

Police and Crime in Sheffield, 1818-1874

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Police and Crime in Sheffield, 1818-1874 - Synopsis

Through the sociology of power, a model of interaction can be created centred on 'arenas of power'. By keeping different forms of power discrete, the hegemony of a ruling class can be maintained with a minimum degree of overt unfairness.

Sheffield reformed its police in 1818. Its watch force was intended to protect property by night, and was presented as also guarding order and people. This force suffered from disciplinary problems, but was effective, and increasingly well supervised. In 1836 a day police force was created. In 1843, rather than be policed by the county, Sheffield incorporated, thus ending a deadlocked debate on the path for reform that had strained the consensus within the town's ruling group. On incorporation the borough council took over the police, and supplanted the parish constables - an efficient and professional body of men. Despite being under-funded and losing the government grant in 1862-4 owing to the unwillingness of the council to spend enough, the police grew steadily more efficient. In the 1850s an experienced Watch Committee directed this process: in the 1860s it was led by the much-respected Chief Constable, John Jackson. In the early 1850s the police faced a challenge from the Sheffield Democrat party, but their attempt to remodel local government into a neighbourhood-controlled institution foundered.

The statistical returns reveal that the police force had a wide reach and it is likely that even by 1850, about 25% of Sheffield's men had experience of arrest. Police activity was mainly directed against minor disorder, followed by 'regulation'. Most assaults were prosecuted privately, although private and collective anti-crime activity, which was often mainly symbolic, declined over the century in the face of increasing institutionalisation. The statistics themselves show evidence of retrospective labelling, and their presentation was managed to help bring fear of crime under control.

Abbreviations

APF	Association for the Prosecution of Felons
ATP	Association for the Protection of Trade
AVM	Attercliffe Vestry Minutes
CA	[Sheffield] City Archives
CDA	Central Democratic Association
CJA	Criminal Justice Act
CLH	Common Lodging Houses
HO	Home Office
<i>Hunter</i>	<i>Transactions of the Hunterian Archaeological Society</i>
IC	Improvement Commission
JOA	Juvenile Offenders Act
JP	Justice of the Peace
SAPF	Sheffield Association for the Prosecution of Felons, etc.
SLSL	Sheffield Local Studies Library
TCM	Town Council Minutes
TTM	Town Trustees' Minutes
WCM	Watch Committee Minutes

Chapter One: Historical and Historiographical Introduction

'The Crime-Wave'¹

This chapter examines the background to the study, on a national and a local level. It goes on to examine the coverage and content of extant research on nineteenth-century crime and policing in England.² It then offers a justification for why the current study is necessary, and how it is intended to build upon existing descriptive and analytical work.

Part One: Police reform and public order in England, 1815-1875

This section places local events into a national context, examining: 'high' politics, as they are relevant; issues of social change and social control; and the specific changes in the ideology and framework of the criminal justice system.

After Peterloo and a few desperate conspiracies, the 1820s generally brought more tranquillity in the political sphere, as the economy began to recover and maintain unprecedented levels of growth.³ This decade also saw the first large scale innovation in English policing: the introduction of the Metropolitan Police force. However, the main innovation was the size of this force. Dublin's police had been in operation since 1786, while several British towns had, like Sheffield in 1818, taken advantage of local acts to establish

¹ R. Shoemaker, 'The crime-wave revisited: crime, law-enforcement and punishment in Britain, 1650-1900' in *Historical Journal* Vol. 34, No. 3 (1991), 763-768.

² The comparative scope of this study is limited to the legal unit of 'England and Wales'. As such, it perpetuates the relative invisibility of Scotland's police history. There are good legal reasons for this, notably the entirely different system of prosecution. See: A. Crowther, 'Theories of prosecution: the case of nineteenth-century Scotland' Unpub. paper delivered to Social History Society Conference, Luton, January 1994.

³ M. Bentley, *Politics without democracy 1815-1914: perception and preoccupation in British government* (London, 1996), p. 48; S.H. Palmer, *Police and protest in England and Ireland, 1780-1850* (Cambridge, 1988), pp. 163-4, 278-280; D. Walsh, 'The Lancashire "Rising" of 1826' in *Albion* Vol. 26, No. 4 (1994) 601-621.

'new' police forces of their own.⁴ Many of London's parochial watches had re-organised themselves, and the supporters of these measures were often in favour of further reform - although not the reform they actually got.⁵ Peel was able to portray the reform of London's policing as a rational move along Beccarian lines to complement the recent repeal of most of the 'Bloody Code', and secure public order and tranquillity.⁶ The opposition that greeted the force's arrival was not merely from ne'er-do-wells: the Met struck at the heart of a jealously-guarded tradition of local autonomy.⁷

The Whigs considered extending the London model to the provinces: in 1832 they drew up a police bill which would have given the government the ability to establish a police force, controlled by a centrally-appointed stipendiary magistrate, in any area that requested it.⁸ The proposal was not a wholesale adoption of the Metropolitan model: instead it was an extension of the 1792 Middlesex Justices Act, which had established similar offices in London.⁹ The Metropolitan model had another rival: the possibility of extending and supplementing the system of parochial constables, under the control of the regular Justices of the Peace. This was tried out in Cheshire Police Act of 1829 which appointed professional High Constables for each hundred.¹⁰

The 'Dogberry' label was attached to the parish constable by the Benthamite reformers in the 1830s, as part of their effort to give the country a more 'efficient' police force. In this decade several reforms were put in place which gave police power to extant local authorities. One of

⁴ For the Dublin police, see Palmer, (1988), pp. 97-102. Oldham created its own force in 1826: J. Foster, *Class struggle and the industrial revolution: early industrial capitalism in three English towns* (London, 1974), p. 58. York formed a city patrol in 1825, while Exeter appointed a night watch in 1830. R. Swift 'Urban policing in early Victorian England, 1835-86: a reappraisal' in *History* No. 73 (1988), 211-237, pp. 214-215.

⁵ R. Paley, "'An imperfect, inadequate and wretched system?'" Policing London before Peel', in *Criminal Justice History*, Vol. 10 (1989), 95-130.

⁶ L. Radzinowicz, *A history of English criminal law and its administration from 1750. Vol.4: Grappling for control* (London, 1968), p. 160.

⁷ C. Emsley *The English police: a political and social history* (Harlow, 1996), p. 25; Palmer, (1988), pp. 292-293. See, for instance the attitude that many London parishes took to 'centralisation'. D. Green 'Parish radicals and the 'constitutional discourse': the anti-poor law movement in London 1834-1867' Unpub. paper delivered at Urban History Group Meeting, Leeds 1998.

⁸ D. Philips and R.D. Storch, 'Whigs and coppers, the Grey ministry's national police scheme, 1832' in *Historical Research*, Vol. 67, No. 162 (1994) 75-90, p. 80.

⁹ Emsley, (1996), p. 21.

¹⁰ 10 Geo. IV cap. 97; Emsley, (1996), pp. 35-36.

the most widely-used was the 1833 Lighting and Watching Act.¹¹ This was the expression of the same model for policing - discretionary and locally-controlled by existing organs of local government - that was represented by legislation in 1839 and (especially) 1840.¹² It functioned as a generic improvement act, whereby townships or parishes could establish a professional force if two-thirds of the ratepayers voted for it.¹³ Making this process easier was all the Whigs felt able to do after the failure of their 1832 scheme. The Act could not deal with mass disorder, but this was never its aim.¹⁴ The 1833 Act was just one of a number of proposals for police reform put forward in the 1830s. This 'evolutionary' development was prompted by agrarian disturbances, the Anti-Poor Law struggle, the 'unsettling effects of developments in urban England between 1815 and 1840', and the desire of central government to reform police in some way during the decade.¹⁵ In some places where the 1833 Act was not successfully adopted, voluntary subscription forces were set up in its stead.

In 1834, the Poor Law Amendment Act, seen as a 'Whig betrayal', marked the final severing of the alliance between middle-class and working-class reformers, and fuelled much of the antipathy that many politically-aware workers felt for utilitarian and anti-traditional social 'reform'. The next part of the '1832 Settlement', was the Municipal Corporations Act:

¹¹ 'An Act to make Provision for the Lighting and Watching of Parishes in England and Wales' (11 Geo. 4, c.27). An earlier act of 1830 had set up a similar mechanism, but defined the necessary threshold as three-quarters. Storch mentions the following examples: Stow-on-the-Wold; Wymondham; Hingham; the Blofeld Union in Norfolk; and Blackheath. Davey mentions Horncastle. Jones has recorded the existence of forces set up under the Act in five Leicestershire towns. R. Storch 'Policing rural southern England before the police: opinion and practice, 1830-1856' in D. Hay and F. Snyder, (eds.), *Policing and prosecution in Britain 1750-1850*, (Oxford, 1989), pp. 211-166, pp. 230-235; B. Davey *Lawless and immoral: policing a country town 1838-1857* (Leicester, 1983); D. Jones 'Aspects of the history and structure of Leicestershire constabulary, 1839-1890' Unpub. M.Phil. Thesis, Loughborough University, 1992.

¹² Radzinowicz, (1968), p. 217; S and B. Webb, *English local government from the revolution to the Municipal Corporations Act. [Vol.2]: The manor and the borough* (London, 1908), pp. 604-605; F.C. Mather, *Public order in the age of the Chartists* (Manchester, 1959), p. 78. Critchley describes it as 'a stop-gap measure'. T.A. Critchley, *A history of police in England and Wales: 900-1966*, (London, Constable, 1967). pp. 61-62.

¹³ D. Hay and F. Snyder, 'Using the criminal law, 1750-1850: policing, private prosecution, and the state' in D. Hay and F. Snyder (eds.) *Policing and prosecution in Britain 1750-1850* (Oxford, 1989), pp. 4-52, p. 20. Palmer, (1988), p. 409.

¹⁴ Palmer considers it mainly in this context: thus while it was 'inexpensive, locally accountable, and not unpopular', it was also 'too small in scale to be effective', and 'ineffective on a national scale': Palmer, (1988), pp. 409, 421. Palmer describes the Horncastle force as 'surprisingly successful': Palmer, (1988), p. 725.

¹⁵ Storch, (1989), pp. 217, 227.

passed on the back of an enquiry held to expose the assumed flaws in the existing system.¹⁶ There was no pervasive fear of crime or riot, thus tending to support the conclusion that already (with a few exceptions such as the politically deadlocked Bristol) many corporations had succeeded in equipping themselves with acceptable police forces. This Act placed the police completely under the control of existing local government institutions.

The countryside was to be the scene of further Utilitarian projects. In 1836, Edwin Chadwick had got himself appointed to a leading role in Parliament's Constabulary Force Commission. This proceeded, by way of a leading questionnaire dispatched to every petty sessions jurisdiction in the country, to paint a picture of ubiquitous criminal vagrants getting the better of an incompetent and amateur constabulary and recommended a centrally-controlled but locally-financed force organised in each county.¹⁷ The 1839 County Police Bill had little to do with the report and more to do with Chartism. While some commentators have decided that it was rather the product of 'perennial' fears, there is enough evidence to suggest that Chartist agitation tipped the balance.¹⁸ The Acts of 1839/40 allowed counties to levy a police rate if two-thirds of the Quarter Sessions bench agreed. They would then appoint a Chief Constable and set the size of the force. The Home Office set the rates of the men's pay and approved the regulations, while the Chief Constable had the power to hire and fire: both powers which were enjoyed in the boroughs by the Watch Committees.

The Home Office and the army, both saw a strong civil power as the best remedy for political unrest. In London, the Metropolitan Police had been able to establish its own degree of order, and episodes such as the Cold Bath Fields 'riot' of 1833 showed that the police were less likely than the army to create martyrs.¹⁹ But in some boroughs, the degree of alarm felt centrally about the competence of the police led to an unprecedented and unrepeated government intervention in urban policing. In 1840, Birmingham, Manchester and Bolton, suffering from disputed authority between old and new corporations, were given police forces

¹⁶ Fraser has pointed out how the main impulse behind the condemnation of existing systems was the attack on closed corporations: their ability or otherwise to provide services was sometimes noted, but generally ignored: D. Fraser, *Power and authority in the Victorian city* (Oxford, 1979), p. 116.

¹⁷ PRO HO 73/5: Constabulary Force Commission Returns; Palmer, (1988), pp. 422-423.

¹⁸ See, *inter alia* D. Taylor, *The new police in nineteenth century England: crime, conflict and control* (Manchester, 1997), pp. 28-29, and Chapter Four below.

¹⁹ Palmer, (1988), p. 310.

run by Home Office-appointed Commissioners whose main brief was to monitor political activity.²⁰

The Chartist 'strategy of menace' aimed to repeat the success of the 1832 reformers, but ruling class solidarity in the face of threatened disorder, along with the communication and mobility provided by telegraph and railway, had created a climate where the threat of riot was far less daunting.²¹ In the winter of 1839/40, Newport, Bradford and Sheffield saw the last attempted 'risings' in Britain. These were easily dealt with by the civil and military authorities, chiefly because they had no mass support.²² The disturbances associated with the second wave of Chartist agitation, in 1842, centred on an attempt at a general strike, a 'Sacred Month', which culminated in the disturbances known as the 'Plug Plot' riots. Another departure from the pattern of optional innovation in police also occurred in 1842. The Parish Constables Act, although little remarked, was highly innovative: the first main compulsory reform of the parochial constable system.²³ The property qualification for the office of parochial constable was formalised, and power to select constables removed from vestries and given to the bench. Its noticeable, though short-lived, impact in Sheffield will be examined below.

Throughout the nineteenth century, various social problems pre-occupied the ruling classes. These were often tackled first through private or collective agency rather than through statutory action.²⁴ As Morris has demonstrated, the middle-class association was often an unstable creation: it was generally unable to solve the problem it had set itself, and many of these mutated into pressure groups, aiming to influence government policy.²⁵ Forms of 'moral entrepreneurship', therefore, became increasingly institutionalised over the century, and looked still more to the state. This move underpinned and reinforced the new disciplines of

²⁰ Emsley, (1996), pp. 41-42. The pre-occupation with politics can be judged by the content of the reports from Burgess, the Birmingham Commissioner, to the Home Office: HO 65/10, pp. 18, 33.

²¹ F.C. Mather, 'The railways, the electric telegraph, and public order during the Chartist period, in *History* vol. 38 (1953), 40-53, p. 52.

²² See, *inter alia*, D. Thompson, *The Chartists*, (Hounslow, 1984), pp. 73-76, 273-298, 324-329.

²³ 5&6 Vict, c.109. For Critchley, this was a 'backward-looking attempt to offer policing on the cheap': Critchley, (1967), p. 97. Palmer saw it as a 'mild traditional measure'. Palmer (1988), p. 448.

²⁴ Dalgleish has shown how the urban élite's response to a perceived problem - a threat to the social structure - was not confined to the state apparatus. A. Dalgleish, 'Voluntary associations and the middle class in Edinburgh, 1780-1820', Unpub. Ph.D. University of Edinburgh, 1992, p. 99.

²⁵ R. Morris 'Voluntary societies and British urban elites, 1780-1850-an analysis' in *Historical Journal*, Vol. 26, No. 1 (1983), 95-118, p. 118.

'social science' which had an important bearing on the way that crime and criminals were seen.²⁶ A penumbra around the 'criminal class' was the 'dangerous class', and moral deviants and vagrants were also subsumed into this general fear of the residuum on the part of the respectable: a fear which saw both negative responses, such as desire for more social controls, and positive responses such as the temperance movements.²⁷ On some clear-cut social issues at least, 'respectable' sections of the working class saw more in common with their 'betters' than their 'fellows', especially when the former were united with them by bonds of locality and religion.²⁸

The economic base of a commercial society transforming itself into an industrial one, whilst retaining some of the elements of gentlemanly capitalism, was surmounted (and in the towns altered) by a superstructure that contained a bewildering variety of actors, institutions and pre-disposing ideologies. As Smith puts it:

In practice, large manufacturing cities developed during the nineteenth century in the context of complex interactions between solidarities integrated at the county, parochial, and municipal levels, producing conflicts and accommodations which took varying forms between cities.²⁹

This period saw a lessening in the level of social fear through the cumulative impact of: continuing economic growth and stability;³⁰ the comforting effect of the social-scientific and charitable 'discovery' of the 'other' nation;³¹ the confident defeat of the final Chartist petition of 1848;³² the cushioning of the shocks of capitalism and of life-cycle via the

²⁶ M. Weiner, *Reconstructing the criminal: culture, law, and policy in England, 1830-1914* (Cambridge, 1990), p. 215.

²⁷ A good example of the extreme end of this social fear and the response to it in the 1840s and 1850s is found in: D.J.V. Jones, 'The conquering of 'China': crime in an industrial community, 1842-64' in *Crime, protest, community and police* (London, 1982), pp. 85-116.

²⁸ Golby and Purdue point to the move to reform popular culture as deriving from a legacy 'from the Enlightenment and religious revivalism' shared across classes: J. Golby and A. Purdue, *The civilisation of the crowd: popular culture in England, 1750-1900* (London, 1984), p. 86. See also B. Harrison, *Drink and the Victorians: the temperance question in England, 1815-1872* (London, 1971), p. 388.

²⁹ D. Smith, *Conflict and compromise: class formation in English society, 1830-1914, a comparative study of Birmingham and Sheffield* (London, 1982), p. 13.

³⁰ John Belchem writes: 'Previously perceived as problematic or catastrophic, industrial capitalism acquired in the course of the 1840s the stability which ensured its subsequent permanence': J. Belchem, *Industrialisation and the working class: the English experience, 1750-1900* (Portland, 1990), p. 153.

³¹ See, for instance, F. Thompson, *The rise of respectable society: a social history of Victorian Britain, 1830-1900* (London, 1988), p. 356.

³² John Saville points out how '[t]he mass imprisonments, transportation and successful confrontation of the mass demonstrations during the three main periods of the Chartist years . . .

development of working-class institutions such as Friendly Societies;³³ and the associated internalisation by many members of this class of the values of 'respectability'.³⁴

As the Crimean War came to an end the spectre of a new generation of demobilised troops becoming rapacious vagrants precipitated a new round of innovation in police legislation.³⁵ Palmerston's attempted reform was designed to strengthen the power of the professional police and extend the principle of compulsory police organisation to 'apathetic' counties and smaller boroughs. It would have introduced Home Office approval for the rules and regulations of borough forces, and compulsorily amalgamated small (less than 20,000) boroughs with neighbouring counties.³⁶ This denial of local autonomy led to massive and successful opposition from the boroughs.

The County and Borough Police Act of 1856 established the pattern of policing for the next hundred years.³⁷ Forces were now compulsory. The Act set up a system of annual inspections by a Home Office-controlled Inspectorate. Forces judged 'efficient', under narrow criteria that were effectively limited to manning and discipline levels, would receive a government grant to cover one quarter of their wage and clothing costs.³⁸ In addition, Chief Constables now had an obligation to send annual criminal statistical returns to the Home Office. The government grant was a significant landmark in the gradual erosion of the high levels of local financial autonomy enjoyed by local government in the mid-nineteenth century. This was taken further by the Police (Expenses) Act of 1874, which raised the level of the grant to half the personnel costs.³⁹ This measure effectively bought off any local councils who would be tempted to maintain an 'inefficient' force in order to save money: while there had previously been a rationale for employing around half the police the Home Office thought necessary, after 1874 this tactic was only worthwhile if the establishment was kept dangerously low, at around a quarter of the 'efficient' level. This centralisation was part of a pattern which saw,

contributed significantly to the disintegration of the national movement.' J. Saville, *The consolidation of the capitalist state, 1800-1850* (London, 1994), p. 81.

³³ According to Sidney Pollard, in 1850 Sheffield had 17,000 men in sick clubs, and 4,000 in Friendly Societies: S. Pollard, *A history of labour in Sheffield* (Liverpool, 1959), p. 38.

³⁴ See for example P. Joyce, *Work, society and politics: the culture of the factory in later Victorian England* (Brighton, 1980), p. 124.

³⁵ C. Steedman, *Policing the Victorian community: the formation of English provincial police forces, 1856-80* (London, 1984), p. 23.

³⁶ C. Emsley, *Policing and its context, 1750-1870* (London, 1983), p. 81.

³⁷ 19 & 20 Vict c. 69; Steedman, (1984), pp. 26-27.

³⁸ The smallest boroughs, with populations of below 5,000, were excluded from the grant.

³⁹ 37 & 38 Vict. c. 58.

after 1870, more and more social and political initiative move from neighbourhood to nation and region.⁴⁰

The end of transportation in the 1850s created an unease about the 'ticket-of-leave men' who had formerly been excluded from society.⁴¹ This fed the 'garrotting panics' of 1856 and 1862, when some sections of middle-class opinion worked themselves into a frenzy of personal fear of the 'criminal classes' - while others questioned the validity of these fears.⁴² The Murphy Riots of 1866-71 also showed up the limits of the power of the new police to secure order, when faced with a concentrated dose of the underlying and endemic sectarian tension.⁴³

The national background, therefore, demands consideration of a number of important and relevant issues: individual crime; alterations in the criminal law; the changing paradigms of local government; radical politics; economic change; class formation and social stability; and, increasingly, the changing perceptions of, and demands from, the new police themselves. The next section of this chapter provides some necessary background information on Sheffield.

Part Two: Sheffield in the nineteenth century

Between 1815 and 1880, Sheffield had much in common with other large towns and cities in Britain, but also many significant differences. Sheffield's population, recorded in Table 1.1, was growing for several reasons. One was the general national increase in urban population. Another was the increase in the existing 'grinding' trades, making blades and tools. Here Sheffield had a unique skills base, and its unique position in the world economy meant that producers were as likely to look to foreign as to domestic markets. This trade grew in size up to the 1890s and in prosperity until the 1870s, but did not drastically change in nature until

⁴⁰ Smith, (1982), p. 259; W.C. Lubenow, *The politics of government growth: early Victorian attitudes toward state intervention, 1833-1848* (Newton Abbot, 1971), p. 25; R. Trainor and R. Morris (eds.), *Urban governance in Britain and beyond, 1750-1990* (forthcoming, 1999).

⁴¹ R. Sindall, *Street violence in the nineteenth century: media panic or real danger?* (Leicester, 1990), p. 133.

⁴² Sindall, (1990), pp. 83-85.

⁴³ Steedman, (1984), pp. 33-38, reaches the conclusion that borough police were unable to defuse the riots since they were under pressure to protect the property of wealthy ratepayers rather than that of the 'poorer class'. See also P. Millward, 'The Stockport riots of 1852: a study of anti-Catholic and anti-Irish behaviour' in S. Gilley and R. Swift (eds.) *The Irish in the Victorian city* (London, 1985), pp. 207-224.

its gradual mechanisation from the 1860s.⁴⁴ Most firms were small and family-run: many workers were semi-independent and hired their own power and light. The heavy special steel trades, on the other hand, grew spectacularly (employment increasing by 300% between 1851 and 1891⁴⁵) and changed enormously. Between 1820 and 1870, the steel was produced in individual crucibles, which required a great number of skilled employees.⁴⁶ By the late 1860s, several firms employed more than 500 men. Labour discipline was secured through the use of subcontractors and labour gangs, and later by an increased use of direct employment. The demands of the heavy steel industry - for regular attendance and controllability - contrasted with the 'employee-led' organisation of the light trades.

Table 1.1: Population of Sheffield

Year	Population	% Increase
1801	46,232	
1811	53,091	15
1821	65,275	23
1831	91,692	40
1841	111,091	21
1851	135,275	22
1861	185,172	37
1871	239,946	30
1881	284,508	19

The 'difference' or otherwise of Sheffield's system of social and class relations has been variously characterised. No single generalisation can describe the whole, and each of the main commentators on the issue make a contribution to a rounded picture. Baxter has charted the growth of an explicitly 'class-conscious labour vanguard', which came into existence over the

⁴⁴ Pollard, (1959), pp. 125 -126.

⁴⁵ Pollard, (1959), p. 159.

⁴⁶ Pollard, (1959), p. 170.

period 1790-1840, and saw its mission as fighting the 'social war'.⁴⁷ Smith sees Sheffield's 'old' working class as being characterised by a high degree of localism and desire for autonomy.⁴⁸ Attempts by elites to penetrate and embourgeoisify its institutions in the early part of the century were rebuffed.⁴⁹ From the mid-century, however, the growth of the heavy steel industry with its more 'normal' industrial relations, provided the space in which the elites could successfully challenge the dominance of trades societies, and defeat them. Reid has looked at Sheffield's social structure mainly in terms of the over-riding success of the concepts of 'respectability', which she sees as working to deaden class conflict. She defined this as:

essentially the social expression of a behavioural conditioning, which permeated inner attitudes, outer appearance, and general social conduct ... However, it was important that a working man who modelled himself upon this stereotype should also know his place, and be satisfied with it.⁵⁰

Inkster admits that economic circumstances do produce contradictory interests, but that the nature of these is not necessarily determined, and that in a stable society, conflict needs to be muted by 'counter-conflict', normally mediated through institutions.⁵¹ The 1840s did indeed see a class conscious workers' movement appear: but it also saw a re-grouping of the middle class as the 'professional' group threw in their lot with the manufacturers. Pollard speaks of Sheffield's social 'homogeneity', driven by economics, and chiefly springing from the lack of a large gap between workers and manufacturers.⁵² White has recently characterised the class structure of nineteenth-century Sheffield as determined by social and economic forces that had 'hollowed out' any benign relationships between labour and capital, by the action of forms of credit and the tight control of labour.⁵³ Despite the seeming contradiction between these generalisations, all these different forms of class relations existed in practice. Since this

⁴⁷ J. Baxter, 'Early Chartism and labour class struggle in South Yorkshire' in C. Holmes and S. Pollard (eds.), *Essays in the economic and social history of South Yorkshire* (Barnsley, 1976), pp. 135-158, p. 135.

⁴⁸ Smith, (1982), p. 256.

⁴⁹ Smith, (1982), p. 257.

⁵⁰ C. Reid, 'Middle class values and working class culture in nineteenth century Sheffield: the pursuit of respectability' in C. Holmes and S. Pollard, eds., *Essays in the economic and social history of South Yorkshire* (Barnsley, 1976), pp. 275-295, p. 281.

⁵¹ I. Inkster, 'Social class and popularised culture in Sheffield during the 1840s' in *Hunter*, Vol. 12 (1983), 82-87.

⁵² Pollard, (1959), pp. 3-4.

⁵³ A. White "'... we never knew what price we were going to have til we go the warehouse": nineteenth-century Sheffield and the industrial district debate' *Social History* Vol. 22 No. 3 Oct. 1997, 307-317, pp. 315.

study deals with criminal justice, however, it will inevitably spend more time examining the more 'coercive' end of the spectrum.

Sheffield's politics went through three key phases in this period. In 1818-1833, the 'opinion' of the town was generally united in favour of a radical agenda for Parliamentary Reform. Naturally, there was still opposition to this, chiefly from the Anglican Tory interest, but middle-class radical Whigs and their working-class allies worked together. From 1834 to around 1853, the politics were divided more on a class basis: the working class saw the failure to extend the suffrage further as a betrayal on the part of the manufacturers and their allies. While divided in principle, Liberal and Tory were often united in practice against the threat of Chartism and its successors. The working class and the Tories sometimes allied against the Liberals: notably in protests against the New Poor Law, and in the opposition (detailed in Chapter Four below) to the town's attempt to incorporate.⁵⁴

In the 1850s, attempts by the old Chartists to re-invent themselves as ultra-localist Democrats failed: from then on, the town's Liberal hegemony was challenged only by a rejuvenated Conservatism, which sought to attack the local establishment as complacent and corrupt. The relative autonomy of the workers in the light trades was broken by the special commission of enquiry in 1866:⁵⁵ a coup for Leng, editor of the Conservative *Sheffield Daily Telegraph*. Leng led a Conservative attack on the Council, which, by generally eschewing confrontation in favour of 'the best candidate', had by 1878 secured a Conservative majority, despite their failure to get more than a fifth of the votes in national elections. Bi-partisanship at a local level was real, though, and Conservative Mayors such as Sir John Brown were normally nominated by the vast majority of the Councillors and Aldermen. By the end of the period, Smith considers that Sheffield Town Council had 'few functions, little income, and a very modest respectability'.⁵⁶ The extent to which this is true will be examined below, but it is important to understand the wide variety of functions that the Council was carrying out by 1874. When the Council adopted the provisions of the 1858 Local Government Act in 1864, the Highways Boards and the Improvement Commission were wound up, and in 1869 the town's various insurance companies passed their fire-fighting functions over to the Council.

⁵⁴ B. Barber, 'Sheffield Borough Council, 1843-1893' in C. Binfield *et al.* (eds.), *The history of the city of Sheffield 1843-1993 Vol.1:Politics* (Sheffield, 1993), pp. 25-52.

⁵⁵ Smith, (1982), p. 167.

⁵⁶ Smith, (1982), p. 259.

Work on the middle classes has generally been more complementary and less contradictory than that about their subordinates. Smith considers Sheffield's professional and commercial class to have been comparatively small and under the social influence of surrounding county society, although this was generally at odds with isolated Sheffield.⁵⁷ The urban bourgeoisie were therefore marginal to both aristocratic networks and artisan solidarities. Inkster has shown how, despite these divisions and those of religion and faction within this class, their jointly created institutions drew the town's bourgeoisie together in networks of interest, if not in a homogenous unit.⁵⁸ But, as Smith has shown, with the development of the heavy steel trade, a new set of urban magnates arose, whose interests and influence were as opposed to the old *petite bourgeoisie* as they were to the interests of the working class.⁵⁹

Most of the political activity of the period was conducted around or through the pages of the local press, and since these are an important source for this study, it is necessary to examine their background and limitations. The *Sheffield Iris*, the *Sheffield Mercury*, and the *Sheffield Independent* are particularly important since they cover the start of the period, for which other sources are rare. Under James Montgomery, the *Iris* moved from a radical to a liberal position by 1825. In the 1830s it supported the Chartists for a time, but faced with competition from the *Independent*, it was absorbed by the *Sheffield Times* in 1848. The *Mercury* met a similar fate: formed in 1807, from 1835 it espoused a liberal yet highly partisan Conservatism. The *Independent* appeared in 1819 and owned by a number of Sheffield's reformers, and edited by Ebenezer Rhodes from 1821-23, and Thomas Asline Ward from 1823 to 1829. That year Robert Leader senior bought the paper, and his son, Robert junior, edited it from 1833. The *Independent* remained the mouthpiece for radical middle-class led reform.⁶⁰

⁵⁷ Smith, (1982), pp. 74-75.

⁵⁸ See I. Inkster, 'The development of a scientific community in Sheffield 1790-1850: a network of people and interests' in *Hunter* Vol. 10 (1970), 99-131; *idem.*, 'A phase in middle class culture: phrenology in Sheffield 1834-50' in *Hunter* Vol. 10 (1976), 273-279.

⁵⁹ Smith, (1982), p. 103.

⁶⁰ D. Read, *Press and people, 1790-1850: opinion in three English cities* (London, 1961), pp. 72-3, 90-2, 106-7.

Part Three: The historiography of policing and crime

The historiography of policing and crime has been usefully examined in a number of different books and articles, notably by Robinson, Palmer, Emsley, Taylor, Steedman, and Reiner.⁶¹ Here, the summary is based on the characterisation found in Reiner's work, which is summarised below. Reiner divided extant research into three categories: a 'cop-sided' orthodox story; a 'lop-sided' new revisionism; and a 'neo-Reithian synthesis'.

Robinson characterised the orthodoxy as underpinned by four rationalisations:

(1) that the need for police arises out of the division of society into good and bad citizens; (2) that one result of the growth of police power is to protect the weak against the powerful; (3) that the police is dependent for its effectiveness on public support, and (4) that historically the business of policing has been confided to the people themselves⁶²

Reiner has summarised this insofar as it relates to the view of police development held by the so-called 'Whigs'.⁶³ An important sub-set of this view can be found in many 'local' and 'company' histories of specific police forces: these are still being produced.⁶⁴ In Reiner's

⁶¹ C.D. Robinson, 'Ideology as history: a look at the way in which some English police historians look at the police' in *Police Studies* Vol. 2, No. 2 (1979), 35-49; Palmer, (1988), pp. 5-11. Emsley, (1996), pp. 1-6.; Taylor, (1997), pp. 1-10.

⁶² Robinson, (1979), p. 35.

⁶³ The most polemical representation of this view can be found in the work of the journalist Charles Reith. C. Reith, *The police idea: its history and evolution in England in the eighteenth century and after*, (London, 1938); *British police and the democratic ideal*, (London, 1943); *The blind eye of history: a study of the origins of the present police era*, (London, 1952); *A new study of police history*, (Edinburgh, 1956). T.A. Critchley, a civil servant and Secretary to the 1963 Royal Commission on police, wrote two very influential works in a 'Whiggish' vein: Critchley, (1967); T.A. Critchley, *The conquest of violence: order and liberty in Britain* (New York, 1970). The most recent 'Whig' view of the Metropolitan Police that Reiner cites is D. Ascoli, *The Queen's peace: the origins and development of the Metropolitan police, 1829-1979* (London, 1979). Sir Leon Radzinowicz's work is meticulously researched if rather skewed towards an ideological and centre-dominated approach: L. Radzinowicz, *A history of English criminal law and its administration from 1750. Vol.1: The movement for reform* (London, 1948); *Vol.2: The clash between private initiative and public interest in the enforcement of the law* (London, 1956); *Vol.3: Cross-currents in the movement for the reform of the police* (London, 1956); *Vol.4: Grappling for control* (London, 1968); [with R. Hood] *Vol.5: The emergence of penal policy in Victorian and Edwardian England* (London, 1986). The historical section of Jennifer Hart's *British Police* is not as empirically sound as her later work on borough forces: J. Hart, *The British police* (London, 1951).

⁶⁴ The vast majority of these books begin with Critchley: many are written by serving or retired police officers. Some examples of these include B. Dobson, *Policing in Lancashire 1839-1989* (Blackpool, 1989); J. Woodgate, *The Essex police* (Lavenham, 1985); and N. Osborne *The story of Hertfordshire police* (Letchworth, 1969). The last is a rare exception to the general Whiggish tone of such works: Osborne challenges the claim that England was suffering from 'near-anarchy', and points out that parish constables 'had flashes of outstanding brilliance', pp. 15-16. Locally, the

summary, the 'Whigs' see the old system as 'uncertain, uncoordinated and haphazard, relying on private and amateur effort, and prone to corruption'.⁶⁵ It was unable to cope with the problems - fear of crime, and 'moral and mob disorder' - caused by urbanisation and industrialisation. The new police were preventive, rational, professional, and bureaucratic, and their development followed the model of the Metropolitan force. They clamped down on crime and disorder, and successfully helped to transform the national character. Policing by consent, they were ultimately under the control of 'the people'.

From the late 1960s onwards, this view has been challenged by what Reiner refers to as: 'A lop-sided view of history? the New Revisionism.' This locates the need for the new police in the transition from 'moral economy' to cash-driven capitalism.⁶⁶ The 'old police' were a rational response to eighteenth-century society, and while unable to secure political order, they were not intrinsically ineffective so much as increasingly unsuitable 'for the class relations of a capitalist society'.⁶⁷ The precipitating cause was a genuine increase in disorder, and a 'moral panic' induced by crime. Yet crime, riot, political dissidence, and public morality were all component motives of the overriding need for 'the maintenance of the order required by the capitalist class'. Opposition to innovation on the part of the gentry was rational, though this transformed itself into a desire to control the police once the threat of Chartism became apparent. The main opposition to the police came from the politically

tradition is represented by: J.P. Bean *Crime in Sheffield: from deer poachers to gangsters, 1300 to the 1980s*, (Sheffield, 1993), which, while well-written, contains a number of significant errors.

⁶⁵ R. Reiner, *The politics of the police* (Brighton, 1985), p.12.

⁶⁶ The catalyst for this development has generally been seen as the article by A. Silver, 'The demand for order in civil society: a review of some themes in the history of urban crime, police and riot' in D.J. Bordua (ed.), *The police: six sociological essays* (London, 1967), pp. 1-24. Some of the work Reiner cites as potentially 'lop-sided' is conceptual or contemporary in its focus. See for instance: E. Hobsbawm, *Primitive rebels: Studies in archaic forms of social movements in the nineteenth and twentieth centuries* (Manchester, 1959); E.P. Thompson, 'The moral economy of the English crowd' in *Past and Present* Vol. 50 (1971), 76-136; P. Cohen, 'Policing the working-class city' in B. Fine *et al.* (eds.), *Capitalism and the rule of law* (London, 1979); P.Q. Hirst, 'Marx and Engels on law, crime and morality' in I. Taylor, *et al.* (eds.), *Critical criminology* (London, 1975); and T. Bunyan, *The political police in Britain* (London, 1977). Some of the authors were directly considering the matter in hand: S. Spitzer and A. Scull, 'Social control in historical perspective' in D. Greenberg, (ed.), *Corrections and punishment* (Beverly Hills, 1977); A.P. Donajrodski (ed.), *Social control in nineteenth century Britain* (London, 1977); R. Storch, 'The plague of blue locusts: police reform and popular resistance in northern England 1840-57' in *International Review of Social History*, Vol. 20 (1975), 61-90; and R. Storch, 'The policeman as domestic missionary: urban discipline and popular culture in northern England, 1850-1880' in *Journal of Social History*, Vol. 9, No. 4 (1976), 481- 509; Foster, (1977); M. Brogden, *The police: autonomy and consent* (London, 1982); Steedman (1984). Some of these works (Hirst, Philips, Steedman, and Foster) are also used to bolster his 'synthesis'.

⁶⁷ Reiner, (1985), p. 24.

conscious working class, who saw it as an instrument of repression. Opposition never vanished, but has been continual, especially in the case of industrial disputes and working-class youth. Their 'newness' was definite, in that they ended 'an era of policing from below'; yet characterised not necessarily by integrity, but by 'impersonal authority legitimated by the values of legal rationality and universalism'.⁶⁸

In terms of impact, the police did indeed create a different society: one which was penetrated by 'the political and moral authority of the dominant strata.' The chief beneficiaries were not the poor and the weak but the bourgeoisie, especially the *petite bourgeoisie*. 'Revisionists' disagree about who controlled the new police: were they tools of the local ruling elite or actors in their own right? This issue will be discussed in detail below.

Reiner contends that the 'revisionists' are merely replacing a deterministic idealist dialectic with a similar materialist one, and offers a critique and synthesis of these views in the light of further research. In considering first 'Whigs', then 'revisionist', and finally a *via media*, he follows the same pattern as Palmer, Emsley and Taylor. Reiner calls his middle way 'a neo-Reithian synthesis'; Palmer 'somewhere between'; Emsley also positions himself between them, and points out that Storch's work is 'far more restrained' than that of many who profess to interpret him; Taylor calls his view a 'sceptical synthesis'.⁶⁹

Reiner rejects both ideal types as ultimately too structuralist and determinist. His 'synthesis' is that there is always a need for a police force in any advanced society, whatever its structure, although in nineteenth-century England this need took the specific forms of the demands of a capitalist state. The old police were not as bad as they have been painted at detection and riot control.⁷⁰ Hay's view of the law as a class weapon (discussed further below) has been downgraded in the light of work by King.⁷¹ While fear of crime was used as a justification for innovation in police, contemporaries questioned this reason: the idea of a growing criminal class has also been discredited. Likewise, fear over the growing threat to

⁶⁸ Reiner, (1985), p. 28.

⁶⁹ Reiner, (1985), p. 47, Palmer, (1988), p. 8; Emsley, (1996), pp. 5-6; Taylor, (1997), p. 4. Jefferson and Grimshaw take a similar path between two sets of 'latent functionalism' T. Jefferson and R. Grimshaw, *Controlling the constable: police accountability in England and Wales* (London, 1984), p. 24.

⁷⁰ J. Styles, 'Sir John Fielding and the problem of criminal investigation in 18th-century England' *Transactions of the Royal Historical Society*, Vol. 33 (1983), 127-150; J. Stevenson, 'Social control and the prevention of riots in England 1789-1829' in A.P. Donajgrodzski (ed.), *Social control in nineteenth century Britain* (London, 1977), pp. 47-8; Palmer, (1988), p. 191.

⁷¹ See P. King, 'Decision-makers and decision-making in the English criminal law' in *Historical Journal* Vol. 27 No. 1 (1984), 25-58.

public order was not general: nor were the elites united in advocating new police as a cure-all. Rather, an important part of the justification for reform came as part of the diffusion of a 'model of rational local government administration'.⁷²

Opposition to the new police was not irrational, but sprang from a long tradition of local independence across classes. While workers resented police interference in leisure activities and in trades and political disputes, unease about the new police did not easily correlate with class and sectional differences. This opposition persisted, but nevertheless support for them grew, even among a broad section of the working class, albeit in a 'complex and ambivalent' way.⁷³ Philips has shown how working-class people were ready to prosecute offenders (although in many respects this evidence is tangential to Reiner's point: it shows a recognition of the legitimacy and convenience of the law, not the means of applying it.)⁷⁴ Even the 'domestic missionary' aspect of the police's role received support from 'respectable' workers and their organisations.

The 'new police' were not as new as the orthodox view has claimed: local and national innovations in the 1820s and 1830s pre-dated the 'landmark acts'. The new police, if not always the same personnel as the old, were recruited from the same social strata (although ex-PC George Bakewell's opinion of the Birmingham Police Force tends to contradict Reiner here⁷⁵); and the disorder revealed in their frequent dismissals casts doubt upon their ability to act as 'domestic missionaries' for good or ill.⁷⁶ As for their impact, while they might not have been responsible for the fall in crime, their presence undoubtedly symbolised it; their greatest impact was on minor public order offences. Although the working class may have gained

⁷² Reiner, (1985), p. 39. See also Emsley, (1983), pp. 161-2; Emsley, (1996), p. 24; D.J.V. Jones, 'The new police, crime and people in England and Wales, 1829-88' in *Transactions of the Royal Historical Society* Vol. 33 (1983), 151-168, pp. 156-9; Taylor (1997), pp. 26-29.

⁷³ Reiner, (1985), pp. 39-41. See also B. Weinberger, 'The police and the public in nineteenth-century Warwickshire' in V. Bailey (ed.), *The police and the public in nineteenth-century Britain* (London, 1988), pp. 67-93, pp. 66-67; Emsley, (1983), pp. 158-60; M. Ignatieff, 'State, civil society and total institutions' in S. Cohen and A. Scull (eds.), *Social control and the state* (Oxford, 1983) pp. 75-106, pp. 90-92.

⁷⁴ D. Philips, *Crime and authority in Victorian England: the Black Country 1835-1860* (London, 1977), pp. 125-9.

⁷⁵ Bakewell had been a tenant farmer and a parish constable. His assessment of the Birmingham Police Force in 1840 was that: 'about one hundred of them' were labourers 'not at all fitted for the due discharge of duties, so difficult and responsible as those which are attached to the office of Constable.' Another hundred were 'unemployed mechanics'; fifty were 'old Pensioners' and seventy 'mere Vagabonds and outcasts of society'. Just sixty were 'experienced Constables'. G. Bakewell, *Observations on the construction of the New Police Force, with a variety of useful information* (Stafford, 1842), pp. 10-12.

⁷⁶ See Steedman, (1984), p. 96.

from the system whereby police acted as public prosecutors, the lowest stratum of this class probably felt their impact mainly in the form of heavy-handed street policing. The middle and upper classes controlled the police in the counties. Before the 1870s, the Watch Committees were in complete control of the borough police forces; although after this the processes of professionalisation and centralisation ate away at this control.⁷⁷

Reiner's views, as outlined above, constitute the most coherent overview of the historiographical consideration of the police, and research completed in the last few years has not rendered this obsolete. In addition to this overview, it is worthwhile considering in greater detail five key topics: the role of Associations for the Prosecution of Felons (hereafter 'APFs'); the historiography of urban policing; the degree of external legitimation of the police, which was related to the changing social function of the criminal justice system as a whole; and the timing and nature of the 'professionalisation' of the police.

Associations for the Prosecution of Felons

An APF was a group of people who paid an annual subscription to a society that would prosecute anyone who committed a crime against them. They have been variously interpreted as signifying happiness or frustration with the old criminal justice system.⁷⁸ Palmer sees them as an example of 'citizen self-policing', but, as propertied men, they were not policing themselves, but policing subordinate classes.⁷⁹ Philips and King have proved that APFs did not commit their members to action, but allowed the flexibility to decide whether or not to prosecute. As to their importance as a working part of the criminal justice system, Beattie concludes that nationally they had 'no major effect' on the numbers prosecuted.⁸⁰ King has shown that in Essex they followed, rather than led, increases in rates of indictment. This was due to the fact that they were mainly 'based on tenuous financial arrangements and the policy options available to them were usually severely limited by lack of funds.'⁸¹

⁷⁷ Reiner, (1985), p. 46. For a more detailed consideration of this issue, see below.

⁷⁸ Philips, (1977), p. 133.

⁷⁹ Palmer, (1988), p. 148.

⁸⁰ J. Beattie, *Crime and the courts in England: 1660-1800*, (Oxford, 1988), p. 50.

⁸¹ P. King, 'Prosecution associations and their impact in eighteenth-century Essex' in D. Hay and F. Snyder, (eds.), *Policing and Prosecution in Britain 1750-1850* (Oxford, 1989), pp. 171-210, p. 202.

Attention has focused on how they provided different varieties of private policing that 'foreshadowed and perhaps encouraged the adoption of the 'new police'.⁸² Some APFs used the 1833 Act to set up their own police forces, for which the wages for these were either paid by the Association itself, or from the parish rate.⁸³ Shubert sees APFs as an expression that the status quo was not working. Philips believes:

there was never a simple choice 'for or against' a police force, for the associations and their members. Their attitude towards a new police tended to be influenced by the particular circumstances (the current extent of fear about crime or disorder, the amount of expense involved).⁸⁴

The new police forces were not merely, nor were they often presented as, new, improved and egalitarian 'thief-takers'. This part of their role had a bearing on the activities of most APFs, but the other aspects, notably more intensive patrolling and the ability to act as a disciplined riot-control force, had no 'overlap' at all with most Associations' concerns. When the new police did arrive they began to erode the role of the individual as prosecutor.⁸⁵ Perhaps more important than the development of the police as a semi-public prosecution force was the fact that with 'the ongoing reform of the system of prosecution, especially the widening of summary prosecution, the conditions which had called the Associations into being were disappearing.'⁸⁶

The historiography of urban policing

This issue centres on the timing and nature of the attainment of 'efficiency'. The traditional view, formed by an uncritical acceptance of the polemics of nineteenth-century police reformers, was that under the unreformed system, urban areas were incompetently policed.⁸⁷ Hart characterised the provincial urban police as 'unprofessional, barely remunerated, part-time peace officers ... wholly inadequate to prevent and detect crime, maintain public order,

⁸² Beattie, (1988), p. 50.

⁸³ D. Philips 'Good men to associate and bad men to conspire: Associations for the Prosecution of Felons in England 1760-1860' in D. Hay and F. Snyder, (eds.), *Policing and prosecution in Britain 1750-1850* (Oxford, 1989), pp. 113-170, pp. 146-147.

⁸⁴ A. Shubert, 'Private initiative in law enforcement: Associations for the Prosecution of Felons, 1744-1856', in V. Bailey (ed.), *Policing and punishment in nineteenth century Britain*, (London, 1981), p. 36; Philips, (1989), p. 150.

⁸⁵ See Hay and Snyder, (1989), pp. 36-47.

⁸⁶ Shubert, (1981), p.43.

⁸⁷ For instance, see the tales of provincial woe recounted in A. Solmes, *The English policeman 871-1933* (London, 1935), pp. 195-196.

and enforce the law.⁸⁸ Eric Midwinter's assessment of the forces in Lancashire is that they were 'outmoded agencies, which were slipshod, inefficient, and, above all, disunited.'⁸⁹ Similarly, Radzinowicz relied on the returns of the Municipal Corporations Commission to paint a picture of 'the chaos in the great towns'.⁹⁰ Palmer, also mainly using central records, appears to reach much the same conclusion.⁹¹

From the 1970s onwards this attitude began to change. David Philips commented that:

The evidence suggests that the change from parish constables to New Police forces in the Black country was not a sharp break from inefficient confusion to efficient organisation, but a much more gradual change.⁹²

As this passage implies, 'Old' police outside London were generally conceived of in terms of the parish constabulary, rather than the watch forces set up by many urban institutions. Yet a number of these forces had been established in the twenty years before 1835, not least in Sheffield. Several local studies published in the last twenty years have served to fill in greater detail about the 'unreformed' local urban police. Swift has examined the pre-reform police forces of Wolverhampton, Exeter and York.⁹³ Field has looked at how the police in Portsmouth were seen as efficient before and after 1835.⁹⁴ The intensely chequered history of pre-reform policing in Bristol has been covered by Roderick Walters.⁹⁵

The work of Ruth Paley on London has suggested that the so-called 'Charlies', the night watch in London, were not nearly as useless as they had been depicted, then and later, by apologists for Peel.⁹⁶ Etheridge's examination of police reform in Northampton also reveals that the parish constables were not uniformly incompetent: there was continuity as well as change in the shift to the 'New Police'.⁹⁷ For some historians of borough policing, notably

⁸⁸ Hart, (1951), p. 29.

⁸⁹ His analysis is skewed by a too-literal reading of the 1836 Constabulary Force Commission's work: E.C. Midwinter, *Law and order in early Victorian Lancashire* (York, 1968), pp. 4, 11, 13.

⁹⁰ Radzinowicz, (1968), pp. 208-215. As a lawyer, Radzinowicz can be expected to regard confused jurisdictions as anathema, however well they may have worked in practice.

⁹¹ Palmer, (1988), p. 384.

⁹² Philips, (1977), p. 64.

⁹³ Swift, (1988); R. Swift, *Police reform in early Victorian York, 1835-56* (York, Borthwick Papers, 1988).

⁹⁴ J. Field, 'Police, power and community in a provincial English town: Portsmouth 1815-1875' in V. Bailey (ed.), *Policing and punishment in nineteenth-century Britain*, (London, 1988), pp. 42-64.

⁹⁵ Walters, R., *The establishment of the Bristol borough police force*, (Bristol, 1975).

⁹⁶ Paley, (1989), pp. 115-116.

⁹⁷ R. Etheridge, "Nineteenth-century Northampton: the nature of the new police, crime and disorder" in *Northamptonshire Past and Present* No. 2 (1995-6), pp. 172-184, pp. 172, 179, 181.

Hart, the borough police after 1835 were as *inefficient* as their predecessors.⁹⁸ Swift found that 1856 was the most important landmark for York - in the 1830s, incorporation left the police force the same, while in 1858 it was increased to qualify for the government grant.⁹⁹ In Exeter, the pre-1835 force stayed on until it was re-organised after riots in 1847. It did not alter itself in 1856 in order to qualify for the government grant. In Wolverhampton, incorporation in 1848 led to the borough founding their force on the model of the county force, and 'poaching' the local county deputy chief constable.¹⁰⁰

Various causal factors influenced reform. In York and Exeter, police reform was inspired more by a falling tolerance for 'nuisance' than by fear of crime and major disorder. According to Field, the purpose of the Portsmouth borough police 'was as much moral as material': they were domestic missionaries rather than thief-takers.¹⁰¹ Winstanley's work on Oldham before and after incorporation shows that while the Oldham police intervened in industrial disputes and caught criminals, these were not their only priorities.¹⁰² Police reform was part of a broader response to the pace and nature of urban growth. Ratepayer-controlled constables were perceived as local government officers, taking on traditional administrative duties, devoting much of their time and effort to maintaining public health and the safety of the community. Much police activity was consequently both uncontentious and routine and those responsible for directing it remained unenthusiastic about significantly increasing expenditure.

The measurement of 'efficiency' has led to a number of different approaches being adopted, each of which can be challenged. The ratio of police to population, and the 'turnover' of the police force are used by Swift and Hart.¹⁰³ However, numbers do not necessarily mean quality, and as will be shown in Chapter Seven, high 'headline' turnover rates can be

⁹⁸ Hart's research disproved the 'migratory thesis', which saw police reform as caused by a criminal class driven from its urban haunts by a spreading 'efficient' police. 'But it seems probable that in most boroughs the reform of the police was gradual . . . and that the level of efficiency was still low in the eighteen-fifties': J. Hart, 'Reform of the borough police, 1835-1856' in *English Historical Review*, Vol. 70 (1955), 411-427, p. 421.

⁹⁹ Swift, (1988), p. 218.

¹⁰⁰ Such traffic was not always one way: in 1840 the Head Constable of Leicester's police force took a substantial pay rise and moved to the Leicestershire county force: C.A. Williams 'Leicester in 1842: the dynamics of urban disorder' Unpub. MA Thesis, Leicester, 1992.

¹⁰¹ Field, (1988), pp. 42-64.

¹⁰² M. Winstanley, 'Preventive policing in Oldham, c.1826-56', *Transactions of the Lancashire and Cheshire Antiquarian Society*, Vol. 96 (1990), pp. 17-35.

¹⁰³ Swift, (1988), p. 221, Hart, (1955), pp. 419, 424.

compatible with stability. In addition, Swift has looked at: absolute and relative cost; number of prosecutions per policeman; and number of committals for indictable offences.¹⁰⁴ These measures, though, can be driven by waste or by differences in definition of crimes. Hart has set the criteria that police must be full-time, and not gain income from gratuities without their superior's permission.¹⁰⁵ While this does establish a useful test for 'new police', the use of undoubtedly efficient police for a variety of ancillary tasks from fire-fighting to inspecting markets can render even the 'newest' police part-time. An income based on a salary rather than fees is a good indicator of a move towards bureaucratic control, although in and of itself it need not mean 'efficiency'. As well as these indicators, others have used qualitative measures to judge efficiency. Weaver, Welsh, Weinberger, and Swift have treated the opinion of the city's middle class as a significant factor, since these were the people who were paying for the police via the watch rate.¹⁰⁶ Weaver's most telling point, though, is the way that an anti-police newspaper changed the basis of its opposition. Initially they were opposed *per se*: by 1842 the opposition was based on the size of the force and the identity of the institution which should control it.

The legitimization of the police

The issue of the degree of acceptance of the new police has been thoroughly explored since Storch revealed the depth of antagonism to the new police in some areas. In Colne, the majority of the town's working class adopted a highly violent campaign against them in 1840, based on their threat to the Chartist movement, and their policy of moving people on.¹⁰⁷ The Wolverhampton police were embroiled in a violent conflict with many of the town's workers as they sought to act as 'domestic missionaries'.¹⁰⁸ This friction was highest in the mainly Irish areas of the city; a common occurrence. Police unpopularity was not a constant thing. It peaked in Warwickshire in the 1860s and 1870s, as measured by numbers of assaults on the

¹⁰⁴ Swift, (1988), pp. 221, 227.

¹⁰⁵ Hart, (1955), p. 419.

¹⁰⁶ M. Weaver 'The new science of policing: crime and the Birmingham police force, 1839-1842' in *Albion* Vol. 26, No. 2 (1994). 289-308, pp. 307-8; D. Welsh 'The reform of policing in incorporated boroughs: a case study of Kingston-upon-Hull 1830-39', Unpub. paper delivered to Social History Society Conference, January 1994; Weinberger, (1988), p. 80; Swift, (1988), p. 228.

¹⁰⁷ Storch, (1975), pp. 80-81. Storch does not claim that working class hostility to the new police was universal.

¹⁰⁸ Storch, (1976); Swift, (1988), p. 219.

police.¹⁰⁹ This was due to ‘class antagonism, . . . police discrimination . . . and . . . bureaucratic interference in non-criminal matters.’¹¹⁰ But as Swift points out, ‘the working class’ was not a homogenous mass.¹¹¹ Hostility was not the only response. In the early Victorian Black Country, a large number of prosecutors were from the working class, but it is also true that there was no direct correspondence ‘between confidence in the law and respect for policeman among the working class’.¹¹²

Changes in the way the police and the law were perceived in the nineteenth century are part of the changes in the role of the criminal justice system as a whole. Gatrell uses the phrase ‘the policeman-state’ to describe the process whereby the state, in the form of the policeman, made great inroads into the surveillance and regulation of civil society over the century.¹¹³ In Manchester during the late nineteenth century the police had both a social welfare and a class control function.¹¹⁴ The ‘domestic missionary’ role of the police gave state power to the ‘reforming’ and ‘civilising’ interests that were able to shape legislation, especially after the 1850s. Often this led to increased friction between police and public over issues such as the licensing laws.¹¹⁵ However, material constraints and the need to maintain consent from the majority of the public meant that such laws were often enforced ‘with discretion’.¹¹⁶

The growing role of police as prosecutors also fundamentally changed the relationship between the people and the law: this change was not uniform. Davis has examined London in the period 1856-75, and her conclusions about the way that formal legal procedures coexisted alongside informal ones, are very similar to those reached by Shoemaker about London in the

¹⁰⁹ Weinberger, (1988), p. 68.

¹¹⁰ Weinberger, (1988), p. 76.

¹¹¹ Swift, (1988), p. 232. Nor was the employing class - see J. Davis, ‘Prosecutions and their context: the use of the criminal law in later nineteenth-century London’ in D. Hay and F. Snyder (eds.), *Policing and prosecution in Britain 1750-1850*, (Oxford, 1989), pp. 397-426, pp. 424-425.

¹¹² Philips, (1977), p. 126; Weinberger, (1988), p. 71.

¹¹³ V. Gatrell, ‘Crime, authority and the policeman-state’ in F.M.L. Thompson (ed.), *The Cambridge social history of Britain 1750-1950: Vol. 3 Social agencies and institutions* (Cambridge, 1990), pp. 243-310, p. 289. See also J. Davis, ‘A poor man’s system of justice: the London police courts in the second half of the nineteenth century’ in *Historical Journal*, Vol. 27, No. 2 (1984), 309-335, p. 317.

¹¹⁴ B. Weinberger and H. Reinker, ‘A diminishing function: a comparative historical account of policing in the city’ in *Police and Society* Vol. 1 (1991) pp. 213-223, p. 214.

¹¹⁵ Weinberger, (1988), p. 86.

¹¹⁶ J. Davis, ‘Urban policing and its objects: comparative themes in England and France in the second half of the nineteenth century’ in C. Emsley and B. Weinberger (eds.), *Policing western Europe: politics, professionalism, and public order, 1850-1940*. (London, 1991) pp. 1-17, p. 9.

early eighteenth century.¹¹⁷ One important change was the number of police prosecutions - about 7/8 of the total.¹¹⁸ Many of these were thefts, which a century earlier would have been prosecuted by the victim, and the majority of police prosecutions were directed against the 'criminal class'.¹¹⁹ Davis has also shown how the growing stipendiary magistracy in London had a role as a source of 'advice, charity and adjudication' - in effect a survival from the paternalist forms of authority thought to be characteristic of the eighteenth century.¹²⁰

While the nature of the new police is a key issue, also important is the nature of the criminal justice system into which they arrived. This is especially the case given that this study covers a long period when the 'old' criminal justice system was in operation. Most of the debates about the nature of the law have focused on Hay's theory that it was a sophisticated instrument of class control. The 'Bloody Code' with its large numbers of crimes and its frequent pardons, was a rational construction. Hay believes that the exultation of property rights above all others would necessarily be reflected in the characteristics of the criminal justice system since: 'the connections between property, power and authority are close and crucial.'¹²¹

In order to instil a greater respect for it, the law was reified. It did not always behave rationally, and the fact that it was 'a power with its own claims' helped to distance it from the ruling class who had created it.¹²² An unequal society needed to be propped up by deference as well as terror, because: 'the facade of power had to be kept undamaged. The gentry were acutely aware that their security depended on belief - belief in the justice of their rule, and in its adamant strength.'¹²³ Punishment, therefore, had to be occasionally mitigated to meet popular ideas of what was right, and contempt of court and other manifestations of lack of deference had to be punished severely. Hay saw the law as a keystone of society, controlled by the 'three percent' who were the ruling elite.¹²⁴ Langbein's attempt to criticise this theory

¹¹⁷ Davis, (1989), p. 413; R. Shoemaker, *Prosecution and punishment: petty crime and the law in London and rural Middlesex, c.1660-1725* (Cambridge, 1991), p. 318.

¹¹⁸ Davis, (1989), p. 419.

¹¹⁹ Davis, (1989) p. 424.

¹²⁰ Davis, (1984), p. 313; Steedman, (1984), p. 149.

¹²¹ D. Hay, 'Property, authority and the criminal law, in Hay, et. al., *Albion's fatal tree*, (London, 1975), pp. 17-64, p. 34.

¹²² Hay, (1975), p. 33.

¹²³ Hay, (1975), p. 51.

¹²⁴ Hay, (1975), p. 61.

on a theoretical level has been less successful than King's analysis of late eighteenth-century juries, which found that the social spread of these and other 'decision-makers' was far wider than the three percent cited by Hay.¹²⁵

The wider social significance of the criminal justice system in the nineteenth century has generally been explained in terms of a move away from the structures described by Hay, towards a more bureaucratic form of state enterprise. Etheridge refers to Weber's model of rational-legal authority replacing a traditional one, and in doing so creating a bureaucratic form of control.¹²⁶ But, while this was certainly uppermost in the justification for and the image of the new police, it does not describe the actual outcomes, which in Northampton fell far short of the bureaucratic ideal.

Professionalism and the rise of the 'police career'

The consideration of the people who were policemen, how able they were, and how they were disciplined, has been put forward as one of the main reasons why the police were not effective 'domestic missionaries'. Etheridge has blamed the police's propensity for drink and indiscipline, and Steedman the tight disciplinary rein they were kept on, for their failure to be capable of enforcing a new standard of order.¹²⁷

The growth of 'police professionalism' in the nineteenth century has a double relevance: first as a subset of a development that was effecting society as a whole (Perkin has characterised the 'modern' social norm from the nineteenth century as being a permeation and domination by 'professions' at the expense of other older 'estates'.¹²⁸); and second in relation to policing as a career. Berlière, Lowe, Taylor, Shpaya-Makov and Steedman have all studied the development of the policing occupation in the latter part of the century.¹²⁹ Steedman's

¹²⁵ Langbein, (1983); King, (1984).

¹²⁶ However, this conclusion (and her apparent belief that this disproves much 'revisionist' history of nineteenth-century policing) is not wholly borne out by the evidence she herself puts forward. Etheridge, (1996), pp. 183-4.

¹²⁷ Etheridge, (1995), pp. 172, 179, 181. However, she also attempts to perpetuate a false separation between 'crime' and 'non-crime' matters: placing lodging house regulation, relief of vagrants, and inspection of weights and measures in the latter category.

¹²⁸ H. Perkin, *The third revolution: professional elites in the modern world* (London, 1996).

¹²⁹ J. Berlière, 'The professionalisation of the police under the Third Republic in France, 1875-1914' in C. Emsley and B. Weinberger (eds.), *Policing Western Europe: politics, professionalism, and public order, 1850-1940*. (London, 1991) pp. 36- 54; D. Taylor, 'The Standard of Living of Career Policemen in Victorian England: The Evidence of a Provincial Borough Force' in *Criminal Justice History*, Vol. 12 (1991), 107-131; W.J. Lowe, 'The Lancashire constabulary, 1845-1870: the

examination concentrates on the desire of the police authorities to employ a loyal servant, whose social relations with them would be a microcosm of the ideal relationship between the common people and those in authority. All have examined lengths of service and retention rates, and concluded that these were continually improving from a very low base, but did not reach an 'acceptable' level before the 1880s. Average ages at recruitment fell between the 1840s and the 1870s, and the proportion of men pensioned-off or resigning rose, while that dismissed fell. In borough forces especially, the rapid expansion after 1856 led to a 'promotion block' in the 1870s, as long-service police officers failed to rise above the rank of constable. Policeman's wages were generally at the level of those of a semi-skilled working man. Although security and respectability added to the value of the job, this was counteracted by restrictions on wives' employment and very long hours. Steedman has shown how the growing sense of policing as a trade was developed through the campaign for mandatory pensions in the 1870s. In London as elsewhere, recruits generally came from the adjacent counties.¹³⁰

Weinberger locates the development of 'police professionalism' after the end of the nineteenth century, citing the discretionary nature of the pension, the lack of a career structure, the patchwork of different local forces each with its own pay rate and ranks, and the high turnover.¹³¹ She sees the concept of profession as applying to the senior ranks of the police and their political identity. 'Who controlled the police?' is a question that many have asked. In the boroughs, control could potentially be exercised by the Head Constable, the magistrates, the Watch Committee, or the Home Office. The timing of 'police independence', was strongly influenced by the development or otherwise of a police profession. Critchley sees the issue of control straightforwardly, as either 'public-spirited, disinterested non-partisan' or 'mischievous interested and partisan'.¹³² The problem with any equation of 'partisanship' with failure is that 'partisanship' is also local democratic control. To cope with this, Critchley makes a value judgement whereby 'executive' policing matters are the proper

social and occupational function of a Victorian police force' in *Criminal Justice History*, Vol. 4, (1983), 41-62; H. Shpayer-Makov, 'A portrait of a novice constable in the London metropolitan police c.1900' in *Criminal Justice History*, Vol. 12 (1990), 133-160; Steedman, (1984), pp. 69-122.

¹³⁰ Lowe, (1983), p. 45; Shpayer-Makov, (1990), p.141; B. Howells, *The police in late Victorian Bristol*, (Bristol, 1989), pp. 6-7.

¹³¹ B. Weinberger, 'Are the police professionals? an historical account of the British police institution' in C. Emsley and B. Weinberger (eds.), *Policing Western Europe: politics, professionalism, and public order, 1850-1940*, (London, 1991), pp. 74-89, pp. 79 - 83. Others disagree. Critchley, for instance, locates the development of policing as an autonomous profession in the period 1856-1908: Critchley, (1967), p. 174.

¹³² Critchley, (1967), p. 124.

function of the Head Constable, while the Watch Committee exercises a supervisory function. In practice, the divide was often more fluid than this, and the degree of 'propriety' that Critchley seeks to impose can be seen to be ahistorical.¹³³ Many of the reasons for this are inherent in the task of policing, since 'no matter how militaristic or bureaucratic a police agency may be there is still no escaping the enormous discretion inherent in the policeman's job as compared with the garbage collector's.'¹³⁴ As Banton has pointed out, the centrifugal nature of discretion in police forces means that 'information . . . reaches the organisation through men at the bottom',¹³⁵ thus the debate over who controlled the police is bound up with the issue of the growth of 'professionalisation', both in the rank and file, and in the senior ranks.

Part Four: Interpretations of crime and criminal statistics

Different writers have approached the definition of 'crime' from different directions. The category of 'social crime' - notably explored for the nineteenth century by Rudé, Hobsbawm, and Jones - necessarily assumes an unproblematic consensus view among the mass of the population.¹³⁶ But as Jones points out: 'One cannot easily distinguish between two kinds of offence and offenders, between 'nice' social crime and ordinary self-aggrandisement.'¹³⁷

Many historians, in studying 'nineteenth-century crime', have reached conclusions that are more to do with social policy and attitudes than with crime.¹³⁸ This is neither surprising nor discreditable. Criminological and historiographical orthodoxy which sees 'crime' as a distinct

¹³³ Jefferson and Grimshaw's study of the changing structures of control provides a useful overview of the debate: Jefferson and Grimshaw, (1984), pp. 31-44.

¹³⁴ J.F. Richardson, 'Police history: the search for legitimacy' in *Journal of Urban History*, Vol. 6, No. 2 (1980) 231-246, p. 246.

¹³⁵ M. Banton, *The policeman in the community* (London, 1964), p. 110.

¹³⁶ Rudé divides all crime into the mutually exclusive categories of 'Social or survival crime'; 'protest crime' and 'crime tout pur (meaning crimes of simple pecuniary acquisition or personal revenge)': G. Rudé *Criminal and victim: crime and society in early nineteenth-century England* (Oxford, 1985), p. 2; Hobsbawm, (1959), p. 13; See also E. Hobsbawm, *Bandits* (London, 1969), p. 14. Davis condemns the 'historical romanticism of the 'social bandit': J.A. Davis, *Conflict and control: law and order in nineteenth-century Italy* (London, 1982), p. 72.

¹³⁷ D.J.V. Jones, *Crime, protest, community and police in nineteenth-century Britain* (London, 1982), p 14.

¹³⁸ Two good examples of this are L. Zedner, *Women, crime and custody in Victorian England* (Oxford, 1991) and Weiner, (1990).

and unproblematic phenomenon and offenders as discrete and somehow different types of person, has come under sustained and convincing criticism in the last thirty years, notably from the Marxist and 'labelling' perspectives.¹³⁹ The definition of crime that has mainly been adopted, and will be used here - 'behaviour violating the criminal law' - is an implicit acknowledgement of the success of the 'revisionist' school of criminology.¹⁴⁰

Two main schools of thought exist with regard to the use of nineteenth-century criminal statistics. These could be labelled the 'pessimistic' and the 'positivist'.¹⁴¹ The 'pessimists' claim that the statistics are only useful for their internal evidence and for the effect that they had on the representations of crime and social change in wider society. The 'positivists' claim that, as well as this, they can tell us something about what they purport to describe. The former school is considered here as represented by Tobias, Sindall, and M. Young.¹⁴² The latter is considered in terms of the work of Gatrell, Hadden, Philips, and Lea and J. Young.¹⁴³

Tobias's tendency in *Crime and Industrial Society* is to attack 'the statistics' as a whole, concentrating on their weakest points. His conclusion is that statistics are not to be trusted, mainly since 'many people of the nineteenth century were contemptuous of attempts to argue from the criminal statistics.'¹⁴⁴ He takes the Home Office returns from 1857 onwards as an

¹³⁹ The 'positivist', 'Marxist', 'revisionist', and 'post-revisionist synthesis' viewpoints are respectively represented by: H. Eysenck, *Crime and personality* (London, 1970); G. Rusche and O. Kirchheimer, *Punishment and social structure* (New York, 1939); I. Taylor, P. Walton and J. Young, *The new criminology: for a social theory of deviance* (London, 1973); and D. Garland, *Punishment and modern society* (Oxford, 1990).

¹⁴⁰ 'A definition of crime which embraces all of its different perspectives and which satisfies every generalisation and nuance is probably impossible': C. Emsley, *Crime and society in England, 1750-1900* (Harlow, 1987), p. 2.

¹⁴¹ Obviously, these are just arbitrary labels: those who say that some use can be made of statistics are unlikely to claim to be 'positivists' in the philosophical sense.

¹⁴² J. J. Tobias, *Crime and industrial society in the nineteenth century* (Penguin, 1967); Sindall, (1990); M. Young, *An inside job: policing and police culture in Britain* (Oxford, 1991).

¹⁴³ V. Gatrell and T. Hadden, 'Criminal statistics and their interpretation.' in E.A. Wrigley (ed.) *Nineteenth century social history: essays in the use of quantitative methods for the study of social data* (London, 1972), pp. 336-96; V. Gatrell 'The decline of theft and violence in Victorian and Edwardian England', in V. Gatrell, B. Lenman and G. Parker, (eds.) *Crime and the law: the social history of crime in early modern Europe* (London, 1980), pp. 238-337; Philips, (1977); J. Lea and J. Young, *What is to be done about law and order? Crisis in the nineties* (London, 1993). Highly 'positivist views can also be found in Rudé, (1985), pp. 10-11; D.J.V. Jones, *Crime in nineteenth century Wales* (Cardiff, 1992), pp. 240-251, C. Bisson, 'Crime and the transition to modernity in nineteenth century France: the Morbihan, 1825-1925, a case study' Unpub. PhD. Ohio State University, 1987; and P. Chassaigne, 'Le crime de sang a Londres a l'epoque Victorienne: essai d'interpretation des modeles de violence' in *Histoire Economie et Societe*, Vol. 12, No. 4 (1993) 506-524.

¹⁴⁴ Tobias, (1967), p. 19.

exemplar in order to find a national total rate for crime. In addition, he examines the assessment of the character of those arrested: a highly subjective judgement, which can be justifiably criticised as a prime example of 'labelling'. By concentrating on 'reported crime' and 'reported criminals', Tobias attacks the weak points of nineteenth-century criminal statistics, ignoring the strong points. This is an inevitable consequence of his starting premises, which are close to those of institutional criminology: he is interested in a 'criminal class' committing 'real crime'.¹⁴⁵ Philips exposes the flaws in Tobias's methodology.¹⁴⁶ The qualitative evidence that Tobias uses in place of statistical analysis was generally based on contemporary observers' impressions of the crime figures: so Tobias's work is in fact based, third-hand, on the very numbers that he has condemned as useless.

Philips concludes that: 'Offences cannot be treated as simple entities on their own, but must be considered in the context of their reciprocal relationship with the law and law enforcement.'¹⁴⁷ This relationship comes from the fact that 'the number and sorts of offences committed will have an effect on the nature of the law-enforcement agencies.' Changes in the priorities' of the law enforcement agencies will also have an iterative effect, by leading to changes in the workings of the courts and thus the records of 'official crime'. As well as exploring the criminal justice system, statistics can illuminate:

[society's] degree of tolerance of political and social dissent; the level of violence deemed normal and acceptable, both from its citizens and from its police agencies; attitudes towards property rights in the society; the status which the law and its agents occupied in the minds of the mass of the population, and the degree to which they showed an acceptance of the legitimacy of the state and its laws.¹⁴⁸

As far as the statistics themselves are concerned, Philips's primary objective is the study of the criminal justice system - the interaction between 'the authorities and lawbreakers'. This focus is shared by Monkkonen.¹⁴⁹

Philips' main missed opportunity, leaving his work open to criticism, is his assumption that there are no useful measures of crime other than 'indictable crime'.¹⁵⁰ Indeed, he considers

¹⁴⁵ Tobias was for many years Director of Studies at the Police Staff College, Bramshill.

¹⁴⁶ Philips, (1977), p. 20.

¹⁴⁷ Philips, (1977), p. 41-43.

¹⁴⁸ Philips, (1977), p. 44.

¹⁴⁹ E. Monkkonen, 'The quantitative study of crime and criminal justice' in J.E. Inciardi and C.E. Faupel, (eds.), *History and crime: implications for criminal justice policy* (London, 1980), pp. 53-74.

¹⁵⁰ Philips, (1977); pp. 45-46.

that the largest of the various measures of crime will be '[indictable] Crimes known to the police', and that this category is bigger than 'the total number of people found guilty on trial, indictable or summary'. This is untrue for Sheffield within this period, where the former number is around one sixth of the latter.¹⁵¹

The work of Gatrell and Hadden aims to explore social trends such as the movement of real wages, and to look at the depth and context of social movements such as Chartism.¹⁵² Their methodology is thus pre-supposed by their aims which commit them to a specific type of 'positivist' analysis: investigating the extent of economic determinism. Their subject is the nationally available Home Office statistics. Thus for the period before 1857 they only consider indictable offences. They believe that, with many caveats, 'it is possible to attempt a very approximate estimate of police efficiency' from the ratio between known offences and indictments. They acknowledge that a number of structural factors are indeed capable of altering the number of indictments, but short-term cyclical fluctuations are not nearly as susceptible to being produced by the criminal justice system itself, and must therefore be an effect of changes in 'real crime'.¹⁵³ They have found that 'violence' correlates with economic upswings while for 'property crime' there is an inverse correlation.¹⁵⁴ They, too, make the error of relying too much on indictable crime: for example to justify that 'the incidence of crimes of violence was much lower than that of property offences.' Gatrell and Hadden, therefore, claim to be able to analyse one aspect of 'real crime' from the data returned to the Home Office.

In his essay on 'the decline of theft and violence', Gatrell returned to the criminal statistics, splitting possible biases into three: real change; administrative change; and attitudinal change. The last was the varying sensitivity of the public to acts that did not change over time.¹⁵⁵ He notes that all the 'administrative tendencies during the later Victorian and Edwardian periods serve to magnify the rate of recorded crime over time'.¹⁵⁶ Despite the 'imperfect and distorted' nature of the statistical record, he reaches the conclusion that crime was in decline

¹⁵¹ Similar patterns appear to exist in Wolverhampton, York and Exeter. Swift, (1988), p. 227.

¹⁵² Gatrell and Hadden, (1972), p. 337.

¹⁵³ Gatrell and Hadden, (1972), pp. 351-56.

¹⁵⁴ Gatrell and Hadden, (1972), pp. 368-9.

¹⁵⁵ Gatrell, (1980), p. 240.

¹⁵⁶ Gatrell, (1980), pp. 288-299. Gatrell's selection of proxies for these offences is a little problematical. He looks at changes in assault sentences via the crime of 'felonious woundings'. While this may be easier to assess, given that it was only ever prosecuted on indictment, these offence were a small proportion of total assaults, the vast majority of which were common assaults.

from the 1860s onwards, since the criminal justice system was getting larger and more ready to take action, and public attitudes were becoming more sensitive. Hence, the only way to explain the drop in the statistical record is by a decrease in 'real crime'.

The 'positivist' analysis receives its most robust challenge in the work of Sindall, whose disagreement is more with the claims made for the ability of criminal statistics to explain, than with the quality of the data itself.¹⁵⁷ He too, however, writes of 'the statistics' as a unified whole, when referring in fact to national figures for reported indictable crime. Such a conflation considers the useless and the useful in the same terms.

For Sindall, the test that he applies to 'the statistics' is their utility 'for discerning trends in criminality over time.'¹⁵⁸ The conclusion he reaches is that 'as a direct measure of criminality the usefulness of the criminal statistics is highly suspect'.¹⁵⁹ Sindall puts Gatrell and Hadden in the category of those whose only protection from the inaccuracies of the statistics is their admission that they are unreliable. In fact, their work is more securely justified than that: it is in fact about ratios, not absolute figures, so to an extent errors should be self-cancelling. The main issue in Gatrell's work on theft is that extraneous factors *are* significant: the pattern of declining theft is recognised precisely because the end product, indictments, moved against the influence of these factors. Sindall's reasons for mistrusting the crime figures as a guide to 'real crime' are reasonably convincing: less so are his reasons for mistrusting them as a guide to the activity of the criminal justice system:

In fact crime rates do not show the process in action, merely the result of the process in action. They give us no insight into the mechanisms and relationships involved in the process at all.¹⁶⁰

Yet while this description fits the 'crimes committed', it does not fit many other types of measurement.

Malcolm Young, a police Superintendent turned anthropologist, also convincingly questions the rationale behind studying the police through criminal statistics. His experience in the CID in the 1960s convinced him that the reported crime figures were relevant only as an indicator

¹⁵⁷ Sindall, (1990); David Englander describes Sindall's work as 'flawed but important': D. Englander, 'Book review essay: criminality upon and beneath the surface in Victorian England' in *Criminal Justice History* Vol. 12 (1991), 235-239, p. 239.

¹⁵⁸ Sindall, (1990), p. 20.

¹⁵⁹ Sindall, (1990), p. 23.

¹⁶⁰ Sindall, (1990), p. 25.

of the CID's success in working out ways of fooling the internal auditors. Their relationship to any other reality was tenuous:

Nearly every crime department that I encountered at this time [1950s/60s] was engaged in the practice commonly known as 'cuffing'. This, in effect, means hiding or eliminating the incidence of reported crime from public scrutiny by tried and tested means . . . Detectable crimes were always welcomed, while those which might result in 'a body' [a conviction] or had been committed against some important local person would be recorded.¹⁶¹

Young refers to 'cuffing' as having an historical precedent: the example that he gives is from a force order from Shropshire in 1939, condemning the practice. However, Young's experience does point to the value of statistics as a subjective measurement. One effect of the 'swinging sixties' was that:

the crime recording techniques of many forces were adjusted to meet newly revised opinions on the amount of villainy and social dissent that was abroad in this worrying and chaotic period. . . Almost overnight in some forces the detectives were encouraged to record as much crime as possible.¹⁶²

Young's assessment, based as it is on experience in the 1960s, is only relevant for the 1850s if we can prove the existence of institutional parallels. This is indeed the case. Chapter Seven will show evidence that the police under-reported crimes, and considers the pressures put onto detectives by the career and reward structure.

The major differences in headline clear-up rates commented upon by D. Smith show that each major city had its own 'acceptable' clear up rate.¹⁶³ Smith takes 'positivism' to an extreme, basing his conclusions on the headline figures for solved and unsolved indictable crime in several cities, without apparently realising that the differing police practices negate any basis for comparability.

This examination has revealed, that within, as well as between any simple binary division of 'pessimists' and 'optimists', there are serious differences of outlook. Tobias's 'isolated' position is that the entire statistical record is useless.¹⁶⁴ Philips has shown that Tobias's preferred source - the opinions of contemporary commentators - is at least as useless. The

¹⁶¹ Young, (1991), pp. 323-4.

¹⁶² Young, (1991) p. 325.

¹⁶³ Smith quotes figures from Bunce on the arrest rates for indictable crime in 1864, in Sheffield, Leeds, Birmingham, Liverpool, and Manchester. These varied between 94% in Sheffield and 21% in Manchester. He concluded that these figures were produced by different systems of social relations. He does not mention the possibility that the whole difference is an artefact of different definitions: Smith, (1982), p. 57.

¹⁶⁴ Englander, (1991), p. 236.

positivist viewpoint contains many nuances: Philips and Davis tend towards the 'interactionist' approach, asserting that the data can tell us much, but most or all of what it can tell us is about the criminal justice system, not about any entity called 'real crime'. Gatrell and Hadden select their hypotheses carefully and argue persuasively that some aspects of 'real crime' can be examined under some circumstances. Sindall and Young agree that the statistics are essentially fiction, interesting only for the use contemporaries made of them, and their impact within the criminal justice system.

To conclude, therefore, the most convincing views on the use of criminal statistics have come from those who admit the need for an 'interactionist' perspective. If care is taken, some trends in 'real crime' might be discernible from some of the statistical series: yet certain measures in the standard returns, notably indictable offences known to the police and the 'labelling' classifications, are highly suspect.

Part Five: The place of this thesis in the historiography

This thesis is another addition to the ongoing process of locally-based research that is continually altering and improving our knowledge of the history of the criminal justice system. It seeks to place local events in local, national, and general contexts. The next chapter outlines a possible theoretical framework within which the chronological and analytical chapters can be understood, placing them in the context of the sociological study of power. Chapters Three and Four describe the development of Sheffield's police institutions over time, examining the period up to incorporation in 1843. Chapter Five traces the growth and development of the borough's police force through to 1874. Chapter Six looks at the sustained and distinctive critique of the police force that came from the Sheffield Democrats in the years 1847-1852, and their attempt to set up an alternative to it. Chapter Seven examines the police force itself, looking at policing as a career, the labour discipline necessary to create a stable working environment, and the profile of the recruits who joined the force between 1867 and 1874. Chapter Eight analyses the very detailed statistical returns that are available in the mid-century period. Chapter Nine looks at the qualitative aspects of crime, and how the criminal justice system functioned both to reflect and to instil social discipline. The concluding chapter summarises the main features of the development of Sheffield's criminal justice system, and picks out those aspects of the study which have extended our knowledge in specific areas.

The survey starts with the 1818 Police Act, which created a new watch for Sheffield. The justification for starting here is that it is necessary to study the 'old police' and criminal justice system in order to understand precisely what changed under the 'new' one. It was not possible to begin earlier due to a dearth of coherent information about the old watch system.

The end point is 1874, since in this year the Police (Expenses) Act was passed. This increased the grant given to 'efficient' forces to one half of the wage costs, rather than one quarter. This move marked a watershed in the degree of local autonomy that boroughs enjoyed. Before, some large boroughs could, like Sheffield in 1862/4, risk losing the grant by keeping their force as small as possible, while some, such as Stockport, never attempted to reach the required figure.¹⁶⁵ Afterwards, however, all large boroughs maintained an 'efficient' police force, and the high level of central funding significantly lowered effective local autonomy.

It is necessary to establish a definition of the 'extremely complex' police function.¹⁶⁶ Emsley (quoting Klockars) defines the police as 'institutions or individuals, given the general right to use coercive force of the state within the state's domestic territory'.¹⁶⁷ Fosdick, writing in 1915, was confident that 'Police duties in England are to-day confined roughly to three tasks; first, the maintenance of order; second, the pursuit of criminals; and third, the regulation of traffic.'¹⁶⁸ In practice, the definition of the nineteenth-century police's potential roles can be divided into five different aspects of the police function:

First patrollers, ensuring freedom from minor disorder and preventing (some) crime.

Second, the *state's* police function: dealing with mass political disorder and political opposition, in order to protect the political order.

Third, catching criminals and investigating crime *after* the fact - the eighteenth-century phrase 'thief-takers' is the most apt one here.

Fourth, serving as the executive force for central and local regulation, for instance licensing street sellers, registering vagrants and aliens, licensing public houses and cabs, serving summonses under civil law, etc.

¹⁶⁵ Taylor, (1997), p. 79.

¹⁶⁶ H. Goldstein, *Policing a free society* (Cambridge, Mass., 1977), p. 21.

¹⁶⁷ K.B. Klockars, *The idea of police* (Beverly Hills, 1985). p. 12, quoted in Emsley, (1996), p. 3.

¹⁶⁸ R.B. Fosdick, *European police systems* (Montclair, NJ, 1965) [fp 1915], p. 20.

The fifth element - gendarmerie and state-builders, was present during the nineteenth century in the police systems of most of the rest of Europe, but negligible for England.

Much of the debate on the role of the police in the nineteenth century seems to be a result of looking at a particular element of this function to the exclusion of the others. This study attempts to examine them all, in order to answer the questions raised by current perceptions of criminal justice history: what were the motives for change; the degree and timing of legitimation; and the degree and timing of professionalism. This chapter has located the study in the extant historiography of the police and crime, and provided the necessary local and national background information. The next will discuss the possible theoretical basis for such a survey.

Chapter Two: A theoretical framework for criminal justice history

‘Theory, without a treasury of facts, is an idle pastime. Practice, without a knowledge of principles, is a blind mechanism.’¹

This chapter examines the theoretical background to the study of power and authority in society. It considers the definitional work that has been done around the concepts of ‘social control’, ‘power’, ‘hegemony’ and ‘the process of civilisation’. The usefulness of these concepts for the present study is evaluated. The final section consists of an assessment of a model that is suitable for this study, one of ‘arenas of power’. This chapter does not aim to produce a general theory, and deals with several that are incompatible on a general level. As Garland puts it:

Concrete spheres of social life, such as punishment are never exact microcosms of the social structures depicted by general theory . . . [T]he concrete character of the phenomenon should help determine the analytical results as much as the set of axioms which launched the enquiry.²

Definitions and frameworks require a value system. Two main value systems tend to present themselves: those that categorise primarily by economic status and those that categorise primarily by relationships of power. The first is generally seen as being represented by Marx and those who have striven to develop his understanding.³ These concepts will be ignored for the moment, to be returned to for consideration in the section below dealing with hegemony. The second value system has been best dealt with on a conceptual level by sociologists. It concerns issues of social control and power. The answer - if one exists - lies not in a compromise between these two intermediate positions, but in the precise manner in which they interact.

¹ Sir R. J. Phillimore, [to National Association for the Promotion of the Social Sciences 9th Annual Meeting, Sheffield, 1865] *Journal of Social Science*, Vol. 1, No. 1, (1866), p. 14.

² D. Garland, *Punishment and modern society: a study in social theory* (Oxford, 1990), p. 14.

³ In this category I include: Rusche and Kirchheimer, (1939); Hay, (1975); P. Linebaugh, *The London Hanged: Crime and civil society in the eighteenth century* (London, 1991); E. P. Thompson, *Whigs and Hunters: the origin of the Black Act* (Penguin, 1977) and N. Poulantzas, ‘Class Power’, in S. Lukes (ed.), *Power* (Oxford, 1986), pp. 144-155. Poulantzas’ model of the state is also used by R. Vogler (not wholly convincingly), *Reading the riot act: the magistracy, the police and the army in civil disorder* (Milton Keynes, 1991).

Part One: Social control

The notion of 'social control' was at the centre of the discipline of sociology from its inception in the nineteenth century. It was first formulated in such terms by Ross in 1901, who defined social control as encompassing both the law and 'a much wider set of phenomena.'⁴ What these phenomena had in common was that they tended to encourage the increasing internalisation of the norms and values of 'society'. Later the concept was taken up by structuralism. Parsons used the term to describe the 'negative reinforcement' aspects of society, coming into play when the process of 'socialisation' had failed.⁵ Its debt to structuralist sociological thought has meant that it carries some less than helpful baggage. Coser explicitly links the internalisation process (which is seen as 'deriving from', not merely 'influenced by' structure) with 'the types of social structures in which persons . . . are variously involved.'⁶ His structuralist view of social control tends to be based on the idea that society is a self-regulating organism, whose conflicts tend to stabilise the whole and thus avoid conditions of disequilibrium.⁷ Coser also defines societal 'conflict' as being different from a 'contest'. The former involve the application of a naked power, the latter involves adherence to rules. In reality, almost all behaviour is channelled through rule-like contexts: the structuralists appear to have set up a false binary opposition between 'things working' and 'things not working'. This conception ascribes a pre-determined goal 'to social control': the attainment of a general equilibrium.

With the growth of more radical interpretations within sociology in the 1960s, the phrase began to be appropriated for a wider range of phenomena, institutions, and social functions. Donajgradski was able (in 1977) to define it thus:

social order is maintained not only, or even mainly, by legal systems, police forces and prisons, but is expressed through a wide range of social institutions, from religion to family life, and including for example, leisure

⁴ A. Donajgradski, in 'Introduction' in Donajgradski, (1977), p. 10.

⁵ 'Appearances to the contrary, Parsons's conception of social control is not fundamentally different from the older conception (i.e., that promoted by Ross)'. J.P. Gibbs, 'Where control is the name of the game' in J. P. Gibbs (ed.), *Social control: views from the social sciences* (Beverly Hills, 1982), pp. 53-56, p. 53.

⁶ L. Coser, 'The notion of control in sociological theory' in Gibbs, (1982), pp. 13-22, p. 15.

