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The Identification of Criminal Suspects by Policing Agents in London, 1780-1850

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Abstract

This thesis examines policing practices, and the impact of these practices on patterns of arrest and prosecution, in London between 1780 and 1850. Scholars have long recognised that the received historical record of crime is a reflection of prosecutions, rather than of criminal activity itself, which is very difficult to quantify in the past. However, this research suggests that it is also partially a record of policing. The thesis examines in particular the idea of 'proactive policing': the occasions on which policing agents exercised discretion to arrest defendants on suspicion that they had recently, or were about to, commit an offence. Using court records, including the *Old Bailey Proceedings*, and police or magistrates' court reports in newspapers, this thesis examines the reasons that policing agents gave for their arrests, and it also considers the characteristics of those arrested. This evidence suggests that individual police officers made active choices using their discretion, and their actions shaped patterns of arrests and prosecutions.

By examining the period between 1780 and 1850, this thesis highlights continuities and changes in policing practices before and after the establishment of the Metropolitan Police force in 1829. It examines the expectations placed on the wide variety of different officials responsible for law enforcement on the streets of London. This was an era of concern over policing provision, debate over criminal justice administration and fears of growing criminality. It is the contention of this thesis that policing practices, and proactive policing agents themselves, contributed to the prevalence of criminal stereotypes. These criminal stereotypes were closely related to the emerging fears that there was a 'criminal class', believed to be responsible for the majority of criminal activity. The policing highlighted by this research affected both the received record of criminal activity, and perceptions of criminality.

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List of abbreviations

BL	British Library
BPP	British Parliamentary Papers
HC	House of Commons
LMA	London Metropolitan Archives
OCR	Optical Character Recognition
OBPO	Old Bailey Proceedings Online
TNA	The National Archives
WCA	Westminster City Archives

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Chapter One: Introduction

In 1846, during a trial at the Old Bailey, Metropolitan Police Constable George Trew stated that, 'it is my duty to watch persons about London, and find out, as far as I can, suspicious characters'.¹ This thesis examines the policing of 'suspicious characters', including how these characters were defined, the duties of police officers, the expectations placed on them and their practical activities on the streets of metropolitan London.

The period between 1780 and 1850 was one of extensive debate over, and reform within, the criminal justice system. This was particularly the case in the field of policing, not least because this period witnessed the establishment of the first 'modern' police force, the Metropolitan Police, in 1829. This was the most noticed reform of an era in which the expectations of the public and the government for policing were evolving and growing, and policing systems were developed to meet these growing expectations. Individual policing agents acted according to the instructions and guidelines provided to them, but also in ways that their superiors did not condone, in response to the expectations placed on them to ameliorate widespread concerns about criminal activity. This thesis uses the term 'policing agents' to refer to all the different types of officials responsible for law enforcement on the streets of the metropolis before and after the establishment of the Metropolitan Police.

While there has been significant historiographical attention devoted to both the narrative of police reform, and histories of criminal activity, reoffending and the idea of a 'criminal class', these areas have not generally been connected. This thesis asks how the police impacted upon patterns of arrest and prosecution, and examines the interactions between the police and those they arrested. It addresses the connections between those targeted by the police and the developing idea of a criminal class. It also examines how policing practices changed over time, in response to changing expectations of policing. To address these questions, the thesis contributes the concept of 'proactive policing', or the occasions on which police officers made arrests or investigated crimes based on suspicion that a suspect had recently, or was about to commit an offence. This concept offers significant insights into the decisions to arrest made by individual police officers, and their interactions with those they arrested. The thesis calls us to rethink previous understandings of patterns of prosecutions, and to see the role that policing agents played in affecting the received record of criminal activity. It also deepens our understanding of the relationship between policing and concepts such as the criminal class, and suggests that perceptions of criminality were shaped by, and shaped, policing practices.

¹ *Old Bailey Proceedings Online* [OBPO] (www.oldbaileyonline.org, version 7.2, 28 May 2016), August 1846, trial of Matthew Shrimpton and Henry Williams (t18460817-1457).

The shape of criminal justice history

In pioneering studies in the 1960s and 70s, scholars sought to understand the nature of crime and criminal justice in the eighteenth century through a range of judicial sources.² E. P. Thompson, Douglas Hay, Peter Linebaugh and their colleagues at the Centre for the Study of Social History at Warwick University believed that the social relations represented in criminal justice administration were demonstrative of the class struggle between the ruling orders and the emerging working classes of eighteenth- and nineteenth-century Britain.³ However, more recently, historians have shown that these Marxist accounts of crime and class conflict do not accurately reflect the social relations of the eighteenth and nineteenth centuries. In fact, the criminal justice system was used by members of a range of social groups to protect their property and resolve disputes.⁴ Furthermore, historians have recognised that the judicial records upon which this research was based do not necessarily provide accurate information on the realities of criminal activity.⁵ Instead, these records reveal the ways in which criminal activity and suspected and convicted criminals were dealt with by the criminal justice system.

Scholars therefore shifted their attention to policing, prosecution and punishment. Prominent scholars here include John Beattie, Simon Devereaux, Clive Emsley, Drew Gray, Norma Landau and Robert Shoemaker, who examined the history of crime and justice through the courts, prosecutions, policing and punishment.⁶ In his first major work on crime, Beattie proposed an examination of crime itself through the operation of the criminal courts, but his subsequent works reflect an evolving focus on policing and punishment.⁷ These historians acknowledged connections between criminal activity and social relations; however, they recognised that studying crime itself is fundamentally problematic.

² John Beattie, *Crime and the Courts in England, 1660-1800* (Oxford, 1986).

³ Douglas Hay et al. (eds), *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (New York, 1975); Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London, 1991).

⁴ See Peter King, 'Decision-makers and decision-making in the English Criminal Law, 1750-1850', *The Historical Journal* 27.1 (1984), pp. 25-58.

⁵ J. S. Cockburn, 'Early modern assize records as historical evidence', *Journal of the Society of Archivists* 5 (1975), pp. 215-31; Robert Shoemaker, 'Using Quarter Sessions records as evidence for the study of crime and criminal justice', *Archives* 20 (1993), pp. 145-57.

⁶ See John Beattie, *The First English Detectives: The Bow Street Runners and the Policing of London, 1750- 1840* (Oxford; New York, 2012); John Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror* (Oxford, 2001); Clive Emsley, *The English Police: A Political and Social History* (Hemel Hempstead; New York, 1991); Clive Emsley, *Crime and Society in England, 1750-1900* (New York, 1987); Simon Devereaux, 'Recasting the theatre of execution: the abolition of the Tyburn ritual', *Past and Present* 202 (2009), pp. 127-74; Drew D. Gray, *Crime, Prosecution and Social Relations: the Summary Courts of the City of London in the Late Eighteenth Century* (Basingstoke, 2009); Douglas Hay and Francis Snyder (eds), *Policing and Prosecution in Britain, 1750-1850* (Oxford, 1989); Norma Landau (ed.), *Law, Crime and English Society, 1660-1830* (Cambridge, 2002); Robert Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c.1660-1725* (Cambridge, 1991).

⁷ See Beattie, *Crime and the Courts in England*; Beattie, *Policing and Punishment*; Beattie, *The First English Detectives*.

We cannot know the true extent of crime in the past, since, for the most part, the only crimes recorded are those that were detected and prosecuted.⁸ The surviving record of criminal activity, therefore, has been recognised as a record of prosecutions. Despite all of their work, these scholars have only begun to reveal the wealth of material about criminal justice administration in the eighteenth and nineteenth centuries and there remains scope for further research on policing, punishment and prosecution.

One of the important trends to emerge from recent historiography is recognition of the role of discretion in the criminal justice system. Peter King saw that at every step of the journey from accusation to punishment of a criminal, decisions were made by different parties who had a remarkable degree of choice. In fact, he suggested that the period between 1780 and 1840 was ‘the golden age of discretionary justice’.⁹ Not every suspect was arrested, not every victim chose to pursue a prosecution, and many chose to settle a matter without taking the case to a trial. As King illuminated, a vast range of factors, including the circumstances of the victim and of the accused, the presence of any witnesses, the location of the crime and the nature and extent of local policing forces, impacted upon whether prosecutions were made.¹⁰ This thesis draws on this historiography, but goes further in arguing that the received record of criminal activity was not only a record of prosecutions, but also a record of policing. Policing agents used discretion in choosing whom to arrest on the streets of metropolitan London, and so they affected who was prosecuted in the courts.

This introduction will outline the two major bodies of scholarship that this thesis engages with, before discussing the parameters, context and chapters of the thesis. Firstly, it illuminates the shape of police reform and the evolving concerns over policing provision and practice. The second body of work relates to those who were targeted and arrested by policing agents: including the perceived criminal class, and the place of gender and age in shaping judicial decisions. This historiographical assessment highlights the need for a study that connects understandings of the police with those they arrested on the streets of the metropolis.

Police history

According to the traditional, Whig history of the police, before 1829, systems of policing were largely ineffective and inadequate, and the establishment of the Metropolitan Police in 1829 and the expansion of police forces to the boroughs in 1835 and counties in 1839, represented the triumph of

⁸ The ‘dark figure’ of crime refers to crimes committed but not prosecuted; see Norma Landau, ‘Gauging crime in late eighteenth-century London’, *Social History* 35.4 (2010), p. 396.

⁹ Peter King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford, 2000), p. 1.

¹⁰ *Ibid.*

progress over outmoded and inefficient systems of policing.¹¹ This perspective also saw a logical and inexorable process of centralisation of policing measures, from the Bow Street Runners of the mid-eighteenth century, to the stipendiary magistrates established in London in 1792, through to the establishment of the Metropolitan Police.¹² However, scholars of the last 30 years have denounced this view. As Ruth Paley argued, ‘only when the mind has been freed from the assumption that a society without the benefit of a modern police force must of necessity have been a disorderly one, can one begin to understand contemporary attitudes’.¹³ This historiographical reassessment emphasised how policing systems before the Metropolitan Police served the needs of their communities, and were largely seen as adequate, or if not, were reformed in a piecemeal but largely effective manner through local mechanisms.¹⁴ Moreover, the Metropolitan Police were not universally lauded as the perfect solution to the problems of policing: in fact, in its early years, the force was contested on grounds of cost, and represented a decline in policing presence on the streets in some areas of the metropolis.¹⁵ There is a much longer history of the development of policing: Beattie emphasised the role that fears of crime as a serious problem played in shaping policing measures from the late seventeenth century onwards.¹⁶ However, it is clear that the late eighteenth and first half of the nineteenth centuries were a time of particularly intense debate over, and reform in, policing practices in the metropolis. This period was characterised not only by changing policing provision in parts of London, but also by changing expectations of policing. The following section will outline the shape of policing before and after the establishment of the Metropolitan Police, and highlight the need for further understanding of policing practices.

Before the Metropolitan Police

The policing mechanisms of eighteenth-century London, and indeed England, had been in place for centuries. These consisted of parish constables, generally appointed from among the local community to serve for a year, and watchmen for urban communities, who patrolled the streets at night. The watch was an area in which there was extensive reform and innovation in the early eighteenth century, with the employment of paid watchmen in some parishes, and in the later eighteenth- and nineteenth-

¹¹ Emsley, *The English Police*, p. 8. See works including Charles Reith, *A Short History of the British Police* (Oxford, 1948); George Howard, *Guardians of the Queen’s Peace: the Development and Work of Britain’s Police* (London, 1953); T. A. Critchley, *A History of Police in England and Wales, 900-1966* (London, 1967).

¹² Emsley, *The English Police*, p. 23.

¹³ Ruth Paley, ‘An imperfect, inadequate and wretched system? Policing London before Peel’, *Criminal Justice History* 10 (1989), p. 95.

¹⁴ See Andrew T. Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (Columbus, 2004); Elaine Reynolds, *Before the Bobbies: the Night Watch and Police Reform in Metropolitan London, 1720-1830* (Basingstoke, 1998).

¹⁵ Paley, ‘An imperfect, inadequate and wretched system?’, p. 116.

¹⁶ Beattie, *Policing and Punishment*, p. 1.

century metropolis, with the introduction of additional forces such as evening patrols. Also introduced were police officers attached to magistrates' courts, officials under the authority of the City of London corporation, and patrol forces sent out by the City and courts in response to particular concerns about crime. The precise roles of the different types of policing agents are discussed in more detail in the next chapter, but here we will reflect on the ways in which these different policing agents have been treated by scholars.

Constables were obliged to investigate crimes that local residents reported to them, and to pursue and arrest suspects. The traditional view, held by some scholars until the 1980s, depicted parish (or ward, in the case of the City of London) constables as corrupt, inefficient and lazy.¹⁷ As Emsley acknowledged, the true picture was more nuanced: there was extensive variation between individual constables, and some were extremely proactive in investigating and making arrests, while others were more lax.¹⁸ Joanna Innes's study of William Payne, a London parish constable and City of London marshalman with a long policing career between the 1750s and his death in 1782, demonstrated that there was scope for constables to exercise 'extraordinary vigour and commitment' in their discharge of the role.¹⁹ Payne, argued Innes, was more active than his colleagues; he was, amongst other policing activities, extremely vigilant towards prostitutes and pickpockets on the streets of London and frequently appeared at the Old Bailey. Yet Payne was atypical. Those called to serve as constables were not trained or paid for their services (although they did receive some rewards for apprehensions and prosecutions), and so performed the role part-time alongside other forms of employment. It is clearly reductive to argue that the traditional constables were wholly inadequate, corrupt and ineffectual, but it was certainly the case that some eighteenth-century Londoners sought alternative mechanisms to address the problems of crime. Few constables and City officers were as active as Payne, but his example demonstrates that policing agents could be proactive.

The alternative mechanisms were significant because they reflected the blurring of boundaries between formal and informal policing, which continued to be present into the early nineteenth century. One informal policing mechanism was the development of private associations for the prosecution of felons. David Philips estimated that around 1000 of these were established in different towns and rural areas, particularly between the 1770s and 1850s.²⁰ It must be noted that there is very

¹⁷ Emsley, *The English Police*, pp. 8-10. For the traditional view, see, for example, Critchley, *A History of Police*.

¹⁸ *Ibid.*, p. 11; see also Elaine Saunders, "'Men of good character, strong, decent and active': Hertfordshire's petty constables, 1730-1799', unpublished PhD thesis (The Open University, 2017), p. 208.

¹⁹ Joanna Innes, 'The Protestant Carpenter – William Payne of Bell Yard (c.1718-82): the life and times of a London informing constable', in Joanna Innes, *Inferior Politics: Social Problems and Social Policies in Eighteenth-Century Britain* (Oxford, 2009), pp. 279-341.

²⁰ David Philips, 'Good men to associate and bad men to conspire: associations for the prosecution of felons in England, 1760-1860', in Hay and Snyder (eds), *Policing and Punishment*, p. 120.

little evidence of associations in London itself, and the associations in the London area were on the outskirts, in areas such as Barnet, Enfield, Hammersmith and Rotherhithe, where the threat of highway robberies was greater.²¹ The associations were established because propertied residents saw the existing systems of law enforcement in their area as insufficient to protect their property.²² They were also set up, King argued, to serve the particular interests of local communities, recovering stolen horses or protecting oyster farms, and so were responsive to the needs of the communities that they served.²³ The existence of associations for the prosecution of felons reflects a form of proactive policing, and demonstrates the engagement of local communities in policing in the late eighteenth and early nineteenth centuries. These are significant themes that are discussed in this thesis with regard to more formal policing structures in the wards and parishes of the metropolis.

The associations could turn to individuals who undertook policing services for fees to investigate offences, whose existence reflects the entrepreneurial nature of eighteenth-century policing. Known as 'thief-takers', they 'formed, in effect, a sort of entrepreneurial police force, dependent on fees and rewards'.²⁴ Between 1692 and 1750, legislation established rewards of between £10 and £40 for individuals who apprehended and successfully prosecuted those guilty of a variety of serious offences, including highway robbery, animal theft, housebreaking, burglary, shoplifting and coining offences.²⁵ During periods of particular concern about crime, additional sums of £100 were awarded for the detection of those prosecuted for violent property offences in London.²⁶ These rewards were not abolished until 1818. The most infamous thief-taker of the early eighteenth century, Jonathan Wild, organised the recovery of stolen goods for propertied Londoners through his Lost Property Office.²⁷ By the 1720s, he largely controlled criminal activity in London, and stolen goods were brought to him by thieves to be distributed back to their owners for a fee; he was also a 'thief-maker'. The mid-eighteenth-century thief-takers known as the McDaniel gang, Paley explained, operated by setting up fake robberies and then prosecuting innocent passers-by in exchange for the rewards for prosecution.²⁸ The individuals they targeted were the 'usual suspects': often poorer young men, with

²¹ Robert Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London, 2007), p. 45; Philips, 'Good men to associate', pp. 152-66.

²² Adrian Shubert, 'Private initiative in law enforcement: associations for the prosecution of felons, 1744-185', in Victor Bailey (ed.), *Policing and Punishment in Nineteenth-Century Britain* (London, 1981), p. 36.

²³ Peter King, 'Prosecution associations and their impact in eighteenth-century Essex', in Hay and Snyder (eds), *Policing and Punishment*, p. 193.

²⁴ Ruth Paley, 'Thief-takers in London in the age of the McDaniel Gang, c. 1745-1754', in Hay and Snyder (eds), *Policing and Prosecution*, p. 302.

²⁵ David Lemmings, *Law and Government in England during the Long Eighteenth Century: from Consent to Command* (Basingstoke, 2011), p. 116.

²⁶ *Ibid.*, p. 116.

²⁷ G. Howson, *Thief-taker General: the Rise and Fall of Jonathan Wild* (London, 1970), p. 6.

²⁸ Paley, 'Thief-takers in London', p. 303.

no fixed employment, who had recently moved to the capital. While thief-takers are generally associated with the eighteenth century, this thesis shows that the term continued to be used into the nineteenth century as a term of abuse, to imply that policing agents were motivated by monetary gain. More broadly, the subject of thief-takers illuminates a crucial policing motivation (financial gain), which drove the actions of policing agents on the streets of the metropolis into the nineteenth century. This was viewed with concern by some contemporary commentators, and has not been explored in detail by many scholars, except by Beattie in his work on the Bow Street Runners.²⁹ Proactive policing agents were, on occasion, motivated by rewards, and some framed defendants for offences that they did not commit in the period under discussion here. This reflects continuities in policing culture into the nineteenth century.

The officers who were attached to magistrates' courts were at times accused of being thief-takers, since they also straddled the boundaries between formal and informal law enforcement, and these officers also reflect an entrepreneurial aspect of policing. Henry Fielding, Bow Street magistrate, was the first to send out organised thief-catchers from Bow Street in 1749, but he died in 1754, before his plan was fully implemented, and so it was taken over by his half-brother, John Fielding.³⁰ Between 1754 and his death in 1780, John Fielding developed a system whereby crimes were reported to his clerks in the Bow Street Office, handbills and advertisements in newspapers were printed to encourage those with information to come forward, and the officers, who were paid in part by Fielding through government funding (although the majority of their pay came through rewards), were sent out to pursue offenders and stolen property.³¹

Fielding was particularly innovative in its construction of networks for obtaining information about suspects and convicts: vast amounts of criminal information were kept by the clerks at Bow Street, and distributed through the *Hue and Cry* or *Police Gazette* (established in 1772).³² In addition to its officers, the Bow Street Office sent out patrols to patrol the roads on the outskirts of the metropolis from 1782 onwards.³³ By the late eighteenth century, the Bow Street officers appeared frequently to give evidence in trials at the Old Bailey, and it was clear that the evidence that they presented was seen as trustworthy, and certainly more so than that of private thief-takers.³⁴ However, it was also the

²⁹ Beattie, *The First English Detectives*.

³⁰ *Ibid.*, p. 24.

³¹ *Ibid.*, p. 30.

³² Beattie, *The First English Detectives*, p. 31. See also David J. Cox, *A Certain Share of Low Cunning: A History of the Bow Street Runners, 1792-1839* (Abingdon; New York, 2010), who emphasised the role that the Principal Officers played in investigating provincial crimes.

³³ Beattie, *The First English Detectives*, p. 140.

³⁴ *Ibid.*, p. 133; J. M. Beattie, 'Garrow and the detectives: lawyers and policemen at the Old Bailey in the late eighteenth century', *Crime, Histoire et Sociétés* 11:2 (2007), pp. 5-23.

case that they gathered much of their information through connections with the criminal ‘underworld’, through meetings and encounters with informers in the less reputable taverns and alehouses of the metropolis.³⁵ Their reputations were not completely untarnished by these relationships, and indeed interactions with informers and criminals were central to their mechanisms of gathering information. Concerns about the relationships between policing agents and suspects are examined in detail in Chapter Four through an analysis of the evidence presented to parliamentary Select Committees on the state of policing. These practices reflect the continuity of more informal and potentially corrupt policing strategies into the nineteenth century.

Despite growing legislative provision for formal policing forces, entrepreneurial policing continued into the nineteenth century. In 1792, the Middlesex Justices Act established seven new police offices with stipendiary magistrates and constables on the Bow Street model. With these new officers taking on criminal investigations, the Bow Street officers were increasingly called to specialise by the Home Department, with duties such as protecting the royal family and investigating sedition.³⁶ The new stipendiary magistrates and their offices replaced trading justices, who had been financed through rewards, and were widely seen as corrupt and used informers and thief-takers to conduct cases.³⁷ Very little is known about the officers attached to the new police offices, but Paley suggested that there were probably some continuities in personnel: it was ‘only too likely that some of those employed would be of questionable character’.³⁸ As this thesis illuminates, there were frequently continuities in policing personnel between ‘old’ and ‘new’ policing systems. Perhaps the exception to this trend was the Thames Police Office, established in 1798 : Leon Radzinowicz argued that, ‘so high was its reputation that it continued to exist as an independent unit for ten years following the foundation of the Metropolitan Police’.³⁹ Innes’s example of William Payne, who at times had formal policing roles as a parish constable and City marshalman, but also had periods where he did not appear to have been employed in a formal policing role, reflects the ways in which policing agents in the late eighteenth century straddled the boundaries between formal and informal policing employment.⁴⁰ The scholarship discussed here on officers and informal policing valuably reveals the nuances of formal and informal policing, and the continuities in a policing culture based on rewards into the nineteenth century. However, historians have not extensively examined the practical activities of these officers,

³⁵ Beattie, *The First English Detectives*, p. 68.

³⁶ *Ibid.*, p. 173.

³⁷ Norma Landau, ‘The trading justice’s trade’, in Landau (ed.), *Law, Crime and English Society*, pp. 46-70.

³⁸ Ruth Paley, ‘The Middlesex Justices Act of 1792: its origins and effects’, unpublished PhD thesis (University of Reading, 1993), p. 255.

³⁹ Leon Radzinowicz, *A History of English Criminal Law, Volume II: The Clash between Private Initiative and Private Interest in the Enforcement of the Law* (London, 1956), p. 404.

⁴⁰ Innes, ‘The Protestant Carpenter’.

and the impact of their actions on patterns of arrest and prosecution. This thesis illuminates the proactive behaviour of these different types of detective policing agents, and shows that this affected arrests and prosecutions.

In addition to these police officers whose roles were mostly detective and investigative, there were also preventative policing agents on the streets of the metropolis before the establishment of the Metropolitan Police. The preventative policing role developed largely in response to increasing concerns in the late seventeenth and early eighteenth centuries about the threat of crime at night. While the night had always been feared as the time when the majority of criminal activity took place, the growth of evening entertainments promoted the expansion of street lighting and the night watch.⁴¹ The provision of night watchmen has a much longer history, originating in the thirteenth century, but from the early eighteenth century, the parishes and wards of London began to regulate forces of watchmen and paid for their services through rates raised from inhabitants. Elaine Reynolds highlighted the role of local agents in bringing about change at the parish level in Westminster between 1720 and 1830. She suggested that 'many of the methods and organisational structures of modern policing were developed in the parishes', through responses to specific needs in the local context.⁴² Although watchmen were portrayed as inefficient and largely useless by traditional histories of the police, Reynolds revealed that, at least in some parishes of the metropolis, highly organised and efficient watching systems, paid for by the residents through taxation, evolved over the course of the eighteenth and early nineteenth centuries.⁴³ This also included the development of evening 'patrole' forces to patrol the streets before the watch was set. In addition, Andrew Harris presented a comparable picture of local reform and innovation in the City of London in the later eighteenth century. He argued that the system of watchmen was largely seen as effective by local residents, and that changes were made at the level of individual wards in response to particular localised crime waves.⁴⁴ Both Reynolds and Harris argued that the creation of the Metropolitan Police in 1829, and the City Police in 1839, primarily represented the centralisation of existing policing practices, rather than dramatic innovation.⁴⁵ These scholars have usefully highlighted the responsiveness of local policing systems to local needs and pressures, and this thesis builds upon their findings. However, their

⁴¹ Beattie, *Policing and Punishment*, p. 207.

⁴² Reynolds, *Before the Bobbies*, p. 5.

⁴³ See Elaine Reynolds, 'St Marylebone: Local Police Reform in London, 1755-1828', *The Historian* 51.3 (1989), pp. 446-66, for a detailed discussion of Marylebone, where the policing provision per inhabitant was higher than that initially provided by the Metropolitan Police.

⁴⁴ Harris, *Policing the City*, pp. 16, 28: he cites the example of a special meeting in Broad Street ward in 1792 to discuss recent robberies, and the steps taken to resolve this problem.

⁴⁵ Reynolds, *Before the Bobbies*, p. 125; Harris, *Policing the City*, p. 7.

research focuses mostly on the process of reform and policing structures, rather than the policing practices of officers on the streets of the metropolis.

The Metropolitan Police and police reform

Whig histories of policing tended to emphasise that the establishment of the Metropolitan Police marked a distinctive watershed in the creation of an effective and efficient police force and underplayed the debated or contested nature of the reform.⁴⁶ However, more recently scholars have demonstrated the shortcomings of the 'new' police. In some of the richest areas, including St Marylebone, there were fewer officers patrolling the streets of London under the Metropolitan Police than under the former policing provision, and the new policemen were badly paid, often unpopular and not necessarily particularly competent.⁴⁷ The new police rate was more costly than local watch rates, and many residents feared that they could not see the direct impact of their money, as it went to a central body rather than directly to local policing.⁴⁸ The theme of local engagement with policing changes is discussed in this thesis. More widely, scholars have acknowledged that the development of 'modern' police forces was not inevitable or inexorable; this was a contested and debated process.⁴⁹ The establishment of the Metropolitan Police force was fuelled by a combination of factors, including concerns about growing criminality, the belief that existing policing provision was insufficient, and the personal ambition of its architect, Robert Peel.⁵⁰

The new Metropolitan Police, it has now been widely acknowledged, did not result in dramatic change to policing practices.⁵¹ However, scholars have recognised that the real innovation was the growing expectations of what policing was able to accomplish.⁵² The Metropolitan Police instructions stated at the outset that, 'the principal object to be attained is the "Prevention of Crime"', and this clearly raised public expectations of policing.⁵³ Each new police constable was responsible for patrolling a particular

⁴⁶ Emsley, *The English Police*, p. 8.

⁴⁷ Paley, 'An imperfect, inadequate and wretched system?', p. 116.

⁴⁸ Emsley, *The English Police*, p. 25.

⁴⁹ David Taylor, *The New Police in Nineteenth-Century England: Crime, Conflict and Control* (Manchester, 1997), p. 12.

⁵⁰ David Philips, "'A new engine of power and authority': the institutionalisation of law enforcement in England, 1780-1830", in Vic Gatrell, Bruce Lenman and Geoffrey Parker (eds), *Crime and the Law: the Social History of Crime in Western Europe since 1500* (London, 1980), pp. 155-89.

⁵¹ See Chris Williams, "'I am not on the beat now, the New Police have come here" – Using the Old Bailey Online to study the changing enforcers of the law in London, 1730-1834', unpublished paper (2006), <http://www.open.ac.uk/Arts/history/obp-policing.htm> [accessed 31 May 2016], who used proximity searching to examine the roles of policing agents between 1780 and 1834, and suggested that the new Metropolitan Police combined the roles of the former constables and watchmen.

⁵² David Churchill, *Crime Control and Everyday Life in the Victorian City: the Police and the Public* (Oxford, 2017), p. 40.

⁵³ The National Archives (TNA): MEPO 8/1, Metropolitan Police: Office of the Commissioner: Confidential Books and Instructions, *Instructions to the Force*, 1829, p. 1.

beat, in a similar fashion to the former watchmen, working according to a shift pattern. Two-thirds of the force patrolled at night time, and the remaining third during the day.⁵⁴ While the night-time police had a similar focus to the former watchmen and patrols, the day-time police, particularly, focused on policing public order and enforcing new standards of order and decorum on the streets of the metropolis.⁵⁵ The new policemen had the power to fine individuals on the spot for minor street crimes, and Stephen Inwood demonstrated that the 1839 Metropolitan Police Act, which extended the police district established ten years earlier, provided the police with extensive legal powers over a range of street activities.⁵⁶ David Taylor suggested that the new police actually ‘revealed a large volume of hitherto unrecorded crime, predominantly of a petty nature’, and that ‘changes in policing created petty criminality’.⁵⁷ This thesis builds on this scholarship, and highlights the previously-ignored growing expectations placed on Metropolitan Police constables to police suspicious persons into the mid-nineteenth century. The thesis explores the mechanisms used by proactive policing agents on the streets of the metropolis. Furthermore, this thesis suggests that these practices related not only to petty criminality, as scholars previously suggested, but also affected the arrests and prosecutions for felonies in the courts of the metropolis.

Scholars of the police in provincial English cities have also reflected on the roles of the police, and how these roles interacted with the expectations placed on them by the communities that they policed. Following the development of the Metropolitan Police, police forces along similar lines were developed in the boroughs and then counties of England and Wales.⁵⁸ Robert Storch highlighted the role of the ‘new police’ in policing public order, and argued that, more widely, they ‘received an omnibus mandate: to detect and prevent crime; to maintain a constant, increasing pressure of surveillance upon all facets of working-class communities – to report on political opinions and movements, trade union activities, public houses and recreational life’.⁵⁹ David Churchill, in his study of Leeds, Liverpool and Manchester, suggested that the new police mostly served the interests of the

⁵⁴ Gregory J. Durston, *Burglars and Bobbies: Crime and Policing in Victorian London* (Newcastle, 2012), p. 95.

⁵⁵ Emsley, *The English Police*, p. 57; Robert M Morris, ‘Introduction’, in Robert M Morris (ed.), *The Making of the Modern Police, 1780-1914, Volume II: Reforming the Police in the Nineteenth Century* (London, 2014), p. xx; Paul Lawrence, ‘Introduction’, Paul Lawrence (ed.), *The New Police in the Nineteenth Century* (Farnham, 2011), pp. xxi-xxiii.

⁵⁶ Stephen Inwood, ‘Policing London’s morals: the Metropolitan Police and popular culture, 1829-1850’, *The London Journal* 15.2 (1990), p. 130.

⁵⁷ Taylor, *The New Police*, p. 97.

⁵⁸ See Emsley, *The English Police*, pp. 36-38: The Municipal Corporations Act of 1835 and Rural Constabulary Act of 1839 began the process of establishing similar policing forces for the boroughs and counties.

⁵⁹ Robert Storch, ‘The plague of blue locusts: police reform and popular resistance in Northern England, 1840-57’, *International Review of Social History* 20:1 (1975), p. 64; see also Chris Williams, ‘Counting crimes or counting people: some implications of mid-nineteenth century British police returns’, *Crime, Histoire et Sociétés* 4.2 (2000), pp. 77-93, which demonstrated the prominence of policing public order among policing practices according to arrest records for Sheffield.

propertied classes, and 'prioritised defending the central business district, disciplining the labouring and industrial zones adjacent to it, and monitoring 'suspicious' characters about at night'.⁶⁰ He argued, however, that in general nineteenth-century policing 'often failed to live up to public expectations', and highlighted the role that civilians continued to play in 'crime control'.⁶¹ These analyses reflect continuities in policing interests: policing had always served the needs of those who were able to pay for it. This is reflected in the concern with property crime identified in this thesis. Drawing upon the work of these scholars of later periods, it highlights the expectations placed on policing agents by the propertied residents of the communities that they served in late eighteenth- and early nineteenth-century London.

Scholars have also recognised the limitations to the policing innovation promised by the Metropolitan Police. The system of patrolling was very predictable, Gregory Durston argued, and so individuals could carry out criminal activities at times when the policeman had already passed that area on his beat, safe in the knowledge that he would not return for an allotted time period.⁶² The smaller streets of the metropolis were not necessarily patrolled at all, and even the lanterns carried by policemen would not necessarily have enabled them to detect criminal activity in poorly lit areas. Policemen were often reluctant to break up fights or make arrests when they were alone in one of the more dangerous parts of the city. In fact, as this thesis highlights, discretion continued to play an important role in policing strategies: since the vast majority of policemen patrolled alone (except in the most dangerous areas), the individual policeman chose whether to use his powers of arrest or not.⁶³

Some of the scholarship on the provincial police forces, and on the 'new police' more widely, has also raised the subject of discretion. Guy Woolnough, in his study of policing in Cumbria in the second half of the nineteenth century, argued that 'ordinary policemen shaped policing', since they were required to use discretion.⁶⁴ He emphasised that this discretion was particularly prominent in petty crime, which made up the majority of the day-to-day policing role; police officers had to choose whether or not to arrest vagrants, for example. Chris Williams argued that there was some contradiction in the ethos of 'new' police forces, as while the police officers were expected to follow orders as part of a police 'machine', this was contradicted by 'the need for the almost constant exercise of discretion by the police officer'.⁶⁵ Officers were expected to constantly seek to better themselves and go beyond

⁶⁰ Churchill, *Crime Control*, p. 76.

⁶¹ *Ibid.*, p. 77.

⁶² Durston, *Burglars and Bobbies*, p. 149.

⁶³ *Ibid.*, p. 183.

⁶⁴ Guy Woolnough, 'The policing of petty crime in Victorian Cumbria', unpublished PhD thesis (Keele University, 2013), p. 2.

⁶⁵ Chris Williams, *Police Control Systems in Britain, 1775-1975: from Parish Constable to National Computer* (Manchester, 2004), p. 72.

the minimum requirements, since good conduct and policing zeal led to promotions. In this way, a police constable was permitted to 'depart from his instructions by using his initiative, provided that this exercise of initiative was crowned with success'.⁶⁶ Williams' argument is significant for this thesis, which seeks to explore the policing zeal of proactive policing agents. In particular, this thesis builds on the understanding that police officers exercised discretion to argue that they were required to make active choices over arrests. It expands upon the work of scholars such as Woolnough, who examined petty crime, by demonstrating that policing agents used their discretion to make arrests for serious offences.

With its stated focus on preventative policing, the Metropolitan Police force initially appeared to lack a detective element. There was not a specific detective department established as part of the Metropolitan Police, partly because the Bow Street Office and its detective officers continued to operate until 1839, and, given the force's focus on preventing crime, it was thought that there was no real need for detectives.⁶⁷ However, from the start of the Metropolitan Police, Robert Morris argued, 'it is known that the Commissioners used a select number of A or Whitehall Division officers – as necessary in plain clothes – to conduct the more difficult inquiries'.⁶⁸ Plain clothes policemen were also regularly sent out from each division to police public order on state occasions, to deal with pickpockets, to 'monitor suspicious characters' and to investigate political dissidents.⁶⁹ These plain clothes officers were the subject of debate in Select Committee hearings, since they offended British sensibilities about a 'spying' police force, but it is clear that they were mostly sanctioned by the Commissioners, and were frequently recorded in the *Old Bailey Proceedings* as 'plain clothes men'.⁷⁰ In 1842, the Detective Department was established, and plain clothes policing among all the divisions was gradually abolished. The 'plain clothes men', however, have been little studied. This thesis documents some of their important activities, and reflects on the issue of motivations for such proactive policing.

This assessment of the scholarship has highlighted valuable themes, in terms of the entrepreneurial and sometimes informal nature of policing practices, the exercise of discretion by a variety of police officers on the streets of the metropolis, and the expectations of the community, government and

⁶⁶ Williams, *Police Control Systems*, p. 73.

⁶⁷ Philip Thurmond Smith, *Policing Victorian London: Political Policing, Public Order, and the London Metropolitan Police* (Westport, Conn., 1985), p. 62.

⁶⁸ Robert M. Morris, "'Crime does not pay": thinking again about detectives in the first century of the Metropolitan Police, in Clive Emsley and Haia Shpayer-Makov (eds), *Police detectives in history, 1750-1950* (Ashgate, 2006), p. 81.

⁶⁹ Rachael Griffin, 'Detective policing and the state in nineteenth-century England: the Detective Department of the London Metropolitan Police, 1842-1878', unpublished PhD thesis (University of Western Ontario, 2016) pp. 232-40.

⁷⁰ Smith, *Policing Victorian London*, p. 65.

wider authorities of policing. However, there has been limited examination of actual policing practices and how these impacted on patterns of arrests and prosecutions, except with respect to policing petty crime, both before and after the establishment of the Metropolitan Police.⁷¹ This thesis demonstrates that some policing agents used their discretion to make proactive arrests on the streets of the metropolis, and so affected who was prosecuted for both felonies and misdemeanours in the London courts. As this thesis argues, we need to connect the history of the police with the history of those targeted by policing agents. It now remains, therefore, to situate the research within the context of studies of 'the criminal' and criminal stereotypes.

The criminal class

Extensive scholarship has been devoted to the idea of a criminal class in nineteenth-century Britain, and to the legislation that aimed to punish and control those identified as habitual offenders. This thesis seeks to understand whether those targeted by proactive policing agents fitted these criminal stereotypes and asks how the actions of the police shaped wider perceptions of criminality. Chapter Six particularly examines repeat offenders, and so draws connections between the perceived criminal class and prosecuted recidivism: those who were arrested and tried more than once. Scholars have largely accepted that the criminal class did not actually exist, since the majority of crimes were not committed by 'professional' criminals, but rather by opportunistic or poor individuals in need.⁷² The criminal class was a concept created from above, by contemporary commentators and policy-makers who increasingly feared in the early and mid-nineteenth century that a section of the poorer members of society were responsible for the majority of criminal activity. It is apparent that at least some members of the public shared these views. They feared that the criminal class had sophisticated economic and social structures that mirrored 'normal' society, but its members were socially and morally delinquent.⁷³ As Barry Godfrey, David Cox and Stephen Farrall argued, the habitual criminals that they studied in Crewe between the 1870s and 1940 were not part of a coherent criminal class but instead 'a varying cohort of individuals with individual failings or desires rather than an easily categorisable group of like-minded people, all hell-bent on undermining the cohesion of society'.⁷⁴ The fact that contemporaries believed that there was a criminal class, however, is significant. It shaped

⁷¹ See Gray, *Crime, Prosecution and Social Relations*; Tony Henderson, *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis, 1730-1830* (Edinburgh, 1999); Inwood, 'Policing London's morals'.

⁷² Barry S. Godfrey, David J. Cox and Stephen D. Farrall, *Serious Offenders: A Historical Study of Habitual Criminals* (Oxford, 2010), p. 15

⁷³ Randall McGowen, 'Getting to know the criminal class in nineteenth-century England', *Century Contexts: An Interdisciplinary Journal* 14.1 (1990), pp. 35-7.

⁷⁴ Barry S. Godfrey, David J. Cox and Stephen D. Farrall, *Criminal Lives: Family Life, Employment and Offending* (Oxford, 2007), p. 73.

criminal justice policy, contemporary perceptions of criminality and, crucially for this thesis, policing activities.

Traditionally, the idea of a criminal class has been associated with the slums of Victorian cities in the second half of the nineteenth century. Contemporary commentators, such as Henry Mayhew in his *London Labour and the London Poor* (1851-61), and the novelist Charles Dickens, described the criminal class for a public audience.⁷⁵ Jennifer Davis connected the idea of a criminal class with her discussion of the moral panic about garrotting of the 1860s, and suggested that this was a formative period for the development of this idea.⁷⁶ S. J. Stevenson challenged her assertions: although the criminal class is normally associated with the public outcries of the 1850s and 60s, it was actually most severely dealt with by the authorities in the 1880s.⁷⁷ Criminologists have more explicitly connected perceptions of criminality with legislation concerned with the perceived problem of habitual criminals. The 1869 Habitual Criminals Act created a register of such criminals, and the 1871 Prevention of Crimes Act allowed judges to order up to seven years of police supervision for convicts after they had served their sentence.⁷⁸ This restrictive legislation also perpetuated recorded offending patterns, since released offenders on license could be arrested for additional offences such as moving around without informing the police, or being seen associating with thieves.⁷⁹ George Pavlich suggested that the belief in the existence of habitual criminals was closely related to the development of mechanisms for identifying and detecting them, and Terence Stanford argued that, while there were wider perceptions of a large and threatening criminal class, a real 'small criminal class' was created as serious criminals were labelled as 'habitual offenders' through specific legislation, 'in effect creating a self-fulfilling policy'.⁸⁰ Judith Rowbotham highlighted that offenders who committed even petty offences repeatedly were viewed as the core of the habitual offender class, and that these perceptions were not devoted solely to serious crime.⁸¹

⁷⁵ A. L. Beier, "'Takin' It to the Streets": Henry Mayhew and the language of the underclass in mid-nineteenth-century London', in A. L. Beier and P. R. Ocobock (eds), *Cast Out: Vagrancy and Homelessness in Global and Historical Perspective* (Athens, Ohio; London, 2008), p. 92.

⁷⁶ Jennifer Davis, 'The London garrotting panic of 1862: a moral panic and the creation of a criminal class in mid-Victorian England' in Vic Gatrell, Bruce Lenman and Geoffrey Parker (eds), *Crime and the Law: The Social History of Crime in Western Europe since 1500* (London, 1980), p. 192.

⁷⁷ S. J. Stevenson, 'The "habitual criminal" in nineteenth-century England: some observations on the figures', *Urban History*, 13 (1986), p. 38.

⁷⁸ Godfrey, Cox and Farrall, *Serious Offenders*, p. 68.

⁷⁹ *Ibid.*, p. 183.

⁸⁰ George Pavlich, 'The emergence of habitual criminals in 19th-century Britain: implications for criminology', *Journal of Theoretical and Philosophical Criminology* 2.1 (2010), p. 12; Terence Stanford, 'The Metropolitan Police, 1850-1914: targeting, harassment and the creation of a criminal class', unpublished PhD thesis (University of Huddersfield, 2007), p. 5.

⁸¹ Judith Rowbotham, 'Turning away from criminal intent: reflecting on Victorian and Edwardian strategies for promoting desistance among petty offenders', *Theoretical Criminology* 13.1 (2009), p. 107.

However, some scholars have valuably recognised that elements of the idea of a criminal class can be seen in earlier periods. Randall McGowen suggested that there was a literary tradition of representations of a criminal class that originated in the sixteenth century, and that this was not a new phenomenon for mid-nineteenth-century commentators.⁸² Heather Shore argued that ‘it was in the eighteenth century that the idea of a criminal underworld became more coherent and more embedded in popular culture’, and Devereaux highlighted a growing fear in the late eighteenth century that there was an ‘irredeemable criminal type’, which was connected with those of low socio-economic status.⁸³ Helen Churcher suggested that the discourse on the threat of recidivism stretched back into the eighteenth century, and did not merely emerge with the legislation of the mid-nineteenth century. The terminology used, such as ‘old offenders’, ‘hardened offenders’, ‘criminal classes’, ‘dangerous classes’ and ‘residuum’ evolved over time, but these terms represented similar groups.⁸⁴ She demonstrated that the discourse on recidivism was used to support a variety of criminal justice initiatives around punishment and policing between 1770 and 1870.⁸⁵ This thesis builds upon Churcher’s work to discuss the ways in which this discourse was informed by, and informed, policing practices. It suggests that fears about a criminal class, and policing practices informed by the concerns about habitual offending, emerged long before the legislation of the second half of the nineteenth century. In fact, policing practices themselves affected the emergence of these criminal stereotypes.

Some scholars have acknowledged that ideas of a criminal class, or understandings of the importance of previous offending, influenced policing strategies before the mid-nineteenth century. Heather Shore argued that the recognition of faces of ‘suspicious characters’ often led to arrests in eighteenth-century London.⁸⁶ This was also highlighted by Beattie in his work on the Bow Street Runners.⁸⁷ The practice of identifying individuals and groups of suspected previous offenders suggests that some policing agents engaged with the idea of criminal stereotypes, and believed that there were features of appearance or behaviour that denoted criminality. It has also been recognised that Patrick Colquhoun, magistrate and advocate for criminal justice reform in the late eighteenth and early nineteenth centuries, sought a preventative police force that would address the social causes of

⁸² McGowen, ‘Getting to know the criminal class’, p. 34.

⁸³ Heather Shore, *London’s Criminal Underworlds, c. 1720-c.1930: A Social and Cultural History* (Basingstoke, 2015), p. 2; Simon Devereaux, ‘From sessions to newspaper? Criminal trial reporting, the nature of crime, and the London Press, 1770-1800’, *The London Journal* 23:1 (2007), p. 12.

⁸⁴ Helen Churcher, ‘Understandings of habitual criminality in England from 1770 to 1870’, unpublished PhD thesis (University of Sheffield, 2017), p. 21.

⁸⁵ *Ibid.*, p. 138.

⁸⁶ Shore, *London’s Criminal Underworlds*, p. 68.

⁸⁷ Beattie, *The First English Detectives*, p. 64.

criminal activity (poverty), and prevent individuals succumbing to vice and criminality.⁸⁸ This suggests contemporary engagement with the emerging themes of a morally-corrupt criminal class, and the idea that policing measures could be used to address this from the late eighteenth century.

In the minds of the public, by the mid-nineteenth century the idea of a criminal class was deeply connected with the police, and the phrase 'known to police' implied a certain confidence in the ability of the police to take care of habitual criminals, since they knew how to identify them.⁸⁹ In particular, the police targeted particular areas and communities for arrests: the 'rookeries' and slums of London and northern cities. As Victor Bailey argued, 'the more the police focussed on these communities, the more the detection and hence the apparent incidence of crime increased, thus confirming the emerging perception of these areas and their inhabitants'.⁹⁰ However, existing scholarship does not examine in detail whether and how the police targeted known previous offenders before the development of formal legislative provision for police supervision in the 1860s, and secondly, how the actions of the police influenced wider perceptions of a criminal class. This thesis addresses these issues.

Scholars' reflections on exactly who constituted this criminal class are generally vague. In general, the perceived criminal class were those who earned their living through criminal activity. They were associated with those frequently punished through vagrancy legislation: the homeless and very poor.⁹¹ Bailey suggested that there was a shift in perception in the late eighteenth century, from the belief that there was a relatively unthreatening criminal underworld, to the fear, in the era of the French Revolution, that all of the lower orders could potentially engage in criminal activity; the 'dangerous classes'.⁹² By the mid-nineteenth century, these ideas had shifted, and criminal activity was attributed to a subsection of the poor, such as vagrants, 'street-folk' and prostitutes, while the majority of the working class were seen as potentially respectable.⁹³ Churcher argued that there was a gradual shift over the course of the period that she studied, 1770-1870, from an 'everyman' understanding of crime, where original sin meant that anyone could commit an offence, to an increasing focus on the criminals

⁸⁸ Francis Dodsworth, 'Police and the prevention of crime', *The British Journal of Criminology* 47 (2007), pp. 439-54; Mark Neocleous, 'Social police and the mechanisms of prevention', *The British Journal of Criminology* 40 (2000), pp. 710-26.

⁸⁹ McGowen, 'Getting to know the criminal class', p. 44.

⁹⁰ Victor Bailey, 'The fabrication of deviance: 'dangerous classes' and 'criminal classes' in Victorian England', in J. Rule and R.W. Malcolmson (eds), *Protest and Survival: the Historical Experience; essays for EP Thompson* (London, 1993), p. 247. See also Vic Gatrell, 'Crime, authority and the policeman-state', in F. M. L. Thompson (ed.), *The Social History of Britain, III* (Cambridge, 1990), p. 271, where he argues that the Metropolitan Police's practice of policing the streets reinforced the perception that a section of the lower orders of society were responsible for the majority of criminal activity.

⁹¹ Godfrey, Cox and Farrall, *Serious Offenders*, p. 55.

⁹² Bailey, 'The fabrication of deviance', p. 224.

⁹³ *Ibid.*, p. 230.

themselves, and their characteristics and backgrounds that made them prone to criminal activity.⁹⁴ This was connected with the growth of record-keeping about, for example, the physical characteristics of convicts in this period.⁹⁵ There was a belief that the criminal classes were separate from the 'honest poor' due to their distinctive physical appearance, and that they had a fundamentally ingrained criminal intent and character: their criminal activity was connected with moral failings.⁹⁶ This thesis examines those targeted by proactive policing agents, and the ways in which they constituted the perceived criminal class. Unfortunately, detailed information on the socio-economic backgrounds of the defendants identified is not available in the sources used here, and so we cannot examine how far the defendants conformed to the socio-economic stereotypes of the perceived criminal class. However, in terms of age, gender and behaviour, this thesis highlights criminal stereotypes that policing agents acted according to, and themselves contributed to, through their arresting actions. Historians have not explicitly addressed the issues of age and gender in relation to criminal stereotypes, and so this thesis aims to redress that balance.

Criminal stereotypes: gender and juveniles

In order to understand the criminal stereotypes illuminated in this thesis in more detail, it is important to examine the scholarship on gender and juveniles in criminal justice history. Almost in tandem with the emergence of perceptions of a criminal class were concerns about a growing number of juvenile offenders. Dickens wrote of gangs of young pickpockets brought up to a life of crime in *Oliver Twist*, first published in the 1830s, and in 1862, Mayhew closely connected his discussions of the criminal class in London with young offenders.⁹⁷ As Shore argued, 'popular rhetoric sought an explanation for juvenile crime with recidivism at its core' in the early nineteenth century.⁹⁸ Juvenile delinquents were associated with the perceived wider degeneration and criminality of a section of the urban working classes, as the criminality of juveniles was commonly attributed by contemporary commentators to moral failings on the part of their parents and the wider degenerative effects of popular street culture.⁹⁹ Traditionally, the growth of juvenile delinquency is associated with the mid-nineteenth century, but King and Joan Noel argued that there was an increase in the proportion of the accused

⁹⁴ Churcher, 'Understandings of Habitual Criminality', p. 137.

⁹⁵ See Robert Shoemaker and Richard Ward, 'Understanding the criminal: record-keeping, statistics and the early history of criminology in England', *The British Journal of Criminology* 57.6 (2017), pp. 1442-61.

⁹⁶ Pavlich, 'The emergence of habitual criminals', p. 15; Rowbotham, 'Turning away', pp. 109-12; Beier, "'Takin' It to the Streets'", p. 89.

⁹⁷ Charles Dickens, *Oliver Twist* (Harmondsworth, 1966); Henry Mayhew, *London Labour and the London Poor, Volume IV* (London, 1862).

⁹⁸ Heather Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-century London* (Woodbridge, 1999), p. 1.

⁹⁹ *Ibid.*, p. 20.

who were under the age of 20 between 1790 and 1820.¹⁰⁰ They suggested that this was an increase in the numbers of juveniles being indicted by the courts, rather than any real growth in the numbers of juveniles committing crimes.¹⁰¹ This reflects the power of wider concerns about criminal activity to impact upon actual patterns of prosecution. It was a self-perpetuating trend; as more juveniles were arrested and tried, so the problem appeared greater to contemporaries.¹⁰² Shore argued that it is difficult to be certain of the increase in juveniles indicted in the nineteenth century without comparative age information for the early modern period, but that certainly the early nineteenth century marked an era of growing concern over juvenile delinquency, as expressed through social commentaries, which in turn probably impacted upon increasing numbers of prosecutions.¹⁰³

Scholars have asserted that one of the important reasons for the growing numbers of juveniles indicted in the late eighteenth and early nineteenth centuries was policing. King suggested that 'new policing agencies often picked on juveniles because they were relatively easy targets'.¹⁰⁴ Similarly, Susan Magarey argued that the Metropolitan Police 'may have concentrated their efforts to prevent crime on juveniles, who were less likely than adults to present an able defence or to instigate counter-charges'.¹⁰⁵ Shore highlighted the range of options available to policing agents who detected a juvenile offender: they could release them, use immediate corporal punishment, frame them for a more serious crime, or take them before a magistrate.¹⁰⁶ In this field, therefore, there was a great deal of scope for the agency of individual police officers, who used their discretion in choosing how to deal with juvenile offenders. Unlike previous works, this thesis looks at actual policing practices, and demonstrates that predominantly young defendants were targeted by proactive policing agents. These proactive policing agents affected the number and characteristics of those prosecuted at the Old Bailey and so also the record of criminal activity.

Implicit in the literature on the criminal class, and much of the literature on juvenile offenders, was that these offenders were typically male. However, there has been limited explicit discussion of gender and criminal stereotypes. It is generally accepted that there was a decline in the proportion of

¹⁰⁰ See Susan Magarey, 'The invention of juvenile delinquency in early nineteenth-century England', *Labour History* 34 (1978), pp. 11-27 and Margaret May, 'Innocence and experience: the evolution of the concept of juvenile delinquency in the mid-nineteenth century', *Victorian Studies* 17.1 (1973), pp. 7-29; Peter King and Joan Noel, 'The origins of "the problem of juvenile delinquency": the growth of juvenile prosecutions in London in the late eighteenth and early nineteenth centuries', *Criminal Justice History* 14 (1993), p. 21.

¹⁰¹ *Ibid.*, p. 28.

¹⁰² Peter King, 'The rise of juvenile delinquency in England, 1780-1840: changing patterns of perception and prosecution', *Past and Present* 160 (1998), p. 161.

¹⁰³ Shore, *Artful Dodgers*, p. 17.

¹⁰⁴ King and Noel, 'The origins of "the problem of juvenile delinquency"', p. 33.

¹⁰⁵ Magarey, 'The invention of juvenile delinquency', p. 21.

¹⁰⁶ Shore, *Artful Dodgers*, p. 86.

women prosecuted in the English courts over the course of the eighteenth and nineteenth centuries, although scholars have debated the statistics.¹⁰⁷ This did not necessarily mean that fewer women were committing offences, but instead that women were punished in different ways, such as through the summary courts and more informal and non-judicial means.¹⁰⁸ It is clear that gender affected judicial decisions: Garthine Walker and Deirdre Palk both argued that female defendants were generally treated differently from male defendants – either more leniently or more harshly – while King suggested that female defendants were consistently treated more leniently.¹⁰⁹ The gender of the defendant was another factor that provided scope for policing agents to use discretion in choosing what action to take.

It was also certainly the case that male and female defendants were typically prosecuted for different offences. For example, women were more likely to be accused of minor thefts, rather than the more serious thefts and violent offences that were tried at the Old Bailey.¹¹⁰ There were also offences such as prostitution, which only women were accused of, and which was not tried at the Old Bailey.¹¹¹ Nineteenth-century commentators such as Mayhew and John Binny portrayed the morally-corrupt criminal classes as fundamentally lazy, and so they argued that the men chose to earn their livings through theft, and the women through prostitution.¹¹² This difference in criminal profiles, therefore, accounted for the different perceptions of male and female criminality, and meant that women were less likely to be targeted by proactive policing agents for felonies. It is notable, however, that beyond the belief that women from the lower orders of society or perceived criminal class were associated with prostitution by contemporary commentators, the existing scholarship does not explicitly tackle the connection between stereotypes of criminality and gender. This thesis examines the characteristics of those arrested by proactive policing agents, and suggests that those targeted by proactive policing agents and brought before police courts and the Old Bailey were even more likely to be male than the overall populations of those tried in this period. The thesis therefore proposes a connection between perceptions of criminality, particularly for felony offences, and young males, who were clearly viewed as particularly suspicious. The distinctive pattern of age and gender among those

¹⁰⁷ See Malcolm Feeley and Deborah Little, 'The vanishing female: the decline of women in the criminal process, 1687-1912', *Law and Society Review* 25.4 (1991), pp. 719-58; Peter King, *Crime and the Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge, 2006), pp. 165-220.

¹⁰⁸ Robert Shoemaker, *Gender in English Society, 1650-1850: the Emergence of Separate Spheres?* (London; New York, 1998), p. 303.

¹⁰⁹ Deirdre Palk, *Gender, Crime and Judicial Discretion 1780-1850* (Woodbridge, 2006); Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge, 2003); King, *Crime and the Law*, p. 186.

¹¹⁰ See Drew Gray, *Crime, Policing and Punishment in England, 1660-1914* (London; New York, 2016), p. 159.

¹¹¹ *Ibid.*, p. 172; see Henderson, *Disorderly Women*.

¹¹² Martin Wiener, *Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914* (Cambridge, 1990), p. 25.

arrested by proactive policing agents suggests that these proactive policing agents acted according to, and themselves contributed to, criminal stereotypes.

This review of the existing literature has highlighted the major themes and trends in criminal justice history with regard to policing and criminal stereotypes, which are pertinent to the period between 1780 and 1850. Most scholars have tended to focus on those who were tried and punished, or on the institutional history of the police: there have been no joined-up studies of how policing practices affected prosecutions. Scholarship on the criminal class and the police targeting of offenders focuses on the later nineteenth century onwards, and mostly on petty crime, rather than acknowledging that these ideas and practices existed from at least the late eighteenth century and affected prosecutions for serious crimes. This thesis examines evidence of policing practices in court records, and those who were arrested and targeted by proactive policing agents. In doing so, it proposes that these proactive policing practices affected the received record of criminal activity, in terms of both felonies and misdemeanours, and wider perceptions of criminality.

London, 1780-1850

The period between 1780 and 1850 was selected for this study because it witnessed important reforms to policing (and criminal justice more widely) in London. These included watch reforms at the ward and parish level, the development of a network of Police Offices under the 1792 Middlesex Justices Act, and the establishment of the Metropolitan Police in 1829 and City Police in 1839. This was an important period for the development of the idea of a criminal class, which is attested to by contemporary commentaries and policy documents of the period.¹¹³ It was also an era of intense scrutiny of policing practices and engagement with policing; a fact which is reflected by the many archival sources, and the nine separate parliamentary Select Committees called between 1812 and 1838 to examine the state of policing. These sources are discussed in detail in later chapters to highlight the expectations placed on, and scrutiny of, policing agents. By examining the whole period between 1780 and 1850, this thesis reflects on the continuities and changes before and after the establishment of the Metropolitan Police. It moves beyond the apparent logic of dividing historical studies of policing at 1829. Beyond policing reforms, this period also witnessed the start, peak and start of the decline of the system of convict transportation to Australia (which formally ended in 1868), the development of imprisonment and penal institutions in Britain as a distinct punishment, the expansion of summary justice and the decline of capital punishment for all except the most serious

¹¹³ See Churcher, 'Understandings of habitual criminality'.

offences.¹¹⁴ This climate of reform and debate provided plenty of evidence for the study of proactive policing, and the changes in this practice over time.

This thesis focuses on London, which was at the forefront of policing developments in this period, and for which detailed accounts of the court proceedings survive. At the end of the eighteenth century, London was the largest city in Europe, and home to one-tenth of England's population.¹¹⁵ By 1815, it was the largest city in the world with 1.4 million inhabitants, and the population grew to 3.2 million by 1860.¹¹⁶ London's pre-eminence as a world city in this period was clear. It was also, argued Shore, 'the home of the underworld', and the centre of debates about criminality.¹¹⁷ These factors make London an engaging site for a study of policing practices, and it must also be noted that there was extensive diversity of experience in the metropolis. In this period, London was not a single political entity. Instead, it consisted of the City of London, the ancient heart of the metropolis, the City of Westminster, the seat of national government, the borough of Southwark and the various urban areas and growing villages of Middlesex, Surrey, Essex and Kent (see figure 1.1).¹¹⁸ These different component parts of the metropolis had complex and varying but sometimes overlapping jurisdictions, which had implications for policing and the administration of criminal justice. The different jurisdictions also had different characters, socio-economic compositions and historic roles within the metropolis.

The City of London (outlined faintly in red in figure 1.1) was 'the commercial center of London, Britain and international trade in general', but was 'socioeconomically anomalous' since most of the buildings were offices and warehouses.¹¹⁹ Many worked there, but fewer lived there, and the population remained stagnant and began to decline in this period, as the population of the rest of London and Britain grew.¹²⁰ The City was divided into 26 wards, which were of different sizes and had different characters: the inner wards were largely dominated by the financial industry, whereas the outer wards were more populous and poorer.¹²¹ It was governed by the City Corporation, which consisted of elected Aldermen and Common Councilmen from the wards of the City, overseen by the Lord Mayor.

¹¹⁴ See Beattie, *Crime and the Courts*; Gray, *Crime, Policing and Punishment in England*; Emsley, *Crime and English Society*.

¹¹⁵ Gray, *Crime, Prosecution and Social Relations*, p. 6.

¹¹⁶ Clive Emsley, Tim Hitchcock and Robert Shoemaker, 'London history – a population history of London', *OBPO*, <https://www.oldbaileyonline.org/static/Population-history-of-london.jsp>, version 8.0 [accessed 31 May 2018].

¹¹⁷ Shore, *London's Criminal Underworlds*, p. 22.

¹¹⁸ The City of London is outlined faintly in red, towards the east of the metropolis, while Westminster is towards the west and Southwark is the developed area south of the river.

¹¹⁹ Harris, *Policing the City*, pp. 7-8.

¹²⁰ *Ibid.*

¹²¹ *Ibid.*, p. 7; Gray, *Crime, Prosecution and Social Relations*, p. 14.

The liverymen of the London companies and guilds also played a significant role in City politics. Policing provision in the City included City officers: the under and upper City Marshals, their six marshalmen and various patrol forces, and also constables, watchmen and patrols in each ward.¹²² The precise roles of these policing agents are discussed in more detail in Chapter Two, but here it is important to note that there was a very high density of policing agents within the square mile of the City. While there were attempts to enforce uniformity of policing provision across the City, the archival sources examined here attest to remarkable local agency and divergence in policing systems in the wards.

Figure 1.1: Edward Mogg, 'London in Miniature, with the Surrounding Villages Entire New Plan in which the Improvements both present and intended are actually reduced (by permission) from the surveys of the Several Proprietors', 1806, 49.5 x 91.4cm, Wikimedia Commons, https://commons.wikimedia.org/wiki/File:1806_Mogg_Pocket_or_Case_Map_of_London,_England_-_Geographicus_-_London-mogg-1806.jpg.



In the rest of the metropolis, the vast majority of policing was controlled and organised through the parishes. The exceptions to this were the Bow Street officers and patrols, and the officers attached to the new police offices created in 1792, who had wider jurisdictions. The City of Westminster, to the west of the City of London, was the seat of Parliament, but did not have a governing corporation like the City.¹²³ In Westminster, many parishes had well-developed watching provision, with watchmen and patrols funded through local taxation and organised by the parish vestries, some of which were very wealthy and powerful.¹²⁴ In the other urban areas that composed the expanding metropolis in

¹²² Harris, *Policing the City*, p. 29.

¹²³ Reynolds, *Before the Bobbies*, pp. 10-11: Westminster's Court of Burgesses, responsible for the appointment of beadles and constables, had declining influence over policing in this period in the face of the Justices of the Peace and powerful parish vestries.

¹²⁴ *Ibid.*; Reynolds, 'St Marylebone'.

Middlesex, Surrey, Essex and Kent, there were some well-organised watch systems, but generally these areas were policed in much lower numbers than the Westminster parishes.¹²⁵

Courts

At the centre of this study is the Old Bailey, which was the criminal court for felonies in the Cities of London and Westminster and the county of Middlesex, and so heard cases from the whole London area north of the Thames. In 1834, the Old Bailey was renamed the Central Criminal Court, and its jurisdiction was expanded to include a more clearly-defined Metropolitan area, including parts of Essex, and urban parts of Kent and Surrey.¹²⁶ All those accused of felonies, or the most serious criminal offences, from this area were tried at the Old Bailey. The Old Bailey juries were composed from the City of London and Middlesex.¹²⁷ The Old Bailey has long acted as a focal point for criminal justice scholarship because the published *Old Bailey Proceedings* provide, for the period under discussion, detailed accounts of all the trials that took place there. The precise nature of this source, and its limitations, are explored in greater detail in Chapter Three. Here, it is significant to stress that these trial accounts provide an unrivalled and incomparable source for understanding the operation of a criminal court and the nature of offences tried in this period. For the purposes of this thesis, the *Proceedings* also provide insights into the reasons given by policing agents for their arrests at court. The digitisation of the *Proceedings* has been invaluable in allowing for keyword searching of this very large body of text to identify policing agents and their roles, and also for wider statistical analysis of the defendants tried at the Old Bailey in this period.¹²⁸ The *Old Bailey Proceedings Online* also acted as the foundation for the *Digital Panopticon* project, which linked those tried at the Old Bailey to additional records to construct detailed understandings of criminal lives.¹²⁹ This has allowed for the examination of repeat offenders and their interactions with policing agents, since it links the trial records related to each individual offender. These resources collectively have provided for and shaped the detailed understanding of policing agents and those they arrested in metropolitan London presented in this thesis.

¹²⁵ Reynolds, *Before the Bobbies*, p. 94.

¹²⁶ Clive Emsley, Tim Hitchcock and Robert Shoemaker, 'London history – London's rural hinterlands', *OBPO*, <https://www.oldbaileyonline.org/static/Rural-middlesex.jsp>, version 8.0 [accessed 1 June 2018].

¹²⁷ For more detail, see Clive Emsley, Tim Hitchcock and Robert Shoemaker, 'Crime and justice – trial procedures', *OBPO*, <https://www.oldbaileyonline.org/static/Trial-procedures.jsp>, version 8.0 [accessed 1 June 2018].

¹²⁸ Tim Hitchcock, Robert Shoemaker, Clive Emsley, Sharon Howard and Jamie McLaughlin *et al.*, *Old Bailey Proceedings Online, 1674-1913* (2003), <https://www.oldbaileyonline.org>, version 8.0 [accessed 1 June 2018].

¹²⁹ *The Digital Panopticon: Tracing London Convicts in Britain and Australia, 1780-1925* (2017), <https://www.digitalpanopticon.org/> [accessed 1 June 2018].

Despite the significance of the Old Bailey within criminal justice administration, and its valuable surviving sources, it is useful for this thesis to look beyond the Old Bailey to some of the other metropolitan courts. Those arrested by policing agents in the metropolitan area were first taken before a magistrate. There, they were either tried and convicted summarily, discharged, or passed on to be tried at the Old Bailey in cases of felony, or the Sessions of the Peace for some minor felonies and misdemeanours. At the Middlesex and Westminster Sessions of the Peace (or Quarter Sessions), held eight and four times per year respectively, those accused of some minor felonies and misdemeanours were tried by Justices of the Peace and juries. However, detailed official records of the proceedings of these courts do not survive, and they are not examined in this thesis.

The police, or magistrates' courts are of interest to this thesis, since all those tried at the Old Bailey first appeared before a magistrate. Evidence from these courts provide for a direct comparison of policing practices attested to in two levels of courts: the Old Bailey and police courts. In the City of London, cases were heard before the Lord Mayor at the Mansion House, or before one Alderman at the Guildhall.¹³⁰ Cases outside the City were heard before the Justices of the Peace of Middlesex and Westminster and by the stipendiary magistrates at Bow Street before the Middlesex Justices Act of 1792, which provided for seven additional police courts with stipendiary magistrates located throughout the metropolis.¹³¹ The precise history of the development of further police courts is unclear, but by the 1850s there were thirteen police courts across the metropolis, with 23 stipendiary magistrates, in addition to the Guildhall and Mansion House courts in the City of London.¹³² While official sources detailing the proceedings at these courts do not exist, there are valuable accounts of some cases heard in newspapers. For this thesis, the pertinent newspaper reports were identified in the digitised collections of newspapers and periodicals collated on the *Gale Primary Sources* platform.¹³³ Accounts of arrests made by proactive policing agents at police courts are used in this thesis to examine reports of policing practices at a lower level of the criminal justice system to the Old Bailey. The inclusion of this source provides opportunities for comparison of the reporting of the reasons for arrest given by policing agents in different courts, and the variety of offences identified by proactive policing agents on the streets of metropolitan London.

