3] Quotation from *On the Inefficacy of Simply Penal Legislation* in Sequel to Charge to the Grand Jury October 1853 reproduced in Davenport Hill, Mathew,1857, at p.294.
[4] Anon, 1853, The Dens of London, at p.173
[5] Mearns, Andrew, 1883, at p.15

concerned that for many:"...the profits arising from thieving exploits are quicker and greater than the earnings of honest labour".[1] Almost twenty years later, Edmund Antrobus recorded the earnings of a pair of boys of 12 years of age, living in properly registered low-lodging houses in St.Giles and Seven Dials (both notorious criminal locations). One boy specialised in picking pockets and stressed to Antrobus that he did not steal basic food items, such as bacon, but 'worked' the theatres, making about £2 10s a week. This allowed him to eat eggs and bacon in the morning, with steak for his supper, in a local coffee shop. He had learnt his criminal techniques from other, older, boys, and had been imprisoned on several occasions. Another boy made up to £7 a week (though in some weeks he got nothing).[2]

It was this 'attractiveness' that produced a long-standing fear that the poor but honest could be 'corrupted' by the residuum. Thus, in 1850, Francis Close declared that one of the worst aspects of the criminal classes was their potentially "corrupting influence over the virtuous". He felt that their way of life and values could easily be transmitted to the 'respectable' poor because it had a "power of attraction, into which the virtuous classes have always a tendency to gravitate". He believed that falls from the ranks of the poor but virtuous would be much rarer, if there was not such a "stagnant body of corruption...attracting and drawing in victims continually".[3] In similar vein, twenty years later, E.W.Holland also feared that exposure to such a life could be contagious; as a consequence, it was necessary to remove all opportunities for the "acquisition of vagrant habits", and resultant entry to the "criminal class".[4] It was a fear that still troubled Charles Booth towards the end of the century, especially when times were harsh (as in the 1880s). He noted that the criminal class's source of recruits included many who: "...drift down from the [higher] classes of casual and irregular labour".[5] Why the life of the 'dangerous classes' should seem attractive is not hard to assess. It reflected a

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[1] Miles, W.A., 1836, at p.4
[2] Antrobus, Edmund,1853, at pp. 94 -96
[3] Close, Francis, 1850, at pp.12 & 14.
[4] Holland, E.W., 1870, at p.169
[5] See Booth, C, 1889, Vol. I (1st Edn) at pp.33-36.

popular awareness of the inherent lack of attraction of the impecunious drudgery that was the law-abiding alternative.

Crime as the raw material of excitement was another motivating force, especially for juveniles. Some were drawn by the prospect of adventure, as well as of easy returns for minimal effort. Thus, one London youth who had received a basic education and found an apprenticeship in the 1840s, still could not resist the lure of the streets, the various 'respectable' occupations to which he was put not being to his liking. While in the service of a surgeon: "I got entangled with bad associates. I absconded twice, frequenting the haunts of the Metropolis. My master brought me before the magistrates. I was remanded on bail. I escaped Justice by fleeing to Ireland".[1]

The Mid-Century Watershed

In his early work, Gatrell suggested that: "..fairly consistently, in nearly every decade of the nineteenth century, the year to year movements in the incidence of property offences were inversely correlated with the fluctuations of the trade cycle...More people stole in hard times than in good".[2] Subsequently, however, he refined this analysis, and suggested that a careful analysis of the statistics for the *whole* century did not bear this out. His more considered view was that there appeared to have been such a correlation until the mid-Victorian period; in the years from 1819 to 1848 there was almost a precise year to year co-incidence of high criminal rates with the major depressions in the trade cycle. The notion of a positive correlation between prices, wages, job prospects, war, the trade cycle and property offences in the eighteenth and early nineteenth centuries is bourne out by evidence that crime was worst during periods of depression, such as 1740-41, 1815-17, and 1842-43.[3] However, in the second half of the century this largely ceased. It was inexact in many cases and, in 1886, was the exact opposite of the normal pattern.[4] It has been plausibly argued that a 'watershed' occurs in the mid-nineteenth century, with years of hardship and crime roughly correlating up to

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[1]Joseph, H.S.,1853, at p.47
[2]Gatrell, V.A.C., 1980, at p.386
[3]Jones, David, 1982, at p.4
[4]Gattrell, V.A.C. and Haddon, T.B., 1972, at p.336

this period (though hardship caused by bad harvests gave way to hardship caused by cyclical and seasonal economic slumps), but much less so in the remaining part of the nineteenth and in the early twentieth centuries. Why should such a connection cease after the 1850s? Was it due to different policing, or to the many economic and social changes (almost all improvements) after 1850, or a mixture of the three?

Chapter 6. Size, Characteristics and Locations of the London Underclass.

<u>Size of the Criminal Class in London</u>

The criminal class, lacking precise parameters and definitions, was inherently impossible to quantify. Additionally, in London at least, it was never a closed or purely self perpetuating body. As Mrs S.A.Barnett noted, in 1888, the popular belief that the "criminal class is limited to a fixed quantity" was wrong. There were: "...always those who are ready to join it, and always those, thank God! Who are being induced to leave it."[1] Indeed, it was an awareness of the lack of firm demarcation/separation between the lower reaches of the 'respectable' poor and the residuum that contributed to the widespread fear that regular intercourse between the 'poor but honest' and criminal elements, in London's less salubrious areas, could result in the moral deterioration of the former.

Not surprisingly, estimates as to the size of the criminal classes fluctuated wildly, though with a *general* tendency to become smaller as the nineteenth century progressed. In the 1790s, Patrick Colquhoun had estimated, with almost ludicrous precision, that in London it stood at 115,000, being one eighth of the population (this included London's army of prostitutes, constituting half his above figure).[2] His estimate was to prove attractive in the years ahead. Half a century later, when Thomas Beggs tried to assess the size of the 'Vicious And Profligate Classes', he was convinced that "many extravagant statements have been made", exaggerating its size, some of which were still based on Colquhoun's dubious figures of 50 years earlier, and many of which were mere conjecture.[3] According to Wakefield, writing in 1832, there were more than 50,000 of the criminal class within 5 miles of St.Pauls alone (this would have made them about 5% of the total London area population). He felt that their numbers, although not

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[1]Barnett, S.A., 1888, at p.438.
[2]Colquhoun, Patrick, 1796, at p.230
[3]Beggs, Thomas, 1849, at pp.16-18.

surprising to London's "higher orders", evoked astonishment in foreign visitors who toured their "haunts of misery and vice", and who were shocked at the "number and degradation of a certain class of Englishmen."[1] Also reminiscent of Colquhoun's figures, in 1837, James Grant, a journalist, suggested that there were 80,000 Metropolitan prostitutes alone.[2] Similarly, Mathew Davenport Hill, writing in 1839, felt that the preponderance of property offences proved the ("notorious") existence of a: "...class of persons who pursue crime as a calling, and are not led astray by casual temptation, or by temporary indulgence of the passions". He felt that there were at least 100,000 of them in England as a whole (including London).[3] As late as 1857, Ewing Ritchie suggested that in London: "...one man in every nine belongs to the Criminal class". His evidence for this was that there 143,000 vagrants had been admitted to the casual wards of the work houses there the previous year (though he appears not to have factored in 'multiple admissions' properly).[4]

Even at the time, however, some commentators rejected the alarmist views of those like Wakefield who believed that there were 30,000 Metropolitan thieves awaiting an opportunity "to sack the town" and that they would be joined in this design by:"...the populace, which is composed according to this gentleman's definition, of the rabble and the desperadoes [presumably the other 20,000]". They pointed out that contemporary London disturbances were relatively easily put down by the authorities, indicating that Wakefield had miscalculated the number or power of the capital's criminals.[5] Matthew Davenport Hill was much more modest when he estimated the predatory class in London at a minimum of 5,000, daily committing the same number of crimes.[6] Although not all were quite so sanguine, even much later into the century, after 1850 their figures tended to become more modest. An observer in the early 1860s felt that in London there was a "standing army of

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[1]Wakefield, Edward Gibbon, 1832, at p.7

[2]Grant, James, 1837, at p.295

[3]Charge to the Grand Jury of Birmingham , July 1839, reproduced in Davenport Hill, Mathew,1857, at p.7.

[4]Ewing Ritchie, J., 1857, at p.137

[5]Fonblanque, Albany, 1832, at p.223

[6]Radzinowicz, L., with Hood, Roger, 1976, Vol. 5, Emergence of Penal Policy

'depradators, offenders, and suspected persons,' which is never known to fall below 12,000 persons". Normally it averaged 12,000 to 15,000 (excluding those in prison). In September 1860 it had stood at 13,000, of whom 2,906 were thieves, 6,881 were prostitute-thieves, 1,770 suspected persons and 1,461 vagrants. Of these it appeared that 60%, at least, secured almost all of their livelihood by theft.[1] In 1868, Edwin Chadwick came up with a similar figure. He estimated that the criminal population of England consisted of 130,000 people, of whom 40,000 were thieves or receivers known to the police, and the remainder vagrants, prostitutes and 'suspicious' persons. Chadwick felt that the primary targets of the Metropolitan police should be the 14,000 habitual criminals from the "predatory horde at large" who were resident in the capital.[2] However, his figure gave London a *proportionately* modest estimate, compared to the national total. He was not alone. In 1850, when Francis Close attempted a precise figure, "almost to a nicety", he decided that there were at least 150,000 nation-wide who "live altogether by thieving, imposition and fraud, of one sort and another." However, of these he believed that: "...at least 10,000 in London alone are known to live 'by their wits' by imposition, fraud and thefts of various descriptions." (To these could be added 12,000 London prostitutes who were of "evil character"). Again, a modest proportion.[3]

These figures differ enormously, depending on time, definition (infinitely flexible) and, most importantly, on whether they include dependants and prostitutes. However, one thing is apparent; to contemporaries the *perceived criminal stratum of London society was in no way synonymous with the wider urban working class*. Even allowing for dependants, it is evident that at its peak, observers never estimated this group at more than 20% of the total population, and usually it was seen as being very much smaller. Thus, although Henry Mayhew's mid-century study of London's 'Street Folk' whether beggars, watermen, prostitutes, pickpockets, cabmen or street performers etc. (many of them not criminals by any definition), was taken by some ill-informed

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[1]Mayhew, H., et al., 1862 at p.353
[2]Chadwick, Edwin, 1868, at p.14
[3]Close, Francis, 1850, at p.7

contemporaries (as well as many modern readers), as the 'authentic' portrayal of a large section of London's mid-century poor, in reality, they probably made up little more than 10%-15%, of the urban population: "...what passed as 'the culture of poverty' was in fact the culture of a small subgroup of the poor". Given this, it is not surprising that in 1843, Robert Vaughan, although well aware that London's rookeries were the squalid breeding ground for crime and vice, felt that their inhabitants were not typical of Londoners. Perhaps rather optimistically, he felt that they might constitute as little as one percent of the population: "It is the exception rather than the norm which is thus putrid".[1] Significantly, John Bright, the radical MP for Birmingham and campaigner for popular suffrage, declared in the debate preceding the 1867 Reform Act that the lowest social strata should not have the vote because of their "helpless poverty and dependance". In all urban areas, he felt, there was a *small class* of such men (my italics). He sharply distinguished them from the mass of the ordinary working classes, no one being: "...so much interested in having that small class excluded as the intelligent and honest working men".[2] Similarly, although superficially impressive, when James Greenwood's 1869 estimate that an "army" of twenty thousand thieves found "daily and nightly employment" in London, was divided amongst a city of three million, it meant that only one person in every 150 was a forger, pickpocket, shoplifter, receiver of stolen goods or some other form of "human bird of prey".[3] Indeed, although London inevitably had the greatest number, in absolute terms, of the underclass, due to its vast size (something which also allowed them to be conspicuously segregated to a much greater extent than in the provinces) they arguably constituted a smaller *proportion* of the Metropolitan population than elsewhere. There was some statistical support for this. In 1860, Samuel Redgrave, a Home Office Statistician, using the 1851 census as his social background, suggested that the radius of 15 miles from Charing Cross (including the City Police area) produced 13,120 members of the criminal classes (excluding prostitutes) or one person in 194.

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[1] Quoted in Himmelfarb, G., 1984, at p.310
[2] Harris, Jose, 1993 , at p.74
[3] Greenwood, James, 1869, at Ch.6

This contrasted with one in 87.4 in 'pleasure towns' such as Bath and Brighton, one in 86.6 in those, like Ipswich, which depended on agricultural hinterlands, one in 124.6 in cotton towns such as Manchester and as many as one in 54.4 in hardware manufacturing towns such as Sheffield. Thus, "contrary to many received opinions", London was clearly the "least infested by the criminal classes". According to Redgrave, even London's proportion of prostitutes was only 'middle ranking' in the national scale.[1]

Decline of the Residuum

Nevertheless, despite these qualifications, in the earlier part of the century (until the 1840s at least), it is apparent that the residuum in London was a substantial minority. Indeed, during this period, and allied to the widespread feeling that crime was increasing at a rapid rate, was the belief that the criminal classes were also expanding relentlessly. However, whatever its actual size at the mid-century, nearly all observers were agreed that it declined steadily throughout the last forty years of the Victorian era. In Mayhew's time, they were still a relatively large proportion of London's poor. By the late 1850s, a change in attitude towards the threat posed by the criminal underclass and its size was manifest; a more optimistic period had set in, one which gradually accelerated.[2] Thus, in 1870 it was claimed that there were only 53,000 known thieves, compared to 77,500 in 1860.[3]

At times, the increase in confidence probably outstripped the reality of change, prompting E.W. Holland to warn, in 1870, that the "vagrant class, nomadic in their habits, and predatory in their disposition" was still more extensive in London than many believed. In London, they still "abound[ed] both in Belgravia and Bethnal Green", so that the streets of the Metropolis were "patrolled with beggars from one end to the other".[4] Although late Victorian Metropolitan improvements were extensive, they were certainly

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[1] *Judicial Statistics* (1860) at pp.479-83, reproduced in Tobias, J.J., 1972, Nineteenth-Century Crime, at pp. 84-89.

[2] Bailey, Victor, 1981, at p.150

[3] Radzinowicz, Leon with Hood, Roger, 1976, Volume 5, Emergence of Penal Policy, at p.115

[4] Holland, E.W., 1870, at p.161

not universal. Inspector Fuller, who started his career in Rotherhithe in 1881, believed that the people, especially those on the riverside, who lived "anywhere below London Bridge-have a different standard of morality".[1] Mrs. Barnett, too, accepted that in the East End there were still places: "...criminal quarters, where vice is the staple trade, and drunkenness the common pleasure".[2] Similarly, Arthur Harding's turn of the century Brick Lane remained a "hotbed of villainy". Prostitutes paraded in the streets, and took men to their rooms for a few pence. Thieves: "...hung about the corner of the street, waiting like Mr.Micawber, for something to turn up. In the back alleys there was garrotting."[3]

Until late in the century, sudden hard times could make the presence of such elements sufficiently overt to alarm 'respectable' London. Thus, during the severe recession of the mid-eighties large numbers of the destitute and unemployed started to 'camp' in Trafalgar Square, making it, according to *The Times,* a "sort of Alsatia in which the mob is supreme".[4] In June 1887, there were serious disturbances in the East End, and Sir Charles Warren noted in late October of that year that the capital had been in increased danger from "disorganised attacks on property by the rough and criminal elements". On two occasions, in 1886 and 1887, protesters had gone into the West End, demonstrating and demanding unemployment relief. On 'Bloody Sunday' in 1886, c.15,000 unemployed dockers and building workers assembled in the Square and subsequently rioted, some stoning the gentlemen's clubs in Pall Mall, and participating in localised looting in the West End. Rumours spread of a mob coming west from Commercial road and from Bethnal Green. This outburst by East End 'barbarians' prompted a widespread, but temporary, concern about law and order in the capital, even provoking greatly exaggerated fears of a collapse in the social structure of the city.[5] Nevertheless, it is easy to overstress the concern amongst the authorities and the bulk of middle class London. Newspaper accounts were often highly sensationalist. Most people appear to have felt that the government

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[1]Fuller, Robert, 1912, at pp.23 & 24

[2]Barnett, S.A., 1888, at pp.433-6, and p.340

[3]Samuel, Raphael, 1981, at p. 111

[4]Vogler, Richard, 1991, at p.60.

[5]Walkovitz, J.R., 1992 at p.28

was well able to deal with the situation, and were satisfied that they were witnessing a brief outburst by the residuum, which had been met by a poor police response, rather than a real threat to society based on an alliance of 'ordinary' workers and residual elements (a view shared even by Frederick Engels).[1] It was the (by then) unusual nature of the events of 1888, rather than their historical lack of precedent, that occasioned shock, albeit that some modern historians have taken them out of this context.[2] By the late 1880s, the residuum had largely retreated to the urban margins so that for long periods it was 'out of sight'. By the end of the century, criminal areas, like Brick Lane, were highly localised, and could be ignored by respectable Londoners in the absence of dramatic crimes. Indeed, by then, some believed that exaggerated stories about 'hooligans', like those that followed the Ripper murders a decade earlier, served a useful function in reminding the inhabitants of a "city of illusions" of its problems. Without such "harsh awakenings": "...we steadily shut our eyes to the submerged lawlessness of less fortunate districts until a series of Whitechapel outrages or Hooligan exploits, make us not only aware of what is going on, but actually afraid of our lives".[3] As their numbers became fewer, their impact, when they did occur, as in 1888, became more striking.

Despite occasional setbacks, by 1900, the battle against the residuum in most of London was seemingly being won. In the words of Gertrude Himmelfarb, their numbers had so shrunk as "no longer to constitute a 'race' or even a major social problem".[4] Even in the 1880s, informed observers, such as Charles Booth, were aware that despite scares to the contrary, the numbers of the 'criminal classes' (essentially his class A, by then, only 1 1/4% of those in East London, supplemented by elements from the larger class B above them) were small, and still declining: "...the hordes of barbarians of whom we have heard, who issuing from their slums, will one day overwhelm modern civilisation, do not exist. There are barbarians, but they are a handful, a small and decreasing

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[1] Bailey,Victor, 1981, at pp.95 & 96
[2] See generally, for example, Jones, Gareth Stedman, 1976
[3] *The Echo* for 11 August 1898, Quoted in Pearson, G., 1983, at p.79.
[4] Himmelfarb, Gertrude, 1995, at p. 37

percentage: a disgrace but not a danger".[1] He was satisfied that although the group was still largely hereditary, that, too, was likely to be remedied. Every year, state intervention, the "persistent pressure of the Schoolboard and other agencies", confined it within ever narrowing limits, something that led him to believe that the class would be transmitted with increasingly less frequency across the generations.[2] By the end of the century, Booth was sure he was examining a phenomenon whose decline was well advanced from a "golden age in the days when whole districts of London were in their undisputed possession".[3] Although still clearly identifiable, it no longer had the widely threatening aspect of 50 years earlier. Mrs S.A.Barnett accepted Booth's analysis, and felt that even in Tower Hamlets, only 71,000 of its 456,000 inhabitants belonged to the: "...class of unskilled labour from which, as a rule, in East London the Criminal classes are recruited".[4] For much of London, the huge demoralised 'residuum' of the 1830s and 1840s, was reduced to small pockets, with slightly larger ones in the East and South of the city. Even the Salvationist William Booth, aiming to shock, talked only of the "Submerged Tenth".

The decline in the apparent size of the residuum meant that by the last quarter of the nineteenth century, educated people, feeling less threatened by crime generally, increasingly saw its members as 'social wreckage', rather than wilful enemies of society. Arguably, it was also the very reduction in its size that allowed crime to be increasingly ascribed to biological inheritance, rather than attributed to social class. Although such theories had been in widespread circulation since Lavater's work in the 1780s (for example, amongst the phrenologists of the 1830s), they only gained widespread academic respectability in the 1880s. By then, the 'dangerous' classes were small enough, and discreet enough from the wider working class, to allow a genetic analysis, something that would have been impossible in the 1840s. The social achievement of the thirty years from c.1850-1880 had been to open up

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[1] See Booth, C., 1889, Vol. I (1st Edn) pp.33-36.
[2] Ibid., at pp.33-36
[3] Booth, William, 1890, vol.i, at p.174
[4] Barnett, S.A., 1888, at pp.433-6, and p.340

increasingly 'clear water', culturally, economically and numerically between the two groups.

Characteristics

One of the principle modern exponents of the concept of a criminogenic underclass, one identified as much by its cultural mores as economic status, has been Charles Murray. Murray stressed that the 'underclass' did "not refer to degree of poverty, but to a type of poverty". He identified a small group of people (in his native post-war America) who were not simply lacking in money, but who were defined by their behaviour. Their homes were dirty, the men in the families could not hold down work on a regular basis, drunkenness was common and the children ill-behaved. Many of these features were matched in contemporary portrayals of the Victorian underclass, and, not surprisingly, Murray finds a historical provenance in England for its definition and identification. He cites Henry Mayhew, writing in the *Morning Chronicle*, with his descriptions of the 'dishonest poor', their members: "..distinguished from the civilised man by his repugnance to regular and continuous labour-by his want of providence in laying up a store for the future-by his inability to perceive consequences ever so slightly removed from immediate apprehensions - by his passion for stupefying herbs and roots and, when possible, for intoxicating fermented liquors".[1] Mayhew was not alone, nor was he the first in this vein. Patrick Colquhoun had been satisfied that the main spur to crime came from the "vicious and immoral habits" of the people. Many of these habits were "peculiar to the lower orders". He felt they were transmitted from adults to children at an early age (often fuelled by alcohol).[2] Later in the century, Mary Carpenter, an experienced observer of this social stratum, was also: "...very much struck with observing the strong line of demarcation which exists between the labouring and the 'ragged' class; a line of demarcation not drawn by actual poverty, for I have found very great poverty in the children of the class connected with the higher schools I was just alluding to, far

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[1] Murray, C., 1990, at p.1. Murray believes that the notion that there are no real distinctions amongst the poor and that there are no 'hard core' ne'er do well poor people was largely a creation of the 1960's

[2] Colquhoun, P., 1806, *Treatise,* 7th Edn., p.311.

greater poverty than in the lower class". Like Murray, she felt the distinction was largely a cultural one, the real dividing line consisted: "... in the utter want of control existing among the children of the lower class, and in the entire absence of effort on the part of the parents to provide proper education for their children". In considering the provisions necessary to address juvenile crime, it was also important to consider the conditions of the whole class.[1] In the 1880s, Octavia Hill, too, was to draw a sharp distinction between the "tidy and quiet poor", and the rough elements who made the lives of their respectable neighbours a misery, pelting them if they went out cleanly attired and shouting obscenities in their vicinity, so that they could "not stir out without the roughs annoying them".[2]

Throughout the nineteenth century, certain characteristics were attributed to this social stratum. Not all of these were consistent. The Victorian underclass appeared to contemporaries as a Janus-like body. In one aspect it was the embodiment of menace; vigorous, dangerous, cunning, coherent and almost structured in its organisation, allowing one sceptic to note that people had: "...heated their imaginations with reports of the midnight carousels of merry mendicants, or the assemblages of lawless ruffians, who at their flash-houses, as they are called, dissipate the produce of one crime, while they plan the execution of others".[3] In another guise, it was a community of helpless and pathetic inadequates. Both features were identified throughout the century. What changed was the proportion of those who stressed one or other typology. In the early century, and especially in the 1830s, the former tended to be fairly widespread. Lord Dungannon certainly did not believe that there was necessarily anything inadequate or incompetent about the criminal classes, believing (with, it seems, little justification) that: "In the reports from the Metropolitan gaol of Newgate we find, comparatively, very few cases of ignorance in reading and writing, more especially among those prisoners charged with the gravest

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[1] Evidence to Select Committee on Juveniles, by Mary Carpenter, Question 799 'have you much experience of the condition of the children of the lower classes, especially those who supply our criminal population?'. Reproduced in Tobias, J.J., 1972, *Nineteenth Century Crime,* at p.46.

[2] Hill, Octavia in the *Nineteenth Century* for September 1889, reproduced by Munro, J., 1889, at p.9

[3] Adolphus, John, 1824, at p.55

offences."[1] Even then, however, many believed that the term 'desperate', commonly applied to such men, should not be taken to mean: "...bold, daring, absence of fear, and careless of personal danger, they are all, without exception, pusillanimous and rank cowards".[2] By the mid-century social investigations were increasingly defining the lowest social strata as much by their "incompetence" and general helplessness, as by their rebelliousness and menace.[3] Mrs. Bayly, writing in 1859, was especially struck by this aspect of the residuum. She had apparently known many women, under thirty years of age, each with six or eight children: "...so totally unqualified for almost everything which they had to do, that I have wondered how they managed to exist at all".[4] By the end of the century her view was predominant, possibly aided by a growing eugenics movement. Thomas Holmes felt that criminals of that time had less strength of character than their predecessors, and were characterised by a general personal inadequacy "weakness, not wickedness, is their great characteristic". Many had no special desire to do wrong, but: "...they constantly go wrong; they have no particular wish to do evil, but they have little inclination for good".[5] This change in perception appears to have been linked to their obviously declining numbers, and their ever more evident distinction from the mass of the working class, something that made them appear less threatening.

Nevertheless, however 'potent' the residuum was believed to be (or not), other characteristics were more uniformly identified amongst them. Their conduct was virtually the antithesis of the accepted qualities of 'respectability'; poverty was supplemented by: "...ignorance and the absence of almost all moral and religious sense...the habits of life become simply vicious, the practices almost uniformly criminal, and a population of savages is positively engendered".[6] They were disorganised, improvident, slovenly, lazy, dishonest, violent and dirty, lived only for the moment, and were

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[1]Dungannon, (Lord), 1842, at p.9

[2]Wall, Charles, 1832

[3]Bailey, Victor, 1981, at p.97

[4]Bayly, (Mrs), 1860, at p.11

[5]Holmes, Thomas, 1908, at p.11. Arguably, it is this general 'incompetence' that prevents the culture portrayed being an extreme manifestation of the working class 'focal concerns' identified by the American anthropologist Walter Miller in 1958.

[6]Anon, 1853, 'The Dens of London', at p.175

addicted to drink, lewd behaviour, sexual promiscuity, brawling (often in public) and the use of obscene language. They were fatalistic in their attitude towards the world, viewing prison and even execution with resignation, as something that was beyond their control, rather than the natural consequences of their "unregulated desires".[1] Unlike the 'ordinary' poor, who demonstrated impressive levels of charity towards each other when in adversity the "vagabond class" were devoid of social solidarity, preying on each other as much as outsiders.[2] Such characteristics were to be well captured in Charles Dickens' horrified portrayal of the double execution, in Horsemonger Lane, of Marie and Fredrick Manning, for murder, in 1849. The assembled crowd he describes is almost bestial, uttering obscene cries, jokes, fighting amongst themselves, and emitting howls, while "thieves, low prostitutes, ruffians and vagabonds of every kind flocked on the ground". Dickens was appalled by the "brutal callousness" and aggression of the mob, which had been assembling there from well before midnight.[3] Slightly more moderately, H.E. Hoare felt that by the 'criminal classes' he meant men: "...who never go to a church, who do not put their money in savings banks, or join provident clubs, who do not belong to working men's institutes, do not go to museums, take no interest in politics, even of the revolutionary sort, have no homes, and are not represented in parliament".[4] Their lack of any formal sort of religion or organised worship was almost universal. As the Reverend Andrew Mearns, Joseph Kingsmill, Jelinger Symons and numerous other observers pointed out: "In London, especially...the vicious classes are generally untouched by the pulpits and other Christianising influences".[5]

They were also notable for not having a stake in society, often appearing to hold property rights in contempt, although to many Victorians they were a fundamental social bulwark. Some, such as Henry Mayhew, linked this to their rootlessness and apparently nomadic lifestyle, in which they made no significant accumulation

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[1]Miles, W.A., 1836, at p.4

[2]Malvery, Olive, 1906, at pp.228 and 270.

[3]Letter, The Times, November 14th, 1849.

[4]Hoare, H.E., 1883, at p.224

[5]Symons, Jelinger C, 1849, at p.41; See also Kingsmill, J., 1854 at p.52

of goods and displayed a "looseness" in their "notions as to property". The 'dangerous classes' were particularly notable for their transitory accommodation arrangements, regularly moving between workhouse casual wards, common lodging houses, sharing a multi-occupancy slum room or living rough as occasion demanded (though often within a surprisingly small area, even in London).[1] It was feared that some vagrants actively relished this unsettled life: "...there are doubtless, amongst the casuals [in workhouses], very many sturdy, able-bodied fellows who appear to take a delight in the life which gives them the most perfect freedom by day, and a comfortable lodging by night." It was claimed that such men could become so arrogant that they 'bullied' work house officials.[2] Concern about the residuum's lack of social investment and self reliance, extended to radical politicians, such as John Bright.[3]

Many years later, when discussing the 'Hooliganism of the Poor', Holmes, too, was realistic about the domestic arrangements of the: "...class, born and bred in London slums, who do no regular work, but who seem to live in idleness and disorder".[4] They had numerous children that they were unable and unwilling to raise to respectability, leaving socially "heavy burdens" to future generations.[5] Many others cited Malthus and advised that: "A little less drunken indulgence in matrimony and childbearing would at once better their condition".[6] Marriage was of little significance to the underclass, many living 'in sin' with nobody knowing or caring about the regularity of their bonds.[7] Thomas Beggs noted in 1849 that they were unable to defer satisfaction, being a "race" that was: "...addicted to sensual gratifications, losing in the pleasure of to-day all consideration of the wants of to-morrow, and impatient of the restraints of honest and steady labour". As a result, they were prone to excitement and gross licentiousness.[8] Similarly, over 30 years later, Mrs.Meredith lamented that London's underclass was

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[1]Stevenson, J., 1986, at pp. 42-43.
[2]Anon., 1882, *Metropoplitan Police Court Jottings*, at p.31
[3]Harris, Jose, 1993, at p.74
[4]Holmes, Thomas, 1908, at p.166
[5]Ibid., at p.109
[6] Preface to Hollingshead, John, 1861,
[7]Mearns, Andrew, 1883, at p.12
[8]Beggs, Thomas, 1849, at pp.28-29

characterised by "instability" and a hand to mouth existence that manifest itself by impulsively "grasping any kind of gratification that comes to their hand, at any cost or risk".[1]

Most were seen as incorrigible, being beyond ready assistance; only a few "wish[ed] for improvement (they are not the majority)".[2] In an outspoken attack (the editor expressly disclaimed responsibility for it), one contributor to *All the Year Round* condemned the amount of attention being given to the "abject poor," something he termed "petting the denizens of the slums".[3] He felt that those in the worst slums did not experience the depth of suffering of their poor but respectable cousins, since to suffer mentally it was necessary to: "...have a mind; a large portion of the inhabitants of slums have no minds-they are animal, they grovel; they do not really wish to be clean, decent or respectable." Slum dwellers were socially useless, dangerous and often beyond effective help: "...cleaning their homes and relieving their necessities will not eradicate their vicious propensities."[4] Despite the extremism of his views, he was certainly not unique in noting how difficult it was for external agencies to assist them. Thus, Mary Carpenter believed that a problem with the newly established ragged schools, of which she was a prime mover, was their tendency to attract too few children from the "directly vicious class". The master in her own school felt that only 1/3 of its intake were from the true 'criminal classes', whereas, in the streets immediately outside the school concerned, 2/3 of the children were members of this social group.[5] Even in the early 1900s, *The Times* firmly believed that: "...only a certain proportion of the criminal classes, or even of those whose offences are common assaults when in liquor, desire or intend in any way to reform".[6] Many would reject any form of 'healthy' recreation, even if it was freely available. Thus, although Rowsell was keen to provide constructive recreation for the poor, he was well aware that this would have

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[1]Meredith, (Mrs.), 1881, at p.8

[2]Preface to Hollingshead, John, 1861

[3]Anon, 1885, The Unseen Poor, at p.149

[4]Ibid., at p.149

[5]Evidence to Select Committee on Juveniles, Answer to Question 815, by Mary Carpenter, reproduced in Tobias, J.J., *Nineteenth Century Crime*, 1972 at p.46

[6]Anon, The Metroplitan Police, *The Times,* Dec. 24th, 1908

little or no attraction to the "thorough reprobate[s]", whose shufflings would inevitably be towards the: "...gin shop, and his gratification the becoming partially or wholly intoxicated, in the company of associates equally idle and disreputable as himself".[1]

The Victorian underclass was often seen as actively hostile towards the wider society. Clarence Rook's end of century examination of the "philosophy of life" of Lambeth hooligans anticipates some twentieth century sub-cultural paradigms, such as Cohen's theory of 'reaction-formation'. Like Cohen, Rook felt that some hooligans: "...start with a grievance against society, and are determined to get their own back".[2] Such a view was already old in the 1890s. Mary Carpenter had produced a similar analysis for the Select Committee on Juveniles of 1851, when she identified the role of social hostility in the commission of crimes by some London 'Ragged school' boys: "...when they are out of school they are in a state of antagonism with society, and consider everything is lawful prey to them if they can but get it".[3]

Brutality

The inherent 'brutality' of the underclass was a regular theme. Thus, the novelist George Sims suggested that the people of areas like the East End were hardened by exposure to squalor and violence, so that the "cruelty at which we shudder is their second nature". As a result, inter-personal and domestic violence was endemic. Even as they occurred, the 'Jack the Ripper' murders were merely the (unprecedented) tip of a regular level of East End violence. Thus, in September 1888, a serious assault was reported on a woman in Whitechapel, near to where Nicholls had recently been murdered. She was seized by the throat and dragged into an alley by a gang of both sexes, who stripped her of her valuables and "brutally assaulted" her.[4] The lower reaches of the working classes were to be the natural recruiting ground of the 'Skeleton Army' of the 1880s, rowdies recruited by brewers in poor areas to

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[1]Rowsell, E.P., 1864, at p.136

[2]Rook, Clarence, 1899, at p.17

[3]Evidence to Select Committee on Juveniles, Answer to Question 816, by Mary Carpenter; reproduced Tobias, J.J.,1972, *Nineteenth Century Crime,* at p.46

[4]Anon, 1888, Another Whitechapel Outrage, *The Manchester Guardian,* September 4th, 1888

disrupt the assertive evangelism of temperance groups such as Booth's Salvation Army. With their overt disapproval of many non-respectable aspects of 'traditional' working class life, the Salvationists inevitably excited the residuum's hostility.

The wider lifestyle of the residuum was also seen as squalid and feckless. An article on hospitals in East London in the 1880s described its regular clientele of undersized women who lived with 'brutes', and the problems attendant on hospitalising them. In particular, there were many for whom: "Regularity, order and cleanliness are so foreign to their ordinary habits, that nothing can make them happy in a hospital."[1] Thomas Holmes complained of the: "...thousands of young men who have no settled places of abode, no technical skill, no great physical strength, no capabilities, and no desire for continuous honest labour. No one can provide them with employment. There is no place for them in industrial life. They are content to spend their lives in cheap lodging houses or in prisons. They beg or they steal when at liberty. Occasionally they do a little work, when that work does not require much strength or brains. They graduate in idleness and crime, they become habituated to prison, and finally they become hopeless criminals."[2] His account was similar to Charles Booth's description of his social Class 'B', the source of recruits for the criminal class 'A', making up 11 1/4% of the East London population, and employed only in very casual work, if at all. (Its members averaged less than three days work a week). However, Booth felt it was doubtful if many of them could or would work full time for very long even if they had the opportunity, most were characterised by "shiftlessness, helplessness, idleness, or drink." They were heavily oriented towards the excitement of street life, a "...deposit of those who from mental, moral, and physical reasons are incapable of better work".[3]

Alcohol Abuse

Excessive drinking was another well marked feature of life in the residuum. Dr. Albert Wilson, writing in the *British Journal of Inebriety* in 1910, attributed many of the East End's problems to

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[1]Anon, 1887, Hospital Life in East London, at p.9
[2]Holmes, Thomas, 1908, at p.109
[3]See Booth, C., 1889, Vol I (1st Edn) at pp.33-36.

drink, noting the contrast between the "order cleanliness, thrift and decency" of the "non-alcoholized" Jewish quarter and the rest, and suggesting that: "Everyone knows that it is entirely a question of alcohol".[1] Inspector Leeson, in his memoirs, remembered drunken women in the East End "tearing the hair from each others heads" in the streets.[2] Indeed, excessive public drinking by women was widespread, and almost unique to this social group. It helped produce the desperate women who became Jack the Ripper's victims, all of them East End prostitutes. Thus, Mary Nicholls, was a middle aged (43), destitute, alcoholic, long separated from her husband, who worked regularly as a prostitute. She moved between the workhouse (she was still wearing embossed petticoats, from her last visit to the Lambeth workhouse three months earlier, when she was killed), cheap lodging houses, and the open streets. The only articles in her pockets were a comb and a piece of a looking glass, something which immediately led the police to conclude that the murdered woman was: "...an inhabitant of the numerous lodging-houses of the neighbourhood."[3] She had the misfortune to meet her killer because she did not have the 4d. necessary for a night's bed in her customary lodging house in Thrawl Street, and was searching for a late night client to get her 'doss' money.[4] Nicholls had apparently begun her downward descent when, as a domestic servant, she stole £3 from her employer, subsequently absconding to a life of "wandering about".[5] Tellingly, P.C. Neil, who was patrolling his beat in Whitechapel in the small hours when he noticed her body, initially thought that she had merely: "...fallen down in a drunken stupor and was sleeping off the effects of a night's debauch".[6] This type of woman was archetypal 'police property'. Catharine Edowes had been detained at Bishopsgate Police Station only twenty minutes before she was murdered by the Ripper.[7] Years earlier, James Greenwood had referred to such women when discussing the: "...low prostitute,

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[1]Quoted in Harding, C. and Wilson, L., 1988, at p.191

[2]Leeson, B., 1933, at p.90

[3]Anon, 1888, Another Murder in Whitechapel, *The Times*, September 1st, 1888,

[4]Sugden, Philip, 1995, at p.34

[5]*The Times*, September 1st, 1888

[6]Anon, 1888, The Murder In Whitechapel, *The Illustrated Police News* , August 9th, 1888

[7]Smith, Henry, 1910, at p.151

the conscienceless wretch who wallows in vice and wine and strong liquor in a back street of Shadwell".[1] (Nevertheless, despite the bleakness of their lives, there was often a touching degree of communal solidarity amongst these women; one relatively hostile Metropolitan commentator, in 1839, accepted that, although inclined to drink and vice, they also exhibited a strong sympathy for each other and a desire to relieve their distressed companions).[2]

Prostitution

As these accounts suggest, prostitution was a major social problem in London throughout the century, especially in its earlier decades, when it appears to have reached much more serious levels than in other European capitals. In 1816, according to Sir Nathaniel Conant, the "outrageous nuisances" occasioned by whores were so numerous, that respectable women often could not walk in public unaccompanied by men.[3] In the 1790s, Patrick Colquhoun estimated their number at 50,000, though, as one Metropolitan Police Commissioner observed in the 1830s, no reliance could be placed on his figure. Nevertheless, by that decade, estimates for their number were often considerably in excess of even this figure.[4] (Though Francis Place felt that there had been a major improvement in the situation between the 1780s and the 1830s, at least in Fleet Street).[5] Increasing public concern resulted in the foundation of campaigning bodies such as the 'London Society for the Protection of Young females and Prevention of Juvenile Prostitution', established in 1835. According to its opening address, there was a "dreadfully immoral state" in the Metropolis, so that: "No one can pass through the streets of London without being struck with the awfully depraved condition of a certain class of the youth of both sexes". It felt that crime had reached a "frightening magnitude", and feared that hundreds of professional procurers of young girls were in the capital along with 'schools' for crime.[6] Little had changed 20 years later. Mayhew estimated that there were at least 80,000 prostitutes in London. Many would begin their

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[1]Greenwood, James, 1869, at p.275

[2]Ryan, Michael, 1839, at p.175

[3]Evidence taken before the Select Committee, pp.5.1816, at pp. 30-31

[4]Ryan, Michael, 1839, at p.89

[5]Place, Francis., 1835, 1972 Edn., at p. 75.

[6]Quoted in Mayhew, Henry et al., 1862, at p.211

professions, when young and attractive, in the West End, and gradually migrate towards Wapping as the price they could secure fell; as William Booth observed, it was the: "...only career in which the maximum income is paid to the newest apprentice."[1] Some of them might eventually end up as suicides in the river, having finished their careers in a: "...disgusting rookery in the worst parts of our most demoralised metropolitan parishes."[2] In the early 1860s, East London, especially Whitechapel, Shadwell, Spitalfields and contiguous districts, was "infested with nests of brothels", and brothel keeping was a popular mode of investing money there.[3] In 1857, a newspaper correspondent noted that all ordinary means seemingly failed to control them, whether religious revivals, teetotal movements, argument, exhortation or statistics.[4] It was a major business.The London Society for the Prevention of Juvenile Prostitution estimated (in 1839) that c.£8,000,000 was spent on prostitutes in London every year, and approximately 400,000 men regularly used the services of such women. Prostitutes might earn from £30 per week at the very top level (exceptionally rare) to only 10s at the bottom (very numerous), the poorest being left a prey to starvation and disease.[5] Although such figures were little more than informed guesses, and probably overstated for impact, they indicate the measure of the problem.

The Irish Influence

Impoverished Irishmen were seen as a particularly disorderly element within the wider 'dangerous classes', being especially prone to riot, casual violence, drunkenness and petty theft, though some argued that brawling rather than instrumental crime was their forté. The Parliamentary *Report on the state of the Irish poor in Great Britain* of 1836, concluded that Irish immigration was: "...an example of a less civilised population spreading themselves, as a kind of substratum, beneath a more civilised community". This inevitably brought them into conflict with the newly interventionist police.[6] Even when considerable

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[1] Booth, William, 1890, pt. 1, ch. 6

[2] Mayhew, Henry et al., 1862, Vol.IV, at p.220

[3] Ibid., at p.230

[4] *The Times*, Feb. 13th., 1857

[5] Ryan, Michael, 1839, at pp.191-192

[6] Swift, R., 1987, at p. 268

unreasoning prejudice is taken into account (and it was always present), there appears to have been a genuine (if exaggerated) correlation between the presence of poor Irishmen and their offspring (the 'Cockney Irish', often seen as even more crime prone than their parents), and high crime rates in London. According to a Police Court magistrate, in 1816, the local Irish people in his area "indulge in intoxication, and the consequence of that is, it breaks out sometimes into riots of some consequence".[1] Irish communities brought many of their rural traditions, including faction fights, to the Metropolis.[2] Even before the Famine, Thomas Carlyle was horrified at the criminogenic potential of Irish immigrants, each one abiding: "...in his squalor and unreason, in his falsity and drunken violence, as the ready made nucleus of degradation and disorder".[3] This perception deepended after famine in 1845, when the journalist George Hodder was struck by the number of "Murphies with black eyes" appearing every day at the Bow Street court, accused of brawling.[4] Similarly, discussing the pickpockets of one crime prone London locality in the 1850s, Mayhew's collaborators felt that "the great mass are Irish cockneys."[5] Many otherwise moderate English commentators agreed. Jelinger Symons believed that:"The statistics of crime in Middlesex show an immense growth of crime during the last three years and especially in 1847. There is little doubt that Irish immigration tended greatly to this result."[6] Even the imprisoned Fenian, Jeremiah O'Donovan Rossa, reluctantly noted of his English prison companions:"Nearly half these men were of Irish parents, and their crimes were traceable to poverty and whisky."[7] A comparison of Irish-born commitments to prison and Reform School, compared to non-Irish, gives a possible imprisonment rate in the years 1861 to 1871 of 3 200 per 100 000 Irish born compared to 551 non Irish born. When reformatories are taken into account, Irish born children appear to have been four times more likely than English ones to end up in a

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[1]pp.5.1816, Minutes of Evidence, at p.184

[2]Emsley, Clive, 1991, at p.70

[3]Carlyle, Thomas, 1839, at p.32

[4]Hodder, George, 1845, at p.198

[5]Mayhew, Henry et al., 1862, vol. 4, at p.197

[6]Symons, Jelinger C., 1849, at p.43

[7]Priestley, Philip, 1985, at p.58.

prison or reformatory.[1] According to Pike, Irish women, living in England, were especially prone to crime, allegedly making up 43% of Irish committals (though this may well be an exaggeration).[2]

Initially, immigrant Irishmen would stick together in London, concentrating in the 'Nests of Irish'. In East London, these abounded in Ratcliffe Cross, the Commercial Road, and Rosemary Lane. However, they were to be found all over the capital, Jenning's buildings in Kensington was, according to the Report of the Kensington medical officer, inhabited by the: "lowest sort of persons consisting principally of Irish".[3] For the first, arriving, generation, there appears to have been a degree of isolation from the indigenous working class:"These people form separate colonies, rarely visiting or mingling with the English costers."[4] In London, however, as their numbers mounted, they tended to settle not just in the older, traditional Irish areas, but also more generally in those which were home to the very poorest strata of Victorian urban society. Consequently, Thomas Beames was able to note of the roughest part of Holborn: "Here as in most Rookeries, are colonies of Irish."[5] Tooley street also, apparently, abounded with Irish thieves.[6] Their numbers were huge by the mid-century. Fredrick Engels believed there were 120,000 poor Irish in London alone, forming the "lowest stratum of the community". (He felt they were, uncouth, improvident, and addicted to drink, even by the worst English standards).[7] If, as appears likely, Irishmen were heavily involved in Metropolitan crime, the explanations are fairly easy to find. Initially, at least, they were isolated on the basis of their class, nationality, religion and race, in a way that was not to be exceeded till the arrival of large numbers of East European Jews in the 1880s.[8] Higher levels of crime are probably explained by their greater levels of material desperation and social alienation.

Abuse of Charity.

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[1] Ibid., at p.117
[2] Pike, L.O., 1876, Vol. 2, at p.530
[3] Davis, J., 1984, at p.319
[4] Mayhew, et al., 1862, vol. 1, at p.115
[5] Beames, Thomas, 1852, at p.54
[6] Ibid., at p.133
[7] Engels, F., 1958, at p.104
[8] Swift, R., 1987, at p. 275

In the modern period, the underclass has been linked by some commentators (such as Charles Murray) to a widespread withdrawal from the labour market, their members coming to prefer crime, 'hustling' and welfare, supplemented by a little illicit 'black economy' work, to voluntarily engaging in legitimate, if mundane and low paid, employment on a regular basis. The equivolent nineteenth century preoccupation was a fear of the residuum's abuse of the poor law and charity. Charity could not easily be regulated by the State, and its availability had greatly increased, even as the number of its potential recipients declined; this encouraged the creation of The Society for Organising Charitable Relief and Repressing Mendacity in 1869. Although nationally based, the society was always strongest in London. It was premised on an unoriginal, if more scientifically pursued, belief that the poor could be divided, after an investigation of individual cases, into "deserving" and "undeserving". (This theme was not new; in 1814, the *Gentleman's Magazine* opined that all beggars fell into one of the two categories).[1] The Charity Organisation Society (COS) believed that charity should be administered on the basis of 'character' as much as apparent need. The deserving could properly be aided by private philanthropy, the remainder were the province of the workhouse. The COS feared that private charity and lax Poor Law Guardians frequently gave relief indiscriminately, to many that did not deserve it, and thus actively promoted immorality, while simultaneously damaging its beneficiaries. It campaigned against Poor Law outdoor relief and the indiscriminate distribution of alms, encouraging careful investigation into its potential recipients.

It was to be a popular theme. In 1862, when steeling itself to deal with a "task so painful" as crime, the *British Quarterly Review* (which believed that Victorian pauperism was as serious a problem as it had been under Henry VIII) divided paupers into those who were "wilful and vicious" and those who were "involuntary and helpless".[2] In the same vein, in 1887, a contributor to a weekly journal declared that there were two types of pauper, those produced by economic change and misfortune, and those who

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[1] *The Gentleman's Magazine*, Sept.1814 at p.228
[2] Anon, 1862, Phases of London Life, at p.341: Mayhew, H. et al., 1862, at p.343

belonged to a 'nation' of 'hereditary beggars' who were always ready to profit from the compassion shown to their deserving fellows.[1] Applauding the work of the Charitable Organisation and local Mendicity Societies in London, in the early 1870s, one Police Commissioner felt that "indiscriminate charity" still remained a problem in the capital, as it created and sustained: "...a class of people whose vocation it is not to labour".[2] There were regular published cautionary tales as to the potential dangers of such blanket largesse, such as that related by an elderly woman to a young friend, who was the attempted victim of a vicious looking pick-pocket. It subsequently transpired that he was the adult form of a sweet looking beggar child that she (the older woman) had indulged with charity twenty years earlier. The former beggar allegedly publicly admonished her for starting him on such a life, when he was sentenced to prison at the magistrate's court: "...you're just breeding up a set of thieves and tramps, as...if you'd set about it on purpose".[3] Much of Mayhew's work (especially volume iv), attempted to assist 'respectable' Victorian Londoners in making the difficult distinction between the two classes of destitute. It was feared that the undeserving poor, the "idle and dissolute", frequently obtained more assistance than the "impotent" and deserving, because of their overt "clamour". Beggars were identified by type, and people were warned to be on the lookout for "unsavoury, dangerous and undeserving sorts of individuals".

The existence of the two classes of destitute also led men like Philip Danvers, in 1842, to stress the need for a bifurcated system of relief in which "vagrants and vagabonds" were not incarcerated with those poor who had been "borne down by misfortune, sickness, or want of employment". It was impossible to deal with the law abiding poor and the "sturdy beggar", who needed firm discipline, in the same way. (Even so, Danvers did not go quite so far as suggesting that it should be a crime to give money to beggars, though he knew that some were already proposing it).[4] Some felt that there was a need to encourage and, where necessary, legally enforce, industry on the undeserving, despite the risk to

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[1] Anon, 1887, Beggars - Sad and Jolly, at p.341
[2] PR.9.1869-77, Report for the Year 1872, at p.2
[3] Anon, 1872, How We Make Thieves, at p. 279
[4] Danvers, Philip, 1842, at p. 6

civil liberties. This had been suggested by Jeremy Bentham at the turn of the previous century, and was periodically reiterated: "...coercion has something revolting in its nature; and when it is made use of to enforce men to work, it may appear an hardship; but that it is attended with the most salutary effects is evident". There were suggestions that forcible workhouses like the 'Rasp house' in Amsterdam, and similar 'Houses of industry', should be created in London.[1]

Amateur Criminal Techniques

Most of the underclass's criminal ventures were characterised by poor preparation and planning. Their crimes were often committed impulsively and only feebly executed, greatly increasing the risk of arrest. As a Pentonville prison chaplain observed, a combination of "drunken habits" and "gross ignorance" were likely to disqualify most London criminals from "success in thieving".[2] Specialism, or a skilled criminal technique, was rare. Thus, in 1877, Detective Inspector John Shore noted that contrary to the "general notion of the public", his 16 years experience in London indicated that the criminal class varied their modus operandi as opportunity presented itself. Criminal careers were versatile, the only exception being the capital's few top level burglars, who, once they had graduated to that type of crime, "generally stop at it".[3] Such men were rare. As Mayhew appreciated, most London burglaries were carried out by "low burglars", men often lacking even the proper tools for their crimes (such as jemmys), and thus necessarily improvising with screw-drivers and knives. They would work in twos and threes (including a look-out), and effect entry to premises in a variety of unsophisticated manners: standing on each other's shoulders to climb through an open first floor widow, breaking panes of glass and then forcing the window catches etc. In 1874 there were only 13 recorded cases of larceny in a London dwelling house being effected by 'cat-burglars', entering through attic windows from the adjacent roofs of unoccupied buildings, and 259 cases involving the use of false keys (perhaps some indication of

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[1]Bosworth, J., 1824, at p.15
[2]Kingsmill, Joseph, 1854, at p.41.
[3]pp.15.1878, at p.24

planning and preparation). These must be compared to 1,923 cases committed by servants, and 2,741 effected by entry through doors that had been left open and untended.[1] However, as Mayhew also appreciated, the rewards for such casual crimes were usually relatively modest. Because of the type of houses they raided, these thieves normally secured: "...a booty of such small value that they are necessitated frequently to commit depredations". The proceeds might include clothes, teaspoons and, if lucky, silver plate or perhaps a cheap watch.[2] Similarly, Mathew Davenport Hill believed that most criminals were not sophisticated professionals engaged on major depredations: "The greater number of these unhappy persons are engaged in petty thefts". Given the large percentage of the proceeds of their crimes pocketed by fences and other middlemen in the disposal of their stolen assets, he, too, appreciated that this meant that they must steal frequently, even "several times a day", to survive.[3] Thomas Archer observed that the typical London thief was not the 'cracksman', potentially resident even in the affluent parts of the City, but rather men pursuing a "poor trade", its attendant poverty manifest by their "threadbare clothes" and the fact that the "ordinary thief seldom rises above very plain eating".[4] Typical 'low' London burglars were usually slightly older than street thieves, normally being seventeen years old or above, and usually resided in "low localities" like the Borough, Whitechapel, St.Giles and Shoreditch. They tended to target the mainly poor houses that were near to them.[5] Most of the juvenile thieves studied by Augustus Miles in the 1830s were arrested for crimes committed very close to their homes. Typically, Samuel Holmes lived, stole and fenced his goods in the area around the Ratcliff Highway, and George Hickman lived and stole in the Clerkenwell area, fencing his goods in nearby Field Lane.[6]

At the end of the century, the poor 'quality' of London's ordinary criminals was still being stressed by men like Thomas

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[1]PR.10.1874, Table No.19, at p.38

[2]Mayhew, Henry et al., 1862,Vol.4, at p.338.

[3]Charge to the Grand Jury of Birmingham , July 1839, reproduced in Davenport Hill, Mathew, 1857, at p.7.

[4]Archer, Thomas, 1865, at pp.26-27

[5]Mayhew, Henry et al., 1862,,Vol.4, at p.338.

[6]See on this Shore, Heather, 1997, at pp.202 &203

Holmes: "The common London burglar is by no means a formidable fellow. Speaking generally, there is nothing of Bill Sikes about him, for he has not much stature, strength, courage, or brains". They were physically feeble specimens who were normally quite willing, if apprehended, to surrender to a "self-possessed woman or to a young police-man". They were: "...idle worthless fellows, who, having no regular work to do, and being quite indifferent as to what happens to them, often attempt burglary, but of the crudest description. These young fellows evince no skill, exhibit little daring, and when caught show about as much pluck as a guinea pig". Holmes felt that they were a direct product of slum life.[1] Sir Robert Anderson, a former Police Commissioner, was equally dismissive of the abilities of the great majority of late Victorian Metropolitan criminals, believing that a good safe provided "full security against ordinary criminals", unless they were willing to physically break them open, and thus risk creating a noise. Anderson believed that most people who suffered crime, unless unfortunate enough to attacked by the tiny number of true professionals in the capital, were the victims of their own carelessness.[2]

Physical Appearance

To many, the residuum was as discernible by their appearance as by their conduct, though the later Victorian preoccupation with phrenology and atavism meant that the causes for such distinctions were frequently attributed to inheritance rather than environment. Obviously, this included external factors, so that John Binney's description of the 'typical' juvenile found in a London criminal location, included: "...tattered coat, much too large for them, without shoes and stockings...generally in a squalid or unwashed condition, with their hair clustered in wild disorder like a mop". However, such children were distinct, not only in clothing and hair styles, but also bodily, from their richer, healthier and better nourished counterparts, making them a class as: "...distinct in form and feature as in habits from the better conditioned children

[1] Holmes, Thomas, 1908, at pp.11 & 33
[2] Anderson, Robert, 1910 at p.233

of the middle classes; they appear almost to belong to a separate race".[1] They were smaller, more sickly and prone to disfiguring diseases such as rickets, so that some felt that both police and public could easily recognise London's criminal population, with their "small wiry figures, restless eyes, and pale faces".[2] A similar description was provided in the late 1860s, in a letter to *The Times*, by a 'Gentleman' who had been engaged on a fact-finding tour of the haunts of the "criminal class" in South London. Their denizens had "low, retreating foreheads, the same eager cunning of their deep set eyes, the same hard-set, yet shifty contour of the mouth".[3] Even a radical, like Annie Besant, writing in 1885, believed that the type of skull termed 'criminal' was "well known", and that a visit to any museum which kept a collection of plaster casts of criminals' heads (common in the Victorian period), could not fail to notice the number with the "retreating forehead, the brutal mouth and jaw, the sloping occiput, characteristic of the class". This description could be taken from Lombroso (except that she did not mention him at all, and cited, instead, the work of Francis Galton, Professors Saure and Benedikt of Vienna, Dr.Flesch of Wurzburg, and Dr.Bordier of Paris, in supporting the concept of "atavism" and reversion to "barbarism").[4]

Locations of the Dangerous Classes

Introduction

As Morris appreciated, when considering the concept of the 'criminal area' in the 1950s, the 'Chicago' school were not total innovators in the realm of social ecology. They were following in the footsteps of the great, if occasionally eccentric, nineteenth century chroniclers, such as Rawson and Mayhew (men sometimes, if inaccurately, alleged to have been submerged by the 'tide' of Lombrosian criminology towards the end of the century). The main difference was that the Chicago school worked within a specific body of theory, the nineteenth century writers on this issue largely

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[1] Beggs, Thomas, 1849, at p.49
[2] Ewing Ritchie, J., 1857, at p.27
[3] Cited in Melling, Michael, 1983, at p.1.
[4] Besant, Annie , 1885, at p.16.

did not. What they did share was a primary concern with crime as a social or collective phenomenon, of which individual behaviour was merely a component; the quantification of data relating to crime and criminals to illustrate qualitative variations in time and place; and the role of objective social factors, such as overcrowding, poverty, education and external value systems in determining and perpetuating criminal behaviour.[1] However, Victorian explorations in this theme were wider than even Morris acknowledged, allowing J.J.Tobias to argue that the study of urban crime in the nineteenth century soon leads to the concept of the 'criminal area'.[2] Certainly, Hepworth Dickson's 1850 account of the London prisons, and Thomas Bean's portrayal in the same year of the rookeries of London, painted a picture of geographically defined areas steeped in crime.[3]

Because they were apparently resistant to policing control and social reform, these criminal locations were widely seen as menacing Britain's major cities. As W.B.Neale observed in 1840: "Great as may be the increase of the means now afforded for the detection of crime, by the organised Police Forces...much of their efficacy in repressing crime will be counteracted, until the Legislature seriously takes in hand the important duty of breaking up the principal haunts of infamy throughout the land-or at least, until it places them under sanitary regulations, and the more immediate and strict surveillance of the police."[4] This gradually occurred after 1850, though it was still not complete, even in 1900. Although London was socially very varied throughout the nineteenth century the number of criminal 'locations' had fallen drastically. In the mid-century they had been widespread, towards the end of the century, much rarer (and thus, like the 'Jago', more conspicuous where they still occurred).[5] The growth of social stratification meant that their surviving locations were readily identifiable. The geographical segregation of the Metropolitan criminal underclass became more marked as their numbers fell relative to the rest of the population. By the late 1880s, not only

[1]Morris, N & Hawkins, G., 1970, at p.42.

[2]Tobias, J.J., 1974, at p.221

[3]Discussed at p.75 of Radzinowicz, Leon with Hood, Roger,1976

[4]Neale, W.B., 1840, at p. 55

[5]See Tobias, J.J., 1966 at p.41

was the criminal class was no longer a "large one", but the "plague spots where they congregate[d] are known and well defined."[1] In the modern period in America, Lawrence W.Sherman has observed that less than 3% of street addresses and 3% of the population in most cities produce over half the crime and arrests.[2] By 1900, much the same pattern would apply in London.

Criminogenic Locations

Social diversity based on urban geography had developed swiftly during the eighteenth century, when some parts of the city became notable for being crime prone. By 1785, Hanway could note that areas like Chick and Field Lanes in Clerkenwell almost constituted a "separate town or district", one that served for the reception of the "darkest and most dangerous enemies to society". They were a "thieves' republic", where felons, if pursued for the commission of a crime, could easily conceal themselves. This was especially the case as the area's maze of houses and apartments often had multiple entrances and exits, and were largely interconnecting.[3] (Little had changed in Field Lane in the middle of the following century, when the journalist and periodical editor W.H. Dixon believed that it was still a: "...hot-bed of crime and demoralisation. Here is one of the great dunghills on which society rears criminals for the gallows").[4]

During the nineteenth century, there were further, more drastic, changes in the criminal epidemiology of such areas. At the start of the century, elements of the 'dangerous classes' could still be found throughout the Metropolis, many of them in the historic 'rookeries' located in or adjacent to the City (such as Golden Lane) and parts of Westminster. These often dated back to an era when a local religious house had provided 'sanctuary'. As the nineteenth century progressed, many of these ancient rookeries were cleared and there was an increasing tendency for the 'underclass' to be concentrated in clusters of streets within much larger, more peripheral, areas that were poor (though relatively 'honest'), especially in East and South London. As the Reverend Abraham Hume observed, in cities those areas which poverty 'claimed for its

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[1] Barnett, S.A., 1888, at p.440
[2] Sherman, Lawrence W., 1992, at p.159
[3] Hanway, Jonas,1780, at p.xvi
[4] Dixon, W.H., 1850, at pp.224-228

own', contained within them smaller localities, specially devoted to crime, vice and immorality.[1] Similarly, in 1862, W.Pare was struck by the manner in which criminals in London appeared to select specific locations, bunching closely together, so that it was:"...no uncommon thing for three or four contiguous streets to be wholly tenanted by them".[2] These areas attracted the lowest elements evacuating 'improved' parts of London (and the British Isles generally). Thus, Andrew Mearns recorded the 'attracting' qualities of East London in 1884, observing that: "The low parts of London are the sink into which the filthy and abominable from all parts of the country seem to flow."[3] Effectively, this process created new, or expanded existent, 'rookeries' in peripheral urban areas, such as Flower and Dean Street and Dorset Street in East London. It was to be these streets, more than anything else, that gave the East End its general (and slightly undeserved) reputation, so that by the late Victorian period the whole area was often perceived to be a densely populated region, heavily associated with crime, social demoralisation and acute poverty, an: "...evil plexus of slums that hide human creeping things; where filthy men and women live on penn'orths of gin."[4] In reality, such streets were not very typical of the wider, albeit very poor, areas within which they were located. Nevertheless, the 'rough' streets tended to colour public perceptions. This process explains the divergence between reputation and empirical social reality. On Charles Booth's figures, it is quite difficult to understand, at first sight, what was quite so special about the East End, even in the 1890s. It was significantly poorer than London as a whole, but not enormously so: 35.2% were in poverty or want compared to a London average of about 30%; 1.2% belonged to class A and 11.2% to class B (the lowest groups), compared to 0.9% and 7.5% respectively for the London average. With figures like these, it is easy to see why those, such as Walter Besant, with more experience and less sensitivity than men like Jack London, might stress the mundane aspects of the area, and its cultural rather than physical impoverishment. (However, there *was* one major discrepancy between the London average and that for

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[1]Tobias, J.J., 1974, at p.221.

[2]Pare, W., 1862, at p.11

[3]Mearns, Andrew, 1883, at p.12.

[4]Morrison, Arthur, 1901, at p.7

the East London parishes. The lower and upper middle classes made up only 8.9% of East London, compared to 17.8% for London as a whole, even though the figures for East and South London went into the London average). Within East London as whole there were also major local discrepancies, the figures for some parishes, such as Bethnal Green, were much worse than for others. Booth's Class A, (occasional labourers, loafers and semi-criminals) made up 10,979 people there (25%), out of a London total of only 44,779. When Detective Sergeant Thomas George Foster was asked, in 1877: "Is not the H Division one of the roughest divisions in London?", and replied: "It is considered so; I find it very rough",[1] he was almost certainly not referring to the whole of the divisional area, but rather localised pockets. The concentration by the media on the worst criminal streets of the East End as being typical, especially in the aftermath of events such as the Ripper murders in 1888, was rejected by many informed people. Thus, Mrs S.A.Barnett noted that people spoke and wrote about the area's inhabitants as if they were all "degraded and crime-stained" and all the location's streets were unsafe and free from virtue. The reality was that the great majority of its inhabitants were: "...well intentioned citizens, often with a low standard of life and principle, but generally law-abiding; with narrow interest and limited outlooks, but with consciences which they keep alive, and a moral code which, if low, is nevertheless obeyed".[2] Indeed, in an early anticipation of the labelling theory that was to be so popular in the 1960s, she was afraid that the exaggerated media response to the 1888 Whitechapel murders, with their portrayals of a crime saturated, immoral and dangerous East End had: "... a tendency to make the careless, the low-principled, and the weak-minded accept the role which public opinion has assigned to them".[3] In turn, this produced deviance amplification. During the widespread consternation in the East End following the murders of 1888 some: "Old residents remarked that Whitechapel and Spitalfields had never borne a particularly good name, but now it had become untenable and

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[1]pp.15.1878, at p.82.
[2]Barnett, S.A., 1888, at p.433-6
[3]Barnett, S.A., 1888, at p.433

unsafe".[1] In reality, the inherent 'normality' of much of these areas would appear to be evidenced by the numerous local 'vigilance' committees that were thrown up by the fear created by the Ripper killings. These comprised a mixture of working men, shopkeepers and tradesmen (a considerable number of the latter being Jewish), the first being the St. Jude's vigilance committee, under the administration of Thomas Hancock, which met once a week to hear reports, and make recommendations, for the improvement of local security.[2]

These small clusters of 'criminal' streets within very poor but more 'respectable' working class areas had distinctive qualities. In the Edwardian period, Sir Walter Besant was still able to neatly differentiate the streets of East London into their various categories of working class occupant. Thus, he could observe of the New North Road area of Shore ditch that "though the district is poor, it is quite respectable". In another part he noted that as far as the river Lee "the people are all a hard working class with the exceptions of a few spots south of the Limehouse Cut". However, High Street Poplar was different: "This one of the worst localities in the east for squalor, poverty, and ignorance, and the residents are a shiftless, casual population of mixed nationalities".[3] Within poor areas, the social status of differing parts could change rapidly. Thus, in Gissing's *The Netherworld* (1889), Sidney Kirkwood had a lodging in Tysoe Street, Clerkenwell, which, although only a short street, was one that: "...like so many in London, begins reputably and degenerates in its latter half".[4] The notion of localised pockets of deviance clustering together amid wider working class but predominantly non-criminal areas, has continued to attract empirical support in the modern period. To an extent, it is a phenomenon evidenced in Jephcott and Carter's 'Radby' study of 1954.

Some of these 'bad' streets had a considerable history. Although Dorset Street was to become especially notorious in the

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[1] *Manchester Guardian,* October 9th, 1888
[2] Sugden, Philip, 1995, at p.19
[3] Besant, Walter, et al., 1908, at pp.23, 56 & 57
[4] George Gissing (1857-1903) had been imprisoned in early life for stealing to support a prostitute whom he had hoped to reform. He had personal experience of acute poverty and life amongst the lower classes, and vividly recorded in his novels the bleak squalor of parts of late Victorian London.

late 1880s, over half a century earlier, the Society for the Prevention of Juvenile Prostitution had focused on it (and initiated proceedings against one Mary Davis for running a brothel in which two young girls had drowned themselves as a result of their harsh treatment).[1] Similarly, the nearby Flower and Dean Street rookery was considered by many to be the worst in London in the 1870s. According to James Greenwood, it was the "foulest and most dangerous street in the whole Metropolis". However, he, too, believed that this had been the case for 50 years at least. His was not just the view of a gentleman 'slumming' in the East End. According to the local paper, *The Tower Hamlets Independent*: "Flower and Dean Street, Spitalfields, is associated in most people's minds with vices, immorality and crime in their most hideous shapes, and rightly so, for ...there is no street in any other part of this great metropolis that has for its inhabitants a like number of the dangerous class...to its tenements resort mostly that class of criminals the most daring and the most to be feared".[2] The rookery, based around the main street, consisted of 27 courts, smaller streets and alleys. It may have been the location observed by H.E. Hoare, who, in the early 1880s, had wished to become acquainted with: "...that section of the community from which the criminals of the violent unskilled kind come". This led him to into one of East London's most notorious criminal slums, allegedly the "worst in London", one which he was warned was "almost exclusively inhabited by the criminal classes". Nevertheless, although the street and adjacent alleys were dirty, ill-paved, and ill-lit, it was not totally anarchic for its residents. As another 'slumming' gentleman could observe in the 1880s, although there was a "different moral atmosphere" in such places, outsiders, such as clergymen, postmen or doctors (obviously not the police), who had a reason to go there were not at particular risk, unless carrying money, or wearing a gold chain, or personally unknown.[3] Such places were often also believed to be the bases for professional beggars, linking crime and mendicancy. From their streets went out, each morning, "blind beggars who are blind no longer when

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[1] Ryan, Michaél, 1839, at p.140
[2] *Tower Hamlets Independent*, November 19th, 1881, at p.7
[3] Anon, 1883, Homes of the Criminal Classes, at p.829

they eat their suppers by the fire in the evening, made up-cripples, sham deformities, and counterfeit old men". It was claimed that many of them shared props and accessories (crutches etc.).[1]

This pattern of slum areas, predominantly inhabited by ordinary working people, but with back alleys (and a few special streets) containing localised congregations, of criminal elements, was repeated in South London. There, it was noted that: "The Borough is chiefly the locality of labouring people and small shopkeepers-the masses of the people-and has low neighbourhoods in many of the by-streets, infested by the dangerous classes". Examples of all kinds of thief, from the lowest to the most expert, could be found in such areas (though few of the 'swell mob' resided there). Like the Old Nicol in East London, Union Street in the Borough was "infested" with pickpockets and dragsmen (who stole from carts and coaches). In Market Street every house, from basement to attic, was allegedly occupied by prostitutes and thieves.[2] This epidemiology continued to the end of the century. At a public meeting in 1897, a Mr.T.Barr (from St.George's Parish Vestry) opined that the courts abutting on to the borough in South London formed a "rabbit warren for the thieves and ruffians who infested the neighbourhood". Crime was rife in such areas, and often, apparently, largely uninfluenced by the general Metropolitan improvement that had occurred over the previous 40 years. In parts of South London there were still regular thefts of the most "impudent" type such as the stealing of a whole sheep from outside a local butcher's shop. Assaults were so frequent and daring that it was often "unsafe to walk along the streets". There was also a problem in the streets with "terribly rowdyism", something which occurred on a daily basis.[3] In areas like South London, most police beats would pass close by some high crime locations. Thus, even in the Borough, in the 1850s, P.C. Cavanagh (as he then was) distinguished one place on his designated beat, Ewer Street, from the ordinary poverty and grimness of the surrounding area "There was one street I didn't like the look of at all". It stank, and its inhabitants were the "lowest type of thieves and prostitutes", along

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[1] *Tower Hamlets Independent*, February 4th, 1882 , quoted in White, Jerry, 1980, at p.7

[2] Mayhew, Henry et al., 1862, Vol.4, at p.333

[3] Anon, 1897, Inadequate Police Protection in South London, at p.681

with a few market porters. They were "Poor squalid creatures", both men and women being saturated with crude spirits. The inhabitants of these back street courts and alleys were volatile, and often dangerous. Violence could erupt without notice, especially after closing time, and end just as quickly; while it lasted, observers could witness: "Men and women skull-dragging each other all over the place; pokers, flat-irons, bellows, &c., &c., in free use everywhere."[1] Typically, in 1881, a female prison missionary visiting the poor was warned, at the end of her visit, about returning home through such a court by a woman with "bloated, discoloured features" and advised to use the "respectable streets". Nevertheless, the missionary persisted, the woman who had warned her offering to be an escort. In these backwaters of London: "...short thin men in very tight clothes, with caps fitting very closely to their heads, wandered restlessly about". Quite quickly, they were followed by a threatening mob, who were eventually only placated with a gift of money for the public house.[2]

However, such locations were not confined to the East End and South London, being found, on a smaller scale, throughout the Metropolis. Thus, Clerkenwell, was another area that was considered to be especially bad: "In its lanes and alleys [occurred] the lowest debauch, the coarsest enjoyment, the most infuriate passions, the most unrestrained vices."[3] Ragged women shrieked ribald remarks from windows: "The burglar has his 'crib' in Clerkenwell-the pickpocket has his nest-the ragged Irish hodman vegetates in the filth".[4] Similarly, in 1850, W.H.Dixon felt that Clerkenwell was "low London of low London". Although it was not so exclusively the haunt of thieves, burglars, prostitutes, and vagabonds, as areas like St.Giles, and the "low neighbourhoods" about the Broadway in Westminster, it was, much more violent and far more noted for "crimes of the darkest kind than either of these notorious localities".

Despite the historic ancestry of places like St.Giles and Flower and Dean Street, some criminal slums were new, in previously (and recently) 'respectable' streets that had declined in status. There

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[1]Cavanagh, Ex-Chief Inspector, 1893, at pp.24 & 25

[2]Meredith, (Mrs.), 1881, at pp.61-67

[3]Anon, 1853, The Dens of London, at p.173

[4]Ibid., at p.173

were numerous reasons for a street falling to the status of a slum. Thus, in the case of the infamous Campbell Road in late-Victorian Holloway, it appears to have been linked to an oversupply of new property being aimed at the lower middle classes. As such people began to leave the street, the houses became multi-occupation. A decisive point was the arrival of a large lodging house in the road in 1880, capable of holding 80 people. It was followed by many others, giving it the largest number of 'doss-house' beds for any street in Islington in the 1890s. By 1881, only a handful of middle class residents remained in Campbell Road, and they left in the following decade as did many 'respectable' working people.[1] Within such areas were clustered the low public-houses, flash houses (public houses favoured by criminal networks and often involved in fencing stolen goods) and gin-shops, which, it was feared, composed the: "...foundation and hot-bed of nearly all the vices and crimes which disturb the metropolis."[2]

Such a phenomenon was by no means unique to London. Even Dixon went on to note that just as all major British cities had their criminal class, so they all had special locations where this group could be found (perhaps significantly, he did not even mention the East End proper): "...all great cities have their Clerkenwells. Manchester has its Deansgate; Liverpool its Waterloo-road; Nottingham its Marsh; Glasgow its Salt-Market".[3] In all urban centres, William Neale observed in 1840, there were "certain quarters (especially in great cities) more congenial to criminals, and from where they more especially emanate". In Manchester, as elsewhere, the "class of criminals" sprang mainly from the most abject, improvident, ignorant and poverty stricken section of the population. Not surprisingly, they also occupied the most squalid accommodation in the city.[4] Indeed, not only was this phenomenon not unique to London, it was not even special to Britain. Thus, Charles Loring Place, looking back on his experience of *The Dangerous Classes of New York, and Twenty Years' Work among Them,* in 1872, asserted that New York had "elements of the

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[1] White, Jerry , 1986, at p.12
[2] Minutes of Evidence, pp.5.1816, at p.119
[3] Dixon, W.H., 1850, at pp.224-228
[4] Neale, W.B., 1840, at p.8

population even more dangerous than the worst of London".[1] However, as was noted in 1833, London witnessed the apotheosis of the criminal class and its locations, if only because in the Metropolis: "...by reason of a redundant population crime has always been considered as at the highest ration".[2]

Nevertheless, even within the worst slums, attitudes were rarely uniform, except perhaps at a courtyard, alley, or, more rarely, street level. Thus, it has been noted that the residents of the infamous Jennings' Buildings, in Kensington, in the 1850s and 1860s, though heavily associated by outsiders and the police with crime and disorder (the whole of the buildings were known as 'The Rookery') were in no way a homogenous group, being heavily differentiated by social attitudes and in their relationships to the local police. For some residents arrest was a shameful event, one which compromised their 'respectability', such people would also be very willing to summon police assistance where necessary, and would have attitudes little differentiated from any other members of the working class in London. Others differentiated between drunkenness and mainstream crimes such as theft. Much of the crime associated with the buildings appears to have been concentrated on about 200 of the buildings' 900+ occupants, many coming from the same five extended families.[3]

As Dixon's account makes clear, in the mid-century, even 'smart' London was usually not far from such areas. Wakefield had suggested that classic examples of the 'rabble' could be found in the lanes and alleys that branched off from both sides of Orchard-Street in Westminster as well as Whitechapel.[4] In 1852, the Reverend Thomas Beames noted that the: "...most Aristocratic streets have a background of wretchedness...few parishes are without a certain number of tenements which it would be difficult to describe by any other name [rookeries]". Cited examples included Berwick Street in St. James, Westminster.[5] Some of the oldest Metropolitan rookeries had been enormously close to the main institutions of government and society. The most famous of them,

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[1]Loring Place, Charles, 1872, at p.25
[2]pp.10.c.1832, at p.34
[3]Davis, Jennifer, 1989, at pp15-.21
[4]Wakefield Gibbon, Edward, 1832, at p.7
[5]Beames, Thomas,1852, at p.106

'Thieving Lane', being next to Westminster Abbey and only a hundred metres from the Houses of Parliament.[1] Thus, Henry Mayhew could observe that the old Episcopal City of Westminster (bounded by the Vauxhall Bridge Road and the river Thames) contained opulent politicians and lawyers, and yet was also a place: "...whose purlieus are infested by more thieves...on whose doorsteps sit more bare-headed wantons-and whose dry arches shelter more vagabond urchins than are to be noted in any other part of the Metropolis."[2] It survived late into the Victorian period. In the mid-century it was still asserted that nowhere in London presented a "more chequered aspect, both physical and moral, than Westminster". In particular, the 'Devil's Acre', bounded by Dean, Peter and Tothill streets, and within a stone's throw of Westminster Abbey and including amongst its thoroughfares Orchard Street, Pye Street and Pear Street. As with all such criminal/slum areas, from these main streets: "...narrow covered passage ways lead into small quadrangular courts" which contained "tumble-down-looking houses", and inhabited by characters of the most equivocal descriptions." All of the houses were multi-occupancy, with several families apiece, producing a highly criminal area which was the: "...moral plaguespot not only of the Metropolis, but also of the kingdom."[3] Similarly, Alsatia, another of the historic rookeries, was located at Whitefriars between the Strand and the Temple. It was only yards from the Inns of Court, the home of London's lawyers.

Such central London rookeries were gradually cleared in the second half of the century. In 1850, Thomas Beames had presciently noted that the traditional rookery of St.Giles, although still one of the most extreme examples of a criminal area, no longer had any obvious reason for its condition (unlike, for example, the East End Parishes): "...it is not on the banks of a river, connected with shipping, and therefore affording a harvest for crimps, thieves, and abandoned women."[4] It did not last another 20 years. From the mid-century, central rookeries were progressively demolished and their inhabitants displaced, many to the East End and the Borough, in a wider process in which not only criminal

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[1]Howson, 1970, at p.23

[2]Mayhew, Henry, 1862, at p.353.

[3]Mackay, Alexander, 1850, at p.297

[4]Beames, Thomas, 1852, at p.19

streets but also many of the more ordinary slums around them were cleared. By the 1860s, Drury Lane and St.Giles, although formerly "most formidable neighbourhoods, harbouring the worst characters and the most desperate thieves", had totally changed. According to Superintendent Durkin, only 15 years earlier they were the "perpetual scene of riot and disorder". The local public-houses were notorious for "thieves, pickpockets, burglars, thieving prostitutes". However, by 1860 the: "...greatest order and decorum reigned in the streets, and not even an Irish row occurred in any of the low alleys and courts to enliven the almost painful silence that everywhere prevailed."[1]

'Low' Lodging Houses.

As the development of Campbell Road, in Islington, indicates, one especial characteristic of nearly all criminal slums was the disproportionate congregation of 'low' lodging houses within them. These were cheap, frequently squalid, tenements with crowded multi-occupancy rooms, let on a casual (often nightly) basis, to the poorest and most rootless elements of London society. Inevitably, amongst them were significant numbers of criminals. Although there were some, more expensive, lodging houses, superior in both conditions and residents, these were carefully differentiated from the 'low' houses. There were also occasional attempts at creating charitable lodging houses with advanced conditions yet available at a reasonable cost; their numbers were always very limited. Low lodging houses could be found in all British cities. However, the acute accommodation shortage in London, with high prices being asked for even basic rooms, meant that they were a uniquely serious problem in the capital.[2] Such houses were popular and lucrative forms of investment for small landlords. However, they were not a new feature of Metropolitan life, even in the early nineteenth century. In the aftermath of the Gordon Riots of 1780, William Blizzard had taken part in rounding up escaped convicts in known thieves' locations, such as Chick lane and Field lane. He observed that these often had special houses, equipped with escape routes, to accommodate criminals: "....to such a height has our

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[1]Mayhew, Henry, et al., 1862, Vol. 4, at p.237
[2]Anon., 1851, Lost in London, at p.377

neglect of police arrived, that the owners of these houses make no secret of their being let for the entertainment of thieves".[1]

The low lodging houses of Victorian London were widespread across the city, but especially prevalent in the bad parts of the East-End, particularly Whitechapel, Wapping, and the Ratcliff Highway, and in areas of South London, such as the Borough and Lambeth. In the worst locations, their numbers were extraordinary. Thus, John Binney could observe that St.George's in the East "abounds with them".[2] In 1888, *The Times* noted that in Dorset-street "nearly every house" was a common lodging-house, crammed with "wretched human beings". The adjacent streets such as Hanbury, Deal and Great Garden streets, and several smaller ones, were also replete with similar houses: "...frequented by the poorest class of the "casual" community".[3] Typically, nearly all the houses in Hoare's grim street were not private residences but rather registered lodging houses, with 10 to 100 beds apiece.[4] They often formed the core of a 'criminal' street. Thus, at the turn of the century, the Anglo-Indian singer and 'slummer', Olive Malvery, observed that they seemed: "...always to be placed in one particular street in the neighbourhood where they exist". It was a business "best run in company", and thus rare to see isolated lodging houses (although by then, the number of registered lodging houses in London had dwindled to 115).[5]

Their occupants tended to be young, male and single. In 1871 Flower and Dean street's 31 lodging houses together housed 902 people (out of a total population of 1,078). One in three were men aged between 15 and 30. Only 308 were women (200 of them aged between 15 and 40). Beds were available at 4d. a night (a common price in 1880s' London, though a 'space' on the floor might be even cheaper), on a purely 'casual' basis. Low beds, or simply bedding, would be crammed in rows, so that there might be 8-12 in each room, with sexes and ages (especially prior to the 1850s) often

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[1]Blizzard, William, 1785, at p.31

[2]Mayhew, Henry et al., 1862, Vol.4, at p.223. In St.George's in the East End in the 1860s they were (allegedly) largely owned by "disreputable Jews."

[3]*The London Times*: September 11th, 1888

[4]Interestingly: "...the law against taking up more than the number of beds for which the house [was] registered [was] strictly obeyed"; this was partly, apparently, because, despite being a criminal slum, an inspector could visit at any time.

[5]Malvery, O., 1906, at p.271.

mixing indiscriminately.[1] Their linen (rarely changed) was frequently marked "stolen from", to prevent the temporary inmates removing it.[2] Arrangements in such lodging houses were exceptionally transient. It was not unusual for men to go to their beds after 3 a.m., or to leave before 6 a.m., in the morning.[3] The impact of State regulation, under the powers contained in the Common Lodging-Houses Acts of 1851 (14 & 15 Vict. c.28) and 1853 (16 & 17 Vict. c. 1), though significant, was hindered by difficulties in legal definition, an issue that was only firmly settled at the very end of the century, when, in the case of *Logson v Booth* 1899, the Queen's Bench Divisional Court decided that a common lodging house, within the meaning of the Acts, meant that sort of lodging house in which persons of the poorer class were received for short periods, and, though strangers to one another, were allowed to inhabit a common room.[4] The manager would normally be expected to take anyone who applied for accommodation, if he had room, they had money, were sober and not of 'notoriously bad' character, though this last point was widely ignored.

Throughout the century, and the country, such lodgings were perceived as being corrupting to their inmates, both physically and morally. As W.B.Neale observed in 1840, they were a "focus of contagion", where for 2d. or 3d. a night, "vagrants, thieves, prostitutes, and a host of juvenile delinquents find shelter". Owing to their conditions, not only were juvenile offenders generally found to be afflicted with complaints such as scabies but it was in them that they became "initiated into every species of criminality".[5] Throughout the century such houses were regarded, in the words of another 1840s' observer, as the: "...prolific hotbeds and the nurseries for every species of wickedness and crime".[6] In London in the 1830s, several of the boy criminals chronicled by William Augustus Miles had been drawn into the deviant lodging-house culture in Whitechapel. In the early 1860s, Mayhew and Binney, too, were convinced that they were the chief sources

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[1]Miles, W.A., 1836, at p.7

[2]Hoare, H.E., 1883, at p224

[3]*The Times,* September 11th, 1888

[4]*The Times,* December 12th, 1999

[5]Neale, William Beaver, 1840, at pp.8. & 54

[6]'Amigo', 1847, at p.82

"whence our pickpockets spring".[1] Such houses could act as "predatory centre[s]" for their surrounding areas. Low value stolen goods, such as clothes and food, stolen from the docks or shops, could quickly find buyers. Lodging-house keepers might pawn stolen items on behalf of residents, breaking down bundles of clothes into individual items and sending each piece with an inmate of the house to a dolly or pawn shop for disposal. The occupants of common lodging houses usually included several men willing to do a job of this kind, at a moment's notice, for a few pence.[2] Thus, in 1835, the juvenile 'flesh hunter' William Cook, who made about 5s a day by stealing meat from butchers and stalls, which he then sold on to apple-cart women and costermongers, had been based in a lodging house in Essex street, Whitechapel. There he got a bed for three pence a night and: "...used to go out stealing in the day time-thirty or forty persons lodge in this house, all thieves and beggars, about 15 or 20 are boys". They would meet together in a communal kitchen after their day's labours.[3] Edmund Antrobus also stressed that juvenile thieves could distribute their plunder through lodging houses. A 12 year old noted that the female landlady of his low-lodging house in St.Giles would always "buy what the boys steal".[4] Little had changed in some areas towards the end of the century. One informed observer, in 1883, felt that boys coming to lodging houses were incited by exaggerated stories to turn to a life of crime.[5]

Of course, there may have been a tendency to suggest that the worst of such houses were typical of all. Most were probably not as well organised criminally (or as purely criminal) as that frequented by William Cook. There was also a gradual general improvement in such lodgings, after Shaftesbury managed to get the 1851/3 Common Lodging Houses Acts through parliament. These provided for compulsory registration and inspection. By 1872, Colonel Henderson, the Commissioner was convinced that the "careful-administration" of the two Acts had had a major impact on London crime, contributing to a process in which the ancient

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[1]Mayhew, Henry et al., 1862, vol.4, at p.188.
[2]Fredur, Thor, 1879, at pp.131-134,
[3]Quoted in Shore, Heather, 1997, at p.196
[4]Antrobus, Edmund, 1853, at p.96
[5]Anon, 1883, Homes of the Criminal Classes, at p.824

"rookeries" and "thieves kitchens" which had been so much a feature of London life in the first half of the century had, in large measure, "disappeared", with great consequent benefits both to the wider society as well as to the "poor people" who frequented lodging houses.[1] Nevertheless, there was little room for complacency. Only three years later, the Commissioner opined that without strict and continuing supervision, the common lodging houses would quickly become "active *foci* of moral as well as physical pestilence".[2] Even so, many appear to have continued as hotbeds of crime, especially in the East End. In the poorer areas, where such houses continued to cluster in numbers, it is likely that the levels of inspection were rudimentary, if only because there were still so many of them. Additionally, some houses failed to formally register. Sergeant Thomas George Foster, a Divisional detective from the East End 'H' Division could still state, in 1877, that his neighbourhood was "nothing but a nest of common lodging houses". Their more criminal occupants were constantly changing their abodes, although this was normally within the same street, being a localised move from lodging house to lodging house, rather than out of the area.[3]

However, even within London, the number of such houses fluctuated over time, was always *proportionately* relatively small (to other types of accommodation), and declined in most areas in the second half of the century (though not, it appears, in East London). Thus, in 1854, according to one commentator (considered fairly reliable on this issue), there were 10,824 Common lodging houses, with an average of 82,000 occupants. This was probably their numerical peak. By 1888, according to the Farina Society, there were only 995 such houses, with 32,000 inmates. Even at their peak, they probably housed less than 4% of the capital's population; London's regularly employed work force rarely lived in them.[4]

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[1]PR.9.1869-76, Report for the Year 1872, at p.8
[2]Ibid., at p.8.
[3]pp.15.1878, at p.82.
[4]Wohl, A.S., 1997, at pp.74-76

Chapter 7: Conclusions on the 'Typical' London Criminal

Drawing these threads together it can be seen that much routine conventional crime and disorder, especially street crime, in London, throughout the nineteenth century, was the work of a differentiated stratum at the bottom of the working class which did not come within any definition of 'respectability'. Its nature was borne out by the appearance of most of those prosecuted for "petty delinquencies" such as drunkenness, extortion, vagrancy, and minor assaults in the police courts: " They are in general, grossly ignorant and superstitious, ill-lodged, ill-clothed, and ill-fed; their houses are comfortless, and step by step they have, following the example of others who have preceded them in a like career, sought distraction and oblivion in dissipation and vice".[1] Less dramatically, its members were disproportionately male, youthful, relatively able bodied and (sometimes) Irish. Nearly all were poorly educated and many were prone to alcohol abuse. Its criminal members were often highly localised in both their residences and operations. This group was not simply differentiated socially, but also geographically, within the city. Many of its juvenile members were outside a family structure and were heavily rooted in a transient street culture characterised by 'cadging', under-employment, a paucity of adult supervision and peer group pressures. Their criminal 'techniques' were usually amateurish and casual. Unsurprisingly, Metropolitan crime reflected its provenance. It was largely impulsive, carried out on an *ad hoc*, opportunistic basis, often with little preparation and sophistication, and, not surprisingly, its proceeds were usually small. Its violence was a manifestation of social disorganisation, stress and personal indiscipline rather than calculation.

