

The reform of policing the Metropolis, 1798-1829

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Introduction

We are in the process of preparing a manuscript for a book entitled *The Governance of the Police in England and Wales: From Early Times to the Present Day* (1). As part of our research, we examined a vast range of primary source material relating to the policing of the Metropolis in the early years of the nineteenth century, especially reports from Select Committees in 1798, 1812, 1816, 1818, 1822 and 1828. This article is based on our findings and seeks to examine the nature of policing in that period, focusing on the way in which its structure, organization and governance made out the case for fundamental police reform in the Metropolis which was ultimately provided by the 1829 Metropolitan Police Act.

The Metropolis

By the early nineteenth century, the term 'Metropolis' was used to refer to an area that was centred on the City of London and the City of Westminster but extended into a large area beyond the boundaries of these two cities to encompass all Parishes in the County of Middlesex together with some contained in the adjacent Counties of Surrey, Kent and Hertfordshire.

The population of this area was vast by early nineteenth century standards. Returns submitted to the 1828 Select Committee indicated that the total population (excluding the City of London) comprised 1, 388, 891 (2). The population of the City of London (as derived from the 1821 census) added an additional 125,434 to the total population of the Metropolis (3) making an overall figure of 1, 514, 325. Migration into the Metropolis – which also gave it a cosmopolitan character – was the main cause of its population growth.

Policing arrangements in the Metropolis

The policing of the Metropolis was frequently on Parliament's agenda in the early years of the nineteenth century. It was argued that 'Parliament's interest in law enforcement at mid-[eighteenth] century marked a departure from the more common view that policing was a matter for local officials', an opinion flavoured by the special challenges that were posed to law enforcement in London (4).

By the early nineteenth century, policing arrangements in the Metropolis were diverse and localised, being provided by a range of bodies.

Parochial appointments

The parish was the main administrative body around which policing was fashioned in the early nineteenth century Metropolis. This meant there was no unified system of control or supervision capable of being exercised over policing arrangements throughout the Metropolis whose governance was highly decentralised, localized and uncoordinated.

In many parishes, the Court Leet continued to perform the historic role of appointing parochial officers. These chiefly consisted of parish constables and parish watchmen. The Court Leet generally performed this duty itself, but would sometimes appoint in conjunction with Magistrates (including those who sat at Quarter Sessions).

Elsewhere, parochial officers were appointed by parishes whose vestry became the main institution to fill these offices. Vestries could be closed (membership being confined to a small number of people) or open (in which case all ratepayers could attend). In cases where the Vestry was involved in the appointing process, it would typically nominate and the magistrates at petty sessions or the Court Leet would confirm the appointments (5).

Parishes that acquired lighting and watching responsibilities by local legislation would appoint a body (commonly termed trustees or commissioners) which would employ the watchmen.

According to returns submitted to the 1828 Select Committee (6), a total of 138 parishes (divided into 20 Hundreds) were responsible for appointing 3,949 parochial officers. Of these, 981 (24.8%) constituted day police and 2,968 (75.2%) were night police. The term 'police' was, however, defined widely: as Emsley pointed out (7), the term 'policing' was not confined to the provision of services to combat crime and disorder. Rather, 'for most of the eighteenth century in England, as elsewhere in Europe, the word "police" had the general meaning of the management and government of a particular piece of territory, particularly a town'. Accordingly, most – but not all – of these 3,949 appointments related to persons charged with the maintenance of law and order.

Policing arrangements in Westminster consisted of a parochial police that was maintained by the parishes, for which purposes the City was divided into 12 wards each of which possessed a Burgess who was nominated annually by the Dean or High Steward. These Burgesses together with 12 Assistant Burgesses chosen by the Dean or High Steward collectively constituted the Court of Burgesses which was the appointing body for the general police (8). This body was created in 1585 and functioned in ways similar to a manorial court. It received nominations from an annual Court Leet (which was summoned by the High Bailiff following instructions by the Dean of Westminster and the Court of Burgesses) from which the Court of Burgesses selected the constables. Eighty Constables were chosen through this procedure each year (9) and operated under the superintendence of the High Constable of Westminster, although he exercised no involvement in the Constables' day-to-day work in the separate Parishes where all constables were of equal status (10).

