

Policing and Police Reform in a Rural County;  
Somerset c.1830-1856

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## **Thesis Abstract**

### **Policing and Police Reform in a Rural County; Somerset c.1830-1856**

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This thesis examines the development of policing across the county of Somerset, from the appointment of parish constables to the establishment of a county police, circa 1830 to 1856. It will answer three core research questions. Firstly, what was the state of crime in the county through the first half of the nineteenth century, and how was it perceived by the Quarter Sessions and vestries? Secondly, what were the existing policing arrangements in the towns and rural areas of the county and how satisfactory were these felt to be? Thirdly, what was the political journey taken by Quarter Sessions, from initial outright rejection of the *Rural Constabulary Act* [1839] to its ultimate acceptance in 1856?

This thesis builds upon the existing historiography of criminal justice by providing insights into policing before its reform in 1856, and does so in the context of a rural county never studied before. Although ostensibly quiet and agricultural, the county was in fact a diverse mix of geographical environments and communities, each of which had its own needs and approached those needs in its own way. This thesis seeks to enhance our historical understanding of the men who filled the role of constable, and provide a detailed study of the ways in which rural areas interpreted changing national legislation to suit local circumstances. It will thus increase knowledge and understanding of the development of policing in English provincial towns and rural parishes before 1856. Finally, this thesis will test the validity of what may be termed the ‘grand narrative’ explanations of policing development in criminal justice histories of the period. It will conclude that, whilst these concepts may have applicability in particular socio-economic situations, they cannot be broadly applied to a culturally and economically diverse region such as the county of Somerset.

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### **Abbreviations Used in This Thesis**

<i>BRO</i>	<i>Bath Records Office</i>
<i>BT</i>	<i>Bridgwater Times</i>
<i>CFC</i>	<i>Constabulary Force Commission</i>
<i>HCP</i>	<i>House of Commons Papers</i>
<i>SCG</i>	<i>Somerset County Gazette</i>
<i>SCH</i>	<i>Somerset County Herald</i>
<i>SRO</i>	<i>Somerset Records Office</i>
<i>TC</i>	<i>Taunton Courier</i>
<i>TNA</i>	<i>The National Archives</i>
<i>WCA</i>	<i>Wells City Archives</i>

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## **Chapter 1: An introduction**

.... There are many mysteries still to be uncovered in our continuing exploration of the lost cultural and societal pasts of provincial England<sup>1</sup>

### **Overview**

This thesis examines the adoption of different forms of policing across the county of Somerset, from the appointment of parish constables to the establishment of a reformed police, circa 1830 to 1856. It blends with, and builds upon, the existing historiography of policing by providing details of, and insights into, policing before the reformed police was established and does so in the context of a rural county never studied before.<sup>2</sup> Although ostensibly quiet and agricultural, the county was in fact a diverse mix of communities ranging from large to small, agricultural to industrial and politically aware to completely inactive. Each of these communities and geographical environments had different needs and each approached those needs in its own way. Accordingly the central aim of this new study is to answer three core research questions. Firstly, what was the state of crime in the county through the first half of the nineteenth century, and how was it perceived by the Quarter Sessions and vestries?

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<sup>1</sup> Phythian-Adams C., (ed.) *Societies, Cultures and Kinship, 1580-1850: Cultural Provinces in English Local History* (Leicester, 1993), quote at p.23.

<sup>2</sup> Certain texts have particular relevance for this thesis and provide the historiographical context within which it is situated. Most significant of these are the works of David Philips and Robert Storch who provided detailed studies of policing in rural areas. These works include; D. Philips, and R. Storch, *Policing Provincial England 1829-1856* (London, 1999), and R. Storch, 'Policing Rural Southern England before the Police: Opinion and Practice 1830-1856', in D. Hay and F. Snyder, (eds.), *Policing and Prosecution in Britain, 1750-1850* (Oxford, 1989), ch.5, pp.211-66. As well as valuable insights into specific aspects of the behaviour of the reformed police forces, Clive Emsley provides detailed introductions to the development of policing in England. Foremost amongst these are; C. Emsley, *The English Police: A Political and Social History* (Harlow, 1991) and Emsley C., *Crime and Society in England 1750-1900* (Harlow, 1987). Finally, Robert Reiner has offered a valuable critique of the different theoretical stances adopted towards the introduction of reformed policing. See R. Reiner, *The Politics of the Police* (Oxford, 3rd ed., 2000).

