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Surrey Constabulary History
'An in depth history of policing in Surrey'

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Policing Rural Surrey

From the Distant Past to the First World War

Part One of Two Parts

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www.surrey-constabulary.com

It is difficult to reconcile an effective system of police with the perfect freedom of action and exemption from interference, which are the great privileges and blessings of society in this country; and your committee think that the forfeiture or curtailment of such advantages would be too great a sacrifice for improvements in police, or facilities in detection of crime, however desirable in themselves if abstractedly considered.

Report of Commons Select Committee 1822 Parliamentary Papers 1822 1v (Police of the Metropolis)

People sleep peaceably in their beds at night because rough men stand ready to do violence on their behalf.

Attributed by some to George Orwell who at the very least as an ex colonial police officer understood!

Noli nothis permittere te terere: the policeman's motto

("Don't let the bastards grind you down")

The Author

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Contents

Preface 13

Chapter 1 16

Life in England in the early 19th century

The environment in which the police had to operate 16

Swing events in Surrey 19

Official attitudes to the relief of poverty 24

The workhouse 24

The origins of the English policing system 25

Suretyship 25

Tythings, Tythingman, Frank Pledge 26

Assize of Clarendon 1166 26

Justices of the Peace also known as magistrates 27

Statute of Westminster 1285 28

Conservators of the Peace 1327 28

Justices of the Peace Act 1361 28

Origin of quarter sessions petty sessions, local courts 29

Evolving magistracy 30

Surrey magistrate Richard Wyatt JP 31

Richard Wyatt's deposition book 32

George Nupkins esquire 32

Parish constables 33

Oath and appointment 34

Constable's legal obligations 36

Parish Constables Act 1842 37

Substitute constables 38

Being marked as a bad and busy neighbour 38

Superintending constable 43

Surrey quarter sessions and the parish official 46

Chapter 2 50

A start at modernising the police 50

London before the Metropolitan Police 50

Thief takers 51

Bow Street 51

Union Hall 1792 Middlesex Justices Act 54

Bow Street Foot Patrols 1782 57

Bow Street Horse Patrols 57

Should there be a police force? 58

1822 Committee of Parliament 58

Bow Street Day Patrol 58

Watchmen 59

Watchmen in small town Surrey 63

Watchman in Guildford - Mandeville 67

Law enforcement officials in Central London 1802 67

Chapter 3 69

Police reform in London 69

Union Hall evidence to House of Commons Committee 70

Parliamentary select committees 1816-1818 71

Union Hall in disguise 72

Union Hall to Chertsey 73

Fetcham Common murders 1826 and Union Hall 73

Life in London – the need for more police 75

Metropolitan Police Bill 1828 76

A Bill for improving the police in and near the Metropolis 1829 77

Committals in London and Middlesex 79

Metropolitan Police Act 1829 81

Rowan and Mayne 83

Recruits 85

Selection of police officers 85

Letter to recruits 88

Collar and warrant numbers 90

Organisation and Structure 90

Instructions, guidance and police orders – primary object 93

The Receiver and costs 103

Nine Principles 104

Prevention 106

Chapter 4 110

1829 Dawn of the "New Police" 110

Constraints imposed by the rule of law and by oversight 110

Minimum Force – cutlasses and pistols Biddlecombe Isaacs 111

The Metropolitan Police were sent to their duty 122

Divisions, patrolling a beat and the Metropolitan Police District 126

Metropolitan Police District 128

Metropolitan Police 1 June 1830 – working a beat 129

Complaints - new police cost three times as much 133

Metropolitan Police expenditure 1829/30 134

Police have an impact 134

Metropolitan Police Act 1839 135

City of London Police Act 1839 136

Contemporary comments on the police 137

Special Constables Act 1831 140

Accepting the new police 146

First Metropolitan Police constable killed 148

Police Constable John Long 148

PC Culley 149

Egham Races 150

Guy Riots in Surrey 152

Football in the streets of Dorking 167

The village constable 171

Chapter 5 173

The need for a rural police in Surrey 173

Royal Commission on Constabulary Forces Report March 1839 173

House of Commons debate 24 July 1839 184

The County Police Act 1839 188

Surrey Quarter Sessions response 192

The County Police Act 1840 194

The Parish Constables Act 1842 195

Town Police Clauses Act 1847 196

The Superintending Constables Act 1850 196

Provincial Policing Legislation 1856 197

Police (County and Boroughs) Act 1856 198

Committee of Commons 1856 Surrey Statistics 1851 1855 206

Police Authorities 201

Chapter 6 202

Policing the small market towns in Surrey 202

1833 Lighting and Watching Police 202

Municipal Corporations Act 1835 203

Population of Britain 205

Population of the larger towns of rural Surrey 206

Population of the whole of Surrey up to the Thames 206

Epsom 207

Bow Street Horse Patrols 208

Armed burglary Moulsey 209

1839 extension of the Metropolitan Police District 213
1841 assault on PC Russell Metropolitan Police 214
Police Constable 219V Butcher Metropolitan Police 216
Original Epsom police station 216
Farnham Police 217
Lighting and Watching Acts and Farnham 219
Guildford Borough Police 221
New police for the borough of Guildford 222
Early Guildford Borough Police senior officers 223
Policing Dorking 224
The Dorking Watch 225
Dorking Police establishment 226
Occurrence books 1838-1849 226
Organisation of the Dorking Police 227
Godalming's micro-police force 229
Early Godalming 230
Report Inspectors of Constabulary 1858 232
Chief constable's additional duties 233
Amalgamated into Constabulary - Local Government Act 234
Chapter 7 236
The formation of the Surrey Constabulary 236
1851 23 February rare to read a paper without sickening murders 236
The parsonage at Frimley 237
Murder of the Reverend Hollest 237
Assizes in Kingston trial for Hollest murder 238
1850 October 18 – crime in southern England - editorial 242
Inquest 243
1850 25 October meeting Rural Police Committee 244

1850 2 December meeting Rural Police Committee – proposals 247

1850 7 December policing approval agreed for 1 January 247

Establishment of the Surrey Rural Police 248

1850 31 December appointment of Chief Constable Hastings 248

Chapter 8 251

1851 1 January Surrey Constabulary became operational 251

Rural police enter Dorking 251

Dismissal and discipline in the early days of the Surrey Constabulary 252

Recruiting 254

Defaulters register – enrolment – first 100 255

Records of the first 100 recruits 261

Born or lived in Surrey 261

Living when joined 261

Previous occupation where given 262

Resignation/dismissal of the first 100 262

Previous police service – stayed with Surrey Constabulary 263

Police force previous to Surrey Constabulary 263

Regional comparisons 265

The first superintendents and inspectors 266

Inspector Henry Stemp 267

Height and other requirements for early recruits 268

Police HQ and police stations 269

Classes of constable 269

Advertising for uniform and equipment 270

Advertising for horses and carts 271

Orders and Instructions 271

Difficulties with the Borough of Guildford 272

Hastings reverts to soldier mode! 273

Investigation of crime soon on agenda 274

1851 26 April Hollington's letter to the Times about Biddlecombe 275
1852 26 January First Surrey Constabulary murder charge 276
Kingston Assizes 277
Execution of Keene 278
Relationships with some of the inspectors and superintendents 278
Reform of the Guildford Borough Police 284
Chief Constable's report 1854 285
Crime and arrest figures 286
Letters of criticism to the press about efficiency 286
Problems with Berkshire 288
Lord Lovaine on the benefits of the Surrey Constabulary 1856 288
Scarlett fever and the death of Deputy Chief Constable Parr 289
Inspector of Constabulary Reports 1857 1858 291
Additional responsibilities for the police 291
Dorking police as "social workers" 292
Additional tasks Godalming 1880 295
Discipline and dismissal 297
Police Sergeant brings libel action 297
Discipline and the turnover in manpower 298
PC Holden imprisoned for being drunk 298
Median discharge rate south of England 299
Alcohol and Surrey Constabulary officers 300
Early discipline cases Surrey Constabulary 300
PC Hibberd sent to prison for attempting suicide 303
Pay and conditions 304
Lord Normanby's rules 304
1851 pay scales for the Surrey Constabulary 304
1854 pay rise 305
Boot and shoe allowance 305

1868 pay rise 305
Chief Constable seeks increased salary June 1858 305
1872 Petition for higher pay by Surrey Constabulary constables 306
1884 Constabulary expenditure and equalisation of rents 306
A Reserve increase of two sergeants and 10 PCs 307
Police as recruiting sergeants for the Army and Militia 307
Was the pay adequate for the job? 308
Pension 309
Mortality rate 310
Collar number 310
Working life in the constabulary 310
Establishment of the Forces in Surrey 312
A sense of security that came with established police forces 312
Chapter 9 316
Instruction Books 316
1862 Surrey Constabulary Instruction Book 316
1889 Instructions for the Guidance of the Surrey Constabulary 352
1900 About, Surrey Constabulary Instruction Book Captain Sant 367
1856 Training – possibly the first course 368
GO 128 commending Inspector Murtell for his training 369
1876 retirement of Superintendent Murtell 369
Chapter 10 371
Reigate Borough Police 1864 – early days 371
Superintendent George Rogers 373
The usual discipline problems 374
Inspector James King 374
1866 New Police HQ Market Hall 375
No recruits from the Surrey Constabulary 376
Watch Committee Meeting 1869 376

Establishments of Surrey police forces 378

Chapter 11 379

The judicial process 379

Thief takers and rewards 379

Some of the reward available 380

Letter from Superintendent Morten 381

Felons Associations 382

The circuit judges 382

Court procedures 383

Grand Jury 383

Criminal procedure 387

Report on Criminal Procedure to the Lord Chancellor 1856 388

Holding of the Assizes 389

Previous convictions 390

Punishment 391

Prison 391

Homicide rate per 100,000 391

Bloody Code 392

Capital offences 393

Transportation 394

Convicts on the ships 394

Pensioner guards 395

Where were the convicts sent? 396

Convict life in Australia 396

Hulks and prisons 399

Hard labour 400

Juveniles 400

Corporal punishment 401

Pillory 402

The victim as prosecutor 403

Court focus on trial rather detection 404

Part Two – Separate Volume

Appendix

Appendix A Poaching 407

Appendix B Retirement and death of Captain Hastings 425

Appendix C Murder and manslaughter 1851 -1900 428

Appendix D Police Pensions 455

Appendix E Some in Blue Serge some in Khaki 479

Appendix F Surrey Constabulary officers served in First World War 620

List 625

Appendix G Reigate Borough Police Served First World War 653

Appendix H Guildford Borough Police who served in First World War 660

Appendix I Guildford Borough Police; Killed military and on duty 665

Appendix J Reigate Borough Police; Killed Second World War 666

Appendix K Reigate Borough Police killed First World War 668

Appendix L Surrey Constabulary Killed in the war or on police duty 674

Appendix M A Few of Those Who Served 683

Appendix N Public Order at Race Courses in Surrey 786

802

Preface

The Surrey Constabulary never policed the whole of the county of Surrey an area up to the south bank of the River Thames in central London. From 1829 the Metropolitan Police were given responsibility for policing large parts of the county. In 1839 the Metropolitan Police District was extended to include Epsom and Ewell, which became part of V Division, Wandsworth. It was not until 2000 that Surrey Police as the Surrey Constabulary became in 1993, took responsibility for policing the whole of the administrative county.

For hundreds of years keeping the peace and dealing with criminals was the responsibility of the local justice of the peace assisted by the annually appointed parish constables. This all worked reasonably well until populations increased and became more mobile making the enforcement of the law too onerous and complex for the part time randomly selected parish constable, who had no training or experience and had to maintain a decent relationship with his neighbours. Once his year was over the parish constable was just another neighbour, probably running a local business. In 1792 the Middlesex Justices Act created seven police offices in London, each with three stipendiary magistrates and six constables charged with detecting and arresting criminals. One of these police offices was Union Hall a court based south of the Thames at Southwark with an establishment of about six police officers. The officers had a similar role and responsibility as the Bow Street principal officers, who acted as detectives though the term was not then used. These men came out into rural Surrey when there were serious crimes and were summoned by the local magistrates. Bow Street officers also undertook investigations in the rural county as they had a national remit through the Home Office or were paid by the victim to become involved. The power of the reward to encourage activity was immeasurable! Bow Street and Union Hall became extremely experienced in dealing with crime of which there were significant volumes, although the level of very serious crime such as murder was limited.

The Metropolitan Police was formed in 1829 to become the role model for many subsequent police forces. Various Acts of Parliament encouraged counties, towns and boroughs to form police forces until eventually in 1856 this became compulsory. In Surrey the small market towns of Farnham, Godalming, Guildford and Dorking established micro-police forces, each with a few men. Reigate did not become a Borough until 1864 when they formed their own force, withdrawing from the Surrey Constabulary. Some of these small forces were a mix of paid police, watchmen and parish constables under the charge of the local superintendent.

In 1850 the Reverend Hollest was shot and died in his bed in Frimley an area where there was no policing other than the parish constable. The local Justice sought the assistance of Superintendent Biddlecombe of the Godalming Police, the Metropolitan

Police who sent a sergeant[1] and the superintendent of the Guildford Borough Police[2] who just turned up and became involved. Murder was not common and rewards were in the air! Arrests were soon made and the county elite soon came together at Quarter Sessions and reversed earlier decisions that a police force was not needed to cover the county. A chief constable was appointed who was to stay for forty-eight years (he had no police experience or knowledge when he started) and he set about forming a new police force with the help of experienced superintendents and inspectors. There were no sergeants for a number of years. About 50% of the newly appointed constables had police experience the others had to learn from their inspectors and new found friends.

Policing has never been easy but those that policed the countryside and small towns of Surrey in the 1800s led a harsh, wearisome and sometimes dangerous life. There was little difficulty recruiting but an enormous turnover. There were no days off but eventually a few days of annual leave but too poor on the very low pay to go anywhere other than the garden. The tyranny of the inspector and later that of the sergeant when the rank was introduced in the county, enforcing a vast and intrusive number of rules and regulations covering every aspect of life of the policeman and his family. There was a very high ratio of senior people to the man on the beat. By 1857 there were 13 senior officers for 100 constables or about one supervisory officer for 7.6 PCs.

Initially, police forces deliberately recruited constables from the working class. A study of the City of Manchester Police Force revealed that between 1859 and 1900 unskilled workers (the bulk of whom described themselves as 'labourers') constituted over 50% of the total intake of officers.[3] Earlier the so-called Hungry 1840s drove many from the land to the regular and predictable but low pay of the police.

This policy of recruiting 'fools dressed in blue'[4] was partly pursued for economic reasons as working-class recruits could be paid less than members of higher social groups. Alternatively it may be argued that the true nature of beat and preventative duties was recognised from the beginning as not being challenging enough for the better educated or the more sensitive souls from a sheltered background. A basic tenet has been policing of the people by the people and it is easily argued that in class terms the early police, policed people from their own backgrounds.

Pay was deliberately low to avoid recruiting gentlemen particularly in the form of ex-army and navy officers to follow Peel's early order on the formation of the Metropolitan Police. The police was established as a "lower deck" or blue-collar organisation but was and still is, one of the few occupations open to the working man where there can be an expectation of progress through the ranks with the

[1] The sergeant on promotion to inspector married the widow, Mrs. Hollest.
[2] Hollington
[3] 'Recruitment Patterns and Conditions of Work in a Nineteenth-century Urban Police Force: A Case Study of Manchester 1842–1900', Police Journal, LXIV (2): 140–150. Joyce, P. (1991)
[4] "Policing the Victorian Community" Steedman, 1984: 7

accompanying social status. It was to be policing of the people by the people, based on localities we now call communities.

Walking twenty miles a day, often in the dark, and it was very dark relying on moonlight and starlight, split shifts, little sleep, mud in the winter dust in the summer, walking the country lanes and roads that were little more than modern bridleways rutted by carriages and carts, torn up by horses hooves. Clothing that by modern standards was unfit for purpose and no equipment beyond handcuffs, a truncheon, initially a rattle and later a whistle, a lantern and the pocket note book. Every move covered by a general order; every breach threatens the loss of job and home. Little or no training, learning on the job and from others until in 1862 the men were issued with a pocket sized instruction book to be carried at all times in a numbered leather pouch on their belt.

Each day was a walk along the tightrope of class, the police officer deliberately recruited from the workingman some argue thereby ensuring a level of civility and servility to the landed and professional classes. It can also be argued that the men recruited had to be tough and used to hardship, hard work, discipline and able to survive on low pay. The chief constable was however appointed from the magisterial class and was always going to ensure his men did as they were told, certainly by the magistrates.

These were therefore robust, strong, fit men, brave and stoical and in most cases reliable, being a central figure in the rural community alongside the vicar and doctor with whom they would have worked and knew well but in no way treated by them as an equal. These men laid the foundations of modern policing that lasted for 150 years and had changed little by the middle 1960s.

The current police organisation is a very different, unrecognisable to even the current retired, but at its core, being a police officer changes little over the generations. A victim is a victim; horror and loss; blood still flows; danger threatens. It never was just a job but The Job, and never for the faint hearted.

The bringing together of all the information within this electronic book on policing Surrey is unique. There is nothing it is believed, remotely like it! This is not a commercial or academic work but more a bringing together of some of the large database of material acquired over a number of years of interest in police history. Liberal use has been made of the work of others and it is hoped that recognition has been given where this has been done. If not there is no intention to slight but just incompetence in not keeping references of the material saved and used. It is also hoped, as this is undertaken for a limited local readership without financial gain breaches of any copyright will be smiled upon.

Chapter 1

Life in England in the early 19th century

Policing environment

In his book "The Story of Scotland Yard" Sir Basil Thompson establishes the conditions into which the new police officers were to be drawn to enforce the law. The sparse list when considered from the viewpoint of the modern constable enables an understanding of how hard the role of the early police was to perform.

Rank was held in the highest reverence

The rights of labour entirely unrecognised

No trade unions

No railways

No telegraph or telephones

Few people travelled about the country except the rich and the villains

People knew nothing of events that happened outside their own country

The great majority of the country people could neither read nor write

Discipline in the family, army, and navy was enforced by corporal punishment

The greater parts of the city were living in poverty and filth

The streets were filed with prostitutes and drunken men and women

Estimated £3 million pounds a year spent on gin.

At the opening of the 19th century:

160 offences were recognised as punishable by death – including stealing property valued above one shilling

Between 1805 and 1818 there may have been 200 executions for forgery [5]

During 1816 a general trade depression set in aggravated by bad weather and anticipated poor harvest the cost of bread began a move steadily towards the famine

[5] The Story of Scotland Yard Sir Basil Thompson1935 Kessinger Publishing Rare Reprints page 91

prices of 1817. Deprivation in the countryside drove people, often the young, to the cities and developing industrial towns.

There was rural rioting in East Anglia in 1816 when houses were attacked, accompanied by demands for money and beer. There was rick burning and destruction of agricultural machines, alongside raids on food shops, which became more destructive and violent. There were 80 arrests and at a special assize at Ely 24 rioters were sentenced to death although 19 of the sentences were commuted. Primarily food riots were directed against unpopular millers, butchers and bakers; there were also demands for higher wages and for jobs.[6] [7]

Distress was widespread which led to extensive protest, riot and destruction the most serious in Leicestershire and Nottinghamshire where there was machine breaking, which died down in 1817 after seven men were hung. The magistrates and mill owners were active in detecting the ringleaders. [8]

Historians cannot agree about the impact of industrialisation and poverty with some arguing that the changes brought higher wages, and a better standard of living. Others consider that the quality of life for workers deteriorated especially between 1780 and 1850, with only limited improvements for some skilled sectors before the 1870s. There is no doubt is that very many families were destitute and those living in the country were often poor with a very low standard of living. Factory workers also lived a precarious existence earning just enough to live, but during a downturn or unemployment families were exposed to starvation, insecurity and the resultant downward spiral into extreme poverty. Many were no better off than slaves.

It would seem that only in the last quarter of the 19th century did the standard of living for the industrial labourer began to rise, as prices fell rapidly and sanitation, housing and health improvements changed the urban environment. As quality of life improved so did expectations of order and freedom from crime. It was during this period that policing began to impact upon the discipline of the streets, drunkenness and crime.

At the beginning of the 19th century poverty was regarded as the natural condition of the labouring poor - those who worked with their hands. The fluctuations of harvests, the disruptions of war and the fine line between subsistence and penury were seen as inevitable and difficult to change.[9]

From 1780 and into the first quarter of the 19th century the poor relief system was under strain, with an increasing population and agricultural depressions. The enclosure movements dispossessed a generation from the land. Where common land

[6] "Aristocracy and People, Britain 1815-1865" (1979) Page 81 Norman Gash
[7] "Aristocracy and People, Britain 1815-1865" (1979) Page 77 Norman Gash
[8] "Aristocracy and People, Britain 1815-1865" (1979) Page 77 Norman Gash
[9] http://www.bbc.co.uk/history/british/victorians/bsurface_01.shtml

was enclosed labourers lost a number of rural benefits such as grazing and fuel-gathering rights.[10]

Poverty, it was argued, had produced an incorrigible criminal class in need of state intervention and control. This new criminal class was regarded as a dangerous and amoral grouping whose very existence was a threat to the order of respectable society. Before Peel's reforms, crime detection and law enforcement were the main principles of policing. By the end of the century policing now emphasised a new approach, the prevention of crime. A softening attitude towards the young led for the first time the term 'juvenile delinquency'.[11]

By 1826, wages were so low and unemployment so common that "The Times" reported that people were digging up carcasses of diseased animals for food. It was a working class belief that social ills were due to bad government and the remedy lay in the democratic reform of parliament.[12] These beliefs led to many protests and riots.

Although there were regional variations, fluctuations in wages and food prices resulted in a number of riots and rick burning, especially in the major agricultural areas of the south and east of England, between 1829-31.[13]

Harvests were vital to the wellbeing of the country. A poor harvest led to price increases, which hit the pockets of the labouring poor. Between 1828 – 1831 there were three bad harvests and the ensuing poverty led to what became known as the Captain Swing riots across the south of England. Disturbances began in Kent following failure of the hop harvest when unemployed labourers attacked threshing machines and disturbances went on almost unchecked throughout September. Soon followed in neighbouring counties, Surrey and Sussex and on into Wiltshire, penetrated Dorset and Gloucestershire, Buckinghamshire Bedfordshire and East Anglia. It was all over by December 1831.[14]

Considerable deployment of troops and the deployment of special constables was necessary to restore order in the worst affected counties. There were some radicals but the disturbances were born of poverty and hardship. The movement had the aim of destruction of farm machinery and a higher rate of pay.

The bulk of agricultural labourers made up the crowds but some were impressed into the mob as they moved from village to village. There was an absence of cruelty and vindictiveness and no lives were lost except a man killed by the yeomanry in Wiltshire. There were 1,976 trials in total the cases against 800 men were dismissed with 252 sentenced to death and 19 executed. There was an uneasy public response an

[10] http://www.bbc.co.uk/history/british/victorians/bsurface_01.shtml
[11] What is the relevance of history to criminology? Criminology and History © John Lea 2006 http://www.bunker8.pwp.blueyonder.co.uk/history/36801.htm
[12] "Aristocracy and People, Britain 1815-1865" (1979) Page 192 Norman Gash
[13] http://www.bbc.co.uk/history/british/victorians/bsurface_01.shtml
[14] "Aristocracy and People, Britain 1815-1865" (1979) Page 188 Norman Gash

indication of the growing humanitarianism of the age. However 505 were sent to Australia and 644 received short sentences at home. After 6 years the transported to Australia were pardoned but few returned [15]

Of the men tried, sentencing was as follows:

Sentenced to death	252
Commuted to life transportation	233
Executed	19
Transported	505
Imprisoned	644
Fined	7
Whipped	1
Acquitted/bound over	800[16]

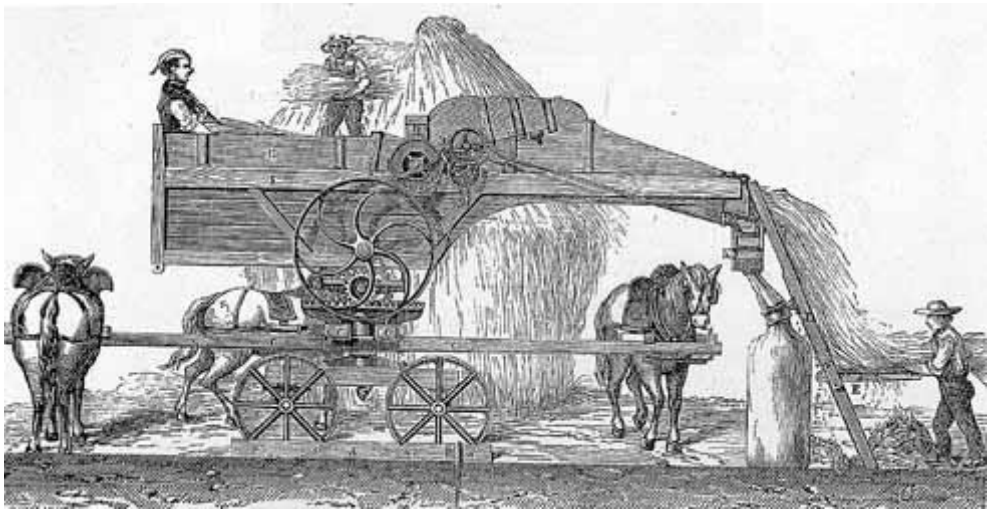
Swing events in Surrey

A significant proportion of the male population of Surrey were agricultural labourers with a large number of families suffering from agricultural downturn or depression. For generations the periods of depression were seemingly accepted but in the 1830s

[15] "Aristocracy and People, Britain 1815-1865" (1979) Page 189 Norman Gash and http://www.historyhome.co.uk/peel/ruralife/swing.htm. The numbers vary between Gash and the website

[16] http://www.historyhome.co.uk/peel/ruralife/swing.htm

rural people had enough of the hard times and began a rural revolt across the south east of England, a serious of disturbances and events that came to be known as the Swing Riots. The introduction of the threshing machine was seen as a threat to jobs and the disturbances began with the destruction of a machine.



A threshing machine of the type that inspired the Captain Swing riots [17]

The widespread uprising by agricultural workers; began with the destruction of threshing machines in the Elham Valley area of East Kent in the summer of 1830, and by early December had spread throughout the whole of southern England and East Anglia. As well as the attacks on the popularly hated, labour-displacing threshing machines, the protesters reinforced their demands with wage and tithe riots and by the destruction of objects of perceived oppression, such as workhouses and tithe barns, and also with the more surreptitious rick-burning, and cattle-maiming. The first threshing machine was destroyed on Saturday night, 28 August 1830, and by the third week of October more than 100 threshing machines had been destroyed in East Kent.

The anger of the rioters was directed at three targets that were seen as the prime source of their misery: the tithe system, the Poor Law guardians, and the rich tenant farmers who had been progressively lowering wages while introducing agricultural machinery. If captured, the protesters faced charges of arson, robbery, riot, machine breaking and assault. Those convicted faced imprisonment, transportation, and possibly execution. [18]

The Swing Riots had many immediate causes, but overwhelmingly were the result of the progressive impoverishment and dispossession of the English agricultural workforce over the previous fifty years, leading up to 1830. In parliament Lord Carnarvon had said that the English labourer was reduced to a plight more abject than

[17] http://www.dorsetlife.co.uk/2010/11/captain-swing-was-here/
[18] https://en.wikipedia.org/wiki/Swing_Riots

that of any race in Europe, with their employers no longer able to feed and employ them. [19]

The name "Swing Riots" was derived from the name that was often appended to the threatening letters sent to farmers, magistrates, parsons, and others, the fictitious Captain Swing, who was regarded as the mythical figurehead of the movement ('Swing' was apparently a reference to the swinging stick of the flail used in hand threshing). The Swing letters were first mentioned by The Times newspaper on 21 October 1830. [20]

There were many events across the rural parts of Surrey where there was no police force and the responsibility for keeping the peace lay with the magistrates, parish and special constables supported by the militia and army.

The following are some of the Swing events recorded in rural Surrey:

1830 2/3 August Portley Farm near Caterham: Arson [21]**:** £2000 damage to a barn caused by rioters. The whole farm was reduced to ashes but it was noted that it was the thatch of the barn housing the threshing machine that had first been set alight. Conflicting rumours had it that it was a reprisal for the employment of Irish labourer and alternatively, that it was the Irish labourers themselves that had fired the barns. To add to the mystery the previous occupant of the farm a former businessman said to be highly respected in the neighbourhood, was the only suspect brought to trial several months later and discharged for lack of evidence at the Surrey summer assizes in 1831.[22]

1830 3 November arson at Caterham,

1830 11 November arson at Englefield Green

1830 14 November three fires at Ockley

1830 14 November Arson at Albury: On 10 January 1831 James Warner was hung for arson. James Franks the owner of a corn mill next to his house in Albury awoke to the sound of fire and saw a man in a brown frock coat run off. After local enquiries James Warner was soon identified following rash claims made in drink. Local magistrate Henry Drummond ordered a search of Warner's house where a gun was found and a brown frock coat. Warner had worked for Franks but had been laid off two years earlier. He was convicted and hung. [23]

1830 16 November arson at Egham, Wallington and two at Woking[24]

[19] https://en.wikipedia.org/wiki/Swing_Riots
[20] https://en.wikipedia.org/wiki/Swing_Riots
[21] "Surrey Executions" Martin Baggoly page56
[22] The Times 18 April and 10August 1830
[23] "Surrey Executions" Martin Baggoly page 56
[24] "Captain Swing" Hobsbawn and Rude Penguin Books 1985 App 3

1830 19 November Tithe meeting riots at Ockley, Wooton, Woking and Norwood (probably the area south of Leigh) overnight 19th and 20th [25]

1830 Radical handbills were circulated in **Dorking**. On the 19th November, The Times reported "an immense multitude of peasantry" assembled at Wotton to compel the rector the Rev. J E Boscawen, to reduce his tithes. Some of the demonstrators claimed to have been forced to do what they did by men from Horsham. " whom they durst not disobey." A part of the crowd moved off it was alleged towards Dorking following a leader "dressed in a smock frock" and the riots that followed three days later at Dorking and Walton when the justices were besieged and assaulted in a public house appear to be inspired from the same quarter.[26]

1830 24 November Dockenfield a wage meeting riot[27]

1830 25 November: arson at Egham [28] and Limpsfield

1830 29 November Banstead Arson: A haystack was set on fire and as people rushed to dowse the flames a farm was also set on fire on the other side of the village. But the early arrival of a fire engine stopped any serious damage. Letters had been received at the farm allegedly from "Captain Swing" the mysterious "leader" of the agricultural disturbances of the day. There was also arson at Merton on this day[29] [30]

1830 30 November: Albury arson and riot[31]

1830 6 December: Oxshott arson[32]

1830 10 December: Captain Evelyn Broadwood whose family have extensive Lyne Estates around the Surrey/Sussex border for over a century and a half has a fascinating day book diary written by his great grandfather. The first entry dated December 10 1830 states "To prevent a recurrence of the risings of the Peasantry in the neighbourhood for increase of wages, I have this day been down to Capel and at the Crown Inn have as a magistrate sworn in 59 special constables of which 14 were my servants and labourers and 19 from Newdigate Parish." [33]

1830 12 December: Cheam arson[34]

1830 18 December: Oxted and Woldingham arson[35]

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[25] "Captain Swing" Hobsbawn and Rude Penguin Books 1985 App 3
[26] "Captain Swing" Hobsbawn and Rude Penguin Books 1985 page 86
[27] "Captain Swing" Hobsbawn and Rude Penguin Books 1985 App 3
[28] "Captain Swing" Hobsbawn and Rude Penguin Books 1985 App 3
[29] "Captain Swing" Hobsbawn and Rude Penguin Books 1985 Appendix 3
[30] "Surrey Executions" Martin Baggoly page 56
[31] "Captain Swing" Hobsbawn and Rude Penguin Books 1985 Appendix 3
[32] "Captain Swing" Hobsbawn and Rude Penguin Books 1985 Appendix 3
[33] Dorking Advertiser July 24 2014 in Yesteryear column with item from same date 1849
[34] Captain Swing Hobsbawn and Rude Penguin Books 1985 Appendix 3
[35] Captain Swing Hobsbawn and Rude Penguin Books 1985 Appendix 3

1831 6 January Albury: Tithe riot[36]

1831 January:[37] A few days after the execution of Warner shots were fired through the windows of the institution's master of the workhouse in Guildford and a note left:

"Warner is murdered; Franks, Drummond and Smallpiece shall die. I could clear him at the place, you fake swearing villains. We fired the mill. Starving and firing shall go together"

1831 23 October there were two Swing arson offences near Guildford, the last recorded in the county there being only five more incidents associated with these disturbances in the country in the following days. Finally it was over and the retribution could continue.

The numbers of Swing related incidents in the rural parts of Surrey totalled: arson 23, wage riot 1, tithe riots 4, with one "riot assault" totalling 29 incidents far less than in the surrounding agricultural counties.[38] In the county this resulted in 20 cases heard in three courts where 11 were acquitted, eight jailed, one sentenced to death and 8 transported.[39]

Events such as Swing in rural southern England demonstrated how limited rural policing was and generally ineffective relying on parish constables, often uneducated, usually ignorant of their duties, wary of becoming involved and conscious that after their year of duty they had to live with their neighbours. The limitations of rural policing combined with those in urban areas centring on the Reform Bill crisis at the beginning of the 1830s, led the Whig government to prepare a bill setting up a national police system but declining disorder and more pressing legislative priorities killed off this initiative.[40]

The Lighting and Watching Act 1833 gave parish councils powers to levy a special rate to employ sufficient watchmen for both day and night. The aim was to encourage greater levels of rural policing without challenging local autonomy. However the extent to which permissive powers were adopted depended on levels of local anxiety about crime and disorder and a willingness to fund reform.

Official attitudes to the relief of poverty

Attitudes of the ever-growing number of middle class were changing. The practice of giving child allowances under the Poor Law was seen as encouraging large families

[36] "Captain Swing" Hobsbawn and Rude Penguin Books 1985 Appendix 3
[37] "Surrey Executions" Martin Baggoly page 58
[38] "Captain Swing" Hobsbawn and Rude Penguin Books 1985 Appendix 1
[39] "Captain Swing" Hobsbawn and Rude Penguin Books 1985 Appendix 2
[40] 'Whigs and Coppers: the Grey Ministry's National Police Scheme, 1832',Historical Research, Vol. 67, (1994), pp. 75-90 Philips, D. and Storch, R.D.,

while the alleged generosity of outdoor relief was seen as benefiting the feckless and reducing the resources available to the deserving poor.[41]

It was the combination of these ideas, which became the basis of the Poor Law Amendment Act of 1834 in England and Wales that continued to rely on the parish rate and, set the principles of social policy for the rest of the century and beyond. The Act established the importance of local administration under centralised control and encouraged attitudes and images of poverty, which dominated public perceptions in the 19th century.

The workhouse

Designed to reduce the costs of poor relief, the Act placed the workhouse (provided by a union of parishes) at the centre of provision. With the guiding principle of "less eligibility" workhouse conditions should be worse than the lowest living standards of the independent labourer. Those entering the workhouse would find life there harsh, monotonous and characterised by the intent of improving the inmate's moral character. It was felt that local resources should be used more effectively and costs would be further reduced, as paupers would be deterred by the appearance of the workhouses and knowledge of the harsh treatment of their inmates.[42] The workhouse became so ingrained in soul of the working people that even in the 1950s older people could be heard bemoaning their lot and stressing the imminence of their removal to the workhouse! [43]

Many workhouses had a significant transient population, being under obligation to provide for anyone who applied. These wards appear to have provided shelter for many others, including those "tramping poor" searching for seasonal work, although it is difficult to know exactly how the casual wards were used, or when and how often an individual or family entered a workhouse. In these casual wards vagrants were housed separately from longer-term residents as they were deemed to be the most workshy and had, it was feared, a potential for violence and criminal behaviour, and the potential to corrupt the deserving poor.[44] The Occurrence Books of Dorking Police for the 1840s show clearly the daily involvement of the police with the workhouse in the town. There is evidence that the parish constables and the new police directed a great deal of attention towards the tramps and vagrants who were recognised as the source of a great deal of rural crime. The evidence from the lifestyle of the suspects for the 1826 Fetcham murder is clear that large numbers of men and women tramped the country going from fair to fair, stealing along the way. Members of the Isaacs gang in Surrey and Sussex in the 1840s mostly lived transient lives on commons and woodland travelling quickly over large distances on foot.

[41] http://www.bbc.co.uk/history/british/victorians/bsurface_01.shtml
[42] http://www.bbc.co.uk/history/british/victorians/bsurface_01.shtml
[43] http://www.bbc.co.uk/history/british/victorians/bsurface_01.shtml
[44] http://www.bbc.co.uk/history/british/victorians/bsurface_01.shtml

The Origins of the English policing system

The origins of the English system of policing are to be found in the Anglo-Saxon period in which the onus on preventing wrongdoings and taking action against those who had broken the law was placed on the community and the victims of crime. This system emphasised the mutual responsibility of all inhabitants for law enforcement.[45]

The Anglo-Saxon elite wrestled with their public enemy the thief. Men who openly seized others' property weren't thieves. Thieves were cowards who hid their responsibility; they were liars, willing to perjure themselves to avoid detection, and their anonymity meant they could be anyone at all. Unsolved thefts could sow suspicion among friends and neighbours, damaging the very fabric of community. Thieves were a menace to society; they provoked a legislative fervour bordering on obsession.[46]

For Anglo-Saxon legislators it was unthinkable to take arbitrary action as the legally free had inviolable civil liberties. Unless he had been caught in the act, a free man with no record of dishonesty had the right to deny any charge by swearing that he was innocent. If he was able to persuade a number of other free people (11 may have been the convention) to swear that his oath was "clean and un-perjured," that was it: he was proven innocent. [47]

Suretyship

The willingness of thieves and their families to take advantage of this entitlement, brazenly perjuring themselves, infuriated some kings, but they never openly undermined the custom making ingenious efforts to work around it. Their most far-reaching reform involved suretyship.[48]

Free Anglo-Saxons had always been expected to have sureties: locally based guarantors for any financial liabilities they might leave behind if they suddenly disappeared. Under King Edgar (957–75) suretyship rules changed dramatically. Henceforth every free man was to have sureties who were financially responsible not only for any damage he did (as was traditional) but also for any punishments he incurred. If a thief fled, his sureties would now not only have to recompense his

[45] http://www.sagepub.in/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[46] "Law and Order in Anglo-Saxon England" Tom Lambert February 2017 https://blog.oup.com/2017/03/anglo-saxon-law-social-networks-terrorism/
[47] "Law and Order in Anglo-Saxon England" Tom Lambert February 2017 https://blog.oup.com/2017/03/anglo-saxon-law-social-networks-terrorism/
[48] "Law and Order in Anglo-Saxon England" Tom Lambert February 2017 https://blog.oup.com/2017/03/anglo-saxon-law-social-networks-terrorism/

victim, but pay a very large fine. Men who could persuade nobody to stand surety for them were untrustworthy by definition; they faced execution.[49]

Using long standing knowledge of local people decisions were made by economically rational men judging the risk of backing more dubious characters. If loyalties trumped rational assessments of financial risk, then so be it: groups, which knowingly shielded wicked individuals, deserved the ruinous fines this system would heap on them.[50]

In practice, the system appears not to have worked well. By the early thirteenth century it seems people weren't actually making choices based on trust, but were essentially forced to act as sureties for their neighbours. Perhaps this was inevitable. Networks of personal trust may simply have been too complex and fluid to be effectively integrated into medieval legal machinery.[51]

Tythings, Tythingman, Frank Pledge

The basis therefore, of the Anglo-Saxon system was that small groupings of people were organised into tythings, which consisted of ten households and were headed by a tythingman, who was the forerunner of the office of constable. Following the Norman Conquest in 1066, the Anglo-Saxon system was developed in a number of important ways. The system of Frankpledge built upon the existing principle that households grouped in tythings should exercise responsibility for each other's conduct by requiring all adult males to be members of a tything and to swear an oath that they would conduct themselves in a lawful manner.

With the early system of law enforcement there was an absence of strong central authority and local dominance of major landowners. Following the Norman Conquest attempts were made to increase the degree of central control over the system of policing and law enforcement.

1166 Assize at Clarendon

The 1166 Assize at Clarendon required the tything to inform the sheriff of those of its members suspected of having committed a crime, and the accusation was initially investigated by the tythingman and a jury of 12 members and took place at the tything Frankpledge hearings.

Tythings were grouped into hundreds, a subdivision of the county (the larger ones of which were divided into units, frequently termed divisions). The hundred was headed

[49] "Law and Order in Anglo-Saxon England" Tom Lambert February 2017 https://blog.oup.com/2017/03/anglo-saxon-law-social-networks-terrorism/
[50] "Law and Order in Anglo-Saxon England" Tom Lambert February 2017 https://blog.oup.com/2017/03/anglo-saxon-law-social-networks-terrorism/
[51] "Law and Order in Anglo-Saxon England" Tom Lambert February 2017 https://blog.oup.com/2017/03/anglo-saxon-law-social-networks-terrorism/

by a hundred-man, who exercised a number of functions that included the administration of justice and organising the supply of troops. Local notables held the office. The hundred-man was responsible to the shire-reeve (or sheriff) who was in charge of the county whose rule was enforced through the sheriff's courts.

The office of constable emerged during the 65-year reign of Edward III, 1312-1377. In the Tudor period, functions that related to administering the poor law and enforcing action against vagrants were added to the constables' duties tasks that continued when the professional police were formed in the 19th century.

Justices of the Peace also known as Magistrates

Magistrates can trace their origins to 1195 when Richard I commissioned knights to preserve the peace, Keepers of the Peace.

Most crimes were dealt with in a very decentralised local way with landowners holding their own courts. Only serious offences would go to the King's courts. Most everyday offences among poor people would be settled away from the courts. In 1576, JPs were required to build 'houses of correction' in which rogues and vagabonds could be detained.[52]

By the eighteenth century things had become more like the modern system. Wealthy landowners rather than holding their own courts had for some centuries delegated their power to local officials referred to as Justices of the Peace who often worked closely with the parish constable. It was the JP or magistrate who was at the heart of the policing system providing local continuity and class acceptance of his authority as often an educated and wealthy man of influence. The parish constable were appointed by the vestry and most served for just one year. As a member of the commission of the peace for the county the magistrate, many of who were in holy orders, met with their colleagues and acted as the de-facto rulers of rural England at a time before there was any recognisable local government.

All talk of a national police force or public prosecutors, such as had been created in France in the 17th century was regarded as continental tyranny. In France Louis XIV had established a Royal Police in 1667 under with explicit aim of strengthening royal authority in all fields of life. Public prosecutors were the king's agents. But the English landowning aristocracy valued the fact that their predecessors had checked the growth of centralised royal power long ago during the Middle Ages. Magistrates had the power to try low level, localised offences and to award punishment. In the more serious cases the prisoner could be remanded in custody to the next county quarter sessions where magistrates met as a commission of the peace to try cases. The tope level crimes such as murder, burglary, rape would go the county assize courts and appear before a judge, appointed by the crown, on circuit.

[52] http://www.hmcourts-service.gov.uk/aboutus/history/magistrates.htm

1285 Statute of Winchester

The 1285 Statute of Winchester was an important development in the history of policing in England. It provided for the appointment of two high constables in each hundred, below which were the petty constables in each tything. It also established the principle of local responsibility for police-related matters by introducing the procedure of the Hue and Cry, whereby all able-bodied citizens were required to help arrest a criminal and required the hundred to compensate the victim of a robbery when the Hue and Cry had been raised but the offender had escaped.

It also compelled all towns (initially in the summer months) to establish a night watch to guard the entrances to the town and to arrest suspicious strangers. The constable was responsible for supervising these arrangements, which also included improved arrangements for day policing. This new system was referred to as 'watch and ward' (watch by night and ward by day). The duty to participate in the watch was placed on all householders and its role was subsequently developed to that of keeping good order in the town at night.

1327 Conservators of the Peace

In 1327 Conservators of the Peace were appointed in each county to help preserve law and order. Conservators of the Peace, or Wardens of the Peace, were individuals who had a special charge, by virtue of their office, to see that the King's peace was kept. [53]

Justices of the Peace Act 1361

The justices and constables followed from the Statute of Westminster 1285 and the Justices of the Peace Act 1361 their role being a mixture of police, judicial and administrative authority with a primary duty to maintain the King's Peace.[54] (Still used during the 20th century to bind over those who breached the peace) [55] They were responsible to the King for ensuring that the law was upheld. They preserved the "King's Peace", and were known as Keepers of the Peace. [56]

The Act 1361 provided that every county should have keepers of the peace and that they have the,

" Power to restrain the Offenders, Rioters, and other Barators, and to pursue, arrest, take and chastise them according to their Trespass or Offence".

Under the 1361 Act Edward III (1312 –1377) appointed 'a good and lawful man' in each county, whose role was to maintain the peace and whose functions subsequently

[53] https://en.wikipedia.org/wiki/Conservator_of_the_peace
[54] "A History of England and Wales" TA Critchley Constable 1979 page 8
[55] http://www.hmcourts-service.gov.uk/aboutus/history/magistrates.htm
[56] http://www.sagepub.in/upm-data/36166_01_Joyce_Policing_CH_01.pdf

expanded into more general forms of law enforcement. These adopted the title given to them in the 1361 legislation as 'justices of the peace', who later assumed the title of 'magistrate' in the sixteenth century. These developments replaced traditional feudal power relationships, one feature of which was the declining role performed by the sheriff towards the end of the twelfth century. By the end of the eleventh century this office tended to be filled by powerful members of the aristocracy.[57] Justices were appointed by the monarch and owed their allegiance to him.

Origins of quarter sessions, petty sessions and local courts

The 1361 Act required that the Justices should meet four times a year to transact business, providing the origins of the Quarter Sessions, which continued until replaced by Crown Courts in January 1972. Subsequently, in 1605, provision was made for the holding of local sessions, where no jury was required, to conduct minor affairs. This was the origin of Petty Sessions, although this procedure was not given statutory recognition until 1828. [58]

Those appointed as Justices tended to be landowning gentry or the more affluent members of the clergy rather than the feudal elite whose power rested on the ownership of large estates. These were termed the 'lords of the manor', locally highly regarded and treated with respect, which enhanced their law enforcement responsibilities.

Matters affecting the administration of manorial affairs (such as manorial lord–tenant relationships) were dispensed through the manorial court, which was presided over the lord of the manor's steward. Above the manorial court stood the hundred court, whose role extended to the administration of law and order. Some manors were given the judicial powers of Hundred Courts by the Crown and were termed 'courts leet'. [59]

The higher social status of the JP over the constable ensured their superiority, as did their likely status as lord of the manor. The lord of the manor or his steward would preside at the court leet where the constable as a principal officer of the manor would be appointed at some stage, on the recommendation of the vestry.

Although quarter sessions retained their original name for more than 600 years, many of them were in continuous session in the closing years of their long record.[60] In theory all serving magistrates could attend the Quarter Sessions and sit in judgement but many did not.[61]

[57] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[58] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[59] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[60] http://www.hmcourts-service.gov.uk/aboutus/history/magistrates.htm
[61] Email from Dr Paul Lawrence, Open University to Robert Bartlett

Evolving magistracy

As the centuries passed magistrates effectively became the first incarnation of local government, acquiring a range of administrative duties including the administration of the Poor Laws, the maintenance of transport infrastructure such as highways and bridges, and the regulation of weights and measures. During the 19th century, elected local authorities began to take over many of these duties, constituting what we see as local government today.[62]

The powers of magistrates have varied significant over the years, from hanging, whipping and transportation in the 1600s through to the modern magistracy governed by the Sentencing Guidelines. Throughout the 18th Century, magistrates were members of the landed gentry in their counties but the increase in workloads in the urban areas led in 1813 to the appointment of the first paid professional magistrate in. In 1835, the Municipal Corporations Act empowered boroughs to request the appointment of a paid 'stipendiary' magistrate. At first these stipendiary magistrates were not required to have any formal legal education or training but as time passed they were increasingly drawn from the barrister and solicitor professions.[63]

County magistrates remained theoretically a royal appointment but in practice he was selected by the Lord Lieutenant of a county for approval by the Lord Chancellor. He had to be a man of some wealth and standing to have his name entered on a county's commission of the peace in the first place – and then had to be public spirited enough to take out his *dedimus potestatem* (which involved travelling to the county seat, swearing an oath before the clerk of the peace, and paying the appropriate fees)[64].

Corporate boroughs also had magisterial benches generally composed of some combination of mayor and aldermen, and were usually self-perpetuating oligarchies of the principal inhabitants, until the Municipal Corporations Act 1835 established elections for town councils. The same act required that administration (council) be separate from judicial arm (magistrates), and required borough magistrates to be supervised by a recorder (a barrister appointed by the crown). That said, throughout 19th century, town councillors continued to be selected as magistrates. In the larger towns and cities stipendiary magistrates were taken on to cope with increases in summary jurisdictions – the first 'stipes' were appointed in 1792 in London but these paid professionals were gentlemen. After 1835 they had to have served a minimum of five years at the bar.

It remained the responsibility of the victim for reporting crime, including meeting all the expenses involved, paying for the investigation and going to the courts. Once the

[62] https://www.magistrates-association.org.uk/about-magistrates/history-magistrates
[63] https://www.magistrates-association.org.uk/about-magistrates/history-magistrates
[64] The writ to be taken out, which gave the magistrate powers became defunct by the 1870s

accused was arrested, a magistrate examined them, either in the magistrate's own house or in central London at Bow Street Court.

In rural Surrey any investigation was undertaken on the report of the victim to either the magistrate or to the parish constable. It was the magistrate who took the lead, issuing instruction to the constables and administering any punishment where committal to the quarter sessions or assizes was not considered appropriate.

The following Sussex example clarifies the role of the magistrate and the constable:

Sussex, to Wit: To the Constable of the Hundred of Dumpford in the said County and also to Daniel Moore.

Whereas Susan Kemp of the Parish of Rogate in the said County on the eighth day of September made Complaint and Information on Oath before me, Sir Charles Harriston, one of His Majesty's Justices of the Peace for the said County That on the seventh Day of August last at the Parish of Rogate aforesaid in the said County Martha Harding wife of Edmund Harding of the Parish of Liss in the County of Southampton Laborer did unlawfully Assault and kick her the said Susan Kemp contrary to the form of the Statute in such Case made and provided.

These are therefore to command you immediately to apprehend the said Martha Harding and bring her before me, and one other of His Majesty's Justices of the Peace for the said County, or some two others of His Majesty's Justices of the Peace for the said County to answer to the said Complaint, and to be further dealt withal according to Law.

Herein fail not, as you will answer the contrary at your Peril.

Given under my Hand and Seal, at Midhurst in the said County of Sussex the sixth Day of September in the Year One Thousand Eight Hundred and thirty one.

P. Hamilton

Surrey Magistrate Richard Wyatt JP

There is a published list of cases over a period of nine years that came before Richard Wyatt JP mainly in Egham and Chertsey where there was a combined population in 1801 of 5009. In addition one of the main routes out of London passed through his area, as did the River Thames. The book taken from Wyatt's own records gives more detail but a total and spread of cases is as follows:

Deposition Book of Richard Wyatt JP

1767-1776 [65]

Poor law/employment law: 35
Vagrancy 9
Bastardy 58
Concealment of birth 1
Burglary 3
Theft of animals 17
Theft 25
Embezzlement 1
Highway robbery 1
Threatening behaviour/threats to kill 9
Damage 2
Assaults 41
Poachers 5
Sexual assault/rape 3
Disturbances 5
Escapee/deserter 2
Lottery 1
Missing person 1
Short weight of butter 1

George Nupkins Esquire

The role of the JP or Magistrate in a Dickens novel Pickwick Papers offers an understanding of the work and relationships. George Nupkins Esquire the principal magistrate and Mayor of Ipswich:

> "21 June – midsummer – Mr Nupkins was in a state of the utmost excitement and irritation, for there had been a rebellion in the town; all the day-scholars at the largest day-school had conspired to break the windows of an obnoxious apple seller and had hooted the beadle, and pelted the constabulary – an elderly gentleman in top boots who had been called out to suppress the tumult, and who had been a peace officer man and boy, for half a century at least.
>
> The Mayor to Miss Witherfield: Do you happen to have heard ma'am, that I rushed in to a prize ring on the 4th of May last, attended by only sixty special constables; and, at the hazard of falling a sacrifice to the angry passions of an infuriated multitude, prohibited a pugilistic contest between the Middlesex Dumpling and the Suffolk Bantam?
>
> To Grummer the constable: If the authority of the king's officer is set at nought we must have the riot act read. "If the civil power cannot protect these windows, Grummer, the military must protect the civil power and the windows too.

[65] "Deposition Book of Richard Wyatt JP 1767-1776" Surrey Record Society 1978

> The mayor on receiving a complaint from a witness of an impending dual, issues warrants for the arrest of the suspected participants. "Grummer procure assistance and execute these warrants with as little delay as possible."
>
> Grummer went to the inn where Pickwick and his friends were and entered the room where Grimmer produced from his breast pocket a short truncheon surmounted by a brazen crown. "My names Law, "law, civil power and executive; thems my titles; here's my authority" On receiving objection the constable opened the door and called "Dubbley". At the word of command a dirty-faced man something over six feet high, and stout in proportion, squeezed himself through the half open door and entered the room. "Is the other specials outside Dubbley?" On a nod of assent Grummer: Order in the division under your charge Dubbley"
>
> Half a dozen men each with a short truncheon and brass crown flocked into the room
>
> Mr Pickwick and Mr Tupman squeezed themselves into an old sedan chair; the specials surrounding the body of the vehicle with Grummer and Dubbley marching triumphantly in front." [66]

Parish Constables

Oath and appointment

During the fifteenth and much of the sixteenth centuries the Parish Constable was still pre-eminent amongst the four principle annually elected officers of the parish, others being, Churchwarden, Surveyor of the Highways, and Overseer of the Poor. He held this position in some small towns until the eighteenth and early parts of the nineteenth centuries, but in the rural areas of the country the position of Parish Constable lasted well into Victoria's reign up to the 1870's. Many men bought their way out of serving as parish constable, an honorary office without payment. There were significant commitments associated with the role taking up much of the time that he could have spent making a living from his regular employment. The role gave every opportunity to make enemies of friends and customers unless handled with caution. A constable's duties were based upon common law but were extended by Parliament. The oath taken by the Parish Constable read:

> "You shall swear that you shall keep the peace of our Lord the King well and lawfully according to your powers, and shall arrest all those who shall make any contest, riot, debate or affray, in breaking of the said peace, and shall bring them into the house or Compter of one of the Sheriffs. And if you shall be withstood by strength of such misdoers you shall raise upon them Hue and Cry, and shall follow them from street to street and from ward to ward until

[66] "Pickwick Papers" Nonesuch edition – page 326 et seq

> they are arrested. And you shall search at all times when you shall be required by scavenger or bedel, for the common nuisances of the ward, until they are arrested, and the faults you shall find, you shall present them unto the Mayor and to the offices of the said town ... so God help you and the Saints".[67]

The appointment of constables was a matter for the manorial courts or courts leet, a procedure that helped to assert the pre-eminence of the Justices over the constables and provided the backbone for the policing system that was in place until the middle of the nineteenth century. However, as the role of parishes as a unit of local administration increased during the Tudor period, appointments were sometimes made at this level. This trend was accelerated following the restoration of the monarchy in 1660, although manorial courts continued to appoint parish constables in some areas until the 1842 Parish Constables Act formally ended their role, when it was transferred to the Justices at Quarter Session. [68]

By the eighteenth century a system of policing had evolved that was based on constables appointed in each locality (which was often the 'parish' although other jurisdictions such as 'township' were also used), whose role was ultimately supervised by magistrates (although intermediaries such as Head or High Constables appointed by the magistrates at quarter session might exercise a more detailed element of supervision). The constables were generally unpaid (although there were some rare local exceptions to this) but they were able to obtain income from fees derived from the administration of justice. They typically served in office for one year. [69] There were some who could make a reasonable living from fees and expenses, along with rewards, as the parish constable, and liked the work so they continued in the role for many years. There are a number of Surrey examples of this.

In some areas, those who were chosen as constables were able to appoint deputies. This procedure was formalised by legislation affecting Westminster in 1756 [70] but was not universally permitted. Where it was sanctioned, concern was sometimes expressed by contemporaries concerning the calibre of those who stepped into the office, some of whom were 'scarcely removed from idiotism' [71] Additionally, by the end of the seventeenth century, a person who apprehended a felon received exemption from a judge (in the form of a certificate commonly called a 'Tyburn Ticket') from serving as a parish constable. These could be sold to persons appointed to this role, who thus had to be replaced by an alternative whose dedication in performing the tasks required of a constable might be lacking. [72]

[67] http://www.forgottenbooks.org/readbook_text/Munimenta_Gildhalla_Londoniensis_Liber_Albus_Liber_Custumarum_et_v3_1400032640/139
[68] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[69] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[70] "Policing a Short History" Rawlings 2008: 51
[71] "A History of England and Wales" TA Critchley Constable 1979 page 18
[72] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf

In 1735 legislation affecting two London parishes was passed whereby householders substituted the duty to serve in the watch for the ability to pay a rate to employ watchmen (often referred to as 'Old Charlies') to discharge this responsibility. The role extended to maintaining public order by taking action against drunkenness and prostitutes and targeting persons who were acting suspiciously observed that by the end of the eighteenth century ventures of this nature (the Watch Acts) extended to other areas of London and beyond. [73] [74]

Although in rural areas magistrates tended to be landowners or clergymen, shortages of these officials in the towns required selection from other social groupings whose commitment to civic duty was sometimes surpassed by an enthusiasm to use the office as a source of personal gain. This was a particular problem in London, where 'trading justices', who were styled 'a byword for corruption', bringing considerable disrepute on the office of magistrate. These magistrates exploited by exacting fees for performing their duties, retaining fines they levied from criminals and colluding with informants. This led to the replacement of unpaid magistrates in London with salaried stipendiaries who operated from Bow Street and then from a further seven police offices established by the 1792 Middlesex Justices Act. [75]

In practice this meant that the constable had to set the nightly watch in the town. He would take over prisoners from the watchmen and place them in the stocks or lock-up. In many instances he would keep them in his own cottage until he was able to deliver them to a Justice of the Peace. With his staff of office in his hand, the constable was to initiate the 'Hue and Cry', which demanded that every citizen should assist the constable in the pursuit of an offender; to fail to assist the constable was, and still is, an offence although rarely if ever enforced. The 'Hue and Cry' later became a document, which, since the eighteenth century, has become known as a warrant. The constable's staff or baton was his symbol of authority (also available as a weapon of defence) might have hung outside the cottage door, often ornately decorated. He wore no distinctive uniform of any kind.

Fundamental to law enforcement at this time was the relationship or the working partnership, between the Justices of the Peace and the Constable, both functions being integral to a rudimentary police system delivering law and order in the early 19th century.

It has to be understood that the parish constable was a local man, a householder, a tradesman, aged from his mid twenties to mid fifties, a friend, a family member a man known to most. For one year he had to enforce the local laws and regulations against his neighbours, customers and friend and a failure to do so could place him before the court. It was an invidious position that was avoided if it could be.

[73] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[74] "Policing a Short History" Rawlings 2008: 53
[75] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf

Constables legal obligations

The reluctance of all to take their turn at being the constable, particularly by the wealthy, tradesmen and farmers the practice of paying deputies developed and also that of deputies paying deputies. The deputy deputies were often unemployable and were used and paid to keep them from being a charge on the parish. The office of constable was onerous and time consuming and took people away from earning their living. The constable was under a legal obligation to bring before the jury of the court leet that appointed him or, later the quarter sessions, reports and presentments on oath of all who had offended against the law:

> All bloodshedders, affrays, outcries, rescues and other offences against the King's Peace
> Failure to maintain a bridge or road
> Refusal to serve in one of the parish offices or negligence when doing so
> "idle and will not labour and cannot give account how they get their living"
> Suspicious persons, whores and noctivigant[76] or nightwalkers, mothers of bastards
> Such bakers who put light bread for sale
> Keeping hogs to the annoyance of His Majesty's subjects[77]

The parish constable could be a busy man with private and public complaints of all kinds were reported, administrative, criminal and judicial issues with a trip four times a year to the local market town and the quarter sessions. The constable would produce often hundred of notes for submission, some of which survive in archives across the country.

To sum up the role of the parish constable with the concerns of the Justices of Copthorne and Effingham which was once a part of the Leatherhead area. In a questionnaire for the Home Office in the 1830s, answering a question on failure to bring offenders to justice, the magistrates cited a recent failure by a Constable to apprehend two offenders due to his fear of physical injury. The parish constable is quoted as saying,

"If I had my head broke who is to indemnify me?"

They go on to comment unfavourably about the practice of the Parochial Constables hiring substitutes and how ineffective these were. Their final comments are generally supportive of a paid and efficient force, but only if the costs were moderate. This was to be a continuing conversation.

[76] Wandering in the night time
[77] A History of England and Wales TA Critchley Constable 1979 page 12

The Parish Constables Act 1842

The unfortunate image of the parish constable coming down the generations may be a result of the 1836 ruling by the Poor Law Commission that policing could not be funded by poor law funds. The Parish Constables Act of 1842 was intended to be a means by which better quality provision could be provided. [78]

Police historian Melville-Lee wrote in 1901,

"An attempt was made to infuse life into the decrepit parochial system by an Act of Parliament which ordered justices of the peace to hold special sessions for appointing proper persons to act as parish constables and which authorised the employment of superintending constables to have the management of lock-up houses and also the supervision of all parish-constables within the petty sessional division of the county for which they might be appointed – such superintending constables to receive a fixed salary out of the county rates. Although many of the superintendents were meritorious they were doomed to failure by the unpromising material they had to manage. The only discipline the superintendent could impose on a recalcitrant parish constable was to report him to the justices who were powerless to administer anything like adequate correction." **[79]**

The Act required each county's quarter sessions to hold an annual meeting to appoint parish constables. Only those who paid the poor rate and were aged 25-55 were eligible for appointment and those who did not take up the appointment could be fined if they failed to find a suitable substitute. Parishes could decide to have paid constables whom the justices would appoint and who would be paid by the poor rate. The constable was normally only allowed to operate within the parish to which he had been appointed. If a county force had been established under the 1839 Act he was subject to direction by the chief constable.**[80]**

The 1842 Act therefore removed all policing appointments from courts leet and vestries integrating them into the justices' system of administration based on quarter sessions, where they remained until the coming of the rural police and beyond. [81]

Many counties preferred to retain the principle of universal obligation and adopted the 1842 Parish Constables Act. Kent county justices were so pleased with the workings of the superintending constables system that a motion raised at quarter sessions to introduce a rural constabulary in 1849 was roundly defeated and it remained foremost among the counties calling for a revitalized parish constable system. This was

[78] "The Old English Constabulary" Storch 1999 History Today Ltd
[79] "A History of Police in England" WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 298
[80] "Policing a Short History" Phillip Rawlings Willan Publishing2002 page 137 and 138
[81] "The Old English Constabulary" Storch 1999 History Today Ltd

presumably because the county magistrates wanted a police force under their orders but did not wish to pay for it.

Substitute Constables

An unwillingness to serve as a constable led to the opportunity for substitutes to be picked by appointees or principals. Nineteenth century reformers took the prevalence of substitution in country districts as a token of the bankruptcy of the system, as substitutes were invariably of lower status than principals. In the mid-1830s the old egalitarian practice of choosing constables by house-row or rota still survived in large areas of the North and pockets of the South, but the office was invariably served by a substitute. [82]

The principal paid his deputy inducement money ranging from three to five pounds in the South to ten in the North. Some substitutes were indeed as bad as the accusations of reformers made them out to be, but many were adequate or even quite skilled. Where the sons or employees of farmers' served as substitutes for the principals, confidence was expressed, and justices sometimes remarked that substitutes were more generally available, active and willing to act outside the parish. The assistant poor law commissioner William Voules wrote:

> Should he be a hired Substitute? He is from his ... inferior situation, utterly worthless as a public functionary...

But the truth of the matter is more complicated. Substitutes could embody the very worst, but sometimes the best of pre-police law enforcement. In small towns and larger parishes some men served for long periods as `standing' or `perpetual' constables, acquiring a certain knowledge, experience and cunning. These characters are met with everywhere. Some were rascals, alcoholics or both; others were rough men who made themselves feared. Some were intelligent, literate, entrepreneurial and upwardly mobile town constables such as James Little, who rose to become clerk to the poor law union. Some justices feared such men were prone to losing their respectability, and risked becoming penalty-hunters, drunkards and petty tyrants.[83]

Being marked as a bad and busy neighbour

Many parishes observed that their constables feared[84]:

> `Being marked as a bad and busy neighbour'

This characterisation of the constables was not new to the nineteenth-century but would have existed for as long as the role of constable. It is an almost impossible position for the constable both friend, neighbour, family member then suddenly for a year, enforcer of all manner of regulations on behalf of the magistrate.

[82] "The Old English Constabulary" Storch 1999 History Today Ltd
[83] "The Old English Constabulary" Storch 1999 History Today Ltd
[84] "The Old English Constabulary" Storch 1999 History Today Ltd

The old style of policing had outgrown its origins and seen to be failing. Its abolition and replacement with something else was now demanded. There were successful policing models and local elites were able to choose from a variety of options.

There remained a problem of justices having a parochial approach jealously guarding 'their' police. For example in the summer of 1853 the superintending constable at Tonbridge on the direction of his local magistrate asked his counterpart at Ashford for assistance because of a riot, the Ashford magistrates refused to allow the superintendent to cross the petty sessional division boundary. [85]

Many small-town constables, whether principals or deputies served for many years cobbled together a living in various ways. Some were semi-professionals and lived on fees for processing legal documents, salaries or retainers from parishes, voluntary subscriptions, cash from prosecution societies, rewards and payments from crime victims. Others received no salary, but if the population was large enough an energetic and enterprising man might be able to live on the various fees and individual payments. The township constable of Brigg, Lincolnshire, was paid £120 a year from the rates, plus the emoluments. At Stourbridge in Wiltshire Mr. Craig got £100 year plus use of a house. His income was made up of payments from several parishes in the petty session's division, plus the fees. [86] For men of this class this was excellent money to be earned, probably over twice the annual salary of a Metropolitan Police constable.

Parish constables were certainly operating around Dorking. We hear of Mr. Taylor, the constable, Mr. Alloway from Holmwood, Mr. Page from Capel, Mr Haycock the Shere police officer who was making enquiries at Mickleham into sheep stealing, and a constable at Farnham. Mutual help and liaison was apparent between these constables and the Dorking force. When the superintendent had some difficult prisoners:

"I had to call Mr. Hubbard and Mr. Robertson to my assistance, and later Mr. Winton as well." [87]

Parish constables sometimes undertook duties for long periods, as did James Stedman at Pirbright from 1812-1837. There were paid constables at Shere, Thomas Williams, with Peter Pearce at Shamley Green both supervised by Superintendent Biddlecombe of Godalming. [88] There were also paid constables stationed at Farnham, Dorking, Chertsey, Chobham, Thorpe, Windlesham and Nutfield who in time joined the Surrey Constabulary not that many survived very long within a disciplined service. Inspector Donaldson who was murdered in Haslemere had served as Superintendent of police in Dorking before coming into the new police force.

[85] "Policing the Victorian Community: The Formation of English Provincial Police" Carolyn Steadman 1984 page 20
[86] "The Old English Constabulary" Storch 1999 History Today Ltd
[87] Transcript of the original occurrence book Mr C.A. Willeard Page 17
[88] "A Hundred Years of the Surrey Constabulary" Durrant 1951page 3

Crime victims would naturally gravitate to the man who wished to make it a trade, as he was more likely to act promptly and effectively. At Barnstaple in Devon the constable was able to bring together the law enforcement tasks of neighbouring rural areas, whose constables became inactive. [89]

The conversion of an active local man into a full-time constable was increasingly formalised in the 1830s by the appointment by the justices of "office constables", who received a monopoly of process service and detective work. This was also the time of the evolving micro police forces in the market towns of rural Surrey. In country districts, the social status of constables had declined in the eighteenth century. The largest and most substantial farmers, those most likely to be overseers of the poor and churchwardens, had largely ceased discharging the office. By the 1830s most constables continued to be drawn from the middling strata of rural society, but lower grades of people within this group occupied the office. Typical was Pershore, Worcestershire, where the substitute system was used to pass the office from farmers to `artisans with little business' who would have found the money welcome. [90]

The magistrates who often came from the leisured classes had no need of income unlike those selected to be the constables who earned their livings mostly by the sweat of their brow. In the countryside the volumes of work were normally low and did not allow for the generation of anything like an income to replace that lost through undertaking constabulary duties. In the small towns and the large rural parishes it may have been possible to undertake enough tasks to cover the loss of earnings the role of constable caused.

As the number of substitutes swelled the increasing number of labourers serving as constables in the southern counties began to cause alarm. In Hertfordshire, they could be found as principals in 18 per cent of all divisions; in Essex in a quarter; in Hampshire and in Bedfordshire everywhere. [91] Probably with some justification justices and poor law guardians worried that the lower the class from which constables were taken, the closer their affinities were likely to be with poachers and beer-house keepers. They would have a greater sympathy with those engaged in low-level crime and disorder particularly when as an individual they might be expected to take on the local drunks. But by this time the expectations of the gentry and the magistrates as to what defined an effective constabulary were changing rapidly with a growing acceptance that the solution was a rural constabulary or at the minimum adopting superintending constables appointed under the Parish Constables Act 1842. Change was necessary and there was now an effective model operating in and around London.

The country constable was necessarily and not unsurprisingly given the nature of community, family and neighbours, was less interventionist than in the towns. He

[89] "The Old English Constabulary" Storch 1999 History Today Ltd
[90] "The Old English Constabulary" Storch 1999 History Today Ltd
[91] "The Old English Constabulary" Storch 1999 History Today Ltd

would also have concentrated on mediation and conflict resolution, modern terms but they describe clearly the role of the isolated constable. Primary responsibility for the prosecution and often even the detection of crime remained in the victim's hands. The usual procedure in cases of property crime was for the victim to seek the offender and missing property, or to find a constable and report the loss. Some constables would do little on his own to find the guilty party unless the victim suggested a likely offender, or produced some relevant evidence along with a means of meeting his costs. [92]

Armed with some evidence, constable and victim would seek a magistrate, who could issue a warrant enabling the constable to search the suspect's premises and perhaps make an arrest. It had been taken for granted that victims should exert themselves if intent on a prosecution; it could even be praised as part of the price Englishmen paid for the preservation of their liberties. But to early nineteenth-century reformers this was a state of affairs that appeared old-fashioned, lax, absurd, and even outrageous. A Somerset parson stated:

We are ... without the pale of the law; that every man that would be safe must be his own watchman, his own constable .... That unless he himself shall watch his property, and shall take up the offender, shall take him to the constable, shall order the constable to go with him to the next town, and be at the expense of the constable doing that, and shall promise the constable to be [financially] responsible for putting the man into custody until he can be brought before a magistrate, shall appear before the magistrate, and reason with the magistrate, and, in fact, do all the work, the man will escape, whatever be his crime ... [93]

The constraints upon constables by pressures and demands of family and villagers have been established. The wisest policy was probably to cross the road, to respond only when directed by the magistrate or where transgression became blatant putting the pocket of the constable at risk for failing to do his duty. Fines for parish constables not completing their duties could be significant. Interference with beer-houses or other elements of village recreational life exposed the constable to dilemma between responsibility and the practicality of living in the area. A group of Nottinghamshire magistrates acutely observed: [constables]

“Act under the observation of their neighbours to whom they are accountable at vestry,' and this keeps them honest; on the other hand, `they are deterred from giving information for fear of private injury from malicious neighbours”. [94]

In the late eighteenth and early nineteenth-century small towns and unincorporated manufacturing areas made determined efforts to upgrade policing. A constable's knowledge was traditional, acquired on the job or from outgoing constables and other

[92] “The Old English Constabulary” Storch 1999 History Today Ltd
[93] “The Old English Constabulary” Storch 1999 History Today Ltd
[94] “The Old English Constabulary” Storch 1999 History Today Ltd

villagers. He was often unsure of his immunities and the extent of his powers, producing,

A “dread lest he go beyond their duty and thus be liable to a prosecution”

A constable had always to comply exactly with a warrant's precise terms or be liable to an action. Most were unclear about the circumstances under which they might arrest persons ex officio, especially in assault or affray cases.

It was simple prudence to wait for a complaint or warrant before acting. And how could one expect a local farmer, tradesman or artisan to risk life and limb, warrant or no warrant? A Surrey constable having failed to arrest a known horse thief asked the magistrate:

`If I had my head broke who is to indemnify me. I might have been a cripple and beggar for life'.[95]

By the 1830s many rural districts were improving policing quite independently of central government with an increased number of local influential people doubting that mere tinkering with the old system would do. [96]

A further inhibitor to the years work as a constable came about when there were changes to a major source of funding. Parish constables had some of their expenses reimbursed from local poor law unions until in March 1836 following a ruling by the Poor Law Commission which instructed poor law union officials to consider illegal all constables' charges to the poor rates relating to criminal justice. This reduced the income of the constable and put at risk any expenditure he may incur in the initial investigation of a crime or other transgression. In some areas where the Poor Law Union had met an annual retainer the grant had to cease. Those most affected were precisely those long-serving men who had provided the best service. `You see,' said a farmer in Witney, Oxfordshire,

“The constables cannot get their expenses. The Poor Law Commissioners have been so particular ... that these constables ... now say `Damn this office, I wish I was out of it.”

Some parishes refused to appoint constables and in some southern areas with long-serving paid deputies, the price of substitutes was driven up beyond the ability of the tradesmen-principals to pay.

In Sussex, the justices feared that

“The higher classes must be appointed in order to compel them to pay the substitutes!”

[95] “The Old English Constabulary” Storch 1999 History Today Ltd
[96] “The Old English Constabulary” Storch 1999 History Today Ltd

William Swabey, a Buckinghamshire justice, claimed

“The whole rural police [was] in a state of abeyance.”

By the 1830s the rural gentry itself was progressively incorporating the metropolitan language of crime prevention and `preventive police' into their own vocabularies and thinking, and presiding over the creation of new police forces in the countryside under voluntary subscription and other auspices. A Somerset parson wrote in 1836 that a country village:

“Deserves better treatment at the hand of Government; the least of its inhabitants have a fight to require in return for the taxes they pay ... that a respectable, well-paid officer should be stationed among them; a stranger to the people and having no other dealings with them than to administer even-handed justice ... [The object is to] prevent crime ... and to bring speedily to justice those who deserve punishment. “ [97]

Peter Wright, an Essex rural magistrate, exclaimed in 1839:

“If any man had told me 25 years ago that ... a [police] force ... would be necessary, I should have held that it was not necessary ... but such has been the alteration of the times ... that we must have the rural police to protect us. “ [98]

The slowness of change and the sporadic and varied implementation of reform was to some extent a result of national government’s indifference to local affairs “deliberately abstained from any consideration of them” [99] Some of the larger boroughs had night watchmen and a day police. Most communities just struggled on with the medieval system of the customs of unpaid service to the community in the office of constable only a hairs breadth away from the Frank Pledge and the Statute of Westminster.[100]

Superintending Constable

In counties where superintending constables were employed, many taken from the Metropolitan Police, there was no uniformity, each officer adopting his own line and as long as he put in an appearance at the Quarter Sessions and visited the various parishes of the division once a fortnight no one interfered with him or directed his method.[101]

It was the custom in most counties to provide the superintendent with a horse and cart but still the area to be covered was frequently too large for any one man to supervise.

[97] “The Old English Constabulary” Storch 1999 History Today Ltd
[98] “The Old English Constabulary” Storch 1999 History Today Ltd
[99] “A History of Police in England and Wales” Critchley page 24
[100] “A History of Police in England and Wales” Critchley page 24
[101] “A History of Police in England” WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 299

In Kent one example was 56 parishes; in Northumberland on superintendent covered 300 square miles. However the system was popular because it was cheap[102]

The county justices of Kent were so pleased with the workings of the superintending constables system that a motion raised at quarter sessions to introduce a rural constabulary in 1849 was roundly defeated and it remained foremost among the counties calling for a revitalized Parish Constable system. This was presumably because the county magistrates wanted a police force under their orders but did not wish to pay for it.

The justices could provide a lock-up (at their own expense) in which case they had to appoint a 'Superintending Constable' to take charge of the lock-up and the constables in the area it served.

The superintending constable came under the exclusive directions of the local justices and was paid out of the county rates.

The Superintending Constables were professional policemen, often appointed from London or another of the new county forces, and had considerable difficulty in motivating the part-time parish constables under their command.

Guildford would at the turn of the 19th century be policed by a number of parish constables appointed by the parish vestry working to the local magistrates who would in addition to giving judgement in court be more interventionist in dealing with local issues, crimes or disputes. In 1835 before the new borough police the force in Guildford consisted of two head constables, five tything men (two for Holy Trinity two for St Mary's and one for St Nicholas parishes) two tasters of bread and ale, two tasters of flesh and fish, two sergeants-at-mace, and two night watchmen. [103]

The changes and development of parish officials continued to evolve into the 19th century as the population continued to expand in England from the 5.8 to 9.2 million during the 18th century. Over urban England the breakdown of law and order marched in step with the progress of the Industrial Revolution[104], urbanisation, break down of family support and widespread poverty. At the start of the 19th century in Surrey outside London, most people lived in small hamlets or villages surrounded by large acres of open countryside islanded here and there by small market towns which were little more than overgrown villages. The largest towns only had populations of about 5,000.

The government were interested in police reform in London driven by incidents such as the Ratcliffe Highway murders of 1811 but were indifferent to local affairs outside the capital. Probably there was too much vested interest by the landed gentry who were over represented in Parliament including the Lords. The lack of direction

[102] "A History of Police in England" WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 299
[103] Guildford City Outlook April 1930
[104] A History of England and Wales TA Critchley Constable 1979 page 16

accompanied by the need for change led to an infinitely complex and confused network of parish vestries and courts leet in various stages of obsolescence. The direction of reform of policing in the provinces evolved more naturally out of the old system than did the revolutionary introduction of the London Police in 1829.

Parish constables in Surrey sometimes undertook duties for lengthy periods, as did James Stedman at Pirbright from 1812-1837. There were paid constables at Shere, Thomas Williams, with Peter Pearce at Shamley Green both supervised by Superintendent Biddlecombe of Godalming. There were also paid constables stationed at Farnham, Dorking, Chertsey, Chobham, Thorpe, Windlesham and Nutfield who in time joined the Surrey Constabulary not that many survived very long within a disciplined service. Inspector Donaldson who was murdered in Haslemere had served as superintendent of police in Dorking before coming into the new police force. [105]

The system worked as communities combined to protect themselves and to ensure justice was done. A classic example of this early "community policing" came in 1742 at Ripley in the county when two highwaymen stopped a lone traveller who was allowed to go after being threatened and robbed. The victim was outraged at being robbed and the audacity of the highwaymen and quickly rode into Ripley and raised the alarm. A posse was quickly assembled which soon found the robbers and chased them onto the village green where a cricket match was being played. One of the men escaped but the cricketers with their bats and stumps attacked the other on his horse, but before he was finally overpowered he shot one of the villagers dead.[106]

A key difficulty with the old system of policing was that its organisational base (the parish or township) was too small and the numbers of constables supplemented by watchmen too low to counter contemporary crime and public disorder problems. Although it was impossible to gauge 'real' levels of crime, contemporary observations suggested that 'from the last quarter of the eighteenth century through to the 1820s problems of crime and order maintenance were regarded as particularly acute. [107] [108]

Some of this increase was driven by population growth, poverty, hunger and large numbers of men discharged from the military following the defeat of Napoleon. It led to the conclusion that 'the breakdown in law and order marched in step with the industrial revolution' [109]. Many contemporaries viewed crime as spiralling out of control while the only solution to outbreaks of disorder was to deploy the military often with great delay by which time the worst of the rioting may well have passed.

[105] "A Hundred Years of the Surrey Constabulary" Durrant page 3
[106] "Stand and Deliver" David Barrendon Sutton Publishing 2001 Page 62
[107] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[108] "Policing a Short History" Philip Rawlings 2002,: 106
[109] "A History of Police in England and Wales" Critchley page: 21

Some branded the 1842 Parish Constables Act a 'complete failure' with no consistency in the way policing was delivered throughout England and Wales. [110] These deficiencies justified the establishment of a new, professional, system of policing, in which those who performed the office were paid a wage. [111]

Some areas continued to appoint parish constables even after the creation of a professional police force under the provisions of the 1856 County and Borough Police Act. Their appointment remained possible under the 1872 Parish Constables Act if the Quarter Sessions felt the appointment justified or where the parish requested the magistrates to do so. [112] Some were appointed and operated mostly in areas where today local government would intervene, highways and bridge maintenance enforcement being one of the most significant duties.

Long after the introduction of the Surrey Constabulary the need for parish constables continued as in 1867 on April 13 in Guildford:

> Before the Bench forty-two parish constables were sworn in for several parishes of the division for the ensuing year.[113]

Surrey Quarter Sessions and the parish official

In a slightly earlier age, but nothing significant changed, it is easy to see the concerns of the constable to do his duty as the consequence could result in an appearance before the Surrey Quarter Sessions as a defendant or more likely as a victim. The following are extracts from the Surrey Quarter Sessions records:

> **Session: 1780** Michaelmas Actual date: 03/10/1780 GRAY William Sex: Male
>
> Parish and county of residence / occurrence: Reigate
>
> Occupation: labourer
>
> Type of offence: Assault & threatened violence: Offence details: For an assault upon James Apted in execution of his office as constable.
>
> Examinations: Prison: Outcome: Pleaded Guilty Sentence: Fined Twenty Pounds And Imprisoned For Three Months And Til Said Fine Be Paid
>
> **Session: 1780** Michaelmas Actual date: 03/10/1780
>
> KEEN Benjamin, The Younger
>
> Parish and county of residence / occurrence: Guildford

[110] Brown, 1998: 178
[111] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[112] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[113] 1867 April 13: Surrey Advertiser

Type of offence: Assault & threatened violence: Offence details: Convicted of assaulting Robert Cox, one of the watchmen, and Constable of the Night for the Town of Guildford, in the due execution of his said offices - To remain in gaol for three months, and until he shall enter into a recognizance before one of his Majesty's Justices of the Peace for the aid town of Guildford, in the sum of 100l with two sufficient sureties in the sum of 50l each, for his good behaviour towards all his Majesty's liege subjects for the term of one year, from the expiration of the said three months.

Examinations: Prison: Kingston House Of Correction; Sentence: To Remain In Gaol For Three Months, And Until He Shall Enter Into A Recognizance, In The Sum Of 100l. With Two Sufficient Sureties In The Sum Of

50l. Each, For His Good Behaviour For The Term Of One Year, From The Expiration Of The Said Three Months

Session: 1780 Michaelmas Actual date: 03/10/1780

MORRIS Samuel

Parish and county of residence / occurrence: Banstead

Occupation: Bricklayer

Type of offence: Neglect of public duty; Offence details: For not taking upon himself the office of constable of said place being duly appointed.

Examinations: Prison:

Outcome: Pleaded Not Guilty; On Trial Found Guilty

Sentence: Fined 40 Shillings Committed For One Month & Till Fine Paid

Other information: PB No: 108. 9th January 1781. Plead Not Guilty. 24 April 1781. On trial found guilty. Forename James deleted and Samuel written in its place.

Session: 1781 Michaelmas Actual date: 02/10/1781

DOVE John Baker

Parish and county of residence / occurrence: Reigate

Occupation: Yeoman

Type of offence: Assault & threatened violence: Offence details: For an assault upon James Harley in execution of his office of High Constable

Outcome: Indictment Rejected By Grand Jury; Discharged

Session: 1781 Michaelmas Actual date: 02/10/1781

PHILLIPS Thomas

Alias: PHIILIPS

Parish and county of residence / occurrence: Farnham

Occupation: Labourer

Type of offence: Assault & threatened violence: Offence details: Committed the 15th day of September, 1781, by Peck Williams Esq. Charged by and on the oaths of John Beverly of Farnham, heel maker, & of William Taphouse, High Constable, respectively with having behaved in a very violent, disorderly and outrageous manner, and having assaulted and ill treated him the said High Constable, in the execution of his said office, and which said Thomas Phillips hath now greatly misbehaved himself, and also insulted me in the execution of my office as a magistrate

Examinations: Prison: Guildford House Of Correction Outcome: To Remain In Prison Until Sureties Found Sentence: Committed For Want Of Sureties

Other information: Articles of the peace taken out against Phillips

Session: 1782 Midsummer Actual date: 16/07/1782

PORTSMOUTH Stephen

Parish and county of residence / occurrence: Egham

Occupation: Labourer

Type of offence: Assault & threatened violence: Offence details: Committed the 21st day of June 1782, by Richard Wyatt Esq. charged on the oaths of John Townsend Victualler, and of the Constable of the said Parish, aforesaid, with behaving in a disorderly manner, being drunk, and violently beating, and affronting the said Constable, in the Execution of his Office.

Examinations: Prison: Guildford House Of Correction: Outcome: Pleaded Not Guilty; On Trial Acquitted

Other information: Process Book gives name of Constable as Thomas Milton, and charge one of assault

Session: 1792 Epiphany Actual date: 10/01/1792

BAGG James

Parish and county of residence / occurrence: Wotton

Occupation: Parish Constable

Type of offence: Neglect of public duty: James Bagg, Constable of the Parish of Wotton, for a Contempt in not returning to Thomas Kingston, High Constable of Wotton Hundred, a List of Persons qualified to serve as Jurors.

Pleaded Guilty and sentenced 17th April 1792 to a fine of one Shilling. Paid Sheriff In Court And Discharged.

Session: 1792 Epiphany Actual date: 10/01/1792

PRIZEMAN John

Parish and county of residence / occurrence: Guildford St. Nicholas

Occupation: Tythingman

Type of offence: Neglect of public duty: John Prizeman, Tythingman of Artington of the parish of Saint Nicholas, Guildford, for a Contempt in not returning to Thomas Grant, High Constable of Godalming Hundred, a List of Persons qualified to serve as Jurors.

Outcome: Unknown

Session: 1799 Midsummer Actual date: 16/07/1799

TANNER Thomas

Parish and county of residence / occurrence: Woking

Occupation: Yeoman

Type of offence: Neglect of public duty: For a misdemeanour in permitting the escape of a prisoner committed to his custody as Constable.

Outcome: Pleaded Not Guilty and on Trial Acquitted

Chapter 2

A Start at Modernising the Police

London before the Metropolitan Police

Thief takers

Alarmed by gang activity and five murders committed in quick succession in the early 1750s, the Prime Minister the Duke of Newcastle[114] consulted Fielding the magistrate at Bow Street. In four daysFielding prepared a plan for putting down the gangs, which was successful. The counter gang strategy involved the deployment of what became known as "thief takers".

These were "men of tried courage, householders, picked from among the peace-officers, moreover the moment anyone commits an act either of cruelty or injustice he is immediately discharged by the magistrate from the office of thief-taker, and never admitted again." [115]

These thief takers seem to have been successful from the start breaking up two important gangs in three months with nine "gangsters" executed at the cost of the life of one thief taker. In addition a number of infamous highwaymen were arrested and taken before the courts. [116]

One development to remedy weakness in the historic system of policing was through the deployment of thief takers. The role may have been similar to the eventual development of private detectives but at this time the term detective was not in use. A feature of this period was the self appointed professional thief-taker who traced and arrested offenders for a fee or reward upon conviction paid by the Government, the victim or a local Felon's Association. Being self appointed individuals, not a part of the crown response there are no official records covering the activities of thief takers though occasionally references are made in newspapers or court trial transcripts.

Thief-takers rewards were often paid by the government to secure the return of stolen goods and/or bring criminals to justice for serious crime. It was a practice that accelerated in the late eighteenth century supporting the parish constable, the mostly unenthusiastic amateur with few investigatory skills.

The system was subject to abuse with thief-takers organising crimes and then securing payment from the victim for the return of stolen property or even extorting money

[114] PM 1754-1756 July 1757- May 1862
[115] "The Story of Scotland Yard" Sir Basil Thompson1935 Kessinger Rare Reprints page 33
[116] "The Story of Scotland Yard" Sir Basil Thompson1935 Kessinger Rare Reprints page 33

from a criminal as the price of not handing them over to the authorities.[117] An Act of Parliament of 1717 known as the Jonathan Wild Act named after the infamous thief-taker made it a capital offence to receive a reward under the pretext of helping an owner to secure the return of goods in cases where no thief was prosecuted. [118]

Although the system of private thief-takers was prone to abuse it was not totally ineffective in dealing with criminal activities with contemporary accounts revealing that following Jonathan Wild's execution in 1725 far fewer criminals were brought to justice. [119] In the 1830s the role of thief-takers was adversely affected by powers given to magistrates to deny them a reward. [120] These powers followed the introduction of the Metropolitan Police when the role of crime detection was not accepted as a primary duty of the preventative police.

Bow Street

Bow Street's historic role in maintaining law and order dates from 1740 when Sir Thomas De Veil (1684-1746) a Westminster Justice, used his residence at 4 Bow Street as a magistrate's court. (The terms Justice and Magistrate seem to be used unsystematically and refer to the same function, Justice of the Peace.) From his court de Veil also took responsibility for investigating and pursuing crime until his death two years later when Henry and John Fielding moved into Bow Street as a magistrates. With the assistance of a government grant the Fielding brothers began to administer justice often without charge to the poorest. [121]

There were however, some important moves in the direction of the modern system of criminal justice and police in London. Henry Fielding in a paper of 1751 "Enquiry into the Late Increase of Robbers" recommended responsibility for prosecution should be taken from the victim. Parliament accepting that prosecuting criminals was a state responsibility and not that of the victim, took steps to reduce costs of criminal prosecutions. However it was to be many years before the state accepted prosecution as a responsibility and met the costs.

The Fielding brothers understood the necessity to move beyond a focus on prosecution and the penalties at the disposal of the courts, towards a concern with effective crime detection. It was no good increasing the penalties at the disposal of the courts if the chances of an offender being actually brought to court were very slim. The need therefore was for an effective police detective system.'[122]

[117] " Supergrasses Informers and Bent Cops" J Morton Time Warner 2002: 39–41
[118] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[119] " Supergrasses Informers and Bent Cops" J Morton Time Warner 2002: 43
[120] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[121] "What is the relevance of history to criminology?" Criminology and History John Lea 2006 http://www.bunker8.pwp.blueyonder.co.uk/history/36801.htm
[122] "What is the relevance of history to criminology?" Criminology and History John Lea 2006 http://www.bunker8.pwp.blueyonder.co.uk/history/36801.htm

Sir John Fielding as he became, in 1755 drew together "A plan for preventing robberies within twenty miles of London." He suggested that the landowners and occupiers of high-class residential property near London should come together to form societies for the "apprehension of burglars and other depredators". Each society was to select a treasurer to collect an annual subscription of two guineas each from members. When a robbery was committed the injured party was immediately to despatch a mounted messenger to the magistrate at Bow Street, warning on his way all the turnpike keepers, advising them as to the property stolen and of any particulars of importance. The magistrate was then to be empowered to draw on the funds of the society in the hands of the treasurer for any expenses that might be incurred in the course of the pursuit and subsequent prosecution of the criminal. [123]

Punishment of hanging or transportation was the response of the authorities to serious crime. Prevention not detection had yet to be an accepted means of crime reduction. Making penalties more severe was not impacting upon the level of crime being committed. [124]

"Gradually a genuine wish for change, a desire to repress crime as humanely as possible; a half formed idea found partial expression that perhaps after all the pain suffered by the culprit ought not to exceed the benefit conferred on the community by the punishment exacted; henceforward the Statute Book was not disgraced with fresh barbarities and in the course of years the old ones were gradually eliminated." [125]

Jeremy Bentham (1747-1832) considered police necessary as a means to prevent crimes and calamities as well as to correct and cure them. Blackstone in his Commentaries (1765) wrote,

"By public police and economy I mean the due regulation and domestic order of the kingdom, whereby the individuals of the State like members of a well governed family, are bound to conform their general behaviour to the rules of propriety, good neighbourhood and good manners; to be decent, industrious, and inoffensive in their respective stations."[126]

In 1749 John Fielding as Magistrate at Bow Street founded his own organisation of initially six men as thief-takers, known as "Bow Street Principal Officers", who. (Colloquially known as Bow Street Runners a term thought disparaging by the officers). Also established were patrols along the main thoroughfares in London and surrounding countryside (1756).

The Bow Street Principal Officers organised by the Fielding brothers remain the most famous of the early professional police officers. The officer would investigate crime

[123] "A History of Police in England" WL Melville-Lee 1901 Kessinger Publishing 2012 page 157 &158
[124] "A History of Police in England" WL Melville-Lee 1901 Kessinger Publishing page 158
[125] "A History of Police in England" WL Melville-Lee 1901 Kessinger Publishing page 159
[126] "The Story of Scotland Yard" Sir Basil Thompson1935 Kessinger Publishing Rare Reprints page 15

and detain suspects under the direction of Magistrates. [127] The six officers attached to Bow Street received salaries of £1.1.0 or a guinea a week raised in 1821 which was many years later to £1.5.0 still for the time an insufficient salary. By the 1820s Occurrence Books were kept, weekly inspections held, men were paid weekly, there was a police surgeon. The force amounted to one inspector, seventeen conductors (a senior NCO rank in the army) and eighty-two patrols. They wore a uniform – a red waistcoat, which earned them the nickname of "Robin Redbreasts." The Runners wore no uniform.[128]

In 1763 Fielding suggested London to be divided into six areas with their own patrols and police stations but this idea was rejected but £600 given by the government to hire eight men to patrol the highways. This deployment of patrols brought to an end most highway robbery, but was not continued. Why are we spending money when there is no crime? Costs led to curtailment of horse patrols by 1766/67

The Hue and Cry, a newspaper was founded at Bow Street in 1772 containing information from gaols and justices, began publishing using £400 funding from the Home Office. This was the first attempt to transmit criminal intelligence across the country with the ambition to arrest those wanted men who had left where they were known.

Fielding published his "General Preventative Plan" in 1772 allowing Magistrates in different areas to exchange information about crime. Twenty years later following the Middlesex Justices Act 1792 professional paid (stipendiary) magistrates began to appear in central London and Southwark.

The employment of paid police officers by ratepayers to supplement the parish constables was a development that occurred in some of the larger urban areas in the late eighteenth and early years of the nineteenth century. It secured Parliamentary approval in the form of Improvement Acts. This legislation authorised rates to be collected to pay for a wide range of municipal services whose actions were supervised by an elected body of ratepayers. An important example of this was the 1792 Manchester and Salford Police Act, which permitted rates to be levied on householders to pay for a range of services that included 'the cleansing, lighting watching and regulation (of) the streets, lanes, passages and places within the towns of Manchester and Salford'. An elected body of ratepayers termed 'commissioners' superintended these functions. [129]

The jurisdiction of Bow Street had no limits and when in 1792 seven other courts in central London had their own armed police the Bow Street Patrol were able to operate anywhere in the country.[130] The London police officers attached to the magistrate's

[127] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[128] "A History of Police in England" WL Melville-Lee 1901 Kessinger Publishing page 34
[129] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[130] "The Story of Scotland Yard" Sir Basil Thompson1935 Kessinger Publishing Rare Reprints page 34

courts were paid a basic but fairly low salary however they were able to supplement their wages from a number of sources including rewards. For the first time in London, Bow Street police officers operating outside the control of individual parishes.[131]

The Bow Street model was adopted throughout London (with the exception of the City of London) under the provisions of the 1792 Middlesex Justices Act, whereby seven police offices were set up, staffed by stipendiary magistrates who employed, directed and supervised a small number of paid police officers. [132] This had significant impact for Surrey with one of these stipendiary courts established at Union Hall in Southwark with a responsibility for policing the whole of Surrey from the Thames to Sussex, Hampshire in the west and Kent in the east.

A further important initiative was the formation of the Thames River Police at the suggestion of the London magistrate Patrick Colquhoun in 1798 and initially paid for by merchants operating on the River Thames. This was given official status under the 1800 Thames River Police Act, whose superintending magistrates were under the direct control of the Home Secretary. [133]

1792 Middlesex Justices Act

Union Hall

The 1792 Middlesex Justices Act was passed with little opposition, radically changing the role of Justices of the Peace in the metropolis but also to have an impact on Surrey. This was a very important development for the Surrey law enforcers. The Act set up seven public or police offices (the first police stations) in addition to Bow Street, to which three salaried Justices each were attached. The Justices were paid £400 a year, but were not entitled to any fees.

The Act provided experienced investigators and stipendiary magistrates across London north and south of the river with many of the London initiatives funded, and therefore controlled by the Home Office. Like Bow Street, investigating and "detecting" crime was their principal function.[134] One of the police offices was Union Hall in Southwark, south of the river with a responsibility for the whole of Surrey from the urban sprawl by the Thames to the villages and small towns as far as Hindhead and Dormansland. The new magistrates were appointed and paid by the Home Office replacing a failing system of "trading justices" who lived off their fees. The new stipendiary or paid magistrates were made up of men of lesser education and social status than the conventional magistrate who were hard to recruit in central London.

[131] "Policing before the Police" In Handbook of Policing: Rawlings, 2008: 56
[132] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[133] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[134] "Stumbling towards Professionalism: A post-revisionist overview of the establishment of English policing in the nineteenth century" By Keith Smith http://www.cardiff.ac.uk/people/view/478914-smith-keith

This police system continued until 1839 operating for a time alongside the Metropolitan Police, acting as investigators. The men were referred to as police officers and the senior was known as the chief constable. Magistrates at Southwark upon the request of a local magistrate could deploy immediately experienced police officers to deal with significant crimes such as the double murder at Fetcham in 1826. Local magistrates retained the responsibly for investigating crime with their parish constables but inexperience led to the lead frequently being taken by Union Hall. Bow Street officers were also deployed within the county usually following a request from the local magistrate to the home secretary, or when a reward was likely!

The six men were appointed as constables in each office were given the power to arrest any suspected persons and reputed thieves they found on the streets. Like Bow Street, the new offices held pre-trial hearings and exercised the powers of summary jurisdiction.[135]

PD James in a rare non-fiction work covering the Ratcliffe Highway murders in 1811 describes these new police and their relationships with the existing law enforcement community:

The three Shadwell magistrates had their public office in Shadwell High Street from where they covered six densely populated parishes. They were authorised to employ no more than eight police officers.[136] These men wore no uniform and had no badge of office or equipment of any kind. They formed in effect a tiny isolated police force, which the magistrates were in personal command. Each police officer was paid 22 shillings a week but this was in the nature of a retaining fee. It was expected that the men would undertake jobs for private individuals track down suspected criminals and recover stolen goods for the agreed award. This means the police officers and as much as £100 a year over the above the nominal salaries.

Relations between them and the parish constables and Watchman were deeply hostile. The parish force regarded the little band of police officers as spies whom they were reluctant to help in anyway. This was inevitable as they were competing for the same perks and they served different masters.[137]

Union Hall officers, operating south of the river on similar conditions to Shadwell, were very actve and played a significant part in the investigation of some of the serious crimes in what was to become the Surrey Constabulary area some fifty years into the future. Some examples of their working lives:

1817 October 7: Union Hall – evidence given before the committee of the House of Commons on Police of the Metropolis

[135] "Bow Street Office, from The Microcosm of London" Thomas Rowlandson, 1808 © London Lives
[136] This is normally recorded as six
[137] "The Maul and the Pear Tree. Ratcliffe Highway murders 1811" PD James and TA Critchley p 29

Mr John May one of the principal officers of Union Hall Office and 19 years in the situation stated that his present salary is one guinea per week; originally it was 12 shillings; they have other emoluments; as upon serving warants for assaults, and presents from individuals on being employed in particular cases or services. Without these additional emoluments they could not live by the situations.He is of no trade but the proprietor of a public house, the Red Lion, in Redcross-street, in which the business is carried on by his brother. In case of serving a warrant for an assault, the expense is paid by the plaintiff.---------- [138]

Morning Post Tuesday 14 Oct 1817:

Enquiry into policing the Metropolis: Joseph Chambers. Served nine years as a magistrate at Union Hall and held no other government posts in addition to being a commissioner of bankruptcy. Thought officers of the establishment were sufficiently paid. Asked if a guinea a week was sufficient to keep them frree from all temptations to act contrary to their duty if it were not for the advantages which they may receive on being employed by different private persons and sharing in different rewards. Chambers "I do not know that these latter benefits make them more honourable or honest but for a salary of a guinea a week there are persons in their situation of life who would accept of it."

Their offices are worth from eighty to a hundred pounds a year? Chambers: "I have no idea how to draw a line of their profits from convictions they have made lately very considerable profit on account of a late Act of Parliament respecting bakers."

In what way? "The penalty by that Act is applied differently in various offices of police; in some it is given entirely to the informer, in others in a proportion, at the discretion of the magistrate; for the Act of Parliament is certainly very erroneous in two parts, one giving without doubt to the informer and another partly to the informer. [139]

On the 3 September 1827 at Surrey Quarter Sessions three men were charged with violently assaulting John Grossmith a police officer of Union Hall in the execution of his duty, with intent to recue two persons in his custody. The prosecution said that the officers had a very arduous and dangerous duty to perform and unless protected the consequences could be truly fatal.[140] Grossmith was active in the rural parts of Surrey being a key investigator in the 1826 double murder at Fetcham and was to be appointed a sergeant in the new Metropolitan Police in 1829.[141]

[138] October 7 1817 : The Morning Post
[139] Morning Post Tuesday 14 Oct 1817
[140] The Standard Saturday October 26 1827
[141] 1827 3 September The Standard Saturday October 26 1827 at the

Bow Street Foot Patrols

In 1782 the first officially recognised Bow Street Foot Patrols took to the streets. Consisting of 6 or 8 men under a 'Captain'... eight parties patrolled the outskirts up to four miles from Charing Cross. Paid out of public funds (Captains received Five Shillings a night and the men Two Shillings and Sixpence) they were armed and were the first ever-preventative patrol.[142]

In the more urban areas Bow Street also undertook foot patrols with men dressed in blue coats with yellow buttons and a scarlet waistcoat. There was a night patrol of 100 men. One patrolman Charles Jealous gave evidence at the Old Bailey in 127 trials between 1774 and 1794 or about six times a year.[143] The government continued to fund the Runners in London even after the Metropolitan Police took to the streets with increasing numbers to 400.[144] This is not as odd as it first seems. The Metropolitan Police could not take over policing from day one. There had to an interim period of joint working and a period to allow for the organisation to recruit, rudimentary train, learn and develop practices and procedures. At this naïve stage of its evolution the Metropolitan Police were there to prevent crime not detect it and so Bow Street officers maintained their investigative role.

