Policing the City

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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. 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 nightwatch 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.” 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.” 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.” 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 Phillips 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.

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. 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. 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.”

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.” 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.” 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. 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. 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.

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 Act\textsuperscript{14}) 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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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. 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. 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. 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. 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. 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. 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. 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.

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. 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.”
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 decrpid 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."

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. 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. 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. 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 Policing

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.  

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 beadles; 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. 

**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.” 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.  

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 pickpocket. The ensuing scuffle brought a constable, who took the suspect into custody, running from down the street. 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. 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. On another occasion, when Robert Poper, constable in Bishopsgate, interfered with a brothel’s nightly business, the keepers, Abraham Barrow and Susannah Oseland, beat him badly.

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.” 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 watchhouse 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.

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.”

Watchmen frequently appeared in court as witnesses, having apprehended the criminal or seen him commit a crime, though rarely as prosecutors. 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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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. 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. 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 housekeepers who have not served within the said Ward at large.” 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. 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.” 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.”

Several other wards had regulated this process for quite a while; a Castle Baynard wardmote had passed a similar resolution in 1780. 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.

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. 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. 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.

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 Cripplegate 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. 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. 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.”

The great majority of substitutes lived within or just outside the ward in which they served, though this was never a requirement of office. 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. 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. 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. 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.” 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.” For most tasks, however, constables could earn the standard wage of 3s for what probably amounted to a half-day’s work.

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.” 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.

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. 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.

Structures of Policing and Governance in the City of London
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. 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.” 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. 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.

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 patroles 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.”

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 disre-
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.”

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.”

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. 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.

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 Occurrence—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. 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.”

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.” 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.

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 Householders of the Ward,” and the next year that Thomas Oldham was to be employed on the recommendation of his previous employer. 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. 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.” 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. 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. 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.

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.\textsuperscript{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.”\textsuperscript{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 control 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.”\textsuperscript{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 householder. 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 beadles; by 1820 this number had increased to 107 and by 1834 to 181. 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. It had, however, appointed a street-keeper and had him sworn in as an extra.

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. Individually, the aldermen also served as a 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. 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. 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.

Assisting the mayor were the upper and under marshals and six subordinate officers called marshalmen. 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.\textsuperscript{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 marshallmen’s wages came to just over £67, so about three-quarters of their yearly pay was still unfixed.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{126} Constables regularly escorted from Newgate female convicts under sentence of transportation, to protect them from violent or sympathetic crowds and to prevent escapes.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.”

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 basket-women “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.

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.” 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.” 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.”

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.

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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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. 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.”

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.”

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.” 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.