Additionally, there existed a 'general' police (which operated on a city-wide basis). This was superintended by the Dean and High Steward of Westminster.

Westminster also possessed a night watch that was appointed by Trustees whose powers derived from various local Lighting and Watching Acts (11). A degree of coordination regarding night policing in Westminster was provided by the 1774 Westminster Watch Act which applied throughout the City. Although the individual parishes remained in control of their own watch and its funding arrangements, this statute set out a number of minimum standards that each Parish had to comply with.

The City of London

The governance arrangements that applied to the City of London were unique and based upon rights and privileges bestowed on its residents that pre-dated the Norman Conquest. This explained the policing arrangements that existed in the City in the early nineteenth century (12).

The main task of policing was performed by the constables, of which there were 437 in 1828 who were appointed by the freemen of the 26 wards into which the City was divided rather than by the Parishes (13). These tended not to be involved in general patrol work (14).

Constables served in the office by rotation. The office was unpaid unless substitutes served in the place of those who had been nominated, in which case payment was made. Unlike Parish Constables elsewhere, the powers of those who were appointed could be exercised anywhere within the City's boundaries – a procedure that was termed the 'custom of London' (15).

The task of night time policing was performed by the watchmen (who totalled 468 in 1828) (16). Watchmen were appointed by the Aldermen and common council of each ward which also exercised management of the watchmen (17) who were paid.

Additionally, most wards also employed street-keepers who were sworn in as constables and who worked during the morning until the patrol – which was also appointed at ward level – came on duty.

Thus in total, the overall police establishment of the City of London was just over 1,000 (1,002).

The overall policing figure was further augmented by additional City-wide policing arrangements that consisted of day and night patrols which were separate from the parochial day and night police arrangements. The day and night patrols were appointed by the Lord Mayor and superintended by the City Marshals whose members were paid. These originated from the City Patrol that had been established in 1784 by the Court of Common Council.

An additional patrol was the Smithfield patrol whose functions were confined to Smithfield Market on Mondays-Fridays (18). In 1828, the Smithfield patrol numbered eight (19).

Ultimate control over policing in the City of London was exercised by the Lord Mayor and Aldermen. Day-to-day supervision of the police establishment across the City was performed by a variety of officials, with the City Marshals (one Upper and one Under Marshal) and 8 marshalmen (who were appointed by the Court of Common Council who set out the orders and regulations that governed their role and conduct in office) playing significant roles (20). By 1822 the number of marshalmen had been reduced to six (21).

The Upper and Under marshals were appointed by the Lord Mayor, the Aldermen and the Court of Common Council. The marshalmen served under directions of the two marshals and also served the summonses and warrants issued from their offices.

The key feature of policing that differentiated the City of London from the rest of the Metropolis related to its system of governance. This entailed central control and supervision over local (ward level) arrangements.

The 1812 Select Committee referred to there being a unified system of policing characterised by a 'dependence of parts on each other, without which no well constructed and efficient system of Police can ever be expected' whereas elsewhere in the Metropolis there existed an

‘unconnected mass of scattered and uncontrolled local Authorities (22). As Alderman Wood MP, later explained, there was no such thing as a parish police in London - it was all under one jurisdiction and no one ward could act as it pleased (23).

However, this degree of centralized control over policing arrangements in the City of London was not unchallenged. The Webbs (24) to refer to ‘twenty-six complicated little police forces’, implying a loose degree of centralised control over the City’s policing arrangements and Harris (25) asserted that in at least one ward (Farringdon Without) the 6 precincts within the ward exercised a considerable degree of control over their own Watch.

Bow Street patrols

The Bow Street Runners were formed in 1749 by Henry Fielding who set up a small force to supplement the historic policing system that operated in London which became known as the ‘Bow Street Runners’. Their initial role was that of detective work which had previously been chiefly performed by thief takers. This entailed them attending crime scenes, detecting and apprehending offenders and taking them to Bow Street to be examined where, if appropriate, they would be committed for trial. By the end of the eighteenth century, they consisted of a force of 68 men (26).

