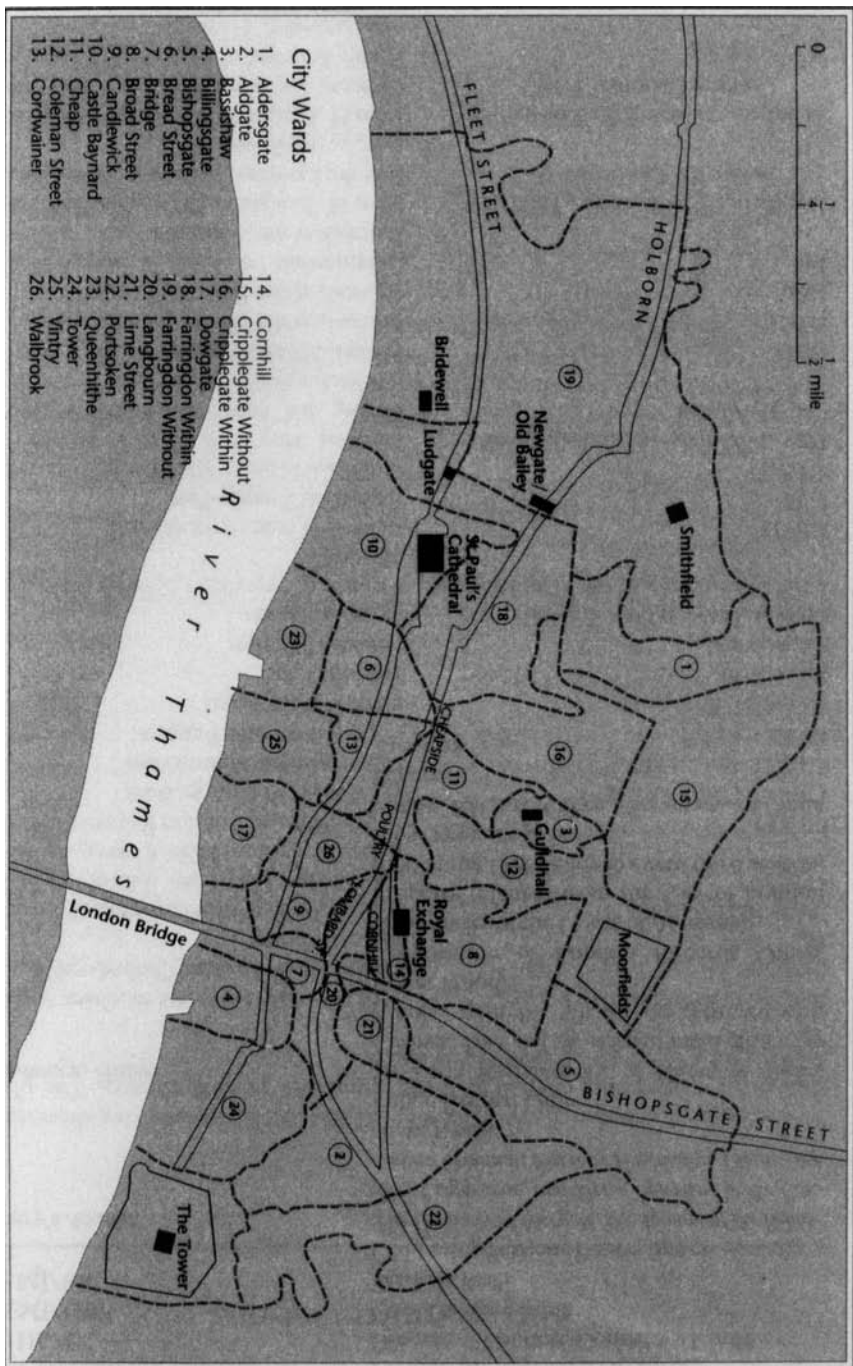


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POLICING THE CITY
Crime and Legal Authority
in London, 1780–1840

ANDREW T. HARRIS



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Structures of Policing and Governance in the City of London

I. POLICING AND CRIMINAL JUSTICE IN EIGHTEENTH-CENTURY ENGLAND

The English criminal justice system underwent a major transformation in the late eighteenth and early nineteenth centuries. Legal reformers rationalized a criminal code that had expanded dramatically since the Glorious Revolution of 1688, decreased the number of capital crimes, and attempted to equate the punishment of crimes with each criminal act's severity. With the gradual abolition of capital punishment for most offenses came an increased reliance on imprisonment, a secondary, noncapital sanction that could be graded appropriately, and also major changes in how the English policed their communities. Policing became centralized and, according to reformers and some historians, more efficient as well.

This work examines the transformation of policing and the reasons for that transformation in the City of London, a small but influential and unique part of the metropolis. It begins with the crime wave that accompanied the end of the American Revolutionary War in the mid-1780s, which catalyzed police reform movements in the nation's commercial capital, and ends with the consolidation of City policing in the mid-1830s. It ends, in short, when many histories of policing begin. I argue that revolutionary changes in policing began in the 1780s, far earlier than expected; that such local changes preceded and in some cases inspired national reforms; and that local policing remained dynamic, responsive, and locally accountable right up to the time of its demise under the centralizing measures of the 1830s. Perceptions of and anxieties about policing had as much

to do with the social origins of those who served as constables and watchmen as it did with the origins of criminality itself. Changes in attitudes toward and practices of policing evolved, so that what was presented as new in the 1830s was in fact a culmination. Moreover, the impulses that drove changes in policing and approaches to criminology themselves changed over time, so that what motivated the creation of a new police force in the 1780s, for example, was different from what motivated its use twenty years later. Changes in institutions and social policy were too complicated to have been caused by any one factor.

In making these arguments about the timing and nature of changes in English policing, my work parallels and has been anticipated by recent scholarship on policing, criminal justice, and social policy in general. In looking at eighteenth-century London policing outside the City, Elaine Reynolds's work suggests that policing initiatives developed locally rather than nationally, that Sir Robert Peel's creation of the Metropolitan Police in 1829 served as the centralizing culmination of a process of a century of local reforms, and by implication that the chronology of police change needs to be shifted backward.¹ Her studies of local policing reveal both the stereotypical inadequacy, corruption, and inefficiency noted by early-nineteenth-century reformers and a constantly evolving process of police reform, so that it becomes impossible to continue to see the eighteenth century as unpoliced. It becomes equally impossible to see the early-nineteenth-century reforms as revolutionary.

The flexibility and responsiveness of local policing that Reynolds finds in Middlesex was not anomalous; John Beattie found similar patterns for the City in the century after 1660. Beattie makes the case that criminal justice administration, including policing, was dynamic and responsive both nationally and in the City. Throughout this period, politicians experimented with ways to encourage prosecution and augment the range of punishments, and City leaders and residents constantly altered their night-watch systems. The era seen by early-nineteenth-century reformers, and later historians who believed them, as stagnant in social policy and bloodily-mindedly fixated on capital sanctions turns out to have been a time of considerable activity in searching for ways to make criminal justice work better. In the absence of a major intellectual focal point (as Cesare Beccaria or Jeremy Bentham would prove to be later) and significant public debate, Beattie argues that we have largely assumed complacency: "No grand plan guided these changes, nor did they follow ideas set out as a consequence of public debate. They were more immediate and reactive than that."² But the attempts to transform both policing and punishment in the early *eighteenth* century make that period as important in terms of crimi-

nological reform as its better-known successor a century later. That both Beattie and Reynolds argue that a more active approach existed in eighteenth-century policing also suggests the possibility that such unheralded but real improvements in one part of the criminal justice system contributed to the rising number of criminal prosecutions noted by anxious observers in the early nineteenth century, which in turn led reformers to argue the system's inadequacy. My work on the City, taking up several decades after Beattie leaves off, and in part overlapping chronologically with Reynolds's study, confirms that many of their arguments hold true for the City in this period as well.

Beattie's and Reynolds's work on policing and punishment dissents sharply from the early Victorian image of Hanoverian local government as stultifying, corrupt, and incompetent. David Eastwood finds a different picture as well, though not confined to criminal justice. In looking at provincial government in the late eighteenth and early nineteenth centuries, Eastwood argues that such governing structures as existed were not only vitally active but suited to the "independent spirit which animated many parishes, acting as a mirror of the social order and what passed locally for respectability."³ Local government meant participation by members of a community (not all, to be sure) in arguing about and defining the nature of social problems and social policies. In rural England, by the mid-nineteenth century, "the participatory traditions of local self-government . . . had been substantially eroded." These gave way to "new principles of public administration which, in denying such extensive local autonomy, promised efficiency and economy in its place."⁴ This process took place in City policing as well; although the City managed to dodge the centralizing tendencies of the state, it also exhibited that model of centralization in itself throughout this period. Eastwood's exploration of the innovativeness of provincial social policy in the early nineteenth century parallels the work of David Philips and Robert Storch. Their *Policing Provincial England* reminds us that despite the centralizing tendencies of the mid-Victorian state, in actuality the political, ideological, and economic arguments about the nature of criminal justice played out far from London.⁵

My work, then, while new, fits in with a broader reevaluation of eighteenth-century social policy and local governing institutions that has been under way for over a decade. No longer does this period seem so stagnant, or its governance so inefficient. To understand the dynamic of changing social policy in the early nineteenth century requires understanding that age's inheritance in its own terms, not in the terms of those who consciously saw themselves as overturning it. Furthermore, as the work of the authors mentioned earlier makes clear, social policy cannot be understood

as a product of parliamentary legislation or centralized government alone; localities (be they Lancashire or the City of London) and local elites often determined the course and meaning of change.

The eighteenth-century concept of policing carried several quite different meanings, harmonized broadly as “regulation.” The *Times* vacillated, noting generally in 1788 that “whoever considers the miserable state of our police in this city, must be sensible that there is an absolute and crying want of new laws, new magistrates, new constables and new everything”; several months earlier it had used the word much more specifically, referring to the specific problem of corrupt justices of the peace.⁶ Poor-law reformer and Member of Parliament (MP) Thomas Gilbert’s 1781 pamphlet, *A Plan of Police*, understood policing as keeping people in work and out of both crime and subsidized poverty, while Josiah Dornford’s famous *Seven Letters to the Lords of the Privy Council on the Police*, published in 1785, dealt entirely with imprisonment and punishment as a check on the depravity of the “lower orders,” and not at all with policing as prevention or detection of crime.⁷ Policing could cover a broad umbrella of meanings; Donna Andrew characterizes the eighteenth-century idea of policing as “the maintenance of a civil order, a civilized society, and a refining process. Police was the practical, consensual expression of a society’s social arrangements, mores, and beliefs.”⁸

Though policing carried many possible connotations in the eighteenth century, by the 1820s the idea had become more precise, losing some of the meanings that had made it such a generally applicable concept in earlier decades. What had encompassed a system of regulation, especially the morality and relief of the poor, became, discursively at least, an ideal of efficiency confined to criminality and public order. But if one looks only at those specific concerns with crime and public order throughout the late eighteenth and early nineteenth centuries, one finds that the nature of policing itself did not change as dramatically as did its rhetorical connotations or the claims of its reformers. What the formally constituted police did in the 1830s, from legitimate responsibilities to illegitimate corrupt practices, bears remarkable similarity to what the watchmen, constables, and City marshals had been doing since the 1780s. A rhetoric of discontinuity and radical police reform masked a more complex reality of gradual evolution and continuity of practice.

The broader context in which historians have located policing is that hallmark of eighteenth-century criminal justice, the public execution, and the expanding criminal code that served it. In the hundred years after 1688, statutes creating capital crimes proliferated as never before, growing four-fold to cover over two hundred offenses by 1820. The various meanings contemporaries ascribed to this so-called Bloody Code depended on their

views toward punishment and the available alternatives. Some saw it as humane, as relatively few criminals were ultimately executed, and the sight of those who were hanged presumably deterred many others from similar actions. Some reasoned that a severe criminal code was necessary in the absence of any police force; as one supporter put it, since “there is little preventive justice there must be much penal.”⁹ This lack of a professional police force would be perpetuated by constant insistence by opponents of reform on the liberty of the English subject and the fearful, tyrannical, and often overblown example of absolutist French arbitrariness in justice. Police reform, in this context, was an unnecessary evil, the lack of which was balanced by a severe system of punishment.

Policing was one manifestation of discretionary authority, which in eighteenth-century criminal justice operated at nearly every level of the law; Peter King’s recent work on Essex notes that “a strong case can be made for nominating the long eighteenth century as the golden age of discretionary justice.”¹⁰ Royal pardons, jury verdicts, judicial broadening or narrowing of a statute, and the decision making possible for prosecutors all contributed to a system in which many had committed capital offenses but relatively few ended up on the scaffold. Douglas Hay first interpreted this discretion, coupled with the ever-increasing number of capital statutes, as evidence that social elites in eighteenth-century England used the criminal law to reinforce their own status and authority. These country squires and justices of the peace opposed innovative police initiatives, logically enough, because such changes would have restricted the discretionary power that sustained popular deference, the exercise of paternalism, and their own legitimacy. John Beattie, Peter King, and John Langbein have viewed discretion in a less conspiratorial light, or at least broadened and qualified the conspiracy, by emphasizing discretion in the hands of jurors and prosecutors.¹¹ That most prosecutors were of the middling sort or laborers, and that constables had such wide authority, King notes, “put a tremendous breadth of discretionary power in the hands of non-élite groups”; these groups themselves did not hold monolithic views about crime or justice.¹² This argument makes the law’s discretion not a tool for enforcing ruling-class hegemony but the means by which larger sections of the community could enforce their own ideas of criminality in a flexible way, according to the specific nuances of each particular case. Although one model sees criminal justice administration as social control and the other sees it as the relatively egalitarian expression of a community’s ideals, both view discretion as a force for stability in eighteenth-century England.¹³

By the end of the century, the strength and flexibility of legal discretion was being recast as inefficiency, and the gap between law and its uneven

enforcement as the failure of an irrational criminal justice system. Utilitarian legal reformers such as Jeremy Bentham and Patrick Colquhoun (the latter a prolific author on police reform as well as one of the first stipendiary magistrates appointed after the passage of the 1792 Middlesex Justices Act¹⁴) began arguing for less capital punishment and more secondary sanctions, claiming that the old system of deterrence via the random, apparently arbitrary execution simply did not work. A more systematic and rational approach to preventing and punishing crime, they felt, would not only be consonant with a new spirit of humanitarianism but would work as a more efficient deterrent as well.

The movement to decapitalize many crimes was thus part of a more comprehensive shift that included not only changing the nature of punishment to emphasize proportionality between crime and its consequences. Implicit in the desire to punish more offenders less severely was the need to punish a greater number of them, making the commission of a crime more closely equivalent, in the potential criminal's mind, to its punishment.¹⁵ The eighteenth century's deterrence by arbitrarily applied extreme sanctions gave way to a reliance upon deterrence by certainty of punishment, which also made possible finer distinctions in sentencing. But the new equation between severity of punishment and severity of the crime posed a difficult, perhaps impossible challenge if it was to be successful: how to achieve "certainty" of detection? For before one considered the precise punishment for a crime, or for that matter every intermediate stage of trial proceedings, the alleged criminal had to be prosecuted. Therein lay the most unpredictable element, and to reformers the most annoying and detrimental to the rule of law: the prosecutor. Since all prosecution was privately undertaken, the outcome of a case, and more generally the effect of the criminal justice system, depended in the first instance on a presumably aggrieved party bringing a charge.¹⁶ In order to make clear the connection between committing a crime and being punished for it, one needed a more aggressive and more efficient style of policing.¹⁷ Sir Robert Peel's creation of the "new police" for London in 1829 and Lord John Russell's augmentation of policing in the rest of the country beginning in 1839 thus fit nicely into both the new criminology of the late Enlightenment and contemporaneous changes in other aspects of English criminal justice, notably the shift toward imprisonment and the decapitalization of many criminal acts. My argument is that changes in and expansion of policing began much earlier, in practice as much as in theory, and that this if anything made other criminal justice problems more rather than less acute.

II. THE PECULIARITY OF THE CITY OF LONDON

Although my work suggests otherwise, the “new police” have often been seen as quite different in form and function from their eighteenth-century precursors.¹⁸ Generally, interpretations of reform divide into those claiming the police developed in response to rising crime and those claiming the police developed in response to working-class unrest, political agitation, or more general anxiety about social change.¹⁹ Clive Emsley’s recent survey defined police as “the bureaucratic and hierarchical bodies employed by the state to maintain order and to prevent and detect crime”; Emsley’s definition includes all levels of public governance: national, county, and municipal.²⁰ Most historians, though, have seen the development of policing as primarily a matter of expanding national state authority, which in part it was. If the story of policing in the nineteenth century is one of centralization, then examining this process from another angle, as the removal from local control of power over policing, may make the story more complex and revealing. Conceptualizing public order from a vantage point other than that of the Home Office not only provides a potentially different narrative but may furnish, in the eighteenth-century context of primarily local social administration, a more appropriate one, as David Eastwood’s work has shown for provincial social governance.²¹ If this were the case in late-eighteenth- and early-nineteenth-century England, one would expect to find changing criminological priorities expressed by local authorities and residents close to the problems of criminality and public order they were trying to control, rather than a more distant Parliament.

The City of London played a paradoxical role in police reform and was indeed an atypical part of Britain. For one thing, the City’s population in the first half of the century remained about the same, whereas that of Britain as a whole grew by about two-thirds, from sixteen million to over twenty-seven million people.²² The City’s square mile of residents, shops, businesses, and financial and maritime concerns was divided into twenty-five wards, each of which had a different socioeconomic makeup. The City’s wealthier inhabitants, financial institutions, and businesses tended to be located in the innermost wards; the outermost wards, such as Farringdon Without or Aldgate, were larger, poorer, and more populous and housed more small manufacturing. In some wards population was already in decline as some residents moved away from their businesses, a trend that continued throughout the next two centuries.²³ The City contained some of the nation’s landmark financial institutions, such as the Bank of England, the Royal Exchange, and the East India Company, as well as a host of lesser but still significant banks, specialized exchanges, and mercantile concerns.

And of course the City also possessed multitudinous shops, coffee houses that served as business offices, warehouses, and even some modest-sized manufacturing establishments.²⁴ Though the City was a major center of international commerce, not all business took place in offices or at the docks; the streets themselves were busy thoroughfares of wares as well as people. The American diplomat Richard Rush, who visited the City in 1817, wrote:

If I looked with any feeling of wonder on the throngs at the west-end, more cause is there for it here. The shops stand, side by side, for entire miles. The accumulation of things, is amazing; it would seem impossible that there can be purchasers for them all, until you consider what multitudes there are to buy; then, you are disposed to ask how the buyers can all be supplied. In the middle of the streets, coal wagons and others as large, carts, trucks, vehicles of every sort, loaded in every way, are passing. They are in two close lines, like great tides, going reverse ways, and reaching further than the eye can see.²⁵

The City, then, was still a thriving and bustling mixture of great wealth and small shops, of commerce and finance and distribution, of residents and people who worked there but lived elsewhere. It was, in short, the commercial center of London, Britain, and international trade in general. City MPs helped to defeat reforming legislation for policing metropolitan London in 1785, kept the City out of Peel's 1829 Bill, and maintained local control even within the centralizing context of Russell's 1839 legislation.²⁶ Nonetheless, the City, and wards and individuals within it, had been altering the structures of policing and increasing public spending on police, constantly evolving according to changing local priorities, at the same time that the City opposed broader centralizing reforms imposed from without.

The City provides an interesting study of how these transformations played out precisely because it was such a socioeconomically anomalous place at the time. Both interpretative models for police reform—either as social control of a growing and increasingly threatening workforce or as a legitimate attempt to combat rising crime—emphasize reform as a response to the social pressures of industrialization and urban growth. The City of London, though, while creating some new and more aggressive forms of policing *before* many other parts of England, underwent neither rapid industrial change nor population growth in the early nineteenth century. And while metropolitan London grew more rapidly than the City in the early nineteenth century, the metropolis had already ceased to be, according to Louis Schwarz, “the forcing house of urban-led change.”²⁷

Rapid urbanization, then, could not have caused City residents and leaders to lower their threshold of acceptable criminality, nor could it have caused a rise in crime itself, because no such growth occurred there. Population growth had leveled off in the late eighteenth century, and by the early nineteenth century City merchants, bankers, and shopkeepers had begun moving to the suburbs, coming into the City only to work by day.²⁸

This is not to suggest that social factors played no part in criminal justice reform in the City of London.²⁹ Residents there may have formed their impressions of public order from national statistics that were not directly applicable to the City, and the changes in industrial organization beginning elsewhere may have made an impact there as well. But the fact that City leaders and inhabitants experimented with police reform throughout the late eighteenth and early nineteenth centuries, in advance of more socially turbulent areas, suggests that interpretations that rely wholly on social factors must be incomplete. If industrial change and urban growth cannot adequately explain widespread changes in what constituted criminality and how best to police it, what can? The short answer is that no single factor explains a half-century of social policy, nor did reasons articulated by contemporaries remain constant over time. Some residents feared the increase of crime, while others claimed that no such increase had occurred, but rather that prosecution had become easier or that there was a more general inclination to prosecute than previously. In the 1780s most reform efforts emphasized an increase in criminality, but by the last years of the century and into the next, reformers spoke more of efficiency and accountability, which in turn were related to the burgeoning expenses of policing in the City that catalyzed reform until the 1830s. Yet, despite these disparate causes, criminal justice reformers, politicians, and ordinary citizens did ratchet up their expectations of the criminal justice system at this moment. It may be that fears of political and social instability produced by the French Revolution rather than industrial change alone led to a widespread belief that a more rigorous criminal justice system could serve as a force for stability. For contemporaries, however, the most pressing and contentious question was not the changing definition of criminality but rather who controlled the power to define criminality. Local control of policing had been one way communities exercised such control, and local control became the focal point for arguments about what efficiency really meant and who was best entrusted with enforcing it.

The narrative of local policing, then, rather than national reforms, best reveals the changing priorities of criminal justice administration. Such a narrative of actual reform took place gradually and continuously beginning in the 1780s rather than in the 1820s, meaning that later reforms were

the culmination of earlier developments rather than the starting point for change. The real significance of police reform, and of the centralization of policing both within and beyond the City, was the reduction in individual and local participation and discretion throughout English criminal justice administration.³⁰

The workings of criminal justice and policing rested on certain intellectual assumptions and institutional structures. Some contemporaries denounced this system as an unsystematic collection of petty jealousies supporting equally petty corruption. But before this great transformation, how did the system work? What were citizens who participated in its regulation seeking to accomplish?

