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**Stumbling towards Professionalism:  
A post-revisionist overview of the establishment  
of English policing in the nineteenth century**

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# **Stumbling towards Professionalism: A post-revisionist overview of the establishment of English policing in the nineteenth century**

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The enduring foundations of the "new police" were laid down in a series of Acts beginning with the Metropolitan Police Act, 1829 and concluding with the County and Borough Police Act, 1856. Novelty lay in central government's legislative intervention in the establishment of professional police forces: initially prescriptively for the metropolis only, but eventually for the whole of England and Wales. The extent to which actual policing practices changed immediately after the 1829 Act is, as will be seen, contentious. Professionalised policing's impact extended beyond the more effective execution of the previous watch system; without central facilitation or strategic policy, it began assuming the functions of state prosecution authorities and enforcement agents of a new age of public order and respectability.

Gauging the historical nature and significance of these developments, and especially the 1829 Act, demands reflection on a complex amalgam of circumstances, national and local attitudes and currents of opinion competing for dominance throughout the nineteenth century. Rather than viewing the development of professional policing as primarily a centrally contrived, largely linear process, considerable explanatory emphasis will be given to its irregular, haphazard quality and fractured evolution. Appropriate weight will be attached not only to parochial ambitions and prejudices which long played as significant a role as national political concerns, but also to other major contemporary features of the criminal justice system which exercised a sustained influence on the nineteenth century shaping of policing.

Unsurprisingly, concerns relating to crime and disorder either initiated or occupied a prominent position in most public or official considerations of policing. From early in the century, some of these anxieties were fuelled by the statistical results of governmental surveys, apparently indicating rising levels of all forms of crime.<sup>1</sup> Whether true or not, the perception of expanding crime rates was both widespread

and well established until the late 1840s. Rather less tangible were changes taking place in the populace's social sensibilities and particularly its tolerance of criminality. Public manners and behaviour that may have passed muster in late eighteenth century England increasingly began to chafe on the sensibilities of the rising middling classes and "respectable" artisans as the nineteenth century progressed: most especially, the tolerance threshold of petty crime and disorder dropped, which in turn generated expectations of appropriate official counter measures.<sup>2</sup> Allied to such attitudes was a broadening consciousness of shifting social structures and allegiances consequent upon industrial and urban expansion. Unease at these manifest changes and uncertainties was stoked up by periodic eruptions of public disorder, events which vividly brought into action the forces of law and order, and directed sharp, if only short term, official focus on their nature and adequacy. Consequential parliamentary reviews, especially of the metropolis's policing arrangements, while having little immediate practical impact, exposed contemporary attitudes found in governing circles. Most particularly, they revealed an entrenched attachment to decentralised, local constabulary or police forces, set against a deep, underlying suspicion of central government ambitions to establish rationalised, countrywide, uniform policing structures.

### **(1) Reform initiatives and Parliamentary reviews of London's policing**

While provincial policing structures and practices were not entirely static nor beyond central scrutiny, the most significant innovations and highest levels of government attention concerned London's policing. Between 1812 and 1822 six House of Commons' Select Committees affirmed broad, if qualified, satisfaction with the civic jigsaw of parish-based watch systems. The 1812 Report commended the "zeal and energy" of many parishes as "exemplary and meritorious". Indeed, the night watch system was viewed as "so effectual" as only requiring legislative intervention to give it greater "uniformity and permanency".<sup>3</sup> Yet, significantly, such "uniformity" was

seen as best achievable by drawing in each parish watch authority under the "superintending power" of one of the seven existing district police offices (infra), individually headed by "pre-existing Boards of Magistracy". Furthermore, the Report proposed a unified system of criminal intelligence, fed by each of the seven Boards and collated by a designated Bow Street official, reporting directly to the Bow Street Magistrates and the Home Secretary.<sup>4</sup> However, a subsequent, mildly innovatory bill, imbued with much of the rationale of the 1812 Report, was soundly defeated. parliamentary opponents, including some with distinctly reformist credentials, such as Romilly and Brougham, characterised the bill's provisions as giving "new and extraordinary powers to police magistrates", and obliterating the metropolitan system of local policing.<sup>5</sup>

Further Select Committee Reports followed between 1816 and 1818.<sup>6</sup> Widespread and powerful distaste for less localised policing, responsible for defeating the 1812 bill, received strong articulation in the 1818 Report. It was an underlying constitutional and emotional preference, (expressed earlier by the likes of Blackstone and Paley)<sup>7</sup> for freedom from excessive executive intrusion, even at the expense of a more effective policing system. This assumed fundamental choice, between liberty or less crime at the cost of anticipated oppressive policing, was given high-minded rhetorical expression by the Select Committee:

"It is no doubt true, that to prevent crime is better than to punish it; but the difficulty is not in the ends but in the means, and though Your Committee could imagine a system of police that might arrive at the object sought for; yet in a free country, or even in one where an unrestrained intercourse of society is admitted, such a system would of necessity be odious and repulsive, and one which no government could be able to carry into execution... [A]mong a free people the very proposal would be rejected with abhorrence: it would be a plan which would make every servant of every house a spy on the actions of his master, and all classes of society spies on each other. The police of a free country is to be found in rational and humane laws, - in an effective and enlightened magistracy, - and in the judicious and proper selection of those officers of justice, in whose hands, as conservators of the peace, executive duties are legally placed. But above all, on the moral habits and opinions of the people; and in proportion as these approximate towards a state of perfection, so that people may rest in security; and though their property may

occasionally be invaded, or their lives endangered by the hands of wicked and desperate individuals, yet the institutions of the country being sound, its laws well administered, and justice executed against offenders, no greater safeguard can be obtained, without sacrificing all those rights which society was instituted to preserve".<sup>8</sup>

A rather less florid version of such sentiments also concluded the Committee's 1822 Report: it being "difficult to reconcile an effective system of police, with that perfect freedom of action and exemption from interference, which are the great privileges and blessings of society in this country ..."<sup>9</sup>. However, the Committee, chaired by Peel, recently installed as Home Secretary, once again focussed its criticism on the "disunited" structure of London's policing, "under the control of different and unconnected authorities", and, as before, it favoured the established group of police offices collating criminal intelligence from each parish within their respective districts.<sup>10</sup>

This recurrent pattern of largely fruitless, muted parliamentary and governmental concern over the effectiveness and efficiency of parochial policing in the metropolis must be read against two very different potential reform influences: slow, but increasingly significant, Home Office-led institutional developments as one feature of wider executive intervention; and second, the public campaign conducted by advocates of police reform. Commencing with the Middlesex Justices Act 1792, a cluster of Home Office initiatives resulted in a steadily growing police force, appointed, funded, and (effectively) directed, by central government, whose functions initially complemented the parish-based watch. Broadly replicating the existing Bow Street model,<sup>11</sup> the 1792 Act established seven police offices, each with a force of six policemen headed by three government paid stipendiary magistrates. Like Bow Street, investigating and "detecting" crime was their principal function.

Largely because of the combined operational and supervisory roles of stipendiary magistrates, the police offices were generally not viewed as intrusive central government agencies. Yet, this was undoubtedly a notable development, with some justifiably perceived distinct centralist potential as inherent in such institutions.<sup>12</sup> It was a suspicion that two decades later still enjoyed much currency with the likes of Henry Brougham who treated his Commons' audience to a challenge of the constitutional soundness of police offices. But it was the realities of social demography which led to the 1792 Act: Middlesex's urbanisation had meant that the gentry needed to occupy local justices benches had become embarrassingly scarce on the ground.<sup>13</sup> The notorious "trading justices", recruited from humbler stock (Burke's "scum of the earth [barely able] to write their own names"<sup>14</sup>) clearly needed more reputable replacements. Although originally envisaged as having parochial origins, once again, lack of local potential judicial talent ensured that appointments under the 1792 Act steadily became a completely Home Office administrative, if not political, function.<sup>15</sup> Additionally, from the early nineteenth century the Home Office with its clutch of stipendiaries constituted an informed forum<sup>16</sup> for reviewing policy practices, and most especially the benefits of uniformity and co-operation across police office districts.<sup>17</sup>

Turning directly to the public campaign for police reform, a key element for those advocating a less severe system of criminal punishments was the substitution of greater certainty of conviction for that of greatest severity of punishment. And for many (but not Romilly and Brougham) a reorganised police force was regarded as a prerequisite of ensuring that there would indeed be a far greater likelihood of criminals being apprehended, prosecuted, and punished. Prominent amongst those of such persuasion were Patrick Colquhoun and Edwin Chadwick. Both acolytes of Bentham,<sup>18</sup> Colquhoun and Chadwick were indefatigable, self-promoting campaigners and propagandists for a radically new form of policing which they, like

Bentham, espoused as part of a grander (utilitarian) strategy for institutional and social reform. Colquhoun's potential influence was largely confined to the pre-1829 period, Chadwick's primarily to the subsequent two decades.

Colquhoun's Treatise on the Police of the Metropolis<sup>19</sup> blended Benthamite social and institutional prescriptions with the realities of his own experiences as a London stipendiary magistrate. His diagnoses of London's ills were frequently dire; his remedies often severely authoritarian. Colquhoun proposed a "Central Board of Police" whose powers would extend greatly beyond preventing crime and apprehending offenders to embrace inculcating sound moral practices through strictly regulating most aspects of working class life, including leisure activities. Certainly some of Colquhoun's draconian proposals for extensive police surveillance of what he regarded as the proto-criminal classes could only have powerfully reinforced the phobias of those opposed to police reform. At the same time, linking class and poverty with criminal propensities was, and remained, a common practice. Morally reinvigorating the lower orders was an objective shared by social reformers as apparently disparate as the Evangelicals and dyed-in-the-wool utilitarian and political radicals.<sup>20</sup>

Edwin Chadwick's "Preventative Police",<sup>21</sup> published immediately after the 1828 Select Committee Report, was very much of this nature. As a principal architect of the severely utilitarian 1834 Poor Law Amendment Act, Chadwick regarded poverty as largely the consequence of imprudent and often immoral choices. But, unlike Colquhoun, for Chadwick criminality would be curbed by not only increasing the threat of apprehension but also by making the commission of the offence a more demanding and less pleasurable experience<sup>22</sup> - the stock utilitarian human calculation applied to deterring crime. Benthamite rigour in working through utilitarian logic led to "Preventative Police" incorporating several innovatory features, including

an obligation upon all citizens to avoid carelessly exposing property to the risk of theft, and criminalising failure to report an offence,<sup>23</sup> measures unlikely to have advanced the cause of police reform. Yet, on key matters, especially the fundamental structural question of police control, Chadwick's proposals were surprisingly fragmentary; possibly a rare occasion on which he felt it strategically advisable to side-step controversy.

