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Detective Policing and the State in Nineteenth-century England: The Detective Department of the London Metropolitan Police, 1842-1878

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Graduate Program in History

A thesis submitted in partial fulfillment of the requirements for the degree in Doctor of
Philosophy

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DETECTIVE POLICING AND THE STATE IN NINETEENTH-CENTURY ENGLAND:
THE DETECTIVE DEPARTMENT OF THE LONDON METROPOLITAN POLICE,
1842-1878

Thesis format: Monograph

by

Rachael Griffin

Graduate Program in History

A thesis submitted in partial fulfillment
of the requirements for the degree of
Doctorate of History

The School of Graduate and Postdoctoral Studies
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Abstract and Keywords

This thesis evaluates the development of surveillance-based undercover policing in Victorian England through an examination of the first centralized police detective force in the country, the Detective Department of the London Metropolitan Police (1842-1878). It argues that the Detective Department overcame British fears that detective police were incompatible with individual liberty and parliamentary democracy, making the English detective a familiar and reliable public servant. The Detective Department, which worked from Scotland Yard, was formed in 1842 in response to criticism that the Metropolitan Police was unable to successfully investigate homicide. This was a surprising development in a country where property crime had always spurred developments in criminal justice. London's newspapers played a key role in the creation of this detective force by creating a murder scare and demanding that the Metropolitan Police devote more specialized attention to complicated investigations, including homicide. The new detective force remained small to protect the police from accusations of spying. Since murders were infrequent, the new detectives devoted most of their attention to property crime, especially theft. During the 1860s and the economically depressed 1870s, detective priorities reflected a government crackdown on forgery and fraud, crimes that threatened the paper economy upon which Britain's industrial and mercantile power rested. Detectives also regularly worked for the Home Office to help supplement limited investigative machinery in the counties. Scotland Yard detectives routinely travelled throughout England helping local magistrates investigate felonies ranging from homicide to arson. Scotland Yard's close relationship with the Home Office was unique in England and resulted from London's lack of municipal authority. For this reason, Metropolitan Police detectives often acted as agents of the British government, especially when they monitored foreign nationals and refugees that arrived in England following European revolutions in 1830 and 1848. Detectives' non-felony work for the Home Office, which also included evaluating naturalization applications and performing extraditions, offers a new perspective on Victorian detectives and their cases that current historiography neglects.

Keywords: detectives; police; England; newspapers; surveillance; white-collar crime; homicide; extradition; naturalization; spies.

Dedication

To my parents, for encouraging me, and to my grandfather, for teaching me the value of history.

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There are a great many people to thank for their contributions to this project. Foremost is my wonderful supervisor, Allyson May. I could not have asked for a better mentor. I was her first doctoral student, though, I heartily hope, not her last. Her consistent interest and unwavering support gave me confidence when I had little and I will never forget her generosity towards me. I also learned a great deal from Amy Bell, who advised me at various stages, including during my comprehensive exams. I appreciate the seriousness (but also the fun) with which she approached my work and I am indebted to her presence in my doctoral life. Similar appreciation is due to Neville Thompson, my second reader, whose zest for history is infectious and whose encouraging words are always given in perfect time.

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Endless thanks are due to my graduate student colleagues. Our many shared experiences and their good humour and dedication inspired me and reinforced my commitment to this project. In particular, I would like to acknowledge Oliver Charbonneau, Tim Compeau, Michelle Hutchinson-Grondin, Dorotea Gucciardo, Steve Marti, Erin Pocock and Nicolas Virtue for their support. Danielle Demianschuk, Claire Halstead, Stephen Grandpre and Agnes Herra deserve special thanks for reading and commenting on drafts at various stages.

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Abbreviations

CLA/042/IQ	Southwark Coroner's Court, 1838-1901
HLS MS	Harvard Law School Media Services
HO 45	Registered Papers, 1839-1979
HO 65	Police Entry Books, Series I, 1795-1921
MEPO 2	Correspondence and Papers, 1816-1994
MEPO 3	Correspondence and Papers, Special Series, 1830-1974
MEPO 7	Police Orders, 1829-1989
MEPO 21	Records of Police Pensioners, 1852-1993
OBP	The Proceedings of the Old Bailey, 1674-1913
TS 25	Law Officers' and Counsel's Opinions, 1806-1968

Preface

The English public has always had a fraught relationship with detective policing. Since March 2014 the London Metropolitan Police (Met)¹ has faced several accusations that undercover police officers abused their position as government agents. In March 2014 *The Guardian* and the British Broadcasting Corporation (BBC) reported that several officers infiltrated protest groups and developed romantic relationships with female members. The operatives worked for the Special Demonstration Squad (SDS)² during the 1980s, though the women only discovered that their lovers were police officers in 2012. One officer, Bob Lambert (married and a father) fathered a child with a female activist, only to abandon her and the child two years later when he was pulled from the operation. She received a £425,000 settlement from the Met in October 2014 and, though she was far from the only woman romantically entangled with an undercover policeman, is the only one to have come forward with a child born of the union.³

These allegations came just as another undercover officer was accused of spying on the parents of Stephen Lawrence, a young black man murdered in London in April 1993. In June 2013 former undercover officer Peter Francis (also part of the SDS) told *The Guardian* that

¹ The Metropolitan Police are also referred to colloquially as the Met and Scotland Yard, the latter being the name of the Met headquarters in London and the most common shorthand for describing the metropolis's police services. The modern acronym is the MPS or Metropolitan Police Service.

² "The SDS was a top secret squad within Special Branch, operational from 1968 to 2006. It specialised [sic] in the long-term undercover deployment of officers into a range of groups that had the potential to cause serious public disorder or other violence or injury." Mark Ellison, QC., "The Stephen Lawrence Independent Review: Possible corruption and the role of undercover policing in the Stephen Lawrence Case, Summary of Findings," prepared for the House of Commons, 6 March 2014, 20, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287030/stephen_lawrence_review_summary.pdf; Rob Evans, "Special Demonstration Squad: unit which vanished into undercover world," *The Guardian*, 24 July 2014, <http://www.theguardian.com/uk-news/2014/jul/24/special-demonstration-squad-undercover-unit-analysis>.

³ Daniel Boffey, "Scotland Yard in new undercover police row," *The Guardian*, 8 March 2014, <http://www.theguardian.com/uk-news/2014/mar/08/scotland-yard-undercover-police-row>; June Kelley and Dominic Casciani, "Met pays £425,000 to mother of undercover policeman's child," *BBC News*, 24 October 2014, <http://www.bbc.co.uk/news/uk-29743646>; Dominic Casciani, "The undercover cop, his lover, and their son," *BBC News Magazine*, 24 October 2014, <http://www.bbc.co.uk/news/magazine-29743857>. None of the officers were charged with misconduct for participating in undercover romantic relationships. Rob Evans, "Undercover officers will not be charged over relationships with women," *The Guardian*, 21 August 2014, <http://www.theguardian.com/uk-news/2014/aug/21/undercover-officers-relationships-women-not-charged>.

his superiors ordered him to find “dirt” on the Lawrence family to discredit claims that the murder was racially motivated and to shield the Met from scandal. During the mid-1990s, Francis and several other officers supplied the Met with information about anti-racism groups, especially those “campaign[ing] for justice over the death of Lawrence.”⁴ The same Bob Lambert who fathered a child with an activist in the 1980s was, by the late 1990s, a detective inspector involved with the campaign to infiltrate advocacy groups in the Lawrence case. An independent review published in March 2014 condemned SDS placement of a “spy in the Lawrence family camp” as “wrong-headed and inappropriate.”⁵

Most recently, animal rights demonstrator Geoff Sheppard accused a former SDS officer of inciting him to commit a crime that resulted in a four-year jail sentence. Sheppard claims he was targeted by SDS operatives Bob Lambert and Matt Rayner, who “‘deliberately encouraged him to take more serious direct action’ and to commit crimes he had been initially unwilling to carry out.” Sheppard is one of numerous campaigners challenging the legitimacy of their convictions on the basis of police perjury, of whom fifty-seven have recently had their sentences overturned because police and prosecutors “‘frequently conceal[ed] key evidence gathered by undercover operations.’”⁶

In the wake of these scandals, Home Secretary Theresa May announced a public inquiry into undercover policing and suggested that police corruption had become so egregious that the

⁴ Rob Evans and Paul Lewis, “Police ‘smear’ campaign targeted Stephen Lawrence friends and family,” *The Guardian*, 24 June 2013, <http://www.theguardian.com/uk/2013/jun/23/stephen-lawrence-undercover-police-smears>.

⁵ Mark Ellison, QC., “The Stephen Lawrence Independent Review: Possible corruption and the role of undercover policing in the Stephen Lawrence Case, Summary of Findings,” prepared for the House of Commons, 6 March 2014, 23, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287030/stephen_lawrence_review_summary.pdf.

⁶ Rob Evans, “Activist’s conviction to be quashed after undercover officer testified at trial,” *The Guardian*, 23 June 2015, <http://www.theguardian.com/uk-news/2015/jun/23/activist-conviction-quashed-undercover-police-officer>. See also, Rob Evans, “Undercover police spy accused of encouraging activist to crime,” *The Guardian*, 4 December 2014, <http://www.theguardian.com/uk-news/2014/dec/04/undercover-met-spy-animal-rights-overturn-conviction-appeal>; Rob Evans, “Activists to appeal against convictions over involvement of police spy,” *The Guardian*, 7 March 2014, <http://www.theguardian.com/uk-news/2014/mar/07/activists-appeal-convictions-involvement-police-spy>; Rob Evans, “Prosecutors improperly withheld crucial evidence from trial of protestors,” *The Guardian*, 10 June 2015, <http://www.theguardian.com/uk-news/undercover-with-paul-lewis-and-rob-evans/2015/jun/10/prosecutors-improperly-withheld-crucial-evidence-from-trial-of-protesters>.

criminal code would be updated to include ‘police corruption’ as an offence separate from ‘misconduct in public office’.⁷

The current debate about the place of undercover work in England is strikingly similar to nineteenth-century concerns about the legality and legitimacy of detective policing. The “deceitful human interaction” that characterizes much undercover policing is why England was one of the last European states to officially sanction detectives as part of its criminal justice system.⁸ Whereas post-Napoleonic Europe was a highly policed – and politically policed – society, England in 1815 had no centralized police force and only a handful of proto-detectives operating in London. The first centralized police force was the London Metropolitan Police, founded in 1829, yet the Met lacked a detective branch before 1842 because of popular hostility towards government surveillance. The 1829 Metropolitan Police Act, cautiously, only applied to London and the geographical extension of this model was haphazard and slow. Only in 1856 did the government compel English counties and boroughs to establish centralized and professional police forces. When the Met’s Detective Department was established at Scotland Yard in 1842, it was the first police detective force in all of England. Its foundation ushered in the early years of detective and surveillance-based policing that has reached its apex in the twenty-first century. The men who staffed this branch and their life’s work are the subjects of this thesis.⁹

In the following discussion, I argue that the men of the Detective Department demonstrated to the English public and the government that detective policing could be an English institution. Far from acting, as feared, as a political police, Scotland Yard detectives actively

⁷ “Stephen Lawrence police ‘spy’ prompts public inquiry,” *BBC News*, 6 March 2014 (<http://www.bbc.co.uk/news/uk-26466867>); Rob Evans and Paul Lewis, *Undercover: The True Story of Britain’s Secret Police* (London: Faber and Faber Ltd., 2013).

⁸ This phrase is taken from Mark Ellison, QC., “The Stephen Lawrence Independent Review: Possible corruption and the role of undercover policing in the Stephen Lawrence Case, Summary of Findings,” prepared for the House of Commons, 6 March 2014, 20, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287030/stephen_lawrence_review_summary.pdf.

⁹ For the purpose of this thesis, detective policing is considered any investigatory policing done out of uniform, particularly undercover and surveillance work. In this way, detective policing is separated from beat policing, which is done in uniform, on a distinct path, to prevent crime. I will refer to the Detective Department as the Detective Department, Scotland Yard and the Yard interchangeably.

investigated felonies such as murder, theft, fraud and forgery, while also becoming an investigatory arm for an increasingly busy Home Office. Throughout this early era of detective policing, the Detective Department established a climate of tolerance for detective work and laid the foundation for the expansion of undercover policing after 1878, including the creation of the Criminal Investigation Department (CID), Special Branch and MI5.

1 Introduction

The following section contextualizes our discussion of detective policing by describing the basic units of law enforcement, and, briefly, outlining relevant reform debates in the years before the establishment of the Metropolitan Police in 1829. Following the historical background is a historiographical discussion of criminal justice literature indicating that early detective policing in the Met is a neglected subject and one worthy of historical attention. The subsequent sections describe my intentions in this thesis and outline the discussion to follow.

1.1 The English Criminal Justice System

From the medieval period to the early nineteenth century, English criminal justice relied on severe penal legislation to deter crime and a small body of officials to enforce the law. Governments under William and Mary, Anne, and the Hanoverians passed over two hundred capital statutes, most of them for property crime, to dissuade offenders from breaking the law.¹ England relied on the threat of death, rather than a comprehensive policing system, to prevent crime and, when the deterrent effect of such harsh penalties was unsuccessful, law enforcement stepped in.

Policing was a local affair involving parochial officials, constables and night watchman to prevent crime and apprehend offenders. Local constables, contrary to modern standards, did not patrol. The position of constable was a part-time unpaid job, which, by the eighteenth century, was often performed by deputies.² Constables were responsible for the night watch and for raising the hue and cry but they rarely investigated offences.

¹ Capital offenses ranged from sheep stealing, forgery and petty theft to poaching, burglary and murder. For a detailed description of the development of the so-called ‘bloody code’, see J.M. Beattie, *Crime and the Courts in England, 1660-1800* (Princeton: Princeton University Press, 1986), chapters 3 and 4.

² Increasingly, traditional candidates for the position of constable (merchants, tradesmen and farmers) outsourced the responsibility to paid deputies. Deputies were of lower social status than the original nominee and performed the job for money instead of, as was historically the case, out of a sense of duty. The 1715 Riot Act and a 1735 act for fining constables who neglected to raise the hue and cry attempted to reinforce the importance of the constable to the administration of criminal justice. T.A. Critchley, *A History of Police in England and Wales 900-1966* (London: Constable, 1967), 29.

Night watchmen did not patrol and remained stationary in watch boxes but could, like the constable, be called upon to respond to an incident. The onus of investigation and prosecution lay with the victim; if a constable or watchmen apprehended a criminal, they encouraged the victim to prosecute.³ Prosecution was an expensive affair, however, and many victims neglected to charge offenders for pecuniary reasons.⁴ The most senior local law enforcement officials were the justice of the peace and magistrates, which were voluntary positions held by local gentry. This pattern of local amateur office holding was peculiarly English and protected against “an over-strong central executive encroaching on the ‘liberties’ of the English landowner.”⁵

As historian David Philips notes, the English criminal justice system - local and amateur – “was designed for, and worked mainly in, the small units of pre-industrial England – rural parishes, villages, market towns.”⁶ It could not handle the population growth and increasing urbanization that characterized the eighteenth century, especially in London. By the 1750s, this system was under attack by reformers who argued that a severe criminal code and limited local law-enforcement were inadequate.⁷ One forceful critic of

³ England had no system of public prosecution until the late nineteenth century. Until then, the state prosecuted serious threats to the government, such as riot, sedition and threats to the Hanoverian settlement. J. M. Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror* (Oxford: Oxford University Press, 2001), 384. Victim and accused were first brought before magistrates who could adjudicate misdemeanours summarily. In felony cases, magistrates took depositions and then bound over the prosecutor, accused and any witnesses for trial at the next sessions of the criminal courts. Beattie, *Crime and the Courts*, 270.

⁴ After 1690, English governments began to offer rewards for successful criminal prosecutions. Valued at £40, they helped defray the cost of trial. John Beattie estimates that the average prosecution could cost between 10s and £1. Victims were required to pay for witnesses, warrants for the accused, recognizance fees for all witnesses bound over for trial, indictments, the officer who swore in witnesses, the bailiff and the crier. *Ibid.*, 41-48.

⁵ David Philips, “‘A New Engine of Power and Authority’: The Institutionalization of Law-Enforcement in England 1780-1830,” in *Crime and the Law: The Social History of Crime in Western Europe since 1500*, eds. V. A. C. Gatrell, Bruce Lenman and Geoffrey Parker (London: Europa Publications Limited, 1980), 160.

⁶ Philips, “The Institutionalization of Law-Enforcement in England,” 159.

⁷ Some commentators, such as criminal law reformer Samuel Romilly, argued that the severe criminal code actually encouraged crime. Leon Radzinowicz, *A History of English Criminal Law and its Administration from 1750*, vol. I (London: Stevens & Sons, 1948), 318. For a discussion of the eighteenth-century reform

the existing system was Henry Fielding, chief magistrate at Bow Street magistrate's court in London. His 1751 pamphlet *An Enquiry into the Causes of the Late Increase of Robbers* argued that local policing and victim prosecution were insufficient for the needs of the growing metropolis.⁸ Finding that many victims were unable or unwilling to hunt down those who robbed or assaulted them, Fielding established a small group of men to apprehend offenders.⁹ The 'Bow Street Runners', as Fielding's men soon became known, were a private initiative and his detective force was unique in England. Local justices, if willing, had many opportunities for independent action, though Fielding was unusually dedicated to detecting and prosecuting offenders. England's intense localism, however, also meant that Fielding's experiment was confined to London.¹⁰ Fielding's Runners grew to include preventive patrols spread across London, especially along perimeter roads. The creation of this small force marks the beginning of formal detective policing in the country.¹¹ Aside from the Runners in London, the rest of the country relied on constables and night watchmen to prevent crime and the detective capabilities of the criminal justice system remained limited.

movement, see *Ibid.*, volume I. Romilly's argument was based on the fact that juries were often unwilling to proffer a guilty verdict for crimes they did not believe deserved the death penalty. For example, offenders charged with minor larcenies were saved from the gallows when juries undervalued the goods stolen to 39s, or just under the £2 minimum for a capital larceny. Beattie, *Crime and the Courts*, 424.

⁸ The War of Austrian Succession ended in 1748 bringing large numbers of demobilized soldiers to London. John Beattie's research has shown that prosecution rates were highest following wars. This was true of 1713, 1733, 1748, 1763, and 1815. Beattie, *Crime and the Courts*, 216-219.

⁹ J. M. Beattie, "Sir John Fielding and Public Justice: The Bow Street Magistrates' Court, 1754-1780," *Law and History Review* Vol. 25, No.1 (2007): 62.

¹⁰ The Runners, did, however operate outside of London. See David J. Cox, *A Certain Share of Low Cunning: A History of the Bow Street Runners, 1792-1839* (Cullompton: Willan Publishing, 2010). Cox is also discussed towards the end of section 1.2.

¹¹ The Bow Street Office was closed and its work amalgamated with the Metropolitan Police in 1839. Elaine A. Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830* (Stanford: Stanford University Press, 1998), 152.

Reformers intent on police centralization had to tread a careful line because English landowners jealously guarded the power wrenched from the crown in the Glorious Revolution. Gentry dominance of local justice ensured their independence from the executive and they vigilantly guarded against any erosion of these rights and liberties. Police reform after 1750 was hampered by widespread distrust of executive power – closely associated with France and the spy networks run by Richelieu, Mazarin and Fouché (Napoleon’s minister of police).¹² Executive control of policing was a particularly sensitive topic and kept reform at bay for decades. Public fear of a policeman state cannot be overemphasized. It was visceral, widespread and triumphed for decades, even in the face of serious threats. The Gordon Riots, for example, which raged throughout London in June 1780 and left 700 dead and nearly £100,000 of property damage (including numerous prisons and magistrates’ homes) were not enough to convince the public or the House of Commons that the city might require a more coordinated police apparatus. The government had to call in 12,000 soldiers to quiet the burning metropolis, a move that further exacerbated rhetoric against government repression. As Stanley Palmer explains, “Englishmen considered unconstitutional not only the police but the very institution that had saved the metropolis from destruction,” the army. Official solutions in the wake of the riots remained rooted in localism.¹³

Seven years after the Gordon Riots, the Pitt government introduced a bill to combine London’s various parochial forces (including the City of London) into one unified body. The plan would have superimposed a centralizing apparatus upon existing parochial policing and introduced new, far-reaching powers of “search, seizure, and social control.” The government managed the bill poorly in the House of Commons and was unable to deflect attacks from MPs fearful of a Parisian-style police, while the furious Lord Mayor who would not hear of the City of London losing its traditional independence. Defeated

¹² See chapter 6 for a discussion of European political policing and espionage.

¹³ Stanley H. Palmer, *Police and Protest in England and Ireland 1780-1850* (Cambridge and New York: Cambridge University Press, 1988), 88. Because riot-control was a magisterial responsibility, much of the criticism of London policing in the days after the Gordon Riots focused on the city’s magistrates for not properly enforcing the Riot Act. Reynolds, *Before the Bobbies*, 62.

in London, the police bill was instead applied to Dublin. The government majority in the Irish parliament helped the bill's passage there, as did the frequency of riots and the high level of interpersonal violence that characterized Irish public disorder. Opposition to the bill, though unsuccessful, again relied on rhetoric against a government police force as a “‘foreign’ and ‘unconstitutional’” concept.¹⁴

Following the failed 1785 London and Westminster Police Bill, the next attempt to improve London policing was more measured, reforming an existing body of local justice: London's magistrates. The 1792 Middlesex Justices Act rested upon the Bow Street model where stipendiary magistrates managed local justice and also commanded a group of paid constables for preventive patrolling, especially against violent crime. Seven police offices were established throughout London staffed by full-time salaried magistrates and a complement of forty-two constables. The Act acknowledged the success of Bow Street's patrols in prevention and apprehension and of its magistrates in encouraging prosecutions.¹⁵ The 1792 Act created an institutionalized network of police offices throughout the metropolis. While not radically reforming criminal justice in London it did draw the government more directly into supporting the preventive model. Significantly, it also provided salaries for magistrates and officers, a departure from centuries of voluntarism.

Further reform of London's police was not considered again until 1811, when a series of brutal murders along the Ratcliffe highway in Wapping threw London into panic. Two families were found with their throats cut and their heads crushed on December 7 and 19,

¹⁴ The bill replaced the government's reliance on the militia to keep order in the city. Military occupation was a poor long-term solution in the Irish capital because locals and the militia disliked each other and the army, dedicated to anti-riot duties and also to protect public buildings, had no involvement in local policing matters. The new Dublin Metropolitan Police, modeled unabashedly on the Paris police, replaced parochial policing with a centralized force run from the government seat at Dublin Castle. Palmer, *Police and Protest*, 101 and 89-102.

¹⁵ J.M. Beattie, *The First English Detectives: The Bow Street Runners and the Policing of London, 1750-1840* (Oxford: Oxford University Press, 2012), 159-166. John Beattie argues that this Act was the culmination of a century-long process wherein the government began to financially support policing. The trend began with rewards statutes in the 1690s and support for Bow Street and its officers in the mid-eighteenth century. *Ibid.*, 166.

1811. A variety of individuals were arrested on suspicion, including several Portuguese sailors and Irishmen, the unfortunate victims of traditional suspicion of foreigners and the Irish. When a viable suspect was at last detained, he hanged himself in police custody.¹⁶

In the wake of the Ratcliffe murders the public blamed the night watch for failing to prevent the tragedy. Shortly thereafter, a bill was floored to reform the watch, setting numbers of watchmen and frequency of patrols while also giving the new stipendiary magistrates overarching control.¹⁷ Parochial authorities in London objected to the expense while “Whig fears of an over-mighty executive” were leveled against the bill in the House.¹⁸ Although the bill sought to improve not innovate, and shied away from government control, suspicion of the proposed amendments, even in the face of brazen violence, remained pervasive. The social standing of the victims and the location of the murders help explain why these shocking killings resulted in little legislative change. Marr was a linen-draper and Williamson a publican and both carried on their businesses in Wapping, a rough area in the east along the Ratcliffe highway, one of London’s main access roads. John William Ward expressed the now famous opinion that introducing ‘French-style’ police would hardly ameliorate crime in such a bad neighbourhood and would not be worth the cost to individual liberty. His response is worth quoting in full:

I am inclined to suspect that it is next to impossible to prevent outrages of this sort happening in those parts of the town that are inhabited exclusively by the lowest and most profligate wretches in the nation, except by entrusting the magistrates with powers vastly too extensive to be prudently invested in such hands. They have an admirable police at Paris, but they pay for it dear enough. I had rather half a dozen people’s throats should be cut in Ratcliffe Highway every three or four

¹⁶ Seamen were suspected because the first victims, the Marr family, had their throats cut by a ripping chisel traditionally used by a ship’s carpenter. Radzinowicz, *English Criminal Law*, vol. I, 315-323.

¹⁷ Reynolds, *Before the Bobbies*, 99.

¹⁸ Reynolds, *Before the Bobbies*, 100-101.

years than be subject to domiciliary visits, spies, and all the rest of Fouché's contrivances.¹⁹

As David Philips notes, "It was easy enough for the future Earl of Dudley, who was unlikely ever to be found – dead or alive – in such an insalubrious neighbourhood as the Ratcliffe Highway, to make this generous offer of other people's throats for the cutting."²⁰ But Ward's feelings do represent the depths of English distaste for anything smacking of French policing, anything centralized and, especially, anything government controlled. The 1812 Night Watch Bill, like the London and Westminster Police Bill of 1785, fell victim to pervasive localism.²¹

In 1816 a committee was established to re-investigate London's policing following the end of the Napoleonic Wars and the subsequent rise in crime that followed demobilization.²² The *Report* reinforced the sacredness of local authority in the face of government control. While lauding the principles of preventing and detecting crime, the *Report* stated unequivocally that "the difficulty is not in the end but the means...in a free country...such a system would of necessity be odious and repulsive."²³ In response, Home Secretary Lord Sidmouth augmented the number of officers attached to London's magistrate's courts, including the creation of ninety patrolmen in the suburbs (a 'dismounted patrol') to protect the outskirts of the city.²⁴

¹⁹ Quoted in Philips, "The Institutionalization of Law-Enforcement in England," 174.

²⁰ Philips, "The Institutionalization of Law-Enforcement in England," 174.

²¹ Reynolds notes that contemporaries recognized the Gordon Riots and the Ratcliffe murders as unique events and did not see the sustained necessity for major legislative change as a result. Reynolds, *Before the Bobbies*, 101-102.

²² For a discussion of the relationship between war and property crime, see Beattie, *Crime and the Courts*, 213-235.

²³ *Third Report from the Committee on the State of the Police in the Metropolis* (1818), 32.

²⁴ Beattie, *First English Detectives*, 232-234.

A more sustained effort at police reform came with Robert Peel, who became the new home secretary in January 1822 as part of Liverpool's newly reshuffled cabinet. Peel had served as chief secretary in Ireland from 1812 until 1818 and had made significant changes to policing in that fraught corner of the British Isles. As in England, the army was called in during serious unrest, and the militia, Yeomanry and army formed the basis of Dublin Castle's arsenal in case of serious disturbances. Yet in a nation where public unrest and violence were routine this was insufficient, especially since "the militia appeared unreliable, the Yeomanry was troublesome, and the army was irritable and overworked."²⁵ To help quell disorder Peel created a flying squad of riot police called the Peace Preservation Police that Dublin Castle might use anywhere in the country as necessary. These 'Peelers', as they became known, were deployed in ten Irish counties between 1814 and 1818.²⁶

Peel's experience in Ireland affirmed his belief that central control of police was essential for public order. He had a uniformed day patrol added to Bow Street's other preventive patrols but his zeal for police reform – and unification of London's disparate elements in particular – was not widely felt. Detective work was discredited in the 1820s during an intense period of debate about police reform in the metropolis. Under Peel, two select committees met during the decade to establish what measures might improve the safety of life and property in London. The first, reporting in 1822, lauded Bow Street's preventive policing; the committee deemed Bow Street's foot patrol (1783), horse patrol (1805), and dismounted foot patrol (1821) the most "effectual" method of preventing crime in and around the metropolis.²⁷ Conversely, suggestions "for facilitating the detection of crimes" were considered too dangerous. The committee felt strongly that

²⁵ Palmer, *Police and Protest*, 198.

²⁶ There were also objections to the Peelers, mostly based upon cost. Palmer, *Police and Protest*, 214 and 198-217. There were important differences between English and Ireland, the most important of which was the level of violence in Irish crime. In England, murder, riot and significant public disorder were rare. Property crime was the biggest threat. While Ireland, in Peel's estimation, required riot police, what he proposed for England was similarly centralized but focused on property offences.

²⁷ *Report from the Select Committee on the Police of the Metropolis* (1822), 9.

officers could not and should not be trusted with “those extended powers, and that wide latitude of discretion” necessary to detect criminals.²⁸ Police officers required strict supervision, an impossibility with undercover police work.

In 1828 Peel established another select committee on police reform in London. The object of this new investigation was to determine the causes of a perceived increase in crime in London, as well as the efficacy of the city’s policing arrangements. Peel was alarmed by crime statistics that, he believed, forecasted a great threat to order and stability in the capital. He was also concerned about how to police the outer parishes of London, many of which had neither a history of organized policing nor sufficient taxation to fund it.²⁹ Using Bow Street officers as an example, the committee warned that detective policing was dangerous. They thought Runners’ complicity in compounding felonies was proof that detectives were less accountable than uniformed officers.³⁰ “A regular system to facilitate them [compounded felonies],” the *Report* argued, “has gradually been maturing.” Moreover, the financial incentives of compounding felonies also gave Bow Street Officers “an interest in not detecting crimes.”³¹ Overall, the *Report* denounced detective policing as disgraceful, corrupt and fundamentally inappropriate for England’s greatest city. By the 1820s, much of London’s parochial police apparatus was far more professionalized than it had been in the eighteenth century. But professionalism, based mostly on improved organization and coordination of night watches, was still directed towards preventing crime through the use of beat systems.³² Preventive practices remained the framework for policing in late Georgian London, and the Metropolitan Police tried – at least publicly – to maintain this focus between 1829 and 1842.

²⁸ *Report from the Select Committee on the Police of the Metropolis* (1822), 11.

²⁹ Beattie, *First English Detectives*, 245-247.

³⁰ Bow Street officers compounded felonies when they acted as intermediaries for the return of stolen goods (usually for a price), thus circumventing the judicial system. Beattie, *The First English Detectives*, 250.

³¹ *Report from the Select Committee on the Police of the Metropolis* (1828), 12 and 14.

³² Reynolds, *Before the Bobbies*, 120 and 162.

Although Bow Street's detective function was in disrepute, its patrols were, according to Peel, just what London needed. To convince the House of Commons that centralizing London's police apparatus (and the associated expense) was worthwhile, Peel extolled the successes of Bow Street's patrols, particularly the Horse and Day Patrols, in combatting criminal behaviour.³³ What better example demonstrated "the advantage of having an efficient, vigilant, and well-regulated patrol, both by night and day, controlled by one authority, and acting under one head"?³⁴ Here was a model of centrally controlled preventive policing that might appeal to a skeptical parliament. Peel's focus on prevention was the culmination of a paradigm shift in British criminal justice that began in the 1780s. John Beattie identifies this transition, from a prosecutorial to a preventative criminal justice framework, beginning after the end of the American War and accelerating after Napoleon's 1815 defeat at Waterloo. Postwar crime waves, characterized by theft – and highway robbery in particular – challenged preventive theorists' belief that harsh penalties deterred crime.³⁵

Peel introduced his Metropolitan Police Bill to the House of Commons on April 15, 1829. It was the fruition of his belief that crime – and property crime in particular – was an escalating problem in London and that the solution was centralization and professionalization of police resources for the ever-growing metropolis. Two Irishmen, Richard Mayne, a Dublin lawyer, and Charles Rowan, an army colonel, were selected as commissioners of police to oversee a force of nearly 3,000 officers. The new

³³ Foot patrols began at Bow Street in 1792, the brainchild of magistrate Sir Sampson Wright, who used them to guard London's perimeter roads. In 1805 and 1822 further patrols were established: a horse patrol to more effectively combat highway robbers and a day patrol to offer protection on the streets during the day. The horse patrol consisted of mounted patrolmen (many recruited from the cavalry) to protect travelers from highway robbers. Beattie, *The First English Detectives*, 143-145 and 176.

³⁴ Commons Sitting of Wednesday April 15, 1829, House of Commons Hansard, Second Series, Volume 21, col. 883.

³⁵ National policing took much longer to establish and was only achieved in 1856, though there were earlier attempts. David Philips and Robert D. Storch, "Whigs and Coppers: The Grey ministry's national police scheme, 1832," *Historical Research* Vol. 67 (1994).

Metropolitan Police District they oversaw covered a four to seven mile radius from Charing Cross and contained seventeen police divisions.³⁶

Historians have struggled to explain how, in the face of sustained opposition to centralized policing, Peel was suddenly able to maneuver his Metropolitan Police bill through parliament in 1829 with little opposition. David Philips proposes that the public was startled by commitment statistics that suggested an extraordinary increase in crime. This worry plagued minds already preoccupied with fears of revolution after nearly fifteen years of political and industrial unrest.³⁷ John Beattie argues “Contemporaries *believed* they were experiencing a serious crime problem in the 1820s” and that Peel himself was motivated by his concern about the negligible policing on the outskirts of the growing city. Peel relied heavily on evidence from the 1828 committee about minimally policed parishes when presenting his bill to parliament.³⁸ Elaine Reynolds argues that many traditional objections to centralized policing had diminished by the 1820s, by which time many of London’s parishes had professional forces. Criticism instead turned to corrupt and inefficient local government officials, including magistrates and their officers.³⁹ The truth probably involves all of these reasons to some degree. To usher his bill through the House, Peel had to be confident that the twin shibboleths of British life – localism and liberty – (or what David Ascoli less sympathetically terms “English bloody-mindedness”) had less power than they hitherto had.⁴⁰ An Establishment for whom the French Revolution was not quite out of mind was also skittish in the face of industrial unrest, Catholic emancipation, Irish troubles and criminal returns that suggested an

³⁶ Douglas G. Browne, *The Rise of Scotland Yard: A History of the Metropolitan Police* (Westport: Greenwood Press, 1973), 81. In 1865 the Metropolitan Police District (MPD) was enlarged to encompass outlying areas of the growing metropolis, including Clapham (W), Paddington (X) and Highgate (Y). MEPO 7/26, 28 October 1865.

³⁷ Philips, “The Institutionalization of Law-Enforcement in England,” 182.

³⁸ Beattie, *First English Detectives*, 246-250.

³⁹ Reynolds, *Before the Bobbies*, chapter 8.

⁴⁰ David Ascoli, *The Queen’s Peace: The Origins and Development of the Metropolitan Police 1829-1979* (London: Hamish Hamilton, 1979), 92.

unusually high number of criminal committals. Peel himself is an important consideration and his experiences in Ireland and as home secretary lent authority to his concerns when he expressed them to parliament. London's parochial police had also come a long way since the eighteenth century and, as Reynolds notes, probably did much to allay fears that professionalization would not compromise liberty.

After the establishment of the Metropolitan Police, Bow Street officers continued to investigate crime, although many of their patrolling functions were absorbed by the Met between 1829 and 1836.⁴¹ This parallel system of policing (unusual given Peel's stress on unification) meant that detection remained in the hands of police court officers, not Metropolitan Police officers, until 1839.⁴² Indeed Rowan and Mayne assumed that the ten-year overlap with Bow Street ensured that the Met remained strictly preventive.⁴³ This was not entirely the case, however, as many constables in the Metropolitan Police worked undercover to detect crimes, a function that expanded significantly after the 1839 Metropolitan Police Act finally eliminated Bow Street's police function.⁴⁴ Shortly thereafter, in the wake of a public scandal about murder investigations by the Met, a Detective Department was established at Scotland Yard that became the central detective branch for the Met and England. Following another scandal in 1877/78, the Detective Department was reorganized into the Criminal Investigation Department (CID), which it remains today.

⁴¹ Beattie, *First English Detectives*, 254. Bow Street continued to publish the *Police Gazette* until that, too, was taken over by the CID in 1883. Stefan Petrow, *Policing Morals: The Metropolitan Police and the Home Office, 1870-1914* (Oxford: Clarendon Press, 1994), 85.

⁴² Lingering popular and ministerial suspicion of corruption ensured that the Metropolitan Police practiced – at least on the surface – purely preventive policing. Both the initial 1829 and later 1863 instruction books for police officers emphasized at the outset “that the principal object to be attained is ‘*the Prevention of Crime*’.” *General Instructions* (1829), 1; *General Regulations, Instructions, and Orders, For the Government and Guidance of the Metropolitan Police Force* (1862), iii. Emphasis original.

⁴³ HO 45/292, 14 June 1842.

⁴⁴ See chapter 5 for a full discussion of plainclothes policing as separate from the official Detective Department.

My thesis examines the activities of the Detective Department in its early to mid-Victorian years, arguing that the Department established detective policing as a necessary, acceptable and even English institution, paving the way for the creation of the security services.⁴⁵ I have used the 1842 and 1878 scandals to bookend this discussion because they helpfully divide this first era of detective policing from the subsequent generation of late-Victorian and Edwardian detective and anti-terror organizations.

1.2 Historiography

Until recently, pre-1880 detective policing has garnered limited attention within the historical community, remaining peripheral to a historiographical tradition focused on uniformed police services and the development of late Victorian and Edwardian anti-terror and anti-spying organizations Special Branch and MI5.⁴⁶ The earliest work on policing and justice in England revolves around the 1829 Metropolitan Police Act as a

⁴⁵ The detectives at Scotland Yard were not the only detectives in London. After 1829, the City of London retained its separate corporate identity and parochial police services, which were ultimately centralized into the City of London Police in 1838. The City developed a detective force within the next decade and City detectives begin appearing at the Old Bailey by the early 1850s. See, for example, OBP: t18501021-1852, “Henry Denham”; OBP: t18511124-12, “John Smith, John Rogers, John Lind”; OBP: t18520405-355, “William Payne.” I have not located any evidence to suggest that official rules were created governing the relationship between the Metropolitan Police and the City of London Police. Both services seem to have operated separately, although there were times when their cases overlapped. More scholarship on the City of London police force in the nineteenth century is needed, especially its relationship with the Metropolitan Police. Beattie’s *Policing and Punishment in London* discusses policing, prosecution and punishment in the Stewart and Georgian City. Andrew T. Harris brings the discussion into the nineteenth century, although his consideration ends after the centralization of City policing in the hands of the Common Council in 1838. Andrew T. Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (Columbus: The Ohio State University Press, 2004).

⁴⁶ Early detective policing has, however, spawned a genre of trade publications. These books, written by and for crime enthusiasts, focus on famous or sensational cases and on the careers of individual detectives. See, for example, Belton Cobb, *Critical Years at the Yard: The Career of Frederick Williamson of the Detective Department and the C.I.D.* (London: Faber and Faber, 1956) and *The First Detectives and the Early Career of Richard Mayne Commissioner of Police* (London: Faber and Faber Ltd., 1957); Judith Flanders, *The Invention of Murder: How the Victorians Revelled in Death and Detection and Created Modern Crime* (London: Harper Press, 2011); Joan Lock, *Dreadful Deeds and Awful Murders: Scotland Yard’s First Detectives* (Taunton: Barn Owl Books, 1990) and *Scotland Yard Casebook: The Making of the CID 1865-1935* (London: Robert Hale, 1993); Chris Payne, *The Chieftain: Victorian True Crime through the Eyes of a Scotland Yard Detective* (Stroud: The History Press, 2011); Kate Summerscale, *The Suspicions of Mr. Whicher: A Shocking Murder and the Undoing of a Great Victorian Detective* (Vancouver: Raincoast Books, 2008).

benchmark for discussing the efficacy of policing institutions. For historians in this whiggish tradition, police history is one of institutional development and 1829 a watershed year. The underlying assumption is that modern and centralized police forces are the most effective way to enforcing the law and these historians herald the evolution of British policing from voluntary and parochial to salaried and centralized as a triumph over the ineffectiveness of local government.

One of the earliest, and most fundamental, histories of English criminal justice is Leon Radzinowicz's *A History of English Criminal Law*. Covering the years between 1750 and 1914, Radzinowicz's five-volume compendium (1948-1986) traces the evolution of British criminal justice through penal policy, legislative reform and policing. Radzinowicz's work connects eighteenth-century reform ideas with nineteenth-century parliamentary policy and ends with the establishment of the 'new police' in the mid-nineteenth century as well as late-Victorian and Edwardian criminology and penal policy.⁴⁷ The underlying assumption in Radzinowicz's history is that English policing before 1829 was weak and disorganized. He contends that parochial resistance to centralization was the result of "tradition, inertia, local jealousies, class distrust and fear of tyranny" and that effective law enforcement was only, finally, realized through greater government control.⁴⁸ He sees eighteenth-century reform debates, criminal law reform in the early decades of the nineteenth century, and the policing reforms of 1829, 1835, and 1856 as linear developments. Reformers such as Henry Fielding, Patrick Colquhoun, Jeremy Bentham, Samuel Romilly, Sir Robert Peel and Edwin Chadwick are each presented as participants in the slow inexorable march towards rational bureaucratic organization of the criminal justice system. Radzinowicz's evaluation of police practice, although immaculately detailed, ends after the establishment of the new police in the mid-nineteenth century and does not evaluate the progression of police services after this

⁴⁷ Radzinowicz, *English Criminal Law*, 5 vols. (London: Stevens & Sons, 1948-1986).

⁴⁸ Radzinowicz, *English Criminal Law*, vol. II (London: Stevens & Sons, 1956), v and 177.

date. Though his conclusions have been subjected to significant revision, *A History of English Criminal Law* remains a foundational text in criminal justice history.⁴⁹

Radzinowicz's contemporary Charles Reith likewise celebrates 1829 as the birth of modern British policing, condemning eighteenth-century local and central government for failing to effectively police the nation.⁵⁰ He argues that rising crime levels and population growth in the eighteenth century incapacitated parish constables and that, from the Glorious Revolution to the 1829 Metropolitan Police Act, England was characterized by the "almost complete absence of any effective law enforcement machinery."⁵¹ Reith blames this on the English government's "foolish" reliance on the deterrent effect of the criminal code.⁵² He credits five individuals with making necessary reforms to the criminal law: reformers Henry Fielding, Patrick Colquhoun, and Robert Peel, as well as London's first police commissioners, Charles Rowan and Richard Mayne, commending the first three with rationalizing the criminal law and the latter two with enforcing it.⁵³ Reith's dismissal of eighteenth-century parochial policing as ineffective ignores important debates and experimentation that took place in these years.

In *The Queen's Peace*, published twenty years later, David Ascoli supports Reith's assessment of pre-1829 policing; as London grew in population and wealth, he argues, the old constabulary system and the watch and ward organized by parish vestries struggled. Ascoli traces the development of the Metropolitan Police from 1829 until

⁴⁹ Revisionists such as J. M. Beattie, Ruth Paley and Elaine Reynolds have challenged Radzinowicz's claims that policing in England before 1829 was uncoordinated and ineffective. All three contend that criminal justice in the eighteenth century was more advanced and effective than earlier historians allow. Beattie, *Policing and Punishment*; Reynolds, *Before the Bobbies*; Ruth Paley, "'An Imperfect, Inadequate and Wretched System?': Policing in London before Peel," *Criminal Justice History* Vol. 10 (1989).

⁵⁰ Charles Reith, *The Blind Eye of History: A Study of the Origins of the Present Police Era* (London: Faber and Faber, 1952), 173.

⁵¹ Reith, *The Blind Eye of History*, 33.

⁵² Reith, *The Blind Eye of History*, 41. Theft of any object worth more than one shilling was considered larceny and punishable by death. Beattie, *Crime and the Courts*, 173.

⁵³ Reith, *Blind Eye of History*, 146.

1979, arguing that the metropolis brought with it metropolitan-sized problems, straining established methods of safeguarding public order. The centralized and professional Metropolitan Police were a necessary corrective to “the corruption of the magistracy, the insularity of the vestries, and the growing lawlessness of the English people, most notably in the Metropolitan area.”⁵⁴ He credits Rowan and Mayne (who served in tandem from 1829 until 1850, when Rowan’s death left Mayne as sole commissioner) with placing the Met on firm footing with the public.⁵⁵ The commissioners also benefited from a good working relationship with the Home Office, especially in the 1840s with Peel as prime minister and Lord John Russell as home secretary. Both politicians supported police reform and, under Russell, the 1835 Municipal Corporations Act and 1839 Rural Constabulary Act provided opportunities for centralizing police services throughout the country.⁵⁶ Under Peel and Russell’s directorship, the Detective Department was formed. Ascoli offers a judicious examination of the Metropolitan Police, with a special focus on commissioners and their relationships with their superiors at the Home Office.⁵⁷

In 1967, T. A. Critchley shifted the focus away from the Metropolitan Police and towards local policing. He takes a long view, beginning in the medieval period and ending in the 1960s. The local constable was the single dominant figure in local law enforcement from the 1285 Statute of Winchester until the late eighteenth century, when the prestige of the position declined.⁵⁸ Until 1829, constables were the only parochial officials with powers of arrest.⁵⁹ Critchley highlights developments in provincial policing, policemen’s working lives and twentieth-century developments. He rejects Reith and Ascoli’s claims

⁵⁴ Ascoli, *The Queen’s Peace*, 15.

⁵⁵ Captain William Hay initially replaced Rowan but he had a rocky relationship with Mayne and, after Hay’s 1855 death, Mayne continued as sole commissioner.

⁵⁶ Ascoli, *The Queen’s Peace*, 110.

⁵⁷ This relationship deteriorated significantly in the 1880s. Ascoli, *The Queen’s Peace*, 157-165.

⁵⁸ Critchley, *Police in England and Wales*, 10.

⁵⁹ The Statute of Winchester, which bestowed this right, was the only pan-English policing legislation before 1829. Critchley, *Police in England and Wales*, 7.

that the eighteenth century was un-policed. By 1828, he argues, “a substantial corps of professional full-time officers already existed in London,” indicating that local vestries were far from disinterested in their policing responsibilities.⁶⁰ The real significance of 1829 was that it separated the executive and judicial functions of the magistracy, responsibilities Critchley criticizes eighteenth-century governments for not dividing earlier.⁶¹ The true pinnacle of Victorian police reform, in Critchley’s estimation, was the 1888 Local Government Act, which established joint councils, separating executive and judicial power in the counties as 1829 had in London.⁶² In *A History of Police in England*, Critchley moves the discussion of English police away from individual police services and towards local government.

Radzinowicz, Ascoli, Reith and Critchley all highlight the institutional development of English criminal justice and chronicle a long road towards centralization. With the exception of Critchley, there is little in this scholarship to identify what happened in practice. Looking exclusively at government policy sidelines local experience and initiative and obscures variety in parish responses to policing issues. Over the past several decades, historians have revised these interpretations. Instead of writing sweeping opuses covering hundreds of years, the following historians isolate more specific areas deserving historical attention.

John Beattie’s study of policing and punishment in the City of London during the eighteenth century challenges orthodox historians’ dismissal of eighteenth-century

⁶⁰ Critchley, *Police in England and Wales*, 44.

⁶¹ Critchley, *Police in England and Wales*, 50. Until 1829, police magistrates in London retained executive control over local policing and also acted as justices in pre-trial presentments and summary trial. For constitutional reasons, those who framed the 1829 Act thought it prudent to separate these responsibilities, which had been established by the 1792 Middlesex Justices Act. The 1792 Act created seven Police Offices, each with three stipendiary magistrates – the first in the country. The sitting magistrates had both judicial and police executive power. Philips, “The Institutionalization of Law-Enforcement in England,” 168.

⁶² Critchley, *Police in England and Wales*, 134. Before this bill, county police forces had been under the control of the quarter sessions. New standing joint committees were an attempt to balance the judicial work of the magistrates at the sessions and the administrative work of the councils.

criminal justice. He stresses the active nature of parochial government in London during this time. Street lighting, for example, was a significant boon to nocturnal safety; illuminating dark laneways, courts and alleys, especially during long winter nights, was an important preventive measure and helped the night watch police effectively. Local government Acts in 1662, 1695 and 1735 required householders to put out candle lanterns at night while a 1736 Lighting Act put public money (from ward coffers) toward ensuring that City streets were properly illuminated.⁶³ The repeated focus on lighting demonstrates that London's parochial authorities were dedicated to prevention. Beattie also highlights executive initiatives such as rewards to encourage prosecutions and state prosecutions for particularly serious crimes.⁶⁴

Although Beattie acknowledges that some of the City's wards were poorly policed at night, he demonstrates that the night watch was not the impotent force Reith, Radzinowicz and Critchley assume. In 1663 Robinsons' Act reaffirmed householder responsibility to participate in the night watch and established guidelines regarding hours and equipment.⁶⁵ An Act of Common Council in 1705 set a minimum number of watchmen, ordered the construction of watch houses and fixed hours of patrol.⁶⁶ Finally, in 1737, another Act of Common Council approved a local rate to pay night watchmen.⁶⁷ These plans indicate that local and central government bodies were aware of the crime problem and took steps to ameliorate the quality of nocturnal policing in the City of London.

⁶³ Beattie, *Policing and Punishment in London*, 223-4.

⁶⁴ Beattie, *Policing and Punishment in London*, 384. The undersecretaries of state prosecuted riot, sedition and threats to the Hanoverian settlement. Undersecretaries of state were also sworn in as Middlesex magistrates to facilitate their investigations. Ibid. As of 1696, the Treasury employed an additional solicitor charged with distributing reward money and funds to aid prosecution. Ibid., 232.

⁶⁵ The act was, as usual, enforced locally by ward authorities. Beattie, *Policing and Punishment in London*, 175-6.

⁶⁶ Beattie, *Policing and Punishment in London*, 186-9.

⁶⁷ Their salary was £12 per annum. Beattie, *Policing and Punishment in London*, 196.

Beattie's extensive research on Bow Street magistrates Henry and John Fielding (John replaced his half-brother Henry when the latter died in 1754) also demonstrates how local authorities in the eighteenth century were able to improve local policing. John Fielding believed that strengthening and streamlining the administration of the criminal law would deter criminals.⁶⁸ He based this system upon "rapid reporting by victims, a quick response by men capable of discovering and apprehending perpetrators, and effective action by the magistrates who were responsible for initiating criminal proceedings."⁶⁹ John was an energetic magistrate who expanded traditional pre-trial procedures, holding regular hearings at his Bow Street office to encourage victims to report and prosecute criminal offenders. Bow Street's principal officers helped victims locate criminals, distributed handbills with descriptions of stolen goods and canvassed pawnbrokers and second-hand shops.⁷⁰ John also made use of the *Public Advertiser* to publicize thefts and descriptions of stolen goods, thieves and suspects. By skillful use of advertising and of the Runners' detective abilities, he aided victim-prosecutors with "his capacity to frame and organize a strong and effective prosecution case."⁷¹ John Fielding's determination to support prosecutors and his success in securing government funds to help Bow Street operate demonstrate that criticisms of eighteenth-century criminal justice rely on a selective reading of material or an ignorance of parochial and magisterial activity.

Another forceful critic of the first wave of criminal justice historians is Elaine Reynolds. Like Beattie, Reynolds reinvigorates the study of eighteenth-century policing. Her examination of the Westminster night watch from 1720 to 1830 refreshes our understanding of local government institutions that orthodox historians dismissed as hopelessly archaic. *Before the Bobbies* offers two correctives to whiggish narratives of

⁶⁸ Beattie, "Sir John Fielding and Public Justice," 70.

⁶⁹ Beattie, "Sir John Fielding and Public Justice," 70.

⁷⁰ J. M. Beattie, "Early detection: The Bow Street Runners in late 18th century London," in *Police Detectives in History, 1750-1950*, ed. Clive Emsley and Haia Shpayer-Makov (Aldershot: Ashgate, 2006), 25-26.

⁷¹ Beattie, "Sir John Fielding and Public Justice," 77.

law enforcement in the metropolis. First, the decentralized nature of the Westminster night watch, she challenges, did not make it *de facto* inefficient. Early policing historians tend to assume that parochial officials rejected any and all attempts to professionalize or centralize. Instead, Reynolds demonstrates that local authorities were extremely concerned about local safety and actively petitioned the central government for more power to combat crime: the majority of Westminster parishes had obtained local Night Watch Acts before the nineteenth century. These Acts were not the result of utilitarian reform agitation nor were they devised by the central government.⁷² Night Watch Acts are strong examples of parochial desire to professionalize law enforcement and had little to do with the reformist ideas of Henry Fielding, Patrick Colquhoun, or Samuel Romilly.

The second, related, revision Reynolds offers is that a decentralized police system is not necessarily unprofessional. As early as 1735, the parish vestries of St James, Piccadilly and St George, Hanover Square successfully petitioned the government for greater control over the night watch. The vestry obtained the power to appoint watch constables, determine the hours of patrols and levy additional watch rates to fund improvements.⁷³ Although the 1774 Night Watch Act was a government initiative to expand on the preventive function of the watch in Westminster, parish vestries had significant input because they were responsible for funding and implementing the legislation. By the final years of the century, Reynolds argues that watch committees were conscious of the need to maintain an efficient watch. Initiatives to improve accountability, qualifications, supervision and patrols mean that late eighteenth-century night watches “had evolved into police forces in the modern sense.”⁷⁴ By the 1820s, several Westminster watch committees had twenty-four hour patrols, although not all were able to perform these functions due to expense. This point is crucial for Reynolds: where orthodox historians argue that fear of reform kept centralization at bay until the nineteenth century, she

⁷² Reynolds, *Before the Bobbies*, 4.

⁷³ Reynolds, *Before the Bobbies*, 18-19. This measure made the vestry more powerful than the court of burgesses, which had previously held greater power over the constable. *Ibid.*, 10.

⁷⁴ Reynolds, *Before the Bobbies*, 83.

asserts that the primary objection of parochial officials to centralization was the cost.⁷⁵ Reynolds does not see the 1829 Metropolitan Police Act as a watershed. Her investigation of the Westminster night watch in the century before 1829 demonstrates that Westminster had developed a strong body of local law enforcement, including twenty-four hour policing, before Peel's bill went before the House of Commons.⁷⁶ The debate from which the bill developed concerned policing in terms of centralization versus decentralization. Professionalization was no longer an issue because many areas of the metropolis were already policed professionally.⁷⁷

Ruth Paley also aims to demonstrate that policing in London before 1829 was not an "imperfect, inadequate and wretched system." She concurs with Reynolds that local officials were not helpless in the face of crime and stresses the importance of judging eighteenth-century crime and public order by eighteenth-century standards: "contemporaries, who had never experienced anything other than a vibrant street culture, almost certainly perceived order and disorder in very different terms."⁷⁸ Although there was no citywide coordination within London, "watch committees were nevertheless anxious to copy models of good practice, and they looked to each other for advice and information on the best ways to improve their service to ratepayers."⁷⁹ This system functioned adequately unless jurisdictional issues arose. Paley suggests that the Wilkite and Gordon Riots broke out because both sets of magistrates for the dual jurisdiction of Moorfield were unable to coordinate themselves.⁸⁰ In ordinary circumstances, however, the system was sufficient to the everyday needs of law enforcement.

⁷⁵ Reynolds, *Before the Bobbies*, 116. This conclusion is supported by the complaints from parishes that the annual cost of local policing in the 1820s was £137,000, while in the first two years of the new police the annual cost had risen to £207,000. *Ibid.*, 157.

⁷⁶ Reynolds, *Before the Bobbies*, 5.

⁷⁷ Reynolds, *Before the Bobbies*, 132.

⁷⁸ Paley, "Policing in London before Peel," 96.

⁷⁹ Paley, "Policing in London before Peel," 104.

⁸⁰ Paley, "Policing in London before Peel," 100.

Paley's primary concern is magisterial reform. Whereas Radzinowicz argues that the 1792 Middlesex Justices Act – which established a salaried magistracy within London – was part of an extension of central control into local government, Paley contends that, although the Act ultimately strengthened central government authority, it was actually intended to increase the power of magistrates to administer justice locally.⁸¹

Radzinowicz, Critchley and Reith argue for a palpable reform movement beginning in the second half of the eighteenth century, while Paley contends that there was no climate of reform. She argues that Henry Fielding and Patrick Colquhoun had little influence on government policy and that the 1829 Act was Peel's work alone.⁸² Like Reynolds, Paley suggests that the Metropolitan Police bill was not revolutionary in terms of the efficiency of the force or the men employed. If anything, she concludes that policing after 1829 was initially much worse than it had been under local control.⁸³ Rather, the true significance of 1829 was constitutional, institutionalizing total central control of London's police and daytime patrols.⁸⁴

The focus of all the works considered so far is overwhelmingly on policing London. Although Beattie, Reynolds and Paley offer significant revision to the orthodox historical tradition, they, too, neglect policing outside of the metropolis. Several historians have remedied this and, in doing so, have branched out from institutional history to the social history of the police. This historical tradition emphasizes the social and political impact of centralized policing on England's cities and countryside, arguing for a class-based policing policy that used Victorian morality to combat urban and rural disorder.

⁸¹ Radzinowicz, *English Criminal Law*, Vol. II, 406-7; Paley, "Policing in London before Peel," 109-10.

⁸² Paley, "Policing in London before Peel," 97 and 124.

⁸³ Paley, "Policing in London before Peel," 115.

⁸⁴ Paley, "Policing in London before Peel," 118.

Robert D. Storch characterizes Victorian law enforcement as a “a bureaucracy of official morality.”⁸⁵ By the nineteenth century, elites were far less tolerant of urban disorder than their eighteenth-century counterparts and Storch contends that heightened social and political tension in the 1840s was the crucible for “new agencies of social discipline.”⁸⁶ This expedient was most urgent in the north, where Chartist activity and industrial unrest strained local authorities. Storch’s assessment of policing provincial England between 1850 and 1880 indicates that the social and moral discipline meted out by the new police was at odds with many traditional working-class recreations, especially “gambling, illegal drinking, brutal sports, and prizefighting.” Constables monitored public gatherings, drinking establishments, theatres, sports and prostitution through constant surveillance and suppressed certain public festivals. Since outright repression was unenforceable so the police relied instead on surveillance and selective enforcement.⁸⁷ The emergence of new police in the industrial north often sparked violent resistance and Storch isolates several instances when rioters violently attacked policemen, but cheered when the army was called in. Locals preferred the army to the police for quelling riots because they believed the police were intent on physical brutality.⁸⁸ Working-class preference for the army over local constabularies indicates pervasive distrust of police. Inclination towards the army may also reflect the fact that it was rarely used, whereas the police were involved daily in stamping out traditional working-class recreational activities. Policemen

brought the arm of municipal and state authority directly to bear upon key institutions of daily life in working-class neighbourhoods, touching off a running

⁸⁵ Robert Storch, “The Plague of Blue Locusts: Police Reform and Popular Resistance in Northern England, 1840-57,” *International Review of Social History* Vol. 20, No. 1 (1975): 61; Robert Storch, “The Policeman as Domestic Missionary: Urban Discipline and Popular culture in Northern England, 1850-1880,” *Journal of Social History* Vol. 9 (1976).

⁸⁶ Storch, “The Plague of Blue Locusts,” 61-2. This argument has also been made by Ruth Paley in “Policing in London before Peel,” 96.

⁸⁷ Storch, “The Policeman as Domestic Missionary,” 487, 489 and 493.

⁸⁸ Paley, “Policing in London before Peel,” 81.

battle with local custom and popular culture which lasted at least until the end of the century.⁸⁹

Resentment towards the new police took various forms. In Coventry, policemen were criticized for having better clothes than their working-class counterparts and for putting on airs.⁹⁰ Labourers also expressed their discontent with the police through personal violence; Storch argues that throughout the nineteenth century policemen were beaten for “interfering too closely in family or neighbourhood affairs...providing escort for strikebreakers...or moving people on too forcefully.”⁹¹ The new police in urban industrial England enforced the official morality of the Victorian government but at the expense of alienating themselves from other members of the working class.

David Philips’ 1977 investigation of law enforcement in the ‘Black Country’ between 1835 and 1860 also maintains that class relations were at the heart of policing industrial England. The unique social landscape of this area of southern Staffordshire was devoid of a middle class or landed gentry. As a result, industrial entrepreneurs filled the ranks of the local magistracy, meaning that the same men who employed the local population also oversaw law enforcement.⁹² Before 1835, the region had no police force but by 1860 the Black Country contained four forces totaling 262 men.⁹³ Like other revisionist historians, Philips points to continuity before and after the establishment of new police forces in provincial England, stressing the continued importance of the parish constable. Because new police forces were small, the parish constable remained an important member of the

⁸⁹ Storch, “The Policeman as Domestic Missionary,” 481.

⁹⁰ Storch, “The Policeman as Domestic Missionary,” 482.

⁹¹ Storch, “The Policeman as Domestic Missionary,” 493.

⁹² David Philips, *Crime and Authority in Victorian England: The Black Country 1835-1860* (Totowa: Rowman and Littlefield, 1977), 48-9.

⁹³ Philips, *Crime and Authority in Victorian England*, 53. The first force was established under the 1835 Municipal Corporations Act when the small town of Walsall was incorporated, thus qualifying it for a borough force. *Ibid.*, 55.

community and continued to arrest offenders until the 1870s.⁹⁴ When change did come to provincial forces, it was as a result of the 1856 County and Borough Police Act, which compelled counties to establish provincial forces. In the Black Country, this translated into larger forces, the result of inspections by the government to ensure efficient policing.⁹⁵ Philips notes an increase in public order prosecutions after 1856, especially against public entertainments such as animal baiting.⁹⁶

Carolyn Steedman similarly argues that England's new police forces reinforced Victorian social hierarchy; constables and their families had to adhere to strict codes of discipline while the new police themselves were part of "a local system of control and management" that coopted working-class constables into "disciplining much broader sections of working-class communities." Victorian policemen, she asserts, were always "agents rather than actors."⁹⁷ Police ranks also reinforced social distinctions, with recruits drawn from labouring backgrounds while their superiors hailed from the lower middle class.⁹⁸ Magistrates intended provincial police to be active enforcers of the criminal law and to perform other administrative duties. Police constables inspected weights and measures, monitored the vagrant poor, acted as poor law relieving officers, enforced liquor licensing legislation, and upheld government acts, such as the 1875 Unadulterated Foods Act and the Public Health Act.⁹⁹ This variety of duties reinforced the constable's position in "the management and control of populations."¹⁰⁰

⁹⁴ Philips, *Crime and Authority in Victorian England*, 59, 75.

⁹⁵ Philips, *Crime and Authority in Victorian England*, 83. Efficient forces qualified for government aid covering one quarter of pay and clothing for provincial forces.

⁹⁶ Philips, *Crime and Authority in Victorian England*, 84.

⁹⁷ Carolyn Steedman, *Policing the Victorian Community: The Formation of English Provincial Police Forces, 1856-1880* (London: Routledge & Kegan Paul, 1984), 5, 116 and 163.

⁹⁸ Steedman, *Policing the Victorian Community*, 2.

⁹⁹ Steedman, *Policing the Victorian Community*, 53-55.

¹⁰⁰ Steedman, *Policing the Victorian Community*, 55.

Steedman's work uncovers a high rate of dismissal and resignation among the new police.¹⁰¹ Many officers quit because of difficult working conditions. Policemen worked seven days a week without rest, were required to be in uniform off-duty, had to attend weekly church services, were forbidden to participate in traditional working-class recreations, such as gambling, drinking, smoking, and could not attend fairs. Pay was low and wives were barred from remunerative employment.¹⁰² At work, policemen enforced the social and moral policy of the Victorian state while their clothing, comportment, leisure and family life were under similar scrutiny by superiors. A policeman's life was a balance between the difficult task of enforcing standards of behaviour and morality on other members of his community and maintaining strict adherence to the rules imposed upon him. Many were unable to conform.

Writing in the 1990s, Stefan Petrow likewise sees the police – in this case the Metropolitan Police – and the Home Office promoting a dual policy of moral reform with a particular emphasis on recidivism, prostitution, drinking and gambling in the capital. What he terms “the coercive or punitive state” used “the law in general, and in particular the criminal law under central direction, to regulate, marginalize, or suppress social behaviour of various kinds which seemed to threaten order and morality.”¹⁰³ Powerful interest groups, such as the National Vigilance Association, kept moral issues in the press and lobbied parliament to crack down on vices threatening the health, morality and productivity of Britain's labourers.¹⁰⁴ By the 1870s a substantial Home Office and Metropolitan Police bureaucracy jointly enforced public order in the metropolis. Although bureaucrats – alarmed by statistics – advocated increasingly extreme levels of state control, politicians and police officials realized the impracticality of strictly

¹⁰¹ Steedman, *Policing the Victorian Community*, 108. Dismissals were common, usually the result of drunkenness; between 1839 and 1874, 48,000 men joined the police: 24,000 resigned and 12,000 were dismissed. *Ibid.*, 161.

¹⁰² Steedman, *Policing the Victorian Community*, 112.

¹⁰³ Petrow, *Policing Morals*, 13 and 29.

¹⁰⁴ Petrow, *Policing Morals*, 294-5.

enforcing all moral legislation, especially those acts relating to prostitution and the consumption of alcohol. Nonetheless, Petrow stresses “the erosion of individual liberty in the late-Victorian and Edwardian years.”¹⁰⁵

Several historians question the utility of the class control or moral reform approach to police history. Stanley Palmer suggests that we should look not at moralizing but at public order to understand police development. Moral and social control were maintained through various forms of “citizen self-policing,” including societies for the reformation of manners, local policing and voluntary peacekeeping initiatives, while the new police focused on disorder.¹⁰⁶ Although rioting was a regular feature of English protest movements, the 1830s was a decade of particular concern. The combined threats of the Swing Riots (1830), Chartism and widespread condemnation of the New Poor Law (1834) pressured the government to pass the 1839 County Police Act to restore order to the provinces.¹⁰⁷ Yet, the development of English policing was piecemeal and remained heavily decentralized. Even the 1856 County and Borough Police Act left constabularies under local control, with government intervention only to “make the new police system relatively uniform and efficient.”¹⁰⁸

Palmer is one of the few historians to look closely at Irish policing, arguing that Ireland, not England, was the site of real police innovation.¹⁰⁹ The Irish police was militarized and centrally controlled by 1840, Dublin, not London, had the first centralized urban police force (founded over forty years before the Met), and pan-Irish county forces were

¹⁰⁵ Petrow, *Policing Morals*, 83.

¹⁰⁶ Palmer, *Police and Protest*, 147-148.

¹⁰⁷ Palmer, *Police and Protest*, 385-394. Palmer notes the importance of the English press in publicizing disorder. This ensured that, although unrest was relatively restrained in England (especially when compared with Ireland or Continental Europe), it “had a disproportionately large influence on official policymaking.” *Ibid.*, 385.

¹⁰⁸ Palmer, *Police and Protest*, 512.

¹⁰⁹ In Ireland frequent and widespread agrarian unrest was often accompanied by “brutal personal violence.” Palmer, *Police and Protest*, 197. Between 1835 and 1842 violent crimes amounted to over a quarter of *all* recorded offences, levels unimaginable in England. *Ibid.*, 369.

established in 1822.¹¹⁰ In Palmer's estimation, the 1829 Metropolitan Police Act is only considered a watershed in English police history because most historians completely ignore Ireland, "the theatre for innovations in police in the British Isles."¹¹¹

Victor Bailey also questions how much we should see the police as enforcers of social morality. Focusing on late-Victorian London, Bailey argues that historians must step away from institutions to see how communities policed themselves. Social order in 1890s East London was influenced by "a complex combination of informal family and community sanctions, the mixed welfare of charity and state support, the new board schools, slum clearance, and the negotiated justice of the police courts."¹¹² While the police certainly played a role in the prevention and detection of crime, the social fabric of communities remains an important, and neglected, factor in explaining the decline of theft and violence after 1850.¹¹³

Clive Emsley, one of the foremost police historians (and the son of a police officer) also cautions against viewing the police of industrial England as an instrument of class oppression. After 1850, he notes that the historian is just as likely to find instances of working-class Englishmen and women soliciting police help to solve domestic disputes or locate missing children. "Many members of the working class," he argues, "also sought respectability and desired orderliness and decorum."¹¹⁴ Police responsibility for maintaining public order, however, did often put them at odds with working-class

¹¹⁰ Palmer, *Police and Protest*, 31.

¹¹¹ Palmer, *Police and Protest*, xx.

¹¹² Victor Bailey, *Charles Booth's Policemen: Crime, Police and Community in Jack-the-Ripper's London* (London: Breviary Stuff Publications, 2014), 136.

¹¹³ V.A.C Gattrell, "The Decline of Theft and Violence in Victorian and Edwardian England in *Crime and the Law: A Social History of Crime in Western Europe Since 1500*, eds. V.A.C. Gattrell, Bruce Lenman and Geoffrey Parker (London: Europa Publications, 1980).

¹¹⁴ Clive Emsley, *The English Police: A Political and Social History* (Hemel Hempstead: St. Martin's Press, 1991), 75.

industrial grievances, especially when it came to strikes in the years preceding the First World War. Public order was the *raison d'être* of the Victorian Bobby.¹¹⁵

Haia Shpayer-Makov takes class analysis of the police further by presenting the police itself as a labour organization. She argues against revisionist historians, such as Beattie and Reynolds, who contend that 1829 was not a decisive break with the past. Ignoring law enforcement, Shpayer-Makov claims that the development of the Metropolitan Police after 1829 was a complete break with past labour practice, providing a modern approach to labour relations.¹¹⁶ Shpayer-Makov's description of the average policeman, his reasons for joining the force, and his experiences differ little from those analyses offered by Steedman and Philips. But, unlike those historians, Shpayer-Makov claims that the new police force was not a tool of social control but part of a trend of "improvements in public services."¹¹⁷ Social control was exercised *within* police ranks. Employers practiced a 'bureaucratic paternalism' that combined the aristocratic value of hierarchy and enforced compliance with middle-class notions of "rational management."¹¹⁸ This structure relied on strict selection of applicants, practical and theoretical training, rewards for good service, and the possibility of promotion. By the late nineteenth century, social services, pensions, and competitive exams were also part of the organizational structure of the force. Police strikes in 1872 and 1890 resulted in pay raises and pensions, activities that lead Shpayer-Makov to argue that policemen saw themselves as members of a labour force, which, by the late nineteenth century, had a "professional identity."¹¹⁹

¹¹⁵ Emsley, *The English Police*, 106-113.

¹¹⁶ Haia Shpayer-Makov, *The Making of a Policeman: A social history of a labour force in metropolitan London, 1829-1914* (London: Ashgate, 2002), 7.

¹¹⁷ Shpayer-Makov, *The Making of a Policeman*, 6.

¹¹⁸ Shpayer-Makov, *The Making of a Policeman*, 155.

¹¹⁹ Shpayer-Makov, *The Making of a Policeman*, 266.

Many of the historians discussed above downplay the significance of detective policing in nineteenth-century England, if the subject is mentioned at all.¹²⁰ Most assume that the early and mid-Victorian Metropolitan Police was a preventive force with limited detective capabilities. Radzinowicz argues that the Metropolitan Police sometimes used detection to ferret out dissident political groups but that undercover policing was otherwise limited and plainclothes police employed “only with the utmost caution.”¹²¹ Critchley dismisses detective policing before 1878 as “the Cinderella of the police services” and, like many orthodox historians, accepts wholeheartedly that the Metropolitan Police was a preventive force for most of the nineteenth century.¹²² Likewise, Stanley Palmer heralds a “de-emphasis on detection” beginning in 1829.¹²³ Others skip over early and mid-Victorian detection to focus on the late-Victorian CID. This later period understandably draws significant historical attention because it includes the development of Special Branch, the Jack-the-Ripper murders and the nascent MI5 and MI6.¹²⁴ But what of detectives earlier in the century?

¹²⁰ For detective policing in the imperial context, see: Graeme Dunstall, “Local ‘demons’ in New Zealand Policing c. 1900-55,” in *Police Detectives in History, 1750-1850*, ed. Clive Emsley and Haia Shpayer-Makov (Aldershot: Ashgate Publishing Limited, 2006); Dean Wilson and Mark Finnane, “From Sleuths to technicians?: Changing Images of the Detective in Victoria,” in *Police Detectives in History, 1750-1850*, ed. Clive Emsley and Haia Shpayer-Makov (Aldershot: Ashgate Publishing Limited, 2006); Dean Wilson, “Traces and Transmissions: Techno-Scientific Symbolism in early Twentieth-century Policing,” in *Crime and Empire 1840-1940: Criminal Justice in Local and Global Context*, ed. Barry Godfrey and Graeme Dunstall (Cullompton: Willan Publishing, 2005).

¹²¹ Radzinowicz, *English Criminal Law*, vol. IV (London: Stevens & Sons, 1968) 188-89 and 240-46.

¹²² Critchley, *Police in England and Wales*, 160-161.

¹²³ Palmer, *Police and Protest*, 533.

¹²⁴ Christopher Andrew, *The Defense of the Realm: The Authorized History of MI5* (London: Allen Lane, 2009); Lindsay Clutterbuck, “An Accident of History? The Evolution of Counter Terrorism Methodology in the Metropolitan Police from 1829 to 1901, With Particular Reference to the Influence of Extreme Irish Nationalist Activity” (PhD Thesis, University of Portsmouth, 2002); R. M. Morris, “‘Crime does not Pay’: Thinking again about Detectives in the First Century of the Metropolitan Police,” in *Police Detectives in History, 1750-1950*, ed. Clive Emsley and Haia Shpayer-Makov (London: Ashgate, 2006), 79-102; Stefan Petrow, “The Rise of the Detective in London, 1869-1914,” *Criminal Justice History* Vol. 14 (1993): 93; Bernard Porter, *The Origins of the Vigilant State: The London Metropolitan Police Special Branch Before the First World War* (London: Weidenfeld and Nicolson, 1987).

One of the earliest to identify the significance of detective policing is Philip Thurmond Smith, whose *Policing Victorian London* concerns the short period between 1850 and 1868 when Richard Mayne was sole commissioner of the Metropolitan Police. The English detective system never reached the level of professionalization that existed on the Continent, yet, Smith contends, “Surveillance, nevertheless, was a fact of life in the Metropolitan Police and played an important part in mid-Victorian security.”¹²⁵ Smith identifies detectives’ importance watching foreigners and Fenians and helping enforce Sunday trading legislation. Yet, throughout, Commissioner Mayne “subordinated police efficiency to constitutional and political considerations.” Although critics of the Metropolitan Police feared that it might be used for state espionage, Smith demonstrates that, in reality, “The Victorian bobby may have been portrayed frequently as a figure for ridicule but almost never as a figure of terror.”¹²⁶

Several more recent publications bring detection before – indeed well before – 1880 into historical focus for the first time. J.M. Beattie’s *The First English Detectives* establishes the Bow Street Runners as England’s first organized detective force, illuminating the Runners’ activities in London and Bow Street’s relationship to police reform between 1750 and 1840. In 1849 Henry Fielding established a small group of men to hunt down violent robbers and bring them to justice. He had been pressed into action by the property crime wave that followed the end of the War of Austrian Succession and his initiative and willingness to experiment influenced London policing for nearly a century afterwards.¹²⁷ Although the Runners began as a way to help locate offenders and stolen property and to assist victims with prosecutions, they soon developed a wider portfolio that included investigations in the provinces, security for the royal family and work for the home secretary rooting out seditious groups and foreigners during the tense 1790s and 1800s.

¹²⁵ Phillip Thurmond Smith, *Policing Victorian London: Political Policing, Public Order, and the London Metropolitan Police* (London and Westport: Greenwood Press, 1985), 70.

¹²⁶ Smith, *Policing Victorian London*, 202.

¹²⁷ In a typical pattern, demobilized veterans wreaked havoc on the streets of the metropolis. Property crime with violence was particularly problematic. Beattie, *The First English Detectives*, 15 and 22.

Bow Street's Runners were, Beattie argues "detectives in all but name." Their popularity waned after 1815, ironically, following a post-war crime wave similar to the one that spurred Henry Fielding into action in 1749. The cultural and political climate was different in 1815 than it had been in the mid-eighteenth century, however, and "What was required, it became clear in this post-war world, was a more effective preventive strategy" based around a centralized police force that focused on patrolling to prevent crime. Decision-makers at Whitehall espoused a vision of a "more strictly controlled and a more moral police force," a vision that excluded Bow Street.¹²⁸ *The First English Detectives* isolates an initial period of detective policing in England and Beattie, with this strong grasp of contemporary politics, ably demonstrates how the Runners adapted to new policing demands in the metropolis until, ultimately, the climate of police reform in the 1820s and 1830s heralded the disintegration of these important early experiments.

While Beattie specializes in the Runners' metropolitan work, David J. Cox explores their provincial investigations. Cox's study of 600 cases investigated by Bow Street principal officers between 1792 and 1839 indicates that murder, arson, damage to property and larceny were the most common cases investigated by Runners outside the metropolis, although they also investigated robberies, burglaries and frauds.¹²⁹ Hiring a Bow Street officer brought experience, expertise and, importantly, impartiality to an investigation in an era when local constables and members of the watch were volunteers with strong community ties. Local law enforcement often lacked the Runners' skills and, at times, were unable or, especially in the case of violent offences, unwilling, to conduct exhaustive investigations.¹³⁰ This was especially true between 1792 and 1820, when Runners investigated sedition and political unrest for the Home Office.¹³¹

¹²⁸ Beattie, *First English Detectives*, 224 and 259.

¹²⁹ Cox, *A Certain Share of Low Cunning*, 105.

¹³⁰ Cox, *A Certain Share of Low Cunning*, 207 and 105-110.

¹³¹ Cox, *A Certain Share of Low Cunning*, 88 and 121-122.

Together, Beattie and Cox illuminate the hitherto neglected world of Bow Street's detective officers in the years before the Met's Detective Department was formed. Haia Shpayer-Makov continues the discussion of detection after Bow Street in *The Ascent of the Detective: Police Sleuths in Victorian and Edwardian England*. Her analysis begins with an historical overview of detective policing from Bow Street until the First World War, while the second half of the book describes how detectives were represented in print media and the effect this had on public perception of detective policing. Her central aim is to determine how, by 1914, English detectives emerged as "a central figure in the gallery of English archetypes," having been transformed over the course of the nineteenth century from "menacing figure to national celebrity."¹³² Industrialization, urbanization and exponential population growth contributed significantly to this change by inflaming long-simmering social and political issues. Urban over-crowding combined with political radicalism frightened the Establishment and made the maintenance of public order paramount in the minds of lawmakers and law enforcers. The press, too, was essential to this transformation. As the "central mediator between detectives and the public," English newspapers, especially the conservative press, consistently upheld the importance of detective policing to the maintenance of law and order and helped portray police detectives as necessary public servants. This was especially true in the 1880s when Fenian bombings brought Irish political unrest home to England.¹³³

The Irish threat in the 1880s, followed closely by Indian nationalism, socialism and trade unionism, suffragette protests, and pre-First World War German spy scares spurred the expansion of political policing within Britain. Bernard Porter traces this development between 1881 and 1914 in *The Origins of the Vigilant State*. Until the 1880s, Porter argues, Victorians were satisfied that, with the Chartist threat abated, they had little to fear from homegrown political agitation. The 1867 Reform Act, too, alleviated any

¹³² Haia Shpayer-Makov, *The Ascent of the Detective: Police Sleuths in Victorian and Edwardian England* (Oxford and New York: Oxford University Press, 2011), 2 and 7.

¹³³ Shpayer-Makov, *The Ascent of the Detective*, 53-56, 154 and 224.

significant political tension in the mid-Victorian period.¹³⁴ With “the pure unadulterated milk of mid-Victorian liberal self-confidence,” Britons could look across the channel at European unrest safe in the knowledge that they had no such revolutionary movements with which to contend. Detective policing before the Fenian bombing campaign was, Porter suggests, in a state of innocence, an innocence he finds “impressive...[and] just a little myopic.”¹³⁵

The Irish Republican Brotherhood enacted a bombing campaign between 1881 and 1885 to force the British government to grant Irish Home Rule. Bombs detonated at the Salford Barracks (1881); *The Times*' offices, Whitehall, and several Underground stations and Scotland Yard (1883); and the killing of Thomas Burke and Lord Frederick Cavendish in Phoenix Park, Dublin (1882) shattered this complacency. Attempted bombings of London Bridge (1884) and the House of Commons (1885) further emphasized the seriousness of the threat. In response, the CID formed an Irish Branch (Section B) in 1883, headed by Chief Superintendent Williamson (a former Detective Department man), which was followed shortly by the creation of Special Branch (Section D), which also had a former Detective Department alumnus at the helm, Detective Chief Inspector John Littlechild. Special Branch was a significant departure from traditional policing practice because it was answerable to the Home Office only, not the Metropolitan Police Commissioner. In this way, Special Branch was conceived as a “national political police” with a special focus on anarchists, Fenians, socialists and trade unionists.¹³⁶

Smith, Beattie, Cox, Shpayer-Makov and Porter all isolate significant periods of detective policing within the history of English criminal justice, though none focuses exclusively on the first detective force within the Metropolitan Police. Although Smith is one of the only historians to investigate the significance of Scotland Yard's detectives in monitoring foreign nationals, his decision to focus on the years from 1850 to 1868 neglects the

¹³⁴ Porter, *The Origins of the Vigilant State*, 12.

¹³⁵ Porter, *The Origins of the Vigilant State*, 15.

¹³⁶ Porter, *The Origins of the Vigilant State*, 45, 85-86 and 92.

crucial decades in which the Detective Department was formed, the 1840s, and the 1870s, when it was dissolved. In order to achieve a more holistic view of this first centralized detective force, I choose to consider all four decades of its existence during which Metropolitan Police detectives became a staple of English policing.

By contrast, Shpayer-Makov's *The Ascent of the Detective* covers a great deal of history, beginning in 1842, the year the Detective Department was founded, and ending on the eve of the First World War. This long span includes several detective groups within the Metropolitan Police, including the Detective Department (1842-1878), the CID (1878) and Special Branch (1887). The creation of the CID in 1878 marks an important moment in the history of crime detection in England because the Detective Department, although mired in scandal, had over the preceding four decades proved the utility of detective policing in an English context. By treating the period between 1842 and 1914 as one continuous period she ignores the significance of this early era in solidifying the reputation of detective policing and paving the way for the CID and Special Branch. Her focus on the print media demonstrates how important 'good press' was to this process, but one gains little sense of the content of an early Victorian detective policeman's workload. Furthermore, although the book covers the period from 1842, most examples and statistics used are from the 1870s and later, making her work far less representative of the early and mid-Victorian era than it is of late-Victorian and Edwardian detective policing.