Secondly, what were the existing policing arrangements in the towns and rural areas of the county and how satisfactory were these felt to be by the sub-group of residents involved in decision making? Thirdly, what was the political journey taken by Quarter Sessions from initial outright rejection of the *Rural Constabulary Act* [1839] to its ultimate acceptance in 1856?

This new approach seeks to enhance our historical understanding of the men who filled the role of constable, and provide a detailed study of the ways in which rural areas responded to changing national legislation. It will provide an analysis of how national and local legislation was interpreted to suit the individual circumstances of specific localities in this important location in the West Country. This new set of historical perspectives will thus increase our knowledge and understanding of the development of policing in English towns and rural parishes in the provinces before 1856. Throughout, the thesis will test the validity of what may be described as the ‘grand narrative’ explanations of policing development in criminal justice histories of the period. It will conclude that, whilst they may have applicability in particular socio-economic situations, they cannot be broadly applied to a culturally and economically diverse region such as the county of Somerset.

In what follows, the history and geography of the area chosen for this case-study is examined to set the scene, before engaging with the historical background to the study, and identifying the key gaps in the criminal justice literature that this thesis will be addressing. There will then be a discussion of the contribution that the thesis will make and of the value of studying a rural county such as the one focused on here. It will then explore the methodology and sources used. This introductory chapter concludes with a general overview that sets out the main research themes in each of the next five chapters, and offers some thoughts on future directions for policing and criminal justice history research. The aim is to make a new contribution to the history of policing in the first half of the nineteenth century by focusing in detail on rural, semi-rural, and proto-industrial communities, and on selected Somerset towns. The existing policing and criminal justice historiographies have tended to privilege studies of crime, justice and police formation in London and the major industrial cities. This thesis aims to provide a balance and a new perspective by studying a classic rural county.

## The history and geography of Somerset

Somerset, the “Land of Summer”, is, and was, a county of contrasts. It has a history ‘about which to generalise is dangerous if not impossible.’<sup>3</sup> That is true socially and industrially as much as it is geographically, and it is for this reason that the county makes such an exciting and valuable focus for a study of this nature.

***Map 1.1: Somerset’s geography (Not to scale)***



Source: Adapted from [https://commons.wikimedia.org/wiki/File:Somerset\\_outline\\_map\\_with\\_UK.png](https://commons.wikimedia.org/wiki/File:Somerset_outline_map_with_UK.png).

The county is bordered by Bristol and Gloucestershire to the north-east, Wiltshire to the east, Dorset to the south and Devon to the west (See Map 1.1). The major towns are Taunton, (the County Town), Bath, Bridgwater, Frome, Shepton Mallet and Wells, (England’s smallest city). Geographically, the county is split approximately east and west, with the western part comprising the upland areas of Exmoor, the Blackdown and Quantock Hills. The Mendip Hills lie to the east of the area known officially as the Somerset Levels and Moors which occupy the central part of the county. Prior to the

<sup>3</sup> R.W. Dunning, *A History of Somerset* (Tiverton, 3 ed., 2003), quote at p.7.

Reform Act of 1832 Somerset returned sixteen members to Parliament, a number reduced to thirteen after 1832. In this year the county was also split into two Parliamentary divisions – Somerset Eastern and Somerset Western, each electing one Member. Each comprised approximately 240 parishes. The area of the county during the period of this thesis was about 1630 sq. m., containing a population of 281,500 in 1801 which had risen to over 400,000 by 1831, and to 456,237 by 1851. Throughout this period the gender split remained remarkably constant with females making up just over half of the population (See Table 1.1). In 1831, about one quarter of the parishes had populations in excess of 500, as shown in table 1.2, but towns were small, over half having less than two thousand inhabitants (Table 1.3).