The image portrayed of socially disadvantaged inadequates, tied to the immediate, and clumsy, gratification of needs or urges as opportunity presented, is strangely familiar to modern observers. This is not surprising, given the view of an influential 1991 White Paper that much crime is: "...committed on impulse, given the

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[1] Ellis, William, 1857 at p.27

opportunity presented by an open window or unlocked door, and it is committed by offenders who live from moment to moment; their crimes are as impulsive as the rest of their feckless, sad or pathetic lives".[1] Such an analysis was even more true of their nineteenth century forbears. Economic stress was a factor in the commission of the residuum's crimes, and nearly all its active criminals were very poor. However, the denial of legitimate opportunity must not be exaggerated; most were from a sex, age, familial status (or level of responsibility) and social stratum, whereby, when work was available, they were equipped to take advantage of it, especially when they reached maturity. Many had few if any dependants, something that meant that large sums of money were not required to survive, unlike the older people, especially mothers with children, who yet figured relatively rarely in the criminal returns for London. Such work, however, was not of a type that was inherently attractive, usually being hard, sometimes dangerous, always low paid, drudgery in sweat shops, casual work at the docks, in building construction and the markets etc. Its simple availability, increasingly present as the century advanced, was not necessarily enough to voluntarily divert members of this social strata from the potential attractions of crime.

It is safe to assume that it was the steady numerical decline of this social group, in favour of the 'respectable' working class, in the years after 1850, that lay behind much of the post-1850 decline in Metropolitan crime. Not surprisingly, the two phenomena correlate, declining simultaneously. This leaves the question as to how much responsibility for this process can be attributed to the Metropolitan Police, compared to other changes? Certainly, if ever a body existed which *ought* to have been within the reach of policing it was the early Victorian residuum. Their very amateurishness and dependence on public space within distinct areas was something that should have made this social group highly vulnerable to the operations of the new police, especially as they became progressively more efficient as the century advanced. Nevertheless, as the continued co-existence of a socially 'inadequate' modern underclass with the police indicates, it may not have been that

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[1]Cmd. 965,1990, Preceding the Criminal Justice Act of 1991.

simple. Even if the police did have a major role in the residuum's decline, it still invites the question as to how it operated? What aspects of policing were effective and which were unsuccessful?

Part Three: The Metropolitan Policing Debate in the Early Nineteenth Century.

Chapter 8: The Debate on Policing Reform in London.

<u>Concern About Metropolitan Crime</u>

For much of the 1700s there was ongoing debate between elements of the political nation, ranging from some parish vestries to government Ministers, that felt it necessary to enhance Metropolitan policing, and a ground swell of political opposition, from all social quarters, against the creation of any form of strengthened police force. The pressure for reform came from persistent concern at a perceived growth of crime and disorder in eighteenth century London.[1] Thus, in 1720, it was alleged that hardly a night passed in Westminster without an outrage being committed and that no one stirred there after dark without fear. Worse still, there was a feeling (whatever the reality) that such "Inconveniences daily increase".[2] These concerns continued to be the common currency of political debate for the remainder of the century. Introducing the ill fated Police Bill of 1785, the Solicitor General was adamant that no Londoner who travelled after dark could be unaware of the pressing need for reform, in a city where all were apprehensive about the danger to person or property and even "safety in his bed".[3] Some, such as the jurisprudential writer Martin Madan, feared that Metropolitan criminals were becoming more audacious, so that even the daylight hours had become dangerous.[4] Ironically, only a year after its own opposition brought an end to the 1785 Bill, the Mayor and Aldermen of the City petitioned George III about the "rapid and alarming increase" of crime in and about the Square Mile, 'evidenced' by a 25% increase in trials at the Old Bailey Sessions since 1776. This was partly attributed to the lack of transportation, necessarily abandoned

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[1]<u>See</u> above p.17

[2]N.M., 1720, at p.26

[3]Anon, 1785, Proceedings in Parliament, *The Gentleman's Magazine* Vol.55, July, at p.962

[4]Madan, Martin, 1785, at p.5

during the American Revolutionary War. (Between 1766 and 1776, London and Middlesex alone had transported 3,100 people).[1] Many believed that a new form of police was justified simply because Metropolitan: "...morals and subordination have declined-vice, crime, and turbulence have increased".[2] They shared Sir Robert Peel's view (of December 1826) that: "The continued increase of crime in London and its neighbourhood appears to me to call for some decisive measure".[3]

Proposals for Reform

By then, there were already numerous concrete proposals for reform in circulation. Over the previous half century, many influential writers, such as the magistrates Henry and John Fielding and Patrick Colquhoun, had made suggestions for major change. Although it has become almost commonplace to assert that their importance has been exaggerated, this is itself an exaggeration, being an excessive reaction to the 'Whig' interpretation of history.[4] Men like Colquhoun were not "marginal figures" who enjoyed little support and influence.[5] His books, especially *A Treatise on the Police of the Metropolis* (1796) would not have gone into six editions in as many years, nor would he have been called to give evidence before several parliamentary select committees, if this had been the case. His writings and oral testimony were clearly highly influential on the conclusions reached on policing by the 1798 Finance Committee. However, it *is* true that such commentators were highly partisan and proselytising individuals, men with a 'mission' and views that were not the subject of overwhelming support, let alone being universally shared. Even in 1785, there were those who believed that far from needing major change, London was already much better policed than the countryside. Indeed, some complained that, due to the rigorous prosecution of criminals there, many of the capital's "abandoned wretches" were

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[1] Anon, 1786, *The Gentleman's Magazine*, Vol. 56, Jan-June, at pp.263-264
[2] See on this, Robinson, David, 1831, at p.82
[3] Letter sent to Hobhouse, reproduced Phillips, David, 1831, at p.185
[4] Paley, Ruth, 1989, at p.97
[5] Taylor, D., 1997, at p.16

leaving the city and carrying out their depredations in adjacent rural areas.[1]

The Debate on Reform

Proposals for reform were shaped by a number of separate but often closely related debates about policing efficacy, the degree to which political opposition to change could or should be accommodated, the likely financial expense involved in any reform and the potential of any new force to deal with public disorder as well as conventional crime. The interplay of these debates produced gradual incremental change until the late 1820s, based on a mixture of preventative and detective policing philosophies. In 1829, these were superseded by radical transformation, and a system that was (initially) overwhelmingly premised on preventative policing and a strong allied capacity for public order maintenance.

A modern trend in police studies has been to emphasise the resistance to the advent of the new police, and to suggest that there was nothing 'inevitable' in its occurrence. Thus, Michael Ignatieff has argued that although to present day observers their coming has the weight of "historical inevitability", this was not so to the Londoners of 1829.[2] There is *some* justification for this view. Despite mounting concern about security in London in some quarters, the new police were clearly not a simple response to public pressure. Less than seven years earlier, the 1822 Committee had accepted that although, were a new system of police to be created *ab initio* for the regulation of a huge city like London, the existing disjointed system would not be replicated, it was a hindrance in controlling crime and preserving public order to a "much less degree than might have been apprehended". It was "certainly" not such a major problem as to justify recommending fundamental change.[3] Unlike the 1822 Committee, the composition of the 1828 Committee was heavily influenced by Peel (who replaced Sidmouth as Home Secretary in 1822), and, predictably, mainly favourable to his views, explaining the *volte face*. As Josephine Butler was to observe 50 years later, if the 'communal'

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[1]Anon, 1785, *Internal Police of the Kingdom Very Much Neglected*, at p.951

[2]Ignatieff, M., 1979, at pp.443-445.

[3]pp.9.1822, at p.9

Watch system really was so poor, why had many Londoners campaigned for its return in early 1830?[1] Obviously, the Reith/Critchley orthodoxy of the 1940s and 1950s was misleading in suggesting a little questioned clamour for reform by all well-intentioned citizens. However, Ignatieff also overstates the opposing case. London police reform had been a constant subject for debate throughout most of the later eighteenth century, and the reforms of 1829 followed half a century of especially fierce argument and incremental change. The quality and intensity of this debate was such that, in 1800, Patrick Colquhoun could observe: "Police in this country may be considered as a *new science* ".[2]

The Concept of a 'Police'

As Colquhoun's remark suggests, in the late eighteenth century, the very word 'police' was new. It was also exceptionally broad in meaning. It had not been used at all by Henry Fielding, though his half-brother, John, employed it in 1758. It was used only a dozen or so times in classical eighteenth century English literature, and then often in connection with France, by well travelled writers such as Laurence Sterne and Tobias Smollett. By the 1780s, it was in regular political use. Thus, Sheridan observed in Parliament, in 1781, that, although not an expression of the English law or language, he was confident that "gentlemen would understand" what it meant.[3] At this point, however, it still encompassed not only peace-officers, but also the penal system itself, moral exhortation, licensing, poor law relief, and the provision of rewards for the detection of crime. As late as 1763, Adam Smith declared that the name was French/Greek in origin, and only meant the regulation of inferior parts of government "viz;-cleanliness, security and cheapness or plenty". He was almost embarrassed to consider something so "mean" as the details of the city guard. The greatest safeguard against crime was not officers but prosperity and personal independence, achieved as a result of "commerce and

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[1] Butler, Josephine, 1880, at p.11
[2] Colquhoun, Patrick, 1800, Preface to *A Treatise on the Police of the Metropolis*, 6th Edn.
[3] Sheridan, Richard Brinsley, 1816, at p.6

manufactures".[1] In 1785, Jonas Hanway discussed reform of the capital's constables in less than half a dozen pages of his otherwise substantial work, *The Defects of Police*. He was equally concerned with creating appropriate types of work-house, and felt that the poor law constituted a "considerable...part of our police".[2] In 1796, even Patrick Colquhoun, in his *Treatise*, had had *relatively* little to say on a full time centralised body of men entrusted with policing. As late as 1816, the deficiencies of London policing officers had only been identified as being among the three 'auxiliary' causes of juvenile crime, by the Committee on Juvenile Delinquency (along with the severity of the criminal code, and a corrupt prison system of discipline). It was not among the four primary causes (parental neglect, lack of education, Sabbath violation and lack of work). 'Police' only fully acquired its modern connotations after 1829. Before this time, crime was viewed as a multi-dimensional problem; after 1829, primary significance was increasingly attributed to the constabulary. This must be remembered when considering the problems posed by apparent deficiencies in policing in its modern sense.

Nevertheless, with this reservation, there was an increasing feeling that traditional forms of urban communal policing were not working adequately. Throughout the latter part of the eighteenth century there had been regular laments at the apparent decline of public spiritedness in the Metropolis, and the manner in which many Londoners seemed too busy or mean to enforce the law, even grudging a small amount of personal expense.[3] As early as 1751, Henry Fielding had argued that the maxim "what is the business of every man is the business of no man" summed up communal policing in the capital. As a result, he felt it necessary to have high quality men, specifically entrusted with enforcing the law.[4] Radical change had been proposed in parliament in 1785, and mounting anxiety had prompted numerous parliamentary police committees, including six between 1812 and 1828. (In 1829, Peel was to assert that the numerous parliamentary reports on crime and policing

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[1]Adam Smith, Lectures on Justice, Police, Revenue and Arms: reported by a student in 1763. Reproduced, Manchester, 1984, at p.234

[2]Hanway, Jonas, 1785, at p.142

[3]'A Citizen of London', 1751, at p.11

[4]Fielding, Henry, 1751, *An Enquiry* at Section VII.

after 1763, such as those of 1770, 1793, 1812, 1818, 1822 had "produced no effect" in improving security. His implied suggestion that all of the reports, prior to 1828, had advocated radical solutions was untrue, though expressly repeated by the 1834 Committee).[1] The actual form in which the police were introduced might well have been different, but eventually some consolidation, professionalisation and expansion was inevitable. This is not "retrospective fatalism"; that such change occurred in 1829 is, arguably, less surprising than that it had taken 44 years from the first point at which a blue print for major reform was advanced, to do so.[2] Ironically, the failure to adopt earlier, less drastic proposals, for change, also meant that when reform did occur, it was probably more radical and far reaching than would otherwise have been the case.

Factors Shaping Policing Reform in London

Change may have been inevitable, however, the actual form in which it was delivered in 1829 was influenced by a number of factors that were unrelated to 'routine' crime control and policing, foremost amongst them were issues pertaining to public order and the climate of political concern.

Public Order and Policing Reform

The latter part of the eighteenth century had witnessed some real deterioration in an already poor public order system in London. Extreme illustrations of this were the riots associated with the parliamentary election of the radical John Wilkes in 1768 (carried out under the slogan "Wilkes and Liberty") and, very much worse, the Gordon riots of 1780. These were so terrible that Edward Gibbon was to suggest that:"June 1780 will ever be marked by a dark and diabolical fanaticism which I had supposed to be extinct". A month after the riots, the *Gentleman's Magazine,* declared that future generations would view the events with "astonishment", particularly the manner in which a set of "miscreants" had effected such

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[1] *Hansard's Parliamentary Debates,* 1829, Vol. XXI, New series, 31 at p. 867, and pp.11.d.1834, at p.4

[2] Ignatieff, M., 1979, at pp.443-445.

"horrible scenes of devastation" in the capital.[1] Ostensibly rallying to support the eccentric Scottish Lord, George Gordon, in his campaign to uphold the Protestant religion, and aided by a slow institutional response, the rioters overwhelmed the City for more than five days, indulging in widespread looting, robbery and arson (though they were often fairly selective in their targets). There were clear class overtones to many incidents. Lord Mansfield's house in Lincoln's Inn was burnt to the ground, while, in the debate in the House of Lords on June 2nd, 1780, it was noted that many members, including the bishops, bore the marks of "very rough treatment" in the streets.[2] The Lord Mayor, Brackley Kennet, appears to have feared that if he showed decisive action against the 'mob' it might turn on him, in part contributing to the rather feeble initial response by the City's government to the developing situation: "I must be cautious what I do lest I bring the mob to my house".[3] J.P.s in the Metropolis were also aware of the retribution visited on more interventionist magistrates. As the writer Horace Walpole observed: "The magistrates intimidated by the demolition of Fielding's and Justice Hyde's house did not dare to act".[4] Memories of the opprobrium suffered by Samuel Gillam, the magistrate who ordered troops to fire on a pro-Wilkes crowd in Southwark, on 10th May 1768, may also have been influential.

The initial reticence of the City authorities was also probably indicative of a long-standing process of 'accommodation' to the crowd, on the premise that events would eventually quieten down on their own account, if left to run their course. However, in 1780 this did not occur. The rioting achieved enormous proportions, Walpole noting: "I never till last night saw London and Southwark in flames".[5] He recorded the arrival of military reinforcements, hurriedly brought to the Metropolis from the provinces: "A group of 10,000 [soldiers] is forming in Hyde Park as fast as possible, and the Berkshire Militia is just arrived...Lord Rockingham has 200 soldiers in his house and is determined to defend it". The large number of soldiers were, in part, thought necessary because the mob had

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[1] *The Gentleman's Magazine,* Vol.50, 1780, at p.265.
[2] Lyman, J.L., 1964, at p.143
[3] Gilmour, I., 1998, at p.356.
[4] Toynbee, Paget, 1925, at p.210
[5] Ibid., at p.206

seized the stores in the Artillery Ground. Walpole believed that they had identifiable leaders, actively involved in "spiriting up the rioters".[1] Some of these were convicts who had escaped when Newgate and the Fleet prisons were burnt down. Around 260 people were killed, most of them rioters shot by the military forces that eventually suppressed the disturbance, though some members of the general public also died. A further twenty-five people were subsequently executed for their part in the affair. Any estimates of fatalities are necessarily very approximate, as some of the dead were carried away and buried covertly by friends, for fear of being implicated, and others were interred "promiscuously", without being properly recorded. It was widely accepted, even by the most conservative, that many innocent people were amongst the dead, not just the assorted "Negroes, Jews, gypsies, and vagabonds of every description; the refuse of society" that, some argued, had made up the bulk of the rioters (Walpole believed, very much more realistically, that they were largely a mixture of apprentices and 'desperadoes'). Alarmingly, many regular soldiers barracked in the capital had been unenthusiastic about their duties in suppressing the riots, and were apparently "by no means active" in executing the commands of their officers.[2] Harriet Frankland, visiting from Wales, observed that some soldiers had refused to fire until threatened with execution, being "much on the side of the Populace".[3] The bulk of the rioting was brought to an end by the part-time, provincial, militia units that arrived in the capital after forced marches from the countryside, or by regular troops without a London connection. These kept up an "incessant fire" upon the mob when they clashed. The author of the *Newgate Calendar's* account of the disturbances personally witnessed a dozen rioters shot at one place in Holborn alone, while boats carrying others and money they had plundered from the toll houses on Black Friars Bridge, were sunk by gunfire from the North Hampshire Militia (who also physically threw several rioters into the Thames, where they perished). Walpole

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[1] Reproduced in *The Original Half-Penny London Journal* No.15, vol.1, Week ending June 24th,1848. Published in the light of the Chartist disturbances, which, the journal, felt "might produce similar scenes of violence in our street."

[2] Toynbee, Paget, 1925, at p.207

[3] Letter, cited in Rawlings, P., 1999, at p.36.

recorded that in bayonet fighting in Fleet Street, that followed an attack on the Horse Guards, over 20 rioters were killed.[1]

Perhaps most worryingly, it was the decisive action of the King, rather than the municipal authorities, that appears to have regained control of the situation. As Dr. Johnson pointed out, it was he who first recovered his nerve, and: "Without the concurrence or assistance of his ministers, or even the assistance of the civil magistrates, he put the soldiers in motion, and saved the town."[2] An awareness of the ineffectiveness of London's administration in the suppression of the riots came almost immediately. One journal opined, within a month, that they had been merely "lookers-on or listeners", as events unfolded, and legal government and 'subordination' collapsed. It talked of the "supineness of government and the spiritless conduct of the [London] Magistracy". This had, apparently, been exacerbated because elements of London's police system, presumably the watchmen and some constables (the paid stand-ins), did not have the full confidence of the authorities being: "...so intimately intermixed in their connection with the people, as scarce to be considered as a distinct body".[3] Even so, there was an awareness that it might have been worse. The *Gentleman's Magazine* concluded that there had been no advance conspiracy in 1780; had there been, the rioters would have targeted the Bank and Public Offices first, rather than the prisons, something that would have dealt a body blow to the nation's government and wealth.[4]

The psychological shock to the existing system, evidenced by the furious parliamentary reaction, was profound. To many, there was little doubt that one reason that a crowd ostensibly assembled to defend Protestantism could become so dangerous was that "no proper police exists in the country". As a result, the advertisement for the first meeting of the Gordonites was thought to have attracted large numbers of criminals.[5] The level of concern at this deficiency in the month following the Gordon Riots, was manifest in the decision of the Vestry of St.Andrew's Holborn and some adjacent parishes, that respectable housekeepers should "learn the military

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[1]Toynbee, Paget, 1925, at p.207

[2]Wilkinson, George, 1816, at pp.331-336.

[3]*The Gentleman's Magazine*, Vol.50, 1780, at pp.314-316.

[4]Ibid., at p.312.

[5]Ibid., at p.369.

exercise", be formed into companies of 23, and carry arms, so as to be able to act in support of the civil power in any future emergency.[1] Of course, public fear should not be exaggerated, it abated after the initial aftermath of 1780, and it was to be five years before a comprehensive plan for policing reform in London was put forward (the unsuccessful 1785 Bill). Lord Shelburne, when raising the issue of Metropolitan Policing in Parliament in the March of 1781, noted that, to his great surprise, no-one else in the house had done so in the nine months since June 1780 (as a junior member of the house he had thought that another, more senior Peer, would raise it).[2]

However, less dramatic disturbances continued in the capital in the half-century after 1780. The army was called out in March 1783 and a serious outbreak was occasioned by the pressing of men for the navy in 1793. Riots broke out again in the city in 1794 (when Patrick Colquhoun expressed concern that none of the Military Associations which had been forming in Hackney and Tower Hamlets were ready to act swiftly to deal with them).[3] In 1798, three months after the new riverine force's inception, five rioters, a constable and a registered stevedore were killed in an exchange of fire at the Marine Police Office in Wapping, during a riot that was only ended by troops. There were further serious outbreaks in 1815 and widespread disturbances in 1820 and 1821, these being associated with the return, subsequent death and funeral of the notorious Queen Caroline. John Wade recorded other major popular disturbances in central London in 1822 and 1825.[4] Indeed, London appears to have witnessed riots on some scale almost every year after 1815.[5] Natural concern at such disturbances was compounded by fears that political ideas stemming from Revolutionary France might be behind them. Certainly, there were clear political and anti-government undertones to some of the Queen Caroline disturbances, which were on a large-scale (though they never approached the violence of 1780). Soldiers were regularly used to disperse these mobs, the Life Guards becoming

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[1]Hanway, Jonas, 1780, at p.27
[2]Sheridan, Richard Brinsley, 1816, at p.6
[3]Radzinowicz, I., 1948-56,Vol.2, at p.212
[4]Wade, John,1829, at p.26.
[5]Lyman, J.L., 1964, at p.151

known as the 'Piccadilly Butchers'. Pamphlets were distributed suggesting that iron balls with sharpened points be scattered round the streets to maim their horses, and that demonstrators carry knives for use against them. In August 1821, a number of carbine and pistol shots were fired by troops dealing with riots in Hyde Park occasioned by the Queen's funeral, and *The Times* noted the similarities with, and the potential for another, 'Peterloo'.[1] By 1828, John Hardwicke could observe that the frequent interference of the military in London was not reconcilable with the theory of the English constitution. He felt it would be better to openly introduce a "really efficient civil force" that could replace them, rather than continue with the existing "despicable apparatus" of control which needed the backing of soldiers in disturbances of the slightest importance.[2]

There were other pressing reasons for introducing such a force. The military included both regular soldiers and the part-time militia (foot 'volunteers') and yeomanry (territorial cavalry). The latter, because of their more prosperous backgrounds, were a bulwark of the existing social order. Nevertheless, the yeomanry was also a 'blunt instrument', often undisciplined, and lacking in crowd control skills (as the massacre at 'Peterloo' of 13 peaceful demonstrators, in 1819, was to show). In contrast, though the regular army was better trained, there were periodic anxieties about its loyalty, if only because of the social provenance of its recruits. Their lack of 'enthusiasm' for riot control, manifest in June 1780, was evident on subsequent occasions. In private correspondence, in 1820, the Duke of Wellington expressed concern at the need to remove one of the regiments of footguards from the capital, after the Queen Caroline disturbances, because it was suspected of disaffection.[3] Additionally, military equipment and training was not ideal for such duties. As a departmental report on a late Victorian riot noted, even the best trained soldier soldier could: "..."only act by using his arms. The weapons he carries are deadly. They cannot be employed at all without danger to life and limb".[4]

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[1] *The Times,* August 15th, 1821, at p.2

[2] Hardwicke, John,1828, at p.504

[3] Gatrell, V.A.C. et al. (Eds.) 1980, at p.183

[4] Report of the Departmental Committee on the Featherstone Riot (c 7234), 1893-4, at p.10. Cited, Manchester, A., 1984, at pp.241-242

The new police not only provided a 15% augmentation of total uniformed men under government control (at a time when the military was being cut back by parliament), but were also potentially more reliable, better trained and less 'provocative' than troops in effecting riot control. From the beginning, such duties were central to the new force. All of the new police Divisions would provide a quota of men for special occasions, even when held well outside their areas, such as the more than 1,200 men assembled from all over London "to preserve order and regularity" for the King's opening of parliament in 1831.[1] Furthermore, unlike military bodies, the police were effective in dealing with 'routine' low level public disorder (gin house disturbances etc.) and conventional crime. Although there had been earlier private plans for reforming the existing Militia regiments in London so that they doubled as watchmen, these were never effected (though occasional and limited use was made of both professional soldiers and part-time volunteers in crime-fighting).[2]

The 'Hidden' Policing Agenda of 1829

It is apparent that an increasing intolerance of urban disorder was an important factor in the establishment, and ultimate form, of the new police. Nevertheless, although Tories, such as Peel and Wellington, were likely to see any new force as a potential bulwark against political radicalism, especially amongst the working class, it is unfair to use this as a *general* explanation for reform in 1829, as is sometimes done. Peel was heavily involved in the committee that censured the police 'spy' and alleged *agent provocateur* William Popay's infiltration of a working class union in 1833. However, where he and the Duke clearly *were* influenced by political considerations, was in believing that any reformed force necessarily should also be able to control Metropolitan disturbances. A cardinal distinction between the new police and the better sort of pre-1829 watchmen was that the latter had no significant role in riot control (traditionally seen as being outside their remit). This was the 'hidden' policing agenda of 1829. It necessitated the introduction of

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[1]MEPO 7(2) Police Orders 1829-1833, 19th Oct.1831
[2]B.T., 1782, at p.20

a large, integrated, disciplined, hierarchical, centrally controlled and directed body of men accustomed to operate together in large numbers. This had enormous significance for the form in which change was delivered. It precluded any parish or even multi-parish (i.e. borough or district) based reform. It also precluded, to a considerable degree, a more flexible, but less disciplined and structured 'thief-taking' oriented system for dealing with routine crime, in so far as that damaged large scale cohesion and effectiveness. In turn, this meant that a 'preventive' system was likely to appear attractive, as it could be combined with a potent anti-disturbance force.

Even in 1829, there *were* alternative ways in which greater uniformity of policing standards could have been achieved without producing the centralised, unitary body that emerged. As far back as 1751 the introduction of a Westminster wide body, to supervise the individual parishes and monitor their policing performance had been mooted.[1] As was noted in 1831, watchmen could easily have been placed under many of the inspections and 'stimulants' that were to be applied to the new police without the latter's advent.[2] Indeed, one method of achieving this had even been alluded to by the 1812 Committee. It noted that the standards imposed voluntarily in some parishes by their "exemplary" citizens could be made universal in London if enforced by enough legislation to give them uniformity, permanency and the "constant superintendence and control" that was necessary. Although this would have necessitated a "superintending Power", above the parishes, able to dismiss parish officials, it would not have needed a direct policing involvement.[3] However, inevitably, such a body would not have had the capacity to deal with crowds and riots, and thus obviate the need for recourse to the military (or at least delay the speed with which they had to be brought into use). Peel expressly alluded to this objective when advising the House of Commons that, with the establishment of his new system, it would be possible to dispense

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[1] 'A Citizen of London', 1751, at pp.30 and 31
[2] Robinson, David, 1831, at p.87
[3] pp.4.1812, at pp.1-4.

with a: "...military force in London, for the preservation of the tranquillity of the Metropolis".[1]

Police Anti-Riot Capacity

In its first two decades the new force was widely used to deal with disturbances in both London and the provinces, especially those involving Chartists. An ability to deal with riots in London continued to be of primary importance throughout the rest of the century, periodically coming to the fore, as in 1855 and 1888. It encouraged the training of officers in quasi-military "Battalion drill", so that 500 or 1,000 men could be deployed at one spot effectively. Without such exercise it was feared: "...military aid must in all cases be invoked where a mob of any extent or serious riot is apprehended". As the 1868 Report noted, this was best avoided because the use of the civil force in suppressing riots was: "...in all cases where practicable, preferable to the use of soldiers". To this end it was even suggested, unavailingly, that a Reserve of police pensioners, and paid Special constables (akin to the militia), should be formed for emergencies.[2] One reason that the 1834 Committee felt the new police was "one of the most valuable of modern institutions" was that there had been no use of the military to assist the civil power in London in the five years after 1829.[3]

Political and Jurisprudential Resistance to Policing Reform in London

Cross Class Political Opposition to Reform

Despite rising general anxiety about crime and public disorder, any proposals for a new police system attracted fierce political criticism. This both delayed reform and shaped the eventual form in which it was delivered. To some extent, objections depended on social provenance. Both Right and Left voted against reform, but their primary concerns often differed. Radicals were concerned at the effect on local government institutions and the political

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[1] *Hansard's Parliamentary Debates,* Vol. XXI, New series, 31 March-24 June 1829, at p. 883.
[2] pp.14.1868, at p.20 & p.27.
[3] pp.11.d.1834, at p.21

consequences of centralisation. Conservative elements tended to be concerned about the impact of reform and centralisation on local élites.[1] In particular, some members of the 'political nation' (essentially the gentry and aristocracy), feared that the police, as an agent of centralised government, would threaten the favoured situation that they had gained under the political settlement of 1688. To elements of the ruling élite there was less perceived risk (at least until 1780) in a moderate degree of popular disturbance than in radical change, especially as they could, in large measure, afford to guard against crime via the use of armed servants, walls, dogs and locks etc. There was also a strong fear that change in London, even if it *was* necessary, would provide a precedent for unnecessary change elsewhere in the country. Typically, Lord Beauchamp declared that the provisions of the unsuccessful 1785 Parliamentary Bill would spread out from the capital across the country until: "...none but hired [i.e. Government appointed professional] Justices would act throughout the kingdom".[2] The government would gain power and control over all aspects of the criminal justice system, and a major source of patronage. Local lay justices (J.P.s) would lose their power.[3] The middle social 'orders' in London, probably the least resistant to the concept of a regular police force, were anxious about the potential expense of the extra rates and taxes involved in implementing change, as well as at the loss of local parish vestry control (often their primary medium of political expression) that would result from a centralised system. (Their fears about cost were often shared by the authorities).[4] Towards the lower end of the social spectrum, by the 1790s, the increasingly politicised elements of the urban working classes that had organised around the London Corresponding Society were alarmed at the possible political use (against radicals) that any new force might be put to. As a result of such political resistance during the 1700s and the first decades of the following century, policing reforms were usually only acceptable when imposed on a gradual, and *ad hoc*, basis (as the failure of the mildly radical 1785 Bill demonstrated). For conservatives this usually occurred when fear of

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[1] Miller, W.W., 1987, at p.42.

[2] *The Gentleman's Magazine*, Vol. 55, July 1785, at p.962

[3] Anon, 1774, *Westminster Police Bill...*, at pp.1-3

[4] Evidence of Sir N. Conant, pp.5.1816, at pp. 30-31

the 'threat from below' appeared to outweigh fear of that 'from above'.

Jurisprudential Objections

More generally, and widely shared by all groups, was concern about the erosion 'traditional' English notions of civil liberties and jurisprudence, these being premised on a mixture of individualism and libertarianism. The greater provision for policing found in some continental systems was considered by many to be inimical to the rights of Englishmen. As Tobias Smollet mockingly noted, the "...wise patriots of London have taken it into their heads, that all regulation is inconsistent with liberty".[1] As late as the 1780s, many jurists, most prominently the Reverend William Paley, still felt that a highly selective, but very public and draconian, penal ceremony indicating the sovereign's anger, such as execution, was a better and more acceptable method of deterring and controlling crime than any 'continental' form of centralised police, discouraging crime by overt public patrolling and ready intervention in the lives of the populace.[2] (English portrayals of European systems tended to exaggerate this facet of continental life). This encouraged an acceptance of a system that did not pursue 'smaller fry', rather than major felons. To this end, well into the nineteenth century, London was at the forefront of Europe in its use of capital punishment. Metropolitan executions averaged 23 a year in the 1820s, compared to a handful in the entire decade in Berlin.[3] That a large uniformed body of men under government control should 'patrol' the streets of London was particularly unthinkable, having strong connotations with absolutist foreign governments. Equally, eighteenth century experiments in detection were considered to be fraught with potential abuse and alarmingly similar to continental 'spy' systems.

The objections to the 1785 Police Bill had been couched in the language of such constitutional rights and civil liberties (whatever the ulterior motives behind them). This Bill, aimed at the 'Prevention of Crimes and the Speedy Detection and Punishment of Offenders against the Peace in the Cities of London, Westminster

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[1]Smollett, Tobias, 1771, Vol. 1, at p.175.
[2]See Ignatieff, M., 1978, at pp.23-24.
[3]Gatrell, V.A.C., 1994, at p.9

and the borough of Southwark', had advocated a single police district for the Metropolis with a force of permanent constables under the control of three Commissioners. The Solicitor General felt that it would facilitate the detention of suspicious persons, and expedite the trial and punishment of offenders. It was a relatively modest scheme, the Attorney General even suggesting that it was not a new system at all, but "merely a bill to give a more vigorous operation to the old".[1] However, within days of its presentation, the Sheriffs of the City of London appeared before the Bar at Parliament to object to it, presenting a petition outlining their grievances on 29th June. These were based, ostensibly at least, on their implications for civil liberties and the historic rights of the Square Mile (the "greatest city in the World"). In particular, they were greatly alarmed at the destruction of the constitutional rights of over a million people, by a "System of Police altogether new and arbitrary in the extreme". They felt that it would needlessly create: "...new officers, invested with extraordinary and dangerous Powers, enforced by heavy penalties". These would be "expressly exempted" from existing legal checks on police powers. No amendment to the "mischievous" Bill would satisfy them, or prevent popular dread at being "reduced under the scourge of such a system".[2] Even the much more modest changes encapsulated in the 1792 Middlesex Justices Act, which provided for seven police courts, each staffed by three magistrates and between eight and twelve constables were vigorously opposed, on similar constitutional grounds, by eminent men such as Charles James Fox. Significantly, the 1792 Act, although supported by the Government, was initiated by a Private Member's Bill. Some argued that the record of the Bow Street Office, prior to 1792, the capital's only example of direct government involvement, was a poor one, as the magistrates based there had been successfully sued for abuse of position on many occasions, far more, it was claimed, than any of the other Middlesex JPs (they had also employed a notorious criminal named 'Mac-Manus', later convicted for indecent behaviour).[3]

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[1] *The Gentleman's Magazine*, Vol. 55, July 1785, at pp.962-963
[2] Ibid., at pp.962-963
[3] Anon, 1774, *Westminster Police Bill...*, at pp.1-3

Such a constitutional basis for resistance to change can be noted in Parliament well into the 1800s. Even after the shock created by the infamous Ratcliffe Highway killings of 1811, in which two East End families were brutally murdered, it was still being asserted (perhaps rather implausibly) that: "...many foreigners have declared that they would rather lose their liberty to an English thief than their liberty to a French lieutenant de police".[1] It was an attitude that was regularly reiterated by elements of the Press. To modern eyes, there was still a remarkable tolerance for crime and disorder as being the necessary price of liberty. However, this was increasingly challenged. One observer felt that the capital's complacency, and the heated jurisprudential debate, amidst an apparently deteriorating security situation, was absurd: "It must appear ludicrous to a foreigner to hear us boasting of our liberty in this respect, when he sees that, were it not for the gas lights, we should run a hazard of having our money and watches seized, and being ourselves cruelly beaten into the bargain, if we stirred out into the streets after dark".[2]

Although men such as Jonas Hanway (in 1785), sought to argue that it was not a simple matter of choosing between security and freedom, most did not agree with his view that: "It is a vulgar notion, that our liberty is an impediment to our police...as if we could not enjoy both liberty and police".[3] The 1822 Parliamentary Committee, when deciding against radical change, expressly concluded that: "It is difficult to reconcile an effective system of police, with that perfect freedom of action and exemption from interference, which are the great privileges and blessings of society in this country". Nevertheless, under the influence of Peel, it had been candidly prepared to present the choice as a stark one; enhanced security could only be obtained at a cost to personal freedom/traditional liberties. There were no painless 'constitutional' ways in which this could be effected. In a letter to the Duke of Wellington, in 1829, Peel, too, specifically alluded to this, suggesting that one aim of the new police would be: "...to teach people that liberty does not consist in having your house robbed by organised

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[1]DUR, 1 Jul 1785, quoted in Gatrell, V.A.C. et al. (eds), 1980, at p.168
[2]Anon, 1822, at p.40
[3]Hanway, Jonas, 1785, at p.204

gangs of thieves, and in leaving the principal streets of London in the nightly possession of drunken women and vagabonds".[1]

It should, perhaps, be noted that, whatever their motives, the experience of the following century was to show that the Aldermen's fears in 1785 were largely justified. The post-1829 force rapidly did acquire unprecedented and arbitrary powers, which impinged heavily on many 'traditional' rights and liberties, and, as Lord Beauchamp had foreseen, also provided a precedent for the rest of the country. By the end of the Victorian period the power of J.P.s in central London was nugatory (compared to that of the stipendiary magistracy), jury trial had been effectively abolished for a huge range of offences, there was almost no local control of policing arrangements, and a phalanx of new crimes had been created (and prosecuted) out of what were previously long accepted aspects of urban life.

End of the 'Bloody Code'

As Paley noted, underpinning 'traditional' policing had been a theory of crime control premised on deterrence by draconian example. Even if only a handful of criminals were punished their fates could terrorise many others. However, even in the 1780s, Paley had been in a minority in supporting it. As early as 1785, Martin Madan had feared that the "uncertainty of punishment", occasioned by an 'excessive' number of reprieves whereby most avoided death for serious felonies, was undermining its deterrent value, especially in London.[2] In *An Inquiry into the Present state of the Statute and Criminal Law of England,* published in 1822, John Miller, a Lincoln's Inn Barrister, noted that of 1,196 people capitally convicted between 1810 and 1818, only 18, fewer than 1 in 66, had actually been executed. Rather than terrifying the other 65 into fearing the law, he felt that those who did suffer death must have viewed their sentence as a "surprise".[3] By the 1820s, belief in the 'selective savagery' of the 'Bloody Code' was on the verge of collapse. In part, this was a result of a combination of liberal politicians, such as Sir Samuel Romily, utilitarian philosophers, such

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[1]Quoted in Ascoli, D., 1979, at p.32
[2]Madan, Martin, 1785, at p.91
[3]Hostettler, J., 1992, at p.67

as Jeremy Bentham, and the influence of their work on the Parliamentary Committee of Inquiry chaired by Sir James Macintosh. The Macintosh Inquiry also had the support of Sir Robert Peel. Its report became the basis for a series of Acts passed in the 1820s and 1830s, abolishing capital punishment for most of the nearly two hundred offences for which it was previously, theoretically, available. After 1838, no one was executed other than for murder, attempted murder, treason, or piracy with violence. To an extent, however, such reforms reflected a much wider 'spirit of the age' rather than the pressure of individuals. As the *Jurist* was to note in 1837: "The current of popular feeling is unquestionably in favour of the mitigation of punishments, so far as it can be effected without endangering the lives and properties of others".[1]

However, abolition of deterrence by selective example meant it was necessary to find a new basis for controlling crime. An obvious alternative was to make punishment less severe but more certain, and crimes harder to commit in the first place. As early as 1785 the Solicitor General had emphasised that the Police Bill was not intended to introduce new punishments, but rather to "render detection certain and the penalties of the law unavoidable".[2] Similarly, when introducing the Police Bill of 1829, both Wellington and Peel (in the Lords and Commons respectively) stressed that a preventative approach to policing was essential if people were in favour of moderating the harshness of punishment generally, and capital punishment in particular (even Wellington acknowledged that such a desire "generally prevailed"). Peel warned that it would be "vain" to mitigate the penalties for crime, unless measures were also taken, in lieu, to prevent its commission in the first place.[3] Given that both politicians advanced this argument, it may be that they had consciously decided to hold it out as a carrot to 'reformers', with a view to encouraging an easy passage of their Police Bill through Parliament (something that was also aided by the distraction occasioned by the debate over Catholic emancipation).

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[1] *The Jurist,* Dec. 2nd, 1837, at p.858

[2] *The Gentleman's Magazine,* Vol. 55, July 1785, at p.962

[3] *Hansard's Parliamentary Debates,* Vol. XXI, New series, 31 March-24 June 1829, at pp.1751 & 880.

Chapter: 9 Pre-1829 Policing Agencies in London and their defects; Proposals for Reform

<u>Introduction</u>

London had a population approaching one and a half million when the Metropolitan Police force was established in 1829. Prior to 1829, policing had largely been the responsibility of an ill-assorted amalgam of the historic parish constables and night-watchmen (albeit sometimes substantially reformed on a local basis) buttressed by the important but modest (in scale) professional policing innovations of the late 1700s and early 1800s. Peel's view, a bedrock of the subsequent 'Whig' analysis, was that their abolition was long overdue: "It has always appeared to me that the country has entirely outgrown its Police institutions".[1]

The preamble to the 1829 Act for improving the Police in and near the Metropolis (10 Geo. IV, c.44), that founded the Metropolitan Police provided a succinct summary of the perceived problems in the existing system. It stated that: "Offences against Property have of late increased in and near the Metropolis; and the local Establishments of Nightly Watch and Nightly Police have been found inadequate to the Prevention and Detection of Crime, by reason of the frequent unfitness of the individuals employed, the insufficiency of their Number, the limited sphere of their Authority, and their Want of Connection and Co-operation with each other". By then, such arguments had been constants in the debate on reform for decades, being repeated, almost *ad nauseam*, from the mid-eighteenth century onwards. Thus, when giving evidence in 1772 to the Committee appointed to enquire into Metropolitan burglaries and robberies, Sir John Fielding had complained that the Watch were too few, their pay insufficient, that they were too divided, and that their parish jurisdictions were too circumscribed.[2] By 1785, Jonas Hanway could opine that such complaints were already a "hackneyed theme". Hanway felt that preventative patrols to deter

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[1]Letter of Feb. 1828, cited in Philips, David, 1980, at p.185
[2]Cited pp.10a.1828, at p.22

the commission of crimes, an enhancement of standards amongst individual police officers, a general unification of policing jurisdiction throughout the London area, a localised expansion of resources where it was inadequate, and an effective command hierarchy to ensure that the system functioned properly were all necessary. Such views entered popular debate. In 1771, the novelist Tobias Smollett opined that the rural labourers who "swarmed" into the capital, looking for easy wealth, readily turned to crime in a city which combined numerous hiding places and criminal targets with poor provision for security: "London being an immense wilderness, in which there is neither watch nor ward of any signification, nor any order or police".[1] Were such allegations well founded? The traditional system will be considered first.

'Traditional' Policing Arrangements in London

Prior to 1829, the parishes of East London were particularly illustrative of an 'unreconstructed' police system. Despite the huge increase in their population over the previous 50 years, they had changed little in a century.[2] In the early 1820s, Whitechapel's St. Botolph Without force can be taken as 'typical'. At its head, was the beadle (effectively a senior, paid, full-time constable with special additional functions, such as keeping order during the day and in Church) paid fifty pounds a year, whose duties were, inter alia, to reside at the watch house, patrol the streets and supervise the watch. Supporting him were seven unpaid part-time constables and a paid street keeper. The constables were appointed (often against their wishes) by the parish to execute warrants, attend court, and, on alternate nights, supervise the watch house. Additionally, there were up to 31 men employed in the nightly watch, between 10 p.m. and 4 a.m. in the summer, and 9 p.m. to 7 a.m. in the winter. There was no age qualification for these men, though they were supposed to be 'of good character and able bodied'. They were paid between 10s. 6d. and 19s. a week.[3] In another typical parish in the area,

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[1] Smollett, Tobias, 1771, Vol. 1, at p.128.

[2] In 1829, one calculation placed the population of Bethnal Green alone at 45,667, that of Stepney at 49,163, Whitechapel at 29,163, Spitalfields at 18,650 and Limehouse at 9,805. See on this Wade, John, 1829, at p.31.

[3] See on this Radinowicz, L., 1948-56, Vol.1, at p.501, based on pp.9.1822, at p.192.

St.George's in the East, in 1811, administrative responsibility was in the hands of the Churchwardens, overseers and trustees of the local parish vestry, who appointed the constables and high constable (to supervise them). Also under the theoretical control of the constables, the parish employed 35 night watchmen at 2s. a night, together with a Night Beadle to supervise them. The watchmens' duties (along with calling out the hours from 9 p.m. to 4 a.m.), under a local Act, were to 'apprehend, arrest and detain, all malefactors, rogues, vagabonds, disturbers of the peace, and all persons whom they shall have reason to suspect have any evil designs'. Between their rounds they could take shelter in small watchboxes. The individual elements of the traditional system identified above need specific consideration.

The Watch and its Critics

The Watch had been subject to over a century of criticism before its abolition. Typically, in 1751, an observer complained that its members were "mostly old, lazy, and inactive, are too late before they are set upon Duty, leave it too early, and not a few of them are suspected to be in league with, or intimidated by the Rogues that infest our Streets". He felt they needed greater regulation, more able-bodied members in increased numbers and an effective command by improved constables.[1] Similarly, in a paper appended to the 1772 Report on burglaries in the Metropolis, a Mr.Rainsforth, after inspecting a group of Westminster watchmen, noted that they were, in general, very "infirm and unfit to execute that office".[2] These or similar criticisms were to be constant themes for reformers until 1829, as John Pearson's satirical portrayal in 1827 of incompetent, corrupt, ineffectual and feeble watchmen makes clear.[3] Thus, the magistrate, Sir Nathaniel Conant, in his evidence to the Police Committee of 1816, felt that watchmen were still generally of inferior quality, often elderly, and usually found: "...dosing in his watch-box in the interval between crying the hours".[4] This provided other opportunities. Pierce Egan's fictional

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[1]'A Citizen of London', 1751, at pp.30 and 31

[2]Appendix to pp.4.1812, at p.38.

[3]Anon, 1827, *The London Charlies; ...*, at p.3

[4]Evidence of Sir N.Conant, pp.5.1816, at pp.30-31. However, he realistically felt that "a severity of police" similar to that of some other European countries would not

characters, 'Tom' and 'Jerry', enjoyed 'Getting the best of the Charleys' by knocking them over as they dozed in their small personal watch boxes, so that they were trapped inside, their assailants safe in the knowledge that anyone pursued by other watchmen would have to be: "...a cripple indeed, if ever the Watchmen overtook him on such an occasion".[1] The situation was not improved, as Peel noted, by the widespread practice of trying to 'kill two birds with one stone', by appointing as watchmen people who would otherwise be constant burdens on the parish poor rate.[2] This was a long standing problem by 1829; in 1782, an observer had complained that London watchmen were often paupers or "decrepits", employed to save their parishes the cost of charity.[3] In 1828, there was still concern at the use of the Watch as a form of retirement home for parish servants who were "manifestly disabled by age or infirmity" from the proper discharge of their duties.[4] Given these circumstances, instances of timidity on the part of the watch would be understandable, and examples of it abound. Thus, in May 1820, when three men were caught stealing lead from a roof in Stepney one was heard to shout at the watchman on duty: "...if you come at us you old bugger I'll knock you down"; not surprisingly, the watchman limited himself to calling for help with his rattle.[5] Even in the 1820s, Watch pay was so poor that many had 'day-jobs', doubling as porters and labourers, further diminishing their nocturnal efficiency. Poor physical standards, and a partiality to gin, consumed both on and off duty, may have contributed to the relative lack of mobility amongst the Watch. Even when away from their main Watch-houses, there was a tendency for them to use the conspicuous individual watch boxes and benches for long periods of their duty, and to make only relatively infrequent 'patrols' on foot, their beats being rarely more than 500 metres in extent: "...the watchmen have mostly fixed stations (in boxes with accommodation

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be possible because of the "lenity" of English law. He also agreed with the suggestion that "Police of the Metropolis would be under better management if the parish watchmen were placed under the superintendence of the Police."

[1] Egan, Pierce, 1821, at p.232

[2] *Hansard's Parliamentary Debates*, Vol. XXI, New series, at p. 879

[3] B.T., 1782, at p.33

[4] pp.10a.1828, at p.22

[5] Rudé, George, 1981, at p.91

for repose) that it may be seen with certainty where they are".[1] In this, they were in marked contrast to the post-1829 police. Additionally, the Watch normally came on duty quite late, often well after dusk, despite this being a peak offending time for juveniles.[2] There were also regular and long-standing claims of corruption.[3] As a result of the almost daily scandals, collusion and "knaveries" involving Watchmen, magistrates in London were, apparently, often reluctant to rely on their evidence.[4] Not surprisingly, many did not mourn the passing of a body that they considered "absolutely useless", and which, it was claimed, was often viewed with "contempt and derision" by thieves, even when its members were not corrupt.[5]

The confused institutional response to the multiple Ratcliffe Highway murders of 1811, acutely exposed contemporary problems in the London Watch. Amid a degree of popular xenophobia, Greek sailors, Irishmen and other foreigners, were arrested and briefly detained on suspicion of the killings. The case prompted calls for a general enquiry into the Police, and unsettled public opinion. In Shadwell the existing watchmen were all discharged and replaced with two companies of eighteen men, some carrying cutlasses.[6] Typically, the Home Office papers on the murders contain a description, provided by a watchman, Thomas Hickey, of the variety of tricks employed by corrupt watchmen in London to enhance their meagre rewards (such as being bribed to look the other way by felons).[7]

Not surprisingly, in such circumstances, a better disciplined Watch was widely viewed as a necessary prerequisite for awarding them strengthened legal powers, if serious, liberty threatening abuses, were to be avoided. There was permanent parliamentary opposition to granting such extra powers because of the dangerous degree of discretion this would provide such low quality men. In

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[1]Chadwick, Edwin, 1829, at p.254
[2]Dudley, Thomas, 1828, at p.iii, iv & 12.

[3]Bee, Jon, 1828, at p.177.
[4]Hardwicke, John, 1828, at p.504
[5]Wakefield, E.G., 1831, at p.2
[6]See on this, Radzinowicz, L., 1956, at p.39.
[7]James, P.D., and Critchley, T.A., 1971, at pp.6 & 19

1782, 'B.T' feared that few who walked London's streets were unaware of the ill-effects of leaving so much power to Watch-men and parish constables "Men generally of the lower class".[1] However, any improvement would necessarily also be expensive. Typically, Conant accepted that although the Watch would be greatly improved if the "lower description of housekeeper" in London could be persuaded to serve in it, something which would increase its "respectability", such people would not participate for less than half a crown for a half night of duty. This would be: "...an expense little to the satisfaction of those who pay it, or are benefited by it".[2]

Constables and their Critics

A constable's unchosen and unpaid office was normally allotted to middle ranking householders (shopkeepers and craftsmen), on an annual basis, by their local vestry. The ideal was for constables to be independent minded men of the "better" rather than the "meaner" sort, the latter being 'ignorant' and lacking the requisite time and independence. They should not be "aged or sickly" men, or publicans.[3] Like the Watch, the office had an ancestry reaching back to the Statute of Winchester of 1285, something that critics in the 1820s would stress when emphasising that social changes had rendered it "worn out and utterly inadequate".[4] By then, the sometimes onerous duty had been unpopular for well over a century. As late as 1828, Thomas Dudley believed that he had only been made constable in St.Ann's parish, Westminster, because he had annoyed its vestry by making repeated applications for them to remove public nuisances. He felt that many men had been ruined in fulfilling the office.[5] In 1840, Joseph Butterfill, seeking compensation after being made redundant as a parish constable in Woolwich, on the arrival of the expanding Metropolitan police to the borough that year, could argue that his police work had meant "losing his Connection in trade for want of

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[1] B.T., 1782, at p.60
[2] Evidence of Sir N.Conant, pp.5.1816, at pp.30-31
[3] Anon., 1791, *The Office of Constable*, at pp. 2 and 4.
[4] Hardwicke, John, 1828, at p.495
[5] Dudley, Thomas, 1828, at p.15

punctuality in attendance".[1] However, as Butterfill's experience shows, the system was, in some ways, made worse by the widely used provision whereby those appointed could pay a fine in lieu of service, or, even worse, appoint a paid deputy to carry out the duty in their place. The numbers of such paid substitutes varied between different areas of the Metropolis, but was always extensive. In 1802, in the City of London, 150 of 250 constables were substitutes (the figure would be even higher by 1816). Similarly, in the Liberty of Westminster, 31 of 80 men were substitutes, and, in Southwark, the figure was 46 out of 87. However, in poorer Finsbury, Tower Hamlets and Holborn their proportion dropped to less than 30% of the whole (often significantly so).[2] As they necessarily had to be paid, it tended to be the most 'respectable' social elements who employed them, something that further diminished the average quality of the parish constables.[3] As Mainwaring observed: "Respectable tradesmen cannot, without detriment to themselves and a sacrifice of comfort, be so engaged; and the consequence is, that the parochial police must be left almost exclusively to those who make it a business and profitable pursuit".[4] As this comment intimates, substitution was also likely to produce men who, despite having the full powers of constables, were personally corrupt. This was, perhaps, not surprising, given that the annual pay for such 'stand ins', even in the 1820s, was usually only between £8 and £10 a year. As a result, fraternisation between substitute constables (as well as watchmen) and underworld elements had been a constant problem for decades prior to 1829. William Blizzard, writing in 1785, observed that the keepers of thieves' houses in areas like Field and Chick lane (the precursors of the Victorian 'low' lodging houses) were often "well acquainted", and excessively intimate, with their local peace officers.[5] Indeed, some claimed that disorderly houses were often "in fee" to constables, some of whom were themselves publicans (contrary to rules).[6] Similarly, a junior officer of the London Military Association who accompanied several peace

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[1]HO 61/25, 1840, Petition to the Marquis of Normanby, Home Secretary

[2]Colquhoun, Patrick, 1803, at p.xiii

[3]Anon, 1818, *The Constable's Assistant...*, at p.13

[4]Mainwaring, G.B.,1821, at p.549

[5]Blizard, William, 1785, at p.31

[6]'A Citizen of London', 1751, at p.15

officers to search for escaped felons in the same areas, after the 1780 riots, noted that local officers and thieves' house landlords were obviously well acquainted. He was concerned at the way in which the officers discouraged entry to several houses that clearly appeared to be suspicious, and worth investigating; the inference was that they had an arrangement with the occupants.[1]

The parish constables were neither a detective force nor were they a preventative one. They were untrained (other than by instructional manuals) and, unless they were paid deputies, did not normally serve long enough to garner great experience (this was the one advantage of the substitute system). They were usually brought into action by being summoned to a crime scene, or the aftermath of a popular pursuit of a fugitive, normally after members of the public had effected the citizens' arrest, or identification, of a suspect. Constables would then be called to formally arrest the detained person and convey him to a watchhouse or sitting magistrate, depending on the hour. Thus, when Guardsman John Hartley, stabbed a comrade, George Scott, to death at the Black Lion in Bayswater, in January 1800, during a drink-fuelled quarrel, he was overpowered and held by other soldiers who "secured him" until a constable, specially summoned, arrived "to take the prisoner into custody".[2] As part of their duties, constables would take, in rotation, the function of supervising the nightly Watch. This was inevitably a particularly unpopular task, and not conducive to personal effort.[3]

The Validity of Criticism.

As the above accounts indicate, both the Watch and the parish constables of the Metropolis had experienced much well publicised criticism before their final abolition. As a result, when introducing the Police Bill to the House of Lords in 1829, the Duke of Wellington stressed that there was no branch of the English Criminal Justice system that was so defective as its police.[4] These criticisms continue to underlie the 'Whig' version of police history, one in which 1829

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[1]Hanway, Jonas, 1780, at p.xvii

[2]*New Newgate Calendar*, Vol.11, at pp. 564-566, 734 & 729-731 ND (but post 1814), in the possession of Lincoln's Inn.

[3]See on this, Defoe, Daniel, 1728, at p.60

[4]*Hansard's Parliamentary Debates* , Vol. XXI, New series, 31 March-24 June 1829, at p. 881

brought 'order out of chaos'. A succinct example of such an analysis is provided by Dr. J. Lyman: as traditional notions of community responsibility in London broke down under the impact of urbanisation and industrialisation, the old police system became ineffective at dealing with rising crime levels and dependant on increasingly poor quality officers, prompting constant attempts at reform from the mid-eighteenth century. These attempts were delayed by political resistance until 1829, when the necessary changes were effected.[1] However, on examination, it is clear that dissatisfaction with the Watch and constables was based more on raised expectations than on any deterioration in the old policing system.[2]

Enhanced Parish Systems

Criticisms of traditional Metropolitan policing arrangements can easily be exaggerated, especially with regard to the early nineteenth century. Even in the 1750s, John Fielding, felt able to refer in moderately appreciative terms to the "general good Behaviour, Diligence, and Activity" of the constables of Middlesex and Westminster.[3] Moreover from this period onwards, there had been major improvements in the organisation, supervision, financing and quality, of the Watch in several London parishes (mainly, but not solely, in the central areas). These had usually been enforced by private Acts of Parliament, instigated after petition from the parish concerned, such as the 1735 Act that allowed St.George's, Hanover Square, and St.James, Piccadilly, to impose an additional compulsory police rate on their householders. It was followed by several similar Acts over the following 80 years, such as that for St.Marylebone in 1756. The provision of extra financing permitted these parishes to allow their Watchmen to specialise more in patrolling and crime prevention, rather than 'doubling up' in other roles, such as that of street cleaner.[4] By 1829, the St. Marylebone parish police, covering 17 divisions, included one superintendent, six street keepers, 17 sergeants, 180 watchmen and 42 part-time constables. This produced 220 salaried men plus the

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[1]Lyman, J.L., 1964, at pp.141-154
[2]See on this Styles, J., 1987
[3]Fielding, John, 1758, at p.40
[4]See Reynolds, Elaine, 1989, at p.453.

constables to police 35 miles of street. Its ratio of one official per 369 inhabitants was considerably better than that achieved after the advent of the new police.[1] Many of these parishes also experimented with uniforms, hierarchical supervision etc.

The 1770 Police Committee, prompted by a rash of 104 house burglaries in the Metropolis between Michaelmas 1769 and March 1770, had identified widespread problems with the quality of the Watch and its lack of co-ordination and control. Some of these concerns were subsequently met by an Act of 1773. This produced a ban on watchmen visiting alehouses while on duty, a minimum wage for them, and better defined their duties (though it was confined to Westminster and did not provide for any centralised control).[2] The 1802 'Act for the better regulation of the nightly Watch and Beadles within the City and Liberty of Westminster and parts Adjacent' (14 Geo.III) also required that Watchmen who were not on designated patrols go round their 'beats' or 'walks' at least twice every hour.[3] After 1805 the Police Office magistrates acquired the right to dismiss incompetent watchmen. The Police Committee of 1812, deciding against more radical change, also recognised that improvements had been made in many parishes due to a general acknowledgement that earlier measures were "insufficient". It commended their "activity and vigilance", and the manner in which energetic local men had been willing to inspect and supervise their police arrangements, something that the committee felt merely needed to be extended to all parishes by legislation.[4]

As a result of these sporadic reforms, by 1810, the quality of Metropolitan parish based policing was very varied. Some constables and watchmen were still very poor in quality (forming the basis for popular satire), many were competent, and, in several improved parishes (albeit not usually in the worst areas of the Metropolis), they were very good, being recruited from fit men of sound character. Contrary to some claims that watchmen "very seldom" captured housebreakers,[5] criminals *were* regularly detained by watchmen prior to 1829; some of them were clearly

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[1] Ibid., at p.459

[2] Lyman, J.L., 1964, at p.142

[3] Reproduced in Appendix to pp.4.1812 at p.26.

[4] pp.4.1812, at p.96

[5] Dudley, Thomas, 1828, at p.v

diligent. Thus, in October 1814, William Wilson, "one of the patroles belonging to St.James Parish", saw three men lurking suspiciously in Piccadilly, at 3.00 a.m. He reported the incident to his watch-house, and learnt that a house in nearby Jermyn Street had been burgled, and several silver tea spoons stolen, the burglars being disturbed by other members of the Watch. He immediately suspected the three men of involvement; when he approached them, they fled, chased by Wilson and other Watchmen. One of the burglars, Robert Classon, falling behind was "pursued till he was taken" (later being executed after conviction at the Old Bailey).[1] As this incident indicates, many Watchmen were physically fit. A list of those in the parish of St.Mary, Islington, in 1826, shows an age range of 19-40, with most men being in their 20s or early 30s. Even those who were taken from the charity rolls (a frequent complaint) were usually young and able bodied.[2] By ignoring these localised improvements, some writers (both contemporary and modern) have exaggerated the extent of corruption and inefficiency amongst the parish constables and watchmen of the 1820s, often taking the worst parishes as typical of the whole.[3] By 1829, a significant number of the more prosperous parishes had developed sophisticated systems of local policing, something that, in part, explains their resistance to the 1829 reforms. Thus, St.Marylebone vestry argued that they should have been exempted from the provisions of the 1829 Act, as their parish was already: "..protected and watched both by day and by night, in fact its police was considered so efficient that its discipline and regulations formed the groundwork of the discipline and regulations of the New Police".[4] Even Peel, when introducing his Bill to the House of Commons in April 1829, readily conceded that some parishes had carried out major reforms to their systems, producing an "efficient parochial police", one that was well able to protect the property and persons of their inhabitants. He cited St.James and parts of Hackney and Marylebone as obvious examples of this.

Additionally, it can even be argued that the existing system did have a number of advantages over its successor. If, as is

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[1]New Newgate Calendar, Vol.11 at pp. 564-566, 734 & 729-731 ND (but post 1814), in the possession of Lincoln's Inn.
[2]Paley, Ruth, 1989, An Imperfect...,. at p.128
[3]Emsley, C., 1987, at p.175.
[4]See Reynolds, Elaine, 1989, at p.446

frequently asserted, policing is primarily a local service, best answerable to the community it serves, the pre-1829 system, answerable to the basic unit of London local government (the parish), was highly flexible and well equipped to respond to local anxieties. Furthermore, because Watchmen's beats were very short, most knew them intimately, in a way that could not be matched by many officers after 1829. (Significantly, in 1772, Sir John Fielding had opined that the beats of the existing Watchmen, were still "too extensive", and should not exceed 20 houses).[1]

Continuing Problems in the Traditional System

Nevertheless, even taking into account local improvements, it remains the case that the existing system was plagued with problems, and was probably incapable of providing for a general enhancement in Metropolitan security as a whole. Despite the exceptions, there was often a wide gap between theory and practice in the employment of both constables and watchmen, even in the 1820s. Certainly, in 1834, judge William Arabin was sure that the watchmen were "very inferior, in all respects to the present police". (Though he appears to have been inordinately impressed with the latter's ability to give clear forensic evidence).[2] In the balanced words of a Middlesex J.P., an incisive observer of policing arrangements in London: "...from the laudable efforts of some parishes, a beneficial change has taken place in the appointment of these officers; but I am still persuaded that the institution has within it those inherent defects which must always be exposed more or less to the objections which I have stated as a means of preventive police".[3] A major problem in leaving local/parish authorities to enhance their own policing was that London's social stratification had increased rapidly during the eighteenth and early nineteenth centuries. Many vestries had neither the inclination nor the economic means to introduce the reforms pioneered by the better parishes. This allowed Peel to assert that, far from being arguments against radical change, isolated reforms might actually make the situation in unreformed parishes even worse, as they

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[1] 1772 Report appended to pp.4.1812, at p.35.
[2] pp.11.d.1834, at p.274
[3] Mainwaring, G.B., 1821, at p.541

became sanctuaries for 'ne'er do wells' driven out of the improved parishes. (This was the first use of a 'migration' theory of crime that would be used to justify the progressive expansion of the police throughout the rest of England over the remainder of the century). Peel felt that it was necessary that such localised "efficiency was made general".[1] He was not alone. George Mainwaring also argued that a new type of organisation was needed, so that the police were for the protection of the whole public, "for the poor as well as for the rich". The existing system of rewards and localised policing concentrations encouraged an orientation towards the needs of the richer citizens in London.[2] Nevertheless, in some areas, at least, it is clear that the break between the 'old' and 'new' police was much less sharp than some accounts allow.[3] Reform in 1829 was as much about centralising control and bringing the inferior parishes up to a higher and more uniform standard, as about a general improvement in quality.

Pre-1829 'Professional' Police

The 'traditional' policing arrangements of parish constables, watchmen and beadles, had been supplemented by piecemeal reforms in the late eighteenth and early nineteenth centuries. These had added limited 'professional' forces, such as the Thames River Police (established in 1800, having started as a private venture by West India merchants in 1798) intended to prevent crime in and around the Port of London; the officers attached to each of the seven new police offices (these having a policing/supervisory function as well as a judicial one) with their three attendant stipendiary magistrates, set up by the Home Office in 1792, and the Bow Street Runners, who developed from the initial promise of £600 made to Henry Fielding by the Duke of Newcastle, in 1753, to deal with a specific Metropolitan crime problem, and which had allowed Fielding to keep his men together after that immediate crisis had been addressed, permitting him to draw upon their services

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[1] *Hansard's Parliamentary Debates* ,Vol. XXI, New series, 31 March-24 June 1829, at p. 872.
[2] Mainwaring, G.B., 1821, at p.541
[3] See on this Smith, Philip Fermond, 1985, at p.4, and, more generally (and exaggeratedly), Reynolds, Elaine, 1998.

subsequently as and when required.[1] These new forces continued to evolve and expand into the 1820s. Thus, after 1800, the Thames River Police, eventually grew to consist of a large force of Thames watermen, who manned boats in groups of four under the command of a surveyor (86 of them by 1828), as well as a small number of land based constables (seven at first, more later) and three magistrates. At least two of the land based constables would patrol near the police office in Wapping every night, all of which parish was in the Thames Police jurisdiction and covered by both boat and land patrols.[2] The number of officers employed at each police office had also increased, to 12 (from an initial six). After 1805, the Bow Street Office had maintained the professional Horse and Foot patrols, as well as the Runners, covering the roads in and around London. The Horse patrol patrolled the capital's outskirts, the nocturnal Foot patrol, with a total of 100 men, operated in the inner London areas. The latter force patrolled in groups of 5, with its area being subdivided into 16 sections, each of which had one patrol designated to it.[3] In 1822, Robert Peel established yet another professional force, the 27 uniformed men of the Bow Street Day patrol (initially recruited from the night patrol). It consisted of 24 men and three Inspectors, these being divided into three divisions. They patrolled from 9 am till the night patrol's coming on duty, and were readily distinguishable by their blue coats and trousers, and red waistcoats. The small size of the Day patrol in part reflected the fact that it had been set up: "...more as an experiment as to the effect it would produce upon so small a scale, than as to its remaining permanent in the same state". The experiment was claimed as a great success (supposedly, so effective, that no swift increase was necessary, though a fourth division was soon proposed).[4] In the face of some parliamentary doubters, Peel informed the House of Commons, in 1829, that, despite its small size, the Day patrol had already produced great and tangible benefits in central London. The conclusion that he drew from this was that if so small a body of men could effect such impressive results, it was fair

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[1]Radinowicz, L., 1948-56, Vol.3, at pp.56-57
[2]Radinowicz, L., 1948-56, Vol.2, at p.529-31
[3]Gatrell, V.A.C. et al., (Eds) 1980, at p.181
[4]See Appendix to pp.10a.1828, at p.334.

to suppose that "great good" would flow from the establishment of a "numerous patrol". Very importantly, it gave a foretaste of a more effective system of professional day-time policing (largely absent before 1822). Similarly, Peel felt that it was primarily the efficiency of the post-1805 Mounted patrol in deterring and apprehending criminals that lay behind the disappearance of highway robbers from the environs of the Metropolis. He also approvingly noted that it was carefully recruited from healthy men of good character.

These 'professional' officers worked in a variety of ways. The Bow Street Runners, and, to a lesser extent, the salaried constables attached to the 1792 Police Offices, emphasised detection, though the latter body conducted a small amount of preventative patrolling, along with the enforcement of warrants. Significantly, in the immediate aftermath of the Gordon riots, it was noted that Sir John Fielding's Bow Street Runners had provided a valuable service accompanying and directing the military (many of whom were totally unacquainted with London) in searching the haunts of those "incorrigible criminals" who had escaped from the Metropolitan gaols during the disturbances. Many were easily recaptured.[1] The Runners, in particular, carried out what would be considered to be mainstream detective work (though the word was little used before the late 1820s). By contrast, the various 'patrols' (foot, horse and day) emphasised overt mobile urban surveillance and thus were primarily a preventative force.[2]

Small Numbers of Professional Police

Although many of these reforms were quite effective, they were also very limited. Even in 1828, there were still only 427 professional government funded officers (costing £35,000 p.a.), for the whole of London. All other Metropolitan protection was provided by the traditional system of beadles, constables (both appointed and salaried 'stand-ins') and watchmen.[3] As a journal correspondent pointed out to 'sarcastic' critics of the 1792 reforms, although the constables attached to the police offices established that year had experienced considerable success against pick-

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[1] *The Gentleman's Magazine*, Vol.50, 1780, at p.368.
[2] See Reynolds, Elaine, 1989, at p.447
[3] Sheppard, Francis, 1971, at p.33

pockets, the three offices to the West of Temple Bar had only 36 men between them to police an area of a hundred thousand homes and half a million people.[1] Similarly, the 12 officers appended to Union Hall Police Court served a population of 150,000 people and, allegedly, 300 resident thieves.[2] It was an impossible task. Not surprisingly, in 1829, John Wade remarked that the existing professional policing agencies in London were simply inadequate for the size of the city, and the extent of their responsibilities: "What can be more futile than the Bow-Street day-patrol of 24 men with 10,000 streets [to cover]"?[3] In almost identical terms, George Mainwaring felt that the frequency of serious Metropolitan crimes made it necessary to publicise the "moral and political evils of our present police system", lacking as it was in both "power and efficiency" because of its tiny size and fragmentation. In particular, it was necessary that a "great addition" be made to the number of professional officers.[4] However, as Mainwaring's comment suggests, it was not just the number and quality of officers that occasioned problems. Even if all of London's parishes were to establish effective watch systems (as the better ones had already done), there would still be no "unity of system", and no security that such parishes could act in "mutual concert and co-operation".[5] For many reformers, allowing the parishes a continuing role would "reduce that unity of purpose" that they considered essential to deal with Metropolitan crime.[6]

Fragmentation of Policing

In some ways, the gradual proliferation and accretion of new professional forces actually served to exacerbate the general lack of 'system' in the existing structure; this in an age that was increasingly oriented towards regularity and uniformity. By 1828, an observer could note that although the police in London had been in a "deteriorated and imbecile condition" for 200 years, the heaping of statutes and reforms, to deal with its deficiencies, on top of each

[1] *The Gentleman's Magazine,* Vol. 63, July 1793, at p.604
[2] Allen. L.B., 1821, at p.38
[3] Wade, John,1829, at p.73
[4] Mainwaring, G.B., 1821, at p.9
[5] Ibid., at p.22
[6] pp.11.d.1834, at p.12

other, had increased the problem. Unlike continental countries with codified criminal justice and policing arrangements, such Acts were: "...each passed on the spur of the occasion, without regard to principle or system". As a result, it was vital that they be "mercilessly struck to the ground", and the existing "discordant" elements of the London police system, watchmen, patrols, constables etc., be incorporated into "one vigorous and well-organised whole-a regular police force". This was to be characterised by unity (and its members and operations by "respectability" and "unceasing vigilance").[1] The following year, Edwin Chadwick, too, concluded that the existing police arrangements were made up of unacceptably 'disjointed bodies'.[2]

However, calls for centralisation and uniformity of jurisdiction were already decades old when Peel became Home Secretary. Thus, in a paper delivered to the Committee of 1772, Sir John Fielding had proposed that the "whole direction" of the Watch of Westminster ought to be put under one commission, made up of Westminster Magistrates.[3] Twenty years later, a journal correspondent opined that it was vital that the "constables and the numerous, but useless, watchmen, be put under some new and efficient regulation".[4] Fragmentation was extreme, prompting Patrick Colquhoun to lament the failure to implement the 1798 Committee's recommendation that there be a central police board to supervise the different policing establishments.[5] In 1803, he observed that there were six different types of constable in the Metropolis: those attached to the Bow Street Office (the 'Runners'), those attached to the police offices established in 1792, the traditional parish constables, paid substitutes for the previous category, Special constables sworn in for emergencies and those pertaining to the Thames River police.[6] Nine years later, the 1812 Committee observed, approvingly, that the City of London, unlike Westminster, was treated *relatively* holistically by its Mayor and Corporation. They provided a

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[1] *Police Quarterly Review*, Vol. 37, 1828, at p.502 & 504

[2] Chawick, E., 1829, at p.254

[3] Cited in pp.10a.1828, at p.23

[4] *Gentleman's Magazine*, Vol. 63, July 1793 at p.604

[5] Evidence of P.Colquhoun in pp.3.1799 at p.53, & 1800, at p.34. He felt it would have contributed significantly to reducing the apparent increase in London crime.

[6] Colquhoun, P., 1803, at p.xii

"gradation and subordination" of its various classes of public officer, along with a fairly methodical "division and subdivision" of jurisdiction. As such, the Committee felt that it provided an "example of that unity", and of the "dependence of parts on each other", that was the prerequisite for efficient policing. It proposed that it be copied by Westminster, still an "unconnected mass" of local authorities.[1]

Matters were further complicated because constables and watchmen usually had no jurisdiction beyond their own parishes or "precincts", and could not normally act out of area.[2] Even single parishes might produce several different forces. Thus, before 1829, there was no London wide police 'system'. (There had been *some* tangible steps taken in both Westminster and the City to improve inter-parish co-operation. Nevertheless, they were not entirely successful, and the problem had certainly not been solved). When introducing his Police Bill, in April 1829, Peel was to point out that St.Pancras, one of the most extreme examples, had 18 different bodies policing it, each independent of the rest. There were also numerous bodies covering Lambeth. Jurisdictional problems were often at their most acute in London's Eastern parishes. A classic illustration being evidenced by a case from Whitechapel, in October 1820, when the victim of pick pockets personally seized one of the two thieves involved, but found the attending watchman unwilling to help: "I secured Smith, but the watchman would not take her as it was not on his beat, so I let her go".[3] Peel expressly alluded to such difficulties in 1829, noting that watchmen could be mere "passive spectators" when witnessing a crime across the street from their own parish boundary.[4] Consequently, one of the primary declared aims of the 1829 Bill was to establish a central board, under the immediate direction of the Secretary of State, and eventually to place the: "...whole watching and patrolling of the Metropolitan District under its superintendence". All parochial distinctions would

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[1] Cited in pp.10a.1828, at p.23

[2] Anon., 1791, *The Office of Constable*, at p.2

[3] Rudé, G., 1985, at p.91

[4] *Hansard's Parliamentary Debates*, Vol. XXI, New series, 31 March-24 June 1829, at p.877

be "done away with" and "compulsion" introduced to the funding of police (at a flat Metropolitan rate of 8d. in the pound).[1]

Unequal Policing Provision

Fragmentation also meant that there was a very unequal provision of Metropolitan policing services. Even allowing for the great differences in size, the distribution of watchmen in the early 1770s, between Westminster (62 men), St.James (56) and St.Mary Le Strand (2) was extreme.[2] Similarly, in 1811, Bethnal Green had 18 watchmen, two inspectors and a beadle for 33,000 people, whereas neighbouring Shoreditch had 75 watchmen and six patrolmen for 44,000 inhabitants, almost three times as many peace officers per capita.[3] According to a letter from a Mr. Julian, the clerk to the Kensington magistrates (cited in parliament by Peel) Kensington, although a full 16 miles in circumference, and "wealthy and populous", had only three constables and three headboroughs (a less exalted form of constable) covering it. Other areas, such as Tottenham, and some suburban areas like Fulham (with perhaps c.15,000 inhabitants), had no policing provided by the Parish at all, and were dependant purely on such private initiatives ("voluntary exertions"), if any, that prominent parishioners might arrange. These might be short-lived, as voluntary efforts tend to be. Thus, South of the river, in troubled Deptford (a haven for felons fleeing from north of the Thames) the "Voluntary Night Patrol", set up after a local outrage, had swiftly died out, while the only patrolling in St.Nicholas's and St.Paul's parishes there was carried out by two men paid for by public minded citizens.

Lack of Career Structure

The lack of a capital wide unitary system also contributed to the poor quality of parish officers, as it precluded a proper career structure for the abler members of the Watch. In his evidence to the 1828 committee, the magistrate Sir William Birnie expressly criticised this lack of structured opportunity for advancement in the

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[1] *Hansard's Parliamentary Debates,* Vol. XXI, New series, 31 March-24 June 1829, at pp.872-875. And, Proceedings in Parliament in *The Gentleman's Magazine,* Vol.99, Jan-June 1829, at p.360.

[2] Information Contained in Whitworth, Charles, 1773, at p.2.

[3] Paley, Ruth, 1989, *An Imperfect....,.* at p.103

existing parish based system. Occasionally, a good man might be promoted to a "superintending patrol", whose function was to check up on other watchmen, but generally there was little extra money, and very little promotion available. There was also no system of Metropolis wide "classification" so that a good watchmen might be advanced to promotion in another parish.[1] The lack of hierarchy prevented effective supervision of officers. In theory, performance of the constables' duties was overseen by the local Magistrates (along with the Vestry). However, by the 1810s, in many populous parts of London (outside the operation of the 1792 system), there were no resident magistrates to keep them up to the mark.[2]

Lack of Co-operation between Policing Agencies

Compounding the problems engendered by fragmentation, co-operation between the new, small, professional bodies, and the traditional system of watchmen and constables, on which they were super-imposed, was often woefully deficient. William Blizzard, surgeon to the Honourable Artillery Company, noted that, in the early 1780s, after a notorious murder and "continual robberies and acts of violence" on the roads near Islington, a party of men from the H.A.C., accompanied by peace officers, spent many nights in a "spirited search" for those involved. They arrested several suspicious people, and took them before a magistrate, but he: "...rebuked them for meddling with a business, which, he said, his own people much better understood".[3] Almost 40 years later, the Police Court magistrate, L.B. Allen, was still aware of "natural antipathy" between his constables and parish officers, despite their shared objectives.[4] In the same vein, Thomas Dudley cited the case of a zealous constable in the 1820s, one Mr. Thomas from St.Paul's parish in Covent Garden. Thomas resolved to clear the low coffee houses from the area during his term of office, feeling that they were being used for fencing stolen goods and meetings by local criminals. He sought the assistance of the professional constables attached to the nearby police office. Initially, he received no support and was strongly discouraged. He claimed that the magistrate, Sir

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[1] Evidence given on 10th March, appended at p.46 to pp.10a.1828

[2] Anon, 1818, 4th Ed., *The Constable's Assistant;...,* at p.12

[3] William, Blizard, 1785, at p.23

[4] Allen, L.B., 1821, at p.4

Richard Birnie, told him that his own men knew their duties and were not to be interfered with by parish constables. According to Thomas, he was even assaulted by these officers when he sought their help. (However, eventually such aid was forthcoming).[1] Of course, there *were* links between the various overlapping and neighbouring policing agencies in the capital, as can be seen from the facts of a conspiracy involving a parish constable, a watchman from a different parish and a member of the Bow Street Patrol in 1821. These three men approached the friends and relations of three apprehended young pick-pockets (one of the men had been involved in arresting them), offering to refrain from giving any "material evidence" against them, in exchange for £5.[2] Nevertheless, inter-agency co-operation was limited.

Proposals for Reform

Not surprisingly, in these circumstances, numerous plans had been advanced in the half century prior to 1829, for reducing London to an integrated system, usually based on a pyramid design. Thus, in 1785, Jonas Hanway had proposed that the Metropolis be divided into four divisions, each under the supervision of "principle justices" (professional magistrates earning a salary of £500-£600 p.a.) responsible for c.150,000 people. Each of these would be further subdivided into four, containing c.35,000 people, and headed by a sub-justice (earning £300 p.a.). These sub-divisions would be further divided into two, each headed by a head constable, and these further separated into six, headed by a constable of approved conduct and ability.[3] There were numerous alternative models. Many of the early proposals, both private and government, for Metropolitan police reform were premised on the creation of salaried police magistrates, with an attendant body of constables and detectives. The model for this had been provided by the innovations effected at Bow Street by De Veil and the Fieldings in the mid-century, and lay behind the 1792 Act.

The Introduction of Unity and Hierarchy: Exemption for the City

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[1] Dudley, Thomas, 1828, at p.17
[2] Burgess, I.G., 1821, at p.4. The officers were eventually convicted and imprisoned for this crime, receiving sentences of between six months and two years.
[3] Hanway, Jonas, 1785, at p.238

Long before the 1828 Committee reported, on 27th July, and the ensuing Bill on Metropolitan police reform appeared, Peel had well developed ideas about the basic shape of any new London force. He had outlined his plans in a letter sent to Hobhouse on 8th December 1826. Nevertheless, it was politic for him to keep quiet about his proposals, even when establishing the 1828 Select Committee though heavily influencing its composition and conclusion. (He continued to pretend that he could not envisage such centralisation occurring).[1] It was to be a centralised, uniform, force covering the whole of the Metropolitan area in a 10 miles radius from St.Paul's Cathedral (apart from the City of London, with which he freely conceded he would "be afraid to meddle"), treating the areas involved as "one great city", paid for out of a fixed parish rate. Peel was adamant that individual improvements on the part of officers were not enough; the chief requisites of an: "...efficient police were unity of design and responsibility of its agents".[2] It produced a London wide force with a hierarchical command structure. Thus, 1829 saw the inception of a process in which the existing tri-partite Metropolitan police system, in which riot control (primarily a military function), crime prevention (the function of watchmen and 'patrols') and detection (Bow Street runners etc.) was combined in one body.

The exemption of the City from the rest of the Metropolis, although politically necessary, was a glaring (and intellectually unjustifiable) exception to this general philosophy. Uniformity of system had been fundamental to the reforms of 1829, and the preservation of a substantial separate jurisdiction, in the heart of the Metropolis, ran counter to the whole spirit of change. The City had provided some of the most extreme jurisdictional problems. Thus, during the Wilkite and Gordon riots, crowds, initially assembled at Moorfields, on the border between the two 'cities', had moved from one to the other to avoid the attentions of their respective magistrates. 'Fortuitously', the Report of the 1828 Committee gave Peel a pretext for excluding the Square Mile, allowing him to repeat its politic (and exaggerated) claim that the

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[1] Phillips, David, 1980, at p.185

[2] *Hansard's Parliamentary Debates,* Vol. XXI, New series, 31 March-24 June 1829, at p. 872.

state of nightly police there was "much superior" to that in Westminster. It was not a view that all parliamentarians were willing to accept. Many thought that the administration of justice by the City's Aldermen was actually very poor. As a result, John Bright, a radical M.P., refused to support the Bill. Lord Durham, in the House of Lords, also strongly criticised the City's exclusion.[1] Significantly, within eight years (1837) its supposedly 'superior' traditional system was replaced by a new and separate police force, limited to the Square Mile. The Metropolitan Police Commissioners periodically criticised this continuing anomaly, and Sir Richard Mayne unsuccessfully supported a parliamentary Bill in 1863 (Bill 89, 22nd April 1863) to effect the incorporation of the smaller force into his own, arguing that it was an "extraordinary exception" that made no sense on grounds of "efficiency and economy".[2] Nevertheless, the City fought off all the recommendations for amalgamation made by a variety of Parliamentary Select Committees and Royal Commissions. (Difficulties were eased, however, because, in an emergency, demarcation between the two London forces was not strict. Thus, in 1888, when examining evidence in Goulston street, just inside the M.P.D., shortly after one of the two Ripper murders that night in Mitre Square, in the City jurisdiction, Warren observed that:"There were several Police around the spot when I arrived, both Metropolitan and City").[3]

The Detective/Preventative Debate and the New Police

Although many felt that Metropolitan police reform was necessary, there was little agreement as to how it should be effected. There were three potential models available, premised on: patrol and prevention; post-crime detection and deterrence via punishment; or a combination of the two. A neutral observer, at the turn of the eighteenth century, would probably have expected the third option to triumph. Many proposals for reform in the

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[1] *Hansard's Parliamentary Debates,* Vol. XXI, New series, 31 March-24 June 1829, at p.1488 & 1752

[2] *Hansard's Parliamentary Debates,* Vol. XXI, New series, 31 March-24 June 1829, at p.1488 & 1752 and Confidential memorandum by R.Mayne to Sir George Grey, dated June 1st, 1863. The City of London Police survives to this day.

[3] Warren's Report to the Home Office 11/6/88

immediate post-1780 period had envisaged a combination of detection and preventative patrolling as the best approach to urban policing.[1] Most felt that the problems attendant on a detective approach could be resolved. Thus, in 1785, William Blizzard firmly believed in a 'combined' approach. He felt that one of the inherent problems in 'thief-taking', that officers would wait for crimes that were sufficiently serious to warrant a reward to be committed, before apprehending criminals, could be resolved by the simple expedient of granting "handsome rewards" for arresting petty offenders, so allowing measures to be taken to prevent them from becoming "capital offenders". Similarly, in 1817 it was argued that it would only be necessary to give "small scale" rewards for apprehending minor thieves to make their criminal activity subject to the constant "harassing of informers" and consequently not worth pursuing.[2] Blizzard had also been keen that prison turnkeys should be trained to act as detectives and so get criminal intelligence from their charges. However, on the preventative front, he suggested that, in the City, the effectiveness of 150 salaried men, "able and of character", employed to "patrole the streets; to keep constables and watchmen on their duty; [and] to apprehend criminals", would prove "astonishingly great".[3] They would directly report to the magistrates each day. A few years later, Patrick Colquhoun stressed that the aim of any police force was both the "Prevention and Detection of Crimes"[4]. Indeed, it was his emphasis on this double role that prompted a journal correspondent to assert, with great exaggeration, that the principle laid down by Colquhoun throughout his *Treatise* "seems to have been, the establishment of a system of espionage", premised on money rewards for detection. The same correspondent, evidently a 'purist', urged that "Prevention, rather than punishment" should always be the aim. (Another correspondent felt constrained to point out, in response, that Colquhoun's work had stressed for "its object, as much the prevention of crimes, as the detection of offenders").[5] Similarly, Jonas Hanway's 'system', though partly preventative, would only

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[1]See for example *Quarterly Review*, vol. 36, 1828 at pp.494-496.