During the early years of the nineteenth century Bow Street augmented its detective work with preventive policing that sought to deter the commission of crime. This latter role was performed by the horse patrol (both mounted and dismounted) and a foot patrol. All of these patrols operated at night. The main task of both horse and dismounted patrols was to prevent highway robberies rather than to deal with other crimes such as burglaries (27).

Officers and those who served in the patrols had the status of constables, being sworn in by the Magistrates. Those employed as police officers at Bow Street were not confined to any specific area and could thus operate anywhere in the Metropolis and in the immediate areas adjacent to it (28).

The 1792 Middlesex Justices Act

In 1792, the Middlesex Justices Act (sometimes referred to as the 1792 Justice of Peace the Metropolis Act) was enacted. This established seven Boards of Magistracy (or police offices) in various parts of the Metropolis excluding the City of London. Although this focus of this legislation was on reforming the Magistracy, each office was empowered to employ a number of police officers. In 1800, an Act for the More Effectual Prevention of Depredations on the River Thames (usually referred to as the Thames Police Act) applied provisions similar to those of the 1792 Act to the River Thames, thereby creating an eighth police office.

Unlike Bow Street officers, those employed under the provisions of the 1792 legislation possessed jurisdiction only in the specific parts of London in which their police office operated with the exception of the Thames River police whose remit extended across the counties of Middlesex, Surrey, Kent and Essex.

In 1828, Sir Richard Birnie informed the Select Committee that the overall numbers, including supervisors that related to Bow Street patrols, were Mounted Patrol (66), Dismounted Patrol (112), Night [foot] Patrol (100) and Day Patrol (27), making a total of 305 men (29). No figures were provided related to the Police establishment figures at Bow Street or the other police offices, but the 1822 Select Committee referred to a figure of 72 (30).

Additionally, the 1828 Select Committee referred to an establishment of 'about 90 officers' employed at the Thames Office (31), 8 of which operated as land constables (32).

In total, therefore, Bow Street and the other 8 police offices employed around 467 police officers.

In terms of governance, Bow Street's remit for the entire area of the Metropolis meant that it operated under the directions of the Home Secretary (33) who exercised considerable control over the police establishments associated with the 1792 legislation.

Initially, the Magistrates sitting in the various police offices appointed constables and further possessed the power of dismissal, with the approval of the Home Secretary. However, following the enactment of the 1813 Police Magistrates Metropolis Act, the procedure altered so that the Home Secretary directly appointed the police constables. The legality of this procedure was dubious, one problem being that it might lead to unsuitable appointments being made (34). The 1813 Act further enabled spending by Bow Street and the other Police Magistrates' Offices to be capped to the figure of £24,000 pa.

It was argued that 'the Middlesex Justices Act of 1792 marks a significant movement toward centralization and professionalization of law enforcement forces under direct government control' (35). One consequence of this was that in the wake of the Report of the Finance Committee in 1798, all Police Magistrate Offices (then numbering 8 to which the Thames Police Office was subsequently added) were placed under the scrutiny of Parliament (36).

Other forms of policing

In addition to policing arrangements described above, other forms of policing existed across the early nineteenth century Metropolis, evidencing the existence of an extended police family. These included paid watchmen or private patrols that were funded by voluntary subscription by those residing in the parishes. Those employed, typically as watchmen, by such privately-funded ventures were only authorised to act within the area in which residents paid for their services (37). They were usually sworn in as constables (38). Police officers employed in this manner might be supervised by the parish constable, sometimes with the assistance of local residents (39). Prosecution Societies might also help to augment local policing arrangements by employing constables of their own (as was the case with the Barnet Prosecution Society which employed two constables who patrolled the area at night on foot) (40).

According to returns to the 1828 Select Committee, privately-funded policing totalled 255 watchmen across the parishes that comprised the Metropolis, of which 244 were employed all year round and an additional 11 were employed during the Winter months (41).