III. "EFFICIENCY" AND ORDER

Our watch are a muster of old decrepid and debilitated men, much better appropriated to keep *ward* in an hospital, than watch and *ward* in an opulent and populous city; very few if any of them are citizens.—They are collected from the very dregs of mankind, and so far from being able to protect the lives of those who pay them, look as if they were going to lay down their own lives by order of nature.³¹

So wrote the *Times* in 1788, collecting together in a paragraph many of the complaints leveled against the system of nightly watching under which most parts of London policed themselves. Some of the criticisms were not new; a City marshal had remarked in 1718 that "the City-Watches are defective, and many of the Watchmen are corrupted, and will not apprehend disorderly Persons, when they catch them in disorderly Practices, nor bring them before the Constable of the Night, because there is more got by conniving at them."³² An anonymous writer repeated the charges in 1756, calling watchmen "feeble old men," often bribed, never alert, and hired only on the merit of being so poor that they would otherwise impose a burden on the parish poor rolls.³³ The period between 1780 and 1830 saw these criticisms constantly recycled. In 1785 William Blizard noted disapprovingly that constables seemed too familiar with the lower sort of publicans, "hailing them in a friendly manner, winking at them, whispering and drinking drams with them"; Patrick Colquhoun hinted in 1803 that constables neglected to prosecute bawdy houses and prostitutes; and John Wade, writing a reforming tract in 1829, claimed that the office of constable "has fallen into the hands of the lowest class of retailers and costardmongers, who make up the deficient allowance of their principals by indirect sources of emolument; by

winking at offences they ought to prevent; by attorneying for parties; by encouraging prosecutions for the sake of obtaining their expenses; by screening the publican, pawnbroker, brothel-keeper, and receiver of stolen goods.”³⁴

To Colquhoun and Wade, decentralized policing seemed corrupt, inefficient, and poorly regulated, abuses tolerated more often than punished. But this view presents somewhat of a paradox: given the weight of criticism against the old policing regime, why was reform opposed for so long? And how prevalent were such complaints among those residents for whom crime was certainly a real concern? Contemporary critics, and some historians, claim that municipal, ward, and parish authorities jealously guarded what little influence they had, thus blocking any attempt at reform that threatened local jurisdictions.³⁵ Stanley Palmer imputes a more political motive for opposition, arguing that “the supplanted local authorities, some of which were corrupt and almost all of which were inefficient,” were the same people pushing for parliamentary reform in the late 1820s.³⁶ Both explanations rightly reduce the question to one of power, but in concentrating on petty patronage or parliamentary radicalism, both also neglect the possibility that local authorities resisted reform because they, and the residents around them, saw no need for it. Perhaps, too, policing could be altered or enhanced without necessarily calling it reform, and without resorting to Parliament for a remedy.

Criticisms of the watch, and local resistance to reform from above, make more sense in light of the structures of late-eighteenth-century policing. In the City, the Corporation and the wards each had their own systems of police; each ward operated independently of the other wards and, in practical terms, independently of the Corporation as well. Some accounts of police reform convey the sense that “reform” necessarily implied centralization, efficiency, and a heightened concern with crime, since unreformed local policing remained unable to cope with changing social problems.³⁷ But to say that decentralized policing was less efficient than its more modern replacement, a centralized state bureaucracy, begs the crucial question of what “efficiency” really meant to individuals at the time—and the meaning itself changed in the early nineteenth century. People and governing institutions did not suddenly discover “rational” social policies in the early nineteenth century, as ideologically motivated reformers would have had their contemporaries believe. The prereform policing system operated within a wholly rational framework, efficient according to its own priorities.

City policing was flexible, participatory, and responsive. The proximity between residents and ward authorities ensured that the latter quickly dealt with inhabitants’ complaints or suggestions about the watch, or concerns about criminal activities in the areas in which they lived or worked. If a

shopkeeper wanted a particular courtyard watched more often, that desire could be easily conveyed, and if inhabitants noticed an intoxicated or uncivil constable, they could inform the ward's watch committee.

Watchmen and constables had considerable discretion in choosing whom to stop and question, whom to lock up for the night, and whose story to believe in a brawl or a set of countercharges. Critics increasingly portrayed this discretion as undue power in the hands of persons too poor or immoral to exercise it correctly; they believed that the correct use of power hinged on the distinction between criminal and merely offensive behavior. Moreover, local discretion in setting policing priorities was not exercised in a vacuum; the degree of rigor put into enforcing the law depended on availability of resources as well as the energy of police. Employing more watchmen or constables cost money, as did offering rewards for prosecution and incarcerating offenders, which meant the limitation of expenditure to what taxpayers within a ward would support. The eventual shift away from locally controlled policing altered this connection; by the 1840s the cost of greater vigilance was not necessarily borne by the region in which it had effect. For most of the period before that, however, the connection remained a valid concern for anyone seeking to criminalize activities previously treated as merely offensive.

Coexisting with these unchanging aspects of local policing was an inherent dynamism. One of the enduring continuities of eighteenth-century City policing was its nearly constant alteration by ward leaders, merchants, and inhabitants. Local governments (both ward government and the Corporation) by their nature were in theory more quickly responsive to changing needs and fears than larger entities. Parliamentary police reform, the reforms of Peel and Russell in the 1820s and 1830s, were not the beginnings but the culmination of changes that had been going on in the City for several decades. Local responsiveness meant in practice that if people wanted more or different policing, and could pay for it, Parliament need not play a role at all.

IV. WARD POLICING³⁸

Most of what we would call policing centered on the ward watch-house and took place primarily after dark. At sunset the ward beadle summoned the watch, checked attendance and the sobriety of the watchmen, and left the watch-house until the following morning. The constable sat in the watch-house throughout the night, occasionally leaving to check on noises or reports of disturbances, fighting, or theft delivered by the watchmen.

Meanwhile, the watchmen walked beats around the ward, taking up suspicious persons, vagrants, and unruly drunks; checking the fastenings and locks on doors, gates, and windows of shops and homes; checking the state of the gas lamps; and calling the hour or half-hour to reassure inhabitants, and notify potential thieves, of their presence. Persons taken up for any offense went before the constable back at the watch-house, who either dismissed them, held them for several hours (which happened at times with drunks), or entered a charge and sent them to the compter, there to await morning and the magistrate.³⁹

The Court of Common Council regulated the City's nightly watch in a general way, every October setting the number of watchmen for each ward and the amount of money the ward could raise through watch rates to pay for them. The ward leaders—common councilmen acting within their wards as individuals rather than representatives of the court—hired street cleaners, constables, watchmen, and beades; set, collected, and allocated the poor rates; regulated the hours, beats, and activities of the constables and watchmen; and heard inhabitants' complaints and suggestions relating to the nightly watch. In each ward sat a body of householders, individually called inquestmen and collectively known as the Wardmote Inquest Jury, which heard and investigated local complaints relating to brothels, disorderly houses, filth in the streets, and other nuisances. Policing was largely left up to each ward, and parliamentary as well as municipal control over its actual processes was almost nonexistent.⁴⁰

Responsibilities and Risks of Office

Constables had performed very much the same tasks for centuries: taking people in charge, serving warrants, and occasionally chasing suspects. W. L. Newman, the City Solicitor, defined their common law duties in 1830 as: "to be in readiness at all times to preserve the Peace—To arrest any one who shall commit a Breach of the Peace in their presence or threaten to Kill beat or hurt another—To apprehend Felons and convey the Offenders before a Justice of the Peace."⁴¹ But most importantly, their involvement with a crime came always after the fact; someone needed to come to them with a suspect in mind or in hand first, and only then did the constable take the possible offender into custody. Constable George Pienepont testified at the Old Bailey that

I took the prisoner in custody between seven and eight, I was at the Horns, in Gutter-lane, I heard a noise, and went out, and the first object that was before me was Morgan laying in the passage of the

Half Moon, on his back, and another man seemed as if he was getting up from him; Morgan got up and ran after him, and one Mr. Bond, a glazier, advised me to take him as a confederate; when i looked in his face, he damned my eyes, I told him he was a very bad man, he drew this knife and cut me across the fingers, and likewise bit my thumb.⁴²

Edward Eagles had his watch and chain stolen out of his pocket when standing in Aldgate, and a citizen standing nearby took hold of the suspected pick-pocket. The ensuing scuffle brought a constable, who took the suspect into custody, running from down the street.⁴³ In many instances, the constable's role was merely as an adjunct to the victim of the crime, who, unless the incident took place in an officer's sight, had to catch the offender himself.

The office could be physically dangerous. Brawls and pursuit of suspected thieves resulted often in injury and sometimes in death; with only their staves, constables might find themselves outgunned as well as outnumbered. John Hammatt, a constable in Tower ward, attempted to take a violent man to the compter: "He went quietly until he got into Thames Street when no person being near he struggled with your Petitioner and endeavoured to get away but finding it impossible to get from him merely by struggling, he took [Hammatt] by the Hand and struck him a violent blow across his Right Arm which immediately broke it." Five months later, Hammatt complained that his business was losing money and customers as a result of the injury; his ward's common councilmen also petitioned on his behalf, and the Court of Aldermen granted him a freedom as compensation.⁴⁴ In March 1791 constable John Clark and another officer heard loud noises coming from the Red Bull in Long Lane West, Smithfield, and saw "several Persons fighting and a Woman screaming." They began conveying the presumed protagonist to the compter, but when they came to Aldersgate Street,

a number of People came up and attempted to rescue him and one of them struck Renshaw a violent Blow on the Head with a Stick—that your Petitioner then called out hold your Prisoner when they fell upon him and William Dunn struck him several Blows with a Bludgeon and beat one of his arms in a terrible manner; However they got the one of whom they had so received the Charge safe to the Wood Street Compter. On being informed that the Man who had beat them in Aldersgate Street was gone back to the Red Bull they thought it necessary (being much wounded) to take some other assistance and accordingly took William Lincoln another Patrol with them and went to the House where they found Dunn whom they also took into Custody and lodged in the Wood Street Compter.

The court awarded one freedom to be split between them for their pains.⁴⁵ On another occasion, when Robert Poper, constable in Bishops-gate, interfered with a brothel's nightly business, the keepers, Abraham Barrow and Susannah Oseland, beat him badly.⁴⁶

Watchmen performed many of the same tasks as constables, though while constables spent most of their time in the watch-house, watchmen constantly patrolled the ward. The mere presence of watchmen in the streets evidently comforted inhabitants: Deputy Common Councilman Hicks of Castle Baynard ward noted in 1837 that "they call the time—perhaps that is the most antiquated part of their duty, but the inhabitants are anxious to have it so continued."⁴⁷ In addition to calling the hour, they walked around the wards on set beats, sometimes all night and sometimes at intervals of several hours, between which they remained in the watch-house with the night's charges. Castle Baynard printed a broadside in 1803 listing watchmen's duties:

constantly to perambulate, and not quit the same, except on Alarm of Fire, or to apprehend or secure disorderly Persons. They are to go their respective Rounds, and, several Times every Evening, diligently and quietly examine the Doors, Shutters, Cellar Windows, &c. but not to knock at the Doors with their Staves. They are, particularly, to keep the Ward clear of Harlots, or Common Women, and preserve good Order in the Ward to the utmost of their Power. If any Watchman shall be found negligent, or in Liquor, while on Duty, he shall be immediately discharged.⁴⁸

Of course, in practice watchmen often quit their beats, made a great deal of noise and disturbed residents while going their rounds, did nothing to rid the ward of prostitutes, and were often found intoxicated or asleep; residents complained of those characteristics throughout the period. Watchmen often checked the locks and fastenings on warehouses and shops, an increasingly important task as more shopkeepers and merchants moved out of the City, leaving buildings unattended outside business hours. Watchmen in Fenchurch Street primarily checked the state of gas streetlamps and reported signs of theft to the night constable, as when watchman Smith noted a panel askew on the side of a local merchant's warehouse in Philpot Lane from "an attempt to force it Out with a Crow."⁴⁹

Watchmen frequently appeared in court as witnesses, having apprehended the criminal or seen him commit a crime, though rarely as prosecutors.⁵⁰ Their involvement in a crime often began when walking through the ward: for instance, the watchman might question what a person was

doing with a large or unusual package late at night. Suspicion was aroused when the person failed to account for the package or the hour, or gave an overly saucy response. James Brotherton had taken 30 s' worth of butter: "The prisoner was stopped with a firkin of butter belonging to the prosecutor, by the Watchman, who asked him where he was going with it, he said any where, and chucked it against him, and struck him." Timothy Jones stopped a man at four in the morning carrying twenty-six sheepskins wrapped in a hide; when asked what was in the hide, the man dropped it, and Jones took him to the constable. In each case the arrest occurred independently of the victim, whose identity was determined only after the suspect had been brought to the watch-house and charged.⁵¹

Watchmen were expected to intervene in fights and thefts and investigate disturbing noises in the night. John Tatchfield testified that "I was a watchman in that lane, when the cry of stop thief was, and I run and assisted," to find that a man had broken into John M'Farlan's silversmith shop and assaulted M'Farlan's wife. Andrew Gaines, a watchman in Cole-harbor lane, claimed that upon hearing a cry for the watchman from the vicinity of St. Magnus's Church, he and a watchman from Allhallows came running and took a man and a woman to the watch-house.⁵² Fifty years later, watchmen seemed to fulfill the same purpose, as William Nightingale's evidence demonstrates:

I was in Sun-street, on Easter-Monday, and heard somebody cry out "watch"—I went up, and a man was assisting Howell, who had the prisoner round the waist—I asked what was the matter—he said the prisoner had robbed him of his watch; I laid hold of the prisoner, and as I took him to the watch-house he knocked me down five or six times, and kicked me twice in the ***: and a companion of his interfered, and tried to wrench my truncheon from me while I had him on the ground, but I got him to the watch-house.⁵³

These examples suggest that watchmen, like constables, remained throughout the period assistants to the victim of a crime, and not themselves responsible for prosecution. In this role, it may not have been very important to have fewer and more vigorous watchmen who could cover large distances quickly, as police reformers throughout the period wanted. Many inhabitants preferred more watchmen of lesser energy, who would always be nearby to help but were not expected to aggressively pursue suspected persons on their own. Certainly the distribution of watchmen within each ward points to this: a Common Council committee found in 1817 that many watchmen patrolled quite small areas, and some were responsible for as little as a single court or lane.⁵⁴ The committee proposed a plan in which

each watchman passed by a point in his beat every fifteen minutes, which they thought sufficient and even an improvement to the present system. Ward leaders rejected this proposal because it would leave certain areas unprotected for up to fifteen minutes, whereas under the existing system every watchman could see the whole of his beat at one time.⁵⁵ In this light, the efficiency of better watchmen was an illusion, and it seemed clear to locals that fewer watchmen, even if more aggressive, meant that the victim of an assault or theft would have to wait longer for help.

Selecting the Police

Constables Each year on St. Thomas's Day, inhabitants of the ward met to appoint constables, watchmen, and other ward officers. In Aldersgate ward, St. Leonard Precinct, the minute book records that Richard Bright, a jeweler, either came to the parish or came of age (there is no indication either way) in 1790. As was common practice in St. Leonard, he served both as Constable and Younger of the Inquest in the same year, 1796, and as Elder of the Inquest in 1797. St. Leonard usually elected, or appointed, the oldest person paying property taxes in the precinct who had not yet served; many wards, precincts, and parishes, including St. Leonard, kept lists of inhabitants according to when they arrived in the area and checked off names as people fulfilled their obligations.⁵⁶ The Court of Aldermen sanctioned this system in 1790, resolving that "the most proper Method of electing Constables for any Ward within the City of London will be by choosing the oldest house-keepers who have not served within the said Ward at large."⁵⁷ Wards and, indirectly, the Court of Aldermen were trying to ensure that respectable, or at least taxable, householders performed civic duty by holding local office.

In fact, the office of constable had originally been served only by householders, also called principals in this context, but by the late eighteenth century many persons sought to avoid this onerous and burdensome task. Colquhoun estimated in 1796 that only 98 of the City's 243 constables served in person, the rest hiring deputies; an 1830 list of ward constables gives almost exactly the same ratio.⁵⁸ By law, the householder chosen constable was responsible for providing his own substitute, but by the late eighteenth century some ward authorities had assumed more control over the process. A Lime Street wardmote, or ward meeting, of 1784 records that "Jacob Boak appointed William Cutbird his Substitute and George Poreas appointed John King his Substitute to serve the Office for the remainder of the Year, which Substitutes were both approved of at the said Wardmote."⁵⁹ If one did not want to find a substitute, one could discharge the responsibility by paying a fine, which would then become the year's salary for a substitute chosen by the

ward councilmen. In some wards, the Common Council seems to have taken care of the entire procedure, leaving nothing to the householder but paying the fine; this assumption of what had been the individual's responsibility may well have been a response to inadequate substitutes proposed by principals in previous years. A Billingsgate Wardmote noted in 1809 that "it will tend to the greater Security of the Ward if such Persons as shall be chosen for the Office of Constable of this Ward and shall desire to serve by Substitute do pay into the hands of the Deputy the sum of Twelve Guineas each to enable the Common Council to provide a sufficient person to serve as Substitute and be approved of by them."⁶⁰

Several other wards had regulated this process for quite a while; a Castle Baynard wardmote had passed a similar resolution in 1780.⁶¹ One result of this trend away from the personal responsibility of office was that while men who regularly served year after year as substitutes would have been well known to the ward alderman and councilmen, they may not necessarily have known those for whom they served. Similarly, while principals held legal responsibility for the actions of their substitutes, such responsibility seems not to have been enforced by the late eighteenth century, and complaints against individual substitutes in this period never mention the principal at all. Substitutes were, however, accountable to the ward leaders, who had to approve their appointment, as well as the aldermen, who swore them in; Upper Marshal Neville Brown claimed that the names of substitutes were read at ward meetings to check for any inhabitants' objections.⁶²

Some persons chosen to serve refused outright, hoping to avoid both the fine and the office. These cases ended up before the Court of Aldermen, which judged each person's excuses according to a fairly flexible rubric, which itself may have depended on a ward's desperation to find men willing to serve the office. The aldermen often excused those in bad health; Samuel Stephens had been appointed by the parish of St. Sepulchre in Farringdon Without to serve in 1784, but complained of suffering from asthma and a bad cold for the past six months, "inasmuch that if he was to take upon him the office of Constable and sit up on Nights to watch, it would endanger his Life." Stephens produced a certificate from his physician and was discharged.⁶³ Lime Street ward elected seventy-four-year-old Richard James in the same year; he too complained of ill health and was excused. Having served as both constable and in the militia during the 1745 Jacobite uprising might have helped his cause.⁶⁴ Lime Street then tried to hold Anthony Haldimand to office, but the court also found him exempt from all civil or military offices, as he was a naturalized foreigner.⁶⁵

While advanced age and poor health often gained the court's sympathies, or convinced it of the candidate's genuine inability to serve, one's residential

status within the ward defined eligibility less clearly. "Householder" could mean one who paid the rates for a building and lived in it, but lodgers paid rent while the landlord, who might actually live someplace else entirely, was assessed and paid taxes. Who, then, held the responsibility of office? The City's profusion of shops and counting houses meant that many individuals stood between residence and mere occupancy; the Court of Aldermen had to accommodate the City's changing demography as well as the wards' need for persons to participate in, or at least pay for, local services. Henry Topham of Farringdon Within protested that he "is not a Householder nor does he pay Taxes in the said Ward, but is in Partnership with Francis Moore and boards and lodges in his House." Though Moore had paid taxes and fulfilled his ward and parish responsibilities, the court took into account Topham's residence there for twenty-three years and forced him to serve as well.⁶⁶ Cripple-gate Without nominated George Hilton, an inkmaker's laborer who rented a house off Grub Street for £9 a year; he was also required to serve.⁶⁷ It is hard to know whether the court followed unwritten guidelines in deciding these cases and the degree to which other factors came into play, such as a person's poverty or, alternately, connections with an alderman. Someone actually residing in the ward would have to serve regardless of whether he actually owned his house, but those who only worked in the City and lived elsewhere might be excused, assuming they did not own their place of employment. In 1817 Thomas Divett refused to serve for the vestry of St. Bartholomew the Great, as he lived and slept in St. Pancras and worked in the City. The vestry took its case to Joseph Gurney, a solicitor, and dismissed Divett's complaint on the grounds that he owned five buildings in the parish and was thereby liable for all parish offices; Gurney's opinion concurred, for the pragmatic if legally dubious reason that "if Mr. Divett's objection were well founded the Parish might have no means of appointing a single Constable in the event of every other Inhabitant following Mr. Divett's example and sleeping in the Country."⁶⁸ Yet Richard Buller successfully avoided serving as constable and inquestman for Bishopsgate in 1784, on the grounds that he lived in Bedford Square and rented a counting house in the ward from a Mr. Bernester, who in turn avoided office as a naturalized foreigner.⁶⁹

One could also discharge the office by producing a "Tyburn ticket," a certificate granted upon conviction of a burglar; this exempted the bearer from serving parochial office and functioned as a reward to encourage prosecution. Tyburn tickets could be sold once, the going price varying from place to place and estimated at between £5 and £40.⁷⁰ Nathaniel Conant claimed that when the recorder awarded Tyburn tickets at the end of each Old Bailey session, they were immediately sold and the proceeds distributed among the prosecutors.⁷¹

Many persons served as substitute constables year after year, holding the office as substitute for each succeeding householder whose name came up on the wardmote's list. James Prior served as a substitute in Bassishaw ward every year between 1778 and 1807 and then retired to the better-paying and less arduous position of ward beadle. Nor was Prior's case unusual. Many of Bassishaw's substitutes served more than once and a good number more than ten times.⁷² The ward of Broad Street hired ten constables annually; between 1785 and 1794 twenty-two men served as substitutes, fourteen holding office more than once and ten serving four times or more during the decade.⁷³ Most substitute constables at any given time would, as a result, have at least several years of experience working with magistrates, ward leaders, and residents. Neville Brown, a City marshal, testified in 1822 that substitutes were "generally considered to be men of whom we have some knowledge, and whom we can depend upon to perform the duties."⁷⁴

The great majority of substitutes lived within or just outside the ward in which they served, though this was never a requirement of office.⁷⁵ Combined with the continuous service of many substitutes, this detail reinforces the argument that they would certainly have been known not only to the ward councilmen but also to the shopkeepers, businessmen, and residents, respectable and disreputable, living and working there. It also suggests why so many wards opposed centralizing reforms, which would have taken away precisely this sort of personal connection between inhabitants and their police.