Beyond Chadwick and Colquhoun, a modest body of literature supporting some form of centralised police force in London appeared in the decade prior to the 1829 Act, the most thorough going of which was John Wade's A Treatise on the Police and Crimes of the Metropolis (1829). In it, Wade presented an unsubtle, loaded choice between the pervasive watch system, a "poor frittered, disjointed, imbecile thing", and a centralised structure, "united, energetic ..., acting for a common purpose, and under real responsibility for the lives and property of two million persons".<sup>24</sup> Such a centralised establishment, Wade assured constitutional sceptics, would represent no more than a natural progression from the institutional innovation of the 1792 Act; precisely an embodiment of the thin-end-of-the-wedge argument against which Fox had warned three decades earlier.<sup>25</sup>

## **(2) Enacting the Metropolitan Police Act 1829**

Returning to the Home Office in 1828, Peel determinedly set about bringing change to a "police establishment [that] the Country has entirely outgrown".<sup>26</sup> In his Commons speech securing the appointment of a new Select Committee, Peel's familiar central theme was the problem of dealing with rising levels of property crime with a policing system fundamentally defective through "want of uniformity" and proper co-ordination.<sup>27</sup> Hardly by chance, the Select Committee's composition practically ensured a Report broadly sympathetic to Peel's objectives.<sup>28</sup> Moreover, its

terms of reference were a hair's breadth from linking increasing crime with extant policing arrangements: "to enquire into the cause of the increase in the number of Commitments and Convictions in London and Middlesex, and into the State of the Police of the Metropolis ..."<sup>29</sup>. Evidence of the effectiveness of parochial policing was equivocal, as were the reasons for this state of affairs. However, the Committee confirmed Peel's earlier assessment and characterisation of the system as intrinsically defective by virtue of its fragmented, non-uniform, and uncoordinated nature, something which would always defeat the best initiatives and efforts of individual parish forces.<sup>30</sup> Expressed in such form, the prescribed remedy was predicable: a system of centrally directed and regulated police for the metropolis.

Peel's subsequent, felicitously titled bill, the "Metropolis Police Improvement Bill", was introduced in April 1829 and proceeded, without a division, to receive assent in June. Sweeping away the old watch system, the Act established a new "Police Office" headed by two government appointed magistrates (soon styled "Commissioners"), answerable to the Home Secretary, to organise and control an unspecified number of uniformed, paid policemen, funded by a new local authority police rate. While the parochial watch system was to be rapidly replaced, the forces of Bow Street and the district police offices would continue as a parallel and distinct system. For tactical political reasons, the City of London escaped the natural logic of the 1828 Committee's Report on the risible basis of having demonstrated significant recent improvement. This fudge, necessitated by the City of London's powerful political leverage, was finally settled with the 1839 compromise solution of a separate police force modelled on the Metropolitan Police (*infra*).

Several related questions arise from the shift, if not *volte-face*, in public and parliamentary attitudes represented by the unspectacular, swift process of enactment of the 1829 Act: from a position of resolute, principled opposition to apparent

acquiescence in seven years. Was the previous opposition truly converted to the cause of centralisation, or did it simply fail to appreciate the import of the 1829 legislation? What were Peel's objectives? were they limited to reform of the metropolis's policing? Just how great or significant were the changes in the structure and nature of policing introduced by the 1829 Act?

Changes in perceptions and attitudes germane to policing are discernible over the first three decades of the 19<sup>th</sup> century. First, the relationship of central and local government was steadily evolving towards greater centralised responsibility from the many demands generated by urban growth and industrialisation. But whilst examples of central government intervention are becoming increasingly common in the early nineteenth century, broad acceptance of the legitimacy of state intervention only begins to establish a firm basis in the years immediately following the First Reform Act.<sup>31</sup> Moreover, the concept of general, centralised policing touched a particular political and social nerve not present in the case of regulation of, say, factories or education. Benthamite public service crusaders of the likes of Chadwick, were still some distance from winning the day at this time.<sup>32</sup> Therefore, no politician, especially one endowed with Peel's political acumen, would have expected much assistance from any broad wind of change blowing in the direction of centralisation: the notion of locally administered policing still exerted a powerful pull; the particular case for reform needed to be made out emphatically. This was achieved through setting current views on the nature and extent of crime and (dis)order, alongside perceptions of just how the existing system coped, or could cope, with this state of affairs.

Though hardly novel, popular belief in rising crime levels moved from the broadly impressionistic to a firmer (if somewhat uneven) footing in the early decades of the nineteenth century with the commencement of publication of crime statistics. While

certainly open to more than one interpretation, reformers like Peel made regular and largely uncontradicted use of them when pressing the case for reform in substantive and procedural laws.<sup>33</sup> References to increasing crime make regular appearances in Select Committee Reports. The long-term popular anxiety this perception generated was intermittently compounded by the specific alarm and unease produced by instances of public disorder. Between 1811 and 1821 outbreaks of substantial public disorder were witnessed in London and the provinces. Most concerning in government and ruling circles was the fact that, in the main, these occurrences were economically or politically inspired.<sup>34</sup> Quelling such disturbances by resort to soldiers, and sometimes also yeomanry and militia, at the very least demonstrated the patent limitations of the policing system. Yet, even by 1822 the unsubtle and inflexible nature of this quasi-military practice did not raise sufficient political apprehension to lead the Select Committee to propose anything beyond a revamping of the watch system. Whatever Peel may have believed at this point, The Times appeared to voice the still dominant sentiment that a centralised police force was "an engine superfluous to the honest protection of life and property, invented by despotism for purposes inconsistent with full and free enjoyment of those blessings".<sup>35</sup>

However, the steady undertow of political agitation, including that for franchise reforms, over the subsequent half dozen years eventually succeeded in reversing the logic of such rhetoric. The supremely awkward, long-present dilemma facing the politically dominant classes was quite how to preserve their privileges from the competing dangers of an over-interventionist executive on the one side, and an unruly mob on the other. Protection from the latter at the cost of centrally inspired, if not organised, professional policing had, for many, been regarded as too high a premium. But now, instead of potentially subverting general liberty (and privilege), a centrally organised police force assumed the colours of liberty's staunch defender,

with central government acting as guarantor. Reflecting this key change of perception, the Tory Quarterly Review was ready to accept "a vigorous ... well organised ... regular police force [was] the base on which men's liberties, properties and social existence repose";<sup>36</sup> a ramshackle, enfeebled watch system meant that serious civil disturbance produced the unedifying deployment of "red coats and bayonets".

Yet, any radical change in the structure of policing required a firm conviction that the old system was not simply failing to perform adequately but that it was quite beyond redemption. In respect of crime control, the evidence was equivocal, it being likely that in many areas the watch system was rather more effective than reformers chose to concede.<sup>37</sup> And although markedly atypical, the highly refined, multi-tiered hierarchy of the City of London Watch, detailed in the 1822 Select Committee Report,<sup>38</sup> illustrated just what sophisticated levels the watch system might achieve in the hands of a highly motivated and well-funded authority. But the most compelling evidence against the old system was its patent inability to meet the contingent demands of public order disturbances. Not only were its forces such that adequately co-ordinated action was beyond its natural capacity, more seriously, its *raison d'être* was local surveillance, deterrence, and occasionally apprehension of criminals. Combining parish forces to meet serious public disorder was demonstrably not a credible solution.

Consequently, whether out of political expediency or genuine scruple over the appropriateness of deploying military forces against public disorder, the only plausible alternative was some form of professional police force; one which was sizeable enough to prevent crime and keep public order. Of course, the conclusion of such reasoning was not irresistibly the centralised structure enacted in 1829. Other, more democratically accountable potential schemes might have recommended

themselves to Peel had his ambitions been solely effective crime control. Undoubtedly, as Chief Secretary for Ireland between 1812 and 1818, Peel's fundamental and successful reorganisation of the Irish police system, which his metropolitan model substantially resembled,<sup>39</sup> had reinforced Peel's centralising inclinations, both politically and administratively. It is also self-evident that the ruling and propertied classes inevitably used extant policing systems to support and protect sympathetic contemporary political structures. But since early modern times such systems have been both enormously diverse in nature and accountability, and much more than the simple pliant creatures of the ruling classes.<sup>40</sup> Although long feeling the need to change the nature of policing institutions, there is no compelling evidence suggesting that Peel harboured any driving ambition for a uniform, national, centrally directed police force<sup>41</sup> upon which any government and ruling elite might depend to subdue political or economic working class ambitions. Rather, Peel's broader ambitions lay in a modest, rationalised revision of the inter-linked features of the criminal justice system. As well as policing, these included the relative streamlining and consolidation of criminal law statutes, and significant revision of punishment and prosecution procedures,<sup>42</sup> some of which marked an important shift of jurisdiction from jury to summary trial. In giving great emphasis to police deterrence by beat patrolling, Peel demonstrated that he did not fully accept the Utilitarian credo of more effective deterrence through less severe sanctions, coupled with the virtual "certainty of detection". Moreover, in expressly making the deterring rather than the investigating of crime the planned force's operational *raison d'être*, the inevitable taint of institutional spying might be avoided.<sup>43</sup> This choice of emphasis was reinforced by apparently inexorably rising rates of prosecutions and convictions, which, at least superficially, suggested detection to be of less immediate concern than crime prevention.

Furthermore, in accounting for the politically painless enactment of the 1829 legislation, it is clear that Peel was also much favoured by serendipity. Beyond his considerable political acumen in judging the moment in 1828 when reformist arguments had won over sufficient sceptics, other contemporaneous events likely to benefit Peel were unravelling. One was the tortured issue of Catholic Emancipation which had generated considerable parliamentary heat not long before the police bill's Commons' introduction; changes in metropolitan policing arrangements may have assumed a relatively low-key, uncontentious guise. Bearing more directly on potential parliamentary opposition to the police bill was the campaign for reform of select parish vestries against which allegations of corruption, incompetence and extravagance had been accumulating over several years. Such concerns reached a high point a little before Peel's bill. Established early in 1829, a Select Committee on the functioning of vestries heard damning evidence during the period the bill was progressing through Parliament. The sting of the sizeable body of opposition from the vestries to Peel's bill may well have been drawn by a disinclination to fight reform on two fronts simultaneously.<sup>44</sup> Moreover, the evidence given to the 1828 Police Select Committee suggests that many vestry officials and watch committee members were by then persuaded, partly on the powerful ground of cost efficiency, of the benefits of a new centralised policing system. For them, the old structure had become outmoded and its administration tiresome; it was a function of local government that had "gone as far as an imperfect system will admit".<sup>45</sup>

### **(3) Rationalising London's Policing: Implementing the 1829 Act and the Metropolitan Police Act 1839.**

Between 1829 and 1839 London's policing underwent radical structural change: initially through swift implementation of the 1829 Act, and concluding with enactment of the Metropolitan Police Act 1839, under which the parallel system of policing by

Bow Street and the seven district police offices was abolished. In many respects, implementation of the 1829 Act provisions proved to be more contentious than its enactment. Both supporters and opponents of the 1829 Act could hardly have failed to be conscious that the success, or otherwise, of the provisions for London's policing carried implications beyond the metropolis. Moreover, for many individuals and institutions, enactment of the 1829 legislation did not extinguish their opposition to the basic notion of the "new police", nor force abandonment of hopes of some form of reversion to locally administered policing. In a climate ranging from latent scepticism to active hostility several features of the 1829 Act's implementation merit notice when examining the final stages of rationalising London's police by the 1839 Act. Most particularly, just what changes of personnel, functions, structures were effected? And what were the consequences in terms of constructing policing roles, and fostering the efficiency and acceptance of the "new police"?