[2]Minutes of Evidence for pp.5.1816, reproduced in Thirlwall, Thomas,1817, at p.6.

[3]Blizard, William, 1785, at pp. 80-83.

[4]'Preface' to Colquhoun, Patrick, 1800, 6th Edn.

[5]*The Gentleman's Magazine*, Vol. 88, July, 1818, at pp.219 and 410.

have produced the very modest total of one professional constable to 6-7,000 inhabitants of London (at a total cost of £6-7,000). It was still heavily based on private initiatives supported by financial payments, and he was keen that a proper sum should be raised by the authorities to reward those who caught criminals (he preferred to call them "pursuers" rather than "thief-catcher[s], the last name being rather contemptible").[1] Even the 1812 Committee, which came down heavily in favour of emphasising prevention rather than post-crime detection, noted that it was wrong to believe that the "two systems [preventative patrol and detection] are ...not compatible". It asserted that they would necessarily compliment, afford "mutual aid and assistance", to each other.[2]

By 1829, there were also other potential policing models available that stressed detection. The French 'Brigade de la Sureté', founded by the detective François Eugène Vidocq, was clearly one. Vidocq was placed in command of a force of plainclothes officers, staffed, initially, by ex-convicts. Vidocq himself had been recruited as a police spy, and went into prison, undercover, as an inmate, to act as an informer on his fellow prisoners. A mock escape was arranged, and he then went into Paris's criminal haunts. In 1817 formally established his detective force, mainly from former criminals. It appears to have met considerable success in its first year of operation (1817), infiltrating the Parisian underworld despite having only an initial complement of 12 men, making 772 arrests for (mainly) serious crimes. It was swiftly increased to 28 detectives.[3]

Preventative/Surveillance Model

Preventative Policing

The alternative to detecting and apprehending specific criminals for committing identified crimes, was to focus on anyone who appeared 'suspicious', whether there was a warrant against them or not, and whether they had yet committed an identifiable offence or not. Essentially: "...to try the experiment of taking up all notoriously suspicious characters wherever found".[4] This, with

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[1] Hanway, Jonas, 1785, at p.238
[2] Cited in pp.10a.1828, at p.23
[3] Griffith, Arthur, Vol.1, 1898, at pp.348-358
[4] *The Gentleman's Magazine,* Vol. 88, Jan-June, 1818, at p.317

constant urban surveillance, was the 'preventative' system that triumphed in 1829. It was this fairly novel approach that occasioned much of the popular hostility to the new police; novel because the earlier part-time constables and Watch were less powerful, and also more re-active, rather than pro-active, in their operations. In theory, constables only acted when "called on by proper evidence".[1] Even the professional officers attached to the magistrates' offices from 1792 had been largely "confined to the discovery of [existing] offenders". Many were concerned that under a preventative model there might be an attenuation of previous political safeguards, believing that public security would be improved if new police constables were more circumscribed in their powers, and always required to have authority from magistrates or their superintendents, before effecting arrests, unless an offence occurred in their sight.[2]

Nevertheless, the preventative approach, so important to the philosophy of the emerging Metropolitan Police, was not new in 1829, and was certainly not invented by Peel or any of his immediate advisers. The desirability of crime prevention rather than 'cure', and suggestions for removing the common beggars, public gambling, prostitutes and the "vast shoals" of petty criminals and shoplifters in London's streets had existed for decades.[3] Even John Fielding, writing in 1758, had been "sure it is much better to prevent even one Man from being a Rogue, than from apprehending and bringing forty to justice".[4] Hanway, too, had favoured a "regular mode of prevention" in the 1780s.[5] Its value was regularly reiterated before police committees and in private reports prior to 1829. In the 1820s, George Mainwaring suggested that magistrates should make offenders, rather than their crimes, the object of their attention. To this end, he proposed that every police office should keep a permanent register of all houses in its area which were: "...receptacles of known thieves, and of such discoverable persons as have no visible means of honest subsistence".[6] It was also

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[1]See Robinson, David, 1831, at p.85
[2]pp.12.1838, at p.468.
[3]Fielding, John, 1758, at p.18
[4]Fielding, John, 1758, at p.35
[5]Hanway, Jonas, 1785, at pp.23 & 24
[6]Mainwaring, George B., 1821, at p.23.

something that the existing professional police based on detection (not the 'patroles') were inherently ill suited to. Looking back over a quarter of a century, Charles Dickens was probably right in thinking that: "...as a Preventative Police they [the Bow Street Runners] were utterly ineffective".[1]

George Mainwaring, writing in 1821, was one of many early proponents of a 'scarecrow' function for policing, rather than a punitive role premised on detection, feeling that: "The question then is punishment or prevention?".[2] By the early 1800s, there was also some apparently empirical evidence available to support a preventative approach. It was widely (and probably correctly) believed that the Marine police, privately established under the influence of Patrick Colquhoun and John Harriott (the sometimes neglected author of much of its detail), had made a major contribution to the fight against crime in the docks and on the river Thames. This had largely been effected by deterring riverine felons, rather than hunting them down after their crimes had been committed. According to *The Times*, in 1798, on a river where previously there were great dangers from arsonists, river pirates and nocturnal thieves, the saving on one West India fleet alone, in stolen sugar, rum, coffee etc., amounted to at least £50,000 to £60,000. (Something that should also be remembered in the light of claims that in the late eighteenth century crime was given an importance that was disproportionate to its real significance).[3] The paper felt that the Thames had become unprecedentedly secure, as: "All river pirates, and other suspicious persons who used to infest it, are now completely banished". So complete was this that the police surveyors (on duty from 10 p.m. to 5 a.m.) had, apparently, only detected two offenders in the first months of the new force.[4] Significantly, the River Police's uniformed section was actually termed the 'preventive' force. Colquhoun, writing two years after its inception (it became a government force in 1800), believed it had "worked wonders" in combating the enormous levels of crime in the docks that were previously accepted as normal, reducing many

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[1] Dickens, Charles, 1850, *A Detective Police party*, at p.409
[2] Mainwaring, George B., 1821, at pp.138-140.
[3] Gatrell, V.A.C., 1990, at p.244
[4] *The Times*, 'The Marine Police', August 15th, 1798.

forms to a moderate level, and totally extinguishing others.[1] Even allowing for exaggeration, it appeared to provide a foretaste of the potential for a Metropolis wide force operating on a preventative and deterrent basis; its apparent success was cited by several Police Committees, such as that of 1812.[2] Typically, John Harriott, the force's principal magistrate (of three), giving evidence on his 18 years service, to the 1816 Police Committee, stressed that it was arranged on very different lines to London's other police offices: "This establishment is quite distinct from all the other [police] Offices, it proceeds upon what is called the *preventive* system". There was a "regular watch, day and night". Great pains were taken to ensure that a permanently high level of vigilance was maintained, the watch was "continually inspected at uncertain hours", and a daily report was submitted to Harriott; if any fault was found with an individual officer he was suspended. Harriott felt that everyone on the Thames agreed that it had been a signal success, the docks being as quiet as a 'mill-pond'. Merchants regularly made requests for an expansion in the area patrolled, and the number of officers attached to the force. Harriott felt that despite the acknowledged differences between land and water operations (most of his men patrolled in 27 foot 'galleys'), the concept of a preventative "moving police upon the land day and night, as we have upon the River" was equally valid for the wider Metropolis. In proposals to both the 1812 and 1816 Police Committees, he was confident that it would be "attended with the same success upon land" as on the Thames. He also prepared a private report for the Secretary of State to this effect, although mindful of the potential expense involved.[3] Significantly, Harriott stressed not its potential effectiveness against felons, but that it could remove the two "chief nuisances" found in London, prostitutes and beggars. However, the potential limitations of the marine force as a model for the whole of London, because of its geographical compactness, the restricted access and egress to its area and the economic uniqueness of the Docks, something which made intensive patrolling both relatively easy and effective, were often overlooked.

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[1]Colquhoun, Patrick, 1800, 6th Edn., *Treatise* ...at p.242
[2]pp.4.1812, at p.6.
[3]pp.5.1816 at pp.111 & 112.

Whether such policing would be as effective in dealing with conventional crime was less certain.

There had also been significant experiments conducted in the City of London involving 'preventative' policing based on patrol, well before 1829. (Indeed, the ostensible reason for not including the City in the Metropolitan Police district in 1829, was that it was already sufficiently reformed not to need change, in Peel's words to Parliament, the City was "already under an efficient police".)[1] Although, in reality, a political fear of the City authorities was largely behind the decision to exempt the Square Mile from the 1829 Act, claims that policing there was qualitatively different to the rest of the Metropolis in the early 1800s, appear to have been borne out, to a limited degree, by evidence given to the various parliamentary committees. The 1834 Committee accepted that the day watch in the city was comparable in its protection to that afforded by the new police.[2]

Nevertheless, even in the City, the old style Watch had occasioned problems. In part this was because of their reluctance to apprehend minor offenders for fear of having to take them before a court, something that could entail losing the following day's work. This had resulted in a number of suggestions for reform on a preventative model, though these were not fully implemented. Thus, at a meeting of the Aldermen and Common Council for the City of London, held at the Mansion House on 19th September 1816, it was proposed by the Lord Mayor that 400 men should be employed as "patrols" at a salary of 20 shillings a week. They would wear dark brown or drab uniforms, with an identification number on the arm, and carry short staves. They would not be issued with lanterns, nor would they have watch boxes or call the hours, but would patrol their "beat" for two hours, before taking one hours rest in the watch-house. Each man would change his round every night, and would not know what beat he was to be stationed on before he came on duty. They would be supervised by 40 attendants.[3]

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[1] *The Times,* May 20th, 1829

[2] pp.11.d.1834, at p.274

[3] Appended to pp.9.1822, p.93

By the second decade of the century, much policing in the Square Mile was based on preventative patrolling. Of course, the traditional arrangement of constables and night watchmen continued (though of the 314 constables in the City area in 1816, 95% were paid substitutes rather than householders carrying out the duty in person). They would respond to emergencies as called upon, would take their turn to be on duty at night at the watch house, and could also be called out *en masse* to deal with the crowds attending pillories and executions or other special occasions. However, more significant for future developments were the paid day and night patrols, up to a dozen men strong, under the supervision of the City Marshals. These patrolled designated beats, reporting to, and signing in at, the watch houses. To effect this, the City was divided up into four policing divisions, with three day patrols to each, and two night time ones. These had an expressly preventative duty, to "patrole the street to prevent thieving of every description, particularly to watch the pickpockets, to remove nuisances, preventing begging". As a result, despite the City's many criminal temptations, over and beyond those of the rest of the Metropolis, with bank clerks publicly carrying bill-cases containing large amounts of money etc., street robberies and pickpocketings were apparently quite rare, especially in 1816, when a new and vigorous Lord Mayor actively promoted public security round the Bank of England.[1]

As a result of its acceptance as the Metropolitan policing model, the primary aim of the new police, from the beginning, was seen as preventative and deterrent rather than reactive (unlike much traditional parish policing) or detective (unlike some foreign forces, and the Runners). Peel's instructions to the new police about their role and normal *modus operandi* were explicit: "It should be understood at the outset that the principal object to be attained is the prevention of crime. To this great end every effort of the police is to be directed. The security of person and property and the preservation of a police establishment will thus be better effected than by the detection and punishment of the offender after he has succeeded in committing crime". This was also stressed in the *New Police Instructions* of September 1829. (They were to be highly

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[1]Evidence of Mr.Philip Holdsworth, pp.5.1816 at pp.260-261

influential outside London, being adopted verbatim by the new Birmingham police in their general orders of 1839).[1] The 1833 committee that investigated the Popay 'spy' scandal, strongly re-emphasised the importance of preventative policing. Almost 40 years later, in 1868, the main duty of the police was being given as "patrolling the streets and preventing crime".[2] Yet another 20 years further on, Sir Charles Warren was still stressing that the (by then) 'traditional' preventative system was much superior to one based on detection.[3]

The existence and prevalence of such ideas, prior to 1829, meant that Richard Mayne (then a relatively youthful Irish barrister) and Colonel Charles Rowan, although first introduced to each other by Peel on 6th July 1829, took only two weeks to produce a policing plan for London in which the entire of the Metropolitan Police District was divided and sub-divided into progressively smaller segments/units, from Divisions via sections down to beats. It remained the basis for the preventive force for the rest of the century and beyond.[4] As the speed with which they reached their conclusions indicates, many features of the post-1829 force were much less novel than the 'Whig' analysis would suggest.

There was little that was entirely new about the 'New Police', except its size, control and jurisdiction. In many ways, it was an amalgam of the better existing policing practises in London with *one* of the predominant themes in the policing theory of the time; essentially, it was a massive work of synthesis. Both the terminology and the techniques of the post 1829 police, had lain at the root of parliamentary attempts at reforming the Watch in the late 1700s and early 1800s. Central to such proposals was an enhancement of the 'beat' system (something that today is occasionally attributed to the inception of the new police, although the word had been in regular use from at least 1770). As early as 1755, a proposal to Parliament had suggested that Westminster be divided into 26 wards, policed by 13 companies of 24 watchmen. These would be under the supervision of four mounted night marshals (as well as the parish constables). Although, after 12 p.m.,

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[1] Reproduced, Manchester, A., 1884, at p.247
[2] pp.14.1868, at p.10
[3] Warren, Charles, 1888, at p.580
[4] Sheppard, Francis, 1971, at p.37-38.

a third of their number at any one time would be resting in the Watchhouse (and also acting as an emergency reserve for the other men) the remainder would be constantly engaged on individual patrol and thus "continually moving". To encourage this, all watch boxes and benches were to be removed. The men would be clothed in "good blue coats" and equipped with staves and rattles. Their supervising constables would be clothed in red. They would also have a responsibility, *inter alia*, to regulate the cheap lodging houses of their areas (one later acquired by the Metropolitan Police).[1] Other suggestions for reform of the Watch had also emphasised the need for enhancing the level of mobile patrol and extending jurisdiction. Thus, in a proposal to Parliament from 1773, to create a uniform Watch for Westminster, it was again suggested that watchmen requiring assistance should be helped by others from adjoining parishes. There was also provision for a modest level of mobile "patroles" (9 of a total of 55 men), independent of the ordinary Watch. Beadles were to patrol the parish at least twice every night, to check on the behaviour of the Watch and Patroles.[2] Another, private, proposal from 1782 recommended that: "...full one half of the Number employed each night, shall be always moving, and going the rounds of the Different districts, [these] to be properly and constantly relieved". It further suggested that existing stands and watchboxes be taken away, being inducements to idleness and encouraging a static approach to policing. As a result, area surveillance would be enhanced, necessary because a "silent, attentive look out, is most likely to prevent the usual attempts of thieves and House-breakers".[3] In 1785, even *The Times* opined that London's apparently burgeoning murder rate could be dealt with by effective patrols, feeling that there was an obvious:"...usefullness and necessity of patroles in all populous places, which, if properly armed, and consisting of persons of good character, must in a short time win out, as well as be an over match for the most numerous gang of villains that ever infested a city".[4]

Some individual Westminster parishes were already experimenting with small specialist 'patroles' of their own, in the

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[1]pp.1.1755, at pp.1-2.
[2]Whitworth, Charles, 1773, at pp.1 & 2
[3]B.T., 1782, at p.62
[4]*The Times*, 30th Nov., 1785, at p.2

early 1770s. Unlike Watchmen, these normally covered the whole parish, were less static and were also entrusted with monitoring the performance of the Watch. Thus, in the Parish of St. Andrews, Holborn, six men were engaged in patrolling (compared to a complement of 30 Watchmen), and in the Liberty of Saffron Hill there were two men so engaged (compared to 13 Watchmen).[1] Similarly, the 'beat' system had lain behind the reform of the St.Marylebone Watch that was effected in 1773. After a committee, chaired by the barrister Herbert Mackworth, reviewed the existing situation, it devised a new 'system' for parochial policing. The parish was divided into seven districts, which were further sub-divided into five beats. Each district was policed by six men, five of them patrolling the beats, and the sixth man functioning as their "Serjeant". The watchmen wore a basic 'uniform' consisting of a brown coat marked with the parish initials, and the number of the beat they were patrolling, carried a lantern, a staff, and a rattle to sound the alarm. The sergeants were often armed with guns and cutlasses (as were some post-1829 Inspectors). Part of their duty was to check on the individual beats during the night (10 pm to 5 am in the winter; 11 pm to 5 am in the summer). In their turn, the sergeants were supervised by a salaried beadle, and an unpaid constable (vital as the formal representative of the law, the watchmen being his "assistants" and deriving their legal standing from him).[2] These men were assigned to the Watch-house during the night, but would also patrol, checking up on the districts at least twice a night. Twice a year the Watch was also inspected by the Parish Watch Committee.[3] Similarly, the more general 1802 Act provided that watchmen:

"...shall, every night, twice in every hour, during his whole time of watching go round his walk or beat...and every such watchmen, and every other watchmen appointed to patrol as aforesaid, shall carefully observe and try

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[1]Information contained in Whitworth, Charles, 1773, at p.1

[2]Anon., 1791, *The Office of Constable*, at p.11

[3]See Reynolds, Elaine, 1989, at pp.455-456

whether the houses, shops, warehouses or other buildings in his respective beat or walk, are safe and well secured".[1]

Additionally, watchmen were to be assisted by those from adjacent parishes when necessary, and were strictly forbidden from leaving their beats or going into ale houses. Nor was it entirely true (contrary to some assertions) that, unlike the post-1829 police, the watchmen made no attempt at controlling the minor disorder present in the streets. James Bartlett, the watch-house keeper of St.Paul's Covent Garden, pointed out in his evidence to the 1816 Police Committee, that they were instructed to prevent disturbances and the gathering together of prostitutes and "idle and dissolute persons" in the streets.[2]

Lack of Novelty in New Police

Many features of the 'new' police accorded with what might be termed existing 'best practice' amongst the professional patrols and reformed Watches in London. Thus, the requirement that recruits be physically sound, of a certain stature and not elderly, unlike *some* parish watchmen, was similar to that of the 100 man Bow Street Night patrol in 1828, where no man was appointed who was over 35 years of age, under 5ft 5" in height, and who had not satisfied a thorough medical examination at the hands of the force's surgeon, Mr.Fisher, which excluded "diseased and unhealthy persons". Like the post-1829 police, this force (made up of a hierarchy of one inspector, 17 conductors [effectively sergeants] and 82 constables under the supervision of the Bow Street magistrates) promoted from within its ranks; the "most fit and intelligent" of the conductors were made Inspectors when a vacancy occurred, and the conductors were appointed, on the basis of good behaviour and length of service, from amongst the constables.[3] Similarly, the St.Marylebone system, if multiplied across London, with a few extra tiers of authority to allow for the enhanced size, and with its brown

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[1] 14 Geo.111 Cap. 90 1802, 'An Act for the better regulation of the nightly watch and beadles within the City and Liberty of Westminster and parts adjacent', Appended to pp.8.1817, at p.26
[2] Evidence contained in pp.5.1816 at p.150. The degree of success that they had in a parish so close to the theatres was disputed by the committee.
[3] Appendix to pp.5.1816, at p.333.

coats changed for blue uniforms, was almost the post-1829 Metropolitan Police in embryo. Any assessment of the impact of the new police on London crime, must 'factor in' this lack of complete novelty and its continuities with the pre-1829 past.

Harassing Street Criminals and Public Nuisances

Faith in the value of interventionist patrols and constant, non-passive, observation of the urban environment was linked to an increasingly widespread belief that 'harassing' street criminals and their gatherings, denying them easy movement and public association, could make an effective contribution to crime control. In William Blizzard's words: "...could the meetings of bad persons be prevented, an astonishing deal of evil would, of consequence be removed".[1] Similarly, the 1812 Police Committee was in favour of a system premised on "superintendence, vigilance and control", which aimed at the prevention of crimes by "rendering it more difficult to commit them", rather than in any:"...degree of activity in the pursuit and conviction of criminals after the crime has been committed".[2] Ten years later, the 1822 Police Committee concluded that the chief value of an urban "patrol", lay in its "tendency to harass and banish the offender, by persevering and annoying scrutiny, and thus to prevent the commission of a crime". It was satisfied that there was "no check so effectual" to habitual thieves, as being under the "impression that they are under the vigilant inspection of persons who are acquainted with their persons and characters, and are at hand to defeat their purposes, or to assist in their apprehension". This provides a succinct exposition of the preventative model. 'Scarecrow' deterrence by 'aggressive', overt surveillance manifested by foot patrol. Consequently, as was noted in 1828, the character of any preventative force was "watchfulness, constant but cautious, over the first approaches to crime, or, rather its earliest manifestations". (Nevertheless, the need for a "detective" force to deal with any crimes that had occurred, was also accepted).[3] This would be fundamental to nineteenth-century urban policing. Thus, even in 1909, according to *The Times* the criminal classes resented

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[1]Blizard, William, 1785, at p.29
[2]Cited in pp.9.1828, at p.23
[3]*Quarterly Review*, No. 36, 1828, at pp.494-6.

the operations of the Metropolitan police, because such people found the: "...police officer who knows them, their haunts and their company, an unmitigated nuisance and a constant danger".[1]

The Power of Surveillance

Confidence in the wholesome power of surveillance, 'inspection' and observation reflected many prevalent intellectual currents in early nineteenth century English society. It was evidenced in the manner in which the clearing of routes for major roads through existing Metropolitan rookeries was lauded for opening up such areas to scrutiny and 'light', something that was to be the specific motivation behind some major clearances later in the century. Utilitarian philosophers, such as Jeremy Bentham, had emphasised that man was a calculating being, balancing pleasure with pain as best he could, something that allowed the production of a 'felicific calculus'. However, Bentham had also stressed that man was essentially a *short-term* hedonist, one that placed enormous importance on the relative *propinquity* of pleasure and pain, rather than precise long term calculations of benefit and loss. Crime was heavily contingent on ready opportunity. It was an analysis which accorded strongly with the general assessment of the criminal class as being feckless and impulsive. Deterrence effected by patrol and resultant 'target hardening' appeared to be potentially more effective than the remote and very uncertain prospect of post-crime detection and punishment, effected long afterwards. This was a feeble disincentive compared to the immediate attractions of crime. Significantly, Jeremy Bentham and Patrick Colquhoun were friends and frequent correspondents. To Bentham, constant observation was an especially powerful tool for effecting discipline. This can be seen most clearly in his *Panoptican* proposal for a reformed prison. By a careful arrangement of lights and shutters, the prisoner could never see the Inspector in his central observatory, but was himself always subject to observation.[2] Surveillance was not confined to the prisoners. The under-keepers were themselves constantly under the observation of their superiors, and thus under the same "irresistible control with respect to the head keeper", with his "apparent

[1] *The Times*, 'The Metropolitan Police', Dec. 24th,1908
[2] Bentham, Jeremy, 1791, at pp.5-6

omnipresence", as the prisoners.[1] In some respects a hierarchical system of constables observing the general public and in turn being observed by their supervisors (sergeants and inspectors) was the policing equivalent. However, unlike the highly controlled environment of the Panoptican, street life in a huge, sprawling, largely unplanned city like London was not readily susceptible to effective continual surveillance. The observer (i.e. a constable) could not keep everything permanently under his gaze. Unlike the ingenious Panoptican, it was also impossible for the observer not to be observed himself.

Replacement of Informal Social Control

A preventative police, actively patrolling in poor areas, also offered a potential solution to a problem that was commonly identified as being attendant on urbanisation. This was the collapse of older (sometimes almost feudal) methods of informal social control and observation. These were perceived to be increasingly absent in a vast, industrial, anonymous and socially segregated city that was characterised by fleeting social contacts and transient relationships. Their absence was a major pre-occupation in nineteenth century sociological thought, and provided a ready explanation for high levels of urban crime. Intellectually, it peaked in the late century, producing the *gemeinschaft-gesellschaft* (community/society) dichotomy put forward by the German sociologist Ferdinand Tonnies in 1887 (*Gemeinschaft und Gesellschaft*), premised on a belief that, in traditional rural societies, people lived in 'face to face' communities, where social mobility was low and local customs and controls strong. The city, by contrast, was characterised by attenuated social relationships and weak controls. Although Tonnies had a very negative image of Victorian city life, believing it to be socially alienating, he was not unique in this. In *The Division of Labor in Society*, Emile Durkheim also suggested that the "common conscience" inevitably became diluted as the size of cities increased: "...local opinion weighs less heavily upon each of us, and as the general opinion of society cannot replace its predecessor, not being able to watch closely the conduct

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[1] Ibid., at pp.29-30. On 'inspection' generally, see Foucault, M., 1979, at pp.195-228

of its citizens, the collective surveillance is irretrievably loosened, the common conscience loses its authority and individual variability grows".[1] Havelock Ellis was another, English, Victorian thinker in the 'society as insulation' school. He felt that criminality, like insanity, was inevitably attendant upon the development of civilisation. Among "primitive races", true criminality was rare: "Conservatism and the rigid cult of custom form ... a barrier against crime". However, as human lives, and their methods of employing them became increasingly complex, so did "abuses of these methods". In an "...epoch of stress, and of much change and readjustment in the social surroundings and relations of individuals, ill-balanced natures become more frequent, and the anti-social and unlawful instincts are more often called out than in a stagnant society". He felt that criminality especially flourished among migrants, and that civilisation was "bringing us all more or less into the position of migrants".[2] (It should, perhaps, be noted that modern sociologists have sometimes criticised the weak theoretical models and "insufficient research" on which many of the nineteenth-century sociological paradigms emphasising anonymity and normlessness are based).[3]

However, these theorists were expanding on an analysis that had been in popular currency for decades, albeit in cruder forms. Thus, Adam Smith had identified the city as a potentially corrupting force because, unlike the intimate context of a village, where a man of "low moral character" could be controlled, in a: "...great city he is sunk in obscurity and darkness". Similarly, Henry Fielding noted that by the 1750s:"A thief may harbour with as great security as wild beasts do in the deserts of Africa or Arabia, in the cities of London and Westminster". In the early decades of the following century, the poet, Robert Southey saw London as a: "...wilderness wherin they who live like wild beasts upon their fellow creatures, find prey and cover".[4] In slightly more developed terms, an observer claimed in 1804 that Metropolitan merchants and manufacturers, who, in earlier times, were able to "check and

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[1]Durkeim, Emile, 1933, at p.350
[2]Ellis, H., 1890, at p.296
[3]Shoemaker, R.B., 1991, at p.10.
[4]Quoted in Himmelfarb, G., 1984, at p.310

correct the vices" of their dependants by their "continual presence" were now unwilling to live with or even near them. This had engendered a: "...mischievous estrangement...between the different orders of Society, whose intercourse was heretofore a grand connecting chain in the order of things".[1] In similar vein, an anonymous journal contributor in 1820 declared that in all walks of life, it was: "...evident that the upper orders of society have been tending, more and more, to a separation of themselves from those whom nature, providence and law have placed beneath them...Men have come to deride and despise a thousand of those means of communication that in former days brought all orders of the people together".[2] In 1849, the Reverend Henry Worsley produced his own, rather bucolic, version of such a theory, to account for juvenile crime. He lamented the breakdown in social solidarity attendant on industrialisation, unlike the old rural society where: "...the Master presided at the [harvest] feast, and the old drinking-horn passed from lip to lip", and in which the "Squire was resident on his own estate".[3] Such an analysis was also attractive to Mathew Davenport Hill in 1852, who felt that in former times: "...rich and poor lived in proximity; and the superior classes exercised that species of silent but very efficient control over their neighbours...[now] large masses of the population are gathered together without those wholesome influences which operated upon them when their congregation was more mixed". In small communities, by contrast, there was "a sort of natural police" because people lived under the "public eye".[4] London, because of its huge size, was especially anonymous. As Samuel Wilberforce, the Bishop of Oxford, noted in 1864: "In London men and women were wonderfully insulated. In a village everybody knew everybody else. There was a great constraint in that. They lived under a continual observation. But a man came to London and no one knew about him."[5] The largest city in the world was especially likely to produce social isolation, a: "Cold-blooded indifference to the welfare, fate, or feelings of others is characteristic of London...The feeling of neighbourhood scarcely

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[1] Anon, 1804, *A Letter to* ...at p.41
[2] Parkin, Harold, 1969, at pp.78-188
[3] Worsley, Henry, 1849, at p.29.
[4] pp.13.1852, at pp.34-36
[5] Quoted in Waller, P.J., 1983, at p.49

exist."[1] This produced a widespread desire to replace the vanished traditional patterns of social control and surveillance with something that served a similar function. A preventative police, entrusted with conducting the urban surveillance and supervision that society no longer produced spontaneously, had the potential to fill this void.

Daytime Patrols

The 1822 Committee had concluded that the 'observing' horse and dismounted patrols and the Bow-street foot patrol were highly effective. However, because the number of men involved in such patrols was small, the Committee strongly recommended the "further extension of the principle on which they are founded". In particular, the importance of day patrols was stressed (the foot patrol was largely nocturnal, and the Watch was also only operational at night); it encouraged the:"...application of a system of patrol by day to those parts of the Metropolis which offer the greatest temptation or facility to the commission of crime". Many robberies took place during the day, and crimes that were ultimately conducted at night were often planned then. In 1822, Sir Richard Birnie, the head magistrate at Bow street, and who had previous judicial experience of virtually all of London while serving in the other police offices, opined that a new day patrol, which incorporated a modest expansion of the personnel based on the police courts (then largely confined to reacting to calls made by the public, both in London and the provinces, and serving warrants, taking very little part in patrolling) would be highly desirable. It would be particularly effective in breaking up the street mobs that "create disturbances for the express purpose of picking pockets". Birnie proposed that such officers would have as their instructions: "To prevent people loitering in the streets; to prevent mobs; to watch for notorious characters, whom they have the means of knowing in their own district". This anticipated much post-1829 police activity. He believed that the introduction of the 'dismounted horse patrol' in 1821, to inner London, with its personnel having been taken from London's environs and placed on the central

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[1]Symons, Jellinger C., 1849, at p.41

streets, had meant that there were no longer such things as "street robberies, attended with the cruelties there were twelve months back". (Birnie also felt that the morale and diligence of the men involved could be boosted by regular salaries and provision being made for them if they were injured in the execution of their duties.)[1] Thus, these small-scale patrols had given the authorities a sense of the potential of a larger preventative system operating at all hours.[2] A major innovation in 1829 was to be the introduction of unprecedented numbers of police patrolling during the day. Aside from the Day patrol, and a few beadles (attempting to clear the streets of nuisances), these had been largely absent prior to 1829. Even after 1830, when a large majority of officers were placed on night duty, the number of men patrolling streets by day was still very much higher than under the old system.[3]

Other, more specific, incidents prior to 1829 indicated the impact that a large and disciplined body of men could have. Thus, Mainwaring noted that there had for a long period been the most "overt defiance" of the law in Spitalfields, parts of the area becoming not simply a hidden retreat and base for criminals, but a quite open criminal sanctuary. This 'community of thieves' consisted of hardened criminals of all types, who, even in daytime: "...defied with impunity the approaches of any force that the police [old style] could collect against them". In one part, thieves openly resorted even at mid-day, and gambling, the fencing of stolen goods and other "iniquity" was "continually practised". At night, local criminals used the cover of a bear baiting ring to make plans for further ventures. Eventually, however, the respectable inhabitants of the parish could not tolerate this situation, and, through the "activity, zeal and spirit" of some of the principal local men, one hundred and eight Special Constables were sworn in, and set to work in earnest: "...taking all the duty of regularly established patroles". This powerful force swiftly broke up the bear baiting circle.[4] It would appear that this was the case specifically referred to by Robert Peel, in Parliament in 1829, when he noted that in Spitalfields, in the

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[1]pp.9.1822 at pp.16, 17 & 19. (Sir Robert Peel being in the chair)

[2]*Hansard's Parliamentary Debates,* Vol. XXI, New series, 31 March-24 June 1829, at pp. 878 & 881.

[3]Paley, Ruth, 1989, An Imperfect...,. at p.119

[4]Mainwaring, George B., 1821, at p.19 & 20.

recent past, gangs of thieves had stood openly in the streets at mid-day, because the watch was supervised by an elderly and totally blind man, who never troubled himself about the "conduct or appointment" of its members. When he was replaced by a Mr. Gregory, an exceptional man who took pains over the policing of his area and inspecting the Watch, the situation greatly improved.[1] However, by their very nature, Special Constables could only be a short term and temporary expedient, a professional body was required if the gains were to be permanent.

Preventative Policing and Juveniles

Preventative policing was seen as particularly effective in combating the petty juvenile criminals that abounded in the capital's streets, and who were largely ignored by the existing system. This was likely to have important long term effects. Many observers were wedded to the notion of sequential and deteriorating criminal careers, with juveniles embarking down a slippery slope of delinquency, characterised by increasing gravity and sophistication, after committing an initial peccadillo. In Lord Brougham's words, the: "...graver sort [of crimes] are committed after a series of faults less aggravated in character".[2] Indeed, street gambling by juveniles had been specifically identified as one of the primary causes of youth crime by the 1816 Committee. As a result, many, like Patrick Colquhoun, sought the "Meanes of embarrassing and checking the Progress of crimes in these First Stages". Without such a check, a "more correct and energetic system for the prevention of crimes", Colquhoun felt that it was inevitable that criminals would multiply and their crimes become aggravated, until requiring transportation.[3]

Arguably, juvenile street criminals were uniquely susceptible to overt uniformed policing. They were very public, and often lacking resources, access to private space and the safe-houses available to older criminals. Additionally, they were attractive targets because policemen who arrested low grade street thieves

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[1] *Hansard's Parliamentary Debates,* Vol. XXI, New series, 31 March-24 June 1829, at p. 875.

[2] Quotation from *On the Inefficacy of Simply Penal Legislation* in Sequel to Charge to the Grand Jury October 1853 reproduced in Davenport Hill, Mathew,1857, at p.294.

[3] Evidence of P.Colquhoun in pp.3.1799, at p.53 & p.56.

often had to conduct their own cases in the police courts. Sometimes, they might even be liable for costs if a prosecution failed. Juveniles were less likely to make a coherent defence or to cross-summons the officers concerned for assault or false imprisonment.[1] They were also less likely to be violent (a major, if undeclared, consideration). The police pre-occupation with juvenile crime grew steadily throughout the century. An examination of juvenile cases indicates that traditional 'indictable' crimes showed a much smaller increase than non-indictable offences, such as public drunkenness, gambling, begging, loitering, dangerous play, discharge of fireworks and wilful damage.[2]

Technological Change

Among other factors 'justifying' a preventative rather than reactive approach in the 1820s, Peel identified (perhaps implausibly) a swing in the technological pendulum in favour of the criminal at the expense of those who sought his detection. This was partly due, he felt, to the increased "mechanical ingenuity of the age", which favoured felons rather than the law enforcement agencies. In particular, it allowed them to move long distances relatively quickly. Additionally , it was claimed that more sophisticated criminals were increasingly showing "great caution" in selecting the time, place and manner of their operations. These precautions "very much lowered" the possibility of solving crimes after their commission.[3]

Political Considerations Encouraging Prevention

However, even in 1829, the adoption of a 'preventative' system was only partly a reflection of genuine faith in its inherent benefits. It was also a response to the major political and 'ethical' problems associated with any expansion of detection and covert policing. Prior to 1829, there was intense anxiety about government 'spies' and the impact of existing detective strategies on the wider criminal justice system. In particular, the use of accomplice

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[1]Magarey, S., 1978, at pp. 11-27

[2]Gillis, J.R., 1975, at p.99

[3]*Hansard's Parliamentary Debates,* Vol. XXI, New series, 31 March-24 June 1829, at p. 871.

evidence and the potential for corruption in a system which emphasised rewards occasioned acute concern. Such reservations were assisted by the findings of the 1828 Committee, which 'uncovered' evidence of continuing and extensive collusion between officers attached to the Police Offices (especially Bow Street) and Metropolitan criminals, aimed at facilitating the recovery of stolen property. This was merely the latest in a century old list of scandals that had assisted in discrediting 'thief-taking' generally. Many hoped that any new policing system in London would render such dubious arrangements unnecessary.[1]

Concern about Rewards

In 1829, when concluding that the "introduction of a preventive system of police has become absolutely necessary", Edwin Chadwick stressed that one of its justifications was that the system of public rewards for apprehending felons encouraged the commission (and thus detection) of crime, rather than its prevention.[2] By then, concern about entrepreneurial policing had been endemic for over a century. Its emergence was linked to the swift growth of the Metropolis after 1650, which led to traditional urban policing being seen as inadequate. However, because the formal agencies of the State were weak, and, after 1688, there was little political willingness to alter that situation, other means had necessarily been developed to deal with urban criminals. The public was increasingly encouraged to 'police' itself. This mainly took the form of financial rewards, after 1693, for the capture and conviction (by giving evidence) of felons. These were on a fixed statutory scale, though sometimes there were special additional rewards offered. The rapidly increasing scale of these inducements in the first decades of the eighteenth century, especially in and about London, spawned a series of scandals involving 'thief-takers', essentially professional 'bounty hunters', which brought the system into disrepute. As a result, from the second half of the century, there was much greater judicial care in the reception of thief-takers' (and other) evidence by the courts.

Thief-takers

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[1]Phillips, David, 1980, at p.186
[2]Chadwick, Edwin, 1829, at p.254

In the mid-eighteenth century there were up to 24 Metropolitan thief-takers. Significantly, most of them appear to have had previous criminal records of their own.[1] Not surprisingly, their entrepreneurial policing involved periodic cases of entrapment, in which they enticed vagrants into committing crimes with a view to claiming the rewards for their (prompt) capture. Early examples had included that of the 'thief-taker general' Jonathan Wild, executed in 1725, and those involving a group led by Stephen McDaniel in the 1750s. McDaniel lured two youths into committing a 'robbery' against one of his colleagues in Deptford, producing public outrage when discovered.[2] This prompted Henry Fielding to stress that his own men were all of "known and approved fidelity and integrity".[3] John Fielding, also felt obliged to distinguish men like McDaniel from "real and useful thieftakers".[4] Nevertheless, despite public concern, independent thief-takers continued a modest existence, even after the advent of the Fielding reforms. Thus, the thief-taker Richard Swift was alleged to have run a Fagin like school for criminals in London in the 1760s. In the 1780s, William Blizzard could still note that victims of crime that were rich and 'vengeful' might pay a "thief taker for the life of the robber".[5]

Despite increased judicial caution, scandals based on the reward system continued, albeit less dramatically. Extra care could not eliminate all the problems of a system premised on payment by results. This was publicly demonstrated in 1816, when six constables, including a highly respected member of the Bow Street Patrol, were prosecuted for inciting the commission of crimes with a view to obtaining the attendant rewards.[6] Although John Townsend, a famous Bow Street Runner (active from 1795-1832), giving evidence about the desirability of a properly salaried force, believed that most police officers rarely earned as much as £20 a year from rewards (the Runners were only paid a guinea a week as salary), he accepted that their existence probably did colour in-court evidence:

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[1] Paley, Ruth, 1989, *Thieftakers in London... ,* at p. 303
[2] Radzinowicz, L., 1948-56, Vol.2, at p.326
[3] Fielding, Henry, 1754, at p.192.
[4] Fielding, John, 1755, at p.7
[5] Blizard, William, 1785, at pp.34-35
[6] Emsley, C., 1991, at p.20.

"...frequently that has been the means of convicting many and many a man". As a result, jurors, who were regularly informed of this vested interest during cross-examination, were often reluctant to convict on police evidence.[1] Some felt that the courts should not admit as evidence "one single word spoken by a police officer who is entitled to a reward", unless there was corroboration from an independent source.[2] The system was also condemned by most witnesses who gave evidence to the Committee of 1817, which concluded that rewards were "perfectly unnecessary".[3] Presenting the 1817 report to the Commons, one Mr.Bennet also referred to the temptations for which such witnesses perjured themselves and "exposed the lives of innocent men".[4] This may explain why, in retrospect, many felt that even as a detective force the Runners were "very loose and uncertain in their operations".[5]

There was also long-standing concern at the manner in which officers (Runners especially) publicly associated with thieves in flash houses and other nefarious locations, to obtain information about criminals and their activities. This was an apparently inevitable aspect of a reward/detective system. Juveniles could often watch those engaged in thief-taking blatantly drinking with felons.[6] As a result, it was feared that youthful delinquents in such places were often "mixing with the very men, who are employed for the preservation of public morals", inevitably lowering respect for the law.[7]

The risk of collusion between law enforcement agencies and criminals was exacerbated by a system that was heavily oriented towards the arrest of specific individuals, *after* a warrant had been issued against them by the magistrates, these then being enforced by the parish and police office constables and Runners. Henry Fielding had lamented that many eighteenth century peace officers

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[1]Evidence contained in pp.5.1816, at pp.137-141. Townsend's obituary, in 1832, described his evidence 16 years earlier as providing a genuine picture of his mind "in all its originality and grotesqueness". *Gentleman's Magazine*, 1832, Vol. 102, July-December, at p.91

[2]*The Gentleman's Magazine*, Vol.88, July 1818, at p.219

[3]*The Gentleman's Magazine*, Vol.87, Sept. 1817, at p.258

[4]*The Gentleman's Magazine*, Vol.87, Sept. 1817, at p.258

[5]Dickens, Charles, *A Detective Police Party*, at p.409

[6]Minutes of Evidence pp.5.1816, at p.6

[7]pp.7.1816, at pp.22-23.

were so ignorant of their powers of arrest (which he felt were much more extensive than they appreciated) that they often refused to arrest known felons until they were specifically issued with such a J.P.'s warrant.[1] Such attitudes encouraged fraternisation between constables and the inhabitants of thieves' resorts. At times, it was claimed that this amounted almost to an "understood etiquette", with individuals being sought by warrant often voluntarily surrendering themselves, while everyone else in his vicinity was ignored, no matter how suspicious they appeared. Significantly, many of the score or so of professional mid-eighteenth century thief-takers had lived in 'thieves' sanctuaries' despite the perceived unpopularity of their calling.[2] It was particularly easy in such an environment for bribes to be tendered and accepted. As John Townsend candidly acknowledged, there was widespread corruption in his organisation: "... God knows, nature is at all times frail, and money is a very tempting thing".[3]

Additionally, the reward based system was widely believed to discourage London's professional police officers from dealing with the capital's minor criminals, because of the paucity of remuneration for dealing with lesser offences. The Committee of 1817 was especially concerned at this. (Perhaps significantly, the sole exception was the 10s. reward available for the apprehension of a vagrant, something which was apparently frequently abused, with regular collusion between officers and the vagrants themselves to secure it "an easy ten shillings"). This deficiency particularly affected juvenile policing. The *Report of the Committee for investigating the Causes of the Alarming Increase of Juvenile Delinquency* in the Metropolis, in 1816, stated that because for the "most aggravated" of the capital offences, an arresting officer was entitled to a substantial £50 reward, they neglected petty, often youthful, criminals, who would not bring in worthwhile sums till later in their careers: "...holding out rewards for the apprehension of criminals, in proportion to the enormity of their guilt, stimulates the minor depredations of the incipient thief". Some officers and thief-takers would turn a blind eye to minor transgressions and wait for

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[1]Fielding, Henry, 1751, *An Enquiry* at Section VII.
[2]Paley, R., 1989, *Thieftakers in London* ..., at p. 303
[3]pp.5.1816, at pp.137-141, Paley, R., 1989, at pp.325 & 384.

identified suspects to progress to more serious felonies. This was a long established phenomenon by the early 1800s. In 1785, William Blizzard had observed that several constables working for a JP had stated to him that: "...it is in our interest to let little fish go, that we may get great ones".[1] However, as the Committee of 1816 appreciated, it was exactly at this early stage of a delinquent's career that his criminal progression might most readily be arrested.

In the years after 1829, the superiority of situational prevention, compared to the earlier, perceivedly corrupt, reward based system of detection, was to become entrenched in policing 'folk-lore'. Thus, by 1844, a police publication could talk openly about how the reforms of 1829 had brought to an end rewards that had led to a "predatory police", and subverted and perverted the "broad and open principle of preventing delinquency".[2]

Concern about Accomplice Evidence

By the latter part of the eighteenth century there was also increasing concern about the justice provided by the criminal trial process itself, and the very use of the penal system as a way of controlling crime. One reason for this was that criminal prosecutions had become highly dependant not only on informers and thief-takers, but also on accomplice evidence at the trial stage.[3] In some respects, the accomplice system worked well, creating permanent distrust amongst criminals. This might produce snowballing 'chains' of mutual incrimination once an initial capture had been effected. However, it was a system that was necessarily susceptible to abuse, as desperate individuals sought to save themselves at the expense of others. Sir John Fielding observed that most accomplices who gave evidence subsequently reoffended.[4] Both the judiciary and juries became increasingly cautious about receiving such evidence, judges often warning of the need for corroboration. A system of crime control premised on prevention via 'target hardening' and preventative patrolling, would avoid the problems inherent in such prosecutions.

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[1]Blizard, William, 1785, at p.18
[2]PR.5.1844, at p.viii
[3]Radzinowicz, L., 1956, Vol.2, at p.54
[4]Fielding, John, 1755, at p.11.

Concern about Spies

As the 1868 Police Report observed, when looking back 40 years, the main reason that in the original Metropolitan establishment no provision was made for a detective force was that: "The English Jealousy of any police force at all would not hear of anything approaching to what was called the 'spy system', and it was not till 1842 [that such a force was introduced]".[1] Although any new force would be met by political hostility, a patrol based force had the benefit (from the perspective of the political nation) of not posing quite the same degree of threat to personal liberties and privacy as a detective force. This reduced resistance to its introduction. In the 'hot-house' atmosphere of the Revolutionary period, and the ensuing Napoleonic wars, the use of government spies, informers and infiltrators had reached a peak, such men exposing plots like the Cato Street Conspiracy of 1820. This plan to assassinate the cabinet at dinner in Grosvenor Square in 1820, was revealed by the notorious government spy 'Oliver', probably one George Edwards, who infiltrated the plotters (and may have actually suggested the murder plan to them). He was employed by the Bow Street Magistrates, among them Sir Richard Birnie, the latter individual even leading the group of Runners that were sent to arrest the conspirators (one of whom was stabbed in the process). Edwards appears to have been spirited away (eventually out of the country) by the authorities immediately afterwards. Viscount Sidmouth refused to issue a warrant for his arrest, despite depositions from the other members of the plot heavily implicating him.[2] This aroused considerable anger, and there was sufficient concern at the popular reaction to the execution of the conspirators for their scaffold to be heavily guarded by mounted troops. There was unprecedented popular criticism. This political rather than operational agenda must be remembered in understanding the reforms of 1829.

Conclusion

Because of the manifest defects in the existing systems of detection and trial, there was a natural tendency, for many, to treat such

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[1] pp.14.1868 at pp.14-15
[2] Morton, James, 1995, at p.192

problems as being an inherent and insuperable limitation on detective policing. To an extent, this was correct, there were, and are, special and unavoidable risks in detective work, as the 1877 scandal was to show. Nevertheless, salaried and better regulated detectives would have cured many of the problems. However, the acute fear of detection based systems encouraged the acceptance of a new police that was heavily oriented towards preventative patrol: "...that active vigilance and precaution which may lessen the number of criminals, by rendering it difficult to commit crimes", rather than post-crime detection, and covert surveillance aimed at catching offenders *in flagrante*.

Chapter 10:   The 'New' Metropolitan Police

Reform in 1829

Prior to the passing of the Metropolitan Police Act of 1829, Sir Robert Peel informed the House of Commons that it was no longer possible to: "...leave all the responsibility in connection with the detection of offenders, or the prevention of crimes, in the hands of the parochial authorities". This understated the radical nature of the change that was planned, in particular, that almost all of the responsibility for policing would be transferred from the parishes to the new force.[1] It was to be an unprecedented exercise in urban social control, its aim being, in part, to impose a new 'standard' of urban order and security. It massively accelerated a process of change in London policing that had been gathering pace since the 1770s. However, little that it introduced was *totally* unprecedented, whether it was a system of patrol, the ending of arbitrary jurisdictional boundaries, the use of uniforms, regular salaries or enhanced discipline and selection for officers. The achievement of 1829 was to universalise features of policing that had been the subject of limited and localised reforms and experiments in earlier years.

The New Force

The Metropolitan police was established with an initial complement of slightly over 3,000 "young, strong men of good intelligence and with a written recommendation as to good character". They had to be under 35, over 20 and more than 5ft 7" in height.[2] In 1838, in correspondence to 'patrons' who had put forward candidates for the force, explaining why their nominees had been rejected, three reasons predominated (as they were to for decades). The most frequent was that the candidate was declared

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[1] Ascoli. D., 1979, at p.1
[2] pp.11.d.1834, at p.29

"Unfit by surgeon", two other important ones being "Undersize" and "unable to read or write".[1] Though recruited, according to Rowan, from a motley assortment of "rascals", many had had previous experience with the replaced Metropolitan policing agencies. Thus, in August 1829, 70 men from the Bow Street foot patrol were handed over to the new police *en bloc*.[2] Many others, members of the Horse and Foot patrols and the better Parish Watchmen, were recruited on an individual basis. Thus, in a letter of 1829 to the vestries of the first batch of London parishes to come under Metropolitan Police control, the Commissioners asked for details of their existing watchmen and constables (presumably mainly the paid 'stand-ins') that could be "well recommended and who come within the regulations [age/height etc.] that have been laid down".[3] Recently discharged N.C.O.s and petty officers provided another important source of recruits. According to Mayne, those from the army and marines made the best constables. Additionally, 13 out of 17 initial superintendents were former sergeant-majors.[4]

Although the parish constables, watchmen and patrols were brought to an end in 1829/30, some other forces survived until 1838, when, as a result of the Report of the Committee on the Metropolis's Police Offices, further proposals for the harmonisation of London policing were effected.[5] The 1838 Committee had considered the "advantage and practicality of the union" of the new police with the surviving professional elements of the pre-1829 system, the half dozen constables attached to each of the police offices, the Runners and the River Police. They successfully recommended an amalgamation on the grounds of "greater efficiency".[6] As a police court magistrate noted, the separation

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[1]Correspondence of the Commissioners MEPO 1 (30) No.51673, Letter dated Nov. 23rd 1838 *et seq.*

[2]Gash, Norman, 1985 edn., at p.501

[3]Correspondence of the Commissioners MEPO 1 (1), Letter dated 29 July 1829.

[4]pp.11.d.1834, at pp.29 & 33

[5]Published on the 11th July 1838. Its 36 page report had been prepared by a committee of about a dozen eminent men including Sir Robert Peel and Viscount Howick.

[6]Nevertheless, rivalry between different constables may have lain behind a scuffle in 1845 between a uniformed warden in St.James' Park (effectively a special type of Park constable, separate from the Metropolitan Force) and a (uniformed) City policeman who was skating on the ice there, during his leisure, and who failed to respond to the request: "Now, Mister City policeman, it's time you were off the ice, and doing your duty t'other side o' Temple bar". Both men used their truncheons, the City

resulted in considerable "inconvenience both to the public and the magistrates".[1] The River Police became the new 'Thames' Division.

Discipline

From the beginning, Metropolitan officers were subject to an unprecedented level of discipline. This was a reflection of a number of factors, genuine concern about the potential for police abuse, a belief that it would make for a more efficient force and an attempt to engineer popular legitimacy. Indeed, Rowan had been selected as a Commissioner, in part, because of his military record as a disciplinarian with the 52nd Regiment (though he was often to prove more flexible than his younger colleague). Its strictness was evidenced by the high initial turnover. Of the full complement of a little over 3,000 men (of all ranks) who first paraded in 1831, following a staggered introduction, on a parish by parish basis, in the preceding months (after an initial deployment of 1,000 officers in 1829) 1,250 had resigned (many, including 230 former soldiers, disliking the harsh regime) and a further 1,989 had been dismissed, within 18 months. There were only 562 of the original 2,800 constables left in 1834.[2] The most common grounds for dismissal were drunkenness, with insolence, absence from the beat and neglect of duty also being important.[3] (Two men were dismissed for drunkenness on the first day of the force, and, in August 1829 a constable from D division was dismissed for being drunk whilst giving evidence at the Westminster Sessions).[4] Many officers continued to be dismissed, or required to resign, for misconduct, throughout the century. Dismissals averaged 10% in the first decade of the service, but declined to less than 5% in the 1850s and 1860s.[5] Thus, in 1852, 231 officers were dismissed.[6] A

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man being fined £3 for assault and told that he should set a better example. Hodder, George,1845, at p.133

[1] pp.12.1838, Vol ii, at p.465. He felt that Court officers should be confined to being "doorkeepers and ushers" (ideally, perhaps, retired 'new' police men of good character). His views were to the evident annoyance of the *Justice of the Peace* journal.

[2] pp.11.d.1834, at p.31

[3] MEPO 7(2) Police Orders 1829-1833, 12th Oct.1832

[4] Correspondence of the Commissioners MEPO 1 (30) No.52941, Letter dated 26 Aug. 1829

[5] Miller, Wilbur, 1997, at p.41.

[6] pp.13.b.1853, at p.7.

significant number of these continued to be for intoxication, provisions against which appear to have been interpreted strictly.[1] The force also made use of the lesser penalties of fines, reduction in rank (18 cases in 1852), loss of seniority and formal cautions or reprimands to erring officers.

Although the Act of 1829 incorporated disciplinary provisions for officers, as well as penalties for those who hindered police efficiency (such as publicans who served them alcohol when on duty), it was supplemented by the 1829 Metropolitan Police Contract and Force Handbook, and the Metropolitan Police General Instruction Books of 1829 and 1836. These provided further delineation of police responsibilities and general 'character'. There was also tight control of the private behaviour of individual constables by the Commissioners (at least compared to some of the later northern constabularies). The Instruction Books alone contained nearly 10 pages of detailed police duties and prohibitions. Similarly, the 1829 Metropolitan Police Contract required, *inter alia*, that all officers' "debts...shall be payed forthwith" and prohibited most part-time employments, a radical change from the Watch. (These 1829 documents were to be hugely influential on the other British forces which emerged as the century advanced).[2] Typically, P.C. Payne 114 was dismissed, in March 1868, for contracting debts which he failed to pay.[3] Constables were drilled in uniform, placed on salaries, often housed in dormitories in their station houses or police barracks, until quite senior in rank or experience, and forbidden or discouraged from frequenting insalubrious pubs, street entertainments and from using obscene language.[4] They were banned from accepting fruit, oysters or coffee from the basket-women on their beats, even for

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[1]Especially at Christmas, prompting the traditional pre-season reminder that:"All must refrain from accepting drink offered to them on duty". MEPO 7/8, 21st Dec. 1850. Typically, Mayne, having warned officers not to get drunk one Christmas period, promptly dismissed 60 of them who had done so, on Boxing day. Cavanagh, Ex-Chief Inspector, 1893, at p.78. However, there often appears to have been a perceived distinction between being 'under the influence of drink' and being 'drunk' when on duty. The former might attract a fine or caution for a first (or even subsequent offences), rather than immediate dismissal.

[2]Booth, J.V., 1985, at pp. 9-15.
[3]MEPO 7(38) Police Orders, 13/3/1868

[4]Ignatieff, Michael, 1978, at p.192

payment, whilst on duty.[1] As the 1833 Committee appreciated, a 'New' policeman, unlike the old watchman, was a policeman for 24 hours a day.[2] The strictness of such control occasioned regular complaints over the following century. In 1855, a group of constables at Paddington (D Division) became so incensed at the petty discipline imposed by their (largely Irish) sergeants, including regular deductions from their wages for infractions and being ordered to go to church like "schoolboys", that they complained to Lord Palmerston, the Prime Minister.[3] Sir Charles Warren's Commissionership in the 1880s was one of the most rigid in this respect: "Next to his favorite word 'mob' the most favorite word of our chief is discipline". An anonymous (and teetotal) policeman noted, that Warren was especially strict about alcohol abuse; he felt the level of discipline was widely considered to be more stringent than useful by officers who were:"...active and experienced policemen when nearly the whole of the present superior staff were lieutenants and captains in the army".[4] In 1872 and 1887, such feelings contributed to short-lived localised strikes and public meetings in Hyde Park, by officers eager to discuss their grievances. The author of a socialist (revolutionary) tract felt that senior commanders often exercised this discipline over their men in a more subtle and insidious way. If an officer offended (or demonstrated too much independence), he would be transferred to another division or sub-division where, using the complex regulations that governed policemen, he could be closely observed until "caught tripping in some trifling offence, or breach of police rules", and then discharged. Thus, he claimed that one PC Carter (of 25 E Reserve), who had objected to handing over a public reward, given to him for rescuing someone from a fire, to the wider force, was transferred to Brixton and "once there he was watched about, and caught speaking to a tradesman [contrary to rules]; for this he

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[1] MEPO 7(2) Police Orders 1829-1833, 22/10/1831

[2] pp.11.1833, at pp.42 & 43.

[3] Emsley, C., 1996, at p.96

[4] Approved quotation from a 'Daily Paper' in published tract: *The Metropolitan Police and its Management-a reply to Sir Charles Warren's Article in Murray's Magazine,* by a 'P.C'., Written 1888/1889, at pp.6 & 8

was fined a day's pay". He was eventually dismissed by Colonel Labalmondiere, the Assistant Commissioner.[1]

However, the heavy turnover also suggests that the new police *were* radically different to the forces that had gone before them. Clearly, behaviour that had been acceptable in some of the old policing institutions, especially the Watch, was not acceptable in the Metropolitan police. There was, inevitably, a downside to such tight control. One of its effects was to distance the police from the general public. This was exacerbated, because, within a few years of its inception, the Metropolitan force showed a marked reluctance to recruit too many Londoners, favouring, in particular, those from rural areas and Ireland. This was in marked contrast to the old, locally recruited, Watch. Londoners were often seen as potentially more febrile, cunning, untrustworthy, unreliable as well as being physically poorer specimens. This prejudice was to last into the Edwardian period: "It is said that a *good* Irishman [as contrasted with 'rough' Irish] makes the best officer, while perhaps the least teachable is the Londoner. A countryman is fresh clay to the potter's hands, the Londoner has much to unlearn before he can be taught".[2] (The rise of provincial police forces allowed the Metropolitan force to make effective local enquiries in their potential recruits' home areas about the men they planned to take).[3] Nevertheless, there were also advantages, the abuse of power by officers was less likely in such a heavily supervised environment; even so, there was *still* much abuse.

Social Background

The social provenance of most police officers probably made a contribution to softening the consequences of this distancing of police from public. From the beginning, Peel had stipulated that the new police should not include military officers on half pay, or gentlemen fallen on hard times. He felt such men would be inherently unsuited to the duties of the office, and would make the other constables feel awkward. Several applications from such individuals in 1829-1830 were rejected. Internal promotion was stressed (apart from the appointment of Commissioners, and, later,

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[1]Anon, 1870, *The Revolution in the Police and the Coming Revolution of the Army and Navy,* at p.5

[2]Dilnot, George, 1915, at p.79

[3]Gamon, H, 1907, at p.15

the newly created posts of Assistant Commissioners). Indeed, initially, Peel appears to have taken this to extremes. Feeling that if the men were overpaid they would attract the 'wrong sort', he proposed that a "three shilling a day man is better than a five shilling a day man" for the work they would have to do. Croker's concern that this would be too low appears to have been supported by high subsequent wastage, even though Peel's suggestion was not fully carried out.[1] Generally, no major increase in pay was given to the new police when compared to the average earned by members of the old Watch, though there were a few new perquisites (boots, uniforms and a small coal allowance). There were disadvantages in eschewing an 'officer' class, especially in securing men with a sufficient level of education to understand legal niceties, the absence of which sometimes occasioned problems. Sir Frederick Adair Roe, the presiding magistrate at Bow Street, giving evidence to the 1838 Committee on the possible effect of a withdrawal of any supervisory function of policing by magistrates, warned: "From what I have seen of superintendants and inspectors of police...I should say it is utterly impossible that they can have the opportunity of having the experience and direction of superiorly-educated men".[2] However, most felt that such a price was worth paying. It also had a direct impact on London's form of policing.

Evidence for the modest social provenance, throughout the century, of the typical Metropolitan police recruit is overwhelming. In the early years of the force, entrants with any appreciable level of education invariably justified joining by reference to their straitened circumstances. One, quite typically, noted that: "Soon after the passing of the late Sir Robert Peel's bill for establishing a New police in the metropolis in 1829, I was, by reduced circumstances (the result of my own indiscretion) compelled to enter the ranks of the A Division of the Metropolitan Police Force".[3] Two decades later, in November 1848, when a group of third-class Metropolitan constables petitioned for a pay increase (they received 16s 8d per week), especially for family men, they observed that: "Most of the married men on joining are somewhat

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[1]Gash, Norman, 1985 edn., at p.501
[2]pp.12.1838, Vol ii, at p.480.
[3]Anon, 1852, *Confessions of a Detective Policeman*, at p.3

in debt".[1]   Timothy Cavanagh felt that in 1855, although recruiters had stressed that it was "not a refuge for the destitute", about 9/10ths of the men who had joined with him had done so through "stress of weather" (hard times), as he had (he would have applied for admission as a private to the Horse-Guards if he had failed).[2] Thomas Waters, who rose to become a Detective Inspector, was even more blunt when looking back on his career: "...adverse circumstances-chiefly the result of my own reckless follies-compelled me to enter the ranks of the metropolitan police, as the sole means left me of procuring food and raiment".[3]

Their low social provenance is not surprising. Even hostile observers accepted that individual officers often had onerous and unpleasant duties to perform.[4] Nevertheless, their pay was poor. A new recruit in the 1870s would earn only £1 a week, this sum gradually rising to £1 7s 6d (a Sergeant would begin at £1 9s, and a Chief Inspector at 3 guineas). As a result, although, in 1872, the Metropolitan Police claimed to recruit from "almost every class in the Community", this really meant from every type of low grade employment; their intake included butchers, clerks, grooms, tradesmen, agricultural labourers, sailors, and discharged soldiers. Consequently, throughout the century voluntary resignations from the force increased in 'good times'. This happened in 1872, "owing to the high rate of wages earned by the working classes", and the consequent ability of men of the same 'stamp' as constables to find lucrative and more congenial work elsewhere.[5] Perhaps not surprisingly, in the 1850s, Cavanagh could observe that "very few [officers] spoke English properly". (Even so, in his group of applicants, only 36 out of 140 men were accepted).[6] To remedy this, there were evening classes attached to some police stations for those officers with a poor education "as it often is".[7] A police court magistrate observed in 1882, that, although some officers were

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[1] Emsley, C, 1996, at pp.95-96.

[2] Anon, 1871, *Our Police System*, at p.694

[3] Waters, Thomas, 1853, at p.5

[4] Carpenter, E., 1896, at p.147.

[5] PR.9.1869-76, Report for the Year 1872, at pp.4 & 5

[6] Cavanagh, Ex-Chief Inspector,1893, at p.2 and p.50

[7] Anon, 1871, *Our Police System*, at p.694

educated, most were "inferior" men who would be well advised to take advantage of these educational facilities.[1]

Although the middle classes might have eulogised their 'bobbies', they did not view it as a profession to be encouraged amongst their own relations. Even in the early 1880s, Fuller noted that most of his London relatives: "...forbade the very mention of my name in their home after I entered the police service". Towards the end of the century, however, explanations based on economic necessity became rarer, though this may have been due to a more precise targeting of potential recruits rather than to a rise in social status. Fuller felt that the situation had improved somewhat by the time that he retired in 1908.[2] Of course, all things were relative, compared to prison warders, 'Coppers' were "generally respected".[3] Nevertheless, even at the turn of the century, James Greenwood could still declare that most policemen joined because they could "find nothing better to do". At that time, a new officer was still being paid at a similar rate to that of the better sort of labourer.[4]

This combination of strict establishment discipline and modest social background produced an inherent contradiction in the position of policemen. They were of the working class but separate from it, a dichotomy well caught by a socialist tract from 1870 which declared that the Metropolitan police were governed by a "brutal and despotic" power, and as a result, individual officers were often "automaton[s], without mind or reason". However, its author also noted, approvingly, that stirrings of dissatisfaction were emerging amongst the rank and file, apparently manifest, *inter alia*, in demands for better pay, and concern about their pension arrangements. He, too, indicated the class origins of the typical policeman in London by observing that "these men-[were] our brothers once".[5]

Morale

Establishing an entirely new force, with its own *esprit de corps*, took time. Because such an experiment in policing was

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[1] Anon, 1882, *Metropolitan Police Court Jottings*, at p.39

[2] Fuller, Robert, 1912, at p.21

[3] Anon., *Five Years' Penal Servitude*, 1877, at p.124

[4] Greenwood, James, 1902, at p.2.

[5] Anon, 1870, *The Revolution in the Police and the Coming Revolution of the Army and Navy*, at p.5

unprecedented, in the early years, many officers and their commanders were exploring their responsibilities and making up their duties as they went along. It took decades for a body of maturer, experienced men to emerge who could pass on their knowledge to new recruits, this process being slowed down by the rapid initial turnover of officers. In the final quarter of the century, however, there were signs that this corpus of experience had been achieved. More officers were making a 'career' of their service, and staying on to a pensionable age. Others were taking advantage of the educational facilities and joining the various athletic and sporting clubs for officers that proliferated in this period, and which may be seen as indicative of a new level of institutional identification and morale, something that had often been absent in the early to mid-nineteenth century. Also indicative of the emergence of a career mentality in the Metropolitan Force, was a fall in the mean age of recruits from 26 years in 1833, to 24 in 1850, and then to 22 1/2 by the end of the century.[1] By the start of the twentieth century, the high morale and relative professionalism of the London policeman was obvious to an American observer, and clearly distinct from the levels achieved in most of the rest of Europe (the Italian Carabinieri excepted): "...one looks in vain on the continent for the splendid *esprit-de-corps* which permeates the entire Metropolitan Police Force of London".[2]

Accountability and Control

Both the London forces were different from their provincial counterparts in supervision and control, the Metropolitan police most of all. In the City of London force (established in 1839) the Commissioner was appointed by the City Corporation, albeit with the approval of the Crown. In the Metropolitan force, however, from the beginning, the Commissioner was appointed by the Crown upon the recommendation of the Home Secretary, and was directly answerable to that Minister, unlike the post-1829 provincial forces which were normally answerable to Watch committees in the boroughs and magistrates in the counties. The arguments advanced for a special regime for the Metropolitan Police lay in the great size

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[1] Taylor, D., 1997, at p.49.
[2] Fosdick, Raymond B., 1915, at p.197

and special characteristics of the capital, it being the centre of government, both Imperial and national, as well as housing foreign legations, museums, art collections and popular entertainments (even Josephine Butler was to accept that old principles of municipal government had become "less easy of application in these modern days of overgrown cities").[1] Additionally, there was no correlation between the policed area and any units of local administration. Even after 1888, the almost 700 square miles of the Metropolitan Police District, extending into all adjacent counties, was very much greater than that of the new London County Council.[2]

However, its unique form of control did not go unchallenged, many feeling that it was there for political not practical reasons. In the late 1870s, Butler commended the manner in which the City of London force had preserved its independence from the Metropolitan Police, and lamented the latter's lack of local democracy and accountability.[3] Her proposed remedies were simple. The democratic deficit could be remedied by placing the police under municipal control, and removing the role of central government.[4] Such campaigns met strong opposition from London policemen like Timothy Cavanagh, who was greatly concerned that the Metropolitan force would fall under the control, and political manipulation, of the new post-1888 London County Council (a favourite suggestion of some radicals, keen to make it more 'democratic'). As a result, he felt that Britain needed a designated "minister of Police" with special responsibility for all its constabularies.[5]

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[1] Butler, Josephine, 1880, at p.46.
[2] Fosdick, Raymond B., 1915, at p.43
[3] Butler, Josephine, 1880, at pp.38-39 & 47.
[4] Butler, Josephine, 1880, at pp.52-55.
[5] Cavanagh, Ex-Chief Inspector, 1893, at. p.132.

Chapter: 11 Routine Policing and the 'Protective' System.

Introduction

At a street level, London was generally well 'patrolled', and this became ever more thorough as the century progressed. The Commissioner of the Metropolitan Police headed the largest uniformed police force in the world, albeit with the biggest urban area to police (eventually, over 688 square miles). By most European and North American standards, London was a highly policed city, though valuable comparisons are inherently difficult given the different range of tasks entrusted by varying countries to their respective urban forces. Thus, in 1911, Paris had 8,597 officers for a population of 4,154,042 people, producing a ratio of 1 officer to every 483 citizens, compared to a London ratio of 1 to 354 people. However, Berlin with 1 to 324, and Vienna with 1 to 342, had an even more favourable ratio.[1] New York appears to have managed with significantly fewer. London was certainly much better policed than English provincial towns and counties. In 1874-5 there was, on one assessment, one policeman for every 398 persons in the Metropolitan Police district (their own figures might suggest 458 people), compared to one per 738 in the boroughs and one per 1,244 in the counties.[2]

The 'Beat' System

A succinct portrayal of Victorian uniformed policing in London was provided in the 1870s by *The Dark Blue*, a journal for Oxford graduates. The system was already over 40 years old, and was to remain substantially the same for the remainder of the century and beyond. Indeed, in 1909, *The Times* could note that an examination of Scotland Yard 10 or 20 years earlier would have revealed a force that was little changed from the 1850s.[3] From the

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[1]Fosdick, Raymond B., 1915, at p.100

[2]Stack, J., 1992, at p.130.

[3]*The Times,* Jan. 11th, 1909. It was, the newspaper felt: ".. only within the last decade that precedent, tradition, and routine have been uprooted with a resolute hand where they interfered with efficiency" However, from a practical perspective, many

outset, the force was subdivided into largely self-contained Divisions. The first six were created in 1829, and most of the remainder the following year. Further sub-division from this initial 17 occurred in 1865, when Clapham (W), Willesden (X) and Holloway (Y) were created, with the last division, Bethnal Green (J), coming into existence in 1886. Central control was kept by regular liaison with Scotland Yard. In the early century, this was via the Sergeant Clerk, a Divisional administrative officer, who went to headquarters, in person, each afternoon, to receive orders and information, there being no central printing press until 1858. Eventually, Divisions were linked to each other and Scotland Yard, by telegraph lines (in 1867), though as late as 1886, these were not considered very efficient.[1] In 1869, an apparent lack of senior officers liaising between the Commissioner and Divisions, in part a result of Mayne's earlier reluctance to delegate, produced an extra tier of command via the geographical grouping of divisions into four districts, each under a District Superintendent. (This did not prevent criticism of the lack of intermediate command, control and liaison between Commissioners and Divisions in 1886).[2]

Each Division was assigned to a Superintendent, under whom, originally, were four inspectors and sixteen sergeants, though the numbers of the lower command ranks gradually increased with the size of the force. Thus, in 1838, there were 17 Superintendents, 68 Inspectors and 323 Sergeants to about 3,000 constables.[3] By 1851, a "personal inquiry" into the "protective" police (i.e. not detectives) by Charles Dickens suggested that by then there were 19 superintendents, 124 inspectors, 585 sergeants and 4,797 constables doing duty.[4] By the 1870s, a Division contained an average of 450-500 men, although the largest, Stepney (K Division), had 700, and Whitechapel, the smallest, only 300. The 1841 census indicates that there were then 116 police stations (of all types) in

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of the early Edwardian changes were actually relatively small, being largely administrative. They included the greater supervision of Divisional Superintendents by their superiors in Scotland Yard; prior to this, a superintendent had been almost "a law unto himself." Scotland Yard was, by the early 1900s, increasingly the "nerve and brain centre" of operations.

[1] Cavanagh, Ex-Chief Inspector, 1893, at p.16.
[2] pp.15.b.1886, at pp.ix-x
[3] Grant, James, 1838, at p.388.
[4] Dickens, C., 1851, at pp.97-103

the Metropolitan police area. Every Division had at least one station that operated as a central HQ, with subordinate stations and section houses for outlying officers to work from or be accommodated in. Thus, in 1888, the rough Dorset Street area of the East End was provided with no fewer than four police stations (most were probably section houses), so that it could be "well watched nightly, on account of the character of many of the inhabitants".[1] Similarly, in 1884, N (Islington) Division had its H.Q. in Stoke Newington High street, with sub-divisional stations in 11 other locations, including two in the Enfield Small Arms and the Waltham Gunpowder factories. Clapham (W) Division had 10 outstations as well as its H.Q. at Brixton, while the geographically confined A (Whitehall) Division only had one sub-station.[2] In the 1850s, Charles Dickens noted that the police were based on 25 main stations. These were so "uniform" in their organisation, that one could be taken as typical of all (he chose Bow Street for his study). During a 9 hour duty, some men were kept at the station to act as an emergency reserve, being sent out to deal with specific problems or calls for assistance, while the remainder would be on patrol. Before starting their patrol they would be briefed on matters relevant to their work, such as missing persons and the results of disciplinary proceedings against fellow officers. There would normally be two inspectors on duty at the same time, one of whom would visit beats in the division, while the other would stay at the station to take the charges and to listen to any complaints made against officers by the public.[3] In times of severe disturbance, or after a major crime, each Division would assist the others, but not in "ordinary times".[4]

Divisions were heavily sub-divided: "The metropolis for police purposes is formed into police divisions, and each division is divided into subdivisions, each subdivision into sections, and each section into beats".[5] Thus, the beat was the smallest area unit of police sub-division. The system expanded on eighteenth century experiments and, possibly, the military 'Shorncliffe' system (familiar to Rowan). Significant Metropolitan streets were policed

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[1] *The Times*, September 11th, 1888
[2] Kirchner, F.J., 1884, at p.vii.
[3] Dickens, C., 1851, at p.97-103
[4] Anon, 1871, Our Police System, at p.692
[5] pp.14.1868, at p.11

on an interlocking foot-patrol basis, each street or series of streets being placed under the "especial guardianship of an individual officer".[1] At the bottom of the pyramid there was, on average, one sergeant supervising every 10 beat constables: "A sergeant has the charge of a section; his duty is to place the constables on their beats, and see that they are relieved at the proper times".[2] The constables would parade before and after going on their shifts, assembling at a particular spot when about to go on duty so that the "Sergeant may see that they are all sober". He might also meet them at various designated points during their duty. This pattern varied slightly over the century. Sometimes, in the 1830s, officers had been divided into groups of four, each under the supervision of a sergeant.[3]

Although it had been hoped, in 1829, that most beats would be covered in ten to fifteen minutes, a daytime beat in the Metropolitan Police Area, could be as much 7 1/2 miles long (albeit a very extreme, sub-urban, situation), a night-time beat was much shorter, usually no more than 2 miles in extent at most. However, although in remote parts officers might patrol beats "many miles in extent", in the centre of commercial London they would usually be very much smaller, and might cover only a single small street.[4] The length of individual beats also diminished in proportion to the perceived "criminality" of the local population, and the consequent "necessity of increased watching".[5] As a result, those in East and South London were usually relatively short (though, as the public meeting by concerned South London ratepayers in 1897 shows, they were still widely felt to be far too long). Whatever its length, the beat would normally be covered several times, at least, in the course of a duty.

Perhaps because many of the recruits to the new force were taken from the former police establishments, some old habits seem to have died hard, especially with regard to foot patrol. The Commissioners complained in 1831 that constables continued to "stand idling together while on duty". Men on patrol were warned

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[1] Ibid., at p.692
[2] Ibid., at p.12
[3] Grant, James, 1838, at p.391
[4] Antrobus, Edmund, 1853, at p.43
[5] pp.14.1868, at p.11

not to enter into conversation with servant girls, or indeed anyone else except where their duties required it.[1] The public, too, especially the well to do in 'good' areas, quickly appear to have expected higher standards of conduct by beat officers than previously, so that the Commissioners were moved to warn that:"Complaints have been made that Constables are seen in conversation with females when on duty, especially in. Hyde Park and neighbourhood".[2] Nevertheless, this perennial complaint survived for the rest of the century.

The primary importance of foot-patrol to Victorian Metropolitan policing, and the distance normally covered by officers, can be seen in a tract produced by a former constable, P.C. John Hunt. He was (significantly) required to resign in 1858, after 15 years of service, for failing to take proper care of his feet, and not following the treatment for them prescribed by the Divisional Chief Surgeon (he vigorously disputed the allegation, which had cost him his pension). He noted that London P.C.s had: "...to walk twenty-two and a half miles a night, no matter the weather, wet or dry".[3] This had been a feature of the force from the outset, and, in 1830, the Commissioners had expressly forbidden men to carry umbrellas while doing so. Hunt's estimate as to distance covered was only slightly exaggerated, if at all. One Dr Farr calculated that on average a constable on night duty walked 16 miles over his beat.[4] Not surprisingly, perhaps, Timothy Cavanagh was to observe of his work in 1850's Lambeth that: "...no one, not having gone through the ordeal, can possibly imagine the dreary work it is tramping about for eight long hours in such a filthy neighbourhood".[5] As the Worship Street Police Court Magistrate, Mr. Codd, observed in 1838: "The duty of the Metropolitan Police (the night duty), is very severe, and injures the constitution of many men".[6] Over 30 years later, little had changed. Samuel Smiles,

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[1] Extracts from Orders from the Commissioners, Whitehall Place, of 7th Jun, 6th, 11th, 17th October 1830 and June 15th 1831, Reproduced in PR.45.1844, at pp.103-106.

[2] MEPOL 22/9/1857

[3] Hunt, J., 1863, at p.4

[4] pp.14.1868, at p.13

[5] Cavanagh, Ex-Chief Inspector, 1893, at. p.25.

[6] pp.12.1838, Vol.ii, at p.465. Some of these, he felt, could be usefully retired to act as court ushers.

the self-help guru, noted that policemen were especially prone to diseases of the lungs and air-passages, as a result of their exposure to inclement weather and urban pollution. Of the 63 police deaths in London in 1868, 27 were from consumption, and nearly half of those officers who reported sick in the winter months were suffering from bronchitis, sore throats or rheumatism.[1] In almost identical terms to those used by Codd, it was noted by the 1868 Report that: "The duty of a constable is very severe; if on night duty he goes on duty at 10 p.m. and remains on his legs eight hours till 6 a.m. He then goes back to rest, but has in the course of the day frequently to attend at the police court as a witness, and also occasionally to be at drill, walking sometimes a considerable distance to and from the drill ground". Unsurprisingly, a significant number of prematurely pensioned officers were not injured, but, like P.C.s Isaacson and Treadwell, pensioned on £27 p.a. in 1857, simply described as being:"Worn out and unfit for further duty".[2]

Generally, patrolling officers would be expected to deal with incidents without summoning assistance from colleagues (which would, of course, remove a man from his own beat). It was almost a "rule of the service" that this was only done in an emergency. However, if called for, such assistance would normally arrive fairly quickly from adjacent beats, especially in "rough neighbourhoods", being summoned by rattle, whistle or shout. Training for new officers was minimal; in the mid-century usually only 10 days initially (much of it drill and studying the Instruction Book), and some time spent subsequently in the company of an experienced constable, after which a man was: "...sent out to walk alone in certain streets, which are confided to him as his beat".[3] Except when training, it was only in the very roughest areas that they would patrol in pairs. Officers would usually walk at a regulation 2 1/2 miles per hour, checking buildings and people for untoward

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[1]Smiles, Samuel, 1870, at p.125.

[2]MEPOL 8/10/1857

[3]By 1908 this rudimentary system of training had ended, and been replaced by residential courses of several weeks with instruction in a variety of policing skills and tasks. However, even late in the previous century, Leeson's basic training was largely on 'the job', his formal training apparently consisting of little more than attending a police court for two weeks, and a speech from the Commissioner. Newly appointed constables would also be based at the larger principal police stations, rather than outlying ones, "so as to instruct them better". MEPO 7/8, 19th July, 1850.

signs (such as of forcible entry) as they went along. Constant surveillance of the urban environment was a crucial part of their role. In the City force, in the 1870s, many officers apparently made secret marks on unoccupied buildings, so that they could establish if there had been any unauthorised entry to them, as they walked past.[1] In the Metropolitan police, constables would alert occupants to any doors or windows that were in an "unsafe condition"; if they failed to do so, and it was later noticed by a Sergeant or their duty relief, a disciplinary fine might follow.[2] It was widely (if exaggeratedly) believed that although an officer's usual expression was "detached and contemplative", his glance could "take in everything", without overt staring.[3] A permanent problem in this regard was that although the duties of a patrolling officer were often boring (it was "indescribably irksome" to patrol at such a "dreary dawdle"),[4] and might seem almost "mechanical in their simplicity", at any moment a constable could find himself in difficult circumstances which required him to act with intelligence, common-sense and discretion. Constables also needed intelligence to give clear evidence in court and to understand manuals on police law (as well as having physically "robust constitutions").[5]

From the beginning, patrol performance was closely monitored, effective officers being rewarded (occasionally even with small sums of money), and poor ones admonished or disciplined. Thus, on 17th March 1831, PCs Farrant and Hobbs of C Division were given 5 shillings each for apprehending 19 pick-pockets over the previous month. By contrast, the following day, one PC Read was dismissed from the same Division for "gross neglect of duty". His offence was allowing a blatant burglary to occur on his beat in Regent Street that same morning, although the beat was only 10 minutes walk in length.[6] Rewards from police funds, for meritorious action, were usually quite modest, often, like Hobbs's, the sum of 5s, less frequently as little as 3s or half a

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[1] pp.15.1878, at p.183.

[2] Quarterly Review , No.99, 1856, at p.166, reproduced Barrett, A., and Harrison, C., at p.241.

[3] The Times, Dec. 25th,1908

[4] Greenwood, James, 1902, at p.2

[5] Anderson, Robert, 1910, at p.148 and pp.11.d.1834, at p.28

[6] Best, C.F., 1985, at p.4

crown. Statistically much more important was the formal acceptance and passing on of rewards given by members of the public to individual officers, something that appears to have been almost institutionalised from its frequency, although each payment had to be specifically authorised by the Commissioners in Police Orders. Typically, such rewards might range from 1s. to £1 and even more.[1] Occasionally, such largesse might extend to the award of something like the "very handsome gold watch" presented to Sergeant Hickeson by the 'gentry' of South Kensington for his "courageous conduct" in arresting a notorious burglar.[2] Sometimes, the zeal of the patrol constables' sergeants in effecting supervision was felt to have been excessive. In the Police Orders for 13th August 1845, the Commissioners directed that the practise whereby Sergeants tried to "entrap" Constables on duty, by watching them from "hiding places", was to cease.[3] Nevertheless, Sergeants continued to set such traps.

Improved Street Lighting

Enhanced urban surveillance was greatly facilitated by nineteenth century developments in street lighting. The advent of gaslight to London, first introduced in Pall Mall in 1807, and experiencing a major expansion after 1814, made a significant contribution to law enforcement, as the magistrate Mathew Wyatt freely conceeded in 1822. It made detection and proof much easier for Watchmen, and, after 1829, for patrolling constables.[4] Another, Londoner, also in 1822, felt that: "...were it not for the gas lights, we should run a hazard of having our money and watches seized, and being ourselves cruelly beaten into the bargain, if we stirred out into the streets after dark".[5] Interestingly, 80 years later, exactly the same observation was to be made about the advent of the electric lamps which replaced gas. Thus, George Sims noted that the greatest 'ally' of the police in the process of enhancing public order in London's streets had been the new electric street lamps,

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[1] MEPO 7(15) Police Orders 1850-52, 24th May, 1850, 23rd Sept.1851
[2] MEPOL 7/38 Orders for 14/4/1868.

[3] Best, C.F., 1985, at p.6
[4] Roberts, M.J.D., 1988, at pp.273-294 & at p.277
[5] Anon, 1822, *Thoughts on ...* at p.40

introduced towards the end of the century, which were much more efficient and numerous than their gas powered predecessors, and which greatly improved the effectiveness of the police. As a result, in Piccadilly: "It is only where the shadows linger that the scandal still survives".[1] This was especially important as side-streets were often not patrolled, but merely observed from junctions.

Reaction to the New Police

Almost wherever the new police were introduced, in the 1800s, there followed widespread hostility (though this was more marked in the North of England than elsewhere). However, again, the strength of this reaction suggests that the changes in policing style were real rather than cosmetic (as is sometimes suggested). Constables were not merely re-labelled watchmen, even of the better sort.

Antipathy to the arrival of the police in London prompted a swift popular reconsideration of the merits of their predecessors. Some observers felt they were unnecessary, as the special constables, sworn in for emergencies, were "amply sufficient" to control unexpected disorders and public disturbances. Additionally, it was claimed (with some truth) that the new police were: "...infinitely more expensive than the old one".[2] A near doubling of the previous cost, to London as a whole (over £200,000 p.a. in the early 1830s, £240,000 by 1838),[3] seems likely, though after 1833 central government funds provided a quarter of expenditure, up to a maximum of £60,000, taking some of the heat out of the debate. In some areas, however, the increase in cost was more extreme. To an extent, the semi-rural parishes on the fringes of London subsidised the rest after 1829, paying much more into the fund than they got back in policing services. In 1830, the Ealing vestry complained that the cost of the old Watch to the parish had not exceeded £100 a year, whereas, under the new system, they were paying £880 in police rate annually.[4] Several of these parishes asked, unavailingly, to be allowed to 'opt out' of the system.

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[1]Sims, G., 1910, at pp. 24-25 & 66
[2]Robinson, David, 1831, at p.82
[3]Grant, James, 1838, at p.388
[4]Paley, Ruth, 1989, at p.114

Combined with concerns about cost were longstanding constitutional objections, summarised in a major article in *Blackwood's Edinburgh Magazine* in January 1831. It asserted that the new policing system in London was one of the greatest inroads ever witnessed into the fundamental principles of the British constitution. As a result, apparently: "An intense feeling of hostility to it [the police] prevails in the Metropolis". The same author felt that, in 1831 at least, this was present in the "middle classes, as well as the multitude". As a consequence, many actively applauded the initial discontent and "animosity" of the public towards the "blue army".[1] There was still a lingering fear that it gave to the Crown excessive power (a "despotic command"), and that the police officer was really a soldier in disguise, albeit armed with a truncheon rather than a gun. Indeed, to some he was more dangerous than the soldier. His constant presence and supervisory duties on the streets were felt by many to be of the "most detestable description", not least because one of his duties seemed to be that of a "general spy".[2] This was made worse because he was answerable directly to the Home Office, rather than under the independent control of J.P.s. In 1838 the journalist and journal editor James Grant candidly observed that: "...the new police were for some time very unpopular. There was a natural tendency in the minds of the people to look with suspicion on a body with very enlarged powers...these suspicions were converted into positive apprehensions by the clamorous opposition got up to the new police by one or two journals circulating largely among the lower order of the community". This had led to their every action being tightly scrutinised.[3] Together, as the 1833 Committee noted, cost and constitutional objections meant that that the very:"...maintenance of such a Force as the Metropolitan Police became...a matter of serious consideration".[4]

However, whether the more vociferous complaints were genuinely representative of ordinary Londoners is harder to assess. Although accepting the existence of a constitutional debate over the police, and despite believing that parish vestries should preserve

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[1]Robinson, David, 1831, at p.84
[2]Ibid., at p.83
[3]Grant, James, 1838, at p.391
[4]pp.11.c.1833, at pp.4-5.

some power over the appointment of their local constables, *The Times* felt that opposition came largely from criminals, pickpockets and thieves, or those intimately connected with them, whether receivers, brothel keepers or their own dependants. (The newspaper felt that objections from parish officials who had previously 'jobbed' in appointments were inevitable. It also claimed that vestries had needlessly increased their police rate to raise money for other purposes). These malcontents were, allegedly, joined by assorted urban drunkards to form an anti-police 'mob'. The newspaper maintained that all 'respectable' people, were glad of the passing of the Watch, a body had been incompetent for many years.[1] Such an analysis received support from Edward Gibbon Wakefield, who claimed to personally recognise most members of a violent anti-police 'mob' at Temple Bar, in 1831, as hard core thieves, men who resented the inconvenience created by the new force.[2]

Nevertheless, initial serious problems between the police and general public, evidenced by widespread disturbances, would suggest that opposition was not solely confined to purely marginal urban elements. Amongst these protests were demonstrations against officers guarding the King's procession to parliament in 1830, when the police were attacked by labourers and small shop-keepers shouting "Down with the Peelers!", and riots involving political radicals at Cold Bath Fields, in 1833, in which an officer was killed. However, despite these problems, a *modus-vivendi* was gradually established between police and most elements of the public, as the century wore on. The reasons for this are instructive.

