Policing the City

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War, Revolution, and Public Legitimacy, 1793–1815

The French Revolution and the subsequent two decades of war sent British thoughts on policing moving more rapidly. During this period the City expanded its policing considerably, but without fanfare, by hiring a rapidly increasing number of constables. Many were hired to police public justice, events, and ceremonies, but they also involved themselves in policing City streets. The Corporation, as well as many of the separate wards, augmented its policing institutions, in some cases to a great degree, though without much design or coordination. Out of the Corporation’s attention to policing public space between 1793 and 1815 emerged a quiet but dramatic shift in how different groups conceptualized the priorities and limitations of policing and criminality.

I. Public Order as Crime and Immorality: Theory, Opposition, and Practice

Patrick Colquhoun credited himself with first articulating the new theory of policing—with conceptualizing the relationship between policing, punishment, and social order as a “science.” A Treatise on the Police of the Metropolis, first published in 1795, described his ambitions for the criminal justice system, which he thought could be organized much more efficiently to deter crime through greater emphasis on prosecution: more police would ensure a greater likelihood that criminals would be caught; potential criminals would realize this risk and choose not to commit a crime. His prescriptions fit somewhat into later reforms by Peel and others, and if publishing history offers a guide to popularity, then Colquhoun was widely appreciated in his own time as well. The resonance of his ideas
suggests that he either began or reflected an immense cultural shift in criminological thinking and policy: a Bentham, in short, specifically for policing and prosecution. According to one textbook, Colquhoun “struck a chord with the propertied classes of the metropolis and elsewhere,” and Peter Linebaugh gives a similar, if less glowing, impression:

If a single individual could be said to have been the planner and theorist of class struggle in the metropolis it would be he... His books, although written for the practical purpose of establishing a police force, contain that combination of law, economics, flattery and class hatred that together have exercised a powerful influence upon subsequent definitions of law and order.

It is convenient to believe that such an embodiment of “class hatred” might also have formulated a more repressive model of policing, but others have been less sure how to evaluate Colquhoun’s influence, or even how well his work represents attitudes of the time. Leon Radzinowicz noted long ago that in the midst of state-initiated police reform, government officials, and especially Peel himself, never acknowledged Colquhoun’s influence, and Ruth Paley takes issue with the notion that reformist publications necessarily affected the reforms themselves, or even created the required “climate of accepting opinion” by 1829. Instead, she sees this body of literature, and especially Colquhoun’s work, as more prescriptive than descriptive, making his pamphlets more indicative of a desire to convince, and thus of a lack of consensus, than representative of widely held beliefs.

Colquhoun’s importance lies in how his proposals regarding centralization, efficiency, and the morality of constables connects with how City and ward policing changed in the 1790s and 1800s. The Treatise uses dubious statistics to support Colquhoun’s contention that crime was increasing, statutes to claim that the ideal of the “law” ought to translate into its practice, and recent penal theories of Bentham and Beccaria in support of efficient criminal justice. Such ideal justice contrasted with the inefficiency that, Colquhoun said, characterized the system as it then existed in practice. Picking out from this juggernaut, which grew in length with each new edition, why Colquhoun made his claims, and even what exactly those claims were, is not as simple as it first appears. The timing of publication suggests, like much criminological literature in this period, a variety of possible stimuli: an emphasis on morality coming out of the British experience of the French Revolution, or perhaps the state-controlled structure of prosecution coming from both persistent war and distrust of impoverished local constables. Riot, vagrancy, greater and lesser crime, prostitu-
tion, and a score of working-class vices all seem to fall within the realm of Colquhoun's reformist ambition, making it difficult, and perhaps irrelevant, to nail down what specifically led him to write the treatise.

Colquhoun turned to more specific policing matters several years later in *A Treatise on the Functions and Duties of a Constable* (1803), addressed ostensibly to those serving in the office but more likely intended for the ward and parish authorities who regulated local policing. Perhaps sensing that opposition made more lofty reforms impossible at that time, Colquhoun directed his attention toward changing the system of policing without substantially altering its structure. By encouraging inhabitants to change their own practices and attitudes within that structure, he believed that one could effect the same increase in policing as if one had replaced or bypassed that structure. If reform would not come from the top, the *Treatise* implies, it could come from below. Such changes required no parliamentary legislation, merely a dramatic change in popular attitudes toward prosecuting crime, a change probably already under way when Colquhoun wrote.4

He pointed to a truism of eighteenth-century policing: the idea that local control did not necessarily imply lenity or inefficiency and contained within itself the possibility of any degree of enforcement. Since each ward’s common council hired the night watchmen, and the office of constable was served in rotation by householders paying rent in the ward, to ensure more active policing one could convince the councilmen to employ a higher standard of watchmen, persuade more constables to serve in person rather than by substitute, or raise the standard of substitutes. None of these measures required any structural change but demanded instead a shift in popular attitudes toward participation in the criminal justice system. Such a change presumed that people of property would come to care enough about policing that they would do it themselves instead of delegating the responsibility, and it also presumed that inhabitants would finance such services through the annual payment of the watch rate. Colquhoun felt that substitute constables made such a meager salary that no respectable, trustworthy citizen would seek that kind of employment, and anyone who did would, by virtue of his social standing, “omit reporting disorderly ale-houses, bawdy-houses, illegal lotteries, and other nuisances.”5 In his earlier work he said the same of night watchmen:

Watchmen and patroles, instead of being, as now, comparatively of little use, from their age, *infirmity, inability, inattention, or corrupt practices,* might, almost at the present expense, by a proper selection, and a more correct mode of discipline, by means of superintendents appointed by the Magistrates of each district, to regulate their conduct,
and keep them to their duty, be rendered of great utility in preventing crimes, and in detecting offenders.

This may have been true—the uselessness of watchmen was certainly a common complaint of those in the late eighteenth and early nineteenth centuries who desired more rigorous enforcement of the laws. But Colquhoun’s work also rings with desperation, as though by stating the proper role of citizens in policing communities, he could exhort them to live up to that ideal. He conceded this polemical and prescriptive purpose in his preface:

It will be obvious how extensive and interesting these functions have become in the progress of society; and how much depends on this important trust being committed to able, prudent, and intelligent individuals . . . contrary to the vulgar prejudice, which has had too great tendency to degrade the office and character of a Constable, that the duties required are now become so multiplied and extensive, and of such importance to the interests of society, that at least a certain degree of respectability ought to attach where so much depends on the proper execution of the powers which are in many instances conceded.

There was little originality in linking poverty and criminality, but Colquhoun’s conclusion set a new course, arguing for centralization for essentially moral reasons. That the poor and unemployed had the most reason to commit crimes justified a more punitive prosecutorial system, he reasoned; thus, the poor, as the source of most criminal activity, should be policed more rigorously. In this manner, he sought to change attitudes toward prosecution itself. Since more people were to be viewed as criminal, those doing the prosecuting had to do more of it, which in turn required imposing a more inclusive and punitive model of criminality on constables, substitute constables, and watchmen. In 1803, then, Colquhoun did not advocate scrapping the watch, preferring instead to modify it on several levels. If more respectable citizens served in the lower but most crucial offices, and they could enforce laws against petty crime to the degree given by statute, then the system would succeed in encompassing more people of criminal potential. But he did not have faith in this measure alone, tacitly conceding that his conception of criminality sought to punish more activities as criminal and would be more expensive than that of most local authorities. Hence, he also advocated change in administrative structure to accomplish a change in enforced morality. If the
power to decide criminality were in fewer hands, especially government-appointed hands, perhaps the objections of local authorities would become irrelevant. This suggestion is the most powerful, and lasting, of the *Treatise*: if one could not change popular attitudes toward criminality, one could still impose one’s own attitudes by taking control of the process through which criminals were defined. Centralization, although on the face of it an administrative process, implied the power to define morality as well.

With Colquhoun advocating that all petty criminals be caught and punished and implying that all unmarried poor women were prospective prostitutes and all poor men were prospective thieves, it is not surprising that some historians have seen in him the beginnings of judgmental Victorian moralism and state social intervention. But it is also true that, while his contemporaries expressed their approval of his views by buying the *Treatise on the Police* in large quantities, considerable opposition surfaced both in print and in pragmatic local resistance. Although Colquhoun considered his proposals rational, the intellectual and practical objections to his ideas had their own rationality and efficiency as well.