⁷ L. Coser, *The functions of social conflict* (London, 1956), p. 137.

and recreation, education, charity and philosophy, social work and poor relief.⁸

According to Cohen, once 'social control' took over 'the individual could barely breathe, let alone 'internalise'.⁹ He considers that the term has 'lately [1985] become something of a Mickey Mouse concept', lacking any 'resonant and clear meaning', and creating 'terrible muddles'.¹⁰ Meier's opinion is that 'subsequent sociologists failed to go beyond Ross's vague conception'.¹¹ As used by Spitzer and Scull (in an otherwise interesting article) it appears to be merely and entirely synonymous with 'crime control'.¹²

The term suffers from two main defects. The first is inherent in its (twentieth-century) roots in structuralism. It has a tendency to expand to cover all the different potential social pressures which make for conformity and to sew them up into a tight system. It is too often interpreted as 'the use of power and influence to alleviate friction, attain order or achieve equilibrium in the social process'.¹³ This leads to control being perceived in almost Panglossian terms.¹⁴ Consequently the prospect of change is denied, or if it is reluctantly allowed, the possibility of it being anything other than pre-ordained is discounted. This can lead to a naive sociological determinism. It is necessary, therefore, to take care to avoid automatically assigning 'social control' as the primary function of each structure, institution, or issue under consideration. As Donajgradski protests, the 'crudity' that would have us see 'clergymen, social workers or educators as *only* or *merely* policemen without boots' should not be part of a 'social control' analysis.¹⁵ However, we must go further than this: the above disclaimer still assigns a *primary* social control function to the institutions in question, even if it is an unconscious one. This is one of the main theoretical failings of the turn to 'social control' as an explanatory concept in the 1970s: its tendency to grow out of all control as an organising concept.

⁸ Donajgradski, (1977), p. 9.

⁹ S. Cohen, *Visions of social control* (Cambridge, 1985), p. 5.

¹⁰ Cohen, (1985), p. 2. It is worth noting, however, that some empirical studies have concluded that 'social control' is indeed the best way to describe certain historical movements. See, for instance, Shoemaker's conclusion about Societies for the Reformation of Manners: Shoemaker, (1991), p. 272.

¹¹ R.F. Meier, 'Prospects for control theories and research' in Gibbs, (1982), pp. 265-276, p. 265.

¹² Spitzer and Scull, (1977), pp. 265-286.

¹³ R.A., Schermerhorn, *Society and Power* (New York, 1961), p. 13.

¹⁴ Cohen, (1985), believes that anarchism is the political philosophy most consistent with sociology, p. 272.

¹⁵ Donajgradski, (1977), p. 9.

The second major flaw in the 'social control' theme is that it concerns the implantation or defence of *society's* power, norms and values, begging the question: 'whose society?' The interests behind structures, and precisely how and why they operated in practice need to be examined. Often, nebulous concepts, such as 'discourse' and 'patriarchy' can be thrown around to explain some situations while their inability to explain others is concealed by a lack of exact definitions and examples of what they are and how they work. So any examination of the institutions and mechanisms through which 'deviancy' is assailed must show how they influence each other, and especially how they influence changes in the composition of those bodies under the direct control of the state.

In short, we lack two essentials. The first is a taxonomy of 'power'. The second is a set of concepts that can describe how the modern - or modernising - state uses the constituent elements of this taxonomy. The next section, which considers the sociology of power, will try to deliver such a taxonomy.

Part Two: The sociology of power

Dennis Wrong defines power as 'the capacity of some persons to produce intended and foreseen effects on others'.¹⁶ The sociology of power has the potential to explain much social interaction. What follows is an attempt to describe the various elements of power, with particular regard to the idea of a spectrum of power relations. The 'definitional chaos' that exists on the subject is not merely a product of needless academic hair-splitting: it is a reflection of the numerous and complex forms 'power' can take.¹⁷

The concept of 'power' contains an implicit critique of 'social control' approaches. The latter have a tendency to be presented as something that has already happened: power, on the other hand, seems to have more relevance to the present in the terms of the future; it is a dynamic concept: 'its vigour presages future changes'.¹⁸ 'Social control', conversely speaks of 'an actual or completed process'.¹⁹ Power's starting-point is in the process, rather than in the

¹⁶ D.H., Wrong, *Power, its forms, bases and uses* (Oxford, 1979), p. 1. The following section is heavily influenced by this work.

¹⁷ Wrong, (1979), p. 65.

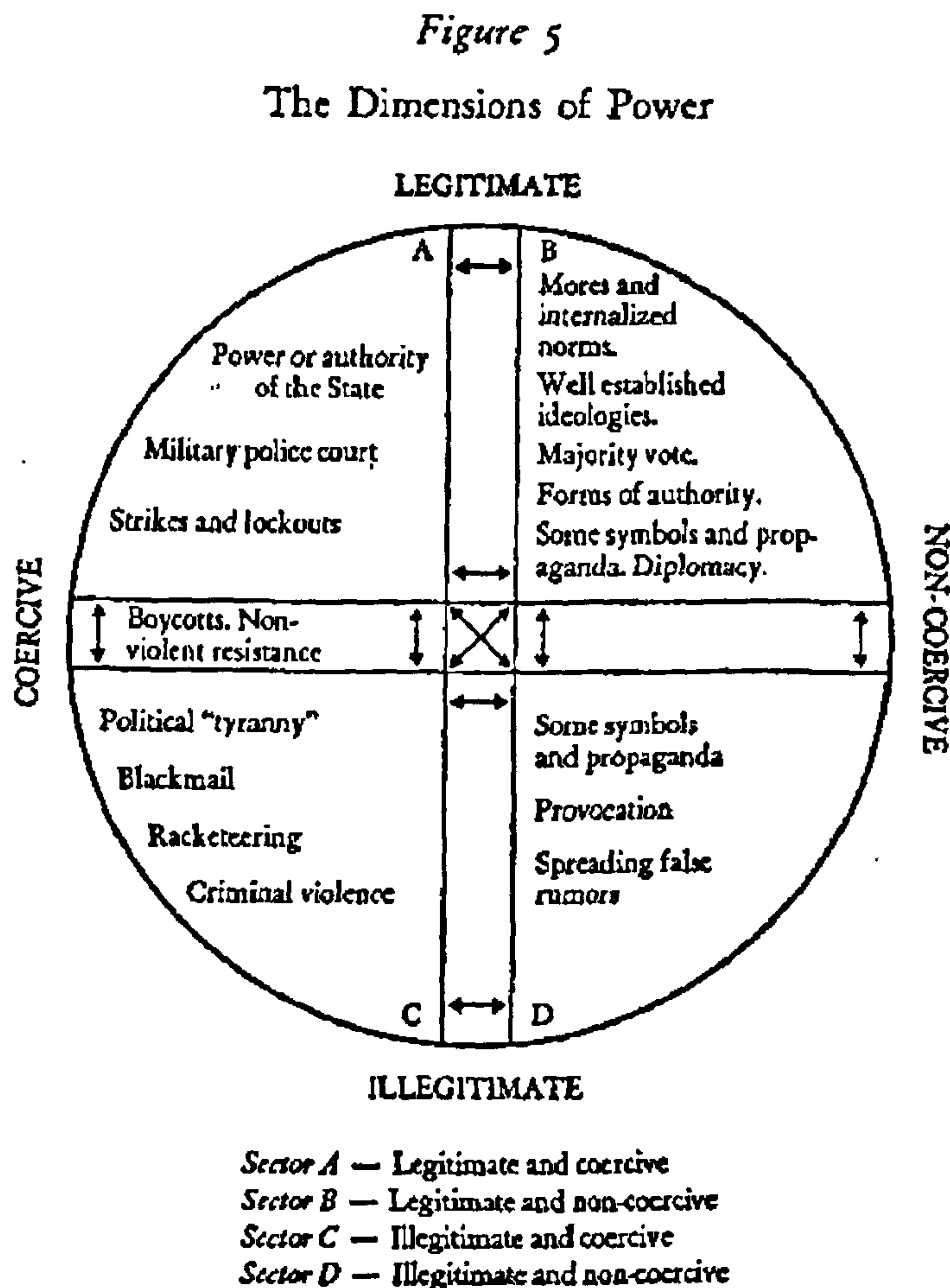
¹⁸ Schermerhorn, (1961), pp. 13-14.

¹⁹ Schermerhorn, (1961), p. 14.

structure or the function. 'Order and equilibrium is a by-product' of the quest for power. Structuralist interpretations of socialisation and social control tend to put it the other way round, with order as the natural state and all other mechanisms working towards this end.²⁰

It is both easy and necessary to conceive of power as a spectrum, running from 'pure consent' at one end to 'pure coercion' at the other. These 'ideal type' conditions are in reality very rare. Moore asserts that 'pure coercion' was not even totally attained in the Nazi concentration camps.²¹ Schermerhorn (incorporating a number of dubious value judgements) graphically represented power thus:

Figure 2.1: Schermerhorn's 'dimensions of power'



Source: Schermerhorn (1961), p. 38.

²⁰ Schermerhorn, (1961), p. 13.

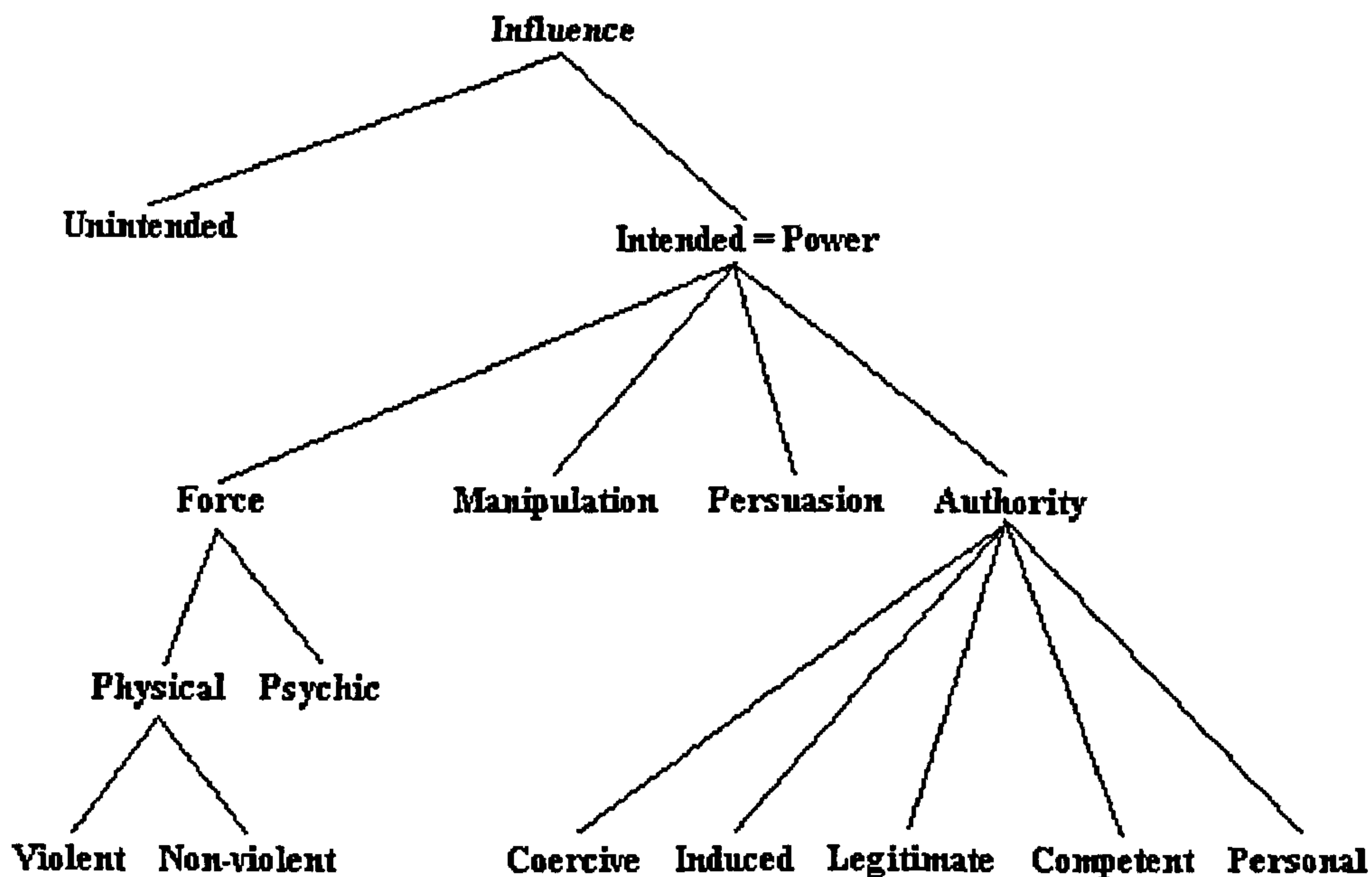
²¹ B. Moore, *Injustice: the social bases of obedience and revolt* (London, 1978), p. 65.

The analogy of power as a continuum can be better developed if we make two alterations. The first is not to conceive of coercion/consent as being mere points along a line. As Wrong puts it: 'the forms of influence and power shade into one another along *several axes* or continua from the non-social use of force and manipulation to a near complete fusion of will and purpose between power holder and power subject.'²² The italics are added, for the key point here is that there is more than one axis or continuum. The second alteration is to see that the 'spectrum' alters in composition as well as intensity. The 'spectrum' makes better sense as an analogy if we forget about a 'rainbow' spectrum of visible light, and consider the *whole* electromagnetic spectrum. While the phenomenon remains the same, and obeys the same set of physical laws, it alters radically as one moves through it. Gamma rays, x-rays, Ultraviolet light, visible light, infra-red, microwaves and long radio waves all shade into one another. Yet each one has a different effect. Also, the 'appearance' of each is different: indeed it is the case that most 'bands' need radically different collection apparatus if they are to be 'seen'. We can look at some social phenomena in the same way, acknowledging that different methodologies may be able to best understand different sections of a 'spectrum of social response'. This because the various institutions and relationships to be 'measured' are not merely *quantitatively* different - they are also capable of being *qualitatively* different.

Power, therefore, is multi-faceted. What follows is the schema of classification of various forms of power as described by Dennis Wrong. His 'map' of power is as follows:

²² Wrong, (1979), p. 66.

Fig 2.2 Wrong's 'map of power'



Source: D. H. Wrong 'Power' (1979), p. 24.

The subset of power that Wrong calls 'authority' differs from 'force', 'manipulation' and 'persuasion'. This is because authority differs from other forms of power in having a latent component. We can be helped in this by a look at the French words for power as well as the English one. French has two words that both translate as the English term 'power' and the German *Macht*. But *puissance* applies to the potential or capacity for power, while *pouvoir* applies to the act itself.²³ Both can describe authority, but it is the combination of both that gives authority its potency. Within 'authority', power's latency, therefore, intimately connects it with another seemingly totally abstract concept: time. As Hobbes recognised:

For WARRE, consisteth not in Battell only, or in the act of fighting, but in a tract of time, wherein the Will to contend by Battell is sufficiently known: and therefore the notion of Time is to be considered in the nature of Warre . . . So the nature of War consisteth not in actual fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary.²⁴

One illustration of the way the latency of power is dependent on other factors is provided by Waddington. The more often coercion can be remain in the background the more legitimate the coercer can appear: 'Thus, unlike police officers in many other countries, the British

²³ Wrong, (1979), p. 10.

²⁴ T. Hobbes, *Leviathan* (Penguin, 1968), pp. 185-186.

police officer does not *routinely* secure compliance by his capacity to coerce, for he has limited ability to do so'.²⁵

Wrong goes on to describe the other constituents in his typology of power. *Coercive* authority is not necessarily violent: it need only be threatening, and depends on the coercer 'advertising and displaying the means and instruments of force.'²⁶ This is worth remembering when the uniformed nature of the new police forces, and the nature of their weapons, are considered. *Force* is employed sometimes for its basic effects, but more often 'to create a future power relation based on the threat of force that precludes the necessity of overt resort to it.' *Authority by inducement* includes all types of specific rewards.²⁷ *Legitimate* authority is a more difficult concept. According to Wrong: 'The source rather than the content of any particular command endows it with legitimacy.'²⁸ Legitimacy is not an objective quality. It relies on 'shared norms that prescribe obedience within limits irrespective of content.' But the intensity of the limits may differ: they may be imprecise and ambiguous.²⁹ As Fukuyama put it: 'legitimacy is not justice or right in an abstract sense; it is a relative concept that exists in people's subjective perceptions.'³⁰

One problem with the study of power is the identification of legitimacy with *de jure* authority. For instance, Richard Schermerhorn, in *Society and Power*, claims to be suspending moral judgements.³¹ He then goes on to define legitimate power as 'that type which is exercised as a function of the values and norms acceptable in the society.' He fails to ask the question: 'Acceptable to whom?' Schermerhorn's 'Dimensions of power' diagram fallaciously equates legitimacy with constituted authority. While conceding that a society with different power relations would have different legitimacy patterns, he sees a 'society' - rather than any sub-groups of this society - as being the only possessor of a legitimacy system. Therefore, his conceptualisation is unable accept any concept or system of competing legitimacies.³²

²⁵ P.A.J. Waddington, *Arming an unarmed police: policy and practice in the Metropolitan Police* (London, 1988), p. 3. My italics. In fact this is rather special pleading: while currently the majority of British police are unarmed most of the time, they are structurally able to bring overwhelming (and occasionally deadly) force to bear in order to uphold their authority.

²⁶ Wrong, (1979), p. 41.

²⁷ Wrong, (1979), p. 44.

²⁸ Wrong, (1979), p. 9.

²⁹ Wrong, (1979), p. 50

³⁰ F. Fukuyama, *The End of History and the Last Man* (London, 1992), p. 15.

³¹ Schermerhorn, (1961), p. 1.

³² Schermerhorn, (1961), p. 39.

This mistake is also made by Etzioni and Moore. The former divides authority into three subsets: *utilitarian* is to do with the economy and the organisation of possessions and exchange;³³ *coercive* is limited to military and police using actual violence;³⁴ *normative* is concerned with the 'manipulation of symbols'.³⁵ While he concedes that normative authority at least is differentially distributed through its basis in 'the normative bonds of societal units', he seems ignorant of the fact that he has ignored most of the state's authority (which hardly ever utilises actual violence). Etzioni's system of categorisation seeks to eliminate the 'coercive' from everyday exercise of authority and ignores the latency of violence. His implicit denial that there are any coercive elements in economic relations is particularly inaccurate. Moore also commits the fallacy of objectifying legitimacy with his division between 'predatory authority' and 'rational authority'.³⁶ It is important, therefore, to note that over-extending the concept of the 'specialness' of legitimacy runs the risk of reifying it as an objective concept. This is almost always accompanied by ascribing objective legitimacy to certain kinds of constituted authority. However, legitimacy is not objective: it is subjective.³⁷

Competent authority is Wrong's definition of the 'authority of the expert'. It is 'authority that rests solely on the subject's belief in the superior knowledge or skill of the exerciser rather than on their formal position in a recognised hierarchy of authority.' The two most common examples of exercisers of competent authority are the doctor, and the ship's captain.³⁸ Obviously, it is to the advantage of those in charge to attempt whenever possible to legitimate his or her authority by labelling it as competent.³⁹ For instance, during the 1931 General Election campaign, the National Government appealed for 'doctor's mandate' - with immense success.⁴⁰ All the most 'clear cases of competence' are linked with professional status.⁴¹ 'Competence' can also be used as a weapon to criticise other interpretations of the exercise of

³³ A. Etzioni, *The active society* (New York, 1968), pp. 356-7.

³⁴ Etzioni, (1968), p. 358.

³⁵ Etzioni, (1968), p. 358.

³⁶ D. Smith, 'Discovering facts and values: the historical sociology of Barrington Moore' in T. Skocpol (ed.), *Vision and method in historical sociology* (Cambridge, 1984), pp. 313-355, p. 342; B. Moore, *Injustice: the social bases of obedience and revolt* (London, 1979), p. 440.

³⁷ F. Fukuyama, (1992), p. 15.

³⁸ Wrong, (1979), p. 53.

³⁹ Wrong, (1979), p. 59.

⁴⁰ R. Skidelsky, *Politicians and the slump: the Labour government of 1929-1931* (Harmondsworth, 1967), p. 423.

⁴¹ Wrong, (1979), p. 54.

authority. John Langbein's critique of Peter Linebaugh's interpretation of the eighteenth-century criminal justice system used this approach.⁴² Competent authority is especially interesting in the context of the development of 'police professionalism'.

Personal authority is that vested in an individual, which does not rest on an institutional context.⁴³ Whatever the advantages of personal charismatic authority, its disadvantage is that it is 'unstable over time'.⁴⁴ Again we see how time and power interact, and how some forms of power articulate differently to time. This particular concept has been used to study the police: Miller considers that, compared to his American equivalent, the English policeman's authority was institutional not personal.⁴⁵

Hindess points out how the exercise of power often depends on contingency.⁴⁶ Outcomes of power struggles are indefinite for two reasons:

First, the means of action of agents are dependent on conditions that are not in their hands. Secondly, the deployment of these means of action invariably confronts obstacles, which often include the opposing practices of others. Success in overcoming these obstacles cannot in general be guaranteed.⁴⁷

This is of particular interest for the historian, since the historian's task is to illuminate the general rule from the specific event. All the generic models for the working out of power relations will be modified in the specific instance by contingent circumstances: it is therefore important that these models can accommodate contingent circumstances in their epistemology.

After constructing an elaborate typology, Wrong then deconstructs it, claiming that power is far more of a 'mix and match' than an 'either or' affair, indeed that 'elements of coercion and legitimacy usually coexist and are interwoven in particular power relations.'⁴⁸ It is to this contraction/contradiction that we shall turn next, in order to examine how and why:

the familiar dichotomy between consensus and constraint theories of society, and between legitimate and coercive authority, is usually drawn much too

⁴² Langbein, (1983).

⁴³ Wrong, (1979), pp. 60-1.

⁴⁴ Wrong, (1979), p. 64.

⁴⁵ W. Miller, 'Police authority in London and New York City, 1830 - 1870' in *Journal of Social History*, Vol. X, (1975), 81-95.

⁴⁶ B. Hindess, 'Power, interests and the outcome of struggles', in *Sociology*, Vol. 16, No. 4 (1982), 498 - 511., pp. 499-500.

⁴⁷ Hindess, (1982), pp. 500-501.

⁴⁸ Wrong, (1979), p. 96.

sharply, for both are present and interact to form different 'mixes' or compounds in virtually all power relations.⁴⁹

In order to do this, we shall next examine the usefulness of the concept of hegemony, and thus add a direction to the power under consideration here.

Part Three: Hegemony and class society

This section discusses the nature of state power and how it relates to any examination of 'power' as a whole, through the concept of 'Gramscian hegemony'. Gramsci's main (and indeed pressing) problem was explaining 'the nature of the dominance of the bourgeoisie' in terms universal enough to apply to any modern class society.⁵⁰ The concept of hegemony, therefore, helps us to define the way that particular kinds of states use power.

It is based on a class analysis of society. 'Class' (relationship to the means of production) may or may not be the underlying engine of historical development. Either way, it is impossible to deny the class nature of British society in the nineteenth century: even if the political expressions of this class society did not match a presumed 'ideal type' of class consciousness. Some formulations of the class nature of power are unsophisticated. For instance, Poulantzas defines *all* 'power' as 'class power'. Therefore to him, in a non-class society relations will be constructed and defined on the basis of authority, while 'relations whose constitution in given circumstances is presented as independent of their place in the process of production' can be characterised by the concept of might (*puissance*).⁵¹ Quite clearly this is untrue: people with the same relationship to the means of production are capable of wielding authority over each other in many different ways. In the name of preserving the centrality of class, Poulantzas is merely performing some hair-splitting definitional gymnastics. By narrowing power down to a single context, it is distorted as a concept. This error, however, can also be committed by those who seek to narrow power down to organisation only and thus ignore class. Dennis Wrong falls into this category, since he favours the 'organisational paradigm' rather than the 'class paradigm': 'organisations, not

⁴⁹ Wrong, (1979), p. 122.

⁵⁰ A. Showstack Sassoon, *Gramsci's politics* (London, 1987), p. 109. His conceptions are consciously directed towards modern states only; ancient and feudal societies are qualitatively different: A. Gramsci, *Selections from the prison notebooks of Antonio Gramsci* (London, 1971), p. 54).

⁵¹ N. Poulantzas, 'Class Power' in S. Lukes (ed.), *Power* (Oxford, 1986), pp. 144-155, pp. 145-46.

classes are the collective historical actors in contemporary advanced industrial societies.⁵² Wrong is wrong, since there are numerous ways in which economic and state resources can be used to bolster structures of authority. There has to be a material basis for power relations (as for any other phenomenon), and this is necessarily intimately linked to ownership and control of the means of production. Michael Mann, for instance, also sees changing forms of class relations as a 'motor' for change, linking the need for 'more universal forms of social control' with changes in the economic base.⁵³

Even Golby and Purdue, who still reject a 'capitalism-driven' analysis of popular culture, acknowledge the advantages inherent in the concept of hegemony, which, 'with its emphasis on consent and negotiation . . . replace[s] the crudities of earlier theories'.⁵⁴ They consider it more useful than 'classical Marxism' in generalising on the many contradictory trends in English social history. However, they reject it. Their individualist model does have some explanatory power, and their concentration on the real force expressed in 'demand from below' in popular culture redresses an important balance, but they tend to make straw men out of the 'class-driven' analyses.

Gramsci's conception of the state is central to an understanding of power in a historical context. Examinations of 'power' in the previous section tended to omit the question of where the power was coming from and going to. This question cannot be answered without carefully examining the role and nature of the state. In a capitalist society, it is the capitalist class which is the hegemoniser. However, the way it cements and exercises its power is not mechanistic and predetermined: instead it is dynamic, involving the formation of 'an ever more extensive ruling class'.⁵⁵ The ruling class is able to do this precisely because it is not seen *merely* as an economic entity. The class's political development involves:

bringing about not only a union of economic and political aims, but also intellectual and moral unity, posing all the questions around which the struggle rages not on a corporate but on a 'universal' plane, and thus creating the hegemony of a fundamental social group over a series of subordinate groups.⁵⁶

⁵² Wrong, (1979), p.255.

⁵³ M. Mann, *The sources of social power. Volume two: The rise of classes and nation-states* (Cambridge, 1993), p. 500.

⁵⁴ Golby and Purdue, (1984), p. 13.

⁵⁵ Gramsci, (1971), p. 57.

⁵⁶ Gramsci, (1971), pp. 181-2.

The state may be seen as the organ of one particular group, but its development and expansion are seen as being universal not merely sectional. This end is attained by the 'leading social group' exercising intellectual and moral leadership of kindred and allied groups.⁵⁷ This is not merely a confidence trick but involves real compromise: 'the interests of the subordinate groups must have some concrete and not simply ideological weight'.⁵⁸ While concessions are real, 'such sacrifices and such a compromise cannot touch the essential[s]': the leading class will never sacrifice its leading position in 'the decisive nucleus of economic activity'.⁵⁹ This leadership exists, therefore, not just in the economic sphere, but also in the political and cultural spheres, which are as important as the economic.⁶⁰

Other reasons have been advanced for the rulers' tendency to be more 'inclusive' in their dominance. Wrong points out that pure coercion may be effective but is also expensive.⁶¹ In addition, he points to a basic human need for 'power-holders' to legitimate themselves in their own eyes: legitimation is a necessity, not just a 'mere stratagem'.⁶² Wrong has pointed out that:

*it is to the advantage of the power holder confronting a heterogeneous and differentiated aggregate of power subjects (individuals or groups) to be capable of exercising multiple forms of power to control them.*⁶³

Furthermore, there are psychological reasons why the subordinates want to see the power exercised over them as legitimate, which have been explored in detail by Moore.⁶⁴

Gramsci used two different definitions of the state: the 'state proper' and the 'extended state'. The first, narrower definition, consisted of 'the state as political society'. This was counterpoised to the 'private sphere', organised in civil society. Hegemony was exercised throughout society via civil society, while 'direct domination' was exercised through the State.⁶⁵ His second (and dominant) definition was of the extended state which:

⁵⁷ Gramsci, (1971), pp. 57-58.

⁵⁸ Showstack Sassoon, (1987), p. 119.

⁵⁹ Gramsci, (1971), p. 161.

⁶⁰ Showstack Sassoon, (1987), p. 111; L. Jackson Lucas, 'The concept of cultural hegemony: problems and possibilities' in *American Historical Review* Vol. 90 No. 3 (1985), pp. 567-593.

⁶¹ Wrong, (1979), p. 85.

⁶² Wrong, (1979), p. 104.

⁶³ Wrong, (1979), p. 73 (author's italics).

⁶⁴ Moore, (1978), pp. 49-80.

⁶⁵ Gramsci, (1971), p. 12.

includes elements which need to be referred back to the notion of civil society (in the sense that one might say that State = political society + civil society, in other words hegemony protected by the armour of coercion).⁶⁶

The leading group dominates antagonistic groups 'which it tends to 'liquidate', or to subjugate perhaps even by armed force'.⁶⁷

There is a 'unity of two concepts: direction and dominance'.⁶⁸ Gramsci made much of the contradictory nature of the state. There is a dynamic relationship between direction and dominance 'to the extent that a group is able to assert its direction over a second group, this latter can be considered an ally rather than an enemy'.⁶⁹ In this respect direction and dominance are two sides of the same coin: two aspects of the state's rule that 'are never completely separated'.⁷⁰ The 'dual perspective' involves a set of linked dichotomies between force/consent, authority/hegemony, violence/civilisation.⁷¹ Like Machiavelli's centaur, rule has a double nature.⁷² The political world is not either force or consent: 'it is both force and consent'.⁷³

Even if we find that the concept of a duality of coercion and consent does not apply, it is so prominent in readings of the social function of policing, that we must test events and figurations against it. For instance, taking two modern observers from either end of the political spectrum, we can find a startling similarity in their views of the hegemonic, variable, nature of state power. From the left, A. Sivanandan puts it thus:

Civil society is no pure terrain of consent where hegemonies can play at will; it is ringed around, if not with coercion, with intimations of coercion - and that is enough to buttress the system's hegemony.⁷⁴

From the other end of the political system, in a work devoted to promoting the ways in which the state's power can be defended and enhanced, Brigadier Frank Kitson observed:

⁶⁶ Gramsci, (1971), pp. 262-3

⁶⁷ Gramsci, (1971), p. 263.

⁶⁸ Showstack Sassoon, (1987), p. 112.

⁶⁹ Showstack Sassoon, (1987), p. 111.

⁷⁰ Showstack Sassoon, (1987), p. 112.

⁷¹ Gramsci, (1971), p. 170.

⁷² N. Machiavelli, *The Prince* (Harmondsworth, 1986), p. 95.

⁷³ Showstack Sassoon, (1987), p. 112.

⁷⁴ A. Sivanandan, 'All that melts into air is solid: the hokum of New Times', *Race and Class*, Vol. 31, No. 3, (1990), 1-31, p. 17.

it is worth pointing out that as the enemy is likely to be employing a combination of political, economic, psychological and military measures, so the government will have to do likewise to defeat him.⁷⁵

State power is hegemonic in that it employs a number of qualitatively different tactics to achieve the necessary level of dominance. It features 'consent' and 'coercion' elements. This power consists both of an ideological hegemony and a coercive back-up for the ideology. Both are in a dynamic relationship with the other: ideology has to account for the presence of the repressive state apparatus, while the apparatus cannot afford to alienate too many of the state's subjects by any process of runaway cognitive dissonance.⁷⁶ Another defender of the status quo, criminologist P.A.J. Waddington, has pointed out that the strength of the British police - its legitimacy - lies in the image of the peaceful and indeed vulnerable 'Bobby'.⁷⁷ However, Waddington recognises that this is a myth: the underlying reality is that the police *are* a coercive force, able to claim and exercise the state's monopoly of internal violence. Clive Emsley's discussion of the uses of violence by the British police in the nineteenth century also reaches the conclusion that can best be explained by looking at the dynamic interaction of the demands of coercion and consent. A policeman in the 1880s may have felt safer with a revolver 'but to draw and use it would have been to fly in the face of values he was supposed to protect'.⁷⁸ The idea of the policeman as an impartial and peaceful friend to all may be a caricature, but so is the idea of the policeman as 'the simple and brutal enforcer of the inequality inherent in the state'. We are left with a duality in that the image of the police is as vulnerable and non-aggressive: the reality is they can act - indeed are intended to act - as a formidable coercive power.⁷⁹ Image and reality are interwoven: neither predominates totally.

Examples of the uses and forms of hegemony can be found in the real class bias in nineteenth-century policing. Obvious coercion was not to be used on those who were deemed to be 'allies' rather than 'opponents'. If it had to be used, it should be in as discreet a manner as

⁷⁵ F. Kitson, *Low intensity operations: subversion, insurgency and peacekeeping* (London, 1971), p. 7.

⁷⁶ S. Hall, et al., *Policing the crisis: mugging, the state, and law and order* (London, 1978).

⁷⁷ Waddington, (1988), p. 1. The foreword of this book was written by Peter Imbert, then the Metropolitan Police Commissioner. The historical provenance of this image is also discussed by C. Emsley in 'The English Bobby: an indulgent tradition' in R. Porter, (ed.), *Myths of the English* (Cambridge, 1992), pp. 114-135.

⁷⁸ C. Emsley, "'The Thump of Wood on a Swede Turnip'" Police Violence in Nineteenth-Century England', in *Criminal Justice History* Vol. VI, 1985, 124-143, p. 141.

⁷⁹ Waddington (1988), p. 3-4.

possible. It was unacceptable to handcuff the 'respectable', or to treat all persons with equal amounts of consideration, credence, or violence.⁸⁰ Coercive force could not be over-used, especially in public, or it began to erode legitimacy. It must also be aimed primarily at the unincorporated and 'threatening'. One way to use coercive force, yet preserve hegemony, is to keep it behind the scenes: to use it only on certain groups in certain places.

While the law works as a coercive force, it is important to remember that it is also a contested site. This theme is returned to in the section below on 'arenas of struggle'. In order for it to have a genuinely legitimising effect, it must be realistically 'contestable'. As Andy Wood has shown:

The law was not a fixed and predetermined force which operated upon popular culture from outside; instead, understandings of the law, property and order were open to contest between ruler and ruled⁸¹

The crux of Hay's analysis of the criminal law in the eighteenth century is that there had to be a first line of defence, and frequently this had to be limited and compromised in order to secure the next line.⁸² Contestability existed, but within certain limits. We must note that even while allowing that the law could be - in fact generally is - contested, Wood is still referring to the 'rulers' and the 'ruled'.

The problem that we can see looming ahead of us is the difficulty of obtaining a clear map of what is happening, if our explanatory framework consists of a 'dual-natured' beast like hegemony/coercion. This drawback is faced by all models that recognise the multi-faceted nature of power. The paths Gramsci drew through his schema were generally conceived of in terms of political action, and of 'historical moments'.⁸³ Therefore, they are less useful for a long-term study whose subject is not viewed purely in terms of absence or presence of a revolutionary opportunity. But without a theme, 'power' is often a hall of mirrors. For instance, Dennis Smith criticises Barrington Moore for failing to overcome this problem, saying Moore makes 'no serious consideration of the problems associated with overlaps between competing realms of authority within complex nation-states', such as state,

⁸⁰ See the consideration of complaints against the police in Chapter Seven below.

⁸¹ A. Wood, 'Custom, Identity and resistance: English free miners and their law c.1550-1800' in P. Griffiths, et al. (eds.), *The experience of authority in early modern England* (Basingstoke, 1996).

⁸² D. Hay, (1975), pp. 17-64, p. 51.

⁸³ Showstack Sassoon, (1987), pp. 125-129.

company, family or trade union.⁸⁴ A solution to this problem will be posed below in the section on 'arenas of power'.

Part Four: 'Arenas of power'

Social pressures and social power, other than mere fear of the state's criminal justice system, tend to keep people from breaking the accepted codes of behaviour. Refusal of co-operation, ostracism, and intimidation are all weapons that people use to keep the behaviour of their peers, subordinates and superordinates within certain bounds. Authority is a complex process, and the legitimation of authority need not necessarily involve the state.

Sheffield, with its system of trade union intimidation, was a prime example of the fact that other legitimised forms of social control could exist in parallel with that provided by the state's law. Another might be the activities of the Irish agrarian societies in the nineteenth century.⁸⁵ It is necessary to add this dimension to any study of criminal justice, to locate criminal justice in its position at the centre of several overlapping 'jurisdictions' - some in overt competition to it ('Outrages'), and some often complementary (patriarchy, 'respectability'). Thus there is not one single legitimacy, but instead a number of competing legitimacies.

Power, and the differential relations of power, pervade all societies at all times. Some institutions are given the right by the State *de jure* and by the population *de facto* to exercise violence in the interests of the normal running of things. As Vogler realises, assumption of this crucial role means that these institutions must have an implicit view of how things *should* be run.⁸⁶ These institutions are thus among the most crucial ones in any state. The magistracy determine freedom or incarceration, and can even pronounce 'off the cuff on freehold property rights'.⁸⁷ Magistrates - and the police who were both their executive arm, and the first filter for information and individuals who reached them - were therefore central in determining whether this particular set of social relations were reasonable, or legal.

⁸⁴ Smith, (1984), p. 344.

⁸⁵ Palmer, (1988), pp. 49-53.

⁸⁶ R. Vogler, (1991), p. 3.

⁸⁷ See for instance Davis, (1984).

Barry Hindess's concentration on the importance of contingency in struggles of power has been dealt with above. His other useful contribution to the discourse on power, class and organisation is the concept of arenas of struggle. This term refers to the social 'spaces' where power struggles are worked out. These are 'the sites of practices (their conditions and obstacles) and in particular those in which the obstacles include the opposition of other agents'.⁸⁸ His definition of 'arena':

refers to the conditions of a particular struggle or set of struggles, to the modes of action specific to it . . . and to the limitations on possible outcomes . . . Although I argue that the precise outcome is in general not determined by the conditions of struggle, there are always definite limitations on what outcomes may be.⁸⁹

The agents acting within these arenas are defined by Hindess as 'a locus of decision and action, a human individual, joint-stock company, local council, or whatever'. The schema is more useful if we re-arrange this definition to include *all* individuals and coherent institutions. Hindess points out that within an arena, a 'force' need not be reducible to the activity of just one agent, but generally contains several. Within these arenas, the agent must have some way of reaching a decision. This must involve not just its (the agent's) ability, but also the way it interacts with the situation to formulate 'objectives, arguments or analyses'.⁹⁰ As made clear above in the discussion of Hindess's work with regard to contingency, these processes whereby decisions are reached are 'not reducible to intrinsic properties of the agents themselves'.⁹¹ Space is therefore left for contingency within the 'structure'.

As important as the arenas themselves is their *articulation* - the way in which the different arenas are related to each other and interact. Outcomes in one arena could affect the outcomes of struggles in another. In addition, this articulation can be seen as 'part of a wider social struggle'. Hindess concentrates on the classic Giddens/Moore agenda of long-term social change under the categories of: left vs. right; labour vs. capital; racism vs. anti-racism.⁹² However, it is just as useful to use the idea of articulation to look at other shorter-term social struggles - notably that between 'order' and 'disorder', or the individual 'deviant' and the criminal justice system. Indeed other long-term struggles such as competing philosophies of government intervention (or the debate between intervention itself and laissez-

⁸⁸ Hindess, (1982), p. 501.

⁸⁹ Hindess, (1982), p. 501.

⁹⁰ Hindess, (1982), p. 502.

⁹¹ Hindess, (1982), p. 502.

⁹² Hindess, (1982), p. 503. S. Mennell, *Norbert Elias: an introduction* (Oxford, 1989), p. 280.

faire) can also be studied via the differing articulation of arenas of struggle. Conditions in one arena may affect both the conditions and the strategies of agents in another. In this context, for our present purposes, we could look at the House of Commons, the bench, the local council, and the neighbourhood as a few of the possible 'arenas' whose articulation could prove both mutually relevant and dynamic. Hindess uses the example of a labour dispute to illustrate his model. Within these, while legal constraints may exist, 'other axes of struggle' will also help to determine the outcome.⁹³ This is reminiscent of the issues discussed in the section above on the sociology of power which referred to 'multiple axes of power'.

There is a topography of justice, in which certain types of arenas of 'justice' and coercion occupy certain spaces in society. 'Public justice' can be further divided into the civil law, the state-initiated criminal law and the individually-initiated criminal law. While (after the abolition of imprisonment for debt was ended) being on the losing end of the civil law allowed the 'perpetrator' to remain in the same social circle, a criminal offence was a different matter altogether. The legal sanctions which surrounded the usual transgressions of the middle classes were slight, and the prevailing system of social values took the imprisonment of these people seriously. In 1820 it was recorded that:

In consequence of a gentleman bearing the King's Commission, having been confined for several hours on Sunday morning . . . in the common Lobby of this town, which is a general receptacle for felons, a meeting of the Commissioners is immediately to be held, agreeable to a resolution, to take into consideration the propriety of providing a more appropriate situation for the temporary confinement of individuals previous to commitment, under the Police Act⁹⁴

The unknown militia officer was spared even the shame of identification for his crime. Within twenty-four hours of the complaint, the Police Commission had selected a sub-committee which inspected the Town Hall for alternative sites for cells.⁹⁵ As far as the most prevalent middle-class crime went, fraud was not recognised, or if recognised, prosecuted favourably.⁹⁶ Wealth also meant that drunkenness could be experienced privately.⁹⁷

While each arena in the space had a coherent and reflexive set of values and punishments that generally did not discriminate overtly between individuals, the class nature of the systems of

⁹³ Hindess, (1982), p. 503

⁹⁴ *Sheffield Independent*, August 12, 1820.

⁹⁵ *Sheffield Independent*, August 19, 1820.

⁹⁶ R. Sindall, 'Middle-class crime in nineteenth-century England' in *Criminal Justice History: An International Annual*, Vol. IV, (1983), 23-40.

⁹⁷ Harrison, (1971), pp. 45-47.

control was apparent in the differences in justification, jurisdiction, and punishment between them. The arenas also show a tendency to be differentiated by gender as well as by class. The prevailing ideology of womanhood - of separate spheres for men and women, underpinned and strengthened this division.⁹⁸ The dominant discourse in the nineteenth century (and I am using this term to refer to expectations, representations, and physical relationships, as well as speech and writing) was of the criminal as male, working class, and dangerous.⁹⁹

Two main sets of evidence may be cited to demonstrate how and why the women's arena was different. The first is the well-documented increase in women's incarceration in asylums and sanatoria through the nineteenth century. This process ran parallel with a growth in the use of incarceration as the standard punishment for the (male) criminal.¹⁰⁰ The second is the fact that women were almost ten times more likely to be prosecuted privately for assaults via a summons than to be arrested by police, held and charged.¹⁰¹ The effect of this was to further remove the majority of 'deviant' females from the day to day jurisdiction of the police. They were that much less likely to go through the door into the system that involved arrest, categorisation and statistification as 'criminal', and was far more likely to lead to imprisonment.

Similarly, the way that juveniles were controlled was very different. A different set of norms applied to them: they were far less likely to be arrested, and far more likely to be subjected to informal controls, 'moving along', and possibly even the 'clip round the ear' so celebrated by nostalgics. While unruly youth was seen as a major social problem for Sheffield's respectable, and the police were seen as an effective response to this problem, the arrest rate of the young was very low.¹⁰² As with women, the nineteenth century saw changes in the size of the juvenile deviant's 'space', within both the organs of the state and the edifices of social capital erected in the nineteenth century on behalf of the threatened and the threatening. So the forms of education, the construction of voluntary orphanages, and the growth in the Reformatory School system were all examples of the ways in which the deviance of the young could be addressed.

⁹⁸ Zedner, (1991), pp. 27-30.

⁹⁹ Weiner, (1990), p. 37.

¹⁰⁰ Zedner, (1991), pp. 268-71.

¹⁰¹ *Criminal Statistical Returns of the Sheffield Police Force, 1857-61*. Sheffield Local Studies Library.

¹⁰² Only 1,918 out of the 39,869 people arrested by Sheffield police between 1845 and 1856 were aged 10-15. *Criminal Statistical Returns of the Sheffield Police Force, 1845-56*.

Working-class men were the focus of the overtly and openly punitive aspects of the criminal justice system. Others were also subject to punitive social controls. For the middle classes - and indeed the 'respectable' among the working classes - the first line of defence of 'public justice' was the application of strict social standards of a small and relatively fixed peer-group. Charlotte Perkins Gilman described how forcible incarceration for ostensibly medical purposes lead to a woman's madness in *The Yellow Wallpaper*.¹⁰³ Both the Rugby of *Tom Brown's Schooldays* and Dickens's 'Dotheboys Hall' from *Nicholas Nickleby* bear witness that it was not merely the working-class juvenile who could be brutally socialised. Castlereagh's suicide and Wilde's disgrace show that 'sexual deviancy' could be the shackle of those in the most elevated social circles. The exercise of power on those at the perceived margins of lifestyle or life cycle was not pleasant. The control of the working-class man was left to a variety of bodies of state officials who were paid for if necessary by the taxpayer, which in the mid-nineteenth-century local state meant the ratepayers: largely the ruling elites in society. Why then was it of a more serious nature than that advanced to control other groups such as working-class women or juveniles?

'Crime' is one part of the category of perceived deviant behaviour. It takes place within a framework of normative relations. Gender is an aspect of these relations, as is class. A central aspect in these relations is the fact that some individuals are more powerful than others. How can we define power? The preceding sections of this chapter have made it clear that power is a complex thing, but one fundamentally rooted in inequalities. Chief among these inequalities are those of class. In the nineteenth century, increasing personal power was almost always consistent with, first the attainment of material security and secondly with the accumulation of social capital.¹⁰⁴

Those individuals or members of groups who have attained these goals generally attempt to establish formal or tight informal controls that keep them on top. Perhaps paradoxically, this often seems to limit their short-term freedom of action (e.g. the staid and repressed late Victorian middle-classes chronicled by Wells).¹⁰⁵ Groups and individuals can be characterised in terms of how close they are to the ultimate sources of power in a society. Ownership and control over the means of production and influence within the exercise of state power are surely the best measurements of 'incorporation'. The relationship between and relative

¹⁰³ C. Perkins Gilman, *The Yellow Wallpaper*, (London, 1981) (fp 1892).

¹⁰⁴ The Hegelian concept of *Thymos* fits in well here as 'social capital'.

¹⁰⁵ H.G. Wells, *The history of Mr Polly* (London, 1963) (fp 1910).

significance of politics/economics in influencing social formations such as 'policing' are examined in the course of the study.

The degree of incorporation has some ability to explain the relationship of control defined as 'crime' with other forms of control:

The *totally incorporated* middle-class men and women do not generally need the control of the criminal justice system - they are, save for the occasional deviant (e.g. murderer or serious fraudster) socialised in different ways. One way of putting it might be that they have too much to lose.

The *partially incorporated* e.g. working-class men *do* need it. They are a genuine threat: their economic power is real, and controls such as respectability and fear can have less hold on them. Maybe the early Victorians were not so wrong after all when they linked Chartists and criminals.

The *unincorporated* e.g. working-class women and juveniles - do not need to be disciplined by the criminal justice system as much either: they have a less credible claim to be incorporated and so are not recognised as a direct threat: they are subjected to informal controls within the household, or medicalised.

Possibly we can extend this model to include the *liminal* - those who fall between categories. So the sexually, politically, or ethnically deviant are automatically potential members of the 'dangerous classes', since whatever their level of power, influence, and wealth they cannot ever be truly and safely incorporated.

Part Five: Conclusion

This theoretical discussion has highlighted several key issues, which between them constitute a framework for knowledge and hypothesising on the wider significance of the functioning of Sheffield's criminal justice system. First, on the role of dynamism and contingency. Second, on the latency of power and authority, which puts a question mark over the usefulness of social historians' tendency to study the cumulative effects of the mundane: authority remains in the background, and thus the rare moments when power is wielded can take on an extra significance. The third is the role played by a hegemony that is class-based, though exercised in the cultural and political, as well as the economic, spheres. The fourth is the role that

organisations and institutions can play as agents of power. The fifth is the concept of class (and gender) dominance through a system of differently articulated 'arenas of power'.

Chapter Three: Reforming Sheffield's police, 1818-1836

'Police, *n.* An armed force for protection and participation'¹

Part One: Introduction

This chapter is intended to examine the process of police reform in Sheffield between 1818 and 1836. It does not consider the results of such reform, other than as is necessary to illuminate the events under consideration. The intention here is to examine the dynamic rather than the static aspects: to look at and attempt to explain both the proposals for change, and their immediate results. The day-to-day role of the relevant public and private institutions involved are examined chiefly in Chapters Five and Seven.

While this chapter concentrates on describing and explaining what actually happened, it will also seek to examine the alternatives that faced Sheffield's inhabitants and rulers at each stage. Therefore, it analyses 'false starts' such as the use of the 1833 Lighting and Watching Act in the township of Attercliffe, and various proposals for combating disorder in the town. In order to assess the prevailing use of voluntary collective institutions for public purposes by the middle classes, a number of these will be studied. The structures of law enforcement are examined in subsequent chapters, chiefly Chapter Five and Chapter Nine.

Comparable studies of urban police reform have been rather compartmentalised from much other relevant research on local government. While the history of policing in the mid-nineteenth century is the history of local government, the reverse is also true. However, most research on provincial local government has failed to put policing in anything other than a footnote.² While it is true that not all boroughs owed as much to policing as Sheffield did, it is true that the major item of expense of the borough council was policing: it was also their only

¹ A. Bierce, *The Devil's Dictionary* (Harmondsworth, 1967) (fp 1911), p. 248.

² Exceptions include John Foster on the role of the police force as the focus for class conflict over local government in Oldham: Foster, (1974), pp. 56-61. Rosemary Etheridge's study of policing in Northampton, recognises that the creation and development of the New Police has to be understood in the context of 'corporation reform': Etheridge (1996), p. 183.

compulsory task under the 1835 Act.³ This is not reflected in the historiography of local government. Throughout most of the 1960s and 1970s, concern tended to reside with sanitary reform, that great municipal holy grail. Fraser's comparative work on early nineteenth-century local government considers the problems of 'grand disorder', in passing, but tends to ignore the day to day concerns of crime and justice.⁴ His work on urban elites and how they ran cities fails to mention policing entirely.⁵ Hennock, in his discussion of the relationship between officer and councillor in Birmingham and Leeds, lists all other senior posts by way of example, but quite forgets the head constable - responsible for greater expenditure than any other.⁶ Elliot's examination of Bradford does mention that the desire for better order was used as a reason for incorporation, but, for him, the purpose of the council was its ability to 'tackle the questions of water supply, drainage and building regulations.'⁷

Part Two: Sheffield and its local government

Sheffield in 1818 typified many of the national characteristics of local government, with its own 'patchwork' of local institutions.⁸ The parish was divided up into the six township vestries, which controlled poor relief, collected the rates, and maintained the highways. The county provided the magisterial bench which exercised a general supervision over the other organs, notably the parish, as well as exercising its judicial function.

The Court Leet sat annually in April, held by the Duke of Norfolk in his capacity as Lord of the Manor. Its jurisdiction covered the townships of Sheffield, Attercliffe-cum-Darnall (Attercliffe and Darnall's township offices are generally recorded separately), Brightside Bierlow, Upper Hallam and Nether Hallam. Michael Ellison, the Duke's steward, sat in his

³ 5 + 6 Will. 4, c.76 (1835), s. 76.

⁴ D. Fraser, *Power and Authority in the Victorian City* (Oxford, 1979), pp.3, 12.

⁵ D. Fraser, *Urban politics in Victorian England: the structure of politics in Victorian cities* (London, 1976).

⁶ E.P. Hennock, 'Compositions of Borough Councils', in Urban History Group, *The study of Urban History* (London, 1968), pp. 317-318.

⁷ A. Elliott, 'The incorporation of Bradford', in *Northern History*, Vol. xv, (1979), 156-75, p. 160. Other historians who have mentioned policing once and then explain urban government primarily in the context of other needs include R.J. Morris, 'The middle class and British towns and cities of the Industrial Revolution, 1780-1870' in D. Fraser and A. Sutcliffe, (eds.), *The pursuit of urban history* (London, 1983), pp. 286-305, p. 303, and R. Trainor, who characterises municipal pre-occupations before 1870 as being 'sewers and water' R. Trainor, 'Urban Elites in Victorian Britain' *Urban History Yearbook*, Vol. 12 (1985), 1-9. p. 9

⁸ Fraser, (1979), p. 1; S. and B. Webb, *The development of English Local Government 1689-1835 (being Chapters V and VI of 'English Local Government: Statutory Authorities for Special Purposes')* (London, 1963), pp. 4-5.

stead. Ecclesall Bierlow's Court Leet held under the auspices of Earl Fitzwilliam, sat separately, generally a week or so later. It was the Leet grand jury that annually swore in the townships' Constables, assisting constables, and the several hundred special or 'gentlemen' constables. In addition, it confirmed various officials and agents of the market (held under the Duke's authority), such as the inspectors of weights and measures and various foodstuffs.

The Town Trust was composed of twelve prominent citizens in the town. It was elected by the town's freemen, on vacancies caused by death.⁹ It owned a large amount of property in the town, the revenues from which were earmarked for use for the benefit of the town in general. The Cutlers' Company had a central role in the operation of the public sphere in the town. The accepted way to call a public meeting was to petition the Master Cutler, who would then call and chair the meeting. The Master Cutler, as returning officer, was the closest that unincorporated Sheffield had to a Mayor before 1843. The Township Vestries, comprised of all those assessed for the poor rate in the township, elected the Overseers of the Poor and the Surveyors of the Highways for each township. They also recorded the Court Leet's choice of constable(s) and their assistant(s).

Part Three: The 1818 Improvement Act

The starting point for this study is the 1818 Improvement Act, which gave Sheffield an improved watching, lighting and cleansing service directed by a 120-strong Improvement Commission.¹⁰ The following section examines the wider context of the call for the act, the immediate circumstances which made it possible, and how it was 'sold' to the people of Sheffield.

Reasons for the Act

In the period 1801-1820, measured crime was increasing at a seemingly meteoric rate, if the statistics were to be believed.¹¹ For the people of Sheffield in the late 1810s, there were two main numerical measures of the incidence of crime. The first was the number of indictable offences originating from the town. The second was the cost of the county rate levied on it, a

⁹ J. D. Leader, *Records of the Burgery of Sheffield, commonly called the Town Trust* (London, 1897), pp. xlix-l.

¹⁰ 58 Geo. 3 c. 54 *An Act for cleaning, lighting, watching, and otherwise improving the Town of Sheffield in the County of York* [18th May 1818].

¹¹ D. Philips, 'A new engine of power and authority: law enforcement in England 1780-1830' in V. Gattrell, B. Lenman and G. Parker (eds.), *Crime and the law: a social history of crime in Western Europe since 1500* (London, 1980), pp. 155-189, pp.179-181.

large proportion of which was used for criminal justice purposes. At a time of very fast population growth, the absolute figure was increasing: possibly this made more impact than the (also increasing, but not so fast) per capita rate. Montgomery used national rather than local figures (committals to Assize) to call attention to the perceived problem of juvenile delinquency in August 1818: he was also aware that this was the tip of the iceberg, and estimated that the figures would be three times higher 'if those who are tried for misdemeanours and felonies, by the ordinary Magistrates at the Sessions' were included.¹² Part of this fear of crime nationally may well have been linked to a basic fear of industrialisation and of sheer numbers of people.¹³ The social and political institutions of the nation were purportedly designed (or evolved) for a pre- or proto-industrialised and generally traditional country. By 1820 it was obvious that these institutions were no longer working in the same context.

To an extent the support for the Bill reflected a contemporary concern with the issue of juvenile delinquency.¹⁴ The period immediately before the passing of the Act saw some concern expressed in the town over this problem.¹⁵ This response to a perceived 'crisis' was not uniform. As in the 1860s, the responses of the 1810s shows that 'at all times there is a divergence of view within the middle class'.¹⁶

Sheffield's newspapers were the possessions of certain individuals and the rallying-points for political party and faction. Sindall's assertion that the proprietors of provincial newspapers 'were primarily printers and only secondarily journalists' does not hold up.¹⁷ For this reason, evidence that does *not* fit in with the editors' pre-occupations is the most valuable. Thus, when Montgomery admits in the *Iris* that the town meeting which adopted the proposal for a Bill was not a model of cross-class amity and desire for utilitarian order, it is a significant point.¹⁸ While 'the newspaper' was an actor, it was not the only space for feedback: in a town the size of Sheffield there was still a role for verbal interaction and the crucial space of the town meeting.¹⁹

¹² *Iris*, August 4, 1818.

¹³ C. Emsley, *Crime and Society in England, 1750-1900* (Harlow, 1987), p. 31.

¹⁴ S. Margery 'The invention of juvenile delinquency in early nineteenth-century England' *Labour History*, Vol. 34 (1978), 11-27.

¹⁵ *Iris*, September 2, 1817, February 10, 17, June 30, 1818 August 4, 11, 1818.

¹⁶ Sindall (1990), p. 81. See also Montgomery's attitude as expressed in 1819, below.

¹⁷ Sindall (1990), p. 31.

¹⁸ *Iris*, February 10, 1818.

¹⁹ M.J. Turner, 'Gas, police and the struggle for mastery in Manchester in the 1820s' in *Historical Research* Vol. LXVII (1944), 301-17, p. 310.

The call for the Act

The dispute over the status of the Town Trust was eventually decided by the Court of Chancery in favour of the freemen over the rest of the inhabitants in April 1817.²⁰ The status of the Trust was established immediately before the push for an Improvement Act: the power to raise new taxes and to establish a new institution of control relied on a consensus concerning the legitimacy of the sponsoring bodies. While the general state of the town may have led to a desire for reform, this clearing up of the Trust's status was an important cause of the 1818 Act's timing.

The magistrates wanted reform in order to 'preserve the public peace'.²¹ The Trust was more concerned with 'regulatory' powers: it wanted 'better paving, cleaning and lighting and watching.'²² In December of 1817, the freeholders, having won the dispute over the local franchise, elected the Town Collector and his assistants in the Town Hall. The *Sheffield Iris* hoped that the men - Benjamin Withers, Thomas Asline Ward and Samuel Mitchell - would continue to carry forward 'the very desirable object of obtaining a Police Act for lighting, watching and cleansing the Streets of Sheffield'.²³ The *Iris* further requested that they make their progress open, or called upon 'such other respectable inhabitants' to help.²⁴

Acquiring the Act

The next step in the process was a public meeting, in the Town Hall on December 26th, of:

Acting Magistrates [those West Riding Magistrates who usually attended petty sessions in Sheffield], Town Trustees, Master Cutler and Cutlers' Company Wardens, Church Burgesses, Foremen of the Easter Jury, Surveyors of the Highways, Churchwardens and Overseers of the Poor.²⁵

This encompassed all levels of local government in the town: as a division of the West Riding; as a corporate entity; a manorial jurisdiction; an ecclesiastical parish; and a conglomeration of townships. The possibility of consensus between existing institutions, therefore, was present at the start. The composition of the meeting implies that the sponsors of the Bill hoped to realise the potential for consensus: the policing of the town was not intended to be used as an issue over which the institutions would disagree.²⁶

²⁰ *Leader*, (1897), p. 1.

²¹ *Leader*, (1897), p. 428.

²² Town Trustees Minutes 1802-1833 [hereafter 'TTM'], p. 73, April 18, 1817.

²³ *Iris*, December 9, 1817.

²⁴ *Iris*, December 9, 1817.

²⁵ *Iris*, January 6, 1818.

²⁶ Unlike in Bristol or Liverpool, where police reform was postponed indefinitely before the 1835 Act, due to the low degree of legitimacy the existing Corporations enjoyed. The 'outs' in these two

The meeting was chaired by Hugh Parker Esq, the senior (and most active) magistrate. This event (and indeed the Sheffield elite's subsequent willingness to trust their affairs to Parker and his colleagues) certainly casts doubt upon any simple town/county split.²⁷ There was a perceived and real unity of interest, across the town's social institutions, within its ruling elites, that spoke of a general consensus on policing matters. The meeting resolved unanimously: 'That it is desirable that the town of Sheffield should be better lighted, better watched, and better cleansed.'

The public meeting's legitimising function

One defining characteristic of the process of police reform in early nineteenth-century Sheffield is the legitimising function of the public meeting.²⁸ The public meeting was the wider political context within which the town's governors operated. The formulation of proposals and schemes was seen as the natural province of the town's elites, as was their control and operation. But the installation of new powers needed to be legitimated by a public process. There were, however, limits to egalitarianism: there is no record of any women being present at these public meetings, or speaking at them. In 1818, the spokesmen for 'the poor' were rich men like Thomas Rawson; to oppose the proposed bill he assumed the position of protector of the poor from the burden of extra rates, whilst readily admitting that he himself was one of the town's major ratepayers.²⁹ Middle-class figures often represented themselves as spokesmen for the workers or the poor, who generally lacked a detectable autonomous voice at town meetings before the rise of Chartism in the late 1830s. Even then, their most prolific spokesmen, such as Richard Otley and Isaac Ironside (a tobacconist and an accountant respectively) were members of the *petite* or *haute bourgeoisie* rather than artisans.³⁰

Above and beyond the class issue, the 'professional' opinion of lawyers like John Staniforth, Charles Brownell and Luke Palfreyman carried weight in private as well as public meetings. They were often able to set the terms of acceptable debate with reference to the *ultra vires*

cities felt that gaining a more inclusive town government was more important than reforming the town's police. Walters, (1975); W. R. Cockcroft, 'The Liverpool Police Force, 1836-1902', in S. P. Bell (ed.), *Victorian Lancashire*, (Newton Abbot, 1974).

²⁷ Smith, (1982), p. 32. Trainor, (1985), p. 8.

²⁸ Sheffield was more 'democratic' in its response than other cities: in 1812 Edinburgh changed its policing organisation. This move was planned by a committee consisting of representatives from the city's ruling bodies. It was agreed in private, and led to a higher property qualification, for a partially-elected police governing body. Dalglish (1991), p. 108.

²⁹ Rawson to public meeting, *Iris*, February 10, 1818.

³⁰ Otley was apparently wealthy enough to meet the property qualification for Town Council membership, although an appeal against his election proved that in actuality he did not meet it.

nature of some proceedings.³¹ The middle classes, primed with the background information and often able to cite statute or experience, had an in-built advantage at meetings. For instance, in April 1840, Luke Palfreyman asserted (incorrectly) that the Quarter Sessions could not impose the County Constabulary Acts upon an unwilling Sheffield.³² He prefixed his comments with the observation that he was 'speaking as a lawyer'. Otley's personal interventions were obviously different and less authoritative: in 1840 he spoke to a public meeting about his experience as a witness in a case where a friend of his was charged.³³ The use of the general public meeting was often advocated by the middle classes in early nineteenth-century England, as a way of advancing the notion of the town as an entity, the natural rulers of which were the wealthy middle classes.³⁴

The consultation process

Mandated by the meeting of December 26, the Trustees quickly drew up a draft Bill, and agreed to contribute to its operation, although they wanted to retain a power of veto over any future devolved expenditure.³⁵

On the eve of the town meeting of February 3rd, when the Bill was to be discussed by the ratepayers, the Trustees were still fine-tuning their response to it:

It was resolved that there be an annual election of new Commissioners on any Vacancy, that there be a clause empowering the Commissioners to compound with the inhabitants for sweeping causeways, and that the Watchmen be authorised to apprehend disorderly as well as suspicious persons.³⁶

The signatories of this resolution included Francis Fenton, who was later to become the town's first Surveyor under the new Act. The Town Trustees, constitutionally one of the more insular institutions in the town, called for a *greater* level of democracy in the proposals. This illustrates that there was no breakdown of supporters and opposers along institutional

³¹ Such as Staniforth's attempt to stop the Improvement Commission discussing incorporation, *Independent*, October 10, 1840.

³² *Independent*, April 4, 1840. In fact he was speaking as a member of the group that wished the town to incorporate, and was playing down the threat of the Constabulary Acts, since the alternative then being mooted to them was a new improvement act.

³³ *Mercury*, October 24, 1840.

³⁴ Morris, (1983), p. 299. J. Garrard, 'The middle class and nineteenth century national and local politics' in Garrard et al., *The middle class in politics* (Farnborough, 1978), pp. 35-67, pp. 43-44.

³⁵ *Iris*, January 6, 1818; TTM, December 29, 1817. The Trustees who signed this resolution were: John Greaves, Hodgson, John Staniforth, Peter Brawnell, Robt. Turner, Benj. Withers June, Sam'l Mitchell, Thos. Asline Ward.

³⁶ TTM, February 2, 1818. Underlining original.

lines: all the town's ruling bodies appeared to acquiescence in the move to create an Improvement Commission.

On January 30th, in the Town Hall, all those who had been previously involved, now joined by 'the principal [100] Rate Payers within the Town and the Neighbourhood', read the draft Bill and approved of it. There was some disagreement on its precise provisions; there was less over its necessity and the means to be taken to get it.³⁷ The notice they printed in the newspapers advertising a further public meeting at the same venue indicated that they felt the need to go on to the defensive:

NB No person, who rents a Tenement of the value of Seven Pounds or under, will be liable to any Assessment under the proposed Act.³⁸

This announcement concedes what was not admitted by the reforming newspapers: that Sheffield's poorer inhabitants were *not* all in favour of the Bill.

Part Four: 'Selling' the Act

Despite the consensus over police reform that appeared to pervade the town's governing bodies, there was popular opposition to the proposal before the town meeting on February 6th. The *Iris* conceded that before the process began, there had been 'prejudice and misapprehension', fanned by the 'ignorant or perverse misrepresentations in private, both of the objects of the Bill, and the burden which it would bring upon the ratepayers'. In public, 'watchwords of riot, scrawled on the walls' had also expressed opposition.³⁹ Hugh Parker chaired the meeting (held at 11am on a Friday - a time when many working men would have had to make sacrifices to attend), in front of a 'half reluctant audience'.⁴⁰ He stressed that the audience would be able to alter the Bill if necessary, and that the object was to accept it unanimously, but if not, to make it 'as little offensive as possible'. He began by referring to the need for the Bill, concentrating on the necessity for property to be protected against a crime wave:

Can any gentleman who hears me now think that the town of Sheffield is properly cleansed by day or lighted by night? Can any gentleman who now

³⁷ *Mercury* January 31, 1818, *Iris*, February 3, 1818: 'Very little difference of opinion prevailed among those present on any of the particular provisions of the Bill, and none at all on the utility and even necessity of obtaining the general ends proposed by it.' Given James Montgomery's obvious commitment to the Bill, it is impossible to be certain how genuine this consensus was. The figure of 100 ratepayers is from Hugh Paker's speech to the town meeting *Iris*, February 10, 1818.

³⁸ *Iris*, February 3, 1818.

³⁹ *Iris*, February 3, 1818.

⁴⁰ *Iris*, February 3, 10, 1818; *Mercury*, February 7, 1818.

hears me say that the town is properly protected after you retire to rest? . . .
No fewer than 21 prisoners were examined on Tuesday [at the West Riding
Quarter Sessions] for thefts and nocturnal offences.

When Parker claimed that the measure was a preventive rather than a corrective one, he was 'very indecently interrupted by a great uproar and hissing, proceeding from the further end of the Hall'. Parker responded first by threatening to walk out, then by anticipating what he obviously considered were the main points of concern. It was a Christian duty to attempt to prevent crime; Sheffield should not lack a regulation that every other town had; the cost would be evenly distributed yet 'oppress as little as possible the poorer classes'; and while it would not lead to any increase in the power of the magistrates, the proposal was merely a workmanlike way of enforcing common law more efficiently. Warming to his theme of saving money, Parker pointed out that Sheffield contributed £1200 to the county rate, which was 'principally expended in the prosecution and maintenance of felons and vagrants'.

Parker now changed his tack from the protection of property to the prevention of disorder and delinquency, and the humanitarian necessity to keep petty thieves from the path of crime:

what remedy so effectual as a *preventative*, which shall control the licentiousness, and promptly punish the outrages committed in the public streets, *every evening*, from the want of light to discover, and *Watchmen* to apprehend these pupils of mischief; - nay how much better to these buds *from the gallows*, than leave them till they hang like dead-ripe fruit *upon it*?

The townspeople approved the Bill. The *Iris* reported the meeting as: 'a most numerous, and we add a most respectable Meeting . . . [whose attendees] . . . might fairly be considered to represent the whole of that proportion of the population of the district, whose interests will be in any way affected by the measure.'⁴¹ The 'interests' referred to appear to have been considered solely in terms of property ownership. Montgomery, the *Iris*'s editor, warmed to the theme of the new watch as a preventive force, adding that:

the "able-bodied" watchmen, to be appointed under it, should take their stations early in the evening, so that the ears of modest passengers may not be shocked in the most public places, as they frequently are now, with oaths, and blasphemies, and obscenities from the unbroken voices of children, and the persons of unprotected females exposed to brutal assaults from 'prentice lads, or lads who ought to be 'prentices, but who in reality are waifs amidst society, running wild with the multitude to do evil, and training up each other in every vice that either has or has not a name.'⁴²

This last extract moves us on to a consideration of the explanations for the proposed police reform, and its causes, motives, justifications and effects.

⁴¹ *Iris*, February 10, 1818.

⁴² *Iris*, February 10, 1818.

In front of the town's rate-payers, the Bill was justified as protecting their property by an efficient watch. In response to heckles from the wider public, Parker broadened the justification to stress the preventive aspect and its contribution towards dealing with the problem of juvenile delinquency. The language of protection of property naturally appeals most to the property-owners. However, the prevention of crime by securing a higher level of public order could also appeal to the 'respectable'.⁴³ It was therefore the best way to establish cross-class support for a new policing project.

The Bill was justified as something to do with both crime and disorder. However, in practice, most of the rates went on the protection of property by a night watch: 'disorder' was not part of the force's initial remit. If the beat instructions of 1821 are considered, along with the evidence contained in the newspapers that details the activity of the Improvement Commission, we can see that the night watch that was created in 1818 was more intended to protect property from theft at night than it was to secure public order. So, the way that it was presented was significantly different from what actually happened.

Part Five: The Act is adopted and criticised

The Act received the Royal Assent on the 8th of May 1818 and it came into force in July.⁴⁴ Watchmen were appointed, as was the Surveyor: this was Francis Fenton, a town Trustee and a member of the Improvement Commission. In August, following several advertisements to this effect, it began to enforce the new regulations on the town's inhabitants: these chiefly concerned the use of the streets and public places. The pattern of law enforcement that was thus created will be dealt with in Chapters Five and Nine below.

Complaints that the Watch were not sufficiently suppressing disorder in the streets were voiced in the next two years.⁴⁵ Some of these referred to the need for the town to be 'cleansed'.⁴⁶ One correspondent pointed out correctly that: 'Our Police was established under

⁴³ Here it is necessary to define 'a higher level of public order'. I take the phrase to mean that the number of different activities that are defined as unacceptable by the (central or local) state's representatives, and/or by the enforceable consensus of opinion of the public in the area, increases. This can be divided between two sub-categories of enforcement. Firstly, a curtailment of those activities that involve work and productive economic activity that is legal in theory: this may be termed 'regulation'. Secondly, the curtailment of those activities that involve leisure time, and/or activity that is not seen as productive, and is often illegal. The first was generally dealt with by warrant and summons: the second by arrest and force.

⁴⁴ *Iris*, July 14, 21.

⁴⁵ *Iris*, September 29, 1818, January 26, April 18, 1819.

⁴⁶ *Iris*, June 15, 1819. In Edinburgh, disorder in the town was seen as 'dishonouring' the physical environment: in this case the streets themselves. Dalglish (1991), p. 101. M. Douglas, in *Purity*

the supposition of being a day watch as well as a night one.' 'Nothing', wrote another, 'has been found so subservient to the purpose of keeping order, as a well regulated Police.'⁴⁷ The idea of 'police' was already a firmly established point of reference. By October 1820 there was an evening force of eight watchmen which the Improvement Commission hailed, alongside the 'brilliancy of the gas-lights', as the cause of the improvement in the town's human environment in the evenings.⁴⁸

Part Six: Alternatives to statutory powers

Reform or alteration of the 1818 arrangements was a constant possibility over the period 1818-1841. In order to assess the options for alteration that might have presented themselves to the town's élites over this period, it is necessary to examine the mental and administrative 'landscape'. Two key issues are collectivity and sociability. Social, political and moral problems all presented themselves to various members of the middle classes: though not, of course, to each member equally. Among the various solutions to a problem were local and voluntary, local and statutory, or national and statutory bodies. The form that response would take could be put down to a wide range of factors. These ranged from immediate circumstances (such as the *ad hoc* patrols as mentioned below) to abstract theorisation (such as the Democrats' use of the criminal justice system as an illustration of Toulmin Smith's theories⁴⁹), and often had as much to do with expediency and the balance of forces as they did with the letter of the law or any coherent political positions. The key decision here is the context in which a problem was presented and responded to: as a 'private' or as a 'public' nuisance. One highly useful illustration of the precise dividing line between 'private' and 'public' is contained in an editorial in the *Iris* written by Montgomery, which examined the different identities that (middle-class) men could hold.⁵⁰

If the paterfamilias wished to consider himself as first and foremost a 'subject of a civil government which has the power to enforce universal allegiance throughout its jurisdiction' then he would be likely to look to statutory power to secure the amelioration of deficiencies in

and danger: an analysis of the concepts of pollution and taboo (London, 1966), talks about dirt as 'a threat to good order': p. 160.

⁴⁷ *Independent*, February 19, 1820.

⁴⁸ *Iris*, October 26, 1819. *Independent*, from report of the Improvement Commission meeting, October 28, 1820. Although in February, 'J' had listed the picking of the pockets of window-shoppers attracted by the gas-lights as one of the evils the police should prevent.

⁴⁹ See Chapter Six.

⁵⁰ *Iris*, February 24, 1818. The article mentions personal, family, local, national and human 'identities'.

the town's government: either by a new act, or after 1835 by incorporation. If, conversely, he felt himself to be primarily 'resident in a neighbourhood, where all the inhabitants . . . have certain local interests, in which he must take a part', then he would be more likely to decide that private collective activity was the better path to take.

The next section explores the significance of the use of 'private' collective activity to secure middle-class ends. Most attention is paid to those organisations that intervened in some way in the criminal justice system. The effect of the increasing institutionalisation of the town's criminal justice system on the form of the 'voluntary principle' is also noted. A consideration of the way the voluntary collective sector fitted into the institutional framework of the criminal justice system on a day-to-day basis appears in Chapter Nine.

Ad hoc patrols

Some collective response was highly immediate.⁵¹ For instance, in January 1818, thieves broke in to a house in Portobello, in the west end of Sheffield township. They were frightened off when the female inhabitants of the house raised the alarm. The response was immediate: 'We understand', reported the *Iris*, 'the neighbourhood here have established a strong nightly watch'.⁵² Similar events happened in February 1819 in Attercliffe and in Westbar.⁵³ While both Portobello and Attercliffe were outside the ¾ mile radius of the 'policed area', Westbar was within it. In 1839 another group of inhabitants in Glossop Road also took action, with a subtle but meaningful difference:

the inhabitants of Glossop road, beyond the police boundary, have met and raised a subscription to provide two watchmen for that part of the road. The men are to be under the direction of Mr Raynor, the police surveyor. It is disgraceful to a town like Sheffield, that its outlets should be in the unsafe state in which they now are.⁵⁴

By 1839, then, the *ad hoc* patrol was made into part of the regular police force: here is one example of the fact that once the Improvement Commission had established itself, criminal

⁵¹ Such *ad hoc* responses were not unique to Sheffield. In London the atmosphere of panic caused by the Ratcliffe Highway Murders led to similar responses in Westminster: E. Reynolds 'The Night Watch and Police Reform in Metropolitan London 1720-1830' Unpub. PhD, Cornell 1991. pp. 382-385.

⁵² *Iris*, January 20, 1818.

⁵³ *Iris*, February 2, 16, 1819. The latter was reported as follows: 'We are informed that a number of the inhabitants of Steelhouse-Lane, Workhouse-lane, Hicks-lane, part of Westbar Green, Westbar and Spring St have formed themselves into a nightly patrol [sic], for the purpose of perambulating the streets, from . . . [11pm-5am] . . . hoping by this means to secure the above neighbourhood from the depredations of those nightly plunderers, who have of late carried on their operations to such an alarming extent in this town and its vicinity. Three of their number are to take the duty, nightly, in their turns, under certain regulations.'

⁵⁴ *Independent*, October 5, 1839.

justice issues were seen in relation to its activity and its potential. The report also reveals that Leader considered the measures to be an abnormal response to a crisis: and 'voluntary association' to be a second choice to statutory institutions. But, whether part of the local state or not, such *ad hoc* arrangements do not appear to have been durable: without an enforceable commitment for household participation, or a statutory rate that could fund a paid watch, they were unlikely to survive.⁵⁵

Part Seven: The use of the 1833 Lighting and Watching Act

The townships that constituted the Borough of Sheffield acted as parishes, with their own vestries, overseers of the poor, collectors of the county rate, and surveyors of highways. They were therefore in the same position as parishes to experiment with policing arrangements under the voluntary police acts set up before the 1856 Act.⁵⁶ In December of 1837, the township of Nether Hallam adopted the provisions of the 1833 Lighting and Watching Act in order to levy a rate to light part of the township.⁵⁷ Leader had welcomed the act's adoption as follows: 'This is a very useful, but hitherto little known act of parliament; and as it becomes known, we have no doubt that many townships will be very glad to avail themselves of it.'⁵⁸ In March 1839, the township of Attercliffe followed suit, but in this case they planned to use the Act to finance the watching of the district.⁵⁹ Because Attercliffe's extant sources are far better than Nether Hallam's, the following section will concentrate on the former township.

The evidence for Attercliffe's use of the Act is contained in the township's vestry minutes. The men who called for the adoption of the Act were members of the local elite.⁶⁰ Support for

⁵⁵ The arrangements in London did not last either: the voluntary *ad hoc* arrangements either ended or turned into parish rate-funded paid patrols: Reynolds, (1991), p. 385.

⁵⁶ Storch, (1989), p. 213.

⁵⁷ An Act to repeal an Act of the Eleventh year of His late Majesty King George the Fourth, for the lighting and watching of Parishes in England and Wales, and to make other Provisions in lieu thereof (3 and 4 Will. 4, c. 90).

⁵⁸ *Independent*, December 9, 1837. In 1841, Nether Hallam had a population of 7,275. A substantial proportion of this number lived in the detached part of Heeley, to the south/south/west of the town centre. The area to be lit went from Uppertorpe and Philadelphia, via Infirmary Lane (now Road) and Daniel Hill to Owlerton: an area to the north of the town about ¼ mile wide and ¾ mile long, although only the southernmost district was entirely built up at this time: W. White, *William White's General Directory of the Town and Borough of Sheffield* (Sheffield, 1845), p. 8.

⁵⁹ *Independent*, March 9 1939. In 1841, Attercliffe-cum-Darnall had a population of 4,156. Attercliffe proper held about half of this: W. White (1845). p. 8.

⁶⁰ Two of them, cornfactors and millers Benjamin Shirley and William Parker, signed the original request in the capacity of their business partnership, as 'Shirley and Parker'. William Blagden was a lime burner and householder, Henry Sorby a merchant, John Shaw and his son 'gentlemen' and

the project crossed neat boundaries of social and economic function. At the beginning of March they sent a letter to Henry Holmes, churchwarden, requesting him 'to call a Public Meeting of the inhabitants of Attercliffe to take into consideration the nightly depredations committed, and enforce the best means of preventing the same'.⁶¹

The meeting named a set of inspectors, to supervise patrols. The body of inspectors had a slightly different social make-up from the group who had called the meeting. Out went Blagden, Sorby, the Shaws and Milner. In came Holmes, the churchwarden, George Johnson, a mason who served as Overseer of the Poor for 1839-40, George Hill, and William Makin, both Attercliffe manufacturers. Two of those who remained (William Marriott and Samuel Jackson) were later listed as eligible for consideration as parish constables under the 1842 Parish Constables Act: an indicator of lower social status.

So those who called for the Act were a slightly wealthier - and perhaps less 'local' - group than those who agreed to administer it. This may have had some bearing on the apparent failure of the attempt. The meeting that agreed to put the Act in force decided to take £200 per year from the overseers of the poor in order to finance it. This amount could probably have paid for four or five policemen/watchmen and all their attendant expenses.⁶² Yet there is no record of such a force taking up any duties. The *Mercury*, the *Independent* and the *Annual Register* merely recorded the adoption of the act.⁶³ The new powers were not used to pay the existing parish constable. William Stringfellow, who was constable in 1839, was still a 'mason and constable' in 1842, implying that the job had remained a part-time one for him.⁶⁴

It might have failed because a brief flurry of crime went away, and the sense of urgency lapsed. With the ending of the immediate problem, the need was no longer so strongly appreciated. The other possible explanation is that it was a casualty of Attercliffe's fractured vestry politics. In the late 1830s Attercliffe's vestry was contested territory. In March of 1839, Joseph Wales and another man were elected as overseers of the poor with 66 votes - an exceptionally high turnout.⁶⁵ In March 1840, John Brashaw, who had received the most votes

landowners, John Milner a Sheffield barrister, Rev. John Blackburn the township's curate, Francis Huntsman a steel converter and refiner, William Marriott a maltster, Samuel Jackson a saw manufacturer, and John Whitham a 'grocer, shopkeeper and chandler': Attercliffe Vestry Minutes [Hence 'AVM'], March 3, 21, July 14, 1839; *William White's West Riding Directory*, Vol. 2, (Sheffield, 1838).

⁶¹ AVM, March 3, 1839.

⁶² 'Wages paid weekly to the Sheffield Police Force': CA 295 C2/1.

⁶³ *The Local Register and Chronological Account of occurrences and facts connected with the Town and Neighbourhood of Sheffield*, (Sheffield, 1830), Vol. 2, p. 320; *Mercury*, March 23, 1839; *Independent*, March 9, 1839.

⁶⁴ AVM, September 9, 1842.

⁶⁵ AVM, March 1839.

for one of the positions of overseer was 'refused by the magistrates on the grounds of not being eligible and keeper of a public house'.⁶⁶ In March 1842 Wales again got over 60 votes: yet, along with his running mate, he was passed over for the post of overseer by magistrates Parker and Bagshawe. The imposed candidates had only 6 votes each to their names. Two of the putative watch inspectors, Huntsman and Parker, were among those who appealed against this decision.⁶⁷ In April 1843, William Stringfellow, who had been for several years the constable of Attercliffe, had his tenure challenged in front of the magistrates. 'A charge of drunkenness was . . . urged, which the Rev. Mr. Mitchell, the curate, and several rate-payers also supported'.⁶⁸ Stringfellow was not reappointed. The first year when, under the terms of the 1842 Parish Constables Act, the magistrates picked the constables from a list of acceptable men put forward by the ratepayers was 1843. This evidence suggests that the vestry could well have been politicised by the late 1830s. This could have scuppered the watch scheme, because the township's worthies were reluctant to put police powers into potentially unreliable hands.

Part Eight: The significance of voluntary collective institutions

This section attempts to assess the significance of voluntary collective institutions, chiefly through a consideration of the activity of the Association for Prosecution of Felons, the Sabbath Observance Society, and moves to control mad dogs. The full histories of these initiatives, and of how they fitted into the criminal justice framework in this period, will be examined Chapter Nine. The section will seek to show what they can reveal about the process of police reform; how it was increasingly institutionalised and under which circumstances people decided to use voluntary as opposed to statutory power.

The 'status quo' was an 'entrepreneurial' system. The state set up a system of laws and rewards, and let constables, their assistants, and private citizens take advantage of it if they so chose. Victims prosecuted, or failed to. No permanent, salaried body was created. APFs were designed to make such a system function better, in a more 'Beccarian' style.⁶⁹ Other 'voluntary provision' stood in the same relation to this existing system. For instance, the

⁶⁶ AVM, March, 1840.

⁶⁷ AVM, March 26, 1842.

⁶⁸ *Independent*, April 8, 1843.

⁶⁹ 'The Committee, relying from information they from time to time receive, are convinced that the CERTAINTY of punishment which this Association offers, operates in many instances to prevent the commission of crime' Advertisement in *Independent* placed by Sheffield Association for Prosecution of Felons, May 5, 1838.

mechanism chosen to control dangerous dogs in 1819 was a bounty system.⁷⁰ It was not innovative or universalising, but a part of the traditional way of dealing with crime and other social problems. The fund set up was to fuel activity within the entrepreneurial justice system, to encourage individuals to exercise their legal right to shoot rabid dogs. The fund would cover their expenses if they were sued for shooting a non-rabid dog.⁷¹

The agent here was the private individual, not the state's employee. The regulation was not a watertight power for the local government to intervene and be confident of killing off all the dogs roaming loose. The dog-owners were the objects of regulation, and the measures recognised that they were likely to sue if the regulation were strictly enforced - and consequently sometimes over-enforced. A measure that could prevent them from suing - that would establish a (theoretically) total and bureaucratic solution to the problem - was not considered. The bounties and the fund were an intervention into a 'free-market' system of public regulation, designed to make enforcing this particular regulation far more attractive than it otherwise would have been by increasing the benefits and protecting against the costs. The source of this impulse was not a number of functionaries: it was a private subscription, which also gave the local elites a chance to demonstrate their care and concern for the community at large.

Victimless crime and the drive for order

The 'entrepreneurial system' was often capricious in its reliance on victims to prosecute. In addition, it was not well suited to controlling so-called 'victimless crimes' - e.g. crimes of disorder and moral offences. Prosecution for this kind of crime could come from one of three directions. First, from an affronted individual. However, prosecution was expensive and time-consuming, and expenses were not refunded for offences tried at petty sessions. Second, from a voluntary collective body such as the Sabbath Observance Society or the Association for the Protection of Trade which were most effective when their members shared a common material interest in the issue in question.⁷² These voluntary collective institutions, however, were unstable, and needed substantial investments of time and money to keep functioning. Even well-supported associations could fall foul of their inability to 'solve' the problem.⁷³ Voluntary collective institutions were ill-suited to any long-term sustained intervention in the

⁷⁰ *Iris*, June 22, 1819.

⁷¹ *Iris*, May 11, 1819.

⁷² See Chapter Nine.

⁷³ Edinburgh Society for the Suppression of Beggars subscribers grew disheartened when they realised that the Society was not going to be able to eliminate begging entirely: Dalgleish, (1991), p. 128.

social fabric. They increasingly, therefore, concentrated their efforts not as mere prosecutors, and publicists, but also as lobbyists, orientated towards the third alternative.

This was the state, which could achieve a substantial amount *within* the 'entrepreneurial criminal justice system' if it so chose.⁷⁴ However, this was rare in 1820. The story of the growth of the new police and the attendant rise of the 'policeman state' is the story of the state's increasing willingness to create an institution capable of making such continuing low-level interventions against 'victimless crime': arresting drunks and the disorderly, 'moving-on', maintaining the Sabbath, and other, similar, functions. For the state to even have a chance of changing this kind of behaviour, a salaried, permanent body of men was necessary.

The parish constables could do this to an extent. For instance, in May 1834, a special meeting of Ecclesall's Court Leet, convened for the purpose, heard 'that Tom Wood, and some other parts of the township, are much infested, on the Sunday afternoon, by groups of youths engaged in the game of pitch and toss.'⁷⁵ The next Sunday the vestry clerk and the acting (e.g. 'parish') constable, Birks, clamped down on them. It appears to have taken a special effort from the Court Leet to make Birks intervene: there would have been little financial reward for him in continuing to do so. A fortnight later, Bland, one of the Sheffield constables, brought charges against a publican 'for keeping a disorderly house'.⁷⁶ This was not because of any moral imperative, but because the man had obstructed him when he arrived hunting for a suspected felon. For Bland, the laws about petty disorder, immorality, and regulation were useful weapons in his bread and butter work against felons, not aims in themselves. Most pubs were proceeded against by Raynor or his predecessor: there was little incentive for the acting constables to do so unless prodded.

Changing trends in the orientation of voluntary collective institutions

The measures against mad dogs and the activity taken to regulate the Sabbath illustrate the increasing institutionalisation in the period. In 1826, the Improvement Commissioners took the initiative to call a public meeting, not a group of individuals acting in a private capacity.⁷⁷ The existence of a large group of prominent citizens with a public responsibility for the

⁷⁴ R. McGowen, 'Policing forgery in nineteenth-century England' Unpub. paper given at 1994 Social History Society Conference.

⁷⁵ *Independent*, May 10, 1834.

⁷⁶ *Independent*, May 24, 1834.

⁷⁷ *Independent*, July 8, 1826.

town's order could have eroded some of the established patterns of private collective initiative.⁷⁸

The Sabbath Observance Society also shows how a response to a social problem involved an increasing turn towards the state. In 1818, the Churchwardens as a body met and resolved to advertise, on January 20, 1818: 'That the laws should be put into execution against all persons exposing to sale Fruits or other articles during any part of the Lord's day.'⁷⁹ It is significant that the Churchwardens saw their role as to threaten rather than to exhort. They were advertising the law and promising that it would be enforced: there were no appeals to do what was right, merely the statement of a simple cost/benefit analysis. By 1836, the Sabbath Observance Society (founded in that year) was orientated towards influencing the activity of the Improvement Commission. In 1836 the message had become more sophisticated. Hewson, a clergyman, argued that the law alone would not work: on top of coercive measures, a moral example must also be set to 'convince heads of families and others of the great impropriety and sin of violating the Sabbath Day'.

Raynor, present at the meeting, promised that the police force would co-operate, and the society agreed to send a deputation to the Magistrates, to appoint its own 'Police force', to collect a subscription, and to set up a machinery for operation. Funds were needed to back 'constables and others' who wished to prosecute for these offences, but were not able, or were not prepared, to incur costs if the prosecution failed. The Society itself brought people to court, but perhaps more importantly, Raynor did indeed co-operate, and the Improvement Commission's police force began to bring more warrants against landlords for opening on Sundays.⁸⁰ Not only had the police force moved into action against late-opening pubs, but the parish constables had been stung, temporarily, into activity on this issue too. On January 27th, the constables laid information against a licensee opening on Sunday morning.⁸¹ So, the Sabbath Observance Society's campaign had led to a period of heightened awareness of the problem, functioning via the criminal justice system, as an external spur to prod it into action.

⁷⁸ *Independent*, April 29, 1837. The intervention against mad dogs of 1837 casts doubt on this interpretation. This took the form of a public meeting that proceeded to offer a bounty. However, no process is entirely linear: exceptions always occur. The public response in this case was probably made more likely by the particularly horrific and present nature of the threat: two men, bitten on the same day, had died in quick succession to one another.

⁷⁹ *Iris*, January 20, 1818.