The wards, or the principals, paid substitutes a salary roughly equal to the fines assessed residents for refusing the office. These varied greatly from place to place: in the parish of St. Bartholomew the office was worth £10 per year; in Aldgate £20; and in Billingsgate 12 guineas, with 5 guineas extra during the mackerel season.⁷⁶ This provided a weekly wage between 3s 10d and 7s 8d, hardly enough to live on. However, constables worked only some nights each week, so many could have held other jobs.⁷⁷ In Bridge ward, one person sat in the watch-house each night to take charges, and though no pattern of rotation among the eight constables can be discerned, each served only about a week total in a two-month sample; in Langbourn ward a constable attended but once every six nights.⁷⁸ Constables had numerous opportunities during the year to earn a few extra shillings by serving at public executions, pillories, and other occasions, though it is unclear how often the Court of Aldermen used the ward constables for these tasks and how often they chose to employ extras instead. Philip Holdsworth, the upper marshal, claimed that at executions or pillories, "nineteen out of twenty are hired; there is the pity."⁷⁹ The *Times*

reported in 1785 that “the City Marshall received orders to pay these constables who did their duty in legally attending the pillory last Friday during Mr. A’s standing on it, five shillings each, as an encouragement for constables to do their duty for the future upon the like occasions.”⁸⁰ For most tasks, however, constables could earn the standard wage of 3s for what probably amounted to a half-day’s work.⁸¹

Constables could also expect to earn the reward monies often offered by Parliament, the Court of Aldermen, and individual wards for aiding in the prosecution and conviction of accused felons; victims of theft might, as we have seen, also pay a fee for the return of stolen goods. This could amount to a substantial windfall, a single reward sometimes equaling an entire year’s salary for a substitute. For example, in 1784, while serving as constable for Cripplegate Without, John Clark seized a quantity of counterfeit coin. The Court of Aldermen ordered it cut up, sold, and the resulting profit of £10 11s paid back to him “as an Encouragement for his assiduity and integrity.”⁸² When serving for Bishopsgate in 1782, Samuel Yardley earned 12 guineas for apprehending and convicting “Rogues and Vagabonds and other disorderly Persons,” based on a fee per person convicted, and the court regularly paid the constables of Portsoken and Bridge ward for passing vagrants (charging someone as a vagrant before a magistrate and, if a person had not been born within the ward or parish in which they were found, removing them to their place of birth, where they were eligible for collecting poor relief). This could be lucrative work: in 1790 the Portsoken constable made £10 5s, and the Bridge constable made £16 1s 9d for passing vagrants during the previous year.⁸³

The prevalence of rewards in the criminal justice system engendered the suspicion that anyone giving evidence for the prosecution might do so solely for financial gain. Poorly paid constables as witnesses for the prosecution, it was thought, fabricated evidence to increase the probability of conviction and with it their own chance of receiving reward money. In 1784 a Portsoken constable, David Levy, charged a man with passing counterfeit stamps. After Levy gave evidence at the Old Bailey, the prisoner exclaimed, “My Lord, I hope you will understand this Jew, and that he is a constable that receives money by this, as I understand.” The judge only accepted Levy’s evidence after finding that there was not, in fact, a reward pending.⁸⁴ In 1785 a constable named Harvey claimed that a prisoner charged with highway robbery had fled from him when approached, but a later trial found “that he had fabricated this evidence merely to impress the jury with an idea of the poor man’s guilt, displayed by his fear and flight.” As a result of the prisoner’s conviction, Harvey and the prosecutor had shared an £80 reward; the constable’s later conviction for perjury, however, earned him three years in Newgate.⁸⁵

Watchmen The office of watchman, like that of ward constable, had once been obligatory but had become a paid position and lost all association with householders' civic duty long before the eighteenth century. By then it was commonplace to assume, no doubt correctly in some cases, that ward leaders appointed impoverished old men to the office precisely to take them off the poor rates. Many watchmen certainly lived in or close to poverty; Edward Sherrard, a sixty-three-year-old watchman in Bread Street ward, listed his address in 1816 as the Bishopsgate workhouse.⁸⁶ Joshua Woodcock petitioned the Court of Common Council for a pension in 1789; having served as watchman for Bishopsgate Without for eighteen years, he was then seventy-six and suffering from "a Rheumatick Gout." No longer able to discharge the office, he would "inevitably be reduced to great distress and misery."⁸⁷ Given the extremely low salaries paid to watchmen, this situation comes as no surprise: watchmen in Broad Street averaged 8s per week in 1797, and eleven years later in Bassishaw this had risen to 11s. By comparison, it was estimated that an ordinary laborer made at least 15s per week in 1817.⁸⁸ But watchmen almost always held other jobs simultaneously: all of the fifty watchmen living within their wards in 1816 listed other occupations. Many called themselves simply "merchants," and several were grocers, linen drapers, and printers.⁸⁹

Far fewer watchmen than constables lived in the wards employing them; an 1816 account shows that only a third of them did so. In Bread Street, thirty of the ward's thirty-nine watchmen lived outside the City entirely, many listing addresses in Spitalfields, Bethnal Green, and other points east. Castle Baynard leaders reported in 1817 that "it is not practicable to select such a Number of proper Men within the limits of the Ward—tho' the Preference will always be given to those as vacancies arise." And despite the consistent criticism that wards hired excessively elderly watchmen, the average age of watchmen in 1816 was forty-five. Castle Baynard explained that "the Watchmen in general are Stout active young Men and there is but One that exceeds forty years of Age—his Age is 47—and he is considered in vigilance and activity inferior to none." Aldersgate Without, whose watchmen's average age was forty-nine, defended their hiring practices: "The Watchmen and patrols at present employed (though some of them are far advanced in years yet they are in good health and of sound Constitution) are in every respect capable and do perform their respective Duties to the entire Satisfaction of the Inhabitants."⁹⁰

Discretion

The eighteenth-century criminal law had discretion built in at every level, perhaps nowhere more so than in the realm of policing, and this discre-

tionary authority was not always prized as a good thing for administering justice. In 1810, for example, the Billingsgate wardmote ordered that “if any Patrole or Watchman shall receive a Bribe in Money or Liquor from any Person in Charge upon any account whatsoever such Patrole or Watchman so offending in taking such bribe or participating therein shall be immediately discharged and any Constable or other Ward Officer conniving therein be prosecuted according to law.”⁹¹

Their admonition indicates that the ward had experienced some difficulty with this problem in the past; it was commonly said that watchmen and constables took money in exchange for looking away from a crime, or releasing an offender before morning and the magistrate’s hearing. The evidence for such claims derived partially from the social status of officers: anyone who would work for wages that low was doubly susceptible to bribes because of their obvious need for money as well as their general lack of sufficient zeal in enforcing the law, a natural product of their social origins. In other words, anyone who needed money that badly could not possibly be trusted to protect the property of others. Often critics of discretionary power explicitly linked that authority with the socioeconomic status of the officeholder, as when the abolitionist and philanthropist Granville Sharp, turning his attentions to policing, noted that watchmen only made eight and a half pence per night: “The pay, therefore, ought to be *much increased* to render it worthy the acceptance of *able and active men*. Nothing less than 2s. per night can be supposed adequate to the employment of men that can earn at least 2s. 6d. per day.”⁹²

Two shillings per night meant 14s each week, considerably more than wards could afford to pay in the late eighteenth century, but this was not the point. In order to deter crime more effectively, constables and watchmen needed to prosecute more offenders, which anyone working for so little would clearly never do. Sharp thought he could get around this problem by persuading wards, in effect, to spend more money and so procure more reliable men of a social status high enough to ensure that they would proceed against criminals with greater gusto.⁹³ Greatly increased pay would serve as “a real object of inducement and invitation to a great multitude of inferior housekeepers, artificers, journeymen, shop-porters, carmen, watermen, &c.,” who, Sharp presumed, would perform more aggressively than the “poor old men” currently employed.⁹⁴

Colquhoun also thought that low wages meant lax enforcement and realized that, especially in large cities, the traditional ideal of citizen-constables was no longer tenable because citizens no longer had the time. If constables had to be paid, then they should at least be “men of good moral character, and, in a certain degree respectable.” If the pay were only higher, then “men

of intelligence, who have preserved their integrity, under the frowns of fortune, would be found, who would offer themselves as substitutes, and who would devote their time and attention to the various duties of the office, and execute the same with zeal, accuracy, and probity.” With this hope Colquhoun published *A Treatise on the Functions and Duties of a Constable* in 1803, a combination of moral exhortation and a carrot-and-stick listing of rewards and fines relevant to a constable’s legal responsibilities. The *Treatise* aimed, like Sharp’s *Proposals*, at persuading the public, and constables, to take a less lenient attitude toward criminality, particularly minor offenses such as vagrancy, prostitution, drunkenness, and suspicious conduct—those offenses less likely to be prosecuted.⁹⁵

Noting the wide-ranging powers constables possessed by law over arrest and imprisonment, the eminent jurist and MP William Blackstone had taken a different view of a constable’s education in his *Commentaries on the Laws of England*, commenting that “considering what manner of men are for the most part put into these offices, it is perhaps very well that they are generally kept in ignorance.”⁹⁶ Several decades later this benevolent assessment began giving way to more condemnatory attitudes toward the powers of constables and watchmen. An anonymous author complained in 1812 that constables regularly played justice of the peace: “Law is now administered in watch-houses, in a very vague and uncertain way: sometimes right, sometimes wrong; and too often in an arbitrary and vindictive manner, under the insolence and haughty dictatorial orders of a stupid fellow, dressed in ‘a little brief authority.’”⁹⁷ But as Blackstone’s comments indicate, these powers had been granted to constables and watchmen for a long time, probably as long as the offices existed; Colquhoun’s *Treatise* lists statutory authorities for officers dating from the sixteenth century.⁹⁸

Discretion in practice could take many forms. One winter night in 1828, Thomas Starr, a Broad Street watchman, “discovered a Gentleman and a Female in Token House Yard Lothbury, in a most indecent Situation” at three in the morning. The man, it turned out, was married, and begged Starr not to take him to the watch-house as “the exposure would be most Injurious to his Character.” The woman for her part pleaded poverty, claiming that she was the mother of two, “and that it was the first time she had been unfortunately compelled (through distress) to seek Money in the Streets, And if he persisted in having her sent to the Counter, The Baby would certainly perish for want of succor.” The watchman apologetically stated that “being himself the father of 13 Children . . . And His Wife being confined two days prior to this Occurence—He was induced on her promising not to act in so improper way again to let them go.” The man gave Starr a sovereign, which (in Starr’s version of the incident) came only

later that night, as a gratuity after the fact rather than a direct bribe. The matter seemed to have ended there, but the woman returned to the watch-house and demanded change, which the watchman either did not have or refused to give her. The ensuing argument in the middle of the night brought the situation to the attention of the mayor, who wanted Starr dismissed immediately for what seemed a payment to look the other way. But the ward residents and common councilmen took less offense; they published a written defense of the watchman's behavior in a newspaper and refused to dismiss him, believing his actions fully justified.⁹⁹ Several years later, a sailor came to the Aldgate watch-house with a woman and, according to the constable on duty, "insist[ed] on this Girl being taken in charge, for not agreeing to a Bargain they had made that the Sailor was to have illicit connexion with her." The constable discharged both with a reprimand for improper conduct. And when John Williams was brought before a constable "for Indecently Interrupting a Female" named Sarah Thompson near Cree Church Lane, "they apologised for what they had done & the Charge was not prest against them."¹⁰⁰

Discretion could mean taking bribes for a person's release, but it could also mean allowing people in a fight or family quarrel to withdraw their charges against one another, deciding that a charge was groundless, or mediating between criminal and victim. These practices had always gone on; perhaps they seemed less threatening when more respectable householders served the office rather than substitutes. But no evidence points toward more people serving by substitute in this period, or of substitutes coming from lower social origins than before, either of which might explain the heightened anxieties about discretion in policing. Such criticisms probably indicated, instead, changed attitudes about the sort of people who, given the low salaries of constables, ultimately took on the office. Centralization thus became an argument for transferring discretion into more trustworthy hands.

Participation and Flexibility

Sharp, Colquhoun, and other reformers often blamed the inefficiency of the watch on the poverty and immorality of watchmen. But the claim that ward leaders hired inefficient officers ignores the very structure of local policing: inhabitants could easily bring their protest to ward authorities if they disapproved of a watchman, constable, or regulation; wanted to hire younger men; or wished to file complaints. Ward leaders throughout the eighteenth century had reason to respond to inhabitants' complaints; the ratepaying residents voted each year for common councilmen, who in turn

seem to have been fairly responsive. In 1784 Broad Street discharged several watchmen for “insolent behavior to some of the Inhabitants,” who had complained at a wardmote meeting. Fifty years later a similar situation arose in Aldersgate: “A Gentleman of the name of Archer attended to complain of improper language and conduct on the part of Bates on the night of 6th Sept. last . . . the Common Council are exceedingly vexed at the epithet ‘Liar’ being applied by Bates the Superintendent to Mr. Archer in the Guildhall Yard.”¹⁰¹ This system could work both ways, for inhabitants might defend particularly well-liked watchmen. In 1833 the superintendents of Aldersgate Within suspended watchman John Body for neglect of duty, and immediately a resident came forward on Body’s behalf:

A Gentleman from Mr. Crowther of Grey Lane was in attendance with a letter signed by Mr. Josh Stevenson & fifteen other resident Inhabitants of the Parish of St. Leonard expressive of their opinion of the general good conduct of John Body & of his fitness for the Office of Watchman, which representation together with his promises of future good behaviour induced the Common Council to reprimand him & to reinstate him in his former Office.¹⁰²

Residents often influenced whom ward leaders hired. The Aldersgate common council noted in 1833 that “Wm. Vine be taken on as a spare Man upon the recommendation of 15 respectable Householdors of the Ward,” and the next year that Thomas Oldham was to be employed on the recommendation of his previous employer.¹⁰³ Decentralized watch regulation allowed and even encouraged this kind of petty patronage to flourish.

Of course to residents themselves, this patronage was anything but petty; it seemed to be the exercise of their participatory civic right to determine how they were policed and how the ward spent their monies. This system allowed not only considerable discretion but also a degree of local parsimony unsuitable to the more aggressive treatment of offenders called for by reformers such as Colquhoun. Not only did the link between acceptable levels of disorder and local willingness to pay keep wards from hiring more or presumably more active officers, but other powerful financial disincentives also discouraged wards from zealous action. The parliamentary rewards for proceeding against brothels, disorderly houses, and vagrants had been established to encourage prosecution, but with a catch: the ward or parish would have to pay that reward.¹⁰⁴ In this way, too, how much a ward wanted to proceed against such annoyances depended in large part on how much that ward could afford to spend, and a ward’s inhabitants might well prefer to live with a problem rather than finance its eradication.

Pointing out the perverse but logical results of such an incentive, one Southwark magistrate speculated that “the parish officer was aware that his popularity in the parish, was not likely to be increased by the number of rewards which he called upon the vestry clerk to pay him, and so, very wisely resolved not to do what would only have weakened the tenure of his situation.”¹⁰⁵ But of course such a relationship between prosecutorial zeal and financial incentives did not guarantee laxity—it merely guaranteed that residents got the policing they paid for. In some instances, particularly during the anti-brothel campaigns of the 1810s, this meant not lenience but vigilance, and enormously expensive vigilance at that.

The Dynamic Nature of the Watch

Eighteenth-century policing was not as stagnant as early-nineteenth-century reformers and later historians believed.¹⁰⁶ At the end of the Seven Years’ War in 1763 the Court of Common Council, anticipating the crime wave that usually accompanied peace, increased the number of watchmen in the City by forty-four, increasing the cost to local watch rates by £637.¹⁰⁷ And in 1773, amid growing doubts about the deterrent effects of transportation, Common Council again reviewed the watch. The Commissioners of Sewers, Lamps, and Pavements, who had undertaken the survey, reported with dismay a complete lack of uniformity among the wards. No ward seemed to follow the orders of the annually passed Watch Act, nor were any two wards alike in their dissent from it. The Commissioners found that

different modes of Regulation have been established in several of the said Wards as well in respect of the number of Watchmen employed as in the Wages and allowances directed by the said Watch Act to be paid by them which variations though apparently calculated for rendering the Watch of greater service yet are in our opinion liable to great objections on account of the Irregularity of their institution.¹⁰⁸

The problem wards faced was the annual wage of £13 fixed in each year’s Watch Act. Over time inflation eroded this wage, and many ward aldermen, deputies, and common councilmen found that “able and fit Men could not be procured.” Instead, they chose to hire fewer men at higher pay, set the watch earlier than the standard hour but in lesser numbers at any given time, or spend more than they were authorized to raise in taxes. Both the Court of Common Council and the Court of Aldermen tried at various times to force wards into uniformity, but they remained unable to do so until several decades into the nineteenth century, as each

ward's policing underwent changes and reforms according to the priorities and financial resources of its inhabitants.¹⁰

Change, then, was endemic but largely silent because it originated with individuals and local governments rather than members of Parliament. In May 1792 a special meeting was held in Broad Street "to take into consideration the late Robberies committed at the Houses of Mr. Loveridge, Mr. Barnett and Mr. Robinson in this Ward." After the resulting inquiry, the ward decided that watchmen should serve for an extra hour each night, as would the superintendent, who was encouraged to ensure that watchmen actually served their entire shift. As part of the new regulations, the superintendent began keeping a record of watchmen's attendance and was instructed to at least deny payment to the tardy or negligent. Six months later the ward authorities checked the superintendent's record and upon asking him about the watchmen's conduct, "found them better than before."¹⁰⁹ Throughout the early nineteenth century, wards continued to innovate according to changing local priorities.

Just as the Bank of England or the East India Company might request extra constables from the Court of Aldermen, merchants, shopkeepers, and tradesmen made similar requests of their local watch authorities. At a Broad Street Common Council meeting in November 1784, several merchants sought and received approval to hire their own watchman as a security guard:

Mr. Lafonte attended on behalf of himself & the rest of the Merchants concerned in the Cambrick Warehouse in Whalebone Court Lothbury, and requested to have a Watchman placed there for the security of the said Warehouse the Watchman to be placed on Duty at 6 o'Clock in the Evening & to continue till the usual time of discharge in the Morning; to be under the direction and controul of the Beadle in the same manner as the other Watchmen of the Ward.

The merchants agreed to pay the cost: £30 per year plus a greatcoat every other year. However, the ward leaders took formal responsibility for the watchman, assuring the merchants that they "may depend on strict attention being paid to the security of their property."¹¹⁰

Most if not all wards regularly employed extras as a way to tailor local policing to the ward's particular concerns, without obliging inhabitants to carry the permanent burden of another ward constable; extras would have been paid out of ward funds or by certain merchants, whereas the expense of regular constables was borne entirely by householders. As a result, wards with wealthy but relatively few inhabitants might be more inclined to hire extras than wards with more but poorer householders. In 1784 wards

appointed 40 men in total beyond their regular constables and beades; by 1820 this number had increased to 107 and by 1834 to 181.¹¹¹ Increases in the numbers of regular constables, however, were rare. In 1813 Farringdon Without petitioned to elect two additional constables for the parish of St. Dunstan's in the West because "the present number of Constables acting in and for the said Parish (being only Three) however vigilant and attentive in the discharge of their Duty, have been found inadequate to the preservation of the peace and the maintenance of due order and regularity." So unusual was this request that the court, having no ready answer at hand, referred the entire issue of increasing ward constables to the recorder and common serjeant for legal advice. The Repertories record no legal opinion, but nine years later St. Dunstan's still had only three regular constables.¹¹² It had, however, appointed a street-keeper and had him sworn in as an extra.¹¹³

V. THE CORPORATION: ALDERMEN, MARSHALS, AND MARSHALMEN

In the late eighteenth century, City authorities only intermittently concerned themselves with policing matters. The Court of Aldermen met several times each month to regulate City jails: Newgate; the Poultry, Wood Street, and Giltspur Street compters; the Bridewell; and the City house of correction.¹¹⁴ Individually, the aldermen also served as magistrates, administering justice in the City and coordinating the Corporation's response to riots and other civil disturbances. For two weeks each year, every alderman on rotation presided over the daily petty sessions at Guildhall, while at the Mansion House, the lord mayor sat at sessions throughout his mayoralty.¹¹⁵ At these petty sessions, the first stage of judicial process, the sitting magistrate discharged the accused, required him to sign a recognizance (what we might call bail), or committed him to trial at the next general Sessions, which in the City occurred eight times per year. Most people entered the criminal justice system through these magistrates' sessions: anyone charged with an offense would be taken by a constable before a sitting magistrate.¹¹⁶ Presiding over petty sessions was a major part of the experience of office, especially for the current mayor; Richard Clark recorded during his mayoralty in 1784 that he spent between three and four hours every day at petty sessions alone.¹¹⁷

Assisting the mayor were the upper and under marshals and six subordinate officers called marshalmen.¹¹⁸ The two City legislative courts shared the power of regulating the office: Common Council elected the marshals and marshalmen and set and paid their salaries, whereas the aldermen heard

complaints and could dismiss or suspend them. In practice, however, both courts generally left the daily administration of marshals and marshalmen to the mayor. Their duties involved both criminal justice and public order more generally: they served warrants, searched for suspected thieves, and coordinated the use of constables on occasions of public ceremony. A committee appointed in 1779 defined the marshals' responsibility in the broadest terms: to "preserve the Peace and good Order of the Police," by which it meant the regulation of all threats to public order from begging to riot. The marshals summoned ward constables on public occasions, under the direction of the aldermen and lord mayor, and were to "suppress all Affrays or Riots, upon the first Information thereof." The committee further directed them to remove vagrants, beggars, rogues, hawkers, and peddlers and, when attended by each ward's constables, to "search all houses suspected of harbouring Common Prostitutes, or suffering any unlawful Games." They were also to oversee the nightly activities of the ward constables, reporting incidents of negligence or misconduct to the Court of Aldermen.¹¹⁹

Through much of the eighteenth century an individual would purchase the position, and then compensate himself through fees for serving warrants, finding stolen goods, and other such services; consequently, the marshals were often under suspicion of engaging in thief-taking. Thief-taking was the practice by which one party, often a fence, or receiver, would instigate another party to commit a crime. If the thief then refused to give up part of the profit, the receiver would give evidence against him, thereby collecting a share of the statutory reward money that was paid on conviction. Parliament had passed statutes authorizing rewards in the late seventeenth and early eighteenth centuries to encourage the prosecution of offenders. However, this legislative attempt to deter crime quickly became perverted from its original intent, acting instead as an encouragement to theft, in the case of thief-taking, as well as reducing the credibility of evidence given under such circumstances. Critics had pointed out the objectionable side effects of such rewards in the early eighteenth century, but the policy continued, on the part of Parliament at least, until 1818, when rewards were replaced with what amounted to the court paying the costs of prosecution.¹²⁰ The notorious early-eighteenth-century thief-taker Jonathan Wild was rumored to serve as an unofficial marshalman, working under the direction of Under Marshal Charles Hitchin, and the famous McDaniel gang of thief-takers had close connections to City marshals in the 1750s.¹²¹ In part to combat this association, the Common Council abolished purchase of the office in 1774 in an attempt to remove the incentive to seek outside wages. From then on, marshals and marshalmen should have "fixed salaries, and not take any Fee, Gratuity, or Reward whatsoever."¹²² While this change reduced the dependence

on unofficial funding, it did not entirely extinguish the practice, which continued throughout the early nineteenth century.¹²³

At the end of the eighteenth century, the upper and under marshal earned an annual salary of £250 and £200, respectively, from the Corporation, and each marshalman made £18 5s; additionally, all were provided with the clothes of office. But these were merely the fixed wages; two decades after the 1774 ruling, a considerable part of a marshalman's earnings still came from a variety of payments for services that might be termed fees—albeit officially sanctioned fees. Each earned 20s per week for issuing summonses out of petty sessions, which service, split between the six of them, came to £8 10s; each also earned an average of £17 11s 4d for passing vagrants at 2s each, as well as £3 18s for serving warrants. Total marshalmen's wages came to just over £67, so about three-quarters of their yearly pay was still unfixed.¹²⁴

City officers tended to be financially insecure tradesmen when applying for the job, and most sought the position's relatively secure income as a better alternative to uncertain business fortunes. When the Common Council accepted applications for under marshal in 1803, most of the eight petitioners complained of financial woes and large families: William Stevenson had experienced "many heavy losses in trade" as a haberdasher, and William Grove made "the plea of Inadequate business," noting "the Maintenance of a Wife and numerous Offspring." The office ultimately went to Francis Nalder, who had "a Family of eight Motherless Children entirely dependant upon him for their support," and was "a Member of the Epping Forest Volunteer Cavalry and is all this time out of employ and is in the prime of life." Of the eight applicants, seven mentioned unfortunate recent losses in trade and the difficulty of supporting a large family. References to suitable experience, or professions of civic zeal, were exceptional; such statements could have been either unnecessary or taken for granted. Such men were not at any rate reforming zealots: not one mentioned plans to alter or improve existing policing practices, even though such ideas were currently in the air.¹²⁵ This was after all in the first instance a job.