1.3 Intentions

My thesis has two primary goals. The first is to counterbalance a historiography of policing and surveillance weighted heavily towards policing done in uniform and late-Victorian and Edwardian political policing. The second is to determine what mid-Victorian detectives were actually doing and how they were doing it. Without an explicit understanding of how detective policing functioned in these early years, historians cannot adequately explain the sudden appearance of detectives in 1842, the consistent growth of the force and its responsibilities, or the rapid expansion of state security services in the 1880s, the end of the period covered by my thesis.

Records of detective investigations are scanty in official files and only a few late-Victorian detectives left memoirs. The paucity of obvious resources is a likely reason why the Detective Department has received little serious historical attention.¹³⁷ I have relied heavily on the records of the Metropolitan Police and Home Office for operational details and to identify individual detectives, since no rosters for the force survive. I have also used the Old Bailey Proceedings Online to locate detectives in trial records and establish a benchmark for their felony investigations. Newspapers from London and the provinces have also proved indispensable. *The Times*' trial reports in particular are some of the most detailed available for this period.

My research contributes to the understanding of an understudied aspect of policing nineteenth-century England, a topic that has focused almost exclusively on the development of official uniformed police throughout England and the social and class repercussions of this extension of government power. The mid-nineteenth century was a revolutionary era in Europe and refugees flooded into England.¹³⁸ It was also a period where the Home Office expanded its activity – largely into social welfare and policing of all kinds – and the Detective Department was a convenient and flexible institution used by the Home Office to offset its own increasingly burdensome responsibilities.¹³⁹

Foucault characterized the growth of European state power in the nineteenth century as “state control of the methods of discipline.” His seminal *Discipline and Punish* (1975) argued that eighteenth-century population growth and industrialization put pressure on governments to assert control over individual members. Although Foucault focuses on how modern prison and penal culture effected this desire, he makes special note of the development of the police in the nineteenth century, arguing that they helped the state's

¹³⁷ Murder case files, however, have been mined extensively for use by trade authors. See, for example: Cobb, *Critical Years at the Yard* and *The First Detectives*; Lock, *Dreadful Deeds and Awful Murders* and *Scotland Yard Casebook*; Payne, *The Chieftain*; Summerscale, *The Suspicious of Mr. Whicher*.

¹³⁸ See chapter 6, section 4.2.

¹³⁹ Jill Pellew, *The Home Office, 1848-1914: From Clerks to Bureaucrats* (London: Heinemann Educational Books, 1982), 3.

will to power through “permanent, exhaustive, omnipresent surveillance.”¹⁴⁰ We need to be careful, however, about over-emphasizing state power and, in particular, the ability of the police to maintain constant and effective surveillance. Foucault’s prime example is France, where government and police differed dramatically from England. The French state was highly centralized and grew in size and influence over the seventeenth and eighteenth centuries, reaching its apex during the Napoleonic period.¹⁴¹

While Foucault identifies several broad themes about the growth of state power in the nineteenth century, he was a sociologist and primarily concerned with France. His assertions about a police state, in particular, fit uncomfortably into the realities of English political, institutional and social history. While it is certainly true that the English government had pretensions to more effective police surveillance and control, the English police, and the Metropolitan Police in particular, were hardly omnipotent. Victor Bailey challenges Foucault’s state-monopolization thesis through an examination of policing and society in London’s East End during the final decade of Victoria’s reign. Community control, he alleges, was asserted by, not on, the community and the Metropolitan Police presence in the East End was characterized by “hesitancy” and “intermittency.” “It is clear,” Bailey argues, “that working-class Londoners by the 1890s were willing to bring, and capable of bringing, some level of discipline to bear on their streets, whether to deter illegal activity or to manage numerous instances of anti-social behaviour, all without the recorded intervention of the police.”¹⁴²

My exposition of the activities of Scotland Yard’s detectives between 1842 and 1878 will not only reveal a new era of policing in England, but also a new era of governance. Under

¹⁴⁰ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Pantheon Books, 1977), 213-14.

¹⁴¹ Napoleonic government remained the blueprint for French government in the years after Waterloo. See Woloch Isser, *The New Regime: Transformations of the French Civic Order, 1789-1820s* (New York: W.W. Norton, 1994); David Laven and Lucy Riall, *Napoleon’s Legacy: Problems of Government in Restoration Europe* (New York: Berg, 2000).

¹⁴² Bailey, *Charles Booth’s Policemen*, 69 and 81-82. Bailey acknowledges that there were times when East Enders sought police and judicial help when community policing failed. *Ibid.*, 126-135.

the auspices of the Home Office, the work of the Detective Department reflects the most significant concerns of the government during a period of rapid population increase, cultural and administrative change, and social and political upheaval abroad. Scotland Yard's detectives were employed in a variety of ways: to help manage crime in London and the provinces, to investigate and monitor foreign nationals, to oversee the extradition of criminals to and from England, to investigate cases of undetected crime, to enforce public order during major events, and to investigate the growing problem of white-collar crimes. The scope of their work indicates key shortcomings in the ability of a purely preventive police to properly survey the population and the steps taken by the English government to correct this. The expansion of government information gathering and surveillance is also something of a contradiction in an era known for *laissez-faire* principles in government.¹⁴³ This was less the case in policing, however, because after 1829 in London, and after 1856 in the rest of the country, the principle of central coordination and government involvement in police matters was accepted. The London Metropolitan Police, in particular, flouts the *laissez-faire* model because, for lack of any central governing authority, the police commissioners worked directly for the Home Office and the Met's detectives often worked for the home secretary.

The perceived need to monitor the population and the political ability to do so is a strong indication about changes in public opinion and government practice in the mid-nineteenth century. Public opinion is a notoriously difficult concept to apply to historical practice. Nineteenth-century state growth in England coincided with an enlarged electoral franchise that was opinionated and voiced its opinions through a vibrant newspaper press. The press is central to debates about public opinion because, as Habermas alerts us, parliamentary governments and their citizens negotiate power via the press. The literary bourgeois public in England used the relative freedom of the press to express, at times, "coercive force" while the lawmakers likewise saw newspapers as a forum to "legitimate

¹⁴³ Harold Perkin, *The Origins of Modern English Society 1780-1880* (Toronto: University of Toronto Press, 1969).

themselves” and their politics.¹⁴⁴ For criminal justice historians, newspapers are key sources for crime reporting but also to gauge public feeling about government practice. Maintenance of public order is a significant government responsibility and the English press was vocal when it perceived shortcomings in government policy. To offer clarity, I restrain my use of the term ‘public opinion’ and try instead to portray ‘newspaper’ or ‘press’ opinion, though there is obviously a good deal of the former within the latter.

1.4 Outline

The men of Scotland Yard’s Detective Department were the first police detectives in England. Their exertions on behalf of private victims and the English government helped overcome public skepticism about the use of detectives by the state and transformed police detectives into indispensable public servants and – in some cases – celebrities.¹⁴⁵ Understanding how police detectives worked and the climate in which they operated between 1842 and 1878 is crucial for understanding developments in policing, prosecution, and public order in nineteenth-century England.

Although property crime was the principal focus of Victorian policing, murder had an effect on the public psyche out of proportion to its actual incidence.¹⁴⁶ Chapter 2 explores the cultural climate of the late 1830s and early 1840s that led to a sea change in public opinion about who should investigate murder. Before the foundation of the Metropolitan Police in 1829, London’s coroners investigated suspicious death. Local press, however, advocated for greater police involvement in murder cases and newspapers paid close attention to the quality of police investigations. Several failed inquiries in the six years

¹⁴⁴ Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger (Cambridge: MIT Press, 1998), 96 and 133.

¹⁴⁵ The Commissioners of Police at Scotland Yard were extremely cautious about the use of officers out of uniform and they repeatedly attempted to restrict their use to avoid accusations of spying. MEPO 7/16, 23 January 1854.

¹⁴⁶ Murder only ever made up a fraction of prosecuted crime in London; statistics from the Old Bailey indicate that 480 murders were prosecuted there between 1830 and 1880 out of nearly 83,000 total criminal trials, constituting less than one per cent of prosecutions. The only decade where murders made up more than 1 per cent of trials was the 1870s, where the total was 1.35 per cent. OBP statistical calculator.

following Victoria's ascension to the throne resulted in significant negative press for the police and calls for a professional detective force. The Met and the Home Office acquiesced to this pressure and the new Detective Department was formed in August 1842. This was an extraordinary *volte face* after nearly fifty years of anti-executive feeling and fears that a centrally controlled police would be used, as on the Continent, to spy on citizens and police their politics. Following the establishment of the new detective branch, property crime remained the greatest policing priority, although the new detectives were usually involved in murder investigations, especially if a case gathered press attention.

Chapter 3 offers, for the first time, a concrete picture of who staffed the Detective Department and the details of their operational lives. The police commissioners recruited detectives from the uniform ranks, with a few additional men brought in from the public, based on alacrity and education. In an era where formal education was still unsystematic for working-class Britons, literacy and foreign language skills were in high demand in a police force that required constant written reports and interactions with people of varied backgrounds. Detectives learned on the job and, without advanced forensic techniques such as fingerprinting, relied on accumulated experience and information gathering to solve cases. They were well compensated for their work and, after a promotion to the rank of inspector and above, could maintain a comfortably lower middle to middle-class lifestyle. Many detectives had challenging and rewarding working lives, receiving coveted promotions and retiring with pensions.

Chapter 4 investigates detectives' caseloads, based on their appearances in felony trials at London's Central Criminal Court, the Old Bailey. A decade-by-decade breakdown indicates that detectives' role as felony investigators evolved over time. Although the Detective Department was established in response to concerns about murder investigations, there were not enough murders to sustain their attention and London's new detectives reverted quickly to investigating property crime during the 1840s. During the 1850s they branched out to provincial investigations on behalf of the Home Office and also trained divisional officers in detective and surveillance methods, resulting in a diminished detective presence at the Old Bailey during this decade. By the 1860s,

divisional men with detective training acted more independently of the central detective force, allowing Scotland Yard's detectives to refocus on London crime. During the 1860s and 1870s government concerns about white-collar crime escalated and central detectives spent a great deal of time investigating forgery and fraud. Investigations into white-collar crime were time consuming and required the attention of a specialized and flexible force like the detective squad at Scotland Yard.

The fifth chapter examines the spread of detective policing in the Met more broadly, arguing that that the Metropolitan Police was, from its inception, far more oriented towards detective policing than historians have acknowledged. Local superintendents regularly used plainclothes officers for official and unofficial duties. The commissioners approved the use of undercover officers to detect pickpockets and other thieves during significant state occasions, fairs, regattas and races. Also approved were detective-led night patrols to deter and detect burglars during long, dark winter nights. Less official was the use of planted men to monitor subversive groups and a significant scandal erupted when one undercover officer was found to have participated in Chartist political meetings and encouraged illegal activity. By mid-century, however, Police Commissioner Mayne was won over by the success of detective activity in London and authorized the use of undercover men in the divisions. These divisional officers became official divisional detectives in 1869, sanctioning a practice that had unofficially existed from the very earliest days of the Metropolitan Police.

The final chapter examines Scotland Yard's investigations for the Home Office, including the surveillance of foreign nationals and political dissidents. This was a new priority for the government in the wake of European revolutions in 1830 and 1848. Government concern focused on possible homegrown dissent but more immediately on waves of refugees, some highly politicized, who appeared on England's shores in the 1830s, 1840s and 1850s. Scotland Yard's detectives monitored foreign nationals in England and on the Channel Islands to ensure safety and public order, often at the request of frantic European ambassadors. Detectives also helped a Home Office increasingly overburdened with legislative responsibilities by evaluating applications for naturalization. Officers' information-gathering and language skills made them natural

choices to investigate applicants and their references so the Home Office could determine whether or not to grant citizenship. The government allowed detectives a great deal of discretion when it came to surveillance of foreigners and naturalization applications and, by relying heavily on detectives' evaluations, gave Scotland Yard detectives a discretionary part in determining who was allowed to remain on British soil. Extradition was another complicated and laborious process with which central detectives helped the Home Office by executing extradition warrants, tracking offenders in England, on the Continent and in America, gathering witnesses, and extraditing offenders to and from Britain. The Detective Department quickly became an important force that the home secretary could use to alleviate intensifying pressure on his own office.

2 Investigating Murder

This chapter examines the role played by murder in the creation of the Detective Department. Before 1829, property crime had been the traditional focus of both criminal justice legislation and local policing activity. After 1829, however, homicide, for the first time, became a police priority. The first half of the chapter considers who investigated murder, a crime not traditionally investigated by constables or even Bow Street.¹ As evidenced – and fed by – the press, murder would assume a new, and not entirely explicable, prominence in the public imagination and began to dominate crime reporting in the early Victorian period.²

The ostensibly preventive new police were expected to play a role in the investigation of this crime. This expectation especially appears to have been shared by the police themselves, resulting in conflict and something of a ‘turf war’ or jurisdictional battle between the new agents of law and order and the ancient office of the coroner that would span decades. Although murder comprised a minuscule fraction of metropolitan crime, press attention lent it an impact out of proportion to its incidence and placed significant pressure on the police to solve homicides quickly and diligently. Six murders perpetrated in the years around 1840, which received extensive reportage in London and the provincial papers, seemed to indicate a pattern of police incompetence. The final portion of this chapter investigates what went wrong in these investigations and how they led senior police and Home Office officials, spurred by negative publicity, to form a dedicated detective force, the first in Metropolitan Police history.

¹ J.M. Beattie notes that the Bow Street Runners were rarely involved in homicide investigations in London. Outside London, however, murder and attempted murder were their biggest caseload. David J. Cox indicates that provincial magistrates requested Bow Street Officers to help when locals were reluctant or lacked the skill to conduct a homicide investigation. As Beattie notes, however, the Runners’ provincial homicide investigations were closely linked to public order offences, especially arson and damage to property. J.M. Beattie, *The First English Detectives: The Bow Street Runners and the Policing of London, 1750-1840* (Oxford: Oxford University Press, 2012), 182; David J. Cox, *A Certain Share of Low Cunning: A History of the Bow Street Runners, 1792-1839* (Cullompton: Willan Publishing, 2010), 105-109.

² Rosalind Crone, *Violent Victorians: Popular entertainment in nineteenth-century London* (Manchester and New York: Manchester University Press, 2012); Judith Flanders, *The Invention of Murder: How the Victorians Revelled in Death and Detection and Created Modern Crime* (London: Harper Press, 2011).

2.1 From Candlesticks to Cadavers?

Threats to property drove the majority of developments in the criminal law from the late seventeenth century. Most of these changes involved the capitalization of property offences. In lieu of centralized police forces, the government relied on a severe penal code to deter criminals and the rewards system to encourage private citizens to apprehend and prosecute offenders. Beginning in 1692, several property crimes were capitalized and parliamentary rewards of up to £40 were offered for the detection and apprehension of offenders.³ Over the course of the following century a further two hundred offences (mostly against specific types of property) were capitalized. Cumulatively referred to as ‘The Bloody Code’, this body of statutes was the culmination of a legislative mania to defend England’s new industrial and mercantile prosperity.⁴

In the eighteenth century, Radzinowicz explains, “[t]he value of human life was ... relatively small.” In a nation of shopkeepers it was the contents of the shop, not the life of the proprietor, that were of primary concern.⁵ The proliferation of capital statutes reflected a “[g]eneral sense of insecurity” in a country without “an effective police force.”⁶ In the capital, Henry Fielding, magistrate at Bow Street magistrate’s court, made property crime a priority. Fielding’s principal concern was the rising tide of robbery in London, caused by demobilization of the army following the War of Austrian Succession. Beginning in 1748, he gathered men (some with backgrounds as parish constables) to

³ J.M. Beattie, *Policing and Punishment in London 1660-1750: Urban Crime and the Limits of Terror* (Oxford and New York: Oxford University Press, 2001), 376-401. The main qualifying offences were “robbery, burglary, housebreaking, private larceny of goods to the value of five shillings or more, horse-stealing, and coining.” Leon Radzinowicz, *A History of English Criminal Law and its Administration from 1750*, vol. II (London: Stevens & Sons Limited, 1956), 57-59.

⁴ These statutes covered a variety of crimes (breaking machinery, arson, theft) that might affect commercial production, especially in mining and textiles. Leon Radzinowicz, *English Criminal Law*, vol. I (London: Stevens & Sons Limited, 1948), 3-5 and Appendix 1, especially 632-659. Randall McGowen outlines the capitalization of forgery in “Making the ‘bloody code’? Forgery legislation in eighteenth-century England,” in *Law, Crime and English Society, 1660-1830*, ed. Norma Landau (New York: Cambridge University Press, 2002), 117-138.

⁵ Radzinowicz, *English Criminal Law*, vol. I, 30.

⁶ Radzinowicz, *English Criminal Law*, vol. I, 28.

help detect violent criminals and bring them to justice.⁷ Bow Street also pioneered a system of gathering and disseminating information about stolen goods using handbills and advertisements. Under Henry and John Fielding Bow Street struggled against property crime in the metropolis using detection and the skillful publication of information about stolen goods.⁸

Property remained paramount in the minds of legislators, although criminal law reform in the first quarter of the nineteenth century de-capitalized many of the offences capitalized during the previous century. Home Secretary Sir Robert Peel styled his Metropolitan Police Improvement Bill to parliament in 1829 as a response to rising property crime rates in the metropolis. His statistics indicated that “housebreaking; cattle, horse, and sheep stealing; forgery and coining; robbery, larceny, embezzlement and fraud; and receiving stolen goods,” were on the rise and required a new organization to fight them.⁹ The home secretary also worried about crime committed on the outskirts of the metropolis where parochial policing was less sophisticated.¹⁰ The new police were established to protect Londoners’ property but, once the new Bobbies began walking their beats, Londoners made it clear that they expected their new police to make homicide a priority.

2.2 Murder: The Immediate Threat

Murder fascinated Victorians. Their Georgian forebears’ appetite for the salacious details of crime, criminals and executions was prodigious and it is not surprising that the

⁷ Robbery was theft with violence and, thus, more serious than pickpocketing or larceny.

⁸ J.M. Beattie, “Early Detection: The Bow Street Runners in Late Eighteenth-Century London,” in *Police Detectives in History 1750-1950*, ed. Clive Emsley and Haia Shpayer-Makov (Aldershot: Ashgate, 2006), 7-20, 25.

⁹ Elaine Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830* (Stanford: Stanford University Press, 1998), 130.

¹⁰ Beattie, *First English Detectives*, 247. There is some debate about whether Peel was motivated by crime statistics or a desire to recreate a public order and moral force police like the one he oversaw in Ireland. For a summary of the debate, see *Ibid.*, 245-246.

Victorians retained a good deal of this heritage.¹¹ From single-sheet broadsides printed to commemorate noteworthy crimes to the crime reports in lengthy Sunday papers, “the Victorian popular imagination was bloodier, much more explicit, and more angry and turbulent than historians have thus far been prepared to acknowledge.”¹² In Georgian England newspapers, broadsheets, pamphlets and ballads publicized the details of notorious crimes, trials and executions. Executions were a particular source of public fanfare, especially the criminal’s procession from Newgate prison to Tyburn (near modern-day Marble Arch) for public hanging.¹³ Many celebrated eighteenth-century criminals were not murderers but thieves like thief and gaol-breaker Jack Sheppard (hanged 1724), thief-taker Jonathan Wild (hanged 1725) or highwayman and horse thief Dick Turpin (hanged 1739).¹⁴ Sheppard managed to escape from St. Giles’s Round-House, New Prison Clerkenwell and Newgate (twice) before he was apprehended by a member of Wild’s thief-taking gang and hanged for burglary. Wild was himself hanged

¹¹ The *Old Bailey Sessions Papers* and the Ordinary’s *Accounts* became longer and more detailed from the 1720s, responding to increased public demand for crime literature. Beattie, *Policing and Punishment in London*, 372-75. For a discussion of the popularity of official and quasi-official crime narratives in eighteenth-century London, see Simon Devereaux, “The City and the Sessions Paper: ‘Public Justice’ in London, 1770-1800,” *Journal of British Studies* Vol. 35, No. 4 (October 1998); Andrea McKenzie, “Making Crime Pay: Motives, Marketing Strategies, and the Printed Literature of Crime in England 1670-1770,” in *Criminal Justice in the Old World and the New: Essays in Honour of J.M. Beattie*, ed. Greg T. Smith, Allyson N. May and Simon Devereaux (Toronto: University of Toronto Centre of Criminology, 1998); Andrea McKenzie, “From True Confessions to True Reporting? The Decline and Fall of the Ordinary’s Account,” *The London Journal* Vol. 30, No. 1 (2005).

¹² Crone, *Violent Victorians*, 7. For a less scholarly discussion of Victorians’ fascination with the macabre, see Flanders, *The Invention of Murder*. While Flanders’ title somewhat spuriously claims that the Victorians ‘invented modern crime’, her work does demonstrate how sensational murders inspired popular entertainments.

¹³ After 1783 executions were moved to Newgate Prison to eliminate the procession from Newgate to Tyburn, but remained public until 1868. Simon Devereaux, “Recasting the Theatre of Execution: The Abolition of the Tyburn Ritual,” *Past & Present* Vol. 202, No. 1 (2009); Randall McGowen, “Civilizing Punishment: The End of Public Execution in England,” *Journal of British Studies* Vol. 33, No. 3 (July 1994).

¹⁴ Turpin and Sheppard were immortalized by William Harrison Ainsworth in two highly popular novels, *Rookwood* (1834) and *Jack Sheppard* (1839), which formed part of a genre of ‘Newgate novels’ that featured criminals as significant characters. Keith Hollingsworth, *The Newgate Novel 1830-1847: Bulwer, Ainsworth, Dickens, & Thackeray* (Detroit: Wayne State University Press, 1963).

for compounding a felony (arranging for the return of some stolen lace without prosecuting the thief), while Turpin was executed for horse-theft.¹⁵

By the 1770s, Georgians' desire for crime news and scandal began to take up column space in newspapers that had traditionally devoted most of their pages to advertising and politics. The foundation of the *Morning Post* in 1772 as a scandal sheet symbolized this change, for the paper was "as much entertainment as it was information" in an era where "scandal was a valuable commodity." One of the early cases to attract sustained press attention was a forgery involving twins Robert and Daniel Perreau and Daniel's mistress, Margaret Rudd. The three stood trial at the Old Bailey in 1775 for forging and uttering cheques worth many thousands of pounds. Both Perreaus were convicted and executed while Rudd, who was very obviously guilty, escaped conviction. The case involved scandal, betrayal and intrigue, all guaranteed to sell papers. Editors happily printed accounts from all three perpetrators alongside a healthy dose of rumour and innuendo. Newspapers had too few reporters (those employed were exclusively dedicated to parliamentary reporting) to fact check and, without an investigative police to furnish the press with information, eighteenth-century crime reports were rife with error. Inaccurate reporting seems not to have affected sales. Significantly, Donna Andrew and Randall McGowen argue, the Perreau-Rudd case and the press furor surrounding it "helped produce a new genre, the sensational criminal trial."¹⁶ The growth of newspaper crime reportage complimented, and eventually displaced, the publication of the Old Bailey

¹⁵ Hollingsworth, *Newgate Novel*, 132; Andrea McKenzie, "Wild, Jonathan (*bap.* 1683, *d.* 1725)," in *Oxford Dictionary of National Biography*, see online ed., ed. Lawrence Goldman, Oxford: OUP, 2004, <http://www.oxforddnb.com.proxy1.lib.uwo.ca/view/article/29394> (accessed June 17, 2015); Derek Barlow, "Turpin, Richard [Dick] (*bap.* 1705, *d.* 1739)," in *Oxford Dictionary of National Biography*, see online ed., ed. Lawrence Goldman, Oxford: OUP, 2004, <http://www.oxforddnb.com.proxy1.lib.uwo.ca/view/article/27892> (accessed June 17, 2015).

¹⁶ Donna T. Andrew and Randall McGowen, *The Perreaus and Mrs. Rudd: Forgery and Betrayal in Eighteenth-Century London* (Berkeley and Los Angeles: University of California Press, 2001), 53. The earliest reporters were primarily dedicated to reporting parliamentary business. *Ibid.*, 61. Simon Devereaux argues that parliamentary reporting sometimes eclipsed crime reporting in the second half of the eighteenth century, especially during the American and then French Revolutions. Simon Devereaux, "From Sessions to Newspaper? Criminal Trial Reporting, the Nature of Crime, and the London Press, 1770-1800," *The London Journal* Vol. 21, No. 1 (March 2007): 7.

Sessions Papers, which, since the 1674 had published the details of trials prosecuted at London's Central Criminal Court.¹⁷ By the nineteenth century crime reporting was an established part of the national press, feeding the popularity of crime-related news.

Although scandal remained a popular subject for newspapers, from the 1830s homicide was a focal point for this morbid national imagination and fuelled the popularity of penny bloods, pamphlets and plays based upon the latest slaying.¹⁸ Publishers, sensitive to how sensationalism sold subscriptions, were keen to meet public demand. This sales strategy is aptly demonstrated by the popularity of crime reporting in the press, which spared none of the lurid details and was often accompanied by illustrations. Newspapers such as the radical *The Times* and the working-class *Lloyd's Weekly Newspaper* devoted significant column space to homicides and "celebrity murderers," often providing portraits of criminals as they stood in the dock.¹⁹ *Lloyd's* and its competitor for Sunday working-class readership, *Reynolds's Weekly Newspaper*, provided readers with a steady "diet of crime, scandal and sensationalism."²⁰ The *Illustrated London News*, established in 1842, was especially popular with a circulation of roughly 200,000 copies per week by 1856 and was followed by the 'low class' *Illustrated Police News* in 1864. Although the circulation of the *Illustrated London News* was less than *The Times's* of 230,000 in 1851,

¹⁷ Devereaux, "Criminal Trial Reporting," 1-2. Devereaux cites the increase in newspaper-reported trials from the 1780s. *Ibid.*, 2-3.

¹⁸ Bridget Walsh, *Domestic Murder in Nineteenth-century England: Literary and Cultural Representations* (Farnham: Ashgate, 2014), chapter 1. Crime novels also changed their focus for, while eighteenth-century literature tended to focus on the criminal, by the Victorian period the chief concern of detective novels was the detective and the police investigation. Haia Shpayer-Makov, *The Ascent of the Detective: Police Sleuths in Victorian and Edwardian England* (Oxford and New York: Oxford University Press, 2011), 228.

¹⁹ *The Times*, at times radical, liberal or conservative, was unconnected with any political party and often espoused views on a subject-by-subject basis until the 1880s when it moved more squarely into the conservative camp. Brown, *Victorian News and Newspapers*, 61 and 182-183; Crone, *Violent Victorians*, 234.

²⁰ Martin Hewitt, *The Dawn of the Cheap Press in Victorian Britain: The End of the 'Taxes on Knowledge', 1849-1869* (London: Bloomsbury, 2014), 11.

it was a good showing for the upstart against the most popular and established paper in the country.²¹

The mid-Victorian press expanded significantly from the 1850s after pressure groups, most notably the Association for the Promotion of the Repeal of the Taxes on Knowledge (APRTK) and the Newspaper and Periodical Press Association for the Repeal of the Paper Duty (NPPARPD), successfully lobbied the government to abolish indirect taxation on newspapers. Tripartite paper, stamp and advertisement duties had kept newspaper production and purchase expensive until mid century. These ‘taxes on knowledge’ also limited the number of titles; advertisement taxes, for example, meant that papers that attracted the most advertising were most likely to survive, a pattern that helps explain *The Times*’s consistent domination of London dailies, while popular Sunday papers such as *Reynolds’s* and *Lloyd’s* chose to publish only on Sundays to take advantage of the more lenient taxes on weekly publications.²² Taxes on advertisements were repealed in 1853, the stamp duty on newspapers in 1855 and duty on paper in 1861.²³ Repeal drove down prices of existing papers as they struggled to compete with cheap upstarts that took advantage of a more level entrepreneurial playing field. Eighteenth-century consumers had circumvented prohibitive newspaper costs by clubbing together with friends to buy and share a paper or by reading or having papers read aloud at coffee houses and libraries. With newspaper prices falling in the 1850s there was no longer any need to read papers collectively – individuals could now afford their own copies.²⁴ “Newspaper readers,” Hannah Barker observes, “became both more numerous and more socially diverse,” reflecting the new accessibility of print news across the social

²¹ Hannah Barker, *Newspapers, Politics and English Society 1695-1855* (London: Longman, 2000), 221; Hewitt, *The Dawn of the Cheap Press*, 10 and 105.

²² Hewitt, *The Dawn of the Cheap Press*, 6. Sunday papers’ liberal-radical outlook appealed to their most frequent readers: artisans and tradesmen. Brown, *Victorian News and Newspapers*, 66.

²³ Hewitt, *The Dawn of the Cheap Press*, chapters 4 and 5.

²⁴ Barker, *Newspapers, Politics and English Society*, 53-60.

spectrum, including the upper and ascending middle classes as well as a large section of the tradesmen and artisans.²⁵

This varied reading public could choose from numerous newspapers all of which dedicated column space to noteworthy news from the criminal justice system, including: coroner's inquests, police investigations, magisterial examinations, trials and executions. With the press (and its dedicated readership) watching closely, the police had little leeway for failure. This responsibility, coupled with the high-profile nature of many of the murders they investigated in the capital, put immense pressure on officers to conduct investigations in a timely and professional manner. Yet, before 1829, murder was not a police issue, nor, as we have seen, had homicide been included on the list of rising crimes Peel presented to parliament in 1829. The press, however, began to expect the new police to investigate murder and this expectation of police involvement challenged the traditional role of the coroner and the inquest in investigating suspicious death.

2.3 Coroners in a New Age of Policing

The coroner had been the royal official responsible for investigating death since the twelfth century. In the medieval period, his remit was to protect royal sources of revenue connected with crime and death (such as forfeiture of goods and chattels to the crown). Over time, however, holding inquests on bodies became the office's primary function.²⁶ In the nineteenth century, the coroner had a variety of legal powers, some not dissimilar to those of local magistrates, including:

To attend and view the body and examine and take the depositions of witnesses, to record the verdicts, draw up the inquisitions, and grant warrants to bury; and in cases of culpable homicide to commit to prison or issue warrants against the

²⁵ Barker, *Newspapers, Politics and English Society*, 63.

²⁶ Thomas Rogers Forbes, "Crownor's Quest," *Transactions of the American Philosophical Society* Vol. 68, No. 1 (1978): 5-6.

offenders, and to bind over by recognizance the witnesses to attend and prosecute and give evidence.²⁷

Although the time-honored system of coroners' inquiries remained in place after the establishment of centralized police forces, coroners came under strain after 1829. One source of tension was the constant pecuniary squabbling between coroners and magistrates. Coroners were paid per inquest and local magistrates approved their fees. At each sitting of the local quarter sessions, magistrates would evaluate coroners' bills and decide whether or not each case had warranted an inquest. Magistrates would disallow expenses when they believed an inquest had been unnecessary (they were especially reluctant to pay the extra two-guinea fee to physicians for conducting post-mortems). This frustrated coroners, who were sensitive about their discretionary powers. England's coroners felt they alone could determine which cases required investigation and did not like having magistrates retroactively deny inquest costs.²⁸

In February 1858, the coroner for Kent wrote to the home secretary condemning Kentish magistrates who had disallowed eighteen of his inquest expenses. "I consider," he thundered, "the interference of the magistrates in the discharge of my duties as Coroner unwarrantable, and calculated to impede the detection of crime, and the cause of justice, and to render perfectly nugatory the usefulness of the Coroners Court."²⁹ Middlesex Coroner William Baker aimed similar vitriol at his local justices, characterizing their decision making as "arbitrary, oppressive and illegal." He also accused them of ignorance and corruption. Many, he said, are

²⁷ COL/OF/01/72, *Reports of Officers*, Vol. I (1762-1839), 371-373.

²⁸ Inquest fees were the subjects of Select Committee Reports in 1840 and 1860. *Report from Select Committee on the Office of the Coroner for Middlesex* (1840); *Report from the Select Committee on the Office of Coroner* (1860). The 1840 *Report* was also concerned with payment of parochial officials who had, in many cases, lost their fees under the 1837 Poor Law Amendment Act.

²⁹ Someone at the Home Office seems to have sympathized with him about the parsimony of the magistracy – a note on the back of his letter read, "They are particularly economical in the County of Kent." HO 45/6553, 27 February 1858.

in general not acquainted with the Law, but are Esquires, Merchants and Tradesmen and often ex Officio Guardians of the Gaols and Poor Houses and Shareholders in the Mines, Ducts, Canals, Railways, and other large undertakings, in which, cases frequently arise for the Coroner to enquire into, in which they have an interest in preventing Inquests, and they are, for the most part, entirely ignorant of the Statute and Common Law under which the Coroner Acts.³⁰

A coroner's position was delicate because, though he might have expenses disallowed, if found to have neglected his duty to investigate a case, he was liable to prosecution at Queen's Bench. This quandary left at least one justice feeling "utterly paralyzed and disabled from acting."³¹ Financial conflicts between coroners and magistrates were alleviated only when coroners became salaried in 1860.³²

Coroners could only initiate inquests based on information from third parties. As James Sharpe and J.R. Dickenson observe, this gave the public a place in the discretionary justice of the inquest: "The whole coroner system depended completely upon the willingness of the public to report suspicious deaths – the persons who did so were clearly the most crucial 'decision makers' of all."³³ Once alerted to a death, the coroner would send one of his clerks or a parochial officer to do a preliminary inquiry. If, based on the report, the coroner felt that the case merited investigation, he would summon a jury of between 12 and 23 men and begin a formal inquest.³⁴

³⁰ Aside from investigating the circumstances of murders, coroners investigated all suspicious deaths and, by law, all deaths in gaols and workhouses. HO 45/6553, 17 March 1858.

³¹ HO 45/6553, 4 June 1859.

³² 23 & 24 Vict, c. 116, s. 4 (1860).

³³ James Sharpe and J.R. Dickinson, "Coroners' Inquests in an English County, 1600-1800: A Preliminary Survey," *Northern History* Vol. 48, No. 2 (2011): 268. Indeed, the entire criminal justice system was based upon discretion because the responsibility of prosecution rested with the victim who could choose whether to prosecute at all. For a discussion of discretionary justice, see Peter King, *Crime, Justice, and Discretion in England 1740-1820* (Oxford: Oxford University Press, 2000).

³⁴ The assembling of the jury was left to the parish beadle or constable. Forbes, "Crown's Quest," 10.

The inquest began with the viewing of the body. Bodies found at home might be left *in situ* but they were usually removed to the nearest deadhouse, shed or tavern, where they would be viewed by the coroner and the jury.³⁵ The coroner, jury and witnesses then began the hearing, typically in a nearby pub, vestry house or hospital boardroom, where they heard depositions from witnesses and, sometimes, testimony from a medical professional.³⁶ The jury's verdict was recorded on a legal form called an Inquisition, which could also name any suspect(s). Verdicts fell into three categories: accidental death, natural death and homicide, the latter being subdivided into "justifiable, excusable, or felonious" homicide.³⁷ If an inquest jury found verdict of felonious homicide (also called willful murder) against a specific person, that person could be committed upon the coroner's warrant to stand trial at the next sitting of the local criminal courts.³⁸ Assize juries did not, of course, have to heed the findings of a coroner's inquisition because an inquest was a court of record with "an investigative rather than an adversarial function." An inquest verdict was "not legally conclusive" and therefore not equal to a verdict in a court of law. Rather, the inquest was the registration of a death and the supposed reason for it.³⁹

Coroners felt that, by ancient rights, they were the primary investigators of violent or suspicious death. Beginning in London in 1829, however, the new police challenged this preeminence. The creation of centralized and professional police forces broke coroners'

³⁵ Ian Burney, *Bodies of Evidence: Medicine and the Politics of the English Inquest 1830-1926* (Baltimore and London: The Johns Hopkins University Press, 2000), 86.

³⁶ Doctors received one guinea for attending and an additional guinea if an autopsy was performed. Forbes, "Crown's Quest," 42. The Act was 6 & 7 Will IV, c. 89.

³⁷ Forbes, "Crown's Quest," 38.

³⁸ This power mitigated the obvious shortcomings of victim prosecution for murders. Coroners' powers to commit suspects pending trial meant that murder was one crime for which, theoretically, the state helped support prosecutions.

³⁹ Burney, *Bodies of Evidence*, 4 and 6. This was where the power of the coroner differed significantly from the justice of the peace who, although bound to send serious felonies up to higher courts for adjudication, also had powers of summary punishment. In a strange twist of administration, however, a warrant issued by a coroner against a suspect was not subject to Grand Jury approval if the case went to trial, though one issued by a magistrate was. *The Times*, 24 March 1840.

six-hundred year monopoly over homicide. An entirely new body of law enforcement became an additional interest group in murder investigations and legislation offered no clarity on how the two groups were to coexist. If the police identified a possible murder suspect, they could keep them in custody while they gathered information about the individual and the crime and identified any useful witness. Once this was done, their instructions were to take suspects directly to a magistrate. The magistrate would then hear the evidence and chose from two options: dismiss the charges or commit the suspect to gaol until the next sessions. Coroners, as we have seen, could also identify suspects and have them committed for trial. Thus, both coroners and magistrates had separate – and at time conflicting – powers of investigation and committal.

During the early years of the Metropolitan Police, the force and London’s coroners did not have an efficient arrangement for investigating suspicious deaths in tandem.⁴⁰ Procedure developed in an *ad hoc* manner. As decisions were made, they were recorded in the daily police orders and read out to men going on duty. In January 1834 the daily police orders reminded the police (or perhaps stated clearly for the first time) that:

In all cases of violent or sudden death, or casualties, where a Coroner’s inquest should be held upon the body, the Police, whenever the case comes under their cognizance, are, in addition to giving information to the parochial authorities, to give information to the Coroner also, and the Superintendents are to state upon the Morning Report that they have done so.⁴¹

This instruction seems to leave the determination of whether or not an inquest “should be held” with the police, even though it was the coroner’s decision whether or not to hold an inquisition. The next police order regarding coroners came in 1841, when constables

⁴⁰ I include magistrates in my definition of police, since the police and magistracy worked in tandem to indict criminals. Police procedure required officers to bring suspects before magistrates for indictment.

⁴¹ *General Regulations, Instructions and Orders for the Government and Guidance of the Metropolitan Police Force* (1862), 82. London’s coroners also wanted the Metropolitan Police to be responsible for summoning juries, a duty that the commissioners of police declined. *Report from Select Committee on the Office of the Coroner for Middlesex* (1840), 9-10.

were ordered to attend all coroner's inquests "to preserve order and give assistance to the Coroner."⁴² Assistance meant finding witnesses and, if necessary, giving testimony.

By the late 1850s, coroners felt that both the bobby and the bench were interfering with inquests. Beginning in 1858, the Home Office received numerous petitions from coroners across the country begging for legislation to precisely delineate their position relative to police and magistrates. In March 1860, a Select Committee on the Office of the Coroner was convened to investigate how coroners functioned in England and Wales. The Select Committee investigation raised concerns about the working relationship between coroners and police as well as the place of the coronership within the English criminal justice system.

A central problem identified by coroners was jurisdiction over the accused in cases of manslaughter and homicide. Although police were required to inform coroners when a dead body was found, police investigations were often well underway before a coroners' jury was summoned. Middlesex coroner John Humphrey described it as a sort of race: "It depends," he said, "upon who gets possession of the prisoner first."⁴³ Although the coroner had sole jurisdiction over the body in an inquest, he had no right to witnesses or suspects.⁴⁴ Before 1829, if a coroner's jury identified a suspect, the coroner had the power to have that person examined before the jury and, if a verdict was found against them, committed for trial.⁴⁵ By contrast, the 1829 Metropolitan Police instruction book told new recruits to bring murder suspects before magistrates.⁴⁶ A criminal hearing before a magistrate could be finished and a prisoner committed to the next assize before the coroner's court even passed a verdict. Once suspects were committed for trial

⁴² *General Regulations* (1862), 94.

⁴³ *Report from the Select Committee on the Office of Coroner* (1860), 8.

⁴⁴ Burney, *Bodies of Evidence*, 103.

⁴⁵ 6 & 7 Vict, c. 12 (1843).

⁴⁶ *General Instructions* (1829), 55.

coroners had difficulty accessing the accused for questioning before the inquest. Police procedure circumvented the coroner and, at times, suspects never appeared at inquests.

Coroners could appeal to the home secretary to help present the prisoner or the police commissioners might oblige by allowing the prisoner to be taken before the coroner on the way to the magistrate's office. Technically, though, Undersecretary of State Horatio Waddington advised that the coroner had to apply to the court of Queen's Bench for a *habeas corpus* to have a prisoner in police custody produced before an inquest.⁴⁷

Notwithstanding the rules, Humphrey declared that it was only "right that a prisoner should be before the jury that is trying him."⁴⁸

Not all coroners sat idly by as the new police infringed on their rights and responsibilities; they could and did fight back against their perceived marginalization and the profession's most vociferous defender was Middlesex Coroner Thomas Wakley.

Wakley was a physician, founder and editor of *The Lancet* (a premier medical journal) and the first medically qualified coroner in England.⁴⁹ He was also the Liberal MP for Finsbury between 1835 and 1852, a position he held concurrently with the coronership from 1839. Wakley was not a mild man. He had strong opinions about the importance of medicine to the inquest and waged a lifelong war against magisterial interference with his work.⁵⁰ He had, at best, a confrontational nature and possessed an "unfortunate tendency to act abrasively."⁵¹ During the investigation into the murder of John Templeman in

⁴⁷ *Report from the Select Committee on the Office of Coroner* (1860), 31.

⁴⁸ *Report from the Select Committee on the Office of Coroner* (1860), 8.

⁴⁹ Wakley's medical background was unusual in a field dominated by lawyers. Until 1926 holding property was the only qualification necessary to become a coroner. Mary Beth Emmerichs, "Getting Away With Murder? Homicide and the Coroners in Nineteenth-century London," *Social Science History* Vol. 25, No.1 (Spring 2001): 95; W. F. Bynum, "Wakley, Thomas (1795–1862)" in *Oxford Dictionary of National Biography*, eee online ed., ed. Lawrence Goldman, Oxford: OUP, 2004, <http://www.oxforddnb.com.proxy1.lib.uwo.ca/view/article/28425> (accessed June 19, 2015).

⁵⁰ Burney, *Bodies of Evidence*, 40.

⁵¹ Elizabeth Cawthon, "Thomas Wakley and the Medical Coronership – Occupational Death and the Judicial Process," *Medical History* Vol. 30 (1986): 197.

1840, Wakley and the sitting magistrate at Hatton Garden, Mr. Combe, had a very public altercation over the three accused: Richard Gould, Mary Anne Jarvis and John Jarvis. The suspects were charged and taken into custody at Hatton Garden police court on Wednesday March 18, 1840. That same evening Wakley's inquest began its hearings at the Barnsbury Castle pub. After the jury viewed the body and several witnesses were interviewed, Wakley asked police Inspector Miller whether there were any other suspects who should be interviewed. Miller replied in the affirmative and Wakley adjourned the inquest until the following Monday with a mind to interview the suspects in police custody. Miller transmitted Wakey's request to interview the suspects to Combe, who replied

he would not grant such a request. He had nothing to do with the coroner, nor the coroner with him. The prisoners were before him, and he would investigate the matter and remand the prisoners from time to time until he eventually committed them, and if he made his mind up to commit them for trial, on Saturday next or on Monday next he would send them to Newgate ... He could not see what the coroner had to do with the magistrates.⁵²

This was, at any rate, what the papers reported Combe to have said, and Wakley read the papers closely. The following day, the coroner grilled Miller about what happened at Hatton Garden and a rather uncomfortable Miller admitted that, though the papers exaggerated somewhat, the report was correct. Wakley was furious. It was the third time that Combe had refused to allow a murder suspect to appear before him, even though in one instance the inquest was held not forty yards from the prison where the suspect was in custody. In retaliation, Wakley threatened to adjourn the inquest to the prison for "if they could not get the persons in custody there, there was no reason in the world why the jury should not go to them." He did not follow through on this threat however as he did not want to put poor Mr. Kilsby, governor of the New Prison (and by all accounts horrified to be in the

⁵² *The Times*, 20 March 1840.

middle of Wakley's war on the magistracy) in a tough spot. In the end, the home secretary intervened and the prisoners were brought before the inquest.⁵³

What most frustrated Wakley was that the magistrates paid so little heed to his prerogative and his tirade encapsulates the siege mentality of nineteenth-century coroners. To Wakley, the magistrate was a latecomer in the criminal justice system and could in no way usurp the hallowed place of the inquest in the pantheon of British liberties. The inquest was, he declared, "one of the greatest bulwarks of the liberty of the subject," and he had every intention of defending it to the last.⁵⁴ Fifteen years later, Wakley was still waging his war against the magistracy. In this case, the suspect in a failed murder-suicide (the murder was successful but the suicide not) was convalescing in Middlesex Hospital. The prisoner, Luigi Buranelli, was officially in police custody while in hospital and, once sufficiently recovered, the police had every intention of taking him from hospital to court to be examined by a magistrate "in the regular way on the charge of murder." Wakley had different ideas. He stole Buranelli from the hospital – and police custody – and brought him before his inquest on the murder victim. The jury found a verdict against Buranelli, and Wakley "made out a warrant to his own officer for the commitment of Luigi Buranelli to Newgate for Trial."⁵⁵ Police Commissioner Mayne was irate that Wakley flouted police jurisdiction and prevented police officers from properly investigating the crime. The January sessions at the Old Bailey had just begun, and it was possible that Buranelli could go to trial without any policemen being called to give evidence. Mayne asked the home secretary to have the case made a state prosecution so the treasury solicitor could delay the prosecution.⁵⁶ This was done and Buranelli was found guilty four months later at the April sessions of the Central Criminal Court.⁵⁷ This

⁵³ *The Times*, 24, 26 and 31 March 1840.

⁵⁴ *The Times*, 24 March 1840.

⁵⁵ HO 45/6329, 30 January 1855.

⁵⁶ HO 45/6329, 30 January 1855.

⁵⁷ OBP: t18550409-464, "Luigi Burinelli."

case was unusually acrimonious but does indicate the lengths to which a frustrated coroner would go to perform his duty.

For the police, any delay in charging a suspect could lead to bad press and public criticism. A coroner who stole the suspect and impeded a murder investigation was thus more than just a jurisdictional headache and could affect public confidence in the police. Several poorly orchestrated murder investigations in the late 1830s and early 1840s left the police vulnerable to press attacks. As *The Town* put it in 1840, “The fearful laxity, ignorance, and incompetency of the new police, gives premium to murder and other dreadful crimes. No man is now safe in his bed; the hearth of his house may, with impunity be violated by a set a consummate scoundrels.”⁵⁸ Some still felt that the new police was “in its nature unconstitutional ... [and] dangerous to the liberty of the people.”⁵⁹ As such, the police were keenly aware of the need for timely and professional murder investigations. Scotland Yard detectives would subsequently read the papers daily to identify bad press.⁶⁰

Coroners’ evidence before the 1860 Select Committee showed that they rarely received notices of death from the police. The Middlesex coroner stated that he received information of a death from the police in only 1 per cent of cases, while the coroner for the City of London and Southwark received reports from the ward beadle.⁶¹ All three

⁵⁸ *The Town*, 23 May 1840. I would like to thank Allyson May for this reference.

⁵⁹ *The Times*, 8 April 1842.

⁶⁰ MEPO 7/16, 16 January 1854. Coroners and their officers also had their fair share of negative publicity. In January 1855 coroner’s officer Alfred Sedgley was accused of stealing money from the body of Henry Saunders, found deceased in his house. The coroner’s jury was positive that Sedgley was guilty of theft. The police agreed, though they were unable to prove how much the coroner’s officer had taken because the officers who responded to the death did not count the money before Sedgley confiscated it. The inquest jurors were so upset they complained to the Metropolitan Police commissioners that everyone involved “grossly exceeded their duty,” and “a gross outrage [had] been committed on the liberty of the subject and the rights of property and unless an effectual stop is put to such practices it will be henceforth nothing better than a farce to speak of an ‘Englishman’s House’ as his ‘castle’.” Both the police report and jury’s complaint can be found in HO 45/6125, 13 and 16 January 1855.

⁶¹ *Report from the Select Committee on the Office of Coroner* (1860), 4. This had also been the case twenty years earlier. William Baker, one of the coroners for Middlesex, told the 1840 Select Committee on the Office of Coroner for Middlesex that he relied more heavily on parochial officers than Metropolitan Police

coroners examined before the committee argued that they should be able to initiate proceedings based on information from any person, not just from local or central government employees, to allow them discretion to take on cases they thought required investigation. The Middlesex coroner felt that there were many cases of death not reported to the police; if private individuals were blocked from giving information, the coroner might never know about a significant number of deaths.⁶²

In Hampshire, the coroner for Winchester reserved particular contempt for the local constabulary, accusing them of interfering with his work by withholding pertinent information about deaths. He felt that the police had begun to do his job for him: “There is a supervision kept up over the coroners by the police” he complained, “which is degrading, and most painful to contend with.”⁶³ In Hampshire, the police filled out a form including particulars of a death before sending it to the coroner, copies of which were forwarded to the chief constable and the finance committee of the quarter sessions. Magistrates would use this information to determine whether to pay inquest expenses. Undersecretary of State Waddington agreed that the police should not interfere in coroners’ work. He felt that the coroner was a “much higher officer” and the police “ought not to decide upon the facts constituting a case in which an inquest should be held.”⁶⁴

There were at least a few moments of camaraderie in the coroner-police relationship. When a coroner’s court from Dorset determined that a man found floating in the Sherbourne River in July 1852 had been strangled, the coroner requested help from the Metropolitan Police to investigate the case. Feeling that the local constables needed help

officers to notify him of deaths. One of the reasons for this, he surmised, was that any application for a coffin or burial went through parish overseers, who could then easily verify the death with the coroner. *Report from Select Committee on the Office of the Coroner for Middlesex* (1840), 13.

⁶² *Report from the Select Committee on the Office of Coroner* (1860), 4.

⁶³ *Report from the Select Committee on the Office of Coroner* (1860), 23.

⁶⁴ *Report from the Select Committee on the Office of Coroner* (1860), 29.

with the murder inquiry he promised to pay all the expenses of the detective officer loaned out to him by Scotland Yard.⁶⁵ By the early 1860s, coroners and the police seem to have reached common ground. Policemen replaced parochial officers executing coroners' warrants, indicating a more consistent level of cooperation between the two groups. Police orders reflect this new *détente*, reminding officers in 1870 that persons apprehended under a coroner's warrant were to be charged at the police station and then taken directly to prison, without presentment before a magistrate.⁶⁶ Coroners and police remained involved in the apprehension of a suspect and the coroner's ancient right to imprison a suspect awaiting trial was upheld.

2.4 Murder and the Birth of Detective Policing

The Metropolitan Police was established amid a period of decreasing violent crime, yet homicide spurred the specialization of detection within the Met. The coroner remained an important part of homicide investigations, yet – as we will see – the London press expected the new police to bear the responsibility of apprehending murderers and bringing them to trial. By the late 1830s, murder reports shifted noticeably away from their earlier focus on the inquest and towards the police investigation. A series of horrific murders in the late 1830s and early 1840s drove London's newspapers to demand a proper detective body within the metropolitan police. The victims – Eliza Davis (d. 1837), Eliza Grimwood (1838), Robert Westwood (1839), John Templemann (1840), Lord William Russell (1840) and Jane Jones (1842) – were all murdered within six years, but it was not until the last two that the press considered the murders together and reported a pattern of ineffective detective policing. It is worth briefly exploring all six cases to understand how and why murder became the barometer of police effectiveness in the early years of Victoria's reign.

One might expect that class had something to do with the attention these murders received, yet the social status of the victims was varied. Davis was a barmaid, Grimwood

⁶⁵ HO 45/4071, 22 July 1852.

⁶⁶ MEPO 7/32, 13 December 1870, referring to an order from 29 December 1863.

a prostitute, Westwood a successful watchmaker, Russell a nobleman and Jones a laundress. Public outrage about these cases focused on the investigation, not the victim. If these cases had received less press attention and ignited less public indignation, it is unlikely that the police would have felt pressured into making detection a specialty. But they did garner extensive press coverage and the police were criticized for mismanagement, incompetence and corruption, especially in Russell's and Jones's cases.⁶⁷ The press determined that the police, trained in the prevention of crime but not its subsequent detection, was unable to fulfill an investigatory role. Although senior officers – inspectors and superintendents – coordinated murder investigations, there was no formal training for this work and the infrequency of murder meant that expertise in homicide investigations was limited. The only other official involved, the coroner, was, as we have seen, limited to determining the cause of death and naming possible suspects.

The first victim, Eliza Davis, was a young Welsh barmaid working at the King's Arms public house in Hampstead. Her assailant came into the bar early on Tuesday May 9, 1837 and slit her throat sometime between 6:00 and 6:15 am. When the police arrived, the murder weapon was on the bar, along with the murderer's unfinished breakfast of ale, bread and cheese. Davis's attacker had also, courteously, left money for the bill. The police suspected a man who had been seen at the bar on several recent mornings, although his identity was unknown. Although several people were arrested, all were eventually released and the trail went cold.⁶⁸ The inquest, likewise, found a verdict of homicide against person or persons unknown.

The police continued to investigate in 1841, 1842 and again in 1848 based on new leads, although these came to nothing. Expense reports from the month following Davis's murder indicate that Inspector Aggs and Constable Pigler spent 22 days in May 1837, from early in the morning until "11 or 12 at night, though sometimes until 2 am," trying

⁶⁷ Russell's and Jones's murders and subsequent press coverage of later cases are discussed towards the end of this section.

⁶⁸ This included a gypsy woman who was arrested on the grounds that she was in the neighbourhood at the time and had told Davis her fortune. *The Morning Chronicle*, 27 July 1837.

to solve the case. In January 1841 Inspector Aggs traveled to Jersey to see two possible witnesses whose evidence turned out to be fabricated. Again, in 1848, a witness came forward claiming that he suspected the killer had been the brother of the housekeeper to his previous employer. Inspector Tedman was sent to ascertain the veracity of this statement and came across a man named Alfred Gee. Gee saw someone with bloody hands running away from the pub just after 6 am the morning of the murder and was certain he could identify the man if he saw him again. Gee's 1848 statement was significant because he had told the same thing to the magistrate at Marylebone, Mr. Rawlinson, shortly after the murder in 1837. Tedman's report indicates that Rawlinson "treated the matter rather lightly and nothing further was done and he 'Gee' was not examined on the Inquest." This, if true, was a serious oversight by the magistrate. It was of little use eleven years later, but might have been integral to the case in the days after the murder. Although no one was ever charged with Davis's murder, the police devoted time and manpower to the case, including exhaustive attempts to follow up new leads in later years.⁶⁹ The press, too, followed the case. At the time, there was no criticism of the police for not finding Davis's killer. It was lamentable but no one pointed any fingers at the police for their failure to apprehend the murderer.

The investigation into Eliza Grimwood's murder on May 26, 1838 was also unsuccessful, although Inspector Frederick Field spent almost every day between May 26 and July 14, following every lead he could.⁷⁰ Field retraced the deceased's steps on the eve of her death. She had been at the Strand Theatre on the evening of May 26 with a man, though he was never identified. One witness testified at the inquest that Grimwood's suitor might have been foreign, so Field spent a day with the witness visiting haunts and hotels in Piccadilly, Regent Circus and Leicester Square popular with foreigners in London. Based on her description he also stopped at "different Docks, Wharfs, and other places, to ascertain whether any persons...left London by any of the Steam Boats answering to the

⁶⁹ The police file on Davis's murder and its subsequent investigation can be found in MEPO 3/41.

⁷⁰ There are no entries during the week of June 25, likely because of police preparations for Victoria's coronation on June 28.

description the Cab Man and others gave of the man that accompanied the deceased Home, also made enquiries at the passport office.”⁷¹ Subsequently, an anonymous tipster ‘Cavendish’ wrote to the coroner claiming that he and Grimwood’s suitor went to her lodgings together the night of her death but were thrown out by her partner, a bricklayer named William Hubbard. The police tried strenuously to find Cavendish but were unsuccessful. With no other suspects, Field arrested Hubbard and he was examined at Lambeth police court. The magistrate generously held Hubbard over for a week to allow the police to locate ‘Cavendish’, but discharged him on June 20 after no further evidence appeared.⁷² Charging suspects on the basis of anonymous letters, the magistrate argued, went “against all principles of English Justice.” With no other evidence, Field’s notes indicate that he stopped investigating on July 14, having spent the final few days following up more anonymous letters, to no avail.

The Grimwood murder was a model of cooperation between coroners, police and prosecutors.⁷³ The inquest and the police investigation took place concurrently, with the lead investigator, Field, attending each day of the inquest. Field took detailed notes of the testimony, which he also submitted to the commissioners, and used the inquest as a source of information for his own investigation. The police reciprocated and helped the coroner gather information. Field went with an inquest witnesses to search for information throughout London, “it being the Coroners [sic] wish” that they do so. On another day, Field “Attended the Inquest the whole of the day[.] Afterwards went to

⁷¹ MEPO 3/40, “Inspectors [sic] Field’s Report on each Day’s Enquiry respecting the Murder of Eliza Grimwood of 12 Wellington Terrace.”

⁷² Anonymous letters were an irritating fact of life for the Metropolitan Police. In the wake of violent crimes many people, quacks and concerned citizens, flooded the police with letters. After identifying letters with even the remote possibility of truth, the police then had to use valuable man-hours to trace the writer. This involved tracing postmarks, interviewing post office employees and questioning neighbours, often to discover that it was a waste of time.

⁷³ England had no public prosecutor until a Director of Public Prosecutions (DPP) was established in 1878, although the DPP did not begin routinely prosecuting cases until the twentieth century. Any cases prosecuted by the state before 1878 went through the treasury solicitor, who prosecuted a variety of crimes from theft to treason. David Bentley, *English Criminal Justice in the Nineteenth Century* (London: The Hambleton Press, 1998), 83-87.

several persons resident in the neighbourhood of the Strand to collect Information by order of the Coroner.”⁷⁴ In this case, the inquest was a source of valuable information for Inspector Field and testimony given by witnesses provided leads for him to follow. He was also, in turn, a source of information for the coroner. The detective’s relationship with the Grimwood’s solicitor, Mr. Pelham, was also symbiotic. Pelham accompanied Field while the latter searched for ‘Cavendish’, the only tangible evidence the prosecution had against Hubbard. Field even visited Pelham at his home to discuss what to do about anonymous letters Pelham had received about the case.⁷⁵

Like the Davis case, the investigation into Grimwood’s death was also protracted. New evidence brought the case back into the press in late summer 1845. On August 20 of that year, a drunken private in the 67 Regiment of Foot stumbled into a police station in Dublin and claimed he, George Hill, had killed Eliza Grimwood. In his official report, Inspector Maher of the Dublin Metropolitan Police noted that Hill “appeared to be tipsy at the time” but nevertheless kept him at the station and had the private write a confession. The Metropolitan Police were notified and Field travelled to Dublin to collect the suspect.⁷⁶ When Hill faced the magistrate in Southwark two weeks later he recanted his statement as a drunken utterance. He had been trying for some time, he told the magistrate, to get transported in order to escape “tyrannical treatment” in the army; between September 1843 and July 1845 he had deserted three times, gone AWOL seven times and was once arrested for a felony. The man described by Field and his regimental colonel as “a desingning [sic] cunning Artful fellow” and “a man of extreme bad character” had outdone himself this time in search of dismissal. Hill’s murder confession was the last in a series of acts designed to free him from the army’s grip: “I would,” he admitted, “have said anything to have gained my liberty.”⁷⁷ Hill’s confession, revealing

⁷⁴ MEPO 3/40, “Inspectors [sic] Fields Report on each Day’s Enquiry respecting the Murder of Eliza Grimwood of 12 Wellington Terrace.”

⁷⁵ *The Times*, 18 June 1838.

⁷⁶ MEPO 3/40, 21 August 1845,

⁷⁷ *The Times*, 8 September 1845.

more about the treatment of men in the armed forces than the murder, did not result in a prosecution. It also brought the police no closer to solving Grimwood's murder.

Field's day-to-day report of his investigation of Grimwood's case is rather defensive. Written after his failure to apprehend the killer, he is at pains to emphasize his diligence. On June 24, a frustrated Field recorded

attend[ing] to several letters sent to me respecting the murder, endeavouring all in my power to find some ... Evidence to bring it Home to the right persons, continually watching every movement of Hubbard to see he does not leave London and Keeping myself in constant communication with persons who could in any way throw some light upon the murder.⁷⁸

The police never found a viable suspect.

These two cases involved young women in dangerous occupations. Davis, although by all accounts "a steady young woman, perfectly sober, and of strong and sound mind," was a barmaid, meaning that early in the morning she was often alone at the bar with any number of men.⁷⁹ Grimwood was a prostitute, the most dangerous occupation for any woman, then as now. Walking the streets at night and bringing men home at all hours made her extremely vulnerable. The third victim, Robert Westwood, was different. He was a respectable watchmaker (the personal watchmaker to the Duke of Sussex no less) and was killed during a burglary and attempted arson at his premises in Soho. On the evening of June 3, 1839 Mrs. Westwood said goodnight to her husband and went upstairs to bed. She retired shortly after ten o'clock, after the servant locked and bolted the street door. At 11:30 pm she heard a scuffle, went downstairs and found her husband groaning on the ground and the shop ablaze. When police arrived they found a bloody knife on the

⁷⁸ MEPO 3/40, "Inspectors [sic] Field's Report on each Day's Enquiry respecting the Murder of Eliza Grimwood of 12 Wellington Terrace."

⁷⁹ Davis's employer George Wadley, landlord of the King's Arms, described her thus. *The Morning Chronicle*, 12 May 1837.

sideboard and Westwood dead with two knife wounds to the neck. The door to the street was unlocked.

The police had several theories about the case. The first was that someone had hidden inside the shop while Westwood was out earlier that evening. The maid testified that she had locked all the doors around 10 pm, but when she came downstairs around 11:30 pm the street door was unlocked from the inside. Westwood had been burgled before. For “better security,” he now slept in a back bedroom on the main floor, with his wife and servants upstairs.⁸⁰ The burglars seem not to have known this and Westwood probably surprised them – or they him – when they came out of their hiding spot late on the night of the burglary. The second theory was that the thieves were familiar with the watch trade. The burglars stole roughly £2000 worth of watches, something they could not have accomplished if they did a snatch and grab of the more accessible watches on display. Instead, they had taken very valuable pieces from “private drawers.”⁸¹

Watches were valuable, easily stolen and even more easily concealed, making them a natural target for thieves. All watches made at this time came engraved with the makers’ name and a serial number, so pawning a stolen watch in London – especially once the police advertised the manufacturer’s name, serial number and a description of the watch in local papers and to pawnbrokers – was a sure way to be caught. Unfortunately, Westwood’s murderers were savvy enough to avoid the London market; the police canvassed pawnbrokers and sent notice to all police stations with the serial numbers and descriptions of the stolen watches, yet none were found. Charles Lewis Le Roche, a fellow watchmaker, told the inquest that the principal market for stolen watches was Holland and that the thieves more than likely hawked Westwood’s merchandise on the

⁸⁰ *The Champion and Weekly Herald*, 9 June 1839. The poor man had patented a type of protective iron shutter to prevent break-ins, used by the Duke of Wellington no less. *The Morning Post* noted the irony, commenting, “It is rather melancholy reflecting to find that the first inventor of additional means of preventing external aggression should himself be the first to find its insecurity.” *The Morning Post*, 11 June 1839.

⁸¹ MEPO 3/42, 8 June 1839. For the valuation of the goods, see the report of the coroner’s inquest in *The Times* on 8 June 1839.

Continent.⁸² As a result, officers with descriptions of the suspects were sent to “the docks, wharves and railroad stations to see if anyone with that description had gone from any of them.”⁸³ In July, the police received reports that a man had stolen a ship from Ramsgate and sailed to Boulogne. An officer was sent to investigate but concluded that the man had not been involved.⁸⁴

The final theory was revenge. Accomplices of William Reading, convicted and executed for a previous burglary at Westwood’s, were suspected of killing the watchmaker in reprisal. The police watched four men with known gang connections, including Reading’s brother and close friends, but this was also a dead end. Two final clues surfaced August 1839 and July 1840. In August, someone used one of the £20 notes stolen from Westwood in a teashop in the City. *The Charter* advertised a £50 reward to anyone with information. No one came forward. The following summer a creeper on the Thames came across watch parts for about thirty or forty watches and reported them to the police at Covent Garden. None of them were Westwood’s and the trail finally went cold.⁸⁵

Although it was the third unsuccessful murder investigation in two years, press coverage of the Westwood investigation was remarkably positive. The inquest jury was impressed by police diligence, even calling on Inspector Beresford personally to apologize that reporters had left the inquest before the jury praised police conduct. The jury also sent a letter of approbation to the commissioners

to express their best thanks to Superintendent Baker to Inspectors Beresford and James and generally to the officers who were engaged in the above inquiry for the zeal promptitude and efficiency displayed and for the very great attentions and

⁸² *The Times*, 8 June 1839. Holland had long been a favourite destination for stolen property. J.M. Beattie, *Crime and the Courts in England, 1660-1800* (Princeton: Princeton University Press, 1986), 164.

⁸³ MEPO 3/42, 8 June 1839.

⁸⁴ *The Morning Post*, 22 July 1839.

⁸⁵ *The Times*, 27 July 1840.

assistances afforded on this most distressing occasion and for their efforts (though unsuccessful) to discover the diabolical perpetrators.⁸⁶

The press, too, lauded the police. After nearly a week unsuccessfully investigating the case, *The Times* praised Inspector Beresford and Sergeant Otway who were “unremitting in their exertions to obtain some clue to the murders and the recovery of the property” even though “their efforts had failed of success.”⁸⁷ Until now, the police had been unable to trace the killers in three brutal killings. Although the Davis, Grimwood and Westwood cases were clear investigatory failures, the police exhausted all immediate avenues of inquiry including clues discovered years later. The press seems to have respected these exertions and not been unduly critical. Following John Templeman’s murder, however, goodwill towards the police began to wane.

Templeman was an older gentleman and landlord living in a cottage in Pocock’s fields Islington. He was braggart and boasted a little too freely to his neighbours about the £50 notes he kept at home. On Monday March 16, 1840 he collected rent from his tenants, amounting to roughly £6. Later that evening, somewhere between midnight and 3 am someone entered his cottage, tied him to a chair, blindfolded him and beat him to death.⁸⁸ Every drawer in the house was forced open and the small box containing his precious £50 notes emptied.⁸⁹ The main suspect was Richard Gould, an army deserter and general lay about who lived close by. The inquest cast suspicion on Gould because, in the days preceding the murder, he complained about being broke, yet was flush when police searched his lodgings after the murder. Gould had also recently – and damningly – asked

⁸⁶ MEPO 3/42, 7 June 1839.

⁸⁷ *The Times*, 10 June 1839. Not everyone was happy, however. Hannah Pritty, the Westwoods’ former maid, went to Marlborough street police court in late August 1839 to complain that the police were “making incessant inquiries of her.” She feared that constant police harassment would cause her to lose her job and “she was in danger of starvation.” The magistrate said there was nothing he could do to help her and, *The Champion and Weekly Herald* reported, “the poor woman left the office shedding tears.” *The Champion and Weekly Herald*, 25 August 1839.

⁸⁸ It was a brutal beating. The police found three of Templeman’s teeth on the floor near the body.

⁸⁹ *The Times*, 19 March 1840.

a friend to borrow lock-picking tools, saying he would “serve” an old man who lived nearby. He also failed to account for a new pair of shoes, money found on his person, and coins hidden in his privy. Coins found on him matched the value of coinage stolen from Templeman’s premises.⁹⁰ Although there was plenty of evidence against him, Gould was acquitted of the murder at the Old Bailey two weeks later, the result of testimony from defense witnesses who muddied the water.

The police and local magistrates were unhappy with the verdict and met shortly after the trial to determine whether Gould might still be charged with theft. By that time, however, Gould was already in Gravesend about to sail to Australia. The commissioners sent Sergeant Otway to retrieve him. Otway tricked Gould into coming back to London by telling the thief that, if he could pin the murder on an accomplice, he would be entitled to the government’s £200 reward for useful information about the crime. Gould knew he could not be tried for murder twice and accompanied Otway back to London for his £200, or so he thought. After giving a full confession to the magistrate at Bow Street, Gould was informed that, as an accessory to both the robbery and the murder, he was not only barred from taking reward money but would also be charged with burglary. At this, Gould cried foul play. Otway, he said, had promised him immunity. Otway denied this, claiming he only told Gould that he was immune from another homicide prosecution, but had said nothing about the burglary. Either way, Gould recanted his confession, saying he had only given it to get the reward money. The magistrate chose to believe Sergeant Otway, though *The Times*’ reporter felt that Gould’s confession was unfounded. Gould was charged, tried and convicted of burglary in June 1840. The judge sentenced him to transportation for life but decided “to add to it still heavier punishment, which was, that he be sent to a penal colony there to pass the remainder of his existence in hopeless slavery, poverty, and misery of the worst description.”⁹¹ It was a small victory for the police.

⁹⁰ *The Times*, 31 March 1840.

⁹¹ *The Times*, 12 and 13 May 1840, 23 June 1840; OBP: t18400615-1696, “Richard Gould.”

In the month between Gould's acquittal for murder and conviction for burglary, Lord William Russell – younger brother of the Duke of Bedford and uncle to Colonial Secretary Lord John Russell – was murdered in bed, by his valet, at his home at No. 14 Norfolk Street, Park Lane.⁹² The Russell Murder, as it came to be called, shocked London society. François Courvoisier had killed Russell by slitting his throat while he slept.⁹³ Knowing Courvoisier to be guilty but lacking evidence to prove it, the police appear to have planted a pair of bloodied gloves to implicate him.⁹⁴ The police commissioners adamantly denied this when questioned about it by the home secretary and, although Courvoisier ultimately confessed and was hanged for his crime, allegations of police corruption and evidence tampering lingered.⁹⁵

Sarah Mancer, Russell's housemaid, woke early the morning of the murder to find that the main floor of the townhouse ransacked. She called Courvoisier, the valet, and told him the house was burgled. Courvoisier first went downstairs to check the valuables, then went upstairs to wake his master. Both he and Mancer discovered Russell, whose throat had been slashed so deeply as to nearly decapitate him.⁹⁶ The police interviewed the five servants Russell employed: valet, cook, housemaid, coachman and groom. All swore that

⁹² Russell had been Wellington's aide-de-camp at Waterloo and seems to have been "[a] respected if undistinguished member of a family noble since the 16th century." David Mellinkoff, *The Conscience of a Lawyer* (St. Paul: West Publishing Co., 1973), 17.

⁹³ Most homes in Victorian London hired some form of domestic help and employers placed a great deal of trust in their servants. One pamphlet published after the Russell murder exhorted employers to choose their domestics carefully and especially cautioned against employing foreign servants. HLS MS 4487, Item 2, *Remarks on the Recent Murders in London of Hannah Brown, Eliza Davis, Eliza Grimwood, Mr. Westwood, Mr. Templeman and Lord William Russell showing The Present Undefended State of Human Life in the Metropolis, with Suggestions for the Prevention of Such Atrocious Crimes for the Future* (1840), 11. I would like to thank Allyson May for alerting me to the existence of this collection. Foreign murderers were not a new bogeyman. Many believed the Ratcliffe highway murders to have been committed by a foreign seaman. Radzinowicz, *English Criminal Law*, vol. I (London: Stevens & Sons, 1948), 319.

⁹⁴ The gloves, along with two bloodied handkerchiefs and a white shirtfront without sleeves, were found in Courvoisier's trunk. This discovery was made a week after the murder was discovered and after police officers had searched the trunk *five* separate times. Mellinkoff, *Conscience of a Lawyer*, 35.

⁹⁵ MEPO 3/44, 25 June, 1840.

⁹⁶ The medical examiner testified that the wound was "extend[ed] from the shoulder on the left side round to the trachea. It was about seven inches in length, and about four or five inches deep near the shoulder, dividing the vessels and the trachea." *The Morning Chronicle*, 7 May 1840.

they had heard nothing in the night and that all the doors had been locked. The police report from the following day indicates that the house was in disarray but only rings from his Lordship's room, several pins, a gold watch and seals, and fourteen pieces of silver cutlery were missing.⁹⁷ The police searched the servants' rooms but found none of the stolen property. When they searched the kitchen they found that the door had been forced open, but tool marks indicated the door had been broken from the inside.⁹⁸ The inquest sat the same day under Mr. Higgs, the deputy coroner for Westminster, and found a verdict of willful murder against person or persons unknown.⁹⁹

The police originally suspected Russell's former valet, who had left service five weeks before the killing (Courvoisier was a recent replacement), but the old valet's new employer, the Earl of Mansfield, vouched for him. Officers also investigated another former valet, a man named Bernard, who was heard referring to Lord William Russell as "that damned old rascal," but that line of inquiry also came to nothing.¹⁰⁰ Having failed to find suspects outside the house, the Metropolitan Police again turned the investigation to the current servants. The house had been turned over without anyone hearing anything (and silver plate being thrown around would have made quite a din) and the back door was broken open from the inside. All this, one police report surmised, was "no doubt for deception."¹⁰¹ Inspector Beresford testified at Bow Street that there was "a studied and false appearance of housebreaking violence" about the scene.¹⁰² This was only evidence of a theft, however, and not conclusive proof of Courvoisier's involvement in the murder.

⁹⁷ Most of these items were later found hidden behind the sink and in the wall of the butler's pantry. For a detailed timeline of the discovery of the murder and investigation of the crime scene, see Mellinkoff, *Conscience of a Lawyer*, chapters 1 and 2.

⁹⁸ MEPO 3/44, 7 May 1840. This fact, indicating that the 'break-in' was really a 'break-out', implied that the perpetrator(s) was a servant.

⁹⁹ *The Times*, 7 May 1840.

¹⁰⁰ MEPO 3/44, 7 and 24 May 1840.

¹⁰¹ MEPO 3/44, 7 May 1840.

¹⁰² *The Morning Chronicle*, 11 May 1840.

What the police needed was something covered in blood, and this they found in Courvoisier's portmanteau one week after the murder was committed. It was sufficient evidence to send him to trial at the Old Bailey, which took place over three days in mid June.

The discovery of the bloody gloves so late in the investigation, and at a point when the police were desperate for evidence connecting Courvoisier to the crime, was highly suspicious. The examining magistrate at Bow Street and Courvoisier's solicitor, Mr. Flower, thought so too. They grilled Inspector Tedman about why the prisoner's portmanteau was not locked after its initial examination on May 6. Anyone could have slipped incriminating evidence into the box during the week between the initial search and the discovery of the gloves. In fact, another constable had looked through the portmanteau on May 13 and found two handkerchiefs with blood on them, but no gloves. Officers examined the box on May 6, 9, 13 and 14 and only found bloody garments on the last two searches. Before the Grand Jury at the Old Bailey considered the indictment, the judge cautioned them about the gloves. Courvoisier was taken into custody on May 10, but the gloves were only found on the 14, so "It was but a justice to the prisoner in the investigation of the murder to keep in view the date on which the gloves were found."¹⁰³ Questions about the fortuitous appearance of the gloves were posed again at trial. Inspector Pearce faced repeated questions by Courvoisier's counsel about his initial search of the accused's belongings. Pearce argued that, although he had taken out the contents of Courvoisier's trunk, he had not unfolded any of the shirts. Inspector Tedman *had* unfolded the shifts in the initial search, but only discovered the bloody gloves later, during a reexamination, when he shook them out.¹⁰⁴

The press – following the case closely – accused the coroner, the government and the police of mismanagement. The first to come under fire in the papers was the coroner. On May 11 *The Morning Chronicle* reprinted an article from *The Examiner* censuring the

¹⁰³ *The Morning Chronicle*, 16 June 1840.

¹⁰⁴ OBP: t18400615-1629, "François Benjamin Courvoisier."

coroner for a poorly run inquest. Why had the coroner not questioned the discrepancies in Mancer and Courvoisier's testimony about whether there was a cloth over the deceased's face when they found him? No one had asked Courvoisier whether the door was locked after him when he stepped out for a beer on the evening before the murder. Could not someone have sneaked in and hid in the house? The witnesses were also never asked whether a knife was missing from the house or whether there was any evidence of the perpetrator trying to clean the blood from their hands or person. Even the surgeon bungled his investigation. In addition to the slash to the throat, part of Russell's thumb had been cut off in the process. The surgeons missed that injury when they examined the body. All in all, the paper concluded, "if its [the inquest's] object had been to avoid the discovery of the assassin, its proceedings would have been most skillfully conducted for the purpose." The only person to emerge unscathed was Inspector Beresford, whom the paper credited with "acuteness of observation" for his discovery that the break-in was really a break-out.¹⁰⁵

London's newspapers became increasingly critical of the police during the Russell murder. The murder of the colonial secretary's uncle attracted significant press attention, which only exacerbated the evidence-tampering scandal.¹⁰⁶ Criticism swung quickly from the inquest to the police investigation, indicating that expectations about whom – coroner or police – was responsible for a homicide investigation were in flux. Following the discovery of the gloves there were no more accolades for the police. A letter to the editor printed in *The Morning Post* on May 19 railed against the "improbability of detecting the perpetrator from the nature of the constitution of the police." Five murders, the writer thundered, had been "committed in London with impunity and without detection" over the last several years. If the police were so inefficient, why not, he

¹⁰⁵ *The Morning Chronicle*, 11 May 1840.

¹⁰⁶ In August 1844 the police commissioners declared that an experienced officer was "responsible for every proper step being taken" in murder cases and prohibited any officer from entering a homicide crime scene without express orders from the superintendent and without "reporting to him every circumstance that comes to their knowledge." MEPO 7/9, 28 August 1844.

suggested, replace them with the Coldstream guards, who would cost half as much?¹⁰⁷ The papers also emphasized differences in how the police handled Templeman's and Russell's cases. Had not the government offered a significant reward (£200) for information about Russell's killer and did Richard Mayne not personally attend the crime scene?¹⁰⁸ Poor Mr. Templeman received no such treatment. *The Times* accused the Whigs of "scandalous apathy" towards the *hoi polloi*. Why had the government not initially offered a reward for information relating to Templeman's death? They ultimately did (although as we have seen, this was likely just a ruse to get Gould to confess his involvement in the burglary) but only after they had rolled out the cavalry for the Russell investigation. There is truth to these criticisms. Commissioner Mayne arrived at Russell's home shortly after the crime was discovered and took an active part in the investigation – but there is no evidence that he ever set foot in Templeman's Islington home. Whatever their reservations about the perfunctory inquest or police corruption, the committing magistrate, grand jury and trial jury all agreed that the evidence against Courvoisier was sufficient; he was found guilty of murder and executed in June 1840.¹⁰⁹

Two out of the four sensational murder cases examined thus far involved low status women. Yet only a quarter of a century earlier the Earl of Dudley famously – and confidently – stated that the occasional murder of social non-entities was a fair price to pay to be free of centralized policing. Clearly opinions had changed by the 1830s and neither murder, regardless of the victim's social standing, nor inefficient policing were acceptable in the metropolis. The press made this abundantly clear during the investigation of the final murder in the Metropolitan Police District before the creation of a detective police. The victim was Jane Jones, a laundress, found dismembered in a Putney stable on April 3, 1842.

¹⁰⁷ *The Morning Post*, 19 May 1840.

¹⁰⁸ The Russell family offered an additional £200 and the government an additional £50 for the stolen goods. Mellinkoff, *Conscience of a Lawyer*, 27.

¹⁰⁹ William Makepeace Thackeray wrote about watching Courvoisier's hanging in "Going to See a Man Hanged," *Fraser's Magazine* Vol. 22 (August 1840).

On May 9, 1842, before a packed audience at the Old Bailey, London's Central Criminal Court, Daniel Good, a coachman from southwest London, was tried for the murder of Jane Jones.¹¹⁰ The witnesses for the prosecution described a story by then well known in the newspaper press as the 'Roehampton Murder'. The police were lucky to have brought Good to trial so swiftly, given that the discovery of the crime and the apprehension of the suspect were due to the diligence of civilians, not policemen. The case altered the paradigm of policing Europe's largest city; after a bungled investigation and public outcry, an official Detective Department was created within the Metropolitan Police to investigate serious or complex crimes.

The Good case was not the only story of violent death in the press that spring: between April and June one murderer was executed in Salop, seventeen men died in a coal-pit explosion outside Manchester, a policeman in London was murdered, a husband murdered his wife, John Francis attempted to assassinate Queen Victoria, and another colliery explosion killed seven.¹¹¹ As one of several incidents of death in the press, why did the Daniel Good case capture such attention? The case highlighted tension between public expectations of police efficiency and the reality that the Metropolitan Police were not sufficiently equipped to investigate complicated murders.

The first indication that Good intended to murder his wife came at least three weeks before the murder when he promised his mistress, Susannah Butcher, that she could have his wife's old clothes.¹¹² He then told Jones he found her a job as a housekeeper at a gentleman's lodge and she gave her landlady notice that she would not be returning after April 4. These details were suspicious only in retrospect and no one, Jones included, suspected anything was wrong. On Sunday April 3, the night before Jones began her new job as a housekeeper, she arranged for a neighbour to take care of her son, Daniel Good Jr., because her husband did not want their son to tag along. Jones left home mid-

¹¹⁰ *The Times*, 14 May 1842.

¹¹¹ *The Era*, 1 January 1843.