⁸⁰ For instance, on September 16, 1836, Holden appeared before the magistrates with information against five publicans, who were each fined 5s plus 8s costs. *Mercury* September 17, 1836. In February 1837, Raynor's information led to a beerhouse keeper being fined the substantial sum of £5 for staying open at 1am on a Sunday. The usual fine for such an offence was 20s. During the case: 'The constables testified that the regular inspection of these houses had been of the greatest benefit, and had made a wonderful change in the state of the town on Sunday mornings.' *Independent*, February 25, 1837.

⁸¹ *Independent*, January 28, 1837.

While there was considerable overlap between the people who ran the Sabbath Observance Society and those who ran the Improvement Commission, the Sabbath Observance Society was in a position to act as a pressure group concentrating on its one issue. However, it saw the criminal justice system as the vehicle through which it should act, with the decision to prosecute (or not) being the decisive arena. While it was also active in the public sphere by the fact of its advertised existence and its public statements, all its exhortation relied on the threat of prosecution to be effective. Its major expense, and the way that it measured its success, was the financing of prosecutions.⁸² Once the initial enthusiasm had died down, its meetings were sparsely attended: it did not establish a stable institutional existence. It had universalist aims, but could not eradicate working-class culture: as evidenced by the constant struggle over Saturday night closing and Sunday morning opening.⁸³ By asking for Raynor's support it had been operating through the exertion of pressure on the law enforcement apparatus. With the failure of its aim to continue to act directly via the prosecution system, it is possible that the individuals involved were more willing to countenance further reform of the police than they had been hitherto.

The significance of voluntary collective institutions for criminal justice reform

Sheffield offers some interesting evidence about the relationship between 'association' and the development of the new police. Ebenezer Rhodes, the driving force behind the APF, was a member of the committee to consider a new police and improvement act for the town in 1810, and in 1818 he was one of the first tranche of Police Commissioners.⁸⁴ So, in the person of Rhodes, desire for a prosecution association and desire for reform of the police system were combined. Other members of the APF committee were also Commissioners. Of twenty-four who can be shown to have served on the committee of the APF, seven were also members of the Improvement Commission.⁸⁵ The Sheffield APF was not seen as an alternative to a system of more systematic policing, but a complement to it.

As with the APF, the Association for the Protection of Trade demonstrated that involvement in statutory criminal justice institutions need not rule out activity in voluntary collective institutions. Picksley and Todd (moving spirits behind the APT) were members of the

⁸² The sparsely attended meeting of the Sabbath Observance Society in September 1837 took solace in the fact that during the previous year, 136 people had been summonsed 'through the instrumentality of the Society'. *Mercury*, September 3 1837.

⁸³ In 1861 the police summoned 199 people for breaches of licensing regulations. *Criminal Statistical Returns*.

⁸⁴ E.D. Mackerness, 'The Harvest of Failure: Ebenezer Rhodes, 1762-1839': SLSL Pamphlet Collection, Vol. 320, pp.108-109.

⁸⁵ Sheffield Association for Prosecution of Felons reports, *Independent*, 1818-1838.

Improvement Commission, as were eleven of the seventy-eight men who each subscribed a guinea to it.⁸⁶ The committee of the Sabbath Observance Society consisted of the Master Cutler and the Churchwardens as *ex officio* members, with thirty-six others.⁸⁷ Of the fifty-three men named on the committee and as proposers or seconders of motions, seventeen were Improvement Commissioners. There was, therefore, a cross-over in membership between voluntary collective institutions and the statutory body. Furthermore, voluntary collective institutions like the Sabbath Observance Society saw no problems in expending much of their effort in getting the local state to work more according to their particular agenda.

Part Nine: Attempts at reform, 1835-37

There is some evidence of dissatisfaction at the state of the town's environment in the early 1830s. The satirical journal *The Liberal* noted that the town centre was inadequately lit: those who fell over in the night should blame 'either the Gas Company or the Police, for not having given us light enough to avoid the ditch on the one side or the quagmire on the other.'⁸⁸ The remedy would be to make sure that the lights were properly lit, and: '[a]s to expense, it is beneath the respectability of a town like this, to think for a moment, where the convenience of the inhabitants is concerned.' Any reform would be easy, provided that it were '*tightly set about*.' However, the events of the 1830s were to prove that not all of Sheffield's inhabitants shared the writer's sanguinity on the issue.

The creation of the day police in 1836

The 'day police force' was set up in 1836. This force was produced by subtracting men from the Night Watch, but it was nevertheless a true departure from existing practice, and seen as such, since it allowed the police to intervene regularly, in significant numbers, in daytime.⁸⁹ It aligned the force more towards combating 'petty disorder', whilst making it more effective against 'grand disorder'. This reform was precipitated by the town's reaction to the 1835 Municipal Corporations Act. The Eyre Street riot of January 1835, when the Medical School

⁸⁶ *Independent*, April 28, June 9, 1821; 1818 Improvement Act. The rise and eclipse of the Association for Protection of Trade is described more fully in the next chapter.

⁸⁷ *Mercury*, July 30, 1836.

⁸⁸ *The Liberal* Vol.1 No. 1, Saturday November 17, 1832; SLSL Pamphlet Collection, Vol. 161/7. p. 6

⁸⁹ CA 295/C 2/1 'Wages paid weekly to the Sheffield police force'.

was destroyed, had led to calls for a resident magistrate, but little overt criticism of the town's watching arrangements.⁹⁰

In September 1835, the Improvement Commission's Watch Committee reported to the Commission as a whole: its pre-occupation was with the better supervision of the night watch (via five 'corporals') rather than any change to the day arrangements. November heard a call for an extended watch on Sunday mornings. In December a special meeting of the Improvement Commission heard William Jackson (a Commissioner) allege that the force was ineffective: not because of its set-up, but because men were not 'efficient and active' enough. Better supervision and greater effectiveness on the part of the watch was discussed, but institutional change in the police's complement was never mooted in 1835.⁹¹

Proposals for change generally considered one of three alternatives: incorporation; a stipendiary magistrate; and a new improvement act. Often, but not always, the last two were considered together. In 1836, change to the local government structure was generally seen in terms of whether or not to incorporate. The Tory *Mercury* was against it instead advocating the adoption of a stipendiary magistrate sitting five days a week to lessen the 'burden' on the JPs.⁹² Against the Liberal accusation that Tory JPs were biased against poachers, the *Mercury* pointed to the probability of Liberal Alderman showing bias in industrial disputes.

In 1836 the Improvement Commission began to point out the flaws in its statutory authority.⁹³ It was unable to hold people for more than 24 hours without charge. The implication of the mass of criminal reports in the newspapers is that those who had committed serious crimes were held for more than 24 hours: either illegally, or by one of the magistrates coming to Sheffield to charge them. This situation was leading to a lot of arrestees being released on bail, and an unacceptable amount of compounding of offences between criminal and victim.

Aggrandisement of the Bench

In May, the Improvement Commission formally approached the West Riding magistrates to ask if they would sit daily in Sheffield. Hugh Parker's reply summed up the magistrates' position.⁹⁴ He was preoccupied more with the basic necessity for daily justice 'owing to the increasing population' than with anything to do with the governance and practice of the police force. He offered three possible solutions: incorporation; appointing a stipendiary for 'daily

⁹⁰ *Independent*, January 31, 1835.

⁹¹ *Mercury*, September 5, November 7, December 5, 1835.

⁹² *Mercury*, March 5, 1836.

⁹³ *Mercury*, March 19, 1836, report of Improvement Commission special meeting.

⁹⁴ *Mercury*, May 7, 1836.

attendance' and 'the superintendence of the police'; and increasing the number of West Riding magistrates 'residing in or near the town'.⁹⁵

A committee of the Improvement Commission, with a number of Reform Association members in it, decided that, of Parker's three options, augmenting the West Riding bench was the best.⁹⁶ The chosen solution was to use the nominative power of the county authorities rather than anything that would augment the power of any of the town's democratically elected bodies. The next week they wrote to Leeds, Hull, Leicester and Nottingham requesting details of their police and justice establishments, hinting that as well as augmenting the bench, they were also considering changing the arrangements for police.⁹⁷ The proposal received a mixed reception at the next Commission meeting. A Corporation was advocated as the way that Sheffield could get an extended boundary and, if necessary, a stipendiary. This proposal was overcome by the arguments against - that it would be likely to be more expensive, that it would lead to the bench being packed with manufacturers, with a consequent loss of faith in 'industrial' cases; and that the precise nature of the Act was still being considered by Parliament.⁹⁸

Amid attempts by some Commissioners to turn the matter over to a public meeting, the committee's report was accepted: augmentation won out over incorporation or a new act as the plan the town would follow. One Commissioner argued in favour of a new Act since the present police were 'defective in remedying nuisances in the streets'.⁹⁹

The Improvement Commission then took a highly significant step: the formation of a day police:

twenty men should be appointed by the Commissioners, to be dressed in the same costume as the London Police, their time always being at the disposal of the Commissioners, either by day or night; and also that their wages should be 17 shillings per week in summer and 18 shillings per week in winter.¹⁰⁰

There were no dissenting voices, and the motion was carried unanimously. This step cannot be explained in terms of major riot or political instability. The day police were recognised as the only way to secure the peace of the streets. After they had been introduced, the *Mercury*

⁹⁵ *Mercury*, May 14, 21, 1836.

⁹⁶ *Mercury*, May 21, June 18, July 2 1836. The deputation consisted of: Sykes*, Palfreyman*, Dr. Younge, Lowe, Booth, Boulton*, Doncaster, Hazlehurst, Butcher, Bramhall, Ibbotson*, and Maugham. Those marked with asterisks appear on the list of attendees and members of the Reform Association meeting in June 1836.

⁹⁷ *Independent*, July 2, 1836.

⁹⁸ *Independent*, July 2, 1836.

⁹⁹ *Mercury*, July 2, 1836.

¹⁰⁰ *Mercury*, July 6, 1836.

welcomed them in the following terms: 'such a force has long been wanted in Sheffield, the disorderly state of the streets, especially in the evenings, having been such as would not be tolerated in any other large town'.¹⁰¹ From the other end of the ideological spectrum, the *Independent* welcomed them too, as a 'local improvement, long desirable . . . they will be found effectual in preventing many disorderly proceedings, and we have no doubt this experiment will give such satisfaction to our townsmen, that an extension of the system will be desired.'¹⁰² In July of 1836 the *Independent* had thought of a day police as something 'that we must soon have, whether we have a Corporation or not'.¹⁰³

The reform was not precipitated by any major concern for specific aspects of order: it happened two months in advance of the creation of the Sabbath Observance Society.¹⁰⁴ One of the precipitants of the Medical School's destruction was the inability of the police force to guard it by day as well as by night.¹⁰⁵ But this occurred eighteen months before the decision was taken; a long time to wait. In addition, compared to the election riot of 1832, the Eyre Street riot was a tame affair, and 1832 (described in Chapter Five below) did not result in any alteration in the town's policing arrangements. Possibly the chance to re-model all the criminal justice system kept piecemeal reforms on ice until it became obvious that altering the composition of the bench would lead to town-wide argument. The adoption of a day police did not solve the problems of the lack of daily justice and the limited police area.

At the Improvement Commission's Annual Meeting in August, the vacancies were more than usually contested. One 'ticket' (Harrison, Jackson and Yeomans) had been recommended in a paid advertisement in the *Mercury* on July the 30th. Samuel Jackson was elected, as were Edward Vickers and Edward Bramley, all three of whom were later prominent in the movement to incorporate the town.¹⁰⁶ In September the day police appeared and was welcomed; however, the debate on the policing of the town did not cease. In December 1836, a Mr Renton appeared before the Commission 'to complain of the annoyance to which he and some other master tailors were subjected, by having their premises constantly watched by the

¹⁰¹ *Mercury*, September 10, 1836.

¹⁰² *Independent*, September 10, 1836.

¹⁰³ *Independent*, July 2, 1826.

¹⁰⁴ *Mercury*, July 22, 30, 1836.

¹⁰⁵ 'The place was well guarded during the night, the whole of the watchmen being on duty til one o' clock. By forming themselves in lines across the street, and guarding the avenues, the mob was dispersed. Some of them, however, we are informed, were heard to say "the watchmen will be in bed in the morning, and then we shall have all our own way." On Monday morning, between seven and eight o' clock, the place was broken into.' *Independent*, January 31, 1835.

¹⁰⁶ *Mercury*, August 6, 1836. Vickers came first with 194 votes.

turnouts, and wished to know what steps the Commissioners could take for their relief.¹⁰⁷ Raynor responded that he had done all that was in his power, but his men would not intervene unless there was a breach of the peace. Staniforth, the Law Clerk, recommended that the masters issue summonses via the magistrates. The day police were an uncomfortable halfway house: not a large enough force to deal with industrial action over a period of time. They could be pulled off evening or night duty for special occasions (such as the opening of the National School) or dire emergencies (such as the Chartist agitation of 1839/40) and they could provide a minimal presence during the day. However, they were unable to accede to a long-term commitment on behalf of an employer. In a typically verbose intervention, Luke Palfreyman backed up Henry Doncaster's suggestion that the real cure for this problem was a more powerful Police Act. According to him, Renton's case showed that more powers were needed, including a stipendiary magistrate. 'The original draft of the Police Act contained many powers that were struck out, because it was thought they would be unpalatable to the public. Now however he thought that the public would prefer an act giving increased powers.' The Commission voted to appoint a committee to consider an amended act which consisted of all the members of the Commission's various committees, (Lighting, Watching, Cleansing, Rate) plus a number of named individuals: in effect it was all the active Commissioners.¹⁰⁸

It was at this meeting that Samuel Jackson correctly predicted the events of the next six years. The Commission wanted another Police Act: the town wanted a corporation. Any attempt to alter the status quo in favour of the former would inevitably lead to the latter. This happened, although it was not as straightforward as this: the town turned down incorporation the first time it was asked, and in the end had to be hustled into it by the threat of a West Riding Police. But in 1836, this was not apparent: none of the options facing the town in general, and the Commission in particular, looked pre-ordained.

Part Ten: Alternatives to incorporation

Staniforth prepared 'a draft, or heads of an intended Improvement Bill', which was submitted to the Committee for consideration.¹⁰⁹ In January 1837, the Commission heard the first report

¹⁰⁷ *Independent*, December 10, 1836; *Mercury* December 10 1836. The *Mercury* report says he wrote, the *Independent* that he appeared. This is one of the few inconsistencies in the (not identical) accounts I can find between these two newspapers. Their intense commercial and political competition appears to have served to keep them honest.

¹⁰⁸ *Independent*, December 10, 1836.

¹⁰⁹ *Mercury*, January 7, 1837.

of the committee.¹¹⁰ Their first act was to get John Parker, one of the town's MPs (and Hugh Parker's son) to enquire of Lord John Russell 'what might be expected to be done by government in respect to the incorporation of the new parliamentary boroughs'. The men of Sheffield appreciated that one of the most crucial limitations to their activity was the power of the central state and the frameworks it set: there was no *tabula rasa*. Russell responded that he envisaged the introduction of a streamlined procedure of petition and counter-petition by which boroughs could incorporate 'without the expense of a local act or a charter of incorporation'.¹¹¹

The draft act was drawn up by Staniforth in December 1836, and considered by the Committee in private during the spring of 1837, without reference to the Commissioners at their monthly meetings.¹¹² The May meeting resolved, after some debate, to have the Act printed.¹¹³ At about the same time (May - June 1837) the Improvement Commission was embroiled in a question of management that could make it more ready to change its legal basis. The existing lease on its stables was about to lapse. However, a number of Improvement Commissioners, led by the Law Clerk, Staniforth, doubted that they had the power to do this under the 1818 Act. Some members were blasé about any possible illegality:

Mr Boulton said, the [Cleansing] Committee, when it recommended the purchase of land at Norris Field, had in view the keeping of the horses there. Why should the cleansing be the only department in which they should hesitate to act illegally? Their day policemen were illegal; and their illegal proceedings were rendered necessary by the defects of the act.¹¹⁴

This is the only place where the possible illegality of the day police is alleged. If any of the townsmen complained, and the expenditure *was* deemed to be illegal, the Commissioners could be surcharged by the West Riding Quarter Sessions. Booth's attitude 'that it was plainly for the good of the town, and thus he did not expect any townsman to complain - appeared to have prevailed, as the motion to build the stables passed nineteen votes to four. The July 'Special Meeting' came around, but 'in consequence of the absence of so many

¹¹⁰ *Independent*, January 7, 1837.

¹¹¹ At this meeting, the chairman, Morton, expressed a desire that the Town Trustees' should put their promises to help fund a new Act in writing, since they current arrangements were saving them £500 per annum with no contribution on their part. Leader obviously took delight in reporting that Morton (a Tory) was called to order by another Commissioner.

¹¹² This is the implication of the meeting reports in the *Independent*: 'no business of the least importance' from February 4th, no report at all for March, and 'no business of public interest' from April 8th. The *Mercury* tells a similar story: in March, no business but signing the cheque, in April 'nothing interesting'.

¹¹³ *Independent*, May 6, 1837; *Mercury*, June 10, 1837.

¹¹⁴ *Independent*, June 10, 1837; *Mercury*, June 10, 1837.

Commissioners at Rotherham Sessions' the consideration of the draft act was postponed for a month.¹¹⁵ Finally, the August meeting began to discuss the Bill.¹¹⁶

The content of the draft Bill

The incomplete draft of the bill of 1837 survives, and provides a valuable indicator both of the detailed plans proposed, and of the underlying concerns of the plan's proposers.¹¹⁷ It had 120 Commissioners elected for five-year terms in twelve districts by all ratepayers over twenty.¹¹⁸ Clergy, dissenting ministers, and 'persons holding office, or place of profit, or having an interest in any contract' were proscribed. Their jurisdiction rose from $\frac{3}{4}$ mile to one mile, and could be further extended. They could appoint 'able-bodied' men as 'Watchhouse-keepers, Serjeants of the Watch, Watchmen, Patrols, Police-officers, Street-keepers, and other persons, and provide the police officers with 'clothing, arms, ammunition and weapons'.¹¹⁹ The new bill did not necessarily envisage a force continually pounding the beat.¹²⁰ The Sheffield police officers would have the power of constables, unlike most of those serving under the 1818 Act, which did not mention the office of constable at all.¹²¹ The bill also gave the Commissioners the power to appoint a stipendiary magistrate and give Sheffield its own Borough court of petty sessions.¹²²

The Bill was overwhelmingly about order. Watching got the most space (six sides) and involved more departures from existing practice than the proposals for lighting and cleansing.¹²³ The aim was to protect 'inhabitants, houses, and property, streets, lanes, and other public places, by day or by night, or by day and by night'. The watch were to 'prevent . . . any mischief by fire, and also all robberies, burglaries and other felonies and misdemeanours, affrays, and other outrages, disorders and breaches of the peace'.¹²⁴ 'Police' was used as a

¹¹⁵ *Independent*, July 8, 1837.

¹¹⁶ *Independent*, August 3, 1837. At the August meeting, there were worries that, due to 'inclement weather' not enough Commissioners were present: but before they could adjourn, enough arrived at the last minute to make the meeting worthwhile.

¹¹⁷ 'Heads, etc. of a Bill for regulating the Sheffield Police, and removing and preventing nuisances and annoyances therein', Printed by A. Whitaker and Co., Iris Office, 1837. SLSL, Vol. 54. [Hereafter: '1837 draft Bill.']

¹¹⁸ 1837 draft Bill, pp. 3-5.

¹¹⁹ 1837 draft Bill, pp. 12-13.

¹²⁰ 1837 draft Bill, p. 12.

¹²¹ 1818 Improvement Act.

¹²² 1837 draft Bill, pp. 17, 18.

¹²³ 1837 draft Bill, pp.6-12.

¹²⁴ 1837 draft Bill, p. 12

shorthand for all sorts of regulatory measures. The smooth running of the town was to be ensured by the vigilance of its guardians in eliminating nuisances.¹²⁵

The Commissioners were to assign the police beats and shifts and to pay the police officers' 'wages, rewards, and gratuities', to compensate for injuries and give allowances to those 'as shall be disabled by bodily injury received in the performance of their duty.'¹²⁶ The police officers were to pay all their fees to the Commissioners, who were also to draw up and enforce the force's rules and regulations. with the power to discipline or fine (up to 20s) the police officers for any 'neglect or misbehaviour'. They could prosecute offenders and defend police officers in the exercise of their duty if necessary: the latter was a departure from the current practice.¹²⁷ The existing separation between day and night forces was to be preserved.¹²⁸ The duties of the watch were much more closely defined, and the prevention of large-scale disorder formed a greater part of its purpose. The proposal increased the penalty for those who would 'harbour, lodge or entertain, or entice from his duty' any on-duty Police Officer' from 10s to £5: 'treating' of watchmen was obviously seen to be a problem.¹²⁹

The proposal increased the level of democratic accountability, to the same level as that contained in the Municipal Corporations Act. In addition, the drafters of the Bill were obviously trying to make their Act compatible with the Municipal Corporations Act from central government's point of view. The Home Office would be informed of the clothing and equipment they received, of their wage levels, of the location of station-houses, and of the regulations governing their conduct.¹³⁰

Consideration of the draft Bill

Discussion of the Bill commenced in August 1837 and continued at the meeting in September which only sixteen Commissioners attended.¹³¹ At the next meeting, on October the 4th, the

¹²⁵ 1837 draft Bill, pp. 25-28.

¹²⁶ 1837 draft Bill, p. 5, 13. This was marginally less generous than the extant form of words, which allowed payment to any watchman who 'may be disabled, wounded or hurt in the Execution of their Duty'. 1818 Improvement Act

¹²⁷ 1837 draft Bill, p. 13-14.

¹²⁸ 1837 draft Bill, p. 12: to protect 'inhabitants, houses, and property, streets, lanes, and other public places, by day or by night, or by day and by night

¹²⁹ 1837 draft Bill, p. 16.

¹³⁰ 1837 draft Bill, p. 17.

¹³¹ *Mercury*, August 12, 1837; *Independent*, August 5, September 9, 1837. This is a low attendance if the minimum possible attendance is considered. Each Commissioner had to attend one of twelve meetings a year to re-qualify. Since about 100/105 generally did qualify, this means an average attendance of eight men a meeting - even if they all only attended once. Given that about fifteen men

process ground to a halt and consideration was postponed for six months. The consideration of the 1837 draft had ended. Why? The Improvement Commission was an unwieldy body (the Town Trust, which fulfilled a similar drawing-up and considering role for the 1818 Act, had only twelve members). Even the committee appointed to draw up the draft consisted of at least eighteen people. Yet the regular attenders at the monthly meetings, were only a small group of 'active citizens'. Did they feel confident to speak for a body five times their number? Such doubts would be reinforced by the fact that, for an Act to get past a town meeting, it could not afford to come from a badly divided body. The problems besetting the town may have been seen as nagging, but not crucial. Furthermore, the day police could plug the perceived gap that led to the Eyre Street riot. Certainly Hugh Parker thought so. In his answers to the questionnaire of the Constabulary Force Commission, (given on 23rd December 1836) he responded to the question about paid police by describing the newly-created day police, which was 'all under the superintendence of Mr Thomas Raynor who has lately improved the police very much and made it as efficient as the limited funds will allow'.¹³² So, by the end of 1836, some of the pressure for change had been dealt with. The draft Bill was not taken up after the expiry of the six months adjournment because of the campaign to incorporate the town that began in December 1837. This will be dealt with in Chapter Four below, which continues the narrative.

This chapter has examined how and why Sheffield set up a reformed watch force in 1818, that included many of the supposed elements of an efficient 'new' police. There was a general consensus behind the move on the part of the town's ratepayers. The 1818 Act was presented, though, as a measure designed to deal chiefly with disorder, when in fact its main functions were regulation and prevention of property crime. Attempts during the period 1818-1836 to improve the police were unsuccessful since the plans put forward did not command enough popular support through the town. The existence of a more institutionalised form of police authority, though, did have an impact on the tactics advanced against 'victimless crime' by the reformers of manners and order. By 1836, aided by the example of the Eyre Street riot, the pressure for reform had become too great, and a slightly more than token day force was established. After that, despite a move for improvement, apathy again prevailed.

were there more often than not, this means that the seventeen men present at the September 1837 meeting did not represent much advance on the minimum usual attendance.

¹³² HO 73/5 'Constabulary Force Commissioners returns for Upper Strafforth and Tickhill Wapentake'.

Chapter Four: Considering incorporation, 1837-43

‘the ideas and arguments of contemporaries assume a new significance as independent sources of influence, not just more or less wise or misguided epiphenomena hastening or hindering, but not directing, the course of history’¹

This chapter picks up the narrative where the last one left off, explaining how the town eventually incorporated. This process was not straightforward, but the outcome of a number of different factors. These included: the town’s slowly deteriorating public order situation; the ‘factionalisation’ of the Improvement Commission; and the catalyst of the threat of policing from outside, which appeared with the threatened application of the County Constabulary Acts.

Part One: Attempts at incorporation, 1837-40

The initial call for incorporation came in December 1837 with a reference to policing: ‘it had long been a matter of notoriety that the present police of the town is inefficient, and that the provisions of the Police Act are of too limited a nature’.² A stipendiary magistrate would be the main attraction of a corporation. The desire for ‘daily justice’ was also raised at the meeting by William Vickers, and Samuel Jackson (elected in 1836 to the Improvement Commission) urged hyperbolically that ‘something should be done to improve our police, which was on a worse footing than that of any large town in the world’.³

Of those who signed the petition for a public meeting on the issue, twenty were Improvement Commission members.⁴ Of these, only two were members of its committees (a category that accounted for seventeen members of the 120-man Improvement Commission as a whole in

¹ Reiner, (1985), p. 33.

² *Mercury*, December 23, 1837.

³ One reason why Jackson made this complaint appears to be that Sheffield’s lack of a Mayor meant he (and other exporters) had to go to Chesterfield each time he needed an affidavit for his foreign business.

⁴ *Mercury*, December 30, *Independent*, December 30, 1837.

1836).⁵ Vocal support for incorporation did come from active members of the Improvement Commission (Palfreyman, Bramley, S. Jackson, Ibbotson), but those who looked after its business in between monthly meetings were less likely to assent to a proposal implicitly criticising its ability. The twenty who supported incorporation had been on the Commission for a mean period of eight years.⁶ The sixteen members of the Commission who signed the petition against the proposal in February 1838 had a different profile. Five were on committees, and their mean length of experience as commissioners was twelve years.

Arguments for incorporation

The public meeting on January 3rd heard a variety of justifications for a corporation. The main argument in favour was that the town's current institutions were obsolete, unable to deliver the required standard of order and justice. The great objective was for 'daily justice'.⁷ As one of incorporation's most prominent supporters, lawyer Luke Palfreyman, put it: 'we want daily justice, an excellent police, and good watching.' The poor and property-owners alike would benefit from swift and cheap settlement of disputes, and the latter would not have to brave the twice-weekly scrum at the Town Hall. 'The saving of half a day's time, to any one of you, would be worth ten times more than he would be called upon to contribute.'

The growth of the town and civic pride also appears to have functioned as a motivation: Sheffield was being measured against a variety of distinct ideals. Edward Bramley (later to become town clerk under the corporation) claimed that it was vital that 'the town should be properly governed, the persons and property of the inhabitants adequately protected, and the laws regularly and expeditiously administered'. Sheffield was 'lamentably deficient . . . in some or all of these particulars.' In addition, Sheffield was being measured against new concepts of policing: the preventive rather than the 'retaliatory' model. Palfreyman's opinion of the operation of the parish constabulary and the magistrates concentrated on the potential for abuse, rather than on any actual abuses. Since fees to the constables were calculated in terms of their ability to respond to crime, 'our excellent constables' exertions to prevent crime were going uncompensated. As well as being judged against hypotheticals, Sheffield was also being compared to other large English towns.

⁵ *Mercury*, August 13, 1836.

⁶ *Mercury*, August 13, 1836, *Independent*, December 30, 1837.

⁷ This and all the direct quotes from the meeting come from the report carried in the *Sheffield Independent* on January 6, 1838.

Arguments against incorporation

The case against incorporation rested on several planks. The first was to deny that there was anything wrong with the state of the town. The next was to bemoan the creation of unnatural and unwelcome 'party feeling', and the great cost which the corporation would entail. Opponents also pointed out that the members of the Improvement Commission were now arguing in favour of a stipendiary magistrate, yet in 1836 they had rejected this alternative, and in 1837 they had allowed the proposed new improvement Act to lapse. Others pointed out that the prominent supporters of 'daily justice' included many lawyers.

The main thrust of the opposition to incorporation was based on concern for the interests of the poor. Wilson pointed out that the Borough rate would be paid by all (poor) ratepayers: not just those assessed at more than £10.⁸ The other issue on which the opposers of incorporation sought to invoke the 'men' against the 'masters' was the composition of the magisterial bench. Mr Lomas, from the perspective of one who had been 'a working mechanic', and supported trades unions, warned against incorporation as liable to create an aristocracy among the masters. 'If the masters were magistrates, how could the men obtain disinterested justice?'

Responses to the opposition

The pro-incorporation lobby responded to these objections. The chief response to cries of 'party' was to disown them. 'Party feeling' was a general accusation to be disclaimed by the speaker and flung at his opponents. Another response was to celebrate party: this was the course taken by James Ironside, on the extreme left of the Whigs. 'This was truly a party suggestion. Their opponents knew it. They knew it would give to liberal opinions a tremendous rise.'

Palfreyman met the accusations over cost head on. It would be worth it because: 'I know of nothing that deserves to be better paid for than a well regulated police force and a due administration of justice.' The wider basis of the rate could be defended as more, not less, egalitarian, since 'it is as much the interest of the poor man to have his house well watched as it is the interest of a richer man.'⁹ The rich could employ servants to protect their property:

⁸ He was wrong: the 1818 Act exempted all those assessed at £7 or less.

⁹ Palfreyman to meeting.

the poor could not. It was also possible to question the motives of those arguing on behalf of the poor. James Ironside doubted the sincerity of the 'mushroom friends of the poor' - Tories who had not shown the same fervour over the Poor Law.

The supporters of incorporation were keen to contest the charges that it would lead to a Bench biased in favour of the manufacturers. It was possible to respond to this combatively, although only Ironside did. He 'did not think that the aristocracy of which Mr Lomas was afraid, would be so formidable as Squire Walker, Mr Alderson, and the Honourable John.'¹⁰ The rest of the incorporators compared a disinterested present Bench with a disinterested future one. Yet the stipendiary - supposedly one of the key objectives of incorporation - was not guaranteed by it. Furthermore, there was a chance that a stipendiary could also be obtained by an improvement act. Palfreyman put across his view of what had happened in the summer of 1836, defending the Improvement Commission against a charge of inconsistency. Parker had written and offered them three options: a charter; a stipendiary; and a bigger local bench. They opted for aggrandising the bench, and rejected the alternative of incorporation 'in consequence of the unsettled state of the law on that subject.' Now, except for Brownell, 'none of the magistracy have qualified [for the bench].'

The *Independent's* editorial welcomed the proposal to incorporate in glowing terms. As for the possibility of partial magistrates, Leader said:

We believe, however, that there are few of our townsmen both willing and able to discharge the duties of borough magistrates, and therefore it is not probable that we shall have any besides the Mayor.¹¹

But Leader had no doubt that a stipendiary magistrate would be appointed, and looked forward to that possibility. The confident proponents had formed a committee to fix the boundaries of the area for which a charter would be requested.¹²

Dissent from below

The opponents of incorporation met on February 9th at a meeting chaired by Boulton, an Improvement Commissioner.¹³ The platform around which they grouped themselves was

¹⁰ 'John' was J.A.S. Wortley. Brownell and Parker were notably absent from this list.

¹¹ *Independent*, January 6, 1838.

¹² *Independent*, February 10, 1838.

¹³ *Independent*, February 10, 1838.

straightforward. Referring to how far and fast the population had grown *without* a corporation, their resolution concluded that a Charter:

would entail upon it a great increase of *Local Taxation*, be a means of creating *ill feeling* amongst the Inhabitants, by the Periodical return of *Municipal Elections*, and be attended by the loss of a great portion of the valuable time of the Industrious Population.¹⁴

They obviously did not feel confident enough about the problems of policing the town to attempt to unite around an alternative plan, or to publicly challenge the existence of any difficulties. It is in this debate that an organised voice for (if not of) Sheffield's working classes, represented by Richard Otley and the Ironside brothers, can be found, generally counterpoising itself to both of the town's mainstream political factions but supporting incorporation. In James Ironside's opinion, the present system was 'humbugging'.¹⁵ Their radicalism, though, claimed a commitment to order: Otley asserted that riots such as that against the Eyre St 'dissecting house' could be prevented by a resident magistrate. and argued for some 'consideration for the protection of their property, their persons and their liberty', and linked the power of the county magistrates to Peterloo. This trio of concepts (property, persons, liberty) was powerful: what was new was the additional emphasis on 'liberty' being used to justify a democratic (and potentially bureaucratic) reform rather than a *laissez faire status quo*.

The Commission factionalised

Both sides seemed anxious to label the other as containing the body of the Improvement Commission. This is the best indication there is (indeed, close to the only indication) that it was an unpopular body seen to be doing a bad job.¹⁶ In a snide comment on the report of the 'anti-enfranchisement meeting', Leader listed 'the Tories and the police commissioners' as leaders of the opposition. He also drew attention to one cause of the bad state of the town's police: the Commission's meetings were 'thinly attended' thus:

the whole machinery is left in the hands of certain committees, whose meetings are well attended or ill attended as it may happen; and the result is, that the effective control is in the hands of a very few persons . . .

¹⁴ *Independent*, February 17, 1838.

¹⁵ *Independent*, February 17, 1838. The example he used to illustrate this conclusion was the IC's defence of Sgt Crookes, which will be examined further in Chapter Seven.

¹⁶ *Independent*, February 17, 1838 editorial: he was complementing them on staying in the background while others argued their case for them.

appointed . . . because they happen to be willing, from various motives, to go through the drudgery of managing details.

This situation resulted in an 'imperfect management'. The campaign to incorporate had opened up a rift in the Improvement Commission between its committees and some incorporationist members of the body in general. In the same issue a letter appeared from Luke Palfreyman attacking the anti-incorporationists as:

some old members of the present irresponsible, life-elected police body, who, anxious to retain office are determined to defend their blushing honours to the very last, and from whom the opposition to the charter chiefly arises.¹⁷

Clearly, policing matters were at the centre of all the arguments about incorporation in 1838. However, there was not a consensus about them that was able to override party sentiment. The Tories and the poorer ratepayers who signed up against the proposal did not, in the end see the problem of 'disorder' as more pressing than their desire to keep the Whigs from controlling a more powerful and prestigious town body. In April 1838 the petitions were counted up. While 1,970 ratepayers, rated at £46,013, voted in favour, 4,589, rated at £76,472 voted against.¹⁸ The average value of each proposer was £23, that of each opposer £17.

Meanwhile, the Improvement Commission grew increasingly polarised.¹⁹ Despite Palfreyman's outburst about the 'irresponsible life-elected body', he chaired the meetings in June, September, November and December 1838.²⁰ At the general meeting of ratepayers to elect new members to the Commission in August, there was a challenge to the vote for the chair: normally a formality.²¹ The 'incorporators', won. The Liberals won the elections, too: the nine new members included two of the 'incorporators', Corden Thompson and George Roebuck, near the top of the poll. Unelected were two Creswicks, a Newbould, and a Younge: Tory names all.

At September's meeting, Palfreyman, insisted that the letter of the 1818 Act be stuck to.²² In the ensuing debate, Robert Sorby, who preferred an amended act to a corporation, pleaded

¹⁷ *Independent*, February 17, 1838.

¹⁸ Barber, (1993), p. 27.

¹⁹ *Independent*, March 3 1838

²⁰ *Independent*, June 9, September 8, November 10, December 10, 1838.

²¹ *Independent*, August 11, 1838.

²² *Independent*, September 8, 1838.

with his fellow Commissioners to bury party political spirit 'in oblivion'. Leader reported laconically:

MR. SORBY did not think that a corporation would be any improvement, and the public thought with him.

Several Commissioners remarked that there were two opinions on that point.

November's meeting, again chaired by Palfreyman, was also riven with controversy.²³ This time the complaint, raised by an 'incorporator' was that a member of the watch committee had illegally been giving orders to members of the police force.²⁴ One underlying reason for this argument could well have been the split between the Liberal Commissioners, and the Tories who dominated the committees. Overt signs of tension faded after this meeting. The stand-off rendered the Commission more polarised than before: but there was no legal challenge, and the basic consensus about the desirability of preserving order appears to have held. This situation can be contrasted with those in Birmingham, Manchester and Bristol, where political polarisation was so great that any effective police reform was 'gridlocked'.²⁵

Part Two: the County Constabulary Acts

The feared imminent adoption of the County Constabulary Act was the factor that changed enough householders' minds to get a vote for incorporation in 1840. This is well known.²⁶ However, the story is not as simple as that. It is important to consider the relative significance of different aspects of the police function in this decision. The West Riding magistrates meeting in Quarter Sessions were responsible for the seeming determination to give Sheffield a 'rural police'. They were also responsible for day-to-day justice in the town, as well as the securing of the district against large-scale public disorder. The relative importance of the Chartist uprising *vis-à-vis* daily crime therefore needs to be considered. This is particularly

²³ *Independent*, November 10, 1838.

²⁴ Throughout, 'watch committee' refers to the Improvement Commission's committee: 'Watch Committee to the Borough's.

²⁵ See Walters, (1975), p. 6; Weaver, (1994), p. 290; Palmer, (1988), p. 416.

²⁶ Barber, (1993), p. 28; M. Walton, *Sheffield: its story and achievements* (Sheffield, 1952), pp. 176-177. Dennis Smith, in what is otherwise a very perceptive study, commits an error when he mentions the events in question, referring to 'Lord Wharncliffe's newly formed West Riding Constabulary' when in fact the West Riding did not adopt a police body until 1857: Smith, (1982), p. 32.

the case since - also in 1840 - the *local* magistrates proposed that Sheffield reform its police. In addition, the attitude of the townspeople and the reasons why they, conversely, were so antipathetic to county constabulary must also be explained.

Pressures on the police systems

In 1837 and 1839, the *Mercury* reported the activities of Chadwick's Royal Commission on Rural Constabulary and its 'Centralised Police for the Whole Kingdom'.²⁷ This described Chadwick's plan for a rural police: not the less monolithic version that was eventually instituted.²⁸ The Improvement Commission meeting of September 1839 heard from John Parker MP of the potentially disruptive influence of the County Constabulary Bill.²⁹ He was in a quandary when he had corresponded with the Commission's Law Clerk, Staniforth, in August. If he let through the clause that allowed the County Constabulary to take over improvement police forces, the powers of the Commissioners would be extinguished. However, he considered that the Improvement Commission was 'already at the maximum' of its power, and if insulated from all the provisions of the Bill, it could not be reinforced in the event of a crisis.³⁰ Staniforth called a special meeting of the members of the Commission's committees. Their response was to request Parker to attempt to introduce a clause that would allow:

the Commissioners, under local acts, or the Justices in Quarter Sessions, with the approbation of one of Her Majesty's Secretaries of State, to appoint a stipendiary Magistrate, in unincorporated towns, exceeding 50,000 inhabitants, on the petition of the ratepayers.³¹

This rather optimistic request fell through. The Bill was an urgent one, and as Parker pointed out, 'A simple clause would not be enough', and it could not be inserted in a general Bill.³²

²⁷ *Mercury*, October 14th, 1837, April 13 1839.

²⁸ Emsley, (1996), p. 39.

²⁹ *Independent*, September 7, 1839.

³⁰ J. Parker to Staniforth, August 9, 1839, in *Independent*, September 7, 1839.

³¹ Staniforth to J. Parker, August 12, 1839, in *Independent*, September 7, 1839.

³² See Palmer, (1988), pp. 423-427, 438-445, on its creation: notwithstanding the revisionist arguments advanced by David Taylor, who opposes Palmer's 'Chartist-driven' interpretation, and considers the 1839 Act 'best considered as an addition to the range of policing options that had developed in the previous ten years or so: Taylor, (1997) p. 28. John Parker's own words gainsay this: 'The necessity of establishing the foundation of a police force, before Parliament separates, in the present state of the country, is the only justification for taking up so large and difficult a subject at this period of the Session.': Parker to Staniforth, August 10, in *Independent*, September 7, 1839.

Parker did relay a promise from Lord John Russell that areas with local acts would be exempted for two years.

For many of the Sheffield establishment, at least, the lesson of January 1840 was not that their police was beleaguered. On the contrary, it had taken all (literally) that had been thrown at it. As Palfreyman put it to the Improvement Commission in April 1840: the punishments handed out to the 'convicted parties' meant that the problem would be unlikely to return during their lifetimes.³³ Hugh Parker had this to say to the Wakefield Special Sessions in September 1840:

[the police force] proved itself to be equal to meet any emergency. It came in contact with armed men, and no part of the force retreated, though some of the men were wounded with spears or fire arms.³⁴

Not only was the Chartist 'threat' deprecated in some influential circles, but there was pressure from the Quarter Sessions Bench for Sheffield to improve its everyday policing. In November 1839, Lord Wharncliffe, the Chairman of the Quarter Sessions, and chief local advocate of the County Constabulary, castigated Sheffield at the Sessions for 'the want of a good understanding between the constable and the police.'³⁵ A thief had nearly escaped justice owing to a failure of communication between Bland and Raynor. The situation was resolved to the Commission's satisfaction with the adoption of a new record book, open to view by the constables as well as the police.³⁶

The magistrates intervene

In March 1840 the local magistrates came forward with another demand.³⁷ This was prompted by their perception of a crisis in Sheffield's criminal justice system. Brownell (still a West Riding Magistrate, but no longer a resident of Sheffield) and Parker were joined by the other regular attendees on the Bench in putting forward a proposal. This differed from the three options offered by Parker alone in 1836 - now there was no choice. The magistrates had met on February 18th 'to consider the best means to be adopted for improving and extending

³³ *Independent*, April 4, 1840.

³⁴ *Independent*, September 26, 1840.

³⁵ *Independent*, November 9, 1839. At the Sheffield Sessions in October, Wharncliffe had remarked: 'the police and constables ought to act together instead of going on in ignorance of what one another was doing.': *Independent*, October 25 1839.

³⁶ *Independent*, December 7 1839.

³⁷ *Independent*, March 7, 1840.

the police of [the] town and neighbourhood.’³⁸ The limited number of magistrates, and the difficulty they had in attending Petty Sessions, and ‘the want of powers in any act to appoint and pay a police force adequate to the increasing population of the town’ were listed as the problems. The measures proposed were those ‘long thought desirable, and which all must, from recent experience, consider necessary.’ The solution was an Act appointing a ‘Chief Commissioner and Magistrate, with a salary, and the establishment of a police office for the whole borough.’

They suggested the Birmingham and Bolton Police Acts as a model for the legislation. This was a grave tactical error, for these Acts had been passed ‘partly because of the fear of Chartist disorder, but also because of problems with local government.’³⁹ They were statements of no-confidence in the ability of the towns concerned to look after themselves. What they were being offered was a stipendiary/commissioner, with executive as well as judicial powers, which would usurp theirs entirely. The magistrates’ choice of the Birmingham Act as a model could not but infuriate any proud town. Unnecessarily so, since it was unlikely that another Birmingham-style Act would ever have been passed. In August 1839, ‘Russell announced that there would be no further attempts to “neutralise” squabbles in other cities.’⁴⁰

The Commission meeting had no sooner heard this demand, than it began to be toned down.⁴¹ ‘Mr Unwin [the chair of the Commission’s watch committee] . . . did not understand from Mr A. Smith [the clerk to the Petty Sessions] that the chief Commissioner should have the entire appointment.’ Indeed, Unwin thought that the proposals preserved the ability of the watch committee to employ people: he was apparently guarding its existing powers.⁴² Raynor then intervened in the debate. In his opinion, the magistrates referred to the bill in outline only, and ‘there were some of the provisions to which they objected as much as any gentleman present.’ At several points in the ongoing debate over reform, Raynor played a part.⁴³ He was not a

³⁸ Letter from magistrates to Improvement Commission, February 18th 1840, was signed by Parker, Corbett, Alderson, Chandler, Walker, Bagshawe, Athorpe and Brownell: *Independent*, March 7, 1840.

³⁹ Emsley (1996) p. 41; Palmer (1988), p. 418.

⁴⁰ Palmer, (1988), p. 419.

⁴¹ *Independent*, March 7, 1840.

⁴² *Mercury*, March 7, 1840.

⁴³ For instance, over the debate on buying the stables in Norris Field, Raynor pushed the Commission for a decision: *Mercury*, June 10, 1837. In March of 1840, Raynor was expanding on

merely passive servant, awaiting the outcome of his employers' debate on his fate and that of the institution he commanded. Instead, he felt able to prod them into action or to modify their perceptions when he considered this to be necessary. A motion was proposed that the watch committee should negotiate further with the magistrates. Ibbotson (a Liberal) spoke in favour of delaying the deputation for a week.⁴⁴ His speech is worth quoting at length, since it encapsulates many of the arguments that were to be wheeled out later on in the year:

Every thing that came from their worthy Magistrates ought to be received with great respect and attention, but he wished the thing to be thoroughly understood . . . He always liked to keep his property in his own hands as much as possible; and in matters that concerned the community, he liked that they should be done by the parties interested. He did not wish that the powers they had exercised as a community should be taken to London more than necessary - powers which it was the fashion of Old England for the people to keep in their hands.

The meeting resolved at last to delegate the consideration of the proposal to its watch committee. Leader saw this as inappropriate, and that week's editorial in the *Independent* was devoted to questioning the degree to which the watch committee had been usurping the functions of the Commission as a whole.⁴⁵ The split, between Liberal/radical activists who could fill the meetings and the Tory or apolitical activists who ran the committees, was showing. The former wanted incorporation: the latter did not. At the end of the meeting, Samuel Younge (a Tory) pointed out the problems that the Commission now faced. If the 'Improvement Act' being mooted was one which would unacceptably reduce, or end, their powers, 'they must look after their own interest, and mind how they went to the Secretary of State for a bill to regulate the police of Sheffield.'⁴⁶ Soon the 'do nothing' option would become a lot less attractive, as the threat of the rural police loomed. Sheffield was about to be bounced into incorporation.

Wharncliffe's plans for the county, including what he 'seemed to think': *Independent*, March 7, 1840.

⁴⁴ *Mercury*, March 7, 1840. The *Mercury* reported this part of the speech thus: 'he wished that himself and his neighbours should have the appointment of those who were to watch over and protect their property'. Ibbotson's radical ideas on the inseparability of taxation and representation, and a democratic local government, could well have been inspired or reinforced by his business links with America. In December 1839, at a Cutlers' Company meeting devoted to opposing fraud in the US trade, he mentioned that 'he had lately been in America': *Independent*, December 21, 1839.

⁴⁵ *Independent*, March 14, 1840. Leader wrote that it was 'dubious' in that rather than adding 'a careful selection of the most active and public spirited commissioners' to its delegations, the Watch Committee had kept all communication in its own hands.

⁴⁶ *Independent*, March 7, 1840.

Such a course of action was not unwelcome to Leader, who claimed that 'the events of the last eight months, however, have forced the defects of our police so strongly upon the attention of our present magistrates, that they have originated the present movement.'⁴⁷ The next week the watch committee met the magistrates, along with Ellison and Hadfield, representing the Town Trust.⁴⁸ At this point, with the spectre of the County Constabulary beginning to grow, even the *Independent* was getting behind an Improvement Act as an alternative to 'this obnoxious and arbitrary enactment'.⁴⁹ The *Mercury* was claiming that the consensus view was now for a stipendiary magistrate; 'circumstances' called for improved policing, and local men would support the Improvement Act even if they disagreed with some parts of it.

In mid-March, Thomas Linley, the chair of the watch committee, reported back to the whole Commission.⁵⁰ The proposal on the table - supported by all those present on March 13th - was for an Improvement Act, which would set up a Board to control the town's police. On this would be: 14 directly elected members (elected on an unequal franchise similar to that of the Board of Guardians); the local magistrates; the Stipendiary magistrate; the Master Cutler and Wardens; the Town Collector; the Church Burgesses; and a certain number of Improvement Commissioners, 'to be elected annually by the whole body'. The Stipendiary was to be called a 'Chief Commissioner', and would swear in constables whose powers would run across the whole of the West Riding and Derbyshire. This was to be supported by a rate levied at up to 8d in the pound, as before, but this time it would be paid by all ratepayers. Staniforth and Albert Smith had drawn up an outline of the new act, which were read out.⁵¹ A few of the specific problems plaguing day to day justice were explicitly tackled:

9. The Commissioners shall have the power to make regulations and bye-laws for the police, subject to the approval of the Secretary of State.

13. Gives power to the watchhouse-keeper to take bail, in the night, from persons taken into custody for misdemeanours, for their appearance before the Chief Commissioner the next day.

18. Gives power to purchase ground, buildings, clothing, accoutrements, etc.

25. The present Police Commissioners have the power to direct, from time to time, that any part or parts of the township being not more than a mile and a

⁴⁷ *Independent*, March 14, 1840.

⁴⁸ *Independent*, March 14, 1840; *Mercury*, March 14, 1840.

⁴⁹ *Independent*, March 14, 1840.

⁵⁰ *Independent*, March 21, 1840.

⁵¹ *Mercury*, March 21, 1840.

half from the Parish Church, shall become subject to the Improvement Act (as to lighting and cleansing).⁵²

The meeting refused 'by a large majority' to back the committee's report, which recommended that this new Act be accepted. What was agreed, amid more rancour between committee members and the Commission at large, was to print a copy of the proposals for each Commissioner, and adjourn.

Richard Otley attended to the April meeting, 'with a number of rate payers' only to be told that as a ratepayer he could attend but not speak or vote.⁵³ This meeting saw a bizarre alliance of pro- and anti-incorporation figures formed to defeat the plan on the grounds of expense. Boulton, an anti-incorporationist who was supporting the new act, used the threat of the County Constabulary to urge acceptance of the proposals, while Ibbotson was relaxed about this threat. Palfreyman changed into an opponent of reform, in an utter volte-face from his previous attitude.⁵⁴ Despite the possible threat of the County Constabulary Act, he did not see why Sheffield should adopt an imperfect plan. 'As a lawyer' he contended that the Quarter Sessions had no power to impose the 1840 Act on Sheffield. In these circumstances, it would be like putting their head in a lion's mouth to ask the Secretary of State to pass a public act, and most of what they wanted could, in any case, only be granted by a private act. He also cunningly insinuated that the Secretary of State could proceed without a public meeting if the report was agreed to: which usefully brought Montgomery out against the proposal. As Carr pointed out, Palfreyman was singing a very different song from the one he came out with in 1837. As usual, his eloquence, allied to a liberal majority, swung the meeting, and a motion to respectfully reject the proposal, moved by Montgomery, was passed.

Police powers, the state of the town, the efficiency and efficacy of the force, and the relative desirability of local taxation were all ammunition in the fight to re-mould the local institutions. All 'sides' used them at different times. Even so, it is possible to conclude two things. First, that there was widespread disquiet on all sides with the day to day state of the criminal justice system, notably patrolling outside the boundary. Second, that the Chartist

⁵² *Independent*, Report of Police Commissioners Meeting, March 21, 1840. Present at the meeting of the delegations were: JPs, Parker, Bagshawe and Brownell, Master Cutler Samuel Smith, Town Trustees Michael Ellison and Samuel Hadfield, and Police Commissioners Thomas Linley, Henry Atkin, and Edward Unwin.

⁵³ *Independent*, April 4, 1840; *Mercury*, April 4, 1840. Montgomery, ever the tribune of the people, reminded Otley that nothing would be finalised without a public meeting.

⁵⁴ *Mercury*, April 4, 1840.

uprising had had an impact. It was a defining event, and even those who chose to defend the status quo felt impelled to mention it as a test that had been passed.

The Proposed County Constabulary

Amid the Chartist agitation of Christmas 1839, but before the riots in Bradford and the uprising in Sheffield, the West Riding Bench had decided to consider adopting the 1839 Act.⁵⁵ At Pontefract on April 7th, more than 60 JPs led by Lord Wharncliffe, chairman of the Bench, considered the question of the 'District Constabulary Force' for part of the Riding.⁵⁶ He described the Act as necessary, to co-ordinate responses 'to these times of agitation', 'especially in the manufacturing towns'. On meeting opposition, he proposed that the ratepayers be asked their opinion on the proposal, which would be brought back to a special meeting in September.⁵⁷

When one JP claimed that such a delay would merely give the ratepayers a chance to meet and agitate against the menace, Revd. J. Alderson, one of Sheffield's bench, replied 'And why should they not?' Alderson's proximity to ratepayer democracy had obviously left him with more, not less, confidence in it. Lord Howard, a very occasional attender at Sheffield's Petty Sessions, was more cynical. Alluding to the town's recent failure to 'extend their police', he claimed that 'experience proved that when people's pockets were affected, they were apt to take a false view of the subject.' He correctly predicted that the magistrates would either have to force the Act onto unwilling ratepayers, or bow to opposition. J.A.S. Wortley's lobbying for Sheffield against his father (Wharncliffe) was rather half-hearted. At the end of the debate, when he had little chance of altering the outcome of the meeting, he decided to make Sheffield's case, presenting a petition from the Improvement Commission. Their key point was that 'during the late disturbances', Sheffield had not needed to call on any external police aid. The Bench agreed to meet in September to re-examine the proposal.

Wharncliffe needed new legislation in order to carry out his purpose. The 1839 Act allowed for a police force that only covered some districts of a county. However, it did not allow the

⁵⁵ *Independent*, April 11, 1840.

⁵⁶ *Independent*, April 11, 1840.

⁵⁷ Wharncliffe drew attention to the fact that if the largest force allowed under the act (one constable per thousand people) was set up, it would cost £60,000. The county's expenditure on criminal justice was around £15,000.

ratepayers of these areas to be taxed differentially in order to pay for it.⁵⁸ Wharncliffe himself sponsored amending legislation in 1840 which allowed this to happen: his purpose was to establish a police for the 'industrial districts', paid for by those districts. The long adjournment - April to September - suited Wharncliffe's purposes. He knew the 1840 Act was on its way: it was introduced by Fox Maule on February 18th, and one of its main aims was to make sure that 'justices assessed to the police rates only those districts that adopted the Act.'⁵⁹ During the debate on the Bill, an amendment to exempt large unincorporated towns with their own police fell by 46 to 20.⁶⁰

The question of whether or not to adopt the Acts was reconsidered at an 'unusually large' meeting of Quarter Sessions in Wakefield on September 22nd.⁶¹ Sheffield's petition against the Act was again read. Also delivered were 'a vast number of other petitions' from around the Riding. Wharncliffe proposed to ignore them: while he granted that it had been proper to consult the ratepayers, the responsibility of the magistrates as 'the conservators of the public peace' was of greater importance than the opinion expressed in the petitions. In some parts of the county, within the last year, the magistrates had not had the power to 'preserve the life and property' of the people. How could it be against liberty when:

if ever the country came into such a state, that through the inadequacy of the means of protection, those who were disposed to be riotous could not be restrained by law, then life and liberty and property would be unprotected.⁶²

The great increase of population in some parts of the Riding had rendered the 'Saxon' institutions obsolete. The Act should be applied 'moderately at first', in the 'populous manufacturing districts.' He depicted it as replacing part-time parish constables: 'one person constantly employed to keep the peace, was worth ten only occasionally employed'. There was no concession in his speech that parish constables could ever be full-time.

Hugh Parker agreed with Wharncliffe about the 'county parochial constables', who were inefficient, or less efficient, because they could not be paid, save by fees. He proposed that the Act be used to pay the parochial constables in the rural districts. He opposed the imposition of the police in Sheffield, since they already had 'a very effective police'. The last winter it 'bore the trial' when:

⁵⁸ 3+4 Vict. c. 88 (1840).

⁵⁹ *Hansard*, Series 3, Vol. 52, p. 3 (February 7, 1840); p. 387, (February 18, 1840).

⁶⁰ *Hansard*, Series 3, Vol. 55, p. 763/64 (July 16, 1840).

⁶¹ *Independent*, September 26, 1840.

⁶² Wharncliffe to Pontefract Sessions, *Independent*, September 26, 1840.

It proved itself to be equal to meet any emergency. It came into contact with armed men, and no part of the force retreated, though some of the men were wounded with spears or fire arms . . . [T]he police was under as good regulation and management as it could be, if placed under the orders of a West Riding officer: and he was sure it was more convenient for the magistrates of that district, than they should have at the head of the local police an officer on the spot.

Going to Parliament to 'extend the boundaries' might be deemed necessary in the light of 'last winter', but aside from that, the force was efficient. Wharncliffe refused to budge: he too praised Sheffield's police, and Raynor. But he objected in principle to separate police forces 'in different manufacturing towns.' If the current police in Sheffield and Wakefield were efficient, they could be incorporated into the new police. The proposal to apply the Acts to the whole Riding was defeated by around 60 votes to 32.

At this point Staniforth, on behalf of the deputation from Sheffield, intervened. He asked if the county police would also serve as watchmen; whether Wharncliffe appreciated that, if the Acts were introduced and then abandoned, Sheffield would be left with no police at all; and if he knew that currently, with 71 police for 70,000 people, Sheffield's police met the county's criterion for numbers in their area. When the matter was further debated, other JPs took Sheffield's side. William Lascelles reckoned that since the Act exempted corporate towns, they should follow its principle and leave out towns 'that were disposed to take the management of police into their hands and establish an efficient force.' Sir F.L. Wood thought that, whatever the merits of the case 'he was hardly bold enough to vote for thrusting it down the throats of the people in those places which had protested so strongly against it'.

Against this, it was argued that the statistics showed how disproportionately prone the manufacturing districts were to crime.⁶³ Before the vote was taken, Wortley re-affirmed that Sheffield's force was 'very efficient' and 'well managed'. He pleaded for more information on the possible effects of the adoption on 'Bradford and other places', and drew attention to the perceived failings of the Lancashire Constabulary. This did not prevent him from voting in favour of the proposal: a move Leader described as 'rich in irony'.⁶⁴ 'Mr C. Wood, MP, of Hickleton' presciently foresaw what would happen:

if they took no other step than that of appointing a committee they would get no step in advance. He did not suppose they would have at another meeting a larger body of Magistrates than were now present; and he thought the thing might have been brought to a close at the present meeting.

⁶³ E. Denison to Pontefract Sessions, *Independent*, September 26, 1840.

⁶⁴ *Independent*, September 26, 1840.

The Quarter Sessions was as capable of running out of momentum as Sheffield's Improvement Commissioners had been in 1836/37. Wood's proposal was impractical: any definite decision to apply the Acts to a part of the Riding needed a definite boundary, which would be hard to agree on the hoof. So when the vote to apply the Acts to 'certain districts' was passed, a committee had to be formed to identify these. The motion passed by 36 votes to 30. 'Several' magistrates abstained: about 20, if there were still 90 in the room. Hugh Parker got on to the committee, representing Upper Strafforth and Tickhill Wapentake.⁶⁵

The decision to include Sheffield inside the boundary was taken at the end of November: but by this time the town's inhabitants had begun taking action to get out from under the Act.⁶⁶ At Wakefield on December the 9th, the committee's report was taken: it set the boundary, but was otherwise sparse, making no definite recommendation of the total number of men necessary.⁶⁷ It recommended that the various police forces of the towns within the district be taken over as soon as possible after the chief constable's appointment. Wharncliffe discounted the petitions from the manufacturing districts, claiming that they were only to be expected given that:

there are always persons ready to direct their fellow citizens to petition, and we know how easily persons can be got together to petition for any purpose under the sun.

Conversely, the rural districts' petitions against the acts were the product of people who, owing to the greater distances involved, were less 'easily led'. Tact was obviously not his strong point. He then moved onto the existing system: the parish constables were either appointed at Courts Leet, 'a remnant of feudality', or else the magistrates already possessed a veto. In his diatribe against the status quo, he had positive things to say about the state of Sheffield's police:

I must say that there appears to me but one town in the whole Riding in which there is a proper police, or any thing like it, and that is Sheffield. . . I believe a more effective and better officer and superintendent could nowhere be found.

⁶⁵ The other business of the meeting also suggested a new devotion to 'Beccarian' norms: the building of the model prison at Wakefield and a decision to pay the Chief Constables of each wapentake a salary of between £50 and £150 annually. Sheffield's Chief Constable got £130: the second highest amount. *Independent*, September 26, 40.

⁶⁶ *Independent*, November 28, 1840. 'We understand that at the meeting of the committee of magistrates, at Wakefield, on Monday, it was resolved to recommend the application of the system to Sheffield. . . Thus the pretense [sic] of the anti-corporation party, that the constabulary system might be avoided without a corporation, disappears.'

⁶⁷ 'Map of West Riding County Constabulary District', 1840, AM 1614; *Independent*, December 12, 1840.

Such praise did not serve his immediate point: Wharncliffe obviously had a genuinely high opinion of Sheffield's police, as far as it went. However, it did not go far enough; the ¾-mile radius hamstrung it, and most of the men were 'watchmen . . . useless for detection'. Ascending to hyperbole, he claimed that if the all police were to take 'their turn of day and night work, it would be five thousand times more effective.'

The issue on which Wharncliffe wanted to make the vote go his way was 'big' disorder. Playing on the heavy responsibility that all magistrates held, he asked them if they would like to be 'reduced to such a state as to have no recourse but call in the armed military and yeomanry'. Stansfield tried to introduce an amendment to cover the whole county, claiming that the Act had been founded on the work of the Constabulary Force Commission, set up to deal with vagrant crime, not 'political excitement'. He did not succeed - further evidence that, in some counties at least, the Act was mainly seen as a weapon against public disorder. Wharncliffe got a unanimous vote for his proposal. There was some debate over whether the policed area should be further sub-divided into three divisions, with a chief constable for each. Wharncliffe got his way (division) here, too.⁶⁸ Sheffield had already found a way out: in the face of the seemingly inexorable progress of the rural constabulary, with the defeat of the final proposed Improvement Act, incorporation was the only alternative.

Part Three: Sheffield responds to the County Constabulary Acts

As we have seen, Sheffield made representations to the Quarter Sessions demanding exemption from the Acts. In May, reporting back from the Sessions at Pontefract, Staniforth was sure that Sheffield's petition helped to delay consideration of the Act.⁶⁹ Faced with the prospect of the county Acts, opinion was swinging around in favour of incorporation. Even Morton, generally an inveterate opponent of any change at all, was prepared to concede that a corporation would be better than the alternative. The incorporationists were in a strong position: they could present incorporation as the only possible alternative to a police run by the West Riding. At the May 1840 meeting, Robert Sorby wondered aloud how the

⁶⁸ Although when he wrote to the Home Office to confirm if this was possible, he was told that only the whole Riding could have a Chief Constable: subdivisions needed a Superintendent: HO 64/4 'Correspondence', p. 143.

⁶⁹ *Independent*, May 9, 1840. Although as we have seen, it is more likely that Wharncliffe wanted the delay anyway, to give time for the amendments to clear Parliament.

Improvement Commission could have been considered so clearly 'inefficient' one moment and in need of reform, yet so efficient as not to need a new Act the next. He put it: 'it seemed to him that the burden of the song was a corporation.'⁷⁰ Even as the anti-incorporationists railed against the way they had been manoeuvred into a corner, they could not deny that they were indeed in one.

The politicisation of the Improvement Commission continued at the annual meeting to elect new members. A 'slate' of thirteen candidates was proposed by Mr. Wells, (who had nominated Palfreyman as chairman).⁷¹ Five of these had signed the pro-incorporation notice in December 1837, none of them were in evidence opposing the motion.⁷² Twelve of the thirteen were elected: the majority of incorporationists on the Improvement Commission was growing.

At September's Improvement Commission meeting, it was agreed that Palfreyman and Boulton form a deputation, along with Staniforth and Raynor, to the Wakefield Sessions to petition for Sheffield's exemption from the Acts.⁷³ This selection of the leading figures in each camp (pro- and anti-incorporation) suggests that a powerful consensus existed on the Improvement Commission against the rural police. After the Wakefield Sessions, the pro-incorporation party stepped up their campaign. Every editorial in the *Independent* between September 26th and October 31st was supportive of incorporation.⁷⁴ The paper was in favour of a unified new police, but not one run by 'a magisterial oligarchy'.⁷⁵ There was only 'one remedy open' to the town: to 'lay aside all foolish jealousies' and incorporate. As usual, the party with the upper hand was appealing to their opponents not to be factious.

Leader kept on at the worst-case scenarios that the County Constabulary Acts could lead to. On October 3rd, he pointed out that in theory, the magistrates could give central Sheffield 70 more constables, and then order them to act only during the day, thus leaving the night watch still to be paid for.⁷⁶ This could lead to an increase in expenditure within the police boundary from £3,600, to £6,300. Sheffield's inhabitants would be 'like children in a nursery', and

⁷⁰ *Independent*, May 9, 1840.

⁷¹ *Independent*, August 8, 1840.

⁷² *Independent*, December 30, 1837, February 10, 1838.

⁷³ *Mercury*, September 5, 1840.

⁷⁴ *Independent*, September 26, October 3, 10, 17, 24, 31, 1840.

⁷⁵ *Independent*, September 26, 1840.

⁷⁶ *Independent*, October 3, 1840.

could face the prospect of 'a military officer' taking over the town's police, who could dismiss any local police:

without the slightest regard to the opinion which the inhabitants, who know them best, may have of their value and services, and may supply their places by entire strangers.⁷⁷

This would have a severe impact on policing by consent:

At present, and under any system, it must be the interest of the surveyor of the police and all the officers under him, to secure the opinion of those among whom they act. We have constantly at hand a tribunal of townsmen, before whom any man who neglects or exceeds his duty, may be called in question, and dealt with as the case requires. But there will be no such thing under the county constabulary bill.

This editorial also drew attention - and gave some legitimacy - to the riots against the police at Bury:

a gratuitous and officious meddling with the harmless amusements of the people . . . produced retaliation, and the policemen had their heads broken. Such is the natural effect of the system.

By October the 17th, the question was framed as 'A Free or Despotic Local Government?', whereby the arbitrary rule of the magistrates was contrasted to the democratic rule of the ratepayers.⁷⁸ The *Mercury's* idea that an amended police act could still be obtained was denounced as 'utterly chimerical.' The *Mercury* itself was pushing the point that the County Constabulary force was an unwarranted 'interference with local government'.⁷⁹ Its recommended solution was still another Improvement Act. If this was unattainable, then even the constabulary force was a better choice than a corporation: 'the worst form of Local Government of which we have any knowledge, or that could exist in a free country'. It correctly pointed out that it would be possible to get a corporation under the county police, but not vice versa.⁸⁰ The debate over incorporation was also conducted on the streets by placards, as well as in the pages of newspapers, and at public meetings.⁸¹

⁷⁷ *Independent*, October 10, 1841.

⁷⁸ *Independent*, October 17, 1840.

⁷⁹ *Mercury*, October 10, 1840.

⁸⁰ *Mercury*, October 17, 1840.

⁸¹ 'The bills posted daily on the walls': *Independent*, October 31, 1840; 'many similar placards': *Independent*, December 12, 1840.

The crucial meeting of the Improvement Commission happened on October the 6th.⁸² Parker's intervention at the Wakefield special sessions was praised by Boulton. Staniforth then read out a letter from Parker that had been sent to the Commission that day.⁸³ This sealed the course of events. First, he was sure that Sheffield would be included in the proposed police force.⁸⁴ As far as he was concerned, the problems faced by the town remained three-fold: not enough magistrates living nearby; the need to extend the lighting boundary (which would not be solved by the County Constabulary Acts) and the power to appoint a stipendiary magistrate. All of these problems could be solved if Sheffield were to incorporate. He added that he did not think that a stipendiary magistrate was essential: Sheffield could manage with borough magistrates, since those from the county would continue to act.

Parker, as usual, was setting the agenda. The choice that faced the Commissioners was summed up by Bramley: 'They might either submit quietly to the Constabulary Force Bill, or petition for a charter.'⁸⁵ This stark agenda was agreed to with varying degrees of grace. Robert Sorby, an opponent of incorporation in 1836, had to admit: 'Yet they were in a situation in which something must be done.' Palfreyman justified his volte-face about higher taxation on the grounds that the County Constabulary Acts would impose a higher burden on the town, not paid by those who set it: the county Bench. With only one vote against, the Commission voted to call a public meeting on the issue of the town's incorporation. They did not bother sending a representative to the next quarter sessions since: 'nothing was to be hoped from that quarter'.⁸⁶ The *Independent's* subsequent praise for the Improvement Commission was fulsome. They were 'public-spirited and intelligent men, interested in the prosperity of the town, and ready to do anything in their power for its welfare and honour.'⁸⁷

The public meeting happened on October 21st.⁸⁸ Opponents of incorporation alleged that the County police could be avoided through a private act; that they could wait and see if they

⁸² *Independent*, October 10, 1840. Palfreyman was unable to attend the Sessions for health reasons.

⁸³ Leader welcomed this letter with fulsome praise for Parker: 'The proved high character of Mr Parker, and the long-continued, arduous, and disinterested services which he has rendered to the public of Sheffield have gained for him universal esteem: *Independent*, October 10, 1840.

⁸⁴ Since he sat on the committee that decided the boundary, he can be expected to have a good idea of this issue.

⁸⁵ *Independent*, October 10, 1840. As a prominent member of the pro-incorporation party (later to become Town Clerk), Bramley could of course be expected to say this.

⁸⁶ *Independent*, October 10, 1840, Carr to meeting.

⁸⁷ *Independent*, October 10, 1840.

⁸⁸ *Independent*, October 24, 1840; *Mercury*, October 24, 1840.

really were so bad, before deciding whether or not to incorporate; and that the poor would suffer under an oppressive rate burden. The outcome was plain: there was a clear majority for incorporation, and a petition for a charter was thus drawn up. Once the process of collecting signatures had begun, the supporters of incorporation endeavoured to make the county constabulary seem like a continuing threat. When it came to reporting the December Quarter Sessions, the *Independent* was talking up the Acts' chances: 'Indeed, we do not see how the magistrates could do otherwise, that adopt the system.' Not only that, but once the iron grip of the Acts had arrived the magistrates would not allow the town to incorporate: 'the magistrates . . . would have the power to oppose, and no doubt would oppose, our incorporation.'⁸⁹ The pro-incorporationists were anxious to maintain an environment where it was the only escape from the imminent introduction of the rural police.

Quarter Sessions' resolve falters

At Wakefield in February 1841, the proposal to selectively apply the Acts collapsed.⁹⁰ Justices from the rural districts attempted to gain the act for their own neighbourhoods, 'aided' by some from the 'populous' parts. They disputed the stereotype of the peaceful countryside and the dissolute town, and alleged that most rural crime went unreported.⁹¹ Amid furore over the legality of the vote, a motion was passed advocating the extension of the Act to the whole Riding. At this, Wharncliffe decided to 'wash his hands of the whole matter'. A new sub-committee was selected to decide upon the level of force for the Riding. Leader exaggerated its chances: the ratepayers 'should not flatter themselves that their prospects of escape from this measure are at all improved.'⁹²

The special Sessions held at Wakefield on April 13th, 1841 had a record attendance: 111 magistrates, out of around 220, attended.⁹³ Of 'Sheffield's' magistrates, Corbett, Chandler, Anderson, Howard, Wortley, Athorpe and Bosville were present. Opposition to the proposal, to put 400 men in the industrial and 75 in the rural districts, was strong. As Denison (an early champion of a police for the industrial districts) put it, the rural ratepayers: 'were willing to

⁸⁹ *Independent*, December 12, 1840. This was not true.

⁹⁰ *Independent*, February 13, 1841.

⁹¹ For instance, Mr C. Wood claimed to the meeting that 'robberies were committed which were never noticed': *Independent*, February 13, 1841.

⁹² *Independent*, February 13, 1841.

⁹³ *Independent*, April 17, 1841.

take the chance of being robbed, or knocked on the head, rather than pay this tax, and their opinion ought to be deferred to.⁹⁴

Denison also spoke of the 'military character' of the new force. Revd. A. Rhodes contended that parish constables were not in fact all inefficient: many did their duty highly conscientiously. The rural magistrates, in an attempt to evade the Act, inevitably blurred the sharp town/country divide that Wharncliffe had been anxious to stress: and in the process they echoed many of the misgivings that the petitions from urban areas had aired. So, support for the Act's extension to the whole county could well have come from those anxious to preserve the industrial areas from it. As Mr Stansfeld put it at Wakefield in April 1841:

A constitutional feeling seemed now to have been aroused in the minds of gentlemen from the rural districts which was dormant when it was proposed to apply it to the manufacturing parts.

The report recommending the general application of the Acts fell by 51 votes to 38. Leader's reading of the six months' delay that the session imposed was that Wharncliffe was waiting for the passing of the bill that became the 1842 Parish Constables Act.⁹⁵ This could then be applied to the rural districts, leaving the rest of the county to be policed by the 1839/40 acts. To the last, Leader was determined to make the rural police look as likely as possible: the better to sustain the case for incorporation. But by the time the West Riding Bench returned to the issue, the petition to incorporate had been judged successful.

The paradox of incorporation

Sheffield incorporated because of a chimera. Yet while the County Constabulary Acts were in the end only putative, the fears they brought were not. The first was obvious, and probably crucial: the ability to tax the locality without possibility of rebate. The amounts of the county rate devoted to police might have been small, but the town would have no control over either the amount, or the nature, of the expenditure. The importance of the executive control of the police is especially significant when we consider their regulatory role. They would have been able to regulate much day to day economic activity, having a wide discretion on the issues of transport, markets, and thoroughfares. This would be exercised via an officer under the control of the bench, not the town. This situation would have ended the period when Sheffield's own business and professional classes played a key role in regulating the town. If

⁹⁴ *Independent*, April 17, 1841.

⁹⁵ *Independent*, April 17, 1841.

they had lost this responsibility, they would also have lost some measure of their legitimacy, defined in paternalistic terms. To this extent, the cry of 'no party' really did matter. Neither Liberal nor Tory wished to be separated from an assumed duty of looking after the town, and when the prospect of this event loomed, enough political unity appeared to head it off. Another relevant factor is identification with Sheffield and its area, as home and as a place that should be able to compare favourably with other towns. As Leader put it in December 1840: under magisterial control, Sheffield would be 'on the same humble footing as Ecclesfield, Penistone, Holmfirth and Delph'. To be joined to these 'petty places' would be an 'indignity'.⁹⁶

To a large extent, Sheffield's position in 1840 was set up by a party within the Improvement Commission, who systematically blocked all reform until the only alternative was to incorporate. The town was hustled into incorporation. Fear of the county police being inefficient was not mentioned, but fear of a violent backlash if they were introduced was. Even those who supported the principle of the County Constabulary Acts might have recoiled from the prospect of imposing them on an unwilling populace. In August 1840, the *Mercury* reported the long and vicious riots at Colne caused by the arrival of the hated Lancashire Constabulary.⁹⁷ But, generally, those who were against the County Constabulary Acts played down the town's potential for disorder, and those who were in favour of them could be expected to refrain from drawing attention to their potential to - if only in the short term - increase disorder.

Did the West Riding Bench deliberately decide to police Sheffield because of the town's inability to police itself? A related question is whether, once Sheffield removed itself from their responsibility by successfully petitioning for a charter, the county magistrates were less keen to set up their own police force? The answer to the first question is that the magistrates were concerned about Sheffield. When the Act was first introduced, the 'recent disturbances' were frequently alluded to, although Bradford's riots were generally mentioned in the same breath as Sheffield's. Also, the problems of policing in smaller, yet as unruly if not so dangerous, areas were brought forward as a justification for adopting the Act. Sheffield was not the only reason that the West Riding was seen to need a new police. While Wharncliffe was in fact full of praise for the police in Sheffield's central area, he made sure to point out that its limited geographical jurisdiction, and inability to take part in mutual aid, were its

⁹⁶ *Independent*, December 12, 1840.

⁹⁷ *Mercury*, August 15 1840. See also Storch, (1975).

biggest flaws. The failure of the Commission to bring in a new improvement act meant that Sheffield remained 'part of the problem'.

But once Sheffield had withdrawn from the process, the West Riding still tried to create a force. It was first stalled, then derailed, by a strange alliance of 'industrial' magistrates, annoyed that their districts would be taxed while the rural districts would not be, Beccarian 'rural' magistrates, convinced, by Chadwick's arguments, that a police which did not cover the whole area made little sense, and those who considered either that the traditional system was not on its last legs: or that if it was unacceptable, the forthcoming Act to pay parish constables (the 1842 Act) would solve many of its problems without recourse to an expensive constabulary force.

Another state intervention: the 1842 Act

The other national policing act that left its mark on Sheffield was the 1842 Parish Constables Act.⁹⁸ This required the parish vestries to nominate ratepayers aged between 25 and 45 to be eligible for service as parish constables.⁹⁹ Gamekeepers and alehouse proprietors were ineligible. The lists thus produced were sent to the local magistrates, who would choose the constable from them.¹⁰⁰ These constables were to be allowed expenses from the parish's poor rate, rather than from a special watch rate, as was the case under the 1833 Act.

Palmer has correctly seen this act as a crucial point, in that it marked the transfer of the power to appoint the parish constable from the vestry to the magistrates. In Attercliffe there was dissent over the choice. A meeting was held in September 1842 to select ten men whose names would be passed to the magistrates. The magistrates, Parker and Alderson, appointed both the current constables, John Booker, also a butcher, and William Stringfellow, also a mason. In addition, a shoemaker, the parish [rate] collector, and a coalminer were appointed.¹⁰¹ Things were different when the process was repeated in March 1843. JPs Wilson Overend and W.J. Bagshawe re-appointed Booker and another man. However, Stringfellow was not re-appointed: several of Attercliffe's citizens appealed successfully against him.

⁹⁸ 5 & 6 Vict. c. 109.

⁹⁹ Emsley, (1996), p. 48; Taylor, (1997), p. 30.

¹⁰⁰ Palmer, (1988), p. 448.

¹⁰¹ AVM, September 23, 1842.

For the township of Sheffield, the process was smoother. Sheffield's ratepayers' meeting was held in the Town Hall on February 23rd, 1843.¹⁰² The list they selected had two parts to it: first was a group of men who were qualified to serve: Wild, Bland, Raynor, and twenty-seven members of the Improvement Commission. The second part of the list, persons 'not qualified to serve' consisted of the gaoler, the inspectors and sergeants, seventeen policemen (the Day Police), four supernumerary policemen, and (intriguingly) one labourer.¹⁰³ On April 4th, Overend appointed the constables for all the townships.¹⁰⁴ Wild, Bland, Raynor, and W.H. Frith were appointed acting constables, with the policemen in the list as ordinary constables. Overend decided that it was his 'painful duty' to retire Batty, the constable of Brightside, owing to his infirmity. Although two men from the township communicated the wish of the ratepayers that he should continue in office with his 'more active duties' carried out by a deputy, Overend would not be moved. This was the meeting at which Stringfellow's appointment was blocked (see Chapter Three).

The process of appointment under the Act did not replace the Court Leet but paralleled it. The Court Leet sat as normal on April 19th, but it was now a rubber stamp for the magistrates, although it still appointed the usual two hundred or so 'special constables'. The 1842 Act was in fact a major blow to the traditional autonomy of the town, concentrating power in the hands of the magistrates. In Sheffield, the Act was soon rendered irrelevant by incorporation: it would be interesting to examine the extent it was used in other parts of the country between 1842 and 1856.

Part Four: Conclusions

'Reform' was not a simple or a single process: it involved different parts of the police function at different times. In addition, various class, faction and institutional interests had different, often conflicting, preoccupations. The West Riding Magistrates in Sheffield wanted 'daily justice' and also the confidence that they would never lose control of the town as control of Nottingham and Bristol had been lost in 1831. Wharnccliffe and his supporters at

¹⁰² *Independent*, February 25, 1843.

¹⁰³ The Act, it must be remembered, considered only ratepayers to be eligible as constables: Emsley, (1996) p. 48.

¹⁰⁴ *Independent*, April 8, 1843.

the Quarter Sessions were anxious to detach the expense of policing Sheffield from their own property.

Sheffield's property-owners, on the other hand, had other preoccupations. Firstly, to protect their own property, secondly, to do so at the minimum cost, and, thirdly, to secure order. However, the 'order' that they wanted was not necessarily universal and uniform: they generally did not wish to pay for a body of men to impose order everywhere at all times, only where and when it was necessary. Thus, they wanted the police authorities to regulate the streets and the built environment, to light and cleanse the town, and to protect their persons in certain places and times. Minorities within this group fought for political faction and to embarrass their opponents of the opposing faction. Other minorities were more vigorous than most with their desire to actively 'civilise' and moralise the lower orders.

To some extent the class basis of the police reform has kept to the background in this chapter. In a large part this is because of the relative invisibility of the working classes in the process, as discussed earlier. Two main points have to be remembered. First, the course of reform was dictated to an extent by these 'invisible' working people. The public stress on the burden of rates on the poor, and the necessity to protect their property and their respectability too, shows this. Even if those who took these lines did not in fact care about the poor, the fact that new measures needed to be 'sold' in this way, suggests that the property-owners 'looked down' all the time, to make sure that their measures were acceptable. As well as legitimacy as a debating tool, there was also the issue of legitimacy as an important component in the balance of power. When Leader referred to the potential for the county police, on the Lancashire precedent, to cause disorder, he was recognising that the working classes' ability to physically contest institutions that were seen as illegitimate was a factor that could not be ignored. The second issue is the role of property qualifications. Control over the Improvement force was exercised by Commissioners on the basis of their status as property-owners. At no point did any of the middle-class reformers - those who, before 1847, were solely in charge of the direction taken by Sheffield's police - leave any evidence of having suggested a measure that gave local executive power to anyone without reference to their economic status.

The agenda of Sheffield's working classes (crassly defining them for this moment as those who did not own significant productive property) is harder to define. Certainly they wanted their property, lives, and persons protected. In addition, much of the regulatory business of the police authority, concerning as it did safety issues and property-owners, could be portrayed as protecting them. Furthermore, for a minority the issue of 'respectability' led them to support moves to establish a new standard of public order. The period in question,

however, is full of instances when the absolute legitimacy of the police forces was flouted by large numbers of people: as later consideration of 'rescue' and of rattening will demonstrate.¹⁰⁵ However, it is safe to say that the process of police reform, while possibly directed *at* the working classes, was not directed, in any meaningful way, *by* them.

The issue of gender is so large here, as to make itself paradoxically invisible. None of the recorded participants in this debate and activity, on any level, were women, with the exception of Queen Victoria's royal assent. Women did feature indirectly as a group whose acquiescence was important. The case of their role in potential or actual working-class disorder will be discussed later. The exclusion of women from the public sphere of middle-class local government is also an important issue, but one quite beyond the scope of this thesis.

How important was public order? Three major riots happened in this period: the reform election riot, the medical school riot, and Holberry's revolt. Chapter Seven will deal in detail with the ability of the police forces to respond to large-scale disorder. It is my contention that these three events do not directly affect the reform process. However, they did bring the existing problems of the criminal justice system to the fore. The *Independent's* report of the Eyre Street riot called for a stipendiary magistrate, on the grounds that the West Riding magistrates took some time to arrive.¹⁰⁶ It also gently criticised the use that the magistrates made of troops and watchmen: having to clear streets several times since the cleared streets were not guarded.¹⁰⁷ The Chartist disturbances alarmed some in Sheffield: but not to the point of overcoming their political difference about the best way to reform their policing.

To take a positive step to reform the town's police, it was necessary to wait until the elite was united. This was the case in 1818, and, over the issue of the day police, in 1836. If the police had only been about policing the unincorporated working class then this wait for unity would not have been necessary. But it was also, in the guise of regulation (as Winstanley has established for Oldham) about the policing of property-owners and tradespeople.¹⁰⁸ These men would not agree to measures that were aimed specifically at them unless the legitimacy

¹⁰⁵ 'Rattening' refers to the practice of immobilising machinery by damaging it or stealing a vital part, generally as part of a trade dispute

¹⁰⁶ *Independent*, January 31, 1835.

¹⁰⁷ *Independent*, January 31, 1835.

¹⁰⁸ Winstanley, (1990), p. 20.

of the enforcing body was unquestioned. The regulatory aspect of the police function was thus crucial in establishing limits to the process of institutional change.

When the elites were not united, as was the case with the arguments over a new improvement act, and incorporation in the period 1836-1841, it was difficult to reform any institutions. The pressing demand for daily justice, everyday disorder, even an armed uprising: none of these provided enough impetus to Sheffield's property-owners to enable them to unite and tax each other. What did galvanise them into activity was the fear that they might lose the powers that they had. In that sense, Sheffield's reform was responsive.¹⁰⁹ However, two points are necessary to clarify that generalisation. In the first place, there was a general consensus that the problem of everyday crime and disorder was increasing and pressing. The everyday operation of the town's machinery of justice was increasingly inadequate, and would remain so until the twin problems of justices and the boundary were solved. In addition, a general desire that the town should give itself the tools with which it could effectively civilise itself was felt by a large minority. But the issue of a large-scale breakdown in order does not seem to have changed any minds. Only when external pressure brought the administrators, the moralists and the parsimonious together, was there a big enough coalition to support change.

The priorities that drive everyday policing and the mentalities of those involved in it at all levels - policeman, their officers, their administrators, and 'moral entrepreneurs' - were not necessarily those that drove the wider community's priorities with regard to reform in the criminal justice system. The statutory institutions involved generally had a mandate to secure their own futures. So Raynor intervened to chivvy the Improvement Commission into making sure that all his activity had a legal foundation; the Town Trustees made sure that they signed over no rights to their income, and John Staniforth, the Law Clerk to the Commission, attempted to stop them from discussing a move that would lead to its end, and his redundancy.¹¹⁰ The same was not true of voluntary collective associations: born of the concern of a moment, they existed only as long as they could support the apparatus of subscriber democracy.

In addition, forces extraneous to Sheffield played a significant role. Two voluntary statutory measures: the 1818 Act, and the 1833 Lighting and Watching Act, were necessary to provide a legal basis for the policing of the town. While the latter was not Sheffield's creation, they both reflected similar preoccupations and paradigms. The story of incorporation is also the

¹⁰⁹ Walton, (1952), p. 176.

¹¹⁰ *Mercury* June 10, 1837; TTM, January 19, 1818; *Independent* October 10, 1840.

story of the town waiting on the Municipal Corporations Act and the County Constabulary Acts, and considering the likelihood of amendment, repeal or replacement of these measures. Much debate turned on what Parliament would, or would not, do. The 1842 Act was also an obligatory intervention. Its substantial effect, however, on the selection of constables in Sheffield, was masked by incorporation in 1843.

Chapter Five: The development of Sheffield's police institutions

'Are you a policeman?'

'No, I'm a constable.'

'What's the difference?'

'They're spelt differently.'¹

This chapter departs from the mainly chronological narrative treatment contained in the two preceding ones. It begins by examining the composition and conduct of the Improvement Commission, and the way that it policed the borough. Then, it describes how the newly-created town council and its Watch Committee took over and modified its police force. The causes and course of the dispute with the Home Office that led to Sheffield losing its grant will be examined. The Watch Committee's 'social investigations' and its attitude to the governance of the town and the police force are also covered. Finally, the shifting balance of executive power will be considered in the light of the events of the 1860s that served to increase John Jackson's personal authority.

Part One: The Improvement Commission

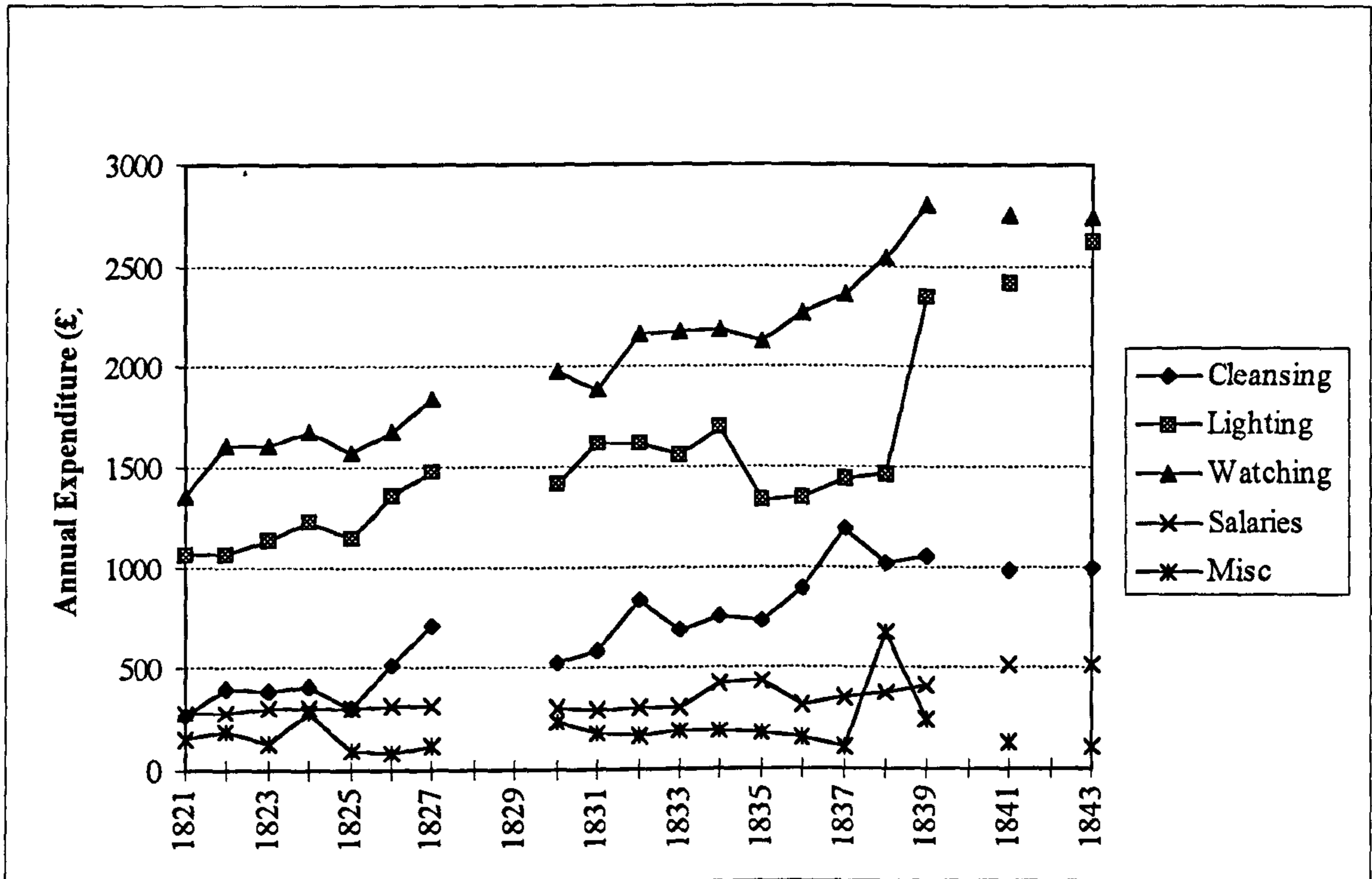
In 1842, as the Commission's jurisdiction over the police was about to end, the *Independent* referred to an argument about the rights and wrongs of incorporation as being interesting enough to dissipate 'the usual dullness of the police meeting'.² The vast majority of these meetings were indeed dull and routine. However, even the 'routine' business has some relevance for the study of the long-term ordering of the town. First, it is worthwhile to 'follow the money' in order to get an overview of the Commission's activity. The level of expenditure of the Improvement Commission can be seen in Graph 5.1. As can be seen, watching was always the largest single component in the budget. This graph also shows that expenditure on all categories save lighting declined after 1839. This would underpin the theory that a significant number of Improvement Commissioners were not entirely committed to planning

¹ S. Milligan *The Goon Show Scripts* (London, 1972), p. 24.