¹³⁰ See Gray, *Crime, Prosecution and Social Relations* for a detailed discussion of summary justice in the City.

¹³¹ See Beattie, *The First English Detectives* and Landau, 'The trading justice's trade'.

¹³² Jennifer Davis, 'A poor man's system of justice: the London Police Courts in the second half of the nineteenth century', *The Historical Journal* 27.2 (1984), p. 311.

¹³³ *Gale Primary Sources*, http://gdc.galegroup.com/gdc/artemis/home?p=GDCS&u=su_uk [accessed 29 March 2018].

Methodology

This study utilises a combination of methodologies to analyse a range of different historical sources, which are discussed in detail in the pertinent chapters. Digital methodologies, particularly keyword searching, were used to examine the reasons for arrest stated by policing agents in the *Old Bailey Proceedings Online* and police court reports in digitised newspapers. These digital methodologies were used alongside textual analysis of the trial reports identified. The digital record linkage of the *Digital Panopticon* project was utilised to trace repeat offenders through the *Old Bailey Proceedings*, and further keyword searching was employed to identify the roles of policing agents in these cases. Data collected through these methodologies was recorded in spreadsheets to enable statistical analysis of the material, in addition to detailed readings of the trial accounts identified.

Alongside these digital methodologies, textual analysis and archival research were also employed. The material analysed in this way included printed guides and instructions provided to policing agents, archival sources attesting to the roles of policing agents, and information provided about policing practices in parliamentary Select Committee reports. The majority of archival sources relating to local policing provision in this thesis are drawn from the City of London and Westminster parishes, because few sources survive relating to the more limited local policing in the wider metropolis. Some sources are also utilised from parishes now in the London borough of Camden, which border the City of London to the north. However, since the *Old Bailey Proceedings*, police court reports in newspapers and many types of policing agents with wider jurisdictions have also been examined, the policing practices highlighted by this thesis were reflective of the whole metropolitan area.

Structure of the thesis

This thesis examines the proactive behaviour of policing agents in London and those whom they arrested over the course of the five following chapters. Chapter Two outlines the instructions and guidelines provided to the different types of policing agents responsible for policing the metropolis, both before and after the establishment of the Metropolitan Police. In order to understand the expectations placed on policing agents by the authorities and the communities that they policed, it synthesises a range of sources, including formal instructions and guides provided to policing agents, and archival sources attesting to the expected roles of constables, watchmen, patrols, beadles, street-keepers, City officers, officers attached to magistrates' courts and Metropolitan Police officers. In particular, it highlights the roles that all of these agents were expected to play in proactively policing suspicious persons at local and metropolitan-wide levels.

Chapter Three examines the *Old Bailey Proceedings* and police court reports in newspapers to illuminate the reasons given by policing agents for proactive arrests between 1780 and 1815. This analysis ends in 1815 since this marked the end of the Napoleonic Wars, and the start of a dramatic increase in the annual number of trials at the Old Bailey. This chapter examines the system of policing practised in the late eighteenth and early nineteenth centuries that was seen as in need of reform by the parliamentary Select Committees of the 1810s and 20s. It shows that much of the language used by policing agents originated in the instructions provided to them: a shared language of suspicion. The discussion also illuminates the characteristics of those arrested proactively, and the role of proactive policing agents in conforming to and promoting wider criminal stereotypes.

Chapter Four examines the debates over policing expressed through parliamentary Select Committee reports on policing, and archival sources that attest to local engagement with policing in the wards and parishes of the metropolis between 1780 and 1839. In particular, it focuses on policing practices that were contested, and the wider scrutiny of policing agents, which reached a particular peak in the 1810s and 20s. Chapter Four acts as a bridge between Chapters Three and Five, which analyse proactive policing practices, by providing some context of the wider debates around, and expectations of, policing in the 1810s and 20s. The policing practices highlighted in this chapter, such as the use of rewards, close associations between policing agents and those they arrested, and divergent local policing policies, impacted upon arrests and prosecutions. These policing practices are also reflected in the discussions of proactive policing in Chapters Three and Five.

Chapter Five continues the analysis of proactive arrests first outlined in Chapter Three, but examines the period between 1816 and 1850. It examines proactive policing in the era of debate and contestation outlined in Chapter Four, and highlights continuities in proactive policing practices, particularly before and after the establishment of the Metropolitan Police in 1829. However, it also shows that proactive policing became a more clearly-defined and significant practice in the later part of the period. In addition, this chapter presents evidence of the time of day at which proactive arrests were made, which suggests that proactive policing was a distinctive practice.

Finally, Chapter Six draws upon the previous analysis of the proactive policing of suspicious persons, but examines the relationship between proactive policing and repeat offending. To do this, the analysis is based on a large group of defendants tried more than once at the Old Bailey between 1780 and 1850. This chapter reveals that repeat offenders were monitored and repeatedly arrested by some proactive policing agents, when they were able to identify them, in an era before the formal police supervision of offenders. It also reflects on the characteristics of repeat offenders, and

particularly those arrested proactively, and suggests that they conformed to wider criminal stereotypes.

This thesis demonstrates that proactive policing agents played crucial roles within the criminal justice system, and that individual policing agents exercised discretion in choosing whom to arrest on the streets of metropolitan London. The actions of policing agents were shaped by individual motivations and institutional pressures: they faced scrutiny from the local and metropolitan-wide authorities responsible for policing as well as from the communities that they policed. By behaving proactively, policing agents affected the received record of criminal activity (the record of prosecutions), and wider perceptions of criminality and recidivism.

Chapter Two: Expectations of policing agents, 1780-1850

Introduction

This chapter explores the expected roles and responsibilities of the various different policing agents in Metropolitan London between 1780 and 1850, as set out by those who instructed them, and provided descriptions of their roles. The policing agents discussed include parish constables, watchmen, other parish officers, City of London officers, Bow Street runners and other officers attached to magistrates' courts, and finally the Metropolitan and City Police forces, established in 1829 and 1839 respectively. This chapter argues that, while there was undoubtedly reform and centralisation in the field of policing, it is important to recognise the continuities in terms of the expectations and roles of policing agents throughout the period.

While the general roles of these policing agents are explained, the focus in this chapter is upon their roles in policing so-called 'suspicious persons'. This term refers to those identified by proactive policing agents as being about to commit, or having recently committed, a crime, because of their appearance or their known character, rather than because they were reported or witnessed as committing a crime by others. Subsequent chapters will explore in detail how policing agents actually policed these characters, and will reveal the ways in which discretion was crucial to the activities of policing agents. This chapter argues that throughout the period, policing agents were expected to identify and pursue suspicious persons; this was not a new idea in the nineteenth century. However, those who constituted suspicious persons became clearer and more defined over time, particularly through the Vagrancy Acts and later under the Metropolitan Police.

As Paul Lawrence argued, 'certainly, by the early nineteenth century, the power to arrest on suspicion was firmly embedded within both the discourse and practice of policing in London'.¹ Lawrence challenged recent criminology scholarship, which saw 'pre-emptive' policing as a modern phenomenon, and traced the roots of arresting based on suspicion through vagrancy legislation and policing practices between 1750 and the present day. The legislation provided for the arrest of 'reputed thieves': those suspected of intent to commit offences. Bruce Smith suggested that this legislation was used to project guilt onto the defendant, and that the onus was on them to prove their innocence and that they had not, for example, stolen the property that they were found with.² He argued that this legislation provided considerable powers to police officers to arrest suspicious

¹ Paul Lawrence, 'The Vagrancy Act (1824) and the persistence of pre-emptive policing in England since 1750', *British Journal of Criminology* 57.3 (2017), pp. 513-531.

² See Bruce Smith, 'The presumption of guilt and the English law of theft, 1750-1850', *Law and History Review* 23 (2005), pp. 133-71 and Landau's counter-argument: Norma Landau, 'Summary conviction and the development of the penal law', *Law and History Review* 23 (2005), pp. 173-89.

persons.³ These scholars demonstrated that this 'pre-emptive' approach has significant implications for criminal justice history. This chapter explains in detail how a distinctive group of suspicious persons was constructed through legislation and by the policing agents who were expected to arrest them.

In order to analyse the expectations placed upon policing agents by the authorities, this chapter is based around a wide range of official and unofficial sources. These include guides written for constables, Acts of Parliament relating to policing, including Vagrancy Acts and the Metropolitan Police Acts (1829 and 1839), instructions for the Metropolitan Police, and archival sources from the parishes of Westminster and the City of London relating to the rules and regulations for different policing agents. In synthesising these records, this chapter provides a new and comprehensive account of the roles of different policing agents. Many of these sources were written by those who instructed and employed the policing agents, and set out the official roles and expectations for their duties. The guides for constables are more unofficial sources: these were written by private individuals who often had a specific interest in and knowledge of policing, but did not have particular authority over the constables.

Some of the sources examined here focus upon the City of London and Westminster, although many of the descriptions of constables apply throughout the metropolitan area and the rest of England, and some metropolitan-wide forces are also examined. It is important to recognise the limitations of the sources: many records for other parts of the metropolis have not survived, and there are more surviving sources for the nineteenth than the eighteenth century. This is therefore not an entirely exhaustive account, but it makes best use of the surviving sources. They show that there was undoubtedly extensive variation in terms of expected policing practices in the metropolis. The City of London, for which policing records have been examined extensively, was the site of some of the most intensive policing and witnessed extensive and innovative reform in this period.

Following in the tradition of recent scholars, including Beattie, Reynolds, Harris and Paley, this chapter emphasises that the various policing agents of late eighteenth- and early nineteenth-century London were expected to respond to the needs of the communities they served, and to engage in continual reform and improvement.⁴ The Metropolitan Police therefore did not replace outmoded and ineffectual policing forces, but rather consolidated policing innovation that was already underway. The archival sources examined here reveal the intense concern in the parishes, wards and governing bodies of London with improving and regulating policing, and the pressures placed on individual

³ Bruce Smith, 'The emergence of public prosecution in London, 1790-1850', *Yale Journal of Law and the Humanities* 18.1 (2006), pp.29-62.

⁴ See Beattie, *Policing and Punishment*; Harris, *Policing the City*; Reynolds, *Before the Bobbies* and Paley, 'An imperfect, inadequate and wretched system?'

policing agents by those responsible for policing in local and metropolitan-wide contexts. In particular, this chapter emphasises that vigilance towards suspicious persons was a constant concern for those involved in regulating policing, though the definitions of those suspicious persons became more detailed over time. As these definitions became clearer, policing agents were also expected to be more vigilant towards those who committed minor offences and agents were granted more extensive powers to arrest these individuals. Arrests of suspicious persons resulted not only in charges of misdemeanours, however, but also felony charges, such as when the defendant was found with stolen goods. These policing practices therefore had implications for a range of different offences and courts.

Constables

This analysis of the roles and responsibilities of policing agents begins with constables, since parish constables were the main law enforcement body before the establishment of the Metropolitan Police in 1829, and many policing agents with different titles derived their powers from the office of constable. Traditionally, constables were chosen from among the householders of the parish, or ward (in the case of the City of London), and served the (unpaid) office for a year, and so were not 'professional' policing agents, in that they did not necessarily have experience of the office, nor were they provided with any formal training for their services. In practice, many called upon to serve paid substitutes to serve in their place, and, as Harris noted for the City, many substitutes served repeatedly for several years.⁵ Yet the existence and apparent popularity of guides for constables (indicated by the number of editions) reflects the fact that the individuals called upon to serve in this office often did not have much knowledge in the field of law enforcement.⁶ Here ten different texts, published across a range of years between 1724 and 1827, are examined. Of those guides for which the price is known, two cost 1 shilling, and two cost 1 shilling and 6 pence.⁷ Harris suggested that substitute constables in the City were paid a weekly wage of between 3s 10d and 7s 8d depending on the ward, but they earned additional money from extra duties and through rewards for aiding in the arrest and prosecution of felons.⁸ Since they only worked irregular hours as a constable, they often held other jobs. These guides would therefore have been affordable, although a significant expense, for some City and Westminster constables. One guide, *The Constable's Assistant*, which was published for the Society for the Suppression of Vice in 1808 and written by an anonymous author, was priced at 1

⁵ Harris, *Policing the City*, p. 20.

⁶ For example, Robert Gardiner, *The Complete Constable* (London, 1724) was the 6th edition of this work.

⁷ Gardiner, *The Complete Constable*, and Saunders Welch, *Observations on the Office of Constable* (London, 1754) sold for 1 shilling; John Paul, *The Compleat Constable, Being a Digest of the Statute and Common Law* (London, 1785) and Anon., *The Constable's Assistant: being a Compendium of the Duties and Powers of Constables* (London, 1808) sold for 1 shilling and 6 pence.

⁸ Harris, *Policing the City*, p. 20; also see Saunders, "'Men of good character'", pp. 137-60, who argued that the majority of Hertfordshire constables in the eighteenth century came from the middling ranks of society.

shilling and 6 pence per copy, or 15 shillings per dozen.⁹ This suggests that the Society intended that the guide would be affordable and potentially purchased in bulk to be distributed among parish constables, and other interested parties.

The prefaces to the guides indicate that they were written for the use of serving constables, in order to inform them better of their office. In his 1827 guide, John William Willcock explained that his purpose was ‘to afford constables that information which may best direct them in the discharge of their duty’.¹⁰ Willcock was a barrister, and wrote other works relating to different aspects of the English legal system. Joseph Ritson, a conveyancer, antiquary and literary critic, who wrote a wide variety of works including one on the office of bailiff and an explanation of the court leet, stated that his work also aimed to convey the information necessary for constables in the discharge of their office in the most straightforward manner possible. The guide written on behalf of the Society for the Suppression of Vice had a specific focus related to the work of that society in encouraging constables to prevent misdemeanours such as swearing, drunkenness and vagrancy: ‘those acts of minor delinquency which mark the early stages of progressive profligacy’.¹¹ This reflects the specific focus of the Society, but also the wider belief that minor transgressions could lead to serious offences if not checked.

Some of the authors had personal experience of serving in the field of law enforcement. The author of a 1754 guide, Saunders Welch, stated that at the time of writing, he had served as High Constable of Holborn Division, Middlesex, for eight years, and explained that ‘in the course of my duty, I have observed many inconveniences; nay, frequently distresses arise to them [constables] in the execution of their offices, from want of proper knowledge’, and that the office required extensive knowledge of common and statute law, which the men called upon to serve would not necessarily have.¹² John Fielding, Bow Street Magistrate, published ‘A Treatise on the Office of Constable’ within his work *Extracts from the Penal Laws* in 1768. He wrote that he and his half-brother, Henry Fielding,

observing from daily Experience the great Difficulties and Dangers to which the Peace officers were exposed in the Execution of their Office, either from the desperate Behaviour of Felons, the Cunning of Cheats, or what is worse than both, the Attacks of litigious Persons under the Influence and Directions of the lowest of Attornies, who are ready on all Occasions to point out any Irregularity committed by a Peace Officer...

⁹ Anon, *The Constable's Assistant*; see also Williams, *Police Control Systems*, p. 31.

¹⁰ J. W. Willcock, *The Office of Constable* (London, 1827), p. ii.

¹¹ Anon., *The Constable's Assistant*, p. 5.

¹² Welch, *Observations on the Office of Constable*, p. 5.

resolved to draw up and publish a plain and complete Account of the Office of Constable.¹³

As Fielding recognised, it was important that constables executed their office correctly, since they were at risk of being prosecuted if they failed to do so and there were also physical risks in the office. The guides go on to explain that the duties and rights of constables were various and complex, and, even if they only served their office for one year, it was important that they fully understood the role. These guides therefore provide valuable insights into the expectations placed upon those called to serve the office of constable.

The majority of constables' time was taken up with reacting to information given to them in the form of reports of crimes, or warrants issued by justices of the peace. They were obliged to execute all warrants for arrest and orders given through the courts, justices of the peace, sheriffs and coroners for their jurisdiction.¹⁴ In addition, they were expected to respond to allegations and reports of felonies committed: the 1815 edition of Ritson's *The Office of Constable* stated that when an offence was reported, constables were 'with the utmost expedition to make fresh suit and hue and cry after the felon'.¹⁵ The authors of the instructions reminded their readers that the constable must be certain, however, 'first that a felony has really been committed, and the second, that the person you arrest is properly suspected'.¹⁶

Constables were also obliged to arrest those whom they witnessed committing crimes, including those committing misdemeanours, and those who 'shall ride or go armed offensively, or shall commit or make any Riot, Affray, or other Breach of the Peace'.¹⁷ These distinctions are significant: it was clearly established from the eighteenth century that constables were to actively pursue those who were reported to have committed felonies, whereas for misdemeanours they only had powers to arrest those who they witnessed committing the crime. It is for this reason that the guide produced by the Society for the Suppression of Vice asserted that, since misdemeanours such as drunkenness, swearing and vagrancy are often victimless and not reported by members of the public, 'unless the Constable inform against the offenders, they will generally escape punishment'.¹⁸ This particular guide was very insistent that, although these offences 'are by no means of so black a dye as the others' (felonies), 'if, for want of due execution of the laws, they are suffered to become prevalent, they will utterly corrupt

¹³ John Fielding, *Extracts from Such of the Penal Laws as Particularly Relate to the Peace and Good Order of this Metropolis* (London, 1768), pp. 321-2.

¹⁴ Welch, *Observations on the Office of Constable*, p. 25.

¹⁵ Joseph Ritson, *The Office of Constable: Being an Entirely New Compendium of the Law* (London, 1815), p. 50.

¹⁶ Welch, *Observations on the Office of Constable*, p. 16; see also Paul, *The Compleat Constable*, p. 94 and Ritson, *The Office of Constable*, p. 36.

¹⁷ Gardiner, *The Complete Constable*, p. 9.

¹⁸ Anon., *The Constable's Assistant*, p. 10.

the manners and the minds of those who are guilty of them, and, by degrees, may lead to the commission of the most heinous crimes'.¹⁹ The specific focus of this guide meant that it asserted that constables should be peculiarly vigilant to such misdemeanours, and indeed suggested that these behaviours aroused suspicion; but its insistence on this point suggests that the Society felt that constables generally neglected this role.

Constables were expected to police the suspicious persons whom they encountered, and instructions were provided for this. Fielding set out that constables may arrest a suspected offender because of the goods found upon the suspect, or if he is a person of 'evil Fame'.²⁰ Patrick Colquhoun's *A Treatise on the Functions and Duties of a Constable*, published 25 years later in 1803, was addressed for the 'immediate information and instruction of Constables', and provided a more detailed description of their obligations to arrest suspicious persons.²¹ Colquhoun stated that constables were authorised 'to apprehend all reputed thieves in the avenues to public places, or in the public streets or highways, with an intent to commit felonies', and indeed 'ought to use their utmost endeavours to discover whether any reputed thieves, idle or disorderly or suspicious characters, are residing in, or lurking about, their wards and districts'.²² He explained that often these 'suspicious persons' were found 'lurking about inn yards on the arrival of coaches, and about areas after dark, or lounging in squares, streets, lanes or passages'.²³ The language here suggests that such suspicious behaviour was connected with aimlessness; those who did not appear to be going about lawful business, but were instead merely standing around on the streets. Colquhoun's work is slightly problematic here, since he was promoting reform and greater vigilance among constables, rather than merely setting out their obligations. While Colquhoun's description of the expected roles of constables with regard to detecting and detaining suspicious persons is more detailed than the other texts identified here, it is clear that he was expressing more widely-held expectations.

Colquhoun suggested that 'suspicious persons' were particularly connected with the night-time.²⁴ Gardiner stated that a constable may, without a warrant, 'arrest suspected Persons, Strangers, and others that walk in the Night, and sleep in the Day'.²⁵ Fears of criminal activity at night-time intensified in the eighteenth century. As Beattie explained, the lengthening of the urban day after the Restoration, with shops open later in the evenings, and a wealth of evening entertainments, can be connected with

¹⁹ Anon., *The Constable's Assistant*, p. 10.

²⁰ Fielding, *Extracts from Such of the Penal Laws*, p. 338.

²¹ Patrick Colquhoun, *A Treatise on the Functions and Duties of a Constable* (London, 1803), p. i.

²² *Ibid.*, pp. 11-12.

²³ Colquhoun, *A Treatise on the Functions*, p. 12.

²⁴ *Ibid.*, p. 12.

²⁵ Gardiner, *The Complete Constable*, p. 13.

the dramatic expansion in watch forces devoted to policing the metropolis at night, which are discussed in detail below.²⁶ There was a belief that the majority of criminal activity took place at night, and so constables were expected to take steps to deal with this problem, and parish constables were expected to be on duty at night to receive charges brought by watchmen and to occasionally patrol the neighbourhood themselves.²⁷ Constables were 'to apprehend those suspected of conveying, between sun-set and sun-rise, any goods or chattels suspected to be stolen'.²⁸

Constables on duty at night were also required to attend to 'rogues, vagabonds, and all disturbers of the peace in the night, especially whores, who constantly infest the corners of streets and alleys' and many other works explained that constables could arrest 'Night-walkers' even if they did not commit a felony.²⁹ 'Night-walker' is an ambiguous term: it related to anyone walking about at night perceived to not have a lawful purpose, but by the eighteenth century, it had come to refer mainly to women.³⁰ It was associated with disordered and disorderly behaviour, and frequently referred to prostitutes. Prostitution was form of petty criminality that only women were charged with, and this reflects a gendered dimension to policing suspicious persons. In fact, it is notable that the gender of suspicious persons was very rarely mentioned in the instructions, except for occasional references to prostitutes or 'disorderly women'. This perhaps reflects an assumption that the majority of suspicious persons, unless specified otherwise, were male. As Chapters Three and Five identify, men were disproportionately likely to be targeted by proactive policing agents.

These instructions to constables reflect the connection between suspicious persons and night-time activity, and demonstrate that constables were expected to be particularly vigilant during the hours of darkness. It was therefore made clear to constables that they were expected to police those who they believed were displaying suspicious behaviour, 'lurking' about, and those reputed thieves they encountered (although presumably only those whom they recognised personally). However, exactly what constituted suspicious behaviour is not explicitly spelled out in these guides, but is elaborated further in the vagrancy legislation.

²⁶ Beattie, *Policing and Punishment*, p. 172.

²⁷ See 10 Geo II, c. 22 (1737), 'An Act for the better regulating the Nightly-Watch, and Beadles within the City of London'; also London Metropolitan Archives (LMA): COL/CC/WPC/02/001, Watch and Police Committee Returns, 1827-31, which contains returns from each ward about the duties of ward constables in the City of London. In Aldersgate without, for example, the constables were obliged to patrol the ward twice during the night, receive charges at the watch house, in addition to attending court and magistrate sessions.

²⁸ Ritson, *The Office of Constable*, p. 60.

²⁹ Paul, *The Compleat Constable*, p. 92; for example, see Fielding, *Extracts from Such of the Penal Laws*, p. 345.

³⁰ See Paul Griffiths, 'Meanings of nightwalking in early modern England', *The Seventeenth Century* 13.2 (1998), pp. 212-238; and Shoemaker, *Prosecution and Punishment*, p. 171.

Vagrancy Acts

The powers that constables and other agents had to arrest suspicious persons were largely derived from the Vagrancy Acts. This term is used to encompass various statutes passed on vagrancy; there were 28 passed between 1700 and 1824.³¹ Legislation on vagrancy had been evolving since the sixteenth century, but vagrancy was viewed as a growing problem in the eighteenth century, and one that was increasingly connected with police forces. The definitions of vagrancy were extremely various, and included not only the homeless or displaced, but also those with unusual itinerant occupations, such as travelling actors. Individuals were commonly arrested for begging under this legislation and convicted as 'idle and disorderly persons', or as 'rogues and vagabonds' if this was a repeat offence. By the mid-eighteenth century, however, the acts became more explicit in permitting the arrest of suspicious persons. Tim Hitchcock argued that the vagrancy laws 'criminalised a certain sub-class of the poor and allowed watchmen, parish constables or private citizens to arrest, punish and remove the undesirable'.³² There were pragmatic reasons behind the arrest of vagrants: the system of arresting vagrants and removing them to their home parishes outside the metropolis freed up prison space for other offenders, and 'removed' the problem from London.³³ This chapter draws upon evidence from the legislation passed between 1744 and 1824, and suggests that these statutes played important roles in constructing the identity of suspicious persons for policing agents to target. As the Society for the Suppression of Vice expressed in *The Constable's Assistant*, 'vagrancy is an offence so abundantly productive of idleness, and, consequently, of vice, that a Peace Officer cannot render a greater service to Society than by vigilantly exerting himself in suppressing it'.³⁴ Although expressed in extreme terms here, this encapsulates the view that minor offences, and particularly vagrancy, could degenerate into more serious crimes, and represented a wider moral crisis in society.

The 1744 Act emphasised the suspicion of the authorities towards those who were unemployed, or without other obvious source of income. It included within its definition of 'idle and disorderly persons' 'all Persons who, not having wherewith otherwise to maintain themselves, live idle without Employment' and 'all Persons going about from Door to Door, or placing themselves in Streets, Highways, or Passages, to beg, or gather Alms in the Parishes or Places where they dwell'.³⁵ Those vagrants who attempted to resist arrest or escape were deemed 'rogues and vagabonds', and those

³¹ Nicholas Rogers, 'Policing the poor in eighteenth-century London: the vagrancy laws and their administration', *Histoire Sociale / Social History* 24 (1991), p. 128.

³² Tim Hitchcock, 'The London vagrancy crisis of the 1780s', *Rural History* 24.1 (2013), p. 62.

³³ *Ibid.*, p. 66.

³⁴ Anon., *The Constable's Assistant*, p. 38.

³⁵ 17 Geo II, c. 5 (1744) 'An Act to amend and make more effectual the laws relating to Rogues, Vagabonds and other idle and Disorderly Persons, and to Houses of Correction'.

who reoffended were ‘incorrigible Rogues’.³⁶ Those arrested as vagrants were to be punished summarily, through short sentences served in the House of Correction, and returned to their parish of settlement. This Act described the itinerant poor and vagrants, rather than necessarily those who could be accused of criminal activities. The 1752 Act, however, contained more explicit definitions of ‘suspicious persons’:

all Constables, Beadles, and Watchmen, shall be, and are hereby authorised and required to apprehend and secure all suspicious persons they shall find lurking and loitering about the Streets, Alleys, Passages, or other Places within their respective Districts, at unseasonable Hours.³⁷

Furthermore, it stated that an individual ‘with Suspicion of Felony (although no direct Proof be then made thereof)’ could be held for six days while evidence was gathered against them.³⁸ This clearly permitted policing agents to use their discretion in order to arrest those whom they deemed to be behaving in a suspect manner, without any proof of any more specific crime being committed. In 1783, definitions of idle and disorderly were extended to include any individual found at night with ‘any Picklock Key, Crow, Jack, Bit or other Implement whatever, which may be used for the purpose of breaking and entering’.³⁹ As part of the Middlesex Justices Act in 1792, definitions of rogues and vagabonds were extended to include ‘reputed thieves’. The Act claimed that:

divers ill-disposed and suspected Persons, and reputed Thieves, frequent the Avenues to Places of Publick Resort, and the Streets and Highways, with Intent to commit Felony on the Persons and Property of His Majesty’s Subjects.⁴⁰

If witnesses confirmed that the individuals arrested and taken before a justice were of ‘evil Fame’ and a ‘reputed Thief’, they were to be prosecuted as rogues and vagabonds. In 1800, the Depredations on the Thames Act provided for the arrest of ‘ill disposed and suspected Persons, and reputed Thieves, [who] frequent the said River... with Intent to commit Felony’.⁴¹ This shows that the arrest of suspicious persons was seen as a crucial role in a range of metropolitan contexts. Lastly, the 1824 Vagrancy Act provided for the arrest of ‘every person being found in or upon any dwelling-house, warehouse, coach-house, stable or outhouse, or in any inclosed [*sic*] yard, garden or area, for any

³⁶ 17 Geo II, c. 5 (1744) ‘An Act to amend and make more effectual the laws relating to Rogues, Vagabonds and other idle and Disorderly Persons, and to Houses of Correction’.

³⁷ 25 Geo II, c. 36 (1752), ‘An Act for the better preventing Thefts and Robberies, and for regulating Places of public Entertainment, and punishing Persons keeping disorderly Houses’.

³⁸ *Ibid.*

³⁹ 23 Geo III, c. 88 (1783), ‘An Act for Punishment of Idle and Disorderly Persons, upon whom Implements for Housebreaking, or Offensive Weapons, shall be found in the Night Time’.

⁴⁰ 32 Geo III, c. 53 (1792), ‘An Act for more effectual Administration of the Office of a Justice of the Peace’.

⁴¹ 39 & 40 Geo III, c.87 (1800), ‘An Act for the more effectual Prevention of Depredations on the River Thames’.

unlawful purpose'.⁴² This act was not passed without debate in parliament, as MPs such as William Windham criticised its apparent aims 'to punish men, not for acts that they committed, but for those which they intended to commit'.⁴³ However, the legislation passed and represented a long-standing precedent around preventative arrest and conviction. By 1824, vagrancy legislation permitted policing agents (including constables) to arrest those who exhibited a range of 'suspicious' behaviours, or those whom they recognised as previous or reputed offenders.⁴⁴ The 1824 Act provided for the conviction of those suspected of intent to commit felony, using the testimony of one witness, who was often the policing agent.⁴⁵ This legislation underpinned many of the instructions and guidelines provided to different types of policing agents. It reflects growing specification of who constituted suspicious persons, and the growing expectations placed on policing agents to arrest these individuals.

Watchmen

As we have seen, the night was a key time of suspicion. Watchmen, who operated at night, patrolling set beats and apprehending suspects whom they encountered, were some of the policing agents most responsible for policing suspicious persons. As the parish authorities set out in the 'Regulations for the Nightly Watch and Beadles' for the Westminster parish of St Mary le Strand in 1815-16, watchmen 'do not permit any suspicious person or persons to loiter in the streets'.⁴⁶ In addition to their law enforcement roles, they often called the hours, checked that lamps were working and that residents' doors and gates were locked properly. The origins of the night watch lie in the 1285 Statute of Winchester, which stated that the inhabitants were to take turns in watching towns and cities at night.⁴⁷ The night watch, as Beattie and Reynolds explained, was an area of reform in the eighteenth century, with the formalisation of devoted watching forces in the metropolis at this time, paid through funds raised from the inhabitants.⁴⁸ As Willcock explained in his guide for constables, 'a watchman duly appointed has precisely the same power and protection as a constable in preventing breaches of the peace, and apprehending suspicious persons, offenders and felons'.⁴⁹ Many of the expectations for watchmen, therefore, were similar to those placed upon constables.

⁴² 5 Geo IV, c. 83 (1824), 'An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds'.

⁴³ Lawrence, 'The Vagrancy Act (1824)', p. 515.

⁴⁴ 5 Geo IV, c. 83 (1824), 'An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds'.

⁴⁵ Lawrence, 'The Vagrancy Act (1824)', p. 517.

⁴⁶ Westminster City Archives (WCA): 0452/22, St Mary le Strand, Regulations for Nightly Watch and Beadles, 1815-16.

⁴⁷ Beattie, *Policing and Punishment*, p. 173.

⁴⁸ *Ibid.*, p. 197; Reynolds, *Before the Bobbies*, p. 4.

⁴⁹ Willcock, *The Office of Constable*, p. 121.

Before the Watch Acts of the eighteenth century, local watchmen were chosen from among the inhabitants, and were unpaid. Watch Acts were passed at different times for individual parishes, and set out the numbers of watchmen, their duties and the mechanisms for collecting funds from the inhabitants to pay the costs of the watch. Reynolds listed the first Watch Acts for 47 parishes in the Metropolitan area, with St James's Piccadilly and St George Hanover Square the first in 1735, and Greenwich the last in 1823, but the vast majority of metropolitan parishes established formal paid watch forces before 1800.⁵⁰ These acts were broadly similar in terms of the roles established for watchmen as regards policing suspicious persons. The 1737 Watch Act for the City stated that the watchmen were authorised and required 'to apprehend all Night-walkers, Malefactors, Rogues, Vagabonds, and all disorderly Persons, whom they shall find disturbing the public Peace, or shall have just Cause to suspect of any evil Designs'.⁵¹ The 1774 Westminster Watch Act, which set minimum standards for the Westminster parishes in terms of the number of watchmen, and their pay and duties, expanded further on this role, stating that they were to apprehend 'all Persons lying or loitering in any Square, Street, Court, Lane, Mews, Yard, Alley, Passage, or Place'.⁵² These Acts demonstrate that watchmen were expected to take proactive roles in apprehending the suspicious persons whom they encountered in the areas of the metropolis that they were responsible for.

Reynolds highlighted the well-developed watching systems of parts of the metropolis, such as St Marylebone.⁵³ She suggested that 'many of the methods and organisational structures of modern policing were developed in the parishes', and, although there was variation between different parishes, overall there was improvement and progress in watching systems in the eighteenth and early nineteenth centuries.⁵⁴ The variation in watching provision across the metropolis is clear. Beattie tabulated the numbers of watchmen per household in each ward of the City of London in 1737. These varied from the most extensively-policed ward, Cornhill, with ten houses per watchman, to Cripplegate without, with 69.5 houses per watchman.⁵⁵ There was also variation in watching practices revealed in the records from the City of London and Westminster parishes. These records attest to the intense local concern with policing, including a common expectation that suspicious persons should be removed from the streets of their neighbourhood. Watchmen particularly faced pressures from

⁵⁰ Reynolds, *Before the Bobbies*, p. 3.

⁵¹ 10 Geo II, c. 22 (1737), 'An Act for the better regulating the Nightly-Watch, and Beadles within the City of London'.

⁵² 14 Geo III, c. 90 (1774), 'An Act for the Better Regulation of the Nightly Watch and Beadles within the City and Liberty of Westminster'.

⁵³ See Reynolds, 'St Marylebone'.

⁵⁴ Reynolds, *Before the Bobbies*, p. 5.

⁵⁵ Beattie, *Policing and Punishment*, p. 195.

the communities that they policed, in addition to wider expectations on the role of watchmen enshrined in guides and legislation.

While there were shared expectations about the importance of policing suspicious persons in the wards and parishes of the metropolis, there were different understandings of the most effective mechanisms for achieving this. In a broadside entitled 'Particular Duties to be observed within the Ward of Castlebaynard', dated February 1803, the watchmen were ordered by the ward authorities 'constantly to perambulate, and not quit the same, except on an alarm of Fire, or to apprehend or secure disorderly Persons'.⁵⁶ They were also specifically ordered to 'keep the ward clear of Harlots, or Common Women', reflecting again the fact that there were specific prescriptions for female petty offenders. In contrast, in Billingsgate in 1816, the residents explained that their watchmen had specific stands, at which they sat or stood, and from which they could see most of their beat.⁵⁷ At this time, the City sought to enforce a regulation that watchmen should constantly perambulate their beat, rather than sit idly in a watch box, but it is clear that the residents of Billingsgate believed that this scheme had its limitations. They argued that if their watchmen constantly perambulated, they would leave certain areas unguarded for up to 15 minutes, and it would be more effective for watchmen to be stationed centrally and to monitor their whole beat from there, moving when necessary.⁵⁸ The City Corporation's desire to enforce constant perambulation of watchmen whilst on duty suggests an engagement with proactive policing, rather than permitting watchmen to stand in one place and wait for news of a crime to reach them. However, the evidence of Billingsgate suggests that inhabitants of individual wards were closely engaged with the type of policing provision that they believed was best for their local area.

The wards of the City were also of different sizes, and characters, and so required different types of watching provision. The inhabitants of Bassishaw ward in 1827 explained that, although their ward was the smallest in the City and consisted largely only of Bassinghall Street, 'there is no other street throughout the City in which there is so much movable property'.⁵⁹ Bassinghall Street was a centre of banking and trade, and thus the residents of Bassishaw explained that, although the Common Council stipulations for the number of watchmen per ward according to size would suggest fewer, they needed to maintain three watchmen to guard their ward effectively.⁶⁰

⁵⁶ Guildhall Library: BSIDE 3.44, *Particular Duties to be observed within the Ward of Castlebaynard*, February 1803.

⁵⁷ LMA: COL/AD/05/007/C, Wardmote papers, presentment from Billingsgate, 1816.

⁵⁸ See Harris, *Policing the City*, pp. 98-9.

⁵⁹ LMA: COL/CC/WPC/02/001, Watch and Police Committee Returns, 1827-31, 1827 Bassishaw return.

⁶⁰ *Ibid.*

Despite the stipulations of the annual Watch Acts issued in the City Corporation's Court of Common Council relating to the hours of duty for watchmen, the ward presentments reflect the fact that many wards adapted these hours slightly to suit their best interests.⁶¹ New regulations issued in 1827 provided for fewer watchmen in each ward, who would work longer hours, and rotate regularly around different beats.⁶² This was unpopular in some wards. In Bishopsgate without, the ward authorities explained that they attempted to rotate their watchmen around different beats, but abandoned this, 'the inhabitants generally objecting to it'.⁶³ This evidence confirms that residents were intensely concerned with policing provision in their neighbourhood, and that they sought to ensure that their local area was policed as effectively as possible. This concern is also reflected in the frequent adaptations and emergence of new regulations. According to the 'Rules, Orders and Regulations for Watchmen of St James's Piccadilly' in 1796, 'if any Hackney-coach be drawn up near any house or building, after the hour of eleven at night', the watchman stationed nearby was to enquire if the driver had a fare, and, if this is uncertain or the answer is suspect, to enquire at the house and watch carefully.⁶⁴ This measure was likely to have been brought in in response to specific instances of robberies committed or stolen goods carried away in Hackney carriages, and reflects the responsiveness of ward authorities to particular local concerns. This evidence demonstrates that, while there was a shared expectation that the vigilance towards suspicious persons was a policing imperative, different wards and parishes introduced different mechanisms for achieving this.

As part of their watching forces, the parishes and wards of the metropolis increasingly employed evening patrols in the late eighteenth and early nineteenth centuries. The watch generally operated from 9pm or 10pm until 5am, 6am or 7am (there was some variation between different parishes and wards and the hours were longer during the winter months). Evening patrols were generally employed to patrol from dusk until the setting of the watch in the evening, and also sometimes in the morning, between the end of the night watch and day forces commencing duty. The development of these additional policing agents reflects the lengthening of the urban day in the eighteenth century, with the growth of evening entertainments, including shops remaining open in the evenings.⁶⁵ Consequently, the evening was feared as a time of potential criminal activity; as evidence of arrests from the *Old Bailey Proceedings* and police court reports in newspapers presented in Chapter Five reveals, high numbers of arrests were made between 5pm and 10pm. In St Anne Westminster in 1791,

⁶¹ See LMA: COL/AD/05/007/C, Wardmote papers, presentments from wards in 1816.

⁶² Harris, *Policing the City*, p. 131.

⁶³ LMA: COL/CC/WPC/02/001, Watch and Police Committee Returns, 1827-32, 1828 return from the ward of Bishopsgate without.

⁶⁴ WCA: D2075, St James's Piccadilly, Rules, Orders and Regulations for Watchmen, 1796.

⁶⁵ Beattie, *Policing and Punishment*, p. 172.

a force of 16 patrols was established to operate from dusk until the setting of the watch, initially only in the winter months. They were ordered by the vestry to ‘apprehend all Rogues, Vagabonds, and other loose, idle and disorderly Persons, whom they shall find disturbing the Public Peace; also all Persons whom they may suspect of any evil Designs, or who are laying or loitering in the streets’.⁶⁶ These expectations were similar to those placed upon watchmen and constables. The following year, a force of the same size was again employed, and their instructions were similar, except that they were also to arrest any ‘reputed Thief or Thieves’ whom they encountered.⁶⁷ St Anne is merely one example of a parish with patrols: other Westminster parishes, and the wards of the City, had similar forces, and there were also City-wide patrols, and patrols sent out from the Bow Street magistrates’ office, which will be discussed below. These patrolling forces were particularly focussed on policing suspicious persons, and their establishment reflects a growing concern with this in the late eighteenth and early nineteenth centuries.

Beadles and street-keepers

In the Westminster parishes and the wards of the City of London, there were additional local officials who had some responsibilities for law enforcement. These included beadles and street-keepers. Beadles were long-established officers of local government. As Beattie explained, in the City they were expected to act as ‘executive assistant[s]’ to the ward managers (the Common Councilmen and Aldermen), and were expected to carry out orders passed down to the ward by the City authorities, and oversee the watch.⁶⁸ In the Westminster parishes, they performed similar duties under the authority of the vestry.⁶⁹ In St Anne, Soho, for example, the ‘Draft Rules and Regulations to be observed by beadles’, written by the vestry and dated March 1792, stated that they were to set the watch and monitor the watchmen throughout the night, and also report to magistrates any houses of ill fame or gaming houses. In addition, they were expected to undertake some patrolling of the ward, as ‘they shall apprehend or cause to be apprehended all Night-walkers, Persons suspected of Felony and all loose Idle and Disorderly Persons wandering abroad in the Night’.⁷⁰ Therefore, although patrolling the ward was not their primary responsibility, it is clear that beadles were expected to be alert to the dangers of suspicious persons while undertaking their other duties.

The office of street-keeper was frequently connected with that of beadle, since often this was a position held by the under-beadle, if the ward or parish could afford to employ this additional official.

⁶⁶ WCA: O452/21, St Anne Westminster, Orders and Regulations of Evening Patrols, 1791.

⁶⁷ WCA: A2052a, St Anne Soho, Minutes of the Committee of Evening Patrol and Names of Subscribers thereto, November 1792 – March 1793.

⁶⁸ Beattie, *Policing and Punishment*, p. 163.

⁶⁹ Reynolds, *Before the Bobbies*, p. 10.

⁷⁰ WCA: A2054a, St Anne, Soho, Draft Rules and Regulations to be observed by beadles, March 1792.

In the wards of Aldgate and Castle Baynard in 1838, for example, the under-beadles were street-keepers, and in Castle Baynard, this official 'cleans the streets of beggars, or any improper persons'.⁷¹ The printed instructions for the street-keeper for Billingsgate ward, issued by the ward authorities in 1825, explain that the street-keeper's role involved preserving order on the streets in general, from 6am until 6pm. This included ensuring that traffic remained on the correct side of the road, and that the streets were clear of obstructions, such as unauthorised vendors selling goods on the pavements and roads.⁷² The Billingsgate street-keeper instructions also state that 'he is to apprehend all Pickpockets, and other characters notoriously bad'. This seems a vague description, especially given the specific language used to describe other aspects of the street-keepers' work, and demonstrates some of the ambiguities of policing and arresting suspicious persons.

In St Sepulchre, Holborn, a parish partly in the largest City ward of Farringdon without and partly in Middlesex, somewhat more explicit instructions were given to street-keepers on arresting suspicious persons. A printed document attached to the Watch Committee Minutes in 1826 entitled *Duty of the Street-Keepers* stated that 'they are to perambulate, every day, the several Streets, Lanes, Courts and Alleys', 'to endeavour to prevent all Robberies from Passengers; of Houses, Shops, Warehouses, and other Premises; of Carts, Waggons, or other Vehicles; and to secure, if possible, all Persons attempting the same'.⁷³ They were also ordered 'to prevent, and remove, Lewd Women, and Thieves, from congregating together in the Public Streets', and 'to remove Beggars, Idle, Disorderly Persons, and Vagrants'.⁷⁴ They were to be on duty from 9am until 9pm: street-keepers appear to have been primarily daytime officers, but clearly their duties could extend into the evening. This demonstrates that street-keepers in some parishes were expected to act under the Vagrancy Acts to police suspicious persons, as part of their remit of policing the streets, and reflects local pressures placed on these policing agents. However, this is merely one example, and it is unclear how common street-keepers were across the metropolis, or how active they were in their duties. This corroborates the image built up through evidence on watchmen that policing experience and expectations varied between the different parishes and wards across the metropolis, but that there was a common focus on policing suspicious persons.

⁷¹ LMA: COL/CC/WPC/02/002, Watch and Police Committee Papers, 1834-38, returns from wards about beadles, 1838.

⁷² LMA: COL/CA/PLA/02/005, Aldermen Police Committee Papers, 1827-30, Billingsgate Ward, 1825: *Instructions for the Street-Keeper*.

⁷³ LMA: P69/SEP/B/108/MS03144/001-2, St Sepulchre, Holborn Watch Committee Minutes, 1802-39, *Duty of the Street-Keepers*, 1826.

⁷⁴ *Ibid*.

City officials

The City of London saw extensive policing reform in the late eighteenth and first half of the nineteenth centuries, and its system of devoted policing agents reflected intense concern with the dangers of suspicious persons on the streets of the City. Considering its small geographical area, the City of London was particularly well-policed. At the heart of City policing were the Upper and Under Marshal and their six marshalmen, who served warrants and pursued suspected thieves under the orders of the Lord Mayor, and were responsible for maintaining public order during processions and coordinating the ward and special constables.⁷⁵ In addition to these roles, they were expected to police vagrants. According to the *Orders and Regulations for the Conduct of the Marshals of the City of London*, issued by the City authorities in 1816, the roles of these senior officers included ‘to perambulate the streets of this City every Day, to see that they are cleared of Vagrants, Beggars, and other idle and disorderly People, and that the Marshalmen and Day Patrole are upon their respective Duties’.⁷⁶ Their orders also reflected a wider concern for policing public order and morals, as they were expected to monitor fairs and public houses, and enforce regulations against hawking and swearing on the streets of the City. The *Orders and Regulations for the Conduct of Marshalmen*, also issued in 1816, are very similar to those issued to the Marshals in terms of policing vagrants, although marshalmen were also expected to monitor the watch and patrols in the wards of the City.⁷⁷ It is perhaps significant that marshals and marshalmen were ordered to ‘see that they [the streets] are cleared of Vagrants, Beggars, and other idle and disorderly People’, rather than specifically to make arrests themselves. This suggests that these City policing agents were not necessarily expected frequently to patrol for suspicious persons themselves, but merely to monitor the efforts of other policing agents; indeed, there was no mention in these orders of marshals arresting ‘reputed thieves’ or ‘suspicious persons’ described in vagrancy legislation. However, in practice, conscientious marshals and marshalmen made arrests where necessary while they perambulated the streets of the City.

From the late eighteenth century, the City authorities also began to employ City-wide patrolling forces. In 1784, a City Patrole force of ten men was employed to patrol the City at night. These men were ordered, according to the official instructions from City authorities, to ‘endeavour to quell any disturbance, or riot, which may happen in the publick streets, lanes or alleys, in this City, in the night, whilst on duty’, and to ‘be very careful to examine any loose and disorderly man or boy, which they

⁷⁵ Harris, *Policing the City*, p. 30.

⁷⁶ LMA: CLA/048/PS/02/026, Special Committee in relation to the Police and Nightly Watch: rough minutes, papers and returns, 1816-7, *Orders and Regulations for the Conduct of the Marshals of the City of London; agreed to and Ordered by the Court of Common Council, 25th April 1816.*

⁷⁷ LMA: COL/OF/02/094, *Orders and Regulations for the Conduct of Marshalmen; agreed to and ordered by the Court of Common Council, 25th April 1816.*

may meet with on their rout[e]'.⁷⁸ In addition, the City authorities ordered that 'the loose and disorderly women be not suffered to stop, or stand in groups, to obstruct the passenger in the streets, or to quarrel, or give any insult, so as to disturb the peace of the inhabitants'.⁷⁹ This specific reference to 'disorderly women' suggests that most suspicious persons, unless otherwise stated, were male. It reflects the criminal stereotypes that policing agents were instructed in.

Under various different guises and names, a Night Patrole force was maintained in the City until 1831, and a force to patrol during the day was added at some point before 1806.⁸⁰ The Patrol Report Books, which cover the period 1806-12, reflect some of the duties of the Day and Night forces.⁸¹ They record the night patrols arresting 'disorderly' persons and persons carrying parcels or bags, and frequently dispersing the customers of disorderly public houses late at night.⁸² John Wade explained in his 1829 *Treatise on the Police and Crimes of the Metropolis* that the City authorities employed a Day Patrole force of 23 men, who were to 'apprehend all thieves, rogues and vagrants', and a Night Patrole of 16 men who were to patrol the streets and also monitor the ward watchmen.⁸³ Wade, a journalist, editor and historian, was promoting policing reform, but his *Treatise* did also set out some evidence on the numbers and practices of policing agents as they already existed in 1829 before the establishment of the Metropolitan Police. His statistical evidence was based on recently-available criminal statistics, and Wade's account is seen as a 'generally well-informed survey'.⁸⁴ In 1832, the marshals, day and night patrols and extra constables were abolished and integrated into a new City Police force of 400 sworn constables, in which all former officers were offered employment.⁸⁵ The precise duties and expectations of this force are not clearly stated. Although it is difficult to find evidence of the precise roles of all these evolving patrols and forces, City patrolling forces were undoubtedly expected to police vagrancy and suspicious persons. The developments and reforms to City policing reflect an intensifying concern with policing suspicious persons in the later eighteenth and first half of the nineteenth centuries.

⁷⁸ *Morning Chronicle*, 1 December 1784.

⁷⁹ *Ibid.*

⁸⁰ Harris, *Policing the City*, p. 76.

⁸¹ LMA: CLA/048/PS/02/018-023, Patrols, Day and Night: Report books on the state of the watch and wages to watchmen, 1806-12.

⁸² See LMA: CLA/048/PS/02/018, Patrols, Day and Night: Report books on the state of the watch and wages to watchmen, 1806-07: entries for 20 February 1807, 18 April 1807, 23 June 1807 and 9 July 1807.

⁸³ John Wade, *A Treatise on the Police and Crimes of the Metropolis* (London, 1829), p. 46.

⁸⁴ Godfrey, Cox and Farrall, *Serious Offenders*, p. 9.

⁸⁵ Harris, *Policing the City*, p. 144.

Bow Street Runners and officers attached to other magistrates' courts

Outside the City of London, the Bow Street Magistrates' Office was a hive of policing activity throughout the period under discussion. The Bow Street officers were primarily detective policing agents and so were not concerned with patrolling and policing suspicious persons.⁸⁶ However, a significant part of the role of the Bow Street Office was also sending out patrolling forces. These were often in response to particular crises and waves of crime, but were established on a more permanent basis in the late eighteenth century.⁸⁷ In 1829, Wade explained that the Bow Street Night Patrol consisted of 82 men, who patrolled the metropolis (excluding the City): 'the object of this force being to protect the streets during the time the public is stirring', between dusk and 1am.⁸⁸ This concern with the evening as a time of criminal activity (discussed above) mirrors the establishment of evening patrol forces in the wards and parishes of the metropolis. By 1829, there was also a Bow Street Day Patrol force of 24 men, and horse and foot patrols who were sent out onto the highways and main routes into the metropolis.⁸⁹ There is little evidence about the precise roles of these policing agents, and the expectations placed upon them. The *Orders for the Horse Patrole*, issued in 1813 and reproduced in the 1816 Select Committee Report on the State of Police in the Metropolis relate mainly to the care of the horses, and to communication between different groups of patrols about any offences reported, but do state that 'they are to be attentive to any informations [*sic*] they may receive of any... suspicious persons having been seen on the road'.⁹⁰ The 'dismounted', or foot patrols, similarly, were directed to 'take notice of any suspicious persons they may see on the road'.⁹¹ In the records of court appearances, policing agents did not often identify themselves as a patrol, and instead terms such as 'officer' were more common. However, the high numbers of arrests made in the evenings suggest that there may have been a connection between these patrolling forces and policing suspicious persons.

The Bow Street Runners were not limited in their jurisdiction as most policing agents were, and so by the late eighteenth century were increasingly employed to investigate crimes outside the metropolis.⁹² They also investigated threats to national security and fears of disorder, unrest and conspiracy. Under the 1792 Middlesex Justices Act, seven additional offices along the lines of the Bow Street Office were established, and the officers attached to these courts took over some of the roles

⁸⁶ Beattie, *The First English Detectives*, p. 3.

⁸⁷ *Ibid.*, p. 142.

⁸⁸ Wade, *A Treatise on the Police*, p. 60.

⁸⁹ *Ibid.*, pp. 59-60.

⁹⁰ British Parliamentary Papers (BPP), House of Commons (HC), 1816, V; *Report from the Committee on the State of Police in the Metropolis*, 1816, p. 195.

⁹¹ *Ibid.*, p. 196.

⁹² Beattie, *The First English Detectives*, p. 173; see also Cox, *A Certain Show of Low Cunning*.

formerly performed by Bow Street Runners in the metropolis. The Act provided for stipendiary magistrates, who were to find and appoint 'a sufficient Number' of constables for 'preserving the Peace and preventing Robberies and other Felonies, and apprehending Offenders against the Peace'.⁹³ In 1829, Wade explained that there were between eight and 12 constables attached to each court, who, in addition to serving summonses, acting upon warrants and investigating crimes, were engaged 'occasionally in visiting public-houses and patrolling the streets'.⁹⁴ This suggests that these officers were expected to police suspicious persons as part of their wider duties, but it is difficult to find any more specific evidence about their precise roles.

An additional group of officers attached to a magistrates' court were the Thames Police, an innovative preventative police force. Established according to a plan set out by the reforming magistrate Patrick Colquhoun, the Marine Police Establishment, later the Thames River Police, was first established in 1798.⁹⁵ Colquhoun was concerned that a vast amount of property was stolen from boats moored on the River Thames.⁹⁶ The establishment included a Thames Police Office along the lines of the other metropolitan police offices, with three magistrates, two clerks, 17 surveyors (the senior officers), six land constables and 45 river constables.⁹⁷ There were also additional watchmen and surveyors who were employed by other authorities in the port area, and who were sworn in by the Thames justices.⁹⁸ The river constables patrolled in boats to monitor the moored vessels and those who travelled to and from them, and were also frequently involved in policing cases on land. It seems apparent that, within these duties, river constables were expected to monitor suspicious persons, but there are no precise instructions to that effect.

The Metropolitan and City Police

All these policing agents were eventually swept aside by the new Metropolitan (1829) and City (1839) Police forces. The Metropolitan Police provided for a clear hierarchical structure and chain of command, from the Commissioners to Superintendents, Inspectors and Sergeants, but the basic patrolling agents, Police Constables, are of most interest here as they were responsible for the majority of arrests and policing on the ground. Metropolitan Police constables did have many of the same roles and responsibilities as parish constables, but the detailed instructions provided to them reflect the fact that these agents had high expectations placed upon them in terms of preventing crime. There is evidence that the Metropolitan Police constables were expected to be well-acquainted with

⁹³ 32 Geo III, c. 53 (1792), 'An Act for more effectual Administration of the Office of a Justice of the Peace'.

⁹⁴ Wade, *A Treatise on the Police*, p. 57.

⁹⁵ Radzinowicz, *A History of English Criminal Law, Volume II*, p. 363.

⁹⁶ *Ibid.*, p. 357.

⁹⁷ Wade, *A Treatise on the Police*, p. 59.

⁹⁸ Radzinowicz, *A History of English Criminal Law, Volume II*, p. 395.

the instructions issued to them. The first Metropolitan Police Commissioners, Richard Mayne and Charles Rowan, when examined before the 1834 Select Committee on the Police of the Metropolis, stated that the police constables 'are frequently questioned by the Commissioners, as to their knowledge of the book of instructions, and whether they have studied it'.⁹⁹

The *Instructions to the Force*, issued by the Commissioners, state that 'it should be understood, at the outset, that the principal object to be attained is the "Prevention of Crime"'.¹⁰⁰ Thus the Metropolitan Police was established as a preventative surveillance force, rather than a detective one. The basic duty of Police Constables was to patrol set beats, and so 'officers and Police Constables should endeavour to distinguish themselves by such vigilance and activity, as may render it extremely difficult for any one to commit a crime within that portion of the town under their charge'.¹⁰¹ This strong emphasis upon prevention suggests that more was expected of Metropolitan Police officers. Whereas former policing agents were expected to detect and arrest suspicious persons, Metropolitan Police constables were expected to watch for suspicious persons, and either prevent criminal behaviour simply through their presence, or be on the spot to detect and take action as soon as a crime was committed. Depending on how officers interpreted the requirements, the implication was that a preventative focus could result in fewer arrests, as potential offenders were deterred, or more arrests, due to the increased police presence on the streets. In practice, however, there was no real difference in how Metropolitan Police officers policed suspicious persons compared with the former policing agents. Instead, the definitions of suspicious persons and suspicious behaviour provided to the Metropolitan Police were more detailed, and there were growing public expectations of their ability to prevent crime.¹⁰²

A heavy emphasis was placed upon personal relationships between policing agents and the policed communities, as each Police Constable 'will be held responsible for the security of life and property, within his Beat, and for the preservation of the peace and general good order, during the time he is on duty', and was expected to know the inhabitants of each house.¹⁰³ This reflects similarities between Police Constables and the former watchmen and constables, who similarly were expected to be part of their communities. It was recognised, as in the cases of former constables and watchmen, that Metropolitan police officers would have to use discretion in their roles: the instructions 'are not to be understood as containing rules of conduct applicable to every variety of circumstances that may occur

⁹⁹ BPP, HC, 1834, XVI; *Report from the Select Committee on the Police of the Metropolis, 1834*, 'Minutes of Evidence', p. 5.

¹⁰⁰ TNA: MEPO 8/1, *Instructions to the Force*, p. 1.

¹⁰¹ *Ibid.*, p. 2.

¹⁰² Churchill, *Crime Control*, p. 40.

¹⁰³ TNA: MEPO 8/1, *Instructions to the Force*, p. 38.

in the performance of their duty; something must necessarily be left to the intelligence and discretion of individuals'.¹⁰⁴ The Metropolitan Police instructions, rather than presenting radically new ideas about policing practices, instead formalised and clarified many accepted aspects of policing roles.

Although most of this discussion will focus upon the role of Police Constables, who were the agents primarily responsible for policing on the ground, it is useful to note that even their superior officers were expected to be vigilant to the dangers of suspicious persons. The superintendent,

in watching the conduct of loose and disorderly persons, and of all persons whose behaviour is such as to excite just suspicion, he will keep in mind, that the prevention of crime, one great object of all their exertions, will be best attained by making it evident, that they are known and strictly watched, and that certain detection will follow any attempt to commit a crime.¹⁰⁵

It was also noted that they should pay particular attention during fires, when 'thieves and pickpockets' are 'usually in the crowd'.¹⁰⁶ This reflects an intense concern with suspicious persons, since even the senior officers were expected to police these individuals.

The most explicit instructions for policing suspicious persons, however, were provided for Police Constables. They were 'authorised and required' 'to arrest a party, charged with or suspected to be guilty of some offence'; they were also to interfere to prevent breaches of the peace, and act according to warrants issued.¹⁰⁷ As the Vagrancy Acts provided, they were to apprehend any 'one whom he [Police Constable] has just cause to suspect to be about to commit a felony', any person with housebreaking tools, or an offensive weapon, or found unlawfully in a house.¹⁰⁸ In addition, each Constable was ordered:

to apprehend all loose, idle, and disorderly persons, whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, and all persons whom he shall find between sunset and the hour of eight o'clock in the forenoon, lying in any highway, yard, or other place, or loitering therein, and not giving a satisfactory account of themselves.¹⁰⁹

The concern about criminal activity at night-time endured under the Metropolitan Police. In fact, two thirds of the whole patrolling force was devoted to night-time patrolling.¹¹⁰

¹⁰⁴ TNA: MEPO 8/1, *Instructions to the Force*, p. 1.

¹⁰⁵ *Ibid.*, p. 19.

¹⁰⁶ *Ibid.*, p. 21.

¹⁰⁷ *Ibid.*, pp. 46-54.

¹⁰⁸ *Ibid.*, p. 48.

¹⁰⁹ *Ibid.*, p. 56.

¹¹⁰ Durston, *Burglars and Bobbies*, p. 95.

Integral to all the stipulations about policing suspicious persons was the recognition that this was an area in which policing agents had to exercise discretion. For example, it was stated that:

if after sunset, and before sun-rising, the constable shall see any one carrying a bundle or goods, which he suspects were stolen, he should stop and examine the person, and may detain him; but here also he should judge from circumstances, (such as the appearance and manner of the party, his account of himself, and the like,) whether he has really got stolen goods, before he actually takes him into custody.¹¹¹

In any case of discovering a 'suspicious person', for example,

the Constable must judge, from the situation and behaviour of the party, what his intention is. In some cases, no doubt can exist, as when the party is a notorious thief, or acting with those who are thieves, or when the party is seen to try people's pockets in a crowd, or attempt to break into a house, or to endeavour to carry off any property secretly from another.¹¹²

This emphasis on discretion, noted at the start of the *Instructions*, and repeated throughout, demonstrates an understanding of the potential challenges of policing suspicious persons. While it is clear that this area always required discretion, this is a far more explicit statement than was present in instructions to former policing agents. It suggests a concern with providing for the legitimacy of the Metropolitan Police: the authorities wanted to ensure that the Police Constables themselves were above suspicion in terms of making arrests correctly.

Over the course of the ensuing years of the Metropolitan Police, more specific orders were issued with regard to suspicious persons. For example, further instructions in 1836 stated that 'the attention of the Police is particularly to be directed to the areas [yards or gardens] and area gates, as persons frequently conceal themselves in the area till the Constable on the beat passes, and then commence their operations'.¹¹³ This reflects continuing and evolving concerns with policing suspicious persons.

The importance of preventative surveillance was reiterated in some further instructions issued in 1845:

the attention of the Police is again specially directed to Pickpockets in the Streets, that they may make themselves acquainted with the persons of such as may be not known to them, in order so such measures being taken by observing them whenever they are loitering about, and making it known that they are watched, so that they may be prevented committing crime or detected should they make the attempt.¹¹⁴

This specific direction to watch suspicious persons in order to prevent crime, or to detect them in the act of committing a crime, reflects intense concern with the dangers of suspicious persons, and shows the pressures placed on Metropolitan police officers to reduce crime. These are just two specific

¹¹¹ TNA: MEPO 8/1, *Instructions to the Force*, p. 50.

¹¹² *Ibid.*, p. 48.

¹¹³ TNA: MEPO 8/2, *Metropolitan Police: Instructions, Orders etc*, 1836, p. 15.

¹¹⁴ TNA: MEPO 7/11, *Metropolitan Police Orders*, 1845-46, entry for 15 September 1845.

examples of particular ways in which the Metropolitan Police were directed to police suspicious persons: they were given much clearer direction in this area than former policing agents.

Furthermore, under the Metropolitan Police, groups of officers, or individual policing agents, were sent out specifically to patrol for suspicious persons. A Metropolitan Police order issued in 1849 stated that mounted patrols were to be sent out between 5am and 8.30am on 'occasional' mornings

along the outskirts of the Town and Roads with especial directions to notice any suspicious characters going out or returning in carts and also to observe and report any misconduct or irregularities by persons driving carts or waggons, omnibuses, or on horseback.¹¹⁵

The use of mounted patrols on 'occasional' mornings was presumably intended to ensure that 'suspicious characters' would not know to expect officers passing through a particular area, and so they would be taken by surprise and apprehended.

Under further police reform, in 1839 the City of London was provided with its own City Police force, under which control over policing was removed from the wards and centralised. This force consisted of 500 sworn constables, overseen by a superintendent.¹¹⁶ The 1839 Metropolitan Police Act further extended the Metropolitan Police District, and provided some more specific regulations concerned with policing public order. Inwood suggested that the Act was 'a charter for public order, cleanliness and decency, an imposition of respectable standards of behaviour on the streets of London'.¹¹⁷ It gave police officers powers over potentially suspicious street activities including fairs, public houses, causing obstructions, swearing or threatening language and other street entertainments.¹¹⁸ Inwood argued that these provisions aimed to eradicate 'beggars, prostitutes, hawkers and urchins from the streets of London'; in other words, some of the types of suspicious persons.¹¹⁹ He revealed, however, that the Metropolitan Police were not successful in substantially altering street culture, or policing morals. Instead, they had to compromise with the working class communities they encountered, in order to maintain some support for their policing.¹²⁰ Inwood's argument does have some merit: the Metropolitan Police were clearly given specific mandates to police suspicious persons, under a variety of different definitions. These more specific definitions reflected a more complex understanding of how suspicious persons should be policed, and clearly risked generating opposition. However, some of these provisions were not new. Policing agents in the eighteenth century were also ordered to

¹¹⁵ TNA: MEPO 7/14, Metropolitan Police Orders, 1848-50, entry for 28 October 1849.

¹¹⁶ Harris, *Policing the City*, p. 151.

¹¹⁷ Inwood, 'Policing London's morals', p. 130.

¹¹⁸ 2 & 3 Vict, c. 47 (1839), 'An Act for further improving the Police in and near the Metropolis'.

¹¹⁹ Inwood, 'Policing London's morals', p. 142.

¹²⁰ *Ibid.*, p. 143.

manage street life, and deal with suspicious persons. These provisions can be seen as attempts not only to improve moral standards, but also to prevent more serious crime.

Conclusion

Policing agents were expected to be vigilant towards the dangers of suspicious persons throughout the period between 1780 and 1850. In fact, the wide variety of types of policing agent who were expected to police suspicious persons demonstrates that this was viewed as an important activity. The sources examined here have revealed some of the pressures and expectations placed on policing agents by those responsible for overseeing policing in local and metropolitan-wide contexts, and the intense local engagement with policing provision. By the early nineteenth century, definitions of what constituted a suspicious person were made explicit: these included those carrying goods believed to be stolen, those who were 'lurking' or 'loitering' without obvious gainful purpose, and those were believed to be about to commit a felony, because of tools that they carried, or their known character. In all of these cases, the policing agent had to make a judgement about the behaviour of the defendant, and use his discretion. The evidence of the Metropolitan Police instructions reveals that, by 1829, there was clearer articulation of the challenges of policing suspicious persons, and an explicit recognition that this involved discretion. The emphasis on patrolling and attempts at preventative policing under the Metropolitan Police reflect the enduring concern with suspicious persons, since the role of Police Constables was broadly similar to that of the former constables and watchmen. Instead, the main changes were that Metropolitan Police Constables were provided with more detailed and explicit instructions than the preceding policing agents on how they were expected to police suspicious persons, and there were growing public expectations of their ability to reduce crime.

The evidence presented in subsequent chapters draws heavily on the *Old Bailey Proceedings*, and thus is concerned with those arrested for felonies. These more serious crimes cannot necessarily be directly connected with the policing all types of suspicious persons, as the vagrancy legislation was concerned with a wide range of misdemeanours. However, contemporaries believed that those who committed minor crimes were potentially likely to go on to commit more major crimes, and so it was important to police petty criminality effectively.¹²¹ The evidence presented here demonstrates that there were growing expectations placed on policing agents to police suspicious persons. As the authorities widened the scope of suspicious behaviour, and they granted more extensive powers to policing agents. Thus these policing agents arrested individuals for misdemeanours, but also some of these defendants were charged with felonies. As we have seen, the vagrancy legislation provided for the

¹²¹ This is connected with the 'slippery slope' understanding of criminality; see Churcher, 'Understandings of Habitual Criminality', p. 6.

arrest of those carrying items believed to be stolen, or those with housebreaking equipment: if individuals arrested for their suspicious behaviour were found to have committed theft, the charge against them would be escalated to a felony.