Additionally, police, including watchmen, were employed by the Trustees of the main roads. However, their duties related to those travelling on the roads and not to inhabitants in areas through which the roads passed, thus offering no protection from crimes such as house breaking (42).

The governance of Metropolis policing

In terms of numbers, the early nineteenth century Metropolis was not badly policed. According to figures cited in this article, the population of the Metropolis (including the City

of London) was around 1,514,325 in 1828 and the total number of police (embracing appointments made at parochial level, City of London, Bow Street and the 1792 Police Offices and privately-funded ventures) totalled 5,683 – a ratio of 1:266. This compares very favourably with today's figure across England and Wales which (including PCSOs) is around 1:395.

However, numbers alone do not tell the true story, and those who gave evidence to parliamentary Committees in the early nineteenth century observed a numbers of deficiencies in existing policing arrangements across the Metropolis. These (discussed in Laverick and Joyce (43)) included the absence of an effective day time preventive police establishment, the lack of diligence (especially by those appointed to serve as constables or watchmen voluntarily) in performing their duties, corruption and inefficiency (the latter charge often being made against watching arrangements) and the often low calibre of those appointed to civic office whether employed or serving voluntarily. These concerns were often a consequence of the local governance of policing which aimed to spend as little as possible on maintaining law and order.

Of particular importance were contemporary views regarding the uneven nature of policing in the parishes of the Metropolis. This allegedly led criminals to shift their activities from well-protected parishes to adjacent ones that were less well-safeguarded (44). It was observed, for example, that in In Acton, the existence of a privately-funded night watch resulted in crime in the adjacent parishes of Ealing and Chiswick to have 'dreadfully' increased (45). Displacement also resulted in criminals from London conducting their activities in the less well-policed counties that bordered it or in the outlying parishes (46).

However, the main deficiency was that of governance. There was no one body able to exert control over Metropolis-wide policing arrangements or to provide for an effective system of police accountability. Instead, as has been argued above, policing was in the hands of several bodies which had little or no contact with each other.

Witnesses to various Select Committees observed that police cooperation across parishes was deficient, which could be a problem at the borders of these units of administration: Sir James Farquhar (described as a resident of St James Street, in the Westminster parish of St James) stated that in the area where he lived, there were two parishes which resulted in a situation whereby 'the watchmen on the eastern side of the street in Saint James's parish, pursue one system of tactics, and those on the western side of the street, in Saint George's parish, quite a different one' (47). In his evidence to the 1828 Committee, the Hon Frederick Byng (described as a resident of St George's Parish in the City of Westminster) concurred. He argued that watchmen of the neighbouring parishes were unwilling to cross parish boundaries and come to each other's assistance (48).

The role played by both Bow Street and the other police offices further complicated governance arrangements.

Policing arrangements at the Bow Street Office were grafted onto the existing structure of parochial policing. The 1792 legislation augmented Bow Street with a number of other police offices modelled on similar lines. There was, however, no meaningful coordination between Bow Street and these other Police Offices, an issue that police reformer Patrick Colquhoun

sought to address by a reform to Metropolis police governance that entailed the creation of a Central Board of Police Revenue (49).

The remit of this Board would embrace the existing Police Magistrates Offices and also bring the City of London into the policing arrangements for the Metropolis. He proposed that the Central Board would 'be the general Office for the Reception of all such Intelligence, and for the timely and universal Circulation of whatever tended to the Detection of Offenders' (50).

However, Colquhoun's proposed reform to Metropolis police governance was not acted upon. Thomas Evance, a Police Magistrate who sat at Union Hall, admitted to the 1816 Select Committee on policing that the seven police establishments were independent of each other and Bow Street was independent of them all (51).

Cooperation between the Police Offices and parochial policing barely existed. In his evidence to the 1816 Select Committee, John Lavender (a Magistrates' Police officer who served at Queen's Square) stated that 'There is an enmity between the parish constables and the police constables, and always has been ever since I knew it (52). In 1822, Robert Rainsford commented

I have been out in disturbances, and I always considered it an even chance whether the parish constables joined the mob or not; and if they are wanted they are always out of the way; they do not like our police officers at all, and they will not assist them, even if they saw one of them beat to a mummy: we have no confidence in parish constables at all (53).