Bow Street Horse Patrols

By 1798 there were fifty-four armed men employed by Bow Street again with Home Offices grants, to patrol major highways in and around central London. By 1805 Bow Street were sending horse patrols along the main roads as far as Epsom and were sworn as constables throughout Surrey. These patrols wore a double breasted coat with gilt buttons, a leather stock, white gloves, black leather tall hat, top boots and a scarlet waistcoat, hence the nickname "Robin Redbreasts". They were armed with a pistol, heavy sabre, and truncheon and carried handcuffs. There were four divisions: the second division covered Epsom.

There were a number of Horse Patrol stations; among them were Merton, Sutton, Wimbledon and Ewell. There were at least four men, patrolling part of the area adjacent to Epsom. They were: W. Wright covering Merton to Mitcham and Sutton, G. Drake Merton to the Ewell Turnpike and W. Richardson Cheam to Merton Gate. They were paid three shillings a day. Sometimes the men were employed on what was termed "Special Service" to police fairs, races etc. For such duty, they received an extra day's pay.[145]

[142] http://www.knifecrimes.org/History-Law.html Home Office
[143] "The Great British Bobby" by Clive Emsley Quercus 2009 page 21
[144] "Policing a Short History" Phillip Rawlings Willan Publishing 2002 page 109
[145] http://www.epsomandewellhistoryexplorer.org.uk/PoliceEpsom.html

Should there be a police force?

The continuing fear of the police as a threat to liberty continues to prevent reform. There remained unhappiness with the quality and levels of policing in London and so a Committee of Parliament was established in 1822 to look at the Irish experience of introducing a police force and to make a recommendation with a view to

"Obtaining for the Metropolis as perfect a system of police as was consistent with the character of a free country." [146]

The committee reported that,

" It would be difficult to reconcile an effective system of police with that perfect freedom of action and exemption from interference which are the great privileges and blessings of society in this country." [147]

Bow Street Day Patrol

However Peel seized on the 1822 Committee's proposals to introduce a new Bow Street patrol as a means of pressing forward with his ultimate design, whilst he awaited a more propitious moment before he raised the issue in Parliament again. This small force wore a uniform consisting of a blue coat, blue trousers, red waistcoat and black felt hat. Within a few months Peel created a day patrol of three inspectors and 24 men to operate under the chief magistrate, divided into three divisions each of 8 men and one inspector charged with patrolling the principal streets of the Metropolis until nightfall when they were relieved by the foot patrol. [148]

This move by Peel has been described as the first professional uniformed police[149] introduced almost by subterfuge as a apart of the Bow Street organisation whereas a more significant and separate organisation may well have been unacceptable to parliament.

The report of the Commons committee on the police in the 1830s made it clear that the assumptions and practices of the Fielding years were no longer acceptable, and the Bow Street officers had no place in what was intended to be a more strictly controlled and moral police force. [150]

After running in tandem with the new police from 1829, and of course with a national remit for Bow Street The Metropolitan Police Courts Act (1839) made the constables at police offices across London and Bow Street officers redundant – mostly pensioned off. [151] Runner Shackell was appointed an inspector in the Metropolitan Police with

[146] "A House in Bow Street" Anthony Babbington: Page 211
[147] "A House in Bow Street" Anthony Babbington: Page 212
[148] "A House in Bow Street" Anthony Babbington: Page 212
[149] "A House in Bow Street" Anthony Babbington: Page 212
[150] "The First English Detectives" JM Beattie OUP 2012 page 259
[151] "The First English Detectives" JM Beattie OUP 2012 page 257

the promise of promotion, which is some indication of the esteem in which Bow Street officers were held even as they were disbanded.[152]

The Times recalled that the officers had been.

"Superseded in their duties when the New Police Act came into operation (1839) earlier that year."

Quite remarkably that appears to have been the full extent of the press coverage of the closing down of an institution that had been an active force in London for close to a century. This removal of experience police officers was to impact Surrey where outside the Metropolitan Police District there were no longer a trained and experienced band of officers available.

The Bow Street organisation can be seen as to the basis upon which much of early policing was based and given all the constraints of their time they seem to have undertaken their role and duty with professionalism Of course incidence of poor behaviour and corruption can be found, that was the norm for the day, but overall they have come down through history as a respected and respectable organisation. Witnesses before Parliamentary Committees in the 1830s were not highly critical of the runners personally. They were however critical of what were thought to be the old policing methods – the runners familiarity with flash houses, their use of informers, their dealing with receivers and what appeared to be their unwillingness to act unless money was offered.[153]

Watchmen

The House of Commons appointed a Committee in 1772 to inquire into burglaries that had recently become so frequent in London and Westminster, one hundred and four houses having been broken into between Michaelmas 1769 and March 1770 i.e. over the winter months. The committee was the first of a long series authorised by Parliament with the idea of improving policing in the city. All the committees reported that the existing watch system was deficient deploring the want of uniformity and co-operation between wards and parishes. [154] This was compounded by the shortcomings of beadles, constables and watchmen but no clean sweep of the present system was ever recommended. This seems to indicate either a lack of creativity in their thinking or more likely a reasonable satisfaction with the status quo, and as always costs were just about acceptable as they were. Change would be expensive!

[152] "The First English Detectives" JM Beattie OUP 2012 page 257
[153] "The First English Detectives" JM Beattie OUP 2012 page 260
[154] "The Story of Scotland Yard" Sir Basil Thompson1935 Kessinger Rare Reprints page 160

Newspapers delighted in recounting stories of the incompetence of watchmen, such as when reported that lead had been stolen from the roof of a London watch-house, and it is not difficult to find confirmation of these types of story in parish records.[155]

The alleged deficiencies of the watch were not always blamed on the watchmen. In 1770 John Fielding complained to a select committee of the House of Commons that the watch in Westminster 'is insufficient, their Duty too hard, and Pay too small' [156], and he attacked the parishes for their parsimony and their failure to co-operate with each other. Difficulties were caused by the limits on the jurisdiction of watchmen, especially in London: Stephen Haydon told the Old Bailey in 1741 that, although he had heard the cries of a robbery victim, he had not gone to her assistance because 'it being out of my Parish I durst not venture to go' [157]

In 1773 a Bill to enhance the Watch in Westminster and adjacent areas was introduced in Parliament and passed. A number of watchmen necessary for the task were to be appointed annually by trustees. Some would work beats other would have "stands" and in addition some would undertake "patrols". Watch houses were to be substantially built and watchmen were to be armed with staff and rattle, provided at parish expense as well as with lanterns paid for out of their own pockets. The minimum wage was set at 1/3d a night unless the man is employed by the year, in which case his nightly pay need not exceed one shilling. The hours worked were from 10pm until 5, 6 or 7am according to the season. **[158]**

In Westminster the duties of the watch comprised of apprehending of disorderly and suspected persons and handing them over to the one year appointee parish constable; testing the fastenings of houses, shops and warehouses and warning the occupier when necessary; twice every hour the watchman must patrol his beat and as "loudly and as audibly as he can proclaim the time of the night or morning." Following the Radcliffe Highway murder in 1811 one of those caught up in the tragedy knew if she waited until the hour the Watchman George Olney would pass by which he did. When told of the problem he was able to report that the family concerned were inside when he passed calling the hour at twelve and had seen the householder putting up his shutters. A little after midnight as was his custom, he had examined the shutters and noted they were not fastened. He had called the householder who had answered" We know of it." [159]

Following the second group of murders on the Ratcliffe Highway in 1811 "The night Watchman Anderson rushed indoors for his constables sword and staff rushed out

[155] London Evening Post 29 February 1772
[156] "Handbook of Policing" Philip Rawlings Journal of the House of Commons 1770: xxii, 879
[157] "Handbook of Policing" Philip Rawlings Old Bailey Sessions Paper July 1741: 4
[158] "The Story of Scotland Yard" Sir Basil Thompson1935 Kessinger Rare Reprints page 163
[159] "The Maul and the Pear Tree. Ratcliffe Highway murders 1811" PD James and TA Critchley p14

again and was in time to see the man drop the last 8 feet into the arms of the watchman."[160]

On coming off duty the watchman had to submit his staff, rattle and lantern for inspection by the constable; neglect of duty entailed a fine of 10 shillings; any person who assaulted a watchman in the execution of his duty was liable to a £5 penalty; watchmen were forbidden to frequent alehouses during their tour of duty and provision was made for the punishment of those publican who harboured them. [161]

John Pizzey, who served as a watchman in Holborn, London, was rewarded by the watch committee in 1819 for making an arrest, but within 18 months he had been dismissed for 'improper conduct'. Reinstated following a petition of support from householders on his beat, he was dismissed again three months later for falsely charging a gentleman with assaulting him, which offence he compounded by his defiant attitude before the watch committee. [162]

The watchmen's meagre wages and the unpleasant (though important) aspects of their duties continued to attract a low quality of candidates, and complaints about their performance continued to grow. The watchmen became a common butt of ridicule, and even contempt, due to the unfortunate reputation that they had acquired of being old, decrepit, lazy, drunk, corrupt and ineffectual. This attitude dated back at least to Shakespearian times. In "Much Ado About Nothing", the playwright has a watchman say, "We would rather sleep than talk: we know what belongs to a watch". In this scene, the watch constable Dogberry comically counsels the watchmen to take the easiest and most ineffectual way in dealing with any problem. So, for example, he urges that if you hear a child cry in the night and the nurse cannot be stirred, "depart in peace, and let the child wake her with crying"; if you come upon drunkard, you are to bid them to "get to bed, and if they do not, let them alone till they are sober"; and "the most peaceful way for you if you do take a thief, is to let him show himself for what he is and steal out of your company" The name Dogberry has itself come to mean any foolish, blundering or stupid official.[163]

Watchmen clearly had an image problem, and over time, the critical jokes and comments built up. Watchmen were variously described "old, poore, weake and unhable"; "old frowzy, croaking sots, too infirm and lame to walk without their

[160] "The Maul and the Pear Tree. Ratcliffe Highway murders 1811" PD James and TA Critchley p101
[161] "The Story of Scotland Yard" Sir Basil Thompson1935 Kessinger Rare Reprints page 163
[162] "Handbook of Policing" Philip Rawlings St Andrew, Holborn, B/1D21
[163] www.artinsociety.com/watchmen-goldfinders-and-the-plague-bearers-of-the-night.html

staves" [164] and chosen "out of those poor, old decrepit people who are for want of bodily strength rendered incapable of getting a livelihood by work"[165]

Even the watchmen's regular calling of the hour became a sore point. The effect was described as "every hour of the night they waken people by shouting to them that they hope they are sleeping well." [166] In his classic tale Humphrey Clinker (1771), Smollett has a long-suffering character say, "I start every hour from my sleep, at the horrid noise of the watchmen bawling the hour through every street, and thundering at every door; a set of useless fellows, who serve no other purpose but that of disturbing the repose of the inhabitants". [167] Robert Southey comments on this "strange custom of paying people to tell them what the weather is every hour during the night, till they get accustomed to the noise, that they sleep on and cannot hear what is said." [168]

In 1821, the generally expressed public impression of watchmen was reflected in a mock advertisement that stated:

"Wanted, a hundred thousand men for London watchmen. None need apply to this lucrative situation without being the age of sixty, seventy, eighty, or ninety years; blind with one eye, and seeing very little with the other; crippled with one or both legs; deaf as a post; with an asthmatical cough, that tears them to pieces; whose speed will keep pace with a snail, and the strength of whose am will not be able to arrest an old washerwoman of fourscore returned from a hard day's fag at the wash-tub...and such that will neither hear nor see what belongs to their duty, or what does not, unless well palmed or garnished for the same"[169]

Sometimes the comments and jokes at the watchmen's expense became physical. In his wildly popular 1821 book, "Life in London" Pierce Egan describes the riotous escapades of three dashing young men, Jerry Hawthorn and his elegant friend Corinthian Tom, accompanied by Bob Logic, "in their rambles and sprees through the metropolis." the book featured one of their favourite pastimes – creeping up behind a watchman's watch box and tipping it over while he was still inside it.

Complete with illustrations this activity became known as doing a "Tom and Jerry".

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[164] "Hubbub: Filth, Noise and Stench in England 1600-1770", Emily Cockayne Yale University Press, New Haven, 2007, at 109. www.artinsociety.com/watchmen-goldfinders-and-the-plague-bearers-of-the-night.html

[165] "Crime And Punishment In England: An Introductory History" Henry Fielding, cited in John Briggs and Ors, Routledge, Oxon, 1996, at 55-56 www.artinsociety.com/watchmen-goldfinders-and-the-plague-bearers-of-the-night.html

[166] "At Day's Close: A History of Nighttime", A Roger Ekirch, Wiedenfeld and Nicholson, London, 2005 www.artinsociety.com/watchmen-goldfinders-and-the-plague-bearers-of-the-night.html

[167] Tobias Smollet, Humphrey Clinker, The New American Library, New York, 1960 (orig publ 1771), at 126 www.artinsociety.com/watchmen-goldfinders-and-the-plague-bearers-of-the-night.html

[168] "Robert Southey, Letters from England", ed Jack Simmons, Alan Sutton, Gloucester 1984, p 46, www.artinsociety.com/watchmen-goldfinders-and-the-plague-bearers-of-the-night.html

[169] "The Queens's Peace" David Ascoli, Hamish Hamilton 1979

The respected commentator Henry Mayhew quotes one well-known puppeteer, the "Fantoccini Man", as describing part of his performance of

"A scene in Tom and Jerry. The curtain winds up, and there's a watchman prowling the streets, and some of those larking gentlemen comes on and pitch into him. He looks round and he can't see anybody. Presently another comes in and gives him another knock, and then there's a scuffle, and off they go over the watch-box, and down comes the scone. That makes the juveniles laugh, and finishes up the whole performance merry like"[170]

In the 1820s the system of 'night-watchmen' in London is acknowledged as 'decrepit, drunken, useless and incapable of dealing with new levels of crime and disorder'. When it came to crime detection the vast majority were incompetent and their primary concern was the protection of private property. Corruption was commonplace and the 'night-watchmen' were sometimes motivated only to solve crimes that involved a ransom. Meanwhile drunkenness was an issue as was 'sleeping on the job'. It was also alleged that the some of the 'watchmen' were regular frequenters of prostitutes.

Peel in a speech to Parliament on the introduction of the Metropolitan Police Bill[171] much maligned the Watch,

"— that so long as the present night watch system is persisted in, there will be no efficient prevention of crime nor any satisfactory protection for property or the person."[172]

Watchmen in small town Surrey

Almost all towns at some time in their development employed a night watch, which had been the law since 1275. In wealthier districts day constables were employed in addition to the night watch. [173] [174] It would be unfair to describe all the Watch organisations of being of poor standard as much depended on the nature of the town, supervision by parish constables, magistrates and locally elected boards.

Night watches sometimes offered a relatively effective form of policing, some features of which (such as the use of beat patrols) became a subsequent feature of 'new' police when these were introduced. Other reforms were, however, less effective. [175]

Watchmen were appointed in some of the smaller towns of rural Surrey. An example of their activities in Farnham is given in 1835, on September 6 when Watchman

[170] Henry Mayhew, Mayhew's London: Being Selections from 'London Labour and the London Poor', 185 www.artinsociety.com/watchmen-goldfinders-and-the-plague-bearers-of-the-night.html
[171] Which became the Metropolitan Police Act 1829 the basis for the modern police
[172] "A House in Bow Street" Anthony Babbington: Page 215
[173] "A History of Police in England and Wales" Critchley page 25
[174] "A History of Police in England and Wales" Critchley page 26
[175] "The transition from old to new policing in early 19th century Manchester" Police Journal Joyce, 1993: 199–201

Stannard was making his rounds between eleven and twelve o'clock when he saw Richard Young, George Young and Charles Hack near the Market House in Castle Street. George Young had a ferret in his hand, which the watchman endeavoured to gain a sight of believing it to be stolen. He was thrown down by Richard Young and on getting up, the watchman defended himself against an attack by Young who was hit by the watchman's staff and knocked to the ground. When placed before the bench the culprits promised never to strike the Watchman again. Stannard was bought a new coat and cape costing three guineas by the Inspectors. At the same meeting when the clothing was agreed, the Watchmen were admonished for not having cried the hour (pleading hoarseness) and were commanded to so every hour in future. [176]

Farnham were early adopters of the Lighting and Watching Act of 1830 and appointing the necessary inspectors. The vestry had powers and authority to enhance watchman cover and to appoint a supervisory board.

At a vestry meeting called on the authority of the Churchwardens at Farnham church on the 2 August 1830, it was decided to hold a public meeting to consider the adoption of the Act. Those present at that public meeting on the 18 August 1830 voted in favour of implementing the Act and agreed a level of rate not to exceed one shilling and four pence to pay for the requirement of the Act which was then adopted. A number of local men were elected to serve as Inspectors for the purposes of the Act and on that evening, six of the inspectors resolved that William Beagley and Thomas Cole be appointed as watchmen and night patrol,

"for the proper protection of the inhabitants, houses and property, streets and other places within the limits of this market town at the weekly wages of twelve shillings each."

James Steer was also appointed and employed in the same capacity and at the same wages during an emergency or in the case of illness or absence of either Beagley or Cole. It was ordered that the Watchman's duties should be to patrol the town of Farnham every hour from the 25th March to 29th September from eleven o'clock at night till four in the morning and from 29th September to 25th March from eleven at night till five in the morning.[177]

That one of them shall patrol once at least every hour, West Street and through the Church Yard by Captain Prescott's to Longbridge, over the bridge to Sir George Barlow's gate and into Red Lion Lane, and back by Longbridge to the Borough – occasionally to go from West Street by Muss Willmer's through the Meadows to the Church Yard and occasionally from Longbridge by the Meadows to the end of Dogflood, and to cry the hour in an audible voice.

[176] "Victorian Farnham" Edward Ewbank Smith, Page 6
[177] "Victorian Farnham" Edward Ewbank Smith, Page 2, 3

And that the other Waychman shall in a like manner patrol Dogflood and Bear Lane to Castle Street, from thence through the Borough to the end of Longbridge and back to the Borough – occasionally to go from the end of Dogflood through the Hop Ground into Castle Street and thence behind the Lion and Lamb to the end of West Street.[178]

The Watchman appointed under the new Act would have the powers of a constable. The treasurer of the Farnham vestry was authorised in the event of neglect or supposed impropriety of conduct on the part of the Watchmen to suspend them and withhold their wages. They were an unreliable lot and yet it was these men dressed in uniform, armed with staves and patrolling their lonely beats in the ill-lit, streets through the long hours of the night were key to the future evolution of policing in the countryside and small towns. [179]

With the introduction of the night watch there was the additionally security provided by the development of about sixty oil lamps lit from dusk of the 1 September 1830 to continue every night until the 31 March 1831[180]

The inspectors appointed for a three year term were empowered to employ as many watchmen "as they shall think sufficient" and regulate their work hours and wages, subject to overall financial limits set by the ratepayers. The watchmen were to have the same powers as a constable. . Once adopted the new scheme could only be abandoned after three years. [181] There was difficulty in many areas with implementation of the act because of the costs but Farnham acted quickly and were no doubt persuaded by the threat of crime and disorder in and around he town.

James Steer was added to the rota of watchmen at Farnham during the emergency of the hop-picking season. Hats were ordered for the watchmen at 5s 6d each. At a special meeting on the 8 October 1830 the inspectors investigated the conduct of watchman Beagley in not having apprehended two loose characters whom he had seen in the street just before one o'clock that morning and who had been into Mr James Lamport's garden. Beagley was suspended for one month to be reinstated only on the production of a strong recommendation from the inhabitants in his favour. William Hughes was appointed for a month to fill the gap. Beagley acquired the right number of recommendations and was reinstated and Hughes remained on the strength as a supernumerary watchman. All four men were put on special duty on Guy Fawkes Night, "to prevent tumult or riot in the town."[182]

[178] "Victorian Farnham" Edward Ewbank Smith, Page 3
[179] "Victorian Farnham" Edward Ewbank Smith, Page 7
[180] "A History of Police in England" WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 274
[181] "Policing – A Short History" Philip Rawlings; Willan Publishing 2002 page 128
[182] "Victorian Farnham" Edward Ewbank Smith, Page 4

Beagley Steer and Hughes resigned in 1832 and were replaced by William Stannard and William Roe who were instructed to report all public houses and beer shops found open after hours.[183]

Again in Farnham following the 1833 Lighting and Watching Act which repealed the 1830 Act, John Newall a constable was appointed Superintendent of the Watch at £5 a year "to have an eye of the Watchmen at least twice a week and keep a report book regarding the regularity or otherwise of the watchmen."[184] The appointment was no doubt part time given the salary, a similar solution to that in Guildford where a High Street baker was appointed.

The Lighting and Watching Act was of little permanent value and is worthy of note as the first attempt by government to encourage day police outside the metropolis. [185] The aim was to gently encourage greater levels of rural policing without challenging local autonomy but the extent to which permissive powers were adopted depended on levels of local anxiety about crime and disorder and a willingness to fund reform. [186]

One of the first references to policing in Godalming is found in a 1747 account of the Borough warden that included the item, "paid Loveland for repairing the cage prison 2/-."[187] In 1762 the town is shown as having a Bellman or Watchman, George Holt for which he received and annual salary of £10. He was attired in "A new blue coat with silver lace" and a laced hat which cost £5 5s.[188] In 1779 a voluntary subscription was made for "The Borough Watch and other things." [189]

In more modern times a "constable of Godalming" is mentioned in 1817 when Isaac Woods was involved in the murder of George Chennell and his housekeeper. Benjamin Keene "constable of Guildford" took the murderer Chalcraft into custody by order of the magistrates. [190] In addition to the constables there were a number of Watchmen in Godalming. The Warden's Book accounts for 1819-1820 for the Borough of Godalming show:

James Barrett, the Watchman, his annual salary	£15 12s
Mr Weale for Watchman's hat	£2 15s
Mr Kifford for lanthorn	4s 3d
Expenses on court day	£5 [191]

[183] "Victorian Farnham" Edward Ewbank Smith, Page 4
[184] "Victorian Farnham" Edward Ewbank Smith, Page 7
[185] "History of Police in England" WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 274
[186]'Ministers, magistrates and reformers: the genesis of the Rural Constabulary Act" Brundage, Anthony
[187] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 1
[188] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 1
[189] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 1
[190] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 1
[191] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 2

A Watchman in Guildford

In 1835 it is known that before the New Police were formed the police force of Guildford consisted of two head constables, five tything men (two for Holy Trinity two for St Mary's and one for St Nicholas parishes) two tasters of bread and ale, two tasters of flesh and fish, two sergeants-at-mace, and two night watchmen. [192] This had no doubt been the position for many generations.

In the 1820s Charles Mandeville became a night watchman. Descended from a local Surrey family of many generations whose parents were John an agricultural labourer and Rose Mandeville, sometimes spelt as Manvell. One of nine children he was christened in the Church of St Nicholas in Guildford when his parents lived in Park Street. Rose was to die a pauper in the workhouse aged 83 having outlived John by 17 years.[193]

Charles was born in 1805 marrying Catherine Holt at St Nicholas in 1825 the year of his father's death. Catherine died in 1854 and Charles remarried Mary from Shere. At 14 he was apprenticed as a plasterer by the parish, which was able to assign the sons of paupers to a master to learn a trade. Sometime in the 1820s Charles became a night watchman in Guildford or as they were known bellman paid for by property owners to supplement the system of Parochial Constables.[194]

Law-enforcement officials available in central London in 1802

Before the Metropolitan Police there was a complex and flawed system of policing both in London and its environs. This is a list of the number of law-enforcement officials available in central London in 1802:

City of London, Marshalmen, Beadles and Constables	319
City of London Watchmen and Patrols	803
City and Liberty of Westminster, Constables	71
City and Liberty of Westminster Watchmen and Patrols	302
Holborn Division, Constables	79
Holborn Division, Watchmen and Patrols	377
Finsbury Division, Constables	69
Finsbury Division, Watchmen and Patrols	185
Tower Hamlets, Constables	218
Tower Hamlets, Watchmen and Patrols	268
Liberty of Tower of London, Constables	17
Liberty of Tower of London, Watchmen and Patrols	14
Kensington & Chelsea Division, Constables	22
Kensington & Chelsea Division, Watchmen and Patrols	66
Borough of Southwark, Constables	88
Borough of Southwark, Watchmen and Patrols	79

[192] Guildford City Outlook April 1930
[193] "Charles Mandeville Guildford's first Policeman" Peter H Scholes PHS Journal 23 2008
[194] Charles Mandeville Guildford's first Policeman: Peter H Scholes PHS Journal 23 2008

Seven Police Offices, including Bow Street	150
Total	3127 [195]

London was therefore not without policing in 1829 as there were obviously a large number of people employed to undertake police related duties. In addition to the above Bow Street principal officers and members of the horse, foot and dismounted patrols had reached about 400. [196] Complexity upon complexity with an additional range of those engaged in law enforcement:

Early19th century Special Constables sworn in as required:

Parochial constables elected annually in Parish or Township and serving without payment though there was legitimate money to be made in the role.

Substitutes or deputies to the parochial or parish constable serving for a wage voluntarily paid by the Principals who did not want to undertake the role allocated them by their community

Salaried Bow Street officers and patrols expressly charged with the suppression of highwaymen and footpads

Stipendiary police constables attached to the Public offices established under the Middlesex Justices Act. Designated crime fighters at the Public Offices never exceeded 60 or 70[197]

Stipendiary Water Police attached to the Thames Office as established by Act of Parliament 1798[198]

The first three above were common to the whole of England the remainder just for London and its immediate neighbourhood i.e. Union Hall, Southwark for the whole of the county of Surrey. The standard and type of police in the country had as yet deviated hardly at all from the medieval pattern.[199] In rural districts and in provincial towns High Constables and Parish Constables acting under the direction of the Justices of the Peace continued to exercise the time-honoured powers that had been handed down.

Slowly everything was to change. A quiet, slow, careful and well-considered revolution was begun.

[195] davecox@fsmail.netemail to Robert Bartlett
[196] "Policing a Short History" Philip Rawlings: Page 115
[197] "The Ascent of the Detective" by Haia Shpayer-Makov Page 24
[198] "A History of Police in England" WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 176
[199] "A History of Police in England" WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 177

Chapter 3

Police Reform in London

The old style of policing was failing to cope with crime and disorder in many English and Welsh towns, there remained a stubborn reluctance to recognise the need for and to introduce meaningful reform. In many rural areas criminal activity was insignificant leading to a reluctance to change the existing structure for mostly, a loss of status by the squierarchy and more likely, expense.[200] The landed gentry represented by magistrates wished to retain control over their own localities and thus the people that lived there. Their concern rested on the belief that any significant reformed system of policing would be under the control of central government. This was the case in France where a system believed by the better off, to be intrusive, a system of spies, inimical to the true liberty of the Englishman. Centralised control of a police force would it was believed inevitably infringe upon the 'rights and liberties' of English people. This view was shared by "aristocratic Tories and working class radicals alike"[201] and was encapsulated in a petition presented to Parliament by Sir Robert Wilson MP in 1830, a year after the formation of the Metropolitan Police, arguing that police could be used 'to crush the liberties of the people' something Wilson did not agree with. [202] [203]

Peel was the Chief Secretary for Ireland from 1812 until 1818 at a time when Ireland was a troubled country suffering from agricultural depression, secret societies, gangs and sectarian violence. Peel introduced the Peace Preservation Act 1814 which established a Peace Preservation Force, which later became the Royal Irish Constabulary. [204] The Constabulary acted more as paramilitaries than a force to prevent crime and protect property. Its main aim was to deal with any form of unrest and rioting, particularly in the country districts where mobile unit of officers and a magistrate would be dispatched to an area to quash any trouble. The officers soon became known as Peelers.[205] [206]

When it fell to Peel to reform the policing in London there were two models of policing on which he could have focused for his reforms. These were the Bow Street Runners set up by John Fielding including a judicial police system under the control

[200] "A History of Police in England and Wales" Critchley, 1978: 41
[201] "The Politics of the Police" Robert Reiner, 1985: 13
[202] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[203] "Policing a Short History" Rawlings, 2002: Sir Robert Wilson MP quoted page 123
[204] https://en.wikipedia.org/wiki/Royal_Irish_Constabulary
[205] http://www.historyhouse.co.uk/articles/peelers.html
[206] The Act established a force in each province[with chief constables and inspectors general under the UK civil administration for Ireland controlled by the Dublin Castle administration. By 1841 this force numbered over 8,600 men

of the Magistrate based in a number of central London courts, and the Parish Watch systems which as the name indicates, was parish based.[207]

Union Hall evidence to House of Commons Committee

Union Hall was the important police office for those responsible for the huge rural area of Surrey to the south of central London. As a part of the central London provision of active professional police officers in 1817 October seven Union Hall officers gave evidence before the committee of the House of Commons on Police of the Metropolis.

Mr John May one of the principal officers of Union Hall Office and 19 years in the situation stated that his present salary is one guinea per week; originally it was 12 shillings; they have other emoluments; as upon serving warants for assaults, and presents from individuals on being employed in particular cases or services. Without these additional emoluments they could not live by the situations. He is of no trade but the proprietor of a public house, the Red Lion, in Redcross-street, in which the business is carried on by his brother. In case of serving a warrant for an assault, the expense is paid by the plaintiff.----------[208]

Later that month on October 14 the Enquiry into policing the Metropolis interviewd Joseph Chambers who had served nine years as a magistrate at Union Hall and held no other government posts in addition to being a commissioner of bankruptcy.

Thought officers of the establishment were sufficiently paid. Asked if a guinea a week was sufficient to keep them free from all temptations to act contrary to their duty if it were not for the advantages which they may receive on being employed by different private persons and sharing in different rewards. Chambers “I do not know that these latter benefits make them more honourable or honest but for a salary of a guinea a week there are persons in their situation of life who would accept of it.”

Their offices are worth from eighty to a hundred pounds a year? Chambers: “I have no idea how to draw a lineof their profits from convictions they have made lately very considerable profit on account of a late Act of Parliament respecting bakers.”

In what way? “The penalty by that Act is applied differently in various offices of police; in some it is given entirely to the informer, in others in a proportion, at the discretion of the magistrate; for the Act of Parliament is certainly very erroneous in two parts, one giving without doubt to the informer and another partly to the informer. ----------[209]

[207] “Policing a Short History” Philip Rawlings
[208] 1817 October 7: : The Morning Post Tuesday
[209] Morning Post Tuesday 14 Oct 1817

Parliamentary Select Committee

Parliamentary Select Committee reports were published between 1816 and 1818 with the 1818 report emphasising a widespread belief in localised policing, not something centred on national government. There was a constitutional, sensitive and emotive preference for freedom from central government involvement in the localities, even if this meant a less than effective policing system. It came to be considered that there was a binary choice between freedom and repressive policing with the 1818 Select Committee:

"It is no doubt true, that to prevent crime is better than to punish it; but the difficulty is not in the ends but in the means, and though Your Committee could imagine a system of police that might arrive at the object sought for; yet in a free country, or even in one where an unrestrained intercourse of society is admitted, such a system would of necessity be odious and repulsive, and one which no government could be able to carry into execution… among a free people the very proposal would be rejected with abhorrence: it would be a plan which would make every servant of every house a spy on the actions of his master, and all classes of society spies on each other. The police of a free country is to be found in rational and humane laws, in an effective and enlightened magistracy, and in the judicious and proper selection of those officers of justice, in whose hands, as conservators of the peace, executive duties are legally placed. But above all, on the moral habits and opinions of the people; and in proportion as these approximate towards a state of perfection, so that people may rest in security; and though their property may occasionally be invaded, or their lives endangered by the hands of wicked and desperate individuals, yet the institutions of the country being sound, its laws well administered, and justice executed against offenders, no greater safeguard can be obtained, without sacrificing all those rights which society was instituted to preserve". [210] [211] [212]

Parliamentary Committees in 1816, 1818 and 1822 therefore had rejected ideas for a police as incompatible with British liberty.[213] In 1822 Peel the Home Secretary spoke in Parliament of a project for a,

“Vigorous preventive police consistent with the free principles of out own free constitution.”[214]

However, in June the Committee reported that an effective system of policing could not be reconciled with a free society.

[210] “Stumbling towards Professionalism: A post-revisionist overview of the establishment of English policing in the nineteenth century” By Keith Smith
[211] “Aristocracy and People, Britain 1815-1865” Norman Gash (1979) Page 37
[212] “The new police in nineteenth century England” David Taylor 1997 Manchester University Press
[213] “A History of Police in England” TA Critchley page 46
[214] “A History of Police in England” TA Critchley page 47

“ it is difficult to reconcile an effective system of police with the perfect freedom of action and exemption from interference ---- the forfeiture or curtailment of such advantages would be too great a sacrifice for improvements in police, or facilities in detection of crime, however desirable in themselves if abstractedly considered.”[215] [216]

The Committee focussed its criticism on the "disunited structure of London's policing, under the control of different and unconnected authorities", and, as before, it favoured the established group of police offices collating criminal intelligence from each parish within their respective districts. This gives an indication that the politicians of the day were not unhappy with the existing system in London though many faults could be found. Current policing was acceptable to the voters.

In 1822, Peel was appointed Home Secretary (1822-1827, 1828-1830) and he introduced a number of changes to the criminal law culminating in the formation of the Metropolitan Police in 1829.

Union Hall in disguise

1820 December 25: A new method of apprehending thieves was tried in Southwark.

In consequence of the alarming increase of street robberies in the Borough some officers of Union Hall made a determination to get among the thieves by some means disguised, and accordingly a few nights ago Hall dressed himself as an old gentleman, with a powdered periwig and exhibiting a large bunch of seals, amongst which he had ingeniously placed a number of sharp fish hooks. In this part he travelled about in the most daring part of the neighbourhood and even met many old customers but they would not angle because it seems they suspected the bait. Hall having no doubt that he had been recognised next sent a stranger and he also returned unmolested. Next night a parish constable went forth attire like an exquisite of taste and he performed his new character so well two nymphs named Donavan and Burgess, whose exploits are well known to the police, soon picked him up. They politely invited him home but he assured them “pon honour”[217] he could not consent. One of them contrived to purloin his pocket book, which was quite empty and the other made an attempt at his watch; but when she felt the hooks, she exclaimed that they were betrayed. It was in vain to attempt an escape; the ci-devant[218] dandy and his assistants surrounded and lodged them in the watch house from where they were brought to the office and committed. **[219]**

[215] “The Ascent of the Detective” by Haia Shpayer-Makov Page 26
[216] http://www.historyhome.co.uk/pms/peelbio.htm
[217] Upon my honour
[218] From an earlier time
[219] The Morning Chronicle 25 December 1820

Union Hall to Chertsey

Without experienced police officers when a serious or complex crime occurs the first call from the rural parts of Surrey was to Union Hall. Occasionally Bow Street would send a principal officer, usually at the request of the Home Secretary or where there was a substantial reward and the likelihood of detection! In 1820 on January 31 a national newspaper reports that,

…. application was made to Union Hall a few days ago to the Magistrates to send two police officers to Chertsey for the purpose of apprehending a fellow who had cut and stabbed several females in different parts of their body with a sharp instrument in a similar manner to a monster much talked about, in France. Mr Wells made the application, an opulent gentleman farmer of Ham Farm near Chertsey whose servant girl had been stabbed. Two officers named Hammond and Haynes were sent down and they interrogated Mr Well's servant who showed them her wounds, cuts to both arms. Great alarm was caused in the neighbourhood and the Duchess of York living at Oatlands offered a fifty-pound reward. After a fruitless search for many miles around and doubting the girl they took her before a county magistrate that she might make her deposition on oath. After some questioning the girl admitted injuring herself but would offer no explanation. The females again walk about without being in constant terror of the supposed monster. [220]

The Fetcham Common Murders October 1826

Murder was not unknown in rural Surrey but the double killing of very old people at Fetcham in the heart of the countryside caused then as it would today, a great furore with the enquiry followed in great detail by the national press.

It is obvious from the reports there was a structured and orderly response to this serious crime with the local magistrates taking the lead and parish constables responding quickly be assisted later that morning by two constables, including a chief constable from Union Hall acting under the nominal direction of the local magistrate. A messenger had been sent immediately by the Fetcham magistrate to Union Hall about 20 miles away seeking urgent support with the enquiry.

Thorough searches were made and hundreds of miles travelled to find suspects. One of the murder victims was exhumed to test the injuries causing the deaths with tools recovered from a suspect. The suspects were detained and remanded to prison by the magistrates but later released when the officers of Union Hall tested their alibi.

(One of the officers deployed from Union Hall was named Grossmith. This is not a common name so did Grossmith go on to become a Bow Street Principal Officer and then an Inspector in the Metropolitan Police founded three years later? There was

[220] Bristol Mercury Jan 31 1820

also a sergeant Grossmith who was involved in the Bansted murder enquiry following the death of Mr Richardson in 1834.)

More detail of the murder will give some understanding of the relationships and method of working. The two elderly people were murdered at Fetcham Common close to the Guildford Road, John Akehurst an helpless old man aged 96 and his housekeeper Elizabeth Haines aged 74. They lived in an isolated cottage in the middle of an orchard. It was thought that the killers were intending to steal the money obtained from the selling of an abundant harvest of fruit from the trees. A lad called Brown came to the orchard on the Sunday morning to undertake his work of collecting fruit. He found the house insecure and called out for Mrs Haines and getting no reply realised something was wrong and left to get his parents. The boy's mother came, entered the house and found the body of Mrs Haines. She left at once and sent for her husband's employer who attended immediately and found the two dead bodies mutilated in a shocking manner. He immediately sent word to the county magistrates who were resident in the immediate neighbourhood and in less than hour the following gentlemen from the commission of the peace were on the spot: the Rector of Fetcham Mr Bolland, Mr Hankey and the Reverend Hebberden all who testified their horror on entering the premises. Despatches were sent to Union Hall Police Office and Mr Caldwell the chief constable along with Richard Pope a zealous and indefatigable officer of the establishment proceeded in post chaise and four and soon arrived at the cottage. The officers undertook an examination of the scene and bodies, which had not been moved**.** [221]

Entrance to the cottage had been gained by removing a pane of glass from the washhouse and taking out a slight iron bar. Nothing seems to have been disturbed downstairs and the officers went to the next floor where they found the women dead on the floor with her head in a pool of blood. The skull was severely fractured by a heavy bludgeon. There were black marks on her neck as if an attempt had been made to strangle her and one of her hands was badly bruised probably trying to ward off a blow. It would appear that she was about to enter the room of the old man possibly having heard the noises down stairs of the criminals breaking in. The old man was in his bed where he had been confined for a number of years with both his hands above his head as if trying to ward off blows. The knuckles across the back parts of the hands were severely lacerated and there was a wound to the head just above the ear that would have caused his death. The bedclothes were streaming with gore and the bed cap was saturated with blood.

The officers having examined the bodies searched the room to see if the criminals had left any clue behind as to their identity. The house was minutely examined and it was found that the murderer or murderers had made a thorough search. Neighbours said nothing seemed to be missing and that in any case there were nothing valuable to be stolen on the premises.

[221] Morning Chronicle 14 October 1826

The detail of this murder is extensive as is the search and arrests made, enough in itself for a significant book. However, for the purposes of this work it should be clear that there was total reliance by the local magistrates on the professionalism of Union Hall police and the support of their magistrate. The police officers were experienced and exhaustive in their enquiries and the arrest of the two major suspects. Paid constables from rural surrey were involved as were parish and special constables.

Life in London – the need for more police

As London expanded during the 18th and 19th centuries the whole question of maintaining law and order had become a matter of public concern. In 1812, 1818 and 1822, Parliamentary committees were appointed to investigate the subject of crime and policing.[222]

Destitution in London during the 18th and parts of the 19th century was appalling. By the end of the 17th century the population of London amounted to just over 500,000 or more than ten per cent of the whole of the population of the United Kingdom. By the beginning of the 19th century it had nearly doubled. In 1821 it was 1,167,000 and in 1851 2,300,000. People had been crowding into the city without any reasonable hope of finding work. Turning to crime and drink is not surprising.[223]

Between 1821 and 1828 the population of London increased by 19% but there was an increase in reported crime of 55%.[224] The figures must be treated with caution but as the wars came to an end the increase in crime may well be associated with discharged military and large number of people displaced from the villages where there was no work or means of support.

Radical change in the structure of policing required a firm conviction that the old system was not simply failing to perform adequately but that it was beyond improvement. In respect of crime control, the evidence was equivocal, it being likely that in many areas the watch system was rather more effective than reformers chose to concede. The multi-tiered hierarchy of the City of London Watch, detailed in the 1822 Select Committee Report, illustrated just what sophisticated levels the watch system might achieve in the hands of a highly motivated and well-funded authority. But the most compelling evidence against the old system was its patent inability to meet the contingent demands of public order disturbances. Not only were its forces such that adequately co-ordinated action was beyond its natural capacity, more seriously, its raison d'être was local surveillance, deterrence, and occasionally apprehension of criminals. [225]

[222] "Stumbling towards Professionalism: A post-revisionist overview of the establishment of English policing in the nineteenth century" By Keith Smith
[223] "The Story of Scotland Yard" Sir Basil Thompson1935 Kessinger Publishing Rare Reprints page 23
[224] "The English Police" Clive Emsley Longman 1991 page 25
[225] "Stumbling towards Professionalism: A post-revisionist overview of the establishment of English policing in the nineteenth century" By Keith Smith

A coming together of parish forces to meet serious public disorder was demonstrably not a credible solution. Consequently, whether out of political expediency or genuine scruple over the appropriateness of deploying military forces against public disorder, the only plausible alternative was some form of professional police force; one which was sizeable enough to prevent crime and keep public order.[226]

Metropolitan Police Bill in 1828

Peel argued in Parliament for his Metropolitan Police Bill in 1828 on the grounds that it would be more efficient than the existing systems. These he characterised as uneven: some boroughs had effective Watch patrols but they tended to displace crime into less well-policed areas.[227] On April 15 1828 Peel introduced his Bill. He gave a comparative statement of the volume of crime in the metropolis and the rest of the country from which it appeared that the committals in London and Middlesex during 1828 were one in 378 of the population against one in 822 for the rest of England and Wales.

The discussion and enquiry brought about by the 1828 Bill Peel secured a select committee to enquire into the state of the police and the increase of crime in the metropolis. This committee was the fourth since 1803, and the first to accomplish anything. The report of July 27, 1828 for the first time officially recommended a radical reform and extension of the police. The main recommendations were the creation of a central police office under two magistrates freed from all other duties; the amalgamation of all the regular police forces in the London area (excluding the City); and the defrayment of the cost of the new establishment partly from parochial rates, and partly from the Treasury. [228]

Peel worked to legislate to establish a civilian, unarmed police force. On 12 December 1828 Peel wrote to Henry Hobhouse[229] setting out his ideas about a police for London.

"I have under my consideration at present very extensive changes in the Police of the metropolis. You perhaps have read the Police Report of last Session. I am now employing Gregson in drawing up a Bill to give effect to the recommendations of the Report, so far as they concern the constitution of the nightly watch.

My plan is shortly this - to appoint some authority which shall take charge of the night police of the metropolis, connecting the force employed by night with the existing police establishments now under the Home Office and Bow Street; the

[226] "Stumbling towards Professionalism: A post-revisionist overview of the establishment of English policing in the nineteenth century" By Keith Smith
[227] John Lea 2004
[228] http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=5222&context=jclc
[229] 1776–1854 English archivist

authority which has charge of the police establishments, horse patrol, day patrol, night patrol, to act under the immediate superintendence of the Home Office, and in daily communication with it.

I propose that charge of the night police should be taken gradually. I mean that my system of police should be substituted for the parochial system, not per saltum, [230] but by degrees.

I will first organise a force, which I will not call by the name of 'watchmen', which shall be sufficient to take charge of a district surrounding Charing Cross, composed, we will say, of four or five parishes. It shall extend on the City side as far as Temple Bar and the boundary of the City on that side, having the river as far as Westminster Bridge as the limit on another side. When it is notified to the parishes that comprise this district that this force is ready to act, and prepared to take charge of the district, the functions of the parochial watch in each of the districts shall terminate, and no rates be thereafter leviable on that account.

In the same way, as a little experience shall enable us to manage a more numerous force of nightly police, I propose to signify to other parishes from time to time that the police will take charge of them. Their present watch will continue to act until such signification be made, and will cease when it is made.

The present amount of money issued from the public funds for maintaining horse patrol, foot patrol, magistrates &c. shall continue to be issued, but the surplus that may be requisite to maintain the night police, or to improve and extend the existing patrols, shall be levied from the district within which that night police may act.

"A Bill for Improving the Police in and Near the Metropolis"

In April 1829 Peel introduced "A Bill for Improving the Police in and Near the Metropolis." The purpose was "to substitute a new and more efficient system of Police in lieu of such establishments of nightly Watch and nightly Police."

The Bill set up a new Office of Police in Westminster to be in charge of certain Crown-appointed Justices, later called Commissioners, whose conditions of office and administrative duties were defined in detail. The area in charge of the Police Office was to be called the Metropolitan Police District, and included all of Westminster, and parts of Middlesex, Surrey, and Kent. The Bill also contained rules for the duties, powers, and discipline of the paid constables. The section on discipline is interesting because of its implications. No policeman on duty could go into a public house except in the pursuit of duty. A publican or "victualler or keeper of any house, shop, room, or

[230] By a leap

other place for the sale of any liquors, whether spirituos or otherwise" who entertained or sold to a policeman could be fined up to five pounds. [231]

The Bill also provided for the appointment of a salaried Receiver for the Metropolitan Police District whose duty was the handling of "all monies applicable to the purposes of this Act." The Watch Rate was abolished, and provision made to levy a Police Rate on property-holders to the same amount as the Poor Rate. To prevent any irregularities by the parish overseers, the Receiver was to be given a note in writing specifying the amount of Rate paid, and he would render a receipt. In the parishes where there was no Poor Rate, assessors nominated by the Police Office Justices determined the property-owners' contribution. The Crown was given power to order any parishes within twelve miles of Charing Cross, excluding those of the City, to form part of the Metropolitan Police District. Parts of the Bill were amended in May 1829. The most important provision established that ultimate responsibility for police finances, as well as administration, lay with Parliament. An account of all monies received, rates charged and received by the Police, and an account of all police expenditures was to be presented annually to both Houses of Parliament. [232]

Introducing the Bill, Peel said that Police Committees in preceding years had not produced any improvement in the police; that

"It had been clearly ascertained that it was altogether unsafe, and had been for a long period to commit the care of lives and property….to the charge of the parochial watch.. ."

He said crime had increased 55% in London and Middlesex between 1821 and 1828, as compared to the period 1811-1818, while the population had increased only 19%. Peel added that he did not believe that the increased crime rate was due to depressed conditions, but, rather, to a lax police system. Peel stressed that he intended a gradual reformation of the police. He intended to put the new police in charge of a certain number of parishes, and then gradually extend their authority until the whole police authority devolved upon them. A day was to be fixed for each parish, and on that day it would surrender its police responsibility to the new establishment of police. [233]

The Duke of Wellington presented the Bill in the House of Lords and repeated most of Peels arguments. He also, like Peel, stressed the concept of preventive police. The Radicals, Whigs, and humanitarians, generally, had protested the harsh criminal code and had supported its reform. Their support was needed again now. The preventive police idea also may have been stressed in order to allay the fears of the working class

[231] "The Metropolitan Police Act of 1829", J. L. Lyman, 55 J. Crim. L. Criminology & Police Sci. 141 (1964)
[232] "The Met Police Act of 1829", J. L. Lyman, 55 J. Crim. L. Criminology & Police Sci. 141 (1964)
[233] "The Met Police Act of 1829", J. L. Lyman, 55 J. Crim. L. Criminology & Police Sci. 141 (1964)

and some Radicals that the new police would be a repressive instrument for the benefit of the privileged classes or a vehicle to power for Wellington. Hence his argument that "the best mode of avoiding the infliction of punishment, was to prevent the growth of crime; and the legislature would do away the necessity of frequent punishment by... an efficient police in the hands of the magistrate."[234]

Committals in London and Middlesex

Year	Number of Committals	Population
1821	2480	1,167,000
1828	3568	1,349,000
7 years	Up 41%	Growth 15.5% [235]

Committals for the same seven years 1821-1828 in England and Wales were 11.5% with an increase in population of 28%. [236] This extraordinary population growth was the source of many social problems.

Peel continued with his speech on introducing his Bill,

A Police Rate will be levied instead of the Watch Rate. ...

Now the out-parishes such places as Brentford, Twickenham Isleworth, Hounslow, and so forth - in all which the police at present is scandalous, will feel, and very justly, that if the new police system succeeds for London, it will injure them, by driving a fresh stock of thieves from the heart of the metropolis into the environs, and it will be a great object to me, as well as to them, to devise some mode of improving their police. If I undertook the immediate change my force would be too large, the machine would be too cumbrous and complicated to be well managed by one authority. How, therefore, shall I proceed to provide for these out-parishes?

My notion is to take power for the Secretary of State to consolidate parishes bordering on the metropolis into a district for police purposes, to appoint Commissioners of Police, two for instance, resident in each parish within the district, who shall have the general superintendence of the district police..." [237]

[234] "The Met Police Act of 1829", J. L. Lyman, 55 J. Crim. L. Criminology & Police Sci. 141 (1964)
[235] "The Story of Scotland Yard" Sir Basil Thompson1935 Kessinger Publishing Rare Reprints page 66
[236] "The Story of Scotland Yard "Sir Basil Thompson1935 Kessinger Publishing Rare Reprints page 66
[237]https://books.google.co.uk/books?id=MVWTTZHgGGoC&pg=PA443&lpg=PA443&dq=I+have+under+my+consideration+at+present+very+extensive+changes+in+the+Police&source=bl&ots=1TssRl8_Rj&sig=Cr9l7ccFYIYYRgk5k46b5tpzDI&hl=en&sa=X&ved=0ahUKEwjNwOPkqu_RAhULK8AKHTbDGsQ6AEIIDAC#v=onepage&q=I%20have%20under%20my%20consideration%20at%20present%20very%20extensive%20changes%20in%20the%20Police&f=false

Peel delivered a major speech on policing in London on the 15 April 1829. Now Home Secretary in the ministry of the Duke of Wellington, he told MPs of the increase in crime in the capital and criticised the unsatisfactory state of policing.

If they took any series of years, say seven, on which the police committee had reported, they would find crime had not only increased in the metropolis more than in the other parts of the country, but had far outstretched the rate of increase of its inhabitants.

It was not easy to determine what the causes were which had led to this frightful difference between the increase of crime and of population but he feared that one of the causes was the increased mechanical ingenuity of the age, by which the committing of crimes was aided and the means of detection lessened. The mechanical improvements, which had so distinguished the country and were a great source of its prosperity, aided criminals by enabling them to travel a great distance in a few hours.

Another cause was the unsatisfactory state of that branch of our police, which were controlled by the parish authorities. He was satisfied that as long as the present night watch system was continued there would be no efficient police prevention of crime, nor any satisfactory protection for property or the person. The House would be aware that each parish had its own watch house, established its own watchmen, its own discipline and its own responsibility, that it was left to the parochial authorities to devise and control the means of protecting the property and persons of its own inhabitants. By this arrangement each parish was quite isolated as far as prevention of crime was concerned from every other; there could therefore be no general unity of approach or general responsibility. But this was not all; each parish had its own districts, each one of which might be independent of the rest as to its police, so that responsibility was still further sub-divided. In the parish of St Pancras for example there was no less than eighteen different police establishments making unity of purpose impossible. The wealthy and populous district of Kensington - not less than fifteen miles in extent - was dependent on the protection of three constables some of whom, after they were in office for a time, became not very remarkable for their abstinence from intoxicating liquor, it was not surprising that three drunken beadles should be no preventive of housebreaking and thievery. The situation was the same all over London as it was in Kensington." [238]

In this extract, Peel's letter of 11 May 1829 to the Duke of Wellington outlines the proposed legislation for the establishment of a police force and urges the Duke to ensure that the House of Lords pass the law.

"Just conceive the state of one parish, in which there are eighteen different local boards for the management of the watch, each acting without concert with the other! ... Think of the state of Brentford and Deptford with no sort of police by night! ...

[238] http://www.historyhome.co.uk/polspeech/met2.htm

My Bill enables the Secretary of State to abolish gradually the existing watch establishments [and to substitute in their room a police force that shall act by night and day, under the control of two magistrates, who will be executive officers, and be relieved from the ordinary duties of justices, such as attending at Quarter Sessions, transacting parish business, &c. There is power to place the present Government establishments of police, the horse and foot patrols, under their superintendence.

I propose to substitute the new police gradually for the old one, not to attempt too much at first; to begin perhaps with 10 or 15 parishes in the centre of the City of Westminster, and gradually to extend the police district. The present watch and the present watch rate are to continue until the Secretary of State notifies to a parish that he is ready to undertake the superintendence of it. From that time the present watch and the watch rate are to cease.

I defray the expense by a rate in the parishes that are actually included within the new police, the new rate to be paid when the present rate ceases. The new rate is to be collected exactly like the poor rate, the same property to be assessed to each. The maximum of the new police rate is 8d in the pound...

Pray pass the Bill through this Session, for you cannot think what trouble it has given me."

Peel was concerned that senior appointments may be taken through influence and he was determined to guard against this. He wrote to Wellington,

The chief danger will be if it is made a job; if gentlemen's servants and so forth are placed in the higher offices. I must frame regulations to guard against this as effectively as I can.[239]

The "Bill for Improving the Police.. ." passed both Houses without serious argument, and received the Royal Assent on June 19, 1829.

Metropolitan Police Act 1829

There followed the Metropolitan Police Act 1829 Statutes, 10 Geo. IV cap. 44 An Act for improving the Police in and near the Metropolis (19 June 1829) the legislation that was to be the basis for the formation of the British police becoming law in June and plans were set for a force of over one thousand men. The Act established:

Whereas Offences against Property have of late increased in and near the Metropolis; and the local Establishments of Nightly Watch and Nightly Police have been found inadequate to the Prevention and Detection of Crime, by reason of the frequent Unfitness of the individuals employed, the Insufficiency of their Number, the limited

[239] "The Story of Scotland Yard" Sir Basil Thompson1935 Kessinger Rare Reprints page 70

Sphere of their Authority, and their Want of Connection and Cooperation with each other:

And whereas it is expedient to substitute a new and more efficient System of Police in lieu of such Establishments of Nightly Watch and Nightly Police, within the Limits herein-after mentioned, and to constitute an Office of Police, which, acting under the immediate Authority of One of His Majesty's Principal Secretaries of State, shall direct and control the whole of such new System of Police within those Limits: Be it therefore enacted.…

The Act defined the original limits of the "metropolitan police district" within which the Metropolitan Police would operate, comprised the Liberty of Westminster, and parishes in Middlesex, Surrey, and Kent, as were listed in the, Schedule of the Act.

Section 1 of the Act established a Police Office for the Metropolis, to be under two commissioners who were to be Justices of the Peace.

That it shall be lawful for His Majesty to cause a new Police Office to be established in the City of Westminster, and by Warrant under His Sign Manual to appoint Two fit Persons as justices of the Peace of the Counties of Middlesex, Surrey, Hertford, Essex, and Kent, and of all Liberties therein, to execute the Duties of a justice of the Peace at the said Office, and in all Parts of those several Counties, and the Liberties therein, together with such other Duties as shall be herein-after specified, or as shall be from Time to Time directed by One of His Majesty's Principal Secretaries of State, for the more efficient Administration of the Police within the Limits herein-after mentioned.…

The whole of the City and Liberties of *Westminster*, and such of the Parishes, Townships, Precincts, and Places in the Counties of *Middlesex*, *Surrey*, and *Kent*, as are enumerated in the Schedule to this Act, shall be constituted, for the Purposes of this Act, into One District, to be called 'The Metropolitan Police District'; and a sufficient Number of fit and able Men shall from Time to Time, by the Directions of One of His Majesty's Principal Secretaries of State, be appointed as a Police Force for the whole of such District.…

The constables were, like the commissioners, to have power not only within the MPD, but also throughout Middlesex, Surrey, Hertfordshire, Essex and Kent.

They said Justices may from Time to Time, subject to the Approbation of One of His Majesty's Principal Secretaries of State, frame such Orders and Regulations as they shall deem expedient, relative to the general Government of the Men to be appointed Members of the Police Force under this Act.…

Made it an offence for the owner of a public house to harbour a police officer during his hours of duty.

Outlined the powers of the new police force. A constable was empowered 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 in the Forenoon lying in any Highway, Yard, or other Place, or loitering therein, and not giving a satisfactory Account of themselves..." [240]

An offence to assault or resist a police officer, with the penalty of a fine not exceeding five pounds.

Other sections dealt with arrangements for the handing over of police powers in the various parishes, with existing "watchmen and night police" to continue until the commissioners indicated that the Metropolitan Police were ready to assume responsibility for the area. Overseers in the parishes were to levy a Police Rate on all persons liable to pay the Poor Rate, not to exceed eight pence in the pound. [241]

Section 34 of the Act allowed other parishes to be added to the Metropolitan Police District by Order in Council. Any place in Middlesex, Surrey, Hertfordshire, Essex or Kent within twelve miles of Charing Cross could be added.[242]

It was decreed that "the existing watch shall continue to discharge its duties in the various parishes until notification is made that the new police is appointed, and then all watch-boxes, arms, etc., shall be handed over, and the present watch rates shall cease." [243]

Rowan and Mayne

The Metropolitan Police Act required the new police to be under the command of two commissioners who were to be Justices of the Peace.

Colonel Charles Rowan, and a young barrister, Richard Mayne, became the first Joint Commissioners as the two new police magistrates were styled. Though styled as Joint it was Peel's belief that one was to be the senior, the man responsible for what would be the difficult task of enforcing discipline. Peel wrote:

"I require a man of great energy, great activity both of body and mind, accustomed to strict discipline and with the power of enforcing it, and taking an interest in the duty assigned to him. Then he must be a gentleman, and entirely trustworthy".

[240] Metropolitan Police Act 1829 Section 7
[241] http://www.historyhome.co.uk/peel/laworder/metact.htm
[242] https://en.wikipedia.org/wiki/Metropolitan_Police_Act_1829
[243] "The New Police" Melville – Lee A History Of Police In England 1901 (Believed Published First During Tenure Of Rowan And Mayne)
http://archive.org/stream/ahistorypolicei01leegoog/ahistorypolicei01leegoog_djvu.txt

Peel offered the job to an army lieutenant colonel, who refused the post, writing to the potential commissioner:

"There will I think be a great opportunity for distinction. --- the exertion requisite will be unremitting and severe." [244]

Lieutenant Colonel Charles Rowan CB was an Ulsterman of Scottish descent aged 47. He became an officer in his teens and fought in Wellington's army under Sir John Moore from 1806 to 1815 the year of Waterloo where he fought as second in command of the 52nd Regiment. Mayne had brought the 52nd "to the highest state of discipline". As it was a disciplinarian that Peel was seeking, Mayne was appointed. [245]

The Bill required a second commissioner someone who could compliment the soldier with no knowledge of policing or the law. Peel was empowered to offer a salary, which might have been sufficient for an ex soldier on a pension but could not compete even in those days with the earnings of a successful lawyer. Peel had a lawyer cousin on the Northern Circuit who knew a man who suited the post a barrister on the Circuit who was also a friend of one of the Under Secretaries at the Home Office. This was Richard Mayne another Irishman aged just 33, fourteen years younger than Rowan. He was impecunious and the idea of a regular salary of £800 a year was attractive but he had no qualifications for the post. He had no administrative experience and he had never even worked in an office, nor in a position where he would have to lead and manage men. Mayne was not accustomed to discipline, knew nothing of police work or the criminal classes. He was encouraged to apply for the position, which he did to receive a reply from the Home Office suggesting,

"Mr Peel seems strongly impressed with the nature of your qualifications for the office, and has said that of all the names mentioned to him, yours was decidedly the best."[246]

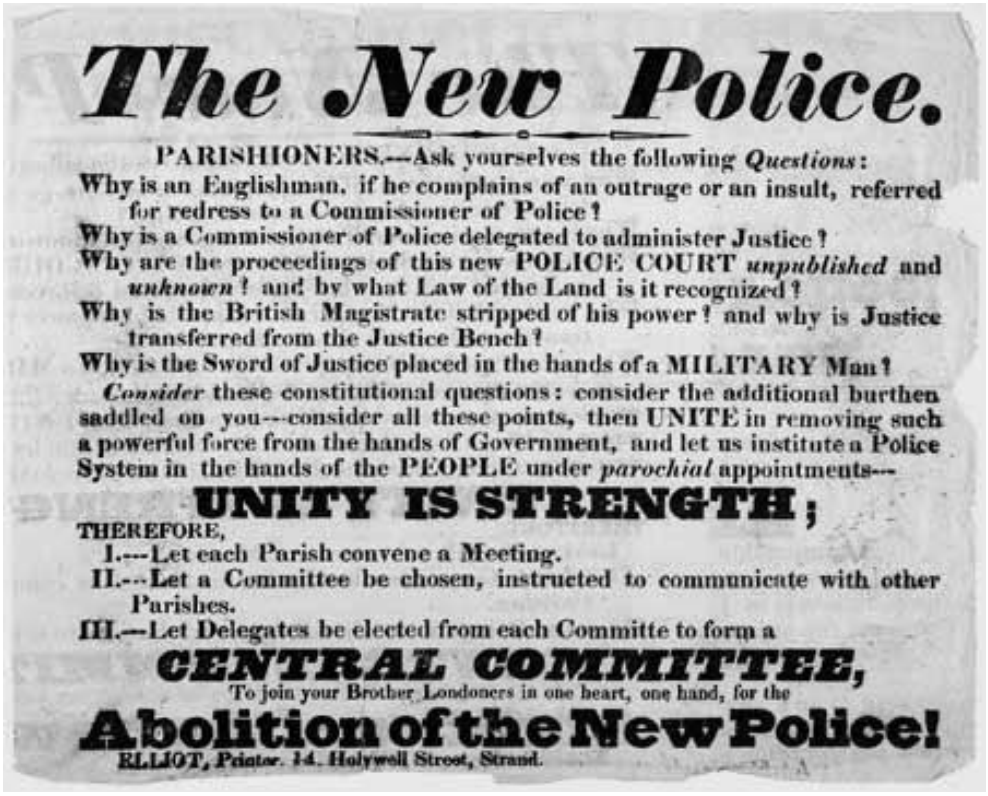
The Home Secretary gave the job to Mayne without meeting or interviewing him; meeting for the first time after Mayne had been offered the post. Neither did Mayne meet Rowan until both had been appointed, which is again surprising given disparate nature of their experience and personalities with the requirement for such close joint working. [247]

Rowan was brilliant at organising men and supplies, make plans, meet difficulties and surmount them revising his plans if need be. He could control men, be fearless in command, cool and unperturbed, as would any former soldier who survived the

[244] "The First Detectives" Belton Cobb Faber and Faber 1951 page 33
[245] "The First Detectives" Belton Cobb Faber and Faber 1951 page 34
[246] "The First Detectives" Belton Cobb Faber and Faber 1951 page 38
[247] "The First Detectives" Belton Cobb Faber and Faber 1951 page 38

battlefield at Waterloo. However it was said he lacked imagination, which is what the very bright young Mayne brought to the new organisation.[248]

Mayne had brains and foresight with some imagination and was able to plan for difficulties if they arose. The two men had different types of brain based on experience and intelligence both men complimenting each other. [249]



The New Police.

PARISHIONERS.—Ask yourselves the following *Questions*:

Why is an Englishman, if he complains of an outrage or an insult, referred for redress to a Commissioner of Police?

Why is a Commissioner of Police delegated to administer Justice?

Why are the proceedings of this new POLICE COURT *unpublished* and *unknown*! and by what Law of the Land is it recognized?

Why is the British Magistrate stripped of his power? and why is Justice transferred from the Justice Bench?

Why is the Sword of Justice placed in the hands of a MILITARY Man?

Consider these constitutional questions: consider the additional burthen saddled on you—consider all these points, then UNITE in removing such a powerful force from the hands of Government, and let us institute a Police System in the hands of the PEOPLE under *parochial* appointments—

UNITY IS STRENGTH;

THEREFORE,

I.—Let each Parish convene a Meeting.

II.—Let a Committee be chosen, instructed to communicate with other Parishes.

III.—Let Delegates be elected from each Committe to form a

CENTRAL COMMITTEE,

To join your Brother Londoners in one heart, one hand, for the

Abolition of the New Police!

ELLIOT, Printer, 14, Holywell Street, Strand.

This poster, from 1830, raises various objections and calls for public meetings to "Abolish the New Police!" [250]

Recruitment began in earnest. Whereas late comers to the formation of police forces could recruit almost 50% of their staff from serving or former police forces, the Metropolitan Police had to start with blank pages. Some of those pages were blanker than others! In late August 1829, a month before the Metropolitan Police were to take to the streets Francis Haley was arrested for being drunk and brought before Bow Street magistrates court where he was charged with being riotous, disorderly and assaulting a gentleman. Haley was a watchman and it was said that he was "so exceedingly drunk that he scarcely knew a man from a woman". On being arrested by two men from the Bow Street Patrol he swore at them and said "He should be their equal in a day or two as he was appointed to the New Police and should obtain his clothes for which he had been measured next week". He never did join the police![251]

[248] "The First Detectives" Belton Cobb Faber and Faber 1951 page 39
[249] "The First Detectives" Belton Cobb Faber and Faber 1951 page 39
[250] National Archives HO 61/2
[251] "The Great British Bobby" Clive Emsley Quercus 2009 page 38

Recruits

Selection of police officers

The need for an efficiently led and administered police had been made and the 1829 Act provided such an organisation. Peel's interest did not confine itself to legislative success. It was essential that the police won public confidence and support. Therefore, the selection of police personnel was important. Peel felt that retired non-commissioned army officers with good character certificates would be suitable recruits; it was essential that the character of the police be above suspicion.

The structure of the new police was complete, and the first officers were to appear on September 29, 1829. To mark the assumption of their new duties, notices were placed on the doors of the churches throughout London. These notices informed all that the "new police will be ready to undertake the change of the said Parish of_____ on the 29th of September, the Night Watch and Night Police appointed within the said Parish previously to, or independent of, the said act of Parliament, will be discontinued." [252]

His pride in the new police and his concern for their success is evidenced in a letter, which he wrote to the Commissioners of the Metropolitan Police on December 10, 1829.

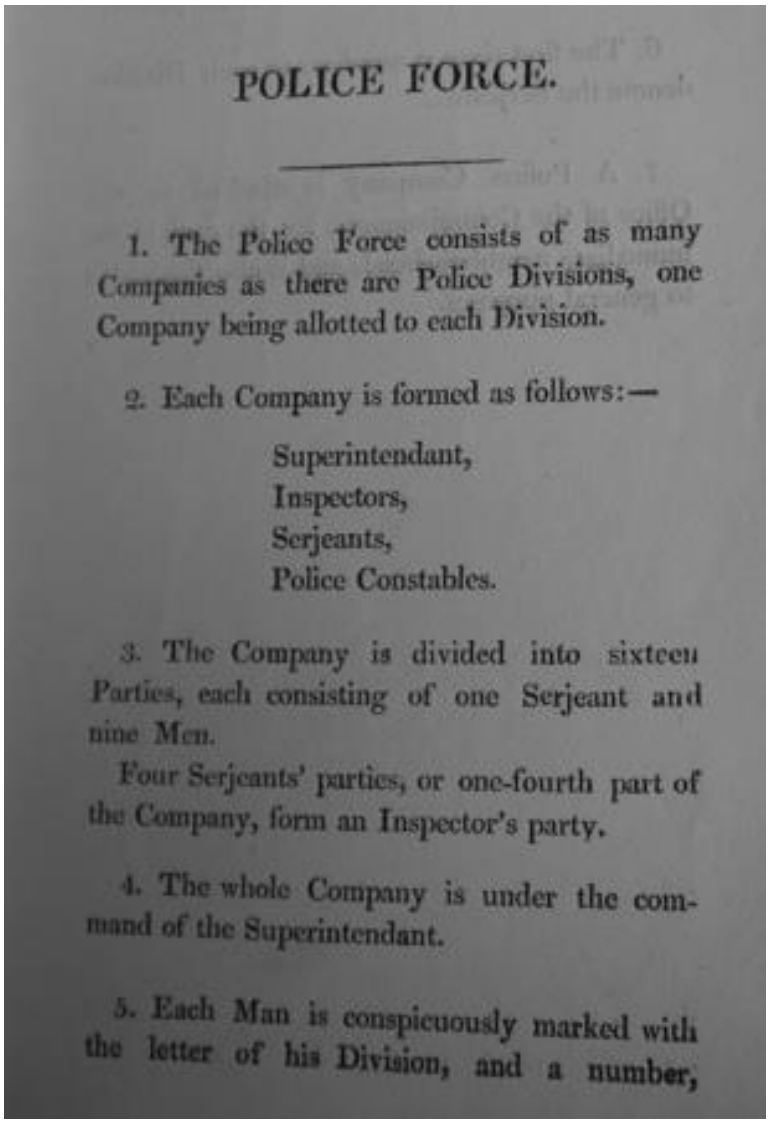
"I propose to refer all applications to you, for inquiry into the character and qualifications of the candidates.... all nominations for employment in the Police, as well as.. promotions from inferior stations, should depend exclusively upon the character, qualifications, and services of the person selected .... I am convinced that on a strict adherence to this principal must entirely depend the efficiency and character of the new Establishment. When the whole Establishment shall be...in full operation, it may not be fit to establish, as a fixed and inviolable rule, that all appointments... above that of.. common constable, shall take place from out of the ranks of the Police.... The experience which you have already had will enable you to determine.. what is the age, and.. previous occupation of candidates, which offer the greatest probability that they can be usefully employed in the Police. And a reference to these. . ., combined with a personal examination into their character and habits of life, will enable you to select.. those best entitled to recommendation. .. whenever a vacancy shall occur in the... Police, or whenever new appointments shall be necessary.. you shall submit to me the names.. to be recommended by you, and that a printed form be prepared.. specifying whether the person.. has or has not previously served in the Police, his age, his previous occupation, the name of the persons by whom he is recommended ... "" [253]

[252] Sopenoff, 1978, p. 65
[253] "The Met Police Act of 1829", J. L. Lyman, 55 J. Crim. L. Criminology & Police Sci. 141 (1964)

A considerable army of recruits had to be trained and organised with little experience to guide them. The new police were recruited concentrating on individual abilities and respectability not patronage. This was linked to Peel's reluctance to avoid an officer class or pay too much money. He intended the police to be a lower deck organisation.

Policemen were recruited from the unskilled or semi-skilled working class. The general public saw 'Bobbies' as 'hard men'; indeed they had to be, if they were to have any hope of maintaining law and order in troublesome communities.

Peel therefore gave over most of the authority of the new force to his two Commissioners. During the period of 1829 to 1830, a total of 8,000 men were recruited and over 3,000 were dismissed.



POLICE FORCE.

1. The Police Force consists of as many Companies as there are Police Divisions, one Company being allotted to each Division.

2. Each Company is formed as follows:—

Superintendant,
Inspectors,
Serjeants,
Police Constables.

3. The Company is divided into sixteen Parties, each consisting of one Serjeant and nine Men.

Four Serjeants' parties, or one-fourth part of the Company, form an Inspector's party.

4. The whole Company is under the command of the Superintendant.

5. Each Man is conspicuously marked with the letter of his Division, and a number,

Page 5 from an original Metropolitan Police Instruction Book now in the Metropolitan Police historical collection

Letter to Recruits

When recruiting new policemen in 1834 the potential officer received a letter from which below is an extract setting out the requirements of the Commissioners.

If ... who has applied for a situation as a constable in the Police will attend at Westminster on Tuesday next at eleven o'clock in the forenoon precisely he will be examined as to his fitness for such an employment. He need not attend and will not be appointed if he cannot read or write; if he is above 35 years of age; if he is under 5 feet 7 inches without his shoes, nor unless he is free from every bodily complaint, is of a strong constitution and generally intelligent, as he will have to pass the strict examination of the surgeons.

N.B. The applicant will not be examined without producing this notice and two letters of recommendation to the Commissioners of Police, from respectable housekeepers, and from his last employer. [254]

Peel received a letter from a friend, who was concerned that three shillings a day pay for the constable was not enough as,

"Your constable must live in a state of perpetual trouble, labour and disquiet so that other folks may enjoy this rest. Can this be expected from a competent person at three shillings a day?"

In a response recognisable today from a politician – two thousand had applied for the one thousand posts so the money cannot be far off the mark! [255]

"No doubt three shillings a day will not give me all the virtues under heaven, but I do not want them. Angels will be far above my work. I have refused to employ gentlemen – commissioned officers for instance- as superintendents and inspectors because I am certain they would be above their work." [256]

A guinea a week for a single man would allow him to feed, clothe, feed and lodge himself, find a doctor if necessary and still save ten shillings.[257]

"They had to encounter a popular prejudice that was almost unanimously opposed to them, and although a false step might have produced the most disastrous consequences, no delay was allowed them for consideration or experiment." [258]

[254] http://www.historyhome.co.uk/peel/laworder/recruit.htm
[255] Quoted "Robert Peel – a Biography" Douglas Hurd Weidenfeld and Nicolson 2007 page 106
[256] Quoted "Robert Peel – a Biography" Douglas Hurd Weidenfeld and Nicolson 2007 page 106 taken from Croker correspondence Vol. 11 pages 19-20 editor: Jennings
[257] Quoted "Robert Peel – a Biography" Douglas Hurd Weidenfeld and Nicolson 2007 page 106
[258] "A History Of Police In England" Melville – Lee 1901

The desire was to ensure the new police was free from any taint of militarism and Peel made it a cardinal principal that as the force grew it should be "filled from below"

All nominations for the police, as well as original nominations as promotion from inferior stations, should depend exclusively upon the character, qualifications and services of the persons selected; and I am satisfied that you have, on offering to me your recommendations to me, acted rigidly upon that suggestion in every instance. I am convinced that on the strict adherence to this principle, must entirely depend the efficiency and character of the new establishment.[259]

Peel looked forward to the day when all promotions would be filled from those who served through the ranks within the force one of the surviving principles (with a deviation from the so called Trenchard or Hendon scheme in the 1930s) until 2016 when the politicians knew better! In a letter to his friend Croker, Peel wrote that he was determined to resist the lingering belief amongst the upper classes that all parts of the public service could best be staffed by their own friends and relations. He also believed that if he appointed gentlemen to the higher ranks of the police,

"They would refuse to associate with other persons who were not of equal (social) rank, and they would therefore degrade the latter in the eyes of the men."[260]

Yet the need to control the constables led to a military style, hierarchical organisation which was so in Surrey where the chief constable, appointed from the military without police experience imposed a totally unsuitable military style of management denying his men the ability to use initiative and their experience. [261] This was however the norm and did not change for well over 100 years.

On 5 November 1829 Peel wrote to Wellington about the effectiveness of the new force but expressing some concerns about the opposition that his police were meeting.

I am very glad indeed to hear that you think well of the Police. It has given me from first to last more trouble than anything I ever undertook. But the men are gaining a knowledge of their duties so rapidly that I am very sanguine of the ultimate result.

I want to teach people that liberty does not consist in having your house robbed by organised gangs of thieves, and in leaving the principal streets of London in the nightly possession of drunken women and vagabonds.

[259] Quoted "Robert Peel – a Biography" Douglas Hurd, Weidenfeld and Nicolson 2007 page 104
[260] Quoted "Robert Peel – a Biography" Douglas Hurd, Weidenfeld and Nicolson 2007 page 106
[261] "Policing a Short History" Phillip Rawlings Willan Publishing 2002 page 120

The chief danger of the failure of the new system will be, if it is made a job, if gentlemen's servants and so forth are placed in the higher offices. I must frame regulations to guard against this as effectually as I can. [262]

Senior officers had to organize and train a considerable army of recruits, which they then had to drill them in ways of wearing a uniform, comporting themselves, in public behaviour and train the officers to discharge their duties with tact and forbearance. There were no experts nor were there those with previous experience to guide them. [263] [264]

Collar and warrant numbers

Every constable and sergeant was to be identified by an embroidered number and the letter of his division to be worn on the collar hence the name "collar numbers". The earlier numbers (from 1 to 16) denoted sergeants, the higher numbers constables. Each constable was provided with a beat-card, giving the names of the streets, etc., in his beat. [265] All Metropolitan Police officers to this day were given a warrant number, consecutive from the first recruit. This number they kept whereas the collar number could change with a posting to a different division or to work out of Scotland Yard, which became known as the Commissioner's Office or CO.

Organisation and Structure

At first the twenty-four hours were divided into two-day reliefs and two night reliefs, half of the entire force being on duty by day and half by night. This arrangement was not a success, and was subsequently altered, when the day duty was performed in two reliefs and the night duty in one relief: under this system two-thirds of the force were employed by night, one-third by day, individual men doing eight months' night work and four months' day work during the year. By this means a greater degree of security was attained when it was chiefly required, and the health of the men suffered less than under the former plan. [266]

Absolute uniformity was not insisted upon so where necessary the system was modified to suit local requirements. There were not exactly 144 Constables in each company, but the number varied from 262 in the Stepney "K" Division down to 96 in the Whitehall "A" Division. "K" Divisions was densely populated, whilst "A" contained few residents. "A" Company was mainly composed of picked men and

[262] http://www.historyhome.co.uk/peel/laworder/police.htm
[263] "A History Of Police In England" Melville – Lee 1901 page 236
[264] "Policing a Short History" Phillip Rawlings Willan Publishing 2002 page 120
[265] "The New Police" Melville – Lee A History Of Police In England 1901 (Believed Published First During Tenure Of Rowan And Mayne)
[266] "A History Of Police In England" Melville – Lee 1901 (Believed Published First During Tenure Of Rowan And Mayne)

generally available should any sudden emergency arise in other parts of the Metropolitan Police District. [267]

A report or "presentment," containing the results of all inquiries made during the previous twenty-four hours was daily passed to the Commissioners, who were thus able to take steps for the prevention of any threatened breach of the peace. When a serious crime had been committed, not only were the known facts of the case immediately circulated across the Metropolitan Police but necessary particulars were periodically notified to a wider circle through the columns of the " Police Gazette," A new official organ which superseded the old Bow Street publication known as "The Hue and Cry." [268]

The new force was recruited from the best available men, and those who sought admission to its ranks were expected to possess good physique, intelligence above the average, and an irreproachable character. Hitherto a variety of officers had been employed in their separate capacities of constable, watchman, street-keeper, and thief-taker: now, all these duties had to be performed by the same individual. The new policeman was required to have sufficient knowledge of ordinary legal procedure to prepare a case to be taken before the court. [269]

Pressure was brought to bear on Peel to appoint friends of social contacts but he was adamant this was not to happen and that the best people were to be appointed and in this he was very successful.

Recruitment was a weighty issue for Peel who was insistent on the levels of pay. The constable's pay was set below that of an artisan and pressure was brought on Peel to pay more, although by 1830 a large number of tradesmen and artisans had joined[270].

He wrote that he wanted to refuse employment to,

"— gentlemen commissioned officers for instance – as superintendents and inspectors, as I am certain they would be above their work—the sergeant of the Guards at £200 a year is a better man for my purpose than a captain of high military reputation---." [271]

Peel received a letter from a friend who was concerned that three shillings a day pay for the constable was not enough as

"Your constable must live in a state of perpetual trouble, labour and disquiet so that other folks may enjoy this rest. Can this be expected from a competent person at three shillings a day?"

[267]"A History Of Police In England" Melville – Lee 1901
[268] "A History Of Police In England" Melville – Lee 1901
[269] "A History Of Police In England" Melville – Lee 1901
[270] "The Queens Peace" David Ascoli 1979 page 89
[271] "The Queens Peace" David Ascoli 1979 page 88

In a response recognisable today from a politician – two thousand had applied for the one thousand posts so the money cannot be far off the mark! [272]

"No doubt three shillings a day will not give me all the virtues under heaven, but I do not want them. Angels will be far above my work. I have refused to employ gentlemen – commissioned officers for instance- as superintendents and inspectors because I am certain they would be above their work." [273]

A guinea a week for a single man would allow him to feed, clothe, feed and lodge himself, find a doctor if necessary and still save ten shillings.[274]

The difficulty of securing a sufficient number of men with the necessary qualifications at the rate of pay offered was immense. It has been said that great care was exercised in the choice of candidates, only a small proportion of those selected were retained for any length of time. The number of dismissals may be an indicator that the selection process was flawed and that the recruiting was from amongst the wrong men. The extent to which this weeding out process was carried may be estimated from the fact that between 1830 and 1838 there were nearly five thousand dismissals, and more than six thousand resignations, most of the latter not being altogether voluntary. [275]

The recruiting strategy concentrating on the skilled man and labourer but coming with them into the police was the demon drink, drunk to excess, partly to avoid the water and all its impurities. Within two years the Metropolitan Police from a strength of 4000, had 1250 resign voluntarily and 1989 had been dismissed, 80% of those for drunkenness.[276] By 1838 over 6000 constables had resigned and 5,200 dismissed with only 350 of the original 3000 still in the service.[277] This was a shocking waste of money, time and effort and must be a reflection of the calibre of the people undertaking selection. The pond they were fishing in was in the wrong place! [278]

There was no permitted punishment other than dismissal causing a continuing and considerable reduction in officers expending considerable amount of time recruiting replacements. Rowan's isolating military background led him to want to be able to punish officers with the lash. However Mayne came up with the idea that officers could opt for a fine as an alternative to dismissal. There were no powers for the Commissioners to impose fines and so the practice would be "voluntary". If the men refused to volunteer there was no alternative to being dismissed. [279]

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[272] Quoted "Robert Peel – a Biography" Douglas Hurd, Weidenfeld and Nicolson 2007 page 106
[273] Quoted "Robert Peel – a Biography" Douglas Hurd, Weidenfeld and Nicolson 2007 page 106 taken from Croker correspondence Vol. 11 pages 19-20 editor: Jennings
[274] Quoted "Robert Peel – a Biography" Douglas Hurd, Weidenfeld and Nicolson 2007 page 106
[275] "A History Of Police In England" 1901 Melville – Lee (Believed Published first during tenure of Rowan And Mayne)
[276] "The Queens Peace" David Ascoli 1979 page 89
[277] "The Queens Peace" David Ascoli 1979 page 89
[278] The Queens Peace David Ascoli 1979 page 89
[279] "The First Detectives" Belton Cobb Faber and Faber page 86

The scheme was adopted and proved a great success with few refusing to volunteer to opt into the scheme, which was rarely more than a fine of a day's pay, 2s 8 ½ d in the case of a constable. A total of £2000 was collected in two years. To balance the scheme Mayne introduced commendations from superintendents with the commissioner paying "good conduct awards". The scheme was very effective and at no cost to the Exchequer provided punishment and incentive. [280]

Once the decision was made to apply for this new job, passed selection and offered a post Metropolitan police officers were asked to repeat before God,

"I do solemnly and sincerely declare and affirm that I will well and truly serve Our Sovereign Lady the Queen in the office of constable, without fear or affection, malice or ill will; and that I will to the best of my power cause the peace to be kept and preserved and prevent all offences against the persons and properties of Her Majesty's subjects . . ."

Instructions, guidance and police orders

From its inception in 1829, the essential civilian character of the police was stressed; public service, self-control, and the importance of gaining the public's trust were emphasized. There was no alternative other than the gendarmerie!

The commissioners issued an early a Police Order on 1 November 1830 in which they set a standard of behaviour that has continued into modern times:

“The Commissioners think it right again to caution every man in the Police Force, at a time when an attempt is made to create a strong prejudice against them, that they should do their duty with every possible forbearance and they should not furnish a just ground of complaint against themselves by any misconduct. This caution is to be understood as applying to all occasions, but particularly to those on those, which they are called out in large bodies. It is highly desirable that the Constables should not use their truncheons in any manner that may cause annoyance or irritation, except when absolutely necessary.”[281]

For the guidance of all ranks, a set of rules and regulations were drawn up embodying principles and maxims upon which the modern police codes of practice rest.

The Commissioners,

"At the commencement of the new establishment it is the more necessary to take particular care that the constables of the police do not form false notions of their duties and powers.

[280] “The First Detectives” Belton Cobb Faber and Faber page 86
[281] Quoted in “The Victorian Policeman” by Simon Dell A Shire Book 2004 page 12

The powers of a constable, as will appear hereafter, are, when properly understood and duly executed, amply sufficient for their purpose. He is regarded as the legitimate peace officer of his district; and both by the Common Law and by many acts of parliament; he is invested with considerable powers, and has imposed upon him the execution of many important duties. ... [282]

The Instructions and Police Orders for 1829-1830, issued by the Commissioners contain explicit directions for the conduct of the police. The instructions illustrate the basic emphasis on the preventive and protective nature of police work which was Peel's philosophy and design for the new police and which was to be continued by successive Home Secretaries and Commissioners of the force:

The following are some seminal words associated with the formation of the British police:

The following general instructions for the different ranks of the police force are not to be understood as containing rules of conduct applicable to every variety of circumstance that may occur in the performance of their duty: something must be left to the intelligence and discretion of individuals, and according to the degree in which they show themselves possessed of these qualities and to their zeal, activity and judgement on all occasions, will be their claim to future promotion and reward.

It should be understood at the outset that the principal object to be attained is the prevention of crime.

To this great end every effort of the police is to be directed. The security of person and property, the preservation of the public tranquillity, and all other objects of a police establishment will thus be better effected than by the detection and punishment of the offender after he has succeeded in committing the crime. This should constantly be kept in mind by every member of the police force, as a guide for his own conduct Officers and police constables should endeavour to distinguish themselves by such vigilance and activity as may render it extremely difficult for anyone to commit a crime within that portion of the town under their charge. [283]

When in any division, offences are frequently committed there must be reason to expect that the police in that division is not properly conducted. [284]

The absence of crime will be considered the best proof of the complete efficiency of the police. ... [the constable] must be particularly cautious not to interfere idly or unnecessarily.... He must remember that there is no quality more indispensable to a police officer than a perfect command of temper, never suffering himself to be moved.. by any language or threats...; if he do his duty in a quiet and determined manner, such conduct will probably induce well disposed bystanders to assist him…

[282] "A History Of Police In England" Melville – Lee 1901 page 241
[283] "A History Of Police In England" Melville – Lee 1901 page 241
[284] "A History Of Police In England" Melville – Lee 1901 page 242

In divisions where this security and good order have been effected, the officers and men belonging to it may feel assured that such good conduct will be noticed by rewards and promotions." [285]

A further extract is reported as:

It should be understood at the outset that the principal object to be obtained is the prevention of crime. To this great end every effort of the police is to be directed. The security of personal property, the preservation of public tranquillity…. Will thus be better effected than by the detection and punishment of the offender after he succeeded in committing the crime ….

When in any division offences are frequently committed there must be reason to suspect that the police is not in that division properly conducted. The absence of crime will be considered the best proof of the complete efficiency of the police. In divisions where this security and good order have been effected the officers and men belonging to it may feel assured that such good conduct will be noticed by rewards and promotion.[286]

Touching the duties of the individual constables Melville-Lee comments,

The immediate result of the institution of an effective police force, whose main object was prevention, was precisely that which was to be expected: convictions for crimes of violence decreased, because evil-disposed persons knew that they could no longer commit them with impunity, and convictions for minor offences increased, because the vigilance of the new policemen brought to their proper punishment many a petty depredator who had easily hood- winked his familiar friend, the old parish officer. [287]

Initially the Home Office took wide-ranging powers over the Metropolitan Police but as the force grew and complexity increased, the small size of the civil service bureaucracy inevitably allowed more powers and responsibilities to devolve to the commissioners. The Metropolitan Police Act gave the Home Secretary a broad discretion as to the size and deployment of the force, which was largely delegated to the commissioners.[288]

The newly appointed police officers were given powers as constables by the Act in the surrounding counties including Surrey with a general power to arrest without warrant similar to that held by the Watch."[289]

The role of the Metropolitan Police was set down in words that have been passed down through generations of police officers. Sir Basil Thompson, an Assistant

[285] "A History Of Police In England" Melville – Lee 1901 page 242
[286] "The Story of Scotland Yard" Sir Basil Thompson1935 Kessinger Publishing Rare Reprints page 76
[287] "The New Police" Page 233 from Melville – Lee A History of Police in England 1901 (believed published first during tenure of Rowan and Mayne)
[288] "Policing a Short History "Phillip Rawlings Willan Publishing 2002 page 117
[289] Metropolitan Police Act 1829 Section 7

Commissioner in the Metropolitan Police in charge of CID from 1913 - 1919 wrote from a position of great knowledge and understanding, a criticism of 'The principal object is the prevention of crime." [290] He believes the preamble particularly about prevention reflects the minds of men who knew little of the underworld of London. It was the product of the office table and not of men of practical experience.[291]

In piloting his Bill through the House of Commons Sir Robert Peel had always laid stress upon prevention of crime as the principal object of his new police. It sounded well in theory but in practice there were obvious difficulties. Was crime to be prevented by the sudden appearance of a policeman at the crucial moment? Or was the policeman who met a thief well known to him to murmur "I've got my eye on you" as he passed him? Was he to take the thief into custody when he saw him loitering outside the jeweller's shop, if so, what charge was he to bring against him? [292]

Sir Basil Thompson

Metropolitan Police General Instructions 1829:

Detection remained principally the responsibility of the victim for while the new police would render assistance in apprehending offenders and searching premises as their predecessors had done, their main objective was set out in a famous declaration "the principle –objectives ---- prevention"[293]

(The Metropolitan Police did not establish a detective branch until 1842, which was reorganised as the Criminal Investigation Department in 1878. [294] It could be argued that the establishment of detectives in 1842 was the final acceptance that total prevention was not possible and detection was acknowledged as essential. Problems caused by the policy of recruiting the working man, the labourer did not go away and in 1871 a senior Metropolitan Police detective wrote "I am afraid the keeping of a daily journal by officers employed in investigating criminal matters is with the present stamp of men impracticable, as a number of them who are employed as the divisional detectives would, from the want of education find is impossible to make a

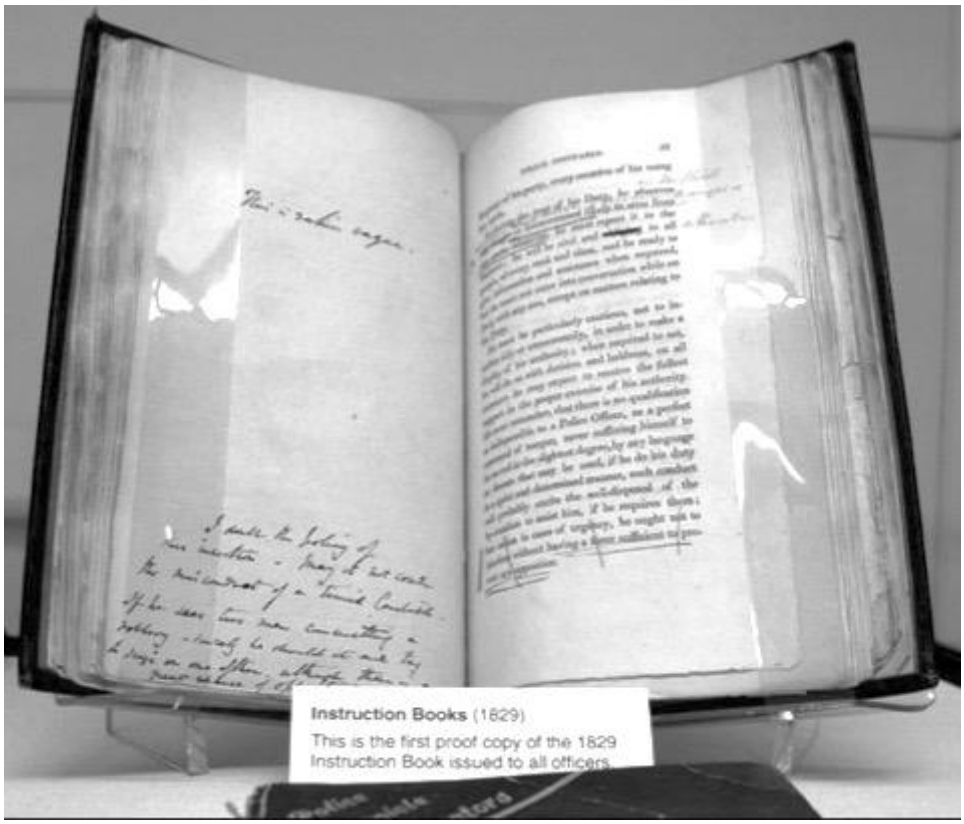
[290] "The Story of Scotland Yard" Sir Basil Thompson 1936: page 76
[291] "The Story of Scotland Yard" Sir Basil Thompson 1936: page 77
[292] "The Story of Scotland Yard" Sir Basil Thompson 1936: page 77
[293] "Policing a Short History" Philip Rawlings: Page 117
[294] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf

daily comprehensible report of their proceedings. Divisional Chief Inspector Adolphus Williamson)

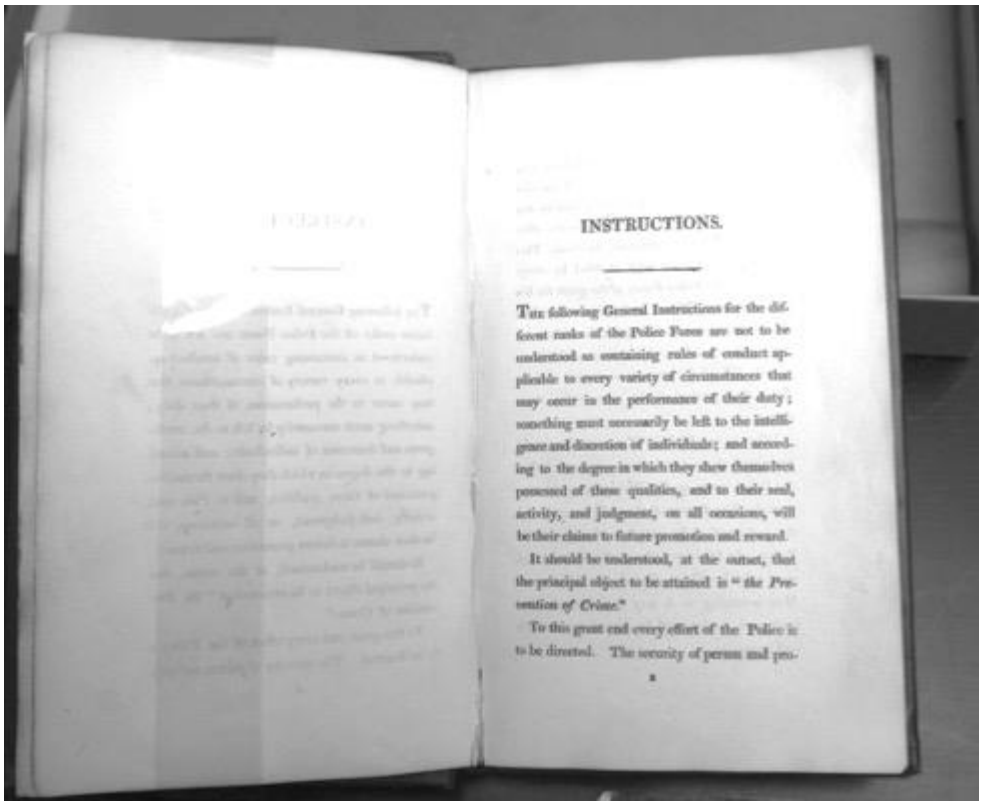
The view of a Parliamentary Committee of 1828 was that, "the art of crime has increased faster than the art of detection."[295] Yet prevention was the mantra with little thought seemingly given as to how this would play out on the street. The policeman's golden rules as handed down from the commissioners were taught to generations of police officers however, numerous transcriptions over time care has to be taken over what were the original words.

In 1829 London there were 450 constables and 4,000 watchmen for a population of 1.5 million before the coming of the Metropolitan Police but the old force was disjointed without any central command and control. The quality was disparate and most were unable to operate outside a restricted jurisdiction.

The new police was to be more centralised with ranks and a command structure, concepts difficult to accept by many of those in power and authority who lost influence over policing. Centralisation and a military structure required written guidance and instructions, leaving nothing to chance or initiative. Every move was to be covered!



[295] "A History of Police in England" TA Critchley page 47



INSTRUCTIONS.

The following General Instructions for the different ranks of the Police Force are not to be understood as containing rules of conduct applicable to every variety of circumstances that may occur in the performance of their duty; something must necessarily be left to the intelligence and discretion of individuals; and according to the degree in which they shew themselves possessed of these qualities, and to their zeal, activity, and judgment, on all occasions, will be their claims to future promotion and reward.

It should be understood, at the outset, that the principal object to be attained is "*the Prevention of Crime.*"

To this great end every effort of the Police is to be directed. The security of person and pro-

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From an original 1829 Instruction Book held by the Metropolitan Police history collection

INSTRUCTIONS respecting the DUTIES and POWERS of CONSTABLES, prepared for the Guidance of CONSTABLES appointed under the Act of 2 and 3 Vict. c. 93.

[*Transmitted in The Secretary of State's Letter to the Magistrates, 22nd November 1839.*]

Directions for Constables. Power to arrest.

The Constable may arrest one whom he has just cause to suspect to be about to commit a felony. Thus, when a drunken person or a man in a violent passion, threatens the life of another, the Constable should interfere and arrest.

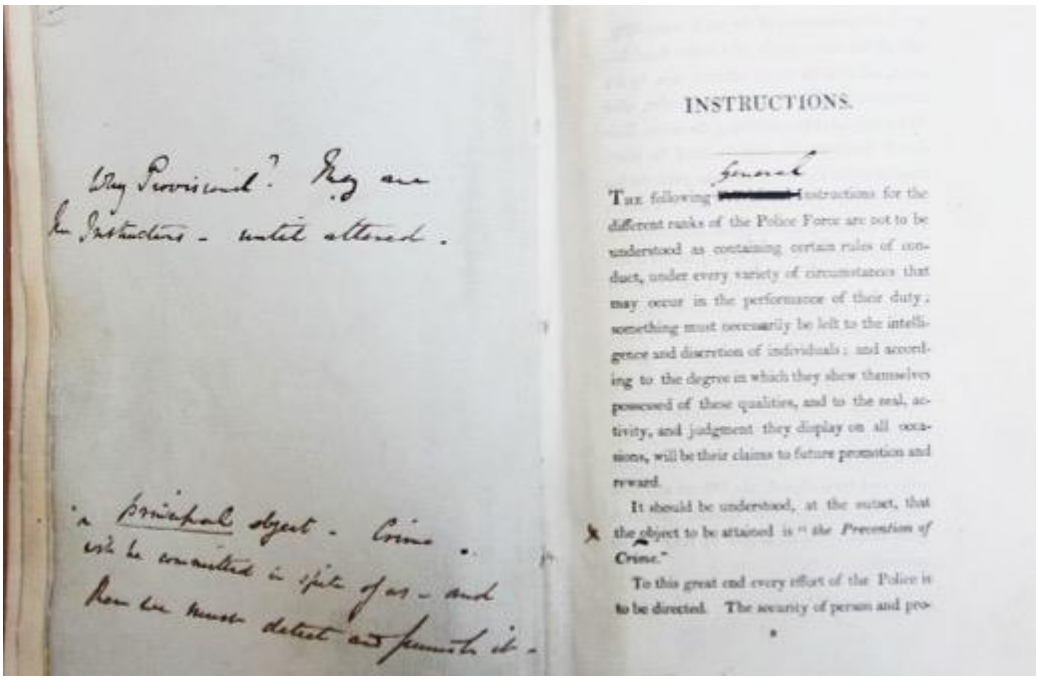
He should arrest any person having in his possession any picklock-key, crow, jack, bit, or other implement with intent feloniously to break into any dwelling-house, warehouse, coach-house, stable or out-building, or any person armed with any gun, pistol, hanger, cutlass, bludgeon, or offensive weapon, or having upon him any instrument, with intent to commit any felonious act.

Every person found in any dwelling-house, warehouse, coach-house, out-house, or stable, or in any inclosed yard, garden, or area, and being there for any unlawful purpose, may be arrested.

In each of these cases 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 to attempt to break into a house, or to endeavour to take any property secretly from another. The Constable will not act hastily, in case the intention is not clear, but content himself with watching closely the suspected party, that he may discover his design.