**Table 1.1: Somerset and National Populations 1801-1851**

	Great Britain	Somerset Males	Somerset Females	Total Somerset Population
1801	8,892,536	130,747	150,753 (54%)	281,500
1811	10,164,068	146,279	166,791 (53%)	313,070
1821	11,999,322	176,122	190,681 (52%)	366,803
1831	13,896,797	200,425	216,139 (52%)	416,564
1841	15,914,148	215,639	233,154 (52%)	448,793
1851	17,922,768	216,716	239,521 (52%)	456,237

Source: *House of Commons Papers*, [hereafter *HCP*], 1851 (1399), *Census of Great Britain Tables of the Population and Houses*.

**Table 1.2: Somerset Parishes 1831**

Population	No of Parishes	Population	No of Parishes
Under 10	0	100 to 300	138
10 to 20	4	300 to 500	115
20 to 50	11	500 to 800	71
50 to 100	28	800 to 1000	33

Source: *HCP*, 1834 (44) *Poor Law Commission Report 1834*, p.246.

**Table 1.3: Somerset Town Sizes 1831**

Population	No of Towns	Population	No of Towns
1,000 to 2,000	58		
2,000 to 3,000	19	5,000 - 10,000	7
3,000 to 4,000	7	10,000 to 50,000	3
4,000 to 5,000	2	Above 50,000	0

Source: HCP, 1834 (44) *Poor Law Commission Report 1834*, p.247.

Somerset's land use has always predominantly involved agriculture. A number of industries have, however, flourished in the county, although by the mid-nineteenth century most had either faded away or were in the process of doing so. Various minerals and ores were mined and lead mining had been a major industry in the Mendip Hills, whilst coal mining in north-east Somerset was highly significant in terms of employment. The coal fields were centred on Radstock and covered approximately 240 square miles. Different estimates put the number of pits in Somerset at the beginning of the nineteenth century as between 55 and 64, with the average pit employing between 100 and 150 men and boys.<sup>4</sup> Textiles were also very important to the west of England in general, and Somerset, Gloucester and Wiltshire in particular, but were rapidly losing their importance in Somerset as the nineteenth century developed.<sup>5</sup> Wages in Somerset were 'lamentably low.'<sup>6</sup> The highest rate was paid in the neighbourhood of the coal pits to the east and north of the county, the lowest rates to the south around Ilminster and Yeovil, where workers in the gloving industry were particularly poorly paid.<sup>7</sup> Women and older girls in the silk mills might have hoped to earn 3s per week in the 1830s, but

<sup>4</sup> UWE, *The Number and Size of Collieries'*

<[http://humanities.uwe.ac.uk/bhr/Main/coal/3\\_coal.htm](http://humanities.uwe.ac.uk/bhr/Main/coal/3_coal.htm)> [Accessed 13 September 2013].

<sup>5</sup> Individual textiles, various cloths, lace and silk, fared differently through the period of this thesis. Where it is relevant to the main theme of policing, the individual products will be discussed. Overall, however, the textile industry was in decline and by the 1850s, 'the textile trade of the West country found itself seriously hampered, by changes in fashion, higher-priced labour, and above all by the development of the manufacturing centres of the North of England.' IHR, *The Victoria History of the Counties of England: Somerset* (London, 1969), vol.2, quote at p.418.

<sup>6</sup> *Ibid.*, quote at p.333.