² *Independent*, June 4, 1842.

for the future, and instead saw this in terms either of a new Act or of incorporation. To an extent, therefore, things were allowed to slide.

Graph 5.1 Expenditure of the Improvement Commission, 1818-1843³



The information provided with the expenditure figures reveals the Commission's priorities. It had to maintain the police office in the Town Hall. This consisted of a single room behind the main entrance to the Town Hall, with the (notoriously damp) cells underneath it, and the court room above. In 1825 the Commission considered a scheme whereby temporary lock-ups would be provided in other parts of the town, but quickly abandoned it.⁴ In addition to the Surveyor, the Commission paid a Collector, and a Law Clerk who was a qualified lawyer. The birth of the Commission in the wake of the Police Act of 1818 has already been examined. After advertising for a Surveyor, they gave the job to Francis Fenton.⁵ Fenton was on the same social level as the rest of the Commission, he had served as Colonel of the Sheffield Militia in the 1790s and 1800s and in this capacity he had suppressed much disorder. By 1829 his son Benjamin was also a Commissioner. For a salary of £150 per year, Fenton's duties were to: inspect works; present nuisances to the Commissioners; collect fines;

³ Improvement Commission accounts in *Independent*.

⁴ *Independent*, September 24, October 8, 1825.

⁵ *Mercury*, July 11, 1818, July 18, 1818; *Iris*, July 7, 1818.

attend to the lighting of the town; 'Receive Reports of the Watchmen, of any irregularities committed during the night, and shall cause all offenders apprehended by them to be committed before the Magistrates'; and to 'attend one hour every day (Sundays excepted) at the Town Hall, to receive Information of Offences committed against the Act, and also to pay Salaries, wages, etc. under the direction of the Commissioners'.⁶ While his 'public order' credentials may have been good, his age - he was 63 in 1818 - implied that he would not be able to closely supervise the police force.

In 1821 the Commission formally divided the town into 50 beats, with a Commissioner for each. They ordered this plan to be printed and distributed.⁷ Watchmen had stations to which they were expected to return after regular perambulation of their beats. The plan undoubtedly served as a useful reminder of the watch's duties for all ratepayers, but it could also be seen as an indication that Fenton was not trusted to exercise an unsupervised 'professional' authority over the town. In the 1820s, the direction of the watch and a number of executive decisions were made by the Commissioners rather than the Surveyor. In October 1825, it was recorded that 'notices were signed to be served on four individuals' for not putting drainpipes on their buildings, while in April 1826, Fenton was instructed that he must clamp down on obstructions caused by the exhibition of horses for sale on market days, and given no discretion but to impose the maximum (20s) fine on these occasions.⁸

The Commission considered remodelling the watch when there was a spate of robberies in the area, in the winter of 1825/26.⁹ At this time the strength of the watch was voted to 100 men: a record level under the Commission. Generally it fluctuated between 44 and 100 in the winter (sometimes with around eight men in an evening watch designed to suppress disorder), and around 40 in the summer.¹⁰ During the annual fair, up to 23 extra watchmen were engaged to keep order.¹¹ By the start of 1825, the Commission established a watch committee.¹² This hired watchmen, and exercised a degree of executive power over them: in April 1826 it (not the Commission as a whole) was recorded as supporting and backing a watchman's case against a landlord in whose pub he had been arrested.¹³ The watch committee was not entirely

⁶ *Iris*, July 7, 1818.

⁷ *Independent*, September 29, 1821; CA 473/Z 1/1. 'Establishment of Watchmen in Sheffield, 1821'.

⁸ *Independent*, September 24, 1825.

⁹ *Independent*, December 10, 1825, December 24, 1824, January 7, 1826.

¹⁰ W. White, *General Directory of the Town and Borough of Sheffield, etc.* (Sheffield, 1841), p. 11. *Independent*, October 28, 1820; September 29, 1821; April 8, 1826.

¹¹ *Independent*, June 16, 1821.

¹² *Independent*, February 4, 1826.

¹³ *Independent* January 21, 1826, April 22, 1826.

competent: the Commission as a whole forced them to rework their beat pattern when the watchmen found it was 'impracticable to perambulate [them] properly within half an hour'.¹⁴ In addition, 'democratic' criticism of the Commission's activity focused on the seemingly excessive power devolved to the watch committee.¹⁵

In the late 1820s, the post of Superintendent of the Watch was created, and one of the parish assistant constables, William Bland, was given the job and paid £2 per week for this post.¹⁶ In 1833, though, he went back to being an assistant constable. In his place, Thomas Raynor was elected as the assistant surveyor in May 1833, on a salary of £110 per year.¹⁷ He had been a member of the Commission since 1821, and one of the first members of its lighting sub-committee, founded in 1826.¹⁸ Previously a High Street shopkeeper, he was aged around 46 and the chairman of the watch committee when he first took the job, on the promptings of his fellow commissioners.¹⁹ The tradition of the chief policeman coming from the same stratum as (some of) the Commissioners of Police had been continued. In April of 1833, the Committee produced a plan to improve the watch by appointing four sergeants and a new watch-house keeper. This, along with the new assistant surveyor, was clearly intended to insert a whole supervisory layer into the watch force, thus making it more efficient.²⁰

The plan was accepted amid complaints that Fenton 'scarcely ever saw a watchman in his coat'. There were nine candidates for the post of Assistant Surveyor, including one of the Acting Constables, John Bland, but Raynor gained 33 out of 57 votes cast and was given the job on an salary of £120 per year.²¹ At the next meeting, it was Raynor who was still delivering the watch committee's plan for further reform. However, despite the apparent success of this group in giving one of its 'own' the job, the Commission as a whole proved jealous of its power: it rejected the five men the committee had recommended for the new jobs, and insisted on re-interviewing all available candidates. In 1834 when two of these men

¹⁴ *Independent* February 4, 1826.

¹⁵ James Ironside said to a meeting called to oppose incorporation: 'He had often read in the newspapers . . . of almost all matters being referred to a certain committee, and to the present day, he believed that that committee had control of the expenditure of the police rate' *Independent*, February 17, 1838.

¹⁶ The Court Leet of 1826 records Bland as being the assistant to Acting Constable Thomas Smith. April 1, 1826. By 1828 he had the category 'Extra constable' to himself. *Independent* April 1, 1826, April 12, 1828. Improvement Commission accounts in *Independent*, July 31, 1830; July 30, 1831; August 4, 1832.

¹⁷ *Sheffield Local Register*, May 15, 1833, p. 254.

¹⁸ *Independent*, July 8, 1826.

¹⁹ Obituary of T. Raynor in *Independent*, November 17, 1860.

²⁰ *Independent* April 6 1833.

²¹ *Independent* May 18 1833.

had been dismissed for brutality and drunkenness respectively, the Commission promoted one of the committee's preferred candidates, but ignored the other.²² This jealousy may be stoked by the practice whereby some of Raynor's portion of the fees due to him as an informant were not paid to him or to the Commission, but paid to the committee for its own use.²³

One of the most telling pieces of evidence that Fenton's job developed into a sinecure is the manner of his leaving it. In November 1834 (aged 78), he returned from a paid convalescence in the Isle of Man, and, despite his protestations that this had left him 'able to discharge the duties of his office with more efficiency and comfort than the previous state of his health had permitted' the next month saw the Commissioners arguing about whether they could sack him or not. This proposal emerged from a special enquiry by the Commission's Finance committee into the running of the body, the main proposal of which was to save money by stopping Fenton's salary.²⁴ The next month another attempt was launched, which revealed how the Commission was divided. Mr. Bright defended Fenton as a competent supervisor, even if he was not able to:

attend all petty nuisances, to quell disturbances and dogfights, and to be the laquey and attendant of every petty body of Commissioners who thought fit to require his presence.²⁵

Fenton's defenders described him as 'a man of high character and honour' who, 'in times of greatest danger, had come forward to keep the peace'. He was attacked as 'incompetent and inefficient' and one who 'did nothing for his salary'. In the end the motion to stop paying him fell, but was defeated because he was owed a favour, not because he was doing his job properly. In June of 1835, Fenton died, and Raynor was appointed Surveyor.²⁶ Commissioner Rhodes (the chairman of the Association for the Prosecution of Felons) wanted to advertise the post, but his motion to do this was defeated. In the same way that Fenton had kept his salary, Raynor appears to have succeeded to the post because it was 'his turn'. No assistant was appointed. Watch committee intervention continued: in September they came up with a plan for five 'corporals' of the watch to make sure that they covered their rounds.²⁷ After just over a year in the job, Raynor successfully petitioned for an increase in his salary to 300

²² *Independent*, April 5 1834, May 10 1834.

²³ *Independent*, May 3 1834. The difficulty was with a clause in the 1818 Act which meant an appointment could only be withdrawn if there were more Commissioners present than at the meeting who made it: 58 Geo. III, c. liv, s. IX.

²⁴ *Independent* November 8, 1834

²⁵ *Independent*, December 6, 1834.

²⁶ *Independent* June 6, 1835.

²⁷ *Mercury*, September 5, 1835.

guineas per year, on the grounds that he had achieved savings in the cleansing department.²⁸ As has been pointed out in the preceding chapter, Raynor occasionally took an active part in the debates on police reform in the town: his general demeanour towards the Commission was that of a loyal servant, albeit one often possessed of specialist knowledge.

The 1830s saw a blurring in the public/private divide with regard to lighting, spurred on by the ¾-mile limitation imposed by the 1818 Act. From 1834 the Commission received sums up to £38 annually for 'lighting private lamps'. With the increased calls for efficiency in the 1830s (as detailed in Chapter Three above), the Commission remodelled its watch. In 1836 a day police was created, although to a large extent this was a sleight-of-hand.²⁹ The men were watchmen, who were now paid an extra 2s per day, and went on duty at noon, until the watch came on duty. The most significant point about this force, however, was the fact that they were given a uniform: the watch had only greatcoats to distinguish themselves. The day police was kept up to strength, but only by taking men from the watch, as the pay book for the years 1839-41 demonstrates.³⁰

In 1838 the watch committee came up with a plan for covering the town, which is reproduced in Appendix One. It shows that the 'old' police were approaching the sophistication and supervision levels of the new, although this was achieved by doubling up day policemen as patrollers for part of the day, and supervisors for the whole night. Even in 1841, when the eclipse of the force was on the horizon, the watch committee was remodelling it. In September it brought forward a proposal to save money by eliminating the position of watch-house keeper, and giving the duty to the sergeants in turn. Two posts of inspector would also be created: one for the day and one for the night. The Improvement Commission's force was thus, with its ranks of watchman, policeman, sergeant and inspector, coming to look more like a 'new' force.³¹

The Commissioners themselves appear to have been a cross-section of Sheffield's property-owners. The records of their identities are sparse, and the numbers of shared names in Sheffield even in the 1830s can make identification difficult. It has been possible to identify the occupations of 55 members of the Commission in 1841, who fall into the following sectoral categories, as given in Table 5.1.

²⁸ *Independent* September 10, 1836.

²⁹ *Independent* September 10, 1836.

³⁰ CA 295/C 2/1. 'Wages paid weekly to the Sheffield police force'.

³¹ *Independent*, September 4, 1841. Mr. Unwin to Improvement Commission.

Table 5.1 Occupations of Improvement Commissioners, 1841

Occupational category ³²	No.
Metal manufacturing	15
Other manufacturing	10
Food / wine dealing	9
Professional ³³	6
Other shop-keeping / service	5
Financial service	5
Brewers / maltsters	4
Gentlemen	3

The Commission was not, therefore, the exclusive preserve of any one of the town's economic 'interests'.

The extant sources reveal more welcome for the Commission's powers, than opposition to them. One basis for opposition was the friction caused between commercial imperatives and obscure bye-laws. William White complained in his directory of 1833 that 'many persons incur penalties' under the Act from 'their ignorance of its powers'.³⁴ In 1821 an anonymous letter to the *Independent* contained the accusation that the streets were in a bad state since the 'Gentleman Commissioners' only enforced the cleanliness regulations on poor men like the correspondent.³⁵ Other criticisms were made by the author of *The Liberal* in November 1832 who wrote of failures to light lamps, and blamed 'the Police' for subjecting travellers to 'no little unpleasantness, not to say danger'.³⁶ Calls for more rather than less intervention were more frequent: as alluded to in Chapter Four above, these had a part to play in calls for the police to be remodelled. Sometimes the watch's inability was criticised from within the Commission: in 1833 William Jackson expressed his concern over a 'serious' impression abroad in the town that watchmen were interfering unnecessarily 'for the sake of the

³² White, (1841).

³³ This category includes two each of surgeons, solicitors, and newspaper editors.

³⁴ White, (1833).

³⁵ *Independent*, November 3, 1821.

³⁶ *The Liberal*, Vol. 1 No.1 (November 17, 1832), p. 6. SLSL, vol. 161/7.

emolument which they receive from convictions.³⁷ The installation of Raynor implies a recognition that the force was insufficiently supervised. In 1835 William Jackson returned to his theme, calling upon the police to be far more 'efficient and active', however, in this case he was urging that they pay to defend a sergeant charged with assault, in apparent contradiction to his earlier position.³⁸ Other criticism concerned the workings of the Commission itself. In 1838 there was a row over an abuse of power by the watch committee when it was found that one of its members (Linley) had sent five men to Rotherham for the opening of its railway station without Raynor's knowledge.³⁹

The Improvement Commission collectively saw its authority as extending over all the areas it spent money on. Steedman has described the Borough's Watch Committee as acting like 'a kind of tribunal' in the 1850s.⁴⁰ The accuracy of this assessment will be considered below: it could certainly have been applied to the Improvement Commission. In June of 1833 they examined the case of two watchmen who had been implicated in the death of a prisoner by an inquest.⁴¹ They reopened the case, insofar as they considered the evidence presented there, and cast doubt upon the reliability of some of it, in the light of hearsay opinion about the witnesses' characters. In the end they concluded that the watchmen had indeed done their duty. They were willing to use their funds to defend watchmen accused of misconduct in the courts, which raised some hackles: in 1837 the Chartist Richard Otley condemned them for using public money to defend the 'detested' Sergeant Crookes from a charge of assault.⁴²

Despite this desire to look after its own, the Commission took care to avoid the possibility of getting involved in messy local demarcation disputes. So, in June 1840, it agreed to take no action against some encroaching steps in York Street, since 'the question is in dispute between the Highway Board and Mr. Sayles, the landlord.'⁴³ Their concerns were not entirely parochial. In 1843 they approved the dispatch of some Sheffield policemen to Derby to look for a criminal - provided that the Derby authorities paid their expenses.

³⁷ *Independent*, June 1, 1833.

³⁸ *Mercury*, December 19, 1835.

³⁹ *Independent*, November 10; December 10, 1838

⁴⁰ Steedman, (1984), p. 45.

⁴¹ *Independent*, June 9, 1833.

⁴² *Independent*, February 17, 1838.

⁴³ *Independent*, June 6, 1840.

Part Two: The Court Leet and special constables

Throughout the 1820s and 1830s, the annual Courts Leet of the Manors of Sheffield and Ecclesall had a role in appointing public officers who exercised many 'thief-taking' and 'regulatory' aspects of the police function. This role decreased as the process became more bureaucratised, and in 1842 and 1844 most of its functions aside from the collection of some were supplanted, by the Parish Constables Act and the Municipal Corporations Act. The Courts Leet appointed the special constables, the acting constables and their assistants, and the townships' various inspectors. In 1820 the offices filled were: Inspectors of the Fish Market; Inspectors of the Flesh Market; Inspectors of Weights and Measures; Leather Searchers; Inspectors of Butter and Eggs, and Pindar. Sometimes these were filled in plurality. In 1820 the ubiquitous (see Chapter Seven) Thomas Smith was Inspector of Weights and Measures, and of Butter and Eggs, as well as one of the acting constables. Each year, at the Sheffield Court Leet between 150 and 300 men were appointed to serve as special constables for Sheffield townships. Between six and fifty (averaging around twenty) were appointed for Attercliffe and for Brightside, and between twenty-three and fifty-three, (averaging around forty) for Nether Hallam. The separate Ecclesall Court Leet appointed around 80 specials annually.

Most of the time the office of special constable was merely ceremonial, a recognition of a householders' standing in the community. In 1819, the *Iris* published the Court Leet list heading it 'Gentleman Constables'.⁴⁴ That they could have filled a relay and communication function, acting as the 'first port of call' for either criminal or regulatory matters is evidenced from the way their names are set out in newspaper reports of the Court Leet. The names are always divided up according to the streets in which they live (e.g.: 'Messers George Smith, Charles Thompson, Thos. Willey and Joshua Gillatt, Market-Place; George Hawkesworth, James Crawshaw, John Green, Benj. Walker, Samuel Sindall, High street'⁴⁵). Indeed, from 1823 they are divided up under paragraphs separated by spaces and headed by street names.

It seems most likely, therefore, that they did perform some kind of administrative function, and the published lists of names were there to alert the public at large to their residences. The vast majority (95%) had enough status to appear in the trade directories.⁴⁶ It is also likely that

⁴⁴ *Iris*, April 7, 1818.

⁴⁵ *Independent*, April 1, 1820.

⁴⁶ White (1833), W. Robson, *Robson's Birmingham and Sheffield Directory* (London, 1839).

the trade directories themselves would not be entirely comprehensive, thus a one hundred percent coverage of the special constables is not a reasonable expectation, even if all were in fact eligible for inclusion by reason of their economic position. All the specials were householders. But if the post was seen as mainly honorific, why did some men fail to fill it, and thus incur a 10s fine? In 1822 this was levied on thirty men: at least three of them were Improvement Commissioners, and one was the Commission's clerk, John Staniforth.⁴⁷ This implies that there were real duties attached to it, which some men who could would pay to avoid.

The special constables did feature in a suggested alteration in the town's policing arrangement. In September 1817, a letter to the *Iris* sketched out a plan for the reorganisation of the town's policing, aimed at the problem of late-opening pubs.⁴⁸ 'A Sheffielder' welcomed the magistrates' plans to shut the pubs at 11pm, but pointed out that laws would not 'execute themselves'. His solution was to use the town's special constables 'divided into companies, with a leader or captain to each'. The companies, of unspecified size, would each be responsible for a certain district. The captain should appoint two or three of the constables to patrol the area each night for a month, checking on the pubs. They would be able to report to the next Brewster Sessions, who could fail to renew the licenses of those who flouted the law. This proposal was highly conservative in policing terms: the constables would only watch and patrol, never intervene directly. This is analogous to Steedman's view of the county constabulary after 1857.⁴⁹ However, in Sheffield's case, the constables themselves were unlikely to be perceived as untrustworthy because of their lowly social status. Given that they were special constables, the reverse would possibly be true: that the middle-class specials would not be expected to intervene themselves and risk physical violence.

Whatever their potential role, the constables were nevertheless sworn in to keep the peace and uphold the law: in the event of disorder they had a legal obligation to obey the orders of a magistrate. The only time that they were called upon *en masse* was during the election riot of 1832.⁵⁰ This was precipitated by the anger in the town at the imminent defeat of the reform candidacy of T.A. Ward. Anger and stones were focused on the Tontine Inn, the headquarters

⁴⁷ *Iris*, April 22, 1822.

⁴⁸ *Iris*, September 2, 1817.

⁴⁹ 'the pattern of most police work was watching': Steedman, (1984), p. 158.

⁵⁰ Such disorder - though not the response to it - was the rule rather than the exception: K.T. Hoppen, 'Grammars of electoral violence in nineteenth-century England and Ireland' in *English Historical Review*, Vol. CIX (1994), 597-620, pp. 605-7.

of the candidates' committees.⁵¹ While the Coroner, Thomas Badger, read the Riot Act at various places in the town, the 'whole body of special constables' was called upon. Once this step had been taken, it was the job of the acting and assistant constables to collect these men together, and the job of the magistrates to direct them. At least one of the town's gentlemen, Benjamin Shirley, also went around alerting 'gentlemen' constables. Although the specials had already been sworn in at the Court Leet, many of them were sworn in once more on arrival at the Town Hall, and addressed by Parker. The specials' march to the Town Hall apparently over-awed the crowd: but a group of them displayed 'injudicious conduct', by then going on to parade around the town. They became involved in the general melee, and were 'broken up by the populace into detached parties'. One special, Gainsford, arrested a stone thrower, only to come under attack himself and be unable to prevent the crowd rescuing his prisoner. Eventually they were driven back to the yard of the Tontine Inn. It was here that, on arrival in company with a detachment of infantry, James Bosville JP ordered the troops to fire live ammunition into the crowd: the officer in charge made him repeat the order before carrying it out. Five people were killed before Hugh Parker arrived from the Town Hall and ordered the troops to cease fire.

Fenton appeared to play no prominent part in the episode, although the watchmen were apparently used alongside the constables to seal off the Haymarket near the Town Hall. The specials were again used on Saturday, when as a body they dispersed a crowd that had gathered on Fargate. On this occasion they were backed up by the presence of troops and the Yeomanry. Despite the five deaths, the riot had a surprisingly minor long-term impact in Sheffield. The riot itself was overshadowed by the deaths. The deaths could easily and conveniently be blamed on Bosville: a 'young and spirited' man who was also 'severely wounded'. Bosville and the troops involved were not from Sheffield, or regularly active there. Sheffield's own senior magistrate, Parker, obviously stopped the firing as soon as he could. The riot, therefore, became imprinted on the popular consciousness as a tragedy rather than as an outrage. This was not automatic: the coroners' jury which pronounced a verdict of accidental death on the slain does not appear to have been selected at random but to have been picked to ensure a strong representation from those tasked with keeping order in the town. Raynor (not yet assistant surveyor), Commissioner (and later Watch Committee chair) John Carr, Ebenezer Rhodes of the Association for the Prosecution of Felons, and Henry Holmes, churchwarden of Attercliffe, were all members.

⁵¹ *Independent*, December 15, December 22, 1832.

When Hugh Parker, answered the questionnaire of the Constabulary Force Commission in 1838, he described the special constables as: 'from 2 to 300 Householders to assist, when called upon, the acting Constables'.⁵² To Chadwick's leading question about riots, and whether it was difficult to get special constables to attend them, Parker responded: 'There is no difficulty in securing the prompt attendance of persons to act as Special Constables but much in so ordering them as to render their service beneficially available.' Parker did *not* write 'in getting Special Constables to attend', confirming what is suggested by the account of the 1832 riot: that the 'gentleman constables', despite being 'duly sworn' at the Court Leet, were also sworn in again in case where they were needed. So, despite the lack of overt criticism of the specials in the days following the riot, because Bosville attracted most of the condemnations, it is obvious that Parker had drawn the conclusion that their use was limited, and this is consistent with the national picture.⁵³

The Court Leet also swore in a number of the Improvement Commission's force as constables. From 1837, all the members of the Day Police were sworn in, and this practice continued until 1843, when they were sworn in under the 1835 Act. As detailed in Chapter Four, 1842 was the key date in the evolution of the Court Leet's powers. This was due to the impact of the 1842 Parish Constables Act, which gave the local justices a veto over the appointment of constables, and in effect removed the power of appointment from the Courts Leet.⁵⁴ The list of constables that was arrived at at the ratepayers' meeting of 1843 included the acting constables, Raynor, the town Collector, the gaoler, both police inspectors, the three police sergeants, seventeen day policemen, and five supernumerary policemen, and a labourer.⁵⁵ It also contained the names of twenty-six members of the Improvement Commission.⁵⁶ Perhaps this allows us some more insight into the true nature of the role of 'special constable'. While largely honorary, it could also serve as a way to give legal power to those whose civic responsibilities were related to law and order. The acting constables (Wild, Bland, Raynor and Town Collector W.H. Frith) and the ordinary constables (twenty-five members) were appointed by the local magistrates on April 4th.⁵⁷ It was at this meeting that the inhabitants of Attercliffe petitioned in vain for the reappointment of Stringfellow as

⁵² Hugh Parker: HO 73/5.

⁵³ Palmer, (1988), p. 397.

⁵⁴ 5 & 6 Vict. cap. 109.

⁵⁵ *Independent*, February 25, 1843. The labourer's name was Samuel Heathcote: I can find no reason why he was included on the list.

⁵⁶ These were: H. Atkin, M. Bright, W. Bradley, J.N. Ballans, Geo. Holden, Jas. Harrison, C. Hoole, W. Ibbotson, W. Jenkinson, T. King, T. Linley, T. Lofthouse, W. Lockwood, C. Peace, J. Pitt, Jos. Raworth, John Smith, J. Sykes, W. Simpson, Jon, Stevenson, Geo. Turton, P. Unwin, T. Wild, Geo. Wilkinson, Jas. Crichley, and H. Lonsdale. *Independent*, February 25, 1843.

⁵⁷ *Independent*, April 8, 1843.

constable (see Chapter Four above). The town's incorporation overshadowed this innovation, but it was in many ways highly significant, altering the local 'balance of power'.

Part Three: The Borough Watch Committee: inception

With the adoption of the 1835 Municipal Corporations Act, and the election of the first Borough Corporation in November 1843, responsibility for the policing of the town was taken from the magistrates and the Improvement Commission, and put into the hands of the newly-elected Town Council. The most obvious feature of this event was continuity rather than change. This was ensured by the overlap in personnel, and the fact that the institutional boundaries drawn up were respected by those involved. The identity of the men making the decisions did not change much. Five of the fifteen active members of the Borough's Watch Committee had been Commissioners: significantly, this number included both men who would occupy the powerful position of chairman up to 1850: Elias Lowe and John Carr. Lowe had been on the Commission's watch committee in 1836.

The Watch Committee met every week from the start of 1845 to beyond the end of the century. It first 'signed over' and swore in the police force from the Improvement Corporation, as constables 'for the preserving of the peace'.⁵⁸ This happened in November 1843. There was then an exchange of letters with the magistrates. The JPs wanted the Committee to take over and pay the constables for all the various townships in the borough: the committee first declined to do this until they could settle their duties. The magistrates then reconsidered and wrote to the committee asking only that the Acting Constables for Sheffield, Wild and Bland, be taken on to serve warrants, remunerated by fees.⁵⁹ The Committee decided to take them on, but under their orders: 'to be, and act, during the pleasure of this Committee, as constables', and to perform their duties 'in person, and not by deputy'. As for payment, they resolved that 'on principle, it is better that every officer should be paid by a fixed Salary, rather than depend for his remuneration on fees, which must necessarily fluctuate, and produce either more or less than a proper remuneration.' Wild and Bland were voted annual salaries of £150. They were to attend the Mayor and Magistrates daily in the Town Hall, and all their fees and charges were to be paid into the Borough fund.⁶⁰

⁵⁸ 'Watch Committee Minutes', November 1843 - July 1876. SRO City Archives 134 (1-7) (henceforth 'WCM') November 24 1843.

⁵⁹ The letter was from Corbett, Chandler, Walker, Alderson, Bagshawe, Hand, and Overend. WCM, December 6 1844.

⁶⁰ WCM, December 13, December 26, 1843

The complement of the police inherited from the Commissioners was not changed much initially. The force (on paper) mustered 57 watchmen, 12 'police constables' and 12 higher ranks, and was taken on *en masse*.⁶¹ In practice, it stood at only 61 men when taken over. Raynor was asked to report on the state of the out-townships, and he recommended that only one of the current constables, Jonathan Dearden of Nether Hallam, be taken on. The rest of them were to be served by six 'regular police constables'.⁶² Until 1864, these men and all others based in the out-townships were paid, housed, and clothed from the borough rate rather than the watch rate.⁶³ As well as taking a stand over the method of paying Wild and Bland, the Committee also made sure that the principle of payment by salary rather than results was established by ruling that:

the practice which has hitherto prevailed in this Borough of paying the Watchmen one shilling for each disorderly person brought to the Watch House by them and afterwards ordered by the Magistrates to be discharged on payment of costs be discontinued and that the shilling instead of being paid to the Watchman be henceforth carried and appropriated to a fund providing for disorderlies in prison.⁶⁴

The spring saw the Committee, with the co-operation of the Town Trustees, establish itself in the Town Hall by displacing the Beadle. Furniture was bought, and a medical officer appointed.⁶⁵ New uniforms, brass numbers, handcuffs and thirty swords were bought.⁶⁶ Only day police got full uniforms: the night men received only hats and greatcoats, and did not get uniform trousers before 1856, or topcoats before 1859.⁶⁷

Regulations were issued, and these conformed to the Metropolitan pattern by placing prevention at the forefront of the police's duty.⁶⁸ A constable was to give his whole time to the police force, to stay in uniform and not to carry a stick or umbrella, or to smoke or drink alcohol when on duty. He could only accept gifts, gratuities or fees with the Watch Committee's permission. If he was sick, one shilling a day would be docked from his pay. He had to let the Inspector know his address, and was not to lodge in a beer house or public house.

⁶¹ WCM, February 9, 1844.

⁶² WCM, March 29, 1844. These men were stationed in Attercliffe, Grimesthorpe, Owlerton, Upper Hallam, Little Common, and Heeley

⁶³ WCM, May 23, 1844.

⁶⁴ WCM, Mar 29, 1844.

⁶⁵ WCM, April 18, May 23, August 1, 1844.

⁶⁶ WCM, April 4; June 6; June 20, 1844.

⁶⁷ WCM, December 20, 1855, June 9, 1859.

⁶⁸ 'Rules, orders and regulations of the watch committee of the borough of Sheffield, for the guidance of the officers and constables of the police appointed to act in the said borough under 5 + 6 of his late majesty King William the Fourth cap. 76.' (Sheffield, 1844). SLSL, Vol. 63/16.

The Committee were not above giving advice on personal demeanour. The Superintendent was to be 'firm and just, but at the same time kind and conciliating'. He had the power to grant one day's leave of absence or dock one day's pay: anything more needed to go through the Watch Committee. He had to give the Committee weekly returns of the state of the police, the number of robberies and the amount of pay. The Inspector of the Detective Force's main tasks was to inform pawnbrokers of theft, and to attend the scene of the crime, as well as to supervise a 'Detective Force' which did not come into formal existence until 1847.⁶⁹ The main duties of the Inspectors, (in late 1844 the force had three) were to base themselves at the station and make rounds checking all the sergeants and some of the men on their beats. They had charge of the station house and the prisoners, brought cases before the magistrates, and were able to grant bail and thus decide if the police were making frivolous charges:

The Inspector on duty will not attend to complaints against persons brought to the Station House by the Police, on the vague charge of obstructing them in the execution of their duty. If such a charge is made, it must be accompanied by a specification of particulars.⁷⁰

The police were also caught between the rock of crime and the hard place of supervision in the case of robberies: all reports had to include the name of the man whose beat they were on and 'whether any blame attaches to the Police.' They could not take out warrants for assaults on themselves without the Superintendent's permission, and if they used any more force on a prisoner than was necessary for 'safe custody', they were liable for dismissal. The instructions to the constables began with: 'He must be civil and attentive to persons of every rank and class'. The Metropolitan Police regulations substituted 'obliging' for attentive, possibly indicating that Sheffield's police were not supposed to be everybody's servant to the same extent.⁷¹ Policemen were not to call the hour of the night: a departure from previous practice.⁷²

The policeman's 'decision and calmness' would 'induce well-disposed persons and bystanders to assist him.' Yet the picture of the perfect submissive and honest policeman receiving automatic help from passers-by was rather shaken by the instructions on the use of the rattle. This was to be sprung as seldom as possible, since its use would assemble a crowd 'thus giving opportunity for the escape or rescue of criminals.' One instruction was that police should always give passers-by 'the wall' - pass them on the side nearest the street, which was an admission of inferiority. This bears out Miller's conclusions about the basis of the

⁶⁹ WCM, February 18, 1847.

⁷⁰ 'Rules, orders and regulations', p. 20.

⁷¹ Critchley, (1967), p. 53.

⁷² See for instance, the evidence in the trials of Chartists given by Watchman Hague who 'called the hour of the night rather louder than usual' when he heard a crowd of men approach him. *Mercury*, January 18, 1840.

authority of the English policeman, as opposed to his American counterpart. The English policeman's impulses were designed to be subordinated: his authority was not personal, but institutional.⁷³ This authority was to avoid some contested situations, though: police were only to interfere with processes of distress of goods, where they could become identified with bailiffs, or embroiled in complex civil cases, if there was a danger of an immediate breach of the peace. Suspect persons 'loose, idle and disorderly' and those unable to give a good account of themselves were to be apprehended. In addition, the policeman was to arrest street gamblers, sellers of obscene prints, indecent prostitutes, beggars, and vagrants or those living in tents and wagons who could not account for themselves. 'Due order and decorum on Sunday' was a priority. At night everyone was to be searched if found carrying goods. It was at this point that clear-cut instructions broke down, and the exercise of discretion became necessary. This had implications for the way different categories of people were treated since the policeman should:

judge from circumstances, such as the appearance and manner of this party, his account of himself, and whether he really has got stolen goods, before he [the policeman] ventures to search or take him into custody.⁷⁴

The last criterion is obviously meaningless as a guide to whether or not to search someone. The treatment of those suspected of misdemeanours was hedged with caveats: the policeman was not to interfere with people who were merely talking in the street, or to arrest for assault on the unsupported word of the victim. Felons were to be proceeded against more vigorously: the constable could arrest on suspicion in these cases.

The 'principal object' was the prevention of crime: to 'secure person and property and preserve public tranquillity and good order'.⁷⁵ In the 1850s, the 'non-detective' part of the force was sometimes labelled the 'protective' force, with 'Protective Inspectors' and even 'Protective Constables'. The working of the reward system as detailed below still made it clear that prevention was generally not nearly as lucrative as detection after the fact.⁷⁶ The Council took charge of the regulation of the town: the list of bye-laws that were passed and printed in the summer of 1844 involved all the usual concentration on regulation and minor disorder that the 1818 Act had displayed.⁷⁷ One clause made it an offence to 'harbour or

⁷³ Miller, (1975).

⁷⁴ 'Rules, orders and regulations', p. 32.

⁷⁵ 'Rules, orders and regulations', pp. iii-iv.

⁷⁶ WCM, October 20, 1859.

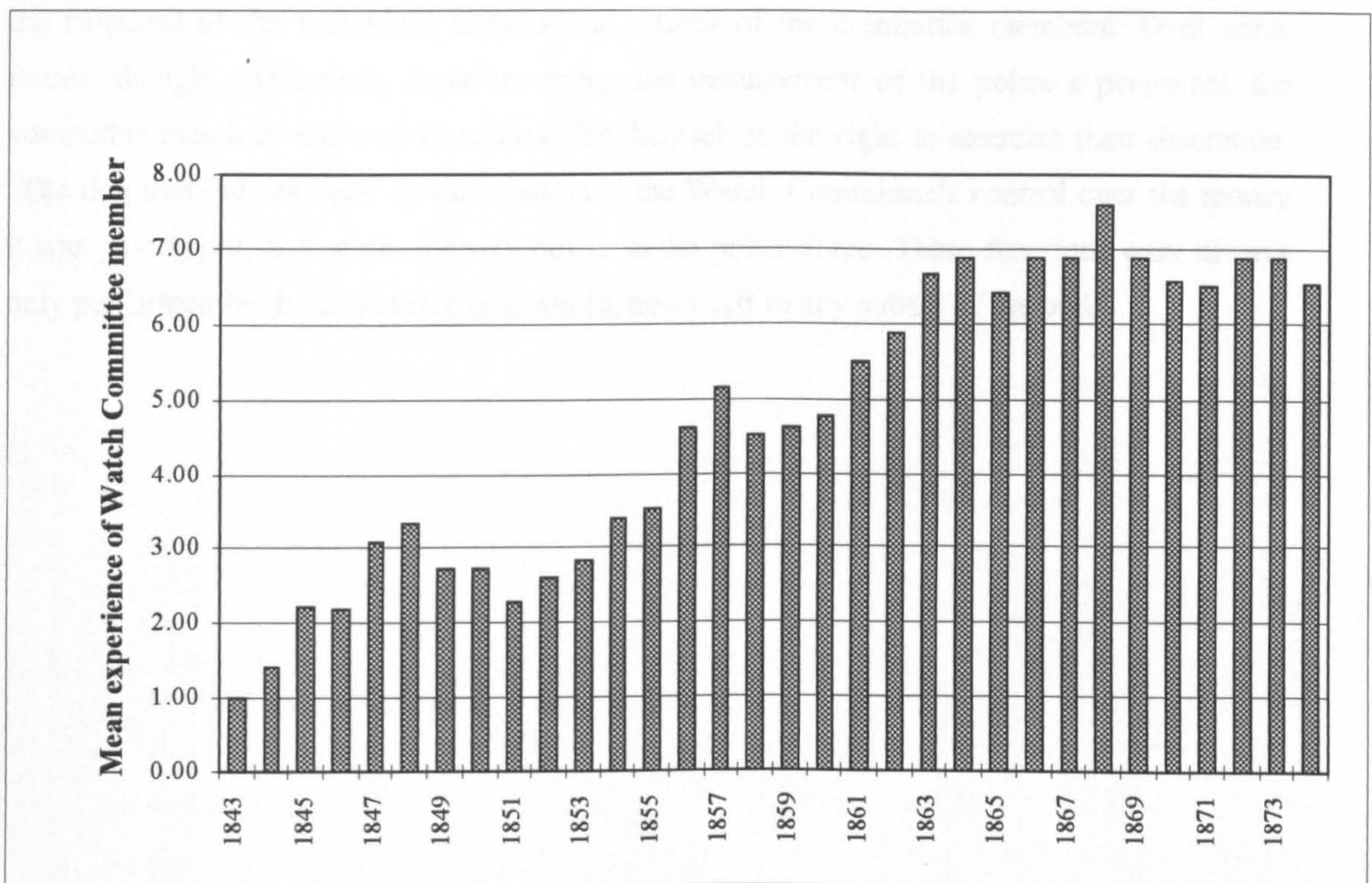
⁷⁷ 'Bye Laws passed by the council of the borough of Sheffield on Wednesday the 24th of July 1844, in pursuance of the 5 & 6 William IV c.76' (Sheffield, J. Bridgeford, Iris Office, Fargate, 1844). The problems tackled included: obstructions; ferocious dogs at large; dangerous signs; unclean paths; breaches of the public peace and nuisances; traffic offences; bill-posting; abetting the organisation of prize fights; unregulated Hackney carriage stands; and doing worldly labour, business, or work' (except for some specified selling of food and drink) on the Sabbath.

entertain, or offer to harbour or entertain, any constable or policeman.' The force was not seen as above such temptation.

Part Four: The Watch Committee's development

The membership details of the Watch Committee can tell us much about the development of Sheffield's police. Steedman is right to have characterised them as 'the great merchant manufacturers [who] were the law in Sheffield.'⁷⁸ The study of professionalism, for instance, needs to be applied to the bodies that oversaw the police, as well as to the police themselves.

Graph 5.2 Watch Committee membership duration



As Graph 5.2 shows, the membership of the Watch Committee got progressively more experienced. The level of experience also correlates with the degree of intervention of the Committee into the police force, which declined in the late 1840s and the early 1850s. From the mid 1850s to the mid 1860s, when the Committee was heavily intervening into the police force, the level of experience was rising steadily, to approach a plateau at around seven years in the early 1870s. A committee is not a 'given' - it can collectively choose to do its work in a

⁷⁸ Steedman, (1984), p. 67.

variety of different ways. The way that Sheffield's Watch Committee constituted and organised itself underpins the assertion that the Committee, like the police force and the central government, was an evolving body whose nature and policy changed over this period. The Watch Committee went through a process of bureaucratisation as its functions increased in the first thirty years of its life.

One indicator of this bureaucratisation is the growth of sub-committees. The minutes of the Committee show this process in action: issues, duties, and decisions initially appear in the meetings of the Committee as a whole. Then, they were often dealt with by a sub-committee set up on an *ad hoc* basis. Finally, once the issue became routine and the various precedents for decisions were established, the activity was hived off to a 'permanent' sub-committee, elected every November at the first meeting of the new Committee. This *modus operandi* valued permanence, experience, and rule by precedent. It operated along mechanistic rather than paternalistic lines, in that at least in theory decisions were 'pre-programmed' rather than the response of the individual dictates and whims of the committee members. Over some issues, though, particularly those involving the management of the police's personnel, the committee members did tend to reserve for themselves the right to exercise their discretion. 'The dog that did not bark' in this context is the Watch Committee's control over the money it was paying out, and of disciplinary power in the police force. These functions were always only performed by the committee as a whole, never left to any subset of the body.

Table 5.2: Creation of Watch Committee sub-committees

Year	Total no.	Audit	Prison Insp- ection	Common Lodging Houses	Rate Appeals	Cloth- ing	Police	Pension	Watch Rate Colle- ction	Estimate	Warrant Officers	Lighting	Hackney Carriage	Town Hall	Fire Brigades
1843	0														
1844	1	C													
1845	2	C			A										
1846	1	C													
1847	2	C	C												
1848	2	C	C												
1849	2	C	C												
1850	2	C	C												
1851	6	C	C		C				A	A	A				
1852	7	C	C	C	C				A	A	A				
1853	7	C	C	C	C				C	C ⁷⁹	C				
1854	8	C	C	C	C		A		C	C	C				
1855	8	C	C	C	C		A		C	C	C				
1856	7	C	C	C	C		C			C	C				
1857	7	C	C	C	C		C			C	C				
1858	9	C	C	C	C	A	C	C		C	C				
1859	10	C	C	C	C	C	C	C	C	C	C				
1860	9	C	C	C	C	C	C	C ⁸⁰	C	C					
1861	9	C	C	C	C	C	C	C	C	C					
1862	8	C	C	C	C	C	C ⁸¹		C	C					
1863	9	C	C	C	C	C	C		C	C			A		
1864	9	C	C	C	C	C	C			C		A	C	A	
1865	10	C	C	C	C	C	C			C		C	C	C	
1866	10	C	C	C	C	C	C			C		C	C	C	
1867	10	C	C	C	C	C	C			C		C	C	C	
1868	11	C	C	C	C	C	C			C		C	C	C	C
1869	11	C	C	C	C	C	C			C		C	C	C ⁸²	C
1870	10	C	C	C	C	C	C			C		C	C	C	
1871	9	C	C	C	C	C	C			C		C	C		
1872	8	C ⁸³	C	C	C	C	C					C	C		
1873	8	C	C	C	C	C	C					C	C		
1874	8	C	C	C	C	C	C					C	C		

The increasing complexity of the sub-committees is displayed in Table 5.2. It shows which were in existence during a particular 'council year' - so '1844' is the period from November

⁷⁹ The Estimate sub-committee was appointed in early September every year, until 1864, when it was appointed in November at the same time as the others.

⁸⁰ In 1860 and 1862, the Pension sub-committee was separately constituted, but had the same membership as the Audit sub-committee.

⁸¹ In 1862 the Police sub-committee took over the duties of the Pension sub-committee, and from 1862 to 1867, it also superintended the borough's fire fighting equipment.

⁸² The Town Hall sub-committee was created to supervise the construction and alteration of the new Town Hall: from 1869 its job was to make sure that the furniture and fittings in the Town Hall were being looked after.

⁸³ In 1871 the task of estimating future expenditure was given to the Audit sub-committee.

1844 to the end of October 1845. 'A' means refers to a sub-committee set up during the year on an *ad hoc* basis, while a 'C' refers to one constituted and appointed at the start of the municipal year, at the Watch Committee's meeting on mid-November.

In addition to those mentioned above, from the start a number of sub-committees organised on a township/ward basis gave an opportunity for poor ratepayers to appeal against the levying of the watch rate on their property. Some of the sub-committees above were the result of statutory demands. The Common Lodging Houses (CLH) sub-committee existed to make quarterly reports on the state of the houses in the borough, and to this end one of the police inspectors was appointed CLH inspector, and operated under their orders. Each year its members devoted three days to personally inspecting every lodging house in Sheffield.⁸⁴ The Pensions sub-committee was set up to administer the 1859 Act: later its statutory duties were overseen by the Police sub-committee.⁸⁵ Some were created to carry out functions given to the Watch Committee by the Council as a whole: the Hackney Carriages sub-committee in September 1864, and the Lighting sub-committee in December 1864, were examples of these.⁸⁶ Others were the product of policy changes in the Watch Committee itself. The most important of these was the Police sub-committee. This took a central role in the control of the force from the 1850s, as will be discussed below.

While the existence of so many different sub-committees tells us a lot about the process of development of the Watch Committee, the identity of the men who served on them is also useful. The committees kept up a high degree of continuity in personnel: experience was not being lost. In its first thirty years of existence, for example, the Audit sub-committee had between three and five members. Aside from the first year, there was always continuity in its membership: in eleven of the years there were two newcomers, in seven only one, and in twelve there were none at all. After 1855, the stability of this group was particularly apparent: almost every year in this period there was either only one new member, or none at all. The Police sub-committee (whose membership followed the general tendency to grow from three to five over the period) shows a similar pattern in the twenty-three years covered here. In nine of the years, there was only one new member, in one year there were two, in two years there three, and in ten years, all of the member had been on the sub-committee before. In the crucial period 1857-62, when it was exercising a great deal of control over the remodelling of the police force, this sub-committee had a static membership, of Mycock, Robson and Wood. The chair of the Committee was always a member of the Police and

⁸⁴ WCM, October 27, 1861.

⁸⁵ 22 & 23 Vict. c. 32.

⁸⁶ WCM, September 15, 1864, December 1 1864.

Estimate sub-committees. The latter was charged (up to 1871) with producing the financial plan for the forthcoming year.

Sub-committees also contributed to the experience of Committee members. When Joseph Grundy became Watch Committee chairman in 1870, he had been on the Committee for ten years. He had been a member of the Clothing sub-committee for all this time; of the CLH sub-committee for four years, the Police sub-committee for eight, Lighting for six, and Fire and Town Hall for two. William Crowther, the chair in 1869/70, had been on the Committee for eleven years, during which he had served on the CLH, Clothing, Police, Hackney Carriages, Audit, Town Hall, and Lighting sub-committees.

Table 5.3 Plural membership of sub-committees

Year:	Number of Watch Committee members on x number of sub-committees:							
	0	1	2	3	4	5	6	7
1849	8	6						
1854	1	8	4	1	1			
1859	1	6	4		4			
1864	2	2	3	4	3			
1869		1	8		1	2	2	1
1874		4	2	3	3	1		

From the 1850s, Watch Committee members were exceptional if they were not on a number of several different sub-committees. The exact numbers for one year in five are represented in Table 5.3.

The acme of 'committeedom', therefore, was reached in 1869, when every single member was on at least one sub-committee, and one brave soul (chair William Crowther) was on seven. It is not always possible to know when and how often many of the sub-committees met. A notebook used by Thomas Mycock when he was chair of the Watch Committee gives some clues as to the operation of the Police sub-committee.⁸⁷ In 1857, it seemed to meet most weeks, to examine probationary constables and all other candidates for promotion. It met immediately before the Watch Committee itself: which would have given its members a clear advantage in debates over their colleagues if they were inclined to use it.

⁸⁷ 'Notebook of Thomas Raynor' [misidentified]: CA 256/c 6/2.

From a consideration of the development of the many different sub-committees created by the Watch Committee as a whole, we can draw a number of conclusions. The first is that the task of fulfilling all the Committee's various functions demanded a great and increasing degree of specialisation on the part of its members. The second is that the degree of control and oversight exercised by the Committee can be seen to grow as it accumulated more bodies that were designed to oversee detailed aspects of the Borough's ordering (such as the activity of the warrant officers, for instance), and approve or comment on it. Many processes were closely supervised. The third is that by the 1860s, the chairmen of the Committee had a great deal of experience of the operation of its various functions, and were thus in a position to be able to make informed decisions regarding them.

The increasing degree of autonomy of the sub-committees was resented by some members of the council as whole, who felt that they had lost the right to criticise or even comment on such an important set of municipal functions.⁸⁸ In 1861 some councillors tried to secure the printing of the Watch Committee minutes before they were put before the council. The extant system was that they were only read out before approval, and could not be written down until they had been approved!⁸⁹ The precipitant for this move was the refusal of the Watch Committee's Clothing sub-committee to give details of any bids for clothing the force except for the successful one. This was objected to as 'tyranny', 'arbitrariness', 'secrecy' and 'despotism'. One councillor remarked that 'it was plain that he could get no information from the Watch Committee except what was wrung out of them'. In the end, a motion to *investigate* printing the minutes was passed, although an amendment to allow reporters into the committee's meetings was defeated. It is significant that in this argument, Mycock, the committee's chairman, lined up against his sub-committee, since he felt that an injustice had been done to the clothing contractors: he claimed that this was the first time in ten years that he had gone against the rest of the committee. When, in April, the question was again put to the council, the proposal to print the minutes fell by thirty-one votes to eight: none of the Watch Committee voted for it.⁹⁰ The minutes were not made public before the meeting until 1865.

Sometimes the excessive influence of individuals was derided. In August 1862, one of the councillors opposed to the police's expansion plan claimed that Mycock 'had reduced the Watch Committee to such a complete state of obedience' that his will prevailed entirely.⁹¹ In

⁸⁸ A similar degree of Watch Committee 'isolationism' and consequent opposition was the case in Liverpool: Sindall, (1990), pp. 112-113.

⁸⁹ *Independent*, February 16, 1861: report of Town Council Meeting of Wed February 13; Mar 16, 1861.

⁹⁰ *Independent*, April 13, 1861.

⁹¹ *Independent*, August 16, 1862.

November of the same year, Leader was editorialising on the Watch Committee in general, without mentioning Mycock by name, thus: 'Councillors must not allow themselves to be led by the nose by some ambitious and intriguing personage whose love of power leads him to give his especial attention to their business.'⁹² By criticising Mycock in such terms, Leader was recognising that he possessed one of the attributes of a professional: specialised and useful knowledge. This attack and that of Hutchinson in August were both prompted by perceived failings: Hutchinson opposed expansion, while Leader drew attention to the Committee's incompetence in voting money to Inspector Linley even while acknowledging that he was disgraced. Professionalism was attacked only when it failed to deliver.

Sometimes serious tensions surfaced within the Watch Committee. In 1847 it split over the case of George Bakewell, a police constable who claimed that he had been unfairly victimised in the police force. Bakewell had been dismissed from the force by the Mayor and Raynor acting together, by-passing the remainder of the Watch Committee altogether. This caused some resentment, and when a report on the case was agreed that expressed satisfaction with all that had occurred, there were a number of dissenting voices raised in the Committee against it.⁹³ That division had been over the prerogatives of the Committee and the rest of the local government - there were also disagreements over the Committee's power *vis-à-vis* the public. When in 1854 a man died in custody and his family demanded a public enquiry, some members of the Committee supported this demand, against a majority arguing for 'business as usual' and a private enquiry.⁹⁴ The Committee was not, therefore, a monolith.

Part Five: Reforming and modifying Sheffield's police

By 1855 Raynor was in his late sixties. In September of 1853 Leeds police had complained to the Watch Committee that he had arrested the wrong man there.⁹⁵ The same year had seen several watchmen cautioned or sacked after complaints. The year 1855 was more worrying, in that it saw a credible complaint arise over Inspector Linley's tangled personal affairs.⁹⁶ Confidence in the supervisory ranks of the force was always more crucial than in the fast-changing watchmen. This was the background to the decision made by the Committee in March 1855 to form a Police Force sub-committee - composed of Mycock (the chair), Beal,

⁹² *Independent*, November 8, 1862.

⁹³ WCM, June 17, 1847.

⁹⁴ WCM, November 16; November 20, 1854.

⁹⁵ WCM, September 15, 1853.

⁹⁶ WCM, September 15, September 16, September 22, 1854.

Robson and Askham, for the purpose of enquiring into the organisation and personnel of the force.⁹⁷ In October they reported on the day policing of the town.⁹⁸ They recommended that charges be recorded in a book, not on loose sheets - a clear indication that they suspected 'cuffing' (see Chapter One) was going on. Constables had sometimes been in the force for several months before they were sworn in: now they were to be sworn in monthly. The system of beat cards, which had fallen into disuse, was to be brought up to date. The problem of dealing with 'disturbance' was to be tackled by a new station house. The report painted a picture of a force somewhat gone to seed, and the conclusion was damning:

although a considerable amount of intelligence combined with activity and zeal is to be found amongst some of its member yet they nevertheless regret that there are many marked instances to the contrary.

In December, the sub-committee, now reappointed, issued their report on the night force.⁹⁹ Here they also recommended that the issue of beat cards should be revived. They proposed to deal with the 'variable' quality of the police by creating two classes of constables. Their conclusion as to the general reliability of the force when faced with alcoholic temptation was also pessimistic, expressing:

their great surprise at finding the comparatively few cases which are reported of disorderly conduct in public houses and Beer Houses, numerous instances having come before them where officers have not reported any case during the space of one year and in some instances even for twice that period, and they believe that this evident neglect proceeds to a great extent from its being the practice as shown in evidence of some of the men to receive drink offered to them gratuitously by the owners of public houses and beer shops, a course of conduct which tends to unfit them for the proper discharge of their duty, both as effects the security of property and their own character, the latter being frequently prejudiced by reports of neglect of duty which are found to arise almost entirely from this cause.

The picture was not all gloomy: they expressed satisfaction that the investigation itself had led to improvements. In 1856 they continued with a series of reports designed to alter the force's policy: in May they recommended that ranks in the day and night police be harmonised to create more of a unified force, in June they advocated the construction of a new police station/barracks in Tenter Street to deal with the frequent disturbances there, and in December their plan for the future included the creation of a Merit Class.¹⁰⁰ As well as these 'policy' investigations, they also dealt with cases: in October 1856 they followed up a complaint on the failure of the police to inform pawnbrokers of a robbery in time, while in

⁹⁷ WCM, Mar 29, 1855.

⁹⁸ WCM, October 4, 1855.

⁹⁹ WCM, December 20, 1855.

¹⁰⁰ WCM, May 8, June 19, December 4, 1856.

January 1858 they dealt with the complaints arising from the conduct of Inspector Linley. When they were 'routinely' set up in November 1856, their duties were defined as follows:

to enquire into the character and conduct of the men at present forming the Police Force of the Borough, and also of those who may be hereafter recommended by the Chief Constable to this Committee for appointment and to inspect all Office Books and papers and make themselves practically acquainted with the manner in which the duties of the force are performed, and to report upon and recommend from time to time to this Committee all such matters and things as may in their opinion be necessary.¹⁰¹

Professionalism is not the exclusive preserve of a uniformed police force, or its senior officers, and the story of the movement in the local balance of control over the police is not necessarily a linear move from an initially-powerful Watch Committee towards a professional police and a centralising Home Office. In Sheffield, Raynor was subject to a far closer degree of control in the mid-1850s than had been the case ten years previously. The Police sub-committee had experience and expertise. The local opposition to the 1856 Police Bill shows a sense of the corporation's belief in its ability to manage its own affairs. Delegates were sent to London to co-operate with those from other boroughs in protesting about the Bill, especially the compulsory amalgamation clauses which were dropped.¹⁰²

Table 5.4 Mean experience of Police sub-committee members

Mean length of experience (years):	1855	1856	1857	1858	1859	1860	1861	1862
Police sub-committee	4.33	4.67	6.00	7.67	8.67	9.67	10.67	9.50
Whole Watch Committee	3.50	4.63	5.13	4.53	4.63	4.76	5.50	5.87

As shown in Table 5.4, the Police sub-committee had a high degree of experience: far higher than that of the Watch Committee as a whole. The disparity in experience is even greater when we remember that the figure for the entire Watch Committee also contains those men in the sub-committee. The sub-committee itself gained an aura of 'professionalism' over and above that commanded by the Committee as a whole within the Council. When in 1865 an argument broke out in the Town Council meeting about the decision taken by the Watch Committee to demote Detective Officer William Leonard, the intervention of George Wood, a long-standing member of the Police sub-committee was decisive.¹⁰³ The *Independent* reported

¹⁰¹ WCM, November 13, 1856.

¹⁰² WCM, February 14, February 28, 1856.

¹⁰³ *Independent*, April 13, 1865. The report of that section of the meeting was headed: 'The conduct of a detective: save me from my friends'. Leonard's chief defender was Councillor Harvey: a member of the Watch Committee but not the Police sub-committee.

his speech - the nub of which was that the sub-committee had recently become dissatisfied with Leonard - as convincing. After it was delivered, Alderman Saunders, normally a critic of the Committee, declared that he found it compelling, and the Committee's minutes were received unamended.

In hindsight, the Committee's most significant act in the 1850s was probably the choice of Raynor's successor. In August 1858 (when he would have been in or just approaching his 70th year) Raynor resigned. The post of Chief Constable was advertised and six candidates interviewed. John Jackson, the Chief Constable of Oldham, got in on Mycock's casting vote. Jackson had a record of successfully running a force in Oldham: another town where there had been strong class-based antagonism against the new police. Born in the Lake District, he had joined the Lancashire Constabulary before moving to Oldham when it too incorporated in order to remove itself from 'external' police control in 1849.¹⁰⁴ His first report, in 1850, expressed his concern with the level of drunkenness in the town. He therefore had experience of large and small forces, with an ability to operate in politically charged situations, and a propensity to actively use the police to 'reform' a town.

The process to modify the way the police force was run involved a move away from separate definitions of 'day police' and 'night watchmen' as job descriptions.¹⁰⁵ This event was not an 'amalgamation' between a separate day force and a night force but the cumulative product of administrative expedients. If there were two forces they were under the control of the same man, Raynor, they were paid for out of the same budget, and they were under the supervision of the same body, the Watch Committee. They had been (with the exception of the two acting constables, the last of whom, Wild, left the force in 1852) inherited from the same body, and as we have seen above, the history of the day police and the direct evidence of its pay book shows that institutionally the links between day and night force had been very close from the start. The use of continuous day and night duty as a punishment (!) in 1855 points to the fact that the two sections were part of the same 'force'.¹⁰⁶ As well as this, a resolution of 1844, when the Watch Committee was establishing its control over the force, provided for twelve

¹⁰⁴ H. Bateson, *A centenary history of Oldham* (Oldham, 1949), pp. 131-2; J. Middleton, *Oldham past and present* (Rochdale, 1903), p. 66; Oldham Corporation, *Oldham centenary: a history of local government* (Manchester, 1949), pp. 76-81. J.H. Stainton, *The making of Sheffield 1865-1914* (Sheffield, 1924), pp. 317-8.

¹⁰⁵ For some reason, 1848 has been seen as the year that this amalgamation happened and thus when Sheffield established a 'real' police force. David Taylor writes 'Sheffield's force of 112 men was not established until 1848': Taylor, (1997), p. 33. According to Palmer 'Sheffield . . . did not establish a borough force (122 men) until 1848': Palmer, (1988), p. 400. Jennifer Hart, though does not make this error: Hart, (1955), p. 416fn.

¹⁰⁶ The report of the Police sub-committee of October 1855 ended this practice. WCM, October 4, 1855.

watchmen to work as day police for four hours a day on top of their ordinary shift.¹⁰⁷ The printed regulations for the police made no distinction between 'day' and 'night' constables, but listed all their duties under one heading.¹⁰⁸ Despite this, the titles of day policeman 'night constable' and 'watchman' were still used in the 1850s. In 1856, for example, the idea of the 'day' and 'night' forces was still alive in theory, but blurred in practice: Raynor made a request (approved by the Committee) that thirty 'Night Constables' be placed on the day force, to work alternate months of day and night duty.¹⁰⁹ The renaming process was a significant milestone in the process of administrative change that went from the 1840s to the 1870s, and culminated in Jackson's confidence about the police as expressed in 1875.¹¹⁰ It cannot, however, be considered an amalgamation between two different forces.

Steedman has seen Sheffield's Watch Committee as moving from a 'quasi-judicial tribunal' in the 1850s to a body concerned with social investigation in the 1860s. However, on closer examination, its role did not change much. Under Jackson, the committee and the police did indeed co-operate with a wide variety of social investigations. Raynor, though, had filled a similar role. When he was still working for the Improvement Commission, he had accompanied Jellinger Symons on his fact-finding trips around the town to gather evidence for his report on the moral condition of young persons.¹¹¹ In addition, he gave formal evidence to Symons: acts very similar to Jackson's 'background work for the children's employment commission of 1862'.¹¹² Jackson organised the lighting and cleansing after 1862: in this he was merely reprising the role that been Raynor's until the latter retired as Superintendent whilst retaining the job of Surveyor until his death. When Jackson investigated the number of children in the Borough, the request originated with the School Board, not the Watch Committee.¹¹³

In the early 1860s, the force was apparently increasing in efficiency and in morale: Mycock announced to the council in 1861 that: 'The efficiency of the force was increasing day by day and month by month both in the detective and preventive departments.' The increased use of

¹⁰⁷ WCM, March 29, 1844.

¹⁰⁸ 'Rules, orders and regulations', p. 26.

¹⁰⁹ WCM, February 28, 1856.

¹¹⁰ WCM, February 4, 1875.

¹¹¹ J.C. Symons, 'Report on the Trades of Sheffield and on the moral and physical condition of the Young Persons employed in them made under the authority of the royal commission of enquiry into the employment of children in trades and manufactures not under the factory acts' (Sheffield, Robert Leader, Independent Office, 1843), SLSL, Vol. 132/11, pp. 7-9, 18.

¹¹² Steedman, (1984), p. 45.

¹¹³ WCM, April 20, 1871.

rewards was felt to be helping the force to gain efficiency, but this system had the disadvantage that it encouraged corruption, as will be explained in Chapter Seven below.

Part Six: Losing the grant

The annual grant was given after HM's Inspector visited the police on parade in the Drill Hall on Eyre Street - this was used by the Volunteers until the police began to rent it in 1861.¹¹⁴ In spring or summer, he inspected the majority of the force, and then went through the books, noting the complement, the number of officers absent, and the number of those who were absent due to injuries sustained on duty. While he could comment on other aspects of the force, the only issue on which he could withhold or issue the certificate of efficiency which allowed them to receive the government grant was on their numbers and level of discipline.¹¹⁵ The certificate of efficiency was issued in December, a report of the exact amount paid to police officers and spent on clothes sent in in January, and a few months later the Treasury paid the grant - one quarter of the wage and clothing costs for those officers engaged in police duties for the previous year.¹¹⁶

Sheffield was the last large borough to fail to qualify for the grant, in the two financial years 1862/3 and 1863/4.¹¹⁷ The situation was the outcome of the Town Council, the Watch Committee, and the Inspector of Constabulary, Lt-Col. Woodford, each failing to fully appreciate the other's concerns, and while it was not wholly accidental, neither was it the inevitable outcome of incompatible policies. Not a case of 'lapsing briefly into inefficiency' (Taylor), it was more of a 'bureaucratic' than a 'real' phenomenon: twenty more police would have made a significant difference. Politics and the desire for 'local self-government' over 'centralisation', were not entirely absent, though.

In October 1861, the sub-committee appointed to set the costs for the next year wrote in the preamble of its report to the Watch Committee that it was 'deeply impressed with the importance of reducing the rate to the lowest possible amount in the present depressed state of Trade', and thus recommended a complement of 191 men, and a rate of fourpence in the pound.¹¹⁸ In March of 1862, the Treasury paid the grant to cover the period of the year

¹¹⁴ WCM, April 11, 1861, July 10, 1862.

¹¹⁵ WCM, January 7, 1864.

¹¹⁶ WCM, January 1, 1863. Form for Home Office Returns.

¹¹⁷ In the otherwise excellent comparative study, 'Policing and its context', Clive Emsley erroneously states that the period during which Sheffield lost its grant was three years long: Emsley (1983), p. 81. Critchley, (1967), p. 130 and Taylor, (1997), p. 79, put it at one year.

¹¹⁸ WCM, October 31, 1861.

ending September 29th, 1861. Woodford arrived on July the 8th, however, and was unimpressed by the numbers of police he found. He made specific reference to the fact that the population had grown according to the new Census from 130,000 to 180,000, yet the police had not been increased, thus leading to an over-stretched police force walking beats 'of great and unusual length'.¹¹⁹ The initial response of the Watch Committee was to agree with Woodford and recommend an increase. The Police sub-committee wrote a report which recommended that the police try to attain a ratio to population of 1:700, the same as that of 1850.¹²⁰ This meant a target of 257 men, and an expansion plan that would begin in January 1863. The plan did not, however, mention a completion date, which meant that the plan was facing a moving target. The 1850 ratio was the product of an 'optimistic' reading of events: in 1852 a report of the Watch Committee to the Council had put Sheffield's current ratio at 1:1140.¹²¹ The Committee massaged figures up or down depending on their target audience.

The expansion plan passed the Town Council meeting of August 1862: members of the Watch Committee pointed to figures showing that Sheffield had 1 in 67 'criminals', while London and Manchester only had 1 in 183.¹²² The plan was presented as the best way to prevent theft and disorder in the borough, by watching all of it and thus depriving criminals of the 'haven' of the out-townships.¹²³ At this meeting, Mycock announced that the increase would happen 'gradually between now and the next Census', and denied that he wanted to increase 'the proportion of police to population' from the figure of 1:942. Twenty-six councillors voted for the report - ten were Watch Committee members. Thirteen, none of whom were on the Committee, opposed it. This proposal, though, did not come with specific numbers attached, and it ran the risk that a gap would develop between the rhetoric used for the benefit of the council and that used for the Home Office. In October the sub-committee concluded that if the whole area of the borough was watched, the extra revenue produced would enable the police to be expanded, especially if the substantial watch rate arrears were eliminated by collecting the sum through the overseers of the poor rather than the directly by the committee.¹²⁴ November's Town Council Meeting, though, rejected this proposal, since it would involve a watch rate of sixpence in the pound.¹²⁵

¹¹⁹ WCM, July 10 1862.

¹²⁰ WCM, July 31 1862.

¹²¹ WCM, February 6 1852.

¹²² Eadon to Town Council, *Independent*, August 13, 1862.

¹²³ The clause in the 1835 Act which prevented the non-built-up area being rated for the watch rate having been reinterpreted by a recent ruling from Queen's Bench.

¹²⁴ *Independent*, October 9, 1862.

¹²⁵ *Independent*, November 11, 1862

In December, the Home Office decided that the police had been 'efficient' in the year ending September 1862: this might have had the effect of making it look to the Town Council that the Watch Committee was crying 'wolf'.¹²⁶ However, 1863 brought a series of enquiries and interventions from the Home Office that clearly indicated the grant was threatened. In January they enquired as to the number of police. Jackson had replied that the complement had already risen to 208 from its level in 1860 of 191, and that it would rise to 215 'as soon as suitable men can be procured': probably within two weeks. In February, the Home Secretary, Grey, dropped his bombshell.¹²⁷ Woodford, he maintained, had granted Sheffield the certificate of efficiency only because he was convinced that the plan to increase the size of the force to 257 would be carried out by January 1st.

The Police sub-committee then changed their tune. They wrote a report intended for the Home Office (though copies were sent to the Council) which maintained that the force did in fact meet the criteria laid down by precedent, and Woodford had misunderstood the intentions of the Council and the Committee. He had not laid down any definite figure, but 'properly [left] this point to the practical judgement of the Chief Constable and local authorities.'¹²⁸ While Grey's letter blamed the Council for not increasing the force in line with the Watch Committee's recommendation, the Committee denied that it had made any recommendation. The 'moving target' for increasing the force to 257 was, it claimed, the year 1871. While this may have reflected the impression that the Committee tried to create on getting the Council to agree with the plan, it was not consistent with the logic of the original claim, which justified 257 on the basis of a police/population ratio of 1:700, which could never be achieved if 1871 was the target date. When they wanted to increase the force, they had pointed to a good ratio in 1850 to justify their plan; now that they needed to prove that no further increase was necessary, they pointed to data from the late 1850s, where the ratio moved between 933 (1857) and 995 (1862). In each case, this had been deemed adequate by Woodford. In that context, 1863's figure of 907 - which was even 865 if the 1861 population was used - could be seen as an unprecedented improvement rather than a further slide. They concluded that 'your sub-committee believe that there need be no fear as to the certificate . . . being withheld either on the grounds of numbers or of efficiency.'

Despite the dispute with the Home Office, in April the Treasury duly paid up for the year ending September 1862, since the certificate had already been issued. The same month, Woodford inspected the police force, which was only one short of its complement of 216.¹²⁹

¹²⁶ WCM, December 24 1862.

¹²⁷ WCM, January 29, 1863, February 5, 1863.

¹²⁸ Report of Police sub-committee, WCM, February 5, 1863.

¹²⁹ WCM, January 7 1864, letter from Home Office to Watch Committee.

After talking to the Mayor, and the chairman of the Watch Committee, he left convinced that the force would soon be increased beyond the 'small addition'. Despite the Committee's apparent sanguinity in maintaining that the grant should have been paid, the expenditure plan drawn up in November 1863 involved an increase in the complement of 15 men, taking it to 215.¹³⁰ At the Town Council meeting, Mycock was opposed by some councillors who seized upon the suggestion that the watch rate should be collected with the poor rate, to justify their opposition to the committee's report.¹³¹ Chief among the opposers were Ashberry and Saunders, who had been those most bitterly complaining about the committee's secrecy in 1861. From the Watch Committee, Brittain warned them in so many words that 'if the police force were not increased the Government grant would be lost.' Reference was made by the opposers to the expansion plan, which they had understood as being designed to reach the target of 257 only by 1871. When the motion came to a vote twenty-six councillors voted not to accept the whole report: of the nineteen who did, nine were members of the Watch Committee. Six members of the Committee voted with the majority. Nevertheless, when the Committee debated the issue at the end of the year, they agreed once more to recommend that the Council levy a sixpence rate.¹³²

Before the Council met to debate any increase, signs of a desire to refuse the grant were evident. Inhabitants of Ecclesall and Attercliffe had met to demand that the force stay small and the grant be turned down, in the name of 'English principles of local self-government'.¹³³ This expression can be seen as the last unsuccessful hurrah of the localist campaign against the police force which will be described in the next chapter. At the meeting, led by Alderman Saunders the opponents of expansion argued that Sheffield did not need many police: it was not a port needing surveillance like Hull or Liverpool, or a fashionable resort with a fluctuating population like Bath or Cheltenham. Crime was on the decrease, and its incidence was being affected by advances in morality and education, not just by police. Saunders pointed out that the Committee and its chair had been 'a little crooked' when they presented their expansion plan. The actual strength of the police force, never easy to estimate, was the subject of conflicting statements made during a 'disorderly' discussion during which it was placed between 209 and 216. In the end Mycock pointed out that constitutional voices raised against the grant had been silent in the years it had been received. The imperative to save money rather than any pressing problem of disorder appears to have led to the Council voting for the expansion by twenty-six votes to thirteen.

¹³⁰ WCM, November 26 1863

¹³¹ *Independent*, December 12 1863 report of TCM of December 9.

¹³² WCM, December 31 1863.

¹³³ *Independent*, February 11, 1864

It was at this point that a letter arrived from the Home Office refusing the borough a certificate of efficiency for the year ending 29 September 1864. Despite the creditable state of the men and the accurately kept books, 215 men was not enough, given the borough's population. Woodford's recommendation had not been followed before the end of September, and the 'otherwise effective body of men' were not 'on an efficient footing in terms of numbers'. Woodford's opinion was that he could be satisfied with a force of 241, giving a ratio of 1:768. The Watch Committee's reaction was hammered out at a special meeting in February 1864, putting their side of the story.¹³⁴ The previous February they had written to the Home Office informing them of the increase in numbers of 24 men (to 215), and assumed this was adequate when no response was received. When Woodford inspected in April, he indeed saw the numbers as unsatisfactory, but apparently said that a ratio of 1:800 would be adequate. This figure would be reached if the force followed a plan, resolved on before the Home Office withdrew the certificate, to expand the force to 231.

The response from the Home Office was that 241 might be looked on as sufficient number: but this did not alter the fact that the force was unsatisfactory during the previous year.¹³⁵ The Committee's reaction was to decide to economise at all costs, now that the target could not be reached. It resolved that the increase was therefore 'unnecessary and undesirable at present, and that no addition to the force is to be made during this municipal year, and that a copy of this resolution be forwarded by the Town Clerk to Sir George Grey'.¹³⁶ The Home Office reply was curt, merely acknowledging receipt of a letter confirming that the police would not be increased 'as recommended by Lt. Col. Woodford'.¹³⁷ But low wages meant that the plan could not be carried out, and thus through 1864 the force was kept under strength. When Woodford visited in April he found that the paper strength of 231 had never been achieved, and on the day of inspection the force was twenty-five men short. Despite the 'creditable appearance' of those who were present, in January 1865 the Home Office again denied the town a certificate for the year ended September 1864.¹³⁸

The plan for the next year, on the other hand, showed that the Committee would take the grant if it could get it. It asked for 241 men, and a wage increase in order to make sure of attracting this number. The report to the council had a sting in its tail:

If the Council will not accept or if the Secretary of State will not make the grant then it will be necessary to raise an additional sum equal to a rate of 2d

¹³⁴ WCM, February 2 1864.

¹³⁵ WCM, February 17 1864.

¹³⁶ WCM, February 17 1864.

¹³⁷ Letter of Home Office to Sheffield Corporation, February 20, 1864. PRO HO 65/3 Borough Police Letter Book, p. 195.

¹³⁸ WCM, January 5, 1865.

in the £ [on the top of a 6d watch rate] and if that not be sufficient then to pay the difference from the borough rate.¹³⁹

When this proposal reached the council, it was passed.¹⁴⁰ Some councillors explicitly stated that they were increasing the force to get the grant: otherwise they felt that the borough was adequately policed. The wage increase designed to attract men to the force was also passed, amid calls for the council to 'bury their folly of last year'. The loss of the grant, though, left the Committee paying interest on £3,567 borrowed to cover the shortfall.

Throughout the arguments over the grant, the Home Office also drew the borough's attention to the lamentable state of the cells in the Town Hall. However, the constitutional position here was different: the government could attempt to shame the council into action over the cells, but it had no power to compel it to act, and the 'efficiency of the force' was measured only through reference to numbers and discipline. The Watch Committee were jealous of their status with regard to the head policeman's title. From the first Raynor had been officially 'Chief Constable and Officer' although he was sometimes referred to a 'Chief Superintendent'.¹⁴¹ In December of 1859 the Home Secretary wrote to them suggesting that they use the title 'Head Constable' in order to preserve uniformity within and between borough and county forces. They were adamant that 'it does not appear to this committee expedient that the title of Chief Constable should be altered'.¹⁴² Raynor, whose job title was initially 'superintendent' had been intermittently a Chief Constable during the 1850s. Jackson was never anything else.

Part Seven: Jackson as paragon

Jackson's star rose in the 1860s: by the end of the decade he had attained a high degree of personal authority, so that in practice he was more than just the servant of the Watch Committee. In 1865 he was seen to be the prime mover behind the capture and conviction of the 'Sheffield Garrotters', three men who had carried out a highway robbery in Broomhall Park.¹⁴³ Just as failure to stop 'garrotting' reflected badly on the police, so a well-trumpeted

¹³⁹ WCM, January 5, 1865.

¹⁴⁰ *Independent*, January 12, 1865.

¹⁴¹ WCM, December 13, 1843, Mar 29, 1844. The Rules of 1844 refer to a 'Chief Superintendent'. 'Rules, orders and regulations', p. iv.

¹⁴² WCM, December 22, 1859.

¹⁴³ *Independent*, March 29, 1865.

success resounded to their favour.¹⁴⁴ This particular case was also seen as a personal triumph for Jackson. As Leader put it in the *Independent*:

That this happy result has been brought about is due to the vigilance and ability of the CHIEF CONSTABLE. The detectives have done their duty well in their various spheres, but the master-mind that moved and guided them was that of Mr. Jackson.¹⁴⁵

The Watch Committee gave him a personal vote of thanks for his involvement in this case.¹⁴⁶ Other external events also conspired to lift Jackson's profile still higher. The bursting of the Dale Dyke Dam and the consequent inundation of much of the town also gave Jackson an opportunity to shine. The police played a key role in rescuing people, keeping order, collecting bodies, and preventing looting; as the only local executive agency they were in action from the moment of the disaster under Jackson's direction. A couple of days later, the Mayor paid tribute to Jackson's endeavours at a public meeting.¹⁴⁷ In May 1864, the Town Council debated his salary, and voted to end the arrangement whereby half the money due to him as Improvement Commission Surveyor was paid to the borough fund.¹⁴⁸ Alderman Webster put it thus:

Mr. Jackson has performed duties during the late calamity that he perhaps ought not to have been called upon to perform, and he had discharged them in a way that had given unbounded satisfaction to every one.

Amid a flurry of phrases like 'zealous', efficient, 'practically useful' and 'thoroughly gentlemanly', Jackson's salary was raised by unanimous vote.

The initial chapter of this thesis suggested that one of the police functions generally absent in Sheffield's case was that of *haut police*: protecting the integrity of the state. There is one episode, however, when that label is possibly justified. This was Jackson's personal intervention into the Inquiry into Trade Outrages. Nationally condemned yet locally often supported, the Trade Outrages were made a part of the national political agenda by the decision to appoint an inquiry with very wide powers of investigation and pardon.¹⁴⁹ This was intended to expose the illegal practices of the trades unions, which had been often remarked yet never proven. The difficulty lay not in prosecuting the perpetrators, but in linking the outrages to the organised trade unions.¹⁵⁰ As Palmer puts it, an 'Outrage' is a crime that

¹⁴⁴ Sindall, (1990); pp. 107-108. This was not the only 'garrotting' case: two robberies were described as such in May 1864. *Independent*, May 16; May 28, 1864.

¹⁴⁵ *Independent*, editorial April 1 1865

¹⁴⁶ WCM, April 6 1865.

¹⁴⁷ *Independent*, March 14, March 15, 1864.

¹⁴⁸ *Independent*, May 13, 1864.

¹⁴⁹ S. Pollard, 'The ethics of the Sheffield outrages' in *Hunter*, Vol. VII (1957) 118-139, p. 118.

¹⁵⁰ Pollard, (1959), p. 71.

strikes at the whole authority of the state, not merely its actual victims.¹⁵¹ If the Enquiry could get a confession, Jackson would be protecting the state: he would also be clearing away a large and far too respectable bastion of resistance to the written law.

It was Jackson who personally worked on James Hallam, the weak link in the chain of silence, by accusing him of having been an informer, and it was Jackson who was awarded the credit for this breakthrough.¹⁵² Leng, the crusading editor of the *Telegraph*, characterised him as 'one of the ablest and most painstaking Chief Constables in the land'.¹⁵³ Jackson's highly personal 'triumph over the ratteners' appealed strongly to the town's business community. In November 1867 he was presented with a trophy and a sum of money from the £600 that been collected to thank him for his help to the Outrages Commission. The first twenty-one donors giving sums of £20 or £10 were all businesses, not private individuals: of the next thirty (giving £10 or £5), eleven were corporations, and nineteen private individuals - many of whom would of course have been active in business.¹⁵⁴

In the summer of 1867, the Watch Committee had grown concerned about the increase in brutality and frequency of attacks on the police. Their request to the magistrates for support was answered by Albert Smith, still in office (he was to retire in 1873 after 53 years as magistrates' clerk). His response was not noticeably supportive:

The Magistrates deplore the increase of Offences involving personal violence notwithstanding they have most assiduously endeavoured to suppress them by the infliction of adequate punishment.

The main protection to a Police Officer consists in the experience, ability and discretion brought to bear on the discharge of his important duties.

The result of every hearing by a Magistrate depends in some measure on the Manner in which the case is presented to him and more especially on the weight of evidence produced on either side and it would be a great public misfortune indeed if a Prosecutor or Witness appearing before the Bench had any Grounds whatsoever for believing that the Judge was predisposed in his favour by reason of his official position or some other cause.¹⁵⁵

The separation of this particular arena of power from that of the police had to be maintained. The third sentence - moving as it does from justice itself to its image, can be read as a mild criticism of the standard of the police's evidence. Whatever the reason, the magistrates were

¹⁵¹ Palmer, (1988), p. 520.

¹⁵² Trades Union Commission: *The Sheffield outrages* (Introduction by S. Pollard) (Bath, 1971), pp. 122-3, 203, 206. The last question Hallam was asked after his shocking evidence was 'I suppose you prefer going back with Mr. Jackson, do you not?'; *Telegraph*, June 20, 1867.

¹⁵³ *Telegraph*, July 10, 1867.

¹⁵⁴ *Independent*, November 2, 1867. I am indebted to Steve Parkin for first pointing out to me this crucial aspect of the development of the police in 1867/68.

¹⁵⁵ WCM, August 29, 1867. Letter from A. Smith to Watch Committee.

not about to assuage the Watch Committee's worry. In addition, the town was experiencing one of its periodical public order scares about the robbery and ruffianism centred on the Portobello district, which had led to two residents being attacked in broad daylight when they tried to tackle a gang. Their neighbours asked for 'increased police surveillance'; the victims themselves claimed that the single policeman in the area 'has no chance against them.'¹⁵⁶ On top of this, 1867 also saw the panic over the activity of the Fenians. This did not reach Sheffield in any more serious form than a drunken brawl arising from an argument over a seat in a railway carriage, and the press recognised that 'canards' were behind much of the fear.¹⁵⁷ Nevertheless, the Home Office officially recommended to the Watch Committee that they 'be prepared to meet any disturbances that may arise during the winter', and the civil power was thus given more than usual prominence.¹⁵⁸

So when, in January of 1868, Jackson made his submission to the Watch Committee on the strength of the police for the next year, he recommended that they be increased from 245 to 270 in order to check 'House robberies, assaults in the public streets, and petty breaches of the peace [which] are at present unusually frequent.'¹⁵⁹ In the prevailing atmosphere, with Jackson riding high yet a demonstrable public order crisis and a potential political one still in progress, the Watch Committee's normal reluctance to spend money was overcome, and the request was granted. When Raynor died, the story of his life had been illustrated not by his mundane everyday work, but by his experiences of the Eyre Street riot and the battle with Chartism.¹⁶⁰ By confronting the flood, the unions, and the Fenians, Jackson had acquired a high level of local 'stature'.

Through the mid and late 1860s, the Council and Watch Committee were acquiring more and more functions. In 1864 the Town Council constituted itself as a Board of Health. In 1868, the Improvement Commission disbanded, and its cleansing and lighting functions were taken over by the Council: the latter by the Watch Committee. In 1866 the jurisdiction of the Ecclesall Court Leet over weights and measures was abandoned, and the Council took this over too. In 1869, the town's various insurance companies turned their fire-fighting equipment over to the Town Trust, which in turn passed it on to the police. The practical upshot of all this was that the Committee and the Council had much more to keep an eye on than had been the case in the 1840s and 1850s: the police could expect to develop and possibly 'professionalise' without such a close degree of scrutiny as had been the case in the

¹⁵⁶ *Independent*, September 26, 1867.

¹⁵⁷ *Independent*, October 3, 19, 1867.

¹⁵⁸ WCM, December 26, 1867. HO Circular to Mayor.

¹⁵⁹ WCM, January 2, 1868.

¹⁶⁰ *Independent* November 17, 1860.

period 1855-1865. Jackson's status as a local hero, however, probably influenced his operational independence more than these institutional developments did.

At the start of 1875, Jackson gave a report to the Watch Committee which gave the impression that he was running a force with which he was happy.¹⁶¹ Three hundred men were working for him, in four divisions, and he was hinting to the Committee that it would be useful to create a fifth. An increase in specialisation and complexity within the force meant that over 40 men were engaged in the offices, the cells, the detective branch, or serving warrants. Sheffield's serious crime rate compared well with other large towns, and all in all: 'I am happy to state in conclusion that the Officers and Constables generally conduct themselves well, and perform their duties in a very satisfactory manner.' This was a far cry from the reports of the Police sub-committee in 1855.

The way that the police was administered and controlled in the mid-century depended on a number of variables. The ideology of local self-government and its associated local pride were important factors. The desire to keep the rates down was also important. Two factors, though, stand out. The first was the growing sense of responsibility and professional identity among elected local politicians tasked with running the police force. The second was the importance of the individual, in this case John Jackson, who was able to benefit from a succession of public relations triumphs in the 1860s and thus to make sure that he got the force increased to a level that he considered acceptable.

¹⁶¹ WCM, February 4, 1874.

Chapter Six: A radical critique of the police and the law: the Sheffield Democrats

‘they would be better without the police for whose support the watch rate was collected.’¹

Most towns and cities experienced a degree of politically-motivated opposition to the new police.² Sheffield was exceptional in that its organised opposition was at its most powerful after 1848, when it was calming down in other parts of the country.³ It is possible to see this as a reflection of the town’s late adoption of the new police. This approach, however, can be challenged both on the grounds that the police were not particularly ‘new’, and that there is a more convincing explanation for the timing - the rise of the Sheffield Democrats under their leader Isaac Ironside. The following chapter examines the course and the context of the Democrats’ campaigning on the issue of criminal justice. It explains the underlying ideology, the reasons for their ultimate failure, and how they fitted into the national context.

Part One: The Sheffield Democrats

Ironside began his career on the left of the Whigs, quickly moved to Owenism and Chartism, then to his own peculiar brand of localism, and finally, via the Urquhartite fringe, to an apolitical commercial success.⁴ Jones describes him as ‘a man in a hurry, and possessed of an

¹ Isaac Ironside to Nether Hallam Ward-Mote. *Sheffield Times* December 13, 1851.

² This opposition has been widely recorded. See for instance: Emsley, (1996), p. 40; Palmer, (1988), p. 447; Storch, (1975), pp. 66-67; Foster, (1974), p. 51. There were many disturbances elsewhere - for instance in Leicester in 1842, a Chartist was arrested for making a speech in which he described the police as ‘blue vampires’: *Leicester Chronicle*, September 3, 1842.

³ Storch speaks of the new police being ‘well implanted by the early 1840s’ in several large industrial towns: Storch, (1975), p. 76.

⁴ Ironside’s move from respectable radical to agitator began in 1839, when he was forced out of his position as Secretary of the Mechanics’ Library for introducing books on socialism. A. Mersons, *The Free Press 1851-1866* (nd. - SLSL, v. 50/8), p. 1. Ironside’s subsequent political career has been chronicled by John Salt: see J. Salt, ‘Isaac Ironside and the Hollow Meadows Farm Experiment’ in *Yorkshire Bulletin of Economic and Social Research* Vol. 12, n. 1 (Mar 1960), 45-50; J. Salt, ‘Local Manifestations of the Urquhartite Movement’ in *International Review of Social History* Vol. 13

irrepressible ego protected by a convenient absence of self-awareness'.⁵ He played a prominent role in the class-based attack on the authority of one of Sheffield's JPs. In May 1847, a number of the town's working-class leaders, including the two radical councillors Ironside and Thomas Briggs, and the trade union leader William Broadhead (later to be implicated in the Sheffield Trade Outrages), complained about the activity of Wilson Overend, one of the West Riding Magistrates who sat on Sheffield's bench. Overend, a Conservative surgeon and town councillor, was accused of passing punitive sentences on the basis of dubious evidence against men he thought were guilty of trade union offences, notably intimidation.⁶ The Town Council convened an extraordinary meeting in advance of the public meeting, to vote their satisfaction with Overend's conduct. At this meeting, while Ironside and Briggs accused the magistrate of being partial, the majority of the council took the position that while Overend must have his case put forward 'in accordance with our good old English notions of fair play'⁷, nevertheless, putting the legal system up to hostile scrutiny would 'intimidate the Magistrates' and:

excite a feeling upon the minds of the lower orders of the working classes, the spirit of which was diametrically opposed to that which they ought to entertain towards those placed in authority over them.

This remark brought forth cries of 'hear! hear!' from other councillors, and 'Shame! shame!' from a spectator. That afternoon, the public meeting in Paradise Square heard workers' leaders denounce 'class justice', and resolve to petition the Home Secretary for an inquiry into Overend's convictions of trade unionists.⁸

The next occasion when Sheffield's radicals were able to put pressure on the criminal justice system came soon afterwards, with the case of ex-PC George Bakewell. This will be examined in Chapter Seven below in order to see what it can demonstrate about discipline within the police force. Here it will be discussed in the light of the wider local political context. Bakewell was sacked by Raynor and told to leave the town on May 22nd, after an

(1968), 350-65; J. Salt, 'Experiments in Anarchism, 1850-1854' in *Hunter* Vol. 10 (1979), 37-54; and by D.K Jones, in 'Isaac Ironside, democracy, and the education of the poor' in *Hunter* Vol. 11 (1981), 28-38. Claeys has examined the influence of European revolutionary republicanism upon the Democrats' politics: J. Claeys, 'Mazzini, Kossuth and British Radicalism, 1848-1854' in *Journal of British Studies* Vol. 28, (1989), 225-261. The rise of the Democrats is also considered in Barber, (1993). Ironside's biographical entry in *The making of Sheffield 1865-1914* almost ignores his Chartism, and looks at him only as a self-made businessman: Stainton, (1924), p. 230.

⁵ Jones, (1981), p. 35.

⁶ *Independent*, May 8, 1847.

⁷ *Independent*, May 8, 1847, Mayor Wilkinson to the Council, May 3rd.