Acceptance of the Police by the Middle Classes.

The process of acceptance appears to have started with the upper and middle classes, being in part a reflection of Peel's success in producing a politically non-threatening body of men who knew their social place vis à vis their 'betters' (the result of not recruiting men of 'commissioned officer' status); in part it was a reflection of their apparent 'success' in defeating crime. An early sign of this acceptance was that, although, initially, the Metropolitan police

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[1] *The Times* 5th, 6th and 10th Nov., 1830, Leading Articles.
[2] Wakefield, E.G., 1831, at p.4.

were regularly drafted into the provinces to deal with local disorder, by the late 1830s this was often to the marked and overt chagrin of London parishes, such as St.Leonard's Shoreditch, which drafted a resolution condemning the practice in 1839 because of the attendant loss protection.[1] Both Commissioners observed that middle-class complaints about the Metropolitan police progressively shifted during the 1830s, from initial concern at the potentially oppressive use of their extensive new powers to regular complaints about their lack of efficiency and unwillingness to take even more drastic steps to combat crime. The Commissioners would periodically have to point out to such critics that many of the demands that were made for police action would require draconian powers that even they did not possess.

According to several accounts, for many, acceptance of the Metropolitan Police came very swiftly. By the late 1830s the pseudonymous 'Fidget' was both concerned and amazed at the way people in London were regularly being told that it was an "admirable force, that they are such fine men, so civil, useful, and obliging". Nevertheless, even he was grudgingly forced to admit that it was mainly the system, rather than the majority of individual officers, who were the problem, patriotically conceding that: "They are, I dare say, generally, and I think they are, respectful, civil, humane, and obliging, because they are Englishmen, and under control; but the system is odious because it is foreign and despotic".[2] There were also increasing requests for assistance from people such as publicans, eager for the police to attend their beer Gardens, something that ultimately had to be paid for (at 3s per night in 1838).[3] The speed of this process should not be exaggerated; even after a decade of its existence, the vestry of Woolwich parish petitioned, unsuccessfully, against the arrival of the Metropolitan Police in 1840 (a result of the expansion of the Metropolitan Police area). They claimed that the unusual and isolated geographical position of their town, the existing presence of military policing patrols for its large garrisons, and its enhanced 'traditional' type of policing, with perambulating beadles on duty

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[1] Emsley, Clive, 1996, at p.54
[2] 'Fidget', c.1838, at pp.7-8
[3] Correspondence of the Commissioners MEPO 1 (30) No.51913, Letter dated 6th Sept. 1838

during the day (preventing the intrusion of vagrants) and diligent watchmen at night, made it unnecessary. They also claimed there was already a declining crime rate and an increased detection rate in the borough, and were very reluctant to face the heavy financial "burthens" involved in funding the Metropolitan police.[1] Nevertheless, by the 1850s the middle ranking urban social groups usually considered the police a laudable and essential national institution, something that was evidenced in popular literature such as *Punch*. Indeed, the process had advanced so far as to produce an almost uncritical attitude towards the institution, amongst many of the better off. Thus, William Ballantine recorded one street altercation when the policeman involved was clearly in the wrong, but in which a well to do member of the public (of 'military bearing'), who had not witnessed the incident, nevertheless stepped forward and presented his card to the constable stating a willingness to give evidence on his behalf.

Working Class Hostility to the New Police

However, for much of the London working class acceptance came more slowly. They would need the rest of the century (and beyond) to be reconciled to the 'plague of the blue locusts' or the 'raw lobsters', and the process would be far from complete even then (especially amongst its lowest elements). Working class antipathy was, in part, probably an inevitable concomitant of the new force's methods of operation and aims. The new police were swiftly perceived by many poorer Londoners as "property protector[s]", acting for the "middle men" and gentry.[2] The decline in such hostility in the latter part of the century was probably *not* the result of a softening of police methods and aims (which, if anything, became more extensive), but rather their tacit acceptance as legitimate, by those who were policed, as officers were increasingly seen as a permanent, if often disliked, aspects of the urban landscape, rather than 'novel' liberty takers.

Like any external imposition of new normative values, it was a painful process. The police created a "bureaucracy of official

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[1] HO 61/25, 1840, Petition against the New Police to Marquis of Normanby, Home Secretary

[2] *Poor Man's Guardian* , Sept. 24th,1831

morality" which impinged heavily on the traditional street centred patterns of urban working class life.[1] As a consequence, they have been termed, with *some* justification, the agents of a "middle-class assault" on popular mores, not just crime and riot. They introduced constant surveillance into urban working-class communities which had, for decades, escaped the traditional attentions of the squire and parson.[2] Certainly, eighteenth century society (i.e. government and the upper social orders in general), although often apprehensive of the lower classes' behaviour, had not been persuaded that it needed to be permanently controlled and monitored, and, prior to the 1830s, it had not been felt necessary to impose 'order' in all areas of public space, unless their disorder threatened to inflict significant damage on private property. After the advent of the new police this changed, such space came increasingly to be seen as necessarily under immediate police supervision. This has prompted the (slightly exaggerated) claim that: "The mission of the new police was a symptom of both a profound social change and a deep rupture in class relations in the first half of the nineteenth century".[3]

The preventative and deterrent role of the police, manifest via an overt and officious presence, was bound to produce conflict. Their very existence was likely, at first, to aggravate or even create disturbances that would not otherwise have occurred, so that some could assert: "...there are misdemeanours, crimes, tumults, and riots, because there is a Police".[4] This continued, to an extent, throughout the century. Even at its close, much 'hooligan' activity in 'rough' areas, especially assaults on the police, appear to have been merely retitled aspects of a continuing and fairly widespread antipathy to manifestations of policing (such as perceived wrongful arrest or excessive use of force).[5] Police interventionism produced an unwelcome attack on many long accepted working class entertainments and occupations, these being necessarily conducted in public, whether street or tavern, to a much greater extent than that of the higher social orders, if only because their homes were

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[1] See, for example, Storch, Robert, 1975, at pp.61-90

[2] Hay, D., 1980, at p.58.

[3] See Storch, Robert, 1975, at pp.61-90

[4] See Robinson, David, 1831, at p.86

[5] Pearson, G., 1983, at p.86.

cramped and squalid (or even absent). Yet such public space was also what the new force could most easily regulate. This meant that police activity impinged especially on the working-class.[1]

The threatening impact that the new police were to have on the 'traditional' street centred life of the working class in the capital was appreciated very shortly after 1829. It was felt by some that one of their duties was to: "...disperse assemblages, however small, peaceable, and innocent they may be". This was to be a constant complaint throughout the 1800s, as the police regularly enjoined such groups to "move on", even if no breach of the peace had occurred.[2] Thus, in identical terms to the grievances of 1831, the primary concern of Mayhew's costermongers of the late 1850s, and a major reason for their hatred of the police, was that: "They [the police] drive us about, we must move on, we can't stand here, and we can't pitch there".[3] It was a sufficiently common command to form a cameo for Dickens, in 1853; the London 'ragged boy', Jo, being arrested by the police because he refuses to move on, although he has been previously "repeatedly cautioned" to do so. His defence is that he has nowhere to 'move on' to, having been "moving on, ever since I was born". Even the arresting officer concedes that his "instructions don't go" to *where* Jo should move to, though preferably it will be "five mile off".[4] Some decrepit individuals might need up to six such 'moves' to reach a neighbouring beat. By the end of the century the police were also increasingly interventionist in moving on anyone found sleeping outside at night, making it a thing of the past in some areas.[5]

However, excessive interventionism had not been encouraged by the founders of the new police, and its potential risks were apparent to the authorities from the beginning. Peel had expressly warned that: "In the novelty of the present establishment, particular care is to be taken that the constables of the police do not form false notions of their duties and powers". Even so, some officers do not appear to have taken this warning to heart, especially at first. In part, this was, no doubt, because the easiest

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[1]HO 61/25, 1840, Resolution of the vestry.
[2]See for example Storch, Robert, 1975, at p.83
[3]Mayhew, H., et al., 1862, vol.1, at p.20
[4]Dickens, Charles, 1853, *Bleak House*, (1996 Edn.) at pp.308 & 311
[5]London, Jack, 1903, at p.52

task that they faced (compared to dealing with the capital's more sophisticated crime), was that of establishing enhanced public order and decorum in the streets. Vagrants and drunks could, without too much difficulty, be cleared from the roads, street traders controlled or 'moved along', street games, gambling and public fighting limited, confined or even stopped in some areas, 'furious' driving could be prevented, and prostitution (very loosely) controlled.[1] Typically, in October 1838, Mr. George Davies and other "itinerant dealers in fruit, vegetables etc.", petitioned, to no avail, that they be allowed to sell their goods "as usual" in front of the houses in Queen's Buildings. The Commissioners felt that they had been:"...removed, at the desire of numerous [local] inhabitants... who were suffering from the nuisance".[2] In the same way, publicans could be forced to observe the drinking and closing hours set down in the 1839 Police Act, terrified that they were being observed by a "cat's-eyed inspector looking about".[3] Thus also, 707 beggars were arrested and charged in the St.James Division alone in the three months between March and May 1832, 112 were discharged by the magistrates and the rest committed for between one day and three months imprisonment. In 1832, 9,000 vagrants were arrested in the Metropolitan Police District, considerably more than the pre-1829 situation.[4] This interventionist aspect of policing was to be well portrayed by the novelist George Gissing, later in the century. In *The Netherworld* (1889) minor street disturbances in Clerkenwell (a largely slum area) regularly ended with police interference: "The uproar continued till a policeman came and cleared the way".[5]

Not surprisingly, the police were often lampooned for concentrating on 'soft' targets such as inert drunks (whom they allegedly beat on their way to the section house) and effecting

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[1]Nevertheless, it was not confined to them; the vestry of St.Leonard's parish, Shoreditch, passed a resolution in 1840 expressing concern about the "oppressive effect of the New Police Act", and, in particular, the reluctance of constables to allow shopkeepers to display goods on the pavement, something which, it felt, was "opposed to the usual modes of carrying on business of a retail nature in the Metropolis". Emsley, Clive, 1996, at p.60

[2]Correspondence of the Commissioners MEPO 1 (30). Letter dated Oct.6th 1838

[3]Hodder, George, 1845, at p.138

[4]pp.11.d.1834, at pp.56-57

[5]Gissing, George, 1889, at p.43

ludicrous operations, such as a "grand charge on an apple-stall...a most brilliant affair, ending in the demolition of the basket, the distribution of the contents, and the capture of the fruit-woman".[1] In 1868, this approach was satirised by *Punch* in "A 'Plaint by a P'liceman":

I muzzle dogs, both great and small,
Stop little boys from playing ball,
Or move away an apple-stall:
Hoop de dooden doo.

Meanwhile garotters plays their game'
And roughs they also do the same;
The public cries, O what a shame!
Hoop de dooden doo.[2]

As this poem suggests, 1868 saw particular ridicule and hostility as a result of the shortlived 'Mayne law', whereby, following an outbreak of rabies, the Commissioner ordered that unmuzzled dogs in the streets be impounded (and possibly destroyed), pursuant to s.18 of the Metropolitan Streets Act of 1867. Even with the best disciplined officers, such policing inevitably engendered conflict; there was little 'policing by consent'. To many present-day commentators, the preventative function of the police and their attendant 'scarecrow' role has been applauded as the key to their acceptance, and as a valuable (often nostalgic) role model for comparison with increasingly reactive modern forms of policing. However, it was just this preventative function that initially raised fierce resentment in London, producing complaints that: "...idle officers swarm in every street throughout the day, as though the population consisted only of thieves and rebels". The police were seen to be "loitering about", sometimes giving London the impression of a city under "martial law". This process was perceived to be backed up by a police willingness to 'trump up' charges of their own "invention" or to prosecute for technicalities, as they magnified "any trifle into a charge". (Many felt that it was

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[1] *Punch,* June, 1843, at p.132.
[2] Reproduced in Miller, Wilbur, 1997, at p.76.

notorious how "shamefully this shameful power [to charge] has been abused").[1] Certainly, there are numerous documented examples of abusive interventionism, especially in the early years. When, in May 1830, the police authorities at Camberwell (acting without the knowledge of the Commissioners), tried to prevent cricket being played there, Peel personally wrote to Rowan, drawing attention to their excessive officiousness.[2] Writing in 1837 (long before his full enthusiasm for the new police had developed), Dickens observed that in police stations, men and women were nightly being: "...confined on the most trivial *charges* ...in dungeons, compared with which, those in Newgate, occupied by the most atrocious felons, tried,. found guilty, and under sentence of death, are palaces".[3]

Although their incidence probably abated, such incidents continued throughout the century. Thus, in parts of an increasingly proletarianised South Islington, in the 1880s, there were numerous affrays between the police and public in the streets running off the Caledonian Road, these continuing beyond 1900. As in East London, police intervention in street games of 'Pitch and Toss', where money was gambled, appear to have been particularly instrumental in occasioning confrontations. At the end of the Victorian period, the increase in street football (as the Association game gained popularity) caused further disturbances, as officers sought to break games up.[4] This was necessarily an uphill struggle, as there were often few alternative venues in the 1890s for such recreation. Open spaces were usually scarce in working class areas; as a result, in 1882, a police court magistrate could observe that gambling in the streets, throwing stones, letting off fireworks in public places, with an "infinite variety" of other irregularities, were the "constant indulgences of our youthful and idle population". Thomas Holmes frankly appreciated that the streets were the "playgrounds of the poor", and was realistic about the manner in which slum youths faced a choice of two evils-either to stay in their: "...insufferable homes or to kick up their heels in the streets." Effectively, given the

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[1] Robinson, David, 1831, at pp.84-86
[2] Gash, Norman, 1985 Edn., at p.504
[3] Dickens, Charles, 1837, at p.92
[4] See on this Cohen, Philip, 1979, at pp.116-122.

police response, this meant the choice between becoming: "...dull-eyed, weak chested, slow-witted degenerates, or hooligans".[1] Holmes, too, felt that most turn of the century 'hooliganism' was: "...nothing more than the natural instinct of English boys finding for itself an outlet". (He advocated a programme of municipal playgrounds to deal with it). As a result of such conflicts, one early twentieth century English judge was clear, in his own mind, that some laws, albeit introduced from worthy motives, were, in practice, used simply as "engines of oppression against the poor".[2]

The risk of police operations becoming oriented towards those who were perceived as social nuisances, had been apparent from the outset, as had been the likely attendant lowering of tolerance thresholds. Thus, the 1822 Committee appreciated that an expansion and regularisation of the police would mean that large numbers of petty offenders who had previously been ignored would be apprehended and charged. It was feared, in particular, that any expansion of a patrol and preventative system would necessarily involve increased State intervention in previously overlooked minor crimes. (There was concern that it would entail "great expenditure" as many petty offenders who did not then "incur the extreme severity of the law", would need to be punished!).[3] Even earlier, in 1804, a prescient observer had noted that calling in the law to correct such matters would merely "multiply the business of police so much, and call for the interference of the government so often, that society would be intolerable". He believed that many immoral actions were more properly matters for clerics, fathers and masters to deal with, rather than the province of the criminal law. Indeed, the "officious interference" of outside bodies was counterproductive, as it was likely to erode or destroy the role of the Church, employers and parents. It was wrong to "teach the servant that his vices ought to be controlled by the constable rather than his master".[4] Similarly, after 1829, Sergeant Adams observed that giving the police new powers was likely to mean that "foolish and idle charges would

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[1]Holmes, Thomas,1908, at p.169
[2]Parry, Judge Edward Abbot, 1914, at p.199
[3]The 1822 Police Committee had asserted that the previous years had witnessed an "alarming increase of street robberies within the Metropolis". pp.9.1822, at p.9
[4]Anon, 1804, *A Letter to A Member of the Society...* at pp.15-17.

then be preferred...which now die away and are forgotten" (something that he believed was already happening in 1838).[1] Exactly the same concerns were being voiced 75 years later, by men such as Thomas Holmes.

State intervention also encouraged the attenuation of informal methods of control. Of course, 'self policing', with its attendant summary justice, often administered in a violent form, continued to be a regular feature of London life. Thus, one juvenile thief observed to Henry Mayhew that tradesmen in Leadenhall Market, when subject to the theft of meat by young thieves, were reluctant to invoke official sanctions, but rather administered immediate chastisement: "..for the butchers, if the 'finder' be detected "won't," I was told by a sharp youth who then was at a low lodging-house in Keate-street, "go bothering themselves to a beak, but gives you a scruff of the neck and a kick and lets you go. But some of them kicks werry hard".[2] Nevertheless, such behaviour became more restricted, as the threshold of State intervention was lowered, both against the chastised and chastiser (who were themselves likely to be prosecuted if they 'went too far').

Even some who were generally enthusiastic about the potential role of the police in London complained that far too much of their efforts were devoted to dealing with 'status' and petty street offenders, rather than 'real' criminals, such as the 'roughs' who lived by robbery and burglary. One felt that it was absurd that the service of: "...not by any means a few constables should be taken up not only with having to arrest, but with being obliged to appear in police offices against men who may make a bet in the street, or against publicans who keep their houses open a few minutes after hours".[3] The same author had earlier cited the amazement of visiting French policemen at the London police's preoccupation with minor status offences, and at seeing an otherwise orderly group of men, who had been casually gaming in the street, being arrested and marched off to Bow Street Magistrates Court. He approved of the apparent reversal of priorities in Parisian policing, whereby trivial 'crimes' were

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[1]Adams, Sergeant, 1838, at pp.19-20.
[2]Mayhew, Henry et al. 1862, Vol.1, p.256
[3]Meason, M. Laing, 1882, at pp.195-196

(allegedly) widely ignored, and resources concentrated on the graver ones. He felt that in Paris, the larger the robbery, the more likely it was to be solved, whereas the contrary situation prevailed in London.[1]

Class Perceptions

As indicated, after 1829, such policing inevitably assumed 'class' overtones. Thus, that against alcohol abuse, which took as its primary target the control of drinking in public houses, appeared to be specifically aimed at working men because they were places which, by the 1850s, were almost exclusively the preserves of the lower classes (a situation that was to prevail until after the 1914-1918 war). John Adolphus noted as early as 1824, that the increasing insistence of the Middlesex Justices on public house closure at 11.00 p.m. ignored the fact that they were the wine and beer cellars of the lower classes, some of whom worked extremely late hours.[2] Similarly, the banning of off course, non-credit, betting, in 1853, impinged primarily on the lower classes, who employed it. This could set class against class because it encouraged working men to think that there was one law for the rich and one for the poor. In practice, this was true. Gentlemen could always drink claret at their clubs, whatever the hour, and wager in person at the race track or by credit. Poor men, limited to public houses and off course betting, could not do so without violating the criminal law.[3] Not surprisingly, an anonymous tract from 1838 could declare that it was inherently the tendency of such a police system: "...to neglect at last, even the detection and expression of crime, except among a particular class".[4]

This view preceded the formation of the new police and was reiterated throughout the century. One commentator, in 1804, criticising the operations and prosecutions instigated by the *Society for the Prevention of Vice*, observed that instead of acting "boldly and openly towards all ranks of life", the society confined itself solely to the "prosecution (or reformation if they please) of that rank which they are most likely to overawe and terrify; and in

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[1] Meason, M. Laing, 1881, at pp.299-300
[2] Adolphus, John, 1824, at p.58.
[3] Meason, M.Laing, 1882, at pp.195-196
[4] 'Fidget', c.1838, at p.8

which they are least likely to meet with any question or resistance"; by contrast, he observed that the society "dare[d] not meddle with their equals or superiors". He also noted that in rich areas of London many traders freely and openly violated the sabbath day without any apparent interference. Convictions for such offences were normally limited to London's poor areas; he cited the usual early nineteenth century tour of London's less slubrious areas: St. Giles, Monmouth Street, Clare Market, Hungerford Market, Holborn and Saffron Hill, Whitechapel, Bethnal Green, Shoreditch, Saint Luke, Islington and Somers' Town, Marylebone, Westminster, and the Borough.[1]

At times, the differential enforcement of the criminal law between the social classes could become overt, rather than being premised on inequality of social environment, and extended to situations where there had been obvious and similar transgressions by members of the higher social groups which were more leniently treated. This was especially so with regard to the extensive new summary offences of the period. Glyde, writing in 1856, was well aware that children of the lower classes were differently treated by the criminal justice system, compared to their middle and upper class superiors. In one situation the deviant was: "...brought before his parents or instructor, is admonished and corrected, and the offence is passed over without public disgrace;...in the other, the 'delinquent' is taken before a magistrate, punished by the law, and disgraced and hardened as a man would be."[2] His views were shared by Micaiah Hill, who talked openly of England's "class legislation" which was "made to bear with harshness and severity upon our juvenile population, if made up of children of the poor". For them, succumbing to the quite natural temptation created by publicly exposed penny tarts in open windows, or toys in baskets, would result in prosecution.[3] Similarly, Mary Carpenter, despite her preoccupation with the 'dangerous classes', and their cultural transmission of social indiscipline, was well aware of selective enforcement of the criminal law on social lines, rich and powerful thieves were often not prosecuted. In the residuum, the: "...lowest

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[1] Anon., 1804, 'A Letter to...' at pp.33-35
[2] Glyde, J., 1856, at p.133
[3] Hill, M., and Corwaliis, C.F., 1853, at p.17

class, the moment a child is detected a thief he is prosecuted".[1]
Over half a century later, an English judge was still aware that rich
hooligans "running amok" in Regent Street in a motor-car, or
assaulting police-officers at a racetrack, were much more likely
than the poor to be dealt with by way of a fine, rather than facing
immediate imprisonment.[2]

Nevertheless, such cases notwithstanding, different
experiences of the law were primarily the result of cultural and
economic variation between the classes rather than deliberately
differential enforcement. Thus, in a book on working class
perceptions of the political process, written in 1911, the culture
conflict inherent in the differing social norms of the lower and
upper stratas of society was stressed. The police were seen to be
agents of the political nation, charged with enforcing a mass of
petty enactments bearing "almost entirely on working-class life".
Their function was, at the behest of one social group, to "attempt to
impose a certain social discipline on another". As a result, the
working man's habits were interfered with, and his poverty
penalised. It was, the authors claimed, largely a matter of chance as
to whether or not he came into "collision" with the police, not a
reflection of innate general law-abidingness. Only a lucky working
class man could go through life without falling foul of the police as:
"...the duties of the police have been made to tally with upper-class,
as opposed to working-class, notions of right and wrong". A
working man could be arrested and punished for doing things that
he and his neighbours considered quite reasonable and right. Most
could cite instances of gross injustice from their perspective, and
often from anyone's perspective.[3] Although a failure to sub-divide
the working classes meant that such views were grossly
exaggerated, they would have been largely true if made about the
lower working class.

Police Coercion

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[1] Evidence to Select Committee on Juveniles, Answer to Question 816, by Mary
Carpenter; reproduced in Tobias, J.J., 1972, *Nineteenth Century Crime,* at p.46
[2] Parry, Judge Edward Abbot, 1914, at p.205
[3] Reynolds, S., Woolley, B. & Woolley, T., 1911, at p.86.

In many working class areas police coercion was only very thinly disguised, something that was readily apparent until late in the century. As one contemporary observer commented, in ancient Rome, the proletariat had been bought off with bread and circuses, but in England it was repressed by the "strong arm of the law". Even so, he felt, that it was "perfectly amazing" to contemplate: "...what an immense amount of activity, vigilance, legislation, and force are actually in constant employment, to keep down the vice and crime which belong to the poorer class".[1] Greenwood, visiting Leman Street Police station, observed cutlasses hanging over the chimney piece in the office, and a group of new 'arrivals' who were bleeding: "...but that is a common occurrence at Leman Street, where it often happens that policemen, accusers, and prisoners, are all more or less wounded; for the knife and the bludgeon are institutions of St.George's-in the-East, and the police station on these occasions is like a butcher's shambles". The lowest elements of the working classes in London were likely to be on the receiving end of such policing. Even in the Edwardian period, the presence of 'rough' areas still made it "essential" that Metropolitan officers should be "big, strong men".[2]

Gradual 'Acceptance' of the Police by elements of the Working Classes

Despite these conflicts, in many areas of London, steady, and sometimes deliberate, progress was made in gaining popular acceptance, throughout the century. Within a few decades of 1829, many working men of the 'respectable' sort were willing to complain about the lack of policing in their areas, compared to the wealthier parts of London. (Then, as now, it is probably true to say that the police were simultaneously most loved and loathed in the poorest areas). This support, although only gradually, and always incompletely, won was important. It was widely believed, even then, that the paramilitary R.I.C. (established in 1822 after earlier experiments) was constantly handicapped by its lack of popular support. The need for legitimacy was also accepted by the Royal

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[1]Anon, 1871, Our Police System, at p. 693
[2]Gamon, H., 1907, at p.11

Commission on a Constabulary Force of 1839, which asserted that no police force could function properly "Without the assent or aid of the Community", especially the provision of intelligence or "information".[1] Similarly, the elderly Edwin Chadwick, looking back over thirty years on his involvement in the 1838 Report, was convinced that any police force: "...must owe its real efficiency to the sympathies and concurrent action of the great body of the people". To effect this end, he appreciated that it was important for its: "...moral usefulness, as well as on the score of economy, carefully to cultivate its beneficient services".[2] Such a service approach was followed by the Metropolitan police, so that they became involved in basic forms of social work.[3] Thus, by way of illustration, in 15 months at the end of the 1860s they seized 20,871 assorted stray dogs, 12,257 being destroyed and the remainder returned to their owners or sold. In 1868, 2,805 lost people were returned to friends and families, along with £21,924 of lost (not stolen) property. In 1869, 2,079 people, the bulk of them the victims of accidents, were taken by the police to hospital.[4] At its most basic level, the police often woke workmen up in the morning at 5-30 a.m. with "thunderous knockings" (though they were also usually paid 4d a head a week for this service), a practice that was witnessed by the young P.C.Leeson.[5] At a slightly more sophisticated level, the Metropolitan Police Returns for 1859 could note the number of suicides attempted but prevented by officers, the number of fires reported and extinguished by the police acting alone "before the arrival of the engines", as well as the number of missing persons located.[6] At a personal level, most ordinary Londoners could only be stirred by the courage of men like PC John Welch, who, in 1849, suffocated in a sewer while trying to rescue three workmen.

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[1]pp.12.b.1839, at p.185

[2]Chadwick, Edwin, 1868, at pp.16-17. Additionally, police involvement in accidents, disasters, and fire alerts would: "...relieve the monotony of mere sentinel work;" this was especially the case as the police succeeded in their initiatives to control crime levels, producing a degree of tedium as: "...the preventive service against crime prevails."

[3]Jones, David, 1982, at p.22

[4]Smiles, Samuel, 1870, at p.105. The police had 'hand-ambulances'.

[5]Morrison, Arthur, 1901, 6th Edn., at p.12.

[6]Metropolitan Police Returns, Table No. 20, for 1859

It was probably not *purely* self delusion that led Sir Henry Smith to believe that in foreign countries the police were regarded as representing the government, whereas "with us they belong to the people". As a result, he felt that they could generally count on citizens' support. Interestingly, he believed that the reason that such support was lacking in America was that "ultra democratic theories" had destroyed the notion of the police being public servants.[1] Similarly, in 1890, after his retirement, a former Metropolitan Commissioner, James Munro, was to opine that the Metropolitan Police could operate on its relatively small staff only because of the "relations which exist between the police and the public", and the widespread recognition by that public, at least in London, that the police were their "friends and protectors". He felt that this extended across the classes, and was achieved partly because, as well as being the stern representatives of the law, they also touched ordinary people in a friendlier way, returning lost children to their parents, their brass bands providing concerts in the East End and other poor areas and helping infirm people across busy roads. As a result, the police were not seen to be the representatives of a "despotic power", directed against people's rights and legitimate pleasures, but as a disciplined body of men engaged in protecting the "masses" as much as the "classes" against those who were not law-abiding.[2]

Of course, much of this thinking was 'rose-tinted', even in the Edwardian period. Articles in *The Times* in 1909, suggesting that there was complete harmony in the East End between police and public, prompted Robert Roberts to observe, apropos his Edwardian childhood in the northern slum of Salford, that whatever might have been the situation in East London, almost no-one in Salford spoke fondly of the police, and the poor in general: "...looked upon him with fear and dislike". Roberts felt that when it was said that the 'public' held their bobby in esteem it actually meant only the middle and upper classes: "...these sentiments were never shared by the undermass".[3] The reality was the same in the East End, as an Edwardian observer noted, when distinguishing

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[1] Smith, Henry, 1910, at pp.264-266
[2] Munro, J., 1890, at p.617. For the upper classes, police duties often involved looking after expensive gifts at society weddings.
[3] Roberts, R.,1973, at p.100

between East and West End views of the police: "The Police down
East are no longer the servants of the community, they are masters;
at the best kindly champions, at the worst tyrants". In such areas
their word was often law, encouraging swollen heads amongst
constables.[1] Arthur Harding's memoirs also suggest that many of
the poorer working class inhabitants of London resented the police
(though he was a professional criminal). Even where there was
little personal risk, many were reluctant to actively assist them.
Despite P.C. John Sweeny calling out 'Stop Thief' in a crowded part
of Hammersmith in the late 1870s, when pursuing a known thief:
"Yet the people made an avenue for him".[2] In rough areas, the
police could not expect assistance from the public even when
physically attacked. Typically, when two officers, ejecting a pair of
drunks from a pub in Brixton, were set upon by the men outside
(one being rendered unfit for duty as a result of his injuries) the
incident was witnessed by a "crowd of over a hundred persons, but,
although called upon, not one came forward to help the police" (the
men involved in the attack received the modest sentence of three
months' imprisonment at Lambeth Police Court).[3] Indeed, if officers
were seen to be disadvantaged, some elements of the public in such
areas might even join their attackers. In 1890, in East London,
when a constable remonstrated with one John Ford, for being drunk
and pushing people off the footpath, the officer was knocked down
and kicked by Ford, at which: "A number of roughs got round and
also assaulted him". (Ford, too, received the near standard three
months imprisonment).[4] Even the former C.I.D. man, Walter Dew,
could recall, in his memoirs, that as a child in London in the 1870s
and 1880s, he had had an "instinctive dread of the London
policeman", for reasons that he could not properly identify.[5]
Nevertheless, by 1900, although there was still considerable
distrust of the police amongst many working class people, a degree
of tacit acceptance had been won from all but the lowest elements.[6]
It would be wrong to view the police, in even late Victorian East

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[1]Gamon, H., 1907, at pp.23 & 24

[2]Sweeney, John, 1905, at p.8.

[3]*Illustrated Police News,* March 1st, 1895, at p.2.

[4]*Illustrated Police News,* June 21st, 1890, at p.4.

[5]Dew, Walter, 1938, at p.1

[6]Jones, David, 1982, at p.22

London, as being necessarily, or invariably, viewed as 'oppressive' by those policed.

Non-Partisanship

At times, the police appear to have been extremely keen to avoid conflict with working men, especially after the bad publicity occasioned by the Trafalgar Square disturbances in 1888. As a result, there were attempts to establish a reputation for social non-partisanship by both senior officers and men. This was made easier because many late Victorian constables saw themselves as members of the working class, "underpaid and overworked" (earning as little as £1-4s a week). Thus, the Metropolitan force appears to have been careful to avoid any hint of bias during the dock strike of 1889. James Munro, Warren's replacement as Commissioner, was resistant to pressure from the dock employers to police the dispute more 'vigorously', refusing to prosecute over placards, designed to deter (or intimidate) 'black legs', that read: "As men we beg you to clear out at once, or we must inform you that the consequences will be extremely serious". Both sides appear to have learnt from the previous year's experiences: the police were careful to distinguish the small number of 'roughs' from ordinary strikers, while John Burns, the strikers' leader, despite having been convicted and imprisoned himself in 1888 for assaulting police in Trafalgar Square, appears to have co-operated with them. Significantly, when informed that 500 extra officers were being sent to the scene he commented that it would mean (through police sympathy) "500 extra tanners for the strike fund".[1] It appears that, after the confrontations of the Warren years, Munro, during his equally short-lived tenure of the office, tried to steer the force back towards having at least the appearance of being a less socially 'partisan' body. In correspondence he emphasised that: "The police are not the representatives of an arbitrary and despotic power, directed against the rights or obtrusively interfering with the pleasures of law-abiding citizens: they are simply a disciplined body of men, specially engaged in

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[1] Ballhatchet, Joan, 1991, at pp.54-59.

protecting 'masses' as well as 'classes' from any infringement of their rights on the part of those not law-abiding".[1]

Minimum Force and a Civilian Culture

The process of police acceptance was greatly assisted by the wider social and economic improvements that became manifest from the 1850s onwards, reducing friction and helping to preserve the 'English Model' of policing that had been established in London. Indeed, it has been remarked that it was the post-1850 cultural and social security, and the special-circumstances of mid-nineteenth century England, as much as the far sightedness of those who initially introduced the police, that contributed to its survival.[2] Once the disturbances of the early Victorian years had passed, men came to the fore at the Home Office and in British police forces themselves, who shared a feeling that the political surveillance and overt repression of the European *haute police*, or, for that matter, the blatant political involvement of their American counterparts, was both undesirable and unnecessary.[3] This process was facilitated by the largely successful resistance to the arming and militarisation of the police. The primarily civilian nature of the Metropolitan force had been one of its characteristic feature from the outset. Those responsible for police uniform had initially considered red and gold (the foot patrol already wore red waistcoats) but rejected this as too 'military' in favour of a dark blue tailed coat and strengthened (but still conventionally shaped) black top hat (tunics and 'Roman' helmets were still several decades away). In its first decade, it had been stressed by many that the force should not follow the example of the R.I.C. (despite Peel's own involvement in the latter's establishment). Thus, Viscount Clements, the M.P. for Leitrim, warned parliament in 1839 that he had:"...seen the evils of an armed police in Ireland, and he had no wish to see the same system adopted in this country".[4]

Guns were very rarely carried on a routine basis, though the 'unarmed' nature of the Victorian police has been slightly exaggerated, especially in the Metropolitan force. At a variety of

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[1]Fosdick, Raymond B., 1915, at p.167
[2]Emsley, C., 1996, at pp.261-262. On social change, see below at p.402
[3]Emsley, C., 1996, at pp.261-262.
[4]Hansard, XLIX (1839) 1197

times during the century firearms were issued. Thus, in the early years of the new force, Inspectors were permitted to carry pocket pistols. Periodically, a specific scare, such as the Fenian problems of 1867 led to the arming of considerable numbers of police in London, though with firm instructions as to the limitations on their use. Several hundred officers received basic revolver training during 1868.[1] In 1883, the problems posed by the more serious types of conventional crime, apparently evidenced by the murder of P.C. George Cole by an armed burglar in December 1882, prompted the issuing of firearms to officers engaged even on routine duties, especially in outlying parts of London such as Camberwell. Generally, however, such men as were issued with revolvers appear to have been carefully chosen from the more sensible, experienced and collected members of the force. As a result, these weapons were only very rarely used, or, indeed, even drawn. Abuse of firearms was dealt with extremely severely, and officers were only permitted to use the weapon in self-defence.[2] Cases where armed officers used lethal force were exceptionally rare.

Nevertheless, there was some resistance to the civilian orientation, and unarmed nature, of the Metropolitan Police throughout its early history. These were compounded later in the century when some provincial forces and their Chief Constables (often former military men) petitioned to be reformed into light auxiliary military units. The Home Office (directly responsible for the Metropolitan force, unlike the provincial ones) resisted these attempts vigorously, one letter from Chester being endorsed by a Whitehall official in 1860: "...It has been frequently suggested to organise the Metropolitan Police *militairement*, and always repudiated. It seems to me highly unconstitutional".[3] Even so, by the 1870s, under Colonel Henderson, the London force had become markedly more militarised in its organisation. This was effected by, *inter alia*, the introduction of "more effective drill, and a greater military smartness throughout".[4] It was a trend that would

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[1]MEPOL 7/38. Orders for 7/1/1868

[2]Emsley, Clive, 1985, at pp. 137-140

[3]Emsley, Clive, 1996, at p.59

[4]Anon, 1871, Our Police System, at p.692.

accelerate under Colonel Charles Warren in the late 1880s. Despite Henderson's reforms, Warren was determined to introduce a still more military model for the force, and even redrafted their drill manual (loosely basing it on that for infantrymen, though Warren claimed that the amount of drill individual officers carried out was greatly exaggerated by his critics). Some, like, Josephine Butler, deprecated such moves: "We see the tunic and the helmet superseding the civil hat and coat introduced by Sir Robert Peel, and attempts made from time to time to arm the police with swords or revolvers". She felt that the mounted police were becoming increasingly like the household cavalry, overtly parading in large groups in Hyde park, and that the distinctions between the magistrate and the military officer, between the civil constable and the soldier, were "well nigh obliterated". Even worse, unlike the army, policemen were not even subject to the annual Mutiny Act. Butler feared that this 'contagion' was spreading from the Metropolitan police to the provincial forces.[1] According to the radical journal *The Link,* and prompted in part by Warren's perceived use of the police to break up demonstrations and his penchant for elaborate drill, the force was becoming a paramilitary one, like the R.I.C., and being used for purposes that "they were never intended to perform" (significantly, this comment indicates an almost universal acceptance by 1888 of the need for a police in some form, and preferably on the original 'Peelite' model). As a result, it felt that a "most unsatisfactory condition of things...now exists in London between the police and public."[2] However, Warren's departure that year eased some of these tensions.

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[1] Butler, Josephine, 1880, at pp.38-39 & 47.
[2] *The Link,* 24th March, 1888.

Chapter 12: The Increasing Reach of the Criminal Law and the Growth of Police Powers

<u>Civil Liberties Concerns</u>

In the century following 1790 there was to be an unprecedented expansion in the reach of the State, and, in particular, of its criminal law, especially in London. In balancing personal freedom with security, the 1820s marked a decisive shift in favour of security at the expense of 'traditional' English notions of liberty. The Whiggish appeal to such freedoms by the political nation, strong in the eighteenth century, became increasingly qualified and muted.[1] Many influential people were more willing to surrender personal freedom in exchange for enhanced urban security and public civility, even if imposed by an unprecedented State willingness to intervene in divers areas of urban life. By the early 1900s, some, like Thomas Holmes, were willing to go so far as to suggest that the worst social elements should be identified, segregated, and detained indefinitely, irrespective of the civil liberties violations that this would involve.[2]

However, the cost was not one that everyone found acceptable, and the growing power of the State, and its willingness to exercise it (via the law), did not go unchallenged. Many shared Josephine Butler's observation that although: "An extensive preventive police might, by fettering all free individual action, prevent many offences; but mere physical security is not the highest object of pursuit for any society".[3] Increased State intervention caused alarm, throughout the century, to those who feared the erosion of individual freedom. An early warning in this vein, was sounded by J.S.Mill, in his prescient essay, *On Liberty* (1859). Mill felt that as society had become more democratic, some had begun to think that too much importance had been placed on limiting State power (clearly necessary when it had not purported to represent everyone), threatening to produce a "tyranny of the majority". In the 1850s he felt that there was still a: "...considerable

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[1] Gatrell, V.A.C., 1990, at p.244

[2] Holmes, Thomas, 1912, at p.80

[3] Butler, Josephine, 1880, at p.7.

amount of feeling ready to be called forth against any attempt of the law to control individuals in things in which they have not hitherto been accustomed to be controlled by it". However, he feared for the future potential growth of "regulation of private conduct by public authority", and the "inclination to stretch unduly the powers of society over the individual". Even when it was intended for the individual's own good, Mill felt it was something to be vigorously resisted.[1] From a civil liberties aspect, his fears were undoubtedly to be justified in the latter stages of the century, prompting Butler to declare that there should be a determined stand against the "needless and mischievous multiplication of laws enacted year by year", with police powers and duties being kept to a necessary minimum. Additionally, Butler felt that some specialised parts of the police, and the duties associated with them, could be broken off to become civilionised bodies. She questioned whether it was necessary that officers involved in superintending the traffic in London (there were at least 300 of them), should form part of the police at all, and feared that it might even lead to the fire brigade being incorporated into the Metropolitan force (as some had already proposed when she was writing in 1880).[2]

As such civil libertarian and constitutional objections were marginalised, there was an increased willingness to countenance draconian criminal statutes and an unprecedented increase in police powers and interventionism. As early as 1816, in an intimation of future developments, the magistrate Mr.Vickery, could suggest that to help combat the receiving of stolen goods in London it would be proper to exempt police officers from liability to an action for trespass, in case it was necessary for them to enter houses suspected of containing stolen goods without a warrant. He also proposed that, because the marks on stolen goods were often "so utterly obliterated" that their owners could not "swear to their property", and thus establish an element of the substantive offence, that "notorious" receivers should be legally required to "account" for their possession of such goods, even if they were not identified as stolen.[3] By 1821, his fellow police court magistrate, L.B.Allen,

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[1]Mill, J.S., 1859, at pp. 6-70.
[2]Butler, Josephine, 1880, at pp.52-55.
[3]pp.5.1816, at p.331.

responding to complaints that his constables did not arrest known thieves in the streets unless they had direct evidence of a crime, was suggesting that any previously convicted thief should be arrestable if found in a public place and unable to show that he earned his living in an honest manner.[1] Subsequently, this effective reversal of the burden of proof was to be introduced for several, albeit usually summary, offences. Political society was increasingly less willing to promote a policy of 'laissez-faire' towards the conduct norms of its more marginal members.

However, this widespread change in perceptions about crime, was not universal, nor was it confined to liberals such as Mill. There were still many of a conservative disposition, rooted in the mores of an earlier more tolerant (of crime and disorder) period, who were concerned about the advance of social regulation and the apparent 'over-reach' of the criminal law, and especially of the way in which it was encouraged and promoted by voluntary bodies of 'moral entrepreneurs' such as the Society for the Prevention of Vice. Such observers were aware that as much as there being any deterioration in conduct in London, there had been a change in attitudes towards crime, immorality and disorder. Long before Mill, a prescient commentator in 1804, observed that some people had lost sight of the important "distinction which should ever be drawn...between vices and crimes". Human tribunals should not take formal cognisance of many acts which although bad were not "overt acts destructive to the peace and order of the community".[2] By the late 1820s, the wide ranging and novel nature of such new statutory provisions was also occasioning concern to the barrister John Adolphus, who was aware that changing social mores on the part of the political nation were influencing the law's prescription of what was acceptable on the part of the working classes (manifest in statutes such as the 1824 Vagrancy Act). He feared that: "Whatever inclination may be felt to suppress all amusements and indulgences for the lower classes, I hope we are not yet come to the point of imprisoning, whipping, and condemning them to hard labourer, for slight irregularities, attended with no violence, injury,

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[1] Allen. L.B., 1821, at p.15
[2] Anon, 1804, *A Letter to A Member of the Society* ...at pp.15-17.

or public scandal".[1] Over 70 years later, at the turn of the century, it was obvious that Adolphus's fears for the working classes had been realised, as Thomas Holmes noted: "During last year more than fifty boys were summoned at one court for playing football in the streets and fined".[2] Like Adolphus, he appreciated that many new (or newly enforced) regulations struck at aspects of 'normal' working class life in the city.

Many of the offenders in late Victorian England, especially juveniles, were in trouble as a result of the criminalisation of acts which a century earlier would not have been illegal, as even some advocates of change acknowledged. Thus, Thomas Beggs cited a prison report to the effect that much of the apparent increase in the number of prisoners: "...arises from other causes than those connected with the advance of crime. Offences which were formerly passed over, are now made the occasion of frequent commitment to gaol".[3] Pike's later analysis of the changing social values of the era was equally insightful. He appreciated that the number of late Victorian criminals could only be made to appear 'formidable' by including in it those who were guilty of offences which: "...our hard-drinking great grandfathers would have regarded as merits rather than faults".[4] As the nineteenth century advanced, the law was able to expand its 'client' base and to reach ever deeper into ordinary people's lives.

New Crimes

The legislative campaign to improve public order, conduct and decorum, in particular by clamping down on 'victimless' crimes, was manifest in Acts affecting or criminalising the sale and consumption of alcohol, the existence of vagrancy, begging, prostitution and gambling; the extension of the criminal law to juveniles; the control of pornography; the post-release supervision of felons; action against cruelty to children and animals and against cruel sports, bare knuckle prize fighting contests etc. By 1850, a combination of religious evangelicals, zealous magistrates and policemen had almost eclipsed some traditional London 'sports',

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[1] Adolphus, John, 1824, at p.10.
[2] Holmes, Thomas, 1908, at p.174
[3] Beggs, Thomas, 1849, at p.19.
[4] Pike, L.O., 1876, Vol. 2, at p.484

such as bear-and cock-fighting; they had also greatly reduced the number, size and vigour of historic London fairs and festivals (such as St.Bartholomew's fair) that were frequently associated with crime and disorder.[1] In the 1850s and 1860s there were to be attacks on the sale of obscene material, so that Bracebridge Hemyng was able to note in 1861: "Until very lately the police had not the power of arresting those traders, who earned an infamous livelihood by selling immoral books and obscene prints". This had changed as a result of the exertions of Lord Chancellor Campbell, something which had inflicted a massive blow to the trade of Holywell Street (the centre for the sale of obscene material in London).[2] Judicial decisions, as well as Parliamentary legislation, increasingly caught the 'spirit of the times'. In the case of *R v Coney* (1882), the 11 judges sitting to determine an appeal were of the opinion that prize fighting (as opposed to new style, regulated and gloved boxing) was illegal and that all persons aiding and abetting such a fight were guilty of assault, the consent of the fighters to their bout being irrelevant.[3] The supervision of the city's lodging houses was considered a particularly successful area of state intervention.[4] The introduction of such laws appears to have accelerated after 1870, drawing political support from a wide spectrum. One indication of this combination of new crimes and the stricter enforcement of old ones, was that fully a third of the people taken before a court in London in the mid-1880s were charged with being drunk and disorderly or not sending their children to the newly compulsory schools (the 1870 Education Act being strictly enforced).[5] It has been argued that over half of imprisoned juveniles, or ('infant felons') in the mid-nineteenth century, were in custody due to the unprecedented willingness to extend the practical age of criminal responsibility to ever younger children, even those of 9 or 10 (the common law age of criminal responsibility being 8), the criminalisation of previously legal forms

[1]Jones, David, 1982, at p.25
[2]Mayhew, H. et al., 1862, Vol. 4, at p.210
[3]8 QBD 534 (the 'Prize Fighting Case') Their reasons varied from distinguishing between 'sport' and intention to do harm to stressing the public interest and the possibility of there being a breach of the peace.
[4]PR.9.1816-76, Report for the Year 1872, at p.2.
[5]Jones, David, 1982, at p.6

of behaviour, and the extensive expansion of the justices' judicial powers.[1] The process was compounded by the apparent greater willingness of Metropolitan Stipendiary magistrates, and the mainly middle class urban J.P.s of the second half of the century, to use imprisonment against juveniles (as opposed, for example, to the fines favoured by the more Squire oriented rural benches).[2]

Alcohol

Similarly, the later nineteenth century was to be accompanied by what has been termed a judicial and police assault on drunkenness, supported by wild estimates that between one-third and nine-tenths, of the amount of crime was attributable to drink.[3] Thus, in 1872 public inebriety *simpliciter* became a crime, irrespective of whether the drunkard was being disorderly or not. Additionally, the police were encouraged to be more rigorous in the application of their existing legal powers against drunkards, producing a tripling of convictions for drunkenness between 1855 and 1875, and an abandonment of previously accepted accommodating practices towards inebriates, such as wheeling them home in wheelbarrows (previously kept in readiness at the local police station). In 1872 (a period at which alcohol consumption was at a short-term peak), Bruce's Licensing Act placed all drinking places, beer houses as well as public houses under the control of the licensing justices; after 1882 this was extended to off licenses as well. This legal attack was also reflected in new legislation such as the Habitual Drunkards Act of 1879, and the reintroduction of duty on beer in 1880. There was an ongoing campaign against previously high levels of illicit distilling and selling of alcohol. Typically, in 1857, Elizabeth Saunders was stopped near Tower Hill, by an Inland Revenue Officer, while carrying five gallons of raw spirit that she had distilled herself. As she had been "repeatedly convicted" for working a private still, dealing in illicit spirits and other revenue offences she received a very substantial fine of £100 from the Magistrate at the Thames Court.[4] In 1898, in one of the most drastic developments, the

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[1]Weiner, M.J., 1990, at p.52
[2]Stack, J., 1992, at p.132.
[3]Radzinowicz, Leon with Hood, Roger, 1976, Vol.5, at p. 62
[4]*East London Observer,* 19th Dec., 1857

Inebriates Act allowed people who were deemed to be 'habitual inebriates' to be sentenced to detention in an inebriate reformatory for up to three years, in addition to any other punishment imposed for the offence for which they had been indicted. More generally, between 1895 and 1914 there was a doubling of the number of penal sanctions available to the courts (probation orders, preventative detention etc.) for alcohol abuse.[1]

Sexual Offences

In sexual matters State intervention also advanced apace. In 1885, W.T.Stead, the editor of the *Pall Mall Gazette*, 'discovered' an extensive trade in child prostitutes in England, many allegedly seduced into their profession between the ages of 13 and 16 or even younger, this trade being particularly prevalent in London. He published his evidence in a notorious article (much of its detail was actually taken from the Rescue Society of Finsbury).[2] His revelations resulted in the Criminal Law Amendment Act of 1885, largely intended to combat the exploiters involved in prostitution. This made it an offence for a landlord to permit or know about the practice of prostitution on his premises (though its implementation often had the effect of driving prostitutes into the arms of rougher 'pimps' who could accommodate them without being caught by the police). Additionally, and partly influenced by Stead, Parliament raised the age of consent from thirteen to sixteen in the 1885 Act (it had been 12 as late as 1875). It also attempted to control prostitution in other ways. An extreme example of the new general willingness of the State to intervene can be seen in the passing of Acts in 1864, 1866, and 1867 which established regulated prostitution in garrison and naval towns in Britain and Ireland, and provided for the compulsory inspection of (and treatment for infected) women, in an attempt to reduce the incidence of V.D. amongst servicemen. This was to prompt Josephine Butler's celebrated campaign against the State's effective condoning of such behaviour.[3] There were serious, but ultimately unsuccessful,

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[1]Garland, G., 1985, at p.20
[2]Stead, W.T., The Maiden Tribute to Modern Babylon, *Pall Mall Gazette*, July 6th 1885, at p.4
[3]See on this Fisher, Trevor, 1996, at p.32.

proposals to extend the provisions of these Acts to all prostitution in the big cities, especially London.

There was also an increasing tendency for Victorian Criminal Statutes, (such as s.55 of the Offences against the Person Act of 1861), not to require *mens rea*. Indeed, Stephen J., in the case of *Cundy v Le Cocq* (1884) went as far as to suggest that the maxim *actus non facit reum nisi mens sit rea* was not of general application to modern criminal statutes in the way that it had been to earlier ones and to common law offences. As a result, the demands of social expediency could sometimes make criminals out of otherwise well intentioned people.[1] Thus, to an extent, the criminal law was used to establish new behaviour 'norms' for the wider society. Offences and novel legal definitions of crime increasingly not corresponding closely to the cultural norms of much of the population.[2] Even more significantly, some summary offences reversed the burden of proof, so that 1,754 people were convicted for unlawful possession of goods in 1859 having failed adequately to explain possession.[3]

Of course, this was not a new process in the nineteenth century, as legal changes in the eighteenth century dealing with employees' 'perquisites' and new definitions of theft show. However, by the middle of the nineteenth century these earlier changes had acquired some acknowledgement (if not acceptance) amongst even the lower classes, so that, for example, dockers continued to steal but no longer ran defences based on 'right'. Success against such 'conventional' crime allowed the police, courts and the substantive law greater scope to focus on 'unrespectable' forms of conduct generally, producing a relentless expansion of status offences. Although such efforts were not totally novel, there were already old (indeed archaic) laws aimed at swearing and cursing, blasphemy, drunkenness, disorderly behaviour in taverns, lewd practices, refusing to work, betting, gaming, frequenting bawdy houses, without an effective and interventionist police to support them these had often been little more than hollow proclamations.

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[1] Stallybrass, W.T., 1936, at p.67. *Cundy v Le Cocq* (1884) Q.B.D. at p.210
[2] Hay, D., 1980, at p.47.
[3] PR.6.1859, Table No.8, at pp.20-21.

Police Powers

It has been argued that, in the Victorian period, the role of the police was as much symbolic as practical. Thus, Robert Storch has observed that the urban police had a wider function than simple crime repression, they were intended to act as a general imposer of new standards of urban discipline, a force that had been inserted into the heart of working-class communities and which intervened in their everyday lives and recreations.[1] As such, they were representatives of social authority, or "domestic missionaries", who played a crucial role in the spread of social integration and a common view of citizenship.[2] (Conveniently, perhaps, Robert Peel's bourgeois and manufacturing ancestry make him a ready archetype for such an analysis). Certainly the new police provided moral support for those members of the working class trying to follow the 'respectable' life.

However, in London, although the police may have been 'domestic missionaries' setting a new 'example' to the poor, they were also equipped with unprecedented powers, to deal effectively with the low level street crime and disorder that they encountered. These went far beyond those available prior to 1829. In 1828, Randle Jackson had presciently observed that any new police would require enhanced legal powers to deal with suspicious street people: "...further legislative interference, or exposition of the law respecting vagrants and reputed thieves".[3] This was granted in abundance in the ensuing years. By the end of the century, Sir Robert Anderson, a former Assistant Commissioner and head of the C.I.D., was blunt about the effect of the awesome array of police powers present in the capital. He ridiculed those who suggested that introducing such a system in Ireland would be morally wrong, when they were seemingly oblivious to its existence at the very seat of English government. He felt that the fact that there was no great city in the world in which life and property were so safe as in London (possibly true) was largely due to it being governed: "...not by ordinary law but by police law. For London, like Ireland, could

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[1] Storch, R., 1976, at p.481-509.
[2] Reiner, R., in *The Independent*, October 12, 1995
[3] Jackson, Randle, 1828, at pp.11,12 & 19.

not be governed without a Coercion Act". By a 'Coercion Act', he meant one limited to a specific geographical area and which armed the police with 'extraordinary' powers "unknown to the ordinary law, and sometimes foreign to the spirit of that law". An obvious illustration of the reality of that law in London, Anderson felt, was that under one "leading statute of this character" (the 1839 Metropolitan Police Act) a constable might call anybody to account whom he found loitering in any place after sunset. If the constable then considered that the account which the loiterer gave of himself was unsatisfactory, he could arrest him and bring him before a police magistrate, who might send him to hard labour for a month, without any right of appeal.[1] The same Act made being drunk in a public place, in the capital, subject to a fine of 40s. (with imprisonment in lieu), compared to the normal 5s national fine.[2] Josephine Butler was exaggerating, but not outrageously so, when she observed in 1880 that there was a standing menace to liberty from "police rule". She felt that it threatened to form a rival to formal government.[3]

Nevertheless, even in 1829, the Metropolitan Police had inherited some powerful legal ordinances dating back over centuries, provisions which often merely required an effective body to enforce them, so transforming them from virtually empty declarations of intent, to effective social controls. Indeed, a Metropolitan observer had noted as early as 1751 that the need was not for passing fresh criminal statutes, England already had the "best Laws, but the worst executed" of any country; it was the inability to enforce them that was the problem. Until this was resolved it was "needless, nay mere madness, to create any more useless scarecrow statutes".[4] These inherited powers included the 1677 Sunday Observance Act, preventing Sunday trading, and the far reaching 1824 Vagrancy Act, which gave extensive powers against beggars, vagrants and other minor public nuisances (such as those indecently exposing themselves). Nevertheless, there was resistance to expanding intrusive police powers excessively. Thus, in 1783 it was argued that then current proposals to arrest those

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[1]Anderson, Robert, 1910, at pp.94-95
[2]Thompson, F.M.L., 1988, at p.329
[3]Butler, Josephine, 1880, at p.46.
[4]'A Citizen of London', 1751, at p.9

found in the streets with 'housebreaking' implements would eventually result in ordinary working men going to prison for carrying cutlery in their pockets to dinner.[1] Such objections were progressively overcome. An early inkling of future developments could be seen in the application in London of the short-lived (in its unamended form) Vagrancy Act of 1822. Police magistrates initially interpreted the Act to its letter, and a number of courting couples were arrested for 'indecent exposure' by Watchmen, some being sentenced to up to a month's imprisonment, amid popular outrage. Others were prosecuted for mere drunkenness or urinating in public, soliciting prostitutes and even swimming in St.James' Park! Although the interpretation of the statute was loosened after the Home Secretary, Robert Peel, wrote complaining to the magistrates concerned, and it was slightly modified in the 1824 Vagrancy Act, it provided a foretaste of a more interventionist approach to previously relatively tolerated behaviour.[2] Despite its modification, the enormous power of the 'catch-all' provisions in the 1824 Act, such as the creation of offences for being a 'reputed' thief or 'suspicious person' soon became manifest, not least because the Metropolitan force "stood on the limits of authority" under the Act.[3] By 1831-1834 an average of 2,500 people were being convicted annually in London as reputed thieves or suspicious characters, and by this time the majority of London's property crime (broadly defined) was being tried summarily. Between 1813-17 and 1827-28, the number of reputed thieves held annually at Coldbathfields House of Correction in Middlesex rose from 53 to over 500.[4] It produced cases such as that of George Lewis, who, in 1828, was committed to the House of Correction, by the Thames Police Office, for two months, having been charged: "...with being a reputed thief, and frequenting High Street, Shadwell". At the same time, at the Union Hall Police Office, Samuel Gaskin and Thomas Smith were: "...convicted under the Vagrant Act [1824], being suspected persons frequenting the Abbey Road, in the parish of Camberwell, with intent to commit felony". They were sent to

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[1] *The Gentlemen's Magazine* , Vol. 53, July-Dec. 1783, at p.740, and Vol. 56, Jan-June 1786, at pp.263-264

[2] Roberts, M.J.D., 1988, at pp.273-294 at p.274

[3] pp.12.b.1839, at p.173

[4] King, Peter, 1998, at pp.116-166 and at p.134

Brixton for three months hard labour (again, the lack of due process in such statutes being modified by comparatively mild punishments).[1] Many of these provisions were unprecedented at common law. Indeed, when, after 160 years, parliament eventually repealed section 4 of the Vagrancy Act of 1824 (the so called 'sus law') in 1981, it followed the House of Commons Home Affairs Committee of 1980 declaring it to be: "...a fundamentally unsatisfactory Act, in principle. It is not generally acceptable in English law to exact penalties for forming a criminal intention".[2] Even so, in the first decade, the Commissioners campaigned for greater street powers. Thus, Rowan complained in 1838 that it was "absurd" that officers were still not allowed to arrest without warrant for misdemeanours, such as common assault, that they had not personally witnessed (unlike the situation for felony), merely acting on the information supplied by an alleged victim.[3]

The powers of the new police were constantly supplemented, and codified, by fresh enabling Acts, throughout the century. At their formation, in 1829, police powers had been contained in 7 Acts of Parliament; by 1861 these had increased to 75, and by 1878 there were well over a hundred.[4] They included, *inter alia*, the 1834 Beer Act, which allowed officers to enter any Beer or Public House at will and the very important Metropolitan Police Act 1839 (2 & 3 Vic. C 47) which contained many provisions creating (or codifying existing) offences (in particular ss. 54-60 of the Act), which were punishable only summarily. Among them were such diverse matters as discharging firearms in public, wantonly ringing bells and using profane or indecent language.[5] The most draconian provisions were found in section 54 of the Act, under one provision of which (54 [11]) common prostitutes "loitering or being in thoroughfares for the purpose of prostitution to the annoyance of passengers" could be arrested. Another clause (s.54 [13]), dealing with potential breaches of the peace by "abusive or insulting words or behaviour", was also often used to arrest prostitutes (female

[1]pp.10.1828
[2]1980 Report at para. 22.
[3]pp.12.1838 at pp.84-85.
[4]Petrow, Stefan, 1994, at p.32
[5]Stephen, J.F., 1883, at p.265

soliciting *per se* was not at that period necessarily an offence) or anyone deemed to be obstreperous. (The maximum penalty on conviction was a modest 40s). A year after the 1839 Statute was enacted, one (quite measured) commentator felt that it was so draconian that everyone in London should be made aware of its provisions, if only because it would "expose all classes to the most rigorous penalties and imprisonments for minor offences". In particular, he remarked that the Act not only allowed a constable to arrest, without warrant, all 'loose, idle and disorderly' people or those whom he had good cause to suspect to have committed, or be about to commit a breach of the peace, but also anyone who was found between sunset and 8 a.m "lying or loitering in the highway...[and] not giving a satisfactory account of themselves" (clause 64). He feared that this drastic power would prove a source of great public inconvenience, effectively allowing officers to imprison anyone for the 'night' (from as early as 4 p.m. in the winter) if they did not like the look of them. Additionally, he noted that under the Act, a refusal to 'move on', when ordered by a police constable was deemed to be resisting him in the execution of his duty, something that could attract a fine of £5 or a month's imprisonment from a magistrate.[1] Concern over such powers, and this Act in particular, was to continue for the rest of the century. As a stipendiary magistrate reiterated, in the 1880s, it conferred upon the police powers "unknown to the general law of the land". In retrospect, he could appreciate that in practice one of the most important provisions of the Act had been section 24, which provided that: "...every person who shall be brought before any of the said magistrates charged with having in his possession, or conveying in any manner, anything which may reasonably be suspected of being stolen or unlawfully obtained, and who shall not give an account to the satisfaction of such magistrate how he came by the same shall be deemed guilty of misdemeanour". The penalty for this far-reaching offence was a £5 fine or a maximum of 2 months imprisonment. It was used extensively throughout the century, usually where evidence was inadequate to found a more serious (and indictable) 'traditional' offence, such as receiving or theft: "Under this provision very many persons are daily

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[1] Thompson, R., 1840, at pp. 26 & 7.

apprehended and brought before the magistrate, many of whom are convicted, whilst an equal number are discharged". However, it was not a totally novel power even in 1839, consolidating an earlier provision from the 1820s. Thus, typically, Charles Richardson, who was convicted of a misdemeanour "under the Police Act" for unlawfully having and carrying lead (a common situation) in Long-alley, Shoreditch, and then failing to give a "satisfactory account of the same", was fined the sum of 19s. in 1828.[1] Detectives in the City, employing the power, were especially prone to stopping men in the streets who were "carrying bundles", which they made them account for.[2] The provision created many practical problems, and there was an enormous potential for injustice as: "Numerous are the cases in which persons are apprehended upon this charge, who are unable to give any account other than that which is unsatisfactory, but which nevertheless may be a true and honest one." This was, apparently, especially the case as the workmen involved might be annoyed by the initial request and reply facetiously to the officers. It led a concerned magistrate in the early 1880s to stress that over such charges: "...too great caution cannot be exercised."[3] However, it is apparent that not all magistrates were as careful in applying the provision.

The Supervision of Released Felons

Together, the Penal Servitude Act of 1864, the Habitual Criminals Act of 1869 and the Prevention of Crimes Act of 1871 tightened police supervision over 'ticket-of-leave' men and released prisoners with two or more previous convictions for felony. They provided for the registration of everyone convicted of significant crimes and improved existing techniques for the identification of those previously convicted. Released convicts under such supervision had to report on a monthly basis to the police and prove that they were living an honest life. The police were empowered to arrest without warrant a licensee who was thought to be living in breach of his licence, or in a generally dishonest manner (at the same time the 'catch-all' provisions in the

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[1] pp.10.1828, No. 22
[2] pp.15,1878, at p.183.
[3] Anon, 1882, *Metropolitan Police Court Jottings*, at pp.71 & 73.

1824 Vagrancy Act were increasingly employed to deal with suspicious characters).[1] The *Habitual Criminal Register,* was an alphabetical list of persons liable to the Statutory penalties contained in the 1869 and 1871 Acts. At first, everyone convicted and given a prison sentence was included. However, this soon resulted in the register being "swamped" as, in the early 1870s, almost 30,000 people a year were being imprisoned. As a result, after 1877, the Register was changed to include people whose reputation as habitual criminals "may be taken as established", i.e who fell within the definition of ss. 7 and 8 of the 1871 Act, viz, those: "...convicted on indictment of a crime and a previous conviction is proved against them." Additionally, these were supplemented by the names of those who had been released from a formal sentence of penal servitude (by no means all those imprisoned), even if it was their first sentence. In the volume for 1892, 3,851 names were recorded (compared to 3,889 the previous year).[2] Nevertheless, it appears to have been an unsatisfactory system, and many London police stations kept their own private registers of suspicious local characters.[3]

A constant problem for both the courts and police in enforcing the extended judicial and police powers over 'hardened' criminals, towards the end of the century, was that the means of identifying them, along with their previous convictions, had been outstripped by the new ability of the bureaucracy to record them and of the legislature to pass laws governing them. This led to several attempts to develop improved means of identification, something that was only to be properly solved at the turn of the century by the advent of fingerprinting. As a result, along with the registers of habitual criminals, companion volumes of registers of "distinctive marks" were issued from the 1880s, to assist in recognition of previously convicted criminals. This could be cross-referenced from the main habitual criminal register which gave instructions as to how the convict should be "carefully inspected" for a range of marks, scars, tattoos, deformities and peculiarities in nine different parts of the body. A typical illustration is that of

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[1]Petrow, Stefan, 1994, at p.50
[2]MEPO 6/4, Habitual Criminal Register for 1892.
[3]Stevenson, J., 1986, at p.47

Arthur Abiss "Birthmark back right shoulder, cast right eye". If the physical characteristics of criminals believed to be using an alias appeared to tally with a man recorded earlier, application would be made to the governor of the prison from which he was freed: "...for the photograph, or for the assistance of a person acquainted with him; and if the identity suggested is thereby further confirmed, the steps necessary to prove it in a court of justice can be taken in due course". This was obviously laborious and inherently unreliable leading to the adoption of anthropometry in 1893 a process (developed in France by Alphonse Bertillion in the 1880s) in which the respective proportions of a convict's body measurements were measured with callipers, so as to facilitate his identification if he re-offended and was captured. A Registry was established of these measurements, although only 18,000 British criminals had been measured by 1900 and it was still clearly an inadequate system. The use of photography also increased.

Expanding Reach of the Metropolitan Police

As the battle against 'conventional' street crime and disturbance was 'won', the police could focus elsewhere, on previously neglected potential targets, in what amounted to a 'ratchet effect'. Thus, a new level of general order on the streets allowed increased police action, later in the century, against prostitutes.[1] After the 1860s, and under the instigation of an increasingly interventionist Home Office (directly responsible for the Metropolitan force), and a variety of other pressure groups, new powers to combat various forms of 'victimless' crime, and to deal with other matters that had previously been questions of individual morality, were swiftly added. Police duties became so extensive that the 1908 Royal Commission on the Metropolitan Police could freely acknowledge that they limited: "...in almost every direction the freedom of action of Londoners". Particularly novel was not simply the existence of these powers, but a new determination, using the post-1829 force, to make some real attempt at enforcing them. This was potentially more realistic in London than the provinces because of the much higher provision for police. In the closing decade of the nineteenth century, the

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[1] Emsley, Clive, 1991, at p.72

numbers in the Metropolitan Force, and, more pertinently, their ratio to the public, also began to increase, having previously remained fairly constant. Thus, the Metropolitan Police Division grew from 9,160 in 1870 to 15,847 in 1900 (it reached 22,048 in 1914).[1] Even allowing for the concurrent increase in population this was a marked increase in the real level of policing. Such an increase *may* have encouraged an extension of policing into previously untouched areas, though, as will be seen, this is open to question.[2]

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[1] Discussed in Petrow, Stefan, 1994, at p.37. It should be remembered that the Metropolitan force had a number of 'national' security responsibilities.

[2] Inevitably, as even Dickens noted, there were some dangers in encouraging people to leave everything pertaining to law enforcement to the 'professionals'. It could produce a passivity amongst the 'respectable', making them reluctant to intervene in street crimes, a classic illustration being the notorious 'Parliamant Street murder', "committed with bystanders looking on," not one of whom interfered "saving a poor errand boy." *Household Words,* 'Murderous Extremes' vol.15, 1857, at p.1

Chapter:13 The Expansion of Judicial Resources In Support of the Police

Introduction

The police had no (legal) summary power to punish on their own account although cuffs, capes and fists appear to have been regularly used for illicit chastisement. Despite their extensive street powers, their effectiveness was heavily dependant on judicial support. Governmental encouragement for recourse to the criminal courts as a medium of social control was not new in the Victorian period. It had been developing in London since the mid-eighteenth century. Thus, a series of Acts had provided for the reimbursement of private prosecutors in most felony cases. In 1752 some provision had been made to compensate poor and successful prosecutors, though not until 1778 was any provision made for a prosecutor to be reimbursed for an unsuccessful prosecution. These culminated in Peel's Criminal Justice Act of 1826, which provided for the payment of costs and expenses to both prosecutors and their witnesses for all felony prosecutions and also that of some misdemeanours.[1] However, the judicial system inherited from the early eighteenth century was insufficient to support a heavily interventionist police. Trial at the petty sessions conducted by magistrates and trial on indictment in front of a jury, both posed major problems.

Jury trial was procedurally slow, relatively expensive, uncertain in outcome and 'cumbrous', something that was aggravated by its increasing complexity from the late 1700s.[2] The growing use of counsel further exacerbated this, especially as the 1780s saw the emergence of specialist Metropolitan criminal defence barristers, such as William Garrow. The progressive abandonment of limitations on barristers' rights to represent clients, culminating in the passing of the 1836 *Prisoner's Counsel* Act also encouraged trials to become slower and more technically

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[1]Taylor, D., 1997, at p.15

[2]Beattie, J.M., 1991, at p.227.

complicated.[1] However, the alternative forum, summary trial by magistrates in 'petty sessions', was also flawed, limited by the poor quality and efficiency of many London JPs, and the relatively modest judicial powers that they could exercise. In the 1700s, such theoretical limitations were less obvious than practical ones. Indeed, by earlier standards, unprecedentedly extensive powers to deal with petty crime and vagrancy were given to JPs in the eighteenth century. However, as Henry Fielding observed in 1751, any expansion in magisterial responsibility was stymied by an inability to enforce their extra powers, because of defects in the Metropolis's policing system. As this was gradually improved, especially after 1829, so magisterial limitations, both in jurisdiction and quality, became increasingly apparent. Police and judicial expansion was a symbiotic process, there was little point in enhancing magistrates' powers until they in turn were supported by an effective police, as an observer noted in 1828, much judicial power "still lies dormant in our books" because of its lack of enforceability.

An improvement in the effectiveness of policing produced a desire to enhance judicial determination of cases by summary courts, without the need for recourse to the Old Bailey or Quarter Sessions. A swift and effective means of judicial determination was also required because many minor or 'new' regulatory offences, being of "hourly occurrence", needed "some direct power, to which much discretion must unavoidably be allowed, immediately to punish them", if they were to be enforced with any effectiveness.[2] (Nevertheless, some, such as the mid-Victorian Assizes clerk Henry Crompton, thought it wrong that any prison sentence, however short, should be imposed other than following a conviction by jury).[3] This need was exacerbated by the huge growth in the numbers of such offences recorded. By 1904, within the Metropolitan Police district alone, 126,530 people were taken into custody for non-indictable offences; the police issued 33,138 Summonses in their own capacity and 79,585 on behalf of members

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[1] Ibid., at p.239.
[2] Hardwicke, John, 1828, at p.496.
[3] Crompton, Henry, 1905, at pp.53-62.

of the public.[1] It would have been quite unfeasible to try men like Thomas Broad, sentenced to one week's imprisonment for begging in a London street in 1845, in front of a jury. Jurors may not even have convicted him; some of his very modest donations came from extremely "respectable" people.[2] Even with the huge growth of Summary jurisdiction, the numbers prosecuted on indictment nationally rose from 4,605 in 1805 to 31,309 by 1839.[3]

Poor Quality of Metropolitan JPs.

Jurisdiction was not the only problem facing the summary courts. There had been a crisis in the standard of Metropolitan magistrate in the eighteenth century, those in Middlesex being distinguished for their "incompetence and venality".[4] (In theory, there were three separate Middlesex benches, for the County, Westminster and Tower Hamlets; in practice, membership overlapped heavily). The onerous nature of the office in London meant, as the Lord Lieutenant of Middlesex observed, that: "...it was impossible to persuade gentlemen of family and fortune to undertake it".[5] Additionally, due to social stratification, some areas, such as Tower Hamlets, had increasingly few 'gentlemen' residing in them at all, let alone willing to undertake the duty. A lack of suitable men of 'quality', meant that in much of London there was heavy reliance on men of relatively low social status who took the positions because of the money they could make from the office via fees received for judicial services. As a consequence, many (though not all) were corrupt and inefficient. According to Edmund Burke, the JPs of urban Middlesex were "the scum of the earth, carpenters [and] brick makers".[6] Prior to 1792, these 'trading/basket justices' had included men such as Sax, from East London, a: "...very poor and scandalous [man]; lately a prisoner of the King's Bench for debt; now skulks about in blind alehouses near Tower Bridge and Wapping".[7] The City of London fared a little better, its Mayor and

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[1]Gamon, H., 1907, at p.57

[2]Hodder, George, 1845, at p.138

[3]Beattie, J.M., 1991, at p.227.

[4]Hardwicke, John, 1828, at p.502

[5]Plty. History 1780 to 1781, Vol. xxi col. 685.

[6]ibid.col. 592.

[7]James, P.D. & Critchley. T.A., 1971, at p.21. See also, Place, Francis, 1835, at pp. 35-36.

Aldermen being *ex officio* J.P.s sitting at the Guildhall each day to deal with criminal matters.[1] Nevertheless, without a huge increase in magisterial quality, efficiency and effectiveness, reform to the substantive law and Metropolitan policing would have been rendered largely 'toothless'.

Reform

These problems were addressed by the advent, and subsequent expansion, of a system of stipendiary magistrates, administering a swiftly expanding scheme of summary justice, in police courts (effectively permanent petty sessions). They dated from 1792, when six police offices with attendant staffs of salaried magistrates were created, largely modelled on the older, government supported office at Bow Street. They were not lightly introduced, facing heavy political opposition. In the 1770s, a similar Bill to establish 20 stipendiary magistrates ("new Offices of Police") by Act of Parliament in Metropolitan Middlesex had been castigated for the manner in which it would enhance executive power and patronage, by making them: "Mercenaries, in the Hands, and at the Complete Disposal, of government". It was feared that, with their salaries dependant on the "nod" of a Minister, their decisions would follow a government approved manner.[2]

The new, post-1792, police courts were initially staffed by three paid magistrates (as well as up to a dozen constables), and had both executive and judicial functions, being involved in investigating crime, and supervising policing, as well as judging and deciding interlocutory matters. These different functions were to part company in the nineteenth century, after the Report from the Select Committee on Metropolis Police Offices (1838) came out firmly in favour of a separation between judicial and police executive functions, and supported making the "Magistrate's duties as purely judicial as possible". (It felt that they made poor executives, that a separation would be more cost effective, and would encourage rather than detract from the care that the police took in preparing cases).[3] As a result, their judicial powers expanded constantly, even as their administrative role in local

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[1] Beattie, J.M., 1991 at p.65
[2] Anon, 1774, *Westminster Police Bill: Reasons why the Bill...should not pass into Law* , at pp.-3
[3] pp.12.1838, at p.14.

government, and their police supervisory role, declined. (A residual aspect of their combined function was that the two Commissioners of the Metropolitan Police continued to have the status of magistrates, albeit that they could not act in a Judicial capacity).[1] They were to prove one of the most important innovations in law enforcement in nineteenth-century London.

By 1838, the Police courts had taken their final shape, altering little into the twentieth century.[2] However, their jurisdiction expanded steadily during the 1800s. The 1839 Police Act gave them important powers to deal with most misdemeanours, unlawful possession of goods, suspicious behaviour, drunk and disorderly behaviour, common assault, gambling and vagrancy etc. (though some of these were merely the codification of earlier provisions). In the 1850s they gained jurisdiction over nearly all offences committed by juveniles, except murder.[3] In 1855, the Criminal Justice and the Juvenile Offenders Acts gave them power to convict for, and punish, some small felonies (for example small thefts and embezzlements). There was further expansion under the 1879 and 1899 Summary Jurisdiction Acts. Police Courts also became increasingly willing to intervene in, and punish, what had been previously well accepted facets of working class life, such as wife beating. They were aided in this by statutes such as the Act for the Prevention and Punishment of Aggravated Assaults on Women of 1853, which allowed police magistrates the summary power to impose imprisonment with hard labour for six months, and the Wife Beaters' Act of 1882, which gave them the power to have offenders flogged. (Such assaults were increasingly viewed by many magistrates as 'barbaric', 'unmanly' or 'cowardly', and thus deserving of firm action).[4] Women could also come to the Police Courts to have their husbands bound over to keep the peace, or even to personally issue summons against them.

By 1900, the modern siutation in which 98% of criminal disposals (given its broadest interpretation) were in the summary courts, had arrived. Not all of the expansion was compulsory, by

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[1]See Reynolds, Elaine, 1989, at p.447
[2]Davis, Jennifer, 1984, at p.309.
[3]Wiener, M.J., 1990, at p.259.
[4]Tomes, Nancy, 1978, at pp.328-345, esp. at pp.338-342.

then, 80% of indictable matters nationally were being dealt with summarily, with the defendants' necessary agreement. This was often given, it seems, because of the statutory limitations on sentencing in police courts. (Larceny carried a maximum of seven years on indictment, three months when it was dealt with summarily).[1] Additionally, defendants might be reluctant to be held in custody during the longer delays pending trial on indictment.[2] As a result, although a high proportion of the huge range of summary cases involved status and regulatory offences, they also included graver crimes such as serious assaults and petty larcenies.[3] Indicative of this range, in 1859, magistrates in the Metropolitan Police Courts convicted, *inter alia*, 281 people for cruelty to animals, 117 for deserting their families, 2,614 prostitutes, 5,577 people who were drunk and disorderly and 2,507 who were merely drunk in public, 1,497 vagrants, 616 "suspicious characters", 457 for gambling, 11 for endeavouring to obtain situations by false characters, and 205 as "reputed thieves". Very significantly, 1,754 people had been convicted for the unlawful possession of goods, having failed to explain satisfactorily their presence.[4]

Police courts also gained responsibility in entirely novel areas, some clearly aimed at regulating ordinary aspects of working class life, such as disputes involving breaches of the Pawnbroking Acts and the Matrimonial Causes Act of 1878 (under which they could order legal separations and support payments). They also dealt with the paternity of illegitimate children and awarded small maintenance payments for them. They even acquired a limited civil jurisdiction for master/servant disputes, involving wages of less than £10. Their swift and cheap determination compared favourably with that of the County courts. Police Court duties extended to the relief of indigence by administering relatively well funded charities the: "...pecuniary resources placed annually at the disposal of the Metropolitan police magistrates are so ample that

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[1] Bentley, David, 1998, at p.20
[2] Crompton, Henry, 1905, at p.7
[3] Guest, A., 1891, at p.86
[4] PR.6.1859, Table No.8, at pp.20-21.

they are enabled not only to assist individuals as before mentioned, but to subscribe to various charities".[1]

These developments all contributed to making the courts central to working class life. This aim had been explicitly identified by the Select Committee on Metropolitan Police Offices (1838), which hoped such courts would: "...encourage in the common people a habit of looking to the law for protection". Without their presence it was feared that ordinary people would "often [be] tempted to take the law into their own hands". Although the wider society continued to employ informal sanctions, extensively, long after the advent of the new police, the unprecedented availability of relatively easy, swift and inexpensive prosecutions, using the summary courts, appears to have greatly affected the level at which formal sanctions would be invoked.[2] Working class Londoners seem to have had increasing recourse to these courts (by issuing summonses). It appears that at least one fifth of all larceny charges under the Criminal Justice Act and two thirds of cases generally, were brought by working class prosecutors, though these came predominantly from above the level of the 'casual' poor. Of course, the convenience of summary procedures also attracted many actions from employers, such as the London docks, which were increasingly willing to prosecute pilfering workers. By the 1870s, the dock companies could rely on the passing of a custodial sentence in even small cases of larceny (two months imprisonment and hard labour being the normal sentence).[3]

In the 1850s, there were 15 police courts in London with 23 stipendiary magistrates staffing them.[4] Their expansion in size and jurisdiction meant that the numbers of cases heard by them increased swiftly. By 1855, the metropolitan magistrates dealt with 97,090 cases, of which only 19,278 were sent for trial on indictment (in front of a jury), 77,712 being dealt with summarily.[5] In 1872, in Whitechapel (H Division) area alone, 5,260 people were charged before the magistrates' courts. Of these, only 265 were committed for trial on indictment, 182 being convicted and 83

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[1]Anon, 1882, Metropolitan Police Court Jottings, at p.34

[2]Davis, Jennifer, 1989b, Prosecutions and their Context, at p.416.

[3]Davis, Jennifer, 1984, at p.319.

[4]Ibid., at p.311.

[5]Davis, Jennifer, 1984, at p.312.

acquitted. Of the remainder, 3,339 were convicted by the magistrate(s), 1,656 being discharged (acquitted) and the courts refusing charges in 1,561 cases.[1]

Not surprisingly, perhaps, there were doubts as to the quality of justice that the newly expanded police courts administered. Some of these were well founded. The growth of summary jurisdiction meant that fairly serious cases, carrying up to a year's imprisonment, were being mixed up with those of the "most trivial description" such as the prosecution of disorderly women, lazy mendicants, vagabonds, idle apprentices etc. However, they did not necessarily receive markedly different consideration.[2] As Sergeant Adams observed in 1838, if proposals to extend the summary jurisdiction of police courts at the expense of trials on indictment were based on the assumption that police justices convicted upon cases that were imperfectly prepared by the prosecution, or because prisoners before such summary tribunals had fewer facilities for advancing their evidence and defences than before 'constitutional tribunals', as appeared to be the case, it was more a reason for their abolition rather than expansion.[3] Certainly, the extent and swiftness of summary proceedings was striking. In the 1830s, they led Charles Dickens to observe (with slight exaggeration) that magistrates exercised: "...a summary and arbitrary power over the liberties, the good name, the character, almost the lives, of Her Majesty's subjects, especially of the poorer class; and ...within such walls, enough fantastic tricks are daily played to make the angels blind with weeping".[4] As the century advanced, some of the worst of these abuses were corrected. Nevertheless, constitutionalists continued to worry that administering justice "at high pressure" in such courts was inherently unconducive to fairness, stipendiary magistrates struggling to complete their substantial lists. The speed of trials for minor matters, such as drunkenness, bordered on the "absurd". The charge would be read out, followed by a single sentence from the arresting officer, the defendant not always being allowed to reply on his own behalf, and the magistrate moving straight to sentence

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[1] PR.9.1869-76, Report for the Year 1872, Divisional Report, at p.98
[2] Adams, Sergeant, 1838, at p.12
[3] Ibid., at p.10
[4] Dickens, C., 1837, Oliver Twist, at p.92

(albeit usually a modest fine). Notes of the evidence were not usually kept in such cases, making appeals difficult.[1] To the end of the period and beyond, Police Court magistrates continued to be 'robust', often feeling that the complicated English rules of evidential admissibility were more appropriate to trial on indictment and consequently ignoring them.[2] Magistrates were more likely than juries to make an assessment of the 'man' before them, rather than a careful assessment of the facts of the case with which he was charged. Even this might be based on unreliable sources. Thus, John Porton petitioned the Home Secretary in 1840, after being convicted and fined 20s. for helping an arrested man to escape. The man had been detained as the result of a domestic dispute at his lodgings. Porton's version was that he (Porton) merely happened on the scene having been disturbed from his rest. At trial, the "Policeman swore I was dressed and helped the man to Escape. Whereas I can bring six people to prove that I was entirely naked with the exception of my shirt". The laxness of evidential rules in such courts can be seen in the manner in which the same policeman:"...swore I had been seen in company with bad characters (which [Porton felt] is a most gross falsehood)".[3] The rate of conviction in contested summary trials rose steadily, if undramatically, from 53% in 1856/1857 to 64% in 1869/1870, although this may also reflect improved forensic presentation of cases and pre-trial screening.[4]

Concerns about such courts were aggravated, in the early 1800s, by the apparent low quality of stipendiary magistrates. They might not be blatantly corrupt, like some earlier 'Trading Justices', but many felt that they were not necessarily chosen in "consequence of their merits" or their professional "industry and ability". Indeed, in the initial years after 1792, there had been no *requirement* even that they be legally qualified (Mr.Codd was a late survival of this breed). These defficiencies produced regular proposals for improvements in their salaries, with a view to securing better men, such as Peel's proposals of 1825 (Peel had

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[1]Guest, A., 1891, at p.86
[2]Gamon, H., 1907, at p.151
[3]HO 61/25 letter dated 21/2/1840
[4]Miller, Wilbur, 1997, at p.91.

been especially keen to avoid recruiting the "refuse of the Bar").[1]
Although Charles Dickens' appalling 'Mr.Fang' was probably not
typical of all who presided over Metropolitan police offices in the
1830s (though loosely based on a real magistrate, Mr. Laing, who
was eventually dismissed by the Home Office after a complaint),[2]
there is independent support for his harsh portrayal. By the late
1830s the modest salary of £800 p.a. (£400 p.a. in 1792) was being
widely blamed for the poor magisterial quality. It was argued that
at least £1,200 would be necessary to secure vigorous lawyers of
any ability to replace the "weak, worn-out, imbecile old fixtures in
Worship-Street and in Queen Square".[3] In 1838, it was generally
accepted that such a salary was a necessary minimum, and even
greater sums, up to £1,500, were being mooted. Such salaries would
still not secure "great legal talents", but merely gentlemen with a
competent legal knowledge and forensic ability. By the 1850s,
experienced and reasonably able barristers, earning £1,400 a year,
were more commonly found in the office.[4] (Another bar to
recruitment, the lack of a career structure, so that the "office is to
be considered a stage in promotion" was not remediable).[5]
Aggravating difficulties with the stipendiaries, many of the
traditional lay J.P.s that survived, usually in the more outlying
areas of the Metropolis, continued to present problems well into the
nineteenth century. Thus, in Bethnal Green, Joseph Merceron, a
local clerk whose corrupt domination of his parish was notorious
(he held most local offices at some point), became a J.P.