As we will see in the subsequent chapters, which examine proactive policing of suspicious persons from the *Old Bailey Proceedings* and police court reports in newspapers, these policing practices existed throughout the period. The instructions and guides clearly establish that policing suspicious persons was an area for discretion: the next chapters will explore how this discretion was exercised and interpreted in practice by individual policing agents. They will show that policing agents exercised this discretion in choosing who to arrest and re-arrest, and so affected the received record of criminal activity. The subsequent chapters also examine the ways in which the vagrancy legislation and instructions provided policing agents with a common language of suspicious behaviour, and how they used this language to explain their arresting practices.

Chapter Three: Proactive policing: defendants and policing agents, 1780-1815

Introduction

Having established the expectations placed upon policing agents to police suspicious persons in the preceding chapter, the next area for consideration is the extent to which these expectations were met on the ground in metropolitan London. This chapter examines the reasons that policing agents gave for the arrests that they made at the Old Bailey and at police courts. In particular, this chapter (and Chapter Five, which covers the period between 1816 and 1850) are concerned with proactive policing of suspicious persons. This chapter reveals how the expectations placed upon policing agents to police suspicious persons operated in practice. For example, alongside making arrests based on suspicion, some policing agents watched suspicious characters until they actually witnessed them committing an offence. The chapter suggests that proactive policing was a significant part of the role of some policing agents, but that proactive policing apparently operated on a relatively small scale in this 35-year period. However, it is likely that proactive policing was a more significant phenomenon than the sources reveal since the reasons for arrest were not always given in the documentary sources, and we cannot be certain whether many cases featured proactive or reactive arrests. Innes's discussion of William Payne, a constable and City of London officer between the 1760s and 1782, presented a model example of a proactive policing agent. She argued that he acted with 'extraordinary vigour and commitment', in contrast to his colleagues in the City of London, in arresting vast numbers of prostitutes and pickpockets and appearing regularly at the Old Bailey.¹ This chapter examines evidence of those who, like Payne, were particularly proactive and vigilant in the late eighteenth and early nineteenth centuries.

This chapter examines evidence of proactive policing in the *Old Bailey Proceedings* and newspapers between 1780 and 1815. The analysis has been divided at 1815 because there was a dramatic increase in the number of prosecutions and trials overall after the Napoleonic Wars, and the late 1810s and 20s saw extensive debate over policing, and policing reform. Thus this chapter examines the system that was seen as in need of reform in the 1810s and 20s. By dividing this analysis into two chapters according to date, we can go on to examine continuity and change across the whole period, 1780-1850, and show the ways in which proactive policing became more prominent in the nineteenth century.

This study identifies that proactive policing practices related not only to defendants accused of petty crimes, or misdemeanours, but also felony offences, particularly theft, as it examines both felonies

¹ Innes, 'The Protestant carpenter', p. 303.

and misdemeanours by analysing the reports of examinations at police courts in newspapers as well as the *Old Bailey Proceedings*. It must be noted at the outset that the main evidence that we have of proactive policing relates to those who were arrested by policing agents: we cannot know about the occasions on which policing agents stopped suspects but did not arrest them, or arrested them and released them without charge. Those who were arrested by proactive policing agents were typically young men, accused of theft offences, who were likely to be found guilty. The policing agents therefore both acted according to, and themselves contributed to, wider criminal stereotypes. This chapter argues that the policing agents who arrested suspicious persons used their discretion, and that their actions affected who was prosecuted and convicted in the courts of the metropolis, thus contributing to the received record of criminal activity.

The Old Bailey Proceedings

The first body of sources analysed here is the *Old Bailey Proceedings*. The *Proceedings* are published written accounts of trials at the Old Bailey, covering the period between 1674 and 1913. All those accused of felonies, the most serious types of crimes, from the metropolitan area, were tried at the Old Bailey.² The trial accounts in the *Old Bailey Proceedings* offer an unrivalled source for the study of these prosecutions, and provide a wealth of information about all aspects of everyday life, as well as detailed information about the processes of criminal justice administration. The trial accounts vary in length, but generally consist of a description of the charges against the defendant, statements from the victim and other witnesses including policing agents, sometimes a statement from the defendant, and the verdict and sentence. All the trials that took place at the Old Bailey were reported in the *Proceedings*, although the level of detail varied between different trials.³

The *Proceedings* are not verbatim transcripts of the trial proceedings, but instead accounts that were taken down by shorthand writers in court, and then written up for publication. While they do not represent the exact words spoken by actors in court, as Emsley, Hitchcock and Shoemaker explained, ‘the material reported was neither invented nor significantly distorted’.⁴ The trial accounts in the *Proceedings* do not appear to report all of the discussion and debate that took place in court, and the speech was edited. As Hitchcock has explained, the back-and-forth interactions between the parties in court were lost, but the linguistic differences between the words ascribed to the different actors in

² With the exception of some minor, non-capital felonies, which were tried at Quarter Sessions.

³ See Clive Emsley, Tim Hitchcock and Robert Shoemaker, ‘The Proceedings - publishing history of the Proceedings’, *OBPO*, <https://www.oldbaileyonline.org/static/Publishinghistory.jsp>, version 7.0 [accessed 26 April 2017].

⁴ Clive Emsley, Tim Hitchcock and Robert Shoemaker, ‘The Proceedings - the value of the Proceedings as a historical source’, *OBPO*, <https://www.oldbaileyonline.org/static/Value.jsp>, version 7.0 [accessed 03 April 2017].

the trial accounts suggest that the semantic content of the words spoken was preserved.⁵ For the purposes of this analysis, while the accounts in the *Proceedings* undoubtedly reflect the language used by policing agents to describe their reasons for arrest, we cannot know if there was additional material presented in court that explained the reasons for arrest and prosecution in each case more thoroughly than the surviving accounts.

By the late eighteenth century, the *Proceedings* no longer had the popular appeal that they had earlier in the century.⁶ The publication was always controlled by the City of London authorities, and the main audience for the *Proceedings* by this time were lawyers concerned with examining legal precedents, and the City Recorder, who needed accurate accounts of trials as part of the pardoning process.⁷ We can therefore be reasonably certain that the accounts provided in the *Proceedings* were not distorted depictions aimed at a public audience, but rather accurate representations of trial proceedings. The nature of this legal audience meant that the *Proceedings* are not necessarily explicitly concerned with the circumstances surrounding the arrest, but rather with the offence itself and the guilt or innocence of the defendant. This is why it is sometimes challenging to identify whether a particular case featured proactive or reactive policing.

In order to identify proactive policing in the *Proceedings*, a keyword searching strategy was adopted. The *Old Bailey Proceedings Online* is a valuable tool for keyword searching, since the accuracy of transcription of the original source is rated at over 99 per cent.⁸ Despite this extremely high accuracy rate, there remain some challenges for keyword searching, since spellings and the language used to refer to the same concept varied between different individuals and trial accounts. However, this study tried to compensate for these difficulties by continually expanding the search terms used as new language was encountered and searching for different spellings and variations in the terms. As the analysis in the previous chapter revealed, there was a certain common language of suspicion used by the authorities and transmitted to policing agents, which is evident here.

The strategy employed involved searching for terms for policing agents, in combination with terms relating to reasons for arrest. The terms for policing agents were: officer, patrol, watchman/men, runner, constable, marshalman/men, City Marshal, headborough, street keeper, beadle, inspector,

⁵ Tim Hitchcock, 'Whispers and cries: listening for the voices of the dead at the Old Bailey', unpublished conference paper given at the Digital Panopticon Conference at St George's Hall, Liverpool, 15th September 2017, pp. 5-8.

⁶ Simon Devereaux, 'The fall of the Sessions Paper: the criminal trials and the popular press in late eighteenth-century London', *Criminal Justice History* 18 (2002), p. 58.

⁷ *Ibid.*

⁸ Clive Emsley, Tim Hitchcock and Robert Shoemaker, 'Old Bailey Online - about this project', *OBPO*, <https://www.oldbaileyonline.org/static/Project.jsp>, version 7.0 [accessed 03 April 2017].

sergeant/serjeant, watch house keeper, police surveyor and policeman. The terms 'sergeant' and 'officer' produced many results that did not relate to policing agents; 'sergeant' was used to refer to the Common Sergeant, Old Bailey judge, and similarly 'officer' was used to refer to many different types of law enforcers, and also military or other officials.⁹ However, the cases generated by these searching terms were read carefully to ensure that they did involve policing agents before being recorded on the spreadsheet. Terms relating to reasons for arrest were identified first by reading through cases involving policing agents, and examining the language used. The terms used were:

'about no good'
'after no good'
'aroused my suspicion'
'as if to hide'
'bad character'
'bulky'
'bundle'
'concealed'
'excited my suspicion'
'gang of thieves'
'I followed him/her/them/the prisoner'
'I had suspicion'
'I have had him before/the prisoner before'
'I have had him since'
'I know/knew/have known/knowing him/her/them/the prisoner/s (previously/before)'
'I suspected'
'I watched/was watching him/her/them/the prisoner'
'ill disposed'
'infamous'
'loitering'
'looking about'
'looking round'
'lurking'
'not all right/was not right'
'notorious'
'old thief'
'on suspicion'
'reason to suspect'
'receiver of stolen goods'
'reputed thief/thieves'
'round a ring'
'something was wrong'
'such characters'
'suspicious'
'upon no good'

⁹ See Williams, "I am not on the beat now", who discusses the challenges of terminology for searching for policing roles in the *Old Bailey Proceedings*.

Of these, the most common terms identified include 'lurking', 'loitering', 'suspicious character', 'bundle' and 'bulky'. Some of the search terms identified in reading through cases involving proactive policing produced far too many search results to examine in the time available, and so not all possible terms were used. These terms were mainly related to knowledge of the prisoner, as searching phrases such as 'I know' (without a qualifier of 'the prisoner') generated numerous irrelevant results.

The cases identified by the keyword searching methodology were read carefully, and those that involved proactive policing were recorded on a spreadsheet. A set of 165 cases for the period 1780-1815 was identified through this method, out of the total 28688 cases tried at the Old Bailey in this period, and the following analysis is based around this collection of cases. These cases were recorded on a spreadsheet, and below is an example of a row taken from the spreadsheet, detailing the column headings and type of information recorded. This is presented here in list form due to space constraints, but contains the column headings and the information in the row relating to an example defendant, Alexander Charles Levigne.

Trial ID: t18110918-126
Date of trial: 18/09/1811
Defendant name/s: Alexander Charles Levigne
Defendant gender/s: M
Defendant age/s: 36
Offence: Theft – animal theft
Verdict: Guilty
Sentence: confined one year and fined one shilling
Policing agent type: Patrol, Bow Street
Policing agent name/s: Samuel William Pyall
Text from the trial report detailing reasons for arrest: Pyall: 'I met the prisoner with a quantity of fowls in a basket, he appearing to me to be a suspicious character I stopped him, I asked him where he brought the fowls from'
Knowledge of the defendant: N/A
Character of the defendant: 'suspicious character'
Evidence of carrying objects: 'basket'
Behaviour of the defendant: N/A
Vigilance of the policing agent: N/A
Time of day of arrest: 4.30am
Date of arrest: 16 July.¹⁰

For cases involving more than one defendant, or more than one policing agent, each individual's name and policing role was recorded in a separate column. The offence types correspond to the categories created in the digitisation of the *Old Bailey Proceedings*, which are closely based on the contemporary legislation.¹¹ The columns relating to expressions of knowledge of the defendant, character, carrying

¹⁰ *OBPO*, September 1811, trial of Alexander Charles Levigne, (t18110918-126).

¹¹ Clive Emsley, Tim Hitchcock and Robert Shoemaker, 'Crime and justice - crimes tried at the Old Bailey', *OBPO*, <https://www.oldbaileyonline.org/static/Crimes.jsp>, version 8.0 [accessed 25 June 2018].

objects, behaviour and vigilance of the policing agent contain text repeated from the trial report, but separated into the different categories of reasons for arrest given by policing agents for detailed analysis. As the example shows, generally only between one and three of these columns contain information in each case. The final two columns, concerning the time and date of arrest, relate to analysis presented in Chapter Five. The collection of cases identified is not definitive: it represents the minimum of proactive policing, since there were undoubtedly additional cases that could not be identified. However, it is a solid base of proactive policing cases for the purposes of this analysis.

Newspaper reports

In addition to the *Old Bailey Proceedings*, which provide accounts only of trials for felonies, this chapter draws upon the evidence of police or magistrates' court reports in contemporary newspapers. These reports detail both misdemeanours, which were dealt with summarily by the magistrates or heard at quarter sessions, and felony cases, where the magistrate examined the evidence before the defendant was committed for trial, and so include a broader range of offences than the *Old Bailey Proceedings*. For some cases, an initial hearing was reported in the newspaper, and then the subsequent trial at the Old Bailey appeared in the *Proceedings*: there is therefore some overlap in the evidence. The majority of the newspaper reports identified are from Bow Street Magistrates' Court, which was the only stipendiary magistrates' office before 1792. This is likely to reflect some self-promotion on the part of the Bow Street office: King suggested that many newspaper reports praising the Bow Street officers were actually sent in to newspapers by the officers themselves.¹² Under the 1792 Middlesex Justices Act, seven additional Police Offices with stipendiary magistrates were established to cover the whole metropolis, and there were increasing numbers of reports identified from these courts over time in newspapers.¹³ In the City of London, cases were heard before the Lord Mayor and one of the Aldermen in rotation, the magistrates for the City, at the Mansion House and Guildhall justice rooms. Although records for these courts survive, they do not provide detailed descriptions of arrests, and systematic official records for the other police offices do not survive, so this is why newspaper reports were used.¹⁴

¹² Peter King, 'Newspaper reporting and attitudes to crime and justice in late-eighteenth- and early-nineteenth-century London', *Continuity and Change* 22.1 (2007), p. 95.

¹³ 32 Geo III, c. 53 (1792), 'An Act for more effectual Administration of the Office of a Justice of the Peace'.

¹⁴ See Greg T. Smith (ed.), *Summary Justice in the City: A Selection of Cases heard at the Guildhall Justice Room, 1752-1781* (London, 2013), which is an edited collection of City court minute books and LMA: CLA/005/01/009-055, Guildhall Justice Room Minute Books, 1780-96 and LMA: CLA/004/02/001-073, Mansion House Justice Room Minute Books, 1784-1821. These brief accounts of charges brought before magistrates did not detail policing activities.

Scholars have written extensively about newspaper reporting on crime in the eighteenth century, and the impact that this had on wider perceptions and understandings of crime.¹⁵ However, there has not been any systematic examination of police court reports, especially into the nineteenth century. It is clear that these reports are far less detailed than the *Old Bailey Proceedings*, and contain far less precise information on the defendants and policing agents: their names are not always stated, nor were the ages of defendants provided. This means that the possibilities for statistical and further analysis from this material are more limited than from the *Proceedings*. Furthermore, not all cases brought before magistrates were reported in newspapers; only those that could be reported in ways that engaged the public and captured their interest in crime were included.¹⁶ Cox suggested, in his study of the provincial roles of Bow Street officers, that only up to one-third of Bow Street cases were reported in newspapers between 1792 and 1839.¹⁷ It seems that reporting became more uniform and consistent over the course of the period, but it is unlikely that most minor crimes were reported, as these were of least interest to the reading public. The vast majority of reports in the 1780s, in particular, are so limited that only one case of proactive policing from this decade was identified. It also seems that the business of courts diversified over time: with the additional Police Offices created in 1792, these courts all had scope to examine a greater range of cases.

The cases identified for this study were found by reading through reports of police court proceedings in selected newspapers. In order to identify the police court reports, keyword searching on the *Gale Primary Sources* platform was used. The keywords for article titles or section titles used included 'Public Office', 'Police Office', 'Police' and 'Bow Street', and the keywords were adapted over time as the terminology used changed. *Gale Primary Sources* allows the user to search across newspapers and periodicals from sources including the Burney Collection, the British Library and the Times Digital Archive.¹⁸ These sources include over 1400 British newspaper titles from the period. While it is not a comprehensive source base for all newspapers from this period, it certainly represents a good cross section of London newspapers.

¹⁵ See Peter King, 'Making crime news: newspapers, violent crime and the selective reporting of Old Bailey trials in the late eighteenth century', *Crime, Histoire et Sociétés* 13.1 (2009), pp. 91-116; King, 'Newspaper reporting and attitudes to crime and justice'; Robert Shoemaker, 'Print culture and the creation of public knowledge about crime in 18th-century London', in Paul Knepper, Jonathan Doak and Joanna Shapland (eds), *Urban Crime Prevention, Surveillance, and Restorative Justice* (London, 2009), pp. 1-21; Richard Ward, *Print Culture, Crime and Justice in 18th-Century London* (London, 2014) and also see above notes 5, 9 and 13.

¹⁶ See Devereaux, 'From sessions to newspaper' for a discussion of the selective crime reporting of newspapers in the late eighteenth century.

¹⁷ Cox, *A Certain Share of Low Cunning*, pp. 8-9.

¹⁸ See 'Gale Primary Sources Catalog', *Gale* (2018), <https://www.gale.com/uk/primary-sources/catalogue?sort=ascending&pre=true> [accessed 25 June 2018].

The main newspapers used were *The Times* and *The Morning Post*, and these were chosen as they were consistently published across the period and contained regular police court reports. Both were published daily except for Sundays. These were two of the four main daily newspapers published in London in this period, and *The Morning Post* had a circulation of 4,000-4,500 in 1802.¹⁹ Circulation of *The Times* rose from 5,000 copies in 1815 to 10,000 in 1834 and 40,000 by 1851.²⁰ In the nineteenth century, *The Times* 'maintained rigorous standards of reporting and writing and strove for meticulous accuracy', and was viewed as a well-respected influence on British public opinion.²¹ *The Morning Post* was also well-respected, and generally seen as the preferred reading of the aristocracy and upper levels of society.²² In the 1780s and 90s, *The Times* and *The Morning Post* were not consistently the most prominent (and *The Times* was not founded until 1785), and so for the early part of the period in question, police court reports across all of the London newspapers on the Gale platform were searched. However, especially by the later part of the period, it was not feasible to examine more than two newspapers, and in any case, reports were often duplicated across newspapers.²³ There are limitations to the method employed: the quality of the Optical Character Recognition (OCR), and the poor scans of some newspapers meant that keyword searching undoubtedly did not identify all relevant results.²⁴ It was beyond the scope of this project to read through all the newspapers to identify police court reports that appeared under different headings. There were undoubtedly additional cases of proactive policing at police courts that were not described in detail, or at all, in newspaper reports. This analysis is based on this keyword searching methodology, which produced 84 cases.

These cases were recorded on a spreadsheet and below is an example of one row, detailing the type of information recorded under each column heading:

Date: 31/10/1801
Newspaper title: *The Morning Post*
Issue number: 10308
Name of Magistrates' Court: Bow Street

¹⁹ J. S. R. Philips, 'The Stuarts and The Morning Post', in A. W. Ward and A. R. Miller (eds), *The Cambridge History of English and American Literature, Volume XIV: English, The Victorian Age, Part Two* (New York; Cambridge, 1907-21), pp. 25-6.

²⁰ Ed King, 'British Newspapers 1800-1860', *British Library Newspapers* (2003), http://find.galegroup.com/bncn/topicguide/bncn_05.htm [accessed 5 Dec 2017].

²¹ 'The Times', *Encyclopædia Britannica* (1998), <https://www.britannica.com/topic/The-Times> [accessed 5 Dec 2017].

²² King, 'British Newspapers 1800-1860'.

²³ See Devereaux, 'From sessions to newspaper', p. 6, which argued that the examples of identical Old Bailey trial accounts in different newspapers show that there were independent court reporters.

²⁴ See Simon Tanner, Trever Muñoz and Pich Hemy Ros, 'Measuring mass text digitization quality and usefulness: lessons learned from assessing the OCR accuracy of the British Library's 19th Century Online Newspaper Archive', *D-Lib Magazine* 15 (2009), <http://www.dlib.org/dlib/july09/munoz/07munoz.html> [accessed 27 March 2018]. This report presents the rate of accuracy of the OCR of digitised newspapers.

Name of Magistrate/s: Richard Ford
Defendant name/s: John Mitchell
Defendant gender/s: M
Offence description: Suspected pickpocketing
Action taken: Remanded for further examination
Policing agent type: Officer, Bow Street
Policing agent name/s: Miller
Text from the report detailing reasons for arrest: 'knowing the prisoner to be a suspicious character, and judging he was there for the purpose of picking pockets, he took him into custody'
Knowledge of the defendant: 'knowing the prisoner'
Character of the defendant: 'suspicious character'
Evidence of carrying objects: N/A
Behaviour of the defendant: 'for the purpose of picking pockets'
Vigilance of the policing agent: N/A.²⁵

This spreadsheet contains broadly similar columns to that created for the cases from the *Old Bailey Proceedings*, although some of the information recorded, such as offence description, is less precise than in the *Proceedings*. The 'action taken' column relates to the verdict of the case: whether the defendant was punished summarily, remanded for further examination, sent for trial at the quarter sessions or Old Bailey, or discharged.

To exemplify the different level of detail of reports in newspapers compared with the *Old Bailey Proceedings*, some of the proactive policing cases reported in newspapers were also present in the *Proceedings*. In these cases, the defendant was committed for trial at the Old Bailey following the initial examination reported in the newspaper article. The account in the *Proceedings* in each case was more detailed than the newspaper report. Lydia Case was examined at Hatton Garden Police Court on suspicion of theft in October 1814. *The Times* reported that Thompson, a patrol, 'stated that he had seen prisoner in company with a man, for several evenings, lurking about... rent shops in the neighbourhood; and on Saturday evening he observed the prisoner make a sudden dart into the prosecutor's shop, and take from the counter two parcels'.²⁶ When the case was brought to trial at the Old Bailey, the report of Thompson's testimony was far more detailed. He explained that he 'had a suspicion of her for several evenings', and provided a detailed account of her movements in and out of several shops before he saw her steal from one.²⁷ The paragraph reporting Thompson's testimony ran to 224 words, compared with 45 words in *The Times*. The higher level of detail provided in the *Proceedings* meant that the reasons given by policing agents for the arrests made were richer, although the basic reason in this case appears to have been the same. In contrast, the newspaper reports contain a wider variety of cases, and it is likely that reporters chose the more unusual cases

²⁵ *The Morning Post*, 31 October 1801.

²⁶ *The Times*, 25 October 1814.

²⁷ *OBPO*, October 1814, trial of Lydia Case (t18141026-56).

for their articles in newspapers. As Chapter Five will reveal, newspaper reporting of the proceedings of police courts became more detailed into the mid-nineteenth century, and so allows for a richer comparison of the nature of the two sources. It is likely that there were many additional proactive cases in newspapers that were not reported in sufficient detail, or not identified through the keyword searching method for this earlier period. The use of trial accounts from both the *Old Bailey Proceedings* and newspaper reports serves to highlight some of the key features of proactive policing practices towards different types of offences.

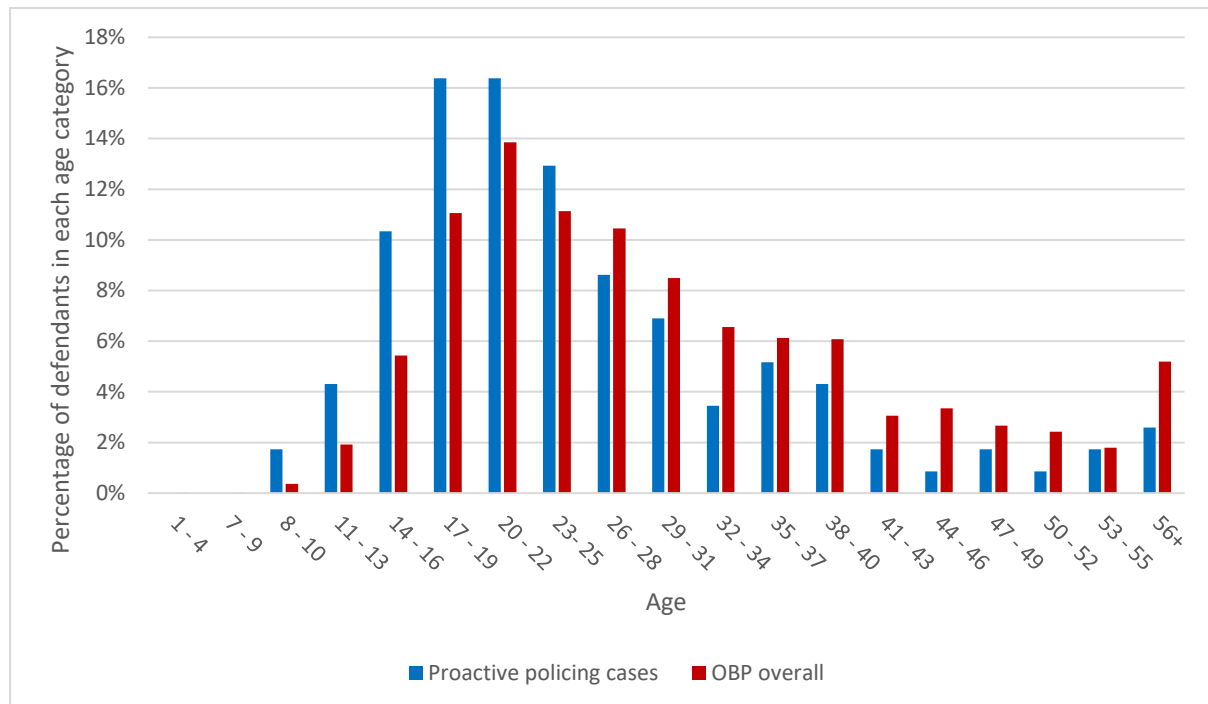
Features of proactive policing cases

Statistical analysis of the proactive policing cases in the *Old Bailey Proceedings* and police court reports in newspapers highlights some distinctive features of defendants in these cases. The level of detail provided by the two types of trial account is different, but there is some similar statistical evidence. In terms of the gender of defendants, in the Old Bailey proactive policing cases, 90.6 per cent of defendants were male. This is contrasted with all cases tried at the Old Bailey between 1780 and 1815, where 74.4 per cent of defendants were male. Similarly, among the proactive policing cases identified in newspapers, 95.8 per cent of defendants were male. Since official records of police courts do not survive, we cannot compare this with the overall statistics, but it is clearly a very high proportion of male defendants. This suggests that those who were suspected of committing offences by policing agents were predominantly male. As noted in Chapter Two, suspicious behaviour among women was often connected with prostitution, an offence that only women were charged with, but women did not appear at the Old Bailey on that charge alone, and these cases were not extensively reported in newspapers.

The *Old Bailey Proceedings* consistently recorded the ages of those defendants found guilty after 1790, so this evidence can be used to construct a picture of the ages of defendants who were seen as suspicious. This information was recorded for 116 individuals among the proactive policing cases, of whom eight were female and the rest male. By comparing the ages recorded in the collection of proactive policing cases with all cases in the *Old Bailey Proceedings* where age was given between 1780 and 1815, it is apparent that the age profile is broadly similar, with the most common age category at 20-22 years. For this analysis, the ages were grouped at three-year intervals and each category is shown as a percentage of the total number of defendants with stated ages tried at the Old Bailey in this period. However, looking more closely, it is clear that there is a higher proportion of younger defendants among the proactive policing cases than in the overall population of those tried at the Old Bailey (see graph 3.1). There are higher proportions of defendants in the categories of 17-19 and 20-22 in the proactive policing cases than in all Old Bailey cases for this period. The median

age among the proactive policing cases is 23, whereas among all defendants tried at the Old Bailey in this period, it is 27. There are higher proportions of defendants in all of the age categories over 26 in all Old Bailey cases than in the proactive cases. This reflects a trend towards younger defendants being arrested proactively.

Graph 3.1: Comparing the ages of defendants (grouped at three-year intervals) in proactive policing cases with all those tried at the Old Bailey, presented as percentages of the total number of defendants in each dataset, 1780-1815. Total number of proactive policing case defendant ages: 116; total number of Old Bailey Proceedings defendant ages: 13332.



There also appear to be higher proportions of juvenile defendants among the proactive policing cases: in the categories of 8-10, 11-13 and 14-16 years old. While there are only a small number of defendants in these categories (19), so it is difficult to draw any definite conclusions, these cases can be connected with growing concern about juvenile offenders. As King and Noel argued, the growing anxieties about juvenile offenders prompted an increase in the proportion of defendants under the age of 20 in the late eighteenth and early nineteenth centuries.²⁸ Proactive policing agents both responded to the expressed concerns about juvenile delinquency, and fuelled these concerns by arresting juveniles. It is important to note the limitations of age data, as ages were not provided for all defendants, nor were they necessarily accurate. Richard Ward argued that the high proportion of defendants who recorded their ages as 18 or 19 suggests that many in their early twenties stated

²⁸ King and Noel, 'The origins of "the problem of juvenile delinquency"', p. 17.

younger ages in an attempt to secure more lenient treatment.²⁹ Bearing this in mind, it still seems clear that those viewed as suspicious were disproportionately young men, even if their precise ages are difficult to determine. Unfortunately, the ages of defendants were not generally stated in police court reports in newspapers, so similar analysis cannot be performed for those cases.

Those arrested by proactive policing agents were disproportionately likely to be found guilty of the offence. In 81.8 per cent of the proactive Old Bailey cases, the defendant, or at least one of the defendants where there were more than one, was found guilty. This compares with 67.1 per cent of all cases in the *Old Bailey Proceedings* between 1780 and 1815. It must be noted that this analysis includes part-guilty verdicts, where the defendant was found guilty of a lesser felony than the one for which they were originally tried, such as larceny instead of housebreaking or burglary, but the fact remains that a guilty verdict was returned, and this was more likely in the collection of proactive policing cases than in all cases tried at the Old Bailey. This suggests that this common language of suspicion, alongside evidence of the offence committed, was effective, and that these defendants were also viewed as suspicious by judges and juries. It also reflects the trust placed in policing agents, and the testimonies that they provided: juries were perhaps more likely to find defendants guilty based on evidence from respected policing agents, than from private individuals. Beattie explained that the Bow Street Runners came to be well-respected in court, and that their evidence was widely viewed as trustworthy by juries and judges.³⁰ It is certainly the case that some of the policing agents examined below appeared frequently at the Old Bailey, and would have been well-known at court. However, it is difficult to know whether the testimonies of policing agents of different levels were all well-respected by judges and juries.

It is harder to identify similar statistics for the police court reports in newspapers, since these resulted in a variety of different outcomes. Some cases were judged summarily, but defendants were also remanded for further examination, discharged or committed for trial. Of the cases identified here, 47.6 per cent were remanded for further examination, 26.2 per cent were committed for trial, 15.5 per cent were punished summarily and only 6.0 per cent were discharged. It is significant that such a small proportion were discharged outright. This demonstrates a high level of perceived potential guilt of the defendants arrested by proactive policing agents. Those arrested were viewed as likely to have committed the offences that they were accused of by the magistrates at police courts.

²⁹ Richard Ward, 'Seeing things differently: visualising patterns of data from the Old Bailey Proceedings', *The Digital Panopticon* (2014), <https://blog.digitalpanopticon.org/?p=444> [accessed 24 April 2017].

³⁰ Beattie, *The First English Detectives*, p. 134.

Unsurprisingly, the vast majority of cases involving proactive policing were trials for theft. There were many different categories of theft offences, but taken altogether, they represent the majority of all cases tried at the Old Bailey between 1780 and 1815: 85.1 per cent of all cases. In the collection of proactive policing cases from the *Old Bailey Proceedings*, theft cases represent 93.3 per cent of all cases. This is connected with the fact that in 64.8 per cent of the cases identified in the *Proceedings*, the policing agent reported that suspicion was aroused by the accused carrying an object, or actually stealing something. Such thefts, and suspected thefts, were probably the most straightforward felonies for policing agents to detect and notice on the streets. In addition, the defence of property was a central tenet of criminal justice policy in this period, and the prosecution of theft offences served to protect the interests of the propertied.³¹ As will be discussed in greater detail below, those carrying a 'bundle' were liable to be stopped and questioned, and their behaviour, appearance, or circumstances, could lead to their arrest on suspicion of theft.

Since both felonies and misdemeanours were heard at police courts, there was a wider range of offences in the proactive policing cases identified in newspapers. The majority of cases were for theft: 52.4 per cent of the total number of cases. The remainder were for offences relating to vagrancy, such as individuals arrested on 'suspicion of felony' (which could include theft), as reputed thieves or rogues and vagabonds or for begging; other offences included damage to property and fraud offences. The 1752 Vagrancy Act provided for the arrest of individuals 'with Suspicion of Felony', so that evidence could be gathered against them, and the 1792 Middlesex Justices Act extended the definition of rogues and vagabonds to include 'reputed thieves'.³² This vagrancy legislation played a key role in summary justice. The ways in which policing agents used the language of vagrancy legislation will be discussed in detail below. It is significant that this language was used both to secure convictions under vagrancy legislation, and also to justify arrests for felonies, or cases that required further evidence to be collected to prove a felony.

The statistical evidence demonstrates that those arrested by proactive policing agents were typically young men, who were mostly charged with theft offences and were disproportionately likely to be found guilty. Individuals who fitted this stereotype were targeted by some proactive policing agents, and these arrests were shaped by, and contributed to, wider public perceptions of criminality, and the received record of criminal activity.

³¹ See more detailed discussion of this in the Introduction and Conclusion.

³² 25 Geo II, c. 36 (1752), 'An Act for the better preventing Thefts and Robberies, and for regulating Places of public Entertainment, and punishing Persons keeping disorderly Houses'; 32 Geo III, c. 53 (1792), 'An Act for more effectual Administration of the Office of a Justice of the Peace'.

The language of arrests: knowledge and character of defendants

The similarities in the profile of defendants arrested by proactive policing agents and brought before police courts and the *Old Bailey Proceedings* is further reflected in the language used to describe the reasons for arrest. There was much common language used to describe the reasons for proactive arrests, and often this was drawn from the language of vagrancy legislation, which was discussed in detail in Chapter Two. In order to analyse this language in detail, it was divided into categories relating to: knowledge of the defendant, the character of the defendant, evidence that they were carrying particular objects, suspicious behaviour, and descriptions of vigilance and investigation by proactive policing agents. Generally, more than one of these categories was used in each case to describe the reasons for arrest, and they are often interlinked. We cannot know if there was additional material presented in court that was not recorded in these sources, which further explained the reasons for arrest and prosecution. These reasons for arrest are generally tantalising snapshots rather than detailed explanations. However, they do provide valuable examples of the language used by proactive policing agents to explain their policing practices and justify their arrests in court. The language suggests that behaviour viewed as ‘suspicious’ was somehow outside the parameters of conventional, ‘normal’, law-abiding behaviour, and therefore that the accused were capable of criminality.

Shore suggested that policing in eighteenth-century London was often dependent on personal relationships between policing agents and the communities that they policed, and that the recognition of faces of familiar ‘suspicious characters’ often led to arrests.³³ As the previous chapter illuminated, watchmen, parish constables and other parish officials were closely rooted in their communities, and were expected to know those whom they were policing. The cases identified in the *Old Bailey Proceedings* and newspapers demonstrate that knowledge of the accused was often used to explain the reason for making an arrest based on suspicion. A constable, James Bly, reported at the trial of Robert Kemp and Joseph Davis at the Old Bailey in May 1800 that:

I saw the prisoner, about half a dozen yards from me... I know Davis perfectly well, and I knew Kemp some years ago; I turned round and watched Davis, and found him very nimble with his fingers, and pressing very hard upon two gentlemen, in blue coats... I could not see what they were doing; I then observed Kemp stop, and I got a view of Davis, but slightly, and as I suspected they had picked these two gentlemen's pockets.³⁴

Bly watched these defendants because he recognised them, and, although he did not directly see them stealing anything, he suspected from their behaviour that they had done and so arrested them. In

³³ Shore, *London's Criminal Underworlds*, p. 68.

³⁴ *OBPO*, May 1800, trial of Robert Kemp and Joseph Davis (t18000528-28).

many cases, it is often not clear whether this was policing knowledge related to the character or known previous offences of the defendant, or merely an innocent neighbourly or business acquaintance. In the case of Kemp and Davis, however, the implication was that this knowledge was related to some knowledge of possible previous offending, since Bly chose to watch them as a result.

In some cases, knowledge of a defendant was explicitly related to knowledge of their bad character. In 1807, it was reported in *The Times* that officer Samuel Taunton arrested Bill Soames, Bill White and Harry Woodford for pickpocketing. The report stated that:

he had known the prisoners for several years, as reputed pickpockets, and frequently saw them, with a great number of others, equally as notorious, parading the streets in gangs, and he had no doubt for the purpose of picking pockets.³⁵

Knowledge of the defendant, and of their character, was used by policing agents to explain why they watched suspects to see if they committed a crime, or indeed arrested certain individuals, even if they did not see them actually commit a crime. Vagrancy legislation granted policing agents power to arrest 'reputed thieves', and those whom they suspected of felony.³⁶ Policing agents used their networks and knowledge of defendants in the area that they policed to monitor and arrest these individuals.

There were other terms used to describe the known character of suspects, which policing agents used to explain their reasons for arrest. Bow Street Patrol Henry Crocker stated at the examination of John William Law at Bow Street in 1796 that: 'meeting the prisoner on Saturday night near the Adam and Eve at Pancras, and judging him to be a suspicious character he took him into custody; that on searching him he found the knife and black crape [*sic*] now produced'.³⁷ It is not clear whether Crocker already knew Law, or merely judged him to be a 'suspicious character' based on appearance alone. Policing agents who recognised an individual as a potential offender also sometimes chose to watch them until they committed an offence. As a result of his knowledge of his character, City Constable Benjamin Johnson watched defendant Robert Ransom until he committed theft. He stated at the trial at the Old Bailey that:

I was passing in the Strand; I saw the prisoner, Robert Ransom, go down Adam-street, Adelphi. Knowing the prisoner to be a reputed thief, I followed him. I watched him, and saw him go into different passages in Craven-street, in the Strand. I watched him into Northumberland-court. I saw the prisoner take a quart pot and a pint pot, from the door of No. 3, (Mr. Jones's), Northumberland-court.³⁸

³⁵ *The Times*, 17 December 1807.

³⁶ See Chapter Two and 25 Geo II, c. 36 (1752), 'An Act for the better preventing Thefts and Robberies, and for regulating Places of public Entertainment, and punishing Persons keeping disorderly Houses'; 32 Geo III, c. 53 (1792), 'An Act for more effectual Administration of the Office of a Justice of the Peace'.

³⁷ *The Oracle*, 20 December 1796.

³⁸ *OBPO*, January 1813, trial of Robert Ransom (t18130113-52).

Johnson behaved proactively in choosing to watch Ransom in this case, and further examples of policing agents lying in wait for suspects to commit an offence will be discussed below. These examples reflect some of the language used to describe the character of defendants who were arrested because of their known or suspected character. These terms were used across both newspapers and the *Old Bailey Proceedings*, and reflect a common language of suspicion. However, there was more variety of language used in newspaper reports, whereas the most common term used to describe character in the *Old Bailey Proceedings* was 'suspicious character' or 'suspicious person'. Additional terms commonly used in newspaper reports included 'well-known character', 'notorious character', 'persons of ill fame', 'well-known thief' and 'old thief'. This probably reflects the fact that the *Proceedings* were mainly written for an official audience, whereas newspaper reports aimed to entice and intrigue their audience through their more colourful use of language, and were freer to use more pejorative language to describe the character of defendants. It was also potentially the case that the testimony given was different in both courts, as policing agents used more pejorative language before magistrates than at the Old Bailey.

The terms identified here to describe the character of defendants were also used by private individuals, generally the victims of the offences, to describe the suspects that they detected. For example, at the trial of Samuel Newman at the Old Bailey in 1796, James Adams, who worked opposite the location of the crime, stated that 'I had seen, for some time, suspicious persons about the windows; on Tuesday morning, I observed the prisoner at the bar, in company with another, coming down Panton-street, towards me'.³⁹ This language of suspicion was not unique to policing agents. Instead, it was a common language that witnesses knew that judges and juries would understand, and that was part of public consciousness about crime and criminal activity.

Carrying objects

Since the majority of cases identified in the *Old Bailey Proceedings* and in newspapers related to theft offences, it is unsurprising that, in many cases, policing agents report that their suspicion was aroused by the defendant carrying an object that they believed to have been stolen. As the guides for constables set out in the previous chapter document, constables were instructed 'to apprehend those suspected of conveying, between sun-set and sun-rise, any goods or chattels suspected to be stolen'.⁴⁰ In the cases identified, a variety of objects were stated as believed to have been stolen, but the most common expression was a 'bundle'. John Brown was arrested by a party of patrols and examined at Bow Street in 1811. The report in *The Times* stated that the patrols 'met the prisoner with a bundle,

³⁹ *OBPO*, January 1796, trial of Samuel Newman (t17960113-73).

⁴⁰ Ritson, *The Office of Constable*, p. 60.

in Monmouth-street, on Saturday night, at past twelve o'clock, and suspecting the contents to have been improperly obtained, they stopped him and searched it'.⁴¹ As this example demonstrates and the guides for constables set out, carrying an object late at night was more likely to arouse suspicion than during the day. During the day, it was more likely to be part of legitimate working practices. Here the accounts provided in the *Old Bailey Proceedings* and newspapers are frustratingly limited: it was not stated whether there was anything that makes these bundles look particularly suspicious, or how policing agents differentiated between legitimate and potentially illegal bundles.

One aspect of carrying an object that clearly aroused particular suspicion was attempting to conceal it: policing agents often described defendants who appeared 'bulky' because they concealed items under their clothing. Lavender Wall and Matthew Crocker were arrested by street-keeper Richard Tipper, who reported in their trial at the Old Bailey that: 'I saw the prisoner Wall coming up the street, and I saw him turn round Gravel-lane, I observed he had got something under his waistcoat; this might be a quarter of a mile from the prosecutrix's, I stopped him and asked him what he had got'.⁴² As these examples illuminate, not all those carrying goods on the streets of London were suspected of theft. Instead, the circumstances, such as attempts to conceal the goods, or the time of day or area in which they were found in meant that policing agents' suspicions were aroused. The patterns of time of day of proactive arrests will be discussed in more detail in Chapter Five, but it is clear that much suspicious behaviour was associated with the night time.

Vagrancy legislation provided for the arrest of any individual found with 'any Picklock Key, Crow, Jack, Bit or other Implement whatever, which may be used for the purpose of breaking and entering' at night.⁴³ It was reported in the *Oracle* that three Bow Street Officers, at the examination of Richard Clarke and William Soames, 'produced several picklock keys, a bottle of phosphorus, and some matches, which they found on the prisoners, whom they met by chance early on Tuesday morning in Leicester Fields, and knowing them to be common thieves, they took them into custody'.⁴⁴ These two defendants were committed for further examination under the vagrancy legislation. This was the only instance in the proactive cases identified in newspaper reports or the *Old Bailey Proceedings* that housebreaking equipment was stated as contributing to the arrest of defendants. This probably reflects the fact that some of these objects were challenging to identify unless suspects were examined. Picklock keys, for example, could be hidden in a defendant's pocket, although a crowbar

⁴¹ *The Times*, 16 December 1811.

⁴² *OBPO*, January 1814, trial of Lavender Wall and Matthew Crocker (t17930109-30).

⁴³ 23 Geo III, c. 88 (1783), 'An Act for Punishment of Idle and Disorderly Persons, upon whom Implements for Housebreaking, or Offensive Weapons, shall be found in the Night Time'.

⁴⁴ *The Oracle*, 28 July 1796.

would be more obvious. Either there were fewer defendants carrying these larger objects, or this was one aspect of the legislation concerning policing suspicious persons that was not thoroughly enforced.

Suspicious behaviour

Alongside evidence that defendants were carrying possible stolen objects, proactive policing agents explained that their behaviour was suspicious. The idea of suspicious behaviour initially appears vague and ambiguous, but it is clear that there was particular common language used to express behaviour that was seen as relating to criminal activities or intent. Edward Branch, Henry Topping and John Bagshaw were committed for trial on suspicion of felony after an examination at Worship Street Police Office. It was reported in *The Times* that 'they were observed lurking about in several yards and bye places in the King's road, which caused the watchman to suspect them; he saw them get into an enclosed yard in Shoreditch, where they were taken concealed in a covered cart'.⁴⁵ Alongside 'lurking', another term commonly used to express suspicious behaviour was 'loitering'. Constable Thomas Isaacs reported at the trial of George Peach and Thomas Osbourne at the Old Bailey in 1782 that:

I saw a coach stop at a certain house, near a public-house, the sign of the Sun; I saw the tallest, Osborne, jump out of the coach, I was twenty yards from it, I said there was something suspicious in his loitering about; he whispered to the other prisoner who was in the coach, they did not both come out, Osborne went right down the street; I looked in at the coach door, and saw the bundle there.⁴⁶

He then arrested the two defendants, who were found guilty of burglary. 'Lurking' and 'loitering' were particularly common terms used to describe suspicious behaviour and were used in the vagrancy legislation. The 1752 Act explained that policing agents were to arrest 'all suspicious persons they shall find lurking and loitering about'.⁴⁷ The terms 'loitering' and 'lurking', alongside their use in legislation and policing instructions, were in wider lexical use in this era and were not always connected with criminal activity.⁴⁸ However, it is clear from the use of these terms in the *Old Bailey Proceedings* and police court reports in newspapers that, in a criminal context, both terms were used to denote behaviour that was viewed as at least potentially criminal. The terms appear to have been used interchangeably to describe those present and waiting on the streets of London who appeared to lack lawful purpose.

⁴⁵ *The Times*, 7 December 1814.

⁴⁶ *OBPO*, January 1782, trial of George Peach and Thomas Osbourne (t17820109-13).

⁴⁷ 25 Geo II, c. 36 (1752), 'An Act for the better preventing Thefts and Robberies, and for regulating Places of public Entertainment, and punishing Persons keeping disorderly Houses'.

⁴⁸ *Eighteenth Century Collections Online*, http://find.galegroup.com/ecco/start.do?prodId=ECCO&userGroupName=su_uk [accessed 9 May 2018], searched for all texts with 'lurking' in entire document, and all texts with 'loitering' in entire document, between 1780 and 1815.

This common language of suspicion was used not only by policing agents, but also by private individuals who testified in court. At the trial of James Atkins at the Old Bailey in 1793, a boy, Joseph Wilson, stated that 'I saw two lurking fellows lurking about this court, as I stood at the top of the court; I went in and acquainted my father and mother of it'.⁴⁹ 'Loitering' was also used by private individuals: in 1790, the neighbour of a victim of theft reported that 'I saw the two prisoners standing at Mr. Ashton's door, loitering; I saw Seton in the shop taking the hats out of a press in the shop, and Sloper just inside the shop, he took the parcel from Seton, and ran out; I caught him'.⁵⁰ These examples demonstrate that this was a common language of suspicion, understood by private individuals, policing agents, judges and juries to denote criminality.

In addition, policing agents described how they believed that defendants were 'about no good', or that they encountered them in 'suspicious circumstances' in both the *Old Bailey Proceedings* and police court reports in newspapers. This language relates to behaviour that is difficult to precisely quantify, and further demonstrates that policing agents used their discretion in making judgements about who to arrest on the streets of London. Since the range of offences brought before police courts by proactive policing agents was greater than at the Old Bailey, the terms used by policing agents to describe suspicious behaviour were also more diverse. Policing agents reported that they heard suspicious noises, such as breaking glass in the case of William Holmes, examined at Bow Street for housebreaking in 1796.⁵¹ In 1812, police officers Collingbourn and Glennon apprehended four defendants, and stated at their examination at Union Hall that they 'observed the prisoners and a number of others in Lambeth road, driving an overheated bullock, which, apparently, they had separated from a drove, and rendered furious by their cruelty', and the report detailed that they were disrupting passengers on the street.⁵² This behaviour led the officers to suspect that the bullock was stolen. James Roff was examined at Bow Street in 1789, as the report in *The Times* stated, 'the patrols said, they saw the prisoner along with three other black-guards, attempt to get up behind this chaise two or three times before they seized him'.⁵³ Here the newspaper reporter felt free to use the colourful term 'black-guard' (scoundrel), and the defendant was apprehended for attempting to climb up behind a chaise, rather than any readily-defined felony or misdemeanour. These examples reflect the diverse language used to describe the reasons for arrest in police court reports in newspapers. Policing agents used this language to justify the arrests that they made, and to contribute to the convictions of these suspects.

⁴⁹ *OBPO*, June 1793, trial of James Atkins (t17930626-47).

⁵⁰ *OBPO*, April 1790, trial of Robert Seaton and James Sloper (t17900424-91).

⁵¹ *The Times*, 14 September 1796; *The Oracle*, 14 September 1796.

⁵² *The Times*, 19 December 1812.

⁵³ *The Times*, 22 October 1789.

Policing vigilance

The final noteworthy feature of the language of proactive policing cases is that policing agents described how they watched and followed suspicious persons before choosing to arrest them. It was discussed above that policing agents who recognised a suspect often chose to observe them before making an arrest. Even if the policing agent did not know the defendant, they could choose to watch and pursue them because of their appearance or other factors that aroused suspicion. Parish beadle John Trappett stated at the trial of James Knight at the Old Bailey in 1781 that 'I saw the prisoner, between ten and eleven at night, with a load upon his back; I crossed over the way, and he passed me; I followed him, because I suspected him'.⁵⁴ He explained that he questioned Knight about the goods that he was carrying, and arrested him on suspicion of theft. Some policing agents were clearly particularly vigilant to suspicious persons: Bow Street Patrol Samuel Lack reported at the Old Bailey that he watched the prisoner Edward White every night for five nights because he suspected he was attempting to pick pockets, and finally arrested him for this offence.⁵⁵ Some proactive policing agents clearly used their discretion in choosing to observe and follow particular individuals. In doing so, they were fulfilling detective, rather than preventative, policing roles.

The motivations behind these policing actions are largely unclear; while some were likely to have been motivated by the prospect of financial reward, others may merely have been particularly zealous. As discussed in detail below, there were rewards provided for the conviction of defendants accused of certain offences. In her study of William Payne, the active constable and City marshalman, Innes suggested that he cannot have been motivated solely by financial rewards, since he did not always profit from the cases that he was involved in. Rather, she argued that he relished the 'element of challenge, even of sport' in the pursuit of offenders, and the camaraderie with fellow officers.⁵⁶ This evidence is tantalising: we cannot really know what personally motivated these particularly zealous policing agents. The issue of rewards as motivation was certainly significant, and will be discussed in greater detail below, where some detailed examples of particularly proactive policing agents are presented.

The five categories of reasons for arrest set out here reflect the common language of suspicion used by policing agents in the courts. This language related to vagrancy legislation, and other instructions on the roles of policing agents. It is clear that this language was understood to denote suspicious activity, and, alongside evidence of the actual offence, guilt of the defendant. By expressing

⁵⁴ *OBPO*, November 1781, trial of James Knight (t17810711-20).

⁵⁵ *OBPO*, April 1810, trial of Edward White (t18100411-89).

⁵⁶ Innes, 'The Protestant carpenter', p. 307.

themselves in these terms, proactive policing agents justified their arrests of certain suspicious persons on the streets of London.

Policing agent types

Now we will examine the policing agents themselves. The proactive policing cases identified here are only a small proportion of the total number of cases reported in the *Old Bailey Proceedings* and in newspapers. Estimating roughly, the proactive cases identified represent 1.5 per cent of the total number of cases featuring policing agents in the *Old Bailey Proceedings* between 1780 and 1815.⁵⁷ However, it is likely given the limitations of the evidence that these reported cases were only a small proportion of the total numbers of proactive arrests that policing agents made. The keyword searching did not identify all documented examples of proactive policing, and the *Proceedings* accounts and police court reports in newspapers often did not fully detail the reasons for arrests. Analysis of the policing agents responsible for these proactive arrests suggests that proactive policing was more widespread across different types of policing agents in metropolitan London than the keyword searching methodology initially suggested.

It is difficult to identify the precise policing occupations of the agents responsible for proactive arrests in the *Old Bailey Proceedings*, because the language used by the policing agents themselves, and other witnesses who identified them, was in some cases ambiguous. For example, 'constable' and 'officer' appeared to be used interchangeably. 'Officer' is particularly problematic: those who identified themselves as police officers could be those attached to magistrates' courts, or constables, patrols or other policing agents. In the collection of proactive policing cases, all the 'officers' identified were policing officers, rather than military or other types of official, but there is still some ambiguity about the label 'officer' in this analysis. Since the language used to describe policing agent types was often imprecise, we cannot be certain whether policing agents were, for example, a full-time salaried constable or officer attached to a magistrate court, or a local resident who served as an unpaid constable alongside other forms of employment. We also cannot know whether a 'watchman', for example, was employed by a parish or ward, or by a private individual to guard their property. These different levels of policing service probably impacted on the proactivity of policing agents.

The terms for type of policing agent have been standardised, where possible, so that they could be used as categories of analysis (see table 3.1). Examining the total numbers of policing agents by decade indicates that, in the collection of proactive policing cases, constables and officers (mostly those

⁵⁷ The total number of cases featuring policing agents in the *Old Bailey Proceedings* was estimated by adding up the numbers of results for keyword searches for 'constable', 'watchman', 'police', 'patrol/e' and 'marshalsman', 1780-1815.

attached to magistrates' courts) made roughly equal numbers of arrests. Patrols, who were mainly those employed by the Bow Street Magistrates' Court to patrol the outskirts of London, or those who patrolled the streets of the City of London, and watchmen also made proactive arrests in slightly lower numbers. The small proportions of marshalmen and Thames Police officers involved in making proactive arrests reflect the small numbers of these types of policing agents, and parish officers were not expected to undertake extensive roles in proactive policing. As the previous chapter revealed, a wide range of policing agents were expected to actively police suspicious persons, and this evidence shows that many undertook these roles in practice.

Table 3.1: Categories, descriptions of terms and proportions of policing agents in the collection of proactive policing cases from the Old Bailey Proceedings, 1780-1815.

Term	Description	% of policing agents in the collection
Constable	Pre-Metropolitan Police, parish or ward (City of London) constable.	28.5%
Marshalman	City of London official.	1.8%
Officer	Pre-Metropolitan Police, generally refers to those attached to a magistrates' court.	25.5%
Parish officer	Includes headborough, beadle, street keeper and unspecified parochial officers.	3.6%
Patrol	Pre-Metropolitan Police, generally connected with Bow Street or organised by the City of London.	18.8%
Thames Police	Includes Thames Police constables, surveyors and inspectors, established in 1798.	3.0%
Watchman	Pre-Metropolitan Police, parish or ward (City of London) watchman.	18.8%
Total number of cases involving policing agents		165

The language used in police court reports in newspapers to describe the occupations of policing agents was also ambiguous in some cases. However, it is striking that in the identified reports of proactive policing in newspapers, more patrols were identified than any other policing agent. They featured in 44.1 per cent of the cases identified. This is a far higher proportion than in the cases identified in the *Old Bailey Proceedings* (18.8 per cent). This may reflect the particular proactivity of these policing agents, whose role was to patrol the streets of the metropolis, but if this were the case, there would also be a high proportion identified at the Old Bailey. Instead, the high proportion is probably partly due to the fact that 67.9 per cent of the newspaper reports identified relate to Bow Street. Bow Street employed patrols at this time, and the high numbers identified probably reflect some self-promotion of the role and activity of Bow Street patrols, to justify the costs to the government of running the office and its employees. Officers (27.4 per cent), constables (15.5 per cent) and watchmen (9.5 per cent) were responsible for smaller numbers of proactive arrests reported in the police court reports in newspapers. This demonstrates that a range of policing agents were engaged in the proactive

policing of suspicious persons, as far as this was reported in newspapers. Moving beyond the ambiguities of policing agent types, it is perhaps more valuable to examine some particular individuals.

Particularly proactive policing agents

Closer examination of particular policing agents suggests that proactive arrests were a significant activity for some agents. Benjamin Johnson, a City constable who will be discussed in greater detail below, featured in 50 cases at the Old Bailey between 1812 and 1816, and 40 of these cases involved him making a proactive arrest. While there are some questions raised below over the motivations behind Johnson’s arrests, his example demonstrates that proactive arrests were not necessarily a marginal practice for some policing agents. The following examples provide evidence of the ways in which particular policing agents operated, described their practices and made proactive arrests (see table 3.2). The agents discussed here appeared more than once in the collection of cases from the *Old Bailey Proceedings*, and often additionally appeared in newspaper reports. On further investigation, by searching for their names in the *Old Bailey Proceedings*, additional proactive policing cases were discovered for these individuals.⁵⁸ These cases included those in which the policing agent’s job title was not explicitly stated, or where unusual language to describe the reasons for arrest was used, so they were not identified in the initial keyword searching process. This analysis is mainly based on the *Proceedings*, as the level of detail provided in newspapers is lower: precise names were not always given, and the quality of OCR means that keyword searching in online newspapers is not very accurate.

Table 3.2: Proactive policing agent examples and their Old Bailey cases.

Name, role and dates of policing agent	No. of proactive cases	No. of reactive cases	Total no. of cases
Samuel Yardley, officer, 1781-1803	3	17	20
John Beamish, officer, 1783-92	4	16	20
Henry Crocker, Bow Street Patrol and officer, 1783-1804	4	22	26
Charles Sansum, City Constable, watchman and officer, 1793-1800	3	5	8
William Clark/e, London Docks constable and Thames Police officer, 1804-21	3	7	10
John Lacey Hawkins, marshalman, 1806-31	7	36	43
Benjamin Johnson, City Constable, 1812-16	40	10	50

These policing agents generally appeared in a small number of cases at the Old Bailey in which they played a proactive role. However, this does not mean that, in the additional cases that they were involved in, they definitely only played a reactive role. Instead, this highlights the limitations of the

⁵⁸ These additional cases have not been added to the original dataset but have been recorded on a separate spreadsheet to analyse prolific policing agents.

evidence and the brevity of the accounts in the *Old Bailey Proceedings*: details of proactive policing may well be omitted.

William Clark, a constable of the London Dock Company, and later a constable or officer of the Thames Police, appeared in three cases between 1811 and 1814 in a proactive role. Although this was a common name, so it is difficult to identify the correct policing agent, seven further cases between 1805 and 1821 featured a William Clark connected with policing the area around the London Docks, so it is likely that this is the same individual. Clark's example demonstrates how individuals passed between private and public policing roles: first he was employed by the London Dock Company, a private company, and later by the Thames River Police. This was established as a private police force to guard goods in merchant ships on the river in 1798, but was taken over by the government in 1800.⁵⁹ In his role as a policing agent based by the docks, the cases that he was involved in have references to guarding the gate of the Dock Company, and investigating individuals leaving ships moored on the river.⁶⁰ This example reflects the variety of roles in which proactive policing agents were engaged.

Henry Crocker, a Bow Street patrol, operated on the streets of London rather than the docks. He has been identified in four proactive policing cases, and 26 cases in total in the *Old Bailey Proceedings* between 1783 and 1804. He was identified as a patrol or an officer attached to Bow Street, which reflects the fluidity of terms for policing agents. It is likely that this was the same individual as it was not a common name. At the start of his policing career in the *Proceedings* in 1783, he was an 'assistant patrol', but in the same month he stated that 'I am the conductor of the patrol under Sir Sampson Wright, and an officer likewise'.⁶¹ This appears to be contradictory information, and reflects the fact that policing agents' descriptions of their roles were not always consistent. Wright was chief magistrate at Bow Street between 1780 and 1797. Crocker was part of the Bow Street Night Patrol, sent out every night to patrol specific areas around the metropolis. Crocker's testimonies at the Old Bailey suggest that he was a particularly proactive policing agent: in 1794, he stated at the trial of John Christmas that 'if I see a man lurking in the fields, I always go to him'.⁶² He also appeared frequently in newspaper reports about examinations at police courts in the 1780s and 90s, including proactively arresting John William Law in 1796. He explained that he judged Law 'to be a suspicious character' and so took him into custody.⁶³ Although in the majority of cases in which Crocker has been identified

⁵⁹ Emsley, *The English Police*, p. 20.

⁶⁰ See *OBPO*, April 1813, trial of Timothy Coglean (t18130407-44); *OBPO*, July 1814, trial of William Poisden (t18140706-80).

⁶¹ *OBPO*, January 1783, trial of Catherine Spencer (t17830115-13); *OBPO*, January 1793, trial of Ann Taylor and Sophia Taylor (t17930109-67).

⁶² *OBPO*, January 1794, trial of John Christmas (t17940115-32).

⁶³ *The Oracle*, 20 December 1796.

he was not recorded as making a proactive arrest in the *Old Bailey Proceedings*, his testimonies suggest that he was vigilant to suspicious persons, and was prepared to make proactive arrests. There may have been details of further proactive policing omitted from the published accounts.

Operating in a different geographical context was Charles Sansum, a watchman, officer or constable in the City of London. He appeared in eight cases in the *Old Bailey Proceedings* between 1793 and 1800, three of which involved proactive policing. He was variously identified as a watchman in Aldgate ward in 1793, an officer in 1798, and, in that same year he stated that 'I am one of the constables of the City of London'.⁶⁴ It is likely that this was the same individual, as all the cases were located in the City of London. The cases that he was involved in also have references to particular duties that situated him within the City of London: he referred to attending Leadenhall Market, and being on duty at Bartholomew Fair, which was the major annual fair in the City of London.⁶⁵ Sansum's career illustrates that there were opportunities for career progression for policing agents, from watchman to more senior officers and constables.

Accounts of Sansum's arrests in the *Old Bailey Proceedings* and in newspapers suggest that he had a detailed knowledge of offenders in the City of London. It was reported in the *Oracle* in 1799 that he arrested John Taylor for pickpocketing, as 'he saw the prisoner in company with Anderson and Colman, two known thieves, in September last, pressing hard upon a countryman'.⁶⁶ At the trial of Richard Coleman in 1798 (possibly the same individual referred to in the *Oracle* the following year), he stated that he knew the prisoner well, and knew him to be 'in the pick-pocket way'. He claimed that 'I have seen him in Fleet-street and Newgate-street, among a gang of thieves, and turned him out of different mobs many times'.⁶⁷ This evidence reflects how some policing agents used knowledge of suspects to inform their decisions to make arrests. William Clark, Henry Crocker and Charles Sansum all operated in slightly different jurisdictions in the metropolis, but all made some proactive arrests. They demonstrate the ways in which policing agents, albeit apparently on a small scale in this period, engaged with a common language of suspicion to make proactive arrests. Through their proactive activities, these policing agents directly affected arrests and prosecutions in the areas of the metropolis that they operated in.

John Lacey Hawkins, a marshalman of the City of London, was a very active policing agent, but his case also demonstrates some of the sources of tension around policing roles. He appeared in 43 cases in

⁶⁴ *OBPO*, April 1793, trial of Jarvis Buxton (t17930410-99); *OBPO*, October 1798, trial of Mary Harrington (t17981024-58); *OBPO*, December 1798, trial of Richard Coleman (t17981205-73).

⁶⁵ *OBPO*, January 1800, trial of Andrew M'Coy and John Mapham (t18000115-83); *OBPO*, September 1799, trial of John Taylor (t17990911-69).

⁶⁶ *The Oracle*, 26 July 1799.

⁶⁷ *OBPO*, December 1798, trial of Richard Coleman (t17981205-73).

total at the Old Bailey between 1806 and 1831, and he made proactive arrests in seven of these cases. Hawkins' role as a marshalman was not a full-time role, as in a case in 1813, he confirmed that he was also a working silversmith.⁶⁸ Although he appears to have been a vigilant and active officer, since he appeared so frequently at the Old Bailey, there is some evidence of malpractice and corruption in Hawkins' career. In 1818, the ward authorities tried to close down a public house in St Andrew Holborn, believed to be a haunt of prostitutes and thieves, but Hawkins intervened in favour of keeping the public house open. Hawkins explained that 'he did not consider it to be a flash-house, or a receptacle for thieves, but that there were some low characters frequenting it'.⁶⁹ It was suspected that Hawkins had some interest in keeping the house open, perhaps for his own financial gain, or because he used this house to obtain information about suspicious characters, and he was dismissed. He was clearly reinstated quickly, as he appeared in a trial at the Old Bailey as a marshalman the following year.⁷⁰

In 1825, he was again embroiled in allegations of malpractice. A letter printed in *The Times* from 'A Constant Reader' stated that the author had been assaulted by Hawkins in the crowd watching the foundation stone being laid for the new London Bridge, and that Hawkins had threatened to take him to the Compter; 'he also struck at me several times with his cane over my head'.⁷¹ He claimed that Hawkins was 'much intoxicated'.⁷² Hawkins issued a writ against *The Times* for libel, and at the trial, the Recorder said that 'there was no doubt this was the most scandalous libel on the City Marshalman, in accusing him of being drunk and unfit for his duty; also for using violence without any occasion'.⁷³ The case did not result in a guilty verdict, as it was not clear who the author of the letter was, but it seems that Hawkins was exonerated. These allegations could have been unfounded and malicious, but these events from Hawkins' career reflect the ways in which policing agents in this era were scrutinised and could be targeted for revenge. It is valuable not merely to examine the language used by policing agents in court, but the policing agents themselves and their roles beyond the court. Hawkins' example demonstrates the impact of individual policing agents in making arrests and prosecutions, or, in the case of the public house, not making arrests.

Allegations of corruption and malpractice

As the example of Hawkins reveals, policing agents, perhaps particularly those who were proactive, could be accused of corruption and malpractice. This is important as, thus far, the actions of policing agents in making proactive arrests have been taken at face value, and have been seen as part of the

⁶⁸ *OBPO*, February 1813, trial of George Wintle (t18130217-39).

⁶⁹ Harris, *Policing the City*, p. 113.

⁷⁰ *OBPO*, July 1819, trial of Benjamin Noble and Mary Brown (t18190707-75).

⁷¹ *The Times*, 18 June 1825.

⁷² *Ibid.*

⁷³ *The Morning Post*, 26 September 1825.

accepted and expected role of policing agents. These policing agents can be seen as acting according to the instructions and legislation provided to them. But this picture is complicated by the fact that some policing agents (and private individuals) involved in apprehending and prosecuting those found guilty of serious offences received rewards on conviction. These offences included highway robbery, burglary, housebreaking, shoplifting and receiving stolen goods.⁷⁴ In the period under examination, there were allegations of corruption and malpractice against policing agents. It was argued that some were making arrests and pursuing prosecutions merely for the rewards that they stood to gain, rather than for legitimate reasons. This challenges the evidence of proactive policing of suspicious persons: were these arrests based on genuine suspicion according to the guidelines, or were policing agents framing individuals for crimes and justifying their arrests using the language of suspicion? It is clear that this was a source of concern for contemporaries, as the cases below demonstrate. The scrutiny of individual policing agents reveals wider engagement in this era with issues of policing practices, and debates over reform. On balance, whether these allegations of corruption were correct or not is less significant here than the fact that proactive policing was seen as an important part of their role for some policing agents, and that the evidence that they provided generally appears to have been accepted in court. It is clear that the prospect of financial gain motivated the proactive policing activities of some policing agents.

In some cases in the 1780s and 90s, the boundaries between formal policing employment, and more informal involvement with the criminal justice system appear to have been blurred.⁷⁵ John Beamish appeared four times as a proactive policing agent at the Old Bailey between 1783 and 1792, and was generally identified as an officer, attached to various different magistrates' courts. However, at the trial of Samuel Dring in 1788, he initially stated that he had a formal policing role as a constable, but later the prisoners' counsel asked if he was a thief-taker, and he confirmed that he was.⁷⁶ This suggests that he may have had a formal policing agent role, but also profited from rewards for his policing services. He went on to state that he had attended the Old Bailey as a thief-taker for nine years, and claimed that 'I believe my character has never been impeached'.⁷⁷ The thief-takers (and corrupt thief-makers) of the mid-eighteenth century made arrests and reported criminals in order to profit from the parliamentary and royal rewards granted to those who aided in the prosecution of convicted offenders, but were not formally employed as policing agents.⁷⁸ The Bow Street Runners were

⁷⁴ Lemmings, *Law and Government in England*, p. 116.