A similar lack of coordination existed regarding the Police Magistrates offices and the watchmen who served in the parishes (either voluntarily or as paid appointments).

Robert Rainsford, a Magistrate at the Hatton Garden Police Office, informed the 1816 Select Committee on Policing that

as the law now stands, we [the police Magistrates] have no power at all over the parish watchmen ... there are offences committed in the streets, close by a watch-box, and we are told that the watchman was fast asleep, or would give no assistance; we have no power of sending for the watchman, or if we did, we have no power of punishing him (54).

Subsequently, the 1821 Police Magistrates: Metropolitan Act altered these governance arrangements so that Police Magistrates could suspend a watchmen for neglect of duty and report him to the vestry who had the power to discharge him (55).

Conclusion

It is impossible to estimate the actual level of crime in the Metropolis in the early nineteenth century. The usual indicator of the volume of crime was that of committals and was the measure used by Peel in the debate regarding setting up the 1828 Select Committee on policing in the Metropolis. He stated that 'it is evident that there has been an increase of crime, in the last five years, to the amount of 5,000 persons' (56)

Although such figures suggested that crime was on the increase, they were not universally regarded as providing an accurate estimate of the extent of crime either in the Metropolis or in England and Wales at that time. Increased committals could, for example, be attributed to

greater vigilance by the police who detected increased numbers of offenders, giving a false impression of a rising crime rate (57).

Additionally, although contemporaries such as Samuel Yardly, Chief Clerk at the Worship Street Police Magistrates' Office were often willing to accept that the volume of crime had risen in the early decades of the nineteenth century (58), this was often attributed to an increase in the population of the Metropolis (59). Increased population might increase levels of unemployment and enhance the level of pauperism (60). It might also imply that in proportion to population, crime had not actually risen at all.

Nonetheless, the belief that the rise in crime in the Metropolis could not solely be attributed to increased population was the context in which a Select Committee on the Police of the Metropolis was set up in 1828. The Committee asserted that population increased around 19% between 1821 and 1828 but the annual average of committals rose around 48% and the number of convictions rose by around 55% in the same period. This led the Committee to examine other reasons for the increase in crime other than the population increase since this could be held to account for only a 19% increase (61).

One of the key questions that was asked of several witnesses who gave evidence to the 1828 Select Committee related to the desirability of centralised control of policing in the Metropolis. Deficiencies in police governance and the decentralised system of policing that existed in the Metropolis were cited by Home Secretary Robert Peel as an explanation for the increase of crime in the Metropolis in recent years. He alluded to

the very unsatisfactory state of that branch of our police which was chiefly controlled by the parochial authorities.

Focusing on the state of the night watch, he asserted that governance was a prime cause of the deficient state of policing, expressing his belief

that so long as the present night-watch system was persisted in, there would be no efficient police prevention of crime, nor any satisfactory protection for property or the person... The chief requisites of an efficient police were unity of design and responsibility of its agents— both of which were not only not ensured by the present parochial watch-house system, but were actually prevented by it (62).

The 1829 Act (whose official title was An Act for improving the Police in and near the Metropolis) provided for the creation of a Metropolitan Police District which provided for a unified system of policing that covered Westminster and parts of Middlesex, Surrey, and Kent. The aim of the measure was 'to substitute a new and more efficient system of Police in lieu of such establishments of nightly Watch and nightly Police' (63). It was enacted against the background of civil unrest (64) providing a further rationale for enacting a measure of police reform.

The City of London was exempted from these arrangements.

The Metropolitan Police was initially supervised by Crown-appointed Justices who later took the title of commissioners. These were Charles Rowan and Richard Mayne. The governance arrangements for the new force placed it under the ultimate control of the Home Secretary to whom the Commissioners reported directly. This marked a break from historic models of police governance by removing key elements of local control that had traditionally been

exercised over policing. However, tensions between central control and local accountability have continued to inform debates concerning police governance to this day and are charted in the book we are preparing.

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