⁸ *Independent*, May 8 1847.

affair involving a pair of allegedly stolen trousers. He returned at the start of June, to plead his case. Ironside quickly took it up, putting down a motion in the Town Council calling for the Watch Committee to carry out an inquiry.⁹ Ironside used the fact that the ruling elite was divided to attack it and its police force. Prominent Liberals supported the call for a report on the grounds that the Watch Committee had been irregularly bypassed.¹⁰ The report was written, and while its conclusion maintained that Bakewell had been treated fairly, buried within it was the revelation that his resignation had been forced by the Mayor and Raynor acting together in private, not by the Watch Committee as a whole. This caused some dissension: two members of the Watch Committee, Hunter and Ragg, had voted against the report.¹¹ However, the report was passed when it came before the council.

Meanwhile, Bakewell, aided by the Democrats, had taken his case to the public. In the third week of June he wrote a pamphlet justifying his cause: another followed a week later. Richard Otley, who had stood and then been ejected as a Democrat/Chartist councillor, featured as a distributor for both of these, in his capacity as a tobacconist and newsagent.¹² It is unlikely that they were ghost-written for him by Otley or Ironside: Bakewell had proved in the past that he was quite able to write a pamphlet justifying his actions and setting them in a context of current political issues.¹³ The pamphlets themselves represented the police as containing many new, young (Bakewell was 41 at the time) recruits, '*some of whom have grossly abused the powers with which they have been entrusted*'.¹⁴ Superintendent Raynor was the '*complete master of the whole Town, who can even influence the judgement of Magistrates*'.¹⁵ In short, the pamphlets painted a picture of the new police as an alien and unwelcome force,

⁹ TCM, June 9, 1847.

¹⁰ Alderman Lowe, a previous chair of the Watch Committee, appeared peeved when he commented: 'As for the Watch Committee . . . the case had not come before them at all. Until Thursday night, they knew nothing of it.' Alderman Dunn, one of the Liberals' leaders, was at pains to stress that the events had been irregular, in that a magistrate had conducted a hearing in private, thus justice was not seen to be done. He considered an inquiry necessary on behalf of 'the body of police'. TCM, June 9, 1847, p. 178.

¹¹ WCM, June 17, 1847, Vol. 1, p. 320.

¹² *Independent*, June 26, 1847; Pre-amble to G. Bakewell, *An address to the ratepayers of Sheffield on Mr. Raynor's conduct towards George Bakewell, late police constable, No. 28 . . . second pamphlet*. June 1847: SLSL, Vol. 64/1.

¹³ See: G. Bakewell *Observations on the construction of the New Police Force, with a variety of useful information* (London, Simpkin Marshall and Co., 1842). In the title page of this work, which charts his eventful yet short career in the Birmingham Police, Bakewell claimed to be also the author of a work entitled *Observations on the law of debtor and creditor*.

¹⁴ Bakewell, *An Address* p. 7.

¹⁵ Bakewell, *An Address* p. 7.

ruled by one man's whim. The police fitted the description used by David Philips: 'a New Engine of Power and Authority'.¹⁶

Despite repeated attempts by Bakewell and Ironside to raise the case, the council refused to back down and give him a reference. Bakewell's last recorded foray into print also involved the Sheffield radicals. In the spring of 1848, while popular outrage was widespread over the execution of a man widely supposed to be innocent, he wrote *Observations on Circumstantial Evidence* - an account of miscarriages of justice he had come across in his police career.¹⁷ This anti-death penalty pamphlet was distributed in Sheffield by Richard Otley.

From January of 1848, Ironside turned his attention to the campaign against the poor law.¹⁸ There, he further explored the possibilities of combining *causes célèbre* - defending 'insubordinate' paupers, with a radical social theory - the Chartist land scheme, and local direct action - a farm at Hollow Meadows.¹⁹ After this, Ironside broadened his political activity to include the running of slates of Democrat candidates for council elections. Some of these men were themselves active members of the Democratic Association - others were 'fellow-travellers' who agreed to support the Charter. The tension thus created by this arrangement has been recorded elsewhere (by Barber and Salt²⁰) and is considered below in the context of the Democrats' ultimate failure to change the town's criminal justice institutions. But at the start of 1851, the Democratic Association was riding high, with thirteen out of fifty councillors.²¹ It was to gain more in the course of the year.

¹⁶ Philips, (1980), pp. 155-189. The quotation is from a pamphlet of 1800 written in response to Colquhoun's police proposals.

¹⁷ G. Bakewell, *Observations on Circumstantial Evidence . . . Wherein Many Innocent Persons Have Been Condemned And Executed, Suggested By The Conviction Of Michael McCabe*. (Sheffield, February 1848), SLSL, Vol. 64/2.

¹⁸ Mersons, (nd), p. 2.

¹⁹ J. Salt, (1960), pp. 45-50. He did *not* 'abandon his Chartist allies for Liberal reformism' as Finn maintains. His politics might possibly be label 'reformist', but they were no more so than the Charter, and they were clearly not liberal: M. Finn, *After Chartism: class and nation in English radical politics, 1848-1874* (Cambridge, 1993), p. 93.

²⁰ Barber, (1993), p. 34; Salt, (1968), p.358.

²¹ This figure is derived from the voting record from the *Sheffield Free Press*, (hereafter '*Free Press*') of May 17, 1851, which recorded the way the councillors voted on the question of who were to be Aldermen. Those who voted for Ironside, or for more than three of the candidates that he himself voted for, are counted as members of the Democrat group. Seven other councillors voted for one or two of Ironside's preferences. Salt puts the number of Democrats in 1849 at twenty-two. Salt, (1968), p. 355.

When the *Sheffield Free Press* was started in January 1851, the Democrats in general and Ironside in particular were given a platform on which to develop their ideology, and polemicise their cause to the town and its environs.²² With the demise of Chartism proper as a vehicle for reform after 1848, Ironside had fallen heavily under the influence of Joshua Toulmin Smith. Toulmin Smith was a polymath lawyer who became converted to the doctrine of extreme de-centralisation. At the age of twenty-one, he moved to the United States, where he spent the next five years.²³ It is likely that what he saw there of the local and democratic base for much governmental activity had an influence on his subsequent political views. In 1842 he returned to England to study for the Bar. The impact of the 1847 Cholera outbreak in his local Highgate moved him to consider the best forms of local government organisation. His opposition to the Public Health Act of 1848 led him to formulate a doctrine of popular sovereignty expressed via local units of government. Archival research formed the basis of his 1851 book *Local Self-government and Centralisation*, 'a deduction of English constitutional principles from the national records'.²⁴ W.H. Greenleaf states that 'his work, for all its limitations, constitutes the most elaborate theoretical defence of local independence that has ever been produced in Great Britain.'²⁵

The ward-motes [sic] formed the basis for Ironside's plan to build a bottom tier into the Democrats' attempt to control the town council.²⁶ These were organised on the same boundaries as the council wards. This had nothing to do with any mystical attachment to the ward as unit, nor to any popular identification with the ward rather than the town, township,

²² The *Free Press* was started by some compositors from the *Sheffield Independent*. Isaac Ironside soon became the official proprietor of the paper, as well as the moving spirit: Mersons, *Free Press*, pp. 2-3.

²³ J.T. Smith, *Local self-government and centralization: the characteristics of each, and its practical tendencies . . . including . . . outlines of the English constitution* (London, 1851); *Dictionary of national biography*, Vol. 53 (London, 1898), pp. 94-95. Toulmin Smith also wrote authoritatively on the discovery of America by the Vikings, the geology of chalk, Hungarian nationalism, phrenology, Shakespeare's signature, the history of English guilds, and the issue of central versus local government.

²⁴ *D.N.B.* (1898), p. 95. In 1852, Ironside invited him to stand for election in Sheffield, but he declined the invitation. In 1854 he formed the 'Anti-Centralisation Union' and wrote all thirteen papers issued by this society in its three-year life. He devoted the remainder of his life to reporting and commenting on the business of Parliament in his 'Parliamentary Remembrancer', before his health failed him, and he died relatively young in 1869.

²⁵ W.H. Greenleaf, 'Toulmin Smith and the British Political Tradition' in *Public Administration* Vol. 53 (1975), 25-44, p. 25. See also the assessment of Toulmin Smith's central role in many campaigns against centralisation in the 1850s: Lubenow, (1971), pp. 86-94.

²⁶ The phrase derives from Toulmin Smith's 'Folk-motes'. Smith, (1851), p. 80.

or 'district'.²⁷ Rather it was the most effective way to ensure that acceptable candidates would be returned. The Democrats' opponents, the Whigs, were also organised in ward associations. One of the key tasks of the ward-mote was to prepare a list of well-disposed voters that could be used as a basis for campaigning.²⁸ Organisation on a ward level was thus imperative - the creation of the Central Democratic Association demonstrates that the project was intended to use the whole of Sheffield as its arena. Wards were a means to an end.

Part Two: The Ward-Motes

The ward-motes demonstrated that the Democrats were not arguing for any tolerance of 'traditional' disorder.²⁹ On the contrary they were willing to stress their orderliness, and the meetings were used as a forum for demanding a higher level of order. The Nether Hallam meeting in February 1851 mandated its committee to, among other things, prevent the congregation of children on footpaths.³⁰ The May meeting of the committee resolved to issue a placard enjoining Sabbath observance on the population at large.³¹

In order to pre-figure the ideal society, the Democrats attempted to present an alternative as well as merely criticising the *status quo*. The practical interventions into the criminal justice system taken by the ward-motes were a result of a holistic approach to local government. Problems of crime and public disorder were among many possible issues these local groups could have raised. Ironside, speaking to the ward meeting at Nether Hallam in July 1851, called upon those present to:

turn his attention to the subject [local self-government] and see where, in his own neighbourhood, there was any nuisance, or bad footpath, or destruction of water courses, or anything, in fact, detrimental to the public good, and come to the ward mote and name it.³²

²⁷ Dennis Smith sees Ironside's orientation to the ward and its comparative success as 'some indication of the relative strength of the neighbourhood as a focus for solidarity and a potential political base in Sheffield.' Smith, (1982), p. 76.

²⁸ See for instance the report of the Park Ward-mote. *Free Press*, August 2, 1851.

²⁹ The term 'traditional' is used here in the sense that Davey showed how in Horncastle in the 1830s, November 5th was marked by both symbolic and real disruption: Davey, (1983), p. 61.

³⁰ *Free Press*, February 8, 1851.

³¹ *Free Press*, May 3, 1851.

³² *Free Press*, July 12, 1851.

As well as this grass-roots action, the Democrats also called for the democratisation and localisation of other regulatory police functions: Inspectors of Weights and Measures should be elected from each ward, and confirmed at the Court Leet. This would eliminate duplication of and the exercise of arbitrary power by local functionaries.³³ On this issue the newspaper felt emboldened to suggest a way to oppose the existing procedure. If approached by an inspector appointed by the county, supporters of the ward-motes were to '[s]end him about his business. Don't allow him to meddle and interfere'.³⁴ If he persisted they were to 'sue him in the County Court, before a jury for damages.' The often backward-looking rhetoric of Toulmin Smith helps explain the fact that the subservience to the aristocratic power of the Court Leet was not especially remarked upon. This was in spite of the fact that the recommendation specified that the request relied on the (named) stewards of the (named) lords of the manor being disposed to listen to the will of the people.³⁵

The extent to which the Democrats intervened in criminal cases has been overestimated. Salt writes that 'in December 1851, for instance, a meeting at the Queen's Arms, Portmahon [Sheffield] . . . "tried" a youth for "Sabbath desecration"'.³⁶ In fact, the process was more complex than this. Ironside, in the chair at the November meeting, named five youths he had caught disturbing the peace on a Sunday. The meeting resolved to write to their parents or guardians, asking them to attend the next monthly meeting, and if they did not, to take out summonses. The social context of the crime was noted, but discounted owing to the seriousness of the offence:

Several burgesses regretted that our boasted civilisation does not provide healthful recreation for the youthful portion of the population, who, after a week's application to business, very naturally sought the suburbs for recreation on the Sunday. Nevertheless, the obscene language and riotous conduct of the youths were intolerable, and no one could pass near them without being insulted. The coarse language used towards females was especially vile and nothing but strong measures could remedy the evil.³⁷

The outcome was recorded in the *Sheffield Times*, but not in the *Free Press*: one of the boys attended the court with his mother. Since it was a first offence, he was let off, after Ironside

³³ *Free Press*, August 2, 1851.

³⁴ *Free Press*, August 2, 1851.

³⁵ *Free Press*, August 2, 1851. The stewards were Wake for the Duke of Norfolk and Rodgers for the Earl Fitzwilliam. In February of 1852, an article appeared in the *Free Press* on the antiquity, democracy and legitimacy of the Court Leet: *Free Press*, February 24, 1852.

³⁶ Salt, (1968), p. 357.

³⁷ *Free Press*, November 15, 1851.

assured him that he was lucky not to have been taken before the magistrates and fined 40s.³⁸ This case demonstrates how the ward-mote was, under Ironside's direct guidance, tentatively attempting to arrogate to itself a share in the all-important decision to prosecute or compound - a source of great social power.³⁹ In addition, by requesting that the culprits' parents appear, it was also adopting the role of community mediator, and attempting to create a new arena in which the politicised local community could exercise quasi-state power. The singling-out of women as the idealised targets of rough behaviour was not perhaps as reactionary as it seemed. Ironside was involved in the call for women's' suffrage, and when in March 1851 the issue of Sabbath disorder was raised in a Town Council Meeting, he responded that since women were those most likely to be affected by it, the logical solution would be to give them political power, so they could enforce what solutions they chose.⁴⁰

Part Three: The New Police

The Democrats were in favour of public order, but against the standard solution for this problem: increased powers for the police. In January they printed a letter from 'A Ratepayer' entitled 'Duties of the Police'.⁴¹ This gave an account of a woman running from a pub and pointing out to a passing constable 'a brute in human form' who had hit her when she refused to serve him. The policeman replied that he could not arrest him since he had seen nothing: her proper course of action was to take out a summons against him. The correspondent, 'Ratepayer' thought that the policeman should have arrested him. The editorial reply to the letter disagreed. It ran as follows:

["A Ratepayer" is wrong in supposing that the officer in question neglected his duty on the occasion alluded to. An extension of the powers of the police should be very carefully set about.] - Ed.

³⁸ 'A Visit to a Wardmote': *Sheffield Times*, December 13, 1851.

³⁹ Hay has written, in the context of the supposed social power of the eighteenth-century elite: 'It was in the hands of the gentlemen who went to law to evoke that gratitude as well as fear in maintenance of deference'. The significance of this process of decision-making survives the cogent criticisms of Hay by King which call into question the precise location social location of the decision-makers. D. Hay, (1977), p. 41; King, (1984), 25-58.

⁴⁰ *Free Press*, March 15, 1851.

⁴¹ *Free Press*, January 25, 1851.

The Democrats' view of the criminal justice system was more complex than any simple populism. While they abhorred disorder, they had doubts about entrusting its preservation to a bureaucratic institution. Instead they described the police as 'a body irresponsibly appointed, and with practically irresponsible powers'.⁴² Ironside attempted to use the ward meetings to develop a critique of the police based on Toulmin Smith's work. To the first Ecclesall meeting, he read aloud from *Local Self-Government* that:

our police force is merely superficial, and dependent upon its physical power; . . . "The only police system that can ever be really efficient, morally and truly, instead of merely physically and superficially, must be one which is founded on mutual confidence and immediate local responsibility."⁴³

Their stance on Bakewell's case had given the Democrats a chance to make plain their opposition to the 'military' police force. In the 1850s, the Democrats remained keen to make political capital out of alleged abuses of police power. In May and June 1851, they printed and publicised a petition and a letter of justification - under the title 'Justice's Justice and Truncheon Law' - from an Irish labourer named Luke Clark, who claimed to have been robbed while in Bradford by members of the Bradford police force, and then to have been ignored by the Mayor in his capacity as JP when he appealed to him..⁴⁴ It did not indiscriminately condemn all police and their magisterial masters, however: one of the main planks of his case was a certificate from Raynor, proving that, contrary to the allegations levelled at him in Bradford, he had never made malicious accusations to the Sheffield police.

Subsequent comment in the *Free Press* sought to draw general conclusions from this issue: 'under our present police system, such cases are daily occurring'.⁴⁵ The opportunity was taken to link the issue to the Democrats' campaign for elected justices and the rights of coroners courts: they bemoaned the fact that Home Secretary George Grey would probably believe the account of 'all crown-appointed justices and other irresponsible creatures which form parts of the system of a centralised police.'⁴⁶ When Grey did respond, suggesting that Clark bring a civil case, the *Free Press* was scathing:

⁴² *Free Press*, 'Justice's Justice and Truncheon Law', June 7, 1851.

⁴³ *Free Press*, November 22, 1851.

⁴⁴ *Free Press*, in news of May 31, editorials of June 7 and June 14, 1851, and letters of June 21 1851, February 17, and March 27, 1852. Clark claimed that he was stopped on suspicion in Bradford, and before release robbed of 'a gold watch, seal, and key, two common keys, two half-crowns, one shirt, one pair of stockings, and two handkerchiefs'.

⁴⁵ *Free Press*, June 7, 1851.

⁴⁶ *Free Press*, June 7, 1851.

the poor man wished for an enquiry in order that *justice* might be done to all parties. He is referred to *law*. What a cruel mockery! A poor, though honest man, is told to go to law with policemen and magistrates, having a "borough fund" at command.⁴⁷

The Democrats recognised the inequalities inherent in certain arenas of power: institutional hegemonies are far easier to preserve, even on an ostensibly level playing-field, than the rights of the individual. The report ended by approvingly quoting Charles Dickens on the subject of 'Red Tape'.

Throughout 1851, the *Free Press* was keen to point out the failures of Sheffield's police. It provided a platform for a Watch Committee member to complain that the police guarding an Anti-Catholic meeting had been paid for by the ratepayers.⁴⁸ It printed another letter on wrongful arrest entitled 'Police Persecution';⁴⁹ which asserted that '[i]n a certain town, not a thousand miles from Sheffield, there rules an individual whom I shall designate "The Truncheon Chief"'. It reported the theft of a watch from a prisoner by a policeman.⁵⁰ When Nether Hallam ward-mote discussed the abortive Improvement Bill, those present cited 'several cases of meddling interference by the police' - including wrongful arrest, and discrimination against and surveillance of a known trade unionist - as reasons not to allow the town council any further power. In February, the same ward-mote heard a complaint about an intoxicated policeman who had entered the Mechanics Institute 'and had conducted himself in an abominable manner' a few days previously.⁵¹

The Democrats' suggested alternatives to the police were twofold. The first was to return to the situation before the watch was improved in 1818. Ironside:

Thought they would be better without the police for whose support the watch rate was collected. (Hear, hear.) He remembered the time when Sheffield had only two or three constables and only half a dozen watchmen: one of them Tommy Hotbread (laughter) and the town was not burned down then, but everything went on . . . as comfortably as now.⁵²

⁴⁷ *Free Press*, September 6, 1851. Italics original.

⁴⁸ 'Police at Private Meetings' - letter from Samuel Sanderson in *Free Press*, January 18, 1851. This letter demonstrates that the newspaper was not merely a mouthpiece for Ironside, who had welcomed the use of police at the meeting, in order to prevent an anti-Catholic riot: *Independent*, December 14, 1850.

⁴⁹ *Free Press*, February 1, 1851, Letter from 'TGP'.

⁵⁰ *Free Press*, February 8, 1851, report of the Watch Committee.

⁵¹ *Free Press*, February 14, 1852.

⁵² *Sheffield Times*, December 13, 1851.

The myth of incompetent predecessors to the new police was now being turned against them: if the old watch really were so bad, why had general disorder not prevailed? The second alternative was to appeal to a revived version of the mutual pledge, or a continually sitting jury.⁵³ This was explored by Toulmin Smith himself in his speech at Sheffield, during which he stated as axiomatic that 'the law must be administered by the freemen among themselves.'⁵⁴ Going further, he cleverly turned the preventative principle from an argument in favour of the new police to an argument against them:

The present system leads man to rely on the watchman, whilst all that the thief thinks of is, how can he "dodge" the policeman. (Laughter.) But if the thief knows that in every house in every street, every man is on the alert, because every man is responsible, he will know that there is little chance of his committing a theft without being found out.

But while this kind of radical vision functioned as a legitimising device for opposition to the police establishment, it was the more prosaic budget-cutting that found the most support, as will be shown below.

The *Free Press* was not entirely negative about police forces, though. In May 1852, it carried a two-column article reprinted from *Household Words*, entitled 'The Metropolitan Protectives'. This was a laudatory account of a night spent on duty with the Metropolitan Police, which concluded that 'the whole system is well, intelligently, zealously worked'.⁵⁵ Indeed the ward-mote system was not entirely bad for the police force. One of the auditors of the Ecclesall ward-mote defended Raynor's salary when it came up for debate: he pointed out that his job was a difficult one, liable to render him unpopular.⁵⁶ In January, Councillor Alcock got a chance to express his total support for Raynor before the same meeting, and to collect some names of hitherto successful watch-rate defaulters from their resentful neighbours.⁵⁷

⁵³ The 'Whig' police historian T.A. Critchley sees this system of 'frankpledge' as the ur-institution from which the traditional English system of police emerged: Critchley (1967), p.2.

⁵⁴ *Free Press*, February 21, 1852, Toulmin Smith to public meeting.

⁵⁵ *Free Press*, May 3, 1851.

⁵⁶ 'Mr Raynor's office was a very unpleasant one. He was in the position of public prosecutor, and holding that situation he was likely to be looked upon as anything but a good man by those whom he had to appear against.' *Free Press*, November 22, 1851, Mr Wilson to Ecclesall Ward-mote.

⁵⁷ '[T]hey would all be aware of the impossibility of a policeman being popular. . . He had never seen a public officer in his life (not even excepting Mr. Bramley) who conducted himself better [than Raynor].' *Free Press*, January 10, 1852, Mr Alcock to Ecclesall Ward-mote.

Part Four: Administration of the Law

The Democrats' critique of the criminal justice system was not confined to the police, but extended to the magistrates courts as well. From the very first issue, the *Free Press* sought to make the case that the law was being devalued by corrupt, [sic] lawyerly practices. It carried an article entitled 'Law and Morals', which criticised lawyers for co-operating in immoral and scheming defences of obviously guilty clients.⁵⁸ For the Democrats the evil was contained in a system symbolised by 'the Sheffield SHALLOWS', unelected justices - variously appointed, stipendiary or *ex officio*.⁵⁹ These were too ready to listen to the double-talk of lawyers, and eager to trap unwary free Englishmen into condemning themselves. In this task they were aided by a despotic and centralised police force, skilled in putting words into people's mouths.⁶⁰ Magistrates and state functionaries generally assumed the guilt of the accused, rather than his innocence, and for party motives were ready to bend the law in order to act against trade unions.⁶¹ Their justice was characterised as summary, centralising, despotic, and foreign.⁶² Stipendiary magistrates were especially repugnant:

At present they are generally briefless barristers, appointed because they have need of the salary attached to the office, and interest enough to get

⁵⁸ *Free Press*, January 4, 1851.

⁵⁹ The reference to the 'Sheffield SHALLOWS' is from an editorial of June 14, 1851. Appointed magistrates were 'crown-appointed justices and other irresponsible creatures which from the parts of a system of a centralised police', from 'Justice's Justices and Truncheon Law', the report on Luke Clark's complaint against Bradford police: *Free Press*, June 7, 1851. Of the stipendiary the *Free Press*, wrote (when Maude, the Manchester stipendiary, appeared to be obstructing a Coroners inquest): 'he is paid out of public funds, without the public having an opportunity of questioning his fitness': *Free Press*, August 2, 1851. *Ex officio* magistrates - even though there was of course an element of popular election in their post - were seen as a 'novelty, and a most mischievous one', since they did not act with a jury: *Free Press*, June 14, 1851. They were 'statute-born only; and crown-appointed; - unknown to common law': *Free Press*, May 24, 1851.

⁶⁰ 'Every one knows what the police are in the habit of doing in this respect; and how they are, practically, encouraged in doing it by magistrates. They worm out of the frightened prisoner something in the way of confession or excuse, which they afterwards manage to convert into evidence against him': *Free Press*, June 14, 1851, editorial.

⁶¹ 'The rule of all alike is to assume the guilt of every man as a first principle': *Free Press*, in 'Justice's Justice and Truncheon Law', June 7, 1851. Specific reference was made to Wilson Overend's activity in the 1840s: 'No jury can ever show itself so ignorant of law as did a certain Sheffield justice who, in his eagerness to crush the artizans, passed judgement on many of them under the Combination Act': *Free Press*, June 14, 1851, editorial.

⁶² Summary jurisdiction is condemned in the editorial in *Free Press*, June 14, 1851. Reference is made to 'the foreign and degrading system of summary jurisdiction' in *Free Press*, June 21, 1851.

appointed. The place is fit for them, not they for the place. These are the men who hate common sense juries.⁶³

Counterpoised to the existing practice was the idea of the 'local responsible tribunal'.⁶⁴ This consisted of the peers of the accused, operating under common law and via common sense.⁶⁵ Their ignorance of 'legal quibbling' and desire to throw aside 'the technical tortuousities of law' were seen as assets rather than liabilities.⁶⁶

A tension ran through the Democrats' rhetoric: they were respectable and therefore wished to see crime punished, even by the current imperfect system. The ward-mote's action against Sabbath breakers only went as far as invoking the self-same state power which they often castigated as flawed. Furthermore, as a reformist organisation they needed sometimes to call upon the existing institutions to make the changes they desired. They did not attack local serving magistrates by name. Indeed, the opposite was the case when they reported the death of W.J. Bagshawe in June 1851. The obituary they carried was highly complimentary, making reference to his long years of service to the town as a magistrate.⁶⁷

The *Free Press* was ever ready to connect live issues and disputes in the town to larger questions of political ideology. One such case was the dispute in 1851 between the Coroner, Thomas Badger and the magistrate Wilson Overend, over the former's ability to subpoena witnesses who might later face criminal proceedings. The Coroner's court was extolled as the last vestige of democracy: a survival from the Saxon era when magistrates were all elected and merely presided over the real arbiters of justice, the assembled freemen. As part of its polemic in favour of the powers of the Coroner the *Sheffield Free Press* revealed once more that it was not above using one police jurisdiction against another. It called upon Badger to 'have one of the county constabulary in attendance' to carry out any order from the jury to commit anyone (i.e. the local justices) who refused to produce a witness.⁶⁸

⁶³ *Free Press*, June 21, 1851, editorial.

⁶⁴ *Free Press*, June 7, 1851. The phrase appears in a discussion of the complaint of Luke Clark: 'under such, a wrong like this could never have been perpetrated'.

⁶⁵ 'Trial by peers or Summary Jurisdiction?' was the title of the *Sheffield Free Press*'s editorial on June 14 1851; 'The people, the only administrators of the law among each other': *Free Press*, June 21, 1851; 'Common Law': *Free Press*, June 7, 1851; '[C]ommon sense juries': *Free Press*, August 2, 1851.

⁶⁶ *Free Press*, June 14, 1851, editorial.

⁶⁷ *Free Press*, June 7, 1851.

⁶⁸ *Free Press*, August 2, 1851. The *Free Press* carried a letter from Toulmin Smith himself setting out the antiquity and democratic nature of the office of Coroner, in the issue of February 28, 1852.

Part Five: National Politics

The *Free Press* did not confine itself to local issues. Its most scathing statements on the class nature of the legal system came in an editorial supporting trade union rights in Wolverhampton:

Jurists tell us that that laws were instituted for the protection of the poor and weak against the oppression of the rich and powerful; but experience shows that in practice, the reverse of this is their general effect, and that the poor “Have nothing to do with the laws but obey them;”.⁶⁹

They also attempted to define ‘political’ crime as an inevitable response to economic and social conditions, not a moral lapse. Thus, the Nether Hallam ward-mote, on October 6th 1851, passed and despatched a petition calling for the pardon of all those imprisoned for ‘their part in the riotous proceedings in Ireland in 1848 and 1849, as well as for Frost, Williams, and Jones, ‘and all other political offenders whatsoever’.⁷⁰ They were opposed to the death penalty. In July 1851 the perpetrators of ‘The Sheffield Murder’ were found guilty of manslaughter and transported for life. The *Free Press*’s editorial said that juries would continue to find many people innocent of offences they had obviously committed as long as the death penalty remained in force.⁷¹ In August the paper returned to the topic, branding the hangman as ‘equally a murderer’.⁷²

Part Six: Sheffield Town Council

In November 1851, fresh from the election that had added four more to their number, the Central Democratic Association drew up a number of slates designed to ‘secure the election of some radical councillors on the committees’.⁷³ The week before the first meeting of the new

⁶⁹ *Free Press*, August 16, 1851, editorial on ‘Capital v. Labour’.

⁷⁰ *Free Press*, October 11, 1851. The Ecclesall Ward-mote passed a similar motion in January 1852: *Free Press*, January 10, 1852.

⁷¹ *Free Press*, August 2, 1851.

⁷² *Free Press*, August 30, 1851.

⁷³ *Free Press*, November 8, 1851.

council the *Free Press* printed the slates for the Watch, Health, General Purpose, and Finance Committees.⁷⁴ In each of these lists, about 40% of the candidates were Democrats. In the event, the Democrats were only able to secure token representation on the committees.⁷⁵ Table 6.1 sums up the position.

Table 6.1: The Relative Successes of the Democrat Slates in 1851

Committee	No. on committee	No. of Dems on slate ⁷⁶	No. of slate members (Dems and others) on c'ttee as established	No. of Dems on c'ttee as established
Watch	14	5	6	2
Health	14	6	10	4
General Purposes	9	3	5	2
Finance	9	3	4	2

It is clear from the above figures that the Democrats, and those liberals whom the CDA felt were acceptable, were excluded most of all from control of the Watch Committee: the members of which '*were the law in Sheffield*'.⁷⁷

The Democrats' antipathy to centralisation created a tension between, on the one hand, a need to harness demands for reform of social conditions, and, on the other, an antipathy to new powers being given to 'undemocratic' institutions. This was at the heart of the fiasco over the Improvement Bill of 1851. Initially supported by radical sentiment, it was defeated at a public meeting when Ironside and the Democrats turned against it, on the grounds that, *inter alia*, it would 'place immense power in the hands of policemen and magistrates'.⁷⁸

⁷⁴ The Watch Committee was invariably placed first in any list of Council committees.

⁷⁵ *Independent* November 15, 1851.

⁷⁶ The definition of 'Democrats' used here is those who voted with Ironside for Alderman, along with those for whom the CDA campaigned in October/November 1851. See *Free Press*, May 17, October, November, 1851.

⁷⁷ Steedman, (1984), p. 67. Italics original.

⁷⁸ Ironside to Nether Hallam ward-mote: *Free Press*, of December 6, 1851. Barber also describes these events - (1993), p. 34. Ironside hailed the victory with an editorial entitled 'Municipal Centralisation Defeated': *Free Press*, December 6, 1851.

The attack on the status quo utilised two main strands: economy in local government, and freedom from arbitrary interference. The former was more successful than the latter. Ironside's campaign against the town's police force had been simmering for four years.⁷⁹ A climax was reached in November 1851, when he attempted to reduce the watch rate. This proposal demonstrated both the strengths and the weaknesses of the Democrats' project. At the Council meeting to vote the Watch Committee a rate, Ironside first proposed to remit the whole question to ward-motes. In his support, he cited a number of cases of police brutality, and claimed that: 'Unless the police force be put on a different footing to that at present, it would be impossible to maintain order in the town'.⁸⁰ His proposal was ruled out of order, and instead the Council discussed a motion proposed by W.S. Brittain, a Liberal councillor, to reduce the rate from 6d to 4d, on the grounds that this much could be made up from reserves and by rectifying failures in the collection process. As Ironside remarked: 'There's nothing like Radicalism for keeping down expenditure.' Yet those in control of the Watch Committee, led by Dunn, fought a successful rear-guard action, stating that '[i]t was agreed on all sides that the safety of the borough would not allow a diminution of the number of the force'. Ironside's rejoinder that '[t]hey were of no use whatever in the neighbourhood in which he resided' was ignored, and the council voted to remit the question of the possibility of a lower rate to the Watch Committee. Ironside was able to win arguments, if not votes, about economy - he could not win those about disbanding the force altogether.

The attack was then pursued by the ward-motes. In the weeks after the council meeting, motions were passed calling for Raynor's salary (£300) to be reduced to £200 or £150, and for Albert Smith's income to go down from £1200 to £500.⁸¹ When the Finance Committee recommended that Smith be given a salary rather than fees, the clerk of St. George's ward-mote claimed the move as their victory, while the Nether Hallam meeting decided that it was satisfied with the settlement.⁸² Several ward-motes also passed motions calling for a 4d rate: but in this they were less successful, owing to their inability to effectively put pressure on the Council. Ironside did manage to land a glancing blow on Raynor in March 1851, when he successfully proposed a motion to a council meeting to ask the watch committee to consider a

⁷⁹ The *Sheffield Times* opined that he had been 'nibbling' at the Watch Rate for this long: *Sheffield Times* November 29, 1851.

⁸⁰ *Free Press*, November 15, 1851, report of Town Council Meeting.

⁸¹ Ecclesall Ward-mote: *Free Press*, November 22, 1851; Nether Hallam Ward-mote: *Free Press*, December 13, 1851.

⁸² *Free Press*, January 17, 1852.

public prosecutor. In his speech in favour, he drew attention to Raynor's current role as default prosecutor, and to a recent miscarriage of justice that a public prosecutor could have prevented. This episode demonstrated that the ward-motes had taken the doctrine of centralisation on board: while Nether Hallam voted in favour of this arguably centralising proposal, the St. George's ward-mote was unable to reach a decision on it.⁸³

There was an inherent contradiction between councillor as representative of the whole ward, and councillor as delegate of the ward association and its meeting. One of Ironside's associates, Wostenholm, put it thus: 'He considered that a man was elected to the Town Council to give expression to the opinions and wishes of his constituency. . . [I]t was his duty to vote accordingly.'⁸⁴ However, the experience of being installed in the Council, and of having responsibility for controlling the town's institutions, led some of the Democrats to 'jump ship' and abandon Ironside's project: adopting instead the role of reforming liberal. This had been predicted by one of the delegates to the CDA in 1851, who complained that, with the exception of Ironside and 'the late Mr. Briggs', all the Democrat councillors were 'half-hearted Whigs'.⁸⁵

Part Seven: A Critique of the Democrats' Activity

From the foregoing examination of the Democrats' criticisms of the criminal justice system, it is possible to establish some idea of the underlying ideological characteristics their movement displayed. Whilst not thoroughgoing Chartism, it was not merely 'reactionary and romantic' - which is how Prest has characterised Toulmin Smith.⁸⁶

Greenleaf says that Toulmin Smith 'was not a political theorist trying to establish a systematic point of view but a man of affairs concerned above all to influence the actual course of events.'⁸⁷ The same is true in even greater measure of Ironside. Much of the Democrat agenda - from Bakewell's case, through the agitation over the Poor Law and Luke

⁸³ *Free Press*, March 13, 1852.

⁸⁴ *Free Press*, December 6, 1851. See also Salt, (1968), p. 358, Salt, (1960), p. 52.

⁸⁵ *Free Press*, September 6, 1851.

⁸⁶ J. Prest, *Liberty and locality: parliament, permissive legislation and ratepayers' democracies in the nineteenth century* (Oxford, 1990), pp. 19-20.

⁸⁷ Greenleaf, (1975), p. 31.

Clark's complaint, to the rights of the Coroner and the Improvement Bill - was reactive. Yet despite Ironside's supreme pragmatism, and the fact that his political trajectory was driven by reactions to events, underlying ideological parameters beneath these reactions can be discerned and closely related to the doctrines of Toulmin Smith.

Greenleaf identifies three main themes on which Toulmin Smith based his philosophy. Each of them can be seen in the Democrats' attitude to the criminal justice system. The first concerned the essence of human nature, which Toulmin Smith saw in phrenological terms. This led him to believe that the best personal outcomes were secured with the acceptance of responsibility by individuals for their own actions, and the removal of the cramping effect of centralisation.⁸⁸ This is consistent with the line taken by the Democrats: increases in summary jurisdiction were condemned for 'sapping the groundworks of freedom and the conscious self-respect of freemen.'⁸⁹

The second principle was that of administrative efficiency. Toulmin Smith thought that any 'centralised bureaucracy would increase not government effectiveness but only expense and patronage'.⁹⁰ The Democrats' attitude to police force as a whole, and the effectiveness or otherwise of stipendiary magistrates, shows that they followed this line too. They were against '[f]unctionaries, paid out of the people's money'⁹¹, and in favour of the reduction in public officers' salaries.

The third principle concerned the constitutional impropriety of centralisation. According to Greenleaf, it is important not to anachronistically dismiss this as irrational, given that it rested on the widely accepted beliefs of the 1840s concerning the value and ubiquity of primitive Saxon democracy.⁹² This constitutional perspective was reflected in the Democrat's attachment to the jury as opposed to the magistrate. Anti-centralising critiques of the police were not confined to ultra-radicals. Weinberger has written of Warwickshire:

In the 1830s and 1840s, opposition to the new police was part of a "rejectionist" front ranging from Tory gentry to working-class radicals against an increasing number of government measures seeking to regulate and control more and more aspects of productive and social life.⁹³

⁸⁸ Greenleaf, (1975), pp. 33-34.

⁸⁹ *Free Press*, June 21, 1851.

⁹⁰ Greenleaf, (1975), p. 33.

⁹¹ *Free Press*, June 21, 1851, editorial.

⁹² Greenleaf, (1975), p. 36.

⁹³ Weinberger, (1981), p. 66.

Steedman has shown how, between the 1830s and the 1850s, the JPs of Kent were equally and deeply concerned about the imposition of a central police model on their county.⁹⁴

The concept of the 'honest' magistrate necessarily involved a tension present in their activity. On the one hand, the tactical demands of a day-to-day critique meant that they used some 'legitimate' public institutions to attack other 'illegitimate' ones. On the other, the ideological demands of their strategy sought to create a new basis for all power. Effective action, backed up by state power, inevitably meant accepting the legitimacy of the very institutions - the appointed magistracy and statute law - which they wished to undermine. Ironside was thus forced to go back to conservatism rather than forward to democracy. The failure was not a result of Ironside 'turning his back on the immediate prospect of success' to embark on a series of theory-driven 'experiments'.⁹⁵ The experiments, such as the farm at Hollow Meadows, had begun long before the CDA was thought of. The sequence of events ran: initial electoral success; ward organisation and 'motes' to boost this success; and then the creation of the CDA.⁹⁶

The main reason the 'experiment' failed was the tension between 'reformist' and 'revolutionary' positions. As Salt noted, Ironside was an opportunist, and his opportunism led him to paper over the cracks in his political coalition.⁹⁷ The men on the Council were 'acceptable radicals' rather than people who shared Ironside's vision of the future. His habit of extolling the ward-motes as the seat of all legitimate power exacerbated existing divisions between the more radical Democrat activists and the *petite bourgeois* Councillors. This relationship was not helped by Ironside's persistent obstructionism in the Council.⁹⁸ By 1852 Democrats such as Schofield and Harvey had rejected the motes.⁹⁹ The old activists were

⁹⁴ Steedman, (1984), p. 19; Emsley, (1996), p. 47.

⁹⁵ Salt, (1968), p. 355.

⁹⁶ Salt implies that the CDA 'became "a sort of Upper House" in relation to these tiny local parliaments', yet in fact it started as such: Salt, (1968), p. 357.

⁹⁷ 'As a local demagogue, Ironside had long been skilled in the art of arousing local interest and support by exposing "abuses", particularly in the sphere of local administration': Salt, (1968), p. 354.

⁹⁸ Salt is wrong, however, to imply that the creation of the ward-motes saw Ironside turning 'his back on the immediate prospect of success in the field of local politics': Salt, (1968), p. 355. In fact, the motes themselves were highly useful for organising and getting out the Democrat vote, and when they were set up, in 1851, the Democrats had yet to peak electorally. Ward-motes preceded the founding of the Central Democratic Association. Salt also appears to imply that the CDA was set up before the ward motes.

⁹⁹ Salt, (1968), p. 358.

unable to meet the property qualification. In this context, the ejection from the council of Richard Otley - perhaps the most able and certainly the next most prominent radical leader in the town in the late 1840s - can be seen as a significant moment both in itself and for what it said about the Whigs' determination to enforce it.¹⁰⁰ The split that was to happen is pre-figured by the debate on the watch rate. Ironside's objections to the police in themselves gained less support than the objections founded on concern for their excessive cost. Lack of credible 'dual power' meant that ward-motes never looked capable of effectively taking over the multifarious functions of local government.¹⁰¹ They continued to see their dominant task as being a party to register and deliver votes in local elections.

One easy dismissal of the ideological 'experiments' advocated by the *Free Press* in 1851-52 is that they were a product of one man's obsessions. While it is undoubtedly true that without Ironside, events would have turned out differently, the dimensions of the Democrat challenge mean that it has to be taken seriously. Thousands of Sheffield's working men and lower middle classes voted for Democrat candidates at the height of the 'ward-mote' experiment. If we examine opposition to the growing state in general and to the new police in particular, we can see that Toulmin Smith's rhetoric, and Ironside's attempt to expound it, were expressions, albeit extreme, of a solid and widespread political tradition.

Cobden said (on the subject of freehold land): 'Here we are, trying to bring back to the people the enjoyment of some of their ancient privileges.'¹⁰² The fact that Cobden said this appears to suggest that appeal to the golden age was a specifically 'Tory Radical' perspective. Prest certainly thinks so: he characterises Toulmin Smith as the publicist of a movement which championed 'a somewhat reactionary and romantic cult of the parish as the traditional unit of local government'.¹⁰³ On the specific issue of the Sheffield Radicals, Claeys agrees with the perspective. His view is that the influence of continental radical republicans shifted their focus 'back to Old Corruption and away from concern with the social problems of the

¹⁰⁰ Barber, (1993), p. 33.

¹⁰¹ The phrase 'dual power' refers to the condition identified by Leon Trotsky as a 'split [in] the state superstructure. It arises when the hostile classes are already each relying upon essentially incompatible governmental organisations.' He also makes clear why this was impossible for the Democrats to attain: it 'arises only out of irreconcilable class conflicts - is possible, therefore, only in a revolutionary epoch': L. Trotsky *The history of the Russian revolution. Vol. 1: the overthrow of Czarism* (London, 1932), pp. 221-222.

¹⁰² The quote is from a speech Cobden gave in London: N. Edsall, *Richard Cobden: independent radical* (Cambridge, 1986), p. 148.

¹⁰³ Prest, (1990), pp. 19-20.

organisation of labour, poverty and unemployment.’¹⁰⁴ While this may have been true of Ironside’s later ‘Urquhartism’¹⁰⁵, it certainly does not describe the politics of the CDA in the early 1850s, when Kossuth-fever was at its height.

Explicit appeal to tradition, however, was not confined to reactionaries. In Sheffield itself, a Chartist meeting of 1839 had heard the virtues of the ‘courts of frank-pledge’ and their mutual responsibility spelt out.¹⁰⁶ Charles Penn MP, the Radical Reformer who sat for Lambeth, said in 1847 that the Public Health Act would lead to the end of the local autonomy that was the ‘glory of our Saxon institutions’.¹⁰⁷ Christopher Hill has shown how the radical appeal to the past did not totally die out, even though it was threatened by the Painite ‘appeal to reason’.¹⁰⁸ But ‘looking backwards’ has underpinned undoubted ‘progressive’ radicalism as well as ‘reactionary’ social movements. For Hill, in the early nineteenth century, ‘the rallying cry of a return to the true principles of Saxon freedom could unite the two wings [those middle classes yearning for the past and those workers looking for change] so long as these principles were not too closely defined.’¹⁰⁹ Ex-PC Bakewell’s justification of the power of the constable actually pre-figured that used by Toulmin Smith. Before he arrived in Sheffield, he had already written: ‘The ablest writers on the laws and constitution of England, Sir Matthew Hale and Mr Justice Blackstone, appear to regard the office of Constable as one of very ancient origin, and important in its nature.’¹¹⁰ Toulmin Smith wrote of the ‘considerable extent of the traditional common law powers’ of the parish and its officers.¹¹¹ Spence’s views on the centrality of the parish were also similar to those of Toulmin Smith.¹¹²

Hill’s view of the use of the Norman Yoke suffers from its failure to consider the ideology of Toulmin Smith. He characterises the appeal to the past as essentially rural,¹¹³ but as Lubenow

¹⁰⁴ Claeys, (1989), p. 260.

¹⁰⁵ Adherence to the semi-paranoid beliefs of the ex-diplomat David Urquhart, chief among which was that Palmerston was an agent of a Tsarist conspiracy. See Salt, (1968), pp. 350-351.

¹⁰⁶ Rev. Mr. Thornton of Bradford to Chartist Meeting: *Mercury*, August 11, 1839.

¹⁰⁷ Lubenow, (1971), p. 86

¹⁰⁸ C. Hill, ‘The Norman Yoke’ in *Puritanism and Revolution* (London, 1968) (fp. 1958), pp. 58-125, p. 104.

¹⁰⁹ Hill, (1968), p. 108.

¹¹⁰ Bakewell, *New Police*, p. 4.

¹¹¹ Greenleaf, (1975), p. 37.

¹¹² Hill, (1968), p. 110.

¹¹³ Hill, (1968), p. 111.

points out, Toulmin Smith's views were different from those of other Tory Radicals such as Oastler in that he was concerned with urban rather than rural life.¹¹⁴ Hill is keen to see an emerging rationality centred on the ideology of the working class. According to him, the Norman Yoke had no place in the theories of Owen. In practice, however, Claeys is right to say that ward-motes were 'not incompatible with the Owenite component in Ironside views'.¹¹⁵ For Hill 'the tenacity of the Anglo-Saxon tradition, and its powerlessness to furnish a programme of action' is best represented by the writings of the ex-Chartist Thomas Cooper.¹¹⁶ Locally, Richard Otley had no illusions about 'Saxon democracy': in 1839 he wrote of the oppression carried out by the Saxons. He was in favour of a political system based on natural rights and a written constitution, not on any kind of precedent.¹¹⁷

Yet the ideals of de-centralisation were as often advanced by those at the heart of the Chartist project. In 1841 the *English Chartist Circular* was in favour of the 'localising and even individualising system of our Saxon ancestors'.¹¹⁸ 'Historical images and symbols' could be used to support parochial government; Toulmin Smith was drawing upon 'an intellectual and literary theory which had a wide emotional appeal in the 1840s'.¹¹⁹ It was explicitly referred to in much of the opposition to the new police forces that surfaced between 1829 and 1856. In 1829 the initial response by *The Times* to the Metropolitan police was to suggest that its power be devolved back down to the parishes.¹²⁰ In 1839 the Chartist Convention saw the Rural Police as an unprecedented threat to the nation's rights.¹²¹ Those who opposed the 1856 County and Borough Police Act did so, according to Hart, because 'it took away the right of self-government and destroyed local institutions which had existed since Alfred'.¹²² Opposition to the new police that looked to the past as the haven of freedom was a general phenomena. The political radicals and the working class also used this argument. Sheffield's opposition

¹¹⁴ Lubenow, (1971), p. 94.

¹¹⁵ Claeys, (1989), p. 287.

¹¹⁶ Hill, (1968), p.114.

¹¹⁷ R. Otley, *The wrongs of Englishmen and the rights of freemen, being a comparison between the pretended English and the real American constitutions* (Sheffield, 1839), SLSL Vol. 5/9a, p. 13.

¹¹⁸ Quoted in Claeys, (1989), p. 258. In 1839 the Chartist Convention raised the image of 'Old England' against the threatened County police force: Mather, (1959), p. 140.

¹¹⁹ Lubenow, (1971), pp. 50, 90.

¹²⁰ Reith, (1943), p. 51.

¹²¹ Emsley, (1996), p. 40.

¹²² In the tradition of the 'Whig' historians of the police, Hart contends that opposition expressed in these terms is 'amusing to read today': Hart, (1951), p. 32.

was not, therefore, exceptional in kind, although it was in degree and timing. It certainly aimed at rejecting the legitimacy of the police *per se*, even as it supported some specific police actions.¹²³

¹²³ David Taylor puts it thus, on the issue of police legitimacy: 'The crucial distinction is between a dislike of (and even a violent response to) a specific police action and a general rejection of the legitimacy of the police *per se*' Taylor, (1997), p. 82

Chapter Seven: The job of policing

‘The old and excellent constables the country once had, have, in great measure, been turned adrift, *without remuneration*, simply because they were sinking into the vale of years, or that they would not submit to be *drilled, and harassed, and tormented* by the chief of a police establishment’¹

This chapter considers the experience of the police themselves. It examines the degree of efficiency and professionalism attained by the parochial constabulary, and the ‘old’ police force before 1843. Their characteristics, and those of recruits to the ‘new’ police, are studied. The nature of police employment and the way that the police were controlled on the job is considered. The criteria for recruitment are assessed, and underlying reasons for these are shown to fit into a general pattern of social change characterised by institution-building.

Part One: The ‘old police’

In Sheffield, the period 1818-43 saw the systematic activity of a group of professional and expert parish constables.² There were three sorts of constable: full-time ‘acting constables’ for Sheffield township; their full-time ‘assistant constables’; and the often part-time ‘acting constables’ for the other townships in the parish.

In 1820, Sheffield’s criminal justice system was mainly in the control of one man, Thomas Smith. He was chief acting constable; Bailiff of the court of requests; master of the debtor’s gaol on Scotland Street (a ‘good investment’³); inspector of butter and eggs; and inspector of weights and measures. He also kept a pub and ‘accumulated considerable wealth’.⁴ Thomas

¹ Bakewell, *An Address*, p. 5.

² Critchley was convinced that parish constables in the early nineteenth century were incompetent. Philips notes that they could deal with straightforward theft but doubts their ability to do much more. Weinberger assumes with some reservations that they were not professional, while Emsley rehabilitates the Tudor and Stuart constable but is silent on the ability of his Georgian successors: Critchley, (1967), pp. 15-16; Philips (1975), p. 61; Weinberger, (1991), p. 77; Emsley, (1996), pp. 8-23.

³ J.B. Himsworth, ‘Sheffield Gaols’ in *Hunter* Vol. 6 (1950), 134-139, p. 137.

⁴ J.D. Leader, *Reminiscences of old Sheffield* (Sheffield, 1876), p. 114.

Flather and John Waterfall were the other two acting constables. They had one named assistant, John Hogue.⁵ In 1826 Smith had an assistant, William Bland, Flather had one in James Wild, and John Waterfall junior was assisting his father. This was not the only case of a 'dynasty' of constables appearing. The trade of constable could be carried on by a family firm, and it provided upward mobility - Wild and Bland both had sons who became bank managers, Flather's son became an accountant, John Bland became head of the Rotherham police, and in 1841 William Batty's 15-year old son was an attorney's clerk.⁶ It could also be married into: Birks, the long-serving constable of Ecclesall township, succeeded his father-in-law in the post.⁷

When Smith died in 1832, his passing was not entirely mourned. William White put it thus: 'he grew rich out of the follies, poverty and misfortunes of his humbler townspeople, but the fees and perquisites of the constables now pass into more hands than they did when he was in the zenith of his power'.⁸ White got his wish: from 1833 the gaoler and Beadle was John Cooper. Continuity was maintained by two father/son teams: the Waterfalls, and William and John Bland, along with two brothers: George Wild, assistant to James. As well as these, the 1833 Court Leet named two 'extra assistant constables', James Wildgoose and Benjamin Jackson.⁹ By 1837 Waterfall, J. Wild and Bland were still acting constables, while John Mallinson had joined the two 'extra assistants'.¹⁰ Turnover was low; and even apart from the fact that it was kept in the family, experience could be passed on. Nine men were the most ever named for the policing of Sheffield township: it is likely that the creation of the day police in 1836 led to a diminution in the 'niche' the parish constables could occupy. By 1841, J. Wild and Bland were assisted by G. Wild and Lindley, with extra assistance from Jackson.¹¹ Wildgoose stood no chance of promotion: he was illiterate and thus had returned to his original trade of file-cutter.¹²

⁵ Report of Court Leet, *Independent*, April 4, 1820.

⁶ Leader, (1876), p. 113; *Mercury*, May 14, 1836; J. Taylor, 'The Chartist Conspiracy of 1840: How it was detected', (Sheffield, 1864): SLSL Vol. 64/13, p. 6; 1841 Census 1329, 2, 27b.

⁷ Leader, (1876), p. 113.

⁸ White, (1833), p. 80.

⁹ Report of Court Leet, *Independent*, April 3, 1833.

¹⁰ Report of Court Leet, *Independent*, April 1, 1837.

¹¹ Report of Court Leet, *Independent*, April 7, 1841.

¹² Leader, (1876), p. 113.

The population of the out-townships was 35% of that of the parish as a whole in 1821, and 39% by 1841. They had their own acting and assistant constables, who were more likely to be part-time than Sheffield's. These men, too, could serve for long periods: Brightside's William Batty held office from 1820 to 1842. In 1843 the JPs appointed the constables for the first time. They showed their confidence in the existing team in Sheffield township by naming Wild and Bland, assisted by Jackson and Lindley, along with another of Bland's sons, James.¹³ When the corporation took over responsibility for policing the borough, Wild and Bland were taken on as 'warrant officers' on a salary of £150 per annum: this compared with Raynor's salary of £200, and 25s per week (£130 per annum) for the Inspector and the Station House Keeper.¹⁴

The constables' total income appears to have been variable but high. Because it was composed of fees and rewards from a variety of sources, it is difficult to estimate. Rewards from APFs to constables are covered in Chapter Nine: it is impossible to say if they were a significant component in their incomes. In 1826 a correspondent to the *Independent*, anxious to play down the amount of money given to Sheffield's constables from the county rate, claimed that they only got about £100 per year from this source.¹⁵ The business of serving warrants appears to have been particularly lucrative. On one day in 1820, over 300 summonses were issued for non-payment of parish rates, involving a total of £32 in fees for the constables.¹⁶ In 1841-44, the income from summonses for non-payment of Highway rates alone came to £25 per annum.¹⁷ Although the relevant account books do not survive, more income of a similar order would have come from warrants involving poor, watch, gas, and water rates.

Constables had authority and stature with the community at large. In 1830, William Bland wrote to the committee of the Eyam APF about an arson case which they had asked him to investigate. He criticised their failure to immediately isolate their suspect, and concluded that had the investigation 'been properly gone into at the time, there would have been little doubt or difficulty to have brought the case home to the right man.'¹⁸ The tone is not that of a

¹³ Report of Court Leet, *Independent*, April 23, 1841.

¹⁴ WCM, February 23, 1844.

¹⁵ *Independent*, June 24, July 1, 1826.

¹⁶ *Independent*, September 23, 1820.

¹⁷ CA 24/44, 'Sheffield Township Board of Highways Constable's Ledger 1841-1844'.

¹⁸ PHC 315/3, 'Eyam Association for the Prosecution of Felons Records'.

respectful servant, but of a professional admonishing amateurs. All members of the APF subscribed 10s annually and were bound over for £20 against default: they were all property-owners and thus men of some stature.¹⁹

Constables impressed and overawed some criminals, who appreciated that the exercise of power involved *puissance* as well as *pouvoir*.²⁰ In 1838, a saw-thief gave himself up to Wild, on hearing that Wild was looking for him.²¹ 'Stature' was a literal term in the case of John Waterfall 'one of the six men in the town who was over six feet tall'.²² Waterfall is probably the constable referred to in the satirical magazine *Sheffield Cutler* raiding a brothel:

"I arrest all here in the Queen's name," bawled a Herculean figure with a pair of spectacles that were supported by a nose of no common dimensions, and taking from his pocket a roll of paper, he proceeded to read what he said was a warrant for their apprehension for keeping a disorderly house.²³

This publication also featured the following article, under the title 'Jim Crow's Diary':

Thursday - Witness a most billanous assault committed by an inhuman monster dat hold office ob underconstable, or something ob dat sort in de parish ob 'Ecclesall Bierlow', on a respectable and unoffending tradesman whom he accused of buying some working tools dat he say am stolen - Wild, Waterfall or Bland, would hab gone about dis business in a proper manner, 'cos dem understand deir profession, but dis wretch am calculated to bring de whoel body into disrepute. . . . Hear seberal respectable people say dat him am complete nuisance to de neighbourhood where him lib, and dat it am high time him had his wings clipped by de proper authorities whom we hope will look to dis affair.²⁴

This view allows us to draw a number of conclusions: the first is that some of the constables of the parish of Sheffield were respected and considered 'professional'; the second is that not all of them were; and the third is that there was an expectation that the magistrates and the Court Leet should and could improve matters.

Some of them did get old on the job. John Waterfall senior served until November 1837, when he was appointed Bailiff and Gaoler: he died in this post in June 1839 aged 67.²⁵ Thomas Marshall was described as 'of great age' when he died in January 1838: he had been replaced

¹⁹ MD 183/4/23, 'Eyam agreement to prosecute'.

²⁰ See Chapter Two.

²¹ *Independent*, January 6, 1838.

²² Leader, (1876), p. 103.

²³ *The Sheffield Cutler* edited by Sam Sharp. Printed and published by 'Alfred Denial, 6 High St': SLSL Vol. 331/6, May 4, 1839, p. 46.

²⁴ *The Sheffield Cutler*, Sat May 11, 1839, p. 55.

²⁵ *Local Register*, November 18, 1837; June 19, 1839.

by Richard Brennan as Constable of Nether Hallam after serving there for thirty-five years.²⁶ But with 'muscle' provided by assistants, a constable need not have been personally fit to have done his job: what counted was knowledge of the area and its inhabitants. On many occasions in the 1820s and 1830s, Sheffield's constables were able to arrest criminals by acting on suspicion or on 'information received'.²⁷ In 1820 Flather followed a parcel of stolen cutlery to Birmingham by monitoring the coach offices, and arrested the man who came to collect it, thus obtaining a lucrative Assize conviction.²⁸ The acting constables and their assistants were also aided on an *ad hoc* basis by other men, hired for specific duties. In 1819, one of these men, 'Jonathan Bamforth, a man of good character' was suspected of a robbery after being seen by a watchman near the scene of the crime. It later emerged that he had been employed by one of the constables to investigate it.²⁹

The 'de-skilling' of the independent parish constable, and his replacement by an 'industrialised', bureaucratised police force, can be seen as part of the same process that transformed other workers from men who were 'more their own masters' to individuals 'placed . . . at the disposal of the owners of capital.'³⁰ George Bakewell had served as a parish constable when (probably) a tenant farmer in Staffordshire, before bankruptcy forced him to join a succession of 'new' police forces - Birmingham, Manchester and Sheffield.³¹ As far as he was concerned, experienced parish constables had been 'turned adrift' and replaced by an 'armed force'. He asked of the new police: 'is the present Police force composed in a general way of men whose personal strength, judgement, character, temper, and previous pursuits in life, render them eligible or even fitted for such employment?' The new police were proletarianised: it was composed of low-class and ill-educated men, along with a few who had through bad luck ended there:

the storm and tempests of Heaven, the severity of frost, and the scorching heat of summer, to all of which he is in turn exposed, are no hardships

²⁶ *Independent*, May 23, 1835, January 6, 1838.

²⁷ See for instance: *Independent*, March 3, April 21, 1821; October 8, December 24, 1825; January 18, 25, 1834.

²⁸ *Independent*, March 18, 1820.

²⁹ *Iris*, February 2, 1819.

³⁰ J.L. Hammond and B. Hammond, *The Skilled Labourer, 1760-1832* (London, 1919), pp. 4, 5.

³¹ In *New Police*, Bakewell claims to have been a constable when a farmer, and Staffordshire features heavily in the list of cases he examines in *Circumstantial evidence*. At the front of *New police* is a claim that Bakewell is author of a pamphlet called *On the law of debtor and creditor*, which when considered in the light of his subsequent pamphleteering, implies that he had personal experience of bankruptcy.

compared to the insults which an unpromoted Policeman must almost daily submit to, from men who are only his superiors by courtesy.

New police would be needed 'if properly organised' but their effectiveness was hamstrung by the low quality of the recruits and the money wasted on the supervisory grades. Bakewell's ideal was a return to professionalism: a wage of 21s a week, along with the fees for executing warrants and a pension, would, he was sure, attract 'persons of respectability'.³²

The constables carried out some of the police functions, notably 'thief-taking', alone, but they also acted in concert against disorder and involved themselves in moral and other 'regulatory' activity, as has been seen in Chapter Three. In these roles - and increasingly in their thief-taking role - they were paralleled by the other components of the 'old' system: the watch, and after 1836 the day police. There was sometimes friction between the constables and the watch. While the magistrates might have been more ready to believe 'their' men, it appears that the ill-paid watchmen - who nevertheless got a shilling for every 'disorderly' they brought in - were more often at fault than the professional constables. In 1833 Hugh Parker strongly censured the 'blundering over-officiousness' of watchman Ramsden, after he had arrested one of the assistants of Batty, the Brightside constable, for 'rescuing' some men he had arrested.³³ In 1839 Wharncliffe criticised Sheffield's police institutions for failing to exchange information about crimes.³⁴

The watch does not fit the stereotype of the uniformly incompetent 'old police'. However, their record in this regard was more variable than that of the constables. This in part reflects the lower demands placed upon them: they were not expected to do much more than prevent any crime happening if they could see it, to give chase, and to obey the orders of their sergeants when necessary. In all these tasks they were generally successful, and the newspapers of the era are full of references to the presence of a watchman foiling crime. Even when groups of men had already used violence, the approach of a single watchman could drive them off.³⁵ Watchmen 'closely pursued' malefactors, they 'seized villains'.³⁶ From 1836, the day police began to carry out tasks that have been seen as characteristic of the 'new

³² Bakewell *New Police*, pp. 3, 7, 12, 37.

³³ *Independent*, June 8, 1833.

³⁴ *Independent*, October 26, 1839.

³⁵ A person by the name of Monk was stopped by two men in Garden Street on Saturday night last, who took his neckcloth off, and attempted to cut his throat; but on hearing the approach of the watchmen, they decamped, after robbing him of a few shillings, and otherwise ill-using him': *Independent*, October 14, 1820.

³⁶ *Independent*, May 19, 1820, July 22, 1826;

police'. In January 1839 policeman Richard Dolly was assaulted by a group of youths whom he was trying to 'move on' from a street corner.³⁷

The old police did not always do what they were supposed to, although the comic 'Charlie' anecdotes current in the town later in the century specifically refer to the pre-1818 watch force.³⁸ The failings of the Improvement Commission force had more to do with wilful absenteeism and alcohol than with inability. In August 1826 Raynor reported to the Commission that five of them had been seen in a beerhouse at 5am on a Sunday.³⁹ Its response implies that the watchmen were not considered to be able to restrain themselves; instead they must be disciplined and controlled by the town's respectable inhabitants as a whole. Sheffield's inhabitants were asked to report any incidents to the Surveyor, and the section of the 1818 Act regarding the punishment for 'treating' was to be printed.⁴⁰ The Commission wished to preserve a distance between the watch and the people they were paid to protect: in 1839 they issued an advertisement proclaiming that any of their servants asking for 'fairings or Christmas boxes' would be sacked.⁴¹ The day police were not immune from lapses either. 'Jim Crow' in the *Sheffield Cutler* had this to say of them:

Saturday - Hab de pleasure dis day ob seeing two ob our day police do deir duty for de furst time, intaking 'noder policeman what am drunk and disorderly in de street to de 'lock-up' - wish de night police do de same ting, den de drunken blackguards not had opportunity ob insulting people dat go quietly about deir business - really tink dat de watchmen of dis town tam de greatest scoundrels as is- dey cause more night brawls dan all de inhabitants besides.⁴²

Other misdemeanours were more serious: in February 1836 two watchmen were dismissed after one of them stole a watch from an open house.⁴³ Significantly, Raynor searched the thief's house himself, accompanied by three sergeants, which might imply that he had a low degree of trust for the rank and file in the force. Sometimes the watch committed

³⁷ *Mercury*, January 19, 1839.

³⁸ See Ironside's reference to Tommy Hotbread in Chapter Six. Leader repeats an anecdote about a sleeping Tommy Hotbread carried in his watch box into the river Pond - but the tellers then note that this was before the watch was reformed in 1818: Leader, (1876), p. 112-3.

³⁹ *Mercury*, August 6, 1836.

⁴⁰ See also *Independent*, June 9, 1838. A similar attitude had been present in 1821, when Rhodes bemoaned the fact that two drunken watchmen had deviated from their good characters 'by assistance administered from those individuals whose property they were charged to protect': *Independent*, December 8, 1821.

⁴¹ *Independent*, November 23, 1839.

⁴² *Sheffield Cutler*, May 7, 1839.

⁴³ *Independent*, February 6, 1836.

embarrassing and brutal assaults on members of the public. In 1836, Sergeant Crookes was prosecuted at quarter sessions by a man who claimed he had been beaten up in the cells. After a day-long trial, Crookes (defended at the Improvement Commission's expense) was found not guilty.⁴⁴ Despite this, Wharncliffe, the presiding magistrate, 'cautioned him as to his future conduct', since he had faced similar accusations before.

Despite these lapses, the day police were energetic and, as has been seen in Chapter Four, welcomed. The level of activity of the Improvement Commission force was comparable with that of the borough. Partial returns are available for the number of arrests in certain categories in the late 1830s.⁴⁵ They are as follows:

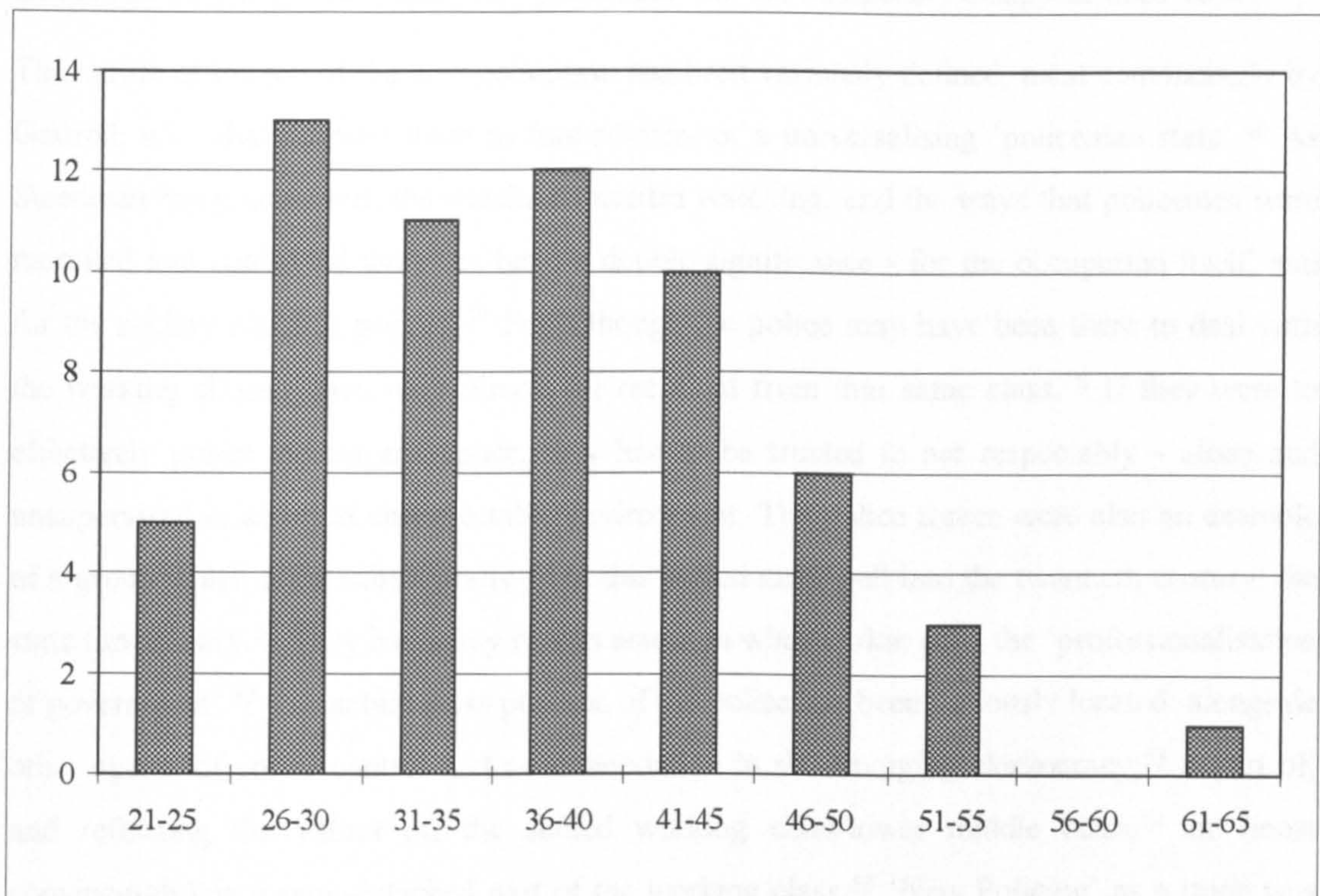
Table 7.1 Arrest rates of the police, 1835-1839

Year	Felons (committals)	Vagrants (committals)	Disorderlies (arrests)
1835	27	82	1009
1836	28	81	1424
1837	26	148	1624
1838	25	115	1496
1839	50	83	1770
Average	31	102	1465

If we take the average number of watchmen and constables in the borough as 60, this leaves us with a minimum (since the number of felony and vagrancy arrests was not recorded) average annual number of arrests of 30 per policeman/watchman. In the years 1845-61, this figure was only exceeded in four years, and then only by three. Clearly, the 'old police' arrested more people than the new. Against this work rate, however, we must balance the smaller number of police per population, which would reduce the total impact of the force, though not to negligible levels. In 1843, when they were placed under the control of the borough, their age profile was as shown in Graph 7.1.

⁴⁴ *Mercury*, April 16, 1836.

⁴⁵ J. Symons, *Report on the Trades of Sheffield and on the moral and physical condition of the Young Persons employed in them* (Sheffield, 1843): SLSL, v. 132/11.

Graph 7.1 Age profile of the police, November 1843⁴⁶

The only man over 55, therefore, was Raynor himself. The profile is not noticeably 'old': assuming that the police recruited men from the age of twenty-one upwards, and they served around twenty years, it is the same age-profile as a stable organisation. So, although the high turnover meant that it was not in fact stable, the Improvement Commission's force was not too old to be of use.

Part Two: The job of new policemen

Even before incorporation, Sheffield's model for police reform was more radical than some other large towns. Northampton, created a twelve-man day police in 1836, but they had no uniforms and were paid quarterly in arrears, via the reimbursement of the expenses they had incurred in their duties.⁴⁷ Sheffield extended the Metropolitan model to its police force. As

⁴⁶ WCM, November 24, 1843.

⁴⁷ Etheridge, (1996), p. 177.

outlined in Chapter Five, the practice was slower to change than the rule book, and the distinction between 'watchman' and 'policeman' did not completely disappear until 1860.

The nature of the job of the new policeman has been variously defined, most convincingly by Gattrell, who characterises them as foot-soldiers of a universalising 'policeman state'.⁴⁸ As Steedman has pointed out, the watchmen needed watching, and the ways that policemen were recruited and controlled therefore have a double significance - for the occupation itself, and for the society which it policed.⁴⁹ For although the police may have been there to deal with the working classes, they were almost all recruited from that same class.⁵⁰ If they were to effectively police morals and space, they had to be trusted to act respectably - alone and unsupervised in an often unrespectable environment. The police forces were also an example of a group which grew substantially from this period until well into the twentieth century: the state functionary.⁵¹ They had a key role as actors in what Perkin calls the 'professionalisation of government'.⁵² The actual class position of the police has been variously located: alongside other agents of social control and accommodation in the emerging clerkocracy;⁵³ a part of, and reflecting the values of, the skilled working class/lower middle class;⁵⁴ or (most convincingly) as a semi-detached part of the working class.⁵⁵ 'New Policing' as a trade was created and defined during the mid-century decades. This section examines the nature of the job and some of the problems inherent in it.

It is difficult to make any generalisations about the quality of the recruits to the force. Over the period 1845-1870, the average ages of those sworn in went down from just under thirty to around twenty-four. Most of this decline happened in the decade 1860-70. Information from the Census is too sparse to draw many conclusions from, but it suggests that police often tended to stick together. In 1841 (when the absence of a question about night-workers meant

⁴⁸ Gattrell, (1990).

⁴⁹ Steedman, (1984), pp. 9-10.

⁵⁰ Lowe, (1983), pp. 46-8.

⁵¹ The number of people employed in 'public administration' grew from 67,000 in 1851 to 164,000 in 1891: R.R. Mitchell, and P.R. Deane, *Abstract of British historical statistics* (Cambridge, 1962), p. 60.

⁵² Perkin, (1969), pp. 319-39.

⁵³ Smith considers the 'new' urban lower middle class as including: 'functionaries within the expanding bureaucracies of government and commerce, such as warehouse clerks, railway officials, foremen, policemen, and elementary school teachers': Smith, (1982), p. 14.

⁵⁴ Reiner, (1978), pp. 149-51; Emsley and Weinberger, (1991), pp. xi-xii.

⁵⁵ Steedman, (1984), pp. 68-9; Perkin, (1969), p. 80.

that very few policemen were recorded⁵⁶) policemen John Lorimer and Robert Banner were neighbours.⁵⁷ In 1851, out of fifty-two police found in the Census, ten were lodging with other policemen, including two pairs of brothers-in-law. Proximity did not necessarily breed solidarity. Bakewell had been doing the same in 1847: his dismissal was precipitated when he attacked his landlord, PC William Robinson, whom he accused of having stolen his trousers.⁵⁸

Other possibilities for occupational solidarity were also two-edged. The values of 'self-help, thrift, temperance, and mutual improvement' were represented by Sheffield's 'Police Force Sick and Funeral Society', in operation by 1860.⁵⁹ This had been operating for an indeterminate period of time by 1860. That year saw it suffer from a disaster typical of those afflicting friendly societies: the resignation from the force of its treasurer, Inspector Wardley, amid accusations of mis-spending and speculation.

The policeman was caught between the demands that he do his job, and the need for him to retain public support - especially from that part of the public who voted for the Watch Committee.⁶⁰ They had to use the 'smallest amount of actual violence necessary'.⁶¹ Otherwise they risked being the subject of a complaint before the Committee. The procedure was for the complainant to deliver their charge, followed by the policeman delivering their own statement in rebuttal. Witnesses for each side would then be examined. The onus lay on the complainant to prove the case. Sylvanus Smithers won his case 'as the case does not appear quite free from doubt'. The complainant did not get an apology, though Smithers received a vague caution.⁶² Inspector Tasker got away with using 'several expressions infringing the respectability' of Samuel Binney in a similar fashion in February 1852.⁶³ The policeman was accorded a standard of proof similar to that of a defendant in a criminal case.

⁵⁶ E. Higgs, *Making sense of the Census: the manuscript returns for England and Wales, 1801-1901* (London, 1989), p. 46.

⁵⁷ 1841 Census, 1329, 6, 55f.

⁵⁸ Although according to the Watch Committee's subsequent investigation, Bakewell himself had hidden the trousers with a neighbour: WCM, June 17, 1847.

⁵⁹ R.J. Morris, 'Clubs, societies and associations' in F.M.L. Thompson, (ed.), *The Cambridge social history of Britain 1750-1950. Volume 3: social agencies and institutions* (Cambridge, 1990), pp. 395-444, p. 417; WCM, May 24, 1860.

⁶⁰ Weinberger, (1991), p. 2; Gattrell, (1991), p. 277.

⁶¹ 295c 1/1, 'Memorandum Book', December 28, 1859; WCM, October 4, 1865.

⁶² WCM, July 17, 1851.

⁶³ WCM, February 12, 1852.

So in September 1852, since Mr. Almond's claim was 'not substantiated', watchman Thomas Mason escaped action 'in justice to [him].⁶⁴ Over and above retribution, the Committee saw itself as an arbiter, delivering judgement and apology if necessary, and arriving at an agreed version of what actually happened. They did not want (unlike their predecessors in the Improvement Commission) to second-guess the magistrates by commenting on cases that were *sub judice*.⁶⁵

Procedure was strictly adhered to, even if this meant that a complaint would not be investigated. In 1854 the relatives of a man who had died in police custody demanded that they be allowed legal representation at a hearing.⁶⁶ The Committee refused point blank, citing the *status quo* as 'convenient and proper', and claiming that their procedure: 'has been characterised by the strictest fairness and impartiality'. They decided to interpret the request 'as implying a distrust in the ability of the Committee to conduct the enquiry or in their integrity to conduct it fairly'. Sometimes they were forced to compromise their intransigence: in December 1858 watchman Shaw destroyed the eye of a young man whom he struck with his staff. Although Shaw was formally exonerated, the Committee members gave Hall, the victim, £21 - an act which implies that they felt the force shared some responsibility for his injuries.⁶⁷

A large number of men in different places needed to be supervised by a small number of officers: in 1855, 84 night watchmen were supervised by six patrol sergeants and two district sergeants. The Watch Committee even acknowledged that this level was too low for the men's self-discipline: 'it being the practice . . . to receive drink offered to them gratuitously by the owners of public houses and Beer Shops' in return for freedom from interference.⁶⁸ The policeman were always subject to the rigours of the 'long cold and dreary winter's night'.⁶⁹ A watchman's greatcoat was as much his uniform as his staff or lantern were: but it was not always practical or pleasant. In 1819 one of them could not chase after two burglars he had confronted 'being incumbered [sic] with wet clothes'.⁷⁰ In 1859 Jackson thought that the police would be properly clothed once the 'new top-coat and capes' the Committee had

⁶⁴ WCM, January 9, 1852.

⁶⁵ WCM, May 13, 1852.

⁶⁶ WCM, September 20, 1854.

⁶⁷ WCM, December 11, 1856.

⁶⁸ WCM, December 20 1855.

⁶⁹ WCM, December 20, 1855.

⁷⁰ *Iris*, February 16, 1818.

agreed to buy arrived.⁷¹ Even in the 1860s, creature comforts were not perfect: in 1861, Mr. Robson explained to a Town Council anxious to economise on policemen's clothes that during the last winter, the night force were so cold that it was necessary to reduce their shift length by two hours to preserve them from injury.⁷² Career structure was another problem. Despite the creation of five grades of constable, the average recruit had little hope of gaining further promotion.⁷³ In an attempt to address it, the Police sub-committee proposed in 1875 that an extra pay award be given for long-service men: 'for if a man feels that with good conduct his position will certainly be improved . . . he will discharge his duties in a satisfied spirit'.⁷⁴

The job of policing the town did provide a few legitimate perks. There were nine station houses (some a considerable distance from the town centre) to be occupied and controlled, the fire brigade to be manned, and the (however slim) possibility of recruitment to the lucrative detective branch. All of these possibilities provided a 'patch' where a man could be his own boss to some extent. In this respect, policemen may have been like railway workers; also heavily disciplined, but allowed autonomy within their own workspace: 'Within his limited territory, however, a man could establish his own administrative system,' and could therefore feel an attachment and loyalty to his employers and to his job through his control over his own 'bailiwick'.⁷⁵ One way the job could vary was through the use of policeman as privately employed 'additional constables'.

The practice of retaining additional constables - serving policeman paid for by private individuals to watch private premises - was widespread in nineteenth-century police forces. According to Steedman: 'In the 1860s and 1870s Additional Constables numbered up to 25% of the northern county and borough forces. They were usually appointed from the ranks of the local force (a plum for the long-serving, deserving man).'⁷⁶ In Sheffield, the term 'Additional Constables' is not used, but the institution was present.

⁷¹ WCM, June 9, 1859.

⁷² *Independent*, February 16 1861, Robson to Town Council Meeting of February 13.

⁷³ The grades were: Probationary, Third Class, Second Class, First Class, and Merit Class. The Merit Class was introduced in 1856: WCM, October 20, 1859; Jackson admitted that 'opportunities of promotion and advancement to higher grades seldom occur' in 1871: WCM, February 23 1871.

⁷⁴ WCM, January 7, 1875.

⁷⁵ F. McKenna, *The railway workers 1840-1970* (London, 1980), p. 40.

⁷⁶ Steedman, (1984), pp. 45-46.

Payment by private institutions for use of police pre-dates incorporation. The Accounts of the Improvement Commission for 1841 and 1843 contain small sums (£16 18s and £5 1s) for income generated 'for Attendance of Police Officers at the Theatre and other Places'.⁷⁷ In 1846 the Watch Committee delegated the routine power to assign additional constables to Raynor, resolving 'that the application for the continuance of a watchman at Smith's Wheels, be complied with and that Mr Raynor have full discretionary power to comply with similar requests from other parties.'⁷⁸ In August 1859, the Watch Committee prepared a list of accounts owing for 'services rendered by your constables to private individuals'.⁷⁹ There follows a list of eight outstanding accounts, totalling £185. The largest was £84 owing by Mr Robert Younge of Market Street for attendance of police constables from September 11 1857 to August 4 1856 - 96 weeks costed at 17/6 per week. Younge was a wine and spirit merchant.⁸⁰ The smallest was for one night's work by a constable, for 'Mr Arnold' of Harmer Lane. This appears to refer to the business premises of Arnold, a boiler founder. The going rate appears to have been 2/6 per man per night. In 1860 a General Order was issued by Jackson, that every month he was to see a report of the names of the men on duty at places 'where the parties employing them were to be charged for their attendance.'⁸¹

The practice was not entirely clear-cut. In 1861, the Manchester, Sheffield and Lincoln Railway wrote to the Watch Committee, complaining of the bill for policemen at Victoria railway station during Whitsuntide holidays, alleging that such charges were not levied in Manchester, Hull and other large towns. They argued that the police were there to protect the public, and that the railway station was in the 'possession of the public'.⁸² The Committee's response was a resolution that:

it is in the practise [sic] of this committee to charge Boards of Directors, Committees and Individuals for the service of police on private property . . . that every member of the public has a right to the assistance of the public when an occasion requires, but he has no right to appropriate to himself the services of any of the Police when no immediate occasion requires it.

⁷⁷ 'Abstract of the Receipts and Disbursements on Account of Cleansing, Lighting, Watching and improving the Town of Sheffield' printed in the *Independent*, July 31, 1841, July 29, 1843. The second reference specifically refers to 'the Theatre and the Circus'.

⁷⁸ WCM, April 30, 1846.

⁷⁹ WCM, August 8, 1859.

⁸⁰ Melville, *Melville and Co's Commercial Directort of Sheffield, Rotherham and the neighbourhood*, (Sheffield 1859).

⁸¹ CA 295/C 1/1 'Memoradum Book 2', May 28, 1860.

⁸² WCM, September 20, 1861.

Crucially, they concluded that the station was not 'in possession of the public'. When 'four or five' police were requested by a nearby landowner, to attend and guard his moor on the 12th of August, the Watch Committee specifically turned the request down.⁸³ This implies that there was an especially sensitive aspect to poaching and the Game Laws, therefore the police faced an unacceptable risk of 'de-legitimation' if they were seen to be partially protecting them at the expense of their other duties.

Money for 'additional constables' entered the accounts as 'police fees', or earnings of the police.⁸⁴ Before 1860, this amount contains statutory rewards and fees for executing warrants, as well as payments for attendance of police.⁸⁵ After that date, the fees went into the pension fund, so it is easier to estimate the 'earnings of the police' that came from additional constables. From the mid-1860s the Watch Committee's estimates for expenditure included these figures, and they reveal the significance of this activity.

Table 7.2 Income from additional constables' fees

Forthcoming year:	Amount of income
1865	£1,600
1866	£1,571
1867	£2,000
1868	£2,000
1869	£1,900
1870	£1,800
1871	£2,000
1872	£1,800
1873	£2,800
1874	£2,400

These figures are predictions rather than results, but it is reasonable to suspect that they are in the region of the actual figures. An average of £2,000 (at a time when a second-class

⁸³ WCM, August 8, 1850.

⁸⁴ CA 295/C 6/1 'An Account of the monies received from Mr Thomas Raynor on account of the Corporation of Sheffield'.

⁸⁵ WCM, February 6, 1852.

constable earned 22s per week) equates to an equivalent of thirty-five men paid for privately: around an eighth of the force.

The 'additional constable' was also specifically used to enforce industrial discipline. When in November 1865 R.T. Eadon, a saw and file manufacturer and member of the Watch Committee learned that his works was under threat of reprisal from the trade society, he 'went to Mr. Jackson . . . and made an arrangement with him to send a policeman to stay from the time the wheel ceased to work til the next morning.'⁸⁶ This had happened on three occasions: on the first the works were rattened before the policeman could arrive. The system of additional constables, therefore, meant that the policeman was securely located as a resource available to property-owners: it may have functioned as a welcome diversion from pounding the beat, but it may also have strained class loyalties and alienated policemen from the communities within which they lived.

Rewards could serve to show gratitude for a particular service, as the flexible bounds of paternalism demanded.⁸⁷ The 1835 Act prohibited police from accepting anything from the public unless approved by the Watch Committee. Although this movement away from 'payment by results' has traditionally been seen as a sign of the 'new police' forces, in Sheffield the official granting of rewards became increasingly common during the mid-century.⁸⁸ However, they had limited dispersal. The proportion of arrests for theft was small, and in 1859, there were only five detective officers out of a strength of 191.⁸⁹ In 1865 one major subscription reward - divided among the 'deserving' by the Watch Committee - brought the year's total to £176, of which just £13 6s went to ordinary constables. Rewards were not significant to more than a minority of policemen, but their discretionary nature again allowed the Watch Committee to exercise paternalistic favour. The large-scale use of rewards had a potential drawback. It could weaken the police as an institution and reduce the men to compete with each other. In 1858 Inspector Linley was censured for failing to submit proper expense claims for an investigation. His defence was that 'had he succeeded in obtaining any portion of the Reward [£50], he should have said nothing about such sums.'⁹⁰ The Police sub-committee concluded that one consequence of large rewards was that officers concerned

⁸⁶ 'Sheffield Trade Outrages Inquiry', Minutes of Evidence, pp. 16-19.

⁸⁷ G. Anderson, *Victorian clerks* (Manchester, 1976), p. 32.

⁸⁸ Critchley, (1967), p. 94.

⁸⁹ *Criminal and Miscellaneous Statistical Returns of the Sheffield Police*.

⁹⁰ WCM, January 7, 1858.

'withheld their information from the Head of the Police, from the Solicitor for the prosecution, and from each other'.

Part Three: Controlling the policeman

This section looks further at the specifics of how the new police force was controlled. The nature and limits of 'bureaucratisation' are examined, mainly in the context of the responses to the police's appeals for better working conditions. First, the pattern of punishment in the force, and what it revealed, is examined. When Raynor attempted to sack George Bakewell in 1847, this case became unusually public. Many similar events did not receive the same level of publicity. Like all 'new' police forces, Sheffield experienced a very high (to modern observers) rate of dismissal and punishment.⁹¹ A high rate of dismissal is not necessarily an unambiguous indicator of inefficiency - it can also be taken to mean an efficient force, intolerant of lapses.⁹² However, an analysis of the actual patterns of punishment can help distinguish between the two alternatives. The pattern of punishments as recorded in the Watch Committee Minutes can be seen to change markedly over the period

Table 7.3 Numbers punished, 1845-70

Year	1845	1850	1855	1860	1865	1870
Dismissed/Ordered to retire	8 (7%)*	4(3%)	2(1%)	9 (5%)	4 (2%)	5 (2%)
Otherwise punished	13 (12%)	7 (6%)	6 (5%)	22 (11%)	12 (5%)	3 (1%)
Total	21 (19%)	11 (9%)	8 (6%)	31 (16%)	16 (7%)	8 (3%)

* Percentage of force strength.

A high level of dismissals and other punishments at the time of the inception of the Borough's control changed by the 1850s to a lower level. This can be best read as an initial drive to improve standards followed by a plateau in them. The late 1850s and early 1860s saw the

⁹¹ See Steedman (1984), p. 92; Taylor, (1997), p. 55; Hart, (1955), p. 424.

⁹² Hart, (1955), p. 424, manages to use both arguments in the same article.

return of a higher level of punishment. This was due to the arrival of Jackson, and his attempts to impose a new standard of order on the force. These succeeded, as can be seen from the very low proportion of the force punished in 1870. Compared to other forces, Sheffield's dismissal rate is strikingly low: in 1855/6, around a fifth of the Staffordshire force were dismissed or ordered to resign.⁹³ There is a possibility that a number of forced resignations were not being recorded - Bakewell's forced resignation in 1847, for instance, did not at first go through the Committee, although some constables appearing before it were recorded as being forced to resign.⁹⁴ If that is the case, then increases in the number openly punished measure alterations in the degree of the Committee's oversight.

The nature of the offences for which police were disciplined, however, can provide evidence of a genuine 'enforcement wave'.

Table 7.4 Reasons for Punishment

Year	1845	1850	1855	1860	1865	1870
For drunkenness	12 (57%)*	10 (91%)	8 (100%)	10 (32%)	10 (63%)	5 (63%)
For neglect of duty or disobedience	5 (24%)	0	0	12 (39%)	4 (25%)	2 (25%)
Other reasons	4 (19%)	1 (9%)	0	9 (29%)	2 (13%)	1 (13%)
Total	21 (100%)	11 (100%)	8 (100%)	31 (100%)	16 (100%)	8 (100%)

* Percentage of total punished.

The nature of the misdemeanours involved changed over time. Drunkenness appears to be more of a constant (though declining) presence in the record. The number punished for neglecting their duty appears to correlate well with a pair of 'enforcement waves': one in the mid-1840s as the force was taking shape, and the other around 1860 after Jackson took over.

Yet while punishment was one component of the way in which the police were socialised and controlled, other factors played defining roles too. Stability and work-discipline were not

⁹³ Philips, (1975), p. 80.

⁹⁴ See *inter alia*, WCM, June 15, 1865.

constructed from high wages, but from less tangible, though potentially more secure, elements. These included deference, respectability, paternalism, rewards and perks, and above all the promise of security. Deference is important because it embodies the difference between the 'is' of power relations and the 'ought' of moral relations.⁹⁵ Joyce feels that we should see the 'deferential' component of the mid-century 'transition to order' in terms of the super-ordinate's power to delimit the horizons of people's lives.⁹⁶ In the current context, this means the instilling of habits of obedience and service into policemen.