In addition to the eight City officers, the Corporation often hired men to serve as extra constables on public occasions, for duties relating to public punishments, or when riots seemed imminent. Regular ward constables could be summoned at any time for these tasks, and though the office supposedly included such service, the Court of Aldermen either paid for each man's appearance or hired extras instead. This gave aldermen more latitude, for when depending on regular constables, they dealt with people chosen by ward leaders; employing extras left the choice of constables up to the mayor or, more often, the City marshals. Every year the lord mayor ordered some

thirty men to attend Bartholomew Fair, “employed at the Proclamation of the Fair . . . to prevent any Riot that might happen on that occasion.”¹²⁶ Constables regularly escorted from Newgate female convicts under sentence of transportation, to protect them from violent or sympathetic crowds and to prevent escapes.¹²⁷ They attended executions at the Old Bailey, floggings in Thames Street, persons standing in the pillory, and trials expected to generate exceptional popular excitement. The Vere Street gang’s 1810 Old Bailey trial for sodomy and attempted sodomy occasioned days of uproar, with constables called out repeatedly to protect the accused on their passage to and from the Old Bailey and in the courtroom. One hundred forty constables were employed when a man went to the pillory in Mansion House Street “for attempting to commit an unnatural crime”; two days later, 112 escorted five members of the Vere Street gang between the Old Bailey and a pillory in the Haymarket.¹²⁸ Perhaps the greatest stir occurred during the trial and execution in May 1812 of John Bellingham, the man who had shot and killed the prime minister, Spencer Perceval. For three days before his trial, between nine and forty-four men at a time were gathered at the Mansion House, as the lord mayor feared possible riots. One hundred fifty attended the trial itself at the Old Bailey, and twelve stood guard at Newgate around the clock from three in the afternoon on Saturday (the day after the trial) until eight o’clock on Monday morning, the day of the execution. Seventeen men waited at the Mansion House with the marshals on Sunday, “in case of any Riot at Newgate,” and 218 were employed during the hanging itself.¹²⁹ Aldermen or marshals could hire as many extra constables as they needed, and the practice grew throughout the late eighteenth and early nineteenth centuries. This increase was the primary, if largely unheralded, response to crises of public order up to and until the end of the Napoleonic wars.¹³⁰

Businesses, wards, and other institutions hired extra men for specific duties by applying to the Court of Aldermen, before which each constable had to be sworn. In 1792 the Bank of England requested that its watchmen be sworn as constables, and several West India merchants nominated ten extras, presumably to guard docks and warehouses. Many of the hospitals had constables attached, probably to help with the business of apprehending, passing, and flogging vagrants. Two porters from Bridewell, two from Bethlem, and one from Christ’s Hospital were sworn in 1785 as well as one person recorded only as “for Guildhall,” who very likely assisted the lord mayor in dealing with vagrants.¹³¹ Livery companies, the Royal Exchange, the Coal Market, the Polish Jews’ synagogue, and a Catholic chapel in Moorfield all hired extras at various times throughout the late eighteenth and early nineteenth centuries.

The apparatus of municipal policing broke down on occasion, generating complaints that marshals and marshalmen lacked vigilance in keeping

order. During the procession on Lord Mayor's Day 1789, the state coach "had in going from Guildhall after setting his Lordship down there received great injury and damage by the Mob for want of proper Constables or other persons attending it to keep off the populace and that his Lordship had received Complaints of great numbers of Beggars pestering the Streets of this City."¹³² Upper Marshal William Miller had placed ninety-two extra constables around the procession; this number proved insufficient, and what was normally a demonstration of civic pomp turned into an embarrassment at the hands of an uncontrollable mob. A committee appointed to investigate the fiasco concentrated not on the riotous aspect of the mob but on its poverty. In questioning how the marshals and marshalmen dealt with "Beggars, Basket and Barrow Women and other idle and disorderly persons," the committee found that no one, it seemed, wanted to pursue such persons aggressively and take them before a magistrate for punishment. In pressing for more active officers, the committee had attempted to further criminalize vagrancy, street trading, and begging. Imposing a more inclusive definition of disorder, however, and thereby enforcing the criminality of poverty, depended entirely on the cooperation of constables and City officers. Common councilmen hinted at this problem in ordering marshals to hire only "decent Men . . . whose places of Abode and Characters are known," implying that men of insufficient means would be less likely to commit vagrants, beggars, and peddlers. In his perambulations, Miller testified to "great numbers of Beggars particularly in Fleet Street" and only ordered them out of the City; any further action, he felt, fell under the jurisdiction of each ward's constables. Stephen Clark, the under marshal, said he never apprehended the basketwomen "who have stood on the pavement to the Obstruction of Foot passengers," believing that responsibility to be the province of commissioners in charge of paving the streets.¹³³ The problem, one suspects, was not fear of competing jurisdictions but rather a combination of compassion and pragmatism. Upper Marshal Philip Holdsworth noted a similar difficulty in 1816: "The police are instructed to prevent burglaries, street robberies, nuisances of every kind; and it is as much their duty to remove beggars, as it is to apprehend thieves; but it is a duty that I have found the officers more unwilling to attend to, than any other of their duties, for it is unpopular, and they always get abused when they lug these people to the prisons."¹³⁴ By then marshals and marshalmen could be trusted to take up vagrants, but constables still proved reluctant. Francis Hobler, the mayor's clerk, testified that "it is a very disagreeable office for an officer to undertake, for he is sure to get a crowd about him, and to be ill treated."¹³⁵ The Proclamation Society, a group urging moral reform, blamed a perceived rise in vagrancy on the false humanity of officers and public alike: "If constables were attentive to their duty, and if no

persons were permitted to harbour and shelter beggars and vagabonds, vagrancy might be, in a great degree, suppressed.”¹³⁶

In the short term, however, the committee’s instructions to clear the City of vagrants had little effect. For the following year’s Lord Mayor’s Day, the Court of Aldermen ordered that “a double Watch of able Men well weaponed be kept”; even so, the outgoing mayor was “violently insulted by Stones and Dirt thrown into his carriage on account of an opinion which seemed then to prevail that his Lordship might have prevented the present high price of Bread.” None of the offending parties were taken.¹³⁷

Criminality fell under the jurisdiction of ward constables and watchmen, with the victim of a crime responsible for prosecution; neither the 1779 committee nor its successor ten years later mentioned City officers in the context of preventing or pursuing suspected offenders. In several important ways, however, marshals and marshalmen were crucial to the City’s criminal justice system, serving warrants and pursuing suspected thieves by order of the lord mayor. In March 1779, several constables from Portsoken ward complained of “Depredations which are committed by a villainous Gang who reside in Gravel Lane to the Terror of all the Inhabitants.” The constables felt that the situation had gotten beyond them, “being a thing out of the power of Twenty or thirty Constables to resist the attacks of so formidable a Gang of Housebreakers.” The lord mayor referred the petition to Thomas Gates and William Miller, the City marshals, ordering them to bring such persons before him, and two days later Gates and Miller went into Gravel Lane in search of the gang. One of the accompanying marshalmen heard great noises coming from the Ship, an alehouse, and on looking inside saw a group of men “whom they know to be common Thieves.” The marshals gathered fifteen constables and marshalmen together and reentered the alehouse. Gates narrated that

upon going into the Tap room he know some of the Dofts to belong to the Gravel Lane Gang he walked towards the Table where [the gang members] were sitting togr. in the Box & asked Ellis first who he was, how he got his living & what he did there, he told him he was a Plumber. He put the like Question to Bartington. He said, you know me very well I am Hollidays Apprentice. He put the same Question to Ward & Grant Ward replied “Damn your Eyes whats that to you” Grant said, Damn no We are not to be taken by these Fellows, & Ward waved the Quart Pot out of which they had been drinking as a kind of Signal, upon which they all started up in an instant & immediately jumped upon the Benches & Table drew out their Pistols & Knives with an Intention of fighting their way out of the House.

When the turmoil subsided, three of the gang had been taken.¹³⁸

Several marshalmen routinely attended the mayor or an alderman in sessions at Guildhall or the Mansion House in order to serve warrants. After the victim of an offense made a complaint to the sitting magistrate, the magistrate would sign a warrant to search premises for suspected stolen goods; take someone up for assault; or, if enough evidence had been given, take up the accused. Naturally, this system allowed those serving the warrants a wide scope of action, and between warrant and conviction existed a gray area of often dubious legality, as when in April 1785 the Common Council discharged William Catchpole from the office of marshalman for "gross misbehaviour." James Fennell had taken "a pack of Drab Yorkshire Cloth," belonging to one Mr. Blunt, out of a wagon in Smithfield. An apprentice, Samuel Russell, saw the theft and reported it to William Titen, the driver, who pursued and caught Fennell and brought him to Catchpole to give in charge. Fennell was later released despite the expected testimony by Titen and Russell, and the Court of Common Council picked up a taint of wrongdoing. In the course of its investigation, it emerged that Elizabeth Frazier (or Smith, for the *Journal* gives two names for her), who lived with Fennell, had persuaded Russell (with two guineas) to testify to Fennell's absence from the scene of the crime, thereby securing Fennell's freedom. When the case came up at Guildhall, Titen showed up to testify against Fennell, but Catchpole told him that "he might go if he would, for he could not hurt Fennell; that it wd. cost more to prosecute him than the parcel was worth." Titen went home, and with no one to testify against him, so did Fennell.¹³⁹

It looked as if Catchpole had struck a deal between Blunt, the victim of the crime, and Fennell. The committee asked Catchpole about his involvement in the affair; he claimed that he had heard from the owner of the stolen goods "that if he could get his Cloth he did not care about prosecuting the man." Elizabeth Frazier had told the apprentice that "she had settled about the Pack Fennell had stolen with every Body but him," and the committee suspected Catchpole of taking money from her to procure Fennell's release and then working with the prosecutor to bring the deal together. Their suspicion was only heightened by the appearance of an affidavit purportedly by Frazier, stating that she had given Catchpole no money for this purpose; Catchpole later admitted that he had written the affidavit himself. It is impossible to know whether or not he took money for his intervention; very likely he did. But the committee's grievance did not seem to turn so much on whether Catchpole had been bribed but rather whether he had allowed a thief to return goods and go unpunished. Significantly, the actual victim of the crime, Blunt, had been satisfied with the return of his goods and was prepared to let the matter die without prosecution. Nevertheless, Catchpole was discharged.¹⁴⁰

Catchpole's case reveals several important points about eighteenth-century policing. The marshalmen were apparently well known throughout the City, and consequently victims of theft were not averse to making such deals for the return of stolen goods. Many victims of crime may have been more interested in redress than in punishment of the criminal, but common councilmen conceived that the priorities of the criminal justice system required prosecuting and punishing criminals in order to deter crime. This difference in perspective had always provided the tension surrounding thief-taking: the utility of the practice threatened to undermine prosecution and promote compromise, which in turn diminished the symbolic deterrence of the criminal justice system. Officers' public proximity to the criminal courts, and to parts of the town frequented by suspected thieves, regularly placed them in the position of potential intermediaries between criminal and victim. And victims and prosecutors persisted into the nineteenth century in viewing the law as a tool to be used for their specific ends rather than an ideal transcending their individual interests.¹⁴¹ In 1835 the Court of Aldermen suspended and tried to dismiss Upper Marshal Neville Brown for having "improperly conducted himself in carrying on a negotiation between a person who had been robbed of a large quantity of jewellery, and the parties who had committed the robbery, or their agents."¹⁴² This sort of collusion between criminal, victim, and police gradually became less tolerated in the early nineteenth century; that it continued, however, indicates that public officials may have disapproved of the practice more than the public itself, which after all was bankrolling such collusion. Philip Holdsworth testified in 1816 that marshalmen had "an opportunity of getting money, because where they are employed, whether it is where burglaries are committed, or where they are put on particular duty, the gentlemen employing them give them something for their trouble, but of that they must tell the Lord Mayor; they run a risk of losing their situation if they accept a present without informing him."¹⁴³

No matter how fine the line between thief-taking and acceptable fees, then, the Corporation continued to tolerate fees in some form so long as the practice remained above a certain, but fluctuating, level of reproach.

VI. CONCLUSION

As Sidney and Beatrice Webb stated disparagingly, law enforcement in the City consisted for the most part of "twenty-six complicated little police forces."¹⁴⁴ Ward policing, and the Corporation's loose control over it, left much to be desired in the matter of uniformity of regulation as well as

aggressive pursuit of criminals major and minor; furthermore, ward officers could not be relied upon to clear the City of beggars, brothels, and loud drunkards. But inhabitants nonetheless had access to the system, participated in its operation, and evidently felt that no crisis of order was at hand, at least in their ward. The efficiency often proposed as the reason for centralization was, to residents, more than balanced by the efficiency that they felt came from exercising some kind of power over their own police. All criticisms, reforms, and defenses of the old order must be measured against this unique local assessment.

Reformers recognized this issue; perhaps the real importance of Colquhoun, Sharp, and others like them lay not in specific proposals for new police forces but in their attempts to persuade the public that they, the people in whose power immediate reform was directly possible, should want to invest more in policing their neighborhoods. Given that the flexibility of local policing went hand in hand with participation, it is also clear that, at least in the City, inhabitants had relative freedom to adapt new concepts of criminality and policing in their wards and precincts, thereby making external parliamentary coercion unnecessary. Wards could and did match changing criminological priorities to local practices; this is why, as the following chapters show, ward leaders and inhabitants resisted centralizing police reforms while espousing in their own organization more and more of the newer and more punitive assumptions of nineteenth-century criminal justice.

Conclusion

How can we explain the causality and chronology of police reform in the City of London? Why did it happen when it did? One explanation, focusing on the Metropolitan Police, emphasizes the congruence between working-class political reform movements, civil disorder, and the expansion of policing.¹ Such a narrative reaffirms a common conception of police reform that begins with the state, focuses on fundamental changes in police organization, and concludes with dramatic changes in elite attitudes toward public order. But in the City of London, police reform had been an ongoing and constant process undertaken since the 1780s by citizens at all levels of governance and driven by much more than the ideas of the elite. These conclusions exist as well for the early-eighteenth-century City and for metropolitan London throughout the eighteenth century.² The 1830s saw the culmination of police reform, rather than its beginning, and the final success of centralization. The very nature of local authority over police or watch administration meant that if reform followed changes in public attitudes concerning order, criminality, or class tension, then such changes would be manifested and enacted locally long before finding their way into Parliament.

Thus, police reform in the City and its wards was gradual, incremental, and often generated locally. No sharp discontinuities characterized the formation of the “new” City Police in 1838 or in any earlier incarnations; not only did the new officers use old uniforms but they also used old watch-houses for station offices, and many had served as watchmen or patrols in previous years. In all respects, policing the City evolved gradually in the late eighteenth and early nineteenth centuries, and no single point defines when the City’s police became more “modern” or “professional.” Wards, the Court of Common Council, and the Court of Aldermen had been giving pensions, uniforms, and greater amounts of supervision to officers at all levels since the 1780s; indeed, Beattie’s and Reynolds’s work shows that

watch reform had been evident and incremental well before then. Policing regulated both by wards and by the Corporation became more centralized and more hierarchical as well; these developments were not confined to national reform movements but were prevalent throughout many layers of governance. Indeed, as David Philips and Robert Storch have shown, the real changes in the nature of policing came only by the 1850s, well after the period covered here, when police began taking on greater responsibility for actively pursuing criminals rather than reacting to crimes at the behest of victims.³

To argue gradual change is not, however, to dodge the question of whether anything really did change. The emphasis on achieving a new kind of efficiency, and on accountability achieved by centralizing authority, marked the most important shift in policing since the late eighteenth century. This efficiency, based on uniform performance of centrally appointed officers, clashed with a very different kind of efficiency that emphasized local control over policing. Ward residents and at times City magistrates argued that this discretion not only derived from citizens' ancient rights, a rhetorical strategy often caricatured as petty corruption, but conferred tangible benefits as well. Residents who knew their police, and whose police knew them, felt that they were protected more fully because of this connection. Ward inhabitants sanctioned and legitimated local policing; if they disapproved of a watchman's or constable's conduct, they could easily register complaints or have the officer disciplined or discharged. Nor was this power rarely used, for ward records are filled with incidents of officers dismissed for drunkenness, bad language, insolence, inattention, and a variety of other problems as a result of protests lodged by residents or councilmen. Citizens could apply more rigorous standards in hiring constables if the hiring criteria ever changed, which happened in the decades leading up to 1838. Local watch committees constantly sought to improve the efficiency of watchmen, increase hours of watching, provide better clothing or pensions for the watchmen, and employ younger men and more police overall; many wards appear to have been successful in these reforms.

Debates over police reform focused on issues of accountability and central authority rather than whether crime had increased or morality declined, though perceptions of crime and morality were hardly irrelevant to those other concerns. Often the explicit reason given for centralization was the inadequacy in reformers' eyes of locally appointed officers, who, it was often assumed, could not be trusted to enforce the law because of their social origins. Growing fear of working-class criminality could very well have encouraged City leaders to believe that poverty inherently meant an

inability, or unwillingness, to carry out the law rather than just an explanation for rising crime itself. This fear is why, in conceptions of police reform up to the 1830s, the constantly recurring solution was simply to let the traditional system work for itself and somehow ensure that constables served in their own right rather than hiring substitutes. Presumably, more respectable housekeepers would better enforce the law. As such citizens were often unwilling to serve, City leaders ultimately had no alternative but to abolish the office. Discretion had become too important to leave in local and hence uncontrollable hands.

If ward inhabitants had the police they wanted, then how can we explain the continuous claims by numerous City reformers that such protection was not enough? Even though standards of policing were rising at all levels of governance, they rose faster among the better off, as in the case of the aldermen, who then attempted to impose their concept of order on less willing common councilmen and ward residents. It is also possible that different thresholds of public order corresponded to those responsible for policing them, so that councilmen and ward residents, having traditionally been charged with regulating the watch, would have no interest in paying for or administering the policing of crowds or riots. This lack of interest might signify sympathy with rioters, but it is equally likely that it indicated a popular sense that policing civil unrest was the responsibility of magistrates rather than citizens.

Ward leaders, merchants, shopkeepers, and magistrates all contributed to the growth of policing in the City between 1785 and 1838, yet without a consistent or even clear rationale for what in the aggregate was surely a dramatic change in attitudes toward public order. City leaders certainly never achieved consensus about whether crime itself had increased, and ward residents never complained of a crisis of criminality except during the widespread Ratcliffe murder scare of 1811–12. The increase in policing began as far back as the 1780s, during the transportation crisis after the American war. This crisis convinced many City leaders, including councilmen, that criminality had become a more serious problem, which in turn led to more policing, which then produced higher crime statistics. The self-perpetuating cycle thus created, with the informal expansion of policing beginning in the late eighteenth century, could explain the increase in crime feared by so many in the early nineteenth century; more police not only detected more crime but just as importantly represented an already existing support for higher levels of prosecution.

The war with France drew away many potential criminals and lessened the fear of crime for nearly a quarter-century. During that time the emphasis shifted from preventing crime to policing public justice, which fueled

the informal and unregulated increase in policing up to 1815.⁴ That this increase reflected the class tensions of an industrializing economy, or less precise problems of rapid urbanization, seems unlikely, for the City experienced neither serious industrial change nor significant population growth in these years. But during the war with France, public gatherings of all kinds, whether radical or loyalist, appeared more threatening and more deserving of a larger police presence. After 1815, then, the goals of City and ward policing were formed by anxieties about both crime and public order, the solution to which, and to the mounting expenses of such heightened anxiety, lay in the efficiencies of centralization. In addition, the costs of policing, like other kinds of local social administration, had been rising throughout the late eighteenth and early nineteenth centuries. Others have noted that poor rates escalated during the war years in metropolitan as well as provincial parishes, a rise that would have the dual effect of making the police a more onerous financial burden and hardening attitudes toward the poor who were its main population of concern.⁵

While several factors drove police reform and mutated over time, the end result was the same. The decline of local control over policing was understood to mean less popular participation in setting the parameters and priorities of the criminal justice system. The paradox of this transformation of policing, criminology, and citizenship is that as middle-class Britons gained the privileges of political participation in the 1830s, citizens of the City of London gave up the right and responsibility of shaping the social policy of public order. Police reform in the City was shaped by contention over who would have the power and the responsibility to define and enforce acceptable levels of order, and thus ultimately by the declining acceptance of such discretion throughout the criminal justice system.

Notes

ABBREVIATIONS

C.L.R.O.	Corporation of London Record Office
G.L.	Guildhall Library
Rep.	Repertories of the Court of Aldermen
Papers (CA)	Papers of the Court of Aldermen
Jour.	Journals of the Court of Common Council
Min.	Minutes of the Court of Common Council
Papers (CC)	Papers of the Court of Common Council
NWC	Nightly Watch Committee, Court of Common Council
DNPC	Day and Night Police Committee, Court of Common Council
OBSP	Old Bailey Sessions Papers

NOTES TO CHAPTER 1

1. Elaine A. Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720–1830* (Stanford, Calif.: Stanford University Press, 1998).

2. John Beattie, *Policing and Punishment in London, 1660–1750: Urban Crime and the Limits of Terror* (Oxford: Oxford University Press, 2001), 86 and passim.

3. David Eastwood, *Governing Rural England: Tradition and Transformation in Local Government, 1780–1840* (Oxford: Oxford University Press, 1994), 42. Such an image of eighteenth-century social policy derives from successive reformers as well as the monumental work of Sidney and Beatrice Webb, *English Local Government from the Revolution to the Municipal Corporations Act, Part Two: The Parish and the County* (London: Longmans, Green, and Co., 1908). Another notable dissent from the Webbs' picture is expressed by Nicholas Rogers, whose work on vagrancy suggests that magistrates' administration of vagrancy laws in the eighteenth century was flexible, responsive to different kinds of offenders, and far from the hopelessly corrupt and inefficient system the Webbs described ("Policing the Poor in Eighteenth-Century London: The Vagrancy Laws and Their Administration," *Histoire Sociale—Social History* 24 [1991: 127–47]).

4. Eastwood, *Governing Rural England*, 261.

5. David Philips and Robert Storch, *Policing Provincial England, 1829–1856: The Politics of Reform* (London: Leicester University Press, 1999).

6. *Times*, January 15, 1788, 3b; October 10, 1787, 3b.

7. Thomas Gilbert, *A Plan of Police: exhibiting the Causes of the present Increase of the Poor, and proposing A Mode for their future more effectual Relief and Support* (London, 1781), 3; Josiah Dornford, *Seven Letters to the Lords of the Privy Council on the Police: pointing out the causes of the depravity of the lower orders of the people* (London, 1785).

8. Donna T. Andrew, *Philanthropy and Police: London Charity in the Eighteenth Century* (Princeton: Princeton University Press, 1989), 6.

9. Colonel Frankland speaking in the House of Commons in 1811; quoted in Leon Radzinowicz, *A History of English Criminal Law and Its Administration from 1750*, Vol. 1: *The Movement for Reform* (London: Stevens and Sons Ltd., 1948), 31.

10. Peter King, *Crime, Justice and Discretion in England, 1740–1820* (Oxford: Oxford University Press, 2000), 355. For magistrates' discretionary power over policing vagrants, see Rogers, "Policing the Poor." Historians have found discretionary elements in the administration of criminal justice in both earlier and later periods as well: for the seventeenth century, see Cynthia Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England* (Cambridge: Cambridge University Press, 1987). Though the early-nineteenth-century reforms in law, juries, and policing supposedly removed discretion from criminal justice administration, Carolyn Conley argues for the persistence of discretion in *The Unwritten Law: Criminal Justice in Victorian Kent* (New York: Oxford University Press, 1990), and Jennifer Davis draws a similar conclusion in "A Poor Man's System of Justice: The London Police Courts in the Second Half of the 19th Century," *Historical Journal* 27 (1984): 309–35.

11. Douglas Hay, "Property, Authority and the Criminal Law," in D. Hay, P. Linebaugh, J. Rule, E. P. Thompson, and C. Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (New York: Pantheon Books, 1975), 17–63; John H. Langbein, "Albion's Fatal Flaws," *Past and Present* 98 (1983): 96–120; Peter King, "Decision-Makers and Decision-Making in the English Criminal Law, 1750–1800," *Historical Journal* 27 (1984): 25–58; John M. Beattie, *Crime and the Courts in England 1660–1800* (Princeton: Princeton University Press, 1986), 400–49; Douglas Hay, "The Class Composition of the Palladium of Liberty: Trial Jurors in the 18th Century," and Peter King, "'Illiterate Plebeians, Easily Misled': Jury Composition, Experience, and Behavior in Essex, 1735–1815," in J. S. Cockburn and T. A. Green, eds., *Twelve Good Men and True: The Criminal Trial Jury in England, 1200–1800* (Princeton: Princeton University Press, 1988), 254–357; King, *Crime, Justice and Discretion*.