Shortly after the *Treatise on the Police* came out, R. Shaw published a pamphlet attacking Colquhoun’s recommendations and, with more revulsion, his harsh views on human nature. Shaw called himself a “citizen of London,” and one of his motivations was undoubtedly to protect the City’s liberties from Colquhoun’s threatening centralization. Shaw spent most of the work, however, on questions of morality rather than jurisdiction. He found the assumptions of the *Treatise* openly hostile to the poor, arguing that “to indulge in declamation, and to magnify indiscretions or irregularities into crimes that deserve a severe punishment, is not the character of a philanthropist. A settled disposition to think ill of any one part of mankind, is not a mere error in judgement which may be safely and innocently indulged: it is an unjust and malignant censure.”

Like Colquhoun, Shaw wrote polemically, and it seems likely that he, too, was attempting to sway his readers’ opinions; taken together, the two works indicate extreme and opposing contentions about how society and individuals should relate to the poor, and the authors’ need to persuade suggests that the issues of poverty, paternalism, and morality were in flux.

For Colquhoun, the poor were marked by “extravagance, idleness, profligacy, and crimes. . . . Their chief support is by gambling, cheating, and thieving in a little way,” and these moral failings produced widespread criminality. This characterization justified an attack on vice and petty crime. Shaw disputed the immorality of the recreations of the poor as well as, by implication, the connection between leisure and criminal activity:
When it is held forth that every relaxation from hard labour (even sickness sometimes) is deemed idleness—every exercise, dissipation—every enjoyment of the rare but scanty comforts of life, is called luxury—every complaint excited by the difficulties they labour under is termed “licentious clamour”—and every opposition, whether by expression or action, is called the “turbulent effusions of vulgar life” and punished with a severity only known in modern times, the author must admit there has been some change or addition in the penal laws.  

Shaw seems to confirm that more aggressive policing of public gatherings was not merely demanded in Colquhoun’s writing but was already happening in practice in the City.

Critics also questioned Colquhoun’s administrative proposals to centralize judicial activities in the metropolis under the direction of three Home Office-appointed magistrates. Shaw claimed that this system would deny the privilege of City residents to elect their own magistrates and, more broadly, that it would mean “a new Engine of Power and Authority, so enormous and extensive as to threaten a species of despotism and inquisition hitherto without a parallel in this country.” Shaw’s desire to protect local privileges, however rhetorically sentimentalized, spoke to a real and rational fear by local authorities that they would lose the power to decide how to levy taxes; how to appoint constables and magistrates; and ultimately, how to set the threshold of public order.

Colquhoun sought to describe a crisis of metropolitan criminality. The remedy lay in greater powers of prosecution, whether in magistrates directed by the Home Office, respectable citizens serving as more vigorous constables, or ordinary citizens encouraged to be less tolerant of petty crime and morally dubious activities. If citizens could not be persuaded to spend more money on policing or to devote their own time to it, this apathy reflected their own inability to exercise authority over such matters. In the postwar years the arguments of Colquhoun and his critics would become the ideological and rhetorical garb of police reform.

II. Policing Public Justice

On February 23, 1807, three people were to be hanged at the scaffold outside Newgate: two men convicted of beating a third to death while robbing him on Hounslow Heath and a woman who had revenged herself upon an innkeeper by putting a knife into his eye. During their respective trials several days earlier, the Times noted that “the Court and its galleries were
extremely crowded the whole day.” Public interest had only grown by the morning of the hanging, so that “by eight o’clock not an inch of ground was unoccupied in view of the platform. The pressure of the crowd was such, that before the malefactors appeared, numbers of persons were crying out in vain to escape from it: the attempt only tended to increase the confusion.” An estimated forty thousand people turned out, and many were suffocated and trampled in the press of the crowd. When the space had cleared, thirty-one people had died and at least fifteen had been injured; the bodies were taken to St. Bartholomew’s Hospital, where they lay waiting to be claimed by relatives and friends. The Court of Aldermen, ultimately responsible for producing orderly executions, appointed a committee “to enquire into the Causes of the Melancholy accident which happened at the Old Bailey and also into the Circumstances of the Relatives of the Unfortunate Sufferers.” For two days afterward, City marshals mounted a guard of twenty-five extra constables around the clock at the hospital to watch for and prevent riots.14

The “melancholy accident” at the Old Bailey demonstrates some of the difficulties attending official public punishments, and also a clue to a momentous change in City policing. A striking phenomenon of the war years was a considerable buildup in the number of constables hired by the City; in other words, the City policed itself to a much greater degree than before. This change reflected primarily a heightened fear of public gatherings, as City leaders throughout the 1790s and 1800s increasingly tried to control large and potentially riotous crowds that threatened or disrupted the City’s public spaces. This problem may have been due in part to the change in venue for executions in 1783 from Tyburn, in Westminster, to outside Newgate, in the City, which alone would have increased the City’s policing responsibility from that year onward.15

Executions, pillories, and whippings consistently drew large numbers of people together in public, and since many magistrates and criminologists considered public punishment the most effective deterrent to crime, these gatherings were particularly important to monitor and, if possible, to influence. Executions in particular were attended by many; according to V. A. C. Gatrell, “After each Old Bailey session the routine strangulation of footpads, burglars, and horse-thieves would attract ‘several thousand’ to Tyburn or Newgate. But when murderers, famous thieves, or rich men hanged, the numbers compared with the 100,000 or so who over several days attended Bartholomew Fair.”16 If the effect of public justice depended entirely on its publicity, then the machinery of criminal justice had to be policed at least as much as crime itself. Popular recreations also caused concern, from the annual and expected Bartholomew Fair and Guy Fawkes
Day to spontaneous gatherings of people celebrating naval victories or popular heroes. There were the usual demonstrations of civic pride and pomp—Lord Mayor’s Day, or royal visits to the City—at which many people were expected to turn out, and which also needed to be orchestrated, perhaps especially so, by sheriffs, marshals, and an array of constables. This orchestration inevitably became an issue of policing because it was the constables hired for these special occasions who actually produced the kind of control City leaders desired. In the decade before 1793 City leaders had focused policing efforts on preventing crime, which had led to the formation of the City Patrole; between 1793 and 1815, the City shifted the emphasis to policing public justice and public order more generally.

Many aspects of the criminal justice system, particularly executions, depended on being publicly witnessed to impart meaning. Contemporaries worried about the meanings such events would produce and how, if at all, influence over these meanings could be exercised. Historians have elucidated the theatricality of premodern punishment, emphasizing the ritual of the event, in which legal authority interacts with popular conceptions of the law to produce, ultimately, the law’s measure of legitimacy. But we know more about what that message might have been than we do about what means authorities had at their disposal to enforce or protect it. In the City, this perceived need to control public space, whether for execution, corporal punishment, or a range of seemingly less contentious occasions, became one of the primary issues driving the expansion of policing. Whether the crowd (as argues Laqueur) or the state (as Hay and Gatrell argue, in different ways) controlled the message of the law, containing public disorder around the criminal justice system became much more problematic during the French Revolution. One may never know what the law meant to whom, but one can know what authorities feared and how they responded to possible disruption.

City authorities relied on the ward constables, summoned by the marshals, to serve in this capacity, but they often hired extra constables either in addition to or instead of the ward officers. By 1811 it was standard to hire thirty or so extra constables to attend Old Bailey executions, as when a Portuguese man was hanged for murder that year, but in extraordinary cases, where the marshals or aldermen expected that trouble might arise, they found and paid any number of persons to keep the peace. Eighty-five extra constables attended an execution in February 1811, “the Sheriffs being apprehensive of an attempt to rescue one of the Prisoners.” And when John Bellingham, Spencer Perceval’s assassin, was hanged in 1812, 218 constables were hired on the day of the execution itself.

Other types of public justice attracted large numbers of people, which prompted extensive hiring of constables to keep peace. Judges still handed
down sentences to the pillory and public whippings in the early nineteenth century, and while public violence may have been less heartily condoned, people still came to watch. Use of the pillory was restricted by an 1816 statute, and some evidence from the previous decade indicates that the pillory, like the public execution, drew crowds that, if not actually increasing in size, certainly became more menacing and elicited a greater response from City leaders. The pillory, like the gallows, could be used to convey a message about justice and criminality to a watching and participating community. However, the meaning of the gallows may have ultimately been limited by the finality of the death that occurred there. The condemned might be penitent or obstinate or rau-
cously intoxicated, but the participation of the crowd, approving of the sen-
tence or not, was but one part of the punishment: in the end the person was dead. Pillories operated differently, for crowd participation often served as the punishment itself, and a person perceived to be unjustly convicted would suffer very little, whereas for those thought to have committed outrageous crimes, the pillory could on occasion become a capital punishment. William Cobbett noted this inevitable potential disparity:

A man had been in the pillory for perjury, and had been pelted with rotten eggs, and almost strangled by blood and guts brought from the slaughter-houses, and flung in his face. Very different was the reception that [the radical printer] Mr. Eaton met with! An immense crowd of people cheered him during the whole hour: some held out biscuits, as if to present him with: others held him out glasses of wine, and others little flags of triumph and bunches of flowers. While the executioner and officers of Justice were hooted!