Instructions on the powers of a police constable
The exact powers of a police constable on duty had to be defined, and this document is an early attempt to do it. [296]

[296] HO45/6647 National Archives



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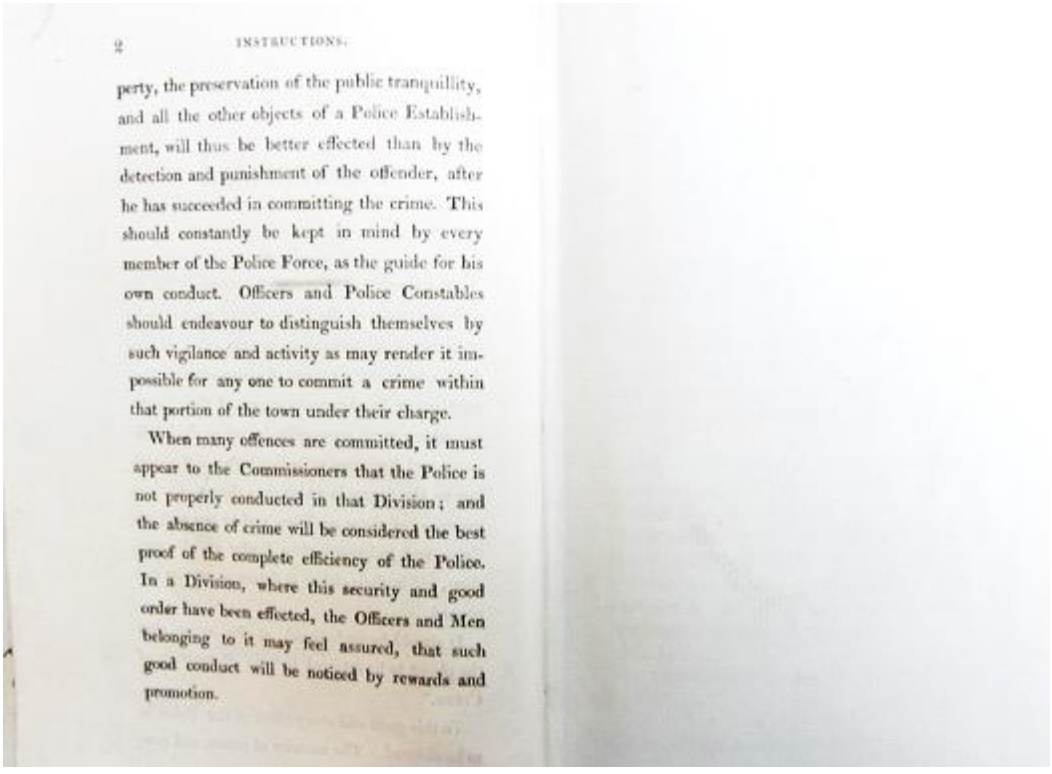
Draft Instruction Book 1829 with manuscript amendments from the Commissioner believed Charles Rowan[297]



2 INSTRUCTIONS.

perty, the preservation of the public tranquillity, and all the other objects of a Police Establishment, will thus be better effected than by the detection and punishment of the offender, after he has succeeded in committing the crime. This should constantly be kept in mind by every member of the Police Force, as the guide for his own conduct. Officers and Police Constables should endeavour to distinguish themselves by such vigilance and activity as may render it impossible for any one to commit a crime within that portion of the town under their charge.

When many offences are committed, it must appear to the Commissioners that the Police is not properly conducted in that Division; and the absence of crime will be considered the best proof of the complete efficiency of the Police. In a Division, where this security and good order have been effected, the Officers and Men belonging to it may feel assured, that such good conduct will be noticed by rewards and promotion.

Draft Instruction Book 1829 [298]

[297] From an original 1829 Instruction Book held by the Metropolitan Police history collection
[298] From an original 1829 Instruction Book held by the Metropolitan Police history collection

Whatever the final wording the direction and philosophy is clear, that to prevent a crime is better than having to detect it! The surprise is that the commissioners believed that prevention would stop the need for detection something they very soon learned was not the case. Prevention is best and certainty of detection is a significant preventive tool.

Rowan was in charge of discipline; Mayne drew up the general instructions for the force in words that have stood the test of time.[299]

The primary object of an efficient police is the prevention of crime; the next that of detection and punishment. The protection of life and property, the preservation of public tranquillity and the absence of crime will alone prove whether these efforts have been successful and whether the objects for which the police were appointed have been attained. [300]

The Metropolitan Police version on their website is marginally different though the intentions are the same:

"The primary object of an efficient police is the prevention of crime: the next that of detection and punishment of offenders if crime is committed. To these ends all the efforts of police must be directed. The protection of life and property, the preservation of public tranquillity, and the absence of crime, will alone prove whether those efforts have been successful and whether the objects for which the police were appointed have been attained."

In attaining these objects, much depends on the approval and co-operation of the public, and these have always been determined by the degree of esteem and respect in which the police are held. One of the key principles of modern policing in Britain is that the police seek to work with the community and as part of the community. [301]

A further version:

"It should be understood, at the outset, that the principal object to be attained is the prevention of crime. To this end every effort of the Police is to be directed. The security of person and property, the preservation of the public tranquillity, and all other objects of a Police Establishment will thus be better effected than by the detection and punishment of the offender, after he has succeeded in committing the crime. This should... be kept in mind by every member of the Police force, as a guide to his own conduct....

The absence of crime will be considered the best proof of the completely efficiency of the Police. ... [the constable] must be particularly cautious not to interfere idly or unnecessarily.... He must remember that there is no quality more indispensable to a

[299] "The Story of Scotland Yard" Sir Basil Thompson1935 Kessinger Publishing Rare Reprints page 70
[300] "The Story of Scotland Yard" Sir Basil Thompson1935 Kessinger Publishing Rare Reprints page 70
[301] http://content.met.police.uk/Site/historypolicing

police officer than a perfect command of temper, never suffering himself to be moved.. .by any language or threats...; if he do his duty in a quiet and determined manner, such conduct will probably induce well disposed bystanders to assist him. [302]

The new Metropolitan Police were uniformed unlike many of their predecessors, and armed only with truncheons. Some parish authorities tried to obstruct the new police and there was inevitably the hostility of the London mob, as someone said "no" to what was seen as poor or what today would be referred to as anti-social behaviour. The police soon won the approval of influential public opinion that recognised what was trying to be achieved and the advantages of the initiative for all levels of society.

The Times agreed with Peel and the commissioners considering first in the duties of the new police was the prevention of crime and wrote that if occasionally an individual officer should err on the side of over zeal, no great loss will have been made.[303]

Prevention was the mantra but there was an understanding from the start that policing cannot work without the support and cooperation of the general public. Police reform therefore sought to establish the principle of policing with the cooperation and consent of the public. This approach was embodied in the "General Instructions" issued to members of the newly formed Metropolitan Police in 1829, which were echoed in the "Nine Principles of Police."[304] These declarations emphasised the importance of the police service operating with the support of those they policed, and the concern to secure a system of policing by consent influenced a number of developments affecting the manner in which the delivery of policing was constructed in its formative years. [305] In the 2010s budget cuts hit the police badly ensuring that staffing levels would be cut with a considerable impact on local or community policing. There is now a period where there is a considerable threat of losing the support and cooperation or the common consent, of the public through apparent lack of availability of uniform patrol officers. This lack of accessibility to police officers is one means of reducing the crime rate!

Police Orders for October 17, 1829 warned that

"Some instances of rudeness on the part of the Police toward persons asking.. civil questions has been reported to the Commissioners," and called on the Superintendents to warn and instruct their men.

On Guy Fawkes Day, the following month, the Superintendents were ordered to instruct their men:

"To preserve peace and good order by the mildest possible means."

[302] "The Met Police Act of 1829", J. L. Lyman, 55 J. Crim. L. Criminology & Police Sci. 141 (1964)
[303] "The Story of Scotland Yard" Sir Basil Thompson 1936: page 73
[304] "A new Study of Police History" Charles Reith 1956: 287–288
[305] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf

Police corruption had been a glaring defect under the old police system. Every effort was made to avoid it in the new. Precautions were taken against possible charges of corruption as Christmas approached. Orders for December 21, 1829 directed that:

"The Constables are not...to ask for a Christmas Box from any of the inhabitants upon their beats; if any money is offered to them...they must report the circumstances to their superior officer." [306]

Peel was proud of what had been accomplished, and wrote to his wife in October 1829:

"1 have been again busy all the morning about my Police. I think it is going very well, the men look smart, and a strong contrast to the old watchmen.

The magnitude of Peel's accomplishment, and the absence of crime will be considered the best proof of the efficiency of the Police. ... [the constable] must be particularly cautious not to interfere idly or unnecessarily.... He must remember that there is no quality more indispensable to a police officer than a perfect command of temper, never suffering himself to be moved.. by any language or threats...; if he do his duty in a quiet and determined manner, such conduct will probably induce well disposed bystanders to assist him... ."[307]

The Receiver and costs

The headquarters of the new organisation was to be in Whitehall Place at the centre of government and had a back-entry in through Scotland Yard, which was generally used by the police. Scotland Yard soon gave the popular name to the whole building.

The position of Receiver as the head of all the administration and finance and the senior non-police employee a role that continued into modern times, was critical. Peel successfully fought to keep the appointment from political patronage and John Wray was appointed. The Home Secretary described the importance of the office of Receiver:

The success of the bill turns on the office of Receiver. The Receiver will have to fight the battle with all parishes to collect the rates from each of them. He will have the whole police property, watch houses, watch boxes, arms, etc., vested in him, and the making of all legal contracts for the purchase of land and buildings. [308] [309]

Opposition to the new police rate, the tax imposed by the Police Act of 1829, proved to be more extensive than anticipated. Peel had expressed concerns over the cost of

[306] J. L. Lyman, The Met Police Act of 1829, 55 J. Crim. L. Criminology & Police Sci. 141 (1964)
[307] J. L. Lyman, The Met Police Act of 1829, 55 J. Crim. L. Criminology & Police Sci. 141 (1964)
[308] "The police of London: The early history of the Metropolitan Police, 1829-1856" Sopenoff, R. (1978). Unpublished doctoral dissertation, Temple University
[309] https://www.iletsbeiforumjournal.com/images/Issues/FreeIssues/ILEEF%202008-8.5.pdf Dr Joseph F. King

his new force and had related these concerns to the force's administration. Wray was famous for his review and oversight of any contract that the force would enter into. Despite the austerities of Mr. Wray's administration, the opposition to the new rate continued for several years. One parish clerk wrote,

Time and experience only serves to confirm the Inhabitants of this parish in their original conviction of the vast superiority of the former system of watch although the present System has increased the burdens of the parish £1,200 per year . . . so universal and deep is the feeling . . . against the Metropolitan Police Force that the Parochial authorities have determined to adopt every constitutional means within their reach to obtain removal and to restore the ancient and more efficient economical and constitutional system of watch under the Management of the local authorities. [310]

The situation that was created forced a series of compromises on the administration. Peel continued to press for economy and efficiency in the new police. He was compelled to allow the parishes to make instalment payments of the new police rate and to allow the borrowing of substantial funds from the Treasury by the new administration. [311]

Opposition to the new force was not limited to finances. A variety of stories were raised against Peel's force. A newspaper reported:

"A coup d'etat was contemplated—it was Sir Robert Peel's intention to place the Duke of Wellington on the throne—English liberty was to give place to military tyranny—under the pretence of providing protection for the people." [312]

Nine principles

The nine principles were set out in the 'General Instructions' issued to every new recruit in the Metropolitan Police from 1829 and were probably written, not by Peel himself, but by the joint commissioners when the organisation was founded. These principles could in February 2017 still be found on the Home Office website:

1. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.
2. To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect.
3. To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.

[310] "The police of London: The early history of the Metropolitan Police, 1829-1856" Sopenoff, R. (1978). Unpublished doctoral dissertation, Temple University
[311] https://www.iletsbeiforumjournal.com/images/Issues/FreeIssues/ILEEF%202008-8.5.pdf Dr Joseph F. King
[312] "A history of police in England" Lee, M. (1971) Page 245

4. To recognise always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.
5. To seek and preserve public favour, not by pandering to public opinion, but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing, by ready exercise of courtesy and friendly good humour, and by ready offering of individual sacrifice in protecting and preserving life.
6. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.
7. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.
8. To recognise always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty.
9. To recognise always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.[313]

The historian Charles Reith explained that these nine principles constituted an approach to policing,

"Unique in history and throughout the world, because it derived, not from fear, but almost exclusively from public co-operation with the police, induced by them designedly by behaviour which secures and maintains for them the approval, respect and affection of the public".[314] [315]

The Home Office in 2017 has explained this approach as "the power of the police coming from the common consent of the public, as opposed to the power of the state. It does not mean the consent of an individual. No individual can choose to withdraw his or her consent from the police, or from a law." An individual may, however,

[313] https://www.gov.uk/government/publications/policing-by-consent/definition-of-policing-by-consent
[314] https://www.gov.uk/government/publications/policing-by-consent/definition-of-policing-by-consent
[315] "New Study of Police History" Charles Reith (1956)

choose to withdraw, or limit, his active co-operation with the police in the face of police actions or policies with which he disagrees. [316]

Police clearly undertook a range of functions of which crime prevention was just one with much of the work about bringing restraint and order to the streets and lanes. "The constable with his "bull's eye" lamp, casting a light on darkness was the personification of reform and progress." [317]

The early establishment of policing principals in the United Kingdom and their adoption by all police forces as they evolved or were formed, then and now, led to the worldwide respect for British policing. These principals however need guarding and reinforcing, as during economic difficulties for short-term gain, it is easy to lose and difficult to recover that much admired and valued cooperation and support of the public. Much has already been lost.

Prevention

Preventing crime was to be undertaken by police officers on patrol in geographic areas known as a beat. Their activity was based on the belief that their presence would deter the commission of crime but the failure in this thinking was that so much crime is not committed in a public space, therefore could never be under the control of a patrolling constable. The fear of being seen as spies and oppressors precluded a significant involvement by the police within the communities in which they worked and so there was little thought given to the gathering of criminal intelligence and targeting persistent offenders. The police role was seen as simple; prevent crime by presence, arrest offenders and take them before a magistrate. Simple. However!

With enormous naivety it was been argued from the start that the new police would prevent crime to such an extent there would be little requirement to detect offenders. Prominent patrols may well stop crime as the constable walks his beat but once passed and the street is clear ….

Prevention was a term easily understood but the early officer soon discovered that prevention and detection may have similar outcomes and for the majority of officers on the ground therefore the difference had little relevance. Prevention can be enhanced by detection, taking criminals out of the equation reduces the number of crimes committed. Favouring prevention over detection evolved from a belief that the uninterrupted presence of uniform police patrols in the streets and thoroughfares would greatly reduce the incidence of crime,

[316] https://www.gov.uk/government/publications/policing-by-consent/definition-of-policing-by-consent
[317] "Crime Policing and Punishment in England 1750-1914" David Taylor page 72

"By making it evident (to disorderly and suspicious persons) that they are known and strictly watched, and that certain detection will follow any attempt to commit the crime."[318]

Investigating crime was an unintended consequence of patrolling when officers on their beats came across crime being committed or just committed, and the need to deal with victims. This was not in the plan! No provision had been made for specialist police officers to investigate crime. Local leadership faced with an undetected murder were soon using the same and therefore proven, intelligent officers mostly inspectors and constables working together. Those with an inclination towards investigation were certainly given opportunities. In London even after the Metropolitan Police was formed Bow Street officers and other police officers attached to courts continued to undertake the more serious investigations, with Union Hall from Southwark active in Surrey both urban and rural where the parish constable system was still in play.

Moving along twenty years the coming together of prevention and detection was by 1851 accepted when the time of the formation of the Surrey Constabulary in 1851 the Commissioner Colonel Rowan recognised that,

"A rural police was rather to prevent crime by detecting offenders than to prevent it by their actual presence in every village."[319]

(The police were also receiving a good press following the Great Exhibition where the police prevented crime to such an extent that there were only eight instances of picking pockets and ten of pilfering, moreover, all the stolen property was recovered. [320] (That is of course recorded crime)

The preventive approach included what today would be called crime prevention, or crime reduction advice to the public to reduce opportunities to offend by placing,

"Difficulties in the way of obtaining the objects of temptation for example by instructing the public to avoid the incautious exposure of property and to resort to expedients such as the use of cheques." [321]

Today with the concepts of prevention and detection conventional wisdom it is unexpected to discover that the great brains of the day had so much difficulty with the concept. Professor Radzinowicz pointed out that most of the early thinkers in the field Blackstone, Adam Smith and Paley were hostile to the idea of a preventive police, in Utilitarian terms, the greatest happiness for the greatest number was unlikely to be advanced by an elaborate system calculated to interfere with individual liberty. [322]

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[318] "The Ascent of the Detective" by Haia Shpayer-Makov Page 13 from Metropolitan Police Instruction Book page 20)
[319] The Times 15 October 1850 page 5 The English Police Clive Emsley Longman 1991 page 43
[320] Quoted "The English Police" Clive Emsley Longman 1991 page 43 notes
[321] "The Ascent of the Detective" by Haia Shpayer-Makov Page 13
[322] "A History of Police in England and Wales"TA Critchley page 45

Beccaria[323] wrote,

"It is better to prevent crimes than to punish them. This is the chief aim of every good system of legislation which is the art of leading men to the greatest possible happiness or to the least possible misery, according to calculation of all the goods and evils of life."[324]

The first hint of a breach with Sir Robert Peel's principle of using uniform police almost exclusively for the prevention of crime is found one year on in September 1830 when a number of Metropolitan Police were put in plain clothes to deal with gangs of thieves and pickpockets who frequented Bartholomew's Fair. (Thieves taken before the court in the City where the Alderman was not pleased and said so therefore no police attended the second day)[325]

The Metropolitan Police took to the streets marching to their posts on Tuesday 29 September 1829, dressed in top hats and tightly buttoned blue tunic with high stiff collar a deliberate attempt to distinguish them from the red-coated soldier. Many were to resign after a few days finding the work disagreeable often dealing with the inhospitable!

On 5 November 1829 Peel wrote to Wellington about the effectiveness of the new force but expressing some concerns about the opposition that his police were meeting.

"I am very glad indeed to hear that you think well of the Police. It has given me from first to last more trouble than anything I ever undertook. But the men are gaining a knowledge of their duties so rapidly that I am very sanguine of the ultimate result.

I want to teach people that liberty does not consist in having your house robbed by organised gangs of thieves, and in leaving the principal streets of London in the nightly possession of drunken women and vagabonds.

The chief danger of the failure of the new system will be, if it is made a job, if gentlemen's servants and so forth are placed in the higher offices. I must frame regulations to guard against this as effectually as I can." [326]

Parishes of London were expected to co-operate accepting the main distinction between the new police and the watch lay in severing local connections including a reduction in local control by magistrates and others of influence. There were no opportunities for people to take part in influencing policing activities or for accountability other than through the home secretary. It has to be said that influential

[323] Early Italian phislosopher/criminologist
[324] "A History of Police in England and Wales" TA Critchley page 46
[325] "The Story of Scotland Yard" Sir Basil Thompson 1936: page 82
[326] http://www.historyhome.co.uk/peel/laworder/police.htm

people were not reluctant about writing to or calling upon senior politicians including the home secretary. [327]

The police soon attracted a nickname. The traditional name "Bobby" and it origins are well known. A less well known nickname was "Jenny Darbies" a corruption of the French Gens d'armes" a traditional symbol to the British of despotism and of the British inability with languages.[328]

Frighteningly given the propensity to drunkenness Metropolitan Police officers were issued with a cutlass based on the naval pattern but despite being trained in their use they were under the threat of disciplinary action if they ever used them. A Police Order of 1832 decreed that:

"The Police Constable is to be given to understand distinctly that the sword is put into his hand merely as a defensive weapon in case his life should be in danger and that he shall not use or even draw it for any less weighty cause; he will be called to account and will most probably be dismissed."[329]

How naïve a statement from the commissioner is that statement. It is easy to see the dilemma. Be beaten or worse lose your job if you draw your cutlass; if you do not draw it does the assailant?

It can be claimed though some will no doubt argue, that the new police had an impact on crime levels. It is a fact that patrolling constables often equal more crime as people see them and report crimes to them. It was estimated that in 1829 there were 20,000 reported crimes in the Metropolitan Police District with approximately 15,000 in 1848 rising to 20,000 again in 1873.[330]

[327] "Policing a Short History" Phillip Rawlings Willan Publishing2002 page 118
[328] "Policing a Short History" Phillip Rawlings Willan Publishing 2002 page 120
[329] Quoted in The Victorian Policeman by Simon Dell A Shire Book 2004 page 14
[330] "The Official Encyclopaedia of Scotland Yard" Fido and Skinner Virgin Books 1999 page 57 Again there was a reduction in 1898 to 18,838, in 1923 15,383. Post war the figures began to escalate significantly.

Chapter 4

1829

Dawn of "The New Police"

Constraints imposed by the rule of law and by oversight

The behaviour of police officers in England and Wales has always been subject to constraints imposed by the rule of law and oversight by non-police officers such as politicians, magistrates, committees of quarter sessions and watch committees. Officers of the new police were and are required, when acting against those who commit offences, to comply with the rule of law and formalised procedures, based on parliamentary regulation or orders and instructions from senior officers. All police officers must enforce laws and regulations without fear or favour, responding in the correct manner no matter whom they are dealing with. These rules, regulations, laws, guidance and constraints were set down for the men in instruction books or general orders, that formed the bases for all training, guidance, discipline and general policing activity.

Professional police officers were initially given no special powers with which to discharge their duties. The spectre of police officers equipped with an array of powers that might be used in an arbitrary manner was thought to be inconsistent with the citizens' exercise of civil and political liberties. Accordingly, the police were initially able to exercise only common law and other limited legislative powers. This emphasised their image as "citizens in uniform"[331] who were 'paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence'. [332] [333]

There are some that argue that the protection of life and property by the police favoured the wealthy. However the poor also suffer from crime, not just limited property crime, but violence and what is now termed anti-social behaviour. Those with very little to lose were still victims. Rural householders were frequently reluctant to leave their homes for fear of theft of what food and clothing they had by trampers whilst they were working in the fields.

It is not surprising when officers were deployed on the streets in ceaseless contact with the public that their role soon extended beyond what could simply be defined as law enforcement. Foot police adopted a range of duties and activities, which were not

[331] Royal Commission on Police Powers and Procedure, 1929
[332] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[333] "A New Study of Police History" Charles Reith, 1956: 288

related to the prevention of crime but were undertaken by officers seeking to support the community. It may also be argued that by being on the street, working a fixed beat and getting to know many people and their condition, it was natural to help those in need. People return favours. Help from the police may well lead to helping the police. Working with the support and cooperation of the people.

The Metropolitan Police was the model for most of subsequent forces and no doubt had a significant influence on the standards practices and procedures of the new Surrey Constabulary. In fact the Surrey instruction book and later standing orders and on into the 1970s with General Orders when published contained much of what was to be found in the Metropolitan Police equivalent. This was an early recognition that the standards set by the Metropolitan Police was acceptable to the influential citizenry across the country who were content to adopt the model locally.

Minimum force

The need to achieve cooperation and support had a number of consequences including police uniform and the weapons they carried, offensive or defensive. The British police have shown a reluctance to carry firearms or other offensive rather than defensive weapons. Lethal weapons were carried but there has always been an uncomfortable response to this from early chief officers and senior politicians. Before the new Police of Peel most of the law enforcement officers carried a cutlass or pistol or both.

Following the Ratcliffe Highway murders in 1811 when the supposed murderer Williams was buried at the cross roads on the Cannon Street Turnpike, the line drawing clearly shows the watchmen with their cutlasses at the ready.[334]

[334] "The Maul and the Pear Tree" PD James and TA Critchley 1971 page 253

Bow Street officers had cutlasses, flintlock pistols and blunderbusses available. They needed them in what were very dangerous times. In 1755 Principal Officer Hind was shot and killed while trying to arrest two highwaymen. [335]

The Bow Street Horse patrol were armed and continued to be until they were disbanded in 1839 having worked for ten years alongside the Metropolitan Police.

The Bow Street Foot Patrol was introduced in 1782 to supplement the London night watch, the parish constables and the existing parish foot patrols. All members had a truncheon and a cutlass and some had pistols. Sixteen parties of five patrolled the metropolis at night and six members were posted to known trouble spots such as outside theatres. The Patrol was also responsible for the protection of royal palaces and a small party remained at Bow Street during the night as a reserve. [336]

List of Appointments

WITH WHICH EACH HORSE PATROL IS FURNISHED.

Head Stall and Chain Rein.
Bridle complete.
Saddle, with Holsters and Flounces,—Girths,—Stirrup-Leathers and Irons,—Sursingle,—Crupper,—Cloak-Pad, and Straps—and Breast-Plate.
Sabre and Belt, ...
Pair of Handcuffs, and Key,
Truncheon, ...
Cloak, ...
Book of Orders in Case, .
Severally marked with Numbers corresponding to that of the Station.
Pistol.
Turnscrew and Worm.
Horse Picker.

List of appointments held by Horse patrols [337]

Union Hall was established to replicate the success of Bow Street and it is very likely that the police officers attached to the court would be armed to the same level as the Bow Street officers. Pistols were ordered, each office ordering its own equipment, which was often different to the neighbour. (Is nothing new?) Union Hall obtained

[335] "Early Police Firearms" sent to Robert Bartlett by Author the late Mike Waldren August 2014
[336] "Early Police Firearms" sent to Robert Bartlett by Author the late Mike Waldren August 2014
[337] "Early Police Firearms" sent to Robert Bartlett by Author the late Mike Waldren August 2014

most of their weapons from a company run by John Utting who was based in the Borough.[338]

There is little doubt that police officers employed by the courts had access to pistols as did their watchmen colleagues. Following the discovery of the second group of murders on the Ratcliffe Highway in 1811 someone sent a message to Shadwell public (police) office and a couple of police officers rushed to the scene. They had been scouring Shadwell parish that very night, carrying cutlasses and pistols, but had been taking supper in a tavern opposite the public office at the moment the murderer broke in.[339]

In 1797 a night foot patrol of 68 men was set up at Bow Street to patrol roads leading to the Metropolis. The captain was armed with a carbine [340] and each of the patrols had two pistols and a cutlass. [341] The Horse Patrols started in 1805 consisted of around 52 patrols and two Conductors. [342] They were well armed with pistols, truncheons and swords, possibly the first to practice the continuum of force! The equipment was charged to the men and deducted from their wages.

There was a foot patrol known clumsily as the Dismounted Horse Patrol formed in 1821 under the auspices of Bow Street with each member being supplied with a pistol and a cutlass and were recognised as being well armed.

List of Appointments

WITH WHICH EACH DISMOUNTED HORSE PATROL IS FURNISHED.

Cutlass and Belt,
Pistol and Case,
Handcuffs, with Key, and Case,
Truncheon,
Book of Orders in Case,

Severally marked with the Number by which the Patrol is designated.

List of appointments Dismounted Horse Patrol[343]

[338] "Those Entrusted with Arms" Frederick Wilkinson Greenhill Books 2002 page105
[339] "The Maul and the Pear Tree. Ratcliffe Highway murders 1811" PD James and TA Critchley p 104
[340] Carabine is a long arm firearm but with a shorter barrel than a rifle or musket
[341] "Those Entrusted with Arms" Frederick Wilkinson Greenhill Books 2002 page 102
[342] Conductor is an unusual rank that was continued in the Royal Army Ordnance Corps as the senior NCOs of the Corp
[343] "Early Police Firearms" paper sent to Robert Bartlett by Author Mike Waldren August 2014

The parish constable was often armed with a pistol or cutlass, as were officers of new small borough forces of the 1830s and 1840s. Armed crime was not a rarity. This practice was most likely undertaken with the consent of a local magistrate or even the magistrate chairman of quarter sessions. There is no doubt that there were many dangerous men about, living on heaths and commons, tramping from one county to another following the fairs. The parish constable, in the post for a year, was inexperienced and exposed to all manner of risks in what could be a very rural area with little chance of immediate support. The competency of many of these pressed men may have limited the issue of either a cutlass or pistol.

Parish of Chesterton

Parish Constable James Beech
Died 4 August 1843
Fatally stabbed with his own cutlass attempting to arrest armed poachers.[344]

There was a desire to dispel the militaristic image of an organised and structured police force which had powers of arrest and detention to be used alongside a raft of regulations and by-laws that would impact on many lives, particularly the poor who spent a great deal of time on the streets. This was reflected in the appearance of the officers and the very limited equipment they carried. The more force used the less likely it was as an organisation to have the support and cooperation of the public without which they would become like an army of occupation. As a result police officers normally only carried a truncheon, which was designed for their personal protection. The lack of offensive weapons with a reliance on the defensive, ensured police used "persuasion, advice and warning" [345] and only if this failed would minimal force be used to constrain and control the suspect.

The 1829 Metropolitan Police Act permitted the commissioners to,

" --- frame such orders and regulations as they shall deem expedient … (including) the description of arms, accoutrements and other necessaries to be furnished to them' but only 'subject to the approbation of one of His Majesty's Principle Secretaries of State."

From the start the issue of arms was to be treated differently for the new police as against how weapons were issued to their predecessors.

It was not straightforward whether to arm the police. From the start the Metropolitan Police were frequently armed, particularly in the more rural parts of the Metropolitan Police District. On formation in 1829 the force purchased 50 pairs of flintlock

[344] http://www.policememorial.org.uk/index.php?page=staffordshire-police
[345] "A New Study of Police History" Charles Reith 1956: 287

pistols.[346] By 1868 a supply of revolvers was kept at police stations throughout London. Following the murder of two Metropolitan Police officers in the early 1880s 4,430 officers out of 6,325 voted in favour of being armed. However the Commissioner decided

"Officers who desire to have them when employed on night duty" could carry a firearm as long as they "could be trusted to use them with discretion."[347]

The Metropolitan Police Commissioner was setting future benchmarks for the New Police, which in time would be adopted across the country. In a Police Order on 9 August 1831 only police issue truncheons are to be carried and a further Order on 8 November 1831,

"Superintendents are to take particular care that constables do not carry pistols about with them, nor in fact, arms of any kind without the express permission of the Commissioners thereto." [348]

There is another order banning the carrying of walking sticks or umbrellas, which of course would make very useful defensive (offensive) weapons. This order was later to be replicated in Surrey.

The reluctance to arm the Metropolitan Police was because it was contrary to Peel's principles of policing: he regarded the police, as the public in uniform not a gendarmerie.[349]

In November 1830 the residents of Tulse Hill in Brixton petitioned for officers in their neighbourhood to be supplied with a sword or cutlass and,

" --- at least one pistol' because 'the men are not sufficiently protected for the fearless discharge of their duty in the dead of night in such a neighbourhood as ours."

Constable Berry had just been, 'barbarously attacked' by two 'ruffians' and they were convinced that he would have been able to safely take them into custody had he been armed.

It was the Home Secretary, Lord Melbourne, who

" -- approved of the proposal that each Police Officer in that district should be provided with a Cutlass for his defence." The officers would have to make do without pistols. [350]

[346] "London's Armed Police" WG Gould and MJ Waldren, (London, Arms and Armour 1986) Page 11
[347] Metropolitan Police Order 30 June 1884
[348] "Those Entrusted with Arms" Frederick Wilkinson Greenhill Books 2002 page 149
[349] http://www.oldpolicecellsmuseum.org.uk/page_id__1173.aspx
[350] Police Firearms Officers Association

There were plans to keep a stock of weapons at Metropolitan police stations and inspectors were issued with small pistols and constables on rural beats were sometimes issued with swords. The Home Secretary approved on 25 November 1829 the issue of cutlasses for officers in North London and the Commissioner in 1832 wrote, “officers on dark and lonely, roads, lanes and commons might be allowed a sword.” The Commissioner reflected that this had been the case with the Bow Street Patrols and even the former watch had been able to patrol with a cutlass. The sword was for protection to be used only when the officer’s life was in danger.

Here is an image from the Illustrated London News from 1867 of Police undergoing sword training at Wellington Barracks in London.

Bristol Constabulary 1877

A report was to be submitted showing the details of officers carrying a sword and their beat. There is also evidence during the Chartist disturbance in the late 1840s that the Metropolitan Police were issued with swords with officers patrolling in pairs, one with the sword the other without. The officer without the sword was to deal with his duties as normal. Once the Chartist panic subsided the swords were returned to the Tower of London.[351]

Some of the subsequent contracts for Metropolitan Police equipment still survive. One dated August 1856 is for the supply of pistols, swords, cutlasses, truncheons and other essentials for the three-year period 1857 to 1859. The cost of 'pistols with swivel ramrods' for inspectors was £2 6s (£2.30) each, for mounted officers they were £1 15s (£1.75) and powder flasks were 5s (25p).[352]

19th Century British Police Cutlass Sword 74cm long overall with a 61cm long curved blade [353]

The first official firearms training was undertaken as few officers would have been familiar with these newfangled 'revolvers' and so on 20 December 1867, a week after the explosion at Clerkenwell prison, Mayne ordered the start of the first ever official police firearms training in the Metropolitan Police. He directed that:

"Five Constables from each [of ten listed divisions] are to parade on Wormwood Scrubbs [sic] at 11 am, 23rd, to be instructed in Revolver Drill under Inspector Nightingale (A). Each man is to carry his revolver and 10 rounds of ammunition with him."

The newly formed police for Guildford nearly had an early tragedy when officers of that small force were violently attacked by armed criminals. The constables were not

[351] "Those Entrusted with Arms" Frederick Wilkinson Greenhill Books 2002 page 151
[352] "Early Police Firearms" paper sent to Robert Bartlett by Author the late Mike Waldren August 2014
[353] www.hobbyswoodmilitaria.co.uk

armed possibly because the Home Office had decided in a letter to the chairman of the Quarter Sessions in Shropshire following a seeking of authority from the chief constable in February 1840 that the Home Secretary was not prepared to sanction,

" -- the use of such weapons (pistols) by the Petty Constables and recommended for the present that only cutlasses be supplied according to the regulations."

This recommendation however, was not always followed, as there are examples in the late 1840s where officers from the small police forces newly established, carried and used pistols to defend themselves or to reinforce the process of arrest.[354] The following case is an example of the dangers of not being armed:

1840 Peasmarsh, Guildford – arrest of two footpads: The crime involved a respectable farmer Chalcraft from Godalming. An examination was undertaken at Guildford gaol where it was recorded that Mr Chalcraft was riding home between 8 and 9 from Guildford market when three men attacked him grabbing his horse and pulling him to the ground all three pointing pistols at his head. The men rifled his pockets and decamped. Chalcraft recovered his horse and rode to Guildford where he reported to three constables Burt, Seebrook and Mandeville who immediately took off in pursuit. They had no success but on returning to the town came across a man answering the description of one of the robbers. Two others soon joined this man and all three were told they had to accompany the constables.

They walked with the constables until one declared he would be damned if he would go any further drawing a pistol and presenting it at Burt but before he could fire Burt hit him with his staff. The others then drew their pistols and a violent struggle took place with two being secured the third running away dropping a bundle which was later found to contain three smocks similar to those worn by the robbers. They were taken to the cage and searched and two pistols loaded with ball were found upon them as well as a powder flask and eighteen bullets. On one was found two £10 notes of the Guildford Bank and some gold and silver. Mr Chalcraft identified the notes as being those taken from him. Mr Chalcraft asked to see one of the men in a recovered smock and the magistrate asked that he do so but he refused and a struggle ensued to get it on him but he offered desperate resistance taking six men to get it on him. When this was achieved Mr Chalcraft identified the man as one of the robbers. The men were committed. The men were wanted for similar offences at fairs and markets.

Armed robbers transported to Van Dieman's Land

At the trial of the robbers the police officers gave their evidence. As they were being taken to the station house, one of the accused, Samuel Edwards, told the constable he would go no further, so the policeman seized him by the collar. A fellow constable grabbed the accused John Summerfield who then drew a pistol and put it to the policeman's head. Edwards then put his hand in his pocket, as if to reach for a gun,

[354] "Those Entrusted with Arms" Frederick Wilkinson Greenhill Books 2002 page 164

upon which Constable Burt stuck him on the head with his staff. The policemen called for help, during which time the third man made his escape. At the station they found Edward's pistol loaded with powder and ball, as well as the stolen money on the men. [355] The men were convicted and transported to what is now Tasmania.

There are many tales of Biddlecombe in his capacity as a thief taker but no trace has been found of his having been armed with a pistol or cutlass. In 1845 Biddlecombe along with what the newspaper called "assistants" undertook a chase of a team of notorious burglars from Sussex. These assistants were armed which probably meant they carried pistols. The report:

The hunt for the so called Sussex burglars caused considerable excitement in Lewes particularly when news broke on the 12 March of their arrest in Hampshire by Biddlecombe. Described in the newspapers as "this active officer's[356] exertions led to the arrests." The newspapers reported:

The head constable [357] Mr Biddlecombe for four days rode about the country accompanied by two armed and mounted assistants, sometimes hearing of the men and sometimes losing all trace of them.

Fortunately for Mr Biddlecombe this time took the right direction for on proceeding about 12 miles on the road to Alton he found he found that the soi-disant [358] smugglers were only about three hours ahead of him. Biddlecombe at once called in his assistants whom he had from time to time during the pursuit despatched by different roads always fixing some central point as a rendezvous. All three set out in hot pursuit for Alton. At a village called North Wanborough the joyful information was obtained that the long sought for party was only about half an hour in advance. On the pursuers sped and speedily caught sight of the three men near a public house known as the Golden Pot about three miles from Alton. The chief constable now cautioned his assistants to keep the men closely in view and determined when turning of the high road himself, and by taking a circuitous route, getting before the burglars, leaving instructions with his two men to close up upon them, as soon as they saw him advancing in the opposite direction. This movement was quickly effected and by this stratagem the burglars were safely apprehended.

They were all three armed with long knives and had they had been aware of the charges against them or the mission of the officer they would doubtless of used them to the danger of him and his assistants. They had no firearms in their possession. The chief constable at once procured a vehicle and conveyed his prisoners to Godalming where they arrived with them late Friday evening. [359]

[355] The Standard newspaper of Tuesday, May 26, 1840
[356] Over the years a term frequently used to describe him
[357] Godalming Police
[358] Self-styled; so-called
[359] The Morning Chronicle Wednesday March 12 1845 – abridged from the Surrey Advertiser

The Home Office was to decide in May 1848 that their rules allowed,

"A small cutlass may be supplied to any constable whose beat is so situated that in the opinion of two Justices of the County it is necessary for his protection in the performance of his duty. The cutlass to be worn at night only or at times when rioting or serious public disturbances has actually taken place or is apprehended, or upon any sudden emergency when orders have been given by the Chief Constable that one or more constables shall be so armed."

In 1850 reported on August 9 there was a murderous attack by members of the Isaac's gang on PC Pocock a most "active and vigilant officer" one of only a dozen policemen of the East Sussex Constabulary. He had apprehended two men near Copthorne on suspicion of Burglary at Haywards Heath, taking possession of a cart with property from the burglary. Having kept the men at the lock up in Turner's Hill over night he started the next morning for Cuckfield with the prisoners handcuffed together. The parish constable from Worth, Mr Stanbridge accompanied him. After a short distance the prisoners attacked Pocock and were joined by a third person who had been waiting by the side of the road and who knocked the officer to the ground. Pocock put up quite a fight using his staff but was overwhelmed. The parish constable made off crying murder with all his might. Recovering slightly Pocock drew a pistol from his pocket and fired at one of the men but again he was overwhelmed struck down and had his pockets rifled. The officer fell into unconsciousness and the men made off into the forest. [360]

During the investigation and arrests of members of the Isaacs's gang in 1850 and 1851 there is evidence that the small town police superintendent of Tunbridge Wells and a constable were armed:

On the return of Morten and Dadson from Lewes on Friday 17th where they had been to fetch the other nine prisoners for examination they received a telegraphic message to the effect that a man answering Brooks description had been seen between Woking and Chertsey having taken the precaution to attire themselves in the garb of gypsies, they started at once by train to Guildford and after some enquiries proceeded to Woking where they made an active search in all the low beer-houses in the neighbourhood.

This proved ineffectual and then they began a minute investigation of all the out buildings in the district where there was the remotest chance of the ruffian being concealed. Lodges, barns stables and piggeries underwent the closest scrutiny and at last their efforts were attended with success they deserved. They came to the barn already mentioned at seven o'clock and during the examination of it they perceived by way of a light that a piece of board had been pulled from the side of the barn causing an aperture sufficiently large for a man to creep through. They made the hole

[360] 1850 August 9 Sussex Morning Chronicle

larger and both entered made a search and the prisoner found under some straw. Each officer had a loaded pistol, which they presented to him with the intimation that an offer of resistance would result in his death.

Again the Isaacs's gang were involved when on,

"Monday morning the officers proceeded to Lewes with their prisoners, Smiths, Hamilton, Hillyer, Carter, Brooks, Oliver and Morgan. During the first part of the journey the fellows behaved very quietly, but the van in which they were conveyed scarcely passed Crowborough before they became extremely violent and most grossly insulted everyone they passed declaring they expected a rescue. Upon remonstrating with them upon such behaviour Brooks who appears to be a most unmitigated ruffian, raised his heavily ironed hands, knocked of the hat of Dadson and entreated the other prisoners to throw themselves out of the vehicle. Hillyer immediately dashed his handcuffs against the side of the van apparently with the intention of snapping them but not succeeding in that he attempted to throw himself in the road.

By this time the officers seeing how the case stood became most determined in their manner and having presented their firearms threatened to shoot the first man that moved which had the effect of quietening them. Before their arrival at Uckfield the prisoners raised such an intolerable noise by hooting and yelling that a horse that was being led by a boy took fright and started away at a most terrific rate - what becomes of it we have not heard."

Police working in Guildford during the Guy riots were issued with cutlasses when the disorder was particularly threatening. Magistrates made repeated attempts to suppress the Guys. In the 1850s, when the police tried to prevent rioting, the Guys blew horns to summon reinforcements. The year 1863 saw two riots, when the Guys took to the streets not just on Bonfire Night but also on March 10, to celebrate the Prince of Wales's wedding day. On Bonfire Night, the Guys attacked a local magistrate's house, and demolished the whole front wall with hammers and axes. Yet Guildford was becoming increasingly prosperous, and the growing numbers of middle class townsfolk had little sympathy with rioters. In 1863, they elected a new Mayor, P W Jacob, who had promised to break the power of the Guys. Jacob brought in more police to confront the rioters. This led to increased rioting.

Special constables were sworn in to relieve the troops in Guildford. Mayor Jacob grouped them into zones placing them in parts of the town where they could easily be summoned if trouble broke out. The Guys arrived two days later. In the violence that ensued they savagely beat up a policeman and Jacob had to intervene by reading the Riot Act. The mayor persuaded the town council to employ nine extra constables, plus a new superintendent. He was John Henry Law and one of the first changes he made was to arm his men with cutlasses.

In 1864 PC Stent was attacked and seriously hurt on Boxing Day a Sunday and the last and most serious of the Guy riots. Four men were sent for trial. County officers assisted the Borough in countering the rioting. This was the last serious disturbance/riot PC Stent was brutally attacked in a determined attempt to murder him. About 14 other officers armed with cutlasses who initially formed a line outside the White Lion rescued him. There was a violent battle during which PCs Davis, Watts, Marshall and West were injured but the police won the day. Three rioters William Nugent, George Stevens and Edwin Reeves were sent to prison for their part in the riot. PC Stent a former Royal Marine Artilleryman recovered from his injuries but did not remain long in the force. Several years later at the age of 61 he was found drowned in the River Wey near his home in Stoughton.

An even bigger riot took place in 1865, when another policeman was almost killed. Jacob's response was to arm the police with cutlasses, and send for a detachment of Lancers, who cleared the streets. This was the last serious riot. When the Guys tried to retake the town, in 1866 and 1868, the cavalry quickly dispersed them. By 1870, according to a report, there was "scarcely a squib" in the whole of Guildford.

In 1829 the Metropolitan Police were sent to their duty

The Metropolitan Police were sent to their duty in 1829 accompanied by detailed instruction from one of their commissioners Sir Richard Mayne. Since 1829 the Metropolitan Police set standards and parameters for police activity across the United Kingdom. However, their role on the streets was well established by watchmen and the police officers attached to the courts in central London. In Surrey in the 1830s the micro market town police forces established the role of policing including intervention in a broad range of the activities undertaken by the public on the streets or on licensed premises. The commissioner’s first instructions to the Metropolitan Police:

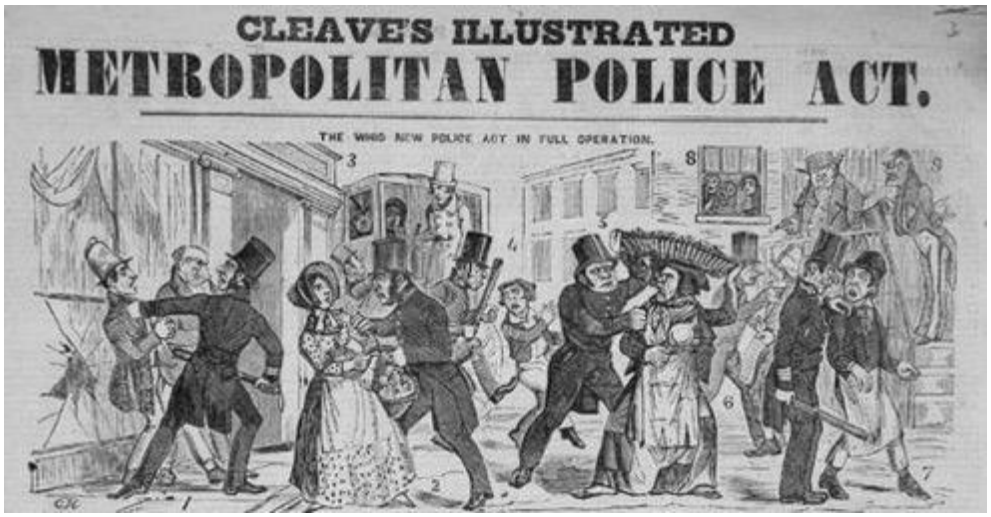
“The primary object of an efficient police is the prevention of crime: the next that of detection and punishment of offenders if crime is committed. To these ends all the efforts of police must be directed. The protection of life and property, the preservation of public tranquillity, and the absence of crime, will alone prove whether those efforts have been successful and whether the objects for which the police were appointed have been attained.

In attaining these objects, much depends on the approval and co-operation of the public, and these have always been determined by the degree of esteem and respect in which the police are held. One of the key principles of modern policing in Britain is that the police seek to work with the community and as part of the community.”

Crime and the protection of life and property were always top of the agenda but so was the maintenance of public tranquillity none of which can be achieved without

intervention mostly on the streets. Having formed a police force what do the so-called revisionist historians believe was to be their practical role and daily activities, what they should do? They certainly would have the time to stand and stare!

Prioritising prevention over detection of crime came from a desire to lessen opposition to the very notion of an organised form of policing. Deterrence was considered more acceptable to the general public[361] and so the first Metropolitan Police Instruction Book downplayed the importance of detection by giving this aspect of police work a subordinate role to prevention. The new police however, soon realised the necessity of crime investigation, their early practical experience on the street demonstrating its inevitability.[362]



[361] "The Ascent of the Detective" by Haia Shpayer-Makov Page 17
[362] "The Ascent of the Detective" by Haia Shpayer-Makov Page 18

Prevention and impact on the population

The concept of prevention being better than detection did not come with Peel. It is described in "A Treatise on the Police of the Metropolis" written by Patrick Colquhoun in 1797, "to the protection of the public against depredation and fraud – and the prevention of crime." [363] There is an understanding from the beginning about the rights of the individual,

"The restraints however proposed in this work is the means of preventing crimes are such as must produce this salutary effect without abridging the privileges of innocence --." [364]

There is frequently a failure amongst academic historians of policing to grasp that the people who suffer most from crime and disorder are those that live amongst it. Not necessarily the rich but the respectable working class were probably keener than any other strata of society for the drunken, crime ridden, poorly behaved lumpenproletariat to be controlled by a police of some description. The introduction of the formalised and more structured police forces from 1829 led to inevitable conflict, often violent, with these lower strata of society. It must also be considered that the police themselves came from the respectable working class and understood the effect poor behaviour had on the quality of life of their extended families and

[363] "A Treatise on the Police of the Metropolis" Patrick Colquhoun 1797 opening page V
[364] "A Treatise on the Police of the Metropolis" Patrick Colquhoun 1797 Page Xiii

friends. The concentration by some historians on the notion that policing was an imposition by the prosperous upon the poor for the benefit of the wealthy is naïve. Crime impacted upon the poor, there being numerous examples of rural crime including where labourer's cottages were burgled whilst they were in the fields. Violence impacted upon the less well off particularly street crime associated with alcohol. The better off were burgled, were robbed but were not alone in wanting "something to be done"!

One of the first constables of the Metropolitan Police

Policing was always more than crime and maintaining the peace and included controlling what today would be referred to as anti-social behaviour. In addition "local authority" functions were included in his 1803 "Treatise on the Functions and Duties of the Constable," Colquhoun established what the expectations of a constable were:

"The High Constable has the superintendence and direction of the petty constables, headboroughs and other peace officers in his hundred or division. It is his duty to take cognisance of and to present, all offences within his hundred or division which lead to the corruption of morals, breaches of the Lord's Day, drunkenness, cursing and swearing. To bring forward sufficient numbers of constables to maintain decency and good order during the execution of malefactors or the punishment of offenders and to attend in person to see that the police officers do their duty. "[365]

The perceived role of the police is explicit. High Constables were:

To summon petty constables to keep order in the Courts of Justice etc.,

[365] "Treatise on the Functions and Duties of the Constable" Colquhoun 1803, page 177 Melville-Lee

With regard to tumult and riot: " to do all in his power to arrest offenders and so to dispose of his constables as to suppress the disorders in question, also give assistance to neighbouring divisions[366]
Present all persons exposing for sale unwholesome meat
To take cognisance of false or deficient weights
Petty constable should perambulate their districts once at least in 24 hours and visit all alehouses once a week "to see that no unlawful games are permitted and that labouring people are not suffered to lounge and tipple until they are intoxicated."
The duty of the petty constable when riots are threatened: "The instant a constable hears of any unlawful assembly, mob or concourse of people likely to produce danger or mischief within or near his constablewick or district (he must) give notice to the nearest Justice and repair instantly to the spot with his long or short stave, and there put himself under the direction of such magistrate or magistrates as may be in attendance."[367]
Constables are to make Hue and Cry after the offenders where a robbery or felony is committed, to call upon the parishioners to assist in the pursuit; and if the criminal be not found in the liberty of the first constable, he is to give notice to the next, and thus continue the pursuit from town to town, and from county to county; and where offenders are not taken, constables are to levy the Tax to satisfy an execution of recovery against a Hundred and pay the same to the Sheriff etc., --. [368]

A significant innovation with the formation of the Metropolitan Police was its centralised control by the commissioners and ultimately the Home Secretary. Much greater weight was placed upon prevention of crime (with detection left to the constables who continued to be employed by the stipendiary magistrates, Bow Street, Union Hall etc.). The impact of the new police should have been to reduce the number of defendants coming to court but there was no reduction. It is a policing fact that greater activity on the beat increases reported crime as officers are approachable and available, and officers soon get sufficient local knowledge to arrest indigenous villains!

Divisions, Beats and the Metropolitan Police District

Divisions

The Metropolitan Police District was broken down into various "divisions". Middlesex being as follows, Westminster, Holborn, Finsbury, Tower, Kensington, Brentford, and a division comprising certain extra-parochial places such, as Grays Inn, Furnivals Inn and Ely Place. [369]

[366] A History of Police in England WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 178
[367] A History of Police in England WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 178
[368] The Churchwardens and Overseers Guide by Ashdowne published about 1830 Melville Lee Kessinger Publishing Rare Reprints page 179
[369] "A History Of Police In England" Melville – Lee 1901

The initial Metropolitan Police District was established over an area of seven [370] [371] miles radius from Charing Cross. Within the next year seventeen police divisions were set up and centred on the following areas:

A - Westminster; B - Chelsea; C - Mayfair and Soho; D - Marylebone; E - Holborn; F - Kensington; G - Kings Cross; H - Stepney; K - West Ham; - Lambeth; M - Southwark; N - Islington; P - Peckham; R - Greenwich; S - Hampstead; T - Hammersmith and V - Wandsworth.

In 1865 three more divisions were created, W - Clapham; X - Willesden and Y - Holloway, and J Division (Bethnal Green) was added in 1886.[372]

The uniqueness of the problems increased the difficulty seeking a solution. The commissioners had to overcome a popular prejudice against organised policing. No delay was allowed the commissioners for careful planning or experiment. Divisions were divided into sections, and sections subdivided into beats: the various ranks of superintendent, inspector, sergeant, and constable were created, and to each rank was assigned duties. By June 1830, the Metropolitan Police consisted of 17 superintendents, 68 inspectors, 323 sergeants, and 2,906 constables, or 3,314 of all ranks for a population of 1.2 million.[373]

The Metropolitan Police was organized in police companies, one company to a division, under the command and direct supervision of its officer, the superintendent. Furthermore, each company was split up into sixteen parties, each party consisting of one sergeant and nine men, four sergeants' parties being equal to one inspectors' party.

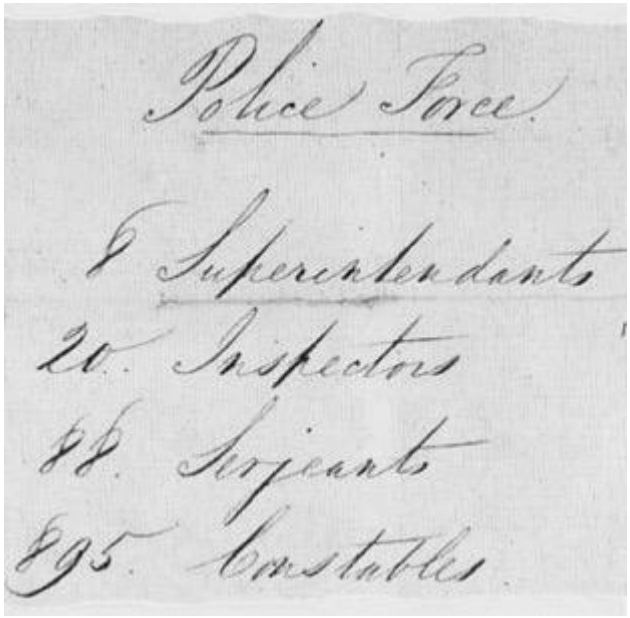
> Constables in charge of Beats wages 19s a week
> Sergeants in charge Sections 22s. 6d a week
> Inspectors in charge Sub-divisions, £100 per annum
> Superintendents in charge Divisions, £200 per annum[374]

Nine men were apportioned to only eight beats; the sixteen spare men, one from each party, constituted a divisional reserve. [375]

The Bow Street Horse Patrol was incorporated into the Metropolitan Police in 1836 and operated in the outlying divisions. The Metropolitan Police also had responsibility for the police of the Royal Dockyards and military stations, Portsmouth,

[370] Different authors also show as 7, 10 and even twelve miles under the 1829 Act, extended under the 1839 Act.
[371] http://212.62.21.14/Article/Historical-organisation-of-the-Met/1400015516489/1400015516489
[372] Maps of the districts and their changing boundaries can be found at the Public Record Office (Kew) under the reference MEPO 15.
[373] "A History Of Police In England" Melville – Lee 1901 page 236 (Believed Published First During Tenure Of Rowan And Mayne)
[374] "A History Of Police In England" Melville – Lee 1901 page 237
[375] "A History Of Police In England" Melville – Lee 1901 page 238

Chatham, Devonport, Pembroke and Woolwich.[376] Attempts to incorporate the City of London police into the Metropolitan Police were unsuccessful has always retained its independence.


Police Force.

2 Superintendants
20. Inspectors
88. Sergeants
895. Constables.

In this letter, signed by Sir Robert Peel, he lays out how many men the Metropolitan Police should have at each rank, and at what rates of pay [377]

Metropolitan Police District

[376] http://content.met.police.uk/Article/Historical-organisation-of-the Met/1400015516489/1400015516489
[377] MEPO2/10768 National Archives

The Metropolitan Police Act 1829 defined the original Metropolitan Police District as an area of about seven miles radius from Charing Cross. Within the next year seventeen police divisions were set up.

This map is part of an illustration within the Reform Bill, and shows the boundaries of some of the Divisions of the Metropolitan Police in 1837 [378]

Metropolitan Police, 1st June 1830 – working a beat

In less than twelve months, in place of the five districts originally taken over practically the whole of London and its suburbs is within the Metropolitan Police District. The District was divided into seventeen divisions, each designated by an appropriate local name, and by a letter of the alphabet. These divisions were then divided into sub-divisions, sections and beats. There were eight sections in a division, and eight beats in a Section. In every division a police station was provided, in as central and convenient position.

From 1839 Metropolitan Police Act, Epsom formed part of V or Wandsworth Division. A police document in the Office for National Statistics shows in V Division, there were six PCs living in a private house in Epsom. A mounted sergeant supervised Morden, North Cheam, Maiden, Ewell and Epsom. He must have spent most of his time in the saddle! It is also noted that magistrates would hear charges in their private houses. Although the document is undated, it presumably refers to a period earlier than 1852 when the police station in Epsom was built in Ashley Rd. Another

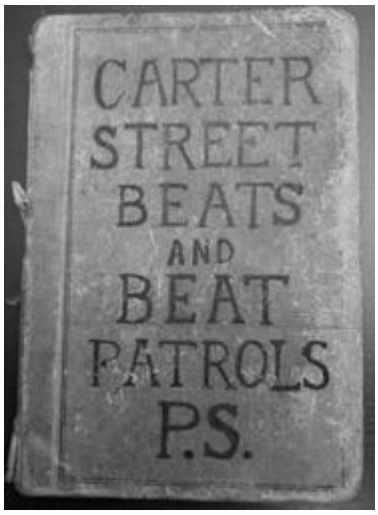
[378] http://farm6.static.flickr.com/5009/5308064005_bc488d2c75_z.jpg

document also undated shows there was a police station or police office in Epsom where charges were taken and six constables were residing in a section house.[379]

Each division had a superintendent in charge with four inspectors and sixteen sergeants. The regulations demanded that recruits should be under thirty-five years of age, well built, at least five feet seven in height, literate and of good character. The minimum age is usually considered to be twenty years but the certificates of service include recruits as young as eighteen. Service before the age of twenty was not considered for pension purposes. [380] [381]

Charles Rowan's principle of beats (adapted from the criss-crossing patrols of the Peninsular War), along with the new military doctrine from Shorncliffe Camp established by General Sir John Moore, that the absence of floggings recorded in a regiment's punishment book implied good rather than poor discipline. This premise could be used to emphasise the concept of preventive policing. A lot different from Peel's Preservation Force he established in Ireland a few years before, which was more a gendarmerie based in barracks.[382] The watchmen had predictable beats where they could be found by those needing help, as no doubt did the Bow Street foot patrol.

The idea of patrol as explained by Edwin Chadwick, a dedicated police reformer was to decrease "the motives to commit crime."[383] People tend to avoid what may cause them pain. The message from the system of patrol to potential violators, they were under constant observation and therefore at considerable risk of being apprehended. Effective prevention depended on publicity.

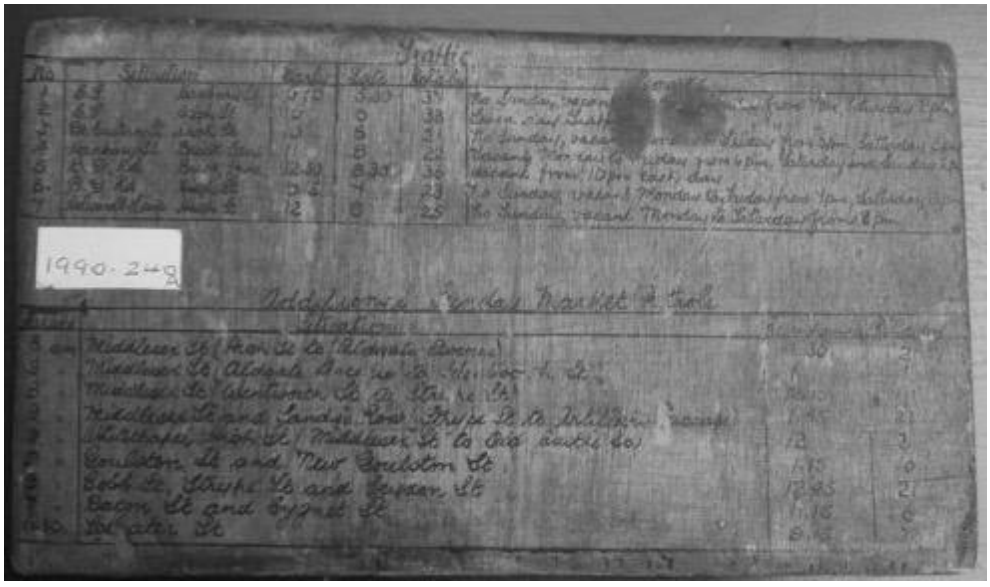


From the Metropolitan Police Collection

[379] http://www.epsomandewellhistoryexplorer.org.uk/PoliceEpsom.html
[380] http://content.met.police.uk/Article/Historical-organisation-of-the Met/1400015516489/1400015516489
[381] MEPO 4/361-477 National Archives
[382] Email from Alan Moss Metropolitan Police historian 2013 to Robert Bartlett
[383] "The Ascent of the Detective" Haia Shpayer-Makov Page14

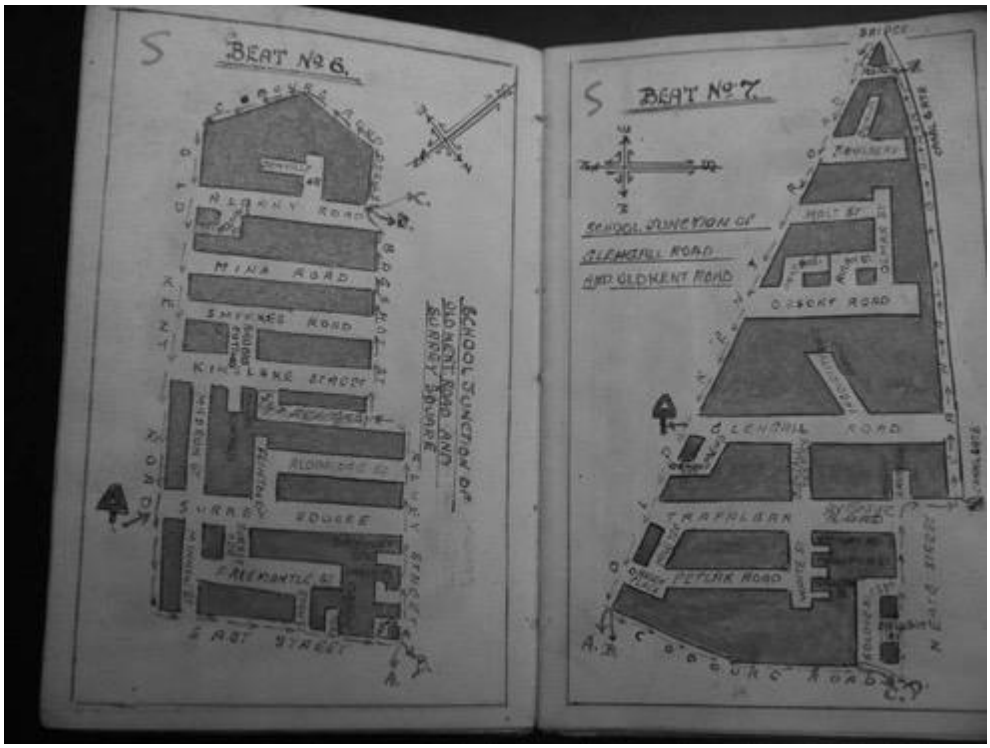
A beat wheel used to calculate distances[384]

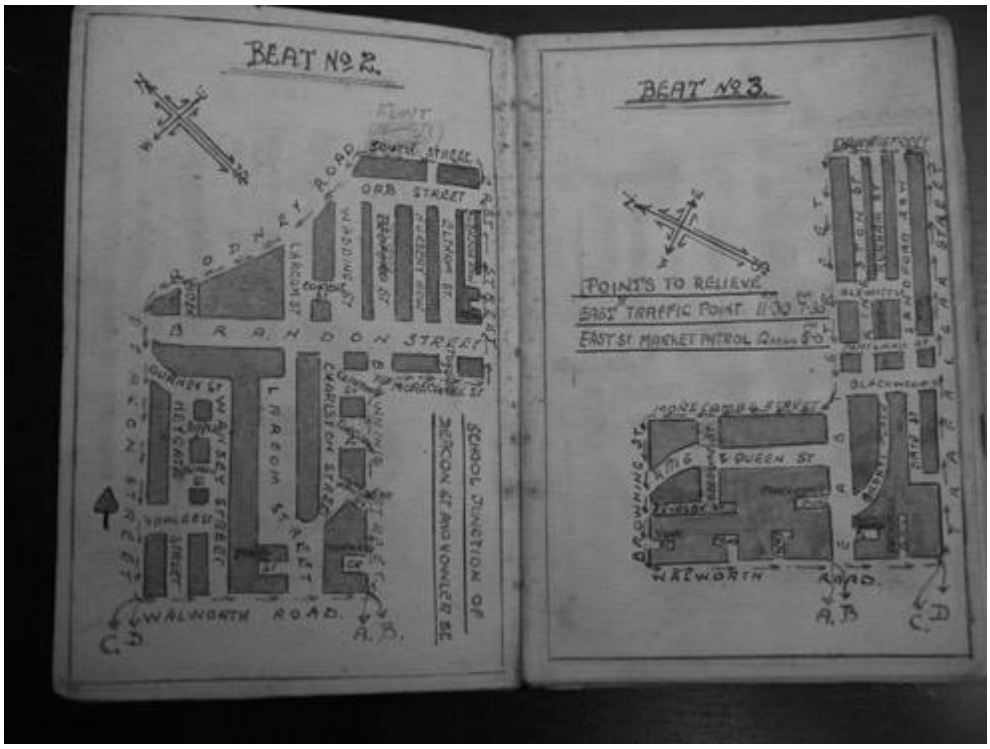
Beats were calculated so that an officer passed by any given spot at 15-minute intervals – and there are some records that show that beats, and lengths of roads to be patrolled, were monitored, obsessively by today's standards. [385]



This beat "book" is inscribed on wood[386]

[384] From the Metropolitan Police Collection
[385] Email from Alan Moss Metropolitan Police historian 2013 to Robert Bartlett
[386] Early beat books from the Metropolitan Police Collection





Early beat books from the Metropolitan Police Collection

Early beat Bow Street from the Metropolitan Police Collection

Complaints - new police cost three times as much

The preventive policies of the New Police probably had a significant impact reducing minor public offences, summary offences such as drunkenness and public disorder, minor crime and assaults, the kinds of offences that were heard before magistrates rather than at the Old Bailey.[387]

In some of the wealthier parishes the number of police officers patrolling the streets immediately after the Metropolitan Police Act was in fact lower than the number of watchman patrolling those same streets before 1829.[388] Complaints were made that crime had risen because there were fewer police officers on the streets than there had been watchmen and this was exacerbated by the removal of officers to police demonstrations something that did not happen under the watch system.[389] (Little changes; this was one of the arguments in favour of the Metropolitan Police District part of Surrey being policed by the Surrey Police – Surrey officers would not go on aid to central London.) Some London parishes chose to supplement the police with

[387] http://www.oldbaileyonline.org/static/Policing.jsp
[388] http://www.oldbaileyonline.org/static/Policing.jsp
[389] Select Committee 1834 report

private watchmen. [390] Criticism was not just from the parish but also from The Times writing that,

"The police were "arbitrary, unconstitutional and extortionate!" [391]

In 1832 Marylebone complained to the Home Secretary that the new police cost three times as much, was less effective than the Watch and that a,

"Force such as this must be incompatible with the liberty of the subject. It differs from Military Police only in the name."

Maybe it was to answer some of these criticisms that by 1833 the government were providing 25% of the cost of the new police.

Expenditure by the Metropolitan Police for 1829/1830

Annual expenditure by the Metropolitan Police for 1829/1830 was £194,126 rising to £437,441 in 1848 and by 1873, £1,118,785. [392]

Statistics at this time are not reliable and should be treated as no more than an indication. Crimes reported within the Metropolitan Police District:

- 1829/30: 20,000
- 1848: 15,000
- 1873: 20,000
- 1898: 18,838 [393]

Police have an impact

The following letter to the Spectator in 2014 puts the impact of policing, amongst other causes/pressures upon crime and disorder in England:

Sir: For a picture of England before 1974, I would recommend Gertrude Himmelfarb's The Demoralisation of Society, which details how rapidly crime rates have risen since Victorian times. She writes: 'In England between 1857 and 1901, the rate of indictable offences (serious offences, not including simple assault, drunkenness, or vagrancy) declined by almost 50 per cent. The absolute numbers are even more graphic: while the population grew from 19 million to 33 million, the number of serious crimes fell from 92,000 to 81,000.

[390] Letter Times 2 October 1830
[391] The Times 2 October 1830
[392] https://en.wikipedia.org/wiki/Metropolitan_Police_Service
[393] https://en.wikipedia.org/wiki/Metropolitan_Police_Service

‘By 1991 the rate was ten times that of 1955 and 40 times that of 1901. In 1955, the anthropologist Geoffrey Gorer remarked upon the extraordinary degree of civility exhibited in England, where “football crowds are as orderly as church meetings”. “[394]

Metropolitan Police Act 1839

In 1839, when Peel was no longer in government, he pointed out that people could not expect the police to keep a constant watch on all houses.[395] [396] This of course was an acceptance that all crime could not be prevented. The realities of policing were beginning to be understood.

The proposed extension of the Metropolitan Police boundaries in 1839 was not met with universal acclaim, if a petition from the Churchwardens and Overseers of the parish of Christchurch a Southwark parish, is to be believed. Particularly as the cost of the "New Police" was double that of the previous Night Constable and Watchmen.

The second Metropolitan Police Act of 1839 relieved the chief magistrate at Bow Street of the direction o the Bow Street Foot Patrol, converted the River Thames force into the Thames Division, absorbed and extended the Metropolitan Police District from ten to a fifteen-mile radius from Charing Cross, increasing its establishment to 4300 men. [397] The Act also abolished the post of constable in the employment of the old magistrates’ offices drawing to a close the Principal Officers of Bow Street, the Surrey police based at Union Hall and the other courts established in 1792. [398] (The use of Charing Cross as the central measure for the Metropolitan Police District and where officers could live was continued into modern times.)

London was to be freed of Bumbledom, and brought under the control of a bureau directed by "able, indefatigable, and intelligent men." [399]

Even after the creation of the Metropolitan Police the role of the victim remained central in identifying offenders, prosecuting them and paying many of the bills. It was only very gradually that the police assumed full responsibility for prosecuting offenders.

Section 5 gave constables of the Metropolitan Police all "powers and privileges of constabulary" in the counties of Berkshire and Buckinghamshire and on the River Thames within or adjoining Middlesex, Surrey, Berkshire, Essex, Kent and the City

[394] Letter Spectator 3 May 2014 Will Orr-Ewing Gertrude Himmelfarb The Demoralisation of Society
[395] Philip Rawlings: Policing a Short History: Page 123
[396] Parliamentary Debates 18.111830 7.12.1839 c575-582 705-6 807-9
[397] Section 2 https://en.wikipedia.org/wiki/Metropolitan_Police_Act_1839
[398] “A History Of Police In England” Melville – Lee 1901
[399] “A History Of Police In England” Melville – Lee 1901

of London (the MPA 1829 had already given them constabulary powers within Middlesex, Surrey, Essex and Kent).[400]

The new Act brought additional powers that were applied to just a part of Surrey. There was the unusual situation that behaviours were only regulated on one side of what was an arbitrary border. For example Epsom was controlled, Leatherhead not.

> A number of activities were to regulated within the Metropolitan Police District:
> Fairs were only to be open during agreed hours.
> Public Houses were to closed on Sundays, Christmas Day and on Good Friday until 1 pm. No alcoholic drink was to be sold to persons under 16 years of age.
> Police were empowered to enter unlicensed theatres.
> Police could enter premises where bear baiting or cockfighting were being carried on, and fine the participants five pounds.
> Police were allowed to enter gaming houses.
> Regulations could be made to prevent the obstruction of parades and processions.

Section 54 of the Act enumerated a long list of "Nuisances by Persons in Thoroughfares" that were now prohibited. Among the outlawed activities, for which the miscreant could be taken into custody and fined, were:

> "Furious Driving"
> Driving carts on the footway
> Selling or distributing "profane, indecent or obscene books, papers, prints, drawings, paintings or representations", or singing any songs or ballads with similar content or using language "to the annoyance of pedestrians or passengers".
> Threatening or abusive behaviour or words
> The blowing of horns (except by guards and postmen of the General Post Office)
> Discharging firearms, setting fireworks or lighting bonfires
> "Wantonly disturbing" persons by ringing doorbells, knocking on doors or unlawfully extinguishing lamps
> Flying kites or playing games to the annoyance of others
> Making slides upon ice or snow to the danger of pedestrians
> The Act also outlawed the use of dog carts, obliged street musicians to move on when asked and allowed the imprisonment of "drunkards guilty of riotous or indecent behaviour".

City of London Police Act 1839

1832 Force is formed and known as London City Police

[400] https://en.wikipedia.org/wiki/Metropolitan_Police_Act_1839

1839 Name changed to City of London Police and post of Commissioner created

Prior to 1839, the responsibility for policing in the City of London was divided, from the medieval period, between a day and a night City Watch, primarily under two Sheriffs. Responsibilities were shared with the Alderman's officers and the Ward Beadles. It was these officers' responsibility for ensuring the Night Watch was maintained. Policing during the day eventually came under the City Patrol, which evolved into the City Day Police, which was modelled on the Metropolitan Police. In 1838, the Day Police and Night Watch were merged into a single organisation. The passing of the City of London Police Act 1839 gave statutory approval to the force as an independent police body, heading off attempts made to merge it with the Metropolitan Police

1840 Headquarters moved from Guildhall to 26 Old Jewry

Contemporary comments on the police

No matter how harsh the life of the policeman could be seen it was still in for many a better way of life than that of the farm labourer or other grim industrial jobs. Career progression and variety were two of the "selling points" that attracted men from the land. It has also to be remembered that a significant proportion of young men worked on farms and that the last major war ended in 1815 so there were not large numbers of fit young men looking for work. Many labourers were therefore tempted by the better terms and prospects of police work, both in the rural and metropolitan forces. In Augustus Jessopp's Norfolk Parish of Scarning,

"thirty-three sons of the soil have enrolled as London policemen in thirty years"; they went he wrote "the very pick of the parish."[401]

Anthony Trollope was critical when he wrote in 1858:

But succouring policemen were no more to come by than goddesses. Where were ye, men, when this savage whip fell about the ears of the poor ex-legislator? In Scotland Yard, sitting dozing on your benches, or talking soft nothings to the housemaids round the corner; for ye were not walking on your beats, nor standing at coign [402] of vantage, to watch the tumults of the day. But had ye been there what could ye have done? Had Sir Richard himself been on the spot Frank Gresham would still, we may say, have had his five shies at the unfortunate one. (Gresham attacked a man outside his club in Pall Mall with a whip!) [403]

Now, my fine fellows, as Secretary of State, I have in behalf of the Whigs, Tories,

[401] "Victorian Village Life "by Neil Phillip Albion1993 page 113
[402] coign of vantage a favourable position for observation or action
[403] "Doctor Thorne" Anthony Trollope page 239 1858

Bishops, and Placemen, Pensioners, Sabbath Protectors, Tax Eaters, Slave Owners, Land Owners, Money Jobbers, and the remainder of the honourable and united body of the Nonproductives and Donothings, to return you their sincere thanks for the vigilant, firm, orderly, forbearing, sensible, discreet, and admirable manner in which you discharge your duties, particularly in these important and dangerous times, when the spirit of that humbug Liberty is now spreading to an alarming degree, and to the danger of all true lovers of non-resistance, passive obedience, and kingly divinity. It is, my friends, the first duties of a good Monarchial Government, to act in direct opposition to the general voice of the people: and as you were enrolled and organized in opposition to the wishes of the public, so must ye be perpetually maintained by them, for it has always been the rule of this Government to say "no," when the people say "yes," and the reverse. Therefore, my lads, you are always justified in breaking the heads of the public when you consider it absolutely necessary for the maintenance of the public peace, not even excepting your own wives and families; for, according to the law, they have no business in your way; besides, my lads, you are aware that the oath of one of ye, however doubtful, as good as the oaths of twenty respectable housekeepers, however doubtless. Therefore, you are always sure of protection from these judicial old women, the Magistrates who receive their advices from the Government as well as their pay and pensions. Now, my lads, I have nothing further to say to ye, in dismissing ye, excepting that ye do for the future obtain as much as possible from supplying the different parishes with children, to the inconvenience to the servant maids, and at the expense of the parishioners; and also I request that you will for the future bring with ye as small a quantity of live stock about your persons as you may find convenient, as well as for the dignity of so highly a respectable body of spies and informers.

Please, Sir, may I go backwards.

Damn the varmint, ever since I've been in the force they have stuck to me as close as my police coat.

I say, you Policeman, get a little farther off.

By Jasus I vish your honor would give us a few throats to cut for we have had enough of breaking heads

Oh! my eye, you do that again now.

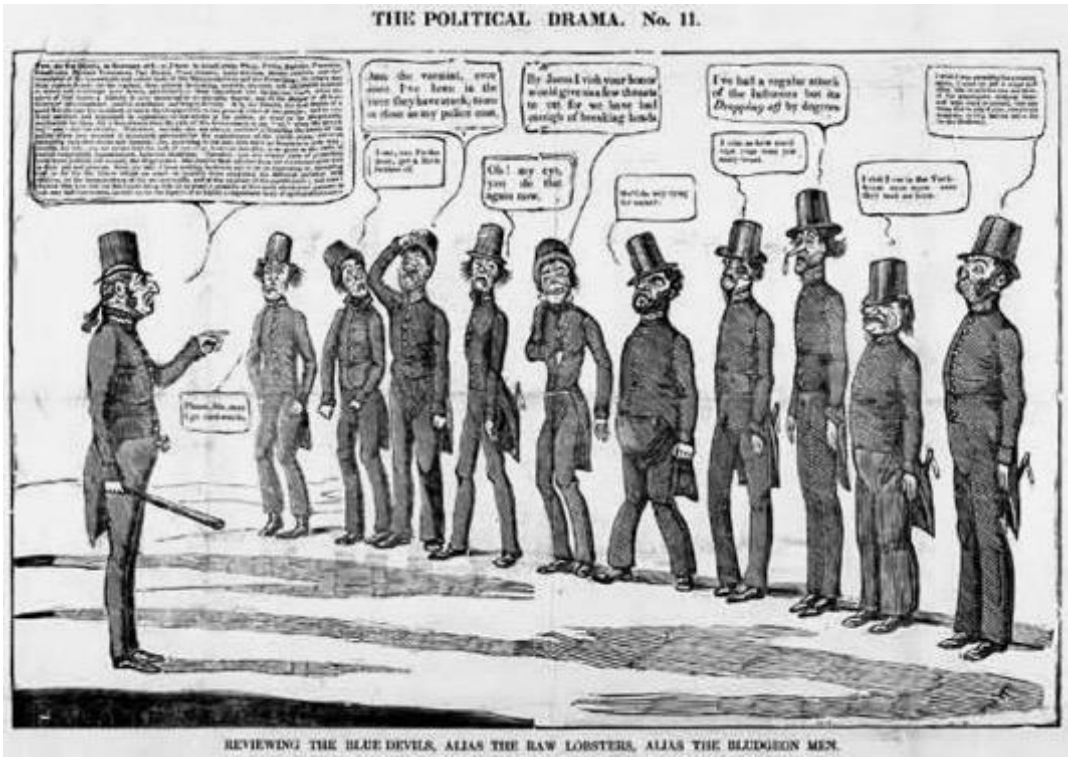
We'll do any thing for money.

I've had a regular attack of the Influenza but its Dropping of by degrees

I vish as how you'd vipe your nose you nasty beast.

I vish I vos in the Vork - House once more vere they took me from.

I wish I was sweeping the crossing again, I used to get a wiper and other bits of articles now and then, of the passengers, without boar- and kept them to myself, but anything that is prig'd now, there's my company crying halves and a fee for my Hofficers.



1833 the cartoon is clearly very hostile to the new police[404]
(As the cartoon reads from left to right, top to bottom)
The Political Drama No.11

Reviewing The Blue Devils, Alias The Raw Lobsters, Alias The Bludgeon Men.[405]

From an early leaflet against the police:

Liberty or death! Britons!! Honest men!!! The Time has at last arrived. We assure you that six thousand cutlasses have been removed from the Tower for the use of Peel's Bloody Gang. These damned Police are now to be armed. Englishmen, will you put up with this? [406]

From a police official:

[404] HO61/9 National Archives
[405] Printed and Published by G. Drake, 12, Houghton Street, Clare Market
[406] http://www.historyhome.co.uk/peel/laworder/police2.htm

I find a general suspicion that your policemen are not paid enough. Three shillings a day for men who can read, to say nothing of understanding and carrying out printed instructions, seems totally inadequate. Every workman has five shillings a day. Can you expect to have harder duties done for about half a common workman's wages?[407]

Punch magazine, 1844.

Policemen's boots are of two sizes only - the too small and the too large. The latter are by far the more numerous; so it is easy to judge a policeman by his boot, which seems about twice as big as anyone else's. These boots, or rather boats, presumably are of leather; but they look as clumsy and as awkward as if they were made of cast iron.[408]

A policeman describing his uniform (1855)

I had to put on a swallowtail coat and a rabbit-skin high top hat covered with leather; a pair of Wellington boots and a belt with a great brass buckle. My hat was slipping all over my head. My boots, which were two sizes too large, were rubbing the skin off my heels.

A Peeler's uniform was designed for the practicalities of the job: the stiff collar prevented the constable from being garroted or strangled from behind. The armband showed that the officer was on duty. Although to begin with, the police wore white, lightweight trousers in the summer, they were soon abandoned. Each constable wore a leather belt to which his truncheon and lantern were attached; he also wore a stovepipe hat, strong enough to protect his head and sturdy enough to stand on so he could see over walls. On ceremonial occasions, the constable wore a Peeler's hangar (sabre) and sheath.[409]

Recruits were seen by the extraordinarily rich politician to be paid enough given the additional perks of the job. Sir Robert Peel:

I have good reason for thinking that one of my police constables, if he is single, can find, out of his pay of a guinea a week:

Lodgings
Medical attention
Very comfortable living standards
Clothing and after all these save ten shillings a week out of his pay

Special Constables Act 1831

Once every free Englishman was compelled to take an active part in maintaining the peace. As long as the Sheriff's posse was available in emergencies no legislation was

[407] http://www.historyhome.co.uk/peel/laworder/police2.htm
[408] http://www.historyhome.co.uk/peel/laworder/police2.htm
[409] http://www.historyhome.co.uk/peel/laworder/police2.htm

required because at Common Law a sufficient force of special constables already existed. However when the existing machinery was incapable of giving effect to it, some new expedient had to be devised to take its place. Special Constables. [410]

The principle associated with the public being the police and the police the public continues through the use of special constables. The 1831 Special Constables Act permitted magistrates to enrol special constables in times of emergency. This Act built upon earlier measures in 1673 and 1820, providing for the temporary (but compulsory) enrolment of citizens to deal with specific emergencies. The 1831 Act retained the element of compulsion but this was abandoned in 1835 when legislation made membership of the special constabulary voluntary. Members of the special constabulary were hardest to recruit in areas where they were most needed. This was a consequence of special constabulary recruitment being concentrated on the middle-classes who were not present in significant numbers in the new industrial areas.[411]

The role of the special constable was defined by statute by specifying his powers. Between the Acts of the 1830s, they authorise,

Two or more justices upon information on oath of any credible witness that tumult, riot or felony has taken place or may be reasonable apprehended such justices being of opinion that the ordinary officers are not sufficient for the preservation of the peace and protection of the inhabitants or property,

Nominate and appoint by precept under their hand so many as they shall think fit of the householders or other persons (not legally exempt from serving the office of Constable) residing in the parish or place or in the neighbourhood, for such time and in such manner as to the same justices shall seem fit,

Shall send notice of such appointment to the Secretary of State and the Lieutenant of the county. **[412]**

Specials may act not only in the parish or place for which appointed but throughout the jurisdiction of the Justices appointing, and on the order of Justices of their own county may act in an adjoining county. Generally speaking Specials have all the powers and are subject to all the responsibilities that ordinarily attach to police constables within their constable-wicks. **[413]**

It is unclear of the role or expectation of what the military pensioners living at Chelsea and Greenwich would contribute at times of disorder. Possibly the Chelsea pensioner of Victorian times was younger and fitter than his modern counterpart! The 1843 Enrolled Pensioners Act provided for the compulsory enrolment of out-pensioners of Chelsea hospital as special constables as a response to public order

[410] "A History of Police in England" WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 276
[411] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[412] "A History of Police in England "WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 277
[413] "A History of Police in England" WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 277

emergencies, and a further Act of 1846 made similar provisions for out-pensioners of Greenwich hospital [414]

Some traces have been found of times when special constables were employed before and during the early days of the Surrey borough and county police forces

"The 1826 Fetcham murders were one of the most significant crimes in the rural county for a number of generations. The whole of Friday many inhabitants of the village volunteered their services in assisting the two officers from Union-hall Police Office in endeavouring to trace out the perpetrators of this bloody deed; and they were on the hunt during the whole of the night about Leatherhead, Epsom and other places for an individual who is strongly suspected to be the murderer, but although he has been seen in the former places only the day before the murder was discovered he was now not to be seen any where, which circumstance adds strongly to the suspicion already entertained against him.

The magistrates ordered some special constables were placed at the door to prevent the populace from entering the cottage." **[415]**

It was the custom then to leave bodies in situ and for the neighbours from far and wide to visit to view the bodies. They were left until the coroner's jury visited and viewed the bodies.

In November 1830 during the Swing riots:

News that a mob was going to assemble at Wotton forced the authorities to organise the local constabulary of parish constables and **special constables** to prevent potential trouble. But there was still tension in the air. Dorking magistrates requested a troop of cavalry to be sent to the town as news of a further meeting of protesters filtered through. On 22 November hundreds of local labourers met outside the Red Lion pub in Dorking High Street. The authorities had staves and pikes put inside the pub just in case the mob turned nasty and 114 **special constables** were sworn in. A local magistrate stood on the steps of the Re Lion and tried to calm the crowd but that ended in failure when a fight broke out. A local JP read the Riot Act, which enabled the authorities to use all measures necessary to keep the peace. (Repealed 1969) The police (not as we now know them) moved in and some cavalry were used to break up the mob. Several arrests were made and they were taken to Guildford gaol where eventually the ringleaders were sent to prison or even transported to Australia.[416]

Again during the Swing riots on 10 December1830 Captain Evelyn Broadwood whose family have extensive Lyne Estates around the Surrey/Sussex border for over a century and a half has a fascinating daybook diary written by his great grandfather. The first entry dated December 10 1830 states,

[414] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[415] 1826 16 October: The Morning Post
[416] 2017 February 2 Dorking and Leatherhead article on the poor law and workhouses

"To prevent a recurrence of the risings of the Peasantry in the neighbourhood for increase of wages, I have this day been down to Capel and at the Crown Inn have as a magistrate sworn in 59 special constables of which 14 were my servants and labourers and 19 from Newdigate Parish." [417]

In 1850 the balance sheet of costs and savings were being prepared to argue the case for the Surrey Constabulary. One of the savings, at least £1800, as there would be a reduced need for the deployment of parish, **special** and private constables

> Savings:
> The conveyance of prisoners £240
> The salaries of several Inspectors of Weights and Measures, whose duties can be performed by the rural police £380
> Superintendents of lock-up houses £80.
> Payments to constables at Coroner's inquests: £74
> Parish, Special and private constables at least £1800 making £2,574. Balance £3710.7s, which will be much reduced after the force has been in operation for a short time

During the 1852 Bonfire Night troubles, several hundred people congregated in Guildford, many armed with bludgeons, their faces blackened. For several hours they rampaged through the streets. Afterwards, two Guildford clergymen wrote to the town council to complain, demanding compensation for damages to their properties, which, they said, were caused by the mob. When the council refused they took the case to the Home Office, which in turn demanded an explanation from the Mayor of Guildford, William Taylor. Guildford was told to put its house in order and stop the riots forthwith. And although the town council was as keen as anyone to rid the streets of the Guys, tackling the problem was going to be a difficult one as there were few policemen. There was a plan to enlist special constables to boost the town's regular force, which in 1851, numbered just three constables and a superintendent. There may have been plenty of volunteers that year, but many failed to turn up for duty when the trouble was about to begin. **[418]**

Following the killing of Inspector Donaldson at Haslemere in 1855 on Saturday, August 11th, the five accused men were brought before the magistrates at Guildford for the preliminary hearing. The prisoners were eventually remanded to the next County Assizes at Kingston. The accused men were not without their own supporters, at least among their fellow railwaymen, and so great was the outcry against some of the witnesses, Mr Bishop in particular, that an escort of **special constables** had to be provided to ensure their safety on the road home. This is a further indication of the very real threat, which the navvies presented to the resident population, and of the very real dread with which the resident population regarded them.

[417] Dorking Advertiser July 24 2014 in Yesteryear column with item from same date 1849
[418] http://st-caths-web.co.uk/?p=11643

1857 December 22: Guildford County Court: Alleged assault by police on **5th November:** William Downes v James William Parr and Gransbury John Bullimer. An action brought to recover the sum of £30 as damages for an assault, alleged to have been committed by the defendants upon the plaintiff during the disturbances in the town on the night of the 5 November. This is a long and detailed report in the newspaper, which will be reduced. Downes was a bricklayer and Parr a superintendent of the Surrey Constabulary. Bullimer is a constable in the Guildford Division. (Believed Surrey Constabulary Ripley obviously on aid). Downes left the Ram public house about nine o'clock and crossed to the Bury Street side of the bridge. He saw a row of policeman standing; Mr Parr was wearing long white frock similar to a countryman's and he had a sou'wester on his head. As Downes got to the centre of the bridge Mr Parr gave the order to clear the road and Mr Parr went up to him, seized him and pressed him close to the railings of the bridge. The other policeman who was behind Downes, struck a severe blow to his face cutting his lip and rendering him nearly senseless. When he recovered his senses Bullimer tried to drag him away.

Under cross-examination Downes was asked, as a local resident was he not aware a serious disturbance was apprehended? He said he was not. Did he know a number of special constables were sworn in? He knew nothing about it. He knew there were only four or five constables attached to Guildford and he recognised there were more than that in the town as they were walking around in pairs. I did not know Mr Parr and I was unaware he was dressed as he was because his uniform had earlier been torn to pieces.

Downes was aware that on a previous 5th November the Riot Act had been read in Guildford. He saw no disturbance, he was not there when stones were thrown at police causing injuries, he did not see the police trying to put a fire out, he did not see people coming towards the fire with railings and gates to keep the fire up. He did not see anyone masked or disguised. (It seems that the county constables may well have been sworn in as special constables for the evening. If that is the case this opens up many issues about normal day-to-day policing between borough and county men). The defence solicitor:

Guildford being a borough the justices have the power of requesting the chief officer of the constabulary for Surrey to afford them a certain number of constables for duty and whom he should show were as the statute required duly sworn to act as special constables. A Guildford magistrate gave evidence that as a serious disturbance was apprehended on the night of 5th November 25 members of the Surrey Constabulary were sworn to act as special constables in the borough on that night. The men including Superintendent Parr were sworn in at about 6pm either on the 4th or 5th before the mayor at the County Police Station. The men were therefore acting in the execution of their duty the only question was, did they use more violence than was necessary? After some legal debate the judge told the jury that he must direct a non-

suit to be entered in this case in as much as the plaintiff was bound to give a month's notice (As a police officer was involved – An Act for amending the laws relative to the appointment of special constables and for the better preservation of the peace for the protection of persons acting under the Act). Costs were awarded. [419]

1863 November 6: Guy Fawkes Day at Guildford: (A report on the 5th before the events of the day) Steps had been taken to prevent the previous years rioting but the "Guys" had resolved not to be deprived of their accustomed bonfire and procession. The mayor had arranged for: fifty Dragoons who came by road and one hundred and fifty men who came by special train from Aldershot, and then marched to their quarters in various public houses in the town.

Upward of one hundred and fifty special constables and two local corps of the Rifle Volunteers the 13th and 24th were ordered to be ready to assist the public peace. The County Constabulary under Superintendent Parr and Mr. Inspector Barker have had supplementary forces to prevent any outbreak beyond the jurisdiction of the borough authorities. Today the town is in a state of great excitement. [420]

1863 special constables were sworn in to relieve the troops in Guildford. Mayor Jacob grouped them into zones placing them in parts of the town where they could easily be summoned if trouble broke out. The Guys arrived two days later. In the violence that ensued they savagely beat up a policeman and Jacob had to intervene by reading the Riot Act. The mayor persuaded the town council to employ nine extra constables, plus a new superintendent. He was John Henry Law and one of the first changes he made was to arm his men with cutlasses.

In 1865 on December 9 the Special Constables of the Godalming Borough Police held their annual dinner on Wednesday evening last at the Horse and Groom, Bridge Street. About 25 persons including some of the tradesmen sat down to a most excellent repast. A most agreeable evening, song, toast and sentiment varied by some capital instrumental music.[421]

1866 November 5 was duly celebrated in Godalming on Monday last. The shops were all closed at an early hour and preparations duly made for any emergency or accident that might arise. There were an unusually large number of squibs discharged in the streets and the proceedings of those connected with them were protracted to a much later hour than usual. The special constables were on duty and with the aid of the police succeeded in preventing any damage or wilful injury in the borough, and that there appeared to do so for the conduct of the mob were in all respects orderly. [422]

[419] 1857 December 22: The Sussex Advertiser, Surrey Gazette
[420] 1863 6 November: The Times
[421] 1865 December 9 Surrey Advertiser
[422] 1866 November 10: Surrey Advertiser

1866 November 10 Surrey Advertiser letter: Send 5th November: last evening was the most disgraceful scene occurred in Send. About 11.30pm a gang of ruffians with their faces blackened and otherwise disguised assembled in front of the New Inn and commenced a bonfire in the middle of the road; when this was burnt out they went to a public house whence they emerged about1.30 this morning powerfully refreshed and commenced another bonfire by tearing up palings, (note: fence made from pointed wooden posts) hurdles (note: normally a temporary fence) etc., (they had twelve of my hurdles). The policeman resides within 100 yards of the place where the bonfire was lighted. The hootings, firing of guns and noises kept the usually quiet village fully awake until 4am. No policeman ever interfered but he promises to interfere next 5 November. On mentioning this disgraceful affair I am informed that other villages are so badly off but if reports speak correctly our policeman is frequently two miles and more away from the centre of his district, having a very large area of ground to travel over. I am sir, your obedient servant, An Inhabitant of Send November 6 1866[423]

Editor: The proceedings referred to by our correspondent are very disreputable but the inhabitants themselves should take precautions against their occurrence, as this is not the first time complaints have been made. The authorities would doubtless swear in special constables if application were made to them. The policeman stationed at Woking cannot expected to be everywhere nor could he be expected to make much "headway" against the "gang of ruffians" referred to had he interfered. The residents in the district should take the matter in hand another year or they may have to regret a greater destruction of property. Such proceedings gather strength by being unchecked.[424]

Accepting the new police

There never was an immediate comprehensive acceptance of the new police nor one day they were unacceptable, the next welcomed! Much would have depended on subtleties of class, occupation, where you lived and how you spent the time you were not at work. Many men working men were heavy drinkers whose idea of a good night out included a fight. In the cities the large numbers of rootless people living in lodging houses and squalor would rely on alcohol to soften their harsh existence. Such activities constantly ran the risk of involvement with the new police who continued the role of their predecessors of maintaining discipline on the streets. Fighting and loud behaviour around licensed premises along with traditional acts of violence and disorder such as the Guy Riots in Surrey or organised football in the streets of Dorking, many people found unacceptable with the police expected to intervene and maintain order. Presence on the street by uniform police officers, working the same beats, getting to know disruptive residents and flash points for misbehaviour would have led to greater intervention in the early days. Persistent and

[423] 1866 November 10: Surrey Advertiser
[424] 1866 November 10: Surrey Advertiser

consistent policing had and has an impact upon crime levels and on drunken and poor behaviour reducing the need to enforce "street discipline". This social control was not however achieved without great difficulty and some loss of life in police forces across the country.

As the police became established their success in combating crime and disorder on the streets was vital in ensuring the cooperation and support and thereby consent to their presence on the streets.[425]

The prevention of crime was the key problem which professional policing was developed to address in the interests of all members of society. However some historians emphasise that the motive for police reform was " the maintenance of order required by the capitalist class" [426] whose control over policing (exercised by local urban elites through the mechanism of the Watch Committee or Quarter Sessions) enabled them to ensure that the attention of the police was directed at all actions that threatened to undermine it – "crime, riot, political dissidence and public morality." [427] Not many county constabulary men spent their working day worrying about these issues!

Police officers were depicted as "domestic missionaries" whose purpose was to alter the behaviour and moral habits of the lower social orders.[428] [429] The control of violence, alcohol and prostitution were moral habits that took place in public and therefore allowed police to become involved. The activities of these so-called lower orders were anathema to those who had to live alongside them! The term "domestic missionary" is unusual but could replace the more modern police boast of being the only true 24-hour social service. If everyone else from the supportive elements of state says "no", the police will be there!

Patrolling to prevent crime, being there on the street when people misbehaved, be it violent behaviour or language, causing fear through their conduct or any other activity that interfered with the King or later the Queen's peace led inevitably to intervention. Consider the alternative to intervention and loss of credibility. Consider when that line is crossed so that a breach of legislation had occurred or was imminent. Was the officer serving the public best by ignoring the behaviour, turning a corner and walking away, stand and watch? Society had moved on from accepting public licentiousness and drunken, violent behaviour on the streets.

Some historians emphasise working-class hostility towards the new system of policing as evidence that the prime role of police work was to enforce discipline over this section of society. It is difficult to oppose this view but it can be said that much would depend on the nature of the area and population being policed. It was the

[425] "British Police and the Democratic Ideal" Charles Reith, 1943: 3; Critchley, 1978: 55–56
[426] "The Politics of the Police" Robert Reiner, 1985: 25
[427] "The Politics of the Police" Robert Reiner 1985: 25
[428] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[429] " The Plague of the Blue Locusts" Robert D Storch, 1976

discipline of the streets where a class of the population exhibited what was for many from all classes unacceptable behaviour and as a result came into conflict with the police. People lived more on the streets. With poor and overcrowded housing evenings or days could best be spent at or near a favourite public house. Other classes of society misbehaved, broke the law, but did not do this in public spaces where the police mainly operated.

The Historian Robert Storch drew attention to widespread opposition to the police in the middle decades of the nineteenth century within industrious working-class communities, which saw them as "unproductive parasites" (men who did not work productively for a living) and viewed their presence as "a plague of blue locusts". [430] A soft option was in the industrial north often referred to as a "Bobbies' Job!" Working-class resentment to the police, arising in part from their intrusions into working-class pastimes and leisure activities, has also been documented in a study of the Black Country. [431] [432] What were these pastimes and activities that the police became involved in? As mentioned above in Surrey these were the Guy riots as in Guildford and across the county, race meetings, Shrove Tuesday street football riots in Dorking. Wholesale damage and violence following drunken excess whilst pursuing traditional localised events? Fighting, maiming and killing having over-indulged in drink was to be countenanced, overlooked or ignored by the police?

First Metropolitan Police constable killed

Early attitude to the police is evident from the death of a constable. On the 28th June 1830 the first Metropolitan Police constable killed on duty was PC Joseph Grantham aged 31. He intervened in a fight between two drunks in Somers Town; during the altercation Grantham was beaten to death including being kicked on the head. At his inquest, the jury returned a verdict of "justifiable homicide", possibly due to dislike of the new police force. Grantham was held to have contributed to his own death by "over-exertion in the discharge of his duty". The general reaction was that PC Grantham got what he asked for and his death was so rapidly forgotten that in most police histories (but not this one) he is forgotten. [433]

Police Constable John Long

There was soon another fatality later that year on the August 16th. A 35 year old Police Constable John Long a former member of the Night Watch, was stabbed on the Gray`s Inn Road in central London. The officer was patrolling his beat when he saw three men behaving suspiciously. He followed them. It is not known what happened next, but in Mecklenburg Square, PC Long probably questioned the men one of whom

[430] "The Plague of the Blue Locusts: Police Reform and Popular Resistance in Northern England, 1840–57" Robert D. Storch and F. Engels
[431] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[432] "Crime and Authority in Victorian England" D. Philips, 1977
[433] http://www.policerollofhonour.org.uk/forces/england/metropolitan/metropolitan_roll_1829-1899.htm

stabbed him in the heart. Inspector John Busalin was appointed to find the murderers and William Sapwell alias John Smith was caught up in the arrests and was eventually tried and on 23 September hung. This crime reveals how unprepared the new police were to investigate crime in any different way from the past. Before the Metropolitan Police or any of the new police forces, local police or watchmen or anyone else could take a suspect before the magistrate for interrogation. The system was that a crime was committed, it was investigated, and any possible suspect was arrested together with witnesses and taken before the magistrates who investigated the crime. The whole system was predicated on monetary rewards, which in notorious cases could stretch to several years pay. Such a system of wholesale arrests with the hope that amongst them someone would be charged and the arresting officer receive the rewards would not endear the police to their public. There remained the need for experience police officers to act as detectives, with scene examination, close questioning of witnesses and when arrests were made, they were based on evidence not just a hunch!

PC Culley

The view of orthodox police historians was that initial opposition to the police culminated in 1833 with the killing of PC during a disturbance at a political rally in Cold Bath Fields, London with the subsequent inquest viewed as an important watermark. Two police officers had been stabbed during this melee; they were Sergeant John Brooks and Constable John Redwood. When they were stabbed they were both trying to wrestle a flag from one of the demonstrators. Constable Robert Culley who just happened to be nearby, suddenly left the scene and staggered into a nearby Public House, with blood pouring from a massive chest wound, he had been viciously stabbed with a large knife. He collapsed and died shortly after entering the public house.

The Coroner's jury who examined the death returned a verdict of 'Justifiable homicide.' The jury reasoned this verdict on the grounds that the crowd had not been ordered to disperse under the terms of 'The Riot Act of 1715.' The other reason was the conduct of the police, who it was alleged were "ferocious and brutal" in dealing with the public. It was also alleged that the police were unprovoked at that time. [434]

There were a number of violent gatherings across the county in the first 50 years of the Surrey Constabulary. What they show is that police intervention was inevitable although a certain class of society objected and wished to carry on their wearisome practices. Intervention was driven not by the chief constables of the county and borough of Guildford although they most likely agreed entirely with the course of action driven by the county elite, shopkeepers and local people of influence.