The broad brush nature of the 1829 legislation<sup>46</sup> gave Peel and his newly appointed Commissioners<sup>47</sup> extensive discretion in practically every dimension of policing, including the force's size, structure, personnel requirements, functions, and deployment policies. Establishment of the hierarchy, chain of command and recruitment of the first force was rapid, exceeding 3,000 by May 1830. Predictably, this new policing was far from universally popular. At street level, deterring crime through a policy of greater day to day scrutiny, social regulation, and more rigorous enforcement<sup>48</sup> of petty offences, such as vagrancy, loitering and drunkenness, produced extensive friction between police and the lower social orders. This was partly a result of the higher level of daytime street patrols. Moreover, one approach to crime prevention was, in effect, through "moralising" those seen as most susceptible to criminality. Contrastingly, outside regular street contact, working class radicals soon directly experienced the fairly uninhibited use of truncheons by massed

forces of effectively organised police, deployed to quell politically and industrially inspired agitation.<sup>49</sup>

Suspensions that the new Metropolitan Police were little less than a covert military force persisted across a wide political and social spectrum,<sup>50</sup> this was a belief in large measure resting on central government control of the force without the mediating administrative involvement of stipendiary magistrates. Beyond such enduring constitutional and political concerns, the more tangible matter of policing costs greatly rankled with parish authorities. Widespread complaints of inferior services delivered for higher charges were eventually met in 1833 by central government conceding the logic of centralisation and agreeing to fund one quarter of policing costs.<sup>51</sup>

Continuing broad political sensitivity to the new police's existence and functioning was evidenced by frequent parliamentary scrutiny. Particular examples of apparently disreputable police conduct led to two Select Committee reports in 1833.<sup>52</sup> But the following year a Select Committee produced a strongly favourable stock-taking account of the new police. Comprising many of the 1828 Select Committee, including Peel, the 1834 Committee concluded from a review of the statistical evidence that the principal objectives of better protection of property and a "methodized system of Police", had been "practically attained".<sup>53</sup> More expansively, the Committee lauded the police's "influence in repressing crime, and the security it has given to person and property as one of the most valuable of modern institutions".<sup>54</sup> This naturally set the scene for parliamentary attention to policing beyond London.

## II

### (1) Provincial Policing until 1856

While subject to periodic criticism and piecemeal local modification, provincial policing in the earlier decades of the nineteenth century never experienced the same level of government scrutiny as that of the metropolis. Though Metropolitan Police reform was not generally held up as a blueprint for the provinces, at the very least, it was an inevitable point of reference for future policing developments elsewhere – if only to assert its inapplicability. Just as within London, provincial policing raised sensitive issues of local social influence and political power. In large towns and cities, along with general municipal government, policing arrangements were increasingly the responsibility of the professional, commercial and industrial classes. Policing in rural areas, while most directly managed at parish level, also entailed supervision by the established gentry through their role as justices. It was a judicial function, with political overtones, operating both at petty sessions and County Quarter Sessions. But, as a consequence of extensive local authority autonomy, rural and urban policing exhibited an enormous variety of structures and degrees of sophistication, united principally by their common use of part-time constables and watchmen. The limitations and inadequacies of these diverse systems, exposed by occasional episodes of public disorder, were met on an ad hoc basis by locally recruited militia or yeomanry, or, exceptionally, by deployment of professional soldiers.

This same combination of outbreaks of economic and politically inspired public disorder, perceived rising crime rates, and ebbing confidence in the old watch systems which had facilitated Peel's Metropolitan Police Act, fed a running debate on the state of provincial policing. With social divisions stoked up particularly by Chartist agitation and implementation of the new Poor Law,<sup>55</sup> rather than entrenched

resistance to any change, the core question, both for urban and rural local authorities, soon became what type of reformed policing system should be adopted. Distinctions relating to the formal structure of local government, hierarchies of responsibilities and influences, along with particular policing needs, led to provincial urban and rural areas<sup>56</sup> following different development paths up to the 1856 County and Borough Police Act, and, to a lesser degree, into the twentieth century.

## **(2) Rural Policing**

Until the late 1830s, rural policing attracted practically no direct parliamentary or government attention. Outbreaks of substantial public disorder vividly illustrated at a national level the limitations of the largely amateur watch and parish constable system. But consideration of its effectiveness in countering the standard repertoire of crime was left to local initiatives. A rare, early flicker of central interest in such matters appears in the observations of the 1828 Select Committee on Criminal Committals and Convictions, which noted that "in the Agricultural counties, the business of detection is often left to a village constable who is perfectly unfit to deal with any but village crimes".<sup>57</sup> Later official reports became even more unflattering, characterising the parish constable as "uneducated ... entirely ignorant of duties", and "ineffective, lazy [and] corrupt".<sup>58</sup> Experience of the 1830s Swing Riots followed by severe and extensive disturbances induced by the new Poor Laws and Chartism, underscored the limitations of parish policing. These events, along with believed rising rates of local vagrancy, coupled with perceived sinking levels of social deference, encouraged local reform initiatives.

Inhibiting such responses were the developing realities of a broader based erosion in the local political powers and standing of the county gentry and magistracy. By the 1830s, centrally generated commissions were consistently faulting local government practices, creating new administrative expectations and principles, often at the

administrative and political expense of the magistracy.<sup>59</sup> However, whilst exhibiting a considerable breadth of opinion,<sup>60</sup> the governing class of the majority of counties, (especially magistrates, Quarter Sessions' chairmen and MPs) accepted the necessity of at least some form of revised policing structures. Beside the exceptional course of procuring specific Local Acts,<sup>61</sup> two approaches to rural policing reform were available: private subscription forces, usually established by the local landed interests, and action under the modest provisions of the Lighting and Watching Act 1833. The 1833 Act granted parish councils power to levy a special rate to employ adequate numbers of day and night watchmen. Aimed at gently encouraging greater levels of rural policing without challenging local autonomy, the extent of adoption of such permissive powers turned substantially on the degree to which local apprehension of crime and disorder exceeded innate parish parsimony.

While these unthreatening local policing initiatives progressed, more ambitious revisions were contemplated centrally. The 1836 observations of the "Commissioners on County Rates" were indicative of the level of criticism to follow in the coming years. Not only did they regard the typical appointee to parish constable of a type intrinsically unfit for the job, the haphazard structure of rural policing itself was deemed utterly incompatible with efficiency and effectiveness.<sup>62</sup> Such was the government's unhappiness with the general state of rural policing, that the Whig Home Secretary, Lord John Russell announced in May 1836 a Rural Police bill was "in preparation" for early introduction, if "time allowed".<sup>63</sup> But on reflection, rather than engaging in the inevitable head on fight entailed with such a bill, Russell accepted Chadwick's proposal for a Royal Commission "to enquire as to the Best Means of Establishing an effective [rural police]". Privately, Russell characterised existing arrangements as "lax, careless, wasteful, injudicious to an extreme, [needing] system, method, science, economy, regularity and discipline";<sup>64</sup> sentiments which had driven the Poor Law reforms of 1834, and with which Chadwick was also

closely associated. From the Commission's composition,<sup>65</sup> it was clear that the only outstanding question was precisely what structure for rural professional policing would be proposed.

Distinctly radical and centralist, the Commissioners' 1839 Report proposed the establishment of a force of 8,000 national police, in metropolitan mode, under the control of the Home Office and the Metropolitan Police Commissioners. However, crucially (while probably not Chadwick's own view) the local establishment of such a professional force would be elective and not prescriptive: the choice would remain with each county's Quarter Sessions. To both encourage adoption and underline continuing government interest, the cost would be shared, three quarters from a county rate and one quarter from central funds. While reporting their activities to local Quarter Sessions, who would be empowered to produce detailed policing rules, matters regarding the size and general management of the force would be centrally controlled.<sup>66</sup> The widespread hostility which met the Report's "gigantic tyranny"<sup>67</sup> was both utterly predictable and probably politically useful in emphasising the relatively mild nature of Russell's subsequent County Police bill. Attracting little opposition, its parliamentary passage was swift, with the only notable resistance coming from the young Tory Disraeli who, reviving largely exhausted constitutional objections, vividly characterised the expression "rural constabulary" as "Gallomanic jargon".<sup>68</sup>

As with earlier legislation affecting the counties, under Russell's locally more palatable decentralised version of the Commission's proposals, the 1839 County Police Act provisions were facilitative; they enabled county magistrates at Quarter Sessions to adopt powers to create local forces, determine their size, conditions of service and select chief constables, who would be responsible for appointing constables.<sup>69</sup> But, at this stage such innovation was not baited with central

government funding. Both the process and pattern of adoption of the 1839 Act provisions threw up substantial contrasts between counties. Debates on adoption at Quarter Sessions<sup>70</sup> reveal an enormous diversity of local concerns. Financial costs and benefits frequently figured in claims of both advocates and opponents of new policing: would the costs of more prosecutions and necessary increases in prison capacity really be worthwhile? Additionally, constitutional and cultural concerns emerged in some adoption debates, including fears of a shift in influence and power from local Petty Sessions to Quarter Sessions.

By 1856, (before the County and Borough Police Act) two thirds of counties had embraced the 1839 Act. Adoption practices can be linked to economic, public order, and political factors in some but not all cases. A rough, though far from consistent, correlation appears between public disorder experiences and adoption; but sometimes as important were actual or perceived ratepayers' resistance to anticipated increases in county rates. In general tenor, this long running debate reveals widespread acceptance of the need for revised policing structures, but not necessarily of the type carrying the Home Office's imprimatur. Yet, even though broadly resigned to the need for improved policing, a significant body of opinion amongst the county elite sought policing improvement through revamping old parish constabularies, facilitated by the Parish Constables Acts of 1842 and 1850.<sup>71</sup> Even to many contemporary minds, those somewhat retrogressive Acts held out the possibility of breathing new life into the parish constabulary. However, only a handful of counties took this option of revising and perpetrating the old system of parish constabulary. Government acceptance of, or at least unwillingness to block such legislation is open to several interpretations, the most likely of which is a simple lack of any consistent resolve combined with concerns over the strength of residual local attachment to parish policing.<sup>72</sup> Moreover, by the mid 1840s, government statistics were indicating<sup>73</sup> that nationally committal levels had peaked, which opponents of

mandatory professional policing argued supported their stance. And, while equivocal, favourable statistical evidence no doubt eased government concerns.