Before 1809 constables rarely stood guard at pillories, but in June of that year the City paid twenty constables to stand around the pillory at the Old Bailey. When, in 1810, members of the Vere Street gang were pilloried in Mansion House Street and the Haymarket for sodomy, the City paid a total of 252 constables to protect them from angry and riotous crowds for two days; even this did not deter the populace from pelting the prisoners. The pillory often evoked a strong response from the crowd if it disagreed with the sentence, but the response to a particularly offensive crime was even more violent. In other words, the pillory stirred the most riotous behavior when it worked as it was supposed to, the spectators upholding and enforcing the values of the law against the offender. Cobbett claimed that the pillory was restricted because of the symbolic inversion possible with a sympathetic populace, but the public violence attending a restive gathering may have hurried the pillory out of usage.
When felons received a sentence of transportation, they were first taken from Newgate out of the City, with a body of extra constables as an escort. There seems to have been a great surge in this practice around 1811; before then, only one instance is recorded, when twenty constables walked several female convicts away from Newgate in February 1808. But between April 22, 1811, and November 4, 1812, the Corporation hired between twenty-eight and thirty-seven constables for this duty on each of nineteen occasions, or about once each month. Authorities may have feared rescue attempts by a sympathetic populace, stoning and pelting by a hostile one, or simply the commotion and tumult of a procession of convicts through public streets. Philip Holdsworth, the City marshal, thought that sheriffs hired constables to protect the convicts, noting that “when women convicts are removed more constables are required than for Men.” While someone must have been escorting convicts before 1808, such a major increase in the required number of constables indicates a perceived threat to control—not necessarily control of the law's message but control of public space and the action itself.

The Corporation also hired constables for sessions at the Old Bailey; elections; and Common Halls, the popular meetings of all liveried citizens. Particularly explosive trials might draw immense crowds and correspondingly large bodies of police. The trial and execution of John Bellingham in 1812 occasioned great expense on constables over a period of eight days, with some £103 spent on hiring over five hundred men to stand guard at the Mansion House, Old Bailey, Newgate, and the execution itself. The expense of policing Bellingham’s trial led, in part, to an internal investigation into the City’s finances. Even more costly in the aggregate, and representative of the height of public agitation (or the marshals’ perceptions thereof) were the trials for high treason of Thomas Hardy, John Horne Tooke, and John Thelwall in late 1794 and early 1795. The aldermen had entered into a long conversation as to the means of employing the police-officers, the civil force, &c. during the impending State trials. It was at last agreed that the Lord Mayor and a Committee of Aldermen should attend daily at the Sessions-house, to give their advice and assistance to the Sheriffs, for the due observation of decorum, and to preserve the public peace.

As a result, between nine hundred and twelve hundred extra constables crowded among the spectators in and around the Old Bailey over the next several months.

The usual methods for keeping order were strained throughout the late 1790s and the 1800s, and in 1798 the Court of Alderman observed that
of late years many Persons crowd upon the Hustings on the days appointed for holding of Common Halls for the Election of Mayors, Sheriffs and other Officers usually elected in Common Halls in such great numbers that the Lord Mayor, Aldermen and Sheriffs are hindered from coming to their Seats and sitting in that decent order as formerly hath been accustomed.

To counter this recent troublesome development, the court ordered the sheriff, marshals, and marshalmen to stand guard at elections and prevent certain people from entering the hall so as “to support the honor and dignity of the Magistracy of this City.” Over a decade later the problem had not lessened; sixteen extra constables were hired for a Common Hall election in 1812.

Fairs and other popular, sometimes patriotic gatherings produced their own need for control. Every September the City hired constables to attend Bartholomew Fair, with its obscene balladeers, lewd puppet shows, raucous musicians, traders of used and stolen goods, and the crowds this spectacle generated. Prior to 1812 it was standard practice to employ thirty constables per day over the length of the fair. In 1812, though, a total of 242 constables were present before, during, and after the event, and a marshal remarked that “of late years the Fair has so increased as to require more constables than was allowed.”

During the Guy Fawkes celebration in 1808, the marshals reported “a number of People in a very riotous state throwing about Fireworks” in Moorfields at midnight, and hired twenty constables to prevent accidents. The following year, the number of constables had gone up to fifty. The Irish in London, too, had their day each year—and sometimes more than one. One hundred extra constables patrolled the streets on October 25, 1809, and two hundred from late afternoon until four in the morning, anticipating a riot of sorts commemorating the Irish rebellion of 1641. A year later the marshals noted “the Populace in a very Riotous manner in different Streets, breaking the Windows & obliging Inhabitants to put up lights,” but all was quiet by one in the morning. Among the most feared disturbances were those expected in consequence of victories in the war with France, presumably patriotic but still riotous and potentially destructive rampages through the streets of London. When the Duke of Wellington’s armies drove Joseph Bonaparte out of Madrid in 1812, marshals employed 241 extras over three days “at the Mansion House all the Night to keep the Peace during the Illumination for the Victory in Spain.”

In short, the Corporation hired extra constables to police any disturbance or threat of disturbance, some of which were simply large gatherings of people posing little apparent threat. During the Old Price disturbances
in late 1809, when for two months audiences demanded cheaper admission to Covent Garden theaters, forty-six constables were posted at the Mansion House “to be in readiness to assist in preventing any riot that might happen by the Mob returning from the Playhouse.”40 Twice in March 1811 constables were sent to Snow Hill to prevent a dance from taking place, and twenty-eight went to Smithfield in June 1809 “when a very large mob had collected in consequence of a report that a Woman was to be sold by her husband.”41 In July 1807 Alderman Smith received word that a crowd of people had gathered around a house in Bridge Street and sent a few constables to see what it was about. They discovered that neighbors and onlookers thought the house haunted, and stayed until one in the morning dispersing the crowd. The same thing happened again the next night, and five nights after that as well; four weeks later “a great number of people assembled about a Ghost.”42

Exactly who assessed the state of public humors and decided on the number of men to hire was never entirely clear, though the responsibilities probably fell on the marshals, lord mayor, and sheriffs. Philip Holdsworth, the upper marshal, noted that for executions and pillories, the Day and Night Patroles always served, and beyond that number, he and the under marshal customarily summoned “so many Ward Constables as they conceive necessary to fill up the space within the rails. . . . They never call out less than half the Ward Constables and at particular executions where interest is excited in the public mind they always call out the whole.”43

The magnitude of the problem, and even the fact that a problem existed, came to light only as a matter of the skyrocketing cost of policing the City’s public spaces.44 In 1802 the chamberlain produced accounts of extra constables for the last seven years, suggesting that City leaders traced the increase to the treason trials of 1794–95 and the attending popular unrest. But the accounts showed that the agitation of the mid-1790s had had little lasting effect, for although expenditure was high in 1795, the following three years saw a marked decrease, with another rise only at the end of the century.45 By 1805, with costs rising more rapidly than ever before, the chamberlain produced an accounting of the twenty years since 1785, dating the aldermen’s inquiry precisely from the first year of the Night Patrole (Table 1). What had started as an expense of £545 (even this was £245 over what had been approved in 1785) stayed stable or declined until 1800, rising to over £1,700 in that year and to £1,952 in 1804. The court declared its intent to cut back, but to little effect; in 1810 the City paid £2,358 for extra constables, a considerable increase from six years earlier.46

A number of underlying reasons may explain this unheralded, and partially unwanted, revolution in policing. In describing how marshals
decided how many men to hire at executions, Holdsworth noted that “where interest is excited in the public mind,” they hired the maximum number, though the maximum had itself increased over the years. The public mind was often excited in these years; Daniel Cartwright, a marshalman, reported that during 1812, tensions over the criminal justice system ran so high that “at the execution of the Men for stealing silk a great number of extra Constables were employed as well as all the Ward Constables.”

The marshals explicitly claimed that the riot, trampling, and death of spectators at the execution mentioned earlier had had a profoundly formative effect on the City’s preparations for violent crowds: “Should the public be agitated the Sheriffs direct an additional force to be hired which is paid by the Court of Aldermen, and this has been resorted to much more generally since the unfortunate Accident which occurred at the Execution of the Murderers of Mr. Steel.”