[434] http://www.oldpolicecellsmuseum.org.uk/page/the_murder_of_police_constable_robert_culley

The Riot at Cold Bath Fields [435] **[436]**

Egham Races

The Surrey Constabulary were late starters on the formation in 1851 by which time the Metropolitan Police had set the ground rules for policing. It was by now accepted that police would attend public events such as race meetings to control crowds and enforce the "ground rules" on spectators. Often undertaken as Special Duties, which meant extra payments to the Surrey Constabulary by the organisers, these events generated all manner of problems on the racetrack and in local towns such as Egham.

The following local newspaper article gives some indication of the pressure on the police to control the general public and to enforce compliance, in this case for safety reasons at Egham racecourse in Surrey in 1856.

"Although never reluctant to censure the police when they deserve blame we are equally ready to justify them when their conduct is such as to warrant our so doing. All persons who have any knowledge of the difficulties of "keeping clear the course" and of discharging other duties as upon the police force engaged upon such occasions must know the labour attended upon carrying out those duties, more particularly just on the eve of the races.

At Ascot the A Division of the London police manage their duties to perfection but then they are picked men and accustomed to such peculiar work. At Egham, Superintendent Biddlecombe and a body of the Surrey Constabulary were engaged and, we believe, not more than half a dozen of the men had previously performed similar duties, consequently such perfect carrying out of their instructions as by men who are fully trained for the work was not to be expected.

On the first day some complaints were made that the course was not well kept, in other words, the police were not sufficiently active in preventing the public from crossing and re-crossing it when a race was about coming off. On the second day a

[435] http://www.oldpolicecellsmuseum.org.uk/page/the_murder_of_police_constable_robert_culley
[436] www.islington.gov.uk

fracas occurred between the police and an offender by the former doing their duty. A person in running across the course having evaded snatches by one or two policemen was at last caught fast by one of the force just as he had crossed and managed to dart under the ropes. Here there was a scuffle, the man got on his legs, one of the police was struck twice, other police went to his assistance, the offender received a blow from the policeman's truncheon and in endeavouring to pull him into the course to escort him back from whence he came he fell over the ropes, whereupon there was a great cry of "Shame" against the police. But the man was eventually taken back to the side from whence he started to convince him he had no right to cross, and there he was very pugnacious and evinced a great desire to give Superintendent Biddlecombe a taste of his fistic powers. However more discreet friends that he had on the opposite side prevented him committing a second assault and thus the matter ended.

From these circumstances the turf reporter of the Sunday Times has made the following very unfair attack upon the police: "The only unpleasant incident which occurred to mar the satisfactory character of the proceedings was the brutal violence displayed by the local police who, in certain instances exceeded their duty so shamefully as to excite the indignation of the spectators. On Thursday so brutal attack did they make on an unfortunate fellow who was crossing the course that yells and execrations assailed from all sides and so threatening became the mob that a serious riot seemed inevitable. Had the people taken the law into their own hands and soundly thrashed the "peeler" guilty of the outrage they would have been fully justified.

The slightest opposition to the authority of the police caused truncheons to be used with the most savage ferocity. Armed with their formidable weapons the fellows seemed to forget they were employed to preserve peace and order but they hustled unfortunate wights (sic) most roughly and laid about them right and left. If their duty was to smash heads without distinction they unscrupulously discharged it. The inspectors were much to blame that they did not interfere to restrain the violence of their men."

Our attention was drawn to the remarks last week and we in addition to giving the foregoing description of the affair obtained from an eye witness, in justice to the police, subjoin the following reply to our inquiries from an Egham correspondent:

"I consider the extract from the Sunday Times embodies an unfounded attack upon the police, and abounds also in gross misrepresentation. The police have arduous duties to perform in addition to the prevention and detection of crime, it is indispensible to "clear the course" and to keep it clear for the mutual safety of the jockeys, horses and the public and their instructions upon this point are explicit and peremptory. Some persons are ever too prone to frustrate their efforts by crossing the course at uncertain periods and at irregular intervals after the bell has rung and this unbecoming and dangerous practice having attained its climax at our last meeting a

corresponding effort was made to abate the evil. A "gentleman sportsman" having offended in this particular and having resisted the entreaties of the police to return to the *locus in quo*, accompanied with a blow, this functionary retaliated in self-defence. The mob, resentful of interference, sympathised with the culprit, who received the chastisement, which his own foolish conduct provoked and they hooted accordingly. . There was not the slightest ground for apprehending a riot, in fine, (sic) the committee feel the police acted throughout with commendable forbearance, which would be politic upon all occasions in the public to reciprocate." [437]

Not a great deal changes; journalists, inaccurate and sensationalised reporting always prepared to exaggerate the activities of the police with little balance with details of the ill-disciplined behaviour of the public. However, this report from the races, regular events, indicates from the start the police were placed in positions of confrontation to maintain safety and order. It also shows the inexperience of the Surrey Constabulary in dealing with large scale events and how the Metropolitan Police A Division, chosen men who acted as a reserve force, were used at Ascot outside their area but possibly because the Queen was present.

The Guy Riots in Surrey

Was police intervention into the Guys so called celebrations a response to the middle and professional classes trying to stop working class pleasures or were they responding to extremes of behaviour and violence that were no longer acceptable? The Mayor of Guildford and the magistrates at Dorking led both Guys and football interventions

Courts, watch committees and local people required the police to intervene to establish more acceptable public behaviour including a reduction in drunkenness and violence as Victorians became more sensitive about crime and general disorder.

This led to the Surrey Constabulary and the Guildford Borough Police intervening in the time-honoured traditions of the workingman in Surrey. Rioting around bonfire night in November was not confined to the so-called Guys of Guildford as sporadic violence was reported across the county though Guildford was by far the worst example of too much drink and a lack of self-control when part of a masked mob. After generations of young men lighting bonfires in the streets, damaging property to gather fuel, violence and the threat of violence, their behaviour became unacceptable as sensibilities as to what was acceptable changed. There follows some examples of the extraordinary levels of violence and damage that led to the total banning of such activities in the streets. In Surrey eventually Guy riots ceased as more organised events took place where behaviour was modified. A throw back of the "good old

[437] 1856 September 13: Windsor and Eton Express, Berk, Bucks and Middlesex Journal and West Surrey Gazette

days" in modern times is the annual Lewes Guy Fawkes bonfire in East Sussex. Towards the end of the century street football on Shrove Tuesday in Dorking, again a long held tradition overtaken by changing sensibilities and probably increasing excess by the "players".

Every November 5, between 1820 and 1865, Guildford shopkeepers closed their businesses early, barricaded their shop fronts and prepared buckets of water to put out fires. The rioters, who called themselves the "Guys", gathered outside the town early in the morning, wearing outlandish costumes and masks. Carrying clubs studded with hobnails, lighted torches and bundles of wood, they then marched into Guildford like an invading Army. A witness described their chilling "cry": Their cry will never be forgotten by anyone who ever heard it. It was a thrilling, piercing note of peculiar intensity, and was a warning for all peaceable citizens to be on their guard. [438]

For the rioters, Bonfire Night was an opportunity to avenge themselves against fellow citizens who had offended them in any way. Opposite Holy Trinity Church, in Guildford High Street the Guys built a huge bonfire, piling up gates, railings and doors ripped from the houses of their enemies.[439]

Writing in 1912, the folklorist Charlotte Burn described a typical Bonfire Night:

"Fireworks were let off; the rioters danced round the fire, and went up and down the street, insulting those they met, breaking windows, and doing other damage. It is known that many otherwise peaceable citizens took part in the riots, and more than once a disguised rioter found to his horror that some of the woodwork he was helping to destroy came from his own premises." [440]

Magistrates made repeated attempts to suppress the Guys and in 1843 two ringleaders were fined their payments raised by public subscription and a cheering crowd led them from prison. In the 1850s, when the police tried to prevent rioting, the Guys blew horns to summon reinforcements. There were four regular police officers in Guildford Borough Police at this time and no doubt special constables were sworn in to help out. The following year there was a large-scale disturbance between the Guys and police at the bottom of the High Street near the Mount in the centre of Guildford, where heavy fighting took place with casualties on both sides. The police were forced to withdraw to the new county police station in Woodbridge Road. [441]

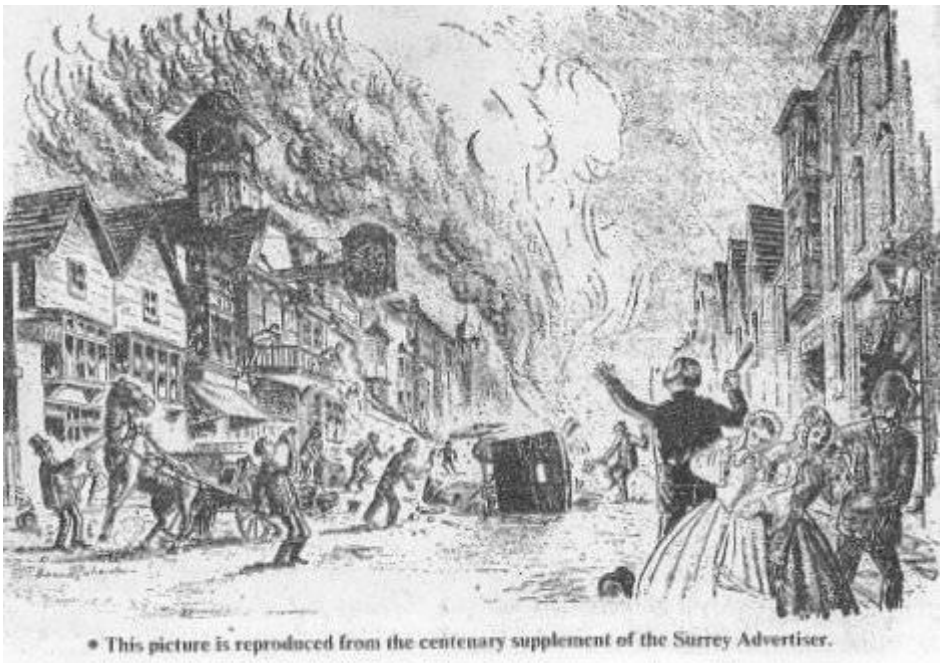
During the 1852 Bonfire Night troubles, several hundred people congregated in the town, many armed with bludgeons, their faces blackened. For several hours they rampaged through the streets. Afterwards, two Guildford clergymen wrote to the town

[438] "Guildford In The Olden Time," GC Williamson, 1904
[439] "Guildford In The Olden Time", GC Williamson, 1904
[440] Folk-Lore, Burne, December 1912 https://en.wikisource.org/wiki/Folk Lore/Volume_23/Guy_Fawkes'_Day
[441] "They Guarded Guildford" by Richard Ford Surrey 1969 internal publication Surrey Constabulary

council to complain, demanding compensation for damages to their properties, which, they said, were caused by the mob. When the council refused they took the case to the Home Office, which in turn demanded an explanation from the Mayor of Guildford, William Taylor. Guildford was told to put its house in order and stop the riots forthwith. And although the town council was as keen as anyone to rid the streets of the Guys, tackling the problem was going to be a difficult one as there were few policemen. There was a plan to enlist special constables to boost the town's regular force of just three constables and a superintendent. There may have been plenty of volunteers that year, but many failed to turn up for duty when the trouble was about to begin. [442]

The wooden racecourse grandstand on Merrow Downs was pulled down in 1854 and burned outside Holy Trinity Church by the Guys. [443]

The 1850s were a bad decade for rioting in Guildford around Guy Fawkes Night. A huge bonfire was lit outside Holy Trinity Church with smaller ones in places such as Star Corner and even on the Town Bridge. The official reading of the Riot Act was the only way to finally disperse the mob. During the 1857 riots the Guys lit a bonfire outside St Nicolas Church. The police charged and were met by a hail of stones. In the mêlée one officer lost an eye. Missiles hit two bystanders and another was flattened by a group of policemen, although he was only trying to get his children out of the danger zone![444]



* This picture is reproduced from the centenary supplement of the Surrey Advertiser.

[442] http://st-caths-web.co.uk/?p=11643
[443] http://news.bbc.co.uk/local/surrey/hi/people_and_places/history/newsid_8308000/8308764.stm
[444] http://st-caths-web.co.uk/?p=11643

It was not just in Guildford that there were serious disturbances. Pity the poor rural officer faced with drunken riotous Guys carrying on "local traditions." There was another riot in the county in 1857 which led to appearances on November 21 before Epsom Magistrates where Charles Poulter the son of a carrier from Great Bookham was charged with assaulting John Reid of the Surrey Constabulary in the execution of his duty at Great Bookham on the 6 November. PC Reid was on duty on the 5th November in Great Bookham at half past twelve when there were 150 people assembled armed with sticks and were throwing fire balls in every direction in the public highway. The officer attempted to take names for the purpose of summoning them but he was attacked with stones and was obliged to retire.

About one o'clock the officer heard the mob were to bring a tar barrel set it on fire and throw it into a faggot stack. Upon hearing this he hid himself under a faggot stack. While he was there about 30 persons came up the road and about ten of them went into the garden close to where the officer was and began pulling a faggot stack to pieces in the adjoining garden. He made an attempt to get over the palings to see who the party were and saw Charles Poulter and went up to him. Poulter struck the officer in the face very hard and used very bad language towards him. The prisoner then put himself into a fighting attitude and called the others present to pitch into the police officer. They all began to throw stones at him and would nearly have killed him had he not taken shelter in a house nearby. After he had got in the house those outside threw stones at the door and nearly broke it to pieces.

Inspector Law told the court that the parish constable had also been very severely assaulted.

Fine of £2 and £1 costs or one month in prison was imposed; the prisoner asked for time to pay but when he refused he with the greatest nonchalance produced a cheque for £20 and asked for the change. He was told get the money or go to prison. [445]

Also at the November 21 Magistrate's Court at Epsom Charles May a witness for the defendant Poulter in the case above and Edward Boswell were charged with assaulting George Cobden of the Surrey Constabulary during the same disturbance at Great Bookham, Boxall pleaded guilty and both were convicted and Boswell fined £1 3s or two week in prison. Both defendants asked for time to pay, which was granted. The men were told by the chairman if they were brought before the bench again upon similar charges they would be sent to prison as the magistrates were determined to put down the dangerous practice of letting off fireworks in the public thoroughfares.[446]

This case before the county or civil court gives a clear explanation of the levels of violence offered to the police and any member of the public that got in the way of the

[445] 1857 Nov 21 The Sussex Express, Surrey Standard Weald of Kent Mail, Hants and County Ad
[446] 1857 Nov21 The Sussex Express, Surrey Standard Weald of Kent Mail, Hants and County Ad

Guys. Following the Guildford riot on 5 November 1857 a case involving police officers as defendants came before the Guildford County Court on December 22. William Downes brought a case against Superintendent James William Parr and PC Gransbury and PC John Bullimer. An action brought to recover the sum of £30 as damages for an assault, alleged to have been committed by the defendants upon the plaintiff during the disturbances in the town on the night of the 5 November. Members of the Surrey Constabulary were involved and had obviously been brought in on aid to the Borough Police.

There is a long and detailed report in the newspaper but simply, Downes was a bricklayer and Parr a superintendent of the Surrey Constabulary. Bullimer is a constable in the Guildford Division. (Believed Surrey Constabulary, Ripley obviously on aid). Downes left the Ram public house about nine o'clock and crossed to the Bury Street side of the bridge. He saw a row of policeman standing; Mr Parr was wearing long white frock similar to a countryman's and he had a sou'wester on his head. As he got to the centre of the bridge Mr Parr gave the order to clear the road and Mr Parr went up to him, sized him and pressed him close to the railings of the bridge. The other policeman who was behind Downes, struck a severe blow to his face cutting his lip and rendering him nearly senseless. When he recovered his senses Bullimer tried to drag him away. Under cross-examination Downes was asked, as a local resident was he not aware a serious disturbance was apprehended? He said he was not. Did he know a number of special constables were sworn in? He knew nothing about it. He knew there were only four or five constables attached to Guildford and he recognised there were more than that in the town as they were walking around in pairs. He did not know Mr Parr and I was unaware he was dressed as he was because his uniform had earlier been torn to pieces.

Downes was aware that on a previous 5th November the Riot Act had been read in Guildford. He saw no disturbance, he was not there when stones were thrown at police causing injuries, he did not see the police trying to put a fire out, he did not see people coming towards the fire with railings and gates to keep the fire up. He did not see anyone masked or disguised. (It seems that the county constables may well have been sworn in as special constables for the evening. If that is the case this opens up many issues about normal day-to-day policing between borough and county men).

The defence solicitor: Guildford being a borough the justices have the power of requesting the chief officer of the constabulary for Surrey to afford them a certain number of constables for duty and whom he should show were as the statute required duly sworn to act as Special Constables.

A Guildford magistrate gave evidence that as a serious disturbance was apprehended on the night of 5th November 25 members of the Surrey Constabulary were sworn to act as special constables in the borough on that night. The men including Superintendent Parr were sworn in at about 6pm either on the 4th or 5th before the

mayor at the County Police Station. The men were therefore acting in the execution of their duty the only question was, did they use more violence than was necessary? After some legal debate the judge told the jury that he must direct a non-suit to be entered in this case in as much as the plaintiff was bound to give a month's notice as a police officer was involved. Costs were awarded. [447]

Nothing was resolved and on into the 1860s the situation did not improve. Although many people feared for their own safety and their property, it was as if, on the whole, the town encouraged Bonfire Night and all its traditions. The crowd cheered the 45 Guys who made their appearance in 1860. They wore a multitude of disguises and some were armed. One wore a helmet-shaped white hat with horns; another wore a sugar-loaf hat made of tin foil. A simple black mask covered the face of another, while one Guy's mask consisted of tufts of wool. One even dressed as a woman! The Surrey Times newspaper estimated that there were 1,000 spectators who watched the bonfires while suffering the indignities of Guys rushing up to them and demanding money. The event continued until 2am when a lighted tar barrel was kicked around the High Street.[448]

The year 1863 saw two riots, when the Guys took to the streets not just on Bonfire Night but also on March 10, to celebrate the Prince of Wales' wedding day. On Bonfire Night, the Guys attacked a local magistrate's house, and demolished the whole front wall with hammers and axes. Yet Guildford was becoming increasingly prosperous, and the growing numbers of middle class townsfolk had little sympathy with rioters. During the evening of March 10, 1863, when the town, like the rest of the country was celebrating the marriage of the Prince of Wales to Princess Alexandra, a gang of Guys lit a bonfire outside Holy Trinity Church and smashed the windows of a house in the town. The news of this unprovoked event and that of a drunken riot at St Catherine's Fair in October, when about 30 people were injured, spread further afield. The Times newspaper printed a savage attack on Guildford.

A letter to the Times regarding the Guildford Riots from "Once a Special" ---- insist upon means for putting down with a strong hand these disgraceful riots and inflicting heavy punishment on the savages concerned."[449]

The mayor was advised in 1863, to bring in troops from Aldershot to prevent that year's November 5th celebrations dragging the town down further. Under the command of Lt Col Grey, 150 men of the 37th Foot, and 50 men of the 1st Royal Dragoons, were dispatched. It seemed to do the trick and the Guys soon dispersed.

" The newly elected Mayor, P W Jacob, in 1863 had promised to break the power of the Guys. Jacob brought in more police to confront the rioters. Steps were taken to

[447] 1857 December 22: The Sussex Advertiser, Surrey Gazette
[448] http://st-caths-web.co.uk/?p=11643
[449] 1863 3 October: The Times:

prevent the previous years rioting but the "Guys" had resolved not to be deprived of their accustomed bonfire and procession. The mayor arranged for: fifty Dragoons who came by road and one hundred and fifty men who came by special train from Aldershot, and then marched to their quarters in various public houses in the town. Upward of one hundred and fifty special constables and two local corps of the Rifle Volunteers the 13th and 24th were ordered to be ready to assist the public peace. The County Constabulary under Superintendent Parr and Mr. Inspector Barker have had supplementary forces to prevent any outbreak beyond the jurisdiction of the borough authorities. Today the town is in a state of great excitement." [450]

Special constables were sworn in to relieve the troops. Mayor Jacob grouped them into zones placing them in parts of the town where they could easily be summoned if trouble broke out. The Guys arrived two days later. In the violence that ensued they savagely beat up a policeman and Jacob had to intervene by reading the Riot Act.

As a result of the latest disturbances the mayor persuaded the town council to employ nine extra constables and a new superintendent. He was John Henry Law and one of the first changes he made was to arm his men with cutlasses.

The attempts at stopping the riots led to increased rioting with an even bigger riot in 1865, when a policeman was almost killed. PC William Sutton of the Guildford Borough Police was standing at Tunsgate close to the police station when approached by three or four men in disguise who knocked him down. He got up and endeavoured to defend himself with his staff but was knocked down again and struck on the body and head. "I heard one of the men say "Murder the ---". He then became insensible and remembered no more." PC James Marshall found three bludgeons, formidable weapons, spokes from a cartwheel weighted at one end.[451]

Jacob's response was to arm the police with cutlasses, and send for a detachment of Lancers, who cleared the streets. This was the last serious riot. When the Guys tried to retake the town, in 1866 and 1868, the cavalry quickly dispersed them. By 1870, according to a report, there was "scarcely a squib" in the whole of Guildford.

The county constabulary whilst trying to keep some semblance of peace in the east of the county were faced with similar problems at Reigate. In 1864 on following disturbances on November 5 the Superintendent was authorised to buy a new hat to replace the one damaged on the night.

[450] 1863 6 November: The Times
[451] 1863 29 December: The Times

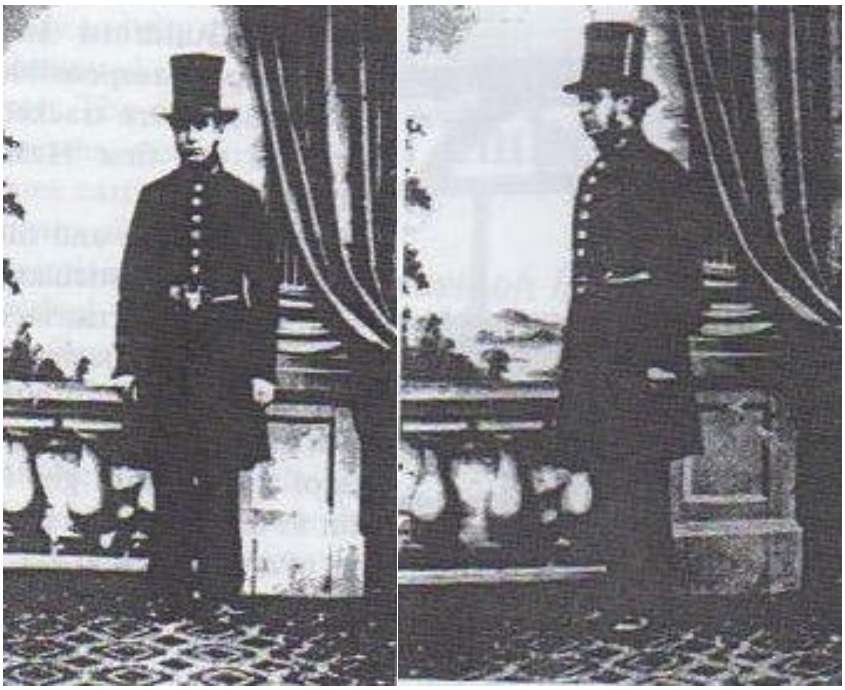
A Policeman faces Rioters

A brave policeman faces the rioters[452]

John Henry Law

[452] Picture from 'The Guildford Guy Riots' by Gavin Morgan

On bonfire night 1864 about twenty Guys entered the town and attacked PC Stent. He ran up the High Street but they gave chase, knocked him to the ground and savagely beat him with sticks and clubs. County officers assisted the Borough in countering the rioting and as more officers arrived further fighting took place. About fourteen officers armed with cutlasses who initially formed a line outside the White Lion rescued Stent. There was a violent battle during which PCs Davis, Watts, Marshall and West were injured but the police won the day. Three rioters William Nugent, George Stevens and Edwin Reeves were sent to prison for three months for their part in the riot. PC Stent a former Royal Marine Artilleryman recovered from his injuries but did not remain long in the force. Several years later at the age of 61 he was found drowned in the River Wey near his home in Stoughton.[453]



PC Davis and PC Sutton Guildford Borough Police

[453] 1864 December 20 Sussex Advertiser Surrey Gazette

PC Titley Guildford Borough Police

The attack on PC Stent came before Guildford Police Court on December 26 1865. PC Stent was on duty at 8.20 pm on the bridge at the lower end of the town when "I saw fifteen or twenty men disguised, with bludgeons approaching. They saw me and shouted, "That's he" and pelted me with stones, some of which struck me. I made up the High Street as fast as I could and they rushed after me still pelting me with stones. The prisoner Rowe rushed in front of the others and struck me two violent blows on the head with a bludgeon knocking me down. The remainder of the band then rushed me and beat me with their bludgeons. I heard one shout "Murder the ----."" PC Castleman corroborated PC Stent's evidence. PC Watts attended and faced the Guys with other constables. One of the Guys hit him with a heavy blow with a pole and he struck the Guy with his cutlass**.** A second man rushed at him and his disguise came off. PC Marshall took part in the fight and was attacked by Reeves. Acting Sergeant John Titley and PC Davis with other officers formed a line across the street and encountered the Guys when a shower of stones was flying. A Guy with a long pole attacked Davis but he knocked it out of his hand and the Guy fled. Four prisoners were committed for trial at the next assizes. [454]

On April 3 1866 at Surrey Assizes, Kingston William Nugent 29, painter, George Stevens 28, painter and Edwin Reeves 26 a cooper were arraigned for the assault on PC John Stent Guildford Borough Police at Guildford on the 26 December. John Pearson was discharged by the grand jury. The indictment was assaulting Stent with intent to murder, or with intent to disable or to cause grievous bodily harm. The charges were not proceeded with but replaced with a misdemeanour charging with

[454] The Times January 6 1866

assaulting Police Constables John Stent, Joseph Watts, James Marshall and John Davis; the second charge was assaulting the officers in the execution of their duty; the third with common assault; and fourthly with riotous assembly. They pleaded not guilty.

At about 8 o'clock in the evening of the 26 December a number of rough fellows, some of whom wore cocked hats, others having crape over their faces and all of whom were disguised made their appearance at the entrance of Guildford on the Godalming road. They were armed with bludgeons of a formidable description and evidently bent on mischief. Stent saw them approaching and retreated towards the Town Hall and the mob commenced pelting him with stones and when he had gone a short distance he was knocked down and beaten with the bludgeons. He was much injured and was obliged to keep to his bed for three weeks. The mob then proceeded up the town and a number of other constables formed themselves across the road and attempted to stop their progress and a desperate struggle ensued during which several of the constables were severely beaten and maltreated. The facts are not disputed the only question raised is were the prisoners involved in the affray and they all seem to have been clearly identified by the witnesses for the prosecution. The jury after a very short deliberation found the prisoners reeves and Nugent Guilty of the whole charges contained in the indictment and Stevens guilty of riot only. The prisoners were taken down whilst the Judge decided what was to be done with them.[455]

The problem may have been resolved in Guildford but the Surrey Constabulary were still countering rioters at Walton on Thames. On December 1 1865 charges were brought against the police at a special petty sessions held at Kingston, the magistrates were engaged nearly the whole day in investigating charges of violent assaults committed by Superintendent Murtell of the Surrey Constabulary, and officers under his charge.

It appeared that it had been the custom on the 5 November in each year to celebrate the night at Walton-on-Thames by making large bonfires in some of the streets and roads adjacent, and in 1864 a Dr Reece living there was thrown from his horse that shied from the light of the bonfires, and sustained severe injuries. This year with a view to preventing a similar occurrence, a large body of police were sent to Walton, for the purpose of putting a stop to this practice. The inhabitants considered this was an interference with their rights and they accordingly persisted in lighting a bonfire on the green, near to the residence of a person named Reed, when according to the evidence of William Denny a railway porter, while the people were quietly looking at the fire Superintendent Murtell with a body of constabulary approached and Murtell ordered the police to draw their staves. Although all was quiet, no disturbance and no resistance, about fifteen policemen immediately drew their staves, rushed in a body

[455] 1866 April 3:The Sussex Advertiser

upon the crowd, and struck everybody they came near, and a great many persons were knocked down. After going through the evidence the court dismissed the summons.[456]

The police were again in the dock when PC John Foster of the Surrey Constabulary appeared before Surrey Quarter Sessions on February 8 1866 charged with Grievous Bodily Harm with alternative charges following violence on Guy Fawkes at Walton on Thames on 6 November 1865 under the order of Superintendent Murtell a well known and highly esteemed officer of the Surrey Constabulary called out following representations from respectable inhabitants to put down the nuisance arising from the practice of celebrating the anniversary of Guy Fawkes day by bonfire, fireworks and the discharge of fireballs. It was found that a mob of persons were assembled, a burning tar barrel was being rolled down the High Street of the village, and a bonfire was burning on the village green.

The police interfered and the theory of the prosecution was that the defendant struck with his truncheon the complainant, a youth employed as an under gardener causing a severe scalp wound requiring six weeks medical care. The defence made the case that the village was in a state of riot and extreme confusion and responded when remonstrated with by throwing stones and other missiles. Several officers were wounded including the defendant PC Fraser whose helmet was cut through and wounded on the forehead. The jury returned a verdict of Guilty for inflicting actual bodily harm. Mercy was sought as the officer was an able and most efficient man to which the chairman concurred sentencing the defendant to be fined 20s and to keep the peace for six months – now that is a little odd as it was his job! [457] [458]

On 5 November 1866 was duly celebrated in Godalming a few miles from Guildford on Monday last. The shops were all closed at an early hour and preparations duly made for any emergency or accident that might arise. There were an unusually large number of squibs discharged in the streets and the proceedings of those connected with them were protracted to a much later hour than usual. The special constables were on duty and with the aid of the police succeeded in preventing any damage or wilful injury in the borough, and that there appeared to do so for the conduct of the mob were in all respects orderly.

A party of Guys, said to be from Guildford, no doubt displaced by the heavy policing, made their appearance in the town about nine o'clock and succeeded in lighting a fire near the old railway station, the materials for which they procured from the fences adjoining, they also pulled down a large piece of paling belong to Mr Murray Marshall but did not succeed in taking it away. Several accidents occurred during the evening owing to the incessant discharge of the "serpents." One woman was burnt rather severely owing to the explosion of a squib, which ignited her dress. A man

[456] 1865 December 1: Nottinghamshire Guardian
[457] Morning Post 8 February 1866 Daily News February 8 1866
[458] 1866 February 10 Surrey Advertiser

named Fry was also much burnt about the face from a similar cause and there were other instances wherein personal injury was sustained. Several of the houses also suffered much by broken windows and several others had their frames broken by the flight of fireworks through them. Taken altogether the 5th passed peaceable although so large a number of fireworks in the streets had not been witnessed for many years.[459]

On November 10 at Godalming Magistrates Court before the Mayor: John Christmas, cow driver, was charged with lighting fireworks in High Street on Tuesday 30 October. Not guilty with several witnesses but the case was dismissed. The mayor said: as I see such a number of respectable persons present, including many young men I take this opportunity of stating that on the 5th November the inhabitants of this town appear not to object to fireworks in the street, so long as no injury is done to persons or property. Now although this is the case the magistrates cannot countenance it, and it cannot be permitted as an excuse at law; I hope however that good feeling will prevail and the 5th pass over without any disturbance (bravo). I will also remark that on Sunday evening last, persons returning from church were annoyed by squibs. I hope this will not occur again and that the Sabbath will be respected. I am informed that these persons are not inhabitants of Godalming. I am very glad to hear it (hear, hear). [460]

On the other side of Guildford at Ripley in 1866 the lads of the village had their usual bonfire on the 5th but it was a very tame affair, the greater part of those who usually go to witness this fun having gone to see the brilliant display of fireworks which was given by Ryde House School[461]

In the same year, Send close to Ripley on November 5 poor behaviour resulted in a letter to the Surrey Advertiser: Last evening was the most disgraceful scene occurred in Send. About 11.30pm a gang of ruffians with their faces blackened and otherwise disguised assembled in front of the New Inn and commenced a bonfire in the middle of the road; when this was burnt out they went to a public house whence they emerged about 1.30 this morning powerfully refreshed and commenced another bonfire by tearing up palings, (fence made from pointed wooden posts) hurdles (normally a temporary fence) etc., (they had twelve of my hurdles). The policeman resides within 100 yards of the place where the bonfire was lighted. The hootings, firing of guns and noises kept the usually quiet village fully awake until 4am. No policeman ever interfered but he promises to interfere next 5 November. On mentioning this disgraceful affair I am informed that other villages are so badly off but if reports speak correctly our policeman is frequently two miles and more away

[459] 1866 November 10: Surrey Advertiser
[460] 1866 November 10: Surrey Advertiser
[461] 1866 November 10: Surrey Advertiser

from the centre of his district, having a very large area of ground to travel over. I am sir, your obedient servant, An Inhabitant of Send November 6 1866[462]

Editor: The proceedings referred to by our correspondent are very disreputable but the inhabitants themselves should take precautions against their occurrence, as this is not the first time complaints have been made. The authorities would doubtless swear in special constables if application were made to them. The policeman stationed at Woking cannot expected to be everywhere nor could he be expected to make much "headway" against the "gang of ruffians" referred to had he interfered. The residents in the district should take the matter in hand another year or they may have to regret a greater destruction of property. Such proceedings gather strength by being unchecked.[463]

1866 continued to be a poor year for public disorder when on November 5 in Chertsey: "The night was a very exciting from about six to half past ten fireworks were continually being fired in all parts of the town. Many of the respectable inhabitants were seen occasionally amongst the crowd of lookers on. The most exciting performance of the evening was the lighted tar-barrels. We are pleased to say the evening passed without any serious casualty." [464]

At Farnham On Monday afternoon the town presented an extraordinary appearance. Shortly after 4 o'clock preparations were made for shutting up most of the shops and boarding upper windows. Carpenters and others were engaged in all directions and it seemed as if some enemy was expected to attack the town. Darkness set in long before the preparations were completed. Between six and seven there was a fire kindled in Castle Street and squibs etc., were let off in earnest.

At about eight o'clock a procession started from Castle Street in the following order. The town band assisted by many friends of the Alton band; a large car on which were several persons seated attired in various fancy dresses, amongst whom were two excellent full sized figures representing Guy Fawkes and Stephens, the head centre (sic) of the Fenians. Then followed a large number of persons carrying various flags and banners. The procession passed up West Street and Downing Street, through East Street and at various distances red and blue lights were show, which had a pretty effect. The procession returned to Downing Street where the figures were placed outside the bell and Crown Inn with the band playing "Rule Britannia." Before burning old Guy his head and various parts of his body were perforated with swords. ---- The scene whilst the bodies continued to burn was an extraordinary one, Caste Street being nearly filled with people and red and blue lights, rockets and fireworks being continually discharged. Until half past twelve. The damage done was very

[462] 1866 November 10: Surrey Advertiser
[463] 1866 November 10: Surrey Advertiser
[464] 1866 November 10: Surrey Advertiser

trifling not amounting too much more than £3 for broken windows, which were repaired on the following day. [465]

Potential problems continued in Dorking where locals celebrated in an unusually quiet way. "During the morning effigies of the Pope and Fawkes in grotesque attire were carried in procession through the principal streets of the town and in the evening a bonfire was made on Cotmandene. There was a rather inferior display of fireworks and the demonstrative reminiscences of that eventful period are hereabouts gradually being consigned to oblivion. Bonfires in every direction were visible from this charming eminence and to our thinking the only feature of interest or attraction during the night was the crimson tint, which were given by the numerous fires around the leaden clouds as they were wafted along by the breeze to more distant parts. There was a strong force of police perambulating the streets to prevent an infringement of the privileges accorded to the public on this occasion, and we were glad to note that their services were not called into requisition. The proceedings terminated at an early hour." [466]

November 5 in Chobham the "bonfire boys" determined that year 1866 should not be behind its predecessors and they fulfilled that intention most favourably. About six or seven years ago it was gradually getting to be the custom at Chobham (in imitation of what was done at Guildford) to celebrate the 5th by various little excesses which were exceedingly annoying to the more staid inhabitants. Among other things it was considered to be quite the thing to light a huge fire in the centre of the road, opposite the church. Rumour, or tradition, says those who took part in these proceedings were not particular about the laws of meum and tuum [467] in regards to the materials burnt; but any persons garden palings or fagots which might be handy were seized upon forthwith and together with any sugar hogsheads which might be standing about, consigned to the flames. Of course the owners did not care for the actual loss.

As for the filching of them, tradition says that "Once upon a time a well known and respected pub not far from Chobham Street looked out of his house and then went in rubbing his hands and said, " They are just working somebody's fagot stack; I saw some fellows dragging them away as fast as they could." The joke of the affair was that the said pub was the winner and in the morning he saw a vacant spot where had stood a comely pile of fuel the day before. In the year 1862 there was an attempt to burn down the stocks, and the "round house" (Note: could be the lock-up) by way of a bonfire. In 1863 a committee of the young men of the place was formed, a subscription collected and the first gala of Chobham Bonfire Boys passed off with considerable éclat. No act of damage occurred and everyone was pleased. The committee held themselves responsible for any damage that may be done and have always preserved the "peace, law and order."

[465] 1866 November 10: Surrey Advertiser
[466] 1866 November 10: Surrey Advertiser
[467] Mine and thine: used to express rights to property

This year a larger crowd than ever assembled and the streets were crammed. The boys were liberally supplied with squibs or crackers when they met the procession headed by the Wokingham Band. There were 60-70 guys dressed in excellent costume and about 50 capital torches blazing. The effigies of the Pope and Fawkes were hoisted on an immense pile of fagots and light was set. From a platform close by there was a display of fireworks the rockets being particularly good, this display varied by the private fireworks. Everything passed quiet and well and the street was quite clear by midnight. [468]

Annual rioting associated with bonfires were the most significant periods of disorder in the county since the limited Swing Riots of 1830. The levels of violence and the threat to property are explicit and exposed police officers to great danger. It was not until the new police was formed with the ability to support each other i.e. Guildford Borough Police receiving aid from the Surrey Constabulary that an impact upon rioters was possible. A disciplined and structured force successfully undertook to counter the mob helped by special constables and the Army.

Football in the streets of Dorking

Football in Dorking was on a lesser scale than the Guy riots but again is an example of the police responding to changed sensibilities at the behest of local magistrates and shopkeepers although a member of the town council was to start the game. It was many years after the passing of the bonfire rioters when in 1897 on Shrove Tuesday football in Dorking again threatened disorder, violence and damage. Traders in West and South Streets asked the Standing Joint Committee (police authority) to adopt measures to end the nuisance.

Superintendent Page was in charge and reported that he met with Superintendents Alexander and Bryce and with a force of sixty constables did their best to prevent the playing of football. The ball was kicked off by a member of the Town Council and was then seized by the police. More balls were produced all of which were taken into the possession of the police after a severe struggle.

Between 5 and 6 o'clock the crowd increased by a great number of people leaving work, joining in and adding to the general confusion. There was no riot or damage to property. Later in the year fifty-two defendants were all convicted of the offence of playing football on Shrove Tuesday to the annoyance of passengers. Eventually they were fined five shillings being unable to produce the charter said to give them the right to play.

The following year extraordinary scenes were witnessed in Dorking on 23 February 1898. The custom of playing football in the streets of the town on Shrove Tuesday has been recognised from time immemorial, but last year at the instigation of the county council the police interfered. It was thought that the 40 summonses which were

[468] 1866 November 10: Surrey Advertiser

afterwards taken out and which were followed by the infliction of fines, would have a deterrent effect, but yesterday's proceedings proved the fallacy of this impression. [469]

Members of the Surrey Constabulary trying to seize the football

At midday a force of about 50 men of the Surrey Constabulary were drafted into the town and during the afternoon they patrolled the streets. About 3 o'clock the appearance of the first ball was noted, but the police quickly captured it. Another followed and with the constabulary in hot pursuit it was kicked along the High Street by a howling crowd highly amused by the fruitless efforts of the police to secure the ball. The game was continued for nearly three hours and altogether about a dozen balls were liberated, most of them gorgeously painted. Several the police captured but only after some of them had been roughly handled by the crowd, which could not have numbered less than 500. Several arrests were made. [470]

PS John Campbell was severely kicked in the struggle with the crowd and was incapacitated and forced to retire.

"We are sure everyone in Dorking and the surrounding district will learn with regret that the injuries received by Sergeant Campbell in the Shrove Tuesday football at Dorking have been so serious a nature as to necessitate his retirement from the force. Sergeant Campbell was always an exceedingly courteous and efficient officer and

[469] The Times Wednesday, Feb 23, 1898
[470] The Times Wednesday, Feb 23, 1898

carried out his difficult duties with great tact and ability. After so regrettable an incident as this we hope that no further attempt will be made to revive a custom, which must inevitably create a conflict between the public and authorities. It has been decided that street football must stop and whatever opinions individuals may hold upon the question it is obviously the duty of all to respect, and to assist in enforcing, the law." [471]

1899 February 15: Shrove Tuesday Football Dorking: The usual disorderly scenes were witnessed yesterday in the streets of Dorking when several hundred of the youths of the town assembled to take part in the ancient custom of Shrove Tuesday football. For the third successive year the county authorities attempted to stop the game and for this purpose members of the Surrey Constabulary were drafted into the town. [472]

"Extraordinary scenes once again suppressed by the police**:** It must have been patent to the several hundreds of spectators that the determination of the County authorities to put an end to the custom which had become obsolete. There was this year no effort at organisation but the authorities were not to be caught napping and soon after midday some forty of the Surrey Constabulary drawn from various parts of the county were drafted into the town to assist Superintendent Alexander's men in preserving order. The visiting force included Superintendent Collis of Godalming, who is still kindly remembered in Dorking, Inspector Hatton of Leatherhead, Sergeant Matthews of Guildford; Sergeants Larby and Stancombe of Godstone and Sergeant Skinner of the Holmwood, the total force numbering 45. Six officers were in private clothes. [473]

A small ball appeared which Constable Boon soon seized, but hostilities did not commence in earnest until twenty minutes past three when a ball entered the High

[471] 1899 January 7: Dorking Advertiser
[472] 1899 February 18 Dorking Advertiser
[473] 1899 February 18 Dorking Advertiser

Street followed by a hue and cry and the ball ending up on a roof. It came down and was seized by Constable Over who carried it to the police station. A further ball was introduced by the White Horse and the attempts by a number of police to seize it proved ineffectual. However one man with the ball ran into the hands of a private clothes constable who brought him up in a very business like fashion. He was then escorted to the police station. Superintendent Alexander apparently considered that the outlook warranted the summoning of reinforcements for a few minutes later, about 12 additional men under the charge of a sergeant were marched along the High Street and received by the spectators with a great deal of good natured chaff, which they received in equally good spirit. Another ball was produced, and kicked about but seized and taken to the police station. The afternoon progressed with more balls, more seizures and cheers for Superintendent Alexander and his men the football came to an end.[474]

The police immediately captured eight balls and had temporary custody of 14 persons while 30 or 40 others were summoned for unlawfully playing football in the street or for disorderly conduct."[475]

Modern accounts of police history reject the orthodox position that hostility towards the new police was a relatively short-lived phenomenon and instead conclude that consent was heavily determined by a person's position in the social ladder. Such a view has some basis as is the contention that the more educated, those with property and position in society the more likely they were to be supporters of policing. It is argued that the level of consent was greatest from the property-owning middle classes who stood to gain most from police activities. It is said that working-class hostility was more enduring but that would depend on the type of area being policed, rural, small town or major conurbation. Those at the lower end of the social ladder, it is

[474] 1899 February 18 Dorking Advertiser
[475] The Times Wednesday, Feb 15, 1899

suggested "granted tolerance" to the police which was, at best, "passive acquiescence", broken by frequent outbreaks of localised disorder throughout the nineteenth century. [476] [477]

Although a generation apart, the Guy and football riots in the small market towns of Surrey became more violent and the behaviour unacceptable not just to the authorities but the general population. In the smaller towns and rural areas of most of England and Wales at the time, police were known individuals with families, a part of the community in which they lived and served. That is not to say they were always welcome or respected. Some officers did not have the nous or intelligence to carry themselves in an appropriate manner enabling them to work as a police officer and live comfortably with their neighbours. Grudging respect from the community was the most likely outcome, with wariness on both sides about becoming too close.

The Village Constable

In his work "Victorian Village Life" Neil Phillip considers this difficulty of living and working in small communities as a police officer in the Surrey countryside:

"The village constable was in an uneasy position in the community for while he was notionally the equal protector of all citizens' rights and property; he was in effect the representative of the landowner as George Sturt wrote about The Bourne in Surrey:

There is probably no lonelier man in the parish than the constable. One hears him mentioned in the same accents of grudging caution, which the villagers use in speaking of unfriendly property-owners, as though he belonged to that alien caste. The cottagers feel they themselves are the people whom he has stationed in the valley to watch.

The conviction that there was one law for the rich and another for the poor was deeply ingrained. The village policeman rarely had to deal with serious crime although rape and murder were not unknown, they were more likely to have to cope with poachers, fowl stealing, a fight in the pub, neighbourly disputes, with the occasional petty theft. Ricks were fired by arsonists or by itinerants with a grudge and animal maiming was not uncommon. The Victorian version of anti-social behaviour was ever present with drunken louts letting animals from fields, the breaking of fences or even the pulling down of dry walls, "beer, that filthy beer is the root of the evil".[478]

The key role performed by the police in the nineteenth century, according to revisionist or modernising historians, was to regulate the behaviour of the lower social orders and to impose on them the moral habits and standards of behaviour of 'respectable' members of society. Those who controlled policing, magistrates at

[476] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[477] "Police Autonomy and Consent" Brogden, 1982: 202–228
[478] "Victorian Village Life" Albion 1993 Neil Phillip page 112

Quarter Sessions and Watch Committees, were willing to give the police a relatively free hand to discharge this function. [479]

Though the county and borough elites continued to have influence the role of the magistrate in responding and investigating crime reduced significantly with the chief constable becoming the key figure outside London. It would however be naive to believe that the "great and the good" of the county had no influence. One of the reasons chief constables were appointed from military personnel and similar backgrounds to the magistrates was to ensure some class equality with the influential. In the boroughs the Watch Committees of elected councillors under the leadership of the mayor retained significant influence over the chief constable or head constables who were mostly promoted police officers of working class origin. Borough police were seen as a part of the council, employed by them and under the direction of council officers.

[479] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf

Chapter 5

The need for a rural police in Surrey

Local reforms did not satisfy the concerns of central government and in May 1836 Lord John Russell announced that a County Police Bill was in preparation. Rather than attempt to get contentious legislation through Parliament, Russell agreed with Chadwick's call for a Royal Commission "to enquire into the Best Means of Establishing an efficient constabulary force in the counties of England and Wales". [480]

Royal Commission on Constabulary Forces Report March 1839

The Royal Commission was appointed against a background of unrest and violence in some areas of the country, with protests against the New Poor Law and agitation by Chartists for social and political reform. Between 1836 and 1839 Commissioner Rowan worked with Edwin Chadwick, [481] and Charles Shaw Lefevre [482] on the Commission to,

"Inquire into the best means of establishing an efficient constabulary force in the counties of England and Wales".

The County Police Act 1839 was based on the recommendations of the Royal Commission.

Like Chadwick, Rowan was concerned with social issues and their relationship to police work. An example of his thinking was when policemen were criticized for helping a destitute woman, Rowan wrote to St Pancras parish (12 December 1837),

"If trouble and expense has been caused to the Parish … the Commissioners regret it, but they cannot perceive that the Police officers had any alternative save that of leaving a human being to perish in the streets." [483] [484]

Lefevre, Rowan and Chadwick produced a report in which they disagreed over a national or locally run police force.

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[480] 'Ministers, magistrates and reformers: the genesis of the Rural Constabulary Act of 1839', Parliamentary History, Vol. 5, (1986), pp. 55-64. Anthony Brundage, See, Emsley, Clive, 'The Bedfordshire police 1840-1856: a case study in the working of the Rural Constabulary Act', Midland History, Vol. 7, (1982), pp. 73-92.

[481] Sir Edwin Chadwick KCB (24 January 1800 – 6 July 1890) was an English social reformer noted for his work to reform the Poor Laws and to improve sanitation and public health.

[482] Charles Shaw-Lefevre, 1st Viscount Eversley, GCB, PC (22 February 1794 – 28 December 1888) was a British Whig politician. He served as Speaker of the House of Commons from 1839 to 1857

[483] "A new Study of Police History" Charles Reith 1956: page 227

[484] Lefevre and Chadwick had both been involved with the framing and implementation of the 1834 Poor Law Amendment Act.

Chadwick was strongly in favour of the creation of a single centralised force, but this was opposed by not only the two other commissioners but also by the Home Secretary, Lord John Russell. The Home Secretary wrote to the magistrates of the various counties asking them to support the resolution passed in Shropshire to establish a body of constables paid for out of the county rate and under the control of the magistrates. [485] The commission's report, issued in 1839, followed the lines favoured by Russell.

This lengthy extract from the Report sets out their findings and makes recommendations for the future of the police in Britain. It is reproduced at length as it establishes clearly the thinking by a group of influential people on the future of policing. From the Report:

Chadwick was strongly in favour of the creation of a single centralised force, an idea opposed by the other two commissioners and by the Home Secretary. Lord John Russell. Russell wrote to the magistrates of the various counties asking them to support the resolution passed in Shropshire to establish a body of constables paid for out of the county rate and under the control of the magistrates. The commission's report, issued in 1839, followed the lines favoured by Russell. It recommended that,

"A properly trained and equipped preventative police force" based on the pattern of the existing Metropolitan Police, should be established in all counties where the magistrates were in favour. Each force should be funded mostly by local rates, with 25% of the cost met by central government. The force would be under the supervision of the county magistrates, who would have the power to employ or remove officers, subject to statutory regulations.[486]

The Commission report paints a graphic picture of lawlessness in a country, which was simply not equipped to deal in any meaningful way with crime in the majority of areas.

The Commissioner's continue,

We now beg leave to recapitulate the chief conclusions, which we have endeavoured to set forth in this our Report.

I. Having, with a view to judge of the extent of any requisite remedy by means of a paid constabulary force, made a general investigation as well as to the state of crime as to the present state of the unpaid constabulary, we find in respect to the state of crime:

[485] "The new police in nineteenth-century England: crime, conflict, and control" David Taylor (1997).
[486] https://en.wikipedia.org/wiki/County_Police_Act_1839

1. That the public information as to the number of crimes committed, inferred from the extent of crimes judicially pursued and punished, is widely erroneous.
2. That there is an average of upwards of 100,000 commitments annually to the gaols of the able-bodied population of England and Wales for Criminal offences.
3. That there are from 11,000 to 20,000 persons constantly in the criminal gaols; of which a large proportion are persons known as living wholly by habitual depredation; and from inquiries made in a large number of the individual cases of prisoners for thefts in these gaols, we find that on the average such prisoners in rural districts, where there is no trained constabulary, have been at large living by depredation during average periods upwards of five years; and that the criminal prisoners in the gaols in the towns, where there is a paid and trained force, have not been able to pursue their depredations more than half that time. But that nevertheless in either districts, prisoners are liberated with the prospect and the temptation of a career of unknown but long duration for the future, before permanent removal by process of law or by natural causes.
4. That with relation to the particular crimes committed by such habitual depredators, no information is possessed by the unpaid constables.
5. That it results from a special investigation of the habits of the classes of habitual depredators; that a large proportion of them are migratory; that they migrate from town to town, and from the towns where they harbour, and where there are distinct houses maintained for their accommodation, they issue forth and commit depredations upon the surrounding rural districts; the metropolis being the chief centre from which they migrate: and that they harbour in provincial towns in proportion to their magnitude, and in proportion to the facilities for plunder or to the absence of protection in the surrounding districts.
6. That judging from particular cases in which we have made inquiries, a large proportion, if not always the majority, of prisoners in the county gaols for offences committed within the rural districts, are persons who have migrated from the towns to the rural districts.
7. That from the impunity enjoyed by the classes of depredators, migrant or resident, property is rendered insecure; in some places so much so on the part of the labouring classes as greatly to impair the value of property to them, and their motives to industry and frugality.
8. That in the rural districts agricultural produce is subjected to extensive depredation, which often interferes with the most advantageous course of production.
9. That a large proportion of the highways are left without any protection whatsoever from any constabulary or other civil force.

10. That on the highways of a large part of the country, commercial travellers and strangers who travel singly, otherwise than by public conveyances, and carry money about them, abstain from travelling after dark, from fear of robbery and violence; and that farmers return from market in company, from the like fear, after dark.
11. That the products of commercial industry *in transitu* on the highways being almost entirely without protection from any civil force, are subject to extensive and systematic depredation.
12. That in the absence of due protection, property carried by sea in ships which are wrecked on those parts of the coast where shipwrecks occasionally or frequently occur, is subject to extensive habitual depredation, and life is endangered or lost, under circumstances of barbarity disgraceful to a civilised nation.

II. Having investigated the general causes of depredation, of vagrancy, and mendicancy, as developed by examinations of the previous lives of criminals or vagrants in the gaols, we find that in scarcely any cases is it ascribable to the pressure of unavoidable want or destitution; and that in the great mass of cases it arises from the temptation of obtaining property with a less degree of labour than by regular industry, which they are enabled to do by the impunity occasioned by the absence of the proper constitutional protection to the subject.

III. Having specially examined the state of public security against breaches of the peace in the manufacturing districts, we find,

1. That the free investment of capital and employment of labourers, and the progress of manufacturing industry is impeded and endangered, and combinations carried on by violent and unlawful means; that murder has been resorted to, and that threats of murder, and arson, and personal violence are resorted to by such combiners as means to effect their objects.
2. That for the prevention of the disturbances peculiar to such districts, as well as for the prevention of the more ordinary breaches of the peace, amidst the new and increasing population, no other efficient force than a military force is provided.
3. That such force is inadequate for the purpose of the prevention of disorders, and that from the reluctance, which is felt in having recourse to it for the purpose of repression, it is rarely used until considerable evil has been occasioned.
4. And we further find that from the want of an efficient preventive force, the peace and manufacturing prosperity of the country are exposed to considerable danger.

IV. Having specially investigated the state of the constabulary force, and the execution of the constitutional principles of penal administration connected with that force, we find

1. That the early constitutional principles of local responsibility for offences committed, by compensation to the sufferers, or by amercements to the Crown, has been impaired; and that there does not exist an adequate local interest to ensure the adoption of efficient means for the prevention of crimes, especially of crimes committed against the persons of strangers, travellers, or wayfarers.
2. That in the majority of instances, the courts leet, or other functionaries charged with the duty of appointing fit and proper persons to act as constables, do not appoint persons who possess the requisite legal qualifications in respect of intelligence, substance, character, and connections.
3. That the modes of carrying out the early constitutional principles of action of a constabulary force, of seeking information of offences, felonies, or misdemeanours committed, and of instituting quick and fresh pursuit for the apprehension of the offenders, have fallen into desuetude, and that no new modes adapted to the present circumstances of society have been introduced.
4. That offenders, after having committed extensive depredation, in one district, have recourse to another; the people in which, having received no warning, are enabled to take no measures of prevention; and that until detected and pursued by some private individuals, usually at their own private cost, the depredators proceed without interruption by any public officers from district to district.
5. That the criminal law is often extensively dispensed with, and its execution left to the discretion of private and unauthorised individuals.
6. That in consequence of the extensive dereliction of the constitutional principles of penal administration, self-protection is extensively resorted to by private individuals separately, as well as by individuals associating together for mutual protection.
7. That there are upwards of 500 private or voluntary associations for self-protection in different parts of the country, by the payment of rewards for the apprehension of felons and the expenses of their prosecution, independently of a large number of associations for self-protection by subscription for the maintenance of private watchmen; and of other private associations for the removal of various evils, such as the suppression of vagrancy and mendicancy, which it is the business of the Government to prevent or repress.
8. That the protection obtained by such associations is in proportion to the cost extremely inadequate, and that the practice of investing private hands with public powers for their own use, is fraught with much inconvenience, and some danger of mischief to the public by large associations.

9. That the proper performance of the legal duties of constables in the present state of the law and circumstances of the community would require from persons otherwise properly qualified in respect to substance and character, a sacrifice of time and labour which would render the compulsory service of the office grievously burthensome, and that within the time allowed for such service the requisite information and experience for its proper performance could not ordinarily be obtained.
10. That it is essential to the proper performance of the duties in question that they should be performed by an agency specially trained, paid, and appointed, during good behaviour, for the purpose, and subjected to the control of superior and trained officers, who are themselves specially qualified and subjected to effective responsibility.

V. Having specially investigated the cases of the trial of paid constables, we find in the case of the trial of a paid constabulary force appointed and controlled, according to an Act of Parliament for the county of Chester, by the magistrates at quarter and petty sessions, we find

1. That the appointment and management of a paid constabulary force in separate divisions, separately managed at the discretion of the justices at the petty sessions of those divisions, is an arrangement of itself incompatible with any efficient and economical system for the prevention of crime.
2. That such a mode of appointment and separate management in separate divisions does not comprehend any adequate local interest or proper security for the due protection of property or persons unconnected with the vicinity on the Queen's highways, or the constitutional responsibilities in that behalf to the sovereign authority.
3. That any less scale of administration of a paid constabulary than for a whole county, does not comprehend a sufficiently wide basis for ultimate and complete efficiency and economy, either as to the county regarded separately, or in its general relation to the rest of the kingdom.
4. That the appointment and executive control of any paid constabulary force for the conservation of the peace are proved to be incompatible with the due and impartial discharge of the functions of the justice of the peace, with the maintenance of proper respect for the office, or the efficient direction and control of the force itself or the avoidance of party or local animosities, or the jealousies arising on the part of the labouring classes from the relation of employer and workmen.

VI. Having examined the effects and tendencies of the other paid constabulary forces separately organised and directed in towns, we find:

1. That whilst the paid forces which have been instituted on the model of the Metropolitan Police force, in many of the municipal towns, have rendered considerable benefits to the inhabitants of those towns, they have not gained these benefits by preventing or suppressing the whole of the evils from which they are freed. but by shifting a portion of it, or driving depredators into adjacent districts.
2. That a considerable proportion of the habitual depredators in the rural districts harbour in the towns, where since they do not, unless under safe opportunities, pursue their practices, they receive no molestation.
3. That, in consequence of the absence of a proper constabulary force and the want of due protection in the rural districts, the towns are subject to the occasional escapes of delinquents, and are obliged to maintain a stronger or more expensive constabulary force than would otherwise be necessary to guard against criminals who subsist chiefly by depredations in the surrounding country.
4. That the like results must be produced by separate or un-combined arrangement for the prevention of crime.

VII. Having investigated the most favourable instances of the trial of a paid and well-appointed constabulary force in the rural districts, we find:

1. That by means of such force the habitual depredations of resident delinquent have been prevented, and that they have been reformed or constrained to courses of honest industry.
2. That the districts in which such force has acted have been kept free from vagrants and mendicants, and from migratory depredators; and that habitual depredations on agricultural produce and crimes in general against property have been
3. That the disorders in beer-shops and ill-regulated houses of public resort and other sources of temptation and causes of domestic distress and immorality have been repressed.
4. That for a time, and during the continuance of the full efficiency of the force the public peace, the efficiency of the laws, and the authority of the magistrates have been restored or increased as regards riotous or individual infractions, and a state of order produced, such as to leave but little immediate anxiety in the minds of the peaceable and well-disposed of the population for further amendment.

VIII. Having inquired into the services other than in the prevention or repression of crime which a paid and well-appointed constabulary force may render, we find:

1. That they may render extensive public service in the prevention of the loss of life, and destruction of property, and in the diminution of the feelings of alarm arising from calamities by fire or other causes.

2. That they may render various local, civil, and administrative services, as in reporting on the state of the roads, and in maintaining the free transit of persons and goods.
3. That they may aid the public service of administrative departments of the Government; and especially that they may to an important extent prevent the infraction of the laws of the Excise and Customs, and thereby increase the revenue.

IX. Having inquired as to the mode in which such a force should be appointed, and the probable expense, we find:

1. That it is essential for the efficiency and attainment of all compatible services from a constabulary force, - first, that the constables should be trained, or appointed from a trained force, secondly, that neither by appointment nor otherwise should they be privately connected with the district in which they act, thirdly, that they should at periods be changed from district to district, fourthly, that whilst they should act under local direction for the performance of various local and administrative duties, for the repression of the practices of migratory depredators, vagrancy, and offences which concern the community at large more than the particular locality, they must act under general rules and principles, and in subordination to general directions from one general and responsible executive authority.
2. That such a trained and moveable force, under general and responsible direction, will produce greater advantages than at least double the number of untrained, irremovable constables, acting more expensively under separate, independent, and voluntary, or untrained and irresponsible direction.
3. That the expense of a general and uniform force, which we believe would be adequate to the attainment of these objects, would be under half a million sterling per annum.
4. That the saving from the services of such a force would be considerable; that, independently of the saving to individuals of the greater proportion of the money or produce now taken by habitual depredators, there would be much saving effected, on upwards of two millions of money, now expended chiefly in the cost of repression and of punishment in various ways, amongst others in the maintenance of delinquents in gaols, in transports, and in the penal colonies, as well as in the prevention of frauds upon the revenue.
5. That much time, which we cannot accurately determine, would be required to obtain proper persons and fit them by training for the proper discharge of their duties, and to organise an efficient trained force.
6. That the only available district or trained force that can at present be obtained is the new Metropolitan Police force.

7. That the great majority of instances, or nearly all, of the successful trial of a paid constabulary force, have been instances where trained men have been obtained from the Metropolitan Police force, comprehending about 200 instances in towns and rural districts.

We therefore propose -

I. That as a primary remedy for the evils set forth, a paid constabulary force should be trained, appointed, and organised on the principles of management recognised by the legislature in the appointment of the new metropolitan police force.

II. That for this purpose on application in writing, under the hands and seals of a majority of the justices assembled at any quarter sessions of the peace for the county, setting forth the insecurity of person and property, and the want of paid constables, the commissioners of police shall, with the approbation of the Secretary of State for the Home Department, direct a sufficient number of constables and such officers as may, upon such examination as the said commissioners shall make or direct, be by them deemed adequate for the due protection of life or protection of life or property within the county.

III. That force shall be paid one-fourth from the consolidated fund and three-fourths from the county rates, as a part of the general expenses of the whole county.

IV. That the constables so appointed shall report their proceedings to the magistrates of the quarter and petty sessions where they are stationed.

V. That the superintendents shall be subject to dismissal upon the representation of the justices of the peace in quarter sessions, and that the sergeants and constables shall be subject to dismissal upon the representation of the justices of the peace in petty sessions.

VI. That the magistrates shall frame rules and regulations for the service of process and attendance at petty or quarter sessions of such force, which rules shall be submitted to the Secretary of State, and, if approved by him, shall be binding.

VII. That the commissioners shall frame rules and regulations for the general management of the police, which rules shall, on the approbation of the Secretary of State, be binding.

The principles embodied in our recommendations being based on extensive experience, we feel confident that however they may for a time be impeded by adverse interests, these interests and the prejudices engendered by them will yield before the light of future experience which will lead to the ultimate adoption of measures on the principles of those we propose. If one uniform and trained force be efficiently directed to the prevention or repression of crime we cannot doubt of success.

We can fund no solid grounds for the supposition often entertained that a large amount of crime is a necessary evil incidental to the present condition of society, and that the most ignorant and base of the community may defeat the exertions of a well appointed agency instituted for the repression of their crimes.

The appointment of a proper force for the prevention or repression of crimes has sometimes been viewed with apprehension on the supposition that such a force might be used to impair the political liberty of the subject.

If we were to admit that a diminution instead of an increase of the political liberty of the subject were the probable consequence of the establishment of an efficient constabulary force, we should nevertheless be prepared to show that the evils we have found in existence in some districts and the abject subjection of the population to fears which may be termed a state of slavery, which the objectors would endure from a groundless fear of loss of liberty, form a condition much worse in all respects than any condition that could be imposed by any government that could exist in the present state of society in this country.

We do not believe that in this country any government could possibly exist which subjected the people to domiciliary attacks and to have their houses broken open and plundered, and their lives endangered at night, or which caused a large proportion of the population to abstain from travelling singly after dark for fear of being put in danger of their lives and stripped of their property by armed men, - which allowed its agents to pillage or maltreat the unfortunate people wrecked on the coasts, or which generally inflicted such evils as are now inflicted by upwards of 40,000 thieves, robbers, or marauding hordes of various descriptions, against whom the honest in almost every part of the country have been driven to associate for self-defence. Neither do we see any motives which could induce any government in these times to impose political restraints so oppressive or mischievous on any industrious community as we find imposed by illegal means on the manufacturing population of the city of Norwich and other parts of the kingdom; nor do we believe that by any form of the abuse of the powers of a government it could use any agency such as secret committees have employed in the manufacturing districts to coerce the honest and industrious, but peaceable, to purposes injurious to them, by actual murder or the fear of life or maiming, or the threats of such fire and pillage as were displayed in the burning of the city of Bristol.

The apprehensions expressed of danger to the liberty of the subject from the institution of a preventive police are usually supported by reference to institutions having that name on the continent; but we believe it will be found that the notions prevalent as to the state and operations of such institutions are even more erroneous than those we have found prevalent on the state of the penal administration in this country.

We believe it will be found that the police force in a neighbouring country, which has been referred to as a preventive police, is in no proper sense in sound theory or in actual practice preventive; and that it has had none of the chief effects popularly attributed to its Although organised for political purposes, to the neglect, as we believe, of the. main purposes of a preventive police - the protection of private individuals in the enjoyment of their rights against infractions by depredators or others, - it has not saved the various governments which have depended on it, if any have; and in all large movements by the whole of the community it has been disregarded or thrown aside as of no serious account.

The trained force which we propose is of little more than one constable to 2,000 inhabitants; - a force three or four times more numerous than that we propose were absurd as a means of constraining the whole community to any course which they felt to be inimical to them. What such a force might do with the tacit consent of the community, and what we believe to be most important for the liberty of the subject it should do, is to enforce the laws for the suppression of conspiracies, riots, or dangerous violences, by which ignorant or fanatical, or rapacious minorities may seek their ends. Without the assent or aid of the community, that is to say, without information from the people, a police or constabulary force cannot perform properly even its ordinary duties,

The safe course for maintaining the freedom of the subject appears to us to be, not to render the authorities impotent, but to make them strictly responsible for the use of the power with which they may be invested for the public service. The securities respecting which the greatest anxiety should be manifested, are the securities that the power which the Legislature may confer for the general advantage shall be fully used. The great mass of evil indicated in our Report is ascribable not to the abuse, but to the neglect and disuse of beneficial powers. The chief and proper objection, as we conceive, to the police forces abroad are, that they act on powers which are arbitrary: the force which we propose could only act on powers which are legal, and for which they would be responsible to the courts of law, and ultimately to the Parliament.

What has been done partially in particular places, may be done generally and more completely throughout the country, by the more efficient application of the like means. If a constabulary force were well appointed and trained on a uniform system, and were placed under trained and responsible direction for the whole county, it would, we are assured, soon enable Your Majesty's subjects to sleep under a feeling of security from midnight plunder and violence; it would give protection to the industrious classes in the enjoyment of property, and by enhancing its value create additional motives to industry and frugality; it would give freedom and security to travellers on the roads, and humane succour to natives, and hospitality to strangers thrown by shipwreck on our coasts; it would free the country from mendicancy and vagrancy, and the various evils that follow in their course; it would free the industry of the manufacturing labourers and increase the inducements to the investment of

capital by protecting them from lawless violence; it would tend to secure the people from the alarms and dangers of riotous disturbances of the peace, by affording a powerful means of repressing them without the risk of military execution and bloodshed, without putting hostile parties in array against each other, without endangering animosities by arming neighbour to conflict with neighbour, and master with servant; all this, and much more beneficent service it might be made to render at an immediate expense of less than one-fourth of the sum recently saved by one amendment in local administration; or, as we feel confident, all these great objects may be accomplished with an ultimate saving of the whole expense from upwards of two millions of money, now chiefly expended on what have been proved before Committees of both Houses of Parliament, and pronounced by them to be, ineffective or demoralising systems of punishment. [487]

The Commissioners' radical 1839 Report proposed a force of 8,000 national police along the lines of the Metropolitan Police under the control of the Home Office and the Metropolitan Police Commissioners. The local establishment of such a professional force would be elective and not prescriptive: the choice would remain with each county's Quarter Sessions. To both encourage adoption and underline continuing government interest, the cost would be shared, three quarters from a county rate and one quarter from central funds. While reporting their activities to local Quarter Sessions, who would be empowered to produce detailed policing rules, matters regarding the size and general management of the force would be centrally controlled.

The widespread hostility, which met the Report's "gigantic tyranny," was both utterly predictable and probably politically useful in emphasising the relatively mild nature of Russell's subsequent County Police Bill. [488]

County And District Constabulary Debate

House of Commons 24 July 1839 [489]

Lord J. Russell (the Home Secretary) rose to move for leave to bring in a bill for the establishment of county and district constables by authority of justices of the peace for England and Wales. He proposed, by this bill, to give authority to justices of the peace in certain cases for the establishment of an efficient constabulary.

"Every one was aware, that in many populous districts, there was a very great want of such a body. A noble Friend of his had taken great pains some time ago with respect

[487] http://www.historyhome.co.uk/peel/laworder/constab.htm
[488] "Stumbling towards Professionalism: A post-revisionist overview of the establishment of English policing in the nineteenth century" Keith Smith
[489] Hansard House of Commons 24 July 1839 vol 49 cc727-40727

to a bill for a commission for swearing in special constables; and afterwards he had introduced a bill, which allowed justices, in certain cases, to appoint special constables. In both those bills, it was necessary for the appointment of such constables, that there should be an apprehension of riot, or a breach of the peace or peril.

Both these bills would have been useful in many cases that had come under his own knowledge, but they did not apply to the ordinary state of police in certain districts. It certainly was in the power of justices to add to the number of special constables on any sudden necessity; but whenever that extended beyond a certain point they found themselves very much at a loss, Many evils had arisen from that: and it was very frequently the case, that when apprehensions arose with respect to any meeting about to be held, the magistrates sent directly for military assistance.

The officers commanding in the districts to which such applications were made felt them to be very embarrassing. They had stated, and more especially Sir Richard Jackson, an officer of very distinguished merit, and a competent judge on all subjects connected with both the military state of the army, and the civil condition of the district in which he commanded, had stated to him that applications of that kind tended to break and destroy the discipline of the troops. It was very necessary to preserve that discipline, especially where there was a considerable number of troops, and for that purpose they must be kept together, and not divided into small detachments. There was great inconvenience also in their being disposed of in billets of one or two together over large towns. That had been felt by the late commander of the northern district, and also by the present commander, to be a very serious inconvenience.

On occasions not of a very extraordinary nature there was, however, no force to rely on, and the consequence was, that in populous towns of 10,000, 15,000, or 20,000 inhabitants, it often happened that the magistrates said, that although there was no immediate apprehension of danger, yet they swore in some three or four hundred special constables. With respect to the ordinary administration of criminal justice, there existed a very great defect in this respect.

The commissioners appointed by the Government three years ago in order to investigate the subject had shown in their report how very often it happened that thieves and depredators of every description enjoyed perfect impunity, owing to the inefficient state of the police. This occurred frequently in populous districts, and more particularly since the establishment of an efficient police in the metropolis and in many corporate towns in the kingdom. It was stated in the report, that in the town of Hull, there was a sort of society of housebreakers and thieves, who practised their depredations, not in that town, but in surrounding villages, about five or six miles off,

and returned with their booty to Hull. Such testimony as this showed the advantage of appointing an efficient constabulary force in the country districts.

There was another evil, which had been much complained of in that House, and in the country, arising out of the establishing of beer-houses, in consequence of the Sale of Beer Bill. He believed, that the complaint on the subject of the beer-houses was well-founded; and the fact that great disorder took place in the beer-houses was owing not so much to the mere permission given by the Act for the sale of beer (an advantage to the consumers, which he thought ought not, if possible, to be prevented), but to the total neglect of the police rules and regulations, which, though enacted by this bill, were not carried into effect. It was a constant complaint, that the constable was known to the frequenters of the beer-houses, and the persons connected with them, that he rather avoided being cognizant of the disorders which occurred at them, and that he had very little motive for bringing himself into trouble by the performance of a very difficult duty. The result was, that the beer-houses were noted for disorder, and the remedy sought, which in itself was objectionable, was to deprive the people of the advantages of the Act of 1830.

There were general reasons, affecting the state of the country as respected its police, that induced the Government to take the subject into consideration some time ago, and to give great attention to the report made by the commissioners relative to the constabulary. But when the report was taken into consideration, the remedy proposed by the commissioners, though it might be the best that could be devised with a view to the establishment of a general system of police over the whole country, appeared to the Government to be too large and extensive to be applied at once to the country, and likewise to go beyond the necessity of the present case.

He would state the grounds, which in regard to the present case, made it incumbent on the Government not to lose any time in introducing some bill on the subject. The meetings which had lately taken place, and the riots and alarm consequent upon them, had increased the demands for the military force, and had rendered it necessary, however undesirable it might be, to send detachments from the headquarters of regiments, as well as to call out the yeomanry in aid of the civil power. It was very obvious that on many occasions, this necessity would be prevented if there existed a civil force of constabulary, which could be relied on by the magistrates. The military, though they were able to put down disorder, were useless in capturing and arresting the persons who had caused it. These were the reasons which made him think it desirable to introduce a bill on the subject, not as a general measure, because if he brought in a general measure, he thought he should be proposing the establishment of a paid and regular police in many districts where at present it was not wanted.

There might be many places where it would be desirable to have more than the usual number of constables, but this necessity did not exist with respect to some of them at

the present moment, but there was a necessity that magistrates in certain districts should be enabled to appoint a constabulary regularly organized, and permanently maintained by them. In the corporate towns, this power was exercised. There a police force might be regularly paid, organized, and, if necessary, supplied with arms. In Newcastle, where a few nights ago a riot, beginning in a street brawl, and ending in a serious tumult, occurred, there existed a police force regularly organized, which, on that occasion, was armed in order to put down the disturbance, and which proved sufficient to restore tranquillity without the aid of the active operations of the military force. But many districts in the counties had in the present time come to be thickly peopled with a manufacturing or mining population, which partook of the character or nature of a town population, while, at the same time, it was impossible to confer upon them municipal institutions. Nevertheless they required the institution of a police force, and in one district this want was so much felt in consequence of the great increase in the number of crimes and depredations, and in the lawless habits of the disorderly part of the community, that after two or three years' complaints, two bills had been brought into Parliament, during the present Session, with the view of meeting the evil.

One of these bills afforded means for the establishment of an efficient police in the district to which he alluded, in the Potteries, and the other for the appointment of a stipendiary magistrate. A remedy, however, which was to be obtained only by applying to Parliament in each particular case was a very expensive one, and required great combination on the part of the magistrates and proprietors of the district. It indeed might frequently happen, that the application of the remedy would be prevented either by the dissent of some particular individual, or by the apprehension of expense. What he proposed, therefore, with respect to counties, was, that the magistrates at quarter-sessions, if they should think necessary to establish a regular constabulary force, not merely for a temporary occasion, but for a permanence, should have the power, with the consent of the Secretary of State, of establishing such force.

In the same way—and this he thought was likely to be the more general case—if a magistrate, acting for any particular district, should apply to the magistrates at quarter sessions, and they should agree to his application, in that case they should have the power of establishing a police in that particular district. In either case the consent of the Secretary of State would be needed, and regulations as to the qualifications of constables would be required. Qualifications of this kind were required by the bill, now the law of the land, establishing a constabulary force in the county of Chester.

In the present bill he did not propose, that any appointments, either of the persons who were to have the command of the force, or to exercise power in it, should be vested in the Crown. He thought, that the magistrates themselves would probably take care, that such regulations should be made as would enable them to appoint efficient persons. There were now so many examples of an efficient police, both in the

metropolis and in other places, established through the recommendation and advice of the metropolitan commissioners, that it evidently would not be difficult for the magistrates to constitute a good police force. He thought, that the bill he proposed to bring in would lay the foundation of an improved system in the country.

At periods remote from the present time, it might have been quite sufficient to have a constable unpaid, and appointed without qualification, but the circumstances of the present day, when the population had greatly increased, and where there were great amounts of property exposed to depredation, made it necessary that the constabulary force should be more efficient. He thought, too, it would tend permanently to the security of the country, if the peace could be preserved in counties without calling out the military or yeomanry, but merely by the establishment of a sufficient civil force. It was with this view that he moved for leave to bring in a bill for the establishment of county and district constables, by authority of justices of the peace for England and Wales. As he had before stated, the title of the bill might seem to imply a too general establishment of a constabulary force, but it would only give authority to magistrates to establish such a force in cases where it might be required.

The Bill from the magistrate's point of view was an admirable measure, as there were to be no centralisation of powers or interference with the powers of the magistrates. Lord John Russell said the Bill was introduced following riots and alarm, where troops were deployed and competently dealt with the disorder but were not able to arrest ringleaders, a role the police could more satisfactorily perform. The Home Secretary had been impressed by the evidence published by the Royal Commission and was satisfied the time had come to establish an efficient constabulary in the counties, particularly in those areas already beginning to suffer from urban spread occasioned by the growth of mining and manufacturing industries. (Lord Normanby succeeded Russell at the end of August 1839) [490]

Attracting little opposition, its parliamentary passage was swift with the only significant resistance coming from Disraeli who, reviving largely exhausted constitutional objections, vividly characterised the expression "rural constabulary" as "Gallomanic jargon". [491] [492]

The County Police Act 1839

Russell's Bill, which followed upon the work of the Royal Commission became The County Police Act 1839 (2 & 3 Vict c 93) which was sometimes referred to as the Rural Constabularies Act or even the Rural Police Act. (To avoid already confusing position, readers should be aware there is also a County Police Act of 1840)

[490] "A History of Police in England and Wales" Critchley Page 78
[491] "Stumbling towards Professionalism: A post-revisionist overview of the establishment of English policing in the nineteenth century" Keith Smith
[492] Gallomania An excessive admiration of what is French

The Act was rushed through Parliament in the face of considerable apprehension concerning public disorder involving the Chartist movement. Some counties readily adopted the provisions of this Act immediately while others adopted it in the ensuing years. It is from this period that many of the county police forces date. Many recruits among the senior officers came from the Metropolitan Police or from some of the more efficient borough forces.

The Act did not meet the one of the Report's recommendations, not supported by all the commissioners, for a national police force, with the Metropolitan Police as the controlling power. The Act did permit JPs to appoint chief constables for the direction of the police in their areas.

The Act did not make the formation of a local police force compulsory. Constabularies were only established in 25 out of 55 counties by 1856, when the County and Borough Police Act 1856 made their provision mandatory.

There may have been dissatisfaction with the existing system but for many citizens the very idea of a police force controlled by the government was repellent as they viewed it as a limitation to their freedom and a craven creep towards tyranny.[493]

Quarter Sessions that adopted the powers were able to create local forces, determine their size, conditions of service and select chief constables, who would be responsible for appointing constables. Constables would be appointed under the authority of the magistrates "for the preservation of the peace and protection of the inhabitants" where they felt the existing system of parish constables was insufficient.

The constables were to be appointed on a ratio of not more than one officer per one thousand of population. Boroughs operating under the Municipal Corporations Act 1835 had the power to form their own police force and were to be excluded from the jurisdiction of the county police.

In each county where the Act was adopted a chief constable was to be appointed. Where a county was divided into two parliamentary divisions by the Reform Act 1832, a chief constable could be appointed to each division. It was also permitted for one chief constable to be appointed to two or more neighbouring counties.

A "county" for the purposes of the Act was defined as being "any County, Riding or Division having a separate Court of Quarter Sessions of the Peace or in which separate County Rates are made". The Act was not to extend to the Metropolitan Police District.

In order to establish a force in a county, it was necessary for three or more magistrates to make requisition to the chairman of the quarter sessions to bring the matter to a vote. If the sessions chose to adopt the act they were obliged to prepare a report on the area and population of the county and the existing method of policing. The report would set out how it was proposed to apply the legislation to the county, detailing the

[493] "The Science of Sherlock Holmes" E J Wagner John Wiley and Sons page 120

number of constables, the divisions of the county and the salaries to be paid and making any additional rules and regulations deemed necessary. The report was then submitted for approval to the Home Secretary who could modify parts of the scheme but did not have the power to alter the number of constables or their salaries. The sessions had the power to choose a chief constable, but his appointment was also subject to the approval of the Home Secretary. In some cases magistrates chose to form a force in only part of a county.

The take up of the 1839 Act by Quarter Sessions was sporadic and variable depending on local concerns. Costs and benefits were at the heart of the argument between those in favour and those that opposed the initiative. A more proactive police would generate activity that would have costs with more prosecutions and prison places. So would a structured effective police force be too expensive and worthwhile? [494]

As the idea of the new police spread to the provinces, officers were often given additional functions already undertaken and paid for. If the police undertook these duties there were savings to be made that could be spent on the new police. Extension of powers in Surrey in 1851 was such a trade off. The Acts of 1839 and 1842 that enabled extension of police role and functions in the counties, included collection of rates, road surveying, weights and measures inspection and dealing with vagrants under the Poor Law legislation as legitimate police functions.

The counties were slow to implement the 1839 Act because:

> Edwin Chadwick, one of the members of the Commission, saw the new police as a means of executing the new Poor Law, which was unpopular
> There was opposition to the idea of police, as a challenge to the liberties of England.
> The expense was deemed to be too great
> Local inertia
> Difficulty in getting advice from London where central government did not believe in interfering locally
> The lack of co-operation between the boroughs and the counties
> No provision was made until 1856 for government inspection, audit or regulation [495]

There was also resentment at the prospect of landowners shifting the burden of protecting game on to the new police and thereby, onto the county's ratepayers most of whom were prevented by the game laws from hunting. [496]

A very strong advocate against the new police was the Reverend Charles Brereton who harking back to 1285 attacked "this unpatriotic and mischievous measure" and argued for a system of self-government and internal jurisdiction which the people of

[494] "Stumbling towards Professionalism: A post-revisionist overview of the establishment of English policing in the nineteenth century" Keith Smith
[495] http://www.historyhome.co.uk/peel/laworder/police.htm
[496] "Policing a Short History" Phillip Rawlings Willan Publishing2002 page 132

this county (Norfolk) have always cherished as their inalienable right." Brereton believed that at the core of the system was the parish constable elected by the parish, not the magistrate appointed by the crown.[497]

Another critic in Suffolk saw a distinction between town and country:

Policemen in a town where perhaps they might become necessarily tolerated, I look upon with distrust; but a police on the contemplated plan would be so hateful to my feelings as an Englishman that my blood uplifts every vein at the thought.[498]

Objections were to control of the police by Quarter Sessions where the larger property owners dominated and whose interests may well be different from the less wealthy whose stronger voice was in the vestry. Justices were neither elected nor accountable to the ratepayers. Most rural areas still used unpaid constable so any permanent force would increase the rates. It was also argued that the employment of a full time police to meet demands such as the Swing riots could better be met by the deployment of the military when required.

The arguments did not cease once the new police started to patrol with allegations that magistrates were attempting to extend their patronage and the tendency to appoint chief constables who were former soldiers or sailors. Former service officers established militaristic organisations could be argued were unsuited to the demands of policing. This is an interesting argument. So many breaches of discipline in the early days led to the loss of so many men. Was this due to an unsuitable discipline regime or were those recruited in need of firm control, which could only be reinforced by instant dismissal? On the surface on into the 1960s the remnants of militarism, a preoccupation with drill, bearing, saluting, military attention to haircuts and shiny boots prevailed. Many would argue this was of benefit the public reacting to a smart and disciplined force that its members could respect.

The rural police were condemned as expensive, inefficient and detached from the communities they served and there were complaints from people that they never saw a constable.[499] (Whereas the parish constable was never on patrol but at home or in his workshop, readily accessible and of course unpaid.) The complaint of not seeing a constable was rejected on the ground that the method was to target criminals, not guard property. The Sussex Advertiser remarked on the formation of the new East Sussex Police in 1841:

As the police is now constituted it is less a direct preventative than a detective force. It is true, after experience proves the improbability of a robbery (generic term used for

[497] Quoted in "Policing a Short History" Phillip Rawlings Willan Publishing 2002 page 134
[498] Quoted in "Policing a Short History" Phillip Rawlings Willan Publishing 2002 page 134
[499] "Policing a Short History" Phillip Rawlings Willan Publishing2002 page 135

crime) being effected without detection following, the commission of crime will be checked, but the result cannot be expected yet.[500]

Lack of implementation was caused by a fear of lost influence and personal pre-eminence by the country gentlemen who were also concerned about additional costs of policing upon the county rate.

It was also argued that the county justices were relatively harmless so long as they wielded that blunt instrument the parish constable but should they be armed with a sharp weapon such as a police constable, no man could foresee the damage that would result.[501]

There was also the belief that an increased number of police officers would not necessary result in a reduction in crime and there remained the ability of magistrates to swear in special constables to cope with public disorder[502].

In 1840 a committee of Surrey Quarter Sessions was established to consider the implications of the Act and if it should be implemented in Surrey but a decision was taken not to.

Surrey Quarter Sessions response to early rumblings of a county police force in Surrey

In 1840 as nationally the future development or evolution of an acceptable policing model was being planned, on Sunday January 5 a meeting of the Surrey Quarter Sessions Rural Police Committee (a subcommittee of the commission of the peace[503]) heard Mr Lawson read a requisition from magistrates of the hundred of Tandridge requesting the court to consider the expediency of adopting the provisions of the 2nd and 3rd Victoria cap 93[504], and to a constabulary force under the Act of Parliament for the hundred of Tandridge.

After a long discussion the court consented to the appointment of a committee to investigate the subject and report thereon to the next sessions.[505]

The following Sunday January 12 at a second meeting of the Rural Police Committee, Mr Hawes said the enormous loss of property annually would be more than sufficient to establish a uniform and efficient police throughout the country. It had been calculated that in Liverpool alone before the new system of police came into operation there, the amount of property stolen was valued at £700,000 per annum

[500] "Policing a Short History" Phillip Rawlings Willan Publishing2002 page 136
[501] "A History of Police in England" WL Melville-Lee 1901 reprint Kessinger Rare Reprints 2012 p295
[502] "Policing and its Context" Emsley, 1983: 77
[503] The Justices of the Peace in a particular jurisdiction considered collectively. 'All had been admitted to the Surrey commission of the peace'
[504] The County Police Act 1839 (2 & 3 Vict c 93) (also known Rural Police Act or the Rural Constabulary Act)
[505] The Era Sunday1840 January 5

what seems an enormous and exaggerated amount but believed to be strictly correct. There were 100,000 people going through their jails every year with between 15-20,000 were confined at a time. The average period of a thief's career before detection was about six years; and if they allowed the sum of 20s a week for each during the time they were out of prison and while they were subsisting upon the proceeds of plunder they would find the public were taxed with no less a sum then £800,000, which was far beyond sufficient to defray the most police that could be introduced.[506]

In support of a professional policing was magistrate the Reverend Courtney who is reported in 1840 on Sunday April 9 as believing the extension of the Metropolitan Police into his parish had effected a complete reformation in his parish and the order and quietness that now prevailed especially on the Sabbath-day formed a striking contrast to the former system. [507]

However residents of the very rural almost heart of rural Surrey were not interested in a full time paid constabulary. "The following memorial against the introduction of a police force into the Western Division of Surrey has been numerously signed in this vicinity" was reported in the press in April 1840

"We the landowners, inhabitants and rate-payers of the Hundred of Wotton, comprising the parishes of Dorking, Capel, Newdigate, Ockley, Abinger Hammer, Wotton and Mickleham in Western Division of the County of Surrey, having learned that the subject of expediency of introducing into this Division the Rural Police Force, is about to be taken into consideration by the Magistrates at the Quarter Session, beg leave to state that we have maturely and duly considered the nature of the subject above alluded to, and are of the opinion that such a force is totally uncalled for. The long and continued quiet and peaceable state of this Division, induces us to assure the magistrates that the present ancient and constitutional constabulary are so equal to their duties, that we feel perfectly satisfied as to their efficiency, and that an innovation on the present system is, in our opinion, not required. We therefore, respectfully but earnestly hope and trust, that the magistrates will cooperate with ourselves to prevent the Rural Police being introduced in the Western Division of the County of Surrey, and thereby protect an already heavily taxed people from such an unnecessary and unconstitutional impact." [508]

Rural areas remained relatively free of crime with much of the reason for the increase in urban crime levels was the movement of young unattached men, the group most likely to cause trouble, to the towns from the countryside. The loss of the young from the countryside reduced the levels of crime and disorder there. In urban areas the growth of immigration mostly desperately poor Irish added to the problems, as did the

[506] The Champion and Weekly Herald Sunday January 12 1840
[507] The Morning Post 1840 9 April
[508] Kentish Mercury & Surrey Gazette 11th April 1840

economic slump of the 1840s, which led to high levels of unemployment.[509] It is clear why the rural areas were more content to continue as they were, and why towns and Boroughs were keen to implement the new police.

At the Surrey Quarter Sessions, Reigate on a Wednesday in April 1840, the Rural Police Committee appointed to enquire into the expediency of applying the provisions of the Rural Police Act unto those portions of Surrey that are not comprised within the Metropolitan Police District made a report to the court. The report stated that the committee had held meetings upon the important subject referred to them and had made considerable progress in the inquiry but having ascertained that there is a Bill at present before Parliament (The County Police Act 1840) they decided to make no report at this time. The intent of the Bill was to make material alterations in the Rural Police Act. (County Police Act 1839) [510] [511]

County Police Act 1840

Within a few months of the first county constabularies being formed, a number of problems with the legislation became apparent. Accordingly, the Hon. Fox Maule introduced a Bill to the House of Commons in February 1840. Maule outlined the problems:

"...difficulties had arisen from the mode of payment provided for carrying into effect the regulations of the act, by levying it out of the county rates; a difficulty as to that provision had arisen in various counties, in which certain districts only had adopted the act. In counties, also, in which there were isolated portions of other counties, it was difficult to say how those isolated portions were to be dealt with, because they were incorporated in the police districts of another county than that in which they were rated for the payment..."[8]

The Bill was enacted as the County Police Act 1840 (3&4 Vict., c. 88). It provided for the voluntary merging of borough police forces with county constabularies and the levying of a new "police rate".[9]

The main provisions of the Act were:

> Justices of the peace were permitted to transfer areas from one county to another for police purposes.
>
> A special police rate was to be levied to finance the county constabulary, instead of the cost being part of the general county rate.

[509] "A Fiery and Furious People" Jim Sharp Page 410
[510] The Champion and Weekly Herald 12 April 1840
[511] 1840 12 April: The Champion and Weekly Herald

Where parts of one county were policed by the constabulary of another county, the ratepayers were to pay the police rate to the county providing the constables.

Boroughs were permitted to consolidate their police force with that of the county in which they were situate, and a single chief constable could be appointed for a consolidated force.

The chief constable of a consolidated force could dismiss borough constables, but new constables for the area were to be appointed by the Watch Committee of the borough corporation.

Justices were empowered to divide the county into districts, each with a population of not less than 25,000. Separate police rates could be levied on ratepayers of each division. However, constables were liable to serve throughout the county, regardless of which district they were assigned to.

The act repeated the definition of a county as in the 1839 Act, and noted that the Isle of Ely should be considered a county for constabulary purposes.

Permission was given to the justices to acquire land and buildings, and borrow money for the construction of police stations and to build strong rooms for the temporary confinement of prisoners.

If, in the opinion of the justices in quarter sessions, the constables provided under the 1839 Act were no longer needed, they could disband them, having given six months notice to the Home Secretary. No county forces were dis-established, and a resolution in 1843 to dissolve the Worcestershire Constabulary as "the benefit derived from the employment of the rural police in the County of Worcester has not been equal to the expense it has occasioned to the ratepayers" was soundly defeated. [512]

The Parish Constables Act 1842

In a previous chapter the role and appointment of parish constables is explored. In the context of this part of the work it can be seen that the 1842 Act was one of a number of police related Acts passed as government cautiously explored what their acceptable policing options were.

The Parish Constables Act 1842 was an attempt to give life to the deteriorating parochial system and required each county's quarter sessions to hold an annual meeting to appoint parish constables. This took the responsibility away from the

[512] https://en.wikipedia.org/wiki/County_Police_Act_1839

various Court Leet of the market towns. Only those who paid the poor rate and were aged 25-55 were eligible for appointment and those who did not take up the appointment could be fined if they failed to find a suitable substitute. Parishes could decide to have paid constables whom the justices would appoint and who would be paid by the poor rate. The constable was normally only allowed to operate within the parish to which he had been appointed. If a county force had been established under the 1839 Act he was subject to direction by the chief constable.[513]

The Act permitted justices to employ paid superintending constables to have the management of "lock-up houses" and the supervision of parish-constables within the petty sessional division of the county for which they might be appointed. Such superintending constables were to receive their salary out of the county rates. Although many of the superintendents were good and able men they were doomed to failure by the unpromising material they had to manage. The only discipline the superintendent could impose on an unmanageable parish constable was to report him to the justices who were powerless to administer anything like adequate correction. [514]

Several of the small market towns took the initiative when legislation allowed for the employment of paid police officers and very small, micro police forces were formed in Farnham 1830 under Lighting and Watching, Godalming 1836 and Guildford 1836 Municipal Corporations Act and Dorking in 1838 probably Lighting and Watching Act. The Metropolitan Police from 1839 policed Epsom in the north of the county.

Town Police Clauses Act 1847

The Town Police Clauses Act of 1847 prescribed model provisions for adoption of a professional police. The Lords of the Manor and Justices held unchallenged and unchallengeable sway over parish constables and the incentives for reform were totally lacking, as crime presented no serious problem in rural England though there were outbreaks of disorder. Increases in serious crime began with the development of roads and communications; the increase in highway robbery deteriorating to the levels described in the Royal Commission of the Police 1836-1839 report.

The Superintending Constables Act 1850

The Superintending Constables Act 1850 allowed quarter sessions to appoint a superintending constable for any petty sessional division in the county. His function was to direct the constables appointed under the 1842 Act as required by the justices. The legislation was adopted in just nine counties.

These various and cumulative pieces of legislation were leading to a loss of influence for the parishes with the justice's becoming more involved as the work load increased and the policing options were presented for consideration and evolved. Many counties

[513] "Policing a Short History" Phillip Rawlings Willan Publishing2002 page 137 and 138
[514] "A History of Police in England" WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 298

appointed professional police officers as superintending constables who found it very difficult to work with the rank amateur parish constable drawn from the ratepayer. In 1853 the superintending constable for Oxfordshire who had been a member of the Essex Constabulary asserted "half a dozen regular Essex policemen would be equal to the seventy parish constables now under me."[515]

Giving evidence before the 1853 Select Committee, Captain William Harris Chief Constable of Hampshire:

"The want of co-operation between the boroughs and counties is a great evil; if the forces were consolidated fewer men would be needed. The borough are generally the central points from whence criminals issue into the surrounding districts to commit offences, and to which they return with their plunder; the town force having no interest in prevention or detection of offences committed in the county, parties are allowed to pass unquestioned."[516]

The select committee attacked those forces established under the Parish Constables and Superintending Acts. A telling piece if evidence from the chairman of the Hampshire Quarter Sessions confirmed the committee's opinion of the parish constables. When asked if the constables provided an efficient means of regulating beer houses:

"No; they are under the influence of the neighbourhood; it is not fair to call upon them to perform the duty; without there being an actual collusion, they will be slow to interfere with their neighbours."[517]

In 1851 the Surrey Constabulary was formed for many not before time but nationally many areas remained without a modern police force.

Provincial Policing Legislation 1856

Provincial policing in boroughs towns and rural areas in the early decades of the nineteenth century never experienced the same level of government scrutiny as did the policing of London. The Metropolitan Police was seen as the policing model for the provinces, both for their leadership and operational structures. [518]

A consequence of local authority autonomy was that rural and urban policing exhibited a variety of structures with full time constables under a rank structure, parish and special constables supported in some areas by watchmen. Limitations and inadequacies were exposed by episodes of public disorder met on an ad hoc basis by

[515] "Policing a Short History" Phillip Rawlings Willan Publishing2002 page 138
[516] "Policing a Short History" Phillip Rawlings Willan Publishing2002 page 138
[517] "Policing a Short History" Phillip Rawlings Willan Publishing2002 page 139
[518] "Stumbling towards Professionalism: A post-revisionist overview of the establishment of English policing in the nineteenth century" Keith Smith

locally recruited militia or yeomanry, or by the deployment of professional soldiers.[519] There was no standard model for policing and the reluctance of central government to get involved in the localities led to many ad-hoc arrangements that suited local conditions, and what people were prepared to pay.

There were a number of Acts of Parliament and Select Committee reports, along with the successful formation of the Metropolitan Police, yet there remained reluctance by central government to insist that the traditional models of policing be modernise. There was a general reluctance in Parliament to become involved in provincial matters. The Metropolitan Police was an inescapable model for future policing. Just as within London, provincial policing raised sensitive issues of local social influence and political power. In large towns and cities, along with general municipal government, policing arrangements were increasingly the responsibility of the professional, commercial and industrial classes. **[520]**

Policing in rural areas managed at parish level also entailed supervision by the established gentry through their role as justices. Extensive local autonomy ensured rural and urban policing evolved a variety of structures involving parish constables, watchmen and their relationship with the local JP. The limitations and inadequacies of these diverse systems, exposed by occasional episodes of public disorder, were met on an ad hoc basis by locally recruited militia or yeomanry, or, exceptionally, by deployment of professional soldiers.[521]

The 1856 County and Borough Police Act brought order, some form of standardisation and control with its compulsory requirements to form and manage a modernised version of local policing. By this date there were a significant number of constabularies that could be used as templates and many of the organisational and budget based objections had been tested and worked through.

County and Borough Police Act 1856

Surrey statistics gathered by Chief Constable Hastings

A committee of the House of Commons considered the Police (Counties and Boroughs) Bill using in part, some evidence of the state of crime, detection and criminal justice in the Surrey Constabulary area. Captain Hastings drew together a range of statistics that were laid before he parliamentary committee in April 1856.

[519] "Stumbling towards Professionalism: A post-revisionist overview of the establishment of English policing in the nineteenth century" Keith Smith
[520] "Stumbling towards Professionalism: A post-revisionist overview of the establishment of English policing in the nineteenth century" Keith Smith
[521] "Stumbling towards Professionalism: A post-revisionist overview of the establishment of English policing in the nineteenth century" Keith Smith

House of Commons Mr Fitzroy in the chair. [522]

Mr Henley moved an amendment with the view of enabling justices of counties to determine what description of police force should be established in their respective districts--------

"Surrey statistics gathered by Chief Constable Hastings and sent to a committee of the House of Commons. Omitting the metropolitan part of the county the rural population might be taken as 111,000 a nice manageable little population. The chief divided the suspect portion of his community into three classes. The first comprised those who lived by the violation of the law, depredation, fraud &c., and prostitution. The second were persons who followed some legal occupation, but were known to have committed offences; and the third were known as associates of thieves, and were otherwise suspicious persons. Of the first class there were only 26 females of the second there were 9 and the third 1, altogether 36 a very satisfactory state, if it could be relied upon.

There were 525 males who came under the same category. He would now see how Surrey stood however in the matter off offences committed and detection and punishment of offences.

In the year 1851, which was the first year of the establishment of the police force in that county, the total number of persons taken into custody for every sort of offence was 684, and of that number 246 or one in three were discharged at once by the magistrate. Now he (Mr Henley) was not what was called a "liberal" but he did not understand this wholesale apprehension of persons if no crime were committed; and this was a question, which, no doubt affected the poor man, it deserved to be looked into.

Of the 684, 314 were summarily convicted; 124 were committed for trial and 94 only were convicted.

In 1855 the total number of persons taken into custody was 947; of these 310 were at once discharged by the magistrates, 539 were summarily convicted, 96 were committed for trial and 64 only were convicted.

In both these years there was by no means a satisfactory amount of convictions upon commitments. In 1851 the proportion of convictions to committals was 75 per cent while in 1855 it was only 65 per cent. It appeared that in the year 1855 the population of the rural part of Surrey was 111,000. The number of housebreakings had amounted to no less than 36 and there had been one robbery, and of sheep stealing and horse stealing there had been 21 cases; and of the smaller offence hen roost breaking there had been 47 cases so the total number of cases amounted to 105.

[522] The Times (London, England), Saturday, Apr 26, 1856

Now let the committee mark the number of convictions, For the 36 offence of housebreaking and for the one case of robbery no one was apprehended. For the 21 cases of horse and sheep stealing the number of persons apprehended was seven and of those, the magistrates discharged 4 and the remaining 3 sent for trial, but not one of them was convicted. So for these 58 cases not one person has been convicted. Then with regard to the roost-breaking 47 offences had been committed and six persons apprehended of which three were discharged and the three sent for trial were convicted. That was the result of the system and could such a result be considered satisfactory?

Such a system might answer in a town, but in a rural district it could not, for the thieves would know the whereabouts of the police better than the police would that of the thieves; and at the same time the public generally relying upon the police force would not give themselves the slightest trouble to do anything to catch anybody. Another element for consideration upon which they could not be deceived was the proportion of convictions to committals in counties with police as compared with the same proportion of counties under the superintending constabulary system.

He had compared the statistics of four counties with police and four counties with constabulary, the population being greater in the latter; and he found that during the 15 years from 1840 -1854 inclusive, the aggregate number of committals in counties with police was 32,000 and the acquittals 9,300 being 29%; while the counties with no police the number of committals was 30,000 and the acquittals 7800 being only 25% and a fraction. He was not arguing against any police but in favour of letting counties adopt such a force as they thought best.