12. King, *Crime, Justice and Discretion*, 357.

13. Robert Shoemaker's *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c. 1660–1725* (Cambridge: Cambridge University Press, 1991), offers a different viewpoint, seeing the law instead as a more neutral force which citizens in late-seventeenth- and early-eighteenth-century London used to express, and exacerbate, fears of social and economic instability.

14. Clive Emsley, *Crime and Society in England, 1750–1900* (New York: Longman, 1987), 52–53.

15. Martin Wiener sees the origins of this newly "rational" criminal in the early nineteenth century, but one finds a similar criminological vein as early as the 1760s, with Cesare Beccaria's *Of Crimes and Punishments* (1764; first English ed. 1767). See Wiener's *Reconstructing the Criminal: Culture, Law and Policy in England, 1830–1914* (Cambridge: Cambridge University Press, 1990), 14–91; Beattie, *Crime and the Courts*, 223. Of course, to those in the eighteenth century who believed that capital punishment was a deterrent, posing the threat of execution would not have been treating the potential criminal any less rationally.

16. For more on prosecutors and their motivations, see D. Hay and F. Snyder, "Using

the Criminal Law, 1750–1850: Policing, Private Prosecution and the State,” and D. Hay, “Prosecution and Power: Malicious Prosecution in the English Courts, 1750–1850,” in D. Hay and F. Snyder, eds., *Policing and Prosecution in Britain 1750–1850* (Oxford: Clarendon Press, 1989), 3–52, 343–95.

17. The meaning of efficiency proved to be the focal point on which proponents and opponents of police reforms designed to bring it about often disagreed.

18. Diverse historians come together on this point; see Clive Emsley, *The English Police* (New York: St. Martin’s Press, 1991); Radzinowicz, *A History of English Criminal Law*, Vol. 1; V. A. C. Gatrell, “Crime, Authority and the Policeman-State,” ch. 5 in F. M. L. Thompson, ed., *The Cambridge Social History of Britain*, Vol. 3 (Cambridge: Cambridge University Press, 1991), 243–310. However, as noted above, the work of Reynolds (*Before the Bobbies*) and Beattie (*Policing and Punishment*) suggests continuous evolution of policing responsibilities over the eighteenth century. Philips and Storch’s *Policing Provincial England* makes the case that real changes occurred in policing, but in the mid– and not early nineteenth century.

19. Here I rely on Emsley, *The English Police*. In the former, “whiggish” camp are Radzinowicz; Charles Reith, *British Police and the Democratic Ideal* (London: Oxford University Press, 1943); and Donald Rumbelow, *I Spy Blue: The Police and Crime in the City of London from Elizabeth I to Victoria* (London: Macmillan, 1971). For variations on the reform-as-repression theme, see Gatrell, “Crime, Authority and the Policeman-State”; Robert Storch, “Policing Rural Southern England before the Police: Opinion and Practice, 1830–1856,” in Hay and Snyder, eds., *Policing and Prosecution*; and David Philips, “A New Engine of Power and Authority: The Institutionalization of Law Enforcement in England 1780–1830,” in V. A. C. Gatrell, B. Lenman, and G. Parker, eds., *Crime and the Law: The Social History of Crime in Western Europe since 1500* (London: Europa, 1980), 155–89.

20. Emsley, *The English Police*, 1.

21. Eastwood, *Governing Rural England*. This essential insight about the origins of much eighteenth-century social policy, and the “reactive” rather than initiating state, has been made most persuasively in the essays found in L. Davison, T. Hitchcock, T. Keirn, and R. B. Shoemaker, eds., *Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1689–1750* (New York: St. Martin’s Press, 1992). See also Beattie, *Policing and Punishment*.

22. Karl Gustav Grytzell, *County of London: Population Changes 1801–1901* (Lund: C. W. K. Publishers, 1969), 26–67; William B. Willcox and Walter L. Arnstein, *The Age of Aristocracy: 1688 to 1830* (Lexington, Mass.: D. C. Heath and Co., 1992), 319; Walter L. Arnstein, *Britain Yesterday and Today: 1830 to the Present* (Lexington, Mass.: D. C. Heath and Co., 1992), 445. The City of London’s population in 1801 was 128,968; in 1851 it had risen slightly to 129,171, its highest point of the nineteenth century. After that the City’s population fell sharply. By 1881 the City had 51,439 inhabitants, or fewer than half as many as just three decades earlier.

23. Susan E. Brown, “Politics, Commerce and Social Policy in the City of London, 1782–1802” (Ph.D. dissertation, Oxford University, 1992), ch. 1.

24. David Kynaston, *The City of London*, Vol. I: *A World of Its Own, 1815–1890* (London: Chatto and Windus, 1994), 9–27.

25. Quoted in *ibid.*, 29.

26. Leon Radzinowicz, *A History of English Criminal Law*, Vol. 3: *Cross-Currents in the Movement for the Reform of the Police* (London: Stevens and Sons Limited, 1956), 117–21, and Vol. 4: *Grappling for Control* (London: Stevens and Sons, 1968), 171–72, 203–7. In their survey of eighteenth-century local government, Sidney and Beatrice Webb were clearly vexed by the implications of this issue for “effective” national policy: “From 1689 right down to 1835, the Corporation of the City of London stands forth as a sort of unofficial mouthpiece of the people of England, as against their National Government—carrying on, indeed, a continual criticism, sometimes insolent in its irresponsible independence, of the whole policy of the National Executive in finance, in Foreign affairs, and in domestic legislation” (S. and B. Webb, *English Local Government, Part Two*, 574).

27. Louis D. Schwarz, *London in the Age of Industrialisation: Entrepreneurs, Labour Force and Living Conditions, 1700–1850* (Cambridge: Cambridge University Press, 1992), 2, 8, 87.

28. See Grytzell, *County of London*. It does seem that the City was entering, at mid-century, a period of transition to a space more dominated by warehouses, shops, and commercial or financial establishments than residences. As far as I know, little research has been done on policing the quite unusual urban context presented by the City once it had made this transition.

29. Nor would I wish to argue that the City’s experience of police reform explains police reform undertaken elsewhere. The City’s unique social geography, which makes it such a useful foil to social change explanations of policing, also makes it of limited applicability to different parts of the country, or for that matter, to Western Europe and the United States. As I discuss later, however, the City’s experiments with policing did influence members of Parliament, who on more than one occasion pointed to City policing as a model for the country to emulate. And precisely because of the City’s absence from the dramatic changes associated with industrialization, the manner in which City residents approached policing may provide different answers to how criminological policy changed.

30. Such a narrative of restricted participation in an ostensibly humanitarian age, and of the darker sides of humanitarian ideals once thought more positive, in a very general sense accords with the tone of Michel Foucault. Imprisonment, he argues, though supposedly a more humane way to punish than execution, torture, whipping, and the like, was in actuality a more insidious and invasive punishment designed to control the mind rather than the body. While my work deals with policing and not punishment, it sheds a similar doubt on police reformers’ sense of improvement and efficiency through more powerful central authorities. (Michel Foucault, *Discipline and Punish: The Birth of the Prison* [New York: Random House, 1977]; also, for a perspective more particularly tailored to English history, see Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution 1750–1850* [New York: Random House, 1978]). But tone and substance are not equivalent means of interpretation; on the declining use of juries in the nineteenth century and the rise of summary judgment—judgment by one or two justices of the peace without jury trial—see Thomas Sweeney, “The Extension and Practice of Summary Jurisdiction in England, c. 1790–1860” (Ph.D. dissertation, Cambridge University, 1985); on attempts to weed discretion out of juries in the sixteenth through eighteenth centuries, see Thomas A.

Green, *Verdict According to Conscience: Perspectives on the English Criminal Trial Jury, 1200–1800* (Chicago: University of Chicago Press, 1985), chs. 4–7; on the diminution of popular participation in interpreting the meaning of punishment, particularly the public execution, see Thomas W. Laqueur, “Crowds, Carnival and the State in English Executions 1604–1868,” in A. L. Beier, David Cannadine, and James M. Rosenheim, eds., *The First Modern Society: Essays in English History in Honor of Lawrence Stone* (Cambridge: Cambridge University Press, 1989), 305–55.

31. *Times*, March 26, 1788.

32. Charles Hitchin, *A true Discovery of the Conduct of Receivers and Thief-Takers In and about the City of London* (London, 1718), 17.

33. Anonymous, *London Protected: or, the City and Liberties Secured. Shewing The Necessity of having a well-regulated and able-bodied Nightly Watch, for the Preservation of the Lives and Fortunes of its Inhabitants in general. With a Method to effect it, By appointing the Trained Bands of this City to do a Nightly Duty* (London: Thomas Legg, 1756).

34. William Blizard, *Desultory Reflections on Police: With an Essay on the Means of Preventing Crimes and Amending Criminals* (London: Baker and Galabin, 1785), 40–41; Patrick Colquhoun, *A Treatise on the Functions and Duties of a Constable; containing Details and observations interesting to the Public, as they relate to the corruption of morals, and the protection of the peaceful subject against penal and criminal offences* (London: W. Bulmer and Co., 1803), xiv; John Wade, *A Treatise on the Police and Crimes of the Metropolis* (Montclair, N.J. : Patterson Smith Publishing Corporation, 1972; first published 1829), 78.

35. Sidney and Beatrice Webb implied this in *English Local Government, Part Two*, 608–11.

36. Stanley H. Palmer, *Police and Protest in England and Ireland 1780–1850* (Cambridge: Cambridge University Press, 1988), 294.

37. Clive Emsley includes in this “rising-crime” school Charles Reith, T. A. Critchley, David Ascoli, and Leon Radzinowicz (Emsley, *The English Police*, 3). I would also include Donald Rumbelow and Sidney and Beatrice Webb.

38. This category does not count Bridge Ward Without, otherwise known as Southwark. Throughout the eighteenth and early nineteenth centuries, City aldermen and the Surrey magistrates grappled at times for control and at times for abdication of responsibility over Southwark. The “twenty-sixth ward” was, in the Corporation’s view, a sinecure for the eldest alderman, who would retire from his own ward to take up office across the river. But one man’s sinecure was a community’s irritation, and the residents of Southwark consistently took the office more seriously than did the Corporation or the sitting alderman, who rarely if ever presided over sessions on that side of the Thames. Due to its size, peculiar history, and contested jurisdiction, Southwark remains outside the scope of this work. See David Johnson, *Southwark and the City* (London: Oxford University Press, 1969); Beattie, *Crime and the Courts*, 25–32. For an insightful survey of City policing a century earlier, see Beattie, *Policing and Punishment*, which approaches the matter in ways that parallel mine.

39. Though anyone could, under the law, charge someone with a crime and take them into custody, only constables actually did so; even watchmen took offenders to the constable on duty to be formally charged.

40. S. and B. Webb, *English Local Government, Part Two*, 608, 611. Each ward had between four and sixteen councilmen, depending on the ward's size and population. Councilmen acted as leaders within their ward as well as representatives to the Court of Common Council, which was responsible for dealing with issues pertaining to the City as a whole. The Webbs argue both that the power of common councilmen over ward governance had declined during the eighteenth century and that ward government successfully resisted efforts by the Courts of Common Council and Aldermen to unify and reorganize local watching as early as 1763. The Webbs were sympathetic to centralization and were happy to see central authority expanding, local authority weakening, and local government itself as inefficient. This interpretation is mistaken in several ways. As a historical account, the fact that the Court of Common Council tried to increase central power at the expense of local does not indicate local weakness, for such attempts regularly failed through the 1830s. Ward watching remained powerfully regulated in the late eighteenth century and became even more hierarchical, and more aggressively regulated, throughout the early nineteenth century right up to its abolition. Decentralized power does not inherently imply inefficiency, nor does centralization bring efficiency as a matter of course. For how can we explain the resistance to centralization without realizing that many inhabitants felt that their ward government served them better than anything more distant? The Webbs were right, however, in the important recognition that centralization as an impulse existed far earlier than its fruition in the 1820s and 1830s.

41. C.L.R.O., MS 533A, "Nightly Watch Committee Papers, 1827–1839," March 24, 1830 (hereafter NWC Papers).

42. Old Bailey Sessions Papers, 1784–85, case 208 (hereafter OBSP).

43. OBSP, 1833–34, case 243.

44. *Times*, August 18, 1788; C.L.R.O., Rep. 193, January 27, 1789, ff. 93–97. The Court often granted freedoms in lieu of payment; actually, it awarded the ability to make someone else free, and this was sold to whoever wanted to buy one. Being free meant that one could legally practice a trade within the City of London; a person became free of the City by patrimony (if one's father had been free), servitude (apprenticeship), or redemption (buying one's freedom). The value of a freedom granted in this manner probably fluctuated; in 1795 the Court of Aldermen ordered the chamberlain to sell fifty freedoms to raise money for the City, at a price of 46 s 8 d. each (C.L.R.O., Rep. 199, May 5, 1795, f. 250).

45. Rep. 194, March 8, 1791, ff. 142–46.

46. Rep. 196, October 4, 1792, ff. 424–25.

47. G.L., A.8.6. No. 6 in 14, Police Pamphlets, 1822–66: "Examination of Deputy Hicks before 1837 Select Committee on Police on 12 June 1837," 3.

48. G.L., Broadside 3.44, "Particular Duties to be Observed within the Ward of Castlebaynard," February 1803.

49. G.L., MS 461, Langbourn Ward: Fenchurch Street Watchhouse Minute Book, 1817, f. 18.

50. As with constables, the traces watchmen leave in court records give descriptive weight to their duties without revealing how often they were used, let alone any evidence of whether or not their responsibilities changed over time. The difficulty arises because some Old Bailey cases are recorded in great detail, while others merely give the

indictment and sentence, leaving out the specific testimonies of people giving evidence.

51. OBSP 1784–85, cases 102, 756.

52. *Ibid.*, cases 445, 799.

53. OBSP 1834–35, case 24.

54. C.L.R.O., Misc. MSS. 245.5, Special Committee in relation to the Police and Nightly Watch: Rough Minutes, papers and returns 1816–1817 (hereafter NWC 1816–17).

55. C.L.R.O., MS 207C/3, Wardmote Papers, Box 3: 1813–53.

56. G.L., MS 2057, Aldersgate Ward: St. Leonard Precinct Minutes. Such titles as Younger and Elder of the Inquest probably designated whether or not the person has served in the office before. They also confirm that in some parts of the City, the same person served simultaneously as constable and inquestman.

57. C.L.R.O., Rep. 194, June 8, 1790, f. 322.

58. Patrick Colquhoun, *A Treatise on the Police of the Metropolis; containing a detail of the various crimes and Misdemeanors By which Public and Private Property and Security are, at present, injured and endangered: and suggesting remedies for their prevention*, 3d ed. (London: H. Fry, 1796), 209; C.L.R.O., MS 533A, NWC Papers, The Detailed Plan, Prepared by the Sub-Committee and submitted to the Nightly Watch Committee, for the Watch and Police of the City of London, March 24, 1830. While Colquhoun was not notably accurate in counting criminals, he seems to have stated the number of police correctly. For a critical assessment of Colquhoun's statistical methods, see Schwarz, *London in the Age of Industrialisation*, 247–248.

59. C.L.R.O., Papers (CA), February 17, 1784.

60. G.L., MS 51/1, Billingsgate Wardmote Minute Book, Vol. 1, December 20, 1809.

61. G.L., MS 5644/1, Castle Baynard Ward: Wardmote Minute Book, Vol. 1.

62. "Report from the Select Committee on the Police of the Metropolis," *Parliamentary Papers* (1822), Vol. 4, 77 (hereafter 1822 Police Committee).

63. C.L.R.O., Rep. 188, February 17, 1784, ff. 94–95.

64. *Ibid.*, January 27, 1784, ff. 65–66.

65. *Ibid.*, ff. 66–67.

66. *Ibid.*, f. 65.

67. *Ibid.*, February 17, 1784, ff. 95–96.

68. G.L., MS 9983: "Case—For the Opinion of Mr. Gurney 1817."

69. C.L.R.O., Rep. 188, February 17, 1784, ff. 93–94.

70. Ruth Paley, "Thief-Takers in London in the Age of the McDaniel Gang, c. 1745–1754," in Douglas Hay and Francis Snyder, eds., *Policing and Prosecution in Britain 1750–1850* (Oxford: Clarendon Press, 1989), 317. Paley states that while the commonly given cost of a ticket ranged between £12 and £40, her work leads her to conclude that £12 was more likely the high-end price. Since fines for the office of constable alone in City wards ran from £10 to £20 later in the century and through the Napoleonic wars, the commonly given range may be more accurate—for that time. One would expect increases in the price of a Tyburn ticket to follow the amount of a fine for hiring substitutes, and in turn for both to be affected by inflation and the number of people seeking to avoid office.

71. *Minutes of the Evidence taken before the Committee appointed by the House of Commons, to Inquire into the State of Mendicity and Vagrancy in the Metropolis and its Neighbourhood . . . to which is added, The Second Report* (London: Sherwood, Neely, and

Jones, 1816), 5 (hereafter 1816 Police Committee). Strangely, the wardmote minute books record no instances of persons submitting Tyburn tickets.

72. G.L., MS 2505/2, Bassishaw Wardmote Inquest Minutes, Vol. 2, *passim*.

73. G.L., MS 1228/1, Broad Street Ward Inquest, Vol. 1, *passim*.

74. 1822 Police Committee, 75.

75. C.L.R.O., MS 207C/2, Wardmote Papers, Box 2: 1771–1812. The Wardmotes returned lists of constables, substitutes, and extras to the Court of Aldermen each year: of the forty-four persons holding the office between 1785 and 1796 for whom residence information exists, twenty served in person and twenty-four were substitutes or extras. Of the twenty-four, two lived in the City but outside their ward, and twenty-two resided within or just outside the ward in which they served. The returns come from Farringdon Without (1785), Walbrook (1785), Coleman Street (1795), and Bread Street (1796), the only lists I discovered for the 1780s and 1790s. The Corporation did not systematically gather information about its constables until the 1820s, so any claims about their age, social status, or residence in the earlier part of the period must remain tentative.

76. G.L., MS 9983, “Case—For the Opinion of Mr. Gurney 1817”; G.L., MS 1163/2, Aldgate Wardmote Court Book, Vol. 2; G.L., MS 51/1, Billingsgate Wardmote Minute Books, Vol. 1, December 20, 1809, August 6, 1816. In each case the data here comes from 1808–17, or after much of the wartime inflation. Change in fines is hard to measure because wardmote minutes so rarely mention their payment; I have found only one instance of this, in 1808, when the fine for Aldgate was raised from £17 to £20 per year.

77. A common complaint was that many constables were also publicans and ale-house-keepers, but no evidence of this survives for late eighteenth century City wards (M. D. George, *London Life in the Eighteenth Century* [New York: Capricorn Books, 1965], 301).

78. G.L., MS 8567, Bridge Ward Watch Book, 1831–33; MS 461, Langbourn Ward: Fenchurch Street Watchhouse Minute Book, 1817.

79. 1816 Police Committee, 499.

80. *Times*, November 30, 1785. Almost a year later the *Times* recorded a similar case, stating that “the Sheriffs have ordered all the constables to attend in Palace-yard, tomorrow, to prevent any tumults during the execution of the sentence passed upon Aylette, the Attorney, who is then to stand in the pillory for one hour” (*Times*, November 20, 1786).

81. See, for example, C.L.R.O., MS 562A, Day and Night Patrole Books, 1806–12, Vol. 2, February 29, 1808; MS 536F, “Finance Committee (CC): Special Finance Committee Papers 1813” (hereafter Finance 1813).

82. C.L.R.O., Rep. 188, June 15, 1784, ff. 190–91; July 20, 1784, f. 235.

83. C.L.R.O., Rep. 190, March 21, 1786, ff. 145–46; Rep. 194, March 16, 1790, ff. 206, 209–10.

84. OBSP 1784–85, case 29.

85. *Times*, October 12, 1785.

86. C.L.R.O., MS 207C/3, Wardmote Papers, Box 3: 1813–53.

87. C.L.R.O., Jour. 71, July 20, 1789, ff. 285–85b.

88. Report on the Poor Laws, 1817, 66, quoted in George, *London Life*, 166.

89. C.L.R.O., Misc. MSS 245.5, NWC 1816–17.

90. *Ibid.*

91. G.L., MS 51/1, Billingsgate Wardmote Minute Book, Vol. 1, June 5, 1810.

92. Granville Sharp, *Proposals and remarks for the improvement of the city-militia, and for watch and ward* (London, 1782), 9.

93. Sharp wanted watchmen to work only every sixth night to ensure alertness, and whereas the wage for each watchman would have been a little over 2 shillings per week, the amount paid out by the ward, since it would have had to hire more men, would have been the same as if the same person worked each night. I have not come across evidence of any ward paying 2 s for a night's work until the 1830s, when a pay scale for Tower ward gives the wage as between 2 and 3 s per night.

94. Sharp, *Proposals and remarks*, 8–9.

95. Colquhoun, *A Treatise on the Functions and Duties of a Constable*, passim.

96. Sir William Blackstone, *Commentaries on the Laws of England*, 17th ed. (London: E. Christian, 1830, Vol. 1, 355), quoted in Radzinowicz, *A History of English Criminal Law*, Vol. 3, 419.

97. G.L., A.8.6.5 in no. 29: Anonymous, *Strong Admonitions to the Several Citizens of London and Westminster wherein are suggested Means of Security against Fire, Thieves, Murderers, and Prostitutes. By a Better Regulated System of Parochial Police; And without one Farthing Additional Expence* (London: The Author, 1812), 19.

98. Colquhoun, *A Treatise on the Functions and Duties of a Constable*, passim.

99. The incident is recounted in G.L., MS 1229/3, Broad Street Minute Book, Vol. 3, October 31, 1836; C.L.R.O., MS 562A, Nightly Watch Committee Minutes, 1836–1838, November 4, 1836 (hereafter NWC 1836–38); C.L.R.O., MS 533, NWC Papers, November 4, 1836.

100. G.L., MS 10838, Aldgate Ward Charge Book, July 29, 1837, August 2, 1837.

101. G.L., MS 1229/1, Broad Street Minute Book, Vol. 1, November 23, 1784; MS 2054, Aldersgate Within Common Council Minute Book, October 27, 1834.

102. G.L., MS 2054, Aldersgate Within Common Council Minute Book, February 5, 1833. I have found more detailed examples of interaction between inhabitants and local watch committees in the latter years of my period than in the former, primarily because more records for that time have survived. I have no reason to think that such occurrences did not happen in the 1780s as often as in the 1830s. Of course, some practices noted in the 1830s, such as the use of uniforms or pensions, did not exist at all, or in the same form, in earlier decades.

103. G.L., MS 1229/1, Broad Street Minute Book, Vol. 1, November 30, 1796; G.L., MS 2054, Aldersgate Within Common Council Minute Book, November 6, 1833, January 6, 1834.

104. Colquhoun, *A Treatise on the Functions and Duties of a Constable*, 1–8.

105. L. B. Allen, *Brief Considerations on the Present State of the Police of the Metropolis: with a few Suggestions towards its improvement* (London: Joseph Butterworth and Son and John Hatchard and Son, 1821), 28.