Throughout the period 1785–1815 in general, and 1809–10 in particular, the City employed increasing numbers of constables at pillories, at executions, in escorting convicts, and at public gatherings of all kinds. An aldermanic committee as early as 1792 had also dated this trend from 1785, “observing the great increase of late years in the Charges for Constables on public processions and other occasions.” At that time the committee chas-tised the marshals for indiscriminate hiring of extras and attempted to cap the number of constables. Others in the Corporation deplored this trend later in 1802, 1805, 1807, and most significantly in 1813, each time comment-ing specifically on the rising cost of policing public occasions. This criticism could mean that City leaders, confronting a crowd ever more hostile to

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an increasingly oppressive legal system, took stronger measures to reinforce the moral lessons of public punishment. If this were the case, one might expect the great increases in expenditure on policing to correlate more closely with the political trials of 1794–95 instead of 1800 or the early 1810s, the years of greatest increases. This also assumes that City leaders cared enough about the message to make policy with it specifically in mind. That the marshals actively employed constables on public occasions does not necessarily indicate a wish to control how the event was perceived so much as it suggests the Corporation’s fear that the events themselves might be disrupted, which would not only undermine any moral lessons of the event but in practical terms could encourage escalation. In any event, it was primarily the marshals who judged the state of “the public mind,” and subtle psychological manipulation by the City marshals seems improbable.

Expenditure continued to rise at an alarming rate; among the most alarmed were the common councilmen who confronted budgetary difficulties several years later, and who saw this kind of expense as a likely place to cut. James Griffiths, a councilman serving on the Finance Committee, called a special meeting in March 1813 specifically to consider such rising costs in light of a Corporation deficit of over ten thousand pounds. Griffiths’s investigation revealed how little the Common Council, or anyone, for that matter, understood the details of how the Corporation’s policing really worked. At first committee members suspected that the marshals derived some financial benefits from the practice of hiring extras, and that the marshals had therefore inflated necessity for their own gain. After interviewing the marshals, marshalmen, and patroles, however, the committee discovered no incentives of any kind, and moreover, none of the people they could find knew exactly how the Corporation hired and paid extra constables (with the exception of one John Sparkes, who, as fortune would have it, had recently died). Extras had been hired for such a wide range of duties that nobody could determine why the need for their services had increased in the first place. Many had been paid without knowing what for, noted one marshalman, and some even served out of the mistaken belief that their service protected them from naval impressment. Many had been hired over the years with the intention of preventing petty crime, but the overwhelming sense of the investigation was that the real increases in cost came from employing more and more constables at potentially riotous public events. After considering expenditure since 1792, the committee indignantly concluded that

the expences have progressively increased of late years to an enormous amount . . . and in our opinion the said Expences have arisen from the
employment of an unlimited number of Constables without any apparent reasonable Grounds over and above the regular constables of this City on almost every occasion and not confining the said employment to cases of emergency only.

One of the greatest increases in spending came under the heading of the Day and Night Patroles, which at £1,358 in 1812 made up three-fifths of total expenditure on constables. The Corporation had originally intended that the patroles prevent petty crime, and the committee therefore found it problematic that patroles regularly served on public occasions as well and were paid for this duty above their regular salary.54

That policing was primarily, or at least significantly, a financial issue, is not surprising; certainly the Common Council viewed it in those terms.55 The examination into City policing in 1813 grew directly out of the Corporation’s concern over how to pay for it. Reducing the cost of policing, which eventually came to mean centralizing and clarifying the practice of employing extra constables, derived from the Finance Committee’s express desire to determine “the best ways and means in their opinion of relieving the Chamberlain from his present difficulties and of relieving this City’s Cash from the debts already incurred.”56

A massive change in policing had clearly taken place by 1813, but less clear were the reasons why. One can partially explain the increase as a transitional point on the late-eighteenth-century intellectual trend from public to private punishments. Penal reformers had been criticizing the negative or nonexistent effects of public executions, floggings, and the pillory since the mid-eighteenth century; at that time, Henry Fielding had claimed that “we sacrifice the lives of men, not for the reformation but for the diversion of the populace.”57 In 1787 Francis Grose thought much the same: “The indecent behaviour of the common people assembled on these occasions, gives, to one of the most solemn and dreadful scenes imaginable, the appearance of a fair or merry-making, and tends greatly to defeat the end of punishment.”58 By the end of the century, many reformers argued that public violence brutalized spectators and encouraged violent action instead of deterring it, which may help explain why, with the rise of incarceration in the early nineteenth century, punishment put on a more respectable face and went indoors.59 Given this general criminological context, perhaps a heightened policing of public punishment can be seen as an early attempt to confine public disorder before trying to eliminate it entirely.60

In A Treatise on the Functions and Duties of a Constable (1803), Patrick Colquhoun spoke to this concern, redefining the role of policing in upholding the sanctity of public punishments. When called to an execution, he
instructed, it was the constable’s duty “to keep up the solemnity of the awful scene, by endeavouring to suppress all indecent behaviour in the spectators, that the example may operate according to the intention of the law, by exciting a dread of, and thereby preventing and lessening atrocious crimes, and not merely to gratify idle curiosity.” While this description could be read as proof that executions did engender feelings of terror and, perhaps, obedience, the opposite seems more likely. If the “awful scene” really was a solemn occasion, then Colquhoun would not have referred to the crowd’s raucous behavior, or issued an injunction against it. Rather than reflecting the status quo, his appeal to constables suggests an unease similar to Fielding’s, though with greater emphasis on and heightened anxiety about the appearance of indecent, improperly instructed spectators. Colquhoun expressed the same apprehension about other public punishments: he instructed constables, when attending pillories, “to prevent all outrage or violence towards the offender from taking place, and to keep in view that the pillory is a punishment of great and lasting infamy, by the ignominious exposure of the delinquent, and not intended for personal suffering, according to the will or unrestrained licence of a turbulent populace.” Similarly, he reminded constables that the ends of public flogging were “an example to others to abstain from criminal offences, and not . . . resentment to the delinquent who suffers.” Each injunction supported his explicit message that the “example” of punishment needed bolstering if it was to have effect as well as an implicit recognition that the crowds on these occasions did not passively view the criminal justice system at work. People came together in a wholly unrestrained manner, if anything, agitated by the event, a reaction that demonstrated the potential danger of relying on popular participation to produce the moral lesson of the law.

The coincidental timing of Colquhoun’s work and the great increase in City constables suggests that changes in conceptions of policing occurred well before the war ended. It may be that the crowds attending public occasions, executions, and other events had grown larger, more unruly, or more threatening in recent years. It may also be that reformers, because of this change and in light of the threats posed by the French Revolution, put more emphasis on the criminal law as social stabilizer and wished to exert more effort to protect its popularly received meaning. Even if crowds did not actually become larger or more irreverent, some persons may have believed that such was the case because they also felt that unrestrained behavior itself was dangerous. Exploring sources very different from those used here, Gatrell’s work confirms this last explanation, noting that much of the opposition to capital punishment in the early nineteenth century was expressed in terms of its deleterious effects on the watching crowd. This notion, he argues, came from polite society’s increasing sense that the unrestrained
passions of the crowd were an affront to their own self-control. The scaffold crowd played out emotions that the more civilized repressed. Yet the causal relationship between the theory and practice of punishment is far from clear. Colquhoun, Fielding, and indeed most eighteenth-century criminologists wanted in varying degrees to put more bite into enforcing the message of the law; as deterrence on the cheap, it could be far more economical than punishment or policing. But when Colquhoun stressed the dignity and solemnity of the law’s sanctions, he came across as more desperate than descriptive. And while more attention to policing could have meant a heightened awareness of the criminal law’s importance as a social bond, it is unclear whether Colquhoun’s opinion in any way fitted in with those of City leaders or marshals. No evidence exists that constables were to do anything more than keep order in the most general sense and, in rare cases, to prevent escapes. The condemned were still for the most part allowed to make their speeches, and when the hangman interrupted one man’s pleas of innocence by putting the mask over his head, the effect seemed more the banal carrying out of mechanical duty than an attempt to keep the symbolism of the occasion intact.

It is possible that City leaders were trying, via the police, to control executions to the extent that they did not become riots; with forty thousand people crowded together, attempts at any more subtle manipulation seem unrealistic. Perhaps elements within the Corporation manifested a rising threshold of intolerance toward riotous public behavior, and this idea certainly seems plausible against the background of the revolution in France. Indeed, Gatrell’s cultural study of sensibilities toward execution in this period notes “mounting anxiety about the crowd’s threats to street order and social segregation” throughout the eighteenth century. Given the anxiety expressed by Colquhoun about “the present state of morals, and of criminal delinquency,” City leaders might have linked violent public assemblies, previously seen as acceptable, to social and moral breakdown. It is also possible, as E. P. Thompson argued, that industrialization brought with it new structures of time and imperatives to work, and that these attempts to order the workplace were also used to order the behavior of working people, with increased policing being one aspect of such a tendency. But most common councilmen made no contribution to the trend of increased policing apart from their opposition to it for financial reasons. Implicit in those financial motives is the assumption on the part of City leaders that some public gatherings were not worth suppressing or controlling—which is as much a statement about tolerance as it is about financial necessity. The marshals themselves often decided how many people to hire for each occasion, conferring sometimes with the lord mayor and sheriffs and sometimes with local inhabitants. Speaking about
Bartholomew Fair, Holdsworth claimed that the marshals “always apply to [the] Lord Mayor for constables as they think necessary—the Inhabitants & Salesmen [at the fair] often apply themselves.” If the pressure for more police came from marshals and inhabitants, then it seems likely that it had less to do with the intended message of the law or legal authority and more to do with the real possibility of popular disturbance.