Having taken careful consideration of the evidence laid before the committee and the argument against the need to insist that a police force along the now accepted model should be introduced the Bill became an Act.

The time had come for central government to drive through the implementation of police forces and so they enacted the 1856 County and Borough Police Act "to render more effectual the police in Counties and Boroughs in England and Wales." [523] The measure commonly called the "Obligatory Act" enacted that where a Constabulary had not already been established for all or part of a County the magistrates were forthwith to cause such a force to be appointed for the whole of the residue of that County, as the case might be; and further that all the police forces of the Boroughs containing 5000 inhabitants or less were to be consolidated with the police of the county wherein such Boroughs might be situated. An annual statement of crimes committed had to be sent to the Home office as they did from Boroughs and Inspectors of Constabulary were appointed. The Inspectors would inspect and report

[523] The County and Borough Police Act 1856 (19 & 20 Vict c 69)

to the Home Secretary who if the force was judged to be efficient, would provide a sum not exceeding one fourth of the cost of pay, clothing from the Treasury." [524]

The Act required that the Justices of the Peace for the county should at the next General or Quarter Sessions held after December 1, 1856, proceed to establish a sufficient police force. The change in tone was because only two thirds of counties had embraced the 1839 Act and amongst other reasons there was concern over the threat of vagrant crime associated with unemployed soldiers returning from the Crimean War, which required uniformity in the provision of policing across England and Wales that was lacking under existing arrangements. [525]

As an inducement to the degree of compulsion, central government funding, initially equivalent to one-quarter of the costs of pay and clothing (increased to one-half in 1874), was given to forces certified as efficient by the newly created inspectorate. Additionally, in most counties the Petty Sessions divisions (rather than Quarter Sessions) were at the apex of police organisation, thereby retaining the geographic and administrative power of individual magistrates. [526]

Police Authorities

The micro police forces came under the control of magistrates and the town council with responsibility placed upon the court leet for the management and supervision of the force. Numbers of police officers employed were normally less than five. The small forces were incorporated within the Surrey Constabulary in 1851 until both Godalming and Guildford again became small borough forces.

In the mid-to-late 19th century there were three main types of police force following the County and Borough Police Act, 1856: Borough, County and Metropolitan forces. (There also existed the City of London Police smaller than most Metropolitan Police divisions). Each was subjected to oversight:

1. In the boroughs Watch Committee were responsible for all aspects of policing (including operational policy). In the counties Standing Joint Committees (Quarter Sessions composed of magistrates before 1889) were responsible for the administration but not operational policy of policing in the counties this rested with the chief constable.
2. The Home Secretary was the police authority for the Metropolitan Police District.
3. The Watch Committees delegated powers to a trusted head constable in the boroughs but retained overall control. Watch Committees were composed of elected councillors. Standing Joint Committees in the counties appointed a chief constable to manage county police. Standing Joint Committees were composed

[524] "A History of Police in England" WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 306
[525] "Policing the Victorian Community" Carolyn Steedman 1 Routledge 1984: page 26
[526] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf Steedman, 1984: 47

equally of elected county councillors and magistrates. The Home Secretary had overall responsibility for general policing matters.

Chapter 6

Policing the small market towns in Surrey

1833 Lighting and Watching Police

In 1833 the Municipal Corporations Commissioners toured the country examining the state of policing or watching in 178 boroughs. Although the new police date from 1829 there were many small and rudimentary police forces in many towns prior to that date and the parish constable was to be found almost everywhere.

The work of the Commissioners was followed by legislative change, which had far reaching effects on local policing. The Lighting and Watching Act 1833 could be adopted locally by a certain number of property owners following a simple procedure of calling a properly constituted meeting and appointing inspectors from their number who were given a large measure of control over the local police establishments. They were then empowered to levy a rate and, among other things, to appoint policemen.

In most of the small towns in the county the vestry were given power and authority to enhance watchman cover and to appoint a supervisory board. The watchman appointed under the new Lighting and Watching Act 1830 would have the powers of a constable which established them as a cut above their predecessors who had performed watchman duties since 1285.

This Act of 1830 amended by a further Lighting and Watching Act of 1833 gave councils powers to levy a special rate to employ sufficient watchmen for day and night. The aim was to encourage greater levels of rural policing without challenging local autonomy but the extent to which permissive powers were adopted depended on levels of local anxiety about crime and disorder and a willingness to fund reform.

At a vestry meeting called by Churchwardens at Farnham church it was decided to hold a public meeting to consider the adoption of the Act. Those present at that public meeting on the 18 August 1830 voted in favour of implementing the Act and agreed a level of rate not to exceed one shilling and four pence to pay for the requirements of the Act.

A number of local men were elected to serve as Inspectors as required by the Act and six of the inspectors resolved that William Beagley and Thomas Cole be appointed as Watchmen and Night patrol “for the proper protection of the inhabitants, houses and property, streets and other places within the limits of this market town at the weekly wages of twelve shillings each.”

The Act was adopted in many places, usually where the system of parochial constables was failing to meet the needs of the community. As the Act only provided for local inhabitants to pay for their own policing there must generally have been some problem in existence which residents were prepared to pay to solve. This Act was of little permanent value and is worthy of note as the first attempt to provide day police outside the metropolis. [527]

It was gradually being accepted that the existing policing system was not good enough for modern times and the idea of a paid police was gaining ground.

In some towns members of the night watch were sworn in as constables, many were old and unsteady or ailing, equipped with lamps and rattles calling the hour as they patrolled; sometimes they were men who had done a full days work sleeping frequently during the night. [528] Many who were given the job were unemployed or unemployable and this work paid for by the parish kept them from receiving benefit payments from the parish. The watchmen might not have been the brightest or most effective but they served a preventative purpose particularly in small communities where a town of 5-6,000 was the norm in Surrey and where the less law abiding would be well know.

Residents were persuaded in some towns to act as amateur inspectors of these "police" and if resources permitted a senior man might be appointed to take charge of a group of services with some such title as superintendent of the night watch.[529]

Within a few of the larger market towns of Surrey parish constables set the nightly watch. This appointed unpaid parish official would take prisoners from the watchmen and place them in the stocks, lock-up or cage. The Market House in Castle Street, Farnham had a cage as an early lock-up used by the watchmen and parish constables but this was demolished in about 1860, along with the Market House. In many instances the parish constable would keep prisoners in his own cottage until he was able to deliver them to a magistrate also referred to as a Justice of the Peace.

Municipal Corporations Act 1835

The Commissioners turned their attention to the modernising of municipal corporations with the introduction of the 1835 Municipal Corporations Act, which helped older boroughs sort out their administration, structures allowing new and developing towns to become incorporated. Towns that were incorporated were obliged to set up a Watch Committee, elected councillors, responsible for appointing sufficient paid constables to keep the peace and prevent crime but few of them seemed eager to implement the law as by 1837, only 93 of 171 boroughs had

[527] "A History of Police in England" WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 274
[528] "A History of Police in England and Wales" Critchley page 26
[529] "A History of Police in England and Wales" Critchley page 26

organised a police force. Three years later, 108 of 171 boroughs had a police force and by 1848, 22 boroughs still had no force [530]

In Surrey at this time there were two boroughs Guildford and Godalming they established a police forces in 1836 under the Act. (Reigate was not to become a Borough until the 1860s when it too established a police force.)

The 1835 Municipal Corporations Act is an important measure on the development of local government and the early introduction of structured policing within the boroughs. The Act created for the larger towns a corporation, mayor, alderman, burgesses. The mayor was declared to be a Justice of the Peace for the borough without a property requirement. The common law method of appointing constables was placed on a new basis with the establishment of a Watch Committee made up of the mayor and councilmen. The Watch Committee were empowered at their discretion to appoint the head constable, make regulations for the management of the police and to discharge or otherwise punish any constable found remiss in his duties, provided at least three members are present when the award is made. Borough constables were given powers to act in the county as well as in the town and authorised not only to apprehend disorderly persons at any time, but during the night may take bail by recognisance from persons brought before them for petty misdemeanours, such recognisance to be conditioned for the appearance of the parties before the magistrate. [531]

Watch Committees were required to provide station houses and every quarter were obliged to transmit to the Home Secretary a return showing,

> The number of men employed
> The nature of their arms and accoutrements
> An account of all salaries
> Clothing and standing regulations for the forces
> Provision was made for the appointment under certain conditions of stipendiary magistrates at the request of the Council
> Borough Coroner is instituted
> Two or more Justices to nominate and appoint by precept in writing in October of each year, as many as they see fit of the inhabitants of the Borough to act as special constables there, whenever they shall be required by the warrant of a JP. [532] [533]

Following the recommendations of the 1853 Select Committee on Police, the County and Borough Police Act 1856 made police forces mandatory in counties and

[530] "History Today" Storch 1999
[531] "A History of Police in England "WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 275
[532] A History of Police in England WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 275
[533] "A History of Police in England" WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 276

boroughs, subjected them to central inspection and sanctioned Exchequer grants to forces certified as 'efficient'.[534]

Within Surrey Farnham, Dorking and Godalming as well as Guildford formed small "new" police forces whilst the rural parts of the county remained under the protection of parish constables working to the local magistrate, taking support from wherever they could obtain it when needed. In the areas close to Guildford and Godalming in particular, the heads of those police forces would be invited by the magistrates to come into their areas to investigate the more series crimes of murder or burglary.

Population of Britain

Crime and population numbers were linked with poverty, movement from the countryside to the towns and cities and a rootless existence that led to an early growth in crime and violence. In the 19th century Britain became the world's first industrial society. It also became the first urban society.

	Population of United Kingdom[535]
1801	10,500,900
1811	11,970,200
1815	Population of Britain reached 13 million[536]
1821	14.091,700
1831	16,261,200
1901	37,518,100

Population issues

By 1851 more than half the population of 13 million lived in towns.

About 15 million people left Britain between 1815 and 1914 averaging 150,000 a year about 5 times the then population of Portsmouth!

[534] "The County and Borough Police Act, 1856", Hart, Jennifer, Public Administration, Vol. 34, (1956), pp. 405-417.
[535] http://www.populstat.info/Europe/unkingdc.htm
[536] http://www.uk.filo.pl/uk_history_9.htm

Population of the larger towns of rural Surrey[537]

Location	1841	1851	1861
Farnham	6651	7264	9278
Frensham	1583	1559	1750
Seale	428	508	669
Dorking	5638	5996	6997
Chertsey	5347	6025	6589
Egham	4448	4482	4864
Godalming	4328	4657	5778
Guildford	4506	5171	5425
Merrow, Guildford	252	278	363
Stoke next Guildford	2054	2507	3797
Reigate	4584	4927	9975

When recording the population of the county of Surrey and relating that to policing is difficult. There was no formalised policing in Surrey before the Metropolitan Police were formed in 1829 encompassing the north of the county, including after 1839 as far out as Epsom. When the Surrey Constabulary was formed in 1851 it did not police the northern more urban parts of the county, this pleasure was delayed until 2000.

Population for the whole of Surrey up to the Thames[538]

Census Year	The whole of Surrey
1801	269,043
1821	398,658
1841	582,678
1861	831,093

[537] www.wsfhs.org
[538] www.ons.gov.uk 200 years of census in Surrey

Census Year	The whole of Surrey
1881	1,436,899
	Surrey County Council area
1881	266,200
1891	319,600
1991	1,000,900

Additional pressures upon policing in Surrey came from the growth in population density, the coming of the railways from 1830 leading directly to the growth of new towns at Woking and Redhill. For Farnham the development of the army camp at Aldershot was to have an effect on the levels of violence. Added to these problems were a number of agricultural depressions in a county where the number of agricultural labourers formed a high proportion of the population. Amongst other policing issues were the criminal gangs, many itinerant, many living on the heaths and woodlands of the county, including Farnham. More will be set out later of a criminal gang operating from West Surrey that burgled and murdered in the 1840s and the start of the 1850s.

By this time the Surrey Constabulary had been formed and had a new police station in Bear Lane, Farnham.[539] (Bear Lane, called Park Lane in the late 19th and early 20th centuries.[540])

Epsom

The Surrey Constabulary never policed Epsom before 2000, prior to that since 1839 the area was a in the Metropolitan Police District along with other northern parts of the county of Surrey. Surrey Police took responsibility for policing the whole of the county in 2000 after a number of proposals had been dismissed by the Metropolitan Police whose main argument at one meeting said only they had the resources to police the Derby! (The main argument for change was the complexity of partnership working for policing when in the county some areas were the responsibility of Surrey Police and other communities from Banstead to Ashford and Staines were in the Metropolitan Police District. Negotiations took place occasionally without enthusiasm of New Scotland Yard until finally a Home Secretary said the whole of the county will be policed by the Surrey Police, and it was.) [541]

[539] Letter to Robert Bartlett June 2014 from Mr. Jo H Futcher late Surrey Constabulary
[540] St Polycarp's Catholic School, Tricia Knight, Farnham and District Museum Society 2013 Page 23
[541] The author was part of some earlier discussions in 1994

Epsom though policed by the same force was not in any way like central London though there were still acts of drunken violence as in all small market towns. In 1676 an aristocrat's behaviour led to the death of his companion by a local watchman. Rural life was not all sweetness and light and local law enforcement officials were called to respond to violence without training and probably experience! John Wilmot, Earl of Rochester, it was said, was the most frantic, drunken and witty rake of Restoration England. Epsom with its fine company and loose women attracted him. In 1676 he was in the town, tossing fiddlers in a blanket for refusing to play when he seized one of the locals and demanded that he find him a woman. Rochester was taken to the constable's house instead, and in the resulting brawl one of his companions was killed by a watchman' pike. In the confusion, the Earl fled.[542]

Bow Street Horse patrols

Although the Justices had responsibility for maintaining order and the investigation of crime and had done so since the creation of the office, by the 19th century the actual policing in Epsom as in other rural parts of the county was carried out by Parish Constables, or Headboroughs, appointed by the justices. During the early part of the 19th century, some of the local roads were also patrolled by members of the Horse Patrols, part of the organization of the Bow Street Runners.

These men wore a double breasted coat with gilt buttons, a leather stock, white gloves, black leather tall hat, top boots and a scarlet waistcoat, hence the nickname "Robin Redbreasts". They were armed with a pistol, heavy sabre, and truncheon and carried handcuffs. There were four divisions: the second division covered Epsom. There were a number of Horse Patrol stations; among them were Merton, Sutton, Wimbledon and Ewell.

From records in the National Archives, it appears there were at least four men, patrolling part of the area adjacent to Epsom. They were: W. Wright covering Merton to Mitcham and Sutton, G. Drake, Merton to the Ewell Turnpike and W. Richardson Cheam to Merton Gate. They were paid 3/- (15p) a day. Sometimes the men were employed on what was termed "Special Service" to police fairs, races etc. For such duty, they received an extra days pay.

The following instructions governing their duties are contained in an order book of 1827 now in the National Archives and are indicative of orders soon to be adopted by the new police:

> iv. When passing persons in carriages the Patrol are to call out in a good and distinct tone "Bow Street Patrol".
>
> ix. They are to live with their family in the house provided keeping it clean

[542] https://en.wikipedia.org/wiki/John_Wilmot,_2nd_Earl_of_Rochester

> and decent and not to have pigs or other animals which feed on corn ..... they are not to be absent from their homes for more than two miles without permission.
>
> x. Every Patrol when from home is to appear in uniform. Any omission from this order will be deemed as shewing (sic) that he is ashamed of the situation, which he holds and consequently unfit to be retained.[543]

Armed Burglary at Moulsey

Bow Street officers dealt with an armed burglary in 1830 a year into the working life of the Metropolitan Police and at a time when Union Hall police were still active and this was their area. However, rural Surrey including Epsom and south of the Thames at what today is spelt Molesey, still had no police force. The Metropolitan Police had no detectives a role still undertaken by Bow Street. Attacks on vicarages were not uncommon and many vicars kept loaded pistols close to hand at night. This case gives some idea of how violent the robberies were and the working of the law enforcement officers, parish constables and Bow Street.[544]

The Reverend William Warrington was a gentleman with a large property at Grove Cottage, West Moulsey, in the vicinity of that well-known spot, Moulsey Hurst, Surrey. On the night of Wednesday, the 19th of November 1828, four burglars entered his house, and a great quantity of valuable property carried off. Mr Warrington's house adjoined that of Mr Jeffs, a magistrate of the county, and the thieves in effecting an entrance to the house, which they had determined to rob, employed a ladder, which had been accidentally left in Mr Jeffs garden. The circumstances, which attended the burglary, were as follows.

“Between one and two o'clock on Wednesday morning Mrs Warrington was in her bedchamber, engaged in writing, and Mr Warrington was in the same room in bed asleep, when the former was terrified by hearing some persons at the back part of the house attempting to force a window on the first floor, which opened on to a staircase and to a passage which led to the bedroom. Before she had time to alarm her husband, the fastenings of the window were wrenched off, without breaking the glass, and as she opened her bedroom door she beheld four men, who had entered by the window by means of the ladder before mentioned, in the act of ascending the stairs and approaching her chamber. Her fears were so excessive that she was struck speechless for a few seconds. When she recovered she shrieked, and exclaimed: "Good God, we shall be murdered; there are thieves in the house!" [545]

[543] http://www.epsomandewellhistoryexplorer.org.uk/PoliceEpsom.html
[544] http://www.britishexecutions.co.uk/execution-content.php?key=2369
[545] http://www.britishexecutions.co.uk/execution-content.php?key=2369

Artist's impression of an armed burglary at Grove Cottage in Molesey Hurst on November 19 1828 (Photo: Newgate Calendar)

"Her husband was awakened instantly by her cries, and he had just time to leap from his bed and proceed in his shirt to the mantelpiece, on which he constantly kept a loaded pistol, before the four villains entered the chamber. He seized the pistol, levelled it at one of the thieves, and fired but without effect. The first man who entered the room, however, a dark, ferocious-looking fellow, in turn drew from under his coat a pistol, and presented it at Mr Warrington. The villain pulled the trigger, but the powder did not ignite. He re-cocked it, and pulled it a second time but it flashed in the pan. Mrs Warrington fell upon her knees, and in the most earnest and affecting manner implored the villains not to murder her husband, but to take all the property without interruption. The thieves then produced some cords (which they had stolen from Mr Jeffs' garden), and tied Mr and Mrs Warrington's hands and feet. Their hands they tied fast behind their backs, and cautioned them to be silent as they valued their lives.

They left Mr and Mrs Warrington in their bedroom for a few minutes, and proceeded upstairs to the servants' sleeping apartments, and there they bound two female servants (the only persons in the house beside Mr and Mrs W.) with cords, in the same manner as they had previously bound the others. After they had bound them the four robbers carried them downstairs to a vault, which was under the house, and fastened them in that cold place, with scarcely any covering. The villains then returned to Mr Warrington's bedroom, searched his clothes, and broke open his desks and drawers, and, in truth, ransacked the house completely. They took cash to the

amount of about thirty pounds, and jewels and plate of considerable value, with which they decamped.

Grove Cottage

The servants had been confined for several hours in the vault when one of them, after much exertion, released one of her hands from the cord and forced her way through the door of the vault. After ascending some steps she found another door fastened, and she had to break through that before she could assist her master and mistress, whom she found in a most deplorable state of agitation. She unloosed the cords, which secured them and, having released her fellow servant also, they alarmed Mr Jeffs' family and the other neighbours. Mr Warrington found that not only all his portable property of value had been carried off, but that the villains had stolen a horse, valued at eighty guineas, from the stable, and had taken his phaeton from his chaise house, and by these means had carried off their booty. Mr Warrington sent information of the robbery to Mr Cooke, constable of Kingston, who set off in pursuit of the robbers. He was able to trace the phaeton and horse and two of the robbers from the house of Mr Warrington, by a very circuitous route, to Walton Bridge, and from thence through several by-roads to Knightsbridge.

On the same day Mr Warrington also gave information of the robbery at Bow Street, and Ellis, Ruthven and Bishop (three Bow Street principal officers) were directed to institute an investigation, with a view to apprehending the thieves. Upon the arrival of the officers at the house of Mr Warrington various minute circumstances transpired which induced a strong belief in their minds that experienced thieves had not

committed the robbery, but that it had been "put up," or sanctioned by some person in the house. The clumsy manner in which the boxes and drawers had been opened seemed to point to the first impression, and the undoubted circumstance of six buck-shot having been withdrawn from Mr Warrington's pistol, which had been lying on the mantelpiece for several days, led to the latter conclusion. Suspicion seemed to attach to one of the female servants, who had been familiarly accosted by her name, "Fanny," by one of the robbers, and who had been the first to secure her escape from the cords by which she had been confined, and she was taken into custody. After a few days' imprisonment, however, the officers declared themselves unable to produce any positive evidence against her, and she was discharged.

From this time the most anxious exertions were made by the police officers to secure the robbers. Every means in their power was tried; but although they succeeded in tracing them by witnesses to London, where Mr Warrington's phaeton and horse were found, they were unable to discover who were the persons by whom the burglary had been perpetrated.

In the month of July 1829 however, the long-pending mystery was solved. A man named Barnett, a Jew, had been convicted of a burglary in the house of Mr Colebatch, in Thames Street, for which he had been sentenced to transportation for life; but, anxious to save himself from the infliction of this punishment, he tendered information as to the parties who had composed "The Moulsey Gang," as they were now called, upon condition of his liberty being restored to him. The proposition was at once accepted, and he immediately impeached Banks and four other men, named John Smith, William Johnson, James Taylor and William Potts -- alias Emery. The officers instantly set about endeavouring to procure the apprehension of these persons, and Cragg, a resolute officer of Bow Street, was directed to proceed in search of Banks. This fellow was a notorious thief, and was suspected to have been concerned in many robberies, which had recently been committed. Cragg had heard that he had frequently declared his resolution not to be taken alive. Determined to succeed in his object, however, Cragg attired himself in the garb of a butcher and proceeded in search of him. Many days elapsed before he could find him; but at length he met with him and, rushing at him, presented a pistol at his head, and called upon him to surrender himself a prisoner, Banks appeared astounded at this salutation, and made no resistance, but exclaimed "I am a dead man." When his person was searched, a loaded pistol was found in his pocket, and on his back was a coat which was a part of the produce of a robbery in which he had been recently concerned, in the house of Mr Campion, at Waltham Cross.

The other prisoners were apprehended about the same time; and Potts was proved to have pawned a pair of shoes, which also had been stolen from Mr Campion's. Upon their examination before the magistrates at Bow Street, Banks's participation in both burglaries was clearly proved, and he was committed for trial. Both Mr and Mrs Warrington identified him as one of the persons who had entered their house, but

pointed him out as having acted with some degree of humanity and strongly protested against the exercise of any cruelty by his companions.

Banks alone was committed for trial upon the charge of burglary at Mr Warrington's, the evidence against the other prisoners not being sufficiently conclusive to warrant their being indicted, and he was found guilty, and sentenced to death at the succeeding Surrey Assizes.

After his conviction he professed himself to be perfectly willing to meet his fate, as he knew nothing of a state hereafter; he declared that all he cared about being hanged was for the pain it would cause him. He refused to receive any consolation from the chaplain, and was perfectly unmoved up to the time of his being pinioned.

William Banks convicted of housebreaking was executed on the 11 January 1830

1839 extension of the Metropolitan Police District

Epsom was incorporated within the police area of the Metropolitan Police. The 1839 proposed extension of the Metropolitan Police boundaries was not met with universal acclaim, if a petition from the Churchwardens and Overseers of the parish of Christchurch a Surrey parish, is to be believed. Particularly as the cost of the "New Police" was double that of the previous Night Constable and Watchmen. The Justices of the Copthorne and Effingham Hundred, under whose jurisdiction Epsom came, express quite a different view. In a questionnaire for the Home Office in the 1830s, answering a question on failure to bring offenders to justice, the magistrates cited a recent failure by a Constable to apprehend two offenders due to his fear of physical injury. He is quoted as saying,

"If I had my head broke who is to indemnify me?"

They go on to comment unfavourably about the practice of the Parochial Constables hiring substitutes and how ineffective these were. Their final comments are generally supportive of a paid and efficient force, but only if the costs were moderate.[546]

And so areas of rural Surrey out as far as Epsom became a part of the Metropolitan Police District in 1839 long before the Surrey Constabulary was formed. Rural Metropolitan Police officers could be armed. In 1832 the Home Office gave permission for the Metropolitan Police based at remote country stations to be armed with cutlasses if reinforcements could not be provided quickly. In 1834 each inspector had a pocket pistol and from 1884 until as late at 1936 constables on patrol in outer divisions could with the superintendent’s permission carry a firearm. [547]

With the extension of the Metropolitan Police district in 1839, Epsom formed part

[546] http://www.epsomandewellhistoryexplorer.org.uk/PoliceEpsom.html
[547] The Victorian Policeman by Simon Dell A Shire Book 2004 page 21

of V or Wandsworth Division. On V Division, there were six PCs living in a private house in Epsom. A Mounted Sergeant supervised Morden, North Cheam, Maiden, Ewell and Epsom. [548]He must have spent a great deal of time in the saddle! Although the document is undated, it presumably refers to a period earlier than 1852 when the police station in Epsom was built in Ashley Rd. Another document also undated shows there was a police station or police office in Epsom where charges were taken and six constables were residing in a Section House. [549]

Home Office approval was granted for the erection of a police station in Epsom at a cost of £917, 3s, 7d (£ 917.375). This was occupied in 1853 initially by one sergeant and 11 PCs. The census return of 1861 shows a sergeant, his wife and 4 unmarried constables residing there. The others were presumably absent on the census night. [550]

The Epsom Police Station in Ashley Road

The following are a number of cases from the Epsom area, cases similar to those to be experienced by members of the Surrey Constabulary once formed.

Assault on PC 269V Joseph Russell Metropolitan Police

1841: Saturday 8 May: Just before midnight PC 269V Joseph Russell Metropolitan Police was on patrol in the High Street of Epsom when he heard a disturbance at the King's Head inn. On investigation Charles Fincher was found kicking at the tap-room door. On being told that he could get no more beer, Fincher a labourer, became

[548] A document in the Office for National Statistics;
http://www.epsomandewellhistoryexplorer.org.uk/RiotousEpsom.html
[549] http://www.epsomandewellhistoryexplorer.org.uk/PoliceEpsom.html
[550] http://www.epsomandewellhistoryexplorer.org.uk/PoliceEpsom.html

abusive, tore the officer's rolled cape from the back of his coat and used it to hit PC Russell in the face. A violent struggle ensued and a number of people emerged from the taproom to become involved in the fracas.

A drunken George Gardom intervened, shouting: - "You shall not take that man to the station. I'm a gentleman and I'll bail him... You, you and you. Come on ten of you and assist me to get this man away." A number of men then assaulted the constable with sticks and their fists. PC Russell drew his truncheon to defend himself and kept hold of Fincher until a colleague, PC Price arrived to assist him.

The two police constables escorted their prisoner towards the station house but only got as far as the (Spread) Eagle tap before Gardom again incited the mob. George Gardom seized Phipps' stick, struck Constable Russell down, and beat him about the head. The officer's leather top hat, then part of police uniform rather than a helmet, was 'cut to pieces'.

Eventually the constables managed to struggle back into the station house with their prisoner and closed some gates behind them. A hail of stones was hurled after the group and the mob burst open the gates threatening to storm the building. Alerted by all the noise, other officers rushed out to assist their colleagues, beat off the attack and apprehend Gardom, Edes, Phipps and Ratcliffe.

Although powerfully built, PC Russell had been badly injured and remained dangerously ill when examined by the surgeon-in-chief to the Metropolitan Police and Arthur O'Brien Jones, surgeon to V Division, some days later.

When giving evidence to the Magistrates, Baron de Teissier and Mr Goss, about the event PC Russell declared that George Edes, James Phipps and John Ratcliffe (the latter two, recruits to 89th Regiment of Foot) had subsequently belaboured him with heavy sticks. "I was knocked down. Ede knelt upon my back struck me and attempted to kick me in the ribs but kicked my lantern. I got up and struck him with my staff very violently, as I thought he intended to do me some serious hurt."

The charges brought were:

Edes - Assaulting and wounding Joseph Russell, PC 269 V, with intent to do him grievous bodily harm;

Phipps and Ratcliffe - Attempting to rescue a prisoner;

Gardom - Assaulting and resisting the police in the execution of their duty;

Fincher - Being drunk and disorderly and assaulting the police

Initially, Gardom and Edes had been bailed for £100 and two sureties of £50 each. At a further hearing, however, the Magistrates remanded all the accused to Kingston gaol

to await trial. Gardom's father appealed to the bench, explaining that George was his only son and being sent to prison would break his parents' hearts. His offer to stand bail to the extent of many thousands of pounds for security to ensure his son's appearance was declined.

The outcome of trial at Guildford assize is revealed by the Criminal Registers published on the Ancestry UK website. George Gardom, George Edes, James Phipps and John Ratcliffe were all tried at the Assizes on 29 June 1841. Gardom got 12 months' imprisonment and the others 9 months each. Charles Fincher was not mentioned. [551]

Police Constable 219V Butcher

A similar incident was reported on Wednesday 25 August 1841. The previous Saturday, 21 August 1841, at ten minutes to midnight, five men left the Bull's Head, Ewell, "drunk and noisy", before travelling to Epsom. In the town centre, they were encountered by Police Constables 219V Butcher and 217V Duncan Stewart who remonstrated with them. Charles Robinson from Putney flourished a reaping hook [indicating that the men could have been itinerant harvesters] over PC Butcher swearing he would cut off the officer's head. Disarmed by Butcher, Robinson was given into the custody of PC Stewart. George Morrett, of Brentford, then struck Constable Butcher over the head with a heavy stick before kicking him and breaking one of the officer's ribs. A man called Jarrett went to the assistance of the felled constable and both assailants were escorted towards the police station. On their way to the station house PC Butcher collapsed in the street resulting in him being carried home. Examined by the divisional surgeon, Mr Jones, his injuries were declared to be of a most serious character.

On Monday, 23 August 1841, the men appeared before local magistrates, Baron de Tessier & Captain Gough after a surgeon's certificate had been produced testifying that PC Butcher remained in imminent danger the prisoners were remanded until Friday 3 September 1841. Details of their trial have not been traced.[552] [553]

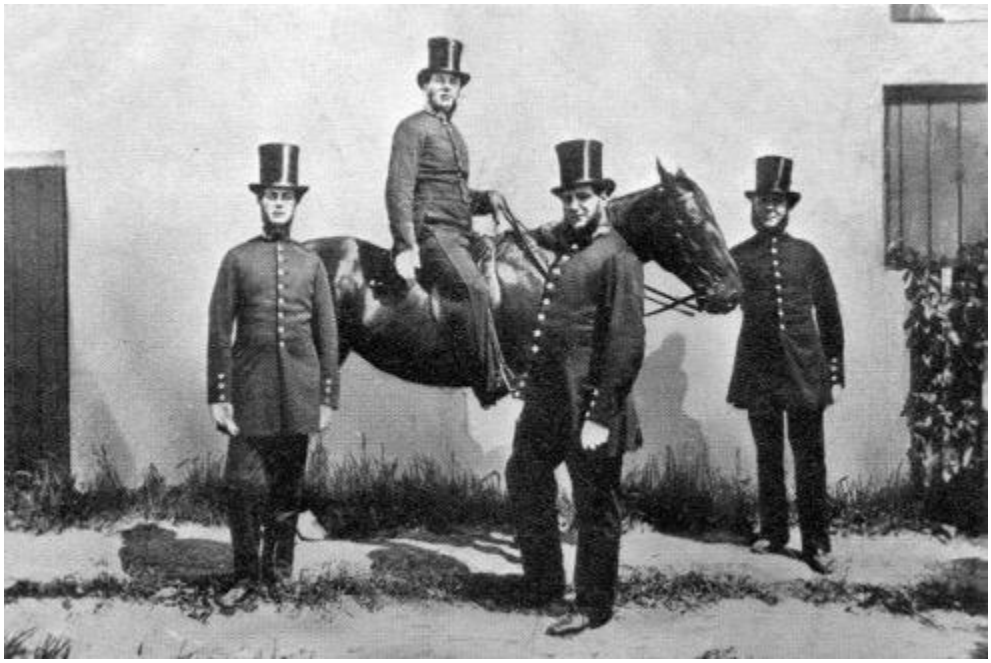
Original Epsom police station was in the High Street

The original police station was situated in the High Street at the eastern end on the south side. As explained in 'The Court House" an article in one of the local papers in 1935, it appears that when number 45 High Street was being vacated the remains of what appeared to be two cells were discovered. Although some alterations had been made to the doors, the door bolts were still attached. Each door

[551] http://www.epsomandewellhistoryexplorer.org.uk/RiotousEpsom.html
[552] Brian Bouchard © 2011 With contributions from Linda Jackson
[553] The Morning Post on Wednesday 25 August 1841

contained small trap about 6"x8" presumably to allow food to be given to the prisoner. At the time of the 1851 Census a Sergeant, his family, with 6 constables and a lodger, occupied these premises.

(In 1919 the police station in Ashley Road was badly damaged during a riot by Canadian soldiers when Police Sergeant Green was killed and in July 1944 a German V1 Flying Bomb hit it. In November of that year a temporary station was set up at Worple Lodge Ashley Road until February 1946. The next police station at Church St became operational in 1963 and was sold in 2013 by Surrey Police.)



Epsom Police about 1860

The photograph was taken at Epsom Races in 1864 Superintendent Robert Walker (mounted) and left to right Inspector David Baldry who served at Buckingham Palace, Inspector Eleazar Denning who was in charge of policing the House of Commons[554]

Farnham Police

Lighting and Watching Acts and Farnham

In 1830 the year after the formation of the Metropolitan Police and during the agricultural disturbances there was legislative change, which had far reaching effects on local policing. The Lighting and Watching Act of that year could be adopted locally by a certain number of property owners following a simple procedure of calling a properly constituted meeting and appointing Inspectors from their number. They were then empowered to levy a rate and, among other things, to appoint patrolling watchmen as paid constables. These paid constables would be controlled

[554] Metropolitan Police Historical Collection

and directed by the elected inspectors. This Act was adopted in a great many places, usually where the system of parochial constables was failing to meet the needs of the community. As the Act only provided for local inhabitants to pay for their own policing there must generally have been some crime or disorder problems, which residents were prepared to pay to solve. Farnham was an early adopter of the Act.

The Lighting and Watching Act of 1830 and the subsequent Act of 1833, were the first statutes to deal with the establishment of paid police forces in England and Wales outside of London. It enabled, but didn't require boroughs to form forces along the lines of the Metropolitan Police. This Act was replaced by the Municipal Corporations Act 1835, which required boroughs such as Guildford and Godalming to establish paid police forces. (It was not until the 1860s that Reigate became a Borough). The 1835 Act applied, initially, to the 178 boroughs that had been granted royal charters of self–government.

This 1830 and 1833 Acts were of little permanent value and are worthy of note as the first attempts to provide police during the day outside the metropolis. [555] The 1833 Act intended to encourage greater levels of rural policing without challenging local autonomy but the extent to which permissive powers were adopted depended on levels of local anxiety about crime and disorder and a willingness to fund reform. A further attempt to encourage rural areas to establish police forces following the passage of the 1839 Rural Constabulary Act but there remained a reluctance to do this. As a result, attempts were made to revitalise the operations of the old parish constable system. [556] [557]

Farnham, and eventually Godalming and Dorking were early adopters of the Lighting and Watching Act of 1830 and appointing the necessary inspectors. At a vestry meeting called on the authority of the Churchwardens at Farnham church on the 2 August 1830, it was decided to hold a public meeting to consider the adoption of the Act. Those present at that public meeting on the 18 August 1830 voted in favour of implementing the Act and agreed a level of rate not to exceed one shilling and four pence to pay for the requirement of the Act then adopted.

A number of local men were elected to serve as Inspectors for the purposes of the Act and on that evening, six of the inspectors resolved that William Beagley and Thomas Cole be appointed as Watchmen and Night patrol,

"--- for the proper protection of the inhabitants, houses and property, streets and other places within the limits of this market town at the weekly wages of twelve shillings each."

[555] "History of Police in England "WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 274
[556] http://www.sagepub.com/upm-data/36166_01_Joyce_Policing_CH_01.pdf
[557] "Ministers, magistrates and reformers: the genesis of the Rural Constab. Act" Brundage, Anthony,

James Steer was also appointed and employed in the same capacity and at the same wages during an emergency or in the case of illness or absence of either Beagley or Cole.

It was ordered that the Watchman's duties should be to patrol the town of Farnham every hour from the 25th March to 29th September from eleven o'clock at night till four in the morning and from 29th September to 25th March from eleven at night till five in the morning.[558] Details of the uniform worn by the watchmen is not known but hats were ordered for them at 5s 6d each not far off half a weeks pay! The areas stipulated for patrol were:

"That one of them shall patrol once at least every hour, West Street and through the Church Yard by Captain Prescott's to Longbridge, over the bridge to Sir George Barlow's gate and into Red Lion Lane, and back by Longbridge to the Borough – occasionally to go from West Street by Miss Willmer's through the Meadows to the Church Yard and occasionally from Longbridge by the Meadows to the end of Dogflood, and to cry the hour in an audible voice.

And that the other Watchman shall in a like manner patrol Dogflood and Bear Lane to Castle Street, from thence through the Borough to the end of Longbridge and back to the Borough – occasionally to go from the end of Dogflood through the Hop Ground into Castle Street and thence behind the Lion and Lamb to the end of West Street."[559]

James Steer was added to the rota of watchmen at Farnham during the emergency of the hop-picking season.

With the introduction of the night watch there was the additionally security provided by the development of about sixty oil lamps lit from dusk of the 1 September 1830 to continue every night until the 31 March 1831[560]

The inspectors at Farnham were appointed for a three year term and empowered to employ as many watchmen "as they shall think sufficient," to regulate their work hours and wages subject to overall financial limits set by the ratepayers. The watchmen had the same powers as a constable. Once adopted the new scheme could only be abandoned after three years.[561] There was difficulty in many areas with implementation of the Act because of costs but Farnham acted quickly and were no doubt persuaded by the perceived threat of crime and disorder in and around the town.

At a special meeting on the 8 October 1830 the inspectors investigated the conduct of watchman Beagley in not having apprehended two "loose characters" whom he had seen in the street just before one o'clock that morning and who had been into Mr James Lamport's garden. Beagley was suspended for one month to be reinstated only

[558] "Victorian Farnham" Edward Ewbank Smith, Page 2, 3
[559] "Victorian Farnham" Edward Ewbank Smith, Page 3
[560] "A History of Police in England "WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 274
[561] "Policing – A Short History"; Philip Rawlings; Willan Publishing 2002 page 128

on the production of a strong recommendation from the inhabitants in his favour. William Hughes was appointed for a month to fill the gap. Beagley acquired the right number of recommendations and was reinstated and Hughes remained on the strength as a supernumerary watchman. All four men were put on special duty on Guy Fawkes Night, "to prevent tumult or riot in the town."[562]

Beagley, Steer and Hughes resigned in 1832 and were replaced by William Stannard and William Roe who were instructed to report all public houses and beer shops found open after hours. [563] To lose two of the four watchmen indicates a misdemeanour uncovered or a problem over conditions of service. There was of course also the loss of hard gained knowledge and experience.

In April 1833 a second Lighting and Watching Act was placed on the statute book, repealing the 1830 Act, and so Farnham had again to opt into a level of formalised Lighting and Watching. At a public meeting on the 27 September 1833 there was not total support for the proposals but following a vote, two thirds of the ratepayers voted in favour. On the 1 November with John Hollest of Leigh House in the chair, nine new Inspectors of Lighting and Watching were elected. They met on the 4 November at the Savings Bank and the old order was resumed with John Newell a constable, was employed to patrol the streets on the 5 November "for the purpose of preventing mischief by fire."[564]

Under the Rural and County Police Acts of 1839 and 1840 the government could subsidise 25% of the costs of new police forces one of the conditions being that there should be sufficient police stations with holding facilities. In August 1846 there was discussion locally when concern is expressed over the amount of additional drainage a police station (still referred to as a lock up) would add to the system. [565] It appears the local council were taking advantage of the 25%!

As from 1835 September 6 Watchman Stannard was making his rounds between eleven and twelve o'clock when he saw Richard Young, George Young and Charles hack near the Market House in castle Street. George Young had a ferret in his hand, which the watchman endeavoured to gain a sight of believing it to be stolen. He was thrown down by Richard Young and on getting up, the watchman defended himself against an attack by Young who was hit by the watchman's staff and knocked to the ground. When placed before the bench the culprits promised never to strike the Watchman again. Stannard was bought a new coat and cape costing three guineas by the Inspectors. At the same meeting when the clothing was agreed, the Watchmen

[562] "Victorian Farnham" Edward Ewbank Smith, Page 4
[563] "Victorian Farnham" Edward Ewbank Smith, Page 4
[564] "Victorian Farnham" Edward Ewbank Smith, Page 5
[565] Letter to Robert Bartlett June 2014 from Mr. Jo H Futcher late Surrey Constabulary

were admonished for not having cried the hour (pleading hoarseness) and were commanded to so every hour in future. [566]

Following further legislation John Newall a constable was appointed Superintendent of the Watch at £5 a year "to have an eye of the Watchmen at least twice a week and keep a report book regarding the regularity or otherwise of the watchmen." Henry Downes and Steven Scarlet joined as watchmen in place of Roe. [567]

The treasurer of the vestry was authorised in the event of neglect or supposed impropriety of conduct on the part of the Watchmen, to suspend them and withhold their wages. They were an unreliable lot and yet it was these men dressed in uniform, armed with staves and patrolling their lonely beats in the ill-lit, streets through the long hours of the night[568] who were key to the future evolution of policing in the countryside and small towns.

There is reference in the book "Victorian Farnham" that the men of these small nascent police forces wore a uniform.

> In 1851 the small borough force of Farnham were incorporated within the Surrey Constabulary.

Guildford Borough Police

Guildford Borough Police helmet plate

Before the borough "new police" were formed the policing of Guildford, like most other towns, consisted of two head constables, five tythingmen (two for Holy Trinity

[566] "Victorian Farnham" Edward Ewbank Smith, Page 6
[567] "Victorian Farnham" Edward Ewbank Smith, Page 7
[568] "Victorian Farnham" Edward Ewbank Smith, Page 7

two for St Mary's and one for St Nicholas parishes) two tasters of bread and ale, two tasters of flesh and fish, two sergeants-at-mace, and two night watchmen. [569]

The man who was to become the first Guildford Borough Police officer was Charles Mandeville from a local Surrey family of many generations whose parents were John an agricultural labourer and Rose Mandeville. One of nine children he was christened in the Church of St Nicholas in Guildford when his parents lived in Park Street.[570] Sometime in the 1820s Charles became a night watchman in Guildford or as they were known bellman paid for by property owners to supplement the system of parochial or parish constables.[571]

The New Police for the Borough of Guildford

In 1836 on the 15 January, The Municipal Corporations Act 1835 was discussed at a meeting of the Guildford Borough Council Watch Committee who resolved and ordered that nine constables and a superintendent be appointed for the Borough. The Town Clerk,

"do give notice in writing affixed to the Town Hall ---- and that any persons desirous of taking such office should send in their applications to the Town Clerk and attend the next meeting."

The constables were appointed on the 18th January, at the next meeting Richard Jarlett chosen as the "Superintendent Constable" at a salary of £15 per annum. This was a part time role as Jarlett continued as a baker in the High Street.

The minutes of the Guildford Borough Watch Committee for the 18 January 1836, also,

"ordered that Charles Mandeville[572] and James Wilkins be continued watchmen and appointed night constables of this borough at the salary of 18s in summer and 21s in winter." [573]

On the following day the two men were sworn in as constables before the mayor, John Smallpiece. On the 1 February six pairs of handcuffs were ordered for the night constables.[574]

On the 19th January it was ordered that the men who were already sworn in should start on the 20th January 1836[575]. There is a list under the heading 1836: Jarlett,

[569] Guildford City Outlook April 1930
[570] "Charles Mandeville Guildford's first Policeman":Scholes Police History Society Journal 23 2008
[571] "Charles Mandeville "Guildford's first Policeman" Scholes Police History Society Journal 23 2008
[572] Charles died of apoplexy after retirement in 1868 aged 63 and is buried in the Nightingale Cemetery
[573] "Charles Mandeville "Guildford's first Policeman" Scholes Police History Society Journal 23 2008
[574] "Charles Mandeville "Guildford's first Policeman" Scholes Police History Society Journal 23 2008
[575] "They Guarded Guildford" Richard Ford Surrey 1969 internal publication Surrey Constabulary

Wilkins, Mandeville, Seabrook, Marshall, Douglas, Wilson, Pink, Jeffries, Williams, and Clarke.[576] (Superintendent plus ten not nine – the growth in numbers had begun!)

There was a distinction between night constables and day policemen (who covered 0600-2000) with some of the former watchmen being appointed for the night time including James Williams (sic)[577] and Charles Mandeville. On the 14 May (also said to be 14 July[578]) Philip Clarke a former sergeant in the militia was appointed constable and day policeman at a weekly salary of 17 shillings and sixpence and in addition to his salary,

"… be provided with clothes of the same description as the London police, provided the expense thereof does not exceed five guineas."

The Guildford Watch Committee therefore adopted the uniform of the Metropolitan Police. This included a tall stovepipe top hat 6 inches tall with a 2 inch wide brim and reinforced. The upper part was of leather overlapping a beaver skin body, reinforced with cane. A long frock coat with dark matching trousers the coat buttoned by a row of eight white metal buttons to the throat and the buttons bore the coat of arms of the Borough. A leather stock 4 inches deep was worn around the neck as protection against attempts at strangulation with a piece of rope. Worn on the stand up collar were the white metal numbers hence collar number. A leather belt was worn with the universal army pattern white metal locket fastener with the Guildford Arms on the tongue. A pair of heavy Wellington boots. [579]

Early Guildford Borough Police Senior officers

1841 Census[580]:

Richard Jarlett is a baker living in the High Street

[576] Handwritten A3 sheets of paper in the Ian Ewence collection handed to the author
[577] Should probably read Wilkins
[578] "Charles Mandeville "Guildford's first Policeman" Scholes Police History Society Journal 23 2008
[579] "Charles Mandeville Guildford's first Policeman" Scholes Police History Society Journal 23 2008
[580] Research by John Molyneux a retired officer HO 107/1082/3 RG 9/428 page 115

Charles Hollington aged 27 a future chief constable of Guildford Borough Police was at this time a PC in the Metropolitan Police living at 13 Upper Crown Street, St Margaret's, in Westminster which appears to have been a section house for single officers. In 1838 Hollington was sent from London on aid to Birmingham during the Chartist disorders.[581]

George Vickers a future Chief Constable was a Police Constable living in Dartmouth Street, St Margaret's in Westminster at the residence of John May Superintendent of Police [582]

Accommodation was taken on a temporary basis until 29 September when the house of Mr Jeffrey's, Sergeant at Mace, was to be used as a police station in 1, Tunsgate behind the corn market, long since demolished. The officers broke their long working days with an hour for breakfast, an hour for lunch and half an hour for tea.

On the 28 September 1841 Charles Hollington was appointed superintendent policeman and Head Constable of the Borough at a wage of 25 shillings a week plus a house. Hollington who came from the Metropolitan Police was to serve until he transferred to the Surrey Constabulary as one of the first superintendents in February 1851. He was a brave, capable man, ambitious and serving well with the new force although he became embroiled in a discipline issue that resulted in his move from Farnham to Chertsey after which little more is to be found.

The role of a county chief constable was very different to that of the men from the Borough. The borough head constables or chief constable's worked their way up the ranks and were hard bitten practical police officers able to deal, and they did deal on a daily basis, with crime and disorder and were involved in the day to day operational policing of their areas. The county chief constable worked through his superintendents who, like the borough men, had worked their way up to their rank as operational police officers.

The original budget for watching the borough in 1843 was £220 increasing in 1844 £251 19 0d. It is difficult to relate these costs to modern day funding but on the basis of about 18 shillings a week pay for an officer, as now, most of the expenditure would have been on staff.

In October 1854 after a brief period of three years being a part of the Surrey Constabulary the Watch Committee withdrew and decided to reform the Borough Police. This must have been a significant blow to the Constabulary not only because of the loss of ratepayers but Guildford was the key town in the county where the constabulary headquarters was situated. The chief constable was left in the position of having his major police building in the heart of another police area through which many of his men would have to pass every day. The breach between the Rural Police

[581] http://www.chartists.net/Policing-the-Chartists.htm#brum
[582] "Foul Deeds and Suspicious deaths in Guildford" Caroline Maxton Wharncliffe Books

Committee and the Watch Committee was around accommodation but it is unlikely this was the only issue, probably more a trigger point, a focus for a range of frustrations and issues encompassing loss of influence, control and costs.

The reconstituted Borough police was re-formed under the command of Mr Goff who was appointed 27 October 1854. Goff died a few weeks later on the 31 December and George Vickers appointed. Early initiatives included the appointment of a "medical man" in line with the county and those leaving were required to give a month's notice.[583]

1855 Budget costs were estimated at £478.0.6d double ten years before. [584]

Policing Dorking

The Dorking Watch

The Watch was not considered beneficial by the towns people of Dorking so on the 7 November 1825 a meeting "for the purpose of establishing a nightly patrol for the protection of the town and neighbourhood" with subscriptions to be raised for a Patrol Fund and to nominate a superintendent of the Patrol. The Watchmen had been instructed to cry the hour "Past 1" sometimes adding "a cloudy night" "starlight morning" – however it warned the burglar of the watch approaching. The men had shoes with stitched soles instead of nails. Each patrol was issued with a rattle and paid 2/6d a night.[585] (17/6d a week for 7 nights)

One patrol was on duty 10pm 5am the other two alternatively 8pm - 4 am and 11pm - 6am. The first appointed was George Stonestreet who left to become a Bow Street Runner. In 1826 there was an attempted bank robbery (probably a burglary) and Stonestreet came back to investigate the crime. It was decided thereafter that a patrol would be in the town precincts all night.[586]

> The Court Leet met at the Red Lion Hotel to appoint parish constables and headboroughs and the perils and dangers to which they were frequently exposed rendered the offices the reverse of being coveted ones.

The headborough had evolved into the position of parish constable whose authority was within the parish for which he was appointed. The parish constable, sometimes referred to as the petty constable and the headborough were different names for the same or very similar roles of men who had the duty of arresting offenders and taking them when summarily convicted to the treadmill at Brixton, or when committed for trial to some other county prison.

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583 "They Guarded Guildford" by Richard Ford Surrey 1969 internal publication Surrey Constabulary
584 "They Guarded Guildford" by Richard Ford Surrey 1969 internal publication Surrey Constabulary
585 "Memories of Old Dorking" 1977 reprint Charles Rose 1878 page 39
586 "Memories of Old Dorking" 1977 reprint Charles Rose 1878 page 39

In 1828 Dorking was divided into six Boroughs including Betchworth, Westcott and Holmwood each borough having a headborough for the performance of constabulary duties.[587]

The post of high constable formerly an annual appointment became practically permanent with James White serving continuously from 1833-1873. High constables had a mace as a symbol of office; petty constable a small staff a few inches long with royal arms emblazoned. The men were armed for self-defence with a large staff and sometimes pistols.[588]

Dorking Police Establishment

In November 1838 the press reported,

> "In consequence of many depredations having been committed in this town and neighbourhood, the inhabitants have it in contemplation to establish a police, and in all probability in a few days it will be carried into effect." [589]

There followed the formation of the Dorking police force, mostly with two constables and Superintendent Donaldson (often referred to as inspector). This micro police force was probably formed under provisions of the Lighting and Watching Act of 1833. **590** [591]

Donaldson's Occurrence Books

William Donaldson was to lead the small police force in Dorking from 1838-1851. He had the title of superintendent and maintained a log of their activities, known as the Occurrence Book of which the volumes covering 1838 to 1849 survived.[592] Local policing often existed before the formation of the Surrey Constabulary but it is rare to have a detailed insight into its work which Superintendent Donaldson's Occurrence Books give, covering the eleven years from 12th November 1838 to 3rd April 1849, setting out the details of what he and his men did from day to day. Superintending constables came from the Parish Constables Act 1842 when it became possible to pay constables and appoint a superintending constable for the Petty Sessional Division.

[587] "Memories of Old Dorking 1977" reprint Charles Rose 1878 page 39
[588] "Memories of Old Dorking" 1977 reprint Charles Rose 1878 page 38
[589] Sussex Agriculture Express 3rd November 1838 from Henry Pelham 4 April 2017
[590] Email to the Editor 14 March 2009 from Christopher Atkins late ACC Surrey Constabulary
[591] "Policing Dorking, Surrey 1838-1849" Document May 2010 from the Author Chris Atkins
[592] Purchased in 2015 by the Surrey History Centre https://www.surreycc.gov.uk/heritage-culture-and-recreation/archives-and-history/surrey-history-centre/marvels-of-the-month/inspector-william-donaldson-1807-1855-the-first-surrey-policeman-to-be-killed-on-duty

The Occurrence Book of the Dorking Police, 1838-1849

Organisation of the Dorking Police

The force consisted of three officers, initially Superintendent Donaldson who joined from being a constable in the Metropolitan Police, Police Constables No.1 William Brown, and No.2 Jonathan Lewin. This establishment did not alter, although the individuals did. They began work on 12th November 1838, when the Occurrence Book starts, although they were not sworn-in before a magistrate until November 15th. They got off to a good start as on the 15th they arrested four people on suspicion of highway robbery although there was insufficient evidence to proceed.

Their purpose was set out in the book's first entry on the 12th, prevention and apprehension:

"On Tuesday forenoon the Boundaries were pointed out, and afterwards, as circumstances would allow, we patrolled in Company that we might show ourselves as much as possible, but we might make ourselves acquainted with our round and if possible to prevent offences and apprehend the offenders".

In today's management speak that could be their "mission statement". It looked as though all three patrolled together that day.

They were based in a station house. Early on the superintendent mentioned that an evening had been so wet that "we could not be out and left the station house to go home..." [593] From 1847 it was referred to as the police station or merely station and this was probably a new building. The earlier station house was in South Street,

[593] Transcript of the original occurrence book Mr. C.A. Willeard Page 2

adjacent to the town's workhouse, and about 1840-41 a new workhouse was built off Horsham Road. On 10 July 1845 there was a sale of building materials from the old workhouse, the station house, cage, and Mill House, all from South Street. The term "Station House" was still used in 1845 and this may have been the year of the change of which, surprisingly, nothing is mentioned in the Occurrence Book. Regular deliveries of coal, coke and oil, even steel pens, were received, obviously for heating and lighting the building.

The cage was a lock-up for offenders awaiting appearance before a magistrate, or remanded there for further enquiries, awaiting a hearing or just to "cool off". It was included in the 1845 sale, but prisoners continued to be held, of course, thereafter. So three tramps were arrested for begging on a Saturday in 1848 were taken to a magistrate on Monday afternoon. [594] A little while after on a Friday: "in the morning I locked John Campbell up for stealing 2/- at the British School, to keep him till Monday."[595] However, there is never any mention where they were held. Given that there was a new police station it doubtless contained secure facilities to house prisoners after 1845.

Presumably the public went to the station house or police station to report incidents, or to "give offenders in charge" (a frequently used expression), if officers could not be found when patrolling. So, entries by the superintendent said, "I was sent for...., I was called to take in charge...." and so on, but it was not always speedy. For example, the news of a burglar disturbed at 11 pm was not passed to the officers until 5pm the following day. In one instance Donaldson was summoned by letter to a house in Mickleham to search the servants' quarters for a valuable ring[596]

Pay is never mentioned – how much, when and where paid - was not included in the books. However, a report to the Quarter Sessions in 1849 mentioned that Dorking parish had spent £167.15s on its police force, a total exceeding all other Surrey parishes outside the Metropolitan Police area except Farnham. The book revealed nothing of their uniform, but they did carry a staff, handcuffs, a rattle (precursor of the whistle), a lantern (or 'lantron') bought from a local shop,[597] perhaps fuelled from the oil delivered to the station house, and a cutlass. The superintendent wrote that at midnight PC Briggs dealt with a disturbance in East Street by three men. "He had an up and down or two with Lovell who tore the Cutlass from the strap, drew it from the scabbard and flourished it over him, but at last gave it up". Lovell was taken on a warrant before a justice who fined him 5/6. [598] In an interesting contrast an offender at the same hearing for stealing broccoli from a garden got three months hard labour.

[594] Transcript of the original occurrence book Mr. C.A. Willeard Page 198
[595] Transcript of the original occurrence book Mr. C.A. Willeard Page 199
[596] Transcript of the original occurrence book Mr. C.A. Willeard Page 92
[597] Transcript of the original occurrence book Mr. C.A. Willeard Page 102
[598] Transcript of the original occurrence book Mr. C.A. Willeard Page 172

For the Dorking police the serious offence of robbery was infrequent and in his occurrence book the superintendent told how a drunken man complained he had been bundled into a field and robbed of all his cash, comb, pocket knife and tobacco box. He was put in the cage to sober up while the superintendent looked for the three men, finding them in the Rose and Crown. One, Attree, had most of the property on him and the victim later identified all three. The superintendent went to the scene, where the victim's dog still waited, and tried his footprint matching technique, again without success. All three were committed to the London Sessions by a justice, and seven days later were each sentenced to 12 months hard labour.

South Street Dorking the location of the police station and cage

Godalming's Micro-Police Force

Within Surrey the small "new" police forces policed the market towns whilst the countryside remained under the protection of parish constables working to the local magistrate, taking support from wherever they could obtain it when needed. In the areas close to Guildford and Godalming in particular, the heads of those police forces would be invited by the magistrates to come into their areas to investigate the more serious crimes of murder or burglary. It has to be remembered that the towns by today's terms were little more than villages and most of the villages today were then farming hamlets with a few homes and workshops.

Godalming Police was formed in January 1836 and incorporated within the county force on formation in 1851. Godalming Borough Police was re-established in 1858 and again amalgamated with the Surrey Constabulary over 30 years later on the 1 April 1889.

Early Godalming

In 1574 Queen Elizabeth1 granted a charter to the reinforcing the existing system of policing in which a 'Warden' was appointed by a group of 'Assistants' (the Warden's advisors). The Queen granted Godalming the right to be, "...a free Towne corporate in Reallity, deed and Name of one Warden and Inhabitants." This charter also conferred the right to hold a weekly market in the town, with the stallholders paying tolls to the Warden and his Assistants.[599]

Further responsibilities and duties were set out in 1620 including; the appointment of a 'bedle' or 'bellman' (later to become a 'watchman') to look out for wrong-doers; settling market disputes through the summary courts of 'Piepowder'; levying certain taxes and rates and imposing fines.[600]

In 1747 one of the first references to policing in Godalming is found in an account of the Borough warden that included the item, “paid Loveland for repairing the cage prison 2/-.” [601] In 1762 the town is shown as having a Bellman or Watchman, George Holt for which he received and annual salary of £10. He was attired in “A new blue coat with silver lace” and a laced hat which cost £5 5s.[602] In 1779 a voluntary subscription was made for “The Borough Watch and other things.” [603]

In more modern times a “constable of Godalming” is mentioned in 1817 when Isaac Woods was involved in the investigation of the murder of George Chennell and his housekeeper. Benjamin Keene “constable of Guildford” took the murderer Chalcraft into custody by order of the magistrates. [604]

On November 5 1815 there was a significant arson in Godalming where again a reference can be found to the parish constable. On the 2 September 1816 James Andrews was hung for arson, setting fire to a warehouse belonging to George Marshall a timber merchant. There had been a large delivery of timber that day and this was lost in the fire that destroyed the warehouse. Some time later, in drink, Andrews told of his crime to a friend who reported the crime to the “police” who then arrested Andrews. The report was made with the hope of receiving a reward. Constable James Voyce testified at the trial that following his arrest the prisoner made a full confession. It was an act of revenge as the owner’s father was responsible for

[599] http://www.godalmingmuseum.org.uk
[600] http://www.godalmingmuseum.org.uk
[601] “Blue Coat with Silver Lace” Inspector Richard Ford 29 January 1969 Page 1
[602] “Blue Coat with Silver Lace” Inspector Richard Ford 29 January 1969 Page 1
[603] “Blue Coat with Silver Lace” Inspector Richard Ford 29 January 1969 Page 1
[604] “Blue Coat with Silver Lace” Inspector Richard Ford 29 January 1969 Page 1

Andrews losing his job as a lock keeper and had evicted his mother from her cottage.[605]

The Warden's Book accounts for 1819-1820 for the Borough of Godalming show:

James Barrett, the Watchman, his annual salary	£15 12s
Mr Weale for Watchman's hat	£2 15s
Mr Kifford for lanthorn	4s 3d
Expenses on court day	£5 [606]

The Municipal Corporations Act 1835 was taken advantage of by Godalming appointing William Henry Biddlecombe, formerly a constable in the Hampshire Constabulary, as superintendent of the Borough police in 1841 remaining in that post until 1851 when he became a member of the newly formed Surrey Constabulary.

William Biddlecombe was one of the first to head the professional police constables in Godalming where crime reports under his leadership were reduced to nil and his expertise sought across Sussex and Hampshire. Biddlecombe's reputation ensured he was asked by the Frimley magistrates to attend the scene of the murder of the Reverent Hollest in 1850. There was no local police and the parish officials were in this case out of their depth and recognised that fact, not too proud to seek help. Working alongside Biddlecombe was a sergeant from the Metropolitan Police and an inspector who was also head constable of the Guildford Borough.

Biddlecombe, in the words of the newspapers was "extremely active" and amassed a wealth of experience, which allowed once he became the first officer of the new constabulary in Surrey, to undertake some of the early major enquiries. The term "extremely active" was newspaper "speak" for a detective when the expression was not in general use.

William Biddlecombe served in the Isle of Wight Constabulary and Southampton Police before joining Hampshire on 18th March 1840. His combined service in IOW and Southampton was 4 years. [607] His Hampshire service was for just under six months as he resigned on the 14th September 1840 'having been appointed High Constable and Inspector of Police at Godalming in Surrey'. When joining Hampshire Biddlecombe was posted to Petersfield on the 3rd May 1840 when he was described:

5' 10'' Fair complexion, blue eyes, light brown hair, good build, single, born Gatecombe, Newport, Isle of Wight, a Labourer living in Southampton[608]

In the 1841 census, taken on 6 June 1841, William Bidelcome (sic) is living in Ockford Road, Godalming. He is shown as a policeman, living with his wife, Harriett, both aged 25 years.

[605] "Surrey Executions" Martin Baggoly page 37
[606] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 2
[607] Ch. Inspector Clifford Williams Hampshire Constabulary 8 June 2011 – email to author
[608] Ch. Inspector Clifford Williams Hampshire Constabulary 8 June 2011 – email to author

Godalming borough petitioned to have its own court, which was granted in 1847. Records for the 12 months to the end of November 1848 showed that 63 cases had been dealt with at the new court involving 87 prisoners. [609]

The amalgamation of Godalming with the newly formed constabulary in 1851 was not successful and in 1858 the borough withdrew, manly due to the lack of police cover provided by the new police particularly at night.[610] Superintendent Charles Everett became superintendent of police with a constable to assist him. The salary of the superintendent was £54 12s and that of the constable £17. The superintendent arranged duties and once every month each officer had to present to the Watch Committee a statement of the duties he had performed.[611]

In 1859 James Wheller assumed command of the Borough force and took the rank Head Constable. He did not stay long with Thomas High assuming control in 1860 with a salary and an additional £10 per annum for clothing allowance. The other constable was issued with clothing "including two pairs of trousers" and received 6d a week in lieu of boots.

During 1861 nine indictable offences were reported for which eight people were arrested and seven sent for trial. There were 15 people prosecuted summarily with nine of these committed to the Quarter Sessions.[612]

There were additional duties for the Head Constable, which again was quite normal. He was "inspector of nuisances and low lodging houses" for which he received £7 10s a year in addition to his police pay.[613]

A superannuation or pension fund was started in August of 1861.[614]

Head Constable High moved on in 1865 when Mr JH Burt replaced him.[615]

Report of Inspectors of Constabulary 1858

Godalming Borough Police in 1857

Area in acres 480
Population in 1851 2500
Acres to each constable 240
Population to each constable 1250

"The police force of the borough on the 29th September 1857 was composed of one superintendent and one constable, and no alteration in the organisation or number of

[609] http://www.godalmingmuseum.org.uk
[610] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 2
[611] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 3
[612] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 3
[613] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 3
[614] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 3
[615] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 3

the force up to the date of my inspection on the 11th May in the present year had taken place. The station adjoins the superintendent's residence and contains two cells, which are furnished with all necessary requisites, and kept in good order. There is also an additional cell in another building but it is not required."

1868: The Godalming Almanac and Directory of 1868 describes the Force:

The Borough police force consists of one head constable, a night watch and several special constables who were annually sworn to assist in maintaining public order. The station house is in Moss Lane contains three cells capable of holding nine persons. Adjoining is a residence for the Head Constable. The Force is under the control of the Watch Committee of the town council.[616]

The fire station was also in Moss Lane with the keys being kept at the police station.[617] Her Majesty's Inspector of Constabulary reported in 1869:

"This Borough to be efficiently looked after ought to be placed for police purposes under the charge of the constabulary of the county." [618]

The Town Council did not wish to amalgamate so they increased the strength the Borough Police in 1870 to one head constable, one first class constable and one-second class constable. The first class constable had a rent free house but the second class did not.[619]

The Head Constable was again Thomas High who may well have served previously in the Borough but that is not certain staying in post until 1879. [620]

Thomas High

[616] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 4
[617] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 4
[618] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 4
[619] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 4
[620] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 4

There was also an Inspector Thomas High in the Surrey Constabulary serving in 1852 in the north of the county but it seem unlikely that an officer with such senior rank would in effect seek demotion.

Chief constable's additional duties

George Turner became the Head Constable of the Godalming Borough Police replacing Thomas High in 1880 and as in all small boroughs he was to have a number of appointments:

Head Constable
Inspector of Nuisances
Inspector of Common Lodging Houses
Inspector of Explosives
Inspector under the Petroleum Act
Inspector under the Dairy and Cowsheds Act [621]
Billet master
Chief of the Borough Fire Brigade
Inspector of Food and Drugs Act [622]

In 1883 the establishment of the Borough Police, one head constable George Turner, and two first class constables, PCs Franks and Shakespeare.[623]

The 1888 pay scales: head constable £83 4s per annum, first class constables 25s a week.

Area covered 180 acres

1881 population of 2505 (census)

60 acres and 835 members of the population per police officer[624]

Amalgamated with the Surrey Constabulary

Local Government Act 1888

In 1889 on the 1 April Surrey Constabulary General Order 344 shows that Godalming Borough police was incorporated within the Surrey Constabulary,

" ---the head constable Turner becoming a sergeant and the two constables being accepted in the county police.[625] (Constables William Franks, Joseph Shakespeare) Sergeant Turner will be allowed to reside in the police station for the present and will be allowed to retain the offices of Inspector of Nuisances in the Borough of

[621] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 5
[622] Police History Society Journal number 27 2013 page 9
[623] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 5
[624] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 5
[625] Surrey Constabulary General Orders Book 1 1851-

Godalming as well as any other which he has hitherto held provided they do not in any way interfere with his ordinary police duties as Sergeant which must take precedence of everything else. He will be allowed the sum of £10 a year for gas for his own and the constable's residences adjoining and he is to distinctly understand that he will have to pay himself for whatever quantity of gas may be consumed in excess of that account."[626]

George Turner, who was 46, declined to accept the appointment of sergeant and performed no duty after 22 April 1889. William Franks was 61, a local man from Witley served in the Surrey Constabulary until June that year before retiring on a superannuation of £32.10 shillings. Shakespeare was 40 years of age and took the collar number 149 but retired on ill health in November 1899 after service at a number of stations.

This General Order followed the Local Government Act of 1888, which resulted on the 1 April 1889 Godalming Borough Police again amalgamating with the Surrey Constabulary.[627] Godalming became a part of the Headquarters (Guildford) division of the county force. Superintendent Charles Barker who was also the deputy chief constable of Surrey, stationed at Guildford was in charge of the division. Sergeant William Marks was posted as officer in charge at Godalming in 1890.[628]

It was Section 39 of the Local Government Act 1888 that resulted in amalgamation.

(1) Where a borough, whether with or without a separate court of quarter sessions, contained according to the census of 1881 a population of less than ten thousand, then after the appointed day all powers, of Act to all powers duties, and liabilities of the mayor, aldermen, and burgesses, council of the borough, or the watch committee of the borough in relation thereto to the police force of the borough, shall cease, and, subject to the provisions of this Act as to the members of the police force holding office on the said day, the area of the borough shall for all purposes' of the Acts relating to the county police force, or other matters above in this section mentioned, form part of the county in like manner as if it were not a borough.[629]

[626] Off Beat March 1977
[627] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 5
[628] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 6
[629] http://www.educationengland.org.uk/documents/acts/1888-local-gov-act.pdf

Chapter 7

The Formation of the Surrey Constabulary 1851

PC88 Carpenter 1857 Surrey Constabulary

Policing in Surrey was about to change dramatically. The catalyst was a murder of a vicar involving members of the Isaacs Gang. This crime was to bring home to the county elite how vulnerable people were even in their homes.

Rare to read a paper without the sickening details of several murders

"But a few years ago the perpetration of a single murder, either in town or country would from the comparative infrequency of this most terrible of crimes arouse a simultaneous shudder of horror as it were throughout the realm; now it is absolutely rare to take up a daily paper without reading the sickening details of *several*. In proof of this let us only take the record of the past week. With a police force more than double Napier's army of the Indus, how difficult is it found to keep the roving hordes of plunderers and villains of every description at bay? Let the police reports and our crowded gaols and the necessity for a new gaol speak for the crime of the metropolis. The police as a force, to do them justice, do their best. ------ Highway robbery accompanied by violence worthy of a hundred years ago when the guilt-steeped woman decoyed and the ambushed bully violently plundered or murdered the wayfarer with impunity, is now the common work of the night. Then turning to the

country; no longer do the burglars concoct by twos or threes their midnight marauding; now organised in large gangs they lay a whole county under tribute, as it were at will, terrifying every district." [630]

By the early 19th century the rural parish constables seemed to have few friends left being denounced by all as "manifestly defective and no feeling of security, either for person or property can be associated with it." [631] Gradually, slowly probably inexorably the need for change in policing Surrey was evolving, waiting for that trigger which would lead to the almost immediate establishment of the Surrey Constabulary in 1851.

The murder of the Reverend Hollest in his bed in Frimley, at 3am on September 27 1850, then an isolated village close to the Hampshire boundary was to be that trigger leading to the formation of the Surrey Constabulary.

The Parsonage at Frimley

Murder of Reverend Hollest

This is a long and complicated story abridged for this work, involving four men who were a part of the Isaacs Gang and who were residents of Guildford well known to the police and the community as criminals. The rivalry between Inspector Hollington of Guildford and Inspector Biddlecombe of Godalming spilt over into the letters page of

[630] 1851 February 23: The Era
[631] Quoted in "Policing a Short History" Phillip Rawlings Willan Publishing 2002 page 124

The Times about who made the most contribution to the arrest of the murderers. At the stage the letters were written the two men were senior colleagues in the Surrey Constabulary.

Mrs Hollest was later to give evidence about the night of her husband's murder when she and her husband were in bed at about three in the morning.

"I noticed an increase of light in the room but could not perceive how it was occasioned".

There were curtains around the bed but they were open at the foot. Reaching from her bed to ring for the servant she was grabbed by a masked man. As she tried to scream a second man grabbed the Reverend and they were warned by the armed men to be silent or they would have their brains blown out. However both continued to struggle.

Mrs Hollest was forced to the floor in the narrow space between bed and wall. Unable to see her attacker she was struck by his distinctive squeaky voice. She then heard a pistol fired and she struggled to reach her husband whilst one of the burglars hung onto her around the waist pushing a pistol into her side. The burglar caught his food on the washstand and tripped and Mrs Hollest was able to ring the servant's bell to raise the alarm and the intruders began to flee.

Mr Hollest then went to his dressing room to fetch his handgun, which he always kept loaded there because of the fear of burglary. He pursued the intruders out through the front of the house whilst Mrs Hollest watched from an open window as the three men ran out to join a fourth; one turned and looked directly at her and she took fright and withdrew slamming shut the window.

A few minutes later her husband returned and calmly informed her "The fellow has shot me" Mrs Hollest saw that he was bleeding from the stomach and her servant Giles was dispatched to fetch both the local surgeon and parish constable. Not an easy thing to do when you know out there close by was a gang of armed and very dangerous criminals. Locking the staircase door in case the men returned Mrs Hollest tried to stem the flow of blood. The injury was from the shot fired in the bedroom but so intent was the vicar on protecting his household he had not realised he had been shot.

Dr Davies found the vicar in bed, in good spirits not fearing he would die. He discovered a gunshot wound about an inch below the navel and realised the injury was very serious indeed and the doctor stayed with him until he died at 1pm the following day. Dr Davies undertook the PM and recovered a marble from the abdomen.

There was no local police force and so the local magistrates summoned Inspector Biddlecombe from Godalming to help and the Home Secretary sent Sergeant Kendall from the Metropolitan Police. Inspector Hollington of Guildford Borough Police

became involved of his own volition. (For the press reporting the crime the ranks of the officers involved appears arbitrary, changed often within one story)

Assizes in Kingston

The case came before the Assizes in Kingston where Charles Hollington gave evidence and said:

"In September last I was superintendent of the Guildford police. I heard of the burglary at Mr Hollest's the next morning and immediately made some enquiries about Levi Harwood, Jones and Smith. I saw Jones about the middle of the day in High Street, Guildford. Biddlecombe and I went on Sunday morning to Mr Hollest's and when we returned we took Smith, Jones and Levi Harwood into custody. I told them I wanted them on suspicion of burglary at Mr Hollest's at Frimley and asked them to account for their time on the Friday night as I had learned they were out. Harwood said he went to London that night and Jones said he went up on the downs to set a few wires to catch a rabbit."

"On the 30 September I took Samuel Harwood into custody and on this day Levi Harwood told me he would account for his time on Friday night and he said that he came down from London. I told him he was right about that and that he arrived at about eight o'clock to which he replied, "You know as much as I do." I searched the prisoners at the station. Upon Levi Harwood I found two sovereigns, one shilling, a sixpence and a knife. Upon Smith I found half a crown, a tobacco box, a knife and a piece of string. Upon Jones I found a cloth, a piece of sealing wax, and the token penny, which has been produced. I afterwards searched Levi Harwood's lodgings and found a pair of stockings, on the foot of one of which there was a mark of blood and also a "stony" marble. I had previously examined Levi Harwood's feet. And found that the right one was cut in several places and there was blood between the toes. After Levi Harwood was in custody I examined his shirt and found some marks of gravel upon his left sleeve."

"On the 2nd October I searched Samuel Harwood's lodgings at Hyfield-green and found a box at Mrs Catt's which belonged to him and from which I took a corduroy jacket. I had seen Levi Harwood wear a similar jacket. It appeared to me as though it had been recently washed. Levi Harwood afterwards claimed the jacket to be his."

On questioning by the court Hollington responded,

"I was not engaged on the matter. I engaged myself. I don't remember having heard of any paper or wadding which was supposed to have been discharged from the pistol, being found by the side of the bed. I may have heard of such a thing but I don't recollect it. I don't know that any paper was compared with any paper found in possession of some of the prisoners. There was a little rivalry between Biddlecombe and me upon the subject of the case and we have never acted together since. I did not give the prisoners any caution before I put the questions to them. Smith made a

statement to me and I have no doubt he told me that it was their intention to have done the robbery on the Tuesday. What he said was "We arranged to commit the robbery on Tuesday."

I believe a person named Macy was examined as a witness before the magistrates. I cannot say if he has been before the Grand Jury or not. I heard some man state that Smith had said something about the person being a tight fit, and that he would not give him any "chuck." Some persons named Penny, Blackman and a broom maker were also examined I believe. I don't know if any of these persons are here today.

Biddlecombe and I used to be friends and we have quarrelled about this case. I wanted all the prisoners and Biddlecombe wanted them too but I thought I had the best right to them. I am on very good terms with Biddlecombe now because we never speak (laugh). I know there is a reward of £150 offered on the case, which is to be paid on conviction of the parties. Smith asked me the meaning of the word accomplice and I believe he also asked me if I thought they would fulfil the promise contained in the bills if he was to "peach?" I have no doubt he used the word "peach".[632] The prisoners were not allowed to have any professional advice until after Smith had made a statement of which he represented to be the circumstances of the robbery."

Jeremiah Campbell one of the Guildford Borough Police deposed that,

On Wednesday morning after the prisoners had been apprehended, Levi Harwood told him that on the night of the burglary he left his home about twenty minutes to five and went down the Woodbridge-road till he came to Mr Mayler's at Stoke and he then turned to the right and went to London and remained there nearly all day and came back to Guildford by the twenty minutes past five train. He saw all the prisoners together on the Sunday morning after the burglary. He had not given evidence before the magistrates. He had told Mr Hollington who had been his inspector at the time – there must have been some reason why he was not called. It was probably because there was some disagreement between Hollington and Biddlecombe that he was not examined.

Louisa Hollington the wife of Superintendent Charles Hollington gave evidence:

On the 2nd October while Levi and Samuel Horwood were in custody in separate cells at the Guildford Police Station she heard Levi Harwood call out "Tidler" and Samuel Harwood reply "Hello who is that?" Levi said "Me!" Samuel replied, "Is it Bony?" Levi "Yes." Samuel "Come here." Levi said, "I cannot. I am locked up." Samuel then asked him where he was taken and Levi gave a response Mrs Hollington could not hear. Levi asked if they had found anything on him and he said they had not. They had only taken 8d. He next asked whether they had searched two places the names of which she could not distinguish and he replied "No, that's all right.

[632] Peach is to act as an informant on fellow criminals

Goodnight Tidler." Levi called out Tidler again and said "Put your mouth down, and don't speak too loud or else Mrs Hollington will hear you." Levi Harwood then asked him if he had told them that the jacket belonged to him and Samuel replied that he had and Levi asked what he did that for, and Samuel said it had been done that morning. Levi then asked if the jacket had been wrung out and Samuel replied that it was and Levi said that was all right.

In cross examination of Mrs Hollington:

"I had no desire to take any advantage of the prisoners and I told the prisoner Levi Harwood several times that a still tongue makes a wise head. I heard there had been a reward of £150 offered in this case but I do not know who is to get it. There are so many things in law that it is hard to say how it will be disposed of. I have never had any conversation with my husband about the reward. He expects some of it very probably. Biddlecombe also no doubt expects to get some of the reward. I think my husband is entitled to the reward whether he gets it or not. I was not examined before the magistrates. I heard all the conversations and my husband knew of it; yet I was not examined as a witness and the prisoners had no means of knowing what I was to prove. I wrote down the conversation but have since lost the paper. I rather think I burned the paper not thinking the contents were of consequence. I have not before been engaged to listen to conversations of this kind and have never been reprimanded for doing so."

The burglars were to go to a prize fight at Frimley and decided to call at the vicarage Grove House, on the way there on the pretext of selling plates. The housemaid bought nothing and refused them food when asked at which point the men became angry. Later that week the four men met in Guildford and travelled independently to Frimley about ten miles away. The Harwood brothers brought the pistols and close to the house loaded them with a stone marble, and the men all put on masks.

The house was entered via small scullery window squeezing the smallest though bars and that man then drilled out the central bar. The house was searched for desirable property, took food from the pantry, a gold watch, several silver items, coins, clothing and anything else they thought would receive a reasonable price. They drank wine and even filled a decanter and took it outside to one of the gang who was on watch. The men then moved upstairs where the Reverend and Mrs Hollest were attacked.

The way this robbery was undertaken was typical of the methods used by the Isaacs Gang; entry at night when the householders were in bed, a thorough search down stairs before going to the main bedroom, masks, pistols, extreme threats, travelling considerable distances quickly.

The men pleaded not guilty to murder at the assizes but two were found guilty and hung at Horsemonger Lane in Southwark, which remained Surrey's principal prison and place of execution up to its closure in 1878. (It was a common gaol, housing

both debtors and criminals, with a capacity of around 300 inmates. In total, 131 men and four women were executed there between 1800 and 1877, the gallows being erected on the flat roof of the prison's gatehouse.) [633]

Just before he was executed Levi Harwood confessed to pulling the trigger.

There was a huge impact in the county following the death of the Rector of Frimley, one of the county elite probably made the better off feel vulnerable. The murder at the rectory was the most serious of a number of violent burglaries, but not the last, by the Isaacs gang on vicarages and other large rural houses during the night.

There was outside pressure from the newspapers to take some action and the following piece is very descriptive of life in the county and is most likely correct in its analyses as to why there was no county police force in Surrey.

1850 October 18: Crime in Southern England – Extract [634]

In the county of Surrey, the house of a clergymen is entered in the night by a party of masked burglars and the reverend gentlemen himself is shot to death in his bedroom. Everyone asks what there is to prevent it and everybody answers "Nothing". If there be any part of the country in which life and property might be supposed to be tolerably safe, it is the county of Surrey. Surrey is a very civilised county. It is a county not of mud huts but of substantial mansions, elegant villas and fine park-like grounds. It is very genteel-nay, a very fashionable county. It is full of well-to-do people. It is convenient – so accessible that the bankers and merchants of the city pitch their tents in the county of Surrey, and yet seem to be only at their counting house doors.

There is a great deal of wealth in Surrey. There are probably more men of condition in it, more men of a certain worldly standing- men who revel in purple and fine linen, in chariots and in horses, and fare sumptuously every day than in any county in Great Britain. Yet somehow or other, strange as it may appear, these wealthy and enlightened Surrey gentlemen seem, in all that relates to the protection of life and property to be living in a state of primitive barbarism.

It required the murder of a country clergyman to reveal the astounding fact to the world. It is not the state of the police is bad – it is that there is no police at all. There is a (parish) constable perhaps, in every parish; and when you have named this important functionary you have named all that there is to protect the lives and property of the inhabitants from murder and robbery in the night.

Of course in all such cases the cry is for an active police. People evoke the aid of an efficient protective force, as though a well organised, well equipped constabulary

[633] "Surrey Murders" 1850 26th Sept; Janaway 75 ISBN 10: 1853060178 / ISBN 13: 9781853060175 Murder of Reverend George Hollest – Frimley and many other sources
[634] 1850 October 18 Liverpool Mercury

army were a thing to be had by asking for it. If they had to nothing else for it there would be no difficulty in the way. But they unfortunately have to ***pay*** for it and that they do not like at all. Protective forces are very expensive things. There is nothing more costly indeed, than the elaborate machinery, which we are compelled perpetually to keep at work for the detection and punishment of crime. The country is ground down by taxation that thieves may be caught and felons supported. Nothing costs us so much as crime. Everyone is willing to acknowledge this in word; but from few does it receive practical recognition. The fact is that there is no police at all. The County of Surrey is one of those districts of England, which either will not or cannot afford to support a local constabulary. After this who can wonder at the commission of crime in the district? [635]

Inquest

On the 9 October 1850 "The Times" reported the inquest where Sergeant Kendall of the London detective police (Metropolitan Police) said he was involved in the case but had arrived after Inspector (sic) Biddlecombe of the Godalming Police. Superintendent (sic) Biddlecombe gave evidence, which included details of the crime and suspects. Inspector Charles Hollingworth of the Guildford Borough Police arrested the suspects and it was reported that Inspector (sic) Kendall had noted blood stained footprints in the doorway of the vicarage and, when searching the suspect's premises blood stained stockings were recovered.[636] (Rank seems to be arbitrary!)[637]

On October 10 at 11 o'clock the funeral of the victim began in his own parish church. There were large numbers of friends, family and parishioners both inside and outside the church when the funeral procession left the vicarage at 5 minutes past eleven.

Sergeant Kendall of the London detective force is actively engaged in investigating the affair on the spot and the local superintendents of the Guildford and Godalming police, Mr Hollington and Mr Biddlecombe have not relaxed in their exertions.

The Rural Police Committee of Surrey Quarter Sessions - Reigate

The Rural Police Committee of Surrey Quarter Sessions meeting at Reigate was arranged on the 25 October 1850 shortly after the late melancholy murder of the Rev. Mr. Hollest at Frimley, a village at the extremity of the western division of the county, which is without the protection of a constable. Evidence was taken from Superintendent Biddlecombe and the Chief Constable of Hampshire. Biddlecombe covered an area of 28,940 acres with a population of ten thousand one hundred and twenty six with only one felony in his district over the last twelve months, stealing faggots to the value of sixpence. However he had been sent for to deal with twelve burglaries in surrounding districts in the last six months. There had been no cases of

[635] Caledonian Mercury Thursday October 10 1850
[636] "Foul Deeds and Suspicious Deaths in Guildford" Caroline Maxton Wharncliffe Books 2005 p71
[637] 9 October 1850: The Times

felony in Godalming itself during the last five years. Considering how long it would take to establish it is worthy to note at this date he put in a bid for plain-clothes officers as detectives.[638]

It should be remembered that at Surrey Quarter Sessions, Reigate on a Wednesday in April 1840, the committee appointed to enquire into the expediency of applying the provisions of the Rural Police Act unto those portions of Surrey that are not comprised within the Metropolitan Police District made a report to the court. The report stated that the committee had held meetings upon the important subject referred to them and had made considerable progress in the inquiry but having ascertained that there is a Bill at present before Parliament (The County Police Act 1840) they decided to make no report at this time. [639]

Newington Causeway Meeting 2 December 1850

On Monday 2 December 1850 a special meeting of magistrates of the county of Surrey took place in the Sessions House, Newington-causeway for the purpose of hearing the report of the committee appointed at the last quarter sessions to ascertain the best means of extending the police force to that portion of the county beyond the limits of the Metropolitan Police District. The committee was arranged shortly after the murder of the Rev Hollest at Frimley a village at the extremity of the west division of the county, which is nominally without the protection of a constable.[640]

The following magistrates formed the committee: Lord Lovaine, The Hon Locke King MP, Sir R Fredericks Bart., Sir WGH Jolliffe Bart., MP, Thomas Alcock MP, H Drummond Esquire MP. WJ Evelyn Esq., MP, Thomas Puckle, GP Nicholson,E Penrhyn, ER Adams, R Austin, C Barclay, George Best, J Briscoe, Colonel Chaloner, Baron de Tessier, H Gosse, RW Halsey, JE Johnson, William Nottidge Esqrs., Colonel Leake and the Rev JC Wynter [641]

"The committee think it their duty to represent to the court that they are unanimous in considering that in those portions of the county of Surrey which is situate without the limits of the Metropolitan Police District, the ordinary officers appointed for preserving the police are not sufficient for the preservation of the peace and for the protection of the inhabitants and for the security of property within such portion of the county; and that it is expedient that measures should be immediately adopted to remedy an evil of so serious a nature.

Taking this view, the committee, in pursuing its investigation with which they have been charged by the court find there are two methods already provided by the

[638] "A Hundred Years of the Surrey Constabulary" Durrant page 4
[639] The Champion and Weekly Herald 12 April 1840
[640] Morning Post December 4 1850 Wednesday
[641] 1850 December 4th The Morning Post

legislature for the protection of the lives and properties of the inhabitants of rural districts-

First: By the establishment of a rural police under the acts of 2 and 3 vic., cap 93, and 3 and 4 Vic, cap 88.

Second: By taking advantage of statute 5 and 6 Vic cap 109 which regulates the appointment and payment of parish constables

The provisions of the Metropolitan Police Act might also be extended to this part of the county not now under its control. This however could not be done without the assistance of the Legislature. Of these plans the first mentioned has appeared to be the best and most desirable in all respects

In considering the best method of introducing the rural constabulary into this county the committee have had to contend with the difficulty occasioned by the peculiar position in which the county is placed in consequence of the jurisdiction of the Metropolitan Police force extending over so important a portion of it in respect of population and wealth; and that difficulty has been much increased by the circumstance of the boundary of the Metropolitan Police District not being coincident with the boundaries of the petty sessional divisions but including portions out of some of such divisions.

The committee therefore recommend the court to introduce into that portion of the county, which is without the limits of the Metropolitan Police District a county constabulary under the provisions of the 3 and 4 Vic c.88 s29.[642]

The next step was to consider how the rural part of the county might be apportioned into divisions each containing no less than twenty six thousand inhabitants as required by statute in the most convenient manner with reference to population, wealth, geographical position and the general efficiency of the police force. In order to determine this point and to obtain correct views of the numbers and expense of the force required as well as its distribution and the best method of employment, the committee have examined persons both in the upper and lower classes of those engaged in the duties of the police in other counties as well as Surrey and have also been in communication with the Metropolitan Police Commissioners. They have likewise caused tables to be drawn up exhibiting the extent, population, value and assessment of the county rate of the several parishes.

After bestowing the best consideration upon the subject the committee have come to the conclusion that the rural portion of this county which contains 96 parishes and plans separately assessed to the county rate should be formed into three police divisions and that such be called Chertsey, Dorking and Godalming divisions. The

[642] 1850 December 3: Morning Chronicle Tuesday

committee further propose that the Chief Constable should reside at Dorking, which is the most central point of the three divisions.

They propose that the various lock-up houses be repaired and that the station houses &c. be erected the estimate cost of which would not exceed £3000, which could be raised upon the security of the police rate and repaid with interest in twenty yearly instalments.

By statute 2 and 3 Vic., cap 03, the force must not exceed one individual for every thousand inhabitants, according to the last census, the population of certain boroughs and towns being deducted.

The following is the proposed number of constables and their salaries:

> Chief Constable £300 per annum with £100 for horses, travelling expenses &c
> Chief superintendent £170
> Five superintendents £450
> Eight inspectors £483.12s
> 70 constables £3463.4s; allowance for clothing &c., £1227 11s
> Making an annual sum of £6284 7s to be levied on those divisions by a rate of three pence in the pound which will produce £6377 11s 9d. Against that expenditure the following savings will be effected by the force.
> The conveyance of prisoners £240
> The salaries of several inspectors of weights and measures whose duties may be informed by the rural police £380
> Superintendents of lock up houses £80
> Payments to constables at Coroner's inquests £74
> Parish, special and private constables at least £1800
>
> Making altogether £2574.

A great saving may also be effected from diminution in the number of trampers and vagrants who infest the county and consequently in the amount of contributions levied by them on the charitable; a result which would immediately ensure if the Poor Law unions within the proposed rural division adopt the urgent recommendation of the committee and appoint the police to act as assistant relieving officers in such cases. The success of this measure has been fully established in Essex, and a very large amount of saving has been effected.

Therefore if from the total expenditure of £6284.7s be deducted the ascertained amount of savings namely £2574 there remains a balance of £3,710 7s, which will be so much further reduced after the proposed police force have for a short time in operation, that the expense of maintaining them will it is believed, be little felt by the rural portion of the county; while the committee are convinced that the security afforded to life and property will amply repay the expenditure incurred, and that their recommendation when carried into effect will prove the utmost advantage to all classes of the community." Signed by authority of the committee Lovaine, Chairman

Lord Lovaine: -----In moving that the report be adopted, said that it was quite time they had an efficient rural police to protect the lives and property of the inhabitants of the remote villages of the county. Most of the crimes were committed by tramps and vagrants and were concocted in the beer-houses in these secluded places. He observed in the report a saving of £1800 on parish constables but he knew it would be £400 more as many parishes sent no return.

Mr T Alcock MP: --- he did not like Dorking as it would have been fairer to choose Reigate, which was of more importance in a public point of view being in proximity to the junction of the Brighton, Dover, Ramsgate and other important railway stations. Reigate ought to be the headquarters of the divisions as it was the chief place in eastern part of Surrey and all the others were in the western division. He proposed that as an amendment that Reigate be substituted for Dorking. The Hon Locke King JP supported this amendment but Lord Lovaine said the members were on the committee when Dorking was chosen when it was resolved to be one of the districts. They had considered Guildford but thought Dorking much better. Sir W Jolliffe thought Reigate preferable to Dorking. Mr Alcock said it was his sole object to see Reigate the residence of the Chief Constable not Dorking.

Sir W Jolliffe spoke of only six horses being recommended to deal with all the duties of the force. They could not perform it. There would be removing prisoners and other duties besides their being wanted by the superintendents. In a very short time prisoners for hard labour in the county would be removed to a new house of correction at Wandsworth. Look at that distance from some places. Someone said "There is the railway." Sir W Jolliffe: Then there will be no saving. Some of the constables will eight or ten miles apart and the inspectors who visit them must require horses constantly.

Sir R Fredericks Bart., thought it a heavy tax on the rate-payers who had not been asked who should pay the rate. The tenant farmer would be the man and it would be a great hardship on him as the great landlord would hardly pay anything

Mr Alcock: ------ There were a number of secluded villages about there unprotected and he should not like a repetition of the Frimley murder.

The report without amendment was carried and forwarded to Sir George Grey the Home Secretary.

On the motion of Lord Lovaine the report was adopted and the election of the chief constable was to take place on the first day of the Epiphany Sessions."[643] [644]

Approval for 1 January 1851

[643] 1850 3 December: The Times
[644] 1850 December 4th The Morning Post

On December 7th the clerk of the peace intimated to the bench that he had received a communication from the Secretary of State of the Home Department relative to the proposed extension of the Surrey rural police which was resolved upon on Monday last at a special meeting of the magistrates. The learned gentlemen said that according to the provisions of the Act of Parliament he had forwarded the resolution signed by the magistrates on Tuesday last for Sir George Grey's approval. This has been agreed and the magistrates will appoint the police on the 1st January next.[645]

Establishment of Surrey Rural Police

This interesting cutting establishes why the rural police did not take over responsibility for the whole county of Surrey. To do so would require an Act of Parliament but the expedient way was to use the Parish Constables Act. It should be noted that the agreement as set out was not fully complied with as headquarters was established in Guildford. This decision was to have a detrimental consequence once the Guildford Borough Police was re-formed and the Surrey Constabulary HQ in Woodbridge Road was about 100 yards from the borough police HQ in North Street in the centre of the town.[646]

December 31 1850 the press report that at the Surrey Quarter Sessions yesterday the rural police committee submitted their report relative to the appointment of a Chief Constable and the headquarters of the force. Captain Hastings H.E.I.C.S.[647], was recommended as a fit person for the duty; and after some discussion amongst the magistrates it appeared that the adoption of the report was carried by a majority of two, the numbers being 20 and 18. Captain Hastings was accordingly elected.[648]

A further press report of proceeding dated December 31 1850 under the following headings:

Selecting the new Chief Constable: Surrey Quarter Sessions The Frimley Murder and late Burglaries in Surrey - Extension of the Police Force [649]

Tuesday being the first day of the Epiphany Sessions, an extraordinary number of magistrates assembled for the purpose of electing the Chief Constable to govern the New Rural Police Force about to be established in the county without the metropolitan district, and to transfer the county business; Thomas Puckle, Esq., in the chair.

The Clerk of the Peace read the report of the Rural Police Committee, which specified that they had received the Secretary of State's sanction to the establishment of a rural

[645] 1850 7 December Morning Chronicle Saturday
[646] 1850 7 December Reading Mercury
[647] HEICS may refer to: Honourable East India Company Service
[648] 1851 January 1: Morning Post Wednesday
[649] The South Eastern Gazette 7 January 1851

police force, and that they had examined a number of candidates for the office of Chief Constable, and after mature consideration they had come to the determination of proposing to the court, H.C. Hasting, Esq., H.E.I.C.S., as a fit and proper person to fill the important situation; that he should find sureties in the sum of £1000 as a guarantee that he should perform his duty. The committee had also considered the question relative to the head quarters, and had come to the determination that Guildford should be the place instead of Godalming, being in a more central position, and that Reigate should be the station for a superintendent instead of Dorking as mentioned in the former report. The committee also suggested that a two-penny rate be made in these districts to support the new police.

Lord Lovaine proposed that the report of the committee be received and adopted.

Lord Lovelace said he would say a few words in explaining his opinion respecting the report of the committee. He admitted that the person who was recommended was a trustworthy gentleman, and of the highest respectability; but let them recollect that this subject was brought forward to apply a remedy for the evils which have for so long a time existed in the more remote parts of the county, such as the melancholy occurrence, the Frimley murder, which was recently perpetrated, and several desperate burglaries; and the ratepayers being called upon to pay extra rates, that ought to consider the subject well, and appoint an efficient person to govern the police and prevent such crimes being committed. He doubted whether Captain Hastings would not have to learn his duty, which ought not to be the case, when everything will be done by the orders of the superior officer. They (the magistrates) were responsible to the ratepayers, and ought to select a fit and proper person.

Sir R. Frederick, although a member of the committee, disproved of their report, as they gave no reason for recommending Captain Hastings more than any other candidate. There were many others more capable of performing the duty than he was.

The Rev. T. Thurlow thought they were bound to receive the party proposed and selected by the committee as it was left in their hands. He certainly would support them, and second Lord Lovain’s motion.

Mr Penrhyn said, it was usual in such cases to recommend three or four candidates to the court, but as the committee had full power to select the party, they had no alternative but to adopt their report

Mr Kemble said he proposed that the committee should recommend one as they were enabled to examine into the testimonials of the party with more care than the whole court. If the committee had been unfortunate in selecting an objectionable party, they could not help it; therefore he would not give an opinion on their choice. He could only say, that, being the party who had the honour of submitting that resolution at the last meeting, he felt compelled to support their nomination.

Colonel Challoner said the committee had no power to return more than one name. It must have been a lapsus linguae[650] on the Hon. Bart. (Sir R. Frederick). ("No, No!" and laughter.) He thought it was and he hoped it would be the last time the committee would be allowed to select one person.

After a lengthy discussion, between Colonel Leek, S. Nicholson, C. Barclay, Lord Lovaine, and A.B. Barclay, esq., the resolution was put, when 20 hands were held up in favour of the adoption of the report, and 18 against.

Captain Hastings was accordingly elected Chief Constable of Surrey.

[650] From Latin lapsus linguae, literally a slip or fault of the tongue

Chapter 8

Surrey Constabulary became operational

1851 February "Rural Police enter Dorking

"The new rural police made their entrée into this town on Tuesday morning last, 12 in number, including the chief superintendent. They all seemed to be young men. They are to be drafted to the different neighbouring villages, with the exception of two, and the superintendent, who are to remain at Dorking. We sincerely hope that the new police will have as little to do, except perambulating the town, as our last respected police officer, Mr. Donaldson, who has lived amongst us upwards of 12 years, and to his credit be it stated, not a single robbery has been committed in the town during his sojourn; and he has left here much to the regret of the inhabitants" [651]

On the 1 January 1851 the Surrey Constabulary became operational with an establishment of seventy police officers, five superintendents and two inspectors to police a population of 108,792. The first chief constable, Captain Hastings, was aged thirty-eight years having been to Eton and in the Army. He was the son of a Colonel and was to be chief constable of the Surrey Constabulary from 1851-1899. The appointment continued the common practice for the chief constable of a county to be of a similar class as the magistrates with whom he could mix as an equal and be influenced by friendship and acquaintance.[652] Good social connections with the cachet of military service were the norm and followed by Surrey.

The new chief constable had a major task. He was to form, house and equip a police force and provide a management supervisory structure with in a few weeks. H.C. Hasting, Esq., H.E.I.C.S., letters which probably are a reference to the Honourable East India Company Service where he served in the 55 Bengal Native Infantry. There is no certainty that he was a captain as The Times reported that,

"The office of Superintendent of the Surrey police has been conferred on Mr Henry Cadogan Hastings, late lieutenant in the 55 Bengal Native Infantry.[653]

Hasting's appointment was a close run thing with twenty in his favour and eighteen against. It is not clear what the new chief constable had in his favour beyond Eton and a father who was a senior army officer.

Help was close at hand with the very experienced Biddlecombe from Godalming, Hollington, Guildford Borough Police and Inspector Donaldson the chief officer at Dorking for 12 years. None of the men were used to managing significant numbers, more twos and threes but the force was to have a ratio of supervisor to men of about

[651] "The Surrey Standard" February 1851 photocopy of a note from Chris Atkins June 2010
[652] A History of Police in England and Wales TA Critchley 1967 page 141
[653] 1851 January 13: The Times

seven to one! However, they were very experienced investigators and would have understood the requirements of policing and the required relationships with councillors and magistrates. Hollington and Donaldson had served in the Metropolitan Police and Biddlecombe on the Isle of Wight and in Hampshire before moving to the market towns of Surrey. Other superintendents and inspectors were recruited in January, Biddlecombe on the 1st and styled as chief superintendent a title that was possibly soon dropped, another on the 2nd a former surgeon who on appointment as a superintendent was an inspector in Staffordshire. On the 9th four more superintendents were appointed with Hollington on the 15 February, which was probably the date of the merger of Guildford Borough Police and the Surrey Constabulary. The same day Donaldson joined from Dorking Police. The number of senior recruits must have been possible because of early advertising probably in December 1850 but no trace has so far been found.

About 50% of the first recruits had previous police experience varying from Indian Police, Irish Constabulary, City of London, Metropolitan Police, Staffordshire, Plymouth, Bath, Essex Hampshire and several others. Some were from Guildford Police, Goodalming Borough, Farnham and Dorking. Additionally there were a number of paid constables from Shamley Green, Chertsey, Chobham, Windlesham, Thorpe, Nutfield and Shere. [654] Three of the first seven, all superintendents or inspectors transferred on promotion from other forces of whom later two were compelled to resign. When Biddlecombe left to take The Swan at Chertsey in 1858, none of the original senior ranks remained serving in the Surrey Constabulary. The turnover of senior people must have compounded the constant rounds of discipline leading to so many of the constables being reduced in Class or dismissed.

Hasting's first promotion from Inspector to superintendent did not go well as Thomas Bedwell was dismissed after 8 months in the rank. [655] Two inspectors were also dismissed in the first 16 months.

Dismissal and discipline in the early days of the Surrey Constabulary

The following numbers are taken from a range of general orders but unfortunately the recording has no constant parameters.