⁷⁵ For an earlier period, see Innes, 'The Protestant carpenter': William Payne moved between formal policing employment and more informal roles in the period between the 1750s and his death in 1782.

⁷⁶ *OBPO*, September 1788, trial of Samuel Dring (t17880910-129).

⁷⁷ *Ibid.*

⁷⁸ Paley, 'Thief-takers in London', p. 303.

sometimes accused of being thief-takers, since these rewards formed a part of their livelihood.⁷⁹ As Paley explained, professional thief-takers were commonly taken on by the stipendiary magistrates' courts established in 1792, and these 'new police officers were very little removed from professional thieftakers or common informers'.⁸⁰ Generally, the term thief-taker was used by the end of the eighteenth century in Old Bailey trials in attempts to besmirch the character of the policing agent. It is likely that Beamish did have some formal role as a constable, but also benefitted from the rewards offered, but it is striking that he seems willing to admit freely that he is a thief-taker. It is clear from the cases that he appears in that he had a detailed knowledge of criminal networks in the metropolis. He explained in 1789 at the trial of Edward Gardiner that 'I saw the prisoner and another coming out of a house we have long had suspicion of'.⁸¹ In two other trials, he stated that he had known the defendants for 'twelve or fourteen years', or 'between six and seven years'.⁸² Beamish clearly used his knowledge of offenders to inform proactive arrests, and his example suggests that one of the possible motivations for proactive policing was the prospect of financial reward.

Samuel Yardley was another officer who was identified as a thief-taker at the Old Bailey. Yardley appeared in three cases as a proactive policing agent, and 27 cases in total at the Old Bailey between 1778 and 1805. He was identified as a constable in 1779, an officer attached to the office of Justice Wilmot in 1781, and a thief-taker in 1783.⁸³ However, it appears that he moved into more formal policing roles later in his career, since in 1786 he was deputy keeper of New Prison, Clerkenwell, and in 1803, chief clerk of Worship Street Police Office.⁸⁴ Beamish and Yardley reflect the ways in which policing agents moved between formal and informal policing roles. Their examples reveal that it was not unusual for defence lawyers to suggest that these kinds of policing agents were motivated by reward. However, it does seem the case that their testimonies and knowledge of criminal networks were accepted and trusted in court, and that the label 'thief-taker' was not necessarily wholly a negative one.

Benjamin Johnson, a City constable and officer who appeared in 50 cases at the Old Bailey between 1812 and 1816, of which 40 involved him making a proactive arrest, was found guilty in 1816 of framing and entrapping an individual for a theft from a house that he himself had committed in order

⁷⁹ Beattie, *The First English Detectives*, p. 30.

⁸⁰ Ruth Paley, 'The Middlesex Justices Act of 1792', p. 255.

⁸¹ *OBPO*, December 1789, trial of Edward Gardiner (t17891209-63).

⁸² *OBPO*, July 1784, trial of Daniel Gilfoy (t17840707-56); *OBPO*, September 1784, trial of Samuel Dring (t17880910-129).

⁸³ *OBPO*, September 1779, trial of John Short (t17790915-58); *OBPO*, December 1781, trial of William Athill (t17811205-9); *OBPO*, December 1783, trial of Sarah Slade and Mary Wood (t17831210-44).

⁸⁴ *OBPO*, April 1786, trial of John Simpson (t17860426-42); *OBPO*, September 1803, trial of Thomas Edwards, Elizabeth Edwards and Mary Bromfield (t18030914-114).

to secure the reward. Johnson was an example of a particularly proactive policing agent, and so perhaps his proactivity was motivated not by policing duty, but by the prospect of financial reward. Johnson was one of the six so-called 'blood money constables', who it emerged in the summer of 1816 had been 'entrapping people into the commission of crimes, merely to obtain the reward'.⁸⁵ These officers, of whom George Vaughan, a Bow Street Patrol, and Robert Mackay, City Patrol, were the most prominent, were all tried for entrapping various defendants in 1816.⁸⁶ Johnson was tried and found guilty of housebreaking at the Old Bailey: it was stated that he had staged the crime and arrested William Baxter for the offence, who had been sentenced to transportation.⁸⁷ In newspaper reports of the case, it was noted that Johnson 'was recommended to be employed by the Recorder of London, on account of his supposed activity in detecting and prosecuting offenders', as a City Patrol.⁸⁸ It was also reported that he had already been suspended from his office as a horse patrol because he released a well-known thief on being offered a reward.⁸⁹ These 'blood money constables' appeared to operate in a similar way to some mid-eighteenth-century thief-takers, such as the McDaniel gang, who set up fake robberies and prosecuted innocent passers-by to obtain the rewards.⁹⁰ Johnson's example suggests that fears of thief-taking endured into the early nineteenth century, and indeed that these fears were not wholly unfounded. This was part of a wider climate of public discussion about crime and policing at this time, which will be discussed in greater detail in the next chapter.

In the light of this evidence, it is difficult to use Benjamin Johnson as an uncomplicated example of a proactive policing agent, although he was the most frequently-occurring agent identified in the set of proactive policing cases from the *Old Bailey Proceedings*. He clearly did not always follow the instructions set out to police constables, but the cases that he was involved in contain evidence of his extensive knowledge of convicted and suspected offenders, and also his vigilance in monitoring them. He stated at the trial of Robert Ransom that 'knowing the prisoner to be a reputed thief, I followed him'.⁹¹ At the trial of three women for shoplifting, he explained that 'in consequence of seeing them [the prisoners] altogether, I watched them from ten o'clock in the morning until three o'clock in the afternoon'.⁹² Given the context of his being found guilty of entrapment, this vigilance may not have been proactive policing, but rather an attempt to frame these individuals in order to secure a reward.

⁸⁵ *The Times*, 17 September 1816.

⁸⁶ Radzinowicz, *A History of English Criminal Law, Volume II*, p. 333-7.

⁸⁷ *Ibid.*, p. 343.

⁸⁸ *The Times*, 1 August 1816.

⁸⁹ *Ibid.*

⁹⁰ See Paley, 'Thief-takers in London', p. 303.

⁹¹ *OBPO*, January 1813, trial of Robert Ransom (t18130113-52).

⁹² *OBPO*, October 1813, trial of Mary Smith, Sarah Thorn and Ann Williams (t18131027-76).

We cannot be certain whether Johnson really viewed defendants as ‘suspicious’, and knew them to be reputed thieves, or whether he was framing them, or a combination of these factors. However, the fact that his testimonies appear to have been respected at the Old Bailey until his own trial for entrapment suggests that he certainly spoke to a widely accepted and understood language of suspicion. Whether or not these defendants were actually suspicious persons or thieves is perhaps less significant than the fact that Johnson described them as such and judges and juries believed him. Beyond understanding that policing agents were expected to police suspicious persons as attested to in guides and instructions for policing agents, it is very difficult to know what motivated particularly proactive behaviour. Johnson, and the other thief-takers discussed here, behaved proactively because they were motivated by financial rewards. These policing agents chose to exercise their discretion and make proactive arrests because of the possibility of a reward, and their actions affected the record of criminal activity.

Conclusion

This chapter has explored the significance of proactive policing of suspicious persons between 1780 and 1815. The evidence presented from the *Old Bailey Proceedings* and police court reports in newspapers suggests that there was a common language of suspicion used in evidence by policing agents to explain why they arrested certain individuals. The engagement with this proactive approach to policing was evidenced on a small scale in the surviving records, although examining individual policing agents suggests that this was a significant part of the role for some individuals. Furthermore, there were probably many additional cases where the court reports were not detailed enough to identify evidence of proactive policing. The proactive policing of suspicious persons was mostly connected with prosecutions for theft, which is unsurprising. Theft was one of the easiest offences for policing agents to detect and recognise on the streets of London, and was also closely connected with stereotypes of criminality. The individuals arrested by proactive policing agents were predominantly young men, suggesting that these individuals were at least in part targeted by proactive policing agents because they were viewed as conforming with criminal stereotypes. In turn, the proactive arrests further fuelled these stereotypes. Those arrested proactively were disproportionately likely to be found guilty: alongside evidence of the offence, they were clearly viewed as suspicious by juries and judges. The proactive policing agents therefore affected the record of prosecutions.

As the proactive policing agent examples revealed, policing agents may well have been motivated not merely by policing duty, but also by financial reward. Thus defendants may not actually have been behaving suspiciously. However, it is more significant that policing agents used specific language in order to convince judges and juries that defendants were guilty of committing crimes. Proactive

policing practices were encouraged by the instructions and legislation relating to policing, and these sources acted as the basis for the common language of suspicion. Although the surviving record of proactive policing is limited for this period, it was clearly an accepted and understood practice in the criminal justice system.

This chapter finishes in 1815, at the end of the Napoleonic Wars and on the cusp of a dramatic increase in the numbers of prosecutions and later policing reform. Chapter Five will examine how such reform affected the policing of suspicious persons. It will show how the policing of suspicious persons remained an enduring concern, and was integrated further into formal policing practices in the mid-nineteenth century.

Also illuminated by this discussion are some of the issues around policing motivations, formal and informal policing practices and policing corruption. The allegations about corrupt policing agents and the 'blood money constables' scandal represent one aspect of the intense debates about policing in the 1810s. This chapter has provided some evidence of the scrutiny of policing agents and their roles, a developing theme in this period. This scrutiny reflected growing engagement, in local and national contexts, with policing practices. Debates over policing provision and strategy, and criticisms of the system in place, continued into the 1820s and beyond, with the establishment of the Metropolitan Police in 1829. These debates, and the policing practices that they reveal, will be examined in the next chapter.

Chapter Four: Policing practices: scrutiny, debate and reform, 1812-39

Introduction

This chapter examines policing practices in an era of policing debate and reform, and, using a different body of evidence to Chapters Three, Five and Six, explores how policing practices affected arrests and prosecutions. The period between 1812 and 1839 was an era of intense debate about policing provision in the metropolis, and this is symbolised in some ways by the establishment of the Metropolitan Police force in 1829 and the City of London Police in 1839. However, these are only the two most noticed reforms of an era that witnessed a range of other changes at local and metropolitan levels. The chapter draws on the literature generated by debates over policing, particularly parliamentary Select Committee reports, City of London Corporation reports and parish records, to illuminate the public scrutiny of policing practices, and explain how these evolving practices affected arrests and prosecutions. It also reveals continuities in policing practices, and perceptions of policing practices, seemingly unaffected by reform. While the Select Committee reports on policing are concentrated in the period between 1812 and 1839, some archival records dating from the 1780s onwards are brought into the discussion to highlight policing continuities.

Building upon the earlier discussion of fears of corruption and collusion among policing agents, this chapter suggests that rewards offered to policing agents influenced patterns of arrest. Crucially, much of the evidence presented here is the direct testimony of policing agents themselves, attesting to their working practices on the streets of the metropolis. This evidence provides a valuable counterpoint to the material from the *Old Bailey Proceedings* and newspapers as that material all relates to occasions on which policing agents arrested suspicious persons. Here the challenges experienced by policing agents, and reasons why they did not make arrests are also examined. This chapter confirms the connections highlighted in Chapters Three, Five and Six between policing practices and patterns of arrest and prosecutions. In particular, it argues that acknowledged policing practices, such as accepting rewards, frequenting flash-houses and relationships between policing agents and offenders, often favoured the arrest and prosecutions of known offenders.¹

Despite the continuities in policing practices and debates across the period revealed in this chapter, it is clear that the period between c.1812 and 1839 was one of intense debate over, and scrutiny of, policing practices. Scholars have highlighted the period during and after the Napoleonic Wars as one of intense debate over policing and criminal justice reform. Reynolds argued that the high levels of

¹ In this chapter, the word 'offender' is used to denote those who had previous criminal convictions or were believed to have committed an offence. This term is used to differentiate these individuals from defendants (those tried in court), and is based on extensive contemporary usage in Select Committee reports and archival sources.

unemployment post-war, high food prices, the challenges of returning soldiers and ‘the dramatic re-emergence of radical mass politics’ all contributed to an atmosphere in which rising crime was feared, and policing reform was viewed as necessary.² She suggested that the government gradually took a more active role in policing after the war, and there was a growing recognition that professional policing was needed.³ Similarly, Harris argued that, with the end of the Napoleonic Wars, policing reform in the City of London became more systematic.⁴

However, centralisation was not an inevitable outcome of the early debates over policing reform. There was also reform at local levels, and even after 1829, the City of London remained independent of the Metropolitan Police district. The local experience of policing, in addition to the wider metropolitan picture, is a dominant theme of this chapter. The high levels of engagement with policing in the local context among local authorities in the metropolis meant that policing practices, and therefore patterns of arrest and prosecution, varied between different localities. While pressures and expectations for policing agents came from local and metropolitan-wide authorities, this chapter demonstrates that individual policing agents also actively made decisions. They exercised discretion, both in ways that were laid out in the legislation and instructions discussed in Chapter Two, and in ways that that did not meet with official approval. In doing so, policing agents affected the received record of criminal activity.

Select Committee Reports

Before proceeding with the analysis, it is important to understand the nature of the sources examined. The two central groups of sources used here are Select Committee reports, and archival sources relating to the City of London, Westminster parishes and parishes now in the London borough of Camden. The Select Committee reports examined here relate to the parliamentary Select Committees called between 1812 and 1839 to discuss various aspects of crime and policing in the metropolis. The reports were constructed following the collection of evidence by members of the committees, and contain the minutes of evidence, which are examinations of a wide range of witnesses. These included magistrates, London residents, and others involved in the criminal justice system, including policing agents. It seems apparent that the evidence of witnesses was recorded verbatim by reporters. The reports were published at the time so it is likely that there would have been criticism if they were inauthentic, and not all the information recorded is necessarily favourable to the aims of the

² Reynolds, *Before the Bobbies*, p. 105.

³ *Ibid.*, p. 116.

⁴ Harris, *Policing the City*, p. 87.

Committees. We cannot, however, be completely certain about the accuracy of the witness testimonies recorded.

While this direct testimony is extremely valuable, the accounts provided in Select Committee reports are nevertheless problematic. The information given by witnesses was clearly shaped by the questions that they were asked. Each Select Committee was called with a specific focus, and often had a specific reform agenda shaped by the Chairman or other senior members. The evidence presented by policing agents was not a straightforward account of their activities and duties. In reading these sources, one must consider the importance of reading texts within the discourse in which they were created, and acknowledge the ways in which those who produced them and asked questions of the witnesses shaped the source.⁵ This follows in the cultural history tradition which acknowledges that the 'fictional' aspects of documents, how they were created and shaped, are central to understanding the material.⁶

Scholars who have examined other nineteenth-century Select Committee reports and Royal Commission reports recognise the ways in which the questioners shaped the evidence of witnesses. Philips and Storch, in their study of the Constabulary Force Commission, which reported in 1839 about the extension of professional police forces throughout England, argued that 'the examinations of individual witnesses show many examples of blatant leading questions, designed to elicit answers about the benefits of an efficient paid police'.⁷ This report is different from the Select Committee reports examined here in that it did not contain verbatim minutes of evidence, but instead the accounts of witnesses were included in the text of the report. Philips and Storch used documents that reported the evidence collected to detect these 'leading questions', such as the questionnaires sent out to witnesses.⁸ Similarly, John Ritchie examined the Molesworth Committee of 1837, which produced a report that suggested that transportation to New South Wales should be abolished. He wrote that William Molesworth, the Chairman, 'had hand-picked many of the witnesses and had even attempted to drill some of them as to how they should testify'.⁹ The Select Committee reports examined here definitely contain many examples of leading questions, asked to elicit a specific response related to the questioner's agenda. This agenda was frequently related to promoting police

⁵ See John Tosh, *The Pursuit of History* (Abingdon, 2015), p. 220 and Martha Howell and Walter Prevenier, *From Reliable Sources: An Introduction to Historical Methods* (Ithaca, 2001), p. 19.

⁶ For example, see Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France* (Stanford, 1987), p. 2.

⁷ David Philips and Robert D. Storch, *Policing Provincial England, 1829-1856: the Politics of Reform* (Leicester, 1999), p. 119.

⁸ *Ibid.*, p. 117.

⁹ John Ritchie, 'Towards ending an unclean thing: the Molesworth Committee and the abolition of transportation to New South Wales, 1837-40', *Australian Historical Studies* 17.67 (1976), p. 149.

reform, and so questioners sought to emphasise the weaknesses of existing policing systems. The evidence of witnesses was clearly shaped by the nature of the questions asked.

To understand this in greater detail, we must briefly examine the reasons for calling each of the Select Committees discussed here. Many were called in response to particular events or concerns, and the reports that they produced reflected the climate in which they were written. The 1812 Select Committee, which examined the 'Nightly Watch and Police of the Metropolis', was called specifically in response to the Ratcliff Highway murders in December 1811.¹⁰ Two separate families were attacked within 12 days of each other in Wapping, East London, with seven fatalities, and this sparked widespread fears of the state of crime in the metropolis. The report does not contain evidence from witnesses, but reproduced within it is a previous report from 1770 called in response to recent fears of criminal activity, which has some witness examinations.¹¹

Amongst the reports on criminal activity examined in this chapter, some reports on 'mendicity' (vagrancy and begging) were also analysed. As previous chapters explained, the policing of suspicious persons was closely connected with the legislation on vagrancy and begging. George Rose, MP for Christchurch and a former ally of William Pitt who was interested in poor relief, chaired the 'Committee on the State of Mendicity' in his final years in parliament.¹² The reports on mendicity produced in 1815 and 1816 reflect widespread concern about beggars on the streets of the metropolis, and the need for a better system of relief in combination with improved measures to deter those vagrants who were seen as frauds and criminals.¹³ These reports were shaped by the concern that many of those begging on the streets of the metropolis were not 'deserving poor', but were instead nuisances, potentially attempting to extort money.

Between 1816 and 1818, four more Select Committee reports were produced on different aspects of policing in the metropolis. The Committees were chaired by Henry Grey Bennett, who called for the reports because of fears of the rising number of property crimes.¹⁴ In this period, at the end of the Napoleonic Wars, there were widespread fears of a crime wave. L. B. Allen, a magistrate of Union Hall, published his views on policing in 1821 in response to these Select Committee reports, and suggested that Bennett 'has sometimes taken partial views of his subject, that he has sometimes sought out

¹⁰ BPP, HC, 1812, II; *Report on the Nightly Watch and Police of the Metropolis*, 1812, p. 1.

¹¹ 'Report from a Committee of the House of Commons' (1770), reprinted in *ibid.*, p. 34.

¹² Brian Murphy and R. G. Thorne, 'Rose, George (1744-1818)', *History of Parliament Member Biographies* (1986), <http://www.historyofparliamentonline.org/volume/1790-1820/member/rose-george-1744-1818> [accessed 4 August 2017].

¹³ BPP, HC, 1815, III; *Report from Committee on the State of Mendicity in the Metropolis*, 1815; BPP, HC, 1816, V; *Report from Committee on the State of Mendicity in the Metropolis*, 1816.

¹⁴ Reynolds, *Before the Bobbies*, p. 106.

evidence, not the best calculated for the investigation of the truth, and has too often sifted it so little, as to give him anything but the right result'.¹⁵ He suggested that the accounts provided by Bennett in the Select Committee reports on policing should be examined with caution. While this contemporary critique may have been to promote Allen's own work on the subject, it is valuable evidence from another figure involved in metropolitan policing, and highlights the ways in which the Select Committee reports were shaped by those collecting the evidence.

Robert Peel, the architect of the Metropolitan Police, began his involvement in Select Committees on policing in 1822, when he chaired the Select Committee on the Police of the Metropolis.¹⁶ He served as Home Secretary between 1822 and 1827, and again between 1828 and 1830. The 1828 Report from the Select Committee on the Police of the Metropolis found the current policing system 'defective', and this report acted as one of the catalysts for the establishment of the Metropolitan Police in the following year.¹⁷ Peel was a member of this committee, which was chaired by Thomas Bucknall Estcourt, who at the time was an MP for Oxford University alongside Robert Peel. Peel was the senior of the two, and appeared to act as his mentor.¹⁸ This connection suggests that Peel's influence was felt heavily in the final report. Reynolds explained that 'Peel's main concern was to demonstrate that the lack of uniformity and coordination in local policing arrangements contributed to the spread of crime'.¹⁹ This aim was reflected in the questioning of witnesses in the report.

The 1833-4 Select Committee on the Metropolitan Police, also chaired by Estcourt, produced reports that were favourable to the new Metropolitan Police, and proposed extending the area covered by the force.²⁰ The 1837 and 1838 reports on the Metropolis Police Offices were also broadly supportive of the Metropolitan Police force, although no precise information about the chairman of that Committee and his political views has been found.²¹ These reports particularly supported the integration of the City of London into the Metropolitan Police district, and attest to some City opposition on this matter.

¹⁵ L. B. Allen, *Brief Considerations on the Present State of the Police of the Metropolis: with a few suggestions towards its improvement* (London, 1821), p. 3.

¹⁶ BPP, HC, 1822, IV; *Report from the Select Committee on the Police of the Metropolis*, 1822.

¹⁷ BPP, HC, 1828, VI; *Report from the Select Committee on the Police of the Metropolis*, 1828.

¹⁸ S. Farrell, 'Estcourt, (afterwards Bucknall and Bucknall Estcourt), Thomas Grimston (1775-1853)', *History of Parliament Member Biographies* (2009), <http://www.historyofparliamentonline.org/volume/1820-1832/member/estcourt-%28afterwards-bucknall-and-bucknall-estcourt%29thomas-1775-1853> [accessed 31 July 2017].

¹⁹ Reynolds, *Before the Bobbies*, p. 131.

²⁰ BPP, HC, 1833, XIII; *Report from the Select Committee on Metropolitan Police*, 1833; BPP, HC, 1834, XVI; *Report from the Select Committee on the Police of the Metropolis*, 1834.

²¹ BPP, HC, 1837, XII; *Report from the Select Committee on Metropolis Police Offices*, 1837 and BPP, HC, 1838, XV, *Report from the Select Committee on Metropolis Police Offices*, 1838 state the chairman as Hawes.

This summary has illustrated the reform agenda behind the construction of these Select Committee reports. By asking leading questions of witnesses, formed by their reform agendas, the chairmen and committee members affected the testimonies of witnesses, and shaped the nature of the evidence passed to readers today. In order to cope with the challenges of these sources, this chapter analyses the material against the grain. It considers the testimonies of witnesses within the context of the Select Committee reports themselves, and the questions asked. This analysis highlights many of the unexpected comments that go against the line of questioning, or reveal a divergent response to that elicited by the questioner. It also considers the parts of questions that witnesses do not answer, or areas that are not discussed at all. By reading these sources carefully and analytically, this examination is able to effectively utilise challenging sources.

Archival sources

The second body of sources examined here are archival sources relating to the City of London, Westminster and Camden. Some of these sources illuminate the period of scrutiny of policing practices between 1812 and 1839 in local contexts, and some highlight continuities in local engagement with policing from the 1780s onwards. The sources from the City of London include reports from the Common Council and Alderman committees that were concerned with policing in the City, and the papers collected by these committees. These sources reflect a parallel but divergent reform agenda in the City of London compared with the rest of the metropolis: the City Corporation sought to centralise its control of City policing, but to resist the absorption of City policing into wider metropolitan forces. The reports produced by these committees do not contain verbatim evidence from witnesses examined, but instead present summaries of their evidence.²² However, there are also petitions and returns from the wards of the City which reflect community voices in the face of policing reform. We cannot be certain who created and shaped many of these sources, but they are probably authentic, albeit partial accounts, from the perspective of propertied residents and local officials.

Other archival sources include Watch Committee minutes from the wards of the City of London and Westminster and Camden parishes. These are valuable as they report evaluations of policing practice in the local context. They were recorded by clerks, and reflect the views, clearly, of the committees who created them rather than the wider public. However, they provide an insight into some residents' views of policing, and the steps that communities took to improve policing in their local context. There are also charge books and report books, which reported the activities of policing agents, and detailed

²² See LMA: COL/CC/WPC/02/003, Watch and Police Committee Papers, 1827-39, *Report of Sub Nightly Watch Committee with a Proposed Plan for the Improvement of the Nightly Watch and Police of the City of London*, 1830, discussed below.

the arrests that they made. These do not appear to report the direct accounts given by policing agents for arrests, and are generally formulaic records. Nonetheless, they provide some insight into the nature of policing practices on the streets of the metropolis.

This chapter uses the bodies of sources identified here to shed light on patterns of arrest and prosecution. The analysis is shaped by the key themes that have emerged from close readings of the sources. These themes are the importance of the rewards given to policing agents, allegations of collusion, corruption and neglect, evidence of policing vigilance, and the variation in local experiences of policing, including the particular circumstances of the City of London. Many of these policing practices favoured the arrest of known offenders, other suspicious persons, and individuals generally less able to defend themselves and who would be viewed as guilty by juries. These policing practices also, on occasion, meant that suspects were not apprehended because they bribed corrupt policing agents, or the policing agents neglected their roles. Thus these policing agents exercised discretion in choosing who to arrest, and this affected who was arrested and prosecuted in the courts of the metropolis.

Rewards

The rewards that policing agents received for their services were sources of widespread concern among criminal justice authorities and contemporary commentators. Policing agents (and private individuals) involved in apprehending and prosecuting those found guilty of certain serious offences received statutory rewards of between £10 and £40 on conviction. These offences included highway robbery, burglary, housebreaking, shoplifting, and receiving stolen goods, and the rewards were often shared between many policing agents involved in the case.²³ As Beattie argued, there were concerns about the ‘deleterious effects’ of these rewards from their establishment in the late seventeenth and early eighteenth centuries.²⁴ The Select Committees chaired by Bennett between 1816 and 1818 debated the merits of these rewards. As the example of Benjamin Johnson in the previous chapter illuminated, there were concerns that policing agents were making arrests solely because of the rewards offered. Shore found evidence that some policing agents held off arresting juvenile defendants until they committed a more serious offence, for which the policing agent would receive a reward.²⁵ John Sayer, a Bow Street officer, explained that it was thought that ‘the officer will never meddle with a thief until he weighs his weight; the thief-catchers will not take him till they are sure of getting £40 by him’.²⁶ In other words, corrupt policing agents allowed known offenders to commit

²³ Lemmings, *Law and Government in England*, p. 116.

²⁴ Beattie, *Policing and Punishment*, p. 401.

²⁵ Shore, *Artful Dodgers*, p. 26.

²⁶ BPP, HC, 1816, V; *Report from the Committee on the State of Police in the Metropolis*, 1816, p. 214.

non-aggravated theft offences without apprehending them, and waited until they committed a more serious or violent theft for which a parliamentary reward would be granted. The parliamentary rewards were abolished in 1818, although financial compensation continued to be awarded to those involved with the apprehension of those accused of serious property offences at the discretion of the court, and Radzinowicz suggested that this was a fairly common practice.²⁷ Policing agents themselves explained that they did not receive adequate pay for their services, and so relied upon the rewards to make up their salary.

The evidence presented by witnesses at Select Committees suggests that the prospect of financial rewards played a role in motivating arrests and prosecutions. Rewards firstly, therefore, prompted policing agents to arrest those suspected of serious offences for which rewards were offered, rather than minor offences without financial incentives. They also favoured the arrest of those who fitted criminal stereotypes, or were known to have committed previous offences, and so would more likely be viewed as guilty by juries, and against whom convictions could be secured. This is supported by evidence from the proactive policing cases examined in Chapters Three and Five. For the period covered by this thesis in which rewards were given (1780-1817), 30.5 per cent of the proactive policing cases identified in the *Old Bailey Proceedings* involved offences for which rewards were provided. This is contrasted with all of the cases tried at the Old Bailey in this period, for which only 19.2 per cent of cases involved offences that carried rewards. This evidence suggests that policing agents were more likely to behave proactively in cases where they stood to benefit from financial rewards, and indeed that financial incentives were an important motivation for proactive policing practices.

Witnesses called before the committees in 1816 and 1817 explained the complex roles that financial rewards played in motivating policing decisions. Patrick Colquhoun, Thames Police magistrate and the author of many works on crime and policing, was asked 'have you ever formed an opinion in respect of the propriety of the present system of rewards given to the officers of the different police offices?', and replied that 'the legislative rewards certainly have the effect to excite a good deal of vigilance on the part of the officers, where the reward is considerable'.²⁸ He suggested that it would be preferable if the magistrates could distribute rewards among the police officers according to the services that they performed, rather than solely for convictions. Francis Hobler, principal clerk for the Lord Mayor, explained that 'there is a danger both ways; for without a stimulus, men will not act with energy; and when a man has got his weekly pension, and can get that for doing little, without there is some motive

²⁷ Radzinowicz, *A History of English Criminal Law, Volume II*, pp. 80-2.

²⁸ BPP, HC, 1816, V; *Report from the Committee on the State of Police in the Metropolis*, 1816, p. 46.

(unless he is an extraordinary character) he will not step out of his way'.²⁹ Andrew Lansdowne, author of *A Life's Reminiscences of Scotland Yard*, which recounted anecdotes from his career in the Metropolitan Police in the second half of the nineteenth century, commented that 'it has been my experience that the prospect of a good reward on the completion of a case is a wonderful stimulant to exertion, and will keep a man at work until any hour of the night'.³⁰ Clearly, those involved in policing recognised that the promise of financial reward could promote good policing practices and vigilance.

The reverse was also feared: Bennett and other members of the 1816 committee appointed to investigate the state of the police of the metropolis expressed concern that policing agents could neglect their duty where financial reward was not involved. The chairman asked Sir Nathaniel Conant, Bow Street Magistrate, 'Do you not think there being no reward for the conviction of persons committing small offences, does in point of fact make it the interest of the officers of the Police to pay little attention to the detection of such offenders?'.³¹ Conant replied that 'I do not see it in practice'.³² Police officers themselves, such as John Townsend, Bow Street officer, explained that their salaries were limited, and so they required parliamentary rewards and rewards from private individuals for their services to provide an adequate income.³³ The implication of the parliamentary rewards for more serious offences is that they motivated policing agents to arrest and prosecute more individuals for the serious crimes of burglary, housebreaking and shoplifting, while neglecting or ignoring those accused of non-aggravated thefts or more minor offences. While it is difficult to be certain of the precise effect of these rewards, policing agents of all types were surely more likely to act where financial reward was involved.

Parochial policing agents also complained that their pay was inadequate for them to pursue arrests and prosecutions. The report of the City Corporation's 'Special Committee in Relation to the Police and Nightly Watch' of the same year stated that 'the present watchmen say their pay is so small that they cannot afford to attend the magistrate the following day', and so ignored some offences that would require them to bring the suspect before a magistrate without sufficient financial compensation.³⁴ In the Westminster parish of St Marylebone, the Commissioners for Watching minute book records the compensation of watchmen for the costs inherent in prosecuting felonies at the end

²⁹ BPP, HC, 1817, VII; *Second Report from the Committee on the State of the Police of the Metropolis*, 1817, p. 497.

³⁰ Andrew Lansdowne, *A Life's Reminiscences of Scotland Yard* (London, 1984), p. 162.

³¹ BPP, HC, 1816, V; *Report from the Committee on the State of Police in the Metropolis*, 1816, p. 8.

³² *Ibid.*

³³ *Ibid.*, p. 138.

³⁴ LMA: CLA/048/PS/02/026, Special Committee minutes and papers, 'Report of the Special Committee in Relation to the Police and Nightly Watch, 17 October 1816'.

of the eighteenth century, although it is not clear whether compensation was provided for all felony cases, or for misdemeanours.³⁵ Thomas Davis, who was responsible for passing vagrants in Middlesex, stated that many vagrants ‘would not be apprehended if it was not for the reward... I have heard them [beadles] say, they must look for a vagrant or two, or they should be short of money by Saturday’.³⁶ The Select Committees were concerned about corruption in the system of providing policing agents with rewards, but the perspective of policing agents suggests that some financial compensation was necessary for the roles that they performed. Certainly, this evidence implies that policing agents were more likely to pursue the serious offences for which they received parliamentary rewards, or vagrancy, than other offences without financial compensation.

Those involved with metropolitan policing were also concerned that rewards threatened the validity of policing evidence presented at court, and so could affect prosecutions. Thomas Skelton, clerk of the Sessions of Oyer and Terminer and Gaol delivery at the Old Bailey stated ‘I think it probable that parliamentary rewards do sometimes warp the minds of witnesses, and occasion stronger testimony on points that are doubtful, than would otherwise be given’.³⁷ Two witnesses suggested that juries sometimes ‘discredited police officers or constables, people under the influence of rewards’, often because defence lawyers emphasised that policing agents may have exaggerated or fabricated evidence for the rewards offered.³⁸ One of these witnesses, Charles Lush, chief clerk of Worship Street police office, went on to state that ‘I have good reason for believing some of the officers apprehending parties guilty of the higher offences of burglary and foot-pad robbery have not been of the best character’.³⁹ As in the case of Benjamin Johnson discussed in the previous chapter, policing agents could fabricate or exaggerate evidence, leading to false prosecutions, motivated by the prospect of rewards.

In fact, it is striking that the scandal of the ‘blood money constables’ in 1816, of which Johnson was part, was not mentioned in the Select Committee reports of this era.⁴⁰ Nor are there mentions of more serious forms of corruption such as false accusations and bribes to not prosecute suspects.⁴¹

³⁵ WCA: T1270, St Marylebone Commissioners for Watching Minute Book, 1783-6, see, for example, entry on 21 January 1784.

³⁶ BPP, HC, 1817, VII; *Second Report from the Committee on the State of the Police of the Metropolis*, 1817, p. 358.

³⁷ *Ibid.*, p. 417.

³⁸ *Ibid.*, testimony from Charles Lush, p. 522 and Richard Birnie, p. 423.

³⁹ *Ibid.*, p. 522.

⁴⁰ See Chapter Three and Radzinowicz, *A History of English Criminal Law, Volume II*, p. 333-7 for a discussion of the ‘blood money constables’ who were tried for framing defendants for offences that they had not committed in 1816.

⁴¹ See Cox, *A Certain Share of Low Cunning*, pp. 45-54, who explained that the evidence relating to allegations of financial corruption in policing were not published in the 1828 Select Committee report ‘as it was deemed to be of too sensitive a nature for public consumption’. These allegations included the Warwick Bank incident

These silences are revealing and suggest that the Select Committees were reluctant to publicly acknowledge the potential scale of policing corruption. The fear of collusion between policing agents and offenders in flash houses was identified as an area that could be dealt with through licensing legislation, whereas potentially more endemic and serious corruption in policing was more challenging to address.⁴²

It is clear that financial rewards for policing agents continued to be an area of challenge for the authorities. While Metropolitan Police officers could be rewarded for their conduct and involvement in particular cases by the Commissioners, they were not supposed to accept rewards from members of the public for their services. One of the Metropolitan Police orders from 1833 directed that rewards and gratuities given by members of the public were to be reported and handed in to the Commissioner.⁴³ This suggests that members of the public were continuing to offer policing agents financial rewards, but that these rewards posed a challenge to the incorruptible image that the new Metropolitan Police sought to project. Those involved in metropolitan policing in the nineteenth century were concerned that policing agents were corrupted and motivated solely by the prospect of financial reward. While the parliamentary rewards were abolished in 1818, private individuals continued to offer rewards to policing agents. Some policing agents, and members of the public, however, viewed these financial rewards as a central part of their role. It is obviously difficult to understand the precise impact of rewards on arrests and prosecutions, but financial rewards undoubtedly prompted some arrests for serious offences, and lack of financial compensation meant that other arrests, particularly for petty offences, were not made. In particular, some policing vigilance towards suspicious persons can be explained by the motivation of financial rewards, as was explored in Chapter Three. Policing agents motivated by rewards favoured the arrest of those who would be viewed as suspicious, or recognised as known offenders, and so readily convicted by judges and juries.

Flash houses

In addition to financial motivations, the frequenting of 'flash houses' was another policing practice that favoured the arrest of known offenders. The Select Committee reports from throughout the period under examination attest to contemporary concerns about the corruption of policing agents through their contact with criminals in the flash houses of the metropolis. These were public houses frequented by known offenders, and thought to be the sites from which they plotted future criminal

in 1827, in which a Bow Street officer was accused of complicity in his negotiations between thieves and the Bank to recover stolen money.

⁴² See BPP, HC, 1817, VII; *First Report from the Committee on the State of the Police of the Metropolis, 1817*, which examined the licensing of public houses.

⁴³ TNA: MEPO 7/3, Metropolitan Police Orders, October 1833.

activity and sometimes also exchanged stolen goods. Shore connected the discussion of flash houses in the Select Committee reports of the 1810s with growing fears of a criminal underworld.⁴⁴ She suggested that the rise of flash houses reflects the movement of the underworld from outdoors, on the streets, to indoors, in public houses. These sites clearly connected criminal activity with the lower orders of society and the perceived criminal class. Shore also highlighted the role that flash houses were said to play for juvenile offenders, who, it was feared, were trained up in these 'nurseries of crime'.⁴⁵

While it is difficult to form an accurate picture of how many flash houses there were, and whether the descriptions were accurate, it was certainly the case that policing agents claimed to use these spaces and criminal networks to garner information about offences and suspects. It was apparent, therefore, that there were some public houses of this nature in the metropolis. Shore wrote that flash houses were an environment in which policing agents 'had recourse to' 'multi-layered systems of negotiation' and contact with suspects.⁴⁶ These policing agents exercised their discretion, could choose to arrest those who fitted criminal stereotypes, or those they recognised as previous or suspected offenders, but they also likely accepted bribes to not arrest the suspects that they encountered. They also met with informers to gain information about offences and suspects.⁴⁷ They also presumably faced threats to their safety in these spaces. Policing agents who visited public houses frequented by suspects and convicts affected the record of criminal activity.

John Silvester, Recorder of London, recorded in a notebook dating from c. 1812 'A List of Houses of resort for Footpads & Housebreakers'.⁴⁸ This list details the names and locations of 86 flash houses in the metropolis, and it reflects the fact that the elite of the criminal justice system were aware of the existence of these places. Radzinowicz argued that 'much more was known about them than those in authority wished to admit'.⁴⁹ There also survives an anonymous handwritten notebook with a 'List of Houses of Resort for Thieves of every Description', dating from 1815, which lists 67 flash houses and information about them.⁵⁰ This account claims that officers (although it does not specify exactly which officers) were aware of most of the flash houses, and frequented them, allowing illegal gambling and receiving of stolen goods to continue unchecked. The officers accepted bribes from those present in

⁴⁴ Heather Shore, 'Mean streets: criminality, immorality and the street in early nineteenth-century London', in Tim Hitchcock and Heather Shore (eds), *The Streets of London: from the Great Fire to the Great Sink* (London, 2003), p. 157.

⁴⁵ Shore, *Artful Dodgers*, p. 24.

⁴⁶ *Ibid.*, p. 164.

⁴⁷ Beattie, *The First English Detectives*, p. 68.

⁴⁸ British Library (BL): Add MS 47466, Notebook of John Silvester, c. 1812.

⁴⁹ Radzinowicz, *A History of English Criminal Law, Volume II*, p. 298.

⁵⁰ TNA: HO 42/146, Letters and Papers, 'List of Houses of Resort for Thieves of every Description', 1815; see also Radzinowicz, *A History of English Criminal Law, Volume II*, pp. 297-306.

these houses not to prosecute them, and were also bribed by landlords, with whom the officers were in many cases 'very intimate'.⁵¹ At the Sun in Drury Lane, men assembled daily who worked as blacksmiths, and made 'the implements for Housebreaking' including skeleton keys.⁵² For a few flash houses, such as the Dover Castle, the author noted that 'officers seldom come here on account of the Number and desperate description' (of the thieves who met there).⁵³

Extensive questioning of magistrates, policing agents and others involved with metropolitan policing in the Select Committee reports from 1816 and 1817 suggests that the committee members were concerned that these sites offered opportunities for the corruption of policing agents. However, policing agents argued that these public houses provided them with important access to suspects, and enabled them to discover information about criminal activities. This tension between the importance of obtaining information about criminal activities and concerns about close associations between law enforcement officers and offenders, is borne out in the examinations of witnesses. It reflects a fundamental fear, enduring from earlier policing systems to the present day, that some policing agents were too close to those whom they policed. Policing agents who used criminal networks, and frequented these public houses where they recognised individuals, were likely to either arrest those that they knew, or accept bribes to not arrest suspects.

Some magistrates and clerks recognised that flash houses played a role as sites for collecting information and finding suspects, and suggested that policing agents should frequent them. As John Strafford, chief clerk of Bow Street, expressed, although he was concerned by the 'evil tendency' of flash houses, 'the Officers may go and look into those houses, and by that means they get a knowledge of the persons, of those who are suspected, that they otherwise may not obtain'.⁵⁴ Magistrate Robert Raynsford was concerned that 'many of the most notorious thieves would escape if it were not for those particular places of rendezvous', while a fellow magistrate, Daniel Williams, explained that 'I consider it to be their [police officers'] duty, if a criminal is to be apprehended, immediately to go to the most likely places to find him'.⁵⁵ These witnesses acknowledged the role that flash houses played in facilitating the collection of information about criminal activity, despite their concerns about the close contact between policing agents and offenders.

Policing agents questioned before the Select Committees confirmed that flash houses provided them with information about suspects. As John Nelson Lavender, police officer of Queen Square explained,

⁵¹ 'List of Houses of Resort', pp. 5-6.

⁵² *Ibid.*, p. 24.

⁵³ *Ibid.*, p. 2.

⁵⁴ BPP, HC, 1816, V; *Report from the Committee on the State of Police in the Metropolis*, 1816, p. 40.

⁵⁵ *Ibid.*, p. 57; *ibid.*, p. 103.

flash houses 'are certainly a necessary evil; if those houses were done away we should have the thieves resort to private houses and holes of their own, and we should never find them'.⁵⁶ When asked 'when you go into the flash-houses, is it your custom to associate with the persons there?', he replied that 'yes; and a man must do that for a good while before he will be able to gain any information'.⁵⁷ Other policing agents agreed that flash houses made the task of finding suspects more straightforward. John Vickery, a Bow Street officer, stated that flash houses 'often furnish the means of detecting great offenders; they afford an opportunity to the officers of going round, and knowing the suspicious characters, or of apprehending persons described in advertisements'.⁵⁸ It is clear, however, that committee members were concerned about the associations between policing agents and offenders. Samuel Taunton, a Bow Street officer, was asked 'is it your custom to go there, to sit down at the table with thieves of that description?'.⁵⁹ He replied that 'yes, we do it sometimes; nearly the whole of us, I believe; we obtain many informations [*sic*] in consequence of so doing, and find out many returned transports, who go in their company'.⁶⁰ It is unknown whether policing agents attended these public houses in disguise, or whether they were recognised and known by the offenders that they associated with. These policing agents emphasised that they were able to arrest and detect more suspects as a consequence of visiting flash houses.

On the other hand, the leading questions asked of witnesses led some policing agents to agree that close contact with offenders was ineffective and potentially harmful to their policing duties. Samuel Furzman, constable and round-house keeper of St Giles in the Fields and St George's Bloomsbury was asked 'do you think the permission of flash-houses to be necessary for the apprehension of thieves?' and replied, 'I think not'.⁶¹ He was then asked, 'you think, of course, that they harbour more thieves than you ever apprehend', and replied, 'I do'. This appears a very blatant leading question: it is suggested to Furzman that he should believe 'of course' that flash houses were not an effective mechanism for capturing suspects. James Bly, senior police officer at Queen Square, explained that 'I do not think very respectable officers can long bear to be in the company of the lower class of thieves', but that occasional associations with them in flash houses can be valuable for gathering information.⁶² This differentiation of 'respectable' officers may be significant, since Bly is implying that some less respectable policing agents may be more closely associated with offenders. Policing agents were

⁵⁶ BPP, HC, 1816, V; *Report from the Committee on the State of Police in the Metropolis*, 1816, p. 147.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*, p. 178.

⁵⁹ BPP, HC, 1817, VII; *Second Report from the Committee on the State of the Police of the Metropolis*, 1817, p. 393.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*, p. 362.

⁶² *Ibid.*, p. 364.

aware that the Select Committee members questioning them were concerned about the potential for corruption and collusion in flash houses, but it is striking that the majority were confident in stating that they believed that flash houses provided useful sources of criminal information. This reflects the agency of these officers, who chose to police in this manner.

The City of London patrol books refer to City officers going into 'disorderly houses' (potentially flash houses) to find offenders. For example, on 1st July 1807, it was reported that patrols went to the Plough Public House on Fleet Street 'to see after some bad characters'.⁶³ The patrols reported that they were 'insulted' by the landlord, who believed that they did not have a right to investigate his customers without a warrant. This reflects both the everyday practices of policing agents in using these spaces to investigate suspects, and the opposition that they faced undertaking such investigations. By the time of the 1816 Select Committee report, former Upper Marshal Philip Holdsworth asserted that there were no flash houses in the City of London. He stated that any disorderly houses known to be the haunts of thieves were closed down immediately. He was asked 'do you not find very considerable inconvenience in not knowing where to look for those persons who have the character of reputed thieves?', and replied that, 'the officers sometimes go out of the City, they know where to look for them, and see them together, and know new ones by seeing them in the company of old ones; but in the City we do not allow them a place of rest if we can help it'.⁶⁴ Holdsworth's account reflects the challenges that flash houses were seen to pose to 'respectable' policing practices, but it is not clear that there were really no 'disreputable' houses in the City of London.

Fears of policing agents using flash houses endured into the late 1820s, as magistrates and others in authority over policing agents expressed concerns about the close relationships between officers and thieves. The 1828 report from the Select Committee on the Police of the Metropolis stated that policing agents continued to use flash houses to gather information, and magistrates were questioned about the relationships between offenders and police officers.⁶⁵ Richard Birnie, Bow Street magistrate, was asked, 'are the Committee to understand, that in no case the officers ever employ a man to mingle with the thieves, and get knowledge of their schemes and plans?', and replied that 'I do not know that they do; I have heard of such things, but I never could trace it home to them'.⁶⁶ Similarly, John Rawlinson, justice of Marylebone, was asked 'have you any reason to believe that there is any collusive understanding between the police officers of your establishment, and those notorious offenders?', and

⁶³ LMA: CLA/048/PS/02/018, Patrols, Day and Night: Report books on the state of the watch and wages to watchmen, 1806-7.

⁶⁴ BPP, HC, 1816, V; *Report from the Committee on the State of Police in the Metropolis*, 1816, p. 263.

⁶⁵ BPP, HC, 1828, VI; *Report from the Select Committee on the Police of the Metropolis*, 1828, p. 18.

⁶⁶ *Ibid.*, p. 42.

replied, 'not collusive understanding. I think police officers are always better acquainted with thieves than One would wish them to be; although if they were not acquainted with them to a certain degree, they would never detect them'.⁶⁷ Rawlinson's comments reflected an inherent tension in policing between knowledge of suspects and convicted offenders and collusion with these individuals. Unfortunately, we cannot be sure of the nature and depth of these relationships between policing agents and offenders from this evidence. The evidence presented in Chapters Three, Five and Six of the reasons for arrest given by policing agents at trials shows that some defendants were arrested because they were known to the policing agents. It seems apparent that the close relationships, which authorities and some magistrates feared, did result in the arrests of those recognised as previous or suspected offenders.

Attempts to manage associations between policing agents and offenders, particularly in flash houses, continued, and it seems apparent that this remained a challenge throughout the period. The 1834 Select Committee on the Police of the Metropolis report stated that 'the association of the Police Constables with low and infamous characters as a means of obtaining information, is not a necessary part of a system which has for its object only the prevention and detection of crime'.⁶⁸ The Committee believed that the Metropolitan Police represented a new form of policing, that removed the need for any collusion between policing agents and offenders. In 1837, Edward Gibbon Wakefield, a politician and author of a work on punishment, told the Committee on Metropolis Police Offices that the new Metropolitan Police officers 'seem to have less connexion with criminals, to be less acquainted with them; amongst the old police it was very difficult to distinguish the thief from the policeman... the new police being a different order of men and not having this intercourse with thieves, have, no doubt, been of service in the way of detection'.⁶⁹ Wakefield was not an impartial observer of the criminal justice system, since he was himself imprisoned for three years in Newgate in 1827 for abducting and marrying an heiress, having been pursued and apprehended by a Bow Street officer.⁷⁰ It was therefore likely that he would favour the new police officers over the former policing agents, since he was arrested by a former policing agent.

However, in the 1838 Report from the Select Committee on Metropolis Police Offices, John Clark, clerk of the Central Criminal Court, asserted that 'the detection of crime is only to be learned by considerable experience, and by inquiries in places which nothing but long experience will enable a

⁶⁷ BPP, HC, 1828, VI; *Report from the Select Committee on the Police of the Metropolis*, 1828, p. 63.

⁶⁸ BPP, HC, 1834, XVI; *Report from the Select Committee on the Police of the Metropolis*, 1834, p. 21.

⁶⁹ BPP, HC, 1837, XII; *Report from the Select Committee on Metropolis Police Offices*, 1837, p. 121.

⁷⁰ David J. Moss, 'Wakefield, Edward Gibbon (1796–1862)', *Oxford Dictionary of National Biography* (2007), <http://www.oxforddnb.com/view/article/28415> [accessed 18 Sept 2017]; see also Cox, *A Certain Share of Low Cunning*, pp. 196–97.

man to find out; he must make inquiries at flash houses and public houses where thieves associate, and among women of the town with whom they live'.⁷¹ Clark's view reflects an enduring belief held by some that relationships between policing agents and offenders were a fundamental part of policing. While politicians and reformers sought to erase close associations between policing agents and convicted offenders, and bring in new, incorruptible policemen, others argued that did not provide for arrests and prosecutions of all those who had committed offences. The testimony from individual policing agents presented here reflects the ways in which policing agents negotiated their roles and practices with the authorities. They used their personal relationships with suspects and offenders and spaces such as flash houses to secure arrests and prosecutions, despite opposition to these practices. These practices had implications for patterns of arrest and prosecution. Policing agents who frequented flash houses arrested and re-arrested offenders whom they recognised, and those who were viewed as suspicious by judges and juries and against whom they could secure convictions.

Failures and neglect of parochial policing roles

Concerns about associations between policing agents and offenders were also expressed specifically in relation to watchmen and other parochial officers. It was alleged that these relationships led policing agents to fail to arrest suspects, and so affected arrests and prosecutions in local areas. James Barlett, watch-house keeper in Covent Garden, confirmed in 1816 that watchmen did sometimes drink with prostitutes, but he did not believe that they accepted bribes from prostitutes.⁷² In 1828, Frederick Byng, resident of St George's Hanover Square, was asked 'have you any cause for suspicion, that there is any communication between your watchmen and professed thieves?', and replied that 'we have heard it once or twice, but we have never had any well-grounded suspicion'.⁷³ Yet Edward Edmonds, a reporter for the *Morning Chronicle* newspaper, stated that 'the watch, knowing they are so ill paid, and many of them bad characters indeed, who for half a crown, in my opinion, might be bribed to let a prisoner go, or take a prisoner'.⁷⁴ These witnesses did not equivocally state that watchmen accepted bribes, but they did all imply that there were suspicions of associations between watchmen and suspects. Unlike the use of flash houses to identify and arrest known offenders, the implication here was that watchmen failed to make arrests and neglected their roles because of their relationships with offenders. John Silvester's notebook contained a list of 'Names and Places of Abode of Receivers of Stolen Goods', including one Pickeridge, who was described as a 'watchman [on] the Corner of Cow

⁷¹ BPP, HC, 1838, XV; *Report from the Select Committee on Metropolis Police Offices*, 1838, p. 133.

⁷² BPP, HC, 1816, V; *Report from the Committee on the State of Police in the Metropolis*, 1816, p. 150.

⁷³ BPP, HC, 1828, VI; *Report from the Select Committee on the Police of the Metropolis*, 1828, p. 132.

⁷⁴ *Ibid.*, p. 269.

Lane'.⁷⁵ Pickeridge was clearly suspected of being closely connected with the criminals he was expected to police, and it seems unlikely that this was an isolated example.

In addition to direct examples of involvement in criminal behaviour, it was suggested that watchmen were reluctant to arrest prostitutes and those accused of petty offences such as disorderly behaviour. As Tony Henderson argued, watchmen were in close contact with the same prostitutes on their regular beats, and so they sought compromises, accepted bribes and reached 'understandings' rather than arresting individuals who they saw soliciting, only for them to reappear in the same place after a night in a watch-house or a House of Correction.⁷⁶ Watchmen operated in a certain local context, and were under pressure from not only the 'respectable residents', but also from any local prostitutes and other offenders on the streets. Shore provided many examples of juvenile offenders who mentioned that they paid protection money or bribes to police officers to avoid apprehension.⁷⁷ These factors undoubtedly meant that many prostitutes and other 'disorderly characters' were not arrested.

Evidence from Select Committee reports and archival sources for policing reflect a long history of criticisms of policing agents for neglect of their duties, and indeed criticisms of the systems of policing themselves. In the 1770 'Report from a Committee of the House of Commons, appointed to enquire into the several Burglaries and Robberies committed in London and Westminster', John Fielding, Bow Street Magistrate, discussed the 'neglect of watchmen and constables of the night on their respective duties'.⁷⁸ The allegation that watchmen were particularly ineffectual and inefficient was a common one in Select Committee reports and archival sources relating to the watch. This was often related to the age of watchmen. James Bly, senior police officer of Queen Square, stated of the watchmen of the Westminster parishes of St Margaret and St John that 'the greatest part of them are very much advanced in years'.⁷⁹ He was asked 'do... the watchmen apprehend many thieves in Westminster?', and replied that 'no, they do not'.⁸⁰ He was then asked 'do you think they have opportunities?', and stated that 'yes, I think they might frequently stop people at night with stolen goods'.⁸¹ In 1822, Robert Rainsford, Queen's Square magistrate, was asked 'what do you think of the state of the watch generally in the metropolis, and of the persons selected for the office?', and replied, 'I can only speak particularly to Westminster, and I think it is very bad; they employ old persons, and give them so trifling remuneration, that the poor fellows are so badly paid they are more inattentive than they

⁷⁵ BL: Add MS 47466, Notebook of John Silvester, c. 1812

⁷⁶ Henderson, *Disorderly Women in Eighteenth-Century London*, pp. 112-19.

⁷⁷ Shore, *Artful Dodgers*, p. 84.

⁷⁸ BPP, HC, 1812, II; *Report on the Nightly Watch and Police of the Metropolis*, 1812, p. 37.

⁷⁹ BPP, HC, 1817, VII; *Second Report from the Committee on the State of the Police of the Metropolis*, 1817, p. 371.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

would be if properly rewarded and chosen from younger men'.⁸² The allegations that watchmen were typically elderly and ineffectual were common among contemporary commentators, and this fed into a long-standing trope about watchmen. Scholars more recently have emphasised that this was a crude stereotype, and many watchmen were effective and well-organised in some parts of the metropolis by the late eighteenth and early nineteenth century.⁸³ However, some watchmen did neglect their duties, often because they were poorly paid and so had to work at other jobs during the day. The witnesses examined here crucially suggested that the ineffectual nature of watchmen directly impacted on their ability to identify and arrest offenders.

While parochial watch committees often emphasised their attempts to employ reputable and reliable watchmen, the records are littered with references to watchmen being dismissed and disciplined for drunkenness and falling asleep on duty. An entry in the beadles' report books for St James's Piccadilly for 24th August 1815, for example, recorded that watchman Ellis was reported 'for refusing to do his duty', and 'also Cartey supernumerary watchman... asleep at 11 o'clock'.⁸⁴ On 2nd October 1827, a patrol of the same parish was reported for being drunk and assaulting a member of the public.⁸⁵ Watch Committee records also contain reports from residents who complained that watchmen failed to act upon allegations of offences. In St Margaret and St John Westminster, a resident reported that, when her house was burgled, she called out 'watch', but, although there was a watch box nearby, the watchman did not respond.⁸⁶ She recalled that a private individual apprehended the suspect as he ran away, but the watchman refused to take the charge or assist in arresting the suspect.⁸⁷ The watch committee found that the watchman in this case had neglected his duty. The frequency with which allegations of neglect and failures among watchmen appear in parochial records reflect the fact that local authorities were constantly engaged in the process of attempting to improve their parochial police. These individual watchmen, in being accused of neglect, were allegedly failing to arrest suspects.

These longstanding criticisms of individual watchmen evolved into more structural criticisms of the parochial policing system in Select Committee reports of the late 1820s. This was undoubtedly shaped by the agendas of those involved with these committees. As Peel and his allies started to push for

⁸² BPP, HC, 1822, IV; *Report from the Select Committee on the Police of the Metropolis*, 1822, p. 45.

⁸³ See Reynolds, *Before the Bobbies*, and Harris, *Policing the City*.

⁸⁴ WCA: D2095, St James's Piccadilly, Beadles' Reports on Activities during the nightly watch, 1815-19, entry for 24 August 1815.

⁸⁵ WCA: D2098, St James's Piccadilly, Beadles' Reports on Activities during the nightly watch, 1827-29, entry for 2 October 1827.

⁸⁶ WCA: E2648, St Margaret and St John Westminster, Watch Committee Minutes, 1791-1808, entry for 29 August 1796.

⁸⁷ *Ibid.*

widespread policing reform, it was in their interests to suggest that the former policing systems were ineffectual. Henry Moreton Dyer, magistrate of Marlborough Street, suggested in 1822 that ‘the plan of the parochial constables giving gratuitous services was very good when the office was originally organised, and it still does for country places; but it is a system quite insufficient for the extended population of a London parish’.⁸⁸ Dyer here was referring to the system of unpaid parish constables, whereby local residents served for a year as part of their parish duty. His fellow magistrates similarly found parochial policing agents ineffectual. Richard Birnie, Bow Street magistrate, was asked in 1828 whether he relied ‘at all for the prevention of crime on any parochial establishments of police... do you find the beadles and constables useful in co-operating with you for the prevention of crime?’, and replied that ‘they are of very little use’.⁸⁹ In the same report, Alexander Bayly Richmond, a resident of St Luke’s parish, stated that ‘any parochial system of police upon the present plan is altogether ineffective’.⁹⁰ It is difficult to ascertain how widespread, or indeed how well-founded these beliefs were, as the statements of these witnesses certainly suited the aims of Peel and his fellow advocates of policing reform. The implication of this evidence was that policing provision varied throughout the metropolis, and that there were therefore some areas in which suspects were not arrested. In fact, similar allegations of failure and neglect continued after the establishment of the Metropolitan Police.

In the 1834 Report on the Police of the Metropolis, delegations of residents from different London parishes gave testimony complaining about the new Metropolitan Police. Vestrymen from Marylebone, where there were effective parochial police before 1828, stated of the Metropolitan Police officers that ‘in fine weather and in public walks you may see them lounging about, but in places where they are most wanted they are not to be seen; that is in bye-streets and low neighbourhoods’.⁹¹ Marylebone residents suggested that the Metropolitan Police officers were not thorough in their beats, and failed to carefully patrol all the areas that they were supposed to. A delegation from St Saviour’s Southwark agreed with this, claiming that ‘you will generally find the policemen five or six men in a lump – you seldom see them as you ought to, doing their duty, continually parading up and down’.⁹² These residents stated that ‘the parish was not so well watched as it formerly had been under the old system’, and also complained that when the policemen were called away in the event of a public procession elsewhere in the metropolis, ‘we are left to protect our own property’.⁹³ Some residents complained that the protection provided by the Metropolitan Police was insufficient, and so

⁸⁸ BPP, HC, 1822, IV; *Report from the Select Committee on the Police of the Metropolis*, 1822, p. 70.

⁸⁹ BPP, HC, 1828, VI; *Report from the Select Committee on the Police of the Metropolis*, 1828, p. 36.

⁹⁰ *Ibid.*, p. 259.

⁹¹ See Reynolds, ‘St Marylebone’; BPP, HC, 1834, XVI; *Report from the Select Committee on the Police of the Metropolis*, 1834, p. 216.

⁹² *Ibid.*, p. 242.

⁹³ *Ibid.*, p. 239; *ibid.*, p. 241.

they also employed private watchmen.⁹⁴ Market gardeners on the outskirts of London asserted that the Metropolitan Police officers did not provide adequate protection for their land and crops.⁹⁵ These complaints show that allegations that policing agents neglected their duty, were not vigilant enough and potentially failed to make arrests did not end with the establishment of the Metropolitan Police. Contemporaries continued to fear criminal activity in their local neighbourhoods, and policing agents were accused of failing to arrest offenders.

Criticisms of Metropolitan Police officers are also found in the Metropolitan Police Orders, which recorded the dismissal of officers for failing to perform their roles properly. For example, it was recorded in October 1835 that Police Constable William Driver was dismissed for 'loitering, and drinking with a Man at the outside of the Theatre at 25 mins [sic] to 12pm allowing a Great Number of Prostitutes to remain under the Piazza of the Theatre after it was closed'.⁹⁶ In October 1837, it was reported that some police constables, who were now no longer in the force, had been found guilty of receiving 'hush money or bribes' from thieves, and these men were 'some of those who had been specially kept as Plain Clothes Men for the purpose of tracing Robberies etc'.⁹⁷ This suggests that even the policing agents who were expected to be particularly vigilant, operating as quasi-detective officers in plain clothes, were open to corruption and collusion. Policing agents affected patterns of arrest and prosecution by neglecting their roles and failing to arrest offenders, and also by colluding with known offenders and receiving bribes to not arrest suspects.

Policing suspicious persons and vagrancy

Policing agents were often particularly criticised for failing to arrest 'suspicious persons', or vagrants. While the proactive policing of suspicious persons is discussed at length elsewhere, the sources on policing practices examined here provide a fresh perspective, and show that this was an area fraught with challenges. Arrests of 'disorderly persons' and other petty offenders comprised the majority of recorded arrests in records relating to watchmen and patrols.⁹⁸ As an example, in the Constable's Report book for St Margaret and St John Westminster, the entry for 4th August 1793 stated that 'Richard Dorrington Constable charged Micheal [sic] Dorishelly and Mary his wife as loose idle and Disorderly Persons, and on Suspicions of robbing a Ready furnished Lodgings in Tothill Street past one

⁹⁴ BPP, HC, 1834, XVI; *Report from the Select Committee on the Police of the Metropolis*, 1834, testimony of vestrymen of Christ Church, p. 281.

⁹⁵ *Ibid.*, pp. 339-42.

⁹⁶ TNA: MEPO 7/3, Metropolitan Police Orders, 1833-35, entry for 24 October 1835.

⁹⁷ TNA: MEPO 7/5, Metropolitan Police Orders, 1837-9, entry for 23 October 1837.

⁹⁸ See, for example, the City Patrol Books: LMA: CLA/048/PS/02/018-23, Patrols, Day and Night: Report books on the state of the watch and wages to watchmen, 1806-12.

o'clock'.⁹⁹ Residents also complained that policing agents failed to police 'disorderly persons'. A petition was presented to the Aldermen Police Committee of the City Corporation in 1832 by the residents of Shoemaker Row, Farringdon, who complained about 'idle and disorderly Persons' congregating in the street on Sundays playing marbles and swearing, while 'the police [were] altogether absent'.¹⁰⁰ Policing disorderly persons was clearly a source of concern among residents and policing agents, and the failures of policing agents to undertake this role resulted in fewer arrests and prosecutions.

The 1810s was a decade of intense concern about the challenges posed by vagrants on the streets of the metropolis. The 1816 Report from the Committee on the State of Mendicity in the Metropolis referred to 'the gross and monstrous frauds practised by Mendicants in the Capital... the Success of which affords a direct encouragement to vice, idleness and profligacy'.¹⁰¹ However, policing agents examined before Select Committees identified that there were ambiguities and a lack of legal powers to arrest those suspected. John Strafford, chief clerk of Bow Street, was asked 'Do you consider it a part of the duty of the Bow-Street Patrole, to clear the streets and [Covent Garden] market of disorderly people, during the night?', and replied that, "'Disorderly people" is such a general term, that I hardly know how to answer; I take it as a person must be doing some specific act that will authorise the patrole to interfere, before they can meddle with him'.¹⁰² Similarly, Bow Street officer John Sayer stated that recently 'I saw several known thieves together; I cannot meddle with them, I have no power to meddle with them'.¹⁰³ The 1792 Middlesex Justices Act provided for the arrest of 'reputed thieves... with Intent to commit Felony', but such stipulations were undoubtedly open to the interpretation of individual policing agents and ambiguous.¹⁰⁴ Individual policing agents were called upon to make judgements and decide who to arrest.

Policing agents also experienced ambiguities in terms of their power to arrest those who were drunk or responsible for disturbances. Emmanuel Allen, a vestry clerk and solicitor in Soho, stated that in his neighbourhood, 'the inhabitants are frequently disturbed in their sleep by a drunken set of people, who frequently assemble in the streets in the night; the watchmen dare not interfere, for if he exceeds his authority, he is liable to have an action brought against him'.¹⁰⁵ Policing agents were concerned

⁹⁹ WCA: E3074, St Margaret and St John Westminster Constable's Report book, 1793-94.

¹⁰⁰ LMA: COL/CA/PLA/02/004, Aldermen Police Committee Papers, 1824-46.

¹⁰¹ BPP, HC, 1816, V; *Report from Committee on the State of Mendicity in the Metropolis*, 1816, p. 3.

¹⁰² *Ibid.*, p. 39.

¹⁰³ *Ibid.*, p. 216.

¹⁰⁴ 32 Geo III, c. 53 (1792), 'An Act for more effectual Administration of the Office of a Justice of the Peace'; see Chapter Two.

¹⁰⁵ BPP, HC, 1817, VII; *Second Report from the Committee on the State of the Police of the Metropolis*, 1817, p. 473.

that they should not exceed their legal authority, and complaints and lawsuits were brought against policing agents believed to be acting improperly. These examples highlight the legal difficulties and ambiguities for policing agents in dealing with suspicious, disorderly, or disruptive persons on the streets. The witness accounts presented here demonstrate that the policing of suspicious persons was an area in which policing agents had to exercise their discretion.

Other witnesses claimed that policing agents frequently appeared unwilling to use their discretion and arrest suspicious persons or vagrants. Philip Holdsworth, the City Marshal, stated of City policing agents that 'it is as much their duty to remove beggars as it is to apprehend thieves; but it is a duty I have found the officers more unwilling to attend to than any other of their duties, for it is unpopular, and they always get abused when they lug these people to the prisons'.¹⁰⁶ Joseph Sadler Thomas, parish constable of St Paul's, Covent Garden, detected 'a wonderful apathy in the police officers; and it was mortifying to see a party of officers standing at one end of the street, and night after night a throng of prostitutes and well-known thieves, congregating at the other end of the street, and no steps taken to remove them'.¹⁰⁷ Here the 'police officers' refers to Bow Street patrols and officers, and other witnesses described a divide between parochial agents and those attached to magistrates' courts in terms of their attitudes towards policing vagrancy. John Strafford, chief clerk of Bow Street, claimed that clearing the streets of beggars 'has not generally been considered as any part of the duty of the police officers', and was instead the role of parish constables and beadles.¹⁰⁸

Some parochial policing agents, such as John Smith, beadle of St George's Bloomsbury, claimed to be particularly conscientious in arresting vagrants. He was asked, 'do you receive directions from the magistrates to take up all beggars in your district?', and replied that, 'the Act of Parliament tells me that. I have Burn's Justice which instructs me what to do'.¹⁰⁹ Here he was referring to Richard Burn's 'The Justice of the Peace and Parish Officer', a popular manual for parochial policing agents. Smith chose to operate based on the instructions provided to him to arrest vagrants in his jurisdiction, but in this he appears the exception rather than the rule. The reluctance of, and challenges for, policing agents in policing vagrants and suspicious persons shows that instructions for policing agents were not always followed in practice. For example, as discussed above, watchmen were often reluctant to arrest prostitutes that they encountered every night, but were motivated by the prospect of rewards to arrest suspects for more serious offences. This evidence acts as a counterpoint to the material relating to occasions on which policing agents did arrest suspicious persons presented in previous and

¹⁰⁶ BPP, HC, 1815, III; *Report from Committee on the State of Mendicity in the Metropolis*, 1815, p. 21.