Whether there was a rising real threat of disorder or a rising threshold of intolerance remains unclear. Certainly there were some who, during the wars with France, saw new danger in the immorality of the poor and attempted to root it out. The Society for the Suppression of Vice reflected such a view, prosecuting brothel-keepers, blasphemers, Sunday traders, prostitutes, and unlicensed alehouses. Many of the society’s founders were commercial and professional men in the City; the ten vice presidents in 1803 included Sir Richard Carr Glyn (alderman and future lord mayor), Richard Clark (city chamberlain, former alderman, and former lord mayor), and the present lord mayor, Sir Charles Price. Yet such censorious prosecution had its detractors: William Cobbett claimed indignantly that the Society was giving the laws “an extension and a force which it never was intended they should have,” and paternalist conservatives “deplored ‘puritan’ attempts to alienate the lower orders from their rulers by attacking their ‘traditional’ pastimes.”

While many middle-class moralists throughout this period (in and out of the society) saw it as a time of moral decline and used that as an argument for greater punishment and greater policing, others, notably Francis Place, looked back and judged that instead of an increase in moral depravity, an improvement in manners had taken place. One manifestation of this improvement may have been a greater desire to control crowds, and it happened locally and silently, presaging the national reforms to come.

III. Centralization and the City

Colquhoun also argued that the disunity of judicial process in the metropolis led to inefficiency in pursuing offenders, who could commit a crime in the City and escape to a different jurisdiction by crossing the street and then removing themselves to any of the four surrounding counties. City aldermen, he wrote, could not easily follow thieves beyond the City, and Middlesex justices, including the police magistrates appointed in 1792, experienced the same difficulty when attempting to carry out judicial business in the City. Crucial searches and warrants of arrest were impeded by this clash of jurisdictions, “a mere matter of punctilio, founded perhaps on
ill grounded jealousy, or misapprehension, which a little explanation
would probably remove.” And an 1812 House of Commons report
referred to

the incongruity which subsists in the system for the government of
the Metropolis, owing to the Chief and other Magistrates of the City
of London, which is situated in the centre of the Metropolis, being
unable to pursue, by their warrants, beyond the local limits of the City
of London (properly so called) goods which may have been stolen
within the limits of the City, and may have been removed beyond
those limits. 

Colquhoun again proposed the centralization and unification of all the
London magistrates to the 1816 Select Committee on Police. This recom-
mendation occasioned some disagreement among his fellow Middlesex
JPs, one of whom haughtily commented: “That the speedy apprehension of
a Criminal is one of the readiest modes of bringing him to justice, it
required not the sagacity of an LL.D. to discover; but that such speedy
apprehension would be promoted by the establishment of a central board
remains yet to be proved.” Sir Nathaniel Conant, senior magistrate at Bow
Street, claimed that abstract jurisdictional difficulties did not, in practice,
amount to anything. The questions put to him by the committee, however,
suggest a growing belief by 1816 in the theoretical virtues of centralization:

Q: Is there not considerable practical inconvenience arising from the
conflicting power of the different Police Establishments in the
Metropolis, not only of the seven Police Offices, but the exclusive
jurisdiction exercised by the City?

A: It has always been thought that the City of London, and the other
parts of the Metropolis (the City of London being very jealous of their
privileges) impeded the search after felons to a certain degree; but in
point of fact, the City Magistrates have always been very desirous of
facilitating the pursuit of offenders, and to a degree that greatly
removes the public inconvenience.

Q: You do not think the substantial justice of the country is much
impeded by the different obstructions thrown in the way by the vari-
ous powers the different Magistrates have?

A: I do not think that, practically, it is much impeded.
Of course, the possibility of friction between City aldermen and Middlesex police magistrates always existed and did not arise entirely from Colquhoun’s imagination. That most famous of Bow Street runners, John Townshend, helped to apprehend Richard Coleman for robbing a man in Newgate Street, and though Coleman was taken before Alderman William Staines, the court issued a statement denouncing such interference in City business:

Resolved that offences committed within the City of London against the Public Peace by Persons resident or apprehended therein are cognizable only by the Lord Mayor and Aldermen of this City in their capacity of Justices; and that this Court will consider the future Interference on such occasions of the Magistrates of any other Place as an Infringement of the Privileges of the City and highly indecorous.

The statement was printed in all the “Morning Papers,” yet at the same time the court paid Townshend £10 for his help, hinting that indignation was reserved for the reading public’s consumption in order to preserve the public face of the Corporation. There were other incidents of this kind, involving Middlesex or Bow Street magistrates in 1800, 1802, and 1809, the last of which provides an interesting example of how practicality, jurisdictional confusion, and individual liberties could become intertwined and, in effect, become the same issue.

John Matthews, a constable for the Hatton Garden police office, apprehended a man suspected “in a street Robbery accompanied with considerable outrage” that had taken place in Middlesex. Matthews had followed the man into the City, arresting him directly in front of the Mansion House; he then took the man to the Hatton Garden office, where the suspect was held briefly and discharged. The arrest took place without a City magistrate having seen a warrant first, the suspected man was arrested in the City but taken before a Middlesex justice, and the entire incident occurred just outside the lord mayor’s residence, all of which led a City magistrate to issue Matthews with a summons for assault. In the subsequent exchange of letters between the lord mayor and the Hatton Garden magistrates, however, the latter made no claims to any right of jurisdiction in the City. They instead offered apologies for Matthews’s conduct and even a partial justification; given the nature of the robbery, they argued, we are persuaded your Lordship will not think the Officer to blame in taking him without a warrant wherever he could find him and we conceive the Law will fully Justify him in so doing. But inasmuch as he
removed him into the County without first taking him before your Lordship he has been Guilty of a disrespect to the Magistracy of the City which we can by no means attempt to Justify, and can only plead in extenuation of his offence, that being an officer of active zeal but short experience.

The lord mayor accepted the apology and ordered the City solicitor to stay the proceedings against Matthews, but not before transforming an essentially jurisdictional issue into a more general argument for protection from oppression, a formulation that strikingly resembles later objections to Peel’s police:

If an Officer of the Police without the necessary Forms required by Law before any Subject of the Realm can be deprived of his liberty shall upon his own suspicion or the information of others to him, be allowed to apprehend and convey to Prison any Person as in this case, then the Persons and liberty of every Citizen and Inhabitant of the Metropolis are at once put into the hands of those Officers.

While jealousy and territoriality doubtless played a part, the form of such objections played on themes that had a history and legitimacy independent of the Corporation’s rights and that emphasized due process as the legal guarantee against violations of individual liberty.

City leaders produced similar arguments when Parliament considered several proposals for policing commercial theft on the Thames. After Colquhoun devoted a chapter in his Treatise to theft from the Port of London, a group of West India merchants organized a magistrate’s office in Wapping with Colquhoun’s help, similar to those police offices set up in 1792, with constables attached to and hired by the office both to prevent petty crime and to enforce labor regulations. A bill was introduced in December 1798, drafted by Colquhoun and Jeremy Bentham, “to prevent the committing of Thefts and Frauds by Persons Navigating Bum Boats,” which would amend other acts stretching back through the eighteenth century, and which would have made it easier for constables to search and apprehend persons suspected of theft on the Thames. Sensing from the outset that policing the river might very likely extend to the banks of the river, and hence into the City itself, the Court of Aldermen immediately formed a committee to consider the bill’s impact and implications. While the increase in thefts from docks and ships seemed to justify a separate river police, the aldermen objected to the powers such a police would give to persons outside the City of judging and prosecuting persons residing or working within. “The Citi-
zens and Inhabitants of London having from time immemorial enjoyed the Rights of Electing their own Magistrates and of being governed by them,” noted the aldermen, but the bill under consideration proposed

two Magistrates not elected by the Citizens but nominated by the Crown to exercise the functions of Justices of the Peace within the City of London . . . the Power of Constables shall be given to Persons by Magistrates not elected by our Fellow Citizens—and that the Jurisdiction of such Magistrates and the authority of such Constables shall extend to the preservation of Peace and Order not only in the Vicinity of the River Thames but to every part of the City of London.91

The argument was grounded in an idea of liberty in which citizens had the right to govern themselves, and in which liberty was primarily defined against the encroaching powers of the state.