¹¹² Butcher believed that Good's wife was dead. Good and Jones were not married, but she had been living as his wife and caring for his son for at least three years. OBP: t18420509-1705, "Daniel Good."

afternoon on April 4 to meet Good near Hammersmith Bridge, where they were seen walking together by a witness. The two walked towards Barnes, where the publican at the Coach and Horses saw them together around 4 pm. At 4:30 pm the two proceeded to Mrs. Hester's, a friend of Good's in Roehampton, where they had tea. Hester accidentally let slip that Good had a mistress and the couple argued. They were still quarrelling when they arrived at the King's Head pub in Roehampton around 7 pm. From their initial meeting at Hammersmith Bridge, the two worked their way to Roehampton, where Good worked as a coachman for Mr. Quelaz Shiell. Shiell was an East India Merchant who lived on Putney Park lane in Roehampton and Good lived on the property above the stables. Shiell's cook testified that Good arrived back home on Sunday night between 7:30 and 9:30 pm, and that she saw him again for breakfast the following morning. Jones's landlady was certain that Jones never returned home that night or any other. Sometime on that Sunday night between the King's Head public house and Shiell's property, Good murdered Jones.

The next morning (Monday), Good went back to Jones's house to pick up her clothes and told the landlady that he needed to extend the rent another two weeks so that he could sell her mangle. Good then pawned some of Jones's clothes around the corner. That afternoon Good told Daniel Jr. that Jones had gone into service and that the boy would not see his mother again for some time. He then took the child to Putney with him for the night. On Tuesday morning Shiell's under-gardener John Houghton smelled something burning in the stables. Good told him that he was only toasting some cheese to help cure a hangover and Houghton left it at that.¹¹³ The cook reported that Good came to breakfast filthy on Tuesday morning and she sent him away to clean himself up, but no one suspected anything unusual. On Wednesday April 6, Good took his son to Woolwich to visit Susannah Butcher. He told his son to call Susannah 'mother', gave her Jones's clothes and promised to bring her Jones's mangle. Around 8:30 pm Good and his son stopped at Mr. Collingbourne's pawnshop in Wandsworth where he purchased a pair of knee

¹¹³ *The Era*, 10 April 1842. Fires in the harness room were common in wet weather, especially springtime, to keep the harnesses dry.

breeches on credit and, while leaving the store, stole a pair of trousers. When Collingbourne confronted Good about the shoplifting, Good denied the charge and drove off back to Putney. Collingbourne reported the theft to police constable William Gardiner, who, assisted by two local men, proceeded to Shiell's to investigate the allegation.

Although some witnesses at his trial recalled behaviour that now seemed suspicious, no one at the time suspected Good of any crime. He provided Jones's landlady, Susannah Butcher and his son with plausible explanations for Jones's whereabouts. Although witnesses observed that Jones was upset on Sunday, it is unclear whether or not she believed she was going into service or whether she did so willingly. What is certain is that no one suspected that Jones was dead until her body was discovered. Had Good not committed larceny that evening, it is uncertain if Jones's body would ever have been discovered. She would simply have been counted among the anonymous missing of the city's transient population.

Constable Gardiner arrived at Shiell's shortly after 9 pm on Wednesday to question Good about the stolen trousers and was directed to the stables. Gardiner entered in the company of two young men from the locality and the gardener. Thus confronted, Good again denied shoplifting but tried to pay Gardiner for the trousers. Gardiner left one of the local lads to watch Good while he searched the stables. During his search, he noticed a pig under some hay. At that moment, Daniel Good ran out of the stables and locked the constable, two young men, and the gardener inside.¹¹⁴ Unable to break down the door, the group returned to examine the stall and discovered that what Gardiner noticed was not a pig, but a female torso. This shock prompted a renewed, and successful, effort to break down the stable door. After escaping, Gardiner sent a runner to locate the nearest policemen. Shortly after, constables Hayter and Tye appeared; Hayter searched the immediate neighbourhood for Good, while Tye took one of Mr. Shiell's ponies and rode

¹¹⁴ There are discrepancies in the timing of these events. *The Times* reported that Good stole the trousers at 8:30 pm in Wandsworth, close to Putney. *The Times* 8 April 1842. Good locked the investigators in the stables around or after 9 pm. An undated police memorandum states that they were locked in at 9:30 pm, while Superintendent Bicknell's report on April 21 records it as 10:30 pm. See MEPO 3/45, 21 April 1842.

to the nearest police station. Around 11 pm Tye returned with Superintendent Bicknell and Inspector Busain.¹¹⁵ At this point, Sergeant Palmer discovered charred bone fragments in an adjacent harness room, clear evidence that Good had been in the process of burning the remains of his victim. After this, Superintendent Bicknell ordered a Route to be sent to all other police stations with Good's description.¹¹⁶ Good locked the officers in at around 9:30 pm, the Route was sent out at 11:15 pm and took until 4:00 am to reach every police station within 60 miles.

The police made a concerted effort to search for Good. They contacted local cab drivers to determine his movements after his escape. They also contacted his mother and his legal wife for clues. Local superintendents were instructed to watch all travellers by coach, railway or boat and Good's description was sent to all seaports. Surveillance was also kept up on Good's mother and Susannah Butcher, lest he should try to contact them again.¹¹⁷ The police also contacted the constabulary in East Sussex, where Jones lived before moving to London with Good.¹¹⁸ Many superintendents ordered their men into plain clothes to begin the manhunt. Superintendent Bicknell ordered Sergeant Golding into plainclothes and the sergeant determined that Good had returned to Jones's house early that morning but had left again in a cab. He managed to trace Good as far as the Spotted Dog pub in the Strand.¹¹⁹ In Southwark, Constable George Tew was put into plain clothes to trace Good, while another two constables were seconded to the Eastern Counties railway and to the Steam Wharfs "to prevent his [Good's] escape from those

¹¹⁵ Inspector Busain's report states that they arrived at 10:45 pm, while he stated during the trial that he arrived at 11:15 pm. See MEPO 3/45, 16 April 1842; OBP: t18420509-1705, "Daniel Good." Superintendent Bicknell recalled that they arrived at 11 pm. See MEPO 3/45, 16 April 1842.

¹¹⁶ MEPO 3/45, 16 April 1842. A Route was a way to communicate information between stations quickly in the years before the telegraph. Martin Fido and Keith Skinner, *The Official Encyclopedia of Scotland Yard* (London: Virgin Books, 1999), 226. The police reports in the Daniel Good case are excellent surviving examples of how Routes were transmitted.

¹¹⁷ MEPO 3/45, undated report.

¹¹⁸ MEPO 3/45, 15 April 1842.

¹¹⁹ MEPO 3/45, undated report.

places.”¹²⁰ Constable Tidmarsh remained at the railway terminus until Good was apprehended ten days later. Another sergeant was put in plain clothes to make enquiries around Covent Garden.¹²¹

Police inquiries at local pubs, Good’s habitual haunts and the homes of family and friends ultimately came to nothing. The police arrested Good’s mother Mary for receiving, harbouring and maintain him, although she was later found not guilty at the Old Bailey.¹²² Good was ultimately apprehended ten days later in Tonbridge, Kent, where he was posing as a bricklayer. By sheer coincidence, Thomas Rose, a former police constable from Wandsworth, was living in Tonbridge and working at the same facility. Recognizing Good from his days on the beat and having heard about the murder in the news, he reported Good’s whereabouts to the local police. Good was apprehended and brought back to London.¹²³

2.5 The Backlash

Jones’s murder was the sixth gruesome murder in five years and confidence in the police was at a startling low. Even though Good was convicted and executed, what infuriated the press was that the discovery of the crime and the apprehension of the murderer happened by chance. Jones’s body was only found while the police investigated an unrelated crime and Good’s arrest in Kent was mere happenstance. While Good was still at large, a *Times* article identified the case as the last in a long line of mishandled murder investigations:

The conduct of the metropolitan police in the present case, as in those of the unfortunate Eliza Grimwood, Lord William Russell, and others, is marked with a looseness and want of decision which proves that unless a decided change is made

¹²⁰ MEPO 3/45, 21 April 1842.

¹²¹ MEPO 3/45, 21 April 1842. For a discussion of plainclothes policing, see chapter 5.

¹²² OBP: t18420509-170, “Mary Good.”

¹²³ *The Times*, 19 April 1842.

in the present system, it is idle to expect that it can be an efficient detective police, and that the most desperate offender may escape with impunity.¹²⁴

Although the commissioners tried to defend the professionalism of their police, the press was irate. Not only had Good locked a constable in a barn for over an hour, he had returned to Jones's house and spent the night there unmolested. He left at 5 am on Monday morning, four and a half hours before the first policemen arrived to search the premises.¹²⁵ The *Morning Advertiser* felt that arresting Good's mother was a stunt to make it seem like the investigation was making progress. Taking an old woman into custody failed to impress:

The secret of the matter appeared to be, that the police, feeling annoyed at the slovenly manner in which the case has been managed, as well as their own almost culpable negligence in permitting the murderer to escape, were determined to apprehend some person as a sort of flash in the pan, and have fixed upon 'Old Molly'.¹²⁶

Strikingly, the Metropolitan Police's poor record of murder investigations seems to have partially rehabilitated the reputation of the Bow Street Runners. Although the Runners did not specialize in murder investigations in London, *The Times* nonetheless praised their detective ability and castigated the Met for "the want of that tact and ability as a detective police displayed on all occasions by the old Bow-street officers."¹²⁷

The cases of Eliza Davis, Eliza Grimwood, Richard Westwood and John Templeman would not have been linked to those of Lord William Russell or Jane Jones had the police not made critical mistakes investigating the latter two. Press reports and police evidence

¹²⁴ *The Times*, 11 April 1842.

¹²⁵ MEPO 3/45, undated report.

¹²⁶ *Morning Advertiser*, 18 April 1842.

¹²⁷ *The Times*, 28 April 1842. No one seems to have remembered that, at the end, it was not "tact and ability" that distinguished the Runners in the press. Beattie, *First English Detectives*, 250.

demonstrate that protocol was followed in each of the first three cases. Accusations of corruption and incompetence in the investigations of Russell's and Jones's murders, however, caused the press to glance backwards to find similar cases. An 1840 pamphlet entitled *Remarks on the Recent Murders in London* lamented, "There have been six most atrocious murders committed within the last four years, and only one of them has yet been traced."¹²⁸

It is also significant that the press, keeping earlier cases fresh in readers' minds, picked up developments in the older cases. The Davis, Grimwood and Westwood murders made headlines three years in a row, garnering extensive press coverage. Davis's case ran from May until July 1837, Grimwood's June and July 1838, and Westwood's from June to August 1839. In 1840, Templeman's case received coverage from March until June, with Russell's case overlapping in May and June. The following month, Westwood's case was again in the press. By the time Jones was murdered in April 1842, the previous five murders had received fourteen months' press coverage, not including coverage after the main investigation. The Russell murder occurred in the midst of the investigation into Templeman's murder, right between Gould's acquittal for murder and his trial for robbery. Gould's arraignment at Bow Street in April 1840 occurred the same day as Courvoisier was examined – in fact, Gould was brought to the dock shortly after Courvoisier vacated it.¹²⁹ Courvoisier's conviction for murder occurred on June 20, while Gould was convicted of burglary three days later.

¹²⁸ The pamphlet refers to an additional murder, that of Hannah Brown in 1836 (Courvoisier had not yet been identified as the culprit before the publication of the pamphlet). Brown's dismembered body was found in a bag in the Edgware road in late December 1836 and her head was discovered a week later, gruesomely, by a Regent's Canal lock keeper because it was blocking the gates of the lock. Her fiancé, James Greenacre, and his girlfriend, Sarah Gale, were tried and convicted of Brown's murder at the Old Bailey in April 1837. In Brown's case, the writers noted, Greenacre "was not discovered till after a reward had been offered, and that the discovery was due to the brother and other friends of the poor victim, rather than to the Police." HLS MS 4487, Item 2, *Remarks on the Recent Murders in London of Hannah Brown, Eliza Davis, Eliza Grimwood, Mr. Westwood, Mr. Templeman and Lord William Russell showing The Present Undefended State of Human Life in the Metropolis, with Suggestions for the Prevention of Such Atrocious Crimes for the Future* (1840), 3; OBP: t18370403-917 "James Greenacre, Sarah Gale."

¹²⁹ *The Times*, 12 May 1840.

Public disapproval in the wake of the Jones débâcle rattled the police commissioners. They sent Home Secretary Sir James Grey a long memorandum defending the police investigation. They were especially piqued by claims that Bow Street's men were superior investigators. Bow Street's methods were notorious, they argued, and "the results do not show that they were successful where the Police had failed, or that the public gained additional security from the skill or means of information they were supposed to possess." In London, they explained, the police had to deal with exponential amounts of moveable wealth, much of it easily stolen, and to investigate crimes without trampling individual rights. "Regard for personal liberty" might compromise efficiency, but it was the English way. The commissioners did, however, concede that it might be advantageous to establish a detective force within the Met. Eight men would be sufficient, but the commissioners wanted them to be a separate body to prevent interfering with regular police duties.¹³⁰ On August 23, 1842 they submitted the names of the eight men (two inspectors and six sergeants) chosen for detective duty, to began work immediately.¹³¹

Haia Shpayer-Makov has argued that 1842 represents a shift in the culture of law enforcement rather than a change in policing techniques.¹³² I do not disagree with this assessment, but would suggest that the shift in culture was more superficial than Shpayer-Makov allows and that the influence came from outside rather than developing within. It also had much to do with the timing of the murders discussed above. When the commissioners wrote to Sir James Grey suggesting the creation of a detective force, they chose men who had typically undertaken investigative functions before. Many had been involved in the very investigations that led to the creation of the Detective Department. They were the same men wearing different hats.¹³³ The only real difference was that

¹³⁰ HO 45/292, 14 June 1842.

¹³¹ HO 45/292, 23 August 1842.

¹³² Shpayer-Makov, *The Ascent of the Detective*, 2.

¹³³ There was also continuity from Bow Street in the early years of the Detective Department. See chapter 3.

these men were officially detached from their divisions and worked full time at police headquarters in Scotland Yard. So, in a sense, the creation of the detective force in 1842 was more about a perceived shift in the institutional culture of the police than a real one, although there certainly was some change. Yet perception was important and the commissioners' admission that detective policing was a necessary component to London's police apparatus went a long way to appease the public. It was a reorganization born of public criticism and, at least initially, given the minuscule number of men detached for detective duty, a nominal one.

2.6 Conclusion

Property crime drove change in the English criminal justice system from the Bloody Code and Bow Street to the establishment of the Metropolitan Police. It is surprising, then, that murder, a crime that occurred relatively infrequently, had such a significant impact on the development of London's police.¹³⁴ The coroner had always investigated murder and it was never made explicit that the new police should take on this responsibility. Indeed, no one, including Home Secretary Peel, Police Commissioners Mayne and Rowan or anyone involved in the drafting of the Metropolitan Police Act seems to have thought about how the police were to interact with London's coroners. Unsurprisingly, this led to frequent jurisdictional conflicts and a good deal of animosity between the two groups that lasted until mid century.

The new police had little formal investigatory training and high turnover among recruits meant that it was difficult to retain men long enough for them to gain experience.¹³⁵ In this climate, the police were unlucky to have had six high-profile murder investigations in as many years and a newspaper establishment hungry for crime news. London's papers supported the police during their investigations into Davis's, Grimwood's and Westwood's murders and recognized the difficulty of tracing suspects. The mood shifted

¹³⁴ In 1842, for example, murder and manslaughter were 0.64 per cent (21 cases) of Old Bailey prosecutions while theft comprised 86.3 per cent (2,834 cases). OBP Statistics.

¹³⁵ See chapter 3.

noticeably after Russell's murder. The slapdash inquest and allegations that the police planted evidence overwhelmed newspaper editors' earlier tendency to give the police the benefit of the doubt, causing them to approach murder investigations more critically. The accusatory tone of reporting that accompanied the Jones investigation reflected this change. Crime reporting was a substantial part of metropolitan daily and weekly papers and the press happily publicized murders and police investigations for their readership. The heightened attention on an already strained Metropolitan Police exacerbated the situation and, by linking all six cases, the London press created a scandal that might not otherwise have arisen. Faced with public disgrace, Mayne, Rowan and Home Secretary Grey had little option but to satisfy the public with a token detective force to specialize in complicated investigations.

As the following chapters will show, the Detective Department, which began life as a response to public criticisms of the Metropolitan Police, quietly took on a life of its own. Its officers were respected and many became household names. They were championed by the likes of Charles Dickens and Wilkie Collins, who based characters in *Bleak House* (1853) and *The Moonstone* (1868) on Scotland Yard men.¹³⁶ The popularity of these detectives helped rehabilitate the Metropolitan Police after a brief but intense period of public criticism. As an investigatory group, the Met's first detectives became indispensable to the police commissioners and the Home Office as a flexible group of experts who could be deployed within London and throughout England. These men and their working lives are the subject of the following chapter.

¹³⁶ Haia Shpayer-Makov discusses police detectives and the fictional characters they inspired in *The Ascent of the Detective*, chapter 6.

3 A Detective Police for London: Personnel and Practice

Police Commissioners Richard Mayne and Charles Rowan drew their detectives from the uniform ranks, although there were some notable exceptions hired from outside the force. On the whole, the men who staffed the new Detective Department were better educated than the average metropolitan policeman and had the opportunity, through better pay and frequent monetary rewards for good conduct, to attain a better standard of living than their contemporaries. Most had lengthy careers in the Metropolitan Police and many became household names, rising through the ranks to coveted leadership positions in the detective and uniformed branches of the service. Detectives used rudimentary forensics during their investigations because advanced techniques, such as fingerprinting, were not invented until later in the century. Instead, detectives relied heavily on information gathering to solve cases. Thefts, for example, were routinely solved by locating stolen property at pawnbrokers and tracing suspects backwards from there. Visual recognition was also vital and detectives had much success tracking down suspects already known to them through previous offences.

This chapter presents, for the first time, a comprehensive analysis of the working lives of Metropolitan Police detectives in the early and mid-Victorian period. Little has been written about the career trajectories of the Met's first detectives and references to detectives from this early period are scattered throughout official documents.¹ Using a combination of government records, court transcripts, newspapers and secondary literature, I have compiled a list of sixty-nine men who served in the Detective Department between 1842 and 1878.

¹ What literature does exist is dated and the information contained within unverifiable. See, for example, Douglas Browne, *The Rise of Scotland Yard: A History of the Metropolitan Police* (Westport: Greenwood Press, 1973 (reprint of the 1956 edition)); Belton Cobb, *Critical Years at the Yard: The Career of Frederick Williamson of the Detective Department and the C.I.D.* (London: Faber and Faber, 1956) and *The First Detectives and the early career of Richard Mayne Commissioner of Police* (London: Faber and Faber Ltd., 1957); Sir Ronald Howe, *The Story of Scotland Yard: A History of the C.I.D. from the earliest times to the Present Day* (London: Arthur Barker Limited, 1965); Basil Thomson, *The Story of Scotland Yard* (New York: The Literary Guild, 1936).

3.1 The First Detectives

In August 1842 the men specially selected for the Detective Department began work at Scotland Yard, the Metropolitan Police's head office located at No. 4 Whitehall Place. Only the commissioners, clerical staff and central detectives worked there while all other policemen worked out of stations located in their respective divisions. 4 Whitehall Place earned the epithet Scotland Yard because the building backed onto Great Scotland Yard, which itself was named for the former Palace of Whitehall, once used by Scottish royalty visiting England before it burned to the ground in the seventeenth century.² In the Victorian period, Great Scotland Yard was "a small – a very small – tract of land, bounded on one side by the river Thames, on the other by the gardens of Northumberland House: abutting at one end on the bottom of Northumberland Street, at the other on the back of Whitehall Place."³ In the early nineteenth century the small yard catered to the coal heavers who worked at the wharves but increasingly up-market traffic provided by the Metropolitan Police head office and the expansion of parliament after 1832 gentrified Great Scotland Yard. Dickens described the transition in *Sketches by Boz*, lamenting the replacement of the tavern by vine vaults and the pie maker with a jeweler.⁴

The new detective recruits – Inspectors Pearce and Haynes and Sergeants Gerrett, Thornton, Whicher, Goff, Shaw and Braddick – were a remarkably small group for a city teeming, as London was in the nineteenth century, with wealth and people. The city's population was less than one million in 1800, but grew by 330,000 in the 1840s, "a staggering 17 per cent of London's total population."⁵ While population exploded, so did

² Martin Fido and Keith Skinner, *The Official Encyclopedia of Scotland Yard* (London: Virgin Books, 1999), 234.

³ Michael Slater, ed., *The Dent Uniform Edition of Dickens' Journalism: Sketches by Boz and other Early Papers 1833-39* (Columbus: Ohio State University Press, 1994), 65.

⁴ Slater, *Dickens' Journalism*, 65-69.

⁵ Roy Porter, *London: A Social History* (London: Penguin Books, 1994), 248-9.

national income, which “more than trebled” between 1850 and 1914.⁶ The minuscule size of the Detective Department (no more than thirty were ever employed at one time until 1878) reflected continued ambivalence among senior police and government officials about the use of detectives. Although undercover police work was hardly unknown in England, public stigma against such ‘continental’ methods ensured that the new department remained small.⁷

Rowan and Mayne selected their new detectives from among serving Metropolitan Police officers. The first detectives had experience investigating crimes or were thought to be able to learn this skill quickly. Gerrett, Goff, Thornton and Shaw had been involved in investigating the murders leading up to the creation of the detective force.⁸ A degree of continuity with London’s earlier detective force is also evident: Nicholas Pearce began his career in London law enforcement in 1825 as a Bow Street Officer. He subsequently joined the Metropolitan Police, earning coveted promotions to sergeant and then inspector during the 1830s. As a police inspector in Whitehall division, Pearce was a senior officer in the Westwood, Courvoisier and Good murder investigations. His experience working for Bow Street and more than twelve years as a Metropolitan Police officer made him an excellent choice to oversee the new detective force.⁹ John Haynes, a police inspector from Camberwell, joined Pearce at the helm of the new department. Like

⁶ V.A.C Gattrell, “The Decline of Theft and Violence in Victorian and Edwardian England,” in *Crime and the Law: A Social History of Crime in Western Europe Since 1500*, eds. V.A.C. Gattrell, Bruce Lenman and Geoffrey Parker (London: Europa Publications, 1980), 238-337 and 240.

⁷ For a discussion of undercover policing in London outside the Detective Department, see chapter 5. An analysis of Continental policing and the enduring English stigma against spies can be found in chapter 6.

⁸ Gerrett worked for Pearce during the hunt for Daniel Good while Goff was the officer who responded at the Grimwood crime scene. Joan Lock, *Dreadful Deeds and Awful Murders: Scotland Yard’s First Detectives 1829-1878* (Taunton: Barn Owl Books, 1990), 68. Thornton and Shaw’s work on these cases is discussed below.

⁹ When Pearce left the Detective Department in 1844 to become superintendent of Covent Garden division, his replacement was inspector Joseph Shackell, also a former Bow Street Officer. Shackell had served in the Metropolitan Police in Whitehall (A) division before becoming a gaoler at Bow Street in 1834 and subsequently a Principal Officer between 1836 and 1839. Pearce had been a patrolman. David J. Cox, *A Certain Share of Low Cunning: A History of the Bow Street Runners, 1792-1839* (Cullompton: Willan Publishing, 2010), 224 and fn. 27 on the same page.

his colleague, Haynes had been with the Metropolitan Police since the early 1830s and had ample experience as a senior officer.¹⁰ Both men had been inspectors in their divisions for at least two years before being chosen to oversee the Detective Department.

The commissioners drew their new sergeants from Whitehall, Holborn, Lambeth, Greenwich and Covent Garden. The range of divisional experience ensured that the new detectives possessed expert knowledge of central London and the South Bank. Of the six initial detective sergeants, only half seem to have enjoyed long-term careers in the Detective Department. Gerrett lasted four months and Goff just over a year while Braddick managed to stay on for two years. Gerrett resigned in December 1842 and was replaced by Sergeant George Vickers from Whitehall. Goff was demoted and sent back to uniform duty; Braddick also went back into uniform.¹¹

Stephen Thornton, Jonathan Whicher and Frederick Shaw, on the other hand, made the Detective Department their life's work. All three joined the police in the 1830s and worked together in Holborn division before Rowan and Mayne handpicked them for detective duty. Holborn was a notoriously dangerous part of town and those who called it home were more than likely to merit a visit from the men in blue. Mayne himself admitted that it was police policy that the wealthy neighbourhoods of "Belgrave-square and Grosvenor-square are really watched in Whitechapel, Saint Giles's, the Mint, and the bad neighbourhoods."¹²

Thornton's illustrious career in the Metropolitan Police ended only with his death in 1861, after nearly two decades as a detective. He began treading the pavement in Holborn and was subsequently promoted to sergeant. He was part of the teams investigating

¹⁰ He was very good at catching horse thieves. Lock, *Dreadful Deeds*, 68. Haynes had been a chemist and druggist before joining the police. This background helped him in at least one case to identify evidence of "bitter aloes, nutmegs, isinglass [and] Prussian blue" in a defendant's house. OBP: t18430612-1964, "James Lovell."

¹¹ The reason for Goff's demotion and Braddick's return to uniform are not given. MEPO 7/8, 17 December 1842 (Gerrett); MEPO 21/2 (Goff).

¹² *Minutes of Evidence for the Committee to Inquire into the System of Police* (1868), 8.

Robert Westwood's murder in 1839 and Daniel Good's escape from the police in April 1842. He was assigned to tail Mary Good and her associates and was also involved in searching her house. Thornton worked under Nicholas Pearce on the case and Thornton's discreet surveillance of Mary Good and her accomplice may have caught the eye of senior officers. By the 1850s, Thornton was a detective inspector. He coordinated and oversaw detective work among uniformed policemen, notably the periodic use of plainclothes patrols at fairs, races and other public events.¹³ Thornton, with his "ruddy face and high sun-burnt forehead," was a trusted government emissary; he and his colleague Sergeant Jonathan Whicher were sent to investigate Chartist agitation in West Yorkshire in June 1848.¹⁴

Thornton ascended the ranks with Whicher, another bright young man. Whicher was labourer from Camberwell who also worked as a beat constable in Holborn division, from where he and Thornton were plucked for detective duty in late summer 1842.¹⁵ Both men were senior detective officers by the 1850s. Like Thornton, Whicher coordinated plainclothes police patrols in London and undertook investigations outside the metropolis. Most famously, he was involved in the investigation of Samuel Kent's 1860 murder, also known as the Road Hill House Murder.¹⁶ The police commissioner and home secretary had great confidence in his abilities and he was chosen to consult with the Russian government on behalf of the English government in 1862. He and another officer traveled to Russia to help the Russian government reorganize the police force in Warsaw

¹³ For examples, see MEPO 7/16, 9 June 1854; MEPO 7/19, 29 May 1858; MEPO 7/21, 1 June and 2 July 1860. See, also, chapter 5.

¹⁴ HO 65/13, 4 June 1848. This description of Thornton is from Dickens's *Household Words*, 13 July 1850.

¹⁵ Kate Summerscale, *The Suspicious of Mr. Whicher: A Shocking Murder and the Undoing of a Great Victorian Detective* (Vancouver: Raincoast Books, 2008), 44-45.

¹⁶ The victim in the case was three-year-old Saville Kent, the infant son of a local factory inspector. The press condemned Whicher for accusing the Kent's teenage daughter Constance of the crime. His reputation suffered considerably as a result, although he was exonerated following her confession five years later. *Daily News*, 26 April 1865. The confession was widely reported throughout England.

along English lines.¹⁷ Back home, Whicher scrutinized candidates for naturalization and denization for the Home Office; his fact-finding skills were helpful in verifying the background and character of applicants and their references.¹⁸ He was also mentor to one of the most successful of the Met's detectives, Adolphus Williamson, who later became the first Chief Superintendent of the CID.¹⁹ Whicher's career is an excellent example of the upward mobility that the Detective Department offered its members. As a young police constable in the 1830s, he would have earned around 25s per week. Once promoted to the Detective Department in 1842 his salary increased to over 30s. By way of comparison, nearly thirty years later a First Class Sergeant in uniform received only 28s per week, and that only after a recent pay hike.²⁰ On retirement in 1864, he was given a pension of £133.6.8 per annum.²¹ It was the highest pension awarded in the Detective Department during the 1860s. Other offices' retirement allowances ranged between £46 and £70. It was a successful career in public service for the son of a market gardener.

Frederick Shaw, "a little wiry Sergeant of meek demeanour and strong sense," joined the police in 1830 and served alongside Thornton and Whicher in Holborn.²² In 1840 he was transferred to Greenwich, from where he would be recruited as a detective sergeant in 1842. He was with Pearce during the Westwood investigation and was also part of the investigating team on the Courvoisier case in 1840. He testified at some length at Courvoisier's trial about his involvement in the investigation – Shaw had been the one to discover Lord William Russell's locket hidden under the hearth in the butler's pantry.

¹⁷ James Thomson reported to the 1878 Departmental Committee that this had been a difficult task because "they found the customs so very different." *Report of the Departmental Commission appointed by the Secretary of State for the Home Department to inquire into the State, Discipline, and Organization of the Detective Force of the Metropolitan Police* (1878), 69.

¹⁸ See chapter 6.

¹⁹ MEPO 7/40, 6 April 1842.

²⁰ *Minutes of Evidence taken before a Committee Appointed to Inquire into the System of Police at the Home Office, Whitehall* (1868), 54-55.

²¹ MEPO 7/25, 19 March 1864.

²² *Household Words*, 13 July 1850.

Defense counsel, as noted above, had been concerned that the police planted evidence. Clearly, Shaw's reputation within the force was untainted by this association, as he was promoted to sergeant just two weeks before Courvoisier stood trial at the Old Bailey.²³ Pearce, Haynes, Thornton, Whicher and Shaw comprised the first wave of career detectives at Scotland Yard. They each had long and successful careers and trained subsequent generations of detectives, many of whom would go on to be senior public officials.

A glance at police reports in London newspapers indicates that the new detectives were very active during their first few months on duty. Thornton had chased a jewel thief to Dublin and brought him back to face justice at Bow Street magistrates' court.²⁴ Two weeks later Thornton reappeared, this time at Marylebone, along with Inspector Haynes. The case was, *The Times* wrote tactfully, "of a most extraordinary and delicate nature." The accused, Alice Lowe, had been living clandestinely with Viscount Frankfort de Montmorency as his mistress. Although the terms of their 'agreement' precluded their appearance in public together, Frankfort was clearly happy to provide her with bespoke clothing and jewellery. Lowe stayed with him for several months before absconding with valuable jewellery and other items. By Lowe's third presentment at Marylebone, boisterous spectators clamoured to get in forcing Frankfort to flee through back entrance to escape the "crowd of from 200 to 300 persons."²⁵ The stolen property was located through pawnbrokers' tickets found at Lowe's apartment. Thornton's testimony before the magistrates emphasized the lawfulness of his arrest, indicating that he identified himself as a policeman (this would not have been obvious since detectives did not wear uniforms) and told her the reason for her arrest.²⁶ Although Lowe was acquitted at the

²³ OBP: t18400615-1629, "François Benjamin Courvoisier." Shaw's promotion is in HO 65/13, 2 June 1840.

²⁴ *The Times*, 15 September 1842. The detective located the stolen property at a local pawnbroker, a common detective tactic in theft cases.

²⁵ *The Times*, 17 October 1842.

²⁶ *The Times*, 1 October 1842.

Old Bailey, Haynes and Thornton exerted much energy tracking the stolen property and ferreting out Lowe's hiding place "by making inquiry."²⁷

The Times was also impressed with the young Sergeant Whicher, applauding him for "conduct[ing] the case with great skill" when he apprehended a watch thief. This was especially noteworthy because the theft occurred in August 1841, over a year before Whicher became involved in the investigation.²⁸ Inspector Haynes appeared at Bow Street in early December to give evidence against cheque-forgery William Brady. Haynes searched Brady's lodgings and found a "bank book, [and] a book of blotting paper, on which was an impression of the cheque in question." After comparing the handwriting in the bankbook with the prisoner's, Haynes sent Sergeant Shaw to arrest Brady, who was convicted of fraud and sentenced to fourteen years' transportation.²⁹

A man who was shortly to join the Detective Department, Sergeant Edward Langley, also appeared in the paper that fall, bringing fraud charges against William Dell at Queen's Square police court in October. Dell's fraud of choice was to order expensive goods on behalf of wealthy Londoners for whom he claimed to work. He would then snatch the goods from the errand boys sent to make the deliveries. Dell was committed for trial and the magistrate complimented Langley "for the attention and ability he had shown in the course of the prosecution, and directed that the greatest allowance should be made to him for expenses."³⁰

The commissioners had, on the whole, chosen their new detectives well. In this short time they demonstrated talent at tracking stolen property, locating incriminating evidence and arresting suspects. Praise for their conduct in court indicates that they also knew how to present evidence in court and were courteous and professional before the bench. Their

²⁷ OBP: t18421024-2814, "Alice Lowe."

²⁸ *The Times*, 2 December 1842.

²⁹ OBP: t18430102-455, "William Brady."

³⁰ *The Times*, 14 October 1842. Dell was found guilty at the Old Baily and sentenced to seven years' transportation. OBP: t18421024-2929, "William Dell."

investigatory skill and public deportment demonstrated, even at this early date, that undercover detective work was neither a threat to civil liberties nor an infringement on personal rights.

3.2 Career Trajectories

Personnel records for the sixty-nine detectives who served in Scotland Yard's Detective Department between 1842 and 1878 are scattered and sparse.³¹ This explains why this detective force has received so little comprehensive scholarly attention.³² Complete career data is available for only thirty-three men, although partial information exists for all but five.³³ The statistics in the following section cover the period from September 1842 until April 1878, bracketing the years between the foundation of the Detective Department and its reorganization into the Criminal Investigation Department (CID) in April 1878.

3.2.1 Recruiting Detectives

As of August 1842, the home secretary and police commissioners committed to the necessity of a detective division. Small in size as that division was, its officers quietly proved their worth. How would the Detective Department develop over time and how would future detectives be recruited? Promotional prospects in the Metropolitan Police – and the associated possibilities for social mobility – were “limited but possible” in the

³¹ No aggregate data on detective personnel exists for this period. If it did, it has been lost. The author compiled this list from Metropolitan Police and Home Office records as well as references from secondary literature. These statistics represent the names available to the author at the time of writing. It does not include policemen who went undercover on an *ad hoc* basis or divisional detectives.

³² A discussion of detectives as employees appears in Haia Shpayer-Makov's *The Ascent of the Detective: Police Sleuths in Victorian and Edwardian England* (Oxford and New York: Oxford University Press, 2011), chapters 2 and 3, which contain valuable information about recruitment, training, pay and socio-economic status. Although she stretches her analysis back to 1842, most of the examples in the text and the statistical data on which she bases her analysis are from after 1878, a later period than this thesis considers.

³³ By complete career data, I mean, at minimum: the number of years spent in uniform, the number of years spent as detectives and their reason for leaving the force (demotion, resignation, death or retirement). Where only partial data exists about a detective, I have included the number of years I could positively say they were members of the detective force, whether or not their date of joining or leaving is recorded. For those detectives who remained in the force when it became the CID in 1878, I stopped counting their years as detectives in that year. They are represented in Figure 3 as “Still Serving.”

nineteenth century.³⁴ Shpayer-Makov has calculated the promotional possibilities of (uniformed) Metropolitan policemen between 1869 and 1914, concluding that constables expected to wait at least five years before being promoted sergeants.³⁵ Although the Metropolitan Police force as a whole grew considerably from around 3,300 in 1830 to nearly 9,000 in 1868, the glut of constables in the force meant that only so many could progress.³⁶ In the 1860s the Met had one Chief Superintendent, 26 superintendents, 253 inspectors, 951 sergeants and 7729 constables, making roughly eight constables for every sergeant.³⁷ Subdividing ranks into first, second and even third classes gave the illusion of upward mobility within a single rank without actually accelerating promotional possibilities between ranks. Set periods had to elapse before promotion was considered and most recruits were unlikely to ascend past sergeant.³⁸ All hiring from the position of superintendent down to constable was internal and only the most senior officers were appointed from outside. Detectives were drawn from the same pool of men recruited into the Metropolitan Police more generally. Officially, this meant fit and literate men from labouring backgrounds who were at least five foot nine in height and under thirty-five years of age. Clive Emsley's research indicates that most recruits were from labouring or trade backgrounds or were agricultural workers.³⁹

Men suitable for detective work received recommendations from their superintendents, but the final decision lay with the commissioners.⁴⁰ When policemen were promoted

³⁴ Haia Shpayer-Makov, *The Making of a Policeman: A social history of a labour force in metropolitan London, 1829-1914* (London: Ashgate, 2002), 213.

³⁵ Although five years was the minimum, the majority waited nine years. Shpayer-Makov, *The Making of a Policeman*, 199 and 208.

³⁶ Clive Emsley, *The Great British Bobby: A History of British Policing from the 18th Century to the Present* (London: Quercus, 2009), 39

³⁷ *Minutes of Evidence for the Committee to inquire into the System of Police* (1868), 168 and 6.

³⁸ Shpayer-Makov, *The Making of a Policeman*, 199 and 211-212.

³⁹ Clive Emsley, *The English Police: A Political and Social History* (London: St. Martin's Press, 1991), 178-181.

⁴⁰ Shpayer-Makov, *The Making of a Policeman*, 191; Shpayer-Makov, *The Ascent of the Detective*, 96.

from uniform duty to detective, they were expected to have adequate knowledge of the criminal law, their divisions, and of any techniques that would be useful to them. Since all (save a very few) members of the Detective Department were hired from within the uniform branch, the same initial hiring and training techniques applied to detectives as uniformed policemen.

Training in the Metropolitan Police was typically done on the job, and this was no different for detectives. New police recruits were expected to pass drill instruction and memorize the instruction manual in their preparatory class. They were also taken to police courts to see how cases were conducted and, importantly, to learn how to give evidence.⁴¹ Assistant Commissioner Colonel D.W. Labalmondiere felt that drawing detectives and senior officers from the ranks was a fruitful policy:

I think that a previous acquaintance with Police duties, with the limits of the power intrusted [sic] to a Constable, and the assurance that a man has habits of industry and sobriety, and a due control of his temper, are strong points in favour of the selection being made, as a rule, from men serving in the Police.⁴²

Walter Andrews, who joined the Detective Department in 1875, felt similarly. “[M]y experience as a constable,” he told an 1878 Departmental Commission, was “of great assistance to me as a detective officer, because it taught me the routine of police duty, and the kind of evidence which is required to be given in a police court, and how to go about my business.”⁴³ Police service in uniform was the preferred training ground for detectives.

Once promoted to the Department, new detective recruits were subject to a short probationary period, ranging from three to six months, although this was flexible and

⁴¹ *Minutes of Evidence for the Committee to inquire into the System of Police* (1868), 168 and 14.

⁴² *Minutes of Evidence for the Committee to inquire into the System of Police* (1868), 168.

⁴³ *Report of the Departmental Commission* (1878), 48.

depended upon the alacrity and adroitness of the recruit.⁴⁴ There was no instruction manual for detective work. Both senior detective officers and their superiors felt that developing detectives was an organic process, better accomplished through job shadowing. A new detective recruit would typically attach himself to a veteran officer to get a feel for the job. Once the probationary period elapsed, senior detective staff would determine whether the recruit had distinguished himself. If so, he would be made a full detective; if not, he would be sent back down to the divisions. By the 1860s the probationary period was extended for some men. Nathaniel Druscovich was made a temporary detective police sergeant in October 1863 but only made permanent in May 1866. Similarly, John Meiklejohn was temporarily transferred to the Detective Department from Finsbury in 1867 but had to wait until the spring of 1869 to receive his permanent detective stripes.

It is rather unclear what specific detective skills were required for new detective recruits, although some are more obvious than others. Williamson described the ideal detective candidate as one with “good education, a man of observation, a man of tact, and a man of perseverance.”⁴⁵ He also thought “intelligence” and “natural aptitude” were important qualities.⁴⁶ What Williamson, who had attended Hammersmith Grammar School, considered a ‘good education’ was probably a good deal more rigorous than most of his contemporaries could hope to achieve. At an urban grammar school, Williamson would have received a classical education focusing on Latin, Greek, French and German as well as arithmetic, English grammar and geography.⁴⁷ He was the son of the Hammersmith police superintendent and his father could easily afford to send his son to school with the sons of other middle-class Londoners. After graduation Williamson became a clerk for the Royal Ordnance and the Metropolitan Police before formally joining up as an officer.

⁴⁴ *Report of the Departmental Commission* (1878), 2 and 23.

⁴⁵ *Minutes of Evidence for the Committee to inquire into the System of Police* (1868), 282.

⁴⁶ *Report of the Departmental Commission* (1878), 2.

⁴⁷ Richard Aldrich, *School and Society in Victorian Britain: Joseph Payne and the New World of Education* (New York and London: Garland Publishing Inc., 1995), 13, 28 and 39.

Many policemen would have received a rudimentary education at Sunday school or in a small dame or fee-paying private school. Most working-class children in the 1850s remained in school for only two years before beginning their working lives. The education of those who stayed longer was hampered by the poor quality of instructors and school facilities and only a very few might achieve sufficient literacy to work as clerical assistants.⁴⁸

Basic literacy was a necessity for detective work. Detectives wrote endless reports to keep the commissioners abreast of investigations. This was especially important when inquiries took them outside London. Most detectives seem to have been comfortable writing reports, many of which ran for pages, on a regular basis. Literacy became more pressing after the government introduced Civil Service exams in the 1850s.⁴⁹ In the face of these requirements, candidates for detective could sometimes be exempted from the exams “on the ground of special qualifications for detective duties.” The home secretary usually only granted these exemptions for divisional detectives and illiteracy among central detectives was rare.⁵⁰ One exception to this rule was inspector Daniel Davey. When Davey received his promotion to inspector in 1875, Commissioner Henderson requested that he be excused from the educational examination and Home Secretary Sir Richard Assheton Cross agreed “on the ground of his special qualifications for Police duties.” It is not clear what those were, but given Davey’s later work in extradition cases it was more than likely his foreign language skills had attracted attention.⁵¹

⁴⁸ Alec Ellis indicates that, even when children could read basic passages, they had limited comprehension of what they were reading. Alec Ellis, *Education our Masters: Influences on the Growth of Literacy in Victorian Working Class Children* (Brookfield: Gower Publishing Company, 1985), 41, 68-69, 92 and 103.

⁴⁹ These became more rigorous by the 1870s. Shpayer-Makov, *The Making of a Policeman*, 200.

⁵⁰ Divisional Detectives (created in 1869) seem to have been able to bypass this stage if they were “specially qualified for detective duties,” although what these qualifications were is never explained. For example, see HO 65/33, 26 April 1875; HO 65/34, 11 April 1876; HO 65/35, 16 May 1876; HO 65/38, 11 April 1878.

⁵¹ HO 65/34, 13 October 1875. There is also suggestion that John Shore was wanting in literacy. Belton Cobb, *Critical Years at the Yard*, 186.

Foreign languages were a boon to a prospective hire. Detective police work would often take policemen to the Continent, especially to extradite prisoners to and from other countries.⁵² The Detective Department boasted men who could speak German, Greek, Italian and Russian, although French was the most common second language among them. These language skills were also in high demand for the translation of documents. In November 1876 Home Secretary Cross congratulated the Detective Department for translating important information needed by the Treasury solicitor to prosecute a case at the Old Bailey. Always with an eye on the bottom line, Under-Secretary Henry Selwin-Ibbetson wrote to Mayne that

in this, as in other cases, great assistance has been rendered by the Detective Department at Scotland Yard under Mr. Superintendent Williamson, especially in reference to the accurate translations from the German, which were necessary in the case, and which were furnished by that Department, thus saving expense to the Crown.⁵³

Inspector Charles Von Tornow, who became a detective in the early 1870s, worked in a similar capacity, translating evidence from German to English in preparation for a trial in 1879.⁵⁴ Having several – preferably high-profile – arrests under your belt also brought possible recruits to the attention of senior officers. Andrew Lansdowne was promoted to detective after catching a highway robber and a housebreaker.⁵⁵

⁵² See chapter 6.

⁵³ HO 65/35, 6 November 1876. Punctuation original.

⁵⁴ OBP: t18791215-114, “Vincent Yankowski, Albert Yankowski, Theophile Dombrowski, Maria Seymour, Annie Gibbard.”

⁵⁵ Andrew Lansdowne, *A Life's Reminiscences of Scotland Yard* (New York and London: Garland Publishing Inc., 1984; Originally published: London: Leadenhall Press, 1890), 6.

3.2.1.1 Outliers

The commissioners hired seven men straight into the Detective Department from outside the police service (see Figure 1).⁵⁶ This was highly irregular. The Metropolitan Police hired internally for all but the highest supervisory positions. Labalmondriere argued that hiring men who had no police experience was, on the whole, unwise. Yet, “I do not affirm,” he told a committee in 1868

that it is altogether inexpedient to admit persons to this Department who have not previously served in the police, because there may be men peculiarly qualified for this service outside the Force.⁵⁷

Detectives were expected to be intelligent, trustworthy, independent individuals with above average education and, if possible, fluent in at least one foreign language. Because Metropolitan Police recruitment norms favoured brawn over brains, fresh blood from outside the police services was periodically necessary to bolster detective numbers.⁵⁸ Labourers, tradesmen and lads from the counties were unlikely to suit. As Detective Superintendent Williamson put it in 1878, “I do not think that an agricultural man is quite the class of man that we want for the superior order of detectives.” To find the class of men he was looking for, men who were “of some education ... some intelligence, and ...

⁵⁶ Shpayer-Makov counts six men, those who are mentioned in Williamson’s testimony before the 1878 Committee. I count John Hitchens Sanders, making seven, among these men because he had only been in the police a brief time in 1850 before quitting and reapplied directly to the Detective Department in 1851. There may also have been an eighth man, another Sanders, mentioned by Williamson in his 1878 testimony. I have not included him in any of these calculations, nor as one of the sixty-nine men of the Detective Department, because I can find no additional corroboration for his existence. I do not believe he could be John Hitchens Sanders, famous for his surveillance of foreign refugees in the 1850s, because Sanders was a successful detective who died of apoplexy 1858, while Williamson describes the man he means as a drunk who committed suicide. There is one detective Sanders mentioned in a police report in Home Office Records in 1877 as receiving a promotion in Inspector. It is also possible Williamson made a mistake in his testimony. *Report of the Departmental Commission* (1878), 4-5.

⁵⁷ *Minutes of Evidence for the Committee to Inquire into the System of Police at the Home Office* (1868), 168.

⁵⁸ Haia Shpayer-Makov, “Becoming a Police Detective in Victorian and Edwardian England,” *Policing and Society* Vol. 14, No. 3 (2004): 256. See also Shpayer-Makov, *The Ascent of the Detective*, 82-83.

of some shrewdness and perseverance, and honesty,” it was sometimes necessary to look beyond police stables.⁵⁹

The first man drawn from outside the ranks was John Hitchens Sanders.⁶⁰ He was fluent in French, married to a Frenchwoman and had lived in France. He was hired as a detective constable for a probationary period in 1851 and was made a detective sergeant later that year. Between 1851 and his death in 1858, Sanders monitored the activities of foreign refugees, especially French ones, in England and the Channel Islands. Following Louis Napoleon’s December 1851 coup many French refugees fled to Jersey, where they remained particularly active.⁶¹ Sanders spent much time travelling between London and Jersey so that he could keep the government informed about any dangerous activities. He became an indispensable source of information to General Love, the Governor of Jersey, who lamented that Sanders routinely had to return to London. Love pleaded with the Home Office in September 1855 to let Sanders stay a while longer, for “to recall him at this moment would be to deprive me of some very important information relative to the conduct of the French Refugees, which through his aid I am alone enabled to obtain.”⁶² Sanders rose quickly. When the Detective Department added another inspectorship in 1856, he beat five other candidates for the promotion.⁶³ His career would probably have continued to soar had he not died suddenly in August 1859.⁶⁴ After Sanders’s death, the commissioners hired a Frenchman named Lavite, who did not last long due to ill health.

⁵⁹ *Report of the Departmental Commission* (1878), 4.

⁶⁰ Sanders had joined the police briefly in 1850, but left. When he re-applied to the police he was brought on directly as a detective. Bernard Porter, *The Refugee question in mid-Victorian Politics* (London and New York: Cambridge University Press, 1979), 151.

⁶¹ Caroline Emily Shaw, “The British, Persecuted Foreigners and the Emergence of the Refugee Category in Nineteenth-Century Britain,” *Immigrants & Minorities* Vol. 30, No. 2-3 (2012): 254.

⁶² HO 45/6188, 28 and 29 September 1855.

⁶³ HO 65/20, 8 January 1856.

⁶⁴ His death was particularly ill timed because he was in the process of gathering French witnesses to testify at Barnard’s trial in London for the latter’s part in the Orsini Plot. See chapter 6.

Little is know about him, except that he seems to have joined the force around 1857 or 1858 and retired in 1861 after a protracted illness.⁶⁵

James Jacob Thomson, the third man hired from without the force, quickly distinguished himself in the Metropolitan Police.⁶⁶ Even Labalmondriere, a devotee of internal recruitment, had to admit that Thomson was “[a] very prominent and excellent Officer.”⁶⁷ Thomson had briefly been a Met policeman in 1856, but left to serve as an officer in Devonshire and Hampshire. When he returned to the Metropolitan Police in 1862, he immediately entered the Detective Department as a sergeant.

Thomson’s language skills were extraordinary, especially considering that many Metropolitan Police constables were functionally illiterate at this time.⁶⁸ He spoke French, Italian and, unusually, Greek.⁶⁹ His talents were especially useful when Mayne met with Russian officials about reorganizing the Warsaw police force. Russian correspondence came through in French and, given the sensitive nature of the discussions, translation was entrusted to the recently re-instated Thomson.⁷⁰ Thomson was an active officer and his progress through the ranks was swift. Many of the cases he investigated were high profile, which no doubt contributed to his success. In July 1863 Earl Spencer rewarded Thomson and his colleague, Detective Sergeant Beard, for helping to uncover and prosecute two extortionists who had threatened to accuse Spencer of a crime if he did not pay. One of the perpetrators was sentenced to twenty years’ penal servitude, although his accomplice was acquitted. Thomson received £15 from the

⁶⁵ MEPO 7/22, 9 August and 23 November 1861.

⁶⁶ Thomson’s name as been variously spelled Thompson and Thomson, so I take the spelling used by him on his pension form in MEPO 21/18.

⁶⁷ *Minutes of Evidence for the Committee to Inquire into the System of Police* (1868), 168.

⁶⁸ Shpayer-Makov, *The Ascent of the Detective*, 69.

⁶⁹ *Minutes of Evidence for the Committee to inquire into the System of Police* (1868), 302.

⁷⁰ MEPO 2/23, 29 July 1862. See chapter 6 for a discussion of the Detective Department’s involvement with the Warsaw police.

grateful earl and a further £2.2s. from the prosecution solicitors for helping develop the case.⁷¹

Thomson was promoted to detective inspector in record time. Fourteen months after his return to the force, he became one of the senior officers of the Detective Department and continued to earn his keep. He led a team of sixteen men to investigate a major burglary in Manchester. The theft took place on May 26, 1866, when Charles Batt, Charles Leeson, and William and Thomas Douglas stole £10,000 worth of stamps from a safe in the Manchester Stamp Office. The government was involved in the investigation from the beginning and immediately sent Thomson to Manchester. After three months, he found two of the suspects in a betting ring in Doncaster and arrested them.

The prosecution put Thomson on the stand to explain the technicalities of safe breaking to the jury. He showed them the tools he found in the Douglas's apartment and demonstrated how drills and wedges were used to force open the safe door. Another witness, a London toolmaker named Cohen, reinforced Thomson's testimony. When defense counsel argued that the tools Thomson presented to the court "might be used for an honest purpose," Cohen backed Thomson: "taken together," he asserted, "they could not be."⁷² For coordinating the investigation in Manchester, London and Doncaster, Thomson received an immense £70 reward, the lion's share of £200 awarded by the Hon. R.E. Howard, Distributer of Stamps in Manchester, to the seventeen London policemen involved in the case.⁷³ 1867 was a good year for Inspector Thomson, who was enjoying significant professional and pecuniary success as a London detective.

His ascent continued over the next few years. Thomson, as well as the rest of the Detective Department, received commendation for his work detecting Fenian

⁷¹ This was a significant sum, given that detective inspectors' annual salaries were around £200, over three times the average adult man's wage in the 1860s. Shpayer-Makov, *The Ascent of the Detective*, 111. MEPO 7/24, 17 July 1863. Trial is at OBP: t18630713-858, "James Mills, George Peacock Smith."

⁷² *Manchester Times*, 15 December 1866.

⁷³ MEPO 7/29, 25 March 1867.

conspiracies in 1867/68. Thomson accepted a £10 gratuity for “gallant and courageous conduct in the apprehension of the notorious Fenian Richard Burke, charged with Treason Felony.”⁷⁴ He also found time to exonerate a man convicted as a sheep stealer, earning a silver-plated tobacco case from friends of the vindicated man.⁷⁵ In May 1869, just seven years after entering the Detective Department as a sergeant, Thomson was promoted to Detective Chief Inspector and his salary increased to £250 a year.⁷⁶ Thomson’s meteoric rise culminated in his promotion to superintendent in July 1869. He was given the stewardship of Holborn division, a post previously held by another former detective, Nicholas Pearce. Holborn had recently been amalgamated with the now defunct Covent Garden division, so Thomson’s new mandate was to police some of the most notorious turf in London.⁷⁷ He never abandoned his detective instincts and still worked cases outside London when the Home Office or Commissioner required.⁷⁸ He remained Holborn’s superintendent until his retirement in 1887.⁷⁹ Sanders and Thomson were unqualified successes, so far as outside hires went.

Edwin Coathupe, a Met detective from 1863 to 1866, was the next man brought in from without the force. Unlike Sanders and Thomson, who had police experience, Coathupe had none. He was a surgeon from Bristol with a keen interest in detective work and applied directly to police commissioner Mayne for a job. Coathupe had no recorded foreign language abilities – the usual reason for hiring outside men – but was highly

⁷⁴ MEPO 7/29, 9 December 1867. See also chapter 5, section 5.7.

⁷⁵ MEPO 7/30, 21 December 1868. See also chapter 6, section 6.1.

⁷⁶ HO 65/8, 12 May 1869.

⁷⁷ When asked whether Holborn was “one of the roughest divisions in London,” divisional Detective Sergeant George Foster told the 1878 Departmental Commission “It is considered so; I find it very rough.” *Report of the Departmental Commission* (1878), 82.

⁷⁸ In the winter of 1871, for example, Thomson was “on duty in the country” for a lengthy period, requiring one of his subordinates to temporarily run Holborn division in his absence. MEPO 7/33, 25 February 1871.

⁷⁹ MEPO 21/18.

educated and had, according to Mayne, “detective tastes.”⁸⁰ The commissioner must have seen something in him, since, by his own admission, Coathupe stoutly “refused to join as a uniform man.”⁸¹ In his memoirs, Andrew Lansdowne remembered that Coathupe was particularly adept at catching pickpockets: “He seemed to have an instinct for that kind of thing.”⁸² Even before joining the police, Coathupe helped arrest several pickpockets in Regent Street; he and a police sergeant from St. James’s brought three young men to Marlborough Street police court in February 1863 for picking ladies’ pockets of £8. Coathupe, who was presumably out for a walk, was “watching the boys.”⁸³ Upon joining the Met, he was trained by Williamson and Whicher. A better pedigree could not be had. Whicher was already a seasoned detective and Williamson would go on to be, arguably, the most famous and certainly the most successful Scotland Yard Detective. Finding that he could not make ends meet as a detective, however, Coathupe left in 1866 to continue his medical practice.⁸⁴ He later reentered police service in Manchester and Bristol.⁸⁵

George Greenham was hired in 1869 as part of the augmentation of the Detective Department following an 1868 Departmental Investigation.⁸⁶ He was exceptionally well educated, having earned a degree in engineering from Vienna’s Polytechnic Institute.

⁸⁰ *Minutes of Evidence for the Committee to Inquire into the System of Police* (1868), 83.

⁸¹ *Report of the Departmental Commission* (1878), 176.

⁸² Lansdowne, *A Life’s Reminiscences*, 10.

⁸³ *The Times*, 6 February 1863. Coathupe is referred to as a surgeon in the report. He appears in the news on multiple occasions during his three years as a Metropolitan Police detective, usually for arresting pickpockets. See, for example, *The Times*, 19 November 1863, 11 February 1864, 22 February 1865, 6 April 1865, 6 February 1866, and 24 February 1866.

⁸⁴ “I found that I was virtually working for nothing,” he told the 1878 Departmental Commission, “and that I could scarcely exist upon the pay and carry out my duties thoroughly, and I could not afford to spend my own private resource, and so I gave it up and went back to my own profession.” *Report of the Departmental Commission* (1878), 176.

⁸⁵ Coathupe reapplied to Mayne in 1868. Mayne asked Coathupe whether rejoining the police was, in the commissioner’s words, “what he really wanted.” The former detective decided against returning to Scotland Yard. *Minutes of Evidence for the Committee to Inquire into the System of Police* (1868), 83. See also this chapter, section 3.2.7.

⁸⁶ Details on this expansion can be found in *Report of the Departmental Commission* (1878), iii.

Born in Italy, he was also fluent in Italian and French.⁸⁷ These language skills helped him work extradition cases where a unilingual officer would have struggled. Speaking before the 1878 Departmental Commission, he remembered that, as an outside hire, he had a difficult time proving his worth to fellow Yard men. “When I first joined I found it very hard work,” he explained. “I was really one of the first that were brought from the outside, and I found a tremendous amount of jealousy, and everybody was looking at me with distain, and was sneering at me.”⁸⁸ Greenham proved his worth to colleagues and superiors and graduated to detective inspector in early January 1877 (replacing Inspector Reimers, who was demoted to detective sergeant on Boxing Day 1876). After the creation of the CID, Greenham rose to the rank of Chief Inspector.⁸⁹

The final two outside hires were Adolphe Marchand, a commercial clerk, and James Henry Lambert, also an engineer. Both were more than likely hired to help with the work piling up as a result of the 1870 Extradition Act.⁹⁰ It is not clear why engineers were drawn to detective work or how their training made them suitable candidates. Most probably their advanced and specialized education made them thoughtful, initiative-taking problem solvers who could work independently. There was no handholding in the Detective Department.

3.2.2 Years of Uniformed Service

Since nearly all detectives came up through the ranks, knowing how much time they spent in uniform indicates how experienced detectives were as policemen when they began their new jobs (Figure 1). This information exists for thirty-two men, just less than half of the detectives employed in this period. The majority of new hires already had ample experience, having spent between nine and fourteen years in uniform. The

⁸⁷ Shpayer-Makov, *The Ascent of the Detective*, 70.

⁸⁸ *Report of the Departmental Commission* (1878), 34.

⁸⁹ MEPO 7/39, 8 January 1877.

⁹⁰ See chapter 6.

Detective Department only began hiring at the rank of sergeant, so new detectives were drawn from a body of men whose skill and leadership in the divisions had already advanced their rank. Promotion to sergeant in the Metropolitan Police was difficult. Constables were only eligible for promotion to sergeant after five years, and this was only possible if myriad other variables fell into place, including: a vacancy in the upper ranks, favourable references from senior officers, passing the Civil Service exam, a clear bill of health from the police surgeon and, finally, the commissioners' sanction.⁹¹

Men who spent fewer than nine years in uniform before they were plucked for detective service were the exception. Williamson had been in the police only two years before his promotion to detective in 1852. Nepotism must have played some part – Williamson's father was the superintendent of Hammersmith division. But Dolly, as he was affectionately known, was also an energetic and talented young man. He was educated at Hammersmith Grammar School and worked as a clerk for both the Royal Ordnance and the Metropolitan Police before formally joining up as an officer. Williamson's mentor, Jonathan Whicher was also hired early in his career – he joined up five years before he was chosen to be one of the Metropolitan Police's first detectives.⁹² Walter Andrews spent six years in uniform before joining the detective ranks. Like Whicher, his promotions to sergeant and detective were concurrent. He was an emergency hire because the commissioner needed to replace Sergeant Moon, who was demoted in June 1875.⁹³ Andrews was a plainclothes officer in Paddington for a year, giving him the undercover experience valued at headquarters.⁹⁴ His fellow detective George Littlechild had also been a policeman in Paddington, but for ten years. Like Andrews, Littlechild's

⁹¹ Shpayer-Makov, *The Making of a Policeman*, 199-201.

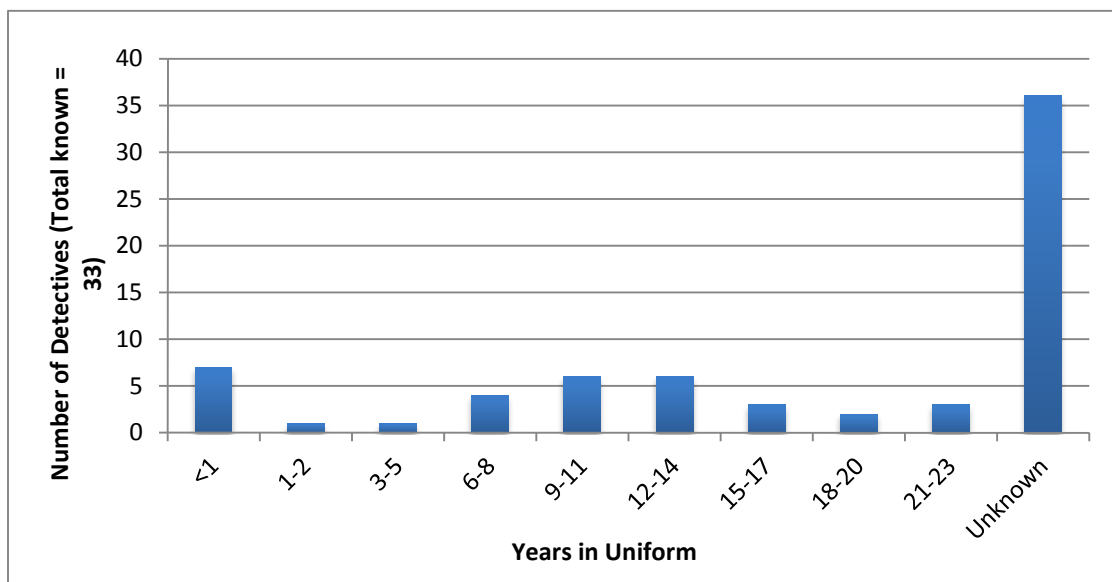
⁹² Fido and Skinner, *The Official Encyclopedia of Scotland Yard*, 287.

⁹³ MEPO 7/37, 7 June 1875 (Moon); HO 65/34, 15 November 1875 (Andrews).

⁹⁴ *Report of the Departmental Commission* (1878), 47.

superintendent specially selected him for plainclothes duty and he spent his time undercover detecting illegal betting houses and breaches of the liquor laws.⁹⁵

Figure 1: Years of police service pre-detective



Others spent far longer in uniform. Detective Sergeants Henry Lockyer, Samuel Gibbs, George Urben, William Henry Campbell and John Croome were only taken up to Scotland Yard after fifteen, eighteen, nineteen, twenty-two and twenty-three years respectively. Urben and Croom had been divisional detectives, which accounts not only for their promotion, since they were already skilled in undercover and surveillance work, but also explains why they remained in the divisions for so long. Divisional detectives were formally established in 1869 with the expansion of the detective function of the Metropolitan Police more generally.⁹⁶ As a result of their longtime divisional service, Urben and Croom spent less time in the Detective Department than men who joined earlier. Croom was pensioned after four years, Campbell after six, and Lockyer seven. Gibbs and Urben remained detectives after 1878, though they retired from the CID

⁹⁵ *Report of the Departmental Commission* (1878), 39.

⁹⁶ This new body consisted of 19 sergeants and 168 constables by 1878. *Report of the Departmental Commission* (1878), iv.

shortly after. By then Gibbs, still a detective sergeant, had worked at Scotland Yard for ten years and Urben, now a detective inspector, for seven.

Detective Inspectors Mulvany and Clarke also spent significant time in uniform before their promotions. Mulvany joined the police in July 1848 and trod the beat as a constable in Hampstead from then until August 1854, when he was promoted to sergeant. His progress from constable to sergeant took six years, while his promotion from sergeant to detective sergeant took ten. After that, progress was quicker. Mulvany was among those who had investigated the Manchester Stamp Office robbery under Inspector Thomson and was rewarded for his diligence.⁹⁷ After five years as a sergeant in the Detective Department he was promoted to detective inspector in 1869, along with several others in that year's expansion.⁹⁸ Mulvany might have moved up further in the ranks had he not become worn out and retired in 1873.⁹⁹ Clarke had an unusually long police career. He joined up at twenty-one in 1840 and spent the next twenty-two years as a constable, then sergeant, also in Hampstead. His career at Scotland Yard was sterling until his forced retirement in 1878 for his part in the Turf Fraud scandal.¹⁰⁰

3.2.3 Years of Detective Service

Of the sixty-nine detectives identified, we know how many years fifty-eight spent as detectives (Figure 2).¹⁰¹ Most men spent between one month and eleven years in the Detective Department, with the bulk of those serving between three and eight years. These figures only include the number of years detectives served between 1842 and 1878,

⁹⁷ MEPO 7/29, 25 March 1867.

⁹⁸ In 1869 the Detective Department added three inspectors and seven sergeants. *Report of the Departmental Commission* (1878), iii.

⁹⁹ MEPO 21/11.

¹⁰⁰ Chris Payne, *The Chieftain: Victorian True Crime through the Eyes of a Scotland Yard Detective* (Stroud: The History Press, 2011), 17. Although a somewhat hagiographic popular history of Clarke by a descendent, Payne's archival research is solid. For the Turf Fraud see chapter 7.

¹⁰¹ Where there is no recorded service length, I have included only the number of years a detective appears in my records. Thus, their years of service are likely more modest in my calculations than in reality.

so the careers of those who continued serving in the newly formed CID are abbreviated by these calculations.¹⁰²

Eleven men served for two years or less. Of these, five men can be taken out of the equation because they were either promoted or still serving in 1878. The first, Detective Inspector John Lund, was promoted out of the department in 1851 to be Superintendent of Camberwell division, where he remained until his retirement in 1858.¹⁰³ Inspector Nicholas Pearce was likewise promoted in 1844 to the superintendence of Holborn. Three others, detective sergeants Marshall, Robson and Smart, were still serving as detectives when the Detective Department became the CID. All had only recently been promoted, so their detective careers were just beginning by 1878.¹⁰⁴ Three other men who spent less than two years on duty were Sergeants Goff, Gerrett and Braddick. As we saw above, Goff was demoted within a month, Gerret resigned after four months and Braddick was also demoted. Sergeants Foley and Manners resigned from the police; Manners, worn out, received a gratuity of £63.14.0.¹⁰⁵ Sergeant Warne was fired and received nothing “for general bad conduct in the Detective Branch, and irregularity in the Section House,” though what irregularity he was guilty of is unspecified. Unmarried officers lived in section houses attached to local stations where, in the paternalist structure of the Metropolitan Police, senior officers could ensure that the young men in their employ avoided the temptations of metropolitan life, including excessive drinking and loose women.¹⁰⁶

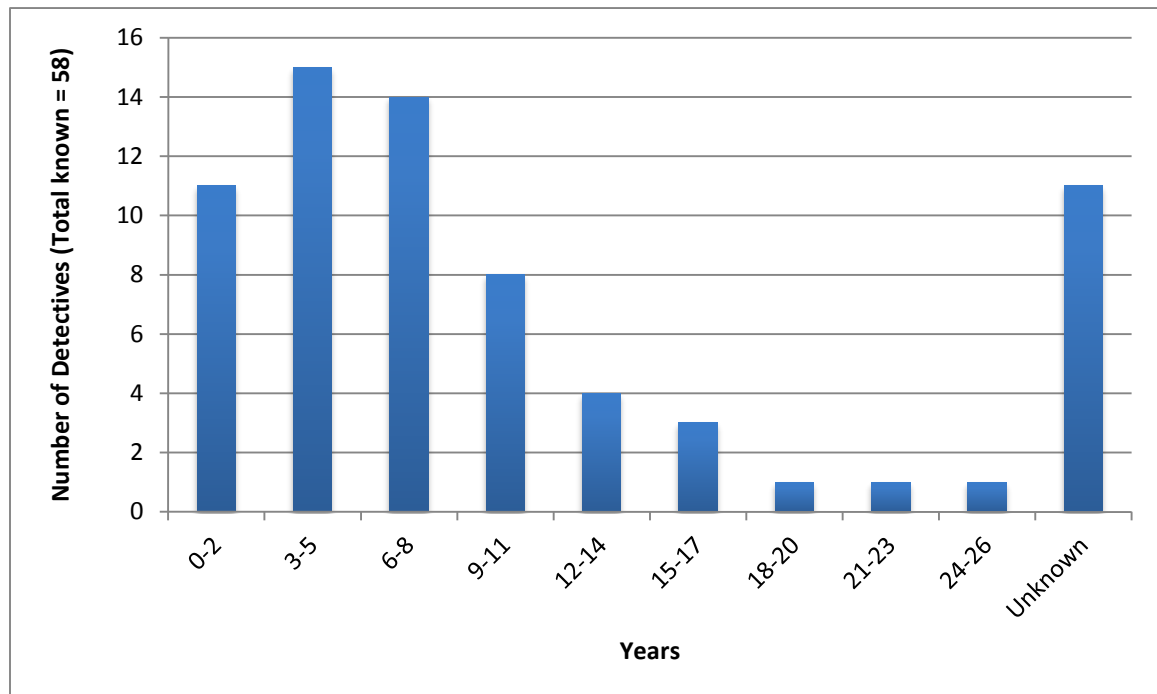
¹⁰² I have attempted to remedy this statistical fact by acknowledging where this occurs, indicating what those men did in the CID and, if possible, for how long.

¹⁰³ MEPO 21/5.

¹⁰⁴ For their promotions, see MEPO 7/38, 18 May 1876 (Robson and Marshall) and HO 65/36, 30 July 1877 (Smart).

¹⁰⁵ MEPO 7/30, 3 November 1868.

¹⁰⁶ MEPO 7/24, 7 August 1863. Shpayer-Makov, *The Making of a Policeman*, 217-222.

Figure 2: Years of known detective service

Twenty-nine men (the majority) served as detectives between three and eight years. This may seem like a short period, but many had spent years as uniformed policemen and, after a handful of years as detectives, were ready for retirement. Seven of the twenty-nine qualified for pensions. These men had all spent considerable time in the police. Detective Sergeant Campbell led the way with twenty-eight years of service (six as a detective), while Sergeants Croome and Lockyer also worked well over twenty years. Sergeants Monckton and Sunnerwy, as well as Detective Inspector Shackell, had all worked between fourteen and sixteen years. Inspector Thomas had spent seven years as a detective with an unknown number as uniformed officer beforehand. Others, including Sergeant Beard and Inspectors Sanders and Pay, died while in service. Of the remaining eighteen, one transferred, another was demoted, three were promoted, four resigned from the police, and eight continued on as part of the the CID.¹⁰⁷

¹⁰⁷ No information exists about the exit of sergeant Manton, the final man serving between three and eight years.

Twelve men served between nine and fourteen years in the Detective Department. These were the men who had done their service in uniform, been promoted to detective and then, in most cases, continued to rise within the Detective Department. Only three, Sergeants Samuel Gibbs, Andrew Lansdowne and George Greenham, failed to rise above a sergeant's rank before 1878 but became detective inspectors in the new CID.¹⁰⁸ John William Reimers spent ten years in uniform and another nine as a detective. He had reached the rank of detective inspector in October 1876, only to be demoted the following month for passing information to a private investigator.¹⁰⁹ The remaining nine detectives were inspectors or detective chief inspectors (a rank introduced in 1867) by 1878. Inspectors Frederick Shaw and Richard Tanner served before the introduction of the Chief Inspector rank, so as inspectors they had risen as high as possible in the Detective Department by the time of their departures. Detective Chief Inspector John Shore was still serving upon the creation of the CID. Poor Inspector Davey, only a year into his promotion, died suddenly of typhoid while on duty in Naples. He was presumably executing an extradition warrant, his specialty, when he became ill.¹¹⁰ After sixteen years of uniformed service and five as a detective, Mulvany was worn out and pensioned. Nathaniel Druscovich and John Meiklejohn were both on their way to high office when they were convicted of perverting the course of justice as part of the Turf Fraud scandal in 1878. Druscovich moved quickly through the detective ranks, with only three years between his formal instatement as a detective sergeant and his promotion to inspector. The following year, 1870, he became a chief inspector. Meiklejohn was made detective sergeant in 1869 and took Davey's position as inspector in March 1876. He was dismissed alongside Druscovich and Palmer in November 1877. The last of the twelve,

¹⁰⁸ Lansdowne and Greenham chronicled their long experience in memoirs. Both men were educated and, in the case of Lansdowne, who references Dickens and Carlyle, well read. Lansdowne, *A Life's Reminiscences* and G.H. Greenham, *Scotland Yard Experiences* (London: George Routledge and Sons, 1904).

¹⁰⁹ MEPO 7/38, 26 December 1876. During the Turf Fraud trial, Reimers defended himself, accusing Inspector Druscovich of conspiring with private agent Igantius Pollacky to get him demoted. OBP: t18771022-805, "John Meiklejohn, Nathaniel Druscovich, William Palmer, George Clarke, Edward Frogatt."

¹¹⁰ MEPO 7/38, 30 March 1876.

Inspector Edward Sayer, spent at least ten years in detective service. He joined in October 1867 as a sergeant, became an inspector in 1873 when Mulvany retired, and was serving at least until late 1877 when he took sick leave.¹¹¹

Six men spent more than fifteen years as detectives, the small number reflecting the length of time it took to work one's way up the ranks and the physical demands of the job. The only man in this group who failed to rise above sergeant was Henry Smith, who was a detective as of at least 1845 and resigned his position in 1863.¹¹² Chief Inspector Palmer spent an incredible thirty years in the police – equal parts in uniform and as a detective – when he was dismissed in 1877 for perverting the course of justice. His co-conspirator George Clarke was a thirty-eight year veteran of the force, with twenty-two in uniform and sixteen as a detective before his forced retirement in 1877. As chief inspectors, Palmer and Clarke answered only to the superintendent of detectives, Adolphus Williamson.¹¹³ Stephen Thornton and Jonathan Whicher, two veteran detectives at Scotland Yard, were two of the first six sergeants selected to join the Detective Department. They worked together for nineteen years until Thornton's death.¹¹⁴ Whicher retired shortly after, edging out his colleague with twenty-two years detective service. The only man to spend longer time as a detective was Williamson. He became the first chief inspector of the Detective Department in 1867 and, in 1869 became its new superintendent. In the new CID, Williamson was again – in spite of the Turf Fraud scandal – promoted, this time to Chief Superintendent.¹¹⁵ When he retired in 1888

¹¹¹ MEPO 7/39, 7 November 1877.

¹¹² It is possible that he left at an earlier date and was replaced by another detective sergeant Smith whose resignation we know of, but I came across no such references in my research.

¹¹³ The level of independence they enjoyed was a significant factor in the Turf Fraud scandal and one of the major topics of discussion in the Departmental Commission that ensued. See chapter 7.

¹¹⁴ MEPO 7/22, 30 September 1861.

¹¹⁵ The honour also came with a salary of £450. MEPO 7/29, 18 April 1867; MEPO 7/31, 15 May 1869; MEPO 7/40, 6 April 1878.

he had spent thirty-six years as a policeman, twenty-six of those in the Detective Department.

On the whole, detectives were veteran policemen with ample experience in the police divisions before they doffed their uniforms for detective duty. They had been through the drill instruction mandatory for all new police candidates and walked beats in some of London's most notorious neighbourhoods. Most young constables destined for detective duty were promoted to sergeant while still in uniform and excelled at the skills that went with the job - organization, watchfulness and discipline – before being selected to join the cadre at Scotland Yard.

3.2.4 Reasons for Leaving

We know why sixty-one of sixty-nine detectives left, which offers a clear picture of the institutional culture of this elite group of men. Detectives had various reasons for leaving the Detective Department, which fall into nine categories (Figure 3).

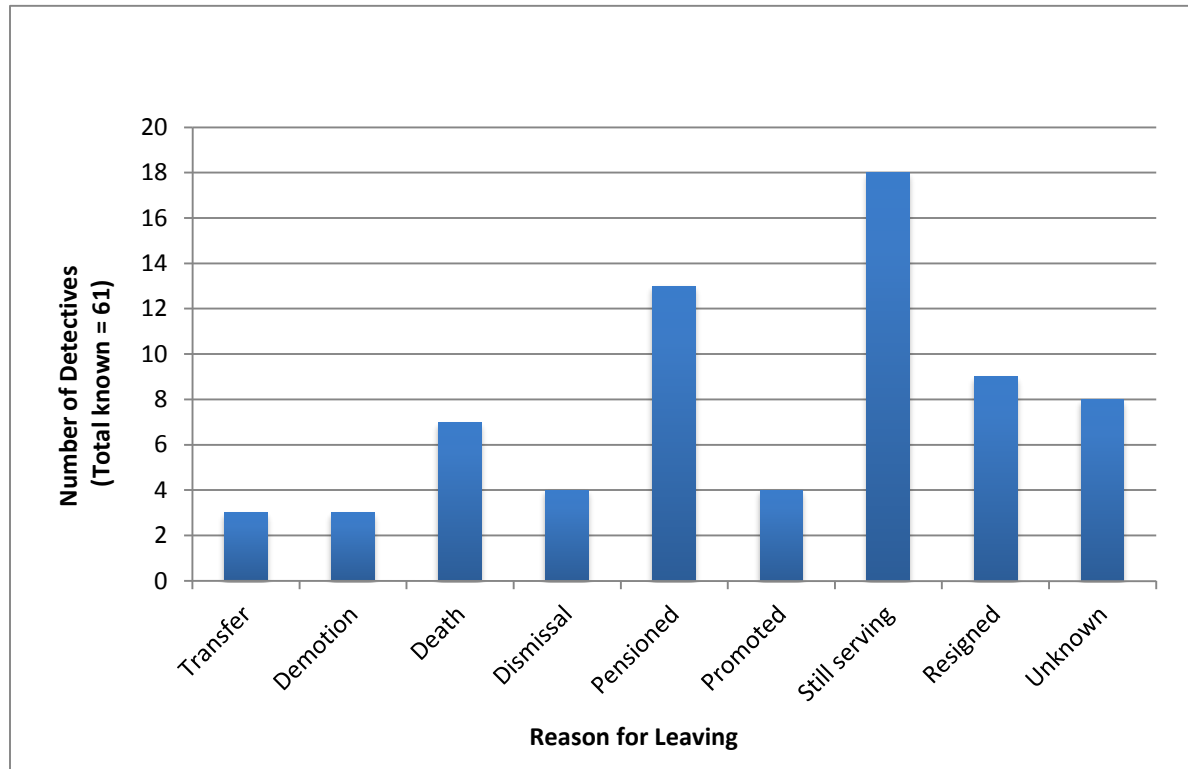
The least common reasons for leaving detective service were transfer, demotion, dismissal and promotion. Sergeants Peck and Morgan asked to be sent back into uniform. Peck, part of the 1869 hiring round, seems to have had some trouble in his new position. In April 1872 he was cautioned and fined and cautioned again in February of the following year. Shortly thereafter, he asked to return to divisional work as regular sergeant and was transferred to St James's division.¹¹⁶ Peck's classmate, Richard Moon, did not last much longer. Moon was suspended and then demoted in June 1875 for being light fingered with stolen property held at the station house. His official reprimand was "for not satisfactorily accounting for property which came into his possession in a case of felony, and also improperly withholding other property in the same case, and neglecting to report that he had received a gratuity."¹¹⁷ This was a serious offense. The government

¹¹⁶ MEPO 7/34, 10 April 1872; MEPO 7/35, 19 February and 15 March 1873. I do not have a reason for Sergeant Braddick's departure from detective work, so I have given him the benefit of the doubt and listed him as transferred rather than demoted.

¹¹⁷ MEPO 7/37, 7 June 1875.

did not want money changing hands between policeman and policed. Police regulations dictated that all rewards had to be reported to and approved by the commissioners.¹¹⁸

Figure 3: Reasons for leaving the Detective Department



Four men were dismissed from police service outright. The first was Sergeant Warne, who only managed fifteen months as a detective before being shown the door for misbehaviour.¹¹⁹ The other three were fired in disgrace at the conclusion of their autumn 1877 trial for perverting the course of justice. All three – much to the dishonour of the Metropolitan Police as a whole – were high-ranking detectives: Palmer and Druscovich were chief inspectors and Meiklejohn an inspector.

¹¹⁸ Rewards were paid by the Police Receiver, according to the provisions of the Metropolitan Police Act. 10 Geo IV, c. 44, s. 12 (1829). Detectives were forbidden from receiving gratuities directly from the public and had to have them approved before they could be accepted. MEPO 7/15, 27 May 1850.

¹¹⁹ MEPO 7/24, 7 August 1863. This more than likely refers to fighting or trying to bring a woman home.

Some detectives left the police voluntarily. Sergeant Gerrett resigned after four months of detective work. Sergeant Henry Smith, who joined the force in the mid 1840s, left in August 1863.¹²⁰ Four of the seven outside hires, Lavite, Lambert, Marchand and Coathupe, also resigned. George Manners gave his notice in November 1868 after twenty-one months because he was worn out. He received a gratuity of £63 14s, but no pension. John Foley quit just after Christmas 1870.¹²¹ The last resignation was that of sergeant Frederick Jarvis, who left in May 1876 after three years as a detective.¹²²

Four detectives had the honour of promotion to superintendents of police divisions. There were a fixed number of superintending positions in the Met and competition for these prestigious posts was fierce.¹²³ Metropolitan Police superintendents oversaw hundreds of policemen in densely populated areas and were responsible for the administrative, executive and investigative functions of the office. The density of some London's police divisions "actually exceeded some English counties in population."¹²⁴ Advancement to superintendent reflected the expertise of Scotland Yard's detectives but also the limited promotional possibilities in such a small group. As Thomson noted, "[i]t was simply a question of promotion. I had attained the highest rank which I could attain in the detective department; the commissioner thought I was fit to take command of a division;

¹²⁰ Smith is mentioned in a police order in March 1845, where he is reprimanded along with Jonathan Whicher. He is not mentioned again until January 1863 when he goes on sick leave (also, coincidentally, two months before Whicher's own illness). It is possible that this is not the same man. Nineteen years is a long period to have been a detective without mention or promotion. However, since there were no divisional detectives during this period (whose names might cloud the pool), the likelihood of there being no record of the exit of one detective sergeant Smith and the arrival of another in this period is slim.