The known place of the worker demanded that the manager should also occupy a known place. Paternalism was the basis of this relationship: one of mutual yet unequal obligation. George Bakewell claimed that he should be re-instated on the basis that he had been a loyal and honest servant to the ratepayers of Sheffield - thus he did not deserve to be sacked on Raynor's 'whim or caprice'.⁹⁷ Loyal service was rewarded by protection and security, yet the balance was weighted heavily in favour of the employer.⁹⁸ Exercising paternal authority demanded that the employer have some room for manoeuvre. This requirement was in opposition to tendencies towards bureaucratisation: tendencies that replaced personal relationships with formal rules.⁹⁹ Paternalism was not just a moral construct, it was based on a tangible inequality. Similarly, respectability had a material context. When freedom to quit could mean freedom to starve, the 'respectable' network of clubs and societies locked men into financial and social relationships and obligations.¹⁰⁰ These were underpinned by ideals such as temperance, self-reliance and self-denial. This ideal, and the elusive security it offered, played a key role in creating the policeman.

Characterising the changes between 1843 and 1874 as 'bureaucratisation' involves the police moving from a personal and paternal mode of control towards a 'bureaucratic' one. The latter has been defined by Brown as: a delimiting of the employer's [or in this case, the supervisor's] sphere of action; the imposition of a 'standard impersonal discipline'; and the

⁹⁵ P. Joyce, *Work, society and politics: the culture of the factory in later Victorian England* (Brighton, 1980), p. 92.

⁹⁶ Joyce, (1980), p. 94.

⁹⁷ Bakewell, *An Address*, p. 4.

⁹⁸ Anderson, (1976), p. 30.

⁹⁹ M. Daunton, *Royal mail: the post office since 1840* (London, 1985), pp. 237-8.

¹⁰⁰ McKenna, (1980), p. 41.

subjection of the rank and file to 'formally rational rules'.¹⁰¹ Crucially, Brown points out that this form of organisation is not merely 'a result of functional necessity', but 'the outcome of choices'.¹⁰² Sheffield's experience shows this to be the case.

As in other 'respectable' occupations, gambling, drinking, sexual immorality, and going into debt were all punished.¹⁰³ They could lead to undesirable characters having a hold on policemen. In 1871 Chief Constable Jackson argued for more sick pay for his men on the grounds that otherwise they would get into debt and 'not infrequently borrow money from publicans, and others with whom they ought not to associate.'¹⁰⁴ As well as the immediate instrumental reasons for such an attitude, there were also moral ones. A policeman who lapsed from the ideal stood revealed as a flawed individual who was not committed to the culture of respectability. The authority of the British policeman may have been institutional, but the individual still had an important role to play in presenting an image that was consistent with the institution's values.¹⁰⁵ He was also a labourer selling his labour in a hostile market, where without a good reference he would be 'utterly ruined'.¹⁰⁶

Paternalism conceives of relationships as individual not bureaucratic: privileges not rights.¹⁰⁷ When in 1850, officers, sergeants and men petitioned for (*inter alia*) a right to eight days paid leave a year, the Watch Committee preferred to leave it in their own gift, and claimed that they 'have ever given the applications for leave of absence their most favourable and liberal considerations.'¹⁰⁸ In 1870, another deputation asked for an advance in wages and a rest day every three weeks. The former was granted: the latter refused.¹⁰⁹ The same thing

¹⁰¹ R. Brown, 'The growth of industrial bureaucracy: change, choice or necessity?' in P. Gleichmann et al. (eds.), *Human Figurations: essays for Norbert Elias* (Amsterdam, 1977), pp. 191-210, p. 196.

¹⁰² Brown, (1977), p. 207.

¹⁰³ Anderson, (1976), p. 33; McKenna, (1980), pp. 34-5; Steedman, (1984), p. 107.

¹⁰⁴ WCM, February 23, 1871.

¹⁰⁵ Miller, (1975), pp. 81-95.

¹⁰⁶ Bakewell, *An address*, p. 3.

¹⁰⁷ D. Drummond, "Specifically designed"? Employers' labour strategies and worker responses in British railway workshops, 1838-1914' *Business History*, Vol. 31, No. 2 (1989), 8-31, pp. 11-12.

¹⁰⁸ WCM, November 10, 1859.

¹⁰⁹ WCM, March 3, 1870.

happened in 1874.¹¹⁰ The statutory pension, introduced in 1859, featured compulsory contributions but (before 1880) a discretionary pension.¹¹¹

Another area where authority remained 'personal' was the stature and authority gained by John Jackson by the end of the period in question, as has been described in Chapter Five. The power - ability to gain desired ends - was his on a personal level. It is important also to remember that although the nature of punishments that had to be cleared by the Watch Committee fluctuated as described above, throughout the period the Chief Constable was able in his own discretion to impose punishments up to and including the fining of one day's pay.¹¹² Bakewell's experience, of actually being imprisoned by Raynor, implies that he at least was not above overstepping the formal limits of his authority.¹¹³

Part Four: Recruitment, pensions and institution-building

The next section looks at two central issues for police professionalism, recruitment and pensions, and uses them to examine the extent to which Sheffield's police force was part of a wider phenomenon of respectability, the instilling of work-discipline, and institution-building.

The 'Probationer's Books' provides a record of all applicants to the force from 1867, stating for each the characteristics deemed relevant by the Watch Committee. They constitute the start of the comprehensive record of the force's manpower: there is no systematic records of voluntary resignation. The names of constables sworn in are given in the Committee's minutes, yet delays in swearing in could be measured in months, so a large number of men who were accepted and served as probationary constables left before they were sworn in.¹¹⁴ In addition to this evidence, they record whether or not the applicant was accepted, and if so whether or not he agreed to join. Further, his length of service, and whether pensioned, dismissed or resigned is also recorded.¹¹⁵

¹¹⁰ WCM, November 19, 1874; January 7, 1875.

¹¹¹ Steedman, (1984), pp. 124-30.

¹¹² 'Rules, orders and regulations', p. 10.

¹¹³ Bakewell 'An Address', p. 1.

¹¹⁴ WCM, October 4 1855.

¹¹⁵ The exact information held in the book is under the following headings: Name; Age; Height; Residence; Trade; Marital status; Number of children; Appearance*; Employer; Length of last employment; Wages received; Past public service (Army, Navy, Police); Period of such service; 'Is

The system of recruitment as of 1865 was straightforward.¹¹⁶ Applicants were to be enticed with a wage of seventeen shillings per week on appointment, rising to eighteen shillings after six weeks. In addition the fact that a superannuation fund has been established 'and liberal pensions and gratuities are granted' was also advertised, though the degree to which these depended upon the Watch Committee's interpretation of 'good service' was not mentioned. Uniforms were to be supplied gratis, with a monthly allowance of 1/6 for boots. In their turn the applicants needed to possess 'satisfactory testimonials of character', be aged between twenty-two and thirty-six, be more than 5'7" high, be able to read and write, and 'be free from any bodily complaint, and of a strong constitution (according to the judgement of the Surgeon of Police by whom he will be examined) and generally intelligent.'

Candidates were to present themselves at the Town Hall at six o' clock on Tuesdays, and bring their testimonials with them. An advertisement detailing the above was inserted in the *Sheffield Independent*, *Sheffield Telegraph* and *Sheffield Times* on January 14th. In addition, it was placed in the *Derby Mercury* on January 24th, and the *Stamford Mercury* and the *Nottingham Review* on January 27th.

Of the 954 applicants to the force, five hundred went on to record a period of service in it. This represents an entrance rate of 62% over the whole period covered by the book. If broken down into the component years, the pattern of applications and the percentage of acceptances altered during the period.¹¹⁷ Table 7.5 gives the figures

he acquainted with Borough?'; Friends on the force; Reason for application*; 'Is he a member of a sick club?'; If so, how much sick pay is he entitled to?'; 'Approved?'; Date resigned; Date discharged; Length of Service. For those pensioned or who died in office, the date of this occurrence is also given. Those categories marked * are not generally filled in, or are filled in meaninglessly (e.g. the word 'permanent' for why applicants want to join). Many of the other categories are not filled in for all applicants. This fact is particularly marked for those who are not accepted into the force.

¹¹⁶ 295/C 1/17, 'Memorandum Book Two' provides the detail given here.

¹¹⁷ The exact dates covered by the data are March 7th, 1867 to February 20th, 1873 inclusive.

Table 7.5 Applicants and recruits

Year	No. of applications	No of recruits	Percentage accepted
1868	244	125	51
1869	165	102	62
1870	145	77	53
1871	104	68	65
1872	124	91	73
Total	782	463	59

Most applicants come from the immediate vicinity. Of a randomly-selected sample of 108 of these applicants, 51 were recorded as resident in Yorkshire - forty-two of those in Sheffield itself. This figure is obtained from the answers given to the question of residence. Since the number who professed knowledge of the borough is only twenty-five, it is apparent that of the forty-two who are recorded as being in Sheffield, a number must have been relatively new arrivals. Twenty were from Nottinghamshire, eleven from Derbyshire, nine from Lincolnshire, with twelve others whose place of residence is known being from all over England, along with one from Wales and one from Ireland. The average age of applicants in the sample was twenty-five, with the majority of applicants aged between twenty-two and twenty-six. Their average height was 5'9¼". Of those whose marital status was known, 60% were single. Of the forty-one married men, twenty-seven had children.

The occupational data is slightly suspect. For instance, several men who had served in the army give their trade as 'soldier', even if they were discharged some months previously, and listed their last employer as a commercial concern, or in one case, Chesterfield Police Force. Some ex-soldiers, though, did not. The information under the heading of 'last employer' is probably more relevant, since this was the basis of the Watch Committee's request for a reference. That the references *were* taken up is demonstrated by the fact that some of those who were accepted into the force were later dismissed within a week or two, with their record marked 'character unsatisfactory'. While data on occupations as given must be suspected, that on last employer is also difficult to use, given that it is frequently illegible.

The total approval rate was 73%. This is an increase over the rate seen above dealing with the examination of service records, which is accounted for by the category of men who, while 'approved' according to these records, did not end up recording any period of service. Ten men in total were marked down as approved but then failing to serve. This therefore brings

the rate from the sample into line with that of the Probationers' Book as a whole. Which characteristics can be seen to bias applicants towards or away from being recruited? High approval rates are associated with certain characteristics. The highest is 91% for those who gave their occupation as 'farm labourer'. This accounted for eleven applicants and ten acceptances. The next best rate is 90%, for those men who declared they had friends in the force. This accounts for twenty applicants and recruits. The next highest rate is for those men who are recorded as belonging to a sick club - 88.9%. Out of the thirty-six applicants in the sample who said they were in a sick club, thirty-two were successful. The recruiters were attempting to select men who had signed up already to the culture of respectability. Many fell by the wayside, but, for those who could take the conditions, police work offered a security - from injury, from slump, and from old age - that the world rarely offered working men.

Fewer factors stand out as being likely to make the chance of acceptance appreciably *less* likely. Perhaps the most significant is the possession of previous police experience. Of the seven who applied who declared previous experience, only two were accepted - a rate of 29%. If all the ex-policemen who applied in 1867-73 are analysed, a number of conclusions can be reached, which indicate that the sub-sample was too small to be representative. Over the period 1867-73, 104 men with police experience applied, and only 47% were accepted. If the service records of those men whose experience can be identified are examined, an interesting pattern emerges, which is described in Table 7.6. This divides up the ex-policeman according to where they previously served, or if they gave their occupation as 'police constable'.

Table 7.6 Success of ex-police applicants, 1867-73

	Total	Rejected	Accepted				Accepted (%)			
			Dis'd	Res'd	Pen'd	Total	Dis'd	Res'd	Pen'd	Total
Ex-Sheffield PCs	24	8	4	7	5	16	16.7	29.2	20.8	66.7
Self-described 'PC's	11	4	4	1	2	7	36.4	9.1	18.2	63.6
Ex City PCs	30	16	6	3	5	14	20.0	10.0	16.7	46.7
Ex County PCs	18	10	5	2	1	8	27.8	11.1	5.6	44.4
Ex RIC	4	4	0	0	0	0	0.0	0.0	0.0	0.0

The most likely to become pensioners, therefore, are also most likely to be recruited in the first place: the selection criteria appear to have made sense.

Those who declared army experience were also slightly less likely to be recruited, though the figure here is a 65% acceptance rate on a sample size of twenty. As for wages, the averages given in Table 7.7 appears to show that men who had previously held jobs involving lower wages and longer periods of service were more likely to be accepted - which, alongside the high overall acceptance rate does not imply any great quality on the part of the 'average' recruit.

Table 7.7: Previous employment of applicants

	Av. Wage (s per week)	Sample size	Av. Length of service (weeks)	Sample Size
All Applicants	18.4	85	141	60
Approved	17.9	65	152	48
Rejected	20.0	20	98	12

Those able to state definitely what they were earning, how long they had been working, and the other information, also seem far more likely to be accepted. The Watch Committee were looking for sober men who would stay on in the police force - twenty-six year men, not three-month men.

Weinberger states that one key indicator of police professionalism was 'the occupational pension that went with the job'.¹¹⁸ Security in the shape of a pension was a rarity in the mid-nineteenth century. Not even bank clerks, whose pay was far higher than policemen's, received them as a matter of course.¹¹⁹ By 1900 only around 5% of the work-force - half of whom were engaged in non-manual occupations - were in formally constituted pension schemes.¹²⁰ The benefits conferred by more numerous friendly society schemes were more concerned with sickness, unemployment and death than with retirement.¹²¹ But Sheffield's

¹¹⁸ Weinberger, (1991), p. 79.

¹¹⁹ Anderson, (1976), pp. 31-32; G. Anderson, 'Inequalities in the workplace: the gap between manual and white-collar workers in the port of Liverpool from the 1850s to the 1930s' *Labour History Review*, Vol. 56, No. 1. (1991), pp. 36-49, p. 44.

¹²⁰ L. Hannah, *Inventing retirement: the development of occupational pensions in Britain* (Cambridge, 1986), p. 13.

¹²¹ Hannah, (1986), p. 6.

police were eligible, from 1862, for a pension of between half and two-thirds of their final wage: they were exceptional therefore as a working-class occupational group.

The key event that produced this situation was the 1859 Police Pensions Act.¹²² This was financed from fines received by police; fees from the serving of warrants by the police (60% of the total); statutory rewards paid to constables as informants under various regulatory Acts; and up to 2.5% of a constable's pay. This sixpence per week formed around 12% of the fund's total income.¹²³ Generosity had a price, and the town was not willing to pay it from the rates. PC Beardshaw's widow and orphans only got £5 when he died in the line of duty in 1855.¹²⁴ The 1859 Act protected all those who contributed for more than 3 years to the Superannuation Fund, which gave the Town Council the wherewithal to finance a system of security for its employees at its discretion. By 1865 the Watch Committee was giving full pay to three men temporarily 'disabled from injuries received in the actual execution of the duties of their office'.¹²⁵ Twice during the year the fund was used to give gratuities of one year's pay to widows of men who had died in the force.¹²⁶ November saw two constables 'disabled in the course of their duty' given pensions of fourteen shillings per week.¹²⁷

Gradually a higher percentage of the force was pensioned off: a delayed indicator of the stabilisation of the police work-force. Table 7.8 shows this process in operation.

¹²² Many (though not all) postal workers also began to receive occupational pension entitlements in 1859. Uniformed, disciplined, necessarily trusted, and central to the operation of the state, they shared many characteristics with the police: Daunton, (1985), p. 246.

¹²³ WCM, October 13, 1859.

¹²⁴ WCM, July 26, 1855.

¹²⁵ WCM, January 5, 1865.

¹²⁶ WCM, January 19, 1865, November 30, 1865.

¹²⁷ WCM, November 30, 1865

Table 7.8 Numbers of police pensioned, 1859 - 1900

	Pensions	Grants to widows	% of force strength 20 years previously pensioned	5-year running average of %
1859	0	0	0.00	
1860	0	0	0.00	
1861	0	0	0.00	0.00
1862	0	1	0.00	0.00
1863	0	1	0.00	0.36
1864	0	1	0.00	0.36
1865	2	3	1.79	0.87
1866	0	2	0.00	0.87
1867	3	4	2.56	1.72
1868	0	2	0.00	2.56
1869	5	1	4.27	3.08
1870	7	1	5.98	2.74
1871	3	1	2.56	2.74
1872	1	1	0.85	2.19
1873	0	3	0.00	1.13
1874	2	5	1.54	1.18
1875	1	1	0.71	1.58
1876	4	0	2.80	2.03
1877	5	2	2.84	1.95
1878	4	1	2.27	2.02
1879	2	2	1.14	1.46
1880	2	0	1.05	0.89
1881	0	1	0.00	0.63
1882	0	1	0.00	0.84
1883	2	0	0.94	0.98
1884	5	4	2.19	1.38
1885	4	3	1.74	1.46
1886	5	1	2.04	1.42
1887	1	1	0.41	1.13
1888	2	1	0.74	1.01
1889	2	1	0.74	1.81
1890	3	2	1.11	2.52
1891	17	3	6.07	3.54
1892	11	3	3.93	3.99
1893	17	6	5.86	4.64
1894	9	0	3.00	4.24
1895	13	1	4.33	4.26
1896	13	0	4.06	4.01
1897	13	3	4.06	4.38
1898	15	3	4.62	4.41
1899	16	2	4.85	
1900	15	2	4.48	

The men who joined in 1867 were the first generation to leave a 'stable' force. As shown in the table, the impact of the 1890 Police Pensions Act was considerable: once the pension ceased to be discretionary, the number awarded increased markedly. Rather than facing bankruptcy in 1871, Sheffield Superannuation Fund was embarrassingly large, standing at £34,000.¹²⁸

One reason that long-term policemen found themselves in this favoured position *vis-à-vis* the majority of the working class was the nature of 'policing' in itself. Knowledge of the police force as possessed by its members is a valuable buttress of authority: one which must not be undermined by the revelations of ex-policemen.¹²⁹ Bakewell, who had been 'turned adrift, *without remuneration*' because he 'would not submit to be *drilled*', proved the reality of this risk when, in 1848, he published a tract fiercely critical of injustices in the law.¹³⁰ Pension provision meant a job for life, and therefore more chance of loyalty for life than would have been produced by other means of attraction such as higher wages.

Another necessary criterion for the attainment of professional status was a 'growing number of long-service officers'.¹³¹ Steedman, discussing the 1870s, contrasts a stable officer class to 'the fluctuating lower ranks'.¹³² But this statement conceals the fallacy that just because only a very small minority of recruits stayed for any length of time, the composition of the ranks below Sergeant was continually changing. By the late 1860s Sheffield's force was stable. This may seem paradoxical in view of the fact that in the five years between 1868 and 1872, a total of 463 men joined the police force.¹³³ But the high apparent turnover disguises a more important pattern. While more than a third of this cohort left inside three months, and more than a third between three months and a year, around 13% stayed: they became policemen, and collected their pensions.

¹²⁸ WCM, February 23, 1871.

¹²⁹ Young, (1991), pp. 26 - 7.

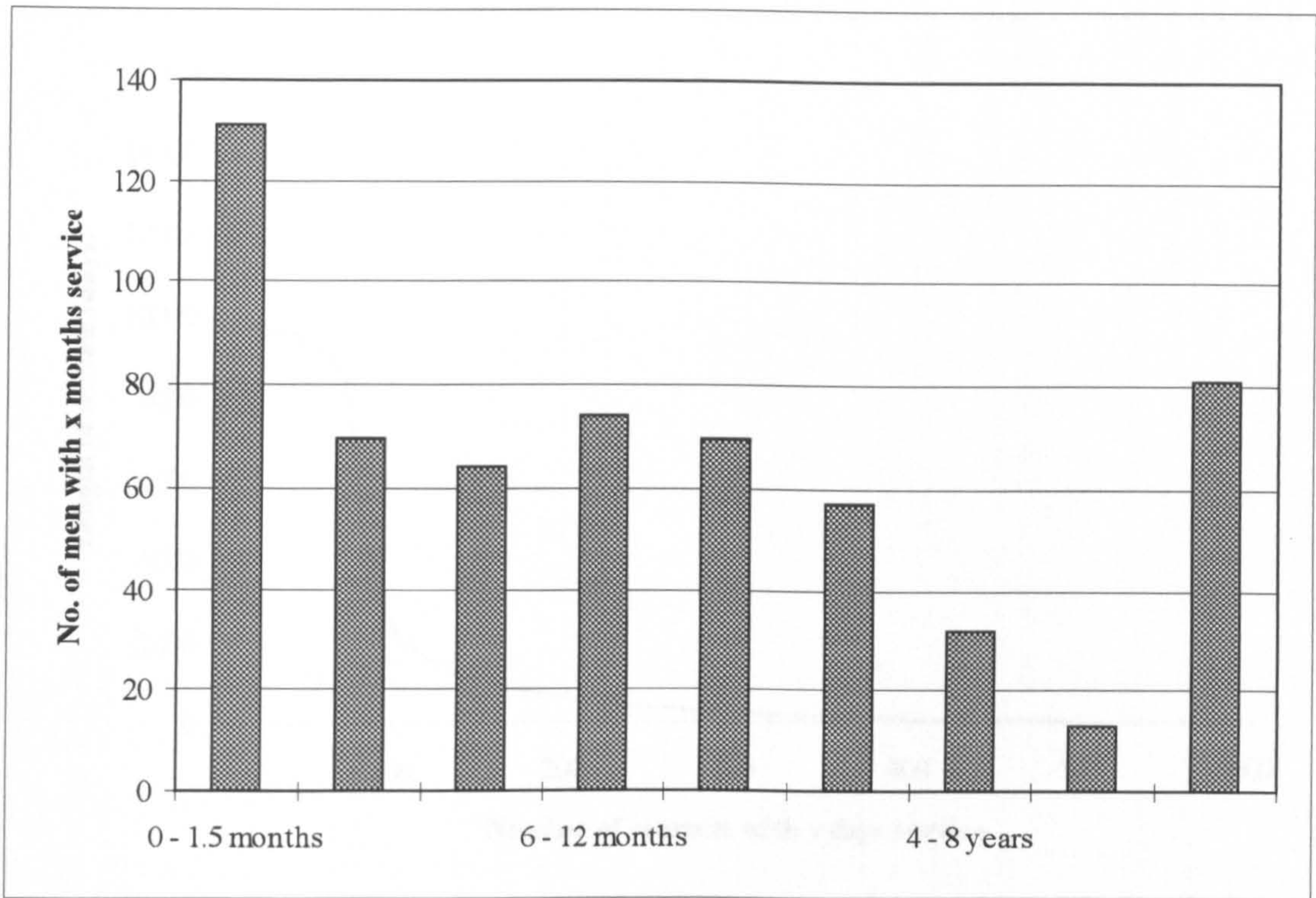
¹³⁰ Bakewell, *An address*, p. 7; Bakewell, *Observations on circumstantial evidence*.

¹³¹ Weinberger, (1991), p. 82.

¹³² Steedman, (1984), p. 106. This statement is particularly significant, since it is used by Steedman (along with bans on policemen entering pubs) to justify rejection of Storch's argument that police were used *en masse* to enforce new standards of discipline over the working class. Steedman argued that the police forces were too transient and inexperienced to carry out this task.

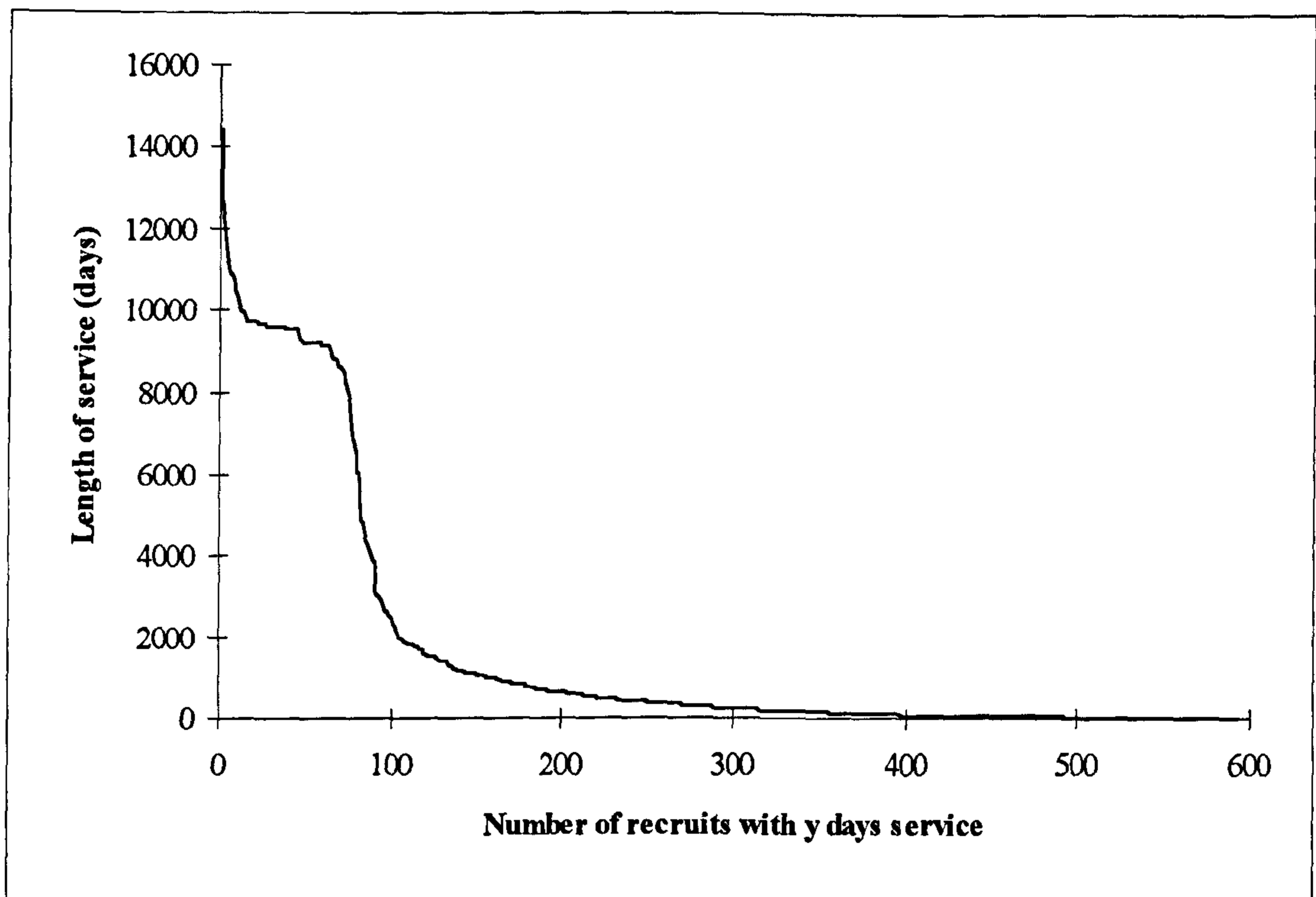
¹³³ 295/C 3/5, 'Police probationers book, 1867-73'.

Graph 7.2 Lengths of service of all recruits, 1867-73



The pensioners' man-years of service on the force vastly outnumbered those contributed by the men who decided to leave, or who were dismissed. The average recruit (from the period 1867-73) served for 4.7 years. This figure however masks a more complex pattern of service, which needs to be unpacked further if it is to be understood. The majority of men served less than a year. Of 592 who were recruited only 253 were in the force for this long or longer. But the drop-out rate does not remain constant: nor does it remain a constant proportional rate. The exact pattern is best revealed by Graph 7.3.

Graph 7.3: Man-days served by recruits to the Sheffield police force, 1867-73



There is a large number of very short-service men (the long tail of the graph) and a smaller number of long service men (the plateau to the right). In between is another, far smaller, group of medium-length service men, forming the steep slope of the graph that is visible mainly between 2000 and 8000 days service - e.g. between around six and twenty-four years. Compared to those leaving before six years or after twenty-four, very few left the force at this stage of their career. The area underneath the line in Graph 7.3 represents the total of days served, which is disproportionately delivered by a minority of around 100 men.

However, as Table 7.9 demonstrates, the overwhelming majority of this total was worked by men who went on to do more than twenty years of service.

Table 7.9 The distribution of man-days among recruits, 1867-73.

Length of service (years)	Man-days in Police Force
>20	728,419
10-20	71,711
5-10	47,702
2-5	86,193
1-2	35,944
<1	35,225
Total:	1,005,194

So if the characteristics of the 1867-1873 intake were repeated for the remainder of the century, (and the fact that around 4% of the force's strength were pensioned annually suggests that they were) then we can safely say that the picture of a police force characterised by a fluctuating composition of the lower ranks is wrong. The majority of constables were career men, generally experienced.

This has a wider significance in the context of institution-building and changing labour discipline in the nineteenth century. As Samuel Smiles wrote in *Self-Help*:

The provident and careful man must necessarily be a thoughtful man, for he lives not merely in the present, but with provident forecast makes arrangement for the future. He must also be a temperate man, and exercise the virtue of self-denial.¹³⁴

Those constables who could exercise enough self-denial, and stay out of trouble, were able to benefit from a secure post and an increasing sense of professional worth. The controllers of the police force had been generally successful in creating and maintaining an institution, staffed by men who had 'come to see police work as a trade'.¹³⁵ This institution contained elements, such as the granting of rewards and time off, that were deliberately paternalistic. Yet in its thoroughly modern pension scheme, it prefigured the more structured, stable and bureaucratic forms of work discipline that would become the norm for the next century. Police were crucial to the working of the late Victorian state: hence they were among the first working-class occupational group to be insulated from the working of the labour market, and

¹³⁴ S. Smiles, *Self-help: with illustrations of conduct and perseverance* (Harmondsworth, 1986, fp. 1859), pp. 180-1.

¹³⁵ Steedman, (1984), p. 138.

the fear of old age. By 1870 the Sheffield force, like others across the country, had becoming a viable career option for an increasingly large body of men.¹³⁶ The rarity of a decent pension in a harsh labour market had cemented the victory of future promise over present temptations and friction.

The pension can be seen in the same light as the statistical returns. They were both ingredients in the construction and maintenance of an institution, which would inevitably be able to wear down and overcome resistance from any individual. Despite the persistence of 'paternalistic' authority in the force, there was an overall move towards a more bureaucratic mode of control over the police themselves.

¹³⁶ Field, (1988), p. 60; Steedman, (1984), p. 159.

Chapter Eight: Problems and perceptions of crime: an analysis of the statistical records, 1845-1862

'How large? How long? How often? How representative?'¹

Part One: Introduction

This chapter examines the records of criminal statistics available for Sheffield in the nineteenth century, in an attempt to consider a number of issues revealed by quantitative measures of crime and of police activity. The content and the form of these statistics are examined in order to see what they can tell us about the relationships between police, the courts, and the various strata of society.

Quantitative analysis is intrinsically useful since it enables us to look at events in the aggregate. Thus it avoids dwelling on the unique and individual occurrence, and instead can attempt to deal with classes and collectives. To do otherwise risks presenting an atomised list of so-called facts bereft of the context that allows us to assign them their proper relevance. Quantitative analysis can bring to the foreground matters that would singly appear too trivial to note. Newspaper court reports of this period sometimes contain phrases such as: 'There were several cases of disorderlies [sic] not worthy of very particular mention.'² But it is important to both mention and try to make sense of the cumulative mass of petty offences that constituted the major type of encounter between police and public in Sheffield. The 'mode' (in the statistical sense) arrest is interesting from the point of view of the policeman's experience: did most constables spend most of their time arresting drunks or thieves? It is also interesting from the point of view of the community at large: how was the police's intervention chiefly felt?

Some general conclusions can be drawn from the historiographical survey contained in Chapter One. Philips's commitment to an interactive perspective, using the statistical record

¹ J.H. Clapham, 'Economic history as a discipline' in *Encyclopaedia of the Social Sciences* Vol. 5 (1930), p. 328.

² *Independent*, April 19, 1845.

primarily as a way to examine the criminal justice system, is highly useful.³ Where his theoretical model falls down is on an over-reliance on committals for indictable offences as a proxy for 'official crime'. One area where most of those who have examined criminal statistics often err is their concentration on indictable offences. Davis's research has shown the central place that the dispensing of summary justice at petty sessions occupied in working-class urban life in the second half of the nineteenth century.⁴ The other main conclusion is that some 'positivist' (as defined in Chapter One) conclusions do appear to be testable. While Gattrell's hypothesis on the decline of theft covers too long a period to be analysed here, his collaboration with Hadden can be tested with reference to the data available from Sheffield.⁵ To this extent the analysis will be 'positivist', but the interpretations favoured by the 'pessimists' - that statistics are mainly important as a guide to what people thought was happening - will not be neglected.

Part Two: The local statistical returns

This statistical analysis is drawn from data for the years 1845 to 1862. They are based on the annual *Criminal Statistical Returns of the City of Sheffield*, which were presented annually by the Chief Constable to the Watch Committee, who then printed and distributed two hundred copies.⁶ There were major changes in the format of the returns in 1857 and 1859, as well as other minor changes. The information contained in the returns for each year is described at length in Appendix 2. The reaction to the statistics in the Watch Committee, the Town Council, and the press, is considered in the next chapter, which deals with qualitative perceptions of crime.

The offences are grouped in the six standard Home Office categories.⁷ Tables record in similar formats the numbers who each month were discharged by the magistrates, these

³ Philips, (1977), p. 46.

⁴ Davis, (1984), pp. 309-335; Davis, (1989), pp. 397-426; Gattrell, (1990), p. 251.

⁵ Gattrell, (1980), p. 336; Gattrell and Hadden, (1972), p. 395.

⁶ WCM, April 18, 1848.

⁷ These are: I 'Offences against the person'; II 'Offences Against Property Committed with Violence'; III 'Offences Against Property Committed Without Violence'; IV 'Malicious Offences Against Property'; V 'Forgery and Offences against the Currency'; and VI 'Other Offences not included in the above Classes'.

convicted summarily, and committed for trial at the next West Riding Quarter Sessions for indictable offences. This therefore, gives us a look at the progression of individuals through each stage of the criminal justice system: arrest; release, summary conviction, or committal by the Borough Magistrates; and conviction or acquittal by a jury at Quarter Sessions or Assizes. These numbers are not necessarily exhaustive: while we can be sure that what is recorded here actually happened, there is certainly a possibility that some people were arrested or held and not recorded, but it is difficult to doubt (notwithstanding Tobias's views of Leeds) that all the arrests recorded actually happened.⁸

Unfortunately the format of the records was changed substantially for 1857 and 1858, mimicking that demanded by the Home Office. This consisted of all offences divided between 'Indictable Offences' and 'Offences determined Summarily'. Those 'indictable' offences; (e.g. larceny) that were summarily resolved via the 1855 Criminal Justice Act (henceforth: 'CJA') or the 1847 and 1850 Juvenile Offenders Acts (henceforth 'JOAs') appeared on the 'summary offences' table.⁹ No monthly breakdowns were given. Irritatingly, the totals for the 'offences determined summarily', include *all* those proceeded against. This makes no distinction between arrest or summons, and thus leaves a gap in the arrest series.

The returns were re-organised once more in 1859 - coinciding with John Jackson's arrival. Monthly breakdowns for arrests returned. In addition, the sentences of those arrested and those convicted were included. Prisoners were further broken down within each offence by occupation, age, and punishment. As well as those arrested, two other tables record the fates of those summoned by the police, and by private individuals. Other tables (starting from 1860) showed 'The Country ['English and Welsh, Irish, Scotch, Foreigners'] and Degree of Education of those arrested' (this was not cross-referenced: really it was two separate tables joined together); the methods of robberies and the value of goods that each method netted; the type of property stolen; the number of 'depredators etc.' at large in the borough (this followed the format of the return to the Home Office); details of inquests; the number and seriousness of fires; and the establishment and strength of the police force. Some conclusions on the implications of this level of quantification will be drawn in the next chapter.

⁸ Tobias, (1967), pp. 267.

⁹ The status and use of the Criminal Justice Act (of 1855) and the Juvenile Offenders' Acts (of 1847 and 1850) will be discussed below.

The Home Office returns were made compulsory under the terms of the 1856 County and Borough Police Act. They tended to follow a different pattern from those printed locally. They are described in Table 8.1.

Table 8.1 The Home Office Returns

Table	Title
One	Police establishment and charges
Two	Class of persons who were apprehended or proceeded against
Three	Depredators, offenders, and suspected persons at large, and the houses they frequent
Four	[Indictable] Crimes committed, apprehensions and commitments for trial
Five	Offences determined summarily ¹⁰

Their main advantage over the locally-printed returns, therefore, is the fact that they record 'offences known to the police'. However, such a measure is unreliable in the extreme: it really cannot be used in any 'positivist' sense in the way that other records (such as those of arrests) can. The figures produced by Smith show how the relationship between 'known indictable offences' and those that were prosecuted varied widely from city to city.¹¹ It is unfortunately impossible to correlate the locally printed figures with those delivered centrally. The returns printed by the Watch Committee cover the calendar year from 1st January to 31st December. Those sent to the Home Office consisted of much the same information, but over the period beginning 30th September of one year and ending 29th September the next.¹² Since the figures for apprehensions are given monthly, it should be possible to break these down so as to divide the data from the period 1844-56 up in a similar 'year' to that given by the information from the central sources. However, it is not, since the numbers given to the Home Office also include *some* of those proceeded against via summons. For instance, the total number apprehended between October 1st 1859 and September 10th 1860, according to the Sheffield records, was 2397.¹³ The records sent to the Home Office for this period deal with a

¹⁰ HO 63/1, 'Police Returns'

¹¹ Smith, (1982). p. 57.

¹² HO 63/1, 'Police Returns'.

¹³ *Criminal statistical returns of the Borough of Sheffield, 1859, 1860*. All subsequent references to figures taken from these returns will not be referenced

total of 4963 people. This is about right if it also includes some of those dealt with by summons: in the calendar year 1860 (January - December), 3465 people were dealt with by summons. Unfortunately, while the numbers apprehended are broken down by month in Sheffield's figures, the numbers summoned are not. Three-quarters of the total for 1860 (2599), plus one quarter of that for 1859 (758) comes to 3357. Added to the number we know to have been arrested, the total is 5754: substantially in excess of the figures sent to the Home Office. If however, we subtract the number of summonses by private individuals that were settled out of court (923), we get a total of 4831: which is close enough to the figure of 4963 sent to the Home Office.

But while this technique allows us to be reasonably sure about the constituents of the figures sent to the Home Office, its basis is too problematic to attempt to construct a comparable series of returns for the whole period. When comparing criminal statistics over time, it is important to understand and appreciate the basis of the aggregate numbers.¹⁴ Once measures that are not fully understood are included, it becomes impossible to assess trends: any increase in the Home Office's figures - already known to be only a subset of the total number proceeded against - might therefore be explained merely by a change in accounting procedure.

Part Three: Arrest Rates

This analysis, and most of the rest of the conclusions drawn in this chapter, are based on arrests rather than on reports of crimes. This decision to virtually ignore 'reported crime' needs some justification. One reason for paying attention to the figures for indictable crimes is that they are a proxy for 'serious crime' as a whole.¹⁵ While the sentences for these offences are indeed higher, it is important to remember that this in itself does not necessarily indicate that the bulk of the population thought that this crime was 'serious': the criminal justice system was created by and for the propertied, and it saw them heavily over-represented as prosecutors.¹⁶ In addition, many more different people were proceeded against

¹⁴ As Monkkonen puts it, the complete understanding of the data used is essential 'so that while the dated precise relationship to a level of actual phenomenon might never be known, the variation will be consistent and relatively accurately monitored': Monkkonen, (1980), p. 61.

¹⁵ Gattrell, (1980), p. 259; Philips, (1977), p. 46-46.

¹⁶ In the conclusion to *Whigs and Hunters*, E.P. Thompson makes this plain: 'we have seen the law being devised and employed, directly and instrumentally, in the imposition of class power': E.P.

for assault, disorderliness, or a variety of regulatory offences, than for indictable offences. Summary crime had a far larger social 'footprint' than indictable crime: only around one in twenty of those arrested (an even smaller proportion of those proceeded against) were convicted of an indictable offence. Gattrell has pointed to the fact that, in the mid to later nineteenth century, there was a tendency for those convicted of larceny to have been arrested multiple times.¹⁷ This 5% figure could therefore refer to an ever smaller number of individuals. It is more useful to look at the figures for 'indictable offences known to the police', which are included in the returns to the Home Office, in a 'pessimistic' sense: i.e. purely as a potential indicator of public concern. As M. Young has demonstrated, this measure is deeply unreliable, and open to manipulation by the police authorities.¹⁸ To use it uncritically, as Smith has, is to base conclusions on very shaky foundations.¹⁹

This following section will therefore use arrests as the basic measure of the data. An arrest - compulsorily depriving the individual of his or her physical freedom - is a significant exercise of the state's power over the individual, the fact of which is not normally in doubt. It is possible to draw some immediate conclusions from the numbers of arrests over the whole period. The figure of 39,900 arrests over the period 1844-56 equates to an annual average of 3325, with a high of 4149 in 1852 and a low of 2566 in 1845. In addition, 11,764 were arrested between 1859 and 1862: a high of 3128 in 1859 and a low of 2784 in 1862, with an average of 2941: the average over the 16 years for which comparable data exists was 3229.

Reduced to a rate per 100,000, the arrest rate was as given in Table 8.2

Thompson, *Whigs and Hunters: the origin of the Black Act* (London, 1975), p. 262. D. Jones lists a social breakdown of prosecutors at Glamorgan Quarter Sessions in 1838-54 as: 5% gentlemen/esquires; 15% farmers; 24% retailers; 20% labourers/husbandmen; 7% policemen; 13% others. His conclusion is that a surprising number of poor people are using the law courts, and that Langbein's assessment of the law as primarily an instrument to protect the powerless is thus justified. An equally tenable conclusion from the same evidence is that the propertyless are significantly under-represented as prosecutors: Jones, (1992), p. 25.

¹⁷ Gattrell, (1980), p. 326.

¹⁸ Young, (1991), p. 323.

¹⁹ Smith, (1982), p. 57.

Table 8.2 Arrests and police work-rate

Year	Number apprehended	Population ²⁰	Number of police ²¹	Number apprehended per policeman	Number apprehended per 100,000
1845	2556	120,201	109	26.36	2126
1846	2873	122,593	109	24.59	2344
1847	2680	125,033	109	24.59	2143
1848	3006	127,521	109	27.58	2357
1849	3093	130,059	109	28.38	2378
1850	3187	132,647	109	29.24	2403
1851	3806	135,287	119	31.98	2813
1852	4149	139,591	119	34.87	2972
1853	3864	144,044	119	32.47	2683
1854	4014	148,639	119	33.73	2701
1855	3377	153,380	119	28.38	2202
1856	3295	158,273	134	24.59	2082
1857	D. N. A. ²²	163,322	176	D. N. A.	D. N. A.
1858	D. N. A.	168,532	176	D. N. A.	D. N. A.
1859	3128	173,908	191	16.38	1799
1860	2787	179,456	191	14.59	1553
1861	3065	185,180	191	16.05	1655
1862	2784	190,042	216	12.89	1465

Between 1856 and 1859, the 'work-rate' of the police dropped significantly. There are a number of possible explanations for this. They may have been arresting fewer people as a matter of policy, or releasing more without charging them before a magistrate. They may have been relying on warrants to a greater extent. Alternatively, the change may be a product

²⁰ The population estimate is calculated on the basis of a constant percentage growth over the period in between Censuses. The data also refers to the whole borough, not just the 'watched and lighted' area: the police jurisdiction extended over the borough as a whole, and they arrested people within the entire area, even if they did not comprehensively patrol it. The (undoubtedly not wholly accurate) estimate for population growth renders the estimates somewhat prone to error, in any case.

²¹ This total is the complement of the police force: it was not necessarily kept up to this complement, and thus it should be seen as a maximum figure, and probably an overestimate by up to around ten percent.

²² 'Data not available'. For these years, the only figures provided are for those subject to conviction: they include those proceeded against by summons, and thus are not compatible with the arrests series.

of different recording techniques. The data for 1857 and 1858 are largely incompatible with those before and afterwards, and the way that crime is labelled also differs between 1856 and 1859.²³ As discussed below in Part Four, there is also substantial evidence that some crimes were subject to 're-labelling' between 1856 and 1859. On one level, this is not at all surprising, since 1858 was the year that John Jackson took over from Thomas Raynor as Chief Constable. In his analysis of the figures for Leeds, Tobias has found that the single most important external factor influencing the crime figures was the appointment of a new Chief Constable.²⁴ For this reason, the analysis of the criminal statistical returns in this chapter will generally concentrate on one or the other of these periods: the longer comparable series for 1845-56, or the more detailed information available for 1859-62.

The global figures for arrests can be divided up in a variety of different fashions in order to analyse them further. Here they are divided: first, via categories that expose the proportion of summary crime, indictable crime, and crimes that could be tried in either manner; and second, via a wider set of categories designed to expose the varieties of effort given to different aspects of the police function. With regard to the functioning of the criminal justice system itself, the offences can be divided up into: those that were only prosecuted summarily; those that were only prosecuted on indictment; and those for which either outcome was possible, at the discretion of the magistrate at petty sessions. This split is illustrated in Table 8.6.

²³ For instance, 'Felony' in the earlier period is 'Larceny' in the latter. See Appendices 7B and 7C for more examples of this.

²⁴ Tobias, (1967), p. 258.

Table 8.3 Potential methods of prosecution of prisoners

	Status of offence: absolute ²⁵			Status of offence: per 100,000		
	Both	Ind.	Sum	Both	Ind.	Sum
1845	344	357	1854	286	297	1542
1846	388	324	2161	316	264	1763
1847	424	392	1864	339	314	1491
1848	370	440	2196	290	345	1722
1849	491	429	2173	378	330	1671
1850	537	342	2308	405	258	1740
1851	578	329	2899	427	243	2143
1852	554	405	3190	397	290	2285
1853	643	424	2797	446	294	1942
1854	744	491	2779	501	330	1870
1855	531	551	2295	346	359	1496
1856	614	572	2106	388	361	1331
Av.	518	421	2385	377	307	1750

Table 8.3 shows that the vast majority of the arrests were for offences that could only be tried summarily. In 9 out of 12 years, as well, arrests for crimes that could be tried in either fashion outnumbered those that could only be tried on indictment. Where there was a choice, the vast majority of these crimes were tried summarily. In strictly numerical terms, summary justice was substantially more important.

The total number of arrests can also be divided up into categories that demonstrate which aspects of the police function were the most important in terms of the police's actual work. Crimes have been divided into four categories: first disorder-related offences, second 'miscellaneous offences' such as neglecting families, criminal damage, and non-payment of fines and rates; third, crimes of property, including, *inter alia*, burglary and other 'Group II' crimes; and fourth, violent crime. The results for the years 1845-56 are represented in Table 8.4.²⁶

²⁵ This table excludes four arrests for crimes that led only to discharges: three counts of 'coining' and one of 'assault with intent to commit an unnatural crime'.

²⁶ As with the other tables in this section, the exact breakdown of which crime received which label is recorded in Appendices 3 and 4. The methodology and categorisation used involves making the category of 'disorderly' as small as possible. Thus, some offences that could be defined either as

Table 8.4 Categories of crime 1845-56

	Type of crime for which arrest was carried out: absolute.				Type of crime for which arrest was carried out: per 100,000.			
	Disorder	Misc.	Property	Violence	Disorder	Misc.	Property	Violence
1845	1495	373	453	235	1244	310	377	196
1846	1733	448	385	307	1414	365	314	250
1847	1511	356	504	309	1208	285	403	247
1848	1827	382	519	278	1433	300	407	218
1849	1751	488	512	342	1346	375	394	263
1850	1878	417	379	513	1416	314	286	387
1851	2234	675	430	467	1651	499	318	345
1852	2579	635	512	423	1848	455	367	303
1853	2330	475	535	524	1618	330	371	364
1854	2187	620	615	592	1471	417	414	398
1855	1720	572	657	428	1121	373	428	279
1856	1590	497	713	495	1005	314	450	313
Total	22835	5938	6214	4913				
	Percentage breakdown:				57.2	14.9	15.6	12.3

It is possible to conduct a similar exercise for the period 1859-62. Through this, we can see whether or not the fall in arrest rate between 1856 and 1859 could be explained by the police changing their priorities.

'Disorderly' or 'Miscellaneous' have been represented as the latter. This is so in order to underpin and defend the conclusion that 'disorder' is one of the key components in policing. The offences 'Disorderly Apprentices' and 'Breach of the Peace' are placed under 'miscellaneous' since the former appears to refer to 'indoor' control by masters, while the latter often covered 'regulatory' nuisances such as obstructing the highway.

Table 8.5 Categories of crime 1859-62

	Type of crime for which arrest was carried out: absolute.				Type of crime for which arrest was carried out: per 100,000.			
	Disorder	Misc.	Property	Violence	Disorder	Misc.	Property	Violence
1859	1857	414	485	434	1068	238	279	250
1860	1708	399	516	293	952	222	288	163
1861	1774	448	679	296	958	242	367	160
1862	1530	450	659	283	805	237	347	149
Total	6869	1711	2339	1306	3783	939	1281	722
	Percentage breakdown:				56.2	14.0	19.1	10.7

Table 8.5, compared to Table 8.4 demonstrates quite clearly that the balance of policing effort - as opposed to the total number of arrests - did not change significantly with Raynor's replacement by Jackson.

Several conclusions can be drawn from the study of arrests. Arrests short-circuit at least some of the problems associated with the 'dark figure' of crime. They are an institutional measure and thus their existence is not arguable. From an 'interactionist' perspective, the arrest is the one measurement that most of the activity of the police in the criminal justice system has in common. The only exception to this, proceedings by summons, will be discussed below. Many arrests - perhaps the majority - are for 'disorder' rather than for crime. In this situation there is no objective sequence that runs (with ever smaller totals) "reported crime → arrest → prosecution → conviction" from which we can extract or extrapolate 'real crime'. Instead, the sequence for many arrests runs "arrest → prosecution → conviction". The crime is never reported and recorded as such: the decision to initially label an event as a crime (or, more accurately, a person as a criminal) is made by a police officer, who then proceeds to make an arrest, if he can.

It is possible to identify two different paradigms in the conceptualisation of crime. One view sees crime as mainly indictable, and therefore best represented by 'serious' crimes of property. Philips' work on the Black Country falls into this category.²⁷ The other looks at the activity of the criminal justice system as a whole, concluding that interaction is dominated by 'petty' crime. V. Gattrell (in 'Policeman-state') and J. Davis, fall into this second category,

²⁷ Philips, (1977), p. 84.

seeing petty crime as the key determinant of police-public interaction.²⁸ Their studies are mainly qualitative: mine is intended to add another quantitative dimension, and extend it back to before 1856.

The main justification for the central position held by indictable crime is that it was 'more important' and this can be measured by the length of sentences that were given for it.²⁹ One way that the 'social footprint' of crime can be evaluated is by counting the relative occurrence of different types of prosecution. Of the 39,900 arrested in the twelve years after 1844, only 2,219 were committed to trial at Quarter Sessions or Assizes - 5.56%. In the period 1857-62, after the introduction of the 1855 Criminal Justice Act, there are records of action (arrests and summons) being taken against 33,285 people. It is likely that the totals included for those summoned in 1857 and 1858 are not comprehensive, and the figure for the total number dealt with is thus higher still. Out of this number, only 1,015 were committed for indictable offences - 3.05%.

If we consider the length of the sentences given out, the serious offences begin to look a bit more important. For 1859-62, there were 486,676 person-days of imprisonment delivered by indictable offences (including larcenies prosecuted summarily), while only 121,355 were obtained from summary offences.³⁰ However, the number of imprisonments paints a different picture: 583 sentences for indictable crime (for which the average sentence was 711 days) against 3,341 for summary crime (for which the average sentence was 70 days). If women alone are observed, the measurement of 'incarceration-days' for summary crime is an even higher proportion: more than half.³¹ These data support the contention that the impact of summary offences was not just felt via the fact of arrest, but also through significant periods of imprisonment. In addition 1,750 of those arrested were fined for summary crimes in these four years (7.09%). There is no information on average fine levels that would enable some kind of analysis of the financial impact to be carried out. Newspaper sources are inherently

²⁸ Gattrell, (1991), pp. 279-281; Davis, (1984), p. 312.

²⁹ Gattrell, (1980), p.245.

³⁰ This calculation assumed the following. 'Larceny' was treated as an indictable offence, even when it was prosecuted summarily. 'Assault' was treated as a summary offence, since no assaults in this period led to indictment. Imprisonment as a result of failure to pay fines or bail, for which no length is given in the returns, was considered to last 7 days. Sentences to reformatory school were treated as being 1 year long, and 'life' was held to be 25 years. No significant change resulted from alterations in these assumptions of sentence length.

³¹ 61,862 days were delivered to women by sentences on indictment, and 31,900 on summary conviction.

unreliable for this purpose since they concentrate on the more 'interesting' and serious crimes. Around one third of those who were fined were committed to prison in default of payment: which suggests that the level of fines was close to the maximum that the largely working-class offenders could afford.³² Measurement of the impact of these sentences is made difficult by the problems involved in determining their length, and the proportion of them served.

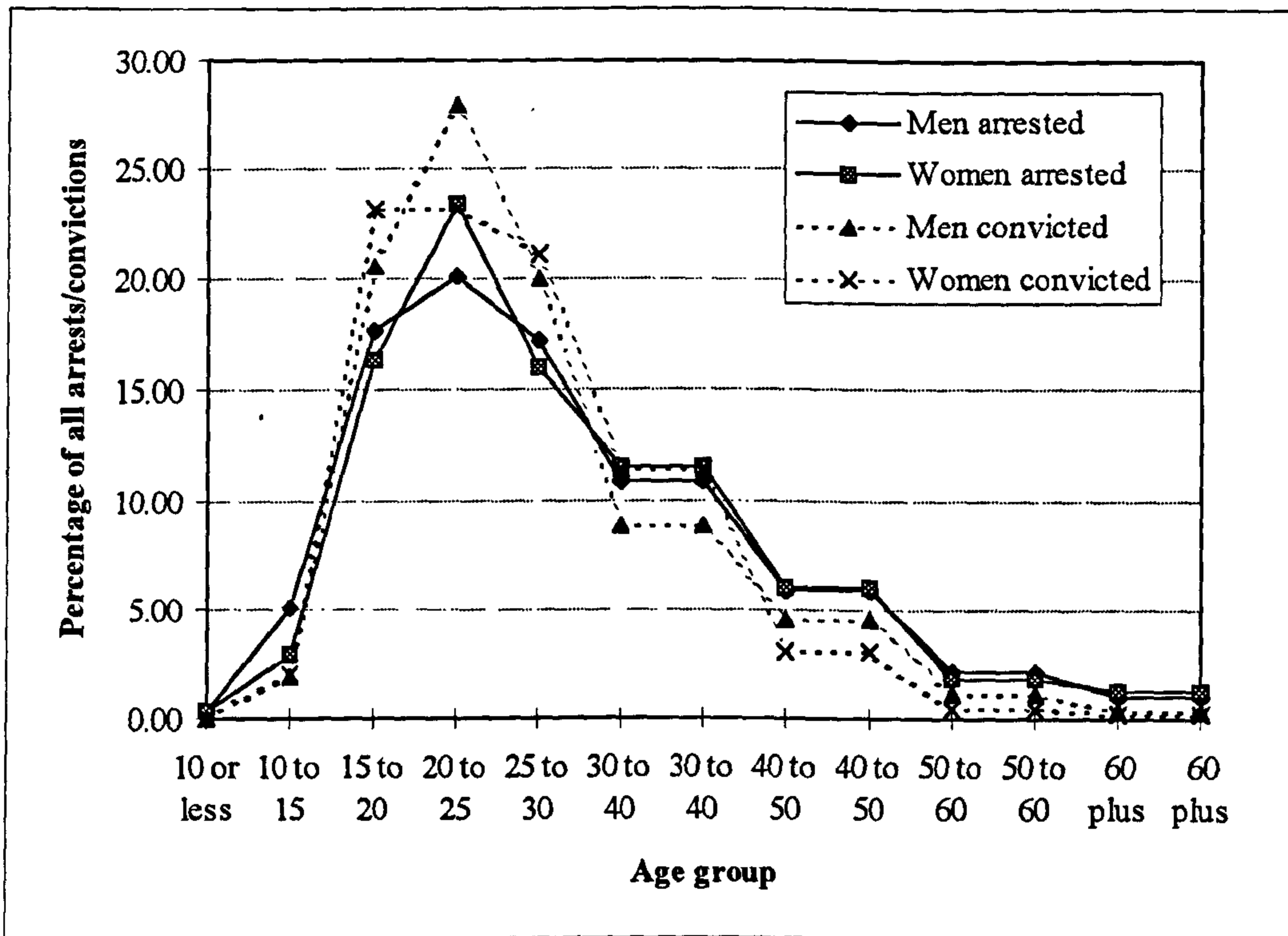
So while the larger *number* of incarceration-days was delivered via imprisonment for indictable offences, by far the largest number of *people* was affected - often significantly - by imprisonment for summary offences. Summary sentences could be up to six months long. Even a sentence of one week could have a serious effect, as a writer in *Justice of the Peace* made clear: 'The loss of the means of subsistence for a week is felt badly enough in a family existing upon the wages of daily labour.'³³

While the majority of sentences delivered on indictment were for a year or more, a significant proportion of them were for six months or less. Comparable information exists on the ages of the prisoners available for two different categories over the period 1844-56. The first is for those taken into custody (39,993). The second is for the 1,791 of those who were tried and convicted for indictable offences. These two profiles of ages are different: further evidence that the offender profiles for indictable offences cannot be used as a proxy for 'all crime'.

³² The exact number of those imprisoned for non-payment was 527 out of 1750 (30.1%).

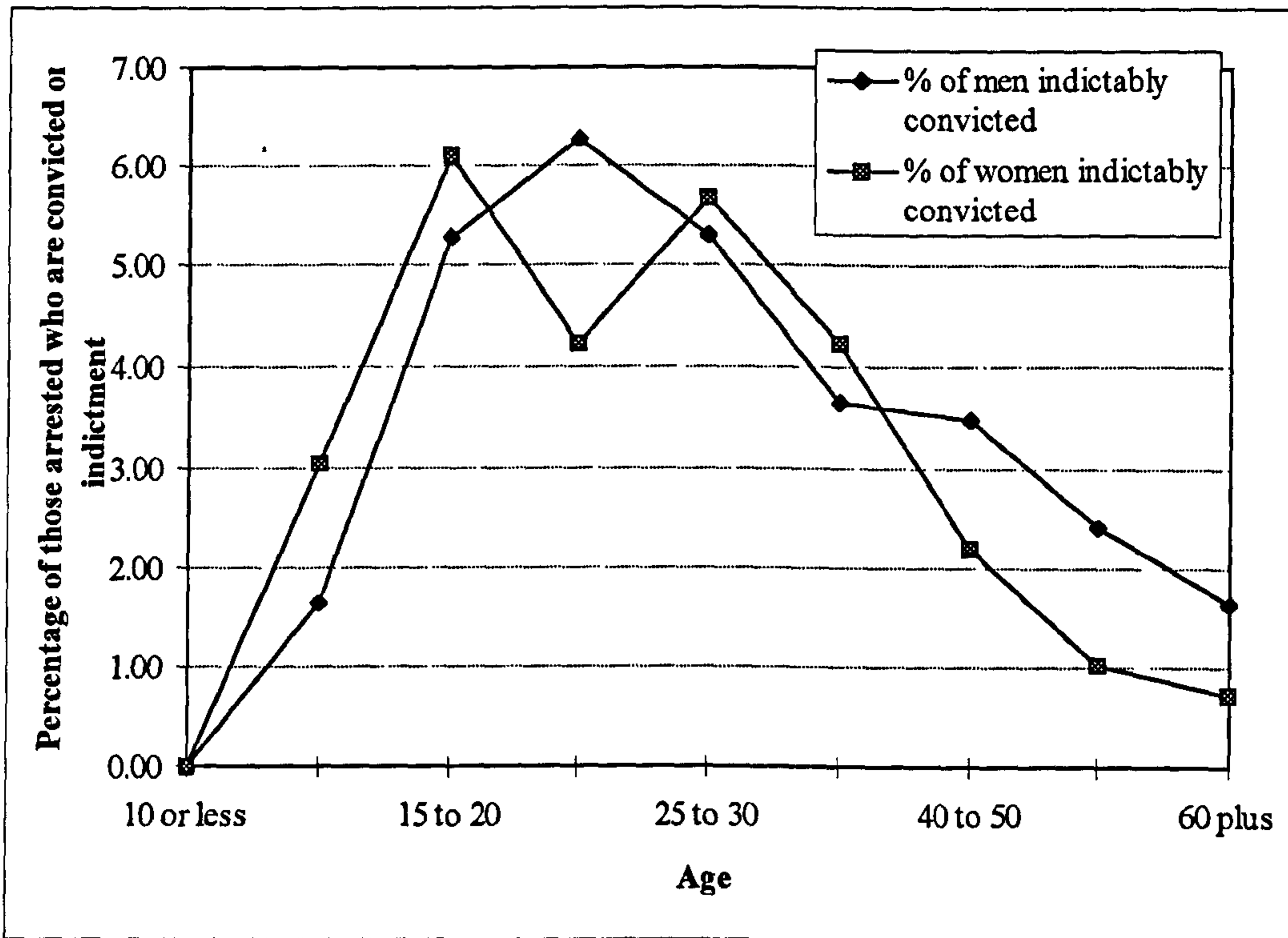
³³ *Justice of the Peace*, March 3, 1855: p. 131.

Graph 8.1 Age profiles of arrests and indictable convictions, 1845-56



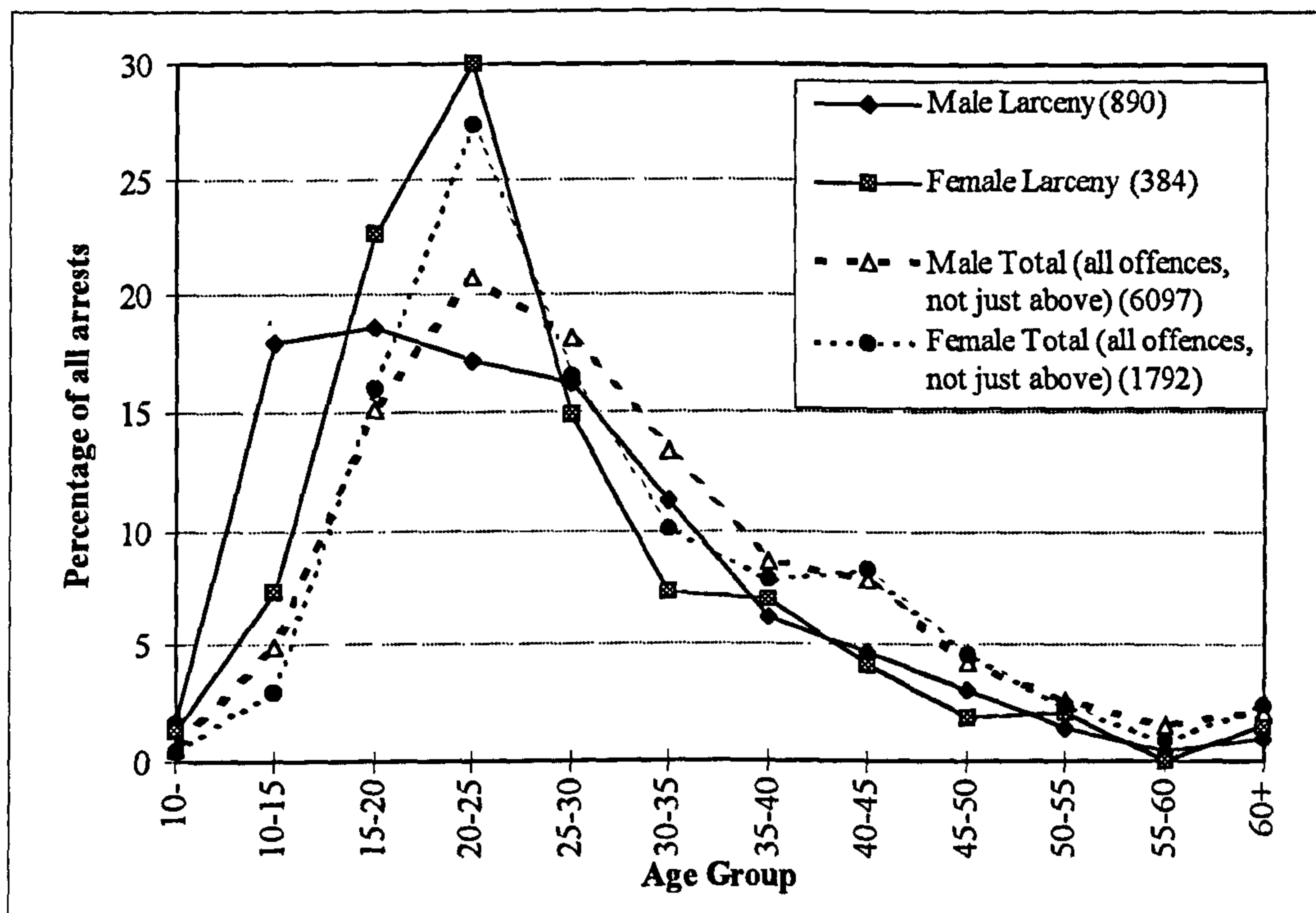
Graph 8.1 shows the age profiles of those arrested and of those convicted for indictable offences respectively. Notice that the ages are not aggregated evenly - they are grouped in 5-year cohorts between 10 and 15, and 10-year cohorts outside these ages. The cohorts over 30 have been halved (therefore '30 to 40' and older age ranges appear twice on the x-axis) to preserve as much detail as possible whilst giving an accurate impression of the age profile. An interesting point revealed by Graph 8.1 is that despite mid-Victorian concern with juvenile crime, the number of 10 to 15 year olds arrested is remarkably small. Even the next age group up, 15 to 20, accounts for only about 7000 of the apprehensions, while between them, the next two five-year cohorts account for 8,200 and 6,800 arrests.

Graph 8.2 Differences in the chance of conviction: age profiles of those arrested and those convicted on indictment



This data on ages can also be used to establish one of the differences between those arrested and those committed for trial. The proportion of those arrested in each age-group that are convicted of an indictable offence varies considerably. This is represented by Graph 8.2. None of the 119 persons under 10 were convicted. Only 1.8% of those aged 10 to 15 were, and while the proportion for the age-groups between 15 and 30 is relatively constant at between 5.4% and 5.9%, for the 30 to 40 age-group it is 3.8%, and for the 40 to 50 age group 3.3%. It is only 2.2% for the 50 to 60 year-olds and 1.5% for those above 60. This uneven progression through the system makes an important point about the unrepresentative nature of records dealing only with indictable offences, and studies based on these records. A larger proportion of older and younger people were not making it onto these statistics. Possibly, this was because they were being arrested for less serious crimes. Alternatively the exercise of discretion by public, police and/or justices could result in their cases having a higher likelihood of resulting in summary conviction or discharge. In Chapter Nine below, the prevalence and legitimacy of 'private justice' for juveniles will be examined. It is possible to test the hypothesis, that children were arrested for less serious crimes by looking at the period 1859-62, when age breakdowns were given for all offences.

Graph 8.3 Age profiles of those arrested for larceny, 1859-62



Graph 8.3 compares the age profile for larceny (by far the largest component of indictable crime) against that of all those arrested. As can be seen, young people were more likely to be arrested for larceny than for other crimes. Larceny also made up a very high percentage of those arrested: in 1859, of 122 youths between 10-15 apprehended, 62 were held for larceny. This was particularly true of boys in the 10-15 age group, and girls in the 15-20 age group. So (making the reasonable assumption that the pattern did not change totally in 4 years) the under-committal of youths in 1844-56 is not down to their being arrested for less serious offences. Nor is it due to their being sentenced under the JOA: no such sentences are recorded in this period. The under-committal of age could well be a different matter: older people were proportionately less likely to be arrested for larceny than they were for other offences. Their under-committal probably does refer to their committing different offences rather than any degree of sympathy.

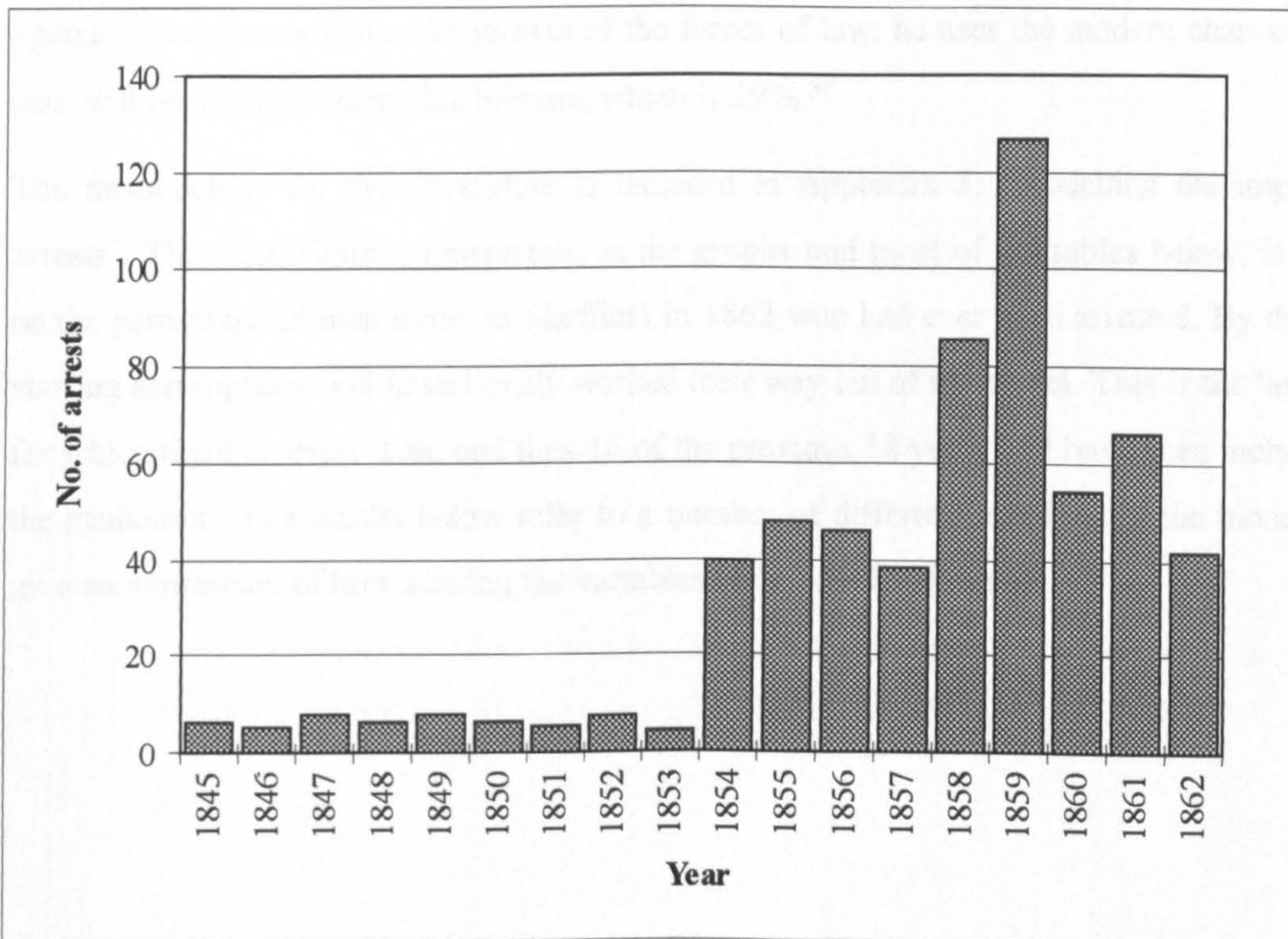
The overall proportion of women in the total figure of those apprehended between 1845 and 1856 is 14%.³⁴ This rate varies from offence to offence. Unsurprisingly, the category of

³⁴ This compares with a national total of 21.2% in 1857, for women proceeded against for a summary offence. Zedner, (1991), p. 308. These figures, however, are based on totals of those arrested and summoned. As we shall see, however, the proportion of women summoned was far higher than the proportion of women arrested.

'disorderly prostitutes' is 100% female - this offence alone accounts for around a fifth of the 5,500 women arrested. Women represent twice this average proportion, 28% or more, in the categories of 'receiving stolen goods', 'larceny from the person' and 'pawning or disposing of property illegally'. They represent between 20% and 28% of those held for the offences of 'miscellaneous vagrants', 'vagrants begging', and 'felony' - the category that includes most theft. Conversely, women make up less than 8% of those arrested for all crimes of violence. Only 161 were arrested for common assault - just 4.2 percent of the total. So the arrest record reveals that while crime as a whole was mainly 'male', property crime was more open to equal opportunity, and those arrested for violent crime were overwhelmingly men. It must be pointed out that while only 5.5% of the 277 arrested for assault in 1859 were women, 26% of the 941 charged with assault via summons from a private individual in that year were female.

Arrest rates are a reflection of reality, they are often only a partial one. Graph 8.4 shows the numbers arrested for 'desertion from the army' between 1845 and 1862.

Graph 8.4 Desertion



There are two possible explanations for the steep rise in arrests in 1854. The first is that the police were merely arresting a constant proportion of deserters, but this rose due to the Crimean War. This does not explain the fact that the numbers arrested stayed high long after this war ended. The alternative explanation is more persuasive. This is that the police had,

before the war, not devoted much energy to looking for deserters. However, the onset of the war brought the issue of deserters into prominence, and thus they looked for them with far more vigour. The 'enforcement wave' became a permanent shift in the level of vigilance: even after the war ended, the police remained on the look out.

The *size* of the intervention is significant. In 1852 over 4000 people were arrested - this is 3% of the borough's population. Once we take into account the fact that the majority of those arrested were young men, the proportion who passed through the police's hands in any one year becomes even more significant. This proportion does not appear to be dominated by the same people being apprehended again and again. The earliest year for which there is information on the proportion of those arrested who were previously unknown to the police is 1859. In this year, only 28% of the arrests were of people 'previously known to the police'. If anything like that proportion was the case for the other years of mid-century, then the reach of the police as a institution over a long period of time is indeed 'startling'.³⁵ Given that the number of people arrested annually is known, it is surely desirable to attempt to work out how many were likely to have been arrested in total. The target figure here is the percentage of men who were likely to have had experience of arrest. Gattrell sets up a bench-mark against which he compares the growth of the forces of law: he uses the modern chance that a man will be arrested during his lifetime, which is 29%.³⁶

The methodology for this procedure is included in Appendix 5: 'Modelling the impact of arrests'. The 'final figure', represented in the graphs and most of the tables below, is based on the percentage of men living in Sheffield in 1862 who had ever been arrested. By then the starting assumptions will have largely worked their way out of the model. This is the last year for which there is arrest data, and thus 16 of the previous 18 years will have been included in the evaluation. The results below refer to a number of different iterations of the model, and give an impression of how altering the variables alters the 'final' result.

³⁵ Gattrell, (1991), p. 279.

³⁶ Gattrell, (1991), p. 278.

Table 8.6 Modelling arrest rates

	Conservative Estimate		Best Fit - All Males		Best fit - Working-class Males	
Wastage (yr.)	0.10		0.05		0.05	
Sub-pop prop	0.50		0.50		0.35	
Re-arrest prop:	0.50		0.31		0.31	
1863 records:	8825		18594		18594	
1863%:	9.29		19.57		27.95	
Year	Percentage ever arrested	Number ever arrested	Percentage ever arrested	Number ever arrested	Percentage ever arrested	Number ever arrested
1852	9.22	6436	15.58	10873	22.25	10873
1853	9.87	7110	17.01	12247	24.29	12247
1854	10.47	7781	18.36	13648	26.23	13648
1855	10.63	8149	19.08	14636	27.26	14636
1856	10.69	8456	19.63	15538	28.05	15538
1857	10.55	8617	19.87	16228	28.39	16228
1858	10.40	8761	20.04	16883	28.62	16883
1859	10.21	8876	20.11	17483	28.72	17483
1860	9.77	8766	19.77	17741	28.25	17741
1861	9.56	8851	19.72	18255	28.17	18255
1862	9.29	8825	19.57	18594	27.95	18594

The 'best fit' column for all males uses a repeat rate that was close to the average for the four years (1859-62) when it was given. Table 8.7 below shows the extent to which the results are sensitive to alteration of the variables representing the 'Wastage rate' (the proportion of men who have been arrested who leave the town or die each year) and the re-arrest rate (the proportion of arrests that are of people who have already been arrested at least once). It also gives the average 'lifespan' that is produced by various 'wastage' rates. This figure covers both out-migration and death.

Table 8.7 Cumulative chance of arrest in 1862

Av. 'lifespan' (years)	Wastage (%)	Re-arrest rate (%)						
		15	20	25	30	35	40	45
33.3	3	28.89	27.19	25.48	23.79	22.09	20.39	18.69
25.0	4	26.37	24.81	23.26	21.71	20.16	18.61	17.06
20.0	5	24.11	22.69	21.27	19.85	18.43	17.01	15.60
16.7	6	22.08	20.78	19.48	18.18	16.88	15.58	14.28
14.3	7	20.25	19.06	17.87	16.68	15.48	14.29	13.10
12.5	8	18.61	17.51	16.42	15.32	14.23	13.13	12.04
11.1	9	17.13	16.12	15.11	14.10	13.09	12.09	11.08
10.0	10	15.79	14.86	13.93	13.00	12.07	11.14	10.22

The main conclusion that can be drawn from the table above is that, even for the male population as a whole, some highly conservative estimates need to be adopted to end up with a figure of less than 10% arrested by 1862.

Davis has questioned the extent to which the nineteenth-century state 'was either able or willing to intervene in the everyday affairs of its subjects through the agency of the newly organised police courts in order to systematically suppress law breaking'.³⁷ Conversely, Gattrell sees the 1860s as the starting point of the 'policeman-state'.³⁸ The conclusions that can be drawn from the work above suggest that even before the 1860s, the 'reach' of the police across society was very wide. Gattrell uses a figure of one man in 29 (3.5%) being arrested, or summoned in 1861: the figures above show that a similar proportion, when conservatively considered in conjunction with likely repeat rates, it produces a lifetime chance of conviction approaching modern levels (29%). Perhaps even more significant is the fact that the percentage rates produced during the 1850s are even higher than those seen in 1863. Sheffield was one of the most thinly-policed large towns in the country: Liverpool, Manchester, Hull and London had far more police per head of population, while, Birmingham and Leeds had substantially more too.³⁹ So it is less likely that Sheffield can be considered as an exception to a general rule. As Gattrell points out, urban areas felt the impact of the

³⁷ Davis, (1984), p. 315.

³⁸ Gattrell, (1991), p. 263.

³⁹ Gattrell and Hadden, (1972), p. 358.

policeman-state first, and the police/population ratio for much of the rest of the country is lower than Sheffield's. The average rate for county forces in 1861 was 1:1,489, for borough forces it was 1:792, and for the Metropolitan force, 1:504.⁴⁰ Sheffield's ratio in 1861 stood at 1:969.⁴¹

As well as the great size of the intervention, other conclusions can be drawn from its qualitative nature. Arrest data show incontrovertibly that, measured by their arrest rate, the police were not concentrating on property crime or on crimes of violence. The number of arrests for theft was a small proportion of the total arrests. By far the largest proportion were for 'disorderly', offences, and these offences were only prosecuted after arrest. For miscellaneous and 'violent' offences, there *are* other important interventions by the legal system to consider as well as that of arrests. The impact of summonses, and how this differs from that of arrest, will be considered in Part Seven below.

Part Four: Treatment of offenders after arrest

There were several possible outcomes. After arrest, prisoners were taken before a magistrate sitting in Petty Sessions and charged. They could then be discharged, or subjected to summary punishment, or committed to appear at Quarter Sessions or Assizes to face trial. As described in Part Three above, some offences could only be tried summarily, some only on indictment, and some (notably assault) by either process. Before a trial on indictment, the prisoner could be released if a grand jury reached a verdict of 'no true bill'. After trial, they would either be found guilty and sentenced, or acquitted.

Of the 39,900 people arrested between 1845 and 1856, the following outcomes were recorded:

⁴⁰ Gattrell and Hadden, (1972), p. 275.

⁴¹ WCM, Oct. 25, 1860.

Table 8.8 Outcomes for those arrested, 1845-56

	Male	Female	Total	Male	Female	Total	% of category female:
Taken into Custody	34,229	5,671	39,900	% apprehended who are:			14.21
Discharged by the Magistrates	8,819	2,935	11,754	25.76	51.75	29.46	24.97
Summarily Convicted, or held to bail	23,272	2,369	25,641	67.99	41.77	64.26	9.24
Convicted under Criminal Justice Act.	89	37	126	0.26	0.65	0.32	29.37
Convicted under Juvenile Offenders' Acts	134	26	160	0.39	0.46	0.40	16.25
Committed for Trial	1,915	304	2,219	5.59	5.36	5.56	13.70
				% committed who are:			
Convicted and Sentenced	1,550	241	1,791	80.94	79.28	80.71	13.46
Acquitted.	317	49	366	16.55	16.12	16.49	13.39
Bills not found, or not Prosecuted	48	14	62	2.51	4.61	2.79	22.58

Looking at the data for the period 1845-56, we can see some of the variables acting on the prisoners as they progressed through the criminal justice system. The aggregate nature of the data makes it difficult to draw many complex conclusions relating to more than two factors: the nature of the offence, and the gender of the prisoner.

The decision that made the most impact was that taken by the Magistrate in Petty Sessions. Over a quarter of all those arrested were discharged: almost two thirds were released after summary punishment. This discharge rate, and the chance of punishment, varied substantially on a gender basis: women were far more likely to be released and far less likely to be summarily convicted. Their chance of committal, on the other hand, was the same. The features of this imbalance can be explained to an extent by the nature of the charges that women were facing, as will be discussed below. The global figures clearly show the insignificance of the grand jury by this period. Of the 39,900 arrested, only (a maximum of) 62 were released on the intervention of this body. Acquittal at Quarter Sessions or Assizes accounted for 366 people, but the chance of acquittal differed considerably for different offences. For instance, while the average acquittal rate was 16%, that for manslaughter ran at 41%. This is probably the case because the seriousness of the offence meant that magistrates were reluctant to pass final judgement on it at Petty Sessions, and therefore were more willing

to send serious cases - even those with weak prosecution evidence - to higher courts. In gender terms, acquittal was no less likely for women than it was for men: the apparent favouritism shown towards women at the lower levels of jurisdiction did not extend to the higher levels.⁴²

Analysis of the figures divided by offence is really a process of refining and describing the nature and labels that are attached to criminals. The most significant decision that was taken was the initial decision as to which charge a prisoner would face. This certainly had something to do with the 'reality' of what the prisoner had done, but, as the evidence of 'suspicious characters'/'rogues and vagabonds' illustrates, the decision to charge was very much a potentially retrospective labelling process, the label may have been attached after the initial decision was taken. After 1849 nobody is ever convicted of being a 'suspicious character' - and after 1854 nobody is recorded as being discharged as a 'rogue and vagabond'. It seems that a category of people were being arrested who, if released were deemed to have been 'suspicious persons' all along. If convicted, they were retrospectively tagged as 'rogues and vagabonds'.

Four areas will be examined here, and the patterns of each explored: property crime, violent crime, 'disorderly' crime, and 'regulatory' crime.

There were three main categories of property crime. A substantial proportion of it was, even before 1855, prosecuted as a misdemeanour rather than a felony. This covered 775 arrests, 13% of all those arrested under Category III between 1845 and 1856. These offences were: 'Robbery in Gardens, &c'; 'Obtaining Money or Goods by false pretences'; 'Pawning or disposing of property illegally'; 'Embezzlement'; and 'Frauds'. The characteristic pattern for 'summary robbery' is of lower (39%) discharge rates and higher summary conviction rates.⁴³ The level of punishment before 1855 is hard to judge. After 1855 the normal punishment for this sort of offence was a sentence of 1-6 months in prison.

The majority of property crime (4928 arrests) was prosecuted as larceny - 'Felony' in the returns. Other non-violent property crimes that shared the same characteristics included: 'Larceny from the Person'; 'Horse-stealing'; 'Cattle Stealing'; and 'Receiving Stolen Goods'.

⁴² One possible exception is the proportion of 'bills not found' for women by grand juries: far higher than that for men. However, the low absolute total (14) of this number renders any conclusions based on it problematic.

⁴³ Of course, the other two categories of property crime were prosecuted only on indictment, and thus had a summary conviction rate of zero before 1855.

The characteristic pattern here was of a high discharge rate, and a low committal rate. This offence is examined in greater detail in the section below on the impact of the 1855 Criminal Justice Act. A very small proportion (205 arrests) of property crime was violent, or potentially so. This was prosecuted under the categories of: 'Robbery from the person by force or threat', 'Burglary', and 'Assaults, with intent to commit robbery'. The mode (i.e. average, in the sense of the one most often occurring) pattern for these offences involved a low (37%) discharge rate, and a high (60%) committal rate. Of those committed, though, only 70% were convicted: a lower rate than those for non-violent indictable property crime (81%) and summary property crime (87%).

The second major category of crime was violent crime. As a whole, violent crime had a low discharge rate (10.6%) and a very high rate of summary conviction (85%). Of the 153 people committed for trial, 28.8% were acquitted. These totals, however, are the product of some very different offences. Most (3655/4913) arrests for violent crime were for common assault, the majority of the remainder (692 arrests) consisted of assaults on police officers. Of those arrested for assault, 11% were discharged, which accounts for the low overall discharge rate for violent crime. Just 0.4% were committed to trial, even though assault could be tried on indictment. Such a small percentage renders problematic any study of the published national statistics which looks at the numbers of those indicted for assault. The pattern for 'assault on a police officer' provides a useful index to the extent to which the magistrates believed the evidence of the police force. The discharge rate for this offence was just 4.4%: one of the lowest recorded.

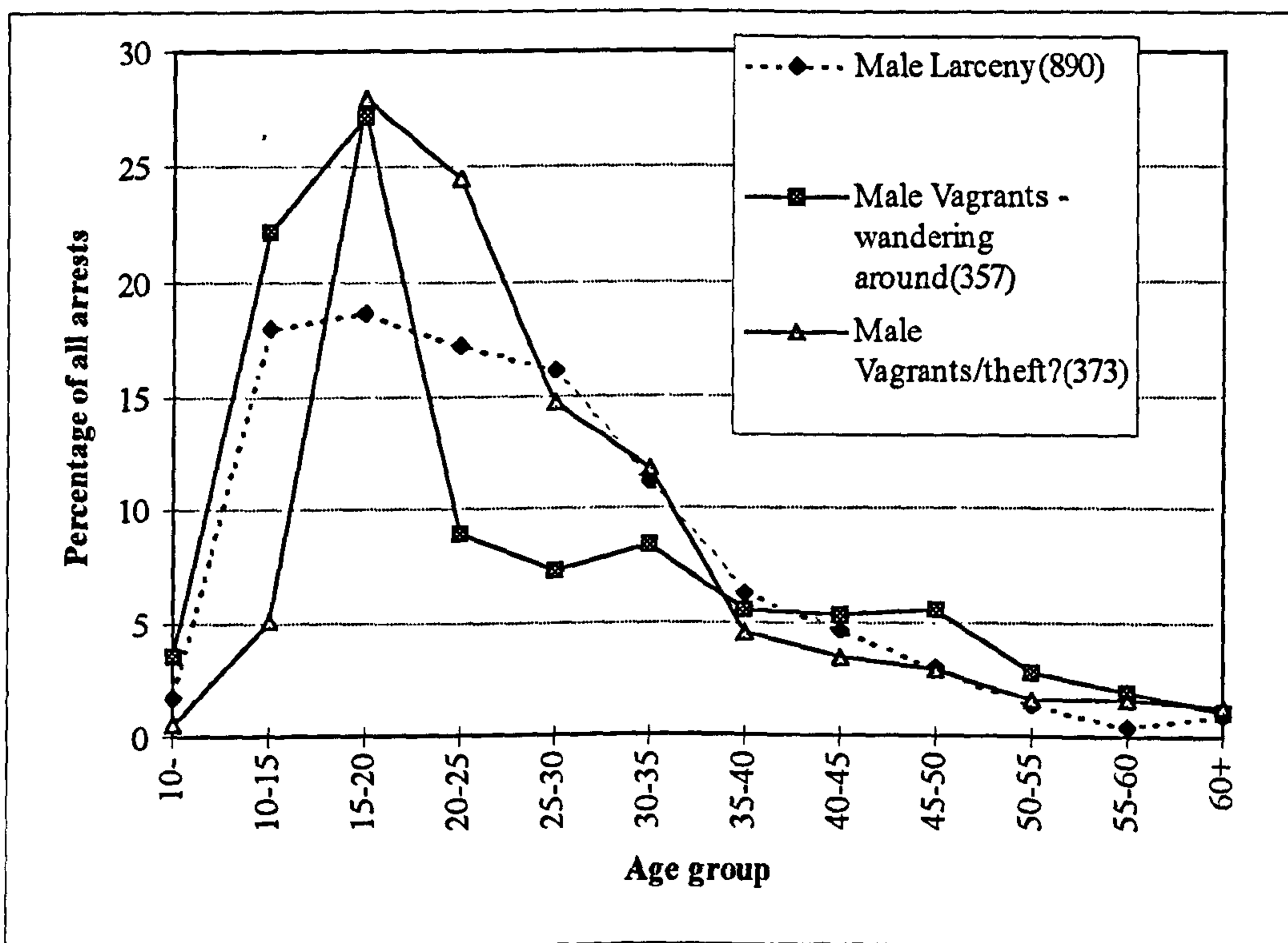
More serious violence showed a different pattern. 'Aggravated assault on females', 'assaults by cutting and maiming', and 'shooting with intent to kill' were characterised by different patterns. The first (54 arrests) had a 100% summary conviction rate - a rarity. The second (59 arrests) saw 34% discharged, 6% summarily convicted and 60% committed. 'Shooting with intent to kill' (19 arrests) had 21% discharged, and the remainder committed. However, this latter charge had a 43% acquittal rate to the former's 19%. Offences relying on proof of intent appear to have been harder to prove. This was true of rape, which combined a discharge rate of 50% - very high - with an acquittal rate of 42%. Of 24 men arrested for this crime in 1845-56, only 7 were convicted. Intention was also important in the prosecution of murder, which had a acquittal rate of 60% - 3 out of the 5 people tried for it. Manslaughter charges far outnumbered those for murder (37 to 7). The discharge rate was very low but the acquittal rate was high. In cases of homicide, Borough JPs appeared to be more willing to leave the decision to higher courts.