### **(3) Urban Policing**

Rapid establishment of London's professional police system under the Metropolitan Police Act 1829 produced striking contrasts with contemporary policing provisions in large provincial cities and towns, ranging from those with no more than unpaid constables to others with substantial cohorts of full-time professional police. Extensive growth in urban manufacturing centres had rendered local government structures generally inadequate. Tory and Whig leaders alike understood that anomalies in local government arrangements abounded, including those for policing. Following the Report of the Commissioners on Municipal Corporations<sup>74</sup> into the general functioning of corporations, the Municipal Corporations Act 1835 enacted a cluster of measures increasing the local accountability of borough government; essentially, awarding greater powers to the enlarged professional, business and trades classes. Just one provision of the Act (section 76) dealt with policing, requiring each borough council to establish a Watch Committee responsible for appointing sufficient paid constables to keep the peace, prevent serious crime and apprehend offenders. Although expressed as mandatory, the complete lack of regulations governing any aspect of policing under the Act indicated either the Whig administration's strong confidence in the efficiency of municipal government,<sup>75</sup> or, more likely, absence of sufficient political support for such an erosion of corporate autonomy.

Certainly, as with counties, the rate and extent of compliance with the 1835 Act was slow and extremely varied. Save for some significant exceptions,<sup>76</sup> most corporations saw no pressing need to abandon familiar institutions and fully introduce new, expensive, potentially intrusive, forms of policing. After all, even the unnerving

spectre of occasional large-scale public disorder could still be met by the temporary drafting in of either sizeable detachments of metropolitan police or soldiers. However, unusual circumstances combined to defeat such expedients in the summer of 1839 for Birmingham, Bolton and Manchester. Here, against a backdrop of widespread Chartist agitation and disorder, central government was provoked to take on a fermenting brew of local indecision, internal wrangling, historical anomaly and a clutch of radical local politicians. An anxious Whig administration, with overwhelming parliamentary support, drove through short-term legislation imposing on these cities centrally appointed commissioners and police forces broadly on the metropolitan pattern.<sup>77</sup> Such measures were taken within days of Russell's introduction of the purely facilitative County Police bill, underscoring the Whig government's relative political impotence and probable lack of ambition to force the pace of rural policing reform beyond that acceptable to the county ruling classes.

#### **(4) Provincial policing: establishing uniformity: the County and Borough Police Act 1856**

The responses to the explicitly permissive County Police Acts, and the de facto permissive nature of section 76 of the Municipal Corporations Act, had ranged from enthusiasm to entrenched hostility. Consequently, by the early 1850s the form and effectiveness of policing in both urban and rural provincial England and Wales remained subject to wide variations. By then, the practice of government to set national uniform standards in many areas of social and economic activity, including industrial production and public health, had become almost commonplace, although not without frequent initial resistance, and in respect of the Poor Laws, sustained opposition. More germanely, for many, central government's role in the criminal justice system needed extending. By the 1850s policies on prisons were being nationally set by Jebb;<sup>78</sup> by which time it had also become unremarkable to assert that "it was quite as much the duty of the government to prevent crime as to punish

it".<sup>79</sup> Correspondingly, the effectiveness of local policing had moved from being a parochial matter to one of national concern. Moreover, almost annual instances of public disorder, exposing the shortcomings of many local police forces, constituted frequent sharp reminders of this state of affairs. In such a climate, Palmerston took the familiar route in 1853 of appointing a Commons Select Committee on Police. Adopting well-established practice, the Committee's composition and witnesses<sup>80</sup> were selected to ensure support for a uniform policing system. The Committee duly obliged: recommending a new obligatory uniform system for all counties; that policing of small boroughs be incorporated in county forces; that larger boroughs should work closely with county forces; and that central government should contribute towards the costs.<sup>81</sup>

Following two abortive attempts, Palmerston's successor as Home Secretary, Sir George Grey, introduced the County and Borough Police bill early in 1856. But while the rhetoric of staunch resistance from boroughs and counties had centred on the principle of local autonomy, for many, its true substance proved to be one of money - something of which Grey was well seized. Under his bill, acceptance of compulsory, fully manned, centrally inspected, "efficient police forces" would be rewarded by a government funding subvention of one quarter, matching that supporting the Metropolitan Police. Opposition manifested during the bill's second reading, largely from boroughs, continued to insist on the undemocratic, anti-local government nature of the shire proposals: in contrast with the administration of county police by Quarter Sessions, borough policing was in the hands elected representatives. But by this stage in the history of policing the basic case for professional policing was conceded by most, ensuring that the outcome of this crucial debate was overwhelmingly<sup>82</sup> in support of the bill; with the prevailing parliamentary mood accepting at least the legitimacy of central insistence on basic national policing. This also found voice in the provincial press debates, with one local newspaper capturing the sentiment by

asserting that effective policing was "as necessary to the proper management of a town as gas lighting", and entailed no greater "danger to general freedom".<sup>83</sup>

The 1856 Act's compromised blend of centrally supervised and locally administered policing was achieved in a period when no particularly prominent political or social features pressed the government or its supporters for legislative action, and when committal statistics continued to show a downward trend.<sup>84</sup> Rather, the 1856 legislation was enacted against a background of several lower level, conditioning events, assumptions, and concerns. Most particularly, central and local governments' spheres of interest and responsibility had been gradually and pragmatically redefined in the previous two to three decades; and for most, the spectre of intrusive and oppressive state police had been largely vanquished. In little more than two decades, from the initial examples and experiences of London, the reformed borough and county forces, professional policing had become an established, increasingly familiar and unremarkable fact of life. Moreover, although not an argument deployed in the 1856 debates, the broad belief had firmly taken root that professional policing, both improved crime prevention and caught more criminals. Certainly, the apparent decline in recorded crime was, at least, capable of an interpretation favourable to professional policing. Less tangibly, but especially appealing to the middle and "respectable" classes, the new police showed distinct promise as an agency well capable of promoting the cause of a more orderly, better regulated society. The new police had become a daily reminder and embodiment of the criminal law and a powerful expectation of social stability. As The Times eulogised, for many the "sworn professional policemen ... exerts the strength of a dozen rioters and paralyses the opposition by the power which is felt to be at his back".<sup>85</sup>

With the County and Borough Police Act, central government had gained the authority and some of the machinery necessary to insist on adequate provincial policing. However, the management and operation of such forces remained an organic element of standard local government bodies for counties and boroughs. Consequently, over the subsequent decades development of police forces and the nature of policing would remain subject to, and the product of, markedly differing conceptions of policing, both at a local and national level.

### III

#### **(1) Acceptance of a policed state.**

Despite core, structural requirements of the 1856 legislation, and essentially common objectives, the development of provincial and metropolitan policing over the subsequent half century continued to exhibit substantial diversity. One new force for standardised policing organisation and practices was the system of annual inspections and reports by Home Office appointed Constabulary Inspectorate, established under the 1856 Act. Until the 1870s, policies and practices conducive to "efficient policing" were almost exclusively initiated by the three member Inspectorate; but the potential for more extensive Home Office involvement was clearly always present. Early reports reveal police forces to be "infinitely varied in their outlook, efficiency, status and popularity ..., in their standards of discipline, and rates of pay... [But] the Metropolitan Police remained an entity within itself..."<sup>86</sup>. For some time, smaller boroughs were prime targets of critical reports because of their perceived "slackness and apathy" and apparent "desire to evade for as long as possible the performance of their [statutory] duties".<sup>87</sup>

An obviously important element in developing the reputation of professional policing and sustaining expansion was the ability to demonstrate success. At the very least,

supporters whether in central or local government, needed to adduce evidence that the new police were superior to the old system. Extensive early recruitment and retention problems, as well as handicapping the refinement of policing skills, worked against fostering a favourable public image. Yet, by the 1860s, through the combined effect of increased arrests and assumed stronger general deterrence, the police were being credited with a steady, continuing countrywide decline in serious crime levels.<sup>88</sup> Whether or not this decline was properly attributable to policing, the general perception was that it was. However, such recognition or belief did not necessarily carry with it unqualified endorsement of the full range of roles which, by then, the police had by then assumed.

Most particularly, just how broad the concept of policing should be, and quite how it should be executed, were matters which generated long-term friction between the police and predominantly working class sections of the population. Beyond seeking to prevent serious offences against person and property, policing soon took on other, contentious functions. The gradual informal assumption by police forces across the country of the role of local prosecuting authorities encountered mixed reactions at all social levels, with open judicial unease or even hostility occasionally expressed.<sup>89</sup> Similar levels of disquiet in many quarters greeted police involvement in the supervision of early released prisoners on licence, authorised under the Penal Servitude Act 1864.<sup>90</sup> Added to this was a more systematic enforcement of laws<sup>91</sup> against gambling, prostitution, itinerant trading, drunkenness, and vagrancy. At the same time, increasingly high levels of less visible, but serious, white collar crime went undetected or not subject to prosecution.<sup>92</sup> In part, this is ascribable to the relative covert nature and obscurity of the criminality and highly restricted investigative capacity of the police until the 1870s (*infra*). And while it has frequently been asserted that social class materially affected the criminal law's enforcement, the

extent to which the offender's social background was a factor in determining police involvement and prosecution defies confident assessment.

On the other hand, imposing middle class mores and codes of behaviour on the working classes by establishing a firm grip on the society and economy of the streets was a predictable recipe for resentment and resistance. Quite how far it materialised frequently turned on the zeal which drove local policing policy, along with the extent of good sense and discretion exercised by beat constables. Undoubtedly, the combination of a rapidly expanded police force armed with facilitative legislation produced a markedly more "policed" society, with working-class street culture attracting particular scrutiny and intervention. Complementing the coercive, intrusive, and often irksome nature of this kind of policing was a host of ancillary functions developed by, or imposed upon, the police. Some, such as rendering first aid, locating missing persons, and charitable works, sprang from a mixture of common humanity and political calculation. As many, including Chadwick,<sup>93</sup> well understood, extending police activities to socially benign "collateral services" not only directly benefited the community, but also eased the process of acceptance of the institution of professional policing. While not exactly making the policeman part of the community, activities of this nature might foster the view that the police served, as well as coerced, the community.<sup>94</sup> One illustration of an attempt at a balanced approach to policing of a different kind was the establishing of a relatively tight body of rules of interrogation aimed at ensuring that the extensive arsenal of stop and search powers was deployed in a responsible and least provocative fashion.<sup>95</sup>

At the opening of the First World War, the range of responsibilities assumed by the police had grown from the maintenance of "law and order" to include emergency and miscellaneous civil duties.<sup>96</sup> Although hardly immune from criticism,<sup>97</sup> amongst the middle and upper classes the second half of the nineteenth century saw a

consolidation of the broadly favourable reputation gained first, by the metropolitan force and later by provincial police. At least for these sections of society, "the blue coats - the defenders of order - [were] becoming the national favourites".<sup>98</sup> So much so, that by the end of the century it was almost routine to assert that the English police were the world's finest - subject to ever present reservations as to their cost.<sup>99</sup> However, whilst society's better off had generally embraced the growth of professional policing, the benefits for the working classes were rather less apparent. Arrival of professional policing brought heightened levels of official superintendence, along with the selective curtailment and attempts at revision of cultural and social mores.<sup>100</sup> Consequently, replacing working class suspicion and hostility with a broad but often guarded acceptance of professional policing was a more extended and gradual process, with relatively common individual acts of violence towards the police periodically erupting into large scale conflict.<sup>101</sup>