Magisterial Support for Police

The police could, *usually*, be confident of the magistrates'
support in their efforts to promote order and decorum on the
streets of London, especially after the early decades of their
existence. However, magisterial relations with the police were not
invariably harmonious, whether institutionally or individually. The
almost London wide campaign against costermongers launched by
the police in the 1860s, on behalf of 'respectable' householders and

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[1] pp.12.1838, at p.16
[2] Ballantine, Serjeant, 1890 Edn., at p.53. Ballantine felt that Laing, although bad tempered, was a good lawyer.
[3] *Hansard's Parliamentary Debates*, vol.L, 3rd.Series, 7 Aug.-27 Aug 1839 at p.446
[4] Davis, J., 1984, at p.311.
[5] pp.12.1838, at p.16

shopkeepers, failed largely through lack of magisterial co-operation. Similarly, in 1874 two Worship Street magistrates dismissed police summonses for obstruction on the ground that the police had no right to summons in such cases unless they had personally tried to remove offending barrows and then been obstructed by their owners (the physical risk of doing this was often too high for the police). Some magistrates also resisted the periodic police clamp downs on prostitution in the 1870s and 1880s, by using a highly legalistic interpretation of the law to dismiss many of those arrested.[1] Nevertheless, like middle class people in London generally, from the mid-century onwards they became increasingly more unwilling to entertain complaints of police brutality or abuse of power by working class people (though there were always many exceptions to this) or to resist police demands.[2] By 1891, it was asserted (albeit exaggeratedly) that the magisterial acceptance of police evidence had reached the point at which some members of the public felt that it was "next to useless to defend themselves against a police charge". It was claimed that magistrates had become so predisposed in favour of their local officers that they were often "mere slaves of the police".[3]

Conclusion on Judicial Support

It would be a mistake to view these institutions as being simply concerned with 'enforcing' discipline and *imposing* middle class norms on the working class via the court system. Many members of the working classes used and initiated prosecutions in the magistrates' courts, and some magistrates presided in a consciously benign spirit, as the memoirs of the former London Stipendiary, A.C.Plowden, indicate. Plowden sought to advise the many working people who came to his courts, and who apparently possessed a "touching faith" in its magistrate. Accepting that it was the police courts that were most in touch with such people, he dispensed practical advice on extra-legal matters to supplicants, feeling that the time taken up was a reasonable price to promote faith in the administration of justice.[4]

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[1] Davis, J., 1984, at p.329.
[2] Ibid., at p.329
[3] Guest, A., 1891, at pp.86 & 90
[4] Plowden, A.C., 1903, at p.26.

Nevertheless, with this reservation, the Police courts facilitated a process in which, in nineteenth-century London: "...with the establishment of the new police and the increasing ease of criminal prosecution, the working class and their activities were subject to official interference and discipline to an unprecedented extent".[1] It was freely accepted, even in 1838, that the police magistrates principally discharged their duties by administering "criminal law amongst the poorer classes of the population". (This was also used as an argument for paying a substantial salary to the magistrates chosen, so that they were of a quality that would ensure that the lower classes had a proper respect for the administrator of the law).[2] They did this in a cheap, non-technical and swift manner, with fewer procedural safeguards and a reduced standard of proof. Little had changed over 60 years later. The Edwardian Judge Edward Parry had no doubt that police courts, at least when dealing with summary only matters, were often a "machine for teaching better manners to the poor".[3]

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[1] Davis, J., 1984, at p.317.
[2] pp.12.1838, at p.16
[3] Parry, Edward Abbot, 1914, at p.214

Chapter: 14 Effectiveness of London Policing

Introduction

How far did nineteenth century policing and judicial initiatives contribute to the evident post-1850 reduction in crime and the Victorian criminal underclass in London? Interestingly, both 'Whigs' and those following the 'Storch' tradition are agreed that the police *did* make a major contribution to urban security, albeit largely disagreeing about how this was received by the policed. There is, certainly, ample contemporary support for such a view. However, some nineteenth century writers and modern academics have emphasised alternative explanations, whether social, economic or cultural, as being primarily behind the nation's and capital's improving security. Such observers were/are sceptical about attributing much credit for crime reduction to the police, a body whose significance in combating urban crime, they assert, has been greatly exaggerated.[1] Arguably, much might depend on the type of crime under consideration.

Control of Public Space

Throughout the Victorian period, the Metropolitan Force remained overwhelmingly oriented towards controlling public space, and the opportunistic criminals that operated in it. Many modern historians, amongst them, to varying degrees, George Rudé, J.J.Tobias, Clive Emsley and David Jones, have suggested that the police were highly successful in this aim, promoting decorum and public order by dealing with street disturbances and status offences, and specifically targeting certain street offences, such as larceny from the person, and the 'casual' crime committed by vagrants and prostitutes. This analysis received considerable contemporary support. Thus, shortly after 1829, a correspondent to *The Times* stressed police effectiveness in dealing with minor disorder. They had already helped effect a transition from a lawless and demoralised public state, characterised by widespread drunkenness, robbery (the only felony mentioned) and audacious

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[1]See below at p.341

mendacity. He felt that no 'industrious mechanic' could fail to support the resultant crackdown on the "schools of vice", gaming tables, spirit shops, and the "tossing of half-pence in obscure allies", that had previously existed.[1] According to Judge William Arabin, in 1834, Metropolitan:"Street robberies are becoming comparatively very rare; there are very few cases now occur of street robberies, which I attribute entirely to the vigilant conduct of the police".[2] In the 1830s, the radical Francis Place largely attributed the 'improvement' (in his view) in Metropolitan manners and crime rates to a "better regulated police, and a better description of Police Magistrate".[3] Similarly, almost half a century later, Serjeant Ballantine observed that the state of the streets was greatly improved by the advent of the new police, with undesirable elements and activities such as illegal gambling being removed.[4]

Two decades on again, George Sims, looking back from the vantage of the Edwardian period, also felt that the police were entitled to much of the credit for reducing aggressive soliciting, prostitution and kerb crawling ('molestation') in areas like Piccadilly Circus and Pimlico. These were places where, only a few decades earlier, it was impossible for 'decent' people to walk after dark. Sims was far too worldly to imagine that such vice had been totally suppressed; however, in areas like Pimlico it had become much more discreet, so that those who actively looked could readily find it, even as the 'innocent' were oblivious to what was going on about them. It had become controlled, so that there was "no overt breach of police regulations".[5] Similarly, Canon Horsley was sure that there had been an improvement in general morality as indicated by "outward manifestation" over the last decades of the nineteenth century. (According to his friend, the City Chamberlain, this confirmed an already well established trend, 20 years earlier).

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[1] Letter to *The Times*, 13 Nov.1830, by, 'A Friend to Liberty but not to Licentiousness'.

[2] pp.11.d.1834, at p.299

[3] Place, Francis., 1835, 1972 Edn., at pp. 14-15.

[4] Ballantine, Serjeant, 1890 Edn., at p.36. Significantly, Ballantine noted that no attempt was made to shut down establishments which were properly housed. Often these did not even feel the need to attempt concealment though their activities were just as illegal. In these establishments, the players were generally of the "better class"; Leicester Square was full of them.

[5] Sims, G., 1910, at pp. 24-25 & 66

Like Sims, he felt that vice could still be found in the streets: "...if you search for it and know where to search: but it is not flaunted in our main thoroughfares and outside our railways stations as it used to be". He, too, felt that this was substantially due to the permanent vigilance of the police, and that were they to disappear the 'serpents' would swiftly creep out of their holes.[1] Certainly, by the end of the period, for policemen in quiet areas of the capital, a whole month might pass without an officer arresting anyone, although, in others, it would still be a nightly occurrence.[2]

The Metropolitan Police were able to enter the worst areas of Victorian London, though there were some alleys and streets which they either shunned or, if they penetrated them, always did so in force and never alone. Thus, in the 1870s and early 1880s, the long-standing Flower and Dean Street rookery in East London was considered to be so dangerous that it was not always: "...safe for the police to venture here alone. Not long ago a member of the force was attacked with an iron crow bar, and he lay for some time in the London Hospital, seriously injured".[3] The worst of the local streets and alleys in East London had lurid sobriquets, names such as 'Blood Alley', and the Policemen there always patrolled in twos, because: "The alleyites gave very short shift to the policeman who ventured to interfere with their innocent pleasures".[4] The police were often unwilling and, sometimes, because of practical difficulties, almost unable to pursue suspects in these areas. As one commentator noted, in East End criminal slums: "Many of the houses have communication with each other at the back...and some with the next street; so that if a man has a little start, it is exceedingly difficult for a policeman to catch him at the time."[5] In the same way, if the police pursued a fugitive into low-lodging houses, it was often almost impossible to identify and arrest a suspect if he got swiftly into a vacant bed or ran though the building and out of a rear exit (of which there were often many).[6] The Flower and Dean Street rookery was considered to be

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[1]Horsley, Cannon, 1913, at pp.271-275
[2]Greenwood, James, 1902, at p.6
[3]*Tower Hamlets Independent*, 4th Feb. 1882, quoted in White, Jerry, 1980, at p.7
[4]ibid., at p.90
[5]Hoare, H.E., 1883, at p.826
[6]Fredur, Thor, (J.Rutherford), 1879, at pp.131-134

especially difficult to pursue criminals into for this reason (as well as its danger), it was: "...useless for the police to follow beyond a certain point, even when they happen to appear on the scene, as the houses communicate with one another, and a man pursued can run in and out, like a rabbit in a warren".[1] In one rookery, it was claimed that thieves were so confident that they could escape if chased by the police, that they might spend several minutes publicly dividing up the proceeds major robberies.[2] Some particularly rough areas led to senior officers adopting a policy of containment, rather than pursuing direct confrontation with their inhabitants. For example, the notorious Jennings' buildings in Kensington, largely inhabited by poor Irishmen, was often completely avoided by constables, who might limit themselves to patrolling its immediate environs. H.E.Hoare, 'slumming' in a dangerous criminal rookery, noted that the police did not even "profess to patrol the street", but rather pursued an area containment policy, aimed at keeping criminals and disorderly people from spilling over into the more respectable streets nearby. This was effected by stationing men at its outlets and those of similar neighbouring streets.[3] The area's inhabitants would probably not have welcomed regular patrols in any event. Acceptance of the police in the 'criminal' slums was almost totally absent: "In other parts of London if a street assault is committed the first idea is to call the police, but here that would be the last thing that would be thought of".[4]

Policemen on their beats could show a great deal of individual discretion in avoiding dangerous spots and incidents. Timothy Cavanagh, who served in the Metropolitan force after 1855, freely admitted to having allowed a fight to continue in a slum alley inhabited by Irishmen, having been told by one of his colleagues that a policeman had been murdered there on an earlier occasion.[5] Even after 1900, it was widely alleged that officers were reluctant

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[1] *Tower Hamlets Independent,* 4th Feb.1882, in White, Jerry, 1980, at p.7
[2] Hoare, H.E., 1883, at p.826
[3] Ibid.,   at p.234-5,
[4] Hoare, H.E., 1883,at p.231, Nevertheless apparently "violence was naarly always confined to native weapons", i.e. feet and fists.
[5] Emsley, Clive, 1991, at p.70

to intervene in "back street fights".[1] Slum policing necessarily involved establishing, to some degree, a *modus vivendi* with area criminals. Low levels of disorder and crime were tolerated in a way that would not have been acceptable in other parts of the capital. This was probably inevitable given the inherent dangers of these areas, the lack of police acceptance in them, and severe manpower restrictions. The police adopted a more limited set of goals, concentrating on the maintenance of public order from major disturbance and serious crime, such as murder, rather than reducing 'routine' crime. To an extent, the model of peace-keeping policing that developed, and the reasons for its emergence, had close affinities with that identified in modern America as the 'Watchman' style, by James Q.Wilson in*Varieties of Police Behaviour* (1968). It was an approach emphasising order maintenance rather than law enforcement, with considerable individual discretion for patrolling officers (in contrast to a 'legalistic' approach that stressed the universal application of the criminal law regardless of situation, or the 'service' style, which emphasised the use of non-interventionist cautions in response to crime rather than formal police sanctions or turning a 'blind-eye'). In East London, there were, apparently, some extreme illustrations of differential law enforcement. According to Arthur Harding on one occasion a 'beat' officer ignored a revolver shot that had been fired at him. This approach was facilitated by the relative lack of bureaucratic support for Victorian policing.

However, most areas of London were under police 'control', albeit sometimes intermittently. Thus, even when writing of the notorious Ratcliffe Highway, in 1865, Archer noted that it was evident that the Highway and its "terrible" environs were under a police control which, although not ideal, was nevertheless "very effectual". It prevented the "unrestricted licence or admitted terror" that would quickly make the area worse than Alsatia, were they to disappear. The police were neither conspicuously absent ("out of the way") nor was their presence "too apparent". In emergency, reinforcements could easily be summoned, the sound of officers' rattles bringing "speedy aid" from their comrades.[2] Henry

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[1]Gamon, H., 1907, at p.14

[2]Archer, Thomas, 1865, at p.123.

Mayhew and his collaborators produced a similar assessment of the same area, at much the same time. Everything: "...reflected great credit upon the police, who seem to have the most unlimited jurisdiction, and complete control over the low people and places in the rough East-End of London".[1] Despite the squalor, policemen could normally visit at will, provided they did so with adequate officers in support. In these situations resistance was "seldom or never attempted".[2] Later in the century, the thoroughness of the beat system of policing and patrol even in the East End (and its limitations) was to be clearly evidenced at the inquest examinations of officers who had been patrolling near the scene of the 'Jack the Ripper' murders in 1888. For example, P.C. Neil (a constable with nearly 20 years service), who discovered the body of one of the victims, when "severely questioned" as to his 'working' of his beat on that night, was adamant that he was last on the spot where he found the body not more than half an hour earlier. His beat was a very short one, and could be crossed in not more than 12 minutes (a fairly normal length for a 'rough' urban environment).[3] He was able to alert colleagues immediately: "...flashing his lantern to examine it, he was answered by the lights from two other constables at either end of the street".[4] The number of urban locations in which the police could only operate circumspectly also diminished steadily as the 1800s advanced. As *The Times* noted towards the end of the century: "In great towns it is not long since they often had to walk warily and be very discreet in their operations".[5]

As a result of the police presence it is certainly *possible* that many Londoners who had been accustomed to commit petty crimes with relative safety decided to change their lifestyle.[6] Certainly, the Victorian beat policeman had *some* advantages over his modern successor, not least in patrolling a less offence friendly environment. If one reason for the post-war increase in crime is the rise of modern consumer society, increasing both stealable

[1]Mayhew, H., et al., 1862, at p.231
[2]Hoare, H.E., 1883, at p.227
[3]Interestingly, there were also three night watchmen on duty close to the spot.
[4]*The Times*, September 3, 1888, "The Whitechapel Murder"
[5]*The Times,* December 3, 1888, Wiener, M.J., 1990, at p.260.
[6]Jones, David,1982, at p.143.

goods and the means of committing crime (getaway vehicles, credit card fraud etc.), it is also true that the average Victorian tenement or poor man's terraced house lacked valuable items. In the Victorian period, even a modest level of policing was, in many rough areas of London, a relatively new phenomenon. It forced criminals to adopt at least a measure of covertness in their conduct, something which in turn necessitated smaller and swifter ventures. It is, perhaps, a mistake to assume that Victorian attitudes to the psychological threat posed by the police were no different to those of the modern, media fed, era. Because the police were *perceived* as being successful in improving public order and in targeting certain types of street offences, such as larceny from the person and the sort of crime committed by vagrants and prostitutes (common prior to 1800), potential criminals *may*, after the mid-nineteenth century, have been less tempted to embark on such activity when times were harsh. Thus, the police may have exercised a 'restraining' influence on the many men and women whose involvement in crime was occasional and opportunistic and who, even after the mid-century, were periodically faced with economic distress.[1] The police may have encouraged others to accept the viable, but less attractive, employment options available in an expanding economy.

That casual street crime might be susceptible to enhanced street policing had been mooted long before 1829. Early in the nineteenth century, George Mainwaring, a strong proponent of preventative policing, was firmly believed that although people argued that offences would inevitably occur, because of innate human criminal propensities, this was not necessarily correct. Occasional and rare "atrocious offences", occasioned by deep rooted depravity, might not be preventable, but this did not apply to the: "...great mass of offences which are prevalent in a wealthy and vicious Metropolis". Most routine crimes sprang simply from "bad habits rather than perhaps bad hearts". He believed (correctly) that this latter type of crime made up 90% of offences in London, being the work of an urban underclass, or, in his words, an "idle, desultory, profligate and marauding race of freebooters". Mainwaring felt that it was to this group that an "efficacious police

[1]Jones, David, 1983, at pp.151-68

will alone apply", by deterring them from opportunistic crime.[1] Henry Mayhew's work suggests that, by the 1850s, many policemen also accepted this. They did not direct their energies towards "expert and notorious thieves", trained to crime (whose serious criminal records often prevented them from seeking legitimate work) and for whom they even had a "certain sort of respect". Rather, it was the: "...low petty thief, the area-sneak, and that genus that more especially excites the spleen and rouses the ire of your modern policeman". Such people were viewed as lazy scoundrels who would not work even when they could obtain employment at the docks or elsewhere.[2] Mayhew's views were, partly, supported by a magistrate who observed that the 'rougher' elements in London occasioned: "...more annoyance to the general public, and are more obnoxious to the police, than the worst and most criminal members of the community".[3] Similarly, when discussing the lifestyle of his Class A, the (proportionately very small) semi-criminal group, Charles Booth believed that the "pressure of police supervision" was of primary significance in controlling and regulating its incidence of crime.[4] In the same vein, one interested cleric, keenly aware of the police force's failure to combat London's small quota of professional criminals, observed that although they had: "...probably done much in preventing crime, it is a matter for surprise that it has not been more successful in detecting greater criminals. But whilst it has failed to do this, it has no doubt contributed by increased efficiency to bringing lesser offenders before the bar of justice; and so helps to account for the enormous increase in the number of offences summarily dealt with".[5] The advent of a regular police force may have had a significant impact on criminal street activity, at least initially, because most Metropolitan criminals were extremely amateurish and unsophisticated, and sometimes relatively easily detected or deterred.[6] It has been suggested that, in the relationship between those who enforced the law and those who broke it, the nineteenth

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[1]Mainwaring, George B., 1821, at pp.138-140.
[2]Mayhew, H., et al., 1862, at p.226/7
[3]Anon, 1882, *Metropolitan Police Court Jottings*, at p.75
[4]Booth, C., 1889, Vol. 1 (1st Edn) at pp.33-36.
[5]See generally, Gregory, Canon, 1886.
[6]See above at p.112

century saw the "balance of technological advantage (in a wide sense of that term) come to lie with the law-enforcers ... 'criminals' had not as yet erected defences against the assault delivered upon them".[1] There were some dramatic illustrations of this. In March 1831, two officers, PCs Farrant and Hobbs, acting alone, apprehended 19 pick-pockets in the West End.[2] However, the police were to be less successful in combating professional crime, and even in addressing 'amateur' crime of a non-street type, such as burglary (which offence increased *proportionately* in the later Victorian period), or crimes which evinced any sophistication.[3]

Contemporary Faith in Police

Certainly, many contemporary observers felt that the new police experienced swift success. Within a decade it was being observed that: "Person and property are now incomparably safer than they were under the old system [of police]. The new police are now the objects of universal approbation, and most deservedly so...the integrity and trustworthiness of the new police, considered as a body, are above all praise".[4] It was asserted that there had been a "vast diminution" in the amount of London crime and a: "...great addition to the number of cases in which the offenders were detected, taken into custody, and prosecuted to conviction". So 'apparent' were these, that some felt they removed the "prejudices so strongly and generally entertained against the new force".[5] The presence of the police in London does appear to have led to a major initial increase in the prosecution of indictable offences, suggesting considerable police activism, and, possibly, that some forms of then prevalent crime were readily addressable by an improved system. According to some figures, in 1828, the last complete year under the 'old form' of London policing, the number of committals for trial was 5,896, whereas in 1831, the first complete year under the new system, and "before they [the police] had checked the luxuriant crop of vice fostered under the old system", they amounted to 12,846.[6] Whatever the cause, in the 40 years prior to 1850, on one

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[1] Gatrell, V.A.C., 1980, at p.336.
[2] Best, C.F., 1985, at p.4
[3] Jones, David, 1983, at pp.151-68, quoted in Kayman, M., 1992, at p.93
[4] Grant, James, 1938, at p.391
[5] Ibid., at p.391
[6] Adams, Sergeant, 1838, at p.9

assessment, robbery declined from 3.5% of crimes tried at the Old Bailey to less than 1/2%, showing a marked contrast to burglary. This might suggest that the improvement in security in the streets, the amphitheatre for robbery, was much greater than elsewhere.[1]

Within a few decades it was almost received opinion, in Edmund Antrobus's words, that this "admirably Constituted body" had become an "important element in the control and prevention of crime".[2] According to another observer, in the 1850s, the impact of a new and "efficient" police was second only to (significantly) education in reducing the criminal class and by makings its activities and life unviable. As a result, he claimed that pickpockets declared: "...'Lots of us turns honest now 'cause it's no go'".[3] Then, such a view may have been slightly optimistic and pre-mature, much of the impact of the force still lay in the future. However, over the next 40 years, as the police continued improving in efficiency, the pick-pocket's view probably became more widespread. By the 1860s, even those who felt that thieves were often of a greater competence than previously (possibly itself connected to the advent of the police), considered that, despite their high numbers, there was a: "...great mass of...risks to which, notwithstanding his gifts, the London thief is perpetually exposed".[4] As a result, although their chances of being arrested for any given offence were small (Wakefield felt that it was between 2% and 10%),[5] those who did become involved in regular and serious criminal activity in the mid-Victorian period would often have fairly short careers before being caught. Thomas Beggs believed that 'reliable' estimates suggested that the average career of "habitual depradators" in London was about five or six years from the commencement of a: "...predatory life to [its] termination by transportation or otherwise".[6] From the vantage of the 1870s, a reviewer examining the recent history of London policing agencies, felt that the enormous improvement on the old night-watchmen and constables was obvious: "...we are all ready enough to grumble

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[1] Rudé, G., 1985, at p.26
[2] Antrobus, Edmund, 1853, at p.42
[3] Anon, 1853, *The Dens of London*, at p.180
[4] Anon, 1862, *Review of Those that Will not Work*, at p.353
[5] Wakefield, E.G., 1831, at p.35.
[6] Beggs, Thomas, 1849, at p.24

at the shortcomings of our blue-coated protectors, and begrudge them the gratitude we owe for being able to take our walks abroad by day or night intolerable security".[1] According to *The Times,* the rise in the apparent importance of habitual criminals in the 1890s was actually a reflection of the impact of the police on the capital's occasional, opportunistic and amateur criminals: "The police are too strong and too active, the risks too great, for the amateur burglar to succeed".[2]

Limitations on Direct Crime Fighting Capacity of Police

However, such optimism, though increasingly widespread, was not universal. The ability to conduct highly visible patrols and to physically 'control' public space, or to put down occasional largescale disturbances, was, and is, not necessarily synonymous with an ability to prevent much 'routine' crime. Of course, the regular presence of patrolling officers must have been of *some* value, in an increasingly socially stratified city, where, in its less salubrious areas, requests for help from victims of crime might not receive a ready response from the public. Nevertheless, modern research indicates that although the public find the sight of patrolling policemen reassuring, their effectiveness in *directly* combating 'conventional' crime (i.e. not victimless, status or very petty offences) is extremely questionable. Resistance to beat policing is not simply due to 'boring' patrol work being unpopular amongst modern officers, the main reason for its relatively low status lies in the serious doubts held by senior ranks about its worth, such officers often viewing it as very expensive in manpower and primarily only of popular psychological value. A substantial body of recent empirical research (including much from the Home Office's own Research and Planning Unit) indicates that the police have a more limited capacity for crime control, via either deterring or catching offenders, than is widely believed. Such research has rarely found a direct relationship between patrol levels and crime rates except where patrols were kept at saturation levels, or in areas which were 'black-spots' for criminal activity.[3]

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[1]Anon, 1874, *London Guardians of the Night,* at p.574
[2]May 30, 1896, Quoted in Weiner, M.J., 1990, at p.343.
[3]Hough, Mike, 1987, at pp.70-72

There is little evidence that increasing the incidence of foot patrols *directly* decreases crime.[1] This is, perhaps, not surprising. Even in the modern era, the average London constable, on foot patrol, might expect to pass within 100 yards of a burglary actually in progress only once in every eight years.[2] Over 90% of crimes are still brought to police attention by the public rather than officers.[3] As a result, the 1998 Report of the Metropolitan Police Committee, although recognising their reassurance value noted that: "We hear consistently that simply ploughing more constables onto the streets is not the most effective use of increasingly limited resources". It must also be remembered that one explanantion for the absence of a more reactive form of policing in Victorian London was simply its lack of feasibility in a world without motor-vehicles, radios, telephone control centres and a public which also has ready access to them.

As indicated, in some 'black-spot' situations the simple physical presence of an officer *can* produce dramatic results, especially in small and highly localised crime pockets. High visibility policing can be especially valuable in reducing crime if properly "targeted and intelligence-led".[4] This applied equally to the Victorian period. Thus, the Adelphi Arches, a series of subterranean chambers and vaults near the Strand, which in the early decades of the century had been a place of a notoriously "horrible character", frequented by thieves, robbers and prostitutes, became, by the 1860s, one of the "most innocent and harmless". This was simply effected by placing a policeman there on permanent night duty to prevent people who had: "...no right or business there from descending into their recesses".[5] The presence of officers patrolling a larger, but still geographically confined, rookery or cluster of 'criminal' streets could also be dramatic. The prevalence of such 'black-spots' in the 1820s may have contributed to apparent initial success by the police. In 1828, Thomas Dudley had suggested that the Day Patrol would be much more effective if it was to operate more aggressively and pro-actively. Instead of

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[1]See on this Reiner, 1993, at p. 1096.
[2]Clarke, R. & Hough, M., 1984,
[3]Young, Jock, 1994, at p.95.
[4]Metropolitan Police Committee, 2nd Annual Report 1996/97, at paragraph 6.
[5]Mayhew, H. et al, 1862, at p.239.

confining itself to "perambulating" the fashionable London streets, it should penetrate the "haunts of thieves" (which it rarely did); such "sinks of iniquity should often be inspected by the police".[1] After 1829, this was achieved. The highly visible penetration of police into long-standing rookeries, where criminal activity could previously be carried on publicly and largely unhindered, was probably effective in hindering crime. Unlike the 'thieves sanctuaries' of the eighteenth century, Victorian rookeries were not immune from scrutiny, even where they were not demolished. This *may* have reduced feelings of inviolability amongst their resident criminals. By 1861, Mayhew felt that the old thieves' rookeries were "no longer enveloped in mystery as formerly". Their inhabitants were kept under constant police surveillance and their activities publicised in the press, so that "their deeds are no longer exaggerated by fictitious embellishments and exaggerations".[2] The dramatic reform of the longstanding St.Giles' rookery was attributed to the combination of a "vigilant and energetic police force" and (significantly) the spread of schools, wash-houses and mechanics' institutes, an alliance that had apparently spread 'enlightenment' there in the 1850s.[3] Similarly, W.H.Watts, felt that many 'roughs' had found their masters in the police, and their areas of "exclusivism" had consequently been significantly curtailed.[4] Additionally, although in some larger criminal areas, especially those (unlike St.Giles) away from the centre of the city, total deterrence via observation was sometimes impractical, being too expensive in manpower, a constant police surveillance of the urban environment did, at least, mean that bulky stolen goods, such as carts, could readily be identified if taken to inappropriate residential locations. Lock-ups, where stolen goods might be secured, could be located and searched. Poor juveniles and adults who suddenly appeared to be living above their means could be stopped and investigated. Such measures probably meant that life was made harder for criminal elements, necessitating greater caution and so inhibiting them: "The whole system of the Metropolitan Police is one which must greatly enhance the

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[1] Dudley, Thomas, 1828, at p.iii
[2] London Labour and the London Poor, Vol.4, at p.329.
[3] Ibid., at p.226
[4] Watts, W.H., 1864, at p.179

difficulty of a successful course of crime or plunder".[1] Nevertheless, it is apparent that preventative patrolling was not, and is not, *directly* a crime panacea. This was appreciated at the time.

Contemporary Reservations About Preventative Patrolling

If their speeches to Parliament are taken at face value, both Peel and Wellington had great confidence in the ease with which an effective preventative model could be introduced in London, and the beneficial consequences for crime rates of doing so. According to Wellington, it was "perfectly practicable to prevent, in a very great degree, the commission of crimes, by a new regulation of the police".[2] Robert Peel expressed similar views in the Commons. Despite such optimism, there were swift doubts about Peel's 'preventative' model. This was, perhaps, not surprising. It ran counter to many policing initiatives reaching back to the Fielding brothers' work at Bow Street in the 1750s, which were largely aimed at collating information so that London criminals might face the "Certainty of Speedy Detection". Additionally, many long-standing criticisms of the Watch were equally relevant to its replacement. Even before 1829, and contrary to the modern 'myth', there were many who challenged the effectiveness of a system premised on prevention via patrol rather than detection, and who questioned whether the new policemen would be any improvement on their perambulating watchmen predecessors. After 1829, they were swiftly joined by fresh sceptics, who wished to see detection placed much higher up the policing priority list. Thus, in the 1830s, Edward Gibbon Wakefield declared that detection, prosecution and punishment:"...must always be more effectual in repressing crime than any measure of mere prevention". The latter could never be more than an "important auxiliary" in the war against crime. He felt that the lack of encouragement and provision for detection in the new police was a "crying defect" in the system, and (presciently) advocated the establishment of a specialist force of detectives.[3] Men like Wakefield would maintain a constant challenge to the 'Peelite' school of policing throughout the century, winning a series

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[1]pp.11.d.1834, at p.7
[2]Hansard's Parliamentary Debates Vol. XXI, New series, 31 March-24 June 1829, at p.1750
[3]Wakefield, E.G., 1831, at pp.1 & 35.

of gradual but limited victories in the coming decades, as the inherent limitations of the preventative approach became increasingly apparent. Cumulatively, these would effect a partial transformation of the 1829 system by the end of the century.

Rowan himself accepted that the preventative system was not suitable for rural environments, believing that: "....a rural police was rather to prevent crime by detecting offenders than to prevent it by their actual presence in every village".[1] This was due to the sparsity of rural population, the large geographic areas involved and the paucity of officers. (Some even argued against issuing uniforms to rural police to aid their concealment). However, in reality, rural areas merely reproduced on an extreme scale problems attendant on preventative policing in the Metropolis. Many of these were presaged in the pre-1829 Watch.

It had always been a matter of complaint that the Watchmen's patrols were well known to the many nocturnal criminals, being at "known and fixed intervals". Chadwick's satirical remark that, to ensure that felons might: "...not inadvertently fall into his [a watchman's] way, he is distinguished by his dress", was rather an argument for an enhanced covert/detective function for any new police, rather than for an even more distinctively uniformed, regimented and 'overt' force.[2] This was a theme that was reiterated repeatedly before, during and after the 1820s. Thus, in 1816, the magistrate Sir Nathaniel Conant noted that: "... A thief will watch him [a watchman] to one corner of the street, while the intended depradation is perpetrated round another corner, and the lantern he carries shows where he is at a great distance".[3] In 1821, George Mainwaring observed, *à propos* of the Watch, that a man who walked a given space of ground, at set intervals, could only come into contact with those whom he passed. In such circumstances, was it likely that any lurking criminal would: "...attempt to execute his purpose, when he knows that the watch is

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[1] Rawlings, P., 1999, at p.80

[2] Chadwick, Edwin, 1829, at p.254

[3] Evidence of Sir Neil Conant pp.5.1816, minutes of evidence at pp.30-31. However, Conant realistically felt that "a severity of police", similar to that of some other European countries, would not be possible because of the "lenity" of English law. He also agreed with the suggestion that "Police of the Metropolis would be under better management if the parish watchmen were placed under the superintendence of the Police".

in the way, and will soon be out of the way?" Even worse, the lanterns and half hourly cries of the watch were "positive signals" warning burglars of their presence.[1] The following year, in his evidence to the Committee of 1822, the Chief-Clerk at the Bow Street Office, J. Stafford, who had had 20 years of policing experience in London, opined that it was advantageous that the officers attached to his court did not have a designated uniform. He also argued that if the foot patrol (which had its duties at night) were uniformed, it would be counter-productive: "...if there were any thing to distinguish them in the streets it would operate against their being successful in discovering or apprehending offenders".[2]

The post-1829 beats of the new police appear to have provided little, if any, reduction in predictability (although officers were less static than watchmen, not using 'boxes'). Not surprisingly, then, the value of their patrolling was questioned almost immediately. To many, one of the most irritating aspects of the 'novel' preventative system, was the apparently pointless nature of much patrol work, as constables mechanically covered their beats. One observer, discussing Peel's "idlers" in the late 1830s, complained that although they were 50% more expensive than a normal labourer yet: "The Policemen meanwhile walk the street by day like isolated beings, their slow monotonous step exciting my ridicule".[3] More considered doubts about their value also swiftly emerged. By 1834, it was accepted that assaults committed in "the heat of the moment" and common larcenies "effected in a moment", in the streets, were not easily prevented. The 1834 Committee candidly acknowledged that:"It is obvious that it can seldom be in the power of the Police, however vigilant it may be, by direct means to prevent the commission of such offences". Indeed, the Committee argued that in such cases the police could only operate indirectly via an increase in detection and thus deterrence.[4] By 1838, even the Commissioners were willing to concede that most forms of instrumental crime, such as embezzlement, forgery, stealing from carts and theft by servants and other employees,

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[1]Mainwaring, G.B., 1821, at p.541
[2]Ibid., at p.24.
[3]'Fidget', 1838, at p.7
[4]pp.11.d.1834, at pp.7-8.

were of a type that was simply beyond the immediate reach of the police, whether prior or post-1829.[1] Although they did not shout the hours (this having been expressly forbidden from the outset), the new policemen and their bull's eye lanterns, were prey to exactly the same limitations as those of the old Watch. The beat system was extremely rigid. Each man was given a card on which the streets he was to patrol were marked; aside from emergencies, he was not supposed to depart from his set route. Indeed, some claimed that the new police compared unfavourably with the pre-1838 Thames Police, who, it was claimed, had joined a modern level of discipline and supervision with the flexibility and investigative abilities of the old Bow Street Runners.[2] The (widely appreciated) regularity of police patrols can be gauged by the words of an attempted suicide in the 1880s, who, having planned to jump off a bridge into the Thames from a position that lay on the beat of the constable who found him when he could not go through with it, told his rescuer: "I hid from you until you had passed and I knew it would be a quarter of an hour before you came this way again".[3] Indeed, that prostitutes watched officers 'off' their beats, before plying their trade, was a popular explanation as to why the Ripper's victims were alone and unobserved when accosted. Also indicative of this lack of flexibility are the results of an enquiry held in 1844 when a Mr.Graves, of the Commercial Road, complained to the Commissioners of the "want of Police protection in the Streets at night", which, he felt, had resulted in his being robbed. In the ensuing investigation, a P.C. Jordan, on whose beat the robbery had occurred, could only explain his absence when the offence occurred by "being probably at the other end of his Beat at the time in question". Given that he had always been a "strictly attentive, good man" this was accepted.[4]

The predictability of the system eroded any sense of police omniscience. It was especially vulnerable to the operations of professional criminals. Indeed, in some ways, their stricter discipline and longer beats meant that this was even more of a problem for the new police than for their predecessors. After 1829,

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[1] pp.12.1838, at pp.464-465.
[2] Ballantine, Sergeant, 1882, at p.51.
[3] Greenwood, James, 1888, at p.16
[4] Mepol 4/6, Complaints Against Police, Jan 23rd, 1844.

many criminals engaged in serious and well planned ventures, such as premeditated burglaries, and even those taking advantage of a sudden opportunity in a slightly more considered manner, would have someone posted outside: "...keeping a special look-out for the policeman proceeding on his beat". These lookouts could frequently calculate where in the cycle of his (typically) 15 to 20 minute patrol the constable was. If necessary, they would "decoy him away by conversation or otherwise". Once skilled burglars had entered a building they would fasten their means of access so that the patrolling officers had no suspicion of what was passing within.[1] There were numerous recorded instances of thieves spending the best part of a night in commercial premises, methodically taking what was of value, before waiting for an opportunity to slip out. In the 1850s, some burglars employed women, known as 'canaries', to assist them. They could keep a look-out and carry a carpet bag of tools to the targeted premises, exciting less suspicion in doing so than a man. Where necessary, they could distract a patrolling officer in conversation.[2] In an emergency, such women might feign public drunkenness, while posing as prostitutes, to protect burglars from passing 'coppers'. In the 1880s, Michael Davit noted that, if necessary, they would even distract attention from a break-in by pulling beat officers' whiskers, ensuring that they were taken into custody (and thus necessarily removing the constable from his beat), even if this meant a 14 day sentence in the Bridewell.[3] As with many other post-1829 criminal strategies, this preceded the new police. Jon Bee had noted that patrolling Watchmen might be decoyed by women offering them drink while their male accomplices committed crimes.[4]

Of course, given their generally low quality, there were foolish, incompetent or simply unlucky criminals, caught in *flagrente delicto*, by routine policing, men such as John Mason and Richard Kidd, who were arrested in Blackfriars in 1836, having tried to pick a pocket in full view of an officer. There were others who carried out crimes against the person within easy summoning distance of a policeman. Nevertheless, their numbers were

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[1]Mayhew, H., et al., 1862, Vol.4, at p.336.
[2]Thomas, Donald, 1998, at p.73
[3]Davitt, Michael,1886, at p.38
[4]Bee, Jon, 1828, at p.177.

probably quite small, especially as criminals became familiar with the police system after the early 1830s. As Wakefield noted, although the police might "oblige the thieves to take new precautions", their efforts did not prevent their operations.[1] Significantly, in *Oliver Twist* (1837), Dickens noted that after a felon had been detained by popular action, a police officer was "generally the last person to arrive" to take him in charge and march him to the local police station.[2] Some other criminals, no doubt, were deterred by an exaggerated fear of police patrols (the 'scarecrow' function). As the 'New Administrative Criminology' developed by researchers at the Home Office in the 1980s accepted, personal choices about committing crime are not made on a fully rational basis, or, in Thomas Wontner's words, in 1833, criminals do not calculate "with a merchant's eye of profit and loss".[3] Nevertheless, the inherent limitations of patrol were regularly exposed.

A few observers had always appreciated that it was impossible for the police to observe every street, all the time, and that most felons were intelligent enough not to commit their crimes in full view of patrolling officers.[4] As early 1831, Wakefield had argued that urban surveillance was the "least important of measures of prevention", requiring enormous, and quite impractical, numbers of officers to be effective.[5] This was cruelly exposed, over 50 years later, by the 'Ripper' murders of 1888, especially the fourth killing, which occurred when the local area was being subjected to saturation policing. As Walter Dew recorded: "Huge numbers of police, both from the uniformed and plain-clothes branches, were on patrol from dusk to dawn. Yet he must have passed through the ring of watchers not once but twice [to kill Annie Chapman]". As Dew also noted, although the superstitious thought this required supernatural powers, the reality was that: "...however thorough a police patrol may be, it is quite impossible to keep every door in every house in every street under continual surveillance". Anyone, with a little luck, could have done the

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[1]Wakefield, E.G., 1831, at p.6.
[2]Dickens, C., 1837, Everyman edn., 1907, at pp.66-69
[3]Wontner, T., 1833, at p.214.
[4]Sindall, R., 1990, at p.107
[5]Wakefield, E.G., 1831, at p.6.

same.[1] This was bourne out when, after the fifth murder, and even as officers poured into the area where the body had been discovered, several hundred pounds was stolen from "under [their] very noses", when the local Aldgate Post Office was "ransacked".[2] As a result of these defects, by the close of the century, some experienced criminals increasingly felt that uniformed "cops are of no account", not least because they were too "familiar" on their divisions.[3] There were periodic claims that, in response to the new police, a higher proportion of Metropolitan criminals generally, and not simply 'professionals', were beginning to show enhanced levels of skill and sophistication, something that again did not bode well for the protective system.[4] Such claims became widespread in the late 1800s. Compounding such problems, in some areas at least, the very nature of London streets, in particular an absence of observable and 'defensible' space, often did not facilitate effective patrolling. In 1863, even Sir Richard Mayne noted that in the suburban and rural areas of the (then) 571 square mile Metropolitan Police District, the houses were especially vulnerable to depredation, because burglars and thieves could effect entry to them via gardens and other enclosed grounds, out of sight of patrolling officers. This allowed them to enter the buildings without disturbance, carry out their crimes unimpeded, and then leave at their leisure, unseen.[5] This observation was extended by others to the built-up areas. Many, considering the houses in London's "interminable streets", were struck by how "easy of access nearly all these buildings are".[6] Routine policing was also much less effective against criminals who gathered in buildings. As early as 1834, the Magistrate Henry Moreton Dyer had expressed doubts as to whether patrolling streets during the day could prevent the "congregation of bad characters" in public-houses or other off street premises.[7]

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[1] Dew, Walter, 1938, at p.114

[2] *East End News* 5/10/88

[3] Rook, Clarence, 1899, at p.256

[4] Petrow, S., 1993, at p.107

[5] Confidential memorandum by R.Mayne to Sir George Grey, dated June 1st, 1863, at p.3, in Met.Pol.Lib.

[6] Meason, M.Laing, 1883, at pp.757.

[7] Emsley C., 1996, at p.28.

Despite contemporary claims, reiterated in the 'Reithian' analysis, that the new police met swift success wherever introduced and "quickly ended a long period of crime", commitments at Metropolitan Police Courts continued to increase for at least five years after 1829.[1] Thus, common assaults increased from 3,426 in 1831, to 5,121, in 1833. Common larceny grew from 6,953 cases in 1831, to 7,852 in 1833. Such figures prompted Lord Durham to complain that the new body was less efficient than its predecessor. However, some serious crimes, such as burglary, did fall, from 133 cases in 1831 to 104 two years later. Similarly, larceny in a dwelling house declined from 866 to 195 cases. Some argued that preventative 'harassment' was more effective for these rarer, graver, and more premeditated crimes, as "more preparation and more time is required for the perpetration of these offences, the parties attempting them are more likely to be of that class known to the Police, who would therefore observe and progressively impede their operations".[2] There *was* a general fall, against previous trends, in the years 1835-1838, but this merely preceded another increase. Forced onto the defensive, proponents of the new police argued (probably correctly) that it was merely that unprecedented numbers of cases were being detected and prosecuted. This, however, invited the retort from Sir Peter Laurie (giving evidence to the 1838 Select Committee) and others, that detection had not been the underlying ethos of the 1829 reforms: "When the New Police was established, it was said that the object was to prevent crime, but when a great increase of crime was found to have taken place, the answer was 'but it is all detected now'".[3] Laurie's observation was regularly made in the early 1830s. Thus, in 1831, Wakefield felt that although the new police were apprehending more criminals than previously, as a preventative force they appeared "hardly more efficient than the old".[4] Similarly, the anonymous 'Newgate Schoolmaster' agreed that the police were "not an efficient preventative" force and even felt that their post-

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[1]Reith, Charles, 1948, at p.4
[2]pp.11.d.1834, at pp.7-8.
[3]Robinson, Cyril, 1979, at p.9, and Miller, William, 1987, at pp.43-45.
[4]Wakefield, E.G., 1831, at p.5.

crime ability to apprehend criminals was considerably "over-rated".[1]

Taking these points into consideration, it seems likely that much Victorian policing was not primarily aimed at, or particularly efficient in, *directly* combating conventional crime. Can it then take any credit for the latter's general decline, and the steady drop in rates of (inter alia) homicide, larceny and robbery? It would be possible to reject any significant police role in this process, and to rely on alternative paradigms, of which there are several. Thus, it has been argued that improved policing and expanded detective forces were merely a minor facet of a general change that, after 1870, made crime a less attractive proposition for the lower classes. Other changes included matters as diverse as the move in fashion towards tighter fitting clothes, making both theft from the person and subsequent concealment more difficult, and the 1870 Education Act, which withdrew potential juvenile thieves from circulation.[2] Nevertheless, there are more subtle paradigms that might allow the Metropolitan Police to claim substantial credit for the improvement in crime levels. In particular, could they have made a major contribution to reducing non-status conventional crimes, such as pick-pocketing, in an indirect way? One way in which this might occur would be by breaking up the street cultures in which such offences often originated, and which acted as an incitement to crime. Linked to this is the modern 'broken windows' theory of urban crime and policing, pioneered in the 1980s by James Q.Wilson and G.Kelling, and which has been at the root of a re-emphasising of the importance of patrol and 'status' crime control in the 1990s (manifest in various 'zero tolerance' initiatives by police forces in both America, and, to a lesser extent, Britain).[3]

Urban Street Culture as a Direct Incitement to Crime

It is apparent that the 'boisterous' sub-criminal street culture of eighteenth and early nineteenth century London could *directly* foster more serious, but still opportunistic, conventional crime. Significantly, the 1816 Committee on juvenile delinquency had

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[1]Anon., *Old Bailey Experience*, 1833, at p.192

[2]Sindall, R., 1983, at p.25, and see below at p.409

[3]Wilson, James Q., and Kelling, George L., 1982, at p.29.

concluded that public gambling was especially influential in precipitating youthful crime.[1] 'Street people', able to conduct constant surveillance of their urban environments, were alert to criminal possibilities suddenly presenting themselves. As early as 1725, Daniel Defoe had suggested that the large number (perhaps 10,000) of Londoners who made an ostensible 'living' as shoe cleaners were the raw material of opportunistic crime. Although they hid behind the cover of their trade: "Gaming and Thieving are the principal Parts of their profession, but Japanning the Pretence". They would commit burglaries if they found a door or window unsecured, robberies should an appropriate target present itself and receive small items of stolen property from other thieves, while:"...most among 'em can turn their hands to picking of Pockets". Given a pretext, they were also prone to riot and looting. Defoe felt it was imperative that they be "swept from our streets".[2] By the mid-eighteenth century, it was claimed that there were 20,000 such "vermin" in London, living by the "publick Trade of Begging and Pilfering". (Even allowing the modest sum of 3d a day for their survival still necessitated them finding £80,000 p.a. from the streets).[3] Not surprisingly, it was as apparent to 'Civis', in 1752, as to Defoe, that it was vital to "clear the streets of those Vagrants and idle People, who now infest them".[4] This was not possible in 1752, it was to be much more feasible after 1829.

Criminal Street Bands

Street thieves did not merely operate alone, or even in pairs. By their very nature many street crimes were corporate ventures. As George Barrington, a former supervisor of convicts at Botany Bay, noted in 1809, the London pickpockets who abounded at or near auctions, theatres, operas and public gardens often worked together. One would create a diversion, another pick the victim's pocket, and, commonly, yet another received the stolen item

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[1]Report of the Committee for investigating the Causes of the Alarming Increase of Juvenile Delinquency in the Metropolis. Published London 1816, Printed by J.F., Love at pp.18-19.

[2]Moreton, Andrew (pseud for D.Defoe), 1725, at p.24.

[3]'A Citizen of London', 1751, at pp.17 and 18

[4]'Civis', 1752, at pp. vii & 21.

immediately afterwards.[1] William Hazard was convinced that "the robberies of the present time are most of them committed by large parties". He himself had been robbed in Ilford by a gang of six in 1784.[2] In the years preceding 1829, especially large but amorphous groupings of semi-criminals appear to have been a common Metropolitan phenomenon, and it was widely felt that street "hustlers" infested the capital. One observer believed that it was an illustration of the manner in which "methods of robbing, as well as fashion" had changed. The hustling of "unwary passengers [pedestrians] was not in use a century ago". Such criminals operated in bands of up to 30 members, which yet managed to appear unconnected by "keeping at a little distance from each other". Sometimes, they would blatantly attack their victims. At others, they would stage a distracting incident, such as a fight, close to their 'mark', and in the turmoil help themselves to his property.[3] (This may have been merely a description of loose, street centred, social associations of marginal urban elements, which would, nevertheless, be open to opportunistic crime). Francis Place claimed that late eighteenth century street recreations such as 'bullock hunting' attracted huge numbers of vagabonds and thieves and led to "every species of vice and crime".[4] Certainly, the "bands of ruffians" who still engaged in bullock hunting on cattle market days, in Bethnal Green, in the early 1800s, would frequently use the cover of chasing the hapless animal through narrow streets to assault passers-by and snatch their watches, money and other valuables. Given their numbers, such groups, if adult, seem to have had little fear of existing policing arrangements, with their very limited manpower, and "completely overpowered" the Worship Street police court officers whom they "set at nought".[5]

Contemporary accounts from the 1810s and 1820s indicate the large size of some groups engaged in street robberies and pickpocketings accompanied by 'hustling', often in the most public places. The 1816 Police Committee questioned the magistrate

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[1] Barrington, G., 1809, at pp.18 &19.
[2] Blizard, William, 1785, at p.28
[3] *New Newgate Calendar*, Anon., Vol. V., ND (but post-1814), London; currently in the possession of Lincoln's Inn.
[4] Place, Francis., 1835 (1972 Edn.) at p. 70.
[5] *The Watchman and Police Recorder*, No.1, Saturday September 2nd, at pp.4-6.

William Fielding about "enormous associations" of young Metropolitan criminals popularly known as the "Cutter Lads". In 1817, a Bloomsbury constable complained of local gangs of boys, up to 60 strong, gambling in the streets and providing the raw material for crime.[1] L.B. Allen recorded bands of up to 15 pickpockets, working together, and following the various Queen Caroline processions in 1820.[2] In 1822, an observer claimed that in much of London, when a 'desperate ruffian' was seized by the authorities, something like a: "...pitched battle generally ensues between his ferocious associates and the handful of men so stout in heart, and so insignificant in number, who form the civil force of our police establishment".[3] An example of this, a couple of years earlier, had involved the arrest by two Bow Street Patrole men and a parish constable (an illustration of interforce co-operation) of a well known thief. As the three officers took him to the Union Hall Police Court, they were surrounded by 20 "determined ruffians" shouting "rescue". They were forced to draw cutlasses to protect themselves and, eventually, threaten to shoot the detained man with a pocket-pistol if the mob persevered in attempting to release him.[4] As late as November 1828, Thomas Brooks, of Coleman Street, was crossing Hoxton to the City at 11 a.m., when he was suddenly knocked down by between "thirty and forty persons", and robbed of a valuable gold watch and five sovereigns.[5]

Arguably, these criminal bands were highly susceptible to a more efficient and overt police force which could call on extensive support. It is reasonable to suppose that one of the earliest results of a tighter control of the streets and other public space would be to reduce the viability of such large 'loitering' groups, which, by their nature, were inherently difficult to conceal or direct. As Francis Place noted of the large gangs of aggressive apprentices, in late 1780s' Fleet Street, who would delight in knocking other pedestrians off the pavement:"...there was [then] no police or any

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[1] Shore, Heather, 1999, at p.43
[2] Allen. L.B., 1821, at p.7
[3] Anon., 1822, at p.40.
[4] Allen. L.B., 1821, at p.30
[5] *The Police Gazette; or, Hue and Cry*, held at PRO HO/75/1 Published 'Under Authority' October 14 1828.

mode of interfering with these boys".[1] After 1829, such behaviour became less viable. Indeed, this had been anticipated by many campaigners for enhanced London policing. In 1828, Randle Jackson declared that there was an overt breakdown of order in London's streets, with the "almost unchecked parading of the streets by the notoriously dissolute and abandoned of both sexes" (he was as concerned with prostitution as felony). This required a more aggressive and interventionist approach, supported by fresh powers, as, unless the streets were "comparatively cleared of the disorderly and criminal, each day must add to the already overwhelming stock of offenders, and increase danger to the public". Jackson believed that the criminogenic state of the streets could "only be counteracted by a vigilant and efficient police, removing from them the openly abandoned of both sexes".[2] Similarly, James Grant, examining the apparent success of the new force and the attendant "great diminution" in Metropolitan crime, felt that the "extensive confederations" which had previously existed (and been alluded to by Peel), for the purpose of carrying on a "regularly organized system" of crimes against property and person, had been broken up after 1829. As a result: "We no longer hear of acts of wholesale plunder, or of thieves being leagued together, and carrying on an organized system of war against property, in bands of twenties or thirties". He felt that the housebreaking or felony committed in the late 1830s was usually done by: "...some adventurer on his own account, or by small partnerships of two or three".[3] (Their 'achievements' were "poor and spiritless" compared with the 'triumphs' of their predecessors a decade earlier). Grant was clearly slightly optimistic, and probably exaggerated the situation prior and post 1829, but some of his analysis was sound.

Although at first sight it might seem strange that the new police could have had quite the influence that was claimed for them in deterring London's gangs of street roughs, they had one great advantage over their immediate, isolated, predecessors in defeating these loose criminal associations. This was their ability to call on

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[1] Place, Francis., 1835, 1972 Edn., at p. 74.
[2] Jackson, Randle, 1828, at pp.11,12 & 19.
[3] Grant, James, 1838, at p.387.

extensive support in *extremis*, so that street encounters would be 'won'. Ultimately, as most informed commentators appreciated, urban policing rested on coercion and gaining a psychological ascendancy over the 'vicious' elements of society. After 1829, the knowledge that to fall foul of an individual officer was to "invite the enmity of a whole division" was a potent threat.[1] To Captain Melville Lee, writing at the turn of the century, the analogy with maintaining order in a colony was clear. The policeman "managing a hostile crowd, or keeping order in a slum peopled by thieves", was rather like a European in a crowd of Asiatics. If the police lost their prestige, they would also lose respect, as: "...the rough and the criminal do not fear the prowess of the individual policeman, they fear the organization behind him-take that away, and the constable becomes merely a big man armed with nothing more formidable than a wooden truncheon". However, because, from their earliest days, the Metropolitan police had always 'won' their conflicts with the public, at whatever level, it came to be accepted, even in 'rough' districts, that it would be hopeless and futile to resist them.[2]

The new police were also particularly well equipped to regulate, if not prevent, prostitution. This was especially important in London as it was often at the base of general criminal lifestyles and wider underworld networks. As Mr.Talbot, of the London Society, observed in the 1830s, prostitutes were frequently (though not invariably) also "ferocious thieves". Additionally, such women often worked for men who were criminals in much wider terms. Some observers believed (albeit with considerable exaggeration) that every woman had her "fancy man, or bully", who lived upon her prostitution, and seldom confined himself to one female. Such bullies were "desperate characters", being thieves, pickpockets, and even murderers "ready to commit any crime, however atrocious". Talbot believed that the 80,000 prostitutes in London (over 12,000 of them juveniles) were supported by 20,000 such 'bullies'. Often, they would rob the men lured back to the girls' quarters, especially in insalubrious areas. In some houses of ill repute, it was rumoured that murders were carried out. In one, near Fleet Street, it was

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[1]Gamon, H., 1907, at p.30
[2]Melville Lee,W.L. , 1901, at pp.382-383.

claimed that bodies were disposed of into the Thames.[1] Similarly, according to an East End correspondent in 1859, many of the women in the Minories area were prostitutes or street thieves, and were supported by nearby "bullies" who "lived by robbery and violence".[2]

Prostitution was not the only form of low level street entertainment/deviance to provide the background to more serious forms of crime. Prize, cock and dog fights, ratting competitions and gambling could all do so. Other popular urban 'sports' such as 'duck-hunting and dog-fighting' had been conducted quite openly prior to the advent of the new police.[3] Even in the 1860s, an observer taking a trip in an excursion boat down the Thames with the 'Fancy' to attend a Prize Fight, noticed that there were numerous openly criminal elements in the crowd, discussing their various enterprises.[4] Similarly, as modern concerns about 'aggressive begging' indicate, mendicancy can easily involve an element of threat and coercion, sometimes making the dividing line between robbery and begging very fine. This was even more the case in the Victorian period. Although, occasionally, in rural areas, traditional notions of 'entitlement' may have been behind such forceful requests, in urban areas this was usually absent. One correspondent to *The Times,* in 1887, complained that his wife, at home in Kensington, had been abused and threatened by such a 'Rough', who remained in her hall for 10 minutes, until the police appeared in response to her summons; he then casually sauntered off.[5]

The police were also especially well equipped to deal with the capital's numerous destitute and vagrant juveniles, who, as previously discussed, were often the raw material for urban crime. Even in the mid-Victorian period such youths could still be found huddled together at night in unfinished buildings, sleeping rough under arches, surviving as best they could: "...they pick up food wherever they can get, either by begging or finding it in the

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[1] Ryan, Michael, 1839, at p.175-176
[2] Letter, 'The Social Evil', *East London Observer,* Oct.29, 1859.
[3] pp.11.d.1834, at p.4
[4] Ormsby, John, 1864, at p.633
[5] Emsley, Clive, 1996b, at p.101

streets".[1] However, the police increasingly 'took charge of them' and brought them before the local sitting magistrate. Arresting youths like the inebriated Robert Darkin, an "animated scarecrow" aged 12, and so drunk at 1.a.m. in Covent Garden in the 1840s that he could not stand up, posed few difficulties for officers, who charged him with being drunk and incapable though he was discharged by a kindly magistrate (Darkin apparently made his living by singing songs in public houses).[2] By the 1860s these children could also be "catered for", in the longer term, by applying the Industrial Schools Act (29 and 30 Vict.c.118), under which any child under 14 found begging could be brought before a court and sent to (effectively) a reform school.[3] As a result, by the 1880s, Dr.Barnardo could observe that Covent Garden was much better policed and "supervized" than it was in the 1860s; in that decade a colony of children had lived rough there, in assorted traders' barrels and boxes, providing the Doctor with a ready source of recruits for his homes. Youths sleeping out in Covent Garden had also been expressly referred to by the 1816 Police Committee. They could no longer be found there in 1887 (despite an economic recession).[4]

Of course, the reduction in visible deviance does not necessarily mean that a real diminution has taken place. The Commissioner of the City police, Sir Henry Smith, looking back on changes over the second half of the nineteenth century in formerly vice ridden areas, such as the Haymarket, opined that although they were outwardly much better places than they had been 50 years earlier, so that: "The flagrant annoying, importuning, and soliciting is a thing of the past", the evil was often still there, albeit concealed beneath the surface. It was merely less obvious to the casual observer.[5] Nevertheless, with this (exaggerated) reservation, it appears that eliminating the more overt and flagrant signs of vice and crime was something that uniformed patrol was inherently good at.

A Victorian Exercise in 'Zero Tolerance'?

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[1]Anon, 1882, *Metropolitan Police Court Jottings*, at p.61
[2]Hodder, George, 1845, at p.133
[3]Anon, 1882, *Metropolitan Police Court Jottings*, at p.61
[4]Barnardo, Thomas, John, 1887, at p.2.
[5]Smith, Henry, K.C.B.,1910, at p.181

It is also possible that the new police operated in a more subtly indirect manner to control serious crime. According to the modern 'Broken windows' analysis of crime, although conventional policing does not have a major *direct* influence on rates for most serious types of crime, by promoting public order and decorum, by 'cracking down' firmly on minor infractions and public nuisances such as drunkards (which it can do very efficiently), policing *indirectly* also has a major influence on levels of more serious crime in the policed area. This is because the "moral street-sweeping" which is at the core of such police-work,[1] promotes enhanced levels of community solidarity and intolerance for deviance, and in turn prevents an area's 'respectable' elements from moving to pleasanter localities, or withdrawing from the use of public space or community involvement. Thus, it strengthens the informal social controls which *do* have an important influence on more serious crime rates, as well as co-operation between police and public and general resistance to law breaking. Conversely, it is argued that at a community level: "...disorder and crime are usually inextricably linked, in a kind of developmental sequence".[2] If a neighbourhood is unable even to prevent aggressive beggars from annoying pedestrians, thieves might reason that it is also unlikely to summon police to identify a potential 'mugger', or to interfere if the mugging actually occurs. Thus, one of the most important aspects of the police role is to reinforce informal control mechanisms. Allowing behaviour that signals that "no one cares" erodes vital community solidarity.[3] In recent years, impressive claims have been made for such a policing approach. Thus, a six-week experiment in Kings Cross, in which 25 highly visible extra officers, exercising 'zero tolerance' for minor deviance in an area that was well known for vice and drug abuse, allegedly reduced crime levels generally, without apparent displacement to other areas.[4]

The 'Broken Windows' analysis, novel in 1982, reversed much of the policing orthodoxy of the 1960s and 1970s. In those decades

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[1] Reiner, R., 1992 b, at p.763
[2] Wilson, James Q., and Kelling, George L., 1982, at p.34
[3] Ibid., at pp 29 & 31-34
[4] *The Independent*, 8th January, 1997.

it had frequently been argued that a major criminal justice problem was the 'over-reach' of the criminal law, usually (and significantly) identified as a 'relic' from the previous century, whereby too many status offences had been created, minor nuisances criminalised and far too much discretion left to individual officers to deal with such peripheral matters. The decriminalisation of many of these offences was urged, whether public drunkenness or gambling, along with a restriction on the use of generalised charges of disorderly conduct and vagrancy, which, it was suggested, included much that was "harmless, although annoying". That such laws were often used to "clean the streets of undesirables, and to harass persons believed to be engaged in crime", was considered a vice rather than a virtue, being especially open to abuse.[1] The 1824 Vagrancy Act was a classic example of such a surviving statute.

Kelling and Wilson were concerned primarily with 'ordered' communities becoming 'disordered' (the twentieth century American trend), and thus vulnerable to "criminal invasion". However, there is no inherent reason for the paradigm not to apply in reverse, so that as disordered communities become ordered, this, in turn, has an effect on crime. Indeed, it was the belief that the process could be reversed that inspired Kelling and Wilson, and which lay at the root of Mayor Giuliani and Police Chief Batten's apparent success in reducing crime in New York City in the 1990s. Arguably, Victorian London experienced the obverse situation to that in many modern American and British cities. Out of disorder came order. Just as Kelling and Wilson believed that a gang can weaken a community merely by idling about in a "menacing" fashion without breaking the law, might not the vagrants, mendicants, drunks, prostitutes, rowdy youths, loiterers and other 'residual' elements on London's streets have had the same effect in the nineteenth century? Using this analysis, the 'moving on' of loiterers and the muzzling of dogs in Victorian London takes on a radically different complexion.

The overt presence of officers on the streets after 1829 *may* have made a significant impact on conventional crime *indirectly*. Victorian London *might* provide a classic illustration of 'repairing broken windows'. Certainly, the police in London, with their heavy

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[1] See. for example, Morris, Norval and Hawkins, Gordon, 1970, at pp.3,6 & 12

emphasis on highly visible uniformed foot patrol and legally unprecedented powers, were specially equipped to deal with "disreputable or obstreperous or unpredictable people" who undermined the civility of urban life, and with whom London abounded in the 1820s, but was notably freer of by the 1890s (even if they were not all necessarily criminals or committing significant substantive criminal offences).[1] No doubt many members of the Victorian police would have agreed with Wilson's belief that the wish to 'decriminalise' (or, in their case, not to 'criminalise') disreputable behaviour that, superficially, 'harms no one', and thus to remove the main police sanction maintaining neighbourhood order, would have been a mistake. They would, perhaps, if they had thought about it all, have assented to the notion that although: "Arresting a single drunk or a single vagrant who has harmed no identifiable person seems unjust...failing to do anything about a score of drunks or a hundred vagrants may destroy an entire community". A rule that made sense for individuals would not necessarily make sense or have beneficial results, if applied to the urban masses.[2]

On examination, Wilson and Kelling's archetypal 'model' policeman, officer 'Kelly', on foot patrol on a beat in the heart of modern Newark, New Jersey, was remarkably similar to, and would have been recognised by, his Metropolitan Victorian predecessors: "If a stranger loitered, Kelly would ask him if he had any means of support and what his business was; if he gave unsatisfactory answers, he was sent on his way. Persons who broke the informal rules [of the neighbourhood], especially those who bothered people waiting at bus stops, were arrested for vagrancy".[3] Like him, Victorian officers were on the streets for such long periods that they usually knew who the 'regulars' on their patch (or in their case 'beat') were, whether reputable or disreputable. Like him, they required that the 'disreputable' were forced to observe certain rules of decorum. (In Kelly's case, for example, it was that drunks could sit on the stoops but not lie down, could drink in side-streets but not main streets, bottles of alcohol had to be concealed in paper

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[1]Wilson, James Q., and Kelling, George L., 1982, at p.30
[2]ibid., at p.35
[3]ibid., at pp.30-31

bags). Strangers who could not explain their presence were "sent on their way" (or told to 'move along' in Victorian police parlance). People who broke the area's 'informal rules' were arrested for generalised offences of 'vagrancy', yet most people in the neighbourhood were well aware as to what these 'rules' were. According to the Kelling/Wilson paradigm, the existence of such vague 'catchall' powers, allowing the arrest of 'suspicious persons', drunks or vagrants, although apparently offending principles of equity (and thus unpopular in the modern era), are vital, as they give the police the power to deal with disruptive but vague and undefinable nuisances. The Victorian Metropolitan force had them in abundance. Additionally, just as Kelly not merely enforced the substantive law, but also, on occasion, took "informal or extralegal steps" to help protect the appropriate level of public order (he was willing to "kick ass"), so the Victorian police were often not excessively concerned with legal niceties, having ready recourse to fists, cuffs and capes. 'Traditional' policing in urban areas meant that: "Young toughs were roughed up, people were arrested 'on suspicion' or for vagrancy, and prostitutes and petty thieves were routed". As with Victorian London 'Bobbies' (even with their massively enhanced legal powers) some of Kelly's (vitally important) actions "probably would not withstand a legal challenge".[1] As Wilson and Kelling candidly noted, such 'traditional' policing was possible largely because of the inability of the policed to have recourse to legal remedies, 'rights' were for the "decent folk" or the occasional professional criminal who could afford a lawyer.[2] This was certainly the case in poor parts of Victorian London.

Arguably, the primary concern of Metropolitan officers was 'order-maintenance' (broadly construed), just as it was for 'Kelly'. This was something that often took precedence over dealing directly with conventional crime. The Newark experiment of the mid-1970s (carried out pursuant to the State of New Jersey's Safe and Clean Neighbourhoods programme) suggested that foot-patrol can be highly effective in elevating the general level of public order. This, in turn can have an indirect 'knock-on' effect on

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[1] Wilson, James Q., and Kelling, George L., 1982, at pp.30-31
[2] ibid., at pp.30-31 & p.33

conventional crime, as there appears to be a link between "order-maintenance and crime prevention".[1] Such a process, it seems, is not necessarily precluded by major differences between the police and policed. In Newark, it occurred despite the manifest discrepancy between the mainly white officers and the largely black areas patrolled. In London, in the 1800s, the differences were between the 'rough' lower working class and those ordinary working men who were acting as agents of the authorities. In an examination of Victorian policing, the Kelling/Wilson model evokes a strong sense of déja vu.

Additionally, some evidence from modern zero tolerance initiatives suggests that although most status and minor offenders do not commit serious crimes, a large proportion of 'hard core' criminals share in the petty deviant 'life-style'. Thus, although the police might not arrest or convict criminals for burglary or robbery, they are able to 'harass' them for street gambling, public drunkenness and disorderly behaviour. Doubtless, in some cases, arrests for such minor offences are specifically targeted at those suspected of more serious deviance, making their lives harder. The police can also apply pressure on suspected criminals by an officious and intrusive presence. Such operations were a feature of the new force from its inception, Wakefield noting in 1831 that the:"...New Police harass the thieves".[2] Significantly, sometimes even the Commissioners felt it necessary to limit the harassment of suspects in the streets, by expressly instructing officers that they should not "point out persons as suspected persons unless very certain" that the individual was a criminal or "associate of the swell mob".[3] Even where their arrest for street offences was incidental, it brought them to the attention of the police and impressed upon them police power.

In England as a whole, statistics indicate that 'traditional' preventative policing, if measured by non-indictable prosecutions, peaked in the final year of the century, when a record 761,322 summary only prosecutions were brought. Perhaps significantly, the lowest ever number of indictable crimes in England and Wales

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[1] ibid., at pp.31-34.
[2] Wakefield, E.G., 1831, at p.30
[3] MEPO 7/8 13th June, 1850.

(76, 025) was recorded in the same year. Arguably, the years after 1900 witnessed a fall in such policing, at the expense of pursuing indictable crimes and, much later, motorists. Non-indictable prosecutions slumped by over 100, 000 to 654, 500 in 1909, while indictable prosecutions increased to 105,000. The reasons for this are not fully clear; it may have reflected a genuine decline in public incivility, or, as has been argued, have been the result of a 'supply side' shift in policing priorities occasioned by, *inter alia*, a move from local to predominently central govenment financing (with the latter being less concerned with municipal preoccupations such as vagrancy). It is at least possible, however, that any modest rise in crime as occurred was linked to disengagement from preventive policing.[1]

Reservations about Zero Tolerance/Broken Windows

Nevertheless, caution is necessary before accepting the Wilson/Kelling paradigm in its entirety, whether in a modern or a historical context. Although the 'broken windows' theory became politically and academically fashionable in the 1990s, sometimes threatening to become one of the subject's 'folk wisdoms' the precise relationship between crime and incivilities has not been fully explored, and is not backed up by very much empirical evidence.[2] Although serious crime and such types of low level anti-social behaviour, tend to occur together, this is not *always* the case. It is also possible that excessively rigorous public order policing, often involving the use of extra-legal pressure, and at best relying on the clumsy instrument of the criminal law, risks alienating people, especially when carried out amidst conflicting sets of cultural values. In turn this might cut off much police-public co-operation, and the supplies of information and witnesses on which effective policing is usually reliant.[3] (Arguably, this occurred during operation 'Swamp', in Brixton, in 1980, contributing to riots). At least some of these considerations may have applied in Victorian

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[1]Taylor, H., 1999, at p.117

[2]An illustration of its fashionable political status was Jack Straw, a future Home Secretary's, 1995 promise, when in opposition, to "reclaim the streets from the aggressive begging of winos, addicts and squeegee merchants".

[3]Mathews, Roger, 1992, at pp.35 & 47.

London. Indeed, some contemporaries, such as M.M.Laing, specifically alluded to them, feeling that there was too much "old-womanly" legislation being enforced in the city, that the police themselves hated such work, and that it made them "exceedingly unpopular with a class of men who might otherwise be of the most use to them".[1] Perhaps rather mistakenly (given Peel's views), he felt that the Metropolitan Police had "never been intended" to be so interventionist.[2] Additionally, there was the risk of deviancy amplification, as those imprisoned for newly prosecuted or created minor offences lost their 'characters' and thus prospects of employment. Furthermore, exposure to imprisonment might "lessen its horror" and thus deterrance. Because of this, as early as the 1830s, some were complaining of the "injudicious legislation" that was boosting the criminal returns by up to 25%.[3]

[1] Meason, M.Laing, 1882, at pp.195-196
[2] ibid., at pp.195-196
[3] Wontner, T., 1833, at p.256

Chapter: 15 Abuse of Police Powers

Modern police studies have identified significant levels of corruption, pettiness, perjury and even violence, during a previously perceived 'Golden Age' of English policing between 1930-1960.[1] Given their Victorian antecedents, however, this should not come as a surprise. To make an impact on delinquent street culture required the possession and vigorous exercise of great discretionary power. Wilson and Kelling themselves recognised that the style of aggressive (or 'robust') urban policing that they favoured was a potential recipe for corruption and abuse of power, freely conceeding that: "None of this is easily reconciled with any conception of due process or fair treatment". Perhaps unsurprisingly, then, the problems thrown up by such policing also plagued the Victorian Metropolitan force, which was tainted by abuse of position. This was the downside to their unprecedented activism, status and power.

Such problems were not entirely unanticipated in 1829, being seen as inherent in preventative policing, even that of the old Watch. The instructions to the Liverpool Watch in 1817 had envisaged the problems attendant on distinguishing between the honest poor and the dissolute: "You are to apprehend all night walkers, rogues, vagabonds, and other disorderly persons disturbing the public...you must be very circumspect in this part of your duty and not wantonly or inconsiderably apprehend persons of a different description".[2] Many in London had also forseen such problems prior to 1829, and, as a result, held serious reservations about the inherent legality, and constitutionality, of 'preventative' policing. As a journal correspondent pointed out in 1818, although prevention might be better than cure, effecting it often meant taking steps that were "odious and repulsive" to civil liberties.[3] Similarly, when John Stafford, giving evidence to the 1816 Police Committee, was specifically asked whether he believed that it was

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[1]See generally, Weinberger, Barbara,1996.
[2]Brogden, A, 1984, at p.49
[3]*Gentleman's Magazine*, Vol.88, July 1818, at pp.219 and 410.

for the Bow Street 'patrole' to clear disorderly people from the streets he replied that "Disorderly People" was such a vague term that he could not answer the question and opined that people could not be cleared simply because of their appearance: "I take it that a person must be doing some specific act that will authorize the patrole to interfere, before they can meddle with him".[1] In the post-1829 force, with its much less direct judicial supervision, such attitudes were to be rarer.

Just as Kelling/Wilson were concerned at how it was possible to ensure that powerful police officers did not use issues of age, skin colour, national origin or "harmless mannerisms" as the basis for distinguishing the 'undesirable' from the 'desirable', and so becoming "agents of neighbourhood bigotry", rather than beacons of approved standards of decorum, so were several nineteenth century commentators. Of course, the Metropolitan Police of the nineteenth century had some advantages over their modern counterparts. Their concept of a racial minority, an issue that vexed Kelling/Wilson, was largely confined to the Irish inhabitants of their 'rough' neighbourhoods, and, towards the end of the century, the large numbers of East European Jews who arrived in areas like the East End. Class rather than race dominated their concerns. Nevertheless, for many members of the London lower-working class, after 1829, civil liberties were often a luxury. As an otherwise sympathetic writer could observe of the Metropolitan Police (with considerable understatement), although it was nearly always the case that well-dressed members of the public would be met with politeness: "...it is possible that the ragged and the outcast may occasionally meet with the hasty word or unnecessary force from the constable, who is for them the despot of the streets". Others in the same journal were blunter, conceeding that although "people in good clothes" were generally safe, the "poor and vicious" might experience "oppression and brutality" from constables.[2] Class (manifest by appearance) was the primary determinant of police discrimination.

To an extent, such problems were, and are, insurmountable. Kelling/Wilson frankly accepted that they could "offer no wholly

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[1]Evidence contained in pp.5.1816, at p. 39.
[2]*Spectator*, 30th April, 1864, Vol.XXVIII, at p.496

satisfactory answer to this important question", nor, as will be seen, could the Victorian Metropolitan police. Kelling/Wilson ultimately could only hope that by their selection, training, and supervision, the police would be incalcated with a clear sense of the limits to their exercise of discretionary power. The Victorian Metropolitan police were, arguably, deficient in both of the first two categories, i.e. careful recruitment, and, even more so, training (extremely rudimentary even as the period ended).[1] Where they *were* strong, was in their level of supervision, something that was backed up by an almost 'iron' discipline. Though unpopular with individual officers, this may well have been necessary. Authoritarian figures such as Mayne and Warren may not have been quite as misguided in emphasising it as they sometimes appear to modern eyes. Without it, London policemen, with their enormous powers, policing a section of the community with almost no access to legal redress, could easily have degenerated into petty tyrants. The tight discipline of the London force, especially when compared to some of their American city counterparts in the same period, probably went *some* way towards mitigating such problems. It still could not prevent a woeful litany of abuse.

Much depended on the direction that the force was given by its senior commanders. Despite her reservations about the police, in 1880, even Butler felt that the then Commissioner, Colonel Henderson, was a man of "high principle" and "prudence", so that abuses of police power were probably rarer than they would have been under "a less prudent or conscientious chief".[2] (To some senior officers such concerns were merely a manifestation of the 'paranoia' inducing pressures of modern life, which meant that many could not look out of their windows without seeing a Police agent "lurking somewhere near his house").[3] Police abuse of position was actively and vigorously discouraged by senior ranks. It is hard to read the instructions to the newly founded force without concluding that, whatever the reality on the ground, Mayne and Rowan wished to limit confrontation with the policed, as far as possible. Officers were enjoined to provide their service numbers to

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[1] Kelling, James Q., and Wilson, George L., 1982, at p.35
[2] Butler, Josephine, 1880, at pp.38-39 & 47.
[3] Anderson, Robert, 1910, at p.221

anyone asking for them (uniform hats not yet having become available), they were forbidden to wear their capes in such a way that their numbers were hidden, anyone who did so being presumed to have had something "shameful" to hide and being subject to dismissal. They were advised to be polite at all times (instances of "rudeness" in response to civil questions having been reported). Sergeants were warned to be quiet when deploying their men in the streets. In December 1830, officers were forbidden to ask for a Christmas Box from those that lived on their beats. In 1831 they were enjoined to wear a special badge to show when an officer was on duty, as there had been "constant complaints" from the public about uniformed officers talking together (though they were actually off duty). Officers were warned not to enter into 'altercations' whilst on duty, instead they should demonstrate total command of temper. They were forbidden to use their truncheons except in *extremis*, and were told to be helpful to those who called at their Watch (later section) houses, and that a man should be permanently on duty there to receive such visitors. When on patrol they were to make way for members of the respectable public on the pavement in a "mild manner". Significantly, they were expressly warned that they should treat members of the public equally, whether rich or poor, and should not use language that would "provoke or offend" even their prisoners.[1] Such advice was reiterated regularly. Thus, decades later, in February 1853, officers removing basket sellers were enjoined to keep their tempers. In June of the same year they were further advised not to employ 'unkind' language. Perhaps because of such directives, many establishment figures appear to have swiftly convinced themselves that nearly all was well. William Arabin declared that he could:"...scarcely recollect a case where they [the police] have been too hasty and zealous in the discharge of those duties". He felt that his approbation was generally shared by his fellow Old Bailey judges. Similarly, Colonel James Clitheroe, a Middlesex magistrate, could not: "...speak too highly of the police, of their conduct on all occasions". He denied they were "over zealous" and even claimed

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[1] Extracts from Orders from the Commissioners Whitehall Place, 7th Jun, 6th, 11th, 17th October, 1830 and June 15th, 1831, Reproduced in PR.5.1844, at pp.103-106.

not to have heard complaints.[1] Such opinions led the 1834 Committee to believe that there had been fewer police "abuses of authority" than might have been predicted,[2]

However, despite establishment confidence, and even with strict command safeguards, the Victorian police in London were regularly criticised by more neutral observers for victimising poorer working men for arbitrary reasons, and for general capriciousness in their use (and attendant abuse) of power.[3] The increase in police activism after 1829, combined with the limited educational background of most officers and the demands of internal promotion (frequently identified as a primary motivation for misguided 'zeal'), meant that there was great potential for such abuse, something that continuously hindered the establishment of cordial relations with the working class in the city. Thus, in 1882, an experienced stipendiary magistrate noted that because many officers had a: "... defective education and the absence of that refinement of feeling which is usually its accompaniment, with abundant opportunities of exercising despotic and arbitrary power, with a knowledge, too, that great activity and zeal are most likely to attract the attention of their superiors, and so probably lead to promotion, it is reasonable to be expected that many of the police will occasionally display an amount of activity not altogether of a commendable character".[4] Josephine Butler felt that the police discretion to deal with prostitutes meant they often became an: "...organized body of women-hunters, with the most frightful, arbitrary and irresponsible powers, to pursue, to accuse, to condemn, and to hurry off to the most horrible and unnatural form of inquisition, any woman who may, or may not be, an immoral person, or to whom the police or their informers may have a personal enmity".[5] Butler's fears, although exaggerated, were shared by others, 16 years later, another commentator was to lament that the growth of the police "in both numbers and power" was becoming a serious threat for any people that wished to remain free and independent, producing a system with "deepset

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[1]pp.11.d.1834, at pp.274-276, and p.357
[2]pp.11.d.1834, at p.10
[3]Kelling, James Q., and Wilson, George L., 1982, at p.35.
[4]Anon, 1882, Metropolitan Police Court Jottings, at p.47
[5]Butler, Josephine, 1880, at p.48.

evils". Amongst these were "briberies, tyrannies, iniquities, secrets", as well as a proliferation of Acts of a regulative character.[1]

Police 'Culture'

Abuse of police power could manifest itself in violence, brutality, corruption, perjury and the fabrication of evidence. The Victorian Metropolitan Police inevitably developed their own equivalent of the much vaunted modern 'canteen culture', at whose door no end of irregular police practises are currently laid. The lawyer Serjeant Ballantine identified such a culture (albeit not employing the phrase) a century before it became a commonplace of police studies. His analysis of its origins and effects (including 'noble cause' perjury) has not been bettered in the modern era. He observed that:

"Whenever men are associated in a common object, an esprit de corps naturally arises, and this not infrequently colours the testimony of individual members. The duties are extremely trying and calculated frequently to cause anger and irritation, feelings which almost invariably induce those possessed by them to exaggerate if not to invent...The feelings of sanctity that probably once attached to an oath becomes deadened in the minds of those who are taking it every day, and an easy manner and composed demeanour are acquired...in the witness box".[2]

In 1891, another observer noted that officers' willingness to bolster each other's evidence, regardless of the truth, was supported by the "very esprit de corps, which in itself is a commendable feature of the force". Once officers had charged a man, they usually assumed he must be guilty and would thirst for a conviction.[3] (To modern eyes, the complaint that the police assumed that anyone they "choose to suspect, must be guilty" is readily familiar).[4] Similarly, one Edwardian observer, noting the "faulty...police conscience" that prevailed in the Metropolitan force, so that it was not possible to feel sure that a constable's "assertion on his oath is strictly true", or that an identification had been conducted fairly, attributed it to the

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[1] Carpenter, E., 1896, at p.147.
[2] Ballantine, Serjeant, 1890 Edn., at pp.227 & 236.
[3] Guest, A., 1891, pp.84-92 at p.87
[4] *The Law Journal*, Vol. 8, 1873, at p.659

"natural outcome of solidarity".[1] It was the solidarity that was occasioned by a group of men leading an existence that was "necessarily a life apart", and who were among the people but not of the people.[2]

Perjury

As these accounts suggest, police perjury was a regular problem. Many London magistrates were concerned that some officers appeared far too frequently before them as the sole prosecution witness in summary cases. As a result, early in the century, Ballantine's magistrate father had "distrusted" much police testimony. Even so, according to one Stipendiary, magistrates often felt bound to convict on such evidence, rather than publicly stigmatise the officers concerned as perjurers. He estimated that 1/2 of all summary cases, and 2/3 of those arising out of night time incidents, depended entirely on uncorroborated police evidence. In such circumstances, if a summary case was: "...dependent entirely, or chiefly, upon the evidence of the police, the utmost care is required to see that such evidence is not tainted by exaggeration or undue colouring".[3] One notorious illustration of this, from the late 1870s, involved a 'cabbie', Edward Harris, who had apparently fallen off his vehicle into the road, and been severely stunned. As he got up, in a concussed and unsteady condition, he was arrested by a policeman who charged him with being drunk in public, apparently suppressing the fact of his fall from the local Police Court magistrate. Harris was sent to prison for a month. When his injuries came to light, the punishment was cancelled, he was released and went home to die from the effects of the fall. Questioned in the House of Commons, the Home Secretary, Richard Cross, accepted that the policeman was to blame, and asked the Inspector of police to deal with the matter. (However, this was all done in private, so that there was "no trial, no vindication of justice, and the public is not allowed to know how the case has been dealt with".)[4] It was rare that suspected police perjury produced serious adverse consequences to the officers concerned, prompting a law

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[1]Gamon, H., 1907, at p.14
[2]Gamon, H., 1907, at p.14
[3]Anon, 1882, Metropolitan Police Court Jottings, at p.52
[4]Butler, Josephine, 1880, at p.46.

journal to demand that the only way to stop the "system of police perjury" was to prosecute those involved.[1] Even on the rare occasions when prosecutions were brought, convictions were rare. All four prosecutions of Metropolitan policemen for perjury, making false statements or false accusations in the years 1849 to 1852 resulted in acquittals and officers being retained.[2]

Many felt that drunkenness was used as a 'catch-all' provision to 'mop up' people on the streets, these then frequently being scandalously "ill treated" in custody. (Significantly, in 1854, the Commissioners themselves cautioned officers not to interfere unnecessarily with drunken people). It was periodically noted that whenever officers needed witnesses to support their prosecutions or their own defences (if summonsed by a member of the public), colleagues were readily found to provide such evidence, whether they had been present or not! Thus, when P.C.Joseph White 467 B (a man with 11 years in the force), was accused of assaulting a respectable married woman, one Mrs. Pitchers, on a cross-summons (he appears to have assumed she was a prostitute), he called a colleague, P.C.Jackman, to support his version of events. The magistrate that convicted White (fining him £4, or five weeks imprisonment *in lieu*, plus costs) was convinced that: "Jackson's evidence was wilfully false, and had been fabricated for the nefarious purpose of bolstering up the case of the defendant".[3] These problems were exacerbated by the social class of the individuals (essentially 'police property') against whom policing operations were often concentrated. As Ballantine astutely observed, in 1882, the: "...classes against whom they appear are usually without the position that commands consultation, and consequently statements made to their prejudice meet with the more ready belief".[4] Defence evidence might not be accepted at trial. However, concerns about police abuses were not new in Ballantine's era. Although the Middlesex judge, Sergeant Adams, accepted in 1838 that all who were in official communication with the 'establishment' would bear testimony to the intelligence and "excellent conduct" of the superintendents and other senior

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[1] *The Law Journal,* Vol. 8, 1873 at p.701
[2] pp.13.b.1853, at pp.1-4.
[3] *The Law Journal,* Vol. 8, 1873 at p.700
[4] Ballantine, Serjeant, 1890 Edn., at p.227

Metropolitan police officers, he was much less sanguine about ordinary P.C.s, and any plans to extend their legal powers. Even ignoring potential individual "partiality, ill-will, or prejudice" amongst ordinary officers (something which, Adams felt, their social provenance made impossible), there were other problems with a large, and transitory, number of constables. In particular, how could society guard against their ignorance, over-zealousness, or inexperience? Like Ballantine, he appreciated that abuse of police powers for "oppressive and vindictive purposes", would bear especially heavily on the "lower classes", to whom the expense and difficulty of procuring bail was especially great. He feared that a general power to take into custody every person accused of an assault, committed out of the officer's sight, might be especially dangerous.[1]

Occasionally, officers would make a 'mistake' (accidental or deliberate) in their choice of victims. Lessons were learnt early in this regard. While going to parliament in June 1834, an M.P., H.C. Bulmer, was obstructed and angered by the "abrupt and rude behaviour" and "flagrant misconduct" of constables policing the environs of Westminster Abbey. An investigation swiftly ensued.[2] This also happened when Ballantine attempted to advise an officer who was being excessively rough with an obviously drunk woman in Piccadilly. At this, he was 'arrested' for 'obstructing' the constable. Fortunately, the Attorney General happened to be passing (!), and intervened after being informed by officers that Ballantine was "well known to the police"! Not surprisingly, the detained woman was allowed to escape, to avoid the embarrassment of a court hearing. After the incident, Ballantine sent an account, with the numbers of the officers involved, to Richard Mayne, getting a standard reply from a subordinate officer "treating my letter with great coolness", though he received a fuller answer later. (He could not be troubled to pursue the matter further).[3] Another *cause celebre* ensued when five officers (including a Colonel) from the Lifeguards were arrested at the Argyle (entertainment) Rooms by a group of police officers, who

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[1] Adams, Sergeant, 1838, at pp.19-20.
[2] pp.11.e.1834, at pp.1-4
[3] Ballantine, Serjeant, 1890 Edn., at p.227

alleged that they were drunk and had assaulted constables. The Police Court magistrate swiftly dismissed the charges against them, and observed that the police had been the aggressors, had fabricated their evidence and perjured themselves. It was suggested that they had "rushed in and assaulted" the army officers.[1] However, the risks of making such mistakes were readily apparent to constables, keeping their numbers down.