The third major category was disorder-related crime. Even conservatively defined, this amounted to more than half the arrests. As far as stated reason for the arrests went, what the police were mainly doing was arresting people for disorder-related offences. These people were guilty of being 'drunk and disorderly', 'drunk and incapable', 'disorderly', or just 'drunk', of being 'miscellaneous vagrants', 'rogues and vagabonds', 'disorderly prostitutes', 'disorderly apprentices', 'disorderly servants', 'disorderly paupers', and 'suspicious characters'. Disorderly crime had a similar pattern to violent crime in that the majority of it was perceived as minor. The discharge rate was relatively high at 30%, with almost all the remainder summarily convicted. The only people committed in this category were the 28 men who were convicted of riot. Within the 'disorderly' category, there was also a significant variation of outcome by offence. 23% of the 7584 arrested for being drunk and disorderly were discharged, while 39% of the 2076 arrested for being 'disorderly' were. The existence of and links between the offences of 'rogues and vagabonds' and 'suspicious persons' has already been discussed. Vagrancy was the most important other component in this category. All the various charges relating to this offence had a discharge rate of over 50%: the mode punishment for this, therefore, was a night in the cells.

The fourth major category was 'regulatory' crime. To a great extent (unlike all other crimes except assault), the pattern of prosecution for these offences was significantly affected by forms of procedure other than arrest: these will be examined in more detail in Part Seven below.

In 1857 the categories of 'rogue and vagabond' and 'suspicious character' were abandoned. They appear to have been subsumed as a part of the category 'vagabond'. One possible reason for the predominance of this definition is that it was being used by police to prosecute for larceny, or there was no suitable private prosecutor, to obtain a larceny conviction. In short, there is a possibility that a significant proportion of those charged with vagrancy related offences were in fact suspected criminals.⁴⁴ It is possible to test this hypothesis separating the vagrants 'found wandering' from another group composed of those found acting suspiciously, and comparing the two 'vagrancy' age profiles to that of those charged with larceny. If the vagrancy charges were being used as substitutes for larceny prosecution, the age profile may well be similar. Certainly the profile of those arrested for the two different types of vagrancy crime could be expected to be different.

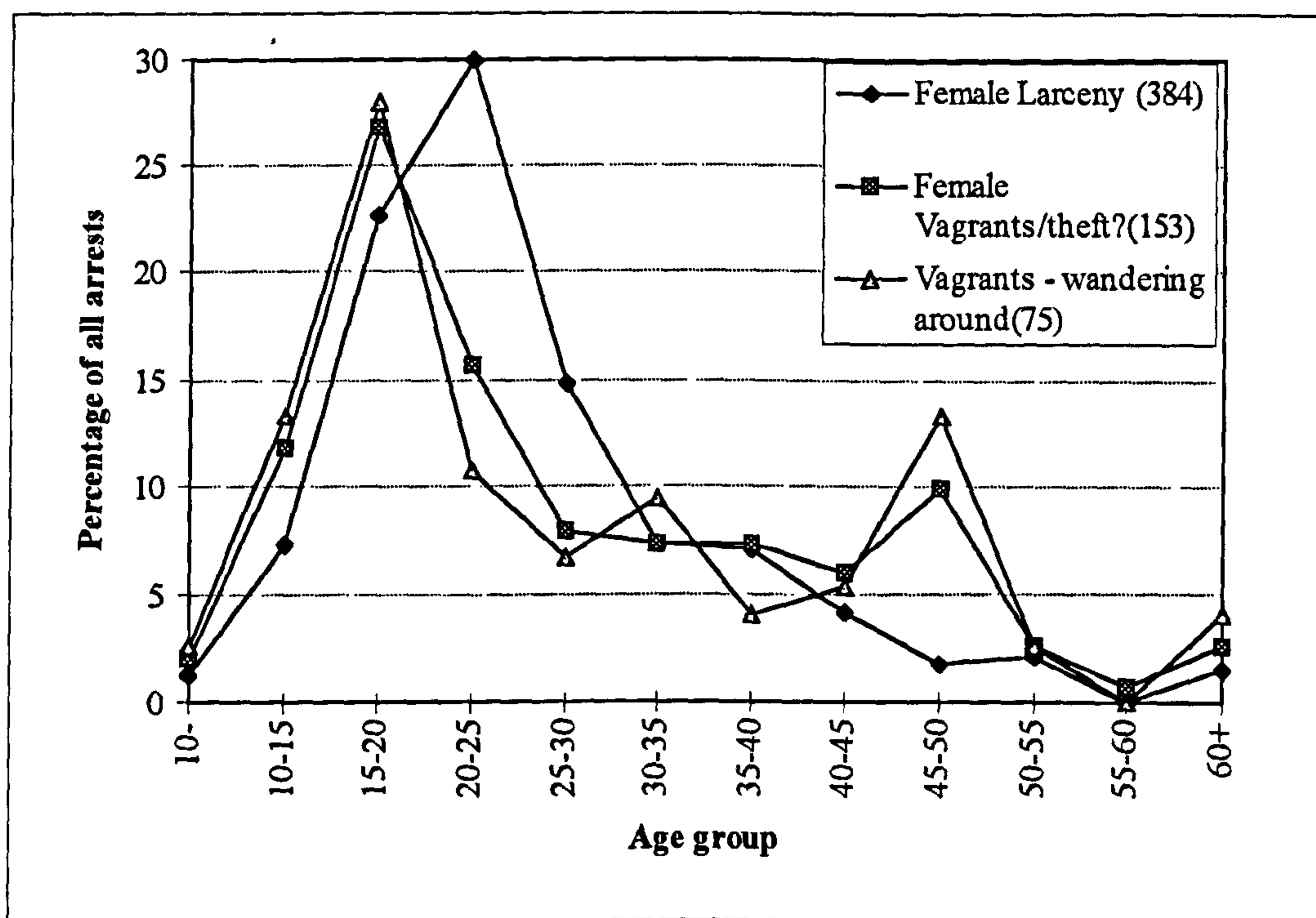
Graph 8.5 Age profiles of those arrested for larceny and vagrancy (men)



⁴⁴ The offences in question were: 'Vagrants, Having Unlawful Possession of Housebreaking Implements'; 'Vagrants, Found on premises for unlawful purposes'; and 'Vagrants, Frequenting places of Public resort with intent to commit Felony'. Some court reports make explicit reference to this practice: e.g. the *Independent* of January, 12 1822 reports a case before the magistrates where two men found lurking 'with pick-lock keys' were ordered to be whipped.

This is ambiguous: high numbers of 10-15 year olds are being charged with larceny, while 'theft-related vagrancy' charges in this group are small. All the vagrancy charges peak in the 15-20 age group, but the age profiles of the two vagrancy categories sharply diverge at this point. For ages over 25, the pattern shown by the 'theft-related' vagrancy is remarkably similar to that shown by the larceny prisoners. Graph 8.6 deals with the female prisoners on the same basis.

Graph 8.6 Age profiles of those arrested for larceny and vagrancy (women)



The picture here is more clear-cut: the two vagrancy categories appear to have very similar age profiles. Like the male profile, the female one shows a peak in the 15-20 category. The slight variation in the 'wandering' category can be explained with reference to the fact that the absolute size of this sample (75) is rather small. We can conclude, therefore that the majority of the people arrested for 'vagrancy' were indeed mostly just vagrants - the number who were charged with this offence as a result of re-labelling larceny was insignificant.

A total of 34,229 men and 5,641 women were apprehended, while 1,550 men and 241 women were sentenced. The patterns of arrest, discharge, summary conviction and acquittal do show a marked gender differentiation. Women were arrested for different crimes. This has already been examined in Part Three above. Women were also treated differently after arrest. In the period 1845-56, the overall discharge rate for men was 25.8%. For women, it was 51.8%. This is consistent with Zedner's conclusions on the way that criminal women were often

treated in the nineteenth century: 'women were less vigorously pursued than men, that judgements made upon those who were prosecuted were less severe, and that punishments meted out were less harsh.'⁴⁵ Nationally, in 1857 34% of men and 47% of women were discharged for summary offences, while 38% of men and 55% of women were discharged for indictable offences. To an extent, this difference is accounted for by the nature of the offences with which women were charged. Larceny was a very 'female' crime - 20.1% of those arrested were women. However, even within this charge, women were more likely to be discharged than men: their rate was 69.9% while that of men was 59.9%. The same pattern is even more visible for alcohol-related offences. For 'drunk and incapable', 62.0% of women were discharged, but only 23.1% of men. For 'drunk and disorderly', the figures were 55.0% and 17.7% respectively. For these two offences, 1752 women were arrested: 29% of the total number of women arrested.

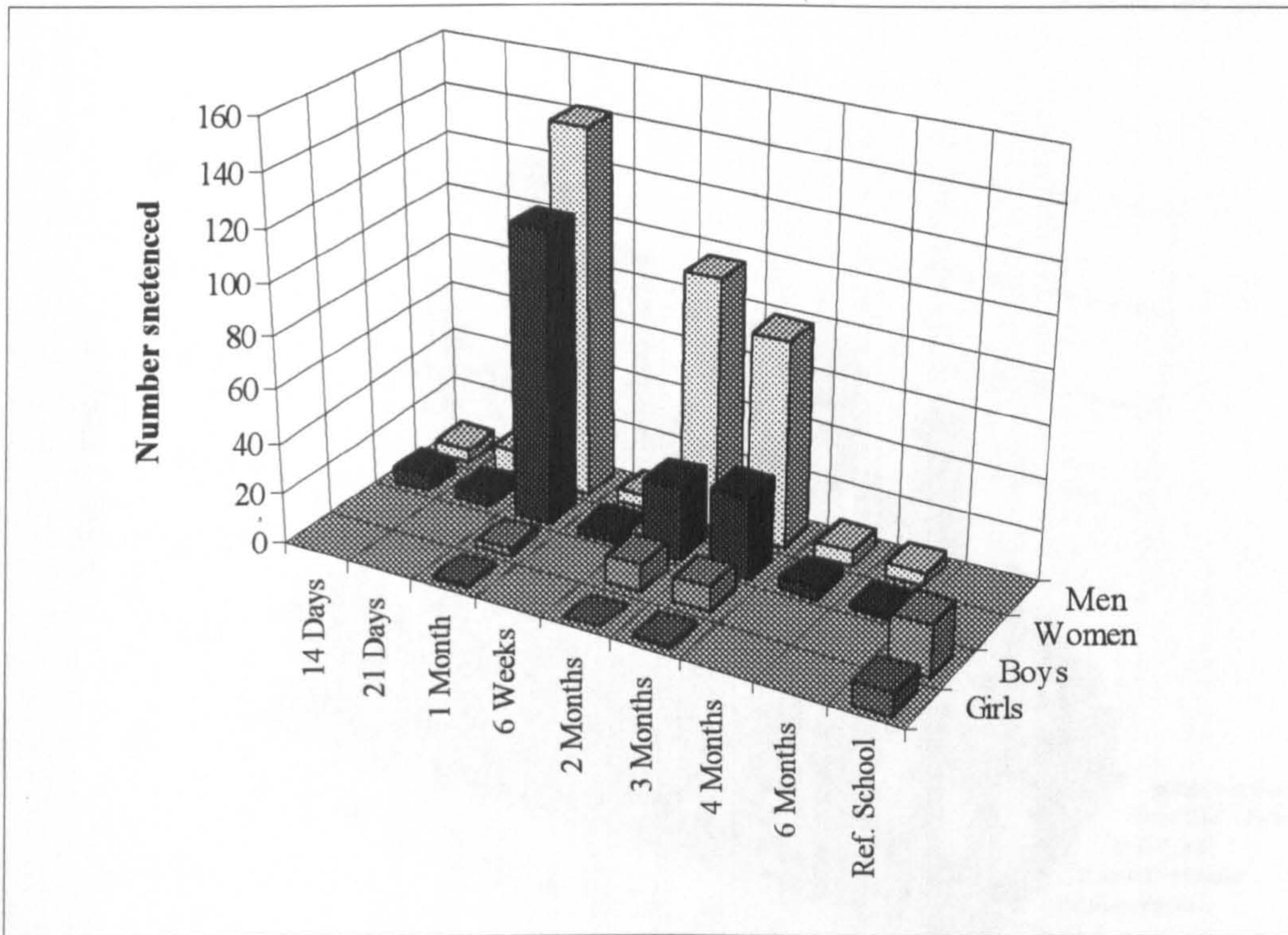
Women received different sentences. However, the average length of sentence was not very different from that for men. In 1859-62, for which years data were available, the average male sentence was 202 days: the average female sentence was 91 days.⁴⁶ While the average 'female' sentence was therefore 45% of the average male one, this figure was biased by a large (407 out of 914) number of one month sentences for prostitution. For the larceny offences that made up about a quarter of all women sentenced, the ratio was 60%, while for (233) sentences for vagrancy-related offences the average female sentence was between 79% and 85% of the male one.

The returns demonstrate the shape of the patterns of punishment. The first year for which there is detailed data on what happened to those convicted summarily is 1859 - when 3128 people were arrested. Of these, 855 walked free - 739 having been discharged, and 116 settling out of court. 1286 had to pay for their freedom, being either discharged on payment of prison fees, fined and paying, or held to bail. 845 stayed locked up - 137 because they could not find the required fines or bail, while 111 were delivered to the army, navy or militia, 142 were committed for trial at Quarter Sessions or Assizes, and 597 were imprisoned for a variety of periods, the most common being one or two months.

⁴⁵ Zedner, (1991), p. 26.

⁴⁶ This figure discounts 654 (out of a total of 3924) sentences that were pronounced on failure to pay fines, or to find bail, since no lengths are given for these.

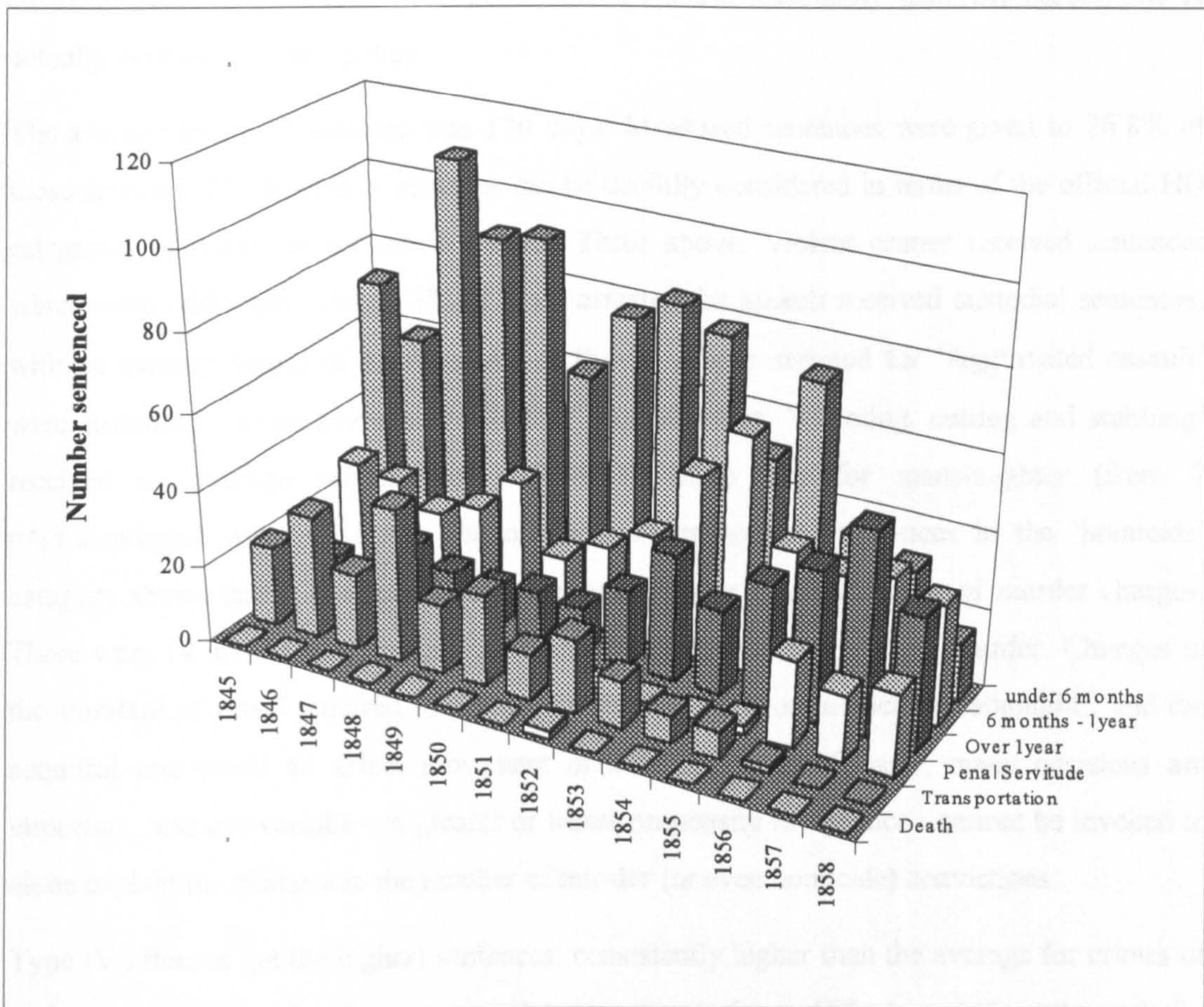
Graph 8.7 Punishments of those arrested in 1859



The women imprisoned for one month were almost all sent down for prostitution. The boys and girls imprisoned under the Juvenile Offenders Act, or sent to reformatory school were mainly convicted of property crimes.

Of those who were committed for trial at quarter sessions or Assizes, 81% were convicted. Between 1845 and 1856, this was the pattern of their punishments:

Graph 8.8 Punishments of those committed for trial: 1845-56



Graph 8.8 shows how the statistics illustrate the changing sentencing policy of the time. Out of nearly 40,000 arrested, and nearly 2,000 committed, only 2 were sentenced to death. The majority received sentences of imprisonment. This period saw the phasing out of transportation as a punishment, and its replacement with the sentence of penal servitude. Shorter ordinary custodial sentences also appeared to be on the way out in favour of longer ones. One of the effects of the 1855 Act can also be seen here - far fewer very short sentences were being pronounced at Quarter Sessions.

Data is available on the exact numbers and lengths of sentences given for all offences between 1859 and 1862. This has been analysed, and averages compiled from all the sentences that were given definite lengths. This leaves those sentences that were given to those people who were unable to find fines or bail out of the averages, since no lengths are given for these. Of 11,764 people arrested, 527 were imprisoned in default of paying fines, and 127 in default of finding bail. Also excluded from the averages are those sentenced to

Reformatory School (115) and to life imprisonment (3). However, 3151 received measured custodial sentences, so it is possible to attempt some reasonably coherent description of actually existing sentence policy.

The average length of sentence was 170 days. Measured sentences were given to 26.8% of those arrested. The lengths of sentence can be usefully considered in terms of the official HO categories of crime, as set out in Section Three above. Violent crimes received sentences which seem oddly low. Only 7.3% of those arrested for assault received custodial sentences, with an average length of 48 days. All of the 90 people arrested for 'Aggravated assault' were sentenced - to an average of 90 days' imprisonment. 'Shooting, cutting and stabbing' received an average sentence of 479 days, while that for manslaughter (from 7 imprisonments) was 667 days. The number of charges and sentences in the 'homicide' category shows that it is impossible to characterise this solely in terms of murder charges. There were 14 arrests for manslaughter in this period, and only one for murder. Changes in the standard of proof required for arrest, in the definition of 'malice aforethought', and the acquittal rate could all affect movement in the final totals. Clearly, many decisions are important, and one variable - a greater or lesser propensity to violence - cannot be invoked to alone explain the changes in the number of murder (or even homicide) convictions.

Type IV offences got the highest sentences: consistently higher than the average for crimes of violence. Sentences for forgery-related crime range from 557 days (40 sentences) for possession of base coin, through 1,075 days (6 sentences) for 'forgery and uttering false instruments' to 2,336 days (5 sentences) for coining. Type II offences - against property with violence - also received high sentences. Burglary (51 sentences) averaged 1,211 days, and 'robbery from the person by force or threat' (15 sentences) 1,752 days. Larceny, which accounted for 860 sentences, had an average penalty of 248 days. Some non-violent theft charges had lower averages: 'Stealing Vegetable Productions', (17 people, 61 days); 'Stealing Dogs and Birds'; (5 people, 116 days); and 'Embezzlement, (10 people, 225 days). More heavily-punished non-violent theft generally involved an attack on productive property. So 'obtaining money or goods by false premises' had an average sentences (from 9 sentences) of 352 days, while 'Breaking into shops and warehouses, etc.' had a mean sentence length of 917 days, from 22 sentences and 'horse and cattle stealing' an average of 2,145 days, albeit from just 4 cases.

Sentence evidence also casts light on the issue of whether 'vagrancy' offenders concealed some people prosecuted as a catch-all for suspected thieves. 'Vagrants - begging and collecting alms' (70 sentences) averaged 32 days' imprisonment. Although the main vagrancy

offences specifically connected with theft (568 sentences) averaged around 64 days in prison, one of the 'non-theft' ones showed a similar mean sentence: 'Vagrants - Wandering abroad and lodging in Outhouses, &c' led to 247 sentences with an average length of 52 days.⁴⁷ This tends to support the conclusion reached above: that these charges were not significantly used as a back-up for larceny when indictable prosecution was difficult.

Part Five: Correlations between crime and the state of the economy

Contemporaries considered that there was at least a potential for the rate of criminal offences to be driven by movements in the economy. At the Special Sessions in Wakefield in April 1841, a county justice, Revd. A. Rhodes, said:

The county had undergone one of the most signal instances of commercial depression, which had lasted for six or seven years; and it therefore could not be wondered at that property should in some degree be interfered with.⁴⁸

This observation has been reinforced by historical study of the centrally-compiled records of indictable crime. Gatrell and Hadden claim to have found a correlation between the economic cycle and the crime rate. Specifically, they have concluded that violent crime rises and property crime falls in times of economic upswing, while in times of downswing, property crime becomes relatively more important. The move in the rate of property crime is explained by straightforward want: the rising level of violence by a higher level of alcohol consumption. If this hypothesis is true, it could be expected to appear in the figures for Sheffield between 1845 and 1856. These data were collected under a single regime, and the arrest figures were divided up on a monthly basis, which should enable us to examine changes in the trend more accurately than is allowed by figures aggregated yearly.

Any possible correlation between different offences was explored as follows. The monthly arrest figures for all offences with more than 100 arrests over the 12 year period were tested against each other for correlation. The results of an initial comparison on the raw monthly figures produce very low levels of correlation ('r') averages at: 0.164 for the monthly figures. The use of 3-month and 5-month rolling averages produces far higher mean levels of 'r':

⁴⁷ There were two offences: 'Vagrants - Found on the Premises for unlawful Purposes' (352 sentences, average 63 days), and 'Vagrants - Frequenting places of Public resort with intent to commit Felony' (216 sentences, average 65 days).

⁴⁸ From a report of the quarter sessions meeting of April 13th: *Independent*, April 17, 1841.

0.229 and 0.285 respectively. This is reproduced below in Table 8.9, which shows the correlation coefficient ('r') for all those combinations of offence for which it was 6 or more.

Table 8.9 Correlations between offences, 1845-56: 5 month moving average

	Deserters from the Army	Vagrants, lodging in out-houses	Larceny from the Person	Not obeying orders in Bastardy	Suspicious Characters	D'derly Servants	Assaults on Police Constables	Drunk	Apprentices, D'derly	D'derly	Drunk and incapable
Larceny from the Person	0.71										
Suspicious Characters	0.67		0.64								
Disorderly Servants											
Assaults on Police Constables						0.73					
Drunk							0.69				
Disorderly Prostitutes	0.61		0.63								
Rogues and Vagabonds				0.62							
Drunk and incapable		0.66				0.61	0.80	0.62			
Assaults, common						0.60			0.64		
Felony	0.77		0.72		0.66					-0.63	
Drunk and disorderly								0.63			0.70

D'derly = 'Disorderly'

Were Gatrell and Hadden's hypothesis to be supported by this data, then we could expect that relationships between crimes of property and crimes of violence to show a noticeable degree of inverse correlation. Yet in fact, no such relationship is immediately visible: the correlation coefficient for assault and larceny is 0.194: entirely insignificant. However, some of the offences do show this pattern. Most notably there is a correlation coefficient of -0.63 between 'Felony' (i.e. Larceny) and 'Disorderly'. 'Felony' correlates with other crimes as follows:

Table 8.10 Correlations in arrests for 'Felony', 1845-56: 5 month moving average

	Felony
Disorderly	-0.63
Nuisances and Offences against the Local Acts	-0.48
Obstructing Police Constables on duty, Rescue	-0.46
Drunk and disorderly	-0.42
Breach of the Peace	-0.41
Robbery in Gardens, &c	-0.25
Gambling	-0.11
Drunk	-0.10
Drunk and incapable	-0.09
Pawning or disposing of property illegally	-0.07
Assaults on Police Constables	0.02
Vagrants, lodging in out-houses	0.04
Disorderly Servants	0.06
Vagrants, miscellaneous	0.07
Poor's rate, non-payment of	0.08
Highway Rates, non-payment of	0.08
Disorderly Paupers	0.11
Wilful Damage	0.14
Deserting and neglecting to maintain families	0.17
Assaults, common	0.19
Apprentices, Disorderly	0.26
Robbery from the person by force or threat	0.30
Obtaining Money or Goods by false pretences	0.30
Passing or being in possession of base coin	0.34
Rogues and Vagabonds	0.38
Not obeying orders in Bastardy	0.46
Disorderly Prostitutes	0.59
Suspicious Characters	0.66
Larceny from the Person	0.72
Deserters from the Army	0.77

The slightly weaker inverse correlations with 'assaults on police constables', 'drunk and disorderly' and 'breach of the peace' also suggest that these results are indeed consistent with Gatrell and Hadden's hypothesis: there are inverse correlations in movements in property crime and violent crime, which could be driven by economic change.

Part Six: The impact of the growth in summary jurisdiction

All who have studied this topic agree that the statistics, subject as they are to so many modifiers, 'distort' the true picture of crime to an extent. Close attention to these changes can cast some more light on the extent to which the statistics are distorted, and therefore possibly help to allow for that distortion. To this end, the following section will concentrate on the

degree to which legislation, personnel, and procedural change can be seen to be altering the statistical record. In particular, the precise effects of the 1855 CJA and the JOAs of 1847 and 1850 are described.

The CJA broadened the scope of summary jurisdiction to include a number of crimes (chiefly thefts of small amounts of money) that would previously have been tried on indictment only. This was seen as a highly significant change in the jurisdiction of Petty Sessions.⁴⁹ The data gathered here makes an assessment of the exact impact of the Act possible.

Table 8.11 The impact of the 1855 Criminal Justice Act

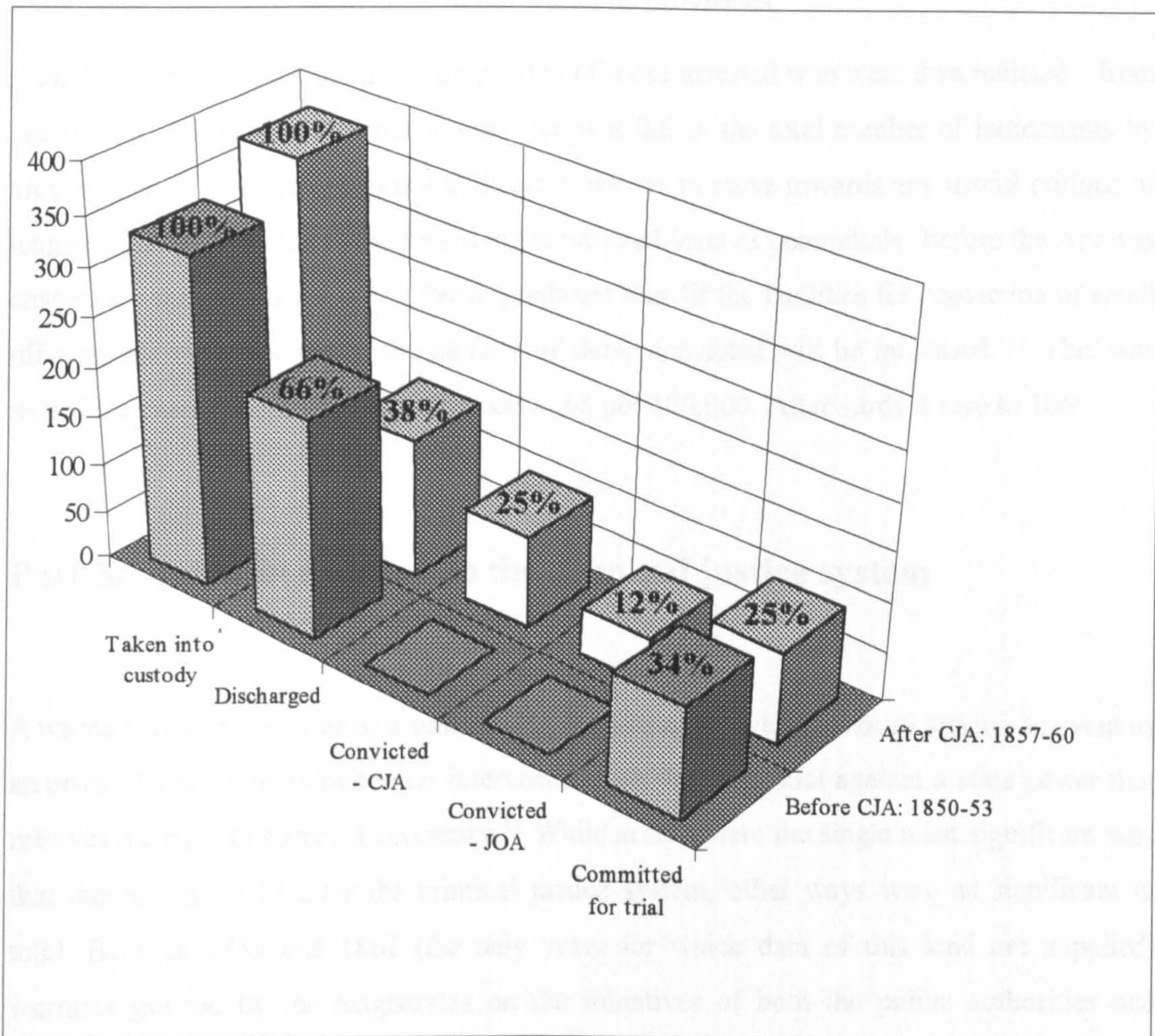
		Taken into custody	Discharged by magistrates	Convicted under CJA	Convicted under JOAs	C'tted for trial	Convicted	Acquitted	'Bill not found' or not prosecuted
Averages:	Male	275	179	0	0	96	80	14	2
1850-53	Fem.	60	44	0	0	16	14	2	1
	Total	335	223	0	0	113	94	16	3
(per 100k)	Total	243	162	0	0	82	68	12	2
Averages:	Male	278	100	64	38	77	63	12	2
1857-60	Fem.	101	44	31	9	17	13	4	0
	Total	378	144	95	47	93	76	16	2
(per 100k)	Total	221	84	55	27	54	44	9	1
			Percentage in custody who are:				Percentage committed who are:		
			Discharged	Convicted under CJA	Convicted under JOAs	C'tted for trial	Convicted	Acquitted	'Bill not Found'
Percentages	Male	100.0	65.0	0.0	0.0	35.0	82.9	14.8	2.3
1850-53	Fem.	100.0	73.0	0.0	0.0	27.0	86.2	10.8	3.1
	Total	100.0	66.4	0.0	0.0	33.6	83.3	14.2	2.4
Percentages	Male	100.0	35.8	23.1	13.5	27.5	82.0	16.0	2.0
1857-60	Fem.	100.0	43.8	30.6	9.2	16.4	77.3	21.2	1.5
	Total	100.0	37.9	25.1	12.4	24.6	81.2	16.9	1.9

⁴⁹ *Justice of the Peace*, Vol. 17, No. 15, March 3, 1855, pp. 225-6, recommended an increase in the formalisation of Petty Sessions in recognition of 'the largeness of the powers thus conferred', and on June 16, 1855, Vol. 19 No. 35 described the Act as 'a revolution in the criminal law': p. 546.

This data in Table 8.11 includes the various categories of robbery recorded between 1850 and 1860 under the category of 'larceny'. This offence covers the vast majority of indictable thefts. The impact of the JOAs is recorded here as well: these do not appear to have been used in Sheffield before 1855. The figures in bold record the annual averages for the various fates of those prosecuted for larceny over a four year period before the 1855 Act. The rate of prosecution for those offences listed as 'felonies' was low - around 35%. This was especially anomalous given that these offences constituted over 80% of all those cases that reached the quarter sessions/assizes stage. The bottleneck was probably the product of two factors. The first was the expense both in time and money of bringing a prosecution on indictment. Although costs were repaid to *successful* prosecutors, they tended not to cover the whole expense of prosecution, and there was of course no guarantee of success.⁵⁰ The second other possible reason is that there were material constraints operating on the magistrates. These could apply to the the number of criminals who could be held prisoner until quarter sessions, the number who could be tried during that time, and the ultimate capacity of the penal colonies and convict prisons. The figures in normal type on Table 8.11 refer to the outcomes from a four-year period after it came into effect.

⁵⁰ Hay and Snyder, (1989), p. 26.

Graph 8.9 The impact of the 1855 Criminal Justice Act on outcomes



As shown by the rear set of columns in Graph 8.9, obtained from averages of a four year period after the Act was passed, the proportion of discharges drops dramatically, from almost two thirds to just over one third. The number of committals also falls, by about 15%. The graph hides an interesting gender breakdown, revealed by Table 8.11. Before the Act, 275 men were arrested annually: afterwards the figure was 278 - almost no change. Indeed, given the growth in the town's population, it is unquestionably a fall in real terms. In the case of men, therefore, the apprehension rate does not appear to have been altered by a variation in the way the defendant was treated.

For women, however, the figures are 60 and 101 respectively - so the extension in summary jurisdiction appears to have been accompanied by more women being arrested. The high discharge rate for women, 73% before the act, as opposed to 65% for men, was reduced to 43%, while that for men dropped to 36%. Women seem more likely than men to be dealt with

under the Criminal Justice Act. This could be accounted for by their tending to steal goods of lower value, thus being more likely to fall within its provisions.

It *did* however lead to a fall in the proportion of those arrested who were then indicted - from one third to one quarter - or put in other terms a fall in the total number of indictments by around 25%. This information is significant if we are to move towards any useful critique of long-term national trends as expressed in the national level of committals. Before the Act was passed, a writer in *Justice of the Peace* predicted that 'if the facilities for conviction of small offences are to be increased, the number of those convicted will be increased.'⁵¹ This was indeed the case. Before, this number stood at 68 per 100,000. Afterwards it rose to 106.

Part Seven: Other ways into the criminal justice system

A warrant for non-payment or a summons by a private individual is not as serious an event as an arrest. Even so, these two latter interventions pit the individual against a state power that reserves the right to coerce if necessary.⁵² While arrests were the single most significant way that individuals could enter the criminal justice system, other ways were as significant in total. Between 1859 and 1862 (the only years for which data of this kind are supplied) warrants granted by the magistrates on the initiatives of both the public authorities and private individuals outnumbered arrests over the four-year period as a whole, and in each year. This applies only to men: an absolute majority of women in the criminal justice system found their way in via arrest in this period. Given this, the gender ratio was not consistent, and varied significantly from offence to offence.

⁵¹ *Justice of the Peace* Vol. 19, No.15, March 3, 1855, pp. 130-1.

⁵² Gatrell has described 'the disciplinary state' as growing in strength through the nineteenth century: Gatrell, (1991), p. 269. P.A.J. Waddington has emphasised the extent to which the iron fist lies inside the velvet glove: the state cannot be faced down, and reserves the right to use any force that is necessary to get its way, in the final analysis: (P.A.J. Waddington, 'Patterns of Provocation': Unpublished paper delivered to GERN Interlabo Conference at the Open University, 3 October, 1997).

Table 8.12 Different 'ways in' to the criminal justice system: 1859-62

	Apprehended		Police Warrant		Private Warrant		Grand Total	
	M	F	M	F	M	F	M	F
1859	2504	624	851	39	1761	379	5116	1042
1860	2199	588	935	74	2086	370	5220	1032
1861	2489	576	971	89	1905	357	5365	1022
1862	2204	580	682	60	1980	375	4866	1015
Total	9396	2368	3439	262	7732	1481	20567	4111
% of grand total	45.7	57.6	16.7	6.4	37.6	36.0	100	100

With reference to the data for the years 1859-62, it is possible to analyse the different 'ways in' to the criminal justice system. The first was being 'apprehended by police'. This accounted for 11764 in the four year period. Predictably, this contains almost all indictable offences. The second category covered 3701 persons 'summoned by the police' - people who came to court on the authority of warrants issued at the request of the police force. The evidence given here suggests that everyone turned up: the category labelled 'Did not appear and warrant issued' contains only one name in four years. The third category consisted of 'Persons summoned by private individuals'. This category accounted for 9213 people in the four years. While this is almost entirely due to summary offences, there are some surprising exceptions: in 1861 and 1862, 36 and 30 people respectively faced charges of larceny via this route. In addition to this (and less oddly, given the very large number of warrants for common assault) a small number of summonses for aggravated assault were recorded each year.

There is one other area where intervention occurs without being recorded in the arrest figures. This was the police's work as the Corporation's by-law and rates enforcers. The record of this activity is patchier, but suggests that in the last quarter of 1855, 1,204 warrants were issued by the police against non-payment of poor-, watch-, highway-, and bridge-rates.⁵³ However, only around 16 of these warrants appear to have led to an arrest. This figure represents a substantial intervention, but it is one in which the police as an institution

⁵³ WCM, reports of Warrant Officers sub-committee, 1856.

functioned mainly and merely as the servants of the magistrates, with little discretion. In the 1860s, the job of serving warrants appears to have been carried out by four constables and one warrant officer, out of a force of 150 men. In 1855, 3377 people were arrested: if the last quarter was representative, then around 4,800 received warrants for non-payment. This process was separate from the summons by police for criminal offences - recorded between 1859-62, which is examined below.

The summary of the data on different 'ways in' now follows. Each method of apprehension left a different signature of outcomes.

Table 8.13 Outcomes from Petty Sessions, 1859-62, divided by 'way in' to the criminal justice system

Mode	Total no dealt with:	Dis-missed/disch'd	Disch'd on payment of costs / prison fees	Settled out of court	Fined and paid	Fined and c'tted in default	Held to bail	C'tted in default of bail	Orders made for [weekly] payment / paying up / abating nuisance +costs	Delivered to Army, Navy, Militia	C'tted where no fines have been inflicted / c'tted to trial
Arrests	11764	2855	2563	502	1223	527	365	127	0	205	3397
Police W	3701	67	565	0	2632	60	14	4	354	0	4
Private W	9213	1259	799	3327	1734	40	480	18	1470	0	86
Total	24678	4181	3927	3829	5589	627	859	149	1824	205	3487
Percentages of total figure in each category											
Arrests	100.0	24.3	21.9	4.3	10.4	4.5	3.1	1.1	0.0	1.7	28.9
Police W	100.0	1.8	15.3	0.0	71.1	1.6	0.4	0.1	9.6	0.0	0.1
Private W	100.0	13.7	8.7	36.1	18.8	0.4	5.2	0.2	16.0	0.0	0.9
Total	100.0	16.9	15.9	15.5	22.7	2.5	3.5	0.6	7.4	0.8	14.1
Percentage in each category composed of women											
Arrests	25.2	47.9	12	2.2	6.4	17.4	4.6	9.5	0.0	0.0	40.5
Police W	7.62	15.5	6.0	0.0	6.9	36.4	0.0	33.3	9.6	0.0	300.0
Private W	19.2	32.9	74.1	8.16	35.4	21.2	22.8	38.5	1.66	0.0	0.0
Total	20.0	42.5	19.7	7.4	14.2	19.2	13.9	12.9	3.11	0.0	39.2

Each of the three 'ways in' shows a different characteristic global pattern of outcomes. The rate of absolute discharge is highest for arrests, as it the number of people who were discharged after paying a low level of costs. Discharge rates are lowest for those who are

prosecuted by police warrant: a factor which can probably be explained by the police having a better prepared case under these circumstances. The rate of people discharged after payment of costs was a lot higher - 15% - implying that this particular outcome was seen as a punishment rather than as an acquittal. The discharge rate for prosecutions on private warrant was lower than that for arrests: 14% immediately discharged, and 9% on payment of costs. This suggests that privately-initiated prosecutions had a surprisingly high success rate. The failure of some to get a 'conviction' is probably best expressed in the large percentage (36%) that were settled out of court. This outcome accounted for one in twenty of those arrested, but for none of those proceeded against by police warrant. This result is surprising given the large number of 'regulatory' offences that were prosecuted by police warrant.

When we look at the proportions of people who had to pay money, another coherent pattern emerges. Over two thirds of police warrant procedures resulted in fines which were paid. Less than 2% were not. The fact that this high proportion was paid can be traced to the fact that police warrants, with a tendency to the enforcement of regulatory offences, would be more likely to be aimed at property-holders. Arrests, conversely, had a non-payment (and thus imprisonment) rate of almost a third of the fines levied. This is due to the fact that those arrested were more likely to be marginal, and their ability to pay would be harder to assess. The outcome 'held to bail' almost certainly represents bind-over orders, to keep the peace between two parties. In which case, it makes sense that the rates for police warrant (generally for crimes against some arm of the local state) saw few of them, while arrests saw more, and private warrants the most. As with fines, about a third of those arrested asked to find bail were unable to, and thus committed. The outcome 'orders made for weekly payments' applies to the 'family' offences that were generally prosecuted by private warrant. The use of police warrants in this area will be examined below. 'Pure committal' rates were very low for all modes of entry except arrest. Less than 2% of those proceeded against by warrant were imprisoned for any reason at all, while more than a third of those arrested were.

When considered in terms of gender, the results reveal other interesting patterns. While globally, one fifth of those entering the criminal justice system were female, the proportion of those arrested was 25%, while that of those proceeded against on police warrants was just 8%. The proportion of women in each category varied widely. For instance, women were much less likely to settle out of court, or to be given orders for weekly payments. The latter is unsurprising given that this punishment was most often applied to men who were defaulting on bastardy orders. Women were a lot more likely to be discharged after arrest, police warrant, and private warrant. For offences prosecuted under private warrant, women were

disproportionately represented among those who were fined and paid: this was not the case for the other two categories. Finally, women who were arrested were more likely than men to be committed to prison or to trial. For women, the intermediate outcomes were less available: more of them were in an 'all or nothing' situation.

However, these global totals conceal important variations for different types of crime. The following table contains the rank order, by number of arrests, for each way into the criminal justice system. They show the offences which were dealt with exclusively or mainly through one process, as well as those which 'crossed over', and were dealt with in more than one manner.

Table 8.14 Major component offences for each 'way in'

Top Ten Apprehended (M+F added)			Top Ten Police Warrant (M + F added)		
1	3298	Drunkenness, and Drunken and riotous behaviour	1684	Breaches of the Borough Bye-Laws	
2	1263	Larceny	534	Breaches of the Beer Act	
3	813	Assaults, Common	359	Nuisances	
4	669	Vagrants - Disorderly Prostitutes	345	Drunkenness, and Drunken and riotous behaviour	
5	568	Vagrants -Wandering abroad and lodging in Outhouses, &c.	264	Breaches of the Licensed Victuallers Act	
6	496	Breaking into shops and warehouses	199	Breaches of the Highway Act	
7	461	Breaches of the Peace not other wise described	82	Breaches of the Smoke Bye-Laws	
8	430	Vagrants -Found on the Premises for unlawful Purposes	74	Assaults, on Police Constables	
9	354	Assaults, on Police Constables	38	Disorderly Conduct	
10	298	Wilful Damage	36	Unsound Meat/Food [two totals conflated]	
Top Ten Private Warrant (M + F added)			Top Ten Total Dealt with (M + F added)		
1	3303	Assaults, Common	4116	Assaults, Common	
2	804	Breaches of the Peace not otherwise described	3648	Drunkenness, and Drunken and riotous behaviour	
3	735	Non-payment of Loans	2562	Breaches of the Borough Bye-Laws	
4	730	Breaches of the Borough Bye-Laws	1329	Larceny	
5	648	Non-payment of Wages	1294	Breaches of the Peace not other wise described	
6	611	Bastardy	740	Non-payment of Loans	
7	492	Disorderly Servants	710	Wilful Damage	
8	412	Wilful Damage	669	Vagrants - Disorderly Prostitutes	
9	398	Disorderly Apprentices	653	Non-payment of Wages	
10	174	Breaches of the Weights and Measures Act	640	Disorderly Apprentices	

While it is possible to look at the pattern created by different modes of entry in isolation, the effect of each mode of entry on the outcome for a particular offence is crucial, if we are to gauge the extent to which each was significant in influencing the outcome. 'Cross over' offences, which were prosecuted in more than one way, will now be examined in more detail.

The analysis below covers those offences which were the most characteristic of different modes of entry to the courts. Not every single intervention was considered for this analysis: only those that could satisfy enough criteria to be significant for the purpose of comparison. The criteria for inclusion were: that the overall sample must be large enough, with 100 or more interventions (over the 4-year period) in total; that the crime must have examples of at least two of the three 'ways in'; and that the minimum size of the smallest 'way in' must be 25 or more.

Non-payment of loans and of wages was overwhelmingly prosecuted (615/620 and 745/750 respectively, with the remainder arrested) on private warrant. The mode outcome of non-payment of loans was an order to pay, which accounted for 90% of cases. 'Settled out of court' covered the remainder. Actions for non-payment of wages had a different profile: while 54% resulted in orders to pay, 16% were dismissed, and 28% settled out of court. The degree of coercion exercised by the state on behalf of the employee was lower than that exercised on behalf of the creditor.

Various offences were concerned with the delineation of responsibility within the family. This was also the concern of the state: if men left children or aged on the Poor Law Union, they would become a burden on the ratepayers. These offences: bastardy; neglect of family; refusal to support parents; and non-payment of bastardy orders, were generally prosecuted through private warrant, with the exception of the last-mentioned, for which arrest accounted for 56% of cases: 217. In total, 1015 men were charged with these offences. These cases were overwhelmingly started by private warrants, and were settled out of court, or by orders being made in the court for weekly payments. Those arrested suffered a different fate: while most settled out of court, 36% were committed to prison. I am at a loss to explain why these men were arrested, rather than being served with police warrants. The committal ratio, though, follows the usual pattern: very few people were sent to prison for any offence if they have not been arrested for it. One possible explanation, therefore, of the prevalence of arrests, could be that if it was obvious from the nature of the charge that the 'criminal' had a large chance of imprisonment, they would be a lot less likely to turn up in court of their own accord.

If we look at a number of offences that demonstrated all three 'ways in', we can see whether or not the aggregate patterns of outcome revealed above were artefacts of a number of different offences, each with a different profile, or if they were a product of the system. For example, in the total sample (shown in Table 8.15 above) the total number of settlements out of court was higher for private warrants than it was for arrests. This might be because there were certain types of offence that were mainly prosecuted by private warrant, and had a

tendency towards this particular outcome. Or it might be because there was a tendency, regardless of offence, for cases that started in this particular way to end in this way.

The number apprehended for assault compared to the number summoned appears to differ from the experience of London in the 1870s, where 'a vast majority of assault cases' were initiated by the police.⁵⁴ In Sheffield, most assaults were prosecuted by warrant. In the four years, 813 people were arrested for this offence: 3303 were prosecuted by warrant. The gender imbalance is especially striking. While only 55 women were arrested for assault (6.8% of the total), 823 women (24.9%) were prosecuted by private warrant. It is a great shame that the gender of the prosecutor is not given in the returns; my suspicion is that the majority of these assaults featured female prosecutors. The outcomes of the assault cases, illustrating the patterns created, are listed in Table 8.15.

Table 8.15 Outcomes of assault cases, 1859-62

Mode	Total no dealt with:		Dismissed/ Discharged		Discharged on payment of costs/prison fee		Settled out of court		Fined and paid		Fined and C'tted in default		Held to bail		C'tted in default of bail		C'tted where no fines have been inflicted/ c'tted to trial	
	M	F'	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Arrests	758	55	107	15	53	4	70	4	228	12	71	8	136	7	29	3	64	2
Private W	2480	823	335	191	235	198	1009	134	675	227	22	6	193	64	6	3	5	0
Total	3238	878	442	206	288	202	1079	138	903	239	93	14	329	71	35	6	69	2
Percentages of total figure in each category:																		
Arrests %	100.0	100.0	14.1	27.3	7.0	7.3	9.2	7.3	30.1	21.8	9.4	14.5	17.9	12.7	3.8	5.5	8.4	3.6
Private W %	100.0	100.0	13.5	23.2	9.5	24.1	40.7	16.3	27.2	27.6	0.9	0.7	7.8	7.8	0.2	0.4	0.2	0.0
Total%	100.0	100.0	13.7	23.5	8.9	23.0	33.3	15.7	27.9	27.2	2.9	1.6	10.2	8.1	1.1	0.7	2.1	0.2

Not all offences prosecuted by private warrant were trivial. There were 66 prosecutions for larceny in the period. Embezzlement also features as an indictable offence prosecuted by warrant: one charge in 1861 was dismissed, and two next year were settled out of court.

'Cruelty to animals' seems to be a special case. It was prosecuted through 78 private warrants, 11 police warrants, and 5 arrests. While 36% of the cases initiated through police warrants were settled out of court, only 1% of those done through private warrants were. It

⁵⁴ Davis, (1984), p. 320.

appears that the people who were moved to prosecute on this issue were less likely to want to reach an agreement. This could well be indicative of a heightened sensibility towards the welfare of animals which can be seen in several places in the nineteenth century.⁵⁵

'Regulatory' offences show an interesting pattern. 'Nuisances' were entirely prosecuted by police warrant: the vast majority of these (88% of 273) resulted in an order to abate the nuisance. 'Breaches of the borough bye-laws' showed a different pattern. Of 144 men arrested, the majority (54%) were discharged on payment of costs. Of 1591 men summoned by the police, the majority (77%) were fined and paid. The numbers summoned by private individuals show an interesting gender divide. More women (397) fell into this category than men (333). While the proportions given an absolute discharge (15% and 13%) or being fined (45% and 44%) were similar, women had far higher chance of being discharged on payment of costs (28% to 13%) and a correspondingly lower chance of settling out of court (13% to 30%). Again, discharge rates were lowest for those summoned on a police warrant, and settlement out of court was highest for those privately summoned.

Given that the patterns seen in the aggregate figures, are repeated across individual offences, one definite conclusion can therefore be reached, which applies to the majority of offences considered here. Even for the same offence, the pattern of outcomes - in terms of both likelihood of conviction and severity of punishment - was also dependent on the way in which the offence was prosecuted. Even offences like larceny, if prosecuted privately, were likely to end with a settlement out of court. In the four year period, of 66 private warrants for larceny, just one led to a committal; 59% were settled out of court. This contrasts with those charged with larceny after arrest - none of these cases were settled out of court, and over half led to committal. Women were still more likely to be arrested rather than dealt with by warrant: this was a consequence of their role in the economy, since many of the offences dealt with by warrant applied to heads of households. This factor also explains why the outcome 'Fined and committed in default' happens far more after arrests. Warrants were used on a richer class of person, more likely to be able to pay. This has a bearing on the still-fluid issue of the extent to which the new police forces usurped the private citizen's traditional role as prosecutor.⁵⁶ It appears that unless the case was handled via the institution of the police, the full coercive power of the state was not available to the prosecutor.

⁵⁵ J. Frykman and O. Lofgren, *Culture builders: a historical anthropology of middle-class life* [trans. A. Crozier] (New Brunswick, 1987), pp. 79-87.

⁵⁶ Hay and Snyder, (1989), p. 47.

The theoretical introduction to this study spoke of the use of a model of class society as characterised various 'arenas of power'. Elements of genuine fairness - an essential attribute of any stable system of hegemony - can, under this schema, co-exist with inequality and inequity, yet at the same time produce a minimal amount of cognitive dissonance.⁵⁷ The initial socially determined label placed on an act will determine the arena in which it is dealt with by the state. One place to test such a model is in the different outcomes that are characteristic of different ways into the criminal justice system. The following analysis will examine the extent to which unequal social relations were enshrined in different laws via a comparison of two offences: 'Ill-treating Apprentices' and 'Disorderly Apprentices'. The first offence can be seen as the way that state power could be used in favour of apprentices against masters: the second the way that it could be used by masters against apprentices. Nobody was proceeded against on a police warrant for these offences in this period.

Table 8.16 Different outcomes compared to different ways in: apprentices, 1859-62

Mode:	Total number dealt with:	Dismissed/ Discharged	Discharged on payment of costs/ prison fees	Settled out of court	Fined and paid	Fined and C'tted in default	C'tted to prison
Ill-treating Apprentices							
Arrest	0	0	0	0	0	0	0
Private Warrant	154	41	32	52	28	1	0
Total	154 (100%)	41 (27%)	32 (21%)	52 (34%)	28 (18%)	1 (1%)	0
Disorderly Apprentices							
Arrest	242 (100%)	30 (12%)	0	100 (41%)	0	0	112 (46%)
Private Warrant	398 (100%)	45 (11%)	75 (19%)	235(59%)	0	0	43 (11%)
Total	640 (100%)	75 (12%)	75 (12%)	335(52%)	0	0	155 (54%)

As is apparent, the coercive aspects of the criminal justice system were reserved for the apprentices: their masters do not get equal treatment. All prosecutions of masters were by a private warrant: there are no arrests. Masters, on the other hand, did not always need to go to a JP to get justice against their employees: in over 40% of the cases, they involved an arrest. Proactive state executive power was being used on the masters' behalf: it was not available to the apprentices. Of the masters, 27% were discharged without further penalty: only 12% of

⁵⁷ See Chapter Three above.

the apprentices got this outcome. Just 18% of masters received fines, and all but one of them were able to pay them, but while the most likely outcome of a prosecution for being a disorderly apprentice was a settlement out of court, 24% were imprisoned. It is possible to speculate tentatively about the significance of 'settlement out of court'. In a master/servant relationship such a settlement would have been more likely to reflect the master's interest than that of the servant: in effect the coercive 'stick' of state power is therefore present in the everyday relations between master and apprentice, bolstering and underpinning their unequal nature.

To an extent this is consistent with Rusche and Kirchheimer's materialist conception of criminal justice: apprentices were already subject to a large degree of economic compulsion and a degree of direct coercion from their masters.⁵⁸ Thus their level of 'less eligibility' is different. In order to act as a longstop for their masters, the state has to be more coercive to the subordinates than to the superordinates.

Part Eight: Conclusions

The conclusions available from the statistics studied here must necessarily be modest. It is important not to balance too much on an insubstantial foundation, or there is a risk, in Monkkonen's words of 'the models tend[ing] to be vague, poorly specified, contradictory, confused, and far too grand for the actual research being undertaken.'⁵⁹

There are two main methodological conclusions, with bearing on any future study of crime. The first is the very small proportion of those arrested who are ever convicted of an indictable offence. This casts doubt on the use of these 'serious' offences as a proxy for trends in 'crime' as a whole. Studying crime through indictable offences alone is apt to lead to a distortion of the true picture: of offenders; of the nature of the crimes committed; and of the activity of the police. Consideration of the impact of the CJA and JOAs could enable us to apply some correctives to the study of the available statistics for indictable offences. The second is that, even within a group of people all charged with the same offence, a number of

⁵⁸ Rusche and Kirchheimer, (1968), p. 94.

⁵⁹ Monkkonen, (1980), p. 65.

variables can be seen to affect the way in which they are treated. These include their mode of entry into the criminal justice system, their gender, and their age.

This evidence argues powerfully that, when their activity was counted in terms of arrests, the police therefore were primarily concerned not with fighting the sorts of crime that had identifiable victims, but instead with imposing a certain idea of acceptable behaviour on a population - with punishing those who were acting unacceptably in public. In so far as this is true, it reinforces the arguments first advanced by Robert Storch - that the New Police were indeed 'domestic missionaries', imposing middle-class standards of behaviour upon an unruly urban working class.⁶⁰

The level of intervention was massive. The police could well have been the organ of the state that many Victorians, particularly working-class men, were most likely to come into contact with. In the 1860s, a substantial number of people - possibly 20% of the total male population - would have had criminal records. This conclusion is all the more important given that Sheffield was among the more lightly policed of England's cities in the nineteenth century.⁶¹ As far as can be told from the quantitative sources analysed above, the working class formed the overwhelming majority of those arrested. Other forms of criminal justice intervention were more likely to take place against property-holders. An analysis of the different kinds of action taken: against women and against apprentices as opposed to masters, is all consistent with the model of 'arenas of power' that was set out in the introduction. Control took many forms, and the control applied to those least incorporated into other social controls was the most coercive.

⁶⁰ Storch, (1976), p. 481.

⁶¹ Taylor, (1997), pp. 34-35.

Chapter Nine: Crime, society and the courts

‘nothing is so conducive to quiet, peacefulness, and to order as is the due administration of justice.’¹

This chapter explores the institutions and mores which prosecuted and otherwise controlled crime in mid nineteenth-century Sheffield. It considers the image and reality of crime, in order to flesh out and ‘triangulate’ the statistical evidence analysed in the preceding chapter. Some of what the chapter discusses is representative, but in other cases, ‘rare’ events are examined to see what they can show about personal and institutional pre-conceptions.²

Part One: From ‘early modern’ to ‘modern’?

At the start of the period under consideration, manifestations of the criminal justice system that are more usually associated with the eighteenth century formed a part of the architecture of the response to crime. In April 1819 the *Iris* reported a robbery near Attercliffe, pointing out that the ‘daring offender must have passed through the field in which is the gibbet of the notorious Spence Broughton’.³ The immediate reminder of the horror of punishment had most obviously failed to work in this case. Another reminder that the ‘past’ system of criminal justice was an announcement in the *Iris* in July of 1818 that a ‘Tyburn Ticket’, giving exemption from all Parish or Ward offices in the parish of Sheffield was for sale.⁴ When crime and the way it was dealt with are examined, the picture of continuity rather than change becomes still more apparent. This fits in with Davis’s opinion that Hay’s thesis - of a sharp break between the eighteenth and nineteenth centuries - is over-stated due to the fact that it underestimates ‘the extent to which informal sanctions against wrongdoers applied within the community survived alongside official law enforcement applied by the police and the courts

¹ Alderman Dunn to the Town Council, May 3 1847: *Independent*, May 8, 1847.

² For the limits of counting, see, E.P. Thompson, ‘Anthropology and the Discipline of Historical Context’ in *Midland History*, Vol. 1, No. 3, (1972), pp. 41-55 p. 43.

³ *Iris*, April 6, 1818.

⁴ *Iris*, July 7 1818. Tyburn Tickets were awarded to people who successfully prosecuted felons.

until at least the end of the nineteenth century'.⁵ As Knafla has noted, the 'two concepts of order' identified by Wrightson for the early modern period could well be 'even more significant for the nineteenth and twentieth centuries'.⁶

Part Two: Policing 'traditional' disorder

The vast majority of police/public interaction, and of public complaints about the inefficiency of the police, centred on minor disorder. We have already seen how these offences accounted for the majority of arrests too. The most important thing about this sort of crime is that it is highly subjectively defined. As a modern survey notes, minor disorder directly touches far more people than riot, but lies at the margins of the criminal law'⁷ The most prevalent worry here was the problem of people, generally young, generally male and generally working-class - but quite often not all of these things - 'hanging around' in public places, in the evenings and on Sundays. Often they verbally or physically molested passers-by: sometimes their gambling, sexual activity or swearing was seen as intrinsically disorderly even if not aimed at anyone.⁸ Complaints about such behaviour spanned the period. In 1821 the Improvement Commission welcomed a plan for an augmented evening watch to free:

the footpaths of those knots of disorderly boys and girls with which they are too frequently infested. . . it is now next to impossible for any decent person to pass along the pavement after dark without being either grossly offended with unseemly sights, or personally insulted.⁹

Fifty years later, the residents of Langsett Road wrote to the Watch Committee complaining that 'boys and young men' were regularly creating disturbances in the evenings.¹⁰

The policing of prostitution was one of the areas that could lead to disorder or opposition. Prostitutes were tolerated provided that they moved on when asked and were not 'disorderly'.

⁵ Davis, (1984), p. 314.

⁶ L. Knafla 'Structure, conjuncture and event in the historiography of modern criminal justice history' in C. Emsley and L. Knafla (eds.), *Crime history and histories of crime: studies of the historiography of crime and criminal justice in modern history* (London, 1996), pp. 33-46.

⁷ D. Brown and T. Ellis, *Policing low-level disorder: police use of section 5 of the Public Order Act 1986: Home Office Research Study n. 135* (London, 1994), p. 1.

⁸ In 1818 a correspondent to the *Iris* complained about the 'loud, indecent conversation' of 'bad women and girls': *Iris*, September 23, 1818.

⁹ *Independent*, September 29, 1821.

¹⁰ WCM, April 6, 1871.

Raynor appears to have disliked open prostitution personally: in January of 1837, he caused a hansom cab driver to be fined 2/6 for being found with a prostitute in a yard off the High Street. But he also charged him under the Police Act with leaving his cab unattended, for which offence he was fined 20s!¹¹ Raynor did not appear to mind well-regulated and orderly brothels, though. When at a meeting of the Commission Sorby asked him if he thought that 'two houses' on Hartshead were a nuisance, he replied:

those two were not the lowest of the kind, nor so ill conducted as many others. In fact, they were frequented by those who were considered gentlemen. He had his eye upon them, and knew the kind of people who went to them.

MR. SORBY said they were public houses he meant. (Laughter.)

MR. RAYNOR - Oh, I beg pardon.¹²

Prostitution was also a problem at the end of the period: in 1870 a policeman was assaulted by a 'respectably dressed man' whom he had ordered to move on when discovered 'in the act of prostitution'.¹³ The police were not the only institution that could launch attacks on brothels: in 1871, the local Excise officer clamped down on six of them for selling alcohol without a license, levying steep fines.¹⁴ There is one reported case (as well as a few from the statistical returns) of police taking action against homosexual men.¹⁵

When the police took action against people who were doing what was normal to them, they risked the hostile attentions of passers-by.¹⁶ Rescue was most often precipitated by the cry of 'all in a mind' or 'all of a mind'. 'All in a mind, take them [the windows] out' was alleged to be the cry that started the attack on the Tontine Inn in 1832.¹⁷ As well as the possibility of large-scale rescue, the police also faced areas where their writ did not run. In 1842, a woman regularly robbed passers-by on Bridge Street, then escaped 'into the Isle, into which it was vain to follow'. A sergeant and a watchman went in 'by different roads' to arrest her, when they found themselves attacked by two men wielding sticks. However, the police succeeded in

¹¹ *Independent*, January 7, 1837.

¹² *Independent*, June 10, 1837.

¹³ *Independent*, April 22, 1870.

¹⁴ *Independent*, April 23, 1870. The average fine on each establishment was around £45.

¹⁵ 'About 2 o' clock on Thursday morning, several suspicious characters were found under a haystack . . . which appears to be a rendezvous for persons of a certain description: with the aid of several watchmen they were taken into custody': *Independent*, October 29, 1825.

¹⁶ Cases of attempted rescue, one involving hundreds of people are reported in the *Independent* for April 24, 1841 and September 4, 1841 and the *Mercury* for June 15, 1839.

¹⁷ *Independent*, December 22, 1833.

securing all three: more evidence that the 'old' police were not pushovers.¹⁸ As late as 1874 two policemen arrested a pair of youths at the centre of a disorderly crowd and 'had the greatest difficulty in getting them to the police station'.¹⁹

Prize fights and foot-races created another set of instances of disorder, and both old and new police attempted to suppress these: the shift to 'rational recreation' was not the end product of market forces alone.²⁰ Some sport passed off peacefully, of course, but this may well not have been reported.²¹ By the end of the period, though, there does seem to have been a change in the nature of the most popular pastimes. Sheffield pioneered the development of Association Football as a professional spectator sport, and in the 1870s thousands of men and women were attending football matches on a regular basis, with no perceived threat to public order.²² The suppression of disorder had a religious component to it, since so much took place on Sundays, or was concerned with behaviour that, while victimless, was 'immoral'. When the town's ruling groups attempted to alter recreational patterns, they were not merely acting on 'rational' or 'authoritarian' grounds, but because they conceived of it as their duty to suppress sin.²³

Ethnicity had an impact on the policing of disorder, and the police sometimes found themselves embroiled with large number of Irish people. One such fight, in March of 1837, involved some eight police officers.²⁴ Some crime in and around Sheffield did consist of technically illegal behaviour that was apparently carried out with the sanction of all or some of the local community, and not for immediate personal gain. But even as this demonstrates that there was no one 'state law', it does not prove that there was instead a single 'people's law'. Instead there were indeed 'several often contradictory systems of normative ordering'.²⁵

¹⁸ *Independent*, May 14, 1842.

¹⁹ *Independent*, November 7, 1874.

²⁰ In 1839 the constable of Upper Hallam was seriously wounded when a crowd rescued of the participants in a prize fight from him: *Mercury*, June 29, 1839. Nether Hallam's constable, Deakin, was injured at a fight in Uppertorpe the next year: *Mercury*, August 22, 1840. For a more 'market-led' interpretation of the shift in recreation see J. Golby and A. Purdue, (1984), pp. 96, 110, 196.

²¹ 'Some thousands' of people watched a foot race on Crookes Moor with no reported trouble: *Independent*, March 19, 1821.

²² *Independent*, November 9, 1874.

²³ See Chapter Three above, and also, *inter alia*, the remarks of 'A Friend to Good Order', who wanted youths stopped from cursing on the Sabbath because it was bad for their souls: *Iris*, July 7, 1818.

²⁴ *Independent*, *Mercury*, March 11, 1837.

²⁵ King, (1984), p. 146.

There remains, of course, the issue of trade union related crime, eventually made famous as the 'Sheffield Outrages'. In many respects (to use Palmer's terms), these crimes were more 'Irish' than 'English, involving as they did the solidarity and impenetrability of a secret group who did not accept the legitimacy of some elements of the written law.²⁶ The reason for, and the nature of, this solidarity have been convincingly examined by Sidney Pollard.²⁷ The degree of violence was a result of rational economic calculations, face-to-face social relations, a high degree of geographical concentration, and a sense of corporate responsibility. Violence was present in industrial relations throughout the period.²⁸ Pollard concludes that 'the men carrying out the punishment were not considered to be and did not feel themselves to be criminals. No society has ever confused its murderers with its hangmen.'²⁹ One of the key demands of the trades unions was for state power to enforce their regulations: to make the 'unwritten law' written, and to give it statutory authority.³⁰

Some other crimes can be linked to retribution on the part of members of a community towards a member who had made himself unpopular. In May 1837, 'some villains' cut down over sixty fruit trees in the orchard of a man who had recently 'prayed the government to revive the Law of Assessed Taxes upon Dogs, which caused a scrutiny of the Parish Assessment.'³¹ Not all such activity could be seen as 'progressive' or even defensive: in the summer of 1839 two men were sentenced to death at York for a rape carried out in Sheffield in April. After the sentence was passed, three men, who along with a crowd of women and children about 40 strong, had been threatening some of the prosecution witnesses, were bound over at the Town Hall.³²

Another example of an illegal act that garnered widespread sympathy is the attack on the Medical School in Eyre Street in 1835, which was an expression of the popular fears of dissection, grave robbing, and 'Burking'. The medical profession vainly tried in public

²⁶ Palmer makes a distinction on this basis between 'Irish' and 'English' crime: Palmer, (1988), p. 45. King has demonstrated that some people were perfectly able to reject some aspects of the law whilst wholly embracing others: King, (1984), p. 147.

²⁷ Pollard, (1957).

²⁸ 'Diabolical Effects of the System of Rattening' was a headline in the *Independent*, March 4, 1826, while the early 1870s saw a constant debate in the press on the continuation of the practice.

²⁹ Pollard, (1957), p. 125.

³⁰ Pollard, (1957), p. 131.

³¹ *Mercury*, June 3, 1837.

³² *Mercury*, April 27, July 20, July 27, 1839. The death sentences were not carried out.

statements to distance themselves from the reasoning behind the Anatomy Act.³³ They offered large rewards in an effort to punish those responsible for breaking their windows.³⁴ Charles Farrell's introductory lecture to the Medical Institution was confident that progress would soon render opposition to dissection obsolete, but he had to mention, if only to try to dismiss, 'those poor deluded creatures who amuse themselves by breaking our windows, and in this matter put us to serious annual outlay.' He even went so far as to admit to the profession's now-past use of body-snatchers, thankfully rendered unnecessary by the Anatomy Act which meant they were no longer compelled 'to sanction *the nightly violation of the grave*'.³⁵ All this was unconvincing: in January of 1836 the Medical School was systematically destroyed by an angry crowd, after they heard a cry of 'murder' (arising from a quarrel between the caretaker and his wife) from within.³⁶ The crowd patiently waited until soldiers and police had left the scene, and was careful not to damage adjacent buildings.³⁷ Their activity was most analogous to that of a crowd destroying the house of a criminal who had managed to evade the law.³⁸ A 'popular' sense of justice could be applied as selectively as an 'official' one.

Part Three: Courts and magistrates

According to Skyrme's 'institutional' history of the Justices of the Peace, by 1820 they 'could no longer cope with the increased pressure of the changing world and with the work which

³³ C. Thompson, 'A letter to the public on the necessity of anatomical pursuits; with reference to popular prejudices, and to the principles on which legislative interference in these matters ought to proceed' (London, 1830). SLSL, Vol. 56. Thompson was a lecturer at the school of anatomy, who saw the problem of dissection as being intimately linked with its use as a punishment, pp. 31-2, 67.

³⁴ £10 was offered for information leading to a conviction in 1832: *Independent*, February 4, 1832.

³⁵ C.F. Farrell. 'An Introductory Address, Delivered at the commencement of the winter lectures at the Sheffield Medical Institution, Surrey Street by Charles F Farrell, M. D.' (Sheffield, January 1835). SLSL, Vol. 50/2, pp. 15, 38. Farrell continued his campaign after the riot, publishing a pamphlet entitled 'Dissection essential to medical science' in 1836: *Mercury*, March 5, 1836.

³⁶ See F.K. Donnelly, 'The destruction of the Sheffield school of anatomy in 1835: a popular response to class legislation', in *Hunter*, Vol. 10 (1979), 167-171.

³⁷ *Independent*, January 31, 1835.

³⁸ Donnelly, (1979), p. 171.

had become far too great in volume and complexity'.³⁹ Many of the West Riding Magistrates who generally sat at Sheffield were clerics, as shown in Table 9.1.

Table 9.1 Ecclesiastical magistrates in attendance at Sheffield

Year	Number of clerical JPs	Total number of JPs attending
1821	5	7
1822	6	8
1825	6	9
1833	6	11
1837	4	12*
1839	4	13*
1841	6	11
1845	3	9

* These lists included some justices who attended only rarely.

By 1845, with more 'urban' magistrates being named to Sheffield's bench, clerical magistrates were in a small minority. Merely listing the composition does not demonstrate who most heavily influenced the working of the bench, though. If a representative year, 1836, is analysed, the following pattern emerges.

³⁹ T. Skyrme, *History of the justices of the peace, vol. 2: England 1689-1989* (Chichester, 1991), p. 132.

Table 9.2 Attendance of magistrates at Sheffield petty sessions, 1836

JP	Days attended:
Hugh Parker	61
Revd. W. Alderson	44
W.J. Bagshawe	40
H. Walker	20
J.C. Athorp	19
Revd. G. Chandler	17
C. Brownell	15
Revd. S. Corbett	14
Revd. H.S. Milner	14
J.A.S. Wortley	8
J. Rimmington	8
Total	260

The contribution of all the clerical JPs was therefore 38% of the days. Between them, three men provided over half of the total attendance. Of 98 sessions, 18 had one magistrate sitting, 29 had two, 27 three, and 19 four or more. Although all of the magistrates save Brownell lived outside the town, the provision of twice-weekly justice was maintained: there was no breakdown.

The relationship between Sheffield and the West Riding's JPs was ambiguous. On the one hand Sheffield's worthies were highly respectful to Parker, and on the other Parker and most of the other magistrates represented the town to the county, but there was some tension over financial management. In 1826 three ratepayers wrote to the *Independent* to complain about the amount of the county rate devoted to magistrates and constables.⁴⁰ Quite small sums in absolute terms, this money was begrudged by those Sheffielders who saw it as a subsidy from town to county. Conversely, the county saw Sheffield as a drain. In the early 1840s, Wharncliffe made many efforts to get Sheffield to adopt a court of Quarter Sessions along with its corporation charter.⁴¹

⁴⁰ *Independent*, June 24, 1826.

⁴¹ *Independent*, February 5, 1842.

Despite the fact that the borough had been born in a flurry of independence from the county bench, one of the council's first acts was to thank the local bench for their support and service, and implore them to continue in office and activity.⁴² The borough's desire for low expenditure above all else was the main reason that a commission of borough sessions was not received until 1848, and one of quarter sessions until 1880, as has been shown by Walton and Smith⁴³ However, the issue of dispensing justice for minor offences was quickly settled. By early 1844, the Mayor was sitting as a magistrate at the Town Hall four days a week, along with various members of the West Riding bench: 'daily justice' had been attained.

The class background of magistrates was a public issue for over 30 years. In 1846 the *Tory Mercury* was calling for a stipendiary with 'no connection family or personal with any parties'.⁴⁴ During the debate on incorporation in 1838, the question of a 'disinterested magistracy' was raised by opponents of a corporation: they sought to portray the gentry and clergy dominated bench as good for working men, since manufacturers would be more likely to rule in their own interests in trade cases.⁴⁵ The attraction of a 'neutral' was not that he would ignore his self-interest, but that this self-interest would not be partial when workers were in dispute with employers. The issue re-surfaced later during the debate in the 1860s over whether to have a stipendiary magistrate. This time the 'neutrality' would be more real since the stipendiary, being salaried, would have direct class links to neither capital nor land.⁴⁶ In practice, the picture was different. The magistrate who made himself most objectionable to the town's workers was not a manufacturer but a surgeon, Wilson Overend.⁴⁷ The existence of this debate implies that many people did *not* see the law as 'a reified other', but instead regarded it as the product of a human social institution that was susceptible to the dictates of self-interest.⁴⁸

While 'the law' might not have been seen as a coherent whole that stood outside the necessary compromises of life, the idea of 'English justice' did occupy the role of moral absolute. This is especially significant when we consider the powerful hold of 'traditional' activity over the demands of the law in cases such as the Eyre Street riot. The rhetoric of civilising uniformity,

⁴² TCM, November 23, 1843.

⁴³ Walton, (1952), p. 184; Smith, (1981), pp. 58-9.

⁴⁴ *Mercury*, March 5, 1836.

⁴⁵ *Independent*, January 6, 1838.

⁴⁶ TCM, March 10, 1870.

⁴⁷ *Independent*, May 1, 8, 1847.

⁴⁸ Hay, (1975), p. 33.

particularly when it was being carried out by the representatives of a church that no longer had a monopoly, could be answered by the rhetoric of the 'freeborn Englishman'. So a correspondent to the *Independent* complained in 1822 of the activity of the Churchwardens and Assistant Constables who entered private houses on Sundays, signed himself '45' - a reference to John Wilkes's contentious edition of the 'North Briton'.⁴⁹ He began: 'I am one of those old-fashioned folks who have lived under the idea that every Englishman's house is his castle'. He maintained that their right to enter houses was 'asserted on their part, and doubted by many'. '45' challenged them to show where their legal authority came from. His warning was if this tendency was not checked, it could lead to a similar state of affairs to that prevailing in Ireland. 'English justice' had a powerful resonance. In 1847, the Mayor defended Overend on the grounds of 'good old English notions of fair play', while in 1874 Councillor Clegg was opposing the right of justices to order floggings as not in accord with 'our English justice'.⁵⁰

Returning to the issue of the magistracy: in the event Sheffield did not appoint a stipendiary until 1870. This move was prompted as much by resentment of the high fees and high-handed manner of Albert Smith, the veteran Clerk to the Magistrates, as it was by a desire for 'disinterested' justice.⁵¹ An underlying slightly defensive attitude to the town's legal position was revealed in 1867 by Leader's reaction to the 'Fenian Rescue' in Manchester. Had this happened in Sheffield, he argued, then the conclusion drawn would have been that the town needed a stipendiary as well as a bigger police force - 'we should probably have had a special reprimand from the Home Office'. Yet Manchester had a large police force, its own stipendiary, and court of quarter sessions. Beneath the slight air of *schadenfreude* is an expectation that many observers would accuse Sheffield of being under-policed.⁵² When in 1870 J.E. Davies was appointed as stipendiary, the town's decades of wrangling finally ended, in favour of another move towards professionalisation.

⁴⁹ *Independent*, January 19, 1822.

⁵⁰ *Independent*, May 8, 1847, December 10, 1874.

⁵¹ TCM, February 9, 1872; *Independent*, February 10, 15, 26, 1872. Smith held this post from 1820, and resigned in 1873.

⁵² *Independent*, September 21, 1867.

Part Four: Prosecution

The identity of the prosecutor in serious criminal cases is an important issue, but hard to study.⁵³ It cannot be gained from newspaper reports. In reporting an attempted rape case in 1837 the *Mercury* referred to the victim as 'a little girl' and 'the prosecutrix'.⁵⁴ The word 'prosecutrix' was therefore applied to someone who was not co-ordinating the prosecution in an active way: we cannot rely on the use of this term as a sign that the victim was genuinely prosecuting. Police generally prosecuted 'victim-less' crime, and the victim of crime was often referred to as 'the prosecutor'. In the 1860s, even in potentially serious cases, prosecution was still left to the victim. In October 1867, in a case of 'Indecent Assault by a Soldier' (who was released into the custody of the military authorities) the seventeen year old victim was advised by the JP, Milner, to 'consult with her mother and have him brought up on a warrant'.⁵⁵

Prosecution was expensive, but it is difficult to say exactly how expensive. In the early 1820s the Eyam Association for the Prosecution of Felons financed a prosecution for the theft of several cheeses. This cost £46/8/2, of which the county re-reimbursed £13/15/2. Five pounds of this was the lawyers' fees for interviewing, drawing up the indictment, and copying out - at 6/8 per sheet. Five pounds went to counsel. Keeping key witnesses in Derby from Wednesday to Monday cost £7/18/3. Having such unwieldy evidence was a handicap - a chaise had to be hired to bring the cheeses to the court, at a cost of over six pounds. Eventually the alleged cheese thief was acquitted due to a fault in the indictment.⁵⁶

The county rate subsidised the costs of most felony prosecutions, and it is possible to gauge the size of this subsidy from the county's accounts. In the West Riding, the average reimbursed cost of prosecution at quarter sessions in the period 1821-32 was £5-6, rising slightly towards the end of the period. Assize prosecutions were seven or eight times more expensive. In 1849 a committee of Sheffield Town Council enquired as to the expense of prosecutions at Assizes and quarter sessions, and recommended (unsuccessfully) that the

⁵³ Hay and Snyder, (1989), pp. 36-47.

⁵⁴ *Mercury*, September 16, 1837.

⁵⁵ *Independent*, October 12, 1867.

⁵⁶ Ph.C. 315/3. 'Eyam Prosecution Association Records'.

town employ a public prosecutor.⁵⁷ It exonerated the police from 'padding' their accounts, but accused lawyers of this practice. That year the reimbursed costs came to £8 for each sessions and £58 for each assize prosecution. The committee also recommended that when the charge for a crime was ambiguous - such as 'obtaining goods by false pretences' or 'forgery', the bench should prefer the lesser charge, since this avoided trial at assize.

One way of evading prosecution costs was membership of an Association for the Prosecution of Felons (APF). Sheffield and the surrounding area provide some interesting evidence on the development of APFs. These were institutions that spread the burden of private prosecution by collectively financially supporting the injured party to prosecute.⁵⁸ This enabled people who might otherwise have been deterred from prosecuting by the cost involved to do so.⁵⁹ Members were often motivated by desire for both individual security, and a society more free of crime.⁶⁰

The eighteenth century had seen a number of agreements to prosecute in Sheffield and the surrounding area.⁶¹ These did not set up an institution. APFs, on the other hand, accepted subscriptions before the fact, and also engaged in proactive advertising in newspapers and handbills, proclamations, the financing of agreed scales of rewards, and the refunding of

⁵⁷ Borough of Sheffield 'Report of the Committee Appointed by the Town Council of the Borough of Sheffield, to consider the subject of Assize Prosecutions, and suggest some means for diminishing their cost'. [June 1849]. SLSL, Vol. 51/5.

⁵⁸ D. Philips, 'Good men to associate and bad men to conspire: associations for the prosecution of felons in England 1760-1860.' in D. Hay and F. Snyder (eds.), *Policing and prosecution in Britain 1750-1850*, (Oxford, 1989).

⁵⁹ D. Philips 'A new engine of power and authority: the institutionalisation of law-enforcement in England 1780-1830.' in V. Gattrell, B. Lenman, G. Parker, (eds.), *Crime and the law: a social history of crime in early modern Europe*, (London, 1980), p. 179.

⁶⁰ J. Beattie, *Crime and the courts in England 1660-1800*, (Oxford, 1986). p. 48.

⁶¹ Local agreement to prosecute include: Bradfield (RC/10 'Bradfield agreement of 1737'); Dore (MD 3859 'Apprehension of Felons', 1742); Attercliffe (CA 26/1 Attercliffe Township Book 'Prosecution of Felons' c. 1770. p. 30);

Fully-fledged APFs in the Sheffield area include: Ecclesall (JC 1503, 1796); Staveley (JC 1518 Staveley APF 1812); Sheffield (1804); Tideswell (MD 183/7/43 'Agreement', 1814); Roystone (EM 1055 'List of members of Roystone APF, December 1, 1817'); Hemsworth (EM 1178 'Rules orders and Regulations of the Hemsworth Association for the Prosecution of Felons, etc.', 1821 - society founded 1809); Dronfield and Wittington (*Independent*, March 17, 1821); Eyam (MD 183/4/23 'agreement to prosecute', no date); Hathersage (MD 183/8/25 'handbill from Hathersage APF', 1821); Wath (NP 308 'Wath APF Rules and Accounts', 1821); Ecclesfield (SC 423 'Ecclesfield APF Deeds', 1829); Grimesthorpe, Brightside Bierlow and Attercliffe (*Independent*, April 30, 1842 - established 1829.); Bradfield (MD 3596 'Minutes of Bradfield APF', 1833); 'Union' (*Independent*, July 30, 1836); Norton (*Independent*, January 5, 1839); Wentworth (*Independent*, February 27, 1841); Sheffield Park (WCM, 1861-1863); Worsboro' (VWM (printed) 13, 'Rules and Regulations of the Association for the Prosecution of Felons, Trespassers, etc.', 1880) - a total of nineteen.

expenses that individuals incurred in attempting to recover their property.⁶² Some, such as Ecclesall in 1796, merely offered set rewards for convictions and informants, rather than reimbursing expenses. Generally the APFs covered those expenses that were left once the county had reimbursed the prosecution costs.⁶³ Some set limits for expenses of prosecutor and witness.⁶⁴ APFs did not necessarily commit their members to action. Some did: in 1833 the Bradfield APF saw as one of its objectives: 'preventing the compounding of felonies and other offences committed' - not even misdemeanours could have a blind eye turned to them and even non-members were to have pressure put on them to prosecute, or at least to avoid compounding.⁶⁵ In 1861, though, their rules allowed the victim to veto action by the Association's Committee if he or she so wished: this was probably a result of the existence of the police.⁶⁶ Some confined themselves to felony: Ecclesall (1796) went as far as to offer rewards for conviction of trespassers. Some such as Ecclesfield and Hemsworth set time limits on their agreements.

Certainty of prosecution was seen as one of the best attributes of Sheffield's APF. Montgomery wrote in the *Iris*: 'When crimes *have not* been prevented by timely guards, it is not a question of choice, but of obligation to punish the offenders.'⁶⁷ In 1836, Hugh Parker thought that it might serve this function, but his verdict as given to the Constabulary Force Commission was more limited:

There is an Association for the Prosecution of Felons at Sheffield and in the adjoining Parishes but not for prevention of Crime or protection of Property except so far as the Prosecution of offenders may so operate.⁶⁸

In 1839 the chairman of the Norton APF, at their annual meal, was certain that: 'much crime had been prevented, in consequence of evil-doers dreading the determination of the association to use every means to detect and punish depredators.'⁶⁹ Like earlier agreements, lists of APF members often included several women, some of whom used the societies to

⁶² 'Wath APF Rules and accounts' for 1824 record a payment of £3/15/0 to a member for travelling expenses in seeking his mare.

⁶³ SLSL Vol. 173/15 'Rules of Bradfield APF' August 19, 1833, p. 10.

⁶⁴ Hemsworth allowed eleven shillings per day for prosecutors and seven as expenses for witnesses on top of reimbursing them for their time: 'Hemsworth APF Rules', p. 11.

⁶⁵ 'Bradfield APF Rules', 1833. Roystone also set a specific fine for 'compounding a felony'.

⁶⁶ 222/G 4/1 'Rules of the Bradfield APF', 1861.

⁶⁷ *Iris*, February 17, 1818.

⁶⁸ Hugh Parker, in responses from Upper Strafforth and Tickhill in West Riding section of HO 73/5, 40.

⁶⁹ *Independent*, January 5, 1839.

prosecute cases.⁷⁰ APFs used newspapers to proclaim their activity. Proclamations, especially in the period before 1830, were used to expound their scales of rewards.⁷¹ Sheffield APF used one to predict an increase in crime, probably to attract new members: 'Many House and Warehouse Robberies may be expected to take place in the ensuing Winter, unless prevented by the precautions of the inhabitants, and the vigilance of the police.'⁷² Rewards from APFs, along with contributions from the victim, were offered in newspaper advertisements.⁷³ Associations were a component in the income of the parochial constables. Sheffield's sent Flather to Birmingham after a suspect in 1819.⁷⁴ The records of those around Sheffield contain references to payments to Sheffield's constables, whose professionalism may have made them more likely to pick up this work than those based locally.⁷⁵ This relationship was not always sweet: in 1841 the Bradfield APF was in dispute with Sheffield constable James Wild over whether he was entitled to a £10 reward for helping to catch a burglar.⁷⁶ Raynor was paid expenses by APFs as well: in 1843 he received 10s a day for attendance at a case being prosecuted by the Eyam APF.⁷⁷

The 'Sheffield Association for the Prosecution of Felons and Receivers of Stolen Goods' was founded chiefly through the efforts of Ebenezer Rhodes, a moderately successful Sheffield

⁷⁰ The Bradfield agreement of 1737 has five women out of 101; the Wentworth APF had seven out of 110 in 1841, although three of these are listed as '_____'s widow': *Independent*, February 27, 1841. Of the twenty-one prosecutions funded by the Sheffield APF in 1818, two were carried out by or on behalf of women: *Iris*, February 9, 1819. In 1842, three members of the SAPF were women: *Independent*, February 19, 1842.

⁷¹ An advertisement by Ecclesfield APF claimed that many crimes were committed by 'MIDNIGHT POACHERS', while the Sheffield APF issued notices before Sheffield's fairs, warning the public (potential members) to be on the look out for criminals, and criminals to be on the look out for them: *Iris*, January 20, 1818; *Iris*, November 30, 1819.

⁷² *Iris*, November 24 1818; November 30, 1819.

⁷³ SAPF doubled the three guinea reward offered by Jessops in a case of cutlery theft: *Iris*, January 5, 1819. Ecclesfield APF contributed five of a twenty guinea reward offered by the victim of a safe robbery at Chapelton Ironworks: *Independent*, January 11, 1840. Sometimes APF and victim's contributions to rewards were joined by government offerings in cases of agrarian crime: Ph.C. 315/2 'Handbills of Eyam APF', January 13, 1836; October 8, 1848. J. Styles, in 'Print and policing: crime advertising in eighteenth-century provincial England' in D. Hay and F. Snyder (eds.), *Policing and prosecution in Britain 1750-1850*, (Oxford, 1989). pp. 56-111, describes how important print was to the spread of information about crime. p. 59.

⁷⁴ *Iris*, October 5, 1819.

⁷⁵ Wath APF gave £2 of a reward to William Flather in 1822: 'Wath APF Rules and Accounts'. Bradfield APF was giving money as rewards to policemen from the West Riding up to 1868: Bradfield APF Minute Book.

⁷⁶ Bradfield APF Minute Book, July 26, 1841.

⁷⁷ Ph.C. 315/3 'Eyam APF Records', bill from October 1843.

manufacturer who served as Master Cutler in 1808.⁷⁸ A 'rationalist dissenter', his political views were radical and he edited the *Sheffield Independent* between 1820 and 1823.⁷⁹ But Rhodes was a gradualist reformer; when 'persuaded that there was need for reform, he advocated lawful and reasonable adjustments rather than any violent transference of power'.⁸⁰ The SAPF was first heard of in the 1790s. Two of its then members later went into partnership with Rhodes.⁸¹ In 1804, he reconstituted the Association, and in this form it lasted until at least 1848. Rhodes's role as a 'moral entrepreneur' was central: in 1808, its members were so pleased with his role in its creation that they presented him with an inscribed silver cup.⁸²

It was funded by a large initial payment from each new member, alongside intermittent subscriptions of 10/6 per annum raised in years when the interest on the capital was too depleted to cover current expenditure. This would explain why the society kept going for so long, in APF terms.⁸³ It did not need a constant inflow of cash to keep it going - it had picked up its resources during the initial burst of enthusiasm. Sheffield appears to have had larger cash reserves than the majority of the Associations for the Prosecution of Felons studied by Peter King in Essex, which were at risk when 'a particularly expensive prosecution suddenly exhausted the communal fund'.⁸⁴ Sheffield's £1000+ balance could not be disturbed by one case alone. The transfer of an appreciable amount of capital demanded a greater degree of trust in the financial probity of the Association's officers than of a subscription, and it was expensive. At £3/13s for personal and business premises, or £1/11s for personal premises only, it would have been out of the reach of all but the richest wage labourers, and favoured those who had capital against those who relied on a regular income. Possibly this was intended - certainly it rules out many of the poorer 'middling sort'.