In London, particularly during the 1880s, the fine demands of achieving a measured balance between firmness and flexibility needed for unruly crowd control saw the undoing of two successive Metropolitan Police Commissioners.<sup>102</sup> To a large degree, acceptance of the new police accompanied the rising standard of living of the skilled and semi-skilled working classes - when a mean subsistence could be escaped by joining the swelling the ranks of the "respectable"<sup>103</sup> working classes. Indeed, the prominent moral crusades pursued through the police from time to time to suppress, if not eradicate, the vices of drink, gambling and prostitution, may have enjoyed "respectable" working class approval. However, it is more than a little doubtful whether, even by the early 1900s, The Times truly captured common working-class sentiment when observing that the metropolitan policeman was "not merely guardian of the peace ... [but] the friend of a mass of people who have no other counsellor or protector".<sup>104</sup>

Beyond the metropolis, a broadly similar picture of steadily evolving attitudes and perceptions emerges: for society's materially advantaged and least likely to be subject to police scrutiny and coercion, came the relatively early belief in the overall benefits of professional policing; and for the working classes, there followed a gradual erosion of suspicion and resistance to the police, who were, in many respects, the front line proselytes and enforcers of middle-class values and mores.<sup>105</sup> As in London, the popularity and acceptance of policing would turn largely on the sensitivity and flexibility with which local constables exercised their discretionary powers. Relief from the commonplace aggravations of petty theft and casual violence (not uncommon under the watch system) might be regarded as a worthwhile exchange for the officious intrusiveness of the professional constable. On a larger scale, from the 1860s to the early twentieth century, in a variety of locations, periodic eruptions of violence between police and political or industrial demonstrators undoubtedly soured police-working class relations. Many of these encounters drew charges of police misconduct, some of which were found on official inquiry to be well justified, while other allegations were rejected.<sup>106</sup>

More widely, deployment of police raised the fundamental issue of impartiality. Like both government and institutions of the criminal justice system, the police were naturally anxious to be perceived as objective and impartial. For, as was patently obvious from the inception of professional policing, the consent and co-operation of the policed was going to be a key element in its efficiency. However, as the enforcers of many laws, either aimed at or inevitably most likely to affect the lower classes, the social and political neutrality of the police was immediately suspect. Aside from occasional, essentially local instances, allegations of partiality were most insistent in relation to the policing of industrial conflicts. Here, the suspicion of bias sometimes not unsurprisingly rested on the clear association between the membership of a police committee and business interests subject to an industrial

dispute. At the same time, long running agitation within police ranks, largely concentrating on the steady push for reasonable pay and pension rights through unionisation, attracted either police authority or Home Office concessions or countermeasures. A broad swathe of radical organised labour, including membership within police forces, was not a situation to be lightly contemplated by central or local government. Most fundamentally, police political neutrality was to be equated with unqualified and unquestioning dependability when called upon to render physical support to the government of the day. Consequently, following the immediate post-war police strikes, the Police Act 1919 sought to provide a formal statutory solution, through creation of a Police Federation as a representative body, coupled with the prohibition of strikes and association with any union or other labour organisation.<sup>107</sup>

## **(2) Control and Accountability: Chief Constables, Police Authorities and the Home Office**

After 1856, acceptance of professional policing and its particular local structures, rested as much on the machinery of control and accountability as on actual policing practices.<sup>108</sup> Clearly, friction and conflict over this machinery principally engaged the politically active middle and governing classes, rather than society's lower orders. Three forms of police authority existed after 1856: for London, Metropolitan Police Commissioners were answerable to the Home Secretary;<sup>109</sup> for the provinces, Quarter Sessions governed county forces, with borough police the responsibility of Watch Committees made up of elected councillors. In the succeeding decades, each institution became the subject of largely political dispute. For the metropolitan and county police the contentious issue was lack of direct democratic control; for boroughs the dominant dispute centred on the professional relationship between watch committees and their chief constables.

Challenges to the Home Secretary's policing role in London were at their most cogent and insistent during the periods leading up to, and immediately after, establishment of the London County Council under the 1888 Local Government Act. In the absence of any unified local government body for London in 1829 political accountability for a police force had gone to the Home Secretary almost by default; although, no doubt, because of London's strategic position, Peel would have insisted on central government control. Now, with two recent resignations of Metropolitan Police Commissioners, parliamentary and extra-parliamentary claims that London police control should logically be a democratic function of local government, as in the boroughs, defenders of the status quo were pressed to make out their counter-case. Initially, this focused on the unique national and imperial nature of London<sup>110</sup> and its special policing needs. These suggestions, supported by instances of past public disorder in the capital, were sharpened by contemporary unease over Irish Nationalist mainland threats.<sup>111</sup> A second, more openly partisan line, concerned the possible leftist political complexion of future London County Councils; a fear to be overwhelmingly borne out by the 1889 elections. This extinguished any remote possibility entertained by Salisbury's government of surrendering central responsibility for London's police to a body whose political fitness and administrative capacity to control the metropolitan force the Tories fiercely disputed.<sup>112</sup>

Out in the shires, instead of the Home Secretary, the target of criticism was the undemocratic and ineffectual nature of Quarter Sessions police committees. For some, it was a failing in accountability aggravated by the generally relaxed control exercised by county committees over their chief constables, most of whom had come to enjoy extensive professional autonomy in the development of their police forces.<sup>113</sup> Under the County Police Act 1839 (section 6), county chief constables were responsible for the appointment, discipline and dismissal of constables. Quarter Sessions committees were invested with the rarely exercised residual power of giving

their chief constables “lawful orders”. A shared social background (usually gentry - military) between chief constables were county magistrates, coupled with broadly common notions of appropriate policing practices and policies, generally conduced to natural and unforced professional harmony. While under the Local Government Act 1888 changes in the constitution of county police committees introduced a political component of 50% of elected county councillors, the position of chief constables and level of positive control exercised by the new standing committees underwent no discernible change (as was true of their social composition and attitudes) for several decades.<sup>114</sup>

Both the structure of borough Watch Committees and the operational relationship with their chief constables presented a striking contrast with the contemporary situation in the counties. Although the 1856 Act recognised the role of borough chief police officers, it gave them no powers. Like county chief constables, Watch committees had responsibility for all police appointments, prescribing police regulations, including rates of pay, matters of discipline and dismissal. Rather than a quarterly event, meetings between Watch Committees and their chief constables generally occurred far more frequently, an indication of the greater level of potential and actual involvement in operational control by such police authorities. Moreover, the great majority of borough chief constables could claim only modest social origins, generally owing their position to rising through the ranks.<sup>115</sup> Consequently, for most of the nineteenth century, Watch Committees commonly viewed their chief constables, like any other executive servant of the borough, as very much subject to committee-led policy making. While few in number, recorded examples of conflict between police authorities and chief constables were almost exclusively confined to boroughs.<sup>116</sup> However, by the end of the nineteenth century, the controlling ability of Watch Committees was distinctly waning. Going beyond issuing wide policy directives by seeking to exercise close control over detailed and general operational

practices, was often inhibited by the realities of councillors' short-term tenure and restricted knowledge. Set against this was the accumulated experience and increasing professionalism of borough chief constables.<sup>117</sup>

By the early 1900s, a further significant factor conditioning the ability of boroughs and counties alike to control their police forces was the Home Office's rapidly rising involvement in policing matters outside the metropolis. The broad consequence of its inspection system was a modest measure of standardisation of policing practices, including manning levels and just what non-criminal justice roles the police might properly perform.<sup>118</sup> Expansion of Home Office direct communication with chief constables, also occurred especially in relation to the handling of public disorder which might threaten or generate large scale industrial paralysis;<sup>119</sup> it was a practice probably enhanced by the criminal branch of the Home Office achieving department status in 1870.<sup>120</sup> Additionally, the Home Office began to initiate legislation empowering police forces directly to carry out specific functions.<sup>121</sup> As with other<sup>122</sup> aspects of the criminal justice system, the pace and extent of Home Office involvement in policing affairs outside London was cautious and relatively limited. Until the early twentieth century, neither Home Secretaries nor their permanent officials<sup>123</sup> exhibited any systematic ambitions to establish a powerful presence in police affairs.<sup>124</sup> Yet, certainly, during the 1870s and '80s, Home Office concerns relating to its extremely limited powers over provincial policing occasionally surfaced.<sup>125</sup> One prominent manifestation of this intermittent interest was an abortive attempt in the 1888 Local Government bill to empower the Home Secretary to stipulate the size of each police force.<sup>126</sup>

However, although expressed somewhat robustly, far more indicative of the Home Office mindset was Harcourt's jibe that central government insistence on police authorities appointing "more police than [local authorities] want is like the old story of

compelling the Brahmins to develop butchers' shops because beef is thought to be good for them".<sup>127</sup> Home Office moves towards embracing greater centralisation of policing policy were eventually driven by the experiences of early 1900s political and industrial agitation, and the police strikes of 1918-1919, coupled with the ever compelling centralist appeal of administrative convenience.<sup>128</sup> Home Office mobilisation and direction of police forces in response to large scale pre-war strikes<sup>129</sup> was also illustrative of changing government perceptions of its competence and responsibilities across a far wider political and social spectrum. Such changes ran in tandem with substantial moves towards national uniformity of police service training and conditions proposed by the Desborough Committee<sup>130</sup> (1919-20), embodied in the 1919 Police Act, and largely implemented and enforced by the Home Office.

### **(3) From Prevention to Detection**

A final and particularly significant feature of the nineteenth century evolution of police forces requiring review is the hesitant adoption of covert policing. Entrenched suspicions of the inherently anti-libertarian nature of professional policing were not just a major political inhibition in the general establishment of police forces, they were especially antithetical to the notion of the plain-clothes detective; a figure who embodied the essence of un-English official intrusiveness and subterfuge. Consequently, it is likely that partly to assuage such fears and partly out of a firm belief in its efficacy, the principal function of the metropolitan and provincial constable was initially identified as one of deterring crime through open, uniformed patrol. However, predictably from early days, the need for catching criminals by more subtle policing methods was well understood by the Metropolitan Police establishment, who soon deployed plain-clothes officers; a practice earlier pioneered at Bow Street and other stipendiary magistrate-led district police offices and one which continued until

1839.<sup>131</sup> By 1842, emerging public acceptance of the new institution of policing, reinforced by recent high profile events, caused the Home Office to authorise the Metropolitan Police Commissioners' appointment of a small detective branch of two inspectors and six sergeants.<sup>132</sup> Though compared with the pre-1839 position, a decidedly limited establishment, it constituted at least a degree of open official recognition that crime prevention needed to be complemented by detection.