¹²¹ MEPO 7/32, 27 December 1870.

¹²² MEPO 7/38, 3 May 1876.

¹²³ The original police district contained seventeen divisions requiring superintendents. In 1865 the police district was extended adding Clapham, Paddington and Highgate as well as the Thames Division. By 1868, an additional five had been added, making twenty-six divisions. See Fido and Skinner, *The Official Encyclopedia of Scotland Yard*, 70-71; *Report of the Departmental Commission* (1878), 6.

¹²⁴ Phillip Thurmond Smith, *Policing Victorian London: Political Policing, Public Order, and the London Metropolitan Police* (London and Westport: Greenwood Press, 1985), 43.

he offered it to me, and I accepted it.”¹²⁵ Pearce became head of Covent Garden in 1842, Haynes followed as superintendent of Holborn in 1849, Lund was appointed superintendent of Camberwell in 1851 and Thomson accepted oversight of the new combined Holborn/Covent Garden division in 1869. Superintendents received the highest rates of pay, next to the commissioners of police, and were of significant stature in the police force and the community. It is no accident that three of four detectives-cum-superintendents were placed in charge of Holborn/Covent Garden. This was one of the roughest areas of London, containing the St. Giles slums and heavily Irish.¹²⁶ The commissioners wanted their most seasoned officers in charge of this troublesome turf.

Promotion within the Detective Department seems to have come rather more quickly than in uniform. In the Department, promotion from second-class sergeant to first class took between two and five years for most men. Advancement between sergeant and inspector took between two and five and the promotion to chief inspector up to five years. Thus, members of the Detective Department could expect relatively quick ascension through the ranks. This occurred for several reasons. The first was that the expertise gained on the job made detective inspectors contenders for senior positions back in the divisions. As in the rest of the police, however, there were always more men than positions at the top of the detective hierarchy. Promotion came more slowly for those men who joined in the 1860s and 1870s, by which time gradations were introduced so that men had to pass through two ranks for sergeant (second and then first class) before being eligible for promotion to inspector. That said, after the 1869 expansion, there were more senior ranks to fill.

Seven men died while in office: Inspector Sanders (1859), Inspector Thornton (1861), Sergeant Robinson (1864), Sergeant Beard (1867), Sergeant Langley (1871), Inspector Pay (1875) and Inspector Davey (1876). Sanders died of “apoplexy” in the middle of

¹²⁵ *Report of the Departmental Commission* (1878), 65.

¹²⁶ Smith, *Policing Victorian London*, 16 and 157.

investigating the Orsini plot.¹²⁷ The cause of death is unknown for Thornton, Robinson, Beard and Langley but the rest died from disease. There was an inquest on Inspector Pay because of his “sudden death,” though the findings are not recorded.¹²⁸ Davey, as we have seen, died of typhoid while on assignment in Naples.

The largest single category includes those who were still serving in 1878 and continued on to careers in the CID. This reflects growth in the Detective Department beginning in 1869 and continuing through the 1870s. The Home Office approved an addition of sixteen detectives by 1869 and a further three by 1878.¹²⁹ Men hired during this boom were just embarking on their careers at Scotland Yard when the Detective Department came to its end.

3.2.5 Pensioners

The second most frequent reason detectives left service was retirement. In order to receive a pension, officers had to serve at least fifteen years and be worn out by the job. Pensions or gratuities were given entirely at the discretion of the Home Office, upon recommendation of the commissioners.¹³⁰ Twelve men received pensions between 1842 and 1878.¹³¹ Some, such as Sergeants Croome and Sunnerway, had only been detectives for a few years but had a long history of police service; Sunnerway had been a policeman for sixteen and Croome twenty-seven when they retired. This pattern of long service is the case for all but two pensioners, Inspectors William Thomas and Frederick Field, for whom there is no data to support statistical analysis on this point. On average, the twelve

¹²⁷ The plot, an attempt to assassinate Napoleon III at the Paris Opera, had been planned in England and Sanders was gathering evidence against one of the conspirators, Simon Bernard, when he died suddenly. On the Orsini plot, see Smith, *Policing Victorian London*, 102-104.

¹²⁸ MEPO 7/37, 20 September 1875. Joan Lock argues that he had a heart attack. Joan Lock, *Scotland Yard Casebook: The Making of the CID 1865-1935* (London: Robert Hale, 1993), 69.

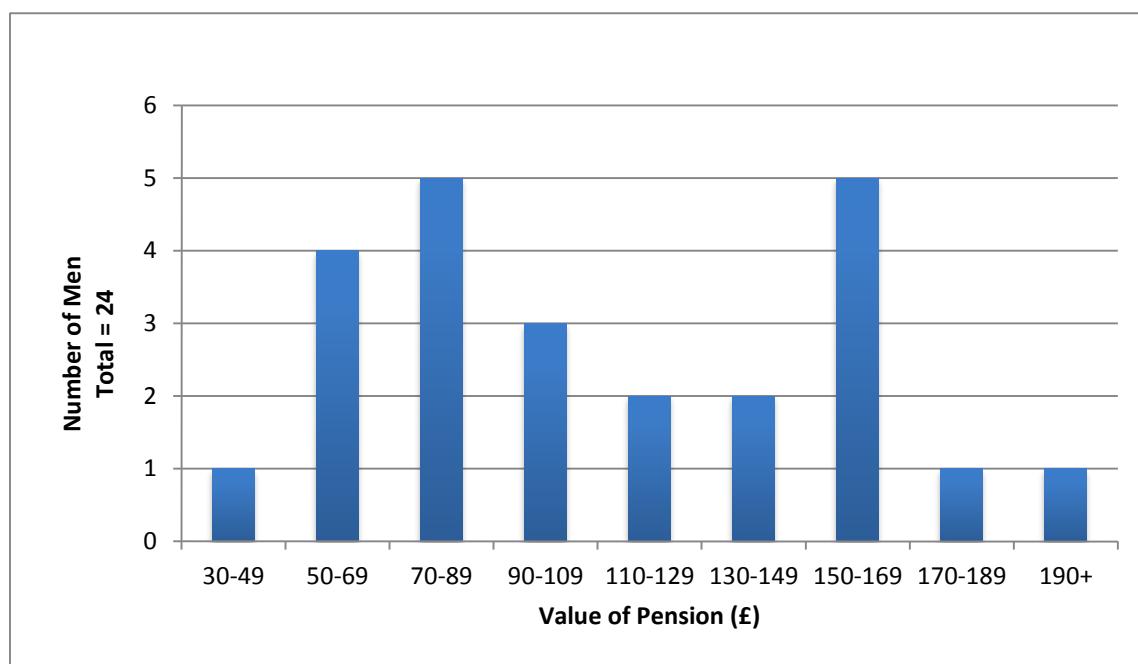
¹²⁹ The major hiring years were 1867 and 1869. *Report of the Departmental Commission* (1878), iii-iv.

¹³⁰ Shpayer-Makov, *The Making of a Policeman*, 159.

¹³¹ If we extend our analysis to include detectives who served between 1842 and 1878 but received pensions after 1878, the number increases from twelve to twenty-four.

pensioners spent nine years as detectives following nearly fourteen years of uniformed service. This was a considerably long period of time in Metropolitan Police, where turnover was high. Only thirteen per cent of policemen in the entire Metropolitan Police received pensions between 1829 and 1860,¹³² while between 1842 and 1878 seventeen per cent of detectives were pensioned.

Figure 4: Value of detectives' pensions, 1830-1890



The value of pensions differs dramatically (Figure 4). Variance in pension values reflects when the pension was received (they increased over time), seniority and length of service. The largest pensions, predictably, went to the most senior officers and those who served many years in the Metropolitan Police. Seven men received pensions of between £140 and £200, including Superintendent Haynes, Inspector Lund, Inspector Mulvany, Superintendent Pearce, Inspector Lansdowne and Chief Inspector Clarke. Each served more than twenty-three years in the force, some much longer; Pearce retired in 1855 having served Bow Street and the Met for thirty years, while Chief Inspector Clarke was

¹³² Calculated from statistics given in Shpayer-Makov, *The Making of a Policeman*, 161.

forced into retirement in 1877 after thirty-eight years in service. Luckily for Clarke, his acquittal at the Old Bailey – even though he was not entirely guiltless – allowed him to collect a sizeable pension of £184.¹³³ Charles Burgess Goff's 1853 pension of £36 is unusually low, reflecting the early date of his pension and the fact that he returned to uniformed service before retiring.

The majority of pensioners retired in the 1870s and 1880s, reflecting the retirement of the second and third waves of detective officers. All had served more than the requisite fifteen years required for pension qualification (Figure 5); most served between twenty and thirty years, with the vast majority serving between twenty-five and thirty. This was a comparatively long period in a physically taxing profession. A police officer's physical deterioration, what Shpayer-Makov terms 'natural wastage', was the leading cause of leavers by the 1870s.¹³⁴ It was the only reason detectives were discharged with pensions, a status variably labeled 'ill health', 'bodily infirmity' or 'age and long service' on their retirement paperwork.

Inspector Shackell retired in 1848 "Ulcerated and diseased" after a leg injury. He was five years shy of the twenty-year rule, but Richard Maybe convinced the Home Office to include his years at Bow Street so that he might retire with a £70 pension and a £216 gratuity.¹³⁵ When John Haynes retired as superintendent of Southwark in 1856 he was forty-eight years old, suffering from a leg injury and chronic rheumatism. Haynes's colleague Frederick Shaw, who had replaced him as detective inspector over a decade hence, retired the same year.¹³⁶ Inspector Henry Lockyer received his pension in 1860 for

¹³³ This would have come as a relief to Clarke who, despite his position, was suffering financially. His solicitor petitioned the Home Office to have the government cover Clarke's legal costs on account of his "poverty." HO 151/1, 9 October 1877.

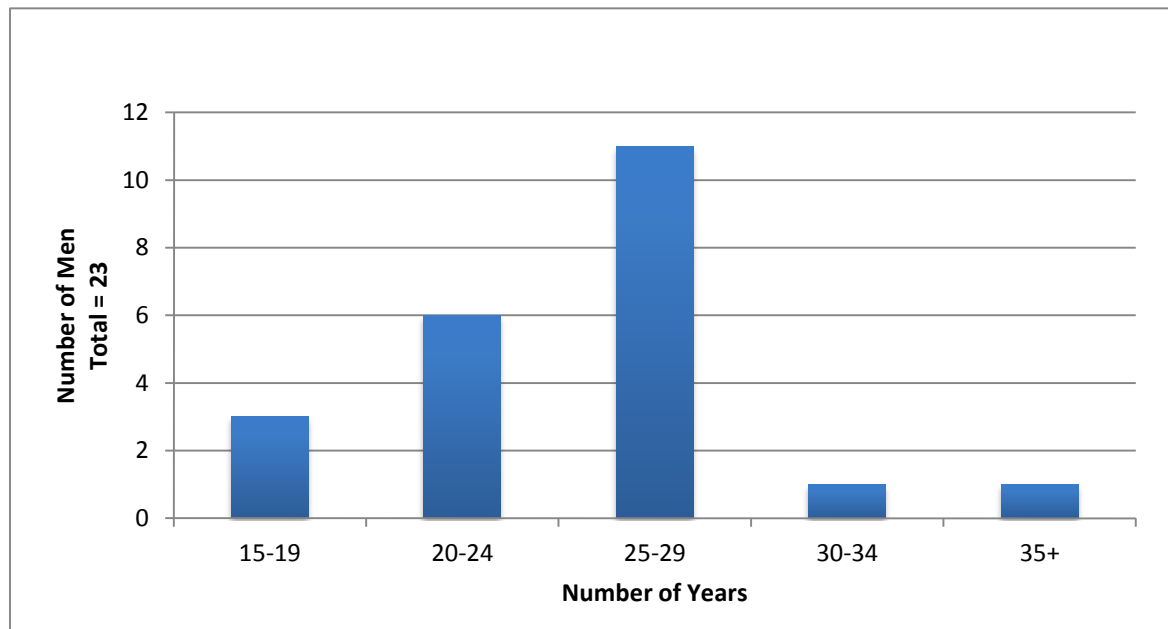
¹³⁴ Shpayer-Makov, *The Making of a Policeman*, 170.

¹³⁵ Lock, *Dreadful Deeds*, 106-107. Shackell mentions his pension and the gratuity while testifying in a larceny case at the Old Bailey in 1849. OBP: t18490409-872, "William Terry."

¹³⁶ Records for both men can be found in MEPO 21/3. Shaw's illness was not specified.

“impaired vision and loss of memory.”¹³⁷ Some detectives’ bodies gave out earlier than others. Inspectors Tanner and Monckton were both only thirty-eight when they retired, while thirteen others were in their forties and eight more in their fifties upon leaving. George Clarke, the only man for whom “age and long service” is listed as a reason for leaving, was the oldest retiree at fifty-eight.¹³⁸

Figure 5: Total years of service for detective pensioners



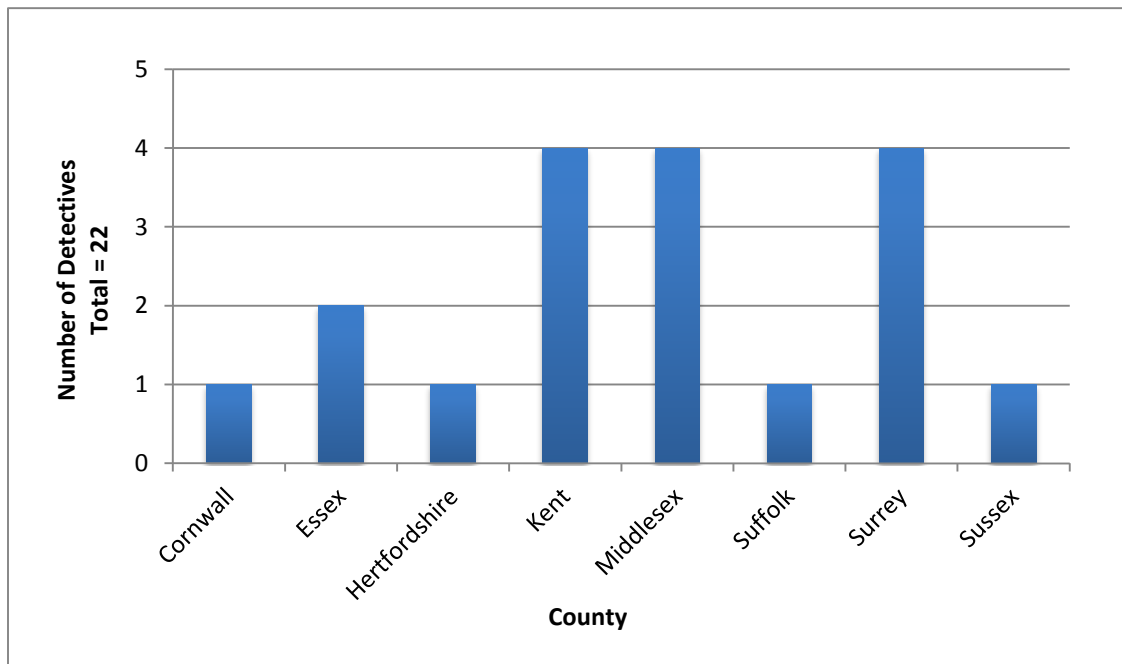
Looking more specifically at pension records indicates how detectives lived, including their birthplaces, residences and some details of their family life (Figure 6). The great majority came from southern England, primarily Essex, Kent and Surrey in the Home Counties, and London. Lund was from Knightsbridge, Lockyer from Marylebone, Mulvany from Chelsea and Peck from Whitechapel. Whicher and Goff hailed from the South Bank. Whicher was born in a none-too-glamorous part of Camberwell, while Goff

¹³⁷ MEPO 21/6.

¹³⁸ MEPO 21/14.

joined the police from Greenwich.¹³⁹ Detectives born further from the metropolis include Pearce, who was Cornish and Andrews, who came from Boulge in Suffolk. Only four of the twenty-three men were born outside England. William Henry Campbell was an Irishman from Swanlinbar in County Cavan and John Croome came from St. Lawrence on Jersey in the Channel Islands. Thomson and Reimers were from farther afield. Thomson, born in 1837 to an English merchant father and an Italian mother in Turkey, spent his early years in Smyrna and Paris until the family moved to England in 1844.¹⁴⁰ John William Reimers was born in 1830 to parents Carl and Sophia in Holstein, Germany.

Figure 6: Detectives' birthplaces by county



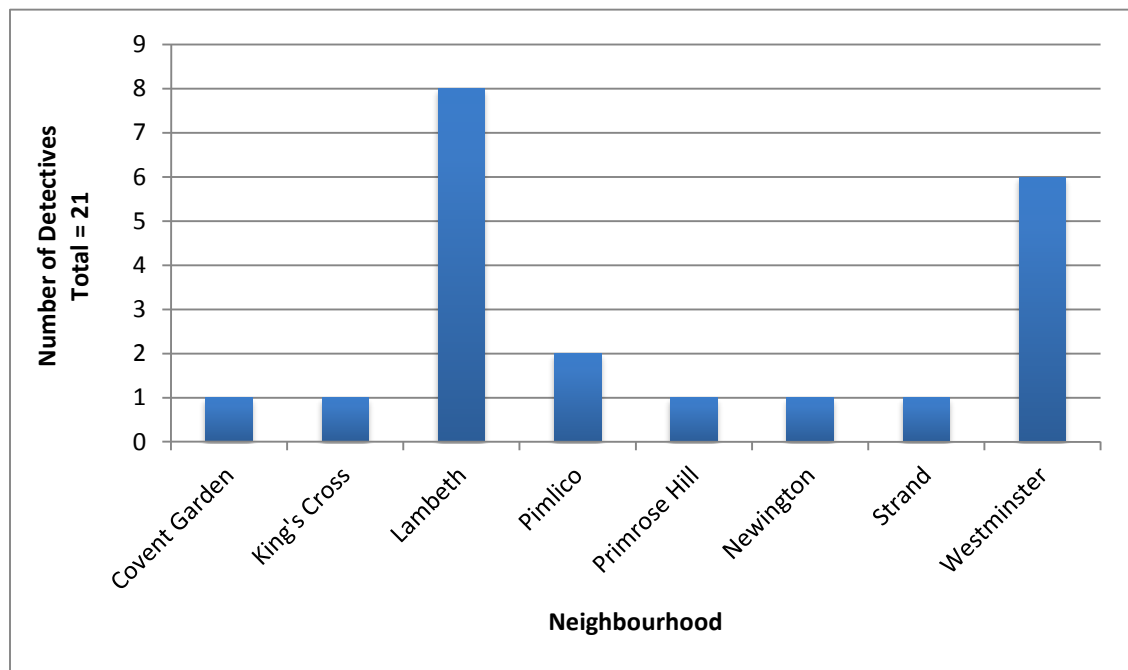
Pension records also reveal where officers lived (Figure 7). As might be expected, many chose to live close to headquarters at Scotland Yard. The office at No. 4 Whitehall Place

¹³⁹ Whicher's family lived in cottages in a rough area on Wyndham road. Summerscale, *The Suspicions of Mr. Whicher*, 45.

¹⁴⁰ Paul Begg and Keith Skinner, *The Scotland Yard Files: 150 Years of the CID* (London: Headline Publishing, 1992), 55.

was in Westminster and six men made their homes there. Eight lived across the river in Lambeth, which was less expensive than Westminster and a quieter place to rest off duty. Detectives who became superintendents usually moved into their new precincts. While head of Covent Garden, Pearce moved to Great Russell Street in Holborn. Thomson, who held the same position in later years, chose to settle his family in King's Cross. Lund, as superintendent of Camberwell, lived on Carter Street in Lambeth while Southwark superintendent John Haynes lived with his wife Mary just off Horsemonger Lane in Newington.

Figure 7: Detectives' residences at time of retirement



All members, serving and former, of the Detective Department who retired with police pensions were married. Policemen's wives were prohibited from working, which severely limited their financial contribution to the household income.¹⁴¹ Detectives' superior pay did much to alleviate financial strain of a one-income household during a time when

¹⁴¹ This was ensure that officers were always available for duty and disregard for this rule was punished. Shpayer-Makov, *The Making of a Policeman*, 222-223.

workingmen's wives commonly supplemented the family income.¹⁴² There is no indication of whether or not these detectives had children, but that is, in most cases, probably a safe assumption. Metropolitan Police constables were restricted to a two-child household, though how strictly this rule was enforced is unclear.¹⁴³

On their pension applications, most detectives indicated that they intended to remain in London. Only two decided to move. John Haynes and his wife moved back into London from Newington. Nicholas Pearce, however, put the city behind him, taking his wife Eliza back to Cornwall. After more than thirty years of metropolitan dirt and din, he was ready for some peace and quiet.

3.2.6 Remuneration

As well as the perk of shedding cumbersome police uniforms, Scotland Yard detectives received competitive pay. In 1842 Inspectors Haynes and Pearce made £200 per annum (£84 more than regular inspectors) while their detective sergeants pocketed £73 (£10 higher than a normal sergeant's salary). By comparison, an average clerk working in London might expect to be paid around £100 per annum.¹⁴⁴ These salaries would continue to rise (as did pay for the uniformed branch) over the next few decades. By the late 1870s, detective second-class sergeants earned £123, first-class sergeants £163, inspectors £225, chief inspectors £276, and the superintendent of detectives at £550. For many, these comparatively high salaries allowed them to ascend socially. At a time when police constables were considered solidly working class, detective sergeants' salaries placed them squarely in the lower-middle class while their superiors, including inspectors, chief inspectors and superintendents, could expect to live more comfortably

¹⁴² Shpayer-Makov, *The Making of a Policeman*, 222.

¹⁴³ Emsley, *The English Police*, 195.

¹⁴⁴ *The Times*, 13. These were more modest appointments. The junior clerks at the Home Office around the same period, by contrast, earned between £150 and £300 per annum. Jill Pellew, *The Home Office 1848-1914: From Clerks to Bureaucrats* (London: Heinemann, 1982), 6.

among middle-class society.¹⁴⁵ Divisional plainclothes men received no such perks, since their position was temporary and unofficial until 1869. Those on more regular undercover duty did, however, receive a £5 bonus each year to help cover the cost of regular clothes.¹⁴⁶

In addition to salaries, many detectives received rewards during their careers. These were meant as honours and bonuses to men who demonstrated skill and excellence and ranged from £1 to much larger sums. Although police regulations prohibited officers from collecting reward money offered by the government (for the capture of a murderer, for example), the home secretary could make exceptions.¹⁴⁷ To reward the policemen who helped capture murderer James Mullins in 1861, Thornton received £20 while Sergeants Tanner and Thomas received £15 and £10 each.¹⁴⁸

Different rules governed rewards from private sources. Detectives could not accept gratuities unless the commissioners allowed it. Before any senior detective officer made a reward recommendation to the commissioner, they were instructed “to satisfy themselves that no solicitation, direct or indirect has been made to the party by whom the Gratuity is to be given, and shall there be reason to suppose that such solicitation has been used, all the circumstances are to be reported to the commissioner.”¹⁴⁹ Sergeant Robinson received a commendation and award from the Recorder at the Central Criminal Court “for his zeal and activity in apprehending Moss Benjamin, receiver of stolen goods” in

¹⁴⁵ Emsley, *The English Police*, 95; Shpayer-Makov, *The Ascent of the Detective*, 111; *Report of the Departmental Commission* (1878), iii-iv. For a discussion of detectives’ salaries that includes the CID, see Shpayer-Makov, *The Ascent of the Detective*, 110-117.

¹⁴⁶ Only 28 men qualified for this bonus, including those working for the Post Office. MEPO 7/19, 19 December 1857.

¹⁴⁷ Rewards were a contested subject and some senior officers worried that detectives would work harder for cases where they believed a reward might be involved. Shpayer-Makov, *The Ascent of the Detective*, 115; *Report of the Departmental Commission* (1878).

¹⁴⁸ MEPO 7/22, 8 May 1861.

¹⁴⁹ MEPO 7/15, 27 May 1850. This system came to an end in November 1877 and thereafter rewards were paid into the Metropolitan Police’s central fund and disbursed from there. Shpayer-Makov, *The Ascent of the Detective*, 115.

March 1862.¹⁵⁰ Detectives were also well placed to earn gratuities since they were often involved in protection details for heads of state. The Ottoman Sultan was so impressed with his police escorts during his visit to London in May 1867 that he gave the government over £210 to reward them with. The superintendent of Whitehall received the largest reward, but Williamson, Tanner, and Thomson were each given £5, while Clarke, Langley, Thomas, Manners and Shore all received £3.¹⁵¹ Detectives who made an indelible mark on the police received gifts or emoluments to recognize their contribution to the police service. Pearce received a silver teapot from the Queen in August 1851 for “her appreciation of the constant zeal, intelligence, and discretion showed by him when in attendance upon her on her visits to the Exhibition.”¹⁵² When Whicher retired he was given “a massive gold signet ring of the value of £30, manufactured expressly for him, and engraved with the monogram ‘J.W.’” It was a gift from his fellow officers, and an indication of the their high esteem for him.¹⁵³

3.2.7 Life after the Detective Department

Many men, as we have seen, went on to careers in the CID after April 1878 and ended their days in high-ranking positions. Williamson became the chief constable of the CID, while Greenham, Shaw and Shore all became chief inspectors. Littlechild was a chief inspector within the CID before being selected by James Monro, one of the assistant commissioners, to work in the newly formed Special Branch in 1887.¹⁵⁴ Others stayed

¹⁵⁰ MEPO 7/23, 6 March 1862.

¹⁵¹ All in, £210 was meted out to policemen for duties at Buckingham, Windsor, Richmond and at the Opera House in Covent Garden. MEPO 7/30, 20 May 1868. It seems that, generous though he was, the Sultan’s gratuity took ten months to reach the recipients.

¹⁵² MEPO 7/15, 18 August 1851.

¹⁵³ *Reynolds’s Newspaper*, 1 May 1864.

¹⁵⁴ There were several counter-terrorist bodies working in Britain at the time. Littlechild, who had been working in the Special Irish Branch of the Metropolitan Police, was taken from there and placed within the new Special Branch (Section D as opposed to the Special Irish Branch, which was Section B). Bernard Porter, *The Origins of the Vigilant State: The London Metropolitan Police Special Branch before the First World War* (London: Weidenfeld and Nicolson, 1987), 84-86.

within the uniformed branches, becoming divisional inspectors. Moon became an inspector in Hampstead and Morgan in Paddington. Others left the police but persisted within the criminal justice system. Shackell, for example, became an officer of the Giltspur Street Compter.¹⁵⁵

Detectives who reached retirement had several choices available to them. The most obvious was to use their considerable experience as private detectives.¹⁵⁶ This route offered a decent salary (in addition to their police pension) and allowed them to work for themselves. Charles Frederick Field was one of the first to parlay his detective prowess into this sideline. He retired in November 1852 and began a private inquiry office at No. 20 Devereux Court Temple “to make inquiries and detect frauds.”¹⁵⁷ The work was lucrative. Field himself claimed he could charge a guinea per day, plus accommodation expenses, and told a court that he regularly received large bonuses at the conclusion of a case: “Up to the last trial I only received £60 or £70 from the plaintiff.”¹⁵⁸ He was hardly doing badly; £70 was more than half of his annual government pension.¹⁵⁹

Field was a well-known public figure, especially following the release of Charles Dickens’s *Bleak House*, published in serial in 1852 and 1853. Inspector Bucket, the cunning, all-knowing and plain-speaking detective was modeled on Field, whom Dickens knew from a series of interviews for *Household Words* in 1850. He was, Dickens described, “a middle-aged man of portly presence, with a large, moist, knowing eye, and a husky voice, and a habit of emphasising [sic] his conversation by the aid of a corpulent

¹⁵⁵ *The Times*, 10 March 1848.

¹⁵⁶ Although many fine officers became private detectives, Metropolitan Police detectives were restricted from working with them. Reimers’s demotion in 1876 resulted from his communications with a private inquiry office. MEPO 7/38, 26 December 1876.

¹⁵⁷ *The Times*, April 4 1855.

¹⁵⁸ Field received 15s 6d per day outside of London and 7s 6d in the city for surveillance of Mrs. Evans. *The Times*, 4 April 1855.

¹⁵⁹ His exact pension was £133.6.8. MEPO 7/25, 19 March 1864.

fore-finger.”¹⁶⁰ Dickens’s support for the detectives did much to improve the public face of undercover policing, but Field’s activities in as a private contractor drew attention towards the seedier side of the profession.¹⁶¹

The Home Office could not stop former policemen setting themselves up as investigators for hire, though there was concern that Field, in particular, took liberties. His name was invoked several times in the early 1860s as an example of how unseemly this line of work could be. Field’s testimony in a criminal conversation case, *Evans v. Robinson*, at the South Lancashire Assizes in April 1855, drew the ire of the presiding justice. The plaintiff Loyd O. Evans hired Field to follow his wife and her lover, Robinson, in order to prove her adultery. Field had Mrs. Evans under surveillance in Cheltenham and London, where he infiltrated the boarding house where the lovers were living. Field took rooms in the same house and planted a cook as his personal spy. Hoping to catch the lovers *in flagrante*, Field asked the cook to drill a hole in the first floor drawing room door. The landlady later testified to peeking through the opening and seeing Robinson and Evans “having connexion.”¹⁶² Although the plaintiff won the case, Field’s tactics shocked Justice Cresswell, who condemned him as a “hired spy.”¹⁶³ An editorial in *Lloyd’s Weekly Newspaper* agreed and wondered why nothing was being doing about the plague of spies: “If the honour of an English matron lies in the power of professed spies and paid informers,” the editorial asked, “what family is safe from scandal?”¹⁶⁴

Field’s reputation was again debated during a libel trial between two newspapers at the Exchequer in December 1861. *Lloyd’s Weekly News* branded *Stubbs’ Gazette’s* public outing of dishonest tradespeople an affront to “freedom, of justice, and of hospitality

¹⁶⁰ *Household Words*, 13 July 1850.

¹⁶¹ Shpayer-Makov, *The Ascent of the Detective*, 231. Shpayer-Makov assesses Dickens’ role in improving detectives’ public image in *Ibid.*, 194-202.

¹⁶² *The Times*, 4 April 1855.

¹⁶³ *The Era*, 8 April 1855.

¹⁶⁴ *Lloyd’s Weekly Newspaper*, 8 April 1855.

men's reputations." During the trial, *Lloyd's* counsel Serjeant Ballantine compared Stubbs to Field, and accused him of running a spy system. "You don't keep a secret police-office?" he asked Stubbs: "You are not connected with Mr. Field?" When Stubbs answered in the negative, Ballantine replied, "Why, what is the difference," to an amused courtroom.¹⁶⁵ Allusions to detectives and spying concerned Mayne and the Home Office and Field's behaviour caused anxiety. Public misconduct by a former detective was bad for everyone, especially since undercover work was becoming a significant factor in policing London. In May 1861 Field and another private detective, though not of police pedigree, tried to get information from the Rotterdam police through false pretenses. They signed their request for information the "Superintendent of the Foreign Department," a fictional branch of the Metropolitan Police. The ruse was uncovered when Dutch authorities liaised with the British about the request. Mayne condemned Field's actions and suggested to George Grey that they withdraw his pension. Grey agreed and suspended Field's pension, although it was restored after Field took legal action. The attorney and solicitor general acknowledged that the home secretary did not possess the power to remove pensions unless the recipient was convicted of a felony. Field promised to behave in the future, although "no promise was made to discontinuing his practices as spy."¹⁶⁶

Jonathan Whicher also became a private investigator after leaving the Metropolitan Police. Unlike Field, he kept a low profile, avoiding the contentious world of divorces. His involvement in one of – or perhaps the most – famous of the private cases brought his name back into the news. Whicher helped to unearth the fraud of the Tichborne Claimant. The Claimant appeared in 1866 claiming to be Sir Roger Tichborne, long presumed dead, and heir to the family fortune. The Tichborne family solicitors, Dobinson and Geare,

¹⁶⁵ Stubbs won the case and was awarded one farthing in damages. *The Standard*, 18 December 1861.

¹⁶⁶ TS 25/1165. The commissioners did occasionally check up on Field. In 1865 they forwarded to Undersecretary Waddington a newspaper clipping advertising private investigatory work. The Home Office interviewed Field, who promised that he was not involved. Waddington assured Mayne that, if Field resumed his involvement, his pension would be revoked. It is not clear what legal measure, if any, was introduced in the interceding five years to make the pension conditional. HO 65/7, 23 August and 11 September 1865.

hired Whicher to locate witnesses to discredit the Claimant, who was after the considerable estate of the Tichborne family, of which Sir Roger's infant nephew was the current baronet. After a prolonged trial at the Court of Common Pleas in 1871 and 1872, the Claimant lost his case after he was identified as Arthur Orton, a butcher from Wapping. Whicher played a significant role as Dobinson and Geare constructed a case against the imposter. The solicitors hired agent John Mackenzie to gather evidence against Orton in Australia while Whicher was assigned to the investigation in England. The former detective located and questioned witnesses, showed them photographs of Orton and brought them to see the Claimant to determine if they recognized him.¹⁶⁷ Following Orton's loss of the civil suit, the government successfully prosecuted him for perjury. Orton's defense counsel Mr. Kenealy tried to vilify Whicher by using his former status as a detective against him. Detectives were, the barrister charged, "'most dangerous agents' in getting up a case when they become 'hired discoverers of guilt'."¹⁶⁸ Kenealy also attempted to discredit witness testimony by suggesting that Whicher pointed out Orton to prosecution witnesses instead of allowing them to identify him on their own.¹⁶⁹

Several of the younger generation of Detective Department men also chose to work in a private capacity. Meiklejohn went a similar route after his 1877 disgrace, as did John Littlechild. John Shore became one of the American Pinkerton Agency's European contacts, a post which he passed on to another Scotland Yard man, Frederick G.

¹⁶⁷ *The Times*, 19 May 1871; 23 June 1871; 27 June 1871; 30 June 1871.

¹⁶⁸ Orton's counsel quoted the late Sir Justice Cresswell, whose antipathy for detective policing was likely formed during his time as the judge-in-ordinary of the newly formed probate divorce court from January 1858. He was the judge who presided over the *Evans v. Robinson* case. Joshua S. Getzler, "Cresswell, Sir Cresswell (1793–1863)," in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, January 2008, <http://www.oxforddnb.com.proxy1.lib.uwo.ca/view/article/6673> (accessed June 25, 2015).

¹⁶⁹ *The Times*, 27 May 1873. For a summary of Whicher's involvement in the case, see Summerscale, *The Suspicions of Mr. Whicher*, 262-267 and for the Tichborne story in general see Rohan McWilliam, *The Tichborne Claimant: A Victorian Sensation* (London: Hambledon Continuum, 2007).

Abberline, in 1898.¹⁷⁰ Sergeant Campbell, hired to the Detective Department in 1867 but retired in 1873, went to work for the Royal Mint as an investigator in coining cases.¹⁷¹

Others parlayed their detective experience into more conventional pursuits. Edwin Coathupe, the surgeon-cum-detective who served in the Detective Department between 1863 and 1868 left the Metropolitan Police to return to medicine. This did not captivate him for long and he again left medicine to spend eight years as the deputy chief constable of Manchester. He was personally responsible for their detective force of forty-five men.¹⁷² Coathupe was particularly active in Manchester, often appearing in court to pressure magistrates to remand prisoners in custody so that the city's detectives could "get up the case properly."¹⁷³ Coathupe had both the intelligence and the refinement required for such a post, being as he was from "an old Bristol Family" and could be found dining with the Mayor of Manchester.¹⁷⁴ Coathupe's career prospects may have been limited in Manchester, or perhaps he wanted to return home, because in early 1876 he applied for the position of superintendent of police in Bristol. Out of one hundred and twenty-three applicants, the Bristol Watch Committee shortlisted Coathupe and three others. The other three were military men, two of whom were also superintendents of the Devon and Carmarthenshire constabularies.¹⁷⁵ Although his competitors had the military experience that county constabularies liked in their leadership, Coathupe's proficiency with urban policing put him ahead in the race. His "great police experience ... and the

¹⁷⁰ Shpayer-Makov, *The Ascent of the Detective*, 119. Abberline is best known for investigating the Jack-the-Ripper murders in the late 1880s.

¹⁷¹ OBP: t18750712-492, "John Neave, Annie Bolwell, Arthur Keen."

¹⁷² *Manchester Times*, 6 May 1871.

¹⁷³ *Manchester Times*, 7 March 1874. See also 29 August and 10 October 1874 and 19 June 1875.

¹⁷⁴ *The Bristol Mercury*, 11 March 1876. He attended a luncheon in May 1874. He also attended a Mayoral dinner in October of the same year and again in December 1875. *Manchester Times*, 23 May and 24 October 1874 and 11 December 1875.

¹⁷⁵ The shortlisted candidates were all quite young, between 37 and 39 years old. Coathupe was 38. *The Bristol Mercury*, 4 March 1876.

testimonials touching his handling of a large force of 809 men” also helped win over the Watch Committee, who elected him in a near unanimous vote.¹⁷⁶

Two former detectives became publicans. One of the duties of the Metropolitan Police was to enforce liquor legislation, especially ensuring that closing times were strictly observed. With extensive knowledge of regulations governing publicans, retired detectives were in an excellent position to open a small business with their pensions as seed money. Although Tanner intended to stay in Westminster after retirement, he eventually moved to Winchester and ran an inn.¹⁷⁷ After retiring in 1856 Frederick Shaw ran the Golden Anchor Public House in Saffron Hill. Retirement was not altogether quiet, since his bar became the scene of the Saffron Hill Murder on Boxing Day 1864. A fracas between some Italians and Englishmen in the bagatelle room of the Golden Anchor ended in the death of Michael Harrington. The accused, Seraphini Polioni, was sentenced to death for homicide at the Old Bailey at the end of January 1865, but was reprieved shortly thereafter when the real murderer, Polionio’s cousin Gregorio Mogni, walked into King’s Cross Police Station and confessed.¹⁷⁸

3.3 Investigative Methods

3.3.1 Information Gathering

As we have seen, training for detective work relied on apprenticeship. The earliest instruction books were not exhaustive police manuals but outlined the general duties of all ranks. Any new regulations were publicized in the daily police orders on an *ad hoc* basis; if an issue arose, the commissioners would broadcast it in the daily orders and supply a new set of instructions to remedy the situation. This made for a confusing

¹⁷⁶ The vote was 13 for and 2 against. *The Bristol Mercury*, 11 March 1876.

¹⁷⁷ Cobb, *Critical Years at the Yard*, 108.

¹⁷⁸ *The Times*, 9 February 1865. Mogni was eventually tried and convicted of manslaughter and was sentenced to five years’ penal servitude. OBP: t18650227-333, “Gregorio Mogni.” In April, Polioni was again tried, this time for wounding Alfred Rebbeck and Charles Bannister in the same incident, but was acquitted. OBP: t18650410-454, “Seraphini Polioni,” and t18650410-455, “Seraphini Polioni.” See also, Lock, *Scotland Yard Casebook*, 22.

proliferation of rules, which, from time to time, were republished in updated and increasingly comprehensive instruction books. Following the initial 1829 instructions, new editions appeared in 1836, 1862, 1873 and in 1881 the new commissioner, Howard Vincent, wrote an entirely overhauled *Police Code*.¹⁷⁹

None of the pre-1881 editions outlined methods for investigation, focusing instead on general rules and regulations. Addendums to each new edition contained lists of important police orders but only the 1873 edition focused exclusively on practice and, for the first time, categorized police orders instead of listing them chronologically. Thus, the 1873 edition was the first instruction manual issued to officers that explicitly outlined operational practice in relation to specific offences or areas of concern. Even so, details for how to conduct investigations were limited. The entry for murder, for example, stated only that “the Superior Officer of Police available on the spot is to take immediate steps, and make all possible inquiries to apprehend the perpetrator, and obtain all the particulars for the information of the Coroner and Magistrate,” while there were no entries regarding theft, forgery or fraud.¹⁸⁰ Methods of detection are rarely discussed. The entry for burglary is the only one to offer instructions for investigators, but these were hardly exhaustive. With such limited prescriptive resources, detectives had to rely on the institutional knowledge within the detective department and to learn investigative methods from experienced senior officers.¹⁸¹

¹⁷⁹ The 1829, 1836 and 1873 instruction books can be found in MEPO 8/1, MEPO 8/2 and MEPO 8/3, respectively. An annotated copy of the 1829 *General Instructions* is located at the Metropolitan Police Archives as is the 1862 edition and several editions of Vincent’s *A Police Code*.

¹⁸⁰ *General Orders and Regulations* (1873), 158. This, the only order included regarding murders, was only issued in 1872.

¹⁸¹ I have come across no mention of any instruction books specifically for detectives. Vincent’s 1881 *Police Code*, the first to refer to all crimes by their legal names (‘homicide’ instead of ‘murder’), also suggested investigatory methods, though not for every crime. There are suggestions for how to proceed following burglaries and the best ways to compare handwriting. C.E. Howard Vincent, *A Police Code and Manual of the Criminal Law*, Third Edition (London, Paris and New York: Cassell, Petter, Galpin & Co., 1881), 33-35 (burglary) and 173-74 (handwriting). It was also the first manual to define legal terms, explaining, for example, what a barrister was. *Ibid.*, 23.

Information – its collection and dissemination – was key to detecting crime. The Fieldings and their successors at Bow Street knew this well; their great innovation was to use newspapers, in their case the *Public Advertiser*, to publicize descriptions of criminals and stolen goods.¹⁸² They even printed their own handbills to increase local exposure. Bow Street focused on local “pawnbrokers, silversmiths, and ‘Cloaths Shops’” and made sure that proprietors were informed about stolen property.¹⁸³ The Metropolitan Police adopted the system pioneered at Bow Street for gathering and broadcasting information about stolen property. Andrew Lansdowne described a department within Scotland Yard dedicated to “the circulation, to pawnbrokers and secondhand-goods dealers, of lists of stolen property which possess distinctive marks of identity.”¹⁸⁴

Many cases of theft were solved after detectives traced stolen property to pawnbrokers who, in turn, were able to help identify the person who sold the goods.¹⁸⁵ For example, Inspector Haynes located goods taken by Alice Lowe at a pawnshop in the Strand. Lowe was a frequent customer and the broker, Arthur Jones, was able to link her directly to the stolen items.¹⁸⁶ Pawnbrokers were also key witnesses in the prosecution of several burglars in 1857, including the theft of £500 worth of jewellery from Benjamin Lee in the early hours of October 26. Nine pawnbrokers testified that various items of Lee’s jewellery were pledged at their shops the day after the burglary. They were also able to

¹⁸² Bow Street handled the publication of the *Police Gazette* until The Metropolitan Police took over in 1883. The *Police Gazette* contained “particulars about crime, including wanted and apprehended criminals, throughout police forces in the country.” Shpayer-Makov, *Ascent of the Detective*, 49.

¹⁸³ J.M. Beattie, “Early Detection: The Bow Street Runners in Late Eighteenth-Century London,” in *Police Detectives in History 1750-1950*, ed. Clive Emsley and Haia Shpayer-Makov (Aldershot: Ashgate, 2006), 25-26.

¹⁸⁴ Lansdowne, *A Life’s Reminiscences*, 178. Clive Emsley also notes the continuity in practice between Bow Street and the Metropolitan Police. Clive Emsley, *Crime and Society in England, 1750-1900* 4th Edition (London: Pearson Education Ltd., 2010), 250.

¹⁸⁵ Under the 1872 Pawnbrokers Act, brokers who suspected that stolen goods were pledged could “seize and detain the person and the article” and give them to the police. 35 & 36 Vict, c. 93, s. 49 (1872).

¹⁸⁶ OBP: t18421024-2814, “Alice Lowe.”

identify the pledgers and positively connect the defendants with the stolen goods.¹⁸⁷

Sergeant Williamson relied on pawnshops to track down a ring stolen from a jeweler in October 1860. When he finally located a shop with a pledged diamond matching one from the stolen ring, he located the pledger and arrested her and her son.¹⁸⁸

Contacting pawnbrokers was a routine part of many police investigations, not just for thefts. After the Russell burglary and murder, the police immediately circulated descriptions of stolen items to pawnbrokers. During Jane Jones's murder investigation the police found that Daniel Good had pawned some of Jones's property, which linked him to the crime. Following the assassination of Edward Drummond by Daniel M'Naghten in January 1843 the police located the pawnbroker in Whitechapel who sold M'Naghten the pistols used in the murder.¹⁸⁹

Recognizing criminals was also part of the information-gathering process. Much of this relied on the "retentive ability of individual detectives."¹⁹⁰ They needed to remember the names, faces and favourite haunts of criminals they encountered. This was also an important part of a constable's duty and police instructions required beat constables to "be able to recognize all inhabitants and their houses" so as to identify suspicious characters.¹⁹¹ Lower-ranking officers were involved in investigations for this reason – they usually had more recent patrol experience and could better recognize neighbourhood thieves.¹⁹²

¹⁸⁷ Additionally damning were the pawn tickets for the stolen items found in the defendants' possession. OBP: t18691122-59, "Hyppolite Longuay, Emile Antoine, George Christiens, Andre Berthier."

¹⁸⁸ The son turned out to be an employee of the jeweler. OBP: t18601022-876, "Walter Palfrey, Sarah Steinmayer."

¹⁸⁹ MEPO 3/44, 7 May 1840; MEPO 3/45, undated report; MEPO 3/46, 24 January 1842. Ironically, it was only because Good had stolen from a pawnshop that the police discovered the murder.

¹⁹⁰ Shpayer-Makov, *The Ascent of the Detective*, 49.

¹⁹¹ *General Regulations* (1862), 55.

¹⁹² This was of particular concern during the Great Exhibition, where policing arrangements were extensive. MEPO 2/92. Records for coordinating foreign police officers during the Exhibition noted "The Officers sent from Berlin are of a superior rank and not such as can be useful for the detection of parties

As an investigative tool, visual recognition of criminals was key. To improve officers' familiarity with known offenders, a system of prison visits was institutionalized within the Metropolitan Police, beginning in the 1830s and continuing throughout the nineteenth century.¹⁹³ Prison visits by detectives coincided with significant changes to English penal policy. From 1718 until 1853, the government relied on transportation to America and, after 1787, Australia to remove serious criminals from English shores. After the cessation of Australian transportation in 1853, Penal Servitude Acts (1853 and 1857) replaced transportation with long stretches of domestic incarceration as the primary punishment for serious crimes.¹⁹⁴ Convicts now spent nine months in solitary confinement before being sent to public works prisons in Portland, Chatham and Portsmouth where they bolstered national defense by constructing breakwaters. Sir Joshua Jebb, Surveyor-General of Convict Prisons, was especially proud of the public works system, which he felt would encourage "productive employment" while also benefiting the state.¹⁹⁵ This dual system was intended to punish and reform convicts through a period of moral reflection followed by hard work. Sentences of penal servitude were shorter than sentences of transportation, however, and most convicts were released on licenses, called tickets-of-leave, before they had served their full term.¹⁹⁶ Around 1,300 convicts were

likely to commit crime here. Their exertions seem to be direction to Political objects for their own Country." Ibid., undated report.

¹⁹³ Prison visits ceased in 1902 with the introduction of fingerprinting. Stefan Petrow, *Policing Morals: The Metropolitan Police and the Home Office, 1870-1914* (Oxford: Clarendon Press, 1994), 96-97.

¹⁹⁴ Peter W.J. Bartrip, "Public Opinion and Law Enforcement: The Ticket-of-Leave Scares in Mid-Victorian Britain," in *Policing and Punishment in Nineteenth Century Britain*, ed. Victor Bailey (New Jersey: Rutgers University Press, 1981), 153.

¹⁹⁵ An excited Jebb reported to his Home Office superiors in 1850 that Portland's convict labour had covered the costs of the institution and then some in only three years. Leon Radzinowicz, *A History of English Criminal Law and its Administration from 1750*, vol. V (London: Stevens & Sons, 1986), 494-95.

¹⁹⁶ Under the 1853 Penal Servitude Act, transportation (except for terms of over 14 years) could be commuted to a ticket-of-leave under police supervision. The criminal was permitted to reside in the United Kingdom or the Channel Islands. The 'ticket' was a probationary tool and could be revoked for poor behavior or additional law breaking. For the public, this meant that many criminals who would have been

released on a probationary ticket-of-leave annually in England and Wales, making roughly one quarter of the number of incarcerated persons.¹⁹⁷

The prison visiting system became more pressing after the ticket-of-leave system was introduced, as the police anticipated large numbers of former convicts returning to the streets.¹⁹⁸ Between 9 am and 5 pm on Wednesdays and Saturdays, Scotland Yard detectives led groups of divisional officers (after 1869, divisional detectives) to familiarize themselves with prisoners nearing release at: Tothill Fields Prison, Millbank Prison, Southwark Prison, Brixton Prison, Wandsworth House of Correction, Horsemonger Lane Prison, Middlesex House of Correction, Middlesex House of Detention and Holloway House of Correction. At the end of the day, the Scotland Yard detective coordinating the visits submitted a “Descriptive Form” to the Commissioner’s Office that described each convict and named the police officers attending that day. It was hoped that this prison visiting system would keep former convicts under constant supervision.¹⁹⁹ Facial recognition of released convicts by police officers was key in a system that relied on personal surveillance of released offenders.

sent overseas remained on the streets of London. David Taylor, *The new police in nineteenth-century England: Crime, Conflict and Control* (Manchester and New York: Manchester University Press, 1997), 37. Convicts sentenced to seven years’ transportation were incarcerated for five years, those under a fourteen-year transportation sentence served seven and a life sentence was commuted to ten years penal servitude. Heather Tomlinson, “Penal Servitude 1846-1865: A System in Evolution,” in *Policing and Punishment in Nineteenth-Century Britain*, ed. Victor Bailey (New Brunswick: Rutgers University Press, 1981), 132. The details ticket-of-leave men were first printed in the Police Orders on 4 August 1862, MEPO 7/23.

¹⁹⁷ Barry S. Godfrey, David J. Cox and Stephen D. Farrall, *Serious Offenders: A Historical Study of Habitual Criminals* (Oxford: Oxford and New York, 2010), 64. For a discussion of the ticket-of-leave system and the end of transportation, see David Smith, “The Demise of Transportation: Mid-Victorian Penal Policy,” *Criminal Justice History* Vol. 3 (1982).

¹⁹⁸ Smith, “The Demise of Transportation,” 22 and 26-28.

¹⁹⁹ The first stop was Tothill Fields Prison at 9 am and the final visit took place at Holloway at 4:30 pm. *General Orders and Regulations* (1873), 184 (order date not recorded) and 191 (orders of 9 February and 30 June 1870). There was existing public support for this type of surveillance – an anonymous letter to the Home Office in 1830 suggested that police officers “should be obliged to attend criminal proceedings so that they can recognize those who are acquitted should they see them in the future.” HO 44/23, 10 December 1830.

The prison visiting system not only reflects concerns about the behaviour of convicts on probation but also, it seems to me, belies an assumption on the part of Home Office officials and the police commissioner that released convicts would reoffend. Early Victorian experiments in reformatory incarceration, most obvious in the construction of Millbank Penitentiary and Pentonville Prison, stressed “seclusion, labour and religious instruction” in an attempt to create morally regenerated ‘penitents’. Sir George Grey, home secretary for most of the period between 1846 and 1865, and senior prison administrator Sir Joshua Jebb, surveyor-general of prisons, dominated prison policy during the 1840s and 1850s. Their shared evangelicism gave them hope for the reformatory model of incarceration.²⁰⁰ This impulse was soon considered a failure and Millbank dropped penitentiary from its name in 1844.²⁰¹ Evangelical influences on prison management waned by the 1850s when incarceration became less about moral reflection and more about discipline, something Jebb reluctantly accepted as the realities of prison administration supplanted his earlier humanitarian instincts. Historians agree that a noticeable change in tone is apparent in the 1850s. David Smith argues that the realities of prison management and the difficulty of disciplining large numbers of criminals caused early evangelicism to give way to military discipline; the separate system, in particular, became less an opportunity for moral reflection and more punitive.²⁰² Philip Harling agrees that the reformation movement was at an end by mid century. “By the early 1860s,” he argues, “the conviction had become widespread that serious criminals were simply not redeemable.”²⁰³

²⁰⁰ Smith, “The Demise of Transportation,” 23 and 26. Jebb was a former military officer who was made a commissioner of the newly constructed Pentonville Prison in 1842, Surveyor-General of prisons and Inspector-General of military prisons in 1844, and Chairman of the Directors of Convict Prisons in 1850. Clive Emsley, “Jebb, Sir Joshua (1793–1863),” in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, May 2012, <http://www.oxforddnb.com.proxy1.lib.uwo.ca/view/article/14683> (accessed July 16, 2015).

²⁰¹ Tomlinson, “Penal Servitude 1846-1865,” 128-129.

²⁰² Smith, “The Demise of Transportation,” 27.

²⁰³ Philip Harling, “The Trouble with Convicts: From Transportation to Penal Servitude, 1840-1867,” *Journal of British Studies* Vol. 53, No. 1 (January 2014), 100. This trend was also characterized by longer prison sentences. *Ibid.*

Photographs were another method of information gathering that attracted the attention of prison administrators and police by the 1860s and 1870s. The earliest use of criminal photographs was to record members of transient populations – vagrants and railway thieves in particular – and to ensure that recidivists were properly identified; in 1852, the governor of Bristol Gaol took photographs of prisoners he considered “mobile people not known to local police forces.”²⁰⁴ Photography, daguerreotype portraits in particular, became popular in England during the 1840s. The first photographic exhibition was held in 1852 and photographic machinery was part of the 1851 and 1862 Exhibitions. It remained an expensive process until the development of glass negatives in the 1850s and dry plates in the 1870s, which lowered the cost significantly.²⁰⁵

The high cost of photographic prints in the early years of the technology explains why the Metropolitan Police, overseen as it was by the notoriously parsimonious Home Office, only photographed criminals after the 1871 Prevention of Crimes Act required criminals to be photographed and a picture of each offender added to a Habitual Criminals Register at Scotland Yard.²⁰⁶ The Act put increased pressure on the police to monitor offenders, but “the size of the subject population and the means of keeping them under surveillance”

²⁰⁴ Jens Jäger, “Photography: a means of surveillance? Judicial photography, 1850-1900,” *Crime, History and Societies* Vol. 5, No. 1 (2001): 33.

²⁰⁵ Roy Flukinger, *The Formative Decades: Photography in Great Britain, 1839-1920* (Austin: The University of Texas Press, 1985), 6-9.

²⁰⁶ Petrow, *Policing Morals*, 87. The 1869 Habitual Criminals Act institutionalized photographs as part of the police information network, requiring records of convicts’ details, including height and physical markings, although photographs were not compulsory. Barry S. Godfrey, David J. Cox and Stephen D. Farrall, *Serious Offenders: A Historical Study of Habitual Criminals* (Oxford: Oxford and New York, 2010), 97. England was far behind Continental Europe when it came to gathering information about criminals. France had a centralized bureau for such information following the Revolution. Howard G. Brown, “Tips, Traps, and Tropes: Catching Thieves in Post-Revolutionary Paris,” in *Police Detectives in History, 1750-1850*, ed. Clive Emsley and Haia Shpayer-Makov (Aldershot: Ashgate Publishing Limited, 2006), 50 and 57. Inspector John Shore’s testimony before the 1878 Departmental Committee, however, indicates that the only photos at Scotland Yard were of those prisoners released on license. The Habitual Criminals Register itself was kept at the Home Office and officers needed to apply to see it. *Report of the Departmental Commission* (1878), 26.

made the task practically impossible.²⁰⁷ The volume of entries in the Habitual Criminals Register quickly rendered it “useless” and “unwieldy.”²⁰⁸ Detectives found the Habitual Criminals Register difficult to manage. Andrew Lansdowne remembered that the photograph database at the Convict Office was unhelpful and preferred searching for suspects based on descriptions: “I have never arrested a man from having recognized his portrait in the collection of photographs at the Convict Office,” he asserted. He had, however, “arrested scores by means of descriptions which have been supplied.”²⁰⁹ Sergeant Littlechild agreed, believing that registers of criminals were less helpful than practical experience. “[M]y own impression,” he mused to the 1878 Departmental Commission, “is that a good officer would, in the course of time, gain his own knowledge; he would gain very little more from what I could write down in a book.”²¹⁰ As late as 1893 “personal recognition” was still the dominant method for identifying criminals and worked extremely well when dealing with local offenders.²¹¹

Photographs of individual offenders in relation to specific crimes were also taken. After two Fenian prisoners escaped from police custody in Manchester in September 1867, the Home Office spent £50 printing 2000 photographs of one of the escapees, Colonel Thomas J. Kelly.²¹² Likewise, when Queen Victoria’s would-be assassin Edward Oxford was released from Broadmoor Lunatic Asylum in 1867, Home Secretary Gathorne

²⁰⁷ The country’s police services simply could not cope with the thousands of offenders requiring police supervision. Godfrey, Cox and Farrall, *Serious Offenders*, 67 and 98.

²⁰⁸ Petrow, *Policing Morals*, 84-85. Police forces in Paris and Berlin had similar issues with volume of photographs in their catalogues. Jäger, “Judicial Photography,” 39-40.

²⁰⁹ Lansdowne, *A Life’s Reminiscences*, 105.

²¹⁰ *Report of the Departmental Commission* (1878), 43.

²¹¹ Petrow, *Policing Morals*, 89-90.

²¹² Kelly was never captured and ended his days in America. HO 65/7, 11 October 1867. This was in addition to the £123 telegraph bill for communications between Scotland Yard and Manchester. HO 65/7, 1 October 1867. For more on Fenians in London and the Manchester incident, see Smith, *Policing Victorian London*, chapter 9.

Hardy²¹³ asked Mayne to send some officers to see Oxford in Broadmoor to “make themselves acquainted with his appearance.” Oxford’s release was conditional on his immediate emigration and Hardy wanted the former convict recognized immediately should he ever set foot back on English soil. The police also took Oxford’s photograph, copies of which were distributed throughout the police district.²¹⁴

3.3.2 Forensics

Forensic medicine dominated the field of forensic science in the nineteenth century. Medical witnesses began testifying in court by the mid-eighteenth century, but forensic medicine only became an established field in the 1830s.²¹⁵ Medical experts testified about wounds, disease, poisoning, mental illness, infanticide and abortion to inquest juries and in courts of law.²¹⁶ They also began publishing authoritative texts on poison, toxicology, anatomy and mental illness in the 1820s and 1830s, establishing a quasi-official field of medical forensics. Forensic medicine gained an official foothold in 1831, when the Society of Apothecaries required all their licensees to take classes on medical

²¹³ Hardy was only Home Secretary for a brief period between Spencer Walpole’s resignation in May 1867 and the Conservative Party’s loss in the 1868 election. He was in office during the Fenian crisis in the autumn of 1867, though, and took a particularly hard line on the men convicted, refusing to commute their death sentences. Jonathan Parry, “Hardy, Gathorne Gathorne-, first earl of Cranbrook (1814-1906),” in *Oxford Dictionary of National Biography*, ed. H.C.G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, January 2008, <http://www.oxforddnb.com.proxy1.lib.uwo.ca/view/article/33356> (accessed March 24, 2015).

²¹⁴ HO 65/7, 18 October 1867. The police also photographed unidentified dead bodies. MEPO 7/33, 6 November 1871.

²¹⁵ Katherine D. Watson, *Forensic Medicine in Western Society: A History* (London and New York: Routledge, 2011), 40; Thomas Rogers Forbes, *Surgeons at the Old Bailey: English Forensic Medicine to 1878* (New Haven and London: Yale University Press, 1985), 6. Ibid.

²¹⁶ Watson, *Forensic Medicine in Western Society*; Forbes, *Surgeons at the Old Bailey*; Ian Burney, *Bodies of Evidence: Medicine and the Politics of the English Inquest 1830-1926* (Baltimore and London: The Johns Hopkins University Press, 2000); Ian Burney, *Poison, Detection, and the Victorian Imagination* (Manchester: Manchester University Press, 2006); Joel Peter Eigen, *Witnessing Insanity: Madness and Mad-Doctors in the English Court* (New Haven and London: Yale University Press, 1995); Roger Smith, *Trial by Medicine: Insanity and Responsibility in Victorian Trials* (Edinburgh: Edinburgh University Press, 1981).

jurisprudence.²¹⁷ Ironically, it was the inquest, and coroners' parsimony in particular, that hampered the development of forensic medicine in England.²¹⁸ Although the 1836 Medical Witnesses Act required that medical witnesses give testimony at inquests, coroners – still under the thumb of local magistrates – were reluctant to pay doctors the one guinea fee for an autopsy. Only after 1887, when coroners gained the right to hold inquests without magisterial interference, did autopsies become more prevalent.²¹⁹ Locating a doctor with proper anatomical training was also a problem, meaning that, even when an autopsy was performed, the examination of the body was often only external.²²⁰

Nineteenth-century detectives did not have the benefit of advanced forensics, such as fingerprinting, to identify suspects. Although Sir William Herschel pioneered the use of finger and palm prints in British India, the science took much longer to gain a foothold in English policing practice.²²¹ Refinements to the fingerprinting system in the early 1890s established it as a reliable way to identify individuals, though it took the development of a workable classification system to convince the Home Office to adopt it in the Met.²²² It also took administrative change. Edward Henry, the man who invented the fingerprint

²¹⁷ Forbes, *Surgeons at the Old Bailey*, 6.

²¹⁸ Watson, *Forensic Medicine*, 11-12.

²¹⁹ Watson, *Forensic Medicine*, 40.

²²⁰ Forbes, *Surgeons at the Old Bailey*, 13 and 33-34. Although the number of trials for which an autopsy was performed grew over the nineteenth century, by 1878 autopsies were performed in only 61.7 per cent of homicide trials. *Ibid.*, 21.

²²¹ The advantages of fingerprinting were not unknown earlier in the century. During the Russell murder investigation a surgeon named Robert Blake Overton had written to Lord John Russell to suggest that closer examination be made of the bloody fingerprints on the deceased's sheets and pillows. "It is not generally known," the surgeon wrote, "that every individual has a peculiar arrangement of the grains of the skin the impression of which may be distinctly seen by the aid of a high magnifying glass" and that, by this method, the identity of the person who left the marks in blood might be found. Francis Hobler, *An account of the murder of the Lord William Russell on the night of the 5th and 6th May 1840, with the discovery & confession & execution of his murderer. Being a collection of all the examinations of witnesses both in private and in public, anonymous letters and every document which has passed through my hands relating to the case and assisting with its prosecution – with two portraits of the criminal, taken by Mr. C.A. Rivers* (1840), HLS MS 4487, Item 133, 16 May 1840. I would like to thank Allyson May for this reference.

²²² David Ascoli, *The Queen's Peace: The Origins and Development of the Metropolitan Police 1829-1979* (London: Hamish Hamilton, 1979), 180-183.

classification system, became assistant commissioner overseeing the CID in early summer 1901 and by July, fingerprinting was enshrined at New Scotland Yard with a professional staff of five fully trained technicians.²²³ Blood identification was also unavailable to early detectives. It was scientifically possible to identify a bloodstain after 1850 but “not until 1895 could human blood be distinguished from animal blood.”²²⁴

While more advanced techniques, such as fingerprinting, were not available to officers in the Detective Department, they used sketches, tool marks, footprints, handwriting and visual identification to connect suspects and crimes. Crime scene sketches were an important method of capturing the scene before the routine use of photography. In 1841 Colonel Rowan declared that all burglary reports should include a sketch of the location of the crime as well as where on the local beat the building was located. Not only would this help refresh the memories of responding officers if they testified at trial, but drawn images could also help situate valuables and points of entrance and egress.²²⁵ During an 1876 fraud trial, detective Walter Andrews used a sketch to explain his evidence to the court. The four defendants were accused of misrepresenting the weight of goods sold to the prosecutor, so that he overpaid them by £50. To detect the fraud, Andrews and Detective Sergeants Thomas Roots and John Manton concealed themselves in a building to observing the suspects at work. The detectives hid in the workshop for several days, watching the number of loads weighed and copying down the weights as they were called out. Andrews’s sketch established the set-up of the warehouse, the detectives’ hiding spot

²²³ Petrow, *Policing Morals*, 95-96. Scotland Yard became a leader in fingerprinting but, after this brief scientific high, fell behind European and American police services when it came to the use of science in criminal investigations. The first English police labs were not established until the 1930s. T.A. Critchley, *A History of Police in England and Wales 900-1966* (London: Constable, 1967), 210-213.

²²⁴ Stanley Palmer, *Police and Protest in England and Ireland 1780-1850* (Cambridge and New York: Cambridge University Press, 1988), 533.

²²⁵ MEPO 7/7, 27 February 1841. The order came during the height of the burglary season. The point about where the crime scene was relative to local beats was important; it could help determine whether there was too long of a gap between rounds.

and the scales, showing that the officers had a clear view of the scales during their operation.²²⁶

Burglaries were a bountiful source of forensic information. Tool marks from the initial break-in were often key evidence. In the Courvoisier case, the back door was forced, as were some of the drawers and a cupboard in the back kitchen. The police matched the marks on the drawers and cupboard to a chisel found among Courvoisier's belongings. They also matched a poker to the marks on the door. One of the senior investigators on the case, Inspector Tedman of St. James's division, testified that the door had been forced from the inside, indicating that the perpetrator was already in the house on the night of the murder and burglary. The door and post were both brought to court for an expert witness – a carpenter – to comment on.²²⁷ During Francis Bull's trial for burglary in November 1843, the Superintendent of the East Sussex constabulary testified about drill marks. He found a drill on the defendant and matched the markings to those on two boxes with the locks drilled open.²²⁸

Footprints were another source of forensic evidence. Police policy required that all crime scene footprints be protected until molds could be taken. Occasionally, well-intentioned constables compromised investigations by putting possible shoe matches on the original footprint and irreparably damaged the evidence. Orders from Colonel Rowan explicitly required that any possible matches be imprinted separately and compared with the original footmark to avoid this problem.²²⁹ In another burglary case in June 1869, police

²²⁶ Andrews and Roots testified at length and in great detail about the defendants' activities. All four were convicted. OBP: t18761120-13, "George Seaborn, Thomas Sambridge, Henry Garlick, William Eddington."

²²⁷ OBP: t18400615-1629, "François Benjamin Courvoisier"; *The Morning Chronicle*, 20 June 1840.

²²⁸ OBP: t18431127-202, "Francis Bull." John Littlechild also describes using tool marks to determine whether a burglary was committed from within or without. John Littlechild, *The Reminiscences of Chief Inspector Littlechild* Second Edition (London: Leadenhall Ltd., 1894), 180.

²²⁹ MEPO 7/19, 24 December 1857. See also Vincent, *A Police Code*, 108. The police instruction manuals do not specify exactly how to prepare and cast the molds. This was evidently taught on the job.

matched suspect John Holloway's boot to a footprint found at the scene.²³⁰ Sometimes, the lack of footprints helped crack a case. In the 1860 murder of Samuel Kent, for example, the murderer, his elder half-sister Constance, opened a drawing room window to make it seem as if an outsider had broken in. Yet the only footprints outside the window were those of the odd-job boy, who had been working in the garden the previous evening. Once the police ruled him out as a suspect, it was clear that no one had broken in to kill the young boy. The window itself had not been forced, lending further support to the theory that the murderer was already inside the house when the Kent family bedded down for the night.²³¹

Investigations included exhaustive searches for evidence in the area around the crime scene. The Grimwood murder is an excellent example. Inspector Field "Had the Cesspool Emptied and the water pipes taken down the Chimnies [sic] searched and every part of the house minutely searched" to locate any evidence that might have been hidden.²³² While investigating the Russell murder, police dismantled large parts of the butler's pantry and searched the dust holes, cisterns and water closet, the contents of which were "passed through a sieve."²³³ A similar search was done to find additional evidence in the death of Jane Jones, although a search of "the cesspool, the water-tanks, and the manure heaps in the stable-yard" turned up nothing.²³⁴ Police officers located the murdered infant Samuel Kent in the family's privy while conducting a search of the property.²³⁵

Handwriting identification was also an important forensic tool, especially in forgery and fraud cases. In the eighteenth century, witnesses testifying about handwriting were

²³⁰ OBP: t18690607-591, "John Holloway, Thomas Lewis."

²³¹ Summerscale, *The Suspicions of Mr. Whicher*, 18.

²³² MEPO 3/40, undated report.

²³³ MEPO 3/44, 7 May 1840; *The Morning Chronicle*, 11 May 1840.

²³⁴ *Morning Advertiser*, 13 April 1842.

²³⁵ Summerscale, *The Suspicions of Mr. Whicher*, 15.

usually friends of the person whose signature was forged. Later in the century, clerks began to supplant the testimony of friends and acquaintances because of their familiarity with clients' signatures and business practices.²³⁶ By the mid-nineteenth century, clerks, policemen, handwriting experts and the prosecutor all routinely testified in fraud and forgery trials.²³⁷ In 1848 Inspector Shackell testified that the accused in a fraud trial had written a series of letters to extort money from Cynric Lloyd.²³⁸

While it was not uncommon for detectives to testify about handwriting, handwriting experts also appeared in court. By the late 1860s, Charles Chabot emerged as a leading expert, testifying in a number of Scotland Yard cases of larceny and highway robbery. In September 1868, Chabot and another expert, Frederick George Netherclift, were expert witnesses at Joseph Smith's trial for larceny. Smith intercepted winning betting stubs in the mail to redeem for himself. Chabot and Netherclift testified that Smith's handwriting matched the letters accompanying the winning tickets. Both experts emphasized their considerable experience. Netherclift told the court that he "h[ad] been an expert in handwriting for twenty-five years" while Chabot "h[ad] practiced in that way for many years."²³⁹ At Eugene Brunneau's 1874 trial for defrauding a French clockmaker, Chabot gave evidence linking Brunneau's handwriting with letters written to the clockmaker.²⁴⁰ Chabot was an engraver by trade, giving him great attention to detail. His expertise was in great demand. "I have very often been examine in Courts before," he told the bench in 1872.²⁴¹ Although Chabot admitted during an 1877 cross-examination that juries did not always take his expertise to heart, solicitors repeatedly sought him out. Lithographers

²³⁶ Randall McGowen, "Knowing the Hand: Forgery and the Proof of Writing in Eighteenth-century England," *Historical Reflections* No. 24, Vol. 3 (Fall 1998): 393 and 409.

²³⁷ In the eighteenth century the party witness rule prohibited victims from testifying about their own signatures. McGowen, "Forgery and the Proof of Writing in Eighteenth-Century England," 393.

²³⁸ See chapter 4, section 4.5.2.

²³⁹ OBP: t18680921-844, "Joseph Smith."

²⁴⁰ OBP: t18740407-279, "Eugene Brunneau."

²⁴¹ OBP: t18720610-486, "David Thomas Edwards, Sarah Edwards, Elizabeth Hopkins."

were also called in as witnesses. At Joseph Smith's trial the prosecution called three handwriting experts, Chabot and two lithographers, to the stand. The lithographers were "fac-similist[s] of handwriting" and, like Chabot and Netherclift, paid great attention to the finer details of penmanship.²⁴²

Once a suspect was in custody, it was important that witnesses provide a positive identification. This was done through a police line up. There were no specific instructions, however, for how to execute one. The police orders only mention line-ups in 1871, with a reminder that the Middlesex session's rule for prisoner identification required that the accused "be placed in the company of others of the same sex, preparatory to being seen by the witness expected to identify." There is no mention of how many others need to be used, although, obviously, officers in uniform were prohibited. Officers out of uniform could be placed with the prisoner if no one else could be found. The commissioner requested that "[p]ersons of the same general appearance and dress as the prisoner should as far as possible be selected."²⁴³

Defense counsel routinely attacked line-ups as a method for identifying suspects. At Robert Massie's burglary trial in 1871, the policeman who saw the suspect coming towards London from Edgeware at 3:50 am was asked to identify Massie as the man he saw. Constable Painter picked Massie "from ten or twelve others" at the Court House. Counsel strongly suggested that Painter was told who to identify, but the policeman denied the accusation categorically: "I was not directed to go and pick him out – I saw a description in our informations and I said he was the man I had seen."²⁴⁴ During John Holloway and Thomas Lewis's 1869 trial, Lewis accused Meiklejohn of pointing him out to the victim in the police lineup. The victim was another officer, beaten savagely by the two accused after catching them in the middle of a burglary. The local inspector Thomas Brady and Sergeant Meiklejohn were adamant that Lewis was not set up to be identified.

²⁴² OBP: OBP: t18680921-844, "Joseph Smith."

²⁴³ *General Orders and Regulations* (1873), 190, orders from 4 May 1871 and 20 January 1874.

²⁴⁴ OBP: t18710605-452, "Robert Massie."

Brady testified that he told Lewis, “‘You select your own spot when you will stand’ – he placed himself where he thought fit.” Meiklejohn agreed that “you [Lewis] were told to place yourself, and you stood at the end of the men who were placed in a row.”²⁴⁵

3.4 Conclusion

Between 1829 and 1860, roughly 100,000 men joined the Metropolitan Police. Nearly half resigned and a third were dismissed.²⁴⁶ High turnover made acquiring and retaining good officers a challenge. Low pay, long hours, strict control, the monotony of beat work and constant exposure to inclement weather were a few of the more obvious detractors from the job. Drinking and associated vices were also serious problems and the cause of many dismissals.²⁴⁷ By contrast, the Detective Department managed to retain most of its staff and many of those who remained obtained prized promotions. The men who quit, transferred or were fired (thirty-one per cent of recruits) are the exception to the rule. Over sixty-eight per cent of detectives serving between 1842 and 1878 made careers in the police, leaving only when promoted, pensioned or because they died.²⁴⁸

Job satisfaction tended to rest on the particular skill of each officer. Recruits knew that invitations to join the Detective Department reflected their individual talents and favoured them in the Metropolitan Police meritocracy. Once drawn from their divisions,

²⁴⁵ OBP: t18690607-591 “John Holloway, Thomas Lewis.”

²⁴⁶ Calculated from statistics given in Shpayer-Makov, *The Making of a Policeman*, 161. Also discussed in Smith, *Policing Victorian London*, 48.

²⁴⁷ Several disciplinary notices from 1840 indicate the nature of the problem. On 1 January 1840 the creatively named William Willison and David Davies were dismissed from St. James’s division for being “out of the Section House in plain clothes in company with prostitutes drinking in a public house.” The following month, constable James Pond skipped out on his beat in Stepney for a tippie at his local pub. Pond kept his job but lost a day’s pay. That spring Joseph Cron was “found in an indecent position with a Female while on duty at 11 ¾ PM in Brewers Lane Wapping” and suffered dismissal for it. Two days later, constable Baker was committed to the local house of correction for a week for being blind drunk while on duty. MEPO 7/6, 1 January, 11 February, 7 May and 9 May 1840. Shpayer-Makov describes the period between 1829 and the late 1860s as one of “rigid discipline” for policemen, both on duty and off. Shpayer-Makov, *The Making of a Policeman*, 226. For discussions on police behaviour, see Emsley, *The English Police*, 185 and Smith, *Policing Victorian London*, 48-50. The Irish Constabulary had similarly high rates of dismissal, most of which were for drunkenness. Palmer, *Police and Protest*, 362.

²⁴⁸ This includes the men still serving as of April 1878. Calculations based on statistics in Figure 3.

apprentice-detectives worked closely with senior officers. Some had experience as Bow Street officers, while others had shown a knack for surveillance or investigatory work. Each could rely on his skills to propel him into a group of policemen praised for action and initiative instead of confined to the passive patrolling duties of beat officers. The Detective Department operated within a framework of trust and respect, as opposed to the paternalistic and controlling world of uniformed policing. The freedom accorded to detectives must have seemed a great change from the strict discipline and monotony of life in uniform. It is no surprise, then, that so many of those offered admission to this elite cadre chose to remain.

Most detectives spent between nine and fourteen years working their way up through the ranks (most had at least achieved a sergeant's rank before promotion) and then went on to spend between three and eight years as detectives. Those whose detective careers extended beyond nine years were almost certain to rise to an inspector's rank or above. Their elite status was similarly reflected in their incomes. While most constables earned salaries within working-class parameters, detectives' wages placed them higher up the social scale. Those who rose to the rank of inspector and above achieved comfortable lower-middle and middle-class status. These salaries were at times supplemented by generous rewards from the public and the Metropolitan Police for meritorious conduct. The following chapters will discuss the content of detectives' careers, beginning first with an examination of detective priorities.

4 Detective Priorities

Thus far, this thesis has examined the origins of Scotland Yard's detective force and the careers of the detectives who worked there. Our focus shifts now to examine the specifics of felony investigation and prosecution in London. Just as the Bow Street Runners had done, detectives, and police officers more generally, appeared in court to bolster prosecution cases against offenders. They located witnesses, gathered evidence for solicitors and testified in court. This chapter evaluates detective priorities by examining their caseload at the Old Bailey, London's Central Criminal Court, between 1842 and 1878.

4.1 Sources

The following discussion is based on digitized trial transcripts in the Old Bailey Proceedings (OBP) Online. The number of surviving case files in the Metropolitan Police archive is limited, making court transcripts and newspaper crime reports the best way to locate case details.¹ To this end, I have compiled a database of cases prosecuted at the Old Bailey in which detectives testified. As the Central Criminal Court for London, felonies committed within London and Middlesex were tried at the Old Bailey, making it a useful way to determine which serious crimes Scotland Yard's detectives investigated and prosecuted in the country's main courthouse.² My database offers, for the first time, the most complete possible picture of detectives' activities in a single jurisdiction in the early and mid-Victorian period.³

¹ Many of the case files within the Metropolitan Police records at The National Archives have been lost, destroyed or discarded. The only case records that survive in significant numbers are murders, located in MEPO 3.

² Detectives also appeared at London's quarter sessions, the Middlesex Sessions, where misdemeanours and lesser felonies were tried. David Bentley, *English Criminal Justice in the Nineteenth Century* (London: The Hambledon Press, 1998), 58.

³ Using digitized Old Bailey records for statistical purposes has drawbacks as the database's categories can lead to statistical distortions. This is especially true when one considers that some categories – stealing from a master or theft from a specified place, for example – no longer had a meaningful statutory basis

The main categories of crime employed by the database are: breaking the peace, damage to property, deception, killing, miscellaneous, royal offences, sexual offences, theft and violent theft.⁴

Cases prosecuted at the Old Bailey were the culmination of hard work by prosecutors, policemen, solicitors and barristers. Although private prosecution remained the norm until the creation of a public prosecutor, the Director of Public Prosecutions (DPP), in 1879, by mid century “prosecutions were now increasingly overseen by either the police, clerks to magistrates or borough solicitors, and were financed out of public funds.”⁵ The government became involved in prosecutions that affected state matters and employees or in cases where victims were unable or unwilling.⁶ In the years before 1879 the treasury solicitor conducted state prosecutions, aided by the Home Office’s solicitor after 1841.⁷

Before going to trial, suspects were first charged before magistrates, who took depositions from witnesses, heard statements by the accused and (after 1836) defense

after early-nineteenth-century criminal law reforms. I use these categories, however, for continuity because they are the ones used by the OBP Online and other scholars use this resource extensively.

⁴ Only robbery and highway robbery were considered violent thefts. Highway robbery, though of great concern in the eighteenth and into the early nineteenth century, was increasingly a rarity by the 1830s. No cases of highway robbery were tried between 1832 and 1877. OBP, “Crimes.” Even so, it was enough of a concern to merit special patrols in Whitechapel in 1865. See MEPO 7/26, 1 July 1865. As a result of the drawbacks inherent on relying on the OBP, I have occasionally supplemented the Proceedings with cases investigated by detectives outside of London. County and borough constabularies were not mandatory until 1856 and, even afterwards, took time to develop the investigatory techniques used in the capital. As a result, officers were often sent from London to help local investigations.

⁵ Bentley, *English Criminal Justice in the Nineteenth Century*, 7.

⁶ Cases of violence against police officers and murder were common before mid century. HO 65/13, 26 June 1841 and 21 September 1841; HO 65/15, 26 December 1845 and 25 March 1846. Later state prosecutions covered a variety of crimes, including: murder, theft, housebreaking, fraud and violations of liquor legislation. HO 65/29, 19 and 28 October 1872; HO 65/13, 28 January, 20 February and 27 May 1875.

⁷ The Home Office appointed solicitor William Vizard in February 1841. HO 65/13, 3 February 1841.

counsel.⁸ If the evidence against the accused was strong, he or she would be committed for trial, at which point the prosecution solicitor would gather evidence and witnesses to establish a strong case, which a barrister would ultimately argue at the Old Bailey.⁹

Before the Sessions began, a Grand Jury of between twelve and twenty-three men had to find a ‘true’ bill against the accused, meaning that the Grand Jury heard the evidence against the accused and determined whether the case would go ahead for trial.

Indictments would go on to trial only if the jurors found “prima facie evidence of guilt.”¹⁰ The Grand Jury hearing was a final attempt to weed out weak cases.

4.2 Detectives at the Old Bailey

Between 1842 and 1878 Scotland Yard’s detectives appeared in the Old Bailey witness box in three hundred and eighteen trials, or roughly eight cases per year (Table 1).¹¹

Numbers this low are not surprising because the detective force was small and stretched thin, geographically and operationally. Only a small number of men were employed full-

⁸ The Prisoners’ Counsel Act allowed counsel to represent defendants in summary hearings before magistrates and during trial. It also entitled the defense to disclosure of prosecution documents. For a discussion of the 1836 Prisoners’ Counsel Act, see J.M. Beattie, “Scales of Justice: Defense Counsel and the English Criminal Trial in the Eighteenth and Nineteenth centuries,” *Law and History Review* Vol. 9 (1991); David Cairns, *Advocacy and the Making of the Adversarial Criminal Trial, 1800-1865* (Oxford: Clarendon Press, 1998), chapter 4; Allyson N. May, *The Bar and the Old Bailey, 1750-1850* (Chapel Hill and London: The University of North Carolina Press, 2003), chapter 7.