Year	Dismissed	Disciplined not dismissed	Previous Reports
1851 January to May 31	8 including an inspector	14	
1851 June 1 – April 30 1852	4 required to resign including a superintendent, 9 including an	29	22

[654] CC98/4/1
[655] GO 77 May 1 1852

Year	Dismissed	Disciplined not dismissed	Previous Reports
	inspector dismissed		
May 1 1852 – December 31 1853	23	17	24
1854	7	23	10
1855	7 including a superintendent	10	9
1856	16 including a superintendent	17	
1857	13		
1858 January – February 17	4		

Between January 1851 and April 1852, four men were required to resign including a superintendent and 17 dismissed, including an inspector, with a further 43 disciplined. From May 1852 to December 1853 23 were dismissed and 17 disciplined those men having already accumulate 24 disciplinary offences.

In addition to dismissals from June to December 1852, 12 men were disciplined with 12 previous discipline reports against these men. From January to December 1853 17 men were disciplined including PC Allen Mason who was to be badly beaten and die of his injuries. These men had 12 previous discipline reports against them.[656]

During 1854 seven men were dismissed and 23 disciplined, these men having a total of 10 previous discipline reports against them.[657]

1855 saw seven dismissals including Superintendent Fletcher, and 10 discipline cases where the men had a total of nine previous reports. [658]

From the 1 January 1856 to February 17 1858 there were 33 dismissals of which 22 were drunkenness or frequenting public houses when on duty. One of those dismissed in 1856 was Superintendent Everett.[659]

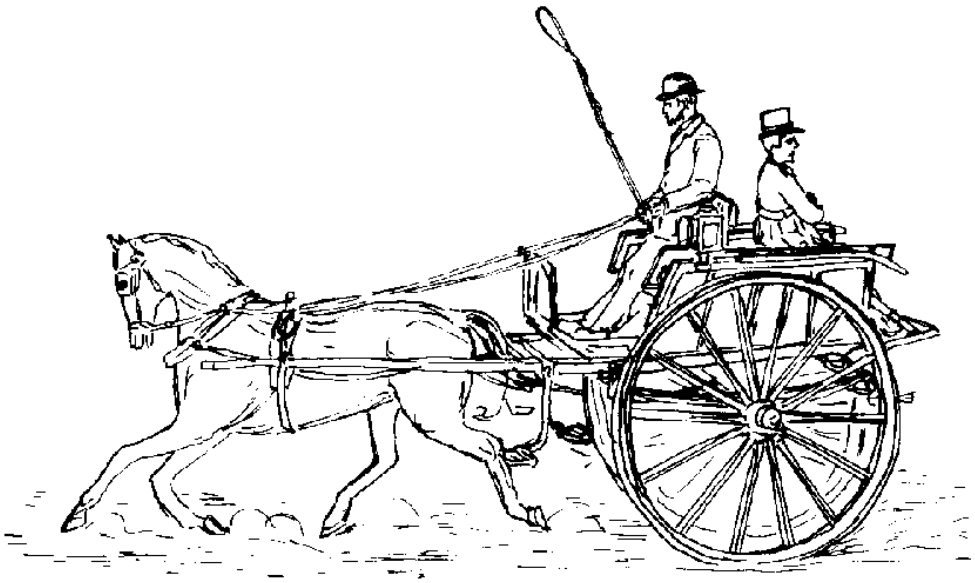
In under seven years, 91 men were dismissed to be replaced by a range of recruits some with experience others straight off the farmer's field!

[656] GO 106 December 31 1853
[657] GO177 January 1 1855
[658] GO126 January 1 1856
[659] GO 137 March 1 1858

The following GO to that listing all the dismissals from the Surrey Constabulary in April 1858, was a reference to PC Edwin Grant convicted by the magistrates for having left the Constabulary without giving proper notice. He was sentenced to fourteen days imprisonment with hard labour in the House of Correction at Wandsworth. [660]

The number of General Orders were fading with GO 140 dated May the 5th 1858 the next GO141 did not appear until October 25 1858 a five month gap. Was the chief constable on sick leave?

Tenders were sent out for uniform on the 13 January 1851 and on the same day for horses and 6 Whitechapel Carts. There was either a very swift response and selection of the contractor together with very early delivery or the men were operating in their best suits!



A Whitechapel Cart – the Surrey Constabulary hired six in 1851

Recruiting

Once the go-ahead was received seventy men had to be found quickly, recruited, uniformed and at the very least briefed by their experienced superintendents and inspectors. It must have been a rush, which may be why so many of the early recruits were to be dismissed for a range of disciplinary measures. Given Hastings wish to become involved in every detail of the new force there is little doubt he would have been involved in interviewing applicants. Of the first 60 recruits 27 had previous

[660] GO 138 April 10 1858

police experience and 33 did not.[661] The superintendents were soon in post, which probably means an advert was out in December before Hastings was appointed and may well have been selected by the magistrates. The men would have needed to resign from their existing forces and move to Surrey probably in days not weeks. This was certainly the time for the ambitious prepared to move counties and boroughs where as the police expanded opportunities were legion.

The military influence it could be argued was not the most suited leadership style. The hierarchy, the discipline, the stifling of initiative and drive by ex-soldier chief constables insisting on fixed beats with regular conference points missed on fear of dismissal. The discretion and skill of the constable was destroyed by too many oppressive rules and regulations enforced by too many supervisors who probably went in fear of their jobs if they did not enforce the letter of the rules. There certainly seems to have been a blame culture and the loss of so many men must have led to constant vacancies and the employment of untrained inexperienced me with few experienced role models. The influence may have dictated the name of the enrolment register where every man is listed in differing levels of detail often after he had resigned. The register was known as the Defaulter's book, which has a military ring!

Surrey Constabulary Defaulter's (enrolment) Register [662]

First 100 entries – more data is available but had to be reduced to fit onto the page. Often the data was not recorded especially if there was an early resignation or dismissal.

No	Age	Height	Place of birth	Date joined	Previous Occupation	Resigned	Dismissed	Length of service
1	36	5'10"	Isle of Wight	9 January 1851	Police	1 May 1858		8 years
2	36	6'	Staffs	9 January 1851	Police also surgeon	31 Oct 1853	Promotion Plymouth	2 years 9 months
3	36	5'10"	Staffs	9 January 1851	Police	18 Dec 1852	Compelled to resign	2yrs
4	35	5'8"	Northumberland	9 January 1851	Police	16 Nov 1851	Chief Bath	10 months
5	29	5'10"		9 January 1851	Police	26 July 1851	Order to resign	6 months
6	33	5'11"		9 January 1851	Police	8 Jan 1852		1 year
7	33	5'10"		9 January 1851	Police	Resigned	Supt Derby	
8	29	5'7 ½"	Braintree	9 January 1851	Police		14 Oct 1856 Supt	5yrs 10 mths
9	30	6'1"		9 January 1851	Police		25 July 1851	6 months
10	30	5'9"	Epping	9 January 1851	Labourer		11 Sept 1855	5 years

[661] Surrey County Archive 9152/1/2/1/1
[662] Surrey County Archive 9152/1/2/1/1

No	Age	Height	Place of birth	Date joined	Previous Occupation	Resigned	Dismissed	Length of service
11	29	5’10 ½”	Halstead, Essex	9 January 1851	Police		1871	20 years
12	27	5’8 ½”	Edinburgh	9 January 1851	Police	May 1854		3yrs 5 months
13	36	6’	Guildford	9 January 1851	Corn dealer	Died 13 March 1852 typhus		13 months
14	21	5’9”	Isle of Wight	9 January 1851	Tailor	13 May 1853		2yrs 4 months
15	22	5’9 ½”	London	13 January 1851		8 May 1854		2yrs 4 months
16	24	5’9”	Halsted Essex	13 January 1851	Police	July 7 1852		18 months
17	37	5’9	Isle of Wight	13 January 1851	Mason	13 February 1851		1 month
18	29	5’8”	Egham	13 January 1851	Labourer	Nov 17 1851		10 months
19	24	5’11”	Emsworth	13 January 1851	Miller	April 1 1854		3yrs 3 months
20	30	5’11”	Crondall	13 January 1851	Police	5 April 1856 joined railway police		5yrs 3 MThs
21	22	5’10 ½	Godalming	13 January 1851	Railway worker		11 June 1851	6 months
22	37	5’9 1/2	Kingsclere	13 January 1851	Relieving Officer	Jan 31 1865	Told to resign	14 year
23	29	5’8 ¼	Cornwall	13 January 1851	Police	5 Feb 1856	Permitted to resign	5 years
24	21	6’1”	Haverill	13 January 1851	Labourer	25 Nov 1853		3 years
25	23	5’9”	Dunsfold	Jan 17 1851			Jan 17 1851 Dismissed before sworn in	1 day
26	25	5’8”	Isle of Wight	13 January 1851	Coach painter	14 March 1857		6 years
27	28	5’7”	Guildford	13 January 1851	Labourer		Jan 22 1851	9 days Sworn in that day
28	38	5’9”	Tillingham Essex	13 January 1851	Police		17 May 1855	4 years
29	27	5’10			Labourer	30 June 1851	Permitted to resign	6 months
30	29	5’10”	Suffolk		Police		11 May 1852	16 months
31	20	5’7 ¾	Godalming	13 January 1851	Labourer	30 June 1851		6 months
32	32	5’11”		13 January 1851			8 Feb 1851	1 months
33	33	5’10”	Guildford	13 January 1851	Tailor		29 Jan 1856	5 years
34	26	5’10”	Hascombe	13 January 1851	Farm labourer	5 Feb 1852		12 months
35	32	5’10”		13 January 1851	Carpenter	13 Feb 1851		1 months
36	28	5’7 ½		13 January		18 Jan	Permitted	1 year

No	Age	Height	Place of birth	Date joined	Previous Occupation	Resigned	Dismissed	Length of service
				1851		1852	to resign	
37	37	5’ 8 ½		13 January 1851	Police	11 April 1851		3 months
38	31	5’8”	Chichester	13 January 1851	Army	Pension 19 Oct 1876		25 years
39	40	5’7 ½		13 January 1851	Paid Constable	16 April 1861	Permitted to resign	3 months
40	35	5’8 ½	Brighton	13 January 1851	Army		16 Oct 1852	1 year 10mths
41	30	5’9	Marlborough	13 January 1851	Police	Pension 24 April 1872		21 years
42			No other information	13 January 1851		1 May 1851		4 months
43	27	5’9 ½		13 January 1851	Windsor Borough Police	6 April 1852	After discipline	1 yr 3 months
44	40 Abt	5’8	Lincs	13 January 1851	Paid constable	31 May 1861	Called on to resign	10 yrs 4 months
45	36	5’8 ½	Dorchester	14 January 1851	Police	10 Jan 1852		1 year
46	21	5’7	Farnham	16 January 1851	Rope maker	12 Jan 1861		10 years
47	31	5’8	Kingston	16 January 1851	Police		7 Aug 1851	8 months
48	20	6’	Tilford	16 January 1851	Labourer	10 July 1851		6 months
49	34	5’8 ¾	Godalming	16 January 1851	Police	12 Sept 1853		1 yr 9 months
50	29	5’8 ¾	East Clandon	16 January 1851	Coachman	12 Feb 1851		1 month
51	40	5’9	Camberwell	26 January 1851	Soldier	26 Jan 1863		12 years
52	25	5’8	Worcester	January 1851	Royal Marine		15 Feb 1854	3 years
53	26	5’10	Woolaving-ton	16 January 1851	Labourer		13 May 1853	2 years 4 months
54	32	5’9	Alton	16 January 1851	Labourer	Pension 1 April 1876		25 years
55	24	5’8 ¾	Godalming	16 January 1851	Railway labourer		21 Jan 1852	1 year
56	34	5’7	Cranley (sic)	16 January 1851	Miller		12 Feb 1851	1 month
57	21	5’7”	Guildford	16 January 1851	Labourer	23 May 1851		5 months
58	22	5’10	Alton	16 January 1851	Butcher	13 Nov 1852		1 yr 10 months
59	26	5’8 ½	Amersham	16 January 1851	Police		8 July 1853	2 yr 6 months
60	29	5’9 ½		16 January 1851		9 Aug 1851		7 months
61	34	5’8	London	17 January 1851		2 April 1851		2 months
62	25	5’9	Ash	17 January 1851	Labourer	6 Nov 1852		1 yr 10 months
63	38	5’8 ½	Portsea	17 January 1851	Grocer	Pension 31 March 1867		16 years

No	Age	Height	Place of birth	Date joined	Previous Occupation	Resigned	Dismissed	Length of service
64	39	5’ 7 ½		18 January 1851	Paid Constable	10 Feb 1851		1 month
65	32	5’91/2	Glastonbury	18 January 1851	Police	Pension 30.9.73		22 years
66	33	5’9 ½		18 January 1851	Paid Constable		5 Aug 1852	1 yr 7 months
67	28	5’7	Godalming	22 January 1851	Labourer		29 May 1852	1 yr 3 months
68	32	5’8 ½	Chelmsford	23 January 1851	Police	16 June 1863 ill health		10 yrs 5 months
69	24	5’ 9 ½		28 January 1851		31 March 1851		2 months
70	23	5’11		30 January 1851	Farmer	21 Oct 1858	Called on to resign	7 yrs 9 months
71	29	5’8	Windsor	1 February 1851	Paid Constable		30 April 1852	13 months
72	32	5’10	Chobham	1 February 1851	Paid constable		1 May 1851	3 months
73	42	5’10		1 February 1851	Police	6 March 1851		1 month
74	34	5’10	Norfolk	1 February 1851	Police	31 March 1853	Supt Bucks	2 years 1 months
75			No other information	1 February 1851		28 Feb 1851		1 month
76	39	5’10 ½	Winslow	1 February 1851	Paid constable		17 Nov 1854	3 yrs 10 months
77	27	5’10	Brentwood	3 February 1851	Police	30 April 1851		2 months
78	31	6’	Ireland	2 February 1851	Police		25 Feb 1851	3 weeks
79	36	5’10 ½	Ireland	11 February 1851	Police	Pension 1 April 1874		23 years
80	37	5’10		15 February 1851	Paid Constable		28 Feb 1851	2 weeks
81	39	5’10 ½	Clackman-on	15 February 1851	Sup constable Dorking Police	Killed on duty 29 July 1855		4 years 6 months
82	38	5’10	Highgate	15 February 1851	Supt Guildford Borough Police	Pension 31 Aug 1872		21 years
83	34	6’	London	17 February 1851	Guildford Borough Police		16 Sept 1852	1 yr 8 months
84	32	5’7 ½	Farnham	17 February 1851	Paid Constable		21 Aug 1851	6 months
85	29	5’7 ¾	Cheam	17 February 1851	Police		6 Nov 1852	1 year 10 months
86	20	5’10”	West Clandon	17 February 1851	Guildford Borough Police	Pension 31 March 1888		37 years
87	30	5’7 ½	Farnham	19 February 1851	Butcher		4 March 1853	2 years
88	26	5’ 7 ½	London	22 February 1851	Paid Constable		3 Aug 1852	1 year 7 months
89	30	5’8	Sussex	2 March 1851	2 weeks Hants	Ill health 31 July 1873		22 years
90	23	5’10 1/2	Caithness	4 March 1851	Police	16 Aug 1853	Emigrated	1 year 5 months

No	Age	Height	Place of birth	Date joined	Previous Occupation	Resigned	Dismissed	Length of service
91	31	5'8 ½	Portsmouth	7 March 1851	Marine		17 Aug 1852	1 year 5 months
92	20	5' 11	Chichester	11 March 1851	Shoemaker	Pension 1 Jan 1890 as Supt		39 years
93	20	5" 10	Lowestoft	14 March 1851	Rope maker	Died 19 July 1868		17 years
94	25	6"	Ireland	20 March 1851	Irish Police	28 Jan 1852		10 months
95	31	6'	Colchester	21 March 1851	Police/Famer	6 Jan 1859	Cowardice	7 yrs 10 months
96	37	5'8 1/2	Eccles	29 March 1851	Godalming Police	Pension 30 Sept 1867		16 years
97	32	5'10"	London	7 April 1851	Railway employee		31 May 1851	1 months
98	29	5 9 1/2	Sussex	10 April 1851	Draper	30 April 1854	Permitted to resign	3 years
99	23	5'7"		19 April 1851	Labourer		31 March 1852	1 year
100	28	5'10	Llandovery	3 May 1851	Police	15 Sept 1854		3 yrs 4 months

The Hungry 1840s drove many from the land to the police who recruited the very vast majority of the constables from the unskilled working class but from the start they were expected to behave and have the appearance and behaviour of skilled men of the respectable class. [663] However the new chief constable had to recruit a mix of former police officers and those with no experience.

Except for the inspectors and superintendents who were already police officers of experience in other forces no one joined above third class constable. There was no shortage of recruits although as always, the pay was poor, seventeen shillings a week, and the conditions harsh. Of the first 98 men appointed only 12 served long enough to receive a pension including two ill-health pensions; three died one being beaten to death. A further 17 were dismissed with four more required to resign in the first 13 months of the life of the Surrey Constabulary.

There was no formal training for the non-former police recruit and much must have been down to the experience of the superintendents and inspectors who would ensure there was some form of instruction and briefing as to the role and activity of policing.

General Orders are full of entries of men rising up the Class from Four to First, many going up and down as they commit disciplinary offences when a reduction in Class was a meaningful punishment particularly when accompanied by a move paid for by the constable. A rise through the Class for a constable was an accolade to the

[663] "Policing Victorian Community" Carolyn Steadman Page 70

workingman eventually seeking the role of sergeant and later inspector. It was also possible to transfer police forces for promotion.[664]

At the time of formation there were police stations at Bagshot, Chertsey, Dorking and Farnham which passed to the county and new stations were built at Egham, Godstone, Guildford, Haslemere, Hersham, Leatherhead, Reigate and at Chertsey where the original one was found to be unhealthy.[665]

Captain Hastings decided to recruit initially from:

Men who had already served in a county police force

Men from HM Forces

The parish and borough constables

These criteria were followed with about 50% of the 100 originals having served in other police forces including paid constables from Surrey parishes and the small market town constables. Their survival rate of the Surrey constables in the new Constabulary was very low but the more senior people, Biddlecombe, Hollington and Donaldson served for some years. Only six former servicemen joined in the first hundred.

The men had to be honest, sober, under 30 (41 of the first 100 recruits were over 30) and at least 5 feet 7 inches; there was according to Durant in his history, no minimum age as one appointed constable was aged 14 and another 15[666]. (Probably because it was difficult to get clerks – early cadets!) The point about sobriety was missed and one is drawn to wonder about the recruiting process, the taking of references, local enquires as to suitability. Who interviewed the recruits? Recruiting was to become a constant task with so many dismissals.

Recruits to the police took an oath before the local magistrate and were never an employee or servant of the Police Authority but a local citizen appointed under the Crown, answerable to his chief constable and the courts.

The borough chief constable such as those in Guildford and later Reigate were considered socially inferior to a county chief constable and were more likely to have come up through the ranks as Peel had intended. Borough chiefs lacked the independence of his county counterpart as he was under comprehensive control of the Watch Committee. Hollington the senior man in the Guildford Borough Police for about 10 years after service in the Metropolitan Police was to join the Surrey Constabulary as a subordinate to the man with the social connections and therefore was given the role of chief constable.

[664] "Policing Victorian Community" Carolyn Steadman
[665] "A Hundred Years of the Surrey Constabulary" Durrant page 7
[666] "A Hundred Years of the Surrey Constabulary" Durrant page 5 They do not appear in the first 100

This register holds detail of the recruits to the Surrey Constabulary from day one. It is written in different hands and entries were not always completed fully and in some cases where resignation or dismissal was swift there is little detail, which tends to show the register was completed retrospectively. This is THE hallowed document of the early days of the Surrey Constabulary and there does not appear to have been any detailed, accurate research of the entries as a whole. It is the province mostly of the family historian.

The Surrey Archive Centre holds the defaulters or staff appointment register from 1851-1953; there is then a gap between May 1953 and October 1956. The information in a fully completed entry of the defaulter's register includes, name, age, physical description, where born, previous trade or calling, number of children, last residence, previous public service, by whom last employed, what relatives residing in Surrey, date of appointment, rank and where stationed. The register also provides details of promotions, removals and punishments and date of removal from force and conduct during service.

Records of the first 100 recruits to the Surrey Constabulary in 1851 but many entries are incomplete

Surrey born where given	When joined living in Surrey
23	20

In the list of the first 100 recruits, Metropolitan Police, Essex, Staffordshire, Hampshire and the Isle of Wight feature prominently as previous forces with the relevant counties where given:

Born County	Number of officers	County living when joined	Number of officers
Surrey	23	Surrey	20
London	8	London	7
Hampshire	8	Essex	7
Essex	8	Kent	2
Sussex	5	Staffordshire	2
Isle of Wight	4	Somerset	2
Staffordshire	2	Staffordshire	2
Somerset	2	Carmarthenshire	1
Norfolk	2	Hampshire	1
Cheshire	2	Whitehaven	1
Ireland	2	Isle of Wight	1
Scotland	2	Berkshire	1
Northumberland	1	Lancashire	1

Born County	**Number of officers**	**County living when joined**	**Number of officers**
Cornwall	1	Worcestershire	1
Suffolk	1		
Wiltshire	1		
Lincolnshire	1		
Dorset	1		
Worcestershire	1		
Buckinghamshire	1		
Berkshire	1		
Carmarthenshire	1		

Out of 100: Previous occupation where given

Police including paid police in Surrey 44	Tailor
Labourer 15	Carpenter
Soldier/marine 6	Corn dealer
Tailor 2	Rope maker
Miller 2	Coachman
Railway worker 2	Butcher
Farmer 2	Grocer
Coach painter	Relieving officer
Shoemaker	Draper
Mason	

First 100 Resigned etc.

Resigned	Pension including ill health	Dismissed	Died
Resigned 54 of which ordered/permitted to resign 11	12	35 reality 46 if ordered/permitted included	3 (one beaten to death)

Total 91

Previous police service

Age joined/ Months service in Surrey

Age when joined Surrey Constabulary	Length of service in the Surrey Constabulary in months
20	6, 6, 444, 468, 240, 369, 204 (died)
21	28, 36, 240, 5,

Age when joined Surrey Constabulary	Length of service in the Surrey Constabulary in months
22	28, 6, 34,
23	1 day, 93, 17, 12
24	18, 39, 12, 2,
25	72, 36, 34, 10,
26	6, 28, 30, 19,
27	41, 27, 2,
28	9 days, 12, 27, 40
29	6, 70, 240, 10, 60, 16, 1, 7, 13, 22, 36,
30	6, 63, 252, 24, 264,
31	1, 372, 8, 3 weeks, 94,
32	300, 264, 125, 3, 6, 1
33	19,
34	35, 33,1, 2, 25, 20,
35	10,36
36	1, 96, 33, 24, 13 died, 12, 276,
37	168, 3, 2 weeks, 192,
38	48, 192, 456,
39	1, 46, 54 (died)
40	3, 248, 144
42	1

Previous police service before Surrey Constabulary

Age when joined	**Previous police service before Surrey Constabulary**	**Service in Surrey in months**
23	Metropolitan Police	1 day
37	Paid Constable in Surrey	2 weeks
31	Staffordshire	3 weeks
39	Paid Constable in Surrey	1
42	Metropolitan Police	1
24	Kent	2
27	Essex	2
37	Metropolitan Police	3
32	Paid Constable in Surrey	3
40	Paid Constable in Surrey	3
29	Essex Bath, Bucks, Lincs	6
30	Essex	6
27	Metropolitan Police	6

Age when joined	Previous police service before Surrey Constabulary	Service in Surrey in months
32	Paid Constable in Surrey	6
31	Metropolitan Police	8
35	Metropolitan Police then chief Bath post Surrey	10
25	Ireland City of London	10
33	Carmarthenshire, Llandilo	12
36	Essex	12
29	Paid Constable in Surrey	13
27	Windsor Borough	15
29	Suffolk East and West	16
23	Edinburgh, Glasgow City of London	17
24	Essex	18
33	Paid Constable in Surrey	19
26	Paid Constable in Surrey	19
34	Guildford Borough Police	20
34	Lancashire	21
36	Metropolitan Dublin and Staffs	24
32	Metropolitan Police	25
21	Hants	28
22	Metropolitan Police	28
30	Hants	29
36	India, City of London, Nottinghamshire, Staffs	33
29	Metropolitan Police	34
28	Carmarthenshire, Llandovery	40
27	Essex Metropolitan Police	41
39	Paid Constable in Surrey	46
38	Essex, Metropolitan Police, Whitehaven	48
39	Dorking Borough Police – killed at Haslemere	54
29	Metropolitan Police	60
30	Essex	60
29	Essex	70
23	Kent	93
31	Essex	94
36	Hants, Godalming Borough Police	96
40	Paid Constable in Surrey	124
32	Essex	125
37	Godalming Borough Police	192
29	Essex	240
30	Metropolitan Police	252
38	Metropolitan Police, Guildford Borough	252

Age when joined	Previous police service before Surrey Constabulary	Service in Surrey in months
30	Hants	264
32	Birmingham Worcestershire	264
20	Guildford Borough Police	444
36	Irish Constabulary	552

Regional Comparison

The experience in other counties when recruiting and retaining was not dissimilar to that of the Surrey Constabulary. Carolyn Steadman's figures cover a number of forces.

After years of experience of recruiting in 1875 Hertfordshire the chief constable reported that his officers were made up of "Some farm bailiffs, some shoemakers, some labourers, some of all sorts, we have soldier /pensioners, all sorts" The chief constable of Hertfordshire thought the agricultural labourer made the best policeman though rules on literacy denied many the opportunities to serve. [667]

Between 1856-1880 in Buckinghamshire and Staffordshire, 50% of all recruits were agricultural labourers [668] (Was that because most of the working population in a rural county were agricultural labourers?) However in Surrey agricultural labourers made up about 16% of the initial recruits.

Married men made up 63-85% of recruits across the south east which is not surprising as rural police officers needed wives who often acted when their husband were out or were used to search female prisoners and probably to feed prisoners!

The median discharge rate from all south of England forces between 1866-1880 fell from 15% to 8%, losses had been nearly double that for 20 years. [669]

The work force was more stable in non-industrial areas and higher in Boroughs (Work available?) [670]

Men resigning as opposed to being sacked increased from 50% to 70% of turnover mid 1860s to 1880. Dismissal in southern counties 43% in 1866 and 27% 1880 as discipline became more proportionate.

Those reaching pension age by 1880 remained very small with a 16% annual turnover; if they stayed for five years there was some hope of them staying longer[671]

[667] "Policing Victorian Community" Carolyn Steadman page 70
[668] "Policing Victorian Community" Carolyn Steadman page 70
[669] "Policing Victorian Community" Carolyn Steadman page 92
[670] "Policing Victorian Community" Carolyn Steadman page 92
[671] "Policing Victorian Community" Carolyn Steadman page 92

chief constable 1874 " – but the vast proportion of men change within the year or first few months"[672]

Being born in a county or neighbouring county was the most consistent factor in staying in the police. Chief constable's also looked for physical strength and literacy. Home Office rules demanded literacy. All police work demanded certain proficiency in reading and writing, but particularly in writing. Some forces employed a schoolmaster[673]

By 1880 turnover of staff was reducing in Surrey at 6%, however, other forces continued high and expensive loss of staff with West Sussex 20%, Hants 15% and East Sussex 10%.[674] Chief Constable Hastings management must have become more enlightened after some 30 years experience!

Though recruitment at times was driven by unemployment, agricultural depression and the ending of a war there were those seeking personal development. Most found it a very hard life and many would soon leave or be sacked some "endured until pension"[675]

The First Superintendents and Inspectors

The people appointed by Hastings as his superintendents and inspectors were unquestionably critical contributors so had to be experienced police officers.

William Henry Biddlecombe the Head Constable of Godalming aged 36 was appointed to the new force as a superintendent and was number one in the appointment book.[676] (Defaulter's Register) In the early days he was referred to as chief superintendent a post that attracted a higher rate of pay £170, and was most likely meant to be the chief constable's deputy. However, references to the higher rank were dropped. Biddlecombe had served on the Isle of Wight and in the Hampshire Constabulary. Appointed 1 January 1851 serving until 1 May 1858 when he resigned to take the Swan Inn at Chertsey. Biddlecombe in his time in the Surrey Constabulary was to deal with some of the most horrendous crimes many involving the killing of children.

Superintendent Edward Codd on 2 January 1851 aged 36, who had been a surgeon born in British Guiana. City of London Police, as an Inspector in Staffordshire and had served in the Indian Police and in Nottinghamshire. Resigned October 1853 on appointment as Superintendent Plymouth

Superintendent Timothy Casey 36, 9 January 1851 served in Metropolitan Police Dublin and Staffordshire. Compelled to resign 18 Dec 1852

[672] "Policing Victorian Community" Carolyn Steadman page 92
[673] "Policing Victorian Community" Carolyn Steadman page 92
[674] "Policing Victorian Community" Carolyn Steadman page 92
[675] "Policing Victorian Community" Carolyn Steadman page 81
[676] "A Hundred Years of the Surrey Constabulary" Durrant page 5

Superintendent Alfred Benjamin Hughes 9 January 1851 35 Metropolitan Police and Alnwick resigned 16 Nov 1851 to become chief of Police Bath

Superintendent Philip Sergeant 9 January 1851 29 served Essex and Bath. Ordered to resign 26 July 1851 owing to debt but was later appointed Superintendent in Buckinghamshire and later Lincoln

Inspector Thomas Bedwell a solicitor from the Carmarthenshire Constabulary recruited as Inspector and later Superintendent at Godstone, Dorking and Godalming. Permitted to resign 8 Jan 1852 (All those moves in a year!)

Inspector Josiah Radley 33 January appointed 9 January 1851 as an Inspector. He left to become the superintendent in Derby

Inspector Charles Everett joined in 1851 as an inspector and a year later in Jan 1852 was appointed superintendent at Farnham being dismissed in October 1856 but later becoming head constable at Godalming and later head constable Chichester

Superintendent Charles Hollington was to join with ten years service with the Guildford Borough Police on the 15 February 1851. He served until retirement in August 1872.

Inspector William Donaldson joined after ten years as the inspector of Dorking police on February 15 1851. He was killed on duty 29 July 1855 at Haslemere.

The five superintendents were stationed at the new headquarters in North Street, Guildford, Reigate, Dorking, Godalming and Farnham. By July 1851 Chertsey was a division and Dorking no longer one. Two Inspectors were soon appointed and stationed at Guildford and Godalming.

(In February 1854 agreement from the Secretary of State led to the appointment of an 8th superintendent. [677])

Inspector Henry Stamp

There are not that many constables where there is significant detail of their lives and career. Family historians often bring together material from a variety of sources.

Henry Stemp was doing well having moved through the constable classes to be appointed inspector. He was to fall foul of the demon drink being dismissed and moving to New Zealand. On 11th September 1852 Henry Stemp joined the Surrey Constabulary. He only just made the minimum height requirement of 5ft 7 inches. His collar number was 62 and he was first stationed in Merrow, now on the eastern edge of Guildford. The constabulary had only become operational on the 1st January 1851, twenty-one months earlier. On its establishment it comprised a chief constable,

[677] GO108 February 1 1854

five superintendents and seventy constables. During Henry's time in the constabulary, constables were required to work seven days a week and took only twelve days' leave a year. In his first year Henry was transferred in October to Byfleet, and then the Egham, in November to Bisley and in March 1853 to Millbridge, a village close to Frensham, Surrey where the young constable married Mary Hersey on the 21st May 1853.

Henry was promoted from Constable Fourth Class to Third Class in February 1853, and in April, Constable Second Class. In May 1854 they moved to Guildford where Henry was promoted to Constable First Class in May 1855. In August 1855 they moved to West Horsley. Henry was promoted to the rank of inspector and transferred to Walton-on-Thames. In March 1859 the family moved to Leatherhead where Henry spent five years of his time as inspector. The Stemp family lived in the Police Station.

In March 1864 the family moved to Witley where Henry's police career came to an abrupt end when he was demoted on the 1st July 1864 to Constable Second Class for drunkenness. He resigned from the Constabulary on the 19th July 1864."

Baptism: 17 April 1831, St Nicolas, Cranleigh: Emigration: 12 April 1874, to Bluff, New Zealand on "William Davie" as assisted immigrants, the cost of £72. 10s being met by the New Zealand Government Occupation: 1851 Ag Lab 1852-1864 Policeman, 1864 Goods Checker (Great Western Railway); 1871 Railway Clerk; Later Porter; 1876 Railway Worker. [678]

Height and other requirements for early recruits

The chief constable required Surrey Constabulary recruits to be honest and sober, less than thirty years of age (national requirement 40) and at least five feet seven inches tall. He did not do well on the sobriety test, the height limit was maintained but 42% of, where known, men were aged over 30. Many of these of course were probably recruited at that age because of their police experience. In 1871 the average height of men in the population was 5 feet 5 inches and is unlikely to be significantly different in 1851. Of the first 53 men recruited where a height is given:

Height	Number
5’7	6
5’8	16
5’9	12
5’10	11
5’11	3
6’	3

[678] Information about career of Henry STEMP from Peter Haynes compilation entitled "The Stemp family of New Zealand printed 2003

6' 1	2

The men had to be "able to read and write, intelligent and active, free from bodily complaint and strong constitution and recommended as of irreproachable character and connections."[679] [680] It is not known what the recruiting process was but it is most likely references were called for and that there would be an interview.

Police HQ and police stations

The first county headquarters was in the old Guildford Borough Police Station at the Corn Market House in North Street but this was only to be until the new headquarters was completed in Woodbridge Road in 1854.[681] For some unexplained reason Dorking was not to be the HQ as was the original plan, but was to be in the heart of Guildford. This was not a difficult decision as the new police incorporated the boroughs of Guildford and the small police forces of Dorking, Farnham and Godalming. There must have been friction when Guildford town council opted out of the Surrey Constabulary leaving the HQ within someone else's police district with county men reporting for duty and at the chief constable's office, as they were obliged to do whenever they were in Guilford.

County police stations were established in Bagshot, Chertsey, Dorking and Farnham and new stations were built at Egham, Godstone, Guildford, Haslemere, Hersham, Leatherhead, and Reigate. The original station at Chertsey was sold because of its poor condition and a new one built. Five superintendents were stationed at Reigate, Dorking, Godalming, Farnham and Headquarters.[682] The two inspectors were to be stationed at Guildford and Godalming.[683]

Classes of Constable

Constables joined at 4th class promoted later to other classes the First Class being equivalent to sergeant of which there were none in Surrey until 1865. The Fourth Class ceased on 30 Aug 1854.

There were four classes of constables with newly appointed officers starting at Class Four and moving through the classes on promotion. First Class constables appear to have been the equivalent of a sergeant as it was these men who were promoted inspector. All were required to work seven days a week and granted twelve days leave a year, which had to be taken in summer as no leave was permitted during the winter.

[679] A History of Police in England and Wales TA Critchley 1967 page 146
[680] "A Hundred Years of the Surrey Constabulary" Durrant page 5
[681] "A Hundred Years of the Surrey Constabulary" Durrant page 4
[682] "A Hundred Years of the Surrey Constabulary" Durrant page 7
[683] "A Hundred Years of the Surrey Constabulary" Durrant page 6

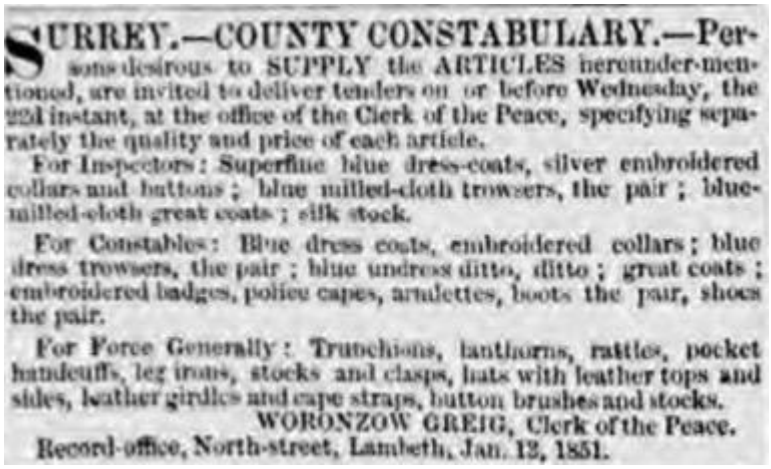
There is no doubt that there was some form of instruction book issued soon after the formation of the force. The books were used for guidance and a means of discipline when officers failed to comply. The system of General Orders began on 30 January 1851 and in those early orders is a reference to an Instruction Book.

Chief Constable Hastings had to start from scratch to develop, recruit and organise a police force, which was built on the principles of fairness and no nonsense. Being a soldier with no police experience he was reliant on his first senior officers to develop a police force that was acceptable to the county elite and local people who had to pay for the service. The template was the Metropolitan Police and other by now established constabularies with numerous models to follow. Compliance with guidance from the Home Office was vital to be seen as efficient and therefore qualify for the government grant, which reduced payments from parish ratepayers.

The Guildford Borough Police, which was incorporated within the new Surrey Constabulary, had an establishment of just a few constables and a superintendent.[684]

As each constable had to patrol about nine and a half square miles, horses were required.

Advertising for uniform and equipment



SURREY.—COUNTY CONSTABULARY.—Persons desirous to SUPPLY the ARTICLES hereunder-mentioned, are invited to deliver tenders on or before Wednesday, the 22d instant, at the office of the Clerk of the Peace, specifying separately the quality and price of each article.

For Inspectors: Superfine blue dress-coats, silver embroidered collars and buttons; blue milled-cloth trowsers, the pair; blue-milled-cloth great coats; silk stock.

For Constables: Blue dress coats, embroidered collars; blue dress trowsers, the pair; blue undress ditto, ditto; great coats; embroidered badges, police capes, armlettes, boots the pair, shoes the pair.

For Force Generally: Truncheons, lanthorns, rattles, pocket handcuffs, leg irons, stocks and clasps, hats with leather tops and sides, leather girdles and cape straps, button brushes and stocks.

WORONZOW GREIG, Clerk of the Peace.

Record-office, North-street, Lambeth, Jan. 13, 1851.

Surrey County Constabulary: Persons desirous to SUPPLY the ARTICLES hereunder mentioned are invited to deliver tenders on or before Wednesday the 22nd instant, at the office of the Clerk of the Peace, specifying separately the quality and price of each article.

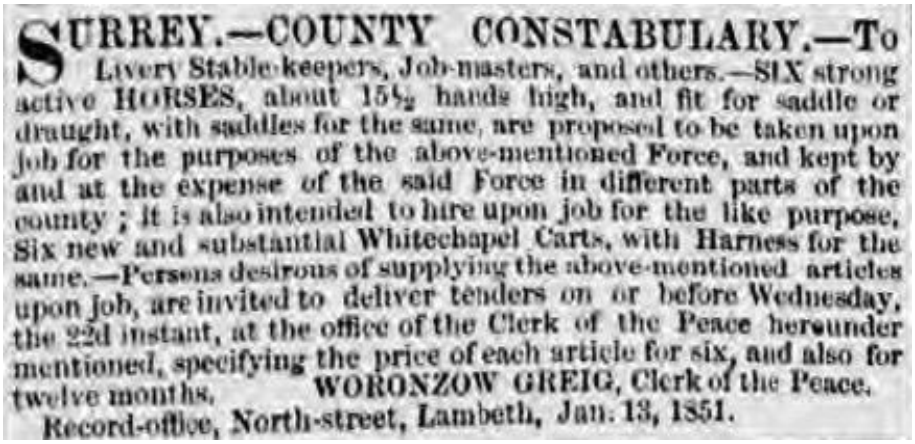
For Inspectors: Superfine blue dress coats, silver embroidered collars and buttons; blue milled cloth trousers, the pair; blue –milled cloth great coats; silk stock.

For Constables: Blue dress coats, embroidered collars; blue dress trousers the pair; blue undress ditto, ditto, great coats; embroidered badges; police capes; armlettes (stripped duty bands), boots, the pair, shoes the pair.

[684] http://st-caths-web.co.uk/?p=11643

For Force Generally: Truncheons, lanthorns, rattles, pocket handcuffs, leg irons, stocks and clasps, hats with leather tops and sides, leather girdles and cape straps, button brushes and stocks

WORONZOW GREIG Clerk of the Peace, Record-office, North-street, Lambeth Jan 13 1851[685]



SURREY.—COUNTY CONSTABULARY.—To Livery Stable-keepers, Job-masters, and others.—SIX strong active HORSES, about 15½ hands high, and fit for saddle or draught, with saddles for the same, are proposed to be taken upon job for the purposes of the above-mentioned Force, and kept by and at the expense of the said Force in different parts of the county; it is also intended to hire upon job for the like purpose, Six new and substantial Whitechapel Carts, with Harness for the same.—Persons desirous of supplying the above-mentioned articles upon job, are invited to deliver tenders on or before Wednesday, the 22d instant, at the office of the Clerk of the Peace hereunder mentioned, specifying the price of each article for six, and also for twelve months. WORONZOW GREIG, Clerk of the Peace.
Record-office, North-street, Lambeth, Jan. 13, 1851.

Horses and carts needed for the new Surrey Constabulary

Surrey County Constabulary: To livery stable keepers, Job Masters and others. SIX strong Horses about 15 ½ hands high, and fit for saddle or draught, with saddles for same are proposed to be taken upon job for the purposes of the above mention force, and kept by and at the expense the said Force in different parts of the county; it is also intended to hire upon job for the like purpose, SIX new and substantial Whitechapel Carts with harness for the same. Persons desirous of supplying the above mentioned articles upon job, are invited to deliver tenders on or before Wednesday the 22 instant at the office of the Clerk of the Peace hereunder mentioned specifying the price of each article for six, and also for twelve months. WORONZOW GREIG Clerk of the Peace, Record-office, North-street, Lambeth Jan 13 1851[686]

Orders and Instructions

Orders and Instructions were issued no doubt copied from Metropolitan Police publications, as was the way – early cut and paste. Therefore the 1862 Instruction Book, unsurprisingly, at page six,

"It should be understood at the outset, that the principal object to be attained is *the prevention of crime.* (Italics in the original) To this end, every effort of the Constabulary is to be directed. The security of persons and property, the preservation of the public tranquillity, and all the other objects of a well regulated Police Force will thus be better effected, than by the detection and punishment of the offender after he has succeeded in committing the crime. This should be constantly kept in mind by

[685] Morning Chronicle 15 January 1851
[686] Morning Chronicle 15 January 1851

every member of the Force, as a guide to his own conduct. Constables should endeavour to distinguish themselves by such vigilance, and activity, as may render it extremely difficult for anyone to commit a crime within that portion of the district under their charge."

The new chief constable was to send out his instructions to the force in the form of General Orders numbering from GO1 and dated and addressed from the Chief Constable's Office, Guildford. The first instruction on 30 January 1851:

"GO 1: In, all, applications for leave, the date and hour of return to duty to be specified, and the applications forwarded to the Chief Constable's Office. When this is neglected the party will be considered as still absent."[687]

A number of the early GOs covered administrative matters, including the need to address communications to the Chief Constable of Surrey, Guildford and not to Captain Hastings an instruction that required a number of further orders! The detailed level of control that Hastings tried to enforce was unachievable given 24 hours, seven days a week across a whole county but the new chief constable possibly modelled his new role as an ex-soldier on his former colonels, insisted nothing was to be purchased without his authority. The micro control of expenditure came on the agenda again in October 1851, as did the need to reduce costs so the police officers would need to clean the cells "and that Police Constables are to perform this duty as in the Army Guard Room is invariably cleaned by the Soldiers themselves." [688] The striving for detailed control of policing and all the irritations that would bring may have lead to the obvious frustrations the chief constable seems to have suffered.

Difficulties with the Borough of Guildford

Hastings had also to deal with the consequence of the amalgamation of the Guildford Borough Police with the Surrey Constabulary and some of the no doubt fractious members of the former Watch Committee who had lost their oversight of the police. Or had they? The following is at odds with the Guildford Borough Police becoming a part of the Surrey Constabulary. It does seem from the reports that Hastings had to explain what he was doing to Guildford Town Council.

The report was several months on from the formation of the Surrey Constabulary, when in September 1851 at a meeting of the Guildford Town Council the Mayor read a letter from Captain Hastings, stating that for certain reasons he had considered it advisable to remove two of the borough constables and station them in county districts. That he replaced them with two first class constables who received a 1s a week more than was paid to those of the borough. He therefore applied that the council would increase the pay of its constables and place them on the same footing;

[687] GO1 January 30 1851
[688] GO64 October 18 1851

and that it would furnish them with lamps, and make proper allowance for the oil consumed in the lamps.

Chief Constable Hastings went on to say that there was a slight difference in the uniform of the borough and county constables and he requested that the collars of the coats worn by the police officers of the Borough might be altered, and made in accordance with those worn by the county police the cost of doing which would be trivial.

Mr Chennel thought there should be some difference in the uniforms. *They employ their own police in the borough* (author's emphasis) and he considered that their policeman should have some distinctive mark to distinguish them from the county. It might occur that an inhabitant might require the assistance of an officer. Now if he should call to one of the county police the answer would probably be "I cannot stop to assist you; I don't belong the borough; I have just come from Hindhead (or some equally distant part) and I am about to return thither immediately. He was of the opinion that there should be some mark by which they could distinguish their own police officers (hear, hear). It was resolved nem.com that the requests of Captain Hastings should be acceded to and that the police of the borough should, when on duty, wear an armlet with the letters "GP" worked thereon. [689]

The feeling of the Borough for their own men continued. This is all very difficult to square with the idea of an amalgamated Guildford Borough Police. It seems more of a coming together as a partnership though it does seem that Hastings had authority to move the men. Many were probably against the amalgamation in 1851 and hung on to any vestige of control and were in due course to ensure the revival of the Guildford Borough Police and a divorce from the Surrey Constabulary in October 1854.

Chief Constable Hastings reverts to soldier mode!

By modern standards the levels of supervision and management were intense. With about 80 constables and a senior management team of probably seven superintendents and a number of inspectors in the Surrey Constabulary it would have been best for Hastings to have delegated and concentrated on the bigger picture. Not so as even cleaning was an issue again in 1854 when the chief constable ordered that,

"Unmarried constables at Headquarters must each in their turn keep the apartments allotted to them, clean viz the *Guard Room*, (author's emphasis) Lavatory, dormitory and water closets etc., these places are to be thoroughly washed out at least once a week (every Friday when practicable) and are to be kept always swept clean. They must also keep the stairs and landing leading to their sleeping apartments clean, taking it in turn with the other residents up stairs, and they are not to go into the

[689] 1851 September 21: The Sussex Advertiser, Surrey Gazette

dormitory with boots on, whilst any person is sleeping there. The cells are to be cleaned whenever the Superintendent shall direct and the doors and windows are always to be kept open during the day when unoccupied, and no lumber of any description is to be kept in any of them under any pretence whatever. Should any person break, lose, or damage any of the property provided by the County for their use, the same is to be immediately reported to the Superintendent and will be replaced at their expense."[690]

Early into his new career the chief constable forgot he was no longer in the army when dealing with the administration of sickness he writes using a very non-police term:

"When an officer reports himself sick to his Superior, the *Commanding Officer* (author's emphasis) is on no account to admit to that plea, unless a medical certificate is produced to that effect." [691]

Investigation of crime was soon on the agenda

Although the priority was prevention the investigation of crime was soon on the agenda and on January 31 GO 6:

"Superintendents on receiving information of a robbery or any other serious offence having been committed are required immediately to communicate the same with the chief constable. (Note: The term robbery is used as a generic term for crime and is interchangeable with burglary, larceny etc.)" [692]

1851 May 26: GO 41:

"The chief constable has observed with displeasure that certain members of the Force are in the habit of wearing plain clothes as if they were ashamed of their uniform. Such practice is extremely objectionable and altogether at variance with the regulations of any service in which uniform is provided. The chief constable therefore calls upon superintendents in particular to set an example to their men under them in this, as well as in all other respects and trusts he will not be called upon again to notice such irregularities.[693] An example of this was on the first of April 1851; PC John Lawrence was severely reprimanded for being in plain clothes." [694] [695]

There was not a great deal of crime for the new police of the Surrey Constabulary to deal with but those that were prosecuted had an excellent chance of acquittal, in fact an even chance, possibly because of poor investigation and case preparation by

[690] GO111 June 3 1854
[691] GO 7 January 31 1851
[692] Surrey Constabulary General Orders Book 1 1851-
[693] Surrey Constabulary General Orders 1 1851-
[694] Durant Surrey Constabulary 1851-1951 page 15
[695] Surrey Constabulary General Orders Book 1 1851-

untrained and inexperienced police officers**.** The large number of arrests in proportion to the recorded crime further evidences this. It seems as if the constables locked people up to take them to the superintendent for further investigation.

After two years the Force must have settled into a series of routines though the turnover of police officers of all ranks cannot have led to an efficient organisation. The loss of friends and colleagues, the reduction in rank, what may have seemed to be the arbitrary and vicious nature of the discipline system cannot have been good for morale or the building of some form of team spirit, essential in such work. Possibly caused by the lack of education and amongst some, an innate inability for police work, established police officers such as the superintendents and inspectors dealt with a great deal of the more serious reported crime.

There were no dedicated detectives in the Surrey Constabulary until after the First World War and all serious crime continued to be dealt with by the local senior officers. By December 1852 a General Order tried to bring more balance and allow for the development of the inexperienced.

"The chief constable has observed with much dissatisfaction the evident inclination on the part of superintendents and inspectors to deprive constables under one specious plea or another of cases, which have rightly belonged to them**.** Several instances of this have recently occurred and the chief constable desires superintendents and inspectors to bear in mind that it is their duty to bring forward and encourage as much as possible all young constables instead of dampening their zeal, and hindering their advancement by keeping them in the background. In order to put a stop to this, the chief constable has determined in future not to allow any expenses to those who have mixed themselves up in a case in which they had no business and which the constable could perfectly well have conducted himself."[696]

As it has always been, there is a concentration on crime by the politicians and newspapers but the reality of policing, crime though important is not the major occupation of patrolling police officers. Possibly an early example of a large-scale operation followed a gathering at 0930 on the 17th July 1852 when seven superintendents, six inspectors and sixty-four constables had to be at HQ in Guildford. No reason was given for the gathering but it is known that criminal gangs were living on the heaths and commons causing great disquiet. It is only a guess but this may have been the reason so many officers came together. So many officers those left on divisions would probably be on their own![697]

Letter to The Times

The Surrey Constabulary established and incorporating the Guildford Borough old enmities come to the surface as the aggrieved chief officer of the Borough takes

[696] GO88 9 December 1852
[697] 1852 July 14 GO 84: Surrey Constabulary General Orders Book 1 1851-

exception to Biddlecombe receiving credit where he thought it was not due. Interestingly, Hollington refers to Biddlecombe as "detective". They both were now senior officers of the Surrey Constabulary, Hollington having joined on the 15 February 1851.

1851 26 April Letter to The Times from Superintendent Charles Hollington Superintendent of the Surrey Constabulary and late Superintendent Guildford Borough Police– letter dated 24 April from Chertsey.

Mr Hollingsworth felt aggrieved that "that the whole credit of breaking up the "Frimley Gang" was due to Mr Biddlecombe." Hollingsworth asserted he arrested six of the men. "Levi Harwood. James Jones alias Burbage (hung for the murder of Mr Hollest) Samuel Harwood, Hiram Smith alias Trowler (the approver in the Frimley case) Thomas Toots alia Morgan and John Hillyer – the two latter were transported for life for the Uckfield burglary. These men I arrested entirely on my own suspicions. "How is it the whole credit is due to Mr Biddlecombe that he did not apprehend some of them as it was well known that one of the rendezvous of the Uckfield gang was Hindhead a little below Godalming where Biddlecombe was located?

The man Levi Harwood I had convicted nine years ago; he then had one year's hard labour; since which time I have had several summary convictions against him for assaulting the police etc. I also apprehended Jones on March the 13th 1850 on suspicion of a burglary at Mr Horne's linen draper Guildford (whose house was broken into on the 14th February in the same year) and found property belonging to Mr Horn's housekeeper upon him. He was committed to the Guildford borough sessions, but owing to a month having elapsed between the burglary and apprehension, and the prisoner stating he had bought the property, the jury ignored the bill. At the same time I apprehended a man named George Brisk, a companion of both Levi Harwood and Jones, and found property in his house the produce of several burglaries in the county. He was committed to the assizes at Kingston, where he was tried and sentenced to seven years transportation.

I beg further to state that I have on several occasions named these men to Biddlecombe, detective, and other officers, as the ones I had suspected to have committed burglaries in Surrey and elsewhere.

By inserting this you will greatly oblige your most obedient servant Charles Hollington [698]

First murder charges brought by the Surrey Constabulary

In 1852 on January 26 there were reports of the first murder charges brought by the Surrey Constabulary were against John Keene aged twenty two and Jane Keene aged

[698] The Times on line Article CS50889882

twenty five charged with the murder of Charles Broomer aged three years in Albury "almost twelve months since". The child was an illegitimate child of Jane and was drowned in a well at Albury. The Coroner held the inquest at the Drummond Arms, Albury on the 2 February 1852 on the little boy Charles Broomer otherwise known as Keene. At the request of Superintendent Radley the case was adjourned for a week.

Tried at Kingston Assizes and sentenced to death. John was executed 13 April 1852 and his wife Jane acquitted.

Kingston Assizes

Assizes Kingston Thursday 25 March 1852 John 20, and Jane Keene 25, were indicted for the murder of Charles Broomer by casting it into a well. Anne Broomer: I am a widow and reside at Albury. The female prisoner is my daughter and the other is her husband. They have been married about 18 months but I do not know how John makes his living. Before they were married Jane had a child three years ago that was illegitimate and called Charles.

Mr Radley, Superintendent of Police for Guildford went on the 26 January to the house where the prisoners were living in Guildford when Mrs Keene said when asked about the child "– my husband has murdered it; and I hope he will confess all." Soon after John Keene was seen and arrested by the police when he said that the baby had died in London twelve months ago. At the police station Keene asked where his wife was and said "is she going to Shere to show you where the child is?" The following morning Keene asked the superintendent "She may say I drowned the child but I never put it in no water."

By the leave of the magistrates the two prisoners were allowed to meet at the police station when Mrs Keene said to her husband "Oh John, go on your knees and confess your sins before God for you know you murdered my child and if you do not confess I must do so, or I must tell all about it." John was then removed. After he was gone Mrs Keene said her child would be found in the Warren Well near Albury Heath. The well was in the parish of Shere. Later that day Mrs Keene made a statement the police saying she left the union-house a twelvemonth before with her two children and that her husband met her and they walked over the downs to Albury. While they were on the road her husband got a stick and beat the elder boy very much. She complained and was knocked to the ground and ill-used.

On the day the child was murdered Mr and Mrs Keene went to the Warren with the children, her husband carrying Charles and she the younger child. She missed her husband for a short time and found him standing beside the well with the child in his arms. She ran to him but before she could get to him he had thrown the child down the well. She heard the child hit against the wall and a splash. She said "Oh John what have you done with my child?" He replied "—you and your child; and if you say a word about it I will smash your – brains out." She would not go back to Guildford

with her husband staying in Albury, her husband returning to the town to stay with his mother.

The superintendent and a well digger named Edgar went to the well on the 27th January. Edgar went down the well having removed the nailed down well cover, a large piece of plank. A basket was lowered by rope by the policeman to the well digger and after a short time it was drawn up containing the much-decomposed body of a child.

The defence counsels adopted the strategy of both defendants accusing the other of the murder making it unclear who was responsible. However, after a brief deliberation the jury returned a verdict of guilty against John Keene acquitting his wife.

Placing the black cap on his head the judge immediately sentenced Keene commenting on the brutality of the act of the prisoner in destroying a helpless child in such a cruel manner sentenced him to death holding not the slightest hope of mercy. Mrs Keen fainted when the sentence was passed and was carried from the court whilst her husband walked "carelessly from the dock." [699]

1852 April 13: Execution of the convict Keene:

This morning at nine o'clock, John Keene suffered the extreme penalty of the law on the top of Horsemonger Lane goal. The convict was only in his 20th year. He was found guilty at the last Surrey Assizes of murder by throwing a child down a well upwards of 100 feet deep, belonging to his wife by a former husband. The unhappy man retired to rest last night shortly before eleven o'clock and rose at six this morning. At a few minutes before nine o'clock the prisoner was handed over to Calcraft the hangman. Precisely as the clock struck nine the mournful procession ascended the top of the gaol on which the gallows had been erected. Here for some moments the convict appeared to be in earnest conversation with the Rev Chaplain at the end of which he ascended the fatal drop alone with a firm step. After placing himself under the fatal beam, Calcraft adjusted the rope, but from some cause or the other the convict, after the bolt had been drawn, struggled in a frightful manner, which led to the belief that the rope had shifted. As soon as Calcraft could get below, the struggling terminated, and the convict ceased to exist.[700]

This is believed to be the first case investigated by the Surrey Constabulary where capital punishment was the result. [701]

Relationships inspectors and superintendents the key people for the new chief constable

[699] 1852 28 March: Reynolds News Sunday
[700] The Standard (London, England), Tuesday, April 13, 1852
[701] 1852 2 February: The Times

In 1840 the Home Office gave guidance that became known as Lord Normanby's rules on the appointment of senior officers:

Inspectors must be a man of education and capable judgement; the public must feel a firm reliance on him as such. Took charge of a sub-division – spent a great deal of time in court – commonly inspector of weights and measures, assistant relieving officer for vagrants, supervised common lodging houses, reported on highways and bridges and any outbreak of cattle disease.[702]

The jurisdiction of a superintendent was originally defined in the County Police Act of 1839 as a petty sessional division; however by 1840 it was determined as any area that justices determined.

Lord Normanby's rules lay down that the superintendent must "be a man of general intelligence, able to read and write well, and to keep accounts." The superintendent was to be paid between £75 and £150 per year.

The post was recognised as a key one and was regarded as the "one great binding link in the police system*."* From the start the superintendent had a "pretty firm hold on his appointment and he may occasionally rise to the post of Chief Constable" although as a rule superintendents did not apply for these "prizes of the service" being content with "the comforts and respectability of the position they had attained…Their love for the service, matured through many years, usually induces them to hold on to the verge of their own disability*." [703]*

The key people for the new chief constable of Surrey were to be the divisional superintendents upon which much of the organisation of the force and implementing policies and practices would devolve. As the chief constable was a soldier with no policing experience the new senior leaders were vital; the newly appointed superintendents certainly had experience.

The first generation of police officer began family traditions of service down through generations. There is at least one serving officer today whose family have always had someone serving in the police since their formation. Mr A. Jennings retired DCC of the Surrey Constabulary who died in 1951 was the grandson of a Bow Street Runner.[704]

Relationships between the chief constable with some of the inspectors and superintendents were not easy. GO 9 has the chief constable exercised about superintendents visiting other stations without reporting the fact to him. GO47 the

[702] A History of Police in England and Wales TA Critchley 1967 page 155
[703] "A History of Police in England and Wales 900 – 1966" T.A. Critchley
[704] A History of Police in England and Wales TA Critchley 1967 page 154

issue is again raised as was an instruction that superintendents were not to go to HQ for the purpose of seeing the chief constable or for any other reason unless sent for.[705]

Superintendent Hollington who had been the successful chief officer of Guildford Borough Police for ten years does not appear to have an easy relationship with Chief Constable Hastings. The chief constable was displeased in GO19 10 March 1851 that, "Hollington had allowed one of the constables to ride the County Horse, which was sent for his especial use. The Chief Constable desires that in future Superintendent Hollington will on no account whatsoever assume to authorise any one to ride the Horses provided for himself…."

Horses were again causing concern in April 1851 when an instruction is issued that they were not to be ridden at more than six miles an hour.[706]

The chief constable visited Bagshot where he found a recently dismissed PC living there and told Hollington via General Orders sent to everyone, to immediately cause the officer to quit the house. Not wishing to let go Hastings then issued a further GO that day complaining that officers are mixing with those who have been dismissed the force threatening severe punishment. Hollington is soon moved to Godstone about as far from Bagshot as possible, which through the generations up to fairly modern times was the chief constable's answer to any difficult officer.[707]

(It is a few years on and by then Hollington had been around the county and was now in charge at Farnham as a very experienced superintendent. In 1862 on July 18 Hollington and Hastings were to fall out again. The excitement caused in the neighbourhood of Farnham and Aldershot by the arrest of Colonel the Hon. H. H. Clifford when out for walking exercise on Friday morning last on suspicion of being a deserter continues unabated. Police Constable Larke whom the colonel accused of having acted with rudeness and incivility after he had disclosed his name and rank, and pointed out his residence in Castle Street, has been dismissed the force. He was previously considered to be one of the most active and efficient members of the Surrey Constabulary although he had only been in the force about two years. Police Constable Ryland who assisted on the above occasion and who had been about twelve years in the service had been reduced to the pay of a third class constable and removed from Farnham to Godstone district. Superintendent Hollington by whose directions the colonel was taken before the military provosts, and who is described as a very experienced officer has been transferred to Chertsey and the remainder of the Farnham Police are also about to be transferred to other places in the county. Colonel Clifford presented a written statement of the case before the Chief Constable of Surrey on Saturday and that gentleman made known his decision on the following

[705] GO 47 June 13 1851
[706] GO35, 29 April 1851
[707] GO53 July 1 1851

Monday. The men were not permitted to render any explanation of the conduct pursued by them in the matter.) [708]

A further written lashing to the superintendents follows on 9 May 1851 when the chief constable is upset that no one seems to be listening to him.

"He is extremely surprised at the carelessness, and inattention on the part of the Superintendents to this order. He has not time to repeat his instructions, until it may suit the laziness, or the inclination of Superintendents to comply with them. In future when an Order issued from this office is not immediately attended to, the Superintendent who neglects to do so will be suspended. Superintendent Casey at Godalming is the only one who has condescended to obey the order of the Chief Constable."[709]

The chief constable allowed Superintendent Philip Sargent to resign for the lax way he did his duties and for being in debt showing he "was not fit for the responsible situation of superintendent." [710] (Superintendent Philip Sergeant joined 9 January 1851 aged 29 served Essex and Bath police. Ordered to resign 26 July 1851 owing to debt however was appointed superintendent in Bucks and later Lincoln.[711])

A further recruit was Thomas Bedwell a solicitor from the Carmarthenshire Constabulary as inspector and late superintendent at Godstone, Dorking and Godalming. Permitted to resign 8 January 1852. [712]

Charles Everitt joined in 1851 and a year later in January 1852 was appointed superintendent at Farnham being dismissed in October 1856 but later becoming head constable at Godalming and later head constable Chichester. [713]

A further note of displeasure: "It having been brought to the notice of the Chief Constable that some Superintendents are in the habit of taking a Police Constable (the man appointed to look after their horses) about with them in the capacity of a groom, such a practice is hereby strictly prohibited. Superintendents should bear in mind that the time of the Men is much too valuable to be wasted in dancing attendance upon them."[714]

This time it was racehorses causing concern for Hastings as he suspended three of his Superintendents, Radley, Everett and Page for being absent without leave on Derby day.[715] Radley was allowed to resume duty two days later at Guildford on May 27. [716]

[708] The Times (London, England), Monday, Jul 21, 1862 from West Surrey Times
[709] GO 40 May 9 1851
[710] GO55 July 26 1851
[711] "A Hundred Years of the Surrey Constabulary" Durant 1951 page 6
[712] "A Hundred Years of the Surrey Constabulary" Durant 1951 page 6
[713] "A Hundred Years of the Surrey Constabulary" Durant 1951 page 6
[714] GO62 October 18 1851
[715] GO96 May 25 1853
[716] GO98 May 27 1853

It was not until [717]June 1st that Everett and Page were permitted to return to their duties.

Another superintendent Fletcher from Godalming was dismissed for fraud in May 1855.[718]

The dismissal and resignation of senior men does not align with the fact that some were able to join other forces and have successful careers. Is it that Hastings was a martinet unable to ask hard questions of a man and make a balanced and just decision? Was his management style to dismiss the men without discussion with very little enquiry! In fairness many of the discipline offences would today result in dismissal. There are dismissals of senior people where some sort of fraud is alleged but they are not prosecuted. There are press reports of officers being charged with violence but these cases are initiated by the victim and are mostly found not guilty.

Drunkenness was not confined to the constables. Robert Collins the inspector on Chertsey Division was sacked for public drunkenness on duty. [719] Superintendents were not setting the right example and not always wearing uniform [720] nor were they to stray too far from their area of responsibility. [721] In 1854 Inspector Edward Wilson having been guilty of gross misconduct was dismissed and the fate of Inspector William Donaldson sealed[722] as he was posted to Haslemere as a replacement for Wilson.[723] Donaldson's replacement Inspector Glamorgan was to die a young man.

1858 August: Thomas Henry Glamorgan late Inspector of Police in the parish of Cranley died in London on the 25th inst. The deceased was a highly efficient police officer having had 18 years experience in such duties, nearly 8 years of which he was a member of the Surrey Constabulary. His good conduct and vigilance during that time not only gained him the approbation of his superiors, but made him alike respected by his brother officers and the public generally in the different parishes in which he had been stationed. Mr Glamorgan was appointed to the office he held at the time of his death in August 1855 he being the successor to the unfortunate Inspector Donaldson whom he succeeded at Haslemere. Mr Glamorgan had been in a feeble state of health for the past two or three months and suffered from diseases of the lungs. He was attended in the early part of his illness Mr Albert Napper surgeon of this parish but about a month ago was removed to hospital in Paddington where he expired on Monday night. The deceased was a native of Wales and was born in Balla in Canarvonshire; his friends being in very good circumstances he received the advantage of an excellent education being intended for the medical profession, but unforeseen circumstances interfered with the arrangements. He was a poet of some

[717] GO100 June 1 1853
[718] GO119 May 171855
[719] GO 37 May 8 1851
[720] GO41 May 26 1851
[721] GO47 June 13 1851
[722] Donaldson was beaten to death in Haslemere
[723] GO115 November 17 1854

considerable talent and publishes some of his poems at Lymington in Hampshire and more recently at Haslemere. Many in the neighbourhood will doubtless recollect his "David and Goliath". His thread of life was loosened at the comparatively early age of 43. He leaves a widow and five young children to deplore their heavy loss.[724]

It is interesting on the nature of the recruits to note that Thomas Glamorgan was a poet and William Donaldson was formerly an artist.

Hastings does approve of some of his senior men. He has much pleasure in expressing his satisfaction with the manner in which Superintendents Casey and Hughes have discharged their duties and gives them a £5 a year pay rise. [725] Inspector Radley receives the approbation of the chief constable and is appointed Inspector and Clerk on £65 per annum. Whilst PC John Page a First Class constable and acting inspector at Chobham is appointed inspector at 23 shillings a week. There were still no sergeants.[726]

It was possible to do well if the chief constable esteems and endorses! On May 20 1852 PC Edward Burridge No 2 was moved from the Second to the First Class Constable only on June 3rd again to be promoted, this time to Inspector. [727] PC68 James Weller had an even more meteoric rise when as a First Class constable he was appointed to take charge of the Farnham division. [728]

It seems odd but HQ seemed to lose track of who was where and GO16 of the 20 February 1851 superintendents are required to send in a return as soon as possible of names and numbers and stations of the men in their respective divisions!

There are explicit examples of Hastings acting without due enquiry and caution.

"GO90: Inspector William Donaldson is dismissed from the Surrey Constabulary from this date for having demanded and received a certain sum of money from Mr Hanley at Fetcham Park, in the County of Surrey, and having given no account of the same. Such conduct being highly disgraceful and in direct violation of the rules and regulations of the Service.

This order is to be read to every officer and Constable in the Force."[729]

Eight days later, obviously after some level of investigation Inspector Donaldson, the former and very highly regarded chief officer of the Dorking Police for ten years and later to be killed on duty in Haslemere, was reinstated.

[724] 1858 November 23 Sussex Advertiser and Surrey Gazette
[725] GO 54 July 22 1851
[726] GO54 July 22 1851
[727] GO80 May 20 and GO 82 June 3 1852
[728] GO99 May 271853
[729] GO 90 January 12 1853

"The Chief Constable having received an explanation from the committing magistrate of the circumstances connected with the case, which led to the dismissal of Inspector William Donaldson, exculpated that Officer in a great degree, he is hereby reinstated, and General Order No 90 is therefore cancelled."[730]

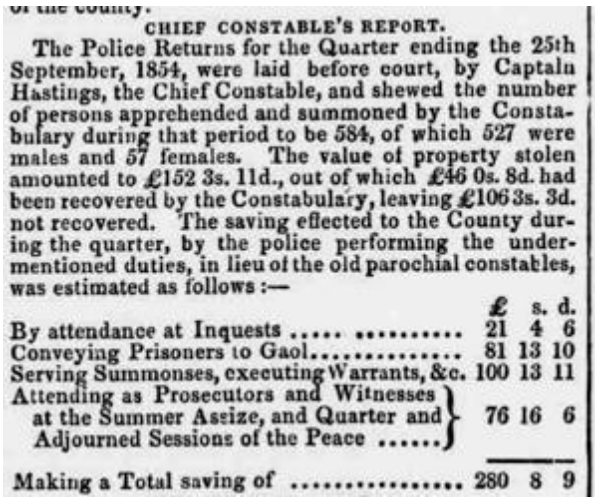
The 1862 removal of Hollington (see above) and all the police officers based at Farnham may have been undertaken without any enquiry with them. This is further indication of autocratic leadership not suited for the variable word of policing which is far more complex, even then, than the inexperienced realise.

"Colonel Clifford presented a written statement of the case before the Chief Constable of Surrey on Saturday and that gentleman made known his decision on the following Monday. The men were *not permitted to render any explanation* of the conduct pursued by them in the matter." [731]

Reform the Guildford Borough Police

In October 1854 after a brief period of being a part of the Surrey Constabulary the Watch Committee withdrew and decided to reform the Guildford Borough Police. This must have been a significant blow to the Constabulary not only because of the loss of ratepayers but Guildford was the key town in the county where the constabulary headquarters was situated. The chief constable was left in the position of having his major police building in the heart of another police area through which many of his men would have to pass every day. The breach between the Rural Police Committee and the Watch Committee was around accommodation but it is unlikely this was the only issue, probably more a trigger point, a focus for a range of frustrations and issues.

Chief Constable Report September 1854 [732]



CHIEF CONSTABLE'S REPORT.

The Police Returns for the Quarter ending the 25th September, 1854, were laid before court, by Captain Hastings, the Chief Constable, and shewed the number of persons apprehended and summoned by the Constabulary during that period to be 584, of which 527 were males and 57 females. The value of property stolen amounted to £152 3s. 11d., out of which £46 0s. 8d. had been recovered by the Constabulary, leaving £106 3s. 3d. not recovered. The saving effected to the County during the quarter, by the police performing the undermentioned duties, in lieu of the old parochial constables, was estimated as follows :—

	£	s.	d.
By attendance at Inquests	21	4	6
Conveying Prisoners to Gaol.....	81	13	10
Serving Summonses, executing Warrants, &c.	100	13	11
Attending as Prosecutors and Witnesses at the Summer Assize, and Quarter and Adjourned Sessions of the Peace	76	16	6
Making a Total saving of	280	8	9

[730] GO93 January 20 1853
[731] The Times (London, England), Monday, Jul 21, 1862 from West Surrey Times
[732] 1854 October 24 The Sussex Advertiser, Surrey Gazette

Early crime and arrest figures

Newspaper report on a meeting of the Surrey Constabulary Police Committee on October 24 1854 gave details of the budget. £3650 5s 7d had been received and £1784 4s 10d expended leaving a balance of £1857. It was moved and carried that the superintendents of police be raised from 23s to 25s per week. (This appears to be wrongly reported, as it is more likely to be inspectors not superintendents receiving the award. Superintendents have an annual salary.) [733] A letter was read from the chief constable stating that Guildford Borough had offered £250 to have five constables and one superintendent in the Borough but they found the amount altogether inadequate for the purpose and the Committee had now withdrawn the men altogether as they were much wanted in other parts of the county.[734]

In October 1854 the Chief Constable discontinued the Fourth Class constable leaving just three classes.[735] It is not clear if the Fourth Class constables were then paid as Third Class.

Criticism in the national press

The Surrey Constabulary were subject to criticism in the national press. Chief Constable Hastings responded. The letters are useful in that they give some detail of what was happening on the ground in 1855.

Rural Police System &c. County of Surrey to Wit

To the Editor of the Daily News

February 15 1855

Sir,

The number of police for this county is 87, viz division of Guildford 16, Chertsey 8, Godalming 13, Reigate 10 Farnham 10, Godstone 9, Woking 10; to manage which force therefore the following officers viz one Chief Constable and seven superintendents who I believe, do little else than ride about on horseback, or in their chaises, as any other gentleman might do, while the poor ratepayer (many of whom have difficulty enough to raise funds to meet the expenses by which this constabulary they are uselessly saddled) only have the satisfaction (occasionally seeing the superintendents approach) of saying “what gentleman passes there?” The grievances of which the ratepayers of the parish of Woking complain is the enormous sum of £57 per quarter which they are called upon to pay towards the county constabulary, viz., £228 per annum for the service of one constable resident in the town of Woking, whose beats extends over some 7,000 acres of land and consequently no efficient

[733] GO113 October 31 1854
[734] 1854 October 24 The Sussex Advertiser, Surrey Gazette
[735] GO113 October 31 1854

service can be performed by him, and the sum named is thrown away, and depredations on the property of the farmers and others are of daily occurrence, and committed with impunity. The charge is equal to a rate of 5d in the pound on the assessment of the parish, without one farthing benefit to said ratepayers, who think, and justly think, that they could obtain the services of three or four efficient policemen from Scotland-yard for the sum now levied on them to pay for chief constables, superintendents, &c., objects of patronage and favour in local towns. In a rural district like this more men are requisite, and, to be efficient, should be allowed to remain on one beat long enough to become acquainted with the habits and characters of the population, and they would know on whom to place surveillance.

Particular attention is solicited to the facts that, first, by means of telegraph and railway in less time, at less cost, and far more efficiently, might the parishes and policemen communicate with Scotland-yard than with the their present partial local town machinery. Secondly, that if these remedial suggestions be not by legislative enactment made imperative, it should be discretionary for any parish to provide and pay the police force by and from Scotland-yard."

GT Whitington

Response from Chief Constable Hastings 17 February 1855

Rural Police System of Surrey to Wit

To the Editor of the Daily News

Now your correspondent begins by stating that "the number of police for this county is 87, "to manage which force there are the following officers, viz., 1 chief constable and 7 superintendents", which would make a total of all ranks of 95 whereas the real of the force consist of one chief constable, 7 superintendents, 6 inspectors and 70 constables (instead of 87) making a total of all ranks of 83 and not 95.

Then as to the distribution of the force, your correspondent is again at fault for he states that in the Guildford division there are 16 whereas there are only 11; at Reigate there are 11 instead of 10; and at Dorking the number is 11 not 10

It is not true that the ratepayers of the parish of Woking pay £228 per annum for the service of one constable as stated, there being two resident in the parish, one of whom lives in the own of Woking; in addition to which there are no less than six other constables, who meet and patrol together in pairs almost nightly throughout the different portions of the parish thus affording every protection to the inhabitants.

With respect to "depredations on the property ---- I am extremely happy to have it within my power to be able to give this assertion and most unqualified contradiction the amount of crime not only in the parish of Woking but throughout the county generally having greatly decreased since the establishment of the 'rural police system".

---------- To this I reply that the constable at present residing in the Town of Woking has been there uninterruptedly since the month of April 1852 – a period of nearly three years.

I have the honour to be, sir,

Your most obedient servant
HC Hastings
Chief Constable of Surrey
Chief Constable's Office, Guildford February 17 1855

Problems with Berkshire

There was further frustration for the chief constable because there was not an active and structured police in Berkshire and this impacted on crime in northwest Surrey. In 1855 April Chief Constable's report to the Rural Police Committee:

"That depredations frequently occurring on the borders of those counties which have not accepted the Rural Police are very difficult of detection for example, in the year 1854 there were two burglaries, four sheep stolen, two horses and several cases of fowl stealing known to have been committed by thieves residing in Berkshire whom it is impossible to bring to justice from the petty jealousy and unwillingness on the part of the parish constables to give any information, so they do form the facilities afforded for the disposal of stolen property."[736]

Lord Lovaine on the benefits of the Surrey Constabulary

During discussions on April 26 1856 in a parliamentary committee for the County and Borough Police Act 1856 Lord Lovaine commented on the benefits brought with introduction of the Surrey Constabulary. He said,

"As chairman of the Police Committee in the county of Surrey, was able to testify to the benefits, which had resulted from the establishment of a police force. Before that event neither life nor property was safe and the magistrates were forced into action by a series of daring robberies and the perpetration of a dreadful murder, but since there has been a degree of peace and security which never existed before. It must be remembered that the statistics that have been quoted and which purported to show the amount of crime in a county from the number of committals that took place in it were altogether fallacious because it was notorious that there could be no real estimate of the manner of offences committed in counties were there was no police. When he first acted as a magistrate upon the bench in Guildford there was hardly a day upon which the bench could rise before 4 o'clock and it was frequently kept till six; whereas at the

[736] Surrey Constabulary 1851-1951 Durrant page 13

present time two hours was found to be ample for the discharge of all the business that came before it."[737]

Scarlet Fever

Why did the Chief Constable get into a discussion of health and the impact of scarlet fever upon the town of Guildford?

H. C. HASTINGS, Chief Constable of Surrey

Guildford September 19 1868

Sir; Not long ago the Mayor of Guildford, in his zeal to vindicate his town from the charge of un-healthiness which has been brought against it, and to convince the public that it was a perfect Montpellier, furnished you with certain statistics of the rate of mortality in preceding years, which unfortunately however for this purpose had no reference whatever to the present state of things.

The death rate of past years provides nothing in regard to the present sanitary condition of a place, and it is the present state of Guildford with which we have to deal.

There have been upwards of 500 cases of scarlet fever, and 40 deaths in a population of 10,000 inhabitants.

This it must be admitted is a very serious state of things and calculated to occasion considerable injury to the town, and yet it will scarcely be credited the authorities have done nothing, have taken no steps to arrest the progress of this terrible and fatal disease.

It is not my present purpose to enter into the vexed question of the deleterious nature of the water, nor the disgraceful state of the drainage, both of which are well known to those who have the misfortune to reside in the tow; nor do I mean to attribute the present outbreak of scarlet fever to either, or both of these causes; but as we suffered to a great extent last year from low fever, and in all probability may do so again next year, unless some steps are taken to purify the town, I have thought it right to point out the fallacy of statistics which have reference only to the past, and are therefore calculated to mislead those persons who may have an interest in the present unhealthy state of the town of Guildford.

I am, Sir, your obedient servant

H.C. Hastings

Chief Constable of Surrey Guildford Sept 19 1868

[737] The Times (London, England), Saturday, Apr 26, 1856

The interest in scarlet fever came probably from the loss of one of his superintendents and deputy chief constable, James William Parr who died of the disease aged 37 on July 19 1868. Parr was a considerable success having joined the Surrey Constabulary aged 20 in March 1851 from Lowestoft and in the 17 years of his service had risen to be the second most senior officer in the force and someone no doubt Hastings relied and saw a great deal of. It is believed that James William Parr caught the disease whilst on duty.

The Chief Constable expressed his sorrow in a General Order dated 23 July 1868 [738].

"The Chief Constable has the melancholy duty to perform in announcing to the officers and men of the Surrey Constabulary the death of Superintendent and Deputy Chief Constable James William Parr when he was attacked with malignant scarlet fever (caught it is believed in the discharge of his duty) on Friday last, the 17th instant, and to which he fell victim the following Sunday 19th instant, about 2.30 in the afternoon. The virulent character of the disease and the rapid termination, coupled with the unusual hot weather and the Chief Constable's absence at the time, alone prevented an opportunity for the whole of the force following the remains of the Deputy Chief Constable to the grave, in just tribute and respect and regard, otherwise being paid in the name of the deceased officer."[739]

Mr Parr's successor served Charles Barker as Deputy Chief Constable for 22 years. [740]

Inspector of Constabulary Report

The reports from Her Majesty's Inspector of Constabulary were important if for no other reason that unless the force was deemed efficient, the grant of 25% would not come from central government. By 1875 it became the rule that the Treasury provided half the costs for pay and clothing provided they were inspected and reported efficient. [741]

The 1857 reports shows the force consisted of one hundred and thirteen officers and constables who are paid for by the county one chief constable, six superintendents, six inspectors and one hundred constables.

Area in acres	372,880
Population in 1851	108,792
Acres to each constable	3299
Population to each constable	262

[738] Durant says 1869
[739] General Order 207 dated 23 July 1868
[740] Durant page 11
[741] A History of Police in England WL Melville-Lee 1901 reprint Kessinger Rare Reprints page 391

1858

HMI Report:

The constabulary of Surrey was established in the beginning of 1851 and consisted of eighty four officers and constables; several augmentations have however since taken place and on the 29 September 1857 the force consisted of one hundred and thirteen officers and constables who are paid for by the county; one chief constable, six superintendents, six inspectors and one hundred constables and no alteration in the organisation or numbers have taken place since that date. In the last year's return, however, the total number of Surrey Constabulary force was stated to amount to one hundred and thirty three officers and constables; but this number included twenty men paid by the Government for services in connection with the Aldershot Camp and who are incorporated with the constabulary of the county, and placed under the charge of the chief constable. Several of these men have since been discharged and there now only remain ten men paid by the government who are placed under the charge of the chief constable and these men are now enumerated with the regular police of the county as above named.

The general average meeting points of the constables whose districts adjoin each other is computed to be about two miles and a half, and a regular system of communication is established between the constables on the borders of the county and the constables on the borders of Berks, Hants, East Sussex, West Sussex and Kent. In this county nine police stations each containing several well constructed cells and suited generally to accommodate one resident police officer, have been erected by the magistrates. In two of the stations court rooms for the convenience of the magisterial business of the district have been added, and six of the stations have stables and cart-sheds attached to them.

The officers and constables are paid once every month at headquarters of their respective divisions when advantage is taken of the occasion to exercise the men in drill. The clothing is of good quality and each officer and constable is provided with all necessary appointments and a book of instructions, and each member of the force is also required to keep a diary in which is entered a statement of all duties and occurrences of which a copy is transmitted to headquarters. The office arrangements are of a satisfactory character and the duties appear to be well provided for, and I consider the force to be efficient in number and discipline.

Additional Responsibilities for the police

There has been discussion between police historians about the role of the police away from crime and its prevention. What is clear is that the new police have always been

involved in a range of tasks and issues much of what would today be considered to be local authority or social service functions. As early as the 16th Century, JPs had divided themselves into local groups to deal with vagrancy, poor relief etc. In 1605, local sessions for the dispatch of urgent business not requiring jury were instituted by an order of the Privy Council. As the work increased these came to be known as Petty Sessions, but not until 1828 did they become established by statute. In that year the county Justices were authorised to divide their counties into Petty Sessional Districts. In each of these the JPs engaged a local attorney to act as clerk. [742]

The "operational" side to the petty sessions and working closely with the magistrates was the High Constable who had the superintendence and direction of the petty constables, headboroughs and other peace officers in his hundred or division. [743]

A High Constable normally governed a hundred or wapentakes and under whom a tythingman or borseholder is generally appointed for each borough or district within the hundred. Hundreds are liable to penalties on exportation of wood, liable also for damages sustained by violently pulling down buildings; by killing cattle; cutting down trees --- by destroying turnpikes or works on navigable rivers; by casting hop bines; by destroying corn to prevent exportation; by wounding officers of the Customs; by destroying woods etc. [744]

Hundreds are also bound to raise Hue and Cry when any robbery is committed within the Hundred; and if the offender is not taken, an action may be maintained against the Hundred to recover damages. [745] A Tythingman may be in the same parish as a constable and if so acts as a deputy. [746]

It is not a giant leap from the expectations of the early constable to the adoption of many of the duties and responsibilities by the new police when formed particularly in the borough and rural areas where many additional tasks were added, mainly to save money. Remaining in close contact with the local magistrates through the petty sessions these additional responsibilities also ensured close contact with many local residents and businesses. With responsibility for vagrancy and those passing through who needed help enhanced police awareness of potential or actual crime and criminals.

Dorking Police as "social workers"

Dorking Police from 1838 show in their occurrence books the volume of additional duties they undertook. The workhouse featured prominently. It was a place for the

[742] http://www.hmcourts-service.gov.uk/aboutus/history/magistrates.htm
[743] "Treatise on the Functions and Duties of the Constable" Colquhoun 1803, page 177 Melville-Lee
[744] The Churchwardens and Overseers Guide by Ashdowne published about 1830 Melville Lee Kessinger Publishing Rare Reprints page 179
[745] The Churchwardens and Overseers Guide by Ashdowne published about 1830 Melville Lee Kessinger Publishing Rare Reprints page 180
[746] The Churchwardens and Overseers Guide by Ashdowne published about 1830 Melville Lee Kessinger Publishing Rare Reprints page 180

destitute and the sick of the town (its infirmary was the only 'hospital' available), and the police also used it to house itinerants. The workhouse was, in all its severity, the welfare system, its workload the area's poor. The Workhouse Log on 31 January1839 records a total of 130 souls therein, and in the 1841 census 93 people were housed – Dorking had a population of less than 5000 – and around 1841-2 a new Union Workhouse was built to take 250. The workload was obviously not diminishing and the occurrence books have many examples of its role.

Two cases where women were suffering from mental breakdown, dealt with by the police then as such cases still are. A deranged woman in the Bull's Head threatened to drink acid. She was taken by the police to a justice who remanded her to be seen by a doctor: if he said she could look after herself "let her go about her business", if not she must be "taken to the workhouse on the doctor's certificate until her friends were written to." [747] It was usual for a local doctor to be called and he would order workhouse detention so the detained person can "be cared for".

A woman was threatening to drown herself in a brook. The superintendent found her "lying beside a footpath almost in a state of nudity having nothing on but her chemise, and the rest of her cloths lying scattered around her..." She was dressed by some women and sent on a cart to the workhouse until her husband came from Croydon for her.[748]

The care of children and young people has long been accepted as a primary duty of the police. Three destitute children were found begging by singing hymns at doors in West Street. The superintendent traced their father nearby in the Rose and Crown and took all four to the cage, but got the children into the workhouse just for the night. The next day all four appeared before a justice who discharged them on the promise they would leave Dorking immediately. Destitute adults were always arrested, as in a case of a man found sitting on the pavement at 10pm and taken to the cage "for lodging in the open and having no visible means of subsistence". For this he was given 14 days hard labour.[749]

The workhouse had a fearsome reputation and generated a great deal of work for the police. The inmates, most of whom had gone there only because they were destitute and starving, were forced to work, breaking stones and the like, or to work a mill (the treadmill). Institution clothes were used if their own had to be destroyed. The book has numerous entries recording the Governor delivering inmates in charge to the police for workhouse offences. These included tearing up their own clothes to get better ones, refusing to work in the workhouse, or work on the pump, breaking windows in the wards (including a ward used to house the 'cadgers'), stealing institution clothes, and absconding. In one case an inmate stripped off his clothes and walked around naked rather than go dressed in sacks.

[747] Transcript of the original occurrence book Mr. C.A. Willeard Page 103
[748] Transcript of the original occurrence book Mr. C.A. Willeard Page 61
[749] Transcript of the original occurrence book Mr. C.A. Willeard Page 138

Sometimes this behaviour was because of poor mental health, but often its aim was to get into prison. It says a great deal about the place that they preferred prison's forced labour to conditions in the workhouse. The offenders often presented in groups for refusing to work or creating disorder – four, five, seven, even ten at a time – perhaps after some provocation had precipitated the unrest. Given the numbers, these incidents were more mutiny than disruption and must have involved the police to maintain order. The justice hearing those offences usually sat at the workhouse, (where there was a Strong Room in which both the police and workhouse officers locked prisoners). For breaking the workhouse rules anyone could expect 14, 21 days or a month's hard labour at Guildford or Kingston prisons, and three months for stealing clothing. Even children received this treatment – two months imprisonment for absconding with workhouse clothes.

But it seems that not everyone feared the institution. A gas lamp was broken outside the police station by an Irish woman with three children, after the superintendent had refused to give them an order for a night's lodging in the Union Workhouse. His refusal was because they had been in twice before and had afterwards to be removed by force and "then would not go away until they had 2/- given to them". He took all four before a magistrate. The woman and two children were given 14 days hard labour at Guildford and "the youngest child he ordered me to take to the Union until their time is up" [750]

The workhouse was a consequence of poverty, and Superintendent Donaldson gave vivid examples of the desperation of the poor. Five boys refused to leave a house in the town unless they were given a night's lodgings. They ran off when he approached but refused to leave the town and he "was forced (for the protection of property) to give them a night's lodgings in the Cage". Next morning one had deliberately torn his clothes, "as they wanted to go to prison, but I got him rigged out in a fresh garb and then got assistance and drove them across the Lordships as they said when I first saw them that they were going to London." [751]

The following day a man and five boys stole bread from a shop, in front of the superintendent in order that he should arrest them. One said, "I wish they would Transport me as I would then be better". The justice reprimanded them, ignoring the eldests' plea to go to prison.[752]

Noticeable in the latter years of the book are the frequent cases of breaking windows, often by tramps. The suspicion that this was to get arrested, and so be fed, is confirmed by several instances. Two tramps broke a gas lamp "because I would not given them a night's lodgings", and the next day a justice gave them 14 days hard

[750] Transcript of the original occurrence book Mr. C.A. Willeard Page 207
[751] Transcript of the original occurrence book Mr. C.A. Willeard Page 151
[752] Transcript of the original occurrence book Mr. C.A. Willeard Page 151

labour.[753] Three women tramps broke the lamp outside the police station "on purpose to get sent to Prison". [754]

The superintendent was called to the workhouse to help eject two tramps who had been tearing their own clothes. When he arrived they went "without trouble as they thought that I was going to take them before a magistrate, and they would go to prison". Once they realised this was not so, they refused to leave the town and began begging openly, with a crowd around, and he was forced to arrest them, each one receiving one month hard labour. [755] The superintendent was not immune from sympathetic feelings. He saw three destitute men steal a loaf and watched while they divided the spoils. They were arrested but the shopkeeper refused to provide evidence. He took them to the workhouse for a night's lodgings, and next day escorted them from the building and saw them leave Dorking. [756]

The Dorking occurrence books set out clearly the spectrum of police involvement in social control. Such work was seen from the beginning of the new police as a part of their role, their responsibility carried down from early medieval times. The care of those in need, hardship or distress remained a critical part of the duties of the police into modern times with more and more resources required to cover so called care in the community and NHS cut backs. The police were once known as the only really effective 24-hour social service. These activities have a long history.

Additional Tasks

From the beginning of the Surrey Constabulary the additional tasks were agreed by quarter sessions as a means of keeping the police rate down. If the new police undertook duties that in the past had a cost, these costs could now be absorbed in the overall police budget.

The tasks undertaken by senior divisional officers of the Surrey Constabulary since 1851, and seen as a part of their duties, continued and were referred to by the chief constable in 1891 in a report to his police authority. In 1880 when George Turner became the Head Constable of the Godalming Borough Police and as in all small boroughs he was to hold a number of appointments:

Head Constable
- Inspector of Nuisances
- Inspector of Common Lodging Houses
- Inspector of Explosives
- Inspector under the Petroleum Act
- Inspector under the Dairy and Cowsheds Act [757]
- Billet master

[753] Transcript of the original occurrence book Mr. C.A. Willeard Page 201
[754] Transcript of the original occurrence book Mr. C.A. Willeard Page 208
[755] Dorking Police Transcript of the original occurrence book Mr. C.A. Willeard Page 119
[756] Transcript of the original occurrence book Mr. C.A. Willeard Page 155
[757] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 5

Chief of the Borough Fire Brigade
Inspector of Food and Drugs Act [758]
The Head Constable received £7 10s a year in addition to his police pay for fulfilling these tasks.[759]

The additional tasks in the county were reducing as "normal" police work volumes increased. In 1891 on October 12 the chief constable reported that despite the increase in the cost of living the inspectors and superintendents had no pay rise for nineteen years. In fact they were receiving less because in 1880 they were relieved of their duties as Inspectors of Weights and Measures for which they received an allowance. At this time superintendents acted as Relieving Officers for the poor and the Dorking superintendent reported that the congestion at his police station by people seeking help was so great the police station could not properly be used, and he asked to be relieved of the job. [760]

The county might be reducing the extra responsibilities but Reigate Borough maintained a whole range of distractions. In 1899 in the Annual Report of Chief Constable James Metcalfe to the Mayor and the members of the Watch Committee gives some indication of the additional tasks undertaken by him and the volume of work within the Borough. The poor law work alone, given 10 minutes for each case is not far short of four hours work, every day, seven days a week.

Poor Law Acts: tickets issued to persons for admission to the casual ward of the Union 6514 a reduction of 833 over 1898[761] (That is 23 cases a day, 365 days of the year a dominating workload)
Common Lodging Houses: There are four with room for 77 people to be accommodated[762]
Lost and Found property: value £1283 15s 3d found of which £1021 returned to the owner[763]
Stray Dogs: 117 a decrease of 48
Weights and Measures: 1297 weights and 170 scales and 2313 measures were verified and stamped. (This equals over 10 cases a day every day, for a year)
Diseases of Animals Act activity brought an income of £53.12.11
Ambulance: The St John Ambulance Society has awarded 26 members of the Reigate Borough Police certificates[764]

The following year's Annual Report from Reigate Borough Police to the Watch Committee indicates some of the licensing responsibilities: [765]

[758] Police History Society Journal number 27 2013 page 9
[759] "Blue Coat with Silver Lace" Inspector Richard Ford 29 January 1969 Page 3
[760] Surrey Constabulary 1851-1951 Durrant page 20
[761] SCC Archive Centre CC/98/22/1 Reigate Borough Police annual report 31 December 1899
[762] SCC Archive Centre CC/98/22/1 Reigate Borough Police annual report 31 December 1899
[763] SCC Archive Centre CC/98/22/1Reigate Borough Police annual report 31 December 1899
[764] SCC Archive Centre CC/98/22/1 Reigate Borough Police annual report 31 December 1899
[765] SCC Archive Centre CC/98/22/1 Reigate Borough Police annual report 31 December 1900

Explosive Act premises 13
Petroleum Act: 10 licenses, 10 samples taken
Sweeps/pedlars: 2 sweeps and 50 pedlars licensed
Inquests: 32 sudden deaths, 10 post mortems 27 inquests
Street lamps requiring attention 190
Poor Law applicants 6355
Lodging houses 4 where 75 can be accommodated
Lost and Found: £1361 73d with £1115 13s 2d claimed
Weights and measures: 892 weights, 112 scales and 1985 measures checked

Today these would be seen to be an extraordinary distraction from the work of the police but then it was a part of the job allowing police to enter places and get to know people, which without additional tasks would be more problematic.

Quarterly Treasurers Police account June 1858:

Receipts: £5624.12.11d
Expenditure: £2111.13.11d
Balance: £3512.13.11

It was recommended that a police rate be set at a penny in the pound

Discipline and dismissal

It is most likely that the route to formal discipline was from the divisional superintendent responsible for an individual making a report to the chief constable. It is difficult to see that there was any form of tribunal although the case below the officer involved was interviewed by the chief constable and an explanation sought. This is not what happened to the men of Farnham after the arrest of Colonel Clifford when all were disciplined without an explanation being sought. It is possible that on receipt of the discipline report Chief Constable Hastings would decide on the punishment without reference or consultation taking into consideration no doubt who complained and the seriousness of the allegation. Many were disciplined but not dismissed.

Libel action

1874 February 20, when Hastings had been the chief constable for over 23 years, there was an action to recover damages in the Guildhall, City of London before Baron Cleasby and the Common Jury: Manning v Harris. The officer in this case makes it clear he was called before the chief constable to provide an explanation:

“This was an action to recover damages for a libel contained in a letter written by the defendant to a Captain Hastings in which he alleged the plaintiff, who was a sergeant of police at Godstone had met two of the defendant’s servant girls in a certain lane; that he kissed them and refused to allow them to go further until they promised to remain in his company. The defence was that if the statement referred to was a libel it

was nevertheless true, and that the writer only did that which a master was justified in doing in order to protect his servants. The plaintiff whose breast was decorated with the Crimean and other medals stated that *Captain Hastings who was the Chief Constable of Surrey on receiving the defendant's letter sent for him and demanded an explanation.* The defendant utterly denied the charge and instituted the current proceeding to clear his character. He was nine years a sergeant of police and had never incurred the censure of his superior officers. The defendant justified his course of action on the grounds of duty. He disclaimed any feeling of malice towards the plaintiff but only wished him moved from Godstone to effect he was willing to expend £200. Two young women gave evidence and supported the allegation. The jury unanimously found for the plaintiff (the sergeant) and awarded him £10 damages."[766]

Discipline and the turnover in manpower

Discipline, as it was in most working people's lives, was strict and punishments imposed appear arbitrarily but that may be unfair. It is likely that no two sets of circumstances are the same nor would be the previous behaviour and attitude of the officer. There is little doubt that discipline was used to reinforce the orders of the chief constable in particular, a failure to attend a conference point. Such offences are often in small groupings indicating some emphasis on officers making their points. In the counties the chief constable was the sole disciplinary authority, with the power to fine a man, reduce him in rank or dismiss him. In the boroughs the watch committee were the disciplinary authority, but they shared the power of dismissal with the justices. In neither case was there a right of appeal. [767]

The turnover in manpower was very high in probably all Forces with the Metropolitan Police losing 33.5% in the early years. Many more would resign finding the work too harsh with few still working when eligible for pensions. It has been estimated that of 100,00 recruits across the country,

> 40,000 voluntarily resign before 12 months service
> 28,000 would be serving after 5 years
> 6-7,000 reached pensionable service
> 50% would resign without pension
> Nearly 33% dismissed
> 4,000 die in service
> Leaving about 13,000 in the counties to receive a gratuity and pension[768]

PC James Holden imprisoned for being drunk

Although some 17 years into the life of the Surrey Constabulary more of this Surrey discipline case is known as it was, for some reason, taken before the court and

[766] The Morning Post (London, England), Friday, February 20, 1874
[767] "A History of Police in England and Wales" Critchley page152
[768] "A History of Police in England and Wales" Critchley page153

reported in the newspaper. There are similar cases of constables being taken before the magistrates but this was for desertion/absent without leave or not returning their uniform upon discharge.

1867 April 13: Charge against late constable: James Holden late constable Surrey Constabulary was charged with being drunk while engaged as a constable in the execution of his duty. Police Sergeant Lambert deposed: James Holden was a constable in the Surrey Constabulary. I put him on duty with written instructions on the 1 April. He was to go to the Union and then he was to go on the route mentioned on his ticket. He was sober when he left the station. He left it without leave at half past four in the afternoon and did not return until ten minutes past eight. He was then drunk. He ought to have gone off duty at half past seven. He was useless for duty. PC Pike number 20 deposed: At a quarter to one on Tuesday morning 2 April I met the defendant at Hatchlands Park Gate in a state of drunkenness. He was in uniform. I told him I would report him. I directed a brother constable to see him on the road, and that if he could not take care of himself, convey him to the station.

In answer to the bench the prisoner said he had formerly been in the army, he had a good discharge. While engaged once on picket duty a drunken soldier cut him on the head and he was consequently soon overcome by drink He was very sorry for what had occurred. He belonged to Hepwood (?) in Surrey. He hoped the bench would overlook the offence as he had already been locked up for three days and two nights and the affair was a great trial to him. Deputy Chief Constable Mr Parr said the prisoner had a good discharge from the army. Chief Constable Captain Hastings said he did not wish to press the case hardly, and he was sorry to have to bring it forward; but for the sake of discipline it was necessary to bring the case forward.

The Bench remarked on the great impropriety of such conduct by a person placed in position prisoner had held, but the bench did not wish to punish heavily. He must however, pay £1 (including 12s expenses) or go to prison for three weeks. It appears there was no salary due to the prisoner from the police and he was locked up in default.[769] (£1 was about a weeks pay and he had obviously no savings probably due to spending on drink"

Median discharge rate south of England

The Median discharge rate from all south of England forces 1866-1880 fell from 15% to 8% having been nearly double that for 20 years.[770] The discharge rate was more stable in non-industrial areas and higher in boroughs probably as alternative work, better paid and less risky was available. [771] Men resigning as opposed to being sacked increased from 50% to 70% of turnover mid 1860s to 1880. Dismissal in southern counties declined from 43% in 1866 to 27% 1880 as discipline became less harsh; by

[769] 1867 April 13: Surrey Advertiser
[770] "Policing Victorian Community" Steadman page 92
[771] "Policing Victorian Community" Steadman page 92

1880 in Surrey the turnover was 6%, West Sussex 20%, Hants 15% and East Sussex 10%. [772]

Alcohol and Surrey Constabulary officers

There are regular dismissals, high in number given to establishment of the Force, with drink frequently at the root of the problem. It was not just the constables;

"May 8 1851 GO37 when Inspector Collins of the Chertsey Division caused a disturbance at Bisley Green Fair and was dismissed." [773]

Between the formation of the Force and the 31 May 1851 eight officers were dismissed from the Surrey Constabulary, including Inspector Collins. Four involved alcohol, one PC Fairfield "being in a public House with a Prostitute, and having two previous reports against him." In addition there are fourteen disciplinary offences recorded up to June 18 1851, eight of which involved liquor, three absent from duty and two neglect of duty. One man was reprimanded and moved for signing a report without reading it.[774]

1851 February 1: GO 8**:** First commendation given to PC James Walker for the way he conducted himself in a felony case and was promoted from the third to second class of constable. In March 1852 Walker was reduced again for drunkenness. He resigned.[775]

Early discipline cases Surrey Constabulary

In January 1851 when the Surrey Constabulary became operational it establishment was seventy police constables, five superintendents, but the rate of recruitment and discharge makes it unlikely that number was achieved very often if at all.[776] General Order 78 of May 1 1852 lists 28 men of the Surrey Constabulary who have been fined or otherwise punished from June 1 1851 to April 1852. Given the small number of men in the Force this represented a significant proportion.