Virtual stagnation in the size of the metropolitan detective branch ended in 1869 with its dramatic expansion in response to public criticism of apparently rising levels of certain types of criminality, allied to publicly expressed doubts over uniformed policing efficiency. An 1868 Home Office Departmental Committee recommendation for a substantial increase in detective numbers, (combined with direct London vestry and district board pressure early in the following year) led to a substantial boosting of the central detective force. Rather than coping with "ordinary crime", the Committee's dominant anxiety over "wholly inadequate" numbers of policemen was their ability to counter "conspiracies" and "secret [trade] combinations",<sup>133</sup> increasingly of considerable economic and political significance for governments. But despite this, underlying concerns over the supervision and obvious potential corruptibility of detectives habitually in close contact with criminals, continued to dampen official enthusiasm for increasing detective force strength. Such suspicions were publicly borne out by the 1877 "Turf Fraud" case, involving corruption charges against three senior central detectives.<sup>134</sup> Following a Home Office Departmental Commission of Enquiry, the Metropolitan Police detective branch was re-created as the Criminal Investigation Department in 1878. Headed by Howard Vincent,<sup>135</sup> the newly appointed Director of Criminal Investigation, the force steadily increased in size to around 290 men by 1884 when Vincent resigned.

It was a modest expansion momentum very publicly checked by an early judicial reprimand coupled with explicit Home Office circumscription arising from detectives' use of an agent provocateur to assist in convicting a chemist of supplying abortifacients. Responding to parliamentary questioning, the Home Secretary, Vernon Harcourt, regarded the occasions on which such "artifice" would be justified as "rare indeed"; and then only to be resorted to under Home Office authority.<sup>136</sup> Limited, largely anecdotal, evidence suggests that judicial tolerance of dubious investigatory practices varied substantially. Most particularly, failure to issue a caution to suspects prior to confessions (or other incriminatory statements) led to some judges excluding such evidence, while others would not bar its admission. The position was eventually partially regularised by the Home Office's 1912 request for judicial formulation of what became known as the "Judges Rules".<sup>137</sup>

More generally, essential enhancement of the operational organisation of the Criminal Investigation Branch only got seriously underway in the first decade of the twentieth century; with the coincidence of a sympathetic Commissioner of Police, a favourable Home Office attitude, and a moderately sanguine public climate.<sup>138</sup> However, sustained unease at the suspect metropolitan detective culture of clandestine irregular and illicit practices persisted well into the 20<sup>th</sup> century, a concern which surfaced in the generally laudatory 1929 Report of the Royal Commission on Police Powers and Procedure:

"Some of the CID (Scotland Yard) evidence... leaves a somewhat disquieting impression upon our minds. There is, we fear, a tendency amongst this branch of the service to regard itself as a thing above and apart, to which the restraints and limitations placed upon the ordinary Police do not, or should not, apply".<sup>139</sup>

By way of a final, distinct development, the spectre of secret political police became a (limited) corporeal reality with the formation in 1884 of a "Special Irish Branch" of the CID, as a response to the resurgence of Fenian terrorism.<sup>140</sup> In its rapidly acquired wider remit (and title), artifice and subterfuge were virtually the *raison d'être* of Special Branch, as with any secret service. The relatively relaxed stance of British governments during the earlier parts of the nineteenth century<sup>141</sup> towards a kaleidoscope of exotic political exiles and other foreign groups, experienced marked changes between the century's closing decades and 1914. With full Home Office encouragement and authority, the police Special Branch developed an increasingly active and expanded interest in an ever disparate collection of suspect groups, ranging from foreign anarchists, nihilists, and spies, to home-grown Socialists and Suffragettes.<sup>142</sup> Yet, against this fermenting background, in 1914 the Home Secretary felt perfectly able and most emphatically to assure his Commons audience that no "political police" operated in Britain.<sup>143</sup>

## **Conclusions**

The nineteenth century establishment, development and growth of professional policing in England and Wales was one of the most significant institutional changes in the whole apparatus of criminal justice: over less than half a century, the new police radically altered the processes and practices of deterring, detecting and prosecuting crime. Change did not take place in any predictable uniform or linear fashion. Instead, following the innovation of the 1829 Metropolitan Police Act, the evolution of policing was irregular and frequently hesitant, representing the outcome of many decades of political compromise and accommodation between local and central interests set against shifting transient concerns.

With varying degrees of intensity, the introduction of new professional policing faced opposition from several quarters on a variety of grounds. Suspicions at all social

levels (including the judiciary) as to the inherently intrusive, alien nature of policing were far from fully dispelled by the actual practices adopted by some new forces. More tangibly, the steady ceding of local political, civic and legal autonomy from councils and magistrates to central government supervision or regulation across a broad range of functions<sup>131</sup> (including policing) was almost inevitably staunchly resisted locally. Yet, here, as in other areas of responsibility, the promised flow of central funding was the eventual balm most often employed for dissolving or appeasing opposition. However, not only did the prospect of large-scale professional policing for many decades prove unappetising locally, after 1829 central government interest and resolve on matters of policing displayed enormous fluctuations. Legislation, facilitative or prescriptive, issued in fits and starts, in much the same fashion and pace as other nineteenth century centralist engagements. The haphazard, not to say, accidental quality of some policing developments was particularly marked in relation to the expansion of detective and prosecution functions. Unease at the employment of detectives lingered throughout Victorian times; with reservations being partly overcome by even greater distaste for the covert activities of organised labour. In respect of prosecuting offenders, while from mid-century police forces assumed a prosecutorial role, this was largely through default and based on local accommodations.<sup>132</sup> It plainly followed successive decades of central government's unwillingness (or indifference) to resolve longstanding inadequacies in the system. Where rising levels of defendant representation<sup>144</sup> coupled with a steady sharpening of evidence requirements<sup>145</sup> increasingly placed a premium on skilled, methodical prosecution preparation. And, paradoxically, it was a relative neglect of the machinery of prosecution set against a background of innovatory penal measures enacted after the 1850s to protect vulnerable sections of society, especially women and children from sexual predation and violence.<sup>146</sup>

Overall, while it might be reasonably contended that police forces were, from time to time, deployed in the cause of topical strategic political, economic or social objectives, especially in the second half of the nineteenth century, these were largely secondary or incidental to the police's originally conceived functions. The historical evidence of professional policing's fitful, organic rather than calculated, systematic development weighs heavily against claims of sustained political ambitions for their large-scale instrumentalist or centralist function and local use considerably beyond immediate criminal justice objectives.

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<sup>1</sup> Statistics related to increased levels of prosecutions and committals. On the problematic nature of such analysis, see C. Emsley Crime and Society in England (2004) ch 2; and P. King, Crime, Justice and Discretion in England 1740-1820 (Oxford, 2000) ch 5; but cf H. Taylor (1998) 51 Economic History Review 569. [Generally, "Criminal Statistics", Oxford History, ch --].

<sup>2</sup> For example, the shift in treatment of low level offences against the person in the early decades of the nineteenth century offers compelling evidence of this change. Both the level of prosecutions and severity of typical punishments markedly increased during this period. See particularly P. King, Crime and Law in England 1750-1840 (Cambridge, 2006) [and "Offences against the Person" Oxford History, ch...]

<sup>3</sup> Report of the Select Committee 1812, PP II (127) 1.

<sup>4</sup> Report pp. 4 and 6.

<sup>5</sup> Romilly, Parl Deb (1812), Vol 23, 950; Brougham, *ibid.* Whilst both Romilly and Brougham were broadly Benthamite in favouring extensive revision of many aspects of the criminal justice system, neither (and particularly Brougham) showed much inclination to support reform of policing.

<sup>6</sup> 1816, P.P. V (510); 1817, P.P. VII (233, 484); and 1818 P.P. VIII (423).

<sup>7</sup> Neither Blackstone nor Paley saw organised policing as a key component of the criminal justice system. Blackstone, 4 Comm. 350, 3 Comm. 325-7; Paley, Principles of Moral and Political Philosophy (17 ed, 1809) 355; Vol II, 295-7; cf. 306.

<sup>8</sup> Third Report (1818) pp. 33-44.

<sup>9</sup> Report from the Select Committee on the Police of the Metropolis, 1822 P.P. (440) IV.

<sup>10</sup> 1822 Report, 8-9.

<sup>11</sup> Sixty constables were based at Bow Street during the late 1770s.

<sup>12</sup> Fox characterised the establishment of stipendiaries as a "new principle, which might be indefinitely extended under various pretexts and effects of which no man could foresee". Parl Hist (1791-2) Vol 29, col 1465.

<sup>13</sup> People characterised by the Duke of Northumberland as "gentlemen of family and fortune". Parl. Hist (1780-81) XXI, 685.

<sup>14</sup> Parl. Hist. (1780-81) XXI, 592.

<sup>15</sup> R. Paley, "The Middlesex Justices Act 1792 ..." (Phd. Diss. 1983) 263-270.

<sup>16</sup> Pelham Papers, BL. Add. MS 33110, vols 215-23; HO 42/118, cited by R. Paley "An Imperfect, Inadequate and Wretched System" (1989) 10 Criminal Just. Hist. 95, 111. On the shift from "trading justices" to stipendiaries, N. Landau, "The trading justices trade", in Law, Crime and English Society 1660-1830 ed. Landau, (Cambridge, 2002) 46.

<sup>17</sup> In 1798 the Thames River Police was added. Out of strong self-interest, merchants persuaded central government to adopt it two years later. For the steady expansion of mounted and foot patrols based at Bow Street, see the 1828 Select Committee Report, *infra*.

<sup>18</sup> For a detailed exploration of Bentham's theories and proposals on the institution and machinery of policing, see L. Radzinowicz, History, vol III, 431-447.

<sup>19</sup> First published 1795; preface of the 7<sup>th</sup> and final edition published 1806.

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<sup>20</sup> [See, "Religion and Law", Oxford History, ch ---]

<sup>21</sup> London Review (1829) 1, 252 - 308. Originally prepared as a memorandum of evidence for Peel's 1828 Select Committee on the police, but submitted too late to influence the Committee's report.

<sup>22</sup> Chadwick's specific employment of Bentham's felicific calculus: making the effort ("pain") required to commit an offence greater than that needed to achieve the objective ("pleasure") legitimately (271-2).

<sup>23</sup> Chadwick deploys the same argument in his 1839 Royal Commission Report, 67.

<sup>24</sup> 300-302. See also, Sir George Stephen, Practical Suggestions for the Improvement of the Police (1829) and cf. G.B Mainwaring, Observations on the Present State of the Police of the Metropolis (1821).

<sup>25</sup> Treatise, p 98.

<sup>26</sup> Peel to Henry Hobhouse, his former Home Office Under-Secretary, 4 Feb 1828, Peel Papers, BL, Add MSS 40395, ff 205. Between 1822 and 1827 Peel maintained a steady and active involvement in matters of policing. After his 1822 appointment of "Chief Constables" to head each of the 9 Police Offices, Peel ensured detailed intelligence of the events in their respective areas of responsibility. In 1826, at Peel's instigation, an internal Home Office inquiry into London's policing produced a London policing model similar to earlier Dublin police prototypes, involving police districts headed by "divisional" magistrates. N. Gash, Mr Secretary Peel: The Life of Sir Robert Peel to 1830 (Camb. Mass) 487-492.

<sup>27</sup> Parl. Debs. XVIII, 799-800.