⁹ Weak evidence would result in the dismissal of the case. Bentley, *English Criminal Justice in the Nineteenth Century*, 29-31. Detectives were often involved in this process, helping solicitors identify useful witnesses, information and evidence.

¹⁰ The Grand Jury questioned witnesses in private and the accused had no access to these proceedings. Bentley, *English Criminal Justice*, 131-132. For a detailed description of courtroom practices in the seventeenth and eighteenth centuries, see J.M. Beattie, *Crime and the Courts in England 1660-1800* (Princeton: Princeton University Press, 1996), chapter 7.

¹¹ To create the database, I searched the keyword “detective” as well as the names (and their various permutations) of all the Scotland Yard detectives I have encountered between 1 August 1842 and 31 December 1878. The keyword search for “detective” also brought up many City of London detectives and Metropolitan Police divisional detectives, whose cases I also recorded in my database. For the period 1842-1878, City of London detectives appeared in 718 cases and, between 1869 and 1878, Metropolitan Police divisional detectives appeared in 412. Although I am confident that I have located the majority of Scotland Yard cases in the Old Bailey records, the numbers for the City and the Met’s divisional men are probably on the low side. I did not have rosters for their names to do a more exhaustive search, so this search only includes cases where the detectives themselves or other witnesses referred to them as detectives.

Table 1: Detective cases at the Old Bailey, 1842-1878

	Offence	Total	% of Total Cases (318)
Breaking the Peace (3.4%)	Assault	1	0.30%
	Riot	1	0.30%
	Threatening behaviour	3	0.90%
	Wounding	5	1.60%
	Arson	1	0.30%
Deception (32.7%)	Forgery	59	18.60%
	Fraud	38	11.90%
	Other	3	0.90%
	Perjury	4	1.30%
Killing (5.3%)	Manslaughter	2	0.60%
	Murder	15	4.70%
Miscellaneous (2.4%)	Conspiracy	3	0.90%
	Kidnapping	1	0.30%
	Perverting the course of justice	2	0.60%
	Returning from Transportation	2	0.60%
Royal Offences (6.3%)	Coining Offences	13	4.10%
	Seducing from Allegiance	1	0.30%
	Seditious Words	1	0.30%
	Treason	5	1.60%
Sexual Offences (1.6%)	Bigamy	5	1.60%
Theft (47.1%)	Animal theft	3	0.90%
	Burglary	13	4.10%
	Embezzlement	1	0.30%
	Extortion	4	1.30%
	Housebreaking	8	2.50%
	Mail theft	3	0.90%
	Other	1	0.30%
	Pickpocketing	7	2.20%
	Receiving	11	3.50%
	Simple Larceny	39	12.30%
	Stealing from a Master	24	7.50%
Theft from a specified place	36	11.30%	
Violent Theft (0.9%)	Highway Robbery	1	0.30%
	Robbery	2	0.60%

time in London and the burden of non-felony investigations they undertook was significant.¹² When detectives appeared at the Old Bailey, it was usually on cases they had spent considerable time and energy investigating. Occasionally, detectives became involved in cases by sheer luck, such as when they caught someone red-handed; the majority of the time, however, the police commissioners assigned officers directly to cases that held some importance for the police services or the government.

4.3 Patterns of policing

Theft was the most prosecuted crime in the eighteenth century and remained so in the nineteenth.¹³ The murder scare in the early 1840s may have pressured the police commissioners and Home Office into creating a new detective force, but theft remained the dominant focus of policing – including detective policing – at mid century (Table 2).¹⁴ In the 1840s, 70 per cent of detective cases at the Old Bailey were larcenies, which continued to be their main priority until the 1860s. After 1860 there was a change in the focus of detective policing in London towards forgery.¹⁵ Counterfeiting financial

¹² See chapter 6.

¹³ J.M. Beattie's research shows that property offences were the largest category of indictments at the Sussex and Surrey assizes in the eighteenth century. Beattie, *Crime and the Courts*, 140. V.A.C. Gattrell's statistics indicate that property offences were far and away the largest category of prosecuted offences between 1836 and 1913. V.A.C Gattrell, "The Decline of Theft and Violence in Victorian and Edwardian England," in *Crime and the Law: A Social History of Crime in Western Europe Since 1500*, eds. V.A.C. Gattrell, Bruce Lenman and Geoffrey Parker (London: Europa Publications, 1980), 238-337 and 282. Theft was also Bow Street's priority in the metropolis, accounting for over half of their investigations between 1792 and 1839. David J. Cox, *A Certain Share of Low Cunning: A History of the Bow Street Runners, 1792-1839* (Cullompton: Willan Publishing, 2010), 125-126.

¹⁴ Scotland Yard detectives continued to investigate murders, although they appeared in only 15 murder cases at the Old Bailey between 1842 and 1878. They investigated far more than this in London and the provinces, though not all of these cases resulted in a prosecution and not all prosecutions were tried at the Old Bailey. I chose not to analyze murder investigations here because many existing works on the Detective Department focus on murder. Although murders captured public (and historical) attention, it was not the most significant part of the Detective Department's work. One of the aims of this thesis is to move away from sensational (i.e.: murder) investigations and towards a more meaningful evaluation of Scotland Yard's detective caseload.

¹⁵ Randall McGowan has written extensively on forgery prosecutions, with a focus on the eighteenth century and the Bank of England, and is the acknowledged expert in the field. See Randall McGowan, "Making the 'bloody code'? Forgery legislation in eighteenth-century England," in *Law, Crime and English Society, 1660-1830*, ed. Norma Landau (New York: Cambridge University Press, 2002); Randall

instruments – wills, power of attorney, banknotes or stock certificates – was a significant threat to the industrial success and financial stability of the country. Investigations were tricky and prosecutions complicated, meaning that prosecutors, solicitors and the government wanted the most experienced police officers involved. Theft still made up the majority, 43 per cent, of the detective caseload in the 1860s but forgery was a close second at 32 per cent. This landscape changed in the 1870s when detectives began a major anti-fraud offensive. Between 1870 and 1878 their fraud caseload occupied 27 per cent of their time, for the first time equaling the amount of time spent on larceny. Forgery was the third most investigated crime in the 1870s, amounting to 19 per cent of the Detective Department’s workload.¹⁶

The noticeable drop-off in detective appearances at the Old Bailey in the 1850s and 1860s reflects changed priorities in the Detective Department’s second decade. They began to spend more time overseeing divisional plainclothes men, working for the Home Office and investigating cases outside London.¹⁷ Detectives appeared before the Old Bailey bench only forty-six times in the 1850s and fifty-five times in the 1860s (compared with 103 appearances between 1842 and 1849). By the 1870s, however, detectives spent more time at the Old Bailey than ever before. After an injection of manpower in 1869 there were now more men to pick up the slack in London while senior officers continued to work for the Home Office and in the counties. The following

McGowen, “Managing the Gallows: The Bank of England and the Death Penalty, 1797-1821,” *Law and History Review* Vol. 25, No. 2 (Summer 2007); Randall McGowen, “Knowing the Hand: Forgery and the Proof of Writing in Eighteenth-Century England,” *Historical Reflections* Vol. 24, No. 3 (Fall 1998); Randall McGowen, “The Bank of England and the Policing of Forgery 1797-1821,” *Past and Present* Vol. 186 (February 2005). Forgery in the nineteenth century has received less attention, likely owing to a focus on company and stock fraud. See James Taylor, *Boardroom Scandal: The Criminalization of Company Fraud in Nineteenth-century Britain* (Oxford: Oxford University Press, 2013).

¹⁶ The overall categories of Theft and Deception were not the only crimes investigated by detectives, but they are by far the most numerous.

¹⁷ See chapters 5 and 6.

sections discuss the major categories of felony investigated by Scotland Yard detectives between 1842 and 1878: theft, forgery and fraud.

Table 2: Detective cases at the Old Bailey by decade

		1840s	1850s	1860s	1870s	Total	% Of Total Cases (318)
Theft	Simple Larceny	21	6	6	6	39	12.3 %
	Theft from a Specified Place	19	3	6	8	36	11.3 %
	Stealing from a Master	13	4	2	5	24	7.5 %
	Burglary	3	3	5	2	13	5 %
Deception	Forgery	10	10	17	22	59	18.6 %
	Fraud	4	1	2	31	38	12 %
Total		70	27	38	74	209	66.7 %

4.4 Theft

“No branch of the law is more intricate, and few are more technical,” wrote Justice James Fitzjames Stephen in 1883, than the law relating to the fraudulent misappropriation of property.¹⁸ Theft was a broad category encompassing anything from pickpocketing to mail theft, livestock theft to burglary.¹⁹ There was a proliferation of larceny statutes in the eighteenth century, making many crimes larcenies and then capitalizing those

¹⁸ James Fitzjames Stephen, *A History of the Criminal Law of England*, vol. III (London: Macmillan and Co., 1883), 122.

¹⁹ Scotland Yard detectives were involved in a variety of theft cases at the Old Bailey between 1842 and 1878, including: animal theft, burglary, embezzlement, extortion, housebreaking, mail theft, pickpocketing, receiving, simple larceny, stealing from a master, theft from a specified place, highway robbery and robbery.

larcenies.²⁰ These new felonies, many of which were highly specific, formed part of an “elaborate and intricate system which has been built upon common law doctrines” by removing benefit of clergy or making it theft “to steal certain things which at common law were not the subject-matter of larceny.”²¹ During the first quarter of the nineteenth century, many of these capital larcenies were decapitalized and amalgamated into a more rational table of crimes.²² Larceny law remained complicated, however, leaving several categories into which felonious thefts might fall. Simple larceny – the largest general category of theft – was a catchall for anything not specifically covered by the myriad other classifications of thefts in the Larceny Acts. The other major groupings included: burglary, housebreaking, robbery, theft from specified places, stealing from a master or employer and receiving stolen property.²³

Two major legislative efforts streamlined nineteenth-century larceny law: the 1827 and 1861 Larceny Acts. The 1827 Act was the culmination of Robert Peel’s “consolidation and digestion” of roughly fifty statutes concerning capital and non-capital property offences. Significantly, the abolition of grand larceny removed many offenders from the grip of the gallows.²⁴ The 1861 Larceny Act, while attempting to further clarify a still

²⁰ Douglas Hay, “Property, Authority and the Criminal Law,” in *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England*, ed. Douglas Hay et al. (London: Allen Lane, 1975), 18.

²¹ Stephen, *Criminal Law of England*, vol. III, 145. Benefit of clergy began in the twelfth century and allowed felonious clerks to be tried by ecclesiastical courts instead of secular ones. As churchmen were some of the few literate people, reading a psalm verse (the so-called ‘neck verse’) proved their membership in the clergy. In the seventeenth and eighteenth centuries, broadening literacy and the ability of criminals to memorize the neck verse caused the government to make certain serious felonies non clergyable, thus expanding the scope of capital punishment. Bentley, *English Criminal Justice*, 2-3.

²² Leon Radzinowicz, *A History of English Criminal Law and its Administration from 1750*, vol. I (London: Stevens & Sons, 1948), part V.

²³ The categories used by the Old Bailey Online differ from the specifics in the statute law. The decision by the digitizers of the Old Bailey Sessions Papers to use broad categories such as “stealing from a master” and “theft from a specified place” was an attempt to clarify a diverse body of legislation, although it makes comparisons somewhat difficult. I use the categories created by the Old Bailey Online to frame this chapter because it will make for easier comparison, although I have offered greater legislative detail where necessary.

²⁴ Radzinowicz, *English Criminal Law*, vol. I, 574.

complicated set of principles remained “cumbrous.”²⁵ “The arrangement of the act was so strange,” lamented Stephen, “that a person who, with no previous knowledge of the subject, attempting to find out from it what was the English law relating to the punishment of theft ... would be simply bewildered.”²⁶

Notwithstanding legislative complexity, prosecutions for larceny were the largest slice of the prosecutorial pie at the Old Bailey. Contemporaries were frantic that crime rates had increased exponentially, though those rates were, in fact, decreasing when set against population explosion in the nineteenth century.²⁷ Victorian commentators can be forgiven for their alarm, however; a quick glance at the statistics bears out their worst fears: whereas “in 1805 ... only 3,267 men and 1,338 women in England and Wales were tried for indictable offences,” by the early 1840s nearly three thousand criminals were tried for theft annually at the Old Bailey alone.²⁸ Theft prosecutions began their decline in the late 1840s. This is reflected in Old Bailey prosecution statistics. In 1842 thefts comprised 86 per cent of cases heard at the Old Bailey but dropped to 75 per cent by 1850, 50 per cent by 1860 and less than 40 per cent by 1870.²⁹ The most obvious explanation for these numbers is that the decapitalization of larcenies after 1827 encouraged victims to

²⁵ Stephen, *History of the Criminal Law*, vol. III, 148.

²⁶ Stephen, *History of the Criminal Law*, vol. III, 146.

²⁷ Gattrell, “The Decline of Theft and Violence,” 239-240. Changing attitudes towards prosecution, judicial rigidity and changes to the structures of punishment also affected the statistical record. *Ibid.*, 240. We should also note that crime rates, in Gattrell’s words, “cannot tell us how much crime (as a discrete entity) is committed in a society. They measure most directly the State’s perception of and administrative capability to deal with the vast range of activity of which it disapproves – as well as the public’s readiness to connive at the disciplining of those who break the law.” *Ibid.*, 243. This means that crime rates are also more accurately prosecution rates, since only prosecuted and indicted crime can be recorded. Peter King, *Crime, Justice, and Discretion in England 1740-1820* (Oxford: Oxford University Press, 2000), 131-132.

²⁸ Gattrell, “Decline of Theft and Violence,” 239.

²⁹ Those numbers rose again slightly later in the late 1870s. OBP, Statistical Generator. Heather Shore asserts that the idea of a criminal underworld surfaced at around the same time as professional policing, leading her to conclude that the “increase of police activity aided in the redefinition of both criminal and poor space in London.” Heather Shore, “Criminality, Deviance and the Underworld Since 1750,” in *Histories of Crime: Britain 1600-2000*, ed. David Nash and Anne-Marie Kilday (New York: Palgrave Macmillan, 2010), 123.

prosecute. Knowing that the defendant, if convicted, would receive a punishment more proportionate with the crime must have affected prosecution rates. No one wanted to see someone hanged for stealing bleached linen.³⁰ Another explanation is the increase in summary jurisdiction, which prevented minor thefts from clogging the court calendar. Magistrates had for decades been adjudicating what Peter King terms “common complaints” while sending more serious felonies to trial. These practices were codified, however, in several statutes between 1847 and 1855, which expanded the scope of summary jurisdiction to include simple larceny by juveniles and adults for theft under 5 shillings.³¹

Regardless of the overall statistical decline, theft remained the most common crime facing the Metropolitan Police. Nearly half of detective appearances at the Old Bailey between 1842 and 1878 were for theft, making larceny the lion’s share – thirty-nine per cent – of their workload before the Old Bailey bench. They poured energy into tracking thieves, indicating that the government placed a premium on theft as a barometer of police efficiency.

The following section discusses the categories of theft most often investigated by detectives: simple larceny, theft from a specified place, stealing from a master and burglary. The caseload indicates the variety of criminals, crimes, victims and the ubiquity of theft in Victorian London.

4.4.1 Simple Larceny

Theft “perpetrated without any other aggravating circumstance, such as assault or breaking and entering, theft from the person or a specified place” was classified as a

³⁰ Beattie, *Crime and the Courts*, 167. Theft of “cloth in the process of manufacture” was capitalized in 1670. *Ibid.*, 172-173.

³¹ Peter King, *Crime and the Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge: Cambridge University Press, 2006), 29-30; Bruce P. Smith, “The Emergence of Public Prosecution in London, 1790-1850,” *Yale Journal of Law & the Humanities* Vol. 29 (2006): 56. For the summary courts of the City of London in the eighteenth century, see Drew Gray, *Crime, Prosecution and Social Relations: The Summary Courts of the City of London in the late Eighteenth Century* (Basingstoke: Palgrave Macmillan, 2009).

simple larceny.³² The most common items stolen were the necessities of life and goods easily accessed, concealed or pawned: “food, clothing and money, and other valuables.”³³ Following criminal law reform in 1827, the distinction between grand (capital) and petty (misdemeanour) larceny was abolished and replaced by simple larceny. Simple larceny was punishable by seven years’ transportation or two years’ imprisonment.³⁴ After 1849, transportation was abolished as a punishment for larceny and replaced by three years’ penal servitude or up to two years in prison with or without hard labour or solitary confinement.³⁵

The simple larcenies investigated by detectives always involved goods taken for profit, not survival, including: paper, copper, cloth, feathers, jewellery, watches, cash, household goods (often silver plate, serving ware and cutlery), tea, portraits and clothes ranging in value from two shillings to thousands of pounds. Many larceny prosecutions involved wealthy or high-profile victims and valuable goods, but this was not true in every case. The plaintiffs themselves were a diverse group, including a solicitor, gentry, members of the military, a ribbon manufacturer, a photographer, jewelers, a ship steward, an Anglican

³² OBP, “Crimes.”

³³ David Taylor, *Crime, Policing and Punishment, 1750-1914* (Basingstoke: Macmillan, 1998), 39-41. Under the old system, if the value of goods stolen was less than 40s (£2) the crime was petty larceny, a misdemeanour. Anything valued at over 40s was tried as a felony. In cases where the value of stolen goods was greater than 5s, summary judgment was possible if the accused plead guilty. William M. Meier, *Property Crime in London, 1850-Present* (New York: Palgrave Macmillan, 2011), 22-3. For the statute see 18 & 19 Vict, c. 126, s. 1 (1855).

³⁴ Transportation began in the seventeenth century as a way to remove pardoned criminals from English society. Many were sent to English plantations in America, Jamaica or to the West Indies. In 1718 the English government formalized transportation to America and gave judges the discretionary power to order transportation as a punishment for capital and non-capital offences. Beattie, *Crime and the Courts*, 470-483 and 500-519. See also, A. Roger Ekirch, *Bound for America: The Transportation of British Convicts to the Colonies, 1718-1775* (Oxford: Clarendon Press, 1987). The American Revolution ended trans-Atlantic transportation in 1775; it was temporarily replaced by hard labour in hulks on the Thames and a brief experiment sending convicts to man military garrisons in West Africa. Emma Christopher, *A Merciless Place: The Fate of Britain’s Convicts after the American Revolution* (Oxford and New York: Oxford University Press, 2010). Transportation resumed in 1787 and, from then until 1853, British convicts were sent New South Wales and Van Dieman’s Land, although a small number of convicts continued to arrive in Western Australia until 1867. Philip Harling, “The Trouble with Convicts: From Transportation to Penal Servitude, 1840-1867,” *Journal of British Studies* Vol. 53, No. 1 (January 2014): 80 and 99.

³⁵ 7 & 8 Geo IV, c. 29, s. 3 (1827); 12 & 13 Vict, c. 11 (1849); 24 & 25 Vict, c. 96, s. 4 (1861).

minister and the Queen. The variety of stolen items and victims indicates that anything owned by anyone was fair game for thieves in the ‘great wen’.

In most cases of theft, detectives were assigned to investigate after victims reported the crime, but there were also times when they caught criminals red-handed. The very first simple larceny prosecution involving a detective at the Old Bailey was the result of a plainclothes patrol by Sergeant Goff in St. James’s Park. Goff noticed James Clark making an effort to hide a bundle under his coat and stopped him to investigate. Clark was hiding a scarf worth 17s he had just stolen from a shawl dealer in Regent Street. Goff’s keen eye resulted in a prison stretch for Clark.³⁶

Sergeant Whicher had similar luck during a winter detective patrol.³⁷ It was after dark one evening in January 1844 when he and one of his protégés, Sergeant Parker from Islington, spent three hours watching Henry Payne and William Hughes casing out carts in and around Oxford Street. Whicher and Parker were specifically assigned to the neighbourhood because theft from carts was a local nuisance. To avoid being noticed, Whicher explained to the court, he and Parker “did not keep together, we were obliged to dodge them [Payne and Hughes] the best way we could.” Whicher watched Hughes try to steal a box from a cart parked in a side street but it was strapped down too tightly for him to wrench it free. Payne and Hughes then returned to Oxford Street to find a new mark. This time they loitered around Joseph Baglee’s cart. When Baglee left his cart momentarily, he put a cloth over his horse to prevent it getting cold while standing. At that moment, Hughes swiped the cloth from the horse’s back. Whicher, who witnessed the theft, arrested Hughes while Parker arrested Payne. Both thieves were sentenced to seven years’ transportation. Baglee’s prosecution of Payne and Hughes demonstrates the importance of plainclothes patrols during the winter months. It also shows that familiarity with London’s criminal population was an important weapon in the fight against theft;

³⁶ OBP: t18421024-2975, “James Clark.”

³⁷ Plainclothes policemen were sent out on patrol to prevent and detect burglary during the long winter nights. See chapter 5.

Whicher knew Hughes and Payne to be local ne'er-do-wells and focused on them accordingly. His hunch was well founded.³⁸

Jewellery theft was particularly rife in the Victorian capital.³⁹ A typical scenario involved a respectably dressed individual or couple entering a store to shop and, while the salesperson was busy, the thieves would either switch fake jewellery for the real thing or pocket various items. Only after the salesperson began to put away the goods would they realize the swindle.⁴⁰ Detectives solved these cases by circulating information about stolen goods to pawnbrokers, who, if they were on the right side of the law, kept the police informed about suspicious individuals or goods matching police information bulletins. In these cases pawnbrokers were often invaluable witnesses at trial, connecting defendants to stolen goods.⁴¹

On the evening of November 17, 1861 Schmidt Shotte entered Thomas Emberson's jewellery store claiming, "he wanted to buy some fancy rings as presents." After ordering "a lot of jewellery and fancy goods to the amount of £11 or £12," Shotte asked to have them delivered to his home. Shotte never appeared at the address he gave the jeweler and when Emberson returned to his shop he found that "a gilt wedding-ring [had been] substituted for a gold one" sometime during the time Shotte was browsing in his store. Shotte was an experienced criminal. During his trial, Sergeant Tanner deposed that this

³⁸ OBP: t18440205-534, "Henry Payne, William Hughes." This was something Old Bailey barrister John Silvester did on his own in the late eighteenth century by compiling notebooks of thieves' haunts and slang. May, *The Bar and the Old Bailey*, 104.

³⁹ Jewellery theft could be framed several ways on the indictment: if the theft was by an employee, then the charge was stealing from a master; if the theft occurred in a jewellery shop where the building also doubled as the proprietor's residence, then the charge was theft from a specified place; or, if the shop was only a retail premises, the charge was simple larceny. For an example of stealing from a master, see OBP: t18601022-876, "Walter Palfrey; Sarah Steinmayer." For theft from a specified place, see OBP: t18430612-1782, "William Howard, Henry Turner."

⁴⁰ See, for example, OBP: t18430612-1782, "William Howard; Henry Turner"; OBP: t18520510-516 "Frank Stevens; Charles Lawrence"; OBP: t18601022-876 "Walter Palfrey; Sarah Steinmayer."

⁴¹ See chapter 3, section 3.3.1.

was not Shotte's first jewel theft – he had been convicted in May 1859 for stealing a ring and had also been arrested twice on other charges.⁴²

Theft on the country's new railways was also a common crime.⁴³ Railways began to dominate the English landscape in the 1830s. The first major passenger line, the Liverpool & Manchester Railway, opened on September 15, 1830. Within the decade additional lines serviced large parts of Lancashire, the Midlands, Yorkshire, and Durham. These lines also transferred manufactured goods to Liverpool for international markets. The London & Birmingham Railway connecting the two cities, and thus London to the North, was completed in 1838 and in 1844 several competing companies amalgamated to form the Midland Railway. Railways emerged more slowly in London and the south of England. The London & Brighton Railway opened in 1841 and the Great Western connected London to Exeter in 1844. East Anglia remained poorly serviced by railways and only Yarmouth and Norwich were connected by 1844.⁴⁴ As rail travel replaced stagecoaches so railway theft replaced highway robbery.⁴⁵

The introduction of the 'penny a mile' rate in 1844 made travel much more affordable, also encouraging enterprising thieves to buy tickets and pickpocket unsuspecting passengers. Rail travel was still expensive enough to ensure that many passengers were of a wealthier sort.⁴⁶ There is no distinct category in the OBP for 'theft from railways' so it is difficult to determine the amount of pilfering that took place on trains. Theft was a

⁴² OBP: t18610107-117, "Schmidt Shotte." Shotte's sentence was two years' confinement. A City policeman arrested him but Tanner's testimony about Shotte's previous convictions was significant because theft statutes punished recidivists more severely.

⁴³ When someone not employed by the railway perpetrated the theft, they were charged with simple larceny. Theft by railway employees was considered stealing from a master.

⁴⁴ Jack Simmons, *The Railway in England and Wales 1830-1914* (Leicester: Leicester University Press, 1978), 17-38.

⁴⁵ Initially locomotives' top speed fell short of a stagecoach's rate of travel. In 1825 the Liverpool & Manchester Company's locomotives could travel 3.75 mph, while coaches could travel 9-10 mph. By the 1840s, however, locomotives could achieve more than 12 mph. Simmons, *Railway in England and Wales*, 17-18 and 37.

⁴⁶ Simmons, *Railway in England and Wales*, 37.

distinct problem, however, and railways quickly established their own police forces to help protect passengers. Many railway police officers were drawn from the Metropolitan Police. Inspector G.D. Hazil of the South-Eastern Railway Company was a Metropolitan Police officer for eight years before the railway hired him.⁴⁷ In 1862 two, unnamed, detectives were sent to work for the Eastern Counties Railway and two regular inspectors were seconded to the London & Brighton and South-Eastern Railway companies.⁴⁸ In 1876 Detective Inspector Meiklejohn was hired by the Midland Railway Company to help detect thefts on their lines.⁴⁹

England's rail system transported goods as well as people and many terminuses also doubled as depots for goods in transit. Depots were a target for theft because of the volume of goods and the difficulty keeping track of the multitude of boxes and parcels. The most frequently targeted London terminal was Nine Elms Station, the parcel depot for the London & Southwestern Railway. When Hart Isaacs, boot and shoe dealer, sent an order of sixty-four boots to a customer via the London & Southwestern on 13 December 1844, he did not anticipate that it would arrive nine shoes (an odd number, to be sure) short. The man accused of taking the boots was Thomas Long, one of the delivery agents hired to transfer the package to Nine Elms. Long's wife Elizabeth sold some of the boots to a hawker in exchange for six cups and saucers and some pictures, while she pawned another pair for cash.⁵⁰

While the boots stolen by Thomas Long were worth only nine shillings, another railway theft was far more lucrative. In February 1851 Charles Whicher (no relation to the detective) and John Sayward stole two-thousand yards of mousseline de laine (a fine French woolen dress fabric) and fifty yards of merino wool in transit from France to

⁴⁷ *The Times*, 15 December 1856.

⁴⁸ HO 65/24, 5 September 1862 and *General Regulations, Instructions, and Orders, For the Government and Guidance of the Metropolitan Police Force* (1862), 43.

⁴⁹ HO 45/9442/66692, 15 November 1877.

⁵⁰ OBP: t18440101-521, "Thomas Long, Elizabeth Long."

London. The cloth, worth £147, was packaged in Paris on February 17 at Messrs. Paturle, Lupil, and Co., from where it was sent to the Customs office in le Havre. The box was weighed, corded and leaded in le Havre and placed aboard the *Wonder*, bound for Southampton. The package eventually arrived at Nine Elms station where a railway employee named William Winter, whose job it was to match the waybills with the packages upon arrival, re-directed it to the house of one of his associates, William Plampin. It took the police until July to track the thieves, owing to the difficulty of locating William Winter, whose disappearance provided an important lead but also hampered further investigation. In late July Inspector Field and divisional Sergeant Brannan located John Sayward, a draper and silk mercer, whom they suspected of involvement. They brought witnesses from Candy and Co., the company that had purchased the material, who certified that the cloth found in Sayward's shop was indeed the material they ordered. Unfortunately, most of the material had already been cut into patterns or sold at cut-rate prices and the buyers were unable to recover the majority of their order.⁵¹

Scotland Yard also, perhaps unsurprisingly, investigated larceny of government property. This included the theft of watches from the customs house at the West India Dock in 1845, rolls of parchment from the Court of Chancery in 1849, paper from the House of Commons in 1852, private dispatches from the Colonial Department in 1858 and stores from Woolwich Arsenal in 1869. Two of the men accused of stealing from the West India Docks were employees (a searcher's cooper and a shipping officer), giving them direct access to the watches.⁵² Once the theft was noticed, the Customs House immediately notified Scotland Yard. Inspector Haynes spent months tracking the prisoners until he located them on 8 August 1845. The case against the accused was unsuccessful, likely

⁵¹ OBP: t18510915-1827, "Charles Whicher, John Sayward." *The Times*, 19 September 1851. Since Winter could not be found, the prosecution was simple larceny and not stealing from a master. Winter's absence also explains why the jury found both men guilty of receiving only, the prosecution being unable to make a stronger case for their participation in the actual theft without the alleged thief himself.

⁵² Sealed boxes were unsoldered by customs to examine the contents and then re-soldered before shipment, hence the necessity of coopers.

because the packing clerk for the manufacturers admitted under cross-examination that he could not positively say that he noted down the exact serial numbers of the watches in question.⁵³

In the Chancery theft, Thomas Smith, clerk in the Chancery offices, made off with six rolls of parchment relating to patent inventions. A parchment dealer testified that Smith sold him two rolls of ‘misprinted’ parchment. Smith claimed that he mistakenly took the parchment from the spoiled parchment box - his perquisite – while drunk. Sergeant Shaw tracked Smith and four rolls of the stolen parchment down. With a clear connection between Smith and the parchment and the dealer’s testimony that Smith sold him the stolen items, the clerk was convicted and sent to gaol for six months.⁵⁴

This was not the only paper theft from the government. Spoiled paper, ends of rolls and other used parchment were often sold as scrap.⁵⁵ Smith claimed he was doing just that when he took the rolls from Chancery. When another government employee, Thomas Mitchell, took £6 of paper from the House of Commons his case was less straightforward. Mitchell took waste paper from the House and sold it to a bookbinder. Some of that paper was actually new ruled paper – used by short hand writers and copying clerks – not waste paper. When Mitchell realized his mistake, he admitted what had happened to Robert Chalmers, the principal clerk of the House. Thornton arrested Mitchell and he was prosecuted for the theft, but Chalmers, then retired, vouched for the accused’s character and expressed his opinion that the entire transaction was a mistake. The jury took pity on Mitchell and he was acquitted.⁵⁶

⁵³ OBP: t18450818-1623, “Edward Lewis, William Bonham, William Strickland, Henry Osborne.” The state was also unsuccessful in securing receiving convictions against the defendants.

⁵⁴ OBP: t18490129-500, “Thomas Smith.”

⁵⁵ Servants were often prosecuted for theft, although it is clear that many believed that what they stole were either perquisites to which they were entitled or payment in lieu of cash. Beattie, *Crime and the Courts*, 174.

⁵⁶ OBP: t18521025-1037, “Thomas Mitchell.”

More serious was theft from the Colonial Department, which involved dispatches regarding the state of the Ionian Islands, a British protectorate. The accused, Wellington Guernsey, was a friend of the Colonial Office librarian, who often left Guernsey alone in the office with confidential dispatches. Guernsey had been a provost marshal in the Turkish Contingent during the Crimean War, but was discharged in 1856 and harboured ill will towards the government.⁵⁷ The stolen dispatches, dating from June 1857 and July 1858, were published in the *Daily News* on 12 November 1858. They reported the recent elections to Ionian Assembly and observations about the standing of the British protectorate in the region. The author of the dispatch was John Young, Lord High Commissioner of the Ionian Islands, who mused that the new Assembly would be of little “practical advantage,” given that “private interests” still ruled local politics. The overall “impression upon my mind is,” he wrote home,

that no permanent benefit to England, or real satisfaction to the Ionians, can accrue. England is in a false position here, and the islands are too widely separated geographically, and their interests too distinct, ever to form a homogeneous whole, under foreign auspices... the sooner, therefore, she [England] extricates herself from the position the better for her own reputation, and for the cause of representative institutions generally.

He recommended that the English should bring up the turnover of the islands (excluding Corfu) to the Greeks with the other signatories to the Treaty of Paris as soon as possible, predicting that enough time had passed since the cessation of the Crimean War that England could “retire from the protection with good grace” without seeming like a “surrender, concession, or a withdrawal.”⁵⁸

⁵⁷ *The Times*, 16 December 1856.

⁵⁸ Young did make exception for Corfu, however, which he recommended be kept because giving it back to Greece would exacerbate ill will between Greece, Albania and Epirus, also because the inhabitants of this “beautiful possession” were happy under British sovereignty. More importantly, perhaps, was Corfu’s strategic importance to shipping routes “to Egypt and India, by Trieste, as Malta is to the routes by Marseilles or Gibraltar.” *Daily News*, 12 November 1858.

The release of this correspondence was particularly embarrassing for the Derby government, which had recently dispatched W.E. Gladstone to act as Commissioner Extraordinary of the islands. Although Derby sent Gladstone to work with Young, the dispatches' publication tarnished the latter's reputation. Derby, already convinced of Young's unsuitability, had him recalled. *The Times* asked what everyone must have been thinking: how could Derby's government avoid withdrawing from the islands after its own figurehead advocated as much?⁵⁹ It was a delicate political balance. The Ionian Islands had been a British Protectorate since 1815 but there was a strong domestic movement for union with Greece. The British were against such a plan, seeing the islands as strategically significant to limiting Russian domination of the eastern Mediterranean. Union with Greece was problematic because there was always the possibility that Greece might fall prey to Russia's imperial appetites.⁶⁰

Embarrassed and exposed, the government sent Inspector Thornton to arrest whoever stole the documents. Thornton apprehended Guernsey in Great Russell Street two weeks later and found sixteen officially sealed envelopes in his house. The state prosecuted Guernsey for theft at the December 1858 sessions of the Central Criminal Court. The attorney general demonstrated that Guernsey had been the culprit (he was identified by the under-Librarian at the Colonial Office as the man who stole the dispatches and by the editor of the *Daily News* as the man who supplied them for publication). Guernsey's attorney, Mr. Parry, argued that his client had no intent to "deprive the office altogether of the property" (a felony), but merely to publish the information (not a crime). The attorney general scoffed at this technicality. Aside from the disastrous political consequences of Guernsey's actions, he asked, was Mr. Parry really suggesting that individuals who stole confidential government documents and published them had not committed a grave act? In the face of these technicalities, the judge reminded the jury that larceny was "the taking away of the property of another without his consent, and with the

⁵⁹ *The Times*, 25 November 1858.

⁶⁰ H.C.G. Matthew, *Gladstone 1809-1898* (Oxford and New York: Oxford University Press, 1999), 165-166.

intention at the time to convert that property to the use of the taker.” Although it seems clear that this was exactly what Guernsey had intended, the jury felt otherwise and he was acquitted.⁶¹

The final simple larceny of government property investigated by Scotland Yard involved stolen cartridge paper from Woolwich Arsenal. Extra paper ends from making cartridges of gunpowder were sold in bulk to a contractor. The contractor, Mr. Phipps, usually sent his employee John Arthur Jones to retrieve cuttings from the Arsenal. Jones was charged alongside the Arsenal’s storeholder and his assistant for overvaluing the amount of cartridge paper ends and pocketing the difference. Inspector Palmer worked with the Chief Inspector of the Royal Arsenal to determine how the men had been swindling Her Majesty’s Government. Together they intercepted one of the shipments of paper cuttings that Jones was about to take away. They re-weighed them and found that they were, indeed, heavier than the manifest indicated. Some of the bags were heavier than others, which Palmer soon discovered was because there was new cartridge paper hidden in the bottom. It seems obvious that the defendants were stealing from the Arsenal but the court was unsatisfied with the state’s evidence. Justice Brett instructed the jury to choose between conspiracy to defraud or negligence, and they selected the latter.⁶²

4.4.2 Theft from a Specified Place

Thefts from certain locations carried heavier penalties than others. Housebreaking was the first larceny to fall within the definition of a specified place. It was made universally capital (by removing benefit of clergy) during Henry VIII’s reign, with further statutory developments under Edward VI and Elizabeth I. After an early Stuart lull, the scope of larceny from dwelling houses broadened under William and Mary to include housebreaking when no one was home and also theft from homes without any breaking

⁶¹ OBP: t18581213-117, “Wellington Guernsey”; *The Times*, 16 December 1858.

⁶² OBP: t18690920-874, “William McCubrey, Thomas Wright, John Arthur Jones.”

and entering having occurred.⁶³ In 1699 the Shop-lifting Act expanded specified places to include “shops, warehouses, coach-houses or stables” thus bringing within the protection of the law outbuildings not used as dwellings (though in many cases shop proprietors lived on the same premises). It also covered any theft from specified places at any time, day or night. The final act on the subject was passed under Anne in 1713, and included outbuildings near dwelling houses, even if no one was in them at the time of the theft.⁶⁴

During the eighteenth century the number of additional locations receiving statutory protection from theft expanded significantly, making larceny law one of the most complicated doctrines for legal scholars and historians to untangle. It was so complex that even contemporaries lamented the “multiplicity of statutes, so complicated in their limitations, and so intricate in their distinctions” that it was “painful on many accounts to attempt the detail of them.”⁶⁵ The list of ‘specified places’ grew to include not only dwellings, shops, warehouses, coach-houses and stables, but also ships, mail, booths or tents at fairs, bleaching grounds, “manufactories, churches, and lodging houses” and livestock theft and theft of military or naval stores.⁶⁶

Judging by the punishments assigned under reformed nineteenth-century statutes, theft from certain places was still more serious than others. Under the 1861 Larceny Act, for example, thefts from shops and ships were “still punished more severely than common larcenies,” reflecting mercantile interests.⁶⁷ Manufactured goods, imports and other merchandise needed protection in transit and for retail. In 1827 housebreaking and thefts

⁶³ This particular addition targeted servants and other household employees who stole from their masters.

⁶⁴ Radzinowicz, *English Criminal Law*, vol. I, 41-49.

⁶⁵ William Eden, quoted in Radzinowicz, *English Criminal Law*, vol. I, 41.

⁶⁶ OBP, “Crimes”; Radzinowicz, *English Criminal Law*, vol. I, 632-636; Beattie, *Crime and the Courts*, 170-178. Appendix 1 in Radzinowicz volume I helpfully detangles the mass of eighteenth-century capital statutes. Radzinowicz outlines the various statutes affecting larceny from dwelling houses from the Tudors to the Stuarts in *English Criminal Law*, vol. I, 41-49. The 1722 Waltham Black Act capitalized a great deal more. See E.P. Thompson, *Whigs and Hunters: The Origin of the Black Act* (New York: Pantheon Books, 1975).

⁶⁷ Stephen, *History of the English Criminal Law*, 150.

from churches or chapels were still capital offences.⁶⁸ Housebreaking was decapitalized in 1833 and replaced by between seven years and lifetime transportation. Theft from a dwelling house over £5 also remained capital until it was replaced by transportation for life in 1832 and in 1861 housebreakers were instead given the opportunity to spend between three and fourteen years in penal servitude for their crimes. Stealing from churches was similarly downgraded in 1861 to between three years and a lifetime of penal servitude, but felonies committed in and against places of worship remained serious. Indeed, the only thefts punished as severely in 1861 were burglary, violent robbery, demanding money with menaces and stealing or destroying a will.⁶⁹

Unlike the simple larceny cases detectives were involved in, the value of goods in thefts from specified places were generally higher. Although the lowest value was £5, the majority of cases involved goods worth over £20 and just under a third of cases concerned sums between £100 and £1600. As with simple larceny, the targets were varied, including jewelers, pubs, lodging houses, coffee shops, private homes and clubs.

The very first Scotland Yard detective case at the Old Bailey was the prosecution of a theft from a specified place. On 24 October 1842, in what the press termed a “delicate investigation,” Irish peer George Raymond, Viscount Frankfort de Montmorency, prosecuted his former mistress, nineteen-year-old Alice Lowe, for stealing more than £150 worth of clothing, jewellery and other goods from his Paddington townhouse.⁷⁰ Lord Frankfort had recently separated from Lady Frankfort and Lowe began cohabiting with him shortly after. Frankfort and Lowe met under dubious circumstances, having been introduced by an actress named Mrs. Mitchell. Two days after their initial meeting, Lowe appeared in Frankfort’s townhouse late at night and announced that she intended to stay with him. He let her stay and, as he rather uncomfortably admitted to a packed

⁶⁸ 7 & 8 Geo IV, c.29, s. 10 and 12 (1827).

⁶⁹ 24 & 25 Vict, c. 96, s. 29, 43, 44, 50, and 52 (1861). The Act also distinguished between breaking in and committing a felony and breaking in with the intent to commit a felony. The latter was punished less severely with between three and seven years penal servitude. *Ibid.*, s. 57.

⁷⁰ *Freeman’s Journal and Daily Commercial Advertiser*, 3 October 1842.

courthouse, they began sleeping together. He was also forced to confess that, during the six weeks they cohabited, he kept her strictly confined to the house: “It was according to our agreement; if she chose to stop with me those were the terms.”⁷¹ When Lowe ultimately left Frankfort near the end of July, she took with her numerous valuables, which became the subject of his suit against her.⁷²

Frankfort tried to minimize the scandal in the weeks after his mistress’s departure, choosing to work through his solicitor instead of the police. He even had handbills printed advertising the return of the stolen jewellery. The police became involved two months later after the viscount’s solicitor finally contacted Scotland Yard. At that point, Inspector Haynes and Sergeant Thornton began their investigation. Thornton arrested Lowe the same day in Chancery Lane while Haynes unearthed pawnbrokers’ tickets for the goods in question after searching her Soho lodgings. There was no evidentiary doubt that Lowe took the valuables or that she pawned them. The question was whether Frankfort gave her the items – including diamond earrings and an expensive brooch – as gifts, or whether she stole them. The jilted lord admitted to buying Lowe dresses and other items of jewellery. This admission, combined with his less than flattering testimony, must have made Lowe look like a pathetic figure used by a lascivious nobleman. The jury took fifteen minutes to acquit her.⁷³

Not all cases involved playboy noblemen and young women of leisure. Inspector Pearce was called on in March 1843 to investigate a theft from government offices at Somerset House. The victim was Joseph Timm, the government’s Solicitor for Stamps and Taxes. He accused the woman who cleaned his office, Susannah Layton, of lifting five sovereigns and a £10 note from his desk. She allegedly stole the note and asked a friend, James Gilbert, to change it for her. Pearce arrested Gilbert for receiving and Layton for

⁷¹ *Freeman’s Journal and Daily Commercial Advertiser*, 10 October 1842

⁷² Frankfort was evidently something of a rake. The mother of his illegitimate children lived with him for “seven or eight years,” thus, for at least three years before his wife – one must assume – finally left him. *The Morning Chronicle*, 1 November 1842.

⁷³ *The Morning Chronicle*, 1 November 1842.

theft. Gilbert was the prosecution's main witness against Layton. Although his testimony was compelling, defense counsel called his reliability into question by repeatedly suggesting that he lived in a whorehouse. The jury either disbelieved Gilbert or took pity on Layton because she escaped conviction.⁷⁴

The statutes specifying thefts from specific locations were also meant to protect shop-owners like Frederick and Thomas Green, whose Sloan Street umbrella shop was looted of four hundred umbrellas and dog collars with silver mounts worth over £300 during the night of 2 March 1870. The thieves took their time. Frederick told the court that when he arrived at the shop the following morning there was evidence the thieves had taken a break during the heist to have dinner, "for there were fish bones and potatoe [sic] parings all over the place." They had indeed been bold enough to light a lantern in the parlour to illuminate their nocturnal activities. Such a large quantity of goods could be easily traced, especially if the thieves resold it in bulk. Luckily for Inspector Palmer and Sergeants Reimers and Foley, Alphonse Morieau and John Edwards did just that by selling their entire umbrella windfall to merchant John Theoredi for £42. Inspector Palmer located and arrested Edwards in Soho eleven days after the robbery. Morieau took longer to apprehend because he had returned to France after offloading the umbrellas. Foley and Reimers arrested him on April 6 in a French wine shop in Soho. Foley made the arrest in French because "he [Morieau] can't speak English perfectly." Both defendants were convicted.⁷⁵

In February 1861 the London Dock Company prosecuted Christopher Summers for stealing over 5000lbs of opium from the Red Lion Wharf, where he was formerly employed. Opium, the sale of which was unrestricted until 1868, was freely imported and widely used by all levels of society. It was typically taken medicinally as we would now take Aspirin or Tylenol and came in many forms:

⁷⁴ OBP: t18430403-1180, "Susannah Layton."

⁷⁵ OBP: t18700502-413, "Alphonse Morieau"; OBP: t18700502-414, "John Edwards."

There were opium pills (or soap and opium, and lead and opium pills), opiate lozenges, compound powder of opium, opiate confection, opiate plaster, opium enema, opium liniment, vinegar of opium and wine of opium. There was the famous tincture of opium (opium dissolved in alcohol), known as laudanum, which had widespread popular sale, and the camphorated tincture, or paregoric.⁷⁶

Opiates were a common cure-all for a variety of ailments, usually aches and pains, but were also frequently used to quiet babies, aid sleep, and to cure hangovers and coughs.⁷⁷ Users who turned to opium to help cure physical ailments soon became dependent and many quickly moved from self-medication to addiction. The most famous opium users were Thomas de Quincey and Samuel Taylor Coleridge, who wrote about their own experiences of the drug and, especially in Coleridge's case, their addiction. Many others, including Byron, Keats, Scott, Elizabeth Barrett Browning, Wilberforce and Gladstone, were known users. Agreement among the medical community about the nature of addiction only began to crystalize late in the century, but some, like Coleridge, tried to free themselves from their dependence. Detoxification was difficult, especially because there was nothing to substitute opium during withdrawal, and Coleridge, among many others, was unable to give it up.⁷⁸

Most opium was imported from Turkey and came in large shipments to the London Docks where it was bought by wholesalers like the Apothecaries' Company.⁷⁹

⁷⁶ Virginia Berridge and Griffith Edwards, *Opium and the People: Opiate Use in Nineteenth-Century England* (London and New York: Allen Lane/St Martin's Press, 1981), 24. The 1868 Pharmacy Act listed opium as a poison and restricted the sale of anything containing over 1 per cent opium to licensed chemists. *Ibid.*, 116-121.

⁷⁷ Berridge and Griffith, *Opium and the People*, 31-32. In the lowland Fens of Lincolnshire, Cambridgeshire, Huntingdonshire and Norfolk, opium was used to combat malaria. *Ibid.*, 66-67.

⁷⁸ Louise Foxcroft, *The Making of Addiction: The 'Use and Abuse' of Opium in Nineteenth-Century Britain* (Farnham: Ashgate, 2007), 30-37.

⁷⁹ Limited amounts of opium entered England from India or China. The Opium Wars (1839-42 and 1856-58) had nothing to do with imports to England but were fought over "commercial imperialism" and the East India Company's sale of Indian-grown opium to China. Berridge and Edwards, *Opium and the People*, 173-74.

Wholesalers usually made their own opium-based preparations for retail but also sold opium to publicans, chemists or costermongers for small-scale retail. Summers allegedly sold some of the £500 worth of opium to Solomon Solomons, who in turn hawked it around local pubs. Since the sale of opium was unregulated in 1861, Summers was charged with stealing, not dealing, the drug. Inspector Whicher and Sergeant Robinson located the opium at Solomons's house but could not prove that Summers stole it.⁸⁰

Theft by servants was a longstanding concern in England and the subject of "a good deal of misunderstanding and malice." Servants and other employees might take items to make up for (perceived) shortcomings in their wages, to take revenge on cruel or unjust employers or out of simple greed. Prosecutions of servants for theft was higher in urban areas, especially London, where there were more households with servants, a network of pawnshops to anonymously pledge items for cash and countless ways to spend it.⁸¹

Several cases of theft by domestics and employees garnered detective attention, including two butlers who stole valuable plate from their employers.⁸²

Butlers were the domestics in charge of the family's fine silver and china.⁸³ They held positions of great trust in the household and when that trust was breached the consequences were serious. In August 1854 £377 worth of silver plate was taken from Sir Hyde Parker, his niece Louisa Ann Eden and her husband General George Morton Eden. The Edens stayed at Louisa's uncle's house in Onslow Square while he was in Scotland but they, too, left London for the summer. The Edens' butler, Henry Baker, stayed behind at the Onslow Square house and kept watch over the other servants and both families' collections of fine silver. Once Parker and the Edens were safely out of town, Baker told the Parker's former groom Ricketts that he intended to steal all of the family's silver and

⁸⁰ OBP: t18610225-267, "Christopher Summers."

⁸¹ Beattie, *Crime and the Courts*, 173-175.

⁸² Because households fell within the remit of 'theft from a specified place', theft by domestics was charged as theft from a household not a master.

⁸³ Isabella Beeton, *How to Manage House and Servants and To Make the Most of Your Means* (London: Ward, Lock and Tyler, 1866), 50-52.

make a run for America. Sir Hyde Parker had just fired Ricketts and Baker assumed that the maligned groom would want to retaliate. Ricketts participated in the planning for a time before getting cold feet, leaving London for Cheltenham. Shortly after Baker committed the robbery, a friend of Ricketts's wrote to tell him about it. Knowing who the perpetrator was, the former groom immediately returned to London and made contact with Sergeant Whicher.⁸⁴ The police initially suspected Ricketts because he had been fired and his decampment to Cheltenham seemed suspicious. Based on his testimony about Baker, however, the police arrested Baker and his new co-conspirator Robert Crossley. Ricketts was the prosecution's main witness in the case against Baker and Crossley, who were both found guilty.⁸⁵

In a similar case, £250 of plate was stolen from the butler's pantry at John Boustead's house in the Strand in February 1869. Boustead's butler, Walter Smith, took several small yet valuable items to help his brother George (also charged) who was "in bad circumstances."⁸⁶ The robbery took place in February but the Smiths were not arrested until October by Sergeant Foley. It is unclear why the investigation took so long but the police suspected an inside job from the start. Foley travelled to the Boustead's country house in Cumberland and tricked Walter into implicating himself and his brother. In a ruse that *The Times* praised as "ingenious," Foley confronted Walter and told him that the police already had George in custody and he had admitted everything. Poor Walter immediately broke down and confessed. Foley returned to London with Walter in custody, arrested George and charged both men with theft. Walter plead guilty at their trial and got off lightly with five years' penal servitude, while George, convicted of receiving, was sentenced to fourteen years.⁸⁷

⁸⁴ Ricketts left London and became an omnibus conductor in Cheltenham.

⁸⁵ OBP: t18541023-1127, "Henry Baker, Robert Crossley."

⁸⁶ One of the witnesses at the trial referred to Walter Smith as Boustead's footman. But Smith refers to the pantry as "my pantry" and *The Times*'s report also refers to Walter Smith as the butler. *The Times*, 2 November 1869.

⁸⁷ *The Times*, 2 November 1869. OBP: t18691122-29, "George Stephen Smith, Walter Smith."

Butlers were hardly the only domestics tempted by their masters' valuables. Edward Youngman Cotton and Henrietta Sharpe stole a variety of goods and cash from their former employers, the Drivers, in May 1844. Mr. Driver was a surveyor to the Commissioners of Woods and Forests and the family employed several servants including a charwoman, housemaid, footman and coachman. Sharpe, the family's former housemaid, had left their employment nine months before the robbery to take up with their footman, Cotton, who remained with the family. According to the lovers' landlady, the two had been "liv[ing] together as man and wife, and occupied the same room" at her lodging house for several months.⁸⁸ Using his continued access to the Driver's house, Cotton stole over £48 worth of serving ware from the pantry and cash from Mrs. Driver's desk on May 6, 1844. To cover his tracks, Cotton set fire to the pantry before absconding to Maidstone with Sharpe. Burning the pantry was a poor way to deflect blame, especially since Mrs. Driver immediately suspected the culprit was her footman. Only he, she told the court, knew that she kept money in her writing desk, including a sovereign wrapped in a piece of paper marked "baby", which was later found in the defendants' possession. The fact that Cotton suddenly disappeared after the theft and arson was also suspicious. Inspector Pearce and Sergeant Thornton had little difficulty tracking Cotton and Sharpe. The detectives located the thieves' lodgings in Westminster, found the cabman who took them from there, traced them to the Bull public house in Penenden Heath, near Maidstone and arrested them three days after the robbery. Both were tried the following month and, while Sharpe was acquitted, Cotton was transported for ten years, effectively ending their affair.⁸⁹

Domestic staff were not the only threats to the sanctity of the English household. In August 1870 Mary Ann Selfe was convicted of two counts of theft against invalids she cared for on an outpatient basis. Selfe was a nurse from the General Nursing Institute, an

⁸⁸ Cotton and Sharpe were legally married, although Pearce informed the court that it was a bigamous union because Cotton was still married to a previous wife. *The Times*, 11 May 1844.

⁸⁹ *The Times*, 11 May and 6 June 1844; OBP: t18440610-1584, "Edward Youngman Cotton, Henrietta Sharpe."

outfit providing home care “to ladies.”⁹⁰ She spent two months nursing Mrs. Mary Alpin until she passed away and Selfe subsequently went to take care of another woman, Mrs. Simmons. Selfe took it upon herself to appropriate £20 worth of jewellery and other goods from the Simmons’s and £70 of jewellery and clothes from Mary Alpin.⁹¹ Among the items stolen from the Simmons’s was the nightdress that Mrs. Simmons was supposed to be laid out in at her funeral. Selfe gave the stolen items to her mother to pawn. Sergeant Peck swiftly located Selfe, her mother and the goods. The two families she stole from were certain that the nurse was to blame and the Nursing Institute probably provided the police with her home address. At Selfe’s trials (the two cases were tried separately) local pawnbrokers testified that Selfe’s mother pawned the missing articles, which were later identified by Mr. Simmons and Mary Alpin’s sister Ann Leicester (at the time of the trial Mary was too invalided to testify). Selfe’s mother was acquitted of receiving the stolen property but Selfe, for her callousness, received a sentence of two years’ hard labour.⁹²

4.4.3 Stealing from a Master

In English criminal law theft from a master only included servants until the addition of theft by clerks and apprentices in 1822. Theft by domestic servants and employees was considered worse than simple larceny because of the breach of trust stealing from an employer involved. In the Victorian period, thefts by domestic servants were usually prosecuted as thefts from households (specified places). Theft from non-domestic employers (such as companies) was considered theft from a master and punished more severely than simple larceny; while the 1827 Larceny Act punished simple larceny with

⁹⁰ The Institute began advertising itself in London papers in July 1864 as a source of “Skilled and Certified Nurses in every department” for home care based in Covent Garden. *The Morning Post*, 25 July 1864; *The Times*, 29 July 1864.

⁹¹ There was no indication that Mr. Simmons or Mary Alpin treated Selfe poorly or that the nurse took the goods for payments undeceived. Mr. Simmons had even tipped Selfe a half-sovereign in thanks after his wife’s death.

⁹² *The Times*, 5 and 18 August 1870; OBP: t18700815-697, “Mary Anne Selfe, Jane Greene”; OBP: t18700815-698, “Mary Anne Selfe.”

seven years' transportation or up to two years in prison, employees who bit the hand that fed could be punished with up to fourteen years' transportation or three years imprisonment.⁹³ In 1861, reflecting the recent abolition of transportation to Australia, light-fingered servants and clerks could instead look forward to between three and fourteen years' penal servitude or three years in gaol with or without hard labour or solitary confinement.⁹⁴

Investigating thefts by employees was a priority for the detectives in the 1840s, when they investigated a dozen such crimes. In January 1843 a lieutenant in the 6th Regiment of Foot prosecuted a lower-ranking officer in his service, Robert Edwards, for stealing his watch, watch guard, coats and shirts. Sergeant Goff and a divisional inspector searched Edwards's lodgings and found pawnbrokers duplicates for the watch and the shirts while Sergeant Lund found additional duplicates for goods redeemed at two pawnbrokers'. Edwards, who was also convicted of simple larceny for stealing coats, trousers and handkerchiefs from another member of his regiment, was transported for seven years.⁹⁵

In October 1842 William Mouls, proprietor of the George pub in Netwington Butts, prosecuted his barman and two others for stealing three shillings and four halfpence from the till. John Otzin, the barman, had a ruse with two women wherein they ordered drinks and he overpaid them in change. Mouls's son noticed the sleight of hand and called the police. Sergeant Braddick and Sergeant Goff knew the two women and had seen them hanging around the George in the weeks before the crime, establishing a pattern of criminal behaviour. All three defendants were convicted.⁹⁶

Employees sometimes stole to ease pecuniary distress, as in the case of Catherine Powers who stole six printed books from her master Daniel Exley in February 1843. Exley was a

⁹³ 7 & 8 Geo IV, c. 29, s. 46 (1827); 24 & 25 Vict, c. 96, s. 67 (1861).

⁹⁴ OBP, "Crimes"; 3 Geo IV, c. 38, s. 2 (1822).

⁹⁵ OBP: t18430102-582, "Robert Edwards." The other charge was a simple larceny because Edwards did not work for the victim in that instance. OBP: t18430102-581, "Robert Edwards."

⁹⁶ OBP: t18421024-3067, "John Otzin, Mary Dudman, Ann Clark."

bookbinder and Powers worked for him as a book folder and sewer. She stole the books, and gave them to her friend Kearney to have bound and pawned. When Sergeant Braddick arrested Kearney and Constable Goff arrested Powers, she admitted, “I did take the books; it was through distress.” Powers was convicted of theft from a master and Kearne of receiving, though they both received light sentences.⁹⁷

A more egregious theft occurred in November 1853, when 900 pairs of gloves were stolen in transit between a manufacturer in Somerset and a buyer in London. They were taken from the platform at Nine Elms station, where the shipment was offloaded from the London & South-Western Railway and awaited delivery by van. A significant amount of pilfering, from employees and others, occurred at Nine Elms and the accused, James Wade, worked there. He knew the railway schedule, procedures and the locations of goods awaiting delivery. Inspector Shaw arrested Wade with the gloves and he implicated two other men in the theft, including one of the railway’s porters, William Dummett. Shaw then arrested Dummett and one other accomplice. Wade was convicted and testified at Dummett’s Old Bailey trial. Unfortunately the prosecution could not establish when exactly the theft was committed and the judge deemed prosecution witness testimony insufficient to connect the defendant with the theft.⁹⁸

A much larger and more complicated railway theft, the Great Bullion Robbery, occurred in May 1855. It was a daring theft in which £15,000 in gold bullion was taken from sealed boxes travelling on the London & South-Eastern Railway bound for Boulogne. The bullion was weighed before shipment and re-weighed on arrival in Boulogne. The weights were different when the shipment arrived in France, alerting French authorities that something was amiss. As prosecution counsel explained, the police had no leads on the case until Fanny Kay walked into the offices of the South-Eastern Railway Company and gave up the perpetrators. Kay’s lover, Edward Agar, was one of the four men who

⁹⁷ OBP: t18430227-914, “Catherine Powers, Thomas Kearney.”

⁹⁸ Wade was not tried at the Old Bailey but he was most likely convicted of receiving stolen goods. OBP: t18531128-116, “William Dummett.”

pulled off the heist. Agar was already in prison on another conviction and had trusted his confederate William Pierce (a ticket-printer for the railway) to use his share of the bullion to support Kaye and their child. Pierce kept the money and Kay went to the police for revenge.

Pierce's greed compromised a brilliantly executed robbery. Agar's testimony revealed that the four men travelled to Folkstone to learn the system by which the bullion was unloaded from London & South-Eastern trains and loaded onto boats bound for France. He and Pierce saw where the railway employees stored the keys to the iron chests carrying the bullion. Agar made wax impressions of the keys Pierce obtained and William Tester, one of the railway's clerks, made duplicates. On the day of the robbery, Pierce and Tester boarded the bullion-loaded train with two carpet bags full of lead shot. They checked the bags, which were stored in the baggage van, where the fourth man, James Burgess, was a railway guard. During the journey the thieves entered the baggage compartment, used the keys to open the bullion chests and replaced the stolen bullion with the lead shot (used to mimic the weight of the gold bars). Tester got off the train at Red Hill with the first load of the heavy gold, leaving the other three to continue unloading. Pierce and Agar disembarked in Dover and Burgess gave them back the carpetbags, now full of gold, at the baggage van as if they were passengers like any other.⁹⁹

On the basis of Kay's information, Williamson and Smith began investigating. They arrested Pierce and Burgess in November 1856. Edward Agar, who testified for the prosecution, was in gaol on a forgery conviction and William Goerge Tester, a clerk in the office of the railway, was in Stockholm working for the Swedish Railway Company.¹⁰⁰ The Swedish authorities extradited Tester and he was examined at Mansion

⁹⁹ *The Times*, 14 November 1856.

¹⁰⁰ *The Times*, 27 November 1856.

House with Pierce and Burgess on December 10.¹⁰¹ Pierce, Burgess and Tester were all found guilty.¹⁰²

Theft from warehouses was another concern, especially given the volume of goods a warehouse might store and the difficulty of keeping track of it. Three men were prosecuted in February 1843 for stealing cloth from two Cheapside warehouses. James Rawlings and James Newcombe stole eighty yards of lawn worth thirty-eight shillings from Messrs. Allen and Smith. They were caught because Sergeant Smith became suspicious that some of the warehouse porters “were in the habit of congregating at the Admiral Carter [a pub]...[so] I took a lodging there, for the purpose of watching those persons.” He saw Rawlings and Newcombe together “several times” after which he went to Allen and Smith’s. There he spoke to warehouseman Moses Martyn about setting up a trap. Martyn hid in the offices and asked Rawlings to stay in the warehouse while the other employees went on a dinner break. Martyn saw Rawlings take three pieces of lawn (the warehouseman had taken an inventory before leaving Rawlings alone with the goods) and then quickly leave the building. Rawlings was arrested an hour later, but not before he had give the cloth to his friend Newcombe to sell. Inspector Pearce recovered the cloth and the two thieves were convicted at the Old Bailey.¹⁰³ These prosecutions indicate the importance of surveillance as a detective stratagem. Smith noticed something unusual and took the initiative to watch individuals he found suspicious. His hunch resulted in two successful prosecutions and three convictions. Smith was not yet a detective in 1843, but a young sergeant in Holborn. His activity in this case no doubt caught the commissioners’ attention for as soon as a place opened up in the Detective Department, he was promoted.

¹⁰¹ *The Times*, 11 December 1856.

¹⁰² OBP: t18570105-250, “William Pierce, James Burgess, William George Tester.”

¹⁰³ OBP: t18430227-1046, “James Rawlings, James Newcombe.” Newcombe was also indicted for receiving and selling stolen goods and was again convicted. OBP: t18430227-1047, “George Coward, James Newcombe.”

Sometimes employers worked in tandem with detectives to identify perpetrators. In February 1844 Thomas Sargeant was twice indicted for stealing money from his employers at a firm of wax buyers. Sargeant entered fictitious purchases in the company cashbook and pocketed the money. One of the porters discovered his scheme and reported it to the owners. Sargeant was acquitted of the first charge but convicted on the second because one of the firm owners, Thomas Smith planned a sting operation in conjunction with Sergeant Shaw. Smith had the entire store's stock weighed and the coins in the cash drawer marked. He then sent all the other employees home and Shaw took up a post nearby to watch the shop. Shaw "saw the prisoner to go the till while no person was in the shop – I crossed the road, and looked through the window – he took something from the bag in the till, and appeared to be counting it." Fifteen minutes later Smith found a new entry in the cashbook that did not correspond to any wax purchased by the firm. Shaw searched Sargeant and found eight of the marked shillings. Based on this unquestionable evidence, Sargeant was convicted and transported for seven years.¹⁰⁴

In early 1850 William Butterson, a secretary of the West Cornwall Railway Company, suspected a clerk of pilfering company cash at the railway's London offices. The clerk, George Hart, was allowed to take petty cash for his daily expenses but his superior suspected that he took extra. To catch the thief, the secretary "marked two half-sovereigns, and...put them into the bag and the bag in the safe, which I left open." Shortly after, he reexamined the bag and found a sovereign missing. He immediately contacted the police and assembled the staff. Inspector Field searched everyone and found the marked coin on Hart. Butterson was conflicted about prosecuting Hart for theft because the youth was only fifteen years old. "I have a very high opinion of him," Butterson told the court, and "I would try as far as I could to get him into the Company's service again." The jury, moved by the secretary's character of the boy, acquitted him.¹⁰⁵ These cases indicate that employers were hardly passive victims of theft and were happy to work alone or with the police to find proof of misconduct.

¹⁰⁴ OBP: t18440205-746, "Thomas Sargeant"; OBP: t18440205-747, "Thomas Sargeant."

¹⁰⁵ OBP: t18500107-349, "George Thomas Hart."

4.4.4 Burglary

Burglary - breaking and entering a dwelling house at night – was a very serious offence. It was one of the earliest crimes removed from benefit of clergy.¹⁰⁶ After 1827 burglaries – still capital – were legislatively restricted to offences committed in the dwelling and connected buildings, although it was no longer a capital crime to burgle outbuildings such as warehouses and barns.¹⁰⁷ Although burglary was decapitalized in 1837, it still carried a maximum penalty of transportation for life (after 1861, penal servitude for life).¹⁰⁸

Burglaries were not the most frequent thefts perpetrated in London but they had an effect on the public psyche out of proportion to their occurrence. Burglary frightened people for good reason – the crime was brazen and the perpetrators bold. There was every possibility that householders or their servants might encounter the burglar and that violence, or even death, might result. The threat of violence was one of the reasons why, even after burglary was decapitalized, any burglary involving “assault with Intent to murder any Person being therein” any attempts to “stab, cut, wound, beat, or strike” was still a hanging offence.¹⁰⁹ Under English criminal law a burglary had to occur between 9 pm and 6 am, otherwise it was a housebreaking.¹¹⁰ There is some historical debate about the type of men (and they were almost always men) who committed burglaries.¹¹¹ V.A.C.

¹⁰⁶ Beattie, *Crime and the Courts*, 162.

¹⁰⁷ Radzinowicz, *English Criminal Law*, vol. I, 582-83.

¹⁰⁸ Meier, *Property Crime in London*, 14. Transportation for life was replaced by penal servitude for life in 1861. 24 & 25 Vict, c. 96, s. 52 (1861).

¹⁰⁹ 7 Will. IV & 1 Vict, c. 86, s. 2 (1837).

¹¹⁰ 24 & 25 Vict, c. 96, s. 1 (1861). Policemen occasionally had trouble establishing the distinction between burglary, which occurred between 9 pm and 6 am, and housebreaking. After the appointment of a legal advisor to the police in 1877, one of his first duties was to remind superintendents to properly record crimes from their districts. He found that superintendents “had been in the habit of returning crimes in a lesser degree than the circumstances warranted; as for example, an offence described as a ‘larceny by scaling wall and lifting window’ should have been ‘Burglary’.” MEPO 2/134, 6 November 1877. The press had similar troubles; see *The Times*, 9 February 1869. Housebreaking usually happened during supper (7-9 pm), at which time families and their servants would be downstairs, leaving the upper floors of the house unwatched. Most burglaries occurred in the small hours of the night, when everyone was asleep.

¹¹¹ Women prosecuted in burglary trials were mostly charged with receiving the stolen property.

Gattrell suggests that burglars and housebreakers in Victorian England were not the hardened, organized and professional criminals that contemporaries believed they were. Rather, this type of “criminal was still, so to speak, in a state of primal innocence.”¹¹² Most thieves, he asserts, were casual labourers who only crossed over into criminality during times of acute penury.¹¹³ William M. Meier disagrees, seeing the Victorian burglar as a professional whose skills improved with technology. Developments in locking mechanisms and safes only encouraged burglars to become more technically sophisticated while the new Metropolitan Police forced them into professionalization to avoid detection. Meier argues that burglars’ “tactical advantages” over the police, including “improved skill, gathering inside information, and collaboration with fellow thieves to increase prospects of a successful raid” made them more sophisticated than the police were able to cope with. Whether hardened criminals or not, burglars were certainly bolder than most other thieves; there was, and is, a great distinction between pickpocketing and breaking into a house at night.¹¹⁴ The reality is probably a combination of both views, with some well-organized and skilled groups operating alongside amateurs. Burglars were greatly feared and there was every possibility that their crimes might be committed with violence.

Concern about burglars in the mid-1840s prompted Rowan and Mayne to create an anti-burglary task force within the Metropolitan Police. Former detective Superintendent Pearce took command of detectives and constables from across the Police District with orders to “make themselves acquainted with the persons of all such criminals in whatever part of the District they may reside or frequent” in order that they may “keep them under

¹¹² Gattrell, “The Decline of Theft and Violence,” 262. Gattrell uses burglary and housebreaking as a way to gauge the speed with which criminals adapted themselves to the methods and techniques of law enforcement. In short, he argues that it was only after the Great War that the police lost the upper hand to organized crime.

¹¹³ Gattrell, “The Decline of Theft and Violence,” 265.

¹¹⁴ Meier also blames penal servitude for allowing convicts to develop friendships with other hardened criminals and for corrupting first-time offenders. Meier, *Property Crime in London*, 39. Beattie makes a similar argument for the eighteenth century. In his study of Surrey and Sussex, he found that large gangs of men had members to stand lookout, break locks, intimidate victims and help with a getaway. Beattie, *Crime and the Courts*, 163-164.

observation in the future.”¹¹⁵ The immediate goal of the group was to provide additional surveillance in areas usually targeted by burglars. It was hoped that the officers involved would also be able to identify habitual criminals and their techniques, taking these skills back to their divisions with them. Using constables from around London allowed this small patrol to share information between divisions and facilitated cooperation between detectives and the uniform branch on an issue of universal concern. The patrols began in November, when nights became longer, giving burglars the perfect climate in which to plan and perpetrate their crimes. This was one of the first routine duties for plainclothes men in the divisions before the establishment of a dedicated divisional detective force in 1869. When a string of thefts was identified in one area, groups of plainclothes policemen would patrol until the threat abated. In August 1862 the commissioners responded to concern about burglary by assigning nearly two hundred officers to plainclothes patrols between 10 pm and 2 am across London for “the prevention of robberies and other crimes committed with violence in the streets, and burglaries, and for the detection of those committing or attempting to commit such crimes.”¹¹⁶

Rapid circulation of information about a burglary was essential. Police instruction manuals exhorted superintendents and inspectors to send routes immediately after a burglary was reported. This way, local stations could disseminate descriptions of the perpetrators and stolen goods to keep policemen and pawnbrokers on the lookout.¹¹⁷ The press, too, encouraged police vigilance. Whereas undercover police work could sometimes be equated with spying, when it came to burglary, concerns about Londoners’ safety in their homes dwarfed other considerations. After a housebreaking in Wimbledon in early 1869 *The Times* urged the police to combat housebreaking with undercover

¹¹⁵ MEPO 7/11, 11 November 1845.

¹¹⁶ MEPO 7/23, 14 August 1862. Augmentation of the force occurred annually by the 1870s, beginning in October. See HO 65/29, 26 October 1872; HO 65/31, 29 October 1873. For divisional detective assignments (sometimes under the direction of a central detective) after burglaries see MEPO 7/33, 23 October and 23 November 1871.

¹¹⁷ *General Regulations* (1862), 50.

police detectives, since “the ordinary police are unable to cope with these expert thieves.”¹¹⁸

Manpower was another problem. The police budget already paid wages that were, according to Commissioner Henderson, “confessedly inadequate.” Even if more money were available, the exponential growth of the city, he noted, swiftly outpaced the government’s ability to augment the police force. Henderson estimated that while the population of London had increased by 30 per cent between 1842 and 1869, the Metropolitan Police had added fewer than 1,500 men.¹¹⁹

Given the frequency of burglaries in London, detectives were only called in when the commissioners had a particular interest in a burglary case. In most cases, divisional policemen and, after 1869, divisional detectives were expected to make the prevention and detection of burglaries their focus. This is reflected in the number of times detectives from both branches appear at the Old Bailey to prosecute burglars. While the central detectives appear 13 times in 36 years, divisional detectives appear 68 times between 1869 and 1878 alone. Burglaries are the single largest category in which divisional men appear in felony trials, indicating that by the 1870s divisional detectives put an emphasis on detecting burglary.¹²⁰ And they were very good at it; Commissioner Henderson’s annual report to the Home Office indicated that in the first six months of the divisional detectives’ existence they had a 63 per cent conviction rate.¹²¹ Henderson credited the

¹¹⁸ The author also suggested that housebreakers might also benefit from “periodical administrations of the lash.” *The Times*, 9 February 1869.

¹¹⁹ *1870 Report of the Commissioner of the Police of the Metropolis*, 1-2. Henderson lamented the loss of personnel “owing to the high rate of wages earned by the working classes, and the facilities for obtaining what appeared immediately more lucrative employment to men of the stamp of the Police.” *1872 Report of the Commissioner of the Police of the Metropolis*, 4.

¹²⁰ *1878 Departmental Commission*, 19. Between 1869 and 1878 divisional detectives appeared in more burglary prosecutions at the Old Bailey than for any other crime. This evidence is based upon divisional detectives who identified or were identified by other witnesses as detectives in the Old Bailey Proceedings Online.

¹²¹ *1870 Report of the Commissioner of the Police of the Metropolis*, 4. This number would diminish significantly by the end of the century, though the statistics are for the Met as a whole, not just the Detective Department. Meier, *Property Crime in London*, 28.

undercover night patrols with deterring opportunistic property crime. They were, in his estimation, a “[g]reat success.”¹²²

Without the survival of individual burglary case files in police records it is difficult to determine exactly why detectives were assigned to specific cases. The monetary value of the goods stolen is often – but not always – a good indicator. When burglars relieved Thomas Clapham and William Williams, London silversmiths, of £2000 worth of jewellery in October 1850, Inspector Lund was immediately called. The police suspected that the proprietor’s errand boy, Charles Clinton, was involved since he was usually the last to leave at night. Once Clinton left, the porter Charles Kelly locked the door from the inside and went upstairs to his apartments above the shop. When Lund arrived at the crime scene the morning after the burglary, he determined that it was an inside job. Before leaving the previous night, Clinton let an accomplice into the building to hide in the lobby until everyone was asleep. The stowaway then opened the front door for his partners. Clinton quickly gave up his co-conspirators; Lund arrested two the day after the burglary and a sergeant from Covent Garden arrested two others several days afterward. Seventeen year-old Clinton pleaded guilty and was transported for twenty years.¹²³

The burglary at Clapham and Williams’s premises came shortly after a series of silver robberies on a national scale. Scotland Yard men were often chosen to lead investigations outside the Metropolitan Police District and worked frequently with law enforcement agencies from other major cities and county constabularies. The two principal offenders in the silver theft ring were a Liverpool watchmaker named William Macaulay and Thomas Charles Sirrell, a London refiner. Macaulay would receive stolen silver in Liverpool and ship it to Sirrell’s warehouse in London for refining. The thieves’ most recent haul was the Sunday collection from St. Anthony’s Chapel in Liverpool as well as

¹²² 1872 *Report of the Commissioner of the Police of the Metropolis*, 2 and 93.

¹²³ The others were acquitted. OBP: t18501216-257, “Charles Clinton, James Badcock, Daniel John Shaw, John Gardner, George Buncher, Mary Ann Charoneau, Mary Ann Buncher.” *The Times*’s report on Clinton’s presentment at Bow Street confused him and the porter, Charles Kelley. *The Times*, 26 October 1850.

all of the silver sacramental vessels and other personal property of the Rev. James Fisher.¹²⁴ Having looted both the house of God and that of the good Reverend, Macaulay sent the proceeds by rail to Sirrel in London. Suspecting the London-Liverpool connection, Liverpool detective Lawrence Kehoe and Scotland Yard's Inspector Lund followed the suspicious package. They trailed a railway porter to Sirrell's shop and Lund apprehended Sirrel after discovering items belonging to Fisher among the array of silver sent by Macaulay.¹²⁵ Lund then telegraphed the Liverpool police to have Macaulay and Maguire arrested.¹²⁶ A great deal of property stolen in London and Liverpool was found at Sirrell's and was displayed at Scotland Yard and subsequently bought to Liverpool by Kehoe and Lund to allow victims to identify their property.¹²⁷ Macaulay and Sirrell were tried at the South Lancashire Winter Assizes for burglary and receiving. Although there was a clear paper trail between Macaulay and Sirrell and no doubt that the items in question were all stolen, the prosecution failed to convince the jury that Macaulay had been involved in the burglary. Macaulay was only convicted of receiving, while Sirrell was acquitted, much to the delight of the courtroom.¹²⁸

Burglaries were difficult to detect if thieves were not caught in the act, though they might be caught afterwards if police officers noticed suspicious behaviour. In early June 1852

¹²⁴ *Liverpool Mercury*, 4 October 1850.

¹²⁵ *Liverpool Mercury*, 13 December 1850.

¹²⁶ *The Morning Post*, 5 October 1850. The police began using telegraphs in the late 1850s but not until September 1867 did telegraph lines connect all police divisions and the Commissioner's Office. MEPO 7/29, 30 September 1867. Permanent telegraphic communication between the Commissioner's Office and the Home Office was completed the same year. HO 65/8, 6 December 1867. Telegraph messages were extremely expensive and sparingly used. A detective sergeant from Holborn testified before the 1878 Departmental Commission that they rarely used the telegraph because it was too dear. As an example, telegraph messages sent between the Manchester and Metropolitan Police about the Fenian prisoners who escaped at Manchester totaled £123.17.6, a cost borne by the Metropolitan Police. HO 65/7, 1 October 1867.

¹²⁷ *The Morning Post*, 8 October 1850.

¹²⁸ *Liverpool Mercury*, 13 December 1850. Macaulay was sentenced to 10 years' transportation. *The Examiner*, 14 December 1850. Another man, Martin Maguire, initially under suspicion, was never charged. A key found on his person during his initial detention, though, led police to a stolen watch. He was tried for receiving at York and sentenced to 14 years' transportation. *Liverpool Mercury*, 20 December 1850.

Inspector Shaw had the Royal Oak beer shop – whose proprietor Thomas Lawrence was suspected of receiving stolen property – under surveillance. Shaw hid in a house across the road and watched Lawrence meet Nathan Woolf Jacobson at the beer shop and then leave. Shaw followed them to Lawrence’s stables, where the two kept stolen property. After Jacobson emerged with a parcel under his arm, Shaw stopped him to ask the provenance of the vase he was carrying. Jacobson, unable to furnish the officer with plausible reasons for where he obtained his property, was arrested. Both men were found guilty of receiving and transported for ten years each.¹²⁹

Likewise, Sergeant Coathupe hauled Joseph West before police magistrates in October 1863 because the detective saw him wearing a new suit. Coathupe had been watching the corner of Southampton street in Holborn when he saw West walking by around 8 pm. The following morning, he saw West again at 10 am and he “appeared to have a new suit of clothes on.” Feeling this sudden sartorial bonanza was suspicious, Coathupe and Sergeant Shore followed West home where they discovered several pieces of stolen clothing. West was convicted of receiving stolen goods, there being too little evidence to tie him to the burglary itself.¹³⁰

Thefts perpetrated or abetted by servants, occasional helpers or tradesmen were common because these employees had intimate knowledge of the premises and the valuables therein. A shop boy facilitated the burglary of silversmiths and jewelers Clapham and Williams. He knew the location of the most valuable pieces and hid his accomplice in a dark corner of the shop before leaving for the night. In a similar case, Benjamin Hassler burgled his former employer, Edward Burmister, a merchant from Clapham. Hassler knew the layout of the house, the system for locking up at night, and the location of the most valuable watches and jewellery. He broke in through the larder window on March 26, 1852 and relieved his former employer of £46 in jewellery and £26 in cash. A week

¹²⁹ OBP: t18520705-737, “Nathan Woolf, Thomas Lawrence.”

¹³⁰ OBP: t18631130-79, “Joseph West, Susan Farmer.”

later, Inspector Shaw and Sergeant Whicher arrested him, along with the stolen property, in Notting Hill. Hassler was transported for ten years.¹³¹

People who took in lodgers to make ends meet were also at risk. James Law and wife Mary took in lodgers at their pub in Ludgate Hill. One of their lodgers, Francis Bull, stole clothing and silver worth £8 in January 1843. Bull was “a tall and powerful German” who made a habit of returning to burgle taverns and public houses where he had stayed in the past.¹³² Inspector Thornton tracked him to Lewes, Sussex, where he was in gaol for another theft committed on February 9. Henry Harper, the superintendent of the Sussex Constabulary, suspected that Bull had committed similar crimes in London and passed this information along to the Met. According to Thornton, Harper’s “description [of Bull] seemed to tally exactly,” with the man the Laws described so Thornton travelled to Lewes Gaol to see for himself. Bull was wearing one of Mr. Law’s coats, had one of Mrs. Law’s rings and was carrying a drill that matched the marks on the desk that had been broken into. Francis Bull was transported for life.¹³³

Benjamin Lee, a hair-worker and jeweler, had most of his Baker street store looted in October 1869 by men he had hired several months earlier to paint the store. The painters used the job as an opportunity to case out the shop’s contents as well as possible entry points. When Lee arrived at to work on the morning of October 26 he “found it had been broken into, and all the valuable stock was gone – the place was in confusion, and all the fixtures and drawers in a heap on the floor.” The thieves entered through the ceiling by taking out a fan light and dropping down through the opening, stealing £500 of Lee’s stock. Inspector Clarke worked with Inspector Hinde from Marylebone division to track the burglars. So many small pieces were easily pawned and they began their investigation with pawnbrokers in central London. The two officers turned up rings, locket, necklaces and brooches at pawnshops in Westminster, Leicester Square, Fitzroy Square, St.

¹³¹ OBP: t18520510-573, “Benjamin Hassler.”

¹³² *The Morning Chronicle*, 24 October 1843.