106. Several historians have noted this, albeit only in passing. See Gatrell, “Crime, Authority and the Policeman-State,” 247. Two recent exceptions arguing for a more dynamic view of eighteenth-century local policing are Ruth Paley, “An Imperfect, Inadequate and Wretched System? Policing London before Peel,” *Criminal Justice History* 10 (1989): 95–130; and Elaine Reynolds’s article, “St. Marylebone: Local Police Reform in London, 1755–1829,” 446–66, and book, *Before the Bobbies*. Many of my arguments

about City and ward policing in some ways parallel Reynolds's work on St. Marylebone and follow some of Paley's conceptual modeling.

107. C.L.R.O., Jour. 63, October 26, 1763, ff. 121–22.

108. C.L.R.O., Jour. 66, October 28, 1773, ff. 52; November 17, 1775, ff. 262–65; Beattie, *Crime and the Courts*, 554–65. The recorder's legal opinion of these unauthorized changes was that if a resident refused to pay a rate different from that given in the Watch Act, that person could not be forced to do so by law. This would have acted as an incentive to keep expenditure on the watch down to the amount collectible from inhabitants.

109. G.L., MS 1229/1, Broad Street Minute Book, Vol. 1, May 16–November 7, 1792.

110. Ibid., November 23, 1784.

111. C.L.R.O., Reps. 188, 224, 242, *passim*.

112. C.L.R.O., Rep. 217, June 24, 1813, ff. 517–20; Misc. MSS. 245.7, "Ward Returns on the state of the Watch, 1822." It was common practice for a ward to swear in its beadles as extras, perhaps out of convenience, as beadles might have to take charges to the compter or pass vagrants.

113. C.L.R.O., Reps. 206, 224, *passim*.

114. There were always two operating compters; in 1791 the Corporation moved all the prisoners from the rotting Wood Street building into a new compter in Giltspur Street (C.L.R.O., Rep. 195, March 29, 1791, ff. 192–94). The compters differed from Newgate in that they received all night charges, including vagrants, and at times confined debtors, whereas Newgate held persons awaiting trial as well as convicted felons awaiting their sentence, be it transportation or execution.

115. All charges east of King Street were taken to the Mansion House, and all west were taken to Guildhall. The former was the Lord Mayor's residence, and the latter served as the center of City government.

116. Since sessions did not usually begin until nine in the morning, persons charged at night were committed to one of the compters until the following day.

117. G.L., MS 3385, "Lord Mayor Clark's Diary, &c. 1784–1785," *passim*. This estimate excludes time spent at the Old Bailey or Guildhall, sitting at Sessions of the Peace, Gaol Delivery or Oyer and Terminer; but only the lord mayor performed these judicial duties in addition to petty sessions.

118. Throughout the eighteenth century, jurisdiction over the marshalmen oscillated between the marshals and the mayor. The marshals wanted the extra assistance, and perhaps patronage, of six subordinate officers; the marshalmen preferred to consider themselves appointees of the mayor and responsive only to him, perhaps because of the prestige or perks attached to that high office. The Court of Common Council gave the last word on this confusion in 1774, when it asserted its own right to elect men to both offices (C.L.R.O., Misc. MSS. 6.20, "Extracts and References relating to Marshals, 1576–1820," October 28, 1773, March 3, 1774).

119. C.L.R.O., PAR Book 12, "Committee to settle and prepare certain Orders and Regulations, for the Conduct of the Marshals of this City" (report to Common Council), February 12, 1789, 29–34. The 1779 report was recorded along with the additions made a decade later.

120. See Beattie, *Crime and the Courts*, 50–55. Mediating between criminal and victim was known as "compounding a felony" and, though not exactly the same as thief-taking, induced similar suspicions that City officers were not themselves operating within the law.

121. Rumbelow, *I Spy Blue*, 65; Paley, "Thief-Takers in London," 335.
122. C.L.R.O., Misc. MSS 6.20, "Extracts and References relating to Marshals, 1576–1820," October 28, 1773, March 3, 1774.
123. Fear of the practice, as well as occasional references to its continued vitality, suggests that what changed over time was not the practice itself but public and official attitudes toward it.
124. C.L.R.O., Jour. 74, March 6, 1794, ff. 74b–75b; Jour. 79, March 6, 1800, ff. 81–82. The marshals' wages are from 1800 and the breakdown of marshalmen's earnings from 1794. Though no other change in their salaries was noted from 1784, it is possible and even likely that some increase occurred, given the inflation of the war years. Whether this gives the lie to the 1774 ruling or whether the ruling applied only to fees taken from private individuals is not known. In one form or another, the practice of taking fees continued with occasional scandals throughout this period.
125. C.L.R.O., Papers (CC), January 20, 1803.
126. C.L.R.O., MS 562A, Day and Night Patrole Books, Vol. 3, September 1, 1809.
127. *Ibid.*, Vol. 2, February 29, 1808.
128. *Ibid.*, Vol. 4, September 25–27, 1810.
129. *Ibid.*, Vol. 6, May 11–18, 1812.
130. I cover this issue more fully in Chapter 3.
131. C.L.R.O., Rep. 188, *passim*; Rep. 193, January 27, 1789, ff. 75–76; Rep. 193, June 30, 1789, f. 344.
132. C.L.R.O., Jour. 71, February 12, 1789, ff. 202b–4b.
133. *Ibid.*
134. 1816 Police Committee, 37–38.
135. *Ibid.*, 26.
136. Anonymous, *Statement and Propositions from the Society for giving Effect to His Majesty's Proclamation against Vice and Immorality, delivered to the Magistrates, at their Meeting held at the St. Alban's Tavern, on Wednesday the 5th of May, 1790, In pursuance of a Letter, subscribed by the Duke of Montagu, requesting that Two Magistrates might be deputed from each County to take into Consideration the Vagrant Laws, and the Employment of Prisoners by hard Labour, in Gaols and Houses of Correction; and to bring forward such Plans for the general Reform of the Police as shall be thought advisable* (London: George Stafford, 1790), 11 (hereafter 1790 Proclamation Society).
137. C.L.R.O., Rep. 193, October 6, 1789, ff. 400–3; Rep. 194, November 17, 1789, ff. 14–15.
138. G.L., MS 3700, "Draft of a Brief relating to an affray in The Ship alehouse in Gravel Lane, Houndsditch, 1779." These three prisoners sawed through bars on the window of the decaying compter and escaped that evening but were later recaptured.
139. C.L.R.O., Jour. 69, April 25, 1785, ff. 241b–43b.
140. *Ibid.*
141. King's *Crime, Justice and Discretion* affirms this view of the law, and historians of other periods have done so as well: see Beattie, *Crime and the Courts*, 73; Shoemaker, *Prosecution and Punishment*, 19–52.
142. C.L.R.O., Min., March 12, 1835, 21–22.
143. 1816 Police Committee, 497.
144. S. and B. Webb, *English Local Government, Part Two*, 611. It is not clear how they

arrived at this number, though. If they referred to the number of wards, then there should have been only twenty-five, as Bridge Without should not really count as a ward unto itself. In any case, there were certainly more than twenty-six—in Farringdon Without six different precincts seem to have had somewhat independent control of their own watch: St. Brides, St. Dunstons in the West, Whitefriars, St. Martin Ludgate, St. Sepulchre, and St. Andrew Holborn.

NOTES TO CHAPTER 2

1. Peter King and Joan Noel, "The Origins of 'The Problem of Juvenile Delinquency': The Growth of Juvenile Prosecutions in London in the Late Eighteenth and Early Nineteenth Centuries," *Criminal Justice History* 14 (1993): 17–41.
2. Palmer, *Police and Protest*, 89–90.
3. Reynolds, *Before the Bobbies*, 73–75.
4. Palmer, *Police and Protest*, 90–92.
5. Ibid.; Radzinowicz, *A History of English Criminal Law*, Vol. 3, 108–37.
6. S. and B. Webb, *English Local Government, Part Two*, 576 n.1, 577.
7. Radzinowicz covers this literature in detail; see *A History of English Criminal Law*, Vol. 3, 89–107.
8. Sharp, *Proposals and remarks*, 4. Sharp was responding to a plan floated by Alderman Turner; see [B. Turner], *A Plan for Rendering the Militia of London Useful and Respectable, and for raising an effective and well-regulated Watch, Without subjecting the Citizens to additional Taxes or the Interposition of Parliament* (London, 1782).
9. Blizard, *Desultory Reflections on Police*, v.
10. *Times*, November 9, 1785.
11. Peter Linebaugh claims great importance for the Gordon riots as "a watershed of London class relations" because "for the first time an international proletariat directly attacked the imperial ruling class at its major institutions, and so gave that class a serious fright," in *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London: Penguin Books Ltd., 1991), 330. Yet, perhaps because other distractions kept City leaders occupied, the riots seemed to have had little discernible long-term impact on police reform there.
12. Beattie, *Crime and the Courts*, 560.
13. Henry Fielding, *Enquiry into the causes of the late encrease of robbers* (London, 1751); J. R., *Hanging, not punishment enough* (London, 1701). John Beattie elaborates convincingly on the causal relationship between war and rates of prosecution, as well as fears of crime more generally, in *Crime and the Courts*, 213–35.
14. Beattie, *Crime and the Courts*, 573–76.
15. *Times*, June 7, 1785.
16. *Morning Chronicle*, December 18, 1784.
17. Ibid., December 15, 1784.
18. C.L.R.O., Rep. 189, December 14, 1784, ff. 38–39; February 1, 1785, ff. 72–80.
19. C.L.R.O., Rep. 190, March 21, 1786, ff. 134–39. Beattie posits that this pressure from the City "focused the administration's attention on the problem" and forced an answer to the transportation problem (*Crime and the Courts*, 598–99).

20. C.L.R.O., Rep. 191, January 30, 1787, ff. 116–17; Rep. 192, March 13, 1788, ff. 109–10; Rep. 193, October 30, 1789, f. 431; Rep. 194, November 17, 1789, f. 13; Rep. 195, January 25, 1791, ff. 72–73, February 8, 1791, ff. 106–12.
21. Gilbert, *A Plan of Police*, 3–4.
22. Rogers, “Policing the Poor,” 142.
23. Thomas Gilbert, *Plan for the better Relief and Employment of the Poor; for Enforcing and amending the Laws respecting Houses of Correction, and Vagrants; and for Improving the Police of this Country* (London: G. Wilkie, 1781), 1–4.
24. Rogers, “Policing the Poor,” 130–31.
25. C.L.R.O., Jour. 71, February 12, 1789, ff. 202b–4b; 1790 Proclamation Society, 6–7.
26. C.L.R.O., Rep. 196, January 17, 1792, ff. 72–75.
27. C.L.R.O., Jour. 69, July 9, 1784, ff. 125–27.
28. Ibid.
29. C.L.R.O., Jour. 69, June 18, 1785, ff. 253b–55.
30. One could say that the case of Portsoken’s street traders illustrates how even the laboring poor might, on occasion, also come to see the law as the “multiple-use right” articulated by John Brewer, though he exempts the laboring poor from viewing the law in this way. See John Brewer and John Styles, eds., *An Ungovernable People: The English and Their Law in the Seventeenth and Eighteenth Centuries* (New Brunswick: Rutgers University Press, 1983), 17.
31. The dispute was to continue all the way through this period; there are presentments against unlicensed traders almost every year between 1785 and 1840.
32. C.L.R.O., Rep. 189, October 25, 1785, ff. 411–15; G.L., MS 2649/1–2, Portsoken Ward: Wardmote Inquest Minute Book.
33. G.L., MS 3385, “Lord Mayor Clark’s Diary, &c. 1784–1785,” 11. L. J. Hume writes that Clark had known Jeremy Bentham since the 1760s, that Clark also knew Patrick Colquhoun in the 1790s, and even that it was Clark who prompted Colquhoun to introduce himself to Bentham in 1796 (L. J. Hume, *Bentham and Bureaucracy* [Cambridge: Cambridge University Press, 1981], 276, n.16). Perhaps Clark had ingested the ideas of both men on a centralized preventive police and brought those ideas to his mayoralty.
34. Palmer, *Police and Protest*, 78–79.
35. Wilkes was city chamberlain at the time.
36. G.L., MS 3385, “Lord Mayor Clark’s Diary, &c. 1784–1785,” 12; *Morning Chronicle*, November 20, 1784; December 1, 1784.
37. *Morning Chronicle*, December 1, 1784.
38. Ibid.
39. C.L.R.O., PAR Book 12, “Committee to settle and prepare certain Orders and Regulations, for the Conduct of the Marshals of this City” (Report to Common Council), February 12, 1789, 29–34.
40. *Morning Chronicle*, December 1, 1784.
41. Ibid.; *Public Advertizer*, November 19, 1784; *London Chronicle* November 18–20, 1784.
42. *Times*, October 8, 1785.
43. OBSP 1784–85, case 475. It is interesting to note that the woman referred to Forsythe as “a constable,” suggesting either that City leaders made little effort to publicize the new force, or that the Patrole was not viewed as a radically new institution.

44. OBSP 1784–85, cases 534, 688.

45. C.L.R.O., MJR/M 3, Mansion House Justice Room: Minute Books of Proceedings, 3–29 January 1785. I use the phrase “petty sessions” to describe the actions at the Mansion House Justice Room and Guildhall Justice Room, even though they were not known by that label at the time, because the duties of sitting magistrates in the City approximated those of Justices of the Peace in petty sessions elsewhere. (See Norma Landau, *The Justices of the Peace, 1679–1760* [Berkeley: University of California Press, 1984].) The main function of the City’s petty sessions was to sort through those brought to the comptroller in the previous evening and determine who would go to trial, who would go directly to Bridewell, and who would be discharged. People also took complaints and accusations to the petty sessions, where the lord mayor or sitting alderman could issue warrants for the arrest of the accused party. The Minute Books, which exist intermittently until the 1810s, record the person charged, the prosecutor, the charge, and the sentence; in the case of warrants it gives all but the sentence and sometimes includes the name of the constable sent to execute the warrant.

46. C.L.R.O., Rep. 193, February 10, 1789, f. 124; October 20, 1789, ff. 412–13.

47. *Parliamentary Debates*, Vol. 25, June 23, 1785, col. 891.

48. C.L.R.O., Rep. 195, May 31, 1791, ff. 346–53.

49. C.L.R.O., Rep. 196, January 17, 1792, ff. 72–75.

50. C.L.R.O., Jour. 73, July 17, 1792, ff. 170–70b. Radzinowicz notes that in the 1810s assurance companies began insuring against arson, and in the perceived crime wave after the American war they may have tried insuring possible victims against property crime as well (*A History of English Criminal Law*, Vol. 2: *The Clash between Private Initiative and Public Interest in the Enforcement of the Law* [London: Stevens and Sons Limited, 1956], 380–83). David Philips writes that prosecution associations “offered their members a degree of mutual insurance against the costs of theft or arson” and that they increased drastically in the 1770s and 1780s, though the explicit mention of assurance companies makes it clear that the committee was not talking about prosecution associations. See Philips, “Good Men to Associate and Bad Men to Conspire: Associations for the Prosecution of Felons in England, 1760–1860,” in Hay and Snyder, eds., *Policing and Prosecution*, 121–24.

51. C.L.R.O., Jour. 73, November 29, 1792, ff. 228b–29; July 24, 1793, ff. 358b–59.

52. The increase in poor rates of these years, and consequent hardening of attitudes toward the poor, may have and probably did play a role in the City’s policing initiatives, though it is not specifically mentioned by any of the City authorities.

NOTES TO CHAPTER 3

1. Colquhoun, *A Treatise on the Police of the Metropolis*.

2. Emsley, *Crime and Society in England*, 52–53; Linebaugh, *The London Hanged*, 427. Emsley suggests that the *Treatise*’s success proves its popularity—it went through seven printings between 1795 and 1807. Certainly this sales volume says something, but not necessarily that the *Treatise* defined police reform.

3. Paley, “‘An Imperfect, Inadequate and Wretched System?’” An interesting assumption

behind holding Colquhoun responsible for reform by influencing opinion is that those reading the *Treatise* could have had any possible effect on legislation; more likely, in my view, is the possibility that Colquhoun's readers influenced local policy by serving on parish and ward watch committees, on inquest juries, or as zealous constables.

4. Colquhoun, *A Treatise on the Functions and Duties of a Constable*. King and Noel's "The Origins of 'The Problem of Juvenile Delinquency'" and Philips's "Good Men to Associate and Bad Men to Conspire" suggest such a change based on evidence of increased prosecutorial activities at this time.

5. Colquhoun, *A Treatise on the Functions and Duties of a Constable*, xiv.

6. Colquhoun, *A Treatise on the Police of the Metropolis*, 99.

7. Colquhoun, *A Treatise on the Functions and Duties of a Constable*, ii–iii.

8. One has to speculate whether there is another, less obvious parallel between Bentham and Colquhoun than their criminological interests: as Bentham wanted to run the Panopticon he proposed, and at a profit, so Colquhoun might have hoped, reasonably enough, that any central board of police magistrates in London would have to include him.

9. A Citizen of London: But no Magistrate [R. Shaw], *Observations on a late Publication: intituled A Treatise on the Police of the Metropolis by P. Colquhoun, Esq* (London: R. Shaw, 1800). The notation of authorship comes from the Guildhall library's copy, where it is handwritten on the title page.

10. *Ibid.*, 7.

11. Colquhoun, *A Treatise on the Police of the Metropolis*, 13, 30.

12. Shaw, *Observations*, 25.

13. *Ibid.*, v.

14. *Times*, February 10, 1807, February 21, 1807, February 24, 1807; C.L.R.O., Rep. 211, February 24, 1807, f. 186; C.L.R.O., MS 562A, Day and Night Patrole Books, Vol. 1, February 23–24, 1807.

15. V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770–1868* (Oxford: Oxford University Press, 1996), 602–4.

16. *Ibid.*, 56. The figure "several thousand" comes from J. Grant, *Sketches in London* (London, 1838), 290.

17. Authors have often depicted execution as public spectacle; for a recent and a nineteenth-century view, see Laqueur, "Crowds, Carnival and the State," 323–24; and William Thackeray, "Going to See a Man Hanged," *The Works of William Makepeace Thackeray: Sketches and Travels in London; Notes of a Journey from Cornhill to Grand Cairo* (New York, n.d.; first published 1840), 233–55. For a very different perspective from Laqueur's, one that sees the scaffold as spectacle but accords less authority to the crowd and more to the state, see Gatrell, *The Hanging Tree*.

18. For the classic statement on the "theater of the law," see Douglas Hay, "Property, Authority and the Criminal Law." Also relevant are J. A. Sharpe, "'Last Dying Speeches': Religion, Ideology and Public Execution in Seventeenth-Century England," *Past and Present* 107 (1985): 144–67; Randall McGowan, "The Body and Punishment in Eighteenth Century England," *Journal of Modern History* 59 (1987): 651–79; and Laqueur, "Crowds, Carnival and the State."

19. I doubt that any of the authorities involved in making decisions about how to police public justice were in fact interested in the finer points of what the law might mean or

be perceived to mean. It seems more likely that they were concerned with the bluntest meaning—that a sentence be carried out without allowing an escape or causing a riot. The capacity to control meaning beyond that level seems beyond the possible scope of early-nineteenth-century governance.

20. C.L.R.O. MS 562A, Day and Night Patrole Books, Vol. 5, January 14, 1811.

21. Ibid., Vol. 5, February 27, 1811. This is the only time a potential rescue was given as the reason for setting extra guards.

22. Ibid., Vol. 6, May 18, 1812.

23. Beattie, *Crime and the Courts*, 614–16.

24. *Cobbett's Political Register*, January 27, 1820, quoted in E. P. Thompson, *The Making of the English Working Class* (New York: Vintage Books, 1963), 604–5.

25. C.L.R.O., MS 562A, Day and Night Patrole Books, Vol. 3, June 21, 1809; Vol. 4, September 25–27, 1810; *London Chronicle*, September 23, 1810 (quoted in John Stevenson, *Popular Disturbances in England 1700–1832*, 2nd ed. [New York: Longman Publishing Co., 1992], 61–62).

26. Cobbett quoted in Thompson, *The Making of the English Working Class*, 605.

27. C.L.R.O., MS 562A, Day and Night Patrole Books, Vol. 2, February 29, 1808. Since this body of evidence goes back only to 1806, it is difficult to claim that this number actually represents an increase rather than a mere change in notation practices having more to do with accountability of City funds than rising unruliness more generally. The Patrole books list no other instance during the five years prior to 1811 of constables escorting convicts, though, and a breakdown made in 1805 for the previous two decades of how much was spent on extra constables records nothing of the sort. It is likely that some constables always did this duty but that the numbers remained small enough to be agglomerated into less specific categories.

28. C.L.R.O., MS 536F, Special Finance Committee Papers 1813.

29. Ibid.

30. *Times*, October 23, 1794.

31. C.L.R.O., Rep. 206, October 12, 1802, ff. 656–62.

32. C.L.R.O., Rep. 202, May 8, 1798, ff. 295–6.

33. C.L.R.O., MS 562A, Day and Night Patrole Books, Vol. 6, October 5, 1812.

34. Robert Shoemaker reports efforts to do away with what petitioners called the fair's "riotous and tumultuous assembly" in the early eighteenth century, which efforts succeeded in shortening the duration but not, perhaps, the revelry. (Robert Shoemaker, "Reforming the City: The Reformation of Manners Campaign in London, 1690–1738," in Davison et al., eds., *Stilling the Grumbling Hive*, 112).

35. C.L.R.O., MS 562A, Day and Night Patrole Books, *passim*.

36. C.L.R.O., MS 536F, Special Finance Committee Papers 1813.

37. C.L.R.O., MS 562A, Day and Night Patrole Books, Vol. 2, November 5, 1808; Vol. 3, November 6, 1809.

38. Ibid., Vol. 3, October 25, 1810; Vol. 4, October 25, 1811.

39. Ibid., Vol. 6, August 17–19, 1812.

40. Ibid., Vol. 3, November 7, 1809, December 6, 1809; Hugh Cunningham, *Leisure in the Industrial Revolution, c. 1780–c. 1880* (New York: St. Martin's Press, 1980), 29.