<sup>28</sup> See Gash, Peel, 494, and House of Commons Journal XXXIII, 114.

<sup>29</sup> (1828). The majority of witnesses were associated with various aspects of the watch system yet favoured a centralised policing system.

<sup>30</sup> July 1828 Report, p 22. Excluding the City of London, then an untouchable citadel of influence.

<sup>31</sup> For example, education 1833 and 1839, Factory Act 1833, new Poor Law 1834, Prisons 1835.

<sup>32</sup> Peel was a long term, regular correspondent of Bentham.

<sup>33</sup> [See "Punishment" and "The Law's Shape and Form", Oxford History, chs ----]

<sup>34</sup> For example, (1811-12), Luddite industrial disorders; (1815) Corn Bill riots; (1816) Spa Field riots; (1816) East Anglia Wage riots; (1819) Peterloo Massacre; (1820) Cato Street Conspiracy; (1820-21) Queen Caroline Riots.

<sup>35</sup> The Times, 1823, 31 January.

<sup>36</sup> (1828) 37 Quarterly Review 502.

<sup>37</sup> Particularly Paley, "An Imperfect Inadequate and Wretched System" (1989) 10 Crim Justice Hist. 95.

<sup>38</sup> 1822 Report, 4-7.

<sup>39</sup> S. Palmer, Police and Protest in England and Ireland (Cambridge, 1988) chs 6 and 7.

<sup>40</sup> For example, P. King Crime, Justice and Discretion passim.

<sup>41</sup> (1822) Parl. Deb. 7, 803 and (1829) 21, 741 Also Peel's correspondence with Hobhouse: 9 July, 1826, Peel Papers, 40388, fol. 16; 8 December, 1826, Peel Papers 40390, fols 186-9; 4 February, 1828, Peel Papers, 40395, fol 205.

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<sup>42</sup> [See “Punishment” and “Prosecution” Oxford History chs --]

<sup>43</sup> Peel’s operational guidance to the Metropolitan Police: New Police Instructions (1829), and reprinted in The Times, September 25, 1829.

<sup>44</sup> For this argument E. Reynolds, Before the Bobbies: The night watch and police reform in Metropolitan London 1720-1830 (1998) 140-145. On non-Metropolitan eighteenth century policing, G. Morgan and P. Rushton, Rogues, Thieves and the Rule of Law: The problem of law enforcement in North-East England, 1718-1800 (1998).

<sup>45</sup> 1828 Report, 260.

<sup>46</sup> S.4 of the Act specified “..a sufficient Number of fit and able Men”, approved by the Home Secretary “to act as Constables for preserving the Peace, and preventing Robberies and other Felonies, and apprehending Offenders against the Peace”.

<sup>47</sup> Palmer, Police and Protest, 294-6.

<sup>48</sup> Facilitated by increasing both the scope of summary offences and powers of arrest of suspicious persons under the Metropolitan Police Act 1829 and earlier legislation, including the Vagrancy Act 1824 and Malicious Trespass Act 1827. See The Times, 1829, 14 October. Also D. Storch, “The Policeman as Domestic Missionary”, (1976) 9 Journal of Social History 482-509; M. Roberts, “Public and private in early-nineteenth century London” (1988) 21 Journal of Social History, 293.

<sup>49</sup> For earlier records of government inspired police intelligence gathering on such movements between 1795 - 1800 see correspondence NA. HO 65/1. For early 20<sup>th</sup> century, e.g. B. Weinberger, Keeping the Peace: Policing Strikes in Britain (Oxford, 1991) and J. Morgan, Conflict and Order: The Police and Labour Disputes in England and Wales 1900-1939 (Oxford, 1987).

<sup>50</sup> For press characterisation of the police as military, Emsley, The English Police, 25-26.

<sup>51</sup> For local authority resistance to the police rate, Reynolds, Before the Bobbies, 153-8.

<sup>52</sup> 1833 PP (627) XIII and 1833, (718) XIII.

<sup>53</sup> 1834 PP (600) XVI Report of Select Committee on Police of the Metropolis, 4.

<sup>54</sup> *Ibid*, 21. The Report’s minutes of evidence reveal substantial continuing dissatisfaction with the absence of the old system of local control and the increased financial burden of the police rate. For the political compromise struck on City of London policing, A. Harris, Policing in the City. Crime and Legal Authority in London 1780-1840 (Columbus, Ohio, 2004) ch. 5.

<sup>55</sup> [See “Law and Political Economy”, and “Regulation”, Oxford History, chs .---]

<sup>56</sup> The Swing Riots in rural southern England, combined with those in urban areas centering on the Reform Bill crisis at the beginning of the 1830s, led the government to prepare a bill setting up a national police system. Dampening down of disorder and more pressing government legislative priorities killed off this initiative. D. Philips and R.D. Storch, “Whigs and Coppers: the Grey Ministry’s National Police Scheme, 1832” (1994) 67 Historical Research 75. And W. Miles, Suggestions for the Formation of a General Police (1836).

<sup>57</sup> Second Report from Select Committee on Criminal Committals and Convictions 1828 PP (545) 6, 423.

<sup>58</sup> Second Report of the Commissioners on County Rates, 1836 PP XXVII, 8-9.

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- <sup>59</sup> Such as in the Poor Law Amendment Act 1834, and Prisons Act 1835. On this redistributive process, D. Eastwood, Governing Rural England. Tradition and Transformation in Local Government 1780-1840 (Oxford, 1994) chs 1-3.
- <sup>60</sup> Exacerbated by the example of the new Poor Law administrative machinery, Philips and Storch, Policing Provincial England, 1829-1856 (1999) 37-8.
- <sup>61</sup> For example, Emsley, The English Police, 35.
- <sup>62</sup> Second Report of the Commissioners on County Rates (1836) 8-9; earlier comments in Poor Law Commissioners Report (1834) 44 PP 29, 5.
- <sup>63</sup> (1836) Parl Deb 33, 906.
- <sup>64</sup> Russell to Chadwick, October 9, 1836, Chadwick Papers 1733/1, quoted to D. Philips, "A 'Weak State', The English State, Magistracy and the Reform of Policing in the 1830s" (2004) 119 HER 873, 876.
- <sup>65</sup> Chadwick's fellow commissioners were Charles Rowan of the Metropolitan Police and Whig MP Charles Shaw Leferve, later Viscount Eversley, a County Rates Commissioner.
- <sup>66</sup> First Report of the Commissioners, 1839 PP (169) XIX.
- <sup>67</sup> The Times, November 15, 1836. Russell described the Report's proposals as too extensive for the "present case". 1839 Parl. Deb 49, 729.
- <sup>68</sup> Quoted by Palmer, Police and Protest 425. Peel did not vote in the bill's debate.
- <sup>69</sup> The 1839 Act (2 & 3 Vict. c 93) amended by the County Police Act 1840 (3 & 4 Vict. c 88) dealing with financial and force consolidatory measures.
- <sup>70</sup> Philips and Storch, Policing, 167-208.
- <sup>71</sup> For parliamentary attempts to revive parish constabulary C. Steedman, Policing and the Victorian Community: The Formation of English Provincial Police Forces 1856-80 (1983) 18-19.
- <sup>72</sup> For the range of models under the 1839 and 1840 Acts, Emsley The English Police, 43-49.
- <sup>73</sup> [See "Criminal Statistics", Oxford History ch ---]
- <sup>74</sup> PP 1835 (116) 23, 43.
- <sup>75</sup> J. Prest, Liberty and Locality (Oxford, 1990) *passim*.
- <sup>76</sup> For the pattern of compliance, D. Taylor, The New Police in Nineteenth Century England (Manchester, 1997) 32-35, and J. Hart, "Reform of the Borough Police 1835-1856" (1955) 70 EHR 411. But cf D. Wall, Chief Constables (1998) 32-3.
- <sup>77</sup> Manchester Police Act 1839; Birmingham Police Act 1839; Bolton Police Act 1839. For the political background; Palmer, Police and Protest 411-20.
- <sup>78</sup> [See "Punishment" Oxford History ch --]
- <sup>79</sup> Robert Palmer, Parl. Debs (1856), 140, 243. See also the Edinburgh Review (1852) 96, 1, at 27 and The Times, 7 December, 1853, 8.
- <sup>80</sup> On the Committee's composition and evidence, Emsley, The English Police, 50-51.
- <sup>81</sup> Second Report of the Select Committee on Police (1852-3) PP 715 XXXVI.
- <sup>82</sup> 259 votes for, 106 against. Of the borough MPs, 83 voted for, 69 against.

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<sup>83</sup> Brighton Examiner (1856) March 18, quoted by Taylor, The New Police, 38. For contemporary press comments, Palmer, Police and Protest, 510 and 513.

<sup>84</sup> Three background factors have been commonly identified as having potentially encouraged government action and softened opposition: i) Between 1854 and 1856 the Crimean War both absorbed army resources available for domestic disorders in garrison towns, and later caused the government to resolve to refocus army organisation on purely military deployment. ii) The virtual ending of transportation of convicts to Australia in 1853 led to the scheme of domestic "penal servitude" and the "ticket of leave" system, which generated civic concerns. P. Bartrip, "Public Opinion and Law Enforcement: The Ticket of Leave Scares in Mid-Victorian Britain", in V. Bailey (ed) Policing and Punishment in 19<sup>th</sup> Century Britain (1981) ch 7; (iii) Expansion of the railways increased the mobility of both criminals and troops; crime began to take on a national as well as a local character.

<sup>85</sup> The Times, 7 December 1853, 8.

<sup>86</sup> "Efficiency" under the 1856 Act covered "numbers and discipline". For inspectors' early reports, T. Critchley, A History of Police in England and Wales (1978) 124, 118 – 123, and Steedman, Policing the Victorian Community, 38-41, 56-9.

<sup>87</sup> J. Hart, "The County and Borough Police Act 1856" (1956) Public Administration p 413. On the expansion of police forces J. Martin and G. Wilson, The Police: A Study in Manpower, the Evolution of the Service in England and Wales 1829-1965 (1969) 32. For recruitment, training, working conditions, and professionalisation of the police Taylor, The New Police, 47-77, and H. Shpayer-Makov The Making of a Policeman (2002).

<sup>88</sup> V. Gatrell, "The decline of theft and violence in Victorian and Edwardian England", in V. Gatrell, et al, ed. Crime and the Law (1980). Cf. Taylor (1998) 51 Economic History Review 569 for the suggestion of a broad-based official understanding, driven by government thrift, to understate the levels of crime in order to inflate the appeal and effectiveness of the police and criminal justice system. Supporting evidence adduced for the theory is severely limited.

<sup>89</sup> [See "Prosecution" Oxford History ch --]

<sup>90</sup> ["Punishment" Oxford History ch ---]

<sup>91</sup> Petrow, Policing Morals, 1870-1914 (Oxford, 1994), passim, and D. Miers, Regulating Commercial Gambling (Oxford, 2004) passim, especially chs. 2, 9 and 10.