¹³³ OBP: t18431127-202, “Francis Bull.”

Martin's Lane and Chelsea. Based on descriptions from the pawnbrokers and from a local police constable who saw several men loitering round Lee's premises on the morning after the burglary, Clarke and Hindes located Hippolyte Longuay, one of the burglars, at his house in Gerrard Street. There they found a large amount of jewellery and other miscellaneous goods. Another officer on plainclothes duty had seen Longuay and his accomplice George Christiens leave Longuay's house on Gerrard Street and pawn some jewellery. The officer recognized Christiens carrying a bag into Longuay's house two days later and arrested him and another confederate, Emile Antoine. Longuay claimed that he was merely the fence for the stolen goods. He was acquitted at trial, but the other three men were convicted and sentenced to penal servitude.¹³⁴

When widow Elizabeth Begg of Canon's Park was burgled in late April 1871, the main suspect was her former gardener Robert Massie. Among the items stolen from the widow were a writing desk and knife "of considerable value." Massie left her service the month before and was familiar enough with the layout of the house to know that he could gain access to the upper windows by climbing onto a stone balustrade. While walking back to London around 4 am the following morning he was stopped by Hampstead police constable Painter at Mill Hill. Painter thought it was strange that Massie should be passing through Mill Hill if, as he claimed, he was travelling from Edgware to London. It was shorter, Painter testified, to take the Edgware Road. When the constable later heard about the burglary, he was certain that Massie was the man he saw. Mrs. Begg and her new gardener also pointed the finger at Massie.¹³⁵ Based on their description Inspector Pay and Sergeant Manton located the former gardener's lodgings in Wandsworth and interviewed his landlady. She confirmed that Massie had come home the morning after the murder and claimed to have walked a great distance: "his boots and

¹³⁴ OBP: t18691122-59, "Hyppolite Longuay, Emile Antoine, George Christiens, Andre Berthier"; *The Morning Post*, 1 November, 1869; *The Times*, 1 November 1869.

¹³⁵ After burgling the house he set a fire to lure the gardener out of his cottage, then stole the gardener's gun as well as some sugar, bread and eggs to make breakfast. The gardener and Massie had been co-servants before Massie left and Massie was one of few people who knew that there was a gun in the cottage.

socks were wet, and I dried them for him.” Pay and Manton arrested Massie in Wandsworth shortly afterwards and Constable Painter came to the station and identified the prisoner as the man he saw at Mill Hill early on the morning of April 23. Although Massie’s behaviour was suspicious, there was no physical evidence to tie him to the burglary and the jury acquitted him.¹³⁶

Burglars might be violent when apprehended. They, more than many other criminals, were likely to use force if interrupted by homeowners or servants. The heavy penalties for a burglary conviction may also have contributed to the violence displayed by burglars caught in the act. John Holloway and Thomas Lewis savagely attacked Constable Baker in the early hours of April 12, 1869 when the officer caught them breaking into Bathurst Edward Wilkinson’s house in Clapham Common. Baker “heard a noise in the direction of the prosecutor’s house” and ran to see what was happening. He saw the two accused, John Holloway and Thomas Lewis, standing beside the unlocked side door.¹³⁷ He apprehended Lewis but was thrown down and kicked by Holloway, who attempted to slash the officer’s face with a knife. The burglars then ran off, but not before they had gashed Baker’s thumb and bashed in his helmet (which he produced as evidence in court). Baker managed to get in one shot, kicking Holloway in the eye. It was a lucky hit since Holloway’s black eye helped solve the case; another constable identified Holloway in a nearby pub from the colossal bruise around his left eye. Once arrested, Holloway gave up Lewis, whom Sergeant Meiklejohn arrested at his home in Westminster on April 20. Both men were sentenced to a decade of penal servitude and Constable Baker received a £2 reward for his bravery.¹³⁸

Detectives were also called in when divisional burglary investigations stalled. In July 1858 Mayne ordered a detective to look into a burglary case in Wandsworth where “[t]wo

¹³⁶ OBP: t18710605-452, “Robert Massie.”

¹³⁷ The burglars used a drill to create “a hole large enough to insert a man’s hand and undo the fastenings.” OBP: t18690607-591, “John Holloway, Thomas Lewis.”

¹³⁸ OBP: t18690607-591, “John Holloway, Thomas Lewis.” For other cases resulting in attacks on constables, see OBP: t18640606-591, “John Thomas”; OBP: t18681214-114, “Henry Jones.”

such cases seem to show want of vigilance or skill in the Police near, in not detecting the parties in going or returning.”¹³⁹ Scotland Yard interventions in local cases fed intradepartmental jealousies. Robert Bell, an ex-detective sergeant from Southwark division described a vociferous antipathy between the two groups: “It has almost come to fights.” He was far from the only officer to notice the problem.¹⁴⁰

Scotland Yard detectives were also sent outside London to assist provincial forces. In 1848 Home Secretary George Grey instructed the commissioners of police to send two detectives down to Stowe “to assist in the discovery of the perpetrators of some daring Burglaries.” It was late November and prime season for crimes committed under cover of darkness.¹⁴¹ Some years later, Lansdowne and Croome investigated a series of burglaries outside the Metropolitan Police District. They were called in after the burglars stole from a local notable whose status ensured Scotland Yard’s attention. The thieves entered their victims’ houses by forcing the latch on a rear window and in each case stole only a clock and a tablecloth to wrap the clock in. Lansdowne surmised that only someone in the trades could conceal weighty table clocks without looking suspicious, in a basket perhaps. He and Croome watched local train stations for someone matching Lansdowne’s theory. One evening they noticed a woman carrying a carpenter’s basket meet a carpenter disembarking from an arriving train. His hands, noted Lansdowne, did not look like those of a labourer. It transpired that the man left London during the night to steal clocks and then pawn them at local shops near Pentonville Road where he was known as a clockmaker.¹⁴²

¹³⁹ MEPO 7/19, 10 July 1858.

¹⁴⁰ *1870 Report of the Commissioner of the Police of the Metropolis*, 141. Inspector George Greenham, Sergeant John Littlechild, Sergeant Walter Andrews, Chief Inspector Harris and Assistant Commissioner Labalmondriere all testified that jealousy between Scotland Yard and divisional detectives was endemic. *1878 Departmental Commission*, 34, 41, 48, 153 and 244. See also Shpayer-Makov, *Ascent of the Detective*, 106-7.

¹⁴¹ HO 65/16, 24 November 1848.

¹⁴² Andrew Lansdowne, *A Life’s Reminiscences of Scotland Yard* (New York and London: Garland Publishing Inc., 1984; Originally published: London: Leadenhall Press, 1890), 119-126.

By the 1870s burglary was a key issue for the Home Office and Metropolitan Police. In mid-October 1877, the beginning of the ‘burglary season’, the District and Divisional superintendents met to discuss the problem.¹⁴³ The result was a police order reminding officers of the rules for properly investigating burglary and insisting they “be rigidly complied with and extended to all cases of Housebreaking, or Stealing in a Dwelling House to the value of £5, or other serious offence against property or person.” In the event of a burglary, an inspector or, ideally, the divisional superintendent should be at the scene of a burglary as soon as possible to oversee the investigation. The senior officer was reminded that they were to “obtain all the particulars as to the entry, description, and value of the property stolen, and also of any suspicious persons seen loitering near.” They were then to telegraph all relevant information to the Commissioner’s Office for distribution throughout the Police District. A divisional detective was also required to attend to follow up “any clue which may be obtained...with a view to discover the thieves and recover the property.”¹⁴⁴ This was part of a new mandate within the force for “following up and controlling crime” under the aegis of James Edward Davis. As the Met’s new Legal Advisor, Davis, a former magistrate in Stoke-upon-Trent and Sheffield, also managed the new Department of Crime where he oversaw the investigation of serious indictable offences.¹⁴⁵ Davis, appointed by Home Secretary Cross in October 1877, was also responsible for ensuring that cases sent to the treasury solicitor for public prosecution were properly framed with compelling evidence.¹⁴⁶

In November 1877, Commissioner Henderson summarized the burglary problem for the home secretary. In a memorandum on “Burglaries within the Metropolitan Police

¹⁴³ MEPO 2/134, 6 November 1877.

¹⁴⁴ *General Regulations* (1862), 20.

¹⁴⁵ Davis immediately found problems with crime reports, finding that superintendents habitually downgraded crimes. A crime reported as a “Larceny by scaling a wall and lifting window’, should have been ‘Burglary’.” MEPO 2/134, 6 November 1877.

¹⁴⁶ MEPO 7/39, 18 October 1877. The treasury solicitor began prosecuting burglary in the 1870s. See HO 65/34, 19 October 1875; HO 65/37, 12 September and 11 October 1877; HO 65/38, 15 October and 16 October 1878.

District,” Henderson explained that the Met was stretched thin by London’s rapid expansion. “During the past five years,” he told Secretary Cross, “50,000 new houses, comprising 831 Streets and Squares and measuring 136 miles have been added to the police watch without anything like a corresponding increase in the force.” Police numbers were further dwindled because of an outbreak of cattle plague where nearly 200 officers were pulled from regular duty to attend that problem. Additionally problematic, and something Mayne and Rowan had complained about in 1842, was householder negligence. Most burglars accessed houses from rear, often unlocked, windows, which constables on the beat could not see. Henderson stressed the preventive measures taken by the police during the winter months but “regretted that their preventive exertions are not supplemented to a greater extent by the care of householders themselves, who frequently leave their homes unattended and neglect to provide secure fastenings on their doors and windows.”¹⁴⁷

Burglary, argues Meier, preoccupied the late Victorians and “contributed to the decline of the English miracle” of decreasing theft prosecutions.¹⁴⁸ By the end of the 1870s the Metropolitan Police struggled to successfully investigate burglaries, hampered as they were by deficient manpower and the sheer volume of the city itself. Central detectives were infrequently involved in burglary cases. Their presence usually indicated a cross-jurisdictional case, valuable goods or some other extenuating circumstance. The majority of burglary cases were handed by the divisions.

4.5 Deception

4.5.1 Forgery

Forgery became a legislative concern in the late seventeenth century, as public finance grew to be a central concern of state stability. During the eighteenth century public and private finance were inextricably linked, encouraging legislation to protect against

¹⁴⁷ MEPO 2/134, 6 November 1877.

¹⁴⁸ Meier, *Property Crime in London*, 39.

forgery of public and private instruments. Between 1729 and the early nineteenth century most forgeries were capitalized, indicating the premium that the English government placed upon private and public credit. As Randall McGowen has shown, forgery legislation “portrayed society as dependent upon the security of certain types of paper.”¹⁴⁹ These included, but were not limited to: stamps, bills of exchange, promissory notes, cheques, wills, and powers of attorney.

Detecting forgeries was tricky business. As paper instruments quickly gained popularity, it became more difficult to detect counterfeits. Forgeries were most commonly of bills, particularly Bank of England notes, and of signatures on a variety of financial instruments, though cheques were the most commonly forged paper. Birmingham, with its strong artisanal history, was a hotbed of counterfeiting. Engravers, in particular, were needed to engrave the copper plates necessary for printing banknotes. The problem was so prevalent that by the late eighteenth century the Bank of England’s solicitors always had a representative at the Warwick assizes to manage forgery prosecutions in that jurisdiction, a practice that continued into the nineteenth century.¹⁵⁰

Counterfeit bank notes were usually only detected when the notes made it back to their originating institution. Many people – shopkeepers especially – were too busy and unqualified to identify fraudulent bills when they passed over the counter. Cheques, too, were often cashed because the cashier (and this might be a private person or a bank clerk) trusted the person proffering the paper or because the cheque was drawn in the name of an existing client.¹⁵¹ In the nineteenth century, bank clerks became essential witnesses in forgery prosecutions because they not only understood banking protocols (including tracking numbered bills) but could also identify and verify client signatures.¹⁵²

¹⁴⁹ McGowen, “Forgery legislation in eighteenth-century England,” 136.

¹⁵⁰ McGowen, “The Bank of England and the Death Penalty,” 249-250.

¹⁵¹ It was not unusual to cash a cheque for someone else or for a cheque to be endorsed, making it easier to pass a forged cheque.

¹⁵² McGowen, “Forgery and the Proof of Writing in Eighteenth-Century England,” 408-410.

Forgery was not initially a focus of detective policing. There were simply too few detectives to investigate and other groups, such as the Bank of England's solicitors, had a long history of successfully investigating and prosecuting forgers.¹⁵³ The City of London's detectives also made forgery a specialty. The financial heart of the capital was their jurisdiction and they helped prosecute many cases at the Old Bailey.¹⁵⁴ The Bank of England was hardly the only victim of forgeries, however, and as the paper economy boomed in the nineteenth century, so too did opportunities to counterfeit. The Detective Department investigated roughly one case each year in the 1840s and 1850s, but these numbers doubled by the 1870s.¹⁵⁵ Forgeries comprise nearly 20 per cent of the detective workload but the total value of goods appropriated by these means amounts to tens of thousands of pounds. When Scotland Yard detectives were brought in to investigate counterfeit financial documents, it was often because the stakes were high. The cases that follow typically involve individuals or small groups of forgers who faked signatures on cheques, wills, promissory notes or orders for payments. Several involve possession of instruments used for forging, including copper plates and engraving tools used to print counterfeit banknotes.

In their first forgery case in 1843, detectives investigated a major fraud by the Rev. Dr. William Bailey, who attempted to extract £2,875 from the estate of Mr. R. Smith. Rumour had it that the recently deceased Smith left a substantial fortune and Bailey concocted an elaborate sham to claim part of the estate. Bailey alleged that Smith died

¹⁵³ See McGowen, "The Bank of England and the Policing of Forgery."

¹⁵⁴ The City of London detective force investigated over one hundred forgeries between 1850 and 1878. Although this represents a smaller percentage of their overall workload than it does for the Detective Department, the high number of forgery cases reflects the City of London Police's jurisdiction over the financial heart of the capital.

¹⁵⁵ Scotland Yard was not involved in detecting company fraud, which was not yet a fully established crime. It was not until the 1870s, and after 1878 the establishment of a public prosecutor, that company fraud was routinely prosecuted. George Robb argues that financial crimes were too complex for England's police services, who focused instead on public order. It is true that forgeries investigated by Scotland Yard did not involve bank frauds or public offerings, but they did require knowledge of how the world of finance operated. For a comprehensive discussion of the criminalization and prosecution of company fraud in the nineteenth century, see George Robb, *White-collar crime in modern England: financial fraud and business morality, 1845-1929* (New York: Cambridge University Press, 1992).

owing his sister nearly £3,000 on investments Smith made on her behalf. Bailey took his claim on the estate to the Court of Common Pleas but lost. Some of Bailey's evidence from that trial was suspicious, such as his claim that Smith signed an I.O.U. to him in August 1842, a date upon which another witness positively swore that Smith was in another part of London. After losing his suit at the Court of Common Pleas, Bailey then offered a local fruit-seller £30 to swear that he had also witnessed the signing of the I.O.U. The poor fruit-seller had an attack of conscience and gave up Bailey to the Smith family, who had him charged with forgery.¹⁵⁶

The Smith's solicitor, Mr. Flower, who had also represented Courvoisier, requested that Inspector Pearce arrest Bailey and seize all of the accused's papers, some of which were considerably damning. These included his written instructions to the fruit-seller and another woman to make false affidavits in support of his sister's claim on the Smith estate. Bailey had hoped this 'new evidence' would force a new civil trial.¹⁵⁷ Smith's stockbroker testified that the writing on the documents was not his client's; the style of the writing was all wrong, he told the court: "there is a stiffness, a schoolboyness [sic] about the promissory-note" that he did not attribute to his client's hand. Smith's brother similarly felt that "it [the promissory-note] is not written with that freedom which characterized my brother's writing... [though] I think it is a very good imitation." Pearce testified at the trial about his apprehension of Bailey and also that he found various papers and a notebook in his possession. Pearce read aloud to the court Bailey's instructions to his two paid witnesses about how to frame their affidavits. This damning evidence convinced the jury, who found the reverend guilty of forgery. He was transported for life.¹⁵⁸

The detectives also investigated two forged cheques, for £190 and £390, in 1844. In January, Mary Ann Brown cashed a cheque at Smith, Payne and Smith, bankers, of

¹⁵⁶ *The Times*, 25 November 1842.

¹⁵⁷ *The Times*, 2 December 1842.

¹⁵⁸ OBP: t18430130-594, "William Bailey."

Lombard Street. Lady Margaret Nelthorpe, the woman upon whom the money was drawn, was a trusted client of the bank so cashier thought nothing of paying out the £190 sum to Brown in £50 and £5 notes. Two years earlier, Brown had applied to be a companion to the widow Nelthorpe and spent just over a month at Nelthorpe's home before leaving. Lady Nelthorpe remembered Brown telling her "she could imitate any person's handwriting," and testified that Brown's forgery was "very much like my signature." Nelthorpe had not seen Brown since December of 1842 and, with little information about her whereabouts (by 1844 Brown was living as Mrs. Francis with her co-accused John Francis), it took Inspector Pearce and Sergeant Kendall several months find her. Luckily, the clerk at Smith, Payne and Smith noted down the numbers of the Bank of England notes before he paid Brown and, as soon as the bills surfaced, the police were able to trace the forgers. The detectives arrested Brown and Francis in Surrey in early April. Knowing the importance of written documentation to proving forgery cases, Pearce ensured that "when I apprehended the prisoners I seized all their papers and documents both their writing desks, their letters, bills and every thing they contained."¹⁵⁹ Brown, the author of the forgery, was transported for fifteen years, while Francis, an unwitting party who believed his wife's windfall was an annuity, was acquitted.¹⁶⁰

At the next sessions of the Central Criminal Court, Whicher helped put away another forger. Again, the forged cheque was cashed at a bank in the name of an existing client. The clerk at the bank happily paid out £390 in Bank of England notes and the forgery was not detected until the Bank returned the cheque. Scotland Yard was notified and Whicher began his investigation at Whistler's in the Strand, where one of the £50 notes was used to purchase a gold watch. Whicher traced the man who purchased the watch, Daniel Wright, to Birmingham and back and ultimately arrested him at the Victoria Hotel

¹⁵⁹ J.M. Beattie has shown that the same kind of evidence presentation was key to coining prosecutions in the late eighteenth century. The Bow Street Runners were central to these cases because they could "collect evidence on the spot, bring it to court and explain its significance to the judge and jury." By the late eighteenth century, the machinery and tools they seized and used as evidence "were becoming the central matter of the trial." J.M. Beattie, *The First English Detectives: The Bow Street Runners and the Policing of London, 1750-1840* (Oxford: Oxford University Press, 2012), 43 and 47.

¹⁶⁰ OBP: t18440506-1396, "Mary Ann Brown, John Skinner Francis."

in Euston Square.¹⁶¹ A search of Wright produced large quantities of cash, the gold watch and a “pocket-book [with] a cheque similar to the one produced – it is signed ‘Pulsford,’ the same as the other.” On the basis of this indisputable evidence, Wright was transported for twelve years.¹⁶²

Forgery was often committed by respectable, literate and sophisticated people. Literacy and an understanding of the world of financial instruments were necessary to pull off a successful forgery.¹⁶³ Bailey was a graduate of Trinity College, Dublin, and officiant at St. Peter’s in Westminster. When Daniel Wright and his accomplice appeared before magistrates at Marylebone police court, the paper reported that he was “a young man of very respectable appearance” and his consort “a showily dressed woman.” The two had run up a bill of £36 at the Victoria Hotel, one that must have been settled by Wright’s parents, who “were highly respectable people, living in Conduit-street, Hanover-square.” Wright’s father, it transpired, was a successful tradesman who had left his son an ample inheritance, which the latter quickly dissipated.¹⁶⁴

In several cases, civic-minded artisans helped police and foreign governments entrap forgers. This was especially important when foreign instruments were counterfeited because foreigners tended to rely on their own countrymen for help. The detectives investigated numerous cases where Dutch, Swedish, Prussian and Russian instruments were forged. Where would-be forgers lacked the artisanal skills to forge for themselves, they took a great risk soliciting help from engravers and printers. In these cases, tip-offs

¹⁶¹ Birmingham was a traditional site for forgeries given the city’s strong artisanal tradition. McGowen, “The Bank of England and the Death Penalty,” 250. Artisanal skills were necessary for complicated forgeries, especially of engraved copper plates for bank notes. One expert testified in 1866 that it would take a month for a skilled engraver to copy the eagle on a Russian Bank note by hand. OBP: t18660108-184a, “Philip Braun.”

¹⁶² OBP: t18440610-1549, “Daniel Wright.”

¹⁶³ Robb, *White-collar Crime*, 8.

¹⁶⁴ *The Times*, 25 May and 13 June 1844.

from the artisanal community were often key to identifying potential forgers within London's large ex-patriot population.

In July 1844 Sergeants Thornton and Kendall and the Dutch Embassy began a short but successful sting operation based on a tip from an artist named Louis Rosenthal. Several forgers approached Rosenthal to help duplicate 500 coupons for certificates of Dutch stock (worth £2 each). Rosenthal knew that the scheme was illegal, but agreed to participate in order to entrap the three perpetrators, Pietro Valler, Francisco Enrico and Henry Harrison. Immediately after Harrison propositioned him, Rosenthal reported the fraud to the Dutch Embassy, which in turn informed Scotland Yard. The Embassy, Rosenthal and the Detective Department agreed that Rosenthal should go along with the plan and that the detectives would monitor the transaction.

Rosenthal had an engraver create the copper plate for the print and made 500 impressions. While Rosenthal was working on the forgeries, Thornton and Kendall tailed Valler, Enrico and Harrison. They wanted to ensure that, at trial, police evidence linked the three conspirators to each other and Rosenthal. They also probably wanted to ensure that the three men were the limit of the forgery ring. If it went deeper, a premature arrest would only skim the surface of a larger group. The detectives also needed to keep an eye on the copper plate and impressions. If they lost track of the criminals or the forged instruments, the scandal would be immense. No one at Scotland Yard wanted to be responsible for permitting £1000 of forged documents to enter circulation. Once he ascertained that the two Italians and Harrison were working alone, Thornton arrested all three two days after Harrison's initial visit to Rosenthal. By waiting until the forgers retrieved the printing blocks and impressions from Rosenthal, the detective ensured that the prosecution had ample evidence of the fraud to support witness testimony. At the trial, Thornton and Kendall recounted all the movements of the accused during the two-day sting. The detectives also told the jury how, during the arrest, they took possession of the copper plate, various proofs and an original coupon for the Dutch Stock upon which the forgeries were modeled. On the basis of such complete evidence, the court found all three men guilty and the judge transported each for ten years. Throughout the operation,

the detectives worked in tandem with the Consul-General of the Netherlands and solicitors to ensure that the case against the three forgers was unquestionable.¹⁶⁵

Christian Charles Moller and his accomplice William Foster were similarly unlucky when they asked engraver Charles Morrish to be their co-conspirator. Foster approached Morrish in late April 1856 and asked whether the artisan could copy a Swedish bank note (from the Malare Provinces Private Bank) on to steel or copper. Morrish agreed to help and requested “Ten or twelve days” to do the work. Having created some breathing room, he then contacted solicitors and the Swedish Embassy. To keep Moller and Foster under the impression he was still helping them, Morrish made the plate, though he ensured that the forgery was poorly done. When asked by defense counsel how he could identify an impression made from his engraving, Morrish responded, “I think you will find my initials at the back of it – you may consider this a very clumsy imitation, I did it in a hurry, I knew that it was not to go through the hands of a banker.” His customers were less discerning, however, thinking, “it was very good.” Inspector Thornton and Sergeant Williamson, along with a plainclothes constable from Lambeth, kept the two criminals under surveillance until an arrest was made on May 21. Thornton found the forged impressions on Foster. Richard Mullins, the prosecution solicitor, was present at the police station when Moller and Foster were charged, indicating that he had been working closely with Scotland Yard during the three-week operation. The vice-consul for Sweden and Norway was present at the trial to explain that the Malare Provinces Private Bank was a Swedish bank with Royal endorsement and to testify as an expert on the Bank’s legitimate notes. Moller was transported for fourteen years while Foster was given four years penal servitude.¹⁶⁶

¹⁶⁵ OBP: t18440819-2181, “Pietro Valler, Francisco Enrico, Henry Harrison.” This was not the only case involving Dutch currency. Reinholdt Ziegert was convicted in June 1867 for possessing a stone engraving of a Dutch undertaking for payment of two guilders ninety-seven cents. Sergeant Palmer investigated the case for the Consul-General of the Netherlands. OBP: t18670610-579, “Reinholdt Ziegert.”

¹⁶⁶ OBP: t18560616-670, “Charles Christian Moller, William Foster.”

Another engraver took in brothers Edmund and Louis Schehl. On November 22, 1856 they approached fellow Prussian Carl Morztz Kuhlmorgen about referring them to a lithographer. Kuhlmorgen recommended his friend Rudolph Appel, a “patentee of the process called the Anastatic process, for taking impressions on metal from paper.” Having worked for the Prussian Embassy before, Appel was an ideal person to help the Shehls forge Prussian 10 thaler notes.¹⁶⁷ Much like Rosenthal and Morrish before him, Appel agreed to help the two Prussians but asked them to come back later to discuss the transaction further. Having bought some time, Appel immediately contacted the Prussian Embassy. The Embassy secretary instructed Appel to go along with the Schehls and then brought in the Metropolitan Police. Richard Mayne assigned Inspector Thornton to direct the investigation and the detective began his surveillance on November 23. Between November 23 and December 10, when he arrested the Schehls, Thornton watched both men. When he finally arrested them he found “nuts, and screws, and some of the engravings from the plates, a copy of the notes, and a card of Mr. Appel’s.” He also “found a quantity of water marked paper, corresponding with the plate which was with the paper, and some copies of an original Prussian note.” The physical evidence supported Appel’s testimony at trial and established a clear link between the Schehls, Appel and the forged documents. Not taking any chances, the Prussian government sent its own expert from the Chief Administration for the State Debts at Berlin to testify. The brothers were found guilty and sentenced to six years’ penal servitude.¹⁶⁸

A much larger web of forgeries came to light in the mid 1860s, this time of Russian rubles. The detectives brought nine people to trial at the Old Bailey between September 1865 and July 1867 for forging Imperial Bank of Russia notes.¹⁶⁹ Ruble forgeries became a problem in the capital during the 1850s but increased significantly in the following

¹⁶⁷ A thaler was worth 3s., making the notes equivalent to £1.10. OBP: t18560204-269, “Edmund Schehl, Louis Schehl.”

¹⁶⁸ OBP: t18560204-269, “Edmund Schehl, Louis Schehl.”

¹⁶⁹ A ruble was worth roughly 3s. OBP: t18401214-316, “Paul Mazeaux, George Ramuz, Jules Rault”; OBP: t18480131-598, “Leybe Aaronson, Jacob Friedeburg, Raphael Kauffman, Solomon Muscovitz”; OBP: t18620407-428, “Chlom Reichberg, Abraham Josephson, Wolff Harwitz.”

decade.¹⁷⁰ The problem was so extensive that the Imperial Bank of Russia sent an authority to London to help with the prosecutions; Eugene Klein, who oversaw the manufacture of Russia's bank notes, was an important expert witness. The forgeries he had seen lately in London, he conceded, "are very skilful [sic] forgeries, therefore the more dangerous."¹⁷¹ They required a knowing eye to detect.

Seven defendants were charged with possession of materials for forging documents, one for engraving and one for uttering forged notes. The Russian government employed solicitors Venning, Dale and Robins to act on their behalf in these cases. The first prosecution took place in September 1865. The accused, Augustus Ancenay, was a French lithographer with a long history of forging foreign currency. Inspector Thomson searched his lodgings in Windsor and found acids, engravings and a proof sheet for a 50-ruble note. Although Ancenay had abandoned his former workshop, Thomson had little trouble tracking him down at work in Gray's Inn road.¹⁷² Thomson's inquiries revealed that Ancenay was just the tip of the iceberg and the solicitors for the Russian Embassy asked the court to remand Ancenay "for as long a period as possible" so that Thomson could continue the investigation. The prosecution was also waiting for Klein to arrive from Russia.¹⁷³ Ancenay was tried alone and convicted for possessing forging materials.¹⁷⁴

¹⁷⁰ Scotland Yard was not the only police service investigating crimes of this nature. The City of London detectives and the Birmingham police were also involved, though they prosecuted their cases separately. See, for example, OBP: t18480131-598, "Leybe Aaronson, Jacob Friedeburg, Raphael Kauffman, Solomon Muscovitz"; OBP: t18551217-130, "Abraham Rosenberg, Simon Barnett"; OBP: t18620407-452, "Chlom Reichberg, Abraham Rosenberg, Koifman Weber."

¹⁷¹ The witness, Eugene Klein, worked for the Russian Minister of Finance and was in charge of bank note production. Klein testified in at least seven cases at the Central Criminal Court between 1862 and 1867 and probably also testified in other jurisdictions. By the time Vincent Jankowski was prosecuted in April 1866, Klein admitted that the forgeries "are very well executed; the best I have seen till now – people are improving very much." OBP: t18660409-412, "Vincent Jankowski."

¹⁷² *Daily News*, 10 August 1865.

¹⁷³ *The Standard*, 18 August 1865.

¹⁷⁴ OBP: t18650918-887a, "Augustus Ancenay."

The next case was tried in December 1865 and six more men were charged with possessing forged currency. The police broke this ring of forgers with the help of an inside man, a Pole named Joseph Liban, who had recently been charged, but released, in Dresden for forgery. He struck a deal with the Russian Embassy in Paris that he would help trace the source of the forgeries in return for his release. The Russians orchestrated his discharge and sent him to London. Liban arrived in London on June 1, 1865 and within two weeks had met inspector Thomson to discuss the investigation.¹⁷⁵ Shortly afterwards Thomson and Sergeants Clarke and Mulvany began watching Liban's lodgings. Thomson rented a room across the street and spent twelve hours a day observing who came and went. After several weeks watching – and at a time prearranged with Liban to ensure all the perpetrators were present – Thomson, Mulvany and several other officers stormed the house and arrested six conspirators. The detectives confiscated engraving tools and Russian notes (some of which had been partially burned in the fireplace). Five of the six accused were convicted. The last, Philip Braun, was acquitted because there was some uncertainty about whether he had been acting as an informant for a City of London detective.¹⁷⁶

The final two defendants were Vincent Jankowski and Joseph Finklestein, tried at the Central Criminal Court in 1866 and 1867. Jankowski was involved with the same group prosecuted in December 1864. He had been found in possession of 1,000 pieces of paper with 25-ruble notes printed on them but the prosecution could not corroborate their chief

¹⁷⁵ Although Thomson's testimony at trial suggests that the Russians used official channels to put Liban in contact with Scotland Yard, Liban told the magistrate at Lambeth police court that the Russian Embassy in Paris provided him with Thomson's home address. *The Times*, 2 September 1865. The Russians already had ties to Scotland Yard because they had liaised with Sergeant Whicher and Superintendent Walker several years earlier about how to police Warsaw. See chapter 6.

¹⁷⁶ Braun claimed that he thought he was still working undercover and, thus, participated in the fraud with the City's express consent. City detective George Scott denied giving Braun *carte blanche*: "I told you to let me know when you did anything, if you did do anything, and not to do anything without letting me know," he told Braun under cross-examination, "and you perfectly understood that." Braun was retried for engraving at the following sessions but was again acquitted. OBP: t18651218-140, "Nathaniel Holchester, Samuel Berrens, Jules Bayer, Abraham Davis, Gersshore Silverman, Philip Braun"; OBP: t18660108-184a, "Philip Braun."

witness's story so the judge directed a Not Guilty verdict.¹⁷⁷ The detectives had greater luck against Finklestein the following summer for uttering a forged 25-ruble note. Finklestein approached Inspector Thomson with forged notes and offered to help the police detect the forgers. The detective told Finklestein to keep the notes but Finklestein instead sold them. To avoid a repeat of Philip Braun's acquittal, Thomson insisted that, although Finklestein was one of his informants, he never give him permission to part with the notes:

I told him [Finklestein] to be careful what he did with them, and that if he did not return them to the man or bring them back to me, if he was ever found dealing with them, or if he fell into the hands of the police with these notes, it would be the same as if he was uttering them.

Finklestein was found guilty and sentenced to five years' penal servitude.¹⁷⁸ During these investigations, Scotland Yard detectives worked closely with solicitors, especially on cases of counterfeit foreign currency, to build strong prosecution cases. The strength of officers' testimony hinged on their ability to link defendants to the crime and often involved significant periods of shadowing suspects. Presenting evidence in court was paramount and detectives diligently collected evidence from suspects and their residences to present to juries.¹⁷⁹

Although forgeries of foreign currency attracted public and ministerial attention, the majority of the forgeries investigated by the Detective Department were orders for payment, promissory notes and bills of exchange drawn on domestic institutions. In one typical case, a young man named William Carroll Kelly was convicted for forging a £20 cheque. Kelley pretended to be Cyril White, a cornet in the 12th Lancers, and had a local

¹⁷⁷ OBP: t18660409-412, "Vincent Jankowski"; *The Times*, 12 April 1866.

¹⁷⁸ *The Standard*, 11 July 1867; OBP: t18670708-662, "Joseph Finkinstein."

¹⁷⁹ The significance of police testimony in many cases explains the acrimonious relationship between detectives and defense counsel, whose job it was to discredit prosecution witnesses, and police evidence in particular. See this chapter, section 4.6.

army saddler named John Gibson change a cheque for him. Trusting his customer, the saddler gave Kelly £20 for a cheque which Kelley wrote in Gibson's presence on a blank sheet of paper. The good-natured Gibson soon realized that he had given £20 to a swindler and reported the crime to the police. Jonathan Whicher arrested Kelly two weeks later. Kelly plead that he "was not aware of the seriousness of the offence," but this did not fool the jury. Gibson had a softer heart, and recommended the boy to mercy because he was only eighteen years old.¹⁸⁰

Whereas Kelly was a desperate youngster in need of £20 to pay his debts, David Charles Lloyd was a cunning clerk who used his position at a share-broker's to steal £600 worth of shares. Lloyd impersonated one of the North Eastern Berwick Railway's shareholders, George Oliver, and managed to have a duplicate form of declaration for the shares sent to himself. Lloyd knew that Oliver was a client, how large his portfolio was and had access to papers with Oliver's signature on them. Oliver admitted in court that Lloyd had done an excellent job forging his signature and it was only when some of the duplicate stock coupons were sent to Oliver and not to Lloyd that Oliver realized something was amiss. Lloyd tried to sell the stock in York, where the North Eastern Railway police became involved. The Railway's police superintendent connected with Sergeant Clarke at Scotland Yard and together they travelled to Brighton to arrest Lloyd, who was convicted of forgery and sentenced to five years penal servitude.¹⁸¹

Clerks and other employees in the financial sector were in an excellent position to commit forgeries. No only did they have access to client information (including signatures) but they understood banking protocol and procedures. Solicitor Herbert Templeman convinced one of his clients, Frank John Hawkins, to help him forge and utter a cheque for £1,242. Hawkins was a former clerk to bankers Robarts, Lubbock & Co. He had worked for their country office and so understood how to cash cheques for clients without verifying the funds with the client's home institution first. Hawkins gave

¹⁸⁰ OBP: t185504009-454, "William Carroll Kelly."

¹⁸¹ OBP: t18630713-889, "David Charles Lloyd."

Templeman information about bank client Major-General Henry Joseph Morris who had unlimited credit and to whom the bank was authorized to pay out cheques immediately. The cheque was drawn and cashed at a Parisian bank by commission agent Charles Asselin. The crime occurred in the summer of 1872. The cheque was cashed in Paris on July 4, shortly after which the French police notified the English Bankers' Association about the forgery. The solicitor to the Bankers' Association, Richard Mullins, managed the case. Asselin was arrested in June 1873, which led Mullins to Hawkins, who the solicitor convinced to testify for the prosecution. On the basis of these statements Mullins had arrest warrants drawn against Templeman and Giraud, which were executed by Sergeant Moss (a City of London detective) and Inspector Clarke. During the investigation Sergeant Reimers went undercover to question the commission agent Asselin. Reimers pretended ask about buying wine and, in the course of their conversation, had Asselin write his name and address down, which gave the detective handwriting to compare to that on the Parisian transaction. Although Reimers never testified during the trial, this evidence must have led to Asselin's arrest and, thus, to the establishment of a case against the two defendants. Both men were convicted and sentenced to fifteen years' penal servitude.¹⁸²

Wills were another commonly forged instrument. Attacks on inheritances were particularly feared in a society with such immense landed wealth.¹⁸³ Forgeries of bills of exchange, bank notes or promissory notes – even for large amounts – were usually one-time events. The forgery of a will, however, called into question entire estates, whether large or small. In the words of Justice Field, “Forgery, in any aspect, was serious, but it was the more serious when, in the case of a will, they [forgers] managed to amass property to which others were justly and lawfully entitled.”¹⁸⁴

¹⁸² *Daily News*, 25 November 1873; *The Morning Post*, 3 December 1873; OBP: t18740202-179, “Herbert Templeman, Andrea Giraud.”

¹⁸³ McGowen, “Forgery and the Proof of Writing in Eighteenth-Century England,” 385-414, 387.

¹⁸⁴ *The Times*, 25 September 1875.

The £12,000 estate of Emma Adolphus was the subject of civil and criminal suits in June and September 1875. Emma was the daughter of Sir Jacob Adolphus, a physician and former Inspector-General of Army Hospitals and Physician-General to the Militia Forces in Jamaica.¹⁸⁵ She was the last surviving sibling in her family, the sole inheritor of her family's estate and, unmarried, lived with her friends Mr. and Mrs. Cooper. Mrs. Cooper and another friend, Amelia Jenkins, looked out for the physically frail Adolphus until she died on July 4, 1872. Shortly thereafter, Cooper and Jenkins produced a new will, written two days before Adolphus's death, giving Jenkins a £100 annuity and the remainder of the estate to Cooper. Both women were named joint-executors in the new document. The Adolphus family was furious. They successfully sued Cooper and Jenkins in the Court of Probate and Divorce and had the will declared fraudulent. Two handwriting experts testified that Mrs. Cooper had penned the new will and the two women were ordered to repay the inheritance with costs.¹⁸⁶ The government then laid criminal charges against both women and two male accomplices, who claimed to have witnessed the signing of the new will.¹⁸⁷ Cooper was presented at Bow Street in late July 1875, but Jenkins had gone to Paris and the English government was in the process of extraditing her. Inspector James Pay arrested Cooper at home while Sergeant Adolphe Marchand travelled to Paris to retrieve Jenkins. She and Cooper joined their accomplices in the dock at Bow Street in mid-August. All four were tried at the Central Criminal Court in September 1875. Marchand testified but Pay, who had died several days before the trial, had his deposition read. Cooper and Jenkins were convicted – Cooper for the forgery and Jenkins for uttering the will.¹⁸⁸

¹⁸⁵ Sir Jacob was a relative of the famous Old Bailey barrister John Adolphus (1768-1845) and “One of the first Jews to attain senior rank in the British Army.” William D. Rubinstein, Michael A. Jolles and Hilary L. Rubinstein, ed. *The Palgrave Dictionary of Anglo-Jewish History* (Basingstoke: Palgrave Macmillan, 2011), 19.

¹⁸⁶ *The Standard*, 17 and 19 June 1875. Emma Adolphus was apparently nearly blind before her death and relied on Cooper to write cheques that she would then sign. *The Times*, 29 July 1875.

¹⁸⁷ As usual, the treasury solicitor hired Mr. Poland to conduct the prosecution. *The Times*, 28 July 1875.

¹⁸⁸ *The Times*, 13 August and 25 September 1875. Both women were sentenced to seven years' penal servitude. *Ibid.*

Another forgery involving the extradition of a suspect occurred in January 1874. Inspector Druscovich travelled to Belgium to retrieve provision merchant Paul Bayard, charged in England with forging and uttering the trademark of Messrs. Moët and Chandon.¹⁸⁹ Moët and Chandon had only one agent in England, the firm Simon and Lightley, but the numerous publicans and spirit merchants that Bayard swindled into buying fake Moët and Chandon at bargain prices seem not to have understood this. Bayard worked in conjunction with a fellow Frenchman, Benoni LeBlanc, who plead guilty to forgery in December 1873.¹⁹⁰ Immediately after that trial, Druscovich went to Antwerp to locate Bayard. Druscovich identified Bayard to the Belgian authorities who issued their own warrant for his arrest. Unusually, Bayard waived his right to a hearing under Belgian law and agreed to be sent back to England. The defense argued that LeBlanc was the real criminal behind the operation and that Bayard was unaware that the wine he sold was counterfeited. Notwithstanding his escape to Belgium, he was acquitted.¹⁹¹

While the Bank of England and the City of London detectives made forgery investigations their priority, Scotland Yard's detectives also made these crimes a specialty. Particularly when the pound value was high or where cases involved foreign governments, it was Scotland Yard men who liaised with solicitors, foreign embassies and travelled abroad to locate extradited offenders.

4.5.2 Fraud

In the 1840s larceny was the Detective Department's main priority. Fraud was a relatively new policing concern and their fraud caseload was limited to a handful of

¹⁸⁹ Sir Thomas Henry, presiding magistrate at Bow Street Police Court, usually managed extradition warrants. See chapter 6.

¹⁹⁰ OBP: t18731215-69, "Benoni le Blanc"; *The Morning Post*, 17 December 1873.

¹⁹¹ *The Morning Post*, 27 January 1874; *Lloyd's Weekly Newspaper*, 8 March 1874; OBP: t18740302-188, "Paul Bayard." The prosecution wanted to add a charge of conspiracy but, under extradition law, the accused could only be tried for charges specified in the extradition warrant. It is possible that the conspiracy charge might have stuck. *The Times*, 27 January 1874.

cases. By the 1870s, however, fraud investigations monopolized Scotland Yard's casebook. Many of Scotland Yard's early fraud cases involved horses: buying, selling and racing. Horses were valuable and often the most valuable asset an individual possessed. Horse theft was a significant concern in the eighteenth century and victims had no compunction about prosecuting horse thieves even though the penalty was death. Horses were valuable, mobile goods that were, conveniently, excellent getaway vehicles.¹⁹² Although trains became a popular means of transport in the nineteenth century, horses remained a primary means of transport within the city and, of course, were necessary working animals for many labourers. Detectives were not involved in any cases of horse theft but they did investigate equine frauds, habitually perpetrated via ads in local papers advertising the sale of a horse. Typically either the animal turned out to be sick, lame or ornery, or the cheque or bill used to pay the vendor was fraudulent. In each case the victims were gentlemen, which helps explain detective involvement. Scotland Yard detectives were deft at dealing with the quality and, unlike uniformed officers who had set duties, could devote significant time and energy to each case. In many cases of fraud, swindlers prevailed upon the trusting or, at times, gullible nature of their marks.

In what would become a typical scenario, a man advertising the sale of his horse and gig in April 1842 received a bad bill for fifty guineas in payment. The victim, James Sykes, was a verger at St. Paul's Cathedral. He was drawn in by defendant Thomas Cook's "gentlemanly appearance" and his claim to be a leaseholder, client of good standing at Masterman, Peters & Co., the bank upon which the bill was drawn. He also purported to be the estate agent to Sir Samuel Fludyer (descendent of the highly successful eighteenth-century merchant). Cook, of course, was none of these things. He gave Sykes the bad bill in April 1842, after which the Metropolitan Police had difficulty locating him. Cook remained at large for nearly eight months until Sergeant Vickers apprehended him in December. Cook was transported for seven years.¹⁹³

¹⁹² Beattie, *Crime and the Courts*, 167-169.

¹⁹³ *The Times*, 29 December 1842; OBP: t18430102-554, "Thomas Cook."

Sykes was far from the only victim of fraudulent horse dealing. The following autumn George Henry Ward and his son George Jr. advertised three horses for sale in *The Times*. The unfortunate man who responded to the ad was William Angerstein, Esq., who hoped to purchase two geldings and a mare. Two of the equines were advertised as phaeton horses, meaning they were trained to drive in tandem, and the third was billed as a perfect accompaniment to a single horse Clarence or brougham. Angerstein should have smelled a ruse when the Wards claimed to be selling the horses for a third party, the Lloyds of Stratford-upon-Avon. But he suspected nothing amiss and paid them with a cheque for £115.10.0 and had the horses delivered to the Veterinary College to be checked out. He should have had the horses examined before paying because all three were lemons - one was a “roarer”, the second had chronic disease and the third was lame.¹⁹⁴ He promptly sent them back to the stables where he purchased them, realizing too late that the Wards, the horses and his cheque (which had been cashed) were all gone.

The Wards tried the same swindle the following month on John Prior. This time they claimed that they were selling the horses for a widow. By that point Inspector Shaw and Sergeant Whicher were already watching local stables. When Prior went to see the horses at Fitzroy-mews he “observed two persons standing in plain clothes; they afterwards proved to be policemen who had been in quest of the prisoners.” Shaw and Whicher arrested the Wards two days later and each was tried and convicted of defrauding Angerstein. Ward senior was locked up for a year while his son remained behind bars for four months.¹⁹⁵

In another equine case, racehorse owner Cynric Lloyd was taken in by Thomas Harris, who claimed “that he knew of a conspiracy among several persons connected with the turf to poison racehorses in order to win large sums by betting against these horses.” He requested £10 from Lloyd to blow the whistle, promising to use the money to bring the

¹⁹⁴ A “roarer”, helpfully explained professor Charles Spooner of the Veterinary College, was a horse with respiratory issues. The horse “also had spavin in the hocks, and was vicious when mounted to ride.” OBP: t18441021-2384, “George Henry Ward, George Ward.” Ibid.

¹⁹⁵ *The Times*, 30 August 1844; OBP: t18441021-2384, “George Henry Ward, George Ward.”

necessary witnesses to London. Lloyd confided in his good friend Lord Henry Lennox, also an avid sportsman, about the scandal, which supposedly implicated several “noblemen and gentlemen.” Harris even went so far as to swear a deposition against the fictitious swindlers at Marlborough Police Court. Inspector Shackell was assigned to investigate what could have been a serious and very costly fraud. He spent twelve hours with Harris in an attempt to locate the men Harris had accused. No trace of the men could be found and Shackell began to suspect that the entire story was a ruse. Shortly thereafter Lloyd, Lennox and Shackell charged Harris at Malborough street police court with perjury and obtaining money by false pretenses. Harris was convicted at the Old Bailey and transported for seven years.¹⁹⁶

Interpersonal frauds were also common, which the young Frederica Johnston discovered in the summer of 1858 when she began a costly affair with Vincent Collucci, a thirty-one year old Italian artist. Johnston was from a wealthy family and relished the attention from the handsome Italian. Her cousins introduced them and their relationship began after he agreed paint her portrait. They became close, bonding over their mutual love of art, and eventually became engaged. During their relationship, Ms. Johnston lent Collucci significant sums of money, including £250 to visit his sick mother in Italy. During his absence on the Continent, Ms. Johnston thought the better of the marriage and decided to withdraw from their engagement. She requested that he return the letters she had sent him, at which point he became violent and demanded that she support him financially. He extorted £1900 in cash from her after she asked that her confidential letters to him be returned. He took the money and returned only one letter, padding the rest of the envelope with newspaper. When the young woman finally confided in her brother (also her legal guardian) what had transpired, he tried to reason with her erstwhile lover. Collucci believed that Frederica and her brother would be too embarrassed to risk publicity by approaching the police. The affair had all the hallmarks of a good scandal

¹⁹⁶ OBP: t18480131-695, “Thomas Harris”; *The Times*, 22 January 1848; *Lloyd’s Weekly London Newspaper*, 13 February 1848.

and, indeed, when the press caught wind of the story reports reached as far as Glasgow and Belfast.¹⁹⁷

The Italian misjudged both his position and the Johnston family by antagonizing Frederica's brother. Collucci, Johnston thundered from the witness box, was "thorough blackguard," having written Johnston a letter ending with "three extortionary [sic] dashes ... [which] is the most insulting way in which a French person addresses another; it is not at all the habit of a gentleman."¹⁹⁸ After the Johnstons contacted the police, the commissioners assigned a detective to investigate the delicate case. Sergeant Tanner executed a warrant against Collucci in late August and the accused was tried at the Old Bailey in early November for tricking Ms. Johnston into thinking that she had bought back her letters. Frederica and her brother must have been thrilled when the judge handed Collucci three years' penal servitude.¹⁹⁹

Government employees also perpetrated frauds. Mining engineer and timber merchant Nicholas Maron Maxwell prosecuted James Thomas Gambier and William Rumble in April 1869 for procuring £30 from him to grease the wheels of an Admiralty contract. Maxwell had "sent in a tender to the Admiralty for the supply of the timber for" Plymouth, Woolwich, Chatham, Sheerness and Devonport dockyards. Gambier, a clerk in the Storekeeper-General's Department, had access to the tenders submitted for Admiralty contracts and it was from these submissions that he singled out Maxwell. He already knew that Maxwell had received the contract for Portsmouth, but Maxwell had not yet been informed, so the swindle was set. Gambier communicated this information to Rumble and the accomplice contacted Maxwell to say that, for £30, the contract would be his. Maxwell was an honest man and reported the irregularity to the Admiralty. The Admiralty contacted Scotland Yard and they liaised with Inspector Clarke. To catch Gambier in action, Clarke provided Maxwell with three marked £10 notes with which to

¹⁹⁷ *Glasgow Herald*, 26 August 1861; *The Belfast News-Letter*, 24 September 1861.

¹⁹⁸ OBP: t18611021-868, "Vincent Collucci."

¹⁹⁹ OBP: t18611021-868, "Vincent Collucci;" *The Times*, 24 October 1861.

pay Gambier and instructed Maxwell to set up another meeting with Rumble on January 18. Clarke arrived early and hid in a side room so he might overhear their conversation. He subsequently followed Rumble to where he met Gambier and then followed Gambier to the Navy Board offices at Somerset House. Clarke continued to follow Gambier and Rumble for the next month and finally arrested them on February 17. He found the marked £10 bills on Gambier as well as a notebook indicating that he received payment from Maxwell. Both men were found guilty of conspiring to obtain money under false pretenses and each received a year and a half behind bars in return.²⁰⁰

Most of the cases discussed so far were limited cases involving a fraud on one or two individuals at a time. More concerning was the development of long and short firm frauds. From the 1870s, Scotland Yard became heavily involved in combatting these difficult to detect crimes.

4.5.2.1 Long and Short Firm Frauds

Long firm frauds were swindles set up by companies to “obta[in] goods by false pretences [sic] from merchants, agriculturalists, &c., by a gang of persons who, by giving each other fictitious references, obtain consignments of goods, which they sell, and fail themselves to pay for.”²⁰¹ Usually the fake businesses dealt legitimately for a short period, ordered from suppliers, disappeared before payment was due and sold the fraudulently obtained goods for a profit. This type of deception was rampant and difficult to uncover, since business addresses were fluid and solicitation for goods was done via newspaper advertisements. Short firm frauds followed the same principles, although the criminals did not spend time establishing a credible front to the company.

²⁰⁰ Sergeant Sayer’s evidence at trial indicates that he watched Gambier and Rumble’s movements on eight separate days, watching who they met with and where they went. OBP: t18690405-432, “James Thomas Gambier, William Rumble.”

²⁰¹ C.E. Howard Vincent, *A Police Code and Manual of the Criminal Law*. Third Edition (London, Paris & New York: Cassell, Petter, Galpin & Co., 1881), 224.

It is unclear why short and long firm frauds became a detective priority. These schemes were hardly new. The most likely cause is the expansion of detective policing within the Met in 1869. The creation of over two hundred divisional detectives took pressure off the central force at Scotland Yard, which was itself enlarged by an addition of seven sergeants and two inspectors.²⁰² The Scotland Yard detectives investigating short and long firm frauds were all recent hires who cut their teeth in the divisions. The new hires served in Lambeth, Stepney, Hammersmith, Whitehall, Paddington, Camberwell, Hampstead and St. James before their promotion to detectives, giving them familiarity with all of London, north and south of the river.

Sergeants Morgan and Roots and Inspector Pay appeared most frequently in fraud prosecutions followed by Sergeants Gibbs, Peck, Sayer, Littlechild, Foley and Robson. In the early 1870s Peck was involved in three investigations. His first appearance at the Old Bailey was Daniel Feiler's fraud trial in September 1871. Feiler ordered 153,000 bricks worth £210 from Herbert Barlee, manager of the Cowley Brick Company near Uxbridge, for which he never paid. Feiler sold the bricks to local contractors. The swindle was a standard long-firm fraud. Feiler wrote to Barlee under pseudonym William Hedges and provided a reference from an iron and stone merchant as collateral. When Barlee went to the address Hedges gave on his correspondence to demand payment, he "found it shut up – there was no business carried on there at all." There were four conspirators: William Southwell, Henry Baker, John Bell Palmer and Daniel Feiler. Southwell and Feiler had written the letters to Barlee under two false names, while Feiler had rented the sham offices. Southwell, Baker and Bell pleaded guilty at the Old Bailey August 1871, while Feiler requested that his trial was postponed until the September sessions. On September 18 he appeared in the dock to answer his charges.

The frauds were perpetrated between January and February 1871. After a long investigation, Peck and Pay arrested Southwell and Baker on June 29, Feiler on July 7 and Palmer on August 1. All four used fake names and addresses, making them difficult

²⁰² Shpayer-Makov, *The Ascent of the Detective*, 35.

to locate. As Barlee discovered when he attempted to trace the fraudsters, his letters were returned to the dead letter office because the men never remained at their sham offices for long. When Feiler was arrested, the two detectives located a stash of correspondence to brick makers as well as faux reference letters and rental agreements for additional properties. When Peck arrived he discovered that Feiler's current front was a boot and shoe shop, although it was a lackluster attempt: "the stock consisted of one hamper, containing eighteen pairs of boots." All four men were sentenced at Feiler's trial: Feiler "as the prime mover in the conspiracy" received eighteen years' hard labour, Southwell, who testified at length against Feiler, fifteen years, Baker nine and Palmer got off lightly with only six months.²⁰³

Peck investigated two further long-firm frauds over the next couple of years, both involving fraud against Frederick Edward Vivian, a coal merchant from Swansea. Like the 1871 brick swindle, there were four suspects. The swindlers rented several premises to house their fake company and gave their marks counterfeit references. The 'offices' had only the patina of legitimacy and no one was ever there. As one witness described, they furnished one office with "a table and two chairs...one of them came every day for letters, and was there ten minutes or a quarter of an hour, then went away again...the name put up was Thompson and Co."

Vivian was approached by letter and requested to send £247 (330 tons) of coal by ship to Dieppe. Vivian met with one of the accused, John Garner (who called himself Johnson), who gave Vivian four bills of exchange as collateral for the shipment. Vivian wanted cash but settled for the bills. The merchant then transferred the bills of landing to Garner, allowing Garner to collect the contents of the ship in Dieppe. Once Vivian tried to cash the bills at his bank, however, the fraud was uncovered. One bill was endorsed by Poole, supposedly an iron and steel factor, but when Vivian visited the offices he found "no appearance of steel or any business being carried on; it is merely a common cottage in the

²⁰³ OBP: t18710814-571, "Frederick Southwell, Henry Baker, John Bell Palmer, Daniel Feiler"; OBP t18710918-630, "Daniel Feiler"; *The Times*, 19 September 1871.

Hackney Road.” Vivian contacted the police at once and he and Peck began to unravel the fraud.

Peck and Vivian set up a sting whereby Vivian agreed to meet Garner’s brother William, alias Buckey, at Kennan’s Hotel the following week. Peck hid during their meeting, but was able to identify Garner. Peck accompanied Vivian to Dieppe, found the ship (short ten tons of coal, which the perpetrators had already sold) and John Garner at a local hotel. It is unclear why Garner was not arrested at that time but Peck and Sergeant Dowdell apprehended him in the Hackney Road shortly after his return from France.²⁰⁴ Peck was familiar with the Garner brothers and their associate Henry Poore, having “often seen them together.” Knowing their haunts, he found William Garner and Poore at the Globe pub and arrested them. After searching the criminals’ lodgings, Peck found ample evidence connecting the three accused to the crime, including “a quantity of letters, telegrams, and papers” as well as letters to Vivian. All three men were found guilty and sentenced to five years’ penal servitude. One further conspirator, John Hart, remained at large until February 1873, when Peck apprehended him. He was convicted at the Old Bailey in March 1873.²⁰⁵ Less than two weeks after the trial Peck requested to return to uniform duty. It was a loss to the Detective Department, since he was a skilled investigator. No reason is listed, but he likely he fell prey to the rigour of detective duty: long hours, much time away from home and constant travel.

Several officers stepped in to investigate firm frauds after Peck’s departure, indicating that Scotland Yard was in the process of amplifying its counter-fraud arm. Fraud was a new priority for the government, which had slowly, if haphazardly, moved towards the criminalization of company frauds since the early 1840s. New legislation was primarily directed at joint-stock fraud because of the increasingly disproportionate impact that the failure of joint-stock ventures, such as banks, had on the economy and investor

²⁰⁴ They may have waited for him to return to England to avoid extradition procedure. *The Times*, 22 June 1872.

²⁰⁵ OBP: t18720819-555, “William Garner, Henry Poore, John Garner”; OBP: t1730303-232, “John Hart.”

confidence. Enforcing criminal commercial legislation began in earnest in the 1870s, reflecting a transition from the Gladstonian view that company failure was an “evangelical purging” of the greedy to the Tory democracy of Disraeli, marked by the desire to enforce “Presbyterian commercial morality.”²⁰⁶ It is no surprise, then, that a new anti-fraud task force was established at Scotland Yard immediately following Disraeli’s 1874 electoral victory.

At the forefront of the fraud task force were Inspector Pay and Sergeants Morgan and Gibbs as well as Sergeants Littlechild, Sayer and Roots. The detectives prosecuted one large fraud ring in three different trials in the spring of 1875. Eight conspirators, seven men and one woman, ran an extensive series of long-firm frauds against local tradesmen. The first prosecution at the Old Bailey was of Richard Browning, Charles Harrison Barker and Samuel Jacobs for obtaining £250 worth of ironmongery, £63 of glue and £52 worth of tea and fruit by false pretenses. The case had the usual hallmarks: fake references, offices rented for non-existent businesses and fraudulent bills of payment given to unsuspecting suppliers. On this case Scotland Yard worked in tandem with the City of London detective force. Although City detectives held the arrest warrant it was Scotland Yard that apprehended the suspects and handed them over to the City police for crimes committed within that jurisdiction. The Yard had greater resources and could cover more ground than City men. Pay, Gibbs and Morgan arrested Barker and Browning on April 18 at a house near Belsize Park. Gibbs took Jacobs in Trafalgar road after shadowing him on April 2. They were all found guilty.²⁰⁷

Shortly after Browning, Barker and Jacobs vacated the dock, one of their accomplices, George Foreman, appeared for his trial. Foreman claimed to be a refreshment contractor for the Zoological and Botanical Gardens in London and contacted individuals who advertised goods for sale in local papers. He managed to obtain nine guineas worth of hay and £8 of potatoes from unsuspecting suppliers. He was charged for these two frauds,

²⁰⁶ Taylor, *Boardroom Scandal*, 15 and 185.

²⁰⁷ OBP: t18750503-330, “Richard Browning, Charles Harrison Barker, Samuel Jacobs.”

although the two victims were far from the only people swindled. Foreman's neighbour reported extensive activity at Foreman's house: "goods came in in the night and went out quickly again – I saw some railway vans come up, and letters and cards came; potatoes, meat[,] pigs, ham, butter, cheese, and eggs...the goods went out again quickly, they never stopped long in the place." The only goods that remained on the premises were "dummies; pretended casks of butter, empty casks and things of that sort." Foreman worked similar swindles for at least a decade, according to inspector Pay. His real name was George Bristowe (although he was on trial that day as George Foreman) and Pay had "known him twelve or fourteen years at a great many places, continually shifting from house to house." After Foreman's arrest Morgan found "thousands of forms" going back years, indicating the depth and longevity of the accused's schemes. The fraudster was sentenced to ten years' penal servitude, five each for the hay and the potatoes.²⁰⁸

Foreman, Browning, Barker and Jacobs were again charged with fraud, along with George White, Walter and Alfred Carruthers and Florence North, against various persons for obtaining various goods, including: a bicycle, a mare, hay, a pony, fowl, mutton, potatoes, sausages and turkeys. This entrepreneurial bunch was caught when they slipped up while trying to defraud the Honorable Walter John Bethell of the mare. Bethell advertised his mare in *Pullman's Weekly News* and received a reply on printed letterhead from "Baxter, George Street, Chelsea Market." The second letter he received read "J. Baxter, potatoes, corn, and coal merchant." The change in letterhead made Bethell suspicious and he went to the address in George Street and, finding no such business, immediately reported his suspicions to Scotland Yard. Pay, Gibbs and Sergeant Morgan began their investigations at once.

George White was already a person of suspicion to the police. The detectives observed Walter Carruthers and Florence North at one of the fake addresses, No. 27 George Street, taking deliveries. Everyone but George White, the errand boy of the operation, was found guilty. The Carruthers brothers were incarcerated for two years, North for a year and a

²⁰⁸ OBP: t18750503-335, "George Foreman."

half, Browning and Barker two years for these frauds and five years' penal servitude for their first conviction and Jacobs one year in gaol for the current indictment and two additional years for the first conviction. Four additional conspirators were tried the following spring and found guilty. It took several years and significant detective attention to bring all the conspirators to justice. Morgan told the court that he "devoted the greater part of [his] time for three years" to putting the fraud to bed, spending "two years and a half making inquiries about other frauds in different parts of the country." Of the eight conspirators, the detective confidently claimed, "I know a great deal about them." The convictions were a coup for the government, which financed the prosecution of these brazen and prolific frauds.²⁰⁹ They also reflected well on the Detective Department, which demonstrated that it could bring the perpetrators of complicated pan-English frauds to justice.

Other detectives supplemented the fraud task force based on need and specialty. Detectives fluent in foreign languages were in high demand for transnational cases. In 1874 and 1875 two frauds were perpetrated in England against a French business. Eugene Brunneau and Henry Godin ran the same scheme in two consecutive years. Brunneau wrote to August Henry Blanchard, a manufacturer of clock movements in Paris, pretending to be from Blumberg & Co., a reputable London clock manufacturer. Godin then visited Blanchard's firm in Paris to finalize the deal. The two swindlers received 15,644 francs worth of movements from the French company. Only after a later trip to London did Blanchard realize he had been duped. Charles von Tornow, only a few years into his detective career, was given the case. He arrested Brunneau and, based on the evidence he discovered on Brunneau's person linking him to the fraud, Brunneau was tried and convicted at the Old Bailey in April 1874.²¹⁰ Godin went into hiding, assuming that arrest warrants expired after six months. Marchand arrested him soon after the six

²⁰⁹ The government also funded the prosecution of Samuel Charles Philipps and Isaac Cohen. OBP t18760228-197 "Samuel Charles Philipps, Isaac Cohen." The Home Office retained Wontners to prosecute all three cases on behalf of the Treasury.

²¹⁰ OBP: t18740407-279, "Eugene Brunneau."

months had elapsed and, happily, informed the criminal (in French) that he was mistaken. Godin was convicted for his part in the fraud.²¹¹

4.6 Detectives and Prosecuting counsel

Detectives frequently appeared as witnesses for the prosecution, where they described crime scenes, explained evidence and detailed their investigations. Justices often applauded their investigative skills and utility as witnesses.²¹² One of the hazards detectives faced in the courtroom, however, was cross-examination. Defense counsel consistently attempted to discredit detectives. The antagonism that developed between detectives and defense counsel was hardly new. Bow Street personnel had complained about similar courtroom encounters. The testimony of these early detectives “add[ed] weight to the prosecution in felony trials” and they were thus natural targets for defense counsel who tried strenuously to undermine their evidence.²¹³

The emergence of a criminal bar in London from the 1780s encouraged defense counsel to actively question the merits of prosecution cases.²¹⁴ This made witnesses special targets and the object of pointed and at times vigorous questioning. Barristers at the Old Bailey were particularly tenacious, leading to an often fraught relationship between detectives and defense counsel at the Central Criminal Court. John Littlechild remembered the “unpleasant experience” of cross-examination in his memoirs: “Their maxim was... ‘No case, bully the detective,’ and I have never lost an opportunity of

²¹¹ OBP: t18750605-404, “Henry Godin.” In both cases, a member of the Blanchard family travelled to London to prosecute. For other frauds where detectives travelled to the continent, see OBP: t18760228-197, “Samuel Charles Phillips, Isaac Cohen”; OBP: t18761023-511, “Charles Howard.”

²¹² Police orders routinely publicized praise of policemen and detectives, especially when it came from judges. See, for example, MEPO 7/26, 6 April 1865; MEPO 7/27, 18 April 1866; MEPO 7/32, 11 October 1870.

²¹³ Beattie, *First English Detectives*, 128.

²¹⁴ Beattie, “Scales of Justice,” 232-236; Allyson May indicates that between 1800 and 1830 only 30 per cent of Old Bailey cases involved defense counsel. May, *The Bar and the Old Bailey*, 34.

having a cut at them in return.”²¹⁵ Richard Mayne knew that cross-examination could be stressful and frustrating, especially when counsel questioned an officer’s integrity. Nonetheless, he reminded his men that becoming agitated during cross reflected badly on individual officers, the police as a whole, and damaged the credibility of their evidence:

The Police when giving evidence in a Court of Justice are to bear in mind that they are to answer in cross examination by the Counsel for the Prisoner or Party charged with the same readiness & civility as they do when giving their evidence in proof of the charge, they are always to remember that the manner or insinuations of Counsel are not to affect them & they will be best enabled to preserve their own character and forward the ends of justice by shewing [sic] that they desire simply to tell the whole truth without regarding whether it be in any points favourable to the party charged or not.²¹⁶

A favourite accusation trotted out by defendants and their lawyers was that police officers maliciously prosecuted for cash. This was an old trope, used frequently by eighteenth-century defense counsel to accuse Bow Street Runners of maliciously prosecuting the innocent to claim the reward money available for felony convictions.²¹⁷ In August 1845 Inspector Haynes testified at the trial of three defendants for theft. Defense counsel for one of the defendants asked him about a reward offered for the return of the stolen property. Haynes replied that the government offered the £50 reward for information only after the police knew who the perpetrators were.²¹⁸ At Robert Massie’s trial for burglary at his former employer’s residence, his counsel made similar accusations against

²¹⁵ John George Littlechild, *The Reminiscences of Chief-Inspector Littlechild* Second Edition (London: Leadenhall, Ltd., 1894), 7.

²¹⁶ MEPO 7/15, 6 December 1851.

²¹⁷ Runners were also accused of coaching witness to charge defendants with more serious crimes and of staging line-ups to ensure that the victim chose the preferred man. Beattie, *First English Detectives*, 128-133.

²¹⁸ OBP: t18450818-1623, “Edward Lewis, William Bonham, William Strickland.”

Inspector Pay and Sergeant Manton. When asked pointed questions by Massie's counsel, Pay responded flatly, "there is no reward in this, and I don't expect any."²¹⁹

Payouts were not the only accusations of misconduct leveled against detectives. Defense counsel accused detectives of helping witnesses identify suspects in police line-ups. When Sergeant Shaw was examined by James Saunders and Robert Cholm's counsel at their larceny trial, their barrister asked Shaw whether he had guided the prosecutor to identify them. "I had not said anything," replied Shaw.

Counsel: "When they were identified you took care that they should have a fair chance?"

Shaw: "They were ordered by the gaoler to go across the yard – there were several persons about who appeared to have business with the court – I told Scott [the prosecutor] we had two men in custody, and he was to come and see if he could identify them."²²⁰

Vincent's *Police Code* described cross-examination of police officers as "invariably hostile," and "directed to create an impression among the jury unfavourable to the officer." Like Mayne, Vincent cautioned police witnesses against taking the bait from counsel who taunted them: "However disagreeable, irritating, and even insulting, the questions, they should be answered coolly, briefly...good-temperedly, truthfully, and respectfully."²²¹

Police officers were not the only individuals made uncomfortable during cross-examination. The police commissioners asked their superintendents to report any prosecutors "who have been known to say that they would not prosecute again in

²¹⁹ OBP: t18710605-452, "Robert Massie."

²²⁰ OBP: t18471025-2336, "James Saunders, Robert Cholm."

²²¹ Vincent, *A Police Code*, 92.

consequence of the Cross Examination amongst other things.”²²² Many possible prosecutors were deterred from prosecuting because they knew how abrasive defense counsel could be. Mayne testified before the 1844 Select Committee on Gaming that many householders refused to report illegal gambling houses because of “the trouble of going before a magistrate, and possibly afterwards having to go into a court of justice to stand a cross-examination as to the grounds of their belief.”²²³

4.7 Conclusion

This chapter examined detective appearances at the Old Bailey between 1842 and 1878 to discover the policing priorities of Scotland Yard’s detectives. As might be expected, these priorities changed over time. Protecting property was the overarching mandate of the Met and the basis upon which Peel advocated his new police force to parliament. Scotland Yard’s caseload reflected this emphasis; nearly half of their cases involved thefts. Property crime remained a detective priority throughout the period covered by this thesis but other priorities reflected new developments in criminal behaviour and changes within the Met itself.

As Table 1 indicates, detectives investigated many categories of crime, some more frequently than others. The diversity of their caseload demonstrates their versatility but also that the force lacked a clear mandate in its early years. As a response to an early-Victorian murder scare the Detective Department was a knee-jerk reaction by the government to appease public opinion and the Department spent its first two decades searching for a focus. In the 1840s the emphasis was on theft but, as detectives were needed elsewhere in the 1850s, their presence at the Old Bailey diminished. They returned in the 1860s to combat theft and forgery but their expertise concentrated more heavily on fraud in the 1870s.

²²² MEPO 7/7, 3 February 1841.

²²³ *Report from the Select Committee on Gaming* (1844).

The development of undercover policing in the divisions also affected the work done by the Detective Department. In the 1840s and 1850s, detectives began training plainclothes policemen to detect burglary and other crimes more easily investigated by officers out of uniform. By the 1860s divisional plainclothes policemen began to investigate a greater proportion of crimes, especially theft, allowing detectives to focus their energies on new problems like forgery. The creation of divisional detectives after 1869 and the addition of new men to the Detective Department that same year allowed for the creation of a task force at Scotland Yard to tackle rampant fraud in the capital. As the commissioners of police grew more comfortable with an increased undercover presence in the divisions this change allowed Scotland Yard's men to divert their attention elsewhere. The development of undercover men at the divisional level was instrumental to the development of the central detective force and is the subject of the following chapter.

5 A Not so 'New' Police: Plainclothes Policing

The men of the Detective Department were not the first undercover policemen within the London Metropolitan Police. Another, more informal, detective group called plainclothes policemen had performed detective tasks in the divisions since 1829. Plainclothes policemen were ubiquitous after 1829 and their existence indicates a strong detective orientation from the very earliest years of the force. After the creation of the Detective Department in 1842, central detectives oversaw many aspects of undercover work in the divisions. Their efforts training divisional men in plainclothes tactics created a capable force at the divisional level that allowed Departmental men – too limited in number to properly police the divisions – the freedom to specialize in forgery and fraud and to work as an investigatory arm for the Home Office.¹ In 1869 these divisional protégés were officially recognized as divisional detectives, reflecting the importance of undercover men to London's policing needs.

Although the official mandate of the Metropolitan Police was preventive, there was a growing contingent of plainclothes officers working throughout the city. The public was aware that the Metropolitan Police officers sometimes went undercover. In January 1846 *The Examiner* (via Punch) published an ad for a fictitious company specializing in disguises. The ad satirized the Met's use of undercover tactics to detect political subversives and other criminals and commented upon the "prevailing practice of dressing up policemen in plain clothes." The notice advertised numerous disguises for the undercover bobby: for "political spying" there were "fustian jackets of all sizes, with working men's aprons and brown paper caps." Also available were "Sporting suits ... for race-grounds...[and the shop could have] Twenty policemen ... ready as Quakers at five minutes' notice." Workman's tools were available upon request.² This advertisement demonstrates that the public was quite aware that the police used plainclothes men as detectives in what was otherwise billed as a preventive police force.

¹ See chapter 6.

² Quoted in *The Examiner*, 3 January 1846.

We can reconstruct the duties of undercover constables by looking at what activities were encouraged or prohibited by the police commissioners, by evidence found in London's newspapers and through the presence of these officers in the records of the Old Bailey. Collectively, these sources enable a reasonably representative picture of the work of plainclothes policemen within the Metropolitan Police between 1829 and 1869. Although the 1829 Metropolitan Police instruction book emphasized that prevention of crime was the overarching priority of the new police, relegating detection to a lesser role, there was much more detective practice in the new police than has hitherto been acknowledged. I argue that the Metropolitan Police, both before and after the creation of the detective branch in 1842, utilized the detective and surveillance practices pioneered by officers at Bow Street in the mid-eighteenth century.

5.1 From Prevention to Detection: Policy vs. Practice

From its creation in 1829, Police Commissioners Charles Rowan and Richard Mayne stressed the importance of prevention over detection though constant, conspicuous police presence on the streets of the metropolis.³ Englishmen associated centralized and, especially, undercover police with Continental regimes. To make the new police more palatable, Home Secretary Sir Robert Peel “gave positive instructions that they should never be employed as spies.”⁴ The commissioners were always cautious about using officers out of uniform to detect crimes, worrying about maintaining control over their officers and about accusations of espionage. Writing to the Home Office in 1842, the commissioners reinforced the high premium they placed on the “personal liberty” of English citizens.⁵

³ *General Instructions* (1829), 1-2.

⁴ *The Times*, 2 July 1833.

⁵ HO 45/292, 14 June 1842. Both commissioners were leery of detection because of associations with Bow Street corruption, but there is evidence that Rowan was more strident in his distaste for undercover work than Mayne. Charles Reith, *A New Study of Police History* (London: Oliver and Boyd, 1956), 221-222. Belton Cobb makes a similar argument in *The First Detectives and the early career of Richard Mayne Commissioner of Police* (London: Faber and Faber Ltd., 1957), 11-12.

By the mid-Victorian period, the Met was responsible for the licensing of public carriages and public houses as well as enforcing clauses of the: Theatre Regulation Act, Youthful Offenders Act, Care and Reformation Act, Common Lodging Houses Acts, Betting and Gambling Houses Acts, Smoke Nuisance, Penal Servitude Act, Refreshment Houses, Dockyards, War department stations, Contagious Diseases Act, Street Traffic Regulation Act, and the Workshops Regulation Act.⁶ It would have been nearly impossible for uniformed officers to detect breaches of many of these Acts, especially those regarding theatres and drinking houses. Superintendents, focused more on outcomes than policy, used undercover men as they saw fit to combat crime in their neighbourhoods. The officers selected for detective tasks were not permanently assigned to plainclothes duty. They were used to investigate specific or immediate threats, returning to regular uniformed beat duty afterwards.⁷

Although Mayne and Rowan attempted to enforce strict rules about the number of plainclothes men used in the divisions, these restrictions were disregarded. Regulations stipulated that superintendents could only use officers out of uniform if superintendents could demonstrate to the commissioners “some very strong case of necessity.”⁸ Home Office correspondence and Metropolitan Police records indicate that the commissioners often had trouble limiting the number of plainclothes men on duty. Superintendents ignored the rules and placed men in plainclothes at their own discretion. An exasperated police commissioner Rowan reminded his superintendents in 1845, “there shall be no particular men in the Division called Plain Clothes men.”⁹ In spite of these exhortations, however, undercover constables were constantly on duty throughout the metropolis, with or without official approval. Sergeant Goff testified in an 1845 trial that he was “often in plain clothes...I go in plain clothes by order of the inspector sometimes, and sometimes

⁶ *Minutes of Evidence for the Committee to Inquire into the System of Police* (1868), 38.

⁷ *Minutes of Evidence for the Committee to Inquire into the System of Police* (1868), 134.

⁸ MEPO 7/11, 10 December 1845. See a similar order in MEPO 7/15, 2 November 1850.

⁹ MEPO 7/11, 10 December 1845.

by order of the superintendent ... sometimes two men, sometimes four men are employed to go about in plain clothes.”¹⁰

Demands for compliance from the Commissioners’ Office in the 1840s and 1850s reveal widespread disregard for limiting undercover work in the divisions. Metropolitan Police superintendents, who seem to have exercised a considerable amount of autonomy in this regard, saw plainclothes policemen as a tactical advantage and employed them regularly. Mayne entered a lengthy police order in January 1854 lamenting his discovery of more than 150 officers acting in plain clothes, either temporarily or permanently. He reminded his superintendents that plainclothes men, other than the official detectives at Scotland Yard, were not authorized. Too many men in plainclothes jeopardized the preventive effect of the police uniform and undermined public confidence in the police. Although Mayne allowed that “in some cases” plainclothes men might be more effective than uniformed officers, “this d[id] not counterbalance the general objection to the practice.”¹¹

There were, however, several duties for which the commissioners did sanction plainclothes police officers, including seventeen men who checked metropolitan stage carriages for Inland Revenue, two constables working for the Post Office, one officer at Buckingham Palace and one detailed to the Sack Protection Society (no description is given for this unusual duty).¹² Undercover officers were also used extensively on state occasions and to keep order at public events.

¹⁰ OBP: t18460105-469, “George Sanders, Elizabeth Sanders.”

¹¹ MEPO 7/16, 23 January 1854. The following January, Mayne reiterated that only superintendents could authorize plainclothes assignments. MEPO 7/16, 12 January 1855.

¹² MEPO 7/19, 19 December 1857. These twenty-one men received no extra pay for undercover duties but were given an extra £5 per annum in lieu of a uniform.

5.2 Public Order

5.2.1 State Occasions

Plainclothes men were employed on all state occasions. Their duties were to keep order in crowds, prevent theft and to monitor suspicious characters. Officers in plainclothes were regularly assigned to duty at the Queen's drawing rooms and levees at St. James's Palace.¹³ William IV and Queen Victoria each held levees when they ascended the throne; aristocrats, politicians and other persons of note, both British and foreign, were presented to the monarch on these occasions. It was necessary to protect dignitaries from the *hoi polloi*, but also necessary to direct traffic, clear roadways, and to watch for the ever-present pickpocket. On one typical occasion in 1839, fifty-nine plainclothes officers and four hundred uniformed officers provided security at one of Victoria's levees.¹⁴ At the Prince of Wales's first drawing room in February 1862, two thousand people attended and over one thousand were presented to the Prince.¹⁵

Plainclothes men, chosen from "the best qualified men for the plain clothes duty", were also present at the opening, closing and prorogation of parliament.¹⁶ When parliament was prorogued in August 1854, 170 men in plainclothes were stationed with their

¹³ A levee, from the French levée, is a morning reception where men, and only men, are presented to the monarch. "A Drawing-Room," by contrast, "is attended by both ladies and gentlemen; none but ladies, however, are ever presented." A male or female sovereign could hold a levee, while only a queen or queen consort could hold a drawing room. *Court Etiquette: A Guide to Intercourse with Royal or Titled Persons, to Drawing Rooms, Levees, Courts, And Audiences, The Usages of Social Life, The Formal Modes of Addressing Letters, Memorials and Petitions, The Rules of Precedence, The Composition of Dedications, The Conduct of Public Meetings and Every Other Formality of Business or Pleasure* (London: R. Clay, 1849), 15-16.

¹⁴ MEPO 7/6, 10 April 1839. This description is vague, but indicates that officers deemed intelligent and talented in uniform were chosen for undercover duty. A strong arrest record and knowledge of local criminals would also have been an asset.

¹⁵ Victoria ceased holding drawing rooms after Albert's death. The future Edward VII, who was not married until September 1862, held the drawing room as there was no senior female royal available. Edgar Sheppard, *Memorials of St. James's Palace*. Vol. 1 (London: Longmans, Green and Co., 1894), 215. After 1865 levees and drawing rooms were moved to the monarch's permanent residence, Buckingham palace. *Ibid.*, 231.

¹⁶ MEPO 7/6, 26 August 1839.

divisions, while twelve additional men were sent to “such parts of the line where the greatest number of persons are assembled and on the avenues leading to the Park viz. Treasury Passage, Spring Garden Passage etc. to prevent thefts.”¹⁷ These men were directed by a superior officer, presumably an inspector, who was instructed to appear before the commissioners the day of the procession to “wait for Orders.”¹⁸ Plainclothes men were similarly used during formal processions, such as that of the Lord Mayor to Westminster, and state funerals.

The largest public funeral in the Victorian period, excluding Queen Victoria’s, was held for the Duke of Wellington in November 1852.¹⁹ Although the Duke died on September 14, his funeral was not held until November 18, allowing the authorities ample time to make arrangements. The funeral brought immense numbers of mourners to London to pay their respects to the hero of Waterloo. England’s vast rail network allowed funeral-goers to travel to London from as far as Wales, Leeds, Sheffield, Newcastle, Edinburgh and Manchester to watch the funeral procession. Nearly 235,000 people came to view the Duke’s body as it lay in state at the Chelsea Hospital.²⁰ London newspapers speculated wildly at the number of people arriving for the funeral. *Lloyd’s Weekly Newspaper* estimated that Britons purchased almost two million rail tickets in the days before the funeral and that steamers leaving Dún Laoghaire in Ireland (formerly Kingstown) for

¹⁷ MEPO 7/16, 11 August 1854. This was also the last time Victoria attended the end of the parliamentary season. “Prorogation,” Parliament of the United Kingdom, <http://www.parliament.uk/about/living-heritage/evolutionofparliament/parliamentwork/offices-and-ceremonies/overview/prorogation1/>.

¹⁸ MEPO 7/6, 26 August 1839.

¹⁹ Wellington’s funeral was comparable to the Duke of Marlborough’s in 1722 and Horatio Nelson’s in 1805. Neville Thompson, “Immortal Wellington: literary tributes to the hero,” in *Wellington Studies III*, ed. C.M. Woolgar (Southampton: Hartley Institute, University of Southampton, 1999), 261.

²⁰ Neville Thompson, *Wellington After Waterloo* (London and New York: Routledge and Kegan Paul, 1986), 261.