Another bill, broader in scope, for legalizing the Marine Police office was introduced into Parliament several months later. The merchants had approved of its early operation, and in February 1799 the Marine Police office drew up a series of recommendations for expansion and parliamentary sanction. The justification was again theft:

The very extensive depredations which have been committed on the Tackling Apparel Stores and Cargoes of Ships Vessels and Craft in the River Thames and which have gradually increased to such an alarming height appear to have principally arisen from the want of an appropriate Guard and a superintending authority constantly resident on the spot aided by apposite Laws calculated under a vigilant Magistracy to overawe Offenders, to keep in Check not only those who have been in the practice of encouraging acts of Criminality as Receivers of Stolen Goods and the Contractors for Nightly plunder but also the Labourers of different Classes upon the River who have been long in the habit of committing acts of Delinquency.

But the aldermen, and the City’s legal counsel, still insisted on the possibility of encroachment. They proposed several adjustments to ensure that aldermen retained final authority over persons apprehended within the City. All constables of the Marine Police office, they said, had to be approved by the lord mayor and aldermen, and anyone taken in the City by such a constable had to be brought before a City magistrate.92 In its final form the bill guaranteed protection for the City’s privileges, and in practice no jurisdictional problem ever came to light.
IV. The City Patrole

City leaders opposed centralization and the Thames police by emphasizing the right of citizens to police themselves locally, but this ostensibly libertarian opposition did not preclude support for centralizing trends within the City. During the 1790s and 1800s, the Court of Aldermen continued and enhanced a system of police under its own direction and wholly independent of ward government. The City Patrole, a body of constables working for the City justice offices, seems very much like the constables attached to the Middlesex police offices in 1792, both of which resemble Colquhoun’s recommendations for the metropolis so closely that he, like the solicitor general in 1785, may have originally taken the idea from the City’s experiment. While Colquhoun deplored the inefficiency, waste, and corruption of local policing, he did not aim to abolish these local responsibilities. Rather, he sought on one hand to impose a superintending body over parish and ward watching, and on the other to improve those autonomous institutions from the bottom up.83

The City Patrole attracted as little public attention as it had at its inception in 1784. Nor was there any explicit mention of it in records of Courts of Alderman and Common Council meetings between 1792, when the Common Council proposed its abolition, and 1806, when its internal records indicate that it had by then become a permanent institution.84 There are hints, however, that the City Patrole operated continuously throughout the period, under different names, and was a major part of the increase in policing that took place, almost unnoticed, during the wars with France.

The City had been hiring extra constables for a variety of purposes since the mid-1780s, but in 1799 the Court of Aldermen became more explicit, employing extras on a regular basis “to patrol the Streets and avenues leading to the Bank during the time of Payment of the Dividends in October last to apprehend Pick Pockets known Thieves and suspected Persons lurking about that Place.”85 This was the first notation of constables hired for daytime policing; the City Patrole set up in 1784 worked only at night. The following year the aldermen noted that extras were being paid to guard merchants’ property on the quays, and recommended that the expense “should be discontinued . . . as being an improper Charge upon the Revenues of this City.”86 The reason for this assessment may have been that the recently formed Thames River Police dealt with quayside theft; it also reflected the City’s broad shift away from supporting particular policing interests of certain regions or businesses and toward more general and comprehensive policing. In February 1801 the court appointed a committee to review the expense of City policing, which had been rapidly rising in recent
years, but several months later the court expanded the scope of extra constables, ordering them “to patrol the public Streets of this City for the same period from nine till four and from five til nine in the Evening (Sundays excepted) to apprehend Pickpockets, known Thieves and suspected Persons lurking about places of public Resort.”87 Similar notations were made in June 1802 and October 1803, and by July 1805 the extra constables’ hours had been increased considerably, so that they now worked continuously from eight in the morning until nine at night.88

In the period between 1792 and 1806, then, it seems that the aldermen, lord mayor, or marshals did away with the City Patrole in name only, keeping the institution while increasing its duties. In 1794 four officers referred to as “Constables of the City” requested compensation for apprehending seven men and two women “of very suspicious Characters, in a Public House in Field Lane, Holborn; And in so doing were exposed to Great Hazard in taking from them two Pair of Pistols (one pair of which were loaded with Two Balls each) a dark Lanthorn and some implements for House Breaking.” The Court awarded them 2 guineas.89 Further confirmation of the patrole’s continuity in this period comes from the 1805 accounting (covering the previous two decades) of extra constables, which every year notes some part of the expenditure for patrolling the streets; also telling is the court’s request for such information back to 1785, the first full year of the City Patrole’s operation.90 In 1812 the Day Patrole petitioned for an increase in pay, noting in passing that its officers had been paid the same wages since 1802.91 Nowhere do we find evidence of an institution like this being formed anew in 1806, yet in that year the Patrole books began recording its daily activities.92

At some previous time the City had begun paying ten men to patrol solely during the daytime, continuing the trend of City policing augmenting that of the wards without wholly displacing ward authority. Whereas the City Patrole numbered, in theory, ten men for night use only at its inception, by 1806 eight men patrolled at night and ten during the day.93 When the Court of Aldermen noted the hiring of extra constables from 1799 “to apprehend Pick Pockets known Thieves and suspected Persons,” they may have referred to what was later called the Day Patrole; in 1813 the marshals referred to the Day Patrole’s duties in similar terms: “to apprehend Known Thieves, and other suspicious Persons, and to prevent Nuisances of every description, for which they are paid under the directions of the Court of Aldermen.”94

Patroles performed duties that marshalmen, watchmen, and constables had been doing for centuries. They supervised the ward constables by doing “warning duty,” which meant checking each ward’s watch-houses to see that
ward officers were awake, present and sober; they assisted at fires and checked to see that the lamps were in working order at night. In November 1806 a patrole wrote that around midnight, “a very bad fire broke out in Trinity Lane, which did considerable damage. Acquainted Mr. Nalder & attended the Fire till 6 o’Clock”; several months later another noted that “Lamps in Coleman Street Ward very nearly all out at 1/2 past 10 o’Clock & the Lamp Lighter very saucy.” They attempted to keep public houses closed or at least quiet after eleven in the evening, but their record suggests little or no success at either, and the nuisance of young people creating nightly disturbances continued unabated. They visited the same public houses regularly but seem never to have taken anyone to the compter, remaining content with dispersing people for the moment. One night in 1807 it was recorded that “at the Catherine Wheel in Bridgwater Gardens, Cripplegate Without there were upwards of 30 People, Drinking & Singing at one o’Clock in the Morning.” In the eight months between April and December 1807, the Night Patrole shut down the Catherine Wheel on twelve separate occasions; they also turned people out of the Plow, in Black Horse Alley, five times, and did the same three times at the White Hind in Bishopsgate Street. No charges were taken, but the account of one occurrence briefly tantalizes with the possibility of conflict: when several patroles went to the Plow around midnight “to see after some bad Characters, the Landlord behaved in a very bad manner saying we had no business to look at his Customers, they were better than us, and otherways insulted us very much.”

Patroles also attempted to apprehend suspected thieves, and suspected anyone carrying a large package at night. They stopped and questioned people with, variously, bags of oats, a gallon of rum, six bottles of stout, and a parcel of raisins; most were sent to the compter, and soon discharged. They took people in charge for fighting in the streets or assaulting another City officer, and, if they had information that theft had been committed and the suspects seen, they might attempt to find the thieves, though this type of activity is recorded less frequently. The patroles’ actions, though ostensibly directed at street order, crime, and assault, seem to have changed in this period. Between 1806 and 1812 patroles’ activities and attentions shifted from shutting down noisy public houses and apprehending petty thieves to attending pillories and executions, conveying convicts, and watching crowds. This change confirms the conclusions of the 1813 Finance Committee, which, when reviewing past expenditure, singled out public gatherings as the primary culprit.

The Patrole books also note several instances of officers sent by order of the lord mayor to Leadenhall Street to preserve the peace around the East India House; beginning in November 1810, two to six constables performed
this duty each night for twelve out of the next sixteen months. For most of 1812, the Corporation paid for three constables to patrol Lombard Street and Cornhill “at the particular request of the Bankers.” The patrole was to “assemble at 3 in the Afternoon and remain on duty till the Mail Coaches are dispatched—their instructions are to watch the Clearing House & Bankers Doors.” Three men had been “applied for by a Deputation of the Inhabitants of Fleet Street & Ludgate Hill, to prevent Street Robberies and other Nuisances,” and worked from dusk until one or two in the morning, suggesting that “Inhabitants” were shopkeepers leaving their premises for the night.¹⁰¹

By 1815 the City Patrole had survived attempts to abolish it in times of financial scarcity, proving a continuously expandable institution without either the taint of City marshals’ thief-taking or the constraints of ward officers. It had grown from policing the streets only at night to doing so in the daytime as well, performing many of the same theoretical responsibilities as marshals, marshalmen, and ward constables but controlled more closely by the Court of Aldermen. It would, in time, become the model for a much larger City police force; that it occasioned little public comment suggests not its inefficacy but, in the context of City policing, the fact that it had as yet threatened no other policing institution’s existence.