41. C.L.R.O., MS 562A, Day and Night Patrole Books, Vol. 3, June 16, 1809; Vol. 5, March 13–19, 1811.

42. *Ibid.*, Vol. 1, July 13–19, August 26, 1807; Vol. 2, May 1, 1808.
43. C.L.R.O., MS 536F, Special Finance Committee Papers 1813.
44. Information regarding how many constables the City paid for, and on what occasions, is fully available only for the years 1806–12 and, in less detailed form, for 1785–1805. Both the Repertories and the Patrole books offer incomplete evidence, though in different ways. The lists presented to the Court of Aldermen show total expenditure of which the court was aware, and how that figure changed (1795–1802 and 1785–1805, respectively), and so give a good idea of what at least the court perceived the costs of policing to be. They do not, however, give much of a breakdown of those costs, numbers of persons hired, or even which specific occasions (barring particularly large riots or trials) necessitated more or fewer constables. The Patrole books give just this information—numbers of men, some reasons for specific fears—but no general costs. They were kept by a City official, probably the under marshal or a senior member of the Day Patrole; one of the notations said that a man named Holdsworth had directed the author to “prevent any unlawful Assemblies” in St. Paul’s Churchyard, and Philip Holdsworth was, at the time, serving as upper marshal (C.L.R.O., MS 536F, Day and Night Patrole Books, Vol. 2, June 25, 1808). The problem is that during this period there was a great increase in the number of extra constables employed, and everyone involved knew of this increase, but keeping track of the numbers and wages was still an uncertain practice. An 1813 committee found it impossible to say exactly how many persons had been hired for different duties, as some monies, but not all, came from the hallkeeper’s disbursements (C.L.R.O., MS 563F, Finance Committee [CC]: Minute Books and Papers, 1813). The Day and Night Patrole books could very possibly have been an earlier attempt to keep track of this expenditure, but the books offer no explanation. It is conceivable that such records were kept in the eighteenth century but have not survived.
45. C.L.R.O., Rep. 206, October 12, 1802, ff. 656–62.
46. C.L.R.O., Rep. 209, November 5, 1805, ff. 559–66; MS 536F, Special Finance Committee Papers 1813. All amounts have been rounded to the nearest pound.
47. C.L.R.O., MS 536F, Special Finance Committee Papers 1813.
48. *Ibid.*, “Statement of the Marshalls,” read in Finance Committee May 17, 1813.
49. C.L.R.O., Jour. 73, November 29, 1792, ff. 228b–229.
50. *Ibid.*
51. *Ibid.*; C.L.R.O., MS 562A, Day and Night Patrole Books, *passim*; MS 563F, Finance Minutes.
52. C.L.R.O., MS 563F, Finance Minutes, March 2, 1813; June 3, 1813.
53. C.L.R.O., MS 536F, Special Finance Committee Papers 1813.
54. C.L.R.O., Papers (CC), July 9, 1813.
55. See David Philips, *Crime and Authority in Victorian England: The Black Country 1835–1860* (London: Croom Helm, 1977); Emsley, *The English Police*, 25–26.
56. C.L.R.O., MS 563F, Finance Minutes, December 20, 1813.
57. George, *London Life*, 6–7.
58. F. Grose, *A provincial glossary with a collection of local words and popular superstitions* (1787), cited in Gatrell, *The Hanging Tree*, 59.
59. Gatrell makes a similar point about the nonhumanitarian motivations of early-nineteenth-century reformers in *The Hanging Tree*.
60. In engaging with Laqueur’s argument (“Crowds, Carnival and the State”), Gatrell

claims that “the usual absence of soldiers at the scaffold upon which Laqueur remarks was an index less of an incapacity to produce state ceremonial than of a simple confidence that they were not needed” (Gatrell, *The Hanging Tree*, 97). But in fact soldiers, or at least constables, evidently were very much needed, and in greater numbers every year. The “skimpy parade of constables and javelin-men” (ibid.) had become anything but skimpy by the early nineteenth century.

61. Colquhoun, *A Treatise on the Functions and Duties of a Constable*, 18.

62. Ibid.

63. Gatrell, *The Hanging Tree*, 594–95.

64. It is equally unclear whether those constables who ultimately enforced the law were in any way influenced by the new trends in late-eighteenth- and early-nineteenth-century criminology.

65. *Times*, February 24, 1807.

66. Gatrell, *The Hanging Tree*, 602.

67. Colquhoun, *A Treatise on the Functions and Duties of a Constable*, 1.

68. See E. P. Thompson, “Time, Work-Discipline and Industrial Capitalism,” ch. 6 in *Customs in Common: Studies in Traditional Popular Culture* (York: The New Press, 1991), 352–403.

69. C.L.R.O., MS 536F, Special Finance Committee Papers 1813.

70. *Part the First, of an Address to the Public, from the Society for the Suppression of Vice, Instituted in London, 1802. Setting forth, with a list of the members, the Utility and Necessity of such an institution, and its claim to Public Support* (London, 1803); M. J. D. Roberts, “Making Victorian Morals? The Society for the Suppression of Vice and its Critics, 1802–1886,” *Historical Studies* 21 (1984): 157–73.

71. M. J. D. Roberts, “Making Victorian Morals?” 157–73.

72. Colquhoun, *A Treatise on the Police of the Metropolis*, 219–21. He did not, however, stop at a little explanation.

73. “Report on the Nightly Watch and Police of the Metropolis,” *Parliamentary Papers* (1812), Vol. 2, 6–7 (hereafter 1812 Police Committee).

74. 1816 Police Committee, 62.

75. Ibid., 11–12.

76. C.L.R.O., Rep. 203, January 15, 1799, ff. 60–61.

77. C.L.R.O., Rep. 204, April 22, 1800, f. 211; Rep. 206, May 25, 1802, ff. 485–86; June 22, 1802, ff. 535–36; Rep. 213, January 17, 1809, ff. 79–89.

78. C.L.R.O., Rep. 213, January 17, 1809, ff. 79–89.

79. Whether theft from the ships had really increased at this time or a redefinition of customary and expected pilferage into criminal activity took place, one cannot say. Peter Linebaugh argues for the idea of a redefinition of custom in *The London Hanged*, 430–36, and the language of the Thames Police Bill seems to confirm this idea, noting “the Shocking state of Morals which pervaded the great body of Labourers” (C.L.R.O., Jour. 78, February 21, 1799, ff. 184–93). Of course, when we remember that the late 1790s were a time of dearth, poor harvests, and food riots, it is not unreasonable to conclude that petty crime had increased and customary usages had been repressed.

80. C.L.R.O., Rep. 203, December 11, 1798, f. 17. The Corporation already had jurisdictional rights over the Thames as conservator, which included regulation of shipping, dredging the river, repairs to the banks and public stairs, and regulation of fishing

(Radzinowicz, *A History of English Criminal Law*, Vol. 2, 379 n.1). While the bill was in the air, Colquhoun attempted to sway official opinion with *A General View of the Causes and Existence of Frauds, Embezzlements, Peculation and Plunder, Of His Majesty's Stores in the Dock Yards . . . With Remedies Humbly Suggested* (London, 1799), and *A Treatise on the Commerce and Police of the River Thames* (London, 1800). He also served as one of the magistrates stationed there in the early years of operation. For an overview of the Thames police, see Radzinowicz, *A History of English Criminal Law*, Vol. 2, 379–91; and Palmer, *Police and Protest*, 144–45.

81. C.L.R.O., Rep. 203, February 5, 1799, ff. 109–13.

82. *Ibid.*, April 23, 1799, ff. 218–22.

83. Colquhoun, *A Treatise on the Police of the Metropolis*, 346–48.

84. C.L.R.O., Jour. 73, July 17, 1792, ff. 170–70b; MS 562A, Day and Night Patrol Books, Vols. 1–6.

85. C.L.R.O., Rep. 203, November 8, 1799, f. 508.

86. C.L.R.O., Rep. 205, December 2, 1800, ff. 61–62. Later estimations of long-term spending by the court have it paying out £660 in 1800 for this purpose, or about a third of total spending on extra constables (Rep. 209, November 5, 1805, ff. 559–66).

87. C.L.R.O., Rep. 205, February 10, 1801, ff. 188–89; March 10, 1801, ff. 317–18.

88. C.L.R.O., Rep. 209, July 9, 1805, ff. 443–45.

89. C.L.R.O., Rep. 198, July 8, 1794, ff. 366–69.

90. C.L.R.O., Rep. 209, July 9, 1805, ff. 443–35; November 5, 1805, ff. 559–66.

91. C.L.R.O., Rep. 216, June 2, 1812, ff. 402–4.

92. C.L.R.O., MS 562A, Day and Night Patrol Books, Vols. 1–6. Since the Patrole books begin only four days after an aldermanic committee presented the expenditure figures, it is possible that the books themselves were an attempt to introduce a measure of accountability into City policing, one that would answer the committee's desire to reduce such expenses in the future.

93. *Ibid.*, Vol. 1.

94. C.L.R.O., MS 536F, Finance 1813.

95. C.L.R.O., MS 562A, Day and Night Patrole Books, Vol. 1, November 26, 1806; January 14, 1807.

96. *Ibid.*, Vol. 1, August 11, 1807.

97. *Ibid.*, Vol. 1, *passim*; Vol. 2, December 19, 1807.

98. *Ibid.*, Vol. 1, July 1, 1807.

99. *Ibid.*, Vol. 1, July 9, 1807; Vol. 2, July 20, September 22, October 18, 1808.

100. The Patrole books are of dubious reliability because they are wholly dependent upon the clerk's assessment of activities important enough to record; it is possible that instead of a shift in kinds of activity, policing petty crime and street order became so normalized as to be no longer worth noting. The reason for suspecting a real shift comes from the 1813 Finance Committee minutes, which clearly emphasize that spending on public occasions had increased dramatically; policing petty crime and nuisances was part of this increase but not significant enough financially to warrant the same kind of attention. This observation is not to argue for less absolute concern with petty crime but for less relative to the policing of public gatherings.

101. C.L.R.O., MS 562A, Day and Night Patrole Books, Vols. 5–6, *passim*.

102. C.L.R.O., Reps. 188, 206, 224, *passim*.

103. The wardmote inquest jury presented the Rag Fair assemblage in 1793, 1800, and then every year until 1833. No reason is given for the break of 1794–99.

104. G.L., MS 2649/2, Portsoken Ward: Wardmote Inquest Minute Book, Vol. 2, January 7, 1799, and *passim*.

105. C.L.R.O., Rep. 206, May 11, 1802, ff. 310–12; May 25, 1802, ff. 486–87.

106. For the expansion of vagrancy law in the late eighteenth and early nineteenth centuries, see Radzinowicz, *A History of English Criminal Law*, Vol. 4: *Grappling for Control* (London: Stevens and Sons, 1968), 14–25.

107. C.L.R.O., Rep. 201, January 24, 1797, ff. 117–18. The five wards were Bridge, Castle Baynard, Cordwainer, Cornhill, and Cripplelegate, of which only one, Cornhill, was particularly close to the Royal Exchange.

108. *Parliamentary Debates*, Vol. 21, January 18, 1812, cols. 196–220.

109. Radzinowicz, *A History of English Criminal Law*, Vol. 3, 324–30.

110. C.L.R.O., Rep. 216, January 28, 1812, ff. 140–41; Min., January 21, 1812, 139. Radzinowicz provides a full description of the Ratcliffe Highway murders in *A History of English Criminal Law*, Vol. 3, 315–47.

111. Neither committee ever produced a formal report. Perhaps the business of each committee appointed in the wake of the Ratcliffe murders was subsumed into each court's committee on the expense of City policing, which were both formed the following year.

112. C.L.R.O., General Purposes Committee (CC), Journal 8, February 6, 1812, ff. 455–56.

113. By “patroles,” the deputies meant either men who came on during the twilight hours before the regular watchmen or watchmen who walked around the ward rather than staying in the watchbox or watch-house through the night.

114. C.L.R.O., General Purposes Committee (CC), Papers, Box 1811–1813, January 1812. In a sense, this also reflects a temporary return to individual service in the watch, which was now performed, in the case of many “gentlemen,” by substitute.

115. *Ibid.*, February 1812.

116. The Aldgate councilmen had printed up a list of the constables, watchmen, turn-cocks, etc., and their respective duties; they also attempted to convince residents to take some of the responsibilities of prevention into their own hands: “It may escape the Notice of many of the Inhabitants, that painting the lower Front of a lightish Colour, in preference to a dark one, gives Light to the Street, and Persons are more easily seen in any Attempt to break open the Premises” (*ibid.*, February 11, 1812).

117. G.L., MS 69 no. 164, untitled manuscript, December 27, 1811. In cases where an inhabitant refused to pay a watch rate passed by the Common Council, the Corporation could sue the inhabitant for distraint of goods. If the rate had not been approved by the Common Council, however, such a suit would not, in the recorder's mind, be successful: the rate would not then be legally binding. The history of ward policing suggests that this issue rarely arose, though, for wards almost never conformed to the letter of the Council Watch Act, varying hours, pay, or numbers of watchmen or excusing from the rates whole buildings whose inhabitants were too poor to pay. This supports my general argument that ward leaders must have been conforming to the wishes of the inhabitants on policing matters, since without popular approval tax revenues would not have appeared. It is also possible that there was widespread ignorance of the Corporation's legally shaky position in prosecuting persons for nonpayment

(for almost every ward would have been in this situation) and that people assumed the existence of a legal obligation where there was none. However, given the fact that even poor individuals such as the Rag Fair clothiers were knowledgeable of the law in this period, and given that some people *were* prosecuted for nonpayment, this theory seems unlikely.

118. G.L., MS 2050/2, Aldersgate Ward Wardmote Inquest Minute Book, Vol. 2, December 21–24, 1811.

119. G.L., MS 2053, Minutes of Committee appointed for the protection of the Ward of Aldersgate 1811–1812, December 27–28, 1811.

120. *Ibid.*, January 4–October 1, 1812.

121. Leon Radzinowicz takes this view, putting the Ratcliffe murders alongside Patrick Colquhoun's work as two events promising in themselves but doomed by the revival and persistence of popular apathy: "The murders in Ratcliffe Highway had startled the country into momentary activity, but once the anxiety had subsided the public attitude remained for many years much as it had been during the eighteenth century, when the movement for the reform of the police had begun. During that period there had been many major developments. . . . Yet judged by tangible results it had been a disappointing period" (Radzinowicz, *A History of English Criminal Law*, Vol. 3, 348).

122. *Ibid.*, 330.

123. 1812 Police Committee, 2–5. Such an enthusiastic assessment may have been helped by something other than evidence. Four of the twenty-one committee members were City MPs and aldermen: Sir Charles Price, Sir James Shaw, Sir William Curtis, and Harvey Christian Combe.

124. C.L.R.O., Papers (CC), July 9, 1813.

125. *Ibid.*

126. C.L.R.O., MS 536F, Special Finance Committee Papers 1813.

127. C.L.R.O., Rep. 218, December 16, 1813, ff. 25–26.

128. C.L.R.O., Papers (CA), July 25, 1815, "Report of the Committee on the Expences of employing Day and Night Patrols." The report was dated June 24, 1815, first read in the Court of Aldermen on July 11, adjourned, and finally considered on the 25th. Adoption of its recommendations must be presumed, the repertory noting that a copy of the report was given to every alderman, marshal, marshalman, patrol, "and all other persons concerned" (Rep. 219, July 11, 1815, f. 663; July 25, 1815, ff. 680–92).

129. *Ibid.*

130. King and Noel, "The Origins of 'The Problem of Juvenile Delinquency,'" 17–41. King and Noel note the declining average age of offenders between 1791 and 1820; because petty criminals were probably younger than most, increased attention to policing petty crime could very well have been part of that decline.

NOTES TO CHAPTER 4

1. See Emsley, *Crime and Society*, 212; for more detailed figures, see "Report from the Select Committee on Criminal Laws," *Parliamentary Papers* (1819), volume 8, *passim*.
2. No class-based argument is necessary to explain these relative priorities; magistrates

worked through constables, and the City's legislators, through Acts of Parliament, dealt with the nightly watch.

3. *Parliamentary History*, Vol. 33, April 3, 1816, col. 888.

4. For one account of police reform between 1815 and 1828, see Radzinowicz, *A History of English Criminal Law*, Vol. 3, 352–413.

5. *Ibid.*, 327, 330.

6. On the criminal law petition process, see C.L.R.O., Min., September 24, 1818, 163; December 10, 1818, 201–6. The petition for antibrothel legislation came out of a series of petitions and committees involving the Corporation and the wards that began in 1813; see later in this chapter. For the text of the petition, see C.L.R.O., Papers (CC), February 11, 1819.

7. Others have found that this observation applies to other regions and earlier periods as well. See Beattie, *Crime and the Courts*, and Reynolds, “St. Marylebone: Local Police Reform.”

8. C.L.R.O., Min., 1815, *passim*; Papers (CA), July 25, 1815.

9. C.L.R.O., Papers (CA), January 18, 1825; Rep. 224, *passim*.

10. C.L.R.O., Min., January 21, 1812, 139.

11. C.L.R.O., Min., October 18, 1815, 97.

12. C.L.R.O., Min., October 17, 1816, 139–40.

13. *Ibid.*, 141. This statement confirms that many watchmen had other occupations by day, since their pay as watchmen would have been too low to live on.

14. See Chapter 1 for other, similar complaints from preceding years.

15. Wood did not make clear whether this sum included the fines that wards collected from people refusing the office of constable.

16. C.L.R.O., Min., October 17, 1816, 141–42.

17. *Ibid.*, 142.

18. *Ibid.*

19. Radzinowicz, *A History of English Criminal Law*, Vol. 3, 355.

20. 1816 Police Committee, 484.

21. *Ibid.*, 500–4.

22. G.L., MS 1163/2, Aldgate Wardmote Court Book, 1816.

23. Colquhoun, *A Treatise on the Police of the Metropolis; A Treatise on the Functions and Duties of a Constable*.

24. C.L.R.O., Misc. MSS. 245.5, NWC 1816–17, October 25, 1816. Exactly how this figure was arrived at remained unmentioned; I have concluded that it was wholly arbitrary.

25. *Ibid.*, November 11, 1816.

26. *Ibid.*; C.L.R.O., MS 207C/3, Wardmote Papers, Box 3: 1813–53.

27. C.L.R.O., MS 207C/3, Wardmote Papers, Box 3: 1813–53.

28. *Ibid.*

29. G.L., MS 51/1, Billingsgate Wardmote Minute Books, Vol. 1, August 14, 1816.

30. C.L.R.O., MS 207C/3, Wardmote Papers, Box 3: 1813–53.

31. G.L., MS 1229/1, Broad Street Minute Book, Vol. 1, October 31, 1816.

32. C.L.R.O., MS 207C/3, Wardmote Papers, Box 3: 1813–53, October 30, 1816.

33. C.L.R.O., Misc. MSS 113.1, “Returns of Wards of their system of Watchmen and Patrols to the Cttee re: prostitutes, 1818.”

34. C.L.R.O., MS 207C/3, Wardmote Papers, Box 3: 1813–53, October 30, 1816; Misc. MSS. 245.5, NWC 1816–17; Misc. MSS 245.4, “Miscellaneous Papers re: Serjeants at Mace, Marshalmen, Beadles, etc., 1810–23.”
35. Ibid.
36. G.L., MS 51/1, Billingsgate Wardmote Minute Books, Vol. 1, October 30, 1816.
37. C.L.R.O., Misc. MSS. 245.5, NWC 1816–17, November 16, 1816.
38. C.L.R.O., Min., November 19, 1816, 153–55.
39. See, for example, Philips, *Crime and Authority*; Radzinowicz, *A History of English Criminal Law*, Vol. 4, 115.
40. A more subtle form of this argument has been offered by Gatrell, “Crime, Authority and the Policeman-State.”
41. For descriptions of the riots themselves, see Stevenson, *Popular Disturbances*, 239–43.
42. C.L.R.O., Rep. 221, December 3, 1816, ff. 4–18.
43. Ibid.
44. C.L.R.O., Rep. 221, February 1, 1817, ff. 180–83.
45. Ibid.
46. C.L.R.O., Rep. 221, February 18, 1817, f. 224.
47. Ibid., 224–28. The Bow Street Horse Patrol had been reestablished in 1805, with particularly colorful uniforms covering an impressive array of arms: “a pair of pistols, a truncheon, and a pair of handcuffs worn inside his greatcoat, and a saber, worn outside” (Palmer, *Police and Protest*, 146). This force, at fifty-two men, enlarged to sixty-two in 1816, no doubt influenced City officials who wished to augment the civil force (by further militarizing it) in the riotous postwar years, yet this influence was not great enough to convince the Common Council to approve a similar creation in the City.
48. Ibid.
49. C.L.R.O., Min., February 27, 1817, 55–57; June 13, 1817, 119; Misc. MSS. 245.5, NWC 1816–17, March 10, 1817.
50. G.L., MS 493, “Letter Book of John Atkins, Lord Mayor, 1818–1819,” 179–80.
51. Ibid., 190.
52. Ibid., 182–95.
53. C.L.R.O., Min., July 9, 1813, 58.
54. C.L.R.O., Min., December 16, 1813, 101–3.
55. Little work has been done on prostitution in the late eighteenth and early nineteenth centuries, but see Tony Henderson, “Female Prostitution in London, 1730–1830,” Ph.D. dissertation, University of London, 1992, and the same author’s *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis* (London and New York: Longman, 1999). Henry Mayhew’s work on poverty at mid-century includes a section on prostitution that tends toward the anecdotal; see his *London Labour and the London Poor*, Vol. IV: *Those That Will Not Work, comprising Prostitutes, Thieves, Swindlers and Beggars, by several contributors* (New York: Dover Publications, Inc., 1968; first published 1861), 210–72.
56. Colquhoun, *A Treatise on the Police of the Metropolis*, x.
57. Henderson, *Disorderly Women*, 91–118.
58. Roberts, “Making Victorian Morals?” 161–63.
59. Ibid.; Radzinowicz, *A History of English Criminal Law*, Vol. 3, 372–73.

60. See Chapter 1.

61. *New Police Report for 1817. The Second Report of the Select Committee on the State of the Police of the Metropolis: to which are added, the Minutes of Evidence* (London: W. and C. Clement, 1817), 668–69 (hereafter 1817 Police Committee).

62. 1816 Police Committee, 480–83.

63. *Ibid.*, 506.

64. *Ibid.*, 507–8.

65. 1817 Police Committee, 669.

66. C.L.R.O., Rep. 217, June 24, 1813, ff. 517–20.

67. 1817 Police Committee, 678.

68. Catherine Hall, “The Sweet Delights of Home,” in Michelle Perrot, ed., *A History of Private Life*, Vol. IV: *From the Fires of Revolution to the Great War* (Cambridge, Mass.: Harvard University Press, 1990), 50–74.

69. C.L.R.O., Min., May 19, 1814, 40 and appendix.

70. *Ibid.*

71. *Ibid.*

72. *Ibid.*, Min., October 5, 1814, 89–90 and appendix.

73. *Ibid.*, Min., January 17, 1816, 5 and appendix.

74. *Ibid.*

75. *Ibid.*, Min., April 17, 1817, 88–89.

76. C.L.R.O., Rep. 222, May 19, 1818, ff. 403–7. The memorial also suggested that the City had prosecuted brothels in the past as a source of revenue, a kind of indirect tax on the foreigners who ran them, so the costs were presumably balanced out by fines. By “foreigners” the memorialists may have meant Jews, since many of the brothel-keepers in ward presentments had Jewish names: numerous Cohens, Levys, Nathans, and Solomons.

77. C.L.R.O., Min., July 21, 1818, 118–25.

78. *Ibid.*

79. C.L.R.O., Min., February 11, 1819, 31–32.

80. C.L.R.O., Min., July 28, 1818, 155.

81. C.L.R.O., Misc. MSS 113.1, “Returns of Wards of their system of Watchmen and Patrols to the Cttee re: prostitutes, 1818.”

82. C.L.R.O., Min., February 11, 1819, 13–15.

83. C.L.R.O., Papers (CC), February 11, 1819.

84. C.L.R.O., Rep. 210, October 21, 1806, ff. 608–11; Rep. 213, July 11, 1809, ff. 515–17; Rep. 219, May 9, 1815, ff. 500–2.

85. This may have been the Cavendish Court brothel mentioned to the parliamentary committee on policing in 1817, when the City solicitor claimed that a certain disorderly house had been operating continuously since 1806 under five separate owners; see 1817 Police Committee, 677.

86. C.L.R.O., Jour. 91, February 11, 1819, ff. 348–52.

87. C.L.R.O., Papers (CA), December 11, 1821. This particular petition came from the parish of St. Andrew Holborn in Farringdon Without.