Holyhead were packed.²¹ *The Era* predicted that funeral attendance would equal that of George IV's coronation.²²

There is irony in the immense public fanfare surrounding Wellington's funeral because the Duke himself disapproved of mass public gatherings. Wellington's fears were not entirely misplaced; a mob attacked Apsley house in 1831 for his refusal to support Earl Grey's parliamentary reform bill – the Duke never forgot the memory of bricks shattering his front windows.²³ In the year before his death the great crowds surging past Apsley House on their way to the Great Exhibition in Hyde Park made him nervous. He not only feared mob violence but also mistrusted the thousands of European refugees taking shelter in London. His close friend, the King of Hanover, felt similarly, commenting that the mass combination of people at the Great Exhibition was “foolish, absurd & unconstitutional.”²⁴

The police maintained public order on Wellington's funeral route and prevented traffic from interfering with the procession.²⁵ Eleven hundred policemen were on duty at the Chelsea Hospital during the viewing; among them were twenty-three plainclothes men under control of four central detectives to catch pickpockets and others who would disturb the peace.²⁶ The crush of people waiting to process into the hospital caused several deaths. While this did not deter an estimated 100,000 eager mourners from queuing outside the Hospital for a glimpse of the body, the deaths reflected poorly on the Metropolitan Police, which newspapers criticized as inefficient.²⁷ *The Daily News*

²¹ *Lloyd's Weekly Newspaper*, 21 November 1852.

²² *The Era*, 14 November 1852.

²³ Peter W. Sinnema, *The Wake of Wellington: Englishness in 1852* (Athens: Ohio University Press, 2006), 26.

²⁴ Thompson, *Wellington After Waterloo*, 253-4, quote on page 254.

²⁵ *Daily News*, 15 November 1852.

²⁶ MEPO 7/16, 14 November 1852.

²⁷ *Daily News*, 16 November 1852.

surmised that the victor of Waterloo could have done a much better job managing the crowds. “The Duke was never so much wanted,” opined the paper, “as at his own funeral.”²⁸ Onlookers filled the streets to watch the funeral procession from the Hospital to St. Paul’s. *Reynolds’s Newspaper* exclaimed that “the traffic was immense.”²⁹ The procession left from the Horse Guards at 8 am and terminated at St. Paul’s by way of Green Park, Constitution Hill, Piccadilly, Pall Mall, Cockspur Street, Charting cross, the Strand and Temple Bar. Undercover police were on duty along the entire route.

5.2.2 Public Entertainment

Working-class recreation was under attack in the early nineteenth century from many sides. Enclosure and urban building removed access to green space while lengthened factory hours, diminished recreation time, and local authorities (citing public disorder) curtailed urban fairs. Growing evangelicalism in the 1830s also placed the twin-evils of Sabbath-breaking and drinking under attack. The “public and gregarious” entertainments of Britain’s labourers worried the forces of law and order. Some festivities, however, remained protected and this included horse racing. Railways allowed more urban dwellers to reach races, fairs and regattas and the race calendar expanded considerably from the 1840s.³⁰

The commissioners of police routinely assigned plainclothes police for duty at boat races, regattas, and horse races, especially Ascot and Epsom.³¹ Police responsibilities were similar to those at state occasions, but with an increased emphasis on detecting pickpockets. Although historical statistics show that petty thefts and thefts from the

²⁸ *Daily News*, 15 November 1852.

²⁹ *Reynolds’s Newspaper*, 21 November 1852.

³⁰ Peter Bailey, *Leisure and Class in Victorian England: Rational Recreation and the Contest for Control, 1830-1855* (London: Routledge and Kegan Paul; Toronto and Buffalo: University of Toronto Press, 1978), chapter 1; Judith Flanders, *Consuming Passions: Leisure and Pleasure in Victorian Britain* (London: Harper Press, 2006), 431-32.

³¹ MEPO 7/19, 29 May 1858 (Ascot); MEPO 7/22, 27 May 1861 (Epsom). After 1842, an officer of the Detective Department supervised these patrols.

person declined over the course of the nineteenth century, pickpocketing still posed a significant enough threat to merit the attention of undercover officers.³² In the 1850s, there were usually plainclothes officers on duty in Hyde Park.³³ Petty theft could be a lucrative business in a public park – one former plainclothes constable, Charles King, was found guilty in 1855 of running a ring of pickpockets in Kensington Gardens. This incident embarrassed the police, who were accused of misusing their “privilege.”³⁴ For some Londoners, however, the irritation of pickpockets overrode episodes of police corruption. One month after King’s malfeasance was uncovered, a letter to the editor in *The Times* suggested that plainclothes policemen should patrol Hyde Park to catch “a gang of ruffians, who are in the habit of accosting ladies and female servants, and...endeavouring to pick their pockets.”³⁵

Large numbers of plainclothes men monitored the opening of the Great Exhibition in 1851 and the Crystal Palace in 1854.³⁶ At both events, a detective inspector oversaw undercover policing. In the case of the Crystal Palace, Mayne specifically instructed the men to “prevent and detect thefts” within and without the building. At such events, not only were there event-goers to pilfer from, but the numerous stalls and exhibits displayed a wealth of desirable (and easily pocketed) objects. While on plainclothes patrol at the Crystal Palace in 1860, one undercover officer caught a thief stealing from Sir Robert Peel’s daughter-in-law, Lady Emily Peel. This was a strangely ironic encounter since Peel himself had decapitalized theft from booths because “people who kept such open

³² V.A.C. Gatrell, “The Decline of Theft and Violence in Victorian and Edwardian England,” in *Crime and the Law: The Social History of Crime in Western Europe since 1500*, eds. V. A. C. Gatrell, Bruce Lenman and Geoffrey Parker (London: Europa Publications Limited, 1980), 240.

³³ OBP: t18550409-484, “Charles King.”

³⁴ *The Times*, 9 February 1855; Joan Lock, *Dreadful Deeds and Awful Murders: Scotland Yard’s First Detectives, 1829-1878* (Taunton: Barn Owl Books, 1990), 133.

³⁵ *The Times*, 15 March 1855.

³⁶ MEPO 7/15, 30 April 1851; MEPO 7/16, 23 January 1854.

booths ought to guard their property sufficiently themselves and not looks for laws of unreasonable severity to protect it.”³⁷

Being in plainclothes undoubtedly did help officers catch thieves in crowds. One unfortunate duo, Mary Kinsdale and Albert Prior, stole a pocket watch from constable Robert Harvey while he was in plain clothes. Kinsdale put her arm around the officer’s waist and used scissors to snip the chain. Harvey immediately arrested her and the two were convicted at the Old Bailey in April 1849.³⁸ The press, ever watchful for police misconduct, rarely expressed disapproval with officers being out of uniform to detect theft from the person.³⁹ In September 1830, barely a year after the formation of the new police, a *Times* article praised the use of undercover police to detect pickpockets as novel and effective, suggesting the benefits of detecting pickpockets outweighed public concerns about secret police.⁴⁰

Plainclothes police also monitored London’s theatres. Most playhouses were divided into gallery, boxes and pit, to separate well-to-do theatregoers from the raffish crowds. The congregation of so many people, many of the middling and upper sorts, however, was a bonanza for London’s pickpockets. Following the 1843 Theatre Regulation Act, wherein Covent Garden and Drury Lane lost their monopolies, many more theatres began regular performances of hitherto restricted farces, tragedies and comedies.⁴¹ Keeping order at

³⁷ *The Times*, 12 July 1860. Emily Peel married Sir Robert Peel’s eldest son and heir. Robert. G. C. Boase, “Peel, Sir Robert, third baronet (1822–1895),” rev. H. C. G. Matthew, in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, May 2007, <http://www.oxforddnb.com/view/article/21765> (accessed August 24, 2012). Peel quoted in Leon Radzinowicz, *A History of English Criminal Law and its Administration from 1750*, vol. 1 (London: Stevens & Sons, 1948), 581.

³⁸ OBP: t18490409-993, “Mary Kinsdale, Albert Prior.”

³⁹ For example, see *The Times*, 13 November 1830 and 24 August 1832; *The Champion and Weekly Herald*, 20 April 1837.

⁴⁰ *The Times*, 8 September 1830.

⁴¹ Michael R. Booth, *Theatre in the Victorian Age* (Cambridge and New York: Cambridge University Press, 1991), 2 and 6. The 1843 Act (6 & 7 Vict, c. 68) extended the powers of the Lord Chamberlain to censor plays and also removed the monopoly of the patent theatres (Covent Garden and Drury Lane) on

plays, revues and other public shows was a police duty and local superintendents assigned plainclothes men to attend at theatres to prevent pickpockets.⁴² Officers regularly mingled with the crowds in the Haymarket neighbourhood of St. James, home to the Queen's Theatre and Covent Garden. Theatres usually had their own security to enforce house rules, including dress codes. Robert Jones wrote angrily to the police commissioners that one of their undercover men had thrown him out of the Opera House in June 1840. Richard Mayne replied that it was not a Metropolitan Police officer but "persons of the Establishment" who "subjected [him] to violence of an aggravated nature at the Pit Entrance of the Opera from his being improperly dressed." Five plainclothes Met officers were at the Opera that evening, but none was involved in the ejection.⁴³

As superintendent of Covent Garden division, former detective inspector Nicholas Pearce was involved in efforts to keep order in the theatre district. In April 1843 he appeared at Bow Street to testify in a case against George Griffith and Henry Stuart for "acting in a disorderly manner at the promenade concert in Covent-garden Theatre, and with assaulting the police in the execution of their duty." Pearce usually checked in at the theatres several times on weekend evenings to see that things ran smoothly. In this instance, Pearce believed he saw a pickpocket steal something and, when confronted, the youth called him a "d----d scoundrel." An accomplice then struck one of Pearce's constables on the hat (called 'bonneting'), an insult designed to aggravate, and the situation quickly escalated. Mr. Hall at Bow Street decreed that "It was high time to put a

productions of legitimate drama. David Thomas, David Carlton and Anne Etienne, *Theatre Censorship: From Walpole to Wilson* (Oxford and New York: Oxford University Press, 2007), 61-63. The Act also distinguished between theatres and music halls; licenses to sell food and drink were restricted to the latter. See Jane Moody, "The theatrical revolution, 1776-1843" in *The Cambridge History of the British Theatre* Vol. 2, ed. D. Donohue (Cambridge and New York: Cambridge University Press, 2004), 206; David Russell, "Popular Entertainment, 1776-1895" in *The Cambridge History of the British Theatre* Vol. 2, ed. D. Donohue (Cambridge and New York: Cambridge University Press, 2004), 378.

⁴² MEPO 7/6, 25 Mach 1839. For a discussion of the other responsibilities of the police as of 1868, see Commissioner Mayne's testimony before the 1868 committee, 38.

⁴³ Mayne sent all the officers on duty the night of the assault over to Jones's house and Jones agreed that none of them had assaulted him. MEPO 1/36, 20 June, 24 June and 27 June 1840.

stop to such misconduct, for which no excuse could be offered,” sending the first boy to gaol for eight days and fining the second £5 for the bonneting.⁴⁴ Central detectives were also on duty at theatres. Sergeant Coathupe – Scotland Yard’s pickpocket expert in the 1860s – caught John Sinclair trying to pick a woman’s pocket at the Adelphi Theatre in February 1864. Sinclair was a recidivist, having been convicted twice before for theft, and the justice sentenced him to two years hard labour.⁴⁵

Dance performances in licenced theatres were also under the watchful eye of the police. The arrival of the cancan in London shocked respectable opinion. Some members of the public were concerned that the dance was too suggestive for public performance and put pressure on the Lord Chamberlain and London’s magistrates to take action. In October 1870 two plainclothes officers attended a performance at the Alhambra in Leicester Square to report on what exactly happened during the show. “The dance, on the whole,” they reported, “is indecent, especially on the part of one dressed as a female, who raises her foot higher than her head several times towards the public, and which was much applauded.” The Alhambra lost its dancing licence at the October 1870 Middlesex Sessions (but kept its music licence) because of the cancan, which at least one examining magistrate found profoundly distasteful: “amusement must not degenerate into licence, and if persons undertook employment to pander to the depraved tastes of a certain small section of the public, they must themselves take the consequences.”⁴⁶

Other entertainments also caught the attention of undercover officers. In May 1852 Sergeant Kelly of Whitechapel division went undercover to detect illegal dog fighting. Having been told that the fights occurred in Dunk Street, Mile End, he gained admission to the house with another officer, though, sensing danger, Kelly sent his colleague back

⁴⁴ *The Morning Post*, 14 April 1846; *The Times*, 14 April 1846.

⁴⁵ *The Times*, 11 February 1864.

⁴⁶ Jonathan Conlin, “From Music Hall to Moulin Rouge: A History of the Cancan,” *History Today* Vol. 63, No. 10 (October 2013): 46-47; *The Times*, 14 October 1870. The Alhambra Company unsuccessfully appealed the decision and its application for a dancing license was denied again the following year. *The Times*, 18 October 1870 and 7 October 1871.

for reinforcements. Unfortunately, the ringleader Thomas Field suspected something was wrong and menaced Kelly with a poker, saying “You --- ---, what business have you in my house? If you don’t instantly get out of it I’ll smash your --- head for you.” Kelly managed to run out and, when back up arrived, they stormed the residence. One of Field’s bulldogs bit Kelly’s leg, puncturing the skin and taking some flesh with it. A mob assembled outside and attacked the police with stones and brickbats. Nonetheless, Kelly and his fellow constables managed to bring several attendees and the two proprietors, Field and his wife Elizabeth, before magistrates at Worship Street, where they were all summarily convicted.⁴⁷

5.3 Political Policing: Chartism

The greatest threat to public order in the early years of the Metropolitan Police was Chartism, an ideological and political movement demanding democratic reforms to England’s electoral and parliamentary system. Although the 1832 Reform Act increased the franchise and offered political representation to major urban centres, these changes benefited the propertied middle classes, not workingmen. The failure of the 1832 Reform Bill to enfranchise the working class gave way to escalated calls for democratic reform between 1832 and 1848. The 1832 Act was not the only catalyst. The European revolutions in 1830 and 1848 also inspired English radicals, especially those already upset by agricultural depression and the harsh terms of the 1834 New Poor Law.⁴⁸ Although the Chartist movement was diverse and, in some cases, intensely localized, there were several points of agreement. The London Working Men’s Association, an offshoot of the National Union of the Working Classes and Others (NUWC), drew up a People’s Charter in 1837/38 encompassing many of the main aims of the radical democratic movement in England: universal manhood suffrage, annual parliaments,

⁴⁷ *The Standard*, 5 May 1852.

⁴⁸ Robert G. Hall, *Voices of the People: Democracy and Chartist Political Identity 1830-1870* (Monmouth: Merlin Press, 2007), 33.

secret ballot, equal parliamentary districts, payment of Members of Parliament, and the abolition of property qualifications for Members of Parliament.⁴⁹

Although, in retrospect, the radical movement in Britain was tame in comparison to its European counterparts, this was far from clear to the English government in the 1830s and 1840s. Strikes, public meetings, demonstrations, and inflammatory publications were typical methods of Chartist protest in England.⁵⁰ The Metropolitan Police were required to prevent Chartist mobs or processions from disturbing the peace.⁵¹ The police, a visible symbol of government power, were a popular target for the unenfranchised, and the often heavy-handed attempts of the Metropolitan Police to disperse mobs and demonstrations drew reciprocal violence from those whom they tried to control.⁵² During an attempt to put down a demonstration at Coldbath Fields in 1833, the police were attacked with “brickbats, stones, and lumps of pig-iron ballast.”⁵³ In more serious cases policemen were seriously wounded or even killed. Most notable is the case of Constable Culley, who died during the clash between police and rioters at Coldbath Fields. In a strong statement of public misgivings about police brutality, the coroner’s jury found a verdict of justifiable homicide against Culley’s killer (or killers).⁵⁴

⁴⁹ David Goodway, *London Chartism 1838-1848* (Cambridge: Cambridge University Press, 1982); Hall, *Voices of the People*.

⁵⁰ Boyd Hilton, *A Mad, Bad, and Dangerous People? England 1783-1846* (Oxford: Clarendon Press, 2006), 619.

⁵¹ This periodization of the English Chartist movement is taken from Hilton, *A Mad, Bad, and Dangerous People?*, 613.

⁵² Stanley Palmer, *Police and Protest in England and Ireland 1780-1850* (Cambridge and New York: Cambridge University Press, 1988), 312.

⁵³ Phillip Thurmond Smith, *Policing Victorian London: Political Policing, Public Order, and the London Metropolitan Police* (London and Westport: Greenwood Press, 1985), 117.

⁵⁴ Goodway, *London Chartism 1838-1848*, 123-4.

Much of Chartist life revolved around assemblies, small or large, and this associational culture made the government nervous.⁵⁵ Any policeman who wished to know what went on in meetings had to gain access in disguise. To avoid clashes between police and Chartist demonstrators, plainclothes officers subtly assessed the temperature of radicals in crowds and at meetings. Public suspicion that the police could be used to spy on Her Majesty's subjects was affirmed when, in 1833, police sergeant Popay was accused of acting as an *agent provocateur*. Popay's membership in the National Political Union (NPU), a moderate reforming body formed by Francis Place in 1831, and the accusation that he incited violence sparked a select committee investigation that publicly censured his behavior and embarrassed the police.⁵⁶ The irony, of course, was that the NPU was far less radical than the NUWC, which, unlike the NPU, rejected the membership of middle-class radicals whom Place felt were necessary for the success of democratic reforms.⁵⁷ Although the commission decried Popay's behaviour, their ire was directed at the man not the method. After the Popay scandal, both the public and the commissioners of police were cautious about the involvement of plainclothes men in political meetings. The government still expected the police to monitor such meetings, but forbade any active participation.⁵⁸ As one constable put it, there was a difference between being "[a]t the meeting, and attending the meeting."⁵⁹

⁵⁵ Hilton, *A Mad, Bad, and Dangerous People?*, 620.

⁵⁶ Haia Shpayer-Makov, *The Ascent of the Detective: Police Sleuths in Victorian and Edwardian England* (Oxford: Oxford University Press, 2011), 31. For the Select Committee report, see *Report from the Select Committee on the Petition of Frederick Young and Others* (1833).

⁵⁷ The NPU was formed in support of the government in reaction to the House of Lords' rejection of a draft reform bill. William Thomas, "Place, Francis (1771–1854)," in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, May 2009, <http://www.oxforddnb.com/view/article/22349> (accessed June 19, 2012); Goodway, *London Chartism 1838-1848*, 238 n. 46.

⁵⁸ *Report from the Select Committee on the Petition of Frederick Young and Others* (1833), 3.

⁵⁹ OBP: t18330704-5, "George Fursey."

In the summer of 1839, London's newspapers reported significant unrest in the Midlands, including a ten-day riot in Birmingham in early July.⁶⁰ Home Secretary Lord John Russell sent Metropolitan Police officers to Birmingham at the request of the city's magistrates. Once the riot was put down, Chartist ringleaders were charged with sedition, arson, riot, and attacking the Metropolitan Police.⁶¹ Birmingham was hardly the only city disturbed by radical activity. In August there were disturbances in Lancashire where workers took part in the Chartist 'national holyday' by stopping work in Bury, Middleton, and Salford. In Heywood, only enough workers appeared for work to open three of the town's twenty-seven mills. Chartist meetings were held in all disturbed areas.⁶²

Although *The Charter*, the mouthpiece of the London Working Men's Association, beseeched its readership to avoid violence, the Commissioners of Police made preparations in case of riot or mob activity in London.⁶³ In early August several Chartists were convicted of riot and related offences at the Warwick Assizes and three were sentenced to death. In protest, London's Chartists held a meeting on Kennington Common on Monday August 12, where roughly 2,000 Chartists gathered to hear speeches by Feargus O'Connor, Bronterre O'Brien, and Dr. Taylor.⁶⁴ The commissioners responded to this meeting by ordering 1,651 policemen of the regular ranks and one plainclothes man from each division for duty on the Common. The undercover men were instructed to muster at Scotland Yard the morning of the meeting, no doubt to be personally reminded that, barring any breach of the law, their duty was to observe, not

⁶⁰ Lords Sitting of Tuesday, July 16, 1839, House of Lords, Third Series, vol. 49, cols 370-399 (July 16 1839).

⁶¹ Commons Sitting of Wednesday July 17, 1839, House of Commons Hansard, Third Series, vol. 49, cols 409-436 (July 17 1839).

⁶² *The Times*, 16 August 1839.

⁶³ *The Charter*, 11 August 1839. For the situation of *The Charter* within the larger Chartist press, see Dorothy Thompson, *The Chartists* (London: Temple Smith, 1984), 37-56.

⁶⁴ Taylor, in particular, was an inflammatory speaker. *The Freeman's Journal and Commercial Advertiser*, 15 August 1839.

interfere, with the Chartist meeting.⁶⁵ The commissioners were careful to follow the recommendations of the select committee on Popay.

Three years later, the police responded to another significant threat to public order when over 100,000 Chartists mobilized to deliver a petition to the House of Commons.⁶⁶ More than twelve hundred policemen and fifty plainclothes men from across London were instructed to keep order along the procession route.⁶⁷ No violence resulted from the petition.⁶⁸ Later that summer another large meeting was held at Kennington Common. *The Times* reported that although “it was the largest meeting ostensibly convened for Chartist agitation...it was the least formidable.” Mayne had placards posted around London ordering that public thoroughfares be kept clear to prevent omnibuses and cabs from congregating. “An immense number” of people arrived on the Common by six o’clock in the evening, but no Chartist leader appeared and the police had little problem dispersing the crowd. *The Times* praised the “masterly style” in which the police performed their duties. The Met had less luck preventing a meeting on Clerkenwell Green, where the crowd pelted officers with stones as they arrested a man for inciting.⁶⁹

Chartist leaders often kept the location of public meetings secret until the last minute to prevent authorities from mobilizing in response.⁷⁰ The commissioners were convinced that large numbers of Chartists were assembling with “ulterior objects.”⁷¹ In May 1848 they instructed the police “not to interfere with a Meeting unless [the Chartists] attempt[ed] to move off in a body or to march in procession in which case they are to

⁶⁵ MEPO 7/6, 11 August 1839.

⁶⁶ Jerry White, *London in the Nineteenth Century: ‘A Human Awful Wonder of God’* (London: Jonathan Cape, 2007), 365.

⁶⁷ MEPO 7/8, 11 May 1842.

⁶⁸ White, *London in the Nineteenth Century*, 365.

⁶⁹ *The Times*, 23 August 1842.

⁷⁰ MEPO 7/12, 30 May 1848.

⁷¹ MEPO 7/12, 30 May 1848.

have immediate notice that such a movement is contrary to the law and will be prosecuted.”⁷² If no procession developed, the presence of uniformed officers might be inflammatory. In such instances, plainclothes men were used to mingle in suspicious crowds and relay information to their superiors about whether a demonstration might result.⁷³ During what was likely to be a summer of significant political agitation, the commissioners wished to ensure that policemen observed proper legal procedures.

The largest Chartist meeting in the history of the movement was held at Kennington Common on April 10, 1848. 150,000 Chartists attended and were met by 4,000 policemen and 8,000 troops.⁷⁴ Alarmed by the size of Chartist gatherings, Commissioner Rowan drew up a plan to mobilize undercover policemen on short notice:

When political meetings are held in open air on any of the undermentioned [sic] Divisions [D, G, H, K, N, P, R, S], two Constables in plainclothes from each of the nearest Divisions will attend such meetings and be in communication with the Superintendent or other officer of the District present or in the vicinity of such Meetings.⁷⁵

Rowan’s orders covered areas of London that were home to the politically active working class, as well as locations with large open spaces suitable for demonstrations.⁷⁶ Within these eight divisions were Regent’s Park, Hampstead Heath, Gray’s Inn Road (the site of the Cold Bath Fields Riot of 1833), Clerkenwell Green, Bethnal Green, Victoria Park, Kennington Common, and the docklands east of the City. Anticipating an increase in political agitation, this order gave local superintendents power to assign men in

⁷² MEPO 7/12, 30 May 1848.

⁷³ Smith, *Policing Victorian London*, 118-19.

⁷⁴ Norman McCord and Bill Purdue, *British History 1815-1914*, 2nd ed. (Oxford and New York: Oxford University Press, 2007), 168.

⁷⁵ MEPO 7/12, 5 June 1848.

⁷⁶ These divisions were: Marylebone, Finsbury, Whitechapel, Stepney, Islington, Camberwell, Greenwich and Hampstead.

plainclothes to closely observe meetings. Devolving power in this way allowed superintendents to react quickly to the news of a political meeting and draw on constables from neighbouring divisions who were likely to be familiar with local criminals and suspicious persons.⁷⁷

Further Chartist disturbances in the summer of 1848 resulted in several treason trials at the Old Bailey. In September and October, William Dowling, William Lacey, Thomas Fay, William Cuffey, and George Mullins were convicted of treason and sentenced to transportation for life. Trial testimony revealed that the police had used a combination of undercover investigation and informants to prevent several major disturbances in London that summer. During the scare, undercover officers watched suspicious individuals and their meeting places. Constable Thomas Pronger testified that he was sent by his inspector to tail William Lacey. Another constable, John Jenkinson, shadowed Cartwright's coffee shop, a known Chartist meeting place.⁷⁸ Both constables reported to their superiors who they saw and what they were involved in. In this way, the police were able to piece together networks of subversive Chartists. When the police collected enough information to arrest, undercover officers made the apprehensions. In many cases undercover men had to wait near the accused's lodgings for them to return home. Doing so in uniform would have alerted the suspect and their accomplices that an arrest was imminent. In some cases, however, even plain clothes were not enough to disguise policemen. The first time the police attempted to arrest William Dowling, his friends noticed two plainclothes men waiting outside his house and helped him to escape.⁷⁹

Although undercover policemen could work from outside political organizations to gain evidence for arrests, informants were far more useful because they provided a view from within. Informants helped illuminate the membership and plans of Chartist organizations,

⁷⁷ From November 1845, the police began to experiment with surveillance techniques to ensure that several constables from each division became familiar with local offenders and could recognize them on sight. MEPO 7/11, 11 November 1845.

⁷⁸ OBP: t18480918-2127, "William Dowling."

⁷⁹ OBP: t18480918-2127, "William Dowling."

and those inside Chartist organizations gave the most significant testimony during the treason trials of 1848. These witnesses were private citizens who described themselves as ‘moral-force Chartists.’ Defense counsel tried to portray informants as government spies, but it is clear that informants joined Chartist organizations of their own free will and subsequently turned against them out of national loyalty.⁸⁰ In the words of one informant, “I did not join it [the Chartist movement] for the purpose of betraying the people I had joined – it first came across my mind to betray them when I found the villainous part they were acting.”⁸¹ Informants were not government plants but civic minded citizens who approached the police after sensing that they were involved in something wrong. Their evidence described Chartist leadership, meeting places, methods of organization, access to weapons, recruiting techniques, and plans. There was no select committee to inquire into police behaviour after the 1848 demonstrations as there had been in 1833. The police had learned how to monitor subversive political activity while remaining within the bounds of publicly and professionally acceptable conduct. It is also likely that the public were more tolerant of political policing than they had been in 1833 and were happy to have a police protecting them from the upheavals occurring on the Continent.

5.4 Undercover Patrols

Aside from policing official functions, public events, and investigating political dissidents, the commissioners of police and divisional superintendents assigned plainclothes men to foot patrols. The purpose of patrol was to ensure that plainclothes policemen were familiar with London and its criminal underworld.⁸² In the years before photography, police could only identify criminals by description or by sight. The use of

⁸⁰ Defense counsel William Ballantine (1812-1887) asked the witness whether he had “carried on the business of a spy long, or was this your first start in that vocation?” OBP: t18480918-2181, “William Lacey, Thomas Fay, William Cuffei.” Ballantine’s talent for cross-examination was fueled by a combination of “charm and ability” and, at times, a pugilistic attitude. Allyson N. May, *The Bar and the Old Bailey, 1750-1850* (Chapel Hill and London: The University of North Carolina Press, 2003), 169.

⁸¹ OBP: t18480918-2181, “William Lacey, Thomas Fay, William Cuffei.”

⁸² This was something Old Bailey judge John Silvester did on his own in the late eighteenth century by compiling notebooks of thieves’ haunts and slang. May, *The Bar and the Old Bailey*, 104.

patrols was hardly new; Bow Street had used patrols since the late eighteenth century to prevent and detect both property crime and violent crime, as had parishes like St. Marylebone and St. James.⁸³ The Met only took over undercover patrolling after Bow Street's Policing function ceased in 1839.

From the early 1840s Metropolitan policemen assigned to undercover duty were expected to familiarize themselves with local criminals. Plainclothes men needed to walk their divisions, observe where criminals congregated and take note of the movements of repeat offenders. Once the police gained this information, they were to relay it to other members of their divisions. In this way, whenever a known criminal was spotted they could be “ke[pt] under observation.” The police commissioners felt that surveillance of this kind would prevent crimes, lead to the identification of “burglars and felons” and aid in their detection.⁸⁴ The divisional superintendent was also responsible for watching “loose and disorderly persons” and ensuring “that certain detection [would] follow any attempt to commit a crime.”⁸⁵

Surveillance of known offenders was expanded in the 1840s. By this time plainclothes officers were taken to see prisoners remanded at police courts and those in prison but undercover patrols were introduced to combat specific crimes, especially burglary.⁸⁶ The police commissioners began by experimenting with temporary patrols on winter nights to observe “all Burglars and other persons known to be felons” so that officers could identify possible suspects if a crime was committed.⁸⁷ In the winter months the hours of darkness were longer and extra vigilance was necessary to prevent burglaries. These were

⁸³ Elaine A. Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830* (Stanford: Stanford University Press, 1998), 78-79.

⁸⁴ MEPO 7/11, 11 November 1845.

⁸⁵ *General Instructions* (1829), 20.

⁸⁶ MEPO 7/14, 12 October 1848 and 19 October 1849.

⁸⁷ MEPO 7/11, 11 November 1845.

the hours when those crimes of jewel robberies are most likely to be committed... between 7 o'clock and 9, while people are at dinner ... the upper part of a house of that kind [in the wealthy West End] is generally left entirely unprotected from about 7 until 9, because after the ladies go down to dinner the servants go down to their supper at 9 o'clock, and the consequence is that for an hour and a half the upper part of the house is left.⁸⁸

In November 1845 two men from each division were selected for a special night patrol. Nicholas Pearce, now superintendent of Covent Garden division, and Detective Inspector Shackell oversaw this patrol.⁸⁹ The detachment patrolled for seven months from November 1845 until May 1846. If the special patrolmen were unfamiliar with certain parts of London, they would receive information about local criminals from the divisional constables. Central detective sergeants were also expected to accompany special patrol's visits to the divisions and to share their expertise. When patrols returned to uniform duty, the commissioners hoped that they would use their experience in "detecting Criminals, visiting Public Houses and in such other ways that their Superintendents shall consider it most useful."⁹⁰

This first experimental patrol was not, as it may have seemed at the time, only to prevent theft during long winter nights. It was also an information-gathering exercise to ensure that divisional constables possessed detective expertise useful throughout the Police District. During the winter, the men chosen for undercover patrol became familiar with the faces, meeting places, and tactics of London's criminals in a way they could not have done while in uniform. When the patrols ceased in the spring, Mayne expected that his

⁸⁸ *Report of the Departmental Commission appointed by the Secretary of State for the Home Department to inquire into the State, Discipline, and Organization of the Detective Force of the Metropolitan Police* (1878), 259.

⁸⁹ Pearce was a former detective inspector and both men had Detective Department experience. Pearce was one of two detective inspectors when the Department was formed in August 1842; Inspector Shackell replaced him when Pearce was promoted to superintendent of F division (Covent Garden) in November 1844. MEPO 7/9, 12 November 1844 and 23 November 1844.

⁹⁰ MEPO 7/11, 11 May 1846.

superintendents would remain in contact with the Detective Department to share information.⁹¹ Cooperation between the Detective Department and the divisions facilitated the sharing of knowledge and techniques. Although the Detective Department rarely dealt with routine divisional work, the commissioners wanted their expertise on early divisional patrols. It is unclear whether more winter patrols occurred during the late 1840s and 1850s. While it is entirely likely that they did, evidence of this does not survive in the police records.

Undercover patrols were revived in August 1862 in response to a famous garrotting panic, which began with the robbery and choking of Hugh Pilkington, M.P., in Pall Mall on July 17, 1862.⁹² That same night another man, Edwin Hawkins, was also killed by strangulation. London's newspapers blamed former convicts, especially ticket-of-leave men, for the increase in violent crime.⁹³ In response to public panic, Mayne assigned a plainclothes night patrol. In the largest deployment of plainclothes men on patrol in the history of the Metropolitan Police, 17 sergeants and 176 constables were placed on duty, in addition to constables on the beat. Each divisional superintendent was instructed to suggest constables for duty most familiar with the criminal element in their neighbourhoods.⁹⁴ This was the first instance where divisional sergeants were chosen to spearhead patrols, a sign that the commissioner was devolving central detective duties to divisional men. To facilitate the compilation of information, sergeants at the head of the night patrol were instructed to report on their constables' activities and any crime of note.

The commissioners also used undercover patrols to combat specific crimes. In 1854 Home Secretary Palmerston authorized a plainclothes patrol to detect fraudulent retailers,

⁹¹ MEPO 7/11, 11 May 1846.

⁹² Jennifer Davis, "The London Garrotting Panic of 1862: A Moral Panic and the Creation of a Criminal Class in mid-Victorian England," in *Crime and the Law: A Social History of Crime in Western Europe Since 1500*, eds. V.A.C. Gattrell, Bruce Lenman and Geoffrey Parker (London: Europa Publications, 1980), 190.

⁹³ Davis, "The London Garrotting Panic of 1862," 198-201.

⁹⁴ MEPO 7/23, 14 August 1862.

especially those who falsified weights and measures or adulterated foods for sale to “the poorer classes.” Five men were assigned to buy various items from suspected sellers and a professor of chemistry at the Royal Polytechnic Institute tested the items. The police were aware that anyone caught by them might accuse the police of entrapment but hoped that “the public will sympathize with the defrauded Poor, and with the measures taken to protect them.” Plainclothes men were essential for the task because “the uniform might deter a party who practises [sic] such fraud systematically.”⁹⁵

An 1859 plainclothes patrol scoured Marylebone for three months to uncover the perpetrator of several larcenies.⁹⁶ In such instances, Commissioner Mayne assigned surveillance patrols for a fortnight, to be reviewed and renewed, if necessary, on a bi-weekly basis. This allowed time for the patrols to investigate and submit reports but prevented overuse and abuse of undercover privileges. A similar patrol was established in January 1860 to detect larcenies at Covent Garden theatres. Plainclothes police constables from eight divisions were called to duty at Bow Street station every evening for several weeks. Again, central detectives did not participate; instead, two superintendents supervised the patrol.

Between July and September 1865 Mayne also used undercover patrols to combat a string of highway robberies in Whitechapel. He ordered twenty-eight men in four reliefs to patrol between 9 am and 1 am. Mayne chose specific constables from the divisions for duty under the direction of two detective sergeants.⁹⁷ After one week, the hours of patrol changed with one patrol of fourteen men to patrol from 9 am until 9 pm while the remaining fourteen constables bolstered numbers between 7 pm and 1 am.⁹⁸ After three weeks, half of the men were removed, as was one of the detective sergeants. His

⁹⁵ HO 45/5640, 20 May 1854.

⁹⁶ MEPO 7/20, 19 October, 2 November, 24 November, 10 December and 31 December 1859.

⁹⁷ This patrol was renewed weekly until mid September. MEPO 7/26, 1 July, 8 July, 15 July, 22 July, 29 July, 5 August, 12 August, 19 August, 26 August, 2 September, 9 September, and 16 September 1865.

⁹⁸ MEPO 7/26, 8 July 1865.

replacement at the head of the second patrol was Sergeant Dunnaway of Whitechapel division. Dunnaway was one of a new breed of highly skilled divisional detectives, receiving numerous citations for good conduct. Mayne regularly chose him for undercover work and, in midsummer 1865, placed Dunnaway was in charge of a Whitechapel patrol targeting highway robbers.⁹⁹

As they became more adept at detective duties, Mayne began devolving responsibilities from Scotland Yard detectives to divisional men. Sergeant Dunnaway's seniority in the Whitechapel patrol is an example of Mayne's tendency to remove Yard men from more routing detective work in London and entrust it to the growing detective talent of divisional plainclothes officers. This not only encouraged expertise in the divisions, but also allowed Mayne to conserve manpower at the small Scotland Yard office. Assigning any of his detective sergeants to lead divisional patrols reduced the number of detectives available for other duties. Divisional 'detective officers,' as he had begun to refer to them, worked specifically on crimes occurring in the divisions. The Whitechapel anti-highway robbery detail was an experiment with divisional detective officers, although Mayne assured the Home Secretary that "when not so employed they [still] perform the ordinary duties of Constables."¹⁰⁰

Undercover policing was also used extensively in Her Majesty's Dockyards. Woolwich dockyard was within the Metropolitan Police District from 1829, while Portsmouth, Devonport, Chatham and Pembroke were transferred to police control in 1860.¹⁰¹ Plainclothes men were specially chosen to work undercover to counteract theft of government property and from warehouses and Mayne, pleased with their success, praised their diligence.¹⁰² His successor as police commissioner, Edmund Henderson,

⁹⁹ Dunnaway's citations for good conduct are in: MEPO 7/22, 7 June 1861; MEPO 7/23, 14 June 1862. The Whitechapel patrol is detailed in: MEPO 7/26, 1 July, 8 July and 29 July 1865.

¹⁰⁰ *Minutes of Evidence for the Committee to Inquire into the System of Police* (1868), 83.

¹⁰¹ 24 & 25 Vict, c. 135. Woolwich fell within R (Woolwich) Division. MEPO 1/38, 2 April 1841.

¹⁰² *Report of the Commissioner of Police of the Metropolis* (1870), 7; *Minutes of Evidence for the Committee to Inquire into the System of Police* (1868), 34.

also lavished praise on the undercover men policing the dockyards.¹⁰³ I have encountered no instances where their methods elicited criticism from the government or in the press, which is likely because they were protecting Britain's navy and related state property and, thus, could hardly be accused of infringing on the rights of individual Britons.

5.5 Growing Comfort

By the 1860s the Metropolitan Police was an established institution, the Detective Department was popular and successful, and the public was no longer concerned about the legitimacy of centralized policing. Indeed, all counties and boroughs in England were now required to have forces of their own, making centralized policing the norm in mid-Victorian England. Mayne, after more than thirty years at the helm of London's police, had grown increasingly comfortable with plainclothes police work.¹⁰⁴ He issued fewer censures for undercover work and more queries about its effectiveness. Following the trial winter night patrol in 1862-63 and the 1865 Whitechapel patrol, the commissioner became increasingly interested in exactly what plainclothes men were doing and how effective they were. He asked local superintendents in March 1866 about how many offenders had been apprehended by plainclothes men in the first three months of that year and asked for similar statistics the following year.¹⁰⁵ He wanted to determine how useful these patrols had been at catching thieves and, based on what must have been favourable returns, plainclothes patrols became routinized.

Mayne was also interested in the outcome of cases brought to the magistrates' courts by plainclothes men and whether magistrates had made any comments relative to officers

¹⁰³ *Report of the Commissioner of Police of the Metropolis* (1870), 7.

¹⁰⁴ Colonel Rowan retired in 1850 and was replaced by Captain William Hay. Hay and Mayne had a troubled working relationship. When Hay died in 1855, Mayne remained the sole commissioner aided by two new assistant commissioners. Smith, *Policing Victorian London*, 36.

¹⁰⁵ MEPO 7/27, 26 March 1866; MEPO 7/29, 8 April 1867.

out of uniform and how the public might identify them as police.¹⁰⁶ It was important for plainclothes policemen to identify themselves to the public, both for their own safety and to justify the legality of their actions: being unable to do so could lead to misunderstandings. In 1830, the unfortunate Superintendent Thompson intervened in what he believed was an altercation between a prostitute and man named Fitzgerald. Enraged at the interference, Fitzgerald dragged Thompson by the collar to the nearest police station and accused him of being “a b—s—d imposter.” Once it was confirmed that Thompson was, indeed, a police superintendent, Fitzgerald was charged with assault at Bow Street police court. The sitting magistrate sympathized with the superintendent, declaring: “I know that disguise is sometimes very necessary in an inquiry after criminals,” and bound Fitzgerald and his accomplice over for trial at the next sessions.¹⁰⁷ A similar case occurred in late 1841, when an omnibus driver assaulted Inspector Baker of St. James Division. The driver refused to comply with Baker’s instructions to move his omnibus on (one of the duties of the police was to keep thoroughfares clear). After the driver refused to comply, Baker took hold of the horses and the defendant lashed him across the hands with his whip. In the course of the event, Baker’s hat was knocked off and driven over. The driver was fined forty shillings by the magistrate at Marlborough Street police court.¹⁰⁸ Finally, poor Sergeant Carpenter was assaulted while detecting pickpockets at Charlton Fair in October 1850. As he knelt down to watch a suspected pickpocket search through a woman’s skirts, his attacker mistook him for one himself and smacked him in the face.¹⁰⁹

¹⁰⁶ MEPO 7/23, 24 September 1862. Even police officers had trouble identifying undercover colleagues. In 1843 Nicholas Pearce testified in an Old Bailey trial that it took two constables to properly identify him as police officer when he tried to search a suspect’s house. OBP: t18430612-1964, “James Lovell.”

¹⁰⁷ *The Times*, 10 April 1830. Thompson was not in disguise, as superintendents did not wear uniforms.

¹⁰⁸ *The Times*, 11 October 1841. The full fine of assault on a police officer would have been £5, but the magistrate mitigated it to 40s given that there was doubt whether the omnibus driver heard the inspector identify himself as a police officer.

¹⁰⁹ OBP: t18520202-261, “John Gerrard.”

To ensure accountability, and to prevent assaults on officers, plainclothes patrolmen were issued with a 'special duty card,' a truncheon and a rattle "where practicable."¹¹⁰ Shortly after, Mayne authorized official truncheons – a total of one hundred and seventy seven – for plainclothes men, to be distributed as the men paraded for duty each day. These truncheons were to be their identification and were only to be given to authorized plainclothes men, as stipulated in the orders for the 1862 night watch and the rules of May 1863.¹¹¹ Inspectors on patrol out of uniform were likewise expected to carry their brass truncheon and warrant card to indicate their credentials.¹¹² Truncheons and pay raises for undercover officers demonstrate Mayne's acknowledgement that, over the preceding thirty years, plainclothes men had become an integral part of metropolitan policing.

Complaints that undercover officers suffered financially were recurrent throughout this period. Officers who spent large amounts of time out of their uniforms received a shilling per week raise in 1862.¹¹³ This extra pay was important because plainclothes officers had to supply their own out-of-uniform clothes. One of the petitioners to the Home Office about the Popay Scandal told the Select Committee that he routinely saw policemen in disguise during meetings of the Walworth and Camberwell Political Union. When asked how he could be sure they were policemen, he replied, "Why they generally wore police boots and trousers; it was from that that we generally knew them to be policemen in

¹¹⁰ MEPO 7/23, 12 November 1862. Assaults on police were common throughout the nineteenth century, and not just when officers were in plain clothes. Commenting in 1872, Commissioner Henderson thought that assaults on police had lately increased, "So that every Policeman is assaulted about once in every two years." *Report of the Commissioner of the Police of the Metropolis* (1872), 4.

¹¹¹ MEPO 7/29, 7 March 1867.

¹¹² MEPO 7/30, 14 April 1868.

¹¹³ MEPO 7/23, 12 November 1862.

disguise.”¹¹⁴ Pay was still a problem in 1878 when the *Departmental Committee* concluded that divisional detective’s £5 clothing allowance was “utterly inadequate.”¹¹⁵

Commissioners Rowan and Mayne initially restricted the use of undercover policemen, yet Mayne warmed to the utility of undercover officers. Their frequent use by local superintendents, and their evident successes, led to a proliferation of plainclothes work within the Metropolitan Police. Mayne worried that leaving men in plainclothes too often might lead to corruption so he ordered that plainclothes officers be frequently rotated back to uniform duty.¹¹⁶ Police officers found it easier to detect crime while out of uniform. Divisional Detective Sergeant George Forster told an 1878 Departmental Committee: “In my opinion one plain clothes man is worth a dozen uniform men. A uniform man is very good for acting as watchman in the night, and looking after premises, but he is of no use whatever in detecting crime; he is confined to a certain spot, and there he is.”¹¹⁷

5.6 Enlarging the Detective Force

On the afternoon of December 13, 1867, London’s Clerkenwell Prison was bombed. The explosion killed twelve people and injured nearly ten times as many. The Home Office and the Metropolitan Police expected the bombing, having been forewarned by Dublin Castle that an attempt to free Fenian prisoner Richard O’Sullivan Burke, incarcerated at Clerkenwell for dealing arms, would take place on December 12.¹¹⁸ That attempt failed. The second – successful – attempt was made the following day, shattering an outer wall

¹¹⁴ *Report from the Select Committee on the Petition of Frederick Young and Others* (1833), 21.

¹¹⁵ *Report of the Departmental Commission* (1878), vii. Detective Sergeant Coathupe left the Detective Department in 1866 because he found his salary insufficient. *Ibid.*, 176.

¹¹⁶ MEPO 7/24, 25 May 1863.

¹¹⁷ *Report of the Departmental Commission* (1878), 86.

¹¹⁸ Burke orchestrated an operation to free two Fenians from police custody in September 1867. Detective Inspector Thomson received a £10 reward for capturing Burke. *The Pall Mall Gazette*, 16 December 1867; MEPO 7/29, 9 December 1867.

of the prison. By that time, however, prison officials had moved Burke to a different part of the facility to prevent his rescue.¹¹⁹

Although the Metropolitan Police were unable to avert the Clerkenwell bombing, the ensuing scandal advanced the cause of detective policing in the Met. The press supported an enlarged detective force. *The Morning Post* called on Mayne to improve his Detective Department and free it from the “police bungling or want of intelligence...that the incompetency of the detective department has ... made so painfully clear.”¹²⁰ *The Standard* published a lengthy opinion, exhorting that “the Executive must...be incessant; that the authorities must not shrink from their responsibilities; that the law must make the weight of its hand unmistakably [sic] felt.”¹²¹ A more tempered response came from *The Pall Mall Gazette*, which called upon its readers to remember the difficult, dangerous and thankless task performed by police officers: “As the representatives of the law they fight at inevitable disadvantage in contending with crime...How well and at what risks they perform their duty let the events of Friday show, and justice no less than gratitude will then suggest the conclusion.”¹²² Local justices were less sympathetic. At a meeting of the Middlesex magistrates, Lord Ranelagh accused Mayne of improperly guarding the exterior walls of the prison: “if it did not rest with the Commissioner of Police, he would like to know with whom the blame did rest?”¹²³

A Committee to Inquire into the System of Police was assembled in the aftermath of Clerkenwell, interviewing senior and junior police officers, as well as Scotland Yard detectives about the state of the police generally and its detective capabilities in specific. The committee concluded that there were not enough detectives to properly “cope with

¹¹⁹ Smith, *Policing Victorian London*, 190-191.

¹²⁰ *The Morning Post*, 14 and 16 December 1867.

¹²¹ *The Standard*, 16 December 1867.

¹²² *The Pall Mall Gazette*, 17 December 1867.

¹²³ *The Times*, 20 December 1867.

conspiracies and secret combinations” in London.¹²⁴ The Metropolitan police required a dedicated group of official divisional detectives to adequately police political dissidents.¹²⁵ Mayne had himself undergone a change of heart about the use of plainclothes policemen over his thirty-year tenure as commissioner of police. The Clerkenwell bombing startled him into supporting policing tactics that he had heartily shunned in his younger years. After Clerkenwell, Mayne acknowledged that the cultural and political landscape in England had changed since 1829. Policing needed to adapt to take on the challenges posed by Irish unrest: “I think now,” he admitted, “looking at the organization [of criminals] that we have to contend with . . . we must meet it with a different organization, both of a detective and of a preventive nature, from what we have hitherto had.”¹²⁶ His superior at the Home Office, Gathorne Hardy, felt similarly: “more detection force & skill needed. . . I must decide whether to ask for more powers,” he wrote in his diary shortly after the bombing.¹²⁷

The detective force was enlarged in the spring of 1869, one year after the committee report was published.¹²⁸ In July, a divisional detective force of twenty detective sergeants and one hundred and sixty detective constables was created.¹²⁹ Divisional detective policemen were of lower rank than their Scotland Yard counterparts and were given the rank of constable and sergeant, while those at Scotland Yard began at sergeant and moved up to inspector. In this capacity, the men at Scotland Yard could coordinate and oversee divisional patrols without discrepancy of rank. Many of the men chosen for divisional detective duty had been long-time plainclothes men who now had professional status and formal place in the hierarchy of the Metropolitan Police. Within a month of

¹²⁴ *Minutes of Evidence for the Committee to Inquire into the System of Police* (1868), 21.

¹²⁵ *Minutes of Evidence for the Committee to Inquire into the System of Police* (1868), 22.

¹²⁶ *Minutes of Evidence for the Committee to Inquire into the System of Police* (1868), 90.

¹²⁷ Quoted in Smith, *Policing Victorian London*, 192.

¹²⁸ MEPO 7/31, 15 May 1869.

¹²⁹ MEPO 7/31, 27 July 1869.

their promotion, it was clear that the divisional detectives were effectively combatting crime. On August 12, eight detectives from five divisions were offered rewards for good conduct.¹³⁰ One month later two more divisional men, Detective Sergeant Ham and Detective Constable Ranger, were rewarded a substantial £10 each for resisting bribes from suspects.¹³¹ Justice Hayes awarded each man an additional £5 after the trial for their “vigilance and tact” in the detection and arrest of a housebreaker.¹³² During their first six months, over 63 per cent of persons arrested by divisional detectives were convicted and the new commissioner pronounced their work a “success.”¹³³

Between the publication of the 1868 report and the creation of the divisional detectives in July 1869, Richard Mayne passed away.¹³⁴ His successor as Commissioner of Police of the Metropolis was Sir Edmund Yeamans Walcott Henderson, a military man who spent most of his life working in convict administration in the empire and at home in the United Kingdom.¹³⁵ Like Mayne, Henderson preferred uniformed officers – they were visible to the public and, thus, accountable. Plainclothes patrols, however, were undeniably useful for catching criminals in the act of committing crimes.¹³⁶ In the 1870s Henderson continued using the system of winter night patrols that Mayne pioneered in the 1840s and 1860s. In his 1873 annual report, Henderson revealed that he had had great success using detective patrols to prevent larcenies and portico thefts. Theft statistics were down, loiterers arrested and he felt the patrols “have naturally tended to discourage similarly

¹³⁰ MEPO 7/31, 12 August 1869. These included one sergeant and seven constables.

¹³¹ MEPO 7/31, 16 September 1869.

¹³² MEPO 7/31, 24 September 1869.

¹³³ The number of persons arrested was 2,416 and the number convicted 1,533. *Report of the Commissioner of Police of the Metropolis* (1870), 4.

¹³⁴ MEPO 2/10, 27 December 1868.

¹³⁵ R. H. Vetch, ‘Henderson, Sir Edmund Yeamans Walcott (1821–1896)’, rev. J. Gilliland, *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [http://www.oxforddnb.com.proxy1.lib.uwo.ca/view/article/12907, accessed 1 March 2013]

¹³⁶ *Report of the Departmental Commission* (1878), 214, 211.

evil disposed persons.”¹³⁷ His confidence in the divisional detectives remained high throughout the decade. During the 1878 Home Office inquiry into Detective Department misconduct, Henderson praised his divisional men for their “very considerabl[e]” impact on London crime.¹³⁸ He assured the Home Office that “[t]he conduct of the Police during the year was, with the exception already alluded to, very good.”¹³⁹

The relationship between the Detective Department and the plainclothes men in the divisions weakened in the 1860s. In earlier decades, divisional undercover officers cut their teeth under the guidance of Scotland Yard’s detectives. By the 1860s, divisional sergeants began to assume control of local detective activities and, by the 1870s, the divisional detectives and the central force at Scotland Yard had little to do with one another. Divisional detectives patrolled, visited prisons, and aided local investigations. Their familiarity with local criminals and their haunts gave them an edge over the Scotland Yard men in the divisions. The Met’s legal advisor James Edward Davis told the 1878 committee that Inspector Shore was the only central detective familiar “with the criminal element in London,” because he oversaw divisional detective prison visits.¹⁴⁰ Central detectives, as we will see, spent more time on theft and inquiries for the Home Office within England and internationally. They generally had better education and special skills, such as knowledge of foreign languages, which made them better suited to the senior detective ranks. The divisional men viewed any central man sent down to help a stalled local investigation as an imposter, while Scotland Yard men felt that divisional detectives were uneducated and unintelligent.¹⁴¹ Testimony before the 1878 departmental commission uncovered significant jealousy between divisional and central detectives.

¹³⁷ *Report of the Commissioner of Police of the Metropolis* (1873), 2.

¹³⁸ *Report of the Departmental Commission* (1878), 204.

¹³⁹ *Report of The Commissioner of Police of The Metropolis* (1878), 4.

¹⁴⁰ *Report of the Departmental Commission* (1878), 199. On Davis’s appointment, see chapter 4, section 4.4.4.

¹⁴¹ See the testimony of Superintendent Frederick Williamson, Sergeant John Littlechild and Sergeant Walter Andrews in *Report of the Departmental Commission* (1878).

Inspector George Greenham was candid with the commissioners when asked about his working relationship with divisional detectives: “I can only say that they do not unite with us in any way at all, and that there is a tremendous amount of jealousy between them and us; they are jealous of us, and they do not assist us in any possible way,” although, he conceded, “I do not say that it applies to every one.”¹⁴² Detective Superintendent Williamson, in particular, spoke of divisional men with disdain.¹⁴³ For their part, divisional detectives felt similarly; Detective Sergeant William Chamberlain of Lambeth division told the committee that Yard men send to help with divisional investigations were “of no use.”¹⁴⁴ Although Mayne encouraged cooperation between divisional and central detectives, he recognized that it was not always appropriate. Involving the senior detectives in divisional cases might lessen the “action and energy” of divisional men who – with warranted concern – might lose the credit for their work.¹⁴⁵ By the time Mayne died in 1868 divisional detectives had come of age in the Metropolitan Police.

5.7 Conclusion

Both Colonel Rowan and Richard Mayne were wary of undercover policemen in the early years of the Metropolitan Police. They worried about the repercussions of the Popay incident and wanted to distance the police from accusations of spying. The commissioners wanted an accountable police force that commanded public respect. By the close of the 1860s, however, Mayne acquiesced to undercover policing within limits.

The work of the divisional detectives has not attracted much historical attention. Indeed, plainclothes police were active from the first years of the Metropolitan Police, thus preceding Scotland Yard’s force. As we have seen, they began as auxiliaries to the uniformed branch, policing state occasions, fairs, and regattas. During the 1830s and 40s

¹⁴² *Report of the Departmental Commission* (1878), 34.

¹⁴³ *Report of the Departmental Commission* (1878), 6.

¹⁴⁴ *Report of the Departmental Commission* (1878), 111.

¹⁴⁵ *Minutes of Evidence for the Committee to Inquire into the System of Police* (1868), 84-5.

they became involved in public order, especially Chartists disturbances. The commissioners also experimented with undercover night patrols in winter to prevent and detect theft. By the 1860s plainclothes men had become an established part of London's policing apparatus. Mayne ultimately conceded what his superintendents had long realized - the utility of detection at all levels of London's police in the nineteenth century. When Mayne died in December 1868, Metropolitan Police officers routinely performed plainclothes duties. Testifying before the 1868 Committee, Mayne reported "[e]very constable is occasionally employed in plainclothes."¹⁴⁶ The creation of the divisional detectives in the Metropolitan Police 1869, like so many changes in English legal history, merely codified an existing practice.

The growth of undercover policing in London's police divisions between 1829 and 1869 allowed central detective officers to focus their attention elsewhere. Detectives undertook a great proportion of this new work for the Home Office, for which Scotland Yard's elite detective force was a useful auxiliary to gather information and conduct surveillance. The following chapter analyses detectives' role in the expansion of the Victorian information state.

¹⁴⁶ *Minutes of Evidence for the Committee to Inquire into the System of Police* (1868), 8.

6 Agents of the State

London, excluding the City of London, had no municipal government until 1888, leaving the daily management of the Metropolitan Police to the police commissioners and police oversight to the Home Office. Metropolitan London contained parts of northeastern Surrey, northwestern Kent, southeastern Essex and most of Middlesex counties, although the City of London remained administratively separate with its own corporate privileges.¹ Commissioners Mayne and Rowan worked closely with home secretaries and their staff on all policing issues. The direct relationship between the government and the Metropolitan Police was unique. In the rest of the nation, local government ran local police services, though urban and rural police forces were still subject to some Home Office oversight.² In urban centres police forces answered to town councils, while quarter sessions controlled county constabularies. The City of London remained independent within the capital, with its own police force under the watchful eye of the Common Council. The Metropolitan Police's relationship with the Home Office was much more direct – no municipal bodies stood between the commissioners and the home secretary.

This relationship with the central government made Metropolitan police officers – and detectives at Scotland Yard in particular – agents of the state in the truest sense of the

¹ The 1888 Local Government Act created The County of London (including the City of London), governed by a new administrative London County Council. This Act effectively gave London its first municipal government. John Davis, *Reforming London: The London Government Problem 1855-1900* (Oxford: Clarendon Press, 1988), 103.

² Several Acts between 1835 and 1856 affected county and borough policing in England and Wales. The 1835 Municipal Corporations Act allowed newly appointed town councils to organize and oversee local policing. A permissive 1839 Act encouraged English counties to do the same, but left the decision up to local justices at quarter sessions. Three years later, new legislation allowed quarter sessions to appoint chief constables for new county forces. The 1856 County and Borough Police Act forced the establishment of police forces in all counties and in boroughs of over 5,000 people. The legislation also came with financial aid from the government, contingent upon annual inspections by government inspectors. Carolyn Steedman, *Policing the Victorian Community: The formation of English provincial police forces, 1856-80* (Boston: Routledge and Keegan Paul, 1984), 14-16 and 25-27. For discussions of policing legislation in this period, see also Clive Emsley, *The English Police: A Political and Social History* (New York: St. Martin's Press, 1991), 30-40 and chapter 3; David Philips and Robert D. Storch, *Policing Provincial England, 1829-1856* (London and New York: Leicester University Press, 1999), epilogue. The Home Office set rules and guidelines and approved government grants based on performance. Clive Emsley, *Policing and its Context 1750-1870* (London: The Macmillan Press Limited, 1983), 70-70 and 81.

word. Not only were they close at hand to police the capital, but they also became key gatherers of information for the increasingly expanding Victorian state.³ Parliament passed numerous bills relating to domestic government during the second quarter of the nineteenth century. The regulation and enforcement of these laws fell to the Home Office. Among the responsibilities were operating a variety of inspectorates (overseen, but not staffed, by the Home Office), including: “anatomy (1832); factory (1833); prison (1835); mines (1842); burial grounds (1854); constabulary (1856); reformatory and industrial schools (1857); salmon fisheries (1861); gunpowder (1871) which became explosives (1875); and cruelty to animals (1876).”⁴ All of these duties were borne by an office with a staff of twenty-five, including the home secretary, parliamentary under-secretary, permanent-undersecretary, counsel, chief clerk and an army of junior clerks.⁵ Detectives, with elite status within the police and the freedom to undertake inquiries whenever and wherever, became an important tool for surveillance and information gathering. The following chapter describes the work done by detectives for the Home Office, a role too often overshadowed by felony investigations.

6.1 General Tasks

The Home Office assigned Scotland Yard’s detectives to a wide variety of general tasks outside the metropolis. In June 1847, for example, detectives provided protection to notable attendees of a meeting of the British Association for the Advancement of Science in Oxford. Among the attendees were “Lucien Bonaparte, Prince of Canino; the Chevalier Bunsen, the Prussian Ambassador; the Hon. Mr. Bancroft, the American

³ Oliver MacDonagh, *Early Victorian Government 1830-1870* (London: Weidenfeld and Nicolson, 1977).

⁴ Jill Pellew, *The Home Office 1848-1914: From Clerks to Bureaucrats* (London: Heinemann Educational Books, 1982), 122. Policemen also shouldered this burden. As Clive Emsley points out, policemen often helped enforce the Poor Laws, Old Metal Dealers Act (1861), Salmon Fishery Acts, Education Act (1870), Explosives Act (1875), Adulterated Foods Act (1875) and performed many other more incidental tasks (such as inspecting cattle or trams) that were not part of their regular patrol duties. Emsley, *The English Police*, 78-79 and 88.

⁵ There were, excluding the home secretary and the parliamentary under-secretary, twenty-three permanent officials working in the Home Office in 1848. This number rose slightly, to 33, by 1870 and to 36 in 1876. Pellew, *The Home Office 1848-1914*, 6, 23 and 30.

minister; [and] Count Rosen, from Sweden.” Detective Inspectors Haynes and Langley travelled from London to Oxford to ensure that no one interfered with any of the famous names.⁶ Similarly, while the ex French royal family was living in England, Sergeant Sanders kept an eye on their movements. He reported in March 1852 on the Duc de Joinville’s departure to Ireland.⁷

Scotland Yard’s assistance was also sought in felony cases outside London, as three cases in the early 1850s demonstrate. When several Cornish justices asked for a detective to help detect arsonists, Secretary Grey agreed. Local constables often experienced difficulty investigating people they knew while officers from London had no local connections and, thus, a freer investigatory hand.⁸ The arson was in retaliation for the conviction and transportation for life of Joseph Hendy for sending threatening letters to William Thomas. Thomas was a local landowner and Hendy a prosperous farmer. When one of Thomas’s properties needed a new tenant, Hendy wanted his son to get the lease. Thomas instead decided to rent to his own nephew and that is when Hendy sent a letter “threatening to burn his house and outbuildings.” Hendy was convicted in April 1850.⁹ “Since the Conviction of Hendy,” the justices wrote to Hardy, “various attempts have been made to burn the Houses and Property of Persons resident in Mullion – and on the 20th of August last, the Stock adjoining the Farm House of Mr. John Thomas was set on

⁶ *The Times*, 24 June 1847.

⁷ Detectives did not usually guard the royal family or visiting royalty. Bow Street had guarded the royals, beginning with George III’s family in the 1790s. The Metropolitan Police took over this duty in 1839. J.M. Beattie, *The First English Detectives: The Bow Street Runners and the Policing of London, 1750-1840* (Oxford: Oxford University Press, 2012), 192-196; MEPO 1/33, 31 August 1839. While in England, the Orleans family stayed at Claremont and was protected by Met constable Tatham and another officer. Thatham was promoted to sergeant for his good work. The Prince d’Orleans praised Tatham and his colleague in no uncertain terms: “Il est impossible de montrer plus d’aptitude à leurs devoirs, plus d’exactitude, de zèle et d’intelligence que les deux homes pendent leur long séjour près mes parents.” MEPO 3/14, 22 February 1857.

⁸ “Village constables,” writes John E. Archer, “were notoriously ineffective because they neither had the time nor the inclination to investigate their neighbours.” Fear of reprisal was a common issue – one constable had his house burned after he arrested local barn robbers. John E. Archer, *By a Flash and a Scare: Incendiarism, Animal Maiming, and Poaching in East Anglia 1815-1870* (Oxford: Clarendon Press, 1990), 154-55.

⁹ *The Royal Cornwall Gazette, Falmouth Packet, and General Advertiser*, 5 April 1850.

fire.”¹⁰ The government offered a £200 reward for information leading to a conviction. John Thomas was son-in-law to Joseph Thomas, the previous victim’s brother. The following summer, John’s father-in-law prosecuted another man, William Bartle, for sending threatening letters. Sergeant Thornton, sent to Cornwall by the home secretary, arrested Bartle. The detective testified during Bartle’s trial at the Cornwall Summer Assizes that sealing wax and letters found at Bartle’s lodgings matched the wax and handwriting on letters sent to Thomas. The jury took less than five minutes to find Bartle guilty and the judge sentenced him to fifteen years’ transportation.¹¹

Around the same time as the Cornish magistrates asked the Home Office for help, magistrates from Frome, Somerset, requested government help to find a murderer.¹² The victim, fourteen-year-old Sarah Watts, was raped, robbed and murdered near a turnpike in broad daylight. The magistrates felt “the local constabulary – however intelligent and zealous are but indifferently qualified to pursue and investigation in which those with whom they are in the habit of associating are mixed up.” In addition to concerns that local officers were compromised by their close relationships within the community, the Somerset magistrates also worried that their officers were incapable of coordinating a complicated investigation. A Scotland Yard detective would provide a necessary “directing head.” Sergeant Smith took up the case, according to the magistrates, “patiently and systematically...until step by step he laid before us a chain of evidence

¹⁰ HO 45/3197, 7 September 1850.

¹¹ *The Royal Cornwall Gazette, Falmouth Packet, and General Advertiser*, 8 August 1851. Detectives were sent to investigate other cases of arson throughout the country. See HO 45/3823 and HO 45/3877A. This was not the first time Grey had sent detectives to the country to help detect arsonists. Arson was a common psychological tactic used by labourers against farmers, landowners and, after 1834, poor law unions, to express dissatisfaction with low wages, mechanized farm equipment and changes to the poor laws. One of the worst periods of incendiarism was between October 1843 and December 1844, with nearly six hundred fires set across the country. Gentry in Suffolk requested help from the Home Office to detect the arsonists and Grey sent down Scotland Yard detectives to help, although detection was usually unsuccessful due to “the enormous solidarity, and even overt sympathy, of the majority of the working people towards the instigators of the fires.” Archer, *By a Flash and a Scare*, 107, 110 and 157. In 1844, largely as a result of this intense period of arson, West Sussex established a constabulary force and arrests increased as a result of the greater police presence. *Ibid.*, 154 and 166-67.

¹² HO 65/18, 27 September 1851.

which has justified us in committing three men to take their trial at the next Assizes for the murder.”¹³ All three men were acquitted, though not before the presiding justice defended the police for “discharge[ing] their duty properly.”¹⁴

Detective Whicher spent three days in Shropshire at the request of local magistrates to find the person who cut a rope at a colliery in Ketley, leading to the deaths of three people. The rope was cut so that the two men and a boy being lowered fell the last eleven yards into the fifty-three yard deep pit.¹⁵ Together the government and the Ketley Company offered £100 for evidence leading to a conviction.¹⁶

Detectives would also help home secretaries out of tricky political situations. During the July 24, 1868 sitting of the House, Alderman Lusk pressured Home Secretary Hardy about what the Home Office was doing to help a man wrongfully convicted of theft.¹⁷ The man in question was James Bell, convicted of sheep stealing in March 1868 at the Middlesex Sessions. Inspector Thomson re-investigated the case and determined that the officers on the original case made a mistake. The real perpetrators were Thomas Daley and Edwin Winder (already incarcerated for sheep theft) and Frederick Winder (Edwin’s butcher brother). Frederick was tried and convicted in August 1868 and Bell’s conviction overturned. The presiding justice “ordered Inspector Thomson to receive a pecuniary reward as a recognition of the care and labour which he had bestowed upon the matter.”¹⁸

¹³ HO 45/3652, 20 November 1851.

¹⁴ *The Bristol Mercury*, 10 April 1852.

¹⁵ *Manchester Times*, 17 December 1851.

¹⁶ *The Northern Star and National Trades’ Journal*, 27 December 1851.

¹⁷ *The Times*, 25 July 1868.

¹⁸ *The Times*, 29 August 1868.

6.2 Naturalization

While many of Scotland Yard's duties included detection of felonies, they served a variety of other functions. One of the unique duties of central detectives was to investigate applicants for naturalization or denization within Britain. Naturalization, granted by act of parliament, and denization, granted by letters patent from the sovereign, gave foreigners the right to hold and inherit land, vote if they met the burden of suffrage and (after 1844) hold office, although not in the Privy Council or House of Parliament.¹⁹

There were limits on citizenship grants, however, since naturalized subjects could neither hold political office nor claim protection or rights from the Crown if they left Britain.²⁰ Neither could their descendants, and all rights of British citizenship lapsed after a six-month absence from the British Isles. Even with such restrictions, naturalized status offered male foreigners who chose to make Britain a permanent home nearly all the rights and privileges enjoyed by natural born (male) Britons.²¹ Applications for naturalization or denization were expensive, limiting the number of foreigners able to afford the privilege. Before 1844 there were, on average, only seven naturalizations and twenty-five denizations per year. Each naturalization application cost about £100, while denized foreigners could expect to pay at least £120, although multiple applicants sometimes shared the cost. The home secretary, on behalf of the monarch, approved all applications for denization. Without a dedicated staff to evaluate each application and, given that there

¹⁹ This provision, a hangover from the 1700 Act of Settlement, was intended to prevent Hanoverians from infiltrating the government. Clive Parry, *Nationality and Citizenship Laws of The Commonwealth and of The Republic of Ireland* (London: Stevens & Sons Limited, 1957), 57-58.

²⁰ Although many European countries used the term 'citizen' to describe natives, in England the term 'subject' was used, reflecting allegiance to a crown not membership to a state. Andreas Fahrmeir, *Citizens and Aliens: Foreigners and the Law in Britain and the German States, 1789-1870* (New York and Oxford: Berghahn Books, 2000), 43.

²¹ This was controversial since the relationship of the naturalized citizen to their country of origin was not fully cemented until 1870, when the applicant could renounce or denationalize from their home state. For this and above summary, see Fahrmeir, *Citizens and Aliens*, 43-52.

were so few each year, it was customary for a signed testimonial from a respectable reference to be the only necessary application requirement.²²

The 1844 Aliens Act introduced a more streamlined administrative procedure, allowing naturalization under statute by executive rather than legislative means.²³ It removed the necessity of legislation for individual foreigners by allowing applicants to submit standardized requests to the Home Office. Although this new process relieved the burden on the applicant it placed significant administrative pressure on an already overburdened Home Office.

Under the 1844 guidelines, potential subjects submitted a memorial to the home secretary indicating their age, profession, trade and any other relevant information that might help the government in its decision. The home secretary then evaluated applications “and receive[d] all such Evidence as shall be offered, by Affidavit or otherwise, as he may deem necessary or proper for proving the Truth of the Allegations contained in such Memorial.”²⁴ Unlike much of the other social legislation passed by parliament, the Aliens Act of 1844 (and, indeed, all legislation regulating foreigners) contained no provisions for an inspectorate or any other body tasked with enforcement. Instead, the home secretary had to delegate this responsibility to individuals already employed by or working under the aegis of the Home Office. Home Secretary Sir James Graham needed discreet, professional and trustworthy individuals to evaluate applications for naturalization on his behalf.²⁵ Luckily, he had just such a group at his disposal. From the

²² Parry, *Nationality and Citizenship Laws*, 69.

²³ 7 & 8 Vict, c.66 (1844). Private naturalization bills were still occasionally used, although the practice ceased by the early twentieth century. Parry, *Nationality and Citizenship Laws*, 70.

²⁴ 7 & 8 Vict, c. 66, s. 8 (1844).

²⁵ Sir James Robert George Graham was Secretary of State for the Home Department between September 1841 and June 1846. As Home Secretary, Graham’s paramount concerns were “the maintenance of public order, property, and government authority.” Jonathan Parry, “Graham, Sir James Robert George, second baronet (1792–1861),” in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, May 2009, <http://www.oxforddnb.com.proxy1.lib.uwo.ca/view/article/11204> (accessed March 3, 2015).

passage of the Act, investigating the fitness of prospective candidates became one of the responsibilities of Scotland Yard's new detectives.

The naturalization applications of three Moroccans - Judah, Samuel and Joseph Yuly Levy – in 1849 and 1850 reveal how detectives gathered information about applicants. All three men were merchants who split their time between Morocco and London but decided to make England their permanent home. Judah, the youngest at forty-seven, had an English wife and several children who lived with him in the City of London. As he approached fifty, he wanted to ensure that his children could inherit the family business. According to his testimonial, Judah was “most desirous of possessing some Freehold property and is therefore anxious to possess all the rights, privileges and capacities of a British born subject.”²⁶ Samuel, 50, spent thirty-four years working as a merchant in Portsea, Hampshire. Like Judah, he wanted to make England his permanent home with his English wife and their three children. Although Samuel's memorial stressed how he became “much attached to the English nation,” the right to hold and bequeath real property must have influenced his decision to seek naturalization as much as any loyalty to Albion.²⁷ The eldest applicant in the family, Joseph, was a fifty-five-year-old bachelor. Like Judah and Samuel, he had spent over two decades as a merchant in England and wanted to be able to pass on his business to his family upon his death.²⁸

Each man submitted a testimonial to the Home Office and swore oaths before a magistrate, which, as City merchants, they did before an alderman at Mansion House. Accompanying these applications were affidavits from respectable parties in support of the applicants. There was no statutory limit to the number of references, but four seems to have been the norm. Judah received support from two fellow merchants, a hairdresser and perfumer and a tailor. Samuel and Joseph both used the same four references, three local

²⁶ HO 1/31/1011, “Judah Levy Yuly,” 14 August 1849.

²⁷ HO 1/34/1164, “Samuel Levy Yuly,” 9 July 1850.

²⁸ HO 1/34/1165, “Joseph Levy Yuly,” 9 July 1850.

merchants and a warehouseman. Each reference vouched for the identity and loyalty of the applicant.²⁹

Once the memorials and sworn statements were submitted to the Home Office, detectives were assigned to authenticate the information therein. Grey was especially interested in any “information as to [their] respectability and that of the parties by whom the Memorial is certified.”³⁰ In the case of the Samuel and Joseph, Inspector Charles Frederick Field (a household name thanks to Charles Dickens) did the legwork himself.³¹ He visited the workplaces of the four references, asked about them locally and reported to the commissioner “that they [the Levys] are Merchants residing in the City of London, of great respectability, and have been many years in this Country.” He wrote a similar letter regarding Joseph’s application and verified that Joseph was “a highly respectable merchant” in Bishopsgate whose references, being the same as Samuel’s, were also approved.³²

Similar procedures were followed for three further applicants. Jacob de Judah Pariente, another Moroccan subject, applied for naturalization in 1850. Pariente was a fifty-nine-year old Moroccan merchant with ten children. He had only been living in England for two years but had excellent references from a master tailor, clerk, shoemaker, and interpreter, all of whom Detective Sergeant Jonathan Whicher – sent by Field to investigate – described as “respectable” or “decent, and well conducted.”³³ Pariente swore his oath before the alderman at the Guildhall in July 1850. In March 1852 Whicher gathered information about Adam Bermes, a German national from Hamborn in western

²⁹ Judging by their names, several of the declarants may also have been naturalized or children of naturalized subjects themselves. The list includes Henry Solomon, Judah Maryoseph, Samuel Zagury and Jacob Calisher. HO 1/34/1164, “Samuel Levy Yuly”; HO 1/34/1165, “Joseph Levy Yuly.”

³⁰ HO 1/34/1134, “Jacob de Judah Pariente,” 18 August 1850.

³¹ Field was the inspiration for Inspector Bucket in Dickens’s *Bleak House* (1853).

³² HO 1/34/1164, “Samuel Yuly Levy,” 30 July 1850; HO 1/34/1165, “Joseph Levy Yuly,” 30 July 1850. There are no detective officers’ reports included in Judah Levy Yuly’s Home Office file.

³³ HO 1/34/1170, “Jacob de Judah Pariente,” 6 August 1850.

Germany. Bermes worked as a baker in Drury lane and argued in his memorial that naturalization would “enable him the better to carry on his business and to secure him the privilege of a permanent residence here of which without such rights and capacities he might be deprived.” Three other bakers and a grocer supported his application in sworn statements at Bow Street police court. Whicher supported the application, indicating that Bermes and his references all “bear the character of respectable men.”³⁴

The Home Secretary and police commissioners not only trusted their detectives’ discretion but also relied on them to evaluate the appropriateness of applicants and their references. Detectives routinely dealt with swindlers and con artists, so should have been more likely than most to sense if something about the applicants or their references was amiss. But detectives sometimes made mistakes. In January 1873 the undersecretary to the Home Office, A.F.O Liddell, asked the police to look into a Belgian named Augustin Dufer who worked as a tobacconist in Leicester Square. Chief Inspector Druscovich and Superintendent Williamson made “quiet enquiries” and affirmed that Dufer’s referees were “respectable householders,” although no one noticed the subtle change Dufer made to his name on his memorial, from Dufer to Defer. Dufer had broken the law in Belgium, fled to England and changed his name. All, Williamson surmised, “with the view, I presume, of not being traced.” The record does not indicate whether Dufer’s certificate was revoked, but he was hardly the only man to submit a false application for citizenship.³⁵

In March 1873 the government scrambled to determine how Abraham Albert Leutner, a Prussian national and wanted criminal, had managed to naturalize as a British subject. Leutner fled Germany in 1868 under the name Abraham Leutner after being charged with fraud in a lottery scam. His new circle of friends in England had similar interests, because Sergeant Reimers arrested him in 1871 for involvement in an international lottery scam. He told Reimers that his name was Abraham Leutner. When applying for naturalization

³⁴ HO 1/44/1357, “Adam Bermes,” 23 February and 3 March 1852.

³⁵ HO 45/9320/16742, 25 January 1873.

in November 1872, Leutner neglected to disclose his criminal past to the Lord Mayor of London who administered his oath at Mansion House. Like Dufer before him, Albert altered his name on the naturalization application. His real name was Abraham Albert Leutner, but he alternated between his two given names: if he was arrested for a crime, he gave his first name as Abraham; when he needed a clean identity, he became Albert. Thus, when Leutner's application for naturalization came up for review, the police did not realize that "Albert Leutner" was the same "German Jew Swindler" that Reimers knew to be Abraham Leutner, the criminal.³⁶

Unfortunately, the statute of limitations for fraud in Germany had elapsed by the time the police realized Leutner's true identity and extradition was no longer an option. Leutner also escaped prosecution for his fraud in England because the relevant evidence never arrived from Germany. The only remaining option for the government was to prosecute him for falsifying documents. The Home Office consulted with Sir Thomas Henry about the problem. A lawyer by training and an Irishman by birth, Henry was chief magistrate at Bow Street from July 1864 until his death in June 1876. He was an expert in extradition law and had written the 1870 Extradition Act and associated bilateral agreements with other European powers.³⁷ Henry suggested the government's only recourse might be to use the 1870 Naturalization Act to prosecute Leutner for omitting his given name on his application. Even though Henry acknowledged that Leutner "willfully and corruptly made a declaration which he knew to be untrue in a material particular," he felt that the "omission would not be sufficient to insure [sic] a conviction" and advised the Home Office against prosecuting the case.³⁸

³⁶ HO 45/9323/17712, 25 January 1873.

³⁷ A former barrister on the northern circuit, Henry was a leading jurist and instrumental in drafting extradition treaties. Upon Henry's death in 1876, Sir James Taylor Ingham, who held the position until 1890, replaced him as Bow Street chief magistrate. G. C. Boase, 'Henry, Sir Thomas (1807–1876)', rev. Eric Metcalfe, *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [http://www.oxforddnb.com.proxy1.lib.uwo.ca/view/article/12979, accessed 4 April 2014]; W. A. J. Archbold, 'Ingham, Sir James Taylor (1805–1890)', rev. Eric Metcalfe, *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [http://www.oxforddnb.com.proxy1.lib.uwo.ca/view/article/14391, accessed April 4, 2014].

³⁸ HO 45/6323/17712, 22 March 1873. Emphasis original.

Leutner's case brought oversights in the Act's wording to light. There were no provisions restricting felons from gaining citizenship and the neither the wording of the Act nor that of the oath taken by applicants indicated that prior arrests or convictions would proscribe such a process. While the Act allowed the home secretary to give or withhold certificates at his discretion, there were no specific provisions for revoking them.³⁹

More research is needed about the national apparatus for evaluating naturalization applications after 1844, including what powers the government had to annul status, who evaluated character evaluations for applicants outside the metropolis, what made a desirable applicant and on what grounds applications were denied. The only applicant considered here who came from outside London, Judah Yuly Levy, lived in Hampshire but came to the City to take his oath. Within the capital, however, Scotland Yard's detectives eased the administrative burden placed on the Home Office by the Naturalization Acts of 1844 and 1870. The home secretary relied heavily on their judgment. Investigating applicants and their references gave detectives a voice in the decision-making process and a discretionary role in determining who could become a British subject.

6.3 Extradition

London's detectives also helped the government with the complicated process of extradition. Scotland Yard was integral to locating and transporting fugitives in England and abroad. Britain's first extradition treaties – bilateral agreements for the return of with fugitive offenders – were with America (1842) and France (1843). These, along with a treaty with Denmark (1862), were the only British treaties in effect between 1842 and a new Extradition Act in 1870.⁴⁰ The 1870 Act precluded the need for legislation to ratify

³⁹ 33 Vict, c. 14, s. 7 (1870). This act also, for the first time, allowed British subjects to renounce their allegiance to the British monarch, also called expatriation or alienation (s.6). It also removed all impediments to foreigners holding land in the United Kingdom, naturalized, ended or not (s.2).

⁴⁰ V.E. Hartley Booth, *British Extradition Law and Procedure: Including Extradition between the United Kingdom and foreign States, the Commonwealth and dependent countries and the Republic of Ireland*, vol. I (Germantown, Maryland: Sijthoff and Noodhoff, 1980), lvii. By contrast, France had fifty-three separate

individual treaties, considerably streamlining the process. Extradition agreements after 1870 simply opted into the Act through an Order in Council and treaties were soon concluded with Germany (1872), Hungary (1873), Italy (1873) and Switzerland (1880), in addition to those already in place with the United States, France and Denmark.⁴¹

Extradition treaties required both nations to agree on which crimes would be subject to extradition. The 1843 French treaty included a short list: murder (the associated French legal terms were assassination, parricide, infanticide and poisoning), attempted murder, forgery, and fraudulent bankruptcy. The 1842 American treaty contained several more options, including: murder, assault with intent to commit murder, piracy, arson, robbery, forgery, and uttering forged paper.⁴² Without agreement on applicable crimes, there could be no extradition agreement.