V. Ward Policing

If residents felt increasingly concerned about crime or public order, they could accomplish a great deal within the ward’s own structure of authority, limited only, like the Corporation, by financial resources. Wards also saw greater numbers of police in these years, though its increases occurred slightly later than those of the Corporation. Wards collectively hired 40 extras in 1784 and 38 in 1802; this number nearly tripled to 107 by 1820.¹⁰² The exact reason for this dramatic increase is not clear, but it cannot be coincidental that it happened at the same time that a parallel phenomenon unfolded in the Corporation. With no directives from the Corporation to inspire wards to employ more constables, one can assume that the inspiration came from the people living there. In Portsoken, the long-running dispute between respectable inhabitants and the unlicensed hawkers, peddlers, traders, and presumably buyers continued throughout the 1800s.¹⁰³ In 1799, however, the presentment conceded that the nuisance had significantly increased, taking over a previously unmentioned passage:

great Numbers of persons assembling daily in the Afternoon in the open Street in Petticoat Lane in Covent Garden Precinct and selling
and exposing to Sale in the Public Foot Paths and Highways there Old Cloaths and other Articles to the great Annoyance of the Publick in general and the very great Injury and Damage of the Traders and others residing therein and adjoining thereto.¹⁰⁴

The ward complained in 1802 that a King’s Bench verdict declaring Rag Fair illegal had had no effect on its vitality. The Court of Aldermen ordered the lord mayor to do something about it, but the City solicitor informed them that the matter was largely in the hands of inhabitants. They could hire more constables, or arrest more individual traders, but magisterial summary jurisdiction, which the Court seemed to have in mind, was not possible.¹⁰⁵ The watch books of the Day and Night Patroles record no instance of involvement with peddlers in Portsoken, suggesting that the Corporation considered the Rag Fair nuisances a low priority. There may have been practical reasons for this decision. Charging so many people as vagrants would have required energy and funds to implement, even more money to imprison them, and might have exacerbated a conflict impossible to control or resolve. The ward, unsurprisingly, could not pay for enough constables to clear this large area of people every day, nor could it pay the parliamentary rewards for each vagrant arrested. At a time when Parliament was expanding the scope of vagrancy laws, the Portsoken example shows that such an expansion still depended entirely on prosecutorial resources and willingness to enforce those laws. The potential to criminalize would, of necessity, always be ahead of the actuality of enforcement so long as this connection existed.¹⁰⁶

Ward inquests prosecuted other nuisances as well. In January 1797, five ward inquests presented together what they had been unable to effect separately, “sundry Persons Hawkers of Newspapers and other Publications at all times in the day and Night blowing Horns in and through the Streets and Avenues.” The presentment noted inconvenience to inhabitants, who were disturbed from worship on Sundays, and “a serious Evil to the Merchants and Traders who frequent the Royal Exchange, which being the great Centre of Commerce should be particularly guarded from unseasonable Noise and interruption.” The town clerk was ordered to prepare a resolution to that effect, but it seems to have died in process.¹⁰⁷

Curiously, an event that took place outside the City revealed the most about individual ward policing practices. In December 1811, two families were violently killed in their homes off the Ratcliffe highway in Wapping. The Ratcliffe murders led to public outcry and a parliamentary inquiry into various night watches in the metropolis, even though, as one speaker pointed out, no degree of efficiency among watchmen could have prevented the atrocities.
The discussion rapidly expanded from the particular murders to the more general recent increase in criminality revealed by counts of commitments and convictions collected for the previous decade. Richard Sheridan ultimately argued that a parliamentary committee should examine the watch, not because of the recent murders but solely on the grounds of the increase in “larcenies and warehouse robberies, which it was the duty of the nightly watch to prevent.” Others also blamed the night watch for the particular crimes in Wapping and for the apparently widespread increase in lawlessness in general; all the Shadwell watchmen were replaced, and parishes throughout London altered local watching regulations to hire better officers at higher pay, or for longer hours. Numerous proposals for watch reforms poured into the Home Office, expressing a desire to reform parochial policing.

The Corporation participated in a similar reaction. The Common Council offered a reward upon conviction of the murderer, and even though the murders had taken place well outside the City, both courts began an investigation into City policing. The aldermen looked into the “state of the police,” and the Common Council reported on the “Evening Patrole and Nightly Watch,” each thereby reifying their particular administrative jurisdictions. The committee of aldermen never met, but the Common Council committee generated an immense body of detail on ward policing.

The committee met with ward deputies about each ward’s nightly watch and “when it appearing that various Modes and regulations were in practice,” had each deputy return his answers in a questionnaire, along with remarks on whether or not the recent murders had affected ward policing. The wealth of information confirmed what had been found thirty-seven years before: that each ward ran the watch more or less in line with its inhabitants’ concerns, limited by their collective resources, and that this situation naturally varied to a great extent among the wards.

Most wards altered their watching system immediately after the murders in Wapping. Bishopsgate Without hired four patroles, paid by private subscription; Aldersgate Within and Walbrook had a number of volunteer constables; of the seventeen wards and precincts whose answers are recorded, twelve claimed to have increased either the number, pay, or hours of their watchmen. But the returns tell more than this: in Walbrook, the ward leaders felt that their watchmen could be doing more; they had “requested of the Gentlemen who have so readily volunteered their Services, that they are particular in seeing that the Patroles and Watchmen are on their Duty, and as much as possible avoid being discovered by either of them.” This suggests an unwillingness to rely on their own watchmen, and that those stirred by the Ratcliffe murders to volunteer were “Gentlemen.” Cripplegate Without noted that
it was our practice some time ago, to make the watchmen walk all night, and not to allow them seats, but some complaints arose out of that custom, which induced us to alter it; the men were apt to be fatigued by it, and would take opportunities of resting in public Houses or elsewhere, & if a watchman was wanted on a sudden, there was no certain place to find one—the Evening Patroles are found to be very useful, the night Patroles keep every thing perfectly quiet—we consider the Ward upon the whole well protected, and that our present Establishment is equal to our wishes—our Finances are unequal to our present Expenditure.115

The evident experience of Cripplegate Without shows that wards could and did alter or, more prosaically, reform the way they policed themselves without a crisis and proceeding only upon the initiatives of the ward inhabitants and watchmen.116 Several inhabitants responded with uncharacteristic personal enthusiasm after the Ratcliffe murders. The Courts of Aldermen and Common Council of Cornhill met in late December “to take into Consideration whether any and what additional Security can be introduced to preserve the Inhabitants from the alarming Depredations to which the Metropolis has of late been subject.” The courts agreed to hire two constables and four watchmen in addition to the number authorized by the Watch Act. The recorder’s opinion was that the additional taxes necessary to pay the extra salaries were legally unenforceable, should anyone refuse to pay, but the Cornhill authorities went ahead with the increase, collecting the additional funds from inhabitants and calling it a subscription rather than a watch rate.117 Aldersgate residents volunteered time and energy, for at a wardmote inquest meeting several days after the murders, those present gave “the thanks of this wardmote ... to those Gents who have in so patriotic a manner volunteered their services to act as extra Constables during the night which measure if generally followed will be the means of preventing those daring Robberies and sanguinary murders which have lately become so prevalent.”118 By the time of a general meeting a week later, 112 residents had signed a letter showing support for continuing the ad hoc policing on a regular basis:

We the undersigned Inhabitants and Householders of the Ward of Aldersgate, having heard with feelings of deep regret the recent alarming and unparalleled Murders which have been committed in the vicinity of this City and anxious for the safety of ourselves our Families and Neighbours in times so alarming beg to offer ourselves for the preservation of the peace by patrolling the Streets in this District in regular numbers every Evening as Extra Constables.
A similar offer of service from forty inhabitants of St. Martin’s-Le-Grand, an adjoining liberty, materialized at the same time and was gladly accepted.\textsuperscript{119}