¹⁰⁷ BPP, HC, 1828, VI; *Report from the Select Committee on the Police of the Metropolis*, 1828, p. 74.

¹⁰⁸ BPP, HC, 1815, III; *Report from Committee on the State of Mendicity in the Metropolis*, 1815, p. 37.

¹⁰⁹ *Ibid.*, p. 62.

subsequent chapters. Choosing not to make an arrest was as much a part of policing practices on the streets of the metropolis as making an arrest. This, clearly, also affected arrests and prosecutions.

Successes of preventative policing and policing vigilance

Although Select Committee reports and archival sources frequently contained criticisms of policing agents for their failures and neglect of their duties, there were also a significant number of assertions of policing success and vigilance on the streets of the metropolis. Select Committees called in this period were often shaped by a generalised fear about increasing criminal activity, and there was an increase in the number of trials and prosecutions after the end of the Napoleonic Wars.¹¹⁰ Some asserted that the increasing numbers of commitments were actually, in part, due to rising policing vigilance and activity. John Sayer, Bow Street officer, called before the 1816 Committee, asserted that violent crime had declined since the start of his policing career in 1780. He was asked ‘this change for the better that has taken place, you consider as arising from the increased activity of the Police, as well as to the improved state of the morals of the public?’, to which he replied, ‘I have no doubt of it’.¹¹¹

There were also particular localities in the metropolis that were recognised as having highly effective policing forces. Marylebone before the establishment of the Metropolitan Police was often used as an example of this.¹¹² The Marylebone magistrate Edward Griffiths, when asked about the state of the watch in his district, explained that ‘we have a great number of watchmen... I think they are of a superior description of people, as they are paid better, and I believe more attention is paid to them by the vestry’.¹¹³ Here he drew an implicit comparison with the policing forces in other parts of the metropolis. Frederick Byng, resident of St George’s, Hanover Square asserted that ‘it is fair to argue, that the improvements of the watch has been the means of preventing theft, and increasing committals for disorderlies [*sic*]’ in his neighbourhood.¹¹⁴ These allegations of policing success centre upon the argument that the increasing number of convictions for petty offences was partly due to improved policing vigilance, both on a local and metropolitan-wide scale. It was asserted that more suspects were being detected and arrested by increasingly vigilant officers, and these individuals were potentially also being prevented from committing more serious offences.

¹¹⁰ See, for example, BPP, HC, 1828, VI; *Report from the Select Committee on the Police of the Metropolis*, 1828, p. 3.

¹¹¹ BPP, HC, 1816, V; *Report from the Committee on the State of Police in the Metropolis*, 1816, pp. 212-3.

¹¹² See Reynolds, ‘St Marylebone’.

¹¹³ BPP, HC, 1822, IV; *Report from the Select Committee on the Police of the Metropolis*, 1822, p. 60.

¹¹⁴ BPP, HC, 1828, VI; *Report from the Select Committee on the Police of the Metropolis*, 1828, p. 128.

An alternative argument suggested that effective policing centred on prevention and deterrence, reducing the numbers of arrests and convictions. The uniformed Bow Street Patrol force was seen by some as an effective deterrent because they were recognisable and known to offenders. John Strafford, chief clerk of Bow Street, was asked, 'do you think the proportion of foot patrol, which is employed by day, is beneficially employed?', and replied that, 'yes, certainly; I think the very appearance of officers, whose persons are known to pickpockets, and offenders who frequent the streets, has the effect of driving them away'.¹¹⁵ William Day, the conductor of the Bow Street horse patrol, explained that 'we have had scarcely any highway or footpad robbery since the establishment' of the patrol.¹¹⁶

The Bow Street patrol continued to operate after the establishment of the Metropolitan Police, and Bow Street magistrate Sir Frederick Adair Roe viewed it as 'altogether a preventative corps; the effect of their patrolling gives great security, and also has the effect of driving away persons who would be ready to commit burglaries and other great crimes'.¹¹⁷ These statements all emanated from individuals involved in the Bow Street establishment, who were concerned with asserting the successes of their policing forces so that they would continue to secure government funding. However, external individuals also asserted the efficacy of the Bow Street patrol: Richard George, constable of Croydon, stated of the Bow Street patrol that 'I find them very useful men; they have done a great deal of good, our crimes have wonderfully decreased in the last year; I cannot lay it to anything but these men'.¹¹⁸ The Bow Street foot and horse patrols were viewed by some witnesses as successful preventative police forces, and it was believed that they reduced the numbers of arrests by deterring those who could potentially commit crimes.

The architects of police reform saw preventative and deterrent policing as the most effective form of policing for the metropolis, as this was the central focus of the Metropolitan Police force. The 1830s Select Committee reports, unsurprisingly, featured extensive praise of the successes of the new Metropolitan Police officers. The first Metropolitan Police Commissioners, Richard Mayne and Charles Rowan, explain in 1834 that the new Metropolitan Police officers 'are getting a better knowledge of their duties every day', and that 'although the number of persons taken into custody appears to be greater in the second and third year, than they were in the first, I think it will be found that crime, properly so called, has diminished in each of the years'.¹¹⁹ Here they were differentiating between actual levels of crime, which was very difficult to measure, and numbers of commitments and

¹¹⁵ BPP, HC, 1822, IV; *Report from the Select Committee on the Police of the Metropolis*, 1822, p. 24.

¹¹⁶ BPP, HC, 1816, V; *Report from the Committee on the State of Police in the Metropolis*, 1816, p. 194.

¹¹⁷ BPP, HC, 1834, XVI; *Report from the Select Committee on the Police of the Metropolis*, 1834, p. 74.

¹¹⁸ BPP, HC, 1828, VI; *Report from the Select Committee on the Police of the Metropolis*, 1828, p. 246.

¹¹⁹ BPP, HC, 1834, XVI; *Report from the Select Committee on the Police of the Metropolis*, 1834, p. 11.

convictions. They asserted that the increasing number of arrests under the Metropolitan Police reflected the officers' vigilance, rather than growing criminal activity.

Clearly the Metropolitan Police Commissioners were not unbiased in their praise for their own police force. However, other witnesses called before the Committee in 1834 also praised the Metropolitan Police officers. These included Julien Arabin, a distinguished Old Bailey judge, who declared that 'I have constantly observed their conduct with the greatest approbation; I think them, and have done from the outset, a body of men of the greatest possible use and benefit to the public'.¹²⁰ The views of witnesses presented here suggest that some viewed specific policing forces as particularly effective, either at making high numbers of arrests or deterring potential offenders from committing criminal activities. This evidence illuminates the ways in which different types of policing agent operated on the streets of the metropolis. It suggests that individual policing agents, and groups of policing agents, impacted the numbers of arrests and prosecutions made in their jurisdictions in divergent ways.

Policing in local context

The discussions of policing practices thus far have hinted at the variation in local experience of policing throughout the metropolis. This variation significantly affected patterns of arrests and prosecutions throughout the metropolis. The Select Committee reports and archival records on policing reflect the fact that, while the processes of reform favoured centralised and uniform policing systems, local government bodies and residents continued to promote their independence and autonomy in policing matters. Here the residents were the more 'respectable' residents, ratepayers, who played roles in local government. Policing agents faced pressures from the residents and local government bodies that they served, in addition to national and wider public pressures. In the different wards and parishes of the metropolis, policing systems were flexible and responsive to particular local challenges. For example, in the Westminster parish of St Martin in the Fields, the Watch Committee minutes recorded that the local justices employed constables to patrol between dusk and the start of the watch to apprehend 'idle and Disorderly Persons who of late have very much infested and have become a great Nuisance to the Inhabitants'.¹²¹ A subsequent committee meeting confirmed that these constables had been effective in apprehending petty offenders, and that the committee would continue to pay them an additional salary. This example reflects the engagement of local residents with policing in local context, as here St Martin in the Fields residents developed a scheme to provide for more arrests of petty offenders. The variation in experience of policing meant that there were

¹²⁰ BPP, HC, 1834, XVI; *Report from the Select Committee on the Police of the Metropolis*, 1834, p. 273.

¹²¹ WCA: F2282, St Martin in the Fields, Watch Committee Minutes, 1785-93, entry for February 1786.

more arrests and prosecutions of offenders for certain offences in particular areas, according to local provision of policing agents, and local enthusiasm for policing.

In 1782 in the Liberty of Saffron Hill, Holborn, residents of Kirby Street came before the Watch Committee to report that they had insufficient watching provision on their street, and so were 'very much exposed and liable to great depredations'.¹²² It was resolved that a watchman would be moved from a neighbouring street to provide more adequate watching provision. This reflects the responsiveness of policing systems to the requests of local residents, but also shows policing provision could improve in one area at the expense of another. Despite the uneven provision, the pressure exerted by residents on policing provision surely contributed to policing vigilance; the newly-posted watchman probably felt obliged to make arrests in his new situation, and these pressures potentially contributed to increased numbers of arrests and prosecutions.

In areas where the authorities sought to ensure universal watching practices, such as the City of London, evidence from the wards shows that some local areas deviated from the watch regulations to provide particular policing for their locality. Cornhill ward, in response to questions sent out to the wards about watching practices from the Watch and Police Committee, reported in 1831 that the watchmen in that ward came on duty an hour later than stated, since most of the ward was a shopping street and the evening patrols were adequate protection while the shops were open in the evening. This way, the watchmen 'would be more likely to be alert during that part of the Morning when burglaries are generally perpetrated', which fell towards the end of their working hours.¹²³ These residents adapted the established policing system to better serve their ward, and they believed that the altered hours would ensure that more offenders were arrested. The implication of locally-evolved policing systems was that the pressures of residents would influence the nature and number of arrests and prosecutions made. It is not known whether the concerns of Cornhill residents, for example, about burglaries committed early in the morning, actually led to increased detections. However, it is likely that such pressure and scrutiny from local ratepayers induced policing agents to be more vigilant, and to attempt to detect and arrest suspects at that time of day.

Some residents of the metropolis organised private policing agents in order to ensure adequate policing protection, especially before the establishment of the Metropolitan Police. They claimed that, without these private policing arrangements, suspects were not arrested and prosecuted. Witnesses were examined before the 1828 Select Committee on the Police of the Metropolis about private

¹²² Camden Local Studies and Archives Centre: P/LS/WA/1, Liberty of Saffron Hill Watch Committee Minutes, 1773-1805, entry for 27 February 1782.

¹²³ LMA: COL/CC/WPC/02/001, Watch and Police Committee Returns, 1827-31, 1831 return from Cornhill ward.

policing arrangements. It must be noted that Estcourt, the chairman of this Select Committee, and Peel, his mentor, orchestrated this Select Committee report to promote the necessity of policing reform. It is therefore unsurprising that they examined witnesses who confirmed that their private policing arrangements were inadequate, and that they would prefer a universal, publicly-funded police force. For example, Nathaniel Matthew, treasurer to an association for the prevention and prosecution of felonies in Tottenham, was asked, 'the state of police at present is not sufficient to prevent the depredations and crimes in your parish', and confirmed 'certainly not', later stating that 'the general opinion is, that there should be better protection'.¹²⁴ Matthew explained that the association was necessary because the parish constables did not provide adequate policing protection. Residents of other areas complained that, even if their parish was adequately policed, if a neighbouring parish was not, they were at risk of depredations and so a uniform police force throughout the metropolis was preferable.¹²⁵ While these assertions of inadequate and patchy policing provision, particularly on the outskirts of the metropolis, were orchestrated by the Select Committee to emphasise the necessity of policing reform, they undoubtedly reflected the variations in policing experience, and therefore arrests and prosecutions, in different areas of the metropolis.

Although the Metropolitan Police provided more uniform policing provision in London, the issue of local policing continued as a source of discussion. Among the criticisms levelled at the new Metropolitan Police, many residents stated that they believed that the Metropolitan Police officers were less effective than former policing agents, as they did not know the residents. The Metropolitan Police, unlike the former parochial watch systems and constables, was not under the control of the parish but was managed by the Metropolitan Police Commissioners, and overseen by the Home Department. Residents therefore had less control over, and less say in, policing practices. They suggested that the lack of personal relationships between police and policed meant that suspects were not detected and arrested as effectively as had formerly been the case in some areas. The six Marylebone vestrymen who presented their complaints about the new Metropolitan Police before the 1834 Select Committee stated of the Metropolitan Police Constables that 'their very mode of going about the streets, and our not knowing anything of their habits or persons, and not knowing how many there are, prevents the inhabitants from deriving any advantages from their services'.¹²⁶

A vestryman from St Saviour's, Southwark explained further the importance of the relationships between residents and policing agents, reporting that, 'I think it very fit the policeman should know the inhabitants, because I might see a very serious case happen, and if that man did not know me he

¹²⁴ BPP, HC, 1828, VI; *Report from the Select Committee on the Police of the Metropolis*, 1828, p. 207.

¹²⁵ *Ibid.*, testimony of John Williamson, constable of Acton, p. 219.

¹²⁶ BPP, HC, 1834, XVI; *Report from the Select Committee on the Police of the Metropolis*, 1834, p. 224.

very likely would not put confidence in what I should say'.¹²⁷ These witnesses suggested that close relationships between residents and policing agents ensured that suspects were detected and arrested effectively. Testimony from local residents reflected some aspects of the local reception of the Metropolitan Police. It is clear that many metropolitan residents saw their relationships with local policing agents as central to effective policing. Residents put pressure on their local policing agents to detect and arrest offenders for particular offences and some of the arrests made were based on the wishes of local residents. These residents and local government bodies continued to promote their autonomy in the face of centralised policing reform. They asserted that policing systems adapted to the local context were most effective in ensuring suspects were arrested. These local pressures affected numbers of arrests and prosecutions in the different localities of the metropolis.

The City of London

One particularly distinctive local area was the City of London, which experienced a parallel narrative of policing reform alongside the wider metropolis. Here local autonomy was particularly powerful, as residents and the City Corporation competed to provide the best policing provision. While some local residents sought independence in policing matters from the City Corporation, all parties agreed that City policing should be separate from the provision for the wider metropolis. In the 1830 'Report of the Sub Nightly Watch Committee', many of the witnesses examined agreed that, while the Metropolitan Police force was generally successful, the independent City policing forces would afford preferable and sufficient protection if enlarged and better funded. John Wontner, Keeper of Newgate Gaol, explained that 'there is not a more efficient set of men than the City Day Police, but their number is not sufficient for the extent of the City'.¹²⁸ This report reflects the reform agenda in the City context: the City Corporation pursued parallel but separate policing reform, culminating in the establishment of the City Police force in 1839. The City Corporation and residents asserted that a specific City police force was most effective at securing arrests in the City.

Witnesses called before Select Committees explained that the City was a distinctive area, which required specific policing systems. Alderman Venables, who was examined in 1837, stated that, 'we have in the city many warehouses containing immense quantities of goods', and 'I believe they would not be so secure from having their general chance of policemen sent from commissioners sitting in another part of the town'.¹²⁹ Alderman Thomas Wood also referred to the specific conditions in the

¹²⁷ BPP, HC, 1834, XVI; *Report from the Select Committee on the Police of the Metropolis*, 1834, p. 241.

¹²⁸ LMA: COL/CC/WPC/02/003, Watch and Police Committee Papers, 1827-39, *Report of Sub Nightly Watch Committee with a Proposed Plan for the Improvement of the Nightly Watch and Police of the City of London*, 1830.

¹²⁹ BPP, HC, 1837, XII; *Report from the Select Committee on Metropolis Police Offices*, 1837, p. 137.

City of London, and asserted that ‘a strange police never would get the command of it’.¹³⁰ He went on to suggest that the City watchmen are preferable to City residents because ‘a great deal of confidence arises from the circumstance of their being known’.¹³¹ Here, again, the importance of relationships between local residents and policing agents was asserted. Thomas Corney, deputy of Broad Street ward, was asked in 1837, in a clear example of a leading question, ‘it appears, then, that the inhabitants of your ward like the present system of nightly watching, better than the metropolitan system of police, because, in fact, the nightly watch of the ward may be more properly called a system of private constables for people who leave houses very much unprotected at night, and generally without any one in them, than a system of police in a large town’, which he confirmed.¹³² By the early nineteenth century, the population of the City was declining, but it continued to act as an important centre of business and trade, where goods were stored. These particular circumstances, residents and the City authorities asserted, meant that localised City policing practices, where policing agents were known, were preferable to anonymous and uniform metropolis-wide policing.

Residents were extremely concerned about the prospect of integrating City policing systems into the Metropolitan Police force. William Lambert Jones, a Common Councilman of the City Corporation, explained that, ‘the City has always been jealous of its ancient rights; I think there would be a vast deal of difficulty to extend it [the Metropolitan Police] beyond the city’s jurisdiction’.¹³³ The papers of the City Corporation’s Special Day Police and Night Watch Committee contain the report of a wardmote meeting held in Aldersgate ward in March 1838. The minutes stated that

this Meeting views with alarm the intention of Her Majestys [*sic*] Ministers to apply for an Act of Parliament for the purpose of placing the Police of this City under the Commissioners of the Metropolitan Police which if carried out will deprive the citizens of part of the rights and priviledges [*sic*] enjoyed by them for centuries, will tend to degrade this great and important City...¹³⁴

These sentiments reflect the strength of feeling about preserving City independence. Part of this was rhetoric in defence of the traditional autonomy of the City, but City residents also clearly believed that local policing was more effective for the detection and apprehension of suspects.

William Rayne, the clerk at Guildhall who was called before the Select Committee on ‘the Police of the Metropolis’ in 1822, claimed that ‘considering the great temptations there are for the commission of depredations in the City, and the comparatively few burglaries and other robberies, which are

¹³⁰ BPP, HC, 1838, XV; *Report from the Select Committee on Metropolis Police Offices*, 1838, p. 177.

¹³¹ *Ibid.*

¹³² *Ibid.*, p. 156.

¹³³ *Ibid.*, p. 111.

¹³⁴ LMA: COL/CC/WPS/02/003, Special Day Police and Night Watch Committee, 1838, Minutes of Aldersgate Wardmote, 5 March 1838.

committed within it, it may fairly be presumed that the police of the City is generally well regulated and attended to'.¹³⁵ Similarly, in 1837, Edward Tickner, deputy of Farringdon without ward asserted that 'with reference to the prevention of robberies, it [the City Police] does operate beneficially... there are less burglaries in the City of London than in other parts of the metropolis'.¹³⁶ These witnesses both suggested that the City Police was effective at preventing offences. However, some suggested that a more uniform policing system would be most effective, as the different jurisdictions within the City complicated policing practices. John Hawkins Elliot, a property holder in the City of London, explained that the watchmen 'may do their duty tolerably well in the ward; but the circumstances of their not being allowed to go out of their wards, offers a most material encouragement to crime'.¹³⁷ Elliot was concerned that suspects evaded apprehension by leaving the ward. However, the majority of local residents and those involved in City government examined before Select Committees suggested that City policing was broadly effective. They sought to protect the independence of City policing, and ensure that it was effectual at preventing offences and detecting suspects. Their interests were similar to those of residents of other parts of the metropolis, particularly asserting the importance of their personal relationships with policing agents in their local area. It was asserted that effective local policing led to successful arrests and prosecutions of offenders.

Conclusion

The evidence presented here from archival sources and Select Committee reports provides a fresh perspective on the policing reforms of the early nineteenth century. The accounts of policing agents and others involved in the criminal justice system reveal policing practices on the streets of the metropolis. Individual policing agents whose accounts are presented here had agency in negotiating their roles with the criminal justice authorities, and asserting that they continued to frequent flash houses and cultivate relationships with known offenders to discover information, against the views of reformers. Policing agents who had relationships with offenders were more likely to either arrest those whom they knew, or to accept bribes or information about other suspects not to arrest those whom they knew, and so they affected who was arrested and prosecuted. The theme of relationships between policing agents and suspects will be returned to in greater detail in the next two chapters, the latter of which examines repeat offenders, and the policing agents who arrested them. The evidence presented here shows that the actions of policing agents in making arrests shaped the record of criminal activity.

¹³⁵ BPP, HC, 1822, IV; *Report from the Select Committee on the Police of the Metropolis*, 1822, p. 73.

¹³⁶ BPP, HC, 1837, XII; *Report from the Select Committee on Metropolis Police Offices*, 1837, p. 142.

¹³⁷ BPP, HC, 1838, XV; *Report from the Select Committee on Metropolis Police Offices*, 1838, p. 142.

The evidence also highlights the vitality and variety of local policing systems, in the face of increasing pressures for centralisation, in the Westminster and Camden parishes and the City of London. Residents generally asserted that locally-based policing was the most effective, in both deterring criminal activity and ensuring the effective detection of suspects. The voices of residents and members of local government bodies, who witnessed policing on the streets of the metropolis, are valuable, albeit often refracted through the aims of Select Committee reports. These voices reflect continuities in local concerns over policing, and suggest that the establishment of the Metropolitan Police was not an inevitable development, nor the outcome of popular engagement with centralisation. Local enthusiasm for policing, and pressures placed on policing agents probably promoted arrests and prosecutions in the local area.

The archival sources and Select Committee reports reveal intense engagement with policing provision, among local residents, in local government and in central government. This was an era of intense scrutiny of policing provision in the metropolis, and these different bodies exerted pressures and expectations on policing agents. There were criticisms of, and also some praise for, the practices of different policing agents. The factors identified, such as rewards, relationships between policing agents and offenders and local policing practices affected who was arrested and prosecuted. The evidence presented here has provided an account of some of the reasons for arrests, such as knowledge of the offender, but also reasons why policing agents were sometimes reluctant to make an arrest, or neglectful of their duties. The next chapter continues the analysis of proactive policing revealed in the *Old Bailey Proceedings* and police court reports in newspapers between c.1816 and 1850. Chapter Five reveals that, in the context of the era of police scrutiny and reform presented in this chapter, the policing agents were under pressure to make proactive arrests, and so the proactive policing of suspicious persons became more important and more clearly defined into the mid-nineteenth century.

Chapter Five: Proactive policing: defendants and policing agents, 1816-50

Introduction

This chapter builds on Chapter Three and continues the analysis of proactive policing in the era of the debates over policing practices surveyed in Chapter Four. It examines the reasons that policing agents gave for their proactive arrests in the *Old Bailey Proceedings* and police courts reports in newspapers. It is the contention of this thesis that proactive arrests involved the exercise of discretion by policing agents, and that their actions contributed to the received record of criminal activity.

It may be recalled that the material relating to the proactive policing of suspicious persons was divided into two chapters at 1815 because the end of the Napoleonic Wars marked a dramatic increase in the number of trials at the Old Bailey. The end of war provoked widespread fears of growing criminal activity. There was also a growth in newspaper reportage of the proceedings of police courts in the 1810s. In analysing the period 1816-50 as a whole, this chapter challenges the logic of dividing studies before and after the establishment of the Metropolitan Police in 1829. Instead, it emphasises the striking continuities in proactive policing practices before and after the 'new police' was established, including in terms of the language used to describe the reasons for arrest, and the characteristics of those targeted by proactive policing agents. Although only a relatively small number of proactive policing cases have been identified compared with the number of cases in this period overall, it is apparent that proactive policing was a more significant phenomenon than the sources explicitly reveal. Since neither the *Old Bailey Proceedings* nor police court reports in newspapers provided verbatim accounts of trial proceedings, and the reasons for arrest were not always given, it is likely that many other cases featured proactive arrests. Furthermore, the activities of the individual proactive policing agents identified for detailed discussion suggest that this was a significant aspect of the policing role for many policing agents.

The analysis of proactive policing was also divided at this point because the Select Committee reports analysed in Chapter Four show that the 1810s marked the start of an era of intense scrutiny of policing practices. Despite broader continuities in proactive policing practices, there were also changes in the distinctive policing climate of 1816-50. Policing agents were increasingly expected to police proactively in an era of policing reform. This chapter argues that the language used to describe the reasons for arrest of suspicious persons gradually became more uniform in the 1810s and 20s, and after the establishment of the Metropolitan Police in 1829, as the emphasis of evidence presented by policing agents in court, and recorded in the *Proceedings* and newspaper reports shifted. The distinctive climate of debate and reform in the period between 1810 and 1839, discussed in the

previous chapter, also informed the growing uniformity of language relating to the policing of suspicious persons, which continued to be important under the Metropolitan Police.

By analysing both the *Old Bailey Proceedings* and police court reports in newspapers, this chapter shows that policing suspicious persons encompassed those accused of petty crimes, or misdemeanours, but also felony offences, particularly theft. As Chapter Three also identified, the suspicious persons arrested by proactive policing agents tended to be young men, mostly tried for theft offences, who were disproportionately likely to be found guilty. These individuals were clearly viewed by judges and juries as likely offenders, and this acted alongside evidence of the actual offence to secure convictions. These defendants conformed to, and in turn fuelled, wider criminal stereotypes. In making proactive arrests, policing agents shaped the records of those accused of misdemeanours and felonies in the courts of the metropolis as well as prevailing ideas about crime.

Methodology

The nature of the *Old Bailey Proceedings* and police court reports in newspapers were discussed at length in Chapter Three. All trials were reported in the *Old Bailey Proceedings*, although the level of detail varied. The nineteenth-century *Proceedings* were written for a legal rather than popular audience. They are therefore probably accurate, albeit sometimes dry accounts of the trial proceedings. However, the nature of this legal audience meant that the trial accounts were not necessarily concerned with the circumstances surrounding the arrest, but rather with the offence itself and the guilt or innocence of the accused. It is therefore likely that there are additional proactive cases that could not be identified from the accounts available. For this source, the collection method for proactive policing cases was identical to that set out in Chapter Three. Keyword searching was used, searching terms for policing agents in combination with terms relating to reasons for arrest. This method identified 515 proactive policing cases for the period 1816-50, and a spreadsheet was constructed with the same columns as outlined in Chapter Three.

This chapter also draws upon evidence from the reports of the proceedings of police or magistrates' courts in contemporary newspapers. These courts heard both misdemeanours, which were dealt with summarily by the magistrates or heard at quarter sessions, and felony cases, where the magistrate examined the evidence before the defendant was committed for trial at quarter sessions or the Old Bailey. Unlike the *Old Bailey Proceedings*, not all examinations at police courts were reported in newspapers. Instead, the cases reported were those that were seen as of interest to the public, and were written up in such a way as to intrigue and entertain a public audience. These reports were not intended to be comprehensive records of all the business heard before police courts.

Since there was an increase in police court reports in newspapers in the 1810s, it was not possible to read the police court reports from every year of the period under analysis, as was the case for the period between 1780 and 1815. Instead, the initial strategy used keyword searching, searching for a term for a policing agent (officer, constable or watchman) in combination with a reason for arrest, with 'police' in the document (section) title. The reasons for arrest were: 'having reason to suspect', 'suspicious appearance', 'loitering', 'lurking', 'persons of ill fame', 'well known character/s', 'suspicious character/s', 'indifferent character/s', 'infamous character/s', 'bad character/s', 'incorrigible rogue/s', 'reputed thief/thieves', 'notorious offender/s', 'noted thief/thieves', 'notorious thief/thieves', 'black guard', 'disorderly', 'known to (the) police' and 'old offender/s'. These terms were many of those used in the *Old Bailey Proceedings*, and additional terms identified through reading police court reports in newspapers. The terms were searched in *The Times* and *The Morning Post*, selected because they were consistently published across the period, and contained regular police court reports.¹ However, this yielded only 61 results. This small number of results reflects the wide variety of language used in proactive policing cases featured in police court reports, which involved unusual and different reasons for arrest not identified through keyword searching. Furthermore, the poor quality scanning and OCR used for online newspapers meant that not all possible results were yielded through keyword searching.

In order to collect more cases and ensure that the methodology was thorough, all reports under the heading 'Police' (including 'Police Intelligence') were examined in *The Times* and *The Morning Post* for 1816, 1820, 1825, 1830, 1835, 1840, 1845 and 1850. This methodology yielded 333 additional cases, bringing the total to 394. 186 of these were from *The Morning Post* and 208 from *The Times*. While the collection of cases analysed here therefore does not contain police court reports from every year, they are representative of proactive policing practices reported in newspapers across the period.

As part of the growth of police court reports in newspapers, from the 1810s, cases from a wide range of different police courts were reported. For the period 1780-1815, the vast majority of proactive policing cases identified were from Bow Street, which reflects in part the self-promotion of this court. By 1816, there was apparently wider public interest in the operation of all police courts across the metropolis, and this meant that more proactive policing cases were reported more regularly. By the 1850s, there were thirteen police courts across the metropolis, with 23 stipendiary magistrates, in addition to the two City of London Courts where the Lord Mayor and one of the Aldermen presided in rotation.² The cases identified for 1816-1850 were distributed across all these police courts. As

¹ See Chapter Three for a discussion of these newspapers.

² Davis, 'A poor man's system of justice', p. 311.

Durston noted, the new Metropolitan Police were dependent on close support from the police courts for their 'efforts to promote order and decorum on London's streets', and so there were close connections between the Metropolitan Police officers and sites of summary justice.³

It was important to examine two different newspapers (*The Times* and *The Morning Post*) because some cases were reported in one but not the other newspaper. On some occasions, identical reports of the same case appeared in different newspapers, suggesting that independent court reporters produced reports for multiple publications.⁴ However, examples have also been found of different reports of the same examination. Alfred Callow and George Mountjoy were examined at the Thames Police Office in April 1845 on suspicion of stealing a horse. It was reported in *The Morning Post* that policeman Edwin Diver 'met the prisoners with the horse, and that on receiving contradictory statements from them, he at once took them into custody'.⁵ In contrast, the report in *The Times* provided more detail about the reasons for arrest. It reported that Diver 'saw the prisoners about half-past 7 o'clock on the road... one was riding a mare, and the other leading... the constable suspecting the animal had been stolen, questioned Callen'.⁶ In addition to the inconsistencies in spelling of the defendants' names, the report in *The Times* stated clearly that the police constable suspected that the horse had been stolen and this prompted his extensive questioning of the defendants. While this report provided more detail, it is important to note, however, that neither report explicitly explained why the officer believed that the horse was stolen. This example highlights some of the challenges and variations in the newspaper reporting of proactive policing cases, and demonstrates the importance of a close reading of the material.

Cases reported in both the *Old Bailey Proceedings* and newspapers

Some cases were also reported in both police court reports in newspapers and the *Old Bailey Proceedings*. These were felony cases, where the defendant was examined before a magistrate before they were committed for trial at the Old Bailey. Analysis of the cases reported in both sources shows that there was consistently a different level of detail reported across the two sources. For example, while many newspaper reports contained evidence of the reasons why policing agents were suspicious of the defendants, this information could be omitted from the report of the trial in the *Proceedings*. This is indicative of the different purposes of the two sources, and also the different stages of the

³ Durston, *Burglars and Bobbies*, p. 134.

⁴ For example, identical reports of the examination of Charles Perry and Elizabeth Hill at Marlborough Street in *The Morning Post*, 29 July 1845 and *The Times*, 29 July 1845; see Devereaux, 'From sessions to newspaper', p. 6, which argued that the examples of identical Old Bailey trial accounts in different newspapers show that there were independent court reporters.

⁵ *The Morning Post*, 8 April 1845.

⁶ *The Times*, 8 April 1845.

criminal justice system they related to. At the initial hearing before a magistrate, policing agents were required to explain their reasons for suspicion and justify the arrest, whereas at the trial at the Old Bailey, they were required to identify the defendant, and to prove that they were guilty. The different level of reporting in the two sources contrasts with the early period, where newspaper reports were almost uniformly more brief, and provided less detail than the accounts in the *Proceedings*.⁷

At the examination of Peter Jackson and John James at Bow Street on suspicion of stealing geese and fowls, the report in *The Morning Post* explained that officer Upton 'saw them [the defendants] proceeding at a quick pace across the fields... this circumstance, together with that of their smockfrocks appearing very bulky, induced him, on their arrival in the New Road, to apprehend them'.⁸ The account of the trial in the *Proceedings* is very brief, with Upton only stating that 'I took the two prisoners into custody, with the property on them, quite warm'.⁹ It must be reiterated that neither source was a verbatim account of the court proceedings, so we cannot be certain of the actual statements made by the policing agent in either case.¹⁰ However, the differences in the two statements from officer Upton demonstrate the contrasting role that he played in the two courts. At Bow Street, he had to justify why he stopped and arrested the defendants, whereas at the Old Bailey, where the victim testified first that he had lost the property, Upton merely needed to confirm the identity and guilt of the defendants.

In several cases, the *Old Bailey Proceedings* did not report that the policing agent said that they were suspicious that an offence had been or was about to be committed because they recognised the defendant, but the police court report did. Thomas Brown and Joseph Bradshaw were examined at Bow Street, under suspicion of stealing a pig, and it was reported in *The Times* that 'the prisoners were recognised as well-known characters, and strongly suspected to have stolen other pigs' by the watchmen who arrested them.¹¹ In contrast, when the case went to trial at the Old Bailey, one of the watchmen, Joseph Hales, merely stated that, 'I saw the two prisoners driving the pig out of Mr. Ward's premises; they had got about fifty yards, and I laid hold of one, and the other watchman the other'.¹² He did not state his knowledge of the character of the defendants. This difference in reporting may partly reflect the different audience of the two sources: court reports in newspapers tended to use more descriptive and engaging language than the *Proceedings* to entertain a popular audience, and

⁷ See Chapter Three.

⁸ *The Morning Post*, 28 October 1816.

⁹ *OBPO*, October 1816, trial of John Gaines and Peter Jackson (t18161030-98).

¹⁰ See Chapter Three.

¹¹ *The Times*, 15 November 1816.

¹² *OBPO*, December 1816, trial of Thomas Brown and Joseph Bradshaw (t18161204-62).

so phrases such as ‘well-known characters’ were appealing. In the *Proceedings*, it was more important that the guilt of the defendants was clearly proved.

Even in cases where the testimony from the policing agent was reported in much more detail in the *Old Bailey Proceedings* than in the newspaper account, the language of knowledge of the defendants was often omitted. At the trial of Samuel Perkins for simple larceny, Police Constable Henry Turpin gave detailed evidence of his investigation and pursuit of the defendant in the Old Bailey:

About seven o'clock on the evening of the 15th Dec. I was on duty in Bell-alley, Goswell-street, and saw the prisoner with another man—the prisoner was carrying these four paper parcels—I watched and followed them to No. 11, Parson's-court, Bell-alley—they both went in there, and I followed them in—I asked the prisoner where the parcels were—he said, "What parcels?"—he had not got them then—I looked round and saw them in a large basket close to the door—I took the prisoner into custody—the other man ran away.¹³

In the report in *The Morning Post* of the examination of Perkins at Marlborough Street, Turpin's ‘reason for suspecting and watching the prisoner was because he knew him and his companion to be bad characters’.¹⁴ Turpin's allegation about the defendant's character was omitted from the detailed account in the *Old Bailey Proceedings*. We cannot know whether these words were spoken at court, and omitted from the written account, or not spoken at all, but these omissions also at least partially reflect the influence of the regular presence of lawyers at Old Bailey trials from the early nineteenth century.¹⁵ Their presence discouraged the use of pejorative comments on the character of defendants, and encouraged only factual and formal information to be given in evidence.¹⁶ However, comments on the character of defendants were used freely by policing agents in magistrates' courts, and were reported in newspapers.

These examples of the different levels of detail reported across the two sources reflect the different purposes of the two types of trial account, at different stages in the criminal justice system. They also show the fundamental under-reporting of proactive policing arrests of suspicious persons particularly in the *Proceedings*. There were probably far more cases that involved proactive policing that were not identified in police court reports in newspapers and the *Old Bailey Proceedings* through the methodology employed here because the reasons for arrest were not explicitly stated in the accounts.

¹³ *OBPO*, December 1845, trial of Samuel Perkins (t18451215-208).

¹⁴ *The Morning Post*, 17 December 1845.

¹⁵ See King, *Crime, Justice and Discretion*, p. 228: by 1800, between a quarter and a third of prisoners at the Old Bailey had counsel.

¹⁶ John H. Langbein, *The Origins of the Adversary Criminal Trial* (Oxford, 2003), pp. 190-1.

Proactive policing, despite the relatively small number of cases identified here, was clearly a significant practice for policing agents in metropolitan London.

Features of proactive policing cases

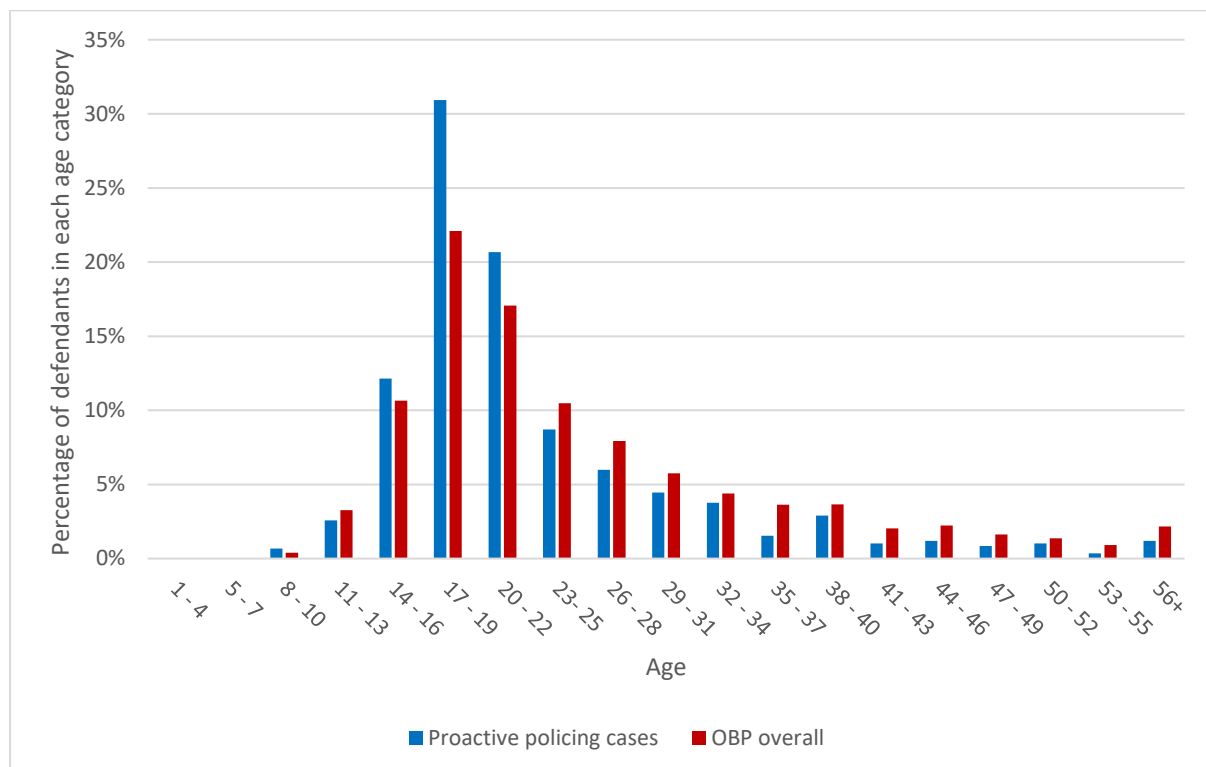
Statistical analysis of the proactive policing cases identified in the *Old Bailey Proceedings* and contemporary newspapers reveals some distinctive features of these cases, and suggests that those arrested by proactive policing agents conformed to certain criminal stereotypes. As was also the case for the earlier period, those arrested by proactive policing agents on suspicion were more likely to be male than other defendants. 89.3 per cent of defendants in the collection of proactive policing cases from the *Old Bailey Proceedings* were male, compared with 79.4 per cent of defendants in all cases tried at the Old Bailey in this period. In the period 1780-1815, 90.6 per cent of defendants in the proactive policing cases were male, demonstrating continuities in those typically targeted by proactive policing agents. Among the police court cases identified in newspapers, 84.9 per cent involved male defendants. Unfortunately, due to the lack of surviving police court records, this percentage cannot be compared with the proportions of male and female defendants in all police court cases in this period. This proportion of male defendants is lower than that identified in the *Old Bailey Proceedings* partly because of the high incidence of offences such as vagrancy, which many women were charged with. It is also lower than the proportion of male defendants in the newspaper cases for 1780-1815, which was 95.8 per cent. The lower figure for the later period therefore represents the greater range and diversity of offences identified. However, overall, those arrested by proactive policing agents were predominantly male across both sources.

In terms of the age of defendants arrested by proactive policing agents, there was a higher proportion of defendants aged between 14 and 22 in the collection of proactive policing cases, compared with all defendants in Old Bailey cases between 1816 and 1850. This tendency towards younger defendants was also identified for the earlier period in Chapter Three. This pattern is illustrated by graph 5.1, which shows the ages of defendants in the proactive policing cases compared with all defendants tried at the Old Bailey between 1816 and 1850. The ages are grouped at three-year intervals, and each category is shown as a percentage of the total number of defendants with stated ages tried at the Old Bailey in this period. It must be noted that the ages recorded were not necessarily wholly accurate, and that ages were not recorded for all defendants.¹⁷ Ages were only recorded for those defendants found guilty until the late 1830s, when ages were also inconsistently reported for defendants found not guilty. Despite these limitations, it is clear that defendants aged 14-16, 17-19 and 18-20 were over-represented in the proactive policing cases, while defendants in all brackets over age 23 were under-

¹⁷ See Chapter Three for a more detailed discussion of the limitations of age data.

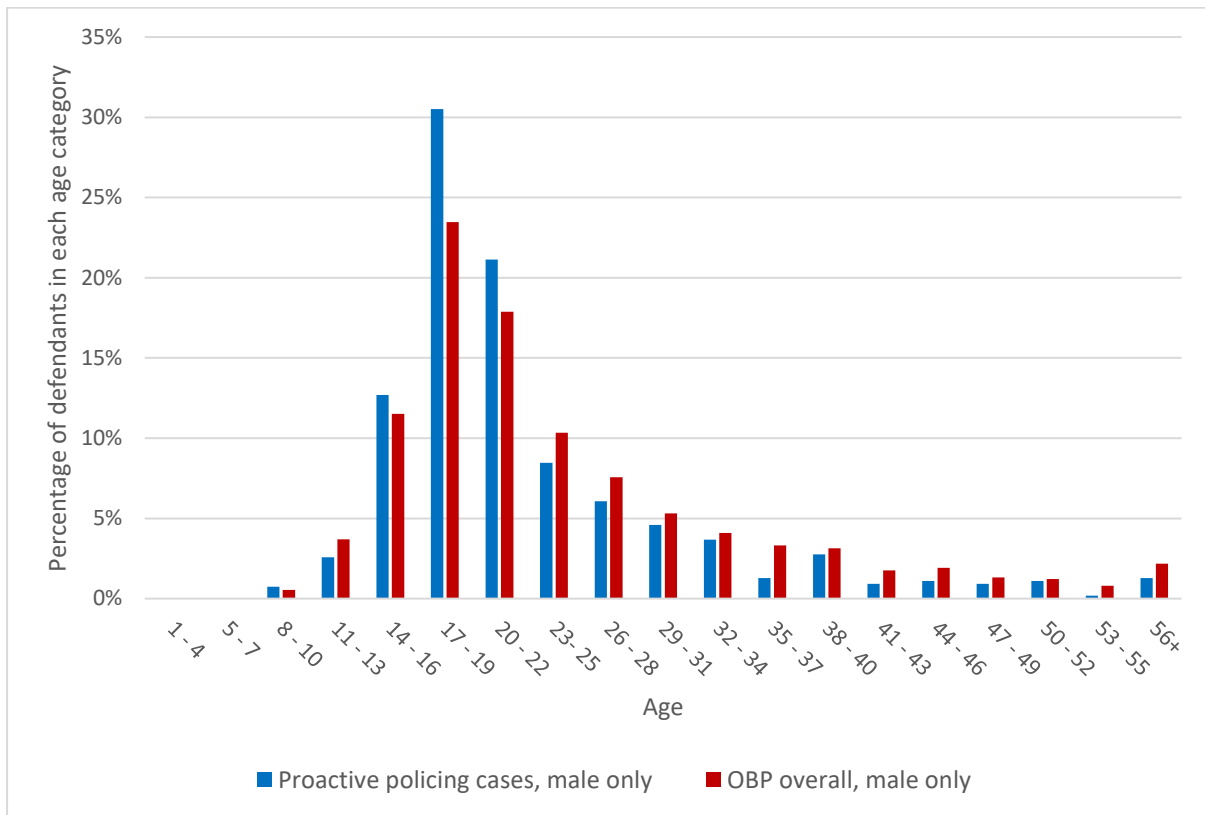
represented compared with all those tried at the Old Bailey in this period. This suggests that those seen as suspicious on the streets of metropolitan London were disproportionately young men. The median age among the proactive cases was 20, whereas among all Old Bailey cases in this period, the median was 22. This data also reflects a continuing concern with juvenile delinquency, which was seen in the cases from 1780-1815, but the proportion of juveniles in the proactive arrests from this later period was slightly lower.

Graph 5.1: Comparing the ages of defendants (grouped at three-year intervals) in proactive policing cases with all those tried at the Old Bailey, presented as percentages of the total number of defendants in each dataset, 1816-50. Total number of proactive policing case defendant ages: 585; total number of Old Bailey Proceedings defendant ages: 64293.



The same pattern is clearly shown when the 41 female defendants with recorded ages are removed from the analysis (see graph 5.2). These patterns are similar to those shown in the age data from the period between 1780 and 1815, where proactive policing defendants were over-represented in the age category 17-19, and under-represented in the categories over the age of 23. This shows continuities in those identified as suspicious by proactive policing agents. Unfortunately, the police court reports in newspapers only very infrequently provided information on the ages of defendants, and so this kind of statistical analysis was not possible for that evidence. However, it seems clear that those arrested as suspicious on the streets of metropolitan London were typically young men.

Graph 5.2: Comparing the ages of male defendants (grouped at three-year intervals) in proactive policing cases with all male defendants tried at the Old Bailey, presented as percentages of male defendants in each age category, 1816-50. Total number of proactive policing case male defendant ages: 544; total number of Old Bailey Proceedings male defendant ages: 51726.



The vast majority of proactive policing cases were theft offences. 96.8 per cent of the proactive policing cases identified in the *Old Bailey Proceedings* were for theft offences, compared with 86.8 per cent of all cases tried at the Old Bailey between 1816 and 1850. This is an even higher proportion than that for 1780-1815, when 93.3 per cent of proactive policing cases were theft trials. As we have seen, theft was the easiest offence to detect on the streets of the metropolis, and many of the cases involved reports that the defendant was carrying a ‘bundle’. Among the police court reports in newspapers, the most common offence identified was again theft, which accounted for 53.8 per cent of the cases identified, but there were also a range of other offences that occurred frequently among the proactive policing cases. These included offences relating to being drunk and disorderly, damage to property, begging and vagrancy offences, which included suspicion of intent to commit felony (which could lead to theft charges). This reflects the diversity of cases that appeared before police courts, and the proportion of theft cases was similar for the period between 1780 and 1815. The wide range of cases impacted upon the language used by policing agents to describe their reasons for arrest: a more diverse range of terms were used to express suspicious behaviour in police court reports, which will be discussed below.

Those arrested by proactive policing agents on suspicion of having recently committed, or being about to commit, an offence were disproportionately likely to be found guilty. 89.5 per cent of proactive policing cases in the *Old Bailey Proceedings* returned guilty verdicts, compared with 78.7 per cent in all Old Bailey cases in this period.¹⁸ This is a higher proportion than for the period 1780-1815, when 81.8 per cent of proactive policing cases returned a guilty verdict. The evidence given by policing agents was clearly increasingly effective at securing convictions in proactive policing cases over time. The examinations at police courts resulted in a variety of different outcomes: some cases were judged summarily, while some defendants were remanded for further examination before being discharged, or being committed for trial. Of the cases identified here, 39.3 per cent were punished summarily (fined or imprisoned), 10.4 per cent discharged, 22.8 per cent remanded for further examination and 24.9 per cent committed for trial. Although it is not straightforward to identify the proportion of guilty verdicts with this variety of outcomes, only 10.4 per cent were discharged outright, which suggests a high level of at least suspected guilt. Among the cases from 1780-1815, only 6.0 per cent were discharged outright. It seems that those who were viewed as suspicious on the streets of London by proactive policing agents, and against whom evidence of an offence was discovered, were likely to have their cases taken to trial. Proactive policing agents therefore contributed to the record of criminal activity.

Types of proactive policing agent

In terms of the types of policing agents responsible for proactive policing, different patterns can be detected before and after the establishment of the Metropolitan Police in 1829. It can be challenging to identify the specific types of policing agents responsible for proactive arrests, as the terminology used was not always precise. It seems that, before 1829, 'officers' were responsible for the highest number of proactive policing cases from the *Old Bailey Proceedings*, and then watchmen, constables and patrols in similar proportions (see table 5.1). 'Officer' is the most problematic policing agent term: it was used to refer to officers attached to magistrates' courts, but also parish constables, patrols and City of London policing agents.¹⁹ As in Chapter Three, there were few Thames Police officers, marshals and parish officers responsible for proactive policing, which reflects the small numbers of these agents and their limited roles in proactive policing. Among the proactive policing cases identified in police court reports in newspapers, patrols featured more than any other type of policing agent (in 30.0 per cent of cases). This probably, in part, reflects some self-promotion of Bow Street and its officers, since 41.7 per cent of these were identified specifically as Bow Street patrols. The

¹⁸ This includes part-guilty verdicts, where defendants were found guilty of a lesser offence.

¹⁹ See Chapter Three for a discussion of the ambiguities of language used to describe policing agent types.

proportions of the other types of policing agent were similar to those identified in the *Old Bailey Proceedings*, with officers (26.6 per cent), constables (20.0 per cent) and watchmen (20.0 per cent) responsible for making proactive arrests before the establishment of the Metropolitan Police. These proportions were similar to those identified for the earlier period, reflecting continuities in proactive policing practices.

Table 5.1: Categories, descriptions of terms and proportions of policing agents in the collection of proactive policing cases from the Old Bailey Proceedings, 1816-29.

Term	Description	% of policing agents in the collection
Constable	Parish or ward (City of London) constable.	19.7%
Marshalman	City of London official.	0.5%
Officer	Officer attached to a magistrates' court, or other policing agent.	27.7%
Parish officer	Included headborough, beadle, street keeper and unspecified parochial officers.	8.5%
Patrol	Included those organised by Bow Street and the City of London, and by wards and parishes.	16.0%
Thames Police	Included Thames Police constables, surveyors and inspectors, established in 1798.	5.3%
Watchman	Parish or ward (City of London) watchman.	21.3%
Total number of cases involving policing agents		188

After the establishment of the Metropolitan Police, Metropolitan Police Constables were responsible for most proactive arrests in the cases from the *Old Bailey Proceedings* (see table 5.2). Ambiguous language was also used here: some identified themselves as a 'policeman' or 'police officer', which does not make their rank within the police clear. It is assumed that most of these were Police Constables. This ambiguous language was frequently also used in police court reports in newspapers, but it is clear that Metropolitan Police Constables were responsible for the majority of proactive policing cases brought before magistrates' courts after 1829 (60.7 per cent of policing agents).

Table 5.2: Categories, descriptions of terms and proportions of policing agents in the collection of proactive policing cases from the Old Bailey Proceedings, 1830-50.

Term	Description	% of policing agents in the collection
Constable	City of London, or outskirts of metropolis in areas outside Metropolitan Police district.	4.0%
Officer	Officer attached to a magistrates' courts, or City of London officers.	3.1%
Parish officer	Includes headborough, beadle, street keeper and unspecified parochial officers.	0.6%
Patrol	City of London or outskirts of metropolis, organised by parishes.	1.8%

Thames Police	Includes Thames Police constables, surveyors and inspectors, established in 1798.	0.6%
Watchman	City of London or outskirts of metropolis, organised by parishes.	2.5%
Superintendent of Police	Superintendents in areas outside the Metropolitan Police district.	0.6%
Police Constable	Metropolitan or City of London Police Constable.	63.0%
Police Sergeant	Metropolitan or City of London Police Sergeant.	7.7%
Policeman	Imprecise term; mostly refers to Metropolitan or City of London Police Constables, but also other officers and constables.	12.5%
Police Officer	Imprecise term; mostly refers to Metropolitan or City of London Police Constables, but also other officers and constables.	1.2%
Police Inspector	Metropolitan or City of London Police Inspector.	2.5%
Total confirmed cases involving Metropolitan Police Officers		73.2%
Total number of cases involving policing agents		327

Among Metropolitan Police officers, many were identified by their district and beat number, which allows for an analysis of the number of proactive policing agents from each district. This shows some variation in districts across the two sources, which probably reflects the variations in reporting of cases in the two sources (see graph 5.3 and figure 5.1).²⁰ The statistics for the City of London relate to officers of the City Police force established along the lines of the Metropolitan Police in 1839, and the high number of cases from the City reflects the fact that it was very intensely policed compared with the wider Metropolitan Police district. The City Police force, which was responsible for policing an area of roughly one square mile, consisted of 500 constables in 1839, compared with the 3,000 Metropolitan Police constables in 1830, who policed a far larger area that extended twelve miles in each direction from Charing Cross in the centre of London.²¹ This high number of policing agents explains the high number of proactive arrests identified in the City. There were originally 165 officers in each of the 17 Metropolitan Police districts (the Thames police district was included in 1839).²² Assuming that the additional officers who were subsequently employed were spread more or less evenly across the divisions, this means that fluctuations in the number of proactive policing cases between divisions related to different levels of proactivity, rather than different numbers of individual police officers in each division.²³

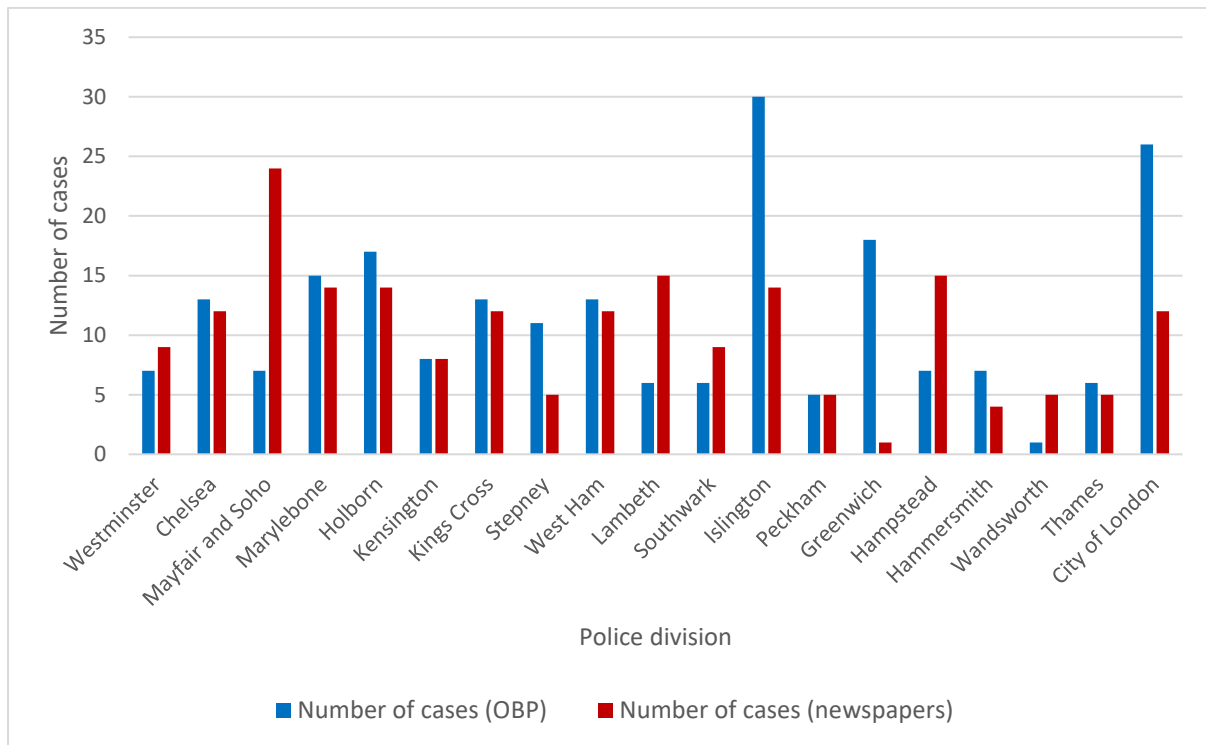
²⁰ Note that the sizes of the circles in figure 5.1 are roughly proportionate to the number of cases involving proactive policing agents identified in each division.

²¹ Harris, *Policing the City*, p. 151; Paley, 'An imperfect, inadequate and wretched system?', p. 115.

²² Critchley, *A History of Police*, p. 51.

²³ *Ibid.*, p. 54 states, for example, that by May 1830, the whole force had expanded to 3,300 men.

Graph 5.3: Number of cases featuring police officers identified with each Metropolitan Police division and the City of London in proactive policing cases in the *Old Bailey Proceedings* and police court reports in newspapers, 1830-50. Total number of OBP cases: 216; total number of newspaper cases: 195.



It is notable that the districts with high numbers of proactive arrests are not necessarily those that one would expect to have witnessed high numbers of crimes. Shore argued that certain areas of the metropolis became defined as ‘criminal districts’ in the early nineteenth century, particularly the slums in the Metropolitan Police districts of Westminster, Holborn, Southwark, Stepney and Thames.²⁴ These districts did not noticeably dominate the proactive policing cases identified in the *Old Bailey Proceedings* or police court reports in newspapers, although there were a reasonably high number of arrests in Holborn. It is particularly unexpected that there were high numbers of arrests in some more affluent areas, such as Mayfair and Soho, Islington and Hampstead. These statistics show that policing practices, and incidences of proactive policing varied across the different divisions of the Metropolitan Police. It is likely that the high numbers of cases in some of these areas demonstrate the agency of individual police officers, who chose to police proactively, as discussed in detail below.

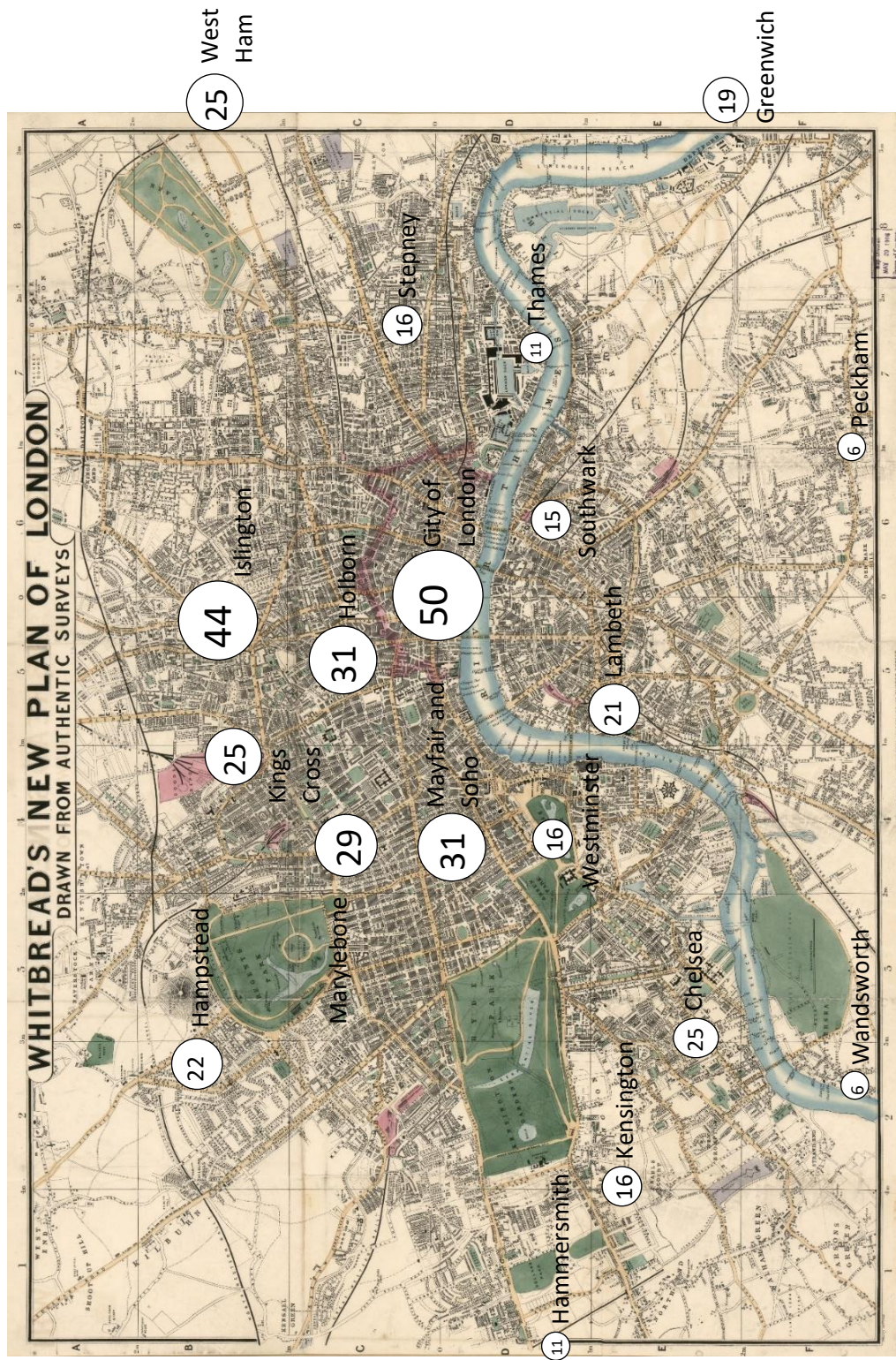
One of the prolific proactive policing agent examples discussed below, George Kemp, worked in Islington, and this partially accounts for the high numbers of police officers identified with Islington in the proactive policing cases in the *Old Bailey Proceedings*. He was involved in five of the thirty cases identified with Islington. Similarly, Police Constable John White was involved in three of the 18 proactive policing cases identified in the Greenwich division. While these proactive individuals were

²⁴ Shore, ‘Mean streets’, p. 153.

responsible for relatively small proportions of cases, other officers in these divisions may also have been motivated by the proactive behaviour of their fellow officers. It may also have been the case that senior officers encouraged proactive policing practices among their constables in particular divisions, which contributed to the high numbers of proactive arrests in divisions such as Islington, Greenwich and Holborn. Alongside the variations in frequency, the spread of proactive arrests identified in both sources across all of the Metropolitan police districts shows that there was some uniformity of policing practices under the Metropolitan Police. As the *Instructions to the Force* set out, policing suspicion persons was part of the expected role for all Metropolitan Police officers.²⁵ This evidence demonstrates that some individual policing agents proactively followed this guidance throughout the metropolis.

²⁵ For a discussion of the *Instructions to the Force*, see Chapter Two.

Figure 5.1: J. Whitbread, William Jeffreys and Millard Fillmore, 'Whitbread's New Plan of London, Drawn from Authentic Surveys', 1853, Wikimedia Commons, https://commons.wikimedia.org/wiki/File:Whitbread%27s_new_plan_of_London_-_drawn_from_authentic_surveys_LOC_2015591076.jpg. Annotated to show the distribution of proactive policing cases identified from each Metropolitan Police division and the City of London, 1830-50.



Particularly proactive policing agents

It is clear that proactive policing was a significant aspect of the policing role for many different types of officers. To examine this in greater detail, some examples of particularly proactive agents have been identified (see table 5.3). These examples will be used to explore the variety of policing agents who were responsible for proactive policing, and their policing practices. Although the proactive policing cases identified in the *Old Bailey Proceedings* and newspapers were only a small proportion of the total number of cases tried in this period, these policing agents viewed proactive policing as a significant part of their policing duties. These examples suggest that there were probably many other proactive arrests, but that these were not reported in enough detail in the available records to be identified. These policing agents were initially selected because they appeared more than twice in the collection of proactive policing cases in the *Old Bailey Proceedings*. Further investigation has yielded additional cases for these policing agents. These cases included those in which the policing agent's job title was not explicitly stated, or where unusual language to describe the reasons for arrest was used, and so they were not identified in the initial keyword searching process. Generally, the challenges of keyword searching in online newspapers meant that searching for these names in newspaper reports yielded few relevant results. The policing agents were also selected as representative of the range of policing agent types called to give evidence at the Old Bailey and in police courts.

Table 5.3: Proactive policing agents and their Old Bailey cases.

Name, role and dates of policing agent	No. of proactive cases	Total no. of cases	% proactive cases
Henry Morgan, watchman and patrol, 1817-28	10	16	63%
George Kemp, watchman and later Metropolitan Police Constable, 1825-47	79	140	56%
William Forty, Thames Police Surveyor and later Inspector, 1825-42	5	9	56%
William Henman, City Constable or officer, 1826-35	8	26	31%
Charles Hawkes or Hawker, Metropolitan Police Constable and later Sergeant, 1835-48	6	18	34%

Henry Morgan was identified in 16 cases at the Old Bailey between 1817 and 1828, as a watchman and patrol.²⁶ The roles of watchman and patrol were connected, as both were employed by parish or ward watch committees. Patrols were officers who either patrolled in the evening before the setting of the watch at 9pm or 10pm, or who monitored the watchmen and patrolled overnight. It could be that Morgan moved between these roles, or that the language he used to describe his role was not

²⁶ See *OBPO*, September 1817, trial of Thomas Hobbs (t18170917-68), where Morgan was identified as a watchman in Clerkenwell, and *OBPO*, February 1819, trial of John Williams and William Jones (t18190217-41), where Morgan was identified as a patrol.

precise. Although Henry Morgan seems a common name, the trials that he was involved in were all connected with the area around Clerkenwell and Smithfield Market, so we can be fairly certain that this was the same individual. Of the 16 cases that Morgan was a witness in at the Old Bailey, he was in a proactive policing role in ten cases. This suggests that proactive policing was a significant aspect of his policing role.

Another example that reflects the ambiguities of language used to describe policing agent roles was William Henman. Henman was identified as a City of London constable and officer in 26 cases at the Old Bailey between 1826 and 1835. Eight of these were proactive policing cases, and 18 were 'reactive' cases. Since all of the reported offences took place in the City of London, it seems fairly clear that this was the same William Henman. At the trial of Robert Fisher in December 1826, Henman first identified himself as 'a patrol' in Cripplegate ward in the City of London.²⁷ By 1828, he identified himself as a constable, also in the City of London, and in 1830 as a special constable.²⁸ Finally, in 1835, he described himself as a City policeman.²⁹ These changing policing roles also illuminate Henman's changing policing career, as he performed different policing roles in the City of London.

Some parish policing agents continued their careers under the Metropolitan Police. George Kemp started his policing career as a watchman in 1825, but, by 1832 had joined the Metropolitan Police as a Police Constable, which we know was a relatively common pattern.³⁰ Kemp was the most active policing agent identified in this study: he appeared in 79 proactive and 61 reactive policing cases at the Old Bailey between 1825 and 1847. These cases were all in the area around Shoreditch and Hoxton, so it is plausible that this was the same individual. In 1825, Kemp first appeared at the Old Bailey as a watchman near Worship Street, and in 1827 as a watchman of Shoreditch.³¹ In 1831, he was identified as a 'policeman' and a 'police-officer', which probably meant that he was a Metropolitan Police Constable.³² In April 1832, he was first identified as Police Constable N82 (Islington division), and he continued to be identified regularly with this beat number.³³ As Reynolds explained, many former parish watchmen were employed as Metropolitan Police Constables when the Metropolitan Police force replaced parish policing. She acknowledged the high turnover in the early years of the Metropolitan Police, writing that 'it is impossible to say how many of these early recruits from the

²⁷ *OBPO*, December 1826, trial of Robert Fisher (t18261207-14).