The dangers of more sophisiticated corruption, abuse of position and 'rubber stamping', by senior officers and magistrates, of low level police decisions were also apparent from the start. In another well publicised case, in 1839, James Smethurst claimed that he was walking to the Tower tavern in Borough road when he was accosted by one PC Charles Thresher (No.150 of L Division). Thresher asked him to retire to a more secluded place to discuss a 'delicate' matter with him. He refused, and was then arrested and taken to a section house with a boy in "shabby working dress", who accused him of indecent assault. There, the PC told one Inspector King that he, too, had witnessed the assault. Smethurst felt that in these circumstances the Inspector was "bound to believe the charge", as it was made by one of his officers. (Subsequently, he concluded that the original motivation for this fraudulent claim had been to blackmail him into a financial settlement). He was kept in custody overnight, in a filthy, damp, "den of thieves". The following morning, his case was initially heard by Mr. Jeremy, a local stipendiary magistrate, who committed it to the Quarter Sessions for trial. Smethurst felt that Jeremy, too, believed he was constrained to do this, simply because a policeman had signed the charge sheet. He also noted that by that point another prosecution 'witness' was alleged to be available, and that the supposed victim was wearing 'respectable' clothes. Smethurst, however, prepared his case thoroughly for trial, and, by careful research, managed to establish that Thresher was wanted by a hatter from Birmingham, his earlier employer, who claimed that the constable had robbed him and had a warrant issued against him for felony, but escaped the Birmingham officers. Smethurst showed this to Mayne, who, given that Thresher had a recommendation from a police magistrate, was astonished. Nevertheless, Thresher was apparently

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[1] *The Law Journal*, Vol. 8, 1873 at p.660

suspended from duty for only two weeks before being restored with arrears of pay. However, he ceased to be an active witness in Smethurst's case, the latter being acquitted. Smethurst felt that the authorities had resisted efforts to have Thresher arrested for the Birmingham felony and conspiracy to pervert the course of justice. However, he eventually managed to ensure that his accusers were tried for conspiracy. The jury found them all guilty at which Thresher and the boy were given a fine of only a shilling each and discharged (he was not even dismissed from the force).[1]

Nevertheless, it would be a mistake to assume that such incidents were necessarily 'typical'. Even Smethurst contrasted his case with one heard on 30th October 1840 at the Middlesex Sessions, where two men accused of assault by Metropolitan constables had been acquitted after doubts about the police evidence. In this case, the Chairman had sent details of the case to the Commissioners, calling their contradictory evidence "disgraceful". (Smethurst also acknowledged that procedures for collecting police references had been improved since his case).[2] However, generally, members of the judiciary appear to have been relatively open about viewing the Metropolitan police, and their forensic evidence, in a different light to that of their immediate predecessors. In 1834, judge William Arabin claimed that Old Bailey juries had more confidence in their evidence than that of their predecessors.[3] Judges were also unconcerned about some modern procedural niceties. In a pair of cases Old Bailey cases in 1844, senior judges opined that it was not necessary to have cautioned an arrested suspect for any statement made 'spontaneously' to be admissible. Mr. Justice Pattason accepted that: "*Formerly*, constables may have tried to get at evidence, and entrap parties by asking questions, and in some instances, by giving hopes of pardon or perhaps threats". In the present, however, Baron Gurney was sure that although the police should not "induce" confessions, it was: "...not the business of police-officers to caution persons in their custody, and who are about to make statements, not to do so". This would, he believed, be both absurd, and also

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[1]Smethhurst, James, 1841, at pp.1-28.
[2]Smethhurst, James, 1841, at pp.25-28.
[3]pp.11.d.1834, at p.274

prevent the "detection of criminals".[1] (However, there was strong judicial resistance to the *deliberate* questioning of suspects by officers with a view to securing evidence). Confusion about this issue continued until general cautioning of suspects was enjoined in a letter of 26 October 1906 from Lord Chief Justice Alverstone to the Chief Constable of Birmingham, and later by the Judges' rules of 1912.[2]

Nevertheless, it is also clear that many magistrates did not invariably 'rubber-stamp' police actions. From the beginning, aggrieved civilians could complain about police misconduct, not simply to the Commissioners, but could, in many situations, also insist on having the matter determined by a magistrate. This was not an easy process, and the outcome was likely to favour the police; even so, its presence acted as a limited control. Furthermore, magistrates might act of their own volition. Thus, in June 1868, P.C.s Clarke and Floyd were dismissed from the force, without back pay, after being complained about by the Bow Street Police Court magistrate:"....for giving untruthful evidence when before him on a charge of assault".[3] Additionally, the force's internal investigations were not without deterrant value. The Force Instruction Book of 1829 provided that all complaints against individual constables would go to the officer's divisional Inspector, who was enjoined to give them "particular attention", enter them in a special book and investigate the facts. Initially, the Commissioners dealt with all serious complaints personally, each morning, in their Whitehall office, complainants being invited to attend with their witnesses. (So many were lodged that in March 1830 Peel was persuaded to appoint a special senior officer, with a team of investigators, to carry out preliminary investigations).[4]

Police Brutality

A balanced assessment of levels of Metropolitan police brutality, can, again, only be made by contrasting it with its 'rivals',

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[1] *R v Dickinson* March 8th, & *R v Watts and others* August 22, 1844, Reported Cox's Criminal cases, vol.1 1843-1846, at pp. 27 & 75. My italics.
[2] See discussion on origins by Lord Parker CJ in Practice Note (Judges' Rules) [1964] 1 All ER 237
[3] MEPOL 7/38 Orders for 26/6/1868
[4] Boothman, J.V., 1985, at p.22

continental, colonial and American. Generally speaking, it fares well in such comparisons. The New York police establishment provides an especially interesting contrast. The more democratic nature of American society meant that New Yorkers rejected many 'authoritarian' features of the Metropolitan Police as being inimical to their own nation's values of independence. Perhaps as a result, a variety of Anglo-American observers, including the New York City Mayor, agreed that New York policemen in the late 1850s were less efficient and disciplined than those in London. Ironically, the very lack of institutional power also resulted in a lack of institutional restraints, so that the New York officer ended up with more real power, on a *de facto* basis, than his London counterpart. The London policeman was well aware that he was a representative of the 'authorities', not a deputy for his fellow citizens (in a city which was not remotely democratic prior to 1884). New York policemen were imbued with a much greater sense of representability (a process aided by considerable institutional decentralisation), seeing themselves as acting for all New Yorkers apart from the latest waves of poor immigrants (whether Italian, Irish, Polish or black) who were also often the targets of their policing. As a result, their use of force appears to have been much less restrained and monitored than that of their London counterparts. When New York's locally controlled municipal force (previously armed only with clubs) was taken over by the State Government, in 1857, a virtual arms race with local criminals ensued, revolvers becoming standard issue for officers. These appear to have been freely, often recklessly, used, so that the *New York Times* could assert that a patrolling officer was "an absolute monarch, within his beat, with complete power of life and death over all within his range".[1] The New York police of the later nineteenth century were characterised by endemic brutality, and the regular, almost routine, beating up of detained suspects from amongst the city's 'criminal class'.[2]

By contrast, there was, from the beginning, a marked difference between the Metropolitan Police 'model' and the almost para-military pattern established earlier for the Protectives/R.I.C. and, later, for some colonial forces. Amongst the differences

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[1]Miller, Wilbur, 1975, at p.84
[2]Sante, Luc, 1998, at pp.236-250.

between the two models was the adoption of a strategy of minimal force. The only normal/routine police weapon carried in Britain, the short truncheon (20 inches initially, reduced to 17 inches in 1856), was concealed in a pocket until 1863. James Greenwood was one of many who were adamant that, in a melée, officers were often reluctant even to use truncheons when their fists would suffice.[1] (A different observer felt that another explanation for this was that they feared being accused of assault).[2] The Metropolitan (and indeed British) police developed a tradition of "containing industrial disputes and political demonstrations with minimum force when contrasted with the experience of other countries".[3] This was remarked on even at the time. Thus, *The Times* felt that Britain was nearly unique in the leniency with which its police treated organised resistance to the executive by political demonstrators. A very different situation prevailed in countries like France, Spain and Belgium, where it alleged that bullets and bayonets were regularly used to control politically motivated riots.[4]

Nevertheless, the international comparison (Scandinavian countries excepted) is not usually a very demanding one. In practice, a considerable degree of police violence was a constant feature of Victorian London, especially as part of 'routine' street policing in the poorer areas, or amongst the poorer social elements.[5] It was present from the very outset; thus, in 1829, a mentally disturbed and elderly man in Pimlico, wrongly suspected of being drunk, was arrested and roughly handled by officers. He was dragged to a Watch-house, greatly aggravating his psychological condition, before being discharged by the magistrate.[6] The following year, in a letter to *The Times*, John Pacey, an apparently 'respectable' individual, claimed that: "...without giving the slightest provocation, I had my head broken...by some police constables, who otherwise ill-treated me on my way home with a friend, [at] an early hour of the evening". He subsequently made a complaint to the Commissioners, and was shocked to find that it was summarily

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[1]Greenwood, James, 1902, at p.7
[2]Watts, W.H., 1864, at pp.221.
[3]Reiner, R., 1992, 2nd Edn., at p.65.
[4]Leading Article, *The Times*, Sep.15th, 1888, at p.9
[5]See on this Emsley, C., 1985 at pp.126-142
[6]*The Times*, 6th October,1829.

dismissed and that one of the constables involved in the incident was later promoted to Inspector.[1] In 1834, according to Thomas Morris, an East End hatter, many local officers, often recruited from the lower type of newly arrived Irishmen, would: "...run out and strike every person they meet".[2] Similarly, and with less risk of bias, Serjeant Ballantine's father, a Thames Police Court magistrate, believed that the new police frequently exhibited "unnecessary harshness", when compared to the earlier Bow Street Runners and patrols (whom he admired).[3]

This does not appear to have been purely an initial excess in the heady post-foundation period. A decade after its inception, during Chartist disturbances in Birmingham centred around the Bull Ring, there was serious conflict involving Metropolitan officers drafted into the provincial city. In one instance, a bricklayer, going home at 9.00 pm, was ordered to "move on" by constables. Perhaps unused to such a request (already routine in London), he responded cheekily, at which point he was, allegedly, struck by the officers:"...knocking out six of his teeth, and felling him to the ground".[4] Such incidents continued to the end of the century. Fifty years later, a stipendiary magistrate could wryly note that if an arrested man claimed that he had been "cruelly used" and truncheoned down by constables, being bandaged about the head, the arresting officer would normally say that the injury came from falling to the floor while resisting arrest, and would "call one or two brother constables" to support his account. He also observed that officers were given to gratuitously manhandling working men in the streets, sometimes prompting retaliation.[5] Typically, Jeremiah O'Leary complained that he had been "cruelly used" by officers who arrested him in Hammersmith in 1888, for being drunk and disorderly in the street, and showed the marks of violence on his

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[1] *The Times*, Letter,13 November, 1830.

[2] Quoted in Thurmond Smith, Philip, 1985, at p.54. Unless there was something special to the local constabulary he appears to have been exaggerating the national provenance of most officers.

[3] Ballantine, Serjeant, 1890 Edn., at p.51

[4] *Hansard's Parliamentary Debates*, vol. L, 3rd.Series, 7 Aug.-27 Aug 1839, at p.362

[5] Anon., 1882, *Metropolitan Police Court Jottings*, at p.49. As the author also noted "...in the estimation of a policeman, a very little inebriety constitutes drunkenness." Nevertheless, despite all this, he felt that generally the police were "men of great truthfulness and humanity."

back to the court to support his account. It was not disputed that he had been "frog marked" to the station (though it should, perhaps, be noted that he had previous convictions for assaulting constables).[1] Some officers were quite open about their use of summary 'chastisement' towards suspects, rather than seeing justice defeated by perceived 'red tape' and legal niceties. (Interestingly, a popular theme in some modern policing films). Thus, an article in the *Westminster Review*, of 1874 recounted how a constable punched a man to the ground with a "tremendous blow", the man having earlier beaten up a fellow officer and stolen his own sister's bed for drink. The officer's attitude was that although the man would: "...go before a magistrate and get off scot free; shall he go altogether without getting his deserts? Let him take that!". Others freely declared that it was necessary to neutralise potentially dangerous targets in the streets by a pre-emptive strike.[2] According to *The Law Journal*, in 1873, most police violence was unwarranted as "any real resistance is very exceptional". Although this was an exaggeration, at least in rough areas, even Charles Booth noted that, generally, the Hoxton criminals' relations with the police were:"....curious, regulated by certain rules of the game...violence is a breach of these rules".[3] Many felt that police "roughness and violence" in London, with suspects dragged to police stations like 'animals' and abused once in custody, had led to them being "excessively unpopular" with the public.[4] Some very marginal social elements were especially vulnerable to abusive policing. Thus, in 1844, 16 year old Martha Entwistle, who had been in the habit of passing the night in a Spitalfield's privy, was allegedly accosted there by PC 166 Harris of H Division. He "exposed his person" and tried to touch her, until neighbours intervened.[5] Throughout the century, prosecuting offending officers (via the issue of a police court summons by the victim) was made difficult because constables were regularly (though not always) provided with experienced legal representation (often from Messrs. Wontners, the police solicitors),

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[1] *Illustrated Police News,* Sept 22nd., 1888
[2] Emsley, Clive, 1985, at p.131
[3] Quoted in Evans, Alan, 1988, at p.15
[4] *The Law Journal,* Vol. 8, 1873 at p.659
[5] Mepol 4/6 Complaints Against Police, May 14th, 1844.

at Treasury or Police Association expense, to defend the charge, while poor men who took action against them were either unaided, or represented by cheap but incompetent lawyers.[1] Not surprisingly, of the 65 officers charged with offences in 1849, only 14 were convicted, and many of these cases were for dereliction or absence from duty (disciplinary matters that also constituted crimes), in prosecutions which were brought by other officers. Only five men were accused of offences of dishonesty, such as stealing oats, all being acquitted, and from the 26 allegations of assault on civilians, only one officer was found guilty.[2] However, police aggression seems to have been slightly moderated after the early years, and it has been suggested that the image of the restrained, imperturbable British 'bobby' was formed in the course of a wholesale retreat from an initial and aggressively pursued authoritarian stance.[3]

Public Order Brutality

As the above accounts suggest, police brutality during major public order disturbances was merely the tip of a much larger 'iceberg' of illicit violence. Most brutality was meted out by 'beat' officers. As one journal noted, the police were most dangerous not when in large quasi-military formations, but rather when alone on the streets, or in twos and threes.[4] Nevertheless, Public order control, if not its attendant violence, had always been a primary reason for forming the new police, and abuses associated with such policing gained most prominence. Excesses were manifest from early on. In the court hearing which arose out of the 1833 Coldbath Fields riot, a coroner's jury, outraged by the alleged conduct of the police and a failure to read the Riot Act, returned a verdict of justifiable homicide on the death by stabbing of one P.C. Culley (overturned on appeal). As the Parliamentary report into this incident accepted, the evidence of what had occurred was conflicting. The overwhelming majority of the civilian evidence heard by the investigating committee suggested a serious police

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[1]Guest, A., 1891, pp.84-92 at p.88

[2]pp.13.b.1853, at pp.1-4. Perhaps not surprisingly, 12 accused officers were in their first year of service. Some however were veterans, including the 3 inspectors and 8 sergeants most with at least 10 years service. A conviction led to dismissal in all but one, minor, case.

[3]See for example, Paley, Ruth, 1989, at p.122

[4]*The Law Journal*, Vol. 8, 1873 at p.659

over-reaction, and their indulgence in wanton violence. Nevertheless, as the report also pointed out, Culley had been stabbed to death, and two other officers seriously wounded, while no members of the public appeared to have sustained life threatening injuries. The incident involved up to 2,000 demonstrators, with nearly 700 constables assembled within 10 minutes walk of Coldbath Fields. Senior officers appear to have lost control of their men in the ensuing melée. This was implicitly alluded to by the official report, which, although something of a 'whitewash', tacitly accepted that serious mistakes had occurred. According to one eye witness, the officers "ferocious conduct" appeared to be motivated by an urge to "gratify some feeling of vengeance, or a wanton desire to injure". It was widely asserted that the police had pursued and struck down fleeing people. Even the Committee acknowledged that they were not:"...subjected to that efficient control which, in a moment of excitement and irritation, and after much provocation, could alone prevent individual instances of undue exercise of power".[1]

This 'robustness' in dealing with both crowds and individuals, even if not initially hostile, is supported by numerous accounts of other incidents. Outside London, in their early decades, the Metropolitan Police were frequently deployed to provincial cities to deal with disturbances, such as those involving Chartists. It was alleged in Parliament, by Earl Stanhope, that a very reliable witness (backed up by a popular petition) to an incident that occurred in Birmingham on the 4th July 1839, had claimed that the Metropolitan force had made a "most wanton and unjustifiable" attack on demonstrators. In it, the officers allegedly drew their staves and broke heads so that "blood flowed", though in this case, there was no dispute that, at the least, the crowd had responded by making improvised weapons to fight back. According to the witness, two of the officers involved had admitted being ashamed of what had happened, one apparently even stating that he would leave the force, which was "different to when he had entered it".[2] Such allegations, and the official response to them, were to become the pattern for subsequent Victorian police/public disturbances.

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[1] pp.11.b.1833, at pp.3-4 and at pp. 10 & 72-73. Eye witness William Carpenter.
[2] *Hansard's Parliamentary Debates*, vol.L, 3rd.Series, 7 Aug.-27Aug 1839, at p.362

Thus, the Hyde Park Sunday Trading riots of 1855 produced accusations and petitions from, *inter alia*, the inhabitants of Grosvenor Square, Mount and Park Streets, who expressed their "horror and disgust at the brutal and violent conduct of the police in truncheoning the peaceably disposed persons who were attracted to Hyde Park". Women and children were allegedly amongst those struck. The Report of the Commissioners into the incident also produced a number of apparently reputable witnesses willing to avow that officers were "quite out of temper" and indiscriminate in the beatings they administered, far more so than the Life Guards who provided military support. However, as with the 1833 disturbances, the Commissioners noted that despite the serious allegations levelled against the Metropolitan force, there was "no evidence...of any loss of life or bone broken, of any limb seriously hurt, or permanent injury of any kind inflicted" on the demonstrators. This led them to believe that there had been some exaggeration of police misconduct. Nevertheless, even with this qualification, and "weighing all the evidence", they felt that Superintendent Hughes, the officer commanding at the scene, had personally had recourse to unwarranted violence (he allegedly used a horse whip on the demonstrators). Their report also stated that he had issued orders that were likely to lead to dangerous, unnecessary and unjustifiable violence against a demonstration that included many quite innocent people.[1]

However, there had been almost twenty years of relative peace from serious public disorder when Mayne died in office in 1868. This may have given his successor as Commissioner, Colonel Edmund Henderson, an excessive sense of security. This was punctured by the violence of February 18th 1886, in Trafalgar Square, in which, following a Social Democratic meeting, a crowd stoned clubs and shops in the West End, reviving fears of the 'mob'. The police in the capital had been wrong footed and badly organized to deal with such a disturbance, something that led to criticism from an investigating parliamentary committee.[2] It also led to Henderson's swift censure, resignation and replacement by

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[1]See *Hansards Parliamentary Debates*, 3rd.Series, 139, 1855, cols. 453-4, and Parliamentary Papers, 1856 (2016) xxiii, pp.ix, xi. See also minutes of evidence, reproduced in Taylor, D., 1997, at pp.166-168.

[2]Pellew, Jill, 1982, at p.45.

Sir Charles Warren (summoned from Egypt). Mindful of the fate of his predecessor, Warren decided to move vigorously against crowds in Trafalgar Square in October and November 1887, using footguards and mounted lifeguards as well as policemen. *The Times* had warned that the demonstrators, partly motivated by the recession of the mid-eighties and substantially drawn from the large numbers of London's destitute and unemployed, would need to be "firmly dealt with", and felt that Sir Charles Warren's decisive action had defeated an attempt to "terrorize London by placing the control of the streets in the hands of the criminal classes". Even so, the newspaper was alarmed at the extent of police action. Events on the 13th November 1887 had left some 200 civilians needing hospital treatment for their injuries: "The Police, mounted and on foot, charged in among the people, striking indiscriminately in all directions...The blood in most instances was flowing freely...and the spectre was indeed a sickening one".[1] Some officers involved concurred with this description, and took a much less sanguine view of the case than Warren. One felt, despite the government support for the police action, that there had been a clear over-reaction, especially by mounted officers, in the face of people who still had relatively few political rights (due to continuing voting regulation, even after the 1867 and 1884 Acts, and also registration requirements). He felt there had been an unfortunate tendency to give excessive significance to what was often merely a: "...small band of boys, with a half broomstick surmounted with a little red rag." This officer felt that the clearing of Trafalgar Square in November had damaged police/public relations, and thus was a "thing to be sorry for", rather than proud of. As a result, the apparently "friendly feeling that had previously existed between the great majority of the poorer section of the public and the police received a rebuff, not yet got over".[2]

Significantly, however, public concern at these incidents, combined with Warren's failure to catch 'Jack the Ripper' and his publishing of an uncleared (by the Home Secretary) article on London policing in *Murray's Magazine* (in October 1888), occasioned

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[1]Vogler, Richard, 1991, at p.60.
[2]Anon, 1888/1889, *The Metropolitan Police and its Management - a reply to Sir Charles Warren's Article in Murray's Magazine'* by a 'P.C'. at pp. 1-6.

his resignation. In this article, Warren declared that: "It is to be deplored that successive Governments have not had the courage to make a stand against the more noisy section of the people representing a small minority, and have given way before tumultuous proceedings which have exercised a terrorism over peaceful and law-abiding citizens, and it is still more to be regretted that ex-ministers, while in opposition, have not hesitated to embarrass chosen power by smiling on the insurgent mob".[1] Already an unpopular Commissioner, when, the Home Secretary, Sir Henry Mathews, informed the House of Commons of Warren's resignation: "The announcement was greeted with cheers".[2] Nevertheless, problems with public disturbances continued to the end of the century and beyond. Metropolitan officers were regularly accused of carrying their wet weather capes rolled loose on their arms as improvised weapons and striking out with them freely at disturbances (as allegedly occurred on a wide scale at Rotherhithe, on June 11th 1912, in relation to the Transport Workers' strike).[3]

Concern About Brutality

Police brutality was clearly not something that was sanctioned by higher authorities. P.C.William Kinsman was dismissed from the force for gratuitously truncheoning a spectator at the coronation in 1830 (something that *may* have been linked to the latter's death shortly afterwards), and 40s. compensation paid to his victim.[4] Additionally, such policing did not go totally unchallenged by the judiciary, despite their general support for the police. Thus, in 1833, one P.C. Angus was censured and penalised by a stipendiary magistrate, he "said I had done wrong", who also threw out his prosecution of a youth. He was subsequently required to leave the police by the Commissioners. Angus had climbed up a tree in Hyde Park, in pursuit of a boy, who had lewdly exposed himself in public, used indecent words towards some women walking in the park, and also called the officer a "Cold Bath's Butcher", after the then recent riot in which P.C. Culley had been

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[1]Emsley, Clive, 1991, at p.64
[2]*New York Times,* November 13, 1888, 'Sir Charles Warren Resigns'
[3]Jones, Chester, 1912, at p.4
[4]*Poor Man's Guardian,* 24th September, 1831.

killed. The irritated policeman had struck the boy across the shoulders with a branch.[1] Similarly, amongst the 13 P.C.s dismissed in one week in January 1840, one was thrown out after he was:"Complained of by a magistrate for using abusive language to a prisoner".[2] In 1857, P.C. Albert Dawkins was:"Complained of by a Magistrate for having illegally taken a female into custody at her own house, upon a charge of assault". After giving his explanation for what had occurred to the Commissioners, he was:"...cautioned to be particular both in not overstepping his duty, and in giving clear evidence before a magistrate". The duty Sergeant involved, Alfred Lindsey, who had improperly entered the charge sheet supporting his subordinate, and thus illegally detaining her, was formally reprimanded.[3] In 1868, it was observed that some Police Court magistrates were inclined to publicly blame the police for showing "indiscretion", and as a result did not award sufficient punishment for assaults on officers (it is certainly the case that by modern standards punishment for such offences was often very lenient).[4] Similarly, when in 1886, one P.C. Fooks approached a group of four men in Whitechapel, and spoke to one of them in a "very cross manner", the man's sharp response was met by the policeman striking him twice on the head with his truncheon. The other three men ran off, and the victim, one Alfred Buckley, was arrested and later charged with disorderly conduct and assault. However, this allegation was dismissed by the stipendiary magistrate. When the victim cross-issued a summons against P.C. Fooks, the officer was himself convicted by the magistrate, Mr. Lushington, who said that the blow administered was "completely uncalled for" and sentenced him to 14 days hard labour (something that would also necessarily lead to his dismissal from the force). Passing sentence the magistrate observed that: "...he was bound to see that people were properly protected in the public streets, and he was sorry to say constables were often too ready to use their truncheons."[5] Twenty years later, in 1907, one P.C. Redman, working in the East End, beat a man that he had arrested for assaulting him so severely that the

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[1] Thurston, Gavin, 1967, at pp.177-176
[2] HO 61/25, 1840, List of Dismissed P.C.s, 20th-26th Jan. 1840
[3] MEPOL 17/9, 1857
[4] See pp.14.1868, at p.10, note (a)
[5] *East End News*, November 2nd., 1886.

magistrate trying the assault case dismissed it with the comment: "If you do this to defendants I will not convict".[1] However, although not giving them carte blanche, magistrates normally supported the police, at least with regard to willingness to convict. In 1875, of the 6,988 people taken into custody for assault (i.e. against civilians), 2,939 were discharged without even being held to bail. By contrast, of the 2,633 detained for assaulting the police, only 44 were totally discharged.[2]

Along with occasional judicial criticism, as police powers were strengthened in the later Victorian period, some more organized public resistance to the existence and abuse of these powers developed. The short-lived 'Law and Liberty League' was formed in November 1887, under the auspices of the radical socialist, Annie Besant, with the assistance of the journalist W.T.Stead, and aiming to meet the fairly widespread concern about what the *Pall Mall Gazette* had termed a 'policocracy'. It survived until 1889, and vigorously attacked the Metropolitan force for, *inter alia*, blackmailing prostitutes and mistreating the poorest elements of society and those in police custody. The following decade, the tailor James Timewell, who had witnessed four officers in Southwark 'frog-marching' a detained man to their station in 1897, was to launch an unsuccessful private prosecution of the officers concerned, and to author numerous tracts against the extent and abuse of police powers. In 1902 he founded the 'Police and Public Vigilance Committee' to combat such abuses.[3] However, probably at least as important as such organized and judicial challenges in moderating police conduct, were the practical risks associated with an excessively robust policing of the bottom 25% of the community. In particular, as Leeson noted, there was always the danger that it could be counter-productive (leading to a lack of public co-operation), or, even worse, prompt a dangerously violent response by the policed.

Corruption

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[1]Harding, C., and Wilson, L., 1988, at p.199
[2]PR.11.1875, Table No.6, at p.16.
[3]Petrow, Stefan, 1994, at p.24

Police corruption (most of it quite low level and unsophisticated), was another perennial problem for the Metropolitan police, and, as with brutality and perjury, often arose directly from their new powers and responsibilities. Again, it is necessary to put this into perspective. Throughout the century, the New York police was riddled with corruption at the very highest level, graft and racketeering on a massive scale, and (sometimes) the effective sale of police promotion, because of the potential remuneration available from abuse of such positions.[1] By comparison, Metropolitan policemen were a model of probity and restraint. Nevertheless, there were major problems.

Despite James Grant's admiring 'surprise', in 1838, at how few Metropolitan officers had been accused, let alone convicted, of corruption, this was probably merely a reflection of how difficult it was to bring and prove such cases.[2] Thirty years later, the more realistic James Greenwood was well aware of police bribery and abuse of position. (He felt that the extensive powers conferred by the Habitual Criminals Act were excessive because of this: "...to vest such an amount of irresponsible power in the police is a step hardly warranted by one's experience of the intelligence and integrity of the 'force' satisfactory on the whole as it may be.")[3] He was not alone in his fears, such allegations surfaced throughout the century. Soon after the new force was established constables were prosecuted for taking bribes in exchange for suppressing warrants issued against keepers of disorderly houses.[4] As this suggests, 'victimless' crimes (greatly expanding) especially lent themselves to such practices. J.M.Ludlow, writing in the *Spectator* in 1866, felt that police blackmail of omnibus drivers, prostitutes and publicans was "so frequent as to be taken as a matter of course by the victims".[5] Indeed, many of them appear to have required little pressure to deliver, viewing it as routine. Publicans, too, would provide gifts in kind; so much alcohol was given to a colleague of P.C.Cavanagh, in the Borough of the 1850s, that he gave the appearance of a "walking beer barrel" by the end of each night's

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[1]Sante, Luc, 1998, at pp.236-250.
[2]Grant, James, 1838, at p.392
[3]Greenwood, James, 1869, at p.193
[4]Ballantine, Serjeant, 1890 Edn., at p.233.
[5]Smith, Philip Fermond, 1985, at p.54

duty. (Cavanagh refused the alcoholic 'offerings' of all the public houses on his beat, allowing his inebriated colleague to take them as well!).[1] Similarly, in the late Victorian period it was noted that although constables could not drink on duty, most of them: "...want a drink at about closing time, and reckon on getting it...without payment". Although they would often go through the motions of 'proffering' money for beer or bus-rides, it was customary in many areas for: "...bus conductor and bar-man alike [to] wave aside the proffered copper. Doubtless they have their reward". (However, such drink would normally be consumed outside the pub).[2] To combat the problems caused by the temptation to accept the "perilous gift" of a drink, while they were on the beat, some stations in the 1870s considered bringing out coffee and bread to their night patrols.

In the late Victorian period, Thomas Holmes (a Police Court 'missionary') regularly witnessed what might be considered classic examples of minor police corruption, in this case arrangements whereby officers reduced the apparent gravity of a defendant's involvement in a crime, when giving evidence in the summary courts. In exchange, the prisoners provided drink at public houses afterwards to those who had agreed to their requests to "make it light for me".[3] This had been an ongoing form of low level corruption from the very start of the new force. The Commissioners regularly denounced it, and in 1831 even required senior officers to make unannounced visits to public houses, near where courts were sitting, to see if any officers were drinking with defendants that they were to prosecute/give evidence against. Such officers were to be deemed "wholly unfit for his situation".[4] Even so, there were cases throughout the century, such as that of P.C. Robert Davies who was dismissed from the force in 1850 after being found drinking with the friends of a defendant in the Rose Public House, near the Old Bailey, during Sessions.[5]

More seriously, the growing involvement of the police in regulatory matters and the control of vice, pursuant to directives

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[1]Cavanagh, Ex-Chief Inspector, 1893, at p.24.
[2]Rook, Clarence, 1899, at p.255
[3]Holmes, Thomas, 1908, at p.4
[4]MEPO 7(2) Police Orders 1829-1833, April 22nd., 1831
[5]MEPO 7(15) Police Orders 1850-52, 23 Dec. 1850

and statutes, furnished many opportunities for corruption. Thus, after the 1853 Lotteries and Betting Act, there were regular allegations that officers took bribes to turn a 'blind eye' to street bookies. A particularly high proportion of corruption allegations involved the receipt of bribes from prostitutes, whether in cash or 'services in kind', in return for officers not exercising their extensive powers against them. In 1834, Mr. Richard Swift, a Whitechapel leather seller claimed to have seen prostitutes bribing local officers who:"...levied contributions on them, in order to be understood to be absent from interfering". Perhaps significantly, he had not complained of this for fear of the personal consequences, and because he was acutely aware that "my word would go for nothing compared with his". He feared that civilians who interfered with prostitutes on their own initiative might be 'dealt with' by the police.[1] The 1885 Criminal Law Amendment Act further increased such corruption as a result of the increased involvement (and consequent fraternisation) it encouraged between officers and street women. In July 1887, W.S. Caine M.P., supported by elements of the press, alleged that the police were engaged in the systematic levying of money by blackmailing Clapham prostitutes. As a result, there was an inquiry conducted by Assistant Commissioner Munro (especially into the local W Division). However, in January 1888, the Home Secretary, Sir Henry Mathews, concluded, in the light of its submissions, that "no evidence has been forthcoming against the police".[2] This apparent 'whitewash' was not accepted by many elements of the popular Press, or, presumably, the public. *Punch* produced a cartoon, the following month, showing the Home Secretary watching "Warren's whitening of constables", and declaring "splendid collection of Constables you've got", to which Warren, festooned with a brush and pots of whitener, replies "Beautiful! There's one which was almost black and I restored it perfectly".[3] To an extent, periodic cases of low-level corruption were probably not surprising, given the nature of officers' salaries, responsibilities and intimate contact with the streets. Policemen could "not mix with society"; their pay was "scarcely sufficient for

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[1]pp.11.d.1834, at p.322
[2]*The Times,* Jan. 6th, 1888
[3]*Punch,* Feb.18th, 1888

[their] subsistence", and they were regularly "exposed to the society and bribes of prostitutes" when on night duty.[1] The temptations for bored, poorly paid, but locally very powerful men were considerable. As one family-minded constable-he had five children-noted in 1868, how could officers be expected to be: "...honest, independent and scorning bribes-when they are hungry themselves and when the missus and young 'uns are going without".[2] Not surprisingly, many succumbed, such as P.C. Samuel Munstall, who was dismissed in 1839 for "indecent conduct with a prostitute when on duty".[3] An educated prisoner, in the 1870s, was driven to conclude, from his conversations with fellow prisoners (albeit not a totally reliable source), that many police officers "levy blackmail from thieves, and the number of things that are 'squared' between thieves and police would astonish the British public if they were all brought to light". He was also personally suspicious at the manner in which policemen often possessed expensive time-pieces, despite their meagre earnings.[4]

Occasionally, corruption could become endemic in a division or sub-division, and Clapham was not unique in this. In the Quadrant, near Regent's Street, in the 1870s, serious charges were also made against the local police. According to Serjeant Ballantine these were well founded. The streets in this notorious area became almost impassable for 'decent' people, to the fury of local shopkeepers. The alleged reason for this was that prostitutes plying their trade there were bribing the police to turn a blind eye. Those who refused to pay were arrested and charged, often with unfounded offences. The local magistrate, Mr.Knox, began to have "grave suspicions" about the motives behind many such accusations. Money was apparently taped to window sills by the street women to be picked up later by patrolling officers. Eventually, it became necessary to transfer large numbers of men to other divisions to remedy the situation.[5] Sometimes, such low level corruption could extend to quite senior officers. 'Walter', the

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[1]See Robinson, David, 1831, at p.84
[2]See 'Hard Times for Policemen', Daily News, October 31st, 1872,
[3]HO 61/25, 1840, List of dismissed constables 23-29 Dec. 1839.
[4]Anon., Five Years' Penal Servitude, 1877, at p.271

[5]Ballantine, Serjeant, 1890 Edn., at p.230

anonymous Victorian philanderer and pornographer, noticed that one Haymarket prostitute that he used regularly never got into "police rows". He asked her about this, and whether she granted sexual favours to the constables in the area to secure it. She denied this, but admitted sleeping with a married Inspector, who would arrive at her premises in plain-clothes. Perhaps as a result of this, she was never "run in", even on nights when 50 women from that area were picked up by the police.[1]

Other regulatory offences, such as licensing, also provided fertile opportunities for corruption. The police power to allocate spaces to costermongers and stall holders in street markets like Petticoat Lane was especially prone to abuse, with regular allegations of bribery to secure favourable locations.[2] Nevertheless, care must be taken in generalising from the experiences of publicans, stall holders and prostitutes. Modern research on pre-war policing on Merseyside suggests that, there at least, bribery was rare, indeed not seen as bribery at all, being little more than the occasional gift of a bottle of beer. Local people were simply too poor to afford it, even had they wished to do so. London, obviously, was different in some respects; however, most working people were also probably too poor to afford bribery and had equally little use for it.[3] The financial scale, if not the extent, on which police corruption was conducted also appears to have been relatively small. Arthur Harding, a prominent Edwardian East End criminal, and certainly no admirer of the police, despite recalling widespread low level bribery and how police officers could make money from stolen property, was firmly of the opinion, when interviewed in the early 1970s (a time of notorious institutional corruption in the Metropolitan police), that it: "...wasn't done on the scale it's done today, £20 was a lot of money to give". He also accepted that it was not universal, even among his detective foes in the C.I.D.. Cultures of corruption appear to have been localised, sometimes to specific stations.[4]

Conclusion on Abuse of Police Powers

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[1] 'Walter', 1996 Edn., Vol. IV, at p.1683.

[2] Gamon, H., 1907, at p.14

[3] Brogden, M., 1991, at p.110

[4] Harding, C., & Wilson, L., 1988, at pp.200 & 204-205.

This catalogue of police abuse should not be exaggerated. In 1892, looking back on his career, Timothy Cavanagh, who had been remarkably candid in portraying many of the negative aspects of Metropolitan police life, still felt able to declare that the force was a "splendid body of men, intelligent, energetic and trustworthy".[1] His confidence in the force, was, with *many* qualifications, probably justified. As well as routine minor brutality, corruption and dishonesty, there were many well documented cases of police 'fair-play' and common decency, throughout the 1800s. Nevertheless, problems pertaining to abuse of position were never satisfactorily resolved during the Victorian period. Popular concern about this lay behind the 1906 Royal Commission on the Metropolitan police, (albeit that most of its conclusions were anodyne or laudatory): "...in 1906 the public had searchings of heart concerning the efficiency and trustworthiness, generally of the men who guard its peace". The remit of its study was to inquire into and report upon the duties and conduct of the Metropolitan Police, especially in dealing with cases of: "...drunkenness, disorder, and solicitation in the streets, and the manner in which those duties are discharged".[2] Undoubtedly, the incidence of police abuse of power fell towards the end of the nineteenth century, but this was primarily because London's underclass, its 'police property' and the chief targets of abusive policing, also fell drastically in size. Arguably, it was the continuation of this phenomenon into the following century that set up the (retrospectively) perceived 'Golden era' of mid-twentieth century policing.

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[1]Cavanagh, Ex-Chief Inspector, 1893, at. p.132.
[2]'The Metropolitan Police', in *The Times,* Dec. 24th, 1908

Chapter 16: Revisionist Interpretations of Police Effectiveness

Using the 'broken windows' analysis in a historical context is, at least, premised on the Metropolitan police being highly effective in dealing with street incivilities, even if they were not able to directly confront more serious or skilful crime. Although plausible, even this has not gone unchallenged. Certainly, their effectiveness in dealing with public incivilities was limited by a lack of police numbers and, even more significantly, a frequent reluctance to 'engage'. These limitations require elucidation, and, at the least, encourage a measure of caution before attributing much of the post-1860 reduction in crime to the new police.

Limitations on Manpower

London was easily the most heavily policed city in Britain. In 1871 there were 10,350 officers in London (including the separate and small City force), compared to a total of 15,860 provincial policemen; in 1901, 16,900 and 27,360 respectively.[1] Nevertheless, even in Victorian London, there were severe limitations on the manpower available for patrol. The Metropolitan police was quite small for its extensive responsibilities. In 1830, the force had consisted of 3,341 men of all ranks, policing 68,053 acres containing 198,581 houses. In 1840 (after the 1839 Metropolitan Police Act had greatly extended the Metropolitan Police Division area to a radius of 15 miles from Charing Cross, covering an area of 688 square miles), the expansion in size meant that 2,084 312 people in 439,823 acres containing 294,125 houses were being policed by 4,338 men. In 1880, the figures were (acreage remaining the same) 4,433,535 people in 607,014 houses policed by 10,943 men. This meant that in 1830 there were 448 people and 59 houses to each constable. In 1840, 489 people and 69 houses, and, in 1880, 457 people and 62 houses. Thus, the

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[1] Briggs, J., et al., 1996, at p.151

population per constable was much the same towards the end of the period as it had been at the start, c.450, having gone over the 500 mark in the period from the early 1850s to the early 1860s.[1] There was (in relative terms) little or no increase in ratios prior to the last two decades of the century (though, of course, a substantial increase in absolute numbers due to the capital's burgeoning population), when a significant, but still limited, real increase occurred. Thus, between 1857 and near the end of the century the ratio increased only from I:446 to 1:396 people.[2] Obviously, the figure for housing does not cover non-residential dwellings, offices etc.

Even these figures can be slightly misleading. In 1840, of the 4,300 officers available, there would only be 900 men on daytime duty, these being divided between the morning and afternoon shifts.[3] This basic pattern did not change much over the century. Although it numbered 8,883 men in 1864, 2/3rds of these were employed on night duty (then between 9 p.m. and 6 a.m.; by 1868 it started at 10 p.m.). The remainder were on two days shifts. In 1868, the 16 hour day duty was arranged by reliefs so as to reduce the period of duty of each constable to 10 hours, further lowering the number of men on duty.[4] Allowing for rest times, sickness, court attendance, administration etc., at any one time during the day (a period, when, apart from prostitution, most street centred life would take place) only 800 men might be on duty in the whole of the huge London area, policing a population of four millions.

It should also be noted that for much of the nineteenth century the force had responsibility for the security of naval bases and dockyards outside London, such as Chatham and Devonport, and also Woolwich Arsenal further reducing the 'headline' figure of available men. The numbers involved were not negligible. In 1877, only 8,122 men of its complement of 10,446 were actually assigned to Divisional duties, the rest being used for police headquarters and Admiralty/Military work.[5] In 1888, Woolwich had 174 officers,

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[1] PR.7.1825-79, at pp.10-11.
[2] Briggs, J., et al., 1996, at p.154
[3] See on this Inwood, Stephen, 1990, at p.129. He incorporates figures drawn up by Jennifer Davis.
[4] pp.14.1868, at p.12
[5] Butler, Josephine, 1880, at p.18.

Portsmouth 155, Chatham 188, and Pembroke Dockyard 34, out of a total force of 14,106.[1]

Additionally, numerous officers, even in the Victorian period, were not available for routine beat patrol. Although the Victorian police were not faced with anything like the same level of bureaucratic responsibility (and attendant paperwork), that their modern counterparts experience, were starved of leave, and had doctors who were largely unsympathetic to sickness except in the most clear-cut cases (even if granted officers would lose 1s. a day pay in the 1860s),[2] there were still heavy administrative demands on their resources. Men would have to be kept back to man the station, to form an emergency reserve (each Division would try to keep 16 men available at headquarters for this purpose), to guard prisoners, to liaise with other stations etc. Some would be off sick or injured; in 1834 this averaged 3% of the force in the six winter months and 2 1/5% during the summer ones.[3] Others would be attending court to give evidence or present charges.[4] Thus, in 1868, after taking into account illness, administration (custody officers etc.) and leave, there were perhaps (at the most generous estimate) c.7,500 men 'on the ground', policing a city of 3,507,828 people, and 472,240 buildings. This translates, at its optimum, to there being about 1,562 officers on duty during the day at any one time, i.e. one man for every 2,245 people and 302 buildings (some of these would be large tenements), with twice that number at night.[5] In reality, there were probably far fewer.

Although in 1863, the (separate) City Police had a ratio of one man to every 1.2 acres and 184 people policed, the Metropolitan police had to exist on a ratio of one man to every 72 acres (1/60th of the City Police ratio) and one man to every 508 people (almost a third of that of the City police).[6] Modern British research suggests that a town with a population of 180,000 will have 1,400 miles of pavement, 770 miles of road, and 75,000 houses. Thus a population of 4 1/2 million would produce 35,000 miles of pavement. Even

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[1] Dickens, Charles (junior), 1888, at p.197
[2] See 'Hard Times for Policemen', Daily News, October 31st, 1872,
[3] pp.11.d.1834, at p.28
[4] Melville, W.L., 1901, at p.239.
[5] PR.9.1869-76, at p.12
[6] Appendix to PR.8.1863

allowing for far more intense levels of Victorian urban population, the expanding city had "interminable" miles of streets and roads containing houses.[1] A distance of at least 15,000 miles of pavement would appear reasonable, this distance being covered at any one time by a *maximum* of 3,000 men. This produces a ratio of one officer for every five miles of pavement. In 1834, Colonel Rowan, had claimed that "every street, road lane, court and alley" was "visited constantly day and night by some of the police". Later, however, he qualified this by acknowledging that not every spot was visited, though most were 'viewed'.[2] In reality, even in the late 1880s, there were only 7,916 miles of patrolled beat in London (major streets usually being patrolled down both sides by different officers), at a cost per mile of £147, 4s.[3] Thus, quite a few of the smaller London streets were not covered at all, except by a cursory glance from a main-street junction. The effective deployment of available officers was further constrained by the era's limited communications. Individual beat officers could only communicate with neighbouring colleagues, when at a distance, via rattles (which had previously been carried by the old watch), of which even the improved patterns could only be heard distinctly to a maximum of 400 yards, and very faintly to 700 yards (as tests carried out in 1883 established). Even after these were replaced in 1885, the audible range of the new whistles was only relatively clear to 900 yards (and faint at 1000). Covert communication could only be effected at night, being by the discreet flashing of officers' bull lamps.[4]

By contrast, in 1984, the London police/public ratio was 1 to 264 compared to little under 1 to 400 even at the end of the previous century. In the year 1997/8 the Metropolitan police had 26,707 officers (a reduction of 400 on the previous year), far higher than its Victorian predecessor, it had also long abandoned its admiralty/military commitments. These increases occurred despite the advent of modern communications and vehicles. Of course, such a comparison is slightly spurious, with the modern force enjoying large amounts of leave, free time, training time, sickness absence,

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[1] Meason, M.Laing, 1883, at pp.756-7.
[2] pp.11.d.1834, at pp.27 & 34.
[3] Stuart, James, 1889, at p.635
[4] Bunker, J., 1998, at p.6

and much greater bureaucratic responsibility. Nevertheless, it is clear that even with the highest police/public ratio in the country, the Victorian Metropolitan Police were quite thinly spread on the ground.

Compounding manpower difficulties was the fact that although the number of police officers increased only modestly, if at all, in proportion to the population of London (at least until the final decades of the century), their duties, and the regulative burden imposed on them, grew inexorably as the century advanced, further draining resources for 'conventional' police work. Most of these new duties had "little in common" with normal policing to control crime.[1] Thus, by the 1880s, there were 300 men permanently assigned solely to traffic duties around the capital, directing the flow of (horse drawn) vehicles through the narrow and congested streets. (Indicative of London's problems in this direction, and the pressing need for such officers, was that, despite the absence of the internal combustion engine, 150 people were killed in traffic accidents in London in 1889, and many hundreds of others injured). As Commissioner Munro was to observe, in 1889, the busy crossing at Regent's Circus alone required the dedicated service of 26 constables over a 24 hour period, at a cost of £2,600 per annum.[2] Other men were employed as 'Smoke Jacks', the name given to the policeman whose special duty it was to note breaches of the Smoke Nuisance Abatement Acts, or were involved in the inspection of lodging houses (under the 1850s' Acts), dangerous structures etc.[3] This left even fewer men available for normal patrol duties. Munro stressed the heavy demands of these unprecedented duties and those imposed by unexpected emergencies such as the Ripper murders, which had necessitated the temporary bolstering of the Whitechapel force by 100 men (more prosaically, 20 years earlier, in the summer of 1867, over 300 officers had been engaged in keeping cattle plague out of the Metropolis). He proposed a rise in the police-rate that would allow an increase, over a year, of 1,000 men, citing the large numbers of newspaper reports that had suggested that policing levels in

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[1]See PR.9.1869-76, at p.11.
[2]Monro, J., 1889, at p.4
[3]Clarkson, Charles Tempest and Richardson, J.Hall, 1889, at pp. 247 & 255.

London were inadequate, and arguing that their work could not be accomplished "efficiently", unless such an increase was allowed. He also complained about the 'starvation' of resources generally.[1]

Complaints about Policing Levels

This stretched manpower distribution accounts for regular complaints, throughout the century, that officers could be hard to find when most needed. One stipendiary magistrate, in 1882, felt that although the Metropolitan police were relatively numerous (then about 11,000 strong) they were "not more than barely sufficient to detect crime and insure public order in public places".[2] Many felt they were not even sufficient, so that the public "constantly, and with justice, complained of the inadequacy of Police protection".[3] In the mid-nineteenth century, complaints about the inefficiency and absence of the police seem to have reached unprecedented levels. These may, in part, have been linked to a widespread lack of appreciation of the inevitable limitations placed on what was still a very new institution. Public expectations were often unrealistic. As an example, shortly after their foundation, a correspondent to *The Times*, one W.Gardner from Bethnal Green, was shocked that two weeks after he had 'wasted' much time reporting the theft of a large table clock that had been stolen from his home, to the Worship Street office, the police had still not recovered it![4] Complaints would reach a crescendo whenever there was a 'scare' about street robbery. Thus, in 1856, the letters columns of *The Times* were inundated with allegations that officers spent too much time in the servants' quarters and kitchens of grand houses while patrolling, and avoided the rougher parts of their beats. (P.C. Cavanagh's experience gives some substance to such frequent claims; an irate and wealthy correspondent to the Commissioners observed, in 1845, that:"...a great deal of mischief arises from acquaintances formed between the men of your force and Domestic servants").[5]

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[1] Octavia Hill in the *Nineteenth Century* for September 1889, reproduced in Munro, J., 1889, at pp.1-9.

[2] Anon, 1882, *Metropolitan Police Court Jottings*, at p.37

[3] Octavia Hill in the *Nineteenth Century* for September 1889, reproduced in Munro, J., 1889, at pp.1-90

[4] Letter, *The Times*, 13th Nov. 1830.

[5] Mepol 4/6 Complaints Against Police, July 16, 1845.

As a result of such complaints, in 1870/71, dozens of 'fixed points', permanently manned by stationary officers, some with sentry type boxes, were introduced by Commissioner Henderson, supplementing the beat system, so that the public knew where officers might be found. Nevertheless, concern about police absence or inactivity lasted until the end of the century. Thus, on the 15th October 1897, a conference of delegates from South London vestries and district boards of works was held at St.George's Vestry-hall to call public attention to the lack of police protection in their areas. It was alleged that there had been a large number of "desperate assaults" in Blackfriars Road, frequent watch-snatching, highway robberies, overt pilfering from shops, and numerous burglaries. Even a county court Judge had been robbed in the street of his £40 watch and chain. This state of affairs had prompted the leading local ratepayers to complain to the authorities. One Mr.Haynes asserted at the meeting that the police force in South London was "largely understaffed". There had apparently been an unsatisfactory response from both the Home Secretary and the Chief Commissioner to similar complaints from members of the public. A Mr.Redmond moved that in the same districts of the Metropolitan force "the police administration fails adequately to secure sufficient protection to the person and property of the inhabitants and of the rights and liberties of the ratepaying community". He felt that there was a need for an independent public enquiry into local policing.[1] So bad was the situation, that some, especially merchants, were willing to pay more for better protection. A Mr.Whiteman from Lambeth felt that it was "far better [to] pay more police rate than be unable to carry on their business". It was also felt that the local policemen had "too long beats" to patrol. This, combined with undermanning, often meant that in Christchurch there were not three constables at the same time in the whole parish, apart from those on point traffic duty, despite the fact that they cost the parish £2,500 a year. A Mr.Baldwin (also from Lambeth), in what amounted to a suggestion that they return to a pre-1829 situation, went so far as to propose that local ratepayers should form their own "special police force", the embarrassing presence of which would also "sharpen up the

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[1]Anon, 1897, *Inadequate Police Protection in South London*, at p.681

official police". His resolution was carried unanimously (though not, it appears, acted on).[1]

Significantly, in any exceptional crisis, requiring large amounts of manpower, the police were still dependant on calling out the military, both footguards and cavalry, and on having recourse to special constables (regulated by the Special Constables Acts of 1820 and 1831), though these were almost entirely untrained, were purely operative during short term emergencies, and required notice to raise them. Their employment reached its apogee in 1848, when, although the Chartist demonstration on Kennington Common attracted only 20,000 people, there were 150,000 special constables "spontaneously enrolled" against the movement.[2]

Even within London, the available number of officers was not evenly distributed, something that particularly encouraged discretion in the neglected areas. The most crime ridden Metropolitan areas, if isolated from 'good' areas, were often also the worst policed. Although, after 1829, the distribution of Metropolitan policing was considerably improved and 'evened out', compared to earlier arrangements (the Commissioners famously believing that while "watching St. Giles" they were also "watching St.James"),[3] there was still a tendency for resources to be disproportionately concentrated in the better (and politically more influential) areas, and for the East End and other poor parts to be inadequately policed. As a result, in 1868, one local paper declared that: "Each vestry is prepared to aver that its particular locality is the worst guarded in the Metropolis-the plain fact being that, except in the favoured parts of the West-end, where are stored the silver forks and spoons...the popular joke about the invisibility of a policeman is a dull and sober reality".[4] Twenty years later, East London was, arguably, still underpoliced in comparison with other parts of the city, prompting a local paper, in 1888, to declare that London's 13,000 officers were "inadequate and disproportionately distributed".[5] Police statistics indicate that although in densely

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[1] Ibid., at p.681
[2] The Chartist Demonstration, *The Times,* April 11th, 1848
[3] pp.11.d.1834, at p.35
[4] *East London Observer,* 5th December 1868
[5] *East End Advertiser* , Sept. 29th, quoted in Fishman, W., 1988 at p.178

crowded Whitechapel there were more police per *square mile* in the mid-century than almost any other part of London (equalling St.James in this regard), it had (along with Lambeth, South of the river) one of the lowest ratios when compared to *population* (the highest being in Whitehall and Westminster, though it must be remembered that the Whitehall division was also used as a reserve for emergencies in other parts of the city).[1] Generally, it seems that Victorian policing tended to be heaviest in areas where the working class lived in close proximity to significant elements of the middle and upper classes, rather than detached from them.

The police were also highly selective in enforcing sanctions for street offences. They appear to have divided up London into 'respectable' and 'non-respectable' areas. The former could expect a relatively high degree of protection and 'officiousness'. The latter would witness laxer control and a higher threshold for intervention. Just as marginal elements who were harassed in 'good' areas because of their appearance, recreations or occupations might resent police heavy handedness, those attempting to pursue the 'respectable' life amid social disadvantage often resented the laissez-faire attitude of their local force. In 1888, Octavia Hill observed that where the police were willing to concentrate resources, such as in the main London thoroughfares, they could do much to "purify the worst streets", even in poor areas. However, she was also convinced that they largely confined their efforts to such arterial routes, so that in the alleys, side-courts and minor streets it was possible to see (especially on Sundays) large groups of "hulking lads", freely gambling, swearing and terrorising respectable passers by, often even pelting them. Hill lamented that the authorities have not "men enough to patrol such streets regularly, and keep the same order as in the wider streets". (She felt that an increase of at least 3,000 men was needed).[2] This analysis was supported by senior officers. In 1880s' Rotherhithe, in South East London, there were still, apparently: "...hundreds of thieves and loafers lounging about the street corners in gangs that

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[1]Jones, David, 1982, at p.139, The extremely high population density substantially accounted for this. On the use of the Whitehall Division as a reserve see Melville, W.L., 1901, at p.239.

[2]Octavia Hill in the *Nineteenth Century* for September 1889, reproduced in Munro, J., 1889, at pp.1-9

would not be allowed anywhere but in a place such as this". There was also a permanent risk of serious interpersonal violence, something that was already rare in many other parts of London. According to Fuller, street-robbery continued to be common so that: "In some parts no one was safe out of doors after dark". Gangs of ruffians prowled the streets robbing both men and women, the victims often not even bothering to report crimes to the police.[1]

Partly because of such limitations, in 1877, Colonel Fraser, Commissioner of the small City Force, suggested that the main reason for the lower level of burglary in the City compared to the Metropolitan Divisions, was that his force had a very much smaller space to police for its size. At night, uniformed officers in the City were "much closer together than they are in the Metropolitan police district".[2] This was later reiterated by Sir Henry Smith, who freely conceeded that the police were always "very thick on the ground" in the Square Mile. Typically, there was always a man on duty in Bishopsgate Churchyard, and another, less than a hundred yards from him, in Broad Street.[3] For its limited duties, the City force was substantial. In 1877, it was made up of 710 uniformed officers and 77 in plain clothes.[4] It gradually expanded further, so that by 1888 it consisted of a Commissioner, a Chief Superintendent, a Superintendent, 14 Inspectors, 92 Sergeants, and 781 Constables.[5] Thus, it had a tenth of the men of the Metropolitan Police, but less than 1% of the latter's area or population to police. This very high officer to street ratio was a luxury the Metropolitan force simply did not, and could not, enjoy.

Also raising doubts about police effectiveness is that, although some statistics suggested initial police success in the early to mid-1830s, immediately after their introduction, the general pattern of instrumental crime in London appears to have continued either upwards, or at least unabated, for the first twenty years of the Metropolitan force's existence, before starting its steady fall after the 1850s. This suggests that the two *may* not have been that closely linked. Indeed, at the apparent zenith for instrumental

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[1]Fuller, Robert, 1912, at pp.23 & 24.
[2]pp.15.1878, at p.183.
[3]Smith, Henry, K.C.B., 1910, at p.113
[4]pp.15.1878, at p.182.
[5]Dickens, Charles (junior),1888, at p.198

crime, in the late 1840s, the by then elderly Lord Brougham employed an almost apoplectic description of the contemporary state of law and order and the inefficacy of the criminal justice system: "It concerns neither more nor less than the peace, the morals, nay, the very existence of society, threatened as it is by the frightful progress of crime, while the inefficacy of the means that the laws afford for restraining evil doers becomes every day more deplorably manifest".[1] Such a view is hardly consistent with a swift success for the law enforcement agencies. Although many crimes of violence *were*, apparently, declining in the years immediately after 1829, it would appear (though it is hard to prove conclusively), that the advent of the new police in London occurred at a time when such crimes were already falling anyway.

Were the Police Moral Tutors?

It is at least arguable that it is almost impossible that such a small force, unaided, could have single-handedly waged a successful 'war' against costermongers, prostitutes, hawkers, drunkards, rowdies, urchins, beggars, street theatres, publicans etc., as is sometimes suggested by Storch *et al.* Indeed, much of the evidence for the 1830s and beyond suggests that the police (of all ranks) not only often lacked the power to act as agents for the 'respectable' life but may not even have had a strong desire to do so. After foundation in 1829, a flood of orders emanating from the Commissioners in Whitehall Place sought to stamp notions of discretion on the new force. Officers were particularly cautioned not to pay attention to any "ignorant or silly expressions of ridicule" that were made towards them personally (judging by contemporary pamphlets a regular phenomenon). Constables were even cautioned that "language, however violent towards the police constable himself is not to be noticed". Where necessary, Inspectors were told to explain to constables the:"...necessity of discretion and forbearance in an officer of the law".[2] Similarly, in orders issued on 31st March of 1831, the Commissioners directed that in future Inspectors on duty should not take into custody any person brought in by an officer on a "vague charge of 'obstructing the

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[1]Brougham, Lord, 1847, at p.2
[2]Extracts from Orders from the Commissioners, Whitehall Place, 7th Jun, 6th, 11th 17th October 1830 June 15th 1831, Reproduced in PR.5.1844, at pp.103-106

Constable in the execution of his duties'". It was ordered that henceforth such a charge should be accompanied by full particulars of a substantive offence. (Clearly, however, this did not produce swift results, as only a few months later, on June 3rd they were forced to reiterate their concern at the recurrence of vague obstruction charges, something that they "wished to discourage"). The Commissioners stressed that a police constable was not authorised to take any one into custody without being able to "prove some specific act by which the law has been broken". Other warnings were issued (for example, on August 21st 1831) about the abuse of the swiftly notorious command to 'move on', orders which had apparently been given to groups of people who were merely conversing in the street.[1] When, in January 1830, Henry Manskill complained that the police allowed basket-women (i.e. street sellers) to stand in the carriageway in his locality, the Commissioners' measured response was that officers "generally are desired not to interfere with basketwomen where, from the situation or their conduct no annoyance is caused to passengers or housekeepers".[2] (The police hierarchy was obviously also well aware that excessive 'moral regulation' was a likely backdrop to corruption amongst beat constables). Similarly, from early on, there were complaints from parish vestries about inadequate police action against beggars. Replying to such a complaint from the clerk to St.George's Hanover Square, in a letter of 5th June 1832, Mayne was moved to stress the difficulties of action:"The beggars have become so cautious, that is not an easy matter for the police constables to establish such a case against them as to warrant their apprehension". Additionally, he suggested that police action was ineffective:"...it is found that the beggars, immediately on being released from confinement, return to their old occupation". It was also very manpower intensive, not least because the arrested beggars were often accompanied by children, whom the police had to take home to the distant parishes where they usually resided, so "rendering them useless for a great part of the day".[3] Additionally,

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[1] Ibid., at pp.104-106
[2] Correspondence of the Commissioners MEPO 1 (1) Letter dated 2 Jan. 1830.
[3] pp.11.d.1834, at p.55

and unlike the northern cities, the registering of Metropolitan 'habitual' criminals was, proportionately, very modest.[1]

Sometimes, attempts by the Commissioners to limit the responsibilities of the new force drew harsh criticism. Although it had been strongly suggested in 1838 that the police should control both brothels and low lodging houses (as eventually occurred for the latter), these being "nests of crime", Rowan had vigorously opposed regulation of the former, arguing that: "...it would be in effect licensing such brothels".[2] He was also prepared to turn a blind-eye in 'rough' areas to behaviour in pubs that was not properly licensed, such as dancing, provided it was not "very grossly immoral". Reluctant to be "oversqueamish", even the presence of known prostitutes in public houses in such areas did not alarm him, provided it was reasonably discreet. This moved one observer, in 1839, to attack Rowan's "singular evidence" that a power to control brothels would be equal to licensing them. Anyone with a "particle of common sense" could see how worthless such Rowan's view was, and that his lack of: "...competency as a police commissioner must be apparent to all".[3] So apparent is this official restraint, that even some modern radical critiques of Victorian policing in London have had to accept that it should not be supposed that working class recreations were under "direct assault all the time", something which would have placed "absurd demands" on the police. Rather, it is argued, the police employed the pressure of "constant surveillance" and loose regulation rather than "overt suppression".[4]

Rowan's approach appears to have survived, substantially, throughout the century. Thus, despite occasional high profile campaigns against prostitution, a blind eye was usually turned to it in rough areas. In 1872, Superintendent Edward Worels was still able to record that there were 290 brothels in the Stepney (K) Division alone: "...some in Rows of 8 and 10 houses". They were often overtly open till 2 or 3 a.m. in the morning, with lights and reflectors in their entrance passages to indicate their presence. Indeed, many prostitutes from these houses, aged between 15 and

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[1]Stevenson, J., 1986, at p.47
[2]pp.12.1838 at p.252.
[3]Ryan, Michael, 1839, at p.208
[4]Storch, R., 1976, at p.487

60 years old, did not even remain within them, but actively solicited "walk[ing] the adjoining thoroughfares and cause annoyance to inhabitants and passengers".[1] Even so, the police did not prevent the practise. Although between 1885 and 1914, 1,200 brothels were prosecuted annually in England and Wales as a whole, compared to an average of only 86 between 1875 and 1884, in London, Sir Charles Warren, influenced by both the availability of police resources and the police relationship with the general public in the poorer areas, tried to initiate a limited policy of laissez-faire in the summer of 1887 (despite a strong personal repugnance for prostitution). Although two hundred brothels in East London were 'closed' in that year (it was usually a very temporary phenomenon), it was largely as a result of pressure from the government and purity groups, rather than from the police hierarchy. Indeed, it often took the efforts of William Coote's National Vigilance Association to encourage any action at all against prostitutes. In areas where the policie were reticent about taking action, this body (or its equivalent cousins) was often there to shame the authorities into action.[2] The development of similar private initiatives to prosecute other forms of conduct no longer deemed acceptable by polite society is also indicative of a police reluctance to intervene in other areas. Thus, it was the NSPCC (founded in London in 1883), not the police, who issued a summons, paid for a solicitor and prosecuted Mary Scoley of Millwall, for ill-treating her illegitimate daughter by administering savage beatings when drunk (She received 3 months hard labour from the magistrate at Thames Police Court).[3] Similarly, in the 1870s and 1880s summonses under the 1857 Obscene Publications Act were often taken out by the Society for the Suppression of Vice. (In late 1877 they even initiated prosecutions against the re-issuers of a penny dreadful, *The Wild Boys of London*).[4] After 1890, the National Anti-Gambling league was behind many of the court cases initiated against illegal betting establishments.[5]

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[1]PR.9.1869-76, Report for the Year 1872, at p.100
[2]See on this Haggard, Robert F., 1993, at p.6
[3]*East End News* , 11th August, 1893
[4]Springall, John, 1994, at pp. 326-349
[5]Petrow, Stefan, 1992, at p.67.

Police caution was probably realistic. In areas like the East End casual street centred prostitution continued to abound for social and economic reasons. The demand for such services, and the economic incentives to provide them, meant that any 'Crack downs' merely re-arranged the personelle involved, rather then eliminating the activity. Typically, an attempt in the 1850s to reduce prostitution in Shadwell by prosecuting the manager of 30 local brothels, though successful in securing his conviction, did not result in the nuisance being "in the slightest degree abated", as the principal prosecution witness and police informer (a man named Brooks), took over their management himself after the trial![1] Although other types of well publicised 'crackdown' also occurred periodically, these were often of short duration, such as those launched against 'penny-gaffs' in the East End in 1838 and 1859. Sir Richard Mayne was open in appreciating that quashing them for not having licenses would produce only short term benefits, as many would swiftly re-open. Equally, despite constant complaints from costers about the legal action against them, only three were actually convicted for hawking without a license in 1859 (suggesting that the police usually "moved them along" rather than prosecuted for the offence).[2] Even when they may have wished to intervene their success was often limited. As one magistrate noted, unruly behaviour by 'roughs' was something that:"...no police vigilance can baffle, and which no severity of punishment can suppress".[3] According to one East End observer the "quiet, orderly, respectable" inhabitants of his area were continually disturbed at night by the noise of rough elements despite the existence of a "complicated police machinery" in the area.[4] Some government/police initiatives were even counterproductive, such as the 1853 Lotteries and Betting Act, aimed at suppressing all forms of ready money betting outside enclosures. This appears to have merely made such activity more visible, and thus more prevalent. Once cash betting was made illegal, it became street oriented and thus public (rather than centring on raidable premises), with bookies, touts, scouts, 'doggers-out' (observing the

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[1]Mayhew, H. et al, 1862, Vol.4, at p.230.
[2]PR.Metropolitan Police Returns for 1859, Table No.8, at pp.20- 21.
[3]Anon, 1882, Metropolitan Police Court Jottings, at p.75
[4]Letter, The Social Evil, *East London Observer*, Oct.29, 1859.

police) and runners abounding.[1] Illicit gambling and drinking dens ('spielers') flourished, especially in the areas like the East End and parts of South London, and by the close of the century it was providing one of the earliest avenues for the expansion of organised crime in London. The effectiveness of even the most extensive police powers was especially limited in slum areas. As William Booth noted in 1877, there were still 14,000 drink shops in London, and every year 20,000 people were arrested there for drunkenness (10% of the national figure), these arrests being merely the tip of a much larger 'iceberg' of inebriety. Official licensing hours, though generous in London (Sunday apart), even after 1872, were still widely ignored in the poorer areas, often with relative impunity. When enforced, the penalties were usually moderate. Thus, John Lusty the landlord of the Waterman's Arms Public-House, in Limehouse, who had been repeatedly fined for opening his house for the sale of ale and beer during prohibited hours on Sunday, was merely fined £5 and costs when again charged: "...on the complaint of Inspector Bear, of the K division, with entertaining...eighteen persons in the house at ten o'clock in the morning, some smoking and some drinking, and when the police entered there was a general rush and confusion".[2] It can safely be said that although their enhanced legal powers gave the police an extra weapon in dealing with this particular mischief, changes in levels of drunkenness were primarily a result of cultural, rather than legal, change.

Police Discretion

As these examples indicate, in areas where the local culture remained resistant to reforms (such as the East End), enhanced police powers were not only ineffective, they were frequently not even widely exercised. Indeed, after an early (c.1830), and apparently unsanctioned, outburst of enthusiasm, the Metropolitan police seem to have appreciated that their extensive street powers could only be exercised with circumspection. In 1831, 72,824 people were taken into custody by the police, an astonishing degree of activism in a city of less than one and a half million people.

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[1] McKibbin, R., 1979, at p.148

[2] Thames Police Court, *East London Observer*, January 9th, 1858.

However, this figure was to remain fairly constant throughout the next 40 years, not falling below 60,000 or rising above 80,000, so that in 1872 it was still only 78,203, despite the huge growth of the city, its police force, and a major expansion of the police area (in 1840).[1] Significantly, by 1838, when Sir Antony Carlisle and other notables wrote to the Commissioners to complain about the "beggars, prostitutes, and disorderly persons [that] infest Regent St.", demanding that the police be more proactive in removing them, the Commissioners merely responded by saying that their officers already had directions to "interfere whenever the law will authorise them to apprehend and take them before a magistrate".[2] Clearly, they felt that such a situation had not been reached in Regent Street. Even allowing for a reduction in crime, the average policeman appears to have become steadily less, rather than more, interventionist, even as his official powers increased. It is misleading to suggest, as is sometimes done, that if late twentieth century standards of policing had been applied in Edwardian England, the country's prisons would have been almost empty, while conversely, Edwardian standards of policing and sentencing would have resulted in most of 1990s' British youth being in gaol, many Edwardians being imprisoned for offences which would be totally ignored today.[3] Although the police had the *power* to arrest for peccadilloes, it was clearly exercised sparingly, being highly dependant on a complex interaction of social and geographic factors.

Thus, in the notorious criminal slum of Jennings' Buildings, in Kensington, despite a heavy local concentration of policing, lack of resources meant that a degree of accommodation was often reached between police and residents, if only because the police could not sustain a permanent level of confrontation. As a consequence, they allowed behaviour that was clearly criminal, such as Irish faction fights, and which they would not have tolerated outside the Buildings' immediate confines, to occur without ready intervention.[4] Another illustration of police acceptance of a degree

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[1]PR.11.1875, Table No.17, at p.35
[2]Correspondence of the Commissioners MEPO 1 (30) No.52941, Letter dated Nov.3rd 1838.
[3]See Harris, Jose, 1993, at pp.209-210
[4]Davis, Jennifer, 1989, at pp15-21,

of public disorder can be seen in their reaction to the 'Skeleton Army' disturbances of the early 1880s. This body, recruited from the residuum and funded by the Brewers, demonstrated against the Salvation Army in the early 1880s, pelting them with paint, mud and stones. Although, normally, Salvationist marches had adequate protection, officers, forced to give up their Sunday leave to police these marches, appear to have lacked enthusiasm for their duties, and some Salvationists even found themselves under police arrest, as a threat to public peace, prompting them to appeal to the Home Secretary.[1] Similarly, despite (or because) of long standing antipathy between costers and police, in the late 1880s the responsibility for moving their stationery barrows from street markets was largely left to the local vestries: "...the commissioner has resisted any attempt to thrust the duty upon the police" (although where necessary, they did make a show of force to support the vestry officials in trying to clear them).[2] Even in areas like Piccadilly and the Strand, in 1902, the police were much less likely to interfere with prostitutes after midnight.[3]

The need to use their powers with discretion was emphasised to officers throughout the century. In 1893, a judge, Sir Henry Hawkins, writing in a police training manual for constables, explicitly reminded them that: "...you are not absolutely bound to arrest. You ought to exercise your discretion, having regard to the nature of the crime, the surrounding circumstances, and [significantly] the condition and character of the accuser and the accused".[4] The following year, another manual advised that constables, although possessing great powers to interfere with the public, should adopt a "conciliatory and forbearing style of deportment", and also advised them that to exercise an "austere authority" on every "little occasion" that might, potentially, call for their interference, would only excite popular ill-feeling. It pointed out that a non-coercive, friendly forbearance, and the use of persuasion, would often be more effective.[5] This accords with some

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[1]Richter, Donald C., 1981, at p.82.

[2]Clarkson, Charles Tempest and Richardson, J.Hall, 1889, at p.254.

[3]London, Jack, 1903, at p.77

[4]Quoted, Reiner, R., 1994, at p.724.

[5]Bicknell, P., 1894, 11th Edn., at pp.10-11, reproduced in Taylor, D., 1997, at pp.157-158

modern practice, in which patrolling constables are made aware that in sensitive high-risk urban environments there are 'slow-go' areas, where great discretion must be exercised, especially where there is a lack of 'back-up' (something that was even less accessible in the 1800s). Community constables in such areas become adept at using alternative means (to force) to deal with their policing problems.[1] In the 'rough' areas of Victorian and Edwardian London, the exercise of police discretion also remained paramount. Thus, George Sims observed that in the East End, a constable breaking up a fight between drunkards amid the jeers and curses of a watching crowd would normally merely ask the two men to go their separate ways. To arrest all the drunken men and women who fought in the streets in such an area would be to "pack the cells to suffocation". He also noted that the officers who maintained the best public order in the area were the "tactful ones", men who could keep cool amidst a volley of drunken threats, which they would diplomatically ignore.[2] This evident 'toleration' led a local newspaper correspondent in the Minories area of East London, in 1859, to demand greater local diligence on the part of the police in dealing with: "...the filthy language and disgusting conduct of that class who set all moral decency in open defiance". He claimed its members turned the area into a "hotbed of vice" after trading hours.[3] Also indicative of a police reluctance to become unnecessarily involved in dealing with minor status offences, was that, far from gratuitously rushing to intervene when opportunity arose, jurisdictional disputes between the City and Metropolitan forces (reluctant to take responsibility for the others's problems) continued to be an issue to the end of the century. Thus, on one occasion, in the 1890s, Sergeant Leeson (as he then was) witnessed an inert drunken woman being secretively carried backwards and forwards across the City and Whitechapel boundary by the separate forces rather than incurring the trouble of arresting and detaining her.[4] Significantly, in 1869, the police in London made only 9,538 arrests for simple intoxication (about 40% of the New York total). By contrast, they arrested 10,538 people for being

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[1] Morgan, R., & Newburn, T., 1997, at p.169
[2] Sims, G., 1910, at p. 79
[3] Anon, 1859, 'The Social Evil', in *East London Observer*, for Oct.29
[4] ibid., at p.27

drunk and disorderly (considerably more than the 8,698 of the New York police for that city's equivalent offence).[1] Allowing for differing populations, this suggests that, far from striving to detain and charge drunks, an extremely wide scale 'blind-eye' was turned to the problem, at least until inebriates became obstreperous.

A discretionary application of the law was also necessary because many of the cases reported to the police had a domestic provenance, something which often made intervention impractical. These might include, for example, former co-habitees 'stealing' each other's property and pawning it. Then, as now, the police were nervous about getting involved in such situations, if only because the people involved "made it all up afterwards, and gave the police a great deal of trouble for nothing".[2] In areas such as domestic violence/wife beating many officers would be especially circumspect, unless the situation was exceptionally grave, or the offender persisted in his behaviour. Informal resolutions were usually preferred. Thus, when P.C. Cummins came across one William Bradford, who had been noisily and savagely beating his wife, he berated him, rather than arresting him immediately: "You vagabond, how came you to use the woman in this shocking fashion?". He then reasoned with the man, and warned him that if he used her again in such a manner that night, he would lock him up.[3] In some areas the difficulty of taking even conventional crime to court was also readily acknowledged, and further limited police activity. The presence of numerous sailors in the H division area, men who were "always getting drunk and losing their property", but who often would not subsequently press charges, even if the police had arrested a suspect, was a major riverside problem.[4]

There were also limits to how far the police-courts would countenance excessively 'intrusive' police behaviour, as the police themselves well appreciated. Thus, in 1870, the publican of the Black Horse, Haymarket, applied for a summons at Marlborough Street Police Court against an Inspector Parry, of C Division. Parry would, apparently, personally visit the public house four to five times a night, also sending a Sergeant at other times. He would

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[1]Miller, W., 1997, at p.91.
[2]Archer, Thomas, 1865, The Never Silent Highway, at p.106.
[3]Tomes, Nancy, 1978, at p.336
[4]Evidence of Detective Sergeant, in pp.15.1878, at p.85.

enter the bars, 'sneering' at the patrons "as if they were convicts", deterring custom. The publican only withdrew his application after the Divisional Superintendent appeared in Court, apologised for what had occurred, and accepted that such conduct was wrong, one police visit a night to licensed premises normally being sufficient unless there special reasons. This analysis was fully supported by the Stipendiary magistrate.[1] The non co-operation of London's magistrates also appears to have been partly behind the modest use of the habitual criminal legislation (1869 and 1871), compared to northern cities. In December 1869, Superintendent Howard of H Division noted that Metropolitan magistrates were almost unanimous in feeling that it was unacceptable to "punish a man merely for being in the streets", even if he had previous convictions and kept bad company.[2]

Enthusiasm for policing minor disturbances and misdemeanours was further restricted by the absence, until late in the Victorian period, of a 'Time-Card' system, so that an officer who effected an arrest at night, and who would normally have to present the detained man at the police court the following day, would not be given compensation for the time spent at court. If he was lucky, his case might be heard by 11.00 am, but if he was unfortunate it might not come on until 1.00 pm, impinging heavily on his rest and leisure. As a result, many constables on night duty were apparently "leniently disposed" to the less serious offenders. This was rectified, eventually, by recording such court time, and counting it towards the working week. The introduction of the time-card was said to have doubled the amount of business dealt with by some London police stations.[3]

The use of arrest for status and minor offences was relatively restrained. Despite the advent of 'catch-all' statutory powers that could be 'shaped' to fit suspicious street people, such charges were often used sparingly. The long lived section 4 of the 1824 Vagrancy Act was almost never enforced as strictly as a literal interpretation of it might suggest.[4] Of 67,703 people taken into custody in 1874, only 836 were held for being "Suspicious characters" (compared to

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[1] *Illustrated Police News*, February 12, 1870
[2] Stevenson, J., 1986, at p.48
[3] Greenwood, James, 1902, at p.12
[4] Brogden, M. and Brogden, A., 1994, at p.37

26,155 for being drunk and disorderly or public drunkenness).[1] Interestingly, even for 'drunk and disorderly' and 'drunk in a public place' arrests, a high proportion for people listed as being without a trade, were of women, 10,675 in 1874, compared to 4,511 men.[2] While this probably reflects Victorian 'double' standards in morality, it may also be indicative of an enhanced willingness to enforce the law against perceived 'easy' targets. The Commissioners also tried to contain the use of unnecessary arrests by a variety of expedients. They warned their men to be careful about who they arrested, something that led some American visitors to believe (mistakenly) that they could arrest only as a result of overt acts, rather than suspicious circumstances. Additionally, Rowan and Mayne had warned officers not to arrest for 'words' alone. This warning was bolstered by forbidding desk officers from discharging people arrested for disorderly conduct who gave undertakings as to their future conduct. Even weak cases had to come before the scrutiny of a magistrate.[3]

Physical Attacks on Police

From the beginning, the considerable physical dangers involved in non-discretionary policing in slum areas also encouraged restraint amongst patrolling officers. Imposing new norms of public behaviour meant that: "...in endeavouring to check the brutality of the roughs of the locality, who too often delight in a personal conflict with their constitutional enemies, the police frequently receive injuries of no minor description".[4] The new police were immediate targets for violence in the poorer London areas. In the force's first year, in 1830, Police constable No.290, patrolling on Mill-Wall, near the Isle of Dogs, was accosted by four men (possibly sailors), who, without speaking, seized him and threw him off the wall into the river Thames. In falling, he struck his head on a boat, and had: "...the tide been up at the time, the policeman must have been drowned".[5] That same year, the force's first non-accidental operational death occurred (one of two in 1830, and only three in its first decade), PC Grantham being kicked to

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[1] PR.10.1874, Table No.22, at p.41.
[2] ibid., at p.40
[3] Miller, Wilbur, 1997, 2nd. edn., at p.63
[4] Anon, 1882, *Metropolitan Police Court Jottings*, at p.45
[5] *The Standard*, 13th December, 1830

death by Irish brawlers in Somers Town on 29th June. His killers escaped conviction. (Indeed, the Coroner's jury were concerned about his intervention in a 'domestic' quarrel).[1] As this case indicates, relations between the 'Cockney' Irish and the police were particularly difficult, encouraging special police caution. According to W.H.Watts, writing in 1864, in the first years of the force a score of constables had been "destroyed" (killed or maimed) by violence in struggles with the capital's criminals, especially in Irish districts. He claimed to have regularly seen "well conducted constable[s] with every feature beaten out of human proportions" by well-known, violent, criminals.[2] Amongst the mid-century 'street' people, especially the costermongers, there was particular antipathy towards the police, something which often expressed itself in violence. Thus, Henry Mayhew recorded that: "...to serve out a policeman is the bravest act by which the costermonger can distinguish himself. Some lads have been imprisoned upwards of a dozen times for this offence". Grievances against the police would be nursed secretly, over a long period of time, and eventually settled by violence.[3] Those who had injured officers would be regarded as heroes, and collections got up for them if they were sent to prison. Again, the Irish costers were supposedly the "most prominent and the most cowardly" in their assaults upon officers.[4] Constables were so regularly assaulted in the early years that, for a time, they patrolled some parts at night armed with cutlasses. Even in 1868, at least 1,130 officers suffered from fractures, dislocations and wounds etc. Of these, the greater number received their injuries whilst attempting to apprehend criminals, as a result of attempts by detained criminals to escape, or, and indicative of the popular hostility to the police in the rougher parts of London, as a result of attempts by "bystanders to rescue them [detained criminals] by force". Eighty of these officers were permanently disabled to some degree. In these incidents, drunks were the protagonists on 18 occasions, "Irish mobs" on six, seven officers were injured by burglars, and five by drunken off-duty soldiers and militia men. Six others were stabbed by criminals and two

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[1]Wilkes, John, 1977, at p.22.
[2]Watts, W.H., 1864, at pp. 179 & 221.
[3]Mayhew, H. et al., 1862, Vol.1, at p.16.
[4]Anon, 1853, *The Dens of London*, at p.175

were shot. Others were kicked by prostitutes or fell from roofs and walls in the pursuit of felons. (Not all these injuries were the result of criminal activity *per se*, some men were injured at fires or by runaway horses that they were attempting to stop).

If only because of their size, the worst parts of the East End and South London were an exceptionally harsh policing environment, an extreme illustration coming in 1851, when PC Henry Chaplin died after being attacked with bricks by a disorderly crowd at Vauxhall Walk. In 1872, in the Whitechapel Division alone, Superintendent Charles Digby recorded that 203 sergeants and constables had been assaulted during the year "some of them so severely that they were rendered unfit for duty for several weeks".[1] Certainly, in 1882, of the 3,581 people arrested for assaulting officers in the Metropolitan area, a singularly high proportion were from Stepney.[2] Timothy Cavanagh observed, as a matter of course, that his Inspector in Lambeth, south of the River (itself a dangerous area), had been promoted from Whitechapel: "...where, of course, he had gone through some very rough work".[3] The reasons for the district's reputation were manifest in the volatile and agitated aftermath to the Ripper murders, and the police struggled to preserve order in some parts. A constable who was alleged to have struck an onlooker was "mobbed and hooted" back to Commercial-street Police-station, hotly pursued by a large crowd, who were only kept out by half a dozen large officers being placed on the door.[4] When Leeson, ultimately a Detective Sergeant in the area, was sent to Whitechapel in 1890 (to his "great joy"), he noted that it was: "The dread of most young constables".[5] Similarly, H.E. Hoare, in his anonymous East End criminal slum, observed that a local policeman's lot was especially hard. Like Mayhew, over 20 years earlier, he could cite examples of men harbouring long-standing grudges against individual officers, stalking or ambushing them from behind, and then attacking them fiercely. In one case the assailant hit a constable: "...a tremendous blow on the head with a heavy kitchen poker. He was in the hospital, I heard three

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[1] PR.9.1869-76, Report for the Year 1872, at p.99
[2] Jones, David, 1982, at p.123
[3] Cavanagh, Ex-Chief Inspector, 1893, at p.18.
[4] *The Illustrated Police News*, Nov. 17th, 1888 'Another Whitechapel Horror'
[5] Leeson, B., 1933, at p.17.

months afterwards". This particular attack had apparently been motivated because the policeman in question had warned the man about a misdemeanour and threatened to: "...get him for something better than that before long".[1] The numbers involved in such attacks could be considerable. In September 1888, two PCs (Murphy 147 and Gordon 143 J) were in Bethnal Green in "plain clothes", when they spotted a wanted "notorious burglar" enter the Feathers public house. When the officers followed him into the building to effect an arrest, he shouted to his companions "don't let them take me", and the constables were assaulted by up to a dozen men (Murphy suffered a severe head injury that exposed his skull). The burglar escaped.[2] Such anti-police hostility continued into the twentieth century. In areas like Brick Lane and Bermondsey, even at the turn of the century, it was, apparently, unusual for officers to go a month without acquiring some type of injury.[3] In the early 1900s, policemen were still "treated as a natural enemy of mankind" in East End 'criminal' slums, and it was normal to wish to beat up a "rosser".[4] Arthur Harding remembered that in the Edwardian period, a policeman who tried to break up an illegal street game of 'crown and anchor' there was viciously attacked by the participants, who: "...battered him terribly, [and] broke his nose".[5] A similar experience befell another of Harding's police acquaintances, one PC Gussett: "One night he was beaten up by some fellows from Hackney and I found him lying in the street unconscious". Nevertheless, such attacks were considered part of an officer's job. Samuel Smiles, writing in 1870, felt that despite the risks that they ran on behalf of the public, something that might be thought to entitle them to a degree of popular sympathy, this was "rarely extended to them".[6]

Of course, anti-police violence should not be exaggerated; lethal force, especially with firearms, was rarely shown towards constables. Howard Vincent, the director of the C.I.D. and strongly opposed to any routine arming of the police, made a survey of the

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[1] Hoare, H.E., 1883, at p.234-5
[2] The Illustrated Police News, Sept. 22nd, 1888
[3] Greenwood, James, 1902, at p.6
[4] Malvery, Olive, 1906, at p.287
[5] Samuel, R., 1981, at p.197
[6] Smiles, Samuel, 1870, at p.126

occasions between October 1878 and September 1883 in which guns had been used against Metropolitan officers. He found ten cases, as a result of which two officers had been killed, six wounded, and two had merely had their clothes torn by bullets. (He felt that these incidents had been facilitated by the "enormous" sale of cheap foreign pistols). A further 13 officers were wounded by gunshots and 11 with other weapons. In the Metropolitan area, no officers were killed by burglars other than by firearms, though some officers had died as a result of other weapons used by different types of criminal.[1] Additionally, the situation was an improving one, assaults (of all types) on the police declined nationally from 66 per thousand in the mid 1860s to 40 per thousand at the end of the century.[2] The national trend was reflected in London. Nevertheless, with these qualifications, it would appear that a real threat of violence occasioned circumspection amongst Metropolitan officers, encouraging them to exercise discretion and often great caution in their operations.