Graph 9.1 shows its economic fortunes.⁸⁵ Not shown on the graph is the report for 1848, with expenditure of £30 and balance of £187. Some years also gave the numbers of prosecutions:

⁷⁸ White, (1833). p. 114; E.D. Mackerness, 'The Harvest of Failure: Ebenezer Rhodes, 1762-1839'. *The Derbyshire Archaeological Journal*, Vol. 101, 1981, p. 109.

⁷⁹ Read, (1961), p. 90.

⁸⁰ Mackerness, (1981), p. 108.

⁸¹ Mackerness, (1981), p. 108.

⁸² Philips, (1989), pp. 123-124. While the reference is in fact to the crime panic of 1785, that similar circumstances were in existence in southern Yorkshire given the economic dislocation resulting from The Revolutionary/Napoleonic war: Mackerness, 'The Harvest of Failure', p. 108; *Sheffield Iris*, Aug. 23, 1808.

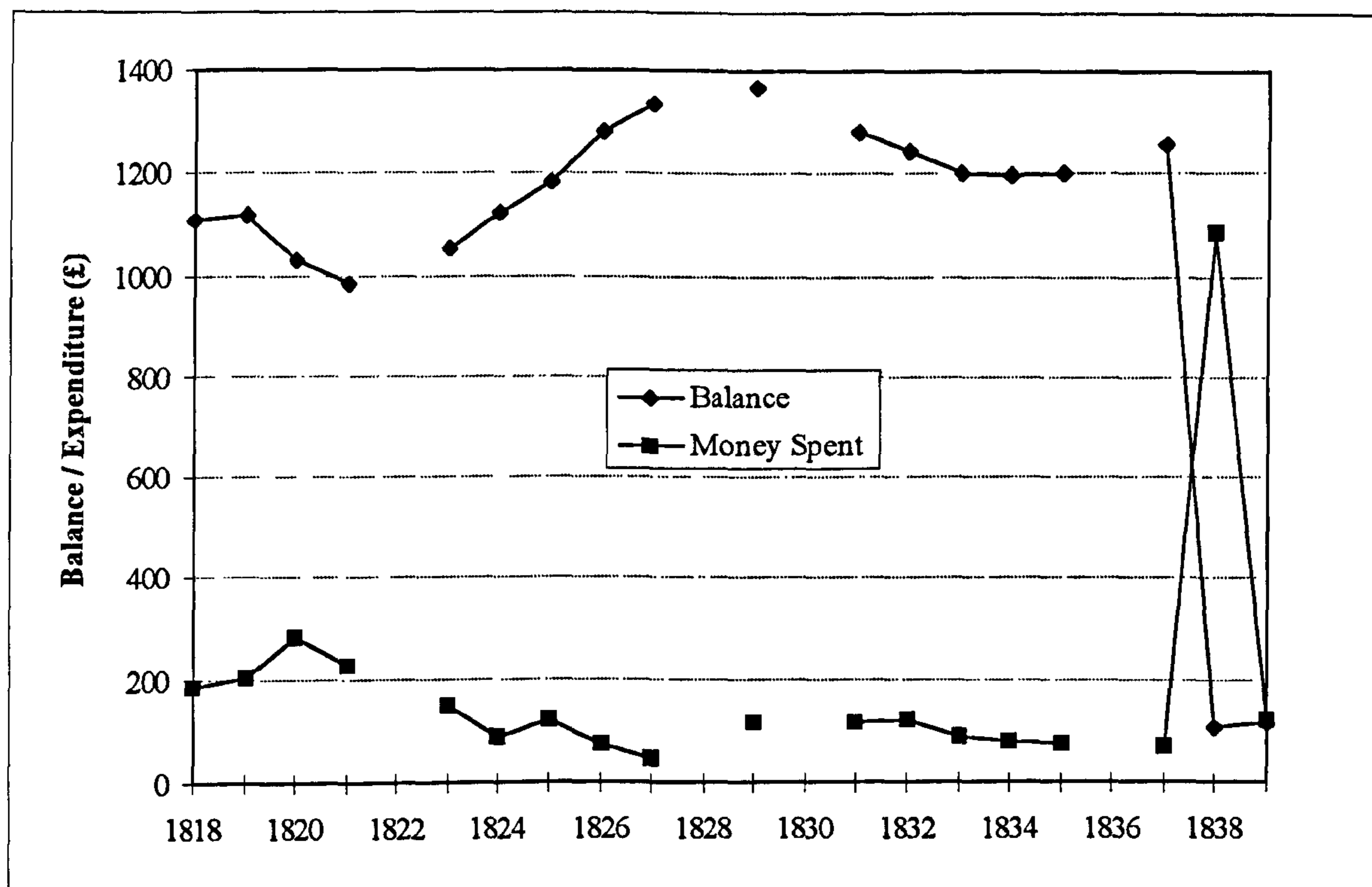
⁸³ For instance, Peter King thinks most eighteenth-century associations were: 'only semi-permanent in their structure and financial arrangements': King, (1989), pp. 179-180.

⁸⁴ King, (1989), p. 179.

⁸⁵ Source: annual reports of the SAPF as printed in the *Iris*, *Independent*, and *Mercury*.

22 in 1818, 21 in 1819, 10 in 1821, 13 in 1823, 6 in 1824, and 19 in 1838. Ten shilling subscriptions were demanded in 1821, 1823 and 1824; five shilling subscriptions in 1826, 1827 and 1829.

Graph 9.1 The finances of the Sheffield Association for Prosecution of Felons



The catastrophic decline in the Association's fortunes that occurred between April 1837 and April 1838 needs to be explained. That year, it prosecuted 19 cases and won 17 of them. While the sentiments expressed at the meeting were bullish, the annual account recorded £1,088 worth of outgoings.⁸⁶ This is at least five times what 19 prosecutions could be expected to cost, and the mystery deepens when we consider that in an advertisement issued separately from the annual report, the year's prosecutions are said to have cost 'upwards of £150'.⁸⁷ One possible explanation for the collapse in the Association's finances is peculation by their solicitor. J.W. Sambourne was appointed in 1837, and re-appointed in April 1838, but by April 1839 J. Dixon had the job. Whatever the cause of the collapse, it shows the kind

⁸⁶ SAPF accounts, *Independent*, April 7, 1838. The meeting considered that the prosecution rate was 'a proof of the utility of this Association'. A bank collapse cannot explain the loss: the account was with Parker, Shore and Co., which did not fail until 1843: Walton, (1952), p. 143.

⁸⁷ Notice from SAPF, *Independent*, May 5, 1838.

of crisis that could cripple any voluntary collective organisation. The SAPF attempted a 're-launch', this time relying on a smaller entrance fee and a higher subscription, but it only lingered on until it was last seen in 1848: Rhodes himself died in 1839, and in 1840 and 1841 motions to discontinue the organisation were debated.⁸⁸ King considers that 'the vast majority of prosecution associations were not solid, well-formed institutions, but temporary arrangements constructed on very limited legal, administrative, and financial foundations.'⁸⁹ Sheffield's, lasting for about four decades over a period of highly fluid social and economic change, appears to have done better than average. However, it cannot be described as a solid, well-formed institution.

The APF was always a dining society too, and some subsidised their annual meetings from their funds.⁹⁰ The later the period, the more APFs look like a social rather than a purely instrumental organisation. However, they did not fade obligingly away after 1856: instead they remained active. They were generally more 'professionalised': the rules of the Worsboro' Association in 1880 implied that the standard procedure was now to instruct a solicitor to oversee any prosecution, rather than for the victim to supervise matters.⁹¹ But they were not mere harbingers of a new age of bureaucratic and impersonal retribution: they differed from this model in two important respects. The first was that they did not all *always* prosecute offenders. In 1821 the Dronfield and Whittington APF refrained from prosecuting an elderly pauper who had stolen a wheelbarrow, on condition that he publicly returned it with a notice of contrition round his neck.⁹² In May 1840 a game protection association pardoned four men who had paid expenses and asked pardon after being caught setting fire to a moor, while in 1842 the Attercliffe APF similarly pardoned some men who had attempted to pull down a wall.⁹³ In 1817 a clerk in the employ of Ebenezer Rhodes dropped a case against four men who had assaulted him on condition that they apologise.⁹⁴ These cases show a different

⁸⁸ 'Sheffield Local Register' Vol. 1, pp. 334-5; *Independent*, February 19, 1842, April 8 1848; R. 228/4 in Bradbury Records.

⁸⁹ King, (1989), p. 181.

⁹⁰ The Ecclesfield APF subsidised its meal to the tune of 2/6 per head: SC 423 'Ecclesfield APF Deeds', 1829. In 1839, the members of the Norton Association sat down to dinner, spent an 'agreeable afternoon' together, and separated at about ten o'clock: *Independent*, January 5, 1839.

⁹¹ 'Worsboro' APF Rules', pp. 5-6.

⁹² *Independent*, March 17, 1821.

⁹³ *Mercury*, May 2 1840; *Independent*, May 7 1842.

⁹⁴ This action was not (it appears) prosecuted by the APF, but the significance lies in the fact that Richardson, the clerk, called attention to relation to Rhodes in the advertisement, which it is

interpretation can be put on the APF: it was not a device for mechanising and institutionalising prosecution, but one through which the middling sort got the chance to exercise the same sort of discretion and social power towards the 'deserving' that was, according to Hay, the preserve of the elites in the eighteenth century, and a source of much of their power.⁹⁵ Without a credible threat to prosecute, there could be no credible exercise of discretion.

The second way in which the APFs retained an essential element of the 'entrepreneurial' criminal justice system was the way their *modus operandi* impacted on the police force. In the 1860s, the Park APF was active in Sheffield. Their main activity was to give rewards to individual policemen for the apprehension or conviction of criminals who had committed crimes against their members. In 1863 they gave out four of these rewards.⁹⁶ The result of this activity, therefore, was to reduce rather than improve the bureaucratic component in the police's activity: rather than attempt to secure order uniformly, the police would have an incentive to defend the houses and premises of APF members.

In addition to the APF, a number of other voluntary collective institutions operated in Sheffield, mainly before 1850. The Association for the Protection of Trade came into being to prosecute unlicensed hawkers who threaten the business of established retailers during the trade depression of 1821. As well as prosecuting, it spent money on advertisements which alleged that street-sold goods were of poor quality and dubious origins, claiming that purchasers put themselves at risk. The Association's appeals for middle-class solidarity faded out when trade picked up in the summer, and it does not appear to have made a single prosecution.⁹⁷

The Sheffield Association for Trade Protection was an attempt on the part of employers in the cutlery trades to stop rattening. The preamble to the proposed articles of association, issued in 1817, runs:

It can never be expected that individual exertion can reach the accomplishment of an object, which will require a union in feeling, and a co-operation in acting equal to the mighty evil with which they may have to contend.⁹⁸

unlikely he would have done if Rhodes disapproved of such apologies altogether. *Iris*, August 5, 1817.

⁹⁵ Hay, (1975), p. 61.

⁹⁶ WCM, 1863.

⁹⁷ *Independent*, April 7, 14, 21, May 5, June 9, 1821.

⁹⁸ BR 288/1 in Bradbury Records, Sheffield City Archives.

It goes on to stress how lone resistance would be a calamity to the individual concerned. The plan was for the members of the Society to contribute to a fixed annual subscription, which would be used at the direction of an elected committee to support manufacturers who decided to take on the organised trades. In August 1818, it called attention to the case of a manufacturer who, during the previous year, had asked to be aided by the ATP's funds: as a non-member he was refused. The principles of 'subscriber democracy' were adhered to more strongly than the desire to win a short-term victory in the class war.⁹⁹ As Morris, Reid, and Inkster have pointed out, the institutions supported by 'subscriber democracy' were crucial to developing and sustaining middle-class cultural solidarities: the norms of behaviour that underpinned them were therefore more important than any short-term victory.¹⁰⁰

Other 'single-issue' prosecution societies were sporadically active. In 1834 an Association for the Opposition of Fraudulent Insolvent Debtors was founded, on the model of the APF - its preamble pointed out that while APFs merely had to 'top up' the county allowances, the entire expense of civil actions for recovery fell upon the prosecutor.¹⁰¹ Of twenty-nine subscribers, fifteen were companies or partnerships: eleven were Improvement Commissioners: the institutions of subscriber democracy and statutory authority were not mutually exclusive. This advertisement also alluded to a society specifically dedicated to protecting the victims of robbery from gardens. In 1838 the 'Table-Knife Grinders APF' offered a reward for the 'detection of the persons who have lately been guilty of rattening at several wheels on the river Porter'.¹⁰² The Sabbath Observance Society, whose activities have been explored in Chapter Three, was another active voluntary collective institution.

Part Five: Use of the press in the criminal justice system

Newspapers and handbills, had a major effect on the dissemination of information about crimes from the late seventeenth century onwards. Crime advertising 'was a characteristic feature' of Sheffield's newspapers in the 1820s and 1830s.¹⁰³ Advertisements had both an instrumental and a symbolic role. They divide into three main categories: rewards offered for

⁹⁹ *Iris*, August 8, 1818.

¹⁰⁰ Inkster, (1983), p. 84; Reid, (1976), p. 280; Morris, (1983), p. 101.

¹⁰¹ *Independent*, April 19, 1834.

¹⁰² *Independent*, August 4, 1838.

¹⁰³ Styles, (1989), p.59.

the solution of crimes; proclamations regarding forthcoming events; and apologies. APFs, in Sheffield as elsewhere, issued all three types of advertisement.¹⁰⁴

Advertised rewards were widely used in the 1820s and 1830s as a first step in the detection process. By the 1850s, however, they had all but died out. Rewards were most often offered in cases of theft, and varied between about £4 and £100 in amount - although they were often priced in guineas. Some contained elements of 'compounding' in that the reward was offered for the recovery of the property: others specifically mentioned that they were available to criminals who informed on their accomplices.¹⁰⁵ Some serious crime also led to rewards being circulated to Sheffield from other areas.¹⁰⁶ Between July 1818 and December 1819 the *Iris* carried five such advertisements for reward, ranging from stolen penknives to housebreaking.¹⁰⁷ In 1825 the Brightside overseers issued detailed descriptions of three 'runaway husbands' who had left their children chargeable to the parish, and offered a two guinea reward for their locations.¹⁰⁸ Other rewards offered in the years before 1840 included one for the capture of an apprentice who had absconded.¹⁰⁹

In the later part of the period, rewards were less likely to be about individual crimes, and more likely to be of an exemplary or institutional nature: for instance, rewards for trademark violations continued to be used up to the 1870s.¹¹⁰ In 1835/36 the *Mercury* carried four rewards: all of these covered exemplary offences, not thefts. They were about: writing hoax letters to an orphanage; killing a cow belonging to the vestry clerk of Ecclesall township (the vestry offered 70 guineas reward for this offence); evading the attention of the Assay Office;

¹⁰⁴ In Essex 'the associations made extremely widespread use of the local newspaper to advertise meetings, print resolutions, and offer rewards': King, (1989), p. 172.

¹⁰⁵ In 1839 a certain William Hague offered £10 or a free pardon to anyone who could recover the clothes taken from his house: *Independent*, December 14, 1839. Some housebreakers were informed that 'if any one of the accomplices will impeach the rest, exertions will be used to procure his complete acquittal': *Iris*, October 12, 1819.

¹⁰⁶ For instance, in 1818 a 20g reward was offered from Whitby for the recovery of £150 taken from a Friendly Society. *Iris*, April 7, 1818.

¹⁰⁷ *Iris* July 21, November 17, December 8, 1818; January 9, March 16, October 12, October 26, December 14, 1819.

¹⁰⁸ *Independent*, September 10, 1825.

¹⁰⁹ *Independent*, *Mercury*, June 29, 1839.

¹¹⁰ *Independent*, March 16, 1861.

and committing vandalism on a building site.¹¹¹ The style of a reward ‘fraud upon the public’, was adopted by a brandy advertisement in 1836.¹¹²

As well as rewards offered for crimes already committed, individuals and institutions used the press to issue proclamations. These could be used to demonstrate and reinforce power and deference. On March 3rd, 1821, the Duke of Norfolk’s agent placed an advertisement in the *Sheffield Independent*, headed with a rather fetching picture of a tree, announcing a £5 reward for information leading to the solving of a theft of a sycamore tree, cut down and carried off from the Duke’s property.¹¹³ This had a direct bearing on the town: the Park was only a few minutes walk from centre, and a lot of so-called ‘agrarian’ crime in the rural hinterlands of industrial districts was the responsibility of gangs commuting out from cities.¹¹⁴ This was a high reward - Shubert gives a typical reward for crimes of ‘theft or breaking of fences, hedges etc.’, as £1 10s. A five guinea reward was offered for prosecutions for ‘Burglary’, ‘Footpath Robbery’, and ‘Theft or maiming of livestock’.¹¹⁵ The *Independent* of May 26th recorded a sentence of one month passed on another man imprisoned for stealing wood from the Duke’s estate. The report noted the campaign run by the Duke’s agent, Michael Ellison, to end theft from the estate - perhaps this has something to do with the level of the sentence.

The third way that individuals used the press in the criminal justice system was the issuing of apologies to settle cases. Many of these had a ‘public’ or institutional content. Overseers of the Poor used them to proclaim their vigilance in tracking down fraudulent claims.¹¹⁶

The proclamation by the Duke of Norfolk in 1821 had a sequel. On June 2nd, the following advertisement appeared on the front page of the *Independent*:

Depredation in the Duke of Norfolk’s Woods

CAUTION

We the undersigned, having early this morning, wantonly entered the Old Park Wood, belonging to his grace the Duke of Norfolk, and cut down and taken thereout a Tree, and a Prosecution having been commenced against us

¹¹¹ *Mercury*, September 5, 1835; January 30, May 7, December 17, 1836.

¹¹² *Mercury*, June 11, 1836.

¹¹³ *Independent*, March 3, 1821.

¹¹⁴ J. Archer, ‘A reckless spirit of enterprise: poaching in nineteenth-century Lancashire’, unpublished paper delivered to Open University police history seminar, Feb. 1995.

¹¹⁵ Shubert, (1981), p. 32.

¹¹⁶ Nether Hallam Overseers forced a pauper to finance an apology for forging a relief ticket, while Ecclesfield got one from a man who was working on the side: *Iris*, May 11, 1819; June 9, 1818.

for trespass;- we have earnestly requested that such Prosecution may be withdrawn, which has been consented to on our agreeing to Pay the Expenses, and making this public Acknowledgement of our Contrition.

John Godlye

Spencer Smith

Thomas Howson - His Mark

Witness: Joseph Oates

Sheffield May 29 1821¹¹⁷

The miscreants had humbly begged for forgiveness, and in the end been saved from certain (or so it appears) imprisonment by the goodwill of the very man they intended to rob. Some apologies also included more humble disputes: for example over trademark violation.¹¹⁸

Other apologies were even more 'exemplary' than rewards. They generally covered issues where rights, such as those of access or community use or retribution, were disputed, and the most important thing for the victim was that justice was seen to be done, rather than events like theft where rights to property were less problematic. The *Iris* of 1818/19 contained four apologies: one for trespass; one for breaking windows and 'other outrages' on a wheel; one for a pauper falsely claiming relief; and one over a case of stolen mole traps.¹¹⁹ In 1837 four men apologised for destroying a grinding wheel.¹²⁰ Some pardons, unlike rewards, dealt with cases of assault.¹²¹

All apologies involved an acknowledgement of guilt: most but not all noted that a prosecution had been dropped. Some recognised the efforts of friends of the accused in pleading for an accommodation. Apologies were not always bilateral affairs: in 1836 James Mason was ordered by the bench to acknowledge his guilt and publicly apologise as part of his punishment for libel.¹²² Some involved additional outlays on top of the costs of publicity that all involved. In 1836 a man who had disturbed a temperance meeting was forced to pay the society £1, as well as apologise and pay for advertisements, in order to avoid a prosecution.¹²³

The use of rewards advertised in newspapers altered in character and diminished in frequency after 1840. As we have seen in Chapter Seven, however, there were still enough of them

¹¹⁷ *Independent*, June 2, 1821.

¹¹⁸ *Iris*, March 10, 1818.

¹¹⁹ *Iris*, June 30, 1818, March 16, May 11, May 16, 1819.

¹²⁰ *Independent*, April 8, 1837.

¹²¹ *Independent*, November 5, 1825, December 10, 1825, January 10, 1839.

¹²² *Mercury*, March 26, April 2, 1836.

¹²³ *Independent*, July 2, 1836.

around to make detective work potentially very lucrative. Their non-appearance in newspapers might be explained by the fact that they were increasingly printed on handbills which have not survived. This fits in with an emerging 'professionalism' and a greater unity of police authority: with just one detective office responsible for the whole borough, rather than as in 1819-1843 two authorities and five townships, it may have been more feasible to advertise the rewards directly.

Appeals for pardon were a very small number of the cases that could have gone to court. Their significance is greater than their numbers might suggest, and this is demonstrated by their often exemplary character: they provided a platform on which the victims could publicly state their own responsibility for ordering their lives and their property, as well as the magnanimous way in which they had chosen to do this. Each was in effect a morality play, which restored and re-harmonised social relations (not necessarily hierarchical ones) that had been called into question by crime.

Part Six: Unwritten Laws

'Outside the law' many ways of dealing with perceived criminal behaviour did not involve a formal process of prosecution. They were instead dealt with in other arenas. Given this, these interactions were often more susceptible to being biased in favour of those who already possessed wealth and power than were formal proceedings in court.

The most obvious way that action was taken outside the law was the use of 'private violence'. The state may have held the monopoly on legitimate violence, but it appeared quite willing to franchise this out - most notably in the defence of private property as well as that of the person. In the 1830s spring guns were still being set against thieves: one killed its owner after he set it off by accident in his own workshop.¹²⁴ Rattles could be kept to raise the alarm against burglars, or guns to shoot at them.¹²⁵ In August 1819, a resident at a warehouse fired a pistol at some burglars attempting to enter through a window - one was heard to cry out and fall to the ground. He was not apprehended. Another man 'shot through the thigh' in a similar

¹²⁴ *Mercury*, October 14, 1837.

¹²⁵ Some women in a private house successfully raised the alarm against an intruder: *Iris*, January 20, 1818. In 1841 the victim of a burglar found himself threatened by his own gun: *Independent*, November 27, 1841.

attempt was convicted the next week.¹²⁶ Use of weapons was welcomed rather than condemned: when a 15 year-old girl in Brightside fought off burglars by shooting at them from the window with a horse pistol, the *Independent* commented: 'If all men would act with the same gallantry this young woman did, only taking better aim, burglaries would be less frequent.'¹²⁷ In 1839 the same newspaper welcomed the fact that three men had been 'armed and prepared' when they faced down a group of suspected robbers on the town's outskirts one night.¹²⁸ In the early part of the period, there was an attitude that *force majeure* would prevail, and those who failed to secure their property properly deserved to lose it. In November 1819, a correspondent to the *Iris* thought that there was little wonder that there were so many robberies, when on Friday one watchman had found twenty-three unfastened cellar windows.¹²⁹

Deadly force was also threatened in riots. During the election riot of 1832, a crowd attacked the house of lawyer Luke Palfreyman. Palfreyman and one of his clerks fired shots over the crowd's heads in response to their stones, and warned that if they advanced, he would fire at them. Leader described this as 'that defence which is lawful to every Englishmen in his own house.'¹³⁰ The use of 'deadly force' against burglars and other thieves appears to have fallen off after the middle of the century. This, though, might not represent a trend, but merely a difference in survival of the evidence - although if this type of action against crime was becoming less publicly acceptable, that is significant in itself.

It was accepted that violence could be used on disorderly children in public places. In 1839, two boys were brought up before Brownell for fighting in the Park and:

it was stated that great annoyance was caused to the respectable inhabitants of the Park, by the disorderly conduct of such youths as the defendants. Mr. Brownell said it would have been much better than bringing them before the Bench had some person taken a stick and given the boys a sound flogging.¹³¹

Such public violence had limits, though. The next year, a boy brought a case for assault against a middle-aged man, Edward Lucas, who had taken the law into his own hands after

¹²⁶ *Iris*, August 3, August 10, 1819.

¹²⁷ *Independent*, January 14, 1826.

¹²⁸ *Independent*, December 14 1839.

¹²⁹ *Iris*, November 16, 1819.

¹³⁰ *Independent*, December 15, December 22, 1832.

¹³¹ *Mercury*, June 22, 1839.

being stoned by a group of boys.¹³² He 'took him by one of the ears, and pulled the root out'. The magistrate, Chandler, called it 'a brutal case, and under no circumstances was he justified in treating the child so', and ordered him to agree a 'handsome' sum in compensation with the child's parents.

A public use of the 'unwritten law' was the use of effective banishment by the police and the magistrates. Charges could be dropped on condition that the accused 'promised to leave the town'. The police also issued the tickets to vagrants in the casual ward: this gave them a considerable degree of power over the itinerant poor and the destitute.¹³³ Informal banishment was also a weapon against the marginal: when Raynor was showing Jellinger Symons around the town's low spots, he came across a girl from Chesterfield, abandoned by her lover, having an altercation with her landlord. Raynor told her 'she must not stay in Sheffield.'¹³⁴ In 1837 a magistrate refrained from convicting a notorious brothel-keeper, provided that she leave Sheffield.¹³⁵

In the 1870s, the national concern with aggravated assault on women and children 'filtered down' to Sheffield. Concern originated centrally, not locally, and the first public manifestation of it was a meeting of the local magistrates convened to consider a Home Office circular on the topic.¹³⁶ This asked about the incidence of domestic violence, and whether or not the Bench thought that it would be reduced by adopting flogging as punishment: they did. Later, a resolution in the Town Council urged that this policy be adopted.¹³⁷ During the debate, its advocates had to concede that this type of offence had suffered a short-term fall, even though its long-term trend was rising. Both sides in the debate used 'civilising' rhetoric: those who upheld the status quo argued against the extension of flogging, and pointed to the limited application and similar 'panic' nature of the laws passed after the 1860s garrotting panic.¹³⁸ Their opponents argued that aggravated assault was 'a disgrace to civilisation', and

¹³² *Mercury*, August 22, 1840.

¹³³ CA 295/C 2/2, 'Non-wage costs of the Sheffield Police Force, 1859-65' lists a bill for printing 500 Billet Tickets, March 1859, p. 20

¹³⁴ Symons, (1843), p. 8

¹³⁵ *Independent*, February 25, 1837.

¹³⁶ *Independent*, November 7, 1874.

¹³⁷ *Independent*, December 10, 1874; January 14, 1875.

¹³⁸ The *Independent*, of January 7, 1875, rejected flogging on the grounds that 'our civilisation is advancing not retrograding'. Leader also thought that sometimes violence against women was justified, on account of their ability to nag.

the introduction of flogging would make women more ready to come forward with complaints, since imprisonment threatened penury to the family.

Despite law reform on this issue, the 'unwritten law' was that husbands still had the right to use violence to control their families: the law was only to intervene when this violence became excessive. Like a number of other interventions or failures to intervene, therefore, the criminal law gave shape and power to the existing ordering of society: compromise might suit the parties concerned, but it was generally carried out on an unequal basis, and thus served to reinforce and underpin inequality.

'Compounding' of a felony, by a private arrangement that often involved return of stolen goods, was illegal but there is no record of it being prosecuted. 'Compounding' of even the worst crimes happened sometimes. In 1837 a man who had assaulted, 'with intent to rape', 'a little girl' escaped conviction for this felony when the magistrates decided to 'exercise the discretion vested in them by the law; and they, therefore, ordered the prisoner to be discharged on paying the prosecutrix £4 costs.'¹³⁹ Parish constables were not above compounding in return for information. In 1838, magistrate Alderson reprimanded Bland for informing a suspect via his lawyer that he would not be charged if he confessed: Alderson: 'hoped Bland would have no communication with solicitors for the future.'¹⁴⁰ Compounding a felony was always a convenient short-term way out for the victim, and often for the policeman too. It became less acceptable as the police became more bureaucratic: the price paid for short-term convenience was a diminution in the attack on long-term problems of criminal behaviour.

Part Seven: The image of crime

Crime was a spectator sport. An episode in the satirical journal the *Sheffield Cutler* featured a 'mob' of old women as regular visitors to the Town Hall, magnifying the charges faced by the 'hero' through a process of Chinese whispers.¹⁴¹ It is probable that this was not entirely fiction, and the court did normally have some 'spectators' present. When in 1842 Nall, who

¹³⁹ *Mercury*, September 16, 1837. Such failure to prosecute convincingly for sexual assaults was not confined to Sheffield. See C. Conley, 'Rape and justice in Victorian England' in *Victorian Studies*, Vol. 29, No. 4 (1986), 519- 536, pp. 521-523.

¹⁴⁰ *Independent*, February 3, 1838.

¹⁴¹ *Sheffield Cutler*, May 11, 1839, p. 50.

had committed a murder in Sheffield, was hanged at York, some Sheffields were in the crowd.¹⁴² The delivery of prisoners from Sheffield to Wakefield appears to have been a 'diversion' in more ways than one. In 1819, one Sheffield family left their house to watch the prisoners go past: when they returned they found it had been robbed.¹⁴³

Newspapers provided a means whereby knowledge of crime and the steps taken to combat it were disseminated. The newspapers of the mid nineteenth century did not generally carry any 'social reportage' or analysis as such. Sometimes the state of society was given in reprints of speeches by professional lecturers or reformers.¹⁴⁴ But, before the serial stories of the 1860s, by far the most prevalent way of presenting non-fictional narratives was through the crime pages. 'Local Intelligence' was generally a number of reports, static announcements, and observations, each one dealing with a discrete event. Events and contingencies of the unofficial 'private' world - the official 'public' world being reported through reports of public and official meetings - were most often contained in the 'Police Intelligence'; 'Town Hall'; 'Police Court' or 'Magisterial Proceedings' sections. From an instrumental point of view, the court reports were an easy, cheap and reliable way for a newspaper editor to generate useable copy. Possibly, though, these stories fell into clichés. From his own experience as a crime reporter on a very different newspaper (the *New York Times*) cultural historian Robert Darnton has suggested that there is a general tendency to collapse events into one of a number of pre-set tropes or categories in order to make 'news'.¹⁴⁵ Be that as it may, even if the 'crime stories' told in Sheffield's newspapers do only follow a limited number of archetypes, the nature of the archetypes themselves allows us to draw some conclusions about the society.

Gender, ethnicity and social class were all attributes that rendered a case memorable. Women who transgressed femininity by committing crime, especially violent crime, were portrayed as objects of curiosity.¹⁴⁶ In 1851 the *Free Press* reported an assault case as 'A Jewish

¹⁴² *Independent*, April 16, 1842.

¹⁴³ *Iris*, November 2, 1819.

¹⁴⁴ *Independent*, July 7 1821, reprinted an article from the *Edinburgh Review* against the use of spring guns. The *Iris*, September 22, 1821, reprinted an article by the Society of Prison Discipline on 'Punishment'.

¹⁴⁵ 'We mainly drew on the traditional repertory of gestures. It was like making cookies from an antique cookie cutter. . . The trick will not work if the writer deviates too far from the conceptual repertory that he shares with his public and from the technique of tapping it that he has learned from his predecessors': R. Darnton, 'Journalism: all the news that fits we print', in *The kiss of Lamourette: reflections in cultural history* (London, 1990), pp. 60-94, pp. 86-88.

¹⁴⁶ See for instance the report in the *Independent* of 'A female insurrection' which occurred when a man whose cart knocked down washing lines was attacked: April 3, 1841.

Quarrel'.¹⁴⁷ Serious fights between married couples could be milked for laughs.¹⁴⁸ Often quite tangential, though highly entertaining, material was reported at length. For instance, in 1851 a charge of allowing gambling in a beerhouse - a minor charge for which the penalty was just 40s - got two columns in the *Independent*, and the *Free Press*, since it told a tale of whisky-drinking, gambling, cheating and robbery, in which the perpetrators, victim and witness were all safely part of the *demi-monde*.¹⁴⁹

Contemporaries were wise to the many possible explanations for the rise in indictable crime: distress; changes in the laws; 'the increased vigilance of the police'; and more lenient sentences, were all cited by one article printed in 1833.¹⁵⁰ In 1853 the Council's report on drunkenness also recognised the limits to studying this phenomenon through the arrest statistics.¹⁵¹ The examination in Chapter One of secondary work on the study of criminal statistics identified a 'pessimist' strand which holds that these cannot be a measure of 'crime', but are only useful as a guide to the perceived state of crime. This section examines the statistical returns in line with this paradigm.

We can treat the level of indictments merely as a public indicator for crime - its relationship with 'actual crime' is thus irrelevant. There is, however, little evidence that the police wished this number to be seen as such an indicator. In his preamble to the Criminal Statistical Returns of 1859-62, John Jackson records the numbers of reported robberies in passing (pointing out the proportion detected) while spending far more time pointing out the exact amount stolen, and the circumstances of the thefts, and the characteristics of those arrested. The figures for all indictable reported offences, which Sheffield was obliged to send in to the Home Secretary, do not appear among the figures printed for Sheffield. The reported indictable crime will be considered here, but only in the terms seen as reasonable by Chief

¹⁴⁷ *Free Press*, April 26, 1851.

¹⁴⁸ The *Independent* so reported the tale of 'An injured wife' April 26, 1826.

¹⁴⁹ Barton, the victim, testified, according to the *Independent*, that: 'In probably half an hour, I found that I was losing money very rapidly, and was determined that I would look more diligently after the game.' The *Free Press* had him say later: 'I found that each party had got four cards'. 'Mr. Dunn: Then do I understand that each party ought to have had only three cards? - Mr. Barton - Precisely.' *Independent, Free Press*, April 5, 1851.

¹⁵⁰ 'West Riding Expenditure', report reprinted from the *Leeds Mercury* in the *Independent*, April 13, 1833.

¹⁵¹ The report then proceeded to do this anyway even though 'the police returns cannot give positive evidence as to the number of persons who get drunk in any borough': 'Report from Town Council Committee of inquiry into Drunkenness', January 12, 1853, SLSL, v. 60, p. 5.

Constable Jackson: as a measure of the police's response to officially reported crime, not as an arbitrarily large (though unknown) proportion of 'real crime'.

The figures for 'Thieves etc. at large in the borough' can also be treated in a 'pessimistic' fashion. This information was delivered to the Home Office: in addition it was included in Sheffield's printed returns. Such 'labelling' is too susceptible to changing definitions on the part of the police force to be considered as a reliable reflection of objective reality. It would have had to utilise, in the absence of any requirement for a central register, the subjective opinions of many different men - who were unlikely to be consistent with one other, and were liable to change with changes of policy and personnel. This is illustrated by the statistics collected for 1859 and 1860.¹⁵² The number of 'known thieves and depredators' under the age of sixteen dropped from twenty-five boys and ten girls in the former year to four boys and no girls the next, before climbing again to eighteen and nine respectively in 1869. In 1858, ninety-five 'receivers of stolen goods' were living in seventeen 'houses of receivers of stolen goods'. By 1867, forty-four were living in fifty-one houses. Something had certainly changed, but it is most likely to have been the criteria used, rather than any 'actual' alteration in the number of fences and their residences. 'Female receivers of stolen goods' stood at six in 1859, twenty in 1860 and seven in 1861. Tobias and Sindall are certainly right in this particular case: changes in definition - subjective and unrecorded - can have so much impact as to render any study of other putative changes impossible.¹⁵³

Changing definitions throw the process of labelling into harsh relief: the decision that the state (in the person of its agents) makes in attaching a label to an individual is the one that gets recorded. This need not necessarily have any consistent relationship with what the individual 'was', or was not doing. This process is sometimes easy to understand and isolate: one example of it occurring in Sheffield is when the guidelines for recording the figures were obviously changed. The data for 1856 contain 'nuisances and offences against the local acts' under 'apprehensions': in 1859-62 the category of 'nuisance' labels only those prosecuted via police warrant; although many (around the same number as in 1856) were arrested for 'breaches of the borough bye-laws'. In addition, the categories of 'rogues and vagabonds' and 'suspicious persons' are not present in the 1859-62 figures.

¹⁵² The source for this and all other statistical information in this section, unless otherwise indicated, is the *Criminal Statistical Returns for the Borough of Sheffield*.

¹⁵³ Tobias, (1967), p. 258; Sindall, (1983), p. 19.

The reported recorded crime figures are useful aids in attempting to illuminate the nature of the police response to reported crime: this has value on two levels. First, as an indicator of police activity, and second, as a pointer to the image of crime that the returns conveyed: the message that Raynor and Jackson were sending in them. Irrespective of the content, the *form* in which the statistics were presented allows us to draw conclusions about the way crime was seen, and the local state's 'line' on it. One case where this is relevant is in the treatment of women's occupations. In 1854-56 and in 1859-62, the returns give breakdowns of offence via occupation. For every year except one, the criminal woman was judged not to have an occupation. The only categories she could be put into were: 'Females 15 years old or less', 'Females engaged in domestic affairs, or of no definite occupation', and 'Prostitutes'. The only 'definite occupation' that criminal women could have, therefore, was as a prostitute. The same pattern was repeated in the figures for 1859 and 1860, which used two categories 'Females having no trade' and 'Prostitutes'. The figures for 1860 and 1861 gave a variety of different jobs for women, but the figures for 1862 return to a division between 'Females' and 'Prostitutes'.

Another example of significance of the way the numbers are presented is contained in the table presented 1859-62 that deals with thefts. This listed and costed all reported thefts, dividing them between 'solved' and 'unsolved'. It was also an implicit crime-prevention lesson: featuring drunks robbed by prostitutes, windows left open, and thefts by servants. Each different charge was sub-divided into up to eight different categories, and then cross-referenced in three separate fashions: the amount stolen; the time it took place; and the value of the goods recovered. The effect of this is to break up 833 crimes into far smaller numbers. The largest offence was 'Larceny', which had 536 prosecutions. The largest sub-totals, on the other hand, are thirty-four which (Which is the number of larcenies 'from occupied or tenanted premises', of 'goods exposed for sale', valued between 5s and under 10s') and seventy-two (The number of Larcenies 'from occupied or tenanted premises', of 'goods exposed for sale' occurring between from 5pm and 9pm').

By splitting up the problem it becomes solvable: it has been enumerated and described in a systematic way, therefore it appears that the first step in the process of solution has already been taken. As M. Young puts it: 'The transformation of an actual level of deviancy (which we were well aware was unknowable) into another official perspective was part of how order

was defined.¹⁵⁴ Even the criminal act - if only in image alone - has become part of the state apparatus. Its ability to shock and dismay, therefore, has been neutered to an extent. Each robbery is reduced to purely financial terms. The atomisation of the robberies into numerous sub-classes diverts attention from the total figure: rather than being one of several hundred identical offences, a robbery becomes one of a reassuringly small group of other robberies that fit into its own small sub-classification - 'robberies committed after 6pm by breaking in through windows, etc.' Significantly, the subdivision headed: 'amounts recovered' does not list the number of crimes for which goods were recovered, leading one to the conclusion that this figure might not have been so flattering to the police.

Thieves, and other marginal deviants, also get reduced to numbers. The amorphous dangerous class has been identified and enumerated, their haunts counted and classified.¹⁵⁵ In the shape of the text delivered as part of the Criminal Statistical Returns, the human threat has taken the first necessary step to control and eventual potential elimination.

The Criminal Statistical Returns also show a clear attempt to imply that crime was the work of 'the other'. This 'other' was defined in both ethnic and parochial terms. From 1853 to 1856, the summary of the police's activity over the year included two extra columns, which recorded the number of 'Irish' and 'Strangers' arrested for each offence. The numbers committed and/or acquitted are not given. The effect of this form of presentation is to include the largest possible number of people in these categories in the table.

The table below shows the numbers and proportions of 'Irish' and 'Strangers' for each of the various offences that, over the three-year period, saw more than 100 people arrested.

¹⁵⁴ M. Young, (1991), p. 327. 'We' in this context refers to Young and his colleagues in the Newcastle-upon-Tyne CID in the 1960s.

¹⁵⁵ This process of nailing down the deviant by categorisation featured in the social researches of Henry Mayhew. These were qualitative rather than quantitative, but they were also a product of a desire 'to keep their surveys matter-of-fact, to banish contemporary phobias, and to study their subject as scientists rather than sentimentalist', writes P. Quennell in his introduction to H. Mayhew, *London's underworld* (London, 1983, pp. 1851-62), p. 25.

Table 9.3 'Irish and Strangers'

	All arrests	Irish	Strangers	Irish %	Strangers %
Apprentices, Disorderly	445	0	0	0.00	0.00
Assaults, common	1548	91	23	5.88	1.49
Assaults on Police Constables	347	45	27	12.97	7.78
Bastardy, not obeying orders in	169	0	0	0.00	0.00
Deserters from the Army	138	4	14	2.90	10.14
Deserting and neglecting to maintain families	358	4	1	1.12	0.28
Disorderly	570	52	46	9.12	8.07
Disorderly Prostitutes	511	29	27	5.68	5.28
Disorderly Servants	372	0	0	0.00	0.00
Drunk	347	27	89	7.78	25.65
Drunk and disorderly	2766	335	368	12.11	13.30
Drunk and incapable	1233	84	292	6.81	23.68
Felony	1839	98	91	5.33	4.95
Gambling	386	19	4	4.92	1.04
Highway rates, non-payment of	122	0	0	0.00	0.00
Larceny from the Person	165	14	11	8.48	6.67
Poor's Rate, non-payment of	112	0	0	0.00	0.00
Rogues and Vagabonds	741	31	105	4.18	14.17
Suspicious Characters	354	16	120	4.52	33.90
Vagrants, lodging in outhouses, &c	242	14	61	5.79	25.21
Vagrants, miscellaneous	566	52	186	9.19	32.86
Wilful Damage	222	12	12	5.41	5.41
Total m and f	14550	961	1539	6.60	10.58

'Strangers' are slightly (100-200%) over-represented in 'drunk and disorderly', and 'rogues and vagabonds'. Given that 'rogues and vagabonds' referred to characters who were picked up on suspicion and imprisoned, this proportion is relatively low. They were more (200%+) over-represented in 'Drunk' and 'Drunk and incapable'. Strangers who were probably drunk could well have been more likely to be arrested, while drunk locals would be carried, dragged or directed home. The figures for drunk and disorderly probably show that strangers were not much more likely than the locals to get drunk: however, once they had come to the attention of the police, they were more likely to be arrested if they were 'incapable'.

Unsurprisingly, the charges for which the strangers were most likely to be arrested were 'vagabonds, sleeping in buildings' and 'suspicious characters'. 'Suspicious characters' refers to people picked up on suspicion and then released. There was apparently a willingness on the part of the police to hold more strangers on suspicion; despite the fact that a lower proportion of them were in fact convicted of anything. The category of 'Vagrants, lodging in outhouses, &c' was mainly composed of locals rather than transients. This further casts doubt on the traditional early Victorian obsession - magnified by Chadwick's 1836 Commission - that saw itinerant vagrants as the root of the problem of crime.¹⁵⁶ Another low level was that for 'Felony' [larceny], which was under-represented at a level of 50% of the global average: 'strangers' were less than 5% of those arrested for 'felony' in the period covered. An even lower level was reached by arrests for 'assaults': only twenty-three cases out of 1548 - 1.49%.

The pattern revealed by the arrests of 'Irish' differs from that shown by arrests of 'strangers'. Even a minor degree of police bias against one group can have a major effect on the outcome.¹⁵⁷ The most over-represented offence is 'assaults on police officers'. Rather than 'drunk and incapable', they are next most prominent in the category of 'drunk and disorderly'. This tends to underpin the view of the Irish in the Victorian city as characterised by conflict with the police force.¹⁵⁸

The totals conceal some interesting gender divides. In the three years under consideration, women made up 16.0% of the total number of arrests. 'Others' had higher percentages: 20.5% for 'Irish' and 18.3% for 'strangers'. Irish women are a higher percentage of all female arrests (8.4%) than Irish men are of all male arrests (6.3%). Some particular offences saw much higher proportions than the global figure. For instance, the proportion of Irish women arrested for 'felony' is 9.5% of the total number of women (36/378) arrested for this offence: more than double the proportion of Irish men (4.2%). Irish women also make up 42% of all the women arrested for assaults on police constables, but the total sample size here

¹⁵⁶ See, *inter alia*, Emsley, (1991), pp. 39-40, for the way Chadwick's agenda slanted the questionnaire for the 1836 Constabulary Commission.

¹⁵⁷ This is easily demonstrated. If we start with a population of 1000, and put them through four 'selections', which could correspond to suspicion, arrest, charge and conviction, we can find very different results with small alterations in the proportion selected. If 55% of the group are selected, we are left with 97 people. If 45% people are selected, we are left with just 41.

¹⁵⁸ See F. Finnegan, 'The Irish in York' in R. Swift and S. Gilley, (eds.), *The Irish in the Victorian city* (London, 1985), pp. 59-84, pp. 68-71. Finnegan found that in 1850/51, the Irish in York were over-represented in court by a factor of three: the most common crime for which they were convicted was drunk and disorderly behaviour.

(7) is so small that this result cannot be considered significant. This is not the case for 'drunk and disorderly', where Irish women make up 14.9% of the total (62/416): a higher proportion than the 'male' figure - 11.6%. Irish women also make up 5.7% of the 511 'disorderly prostitutes' apprehended during this period: a lower total than their 'global' percentage. The pattern of offences by 282 female 'strangers' also differed from their 1257 male counterparts, but less noticeably. Fewer women were 'drunk' (16.9% to 27.7%) but rather more were 'suspicious characters' (46.0% to 32.5%). Indeed, females in the latter category formed a higher proportion of the total arrested than any other group of 'outsiders'.

It is also important to note the absence of 'Irish' and 'strangers' from certain categories of arrest. There are none included under householders' offences such as non-payment of the poor rate. None is disciplined for failure to pay orders in bastardy, and only a negligible number for deserting families. This suggests that these groups were not included in society's functional connections in the same way. One possible explanation for the virtual absence of Irish from the categories of 'family crime' is that the police and the magistrates were reluctant to use the courts to bolster the Irish family: the arrest evidence is consistent with this particular aspect of the 'multiple-use right' being withheld from those with the lowest status in society - Irish women and children. In addition, their absence from the category of 'disorderly' servants has two possible explanations: that it was impossible for Irish to get work as servants in 1850s Sheffield; or that Irish servants were more likely to be disciplined summarily. The overall impression of this consideration of 'the other' is thus consistent with the schema of different 'arenas of discipline' that was outlined in Chapter Two: the more marginal appear to be disciplined more for crimes of violence, by means of more violent interaction with the police. Their ability to use the law to solve their own problems appears to be far more limited, than is the case for even the 'criminal' population as a whole.

The numbers of 'Irish' as given in the breakdowns for 1854-56 can be compared to the figures that were printed in 1860-62, when a table giving the country of origin of all arrested was included in the returns. This gives a total number of Irish arrested in the three year period as 1156 men and 375 women amounting to 16.8% and 21.5% respectively of all arrests in this period. These figures are around two and a half times those recorded in 1854-56, and illustrate the elastic nature of such labelling.

The desire to blame crime on the 'other' is also apparent in John Jackson's preambles to the statistical returns for 1860-62. He wrote in the preamble to the printed returns of 1860 that since the publication of last year's report the Office-keepers had been required to record the length of time each prisoner had lived in Sheffield. His main conclusion was that of the 2787

arrested that year: 'of the total apprehended 955 only were natives of Sheffield, 595 were entire strangers, 90 had resided here less than six months'. The number of 'entire strangers' seen in this period (16.1%) contrasts with the figure recorded previously under Raynor (9.19%) and suggests that different criteria were being adopted. The numbers who had lived in the town for different lengths of time were then given in yearly divisions (as detailed in Table 9.4 below) up to seven years, and then the admission that 696 had lived in Sheffield 'for seven years and upwards' was made. Jackson was obviously relying on a narrow interpretation of 'native' - actually being born in Sheffield - in order to make the category of 'criminal as other' as large as possible:

Table 9.4 Length of residence in Sheffield of those arrested, 1860-62

	'Native'	'Stranger'	<6m	6m-1y	1-2y	2-3y	3-4y	4-5y	5-6y	6-7y	7+y	Total
1860 ¹⁵⁹	955	596	90	90	84	86	88	52	48	52	696	2787
1861	1337	434	134	75	83	62	59	58	42	46	735	3065
1862	1256	370	133	65	47	65	55	43	38	44	668	2784
total	3548	1400	357	230	214	213	202	153	128	142	2099	8686
% of total	40.8	16.1	4.1	2.7	2.5	2.5	2.3	1.8	1.5	1.6	24.2	100

Jackson presented the results as proof that crime was the province of strangers. The less impressive figures for 1862 and 1863 were printed in the third paragraph, rather than the first, and the number of locals was not prefixed by the word 'only'. Yet the numbers themselves challenge Jackson's assessment. Once the number of those who have lived in Sheffield for a significant length of time is included, the total number of locals arrested rises to 65%, while over the three years the proportion of 'strangers' is only 16%. The numbers for 'natives' creep up over the period: while the number of 'strangers' falls. There is a possibility that those who were recording the data were aware of the desired result, and thus, initially at least, were more willing to record people as strangers and less willing to record them as local, than would have been the case had they been objective. In subsequent years, recording would then have become more objective.

¹⁵⁹ NB: This is the total that is given in the returns as a whole: the figures in the breakdown give a total of 2837. None of the subsets for this year are obviously 50 too low. However, an anomaly of 50 does not bias any of the totals significantly.

Part Eight: Conclusion

This chapter has covered a large amount of ground in its overview of the way that the wider apparatus for dealing with crime reflected and shaped the society as a whole. Reasons of space prevented much analysis of levels of 'acceptable' interpersonal violence, or of the ways in which regulatory policy can be explained in terms of a 'civilising impulse'. This chapter has shown that the image of crimes was as important as the reality, and that this was mediated through copy-hungry newspapers and manipulated by a police force that wished to present itself as doing the best of all possible jobs.

Informal discipline outside the law was seen as a crucial part of the social regulatory apparatus throughout the period. All indications are that it was the more marginal - children, women, strangers, - who were most subject to the coercive forces of the state (in the case of the latter) or of a patriarchy (in the case of the two former).¹⁶⁰ Prosecution associations served to widen the circle of property-owners who could dispense 'personal' justice, by collectively issuing warnings and offering larger rewards than they would have been able to do as individuals. We have seen how, even well into the period of 'mid-Victorian consensus', a number of 'traditional' recreations of the working class, especially working-class youth, were seen as inherently disorderly by the police force, and how this created a degree of constant friction. Rather than a separate and deliberately reified thing, the law was quite clearly seen as a human political construct: the abstract concept of 'English justice' could be opposed to the law as easily as it could be used to underpin it. Some things did change: there was a definite move towards 'rational recreation', and the 'individual' and exemplary justice in that underpinned the printing of apologies became a lot rarer.

¹⁶⁰ In this context, 'the state' refers to the institutional and 'official' usage of the term, rather than simply that body charged with the use of legitimate violence. 'Patriarchy' refers to the belief in the innate superiority of husbands as heads of households and families.

Chapter Ten: Conclusions

'I could write a good deal more on the subjects I have touched'¹

This brief chapter evaluates the success of the research project, especially on the theoretical level; lists a number of specific instances where it significantly contributes to the historiography; suggests the most fruitful possibilities for further related study; and finally summarises some wider conclusions about the causes and process of police reform in Sheffield.

Applicability of the theoretical framework

The study has been limited in area to one single jurisdiction. The chronological scope, taking in the development of the criminal justice system under three distinct legislative frameworks - 1818-1843, 1843-1857, and 1857-1873, compensates for this narrow focus to an extent. The picture that has been revealed is one of a city that was unique in many different ways. Sheffield's police development was idiosyncratic and often affected by abnormal and local events, from its anomalous position as the largest non-corporate town in the West Riding, to Holberry's rising, the challenge of the Democrats, and the development of a distinctively autonomous working-class culture. Nevertheless, even if Sheffield is an 'outlier', it is a sizeable data point in its own right: its exceptional experiences form a significant component of the nineteenth-century urban scene.

In order to make useful syntheses of topics of general interest, much specific work must be done. This study will fill one gap in the histories of crime in Britain's Victorian cities, and should help furnish material for more general studies. It is hoped that the collection and documentation of the criminal statistical returns for 1844-56, will also prove of use for further research.

¹ 'An Address To Police Constables On Their Duties, By The Honourable Sir Henry Hawkins, One Of Her Majesty's Judges', in C.E.H. Vincent *A Police Code and Manual of the Criminal Law*, (London, 1886), p. 10.

This study has mainly been a narrative history of the subject. To a large extent its characteristics and pre-occupations have been shaped by the nature of the available sources. As usual, the ambitious theoretical framework constructed in Chapter Two has not been used as much as it could have been. The main reason for this is, paradoxically, the centrality of the criminal justice system to many areas of social relations. Thus, it is often difficult to see where this particular function begins and ends. Specifically, it is intertwined with the processes of popular culture, of changes in jurisprudence, and of the development and activity of central and local government. It is easier to describe these connections than it is to fit them into any unified explanatory framework.

This said, the theoretical framework has been usefully tested in many respects. Social power was legitimised through its exercise in many different 'arenas of power' through which the material inequalities in society could be reinforced without de-legitimising the enforcing institutions or society as a whole. This has been seen to operate in the specific cases of the different outcomes that are predicated by different ways into the criminal justice system and the impact of arrest on people whose background was that of deviant 'others'. It has also been encountered when the 'unwritten law' of crime is examined, especially involving compounding, the use of violence, and the use of reward and exemplary apology. All these accommodations and compromises that helped to lubricate the wheels of justice had the effect of entrenching existing inequality: access to money and power helped.

Specific issues

It is worthwhile to draw attention to the useful and/or surprising things this study has illuminated, which are - it is hoped - of some value as additions to the historiography of crime and policing.

The study of the policing institutions that existed before the supposed advent of the 'New Police' in Sheffield in 1843 have continued to develop an existing critique of the teleological model of police development.² The 'old' police, in the shape of the parish constables, were not as bad, nor were the 'new', represented by the town's police before the 1860s, as good as moral entrepreneurs and celebratory historians have alleged. Indeed the parish constables can be seen to have attained a degree of 'professionalism' that was in many ways unmatched by all but the highest ranks of the new police. The watch force, while optimised for a particular

² See for instance: R. Paley, (1989), and E. Reynolds (1991).

task - protecting property at night - did not live up to the stereotype of incompetence either. Despite a number of scandals stemming from its low (though gradually increasing) level of supervision, it was generally seen as worth the money by those who had to pay for it, and was regularly responsible for foiling crime.

The ground-breaking 'reform' of the police was the creation of the day police in 1836. This was not related to legislative changes but to local circumstances. The decision to incorporate was just one of a number of options, and not inevitable. One alternative way of organising local police, the 1833 Lighting and Watching Act, was used twice in the borough. Given that it was local events that played an important part in shaping the police force, this has an important bearing on those histories of the development of the police and of the law that have concentrated on looking outwards from the centre, even as they do a good job of narrating other relevant issues such as changes in ideology and legislation.³

The Sheffield Democrats put forward a unique criticism of the police force and an alternative model for the criminal justice and local administration systems. Their level of electoral support means that their views can be seen as significant, if not necessarily completely representative of popular opinion. Their challenge to the criminal justice orthodoxy was thwarted by the fact that their liberal opponents maintained a tight hold on the state power that remained an essential tool for structuring and lubricating all sorts of social relations.⁴ The detailed examination of their programme and activity contained here complements existing work on their orientation towards other issues, as well as forming a necessary part of any more general study of organised radical opposition to the police.⁵

The examination of policing as a trade has helped to further nuance the existing picture. The experience profile of the force appears to have become 'stable' and mature by 1870 - earlier than other comparable forces.⁶ Rather than be entirely characterised by a bureaucratic mode of operation, discipline within the force was organised along paternalist lines, with discretion

³ One recent (and excellent) study that this applies to with particular force is that of Palmer, (1988).

⁴ For instance, when the Council voted on whether to debate the People's Charter in 1847, Watch Committee members comprised nine out of twenty voting not to consider it, four out of ten abstaining, and one out of nine voting for consideration. TCM, December 8, 1847.

⁵ Such a study would build upon the existing history of Chartism in particular, and on work such as: E.P Thompson, 'The State of the Nation' in *Writing by Candlelight* (London, 1980), pp. 189-256; M. Weaver, 'The new science of policing, crime and the Birmingham police force, 1839-1842', in *Albion*, Vol.26, No.2 (1994), 289-308; E. Carpenter *Prisons, Police and Punishment* (London, 1904), and R. Storch, (1975).

⁶ For example Middlesborough: see D. Taylor, (1991).

and reward still performing a significant role at the end of the period. The case of George Bakewell gives us a rare opportunity to read the actual words of a police constable whose career spanned the shift from 'old' to 'new' police. Although the police 'professionalised' towards the end of the century, 1843 can be seen as marking a de-professionalisation. The 'craft' skills of the parish constables were replaced by 'proletarianised' paid employees, and the Surveyor of the police became subject to an increasing degree of oversight from a Watch Committee that expanded to a complex bureaucratic machine in order to more fully supervise the police.

The examination of the criminal statistics has revealed some useful information. The exact proportion of those arrested who later face conviction for an indictable offence is a useful measurement for looking at movements in the rate of crime and punishment before comprehensive returns are available from 1857. The consideration of the high 'reach' of the police, in terms of the number of people who are ever likely to suffer arrest, shows that even a supposedly under-strength borough force could have a considerable impact, even in the 1840s. The examination of the exact effects of the 1855 Criminal Justice Act on the pattern of arrest, discharge, indictment and conviction will also be useful for attempting to reach a degree of continuity in studies of crime rates before and after this date.

The major conclusion that emerges from the examination of the prosecution process and the image of crime is that, even in 1870, the boundary between public justice and private justice was permeable and flexible. The state was still willingly devolving its monopoly of violence to authority figures - husbands, fathers, masters of apprentices - who were able and expected to coerce, and also able to rely on the law to back up their authority. But the traffic, though unequal, was not one-way, and there were accepted limits to the extent of private accommodations in the face of an ever-growing statute law. The public/private boundary shifted towards the state, as the institutions of voluntary collective activity fell into disuse. The successful attack by the state on organised trade union intimidation can be seen as another part of this process, albeit one which differed markedly owing to the nature of the classes involved, and their complete lack of agreement over what constituted legitimacy.

The ideal of many interest groups was to enlist the state to give themselves legitimacy and enable them to gain their ends. Ironside and Broadhead both needed a quasi-state power, the ability to use force, within highly constrained traditions, to deliver results - be they quiet streets or security of employment - to their constituent supporters. Broadhead's sights were set lower, he was more dedicated and pragmatic, and thus he achieved far more than Ironside, for longer. But neither could make headway against the developing power of the state, which

was increasingly professionalising itself. The unreliable links of descent and proximity were replaced by far more secure semi-bureaucratic institutions, and the communication via word of mouth by the telegraph - installed in Sheffield's police stations in 1874. The urge to file, classify, and record served the police well in both symbolically and literally pinning down the 'residuum', whose doings could be reported with meticulous accuracy to the town's elites.⁷

Possibilities for further study

There are two logical further steps suggested by this research. The first is to extend its chronological range. Consideration of the 1818 Act has led to the conclusion that to a large extent the town was 'civilised' and 'policed' after it was put into effect. The state of the law enforcement institutions before this point therefore needs to be examined. Were they ineffective or corrupt, or merely rendered obsolete by the town's spectacular growth? The period of the French Wars also saw Sheffield as one of the most militant and unruly of Britain's cities. To what extent did events like the 1795 massacre alter people's opinions of the law, the magistrates, and the constables? This question is particularly pertinent given the highly developed separation then existing between the public order and thief-taking functions of the police institutions: to what extent did (and do) 'new' police suffer from combining these functions?

Looking forward from 1873, the key issue raised is the nature of the police force. Did the long period of control by Jackson help to cause the corruption scandals of the early twentieth-century? What was the nature of the sense of professionalism and trade solidarity within the police force? Did the increasing number of Home Office interventions have a material impact on the structure of control and responsibility in the police force? To what extent were the Watch Committee shut out of control over the police by a combination of centralisation, professionalisation, and the lessening of the room for manoeuvre that came with the increase in the government grant?

Extending the study geographically would involve more explicitly comparative work with similar towns and cities over the whole period: notably Birmingham and Manchester, neither of which were 'old' corporations. One issue worth studying is the activity of the 'old' police in the West Riding before 1856. Sheffield's parish constables were efficient and active, and

⁷ In 1862, Jackson wrote of 'Ticket-of-Leave men' (paroled convicts): 'Of forty at present in the town . . . twelve are living entirely by criminal pursuits, twenty-one sometimes work but occasionally steal, and seven are obtaining an honest livelihood.' *Criminal Statistical Returns*, 1862.

were called from the town to give their advice and to catch thieves. Did their counterparts in the rural districts and the industrial villages share their ability? If the new police really were a by-product of urbanisation, the question of how they arrived in this highly urbanised area at the latest moment possible must be addressed. This thesis has told the public story of how Wharncliffe's project was defeated: the social basis of the story needs to be explored, in order to explain why Yorkshire did not emulate the activity of Lancashire.

Wider conclusions

The main thrust of the thesis concerns a development of our understanding of the nature of state and elite coercion, or 'social control', in nineteenth-century England.

The debate on 'the significance of the new police' has broadened immeasurably from the first time the triumphalist orthodoxy began to be challenged in the 1960s and 1970s. It is no longer merely about 'nice or nasty', or 'crime and disorder'. As the tangle of experiment, accident, ideology and serendipity is unravelled, and more and more discrete historical actors unearthed, the debate is almost in danger of lapsing into mere narrative. It is important, therefore, while acknowledging the messiness of events, to look for long-term changes and draw long-term conclusions. In this context, the attitude of the Democrats is central. They had widespread support, and a cogent (if not always coherent) critique of the criminal justice system. They are evidence that at least some respectable and temperate artisans, however much they might have craved a new threshold of public order, did not see the police as the only, or even the best, way to get this.

The other larger conclusion is to do with the activity of the police force itself. Through the struggle of the policemen with their supervisors and their employers for better working conditions, and though the efforts of officers like Jackson to shine as a (somewhat lucky) paragon of virtue and tower of strength for his employers and their town, a stable institution was born. This played a key role in the extension of the state further into the everyday lives of the population - giving it the power on the margins to coerce if necessary. In 1820 the state could exhort, request and promise to reward: by 1872 it could plan, and the police were an essential ingredient in that ability to plan.

Appendices

Appendix 1: The 1838 Watching Plan

Appendix 2: The contents of the Sheffield Criminal Statistical Returns

Appendix 3: List of different offences as covered 1845-56

Appendix 4: List of different offences as covered 1859-62

Appendix 5: Modelling the impact of arrests

Appendix 1: The 1838 Watching Plan

[As reproduced in the *Sheffield Independent*, September 8th, 1838]

Watching Department. - Mr Unwin presented the report of the Watching Committee, containing the estimates for the ensuing year.

1 Watchhouse keeper

4 Sergeants

22 Policemen, with

44 Watchmen in winter, or

36 Watchmen in summer.

The disposal of this force to be as follows: -

WINTER - The town to be divided into 54 beats, to be watched by 44 watchmen and 10 policemen, as watchmen. The whole again divided into 9 beats, under the care of 9 policemen, as inspectors. Each inspector would thus have the oversight of 6 watchmen. The town to be again divided into three divisions, over each of which a sergeant would be placed under whom would be 3 inspectors and 9 watchmen. The fourth sergeant to take superintendence of the whole. The hours of duty for the entire body to be from half-past eight each evening till six o' clock next morning. Two other policemen then to come on duty, and perambulate the town till half-past eight in the evening. The remaining policemen to be employed as occasion might require.

SUMMER (from 22nd April to 4th October) - 36 watchmen and 10 policemen, to watch 46 beats, with 9 policemen as inspectors; and 3 sergeants, as supervisors, each having under him 15 watchmen and 3 inspectors. The fourth sergeant to superintend the whole. Hours of duty, from half-past eight in the evening till four in the morning. Then the 19 policemen take charge of the whole town till six o clock, when the day force comes on.

The **DAY DUTY** to be performed as follows: the town will be divided into ten beats, on each of which a policeman will be placed. The whole to be under the superintendence of two sergeants. The first division to be on duty from twelve o clock to four; the second from four o' clock till the hour for the night watch. They then rest for two hours, and at half-past ten,

come on duty as inspectors. By this arrangement there will be on duty 2 police, from six o' clock till ten; 2 policemen and 2 sergeants, from ten till twelve; and from twelve till night, 10 policemen and 2 sergeants, constantly on duty.

The expense of this arrangement is estimated as follows:-

	£	s	d
1 Watchhouse keeper, at 25s a week , for 52 weeks	65	0	0
4 Sergeants, at 20s. do.	208	0	0
22 Police, at 18s. do.	1029	12	0
44 Watchmen, at 15s. do., for 28½ weeks	940	10	0
36 Watchmen, at 12s. do., for 23½ weeks	507	12	0
	2750	14	0
26 suits of clothes, for sergeants and police	58	14	0
26 Hats, do.	9	2	0
30 Watchmen's coats	52	10	0
Oil for lanterns	60	0	0
Water rent, rattles, surgery, &c.	0	15	0
	2945	16	0

Appendix 2: The contents of the Sheffield Criminal Statistical Returns

	Title of table in Criminal Statistical Returns:	Year (18)			
		44-51	51-56	56-57	59-62
1	Persons taken into custody by the Sheffield Constabulary Forces, in the year 18xx	X	X		X
2	Discharged by the Magistrates, in the year 18xx	X	X		
3	Summarily convicted or Held to Bail by the Magistrates, in the year 18xx	X	X		
4	Committed for trial by the Magistrates, In the year 18xx	X	X		
	[All the above are divided by offence, by month, and by gender]				
5	Recapitulation for the Year 18xx	X			
6	Recapitulation for the year 18xx [Incorporating numbers of 'Irish' and 'Strangers' arrested for each crime, and figures for those convicted under the JOAs and the CJA]		X		
	[The above are divided by offence and by gender]				
7	The occupations of persons taken into custody by the Sheffield Constabulary Force in the year 18xx [This divides the male arrestees by occupation, but divides the offences into one of five categories]		X		
8	The Age, sex and sentence of the persons tried and convicted, in 18xx [shows those convicted on indictment only]	X	X	X	
9	The Age, Sex and Degree of Instruction of the persons taken into custody, in 18xx [effectively two separate tables, since age and degree of instruction are given separately]	X	X	X* pt. 2 only	
10	The number of inquests held by the coroner, in the year 18xx, within the Borough of Sheffield, with the verdict of the Jury as to the manner in which the deceased parties came by their deaths	X	X	X	
11	Shewing the number of persons apprehended for indictable offences and the manner in which they were disposed of, in the year 18xx [divided by offence, gender, quarter, and outcome: discharged; bailed; committed; convicted; acquitted; and bill not found.]			X	
12	Shewing the number of persons apprehended for summary offences and the manner in which they were disposed of, in the year 18xx [divided by offence, gender and outcomes: discharged; convicted; and length of sentence delivered]			X	
13	The Sex and degree of instruction of the persons taken into custody, in 18xx [Divided into: read and write; read only, and neither. This is the same as the second part of 9 above.]			X	X* 1859 only
14	How the persons apprehended during the year 18xx have been disposed of [divided by gender, offence, and outcomes: discharged, settled out of court, fined, fined and committed in default, bailed, bailed and committed in default, delivered to army, navy or militia, committed to sessions, committed to assizes, and sentenced				X

		Year (18__)			
Title of table in Criminal Statistical Returns:		44-51	51-56	56-57	59-62
	summarily - this last divided up by sentence length, and between adults and juveniles]				
15	How persons committed to Assizes have been disposed of [divided by gender, offence, and outcomes: bill not found or not prosecuted; acquitted; recognizances entered; length of sentence]				X
16	The country and degree of education of the persons taken into custody during the year 18xx. [Effectively three tables showing country (divided into; English and Welsh; Irish; Scotch and Foreigners), marital status (divided into married and single) and degree of education (divided into; none; read and write imperfectly; read and write well; and superior)]				X* not 1859
17	The ages of the persons apprehended in the year 18xx [divided by offence and gender, and into 5-year intervals between the ages of 10 and 60]				X
18	The trades and occupations of the persons apprehended during the year 18xx [divided by occupation and offence]				X
19	Of what the property consisted which was stolen during the year 18xx. [divided between stolen and recovered, and into: cash notes and cheques; watches and jewellery; wearing apparel; bed linen; horses sheep and cattle; butchers' meat and other eatables; goods and material possessions in the process of manufacture; working tools, implements, etc. and property not otherwise described]				X
20	The number of depredators, offenders and suspected persons at large within the Borough of Sheffield 31st December 18xx and the Houses they frequent. [divided by gender and into those over and under 16, and into: known thieves and depredators; receivers of stolen goods; prostitutes; suspected persons; vagrants and tramps. Also given are: houses of bad character; resorts of thieves and prostitutes - divided into: public houses; beer shops; and coffee shops; Brothels and houses of ill fame and tramps' lodging houses]				X
21	The number of persons summoned by the Police during the year 18xx, the offences with which they were charged, and the manner of their disposal by the Magistrates [divided by gender, into: dismissed, ordered to pay costs, fined and paid, fined and committed in default, held to bail, committed in default of bail, discharged on abating nuisance and paying costs, and did not appear and warrant granted]				X
22	The number of persons summoned by private individuals during the year 18xx, the offences with which they were charged, and the manner of their disposal by the Magistrates [divided by gender, into: dismissed; settled out of court; ordered to pay costs; fined and paid; fined and committed in default; held to bail; committed in default of bail; orders made for weekly payments; to pay amount owing and costs; and committed where no fines have been inflicted]				X
23	The number of inquests held during the year 18xx, and the verdicts of the Juries as to the cause of death [divided by gender, month, and cause]				X

	Title of table in Criminal Statistical Returns:	Year (18__)			
		44-51	51-56	56-57	59-62
24	The number of fires which have occurred in the Borough of Sheffield during the year 18xx, and the amount destroyed, whether insured or otherwise, and how the fires were extinguished.				X
25	The Established strength of the police force [with: numbers at each rank; average age; height and length of service, and number of married and single men].				X

An 'X' means that the table in question was included in the statistics that year.

Appendix 3: List of different offences as covered 1845-56

1	2	3	4	5	6	7	8
Offence	Ind?	HO cat.	Type	No.	Total	Male	Female
Manslaughter	Ind	I	V	1	37	34	3
Murder	Ind	I	V	2	7	7	0
Child Stealing*	Ind	I	V	3	2	1	1
Conspiracy	Ind	I	V	4	12	12	0
Rape	Ind	I	V	5	24	24	0
Rape, assaults with intent to commit	Both	I	V	6	21	21	0
Assault, aggravated, on females	Sum	I	V	7	54	54	0
Assaults by cutting and maiming	Both	I	V	8	61	59	2
Assaults, common	Both	I	V	9	3816	3655	161
Assaults on Police Constables	Both	I	V	10	704	692	12
Assault, with intent to commit murder	Ind	I	V	11	1	1	0
Assaults with intent to commit an unnatural crime	-	I	V	12	1	1	0
Assaults, with intent to commit robbery*	Both	I	V	13	13	10	3
Bigamy	Ind	I	M	14	16	11	5
Obstructing Police Constables on duty, [/'rescuing, and attempts to rescue']	Sum	I	V	15	135	120	15
Shooting with intent to kill	Ind	I	V	16	19	19	0
Throwing explosive substances, with intent to do bodily damage	Ind	I	V	17	2	2	0
Burglary	Ind	II	P	18	73	70	3
Breaking into dwelling-houses, [Warehouses], [shops], etc and stealing	Ind	II	P	19	58	58	0
Robbery from the person by force or threat	Ind	II	P	20	119	117	2
Horse-stealing / ['Horse and Cattle Stealing']	Ind	III	P	21	29	29	0
Sheep Stealing	Ind	III	P	22	4	4	0
Embezzlement	Both	III	P	23	79	78	1
Felony	Ind	III	P	24	4555	3640	915
Frauds	Sum	III	P	25	79	73	6
Larceny from the Person	Both	III	P	26	282	183	99
Receiving Stolen Goods	Ind	III	P	27	62	40	22
Obtaining Money or Goods by false pretences	Both	III	P	28	193	174	19
Pawning or disposing of property illegally	Sum	III	P	29	127	84	43

Persons having property in their possession supposed to have been stolen	Sum	III	P	30	3	3	0
Poaching	Sum	III	P	31	3	3	0
Dog Stealing	Sum	III	P	32	4	4	0
Pigeon Stealing	Sum	III	P	33	1	1	0
Robbery in Gardens, &c	Sum	III	P	34	278	270	8
Breach of trust	Sum	III	P	35	4	4	0
Arson*	Ind	IV	M	36	3	3	0
Wilful Damage	Both	IV	M	37	680	633	47
Wilful Damage to Machinery	Sum	IV	M	38	72	68	4
Forgery, or uttering forged instruments	Ind	V	P	39	22	18	4
Coining	-	V	P	40	3	1	2
Passing or being in possession of base coin	Both	V	P	41	232	189	43
Apprentices, runaway	Sum	VI	M	42	2	2	0
Apprentices, Disorderly	Sum	VI	M	43	972	969	3
Attempting to commit suicide	Sum	VI	M	44	13	6	7
Breach of the Peace	Sum	VI	M	45	109	104	5
Breach of Borough Bye-Laws	Sum	VI	M	46	29	27	2
Bridge Rate, non-payment of	Sum	VI	M	47	7	7	0
Bathing in a public situation	Sum	VI	M	48	25	25	0
Cruelty to Animals	Sum	VI	M	49	25	25	0
Concealing Birth	Ind	VI	V	50	4	0	4
Chimney Sweepers' Act, offences against	Sum	VI	M	51	6	6	0
Deserters from the Army	Sum	VI	M	52	189	189	0
Drunk	Sum	VI	D	53	949	780	169
Drunk and incapable	Sum	VI	D	54	3451	2975	476
Drunk and disorderly	Sum	VI	D	55	8860	7584	1276
Disorderly	Sum	VI	D	56	2402	2076	326
Disorderly Servants	Sum	VI	D	57	673	669	4
Disorderly Paupers	Sum	VI	D	58	353	288	65
Disorderly Prostitutes	Sum	VI	D	59	1055	0	1055
Deserting and neglecting to maintain families	Sum	VI	M	60	1104	1077	27
Ferocious Dogs, allowing to be at large	Sum	VI	M	61	1	1	0
Furiously driving	Sum	VI	M	62	7	7	0
Friendly Societies, Offences Against	Sum	VI	M	63	2	2	0
Fraudulently removing Goods	Sum	VI	P	64	1	1	0

Gambling	Sum	VI	M	65	1265	1261	4
Excise Laws, offences against	Sum	VI	M	66	18	12	6
Fines, non-payment of	Sum	VI	M	67	15	14	1
Game Laws, offences against	Sum	VI	M	68	19	19	0
Gas Rent, non-payment of	Sum	VI	M	69	2	2	0
Highway Rates, non-payment of	Sum	VI	M	70	279	266	13
Highway Act, offences against	Sum	VI	M	71	3	3	0
Hawking without License	Sum	VI	M	72	82	81	1
Illicit Distillation	Sum	VI	M	73	1	1	0
Indecently exposing the person / . . . obscene prints, &c	Sum	VI	M	74	99	99	0
Keeping disorderly houses	Sum	VI	M	75	3	0	3
Loan Societies, offences against	Sum	VI	M	76	2	2	0
Lodging-house Act, offences against	Sum	VI	M	77	4	4	0
Maintenance of Relations, disobeying orders towards	Sum	VI	M	78	1	1	0
Meat, unwholesome, exposing for sale	Sum	VI	M	79	1	1	0
Misdemeanours by Intimidation [/'Intimidation']	Both	VI	M	80	14	14	0
Misdemeanours, common	Both	VI	M	81	17	15	2
Night Act, offences against, being disguised, or having instruments, &c.	Ind	VI	P	82	3	3	0
Nuisances and Offences against the Local Acts	Sum	VI	D	83	211	206	5
Not obeying orders in Bastardy	Sum	VI	M	84	399	399	0
Neglect of Work	Sum	VI	M	85	36	36	0
Obscene [/ or indecent] language, using	Sum	VI	D	86	5	4	1
Poor's rate, non-payment of	Sum	VI	M	87	249	238	11
Perjury	Sum	VI	M	88	3	2	1
Rioting	Both	VI	D	89	36	35	1
Pound Breach	Sum	VI	M	90	1	1	0
Railway Acts, offences against	Sum	VI	M	91	10	9	1
Revenue, offences against	Sum	VI	M	92	5	4	1
Rogues and Vagabonds	Sum	VI	D	93	1787	1542	245
Suspicious Characters	Sum	VI	D	94	608	561	47
Trespassers / ['Tresspassing']	Sum	VI	D	95	87	87	0
Throwing stones at a passing railway train	Ind	VI	M	96	3	3	0
Unnatural Crime	Ind	VI	M	97	1	1	0
Voters, personating	Sum	VI	M	98	1	1	0

Vending Illicit Spirits	Sum	VI	M	99	2	0	2
Vagrants, begging	Sum	VI	D	100	57	45	12
Vagrants, lodging in out-houses	Sum	VI	D	101	275	259	16
Vagrants, idle and disorderly	Sum	VI	D	102	6	6	0
Vagrants, miscellaneous	Sum	VI	D	103	2022	1564	458
Watch Rates, non-payment of	Sum	VI	M	104	88	85	3
Water Rent, non-payment of	Sum	VI	M	105	1	1	0
Wages, non-payment of	Sum	VI	M	106	53	52	1
Total					39903	34229	5674

Key:

- I Offences against the person
- II Offences against property committed with violence
- III Offences against property committed without violence
- IV Malicious offences against property
- V Offence against the currency
- VI Other offenses, not included in the above clauses
- Ind Prosecuted only on indictment
- Sum Prosecuted only summarily
- Both Prosecuted both on indictment and summarily
- All prisoners discharged
- V 'Violent'
- D 'Disorder-related'
- M 'Miscellaneous'
- P 'Property'

Appendix 4: List of different offences as covered 1859-62

	Type	No.	Total	Male	Female
Murder	V	1	1	1	0
Murder, Attempting	V	2	4	4	0
Manslaughter	V	3	14	13	1
Shooting, Cutting and stabbing, with intent to do bodily harm	V	4	25	23	2
Arson	M	5	4	4	0
Burglary and Housebreaking	P	6	67	63	4
Robbery from the person by force or threat	P	7	21	19	2
Breaking into Shops and Warehouses	P	8	30	30	0
Assaults with intent to rob on the Highway	P	9	2	2	0
Found by night in Dwelling-house with intent &c.	P	10	2	2	0
Found by night with Pick-lock Keys in possession, &c.	P	11	2	2	0
Larceny	P	12	1759	1245	514
Severing, with intent to steal, lead from buildings	P	13	1	1	0
Receiving Stolen Goods	P	14	30	19	11
Horse and Cattle Stealing	P	15	10	10	0
Forgery and uttering forged Instruments	P	16	11	10	1
Uttering forged Bank of England Notes	P	17	3	3	0
Having Implements for Coining in possession	P	18	3	2	1
Coining	P	19	6	5	1
Passing and having in possession Counterfeit Coin	P	20	114	87	27
Embezzlement	P	21	24	24	0
Obtaining Money and Goods by False Pretences	P	22	25	18	7
Keeping Disorderly Houses	M	23	5	2	3
Bigamy	M	24	1	1	0
Sacrilege	P	25	1	1	0
Assaults with intent to commit Rape	V	26	2	2	0
Perjury	M	27	3	2	1
Rape	V	28	3	3	0
Unlawfully disinterring Dead Bodies	M	29	1	1	0
Assaults, Aggravated	V	30	90	85	5
Assaults, on Police Constables	V	31	354	343	11
Assaults, Common	V	32	813	758	55
Attempting to commit Suicide	M	33	4	0	4

Breaches of the Army Act	M	34	8	8	0
Breaches of the Borough Bye-Laws	D	35	148	144	4
Breaches of the Excise Act	M	36	29	15	14
Breaches of the Friendly Societies' Act	M	37	2	2	0
Breaches of the Hawkers' Act	M	38	8	8	0
Breaches of the Highway Act	M	39	75	75	0
Breaches of the Improvement Act	D	40	3	3	0
Breaches of the Old Metal Dealers' Act	M	41	1	1	0
Breaches of the Pawnbrokers' Act	M	42	1	0	1
Breaches of the Peace not other wise described	M	43	461	435	26
Breaches of the Railway Acts	M	44	4	4	0
Breaches of the Railway Bye-Laws	M	45	46	43	3
Cruelty to Animals	M	46	5	5	0
Drunkenness, and Drunken and riotous behaviour	D	47	3759	3247	512
Disorderly Conduct	D	48	219	176	43
Deserters from the Army, Navy and Militia	M	49	289	289	0
Disorderly Conduct in, and Absconding from the Workhouse	D	50	249	205	44
Disorderly Apprentices	D	51	242	242	0
Disorderly Servants	D	52	39	39	0
Damaging Trees and Shrubs	M	53	3	3	0
Hawking without License	M	54	11	11	0
Illegally Pawning	P	55	81	36	45
Leaving Police Force without giving Proper Notice	M	56	1	1	0
Nonpayment of Bastardy Orders	M	57	217	217	0
Nonpayment of Wages	M	58	5	5	0
Nonpayment of Loans	M	59	5	5	0
Nonpayment of Costs	M	60	3	2	1
Personating Voters at Elections	M	61	1	1	0
Refusing to Support Parents	M	62	1	1	0
Stealing Vegetable Productions	P	63	118	111	7
Stealing Dogs and Birds	P	64	13	13	0
Unlawfully Removing Goods	P	65	2	1	1
Vagrants - Disorderly Prostitutes	D	66	669	0	669
Vagrants - Begging and Collecting Alms	D	67	110	91	19
Vagrants -Wandering abroad and lodging in Outhouses, &c.	D	68	568	465	103
Vagrants - Having unlawful Possession of Housebreaking Implements	P	69	14	14	0

Vagrants - Found on the Premises for unlawful Purposes	D	70	430	319	111
Vagrants - Frequenting places of Public resort with intent to commit Felony	D	71	254	190	64
Vagrants - Deserting and Neglecting to Maintain Families	D	72	179	176	3
Wilful Damage	M	73	298	259	39
Miscellaneous Offences	M	74	219	184	35
Total			11764	9396	2368

Key:

- V 'Violent'
- D 'Disorder-related'
- M 'Miscellaneous'
- P 'Property'

Appendix 5: Modelling the impact of arrests

In order to model the cumulative impact of a low but known rate of arrests, several factors must be taken into account. Firstly, the level of the population was rising. Secondly, it was not homogenous, but increased by in-migration and decreases by out-migration. Thirdly, not everyone arrested was a member of this population. Fourthly, people could be arrested more than once. As Gatrell puts it 'many people were arrested or summoned a couple or several time a year'¹

The following assumptions were built into the model:

- The population estimate used is the same as that used elsewhere in this study to estimate crime rates per 100,000. It uses a 'best fit' constant increase, applied consistently over the 9 years between censuses. The increases used are: 1.99% in 1841-51, 3.19% in 1851-61 and 2.63% in 1861-71.
- When the term 'male population' is used it applies to a half of the total population. It can be seen, therefore, that the figures are only approximations.
- The model deals with men only. The number of women arrested is too small to make modelling possible, since the problems of a potential female 'criminal class' and the degree of repeat arrests of women are much more difficult to overcome. Such a small percentage of the total number of women is being arrested, that reasonable changes in the base assumptions produce startling variations in the final percentage outcomes.
- The number arrested. For the years 1857 and 1858 the figures for arrests are not given. Instead, the average of the 4 years either side of the hiatus (1855-56 and 1859-60) was used as the base figure for arrests in these years.
- Arrests of 'strangers': the newly-arrived or transient, are deemed not to add to the total of men with a criminal record. There is therefore another proportion of all arrests that will not add to the total arrested. This assumes that the phrase 'previously known to the police' refers merely to the Sheffield police and there is no communication with other forces. There is no evidence that this was not the case in the majority of instances.

¹ Gatrell, (1991), p. 279.

- Pre-existing experience of arrest. This concerns the number of people who were arrested in Sheffield before 1843.

Other assumptions are placed in the model as variables:

- The 'wastage rate' of the population. This refers to the number of those who have been arrested who will die or leave the town in a certain time. It is expressed as a percentage rate by which the 'number who have been arrested' is reduced annually.
- The 'sub-population' - which can vary between 0 and 50%. This is the number of people the calculation will concern itself with.² If it is set at 50%, it is dealing with the record (or lack of one) of every male in the town. Lower figures imply that there are some males who are never going to be arrested (those under 15 or members of the respectable middle classes, for example) in any significant numbers, and thus the model will only deal with the subset that received 99% of police attention.
- The third variable that can be altered is the rate of re-arrests. This is crucial, since it can be argued that high arrest figures are merely a product of a few individuals being arrested over and over again. Thus, the number of men arrested each year is divided up into two portions according to this fraction. The number re-arrested is ignored: only those who have never been arrested before are added to the running total.

The structure of the spreadsheet.

The spreadsheet that was used to model the arrest impact is included below as Fig A.1. The structure of the spreadsheet is as follows:

- Column B contains the annual estimates for population, as calculated by an iterative and geometrical increase between census dates. This has been arrived at to produce a best fit when considered to 3 significant figures, as described above.
- Column C reduces the population by a proportion given using the manually-set variable given in cell B35. This can be altered to produce different outputs.
- Column D gives the number of men arrested in that year, as taken from the criminal statistical returns. The figures for 1857-58 were arrived at by averaging the figures from 1855, 56, 59 and 60. The figures for 1863-71 are given as being the same as that for

² Gatrell makes the point that the concentration of police effort - on the young, the working class and the marginal, - makes this figure a better measure of the police's reach than the global one, which is inevitably strongly diluted: Gatrell, (1991), p. 27.

1862. This is highly artificial, but the data from after 1862 does not form the basis of any major conclusions.

- Column E takes the total number of men arrested and subtracts a percentage to allow for 'strangers' who were passing through the town when they were arrested. This figure - 12% - is derived from the data given for the returns from 1854-56 and 1860-62. For the first, the number of male 'strangers' is given. For the second, it is assumed that the male/female ratio 'of strangers' is equal to that of the total arrests.
- Column F gives the number of local men arrested for each year, expressed as a fraction of the population. For the years when 'real' data is available, this varies between 4.5% (1852) and 1.9% (1860).
- Column G splits up the number of local people arrested according to the percentage who are deemed to already be 'known to the police'. This percentage can be set differently, for each iteration of the model.
- Column H applies the same percentage, to obtain the number of number of people arrested each year for the first time.
- Column I is the proportion of that year's (sub-) population who have ever been arrested
- Column J is the currently alive and resident in Sheffield who have ever been arrested. This begins at zero, and is added to by the number of men newly arrested (Col. H) each year.
- Column K to P assist in the calculation of the 'actual male repeats' for the 1859-62. For these years the proportion of repeat arrests is given: the figure in column L is the global percentage of repeat arrests, which is given in the returns. Column K calculates the proportion for men only, assuming that the male/female ratio for repeat arrests is the same as that for the total arrests.

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Setting the levels of the variables

The model uses two types of variables: 'built-in' variables, that are present in the structure of the spreadsheet, and manually adjustable variables, which are altered for different iterations.

The 'built-in variables' consist of the following:

- The proportion of those arrested who were 'just passing through' has been calculated from an average of the six years when the number of 'strangers' arrested was given. For those six years, the actual numbers are used - for the rest, the average is used as a multiplier. This leads to 12% of all arrests being discounted, in all the versions of the model, since they were not of local people. This assumption helps to build a conservative bias into the model, since it does not take into account anyone in Sheffield who had been arrested outside the town.
- This conservative (and obviously incorrect) assumption is that Raynor started from an empty office in 1843. Any guess as to how many men will have been arrested by the police before that date is necessarily highly inaccurate. The figures that we have (see Chapter Seven) show that they arrested an average of 1465 people over the years 1835-39. However, this figure is not the total number of arrests. The activity of the parish constables would also need to be taken into account at this point. It is simpler to fix the initial figure at zero, and discount the results obtained for the first five years of the model, than it is to make an unsupported guess at the number.
- Strangers
- Male/female ratios

The manually-set variables consist of the following. The explanations of why they have been set at any particular level can be found in the main text:

- Rates of death/migration are the likelihood that anyone will leave the town or die in a year. At 5% per year, this equates to a mean length of residence in Sheffield of 20 years after the time of arrest. The mean male age at arrest over the period 1845-56 was 29.47.³

³ The highest annual average was 30.33: the lowest 28.59. The mean was produced by calculating the mean assuming that all the men arrested occupied the midpoints of the age-groups given (under ten, five-yearly intervals to to 30, and ten yearly intervals to 60). While this method is only an approximation, even assuming that every single man arrested was at the upper end of the band (or 70 for the 60+ band) only gives a result of 32.96. Assuming that they were all at the bottom of the band gives a mean of 25.98.

- The sub-population is the proportion of the total population of the town that is being considered. It can be set at 50%, to deal with every single male in the town. A more reasonable assumption would be to set it at 40%, because children were very unlikely to be arrested. The results produced when this input is set at this level can be seen to crudely correspond with the chance that a randomly-selected adult will have been arrested. If we make a further assumption that approximately 15% of Sheffield's population could be described as middle class and therefore unlikely to be arrested, we arrive at 34% of the population as a figure that can be said to correspond with Sheffield's working class male population.
- The re-arrest rates is the most problematic of the variables. However, for 4 years of the data, the numbers of those who are not 'known to the police' at the time of their arrest is in fact given. This gives a re-arrest rate that averages, 30.14%, with a high of 36.15% and a low of 25.61%. Thus the variables are not selected entirely randomly. The model is not sensitive to the distribution of those arrests that fall into the category of people already possessing a criminal record. These may be distributed evenly (e.g. lots of people getting arrested twice) or unevenly (a few people get arrested many times), but the final outcome in percentage terms will not be affected. While the shape of the 're-arrest curve' and the number of people arrested on multiple occasions are of great interest, the data to hand do not support any examination of this issue.

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