²⁸ *OBPO*, April 1828, trial of James Court and Joseph Krelle (t18280410-15); *OBPO*, April 1830, trial of Charles Bidmead (t18300415-170).

²⁹ *OBPO*, August 1835, trial of William Hoyle (t18350817-1788).

³⁰ Reynolds, *Before the Bobbies*, p. 153.

³¹ *OBPO*, May 1825, trial of Thomas Brown and John Eyre (t18250519-14); *OBPO*, May 1827, trial of James Reynolds (t18270531-150).

³² *OBPO*, February 1831, trial of Richard Moxam (t18310217-240); *OBPO*, December 1831, trial of Robert Folks (t18311201-41).

³³ *OBPO*, April 1832, trial of Thomas Purfleet (t18320405-213).

parish forces managed to make enduring careers in the force, but a wholesale replacement of personnel should certainly not be assumed'.³⁴ Kemp did make an 'enduring career' in the Metropolitan Police force, as he served until the end of his life. At the trial of John Hays and William Richardson in September 1847, it was reported that 'George Kemp being dead, his deposition was read as follows'.³⁵ The deposition stated that Kemp watched the defendant Hays until he saw him take a flask from a shop window, showing that he continued to be a proactive policing agent until his death.

Some of the proactive policing agents identified progressed to the higher ranks of the Metropolitan Police, although it is unsurprising that the majority identified were Police Constables, since they were the officers primarily responsible for patrolling the streets of the metropolis. Charles Hawker or Hawkes appeared in the *Old Bailey Proceedings* in six proactive and 12 reactive policing cases between 1835 and 1848. In September 1835, Hawker was identified as Police Constable D106; D division was Marylebone.³⁶ By 1842, he had become a Police Sergeant, but remained in Marylebone division, so is probably same individual.³⁷ Hawker's example also highlights some of the challenges of identifying policing agents, as the spelling of his name was not consistent across the trials that he was involved in.

William Forty, the final proactive policing agent to be discussed, also rose through the ranks of police officers, but in his case in the Thames Police. The Thames Police was established in 1798, and in 1839 was integrated as a division of the Metropolitan Police Force. Thames Police officers had different titles from other policing agents and Forty was a Thames Police Surveyor in 1825, and by 1842, he became a Thames Police Inspector.³⁸ Forty appeared in five proactive and four reactive policing cases at the Old Bailey between 1825 and 1842, and his example is valuable as policing the river area involved different policing practices from the rest of the metropolis. These duties included monitoring those who came and went from ships moored on the river, and suspicious activity in boats on the River Thames. This was an area of continuity, as the Thames Police officer explored in Chapter Three, William Clark, referred to monitoring individuals viewed as suspicious who were leaving ships moored on the river.³⁹

These five policing agents were selected as broadly representative of the variety of policing agents involved in making proactive arrests in the *Old Bailey Proceedings* and newspapers. It must be noted

³⁴ Reynolds, *Before the Bobbies*, p. 153.

³⁵ *OBPO*, September 1847, trial of John Hays and William Richardson (t18470920-2132).

³⁶ *OBPO*, September 1835, trial of Timothy Leary and John Hanlon (t18350921-1984).

³⁷ *OBPO*, January 1842, trial of William Fowler (t18420131-774).

³⁸ *OBPO*, April 1825, trial of Daniel Thomas Preston (t18250407-64); *OBPO*, November 1842, trial of Henry Gaines and John Riley (t18421128-91).

³⁹ See Chapter Three, discussion of William Clark.

that their policing vigilance was probably exceptional. However, it is possible that there were many other proactive arrests not recorded in the surviving records. The high number of cases that these policing agents were involved with provide valuable evidence, and will be used as the primary examples to explore and explain the language used to describe proactive policing practices in Old Bailey trials and at police courts. These police officers used their discretion to choose who to arrest on the streets of the metropolis. Their actions shaped patterns of arrests and prosecutions.

The language of proactive policing

The language used to describe the reasons for proactive policing arrests was remarkably similar among the Metropolitan Police officers as for former policing agents throughout the period between 1780 and 1850. The policing agent examples show that proactive policing continued to be a significant aspect of the policing role for some policing agents throughout the period under analysis.

However, there were some changes in the language used, which indicates that the practices of policing suspicious persons became more uniform over this period. For example, the terms 'loitering' and 'lurking' were both used with proportionately increasing frequency in the cases identified between 1816 and 1850 in the *Old Bailey Proceedings*, compared with the cases identified in the previous 35 years. These terms were first used in vagrancy legislation: the 1752 Vagrancy Act required policing agents to apprehend 'all suspicious persons they shall find lurking and loitering about'.⁴⁰ 'Loitering' was used more commonly than 'lurking' in instructions and legislation in this period; in particular, it was used in the Metropolitan Police *Instructions to the Force* and later Metropolitan Police orders.⁴¹ 'Loitering' became part of the phrase 'loitering with intent' (to commit felony) in the later nineteenth century, although 'intent to commit felony' was used from 1792 in vagrancy legislation.⁴² The evidence discussed in Chapter Two revealed that ideas of those who constituted suspicious persons, and how they should be policed, became clearer and more defined over time through successive Vagrancy Acts and in the Metropolitan Police instructions. In the nineteenth century these documents increasingly provided more specific descriptions of behaviour that was identified as 'suspicious', such as carrying housebreaking tools or goods suspected to be stolen. 'Lurking' and 'loitering', however, are vaguer and less precise terms, and it is unclear why these terms were used with increasing frequency over 50 years after they were first used in legislation. It is apparent, though, despite their vagueness, that they were recognised to specifically denote criminal behaviour.

⁴⁰ 25 Geo II, c. 36 (1752), 'An Act for the better preventing Thefts and Robberies, and for regulating Places of public Entertainment, and punishing Persons keeping disorderly Houses'; see Chapter Two.

⁴¹ TNA: MEPO 8/1, *Instructions to the Force*, p. 56; TNA: MEPO 7/11, Metropolitan Police Orders, February 1845 - September 1846, order issued on 15 Sept 1845.

⁴² 32 Geo III, c. 53 (1792), 'An Act for more effectual Administration of the Office of a Justice of the Peace'.

There was also a certain shift in emphasis of policing agents' reasons for arrest, as policing agents appeared less likely over time to state the character of the defendant as a reason for their arrest at the Old Bailey. In the cases identified in the *Old Bailey Proceedings*, the character of the defendant was stated as part of the description of the reason for arrest on 38 occasions between 1780 and 1815 (23.0 per cent of the proactive cases for that period), and on 39 occasions for the cases identified between 1816 and 1850 (7.6 per cent of the proactive cases for that period). There was clearly a proportionate decline in describing the character of the defendant. This suggests that, by the later 1810s, there was an expectation for more precise language to be used in court to describe the reasons for arrest, and that comments about the character of the defendant were less significant. This pattern partly reflects the role of policing agents in Old Bailey trials, as they were required to identify the defendant, and attest to their guilt, rather than comment on their character. However, since this had always been the case, it may also be that lawyers, increasingly present at Old Bailey trials from the early nineteenth century, discouraged pejorative comments on the character of defendants, and encouraged only factual evidence about the circumstances of the offence. However, these comments on the character of defendants may have been made in court, but not reported in the *Proceedings*, as they were seen as less significant for a legal audience.

This was not the case in newspaper reports, where reporters and editors felt free to use more colourful and pejorative language to describe the character of defendants, and policing agents were often testifying about their suspicion before evidence from victims and other witnesses had been collected. While the *Old Bailey Proceedings* had a mainly official audience, police court reports in newspapers aimed to intrigue and entertain a popular audience. The term 'suspicious' was only used once to describe the character of defendants in the police court reports identified in newspapers in this period, although it was used more frequently in the *Proceedings* (on 20 occasions in the proactive policing cases). Instead, in the 69 cases where the character of defendants was described in newspaper reports, a variety of other terms were used. These included 'notorious' or 'bad' 'character' or 'thief', as well as more idiosyncratic terms such as 'an old hand in that line' and 'a regular smasher', which referred to someone involved in coining and forgery.⁴³

In general, the language used varied between the *Old Bailey Proceedings* and police court reports in newspapers. This was mostly because a much wider range of offences was heard at police courts, and so a wider range of behaviour was identified as suspicious by policing agents. 'Lurking' and 'loitering' were only very infrequently used in newspaper reports throughout the period 1780-1850. For misdemeanours such as vagrancy or being drunk and disorderly or 'furious driving', the suspicious

⁴³ *The Times*, 4 August 1840; *The Morning Post*, 15 October 1835.

behaviour detected by the policing agent was the offence itself. While the language used in the *Old Bailey Proceedings* was formalised over the period, a range of different behaviours and comments on the character of defendants continued to be made in police court reports in newspapers.

The language used to describe reasons for arrest was divided into the same categories for this analysis as in Chapter Three. The categories are: knowledge of the defendant, character of the defendant, evidence of carrying objects, suspicious behaviour, and information about the vigilance of policing agents. The following analysis is divided into these categories, although there is some overlap between them. Many of these reasons for arrest denoted activities that were viewed as outside normal, law-abiding behaviour. Those who were 'loitering', 'lurking', running away, walking up and down outside a shop, or carrying a large or unusual object were viewed as suspicious because they were seen as acting outside the parameters of conventional behaviour. This analysis uses examples from the proactive policing agents identified above and additional examples to explain how this language was used to describe reasons for arrest of suspicious persons on the streets of metropolitan London. These reasons for arrest were used by policing agents to justify their arrests in court, and to suggest to the jury and judge that the defendant was guilty.

Knowledge of defendant

In police court reports in newspapers and the *Old Bailey Proceedings* proactive policing agents explained that they arrested defendants because they recognised or knew them. For example, at the examination of John Stuart at Bow Street in 1825 on suspicion of pickpocketing, constable Macdonald reported that 'he saw the prisoner amongst the crowd, and knowing him, kept his eye upon him', until he saw him 'run against Mr Oliver', the victim, to pick his pocket.⁴⁴ Policing agents often reported that, because of their knowledge of a defendant, they watched them. City Constable George Cheney stated at the trial of Robert Penny at the Old Bailey in 1837 that, 'I saw the prisoner lurking about Mr Gash's shop, in the Old Jewry - he saw me, and went up Cheapside—I knew him before, and followed him, and saw something in his pocket', which he suspected to have been stolen.⁴⁵ Here the policing agent was also recognised by the defendant, who attempted to evade arrest. In most of these cases, it is not explicitly explained whether the policing agents recognised the defendants as inhabitants of their local area, or whether they specifically knew them to be previous or suspected offenders. In these examples, however, the implications were that knowledge of the defendants was specifically connected with knowledge of their bad characters.

⁴⁴ *The Times*, 23 April 1825.

⁴⁵ *OBPO*, April 1837, trial of Robert Penny (t18370403-1090).

In some of the cases featuring the proactive policing agents, it seems that they recognised the defendants, and used this to identify them in court, but did not necessarily connect this knowledge with comments on their character. The particularly proactive policing agents identified frequently explained their knowledge of the residents of the local area in which they operated. Their knowledge and experience contributed to the acceptance of their testimonies in court, and credited their accounts of suspicion among judges and juries. At the trial of Sarah Wilkinson and Ellen Hartnett in 1826, Morgan testified that although he did not arrest the defendants, he had seen them with the victim, from whom they were accused of stealing money, and he knew them well. He was asked ‘you knew the prisoners, and are sure they are the women?’, and replied, ‘yes; I have been a patrol in that parish eleven years – I have known one of the prisoners from a child, and the other six or twelve months – my business calls me to Newgate market, and I frequently saw them walking there’.⁴⁶ Morgan does not explicitly state here that his knowledge of the defendants was knowledge that they were likely to be capable of committing offences; instead, he merely recognised them as local residents of the area that he policed. George Kemp also recognised defendants. At the trial of William Parton in 1835, he explained that he met the defendant with a fowl in his hand, and ‘knowing him, I stopped him, and asked where he got it’.⁴⁷ Kemp’s knowledge of Parton and his character was used as a clear justification for stopping him in the street.

However, unsurprisingly, Kemp was also recognised by defendants. At the trial of Thomas Lane and John Chapman in 1837, he explained that,

my attention was drawn to the prisoners—I saw Lane standing at the corner of Queen-street, and Chapman right opposite the prosecutor’s shop—I knew they knew me, and went round a different way—I watched them for a quarter of an hour, and saw them cross to the shop several times in company together—I then saw Lane leave the other prisoner, cross to the shop, and draw something from the window.⁴⁸

This example shows how being recognised could be a challenge for policing agents, as Kemp had to hide himself in order to detect the defendants committing an offence. Even if the policing agent did not explicitly state that he knew the defendant, some defendants were recognised in court. George Kemp arrested Thomas Swindle on suspicion of pickpocketing, and at his examination at the Mansion House in 1846, *The Morning Chronicle* reported that, ‘the Lord Mayor, who perceived that the prisoner was a regular professional thief, committed him to trial for the two charges, in order to get rid of him

⁴⁶ *OBPO*, October 1826, trial of Sarah Wilkinson and Ellen Hartnett (t18261026-25).

⁴⁷ *OBPO*, January 1835, trial of William Parton (t18350105-427).

⁴⁸ *OBPO*, February 1837, trial of Thomas Lane and John Chapman (t18370227-833).

for some time from the streets of London'.⁴⁹ Policing agents justified their arrests by explaining that they recognised defendants, and magistrates readily committed defendants known to them to trial.

Policing agents not only recognised defendants, but also the places that they were likely to frequent. For example, William Forty, a Thames Police Surveyor, explained at the trial of Daniel Thomas Preston in 1825 that, 'I was watching a house in Great White Lion-street, Seven Dials, which I knew to be kept by a receiver of stolen goods. I saw the prisoner go in with a bundle under his arm – I asked him what he had got'.⁵⁰ Forty's knowledge of criminal networks and places where offenders took stolen goods enabled him to make this arrest. These conscientious policing agents also knew the working patterns of the areas that they policed, which allowed them to detect suspicious behaviour readily. City officer William Henman reported in 1828 that he was passing a warehouse, and 'hearing the door shut too [sic], and knowing the men had left work, I looked through the board, and saw the prisoner shutting the door – this bundle was lying down by his side'.⁵¹ Henman explained here that his knowledge of the area meant that he was suspicious when he heard a noise in the warehouse outside of the normal working hours. These examples demonstrate how local knowledge was used by policing agents to inform their arrests.

One of the criticisms levelled at the new Metropolitan Police by residents was that they were less acquainted with the communities that they policed than former parish policing agents. These complaints, raised in Select Committee reports, were discussed in Chapter Four. However, the cases analysed here suggest that Metropolitan Police officers were just as likely as other policing agents to express knowledge of the defendant as a reason for making an arrest. In the cases from the *Old Bailey Proceedings* between 1816 and 1850, there were 57 references to knowledge of defendant, of which 25 definitely related to Metropolitan Police officers (some used ambiguous terms such as 'policeman'). Similarly, in the police court reports in newspapers, there were 49 references to knowledge of the defendant in this period, of which 30 related to Metropolitan Police officers. This evidence demonstrates that some policing agents used their knowledge of those whom they policed to inform their arrests, and explain their reasons for arrest in court. These explanations were significant, as they convinced judges, magistrates and juries of the identity and likely guilt of the defendants.

⁴⁹ *The Morning Chronicle*, 11 November 1846; see also *OBPO*, November 1846, trial of Thomas Swindell (t18461123-24).

⁵⁰ *OBPO*, April 1825, trial of Daniel Thomas Preston (t18250407-64).

⁵¹ *OBPO*, December 1828, trial of John Mahoney (t18281204-126).

Character of defendant

Frequently, policing agents stated that they recognised defendants because of their known bad character, and they used a variety of terms to express this. Officers Harrison and Clarke stated that when they arrested Joseph Johnson, James Cummings and John Clarke in May 1816, the defendants were ‘found prowling about the streets’, and ‘they were recognised by the different officers as reputed thieves and pickpockets’.⁵² The defendants were charged under vagrancy legislation with being rogues and vagabonds. At the trial of James Langshaw and George Littleton in 1830, Police Constable William Alloway stated that, ‘I saw some suspicious characters, and concealed myself opposite to where this linen was hanging - I saw the two prisoners get up to the line - they took this article, and jumped down; I followed, and took them about forty yards from the spot’.⁵³ It is not explicitly stated whether Alloway knew the accused, or merely suspected them to be ‘suspicious characters’, but clearly this was important motivation for his pursuit.

In some cases, the defendant was not recognised, but their companion or companions were identified as persons of ‘bad character’, and this was sufficient to arouse suspicion. William Henman, City Constable, testified at the trial of John Blanchard at the Old Bailey that he saw the defendant carrying some cloth, and ‘a man who is of a suspicious character’ walking behind him.⁵⁴ He followed them, and arrested Blanchard when he dropped the cloth and attempted to run away. A variety of factors probably aroused Henman’s suspicion: Blanchard was carrying a large length of cloth and attempted to dispose of it and run away when noticed by Henman. However, Henman’s statement about the proximity of the man of ‘suspicious character’ was doubtless used to convince the jury and judge that this defendant was connected with individuals of dubious character and he was found guilty. City Police Constable William Cornwell’s suspicion was aroused by the defendant Samuel Jacobs, whom he saw trying to pick pockets in 1839. Cornwell explained at the trial at the Old Bailey that ‘there was the matter of twenty or twenty five thieves all round Mr Sutton [the victim] at the time, who could receive any thing from him – I know them to be thieves’.⁵⁵ When asked, ‘do you mean to say the prisoner is a reputed thief’, he replied that, ‘I do not know him – I never saw him before – but the parties I saw about him I knew to be reputed thieves’. The association of the defendant with known offenders was used by Cornwell to justify his arrest, and likely contributed to the guilty verdict returned.

In newspaper reports, a wider range of terms were used to describe the character of defendants. At the examination of Thomas Watkins, Thomas Coles and Richard Napp at Bow Street in 1826, officer

⁵² *The Times*, 3 May 1816.

⁵³ *OBPO*, December 1830, trial of James Langshaw and George Littleton (t18301209-126).

⁵⁴ *OBPO*, December 1831, trial of John Blanchard (t18311201-21).

⁵⁵ *OBPO*, November 1839, trial of Samuel Jacobs (t18391125-5).

Marchant reported that, 'he observed the Prisoners in Newgate-street, and knowing them to be bad characters watched them', as they attempted to pick pockets.⁵⁶ Defendants Charles Perry and Elizabeth Hill were described by a Police Constable at their examination at Marlborough Street for pickpocketing as known 'to belong to the superior class of thieves'.⁵⁷ His knowledge of their characters prompted this Police Constable to watch the defendants for 'three or four days', until he detected them picking a pocket.⁵⁸ Other terms used to describe the character of defendants included 'dissolute characters', which related to three unnamed girls examined at Marlborough Street in 1835.⁵⁹ John Fuller, who was arrested for vagrancy by a constable in 1826, was described as 'the most incorrigible little rascal ever known'.⁶⁰ Another term commonly used for character was 'notorious': Police Constable Robert Andrews stated that he knew defendants William Harding and Thomas Jones 'to be notorious thieves' when he arrested them in 1845.⁶¹ All these terms were used to explain why policing agents arrested certain individuals, and to justify their arrests in court. The wide range of terms used in police court reports in newspapers suggests that these reporters felt free to use engaging and strong language to describe defendants to engage their popular audience, whether or not the policing agents themselves used it.

It is significant to note that the terms identified here were also used by private individuals, primarily the victims of crimes, to describe suspects whom they detected. This reflects the fact that these terms and descriptions were part of a shared language of suspicious behaviour and popular understanding of crime. For example, Martha Free, victim of a robbery in her shop in February 1830, stated at the trial of William Harris for the offence at the Old Bailey that she 'had had the prisoner pointed out to me several times before, as a very suspicious person', and that she called 'stop thief' when she noticed him in her shop and he was arrested by an officer.⁶² Her use of the term 'suspicious person' demonstrates this common understanding of the language of suspicion, and her knowledge that, by using this term, she would help to secure the conviction of Harris for the offence. At the trial of Peter Monnagan and Timothy Riley for theft in 1825 at the Old Bailey, a witness, Samuel William Hart, shop-keeper, stated that the defendants brought stolen property to him to sell, but that he tried to refuse because he knew Monnagan 'to be a bad character'.⁶³ The character of defendants was described by private individuals and policing agents at their trials, and this justified arrests and contributed to

⁵⁶ *The Morning Post*, 16 March 1826.

⁵⁷ Case reported in both *The Morning Post*, 29 July 1845 and *The Times*, 29 July 1845.

⁵⁸ *Ibid.*

⁵⁹ *The Times*, 11 April 1835.

⁶⁰ *The Morning Post*, 2 September 1826.

⁶¹ Case reported in both *The Morning Post*, 29 November 1845 and *The Times*, 29 November 1845.

⁶² *OBPO*, February 1830, trial of William Harris (t18300218-80).

⁶³ *OBPO*, December 1825, trial of Peter Monnagan and Timothy Riley (t18251208-172).

convincing juries that defendants were guilty and securing convictions. It reflects a shared language of suspicion, connected with the terms used in legislation and instructions issued to policing agents, which was used in courts.

Carrying objects

Since the most common offence detected by proactive policing agents in both police court reports and the *Old Bailey Proceedings* was theft, many policing agents in these cases reported that their suspicions were aroused by defendants carrying objects. The most common term used was 'bundle', and the Metropolitan Police instructions specified that each Metropolitan Police Constable should stop and examine persons who they saw 'carrying a bundle or goods, which he suspects were stolen' at night time.⁶⁴ Clearly not everyone carrying objects on the streets of London was viewed as suspicious, and so the time of day, place and other circumstances would influence whether these defendants were stopped by policing agents. Proactive City police officer William Henman reported at the trial of William Hill in 1830 that, 'I heard a door shut, and the prisoner immediately ran by me very fast, with a bundle under his arm - it excited my suspicion'.⁶⁵

Defendants carrying stolen objects frequently attempted to conceal them. Metropolitan Police Sergeant Goff reported at the examination of Thomas Hardy and Edward Smith at Lambeth Street Police Office in 1850 that he arrested them, because he had 'a knowledge of their character, and observing that they had something bulky in their pockets and about their persons'.⁶⁶ 'Bulky' was also used by private individuals to describe their reasons for suspicion in Old Bailey trials. Shop assistant Edward Simpson reported that he was suspicious that Ann Lambert had stolen cloth from his master's linen drapery because he 'perceived something bulky under her shawl'.⁶⁷ This shows that 'bulky' was part of a common language of suspicion used to describe criminal activities.

The proactive policing agents identified frequently reported detecting defendants with suspected stolen goods. Charles Hawkes, Metropolitan Police Constable, reported at the trial of Sarah Pavey in 1838 that he saw her 'loitering about', and an hour later, 'saw the prisoner coming down Devonshire-mews East, and it not being a thoroughfare, I stopped and looked at her—I saw she had something under her shawl, and asked what she had there'.⁶⁸ He discovered that she had two pots hidden, and arrested her. In 1842, he reported that he arrested William Fowler, who he saw 'had something under

⁶⁴ TNA: MEPO 8/1, *Instructions to the Force*, p. 50; see also Chapter Two.

⁶⁵ *OBPO*, April 1830, trial of William Hill (t18300415-86).

⁶⁶ *The Times*, 18 October 1850.

⁶⁷ *OBPO*, February 1840, trial of Ann Lambert (t18400203-590).

⁶⁸ *OBPO*, December 1838, trial of Sarah Pavey (t18381231-430).

his jacket'.⁶⁹ Similarly, Police Constable George Kemp stopped Nathaniel Jones in January 1832, and 'opened the prisoner's apron, and asked what he had got in it'.⁷⁰ He found a jar containing tobacco, which had been stolen from a tobacconist's shop. Kemp reported at the trial of Thomas Purfleet in 1832 that he 'saw the prisoner in company with several notorious thieves, with something under his jacket – he gave it to another boy, and made off; I stopped the boy'.⁷¹ These cases demonstrate that there were often other factors, such as knowledge of the character of the defendant or their associates, or the area in which they were detected, which aroused suspicion. These factors informed the policing agent's suspicions that the defendant was carrying stolen goods, and were stated to justify their arrests and imply that the defendant was guilty.

Suspicious behaviour

Proactive policing agents frequently explained their suspicions by describing the behaviour of the accused. They used terms that would be understood by the court and members of the public to relate to criminal offences in order to justify their arrests, and secure convictions. It is important to note that many individuals probably behaved suspiciously on the streets of the metropolis, so there were undoubtedly additional factors, such as the clothing or appearance of the suspect, which we do not have evidence of but contributed to the reasons for arrest. As identified above, two of the most common words used to describe suspicious behaviour were 'lurking' and 'loitering', and these were used with increasingly frequency in this period. Constable Thomas Thompson explained at the trial of George Watson in 1817 that he and a fellow officer 'saw the prisoner, with two more, loitering about', and followed them until they witnessed the prisoner stealing from a boy.⁷² Proactive policing agent Charles Hawker reported at the trial of John Watson and Robert Mason at the Old Bailey in 1838 that he 'first saw them about ten minutes past eight o'clock loitering about in Oxford-street', and that he had been watching them over the course of the evening because of their suspicious behaviour.⁷³ As we have seen, another term commonly used to describe suspicious behaviour was 'lurking'. At the trial of William Austin at the Old Bailey in 1816, patrol Thomas Thompson reported that,

I saw the prisoner and two other lads lurking about several shops, and attempting them in Clerkenwell, on the evening of the 3rd of this month; at length they came to the prosecutor's shop, and after lurking about it for a long time, the other two boys went in; they all three separated, and went away. I observed the prisoner had something, and I stopped him. and I found this piece of beef in his apron.⁷⁴

⁶⁹ *OBPO*, January 1842, trial of William Fowler (t18420131-774).

⁷⁰ *OBPO*, February 1832, trial of Nathaniel Jones (t18320216-216).

⁷¹ *OBPO*, April 1832, trial of Thomas Purfleet (t18320405-213).

⁷² *OBPO*, July 1817, trial of George Watson (t18170702-49).

⁷³ *OBPO*, May 1838, trial of John Watson and Robert Mason (t18380514-1238)

⁷⁴ *OBPO*, February 1816, trial of William Austin (t18160214-107).

'Lurking' and 'loitering' appear to have been used to describe those who were walking or standing on the streets of the metropolis in such a way that aroused suspicion, without obvious lawful purpose.

'Loitering' and 'lurking' also permeated popular understandings of criminality, and were used by private individuals who were witnesses at the Old Bailey. Both terms were in common usage in the nineteenth century, and while 'loitering' appears to have had generally criminal associations, 'lurking' was used more widely in literary sources to describe those who were hiding.⁷⁵ It was clearly accepted, however, that both terms could be used to denote criminal behaviour, and both were used frequently for this purpose in court reports. Samuel Gwynn, a boot-maker, reported at her trial at the Old Bailey in 1830 that he saw defendant Ann Read 'lurking about' the shop that he worked in, before she was stopped by an officer for stealing a pair of boots.⁷⁶ Similarly, John Davis reported at the trial of James Vaughan and Robert Jackson in 1821 that he saw the defendants 'loitering about' the victim's premises, and told his son to keep watch on them. He then saw them running from the victim's shop with some fenders and gave them into custody.⁷⁷ These examples illuminate a common language of suspicion: witnesses used 'lurking' and 'loitering' as these terms were recognised by judges and juries as denoting criminal behaviour.

In addition to 'lurking' and 'loitering', other vague terms were used to express behaviour that was viewed as suspicious. At the trial of John Roberts at the Old Bailey in 1824, officer Thomas Shelswell reported that he apprehended the defendant early one morning, 'supposing all was not right', and found stolen goods on him.⁷⁸ He did not explain why he believed that 'all was not right', but the implication was that this related to criminal activity. Constable Joseph Cadby reported at the trial of John Mason and James Cluff at the Old Bailey in 1818 that the prisoners' 'conduct excited my suspicion', and he continued to watch them until they went into a shop and emerged with a stolen umbrella.⁷⁹ These descriptions show the imprecise ways in which policing agents expressed the suspicious behaviour that they detected on the streets of the metropolis.

There were also more readily-identifiable forms of behaviour that were viewed as suspicious by proactive policing agents. These included running away from them. At the examination of John Jones at Marylebone Police Office in 1845, Police Constable John Woodrow reported that 'he saw the prisoner and another come over a wall at the back of Albert-street and run off as fast as their legs

⁷⁵ *Nineteenth Century Collections Online*, <http://gdc.galegroup.com/gdc/ncco/> [accessed 21 November 2017], searched for all texts with 'lurking', and separately 'loitering' in entire document, between 1816 and 1850.

⁷⁶ *OBPO*, January 1830, trial of Ann Read (t18300114-246).

⁷⁷ *OBPO*, April 1821, trial of James Vaughan and Robert Jackson (t18210411-169).

⁷⁸ *OBPO*, May 1824, trial of John Roberts (t18240603-38).

⁷⁹ *OBPO*, September 1818, trial of John Mason and James Cluff (t18180909-245).

could carry them'.⁸⁰ He pursued them and they were charged with burglary. Proactive policing agent William Henman reported at the trial of Charles Collington at the Old Bailey in 1833 that he 'saw the prisoner running, and stopped him with this boot in his hand', which was stolen.⁸¹ George Kemp also perceived walking up and down as suspicious behaviour. He arrested Aaron Aaron for stealing carriage wheels in 1833: he reported at the Old Bailey that the defendant was 'walking backwards and forwards', and looking around him to wait for an 'opportunity' to take the wheels away undetected.⁸² These abnormal movements on the streets were viewed as denoting suspicious behaviour.

A vast range of behaviours were identified as suspicious in newspaper reports, because of the variety of cases that were heard at police courts. Policing agents reported that defendants were 'prowling' about, and an unnamed defendant was arrested for 'lolling on a lamp-post and reconnoitring a house' that he allegedly planned to burgle.⁸³ Noises also aroused the suspicion of policing agents, especially if it was the 'singular sort of noise' (presumably of grave-digging) detected by a policeman who arrested George Robins and William Jones on suspicion of body snatching in 1830.⁸⁴ Descriptions of suspicious behaviour were often imprecise: Police Sergeant Wright reported at Lambeth Police Court at the examination of William Heatherton for robbery in 1845 that he 'suspected, on seeing him [Heatherton] approach the house, that his intentions were dishonest', and waited until he emerged from the house to arrest him.⁸⁵ These examples demonstrate the wide range of behaviour viewed as suspicious by policing agents who testified at police courts. They used a common language of suspicion, and also statements about the unusual circumstances that they witnessed, in order to explain their reasons for arrest before magistrates. These descriptions of behaviour, alongside evidence of the offence, were generally effective at securing convictions of these defendants.

Time of arrest

Policing agents and private individuals reported that they were particularly suspicious of certain behaviour, and certain individuals, in the evening and at night. Thus the time of day of arrest is a striking feature of the proactive policing cases identified. This evidence suggests that policing agents responded to the instructions, and wider perceptions that warned them of night-time crime, and also contributed to popular perceptions that there was more crime at night, because of their arrests. As explored in Chapter Two, policing provision and legislation was intensely focussed on the dangers of crime at night. A constable saw Edward Lowe and William Jobbins in a passage at an 'unseemly hour'

⁸⁰ *The Morning Post*, 25 October 1845.

⁸¹ *OBPO*, January 1833, trial of Charles Collington (t18330103-76).

⁸² *OBPO*, April 1833, trial of Aaron Aaron (t18330411-87).

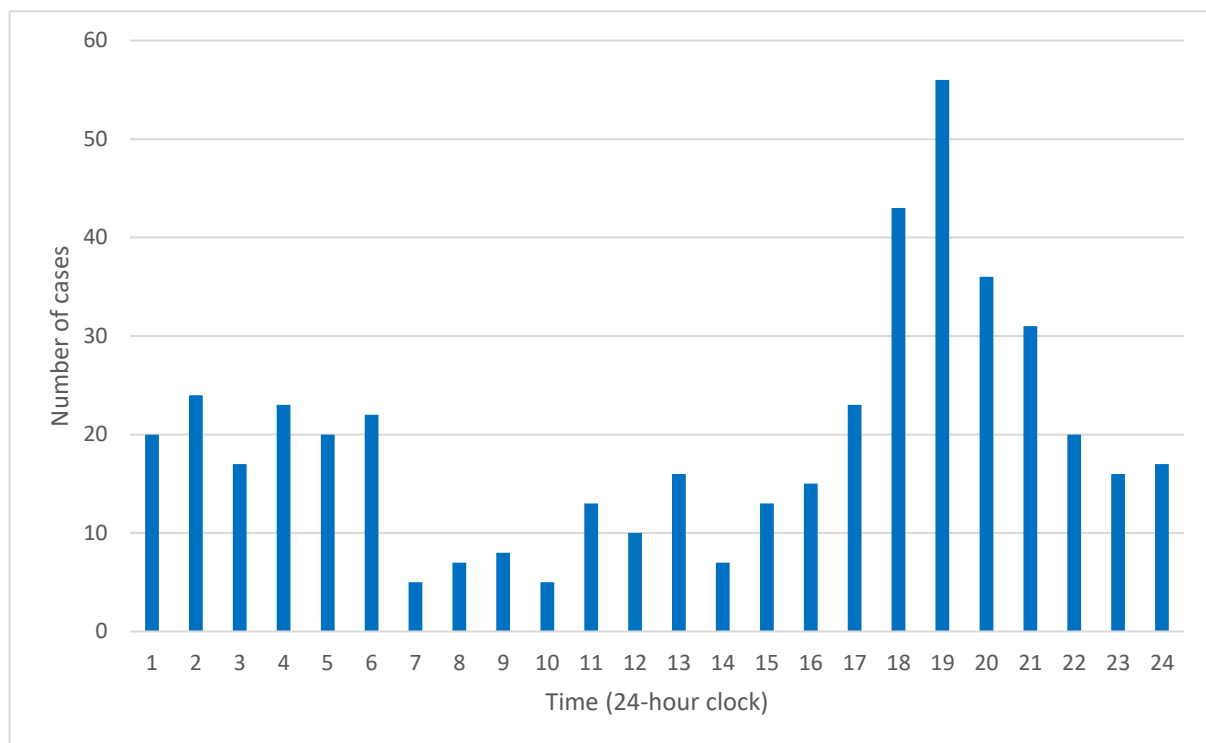
⁸³ *The Times*, 3 May 1816; *The Morning Post*, 14 December 1821.

⁸⁴ *The Times*, 24 August 1830.

⁸⁵ *The Times*, 19 May 1845.

in 1790 (the precise time is not given), and explained at their trial at the Old Bailey that ‘it would have been decent in the day, but at night there was no such necessity’ for them to be there.⁸⁶ The time of day reported for the detection of suspicious behaviour, or the arrest of the defendant, in the set of proactive policing cases from the Old Bailey was examined. A precise time of day was given in 466 of the cases across the whole period (1780-1850). Others often merely recorded that it was ‘morning’ or ‘evening’, and these were discounted.⁸⁷ The times given by the hour were categorised according to the 24-hour clock.

Graph 5.4: Number of cases with arrests recorded at each time of day in proactive policing cases in the Old Bailey Proceedings, 1780-1850. Total number of cases: 466.



As one would assume, this shows that, although some proactive policing did take place throughout the day, few arrests on suspicion of criminal activity took place during the middle of the day. Looking in more detail, it is striking that a high number of arrests in these Old Bailey trials took place between 17:00 and 22:00 (see graph 5.4). These cases account for 40.5 per cent of the total number with recorded times. A graph displaying these times was overlaid with times for dawn, sunrise, sunset and

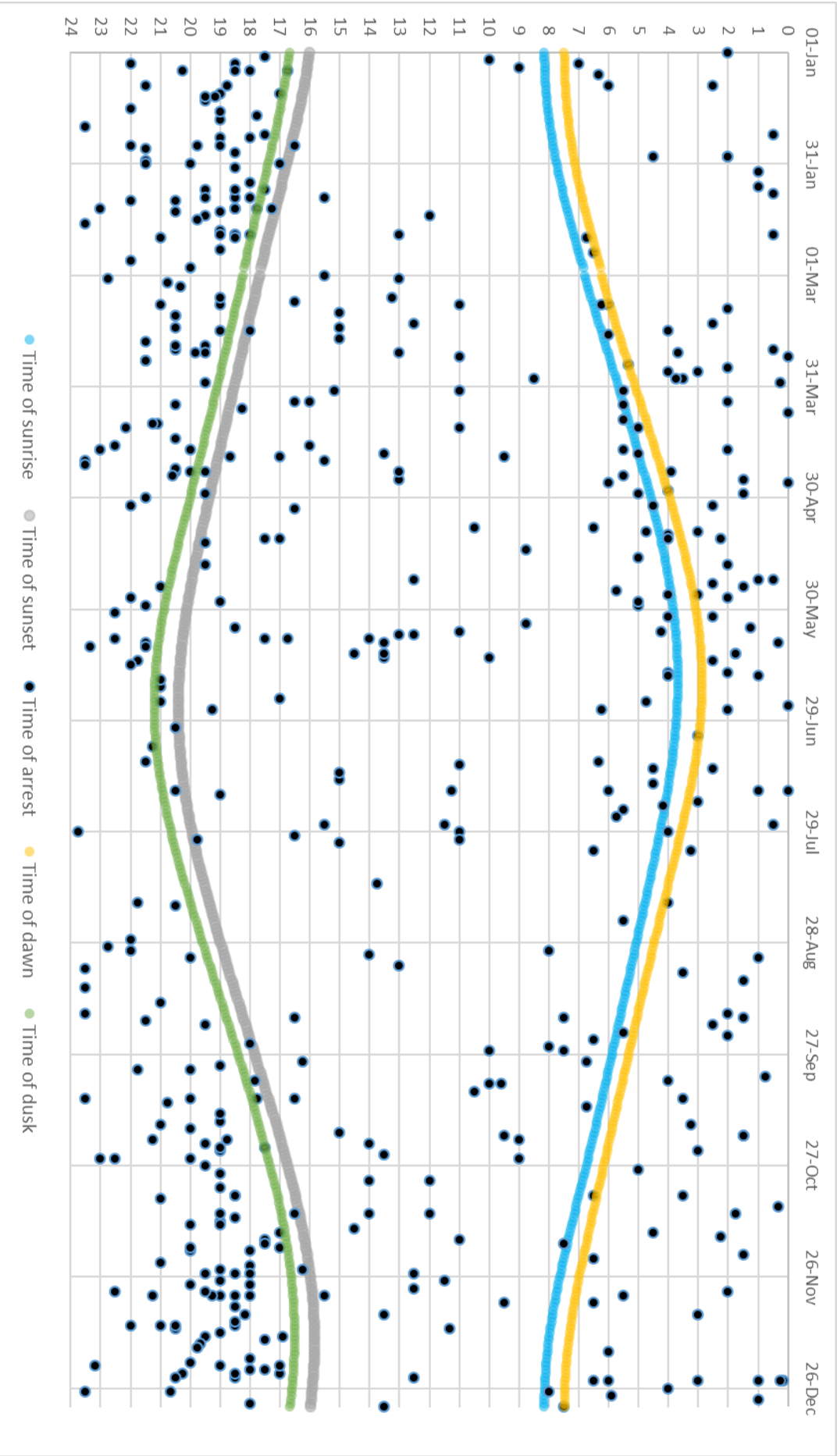
⁸⁶ *OBPO*, October 1790, trial of Edward Lowe and William Jobbins (t17901027-17).

⁸⁷ This analysis is based on cases from the whole time period of the thesis (1780-1850), rather than dividing the cases by date because this allows for more effective statistical analysis with a meaningful number of cases.

dusk (see graph 5.5).⁸⁸ This demonstrates that the majority of these evening arrests took place in the winter months, when it would have been dark at this time. The data used for the times of dawn and dusk are the times for 'civil twilight', after which time in the evening it is difficult to make out objects without artificial light. This falls only about 40 minutes after sunset, and so not many cases were within the bracket between sunset and dusk. This data suggests that most of the cases took place when it was actually dark outside.

⁸⁸ Data for times of sunset, sunrise, dawn and dusk is taken from 'Sun or Moon Rise/Set Table for One Year', *Astronomical Applications Department of the US Naval Observatory*, http://aa.usno.navy.mil/data/docs/RS_OneYear.php [accessed 19 September 2017].

Graph 5.5: Recorded time and date of arrest in proactive policing cases in the Old Bailey Proceedings, 1780-1850, compared with the times for dawn, sunrise, sunset and dusk in 1815. Total number of cases: 466.



A set of sample cases from the entire *Old Bailey Proceedings* between 1780 and 1850, where a time for detection of an offence or an arrest was stated, was constructed for comparison with the proactive policing cases. These cases were found by identifying cases where a phrase relating to the time of day, such as 'o'clock' was used in the first five paragraphs of the case (see table 5.4 for the terms used). This sample set of cases was intended to reflect cases in which private individuals detected offences, and in which policing agents made arrests on the basis of information provided to them: these were reactive policing cases. The cases used in the sample were read briefly to check that they were not proactive policing cases, although this method was not necessarily completely accurate, and so there may be a few proactive policing cases included.

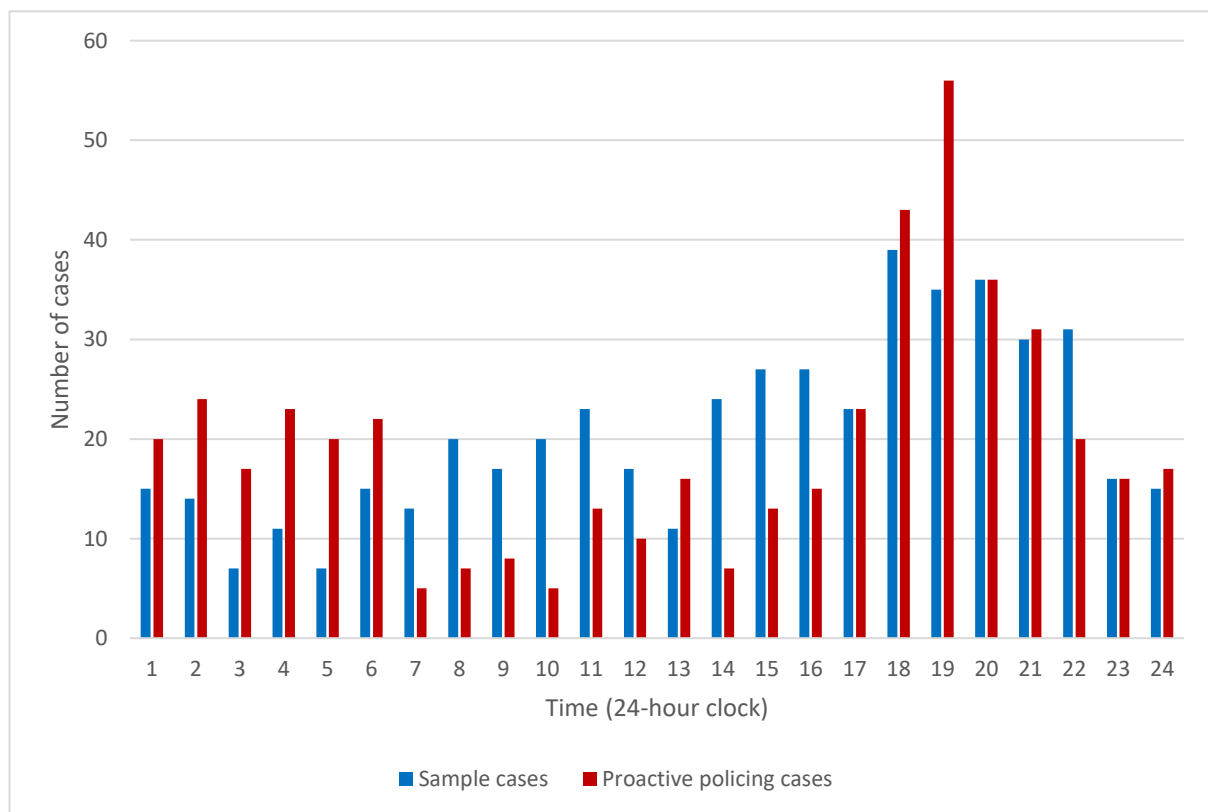
There were 49,468 cases in total across the period 1780-1850, and a sample of 493 cases was constructed by using every 100th case in date order, to be roughly comparable to the 466 proactive policing cases with a time of arrest. The time of day, and date of the offence was recorded, and a bar chart was constructed. This shows that, while the times for arrests and detections of offences for all cases were particularly clustered between 18.00 and 21.00, there was clearly a greater spread of times in the sample cases than in the proactive policing cases (see graph 5.6). The patterns can also be seen in the more detailed graph 5.7, with the cases plotted and overlaid with the times for sunrise, sunset, dawn and dusk. When this graph is compared with the proactive policing cases graph, it is clear that the proactive policing cases exhibit a distinctive pattern.⁸⁹ Proactive policing arrests clustered around the time that it was getting dark in the evening. This is not necessarily because more offences were committed at this time, but instead, policing agents were more suspicious of certain behaviours and practices in the evening. The cases in the sample data and proactive policing cases where arrests were made in the evening also reflect contemporary fears and stereotypes that criminality was more of a problem at night than during the hours of daylight.

⁸⁹ Graph 5.5 is repeated here for ease of comparison with graph 5.7.

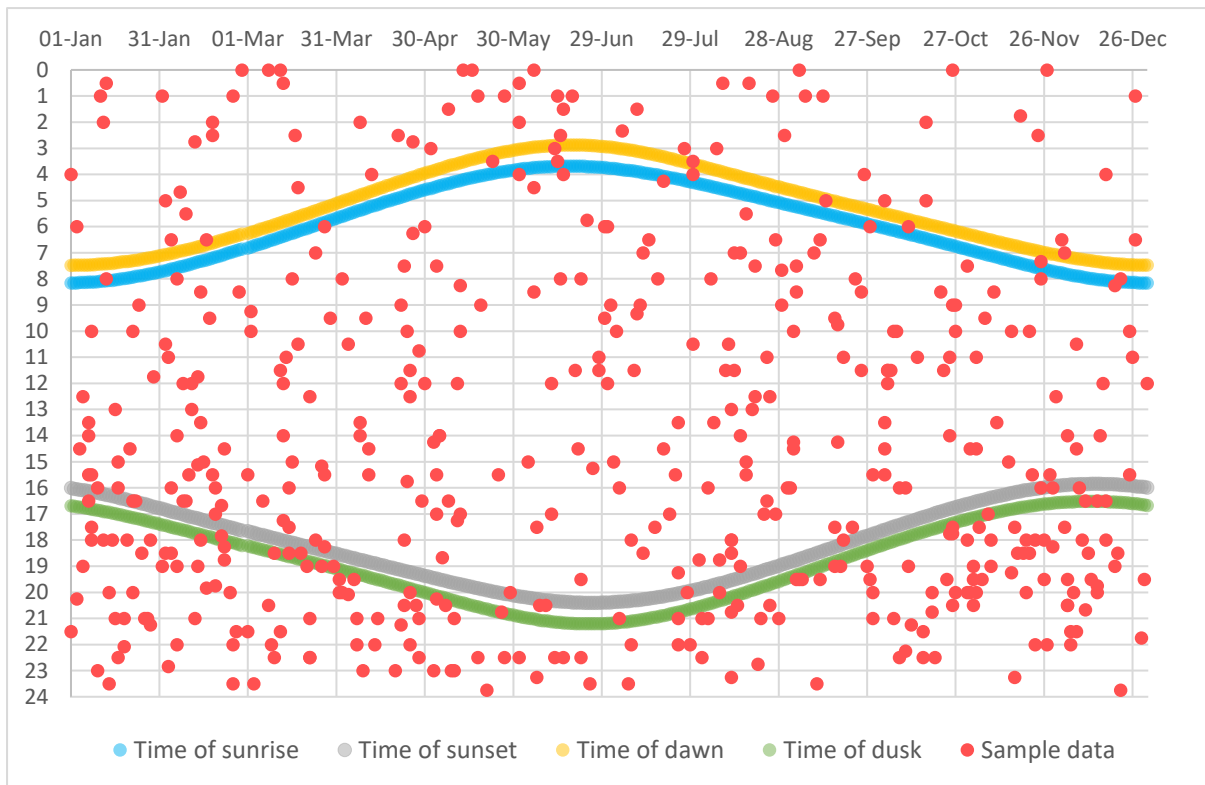
Table 5.4: Terms used to identify expressions of time in cases in the Old Bailey Proceedings for the sample cases.

o'clock
 in the (afternoon | forenoon | morning | evening)
 at night | at noon | midnight
 before | near | nearly | until | till | after | past
 between ... and
 between the hours of ... and
 One | two | three | four | five | six | seven | eight | nine | ten | eleven | twelve | noon | midnight
 1-12
 5 | 10 | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55
 a few | half | quarter
 five | ten | fifteen | twenty | twenty-five | thirty | thirty-five | forty | forty-five | fifty | fifty-five
 about | a little

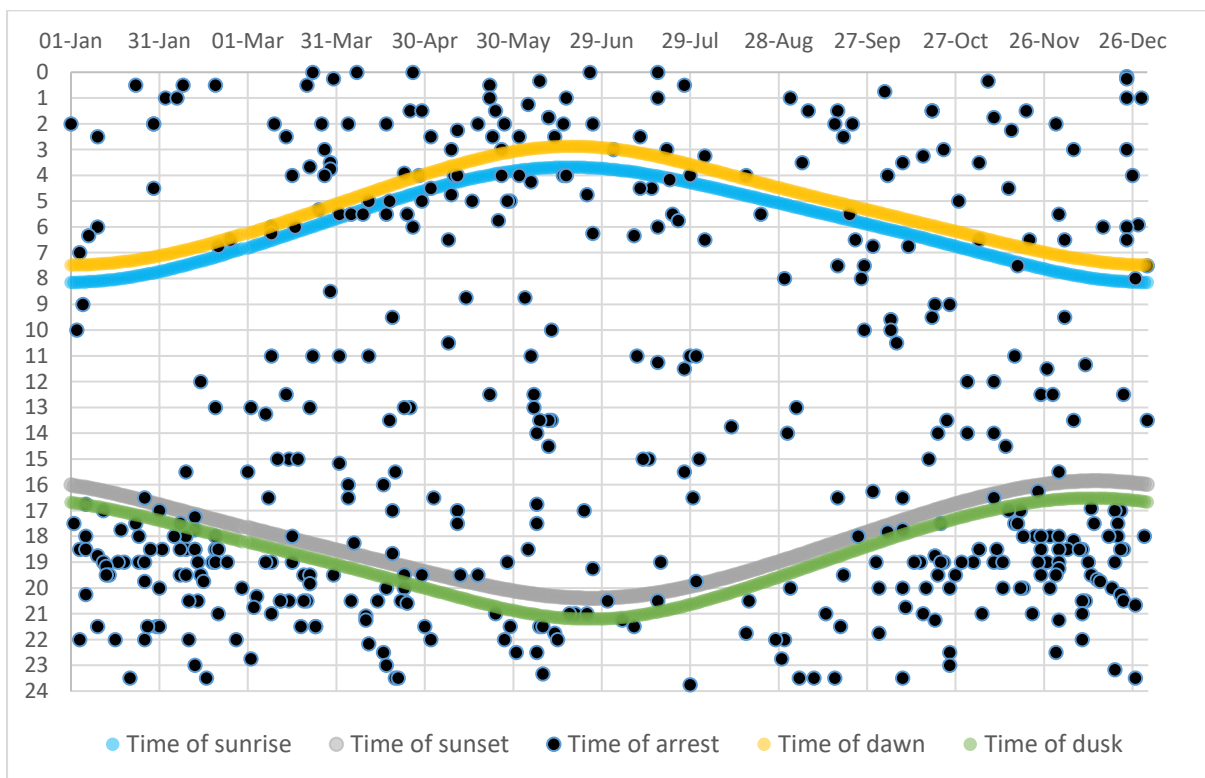
Graph 5.6: Number of cases with arrests or detections of offences recorded at each time of day in sample cases from the Old Bailey Proceedings compared with proactive policing cases, 1780-1850. Total number of sample cases: 493; total number of proactive policing cases: 466.



Graph 5.7: Recorded time and date of arrest for sample cases from the Old Bailey Proceedings, 1780-1850, compared with the times for dawn, sunrise, sunset and dusk in 1815. Total number of cases: 493.



Graph 5.5 (repeated here for ease of comparison): Recorded time and date of arrest for proactive policing cases in the Old Bailey Proceedings, 1780-1850, compared with the times for dawn, sunrise, sunset and dusk in 1815. Total number of cases: 466.



Hans-Joachim Voth, who collected evidence about the times of crimes to understand the length of the working day recorded in the *Old Bailey Proceedings*, argued that ‘the busiest time of day for offenders appears to have been in the late afternoon, between 17.00 and 19.00’.⁹⁰ 30 per cent of all the observations of criminal activity with a precise time that he recorded took place between 17.00 and 21.00 in 1800.⁹¹ This evidence is borne out by the cases presented here. However, he argued that the inverse relationship between daylight and offences detected weakened in the late eighteenth and early nineteenth centuries, since increased street lighting meant that there was less of an incentive for offenders to commit offences after sunset, as they would still potentially be detected.⁹² This argument appears flawed. Street lamps were concentrated on the main thoroughfares, and, as they were spaced apart, the streets in between continued to be very dimly lit.⁹³ From the 1730s, oil lamps were generally used, and while these were replaced with gas lamps in the 1810s, it was not until the end of the nineteenth century that electric street lighting, which was far more effective, was introduced.⁹⁴ Policing agents testifying at the Old Bailey suggested that they could only see the defendants’ faces clearly when they were standing close to the street lamps.⁹⁵ The collection of proactive policing cases and the sample of cases from the *Old Bailey Proceedings* contradict Voth’s argument, in showing that there continued to be a significant proportion of offences detected after dark in the evening into the nineteenth century. Clearly the street lamps were not a sufficient deterrent to offenders, and policing agents continued to target offenders after dark.

Contemporary commentators argued that there was a particularly high incidence of crime in the evenings. Before the 1828 Select Committee on the Police of the Metropolis, William Wadham Cope, City Marshal, was asked ‘are there any particular circumstances or times in which they [offences] are more frequently committed than formerly?’, and replied that ‘I think it is done early in the morning, and perhaps towards five or six o’clock in the evening’.⁹⁶ Richard Birnie, chief magistrate at Bow Street, stated before the same Select Committee that juvenile delinquents committed depredations ‘principally’ ‘in the dusk of the evening, at the play-houses, and at places of public resort’.⁹⁷ These assertions suggest that contemporaries believed that there was a particularly high incidence of crime in the evenings. This contemporary fear of criminal activity in the evening potentially encouraged policing vigilance at this time of day, and put pressure on policing agents to make arrests. Furthermore,

⁹⁰ Hans-Joachim Voth, *Time and Work in England, 1750-1830* (Oxford, 2000), p. 60.

⁹¹ *Ibid.*, p. 61.

⁹² *Ibid.*, p. 66.

⁹³ Beattie, *Policing and Punishment*, p. 222.

⁹⁴ E. S. de Beer, ‘The early history of London street lighting’, *History* 25 (1940-1), p. 323.

⁹⁵ See *OBPO*, July 1829, trial of James Brown (t18290716-113).

⁹⁶ BPP, HC, 1828, VI; *Report from the Select Committee on the Police of the Metropolis*, 1828, p. 89.

⁹⁷ *Ibid.*, p. 35.

the instructions and guidelines for policing agents examined in Chapter Two placed great weight on the dangers of crime in the evening and at night time. These combined pressures contributed to the high proportion of proactive policing arrests in the evening.

It seems most likely that these evening arrests were part of a deliberate policing practice employed by particularly proactive policing agents. There were, in general, more policing agents employed at night, but examining the numbers of different types of policing agents responsible for these arrests does not reveal that one type of policing agent was particularly responsible. The numbers are roughly proportionate to the numbers of each policing agent type involved in all the proactive policing cases. The exception was watchmen, of whom very few made these evening arrests as they did not commence their duties until 9pm or 10pm. It would seem logical to connect these arrests with evening patrols, who were employed to patrol the streets by some wards and parishes before the watchmen began their duty before the establishment of the Metropolitan Police. The hours of duty of patrols varied between different parishes where they were employed. For example, in St Anne Westminster, they operated from dusk until the setting of the watch at 9pm or 10pm, while the City of London employed Day and Night Patrole forces, whose hours of duty overlapped between 6pm and 8pm.⁹⁸ The establishment of these evening patrols in the parishes and jurisdictions of the metropolis from the 1780s ensured that there were a high number of policing agents on the streets at this time. However, it is difficult to specifically attribute the evening proactive arrests to patrols, as they do not appear in disproportionate numbers in these cases. It is probable that the term 'patrol' or 'patrole' was underused in the *Old Bailey Proceedings*, and that many individuals in this role were instead identified as officers. However, since we cannot be certain of this, it is difficult to ascribe the arrests of suspicious persons in the evenings to particular types of policing agent.

For the Metropolitan Police officers, night duty was generally from 9pm to 6am, so it seems unlikely that the new officers coming on duty were responsible for these arrests, and instead it was officers at the end of their day duty.⁹⁹ Since two thirds of the force was on duty at night, this actually represented a smaller number of officers.¹⁰⁰ This suggests that, since more arrests were made in the evening than at other times of day despite the smaller police provision, making proactive evening arrests was a deliberate and intentional policy among some Metropolitan Police officers. In summary, it seems that a variety of different policing agents took opportunities to make proactive arrests in the evening and there was not one group who were particularly responsible. The provision of some dedicated evening

⁹⁸ WCA: O452/21, St Anne Westminster, Orders and Regulations of Evening Patrols, 1791; John Wade, *A Treatise on the Police and Crimes of the Metropolis* (London, 1829), p. 46.

⁹⁹ BPP, HC, 1834, XVI; *Report from the Select Committee on the Police of the Metropolis*, 1834, p. 4.

¹⁰⁰ Durston, *Burglars and Bobbies*, p. 95.

policing forces, and the concern about criminal activity at this time throughout the period probably contributed to a clustering of proactive arrests in the evening. Making proactive arrests was a particular pattern of policing behaviour, and many proactive policing agents were particularly vigilant towards suspicious persons in the evening. These policing agents actively contributed to wider perceptions that the majority of crime took place at night, and to the record of criminal activity.

Vigilance of policing agents

A final noteworthy feature of the language of proactive policing cases was policing agents' accounts of their own vigilance in identifying and detecting suspicious persons. Policing agents frequently reported in the *Old Bailey Proceedings* and at police courts that they watched, followed and investigated defendants in order to detect suspicious persons and suspicious behaviour. These descriptions highlight the proactive practices of these policing agents in detecting suspicious persons on the streets of the metropolis. At the examination of Samuel Wynmount at Bow Street in 1832, Police Constable Tipper reported that 'he saw the prisoner, whom he knew', and 'he accordingly followed the prisoner', 'on suspicion of his having stolen the contents of the sack'.¹⁰¹ Policing agents sometimes reported that they watched the defendant for a considerable period of time, until they detected them committing an offence and arrested them. At the trial of James Carey at the Old Bailey in 1838, Police Constable George Thornton reported that, 'I was watching the prisoner for three quarters of an hour previous, in company with Blossett – I first saw one and then the other go behind served [several] gentlemen's pockets, and sound them – at the time the Queen left the Palace I saw the prisoner run behind Mr. Young, and take the handkerchief from his pocket'.¹⁰² 'Sound' was a term particularly used to describe the practices of pickpockets in scoping out potential victims. This clearly shows Thornton's proactive policing behaviour, and vigilance towards suspicious persons.

It is difficult to know what motivated these policing agents to be so vigilant. Parliamentary rewards for the conviction of offenders accused of offences including highway robbery, burglary, housebreaking, shoplifting, and receiving stolen goods were abolished in 1818, but financial compensation continued to be awarded to those involved with the apprehension of those accused of serious property offences at the discretion of the court.¹⁰³ It may be that proactive policing agents anticipated receiving rewards for their services from the victims of offences, particularly in cases of serious or violent offences such as burglary and robbery, but this cannot have been certain. The examples examined here suggest that, while we cannot know the precise motivations behind their

¹⁰¹ *The Times*, 17 April 1832.

¹⁰² *OBPO*, January 1838, trial of James Carey (t18380129-472).

¹⁰³ Lemmings, *Law and Government in England*, p. 116; Radzinowicz, *A History of English Criminal Law, Volume II*, p. 80.

actions, some policing agents were extremely vigilant to suspicious persons and proactive at making arrests.

Metropolitan Police officers were rewarded by their seniors for good service, or involvement in particularly daring cases.¹⁰⁴ As Williams argued, one of the central ideologies of the new police forces was that officers were expected to be zealous and hard-working; this was the mechanism for securing promotions.¹⁰⁵ He suggested that it was acceptable for them to disobey orders to remain on their beat if they successfully secured an arrest. The practice of lying in wait for offenders seemed to go directly against the Metropolitan Police Orders, which stated that the chief object of the force was the prevention of crime, and that Police Constables were to patrol their beats constantly.¹⁰⁶ The aim of Police Constables in patrolling constantly was to 'render it extremely difficult for any one to commit a crime within that portion of the town under their charge'.¹⁰⁷ In the examples identified here of policing vigilance, therefore, some policing agents were directly going against the instructions provided to them.

It seems likely that many of these agents were in plain clothes: before the establishment of the Detective Department of the Metropolitan Police in 1842, some men were sent out in plain clothes in each division to perform detective roles.¹⁰⁸ The Metropolitan Police Orders contain frequent references to plain clothes officers from each division being requested to watch for known offenders and pickpockets during processions and other occasions on which large crowds gathered.¹⁰⁹ It is most likely that the policing agents who reported that they spent time observing defendants were in plain clothes, otherwise they would have been recognised by the defendants. Policing agent Jeremiah Lockerby was asked at a trial in 1850 'where is your beat?', and replied, 'Anywhere; I am a plain-clothes man'.¹¹⁰ This reflects some of the flexibility of policing roles for plain clothes officers and suggests the merits of looking beyond the Metropolitan Police rhetoric of preventative patrolling.

The newspaper cases identified from 1830 frequently commented on the new Metropolitan Police officers. These comments included both praise and criticism: the 'new police' were not universally popular. The report of the examination of William Smith, James White and Read (whose first name was not given) at Marlborough Street, however, noted that 'the circumstances of the case were highly

¹⁰⁴ See, for example, TNA: MEPO 7/1, Metropolitan Police Orders, 1830, which details rewards given to specific officers for their service.

¹⁰⁵ Williams, *Police Control Systems*, p. 73.

¹⁰⁶ TNA: MEPO 8/1, *Instructions to the Force*, p. 1

¹⁰⁷ *Ibid.*, p. 2.

¹⁰⁸ Griffin, 'Detective policing and the state in nineteenth-century England', p. 228; see also BPP, HC, 1833, XIII; *Report from the Select Committee on the Petition of Frederick Young and Others*, 1833, p. 49 and *ibid.*, p. 80.

¹⁰⁹ See, for example, TNA: MEPO 7/3, Metropolitan Police Orders, 1833-5, entry for 8 November 1833.

¹¹⁰ *OBPO*, May 1850, trial of John Wheatley, Alfred Holmes and George Smith (t18500506-943).

creditable to the vigilance of one of the New Police'.¹¹¹ It was reported that Police Constable Henry Mote, 'saw three fellows lurking about Bond-street, and determined upon closely watching them... he took a situation where he would be unseen although the parties were in full view', and saw two of the defendants jump over into a garden.¹¹² He arrested them and they were committed for trial for burglary. The comment on the particular vigilance of this policing agent reflects the popular concern that policing agents should be alert to potential offenders. This was viewed as a matter of importance, and so it was significant that the new Metropolitan Police officers were seen to be capable of the required vigilance.

The particularly proactive policing agents identified show examples of this vigilance towards suspicious persons. William Forty, Thames Police Surveyor, explained at the trial of Peter Frazer for pickpocketing at the Old Bailey in 1826 that,

I was watching the prisoner, with two others, for twenty minutes or half an hour; I saw the prisoner attempt to take a gentleman's handkerchief, but the gentleman looked over his shoulder, and he went away; I then followed them to Waterloo-bridge, when they went up to Mr. Sowray - the prisoner lifted up the pocket with his left-hand and took the handkerchief with his right; I saw it immediately thrown down, and the prisoner ran across the road... I had not known him before.¹¹³

Forty's testimony shows that he invested a significant amount of time in his investigation and pursuit of Frazer. He was clearly suspicious of his behaviour and chose to watch him until he witnessed him commit a felony. Similarly, George Kemp, Metropolitan Police Constable, reported that he watched defendant George Broom for 'three quarters of an hour' at his trial at the Old Bailey in 1834, until he saw him and his companion steal a fender from a shop.¹¹⁴ This practice of watching until an offence was committed was a common theme among Kemp's proactive policing cases. It seems it was an effective mechanism for detecting and arresting felons. Kemp, a long-serving proactive policing agent whose career lasted from 1825-47, probably developed specific policing habits. His vigilance therefore was probably indicative of habitual policing practices that he developed over time. In watching suspects until they committed offences, his policing actions, and those of similarly proactive agents, had a direct effect on prosecutions.

Over-zealous policing?

However, when these cases of proactive policing are examined from the perspectives of the defendants, some claimed that these policing agents were too proactive, mistaken in their judgements,

¹¹¹ *The Morning Post*, 8 June 1830.

¹¹² *Ibid.*

¹¹³ *OBPO*, April 1826, trial of Peter Frazer (t18260406-167).

¹¹⁴ *OBPO*, April 1834, trial of George Broom (t18340410-69).

or too swift to judge defendants because of their reputation. These cases reflect the decisions taken by police officers, whose testimonies, alongside evidence of the offence, could be used to secure potentially wrongful convictions. George Kemp, whose policing habits were commented on above, was connected with 79 proactive policing cases identified in the *Old Bailey Proceedings* during his long policing career (1825-1847) and was clearly a very vigilant and active policing agent. In 1844, it was reported in *the Times* that Kemp arrested William Keeves, and brought him before Worship Street Police Court under a charge of pickpocketing. The report stated that Kemp,

saw the prisoner in the company of another boy, whom he (Kemp) knew very well as a bad character, lurking about in a suspicious manner. He followed them for some distance, and for about 20 minutes, and saw the prisoner lift up and weigh the coat-tails of five or six different persons, the other boy “covering” the prisoner’s actions each time so as to avoid detection. He at last saw him distinctly put his hand into a gentleman’s pocket, but without observing that he drew anything out of it, and instantly went up and secured him.¹¹⁵

The report went on to state that a variety of family, friends and his employer bore testimony to the defendant’s good character, and protested his innocence. The magistrate, Broughton, suggested that Kemp was mistaken in his arrest of Keeves for this offence, and discharged him without charge. On this occasion, the magistrate believed that Kemp was too proactive, and made a wrongful arrest based on his claimed knowledge of the defendant’s companion. It is not known how many similar cases Kemp was involved in, but his proactive policing led to many arrests and convictions and so this example raises questions about the veracity of his testimonies.