Conclusion

All the above factors must be considered when assessing the validity of claims about the effectiveness of uniformed patrolling and the impact of street 'incivility' policing on conventional crime. The police may have had the theoretical legal power to intervene in most areas of life. In reality, their willingness to do so was highly contingent on multiple factors: numbers, location, personal inclination and fears, pressure from above, fear of alienating local people etc.. Nevertheless, revisionist interpretations notwithstanding, the impact of street policing was very important. However, it was not quite as overt as is sometimes suggested by modern 'ideal-typical' portrayals, conducive though these might be to academic theory. Another major indication of the inherent limitations of uniformed patrol was to be the gradual return of detective policing after 1829, something that increasingly supplemented the 'Peelite' model.

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[1]Emsley, Clive, 1985, at p.137
[2]Emsley, Clive, 1996b, at p.294

Chapter 17: The Return of Detection and Detectives

<u>Introduction</u>

Pre-1829 policing arrangements in London had involved both situational prevention by patrols and watchmen, and post-crime detection by the Bow Street Runners, semi-private detectives attached to the police courts, and any residual private thief-takers working in the capital. Thus, typically, the trial of John Warren for forgery in 1803 had involved evidence from a 'Bow-Street Officer' named Croker, who had been responsible for carrying out a covert surveillance of the defendant's lodgings in Holborn during the evening, and then following him to a shop where he watched him spend a pound bill that had been forged. (Later, he told the assistant to keep it as evidence).[1] In the immediate post-1829 era the 'preventative' ethos triumphed over detection. Resources for detection were sustained at no more than pre-1829 levels and eventually reduced in favour of enhanced uniform patrol. However, a growing recognition of the inherent limitations of the 'preventative system' and the effectiveness of thinly manned routine patrolling, meant that the potential merits of a system based on detection and covert infiltration were swifty aired. Colonel Fraser, Commissioner of the small City Force, was one of many who were convinced that: "...you get a greater per-centage of convictions out of a detective system than out of a uniform system".[2] Such beliefs resulted in the gradual revival of detective work.

Detectives had always had their supporters in the Metropolis. Thus, in 1785, Martin Madan had been impressed by the abilities of London's thief-takers (ranking them almost with French professionals) and had felt that their aim, "to deter others, and thus pursue the great end of *prevention* ", was both laudable and the same as that of any other system.[3] Furthermore, as previously discussed, much of the evidence that had been received by the numerous pre-1829 police committees had cast serious doubts on the potential value of overt uniformed patrol compared to covert

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[1]Medland, W., (Ed.), 1803, at p.110
[2]pp.15.1878, at p.183.
[3]Madan, Martin, 1785, at p.11

surveillance, its triumph was largely due to political considerations and its compatibility with an effective riot force. Experience after 1829 was to show such doubts to be justified. As Dickens was to observe, if an urchin picked your pocket: "...or a bungling 'artist' steals your watch so that you find it out in an instant, it is easy enough for any private in any of the seventeen divisions of London Police to obey your panting demand to 'Stop thief'". However, crime that was more sophisticated than this posed special problems, requiring enhanced detective abilities.[1]

The Metropolitan Police's 'protective' system experienced great difficulty in dealing with criminals showing any ability. Despite recent claims that a concentration on policing 'incivilities' meant that, in England and Wales, "After the Mid-century indictable crime had little more than symbolic importance", this is not bourne out by experience in London. There, serious crime remained a constant police concern throughout the later Victorian period.[2] Indeed, from the 1840s there was a mounting fear that police techniques were lagging behind those of their targets. Thus, for example, it was noted that some top class criminals, who had made London "too hot to hold them", would lie low in the provinces, something that the advent of the railways greatly facilitated. As Sergeant J.G.Littlechild observed in 1877: "The big criminals do not remain in London; they are about continually at Manchester, Birmingham, Liverpool and various other places". He felt that poor police records, and the lack of a central national register of such thieves, hindered investigations.[3]

However, although in the parliamentary debates of 1829 Peel had stressed that he "did not mean to countenance a system of espionage", the value of covert detection was never entirely rejected. Thus, there were 112 officers doing duty in plain clothes at the State opening of Parliament in 1831.[4] As early as 1833, when Rowan and Mayne were called to give evidence on the Popay scandal (involving the activity of a police infiltrator and alleged

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[1] Dickens, Charles, The Modern Science of Thief-taking, Reproduced in Waters, Thomas, 1853, at pp.189
[2] Taylor, H., 1999, at p.115

[3] pp.15.1878, at p.26 & 42.
[4] MEPO 7(2) Police Orders 1829-1833, 19th Oct.1831

agent provocateur in a London political union), they noted that the most difficult crimes that they faced were burglaries carried out on Sunday evenings by men armed with skeleton keys. They had already found that patrols to combat such crimes, especially in 'G' Division, were "better done by persons in plain clothes", who were not known to the thieves, than by uniformed officers. It was already a matter of "public notoriety" that many officers did their duty in plain clothes, and that it had been represented to them that for catching both beggars and felons: "...three to one are taken in plain clothes".[1] This analysis was supported by several other senior officers who believed, in the words of Superintendent Andrew Mc'Clean that: "A man in uniform will hardly ever take a thief". As a result, Mc'Clean was in the habit of sending plainclothes men to watch people who were "suspected of felony" after they were observed in his division by the uniformed beat officers (such criminals frequently operated under the cover of selling oranges and apples as street traders). He was convinced that such plainclothes men were vital. There would be 13 of them on duty at night and two during the day.[2] In the same decade, police magistrates such as Roe and Dyer opined that although the Metropolitan Police were useful for "watching, prevention, preservation of the peace, maintenance of good order in the town", and general out-door street duty, another force (which they then still had in the form of the 'Runners') was needed for detecting more serious and sophisticated crimes. In this they had the limited support of Samuel March Philips, then the Under Secretary of State at the Home Office.[3] Similar views were to be expressed throughout the century. Over 40 years later, a Divisional detective (admittedly biased), in East London, was openly sceptical about the value of uniformed patrol, believing that "one plain clothes man is worth a dozen uniform men". He, too, felt that although the latter had a valuable role in the "protection of the town" (presumably against public disorder) and were very good as night watchmen, looking after premises, they were "of no use whatever in detecting crime". The reason for this was the century old complaint about a beat

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[1] pp.11.1833, at pp.79 & 80.
[2] Ibid., at pp.48 & 49
[3] Emsley C., 1996, at p.28.

officer's predictability, and inflexibility, of movement: "...he is confined to a certain spot, and there he is".[1]

There was also periodic concern at the manner in which conventional policing was heavily oriented towards 'controlling' criminal locations and their resident underclass, at the expense of more sophisticated investigative techniques. Illustrative of this was that although the unusual circumstances of the 1888 murders apparently swiftly convinced many that the crimes had not necessarily been committed by the "regular thieves or desperadoes at the East-end", the usual practise of keeping a "sharp look-out" on the normal haunts of the areas' criminal classes, and those in other parts of the Metropolis, was maintained, although expensive of manpower. The police were urged by *The Times* not to confine their investigations, as they were "accused of doing", to the common lodging-houses and other "resorts of the criminal and outcast", but to extend their inquiries to the large class of householders in the East-end of London, who let out properly furnished lodgings in the area without making proper inquiries about the character of those who rented such accommodation.[2]

Hostility to Detectives

Despite reservations about uniformed policing, the return of detection to centre stage, after 1829, was delayed by acute fears of police corruption and concern about its constitutional propriety (rather than scepticism about its effectiveness). There was constant distrust, especially in London, about the legitimacy of detection. Henry Hersee, a Walworth builder and member of the National Political Union infiltrated by William Popay in 1833, viewed every policeman who "goes about the streets during the day, in a dress other than that of a policeman, as a spy". He claimed he had seen several dressed, in public, as tradesmen, carpenters and mechanics. Their presence meant that he no longer felt "comfortable or safe" when drinking with strangers. (Nevertheless, he admitted that he had not appreciated that officers were at liberty to wear civilian clothes when off duty. Some of the men he identified may well

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[1] pp.15.1878, at p.85.
[2] *The London Times*, September 11th, 1888

have been doing just that).[1] In 1833, such working class views still substantially mirrored those of much of the political nation. The Committee which investigated the complaints against Popay, and which included Sir Robert Peel, roundly condemned the "reprehensible" manner in which he had acted and opined that sufficient caution was not exercised by those who had controlled him. More generally, it concluded that the employment of policemen in plain clothes was only acceptable on an occasional basis, if "strictly confined to detect Breaches of the Law and to prevent Breaches of the Peace, should these ends appear otherwise unattainable". Police undercover work should be passive, Popay's had "carried Concealment and Deceit into the intercourse of private life". The committee solemnly deprecated any "Employment of Spies", in the popular usage, as being abhorrent to both the constitution and the "feelings of the People".[2]

Just as the advent of a uniformed service to the streets of London had required a major compromise on accepted notions of public rights and liberties, so effective detective work would require a major shift in popular attitudes towards undercover and covert policing. It required an acceptance of the inherent risks of abuse and corruption, and its inevitable, periodic, occurrence. Such acceptance was slow in developing. Arguably, popular resistance to the stratagems that were a necessary part of effective detective work (such as payments to informers, prolonged questioning of detainees, police-criminal fraternisation, the use of *agent provocateurs* and infiltration) placed the police at a disadvantage to the more sophisticated type of London criminal. The belief that detective work was 'underhand' was still producing concern in the 1880s (though probably not such deep seated resistance by this time as formerly). Although, as Commissioner, Henderson acknowledged the importance of detective work, he was still mindful that the very concept was "entirely foreign" to Englishmen, who viewed them with the "greatest suspicion".[3] Another observer noted, in 1889, that there was a: "...great and natural hostility upon the part of the public feeling in this country to the employment of

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[1] pp.11.1833, at pp.42 & 43.
[2] pp.11.1833, at p.3.
[3] Petrow, Stefan, 1993, at p.93

those artifices for the detection of crime which naturally suggest themselves; to the exercising in fact, of the same ingenuity against criminals which they bring to bear against society. There is a like repugnance to any system of 'espionage'".[1] An indication of the extent of popular resistance to even clearly necessary covert infiltration can be seen in the reaction to the case of Major Henri Le Carron, who had infiltrated Fenian groups on his own initiative with great success and at enormous personal risk. Nevertheless, he was roundly criticised, for taking the (vitally necessary) Fenian oath in doing so, by elements of the national press. Even Anderson, a former head of C.I.D. and City Police Commissioner, could opine that his taking the Fenian oath was the "one act in le Caron's service which I regret".[2] Such attitudes were shared by many police officers. Even after detective pay was enhanced in the late 1870s, Chief Superintendent Williamson noted that many good uniformed officers were reluctant to become involved in such work, not merely because of the "uncertainty and irregularity" of the hours and poor promotional prospects but also because of the "odium" that was attached to detectives.[3] Detective work was repugnant to many good officers, who also disliked the manner in which it would "constantly bring them into contact with the lowest classes, encourage unnecessary drinking and compel them, at times, to resort to trickery practices which they dislike".[4]

Perhaps because of such attitudes, it was widely believed that post-crime detection was the weak link in British (and especially London) policing, and an area where things really were ordered better abroad, particularly in France. Thus, late in the century, Arthur Griffiths wryly observed that: "It is popularly believed that the least efficient department of English Police is that which is concerned with the detection of crime, and our detective service is often compared with corresponding agencies abroad in order to point the moral that we should do well to imitate the methods of our neighbours". However, as he also pointed out, there would be a heavy price to pay for such a development, one that few Englishmen were willing to incur. A traditional love of liberty on

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[1]Clarkson, Charles Tempest and Richardson, J.Hall, 1889, at p.264
[2]Anderson, Robert, 1910, at p.155
[3]Petrow, Stefan,1993, at p.98
[4]Petrow, Stefan,1993, at p.98

the part of the populace prevented detectives being recruited at Continental levels. Griffiths felt that the same people who complained most about incompetent detectives would be the first to object to the resulting loss of freedom if their powers were enhanced. French detectives were assisted by effective but arbitrary powers, such as the right to detain and interrogate a suspected person at will, something which English police, under the "jealous eye of the law, have never possessed".[1]

As a result of such detective deficiencies, some felt that once thieves or other criminals had evaded the area security provided by patrolling officers, something that was not particularly difficult, and: "...get fairly off with the property they have taken, or if the unknown murderer manages to keep out of the way for a few hours after he has killed his victim, the detection of crime seems to be a problem which our so-called detectives have not the capacity in most cases to solve".[2] It was frequently asserted that sophisticated crimes in the capital, such as the Hatton Garden Robbery of 1882, would have been solved in most other European cities.

A particular limitation on London (and English) detective work, until very late in the century, was the reluctance of the courts to countenance police questioning of detained suspects, made with a view to obtaining admissions, and the subsequent adduction of any such confession into evidence (especially as, prior to 1898, a defendant could not normally give sworn evidence at trial). Such questioning became a major part of twentieth century C.I.D. work and was a commonplace aspect of nineteenth century detective work on the continent. In 1837, the commissioners had stressed that even uniformed officers of the rank of Inspector should:"...not on any account suffer any statement in the nature of a confession, to be extracted from the person charged" (although in 1844 they also pointed out that this did not preclude purely unprompted voluntary confessions).[3] In 1840, a confession that had been misleadingly extracted by Sergeant Otway from a suspected murderer, Richard Gould, attracted strong judicial and Scotland

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[1] Griffith, Arthur, 1898, at p.358
[2] Meason, M.Laing, 1883, at p.757
[3] Miller, Wilbur, 1997, at p.91.

Yard criticism, as well as being excluded. In 1871, a Police Court Magistrate, Mr.Arnold, refused to entertain confession evidence allegedly made by a woman accused of concealing the birth of her illegitimate child, to an Inspector at a police station, even *after* being cautioned. An influential legal journal, reporting (and applauding) the case roundly condemned any development of an "inquisitorial" police, allowed to ask any questions at all of detained suspects and seriously proposed that they should not be allowed to adduce in court *any* communication made to them by a detained person.[1] Even in 1893, Mr.Justice Cave could declare that it would be "monstrous if the law permitted a police officer to go, without anyone being present to see how the matter was conducted, and put a prisoner through an examination, and then produce the effect of that examination against him").[2] Thus, at the end of the nineteenth century, London detectives continued to be circumscribed as to powers of arrest, search, detention etc. when compared to the extensive powers available to their German and French counterparts, leading one American observer to note: "British practice has no parallel on the Continent".[3]

Other explanations for a degree of institutional inertia in the Metropolitan Police over detective innovations, for much of this period, are not hard to find. One of the most obvious was that Richard Mayne, the young barrister appointed by Peel as one of the original two Commissioners in 1829, and who was sole commissioner after 1855, was still in office when he died in December 1868, at the age of 72. It had been Mayne who was instrumental in persuading Sir James Graham, the Home Secretary, that an experimental force of detectives to observe "known or suspected criminals" should be introduced in 1842.[4] However, by the 1850s, he was somewhat autocratic, reluctant to delegate even minor responsibility to his two Assistant Commissioners (a new rank created in 1856), and to receive advice or readily countenance significant change. His attitude towards policing was still largely shaped by the debates of the 1820s and early 1830s, although it is possible to exaggerate his conservatism. Nevertheless, despite such

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[1] *The Law Journal,* Vol. 6, 1871, at p.177
[2] *R v Male* (1893) 17 Cox CC 689 at 690.
[3] Fosdick, Raymond B., 1915, at p.306
[4] Petrow, S., 1993, at p.92

hostility, detective policing expanded steadily throughout the century as the limitations on uniformed operations became increasingly apparent and the Peelite model of policing was progressively adulterated.

Early Provision For Detectives.

A formal central detective branch, based at Scotland Yard, was only added to the Metropolitan force considerably after its formation (1842), and was initially very small. The significance of this late foundation should not be exaggerated. The Bow Street Runners, essentially detectives, albeit partly working on commission, continued to operate under the supervision of the police court magistrates until 1839. Nevertheless, for the following three years there was no formal body in the Metropolis entrusted with detection. When first founded, in 1842, after the shambolic pursuit of the murderer Daniel Good occasioned popular concern, the new Scotland Yard Detective force had a complement of only two inspectors and six sergeants. It added an inspector and sergeant in 1864, and a Chief Inspector and several more sergeants in 1867, to bring it up to 16 men (including a clerk). These new detectives did not immediately throw off all their entrepreneurial past, in their early days anyone in England could call on the services of a Scotland Yard detective, if they could afford the cost, just as they had with the Runners, though this was later prevented.[1] This factor, and its small size, inevitably limited the central force to major criminal cases for much of the period prior to 1868.

However, this modest formal provision for detectives is misleading. From very early on, a significant number of officers (such as the infamous Sergeant William Popay) had worked as detectives, in plain clothes, on an informal basis. As the 1878 Report observed, throughout their early existence: "...there were men in divisions, who were called plain-clothes officers, who did detective duties in divisions". Additionally, Inspectors might be "directed to perform any duty in plain clothes", if only to inspect their uniformed officers. If they did so, they were required to carry

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[1] Lansdowne, Andrew, 1893, 2nd edn., at p.7

a special brass truncheon and their warrant card, so that they could be readily identified.[1] The author of one set of detective memoirs claimed that while in private business prior to 1829 he had also been an amateur detective, before being offered the position of Inspector in the new police when they were formed (by Colonel Rowan himself). Although no official central detective brigade was formed until 1842, he observed that: "...we all acted in that capacity when occasion required us to do so".[2] This process gradually became formalised. In 1856, there were normally six such plainclothes policemen in each division, making a total of c.108 "auxiliaries" for London, who could take upon themselves the role of detectives as required, and also assist the investigations of the Central Force.[3] Nevertheless, their appointment remained on a largely *ad hoc* basis. Before 1869, some were appointed for only a few weeks (if, for example, burglary was "rife" in a certain area). Thus, Sergeant Thomas George Foster, who was made a Divisional detective in 1869, noted that prior to this date: "I was often in plain clothes when I was a uniform constable".[4] (Nevertheless, the Commissioners made clear that plain clothes were not to be worn gratuitously by policemen).[5] By the late 1860s this local system had largely been reduced to an institutional basis, every division being allowed to employ a "certain number of constables in plain clothes to make inquiries and hunt up offenders".[6] They were primarily concerned with 'routine' crimes rather than offences such as murder, rape and serious fraud.

By his final years, even the elderly Mayne had come to see that the existing provision for, and organisation of, detectives in London was too lax and small-scale for the crime problems posed by the city. As a result, he became more "sympathetic" towards detective work.[7] In the 1860s, Mayne recommended an increase in their number, and the formal establishment of the 'divisional' detectives, separate from the small central detective force, though

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[1] MEPOL 7/38 Orders 14/4/1868

[2] 'Inspector F', 1862, at p.2

[3] *Quarterly Review* , No.99, 1856, pp.174-5, reproduced in Barrett, A. & Harrison, C. (Eds.), 1999, at p.254

[4] pp.15.1878, at p.82.

[5] MEPO 7/8 8th June, 1850.

[6] pp.14.1868, at p.15

[7] Anderson, Robert, 1910, at p.129

he lacked the support to establish it before his death. This occurred under Mayne's replacement, Colonel Edmund Henderson, in 1869, following the recommendation of the Departmental Committee on the Police of 1868, which proposed that the local detective police be formed into a "separate division", under the control of a specially appointed superintendent. (It also recommended that the detective police be allowed to recruit men who had not previously served as uniformed constables, reflecting a widespread belief that the qualities that made for a good uniformed P.C. were not necessarily conducive to a good plain-clothesman). Plain clothes police would still be appointed in the divisions (the 'Divisional detectives'), as had occurred for decades, but on a more formal basis, and service with them would also "constitute the probationery service for enrolment in the [central] detective police". Indeed, where necessary, some of these officers could be placed under the temporary command of the central detective force by their own superintendents.[1] Thus the local plain-clothesmen became the formally established divisional detectives. Although the central force established in 1842 remained very small until the end of the 1870s, the much less prestigious, and locally recruited, Divisional detectives were usually considerably more numerous.[2] Initially they were some 189 Sergeants and men, divided amongst the divisions (there could be more than half a dozen per division), but numbers increased. This body survived until the formation of the C.I.D. in 1878, which combined the two detective elements, local and central.[3] The 1869 reform ended the rather improvised arrangements for detection at Divisional level. It was these men, rather than those from Scotland Yard, who were most likely to make a detective input on routine crime.

The provision of detectives in London occasioned constant concern, especially at the divisional level, for decades before the 1870s. This related to their numbers (commonly felt to be inadequate), the sophistication of their operations and the abilities of individual detectives. There were ongoing problems with their selection, supervision, career structure, training, conditions of

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[1] pp.14.1868, at pp.21-22.
[2] pp.15.1878, at p.1.
[3] Smith, Philip Fermond, 1985, at p.66

service and pay. Thus, it was noted in 1868 that: "The detective police, having regard to their number, appear to the Committee to be very efficient for the detection of ordinary crime, but their numbers are wholly inadequate to the present requirements of the metropolis, and their constitution scarcely adapts them to cope with conspiracies and secret combinations". It was also observed that the pay of the detective police was: "...insufficient to attract very skilful men, and it would be advisable to divide the detective constables into several grades and increase the pay of the higher grades".[1] A lack of incentives meant that the quality of divisional detectives, in particular, did not improve significantly even after 1869, the consequences of which were also to affect the composition of the early post-1878 C.I.D. In the 1870s they still received only 6d a week more than experienced uniformed officers (£2), although the "hours and duties of the detectives are more severe". Promotion, except for the fortunate few who managed to get sent to the central branch, was so rare, and opportunities above Serjeant almost non-existent, that most good men went back into uniform. Their initial recruitment from uniformed officers was also (allegedly) frequently based on who were any given Inspector's favourites, usually "good stupid men who have never got into trouble", rather than of men "specially fitted for the purpose". Often they were not used for proper detective work at all, but for every routine "trifling occurrence" that came up, even being employed to carry messages from station to station.[2] Not surprisingly, the duty was no more (and sometimes less) attractive to constables than ordinary uniformed work. Furthermore, the institutional bifurcation between Divisional detectives and Central ones occasioned "jealousy" and "rivalry" between the two groups. Many informed observers felt that co-operation between them was rare, and that Scotland Yard officers sent down to the Divisions to assist in investigating a serious crime were considered to be "interlopers" by the local detectives, who might even keep important information back from him. This was unfortunate, because the officers of the central detective branch did not normally occupy themselves in arresting the "ordinary class of crime", being primarily involved with the

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[1] pp.14.1868, at pp.21-22.
[2] Ibid., at pp.39-40.

"higher" types, such as murder. As a result, few of them were acquainted with the "faces, residences, or habits of the criminals in the Metropolis". When assigned to a specific case, they were largely dependant for this information on the local detectives (part of the latter's duty included visiting prisons to familiarise themselves with criminals).[1] Such officers had to be handled with enormous tact, and resented having their brains picked of information by the Scotland Yard men, who would then claim all the credit for any ensuing arrests.[2] Additionally, Divisional men were often much less suited, by training and aptitude, to infiltration. Indeed, becoming well known on their 'patch' to local criminals, it was often not remotely practicable.

Post 1877

Following the Ibbetson inquiry of 1877 (set up as a result of the 'Trial of the detectives' that year, in which a third of the central forced had been charged with large-scale corruption and many convicted), the C.I.D. was established in 1878, absorbing both the Divisional and the Central forces under its umbrella (though some C.I.D. men were still assigned to Divisions, and others to the central force), and subsequently being gradually expanded in size. During Vincent's tenure as Director of the C.I.D., detective numbers went up from 216 to 294 men.[3] By 1890, Andrewe Lansdowne could note that some police divisions in London had complements of detectives that were larger than the whole central detective force in Dickens' time.[4]

Nevertheless, the need for undercover work was enormous, and even after the advent of the C.I.D., some ordinary uniformed constables continued to be put into plainclothes on a temporary basis for occasional duties. These might include clearing the streets of particular nuisances, such as street betting and prostitution. Sometimes, such duties might be a proving ground for future

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[1] pp.15.1878, at p.37
[2] Ibid., at p.38
[3] Petrow, S., 1993, at p.95

[4] Lansdowne, Andrew, 1893, 2nd edn., at p.7

applicants to the C.I.D.[1] As with the early plain clothesmen, when this expedient was used, problems were occasioned by uniformed officers already being well known to the public via their patrols. Sometimes this could be reduced by having recourse to men who were not commonly seen on the streets. Thus, the future detective, John Sweeney (an Irishman, born in 1857), when initially assigned to T Division (mainly Hammersmith) in the late 1870s, was largely responsible for clerical work rather than patrol duties, because of his relatively high level of education. However, his intelligence and reliability combined with the unfamiliarity of his face, meant that he was also chosen by his Inspector for any "special work" that came up. Thus, Sweeney was employed to go undercover to prove the suspected illegal Sunday trading of a publican. He was assisted in this by another officer, known as the "sketcher", who was also primarily employed at the police station (drawing designs of suspected premises for raids). The normally uniformed Sweeney was further employed in plain clothes to assist a junior C.I.D. detective in watching gangs of 'roughs' who were terrorising parts of Hammersmith on Sunday evenings. They were told to charge as many men involved as possible. On their first 'outing', in plain clothes, they arrested 12 men (all of whom were convicted and fined 20-40 shillings apiece, with one month's hard labour *in lieu*). The following Sunday they arrested eight more, and the next one four, till the problem completely disappeared. (This apparently made the Hammersmith police into "popular Heroes"). Nevertheless, despite such modest exposure, after 7 years service in T Division, Sweeney felt that all the area's criminals had "come to know me pretty well". (He went to Scotland Yard as a probationary detective in 1884).[2]

In an emergency, especially large numbers of 'beat' constables could be attached to the C.I.D. and operate out of uniform, as happened in August 1888, when many officers were temporarily so employed in the East End, in an attempt to catch the 'Ripper'. So desperate was the Commissioner of the City Police, Sir Henry Smith, to find the murderer (though only one killing, in Mitre Square, actually occurred in the City jurisdiction) that nearly

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[1]Fosdick, Raymond B., 1915, at p.298
[2]Sweeney, John, 1905, at pp.4, 8, 14 & 15.

a third of his small force were assigned to this duty. They were given instructions to do everything which, under ordinary circumstances, a constable should not do, even though Smith feared that this would be "subversive of discipline". Thus, officers were encouraged to smoke on duty, go into public houses and gossip with anyone they met (though a relatively close scrutiny was kept of them by senior officers).[1] In November 1888, a plainclothes man was even pursued through the streets by an agitated crowd in the mistaken belief that he was the murderer.[2]

The new C.I.D. appears to have met a degree of initial success. By 1889, their detectives were apprehending 6,000 people a year.[3] Some claims were even more extreme, one being that between 1879 and 1884 detective arrests in London increased from 13,128 to 18,344.[4] Much depends on definitions of the degree of uniformed/detective involvement. According to Robert Anderson (albeit an interested party), much of the credit for the reduction in crime in London in the final decades of the century could be attributed to the C.I.D. He felt that the figures showed "at a glance what marked success attended the work of the Criminal Investigation Department during the first twenty years of its history". Thus, in the period 1879-1883, there were 4,856 crimes against property per 1,000 people, in the years 1894-1898, only 2,755 per 1,000.[5]

Nevertheless, even in the late 1880s, Munro had been dismayed that the Metropolitan force, although supposedly facing the most sophisticated criminal threat in England, had the lowest proportion of officers devoted to detection of any major British urban force, 2.42% compared to Manchester's 2.7%, Liverpool's 3.55% and Birmingham's 4.5%. He wanted every London police station to have a C.I.D. man to deal with difficult local crimes and to acquire intelligence on suspicious persons generally.[6] By 1889, under the Anderson, the force was made up of 300 men, including

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[1] Smith, Henry, 1910, at p.147

[2] *The Times*, 15th November, 1888

[3] Clarkson, Charles Tempest and Richardson, J.Hall, 1889, at pp. 260 & 261.

[4] Petrow, S., 1993, at p.95

[5] Anderson, Robert, 1910, at p.141

[6] Petrow, S., 1993, at p.95

30 Inspectors. Even so, major expansion and change was planned with a view to strengthening it further.[1] In 1895, the detective force consisted of 472 officers (plus the separate City of London detective force, a unit of c.80 men, which had as its speciality commercial fraud).[2] However, even in 1909, after several years of steady expansion, the number of detectives was still under 600, in a force of 17,000 men, i.e. c. 3 1/2%. (By contrast, in the modern period, in England and Wales generally, dedicated detectives amount to c.15% of all police man-power).[3] In 1914, it still made up only 3.6% of the entire Metropolitan force.[4]

By the turn of the century, the increase in numbers had also been combined with an improvement in quality of recruits compared to the prevalent situation in the 1870s. The typical new entrant by 1900 was 27-28 years of age, had spent at least a year in uniform on the beat, and had passed a competitive exam as well as being recommended to the position by his immediate superiors.[5] Detectives would spend time on probation at the start of their careers, being assessed for suitability. By then, Warren's views on the need for 'stolid' characters for the role had been rejected. Those officers who failed to show that they had the "resources and a brain fertile in expedients and in forming conclusions which result in successful captures", were returned to uniform at the end of their probationary period.[6] The detective branch, as a whole, also managed to avoid a repetition of the events of 1877, corruption being a localised phenomenon after this event, something that allowed Arthur Harding to contrast the C.I.D. men from Commercial Street station, who were "good policemen" despite being rough ("They were brutal, but they were proper policemen"), with the "Villains" from Leman Street Station, who had been corrupted by the receipt of stolen property and the ready availability of money.[7]

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[1]Clarkson, Charles Tempest and Richardson, J.Hall, 1889, at pp. at p.260 & 261.
[2]Griffith, Arthur, 1898, at p.370
[3]Morgan, R., & Newburn, T., 1997,at p.88
[4]Petrow, S., 1993, at p.97

[5]Fosdick, Raymond B., 1915, at p.306
[6]*The Times* , January 1st, 1909
[7]Harding, C., & Wilson, L., 1988, at pp.200 & 204-205.

Unlike many continental countries, the 'English' system of detectives, based on the Metropolitan model, was heavily decentralised, largely utilising the district boundaries of the uniformed branch. Thus, the bulk of detective work in London was still not done by the officers stationed in Scotland Yard, though these (the 'Central Office Squad') might be called in to assist with very serious cases, supposedly being the 'teeth' for solving grave offences. Scotland Yard also had the specialist support units; late Victorian detectives were increasingly supported by a new breed of police bureaucrat, based around these departments, and demonstrating a determination to process statistical information and to identify habitual criminals and recidivists.[1] In 1886, these units included the clerical or 'Correspondence' department; the 'Convict Supervision' section (dealing with ticket of leave men; it would acquire the new fingerprint section in the Edwardian period) and, from 1883, the 'Special' branch (dealing with Fenians, anarchists and political emigrés).[2]

Most detective work was done by squads permanently attached to each of the 22 London divisions, each squad largely confining itself to its designated division (so that much of their work was similar to that of the pre-1878 Divisional detectives and pre-1868 plainclothes men). They would be under the control of a detective inspector who was immediately answerable to the uniformed superintendent in charge of the division, although this latter officer would rarely actively intervene in detective operations (normally confining himself to disciplinary matters).[3] George Dilnot noted that by 1914, the 22 divisions each had 12-30 detectives permanently assigned to them, the remaining personelle (somewhat less than half the total) operating from Scotland Yard. Divisional men dealt with local crime, and made it their business to know local thieves. They would also reinforce other divisions or be reinforced as necessary.[4] Such local detectives would also regularly attend the main London holding/dispersal prison at Holloway (then a male prison), using knowledge of their local felons to identify criminals who had been previously convicted (and were thus

[1]Petrow, Stefan, 1994, at p.83
[2]Sweeney, John, 1905, at p.16
[3]Fosdick, Raymond B., 1915, at pp.275- 277.
[4]Dilnot, George, 1915, at p.26.

subject to more draconian punishment). Thirty such officers, from all over London, would attend the prison three times a week for this purpose.[1]

Operations

Policing can be divided into operations that are: overt and non-deceptive, i.e. conventional uniformed police work; both overt and deceptive, for example, trickery used against an apprehended suspect to induce a confession; covert and non-deceptive, such as passive street surveillance in plain clothes and work that is both covert and deceptive, for example, the arrangement of a 'sting' operation.[2] This last category requires a higher level of sophistication and ability than other types of plain-clothes operations. Most Victorian detective work in London was of the third type, covert surveillance of known suspects and dubious locations, often by the local plain-clothesmen prior to 1868, the Divisional detectives before 1877 and those C.I.D. men permanently seconded to the Divisions afterwards. However, most modern work on Victorian detectives has tended to concentrate on the small central detective division and, after 1877, the central pool of detectives and the post-1883 Special Branch, available for very serious or politically motivated crimes, and based at the Scotland Yard headquarters in Whitehall. The low level, mundane, but much more 'typical' detective work carried out by the bulk of Divisionally based officers has tended to be neglected.

London detectives, of whatever description, normally adopted a limited range of techniques. Despite Dickens' attribution of almost superhuman intuition and perceptiveness to those at Scotland Yard, "so well chosen and trained, proceeds so systematically and quietly...that the public does not know enough of it, to know a tithe of its usefulness", their methods were usually extremely simple.[3] They would cultivate intelligence from criminal contacts, and by the latter part of the century they were heavily dependant on their "narks" or "noses", i.e. informers and informants. The latter was

[1]Spearman, Edmund R., 1894, at pp.358-8
[2]Choo, A and Mellors, M., 1995, at p.1
[3]Collins, Philip, 1994, 3rd Edn., at pp.196-205.

usually considered to be a regular "auxiliary of the detective", an individual who lived on the margins of the criminal world and periodically provided information for remuneration. The former were arrested criminals who struck 'deals' with their captors. Although regular informants were employed in political cases in the 1850s their use for 'conventional' crime only appears to have become widespread in the 1860s. By the early 1870s, most detectives of the rank of sergeant and above, whether divisional or central (especially the latter), made regular use of such men, normally paying between one and five shillings for information, depending on its value. Publican informants, an especially regular source of information, would also expect 'favours' at licensing meetings, such as the 'overlooking' of offences like after hours drinking. Henderson, as Chief Commissioner, felt that this was simple "bribery", and only to be used in exceptional cases, but did not forbid or condemn the practise outright. (Interestingly, he also believed that such information was usually only useful in "small cases", rather than major crimes). Even so, the use of informants was increasingly regularised. Howard Vincent, in his *Police Code and Manual of Criminal Law* of 1881, accepted that detective officers "must necessarily have informants", though he discouraged their meeting in public houses or providing alcoholic refreshments rather than money, if at all possible. He also stressed that informants should not be "invested with any official character", and that their identity must be protected in court, officers declining to answer questions in cross-examination on this point unless the judge directed to the contrary. By 1893, so much use was being made of informants that they were referred to as the "base of detective duty".[1] Thus, in 1877, when Divisional Detective, Sergeant Thomas Foster, from the rough 'H' Division, gave details as to how his detectives gained knowledge about their local "criminal classes", he noted that it was normally by visiting places where such thieves gathered. Additionally, they got information from local contacts with whom they were personally acquainted. (The Division also kept a "general thieves register of names". This consisted of the "habitual men", those who were continually in prison and who were "no sooner out than they are in again". So numerous were they in

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[1]Petrow, S., 1993, at pp.99-100

his part of East London that he had filled two and one third books, each book containing about 430 names).[1] Nevertheless, much informant information was unreliable or even concocted. Sometimes, 'Narks' might work for criminals, effectively acting as 'double agents' and feeding deliberately misleading information to the police. There were also risks of them acting as *agent provocateurs* to prove their worth.

Detectives would often attend the scene of significant local crimes with ordinary uniformed officers. Many solvable cases could be concluded using little more than 'commonsense'. (Even in the modern period, the police methods which have a high public profile-fingerprinting, forensic and DNA tests, house to house enquiries and psychological profiling of offenders-may be used in as few as 5% of detections, albeit important ones, much simpler techniques normally being employed).[2] Thus, when, in the late 1880s, Sophia Tolliday came home in Barking Side to discover that her front window had been broken from outside, the catch opened, her bedroom rifled and left in "great confusion" and two sovereigns missing from their hiding place, Detective George Blank did not require much thought to investigate the two female friends and lodgers who had stayed with Tolliday and shared her bedroom for several weeks before moving to Ilford, shortly prior to the crime. They speedily confessed. As with much modern policing, keeping a weather eye on the 'usual suspects' was a prudent and often highly effective technique. When in 1887, Christopher Willcox, a Detective Officer working in the London and St.Catherine Docks, saw Cornelius McCarthy and William Simmonds, men that he knew by sight because of their previous misconduct (which included not being allowed to be employed by master stevedores "on account of things being missed" while they were working), "loitering about" in the Albert Dock, he decided to keep them under observation. When six dozen bottles of oil were subsequently missed in the vicinity where they had been seen, uniformed officers were swiftly sent to McCarthy's home in Canning Town to effect an arrest.[3] Clearly, plainclothes officers identified potential suspects, often men with

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[1]pp.15.1878, at p.82
[2]Morgan, R., & Newburn, T., 1997, at p.118
[3]Anon, 1887-1888, *Central Criminal Court Sessions Papers*, at pp 200-202 & 218.

previous records, and 'targeted' them. Not surprisingly, Detective Inspector Lansdowne felt that: "A memory for faces is indispensable to the detective".[1] Such tactics could occasion public concern. Josephine Butler, writing in 1880 about the "increase of espionage", noted that Londoners had begun to complain of the: "...unpleasantness of being placed on the list of suspects, and being dogged by strangers six feet high, and of military aspect, while pursuing one's lawful calling".[2] (At the end of the century, libertarians like Edward Carpenter were still concerned that the C.I.D. was "very extensive and powerful" and felt it ought to be reduced in size).[3] Detectives were less divisionally bound than uniformed officers, going out of their areas, carrying warrant cards, to conduct enquiries, much more freely. By the turn of the century, after a serious crime, they would usually use a "gigantic snowball enquiry, working backwards from the persons immediately available", and following up leads as they went.[4]

Nevertheless, as Detective Inspector Fuller observed, and contrary to popular belief, real detectives did not often find it expedient to disguise themselves. Although originally from the Central Detective Force that operated before the formation of the combined C.I.D. (and thus more likely to be dealing with special crimes than the Divisional men), he had only had to do so on six occasions in his lengthy career. A disguise room was kept at Scotland Yard, but was hardly ever used.[5] More commonly, detectives might simply change their hats to provide some measure of concealment.[6] They lacked even the most basic modern aids, such as finger printing. Although the uniqueness of human prints had been known since the 1820s, it was only in 1896 that a Nepalese seconded policeman, Inspector-General Edward Henry, devised a reliable means of classifying them, resulting in the opening of the Finger Print Branch in 1902, after Henry had become an Assistant Commissioner at Scotland Yard, and an

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[1]Lansdowne, Andrew, 1893, 2nd edn., at p.47
[2]Butler, Josephine, 1880, at p.47.
[3]Petrow, S., 1993, at p.95
[4]Dilnot, George, 1915, at p.49
[5]Fuller, Robert, 1912, at p.214
[6]Dilnot, George, 1915, at pp.24-28

effective and relatively cheap means of identification/detection was established.

Sometimes, however, where it was clearly necessary, Victorian detective work in London could be sophisticated. Thus, in the early 1860s, one Detective Sergeant Hardwick, returning to Vine Street Police Station, overheard three men in a public house saying "It's no go to-night; we must put off the job". Not surprisingly, this roused his "professional attention". He concealed himself, and then followed them from the public house, watching them reconnoitre a leather-seller's shop nearby. The following day he identified one of the men involved as a known associate of thieves, and also established the identities of his two colleagues. He then went to Superintendent Beresford, who appears to have been the detective/uniform co-ordinating officer at Vine Street, and got permission to follow up a suspected planned burglary, also being given the support of a uniformed sergeant and some P.C.s. They obtained the use of a parlour, which overlooked the premises concerned, as well as the public house where the burglars appear to have been based, and kept watch night and day, taking turns in observing from the window. A few days later, at 7 p.m. in the evening, they seized the two men red-handed, as they exited the building with their spoils, and their look-out was detained shortly afterwards.[1] Detectives could penetrate criminal slums, if properly concealed and unknown, so that the recesses of vice ridden and squalid Clerkenwell were "known but to the disguised policeman".[2] Sometimes, even the pre-1877 Divisional detectives could be fairly ambitious in their operations. Thus, on one occasion, an officer spent several nights living as a vagrant in a cheap, and rough, lodging house, looking for and eventually identifying a murderer by his tattoo.[3] Occasionally, detective operations might even extend to elaborate entrapment schemes. Dilnot noted a case (in the Edwardian period) in which a detective dressed up as a "jew receiver" to get information. He smoked a cigar, wore gold jewellery and said he was one 'Cohen' from the East End, while touring

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[1]Watts, W.H., 1864, at p.229.
[2]Anon, 1853, The Dens of London, at p.173
[3]Clarkson, Charles Tempest and Richardson, J.Hall, 1889, at p.238

Southwark, to trap a gang of thieves which had burgled nearby St.George's Cathedral.[1]

More commonly, however, and despite their modest numbers, detectives merely reinforced uniformed street patrols, and thus 'conventional' policing, by providing covert area surveillance, rather than investigation. This was especially frequent in crowded places. Thus, in 1865, Thomas Archer noted that apparent 'trouble makers' in the Ratcliffe Highway might be (robustly) dealt with by detectives who had been secretly observing them. In one case he witnessed, a "detective officer" in plain clothes, who, on seeing a loitering gang of suspicious youths, took immediate action with his cane: "...he is across the road in their very midst, and dealing smart cuts to two or three of their number". Such detectives were accustomed to "dropping" on wanted men.[2] Whenever there were "great gatherings" of people, detectives would be distributed amongst the crowd, often in a disguise to suit the occasion (e.g. dressed as mechanics), to arrest observed criminals. However, in such cases, it was the: "...general rule to station these plain-clothes men as near as possible to the policemen of their own division, in order that they may be assisted in capturing prisoners".[3] A typical illustration of the 'fruits' of this type of operation were the two male pickpockets taken into custody by a watching undercover detective in 1862, after they attempted to steal a watch from a gentleman near the Thames.[4] Although at first sight a wasteful use of detectives, this type of operation was felt to be both necessary and valuable, as the high visibility of uniformed officers meant that members of the 'criminal classes' could easily evade them; were they to: "...see a uniform constable on one side of the street they will cross over to the other side or go down a court".[5] Divisional detectives, when not engaged in post crime investigation, were often even given a district to patrol, in plain clothes, so that they might "supplement the action of the uniform constables on the

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[1]Dilnot, George, 1915, at p.48-49.

[2]Archer, Thomas, 1865, The Never Silent Highway, at p.123.

[3]*Quarterly Review*, No. 99, 1856, pp.174-5 Reproduced in Barnett, A. & Harrison, C. (Eds.), 1989, at p.254

[4]Mayhew, H. et al., 1862, Vol.4, at p.192. They were subsequently sentenced to three months imprisonment by a stipendiary magistrate at Westminster Police Court.

[5]pp.15.1878, at p.87

beats", by either detecting crime or arresting criminals. If they saw a "known criminal", they would follow him, though, unless there was something firmer than mere suspicion, this would not be beyond the territorial boundaries of the division.[1] Significantly, prior to the advent of the Divisional detectives, Andrewe Lansdowne noted that the policemen in each division who put on plain clothes 'month about', were called the "'plain-clothes patrol'", this being indicative of their manner of operation. (Lansdowne felt that it may have been these, normally uniformed, officers who produced the popular, long-standing and unflattering Victorian belief that you could always tell a London detective by his regulation footwear).[2] Of course, the fact that detectives were known did not preclude their having value as a deterrent force, in the same way that uniformed officers had, while also being slightly less 'obvious' at a distance. Even some of the force's supposedly élite central detectives would sometimes be sent out as "special patrols", in areas where crime was particularly rife, in a manner similar to that of the Divisional detectives. On such occasions their mission was to watch the principal criminals of the area and: "...to patrol generally for the purpose of the prevention as well as the detection of crime".[3]

Nevertheless, even then, there were many who felt that this was not 'proper' detective work. Some complained that, rather than being a "secret body" engaged in solving crime, such detectives "differ[ed] little or nothing" from ordinary policemen except in working in plainclothes, almost always becoming very well known to ordinary Londoners. It was feared that the resultant lack of proper detective work meant that many criminals who were not caught red-handed could expect to escape arrest, most arrests allegedly being effected by ordinary officers. It was even claimed that London was little or no better provided for detectives in the 1880s than it had been 50 years earlier, unlike cities like Paris, Rome or Berlin.[4] Some urged the adoption of the Irish system of frequently rotating detective officers, feeling that that way they would not become so well known (and would be less inclined to

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[1] Ibid., at p.36
[2] Lansdowne, Andrew, 1893, 2nd edn., at p.7
[3] pp.15.1878, at p.38.
[4] Meason, M.Laing, 1883, at pp.756-7.

become corrupt).[1] That the sophistication and pro-active orientation of London detectives lagged behind those of contemporary Paris is evidenced by the memoirs of various French detectives of the period. Thus, Canler, who was appointed as a reforming head of the detective police in Paris in 1849, building on earlier work pioneered by Fouché and Vidocq, organised a "brigade of informers" on taking office, enlisting new convicts to it and subjecting them to "regular discipline". They were given high levels of pay to prevent them committing fresh crimes, and would patrol rough areas of the French capital ahead of a covert agent, doffing their hats when they saw a criminal, who, thus identified, could be arrested by those following, still unaware as to how he had been detected: "Rounds were made daily through Paris and the suburbs, where criminals lounge and spend the day in drinking".[2]

Professional Competence

Despite Dickens's enthusiasm for the "extraordinary dexterity, patience, and ingenuity" exercised by Scotland Yard detectives, the reality was always rather different, with regular accusations of blundering and incompetence being made against them.[3] Dickens greatly exaggerated the abilities of the tiny central detective department (something that was later freely acknowledged by his friends).[4] In a sample of 144 Metropolitan burglaries and robberies, conducted between 1856 and 1876, no arrests ensued from scene of crime examination and standard detective work in any cases, and only three from police enquiries. In most cases, where arrests occurred, it was because the victim knew the perpetrator, could describe him in detail or (somewhat less commonly) because the criminal had been stopped by chance by uniformed police.[5] In the enquiry presided over by Sir Henry Selwin Ibbetson that followed the 'trial of the detectives' in 1877 for corruption, the whole function, organisation and regulation of Metropolitan detectives was examined in unflattering detail. There

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[1]See 'The Detective Police', 29th January, 1880, *Pall Mall Gazette*
[2]Canler, M., 1862, at p.193
[3]Dickens, Charles, 1850, A Detective Police Party, at p.409
[4]Collins, Phillip, 1994, 3rd Edn., at p.206
[5]Gatrell, V.A.C., 1990, at p.288

was little dispute, amongst those giving evidence, that not only were such men needed but that existing detective arrangements in the Metropolis were unsatisfactory.[1] The report of 1878 noted that the 69 enquiries launched by the Central Detective Force over the previous two years had resulted in only 19 people being arrested (some, multiple arrests from a single "docket for enquiry"), of whom three were later discharged.[2] The apparent lack of native intelligence amongst London detectives was also considered by the enquiry, which concluded that because recruits to the detective branch came from the uniformed branch, they inevitably took most of their men from the same "agricultural class" and those other components of the "working classes", as the rest of the Metropolitan force. It was normal for such recruits to have had two or three years experience as uniformed officers. Although some, like Superintendent Frederick Williamson, then head of the detective branch, still did not agree that there was an argument for recruiting the detective branch: "...from a different class of men to the [uniformed] police", others disagreed.[3] They felt that the traditional type of uniformed recruits, strong, reliable men, often taken from the countryside (rural recruits were particularly favoured by the Metropolitan police), were not necessarily suited to London detective work. However, attracting good men was inherently difficult. In 1883, Howard Vincent, the newly appointed head of the C.I.D (he was replaced by James Munro in 1884) observed that given the dangerous nature of the work involved, and the risk of personal legal liability, as well as the forensic difficulty of proving detected cases in court, it was not surprising that there were problems in selecting detectives possessed of the qualities necessary for the office: "Considerable knowledge of the world, good education, good address, tact, and temper are also essential to a detective officer". The physical dangers he alluded to were real. Andrew Lansdowne took retirement after apprehending a fraudster who pulled out a revolver and tried to shoot him. He wrestled with the man for 15 minutes in front of a crowd of onlookers, apparently too alarmed at the brandished pistol to

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[1] pp.15.1878, at p.1.
[2] Ibid., at p.38
[3] pp.15.1878, at p.4.

intervene, though willing to observe. Eventually, a coal delivery man came to his assistance. (The public unwillingness to assist the detective prompted the committing magistrate to ask: "Are we ceasing to be English?").[1]

However, experiments in recruiting men directly to the detective force from civilian life, with a view to securing a higher quality of recruit, were largely a failure. As Colonel Warren, in his otherwise controversial article in *Murray's Magazine,* observed of direct entrants: "...few if any have been found to be qualified to remain in the detective service". Experiments involving the selection of former military officers, gentlemen's younger sons and their like were especially unsuccessful. One observer noted that six such recruits had been enrolled in the C.I.D.: "...with a result, I am sorry to say, eminently unsatisfactory". In part, it was believed, this was because men of this class who applied for such positions, would not be of the best stamp, often having failed in 'proper' gentlemen's professions first. As a result they were "less trustworthy, less reliable, and more difficult to control", than former uniformed officers.[2] Additionally, of course, such men had no knowledge of ordinary police operations, although they necessarily had to work closely with uniformed officers. G.H.Greenham, a direct entrant into the Central Detective Force in 1869 (probably because of his facility with languages, necessary for detectives dealing with emigrés and not an English forté), and a rare success amongst such recruits, freely admitted in his memoirs that his early years were difficult due to this lack of basic knowledge.[3]

In his article Warren also addressed allegations that the existing London detectives lacked sophistication. His response was remarkably complacent, even seeking to make a virtue of the fact, and opining that temperamentally, the "genius" of the English race did not lend itself to "elaborate detective operations" like those practised on the Continent. Instead, Englishmen possessed other qualities that were essential to such work, amongst them: "...dogged pertinacity in watching, thoroughness of purpose, an absence of

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[1]Lansdowne, Andrew, 1893, 2nd edn., at p.201
[2]Clarkson, Charles Tempest and Richardson, J.Hall, 1889, at pp.263 & 264
[3]Greenham, G.H., 1904, at p.7

imagination, and downright sterling honesty. [he felt that] These qualities go far to counteract the wants before enumerated".[1] As a result, he believed there was little need for radical change, except, perhaps, to deal with the increasingly significant number of suspicious foreigners resident in London, a situation where he accepted that "special measures" might be needed. Warren received limited support in this attitude from Inspector Charles Tempest Clerkson in 1889, who, nevertheless, was willing to extend considerably the number of 'unusual' crimes which required more intellectual dexterity than was commonly available, and where a "matter of fact mind", far from being an asset in solving offences, might actually be a "hindrance" to success. Nevertheless, Clerkson, too, believed that for the: "...detection of common-class crime, falling within well-defined limits..the paid informers, and every other kind of 'nose' the police employ do their work very well".[2] Perhaps a more effective background for Metropolitan detectives than that approved by Warren would have been similar to that of Detective Serjeant W. Andrews, who told the 1877 enquiry that he had had a: "...good plain education. I spent a great part of my youth in London, and I knew a great deal of London life, and I found that very useful to me after I became a detective officer".[3]

Despite Warren's lack of concern about its competence, the detective branch could appear quite amateurish when confronting more sophisticated crime. There appears to have been some truth to *Punch's* celebrated Du Maurier cartoon of a London detective known to all the world by his standard issue boots. (Interestingly, in the 1870s, Metropolitan Police boots were made by prisoners at Dartmoor!).[4] As 'Alf' the youthful Lambeth criminal observed: "...what is the use of a split in uniform trousers and the regulation seven-league boots?".[5] (He was supported in this by Inspector Clerkson, who felt that it was "absurd to suppose that these officers are unknown". They 'looked the part', though he did not feel that this was necessarily a disadvantage).[6] According to Dew, all the

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[1]Warren, Charles, 1889, at p.587

[2]Clarkson, Charles Tempest and Richardson, J.Hall, 1889, at p.275

[3] pp.15.1878, at p.52.

[4]Anon., *Five Years' Penal Servitude*, 1877, at p.124

[5]Rook, Clarence, 1899, at p.255

[6]pp.15.1878, at p.52.

detectives in his part of the late Victorian East End were known to the local criminals, who even gave them sobriquets; he was 'Blue Serge' after his favourite attire.[1]

Many others believed that the system found it difficult to cope if criminals showed any sophistication in their operations. According to the *Saturday Review*, in February 1868, the typical police detective was: "...seldom a match for a criminal with more than the average intelligence of his class".[2] Some felt that an excessive emphasis on public order policing and on routine preventative patrolling was damaging to the wider force, and wholly inadequate against a hard-core of intelligent London criminals who were steadily refining their techniques. It was frequently asserted that, until the (short lived) advent of James Munro, the Commissioners were invariably out of touch with detective work.[3] According to Ballantine, one reason for the success of the old Thames Police in localities adjacent to the river had been that they knew the "lawless" people there very well, and were allowed considerable independence (compared to their successors), which was invaluable in tracing suspects.[4] Certainly, as Commissioner, Colonel Henderson was restrained in his use of detectives, as even Josephine Butler accepted (she feared that a more assertive Metropolitan Police Commissioner would use them more intrusively).[5] Although a popular commander, Henderson apparently never took to the details of police work, and "least of all to thief catching".[6] After his replacement, William Stead's *Pall Mall Gazette* ran a series of articles between 1886 and 1888, bitterly critical of the Metropolitan police. Although these ranged from attacks on the handling of public order policing and police competence generally to the decor at Scotland Yard, the low priority of detection was foremost amongst his complaints. Senior officers, in particular, were criticised as 'Dodos' and for being living antiquities in their attitudes. (The only exception being the then C.I.D. Chief, James Munro, "the one competent man" in the force,

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[1]Dew, Walter, 1938, at p.90

[2]Petrow, Stefan, 1994, at p.68

[3]Anderson, Robert, 1910, at p.129

[4]Ballantine, Serjeant, 1890 Edn., at p.235.

[5]Butler, Josephine, 1880, at p.47.

[6]Greenham, G.H., 1904, at p.124

mainly, it seems, because of his detective background). Charles Warren was derided for his preoccupation with public order and drill, and his alleged neglect of ordinary crime. In particular, the *PMG* attacked Warren's attitude towards the C.I.D., and the manner in which he regulated it with 'Red tape' and a host of limiting rules. Amongst them, it claimed that he would not permit any officer under 5' 9" in height to join, that the rules on rewards for informers were too restrictive, that a detective needed formal permission to pursue a suspect outside the London area and that the periods that officers had to spend in uniform before becoming detectives were so substantial that they became well known to criminals, and also assumed the overt manner of uniformed policemen, complete with a regulation patrolling 'gait'. The magazine complained that there was no room for "clever little ferrets of men among the London detectives". It claimed that Warren's Commissionership had witnessed over-centralisation and the adoption of military-type discipline for officers, despite the fact that: "Battalion drill avails nothing when the work to be done is the taking down of a midnight assassin".[1] His emphasis on overt policing was seen to be at the expense of the detective branch, who were often lacking in able recruits.

In truth, Colonel Warren does appear to have had little interest in, and sometimes even a positive dislike for, something as unregimented as detective work. Even some officers believed that: "The Chief [Warren] continually snubs the detective branch". A competent detective inspector took years to train, but under the Warren regime the force was getting men of the: "...most rigid respectability, but with very little acumen, put, for lack of better, into positions in which they have to cope with the keenest-witted rascals of any and every nationality...Even with our native swindlers, there is year by year a refinement and even originality in their methods, which demands in the guardians of society correspondingly brighter qualities, and these are not to be found amongst the men who are now being taken into the ranks".[2] It is clear that throughout his short period as Commissioner, Warren had

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[1]Porter, Bernard, 1988, at pp.86-88.
[2]Approved quotation from a 'Daily Paper' in Anon., 1888-9. *The Metropolitan Police and its Management...,* at p.6

extremely bad relations generally with Assistant Commissioner Munro's C.I.D.. Warren distrusted the detectives' operational independence and natural secrecy and bridled at their apparent resistance to military style discipline. As tensions developed between the two men, Warren complained to the Home Office about Munro's insubordination. This appears to have prompted Munro's resignation, in August of 1888, which was handed in with an attached list of complaints about Warren's lack of interest in the C.I.D., and the restrictions that he imposed on it. Despite initial resistance to accepting the resignation, the Home Secretary (Sir Henry Mathews) eventually did so, probably believing it to be the easiest course available. Munro was replaced by Robert Anderson.[1] However, shortly afterwards, the failure to solve the Jack the Ripper murders brought further criticism of the police generally and detectives in particular. This was despite a major attempt to detect the killer, swiftly after one of the murders: "... a number of plain clothes men [were] out making inquiries in the neighbourhood, and...interviewed many persons who might, it was thought, assist in giving a clue".[2] According to a report by Chief Inspector Swanson, sent to the Home Office on the 19th October 1888, 80,000 handbills weredistributed, extensive house-to-house searches conducted, and 2,000 lodgers questioned. Even Anderson freely conceeded that C.I.D. morale was low at this point.[3] Matters were not assisted because, as he was frank in acknowledging, the Detective Department had always been an object of jealousy in the wider Force, something that was especially apparent during 1887 and 1888. He felt that a clear indication of this, at the highest level, was that the Commissioner's report for 1887 had mentioned the quality of police boots, and the replacement of truncheon pockets for cases but did not contain a single word about crime in the Metropolis.[4]

Criticism of the detective abilities of the police also came from within the force. A recurrent theme in the early years of the new C.I.D., when the majority of its officers were still former Divisional detectives, was their poor general quality. According to Fuller, in

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[1]Pellew, Jill, 1982, at p.48.
[2]*London Times*, September 3rd, 1888, "The Whitechapel Murder"
[3]Anderson, Robert, 1910, at p.136
[4]Anderson, Robert, 1910, at p.139

1881, many of the old detectives, particularly those taken from some of the 'rough' districts: "...seemed destitute of everything but a certain amount of low cunning, [and] a smattering of thieves' slang".[1] His views were supported by Serjeant Ballantine, who opined that the detective Branch was not sufficiently careful, indeed secretive, about information that they had on serious crimes, a situation that he contrasted unfavourably with the old Bow Street Runners. They were too willing to publicise details, such as whether a deceased victim had made a dying declaration implicating his attacker, which could only be of assistance to criminals.[2] By the turn of the century it was widely believed that Scotland Yard was being outstripped in the employment of technology and crime indexes by many continental forces, especially those in Germany and France.[3] The situation was not improved by deficiencies in the professional competence and forensic knowledge of the uniformed officers who provided the immediate support for detectives; officers attending a serious crime scene "have not always the detective instinct, and very often valuable time has been lost in the tracking of the fugitive criminal". An illustration of this was that it took the first six of the 'Ripper's' murders in Whitechapel, in 1888, for them to appreciate that there was a need to photograph a victim's corpse *in situ*, before moving it to the mortuary.[4]

Of course, there were exceptions to the generality of these statements. Even in 1881, the troubled Rotherhithe police had two very good, experienced, local detectives, Frank Brias and Jimmy Tooley, described by Fuller as the "finest old thief-takers". They had served there for 20 years, gaining a unique knowledge of the area and seeing many local thieves grow up from boyhood. They were 'tough but fair' men who were willing to nurse informants at their own expense by the "occasional judicious expenditure of a coin or two".[5] Additionally, after 1878, greater care was taken to secure the better men available from the uniformed branch. According to former Detective Inspector Andrew Lansdowne, it was

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[1] Fuller, Robert, 1912, at p.27
[2] Ballantine, Serjeant, 1890 Edn., at p.233
[3] Fosdick, Raymond B., 1915, at p.313
[4] Clarkson, Charles Tempest and Richardson, J.Hall, 1889, at p.272
[5] Fuller, Robert, 1912, at p.28

as a result of his success in uniform, a process in which he was made first sergeant and then acting Inspector, that he was sent to Scotland Yard.[1] John Sweeney was also 'noticed' because he was a diligent and effective uniformed officer, typically, pursuing a thief that he saw steal a pair of boots in King Street, Hammersmith to his lodgings and arresting him.[2] Nevertheless, despite the limitations of the detective branch, in both manpower and professional competence, an examination of significant routine crime (for example theft), heard on indictment (such as the trials held at the Old Bailey) in the 1880s, reveals a very high proportion of cases in which detective officers were involved in the apprehension of felons (compared to cases where *only* uniformed officers had taken part).

Detective Misconduct

Although some observers, such as Charles Dickens, believed the Runners to have been significantly more corrupt than the new detectives, misconduct (whether motivated by zeal or personal gain) appears to have been an occupational hazard of detective work. As early as 1833, there had been the scandal over the activities of the plainclothes man William Popay (who, allegedly, went beyond his orders in infiltrating the National Political Union). In 1855, PC Charles King, a C Division plainclothes man was convicted and transported for using his position to organize a group of youthful thieves, even pointing out targets to them. Over 20 years later the 'trial of the detectives' occurred, and, at the start of the following century, an otherwise laudatory Edwardian newspaper article could concede that: "There are black sheep in every fold, and there are men in the C.I.D. who do not always do it credit".[3] To an extent, many of the risks were unavoidable, leading*The Times*, shortly after the Home Secretary instigated his enquiry into detectives, to declare that although sometimes necessary, their use could never be more than an "unpleasant and dangerous necessity". There were inherent risks in their use and the independent nature of their work meant they were the most

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[1]Lansdowne, Andrew, 1893, 2nd edn., at p.6
[2]Sweeney, John, 1905, at p.4.
[3]*The Times* , January 1st, 1909

difficult of police departments to manage well. They necessarily had to mix with the criminal underworld, and pretend to be involved in their crimes. Officers might easily find the lifestyle corrupting. As a result, while all gifts to policemen required written permission, the Commissioners ordered that there was to be special care that gifts to detectives had not been actively solicited.[1] Even so, in 1877, one third of the then Scotland Yard detective force, amongst them Chief Inspectors Druscovitch, Palmer and Clarke stood trial on a variety of charges, including taking bribes, associating with criminals, suppressing evidence and giving advance notice of impending police raids to criminals. They were all convicted.[2]

Alternatively, detectives might fabricate evidence and instigate crimes simply to curry favour with their superiors.[3] Allegations of perjury were especially frequent against police detectives. David Nicoll, a London anarchist of the 1890s lamented that he had been the victim of deliberate perjury by two detectives (a breed that he hated) as to the contents of a speech he had made in Hyde Park; the men had treated him as an "incendiary and assassin", simply because of his politics (though in reality he was neither).[4] The constant temptation for detectives to take 'short cuts' in securing the convictions of men that they believed, mistakenly, were guilty, was also ever present. Even Detective Inspector Fuller candidly admitted: "I confess that I have been deceived both intentionally and otherwise, and have formed erroneous opinions, more than once or twice".[5] Alf, the Lambeth 'hooligan' of 1899, loathed detectives ("Young Alf reserves his animosity for the split, who does not nail his colours to the mast") and distinguished them from ordinary police men, even if he did not respect the latter and often clashed with uniformed officers. He approvingly recalled an incident in which, when in custody, he had witnessed a detective telling a witness that the apprehended suspect on an identity parade, was "fourth from end". When he pointed this out to the (uniformed) station inspector, the latter officer swiftly "re-shuffled

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[1] MEPO 7/15 May 27 1850.
[2] Lansdowne, Andrew, 1892, 2nd Edn., at p.7
[3] Leading Article, *The Times* , August 15th, 1877
[4] Nicholl, David, 1892, at p.5
[5] Fuller, Robert, 1912, at p.196

the pack".[1] Then as now, detectives had to pay money to, and associate with, informants for information. As detective George Greenham was to state in cross-examination during the 'Trial of the Detectives' in 1877: "When I want to get information I often have to mix with very bad company".[2] Indeed, in the early 1860s Henry Mayhew and his collaborators suggested that it would be prudent for parliament to establish a "Detective and Inquiry Fund" to reward successful detectives, so that those in London could be given a "spur and inducement" to their endeavours. One reason that it was needed was that even if they were unsuccessful, detectives were: "...almost always out of pocket through their researches".[3]

However, as *The Times* observed, there were ways of reducing such inherent problems. Obvious safeguards were for detectives to be closely monitored and to keep in regular contact with their superiors, informing them of every step taken. Their use could also be confined to an essential minimum.[4] Both approaches were to be followed in London, though this inevitably also limited their effectiveness. Nevertheless, by 1900, the growth of detection had transformed the force established by Peel 70 years earlier.

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[1]Rook, Clarence, 1899, at p.261

[2]Dilnot, George, 1928, at p.182

[3]Mayhew, H. et al, 1862, Vol.4, at p.242. It is still a complaint for modern detectives who sometimes find their resources inadequate to cultivate informants without having recourse to their own pockets.

[4]Leading Article, *The Times* , August 15th, 1877

Chapter:18 Alternative Paradigms for the Decline in Metropolitan Crime

Introduction

It is easy to find alternative explanations for the decline in Metropolitan crime, and the simultaneous growth of 'respectability', to those based on policing reforms. It is, perhaps, a mistake to view change in London society as being 'legally driven'. Arguably, as 'manners' were transformed so the law began to penalise conduct that was no longer deemed 'acceptable' by respectable society, rather than vice versa. Of course, a focus on the policing of the slums, rather than on their underlying social problems, was politically attractive. Thus, an astute American correspondent observed in 1888 that London Tory members of parliament would vote against the Home Secretary, because their constituents were: "... up in arms against the existing police inefficiency". This was characteristic of a city which could read of major landlords: "...turning out into the wintry blasts thousands of helpless tenants without concern, but it is willing to wreck a Ministry because some street-walker in the slums has been murdered by a mysterious lunatic".[1] However, even then, many, like Amelia Lewis, believed that to diminish crime, or "action in the wrong place" (an interesting early example of a phenomenological approach, resonant of 'dirt being matter out of place'), it was necessary to combat its structural causes:"It is the 'origin' of 'crime' we must avoid, not the consequences, in order to apply a thorough remedy; it is no use to shut the stable when the horse is stolen".[2] Much importance can be placed on the social and economic improvements of the era. Arguably, because levels of 'social disorganisation' were acute in the early part of the century, so was crime widespread. As these fell during the century, so did crime. Equally plausibly, the decline later in the century in London's crime levels were intimately linked to a reduction in non-policing factors occasioning such social disorganisation. Perhaps significantly, it was not just crime that showed a marked reduction; other indices of social

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[1] *New York Times*, 11th November,1888
[2] Lewis, Amelia, 1871, at pp. 296-99

disorganisation and non-criminal deviance also appear to have fallen. Thus, in nineteenth-century England, the illegitimacy ratio, the proportion of out-of-wedlock births to total births, rose from a little over 5 per cent at the beginning of the century to a peak of 7 per cent in 1845. It then fell steadily until it was less than 4 percent at the turn of the century. In East London, the poorest section of the city, the figures are even more dramatic; illegitimacy there was consistently well below the average: 4.5 percent in the mid-century and 3 per cent by its end.[1] (By then, it was significantly lower in the East End than in most of the rest of the country). Similarly, illiteracy declined rapidly under the influence of the 1870 Education Act and charitable initiatives. The number of those admitted to work-houses also declined steadily as a proportion of the population after 1850s. By the latter decades of the century, the admixture of newly arrived and impoverished Irishmen to London, traditionally an important ingredient in the city's urban underclass had declined. Many of their forbears had become 'Anglicised', and were increasingly absorbed into mainstream Metropolitan life, being especially active in the Trade Union Movement.

The Victorian Urban 'Crisis'

That social conditions in England, particularly in the cities, were in incipient crisis in the early Victorian period (especially in the 1840s), was a commonplace amongst men of the era, whatever their social provenance and political persuasions. Obviously, and famously, there were: "...Two nations [the rich and poor]; between whom there is no intercourse and no sympathy...who are formed by a different breeding, are fed by a different food, are ordered by different manners, and are not governed by the same laws".[2] The 'quality' of life is a variable that depends upon an enormous range of economic and social factors, levels of real income, quality of diet, amount and quality of housing, sanitation and the availability of clean water, access to open spaces, immediate standard of working conditions and the public provision of basic social services including education etc.. Only some of these factors are capable of any

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[1]Himmelfarb, Gertrude,1994, at p.57

[2]Disraeli, B., *Sybil,* Wordsworth Classic Edn. (1995) at p.58, see also pp. 148,149, &195.

statistical measurement. However, with that qualification, the period from the 1820s to the 1850s, was, in many ways, particularly harsh. While it is a matter of debate as to when precisely the benefits of the Industrial Revolution began to filter down, in real increases in working class living standards, it appears not to have been until the 1850s that there was any very marked improvement (whether things got any better before this period is a vexed historical issue which cannot be pursued in detail here).[1]

Generally, throughout the 1830s and 1840s, trade levels were poor and food prices relatively high. Swift population growth was not met by a simultaneous expansion in housing or urban infrastructure. Compounding such problems were endemic diseases like cholera, which could produce epidemics when the right climatic conditions coincided with periods of economic and social distress. Mortality figures for poor districts like Shoreditch, Whitechapel, and Bermondsey were usually up to twice as high as those for the more prosperous areas of London.[2] During cyclical or seasonal slumps, overcrowding and the 'doubling up' of families in rooms became common, further encouraging disease.[3] As Edwin Chadwick observed, the formation of habits of cleanliness in many areas was "obstructed by defective supplies of water".[4]

The local government of London was ramshackle and woefully ill equipped to deal with these problems at the start of the century. Before 1855 it was still largely based on the parishes, so that the metropolitan area was governed by 172 vestries, the City Corporation, 7 Sewers Commissions, a hundred paving, lighting and vestries boards, and the boards of guardians of the 1834 Poor Law Act. Limited reforms such as the Municipal Corporations Act of 1835 which provided for the setting up of local health boards, as well as the Public Health Act of 1848, and attempts to improve the local government of the vestries such as the Sturges Bourne Acts of 1818 and 1819 had proved largely inadequate.[5] Men such as Chadwick issued urgent calls for reform. They believed that great

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[1] Hobsbaum, E.J., 1969, at pp.154-171, Evans, Eric J., 1983, at p.154

[2] See on this generally Haley, Bruce, 1978

[3] See on this Hardy, Anne, 1988, at pp.401-25.

[4] Anon, 1842, *Report...from the Poor Law Commissioners on an Inquiry into the Sanitary Conditions of the Labouring Population of Great Britain.* at pp. 369-372.

[5] Roebuck, Janet, 1979, at pp.9 & 10.

improvements were readily feasible and that most urban evils, such as disease, were "attendant on removable circumstances", and thus remediable.[1]

Crime and Demoralisation

The notion that appalling urban squalor and living conditions engendered a demoralisation that was potentially criminogenic was (along with the crime/need paradigm) a 'constant' in the nineteenth-century debate on urban crime. For many, such conditions inevitably had profound ramifications for crime and suicide rates, in a way that went beyond the purely material. Thus, Chadwick felt that appalling conditions were inherently likely to engender a feckless underclass, producing people "less susceptible of moral influences" and an adult population that was "short-lived, improvident, reckless, and intemperate, and with habitual avidity for sensual gratifications", i.e. the 'normal' characteristics attributed to the London underclass. In turn, these habits led to the "abandonment of all the conveniences and decencies of life" and created "demoralization" amongst those who subsisted by "means of what they find amidst the noxious filth accumulated in neglected streets and bye-places". As a result, Chadwick was convinced that the: "... removal of noxious physical circumstances, and the promotion of civic, household, and personal cleanliness, are necessary to the improvement of the moral condition of the population; for that sound morality and refinement in manners and health are not long found co-existent with filthy habits amongst any class of the community".[2] He also believed that the noxious slum areas depressed the health and bodily condition of the population in a way that acted as obstacles to other improving agencies, such as education and "moral culture". This meant that instead of having an urban population that "accumulates and preserves instruction and is steadily progressive", England's city dwellers were: "...young inexperienced, ignorant, credulous, irritable, passionate, and dangerous, having a perpetual tendency to moral as well as physical debauchery".[3] Chadwick advocated improved drainage, street and house refuse clearance,

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[1] Anon, 1842, *Report...into the Sanitary Conditions of the Labouring Population of Great Britain.* at pp. 369-372.

[2] Anon, 1842, ibid, at pp. 369-372.

[3] Anon, 1842, ibid at p.167.

improvements in the water supply and the appointment of district medical officers. These steps were necessary for the "improvement of the moral condition of the population".[1]

Thomas Beggs was another subscriber to the immiseration/demoralisation school. He approvingly cited Dr. Southwood Smith in believing that: "...if you reduce men down to the level of brutes, you will soon find manners appropriate to the degradation". He felt that given the squalor of lower working class living conditions and the lack of segregation between the sexes: "Coarse language, slovenly, filthy, and indecorous habits, and impure desires must necessarily arise from such unhappy communion".[2] This process was felt to be particularly acute in the worst slums. Thus, W.H. Dixon could observe of mid-century Field Lane, in Clerkenwell, that it was a: "...hot-bed of crime and demoralization. Here is one of the great dunghills on which society rears criminals for the gallows, as on other dunghills it rears melons for the table".[3] Similarly, the judge and lawyer John Mirehouse, writing in 1840, believed that poor environment (with a small admixture of biological inheritance) could explain much crime: "Bad houses, bad air, bad food and evil surroundings, acting on natures which inherit the results of similar conditions on past generations, must generate and foster crime".[4] Mathew Davenport also saw a close connection between disease, unwholesome habitations and personal moral decline, in part, because they prompted a reduction in energy and made work more laborious. As a result: "In this unhappy condition the ignorant sufferer but too often flies for relief to the stimulus of ardent liquors". Unfortunately, this produced a vicious circle, via an even more "lamentable depression". Consequently the inhabitants of bad districts were: "....year after year, and generation after generation, exposed to the accumulated sufferings of disease, drunkenness, indigence, and criminality".[5] Thomas Holmes, like many others, appreciated that the public house was as much a symptom as an

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[1] Anon, 1842, ibid at pp. 369-372.
[2] Beggs, Thomas, 1849, at p.48.
[3] Dixon, W.H., 1850, at pp.224-228
[4] Mirehouse, John, 1840, at pp.20 & 21
[5] Charge to the Grand Jury of Birmingham, March 1854, reproduced in Davenport Hill, Mathew, 1857, at p.301.

immediate cause of personal degradation. It was intimately bound up with the very poor's existence because, to many of them, it was a symbol of "enjoyment and relaxation, for forgetfulness of misery and discomfort and for sociality". Like Charles Booth, he saw that it was linked to a vicious circle in which: "The more miserable the home and the greater the dirt, the more the public-house attracts; the more it attracts, the viler the home-life and the greater misery and dirt".[1] Similarly, Engels, one of the most famous exponents of the demoralising consequences of the impact of early industrial urban life on the working classes, asked: "...how can the children grow up into decent, sober adults if they have been left to run wild when young and if they have grown up in surroundings of a demoralising character".[2] He ascribed excessive alcohol consumption and crime levels to the way in which the urban working classes had been denied good housing, food, sanitation, water and air. Engels felt that their psychological condition was also severely threatened by facing alternatively the extremes of hope and the threat of hardship. Their exhausting levels of work forced them to excessive indulgence in the "only two pleasures remaining" (alcohol and sex). For Engels, this virtually had a quasi-scientific basis: "If the demoralisation of the worker passes beyond a certain point then it is just as natural that he will turn into a criminal-as inevitable as water turns into steam at boiling point".[3] In this situation they would lose all power to withstand temptation to commit crime.

Despite his political views, Engels was merely placing into vigorous prose, what for many in the nineteenth century was almost received wisdom, especially in its early decades. Even the most august, and establishment, commentators freely acknowledged the urban social crisis of the 1840s, and its potential implications for levels of criminality. Commenting on the terrible condition of the nation's prisons, in 1842, *The Times* observed that allowing such a state of affairs was especially mistaken: "...in a state of society like ours, where the rich appear to be responsible, by their indifference, for so much of the evil which is found among the

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[1] Holmes, Thomas, 1908, at p.178
[2] Engels, F., 1958 Edn., at p.145
[3] Ibid., at p. 144

poor. We may depend upon it that these degraded men are yet ready to feel with bitterness that their degradation might have been arrested had some of these masses of money which they hear of been made to go as far as possible in benevolence...With the thought of his own luxuries in his mind, of the dense populations by which alone those luxuries are produced, and of the crime which is their certain growth, we would beg our reader to contrast his own efforts to arrest that crime with that unfeeling carelessness in avenging it".[1] Even Mayhew, in 1850, was to note that: "Morality on 5000 pounds a year in Belgrave Square is a very different thing to morality on slop-wages in Bethnal Green".[2] This perceived connection between squalor, immorality, and crime continued, albeit less obviously, throughout the rest of the century. Thus, in the aftermath of the 'Jack the Ripper' murders of 1888, the *Lancet*, the leading British medical journal, asserted that: "...great poverty, overcrowding, dirt, and bad sanitation . . . renders [sic] more probable the conception and the execution of such crimes as those that now absorb the public attention".[3]

Thus, contrary to some modern portrayals, it is evident that many Victorians throughout the century were firmly of the belief that squalor, rather than an inherent personal disposition towards evil affected the 'moral fibre' of many of the poorer areas' inhabitants. The potential for the amelioration of such urban squalor to impact on crime rates, and to explain the later decline in nineteenth century crime, has continued to have attractions to modern scholars.[4] Few would ascribe no significance to the simultaneous advances in urban improvement and the evident reduction in crime after the 1850s.

London's Social Demoralisation Addressed

From the mid-Victorian period onwards increasingly successful action was taken to ameliorate the urban situation. It has been observed that for social historians, the survival of typhus in the English cities, and especially London, till the 1870s, and its swift disappearance thereafter, is strongly indicative of a marked decrease in urban 'crisis' and stress. Its disappearance signified the

[1] *The Times* , January 28th, 1842
[2] Thompson, E.P., 1974, at p.51.
[3] *The Lancet*, October 6th,1888. Quoted in Haggard, Robert F., 1993, at p.13
[4] Roebuck, Janet, 1979, at p.6

arrival of structural, as well as economic and social, stability, the reduction in social and economic dislocation, and also the effectiveness of local public health programmes after 1870.[1] However, the process had started well before the 1870s, and its 'landmarks' were increasingly frequent after the 1840s. In that decade, glazed pipes were introduced, greatly facilitating the provision of clean water and hygienic sewage disposal.[2] The Public Health Act of 1848 empowered a central authority to set up local boards whose duty was to see that new homes had proper drainage and that local water supplies were dependable. The boards were also authorised to regulate the disposal of wastes and to supervise the construction of burial grounds. As a result, even before the transformation effected by the 1888 Act, and the advent of the London County Council, important improvements were effected and: "...because the worst health dangers were concentrated in the poorest areas, the improvements the local authorities effected were most keenly felt in lower class districts".[3] In 1860 the first pure-food Act was passed, being reinforced in 1872. Urban education spread via voluntary initiatives in the 'Ragged Schools' of the 1840s culminating in the Elementary Education Act of 1870 (33 & 34 Vic. c.75, s.75), which made basic schooling compulsory (by provisions which rendered parents liable to fines for not sending their children to school). This followed the Industrial Schools Act of 1866 (29 & 30 Vic. c.118, ss 14-19) which had enabled magistrates to send certain classes of potentially deviant children to schools which, as the eminent Victorian judge Sir James Fitzjames Stephen was to observe: "...partake to some extent of the character of prisons".[4] By the start of the twentieth century, Walter Besant could note that: "...all through the most crowded parts of East London the number of schools is very noticeable, and the attendance excellent".[5] Also significantly, in the final decades of the Victorian period, the birth rate started to fall heavily. In 1870 there had been an average of 6 children per family, by 1890-99 it

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[1]See on this Hardy, Anne, 1988, at p.25.

[2]Morris, R.J., & Rodger, R., 1993, at p.6

[3]Roebuck, Janet, 1979, at pp.5 &6

[4]Stephen, J.F., 1883, at p.264

[5]Besant, W., 1908, at p.48

was 4.3.[1] Slums and rookeries were steadily pulled down from the middle of the century. As a result, Henry Mayhew could observe that the progress of modern civilisation was so rapid that descriptions of many parts of London that were only a decade old were already hopelessly inaccurate. He felt that the "condition of the people [is] changed" in many areas, to the extent of being "metamorphosed".[2] Thus, the infamous slum in the Field Lane and Saffron Hill area of St. Andrews Parish, near Clerkenwell, a place where Dickens had set Fagin's den in *Oliver Twist* (1837) was demolished in the 1860s. Over much of London the process of slum and rookery clearance continued apace throughout the 1870s. In the 1870s Jennings' Buildings in Kensington, which was qualitatively as bad as any thing produced by the East End, were demolished. (Nevertheless, it was widely acknowledged that slum clearance was a mixed blessing for the poor; As Andrew Mearns observed "It is notorious that the Artisans Dwellings Act has, in some respects, made matters worse for them. Large spaces have been cleared of fever-breeding rookeries, to make way for the building of decent habitations, but the rents of these are far beyond the means of the abject poor.")[3]

Improvement in Living Standards

Francis Place had felt that the "rapid increase of wealth and its more general diffusion" were important in reducing Metropolitan crime.[4] From the 1850s, a manifest improvement in living standards set in, with great rates of economic growth, including a trebling of national income, between 1850-1914. As a result, there was also a significant improvement in those for most working class people. By 1865 their real incomes were 20% up from the levels of 1850; by 1875 they had increased by a third. As a consequence, the *per capita* consumption of tea, sugar, coffee and tobacco also increased markedly during this period.[5] General levels of prosperity continued to increase significantly after this period, though not without interruption; this contributed to a situation in which adult mortality rates declined steadily in the 1880s and

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[1]Bedrida, Francois, 1991, at p.113

[2]Mayhew, Henry, et al., 1862, Vol.4, at p.226

[3]Mearns, Andrew, 1883, at p.24

[4]Place, Francis., 1835, 1972 Edn., at pp. 14-15.

[5]Shannon, Richard, 1976, at p.31.

1890s and life expectancy increased. By the end of the century the results were spectacular. The gain in real wages for the average worker was probably about 60% between 1860 and 1900. In that period, *per capita* tea consumption had doubled, that of sugar had nearly trebled and meat consumption had increased by over 30%. Food consumption generally was increasingly aided by cheap imports from abroad, such as American wheat and, from the 1880s, frozen meat from South and North America and the Empire.[1] Charles Wood, studying the question in 1909 came to the conclusion that if the wage for skilled workmen in 1850 was taken as 100, in 1875 it was 135 and by 1890 it was 166. Using 1900 prices, it would appear that the net national income per head averaged £18 in 1855, and £42 in 1900.[2] As Arnold Toynbee noted, even during the poor years of the 1880s, it was: "... a fact that though the cost of living has undoubtedly increased, wages have risen in a higher ratio.[3] Indeed, it is possible that the apparent volatility of the 'residuum' in the mid to late 1880s was aggravated by the preceding general rise in expectations, and a new unwillingness to 'endure' as before. Other types of new consumer durables also made life easier for working people (by 1891 there were over 5,000 bicycle manufacturers in England alone).[4] As a result, even stern critics of Victorian industrialism, such as Eric Hobsbawm, have observed that although remaining desperately poor: "Clearly the last quarter of the nineteenth century was a time when life became very much easier and more varied for the working class".[5] By 1900, inadequate wages as a direct cause of poverty affected mainly unskilled workers (such as many of those found in East London). At the start of the Victorian period, only a small fraction of workers were not vulnerable on this account. Although there was not a major change in the proportionate distribution of wealth during the century (about 40% going in manual workers' wages), the 'cake' got progressively larger, due to increased productivity, and cheaper imports as the terms of trade increasingly favoured England (especially of food; Rowntree's minimum subsistence

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[1] Ibid., at p.202.
[2] Rose, Michael E., 1986, 2nd Edn., at p.9
[3] Toynbee, Arnold, 1884
[4] Shannon, Richard, 1976, at p.202.
[5] Hobsbawm, E.J., 1969, at p.164

budget was 10-20% cheaper in 1899 than it had been in 1850), allowing the working classes to share in the increased wealth of the nation.[1]

The consequences for crime levels must have been significant, though inherently difficult to assess. Much 'survival' crime in England, and London, prompted by desperate need, would have been greatly reduced as the numbers who felt the sudden press of really acute poverty were greatly reduced. It has even been suggested that the apparent marked improvement in the levels of male/female violence in London between 1840 and 1889 may have been directly linked to the improved economy, which reduced stress on such relationships.[2] Additionally, because much of the improvement was in consumable rather than consumer goods, such improvement would not necessarily be expected to produce a major increase in criminal targets (other than bicycles).

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[1]See Armstrong, Alan , 1966 at p.21

[2]Tomes, Nancy, 1978, at p.341

Chapter 19: Conclusion

It is necessary to draw all these threads together when assessing the impact of policing reform on Metropolitan crime. Victorian London witnessed the apparent flourishing of a large, threatening, criminogenic, urban underclass that was radically divorced from the conduct values increasingly held by the wider nation. Closely linked to this underclass, London in the 1840s witnessed widespread poverty, squalor and destitution, interspersed with pockets of affluence and conspicuous consumption. It was a city with attenuated forms of social control, unprecedentedly low levels of social solidarity and homogeneity, as well as great and increasing social segregation. Yet London's poorer inhabitants were no longer necessarily imbued with a belief that such social differences were part of the 'natural' order or divinely pre-ordained, in the way that they might have been a century earlier. Together, these factors allowed the development of localised urban criminal sub-cultures. By contrast, over fifty years later, as Queen Victoria's reign drew to a close, many of the concerns of the 1840s were distant ones, while others, though remaining, were geographically confined, discreet and apparently declining. The urban underclass had, substantially, dwindled and retreated to the margins of the city. To those who *looked* it was still readily to be found, in small clusters of streets and courts, located amidst greater numbers of very poor, but, in their own terms, 'respectable' working class streets. By then, the remnants of the great early Victorian underclass had become an object as much of pity as of fear. London in the 1890s was clearly a city whose urban problems had been, or were being, addressed.