Some examples of early discipline include:

> John Lawrence was severely reprimanded for signing a report without reading it, and again for wearing plain clothes on duty the following month.
>
> Richard Langridge allowed a prisoner to go into a public house whilst he waited outside.
>
> John Smith was fined ten shillings and reduced from first to second class for fraudulently claiming exemption from the toll and not being on duty.

[772] "Policing Victorian Community" Steadman page 92
[773] GO 37 May 8 1851
[774] GO 51 June 18 1851
[775] Surrey Constabulary General Orders Book 1 1851-
[776] GO 78 May 1 1851

In large type in the discipline record on 6th November 1852 William Earl was dismissed for insolence to the chief constable.[777]

As always drink was at the root of many of the disciplinary issues, of the 28 men, thirteen were alcohol related.

There were eleven cases of neglect of duty.

The punishment for the 28 cases varied from severely reprimanded, reprimanded, reduced from Second to Third class and First to Third class constable, removed to another station, fined 10 shillings, a pound, two shillings six pence, five shillings.

The number of dismissals was still high for this period, nine men of which four were drink related. Other offences for dismissal were defalcation of public monies, general misconduct,

PC Henry Cook was dismissed for being drunk and enlisting

PC John Dickson was sacked for being in a public house in company with some low characters

Inspector Benham was sacked for falsehood[778]

In addition to the nine men dismissed during the same period, a further four were required to resign for insolence, misconduct or general unfitness.[779]

In the list of General Orders there is a second annual list of men dismissed from the Surrey Constabulary from May 1 1852 to December 31 1853 though there seem to be no dismissals after August 6 1853.

From May to December 1852 twelve men were dismissed

January to August 1853 a further eleven

That is twenty-three men, which would not be far from a third of the force. The dismissals were:

Nine for drunkenness, general misconduct, incompetence and insubordination

Three men were sacked for desertion, two of who were sent to prison at Wandsworth.[780]

In May 1852 PC George Onslow No 30 was dismissed for insubordination and for making complaints against his Superintendent to the clergyman of the parish in which he was stationed and to others entirely unconnected to the force, instead of submitting

[777] GO 51 June 18 1851
[778] GO 79 May 1 1852
[779] GO 77 May 1 1852
[780] GO 105 December 31 1853

such to the Chief Constable.[781] Onslow tried to buck the system but that system bit back with a vengeance when on June 5 1852 he was convicted before a magistrate and sentenced to 24 days imprisonment with hard labour at Wadsworth for not having delivered up the whole of his police clothing etc., at the Chief Constable's office as directed.[782]

There were 29 cases of discipline from May 1 1852 to December 31 1853. Drunkenness continued to be a plague with 17 of the total involving alcohol or licensed premises.

"One of the officers PC Francis Webb Henson had four previous reports against him and he was fined 5 shillings and removed at his own expense to another division."

The range of punishment are the same as in the previous year though one man PC was cautioned for being absent from duty but the following month was charged with neglect of duty and was posted to another division at his expense.[783]

Two constables of the Godalming division were lost following one incident.

"PC Peter Pearce No 62 a First Class constable, (the equivalent of a sergeant) and PC Issachar Lilly No 59 were dismissed in August 1852 for having absented themselves from their conference point on the night of the 16 August. The order was to be read to everyman as a warning from the Chief Constable was determined not to overlook so serious a neglect of duty."[784]

GO 106 of December 1853,

"James Blake had four previous reports and turned up at Quarter Sessions with his uniform in a filthy state. He had two pounds deducted from his pay to purchase new uniform." (A great deal of his pay!) [785]

The chief constable became concerned that when discipline was invoked officers resigned thereby avoiding his adjudication and their punishment. Such action was "setting the authority and power of the Chief Constable at defiance." The Chief Constable says that no resignation will ever be accepted by him under such circumstances. [786]

The number of dismissals decreased during 1854, just seven compared to 23 the previous year. One of these was an Inspector. Only one case involved alcohol the others being for misconduct though PC Spratt was sacked as it was discovered he had

[781] GO 81 May 29 1852
[782] GO83 June 5 1852
[783] GO 106 31 December 1853
[784] GO85 in notes dated 9 August. Dates transcribed incorrectly so either 19 and 16 or 9 and 6
[785] GO106 December 31 1853
[786] GO112 August 30 11854

already been dismissed by the Hants Constabulary.[787] There were however 23 cases including nine who missed a conference point. Drunkenness was still in the list with alcohol involved in five cases. Neglect of duty, insolence to the superiors, absent without leave, being in debt, failing to obey orders allowing a prisoner to escape all feature. The range of punishments is added to with a suspension for a week, removal to other division at the officer's expense and reduction in Class, say from first to second was a shilling a week which was a high price to pay. [788]

Seven men were dismissed during 1855 one a superintendent; two for drunkenness, one for desertion, fraud, assaulting a female and having been convicted at the Bench. Just ten men were disciplined that year five for drunkenness three for failing to make a conference point. Six of these men were moved to another division at their own expense.[789]

It all went wrong again from January 1856 to March 1858.During 1856 sixteen men were dismissed including Superintendent Everett. Drunkenness and licensed premises were a factor in twelve of the sixteen cases.

During 1857 seventeen men were dismissed with alcohol involved in eight cases, desertion, and missing conference points.[790] PC 45 Grant was convicted at Reigate Magistrates Court for having left the Surrey Constabulary without having given proper notice and was sentenced to 14 days imprisonment with hard labour at Wandsworth.[791]

In another county force a strange offence but the punishment could not be appealed against, in Hertfordshire on the 7 March 1877 PC Jackson was sacked for failing to doff his cap to the squire's daughter which made a change from the usual lengthy list of dismissals for being drunk, gaming, playing dominoes in a pub, debt and ill health.[792]

PC Sent to prison for attempted suicide

At the Surrey Sessions held in Newington Causeway on August 6 1870 PC William Hibberd who had been about five months in the service of the Surrey Constabulary pleaded guilty to attempting suicide by swallowing half an ounce of laudanum with intent to kill and murder himself. He was reported for neglect of duty, and said he had a good deal to drink and committed the offence whilst under the influence. To be detained for 14 days in the common gaol. [793]

[787] GO116 January 1 1855
[788] GO117 January 1 1855
[789] GO126 January 1 1856
[790] GO137 March 1 1858
[791] GO138 April 10 1858
[792] Emsley 138
[793] 1870 August 6: South London Chronicle

Pay and conditions

Lord Normanby's rules

Lord Normanby's rules set down it is believed from 1840, established rates of pay in the counties of not less than 15 shillings and not more than 21 shillings a week, rates normally followed by the borough forces. Men were able to move from one class to another on promotion with an increase in pay. The wages were at the level of an unskilled agricultural labourer for which a man worked a seven-day week of 10-12 hours shifts, usually in two parts with up to seven hours every night.[794]

During Victorian and even later times, pay rises were rare. There was the going rate for the job that lasted tens of years and there was little expectation of an increase. You were not in the police to earn good money. You were there because the pay was regular and consistent with in the long term a pension. Accommodation was provided though rent was to be paid; the married man had his vegetable garden. Rural police officers were often helped with the gift of eggs, vegetables, pheasants and rabbits the acceptance of which was likely to attract the disapprobation of senior officers but for many it helped feed the family.

1851 pay scales for the Surrey Constabulary

In 1851 the following pay scales were agreed at quarter sessions:

> Chief Constable £300 per annum with £100 for horses, travelling expenses &c
> Chief superintendent £170
> Five superintendents £450 (£90 pa)
> Eight inspectors £483.12s (£60.9s pa.)
> Seventy constables £3463.4s; allowance for clothing &c., £1227 11s
> Four different classes of constable on differing rates of pay but the average is £49 10s per annum.
> Making an annual sum of £6284 7s to be levied on those divisions by a rate of three pence in the pound which will produce £6377 11s 9d.

It can be seen why the chief superintendent post was in effect discontinued with Biddlecombe performing the duties of a divisional superintendent, as the cost was significant. It was also the case that the agreed rates were not immediately paid to the senior men. On 28 April 1851 Superintendent Codd is advanced to the rate of £90 per annum whilst Inspector Bedwell was appointed superintendent on £85 per annum. [795] Being slightly creative with the pay scales allowed for budget flexibility!

In July two superintendents Casey and Hughes whose discharge of their duties pleased the chief constable were promoted to the higher rate of pay £90 per

[794] "A History of Police in England and Wales" Critchley page150
[795] GO32 April 28 1851

annum."[796] Inspector Radley who was doing well was appointed Inspector and Clerk at the rate of £65 per annum.[797] This did not happen as on August the 1st, he was appointed superintendent at £85 per annum.[798] John Page a First Class Constable and acting inspector was appointed inspector at 23 shillings a week.[799]

In August 1851 on promotion from the Third to the Second Class the pay was 19 shillings a week and to the First Class 21 shillings just 2 shillings below the inspector. [800]

1854 pay rise

The Chief Constable was pleased to obtain the agreement of the Quarter Sessions that as from 1 November 1854 there would be two shillings a week pay rise for inspectors. [801] This was a pay rise from 23s to 25s a week. In the same order the chief constable discontinued the Fourth Class constable leaving just three classes.[802] It is not clear if the Fourth Class constables were then paid as Third Class.

Boot and shoe allowance

On the 6 January 1855 at the Quarter Sessions Surrey officers of constable and inspector rank were awarded £1 a year boot and shoe allowance or about 4½ d a week. This was increased to 7d a week in the 1860s, an allowance still paid in the 1960s. Officers provided their own footwear to wear with their uniform.

August 1868 Pay Rise

The class of constable dictated his rate of pay when in August 1868 there was a pay rise from 17/6 – 19/- with a First Class constable in 1872 paid 23/-. Borough police wages were set locally whilst in the county the rates were set by the Home Office.

1858 inspectors in the county were paid £75 and £80
1877 inspectors paid £100 or £107
1877 superintendents on three scales £146, £142 or £164

1858 Chief Constable was seeks an increased salary

The Chief Constable was seeking an increase to his salary, which had stayed the same for seven years since the Force was formed. The Chief Constable reported that "- he had never been absent from his duties either upon sick leave or for his private affairs and he had never slept out of the county for three consecutive nights. Since his

[796] GO54 July 22 1851
[797] GO54 July 22 1851
[798] GO56 August 1 1851
[799] GO54 July 22 1851
[800] GO56 August 1 1851
[801] GO113 October 31 1854
[802] GO113 October 31 1854

appointment the Force has been increased from 84 men to 113 its present number being an increase of upward of one third of the Force, involving a proportionate increase of duty and responsibility. --- served without a deputy saving upwards of £183 the average salary of a deputy chief constable of the eighteen principal counties where appointed." [803]

The Committee "—considering the very efficient and satisfactory manner in which the Chief Constable of this county has discharged his duties and the great savings of public money which he has effected by taking upon himself the discharge of the duties which he might have performed by means of the deputy and clerk the court be recommended to order an increase of £100 a year to his salary. He has further saved the county the sum of £25 annually together with the clothing allowance of £6 3s by employing one of his superintendents to discharge the duties of clerk for the yearly remuneration of £40 instead of the salary of £65 and annual clothing allowance as contemplated in the original police report.[804]

Low pay was forever an issue for the constable and sergeant locally and nationally. There became greater expectation upon the policeman, the way he lived, his appearance and general lifestyle cost more than he could earn. The inability of wives to earn more money except a searchers allowance even if they had the time given the large families and almost total lack of housekeeping aids.

1872 petition for higher pay by Surrey Constabulary constables

It must have been a difficult decision but needs must when in 1872 on September 14 it was reported that The members of the Surrey Constabulary are petitioning their Chief Constable, Captain Hastings for an additional 3s a week to their present pay viz., first class men to be raised from 23s to 26s per week; second class men from 21s to 24s. They also ask for one day's leave per month instead of one day in six weeks and that day not necessarily Sunday as at present. They further petition to be allowed on that day to go where they like and not be obliged to stay in their own district as now. With regard to the increase in pay the demand will be considered by all as a moderate one and with reference to the day's leave, it is but simple justice.[805] The outcome of the petition is not known.

1884 Constabulary expenditure and equalisation of rents

The period covered by this work is extended by consider this committee report but it does resolve some long standing issues.1884 on January 5 at Surrey Quarter Sessions, Newington the Constabulary Committee in their report to Quarter Sessions:

[803] The deputy post must have been that of the chief superintendent
[804] Surrey Quarter Sessions 23 June 1858 County Constabulary Committee
[805] 1872 September 14: Croydon Advertiser

"We have examined the Treasurer's Constabulary account for the quarter ending 29 September last and find the receipts to have been £6389 1s and the expenditure £3936 1. 3d leaving a balance of £2902 19s 9d in favour of the constabulary stock. We have also examined the Treasurer's Constabulary Superannuation Fund account for the same period and find the receipts, exclusive of £515 9s 2d brought from the last account to have been £142.18s 8d and the expenditure £270 11s 9d leaving a balance of £387 14s 1d in favour of such last mentioned fund. No police rate will be required." [806]

The Committee also considered a resolution of the injustice of officers having to pay a different level of rent, based around where they were stationed.

"In compliance with the order of court made at the late Michaelmas Quarter Session we have considered as to the best method of carrying out an equalisation of the rents paid by the members of the force for cottages and lodgings. It appears clear from a statement from the Chief Constable that in consequence of the rents varying materially in different parts of the county, the removal of experienced and efficient officers to districts where their services are most required, occasions serious hardship and loss to them from the much higher rates they have to pay.

Under all the circumstances we recommend the Court to approve the equalisation of the rents payable by members of the Force throughout the Constabulary District and that on the approval of the Chief Constable of the house and rent, an allowance be made to each constable sufficient to cover the excess of rent above three shillings a week, such allowance be charged to the police rate. We also recommend to the Court to direct that any alteration in rents be specially reported to the Constabulary Committee. We likewise recommend that the Treasurer be authorised pay the rents monthly upon the certificate of the Chief Constable."

A Reserve increase of two sergeants and 10 PCs

The Committee also resolved,

We have also in pursuance of another Order of the Court considered the question of the expediency of placing a small reserve of police at the disposal of the Chief Constable, but having regard to the recent increase of two sergeants and ten constables we are of the opinion that it is inexpedient to make any addition at present to the Force. The report was adopted.[807]

Police as recruiting sergeants for the Army and Militia

The Committee at the Quarter Sessions also had to resolve a strange request for help from the police.

[806] 1884 January 5 The Surrey Mirror and General County Advertiser
[807] 1884 January 5 The Surrey Mirror and General County Advertiser

"The officer commanding the Regimental District for West Surrey had received a letter from HRH Commander in Chief asking himself to put himself in communication with the Chairman of the Quarter Sessions and the Chief Constable with a view to utilising the services of the police as recruiting sergeants for the Army and Militia without interfering with their duties. He combated the argument that this system would lead the police to remain in public houses drinking with the recruits as it was intended that the police were merely to act as signposts to point out the intending recruits the advantages of the Army and the nearest depot where they could enlist. For each recruit a fee of 5s would be paid for the army and 2s 6d for the militia which would be distributed by the Chief Constable. The report was sent to the Committee for consideration." [808]

Was the pay adequate for the job?

This should be judged again the wages of a farm labourer who in 1861 averaged just 16 shillings[809]

In the mid 1860s constabulary sergeants were expected to pay about 2/3d rent out of 23/- whilst men in the boroughs where accommodation was not normally provided and men not moved rented or bought their own houses.

Pay was poor and seen to be poor particularly where there were industrial opportunities for the men. There was a strike in 1853 in Manchester Police where the pay was 16/8d and the men wanted 20 shilling settled for 19 shillings. The strike was in the form of mass resignations. [810] The City of London and Metropolitan Police almost came to strike action but the threat and an understanding of the consequences led to a rise. There was up until the early 1880s a deep unease about pay – men left in droves as almost any job paid more without the disruption and aggravation of the police way of life.

Early officers complained of "exercising their wits" to feed their families "on the paltry sums doled out to them" of never eating meat, of long hours, of their misery and isolation. [811]

Inspectors and sometimes sergeants had an allowance to act as poor law relieving officers averaging £13 a year. [812] There were also as already explored duties with an allowance as weights and measures inspectors, administration and enforcement, until in the 1870s when the pressure of police work began to overcome local government activities. [813]

[808] 1884 January 5 The Surrey Mirror and General County Advertiser
[809] "Policing Victorian Community" Steadman page 108
[810] "Policing Victorian Community" Steadman page134
[811] "Policing Victorian Community" Steadman page 122
[812] "Policing Victorian Community" Steadman page 112
[813] "Policing Victorian Community" Steadman page 53/4

Police officers also had the benefit of sick pay, which was half the normal rate of pay for a limited period, something not normal for the workingman.

Many labourers were tempted by the better terms and conditions and prospects of police work. In the Norfolk parish of Scarming 31 sons of the soil joined the Metropolitan Police in 30 years "The very pick of the parish"[814]

Pension

By 1860 Pensions were paid. By then it was possible for a policeman retiring with 15 years service to be granted a pension of half pay. More than 15 years service could bring this up to 2/3rds. The wife of a policeman who died in service might be granted up to 1 year's pay provided he had been in the superannuation fund for three years. All pension awards were discretionary not a right until in1889 it became a right. This brought a move towards national friendly societies organised by the men, firstly local burial funds (very popular amongst the working men) widows and orphans fund (a term used until the modern era) separate from the police authority. In the 1870s, 6d a week was stopped from pay for the superannuation fund.

In 1875 a Select Committee report in to police superannuation was published; this was the first time in 25 years police had received attention at this level.[815]

It is surprising anyone survived until pension. In 1865 Stratford on Avon officers covered 15 hours a day with breaks totalling three and a half hours. [816] Split shifts were still being worked in the 1960s in the Surrey Constabulary. In the 1800s it was most common to work a nine or ten hour a day was spread across split shifts including part day and part night. Close supervision went up the chain of command as exampled in Northamptonshire in 1865 when Inspector Williamson was visited by his superintendent three times a day and patrolled for about five miles with one or more of the constables. The inspector examined constable's journals/pocket books once a week and was himself examined by the chief constable once a month. [817]

Numbers reaching pensionable service by 1880 were still very small, 16% of the annual turnover; if they stayed for five years there was hope of them staying longer.[818] (Interestingly this has always been seen as the difficult length of service when officers were likely to leave. The novelty had worn off, career potential recognised and shift work and role a hard slog; a harsh way to earn a living.)

Being born in a county or neighbouring county was the most consistent factor in staying in the Job also chief constable's looked for physical strength and literacy as demanded by the Home Office. All police work demanded a level of proficiency in

[814] Victorian Village Life page 113
[815] "Policing Victorian Community" Steadman page 122
[816] "Policing Victorian Community" Steadman page 122
[817] "Policing Victorian Community" Steadman page 122
[818] "Policing Victorian Community" Steadman page 92

reading and writing, but particularly in writing. Some forces employed a schoolmaster to train recruits and serving officers to an acceptable level. [819]

Mortality rate

In 1876 the mortality rate for the country policeman was nearly half what it was of the general population but it was much higher than this in the boroughs where after ten years service the urban policeman's likelihood of dying was about level with the general male population. In both county and borough life expectancy deceased as years of service were clocked up. There was a high mortality rate in the first five years of pension, far higher than men of a corresponding age. [820] Lung diseases from poor weather and acute rheumatism were common complaints caused by the constant exposure to the elements, a major hazard of the policeman's working life.

Collar number

Recruits were allocated a number, which was displayed on their collars and later in the centre of their helmet plates. These not surprisingly became known as collar numbers and were reissued once an officer retired. In the Metropolitan Police, which was larger, men were given a number when they joined, known as a warrant number, which they retained wherever they served. So the officer allocated the warrant number 154300 was the 154,300th officer to have joined the Metropolitan Police. As they moved divisions their number was changed i.e. T560 became V567. On promotion to inspector officers no longer had a collar number and in the counties and boroughs the number was re-issued.

Working life in the constabulary

All officers had to seek permission to marry, to live where told, frequently move house when ordered. A wife was not allowed to work as she acted as an auxiliary in the countryside when husband out and in the towns acted as searchers cooks and cleaners. In the 1950s in Basingstoke the sergeant's wife still cooked prisoner's meals. However there was a free uniform, which was worn most of the time with a duty band on the sleeve when on duty. This was so until the mid 1860s a time in fact where there was no concept of "off duty". The Metropolitan Police constables wore a duty band until about the 1972/3. Nationally duties were arranged to allow attendance at church with dissenters encouraged to go to church not chapel. [821]

There was always the drudgery of the foot patrol particularly in rural or small towns with little happening and devoid of the comradeship of the larger police stations. It was a hard life in all weathers with tough military style discipline with regular threats to life and limb. Some were the toughest of the tough earning respect with their fists.

[819] "Policing Victorian Community" Steadman page 92
[820] "Policing Victorian Community" Steadman page 121
[821] "Policing Victorian Community" Steadman page 119

822 (Borough men such as those who served in Guildford were well known locally and many had formidable reputations).

Note the duty band on the left sleeve **823**

The middle class view of the policeman was of a slow-witted dilatory former farm labourer, the fool in blue, the servant of the ratepayer. Over time the police through a process of self-definition changed themselves from a collection of unimportant working-class men into the beginnings of a recognisably modern police force separate from the influence of the local authority.[824]

Rural class relationships dominated policing in Victorian England. "We are on a par with the working man except the policeman works seven days and the working man only about five and a half," Head Constable Birmingham 1874[825] The police felt

[822] "The Great British Bobby" page 5 Emsley
[823] Drawing by Bob Marrion http://gmic.co.uk/topic/38301-police-duty-armbands/
[824] "Policing Victorian Community" Steadman page 67
[825] "Policing Victorian Community" Steadman page 113

comfortable comparing themselves with the skilled mechanic class - respectable working class – the artisan[826]

Establishment of the police forces in Surrey

12 more Constables: At a meeting of Surrey Magistrates held on Tuesday 5 June 1877 at the Sessions-house, Newington-causeway, reference was made to burglaries committed in the lower part of the county beyond Guildford. Captain Hastings the Chief Constable of Surrey in his report for the last quarter showed that 33 crimes were committed and 32 persons apprehended. Of the persons apprehended 27 were committed for trial and five discharged. The number of persons charged with offences punishable summarily by Justices was 443 of whom 369 were summarily convicted and 74 discharged. Mr Godwin Austin suggested in consequences of the recent burglaries that the force of police should be increased. In answer to the Court the Chief Constable thought that a dozen additional constables would render the force more efficient. Mr Hardman was of opinion that the matter should be referred to the Committee to consider what means should be adopted to render the force efficient for the protection of the public. The latter suggestion was adopted. [827]

Establishment	**1870**	**1910**	**1939**
Godalming	3		
Guildford	12	30	63
Reigate	14	40	59
Surrey Constabulary [828]	123	303	536

A sense of security that came with established police forces

The following is taken from work published in 1873 and 1876 and establishes the nature of crime at that time.

The sense of security is almost everywhere diffused. There are of course in most great cities some quarters of evil repute, in which assault and robbery now and again are committed. But any man of average stature and strength may wonder about on foot

[826] "Policing Victorian Community" Steadman page 114
[827] Newspaper Reprt about 6/7 June 1877 – original reference lost
[828] "The English Police: A Political and Social History" Emsley, C (1996) (2ed) Longman page 266

and alone at any hour of the day or night through the greatest of all the cities and it's suburbs along the high road and through and frequented country lanes and never have so much as the thought of danger thrust upon him unless he goes out of his way to court it. [829]

Between 1861 and 1865, 59,394 indictable offences were recorded in England and Wales equivalent to an offence rate of 287.9 per 100,000 of population.

Approximately the same number of offences was recorded for the next five-year period but since the population was rising sharply at the time the actual average per 100,000 dropped slightly to 270.5. Thereafter apart from a blip between 1881 and 1885 when 60,220 indictable offences were recorded the rate fell steadily.

The five years between 1896 and 1900 show not only lower total numbers than a quarter of a century earlier 51,612 cases as against 59,394 but a massive reduction in the average per 100,000 people down from the high two hundreds to 175.6.

	Indictable offences	**Per 100,000 population**
1861-1865	59,394	287.9
1866-1871		270.5
1881-1885	60,220 (Slight blip up)	
1896-1900	51,612	175.6

Only burglary and housebreaking seem to have resisted the general trend downwards no doubt because they were the offences most likely to be committed by hard core of professional criminals. Murder rate started to decline from the mid century mark. There was a brief upwards trend in the 1860s but thereafter the number of homicide indictments declined from an average of 299.4 per annum in the 1860s.

Over the same period the homicide rate per 100,000 of population similarly fell markedly in 1851 at 1.9 per 100,000 of the population in 1861 at 1.3 in 1911 at 0.6. In other words in the 60 years after 1851 cases of homicide dropped by nearly two thirds.

	Homicide Rate
1851	1.9 per 100,000
1861	1.3 per 100,000
1911	0.6 per 100,000

Most killers now were and skilled workers from the factory whereas once the farm servants dominated the statistics. Most were men, male murderers outnumbered

[829] A History of Crime in England published 1873 and 1876 Luke Owen Pike page 407

female murderers by 7 to 1 by the late 19th century with at least half found guilty of murdering their wife or mistress.

Murder was largely a domestic affair often the outcome of a long period of violence and unhappiness. As with homicide rates so with indictments felonious and malicious wounding dropped from 3.5 per 100,000 in 1871 to 2.7 in 1901 to 2 in 1911. And the decline in the figures for assaults by far the most frequent violence offence even more remarkable. Most assault cases were dealt with summarily by local magistrates of petty sessions, so it is difficult to make direct comparisons between indictable in effect serious offences and a sore prosecutions. But even so would be hard to interpret the near halving of cases from 383.8 per 100,000 in 1861 to 197.2 in 1901 as anything other than evidence of an extraordinary social shift.

	Wounding Rate
1871	3.5 per 100,000
1901	2.7 per 100,000
1911	2 per 100,000

	Assault
1861	383.8 100,000
1901	197.2 per 100,000

As the figures for falling crime was also becoming an increasingly urban phenomenon. In the early days of the industrial revolution in particular there was widespread concern the England's burgeoning industrial towns and cities will be coming hotbeds of crime and disorder and the breeding ground for the next generation of hard and criminals. Early 19th century crime statistics suggest that this concern was not without grounds. As mentioned previously recorded homicide rates were relatively low in the years around 1800, 0.9 per 100,000 people in Surrey, 0.6 in Sussex, 0.8 in Essex and 1.1 in London Middlesex. But over the next few decades, homicide levels in those counties that were industrialising rose markedly. Meanwhile rural areas proved to be bastions of relative calm. [830]

1800 - around	**Homicide Rate**
Surrey	0.9 per 100,000
Sussex	0.6 per 100,000
Essex	0.8 per 100,000
Middlesex	1.1 per 100,000

The Surrey Constabulary police area could be described a one of the bastions of relative calm. There would have been crime, and disorder was often ritualised around

[830] A History of Crime in England published 1873 and 1876 Luke Owen Pike page 410

bonfires and football and of course after too much to drink. Surrey's location close to London and on the main routes to the south from the capital meant all manner of people were passing though some committing offences, a problem that continues into the 21st century.

Carolyn Steedman in her history of the development of police in the English counties, between 1856 and 1880, 40 out of the 43 English counties emphasis what has been set out above, Quarter Sessions and Watch Committees used their police for all sorts of functions including that of poor law officers, inspectors of nuisances, market commissioners, impounders of stray cattle and inspectors of weights and measures. She continues:

> "Indeed the 1860's and early 1870's witnessed something like an inspection fever… (with suggestions that) policemen be appointed as inspectors of taxes, of unemployed children not covered by the Factory Acts, of midwives and truants under the educational reforms of the 1870's. Carried away by the vision of a thoroughly policed and inspected society, some, including county chief constables, suggested that the homes of the poor should be inspected by the police for cleanliness and against overcrowding" [831]

[831] "Policing the Victorian Community" Carolyn Steedman 1984 Routledge

Chapter 9

Surrey Constabulary Instruction Books

Surrey Constabulary Instruction Books 1862

The Chief Constable of the Surrey Constabulary with his new force soon began issuing General Orders one of which No 34 April 29 1851 makes reference to men who have not been issued with "Instruction Books".[832] A further mention of the Instruction Book appears in GO73 March 1st 1852. This reference from the Chief Constable complains that little attention is being given to the Instruction Book, section 21, article 6, page 46, which covers officers attending divine worship. (This is on page 12 of the 1862 version) In GO132 January 13 1857 an officer is dismissed for a violation of the last paragraph of page 56 of the Instruction Book. No trace has been found of that 1851 book. Durant wrote in his centenary book of the Surrey Constabulary "No instruction was given to the men and it was not until 1853 that an Instruction Book was provided." [833] However there is an 1862 version containing detailed procedures and instructions issued to every man with formats for a variety of reports and a list of books held in the Force library available to every officer.

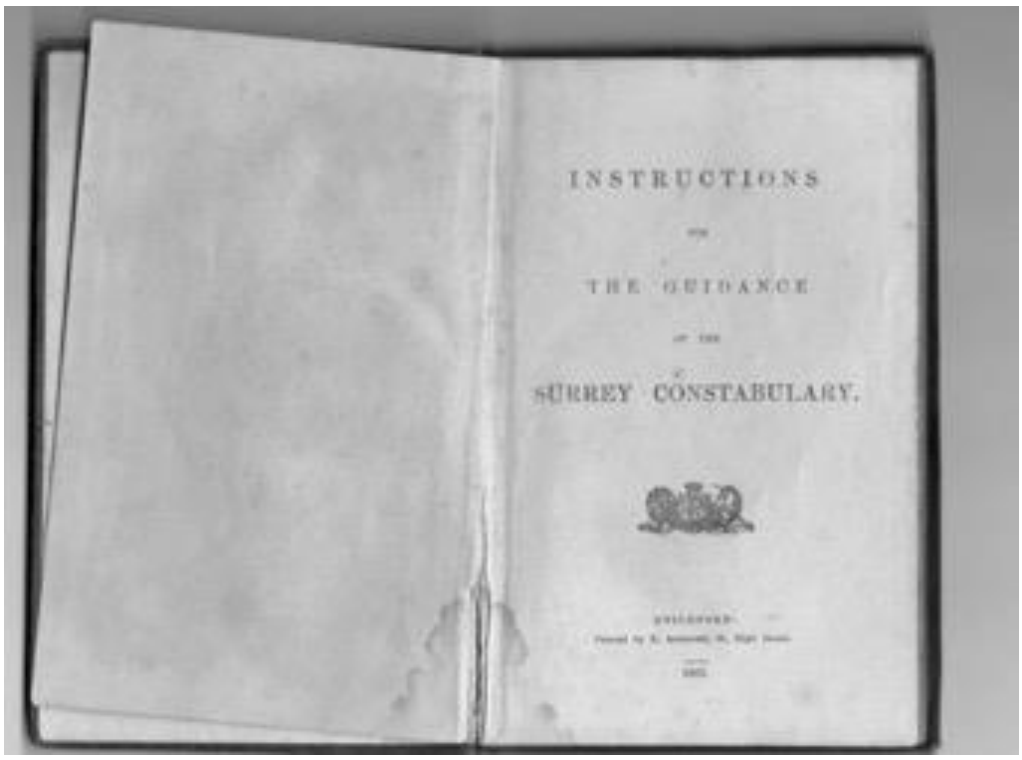
The 1862 Surrey Constabulary instructions issued to every constable and carried by him in a leather wallet on his belt, was not a unique document written by the chief constable for his force. The instructions were taken from other forces that in turn took them mainly from the Metropolitan Police Instruction Book. It is these instructions that were followed very carefully as officers weaved their way through potential discipline and sacking offences and were passed down through the generations. There follows some of the instructions and guidance that show the level of police intervention required by the 1860s. When published these instructions formalised the General Orders and daily instructions guiding the working life of the patrolling constable.

An understanding of the content of this instruction book will ensure empathy with the work and life of the patrolling police constable of the period.

As an aside, the book represented below came from retired Superintendent Shane Burrows who found it in a skip full of Surrey Constabulary history at Mount Browne

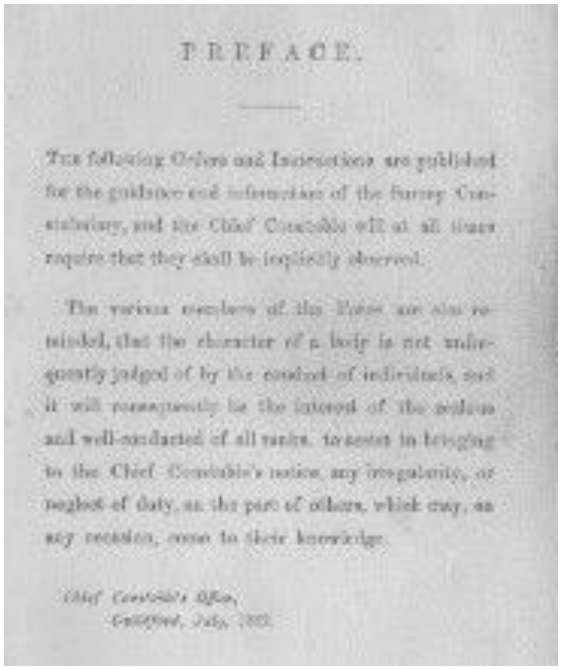
[832] GO34 29 April 1851
[833] Surrey Constabulary 1851-1951 Durrant page 7

following an instruction from a new Deputy Chief Constable to the force, Ted Post, to clear the material from a room in the basement required as a store. Much of the history of the Surrey Constabulary was in that skip including probably, copies of the daily returns to central government compiled throughout the war and maybe the elusive early instruction book.



Instruction Book recovered by Shane Burrows many years ago from a skip at HQ

What follows are extracts transcribed from an original version of the Instruction Book. The transcriptions from the 1889 version undertaken by former Inspector Tony Davie Surrey Constabulary are so similar they have not been replicated.



PREFACE.

The following Orders and Instructions are published for the guidance and information of the Surrey Constabulary, and the Chief Constable will at all times require that they shall be implicitly observed.

The various members of the Force are also reminded, that the character of a body is not infrequently judged of by the conduct of individuals, and it will consequently be the interest of the zealous and well-conducted of all ranks, to assist in bringing to the Chief Constable's notice, any irregularity, or neglect of duty, on the part of others, which may, on any occasion, come to their knowledge.

Chief Constable's Office,
Guildford, July, 1862.

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Chief Constable 's Office

Guildford July 1862

The following are extracts:

Conditions of Service

The conditions upon which each person is admitted into the Surrey Constabulary are stated here, that no complaint can be made hereafter upon their being enforced. The Chief Constable desires it to be understood, at the same time he reserves to himself the power to alter or annul any of these conditions, also to make such new rules, from time to time, as may be found expedient.

8. Each man shall devote the whole of his time to the service of the Surrey Constabulary, and conform to all the rules and regulations of the Service
9. He shall serve and reside wherever he is directed, and not receive a lodger without the sanction of the Chief Constable; neither shall he, if living in a police station or lock up house, keep any description of animal without permission.
10. He shall promptly obey all orders he may receive from those in authority over him, and his demeanour must always be respectful towards them.
11. He shall not, upon any pretence whatever, receive to his own use, money from any person, without the express permission of the Chief Constable in writing.
12. He shall, on entering, furnish himself with two pairs of white gloves, two serviceable pairs of boots, and a decent suit of plain clothes; also a notebook, which he must produce when required.
13. His pay, at the rate of twenty-two shillings and nine pence per week, shall commence from the day on which he is sworn in, in addition to which he will be supplied with the established articles of uniform clothing and appointments, which articles, however, are not at any time to be considered as belonging to him.
14. He shall at all times appear in his proper uniform, unless when otherwise directed, and is always required to be clean and neat in his person and dress.
15. He shall receive his pay monthly, or on such days as may be appointed, when a deduction of 2.5 per cent per annum will be made towards the Superannuation Fund
16. If any member of the Surrey Constabulary shall be absent from his duty, in consequence of ill-health, or on leave, the Chief Constable will exercise his pleasure as to stopping any portion of his pay during such absence.
17. Debts contracted by the Constabulary, and which the Chief Constable may direct to be paid, shall be paid forthwith, and the amount deducted from the pay and allowances due to the person in debt.
18. A sum not exceeding ten shillings will be deducted from the pay due to each person on his quitting the Surrey Constabulary, for the purpose of having his uniform altered for his successor.
19. No constable shall belong to any political or secret society and every member of the Force should carefully abstain from the expression of political or religious opinions, in any way calculated to give offence.
20. He shall not, during his continuous in the Force, by word, message, writing or in any other manner, endeavour to persuade any Elector to give, or dissuade from giving, his vote, on pain of instant dismissal.

21. He is not to carry on any trade, nor will his wife be allowed to keep a shop.
22. He shall not quit the Surrey Constabulary without giving one calendar month's notice to the Chief Constable, in writing.
23. Every man dismissed from the Surrey Constabulary, or who shall resign his situation, shall before he quits the service, deliver up in person, at the Chief Constable's office, every article of dress, and all appointments, which have been supplied, to him. If any of such articles have, in the opinion of the Chief Constable, been improperly used or damaged, a deduction from the pay or moneys due to him will be made, sufficient to make good the damage, or supply a new article, as the case may be.
24. Each person in the Surrey Constabulary is liable to immediate dismissal for unfitness, negligence, or misconduct, independently of any other punishment to which he may, by law be subject; and such dismissal renders him ineligible for appointment in any other Constabulary. The Chief Constable may also, if he thinks fit, dismiss him without assigning any reason.

Any constable who has been allowed to resign his appointment will not receive a testimonial of character until he shall have discharged the whole of his debts, nor will a certificate of good conduct be granted by the Chief Constable to any person leaving the Force under the following circumstances:

1st If the constable shall have been dismissed the Service.
2nd If the constable shall have been frequently guilty of misconduct, although of a light nature.
3rd. If the constable shall have been guilty of any misconduct of a serious nature
4th If the constable shall have quitted the Service without having given due notice of his intention to do so.
5th If the constable shall have served less than twelve months.
6th If the certificate shall not be applied for within six months after the constable has left the Service.

The constable should, on his first arrival at a station, wait upon the magistrates residing within his district, and take every pain to inform himself of all bad characters residing in the neighbourhood.

When he goes on duty, he will take care to be at the appointed place, (if not before), precisely at the prescribed hour; and he will be held responsible for the security of life and property within his beat, for the preservation of the peace, and general good order during the time he is on duty.

He is to patrol every part of his detachment as often as practicable, unless it be necessary to observe the conduct of any suspected person, or for any other reason; in which case he will be required to satisfy his superior officer that there was a sufficient cause for such apparent irregularity. He will also attend at the appointed places and times of conference, and report to his superintendent everything requiring notice. He must not make known to any person the limits of his beat, or his points of conference. He will not be allowed to carry a stick, or an umbrella when on duty. He must declare himself before acting at night, and on all occasions when out of uniform, and be very cautious how he confides in persons representing themselves to be peace officers, without being thoroughly satisfied that such is the case.

He is never to appear out of uniform, except when on leave of absence, or by the direction of the chief constable, or superintendent, in cases where disguise may be considered necessary in the execution of a particular duty. He must not refuse to show his number, or tell it when asked; should he do so he will be severely punished, as such refusal can only be caused by his having done something of which he is ashamed. He must be scrupulously exact, in the care of his clothing and appointments, and clean and neat in his person; as independently of other considerations, a man who is negligent in these respects will be looked upon as careless and slovenly in the execution of his official duties, and cannot be retained in the Service.

When walking along the streets, he must not shoulder past any person, but give way in a respectful manner. In towns, he should keep on the outward side of the footpath during the day and next to the houses at night.

He is strictly cautioned against idle conversation referring to the Service, more particularly with strangers, and when in public conveyances; and he must not whilst on duty, enter into conversation with any one, except on matters solely relating to his duty. Persons making inquiries however are to be treated with civility and attention, the constable giving all the information in his power with as little delay as possible. Insolence or incivility will not be overlooked, and improper language is on no pretence to be used by the constable.

He is not to associate, or hold any communication with men who have been dismissed the Service.

He is to treat every Magistrate with attention and respect, and be civil to persons of every rank and class. As it is of the greatest importance that each man should be respected by the magistrates and people, he will be extremely cautious in his demeanour, and by sober, orderly, and regular habits, respectful attention to every person, and ready zeal to execute the lawful orders and commands of the magistrates, endeavour to obtain the approbation of all classes.

He must take care that persons giving information be duly protected, and strict secrecy observed with respect to them; and in all particular cases he is to take down in writing such information, requiring the informants to authenticate the same by their signature.

He will caution persons against assembling or loitering at the corners, or other places in the streets, to the inconvenience or annoyance of the public.

Children found wandering abroad, unable to give an account of their residence, are to be taken to the nearest station, and authority procured from the overseer of the parish, or relieving officer for their admittance into the workhouse. Publicity of the circumstances must be given, and a full report forwarded to the superintendent. In all cases of destitution, immediate notice is to be given to the parish officers of the district.

If the constable observes anything in the roads or streets likely to produce danger or public inconvenience, he must report it to his superintendent.

He will be particularly cautious not to interfere idly or unnecessarily: when required to act he will do so with decision and boldness, and on all occasions he will be supported in the proper exercise of his authority.

He must remember that there is no qualification more indispensable in a constable than command of temper; if he does his duty in a quiet and determined manner, such conduct will induce well-disposed bystanders to assist him, should he require it.

He must when his usual hours of patrol are over, return to his own quarters, and unless called out to perform service (the nature of which must be reported by him), he is expected to be found there until the hour of his again going on duty arrives.

Whenever a constable resides in a police station, he must not leave it without permission of the officer in charge; and when allowed to do so, must always report his return.

He is on no account to absent himself from his detachment, on his own private affairs, without the permission of the chief constable, or superintendent: when desirous of obtaining leave to do so, application must be made in writing, specifying the day and hour of departure, as well as of return. Leave will not be granted to any constable who has served less than twelve months in the force, or during the winter months, viz: from November 1st to March 1st, except under urgent circumstances. Constables returning from leave of absence must always report themselves to the superintendent of the division.

When the constable has occasion to visit Guildford, whether on public or private business, he must report himself to the chief constable’s office immediately on arrival.

All superior officers, magistrates, and others entitled to such mark of respect, are to be saluted in the usual manner, but the hat is in no case to be removed from the head.

As far as practicable, the duties on Sundays and other days appointed for public worship will be arranged so as to enable every constable to attend divine service, and each member of the force is required to show a due respect for the observance of the Sabbath day.

When the constable is unable to perform his duty in consequence of sickness, a medical certificate must be forwarded to his superintendent with as little delay as possible, in which the nature of the illness is to be stated, and previous to his being permitted to return again to his duty, another certificate is to be given to the superintendent, certifying that the constable has sufficiently recovered from such illness, to be able to resume his ordinary police duty. Medical certificates should not be made out on less than a quarter of a sheet of foolscap paper.

Powers of Constables

Page 12: The constable must bear in mind that it is his duty to protect the property and liberty of Her Majesty's subjects - not to outrage the latter: to defend their legal rights and privileges - not to infringe upon them; to keep the peace, and carefully guard against being, even indirectly, accessory to breaking it. He must therefore make himself perfectly acquainted with his duty, in order that he may be enabled to act efficiently for the protection of the public.

His powers, when properly understood, are amply sufficient for his purpose. He is regarded as the legitimate Peace Officer of his district, and both by the Common Law, as well as by several Acts of Parliament, he is invested with considerable authority, and the discharge of many important duties devolve upon him. He is authorised and required, in the execution of his office, to arrest persons charged with various offences, (and in cases of felony he may apprehend on reasonable grounds of suspicion, but in such cases much discretion must be used) to enter a house in pursuit of an offender, to quiet an affray, to search for stolen goods, and to take possession of goods suspected to have been stolen. It is therefore of the greatest importance that he should make himself thoroughly acquainted with his duty in this respect, that he may know when to interfere, and when to refrain, as he must be extremely careful never to exceed his legal powers.

Arrest without warrant

Page 14: The constable may take into custody, without warrant, any person whom he may find lying or loitering in any highway, yard or other place during the night, (viz. - between the hours of 9 and 6) and whom he has good cause to suspect of having committed, or being about to commit, a felony.

When any person, whether he be drunk or in a violent passion, or otherwise, threatens the life of another, the constable should interfere and arrest.

He may apprehend any person having in his possession any picklock key, crow jack, bit, or other implement, with intent feloniously to break into any dwelling-house, warehouse, coach-house, stable or out-building; or any person armed with any gun, pistol, hanger, cutlass, bludgeon, or offensive weapon, or having upon him any instrument, with intent to commit a felonious act.

Any person found in a dwelling house, warehouse, coach-house, out-house, or stable, or in an enclosed yard, garden, or area, apparently for an unlawful purpose, (viz.- an offence which would, if effected, subject the person to a criminal prosecution, as stealing, &c) may be arrested.

Page 15: In each of these cases the constable must judge from the situation and behaviour of the person, as to his intention. In some cases no doubt can exist, as when the person is a notorious thief, or acting with those who are thieves, or when he is seen attempting to pick pockets in a crowd, or endeavouring to break into a house, and such like. The constable must not act hastily, but watch closely the suspected person, that he may discover his design.

He is to arrest anyone whom he sees in the act of committing a felony, or whom another positively charges with having committed one, (The Principal Felonies are – murder and attempts to murder or maim; manslaughter; rape; robbery, and attempts to rob;, housebreaking; cattle, horse, and sheep stealing; stealing from the dwelling-house, the person, and theft generally; receiving stolen goods, embezzlement; also setting fire to any house, out-building, stacks, or crops; and all cases of forging and coining. The minor offences are called misdemeanours, such as frauds, uttering counterfeit coin, riots, assaults affrays) or suspects of having done so, provided such suspicion appear to be the constable to be well founded, and the person so suspecting accompany the constable to the station.

If after sunset and before sunrise, the constable sees any one carrying a bundle, or goods which he suspects were stolen, he should stop and examine the person, and detain him; but here also he should judge from circumstances (such as the appearance and manner of the person, his account of himself, and the like), whether he has stolen the goods in his possession, before taking him into custody. If the person accused of felony, escapes, he may be followed immediately wherever he goes, and if he takes refuge in a house, the constable may break open doors, if necessary, to get in; first stating who he is, and his business: but the breaking open of outer doors is so dangerous a proceeding, that the constable should never resort to it, except in extreme cases, and when an immediate arrest is necessary.

Page 16/17: The constable may arrest persons publicly exposing to view any obscene print or exhibition; and he may also take into custody, any one assaulting or opposing him in the execution of his duty.

He has power to apprehend, without warrant, every common prostitute wandering in the public streets, public highways, or any place of public resort, behaving in a riotous or indecent manner; every person wandering abroad, or placing himself, or herself, in any public street, or highway, court or passage, to beg or gather alms, or causing, procuring, or encouraging any child so to do; every person wandering abroad, and lodging in any barn or out-house, or in any deserted or unoccupied building, or in the open air, or under any tent, or in any cart or wagon, not having any visible means of subsistence, and not giving a good account of himself, or herself; every person wandering abroad, and endeavouring, by the exposure of wounds, or deformities, to obtain or gather alms; every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence; every person playing or betting, in any street, road, highway, or other open or public place, at, or with any table, or instrument of gaming, at any game, or pretend game of chance.

He has also the power to apprehend without warrant, any person guilty of riotous, violent, or indecent behaviour in any church or chapel, or in any churchyard, or burial ground; every person found committing acts of cruelty to animals; any person on reasonable suspicion of his being a deserter from the army, royal navy, or militia; (The Royal Air Force not having been formed until 1st April, 1918 - who chose that date?)every person wandering at large, deemed to be a lunatic; any petty chapman or pedlar wandering abroad and trading, without being duly licensed, or otherwise authorized by Law; every person pretending or professing to tell fortunes to deceive or impose on any of Her Majesty's subjects; and every person wilfully and openly exposing his person in any public place with intent to insult a female.

Page 18**:** In cases of actual breeches of the peace, and the like, committed *within the view* of the constable, he should immediately interfere (first giving notice of his office, if he is not already known) separate the combatants, and prevent others from joining the affray. If the riot, &c, be of a serious nature, or if the offenders do not immediately desist, he should take them into custody, securing also the principle instigators of the tumult, and doing everything in his power to restore quiet.

A constable in cases of assault which have not been committed in his presence, or within his view, is not authorised to arrest, or assist in arresting, the person charged , nor his he to receive anyone so charged into his custody, unless the person has been apprehended by some other constable, who saw the assault committed. (b)

If a person threatens another with immediate personal violence, or offer to strike, the constable should interfere, and prevent a breach of the peace; if one draw a weapon upon another, attempting to strike, the constable should take him into custody.

Page 19: If persons are merely quarrelling or insulting each other by words, the constable has no right to take them into custody, but should be ready to prevent a breach of the peace.

When a constable is unable to effect an arrest by himself, he can call upon anyone present to assist him, and they are bound by Law to do so.

When a breach of the peace is likely to take place, as when persons are openly preparing to fight, the constable should at once take them into custody. If they assemble in a house, and are making preparations for a like purpose, the constable may enter to prevent them. Should the doors be closed, and admission refused, he may break them open, after giving notice of his office, and his object in entering, but he should bear in mind that excepting in urgent cases it is better, in general, to wait until he has a warrant from a Magistrate for that purpose.

If a person forcibly enter the house of another, the constable may, at the request of the occupier, turn him out directly; if he has entered peaceably, but without any right to do so, and the occupier call upon the constable to remove him, the constable after having first requested such person to go quietly, may, in the event of refusal, eject him, taking care however to use no more force than is absolutely necessary for the purpose. But in every case such ejection must take place in the presence of the occupier.

Treatment of Prisoners

Pages 20/21/22/23: Upon an arrest being made, the constable must always state the charge, and if in plain clothes, say that he is a police constable, and as some restraint is necessary, and mere words will not constitute a valid arrest, he should gently lay his hand on the accused, and tell him that he is his prisoner.

In those cases where he is empowered to apprehend *without* a warrant, he may do so at any time, (even on a Sunday) and in any county or borough, but the prisoner must be taken before a Magistrate with as little delay as possible: the constable should however be guided by the character of the person charged, for it is often advisable in cases not requiring immediate apprehension, and when the person can easily be found, to obtain a warrant, even though the arrest could be made without one.

The constable is in all cases, to treat prisoners properly, and impose such constraint only, as may be necessary for their safe custody. They must be taken to the divisional station, or other place appointed for the purpose, without delay, and it will generally be found desirable that the accuser should accompany the constable, for the purpose of substantiating the charge.

Particular attention should be paid to persons in custody, on their way to the station, that they do not drop, destroy, give away, or secrete, any of the stolen property, and if the charge be that of murder, or of wounding with intent to do bodily harm, the

constable should carefully examine the prisoner's hands, clothing, and any weapon in his possession, and likewise carefully inspect the place where the offence is said to have been committed.

When the prisoner is before the Magistrate, he still remains in the custody of the constable, until his discharge or committal. If a prisoner should escape, he may be retaken; and in immediate pursuit, the constable may follow him into any place, or any house: if he takes refuge in a house, the doors may be broken open, after demanding admission and due notice being given by the constable of his office, and purpose.

As however nothing reflects greater disgrace on a constable, than the escape of a prisoner, (*save that of being guilty of acting or speaking falsely)*, he must use every legal precaution with the view of preventing such escape: no general rule can be laid down, as to when a constable ought, or ought not, to handcuff a prisoner, it must of necessity depend upon the circumstances of each particular case, as for instance, the nature of the charge, and the conduct and temper of the person in custody, but the constable may handcuff any male prisoner, if it be necessary to prevent escape, or rescue, or to restrain him from committing any act of violence, and not otherwise. To guard against the escape of male prisoners after their conviction, it will generally be found necessary whilst conveying them, to resort to the use of handcuffs. The constable should always walk either by the side, or in the rear of prisoners, when marching them from one station to another.

He is cautioned against striking a person in his charge, unless absolutely necessary to prevent escape, or in self defence, and must not use his staff because a prisoner is merely violent in behaviour or language, but should always bear in mind that the smallest possible amount of actual violence necessary for accomplishing the object for which violence is used, is the largest amount which the Law sanctions.

He must search prisoners very carefully, and when practicable in the presence of a witness, and on receiving prisoners from others, be satisfied that they have been so searched. Female prisoners are invariably to be searched by a female, and visited in the presence of one. The wife of the constable residing in the station is required to perform this duty, for which the following allowance will be granted. For searching one female during the day: the sum of eight pence; if two on the same day, one shilling. For searching one female after eleven o'clock at night and before five o'clock in the morning: one shilling, if two the same night, one shilling and six pence.

Prisoners locked up at the police station are to be visited very frequently, and to have the means at all times of communicating with a Superior Officer, or with the person in whose custody they may be. They are not to be treated with any degree of familiarity, or permitted to hold communication with any person without the authority of the Superintendent. They are not to be allowed spirituous liquors, wine, beer, or tobacco, unless prescribed by a medical man; but may be permitted to purchase what other

refreshments they choose. If rendered insensible from intoxication, they are to be visited when practicable, by a medical man, and medical aid is in all cases to be afforded to any prisoner requiring it.

When any property is handed over to a constable, whether taken from persons apprehended or otherwise, he must at once make an entry of the same in his note book, and likewise report the particulars to hi Superintendent, who will give the necessary instructions with reference to the safe custody, and ultimate disposal of the property.

Page 24: The several articles should be marked at the time they are received so they may be identified, when required to be produced as evidence.

Evidence

Pages 24/25/26/27/28: With regard to the questioning of prisoners whilst in custody, it has been well observed that "no practice has been more censurable and unjust, than that so common amongst officers of justice putting questions to persons in custody, with the view of obtaining answers that may afterwards be used in evidence against them. It should ever be borne in mind by the constable, that whilst it is his duty to do his utmost to prevent crime, it is no part of his province to `make evidence.` It is at all times right that a person taken into custody should be informed of the charge against him; it is proper that the constable should listen to any statements which the prisoner may think it advisable to make, and to note down, and bear in remembrance all that he has said; but it is an abuse of power and authority in any constable to question an accused, and to draw from him statements which, in an unguarded moment, and in the confusion and embarrassment of his position, he may unadvisedly and incautiously make; and that, too, to interrogations not themselves reduced to writing , perhaps equivocally put, and the bearing and purport of which he may not understand"

The constable is not under any pretence whatever to elicit a statement from a prisoner, and is carefully to avoid cautioning a prisoner against criminating himself by making a voluntary statement, but is attentively to notice, and if possible to note down at the time, every expression which may assist the ends of Justice, that he may be prepared to repeat it when required.

When giving his evidence, he should stand in a respectful attitude, speak loudly and distinctly, and give ready answers to the Counsel on *both sides*, bearing in mind that it is his duty to afford every information in is power, whether for or against the accused, as nothing tells more against a constable than the appearance of keeping anything back.

On no pretence whatever should a constable sign a deposition, without having previously satisfied himself that every circumstance known to him, connected with the case, is fully and correctly stated therein.

The following are some of the general rules relating to evidence. Any statement made by a prisoner, and afterwards given in evidence, must be repeated by the witness in the same words. Hearsay evidence is inadmissible, and a statement by another person is not evidence, unless made in the presence of the prisoner, nor is the statement of one prisoner, evidence either for, or against, another prisoner. The evidence of an accomplice is admissible, but ought to be corroborated. Circumstantial evidence is also inadmissible, but this should be of such a character as to produce nearly the same degree of certainty as that which arises form direct testimony, and to exclude a rational probability of innocence. No person is bound to criminate himself; and in general the opinion of a witness is inadmissible, unless upon questions of skill and judgment. A witness may be allowed to refresh his memory by reference to a memorandum made by himself at, or shortly after, the occurrence of which he is called upon to speak, although such memorandum could not of itself be received in evidence. Any evidence, which has been obtained from a prisoner in consequence of any threat, promise, or inducement, however slight and made to him by a constable, or person in authority, renders such evidence inadmissible; but any facts discovered in consequence of information so obtained, may be given in evidence. The declaration of a person on the point of death, who entertains no hope of recovery, is evidence against the prisoner, although given in his absence, when the cause of the death of the person making such declaration is the subject of the enquiry, provided such person would have been a competent witness if still living, and the statement was made under the belief of impending death – (it is usual, when time allows, to request a Magistrate to attend and take dying declarations, which it is not necessary should be made on oath).

Before being called to give evidence in Court, the constable should refresh his memory from notes of the circumstances taken by him at the time of, or shortly after, the examination before the Magistrates; but such notes are never to be produced in Court, unless called for.

Whenever the constable attends to give evidence at the Assizes or Sessions, or before the Magistrates in cases sent for trial, or summarily disposed of under the Criminal Justice Act, he will be entitled to receive his expenses in the same manner as any ordinary witness, in accordance with the following extract from the Scale of Allowances framed and issued under Act 14 and 15 Vict, ch. 55, and the authority of Sir George Grey, Bart., one of Her Majesty`s Principal Secretaries of State.

Attendance before the Magistrates

Page 28: To prosecutors and witnesses being constables paid a salary, and not attending the Magistrates or Bench of Magistrates, on any police duty, for their trouble in attending the examination from a distance greater than three miles, and not exceeding seven miles from the place where the examination is taken, a sum not exceeding 1s (1/- or 5 pence!)

To the same if attending from a distance greater than seven miles from the place where the examination is taken, a sum not to exceed for each day, 1s.6d.

To prosecutors and witnesses being constables paid by salary, if necessarily detained all night for the purposes of examination, the sum for the night not to exceed 2s.

To prosecutors and witnesses being constables not attending the place of examination in discharge of police duty, and entitled to be conveyed under 7 and 8 Vict Ch. 85 s 12, and able to travel by railway, there shall be allowed mileage as follows:-

To superintendents, inspectors and constables, the lowest amount per mile authorised by Act of Parliament for their conveyance, and no larger sum;

To prosecutors and witnesses being constables able, but not so entitled to travel, and not attending the place of examination on any police duty, there shall be allowed for mileage, railway fare, the same as to ordinary witnesses;

To prosecutors and witnesses being constables not able to travel by railway, and not attending the Magistrate, or Magistrates, on any police duty, for every mile beyond four miles each way they shall travel to reach the place of examination, a sum not to exceed each way, 2d;

To prosecutors and witnesses being constables, able partially to travel by railway, for every mile after the first four miles each way, in reaching such means of conveyance, a sum not to exceed 2d, and railway fare as other constables.

Attendance at Assizes and Sessions

Pages 29/30**:** To prosecutors and witnesses being constables paid by salary, if resident in the place where the Court is held, or within a distance not exceeding two miles of such place, a sum in the discretion of the Court, not to exceed for each day, 1s

If resident elsewhere, and if they shall attend from a greater distance than two miles, a sum, in the discretion of the Court, for each day not to exceed 1s 6d.To the same if they be necessarily detained all night for the purpose of the prosecution, a further sum for the night not exceeding 2s. If such prosecutors and witnesses shall be a

Superintendent attending from a distance greater that three miles, and they shall be necessarily detained all night for the purposes of the prosecution, Instead of foregoing allowances, there may be allowed to them the same as ordinary witnesses.

To prosecutors and witnesses, being constables who shall be entitled to be conveyed under the 7th and 8th Vict.cap.: and able to travel by railway, there may be allowed for mileage as follows:-

To superintendents, inspectors, and constables, the lowest amount per mile authorised by Act of Parliament, for their conveyance, and no larger sum;

To prosecutors and witnesses being constables not so entitled to travel, there may be allowed railway fare for the same as to ordinary witnesses;

To the same if paid by salary, and where they are not able to travel by railway, for every mile beyond four miles each way they shall travel to and return from the Court where the prosecution takes place, a sum not to exceed 2d.

To the same if paid by salary, where able partially to travel by railway, for every mile after the first four miles each way in reaching such means of conveyance, a sum not to exceed 2d, and railway fare as other constables.

No constable paid by salary is to be allowed for railway fare not actually paid.

Ordinary Prosecutors and Witnesses

To prosecutors and witnesses not hereinbefore provided for, there may be allowed, for their expenses, trouble and loss of time in attending the Court where the prosecution takes place, per day a sum not to exceed 3s.6d.

To the same, if entitled to mileage, for each night they may be necessarily detained from home for the purpose of the prosecution at any Assizes, a sum not to exceed 2s.6d.

To the same for each night they may necessarily be detained from home for the purposes of the prosecution, at any Quarter or Adjourned Sessions, 2s.

To the same for mileage there may be allowed as follows:-

If resident more than two miles from the Court where the prosecution takes place, if the whole or any portion of the journey can be performed by railway, second-class fare for such whole or portion of the journey, as the case may be, and for a journey, and part of a journey performed otherwise than by railway, per mile, each way, a sum not to exceed 3d.

The Execution of Warrants

Pages 31/32: The constable is bound to follow the directions contained in a warrant, and to execute it with secrecy and despatch; the power given to him for the purpose of

arresting has been already shown. The warrant should always be executed with as little delay as possible by the constable himself, or when he calls on assistance in his presence. On all occasions he ought to state his authority, if it is not generally known, and should show his warrant when required to do so; but he should never part with possession of it; as it may be wanted afterwards for his own justification.

The constable should bear in mind that he has the same powers in the adjoining counties as he has in the county of Surrey and in the boroughs situated within it, (a) but as the powers of a Magistrate are confined to within seven miles beyond the border of the county for which such Magistrate is appointed, (b) the constable when proceeding beyond the jurisdiction of the Magistrate who has issued the warrant must have it endorsed by the Magistrate of the county or borough in which it is intended to be executed; before such endorsement can be procured, however, the constable will be required to depose on oath to the signature of the magistrate granting the same. An arrest under a warrant must not be made on a Sunday, excepting in cases of treason, felony, or breach of the peace.

The constable may enter a house to search for stolen goods, having first obtained a search warrant from a magistrate for that purpose; (who has power to grant such a warrant on a Sunday, as well as any other day). (a) The Constable should, when it is possible to do so, execute it in the day time. If he finds the goods mentioned, he has to take them to a magistrate and when the warrant so directs, he must take the person also in whose possession they are found. To avoid mistakes, the person who applied for the warrant ought to attend the search, to identify the goods. The constable is not to lay an information for the purpose of obtaining a search warrant, excepting in special cases as should he do so without reasonable grounds he will be liable to an action; the owner of the stolen goods is the proper person to lay the information. The constable should be careful to avoid doing any damage to property, and exercise as much forbearance as possible; he should also take care that no person goes in or out of the house or premises during the search.

How to act in cases of larceny

Page 33: How to act in cases of larceny: When the report of a robbery reaches a constable, he must forthwith proceed to the spot indicated and there make every inquiry into the circumstances taking a description of the articles stolen and endeavouring to ascertain upon whom suspicion rests and whether any strangers have recently been seen in the neighbourhood.

Page 33: When a house has been robbed he will judge from the manner in which it has been effected whether the thief appears to have been acquainted with the premises, by observing if the robbery had been effected by an inmate or by someone from without and in the latter case if an entrance had been effected at once, or if ineffectual attempts have in the first instance, been made to force doors or windows; he must closely examine the ground under the windows and around the house for

footmarks and such after being measured and examined must be securely covered with boards in order to preserve them. In comparing footmarks he is not to place the boot or shoe over the footmark, which has been discovered as he may thereby injure or efface the mark, but by the side of it. This should be done with the boots or shoes of both feet and when practicable in the presence of a witness. A mere similarity in a boot or shoe with the footmark is of little or no value in evidence; the loss of a nail however or anything that is peculiar and which may tend to identify the footmarks with the boots or shoes compared with them, may be of considerable importance.

Page 34: Examination must be made in the fields and lanes around the place with the view of ascertaining the direction taken by the thieves both in coming to and going from the house. The constable will then inquire at all the public and beer houses in the neighbourhood as to what persons have called or have been lodging there; and having made a note of all these particulars he will send a messenger to inform his superior officer thereof whilst he himself continues his enquiries on the spot. In cases where, from recent information, there is a likelihood of overtaking the person suspected the constable is justified in hiring a horse or other conveyance and proceeding in pursuit; but in nine robberies out of ten the thieves reside in the neighbourhood.

Page 35: When fowls or sheep have been stolen much attention must be given to discover any footmarks in the surrounding fields and gaps; this description of property is in the first instance frequently secreted within a short distance and not finally removed for a night or two. In cases where a sheep has been slaughtered in the field, and the carcase skinned and carried off, the thieves almost invariably reside near at hand; the constable will therefore set a watch on the houses of the suspected persons in order to detect any attempt to bring home the meat at night.

Page 35: The messenger who may be dispatched to the superintendent with the information of a robbery should be directed to inform all constables stationed on the road, as it is desirable that the intelligence should be spread as widely and as speedily as possible.

Page 35: In case of a fire taking place the constable give immediate alarm and as soon as possible send information to his superintendent; he is to exert himself in any way in which he can be useful and endeavour to keep the space near the fire clear. Special attention must be directed at such times to the thieves and pickpockets who are usually in the crowd.

Page 36: Reports of robberies, fires &c, to the Superintendent must contain the following particulars:

1. Day and hour when the information was received
2. Name and address of the informant
3. Date of offence and where committed
4. Name and address of the owner of the property

5. Description of the property and whether it can be identified
6. Value of the property
7. Any other circumstances connected with the case
8. The steps taken to trace the suspected offenders
9. Names and descriptions of suspected offenders if known
10. Remarks

Coroners` Inquests

Page 36: An inquest should be held in all cases of violent or sudden death, including persons found dead, persons dying in prison, and persons suspected of committing suicide, for the purpose of enquiring into, and ascertaining the cause of death. In all such cases the constable is at once to ascertain the following particulars, and report them to his Superintendent without delay, in order that information may be forwarded to the Coroner, viz:-

1. Name and age of deceased.
2. Nature of the death.
3. Day and hour when occurred, or when the body was found.
4. Names of witnesses, and of any person who was present at the death, or who last saw the deceased alive.
5. Name and address of medical attendant, if any.
6. The nearest public house, or other suitable place, where the inquest can be held.
7. Any particulars, which he may be able to obtain, relative to the cause of death.

Should the Coroner of opinion that an inquiry is necessary, he will issue his warrant for an inquest to be held, and immediately on its receipt, the constable must summon not less than twelve, or more that twenty-four housekeepers, if possible, intelligent men who can read and write, residing in the neighbourhood, to serve as jurymen; and on no account should any of the jury be related to the deceased, or interested for any person charged with, or suspected of causing the death. The witnesses must also be summoned by the constable, and should be kept out of court until called in separately to give evidence. The constable must take charge of , and produce at the inquest, any papers, or other property found on searching the body; and any weapon or instrument, supposed to have been used in producing the death, should be laid before the jury.

When the Coroner arrives, the constable must return the warrant to him, with a list of the names – in full- of the persons summoned written on the back. The constable must remain in court and prevent interruption, and obey all the lawful orders of the Coroner. After the inquest, the Coroner will pay over to the constable, the sum due to the police fund, for his attendance; and will likewise give him an order for the burial of the body, which order is to be handed over to the relatives of the deceased, or to the overseers of the parish, as the case may be. The constable must then forward a report

to his Superintendent, relative to the inquest. When the following particulars are to be stated, viz:-

1. Day and hour when the inquest was held.
2. Place and parish.
3. Name of Coroner.
4. Name and age of deceased.
5. Names of witnesses.
6. Verdict of the jury.
7. Cause of death.
8. Amount of police fees received from the Coroner.
9. Any remarks, which may have been made at the inquest relative to the police.

Journals

Page 39: Every constable will be supplied with a journal, which must be kept perfectly clean, and be carefully filled in daily. He will be required to comply with the following instructions, viz: -

(1) It must contain the whole of the constable`s proceedings, is only to be inspected by a Superior Officer belonging to the Force, and no other person whatever is to be allowed to see it, without the express permission of the Chief Constable.
(2) Alterations when necessary are only to be made by drawing the pen through the word to be expunged, as no other erasures can be allowed.
(3) Conferences with a Superior Officer are to be entered in red ink, also anything of a very particular nature; conferences with constables of another division, or with any officer of another Force, are to be entered in blue ink.
(4) All conferences which are inserted in the night duty route, must appear in the journal, whether the constable attended them or not: should he omit any conference point, he must report the same to his Superintendent immediately, together with his reasons for not attending, he must also insert in the journal, under the head of "Officer conferred with, "the word, "did not attend at "stating the cause in the remarks
(5) With reference to the heading " Time together," any period less than one hour, is to be inserted under the head of " Minutes "
(6) The constable must, when practicable, attend Divine Service at least once every Sunday, inserting the omission, when such may occur.
(7) The column of remarks and occurrences must contain the hour when the constable`s detachment is visited by a Superior Officer; the reason why any of the conferences were omitted; the names of farmers and others called upon, and any complaints made by them; together with every remarkable occurrence in any way connected with the Service.

(8) The returns on the back of the journal are to include everything that has occurred within the detachment during the week, and for the accuracy of which the constable will be held responsible.
(9) The journal is to be forwarded to the Superintendent every Monday, and the constable does not deliver it himself, he must always enclose it in an envelope, properly addressed.
(10) Should the constable be guilty of any neglect of the foregoing instructions, or should his journal be filled up in an incorrect, careless, or slovenly manner the Superintendent will state upon such journal the nature of the mistake contained therein, and then return it to him. Any expense incurred for postage, &., must be paid by the person in fault.

Service of Summonses

Page 41: Every summons must be served by the constable as soon as possible after receipt, and on the person to whom it is directed, either personally, or if he cannot conveniently be met with, then by leaving the same with some person for him, at his last and most usual place of abode, and the constable serving the same, must attend at the time and place mentioned in the summons, to depose, if necessary, to the service thereof. The first duty of the constable on receiving a summons, is carefully to compare the original with the copy, in order that he may be satisfied that such copy is a correct one; he must then endeavour to serve it upon the person to whom it is directed, personally if possible, explaining to such person at the time, when and where he is required to appear, and if he wishes the summons to be read to him, it is the duty of the constable to comply with such request. No summons must be served upon a Sunday. The time and manner of serving the summons is to be inserted on the back of the copy immediately after service, in accordance with the accompanying forms:-

If the summons was served personally, the following form may be used. "Served a true copy of this summons upon the within-named John Clark personally, at 2pm on the…… day of……1862" If the summons was not served personally, say, "Left a true copy of this summons at the residence of the within-named John Clark. By giving the same for him to Ann Clark, his wife, at 2pm on the……dayof……..1862"

All copies of summonses are to be forwarded, so as to reach the Superintendent, on the morning of the day preceding that on which the Petty Sessions are held: together with a memorandum, stating the name trade , and address of the witnesses - if such can be ascertained – pinned to the corner of such copy, for the information of the Superintendent.

The constable is not to absent himself from his detachment for a greater distance than five miles, for the purpose of serving a summons, without first obtaining permission from his Superintendent.

Applications for summonses are to be made to the Superintendent of the division, and the following information supplied viz:-

1. Name, trade and address of the defendant.
2. Nature of offence.
3. Date of offence (day and hour)
4. Parish in which offence was committed.
5. Name and address of the witness, or witnesses.
6. Full particulars of the case.
7. If the offence be theft, state the description and value of the property, together with the name and address of the person to whom it belongs.
8. If wilful damage, state the description of the property, the amount of injury done, and the name and address of the person to whom it belongs.
9. If an offence under the highway or turnpike acts, state the particular road where the offence was committed.

Contingent Expenses

Page 44: In making application for contingent expenses, all the necessary particulars connected therewith, are to be stated, viz.: -

1. Time of leaving residence (day and hour).
2. Nature of the special duty, which has been performed.
3. Number of miles travelled by railway, or other conveyance.
4. Number of miles travelled on foot.
5. When railway fare, or other conveyance, is charged, the route from place to place, out and home, is to be fully stated.
6. In the conveyance of prisoners. The date, names, place from, and to which, such prisoners have been conveyed, also the number of miles, and the sum paid. Constable`s personal expenses, and railway fare.
7. Time of returning to residence (day and hour).

No extra allowance will be granted to the constable, unless the duty performed be of a special nature, and one in consequence of which he has been subjected to unavoidable expense.

All expenses are to be craved in the month during which they are contracted, as no omissions can be entertained in a subsequent month.

Offences by publicans and others

Page 45: The constable must report to his Superintendent without delay, any publican or keeper of a beer-house or refreshment house, -- under the wine licenses act - who may commit any of the following offences, viz. :-

1. Fraudulently diluting or adulterating any beer or excisable liquors, or knowingly selling such.

2. Using, in selling any beer or excisable liquor, any measures that are not of the legal standard.
3. Wilfully and knowingly permitting drunkenness, or other disorderly conduct, on the licensed premises.
4. Knowingly suffering any unlawful games, or any gaming whatsoever on the licensed premises.
5. Knowingly permitting or suffering persons of notoriously bad character to assemble and meet together therein.
6. Keeping open the house otherwise than for the reception of travellers, or suffering any beer or other excisable liquor to be conveyed from, or out of the premises during permitted hours.
7. Not maintaining good order and rule therein.
8. Refusing to admit any constable into the licensed premises, or knowingly harbouring or allowing him to remain therein during any part of the time appointed for his being on duty.

Every person drunk, riotous, quarrelsome, or disorderly in any shop, house, premises, or place licensed for the sale of beer , wine, or spirituous liquors, by retail to be consumed on the premises, and who shall refuse or neglect to quit, upon being requested so to do by the manager or occupier, or his agent or servant, or by any constable, shall on conviction thereof be liable to pay a fine not exceeding forty shillings, and all constables are authorized, empowered, and required on the demand of such manager, occupier, agent or servant, to assist in expelling such persons . On no pretence however shall the constable enter any public or other house, shop, room or place for the sale of liquors, whether spirituous or otherwise, except in the immediate execution of his duty; such a breach of this order will not be excused, and the keeper of any such house, is subject to a severe fine for allowing him to remain therein.

Impounding Cattle

Page 47: The constable may impound cattle of any kind found straying or lying on any turnpike road (except on such parts of it as pass over any common, or waste, or unenclosed ground) in the common pound (if any) of the parish where the same is found, or in such other place as may be provided. The keeper of the pound, or other place, is empowered to detain every such animal until the owner thereof shall pay the sum of two shillings.

He has also power to remove all cattle found straying *on any highway* (except on such parts of it as pass over any common, or waste, or unenclosed ground), to the fields, or stable, of the owners, or to the common pound (if any) of the parish where the same is found, or to such other place as may be provided. The constable is not to receive any money, but is to ascertain the name and address of the owner of such cattle, and make application for a summons in the usual way.

When the cattle are impounded, and no owner appears within two days, a report of the circumstances, with a description of the animals, is to be forwarded to the Superintendent.

As the authority to impound cattle, &c., is given principally with the view to the suppression of vagrancy, the constable must carefully avoid vexatious interference with animals, the property of farmers, and other respectable persons, residing in the neighbourhood, but direct his attention to those which may belong to vagrants, tramps, &c.

Superannuation Fund, Pensions &c

Page 48: A deduction of two and a half per cent per annum will be made from the pay of every member of the Force, which sum together with the amount accruing from stoppages during sickness, and fines imposed upon constables for misconduct, as well as from any portion of the fines imposed by any Justice of the Peace upon drunken persons, or for assaults upon police constables , and from moieties of fines and penalties awarded to informers, -- being police constables , – on summary convictions, and all sums arising from the sale of the constables` worn or cast clothing, will from time to time be invested, and the interest and dividends thereof likewise, in such manner as the Justices, in General or Quarter Sessions assembled, shall direct, and accumulate so as to form a superannuation fund; and this money will be applied, from time to time, for the payment of such superannuation retiring allowances or gratuities, as may be ordered by the Court of Quarter Sessions upon recommendation of the Chief Constable.

The conditions upon which retiring allowances are granted to members of the Constabulary are as follows, viz:- if the constable shall have served , with diligence and fidelity, for fifteen years and less than twenty years, an annual sum not exceeding half his pay; if for twenty years, or upwards, an annual sum of not more than two thirds of his pay, provided always, that if he shall be under sixty years of age, it shall not be lawful to grant any such allowances, unless upon the certificate of the Chief Constable the he is incapable, from infirmity of mind or body, to discharge the duties of his office; provided also that if any constable shall be disabled, from any wound or injury received in the actual execution of the duties of his office it shall be lawful to grant him any allowance, not more than the whole of his pay; but nothing herein contained shall be construed to entitle any constable absolutely to any superannuation allowance, or to prevent his being dismissed without superannuation allowance.

The Justices may also, upon such recommendation, and upon the Chief Constable certifying that any constable who has not served so long as fifteen years, is incapable, from infirmity of mind or body, to discharge the duties of his office, order that such constable do receive, out of the superannuation fund, such sum in gross, as a gratuity upon his retirement, as to the said Justices may seem proper; they may likewise upon

the recommendation of the Chief Constable, grant a gratuity to the widow of any constable who has died in the Service, provided the sum so granted do not exceed the amount of one year's pay of such constable, and that he have contributed to the superannuation fund for a period of no less than three years.

Clothing, Appointments

Every constable will be supplied with the following articles of clothing and appointments (a); (in addition to his pay) which he will be required to deliver up on quitting the Force:-

Clothing supplied in the year 1861.	*Clothing supplied in the year 1862*
One great coat	One tunic
One cape	One pair of dress trousers
One frock coat	One helmet
One pair of dress trousers	One pair of winter gloves
One pair of undress trousers	
One helmet	
One pair of winter gloves	

Appointments &c

One staff	One instruction book and case
One pair of handcuffs	One pocket book
Two handcuff rings	One warrant card
One Whistle	One button brass.
One lamp	One button brush.
One waist-belt and cape strap	

Upon the new clothing for the year 1863 being served out to the constable, he will be entitled to that which was issued in the year 1861, upon payment of the sum of four shillings; and in the year 1864, he will be entitled to that which was supplied in the year 1862, upon the payment of the sum of two shillings and sixpence, and so on in successive years.

(A pasted undated amendment) A quarterly allowance of five shillings and sixpence, in lieu of boots and shoes, is granted to each constable who has served in the Force for three months preceding the first of April, the first day of July, the first day of October, and the first day of January in each year. No allowance is granted for a less period. The sum of one shilling per month is also granted to the constable, for the purpose of purchasing oil and cotton for the police lamp provided for his use.

Correspondence &c

Page 52: When the constable receives an order from a Superior Officer in writing, he will attach his signature to the same, adding the date when such order was received by him, and return it to his Superintendent, with the journal, on the following Monday.

All reports, &c., to the Superintendent must be in writing, on not less than a quarter of foolscap paper; with the exception of applications for leave of absence, or to retain rewards or gratuities, and resignations, which are always to be written on half a sheet folded lengthwise, so as to divide it into two equal parts, the report being written on the left-hand side of the paper so divided. All communications are to be addressed as follows:-

The Superintendent
Surrey Constabulary,
Chertsey

(Or wherever the divisional station may be) and the rank and name of the writer, with the date when forwarded, is to be inserted in the left-hand corner of the envelope, or cover. In all official documents, the rank and number is always to be placed below the signature.

The constable is not to correspond on police matters with any person unconnected with the Force, but is to forward all letters which he may receive from such persons to his Superintendent, who will exercise his own discretion as to whether answers are required or not. He must not address any letter, written application, or complaint to the Chief Constable direct, but forward all communications through the Superintendent of the division, who will transmit them to the Chief Constable.

As several instanced have occurred in which letters have been delayed through the carelessness of the post office officials, thereby causing great inconvenience to the Public Service, whenever the constable receives a letter which may have been so delayed, he must immediately forward the envelope, together with all the particulars, to his Superintendent, in order that such carelessness may be brought to the notice of Her Majesty`s Postmaster-General.

How to obtain promotion

Page 54: Every constable may hope to rise by activity, intelligence, and good conduct, to a superior rank. He must make it his study to recommend himself to notice by diligent discharge of his duties, and strict obedience to the commands of his Superiors, recollecting that he who has been accustomed to submit to discipline, will be considered best qualified to command; and as no constable can be promoted who has not a thorough knowledge of his duties and powers, and who cannot write a proper official report or letter, no matter how exemplary his conduct, he should

devote every hour which he can spare from his duty to reading, writing and general improvement of his mind; he should also frequently and carefully read this Book of Instructions, in order that he may clearly understand his duties, and the powers which are given to him by Law, for the efficient execution of them.

Before a constable is promoted to the rank of Inspector, he will be required to undergo and examination at the Chief Constable`s office, when he must be found to possess a knowledge of such parts of the Criminal Law as refer to the duties of the police: he must also be able to write neatly and correctly from dictation, and understand the first four rules of arithmetic (simple and compound). Without the above qualifications, the Chief Constable will not promote any member of the Force, however meritorious his conduct may be in other respects.

In the Police Library, (which contains upwards of 600 volumes) several educational works will be found, which will greatly assist the constable in attaining the requisite qualifications.

Periodical duties to be performed by the constable

Page 55: The constable must, when attending at the divisional station to receive his pay, produce the several articles of clothing and appointments mentioned under the head of the respective months, for the purpose of their being inspected by the Superintendent, and care must be taken that such articles be perfectly clean and in good repair. He must also take with him for the information of the Superintendent, the following returns, which are always to be written on not less than a quarter sheet of foolscap paper.

Every Monday

1. The constable`s weekly journal is to be forwarded to the Superintendent.
2. Reports or letters relative to police duty, which the constable may have received from any person.
3. Unexecuted warrants, with a description of the persons named therein, and any other particulars.

January

Articles to be produced on pay-day - two tunics, two pairs of dress trousers, two serviceable pairs of boots, staff, pocket book, warrant card, handcuffs and rings

February

Articles to be produced on payday - two helmets, button-brass and brush, staff, pocket book, warrant card, handcuffs and rings

On the last Monday in this month, the constable must make application to his Superintendent for a supply of notices relative to the time and place appointed for the general annual licensing meeting (unless he has received them previously). Immediately on receipt of the notices, he must post one on the door of each parish church or chapel, give one to each resident Magistrate, or leave it at his house, and deliver one to each publican, or applicant for a spirit licence. He shall receive from each publican, or applicant, upon the delivery of the notice, the sum of one shilling, which amount he is to hand over to his Superintendent.

March

Articles to be produced on payday: one great coat, two pairs of winter gloves, staff, pocket book, warrant-card, handcuffs and rings.

The constable is also to take with him the following returns:

1. A return of all public houses within his detachment, showing the name of the landlord, (in full) the parish, sign, and the manner in which the house has been conducted during the past year, together with the number and date of the convictions if any.
2. A return of all beer houses, licensed to sell to be consumed *on* the premises, and likewise the same particulars regarding them.
3. A return of all beer houses, licensed to sell to be consumed *off* the premises, and likewise the same particulars regarding them.
4. A return of all persons who have given notice of their intention to apply for a spirit license.
5. All monies received for the service of notices on publicans and others.

April

Articles to be produced on pay day: one waist belt, one cape and strap, staff, pocket book, warrant card, handcuffs and rings.

May

Articles to be produced on pay day: one lamp, one whistle, one pair of undress trousers, staff, pocket book, warrant card, handcuffs and rings

June

Articles to be produced on pay day: one instruction book and case, one stock and clasps, staff, pocket book, warrant card, handcuffs and rings and copies of all general

orders subsequent to August 31st 1862 and which the constable has been directed to copy.

July

As same as the month of January

August

Articles to be produced on payday – the same as in the month of February

The constable will also take with him, a return of all persons within his detachment using weights, measures, or balances.

September

Articles to be produced on payday – the same as in the month of March

The constable shall take with him the following returns:

1. A return of known thieves and depredants at large, their names, ages, the number of times they have been known to have been in custody, the nature of the offences with which they were charged, and the results.
2. A return of receivers of stolen goods at large, and likewise the same particulars regarding them.
3. A return of prostitutes at large with names and ages
4. A return of suspected persons at large, names and ages and causes of suspicion.
5. A return of vagrants and tramps at large, names and ages.
6. A return of the houses of receivers of stolen goods by whom kept and where situated.
7. A return of public houses the resort of thieves and prostitutes and where situated
8. A return of public houses the resort of thieves and prostitutes by whom kept and where situated.
9. A return of coffee shops the resort of thieves and prostitutes, by whom kept and where situated.
10. A return of other suspected houses, the resort of thieves and prostitutes, by whom kept and where situated.
11. A return of brothels and houses of ill fame by whom kept and where situated
12. A return of tramp's lodging houses by whom kept and where situated

October

The same as the month of April

November

The same as in the month of May

December

Articles to be produced on payday – the same as in the month of June

The constable will also take with him a return of stolen or lost property in his possession, with the description and estimated value thereof.

The constable must report to his Superintendent, in writing, the date upon which a fair or club is to be held within his detachment, at least seven days previous to its occurrence.

He must also forward, so as to reach his Superintendent on the morning of the last day of each month, an application for contingent expenses – if any – incurred by him during the month.

Crimes and Punishments

Page 61: If a member of the force be convicted of drunkenness, he will be liable to immediate dismissal, and the plea that the degree of intoxication was *slight*, will not be considered as any excuse, or avert the punishment which will inevitably follow this offence.

Every constable who shall be found guilty of the following offences, viz.:- lying, or concealment of the truth, disobedience of the lawful commands of his Superior - or directly or indirectly receive any bribe, or gratuity -- or embezzle or misapply any public moneys, clothing or appointments -- or be guilty of insubordinate conduct -- or make any false entry in any return, or wilfully omit to make any entry therein as to the due performance of any duty, matter, or thing, which ought to be so entered -- or by any concealment or wilful omission, shall attempt to evade the true spirit and meaning of the orders and regulations of the Force -- or shall be convicted of any offence by a Court of Justice -- or incur, and refuse, or neglect to pay any lawful debt -- or money without leave -- or misapply any money or goods levied under any warrant, or taken from any prisoner -- or give notice, or otherwise cause to be intimated, either directly or indirectly, to any person against whom there shall be a warrant or order, information thereof, with a view to the evasion of such warrant or order -- or divulge any matter or thing which it may be his duty to keep secret -- or who knowing where any offender shall be residing or concealed, shall not immediately inform his Superior officer of the same; or not take due and prompt measures, for the arrest of such person -- or wilfully, or through negligence, allow any prisoner to escape -- or use any cruel, harsh, or unnecessary violence towards any prisoner, or other person -- or leave any place on which he shall have been put on duty -- or absent himself from his division or station without leave -- or be guilty of prevarication before any Court, or upon any inquiry -- or behave in a scandalous manner -- or be seen in any public-house when not necessarily there on

duty -- or be guilty of any profane, immoral, or fraudulent conduct -- or shall violate any standing order or regulation hereafter to be made, shall be dismissed the Service, or shall suffer suspension, loss of rank, or forfeiture of pay, besides any other punishment to which he may be liable by Law.

In addition to the above, a constable is liable to the following penalties for neglect of duty, viz.: -

To a penalty of ten pounds, or one month`s imprisonment, under the 2nd and 3rd Vict., ch. 93,s 12 for neglect of violation of duty.

To imprisonment with hard labour for not exceeding one calendar month under s 14, of the same statute, for not delivering up the whole of his clothing, &c.

To a penalty of ten pounds, under the 22nd and 23rd Vict, ch. 32, s 3, relating to voting at Municipal Elections.

To a penalty of five pounds, by s 4, of the same statute, for neglecting to give proper notice previous to resigning his appointment.

To a penalty of five pounds, under the Mutiny Act, for not billeting soldiers, &c

To a penalty of five pounds, under 5th and 6th William 1V, ch 59, s 16, relating to cruelty to animals

To a penalty of five pounds, under 5th Geo. 1V, ch. 83,ss 6 – 11, for neglecting to apprehend vagrants

To a penalty of five pounds, under 50th Geo.111 ch. 41, s 21, for not apprehending unlicensed hawkers, &c

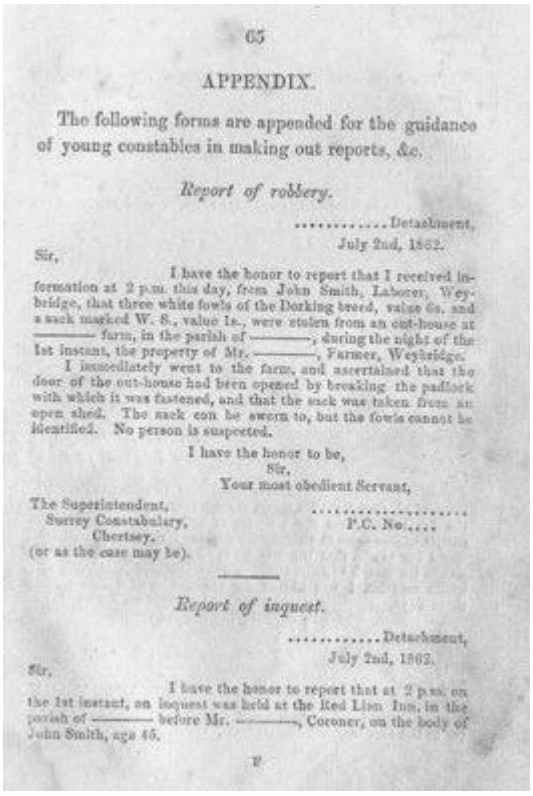
To a penalty of twenty pounds, under 25th Geo 11 ch 36, s 7, relating to disorderly houses.

To a penalty of twenty pounds, under 6th Geo 1V ch. 80, for neglecting to assist excise officers

And to a penalty of ten pounds, under 8th and 9th Vict ch. 126 for omitting to apprehend a wandering person, deemed to be a lunatic.

All offences of which a constable may be guilty, to the prejudice of good order and discipline, though not specified in the foregoing cases, will be punished as the Chief Constable may think proper.

It is to be understood that the instructions for constables, contained in this book, are intended for the guidance of Sergeants and Inspectors also, and when applicable, are to be considered as equally binding, upon Superintendents.



65

APPENDIX.

The following forms are appended for the guidance of young constables in making out reports, &c.

Report of robbery.

.....Detachment,
July 2nd, 1862.

Sir,

I have the honor to report that I received information at 2 p.m. this day, from John Smith, Laborer, Weybridge, that three white fowls of the Dorking breed, value 6s. and a sack marked W. S., value 1s., were stolen from an out-house at ——— farm, in the parish of ———, during the night of the 1st instant, the property of Mr. ———, Farmer, Weybridge.

I immediately went to the farm, and ascertained that the door of the out-house had been opened by breaking the padlock with which it was fastened, and that the sack was taken from an open shed. The sack can be sworn to, but the fowls cannot be identified. No person is suspected.

I have the honor to be,
Sir,
Your most obedient Servant,

The Superintendent,
Surrey Constabulary,
Chertsey.
(or as the case may be).

.....
P.C. No.....

———

Report of inquest.

.....Detachment,
July 2nd, 1862.

Sir,

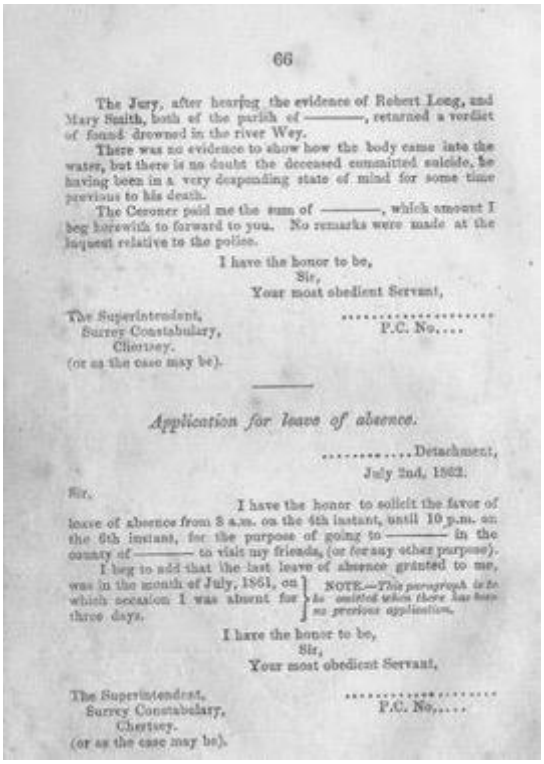
I have the honor to report that at 2 p.m. on the 1st instant, an inquest was held at the Red Lion Inn, in the parish of ——— before Mr. ———, Coroner, on the body of John Smith, age 45.

F

Page 69: To be taken and received under statute 3 and 4 Vict., ch 88,s17 by the Constabulary of that portion of the county of Surrey which is not within the jurisdiction of the Metropolitan Police Force. Approved by the Right Honourable the Lord Viscount Palmerston one of her Majesty's principal Secretaries on the 24th March 1854

Constable's fees to be received only when payable by individuals

1. For the service of every summons, notice or other document within the parish: 1 shilling
2. For the execution of every warrant or the lawful apprehension of every person without warrant, not exceeding 2 shillings
3. For attendance before a magistrate, or at petty or Special Session, with a prisoner, or to prove the service of a summons: 1 shilling
4. If on any subsequent day: 2 shillings and six pence
5. For every mile out beyond the limits of the parish in which the constable is stationed in each case in addition to the above six pence.



66

The Jury, after hearing the evidence of Robert Long, and Mary Smith, both of the parish of ———, returned a verdict of found drowned in the river Wey.

There was no evidence to show how the body came into the water, but there is no doubt the deceased committed suicide, he having been in a very desponding state of mind for some time previous to his death.

The Coroner paid me the sum of ———, which amount I beg herewith to forward to you. No remarks were made at the inquest relative to the police.

I have the honor to be,
Sir,
Your most obedient Servant,

The Superintendent,
Surrey Constabulary,
Chertsey.
(or as the case may be).

.....
P.C. No....

Application for leave of absence.

.....Detachment,
July 2nd, 1862.

Sir,

I have the honor to solicit the favor of leave of absence from 8 a.m. on the 4th instant, until 10 p.m. on the 6th instant, for the purpose of going to ——— in the county of ——— to visit my friends, (or for any other purpose).

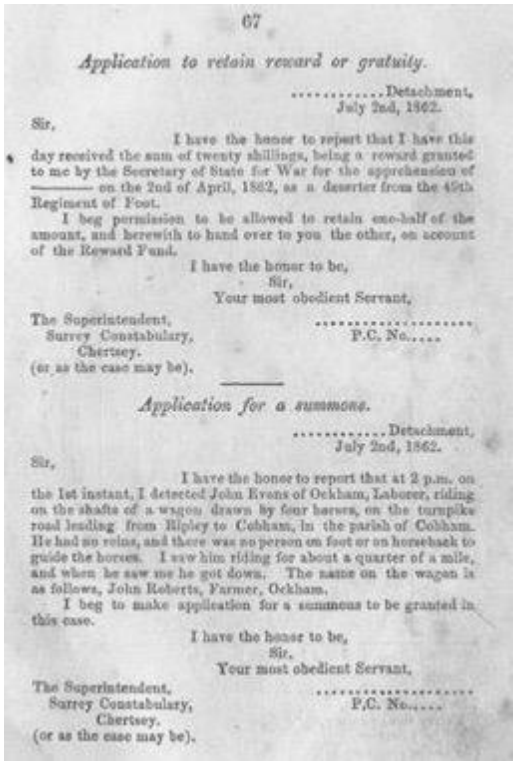
I beg to add that the last leave of absence granted to me, was in the month of July, 1861, on which occasion I was absent for three days.

NOTE.—*This paragraph is to be omitted when there has been no previous application.*

I have the honor to be,
Sir,
Your most obedient Servant,

The Superintendent,
Surrey Constabulary,
Chertsey.
(or as the case may be).

.....
P.C. No....



67

Application to retain reward or gratuity.

.....Detachment,
July 2nd, 1862.

Sir,

I have the honor to report that I have this day received the sum of twenty shillings, being a reward granted to me by the Secretary of State for War for the apprehension of ——— on the 2nd of April, 1862, as a deserter from the 45th Regiment of Foot.

I beg permission to be allowed to retain one-half of the amount, and herewith to hand over to you the other, on account of the Reward Fund.

I have the honor to be,
Sir,
Your most obedient Servant,

The Superintendent,
Surrey Constabulary,
Chertsey.
(or as the case may be).

.....
P.C. No....

Application for a summons.

.....Detachment,
July 2nd, 1862.

Sir,

I have the honor to report that at 2 p.m. on the 1st instant, I detected John Evans of Ockham, Laborer, riding on the shafts of a wagon drawn by four horses, on the turnpike road leading from Ripley to Cobham, in the parish of Cobham. He had no reins, and there was no person on foot or on horseback to guide the horses. I saw him riding for about a quarter of a mile, and when he saw me he got down. The name on the wagon is as follows, John Roberts, Farmer, Ockham.

I beg to make application for a summons to be granted in this case.

I have the honor to be,
Sir,
Your most obedient Servant,

The Superintendent,
Surrey Constabulary,
Chertsey.
(or as the case may be).

.....
P.C. No....

Allowances payable by parishes.

1. For subsistence of a prisoner in any case when not chargeable upon the county, after the rate per day of not exceeding 0 9

2. For subsistence and lodging of a prisoner, in any case when not chargeable upon the county, after the rate per night of not exceeding 0 9

The above charges do not apply to the service of summonses for the non-payment of Parochial and Local Rate, which are to be as follows, viz. :—

1. For the service of every summons within the parish .. 0 6

2. For attendance before a Magistrate to prove the service of a summons .. .. *nil.*

3. For every mile out beyond the limits of the parish in which the constable is stationed, in each case in addition to the above 0 3

Allowances payable to the police stock for the attendance of the Police at inquests, &c.

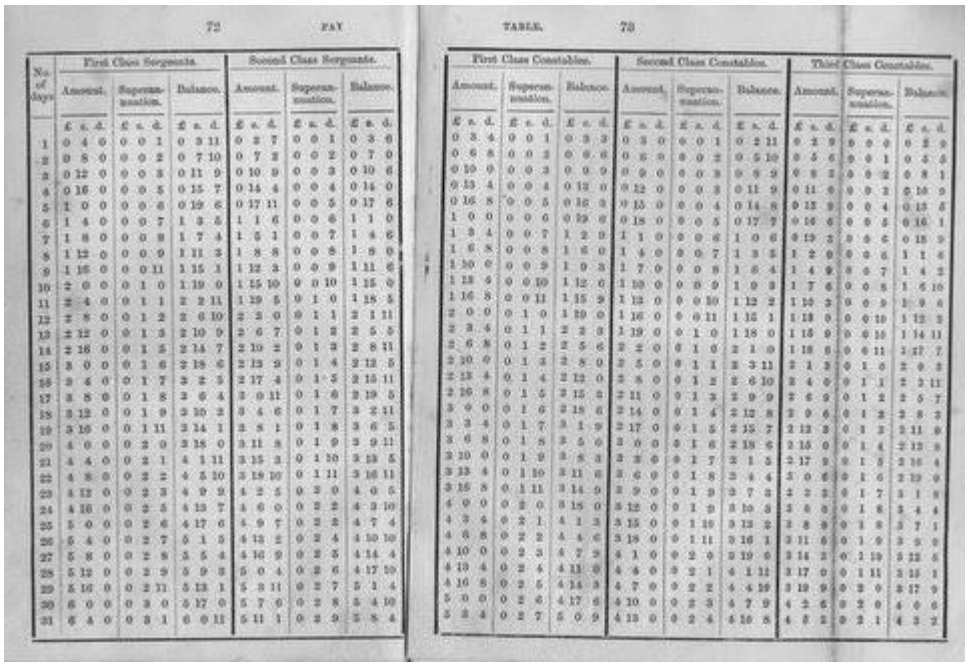
To the constable, for giving information to the Coroner upon application for a warrant to summon a jury, if residing within two miles of the Coroner's office 2 0

For every mile he may be compelled to travel each way (to and fro) beyond the distance of two miles from the place where the body lies, to the residence of the Coroner, to procure the warrant, (unless the communication be made by post) an additional allowance per mile of.. 0 3

For summoning the jury and witnesses, and attending upon the Coroner during the inquest.. .. .. .. 6 0

And if it be necessary to summon witnesses or jurors from a greater distance than two miles from the place where the body lies, then to the constable, summoning them, the sum of 2s. per day for every day after the first, and 3d. per mile for every mile he may have occasion to travel.