Surviving accounts from offenders and defendants reveal their perspectives on the policing agents that they were arrested by, and who gave evidence against them. James Hardy Vaux, a notorious offender transported to Australia three times in the early nineteenth century for felonies, recorded in his memoir that policing agents falsely testified against him at his examination for pickpocketing at the Mansion House in 1800. He wrote his memoir while he was in the Newcastle penal settlement in New South Wales in the 1810s.¹¹⁶ Although he admitted that he was a regular pickpocket, he denied being involved in this particular offence. He wrote that City Constable Edward Alderman reported that, ‘he had seen us [Vaux and his companion] daily perambulating the streets, during the busy hours, and knew us both to be notorious pickpockets’.¹¹⁷ He complained that ‘we had never given one of the city officers the least opportunity to suspect or notice us, but it [their testimony] had the effect they intended; that of inducing the magistrate and prosecutor to deal more rigidly with us’, and they were

¹¹⁵ *The Times*, 1 October 1844.

¹¹⁶ Averil F. Fink, 'Vaux, James Hardy (1782–1841)', *Australian Dictionary of Biography* (1967), <http://adb.anu.edu.au/biography/vaux-james-hardy-2756/text3905> [accessed 21 September 2017].

¹¹⁷ James Hardy Vaux, *Memoirs of James Hardy Vaux* (London, 1819), p. 156.

committed for trial.¹¹⁸ We cannot judge the veracity of Vaux's account. His protestations of innocence surely cannot be accepted as straightforward fact as he was repeatedly convicted. However, his account does demonstrate the possibilities for policing agents to construct narratives of suspicion, and potentially fabricate their evidence to secure convictions. In this way, policing agents had the power to shape prosecutions.

Other defendants presented petitions to protest their innocence, or claim leniency in their sentences. Charles Jones's petition was written by a third party, and suggested that false comments were made about his character at his trial to secure his conviction. It stated that, 'other remarks were made calculated to prejudice his Case which were that he was well known at the Fights and Races – which remarks were without the least foundation'.¹¹⁹ These comments on Jones' character were not in the account in the *Old Bailey Proceedings*, but this does not mean that they were not stated at the trial or at his previous examinations.¹²⁰ His petition stated further that, 'the officers, aware that they could not identify Your Petitioner as a bad character in the Metropolis – to ensure his conviction swore he was known at the Country places'.¹²¹ Here Jones complained that his character was wrongly described at his trial to secure his conviction. Again, we cannot be certain of the veracity of his statements, but this case suggests that it was possible for policing agents to fabricate evidence about the character of defendants in court.

James Gayton appealed to the Secretary of State for the Home Department following his conviction as an accessory to grand larceny at the Old Bailey in 1838, and he claimed that he was arrested and tried because the police were biased against him.¹²² He had been tried three times for different theft offences between 1826 and 1832 at the Old Bailey, but each time was found not guilty.¹²³ He claimed in his petition that, in 1838, he merely happened to be in the same room as those who had committed the crime, and that because of 'having the disadvantage of having been before charged with offences which however have never been proved against him and not liking to meet the Officers of the police who he was aware bore him a poor will was induced' to 'go into the cellar under the apartment', which aroused suspicion and led to his arrest.¹²⁴ These defendants' accounts reveal the power of policing agents' testimonies at trial about their arrests of suspicious persons. It is not particularly significant

¹¹⁸ Vaux, *Memoirs of James Hardy Vaux*, p. 156.

¹¹⁹ TNA: HO 17/94/67, Petition of Charles Jones, 1832, p. 4.

¹²⁰ *OBPO*, April 1832, trial of James Wilson and Charles Jones (t18320405-69).

¹²¹ TNA: HO 17/94/67, Petition of Charles Jones, 1832, p. 4.

¹²² TNA: HO 17/29/106, Petition of James Gayton, 1838; *OBPO*, August 1838, trial of John Williams, Samuel Bacon, William Dee, James Gayton and Ann Matthews (t18380820-1808).

¹²³ *OBPO*, April 1826, trial of James Gayton (t18260406-276); *OBPO*, September 1826, trial of James Gayton and James Lock (t18260914-188); *OBPO*, February 1832, trial of James Gayton (t18320216-162).

¹²⁴ TNA: HO 17/29/106, Petition of James Gayton, 1832, p. 15.

for these purposes which accounts were true, and which were falsified. It is clear that policing agents who testified that they witnessed individuals behaving suspiciously, they recognised them or knew them to be of bad character, or saw them carrying goods that they believed to be stolen in the evening, were generally believed by the courts. As the discussion of the high proportion of guilty verdicts among proactive policing cases in the *Old Bailey Proceedings*, and the low number of discharges among proactive cases reported in newspapers, demonstrates, proactive arrests frequently secured the conviction of defendants.

Conclusion

The evidence presented in this chapter reveals the powerful role that some policing agents played in the criminal justice system. Policing agents testified that they recognised defendants, that they believed them to have bad characters or to associate with those of perceived bad characters, that the defendants were carrying objects believed to be stolen, or that their behaviour was suspicious. Many behaviours that would otherwise be viewed as legitimate were a source of suspicion when conducted after dark, as the high number of evening arrests among proactive policing cases demonstrates. Policing agents used a commonly-understood language of suspicion and criminality, which was derived from vagrancy legislation, policing guides and instructions, so that judges and juries would believe their accounts. This language denoted the behaviour of these defendants as outside 'normal' standards. Those arrested in these cases were disproportionately young men, and were more likely to be found guilty than other defendants. By tending to arrest these individuals, proactive policing agents were acting in response to wider criminal stereotypes, and provided further fuel for these stereotypes.

Policing suspicious persons was viewed as an important aspect of the policing role both before and after the establishment of the Metropolitan Police. The growing uniformity and specificity of language used to describe these arrests in court illustrates the ways in which this process was formalised over time. Policing legislation of the 1810s and 20s and the Metropolitan Police instructions were prescriptive and precise about who constituted a 'suspicious person' and formalised this existing policing practice. Despite the growing uniformity of language, vague and imprecise terms such as 'lurking' and 'loitering' were used with increasing frequency. Policing suspicious persons continued to be an area in which policing agents had to choose whether the behaviour of a suspect constituted 'lurking' or 'loitering', and use their discretion. The evidence collected here from the *Old Bailey Proceedings* and police court reports in newspapers undoubtedly represents only a small proportion of the total number of proactive arrests of suspicious persons that occurred in this period, since many other cases were probably unreported, or not reported in sufficient detail. The proactive policing of suspicious persons was an enduring and significant aspect of policing practices on the streets of

Metropolitan London. This practice affected patterns of arrests and convictions in the courts of the metropolis.

Chapter Six: Arresting repeat offenders

Introduction

Repeat offending, or recidivism, was seen as a growing threat to society in the late eighteenth century, and increasingly in the nineteenth. Recidivism is of particular relevance to this thesis since the arrest of previously convicted offenders was a clear and likely manifestation of policing agents making arrests based on suspicion, rather than information of an offence. While there is a valuable body of existing scholarship on recidivism, the interactions between repeat offending and policing have not been analysed in detail. This chapter builds upon the analysis in Chapters Three and Five of proactive policing practices described in the *Old Bailey Proceedings* and police court reports in newspapers to connect proactive policing practices and repeat offenders. The analyses of proactive policing cases confirmed that policing agents who made proactive arrests sometimes stated that they knew the defendant, or that they knew of their bad character or previous offending, and that this contributed to the proactive arrest. This chapter therefore asks whether policing agents deliberately targeted individuals whom they recognised as previous offenders, particularly in cases of proactive policing.

The chapter is based upon the 1828 individuals identified through the *Digital Panopticon* project's record linkage as having been tried more than once at different court sessions at the Old Bailey between 1780 and 1850. For this chapter, the role of policing agents in arresting these offenders was extracted, and the characteristics of this group of offenders were analysed in comparison with all those tried at the Old Bailey in this period. Those arrested proactively by policing agents are identified for specific analysis, and the policing agents who arrested the same individuals more than once, and who were identified as proactive, are studied in greater detail. As discussed in Chapters Three and Five, a common language of suspicion was used to describe the reasons for arrests made by proactive policing agents. As additional sources, police court reports in newspapers have been identified to provide greater depth to the understanding of these cases. This chapter shows that those who were tried more than once, and particularly those arrested proactively, conformed to wider criminal stereotypes. They were predominantly young men, tried for theft offences, and disproportionately likely to be found guilty. In targeting these individuals, policing agents both conformed to, and fuelled, perceptions of the types of individuals responsible for the majority of criminal activity. It must be noted at the outset, however, that we cannot really know whether these individuals actually offended repeatedly. They were clearly easy targets; policing agents could not arrest all the suspicious characters that they encountered, but they chose to apprehend those against whom they could easily secure convictions. Many of those arrested as repeat offenders were probably guilty, but some may not have been, and there were probably others who evaded arrest.

This chapter argues that, while policing knowledge of previous offenders was generally increasing at this time, and there was a growing desire to arrest repeat offenders, the police authorities did not yet have the capacity to routinely identify them. The period between 1780 and 1850 must be understood within the context of later-nineteenth century legislation concerning the police supervision of offenders through prison licenses and 'habitual criminal' stipulations, and it marks the pre-history of police supervision of offenders. It was also an era of growing concern about the perceived threat of recidivists, and fears that there was an emerging 'criminal class', who were believed to be responsible for the majority of criminal activity. Policing agents were increasingly expected to be vigilant towards those who were seen as suspicious.¹ This analysis demonstrates that, while official provisions for the police surveillance of previous offenders were not yet in place before 1850, some policing agents had opportunities to arrest repeat offenders and sought to do so. In this way, policing agents directly affected who was prosecuted and played a role in shaping the received record of criminal activity.

Literature and background

This chapter firstly examines the pertinent literature and background to a study of recidivism in this period, and then proceeds to the analysis of those tried more than once at the Old Bailey. Scholars have written widely about recidivism and desistance, although their studies have tended to focus on the later nineteenth and twentieth centuries. Foundations in this field were laid by the work of Sheldon and Eleanor Glueck, who wrote in the 1930s about the 'criminal careers' of 500 young male offenders in Massachusetts reform schools.² The later lives of these young offenders were followed up by John Laub and Robert Sampson in the 1990s.³ These works focused on the mechanisms through which individuals offended and reoffended, and then desisted from crime, but there was limited acknowledgement of the role that the police played in making arrests and repeat arrests. This kind of life-course research has been taken up by Godfrey, Cox and Farrall in their research on Crewe and North-West England.⁴ In *Criminal Lives*, they traced individual offenders and their descendants in the town of Crewe between 1855 and 1940. They argued that nineteenth-century contemporaries connected recidivism with ideas of a 'criminal class', and a belief that those who fulfilled criminal stereotypes were responsible for the majority of criminal activity.⁵

This thesis demonstrates that policing agents were increasingly expected to arrest those who fitted criminal stereotypes, and those whom they saw behaving suspiciously on the streets of London from

¹ See Chapter Two for a discussion of the evolving roles of policing agents.

² Sheldon Glueck and Eleanor Touroff Glueck, *500 Criminal Careers* (New York, 1930).

³ John H Laub and Robert J Sampson, 'Life-Course Desisters? Trajectories of Crime among Delinquent Boys Followed to Age 70', *Criminology* 41 (2003), pp. 319-39.

⁴ Godfrey, Cox and Farrall, *Criminal Lives*; Godfrey, Cox and Farrall, *Serious Offenders*.

⁵ Godfrey, Cox and Farrall, *Criminal Lives*, p. 73.

the late eighteenth century. It suggests that these concerns about a 'criminal class' were expressed earlier than has previously been thought in the context of both instructions for policing agents and actual policing practices.⁶ The thesis follows the work of Churcher, who argued that the discourse of recidivism stretches back into the eighteenth century, as the idea of recidivism 'evolved prior to the existence of a recognisable vocabulary for it'.⁷ She suggested that terms such as 'criminal classes', 'dangerous classes' and 'residuum' signified the same perceived group of individuals, who were known under different guises over time. Her work demonstrates that we can see the emergence of concerns about recidivism before the legislative reforms of the mid-nineteenth century.

In the later nineteenth century, extensive legislation provided for policing surveillance and supervision of offenders. The 1853 Penal Servitude Act legislated for the end of most transportation sentences, and represented an early form of supervised parole system. The 1869 Habitual Criminals Act created a register of convicted criminals, and the 1871 Prevention of Crimes Act allowed judges to order up to seven years of police supervision for convicted offenders after they had served their sentence.⁸ The length of police supervision was highest for repeat offenders. Under the 1871 Act, on release from prison offenders were required to report to the police every month and could be imprisoned for even minor infractions. In practice, however, there were far too many offenders to supervise for the policing provision available in any given area, and so 'police officers still relied on personal knowledge of offenders in their areas, rounding up "the usual suspects", and keeping a close eye on strangers who came into their districts'.⁹ Proactive policing, particularly of repeat offenders, in the period 1780-1850 can be seen as a forerunner to this legislation. Following Godfrey *et al.*, this chapter will demonstrate that this policing was dependent on personal recognition of offenders, and the transfer of policing knowledge about offenders between policing agents.

Godfrey, Cox and Farrall also acknowledged the impact of police supervision upon recorded offending practices. They suggested that it 'caused many released prisoners to commit further crimes, by dint of breaching laws that only applied to ex-prisoners under supervision'.¹⁰ Ex-prisoners released on license could be arrested for moving without informing the police, or being seen associating with thieves. The legislation, they argued, had 'stigmatizing effects', and made it challenging for offenders to secure employment, which could in turn lead to further crime.¹¹ This highlights some of the practical ways in which previous offenders were more likely to be arrested again in the later nineteenth century.

⁶ For a detailed discussion of the literature relating to the criminal class, see chapter one.

⁷ Churcher, 'Understandings of habitual criminality', p. 21.

⁸ Godfrey, Cox and Farrall, *Serious Offenders*, p. 68.

⁹ *Ibid.*, p. 116.

¹⁰ *Ibid.*, p. 183.

¹¹ Godfrey, Cox and Farrall, *Serious Offenders*, p. 218.

In the era before this formal legislative provision, this chapter shows that repeat offenders were also targeted and arrested by policing agents.

Although formal police supervision of repeat offenders was not introduced in the period between 1780 and 1850, the Criminal Law Act of 1827 provided for more serious punishments for those convicted of felonies for the second time.¹² The prior conviction was to be proved by the production of a certificate of the previous offence in court and proof of the identity of the defendant. This Act was part of extensive reforms to the criminal laws at this time, overseen by the Home Secretary, Robert Peel.¹³ These reforms included the rationalisation of the criminal justice system and the reduction in the number of crimes that carried capital punishment (the so-called 'bloody code'), and while this legislation ensured that those convicted of larceny would not be capitally punished, repeat offenders would be punished with longer prison or transportation sentences. In practice, this legislation meant that, from 1827, policing agents regularly appeared in the trial accounts of those who had committed previous offences to produce certificates of previous offences. These were generally the policing agents who had made the first arrest, or another policing agent who was present at the first trial and could confirm the identity of the defendant. It must be noted that knowledge of this previous offence did not necessarily lead to the second arrest, but was stated at the trial to provide for a more serious punishment. For example, at the trial of Henry Oxburgh in 1846, Thames Police Inspector Thomas Benjamin Walker stated that, 'I produce a certificate of the prisoner's former conviction--(read Convicted 7th July, 1845, of larceny, as servant, and confined two months)--I was present at the trial--the prisoner is the person'.¹⁴ Walker was the most senior of the three policing agents involved in Oxburgh's arrest and trial in 1845.¹⁵ This system was not infallible, and relied upon recognition of the defendant, so some repeat offender cases have been identified where the first offence was not mentioned in the second trial account.

Even before this legislative provision, previous convictions were sometimes mentioned in court. Policing agents reported that they recognised and apprehended defendants because of knowledge of their offending history. For example, at the trial of Richard Jackman at the Old Bailey in 1812, watchman Thomas Hinwood stated that, 'I knew him to be a thief well' when he stopped Jackman on suspicion of theft.¹⁶ This shows that the reporting of previous offences was not a new phenomenon

¹² 7 & 8 Geo IV, c. 28 (1827), 'An Act for further improving the Administration of Justice in Criminal Cases in England'.

¹³ See Emsley, *Crime and Society in England*, pp. 222-3.

¹⁴ *OBPO*, February 1846, trial of Henry Oxburgh (t18460202-485).

¹⁵ *OBPO*, July 1845, trial of Henry Oxburgh (t18450707-1541).

¹⁶ *OBPO*, January 1812, trial of Richard Jackman (t18120115-125).

under the 1827 legislation. However, this legislation ensured that, where defendants were recognised, evidence of their previous offence was frequently stated in court.

Despite growing legislative provision, it is difficult to know exactly how defendants were identified as previous offenders within the criminal justice system, and how this information was disseminated. The *Old Bailey Proceedings* accounts did not explain exactly who recognised previous defendants in court and how the information about their previous offence was identified, although clearly the published *Proceedings* themselves were a source of information about previous offenders. Policing agents who testified in cases tried at the Old Bailey also spent time in court waiting for their cases to be tried, so many potentially witnessed the trials of different defendants and built up a level of knowledge of convicted offenders.¹⁷ The *Police Gazette*, or *Hue and Cry*, which was published under various names throughout its history, was first distributed from Bow Street by John Fielding in 1772, and publication was later taken over by the Home Department.¹⁸ This contained names and descriptions of those wanted for felonies, including repeat offenders, and so provided a mechanism for disseminating some policing information about offenders. As Beattie outlined, the Bow Street Office was a hub of information about suspects, previous offenders and known receivers of stolen goods, through detailed record-keeping and the personal knowledge of the officers.¹⁹ Scholars have recognised that there was a growth in record-keeping of information about offenders between 1780 and 1860, part of wider attempts to understand the causes of crime.²⁰

Under the Metropolitan Police, after its establishment in 1829, there is some more evidence of policing knowledge of previous offenders. The Metropolitan Police orders, which contained information about special duties, measures to be taken to guard against recent offences, and many more mundane orders about uniforms and the behaviour of police officers, were read aloud to the assembled constables and sergeants on duty before they started their shift each day.²¹ However, these do not appear to contain specific information about previous offenders or suspects wanted. We do not know how information about previous offenders was passed on more informally between Metropolitan police officers in police stations, but it is possible that there were mechanisms for this.

¹⁷ Clive Emsley, Tim Hitchcock and Robert Shoemaker, 'Crime and justice – trial procedures', *OBPO*, <https://www.oldbaileyonline.org/static/Trial-procedures.jsp>, version 8.0 [accessed 1 June 2018].

¹⁸ Beattie, *The First English Detectives*, p. 65.

¹⁹ *Ibid.*, pp. 64-5; but all these records held at Bow Street were destroyed in a fire during the Gordon Riots in 1780.

²⁰ See Shoemaker and Ward, 'Understanding the criminal'.

²¹ TNA: MEPO 7, Metropolitan Police Orders; see Timothy Cavanagh, *Scotland Yard, Past and Present: Experiences of Thirty-Seven Years* (London, 1893), p. 16.

It is known that certain Metropolitan Police officers from each division built up knowledge of repeat offenders through visiting London courts and prisons.²² In evidence given before the 1834 Select Committee on the Police of the Metropolis, Commissioner Mayne stated that 'it has lately been made a regulation that they [certain officers] should visit the gaols so as to become acquainted with the persons of all that are committed, and know them when they are set at liberty; they visit them weekly'.²³ This reflects the establishment of formal mechanisms to ensure that certain policing agents would recognise known or suspected offenders, even before the legislative provision of the middle of the nineteenth century. It is clear that this practice continued to operate at the end of the period, as an entry in the Metropolitan Police Orders from 1848 stated that it would be beneficial for constables from different divisions to visit the police courts 'in cases where swindlers or suspected persons have been remanded, in order that their persons may become known to the Police of different Divisions'.²⁴ This shows that the practice of certain police officers being sent to look at, and potentially recognise, previous or suspected offenders continued under the Metropolitan Police into the middle of the nineteenth century.

There is also evidence that certain Metropolitan police officers were ordered specifically to watch known offenders as part of their policing duties. An order from 1845 stated that, 'two intelligent Constables of each Division will be selected by the Superintendants to be employed' on special duty to 'observe all Burglars and other Felons throughout the Police District and prevent the Commission of any crime by them'.²⁵ It is unclear whether this order was for a short time only, in response to particular recent depredations, or whether it was intended to be a longer-term operation. In either case, it reveals that the Metropolitan Police were alert to policing previous offenders, and officers were specifically ordered to undertake this duty.

In the later nineteenth century, standardised forms known as 'routes' were used, which contained descriptions and photographs of suspects, and were sent around Britain for different police forces to fill in additional details.²⁶ In the Metropolitan Police orders, there is evidence that 'routes' were used to pass information about suspects and recent offences between different divisions.²⁷ Through these means, information about suspects, including those particularly suspected because they had committed previous offences, was transmitted. As these examples demonstrate, in an era before

²² Terence Stanford, 'Who are you? We have ways of finding out! Tracing the police development of offender identification techniques in the late nineteenth century', *Crimes and Misdemeanours* 3.1 (2009), p. 62.

²³ BPP, HC, 1834, XVI; *Report from the Select Committee on the Police of the Metropolis*, 1834, p. 20.

²⁴ TNA: MEPO 7/14: Metropolitan Police Orders, 1848-50, entry for 12 October 1848.

²⁵ TNA: MEPO 7/11: Metropolitan Police Orders, 1845-6, entry for 11 November 1845.

²⁶ Williams, *Police Control Systems*, p. 111.

²⁷ See, for example, TNA: MEPO 7/3, Metropolitan Police Orders, 1833-35, entry for 8 August 1834.

fingerprinting and photographs, policing knowledge of offenders was dependent on personal recognition. It was therefore impossible for policing agents to routinely recognise all repeat offenders, but it seems that they attempted to watch them and arrest them when they could.

The Criminal Registers, first drawn up in 1791, provided a record of all those imprisoned at Newgate who were committed for indictable offences.²⁸ Between 1791 and 1802, this source sometimes contained information about the character of the defendant, and whether they had previous offences. The Registers were drawn up by the sheriffs of London and Middlesex, but it is not clear where the comments on the character or offending career of defendants originated from; probably the keeper of Newgate prison. The Registers were intended to provide information for the Home Department on whether convicts had previous convictions to inform pardoning decisions.²⁹ Mary Clayton, writing about Charlotte Walker, a prostitute who was arrested at least 30 times, and appeared at the Old Bailey 12 times between 1779 and 1800, commented on her entries in the Criminal Register. An entry in the Register for 1798 stated that Walker was ‘a very old offender – has been tried several times’.³⁰ Clayton argued that Walker was finally convicted of theft in 1800, having previously avoided conviction, partly because of ‘the evidence of repeated altercations with the law’, and suggested that ‘it was fortunate for her that the Home Department’s Criminal Register was not started until 1791’.³¹ This represents some conjecture on Clayton’s part: we cannot know whether the comments contained in the Criminal Registers were read aloud or used in court, and this information is certainly not mentioned in the *Old Bailey Proceedings* trial account. Policing agents do not appear to play significant roles in Walker’s trials, and there is no record that she was recognised by them as a previous or suspected offender, although she operated in a small local area. Although the evidence is tantalising, the comments in the Criminal Registers do appear to represent existing knowledge of offenders within the criminal justice system in an era before the formal police supervision of offenders.

Among the 235 repeat offenders with trials in the period between 1791 and 1802, 13 were listed in the Criminal Registers with comments on their character or previous offending. For example, George Wright, also known as Edward Wright or ‘My Hearty’, appeared in the repeat offender cases ten times between 1791 and 1808, and was recorded as ‘a very old offender’ in 1797. The entry stated that he

²⁸ Richard Ward and others, ‘England and Wales Criminal Registers, 1791-1892’, *The Digital Panopticon* (2017), https://www.digitalpanopticon.org/England_and_Wales_Criminal_Registers_1791-1892 [accessed 23 March 2018].

²⁹ Simon Devereaux, ‘The Criminal Branch of the Home Office, 1782-1830’, in Greg Smith, Allyson May and Simon Devereaux (eds), *Criminal Justice in the Old World and the New: Essays in honour of J. M. Beattie* (Toronto, 1998), p. 285

³⁰ Mary Clayton, ‘The life and crimes of Charlotte Walker, prostitute and pickpocket’, *The London Journal* 33.1 (2008), p. 14.

³¹ *Ibid.*, pp. 10-14.

'has been tried almost as often as he [is] years old'.³² In 1797 he was 68 years old. Although there was an entry for Wright in the register for each of his previous trials, 1797 was the first year for which there were additional comments on his offending history. This reflects the patchy nature of this source of information. For William Pope, who was tried at the Old Bailey in 1795 and 1797, the 'Additional Information' column in the Criminal Register from 1795 recorded a letter from the magistrate Reynell at Lambeth Street Magistrates' Court, who reported that the defendant was 'a very old offender', 'considered a very dangerous Man to Society'.³³ The letter stated that he, along with 'several other notorious Persons' had been charged with highway robberies in 1794, but could not be identified by the victims. He had only recently been discharged from the prison hulks, but the record did not state the offence for which he was imprisoned there. This shows that, even where defendants only appeared twice at the Old Bailey, they could also have been tried on previous occasions in different courts. Pope's case also reflects an additional mechanism through which information about convicted offenders was transferred around the criminal justice system.

While it is not entirely clear how information about offenders was transferred between policing agents, there is certainly evidence of growing monitoring of offenders within the criminal justice system. This progressed from the erratic information in the Criminal Registers in the late eighteenth century, to the 1827 Criminal Law Act, the orders for some Metropolitan Police officers to regularly visit the gaols and courts of the metropolis in the 1830s and 40s and to the habitual criminal legislation of the mid-nineteenth century. This chapter does not seek to impose teleology on these separate initiatives and pieces of legislation, but asserts that, in hindsight, they represent a growing engagement with the monitoring and recording of previous offenders. The repeat offender cases examined here demonstrate that some policing agents used this knowledge about those who had committed previous offences to make arrests. In doing so, they affected who was tried and convicted at the Old Bailey.

The dataset

The repeat offenders examined here were identified through the *Digital Panopticon* resource. Initially, 6145 cases were identified relating to individual defendants tried more than once at the Old Bailey with at least one trial between 1780 and 1850. Those defendants with only one trial between 1780 and 1850 were removed from the dataset. Some defendants were tried at least twice between 1780 and 1850, but also had trials outside the date parameters: here, the total number of trials has been

³² 'Home Office, Criminal Registers – Series 1, Newgate, etc., 1796-97', *London Lives, 1690-1800*, NAHOCR700020164 (www.londonlives.org, version 2.0, 27 March 2018), The National Archives, Ms. HO26/5, entry 1 March 1797, Edward Wright.

³³ 'Home Office, Criminal Registers – Series 1, Newgate, etc., 1794-95', *London Lives, 1690-1800*, NAHOCR700010103 (www.londonlives.org, version 2.0, 27 March 2018), The National Archives, Ms. HO26/4, entry 17 April 1795, William Pope.

acknowledged, but only the trials within the date parameters are included in the analysis. Defendants who were tried twice in the same sessions but on no other occasions were also removed from the dataset, as this research is focussed on those defendants who were arrested repeatedly, and who potentially developed an unwanted relationship with the policing agents who arrested them over time. Since it was not feasible to read through all these cases to ascertain whether those tried in a single session were two separate arrests, these cases were removed from the spreadsheet. Cases where the second trial was a retrial of the first were also removed, where these were identified.

These adjustments mean that the core dataset consisted of 3940 cases, which relate to 1828 individual defendants. The details relating to the trials of each defendant were recorded on a spreadsheet (see below for an example row from the spreadsheet). 1598 defendants were tried only twice, and the remaining 230 were tried three or more times. The most prolific offender identified was Charlotte Walker, who was tried 12 times at the Old Bailey, 11 of which were within the date parameters. Records in the *Digital Panopticon* resource were linked using a combination of automated and manual methods, and we cannot be completely certain that there were no mistakes in the links between trials for individuals.³⁴ In general, records were linked not only to another Old Bailey trial record, but also to additional records such as imprisonment or transportation records with names and dates, which improved the accuracy. However, particularly for those individuals with common names, or who used aliases, there remains some doubt about the accuracy of the record links. It was not possible to read through all the cases and check whether they related to the same individual defendant, and in any given case, it would be difficult to be certain of this. Despite these limitations, it is likely that the vast majority of defendants under analysis here were correctly identified as having been tried more than once at the Old Bailey in this period. Of course, these repeat defendants may also have been tried at other courts in this period.

It is also possible that there were additional repeat offenders who were not identified through the record linkage. One example was identified where an individual should appear as a repeat offender, but his two Old Bailey trials were not linked by the *Digital Panopticon*. It is clear that the Thomas Millgrove Sheppard tried in 1827 was the same individual as the Thomas Sheppard tried in 1829, because at the second trial, a certificate of previous conviction with the correct date for Thomas Millgrove Sheppard was produced by an officer.³⁵ It is possible that these individuals were not

³⁴ See Sharon Howard and Jamie McLaughlin, 'About the Project', *The Digital Panopticon* (2017), https://www.digitalpanopticon.org/About_The_Project [accessed 10 April 2018].

³⁵ *OBPO*, October 1829, trial of Thomas Sheppard (t18291029-158); see Thomas Millgrove Sheppard b. 1804, Life Archive ID obpt18271206-253-defend1378, *The Digital Panopticon* (2017), <https://www.digitalpanopticon.org/life?id=obpt18271206-253-defend1378> [accessed 9 April 2018]; and

connected in the *Digital Panopticon* because of the slight difference in name. Their years of birth are recorded as only one year apart, which is within the margin of error. This example suggests that there may be additional repeat offenders who have not been identified as such by the record linkage. Despite this example, however, those identified here are a very valuable collection of repeat offenders for detailed analysis.

To provide some examples of the other courts of the metropolis that these repeat offenders may have appeared in, we can examine the Middlesex House of Detention Calendars, also included in the *Digital Panopticon*. These detailed the prisoners tried for non-capital offences (felonies and misdemeanours) at the Middlesex and Westminster Sessions of the Peace, and who were held at the House of Detention in Cold Bath Fields.³⁶ From 1855, these records also included details of any previous convictions of these defendants. While these records did not regularly detail the previous offence until the 1880s, from about 1861, they regularly reported the place of previous conviction. Before this, they stated where a defendant had previously been in prison, but not which court they were convicted in. The places of conviction reported show that these offenders were previously tried at a range of courts in the metropolis, including the Middlesex or Westminster Sessions, police courts and the Old Bailey.³⁷ Smaller numbers were also previously tried at courts outside the metropolis. Although these records are for a later period than that under examination here, and so are not included in this analysis, they do illuminate the range of courts that repeat offenders appeared before. Those who were tried at the Old Bailey more than once between 1780 and 1850 were those accused of the most serious offences. Most of these defendants had been examined at a police court before committal for trial at the Old Bailey, but it is also very possible that they had also previously committed more minor offences, and were convicted summarily at police courts, or tried at quarter sessions. This is an area for further research. Despite this potential wider scope of repeat offending, the cases of Old Bailey repeat offenders provide a valuable platform to examine the interactions between these defendants and policing agents.

Thomas Sheppard b. 1805, Life Archive ID obpt18291029-158-defend1266, *The Digital Panopticon* (2017), <https://www.digitalpanopticon.org/life?id=obpt18291029-158-defend1266> [accessed 9 April 2018].

³⁶ See Sharon Howard and Robert Shoemaker, 'Middlesex House of Detention Calendars 1836-1889', *The Digital Panopticon* (2017), https://www.digitalpanopticon.org/Middlesex_House_of_Detention_Calendars_1836-1889 [accessed 19 April 2018].

³⁷ 'Middlesex and Westminster Calendars of Prisoners tried at Sessions of the Peace, 1836-1889' (dataset), *The Digital Panopticon* (2017) via Figshare, https://figshare.com/articles/_/5688592 [accessed 19 April 2018].

Recording the involvement of policing agents in repeat offender trials

The identification of policing agents in the trials of repeat offenders is central to understanding how policing agents affected recorded offending careers. This was done by searching terms related to policing agents in the full text of all of the repeat offender trial accounts from the *Old Bailey Proceedings*, and reading through the cases that the search terms yielded to identify the roles played by policing agents in these cases. The search terms used were very similar to those used to identify proactive policing agents as outlined in Chapters Three and Five: patrol, watchman, watchmen, marshalman, marshalsman, marshalmen, marshalsmen, City Marshal, headborough, street keeper, beadle, inspector, superintendent, constable, officer, police. The terms ‘constable’, ‘officer’ and ‘police’ yielded by far the most results, and there was considerable overlap between these terms (‘police officer’ and ‘police constable’). It was important to search all these terms to ensure that as many policing agents were identified as possible, and to allow for spelling mistakes or incorrect identification of the types of policing agent in the *Proceedings*. ‘Sergeant’ was not used as one of the searching terms as ‘Mr Common Sergeant’ was commonly used to refer to the Old Bailey judge at the end of trial accounts. By searching for the term ‘police’ most results relating to Metropolitan or City Police Sergeants were identified.

The type of policing agent, their name, and the role that they played in the case were recorded in the spreadsheet (see below). Policing agents who were not involved in making an arrest – such as those who searched properties or defendants after the arrest, or who were victims of the crime, were not recorded. Policing agents whose only role was to appear in court to produce a certificate of previous conviction for the defendant were also not recorded among the arresting policing agents. It is possible that there were cases in which policing agents arrested repeat offenders but did not appear to give testimony at the trials, or that their testimony was not recorded in the published *Proceedings*.

The following is an example row from the spreadsheet constructed to analyse those tried more than once at the Old Bailey between 1780 and 1850, and their interactions with policing agents. This example is for the defendant Alfred Bryan.³⁸ In this example, there were two defendants in the Old Bailey trial, but Bryan is the focus of the entry since he was tried at the Old Bailey on two other occasions. The spreadsheet also contained additional columns for further policing agents in cases featuring more than one.

³⁸ *OBPO*, May 1847, trial of Alfred Bryan (t18470510-1258); Alfred Bryan b. 1835, Life Archive ID obpdef1-815-18510407, *The Digital Panopticon* (2017), <https://www.digitalpanopticon.org/life?id=obpdef1-815-18510407> [accessed 18 July 2018].

Digital Panopticon ID: obpdef1-815-18510407

Name: Alfred Bryan

Gender: male

Year of birth: 1835

Age at trial: 12

Old Bailey Proceedings trial count: 3

Trial number: 1

Offence category: theft

Offence subcategory: pocketpicking [sic]

Verdict category: guilty

Sentence category: imprisonment

Trial ID: t18470510-1258

Trial year: 1847

Trial text: '1258. HENRY ELHIDGE and ALFRED BRYAN were indicted for stealing 1 handkerchief, value 1s. 6d., the goods of Abraham Cats, from his person. JAMES DAVIS (City police constable, No. 551.) On the 13th of May, at five o'clock in the afternoon, I was on duty in Aldgate, and saw the prisoners together, with another boy--Bryan put his hand into a gentleman's pocket, and drew a handkerchief out; and while he was doing that, Elhidge had his hands in his pockets, holding up his coat tails to cover him--I ran and took them, and hallooed out to the gentleman--this is the handkerchief--(produced.) ABRAHAM CATS. I live in Somerset street, Aldgate. I was passing through Aldgate--I did not know I had lost anything--I missed my handkerchief--this is it. Elhidge's Defence. I know nothing about this boy, or about taking the handkerchief. Bryant's Defence. Another boy took the handkerchief, and gave it to me. ELHIDGE-- GUILTY. Aged 10. Strongly recommended to mercy by the Jury. Confined One Month. BRYANT*-- GUILTY. Aged 12. Confined Six Months.'

Policing agent type: Police Constable, City 551

Policing agent name: James Davis

Proactive, reactive or uncertain: P

Reasons for arrest: Saw defendants picking pockets; 'Bryan put his hand into a gentleman's pocket... Elhidge had his hands in his pockets, holding up his coat tails to cover him'.

In total, 2182 cases were identified in which one or more policing agents arrested defendants. This is 55.4 per cent of the total number of repeat offender cases, indicating that policing agents were heavily involved in repeat offender cases. For comparison, a rough estimate suggests that approximately 36.1 per cent of all cases tried at the Old Bailey between 1780 and 1850 involved policing agents. This was calculated by adding up the results of searches for 'constable', 'watchman', 'police' and 'patrol', which were the most common policing agent terms (except 'officer', which yielded too many non-policing agent officials). This is not a very precise statistic, as there are other policing agent terms that were used, and the policing agents identified by these terms in trials were not necessarily involved in making an arrest. However, as an estimate, it does suggest that policing agents were involved in a particularly high proportion of the repeat offender cases. This is probably reflective in part of some offending practices, but also of the role that policing agents played in arresting, and re-arresting those they viewed as suspicious, and recognised as previous offenders.

Where possible, the roles of policing agents in making arrests were categorised as proactive or reactive in the spreadsheet. Reactive arrests were based on information given by the victim or other witnesses

of the crime, or a warrant, whereas proactive arrests were those based on the policing agent's suspicion or detection of a potential offence. In some cases, the information on the reasons for arrest was not detailed enough to know whether it was proactive or reactive, and so these cases were categorised as 'uncertain'. For example, at the trial of Joseph Penn for grand larceny at the Old Bailey in 1797, officer John Newland stated that, 'I was in company with my brother officer, I met the prisoner, and charged him with stealing pots; I took one out of his coat pocket, and when I got him into the public house I took another pot out of his breeches'.³⁹ Neither this account, nor the testimonies of other witnesses in the trial account explain whether Newland and his fellow officer were acting based on information of the offence or suspect, or whether they proactively suspected that Penn had committed the theft because of some strange bulkiness in his clothes. It must be noted that the purpose of the testimony of policing agents at the Old Bailey was not necessarily to explain the reasons why they made an arrest, but rather to prove the identity and guilt of the defendant. It is therefore unsurprising that their reasons for arrest were not always explicitly stated.

As already suggested in Chapters Three and Five, comparing cases reported in both police court reports in newspapers and the *Old Bailey Proceedings* reflects some of the limitations of these sources. In some cases, one type of source omitted details that fully explained policing motivations. For example, in the report in *The Sunday Times* of the examination of James Wyatt and his co-defendant William Warren at Hatton Garden Police Court in 1837, the victim of the robbery explained that there had been recent thefts at the unfinished houses that he was building, and so he informed the police.⁴⁰ Sergeant Millichap was ordered to watch the houses, and he saw the defendants removing planks from an unfinished house and arrested them. This account suggests that this was a reactive arrest, as Millichap was instructed to watch for suspects based on information of recent criminal activity. In contrast, in the account given in the *Old Bailey Proceedings*, Millichap stated that he saw the defendants, 'who I have known some time, carrying a large deal plank from an unfinished house', and does not mention that he was requested to watch the house by the owner.⁴¹ The account of the case in the *Proceedings* suggests that Millichap's behaviour was proactive, whereas the newspaper account suggests that it was reactive. Since the cases examined here were categorised according to the accounts in the *Proceedings*, this case was categorised as a proactive case, but it is instructive to note that it is difficult to be certain of proactive policing behaviour.

In a contrasting example, the newspaper account in *The Standard* of the examination of Henry Oxburgh at the Thames Police Office in 1845 did not detail any policing agent involvement in the case,

³⁹ *OBPO*, April 1797, trial of Joseph Penn (t17970426-16).

⁴⁰ *The Sunday Times*, 8 January 1837.

⁴¹ *OBPO*, January 1837, trial of James Wyatt and William Warrener (t18370102-389).

but the account of the trial in the *Proceedings* included the testimony of three policing agents, one of whom appears to have behaved proactively in detecting the defendant with a stolen stone bottle of brandy.⁴² These examples show that evidence of the actions of policing agents was sometimes omitted from either type of trial account. This could work to obscure a proactive arrest, or imply a proactive arrest where this was not the case. Overall, it seems likely that there were more proactive policing cases than were explicitly stated in the *Old Bailey Proceedings*, since many of these trial accounts were extremely brief.

Of the 2182 repeat offender cases in total featuring policing agents, 348 featured more than one policing agent. Where more than one policing agent was involved in making an arrest, their roles as reactive, proactive or uncertain were categorised separately. At the trial of Amos Bullen in 1844, Joseph Caldwell, a City Police Constable, explained that he saw the defendant 'carrying this box along Smithfield', and sent his fellow constable, Joseph Theophilus Humphries, to meet the defendant and apprehend him.⁴³ Here Caldwell was policing proactively, while Humphries was reacting to Caldwell's information to make a reactive arrest. These policing agents were categorised separately according to their precise roles in the arrest.

458 of the 2182 cases involving policing agents featured proactive arrests, 1690 were reactive arrests, and 34 were uncertain. This is a very high proportion of proactive arrests: 11.6 per cent of the total number of repeat offender cases, and 21.0 per cent of the repeat offender cases featuring policing agents. The proactive policing cases that were identified using keyword searching in the *Old Bailey Proceedings* and analysed in Chapters Three and Five represented only 0.6 per cent of the total number of cases tried at the Old Bailey between 1780 and 1850.⁴⁴ Although this method was not able to identify all possible proactive policing cases, it is clear that the repeat offenders under examination here were particularly heavily targeted by proactive policing agents. Policing agents, including those behaving proactively, were frequently involved in arresting repeat offenders, and giving testimony at their trials. In this way, they directly affected who was prosecuted.

Analysis of repeat offender cases

The characteristics of all the repeat offenders have been analysed in comparison with all Old Bailey defendants in this period, and with the repeat offenders arrested proactively. These statistics suggest, like the previous findings about those targeted by proactive policing agents in Chapters Three and Five,

⁴² *The Standard*, 10 July 1845; *OBPO*, July 1845, trial of Henry Oxburgh, Henry Large and William Smith (t18450707-1541).

⁴³ *OBPO*, April 1844, trial of Amos Bullen (t18440408-1156).

⁴⁴ See Chapters Three and Five for these cases.

that the repeat offenders were typically young men, charged with theft offences, and very likely to be found guilty. While at least some of these individuals may have been prolific criminals, at least some of these cases can be attributed to the actions of policing agents. By arresting those who fitted this type, policing agents contributed to the statistics and stereotypes of those who were prosecuted and tried at the Old Bailey. These policing agents conformed to, and fuelled, ideas of criminal stereotypes and recidivism.

Before these characteristics are discussed in detail, it is useful to note that the repeat offender cases were roughly proportionate to the total number of cases tried at the Old Bailey in each decade. There was an increase in repeat offender cases in the 1820s, but this corresponded with an overall rise in the number of trials after the Napoleonic Wars. For the subsequent decades, the number of trials continued to grow. The repeat offender cases represent between 1.2 per cent and 6.2 per cent of the total number of cases tried at the Old Bailey per decade between 1780 and 1850, but this proportion fluctuated and does not represent a trend (see table 6.1).

Table 6.1: Numbers of repeat offender cases and proactive repeat offender cases per decade, and as percentages of the total number of Old Bailey cases and of the repeat offender cases, 1780-1850.

Decade	Number of repeat offender cases	% of total number of Old Bailey cases	Number of proactive repeat offender cases	% of repeat offender cases
1780-1789	99	1.2%	0	0%
1790-1799	385	6.2%	24	6.2%
1800-1809	224	2.8%	13	5.8%
1810-1819	414	3.3%	53	12.8%
1820-1829	827	4.4%	122	14.8%
1830-1839	926	3.9%	110	11.9%
1840-1850	1065	3.7%	136	12.8%
Total	3940		458	

Within the repeat offender trials, there was some variation in the number of proactive cases in each decade. No proactive cases were identified in the 1780s, and the proactive cases were only 5.8-6.2 per cent of the repeat offender cases in the 1790s and 1800s. However, from the 1810s onwards, the proactive cases consistently represented 11.9-14.8 per cent of the repeat offender cases per decade. This suggests that proactive policing practices towards repeat offenders were becoming more widespread over the course of the period. The peak in the 1820s in the proportion of proactive policing

cases probably reflects the concerns about rising crime in the period after the Napoleonic Wars. This climate of fear, Reynolds and Harris argued, prompted policing reform in the metropolis.⁴⁵ More effective policing prompted more arrests. These statistics suggest that, as proactive policing agents increasingly targeted repeat offenders, they perpetuated these individuals' convict careers and this trend became more pronounced in the 1820s, 30s and 40s.

For a sample of the repeat offender trials, the years between the trials for each individual defendant were examined. 415 results were generated by recording the number of years between each trial for 20 per cent of defendants. This was calculated based only on the year of trial, rather than the exact date, so is not a precise method. For defendants with more than two trials, more than one statistic was generated. The number of years between trials ranged from zero to 25. Those with zero years between trials were either those tried twice in the same sessions (and also on another occasion), or those tried twice in the same year but not in the same sessions. The median number of years between trials was two. This suggests that policing recognition of convicts was certainly possible. It seems likely that defendants tried more than once over the course of a short period of time could have been recognised by officials and others in court. While it is difficult to prove police recognition of defendants in the cases where this was not explicitly stated, this short median number of years between trials at least provides for the possibility that defendants were known to the arresting policing agents.

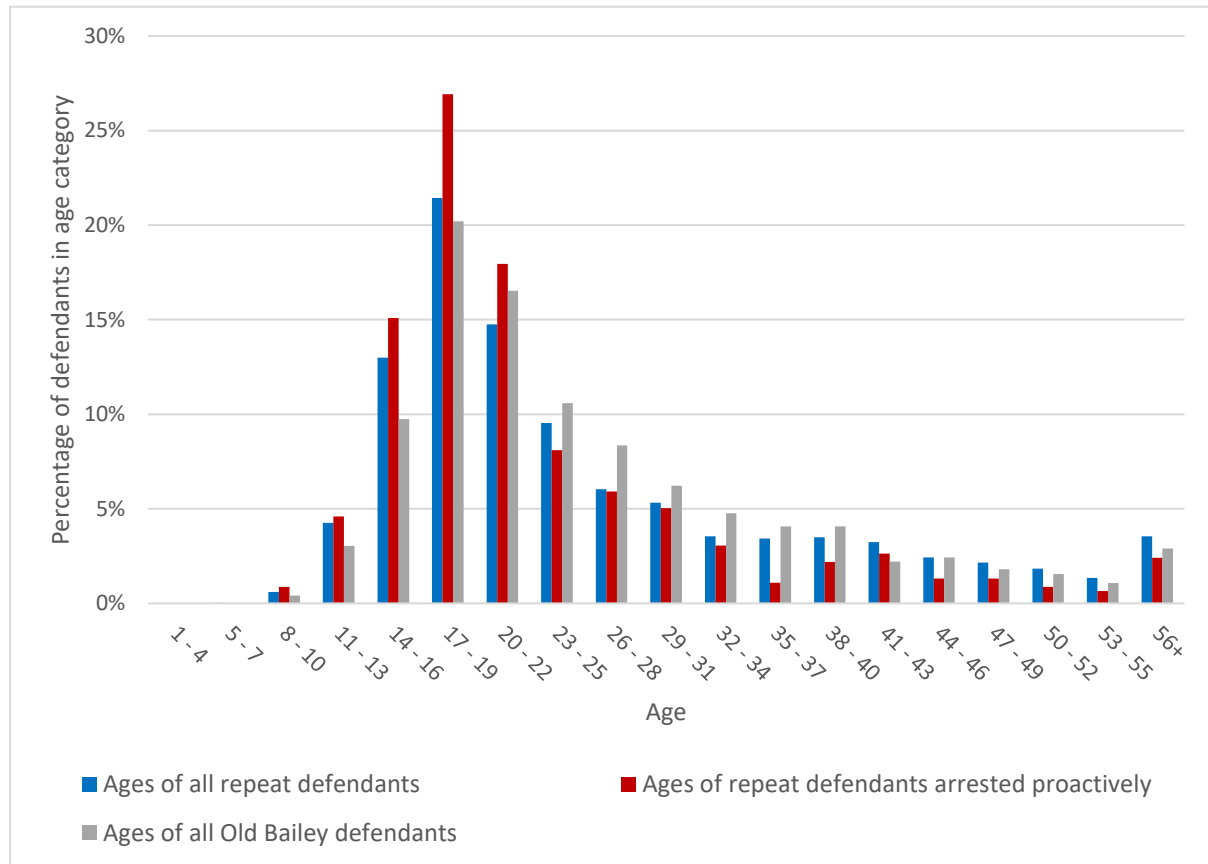
Now to examine the characteristics of the repeat offenders identified: in terms of gender, those arrested proactively were disproportionately male. Among all repeat offenders, 22.0 per cent were female and 78.0 per cent male. These percentages are the same as for all those tried at the Old Bailey between 1780 and 1850. Among those repeat offenders who were arrested proactively, only 7.6 per cent were female and 92.4 per cent were male. This strikingly high proportion of male offenders shows that those who were seen as suspicious by proactive policing agents were disproportionately likely to be male. This confirms the evidence of Chapters Three and Five, which examined proactive policing cases identified through keyword searching and identified high proportions of male defendants.

In terms of the ages of repeat offenders, they were typically younger than one-time defendants, and those arrested proactively were generally even younger. For 37 of the defendants, an age or year of birth was not recorded, so these were not included. For the others, the age of each defendant at each trial was calculated by subtracting the year of birth from the trial date and rounding to the nearest year: these may not be wholly precise but are correct to within a year. The years of birth given in the *Digital Panopticon* were calculated based on the stated age of the defendant at their first trial, and so these may not be wholly accurate. The limitations of the age data provided by the *Old Bailey*

⁴⁵ Reynolds, *Before the Bobbies*, p. 105; Harris, *Policing the City*, p. 87.

Proceedings were discussed in Chapter Three, but fundamentally, despite the possible inaccuracies, these ages are still seen as a useful indication of the ages of defendants.

Graph 6.1: Comparing the ages of all repeat defendants, repeat defendants in proactive cases and all Old Bailey defendants, grouped at three-year intervals, presented as percentages of the total number of defendants in each dataset, 1780-1850. Total number of repeat defendant ages: 3857; total number of proactive repeat defendant ages: 457; total number of all Old Bailey defendant ages: 77623.



When the ages are grouped at three-year intervals, and the age profiles for different groups are compared, the overall pattern of age distribution is similar among the three datasets (see graph 6.1). The most common age group is 17-19 in all sets. However, it is clear that the percentages of defendants in the age categories below the age of 20 for all repeat defendants, and below the age for 23 for repeat defendants arrested proactively, are much higher than all those tried at the Old Bailey in this period. This is also demonstrated by calculating the median ages. The median age in the repeat offender trials was 21, and 20 for their first trial. For comparison, the median age for all defendants tried at the Old Bailey between 1780 and 1850 was 23. Those repeat offenders arrested proactively tended to be even younger; 20. When female defendants were removed from the proactive cases, the median remained 20. This suggests that those arrested repeatedly, and particularly those arrested proactively, were likely to be young men. These repeat offenders conformed to wider stereotypes about who was believed to be responsible for the majority of criminal activity in this era.

The tendency towards younger defendants among the repeat offender cases, and particularly the proactive repeat offender cases, related to wider concerns in this era about juvenile delinquency and the proportionate growth of young defendants tried in this period.⁴⁶ 15.1 per cent of those repeat offenders arrested proactively, and 13.0 per cent of all repeat offenders were aged between 14 and 16. These proportions were higher than among the overall populations of those arrested at the Old Bailey and demonstrate that juveniles were targeted by proactive policing agents and arrested as repeat offenders. As Shore argued, early-nineteenth century anxieties about juvenile crime were particularly focused on fears that there were hardened juvenile recidivists.⁴⁷ The arrests of young men as repeat offenders therefore both played into these contemporary concerns, and fuelled further fears, about the rise of juvenile delinquency.

These young, predominantly male repeat offenders tended to be prosecuted for theft. Among all the repeat offender cases, 89.1 per cent were for theft offences, compared with 86.3 per cent of all cases tried at the Old Bailey in this period. Among the proactive repeat offender cases, 96.7 per cent were for theft offences, which reflects the fact, as we have seen, that theft was probably the easiest crime for proactive policing agents to detect. Proactive policing agents frequently reported that they stopped defendants who were carrying 'bundles', 'sacks' or other named items, which they suspected to be stolen. The other offence categories present in the repeat offender cases included royal offences (generally coining), violent theft, which included robbery and highway robbery, and fraud. Specific to repeat offender cases was the offence of returning from the place of transportation before the end of the sentence, which was dependent on the defendant having had a previous conviction. These cases were included here as on some occasions, the arrest involved policing recognition of the defendant. In general, repeat offenders and those arrested proactively were very likely to be charged with theft offences.

The most striking statistic among the repeat offender and proactive cases is the high proportion of guilty verdicts. For cases with multiple defendants, multiple verdicts were recorded, so these were corrected to the verdict for the particular repeat offender under examination in each case. Part-guilty verdicts, where defendants were found guilty of a lesser offence, were counted as guilty. Most repeat offenders were found guilty at trial: 95.8 per cent. Among the proactive cases, 99.3 per cent of defendants were found guilty. In comparison, among all those tried at the Old Bailey between 1780 and 1850, only 75.7 per cent were found guilty. This suggests that repeat offenders, and particularly those who were arrested proactively, were particularly likely to be found guilty. Among the proactive

⁴⁶ See discussions in Introduction and Chapter Three about juvenile delinquency.

⁴⁷ Shore, *Artful Dodgers*, p. 1.

cases, the evidence given by policing agents, alongside evidence of the offence itself, was clearly effective at securing convictions. These repeat offenders were extremely likely to be seen by juries as guilty of the offence that they were accused of.

These statistics suggest that the typical repeat offender was a young man, accused of theft, who was found guilty. The proactive policing cases further emphasise these patterns, and suggest that proactive policing agents targeted these individuals. It is important to note here that at least some of these repeat offenders may also have been more likely to be repeatedly arrested purely because they repeatedly committed offences. However, the evidence of proactive policing suggests that repeat offenders were watched more closely and targeted by policing agents. Some of the repeat offenders were recognised by policing agents, and in court, and convictions against them were secured. This shows that policing agents, by arresting repeat offenders, and making proactive arrests, contributed to the record of criminal prosecutions and convictions.

Proactive policing cases

This chapter now turns to the examination of the proactive policing repeat offender cases in greater detail. As mentioned above, it is particularly striking that 21.0 per cent of the repeat offender cases featuring policing agents involved a proactive arrest. This is only the cases where proactive policing was explicitly stated and the real number is probably higher. The high proportion of proactive policing cases suggests that repeat offenders were disproportionately targeted by proactive policing agents. It implies that there was some knowledge of these individuals as repeat offenders, which led policing agents to watch them more closely, and make proactive arrests. As in the previous analyses of proactive policing cases, the reasons for arrest given by policing agents have been divided into knowledge of the defendant, their suspicious behaviour or character, and evidence that they were carrying stolen property.⁴⁸ Expressions of knowledge of the defendant, or knowledge of their character, are of most interest here.

The proactive repeat offender cases were divided according to the trial sequence for each defendant. Of the 458 cases, 204 were the first Old Bailey trial for that defendant, and 254 were the second, third or fourth trial. To investigate whether these proactive arrests were motivated by knowledge of the defendant, the language used by policing agents in the trials was examined. In one of the 204 first trials, a certificate of previous conviction was produced by a Metropolitan Police Constable according to the provisions of the 1827 Criminal Laws Act. The account of defendant Charles Hinchey's trial at the Old Bailey in 1849 stated that policeman David Ovenden produced a certificate for a previous

⁴⁸ See Chapters Three and Five for a detailed discussion of these reasons for arrest.

offence dating from earlier in 1849, but did not give information on where the first trial took place.⁴⁹ This suggests that some of the repeat offenders were tried in other courts prior to their Old Bailey trials. It implies that the proactive policing of these first time Old Bailey defendants was, in some cases, based on prior knowledge of the defendant, although this was not always explicitly stated.

In four of the 204 first trial cases, knowledge of the defendant was expressed by the policing agent making a proactive arrest. These statements implied some suspicion or knowledge of previous offending, but it must be noted that it is very difficult to distinguish between innocent acquaintance, and knowledge that a defendant was a previous offender. At the trial of Robert Berry and Francis M'Carthy at the Old Bailey in 1845, for example, Police Sergeant Charles Burgess Goff explained that he 'had known M'Carthy by sight before', and followed them. He then saw them passing coins between each other and arrested them on suspicion of uttering (using) counterfeit coin.⁵⁰ Goff did not explicitly state that he knew M'Carthy to be a previous or potential offender, but that was the implication of his behaviour in following and then arresting the defendants. In a further example, at the trial of John Smith and George Pickering in 1840, Policeman George True explained that, 'I know both the prisoners, and thought it right to watch them'.⁵¹ He saw them attempting to pick pockets and arrested them. The implication of True's statement was that his knowledge of the defendants led him to suspect that they were at least capable of criminal activity, and that this motivated him to watch them. This evidence suggests that at least these four proactive arrests were made because of some knowledge of the character or offending history of the defendants. This may also have been the case in some of the other first trials of defendants, but this information was not necessarily given at the trial, or recorded in the *Old Bailey Proceedings*.

Among the 254 proactive cases that were the second, third or fourth Old Bailey trials of repeat offenders, it is more likely that there was policing knowledge of the defendants. In 65 of these cases, certificates of previous convictions were produced according to the provisions of the 1827 Act: these included previous Old Bailey convictions, and trials elsewhere. In 14 of the 254 cases, knowledge of the defendant was expressed by the policing agent. For example, at the trial of Frederick Germaine and George Bruce in 1842, policeman William Clay stated that,

I was going up York Street, Commercial road, and saw both the prisoners walking up the street as close together as they could walk--Germaine had a bundle on his right arm--I was running behind them--I overtook them at the top of the street, as they turned the corner--I laid hold of Germaine, Bruce looked over his left shoulder, saw

⁴⁹ *OBPO*, October 1849, trial of Charles Hinchey (t18491029-2028).

⁵⁰ *OBPO*, October 1845, trial of Robert Berry and Francis M'Carthy (t18451027-2174).

⁵¹ *OBPO*, June 1840, trial of John Smith and George Pickering (t18400615-1572).

me, and ran away--I knew them both, and they knew me--I took Germaine to the station.⁵²

This account implies that there was history between Clay and the defendants, and that this knowledge, and the behaviour of the defendants, led Clay to pursue and arrest them. Germaine was previously tried at the Old Bailey in 1839, and was indicted for two separate burglaries in 1842 as a result of this arrest. Clay did not explicitly state that he was aware of Germaine's offending history, but this was the implication of his actions.

In some cases, the knowledge of the defendant's offending history was more explicitly stated. At the trial of John Simmister in 1801, George Donaldson, a constable, stated that: 'I met the prisoner with two other men; and knowing the prisoner to be a man of bad character, and a thief, and seeing him with a bundle on his shoulder, I stopped him'.⁵³ Simmister had been tried previously at the Old Bailey in 1796 for theft, but Donaldson's assertion that he knew him to be a thief suggests that he was also tried at other courts in the intervening years between those offences, or at least examined for other thefts at magistrates' courts. It was this knowledge of Simmister's offending history and character that led Donaldson to proactively stop him in 1801, although he did not yet have any specific evidence that the 'bundle' contained stolen goods. This suggests that proactive policing agents targeted those who they knew to be previous offenders, and arrested them again.

Policing agents also reported that they recognised defendants who were at large before the expiry of their sentence of transportation. Edward Lovell Dwyer was first tried and sentenced to transportation for ten years at the Old Bailey in 1846, but was found in London in 1850 by policeman John Jones, who stated that, 'I recognised him, and took him into custody'.⁵⁴ He said that Dwyer had previously been a conductor on the Brompton Road. This suggests that he both recognised Dwyer from his previous profession and knew that he had a previous conviction. The 1846 offence took place in Hammersmith, and when he was arrested by Jones in 1850, this was also in a public house in Hammersmith.⁵⁵ This implies that there was some knowledge of Dwyer, and of his conviction, within the Hammersmith police division, which was passed on to Jones, and meant that he apprehended Dwyer when he saw him in the public house. The account of the 1846 trial is very brief, and did not state that Jones was involved in this conviction. This evidence about policing knowledge of offenders is tantalising: in the majority of proactive policing cases, it was not explicitly reported that the policing agents arrested repeat offenders because they recognised them. However, these cases demonstrate that, where they

⁵² *OBPO*, February 1842, trial of Frederick Germaine and George Bruce (t18420228-1052).

⁵³ *OBPO*, July 1801, trial of John Simmister (t18010701-84).

⁵⁴ *OBPO*, October 1850, trial of Edward Lovell Dwyer (t18501021-1777).

⁵⁵ *OBPO*, March 1846, trial of Edward Lovell Dwyer (t18460330-832).

were able to, some proactive policing agents used this previous knowledge to justify their arrest of repeat offenders.

Police court reports in newspapers

To explore the proactive policing cases further, additional sources were utilised. The police court reports in newspapers provide valuable information about policing practices. They detail the examinations of defendants at police courts before the cases went to trial at the Old Bailey. Some newspaper reports for the proactive policing cases were identified by searching for the names of the 417 repeat offenders arrested proactively across all the eighteenth- and nineteenth-century newspapers on the *Gale Primary Sources* platform.⁵⁶ More of these cases were undoubtedly reported in newspapers, but the poor scans and the quality of the OCR used to facilitate online searching of the newspapers means that not all possible matches can be reliably identified.

Four of the newspaper reports identified provide more detailed descriptions of the reasons for suspicion of the policing agents, and their activity in pursuing and arresting the defendants. As Chapters Three and Five explored, police court reports in newspapers often provided more lively and engaging commentaries of arrests than the *Old Bailey Proceedings*. In the following examples, comments on the character of defendants were frequently provided at the start of newspaper reports in a way that was not the case in the *Old Bailey Proceedings*. This reflects the wider knowledge of the characters of the defendants either in court or among the reporters, and also the different reporting styles of the two sources. For example, the report in *The Times* of the examination of James Elkins at Hammersmith Police Court in 1846 stated that Elkins and his fellow defendant, Robert Burke, were ‘two well-known thieves’. It explained that Police Constable Triggs ‘met the two prisoners... each carrying a large bundle’, and ‘knowing them, he seized’ them.⁵⁷ The report also stated that, ‘evidence was also given as to both prisoners having been before summarily convicted, and also as to their having been tried and convicted of felony at the Central Criminal Court’.⁵⁸ Elkins previously appeared at the Old Bailey in 1838, and it was stated at the end of the trial report that ‘the prisoner has been eleven times in gaol for felony’.⁵⁹ In the account of the 1846 case in the *Old Bailey Proceedings*, Triggs reported that he saw Burke and Elkins together, and that Elkins tried to run away but, ‘I could see plainly who he was’.⁶⁰ It does not state explicitly that Triggs knew Elkins, or provide any commentary on his character or previous offending. Elkins’ example demonstrates that additional information, such

⁵⁶ See Chapter Three for a discussion of this platform and a more detailed discussion of the limitations of keyword searching.

⁵⁷ *The Times*, 18 April 1846.

⁵⁸ *Ibid.*

⁵⁹ *OBPO*, October 1838, trial of James Elkins (t18381022-2451).

⁶⁰ *OBPO*, May 1846, trial of James Elkins and Robert Burke (t18460511-1101).

as the policing agent's knowledge of the defendant, and wider knowledge of their offending in court, might be revealed by police court reports in newspapers.

Newspaper reports often valuably provided commentary on the activity and zeal of proactive policing agents. James Wicks and fellow defendant Charles Westbury were described as 'two notorious thieves' in their examination at Bow Street in 1828.⁶¹ The report in *The Times* stated that, 'two very active young officers belonging to this establishment [Bow Street], named Wheatley and Ledger, who succeeded in capturing the prisoners upon suspicion... one of the prisoners, when stopped by the officers, had the bundle of clothes under his arm'.⁶² These clothes were identified as stolen goods. In the account of the trial in the *Old Bailey Proceedings*, James Ledger explained that he stopped the defendants because of the bundle that they were carrying, and questioned them about it.⁶³ The comment in the newspaper report that Wheatley and Ledger were 'active young officers' may reflect some self-promotion on the part of Bow Street, in ensuring that their officers were portrayed in a positive light in newspapers. It also reflects the fact that proactive policing was viewed as an important aspect of policing practices. In an era of concern about rising crime, newspaper reports reassured readers that policing agents proactively sought to prevent and detect crime.

Similar policing zeal was described in the case of Henry Eames. The report in the *Morning Post* of the examination of Eames at the Thames Police Office in 1832 described Eames as a 'desperate thief'.⁶⁴ It explained that, 'George Ellis, an active land officer of the Thames Police' 'immediately stopped and questioned the Prisoner', who 'passed him at a quick pace with the roll of flannel under his arm'.⁶⁵ Eames, 'refusing to give a satisfactory account of how he obtained the property', was taken into custody.⁶⁶ The reference to Ellis as 'an active land officer' highlights his proactive policing practices.

Eames was also tried at the Old Bailey the following year, in 1833. In this case, the policeman, Francis Clark, stated that, 'I know the prisoner; I had lent him 2s'.⁶⁷ The implication is that this was a personal, rather than professional acquaintance. However, when Eames paid back one of the shillings that he owed, Clark noticed that he had a valuable watch with chain and seals, and later apprehended Eames when he learned of a nearby robbery.⁶⁸ This shows that a personal relationship, or even friendship, between policing agent and defendant, could turn into a law enforcement relationship, where the

⁶¹ *The Times*, 16 January 1828.

⁶² *Ibid.*

⁶³ *OBPO*, February 1828, trial of Charles Westbury and James Wicks (t18280221-4).

⁶⁴ *The Morning Post*, 3 November 1832.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ *OBPO*, November 1833, trial of Henry Eames (t18331128-5).

⁶⁸ *Ibid.*

policing agent arrested the defendant, after suspicions were aroused. It also implies that, despite lending Eames money, Clark was aware of his offending history, and had some suspicions when he saw that he was in possession of a watch. Indeed, the loan may have been an act of charity undertaken in the full knowledge of Eames's offending history. This is one small example of the interaction between a policing agent and defendant, but it is likely that there were many others. Some policing agents, such as Henry Ellis, were seen as particularly proactive and zealous, whereas others such as Francis Clark were embedded within their local communities and so had knowledge of the residents and followed up leads when they interacted with possible offenders or heard about recent offences.

These additional records about repeat offenders reveal more detail about the interactions between policing agents and defendants. The newspaper reports also show contemporary engagement with policing practices, and a wider expectation that policing agents should be 'active' in their duties. These proactive policing agents were expected to arrest, and re-arrest, 'notorious thieves' and 'bad characters', whom judges and juries recognised and convicted. Defendants who were recognised by magistrates and clerks in the police courts were undoubtedly more likely to be committed to the Old Bailey for trial. We do not know exactly how this information about previous offenders was shared, but it probably passed between court officials, the police and prison officers. Proactive policing agents therefore affected who was arrested and prosecuted in both the police courts and at the Old Bailey.

Policing agents

It now remains to examine the policing agents responsible for arresting repeat offenders in greater detail. 2182 of the 3940 repeat offender cases featured at least one policing agent making an arrest, and 2604 policing agents making arrests were recorded. Among these policing agents, there were 1916 individual names, but it is difficult to know the precise number of individual policing agents. It is likely that there were some policing agents with common names who were not the same individual, particularly if the arrests made were over a long period of time. Where possible, misspellings of the same name were corrected, but there probably remain some that have been counted as two different names, but were actually the same individual. It is also difficult to know whether a policing agent with the same name but who identified with two different policing roles was the same individual performing different jobs, or two individuals. It was beyond the scope of this thesis to check all of the policing agent names, but 1916 represents approximately the number of different policing agents involved in the repeat offender cases.