Several days later the system was in place: five extra constables would patrol the ward from dusk to dawn (the number later became six without any discussion); any not showing or refusing to serve after being chosen by ballot would pay a 5s fine; and a subscription was instituted in order to pay attending expenses—though the intention does not seem to have been to pay wages. The constables came to be known as the “Inhabitant” or “Gentlemen” Patrole, and by January 11 the subscription fund had over £150, out of which the ward bought “Tea, Coffee, Bread, Cheese, & Porter,” luxuries never lavished on their regular constables or watchmen. By May enthusiasm for the venture had faded, and the number of people wishing to be excused from serving had increased; to compensate, Aldersgate Ward reduced the number of nightly extra constables to four. Only four persons attended the next meeting, and as the quota was five, the meeting was adjourned and never resumed. The secretary sent out notices once a month until October, but as nobody bothered to attend, the Inhabitant Patrole was effectively finished.\textsuperscript{120}

From a perspective favorable to centralization, this conclusion seems a dispiriting end to what might have been the starting point of police reform: a rising public awareness of public order and great popular support for putting more resources into policing.\textsuperscript{121} But it is difficult to see what would have disappointed local residents about the demise of the Inhabitant Patrole. Radzinowicz’s chief criticism of the proposals put forth after Ratcliffe is that they “simply aimed at raising the standards of the parochial police and of the nightly watch without introducing any drastic change in the structure or control of the available forces.”\textsuperscript{122} “True enough, though not nearly as simple a task as he claimed; it may have been harder to change many people’s attitudes than to impose those of a few on the rest through legislation. By “tangible results” Radzinowicz means a widespread movement toward modern concepts of policing, but it seems that if one views the response to Ratcliffe in a contemporary context, forgetting Colquhoun and Peel, then that response confirms absolutely the ability of ward policing to adapt to its level of concern about public order. If inhabitants wanted more policing, they could raise the money for it or do it themselves. Apathy, or lessened concern with efficiency in criminal justice, may have fitted inhabitants’ priorities well. Standards are no less legitimate for being more lax.

A parliamentary committee came to much the same conclusion. In an overly laudatory assessment of City policing, it held the Corporation and wards up as the model for the rest of the metropolis:
The City of London, from the nature of its Magistracy, the description of its various public Officers, the gradation and subordination of their various classes, the division and subdivision of its local limits, affords an example of that unity, and of that dependence of parts on each other, without which no well constructed and efficient system of Police can ever be expected. If such a system could be successfully imitated in Westminster and its Liberties, and within the other adjacent Parishes which have hitherto formed an unconnected mass of scattered and uncontrouled local Authorities, considerable benefit might be expected to ensue.

The reason for the City’s exemplary system lay in its flexibility, which derived from parliamentary statute. The 1737 Watch Act gave City authorities the annual right to fix rates, numbers of watchmen, duties, and hours of watching, whereas the counterpart act for Westminster, passed in 1774, fixed those amounts and severely limited the discretionary powers of parishes to regulate policing in their districts. Because the City was incorporated, the committee concluded, its local government machinery functioned more efficiently and responsively; poor watching in Westminster was blamed on lack of such organization.¹²

VI. The Appeal of Centralization

Between 1813 and 1815 a growing awareness of the cost of public order forced a reconsideration of City policing and resulted in imposing a rational order onto what had been a rather unintended and largely unnoticed process. By 1813 the ad hoc policing expansion led the Common Council to call not for more policing but for less:

The whole system appears to us to have been most improperly conducted and ought not to be continued but that regulations should be made in respect of the future employment of Extra Constables so as to avoid the great and heavy expences this City have been put to on that account for some years past and which we conceive to have been most unnecessarily incurred.¹²

The Common Council’s suggestions involved rolling back many of the quiet but expensive charges of the past thirty years, limiting extra constables on public occasions, diminishing the Day and Night Patroles, and generally devolving power and financial responsibility onto ward governments.¹²
But part of the cost-cutting became something very different: imposing a rational, or at least structured, order to City policing. The return to ward control implied a trend away from centralized police, but other recommendations suggest the growing desire for accountability and, to that end, hierarchy and permanence. Efficiency was taken to mean that fewer constables or watchmen should do the work formerly done by many, a process that was expected to produce the same level of security at considerably less cost. For example, part of the increase in marshalmen was to ensure that six of them would always serve as “outwaiters,” going around to the different watch-houses and seeing that ward constables were at their duties as well. This system had long been the case in theory, and several ward watch books record that marshalmen occasionally did perform this task, but never before had it been the sole job of some of the marshalmen, who would have been freed from their other tasks as a result. The marshals also wanted those six outwaiters to take on particular commands: two each would head the Day Patrole east and west of King Street and one each would head the Night Patrole.\textsuperscript{126}

The Common Council’s report, which relied on ward authority over the night watch, died in committee. The Court of Aldermen took a different and much broader approach, inquiring into “the expences attending the Employment of Day and Night Patrole and Extra Constables,” and proposed a complete overhaul of City policing.\textsuperscript{127} By then, as part of reducing cost, the lord mayor had discontinued the special constables patrolling Fleet Street, Cornhill, and Lombard Street, “esteeming it belonged more properly to the Wards to find that sort of security in their several districts.” Private interests should pay for, and regulate, specialized policing measures.\textsuperscript{128} Furthermore, the aldermen criticized the marshals for hiring constables indiscriminately on public occasions, “and at times have employed almost every one that chose to offer themselves for the purpose.” Improprities abounded in the system of payment as well; some people were often paid for different duties apparently performed simultaneously.

The desire to spend less, coupled with the great discretion over policing found in the marshals, led to recommended reforms that stressed accountability and hierarchy—but not a reduction in policing. The practice of employing extra constables would be more strictly monitored (having never been monitored before at all), and the aldermen as a whole would oversee the Day and Night Patroles. Such heightened control over both day and night policing was important because it bypassed the wards entirely. But ward policing was not left unaffected, as the Night Patroles’ responsibility of checking individual ward watch-houses was confirmed, and even augmented, through the practice of keeping an entry book in each so that the
patroles could be checked to ensure that they were checking the constables; in turn, the marshalmen were supposed to inspect these records as well.

Ward officials, then, were to be watched as never before; constables henceforth were supposed to report on the state of their ward to the lord mayor each morning after their service. The whole structure was built on each source of authority being held accountable to another and higher authority, with the lord mayor and aldermen at the top of the pyramid. This conception of City policing differed markedly from that of the Common Council report issued two years earlier, which had none of the centralizing implications of the aldermen’s proposals, instead concentrating solely on reducing the amount spent on extra constables. In the 1815 report centralization followed from accountability; both were credible because they promised to keep the cost of policing down while increasing the power to police public order implicit in the aldermen’s authority over constables. This is not to claim a fundamental difference in opinion between councilmen and aldermen—such a difference may or may not have existed, but it is not necessary to explain the considerable gaps in ambition of the two reports. The Common Council proposals had been generated in a particular and narrow context of policing as an expense and had had only the experience of regulating the ward taxation for watchmen, whereas the aldermen took the council’s recommendations on financing as a first step, combining it with their own experience as magistrates.

The increase in policing in the 1790s and 1800s suggests several possibilities. It seems that the Day and Night Patroles were intended to protect against and deter petty street crimes and to attend public events from pillories to parades and any other events that might draw a crowd. Their role in preventing or suppressing real riots, despite the great number of riots in these years, was minimal both in intent and actuality; City leaders throughout the period perceived little difficulty in responding to riot on a large scale. The most disruptive riots of the late eighteenth century, those of 1780, generated little actual police reform. The emphasis on petty crime also ties in with contemporary laws that criminalized more petty offenses, made it easier to prosecute a pickpocket, and considerably broadened the scope of vagrancy statutes. The trends reinforce each other and point to a new attitude of punishing more people for smaller crimes, just as some of those crimes became noncapital. It does not, however, answer very well the question of why, at this time, criminal law reformers and City leaders instituted complementary procedures and police designed to draw more people into the funnel of the criminal justice system. If some Britons desired greater measures of control over an increasingly dangerous working class, expanded policing could link increased attention to petty crime
and heightened concern about crowds, both of which represent different aspects of a more general working-class threat, and both of which were primarily catalyzed in these years not by social change but by the political threat of the French Revolution. The City, which experienced neither rapid industrial change nor population growth in the late eighteenth century, had begun to increase spending on police in the mid-1780s, but the increases that brought expenditure to unacceptable levels occurred a decade later, in the shadow of French popular radicalism.

The degree to which greater expenditure on policing, and greater fear of crime and crowds, depended on essentially economic, political, or psychological factors remains murky. It is more clear, though, that by 1815 a revolution had taken place in the City’s policing establishments, and that magistrates and councilmen were well aware of it. The revolution lay not only in the centralization and quest for efficiency that took place after 1815 but in the great expansion in policing of the previous three decades that made centralization and efficiency financially appealing in the postwar years.