88. C.L.R.O., Jour. 91, February 11, 1819, ff. 348–52.

89. C.L.R.O., Min., October 23, 1817, 192–96.

90. G.L., MS 493, “Letter Book of John Atkins, Lord Mayor, 1818–1819,” 92–94.

91. Ibid.
92. Allen, *Brief Considerations*, 19.
93. 1822 Police Committee, Vol. 4, 87.
94. Ibid., 42–43.
95. Ibid., 6. The claim that Westminster had never been incorporated is not quite correct, though by the early nineteenth century, according to the Webbs, observers might well conclude as much. The Webbs note that Westminster's governing bodies had been confirmed and augmented by parliamentary statute in the late sixteenth century, but that such powers as had been granted were never sufficient to govern Westminster effectively, since the royal court had not intended to create another powerful municipality like the City of London on its own doorstep. Authority in Westminster had become not only corrupt by the early eighteenth century but also confused between a court of burgesses, justices of the peace, and powerful parish vestries, so that the region may have seemed, in contrast with the City of London, as if it had never been incorporated at all. Of course, one must remember the Webbs' tendency to overestimate local corruption, confusion, and inefficiency in other areas (S. and B. Webb, *English Local Government from the Revolution to the Municipal Corporations Act, Part Two: The Manor and the Borough* [London: Longmans, Green and Co., 1908], 212–31).
96. 1822 Police Committee, 10.
97. C.L.R.O., Min., June 14, 1822, 71–72.
98. C.L.R.O., Misc. MSS 245.6, "Nightly Watch Committee, 1822," July 4, 1822. As with other Common Council committees, this one consisted of all the aldermen and one common councilman from each ward, which meant that each councilman would take the forms and questions to the next ward meeting, where they would be filled out by all of the ward councilmen.
99. C.L.R.O., Misc. MSS. 245.7, "Ward Returns on the state of the Watch, 1822."
100. C.L.R.O., Min., October 31, 1822, 109–10.
101. C.L.R.O., Reps. 188, 206, 224, 242, *passim*.
102. C.L.R.O., MS 207C, Great Court of Wardmote: Plow Monday, Vols. 1–2. The five wards are Castle Baynard, Cornhill, Cripplegate Without, Dowgate, and Portsoken, reflecting both central and outlying areas.
103. C.L.R.O., MS 562A, "Nightly Watch: Acts: Parliament and Common Council (1705–1839)." Figures are rounded to the nearest pound. Of course, Watch Act figures are actually delayed signs of change, but how much of a delay? The answer was very likely much different for the eighteenth century, but in the early nineteenth century there did seem to be a desire to adjust the Watch Acts with more punctuality, a task easily enough performed, since the common councilmen had a hand in both regulating individual ward policing and drawing up the year's Watch Act. Watch Acts do not represent the amount actually spent but rather the amounts the Common Council wanted to spend, although since the Common Council had in recent decades been trying to make the Acts fit the actualities, they are still useful, if rough, guides to ward expenditure.
104. Grytzell, *County of London*, 22–23. Certain parts of the City were still growing, but most parishes' populations had stabilized and some were beginning to drop.
105. G.L., MS 1163/2, Aldgate Wardmote Court Book, 1824. They were referred to by the ward clerk as the New Synagogue in Leadenhall Street, the Hamburg Synagogue in Church Row, the Portuguese Synagogue in Bevis Marks, and the Great Synagogue in Dukes Place.

106. G.L., MS 1229/2, Broad Street Minute Book, Vol. 1, October 31, 1816.
107. *Ibid.*, December 19, 1816, January 8, 1817.
108. The impression that the City Police represented a sharp break with the past rather than a gradual continuity of it persists in the division of records. Nearly all the archival documents relating to City policing before 1839 are held by the C.L.R.O., whereas almost everything from the post-1839 period, after the City Police were ratified in Parliament, lies with the City Police.
109. See Chapter 3 for more on the origins and conclusions of this committee.
110. C.L.R.O., Papers (CA), July 25, 1815, "Report of the Committee on the Expenses of employing Day and Night Patrols."
111. C.L.R.O., Rep. 220, January 23, 1816, ff. 155–57.
112. C.L.R.O., Rep. 222, March 3, 1818, ff. 252–53; Rep. 223, November 6, 1819, ff. 811–16.
113. C.L.R.O., Misc. MSS. 6.20, "Extracts and References relating to Marshals, 1576–1820," October 28, 1773, March 3, 1774.
114. C.L.R.O., Rep. 220, March 12, 1816, f. 459; Min., April 4, 1816, 61–62.
115. C.L.R.O., Min., April 4, 1816, 61–62.
116. C.L.R.O., PAR Book 12, "Orders and Regulations for the Conduct of the Marshalsmen of the City of London, agreed to by Common Council, 25 April 1816," 35–39.
117. C.L.R.O., Misc. MSS 283.4, "Committee re: Prostitutes, Papers 1814–1825."
118. C.L.R.O., Min., July 21, 1818, 118–25.
119. Rumbelow, *I Spy Blue*, chs. 3–4; Catchpole's story is recounted in ch. 1 of this work and Brown's in ch. 5.
120. Although likely, this explanation would also have entailed assuming that corruption came from the tradition of the office rather than the legal incentives to thief-taking that were entirely out of the aldermen's hands. Only when statutory rewards disappeared would the reasons for thief-taking diminish.
121. C.L.R.O., Rep. 226, December 11, 1821, ff. 88–140. Fogg produced a lengthy narrative of his travels, in which he recounted his imprisonment, his discourses with the Dutch jail-keeper on the relative merits of English and Dutch prisons, and Dutch views of the English criminal justice system (both men spoke French). As in England, it seems, proper funding could secure a prisoner quite reasonable treatment, and Fogg said that before being placed in solitary confinement, he consumed one evening "one of the tenderest and most Savoury Beef Steaks I ever tasted with plenty of good Potatoes and a Slice of Bread . . . half a Bottle of Porter . . . 4 Pears and half a Bottle of Vinde Bordeaux . . . I never made a more hearty dinner in my life." The following evening the keeper asked him what he desired, and as he and the keeper had become friendly, Fogg said that he wanted "a Dutch Dinner . . . and to tell his Mother to cook such a one as she would for her own family if they were circumstanced as I then was."
122. C.L.R.O., MS 531A, Police Committee (Aldermen) Papers, 1824–1846, March 26, 1824.
123. *Ibid.*, March 23, 1824.
124. C.L.R.O., MS 207C, Great Court of Wardmote: Plow Monday, Vols. 1–2. These figures are probably not the final figures for each year's hiring of extras, as some would have been sworn in on an ad hoc basis throughout the year. They include parish beadles but not ward beadles, since the number of ward beadles sworn remained fairly con-

stant, while more and more parish beadles were sworn in during this period. As such, these should be seen as rough estimates for comparative purposes.

125. C.L.R.O., Rep. 224, *passim*.

126. C.L.R.O., MS 207C, Great Court of Wardmote: Plow Monday, Vols. 1–2. The gains were evenly divided between the Day and Night Patrols; the former went from thirteen in 1817 to twenty-two in 1823, the latter from eight to sixteen in the same period.

127. 1822 Police Committee, 75.

128. “Report from the Select Committee on Criminal Commitments and Convictions: together with Minutes of Evidence,” *Parliamentary Papers* (1828), Vol. 6, 4.

129. “Report of the Select Committee appointed to inquire 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, and of the Districts adjoining thereto,” *Parliamentary Papers* (1828), Vol. 6, 83–84 (hereafter 1828 Police Committee).

130. *Ibid.*, Appendixes A and B.

131. *Ibid.*, 87, 272–304. The committee concluded that between 1811 and 1821 the population had risen 17 percent for England and Wales and 19 percent for the metropolis as a whole; however, as I have shown elsewhere, London’s growth took place primarily outside the City.

132. *Ibid.*, Appendix L. These figures offer only the roughest guide to crime in the City, or even the perception thereof; in any case it seems unlikely that the magistrates and marshals who hired more police within the City had reacted to such statistics rather than their own particular sense of the City’s needs at any given time.

133. C.L.R.O., Rep. 228, March 30, 1824, ff. 460–66; Papers (CA), March 30, 1824.

134. C.L.R.O., MS 562A, Police Committee (Aldermen) Fair Minutes, Vol. 1, November 2, 1825; Misc. MSS 531A, Police Committee (Aldermen) Papers, 1824–1846, February 6, 1828.

135. C.L.R.O., Papers (CA), December 19, 1826.

136. C.L.R.O., MS 531A, Police Committee (Aldermen) Papers, 1824–1846, November 23, 1824.

137. C.L.R.O., MS 562A, “Committee relative to the Nightly Watch: Minutes April 1827–July 1831,” April 14–October 31, 1827 (hereafter NWC 1827–31).

138. *Ibid.*, May 30, 1827.

139. A man tried to sell the Common Council a device that would watch the watchmen, a sort of panopticon for viewing and controlling police rather than criminals. He had invented “a Machine, for the purpose of ascertaining the attendance of Watchmen to their Duty—that his Machine shew the precise time of Watchmen being in given situations—furnishing correct Registries of their progress, from place to place, during the time they are on duty; and ascertaining, in what part of their district they were, at any period of the night—he feels assured that the use of these Machines (for which he had obtained his Majesty’s Royal letters Patent) would insure punctuality on the part of Watchmen, and diminish the annual expense of Superintendents.” The inventor’s suggestion disappeared into the General Purposes Committee and never emerged (C.L.R.O., Papers [CC], November 1, 1827; Min., November 1, 1827, 124).

140. C.L.R.O., MS 562A, NWC 1827–31, May 25, 1827.

141. C.L.R.O., Papers (CC), September 20, 1827.

142. G.L., Misc. MSS. 100.10, “Ward returns as to Nightly Watch, 1827.”

143. C.L.R.O., Papers (CC), September 20, 1827.
144. C.L.R.O., MS 562A, "Nightly Watch: Acts: Parliament and Common Council (1705–1839)."
145. C.L.R.O., Min., September 20, 1827, 95–132, *passim*.
146. C.L.R.O., Papers (CC), November 1, 1827.
147. *Ibid*.

NOTES TO CHAPTER 5

1. Stanley Palmer argues that the omission of the City was one of the reasons the Metropolitan Police Bill ultimately passed; this idea certainly makes sense given the opposition City leaders had mounted against an earlier attempt at consolidation in 1785. See Palmer, *Police and Protest*, 293.
2. *Ibid.*, 9. There is some debate over the intended purposes of the Metropolitan Police; for several conflicting viewpoints, see Gatrell, "Crime, Authority and the Policeman-State"; Philips, *Crime and Authority*; J. J. Tobias, *Crime and Industrial Society in the Nineteenth Century* (New York: Schocken Books, 1967).
3. Rumbelow, *I Spy Blue*, chs. 5–6.
4. C.L.R.O., Min., October 11, 1827, 114–15.
5. C.L.R.O., MS 562A, NWC 1827–31, October 16, 1828.
6. C.L.R.O., Min., October 16, 1828, 86; Papers (CC), October 16, 1828.
7. C.L.R.O., Min., October 31, 1828, 92–95.
8. C.L.R.O., Min., January 21, 1830, 6; MS 562A, NWC 1827–31, January 29, 1830.
9. C.L.R.O., Papers (CC), March 24, 1830. Swearing in constables took place every year on Plow Monday, which in 1830 had been January 12.
10. C.L.R.O., Min., October 31, 1828, 92–95.
11. Colquhoun, *A Treatise on the Functions and Duties of a Constable*, xiii.
12. Wade, *A Treatise on the Police*, 77–78.
13. 1828 Police Committee, 64–65.
14. C.L.R.O., Min., October 31, 1828, 92–95; MS 562A, NWC 1827–31, May 26, 1830, "Report of Sub Nightly Watch Committee presented to the Grand Committee," 14.
15. C.L.R.O., MS 562A, NWC 1827–31, May 26, 1830, "Report of Sub-Nightly Watch Committee presented to the Grand Committee," 15.
16. C.L.R.O., MS 562A, NWC 1827–31, February 18, 1830.
17. *Ibid.*; February 23–March 9, 1830. As the City solicitor's comments discussed later in the chapter make clear, the Common Law did in fact impose sufficient duties on ward constables to make their abolition legally untenable, and it is unclear precisely what duties the committee members had in mind.
18. *Ibid*.
19. C.L.R.O., Papers (CC), July 6, 1830, "The Detailed Plan, prepared by the Sub-Committee and submitted to the Nightly Watch Committee, for the Watch and Police of the City of London, 24th March, 1830."
20. C.L.R.O., MS 533A, NWC Papers, March 24, 1830.
21. C.L.R.O., MS 562A, NWC 1827–31, "Report of Sub Nightly Watch Committee pre-

sented to the Grand Committee, 26 May 1830,” 15.

22. Ibid.; C.L.R.O., Papers (CC), July 6, 1830, “The Detailed Plan, prepared by the Sub-Committee and submitted to the Nightly Watch Committee, for the Watch and Police of the City of London, 24th March, 1830.”

23. C.L.R.O., MS 562A, NWC 1827–1831, “Report of Sub-Nightly Watch Committee presented to the Grand Committee, 26 May 1830,” 15. Since aldermen and representatives of each ward would be indirectly controlling the commissioner, Knowlys’s point here seems a stretch.

24. Ibid.

25. C.L.R.O., MS 562A, NWC 1827–1831, May 7, 1830.

26. C.L.R.O., MS 562A, NWC 1827–1831, “Report of Sub Nightly Watch Committee presented to the Grand Committee, 26 May 1830.”

27. Ibid., 3–4.

28. Ibid., 4–5.

29. Ibid., 5–6.

30. C.L.R.O., Min., July 6, 1830, 91–92.

31. C.L.R.O., MS 562A, NWC 1827–1831, June 25, 1830.

32. Ibid., July 6, 1830. Venables was clearly trying to block opposition to centralization within the reform committee by railroading his own views, and while one would like a more precise breakdown of opinions on that committee, we are fortunate to have Venables’s testimony several years later before a parliamentary committee, which reveals something of his biases and refers back to this very time. In 1838 Venables stated that “he considers the system of the nightly watch to be extremely vicious, and perhaps incapable of further improvement; that a Committee of which he was a member recommended the assimilation of the whole Police establishment of the City under a system of management, and they thought they could make a saving of 11,000l. to 15,000l. a year; but the inhabitants have resisted the change” (“Report from the Select Committee on Metropolis Police Offices, with Minutes of Evidence, Appendix and Index,” *Parliamentary Papers* [1838], Vol. 15, 10).

33. C.L.R.O., MS 562A, NWC 1827–1831, October 15, 1830.

34. C.L.R.O., Min., October 21, 1830, 121–22.

35. Ibid.

36. C.L.R.O., Rep. 235, January 10, 1831, ff. 111–16.

37. C.L.R.O., MS 562A, Committee relative to the Nightly Watch: Minute Book 1831–1835, November 2–December 7, 1831 (hereafter NWC 1831–35).

38. Ibid., December 7, 1831.

39. C.L.R.O., Rep. 235, January 10, 1831, ff. 111–16.

40. Palmer, *Police and Protest*, 308–11.

41. C.L.R.O., Min., January 19, 1832, 5; April 4, 1832, 68–70.

42. C.L.R.O., MS 562A, NWC 1831–35, February 14, 1832.

43. C.L.R.O., Rep. 236, February 7, 1832, ff. 270–72. The Court of Aldermen counted fifty-seven officers serving during the day: two marshals, one inspector of the Day Patrole, five marshalmen, six “police officers,” eleven “station men” not patrolling but manning the station houses, twenty-two patroles, eight men serving only at Smithfield Market, and one each serving at the Guildhall Justice Room and Mansion House Justice Room, presumably at sessions, serving warrants, or simply keeping the peace.

44. C.L.R.O., MS 562A, Police Committee (Aldermen), Fair Minutes, 1825–41, February 3, 1832. The Police Committee had already begun to abolish the office of marshalman piecemeal; a year earlier it had recommended that the next vacancy not be filled at all, a policy that ultimately would have accomplished the gradual elimination of the marshalmen. The upper marshal became the superintendent of the new City Police (*ibid.*, February 12, 1831).

45. C.L.R.O., Rep. 236, February 7, 1832, ff. 270–72, 281.

46. C.L.R.O., MS 562A, NWC 1831–35, February 1, 1832.

47. *Ibid.*, February 14, 1832. It is not surprising that the same ideas might come out of both the Court of Aldermen's and the Common Council's respective committees, since some aldermen, particularly those interested in police reform, could have been active on both simultaneously.

48. C.L.R.O., Min., April 4, 1832, 68–70; MS 562A, DNPC 1832–1838, April 17, 1832 (hereafter DNPC). Why a wholly separate committee was necessary at this point remains unclear, but it may have been because the Nightly Watch Committee had too much regular business supervising the watch to draft legislation. At the same time, the aldermen's Police Committee stopped dealing with reform matters, focusing instead on the newly constituted one-hundred-man police force and its own regular police business (discussed later in this chapter), so perhaps a new committee was necessary to relieve it as well.

49. C.L.R.O., Min., 1832, Report 2B, "Second Report of the Day and Night Police Committee," read June 26, 1832.

50. "Report from the Select Committee on Metropolis Police Offices; with the Minutes of Evidence, Appendix and Index," *Parliamentary Papers* (1837), Vol. 12, 109 (hereafter 1837 Police Committee).

51. C.L.R.O., Min., 1832, Report 2A, "Day and Night Police Committee," signed May 28, 1832, first presented to Common Council June 1, 1832. This figure was somewhat disingenuous, as the committee claimed that residents were currently levied £40,000 per year, that the new force would cost £30,000 per year, and that the Corporation would pay £5,000 of that out of its own funds. But while residents were levied £40,000, in fact they had raised only £35,500, a figure the committee itself provided in Appendix A of the report.

52. C.L.R.O., MS 562A, DNPC, May 28, 1832.

53. C.L.R.O., Min., June 26, 1832, 137–38.

54. C.L.R.O., Rep. 236, July 30, 1832, ff. 534–36. For the text of the bill, see Min., 1833, Report 8, "A Bill For Establishing a Day and Night Police in the City of London." It is interesting that while one phrase of the sixteen-page bill derailed it, most of the text concerned who would pay for the consolidated police and how they would be assessed. Moreover, the small amount of space devoted to outlining the duties of the new police reveals nothing new in terms of function; by law, constables and watchmen had been instructed similarly a century earlier.

55. C.L.R.O., Min., July 26, 1832, 160–61.

56. *Ibid.*, Aug 3, 1832, 167–68.

57. C.L.R.O., Rep. 236, July 30, 1832, ff. 534–36. According to the solicitor general, the bill would legally be exactly the same with or without the added phrase: "With great respect for Lord Shaftesbury [who evidently had introduced the clause into the bill] and

the Common Council I must say that this appears to me to be a very unmeaning Controversy. The words Lord S. insisted upon introducing were quite unnecessary and would have no operation the Policemen having been before declared to be Constables with all the powers, duties and responsibilities belonging to that character. The words proposed to be substituted will neither have more nor less effect, and will leave the united Day and Night Police force as Constables under the same controul of the Magistracy as if the words formerly objected to were inserted or as if both sets of words were entirely omitted" (Rep. 237, February 26, 1833, f. 141).

58. 1837 Police Committee, 109.

59. C.L.R.O., Papers (CC), June 26, 1832.

60. *Ibid.*, April 25, 1833.

61. *Ibid.*, May 9, 1833.

62. *Ibid.*

63. G.L., MS 2050/2, Aldersgate Ward Wardmote Inquest Minute Book, May 8, 1833.

64. C.L.R.O., Papers (CC), May 21, 1833.

65. C.L.R.O., Min., June 1, 1832, 118.

66. G.L., A.8.6. No. 6 in 14, *Police Pamphlets, 1822–66*, "To the Inhabitants of Castle Baynard Ward from Richard Hicks, Deputy, 22 March 38," 1–2.

67. C.L.R.O., Min., 1833, Report 1, "Letter to Town Clerk from Deputy Richard Hicks, of Castle Baynard," January 2, 1833.

68. C.L.R.O., Min., February 19, 1834, 27; March 6, 1834, 37; March 13, 1834, 41–42.

69. C.L.R.O., MS 562A, Police Committee (Aldermen) Minutes, March 22, 1834.

70. C.L.R.O., Papers (CC), June 23, 1834.

71. One could argue that such control itself reflected different criminological priorities held by different parties or even social or cultural groups, but such a generalization is hard to put more precisely. The most one can say is that aldermen were more concerned with public disturbance than councilmen, but that difference could derive simply from the aldermen's official capacity as magistrates, responsible for controlling such civil unrest, which councilmen were not.

72. C.L.R.O., Rep. 237, June 24, 1833, ff. 292–94.

73. C.L.R.O., Rep. 238, April 21, 1834, ff. 185–90.

74. C.L.R.O., MS 562A, Police Committee (Aldermen) Fair Minutes, 1825–41, March 6, 1832.

75. *Ibid.*, September 14, 1831.

76. *Ibid.*, February 6, 1828; October 6, 1830; April 17, 1832.

77. *Ibid.*, February 4, 1829; August 11, 1832.

78. *Ibid.*, March 5, 1828; March 4, 1829; August 5, 1829; August 9, 1831; January 3, 1832; June 2, 1832.

79. *Ibid.*, March 1, 1831. The growing prevalence of such traffic problems throughout the 1830s suggests ever more congested streets, and in fact constituted a surprising amount of the committee's business, but really represents the only major change since the late eighteenth century in the practical meaning of "policing." The potential for corruption, though, was unchanged: in July 1833 William Cope, a marshal, complained that City Patrole Barratt was running a scandalous enterprise. Barratt had been paying ward street-keepers to summon carriage drivers for nonexistent passengers; the carriages would then create obstructions and Barratt took a share of the fines, even though

finances were supposed to go into a wholly separate fund. Barratt was reprimanded, but not dismissed, and removed to another district.

80. C.L.R.O., MS 562A, NWC 1831–35, July 6, 1831.

81. Ibid., September 25, 1834; June 9, 1835; NWC 1836–38, January 11, 1838.

82. Ibid., NWC 1831–35, June 9–August 13, 1835, *passim*.

83. C.L.R.O., Min., October 26, 1837, 276. Earlier in the year several councilmen had suggested applying to Parliament for the authority to undertake some kind of reform, but the request went nowhere at the time (Min., March 9, 1837, 75–76). A highly detailed plan was presented to the Common Council at the same time for a “City of London Day Police and Nightly Watch Establishment” consisting of five hundred officers performing essentially the same duties that watchmen, constables, marshals, and marshalmen had done in the past (Ibid., Report 5, appended to end of 1837 Minutes and dated October 25, 1837). No mention of this proposal appears for the Common Council’s meeting the following day, though the fact that the topic of police reform came up that day, and that the report made its way into the printed minutes, suggests that it may have served as the starting point. It exhaustively describes every possible facet of such a force, including precise chains of command and authority, arrest procedures, civilian interaction guidelines, jurisdictional rules with other police forces, and definitions of criminal acts. As such, it could have served not only as the blueprint for creating a new police force but also as a guide offered to new officers as well.

84. C.L.R.O., Min., January 25, 1838, 26–29.

85. C.L.R.O., Rep. 242, February 26, 1838, ff. 172–74. The letter itself was dated February 23, 1838.

86. C.L.R.O., Min., November 7, 1838, 303–5.

87. C.L.R.O., MS 562A, “Nightly Watch: Acts: Parliament and Common Council (1705–1839),” 1838.

88. G.L., MS 2054, Aldersgate Ward Within: Common Council Minute Book, January 14, 1839.

NOTES TO CHAPTER 6

1. Palmer, *Police and Protest*, 10. Palmer deals mainly with the evolution of the Metropolitan Police, so my argument may not seem directly relevant because it is drawn from other sources. But the attitudes, reforms, and policies advocated and enacted in the City suggest that a chronology centered on one particular aspect of police reform (an aspect that in many ways is its culminating stage) can produce a skewed picture.

2. Reynolds, *Before the Bobbies*; Beattie, *Policing and Punishment*.

3. Philips and Storch, *Policing Provincial England*.

4. By public justice I mean executions, whippings, pillories, and sessions; I cover this topic in chapter 3.

5. See Reynolds, *Before the Bobbies*, 101; Eastwood, *Governing Rural England*, 33.

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