To analyse the types of policing agents involved in arresting repeat offenders, the policing agents were divided into those who made arrests before the establishment of the Metropolitan Police, and after. In the period between 1780 and 1829, 41.0 per cent of those who arrested repeat offenders were

described as officers, 28.2 per cent constables, 16.0 per cent watchmen and 7.6 per cent patrols. 'Officer' is a vague term, since it referred to officers attached to magistrates' courts, but also parish officers, and other types of policing agent. Among the proactive policing cases in this period, 29.1 per cent of those making arrests were officers, 18.5 per cent constables, 24.7 per cent watchmen and 18.5 per cent patrols. This suggests that watchmen and patrols were particularly likely to behave proactively towards repeat offenders. Before the establishment of the Metropolitan Police, watchmen and patrols were the policing agents most responsible for patrolling the streets of the metropolis. In this role, there was more scope for proactive policing behaviour. Constables and officers attached to magistrates' courts, while they did make proactive arrests, were more likely to police reactively.

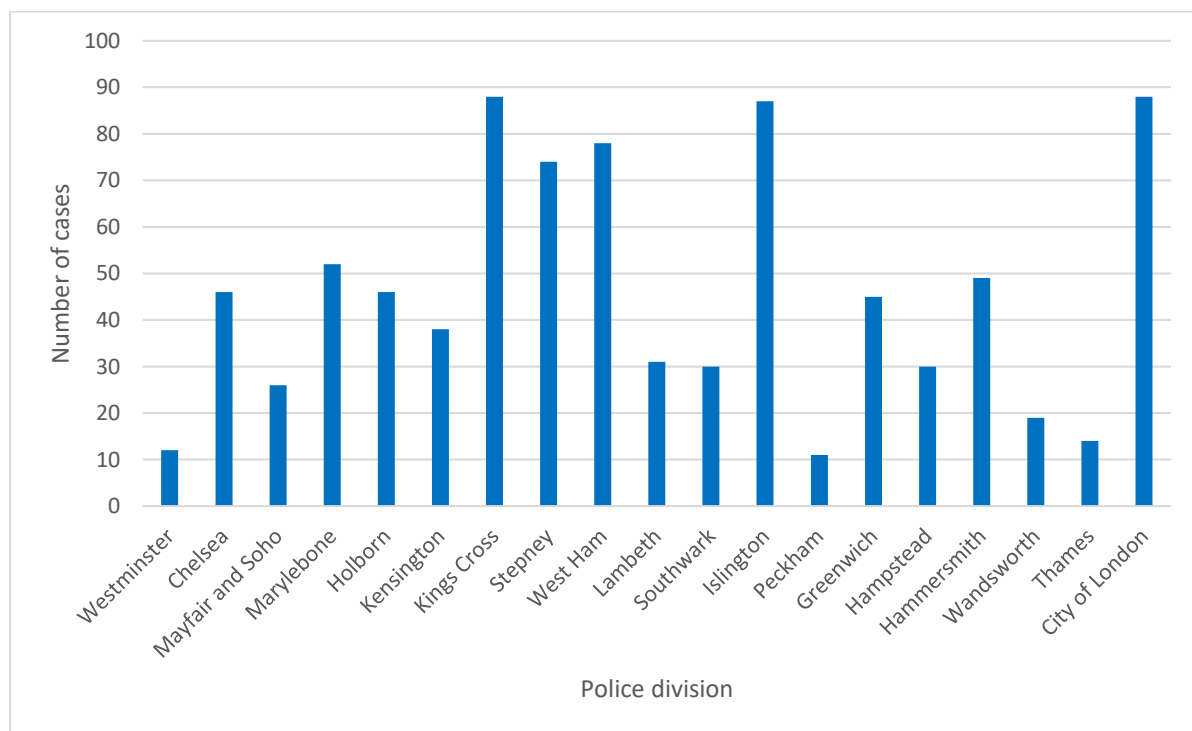
In the repeat offender cases tried between 1830 and 1850, 83.4 per cent of the policing agents involved were Metropolitan or City Police officers. The Metropolitan Police was established in 1829, and the City of London police force in 1839. A further 8.6 per cent were 'officers', which may also include Metropolitan or City Police officers. Of the 1166 Metropolitan or City police officers, the majority were Police Constables (57.7 per cent). The remainder included 'policemen' (33.4 per cent), Police Sergeants (8.0 per cent) and Inspectors (0.9 per cent). 'Policeman' is an ambiguous term, which in this context referred to a Metropolitan or City police officer of any rank, but most likely to constables. This evidence suggests that it was the lowest-ranked police officers who were mostly responsible for making day-to-day arrests on the streets of the metropolis. Among the proactive policing cases in this period, 51.8 per cent of the policing agents involved were Metropolitan or City Police Constables, 24.9 per cent were policemen, and 7.0 per cent were Metropolitan or City Police Sergeants. This suggests, once again, that the lowest-ranked agents responsible for patrolling the streets of the metropolis were most likely to make proactive arrests.

Many of the Metropolitan Police officers identified in the repeat offender cases were identified with their division letter in the *Old Bailey Proceedings* trial accounts. This facilitates an analysis of the distribution of repeat offender arrests across the metropolis. There were 18 police divisions, including the Thames Police, which was integrated into the Metropolitan Police as a separate division in 1839. Statistics from the separate City of London Police force, created in 1839, have also been included here. The analysis shows that there were higher numbers of repeat offender arrests in some divisions, particularly Kings Cross, Islington, West Ham and Stepney, and in the City of London (see graph 6.2 and figure 6.1).⁶⁹ As the evidence in Chapter Five showed, these areas were also identified with high numbers of proactive arrests. Kings Cross, West Ham, Stepney and parts of the City of London roughly

⁶⁹ Note that in figures 6.1 and 6.2, the sizes of the circles are roughly proportionate to the number of cases involving policing agents identified with each division.

correspond with areas of the metropolis in which there were the greatest fears about the growth of criminal activity due to slum housing and poverty.⁷⁰ The high number of arrests in these areas, in part, reflects this concern. The districts with the high numbers of proactive arrests are also all close together, clustered around the north and east of the City of London, suggesting that policing practices were potentially transmitted between nearby divisions. As noted in Chapter Five, the City was very intensely policed compared with the wider Metropolitan Police district, so this high number of policing agents also contributed to the high number of proactive arrests identified with the City. At the start of the Metropolitan Police, there were equal numbers of police officers in each division, although we do not know exactly how this changed over time.⁷¹ This analysis also shows, more broadly, that policing practices and patterns of arrest varied among the different divisions of the Metropolitan Police, and that it was not a homogenous force in terms of the policing practices undertaken.

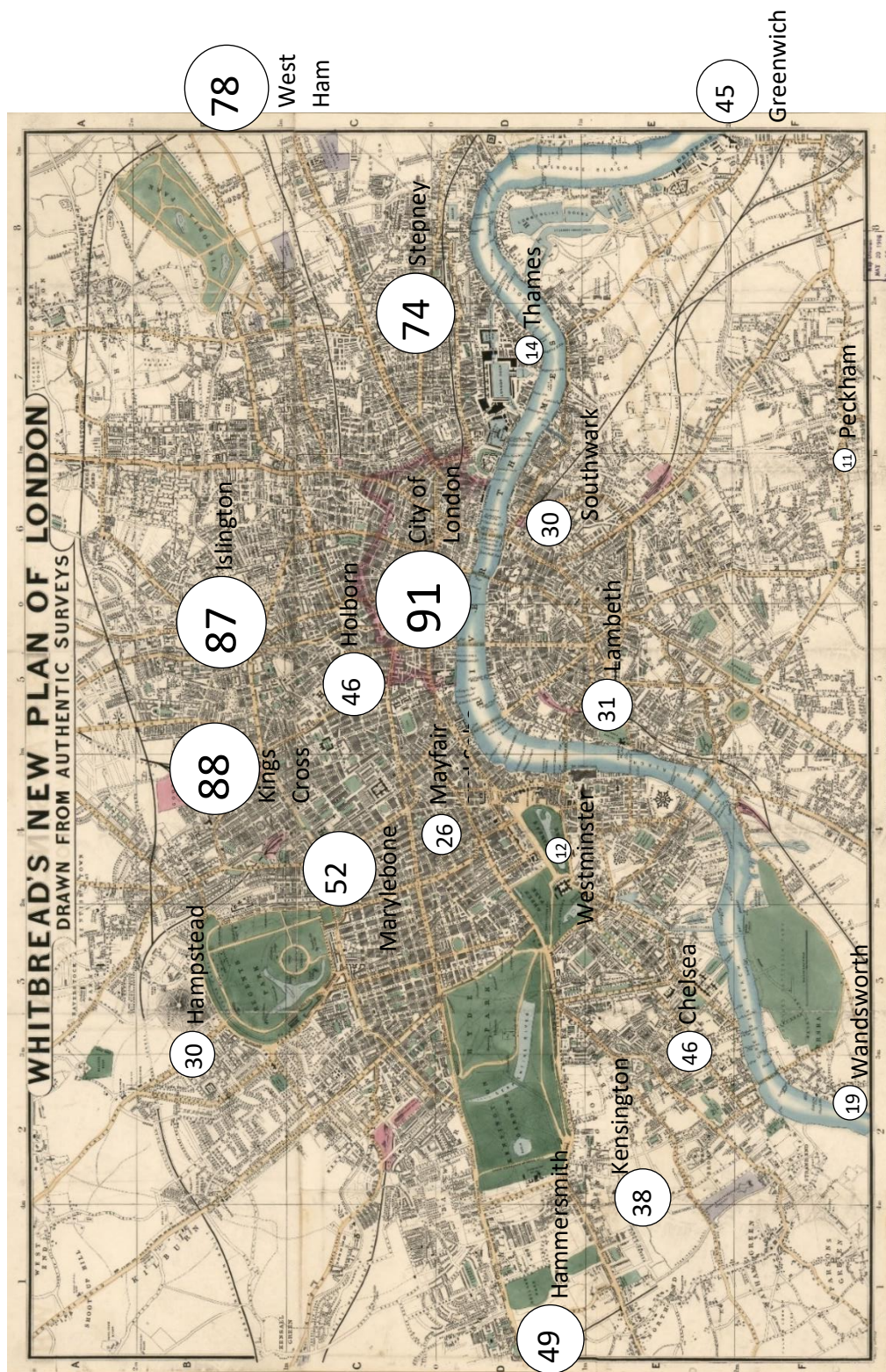
Graph 6.2: Number of cases featuring police officers identified with each Metropolitan Police division and the City of London among repeat offender cases, 1830-50. Total number of cases: 852.



⁷⁰ Shore, 'Mean streets', p. 153.

⁷¹ See Chapter Five and Critchley, *A History of Police*, pp. 51-4.

Figure 6.1: J. Whitbread, William Jeffreys and Millard Fillmore, 'Whitbread's New Plan of London, Drawn from Authentic Surveys', 1853, Wikimedia Commons, https://commons.wikimedia.org/wiki/File:Whitbread%27s_new_plan_of_London_-_drawn_from_authentic_surveys_LOC_2015591076.jpg. Annotated to show the distribution of policing agents in repeat offender cases from each Metropolitan Police division and the City of London, 1830-50.



These contrasts are seen in sharper relief when the Metropolitan Police divisions for policing agents involved in the proactive arrests are examined. There were a high number of proactive arrests made in Islington, and proportionately far fewer in all the other divisions (see graph 6.3 and figure 6.2). The second highest number of proactive arrests was in Stepney, which in part reflects the concern that this was an area of poverty and feared as a site of crime. In Islington, some of this phenomenon can be attributed to one particular policing agent: George Kemp, a Metropolitan Police Constable, was responsible for 13 of these arrests. Kemp, a proactive policing agent with a long career as a watchman and later Metropolitan Police Constable (1824-47) was discussed in detail in Chapter Five. The presence of a very proactive policing agent in a particular division also probably encouraged further proactive behaviour among his fellow officers. The high number of proactive arrests in Islington may also reflect specific encouragement of proactive policing practices in that division by the senior officers; unfortunately, we cannot know whether this was the case. The distribution of repeat offender arrests across the metropolis shows that, while policing agents arrested repeat offenders everywhere, and some of these arrests were proactive, there were some areas in which proactive policing practices were more common than others. In turn, it is likely that the actions of these proactive policing agents were affected by, but also contributed to perceptions of criminal activity in these areas.

Graph 6.3: Number of cases featuring police officers identified with each Metropolitan Police division and the City of London in the proactive repeat offender cases, 1830-50. Total number of cases: 164.

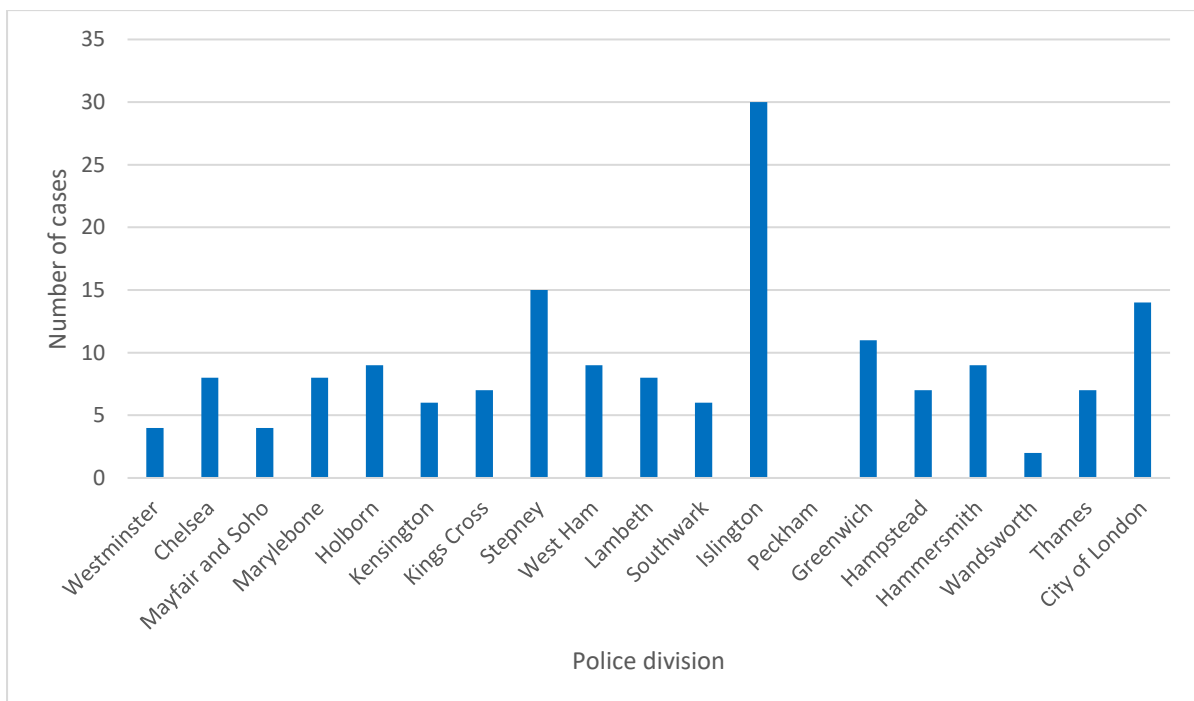
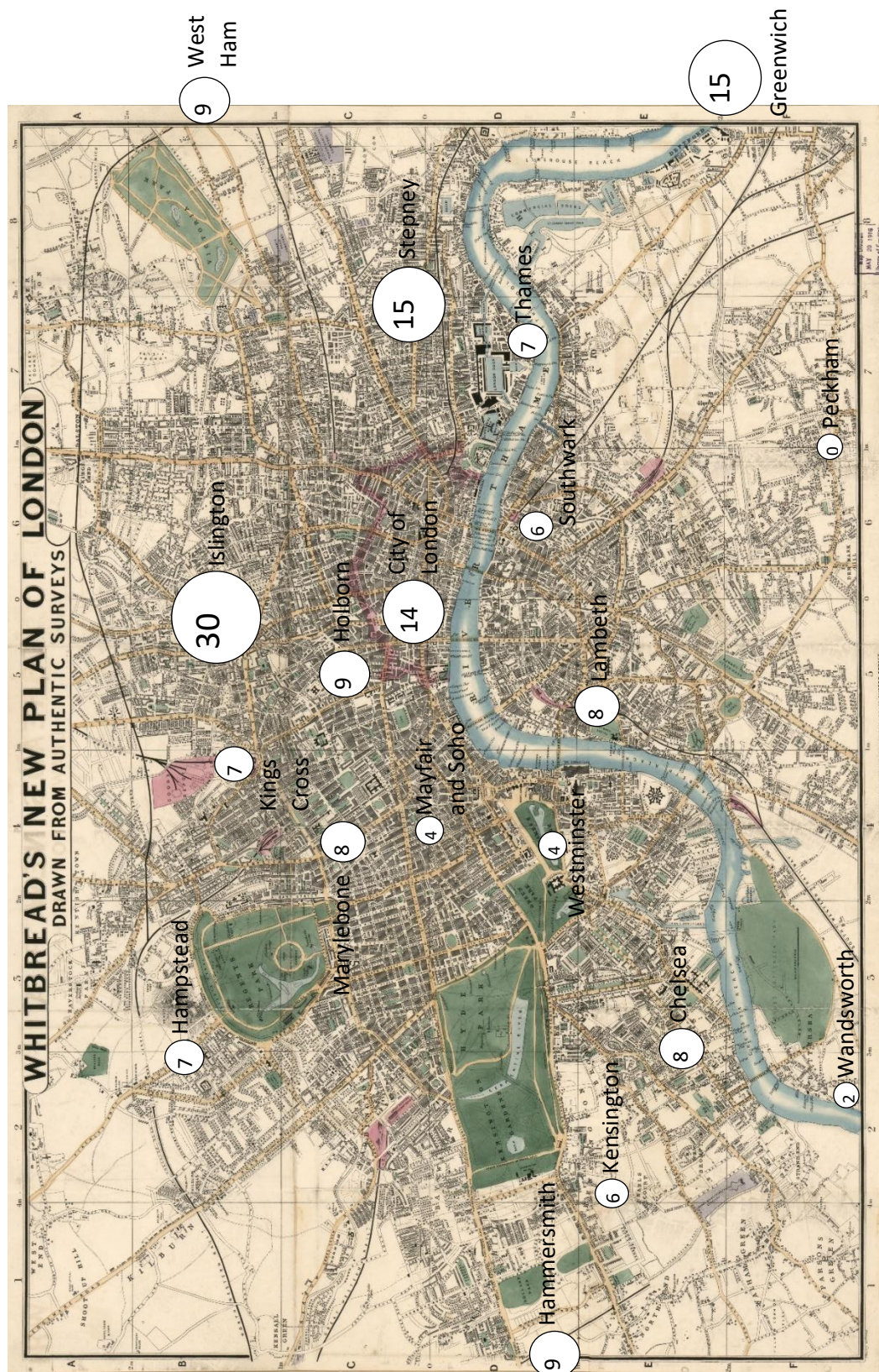


Figure 6.2: J. Whitbread, William Jeffreys and Millard Fillmore, 'Whitbread's New Plan of London, Drawn from Authentic Surveys', 1853, Wikimedia Commons, https://commons.wikimedia.org/wiki/File:Whitbread%27s_new_plan_of_London_-_drawn_from_authentic_surveys_LOC_2015591076.jpg. Annotated to show the distribution of proactive policing agents in each Metropolitan Police division and the City of London, 1830-50.



Individual policing agents

For the purposes of this study, it is particularly valuable to examine policing agents who arrested the same individual more than once. While it was quite difficult to identify specific policing agents, and difficult to be certain of those who arrested the same individual more than once, three examples of particularly proactive policing agents have been selected for detailed examination here. These policing agents arrested the same defendant more than once, and have also been identified in additional sources. Their proactivity was indicated by their frequent appearances at the Old Bailey and magistrates' courts to detail their reasons for arrests. The policing agents presented here were very active in detective work, and they also were involved in arresting repeat offenders. This evidence suggests that these activities were interrelated, and that those policing agents who were proactive in investigating offences were likely to repeatedly arrest those they knew to be previous offenders.

Policing agent Philip Webster arrested defendant Emma Armstrong twice, in 1826 and 1827. He first appeared at the Old Bailey as an 'officer' in 1825 and was also identified as a 'constable of Bow Street', and later an officer of Marylebone.⁷² He appeared very frequently at the Old Bailey in the late 1820s, generally vaguely identified as an 'officer', and his final recorded appearance was in 1839.⁷³ He was identified in 84 cases in the *Old Bailey Proceedings* from this period. It is likely that this was the same individual, since it was not a common name, and Webster's policing roles appear to have been similar. He was also identified in three police court reports in newspapers, dating from 1829 and 1830. The cases that he was involved in suggest that he was proactive towards repeat offenders and had some policing knowledge of offenders in his local area. In a report of the examination of Thomas Sheppard at Marylebone Police Court, it was stated that, 'Philip Webster, a Mary-la-bonne [*sic*] officer, said he was well acquainted with the person of the prisoner, for two years ago he was charged with a robbery committed in the neighbourhood of Berkeley-square', and that when he received a description from the victim of this offence, 'he knew it to be him, and apprehended him'.⁷⁴ In this case, Webster's policing knowledge of previous offenders in his local area led him to identify the defendant, who was subsequently brought to trial at the Old Bailey for this offence, and convicted.⁷⁵ This demonstrates the impact policing knowledge and the policing of repeat offenders could have upon prosecutions.

In another example of Webster's proactivity, at the examination of Henry Kirkman at Marylebone in 1830 Webster 'gave evidence that on Wednesday night he watched the prisoner to several different

⁷² *OBPO*, January 1825, trial of William Peakes (t18250113-89); *OBPO*, April 1825, trial of Thomas Pembroke and William Brown (t18250407-43); *OBPO*, January 1827, trial of Charles Pearce and Henry Hitchman (t18270111-16).

⁷³ *OBPO*, June 1839, trial of John Harris Seton (t18390617-1956).

⁷⁴ *The Standard*, 27 October 1829.

⁷⁵ *OBPO*, October 1829, trial of Thomas Sheppard (t18291029-158).

marine store-shops in Marylebone, and at length seized his horse and cart'.⁷⁶ The examination account stated that Kirkman was unable to account for the metal in his possession, and that this was his fourth conviction. This account implied that Webster had some knowledge of Kirkman, or thought that his behaviour was suspicious, and so chose to watch him. These examples highlight Webster's proactive policing behaviour towards repeat offenders, and show that some policing agents arrested repeat offenders when they were able to. This included arrests for felony offences, such as Thomas Sheppard's case, which was heard at a magistrates' court before being tried at the Old Bailey, and misdemeanours, which were dealt with summarily by magistrates as in the case of Henry Kirkman. By examining police court reports in newspapers alongside trial accounts in the *Old Bailey Proceedings*, evidence of a wide variety of arrests is revealed.

Benjamin Lovell appeared in four of the repeat offender cases, including in both trials of William Emmerson, whom he arrested twice. He first appeared at the Old Bailey in 1835 as Police Constable R15.⁷⁷ R was the Greenwich division, and he continued to be identified with this division until the final case that he appeared in, in 1856.⁷⁸ He appeared frequently at the Old Bailey throughout this period, probably in 85 cases, and was interchangeably identified as a police constable or police sergeant.⁷⁹ It seems likely that this was the same individual, although his precise policing rank was uncertain. He was identified in three police court reports in newspapers between 1838 and 1842. He was clearly a proactive policing agent, as demonstrated in the report of the examination of George Dixon, William Thompson and Henry Norton for pickpocketing at Greenwich Police Court in 1842. The report stated that Lovell observed the defendants 'pushing and elbowing' in a crowd, saw one 'feel a person's pocket', and directed his fellow officers to watch them.⁸⁰ Lovell arrested the defendants when he saw them passing a handkerchief between them. Here Lovell was behaving proactively towards the defendants, whom he saw behaving suspiciously. His frequent court appearances suggested that he was an active officer, who contributed to criminal convictions.

William Millerman was also an active policing agent, who appeared in five repeat offender cases, including arresting Francis Griffiths twice. He appeared frequently at the Old Bailey between 1839 and 1859, probably in 71 cases, and was identified as a 'policeman' or 'police constable', with the beat number B95.⁸¹ B represented Chelsea division. Millerman was a proactive agent, who was engaged in

⁷⁶ *The Times*, 9 January 1830.

⁷⁷ *OBPO*, July 1835, trial of William Jones (t18350706-1680).

⁷⁸ *OBPO*, April 1856, trial of John Hall (t18560407-477).

⁷⁹ In *OBPO*, July 1836, trial of Dennis Dodd (t18360704-1742), identified as 'Police Sergeant R15'.

⁸⁰ *The Morning Chronicle*, 27 January 1842.

⁸¹ *OBPO*, June 1839, trial of Thomas Jones (t18390617-1793); *OBPO*, April 1840, trial of William Walker and Francis Griffiths (t18400406-1219) as Police Constable B95; *OBPO*, January 1859, trial of John Mack (t18590131-234).

detective work. In 1841, at the trial of Thomas West at the Old Bailey, he watched the defendant with a fellow officer for ‘nearly an hour’, and both he and the other officer were ‘on duty in plain clothes’.⁸² They saw the defendant attempt to pick pockets, and apprehended him with a handkerchief in his hand. West’s arrest took place in Woolwich, and the other police officer involved was from Southwark division, so these plain clothes officers were clearly permitted to operate throughout the police district, which was unusual. Most police constables were expected to remain on a specific beat, or at least within their division. This may reflect personal proactivity on Millerman’s part, or he may have been ordered by his superiors to go to Woolwich for a particular reason, but we cannot be certain. It is clear that Millerman’s proactive detective policing facilitated arrests and prosecutions.

Millerman continued to operate in a detective role, and at the trial of James Rogers and John Hannan at the Old Bailey in 1844, he reported that he was ordered by his inspector to watch the victim’s premises. He stated that, ‘I stationed myself, with another person, in an empty room opposite the prosecutor’s – about a quarter to nine o’clock I saw Rogers cut a steak off a round of beef, while his master’s back was turned – he put it into his bosom, and made away’.⁸³ This account suggests that Millerman was requested to fulfil detective policing roles within his division by his senior officers. He also clearly had an extensive knowledge of suspects, and was recognised by some defendants. In the report of the examination of George Rolls at Lambeth Street Police Court in 1853, Millerman stated that he saw the defendant ‘exhibit a gold watch to three thieves’, and that, when Rolls saw Millerman, he walked away.⁸⁴ Millerman and a fellow officer pursued and arrested Rolls. Millerman explained that he knew that ‘the prisoner keeps the Carpenters’ arms, which is a very bad house’, and he also knew the names of the thieves that Rolls was speaking to.⁸⁵ Here Millerman’s knowledge of offenders, and those who kept ‘bad houses’ facilitated his arrest of Rolls. These examples of his policing activities demonstrate that such detective policing behaviour helped determine who was prosecuted and convicted in the courts of the metropolis. As part of their detective work, such policing agents clearly attempted to arrest repeat offenders where they were able to identify them. These active policing agents demonstrate that proactive detective policing and arresting repeat offenders were interrelated activities.

⁸² *OBPO*, July 1841, trial of Thomas West (t18410705-1937). See discussion in Chapter Five, and Griffin, ‘Detective policing and the state in nineteenth-century England’, p. 228 about plain clothes detectives in the Metropolitan Police.

⁸³ *OBPO*, June 1844, trial of James Rogers and John Hannan (t18440610-1722).

⁸⁴ *The Times*, 28 July 1853.

⁸⁵ *Ibid.*

Conclusion

This analysis of 1828 individuals who were tried more than once at the Old Bailey between 1780 and 1850 demonstrates that some policing agents targeted and arrested repeat offenders. Unfortunately, much of the evidence that policing agents repeatedly arrested the same individuals because they recognised them as previous offenders is tantalising rather than definitive. The accounts of examinations and trials in police court reports in newspapers and the *Old Bailey Proceedings* did not always explicitly state policing knowledge as a cause of arrest, since they were not primarily focused on explaining why policing agents arrested particular individuals, or identified them for surveillance. Policing knowledge of offenders may have been expressed in court but not recorded in the written records. The challenges of the poor OCR of online newspapers, and the limited accounts in the *Proceedings*, mean that we cannot accurately identify all the reports relating to named defendants and policing agents. Despite these limitations, there is clear evidence that, where they were able to identify repeat offenders, some policing agents sought to arrest them and testify against them at the Old Bailey.

The evidence presented here reveals that some policing agents were heavily involved in repeat offender cases, as in 55.4 per cent of these cases, one or more policing agents arrested the defendant or defendants. In 21.0 per cent of the cases featuring policing agents, one or more were behaving proactively. These policing agents chose to arrest those whom they saw as suspicious, and often, crucially, those whom they recognised as previous offenders. They acted because of, and contributed to, wider perceptions that young men were most likely to be responsible for criminal activity. Those tried more than once at the Old Bailey were disproportionately likely to be found guilty compared with all those tried at the Old Bailey at this time. It seems that these individuals were not only recognised by the police as suspicious, but also recognised in court and viewed as suspicious by judges and juries. This, alongside evidence of their offences, led to high conviction rates for repeat offenders. We cannot be certain about whether these individuals actually committed the offences that they were tried for, but these defendants conformed to wider perceptions and stereotypes about who was likely to be responsible for criminal activity in the metropolis.

From the late eighteenth century, there were growing concerns about the dangers of recidivism, and this climate formed the background to formal legislation to provide for police supervision of repeat offenders that was introduced in the 1860s and 70s. This study shows that, in this period before formal police supervision, some policing agents did attempt some degree of surveillance of those who had been previously convicted, although this was far less regular and strict than the requirements of the later legislation. The evidence from the accounts of Old Bailey trials suggests that some policing agents

repeatedly arrested individual defendants because they recognised them and knew of their offending history. It also suggests that the proactive policing of repeat offenders was growing across the period, particularly from the 1820s. This both reflected, and fed into, the growing concerns about recidivism in this era. The role that policing knowledge played in affecting arrests and prosecutions is also demonstrated by some police court reports in newspapers. The proactive arrests of repeat offenders affected perceptions of crime and criminality, and the record of arrests and prosecutions in the metropolis.

Chapter Seven: Conclusion

As stated at the outset of this thesis, studying 'crime' itself in the past is a fundamentally challenging task. We do not know the true extent of crime in the past, since for the most part, the only crimes recorded were those that were detected and prosecuted. Throughout the period between 1780 and 1850, the responsibility for prosecutions continued to lie mostly with the victim of the offence. Many did not prosecute, as most crimes went unprosecuted, were settled out of court, or went unsolved. Scholars have generally recognised that the surviving records of the criminal justice system are the records of prosecutions and punishments.¹ King emphasised the role that discretion played in the criminal justice system in the late eighteenth and early nineteenth centuries, and showed that a range of factors, circumstances and decisions impacted upon whether prosecutions actually took place.² This thesis acknowledges and builds upon this work, by arguing that the historical record of criminal activity is also in part a record of policing. The policing practices and agents examined in this thesis show that individual police officers exercised discretion in choosing who to arrest. They directly affected who was arrested, and subsequently prosecuted, in metropolitan London between 1780 and 1850.

The thesis has focused on the period between 1780 and 1850 because this has allowed for an examination of the situation before and after the establishment of the Metropolitan Police in 1829. Traditionally, Whig histories of policing argued that former policing systems were ineffective, and that police reform followed a centralising teleological narrative.³ This scholarly tradition placed the establishment of the Metropolitan Police as part of an inevitable history of modernisation. However, more recently, scholars have emphasised that the pre-Metropolitan Police policing systems were effective, and responsive to the communities that they served.⁴ They have argued that there was not such a drastic distinction between the 'old' and 'new' police, especially as many personnel were the same.⁵ The establishment of the Metropolitan Police identified a new central authority for policing, the Home Department, rather than a new approach to policing. This thesis also reveals strong continuities in both policing expectations and practices across the period. Furthermore, by focusing on the activities of policing agents on the streets of the metropolis, rather than the process of police reform, this research represents a novel approach. While policing practices became more clearly defined over time, the priorities of policing reflected common concerns across the period, and the practical activities of policing agents of different labels and under different authorities did not

¹ See, among others, Beattie, *Crime and the Courts*; Gray, *Crime, Prosecution and Social Relations*; King, *Crime and the Law*; Landau, *Law, Crime and English Society*; Shoemaker, *Prosecution and Punishment*.

² King, *Crime, Justice and Discretion*, p. 1.

³ See Reith, *A Short History of the British Police*; Howard, *Guardians of the Queen's Peace*.

⁴ See Beattie, *Policing and Punishment*; Harris, *Policing the City*; Paley, 'An imperfect, inadequate and wretched system?'; Reynolds, *Before the Bobbies*.

⁵ *Ibid.*, p. 153.

dramatically change. By examining the interactions between policing agents and those whom they arrested before and after the establishment of the Metropolitan Police, this thesis undermines the teleological assumptions of examining the 'old' and 'new' police separately.

Since the focus of this research is on the actions of policing agents, it identified from the outset the policing practices that required discretion on the part of police officers. This led to an emphasis on the 'proactive' policing of suspicious persons, in which policing agents acted proactively, by choosing to arrest a defendant because they suspected that the defendant had recently, or was about to, commit an offence. This is in contrast to 'reactive' arrests, where policing agents made arrests based on information of an offence from the victim or another witness. The defendants arrested proactively often intersected with those identified as suspicious, according to legislation and policing instructions. The implication of this field of policing is that some policing agents chose to arrest these individuals based on the supposition that they were capable of criminal activity, whereas others chose to turn a blind eye. By choosing to make proactive arrests, proactive policing agents directly affected the received record of criminal activity.

The thesis started, in Chapter Two, by examining the instructions and guidelines provided to policing agents by the authorities responsible for local and national policing, particularly with regard to policing suspicious persons. Chapter Two revealed that policing suspicious persons was a continual priority for different types of policing agents over the course of the period, but that definitions of what constituted a suspicious person became clearer and more defined over time. Chapter Three examined evidence of the proactive policing through the *Old Bailey Proceedings* and police court reports in newspapers between 1780 and 1815. It concluded that the language used by policing agents to describe their reasons for suspicion and arrest was often the same as that used in instructions and policing legislation. In the next chapter, wider evidence of policing practices, and the scrutiny of these, was explored through Select Committee reports and archival sources. Chapter Four emphasised that the period between 1810 and 1839, in particular, was one of concern and debate over policing practices, and that contested policing practices affected arrests and prosecutions. Chapter Five further developed the analysis of Chapter Three, by examining the second half of the period (1816-1850). It demonstrated that proactive policing continued into the later period, and in fact became a more clearly-defined practice, in the 1820s and under the Metropolitan Police. Finally, Chapter Six analysed policing practices towards repeat offenders. It explained that some policing agents proactively and intentionally arrested those they knew to be previous offenders in an era before the formal police supervision of offenders. Collectively, these chapters provided evidence of the expectations, scrutiny and practical activities of policing agents on the streets of London.

This thesis has identified four key research findings. Firstly, the period between 1780 and 1850 was an era of continuing concern over, debate about, and engagement with, policing. There was not merely a narrative of national or metropolitan policing reform, but rather a variety of divergent voices and interests in the localities, who had a stake in policing practices and exerted pressure on policing agents. Secondly, the various policing agents of the metropolis were expected to police suspicious persons from at least the mid-eighteenth century onwards, and there were continuities in this task. This was expressed through a shared language of suspicion, used by the authorities, policing agents and private individuals. However, definitions of suspicious persons, and the nature of policing suspicious persons became clearer and more defined over time. Thirdly, individual police officers exercised discretion in this field. A minority of policing agents chose to police proactively, and in doing so, they disproportionately affected patterns of arrests and prosecutions. Finally, these proactive policing practices, which targeted suspicious persons, were connected with wider criminal stereotypes. Those arrested by proactive policing agents generally conformed to certain stereotypes, and these policing agents both fuelled, and were influenced by, perceptions of criminality and recidivism. This conclusion will explore each of these findings in greater detail, and explain their implications for our wider understanding of criminal justice history.

An era of engagement with policing

The period between 1780 and 1850 has long been recognised as a time of policing reform, and this reform was accompanied by debates and wider interest in policing provision. Chapter Two synthesised a range of information about the instructions and legislation provided to the variety of policing agents who were responsible for policing the metropolis both before and after the establishment of the Metropolitan Police. It revealed a vast literature that expressed policing expectations, demonstrating that contemporaries were deeply concerned with policing provision in the metropolis. This information was issued from the Home Department, as legislation from parliament, and by local watch committees and the City of London authorities.

Over the course of the period between 1780 and 1850, a range of policing reforms in London were enacted, of which the establishment of the Metropolitan Police in 1829 was the most noticed and significant. Other policing reforms included area-wide legislation in the City of London and Westminster that provided for regulated watchmen, and measures introducing evening patrol forces in a ward or parish of the metropolis. Chapter Four demonstrated that the authorities responsible for policing provision, which included ward and parish watch committees, the City Corporation and the Home Department responsible for the establishment of the Metropolitan Police, were continually engaged in processes of improvement and reform to ensure that policing provision met the

expectations of the authorities and the community.⁶ As Harris argued, for example, policing in the City of London was ‘dynamic, responsive, and locally accountable’ before the centralisation of the City of London Police force in 1839.⁷ In many cases, policing provision in the wards or parishes differed from that instructed by the City Corporation or national legislation. This reflects the responsiveness of local policing provision, and local engagement with policing practices. While the sources identified in this thesis provide some insights into these local pressures on policing, we do not yet know enough about exactly how local pressures encouraged or discouraged proactive policing. Scholars have argued, in the case of the Metropolitan Police, that they were required to mediate between middle-class expectations of policing and the working-class milieu that they interacted with and were often part of themselves.⁸ We need a deeper understanding of which groups exerted these pressures for the late eighteenth and early nineteenth centuries.

The period between 1810 and 1839 was an era of particular scrutiny of policing. This was shaped by the proliferation of Select Committees called in this period to examine the state of policing in the metropolis. The evidence presented at these Select Committees reflected concerns about corruption and collusion in London policing, particularly with regard to rewards provided to policing agents, and allegations that they consorted with suspects or known offenders in ‘flash houses’. There were also criticisms raised about both former policing agents and Metropolitan Police officers neglecting their policing tasks. Despite highlighting the local responsiveness of policing provision, this thesis is not suggesting that policing in London, either before or after the establishment of the Metropolitan Police, was necessarily able to meet the expectations of the authorities or the local communities that they served. The scrutiny of, and discussion over, policing practices reveals that policy-makers and local residents were simply concerned about issues of corruption, and sought to improve policing. It also highlights the changing sources of pressure on policing agents over the course of the period. While local policing agents were continually scrutinised by the residents whom they policed and by the local authorities, with the development of metropolitan-wide policing, Metropolitan Police officers were also exposed to pressures from the Home Department. As scholars have recognised, the innovation of the ‘new’ police was not policing strategies, but new expectations of what policing could accomplish (and a centralised power base).⁹ This included more defined and clearer expectations for the policing of suspicious persons on the streets of the metropolis.

⁶ See Harris, *Policing the City*; Reynolds, *Before the Bobbies*; Reynolds, ‘St Marylebone’.

⁷ Harris, *Policing the City*, p. 1.

⁸ See Inwood, ‘Policing London’s morals’ and Peter Andersson, *Street Life in Late Victorian London: the Constable and the Crowd* (Basingstoke, 2013).

⁹ Churchill, *Crime Control*, p. 40.

This evidence, and the continuities in policing practices demonstrated in Chapters Three, Five and Six with regard to proactive policing, show that the establishment of the Metropolitan Police was not necessarily an inevitable development, nor was it a dramatic break with former policing practices. Instead, critiques of policing agents for neglecting their roles, and allegations of collusion and corruption endured. This thesis therefore supports revisionist police historians in emphasising continuities before and after the establishment of the Metropolitan Police. More than this, it reveals the vibrancy of local engagement with policing, and shows that contemporary policy-makers, local government officials and residents were intensely concerned with trying to obtain effective policing provision. It also highlights that this was a contested area, with continual debates over the most effective modes and methods of policing. Policing agents were under pressure, both from the local communities that they policed, and, following metropolitan-wide reform, the Home Department and the wider political community. While policing priorities did not change dramatically, the increasing expectations and the changing sources of pressure shaped more uniform and coherent policing practices with regard to the proactive policing of suspicious persons.

Policing suspicious persons and the language of suspicion

Within the wider debates over policing, the policing of suspicious persons was as a central theme. This thesis has revealed a language of suspicion, shared amongst the authorities responsible for policing, the police and the private individuals who testified at the Old Bailey, that was used to justify and describe proactive policing practices. Policing agents used this language to explain, as recorded in court records, why they arrested defendants on suspicion that they had recently, or were about to, commit an offence. As Chapter Two illuminated, the various policing agents were expected to police suspicious persons from at least the mid-eighteenth century onwards. This was an area of continuity in policing expectations, across the 'old' and 'new' police. It is evidenced by vagrancy legislation: under the 1752 Act, constables, beadles and watchmen were to 'secure all suspicious persons they shall find lurking and loitering about the Streets, Alleys, Passages, or other Places within their respective Districts, at unseasonable hours'.¹⁰ However, as the successive acts passed over the course of the eighteenth and early nineteenth centuries demonstrate, definitions of who constituted a suspicious person became clearer and more extensive over time. This legislation explained that suspicious persons included individuals carrying tools that could be used for housebreaking, 'reputed thieves', those 'with intent to commit felony' and those found in private spaces without lawful purpose.¹¹ The

¹⁰ 25 Geo II, c. 36 (1752), 'An Act for the better preventing Thefts and Robberies, and for regulating Places of public Entertainment, and punishing Persons keeping disorderly Houses'.

¹¹ 23 Geo III, c. 88 (1783), 'An Act for Punishment of Idle and Disorderly Persons, upon whom Implements for Housebreaking, or Offensive Weapons, shall be found in the Night Time'; 32 Geo III, c. 53 (1792), 'An Act for

Metropolitan Police *Instructions to the Force* also provided detailed descriptions of the circumstances in which officers were expected to make arrests based on suspicion, such as examining those they saw ‘carrying a bundle or goods, which he [the Police Constable] suspects were stolen’.¹² The evidence shows that definitions of suspicious persons were extended and clarified over the course of the period. As explored in the first finding, the expectations placed on policing agents in terms of policing suspicious persons by the authorities responsible for policing grew over time.

This language of suspicion, identified in legislation and instructions provided to policing agents, was used by policing agents to explain why they made proactive arrests, as explored in Chapters Three, Five and Six. The evidence in these chapters was drawn from the *Old Bailey Proceedings*, and police court reports in newspapers. While neither source directly reported the words spoken by the actors in court, the reported language was based on the spoken words. Furthermore, it is important to note that this language was used to justify the arrest in court and ensure that the policing agent was not accused of making a wrongful arrest, but did not necessarily represent why the officer actually made the arrest. We cannot fully recover the real policing motivations. The analysis divided the identified reasons given for arrests into expressions of knowledge of the defendant, knowledge of the defendant’s character, evidence that they were carrying stolen objects, and suspicious behaviour. Within these categories, terms derived from legislation and instructions were used, such as ‘reputed thief’, ‘loitering’, ‘lurking’ and ‘bundle’. There were some variations in the language used between the *Proceedings* and newspapers, which reflected the different audiences of the publications. As Chapter Five explained, this language of suspicion was used with increasing clarity and precision by the later part of the period in the *Old Bailey Proceedings*. For example, ‘loitering’ and ‘lurking’ were used with proportionately increasing frequency in the second half of the period. Although these terms may seem imprecise, they connected to criminal activity outlined in the vagrancy legislation, and were used to imply criminality by policing agents and private individuals testifying at the Old Bailey.

Chapter Six demonstrated that some policing agents used their knowledge of an individual’s previous offences to justify either stopping an individual to question them, or watching them until they gathered evidence to suggest that they had committed an offence. Policing knowledge of offenders, alongside evidence of the offence, was effective in convincing judges and juries of guilt. This shared language of suspicion was also used by private individuals, as recorded in the *Old Bailey Proceedings*, to explain why they suspected defendants. This was important since private individuals and victims continued to play an important role in bringing about prosecutions throughout this period. The use of

more effectual Administration of the Office of a Justice of the Peace’; 5 Geo IV, c. 83 (1824), ‘An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds’.

¹² TNA: MEPO 8/1, *Instructions to the Force*, p. 50.

this language of suspicion by private individuals demonstrates that these terms were widely understood to denote criminal activity. By using the shared language of suspicion, policing agents and private individuals knew that magistrates, judges and juries would understand that the defendants in question were legitimately suspected, and likely to be guilty of criminal activity.

Those arrested proactively, and as repeat offenders, as Chapters Three, Five and Six demonstrated, were disproportionately likely to be found guilty compared with all those tried at the Old Bailey in this period. This reflects the efficacy of policing agents who used the common language of suspicion to justify their arrests. The language of suspicion acted alongside evidence of the actual offence to secure convictions. The trial accounts suggest that suspicious behaviour, or knowledge of the character of the defendant, often prompted policing agents to be more vigilant towards certain individuals and watch them to gather more evidence. The actions of these policing agents, therefore, directly affected the record of prosecutions.

Agency and discretion

Policing agents, particularly in proactively policing suspicious persons, but also in the wider policing practices identified by this thesis, acted as individuals rather than as a homogenous group. They were called upon to exercise their discretion, and were often unaccompanied by other officers on the streets of the metropolis, so were required to make decisions about arrests or further action for themselves. They could not arrest everyone who was potentially behaving suspiciously, and so had to make choices. Their policing habits are revealed through court reports, such as the *Old Bailey Proceedings*, but also through their testimonies to the Select Committees called to examine the state of policing in the metropolis. The testimonies of policing agents demonstrated that they continued, for example, to associate with known offenders in 'flash houses', public houses where criminals were supposed to congregate, to gather information about offenders and recent offences into the middle of the nineteenth century, despite the outward condemnation of these practices by police authorities and magistrates. These policing agents negotiated their policing roles with their superiors, and explained that these practices helped them to secure arrests and prosecutions. Evidence from Select Committee reports and archival sources also attested to concerns of collusion between policing agents and offenders, and allegations that policing agents neglected their roles. These policing practices were significant because they affected arrests and prosecutions. They meant in some cases that known offenders tended to be arrested, but in other cases that suspects were allowed to go free through negotiations with policing agents, or because of policing neglect.

Turning more specifically to the policing of suspicious persons, Chapter Two argued that it was increasingly acknowledged that this was an area in which policing agents were called upon to exercise

discretion. While discretion was implicit in the vagrancy legislation, since identifying behaviour such as 'lurking' or 'loitering' clearly required some personal judgement, the Metropolitan Police instructions stated explicitly that, with regard to suspicious persons, 'the Constable must judge, from the situation and behaviour of the party, what his intention is'.¹³ It was clear that, in terms of policing suspicious persons, policing agents were always called upon to exercise their discretion.

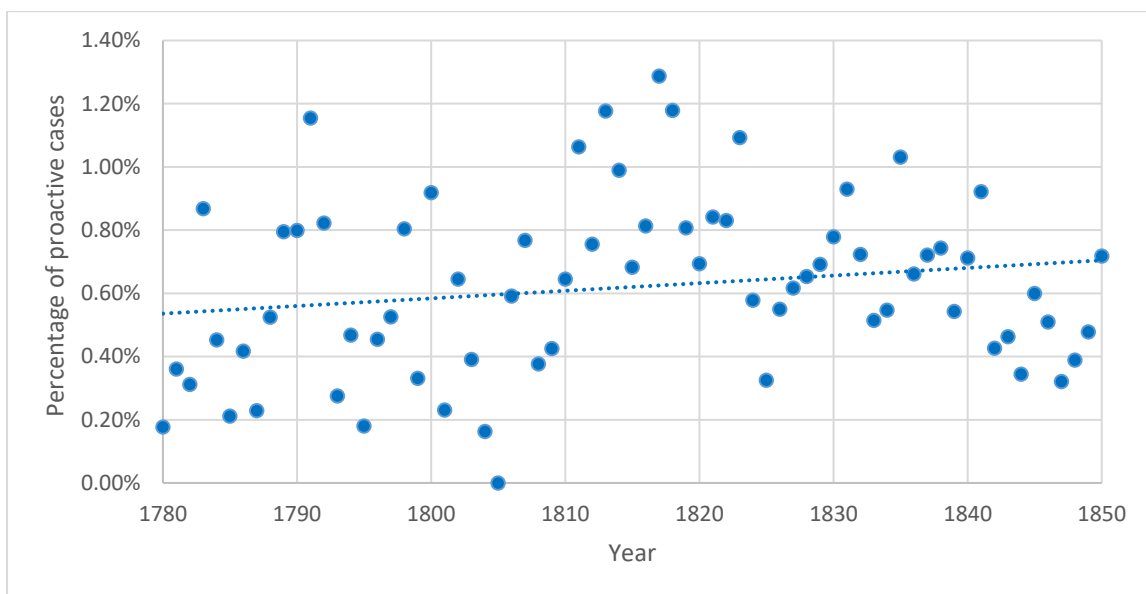
The evidence in Chapters Three, Five and Six of the proactive policing of suspicious persons demonstrates that many policing agents did make decisions to arrest based upon suspicion, and that they justified these arrests using a shared language of suspicion. While the number of proactive policing cases identified was a relatively small proportion of the total number of cases tried at the Old Bailey in this period, it is clear that this was a more common phenomenon than was documented in the *Old Bailey Proceedings* and newspapers. The trial accounts did not always record in detail the nature of the arrest, and there were additional cases which could not be identified through the keyword searching methodology. The recorded activities of individual policing agents, identified for further discussion because they were particularly proactive, demonstrated that some policing agents were especially vigilant towards suspicious persons. They developed specific policing styles, such as watching suspicious persons until they committed a felony. There was variation between the uptake of proactive policing practices across the metropolis, as evidenced by the different numbers of proactive arrests identified in the different Metropolitan Police divisions. The policing agents who were proactive, and those who were not, all affected patterns of prosecutions.

This thesis, crucially, argues that the proactive policing cases brought to court reflect policing practices more than offending patterns, and that therefore the record of prosecutions also partially reflects policing practices. The evidence collated in Chapter Five showed that the proactive arrests identified in the *Old Bailey Proceedings* were particularly likely to take place in the evening; 40.5 per cent of arrests with recorded times took place between 5pm and 10pm. While this phenomenon is difficult to fully account for, it seems that it represented deliberate policing practices, and the targeting of defendants at this time of day. This is shown by the comparison of the time of arrest for the proactive policing cases with a sample of all cases tried at the Old Bailey, where an offence was detected by a private individual, or a reactive arrest was made by a policing agent at a recorded time. Among these cases, only 32.9 per cent of arrests took place between 5pm and 10pm. By making proactive arrests in the evening, policing agents played into, and contributed to wider perceptions that the majority of crime took place at night time.

¹³ TNA: MEPO 8/1, *Instructions to the Force*, p. 48.

The proactive policing practices identified in Chapters Three and Five impacted upon patterns of prosecutions. Overall, the proactive cases accounted for 0.64 per cent of the total number of cases tried at the Old Bailey between 1780 and 1850, and there appears a slight trend towards increasing proportions of proactive arrests over time (see graph 7.1). This reflects the clearer definitions of suspicious persons over time, and the increasing expectations on policing agents to follow these practices. Despite this trend, there were significant fluctuations in the number of cases in each year, and the proportions of the total number of cases that these represented, which reflects the variable actions of individual policing agents, and the variations in numbers of Old Bailey trials per year. In particular, in four years in the 1810s, the proactive cases were over one per cent of the total, with a peak of 1.3 per cent in 1817. This significant rise is connected with the overall increasing number of trials at the end of the Napoleonic Wars, and related concerns about increasing crime rates, which were demonstrated by the proliferation of Select Committees on policing in this period.

Graph 7.1: Proactive policing cases as a percentage of the total number of cases tried at the Old Bailey in each year, 1780-1850. Total number of proactive cases: 680.



However, the proliferation of proactive policing cases in the 1810s can also be connected with the roles of particularly proactive individuals. By searching the names of proactive policing agents who appeared more than once through the keyword searching method, additional proactive cases were identified, including 40 in total for Benjamin Johnson, a City police officer, between 1812 and 1816. Johnson was discussed in detail in Chapter Three, but his example is significant here because he made a direct contribution to the record of prosecutions. Johnson made proactive arrests in 14, or 3.5 per cent of all the trials in the three Old Bailey sessions in which he was most active (July 1814, June 1815 and December 1815). Without Johnson’s proactive activities, 40 fewer cases would have been tried in the period between 1812 and 1816. It seems most likely that the proactive cases identified were only

a fraction of the total number of proactive arrests that took place. Based on the available evidence, the proactive policing practices identified did affect the received record of criminal activity. Thus the apparent crime wave of the post-Napoleonic Wars period was in part a 'prosecution wave', which resulted, to a certain extent, from proactive policing.

In addition, the evidence explored in Chapter Six demonstrated that some policing agents intentionally and deliberately arrested those whom they knew had committed previous offences, based on suspicion that they had committed another offence. This demonstrates that the actions of policing agents shaped not only prosecutions, but also wider perceptions of recidivism. Even though some of the repeat offenders probably did commit more offences, the fact that these individuals were watched closely by some policing agents in an era before the provision for formal police supervision of offenders meant that it was their offences that were most likely to be detected. Proactive policing practices, and the targeting of individuals for arrests, impacted directly on patterns of prosecution.

This thesis therefore demonstrates that police officers, even under the Metropolitan Police, did not act as a homogenous group. Instead, those who instructed and governed the police recognised that individual policing agents needed to use discretion to decide who to arrest, or not arrest, on the streets of the metropolis. There was scope for considerable individual action within set policing roles, and this thesis has identified several extremely proactive policing agents. George Kemp, for example, a watchman and later Metropolitan Police Constable who was active between 1825 and 1847, was identified in 79 proactive policing cases at the Old Bailey.¹⁴ Those who made proactive arrests, as well as those who chose not to, contributed to the historical record of criminal activity.

Criminal stereotypes

Those who were arrested on suspicion by proactive policing agents typically fitted certain criminal stereotypes. By predominantly arresting individuals who conformed to these stereotypes, proactive policing agents both acted according to, and contributed to, perceptions of criminality and of who was likely to be most capable of criminal activity. Those arrested proactively, discussed in Chapters Three and Five, and the repeat offenders examined in Chapter Six, were typically young men (with median ages between 20 and 23), charged with theft offences. In addition to intersecting with wider perceptions of criminality, the evidence presented in Chapter Six suggests that proactive policing practices had particular implications for perceptions of recidivism.

As Churcher has recently argued, recidivism was part of the criminal justice discourse from the later eighteenth century onwards, both in the popular press and in formal legislative or official

¹⁴ See Chapter Five for a detailed discussion of George Kemp.

discussions.¹⁵ She argued that, while the terminology used evolved over time, it is incorrect to place the start of concerns about recidivism in the mid-nineteenth century, with the development of legislative provision to deal with repeat offenders. While scholars have widely acknowledged that a 'criminal class', part of the poorer sections of society believed to have been responsible for the majority of criminal activity, was 'fallacious', it is more significant that such a class was believed to exist by contemporaries.¹⁶ Contemporaries believed that this class was composed of 'idle, irresponsible and drunken males', who earned their living solely through crime, and generally lived in the poorer areas of major cities.¹⁷ Churcher demonstrated that concern about groups of individuals who were prone to criminality, and offended repeatedly, was evident from the late eighteenth century onwards. This thesis, while cautious about definitively connecting the defendants arrested by proactive policing agents with the concept of the 'criminal class', demonstrates that the police targeting of suspicious persons was a constant practice between 1780 and 1850 and that the individuals arrested fitted these stereotypes. The discourse identified by Churcher, was, to a certain extent, informed by, and informed, policing practices.

The young men arrested by proactive policing agents, and as repeat offenders, were clearly viewed as prone to criminal activity by the magistrates, judges and juries who tried them. These individuals were disproportionately likely to be found guilty as compared with the overall population of those tried at the Old Bailey in this period. The arresting policing agents acted according to wider criminal stereotypes, and contributed to the perpetuation of these stereotypes. While referring here to the trends connected with repeat offenders, these characteristics were also noted among the total population of repeat offenders but were particularly pronounced for the repeat offenders arrested proactively.

The first aspect of the stereotype concerned the age of defendants. Those arrested by proactive policing agents, and as repeat offenders were likely to be younger than the overall population tried at the Old Bailey. The median ages were 2-4 years younger than for the overall population, and there were significant proportions of juvenile offenders (under the age of 16). This age gap is significant given the fact that defendant ages (then and now) were heavily concentrated in the late teens and early twenties: 41.1 per cent of all defendants tried at the Old Bailey between 1780 and 1850 with recorded ages were aged between 16 and 22. In this context, those arrested proactively and as repeat offenders were markedly younger than overall populations of defendants. The proactive arrests were connected with wider concerns at this time about the growth of juvenile delinquency, which scholars

¹⁵ Churcher, 'Understandings of habitual criminality', p. 21.

¹⁶ See Godfrey, Cox and Farrall, *Serious Offenders*, p. 19.

¹⁷ Godfrey, Cox and Farrall, *Criminal Lives*, p. 73.

have argued promoted increasing numbers of arrests of young defendants.¹⁸ Shore suggested that concerns about juvenile delinquency in the early nineteenth century were particularly focused on the perception that there were juvenile recidivists.¹⁹ The tendency of proactive policing agents to arrest young men reflected their engagement with, and perpetuation of, wider concerns that young people were responsible for the majority of criminal activity.

As this suggests, the next dimension to the identified criminal stereotype was gender: those arrested by proactive policing agents, including the repeat offenders, were disproportionately likely to be male. Between 89.3 per cent and 92.4 per cent of proactively arrested defendants in the different collections of cases were male, compared with 78.0 per cent of all those tried at the Old Bailey in this period. This reflected wider patterns of change, as women were increasingly more likely to be punished through the summary courts and using informal and non-judicial means over the course of this period, and were always, and increasingly, prosecuted for felonies in much lower numbers than men.²⁰ However, it also appears to reflect an aspect of criminal stereotypes that has not previously been explicitly addressed by historians. Although most scholars allude to a perceived criminal class composed mostly of men, there is limited explicit discussion of the fact that the stereotypical criminal appears to have been male.²¹ It is also important to note that prostitution, an offence that only women were accused of and which was associated with the criminal class, was not a felony and so was not tried at the Old Bailey. Policing agents conformed to, and contributed to, wider perceptions that men were responsible for the majority of serious criminal activity.

The final aspect of the criminal stereotype was the offence: theft. The vast majority of those arrested proactively, and as repeat offenders, who were tried at the Old Bailey and at police courts, were tried for theft offences. This is perhaps unexpected and requires some explanation, since this thesis identified that some of the language used to describe reasons for arrest was derived from vagrancy rather than theft legislation. However, many policing agents reported that when they saw a defendant 'lurking' or 'loitering', they found that they had committed theft after further investigation. The language of suspicion was used to denote that these defendants were capable of criminal activity, but policing agents generally benefitted more from felony than vagrancy arrests, either through rewards or more informally through praise for their actions and potential promotion. It is also connected with the fact that theft was probably the most straightforward felony for policing agents to proactively detect on the streets of the metropolis, and this is demonstrated by the high proportions of proactive

¹⁸ King and Noel, 'The origins of "the problem of juvenile delinquency"', p. 17.

¹⁹ Shore, *Artful Dodgers*, p. 1

²⁰ Shoemaker, *Gender in English Society*, p. 303; Gray, *Crime, Prosecution and Social Relations*, p. 170.

²¹ Godfrey, Cox and Farrall, *Criminal Lives*, p. 73.

arrests involving defendants carrying 'bundles'. The predominance of theft cases tried at the Old Bailey reflects the focus in this period in the criminal justice system with the protection of property, and the fear that this was under threat from the lower orders of society.²²

There was clearly some association between property crimes and the 'criminal class'. For example, the concerns about 'flash houses' and 'disorderly' public houses centred around property offenders from the lower orders of society using these spaces to plan criminal activity and dispose of stolen goods.²³ While crimes relating to interpersonal violence were also a source of extensive concern among legislators and the public in the nineteenth century, these offences were not closely associated with the perceived criminal class.²⁴ Violent crimes were associated with the upper classes, for example in the declining form of duelling, as well as the lower orders of society. It would be valuable to examine the connection between the criminal class and property offences in greater detail, but it seems that the stereotypical criminal was perceived as a thief.

Unfortunately, there was not sufficient data to investigate the socio-economic status of the defendants arrested proactively. The occupation of defendants was infrequently recorded in the *Old Bailey Proceedings*, and so it was not possible to gather this information for more than a few of the proactive policing cases.²⁵ Further research, potentially using the census data recently linked to criminal trials by the *Digital Panopticon* project, is therefore required to more fully investigate the socio-economic status of those targeted by policing agents, and whether they conformed with the generally poor 'criminal class' stereotype.

This thesis shows that the actions of policing agents shaped not only the received record of criminal activity, but also wider perceptions of criminality. By typically arresting young men for theft offences, proactive policing agents acted according to, but also contributed to, perceptions that there were certain sections of society both predisposed to be capable of, and responsible for, the majority of criminal activity. Policing agents who arrested those they knew to have committed previous offences also acted according to, and themselves perpetuated, wider perceptions of recidivism.

²² D. Hay, 'Property, authority and the criminal law', in Hay *et al.* (eds), *Albion's Fatal Tree*; Gray, *Crime, Policing and Punishment in England*, p. 87.

²³ See the discussion about flash houses in Chapter Four, and TNA: HO 42/146, 'List of Houses of Resort for Thieves of every description', 1815.

²⁴ See Martin Wiener, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* (Cambridge, 2004).

²⁵ See Richard Ward, 'Men as wives: visualising data errors in the Old Bailey Proceedings', *The Digital Panopticon* (2014), <https://blog.digitalpanopticon.org/?p=578> [accessed 16 May 2018].

Final thoughts

This thesis has argued for the significance of proactive policing practices, and demonstrates the impact of these policing practices on the historical record of crime. However, the policing of suspicious persons continues to be a source of discussion amongst criminologists, policy-makers and the media in the present day. The offence of loitering with intent to commit felony, which came into effect under the 1824 Vagrancy Act, was not removed from the statute book until 1981.²⁶ As Satnam Choongh wrote in the 1990s, the police in England and Wales continue to have powers to search those they suspect of criminal activity, and detain them at a police station under the 1984 Police and Criminal Evidence Act.²⁷ Based on interviews conducted with detained suspects and police officers in 1992, Choongh revealed that ‘individuals who come from certain segments of society are more likely to be arrested than others not necessarily because they violate the law to a greater degree than others, but because those segments of society from which they are drawn are subject to more stringent criteria of law enforcement’.²⁸ In the 1990s, these individuals were generally those of ethnic minorities, travellers and the homeless. While race was a new feature of targeted policing practices, the concern with vagrancy endured from the early modern period.²⁹ Into the present century, ‘stop and search’ powers continue to be used to disproportionately target those from black and ethnic minority communities in large urban centres.³⁰ Joel Miller suggested that this disproportionate focus, despite attempts at reform, is largely driven by popular concerns about street crime, and the particular threat of terrorism.³¹ These pressures from the wider community, therefore, inform practices of police targeting of certain individuals and groups.

Scholars and commentators widely recognise that the police use of stop and search powers is a controversial topic, and that it involves the discretion of individual police officers.³² Criminological research into the issue offers some reflections on the purpose of these powers. Matteo Tiratelli *et al.* argued that, while stop and search powers do not appear to have a deterrent effect on crime, ‘police, politicians and the public hold on to the idea that this is a useful way for the police to “fight crime” because it represents a visible display of police action’.³³ Wider public pressures urge police action,

²⁶ See Lawrence, ‘The Vagrancy Act’, p. 526.

²⁷ Satnam Choongh, *Policing as Social Discipline* (Oxford, 1997), p. 24.

²⁸ *Ibid.*, p. 44.

²⁹ *Ibid.*, p. 223.

³⁰ Joel Miller, ‘Stop and search in England: a reformed tactic or business as usual’, *The British Journal of Criminology* 50.5 (2010), pp. 954-74.

³¹ *Ibid.*, p. 970.

³² Kath Murray, ‘The modern making of stop and search: the rise of preventative sensibilities in post-war Britain’, *The British Journal of Criminology* 58.3 (2018), p. 588.

³³ Matteo Tiratelli, Paul Quinton and Ben Bradford, ‘Does stop and search deter crime? Evidence from ten years of London-wide data’, *The British Journal of Criminology* (2018), p. 1227.

rather than inaction, as a means of reassurance that crime is being tackled. These pressures, clearly, endure from the eighteenth and nineteenth centuries.

Although it is not within the remit of this thesis to reflect extensively on the current state of policing, this brief discussion shows that the findings of the thesis continue to resonate today. The actions of the police in arresting and targeting certain individuals continue to impact on criminal statistics, to inform policing practices and to affect wider perceptions of criminality. The endurance of these patterns of policing behaviour reflects the continual constraints on policing resources, and also the continuing expectations placed on the police to be seen to be vigilant towards groups of society believed to be responsible for the majority of criminal activity. Police officers continue to be required to exercise their discretion in choosing who to arrest, and wider criminal stereotypes affect their perceptions of those who are likely to be capable of criminal activity, and those against whom they can secure convictions.

This thesis also suggests some avenues for further research. There is still much that we do not understand about how the pressures and expectations placed on policing agents affected policing practices. A detailed study of the pressures on policing agents, both from the communities that they policed, and from the authorities responsible for policing, would be valuable. This would also serve to illuminate further the motivations behind proactive policing practices: did senior police officers encourage proactive policing among their juniors?

In this respect, the thesis has briefly highlighted some particularly proactive policing agents, and explored some evidence of the reasons for their proactivity. However, more research in this area would be valuable in revealing exactly what motivated proactive policing practices. The recorded testimonies of policing agents at the Old Bailey and police courts reveal their justifications for arrests, rather than the actual reasons. A detailed examination of the backgrounds and activities of individual proactive policing agents could illuminate proactive policing practices further.

This study could also be extended to examine the practicalities of police supervision of convicts under the legislation of the 1860s and 70s, which provided for prison licenses and the supervision of 'habitual criminals'. It would be interesting to explore continuities in the police supervision of known previous offenders. Here, comparisons could be drawn with the policing of convict populations, for example in Van Dieman's Land (now Tasmania), for which extensive records survive.³⁴ Such research would facilitate further discussion of the proactive policing of known repeat offenders.

³⁴ See *Founders and Survivors*, <http://www.foundersandsurvivors.org/> [accessed 16 May 2018], a database of records relating to those transported to Van Dieman's Land.

Overall, this thesis provides a greater understanding of the role that the police played in contributing to the received record of criminal justice. It illuminates policing practices on the streets of the metropolis, and particularly the proactive policing of suspicious persons, to demonstrate the agency of police officers. It highlights continuities in these policing practices before and after the establishment of the Metropolitan Police, but underlines the growing importance of proactive policing. This policing practice impacted not only upon the historical record of crime, but also on perceptions of criminality.

This research exposes additional dimensions to the understanding of the relationship between the development of policing and the development of the state. It highlights the local engagement with policing, which acted at different times in tandem with, or in contrast to, national developments. But crucially, it draws out the practices of individual policing agents, who engaged and interacted with those they arrested on the streets of the metropolis. The history of policing practices is not merely a narrative of increasing state involvement in the lives of the public.³⁵ Rather, it is also the history of disparate individuals, their relationships with the communities that they policed, and their interactions with the structures of power. Policing agents faced pressures and expectations from the community and the government, but also acted as individuals with a variety of different motivations. Those police officers who operated on the streets of the metropolis had power to make or not make arrests, and their individual actions and associations with defendants had significant ramifications for the defendants, for perceptions of criminality and for the historical record of criminal activity.

³⁵ See Reynolds, *Before the Bobbies*, p. 165; Churchill, *Crime Control*.

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