Not surprisingly, Metropolitan crime also appeared to show a "remarkable reduction" in the latter part of the century. Although in recent years it has been academically fashionable to focus on changing perceptions of crime as if these were invariably detached from 'reality', it is apparent that the decline in recorded crime rates reflected reality and was closely linked to the decline in the

Metropolitan underclass. However, although these phenomena were clearly connected, the underlying cause for their simultaneous decline was not so obvious, no single explanation appearing entirely satisfactory. Typically, the *Dark Blue,* accepted that it was unquestionable that the statistics indicated that although the: "...population of the Metropolis has increased there has been a marked diminution of crime". However, it also freely conceeded that it was impossible to explain it. Some attributed it to 'Philanthropic' Government Acts to "educate and Christianise that section of the population from which the criminal classes are recruited". Others, with, the article's author felt, "more reason" (but less plausibly to modern observers) ascribed it to the "severe powers" provided by the Habitual Criminals Act 1869, for "crushing out, or at least making highly uncomfortable, those who live by crime alone".[1] Many attributed it to the work of the police, others, albeit somewhat fewer, identified improved social, political and economic conditions as being behind the change.

There had been improvements on all fronts. If the crime and disorder of London was linked to defects in early Victorian urban society, changes during the ensuing century had substantially remedied them. Certainly, these included the work of the Metropolitan Police and a criminal justice system that was willing to go onto the 'offensive'; but amongst them was also that pressing poverty had been ameliorated by a new, widespread, level of increased prosperity and enhanced levels of charitable and public assistance. Alienation had been (partially) addressed by a process of political incorporation, most obviously indicated by the expanding franchise (especially in 1867 and 1884). The inculcation, through numerous social agencies other than the police, of a (flexible) code of values encompassed in the term 'respectability', stressing restraint and self-control had been extended down from the 'political' classes of the 1840s, producing increased cultural and value homogeneity. The demoralising urban crisis occasioned by an archaic city infrastructure had been tackled with enhanced provision for urban planning, slum clearance, housing, pollution control and sanitation. Many juveniles had been taken out of 'circulation' by compulsory elementary education, something which

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[1] Anon, 1871, *Our Police System,* at p.693

also provided a forum for transmitting new values. All of these factors encouraged urban stabilisation and the emergence of notions of community; all must have played a part in the process of reducing urban crime.

The transformation had probably been the result of different agencies, working together, in a process that continued for several decades after 1900, producing an ongoing improvement in public order and crime levels, just as they had in the late nineteenth century. Thus, it has been observed that when police/public disturbances in the rougher parts of South Islington declined in the 1920s, it was because many supports of long-standing 'street culture' had become attenuated, due to social and economic changes, the greater provision for leisure, and the dispersal of the concentrations of the 'dangerous classes' through demolition and rebuilding. Additionally, there had been the spread, through the local South Islington working class, of new notions of public propriety (something that appears to have started with the skilled workers associated with local rail and print industries). These stressed new cultural attitudes including what has been termed an almost: "...ritual avoidance of contact with street cultures."[1] All of these were themes that were *at least* 70 years old, even then.

It is very difficult to ascribe relative degrees of importance to these various factors, especially as they often overlapped. The new police, for example, deterred crime, but they also acted as 'domestic missionaries' in transmitting, encouraging and upholding many of the values of 'respectability' amongst the lower elements of the urban working classes. Simultaneously, they engaged in basic social work that contributed, albeit modestly, towards the improvement of urban conditions: helping the injured, administering non-penal social reforms (the supervision of lodging houses and pollution controls etc.) and, very importantly, assisting in the enforcement of universal elementary education after 1870 by supporting school board officials in dealing firmly with truancy and parental non-compliance.

However, with these reservations, the 1834 Police Committee was probably correct in concluding that the police alone could not end Metropolitan crime. It was also contingent on an enlightened

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[1] See on this Cohen, Phil, 1979, at pp.116-122.

penal system and particularly on the "diffusion of moral and religious education, which are the great and the only means of permanently advancing the moral and social condition of the People".[1] As Thomas Beggs observed, a simply penal approach to crime and disorder was not, on its own, sufficient. The numerous new laws of the 1840s failed to deal with the root causes of crime because they were premised on a belief that: "...men could be awed into virtuous conduct by the mere terrors of punishment".[2] Almost half a century later, even Sir Charles Warren firmly believed that policing, criminal law and the justice system were not *primarily* responsible for the post-1850 decline in Metropolitan crime.[3] Some modern observers have even suggested that the apparatus of the criminal law changed the behaviour of relatively few.[4] Nevertheless, such assertions do not mean, as some have argued, that the police cannot claim a large share of importance in the process. Despite attempts to downplay the significance of 1829, the new police proved to be a marked improvement on their predecessors for most of London. By itself, this was not enough, and needed to be combined with the social and economic improvements of the post-1850 period. When these set in, however, the police contribution may well have been a necessary prerequisite for the reforms to become effective. They provided a formidable public order force, relegating the fatal viciousness of major riots to history. Additionally, they greatly reduced the incidence of street 'incivility', status and 'quality of life' crimes, though their impact was slightly less dramatic and sudden in this respect than is sometimes suggested. There were many continuities with pre-1829 Metropolitan policing, their extensive powers were often exercised sparingly, producing a gradual and continuous 'ratcheting' up of levels of intervention over 70 years. However, partly as a result of such policing, it proved possible for a sense of community, with its attendant social bonds, to be inculcated, even in a huge modern industrial city. The police provided the disciplined and relatively secure and stable public environment in which State and private

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[1]pp.11.d.1834, at p.22
[2]Beggs, Thomas, 1849,
[3]*East London Advertiser* 10/11/99, cited Fishman, W., 1988, at p.178
[4]See, for example, Petrow, Stefan, 1992, at p.74.

intervention through other agencies might operate, and in which the effects of increased general prosperity might take effect.

It was the increased prosperity of the late Victorian period that allowed Mrs S.A.Barnett to note that, even in the East End: "...the homeless, with but few exceptions, are homeless because they cannot or will not work, or because they prefer vice to virtue, or because they are, in some way or another, wanting in character."[1] For relatively young, able bodied males, a category which, as has been shown, covered *most* London criminals, this observation was fairly accurate, except during the trough of a cyclical/seasonal slump. For the old or infirm, women with children etc., the situation was, of course, very different; but as has also been demonstrated, these were not categories of the population that appear to have contributed heavily to the crime statistics.[2] The social and economic improvements of the era presented an alternative to crime for the poor, one that had often been missing in the early century. However, by itself these may not have been enough, given that for many, the criminal: "...life seems romantic and adventurous, and the profits large. Regular work, on the contrary, is hard to get, and when it is got it seems monotonous".[3] Police pressure contributed to making these available, but often rather unattractive, employment opportunities preferable to crime for many fit Metropolitan males.

The last 40 years in both Britain and America have witnessed the apparent contradiction of ever greater State intervention to assist the disadvantaged, especially in the inner-cities, and unprecedented general prosperity, co-existing with the seeming re-emergence of an urban underclass, a body that to many had appeared to be approaching extinction in the early 1950s, after more than a century of obvious and continual decline. As ever more money has been assigned to address the problem, so it has appeared to grow. Inevitably, this has led some, such as Charles Murray, to suggest that the two are inextricably interlinked, government 'handouts' encouraging the emergence of a dependency culture which in turn promotes an urban underclass. However, this

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[1]Barnett, S.A., 1888, at p.438.
[2]See above at pp.60-64
[3]Anon, 1883, Homes of the Criminal Classes, at p.824

is not *necessarily* the lesson of Victorian London. What the experience of that city in the nineteenth century does suggest is that State intervention (like general prosperity), unless accompanied by social discipline, may well be fruitless. Arguably, increased resources in the inner city, on their own, are not enough. Without the prerequisite of both public and personal security, such initiatives are likely to founder. This security cannot be inculcated simply by moral exhortation via, for example, compulsory good citizenship classes (as has recently been suggested), any more than it could be in the nineteenth century.[1]

Other conclusions can be tentatively drawn from the Victorian experience about the nature of police 'pressure'. Nearly all the major 20th century Metropolitan police historians in the 'Whig' tradition, such as Lee, Critchley and Reith are agreed that police effectiveness was contingent on public support, and that their control was effected more by prestige than by power.[2] On this issue they are, ironically, at one with many modern proponents of 'community policing'. However, this view does not bear historical scrutiny. The Victorian experience rebuts suggestions that an effective police is necessarily a popular one. Despite recent claims that, *historically*, there has been a ready public compliance in Britain in their own policing ('policing by consent'), this was often palpably absent.[3] The suggestion, sometimes made in the modern debate, that the 'coercive' nature of British policing was concealed because, in the past, they were a widely respected and supported force, would have seemed absurd to many Victorian Londoners. Although bitterly opposed (especially at first), and highly vulnerable to abuse, police activity against London's most powerless, least articulate but also most criminogenic social strata, contributed to the advance of manners, social cohesion and discipline in such working class communities, and encouraged an unprecedented degree of public civility in their streets. Officers frequently imposed their 'law' in a harsh, unfair and inflexible, but, also, very effective manner. As a result, the Victorian experience

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[1] See *The Guardian* , May 10th, 1999
[2] Robinson, Cyril, 1979, at p.41
[3] Waddington, P.A.J., 1991, at p.3.

issues a challenge to many modern community based policing initiatives.

Some other, firmer, conclusions can be drawn from the Victorian policing experience. By itself, patrolling was not much more effective in *directly* reducing or deterring conventional crime than it has been in the modern period. Despite being faced by a criminal threat that was largely devoid of sophistication, even by present-day standards, and which was often characterised by ignorance, opportunism and gross ineptitude, beat officers were largely ineffectual against burglars, robbers, pick-pockets and other thieves. It is apparent that the simple 'scarecrow' function of uniformed policing has been, historically, heavily overrated (sometimes deliberately so) since the early 1800s. Most London criminals could, and did, adapt to fixed patrols. The 'clear up' rates for Victorian Metropolitan crime were probably no better than those of the late twentieth century. The inexorable expansion of the detectives after the 1830s was a forced and reluctant Victorian acknowledgement of these failings.[1] This expansion occurred despite the relatively low level of London detective sophistication, making it especially indicative of the limitations of conventional policing.

However, although the Victorian experience suggests that the simple *presence* of uniformed officers on the beat is of limited direct effectiveness, some aspects of the 1800s' Metropolitan police experience would appear to strongly support the modern 'broken windows' theory of crime control. It suggests that *indirectly* the presence of officers *can* reduce crime, via the promotion of enhanced urban discipline, a link that has sometimes been ignored in the modern era. Thus, in 1981, Lord Scarman famously reiterated Sir Richard Mayne's definition of the police function as

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[1]At a very practical level, the Victorian experience also suggests that if the mere physical presence of 'uniformed 'bodies' on the streets is desired, many modern officers are 'over-trained' and unnecessarily expensive for such work, excessively reducing their available numbers. If 10 days were sufficient in the nineteenth century, it is doubtful that more than six months are required now. Serious thought could be given to recent proposals for instituting a new office of 'patrol-constable', specifically designated and trained for such work (but not, for example, other areas of policing, such as riot control/administration), recruited less selectively, at a lower level of pay and remuneration, and clearly distinguished from his/her 'full' status colleagues (former N.C.O.s and petty officers of good character, in their mid to late 30s, and already drawing small M.O.D. pensions might be ideal).

being the protection of life and property and the preservation of public tranquillity, and asserted, more controversially, that where the two aims came into conflict, it should be public tranquillity that had priority.[1] However, it was not a choice, or conclusion, that would have been shared by many Victorian policemen, who felt that the two necessarily went together. Enhanced public tranquility and reduced crime levels were inextricably intertwined. Urban discipline promoted social solidarity, prevented the flight of the 'respectable' and broke up criminogenic street cultures. Whatever problems that had with direct crime-fighting, the Metropolitan police were very good at promoting discipline. Less palatable, however, is that the Victorian policing experience suggests that, to be indirectly effective in this manner, street policing needs to go far beyond a mere physical presence and requires that patrolling officers be pro-active, assertive and equipped with extensive legal powers, a large degree of personal 'discretion' and maximum *potential* interventionism (something that *would* justify prolonged training). They need to be able to stamp their 'authority' on their beats, breaking up and dispersing groups, and moving on individuals who appear to be loitering, unruly, disreputable or 'suspicious'. Officers need to be willing to enforce apparently 'trivial' regulations and act against 'victimless' crimes. As the NYPD Commissioner of the late 1990s, Howard Saffir, remarked, community policing is of no use if it simply means walking around without tangible aims. To do this effectively, the police also need to be supported by a swift lower criminal court system, in which police evidence is given an institutionalised preternatural weight, and police malpractice, unless blatant, is widely ignored.

As a result, and as the Victorian experience also clearly shows, any effective 'zero-tolerance' initiatives come with unavoidable and unpleasant 'baggage'. As Wilson and Kelling themselves appreciated, such policing is inherently open to abuse. It is not a coincidence that New York, which experienced a major reduction in serious crime between 1993 and 1999, with homicide falling by 2/3rds and property crime by 56%, something which has often been linked to an aggressive zero tolerance policing

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[1] Lord Scarman, 1982, para.4.57.

initiative,[1] also witnessed a series of allegations of police brutality, often aimed at members of the city's poorest ethnic minority underclass (such as Haitians), and frequently supposedly committed by officers from the NYPD's élite 'Street crimes unit'. These allegations have included assault and even murder.[2] A newspaper headline, published on Commissioner Saffir's retirement, summed up the choice this approach presented to New Yorkers, Saffir, it declared:"Shared Credit for lower crime and increased tensions with Blacks and Hispanics".[3] Closer to home, this choice is, perhaps, also bourne out by some recent statistics for London. Recorded Metropolitan street robberies in March 1999 increased from 2,673 the previous month to 3,300, despite a lack of historical seasonal variation between the two months. According to the Police Federation this was because a reaction to the then recent Macpherson report had encouraged officers to "disengage" from pro-active (aggressive/unlawful?) policing, and to exercise their stop and search powers with much greater caution (legality?) producing a 30% fall in searches over the year as they ignored cases of mere 'suspicion' or 'gut feeling'.[4] Similarly, Victorian urban control required unprecedented 'intolerance' and was effected at enormous cost to civil liberties and personal freedom. The Victorian experience illustrates that power inevitably leads to the regular abuse of power, and that police discretion is the raw material of corruption. The use of 'extra-legal' sanctions inevitably produces periodic brutality. The incidence of such matters can be limited, but their occurrence cannot. Additionally, the necessary judicial support for such actions, largely present in the 1800s, especially in the Metropolitan police courts, and often absent today, also inevitably erodes traditional 'Anglo-Saxon' notions of the right to due process.

The Metropolitan police of the nineteenth century, were, at street level, often a law unto themselves. Many modern notions of 'democratic' policing, based on a sense of legitimacy obtained by accountability, legality, the use of minimum force, even-

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[1] 'How to Win the race against crime', Myron Magnet, *The Daily Telegraph*, May 3rd, 2000, at p.16

[2] 'Police Silence on Brutality Broken', *The Times*, May 21st, 1999 at p.11

[3] *New York Times*, August 8th, 2000

[4] 'Muggings Soar as Police Tread Softly', *The Daily Telegraph*, April 24th, 1999

handedness and political non-partisanship were attenuated or even palpably absent. This is starkly at variance to a widespread modern wish for greater regulation of police officers by bureaucratic and substantive safeguards (cautioning, recording, informing of rights, acting only on well founded suspicion etc.) and for ever stricter judicial controls. It conflicts with claims that police effectiveness can be 'restored' by giving more substance to welfare crime control paradigms, backed up by a legal and constitutional "corral" for officers, rather than solutions allegedly based on a "simplistic 'law 'n order'" approach.[1] Such paradigms would have seemed absurd to many Victorian officers. They faced almost no constitutional corral, unless they were foolish enough to become involved with their 'betters' (normally easily distinguished by their attire and speech). The viability of Victorian policing techniques also conflicts with a modern desire to encourage popular access to legal redress and for much greater direct local police accountability (both of which were largely absent in Victorian London).[2] Thus, the Victorian experience suggests that 'repairing broken windows', cannot be reconciled with many current notions of civil liberties or 'community' policing. Nevertheless, the Victorian experience indicates that the only policing alternative to 'aggressive' uniformed patrolling which can seriously affect crime, is the extensive use of undercover and detective work. However, the Victorian experience shows that this is something which also carries unpleasant 'baggage', albeit sometimes of a different type. As with 'zero tolerance' policing, the more effective the techniques used by detectives, the greater the risk of abuses.

Proponents of nineteenth century policing reform had overcome intense opposition to the very presence of a large uniformed 'preventative' body on the streets of London, and then, as this proved deficient, to the increasingly extensive use of detectives. Both battles had been hotly contested. The vigorous political and cultural resistance to the introduction of an 'overt' form of preventative police was matched by that against anything that smacked of a continental 'spy' system. Despite such opposition, nineteenth century London witnessed a remarkable transformation

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[1] Uglow, S., 1988, at p.148

[2] Reiner, R., 1992 b, at p.781

in attitudes towards government intervention in, and power over, the lives of its citizens. Such a dramatic change was partly testimony to an élitist political system, one that was not constantly constrained by democratic limitations and opinion, at least until the end of the period. The 1834 Police Committee deluded itself that 1822 Committee's belief that liberty and an effective police were irreconcilable was mistaken. It asserted that "the Metropolitan Police has imposed no restraint, either upon public bodies or individuals, which is not entirely consistent with the fullest practical exercise of every civil privilege, and with the most unrestrained intercourse of private society".[1] However, from the vantage of 1900, the 1822 Committee's stark acceptance that enhanced urban security could only be at the expense of contemporary notions of liberty and freedom had been proved correct. The same choice is apparent today. Those in power in the non-democratic London of the early nineteenth century ultimately chose enhanced security rather than personal freedom. Whether their democratically elected successors in the early twenty-first century, returned by constituents with relatively easy access to legal advice, would follow the same route, or be prepared to refight the same battles along the way, is a very different matter. The political and popular reaction to recent 'heavy handed' police operations and a pre-occupation with issues raised by the 1999 Macpherson Report, suggest that it is unlikely. (Nevertheless, the 'volte-face' in municipal government attitudes to New York policing in the early 1990s, after a decade long crisis, should not be forgotten). Some more modest administrative changes, such as a reduction in emphasis on response times and 'clear-ups', in favour of pro-active street work would be easier to achieve.

Ironically, the Victorian experience also suggests that one of the greatest safeguards against police abuse of power that is not itself inconsistent with a 'broken windows' strategy, is a highly disciplined and hierarchical force, even if this has to be instilled in a quasi-military fashion. Such a force is much more likely to be responsive to directives from senior ranks. As was noted in 1839, the "proper organization" of the police was an "important security in the increase of discretion, and the diminution of any motive to

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[1] pp.11.d.1834, at p.13

the undue exercise of authority". Even then, the worst policing abuses occurred amongst "uninstructed" officers from the smaller jurisdictions, rather than trained men in large organisations.[1] As Commissioner Sir John Stevens has noted with proper training, pro-active street policing can often be conducted with civility, reducing popular alienation.[2] Again, however, such discipline goes against many modern trends that discourage its accoutrements, whether drill, rank, or hierarchy. Interestingly, even former Metropolitan officers have attributed police rudeness to the general public to the erosion of hierarchy and its accompanying formalities, such as the use of first names rather than rank, the abandonment of saluting, insignia and senior officers' regular appearance on the beat to personally inspect operations.[3] Additionally, and less controversially, the late Victorian experience indicates the importance of experience and maturity amongst low ranking beat officers. The emergence of a body of career (yet 'passed over') constables, with the judgement that came from decades of foot-patrol, and beyond the stage of potentially misplaced zeal (oriented at promotion or reward) or 'swollen-headedness' from their novel powers, was probably vital in mitigating abuses, both on their own part and also by affecting the wider policing culture into which new officers were initiated.

Out of the numerous negative aspects of the Victorian Metropolitan policing experience came much good. Although any debate about 'order' invites questions about "who's order?" there comes a point at which disorder is disfunctional for nearly all concerned. Ralf Dahrendorf has argued that the notion that man is by nature good, and that it is institutions that corrupt, provides modern society with a path towards anomia (derived from Robert Merton's 'anomie'), a social condition: "...in which the norms which govern people's behaviour have lost their validity".[4] In some ways, the nineteenth-century achievement was to move away from such anomia via the creation of new institutions, foremost amongst them being the police. This had been a hard process, and meant, at times, an overt rejection of J.S.Mills's belief that people who merely

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[1] pp.12.b.1839, at p.173
[2] 'Stop and Search is Vital, says Met Chief', *Daily Telegraph*, Feb. 2nd., 2000
[3] 'Police Officers Incapable of Command', letter to *Daily Telegraph*, June 16th, 1999.
[4] Dahrendorf, Ralf, 1985, at p.24.

"cannot restrain [themselves] from hurtful indulgences-who pursue animal pleasures" without *directly* damaging others, might expect to lose respect but not to face formal sanctions.[1] It had, however, probably been necessary for the emergence of 'modern' urban society. A respected professor of criminal law, lamenting, in the 1980s, that a 'new' disrespect for property rights was becoming widespread, and that "evidence of the poor level of self-discipline now prevailing abounds" was presenting a slightly utopian view of the early twentieth century. Nevertheless, the "culturally homogenous" society, with "known and shared values", whose departure he regretted, was largely the legacy of the second half of the Victorian period.[2] By 1900, the re-distribution of property was, for most working people, the province of political activity rather than criminal initiative. Behaviour norms, at least with regard to potentially criminal conduct, were, in many ways, shared by a very much higher proportion of the population than had been the case at the start of Victoria's reign, or is, perhaps, the situation today.

The Victorian achievement in addressing the problems of London (and other British cities) should not be underestimated. The attempt to impose new standards of conduct was a resounding, if slow and painful, success. It proved that rapid social change and the impact of 'modernity' need not necessarily produce increased levels of crime and disorder, and can even co-exist with their decline (as they did in Japan between 1955 and 1985). As the twenty-first century opens, with renewed concern about crime levels in British cities (sometimes, in the same areas within them that raised special anxiety in the 1840s), and despite unprecedented national prosperity, government intervention and attempts to reimpose, voluntarily, the apparently collapsing normative values striven for in the late 1800s, it is, perhaps, time to reconsider this nineteenth century success story.

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[1] Mills, J.S., 1859, at pp 6-70
[2] Williams, Glanville, 1983, 2nd Edn, at p.276

Appendix 1.

Although most were dealt with for relatively minor offences, all local prosecutions would have started there, even if subsequently indicted.[1] Interestingly, no one was there for an offence of violence (probably a reflection on sensitivity rather than incidence). It had been thought worth involving the authorities over:

Theft of a Cart Load of gravel
„ „ 73 bound books
„ „ 4 sheets, 2 table cloths and napkins
„ „ Several silver spoons, 10 books, and linen
„ „ 295 pounds of leather (from a warehouse)
„ „ a 'rule'.
„ „ 19 tin plates, 2 hammers, 2 punches.
„ „ a flitch of bacon
„ „ 75 yards of silk (from employer)
„ „ 7 ducks, 5 geese, 8 fowls
„ „ horse and saddle
„ „ 4 fowls and chickens
„ „ 4 silver tablespoons
„ „ a pair of boys' shoes
„ „ 2 ivory boxes and a tobacco stopper
„ „ 3 Men's' cloaks
„ „ money (unspecified amount embezzled from master)
„ „ 11 shillings and 7d cash

As an alternative indice can be considered the cases of those indicted at Newgate (by their nature accused of more serious crimes) and who came before the Grand Jury for the City of London for the Sessions beginning on September 15th, 1813. For offences in which property was involved (i.e., various forms of theft, robbery and burglary), and in which a value was placed on that property, the following figures are produced: 10s, £4, £2, £20, £2, £2-10s., 4s., 5s., 5s., 7s., £5-6s., £2, 9s. These were from a total of 28 offences, and ranged from the theft of two sides of veal, via silver spoons and wineglasses, to the taking of substantial amounts of manufacturing materials.

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[1]pp.10.a.1828.

However, the average is still only just over £3-1s. Similarly, the London Grand Jury for the Sessions beginning on Wednesday Dec. 2 1812, produced figures of: 30s,14s, 30s, 3s., 5s., £1-8s., 40s., £3, 3s, 40s., 1s 3d. (4 bits of wood), 15 s. (beans), 1s. (a handkerchief), 20s.,30s.,15s., £16, £5, £3, £3, £7, £5,10s., from a total of 32 offences. Thus 15 offences out of 35 were for sums of less than one pound in value. The average was £2-9s. Although they did not include some serious cases of conspiracy, such as one to sell naval stores from Chatham, where no substantive offence was committed, these offences can probably be considered to be a fairly representative selection of the more serious crimes in the Capital.[2]

An examination of the occupations of those who were born in London and whose previous offence before release were committed in London, taken in sequence from random pages of the *Register of Habitual Prisoners* of 1892, reveals the following offender profiles, few of them indicative of professionalism:

Sex	Age	Occupation	Sentence from which released	Number of Previous Convictions
male	30	baker	5 years	6
male	19	paperstainer	5 months	2
female	44	charwoman	7 years	5
male	40	tailor	10 years	8
male	40	painter	12 years	-

Sex	Age	Occupation	Sentence from which released	Number of Previous Convictions
male	32	labourer	12 months	2
male	22	dealer	8 months	-
male	22	porter	16 months	4
male	41	labourer	12 months	5
male	30	labourer	6 months	3

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[2]PR.1.1813. By this time the sister Middlesex Grand Jury (the Old Bailey and Newgate being joint providers for the London area) was considering far more cases than that for the City of London.

Sex	Age	Occupation	Sentence from which released	Number of Previous Convictions
female	19	ragsorter	6 months	-
male	30	labourer	5 years	7
male	20	labourer	12 months	4
female	21	factoryhand	12 months	5
male	40	tailor	5 years	7

BIBLIOGRAPHY

Contemporary and Pre-1939 Sources

Anon.

1774, *Westminster Police Bill: Reasons why the Bill...should not pass into Law,* by 'A Friend to Justice and the English Constitution'.

1785, Proceedings in Parliament, *The Gentleman's Magazine,* Vol.55, July

1785, Internal Police of the Kingdom Very Much Neglected, *The Gentleman's Magazine,* Vol.55, July

1791, *The Office of Constable,* Butterworth, London

1804, *A Letter to a Member of the Society for the Preventing of Vice: In which its Principles and Proceedings are Examined and Condemned.,* printed by Thomas Collins for J. Cawthorn, London

1811, *New Newgate Calendar,* In the Possession of Lincoln's Inn (Wilkinson, George?)

1818, *The London guide, and Strangers Safeguard,* by 'a Gentleman', J.Bumpus, London

1818, *The Constable's Assistant: Being a compendium of the duties and Powers of constables,* 4th Edn., published by the Society for the Suppression of Vice, London

1822, *Thoughts on Prison Discipline, And The Present State of the Police of the Metropolis,* Hatchard and Son, London

1827, *The London Charlies, or Half Past Twelve O'clock and a very cloudy sort of morning*, London

1829, Proceedings in Parliament, *The Gentleman's Magazine*, Vol.99, January-June 1829

1830, Letter, *The Times*, 13th November 1830

1833, *Old Bailey Experience, Criminal Jurisprudence and the Actual working of Our Penal Code of Law*, James Fraser, London

1837, *The Jurist*, 2nd December,1837, London

1842, *Report from the Poor Law Commissioners on an Inquiry into the Sanitary Conditions of the Labouring Population of Great Britain*, London,

1844, *Juvenile Delinquency*, by the 'Stipendiary Magistrate of Liverpool', Tract reprinted from *The Christian Teacher* for July 1842, Published by Simpkin, Marshall and Co., London

1846, *Cox's Criminal Cases*, Vol.1, 1843-1846, Published by J. Crockford, London

1851, Lost in London, *Household Words*, Vol.III

1852, *Confessions of a Detective Policeman*, published by Elliot, New Oxford Street, London

1853, The Dens of London, *Ainsworth's Magazine*, Vol. XXIV

1856, Crime in England and its Treatment, *The National Review*, Vol.3, July-October 1856

1858, Sermon Preached on the 9th June, in *Sermons and Society*, Welsby, Paul (Ed.), (1970)

1858,Thames Police Court, *East London Observer*, January 9th, 1858.

1859, Letter, The Social Evil, *East London Observer*, Oct.29, 1859

1862, Phases of London Life, *The British Quarterly Review*, No XXXV,

1862, Review of Those that Will not Work, *The British Quarterly Review*, No.LXX

1871, Our Police System, *The Dark Blue,* Vol.II

1872, How We Make Thieves, *All The Round,* New Series, Vol.VII

1874, London Guardians of the Night, *All the Year Round,* New Series, Vol. XII

1877, *Five Years' Penal Servitude by One who has Endured It,* Richard Bentley and Son., London

1879, *Convict Life, or Revelations Concerning convicts and Convict Prisons.* By A Ticket-of Leave Man, London

1882, *Metropolitan Police Court Jottings,* by 'a Magistrate', Horace Cox Publishers, London

1885, The Unseen Poor, *All the Year Round,* New Series, Vol.XXXV

1887, Beggars -Sad and Jolly, *All the Year Round* , New Series, Vol. XLI.

1887, Hospital Life in East London, *All the Year Round,* New Series, Vol.XLI.

1887-1888, *Central Criminal Court Sessions Papers,* 2nd session 1887-1888, Sessions beginning December 12th, 1887, published Stevens and Sons, London

1888, The Whitechapel Murder, *The Times,* 3rd September, 1888,

1888, Another Whitechapel Outrage, *The Manchester Guardian* , 4th September, 1888

1888/9, *The Metropolitan Police and its Management: A reply to Sir Charles Warren's Article in Murray's Magazine,* by a 'P.C'.

1895, Attack on the Police, *Illustrated Police News,* 1st March,1895

1896, Who will watch the watchmen: a criticism of our police system, *Free Review,* Vol.6, 1896

1897, Inadequate Police Protection in South London, *The Justice of the Peace,* October 23, 1897, Vol.LXI

Abbot Parry, Edward,   1914, *The Law and the Poor,* Smith Elder & Co., London

Adams, Seargeant,   1838, *A Letter to Benjamin Hawes, esq. M.P.,* J.Hatchard and Son, Piccadilly, London

Adolphus, John,   1824, *Observations on the Vagrant Act: and some other Statutes,* John Major, London

Allen, L.B.,   1821, *Brief Considerations on the Present State of the Police of the Metropolis,* John Hatchard, London

'Amigo',   1847, Common Lodging Houses and a Model Lodging House for the Poor, *Howitt's Journal of Literature Etc.,* Vol.1, No.2

Anderson, Robert   1910, *The Lighter Side of my Official Life,* Hodder & Stoughton, London

Antrobus, Edmund   1853, *The Prison and the School,* Staunton & Sons, London

Archer, Thomas,   1865, The Never Silent Highway, in *The Pauper, the Thief and the Convict,* Groombridge & Sons, London

B.T.,   1782, *Plan for the Better Regulation of the Militia and Watch of London,* London

Ballantine, Serjeant,

1882, *Some Experiences of a Barrister's Life,* (orig. Pub. 1882) 1890 Edn., Richard Berley & Sons, London

Barnardo, Thomas John

1888, *Saved from a Crime,* J.F.Shaw & Co., London

Barnett, S.A. (Mrs),

1888, East London And crime, *The National Review,* Vol. 12, Sep.1888-Feb.1889

Barrington, George,

1809, *The London Spy; or the Frauds of London Described,* Printed by T.Johnston, Falkirk

Bayly, Mary (Mrs.)

1860, *Ragged Homes and How to Mend Them,* James Nisbet and Co. Pubs., London

Beames, Thomas,

1852, *The Rookeries of London,* 2nd edn., 1970 edn., Frank Cass & Co., London

Beggs, Thomas,

1849, *An Inquiry into the Causes of Juvenile Depravity,* Charles Gilpin, London

Besant, Annie,

1885, *Sin and Crime: Their Nature and Treatment,* Freethought Publishing, London

Besant, Walter, et al.

1908, *The fascination of London Shoreditch and the East End,* A & C.Black, London

Bicknell, P.,

1894, *The Police Manual,* 11th Edn., London, reproduced in Taylor,D., 1997, *The New Police in Nineteenth-Century England,* Manchester University Press, Manchester

Blizard, William,

1785, *Desultory Reflections on Police: with An Essay on the Means of Preventing Crimes and Amending Criminals,* C.Dilly, London

Booth, Charles,

1889, *Life and Labour of the People in London,* Vol.1, Williams and Norgate, London

Booth, William,

1890, *In Darkest England, and the Way Out,* International Headquaters of the Salvation Army, London

Bosworth, J. (Rev),

1824, *The Practical Means of Reducing the Poor's Rate, Encouraging Virtue, and Increasing*

the Comforts of the Aged, Afflicted, and Deserving Poor; as well as of Repressing Able-bodied Pauperism, W.Simpkin & R.Marshall, London

Brougham, Lord, 1847, *A Letter to Lord Lyndhurst, From Lord Brougham, on Criminal police and National Education*, Second Edn., James Ridgway Publishers, London

Burgess, I.G., 1821, *The Trial of Edward Breton (night patrol of St Giles) William Jones (late patrol of Bow Street), William Mason (Constable of St James) for a Conspiracy*, London

Butler, Josephine, 1880, *Government by Police,* 2nd Edn., Dyer Brothers Publishers, London

Bentham, Jeremy 1791, *Panoptician; or, the Inspection-House*, Thomas Byrne Publishers, London

Canler, M., 1862, *Autobiography of a French Detective From 1818 to 1858*, by M.Canler Ancien Chef Du Service de Sureté, translated by Lascelles Wraxall, Ward and Lock, London

'Captain Gros' 1811, *A Dictionary of Buckish Slang, University Wit, And Pickpocket Eloquence*, Printed for C. Chappel, London

Carlyle, Thomas, 1840, *Chartism*, James Fraser, London

Carpenter, E., 1896, *Who Will Watch the Watchmen: A Criticism of our Police System*, Free Review, Vol.6, 1896, at pp.144-149, reproduced in Taylor, D. (1997) at p.163

Carpenter, Mary, 1853, *Juvenile Delinquents: Their Condition and Treatment*, W. & F.G. Cash, London

Cavanagh, Ex-Ch.Insp., 1893, *Scotland Yard: Past and Present,* Chatto and Windus, London

Chadwick, Edwin, 1829, Preventive Police, *The London Review*, No.1, Feb. 1829

1868, On the Consolidation of Police Force, and the Preventing of Crime, *Fraser's Magazine,* Vol.77, No.472, January 1868

Chatterton, D.,
1870, *The Revolution in the Police and the Coming Revolution in the Army and Navy,* London

'A Citizen of London',
1751, *The Vices of the Cities of London and Westminster,* Dublin

'Civis',
1752, *A Method Proposed to Prevent the many Robberies and Villainies committed in and about the City of London,* Printed for J.Swan, London

Close, Francis,
1850, Lecture vi, The Dangerous Classes, *Lectures Delivered Before the Church of England Young Men's Society For Aiding Missions at Home and Abroad,* James Nisbet publisher, London

Crompton, Henry
1905 (written c.1876) *Our Criminal Justice,* T.Fisher Unwin, London

Cubin, J.,
1832, *Sketch of a New National Police Bill,* Smith, Elder & Co., London

Colquhoun, Patrick,
1796, *A Treatise on the Police of the Metropolis,* 5th Edn., C.Dilly, London

1800, *Treatise on the Police of the Metropolis,* 6th Edition, J.Mawman, London

1803, *A Treatise on the Functions and Duties of a Constable,* Hatchard, London

1806, *A Treatise on Indigence,* Hatchard, London

1806, *A Treatise on the Police of the Metropolis,* 7th   Edn., J.Mawman, London

Danvers, Philip,
1842, *Mendicancy, The Means of Eradicating or Suppressing Mendicancy,* Shaw and Sons, London

Davenport Hill, Mathew,
1857, *Suggestions for the Repression of Crime,* London

Davitt, Michael,

1886, *Leaves from A Prison Diary*, Ford National Library, New York

Defoe, Daniel,

1728, *Street Robberies Considered*, London

Dew, Walter

1938, *I Caught Crippen: Memoirs of ex-Chief Inspector Walter Dew C.I.D.*, Blackie and Sons, London and Glasgow

Dickens, Charles,

1837, *Oliver Twist*, Everyman Edn., 1907,

1850, A Detective Police Party, in *Household Words*, Vol.1,

1850, The Modern Science of Thief-taking, in *Household Words*, vol.1

1853, *Bleak House*, Penguin Classics Edn., 1996, Penguin, Harmondsworth.

„   „ & Wills, W.H.

1851 , The Metropolitan Protectives, in *Household Words*, Vol. III

Dickens, Charles (Junior),

1888, *Dickens' Dictionary of London*, Macmillan and Co., London

Dilnot, George,

1915, *Scotland Yard: The Methods and Organisation of the Metropolitan Police*, Percival Marshall & Co., London

1928, *The Trial of the Detectives*, Geoffrey Bles Publishers, London

Dixon, W.Hepworth,

1850, *The London Prisons*, Jackson and Welford, London

Dudley, Thomas

1828, *The Tocsin: or a Review of the London Police Establishments with Hints for their Improvement*, London

Dungannon, (Lord)

1842, *Remarks on the Present State of Crime; with a brief enquiry into its probable causes*, Shrewsbury

Durkeim, Emile,

1933 (1893), *The Division of Labour in Society*, Free Press, New York

Egan, Pierce,	1821, *Life in London,* Sherwood, Neely & Jones, London
Ellis, Havelock,	1890, *The Criminal,* Walter Scot Pubs., London,
Ellis, William,	1857, *Where Must We Look for the Further Prevention of Crime?,* Smith Elder and Co., London
Engels, F.,	1958, (1845)*Condition of the Working Class in England,* translated by Henderson, W.O. and Challoner, W.H, Basil Blackwell, Oxford
Ewing Ritchie, J.,	1857, *The Night Side of London,* William Tweedie, London
'Fidget'	c.1838, *A Letter to the Lord Mayor and Citizens of London, Respecting the Introduction of the New Police,* published by E.Lloyd, London
Fielding, Henry,	1751, *An Enquiry into the Causes of the Late Increase of Robbers,* Barnes and Noble Edn. (1967)
	1754, *The Voyage to Lisbon,* Everyman Edn., (1952)
	1755, *Amelia,* Barnes and Noble Edn., vol.vi, (1967)
Fielding, John,	1758, *An Account of the Origin and Effects of a Police set on Foot by His Grace the Duke of Newcastle in the Year 1753,* London
	1755, *A Plan for the Prevention of Robberies within 20 Miles of London,* London
Fonblanque, Albany,	1832, Householders in Danger, *Westminster Review,* Vol.XVI
Fosdick, Raymond B.,	1915, *European Police Systems,* The Century Co., New York, Patterson Smith Edn. (1969)
Fredur, Thor,	1879, *Sketches from Shady Places,* London

Fuller, Robert (Det.)
1912, *Recollections of a Detective*, John Lang Pubs. Ltd., London

Goring, Charles,
1913, *The English Convict: A Statistical Study*, Patterson Smith Publishing, Montclair (1972 Edn.).

Gamon, H,
1907, *The London Police Court, To-Day & To-Morrow*, J.M. Dent, London

Gissing, George,
1889, *The Nether World*, O.U.P., Oxford (1992 Edn.)

Glyde, John,
1856, *Suffolk in the 19th Century: physical, social, moral, religious, and industrial*, London

Grant, James
1837, *The Great Metropolis*, Vol.1, Saunders and Utley, London

1838, *Sketches in London*, London

Greenham, G.H.,
1904, *Scotland Yard Experiences From the Diary of G.H.Greenham, Late Chief Inspector C.I.D.* , Routledge, London

Greenwood, James,
1869, *The Seven Curses of London*, London

1888, *The Policeman's Lantern: Strange Stories of London Life*, Walter Scott, London

1902, *The Prisoner at the Dock: My Four Years Daily Experiences in the London Police Courts*, London, Chatto and Windus

Greg, W.R.,
1856, Crime in England and its Treatment, *The National Review*, Vol.3, July-October

Gregory, Cannon,
1886, Is Crime Increasing or Diminishing with the Spread of Education?, *The National Review*, Vol.6, September 1885-February 1886

Griffith, Arthur
1898, *Mysteries of Police and Crime*, Vol.1, Cassels and Company, London

Guest, A.,
1891, The State of the Law Courts, *The Strand Magazine, No.11*

Guy, W.A.,   1848, The Plague of Beggars, *Frasers Magazine,* vol.37,

Hanway, Jonas,   1785, *The Defects of Police,* London

                                    1780, *The Citizens Monitor,* London

Hardwicke, John,   1828, Police, *The Quarterly Review,* No.36

Hill, M., and Corwallis, C.F., 1853, *Two Prize Essays on Juvenile Delinquency,* *Smith Elder and Co., London.*

Hoare, H.E.,   1883, Homes of the Criminal Classes, *The National Review,* Vol.1., No.1

Hodder, George,   1845, *Sketches of Life and Character Taken at the Police Court, Bow Street,* Sherwood and Bowyer, London

Holland, E.W.,   1870, The Vagrancy Laws and the Treatment of the Vagrant Poor, *The Contemporary Review,* Vol.13

Hollingshead, John,   1861, *Ragged London in 1861,* Smith Elder & Co., London

Holmes. Thomas,   1908, *Known to the Police,* Edward Arnold, London

,,   ,,   1912, *London's Underworld,* Aldine House, London

Horsley, Cannon,   1913, *How Criminals are Made and Prevented, A Retrospect of Forty Years,* T.Fisher and Unwin, London

Hunt, J.,   1863, *The Policeman's Struggle; Addressed to the Inhabitants of the Metropolitan Police District,* printed for the author, London, held at the British Library 1414.d.45

'Inspector F'   1862, *Experiences of a Real Detective,* 'Waters' Ed., Ward and Lock, Fleet Street, London

Jackson, Randle   1828, *Considerations on the Increase of crime, and the degree of its extent, The principle causes*

of such increase, And the most likely Means for the Prevention or Mitigation of this Public Calamity, J. Hatchard, London

Jones, Chester,   1912, Report by Mr. Chester Jones on Certain disturbances at Rotherhithe, HMSO, London

Joseph, H.S.,   1853, Memoirs of Convicted Prisoners; Accompanied By Remarks on the Causes and Prevention of Crime, published by Wertheim & Co., London

Kingsmill, Joseph,   1854, Chapters on Prisons and Prisoners and the Prevention of Crime, Longman, Brown, Green and Longmans, London

Kirchner, F.J.,   1884, Index to the Police of England, Scotland and Wales, Manchester

Leeson, B.,   1934, Lost London, by former Detective Sergeant B.Leeson, Stanley Paul & Co., London

Lewis, Amelia   1871, On Crime, The Dark Blue, Vol. ii 296-99

London, Jack   1903, The People of the Abyss, Journeyman Press Edn. (1977), London

Loring Place, Charles,   1872, The Dangerous Classes of New York, and Twenty Years' Work among Them, New York

Mackay, Charles   1850, The Devil's Acre, Household Words, Vol.1

Madan, Martin,   1785, Thoughts on Executive Justice, with Respect to Our Criminal Law, Printed for J.Dodsley, London

Maginn, William,   1830, The Desparate System: Poverty, Crime and Emigration, Frasers Magazine, Vol.1, No.VI

Mainwaring, George B.,   1821, Observations on the Present State of the Police of the Metropolis, John Murray Pubs., London

Mayhew, Henry, et al.,   1862, Criminal Prisons of London and Scenes from Prison Life, Weiner, M.J., London

	1862, *London Labour and the London Poor*, Dover Publications Edn.1968
Mayne, R.,	1863, *Confidential memorandum to Sir George Grey*, dated June 1st, 1863, held at New Scotland Yard Library
Mearns, Andrew,	1883, *The Bitter Cry of Outcast London: An Inquiry into the conditon of the Abject Poor*, James Clarke and Co., London
Meason, M. Laing,	1881, The French Detective Police, *MacMillan's Magazine*, Vol. 40
	1882, The London Police, *Macmillan's Magazine*, Vol.46, 1882
	1883, Detective Police, *The Nineteenth Century*, No.13
Medland, W., (Ed.)	1803, *A Collection of Remarkable and Interesting Criminal Trials*, John Badcock, London
Melville Lee, W.L.,	1901, *A History of Police in England*, Methuen and Co., London
Meredith, (Mrs),	1881, *A Book About Criminals*, James Nisbet and Co., London
Miles, W.A.,	1836, *Suggestions for the Formation of a General Police*, Printed Privately, London.
Mill, J.S.,	1859, *On Liberty*, Wordsworth Classic Editions, (1996),
Mirehouse, John,	1840, *Crime and its Causes: with Observations on Sir Eardley Wilmots Bill authorizing the Summary Conviction of Juvenile Offenders in Certain Cases of Lacenby and Misdemeanour*, W.J. Cheaver, London
Moreton, Andrew (D.Defoe),	1725, *Every-Body's Business is No-Body's Business*, London

Morrison, Arthur,   1901 (1st pub.), *Tales of Mean Streets,* 6th Edition, 1903

Morrison, William Douglas,   1896, *Juvenile Offenders,* T.Fisher Unwin, London

1896, *Crime in England and its Treatment,* T.Fisher Unwin, London,

Munro, J.,   1889, *Memorandum on Proposed Increase of Police Rate,* October 23rd, 1889, New Scotland Yard Library

1890, The London Police, *North American Review,*

N.M.,   1720, *A Letter to a Member of Parliament concerning the Bill for Regulating the Nightly Watch,* printed for W.Boreham, London

Neale, W.B.,   1840, *Juvenile Delinquency in Manchester. Its Causes and History, Its Consequences,* Gavin Hamilton Publishers, Manchester

Nicoll, David,   1892, *Police Spies and Informers: Anarchy at the Bar, A speech Delivered at the Old Bailey, On Friday, May 5, 1892,* Published Privately, sold for 1d., London Anarchist Pamphlet

Ormsby, John   1864, A Day's Pleasure with the Criminal Classes, *Cornhill Magazine,* Vol.9

Pare., W.,   1862, *A Plan for the Suppression of the Predatory Classes,* Effingham, London

Parry, Edward Abbot,   1914, *The Law and the Poor, by His Honour Judge Edward Abbot Parry,* Smith Elder & Co., London

Phillips Day, Samuel,   1858, *Juvenile Crime, Its Causes, Character, and Cure,* London

Pike, L.O.,   1873-1876, *A History of Crime in England,* 2 Vols., London

Place, Francis., 1835 (1972 Edn.) *The Autobiography of Francis Place,* Mary Thale (Ed.) C.U.P., Cambridge

Plowden, A.C., 1903, *Grain or Chaff: The Autobiography of a Police Magistrate,* Fisher & Unwin, London

Reynolds, S., Woolley, B. & Woolley, T., 1911, *Seems So! A Working-Class View of Politics,* Macmillan, London

Rawson, R.W., 1839, An Inquiry into the Statistics of crime in England and Wales.*Journal of the Statistical Society of London,* No.2 (1839)

Ricardo, Ralph, 1850, *Juvenile Vagrancy; Suggestions for Reform,* PP, London

Ritchie, J.Ewing, 1857, *The Night Side of London,* William Tweedie, London

Robinson, David, 1831, The Local Government of the Metropolis, *Blackwood's Edinburgh Magazine, Vol.XXIX*

Robinson, Richard, 1869, Anecdotes about the London Poor, *MacMillan's Magazine,* Vol.XX

Rook, Clarence 1899,*The Hooligan Nights: Being the Life and Opinions of a Young and Impenitent Criminal Recounted by Himself and Set Forth by Clarence Rook,* Grant Richards, London

Rowsell, E.P., 1864, A Few Chapters on the Working Classes, *Ainsworth's Magazine,* Vol.XXV1, No.111

Ryan, Michael, 1839, *Prostitution in London,* H. Bailliere, London

Rylands, L.Gordon, 1889, *Crime Its Causes and Remedy,* T.Fisher and Unwin, London,

Sheridan, Richard Brinsley, 1816, *The Speeches of the Late Right Honourable Richard Brinsley Sheridan (edited by a 'constitutional friend')* London

Sims, G., 1910, *London by Night,* Greening and Co., London

Smethhurst, James,

1841, Conspiracy: *A Petition to Parliament, Containing an Account of the Conduct of two Police Magistrates, the Metropolitan Police Commissioners....arising out of a wicked conspiracy effected against the author by a Police Constable,* presented by Mr.Wakely on 6th April 1841, printed by J.C.Kelly, London

Smiles, Samuel,

1859, *Self Help,* J. Murray, London

1870, The Police of London, *Quarterly Review ,* Vol.129

Smith,Henry,.K.C.B,

1911, *From Constable to Commissioner,* Chatto and Windus, London

Smollett, Tobias,

1771, *The Expedition of Humphrey Clinker,* Printed in 2 Vols. for A.Leathley *et al,* Dublin

Spearman, Edmund R.,

1894, Known to the Police, *The Nineteenth Century,* Vol. XXXV1,

Stallybrass, W.T.

1936, The Eclipse of Mens Rea, *Law Quarterly Review,* No. CCV

Stead, W.T.,

1885, The Maiden Tribute to Modern Babylon, *Pall Mall Gazette,* July 6th

Stephen, J.F.,

1883, *A History of the Criminal Law of England,* Vol.III, Macmillan, London

Sweeney, John,

1905, *Scotland Yard: Being the experiences during twenty-seven years of John Sweeney. Late Detective in C.I.D. London,* Alexander Moring, London

Swift, Jonathon,

1729, *A Modest Proposal For Preventing The Children Of Poor People In Ireland From Being A burden To Their Parents Or Country, And For Making Them Beneficial To The Public,* London

Symons, Jelinger C.,

1849, *Tactics for the Times As Regards the Condition and the Treatment of the Dangerous Classes,* Start Publishers, Pall Mall, London

Taylor, W.C., 1839, The Moral Economy of Large Towns, *Bentleys Miscellany*, Vol. VI

Thor, Fredur, (J.Rutherford) 1879, Sketches From Shady Places, Smith Elder, London.

Tempest Clarkson, C. & Hall Richardson, J., 1889, *Police!*, Field and Tuer, London

Thirlwall, Thomas 1817, *A Vindication of the Magistrates Acting in and for the Tower Division*, London

Thompson, R., 1840, *Berger's Edition of the New Police Act:'An Act for Improving the Metropolitan Police, with notes*, London

Thurston, Gavin, *1967, The Clerkenwell Riot: The killing of Constable Culley*, Allen and Unwin, London

Toynbee, Arnold, 1884, *Lectures on the Industrial Revolution in England*, Rivington, London

Toynbee, Paget, (Ed.), 1925, *The Letters of Horace Walpole*, Clarendon, Oxford

Trollope, Anthony, 1867, The Uncontrolled Ruffianism of London, as Measured by the Rule of Thumb, *Saint Paul's Monthly Magazine*, Vol.1, October 1867-March 1868

Wade, John, 1829, *A Treatise on the Police and Crimes of the Metropolis*, London

Wakefield, Edward Gibbon, 1831, *Facts Relating to the Punishment of Death in the Metropolis*, James Ridgway, London.

" " 1832, *Householders In Danger from the Populace*, Effingham Wilson, London

Walls, Charles, 1832, The Schoolmasters Experience in Newgate, *Frasers Magazine,* Vols. V & V1

"Walter", 1996 (1st Edn. pp c.1870), *My Secret Life*, Wordsworth Classics, Ware, Vols. III & IV

Warren, Sir Charles,   1888, Police of the Metropolis, *Murray's Magazine,* Vol.4, 1888

Waters, Thomas,   1853, *The Recollections of a Policeman,* by an Inspector of the London Detective Corps, Cornish Lamport and Co., Publishers, No. 8 Park Place, New York

Watts, W.H.,   1864, *London Life at The Police-Courts,* Ward and Lock, 158 Fleet Steet, London

Whitworth, Charles   1773, *Abstract of the Proposed Act of Parliament for an Effectual and Uniform Watch, with Patroles for the City and Liberty of Westminster and Parishes Adjacent*, Appended to 'Acts of Parliament, 1773'

Wilkinson, George,   1816, *The Newgate Calendar,* Sphere Edn., 1991, Cardinal, London

Wills, W.H.,   1850, The Modern Science of Thief-Taking, *Household words,* vol.1

Wontner, Thomas,   1833, *Old Bailey Experience; criminal jurisprudence and the actual working of our penal code of law: also an essay on prison discipline...*London

Worsley, Rev. Henry,   1849, *Juvenile Depravity,* Charles Gilpin Publishers, London

Contemporary Newspapers and Journals Cited

Bentleys Miscellany

Blackwood's Edinburgh Magazine

The Daily News

East End News

East London Observer

The Gentleman's Magazine

The Guardian

Hansard's Parliamentary Debates

Illustrated Police News

The Jurist

Justice of the Peace

The Lancet

The Law Journal

The Link

Macmillan's Magazine

The Manchester Guardian

Murray's Magazine

The National Review

The New York Times

The Original Half-Penny Journal

The Pall Mall Gazette

The Police Gazette; or Hue and Cry

Police Quarterly Review

The Poor Man's Guardian

Punch

The Standard

The Times

The Watchman and Police Recorder

Contemporary Parliamentary and Private Papers

The assorted provenance of the papers used in this research is provided below:

pp.1.1755, A Proposal for Regulating the Nightly Watch within the City and Liberty of Westminster, appended to 'Acts of Parliament' 1755

pp.2.1773, Abstract of the Proposed Act of Parliament for an Effectual and Uniform Watch, with Patrols for the City and Liberty of Westminster and Parishes Adjacent, proposed by Sir Charles Whitworth, Appended to 'Acts of Parliament' 1773

pp.3.1799, Report of the Select Committee Appointed by the House of Commons, Relative to the Establishment of a New Police in the Metropolis & c. Printed by R.Shaw 1800

pp.4.1812, Report on the Nightly Watch and Police of the Metropolis, published March 24, House of Commons, Parliamentary Papers 1812, Vol.2

pp.5.1816, Report from the Select Committe on the State of the Police of the Metropolis, with Minutes of Evidence, Parliamentary Papers 1816, Vol.5

{pp.6.1816, Report of the Committee for Investigating the Causes of the Alarming Increase of Juvenile Delinquency in the Metropolis, partially reproduced in Tobias, J.J.,   1972, Nineteenth Century Crime

pp.7.1816, Report of the Committee for Investigating the Causes of the Alarming Increase of Juvenile Delinquency in the Metropolis, published by J.F. Love, St Johns Square, London}

pp.8.1817, Report from the Committee on the State of the Police, ordered by the House of Commons to be printed 8 July, 1817. Parliamentary Papers 1817, Vol.7

pp.8.a.1819.Evidence given to the Select Committee on the State of the Gaols etc. Parliamentary Papers for 1819 Session, Vol. 7

pp.9.1822, June 22, Report from the Select Committee on the Police of the Metropolis, Parliamentary Papers 1822, Vol.4

pp.10.1828. Report of the Proceedings of the several police offices, January 19th 1828- No.13, held at PRO under HO/62/1

pp.10.a.1828.Report of the proceedings of the several Police Offices, 31st January 1828-No. 23 , held at PRO under HO/62/1

pp.10.b.1828, 11th July, Report of the Select Committee on the Police of the Metropolis, Parliamentary Papers 1828, Vol.6

pp.10.c.1832, Report from the Select Committee on Secondary Punishments, House of Commons, June 1832, published by the Society for the Improvement of Prison Discipline, 1833, London.

pp.11.1833, Report from the Select Committee on the Petition of Frederick Young and Others (Police), Ordered by the House of Commons to be Printed on 6th August 1833, Parliamentary Papers 1833, Vol.xiii

pp.11.b.1833, Report from the Select Committee on Cold Bath Fields Meeting, Ordered by the House of Commons to be Printed on 23rd August 1833, Parliamentary Papers 1833, Vol.xiii

pp.11.c.1833, Report from the Select Committee on Metropolitan Police, Parliamentary Papers 1833, Vol.xiii

pp.11.d.1834, Report from the Select Committee on the Police of the Metropolis, 13th August, 1834, Parliamentary Papers 1834, Vol.xvi

pp.11.e.1834, Accounts and Papers Relating to Crime, Vol.xlvii, Correspondence Relating to the Conduct of the Metropolitan Police, on Tuesday 24th June, 1834 (Lord Howick) Ordered by the House of Commons to be Printed July 24th.

pp.12.1838, Report of the Select Committee on the Metropolis' Police Offices; with the Minutes of evidence, House of Commons, 11 July 1838, Parliamentary Papers 1838-9, Vol.15; also summarised *Justice of the Peace,* Vol.II, Saturday August 11th, 1838

pp.12.b.1839, First Report of the Commissioners appointed to inquire as to the Best Means of Establishing an Efficient Constabulary Force in the Counties of England and Wales, Reports from Commissioners, 1839, Vol.xix

pp.13.1852, Report of the Select Committee on Criminal and Destitute Juveniles, Parliamentary Papers 1852, Vol.7

pp.13.b.1853, Return of Officers of the Metropolitan and City Police Charged with Offences before Magistrates in earch Year from 1849 to 1852 Inclusive. Ordered by the House of Commons to be Printed 31st May, 1853.

pp.14.1868, Report of Departmental Committee on the Police, conducted by Sir. James Fergusson, Mr. Henry Thring and Mr. George Everset, following a reference by Mr. Hardy, Secretary of State at the Home Office, published 6th May

pp.15.1878, Report of the Departmental Committee... into the...Detective Force of the Metropolitan Police. Confidential Report printed for H.M.S.O. London (1878) at PRO HO 45/9442/66692

pp.15.b.1886, *Report of a Commission to Inquire and report as to the Origin and Character of the disturbances which took place in the Metropolis on Monday, the 8th*

Feb. and as to the Conduct of the Police authorities in relation thereto, Parliamentary Papers 1886, Vol. xxxiv

pp.16.1888, Warren's Report to the Home Office, dated June 11th, New Scotland Yard Library

pp.17.1982, The Scarman Report, Lord L. Scarman (also pub in Penguin, 1982, Harmondsworth).

Various Police Records and Reports

Extensive use has been made of the MEPO sequence of records at the Public Record Office; for example, MEPO 1(30), Correspondence of the Commissioners, MEPO 7(2) Police Orders 1829-1833, MEPO 4(6) Complaints against Police, MEPO 7(15), Police Orders 1850-52 and many others. The Home Office Papers have also been useful, and can be found under various HO listings, especially HO 61 and 62.

For London, a particularly valuable, and underworked source of statistical information - one that was produced annually - can be found in the Metroplitan Police returns for Crime (today kept in the Library of New Scotland Yard, the British Library and the PRO). They grew in size from six tables in 1831 (when first drawn up), to 22 in 1848, before declining slightly towards the end of the century. They must, of course, be used with caution as major changes in their compositon and the extent of the London area policed by the Metropolitan force (such as the major expansion of 1840), must be 'factored in' (and, of course, they do not include statistics for the small City Force). However, they are an extremely full and informative sets of figures. From the beginning, they recorded details of the number of arrests and the offences for which people were arrested, as well as their subsequent disposals at court etc. As time progressed, ever more information was recorded: sentencing, the defendants' characters, the number and cost of reported felonies, the levels of education of those arrested and convicted, even the number of suicides prevented. They have, consequently, been, rightly described as: "...one of the best and most consistent sources for the history of urban crime". The same author also noting (admittedly in 1982) that, despite this: "...historians have strangely ignored them." (See generally, Jones, David, 'Crime in London: The Evidence of the Metropolitan Police, 1831-92', *in Crime Protest, Community and Police in Nineteenth-Century Britain*, 1982, at p. 117). They are cited extensively, along with other papers, usually as PR...

PR.1.1813, *The Newgate Calendar of Prisoners* for Wednesday September 15th, 1813 [cases coming before the London Grand Jury] held at PRO HO 77/20

PR.2.1828, January 31, Report of the proceedings of the several Police Offices, held at PRO under HO/62/1

PR.3.1828, *The Police Gazette; or, Hue and Cry*, held at PRO HO/75/1 Published 'Under Authority' October 14 ,1828

PR.4.1833, *Newgate Calendar of Prisoners,* 11th April, at PRO HO 77/40

PR.5.1844, A Police Constabulary List for the Quarter Ending September 1844, Police History Society, Monograph Number 3, 1991

PR.6.1859, Metropolitan Police Returns, Table No.2, Table No.5 Convicted and Sentenced, Acquitted, Bills Not Found, or not Prosecuted, Table No.8

PR.7. Analysis of the Receipts and Expenditure of the Metropolitan Police from the Year 1829 to 1885.

PR.8.1863 Confidential Memorandum by R.Mayne to Sir George Grey dated June 1st,1863, held at New Scotland Yard Library

PR.9.1872, Metropolitan Police Reports,1869-1876, Report for the Year 1872, Divisional Report, Printed by Eyre and Spottiswoode, 1873, held at the Metropolitan Police History Museum

PR.10.1874, Criminal Returns: Metropolitan Police 1874-table No.19, table No.22

PR.11.1875, Criminal Returns: Metropolitan Police 1875 - Table No.6

PR.12.1875, Metropolitan Police Reports,1869-1876, Report of the Commissioner of Police of the Metropolis for the Year 1875, Printed by Eyre and Spottiswoode, 1876, held at the Metropolitan Police History Museum

PR.13.1878, Report of the Departmental Committee....into the....Detective Force of the Metropolitan Police. Confidential Report printed for H.M.S.O., London, Held at PRO HO 45/9442/66692

PR.14.1886, A Report on the history of the Department of the PR.15.Metropolitan Police known as the Convict Supervision Office: Detailing System, and showing results and effects generally on the Habitual criminal Population. Prepared and issued by James Monro, Assistant Commissioner of metropolitan Police, London, 1886

PR.16.1887-1888, Central Criminal Court Sessions Papers, 2nd session 1887-1888, Sessions beginning December 12th 1887, Stevens and Sons Publ., London

PR.17.1893, Habitual Criminal Register for 1892, printed at Parkhurst Prison 1893; held at PRO at MEPO 6/4

PR.18.1996, Metropolitan Police Committee 2nd Annual Report 1996/97, paragraph 6

Modern Secondary Sources

Armstrong, Alan,	1966, The Economic and Social Roots of Poverty, *The Victorian Poor: Fourth Conference Report of the Victorian Society*
Ascoli, D.,	1979, *The Queen's Peace: The Origins and Development of the Metropolitan Police 1829-1979,* H.Hamilton, London
Bailey, Victor,	1981, *Policing and Punishment in Nineteenth century Britain,* Croom Helm, London
Barrett, A., and Harrison, C.,	1999, Crime and Punishment in England: A Sourcebook, UCL Press, London
Ballhatchet, Joan,	1991, The Police and the London Dock Strike, *History Workshop journal,* Issue 32, Autumn
Beattie, J.M.,	1991, Scales of Justice: Defence Counsel and the English Criminal Trial in the Eighteenth and Nineteenth Centuries, *Law and History Review,* Vol 9, Number 2,
	1986, Crime and the Courts in England, 1660-1800, Clarendon, Oxford
Beaumont, Peter,	1996, Rebirth Of The 'Dangerous Classes', *The Observer,* August 11, 1996
Bentley, David,	1998, *English Criminal Justice in the Nineteenth Century,* Hambledon Press, London

Bederida, Francouis,
1991, *A Social History of England, 1851-1990,* Routledge, London

Best, C.F.,
1985, *C at St.James: A History of Policing in the West End of London 1839-1984,* Priv. Pub, Kingston on Thames

Boothman, John V.,
1985, Facing the Music: Modern Police Discipline and
Primitive Police Discipline 1829-1879 (Part 2),
Liverpool Law Review Vol.7, No. 1 .

Briggs, J., et al.,
1996, *Crime and Punishment in England: An Introductory History,* UCL press, London

Brogden, A. & M.,
1984, Henry III to Liverpool 8: The Unity of Police Street Powers, *International Journal of the Sociology of Law,* No.12,

Brogden, M.,
1991, *On the Mersey Beat: Policing Liverpool Between the Wars,* C.U.P., Cambridge

Bunker, John,
1988, *From Rattle to Radio: A History of Metropolitan Police Communication,* Brewin Books, Studley

Chesney, K.,
1970, *The Victorian Underworld,* Penguin, Harmondsworth

Choo, A. and Mellors, M.,
1995, Undercover Police Operations and What the Suspect Said (or didn't say), *Web Journal of Current Legal Issues,* No.2.

Clarke, R. & Hough,M.,
1984, *Crime and Police Effectiveness: Home Office research Study No.79,* H.M.S.O., London

Cleary, T.,
1983, *Henry Fielding: Political Writer,* Wilfred Laurier University Press, Waterloo, Ontario

Cohen, Phil,
1979, Policing the Working Class City: Cuffs and Capes, from *Capitalism and the Rule of Law,* Reproduced in Fitzgerald M. et al (Eds.), *Crime and Society,* 1981, Routledge, London

Coleman, B.I., (Ed.),

1973, *The Idea of the City in Nineteenth Century Britain,* Routledge & Kegan Paul, London

Collins, Philip,

1994, *Dickens and Crime,* 3rd Edn., Macmillan, Basingstoke

Dahrendorf, Ralf,

1985, *Law and Order,* Stevens, London

Davin, Anna,

1996, *Growing Up Poor: Home, School and Street in London 1870-1914,* Rivers Oram Press, London

Davis, Jennifer,

1980, London Garotting Panic of 1862, in V.A.C.Gatrell et al., *Crime and the Law,* Europa, London

1984, A Poor Man's System of Justice: The London Police Courts in the Second Half of the Nineteenth Century, *Historical Journal,* 27, No.2

1989, Jennings' Buildings and the Royal Borough, in *Metropolis London,* Gareth Stedman Jones et al. (Eds.), Routledge, London

1989b, Prosecutions and Their Context: The Use of the Criminal Law in Later Nineteenth Century London, in *Policing and Prosecution in Britain 1750-1850,* Hay, D. et al, Clarendon, Oxford.

Dyos, H.J.,

1966, The Making and Unmaking of Slums: The Economic and Social Roots of Victorian poverty, in *The Victorian Poor: Fourth Conference Report of the Victorian Society,*

Emsley, Clive,

1985, The Thump of Wood on a Swede Turnip: Police Violence in Nineteenth Century England, *Criminal Justice History* Vol.6, 1985.

1987, *Crime and Society in England 1750-1900,* Longmans, London

1988, The Criminal Past, Crime in 19th Century Britain, *History Today,* April 1988

1991, *The English Police, A Political and Social History,* Harvester/Wheatsheaf, London

1996, *The English Police: A Political and Social History,* 2nd Edn., Longmans, London

1996 b, *Crime and Society in England, 1750-1900,* 2nd. Edn., Longmans, London

Englander D. & O'Day, R.,   1995, *Retrieved Riches: Social Investigation in Britain 1840-1914,* Scolar Press, Sussex

Evans, Alan   1988, *Victorian Law and Order,* Batsford, London

Evans, Eric J.,   1983, *The Forging of the Modern State, 1783-1870,* Longmans, London

Feeley, M.,   1994, The Decline of Women in the Criminal Process: A Comparative History, *Criminal Justice History,* Vol.15

Feeley, M., & Little, D.,   1991, The Vanishing Female: The Decline of Women in the Criminal Process, 1687-1912, *Law and Society Review,* Vol.25

Fido, M. & Skinner, K.,   1999, *The Official Encyclopedia of Scotland Yard, Virgin Publishing,* London

Fisher, Trevor,   1996, Josephine Butler: Feminism's Neglected Pioneer, *History Today,* Vol. 46 (6) June

Fishman, Bill,   1988, *East End 1888,* Duckworth, London

Foucault, Michel,   1979, *Discipline and Punish: The Birth of the Prison,* Penguin, Harmondsworth

Garland, David,   1987, *Punishment and Welfare: A History of Penal Strategies,* Gower, Aldershot

Gash, Norman,   1985, *Mr Secretary Peel: The Life of Sir Robert Peel to 1830,* Longman, London

Gatrell, V.A.C.,   1980, Theft and Violence in England 1834-1914, in *Crime and the Law,* Europa, London

1990, Crime, authority and the policeman-state, in *Cambridge Social History Britain 1750-1950*, Vol.3, F.M.L.Thompson (Ed.) C.U.P., Cambridge

1994, *The Hanging Tree,* Oxford University Press, Oxford

Gatrell, V.A.C. & Haddon, T.B., 1972, Criminal Statistics and their Interpretation, *Nineteenth Century Society,* E.A. Rigley (Ed.), Cambridge University Press, Cambridge

Gatrell, V.A.C. et al.   1980, *Crime and the Law,* Europa, London

Gillis, J.R.,   1975, The Evolution of Juvenile Delinquency in England 1890-1914, *Past and Present,* No. 67,

Gilmour, I.,   1998, *Riot Rising and Revolution: Governance and Violence in Eighteenth Century England,* Pimlico, London

Graff, H.J.,   Crime and Punishment in the Nineteenth Century, *Theory and Methods in Criminal Justice History* Monkonen E., (ed) (1992)

Greenstone, J.David,   1991, Culture, Rationality, and the Underclass, *The Urban Underclass,* C. Jencks & P. Peterson (eds), Brookings Institution

Gurr, T.,   1981, Contemporary Crime in Perspective, *Readings in Comparative Criminology,* Ed. L.Shelley, Southern Illinois University Press, Carbondale

Haggard, Robert F.,   1993, Jack the Ripper as the Threat of Outcast London, *Essays in History,* University of Virginia, Vol.35

Haley, Bruce,   1978, *The Healthy Body and Victorian Culture,* Harvard University Press, Cambridge, Massachusettes

Hammersley, H., and Atkinson, P., 1995, *Ethnography: Principles in Practice,* 2nd., Routledge, London

Harding, C. & Wilson, L., 1988, The Late Victorian Response to the Problem of Inebriety, *Criminal Justice History,* Vol.IX

Hardy, Anne, 1988, Urban Famine or Urban Crisis? Typhus in the Victorian City, *Medical History,* No.32

Harris, Jose, 1993, *Private Lives, Public Spirit: Britain 1870 -1914,* Penguin, Harmondsworth

Harrison, Brian 1994, *Drink and the Victorians: The Temperence Question in England 1852-1872,* 2nd. Edn., Keele University Press, Keele

Harrison, J.F.C., 1988, *Early Victorian Britain, 1832-1851,* Fontana Press, London

„   „ 1998, *Late Victorian Britain,: 1875-1901,* Routledge, London

Hay, D., 1980, Crime and Justice in Eighteenth and Nineteenth Century England, in *Crime and Justice, an Annual Review of Research,* Vol.2, Norval, M. et al (Eds.) University of Chicago Press, Chicago

Hay, D., and Snyder, R., (Eds.), 1989, *Policing and Prosecution in Britain 1750-1850,* Clarendon, Oxford

Heidensohn, Frances, 1994, Gender and Crime, in *Oxford Handbook of Criminology* , Oxford University Press, Oxford

Himmelfarb, G., 1984, *The Idea of Poverty: England in the Early Industrial Age,* Faber and Faber, London

1994, A De-Moralized Society: The British/American Experience, *The Public Interest,* September 22, No.57

1995, *The De-Moralization of Society: From Victorian Virtues to Modern Values,* Institute of Economic Affairs, London

1995, The Value of Victorian Virtues, *Sunday Times,* April 16, 1995

Hobsbaum, E.J.,   1969, *Industry and Empire, Economic History of Britain,* Penguin, Harmondsworth

Hostettler, J.,   1992, *The Politics of Criminal Law Reform in the Nineteenth century,* Barry Rose Law Publishing, Chichester

Hough, Mike,   1987, Thinking about Police Effectiveness, *British Journal of Criminology,* Vol.27, No.1, Winter 1987

Howson, Gerald   1970, *Thieftaker General: the Rise and Fall of Jonathan Wild,* Hutchinson, London

Ignatieff, M.,   1978, *A Just Measure of Pain: The penitentiary in the Industrial Revolution,* MacMillan, London

1979, Police and people: the birth of Mr Peel's 'blue locusts', *New Society,* 30th August 1979, at pp.443-445.

Inwood, Stephen,   1990, Policing London's Morals: The Metropolitan Police and Popular Culture 1829-1850, *The London Journal,* Vol.15,

James, P.D., and Critchley, T.A., 1971, *The Maul and the Pear Tree,* Constable, London

Jones, David,   1982, *Crime, Protest, Community and Police in Nineteenth Century Britain,* Routledge Kegan Paul, London

Jones, David,   1983, The New Police, crime and people in England and Wales, 1829 -1888, *Transactions of the Royal Historical Society,* Vol.XXXiii, 5th Series.

Jones, Gareth Stedman,   1976, *Outcast London: A study in the relationship Between Classes in Victorian Society.* Penguin, Harmondsworth

Kayman, Martin, 1992, *From Bow Street to Baker Street: mystery, detection and narrative*, MacMillan Press, Basingstoke

King, Peter, 1998, The Rise of Juvenile Delinquency in England 1780-1840: Changing Patterns of Perception and Prosecution, *Past and Present*, No.160

King, P. & Noel, J., 1993, The Origins of the 'Problem of Juvenile Delinquency': The Growth of Juvenile Prosecutions in London in the Late Eighteenth and Early Nineteenth Centuries, *Criminal Justice History*, Vol.14

Lea, John & Young, Jock, 1984, *What is to be done about Law and Order?*, Pluto Pubs., London

Lyman, J.L., 1964, The Metropolitan Police Act of 1829: An Analysis of Certain Events Influencing the Passage and Character of the Metropolitan Police Act in England, *The Journal of Criminal Law and Criminology*, Vol.55

Linebaugh, Peter, 1998, *The London Hanged: Crime and Civil Society in the 18th Century*, Penguin, Harmondsworth

Maguire, M. et al (Eds.) 1994, *The Oxford Handbook of Criminology*, Clarendon, Oxford.

Magarey, S., 1978, The Invention of Juvenile Delinquency in Early Nineteenth century England, *Labour History* (Australia), Vol.34

McKibbin, R., 1979, Working Class Gambling in Britain, 1880-1939, *Past and Present*, No.82,

MacNicol, John, 1987, In Pursuit of the Underclass, *Journal of Social Policy*, Vol. 16, No. 3.

McWilliams, W, 1988, The Mission to the English Police Courts 1876-1936, *Howard Journal*, Vol.XXII

Mason, Michael, 1994, *The Making of Victorian Sexual Attitudes,* Oxford University Press, Oxford

1998, *The Making of Victorian Sexuality,* Oxford University Press, Oxford

Mathews, Roger, 1992, Replacing Broken Windows, in *Issues in Realist Criminology,* Mathews, R., and Young J., (eds.), Sage.

Melling, Michael 1983, Cleaning house in a Suddenly Closed Society: The Genesis, Brief Life and Untimely Death of the Habitual Criminals Act, *Osgoode Hall Law Journal,* Vol.21, No.2. (1983)

Manchester, A.H., 1984, *Sources of English Legal History,* 1750-1950, Butterworths, London.

Maxim, P.S., 1989, An Ecological Analysis of Crime in Early Victorian England, *Howard Journal,* Vol.28, No.1, Feb. 1989

Miller, William W., 1987, Party Politics, Class Interest and Reform of the Police 1829-56, *Police Studies,* Vol.10

Miller, Wilbur, 1975, Police in London and New York City 1830-1870; *Journal of Social History,* Winter Edn.

1997, *Cops and Bobbies: Police Authority in New York and London,* 2nd Edn., Ohio State University Press, Columbus

Morgan, R. & Newburn, T., 1997, *The Future of Policing,* Clarendon, Oxford

Morris, N. & Hawkins, G., 1970, *The Honest Politician's Guide to Crime Control,* University of Chicago Press, Chicago

Morris, R.J. & Rodger, R., 1993, *The Victorian City: A Reader in British Urban History,* Longmans, London

Morton, James, 1995, *Supergrasses and Informers, an Informal History of Undercover Police Work,* Warner Books, London

Murray, C.,	1990, *The Emerging British Underclass*, Institute of Economic Affairs, London.
Paley, Ruth,	1989, Thieftakers in London in the age of the McDaniel Gang, C.1745-1754, in *Policing and Prosecution in Britain 1750-1850*, D.Hay and R.Snyder (Eds.), Clarendon, Oxford
	1989, An Imperfect, Inadequate, and Wretched System? Policing London before Peel, *Criminal Justice History, an International Annual*, Vol.X, 1989
Parkin, Harold	1969, *Origins of Modern English Society*, Routledge and Kegan Paul, London
Pearson, G.,	1983, *Hooligan: A History of Respectable Fears*, Macmillan, London
Pellew, Jill,	1982, *The Home Office 1848-1914*, Heinneman Educational Books, London
Petrow, Stefan	1992, The Legal Enforcement of Morality in Late -Victorian and Edwardian England, *University of Tasmania Law Review*, Vol.11
	1993, The Rise of the Detective in London, 1869-1914, *Criminal Justice History*, Vol. 14
	1994, *Policing Morals, The Metropolitan Police and the Home Offiice, 1857-1914*, Clarendon, Oxford
Philips, David,	1980, A New Engine of Power and Authority: the Institutionalization of Law-enforcement in England 1780-1830, in V.A.C.Gatrell et al., *Crime and the Law*, Europa, London
Philips, David,	1977, *Crime and Authority in Victorian England*, Croom Helm, London
Porter, Bernard,	1988, *The Origins of the Vigilant State*, Weidenfeld & Nicholson, London

Priestley, Philip

1985, *Victorian Prison Lives: English Prison Biography 1830-1914,* Methuen, London

Radzinowicz, L.,

1948-56, *A History of English Criminal Law, and Its Administration from 1750,* Vols. 1-4, Stevens, London

1956, The Ratcliffe Murders, in *The Cambridge Law Journal*

with **Hood, Roger**

1976, *A History of English Criminal Law, Volume 5, The Emergence of Penal Policy,* Stevens, London

Rawlings, Philip,

1992, *Drunks, Whores and Idle Apprentices: Criminal Biography of the Eighteenth-Century,* Routledge, London

1999, *Crime and Power: A History of Criminal Justice 1688-1998,* Longmans, London.

Razzell & Wainright R.,(eds.), 1973, *The Victorian Working Class:Selections from the Morning Chronicle,* Frank Cass, London

Reiner, R.,

1992, *The Politics of the Police,* 2nd Edn., Harvester Wheatsheaf, London

1992 b, Policing a Postmodern Society, *Modern Law Review,* Vol.55, No.6

1994, Policing and the Police, in *The Oxford Handbook of Criminology,* Oxford University Press, Oxford

1995, *The Independant,* October 12, 1995

Reith, Charles,

1948, *A Short History of the British Police,* O.U.P., Oxford.

Reynolds, Elaine,

1989, St. Marylebone: Local Government Police Reform in London, 1755-1829, *The Historian,* Vol. 51, No.3.

1998, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830*, Stanford University Press, Stanford

Richter, Donald C., 1981, *Riotous Victorians*, Ohio University Press, London,

Rigley, E.A., (Ed.) 1972, *Nineteenth Century Society*, Cambridge University Press, Cambridge

Roberts, M,J.D., 1988, Public and Private Charity in Early Nineteenth Century London: the Vagrant Act and its Enforcement, *Social History*, Vol.Xiii

Roberts, R., 1973, *Classic Slum*, Penguin, Harmondsworth

Robinson, Cyril D., 1979, Ideology as History: A Look at the Way Some English Police Historians Look at the Police, *Police Studies*, Vol.2, 1979

Roebuck, Janet, 1979, *Urban Development in Nineteenth Century London*, Phillimore Press, Chichester

Rose, Michael E., 1986, The Relief of Poverty, *Studies in Economic and Social History*, 2nd Edn., Macmillan, London

Rudé, George 1985, *Criminal and Victim*, Clarendon, Oxford

Samuel, Raphael, 1981, *East End Underworld, Chapters in the Life of Arthur Harding*, Routledge & Kegan Paul, London

Sante, Luc, 1998, *Low Life*, Granta Books, London

Schwartz,L.D., 1972, Occupations and Incomes in Late Eighteenth-Century East London, *East London Papers Journal*, Vol.14, No.2.,

Shannon, Richard, 1976, *The Crisis of Imperialism 1865 to 1915*, Paladin Edn., St.Albans

Sharpe, J.A., 1983, *Crime in Seventeenth Century England*, Cambridge University Press, Cambridge

1985, The History of Violence in England; Some Observations, in *Past and Present,* Vol.10

Sheppard, Francis
1971, *London 1808-1870: the Infernel Wen,* Secker and Warburg, London

Sherman, Lawrence W.,
1992, Attacking Crime: Police and Crime Control, in *Modern Policing: Crime and Justice,* M.Tonry and N.Morris (Eds), University of Chicago Press, Chicago

Shoemaker, Robert,
1991, *Prosecution and Punishment, Petty crime and the law in London and rural Middlesex, c.1660-1725,* C.U.P., Cambridge

Shore, Heather,
1997, 'An old offender tho' so young in years': The Criminal Careers of Juvenile Offenders in Middlesex in the 1830s, in *Chronicling Poverty: The Voices And Strategies of the English Poor, 1640-1840,* Hitchcock, T., et al (eds.), Macmillan, Basingstoke

    "   "
1999, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London,* Boydell Press, Woodbridge

Simpson, Anthony,
1988, Dandelions in the Field of Honour, *Criminal Justice History, An International Annual,* Vol.9, 1988

Sindall, Robert S.,
1990, *Street Violence in the Ninteenth Century: Media Panic or Real danger?,* Leicester University Press, Leicester

Sindall, Robert S.,
1983, Middle-Class Crime in Nineteenth Century England, *Criminal Justice History,* Vol. 4

Smith, Philip Fermond,
1985, *Policing Victorian London,* Greenwood Press, Westport.

Springall, John,
1994, Pernicious Reading? The Penny Dreadful as Scapegoat for Late-Victorian Juvenile crime, *Victorian Periodicals Review,* No.27, Winter 1994

Stack, J.,　　　　　　　　　　1992, Children, Urbanisation and The Chances of
Imprisonment in Mid-Victorian England,
Criminal Justice History, Vol.13, 1992

Stevenson, J.,　　　　　　　　1986, The 'habitual criminal' in nineteenth-
century England: some observations on the
figures, *Urban History Yearbook,* Vol.14

Stone, L.,　　　　　　　　　　1983, Interpersonal Violence in English Society
1300-1980, *Past and Present,* Vol.101

Storch, Robert,　　　　　　　1975, The Plague of the Blue Locusts: Police
Reform and popular Resistance in Northern
England, 1840-57, *International Revue of
Social History,* Vol.20, 1975

1976, The Policeman as Domestic Missionary:
Urban Discipline and Popular Culture in
Northern England 1850-90, *Journal of Social
History,* Vol.9, 1976

Styles, J.,　　　　　　　　　　1987, The Emergence of the Police: Explaining
Police Reform in Eighteenth and Nineteenth
Century England, *British Journal of Criminology,*
Vol.27, No.1

Sugden, Philip,　　　　　　　1995, *The Complete History of Jack the Ripper,*
Robinson press, London

Swift, R.,　　　　　　　　　　1987, The Outcast Irish in the British Victorian
city: Problems and Perspectives, *Irish Historical
Studies,* Vol.XXV, No. 99

Taylor, D.,　　　　　　　　　1997, *The New Police in Nineteenth Century
England,* Manchester University Press,
Manchester

Taylor, Howard ,　　　　　　1999,'Forging the Job: A Crisis of
'Modernisation' or Redundnacy for the Police in
England and Wales 1900-1939, *British Journal
of Criminology,* Vol.39, No.1,

Thatcher, Margaret,　　　　1995,*The Path to Power,* Harper Collins, London

Thomas, Donald	1998, *The Victorian Underworld*, John Murray, London
Thompson, F.M.L.,	1988, *The Rise of Respectable Society*, Fontana Press, London
Thompson, E.P.,	1973, *The Unknown Mayhew*, Penguin, Harmondsworth
Thompson, P.,	1973, Voices from Within, *The Victorian City, Images and Realities*, Vol 1, H.J.Dyos and M.Wolff (eds.), Routedge and Kegan Paul, London
Thurmond Smith, P.,	1988, *Policing Victorian London*, Greenwood Press, Westport
Tobias, J.J.,	1966, The Criminal Poor: The Making and Unmaking of Slums :The Economic and Social Roots of Victorian Poverty, *The Victorian Poor: Fourth Conference Report of the Victorian Society*,
	1967, *Crime and Industrial society in the Nineteenth Century*, Batsworth, London
	1972, *Crime and Industrial Society in the Nineteenth Century*, Penguin, Harmondsworth
	1972, *Urban Crime in Victorian England*, Schocken Books, New York (American re-edition of above)
	1972, *Nineteenth Century Crime: Prevention and Punishment*, David & Charles, Newton Abbot
	1974, *Prince of Fences,* Valentine Mitchell, London
	1974, A Statistical Study of A Nineteenth-Century Criminal Area, *British Journal of Criminology*, Vol.14.
Tomes, Nancy,	1978, A Torrent of Abuse: Crimes of Violence Between Working-Class Men and Women in

London 1840-1875, *Journal of Social History,* Vol.11

Uglow, S.,
1988, *Policing Liberal Society,* Oxford University Press, Oxford

Vogler, Richard,
1991, *Reading the Riot Act: The Magistracy, the Police and the Army in Civil Disorder,* Open University Press, Milton Keynes

Vorspan, Rachel,
1977, Vagrancy and the New Poor Law in late-Victorian and Edwardian England, *English Historic Review,* January 1977

Waddington, P.A.J.,
1991, *The Strong Arm of the Law: Armed and Public Order Policing,* Clarendon Press, Oxford

Walker, Alan,
1990, Blaming the Victims, Chapter 4, in *The Emerging British Underclass,* Institute of Economic Affairs Health and Welfare Unit, London

Walkovitz, J.R.,
1992, *City of Dreadful Delight,* Virago, London

Waller, P.J.
1983, *Town, City and Nation, England 1850-1964,* Clarendon Press, Oxford

Walton, J.K. & Wilcox, A. (Eds.) 1991, *Low Life and Moral Improvement in Mid-Victorian England: Liverpool through the Journalism of Hugh Shimmin,* Leicester University Press, Leicester

Weinberger, Barbara,
1996, *The Best Police in the World: An Oral History of English Policing,* Scolar Press, Aldershot

Weiner, M.J.,
1990, *Reconstructing the Criminal, Culture More and Policy in England 1830-1914,* Cambridge University Press, Cambridge

Welsby, Paul, (Ed.)
1970, *Sermons and Society,* Penguin, Harmondsworth

White, Jerry,
1980, *Rothschild Buildings,* Routledge & Kegan Paul, London

1986, *Campbell Bunk; Islington Between the wars*, Routledge & Kegan Paul, London

Wohl, A.S., 1977, *The Eternal Slum: Housing and Social Policy in Victorian London*, Edward Arnold Publishers, London

Wilkes, John, 1977, *The London Police in the Nineteenth Century,* Cambridge University Press, Cambridge

Williams, Glanville, 1983, *Textbook of Criminal Law*, 2nd Edn., Stevens, London

Wilson, J.Q., 1994, Penalties and Opportunities, in *A Reader on Punishment*, Duff, A., and Garland, D., (eds.), Oxford University Press, Oxford

Wilson, J.Q., & Kelling, G.L., 1982, Broken Windows: the Police and Neighbourhood Safety, *The Atlantic Monthly,* March 1982

Young, Jock, 1994, Recent Paradigms in Criminology, in Maguire, M. et al, *The Oxford Handbook of Criminology*, Clarendon, Oxford

Zedner, L., 1991, Women, Crime, and Penal Responses: A Historical Account, in *Crime and Justice; A Review of Research*, Michael Tonry (ed.),

1991, *Women, Crime and Custody in Victorian England,* Clarendon, Oxford