Even when parties agreed on which crimes were subject to extradition, rendition remained a tricky process with opportunities for technical legal problems at all levels. Applications were limited. Between 1843 and 1864 France obtained only one extradition from England while the English asked France for nine fugitives between 1852 and 1856 with two successes.⁴³ The greatest impediment to French extradition requests was English distrust of the French legal system. In particular, there were incongruities in how the two countries took depositions from witnesses. In England, depositions were recorded in open court before a magistrate, while across the Channel witnesses were compelled to

bilateral extradition treaties in force and the Americans thirteen. *Report from the Select Committee on Extradition* (1868), 1-2, 21 and 24.

⁴¹ Sir Edward Clarke, *A Treatise upon the Law of Extradition and the Practice Thereunder in Great Britain, Canada, The United States, and France*, 4th Edition (London: Stevens and Haynes, 1903), 165. For the dates of all Britain's extradition agreements until 1981, see Booth, *British Extradition Law and Procedure*, Vol. II (Rockville: Sijthoff and Noordhoff, 1981).

⁴² The treaties can be found at 6 & 7 Vict, c.75 and c.76 (1843).

⁴³ Clarke, *A Treatise upon the Law of Extradition*, 151. In the other seven cases, two men could not be found, three requests were rejected because the crimes were not within the scope of the treaty, another was a French subject and another request was withdrawn. *Ibid.*, cccxciv-ccccxv.

attend a private meeting with a Juge d'Instruction, who recorded the interview and had the witness sign. The French minister of justice would then countersign, seal the deposition and send it to England. Problematically, the English legal system did not consider the French minister's seal adequate authentication of legal documents.⁴⁴ The 1866 Extradition Act fixed this problem by making the official seal of a foreign minister of justice adequate verification and authentication of foreign legal documents. This seems to have improved relations, although there were other impediments to successful extradition. Of six requests made of the English government between 1866 and 1868 (five from France, one from America), only two offenders, a bankrupt and a forger, were successfully extradited. Of the four failed cases, the police twice failed to locate the fugitives, one request was withdrawn because the suspect fled England for Brussels and, in the last case, Henry denied the warrant because he thought the case against the accused too circumstantial.⁴⁵

Requests from foreign governments for the rendition of fugitives came through diplomatic channels, but the extradition itself was a Home Office responsibility. Permanent Under-Secretary Edmund Hammond admitted that the Foreign Office was a "mere conduit pipe for the warrant," forwarding extradition requests to the Home Office and corresponding with foreign governments. Hammond conceded that his staff at the Foreign Office was "little acquainted...with the working of these treaties."⁴⁶ The American, French and Danish treaties placed the burden of evaluating applications on the

⁴⁴ 29 & 30 Vict, c.1 (1866).

⁴⁵ The two successfully extradited fugitives were both French. *Report from the Select Committee on Extradition* (1868), 18.

⁴⁶ *Report from the Select Committee on Extradition* (1868), 2-3. Hammond was permanent under-secretary at the Foreign Office from 1854-1873. He was very active on behalf of the Foreign Office in the House of Commons, the unusual result of the appointment of successive foreign secretaries who sat in the Lords. Hammond was the son of diplomat, George Hammond, "who had been the first British minister accredited to the USA." Edmund earned a reputation for his "intractable and unyielding conservatism," especially in the face of administrative reform. He received the title Baron Hammond of Kirkella in 1874, upon retirement. R. A. Jones, "Hammond, Edmund, Baron Hammond (1802-1890)," in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, January 2008, <http://www.oxforddnb.com.proxy1.lib.uwo.ca/view/article/12155> (accessed March 4, 2015).

home secretary who, upon receiving an application from the Foreign Office, decided whether the crime accorded with the terms of the treaty. This was a straightforward task, unless the crime might be political. English law did not acknowledge political crimes and refused to extradite foreigners on that basis. If the extradition request met English criterion, the home secretary then forwarded the information to the Bow Street chief magistrate to evaluate the contents and issue a warrant.

At this point, detectives became involved. They had been working on extradition cases since the late 1850s, but the workload increased after 1870 from a handful of cases per year to nearly thirty.⁴⁷ Once a Bow Street magistrate issued an arrest warrant for a foreign fugitive in England, Scotland Yard's detectives began searching for the offender.⁴⁸ Once apprehended, detectives brought fugitives to Bow Street police court for a pre-trial hearing and, if evidence was sufficient to merit a trial in English courts of law, the suspect was imprisoned awaiting the home secretary's final extradition order. Prisoners had fifteen days to appeal the court's decision with a plea of *habeas corpus* to Queen's Bench. If the appeal failed (as they usually did) a detective would take the offender from England to their home state and deposit them in the hands of their nation's police.⁴⁹

Extradition requests came from across Europe and the United States. France and Belgium appealed most often because the frequency of shipping traffic between England, France

⁴⁷ *The Times*, 20 August 1875.

⁴⁸ There are numerous instances in newspaper records where City of London detectives do similar work on extradition cases, both in England and abroad. Though little is known about their activities I can only assume that in these cases the crime was committed within the bounds of the City, especially since many of the cases were white-collar frauds perpetrated against financial institutions. The warrants were issued by and cases heard at Mansion House, not Bow Street. See, for example, *The Times*, 10 December 1870, 4 December 1871, 2 March 1872 and 16 December 1872. It is also possible, given the dates of these appearances, that the 1870 Act was partially responsible through increasing the workload on Scotland Yard, however City of London detectives had appeared in such cases earlier. See City Detective Sergeant Haydon on duty in Italy under an extradition warrant in *The Times*, 20 December 1862.

⁴⁹ Going abroad to prosecute a case for extradition was time consuming and expensive for the prosecutor who might have to wait weeks, especially if the accused applied to Queen's Bench for a *habeas corpus*. *Report from the Select Committee on Extradition* (1868), 18.

and Belgium made it easy for fugitives to escape from one country to the other. Happily for offenders on the run, Britain's liberal immigration policy offered few impediments to entry.⁵⁰ Fast steamers to America, however, also gave renegades the option of trans-Atlantic flight. Britain did not have extradition agreements with individual American states, so arrests had to be made by a federal official. English detectives worked alongside local law enforcement and the federal US Marshals' office because of the "the mutual jealousy of the State and Federal officers." During the capture of murderer Franz Muller, for example, and in a clear attempt to smooth federal and state relations, the US Marshal in charge of the investigation deputized a New York Police Department officer so that the local officer could make the arrest.⁵¹

The Muller case is an excellent example of the collegial relationship between American officials and English detectives. Muller murdered seventy-year-old bank clerk Thomas Briggs on the North London Railway in July 1864. After escaping London he boarded the *Victoria*, a sailing ship bound for New York. Inspector Tanner and Sergeant Clarke took a much faster steamship, arriving in New York a full three weeks ahead of Muller. Although there were diplomatic tensions between Britain and America over the former's support of the South in the ongoing civil war, the Americans agreed to extradite Muller and Tanner and Clarke escorted him back to England.⁵² John Littlechild also worked a British-American extradition. Like Tanner and Clarke, Littlechild also outpaced a fugitive across the Atlantic. Littlechild was experienced dealing with violent criminals but found American manners more difficult to manage. Having arrived in New York to trace a suspect, the English detective found that his American counterpart treated him rather more informally than he was used to back home:

⁵⁰ See this chapter, section 6.4.2.

⁵¹ In another show of goodwill, the New York police officer allowed Sergeant Clarke to accompany him on board the *Victoria* to make the arrest. *The Times*, 9 September 1864.

⁵² Joan Lock, *Dreadful Deeds and Awful Murders: Scotland Yard's First Detectives* (Taunton: Barn Owl Books, 1990), 167-69.

I was handed over to a young gentleman who came into the Marshal's office in his shirt-sleeves, with hair dishevelled [sic], and a cigar between his teeth. He sat himself familiarly down, crossed his legs, exposing the frayed ends of his trousers and his well-‘ventilated’ boots, and my heart sank within me as I looked at him.⁵³

Although Littlechild's account claims he arrested the suspect when the fugitive's ship arrived in New York, having “sent the Marshal's man home to his mother – or dinner,” it is more likely that the Marshal accompanied him. It is doubtful that the Americans would have let the British detective arrest a suspect on their own soil; however much camaraderie may have existed between English and American law enforcement, such goodwill stopped short of allowing extra-territorial jurisdiction to either group.

The police often waited long periods before a warrant could be executed. Henry James David, wanted for forging a \$1000 bill against James Styles Kean of Philadelphia, managed to dodge his extradition warrant for nearly a year. When he made the mistake of returning to London in January 1859, Whicher, who had been waiting for him, pounced immediately. Unfortunately the prosecutor had already left England because “It would be unreasonable to suppose that a prosecutor could remain in the country for months and years to await the contingency of a person being apprehended who was known to be hiding abroad.” The prosecution had to wait until he returned.⁵⁴

Magistrates evaluated cases against fugitive criminals before any extraditions could proceed. Witnesses who could identify the accused and prosecute the case in court were essential. Tanner and Clarke took two witnesses with them to New York to ensure that

⁵³ Littlechild also notes that, while waiting for the extradition order to come through, he was able to have a little vacation time. John George Littlechild *The Reminiscences of Chief-Inspector Littlechild*. 2nd Edition (London: Leadenhall, Ltd., 1894), 39. Lansdowne also found customs different between the two nations very different. Andrew Lansdowne, *A Life's Reminiscences of Scotland Yard* (New York and London: Garland Publishing Inc., 1984; Originally published: London: Leadenhall Press, 1890), 172.

⁵⁴ *The Times*, 25 January 1859. David was bailed until additional evidence was produced from the United States.

Muller's examination before American magistrates went smoothly.⁵⁵ When an American fugitive wanted for murder was located at Falmouth in October 1872, Home Secretary Henry Bruce instructed Mayne to send "a detective officer of intelligence" to Falmouth to collect the prisoner and to make sure "to bring with him to London the Witnesses in the case, whose Depositions are enclosed, and whose evidence must be taken before Sir Thomas Henry."⁵⁶ Similarly, when Chief Inspector Druscovich and Sergeant Dowdell arrested Isaac Sitbon as an accessory to a Marseilles murder, his hearing before Henry at Bow Street was delayed until the French witness arrived in England.⁵⁷ The English authorities were similarly happy to await the arrival of a Hungarian witness in the case of Albert Buckler, a Hungarian national accused of defrauding Rothchilds' of Paris of £100,000 francs.⁵⁸ Detectives were sometimes advanced large sums to bring witnesses to England for trial. In April 1858 the government advanced Inspector Sanders hundreds of pounds to bring witnesses for Dr. Simon Bernard's trial to London from France. Bernard was charged for his part in the Orsini plot, an attempt to assassinate Napoleon III at the Praris Opera. From his base in Birmingham, Orisini made the grenades used by the conspirators. The extradition and prosecution, including expenses for accommodations in London, cost the government over £5000.⁵⁹

Extradition cases were often complicated. Inspector Druscovich showed great skill and determination investigating Vital Douat, wanted for an elaborate life insurance fraud in Bordeaux. Douat was 24,000 francs in debt and fled to England to avoid his creditors.

⁵⁵ Locke, *Dreadful Deeds and Awful Murders*, 168-69.

⁵⁶ HO 65/29, 29 October 1872.

⁵⁷ *The Times*, 26 February 1872.

⁵⁸ *The Times*, 1 December 1869.

⁵⁹ Phillip Thurmond Smith, *Policing Victorian London: Political Policing, Public Order, and the London Metropolitan Police* (London and Westport: Greenwood Press, 1985), 103. John Wray, the Police Receiver, was worried that, after Sanders' sudden death, not all of the funds had been accounted for. He suggested that the subscription taken up for Sanders' widow might be used to pay off the debt. Mayne wrote to Waddington assuring him that none of the deficit had anything to do with Sanders and refused to allow any of the money subscribed for the widow to be touched. HO 45/7045, 24 May 1860 and 11 June 1860.

With no way to pay them back, he faked his own death so that his wife could cash in his life insurance policy. He came to England under a false name and had a waiter at Ford's Hotel in London pose as a doctor to write out a fake English death certificate (he had, it seems, died from an aneurism). Douat took the medical certificate to the Registrar of Deaths at Plaistow to obtain a formal death certificate, which he then submitted to the sexton of St. Patrick's cemetery in Low Leyton to buy a burial plot. Douat purchased a coffin and attended his own funeral mass, "Douat himself being the chief and only mourner." With Vitual Douat officially laid to rest, his widow applied for his life insurance policy. The French insurance company was suspicious and asked English authorities verify the death. After tracing Douat under two false names, Druscovich asked Home Secretary Spencer Horatio Walpole to have the coffin exhumed. It was empty. Douat managed to evade the English warrant by fleeing to America, although sometime later he appeared in Antwerp and the Belgian authorities sent him back to France.⁶⁰

Typically, Scotland Yard detectives escorted extradited offenders from England. Cooperation between English and foreign police officers was usual, though English and American authorities were considerably collegial. When, for example, American fraudster Charles Lawrence was extradited back to the United States in May 1875, American officers travelled to England and accompanied Sergeant Shaw and Lawrence from London to Liverpool. Shaw left Lawrence with American officials in Liverpool as they boarded their ship for New York.⁶¹ Transporting prisoners could be very costly. In June 1875 Chief Inspector Druscovich conveyed A.A. Roelin to the Netherlands at a cost of £14.⁶² When the extradition was of an English fugitive, detectives usually met the prisoner at the nearest port. Stephen Francis Simpson, wanted for fraud, was handed over

⁶⁰ *The Times*, 27 September 1866.

⁶¹ *The Times*, 4 May 1875.

⁶² HO 65/33, 8 June 1875.

to Inspector Whicher by the French authorities at Boulogne in July 1862. He was later found guilty at the Central Criminal Court and given twenty years' penal servitude.⁶³

Foreign governments sometimes paid premiums for successful extraditions. Belgium usually offered £10 and the French £12.⁶⁴ While portions of these funds were undoubtedly used to pay transportation costs, they could also help with another costly area: the payment of informants. According to George Greenham, informants were a necessary yet costly part of the extradition business. Greenham, who was fluent in French and Italian, was made the detective inspector in charge of foreign cases – including extradition – in 1877. Since, Greenham mused, “it is impossible for an officer to know every runaway from another country who comes here,” he developed an extensive network of informants, who “were in the constant habit of communicating with such delinquents.” Information had a price, however, and Greenham indicated that sums of £3 or £5 were not unusual because “informants always expect something.”⁶⁵

Detectives did more than just track down fugitives and present them at court. They were also helpful in the courtroom, using their language skills to interpret foreign warrants and other related documents. In 1872, during England's first extradition of a German national, Sergeant Reimers interpreted for the accused, a German seaman who stabbed the second mate on board during a drunken brawl.⁶⁶ Sergeant von Tornow, also fluent in German, interpreted depositions in the case against German citizen Anton Theilkuhl for

⁶³ *The Times*, 24 July 1862; OBP: t18620818-854, “Francis Stephen Simpson.”

⁶⁴ *Report of the Departmental Commission appointed by the Secretary of State for the Home Department to Inquire into the State, Discipline, and Organization of the Detective Force of the Metropolitan Police* (1878), 32.

⁶⁵ *Report of the Departmental Commission* (1878), 32.

⁶⁶ *The Times*, 31 August 1872. In a curious loophole, the Germans declined to continue the prosecution and the sailor, Johann Kinitz, was discharged, leaving him stranded in England with no money and no boat home. Reimers, either from altruism or because he knew that penniless men often turn to crime, returned to Bow Street police court the following week to see what could be done for Kinitz, who “was now at large, without the means of existence, or of returning to his friends, and was absolutely destitute.” Mr. Vaughan, the sitting magistrate that day, agreed to grant the poor German 10s from the poor box. *The Times*, 6 September 1872.

fraudulent bankruptcy in November of the same year.⁶⁷ Extraditions for crimes committed on the high seas were not uncommon. Sergeant Jarvis travelled to Queenstown to retrieve William Augustus Myers, an American seaman who murdered the ship's cook over a loaf of bread during a crossing from Liverpool to Havana. Jarvis brought Myers before Henry at Bow Street and, since the *John Sherwood* was an American vessel, Myers was extradited to the United States.⁶⁸

Cases involving foreigners and extraditions became a specialty for some of Scotland Yard's detectives. Men like Druscovich, who *The Times* referred to in 1866 as "the officer usually engaged in foreign inquiries," regularly located foreign and English fugitives at home and abroad.⁶⁹ Although Druscovich was the most prolific detective who worked extraditions, he was hardly the only man at the Yard involved in these cases. Whicher, von Tornow, Williamson, Jarvis, Shaw, Shore, Greenham, and Marchand all regularly appeared before Bow Street magistrates to execute warrants for the arrest of fugitive criminals. Because the terms of extradition treaties were so specific, the detectives involved in these cases developed a strong sense of the legal requirements. Some, such as Inspector Williamson, were involved in active dialogue with the bench over relevant case law. During the presentment of suspected thieves Paul Baudin and Alexandre Perdrix in March 1865, Williamson advised the sitting magistrate Mr. Yardley at Marylebone about their possible detention for extradition. Williamson had received a telegram from the Procureur-Impérial at le Havre requesting that the two prisoners, suspected of being in possession of over 5,000 francs worth of stolen property, be detained. Williamson was doubtful that the case would pass muster as an extradition. He advised Yardley (who was not the usual magistrate for extradition cases): "I don't think

⁶⁷ *The Times*, 22 November 1872.

⁶⁸ *The Times*, 2 February 1875.

⁶⁹ *The Times*, 27 September 1866.

the Extradition Treaty touches a case of this kind. It only bears upon fraudulent bankruptcy, forgery, and murder.”⁷⁰

Cases of naturalization and extradition excited little concern among the public. While a few extradition cases received significant public attention, overall these investigations were routine administrative inquiries for the government. Investigations into naturalizing subjects usually determined that applicants were honest foreigners who wanted little more than to make lives for themselves in England and to allow their families to do the same. Tracking down criminals for extradition served British interests by ferreting out foreign fugitives and send them home or by bringing English criminals to justice. Neither of these areas of detective specialization was the cause of any discernable public criticism. One of their other duties, however, was more contentious: espionage.

6.4 The Spy Question

6.4.1 Political Policing in Revolutionary Europe

The spy question had a long pedigree in England, beginning during the Napoleonic Wars and continuing long into the nineteenth century. Detectives, not surprisingly, spied for the government. English public opinion steadfastly rejected the idea that a British government would adopt policies of espionage to prevent domestic political unrest or foreign invasion. Spying was closely associated with political policing and that was out of the question. Espionage was contentious, given that most of what Britons knew, or believed they knew, about spying came from Continental Europe.

During and after the Napoleonic wars, surveillance and political policing became central pillars of European police culture. In particular, Napoleon’s minister of police, Joseph Fouché, the Duke of Otranto, represented to the English all that was diabolical about the French spy system. Fouché was a perfect foil against which English values of

⁷⁰ Williamson and Druscovich also recommended relevant cases when Yardley suggested trying Baudin and Perdrix for misdemeanour under the Metropolitan Police Act. *The Times*, 14 March 1865.

representative government, individual liberty, and the sanctity of judicial process were compared. The English press endowed Fouché with an almost mythic omnipresence, making him the mastermind of police despotism. Newspapers referred to him as the “vigilant,” “inexorable,” “artful” and “bloodstained” overlord of French tyranny.⁷¹ He was credited with single-handedly establishing a system of espionage far more pervasive than any under the *ancien régime*.⁷² His system of informants, according to *The Times*, made him more aware of “the state of the different factions and the intrigues of the Capital, than any Person in France.”⁷³ One anecdote about him emphasized that he had an insatiable appetite for violence, while another portrayed him drunk with power.⁷⁴ According to *Cobbett’s Annual Register*, Fouché ran a system of “voracious prisons and places of execution.”⁷⁵ After the Restoration, *The Times* came out strongly against him as “odious and infamous in the eyes of all France.”⁷⁶ Following the announcement of the new French ministry in October 1815, *The Observer* characterized him as a man with slippery morals, “polluted by every crime, and who had betrayed every faction which had the weakness to confide in [him].”⁷⁷ A year later, the *Morning Chronicle* offered a milder retrospective on the former spymaster of France, suggesting that he was perhaps “not the *milk of human kindness*.”⁷⁸ During the Hundred Days, rhetoric again swung towards the

⁷¹ *The Morning Chronicle*, 4 January 1802; *Cobbett’s Annual Register*, 3 April 1802; *The Times*, 11 July 1815; *The Times*, 27 July 1815.

⁷² *The Times*, 9 November 1801.

⁷³ *The Times*, 26 December 1801.

⁷⁴ *The Observer*, 25 September 1803; *The Morning Chronicle*, 28 May 1814.

⁷⁵ *Cobbett’s Annual Register*, 4 September 1802.

⁷⁶ *The Times*, 27 March 1815.

⁷⁷ *The Observer*, 2 October 1815.

⁷⁸ *The Morning Chronicle*, 16 June 1810. Emphasis original.

excessive. In April 1815, *The Times* derogated Fouché as one of a “perjured and bloody set,” whose “own countrymen will bring them to the gibbot [sic].”⁷⁹

Fouché was hardly the only European statesman using political policing as a means of national defense. Major European revolutions occurred in 1830 and 1848, following long periods of political tension between reactionary restoration governments and left-leaning reformers. To combat often concealed and dispersed political movements, political policing became a cornerstone of a restoration policy that prioritized tripartite policies of surveillance, repression and censorship. Restoration governments used fear and the prospect of denunciation to deter political dissidents.

Russian rulers relied on informers and denunciations to identify subversive activities, an arrangement in place since the seventeenth century. A good deal of coercion was involved, since failure to report a “word and deed” crime against the tsar was itself a criminal offense.⁸⁰ The secret police, or Okhrana, worked out of No. 16 on the Fontanka embankment in St. Petersburg; ‘Fontanka 16’ was the Russian equivalent of ‘Scotland Yard’. Common practices of Okhrana agents included spying, infiltration of dissident groups, and institutionalized mail tampering.⁸¹ Training was more demanding for Russia’s elite agents than anything found in England. While English detectives began by working as beat policemen followed by a brief apprenticeship at Scotland Yard, the Okhrana had an advanced orientation system. Each recruit

rehearsed the fine art of detecting in simulated situations on the street, and then proved he could file a report that met the rules. He had to remember, for instance, always to refer to suspects by code names only. If his solo performance satisfied his trainer, he joined the corps and acquired a cover or code name of his own.⁸²

⁷⁹ *The Times*, 26 April 1815.

⁸⁰ Charles A. Ruud and Sergei A. Stepanov, *Fontanka 16: The Tsars’ Secret Police* (Montreal and Kingston: McGill-Queen’s University Press, 1999), 6.

⁸¹ Ruud and Stepanov, *Fontanka 16*, 20-21.

⁸² Ruud and Stepanov, *Fontanka 16*, 61-2.

The rigorous training of agents reflected the tumultuous political landscape of Russia, where the tsars fought a continual – and ultimately losing – battle against revolutionaries and anarchists. The Okhrana also established Foreign Agencies in Paris and Berlin to monitor expatriate Russians and anarchists who had fled political repression at home. Foreign Agency agents routinely paid French and Prussian journalists and their editors to print articles friendly to the tsarist regime.⁸³ The greatest difference between the Russian and English systems was that the Russian government used administrative channels to deal with political malefactors to avoid the judicial system.⁸⁴ In England all criminal offenses went through the justice system in the same manner, especially since there were no distinct categories for political crimes in English criminal law.

In France, gendarmes and the Paris Police prefecture shared political policing. There was also a close relationship between policing and censorship, aptly represented by Fouché who, as Minister of Police, also oversaw state censorship. The government also sought to protect its own agents from prosecution; in 1849, the government declared that French secret agents acting to protect the state could not be indicted, even if their activities were unlawful.⁸⁵ Such latitude was, at least officially, inconceivable in England.⁸⁶

Austria under the Hapsburgs was no different. The Austrian military, the war office, and regional governors all monitored politics, revealing widespread concern for political stability in the restored Hapsburg monarchy.⁸⁷ Clemens von Metternich, head of the Foreign Office, was heavily involved in policing Hapsburg Europe and instrumental in ensuring Prussian, Russian and French collaboration with Austria in security measures.

⁸³ Ruud and Stepanov, *Fontanka 16*, chapter 5.

⁸⁴ Ruud and Stepanov, *Fontanka 16*, 45.

⁸⁵ Charles Ruud, “Crosscurrents of French, Austrian, and Russian Security Policing, 1750-1900,” in *The Cultural Gradient: The Transmission of Ideas in Europe, 1789-1991*, ed. Catherine Evtuhov and Stephen Kotkin (Oxford: Rowman and Littlefield, 2003), 134-35.

⁸⁶ *Report from the Select Committee on the Police of the Metropolis* (1822), 11.

⁸⁷ Donald E. Emerson, *Metternich and the Political Police: Security and Subversion in the Hapsburg Monarchy (1815-1830)* (The Hague: Martinus Nijhoff, 1968), 30 and 39-40.

He was, and he was hardly alone, frustrated by England's constitutional and administrative impediments to European-style surveillance.⁸⁸ In the Hapsburg territories, all subjects had to register their residences so the government could, theoretically, locate anyone at any time. Strict rules were placed on travel to and from other countries as well as within the Hapsburg territories. All movement required government approval.⁸⁹ England, by contrast, had no immigration control. As an island nation, there was no effective way to enforce border control along nearly 9,000 kms of coastline, so records of foreigners entering and residing in England were fragmentary.

Although English governments rejected highly centralized and invasive policing techniques on principle, they were nonetheless sympathetic to the intentions behind them. All European governments, England included, feared armed insurrection and the English were not above supporting conservative European regimes in their fight against leftist agitation. England supported Russia in the early 1860s when Polish insurrectionary movements threatened Russian hegemony in the region. Between May and June 1862 the Russians introduced reforms in Poland, including the appointment of Tsar Alexander II's uncle the Grand Duke Constantine as viceroy. Dissenters tried to assassinate several Russian figureheads in Poland. The first near-victim was General Lunders, acting Viceroy before Constantine arrived. Three further attacks followed: one on Grand Duke Constantine and two on Marquis Alexander Wielopolski, Polish statesmen and Russian ally.⁹⁰ Wielopolski's attempts to crush opponents of the new reform program resulted in the revolutionary movement of 1863. The revolutionaries, outnumbered and overpowered by the Russian army, were quickly defeated and the Kingdom of Poland was incorporated into Russia.⁹¹

⁸⁸ Emerson, *Metternich*, 51-54.

⁸⁹ Emerson, *Metternich*, 47.

⁹⁰ R. F. Leslie, *Reform and Insurrection in Russian Poland 1856-1865* (London: The Athlone Press University of London, 1963), 144 and 117.

⁹¹ Barbara Jelavich, *A Century of Russian Foreign Policy 1814-1914* (Philadelphia and New York: J. B. Lippincott Company, 1964), 143-145.

England's own experiences with Chartist agitation in the 1830s and 1840s gave the country a sympathetic ear for Russia's Polish troubles. The Russians were in close contact with Foreign Secretary Russell and the English ambassador in St. Petersburg, Lord Francis Napier, about the 1862 reforms.⁹² Russell supported Russian attempts to suppress insurrection, arguing that the best way for Poland to achieve constitutional freedoms was as part of Russia. He told Napier that "patient and quiet submission" by Poland "until an improvement shall take place in the political institutions of Russia" was the best possible option. Russell disliked democratic movements in Europe because they did not distinguish "between Constitutional Freedom and Democratic License."⁹³

Warsaw was the seat of significant political agitation and the Russians needed help. Following the assassination attempt against General Lunders on June 21, 1862, the Russians reached out to Russell to help police the Polish capital. Richard Mayne sent the head of the detectives, Inspector Whicher, and his most senior superintendent, Robert Walker of Whitehall division to Warsaw to liaise with Russian officials. For their own safety, the detectives' presence in Warsaw was kept a secret from all but a few officials.

Whicher and Walker reported that the Russians worried about further assassination attempts and "the Government appears to be in constant apprehension."⁹⁴ It is not clear what aspects of London's police apparatus the Russians were interested in, but the Metropolitan Police sent along copies of instruction books for the Met, English police forces in India, as well as reports on fires (presumably arson) and police finance. Strikingly, no information seems to have changed hands about English police practice in Ireland, which would seem to have been the most applicable to the Russian situation. English subjects in London, although raucous at times, did not consider themselves

⁹² Napier served in this capacity from 1860 until 1864. A. J. Arbuthnot, 'Napier, Francis, tenth Lord Napier of Merchistoun and first Baron Ettrick (1819–1898)', rev. David Washbrook, *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Jan 2008 [http://www.oxforddnb.com.proxy1.lib.uwo.ca/view/article/19752, accessed 12 March 2014]

⁹³ Quoted in Leslie, *Reform and Insurrection in Russian Poland*, 143.

⁹⁴ MEPO 2/23, 8 September 1862.

occupied by a foreign police force; the Irish did.⁹⁵ Nevertheless, Grand Duke Constantine was impressed by Whicher and Walker's expertise and said as much to Mayne.

The two officers chosen have entirely satisfied His Highness' expectations by the justice and sagacity of their remarks as well as by the practical utility of the information and instruction which they have offered. These officers are fresh proof of the degree of perfection to which all branches of the Public Service in England have attained, and particularly that branch sir which is under your excellent administration.⁹⁶

In spite of their efforts to export English police practices to Russian Poland, the success of this trip is unclear. Following the 1863 insurrection, however, Whicher and Walker's advice would have been completely unsuitable. Constantine returned to Russia and was replaced by General Feodor Feodorovich Berg who used "official terror" to pacify Poland.⁹⁷ Reflecting on the matter in 1878, James Thomson believed that his colleagues had "found the customs so very different that I believe it [exporting London's police model to Warsaw] could not be done."⁹⁸

The customs were not always so very different, though. England, for all her posturing about the sanctity of individual liberties, also had a history – though "a very uneven one" – of espionage.⁹⁹ The reverberations of the French Revolution, Napoleonic Wars and the political instability in the wake of the Restoration were felt in England. For the better part of three decades after 1789, the British government sacrificed traditional conceptions of liberty to buttress the state against possible revolution. Most controversial was the

⁹⁵ As in India, the Dublin Metropolitan Police and the Royal Irish Constabulary were agents of occupation and dealt with nationalism and related anti-government movements.

⁹⁶ MEPO 2/23, 12/24 September 1862.

⁹⁷ Leslie, *Reform and Insurrection in Russian Poland*, 233.

⁹⁸ *Report of the Departmental Commission* (1878), 69.

⁹⁹ Bernard Porter, *Plots and Paranoia: A history of political espionage in Britain, 1790-1988* (London: Unwin Hyman, 1989), 16.

suspension of *habeas corpus* between 1794 and 1795, and again between 1798 and 1801, enabling the government to arrest and hold suspicious individuals without trial.¹⁰⁰ In 1817, following a resurgent radical threat, the government debated suspending *habeas corpus* yet again, triggering heated debates in parliament and widespread public disapproval.¹⁰¹

During the 1780s and 1790s, the Home Office used various methods to gather information about public threats. Official sources of information were local justices of the peace, magistrates, and post office employees.¹⁰² Other, less official, intelligence came from informers and spies who reported suspicious persons and organizations. In the 1780s a small cadre of men worked for the Home Office under a man named William Clarke but were replaced by the creation of stipendiary magistrates in London in 1792.¹⁰³ Informer and spy turnover was high because, after appearing before the Privy Council or in court, an informer or spy lost their anonymity and, thus, their utility.¹⁰⁴ Pitt's government recruited men to infiltrate radical societies, including the London Corresponding Society and the United Englishmen, although members of these clubs probably exaggerated the extent to which their organizations were penetrated.¹⁰⁵ Even Samuel Taylor Coleridge and Wordsworth were under suspicion after Coleridge's servants reported that, John Thelwall, who had been tried and acquitted for treason in 1794, was a dinner guest in July 1797. The Home Office sent agent James Walsh to

¹⁰⁰ John Barrell, *The Spirit of Despotism: Invasions of Privacy in the 1790s* (Oxford: Oxford University Press, 2006), 3-4.

¹⁰¹ Petitions against the proposed suspension came in from various regions. Samuel Romilly presented a petition on behalf of his constituents in Kingston-upon-Hull to the House of Commons in June 1817 "against the farther Suspension of the Habeas Corpus." House of Commons Sitting of Friday, June 20, 1817, House of Commons Hansard. First Series, Volume 36, col. 1078.

¹⁰² The government could and did ask post office employees to open mail. Clive Emsley, "The Home Office and its Sources of Information 1791-1801," *The English Historical Review* Vol. 94, No. 372 (July 1979): 532-539.

¹⁰³ Emsley, "The Home Office," 533-34.

¹⁰⁴ Emsley, "The Home Office," 547.

¹⁰⁵ Barrell, *The Spirit of Despotism*, 98-99; Emsley, "The Home Office," 545-47 and 554-55.

investigate, though Walsh determined that the writers were “but a mischievous [sic] gang of disaffected Englishmen.”¹⁰⁶ Given the limited bureaucratic staff of late eighteenth and early nineteenth-century English governments, the network of spies and informers put together by the Home Office was paltry compared to those operated by other European powers.

Spying and political policing offended the palate of an English public strongly imbricated with ideals of civil and political liberty. Yet, nice divisions between English and European practice were impossible. Governments, then as now, knew that information was power and an ill-informed government was a vulnerable one. Although in 1855 *Lloyd's Weekly Newspaper* confidently claimed that spying was “native” to France, this was hardly true. The English government had used spies for years to gather information about domestic political dissidents. As Clive Emsley demonstrates, hiring spies and cultivating informers *ad hoc* was the only way for the government to gather information about suspicious individuals and groups when the state lacked a dedicated force specializing in such work.¹⁰⁷ After 1848, with the Chartist threat dissolved, the government directed similar attention towards foreigners.

6.4.2 Policing Foreign Nationals in Britain

For the most of the nineteenth century, Britain possessed few legal tools to control its borders or the activities of foreign nationals. Migrants flowed freely into and out of the country between the withdrawal of the Aliens Act in 1826 and its reinstatement in 1905. The government used what historian Bernard Porter describes as negative liberty,

¹⁰⁶ Quoted in Kenneth R. Johnston, *Usual Suspects: Pitt's Reign of Alarm and the Lost Generation of the 1790s* (Oxford: Oxford University Press, 2013). Coleridge nicknamed Walsh “Spy Nozy” in his *Bibliographia Literaria* (1817). I would like to thank Allyson May for this reference.

¹⁰⁷ Emsley, “The Home Office,” 561.

wherein “people’s freedoms...were secured by the *absence* rather than the presence of laws.”¹⁰⁸

Between 1830 and 1860 Polish, Hungarian, German, Italian and French exiles poured into London, severely testing Britain’s relationships with her European neighbours. The influx was more pronounced after 1851 when Switzerland and Belgium reversed their policies of asylum, leaving no option for refugees but to cross the Channel or the Atlantic.¹⁰⁹ Although refugees always considered their stay in England temporary, they significantly impacted English political life. Many refugees were politically active and maintained this level of political involvement throughout their stay. London became what Christine Latteck describes as a “hothouse or experimental laboratory for political opinions and theories.”¹¹⁰ Exiles organized political groups, honed political theories and printed subversive political material to smuggle back into Continental Europe. Refugees did not live in isolation while in England but were active agents of what sociologists Stephan May and Panikos Panayi refer to as “cultural transfer.” They formed part of a mutual exchange of information that fostered the development of politics outside mainland Europe.¹¹¹

Many Britons were fiercely proud of their liberal border policies, especially in comparison to France, Prussia, Austria-Hungary and Russia, which maintained strict immigration controls and patrolled their borders extensively. France, for example,

¹⁰⁸ John Saville, “1848 – Britain and Europe,” in *Exiles from European Revolutions: Refugees in Mid-Victorian England*, ed. Sabine Freitag (New York and Oxford: Berghahn Books, 2003), 24; Bernard Porter, “The Asylum of Nations: Britain and the Refugees of 1848,” in *Exiles from European Revolutions: Refugees in Mid-Victorian England*, ed. Sabine Freitag (New York and Oxford: Berghahn Books, 2003), 44.

¹⁰⁹ Christine Latteck, *Revolutionary Refugees: German Socialism in Britain, 1840-1860* (London and New York: Routledge, 2006), 11.

¹¹⁰ Latteck, *Revolutionary Refugees*, 5.

¹¹¹ For example, see Gregory Claeys, “Mazzini, Kossuth, and British Radicalism, 1848-1854,” *Journal of British Studies* Vol. 28, No. 3 (1989); Latteck, *Revolutionary Refugees*; Stefan May and Panikos Panayi, “Refugees and Cultural Transfer in Britain: An Introduction,” *Immigrants & Minorities* Vol. 30, No. 2-3 (2012).

prevented the congregation of large numbers of refugees in one place through a settlement policy that deliberately dispersed them throughout the country.¹¹² Compared to these oppressive police states, the British considered their islands bastions of political and social freedom. Historian Caroline Emily Shaw traces the source of this policy to the Congress of Vienna, when “British diplomats handed over the reins of power in Europe to the forces of the conservative establishment.” She argues that harbouring refugees was Britain’s “penance” to Continental liberals as well as “a means of preserving British liberal ideology.”¹¹³ Gregory Claeys goes further, claiming that Britons found refugee causes “noble” and that they reinforced “national pride in the superiority of the British mixed monarchy to Continental despotism and in the magnanimity and justice of political asylum.”¹¹⁴ These causes were also, significantly, distant ones and so long as they remained so Britain could bask in the progressiveness of her institutions.

England’s policy of asylum was a continual headache to Continental governments that wanted their troublemakers sent home for trial and feared that the dispossessed plotted against them from England. European governments expected British ministers to be as concerned as they were about the spectre of dissident radicals. As European governments cooperated with each other after the Restoration to track down and neutralize political threats, so too they called on England to make common cause and report on anarchists and political exiles taking refuge in England. Britain took no major action against these groups, resulting in friction between her and her neighbours across the Channel.¹¹⁵

Part of the problem was that the English government lacked the will and the means to effectively mount surveillance of all foreigners in the country. At the Foreign Office,

¹¹² R. F. Leslie, *Reform and Insurrection in Russian Poland 1856-1865* (London: The Athlone Press University of London, 1963), 6.

¹¹³ Caroline Emily Shaw, “The British, Persecuted Foreigners and the Emergence of the Refugee Category in Nineteenth-Century Britain,” *Immigrants & Minorities* Vol. 30, No. 2-3 (2012): 241.

¹¹⁴ Claeys, “Mazzini, Kossuth, and British Radicalism, 231.

¹¹⁵ Porter, *The Refugee Question*, 45.

staff was too limited to gather statistics on resident aliens.¹¹⁶ This was made painfully clear in the late 1840s when the Belgian government asked for a list of Belgians in Britain and was informed that the British government simply did not know.¹¹⁷ There were no reliable statistics on foreigners entering or exiting the country. Within the Home Office, the Aliens Office tried to compile accurate records but were unsuccessful because “aliens do not report their place of birth, [while] others refuse to give their information to customs agents.” Information compiled by ships’ masters at ports of entry was woefully inaccurate. Not surprisingly, many had neither the skill nor the will for record keeping. A Home Office report lamented that information gathered from them was recorded “in such a careless and slovenly manner” that it was considered “useless.” Furthermore, not every port had a customs agent, making it easy for arriving aliens to fall through gaping bureaucratic cracks.¹¹⁸

Yet, the government’s response to the influx of political refugees during this period was not as benign as the absence of laws to prevent their entry might make it seem. Even though Home Secretary Palmerston affirmed “the duty which is incumbent on the British Government to afford protection to foreign exiles,” the government was suspicious of foreigners.¹¹⁹ There were ideological and political barriers to implementing Continental-style paramilitary or political policing, but that did not mean that the English government was naïve about the possible threats posed by foreign dissidents. Many foreigners were investigated and put under surveillance during their time in exile, while others were encouraged – with some financial incentive - to leave England for America.¹²⁰

¹¹⁶ Simon Burrows, *French Exile Journalism and European Politics, 1792-1814* (Woodbridge: The Boydell Press, 2000), 91.

¹¹⁷ Sabine Freitag, “Introduction,” in *Exiles from European Revolutions: Refugees in Mid-Victorian England*, ed. Sabine Freitag (New York and Oxford: Berghahn Books, 2003), 3.

¹¹⁸ HO 45/562, 6 May 1844.

¹¹⁹ Commons Sitting of Thursday April 1, 1852, House of Commons Hansard, Third Series, Volume 120, col. 509; Porter, “Asylum Seekers,” 32.

¹²⁰ Porter, *The Refugee Question*, 160.

Beginning in 1793, the British government passed a series of Aliens Acts aimed at watching foreigners in the British Isles. Registration was the cornerstone of the policy, mandating that immigrants declare themselves upon arrival, nominate a place to live, and notify the government when they wished to leave. Given that Britain was an island nation, it made sense to begin registration at ports. All masters of ships were required to report foreign passengers to customs officers. Foreigners had to present themselves to customs, show passports and other identification, and then receive a certificate allowing them to remain. The Home Office kept a duplicate copy of their certificate. In order for the foreigner to again leave the country, that certificate was required. After 1798 aliens had to register their place of residence and were restricted by license to that area – being found at large could lead to jail time. Magistrates could compel aliens to produce licenses on the spot and, if the document was not forthcoming, could imprison them.¹²¹ The home secretary was likewise empowered to expel foreigners who seemed suspicious.¹²²

Although English monarchs had the power to deny entry to the country between 1793 and 1826, this prerogative was never used and whether the government was capable of enforcing it is debatable.

After 1826 the home secretary's power to deport foreigners lapsed and was not reinstated until the twentieth century. One individual who did have powers of expulsion was the Governor of Jersey who, under Norman codes of law for the Islands, could expel foreigners for oral slander. This power proved helpful in the autumn of 1855 when *L'homme*, a revolutionary French periodical published on the island, slandered the Queen in print. The publication included one particularly scandalous line about Victoria being “kissed on the knee by thirty Arab chiefs, below the garter.”¹²³ An executive Cabinet order expelled the perpetrators and their supporters. The incident was an unusual “concession to the continent, in the sense that, by taking punitive actions against men who were not tried or even charged, it contravened what were supposed to be some very

¹²¹ 38 Geo III, c. 50, s.1, 3 and 15 (1798).

¹²² 33 Geo. III, c. 4, s. 17 (1793); and 43 Geo III, c. 155, s. 4 (1803).

¹²³ Clipping from *L'homme*, 10 October 1855; HO 45/6188. Author's translation.

fundamental principles of English freedom.”¹²⁴ But the refugees had only been expelled from Jersey, not Britain, and they were free to remain elsewhere in the British Isles.

Aside from this exceptional case of expulsion, extradition was the strongest legislative power available to the government for expelling foreigners. This could become problematic, however, because of the way crimes were defined in different countries. Although the French stated in their extradition treaties that political crimes could not be the basis for an extradition request, assassinations proved problematic.¹²⁵ As French barrister Nestor Treitt tried to explain to the 1867-68 Select Committee on Extradition, French law used ‘murder’ to describe unpremeditated homicide and ‘assassination’ to cover premeditated homicide. Thus, even if someone shot and killed the sovereign, it was considered an assassination, a premeditated homicide *de droit commun*, not treason. French law also distinguished between whether the accused “knew the person he attempted to kill.” So even a politically motivated murder against a political official could be considered a crime at common law because the murderer attempted to kill a specific person known to them.¹²⁶ The Home Office disagreed with this definition and only one political criminal, anarchist Theodule Meunier, was successfully extradited. Meunier bombed a barracks and a Paris café killing two civilians. It was for the second crime that he was extradited in 1894 because the judge felt “anarchy, is the enemy of all Governments” and he was sent back to France.¹²⁷ Meunier was the sole exception to this rule. If, however, a foreigner committed a crime on British soil, they were tried by British law and, if convicted, did British time.

One final, and entirely legal, option to remove foreigners from British soil was to send them to America. The British government spent significant sums shipping refugees to the

¹²⁴ Porter, *The Refugee Question*, 167.

¹²⁵ The only exception was with Belgium, which excluded attempts on the sovereign’s life. *Report from the Select Committee on Extradition* (1868), 22.

¹²⁶ *Report from the Select Committee on Extradition* (1868), 68-69.

¹²⁷ Quoted in Christopher H. Pyle, *Extradition, Politics, and Human Rights* (Philadelphia: Temple University, 2001), 107.

United States. The government could not and did not compel these people to go – many wanted to go to America where life was less expensive and opportunities greater. Although refugees were ideologically welcome in Britain, life was not easy for them there. Many political refugees felt ignored by England’s political class while others were accused of espionage and suffered from a loss of identity.¹²⁸ Most who received financial help from the government to cross the Atlantic were poor refugees. In 1852 Sergeant Sanders counted nearly two thousand refugees in London, “Two thirds ... in straightened circumstances.”¹²⁹ In order to prevent them becoming burdensome, the government provided them with supplies and passage across to America, including: provisions, cooking utensils, bedding, lodging, dock dues, some spending money on arrival in New York and even clothes.¹³⁰ Generous as this may seem, the government did not trust the refugees to leave and had detectives escort them to the port of departure. Only once refugees were about to embark did the detectives distribute their clothes, since in the past they “have pawned them to drink with their friends previous to departure.”¹³¹ Not all refugees wished to leave, however, and they could not be compelled to. Short of statutory power to expel foreigners, or paying them to leave, the government relied heavily on surveillance.

In the absence of effective controls over immigration, detectives and informants kept foreigners under observation. Scotland Yard detectives’ use for this work reflected both the refugees’ own choice of London as a destination (the Channel Islands were also popular) as well as the lack of any other law enforcement body capable of doing the job. Self-registration at ports was a demonstrable failure and the government could hardly expect Home Office clerks to wander through Leicester Square knocking on the doors of

¹²⁸ Andreas Fahrmeir, “*Libres mais malheureux: les réfugiés politiques en Angleterre après 1848,*” *Trajectoires d’exils* Vol. 1253 (January-February 2005): 15.

¹²⁹ MEPO 2/43, 4 March 1852.

¹³⁰ MEPO 2/43, 18 July 1853.

¹³¹ MEPO 2/43, 13 June 1853.

foreign lodging houses.¹³² Detectives had manpower and familiarity with London's innumerable neighbourhoods and the language skills needed to interact with foreigners whose mother tongues were often French or German.

In 1844 Home Secretary Sir James Graham met with the Metropolitan Police commissioners to discuss how best to track the number of foreigners in the country. He suggested that the Aliens Office should liaise with the police to share what information they did possess. Judging by their correspondence, however, the Aliens Office seems to have been more concerned with keeping track of its documents than with inter-departmental information sharing.¹³³ Shortly after this meeting the police commissioner submitted to Graham his own list of foreigners recently arrived in England, indicating that he found it more useful to compile his own information on the subject.¹³⁴

Sometimes the police were asked to investigate rumours about new arrivals to the city. Police Commissioner Richard Mayne often notified his superintendents about foreigners in their divisions, even if it was only to confirm or deny hearsay. In one communication he asked for a report from Whitechapel about recently arrived Frenchmen. They were, he said, reported to have arrived "in fishing boats are of a low class and want blouses." The Whitechapel superintendent replied that no shirtless Frenchmen had been lately found on boats. The only foreigners in his district were the large population of Germans who worked at the sugar factories, and they, he assured his superior, "are a respectable class of men."¹³⁵

When customs officers failed to gather accurate information, police monitored the Thames waterway and major coastal ports. Thames Division, which covered the

¹³² Courvoisier stayed at one of these under an assumed name. Most were centered around Picadilly, Regent Circus and Leicester Square. MEPO 3/40, "Inspectors [sic] Fields Report on each Day's Enquiry respecting the Murder of Eliza Grimwood of 12 Wellington Terrace," undated report.

¹³³ HO 45/562, 4 and 15 May 1844.

¹³⁴ HO 45/562, 21 April 1844.

¹³⁵ MEPO 2/43, 15 April 1848.

waterway within the Metropolitan Police District, identified foreign arrivals by steam packet, reporting the origins of the ship and the number of foreigners. As an example, for the week ending June 26, 1848 steam packets arrived from Havre, Antwerp, Boulogne, Calais, Hamburg and Rotterdam with a total of fifty-six foreigners, many of whom made the trans-Atlantic crossing soon after.¹³⁶ Scotland Yard detectives watched ports outside the police district most often during times of European crises, such as the spring and summer of 1848. Inspector John Haynes monitored immigrant arrivals at Folkstone, reassuring his superiors in early June 1848 that the expected wave of refugee arrivals had not materialized. On the contrary, “the number [of aliens] that have arrived at all ports during the last month is ... less than for the same period last year.”¹³⁷

The police also watched political clubs. One detective in particular became an expert on domestic surveillance of foreign nationals: Sergeant Jonathan Sanders. Although he was an Englishman, Sanders “could pass himself off easily as a radical refugee.”¹³⁸ His fluency in French and clear talent for undercover policing meant that he spent a great deal of time throughout the 1850s monitoring foreigners in London as well as French refugees in the Channel Islands. He was Mayne’s principal man on the street to deal with foreigners and “the only source of information about refugees that his superiors trusted.”¹³⁹

Following Napoleon’s December 1851 coup many French refugees fled to Jersey, where they remained particularly active.¹⁴⁰ Sanders visited pubs and clubs throughout London and the Channel Islands listening to what was said during such meetings. There was a polite “tug of war” between General Love, the governor of Jersey, and the Home Office

¹³⁶ MEPO 2/43, 13 and 26 June 1848.

¹³⁷ MEPO 2/43, 12 June 1848.

¹³⁸ Porter, *The Refugee Question*, 151.

¹³⁹ Porter, *The Refugee Question*, 156.

¹⁴⁰ Shaw, “Refugee Category,” 254.

for Sanders.¹⁴¹ Overall, Sanders considered the refugees' bark worse than their bite, reporting that they "merely meet to talk over the affairs of their country but beyond that no fears need be entertained." Although he reported hearing drunken cries of "Death to the Aristocrats, down with the President, Vive la République Democratique et Sociale," he saw little real threat to France and even less to order and stability in England.¹⁴² Some, such as historian Bernard Porter, hint that Sanders' reticence to implicate most refugees in the plots of a few aggressive politicians "made him complicit" in their activities.¹⁴³ I would argue that the relative lack of aggressive behaviour among refugees and the minimal amount of trouble they caused is more than sufficient to bear out the detective's conclusions.

European governments were also sources of information for the British government. British ambassadors on the continent and foreign ambassadors in London often relayed information about dangerous revolutionaries on their way to or already arrived in England. Although the British government refused to extradite aliens for political crimes (though such requests routinely arrived from European governments), politicians took these warnings seriously. In January 1844 the Italian ambassador to London pressured Foreign Secretary Aberdeen to locate Italian revolutionary Giuseppe Mazzini, believed to have fled to London. Aberdeen forwarded the request to the Home Office and Inspector Pearce was sent to locate him. After checking "all the foreign hotels, lodging houses, passport office, and steam company offices," Pearce could find no trace of him.¹⁴⁴ Mazzini was a habitual subject of inquiry for the Home Office. In 1850 the English ambassador at Paris relayed a report that the Italian was planning a revolution from London, the French police having found documents describing revolutionary activity. The heady aim of this conspiracy was to unite all the revolutionaries in Europe "for the

¹⁴¹ Porter, *The Refugee Question*, 156.

¹⁴² HO 45/3518, 1 November 1851.

¹⁴³ Porter, *The Refugee Question*, 156.

¹⁴⁴ HO 45/751, 4 and 12 January 1844.

overthrow at one and the same time of all Monarchical Governments in Europe.” An undated note in the Home Office file feared that “London [would] be the headquarters for this Conspiracy.” The London press picked up on the story and reported that the proposals for a 10,000-franc loan “for the purchase of arms and ammunition to recommence revolution in Italy, were printed in London.” The police sent Inspector Frederick Field to investigate the claim. He reported that there was no such revolutionary conspiracy in London and that Mazzini, recently in the capital, had since departed.¹⁴⁵

Two years later, reports suggested that Hungarian revolutionary Lajos Kossuth (member of the Society of Friends of Italy) was manufacturing artillery rockets in London. The tip came from a German refugee named Konack. Two constables from Thames Division watched a factory in Rotherhithe where the rockets were manufactured. The rocket makers, Mr. Hale and his son, had previously built rockets in Woolwich but, as the police reported laconically, “the factory...blew up which put an end to the affair.”¹⁴⁶ The explosive shells were made in Birmingham and shipped down to London for assembly. The police received information from an informant named Useuer, who helped manufacture the rockets and who estimated that in six weeks over two thousand had been assembled.¹⁴⁷ The police managed to search Kossuth’s house while he was in the process of moving. A carpet fitter tipped them off that Kossuth’s belongings had been moved to his new residence but that the family had yet to move in. Two plainclothes constables managed to get hired by the mover and spent the day rummaging through the family’s new house.¹⁴⁸ Four months after the investigation was initiated the Rotherhithe factory was raided and the rockets and gunpowder were seized by Sergeant Sanders and the

¹⁴⁵ HO 45/3272, 12 November 1850. Undated and untitled newspaper clipping.

¹⁴⁶ HO 45/4816, 26 March 1853.

¹⁴⁷ HO 45/4816, 24 March 1853.

¹⁴⁸ HO 45/4816, 24 March 1853.

superintendent of the Thames Police.¹⁴⁹ As Home Secretary Palmerston informed the House shortly after the raid,

there were found in it [the factory] upwards of seventy cases, closely packed, and apparently intended for transmission to some distance, containing several thousand war rockets... There were also discovered a considerable number of rockets, in various stages of preparation, in those iron cases which usually contain inflammatory matter, 2,000 shells not as yet loaded, a very considerable quantity of that composition with which rockets are filled, and 500lbs. weight of gunpowder.¹⁵⁰

Kossuth was a popular figure in England. His short-lived leadership of Hungary during the 1848-49 revolution and his attempts to promote nationalism and Hungarian independence from the Austrian empire made him a republican hero. His actions were lauded by many in England and he toured England after his release from Turkey, speaking publicly to many delegations of trade unionists. Liberal MPs lauded him in the House of Commons as a modern “Washington” and a “remarkable man.”¹⁵¹ Foreign Secretary Palmerston was attacked in the House for allusions in *The Times* that the rockets had been made for Kossuth. Henry Bright, MP for Bristol, pressured the government to prove that Kossuth was involved but Palmerston avoided the question. Lord Dudley Stuart, a stalwart defender of European refugees and a friend of Kossuth’s, denied the allegation on the Hungarian’s behalf.¹⁵² Palmerston lamented that the press

¹⁴⁹ *The Times*, 29 April 1853.

¹⁵⁰ Commons Sitting of Friday April 15, 1853, House of Commons Hansard, Third Series, Volume 125, cols. 1209-1210; HO 45/4816, 33 June 1853. Palmerston later corrected himself that the amount of gunpowder found was 250lbs, not 500lbs.

¹⁵¹ Commons Sitting of Saturday July 21, 1849, House of Commons Hansard, Third Series, Volume 107, cols. 790 and 796.

¹⁵² Commons Sitting of Friday April 15, 1853, House of Commons Hansard, Third Series, Volume 125, col. 1215.

had linked Kossuth with the Hales' arrest but assured the House that Kossuth was never named in any charges associated with the case.¹⁵³

Palmerston was also questioned in the House about police surveillance of Kossuth's residence. Liberals Henry Bright and Richard Cobden accused the government of using police spies to watch Kossuth. In addition, petitions from Marylebone, West Hackney and Sheffield protested "the use of the police as spies."¹⁵⁴ Although Palmerston admired Kossuth's liberalism and helped ensure the Hungarian's release from Turkish custody (Kossuth fled to Turkey in 1849 and was detained there by the Sultan), he nonetheless defended the government's right to watch any suspected person,

whether Englishmen or foreigners, who may be supposed, rightly or wrongly, to be contemplating any breach of the laws of England; and neither the house of M. Kossuth, nor of any political refugee in this country, can be exempted from those ordinary precautions which may be taken with regard to any individual, whether he be a British subject or a foreigner.¹⁵⁵

MPs and members of the public expressed their concern about the use of police espionage but Palmerston repeatedly defended the principle of surveillance. It was, he told the House, "one of the duties of the police to ascertain whether the laws are infringed...[and] to take such measures as may be fitting and proper for the purpose of preventing a violation of the law." The home secretary stalwartly refused to be moved on this subject and the public petitions came to nothing.

In the spring of 1851, the Prussian foreign minister wrote a strongly worded letter to Viscount Palmerston requesting the arrest of two Prussian officers, currently in England,

¹⁵³ Commons Sitting of Friday April 29, 1853, House of Commons Hansard, Third Series, Volume 126, cols. 796-804.

¹⁵⁴ *The Times*, 27 May, 4 June and 15 June 1853.

¹⁵⁵ Commons Sitting of Monday August 4, 1851, House of Commons Hansard, Third Series, Volume 118, cols. 1888-1889; Commons Sitting of Friday April 29, 1853, House of Commons Hansard, Third Series, Volume 126, col. 797.

who circulated a paper advocating the Prussian army revolt against the King. The Prussian tried to convince Palmerston that this was “an affront on the laws and hospitality of England and acts contrary to nations with which Britain is on terms of amity.” “Great Britain knows very well,” he thundered, “that these ringleaders are condemned by the English common law.” The upcoming Great Exhibition, he warned, would be a target for those who “menecaient la paix et la civilization de l’Europe.”¹⁵⁶ It was a savvy attempt to appeal to British notions of hospitality and good will, but it failed. Lord Westmorland, the British ambassador in Berlin, gave what we can only imagine was an irate Prussian foreign minister the usual British platitude, “We had no powers of expelling from the Country any Persons foreign or otherwise who did not render themselves subject to legal proceedings for the infringement of the laws of this country.”¹⁵⁷

The policy of refuge was sometimes more comfortable than reality for the British government. The massing of people, foreign and domestic, for the Great Exhibition was a security problem, and one that the Home Office and Metropolitan Police could not ignore. The British ambassador to Paris indicated to his superiors in Whitehall that London could become a focal point for foreign revolutionaries during the Exhibition. The head of the Saxon police reported that the festivities would be the centre of a “Collection of reckless [German] Democrats.”¹⁵⁸ The Exhibition also coincided with Switzerland’s expulsion of foreign exiles. The French government offered to transport the refugees in Switzerland to England and America, though when this news reached England, Foreign Secretary Palmerston conveyed his concerns about such a plan to Lord Normanby, his ambassador in Paris. He asked Normanby to “represent strongly to the French Government the inconvenience which would arise to this Country from the Execution of that proposal.” However much Britain defended the principle of safe haven, the government refused to encourage it. Palmerston also wanted Normanby to relay to the French “how inconsistent such a course of proceeding” was, considering earlier French

¹⁵⁶ HO 45/3518, 4 April 1851.

¹⁵⁷ HO 45/3518, 5 April 1851.

¹⁵⁸ HO 45/3518, 23 April 1851.

complaints that when French refugees were in England they “threaten[ed] the internal tranquility of some of the states in Europe.”¹⁵⁹ The English ambassador, however, replied that Britain could hardly ask the French government to for help in this matter when “we do not ourselves take those internal powers of control, of which every other Country, in extraordinary circumstances, avails itself.” Although the Metropolitan Police liaised with many European governments to ensure adequate surveillance of foreigners during the Great Exhibition, no revolutionary cells used the opportunity to ignite revolution. This lead to much ridicule in the press of, as Charles Dickens put it, the “nervous old ladies, dyspeptic half-pay officers, suspicious quidnuncs, [and] plot-dreading diplomatists.”¹⁶⁰

6.5 Conclusion

Scotland Yard’s special relationship with the Home Office began because London had no municipal government to oversee the city’s police. The close working relationship between the police commissioners and Home Office staff meant that detective priorities reflected government priorities. Detectives protected dignitaries and foreign royalty during events and state visits. The Home Office also used detectives, especially in the years before county and borough police forces were mandatory, to help with provincial cases where local law enforcement lacked the skill or ability to properly investigate.

Scotland Yard also helped ease the administrative burden placed on the Home Office by the 1844 Naturalization Act and the 1870 Extradition Act. The government outsourced the evaluation of naturalization applications to detectives who evaluated the suitability of applicants and their references, trusting detectives to use their experience and discretion to help determine who might be a good candidate for British citizenship. Similarly, the Home Office used Yard detectives, in conjunction with Bow Street magistrates, to execute extradition warrants against foreigners in England and to retrieve English fugitives from abroad. These cases involved a great deal of time, travel and effort,

¹⁵⁹ HO 45/3518, 4 and 18 March 1851.

¹⁶⁰ Quoted in Porter, *The Refugee Question*, 88.

including the coordination of witnesses, foreign and domestic, to ensure the successful extradition of suspects.

Britain's immigration policy may have been liberal, but foreigners, once arrived, were still objects of suspicion. Although no legislation was passed during this period prohibiting foreigners from entering the country or allowing for their expulsion, this did not (as many other European governments believed it did) reflect British naiveté. The Home Office employed detectives to monitor recent arrivals, persons of suspicion and to identify radicals in need of observation. They evaluated possible threats as they developed, used surveillance, espionage tactics, and disguises to gather information about possible threats but policed foreigners within existing political and cultural boundaries. The public was tolerant of detective involvement in naturalization and extradition cases, there being little in the nature of this work to elicit concern about detective behaviour. Surveillance of foreign nationals was, at times, more contentious, but then the revolutions in Europe and their possible effects at home in Britain were a volatile subject. The government defended its right to watch suspect foreigners and Britons alike and, aside from exceptional cases, surveillance was an accepted police practice.¹⁶¹

This chapter demonstrates that Scotland Yard's detectives had a varied workload, comprising much more than the felony investigations they are so famous for.¹⁶² The expanding responsibilities of the Home Office created by nineteenth-century domestic legislation led successive home secretaries to value the Detective Department as a flexible force that could be deployed in various ways. Whether detectives vetted candidates for naturalization, tracked down foreign fugitives, or kept a watchful eye on European refugees, London's detectives always acted as agents of the English state.

¹⁶¹ Indeed, most references to spies and espionage in English newspapers during the 1850s were in relation to police practices in Europe and Ireland, not England.

¹⁶² Because case files, on the whole, have not survived and because police were salaried and not paid per inquiry, it is impossible to determine what percentage of the detectives' workload was taken up with Home Office work. What is clear, however, is that their inquiries for the government were usually lengthy, frequently involving long periods of surveillance and, often, absence from London.

7 Conclusion

My thesis has demonstrated that the detective element within the London Metropolitan Police was far more widespread than historians have acknowledged. It was pervasive, professional and present from the very early years of the force. The Detective Department, a small cadre of men who formed the core detective force of the Met, played a pivotal role in the development of undercover policing in England.

There was initial skepticism about what, if any, role undercover policing would play in the Met. Resistance to even a preventive police had been so strong that the Gordon Riots (1780) and Ratcliffe murders (1811) resulted in no significant changes to local policing. When Bow Street officers' corruption, especially their compounding of felonies, was exposed by the 1828 committee backlash was powerful enough to ensure that the public face of the new Metropolitan Police was the prevention of crime. The recent memory of the French Revolution and Napoleonic period exacerbated fears that the executive might use the police to spy on English subjects. As a result, the 1829 Metropolitan Police Act was, cautiously, only applied to London. The geographical extension of this model was haphazard and slow and only in 1856 did the government mandate that English counties and boroughs follow suit.

Although the Met was founded to prevent crime, a small Detective Department was established in 1842 following a scandal, highlighted by London's newspaper press, about failed murder investigations and alleged corruption. The English press was lively and alert to police news because crime, especially violent crime, sold newspapers. With the advent of a centralized Metropolitan Police force, details of police investigations appeared in newsprint for a readership hungry for crime stories. Additionally entertaining were the jurisdictional squabbles between the police and coroners over who should investigate murder, an issue not anticipated by legislators and one that took years to settle. Increased press attention also amplified scrutiny of police investigations and London newspapers were unimpressed by the pattern of unsuccessful murder investigations between 1837 and 1842. Newspapers' demands for a more professional detective force within the Met in 1842 are striking in view of the virulent opposition to

detection in the late 1820s. What had changed by 1842 was that the Met was an established institution that had not, as feared, been used to trample the liberties of the people. If London's police could be trusted not to abuse their power, and if they clearly needed some expertise when it came to detecting murder, perhaps a detective force was needed. The new detective force remained small so the commissioners of police could ensure professionalism and accountability and so there could be no accusations that the police had established a spy network.

Officer turnover in the Met was high due to stringent operational guidelines that bound officers on and off duty. Many policemen were fired for violating behavioural rules, especially when it came to drunkenness. By contrast, the small Detective Department was more successful at retaining men. Detectives typically served in the force for extended periods, bringing knowledge and experience of criminals, criminality and, importantly, about gathering and giving evidence. Some of the earliest detectives became celebrities after Charles Dickens, a great fan of the new detectives, profiled them for his periodical *Household Words*. He famously based the detective in *Bleak House* on Charles Frederick Field while Jonathan Whicher was the inspiration for Sergeant Cuff in Wilkie Collins's *The Moonstone*. Although Bow Street was in disgrace, the Detective Department relied on many of its information gathering, surveillance and detection techniques, providing a strong link between the Fieldings' eighteenth-century policing innovations and nineteenth-century detection. Bow Street may have been out of fashion but many of its methods were sound. The career longevity and varied possibilities for promotion gave Scotland Yard detectives a professional identity and many became dedicated, long-term public servants. Superior pay also allowed many, if they were promoted to the rank of inspector or above, to live a comfortably lower-middle or middle-class lifestyle.

The force slowly developed a mandate, reflecting the fact that, although the Detective Department was founded in response to a murder scare, murder was (fortunately) too infrequent a crime to occupy detectives on a daily basis. Property crime, the most pressing concern of the Metropolitan Police as a whole, was also the focus of detective policing, especially in the 1840s and Yard men distinguished themselves as vigilant and talented investigators, routinely earning praise from London's magistrates. During the

1850s the force began working for the Home Office in the provinces, helping to investigate complicated crimes and to supplement the as yet incomplete development of provincial police forces. Provincial magistrates often requested Yard detectives to help stalled or complicated investigations. Central detectives offered investigatory and organizational expertise and directed local investigations when necessary. Their skill and professionalism probably did much to allay county magistrates' fears about how a centralized police force could look and act. By the 1860s and 1870s (a period of economic depression), detectives focused more intently on forgery and fraud, reflecting greater government concern about white-collar crimes and the fragility of a paper economy. Yard men also trained divisional detective officers, facilitating widespread use of undercover policing throughout the Metropolitan Police District. In this way detectives helped professionalize the substantial number of divisional plainclothes officers active throughout London. By the 1860s, this allowed central detectives to focus more on major white-collar crimes and on their growing responsibilities at the Home Office.

Since the Metropolitan Police was the only police force in England directly answerable to the home secretary, Scotland Yard's detectives focused more exclusively on government priorities than any other force in the country. Successive home secretaries employed them to gather information about foreign nationals, whether refugees or applicants for naturalization status, to help execute the extradition of foreigners and Britons, and to assist local investigations across the country. In only a few decades Scotland Yard's Detective Department became the Home Office's investigatory arm. Detectives were trusted senior police officers whose professionalism and discretion were valued at the highest levels of government. The public seems to have felt similarly, if the lack of sustained criticism of Scotland Yard detectives in the press can be taken as representative of a broad consensus. There certainly were incidents that elicited press censure, such as the surveillance of Kossuth in 1853 and the 1867 Clerkenwell bombing, yet the relatively rapid acceptance of the new detectives and the legitimacy of their work is striking.

This acceptance is most evident in the public response to the Turf Fraud scandal. The Detective Department, founded amidst a scandal about police inefficiency and possible corruption, ended its days mired in another scandal. This time a turf fraud (fraud

associated with betting on horse races) led to two trials in 1877, harkening the end of this early era of detective policing. At the first trial in April 1877 four men were convicted of forgery, while at the second trial, three senior detective officers (three chief inspectors and one inspector) were found guilty of conspiracy to pervert the course of justice.¹ The trial of the detectives had serious consequences for the shape of detective policing in the Metropolitan Police.

The Turf Fraud scandal, as it quickly became known, began in much the same way as many frauds in Victorian England, with a newspaper advertisement. Newspaper readers were frequently lured into fraudulent schemes by the promise of profit, so much so that, Inspector Andrew Lansdowne lamented, “The ease with which the public can be imposed upon is astonishing.”² The fraudsters created a fictitious betting periodical called *The Sport*, which they had translated and distributed within France. *The Sport* reported that betting agent Mr. Montgomery had become so adept at selecting winning horses that bookies would no longer give him fair odds. As a result, Montgomery solicited individuals to bet for him at no risk to themselves. Interested parties could send him money, he would lodge the bets with bookmakers under their names and send them a cheque covering the initial investments and part of the winnings as a commission.

The swindlers made between £14,000 and £15,000 before they were caught, the biggest loser being Parisian aristocrat Mme. Marie Cecile de Goncourt. She had invested £10,000 with Mr. Montgomery, but, when Montgomery requested a further £30,000, de Goncourt and her bankers became suspicious. They contacted a London solicitor, Mr. Abrahams, who quickly determined the illegality of the scheme and notified Scotland Yard.³

¹ OBP: t18770409-391, “Harry Benson, William Kurr, Charles Bale, Frederick Kurr, Edwin Murray”; OBP: 18771022-805, “John Meiklejohn, Nathaniel Druscovich, William Palmer, George Clarke, Edward Frogatt.” Clarke was the only officer acquitted.

² Andrew Lansdowne, *A Life's Reminiscences of Scotland Yard* (New York and London: Garland Publishing Inc., 1984; Originally published: London: Leadenhall Press, 1890), 46.

³ *The Times*, 20 July 1877; OBP: t18770409-391, “Harry Benson, William Kurr, Charles Bale, Frederick Kurr, Edwin Murray.”

The men behind the fraud eluded capture for months because they paid hush money to senior-ranking members of the Detective Department. When Mme. de Goncourt's solicitor contacted Scotland Yard, the case fell into the hands of men who already knew the criminals involved and protected them. Chief Inspector Druscovich was put in charge of the case, aided by Chief Inspector Palmer and Inspector Meiklejohn. Meiklejohn had been taking money from the ringleader, Harry Benson, since 1873 and was only too happy to continue protecting Benson and his co-conspirators when Scotland Yard's investigation began. Although Meiklejohn voluntarily colluded with Benson, Druscovich was drawn in when he accepted a loan, orchestrated by Meiklejohn, from another conspirator, William Kurr. Benson's testimony indicates that Druscovich believed Kurr was a legitimate businessman although, once the transaction was made, Druscovich "was a ruined man."⁴

Although Scotland Yard's investigation was hampered from inside, Abrahams successfully tracked de Goncourt's £10,000 because Benson had transferred the money into Scottish Clydesdale Bank notes. This was a poor, and ultimately costly decision, since the Clydesdale Bank was small and their notes infrequently used. Having received warning from Meiklejohn that the police were tracing the notes, the conspirators fled to Rotterdam where, again, the unusual notes were recognized. Superintendent Williamson sent Druscovich to Rotterdam to have Benson and his associates extradited, but the corrupt detective dallied in a final and desperate attempt to conceal his involvement. By this point, it finally dawned on the trusting Williamson that some of his detectives were on the take. He travelled to Rotterdam to ensure that the arrests took place. Benson, the Kurrs and their associates were convicted at the Old Bailey in April 1877 and shortly after, in July 1877, the government charged Meiklejohn, Druscovich, Palmer and Clarke with corruption.⁵

⁴ *The Times*, 20 July 1877.

⁵ OBP: t18770409-391, "Harry Benson, William Kurr, Charles Bale, Frederick Kurr, Edwin Murray"; OBP: 18771022-805, "John Meiklejohn, Nathaniel Druscovich, William Palmer, George Clarke, Edward Froggatt"; Joan Lock, *Scotland Yard Casebook: The Making of the CID 1865-1935* (London: Robert Hale, 1993), 72-78.

The resulting scandal was immense. Press reports from the two trials, however, called for improvement of the detective system rather than its abolition. *The Derby Mercury* hoped “that disclosures may be made which will lead to a thorough overhauling of police arrangements, provincial as well as metropolitan,” while the *Penny Illustrated Paper and Illustrated Times* supported commissioner Edward Henderson saying that Londoners had, overall, “little to complain of in the Police administration of the metropolis.”⁶ *The Illustrated Police News* reprinted articles from the *Pall Mall Gazette* praising the government for prosecuting the detectives publicly instead of trying to hush the scandal up and from the *Manchester Examiner* hoping that “one of the first duties of the Government will be to reorganize this branch of the public service on sounder principles.”⁷ While asserting “the Detective Service has broken down and is no longer to be relied upon,” *The Morning Post* held out hope for “the Government to inquire into the means by which a similar scandal may be prevented in the future, and the Detective Service be so organized that it shall not be possible for those who are engaged in it to betray their trust.”⁸ *The Times*, likewise, lamented that men of Scotland Yard “should have fallen to such unworthy courses,” yet reaffirmed that “A detective department is a necessary adjunct to every modern police system.”⁹ The newspaper press accepted that detective policing was a necessary part of the English criminal justice system and criticized practice but not policy.

Immediately following the detectives’ autumn 1877 trial, the Home Office convened a departmental commission to investigate the entire detective system within the Metropolitan Police. The commission interviewed senior police and detective officers from the Met, City of London and provincial police forces. Reporting in early 1878, the committee – in agreement with the press – determined that the most significant issues

⁶ *The Derby Mercury*, 25 July 1877; *The Penny Illustrated Paper and Illustrated Times*, 3 November 1877.

⁷ *The Illustrated Police News*, 1 December 1877.

⁸ *The Morning Post*, 15 December 1877.

⁹ *The Times*, 22 November 1877.

were operational, including insufficient pay, centralization and secrecy. It recommended that detectives, especially divisional detectives, be given raises to encourage good performance and to prevent the temptation to corruption. The committee also advised that divisional detectives should be controlled from headquarters and that the entirety of the detective force's paperwork should be isolated to avoid leaks. Little in the *Report's* recommendations focused on the Turf Fraud except for proposals to isolate sensitive information, prohibit gratuities from the public and disapproval of detectives accepting jobs outside the force while still employed by Scotland Yard.¹⁰ Detective officers were often seconded to public and private companies, especially railways, to help prevent thefts. Meiklejohn was employed as superintendent of the Midland Railway Police, a post which placed him in Darby, not London, allowing him to collude with Benson and the Kurrs without any Scotland Yard interference.¹¹ Scotland Yard's senior clerk, Chief Inspector Harris, was against the practice because it was impossible for senior officers to exercise proper oversight over outsourced officers. "[T]here is not the slightest control; we do not know where they are or what they are doing," he told the committee, "it is a very bad system indeed."¹²

The subsequent reorganization of the Met's detective force incorporated many of the *Report's* proposals. The new Criminal Investigation Department (CID) began work in April 1878 and was composed of the remaining men of the former Detective Department and the divisional detectives. A new position, Director of Criminal Investigations, was established, reporting directly to the home secretary. The first Director was Howard

¹⁰ *Report of the Departmental Commission appointed by the Secretary of State for the Home Department to inquire into the State, Discipline, and Organization of the Detective Force of the Metropolitan Police* (1878), xv-xvii.

¹¹ OBP: 18771022-805, "John Meiklejohn, Nathaniel Druscovich, William Palmer, George Clarke, Edward Froggatt."

¹² *Report of the Departmental Commission* (1878), 174-75.

Vincent, a young barrister with a keen interest in detective policing.¹³ The new chief superintendent, who reported directly to Vincent, was Adolphus Williamson, for whom the Turf Fraud was sobering but not career ending. Directly below Williamson was John Shore, the new chief inspector.¹⁴ The entire divisional contingent was promoted to the rank of sergeant (first, second and third class) or inspector and given better pay and a plainclothes allowance. At the central office, all sergeants were promoted to inspectors (first and second class). The new CID had twenty-four men at headquarters, six clerical staff and 254 divisional men.¹⁵

Former Yard men continued with the specializations they developed under the old Detective Department. Williamson continued as the most senior detective, coordinating and overseeing the force in conjunction with his new director, Vincent. Inspector Von Tornow, with his background in German, monitored German socialists with a new colleague, Detective Inspector Hagan. Chief Inspector Littlechild also worked on political crimes as a member of the Special Irish Branch of the CID before being made head of the Special Branch (focusing on counter-terrorism) in 1887.¹⁶ Foreign nationals were targeted by Special Branch before the First World War, especially those with socialist or Fenian sympathies. When the Security Service (MI5) and the Secret Intelligence Service (MI6) were established in 1909 to protect Britain from the threat of German spies, the

¹³ Vincent had studied the French detective system in Paris and written a report on it that impressed the 1878 Departmental Commission. Douglas G. Browne, *The Rise of Scotland Yard: A History of the Metropolitan Police* (Westport: Greenwood Press, 1956), 190; Shpayer-Makov, *Ascent of the Detective*, 39-40.

¹⁴ Lansdowne recalled that “[t]he exposure of certain inspectors appeared to shake Mr. Williamson’s faith in his men greatly. He was much less confiding after their trial than before.” Andrew Lansdowne, *A Life’s Reminiscences of Scotland Yard* (New York and London: Garland Publishing Inc., 1984; Originally published: London: Leadenhall Press, 1890), 15.

¹⁵ Browne, *The Rise of Scotland Yard*, 190-91; MEPO 7/40, 6 April 1878.

¹⁶ Bernard Porter, *The Origins of the Vigilant State: The London Metropolitan Police Special Branch before the First World War* (London: Weidenfeld and Nicolson, 1987), 42-43 and 84-86. Special Branch, he argues, was a “response to new perceived threats, and to a growing vulnerability in Britain” caused by the 1870s economic depression, the revival of homegrown socialism, trade unionism and Fenian terrorism. *Ibid.*, xiii and 19-20.

first superintendent, William Melville, was recruited directly from his senior position at Special Branch.¹⁷

The 1878 Commission's and newspapers' responses to the Turf Fraud and detectives' corruption are remarkably measured, indicating that, in a little over one generation, public opinion traversed the distance between fear of any and all undercover policing and an acceptance that detective policing could and did protect Britons from certain types of crime. The recognition that undercover policing is an important adjunct to preventive policing is reflected in current debates in England about the behaviour of operatives in the Special Demonstration Squad (SDS) during the 1980s and 1990s.¹⁸ Home Secretary Theresa May's recent statement on the inquiry into undercover policing indicates concerns similar to those of the Victorian period, including:

- ...the role and the contribution made by undercover policing towards the prevention and detection and crime;
- ...the motivation for, and the scope of, undercover police operations in practice and their effect upon individuals in particular and the public in general; and
- ...the state of awareness of undercover police operations in Her Majesty's Government.

Other topics of concern are the "justification, authorisation [sic], operational governance and oversight" and "selection, training, management and care of undercover police officers."¹⁹ These areas of investigation bear striking resemblance to the 1878

¹⁷ Christopher Andrew, *The Defence of the Realm: The Authorized History of MI5* (London: Allen Lane, 2009), 3-6.

¹⁸ Recently uncovered documents indicated that Scotland Yard quietly disbanded the SDS in 2008 because of its unrestrained and often unethical activities. Rob Evans, "Scotland Yard shut down undercover police unit because it broke the rules," *The Guardian*, 26 July 2015, <http://www.theguardian.com/uk-news/undercover-with-paul-lewis-and-rob-evans/2015/jul/26/scotland-yard-shut-down-undercover-police-unit-because-it-broke-rules>.

¹⁹ Theresa May, "House of Commons: Written Statement (HCWS115), Undercover Policing," Home Office, 16 July 2015.

Commission's concerns. My investigation of early and mid-Victorian detectives explains how the conversation in England developed from profound distrust of all detective policing to defense of the institution and a desire to ameliorate it in the face of corrupt individuals.

By the 1870s detection was entrenched within English policing culture. The relatively benign press reaction to the Turf Fraud scandal coupled with the primarily organizational recommendations of the 1878 Commission and the increased centralization, professionalization and expansion of detection within the new CID indicate that the press, senior police, and government officials agreed that detectives were integral to public order and state security in England. Criticisms of detective police after 1842 tended to focus on individuals, not the institution itself, and this, I argue, is why my investigation into this early Metropolitan Police detective force is a necessary corrective to their relative absence in current historiography. Through hard work, vigilance, professionalism and skill central detectives proved to a skeptical public that undercover policing was not only the tool of despots. It could work in a parliamentary democracy and it could work to the benefit of the public.

Mid-Victorian detective policing is understudied, yet was crucial to the development of modern undercover policing. Its absence from the historical record is unjustified and distorts the historical record. The creation of the CID in 1878 was done because of, not in spite of, the Detective Department. The history of detective policing in the Met begins in 1842, not 1878. If the members of this first detective force had not been so successful at giving detective policing a good name then I very much doubt that the CID or Special Branch could have been established in the favourable climate they encountered in the late 1870s and 1880s. As Commissioner Mayne and successive Victorian home secretaries realized, detective policing is a question of limits and legitimacy, of when and where to use covert tactics to gather information, not whether it is necessary to do so. This is the legacy of the Detective Department of Scotland Yard, one that my thesis has, for the first time, recognized as formative to the development of English detective policing.

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Appendices

Appendix 1: Police Divisions

Code	Division
A	Whitehall
B	Westminster
C	St. James
D	Marylebone
E	Holborn
F	Covent Garden (amalgamated with E as Holborn, 1869)
G	Finsbury
H	Whitechapel
I	Stepney
J	Bethnal Green (1886)
K	Stepney
L	Lambeth
M	Southwark
N	Islington
P	Camberwell
R	Greenwich
S	Hampstead
T	Hammersmith
V	Wandsworth
W	Clapham (1865)
X	Paddington (1865)
Y	Highgate (1865)
Z	Thames (1921)

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Publications:

Griffin, Rachael. Forthcoming. "Bobbies, Booze and Bagatelle: Policing Vice in Early Victorian London." In *Law, Crime and Deviance since 1700: Micro-Studies in the History of Crime*, edited by David Nash and Anne-Marie Kilday. London: Bloomsbury.

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