And for attendance during adjournments of any inquest, per day 2 6



72 PAY

No. of days	First Class Sergeants. Amount.	Superannuation.	Balance.	Second Class Sergeants. Amount.	Superannuation.	Balance.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	0 4 0	0 0 1	0 3 11	0 3 7	0 0 1	0 3 6
2	0 8 0	0 0 2	0 7 10	0 7 2	0 0 2	0 7 0
3	0 12 0	0 0 3	0 11 9	0 10 9	0 0 3	0 10 6
4	0 16 0	0 0 5	0 15 7	0 14 4	0 0 4	0 14 0
5	1 0 0	0 0 6	0 19 6	0 17 11	0 0 5	0 17 6
6	1 4 0	0 0 7	1 3 5	1 1 6	0 0 6	1 1 0
7	1 8 0	0 0 8	1 7 4	1 5 1	0 0 7	1 4 6
8	1 12 0	0 0 9	1 11 3	1 8 8	0 0 8	1 8 0
9	1 16 0	0 0 11	1 15 1	1 12 3	0 0 9	1 11 6
10	2 0 0	0 1 0	1 19 0	1 15 10	0 0 10	1 15 0
11	2 4 0	0 1 1	2 2 11	1 19 5	0 1 0	1 18 5
12	2 8 0	0 1 2	2 6 10	2 3 0	0 1 1	2 1 11
13	2 12 0	0 1 3	2 10 9	2 6 7	0 1 2	2 5 5
14	2 16 0	0 1 5	2 14 7	2 10 2	0 1 3	2 8 11
15	3 0 0	0 1 6	2 18 6	2 13 9	0 1 4	2 12 5
16	3 4 0	0 1 7	3 2 5	2 17 4	0 1 5	2 15 11
17	3 8 0	0 1 8	3 6 4	3 0 11	0 1 6	2 19 5
18	3 12 0	0 1 9	3 10 3	3 4 6	0 1 7	3 2 11
19	3 16 0	0 1 11	3 14 1	3 8 1	0 1 8	3 6 5
20	4 0 0	0 2 0	3 18 0	3 11 8	0 1 9	3 9 11
21	4 4 0	0 2 1	4 1 11	3 15 3	0 1 10	3 13 5
22	4 8 0	0 2 2	4 5 10	3 18 10	0 1 11	3 16 11
23	4 12 0	0 2 3	4 9 9	4 2 5	0 2 0	4 0 5
24	4 16 0	0 2 5	4 13 7	4 6 0	0 2 2	4 3 10
25	5 0 0	0 2 6	4 17 6	4 9 7	0 2 3	4 7 4
26	5 4 0	0 2 7	5 1 5	4 13 2	0 2 4	4 10 10
27	5 8 0	0 2 8	5 5 4	4 16 9	0 2 5	4 14 4
28	5 12 0	0 2 9	5 9 3	5 0 4	0 2 6	4 17 10
29	5 16 0	0 2 11	5 13 1	5 3 11	0 2 7	5 1 4
30	6 0 0	0 3 0	5 17 0	5 7 6	0 2 8	5 4 10
31	6 4 0	0 3 1	6 0 11	5 11 1	0 2 9	5 8 4

TABLE. 73

First Class Constables. Amount.	Superannuation.	Balance.	Second Class Constables. Amount.	Superannuation.	Balance.	Third Class Constables. Amount.	Superannuation.	Balance.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
0 3 4	0 0 1	0 3 3	0 3 0	0 0 1	0 2 11	0 2 9	0 0 0	0 2 9
0 6 8	0 0 2	0 6 6	0 6 0	0 0 2	0 5 10	0 5 6	0 0 1	0 5 5
0 10 0	0 0 3	0 9 9	0 9 0	0 0 3	0 8 9	0 8 2	0 0 2	0 8 1
0 13 4	0 0 4	0 13 0	0 12 0	0 0 3	0 11 9	0 11 6	0 0 2	0 11 4
0 16 8	0 0 5	0 16 3	0 15 0	0 0 4	0 14 8	0 13 9	0 0 4	0 13 5
1 0 0	0 0 6	0 19 6	0 18 0	0 0 5	0 17 7	0 16 6	0 0 5	0 16 1
1 3 4	0 0 7	1 2 9	1 1 0	0 0 6	1 0 6	0 19 2	0 0 6	0 18 9
1 6 8	0 0 8	1 6 0	1 4 0	0 0 7	1 3 5	1 2 0	0 0 6	1 1 6
1 10 0	0 0 9	1 9 3	1 7 0	0 0 8	1 6 4	1 4 9	0 0 7	1 4 2
1 13 4	0 0 10	1 12 6	1 10 0	0 0 9	1 9 3	1 7 6	0 0 8	1 6 10
1 16 8	0 0 11	1 15 9	1 13 0	0 0 10	1 12 2	1 10 3	0 0 9	1 9 6
2 0 0	0 1 0	1 19 0	1 16 0	0 0 11	1 15 1	1 13 0	0 0 10	1 12 2
2 3 4	0 1 1	2 2 3	1 19 0	0 1 0	1 18 0	1 15 9	0 0 11	1 14 11
2 6 8	0 1 2	2 5 6	2 2 0	0 1 0	2 1 0	1 18 6	0 0 11	1 17 7
2 10 0	0 1 3	2 8 9	2 5 0	0 1 1	2 3 11	2 1 3	0 1 0	2 0 3
2 13 4	0 1 4	2 12 0	2 8 0	0 1 2	2 6 10	2 4 0	0 1 1	2 2 11
2 16 8	0 1 5	2 15 2	2 11 0	0 1 3	2 9 9	2 6 9	0 1 2	2 5 7
3 0 0	0 1 6	2 18 6	2 14 0	0 1 4	2 12 8	2 9 6	0 1 3	2 8 3
3 3 4	0 1 7	3 1 9	2 17 0	0 1 5	2 15 7	2 12 3	0 1 3	2 11 0
3 6 8	0 1 8	3 5 0	3 0 0	0 1 6	2 18 6	2 15 0	0 1 4	2 12 8
3 10 0	0 1 9	3 8 3	3 3 0	0 1 7	3 1 5	2 17 9	0 1 5	2 16 4
3 13 4	0 1 10	3 11 6	3 6 0	0 1 8	3 4 4	3 0 6	0 1 6	2 19 0
3 16 8	0 1 11	3 14 9	3 9 0	0 1 9	3 7 3	3 3 3	0 1 7	3 1 8
4 0 0	0 2 0	3 18 0	3 12 0	0 1 9	3 10 3	3 6 0	0 1 8	3 4 4
4 3 4	0 2 1	4 1 3	3 15 0	0 1 10	3 13 2	3 8 9	0 1 8	3 7 1
4 6 8	0 2 2	4 4 6	3 18 0	0 1 11	3 16 1	3 11 6	0 1 9	3 9 9
4 10 0	0 2 3	4 7 9	4 1 0	0 2 0	3 19 0	3 14 3	0 1 10	3 12 5
4 13 4	0 2 4	4 11 0	4 4 0	0 2 1	4 1 11	3 17 0	0 1 11	3 15 1
4 16 8	0 2 5	4 14 3	4 7 0	0 2 2	4 4 16	3 19 9	0 2 0	3 17 9
5 0 0	0 2 6	4 17 6	4 10 0	0 2 3	4 7 9	4 2 6	0 2 0	4 0 6
5 3 4	0 2 7	5 0 9	4 13 0	0 2 4	4 10 8	4 5 3	0 2 1	4 3 2

SURREY

POLICE LIBRARY.

THE RULES

TO BE OBSERVED BY THE MEMBERS,

AND A

CATALOGUE OF THE BOOKS

IN THE LIBRARY.

E. ANDREWS, PRINTER, GUILDFORD.
1860.

Robert Bartlett 938at938@gmail.com

RULES, &c.

1. The Library shall consist of members who are actually serving in the Surrey Constabulary, and no person shall be entitled to any of its privileges after his removal from the Force.

2. Each member, upon payment of one shilling entrance fee, will receive a copy of the Rules and a Catalogue gratis, (to be given up on quitting the Force); after which he is entitled to be supplied with one book at a time, which must not be kept by him for a longer period than one calendar month.

3. He will be liable to be fined for the following:—

For lending out of his own house any book belonging to the Library—sixpence.

For damaging or losing any book belonging to the Library—a sum not exceeding the price of a new copy.

For detaining any book belonging to the Library longer than the time specified on the cover (viz., one calendar month)—one half-penny per day.

4. All fines to be paid to the Superintendent, on his application, before the member who has incurred them shall be allowed any further participation in the privileges of the Library.

5. The entrance money and fines shall be appropriated to the purchase of books, and to defray the necessary expenses.

6. In cases of removal all books must be delivered up to the Superintendent before leaving the Division.

7. Each Division will be supplied with six volumes over and above the number of members.

8. No book must be kept in any Division for a longer period than three calendar months.

9. Members applying for fresh books are recommended to choose, at least, six volumes from the catalogue; and all applications for books from the Library are to be made by Superintendents, agreeably to the accompanying form.

(3)* *books returned from the Division, on the* *day of* 186 , *viz.—Nos.* *and* (3)* *others required from the following list.*

Names of Members.	Number of Books.

*Or as the case may be.

SUMMARY OF BOOKS IN THE SURREY POLICE LIBRARY.

History	75
Biography	43
Geography, Voyages, Travels, &c.	43
Religious Works	10
Works relating to the Police and Criminal Law of England	40
Poetry and the Drama	18
Novels, Romances, and Tales	275
Miscellaneous Literature	41
Periodical Literature	75
Total Number of Volumes	620

CATALOGUE.

HISTORY.

Greece and the Greeks	*About*	31
History of Brazil, 2 vols.	*Armitage*	97-98
History of the United States, 5 vols.	*Bancroft*	43to47
America and the Americans	*Baxter*	27
History of France	*Bonnechose*	30
History of Spain, 2 vols.	*Calleott*	114-115
The Russo-Turkish Campaigns of 1828 and 1829	*Chesney*	92
Russia and the Russians	*Cole*	56
The Indian Rebellion, its causes and results	*Duff*	57
The War in the Crimea	*Earl of Ellesmere*	25
History of England	*Feryuson*	41
History of Poland	*Fletcher*	95
The Russian Empire	*Friswell*	37
The Insurrection in China	*Gallery & Yeats*	94
History of England (2 copies)	*Goldsmith*	26
History of Greece	,,	39
History of the United States, 2 v.	*Mary Howitt*	48-49
History of England, 21 vols.	*Hume & Smollett*	1 to 21
History of the Sandwich Islands	*Jarves*	42
History of Germany	*Koklrausch*	100
History of London	*Mackay*	24
History of the Anglo Saxons	*Miller*	40
History of the Crimea	*Milner*	98
History of Russia	,,	101

Instructions for the Guidance of the Surrey Constabulary

1889

Chief Constable Captain Hastings

Much of these instructions are a copy of the 1862 version and so parts have been omitted to avoid too much repetition.

GUILDFORD

Printed by W. Stent & Sons, 32, High Street

1889 PREFACE

The guidance on how to deal with crime is replicated from the 1862 Issue of Instructions for the Guidance of the Surrey Constabulary. By reading the guidance and instructions it is possible to gain an understanding of how members of the Surrey Constabulary spent their working and off duty lives.

The following Orders and Instructions are published for the guidance and information of the Surrey Constabulary, and the Chief Constable will at all times require that they shall be implicitly observed.

The various members of the Force are also reminded, that the character of a body is not infrequently judged of by the conduct of individuals, and it will consequently be the interest of the zealous and well-conducted of all ranks, to assist in bringing to the Chief Constable's notice, any irregularity, or neglect of duty, on the part of others, which may, on any occasion, come to their knowledge.

Chief Constable's Office, Guildford, May 1889

Conditions of Service are very similar in fact almost word for word to the 1862 version above.

General Instructions

The following instructions for the Surrey Constabulary, are not to be understood as containing rules of conduct applicable to every variety of circumstances that may occur in the performance of their duty; much must necessarily be left to the intelligence and discretion of individuals, and according to the degree in which they show themselves possessed of these qualities, and to their zeal, activity, and judgment on all occasions, will be their claim to future promotion and reward.

Every constable must readily and punctually obey the orders of his Superiors; if they appear to him improper, he may complain to the Chief Constable, through his Superintendent, who will pay due attention to him. Any refusal to perform the commands of his Superiors, or negligence in doing so, will not be suffered.

It should be understood at the outset, that the principal object to be attained is the prevention of crime.

To this end, every effort of the Constabulary is to be directed. The security of persons and property, the preservation of the public tranquillity, and all the other objects of a well regulated Police Force will thus be better effected, than by the detection and punishment of the offender after he has succeeded in committing the crime. This should be constantly kept in mind by every member of the Force, as a guide for his own conduct. Constables should endeavour to distinguish themselves by such vigilance, and activity, as may render it extremely difficult for anyone to commit a crime within that portion of the district under their charge.

The constable should, on his first arrival at a station, wait upon the Magistrates residing within his district, and take every pains to inform himself of all bad characters residing in the neighbourhood.

When he goes on duty, he will take care to beat the appointed place, (if not before), precisely at the prescribed hour; and he will be held responsible for the security of life and property within his beat, for the preservation of the peace, and general good order during the time he is on duty.

He is to patrol every part of his detachment as often as practicable, unless it be necessary to observe the conduct of any suspected person, or for any other reason; in which case he will be required to satisfy his Superior Officer that there was a sufficient cause for such apparent irregularity. He will also attend at the appointed places and times of conference, and report to his Superintendent everything requiring notice. He must not make known to any person the limits of his beat, or his points

of conference. He will not be allowed to carry a stick, or an umbrella when on duty. He must declare himself before acting at night, and on all occasions when out of uniform, and be very cautious how he confides in persons representing themselves to be Peace Officers, without being thoroughly satisfied that such is the case.

He is never to appear out of uniform, except when on leave of absence, or by the direction of the Chief Constable, or Superintendent, in cases where disguise may be considered necessary in the execution of a particular duty. He must not refuse to show his number, or tell it when asked; should he do so he will be severely punished, as such refusal can only be caused by his having done something of which he is ashamed. He must be scrupulously exact, in the care of his clothing and appointments, and clean and neat in his person; as independently of other considerations, a man who is negligent in these respects will be looked upon as careless and slovenly in the execution of his official duties, and cannot be retained in the Service.

When walking along the streets, he must not shoulder past any person, but give way in a respectful manner. In towns, he should keep on the outward side of the foot-path during the day and next to the houses at night.

He is strictly cautioned against idle conversation referring to the Service, more particularly with strangers, and when in public conveyances; and he must not whilst on duty, enter into conversation with any one, except on matters solely relating to his duty. Persons making inquiries however are to be treated with civility and attention, the constable giving all the information in his power with as little delay as possible. Insolence or incivility will not be overlooked, and improper language is on no pretence to be used by the constable.

He is not to associate, or hold any communication with men who have been dismissed the Service.

He is to treat every Magistrate with attention and respect, and be civil to persons of every rank and class. As it is of the greatest importance that each man should be respected by the Magistrates and people, he will be extremely cautious in his demeanour, and by sober, orderly, and regular habits, respectful attention to every person, and ready zeal to execute the lawful orders and commands of the Magistrates, endeavour to obtain the approbation of all classes.

He must take care that persons giving information be duly protected, and strict secrecy observed with respect to them; and in all particular cases he is to take down in writing such information, requiring the informants to authenticate the same by their signature.

He will caution persons against assembling or loitering at the corners, or other places in the streets, to the inconvenience or annoyance of the public.

Children found wandering abroad, unable to give an account of their residence, are to be taken to the nearest station, and authority procured from the overseer of the parish, or relieving officer for their admittance into the workhouse. Publicity of the circumstances must be given, and a full report forwarded to the Superintendent. In all cases of destitution, immediate notice is to be given to the parish officers of the district.

If the constable observes anything in the roads or streets likely to produce danger or public inconvenience, he must report it to his Superintendent.

He will be particularly cautious not to interfere idly or unnecessarily: when required to act he will do so with decision and boldness, and on all occasions he will be supported in the proper exercise of his authority.

He must remember that there is no qualification more indispensable in a constable than command of temper; if he does his duty in a quiet and determined manner, such conduct will induce well disposed bystanders to assist him, should he require it.

He must when his usual hours of patrol are over, return to his own quarters, and unless called out to perform service (the nature of which must be reported by him), he is expected to be found there until the hour of his again going on duty arrives.

Whenever a constable resides in a police station, he must not leave it without permission of the officer in charge; and when allowed to do so, must always report his return.

He is on no account to absent himself from his detachment, on his own private affairs, without the permission of the Chief Constable, or Superintendent: when desirous of obtaining leave to do so, application must be made in writing, specifying the day and hour of departure, as well as of return. Leave will not be granted to any constable who has served less than twelve months in the Force, or during the winter months, viz: - from November 1st to March 1st, except under urgent circumstances. Constables returning from leave of absence must always report themselves to the Superintendent of the Division.

When the constable has occasion to visit Guildford, whether on public or private business, he must report himself to the Chief Constable's office immediately on arrival.

All Superior Officers, Magistrates, and others entitled to such mark of respect, are to be saluted in the usual manner, but the hat is in no case to be removed from the head.

As far as practicable, the duties on Sundays and other days appointed for public worship will be arranged so as to enable every constable to attend Divine Service, and each member of the Force is required to show a due respect for the observance of the Sabbath Day.

When the constable is unable to perform his duty in consequence of sickness, a medical certificate must be forwarded to his Superintendent with as little delay as possible, in which the nature of the illness is to be stated, and previous to his being permitted to return again to his duty, another certificate is to be given to the Superintendent, certifying that the constable has sufficiently recovered from such illness, to be able to resume his ordinary police duty. Medical certificates should not be made out on less than a quarter of a sheet of foolscap paper.

SURREY CONSTABULARY
GUILDFORD

6th January 1914 (Note by Ed: This is the date as transcribed) and is probably a pasted amendment

Pay of the Surrey Constabulary

		£	s	d
Superintendents:-				
Second Class, on appointment per annum		180	0	0
Ditto after 5 years service	do	200	0	0
First Class, on appointment	do	230	0	0
Ditto after 5 years service	do	250	0	0
Inspectors: -				
On appointment	do	126	0	0
After 5 years service	do	138	0	0
Sergeants: -				
On appointment	per week	1	13	3
After 2 years service	do	1	14	5
After 4 years service	do	1	15	7
After 6 years service	do	1	16	9
Constables:-				
Third Class	do	1	4	6
Second Class	do	1	5	8
First Class, on appointment	do	1	6	10

After 2 years service	do	1 8 0
After 5 years service	do	1 9 2
After 8 years service	do	1 10 4

Scale of Special Service Allowance

The Standing Joint Committee have sanctioned the following scale of Special Service Allowances for constables when engaged on special duty at a place which is in their beat, or in the district assigned to them, and which is at a distance of more than 3 miles from their homes.

If necessarily detained from home more than 4 hours and less than 8 hours: -

Superintendents	…	…	2/-
Inspectors	…	…	1/6
Sergeants	…	…	1/-
Constables	…	…	1/-

If necessarily detained from home 8 hours, and less than 12 hours: -

Superintendents	…	…	4/-
Inspectors	…	…	3/-
Sergeants	…	…	2/6
Constables	…	…	2/-

If necessarily detained from home 12 hours or upwards:-

Superintendents	…	…	5/-
Inspectors	…	…	4/-
Sergeants	…	…	3/-
Constables	…	…	2/6

If required to sleep away from home, then a further sum, per night, of:-

Superintendents	…	…	4/-

Inspectors	…	…	3/6
Sergeants	…	…	3/-
Constables	…	…	2/6

Service of Summonses

Every summons must be served by the constable as soon as possible after receipt, and on the person to whom it is directed, either personally, or if he cannot conveniently be met with, then by leaving the same with some person for him, at his last and most usual place of abode, and the constable serving the same, must attend at the time and place mentioned in the summons, to depose, if necessary, to the service thereof. The first duty of the constable on receiving a summons, is carefully to compare the original with the copy, in order that he may be satisfied that such copy is a correct one; he must then endeavour to serve it upon the person to whom it is directed, personally if possible, explaining to such person at the time, when and where he is required to appear, and if he wishes the summons to be read to him, it is the duty of the constable to comply with such request. No summons must be served upon a Sunday. The time and manner of serving the summons is to be inserted on the back of the copy immediately after service, in accordance with the accompanying forms:-

If the summons was served personally, the following form may be used. "Served a true copy of this summons upon the within-named John Clark personally, at 2pm on the…… day of……1889" If the summons was not served personally, say, "Left a true copy of this summons at the residence of the within-named John Clark. By giving the same for him to Ann Clark, his wife, at 2pm on the……day of……..1889"

All copies of summonses are to be forwarded, so as to reach the Superintendent, on the morning of the day preceding that on which the Petty Sessions are held: together with a memorandum, stating the name trade , and address of the witnesses - if such can be ascertained – pinned to the corner of such copy, for the information of the Superintendent.

The constable is not to absent himself from his detachment for a greater distance than five miles, for the purpose of serving a summons, without first obtaining permission from his Superintendent.

Applications for summonses are to be made to the Superintendent of the division, and the following information supplied viz:-

1. Name, trade and address of the defendant.
2. Nature of offence.
3. Date of offence (day and hour)

4. Parish in which offence was committed.
5. Name and address of the witness, or witnesses.
6. Full particulars of the case.
7. If the offence be theft, state the description and value of the property, together with the name and address of the person to whom it belongs.
8. If willful damage, state the description of the property, the amount of injury done, and the name and address of the person to whom it belongs.
9. If an offence under the highway or turnpike acts, state the particular road where the offence was committed.

Clothing, Appointments

Every constable will be supplied with the following articles of clothing and appointments (a); (in addition to his pay) which he will be required to deliver up on quitting the Force:-

Clothing supplied in the year 1888.

One great coat
One cape
One tunic
One pair of undress trousers
One helmet
One pair of winter gloves

Clothing supplied in the year 1889

One tunic
One pair of dress trousers
One helmet
One pair of winter gloves

Appointments &c

One staff
One pair of handcuffs
Two handcuff rings
One whistle
One lamp
One waist-belt and cape strap
One instruction book and case.
One pocket book
One warrant card
One button brass.
One button brush.

Upon the new clothing for the year 1890 being served out to the constable, he will be entitled to that which was issued in the year 1888, upon payment of the sum of four shillings; and in the year 1891, he will be entitled to that which was supplied in the year 1889, upon the payment of the sum of two shillings and sixpence, and so on in successive years. A quarterly allowance of six shillings and sixpence, in lieu of boots and shoes, is granted to each constable who has served in the Force for three months preceding the first of April, the first day of July, the first day of October, and the first day of January in each year. No allowance is granted for a less period. The sum of one shilling per month is also granted to the constable, for the purpose of purchasing oil and cotton for the police lamp provided for his use.

Periodical duties to be performed by the constable

The constable must, when attending at the divisional station to receive his pay, produce the several articles of clothing and appointments mentioned under the head of the respective months, for the purpose of their being inspected by the Superintendent, and care must be taken that such articles be perfectly clean and in good repair. He must also take with him for the information of the Superintendent, the following returns, which are always to be written on not less than a quarter sheet of foolscap paper.

Every Monday

1. The constable`s weekly journal is to be forwarded to the Superintendent.
2. Reports or letters relative to police duty, which the constable may have received from any person.
3. Unexecuted warrants, with a description of the persons named therein, and any other particulars.

January

Articles to be produced on pay-day - two tunics, two pairs of dress trousers, two serviceable pairs of boots, staff, pocket book, warrant card, handcuffs and rings

February

Articles to be produced on pay-day - two helmets, button-brass and brush, staff, pocket book, warrant card, handcuffs and rings

On the last Monday in this month, the constable must make application to his Superintendent for a supply of notices relative to the time and place appointed for the general annual licensing meeting (unless he has received them previously). Immediately on receipt of the notices, he must post one on the door of each parish church or chapel, give one to each resident Magistrate, or leave it at his house, and deliver one to each publican, or applicant for a spirit licence. He shall receive from each publican, or applicant, upon the delivery of the notice, the sum of one shilling, which amount he is to hand over to his Superintendent.

August

Articles to be produced on pay-day – the same as in the month of February
The constable will also take with him, a return of all persons within his detachment using weights, measures, or balances.

September

Articles to be produced on pay-day – the same as in the month of March

October

The same as the month of April

November

The same as in the month of May

December

Articles to be produced on pay-day – the same as in the month of June

The constable will also take with him a return of stolen or lost property in his possession, with the description and estimated value thereof.

The constable must report to his Superintendent, in writing, the date upon which a fair or club is to be held within his detachment, at least seven days previous to its occurrence.

He must also forward, so as to reach his Superintendent on the morning of the last day of each month, an application for contingent expenses – if any – incurred by him during the month.

The following forms are appended for the guidance of young constables in making reports, &c.

Report of robbery

……..Detachment

July 2nd 1889

Sir,

I have the honor (sic*)* to report that I received information at 2pm this day, from John Smith, Labourer, Weybridge, that three white fowls of the Dorking breed, valued 6s and a sack marked W.S., value 1s, were stolen from an out-house at----------farm, in the parish of ……., during the night of the 1st instant, the property of Mr……., Farmer, Weybridge.

I immediately went to the farm, and ascertained, that the door of the out-house had been opened by breaking the padlock with which it was fastened, and that the sack was taken from an open shed. The sack can be sworn to, but the fowls cannot be identified. No person is suspected.

I have the honor to be,
Sir,
Your most obedient Servant

……..
P. C. No……

The Superintendent,
Surrey Constabulary,
Chertsey
(Or as the case may be)

Report of Inquest

……..Detachment

July 2nd, 1889

Sir,

I have the honor to report that at 2pm on 1st instant, an inquest was held at the Red Lion Inn, in the parish of …… before Mr……, Coroner, on the body of John Smith, aged 45

The Jury, after hearing the evidence of Robert Long, and Mary Smith, both of the parish of….. returned a verdict of found drowned in the river Wey.

There was no evidence to show how the body came into the water, but there is no doubt the deceased committed suicide, he having been in a very desponding state of mind for some time previous to his death.

The Coroner paid me the sum of……., which amount I beg herewith to forward to you. No remarks were made at the inquest relative to the police.

I have the honor to be,
Sir,
Your most obedient Servant,

……

P.C. No……

The Superintendent,
Surrey Constabulary,
Chertsey
(Or as the case may be)

Application for leave of absence

Sir,
I have the honor to solicit the favor of leave of absence from 8am until 10pm on 6th instant, for the purpose of going to…… in the county of……. to visit my friends, (or for any other purpose).

I beg to add that the last leave of absence granted to me , was in the month of July 1888, on which occasion I was absent for three days. (NOTE - This paragraph is to be omitted when there has been no previous application.)

I have the honor to be,
Sir,
Your most obedient Servant,

……
P.C. No…….

Application to retain reward or gratuity

…….

Detachment,

July

2nd, 1889

Sir,
I have the honor to report that I have this day received the sum of twenty shillings, being a reward to me by the Secretary of State for War for the apprehension of …….. on 2nd April, 1889, as a deserter from the ……..Regiment.
I beg to be allowed to retain the amount.

I have the honor to be,
Sir,

I have the honor to be,
Sir,
your most obedient Servant,

……
P.C. No……

The Superintendent,
Surrey Constabulary,
Chertsey
(Or as the case may be)

Application for a summons

Sir,

.....Detachment

July 2nd,

1889

I have the honour (As printed in the book, a change from `honor`!) to report that at 2pm on 1st instant. I detected John Evans of Ockham, Labourer, riding on the shafts of a wagon drawn by four horses, on the highway leading from Ripley to Cobham, in the parish of Cobham. He had no reins, and there was no person on foot or on horseback to guide the horses. I saw him riding for about a quarter of a mile, and when he saw me he got down. The name on the wagon is as follows, John Roberts, Farmer, Ockham.

I beg to make application for a summons to be granted in this case.

I have the honour to be,
Sir,
Your most obedient Servant,

.....
P.C. No.....

The Superintendent,
Surrey Constabulary,

Robert Bartlett 938at938@gmail.com

Chertsey
(Or as the case may be)

.....Detachment
June, 30th, 1889

Sir,

Application for contingent expenses

I have the honour to make application for the following contingent expenses incurred by me during the month of June, 1889:-

Date	Nature of service performed	Amount
7th	Left my residence at 8am on the 7th, and went to ..... in pursuit of John Roberts, who is suspected of having been concerned in the burglary at....., I walked from ..... to ..... being 4 miles, and proceeded by train from ..... to..... being 21 miles, and back to..... being 24 miles. Railway fare.....	£ s. d. 3 9
	Returned to my residence at 4pm on 7th Constable's allowance	1 0
21st	Left my residence at 1pm on the 21st, and conveyed Robert Miles from Guildford to Wandsworth, being 26 miles. Third-class railway-fare for prisoner	2 2
	Railway-fare for myself from Guildford to Wandsworth and back to Guildford being 52 miles.	3 4
	Returned to my residence at 8pm on 21st Constable's allowance	1 0
	Total: -	£. 11 3

I have the honour to be,
Sir,
Your most obedient Servant,

.....
P.C. No.....

Fees and Allowances

To be taken and received under Stat. 3 and 4 Vict, ch. 88, s 17, by the Constabulary of that portion of Surrey not within the jurisdiction of the Metropolitan Police Force. Approved by the Right Honourable the Lord Viscount Palmerston, one of Her Majesty`s Principal Secretaries of State, on 24th May 1858.

Constables` Fees, to be received only when payable by individuals

1. For the service of every summons, notice or other document within the parish 1s 0
2. For the execution of every warrant, or the lawful apprehension of every person without a warrant, not exceeding 2s 0
3. For attendance before a Magistrate, or at a Petty or Special Session, with a prisoner, or to prove the service of a summons 1s
4. If on any subsequent day 2s 6
5. For every mile out beyond the parish in which the constable is stationed, in such case, in addition to the above 0s- 6

Allowances payable by parishes

1. For subsistence of a prisoner in any case when not chargeable upon the county after the rate per day of not exceeding 0s –9
2. For subsistence and lodging of a prisoner, in any case when not chargeable upon the county, after the rate per night of not exceeding 0s -9

The above charges do not apply for the service of summonses for the non-payment of Parochial and Local Rates, which are to be as follows:-

1. For the service of every summons within the parish 0s – 6
2. For attendance before a Magistrate to prove the service of a summons Nil
3. For every mile out beyond the limits of the parish in which the constable is stationed, in each case, in addition to the above 0s –6

Allowances payable to the police stock for the attendance of the police at inquests &c.

To the constable, for giving information to the Coroner upon application for a warrant to summon a jury, if residing within two miles of the Coroner`s office 2s – 0

For every mile he may be compelled to travel each way (to and fro) beyond the distance of two miles from the place where the body lies, to the residence of the Coroner, to procure the warrant (unless the communication be made by post), an additional allowance per mile of 0s – 3

For summoning the jury and witnesses, and attending upon the Coroner during the inquest 6s– 0

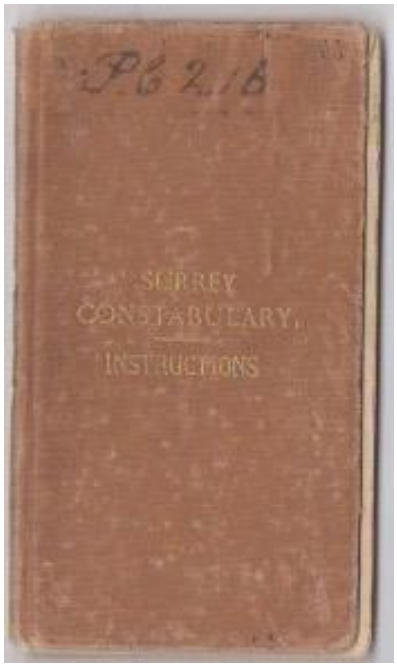
And if it be necessary to summon witnesses or jurors from a greater distance than two miles from the place where the body lies, then the constable, summoning them the sum of 2s per day for every day after the first, and 3d per mile for every mile he may have occasion to travel.

And for attendance during adjournments of any inquest, per day 2s – 6

Surrey Constabulary Instruction Book

About 1900

There is a version published by Captain Sant the second chief constable but is undated. Having taken the appointment in 1899 it is likely the booklet was published about 1900. It is a small very slim volume, 3 inches by 5½ inches, numbering 59 pages with supplements on taking statements from prisoners in custody and the discipline code.



Introduction[834]

The following is Captain Sant's introduction to the instruction book a form of words his predecessor could well have used as could his successors.

[834] Surrey Constabulary Instructions about 1900 page 4

"In issuing these instructions to the Force, I wish it to be understood tat so small a book cannot contain all that it is necessary for police constables to know; it is merely intended to help them in matters of more common occurrence. For the benefit of the younger members of the Force, I would say a few words with regard to the responsibilities and duties of the police in general.

The appointment of a Constable is one of the most honourable which man can hold, for to the Constable is entrusted the power of doing good or evil to a far greater extent than in almost any other station in life. A good constable can do an immense amount of good, a bad one an almost incalculable amount of harm. For this reason it is necessary to obtain the best men possible for the office, and to retain only such men as are willing and able to fulfil their duties conscientiously and well, desirous of doing credit to the force of which they are members, and to which they ought to be proud to belong.

Courtesy, good temper and strict sobriety are essential, and the private life of a Constable and the company he keeps should be such as to make him respected by all those with whom he comes in contact. Once this respect is lost the power of the Police Officer is gone.

I look to all members of the Surrey Constabulary to uphold its reputation by setting a good example, by being always smart in their personal appearance and by doing their duty faithfully, because it is their duty and not as eye-servers; and I ask them to remember that in the hands of each one of them lies the credit or disrepute of the Force."

M.L. Sant Capt.,

Chief Constable of Surrey

The conditions of service as set out in the booklet are again similar to those in earlier version and goes to show the slow pace of change in a Force now fifty years old. More detail from these instructions will be given in a later work.

Training

GO 127 gives detail of a course of drill instructions and general training started in the force in March 1856. Inspector James Murtell who served for 16years in the 10th Hussars undertook the training. This is the first mention in GOs of any formalised training and included "being drilled and otherwise instructed in their duties". What these duties were is difficult to know but were most likely the laws that constables were expected to use and consequential practice and procedure required by the Force. The military nature flows on, with the concentration on the requirements of drill!

"It being highly essential that the constables in the different divisions should have an opportunity afforded them from time to time of being instructed in their drill, which the chief constable is aware that many were extremely deficient, he therefore

considers it desirable that superintendents should send two men each rotation to headquarters for the purpose of being drilled and otherwise instructed in their duties.

Lodgings will be provided and the railway expenses allowed, for each single man, and a further sum of 6d per day in addition, will be granted to those to those who are married.

This is to have effect from Wednesday the 26th instant on which day each man must report himself at this Office at ten o'clock with clothing sufficient for one fortnight; at the expiration of which it is hoped that they will have made such progress as shall enable them to return to their ordinary duties.

During their temporary absence (of which the public are not to be informed) Superintendents must endeavour to make the best arrangements in their power for carrying on the duties in their respective division, and for affording protection to the vacant districts." [835]

General Order 128 May 3rd 1856

Inspector Murtell of the Chertsey Division having been at Head Quarters since the 26th of March, during which time he has been actively engaged drilling the whole of the Force in successive detachments, and now being about to return to his station at Walton upon Thames; the Chief Constable cannot allow that officer to depart without thus publicly recording his sense of his services, and of the admirable and indefatigable manner in which he has discharged the duties of Drill Inspector.

The untiring zeal which he evinced throughout, as well as the great patience and temper displayed by him on all occasions, accompanied by that firmness and discipline which are indispensable, cannot failed to command the respect and good feeling of the men themselves, as they merit and hereby receive the hearty approbation of the Chief Constable who has closely observed and appreciated is conduct.

This order is to be read by Superintendents to the men of their respective Divisions.[836]

In May 1858 Inspector Murtell was appointed superintendent.[837]

1876 October 21 Retirement of Superintendent Murtell Surrey Constabulary: After nearly 25 years service in the Surrey Constabulary Superintendent Murtell has resigned his appointment. He was appointed drill instructor to the force at its formation in January 1851 and has held the rank of superintendent for 20 years during which time he has had charge of Chertsey, Farnham and Godstone Divisions. Previous to this he served nearly 17 years in the army, having entered the service in

[835] Surrey Constabulary General Orders Book 1 1851- GO 127
[836] GO 128 May 3rd 1856
[837] GO140May 5 1858

1832; was twice in India and discharged as a sergeant from the 10th Royal Hussars in 1849. He is now in his 63rd year and he retires on a pension of £120 9s as recommended by the Constabulary Committee at the Surrey Sessions on Tuesday. One of our contemporaries ingeniously adds "During the long period Superintendent Murtell has been in the force he always won the respect and esteem of all with whom his duties brought him in contact." We are afraid that his "duties" often brought him into contact with rogues and thieves and it is an open question whether he always "won the respect and esteem" of this fraternity. We know what our contemporary meant to say but the meaning is ambiguous. [838]

[838] 1876 October 21 The Croydon Advertiser and East Surrey Reporter

Chapter 10

Reigate Borough Police

Early Days

In 1863 Reigate became an incorporated borough by Royal Charter under the direct control of the Watch Committee and the chairmanship of the mayor. Reigate Borough Police was formed on 25th March 1864 after the newly formed borough council of 1863 withdrew policing from the Surrey Constabulary. The borough police was temporarily amalgamated during the Second World War together with Guildford Borough Police on 1st March 1943 when they both became part of the Surrey Joint Police Force, finally in 1947 being incorporated within the Surrey Constabulary. The independent Reigate Borough Police joined Guildford Borough Police as islands of independent policing within the Surrey Constabulary area reducing the overall rates payable for policing to the county constabulary considerably from these two of the largest towns on the county.

Within the historical record there are no obvious recorded conflict with the county constabulary nor in the early reports of the head constable was any reference made as to why the Borough adopted its own police force. It may well have been because they could and there was most likely an element of corporation pride. The 1835 Municipal Corporations Act allowed larger towns to become a corporation with mayor, alderman and burgesses. The mayor was declared to be a Justice of the Peace for the borough without a property requirement. The common law method of appointing constables was placed on a new basis with the establishment of a Watch Committee made up of the mayor and councilmen. [839]

The Watch Committee were empowered at their discretion to appoint the head constable, make regulations for the management of the police and to discharge or otherwise punish any constable found remiss in his duties, provided at least three members are present when the award is made. Borough constables are given powers

"To act in the county as well as in the town and are authorised not only to apprehend disorderly persons at any time, but during the night may take bail by recognisance from persons brought before them for petty misdemeanours, such recognisance to be conditioned for the appearance of the parties before the magistrate."

The police were seen as a branch of the corporation with limited authority granted to the head constable or, as he was to become known, the chief constable. There was a huge difference between the background, authority and independence of action of a

[839] A History of Police in England WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 275

county chief constable and the head of a borough police. County chief constables were not normally police officers whereas borough chiefs were invariably police officers and in the early days where forces had very few members they were usually sergeants or inspectors from another area arriving on promotion. For the ambitious a career path of promotion in the police evolved allowing officers to transfer for advancement across the country from the Metropolitan Police, counties or other boroughs. [840]

The head constable was the only senior officer of a body of men that the Watch Committee of the town council had absolute power to select, direct and dismiss, powers in a county held by law by the chief constable.[841] There were in most borough forces inspectors who acted as deputy to the head constable and were also normally career police officers.

Within the Reigate Borough the early head constable as he was referred to, attended formal meetings very regularly with the Watch Committee and he wrote up his reports to them, in long hand in a bound volume. The results of his "begging to report" are not given. There is little doubt that in addition to the formal meetings the mayor or chairman of the Watch Committee would have frequent contact with the police officers. The chairman or mayor was also a magistrate and would see the police officers regularly as they appeared in court as witnesses. Micro management was the norm – the head constable even having to formally beg the permission of the Watch Committee to purchase new toilet seats for the cells!

Being a branch of corporation government, the police officers, including the head constable, were given a variety of tasks, which today would be seen as local authority functions. The list is long but this had advantages. It kept the officers busy but better still it involved them in all aspects of the community from cattle markets to shops, the sale of petroleum products to weights and measures. Many of these functions attracted fees, which were used to counter-balance the costs of running the police in the borough.

The discipline in early police forces was harsh and restraint upon the private life of the constable was by today's standards extremely intrusive. Reigate had its share of discipline problems including the loss of a newly appointed chief officer who committed fraud in his last police force and ended up in prison. Officers had to wear their uniform both on and off duty and were unable to leave the borough without permission. They had no days off for some years and annual leave was very limited and even on leave, some forces insisted the constable reports to the police station where he is spending his holiday in case they needed his help!

Being Borough men had advantages over the county. The men could put down roots, bring up their families and be close to parents and their extended families. If they

[840] http://www.redhill-reigate-history.co.uk/police.htm
[841] Carolyn Steeedman "Policing the Victorian Community" page 43

were disciplined they could not as in the county, be forced to pack up and move house at their own expense. County men moved frequently. There were always exceptions but many moved their homes and families every two or three years or even two or three times in a year! A borough man had pavements and even some lighting whereas the county man walked 20 miles a day often in mud and the dust of a hot summer day.

It was a harsh life but these were usually big tough men who no doubt resolved many issues with their hands around a dark corner. Not for them endless paperwork!

The formation of the Force appears to have been a speedy operation, as the Watch Committee met on 15 January 1864 and decided the force should be operational on 25 March 1864. The initial establishment was**:** a Superintendent at £90 p.a. plus quarters, a sergeant at 21/- a week and 8 constables at 18/- a week. [842]

Head Constable George Rogers

The first Head Constable was George Gifford but he lasted only nine days and succeeded by George Rogers who held the post for many years. The station house was at 3, Carlton Terrace, Redhill, alongside the Market Hall, but as there were no lock-up facilities prisoners had to be catered for elsewhere until a house in West Street, Reigate was rented at £25 p.a. and the cellar was converted to two cells. **[843]**

George Rogers Chief Constable Reigate

There may have been some lock up facilities in the Market Place. [844]

The county constabulary also had a police station in Redhill and it retained the premises only making the hand over to the borough authorities in 1931. [845]

[842] http://www.redhill-reigate-history.co.uk/police.htm
[843] A Pictorial History of the Surrey Constabulary Gerry Middleton Stewart
[844] Bernard Brown 1987 "The Reigate Police" believed not published – six pages
[845] A Pictorial History of the Surrey Constabulary Gerry Middleton Stewart

In August of 1864 consideration was given to site a central police station near Shaw's Corner and land for the purpose was purchased from Mr Waterlow. The project never got under way and the land deal was eventually reversed. [846]

Constables were restricted by not being allowed to go beyond the borough boundary when off duty without the consent of the superintendent or the Mayor a restriction that was standard for other borough and county police officers. A further common restriction was the men had to wear their uniform on or off duty. Saluting was the rule when constables or sergeants met the head constable, the inspector members of the town council, their clerks and all Justices of the Peace and their clerks.[847]

In November 1864 there were bonfire night riots in Reigate following which the Watch Committee minutes for the Surrey Constabulary authorised the Superintendent to, 'buy new hat to replace one destroyed by crowd" in Reigate. [848] This seems to show that there was a level of co-operation between the newly formed Reigate Borough Police and the Surrey Constabulary.

The usual discipline problems!

In the first year of the existence of the new Reigate Borough Police PC Stovell was fined for misconduct, PC Dashwood, and later PC Stovell, were discharged (reason not given), PC Foss was reprimanded and later fined five shillings, PC Ison was told to be more respectful and later fined one day's pay; PC Harling was convicted of stealing, and PC Serjeant was reprimanded for 'exposing an immoral article'. [849]

Drink was the downfall of several PCs of the Reigate Borough Police including during the early days of 1865 when PCs Baugh and Beddington were dismissed for being drunk. [850]

Inspector James King

An inspector in the Borough, James King was born in Chipstead on 26th January 1840 and baptised in the Parish Church on February 23, 1840. His father also James King, born about 1811 in Merstham; an agricultural labourer and his mother was Elizabeth Dodd, born about January 1818 in Chipstead.

On February 1st, 1866 King joined the Reigate Borough Police as PC No 4, but he resigned from his post about a year later. The Watch Committee offered to 'place him

[846] http://www.redhill-reigate-history.co.uk/police.htm
[847] "The Reigate Police" Bernard Brown 1987 believed not published – six pages
[848] http://www.redhill-reigate-history.co.uk/police.htm
[849] http://www.redhill-reigate-history.co.uk/police.htm
[850] http://www.redhill-reigate-history.co.uk/police.htm

on first class pay', in an effort to keep King in the service which worked as he stayed and later became an inspector in the Borough. [851]

Inspector James King

On September 21, 1874 James King was promoted to Acting Sergeant and confirmed as Sergeant on 8th February 1875 (He was 35 years old). About this time, the King family would have moved into one of the newly built houses in Cromwell Road, Redhill. They lived at number 71 and later at 73. The family remained in Redhill, at least until 1891. When James was promoted to police inspector in September 1893, that event may have occasioned their move to live in Reigate.

James King retired in November 1898 (58 years old) having served for thirty years in his second employment with the borough police. He was presented with an illuminated testimonial, on vellum in an oak frame, and hand illustrated in gold, silver and blended colours. The Surrey Mirror raised a public testimonial fund for James King, which amounted to £71 2s 6d. King's retirement, which is reported as being an active time, lasted for just over 30 years and he died on Sunday, January 7, 1929, nineteen days short of his 89th birthday. His funeral service took place in St. Mary's Parish Church in Reigate on Thursday January 11th, followed by burial alongside his wife Susan in Reigate Cemetery.

New Police HQ

A new police station was built alongside the Market Hall in 1866 and became the headquarters for the two towns Reigate and the growing Redhill. Reigate's station

[851] http://www.redhill-reigate-history.co.uk/police.htm

remained, although it was moved from West Street to premises between the Public Hall and the Congregational Church. [852] [853]

The original Reigate police station is shown left of the church in Reigate High Street[854]

No recruits from the Surrey Constabulary

The earliest conduct book for Reigate Borough Police starts in 1869 and the archivist at Surrey Police HQ in 2012 was unaware of an earlier volume in existence. None of the entries in the 1869 volume indicate that officers transferred from the Surrey Constabulary to the Borough.[855]

Watch Committee meetings

In 1869 5 February in a report from the police to the Watch Committee:

"The late PC Chapman who was dismissed by the Watch Committee has left the neighbourhood taking with him two pairs of police trousers two pairs of boots and a police lamp and for whom George Rogers held a warrant for his apprehension. [856]

[852] http://www.redhill-reigate-history.co.uk/police.htm
[853] A Pictorial History of the Surrey Constabulary Gerry Middleton Stewart
[854] Picture Alan Moore
[855] Luke Franklin Surrey Police HQ email to author June 8 2012
[856] Report Borough of Reigate Watch Committee by George Rogers Chief Superintendent SCC CC98/22/11

In the same report the Head Constable asked the Watch Committee to order a sergeant and constable to move from the police station so he could have the premises put in proper order before he and his family moved in.
In a report of October 8 1869 the Head Constable asked the Watch Committee for two more constables during the winter months in consequence of the large increase of new buildings and new streets and roads and the rough class of labourer working on the new buildings, at the asylum and sewer works. Also for the purpose of preventing the numerous robberies that are taking place nightly. It was nearly five years since two men were added to the strength. [857]

Other interesting reports dated 10 December 1869 reveal detail of life within the Borough police:

PC Charles Bennett was disciplined and dismissed.

PC Charles Radbourne to receive his full pay he being on the sick list for the last month and 3/6d being stopped. Ordered by the Watch Committee

(1870 March 20: A gratuity of £10 was paid from the superannuation fund to the widow of PC Radbourne who died on the 24 February having served 2 years and 4 months. A replacement constable for PC Radborne was appointed on the 17 March.) [858]

The Head Constable asked the Watch Committee to have traps and pans put into the closets in the police cells at the police station Warwick Town in consequence of the offensive smell arising from them at times. Watch Committee agreed the fitting of two siphon pans. [859]

In 1870 the title of Superintendent of Police was changed to Head Constable with additional duties as Inspector of Common Lodging Houses and Weights and Measures". This was not unusual and in fact was far fewer responsibilities than the similar post for Guildford Borough Police. County superintendents also held such responsibilities. [860]

Much more detail is available on the Reigate Borough Police and Guildford Borough Police on the website www.surrey-constabulary.com.

[857] Report of Reigate Watch Committee George Rogers Chief Superintendent SCC CC98/22/11
[858] Report of Reigate Watch Committee by George Rogers SCC CC98/22/11
[859] Report of Reigate Watch Committee by George Rogers Chief Superintendent SCC CC98/22/11
[860] http://www.redhill-reigate-history.co.uk/police.htm

Developing Establishments of the Forces in Surrey

Strength	1851	1855	1857	1858	1864	1866	1870	1879	1891
Godalming			2[861]				3[862]		
Guildford				7		16[863]	12		
Reigate					10[864]		14[865]	19	25
Surrey Constabulary [866]	76[867]	76[868]	113[869]				123		

[861] Superintendent and a constable
[862] 1 Head Constable 1 PC First Class 1 PC Second Class
[863] One paid for by the railway
[864] Superintendent Police Sergeant 1 PC 8
[865] Superintendent Inspector 14 PC
[866] Emsley, C (1996) The English Police: A Political and Social History. (2ed) Longman page 266
[867] 1 Chief Constable 5 Superintendents 70 PCs
[868] 1 Chief Constable 5 Superintendents 70 PCs
[869] 1 Chief Constable Superintendent 6 Inspector 6 100 PC

Chapter 11

The Judicial Process

The criminal justice system and infrastructure within Surrey evolved over many years with little changing quickly. In 1604 a new gaol was built in Quarry Street, Guildford. It was rebuilt in 1765, and pulled down and rebuilt on a higher site on South Hill in 1822. This prison was closed in 1851, the prisoners being removed in April of that year to the newly built House of Correction at Wandsworth. Kingston gaol was closed at the same time. Debtors used to be confined under the town hall in Guildford and in the building across the street where the judges sat in circuit. The judges sat in this house or in a hall, which had been part of the old Red Lion Inn in Market Street, bought and altered for this purpose by Lord Onslow and Lord Grantley in 1789. An old print exists of a man being hanged on a scaffold in the street there; but the more usual place of execution was at Henley Grove on the slope of the Hog's Back to the west of Guildford. The County and Borough Hall in North Street, where the Assizes were held, was built in 1845.[870]

The savage rigour of the penal code for hundreds of years defeated its own ends in many ways. People would not give evidence that might condemn a man to such barbarous treatment; juries would not always convict, even when the evidence was perfectly clear if the result was a hanging. [871] In 1822 James Mackintosh was part of a movement to reduce the severity of the criminal law and said in the House of Commons: "for increasing the efficiency of the Criminal Law by mitigating its vigour." [872] Such an approach was for many counter-intuitive but the concept became more acceptable and the so-called "Bloody Code" was eased.

Thief-Takers and Rewards

Concern about high levels of crime in London in the late seventeenth century led the government to adopt the practice of offering substantial rewards for apprehending and convicting those guilty of specific serious crimes, such as highway robbery and coining. This practice expanded in the eighteenth century, and was supplemented by individual victims of crime who offered rewards for the return of their stolen goods. Both practices were facilitated by the development of daily newspapers in the early eighteenth century, which allowed information about such rewards to be widely advertised. The introduction of these financial rewards fundamentally changed relationships of those involved in law enforcement in London.

[870] http://www.british-history.ac.uk/report.aspx?compid=43019
[871] A History of Police in England WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 206
[872] A History of Police in England WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 206

Thief-takers used their knowledge of the criminal underworld to profit from both types of rewards. They negotiated between thieves and the victims of thefts to return stolen goods in exchange for a fee. They also occasionally used their insider knowledge to inform on criminals and prosecute them at the Old Bailey in order to collect the substantial rewards offered by government. This second activity arguably facilitated the administration of criminal justice, but the more corrupt thief-takers went further; they blackmailed criminals with threats of prosecution if they failed to pay protection money. Some even became "thief-makers" by encouraging gullible men to commit crimes, and then apprehending and prosecuting them in order to collect the reward. Such practices illustrate the point that not all "crimes" prosecuted at the Old Bailey had actually taken place; some prosecutions were malicious.

The man who most thoroughly developed all aspects of the thief-taker's trade was Jonathan Wild, the self-styled "Thief-taker General of England and Ireland", who dominated London's criminal underworld in the early 1720s. Wild was eventually tried and convicted at the Old Bailey for receiving stolen goods and hanged in 1725. Many other prosecutors and witnesses in the court reports were also thief-takers, though they were rarely identified as such, except by defendants trying to discredit the case being made against them.

Despite the bad publicity surrounding Wild's activities, and those of the McDaniel gang[873] at mid-century, the authorities continued to offer rewards and encourage the legitimate side of thief taking. Without such rewards and the activities of the thief-takers apprehending criminals would have been much more difficult.[874] [875]

Some of the rewards available

Those involved in the arrest of criminals or deserters could benefit from substantial rewards. For some, it was said it was best not to arrest when forty shillings was the reward for the conviction when it was more advantageous to leave a young offender until he committed a £40 (reward) crime. The reward of £40 or £50 was almost a year's pay for many involved in law enforcement and for an unpaid parish constable a considerable amount of money. There was also not much chance of recovering property until a sufficient reward was advertised. [876]

Highway Robbery	£50
Burglary	£40
Housebreaking – daytime	£50
Counterfeiting gold or silver coin	£40

[873] When four men were found guilty of encouraging two others to commit a robbery so that they could arrest them and profit from the reward when they were convicted. Although convicted, the four men were not hanged, probably in order to play down the role of the magistracy in the scandal
[874] https://www.oldbaileyonline.org/static/Policing.jsp
[875] https://www.londonlives.org/static/ProsecutorsLitigants.jsp
[876] A History of Police in England WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 212

Counterfeiting copper coin	£10
Stealing from premises over 5/-	£10
Horse stealing	£20
Stealing cattle or sheep	£10
Wounding or killing a Revenue Officer	£50
Person returning from transportation	£20
Apprehending a deserter from the Army	£1
Apprehending idle and disorderly person	£0 5s [877]

The following letter gives some understanding how the process of rewards operated and the amounts of money involved in this case, well over £100 or more than two years pay. Morten worked tirelessly with Hollington and Biddlecombe to arrest the Isaacs gang in 1850/1851 and when considering the large sums of the rewards involved the cynical may say it is simple to see where the drive and enthusiasm came!

This is an extract from a much longer letter from the superintendent at Tonbridge Wells to the Editor of The Standard:

To the Editor from Superintendent Morten June 1851

"So you will perceive that I have been the cause of detaining and apprehending eight of that gang of desperate characters who have so long infested the counties of Surrey and Sussex and other counties. I think the following rewards and gratuities, which have been received by men in conjunction with Mr Dadson will, I trust, be sufficient to suffice and to show to whom the credit is due.

In addition to a reward we received from the judge at the trial a subscription was raised in my district and the sum of £45 was presented to me and £25 from the Uckfield Prosecution Society; £25 from the Rev Owen Emerie Vidal of Upper Dicker, Horsebridge near Hailsham, Sussex; £5 from the Misses Farncombe of Uckfield, in addition to the reward they offered through the society; £5 from Mrs Hurat of the Five Bells Inn, Chorley; £2 from Mr Wood, butler to the Misses Farncombe who it will be remembered was so near to being murdered by the gang; £2 from Mr Baker of Portslade, Sussex who also was a sufferer; and £1 from Captain Wetherall of Forest House, Hartfield, Sussex and a promise of other rewards from societies that have not yet had their meetings.

I remain Sir, your obedient servant

W M Morten, Superintendent of Police,

Tunbridge Wells, Town Hall, Tunbridge Wells, Kent June 6 1851" [878]

[877] A History of Police in England WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 213
[878] 1851 9 June: The Standard Monday

Felons Associations

As there was no structured police, one effective means of securing an arrest and conviction was through informers and so the government and the more wealthy residents would offer significant rewards for evidence leading to the solving of a crime. Emerging in the 18th Century, were the many "Associations for the Prosecution of Felons". There were hundreds of these in existence in different locations. They were essentially local associations of householders or landowners who paid a subscription to a fund, which was used to assist any members who became the victims of crime. The association would usually advertise a reward following an offence committed against a member and would also in defined cases pay the fees of a Bow Street officer or a thief-taker together with prosecution expenses.

Associations also sometimes employed men to patrol the streets whilst others were general in their application or specifically formed to deal with certain types of crime, such as poaching or horse stealing. Detailed records of many of these Associations survive in County Record Offices. The records often include membership lists as well as details of crimes committed against members. Many Associations continued in existence until the second half of the 19th Century and a handful still exist – now operating as dining clubs.

A Felons Societies was established to offer rewards to catch criminals was formed in Guildford in 1808. The Stoke Protection Society offered rewards of £10 for a murderer, burglar, robber or arsonist; £5 for stealing, shoplifting and receiving stolen goods; a guinea for smaller crimes.[879]

The Circuit Judges

Burglar Bill Sykes is arrested by the parish constable and taken before the magistrate. Depositions are taken and recorded by the clerk and Bill is sent up the road probably to the assizes or possibly the quarter sessions depending upon the seriousness of the offence. Who is Bill likely to face and what will happen to him?

Whereas the JP's or Magistrates had only local responsibilities, a circuit or high court judge could preside over legal matters brought to court in any location. The beginning of a judiciary with professional, legal experience began in 1286 when a serjeant (high ranking defender or advocate) became a judge. For many years after this, serjeants were selected as judges until they were overtaken in popularity by barristers and solicitors.[880]

By the early Stuart period, assize judges on the six circuits in England were mainly dealing with the most serious crimes not normally handled by the local quarter sessions. This situation remained into the 19th century. Although specific

[879] Surrey Constabulary 1851-1951 Durrant page 2
[880] http://vcp.e2bn.org/justice/page11442-magistrates-and-judges.html

punishments available depended on the offence for which the defendant was convicted, the judges had considerable flexibility in choosing punishments, often leading to a haphazard and inconsistent sentencing across the country.[881]

Judges played a major role in conducting trials. They examined witnesses and the accused. Their summing up of the case often clearly stated their views on what the potential outcome should be. [882]

Court Procedures

In addition to its role in criminal justice, quarter sessions had a variety of other responsibilities. One was to act as a court of appeal over decisions taken by justices acting in petty sessions, particularly in relation to Poor Law matters and to hear presentments of highways in disrepair. The justices at the quarter sessions were also responsible for looking after the local gaols and their running. Therefore, at the start of the court sessions, they would hear reports from prison staff, such as the gaoler, chaplain and surgeon, as well as the visiting justices.[883]

At each quarter session two or more justices sat with a jury and tried the most serious criminal offences within their remit. Justices investigated lawbreakers indicted by parish constables and other officials for all ‘misdemeanours’.

Grand Jury [884]

The Grand Jury was so named because it has a greater number of jurors than a trial jury (also known as a petit jury, from the French for small).

The function of a grand jury was to accuse persons who may be prima facie guilty of an offence, but the institution is also a shield against unfounded and oppressive prosecution. It was a means for members of the public to participate in the administration of justice. The traditional number of members of a grand jury was twenty-three.[885]

Who sat on the Grand Jury? The sheriff of every county was required to return to every sessions of the peace twenty-four good and loyal men of the county "to inquire into, present, do and execute all those things which, on the part of our Lady the Queen, shall then be commanded them. At the assizes, the grand jury generally consists of gentlemen of good standing in the county; in some areas they were magistrates.[886]

[881] http://vcp.e2bn.org/justice/page11442-magistrates-and-judges.html
[882] http://vcp.e2bn.org/justice/page11442-magistrates-and-judges.html
[883]http://www.bedfordshire.gov.uk/CommunityAndLiving/ArchivesAndRecordOffice/GuidesToCollections/QuarterSessionsOverview.aspx
[884] Wikipedia http://en.wikipedia.org/wiki/Jury_trial
[885] http://www.btinternet.com/~gjy/grandjury/
[886] Archbold's Pleading and Evidence 1862

The Judge would deliver the charges and would make any comment deemed necessary on the cases to the Grand Jury, who then retired to the chambers to review the bills laid before them and listen to witness evidence. The High Sheriff sat in attendance. [887]

The problem with this system was that the Grand Juries often had very little information to go on and no legal training. Consequently, for most of the period a significant number of cases were rejected.[888] From 1838 a clerk attended meetings of the Grand Jury at the Old Bailey to offer advice and thereafter far fewer cases were dropped at this stage.

After the court has been opened in the usual way by the crier making proclamation, the names of those summoned on the grand jury are called and as many as appear upon this panel are sworn. They must number twelve at least, but not more than twenty-three, so that twelve may be a majority. The usual proclamation against vice and proneness is read; and then the person presiding in the court - the judge at the assizes, the chairman at the county sessions, the recorder at the borough sessions - charges the grand jury. The object of this charge is to assist the grand jury in coming to a right conclusion, by directing their attention to points in the various cases about to be considered by them which require special attention.[889]

The charge having been delivered, the grand jury withdraws to their own room, having received the bills of indictment. The witnesses whose names are indorsed on each bill are sworn as they come to be examined in the grand jury room, the oath being administered by the foreman, who, as each witness is examined, writes his initials opposite to the name on the back of the bill. Only the witnesses for the prosecution are examined, as the function of the grand jury is merely to inquire whether there is sufficient ground to put the accused on his trial.[890]

If the majority of them (which majority must consist of twelve at least) think that the evidence adduced makes out a sufficient case, the words " a true bill " are indorsed on the back of the bill; if they are of the opposite opinion, the words " not a true bill " are so indorsed, and in this case the bill is said to be ignored or thrown out. They may find a true bill as to the charge in one count, and ignore that in another; or as to one defendant and not as to another; but they cannot, like a petty jury, return a special or conditional finding, or select part of a count as true and reject the other part. When one or more bills are found, some of the grand jury come into court and hand the bills to the clerk of arraigns, or clerk of the peace, who states to the court the name of the prisoner, the charge, and the endorsement of the grand jury. They then retire and

[887] http://vcp.e2bn.org/justice/page11548-court-procedures-assizes.html
[888] http://www.oldbaileyonline.org/static/Trial-procedures.jsp
[889] Archbold's Pleading and Evidence 1862
[890] “Archbold's Pleading and Evidence” 1862

consider other bills, until all are disposed of; after which they are discharged by the judge, chairman, or recorder, presiding.[891]

The grand jury only heard evidence on behalf of the prosecution, for the finding of an indictment is only in the nature of an inquiry or accusation, which is afterwards to be tried and determined. However, they ought to be thoroughly persuaded of the truth of the indictment, so far as their evidence goes. And thus a body of persons brought together for the occasion, and for that only, are placed between the government and the citizen, as a shield against oppression and injury, and to afford a reasonable protection to him (or her) if he be not justly suspected of a crime.[892]

An indictment describing the offence was placed before the Jury of which twelve had to find a true bill, which was signed by the foreman and presented publicly to the court.[893] If the indictment was not proved to the satisfaction of the grand jury, the word "ignoramus" or "not a true bill" was written upon it by the grand jury, or by their foreman, and the accusation is dismissed as unfounded. When the grand jury returned an indictment as a true bill ("billa vera"), the indictment was found and the party stood indicted and required to be put upon his trial.[894]

At the Central Criminal Court late 1793-1800, 4262 prisoners committed by the Grand Jury for trial were acquitted. If convicted invariably petitions for a pardon were drawn up and presented. Frequently men were pardoned if they joined the Army or navy, which they did and then deserted! **[895]**

There were repeated calls for the abolition of the Grand Jury throughout the nineteenth century, all of which came to nothing. Nevertheless, its role was gradually reduced as pre-trial investigations by justices and the police weeded out weak cases before indictments were drawn up.

Charges of murder and manslaughter formulated by coroner's juries did not need to be approved by the Grand Jury and these cases automatically went to trial.[896]

Once an indictment against prisoners had been approved by a Grand Jury, they were brought into the court and formally charged at the Quarter Sessions or Assizes. Each trial started with the clerk reading the charge again, and the prisoner was then asked to plead guilty or not guilty and then the prosecutor presented the case against the defendant, followed by the witnesses, who testified under oath. Witness testimony was the most common source of evidence and Judges frequently intervened to ask questions or comment. The defendant was then asked to state his or her case. They

[891] "Archbold's Pleading and Evidence" 1862
[892] http://www.btinternet.com/~gjy/grandjury/
[893] http://www.btinternet.com/~gjy/grandjury/
[894] http://www.btinternet.com/~gjy/grandjury/
[895] "The Story of Scotland Yard" Sir Basil Thompson1935 Kessinger Publishing Rare Reprints page 93
[896] http://www.oldbaileyonline.org/static/Trial-procedures.jsp

could call witnesses, if they had any, and use a defence lawyer. After the Judge's summing up, the Jury would retire to consider the verdicts. In some courts, cases were tried in batches, with juries hearing perhaps half a dozen trials before retiring to consider their verdicts. Each day a new jury was sworn in.[897]

If a defendant confessed to a crime, there was no flexibility in the punishment they could receive, so pleas of "not guilty" were encouraged.[898]

The following are but a very small fraction of those discharged by the grand jury at Surrey Quarter Sessions: [899]

Session: 1780 Midsummer Actual date: 25/07/1780

STEDMAN William

Parish and county of residence / occurrence: Buckland

Occupation: Servant Type of offence: Theft or Intent to Steal

Offence details: Committed the 13th Day of July, 1780, by Robert Nash, Esq; for feloniously stealing a Gun, from the Dwelling house of Thomas Beaumont, Esq, of Buckland, in the County of Surrey.

Outcome: Indictment Rejected By Grand Jury; Discharged

Session: 1780 Epiphany Actual date: 11/01/1780

PHILIPS Elizabeth Sex: Female

Parish and county of residence / occurrence: Haslemere

Type of offence: Vagrancy Offence details: Committed the 26th day of November 1779 by James Fielding, Clerk, a rogue and vagabond, was this day found wandering and begging in the parish of Haslemere, in the county of Surrey, not having obtained any legal settlement there.

Prison: Guildford House Of Correction

Outcome: Discharged

Session: 1780 Easter Actual date: 04/04/1780

BROWN Ann

Parish and county of residence / occurrence: Lingfield

[897] http://vcp.e2bn.org/justice/page11548-court-procedures-assizes.html
[898] http://vcp.e2bn.org/justice/page11448-the-defendant.html
[899] Surrey History Trust 2011

Type of offence: Assault & threatened violence Offence details: For an assault upon Anthony Farindon an Infant of the Age of Three Years.

Outcome: Indictment Rejected By Grand Jury; Discharged

Other information: Ann Brown a single woman. Julia Ann Banks and Ann Brown accused of ill-treating the infant child of their master, James Farindon of Lingfield.

Session: 1807 Epiphany Actual date: 13/01/1807

CHEESEMAN Sarah

Parish and county of residence / occurrence: Chertsey

Occupation: Spinster

Type of offence: Coining & Related Offences: Offence details: Committed the 18th of November, 1806, by Sir J. Mawbey, bart, and R. Porter, esq. charged on the oath of Mary Billimore, with unlawfully uttering and tendering in payment, to the said Mary, at Chertsey, one false and counterfeit half-crown, well knowing the same to be false and counterfeited; and on the 15th day of November last, did unlawfully utter and tender in payment to George Wheeler, at Chertsey, one other false and counterfeit half-crown, well knowing the same to be false and counterfeited.

Outcome: Indictment Rejected By Grand Jury; Discharged

Many will recall the court procedure into modern times when the prosecution evidence was set out at the magistrate's court before the defendant was committed for trial or not. Slowly given evidence as the court clerk wrote in longhand the deposition to be signed by the witness who was then warned to attend the quarter sessions or assizes. Committal proceedings were the replacement for the Grand Jury system when prosecution evidence alone was tested.

Criminal Procedure

Defendants who refused to enter a plea were, unless they were found mute "by visitation of God", subject to the ordeal of peine forte et dure, in which they were forced to lie down and have weights placed on them until they either relented or died. This practice was rare, and formally ended in 1772, after which date standing mute was deemed the same as pleading guilty. In 1827 the presumption of guilt was reversed and refusal to plead was redefined as equivalent to pleading innocent.[900]

At the end of the session, those prisoners who had been found guilty were brought forward to hear their punishments. Defendants who were convicted of capital crimes

[900] Drawing Up the Charges http://www.oldbaileyonline.org/static/Trial-procedures.jsp

were given a chance to address the Court before they were sentenced. The judge would pass the sentence.

When passing the death penalty, the Judge would say,

"The court doth order you to be taken from hence to the place from whence you came, and thence to the place of execution, and that you be hanged by the neck until you are dead, and that your body be afterward buried within the precincts of the prison in which you shall be confined after your conviction. And may the Lord have mercy upon your soul."[901]

Trials were often very quick; in 1833, at the Old Bailey (an Assizes court), it was estimated they averaged 8-9 minutes.[902]

The jury could return a verdict of guilty, with a recommendation for mercy. This could be because an offender was very young or it was a first offence or there was no intent to use violence.[903]

There were other instances in which the jury found the defendant guilty of a lesser offence**.** For example, defendants accused of stealing goods worth 40 shillings or more from a dwelling house, had to be sentenced to death. Juries could reduce the value of the goods to below 40 shillings, to avoid this statutory penalty.[904]

Report On Criminal Procedure To The Lord Chancellor 1856[905]

Extract

Pleading Guilty without sending a Bill of Indictment before the Grand Jury

Where a person charged with any offence is willing to admit that he has committed it, not only does there appear to be no reason why it should be necessary to send a bill before the grand jury, but such a course seems to be at best merely superfluous. The proper office of a grand jury is to take care that no one is brought to trial unless there be sufficient grounds for charging him with the offence. In truth, the duty of that tribunal is to prevent an innocent man from being arraigned. Now this cannot in anyway apply to a person who is ready to acknowledge his offence. Nor can there be any possible hardship in permitting a person, if he think fit, to waive the proceeding before the grand jury by pleading guilty of his own accord. It is therefore suggested that every criminal court should be empowered to arraign any prisoners upon the bill of indictment before it is sent to the grand jury, and, if any prisoner pleads guilty, to

[901] http://vcp.e2bn.org/justice/page11548-court-procedures-assizes.html
[902] http://vcp.e2bn.org/gaols/page30314-court-procedures-assizes.html
[903] http://vcp.e2bn.org/justice/page11440-juries.html
[904] http://vcp.e2bn.org/justice/page11440-juries.html
[905] http://www.btinternet.com/~gjy/grandjury/ This report by C.S. Greaves Q.C. is contained in the House of Commons Papers for 1856, vol. VII

sentence him in the same manner as if he had pleaded guilty to a bill found by a grand jury. Such a provision would afford a means of saving considerable expense.

Each Court might on the first day it was held arraign the prisoners, and in all cases where they pleaded guilty the witnesses might be countermanded or dismissed at once, and thereby the costs now incurred in such cases by their attending before the grand jury and waiting till the trial is over would be wholly saved, as well as some of the costs of the attorney and counsel.

Where the defendant pleaded not guilty, the bill must be sent before the grand jury in the ordinary course; but as the defendant had pleaded not guilty to it once, it should be rendered unnecessary, after the bill had been found, to take his plea again.

Holding of the Assizes

The holding of the Assizes was a significant event in any town or city. The Judge would be received and escorted from the railway station to the courts by the High Sheriff, chaplain and other dignitaries. His Lordship would then open the commission and then attend a church service, with the sheriff, mayor and other dignitaries. On into the 1990s there was a ceremony in the High Street in Guildford as the Judge processed from the courts to the church.

Guildford High Street 2010 [906]

Chief Superintendent Gavin Stevens

[906] http://www.guildford-dragon.com/2012/10/13/judicial-service/

Guildford High Street 2010[907]

The following morning the judge would take his seat at the crown court, usually just after 10:00am. A number of the magistracy of the county would then be called to form the 'Grand Jury', which was s worn in.

The trial followed a set format. The petty jury was sworn in. Then the prosecution would outline details of the case and the witnesses for the prosecution were called and sworn in and gave their evidence. They could be cross-examined by the defence lawyer (if present). Following this, the witnesses for the defence were called. They could then be questioned by the defence lawyer (if present) or defendant and cross-examined by the prosecution.

The prosecution would then make its closing speech and the defendant made a statement. After 1836, the defence lawyer was also allowed to address a closing speech to the jury on behalf of his client, which would then retire to consider the verdict before sentencing.[908]

Previous Convictions

At the Quarter Sessions and Assizes, evidence of previous convictions was given before sentence was passed. If a person had been convicted before, they would get a harsher sentence. Because of this, many prisoners who had been found guilty in other areas gave false names to the magistrates when they were arrested. Parish Constables and later police officers could go to the prisons to identify people they had dealt with in the past to prove a previous conviction.

[907] http://www.guildford-dragon.com/2012/10/13/judicial-service/
[908] http://vcp.e2bn.org/justice/page11547-court-procedures-quarter-sessions.html

Punishment

Having arrested and charged the suspect who is then convicted on indictment, what punishment awaited the luckless villain?

Prison

Imprisonment was not much used as a punishment for convicted criminals until after 1776.[909] Imprisonment was more commonly used for vagrants and the idle and disorderly poor who might well be sentenced summarily (i.e. without a jury trial) to short spells of hard labour in a House of Correction by an individual magistrate. At this time Surrey had Houses of Correction in Southwark (St George's Fields), Kingston and Guildford. The County Gaol was in Southwark High Street until a new gaol in Horsemonger Lane, Newington, was constructed, opening in 1798. The Southwark House of Correction was incorporated into the County Gaol in 1800. Another House of Correction was built at Brixton in 1818. The Houses of Corrections were also used as pre and post trial 'holding' gaols.

In the period 1857-1861 the number of persons in England sent for trial at Assizes and Quarter Sessions charged with murder, attempted murder, manslaughter, felonious wounding, malicious wounding and assault amounted to 1451 or about 363 a year

In the period 1862-1867 the number of commitments for these offences had risen to 1712. (428 per year) This caused alarm as not only were such crimes more frequent than had formerly been the case but they began to be marked by a degree of violence.[910]

Homicide rate per 100k, England/Wales, Home office data

The figures vary little, the decline in homicide beginning to drop from 1891. Violence was no longer the way that many resorted to resolve a dispute! There will as always be a number of reasons for this not the least of which will be the certainty of detection and punishment.

1857 1.26 **1858** 1.58 **1859** 1.42 **1860** 1.44 **1861** 1.36 **1862** 1.62 **1863** 1.76 **1864** 1.67 **1865** 1.96 **1866** 1.82 1**867** 1.85 **1868** 1.71 **1869** 1.74 **1870** 1.43 **187**1 1.78 **1872** 1.7 **1873** 1.58 **1874** 1.69 1**875** 1.55 **1876** 1.63 **1877** 1.53 **1878** 1.65 **1879** 1.51 **1880** 1.52 **1881** 1.61 **1882** 1.57 **1883** 1.57 **1884** 1.57 **1885** 1.49 **1886** 1.56 **1887** 1.37 **1888** 1.43 **1889** 1.07 **1890** 1.17 **1891** 1.02 **1892** 1.08 **1893** 1.13 **1894** 1.02 **1895** 1.13 **1896** 1.08 **1897** 0.98 **1898** 1.04 **1899** 1.01 **1900** 0.97 **1901** 1.05 **1902** 1.0 **1903** 0.94 **1904** 0.94 **1905** 0.84 **1906** 0.77 **1907** 0.77 **1908** 0.92[911]

[909] Surrey Quarter Sessions 1780-1820 Surrey History Trust 2011
[910] "A History of Police in England" WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 341
[911] This is the rate for "offences initially recorded as homicide"
http://scienceblogs.com/deltoid/1996/08/03/international-00028/

The Bloody Code[912]

The penal laws were written in blood. Colquhoun estimated that there were 160 different offences, which were punishable by death. A man could be hanged for larceny if the value of the article stolen exceeded one shilling. Townsend stated before the parliamentary commission of 1816 that he had known more than 40 people hanged in one day. On one occasion in Kingston four men and three women convicted of robbing a pedlar "they were all hanged in Kent Street opposite the door." [913]

As concern for crime grew so the authorities did the only thing they knew and intensified the penalties. It would be some time before it was generally understood that the best way to deal with crime is to increase the certainty of detection rather than simply impose more severe penalties. The expansion of crimes, which carry the death penalty, is a major feature of the period. Not only murderers but also thieves, rapists, forgers, were hung. In 1688 there were 50 offences, and by 1800 there were 200 offences punishable by hanging. The eighteenth century was thus a period of expanding use of capital punishment. People were being hung for all manner of petty crimes. Some court records show that during the two years 1774-6 people were hung for arson, cattle stealing, "destroying silk on a loom", "wilfully wounding a horse", sheep stealing, swearing false oaths, "impersonating another to receive a seaman's wage", and similar. It must not however be forgotten that the overwhelming majority of death sentences were commuted mostly to transportation.[914]

It is estimated that between 1530-1630 around 75,000 people or 750 a year were executed from a population of about 3 million.[915] By todays population of 60 million that would equal about 1.5 million people!

From 1805 to 1832 2,028 men and women were hanged for felony in England and Wales about 75 a year, about one fifth 395 for murder, 107 attempted murder, 102 rape, 50 sodomy, burglary 419, robbery 276, theft of animals 178, larceny in a dwelling 65, forgery mostly bank notes and commercial documents 282. Others offences included from arson to counterfeiting coins.[916]

By 1837 capital punishment was restricted to 12 offences, murder and attempted murder, rape and carnal abuse of girls aged under ten, unnatural offences i.e. bestiality and male homosexual intercourse, robbery involving cutting or wounding the victim, arson when lives were endangered, piracy when murder was attempted, riot and feloniously destroying buildings, embezzlement by servants of the Bank of England,

[912] "What is the relevance of history to criminology?" Criminology and History © John Lea 2006 http://www.bunker8.pwp.blueyonder.co.uk/history/36801.htm
[913] "A History of Police in England" WL Melville-Lee1901 Kessinger Rare Reprints 2012 page 204
[914] "What is the relevance of history to criminology?" Criminology and History © John Lea 2006 http://www.bunker8.pwp.blueyonder.co.uk/history/36801.htm
[915] "A Fiery And Furious People" page 378 James Sharp
[916] "A Fiery And Furious People" page 378 James Sharp

and high treason. Rape and felonious riot were removed from the list in 1841 and by 1861 murder, treason, arson in the royal dockyards and piracy were the only four remaining capital crimes.

From 1837 in practice only murderers were executed. Between that year and the ending of public execution in 1868 a total of 347 murderers were executed in England and Wales, along with three people found guilty of attempted murder.[917]

Capital Offences [918]

	Capital convictions	**Executions**	**% Pardoned**
1826-1830	6679	307	95%
1835	4984	207	96%
1836-1840	1180	51	96%

Between 1826-1830 there were 89 executions from the Old Bailey, 29% of total executions in England and Wales.

Old Bailey or Central Criminal Court executions

	1805-1818	**1819-1832**	**Average pa**
Murder	201 or 19%	193 or 19%	14
Attempt Murder	19 or 5%	58 or 6%	4.46
Rape	47 or 4%	55 or 6%	4.2
Burglary/ housebreaking	216 or 21%	203 or 21%	15.6
Robbery	116 or 11%	160 or 16%	12.3%

Among those convicted of capital offences far fewer were actually hung. Thus in London and Middlesex between 1749 and 1799, in 24 of these years at least half of the capitally convicted were reprieved. Juries were increasingly reluctant to send petty criminals to the gallows. Judges reprieved, and juries tended to convict of a lesser offence those whom they thought should not go to the gallows. Developing ideas of proportionality, tinged with humanity when sentencing for lesser offences was gathering ground. [919]

Sir Walter Besant: "The value of human life was slowly rising." [920] and Sir Samuel Romilly speaking in the House of Commons in 1810 said that if it were possible that punishment, as a consequence of guilt could be reduced to an absolute certainty, a

[917] "A Fiery and Furious People" pages 397 398 James Sharp
[918] "Hanging Tree" page 140 Phil Gatrell
[919] "What is the relevance of history to criminology?" Criminology and History © John Lea 2006 http://www.bunker8.pwp.blueyonder.co.uk/history/36801.htm
[920] "The Story of Scotland Yard" Sir Basil Thompson1935 Kessinger Publishing Rare Reprints page 94

very slight penalty would be sufficient to prevent every species of crime, except those that arise from sudden gasp of ungovernable passion. [921]

It was becoming the mantra for the more liberal gentlemen and politicians that within reasonable limits the fear of almost certain detection is a far stronger deterrent than the distant prospect of severe punishment.[922]

As always amongst people that have to turn laws and systems into practical outcomes, compromises evolved where judges were obliged to pass death sentences by tacit consent it became the practice in all cases, save murder, to order the sentence "to be recorded" which had the effect of a reprieve.[923]

Transportation

Transportation to the Americas and later Australia was the second common penalty and many hangings were in fact commuted to transportation. Transportation began in 1718 and by the American War of Independence in 1775, around 50,000 indentured convicts had been sent to these colonies. While the conditions in the penal colonies were often as harsh as on the slave plantations, there was a crucial difference: the convicts could, in theory, look forward to freedom after they had served their sentence, while the slave could not.

After American Independence penal colonies were continued in Jamaica and other Caribbean islands, but transportation declined and, with the decreasing use of the gallows, many convicts were housed in 'hulks' - disused ships anchored in the Thames Estuary. In 1787 transportation began a new lease of life with penal colonies in Botany Bay and Van Dieman's Land now Tasmania. Transportation was officially abolished in 1857 but well before that date had slowed to a trickle already due to mounting protests from Australia.[924]

Society through politicians sought punishments more proportionate to the crimes committed.

Convicts on the Ship

In the early days of transportation, conditions on board ship for the four to six month journey were terrible and many died. Many convicts sent to New South Wales in the early years were disease ridden and many died from typhoid and cholera on the ships. Those that survived were severely weakened by scurvy, dysentery and fever. Towards the mid 19th century conditions and attitudes improved and examination of the transportation records indicates that the number who perished on the voyage was

[921] "A History of Police in England "WL Melville-Lee 1901 Kessinger Rare Reprints 2012page 205
[922] "A History of Police in England" WL Melville-Lee 1901 Kessinger Rare Reprints 2012 page 205
[923] "The Story of Scotland Yard" Sir Basil Thompson 1935 Kessinger Rare Reprints page 94
[924] "What is the relevance of history to criminology?" Criminology and History, John Lea 2006 http://www.bunker8.pwp.blueyonder.co.uk/history/36801.htm

low. [925] Conditions were improved, with ships were now kept reasonably clean and the surgeons did their jobs well enough to the point where few convicts died on the voyage. [926]

Convicts were taken on board in chains and shackles. Once aboard these were unlocked a hatch was opened, the convicts went below to the prison deck and the hatch was locked. Sometimes they were kept in chains and behind bars on board the ship. The convict quarters had ventilators to let in light and air. The stern would be reasonably light but the bows dark and gloomy. On some ships convicts were kept below most of the time and in many cases were restrained in chains only allowed on deck for fresh air and exercise. [927]

By the 1840s the routine of the ships was more enlightened. Surgeons were no longer in the pay of the ship's master and their sole responsibility was the well being of the convicts. Daily life even included a religious instructor who could both educate the convicts and look after their spiritual needs. Importantly, a bonus was paid to the ship charterers for the safe landing of the prisoners. [928] This ensured filthy conditions gave way to a more ordered layout, as described by John Acton Wroth, a literate young man who was transported in the 1840's. He describes an area with bunks along either side of the deck, each separated from its neighbour by a ten-inch high board. Four berths of the lower and upper tiers formed a mess, constructed so that four men could sit round a table. Those men occupying mid-ship slept in hammocks, slung up each night over the tables. Younger men had these. Each bed had a mattress, pillow and two blankets. The hammock had two blankets only.[929]

Convicts were divided into groups of eight men and provided with cooking and eating utensils, tin pint mugs, spoons and one wooden 8-pint tin called a hub. A knife and fork was issued each meal and collected afterwards.

The hospital on board was just 15ft by 10ft 8in by 6ft high, with three iron bedsteads placed on bunks.[930]

In the early days discipline was brutal, with regular use of the lash. In later days, if the convicts misbehaved they would get 'boxed' - put in a small confined space in the bows, in which a man could neither lie down nor stand. [931]

Pensioner Guards

On the upper deck were the wives and children of the “pensioner guards”. In 1850, as a part of its emigration policy, the government began to send out military pensioners

[925] http://vcp.e2bn.org/justice/section2196-transportation.html
[926] http://vcp.e2bn.org/justice/section2196-transportation.html
[927] http://vcp.e2bn.org/justice/section2196-transportation.html
[928] http://vcp.e2bn.org/justice/section2196-transportation.html
[929] http://vcp.e2bn.org/justice/section2196-transportation.html
[930] http://vcp.e2bn.org/justice/section2196-transportation.html
[931] http://vcp.e2bn.org/justice/section2196-transportation.html

to Australia to guard the prisoners on the voyage. This continued until 1864. After the voyage, the pensioners were not retained as permanent convict guards and, in many cases, their families travelled with them. They sought work among the free settlers in the colony, but were always on hand to help in case of an outbreak among the prisoners.[932]

Where were the convicts sent?

By 1775 there were 13 British Colonies in America but, on the Declaration of Independence in 1776, America refused to take any more convicts so other destinations were looked for. Around 50,000 criminals had been settled in the Americas. Between 1786-1791 saw the development of transportation to Australia. The first fleet with 775 prisoners left England in 1786, followed by three large fleets between 1787 with 736 convicts and 1791, which form the basis of the population of the country. Seven out of eight of these were males; some were as young as nine or ten; some were over eighty. Between 1788 and 1868, approximately 165,000 convicts were transported to Australia. [933]

During the Napoleonic wars there was a need for labour in the dockyards in England and so fewer people were transported. For a short while the authorities favoured imprisonment in gaols in England, with prisoners kept in solitary confinement or carrying out hard labour. However, after the Napoleonic war ended the gaols became full and the number of people being transported rose again.[934] An Act of 1823 allowed convicts to be sent to Bermuda.[935]

Prisoners were transported to the colonies for a set period of five or, more usually, seven or fourteen years. They were sent to remote areas to prevent escape and to discourage their return to the UK. However there was no procedure for return after the sentence expired and so only a handful ever came back to Britain, despite the varying lengths of their sentences.[936] . Those released under Conditional Pardons were not allowed to return. Those released under Absolute Pardons could in theory return but needed the wherewithal to achieve this, which was rare. Convicts who worked hard were sometimes able to save money and set themselves up as settlers but few retuned home or left the colonies. Certificates of Freedom were introduced in 1810 and issued to convicts at the completion of their sentence.[937]

Convict Life in Australia

After the convicts had been formally handed over into the charge of the governor, the prisoners were often segregated, with the most hardened criminals being sent to

[932] http://vcp.e2bn.org/justice/section2196-transportation.html
[933] http://vcp.e2bn.org/justice/page11405-background-and-reasons.html
[934] http://vcp.e2bn.org/justice/page11405-background-and-reasons.html
[935] http://vcp.e2bn.org/justice/page11405-background-and-reasons.html
[936] http://vcp.e2bn.org/justice/page11405-background-and-reasons.html
[937] http://vcp.e2bn.org/justice/page11384-convict-life-in-australia.html

special prisons or areas. The remainder acted as servants to the settlers or carried out hard labour in gangs. Most convicts were assigned to settlers and 'emancipated' after an application for a convict servant or worker was lodged with the Governor.

By day a military guard and convict overseers supervised prisoners and, at night they were locked up in small wooden huts behind stockades. [938]

Convict discipline was harsh. For those convicts who committed further offences in the colony, punishments were brutal. There was the cat o'nine tails: fifty lashes was a common punishment. Equally feared was time on the chain gangs where, shackled in ankle irons or chains (weighing ten pounds or more), convicts were employed in the backbreaking work of making new roads.[939] If convicts continued to cause trouble in Australia, they were sent to more isolated penal colonies or prisons such as Norfolk Island, Port Macquarie and Moreton Bay where discipline could be very severe. There they were forced to work from dawn to dusk at backbreaking tasks. If they disobeyed or tried to escape, they were whipped, chained in irons or sometimes executed. At Norfolk Island the 'harshest possible discipline short of death' was imposed. So unpleasant were the conditions, that rebellions and uprisings were a regular occurrence. [940]

Well-behaved convicts could apply or petition the governor to have their families brought out from England and, in some cases; they could be assigned to work for their free settler families.[941]

Although most female convicts were usually assigned to domestic service the more troublesome were sent to the Female Factory, where they made rope and span and carded wool living in basic accommodation similar to barracks. In time, the work done in the female factories became less difficult with needlework and laundry becoming the main duties. Many women would marry as quickly as possible. Martin Cash described how this would happen in 1828 in Sydney.

“ - - any man wanting to marry one of the girls would apply. The girls were lined up at the Factory and the man would drop a scarf or handkerchief at the feet of the woman of his choice. If she picked it up, the marriage was virtually immediate."[942]

Large numbers of boy convicts aged between 9 and 18 were sent to Tasmania in the early 1830s. They were often too small for the rough work of land clearance and road building. As their number grew, a separate Boys' Establishment was built at Point Puer. [943]

[938] http://vcp.e2bn.org/justice/page11384-convict-life-in-australia.html
[939] http://vcp.e2bn.org/justice/page11384-convict-life-in-australia.html
[940] http://vcp.e2bn.org/justice/page11384-convict-life-in-australia.html
[941] http://vcp.e2bn.org/justice/page11384-convict-life-in-australia.html
[942] http://vcp.e2bn.org/justice/page11384-convict-life-in-australia.html
[943] http://vcp.e2bn.org/justice/page11384-convict-life-in-australia.html

Conduct registers were kept and convicts that worked hard could obtain their 'ticket of leave' (a document given to convicts when granting them freedom to work and live within a given district of the colony, before their sentence expired or they were pardoned). Under a ticket of leave church attendance and appearance before a magistrate was compulsory, but now the released prisoner could own property. [944]

Over time the colonies began to object to the arrival of large numbers of convicted criminals and some began refusing to accept the convicts. The colonies were attracting emigrants who could carry out the labouring work and those settlers who had arrived legally resented the prisoners.

Transportation had also become very expensive, and so the government looked for cheaper solutions to the criminal problems at home. In 1840, Lord John Russell made new proposals suggesting a mixed system.

> More prisoners would be kept on the hulks in England to serve their sentences
> An experimental penitentiary would be built.
> Prisoners would continue to be sent to Van Diemen's Land and more convicts would be transported to Bermuda.
> It was also decided that every man would work the start of his sentence in Britain on hard labour in public works such as road building.[945]

In 1839-40 transportation to New South Wales was discontinued. By this time, New South Wales well developed and was considered a desirable place for settlers. It was no longer seen as a punishment to send convicts there. In 1846 after Earl Grey took over as secretary of state for the colonies he proposed an 'exile system' allowing well behaved convicts to be sent to Australia and receive their ticket of leave (freedom) on arrival, as long as they did not return to Britain. Punishment for these men started with solitary confinement in prison, followed by hard labour then assisted exile to colonies. To make this more acceptable to the colonies, the same number of free emigrants would be sent. There was no shortage of prisoners opting for this, as conditions were much more favourable than on the hulks. However it did not satisfy the colonial authorities and a mass demonstration occurred on 11th June 1849 in Sydney opposing transportation. The government remembered the rebellion of the American colonies, and decided to end the system. It was not over and in 1849 transportation started to Western Australia and transportation continued to Van Diemen's Land until 1853. Other colonies were sought to take the prisoners but most refused. [946]

After the 1853 Penal Servitude Act, only long-term transportation was retained and it was finally abolished after the Penal Servitude Act of 1857. Some convicts were still

[944] http://vcp.e2bn.org/justice/page11384-convict-life-in-australia.html
[945] http://vcp.e2bn.org/justice/page11385-on-completion-of-sentence.html
[946] http://vcp.e2bn.org/justice/page11385-on-completion-of-sentence.html

transported for a while after the 1857 Act although imprisonment with hard labour became the norm. [947]

Hulks and Prison

As the prison population increased, it was decided to use the hulks as gaols. With Parliament authorising their use for a two-year period in 1776 they continued to house prisoners for 82 years. By the early 19th century, most prisoners awaiting transportation were sent to the ' hulks' in London before being assigned to a convict ship and leaving England. The hulks were old navy ships, which were anchored along the banks of the Thames, and at ports such Portsmouth and Plymouth. The conditions on the ships were terrible, especially in the early days, and far worse than in the prisons. The standards of hygiene were so poor that outbreaks of disease spread quickly. Typhoid and cholera were common and there was a high death rate amongst the prisoners. In the daytime the convicts were put to hard labour on the docks or dredging the Thames. At night the prisoners were chained to their bunks to prevent them escaping ashore. Convicts could be punished for crimes on board by being placed in heavy irons or flogging.[948]

Following lobbying over the poor conditions on convict hulks Millbank prison was built in 1816 next to the River Thames in central London with the prison run using the "separate system" where prisoners were kept in isolation. The building layout was in the form of a six-pointed star around a central core that made it seem that the prisoners were under constant surveillance. At this time it was the largest goal in England and could confine 1200 convicts in separate cells. Many convicts (male and female) spent part of their sentence here before being transported.

Every prisoner had religious instruction, put to work, turning the crank, picking oakum (picking apart old tarred rope), making shoes or stitching mailbags. Although clean and ventilated, it was still very damp and unhealthy due to its locality alongside the Thames. Fatal outbreaks of cholera occurred.

Due to its management regime and architectural design (3 miles of passageways) Millbank Prison was thought to be unsuccessful and was closed in 1890.

Reformist pressure and objections by colonists to transported convicts continued and led to the development of further "model" penitentiaries, including Pentonville, Portland (1848), Dartmoor (1850) where administrations adopted colonial type labour regimes (Pointless hard work in order to earn food).[949]

[947] http://vcp.e2bn.org/justice/page11385-on-completion-of-sentence.html
[948] http://vcp.e2bn.org/justice/page11382-sentencing-to-departure-prison-hulks-convict-gaols.html
[949] http://vcp.e2bn.org/justice/page11382-sentencing-to-departure-prison-hulks-convict-gaols.html

Hard Labour

Prisoners were often used as the main work force in quarrying, building roads or labouring on the docks. Criminals could be sentenced for just a few days, weeks or even years. Prisoners were also set to hard labour within the prisons themselves. All longer-term sentences usually carried a term of hard labour and it also formed a part of the transportation sentence. In the early 19th century, children were often sent to work alongside adults. [950]

The punishment was introduced to teach prisoners the value of hard work removing the temptation for idle men get up to mischief and it would deter others from committing crime. There was also the need for cheap labour during the Napoleonic wars leading to opposition to transportation because labour was needed in the dockyards and possibly there was a shortage of ships and crews. Men incarcerated in the 'hulks', for example, worked on dredging the Thames or in the naval dockyards. Others were sentenced to work on ballast lighters.

Hard labour within prisons was often carried out in a prisoner's cell or under guard in silence. Most prisons had a treadmill or tread-wheel installed, where the prisoner simply walked the wheel. In some prisons in the earlier part of the 19th century, the treadmill provided flour to make money for the gaol, from which the prisoners earned enough to pay for their keep. However, in later times, there was no end product and the treadmill was walked just for punishment and was loathed by the prisoners.[951]

An equally pointless device was the Crank. This was a large handle in the cell that a prisoner would have to turn thousands of times a day. This could be tightened by the warders, making it harder to turn, which resulted in their nickname of 'screws'. These punishments were not abolished until 1898. [952]

Juveniles

Age did not prevent involvement with the courts although contrary to common belief there was proportionality and consideration for age. Dorking Police in the time of Donaldson dealt with two troublesome youngsters, George Dibbles aged 11, and Edward Randall aged 9 who were persistent metal thieves. At Biddle's house PC Brown recovered a bag of stolen metal from the loft, and both were brought before a magistrate who remanded them to the Bench the following day which probably meant overnight in the Cage?). The court reprimanded Randall and fined Dibble 18/3d to be paid that night or he would go for a month on the treadmill at Guildford – he was aged 11. The money was paid.[953]

[950] http://vcp.e2bn.org/justice/page11362-types-of-punishment-hard-labour.html
[951] http://vcp.e2bn.org/justice/page11362-types-of-punishment-hard-labour.html
[952] http://vcp.e2bn.org/justice/page11362-types-of-punishment-hard-labour.html
[953] Transcript of the original occurrence book Mr C.A. Willeard Pages 11-12

Corporal punishment

Sentencing to corporal punishment such as being whipped through the streets was also an option for the courts. This punishment was frequently used in rural Surrey where the prisoner was tied to a cart and whipped through the streets of his/her town or village. [954] A prisoner to be whipped was strapped to a frame and "cat o' nine tails" whips were used. [955] Over the course of the 18th and early 19th centuries, the proportion of whippings carried out in public declined, but the number of whippings in private increased, as the use of other forms of punishment, such as hanging, were restricted. The public whipping of women was abolished in 1817 and men in the 1848[956]. However, as part of a gaol sentence, juveniles, in particular, could be whipped once or twice in private in the goal prior to their release. Punishing prisoners by whipping was not abolished until 1948.[957]

1780 Michaelmas WELLS George; Woking; Labourer

Theft or Intent to Steal Offence details: Committed the 19th, Day of February 1780, charged with feloniously stealing, taking and carrying away a Barn Cloth, out of the Barn in Woking in the night of the Seventeenth of this Instant, which said Barn Cloth, was by a Search Warrant found in his House concealed in his Bed.

On Trial Found Guilty

Imprisoned For One Month In Mr Keene's Custody And On Saturday The 15th April To Be Publickly Whip't At The Carts Tail From The Bridge At Guildford To The Town Hall There Between The Hours Of 12 And 2 Of That Day.

Session: 1780 Michaelmas 03/10/1780 MOSCAT Thomas Esher: labourer

Type of offence: Theft or Intent to Steal: Offence details: Committed the 14th day of August, 1780, by William Shakespear, esq, charged on the oath of Sarah Paine and Crispin Dark, on suspicion of stealing one linen sheet, the property of Richard Paine.

On Trial Found Guilty

Sentence: Imprisoned In House Of Correction Kingston For Two Months & To Be Kept To Hard Labour During That Time and On Saturday The 14 October To Be Tied To Carts Tail & His Back Stripped Upwards and To Be Whipped From The Stocks Round The Market Place At Kingston And Back Again Til His Back Is Bloody

[954] OPY 1/420 part 2 National archives
[955] OPY 1/420 part 2 National archives
[956] http://vcp.e2bn.org/gaols/page30325-types-of-punishment-physical-punishment.html
[957] OPY 1/420 part 2 National archives

A prisoner from Dorking tried at Guildford Sessions for theft from his employer was "sentenced to two months at Brixton, and at the end of that time to be whipt."[958] Two other examples were for stealing bread in a shop, and for theft, 14 days "and to be whipt"[959]

Superintendent Donaldson of Dorking Police came across a number of boys trespassing and bathing in a brook, and all but one (Cooper by name) ran off when the superintendent approached. He "supposing he had a right to be there stood still, naked as he was. I then gave him a caning and threatened to put him in the Cage all night, but for fear of that as soon as he got his shirt on he ran off. I then bundled up the rest of his clothes and took them home with me".[960]

The Pillory

The Pillory consisted of hinged wooden boards forming holes through which the head and/or various limbs were inserted; then the boards were locked together to secure the captive. Pillories were set up to hold petty criminals in marketplaces, crossroads, and other public places and were often placed on platforms to increase public visibility of the offender. Often a placard detailing the crime was placed nearby; these punishments generally lasted only a few hours. In being forced to bend forward and stick their head and hands out in front of them, offenders in the pillory would have been extremely uncomfortable during their punishment. However, the main purpose in putting criminals in the pillory was to publicly humiliate them. [961]

On discovering that the pillory was occupied, people would excitedly gather in the marketplace to taunt, tease and laugh at the offender on display. Those who gathered to watch the punishment typically wanted to make the offender's experience as unpleasant as possible. In addition to being jeered and mocked, those in the pillory might be pelted with mouldy fruit and vegetables, rotten eggs, bad fish, mud, offal, dead animals, and animal excrement. Sometimes people were killed or maimed in the pillory because crowds could get too violent and pelt the offender with stones, bricks and other dangerous objects.[962]

The criminal could also be sentenced to further punishments while in the pillory: humiliation by shaving off some or all hair or regular corporal punishment the pillory serving as the "whipping post") or even permanent mutilation such as branding.[963]

After 1816, use of the pillory was restricted in England to punishment for perjury or subornation. (To induce a person to commit perjury; to procure perjured testimony.

[958] Transcript of the original occurrence book Mr. C.A. Willeard Page 95
[959] Transcript of the original occurrence book Mr. C.A. Willeard Pages 164 and 184
[960] Transcript of the original occurrence book Mr. C.A. Willeard Page 76
[961] http://en.wikipedia.org/wiki/Pillory
[962] http://en.wikipedia.org/wiki/Pillory
[963] http://en.wikipedia.org/wiki/Pillory

The pillory was formally abolished as a form of punishment in England and Wales in 1837, but the stocks remained in use, though extremely infrequently, until 1872.

The last person to be pilloried in England was Peter James Bossy, who was convicted of "wilful and corrupt perjury" in 1830. He was offered the choice of seven years' penal transportation or one hour in the pillory, and chose the latter.[964]

> Session: 1780 Midsummer 25/07/1780 William Witrick; Send
>
> Rape or attempted rape: Offence details: Committed the 4th Day of June, 1780 by James Weller, Clerk; he being this day charged on the oath of Sarah Brown of Cobham in Surrey, Single woman, and others, with violently assaulting with intent to ravish her, the said Sarah Brown, in the Parish of Send in the said County, on Saturday night the third of this instant June.
>
> Pleaded Not Guilty; On Trial Found Guilty Sentence: Ordered To Be Set in And Upon The Pillory At Guildford On The 29th Instant Between The Hours Of 12 And 2 For One Hour Imprisoned One Month And To Find Surety's For His Good Behaviour For 12 Months Himself In £50 Bail £25 Each.

The victim as prosecutor

England was quite unique in having the victim as the initiator of criminal prosecutions. It only began to decline well into the nineteenth century. It was up to victim, rather than state officials, to initiate investigation and prosecution. [965]

During the eighteenth century: "…. Not only assaults by virtually all thefts and even some murders were left to the general public. That meant that responsibility for the initial expense and entire conduct of the prosecution was thrown on the victim and his or her family... As late as the mid 19th century no public official was responsible for ensuring that even the most serious offences were prosecuted." [966]

Prosecutions were by the eighteenth century becoming increasingly expensive and thus the tradition whereby the poor settled most of their cases out of court continued. On occasion, if the offender was fined by a court but was too poor to pay the court might seek payment of costs from the prosecutor! Thus often a threat of prosecution rather than actual prosecution would suffice to extract a compensatory payment. If the crime was not a felony but only involved personal property then restitution between the parties, even with magistrate supervising, would be cheaper and more appropriate.

[964] http://en.wikipedia.org/wiki/Pillory
[965] http://www.bunker8.pwp.blueyonder.co.uk/history/36804.htm
[966] http://www.bunker8.pwp.blueyonder.co.uk/history/36804.htm " Policing and prosecution in Britain, 1750-1850" Hay and Snyder 1989: 27

Court focus on trial rather than on detection

At the centre of the traditional system of localised justice were the court and the trial. Victims would know most offenders and so criminal law could take a form much closer to that of civil dispute. Crime detection and policing methods were elementary and crude. As now the courts did not become involved until the prisoner appeared before them. The role of Justice of the Peace was to decide whether there was a ‘case to answer’ following a complaint by the victim, or in some cases the local parish or police constable. [967]

The emphasis was on the trial with confrontation between the victim-prosecutor and defendant. It was still seen as very much a personal confrontation between someone and their accuser rather than the state impartially enforcing the law. Crime was a particular violation by one person of another, rather than a violation of 'the criminal law'.[968]

[967] http://www.bunker8.pwp.blueyonder.co.uk/history/36804.htm
[968] http://www.bunker8.pwp.blueyonder.co.uk/history/36804.htm