<sup>92</sup> G. Robb, White-Collar Crime in Modern England: Financial Fraud and Business Morality 1845-1929 (1992).

<sup>93</sup> Chadwick "On the consolidation of police force and the prevention of crime" (1868) 77 Fraser's Magazine 1.

<sup>94</sup> Amongst the additional functions given to the police was supervision of released prisoners. The Convict Supervision Office, Scotland Yard, was established in 1880. ["Punishment", "Oxford History", ch --]

<sup>95</sup> Especially under the 1829 and 1839 Metropolitan Police Acts, and the Habitual Criminals Act 1869. W. Miller, Cops and Bobbies (1999) 56-66.

<sup>96</sup> Such as highways, gas supplies and inspection of weights and measures.

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<sup>97</sup> Two Royal Commissions on the Police in 1855 and 1906 dealt with a wide range of complaints against the Metropolitan Police p. 161.

<sup>98</sup> Punch, 1851, July - December, 173; quoted by Emsley, The English Police, 62.

<sup>99</sup> For example, (1900) Parl Debs LXXXV, 1559.

<sup>100</sup> Petrow, Policing Morals, passim. For evidence of the inertia of tradition and slow pace of change in local policing and prosecution practices, see C. Conley, The Unwritten Law: Criminal Justice in Victorian Kent (Oxford, 1991).

<sup>101</sup> Although the accuracy of recorded figures is open to dispute, the statistics for the annual rates of general assaults and for those on the police between 1860s – 1914 show a very distinct reduction. V. Gatrell, "The Decline of Theft and Violence in Victorian and Edwardian England" in V. Gatrell et al (eds) Crime and the Law (1980). There is no comparable information for pre-professional periods.

<sup>102</sup> V. Bailey, "The Metropolitan Police, the Home Office and the threat of outcast London" in V. Bailey ed. Policing and Punishment in 19<sup>th</sup> Century Britain (1981); and R. Vogler, Reading the Riot Act (1991).

<sup>103</sup> F. Thompson, The Rise of the Respectable Society (1988), 198.

<sup>104</sup> The Times 24 December, 1908, quoted by Critchley, 326.

<sup>105</sup> Storch "The Policeman as domestic missionary" (1976) 9 Journal of Social History 481, and D. Taylor, Policing the Victorian Town (2002) ch. 5.

<sup>106</sup> Emsley, English Police, ch. 5 and provincial anti-police sentiments examined by Taylor The New Police, 108-124.

<sup>107</sup> G. Reynolds and A. Judge, The Night the Police Went on Strike (1968) passim.

<sup>108</sup> On the constitutional independence and accountability of individual constables, G. Marshall, Police and Government (1965) chs. 2 and 3.

<sup>109</sup> Under the City of London Police Act, 1839, the Commissioner of the City of London police enjoyed even greater autonomy than a county chief constable, dismissal being by either the Crown (effectively the Home Secretary) or by the City's Court of Aldermen. J. W. Nott-Bower, Fifty Years of Policemen (1926) 173.

<sup>110</sup> On the nationally strategic importance of the Metropolitan Police, see H. Evans, "The London County Council and the Police" (1889) 55 Contemporary Review 448.

<sup>111</sup> For example, Harcourt, as Home Secretary, to Spencer 1883, March 4, Harcourt MSS. Box 41, 138.

<sup>112</sup> J. Davis, Reforming London: The London Government Problem 1855-1900 (1988) 115-122, and Emsley, English Police 85-6. Lord Salisbury's sympathetic comments on greater police centralisation in the 1888 Lords' debate. Parl Debs Vol CCCXXIX, 1653.

<sup>113</sup> D. Wall, Chief Constables (1998) 91. The Home Office view in 1876 was that "the head constable of a borough police force holds an inferior position as compared with the chief constable of a county force." NA., HO 347/3, Home Office Printed Memoranda 1 May 1876.

<sup>114</sup> C. Zangerl, "The Social Composition of the County Magistracy" (1971) XI, Journal of British Studies, 113.

<sup>115</sup> Wall, 108-120.

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<sup>116</sup> Critchley, History of Police, 143; Emsley, The English Police, 89-91, and generally M. Brogden, The Police: Autonomy and Consent (1982).

<sup>117</sup> Cf most especially the authoritative R. Reiner Chief Constables (1992) 12-14; and see also Wall, 95-6.

<sup>118</sup> The importance of being certified "efficient" increased when the central subvention rose from ¼ to ½ of the costs of police pay and clothing under the Police (Expenses) Act 1874.

<sup>119</sup> Particularly, Churchill's interventions as Home Secretary in the industrial disputes between 1910-12. J. Morgan, Conflict and Order (Oxford, 1987) 44-9, and D. Englander, "Police and Public Order in Britain 1914-1918", Policing Western Europe... 1850-1940 ed. C. Emsley and B. Weinberger (Westport, 1992) 90.

<sup>120</sup> J. Pellew, The Home Office 1848-1914 (1982), 57.

<sup>121</sup> Such as the Explosives Act 1875.

<sup>122</sup> For example, prisons, where the centralising momentum issued from Du Cane and the prisons administration, with the Home Office acquiescence.

<sup>123</sup> J. Pellew, Home Office (1982) 5-33; H. Parris "The Home Office and the Provincial Police, 1856-1870" (1961) Public Law 235; E. Troup (Permanent Under Secretary from 1908-1922) became a highly formative influence in Home Office policy, including a more uniform and interventionist approach to policing. See Troup "Police Administration, Local and National" (1928) 1 Police Journal, 5.

<sup>124</sup> Cf. Steedman, Policing the Victorian Community 27-32.

<sup>125</sup> In 1874, increase central government support for police expenses from ¼ to ½ was partly motivated by the desire for greater leverage.

<sup>126</sup> 1888 Parl Debs, Vols CCCXXVII, 1053; and CCCXXVIII 797-861.

<sup>127</sup> 1883, quoted by Critchley, History of Police, 130. Harcourt was Home Secretary 1880-5. In the 1888 Local Government Bill debates, Harcourt lambasted the Inspectors of Constabulary as being "absolutely useless". Parl Debs, Vol CCCXXVII, 1053.

<sup>128</sup> Emsley, English Police, ch.6

<sup>129</sup> Weinberger, Keeping the Peace ch.3.

<sup>130</sup> Critchley, History of Police, 182-198.

<sup>131</sup> For example, Report from the Select Committee on the Petition of Frederick Young PP 1833 (627) XIII, and Metropolitan Police Offices, PP 1837 (451) XII. On the functioning of the Bow Street Runners, J. Beattie, "Early Detection: The Bow Street Runners in Late Eighteenth Century London", in (eds) C. Emsley and H. Shpayer-Makov, Police Detectives in History, 1750-1950 (Aldershot, 2006) 15. For their provincial deployment D. Cox, "A Certain Share of Low Cunning": An analysis of the work of Bow Street Principal Officers, 1792-1839, with particular emphasis on their provincial duties (PhD Thesis 2006).

<sup>132</sup> The extent of Metropolitan plain clothes police actually deployed before 1842 is unclear. R. Morris, "'Crime Does Not Pay': Thinking Again About Detectives in the First Century of the Metropolitan

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Police” in (eds.) C. Emsley and H. Shpayer-Makov, Police Detectives in History 1750-1950 79. Petrow "The Rise of the Detective in London, 1869-1914" (1993) 14 C.J.H. 91,92n.

<sup>133</sup> Confidential Home Office Departmental Committee to enquire into the System of Police Report p. 21 Home Office Printed Memoranda and Reports N.A. H.O. 347/1,475. In his evidence to the Committee Sir Richard Mayne, Metropolitan Police Commissioner, identified “good detectives” throughout large city provincial forces, including Liverpool, Birmingham, Manchester and Bristol. Evid. mins. (87). The provocative almost hostile tone of questioning by parliamentary counsel and Home Office legal adviser, Henry Thring included references to detectives as “spies” and a “spy system” (88-9). Public order concerns relating to labour disputes was an important factor in revamping the organisation and clarifying the powers of special constables. Confidential memo. 20 Dec. 1867, N.A. H.O. 347/3 573; January 1868, 577. Parallel development of detective branches in provincial forces was subject to substantial variation in the rate of development and size of force. But the Metropolitan use of detectives was undoubtedly influential, as witnessed by their requested use outside London.

<sup>134</sup> See D. Ascoli, The Queen’s Peace: The Origins and Development of the Metropolitan Police 1829-1979 (1979) 143-7

<sup>135</sup> 29 year old Vincent, a barrister and former army officer without policing experience.

<sup>136</sup> Judicial comment on Titley, The Times December 14 and 17, 1880. Home Secretary, Vernon Harcourt, 1881 Parl Deb CCLVII, 443-4, 941-2.

<sup>137</sup> E. Williams, “The modern view of confessions” (1914) 30 LQR 294. [And “Criminal Evidence”, Oxford History, ch --]

<sup>138</sup> Petrow, Policing Morals, 62-66 and the Royal Commission upon the Duties of the Metropolitan Police, Report PP 1908, 50,

<sup>139</sup> Cmnd. 3297, p. 102, para 269, on interrogation practices.

<sup>140</sup> State use of spies and surveillance techniques had a pedigree stretching back more than two centuries. Report of the Select Committee on the Post Office (1844) PP 1844 XIV. F. Smith, “British Post Office Espionage 1844” (1970) Historical Studies 4; D. Mack Smith, Mazzini (New Haven, 1994). The availability and use of “secret service money” by Home Secretaries to “preserve the public peace” was a somewhat ill-defined, open secret. For example, Lord John Russell, Parl. Deb. 1845, Vol. 77, 987. Generally, D. Vincent The Culture of Secrecy: Britain 1832-1998 (Oxford, 1998); B. Porter, The Origins of the Vigilant State: The London Metropolitan Police Special Branch before the First World War (1987) *passim*.

<sup>141</sup> See P. Thurmond Smith, Policing Victorian London (1985) ch. 4.

<sup>142</sup> See Porter, The Origins of the Vigilant State and C. Andrew, Secret Service: The Making of the British Intelligence Community (1985).

<sup>143</sup> Parl Deb (1914) LXI, 1874 and LXII, 121.

<sup>131</sup> For example, prison construction and administration [“Punishment” Oxford History ch --] Poor Law reforms 1834, and subsequent health and housing interventions [“Regulation” and “Law and Political Economy” Oxford History chs ---]

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<sup>132</sup> ["Prosecution", Oxford History, ch --]

<sup>144</sup> [See "Defence" Oxford History, chs --]

<sup>145</sup> [See "Criminal Evidence" Oxford History ch --]

<sup>146</sup> ["Sexual Offences", Oxford History, ch --. Yet, at the same time the strength of police forces considerably increased. In the case of the Metropolitan Police from around 3000 in 1830, force strength had risen to approximately 9000 in 1870, and reached in excess of 19000 by 1910. Emsley, The English Police, Appendix 1. Even allowing for population expansion, the police/civilian ratio dramatically decreased by the end of the century. J. Martin and G. Wilson, Study in Manpower (1969), p. 32.

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