<sup>7</sup> See also T. Dyke-Acland and W. Sturge, *The Farming of Somersetshire* (London, 1851), p.97.

the recession in the trade brought on by the reduction in import duties on foreign silk, reduced even this.<sup>8</sup> By 1872 the wages of the men continued to be supplemented by the earnings of the wives and daughters, who still only earned two or three shillings a week at gloving. The social costs of the work were high; ‘such a pittance was all that could be earned for a whole week’s labour, often performed by young mothers at the cost of the almost total neglect of their young families.’<sup>9</sup> Whilst glove making might have kept starvation at bay, there was nothing idyllic in stitching in dark cottages, while the workers themselves were ‘hedged round with fines and penalties.’<sup>10</sup>

***Table 1.4: Somerset Urban and Rural Populations – Four Examples, 1801-1901.***

Population	1801	1811	1821	1831	1841	1851	1861	1871	1901
<u>Urban Pops.</u>									
Crewkerne	2576	3021	3434	3789	4414	4497	4705	4872	5172
Chard	2784	2932	3106	5141	5788	5297	5316	5636	6318
<u>Rural Pops.</u>									
Chedzoy	457	402	472	549	507	509	442	384	330
Long Sutton	735	725	856	957	979	1050	958	963	716

Source: *The Victoria History of the Counties of England: Somerset* (London, 1969), vol. 2, pp.340-352.

Life from the 1830s onwards was tough as the combined effects of unchanging wages in agriculture, and a major decline in the local industries, served to increase the already significant poverty amongst the labouring classes of Somerset.<sup>11</sup> Although the overall population of the county was growing it was doing so at a declining rate, and rural populations fell as urban ones grew. Some examples of this tendency are shown in table 1.4.

<sup>8</sup> See J. Doble and B. Hodgson, *The Silk Industry of Evercreech* (Evercreech, 2001), p.27.

<sup>9</sup> F.G. Heath quoted in P. Lawson-Clarke, *The Glovers of Yeovil: A Study of the History of a Local Industry* (Yeovil, 1996), at p.38.

<sup>10</sup> *Ibid.*

<sup>11</sup> P. Randall has noted that for Somerset labourers, wages were so low, diet so basic, and cottages so deplorable, that it was impossible to ensure that conditions in the Wincanton Workhouse in 1834 were worse than outside it. See P. Randall, *Life in a Rural Workhouse: Wincanton Workhouse, Somerset 1834-1900* (Brighton, 2010), p.40.

As observed, Somerset was therefore, a county of contrasts. In the early nineteenth century there were major conurbations such as Bath, as well as magistrates' divisions such as Wells which consisted of 'small and quiet villages.'<sup>12</sup> There was mining to the north, and a textile region to the south. Industrialisation was beginning to arrive in places like Chard, but other towns were losing whatever industry they had had. Across the county, however, there was a significant and important agricultural sector. This thesis will hence explore the impact of these very variable characteristics within the county, and examine the extent to which the various local responses to the issues of crime and policing were determined by them.

### **The historical background**

Without doubt British society changed dramatically - economically, demographically and socially during the nineteenth century. In the mid-eighteenth century it was still largely rural, comprising small scale, personal, communities. The use of informal sanctions and difficulties of access meant that resort to formal legal institutions, predominantly overseen by amateurs, was limited. Policing, although highly disparate in its intensity and its quality was parish and community based and essentially unpaid. Since the 1500s at least, the principle of communal responsibility for law enforcement had found expression in the liability of every householder to serve as constable.<sup>13</sup> By the mid nineteenth century, however, England and Wales had undergone significant urbanisation and industrialisation. The legal system was becoming more professionalised and the nature of punishment was shifting from the ultimate sanctions of the gallows and transportation to the penitentiary and reformatory. At the same time, what were considered to be acceptable levels of 'criminal' behaviour were changing, with previously condoned acts now being declared illegal or undesirable, often at the expense of what had been normal working class work and leisure activities.<sup>14</sup> To this

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<sup>12</sup> *The National Archives*, [hereafter *TNA*], 1836-38, HO 73/5-9; *Returns to the Constabulary Force Commission* [hereafter *CFC Returns*], Wells.

<sup>13</sup> See D. Foster, *The Rural Constabulary Act 1839: National Legislation and the Problems of Enforcement* (London, 1982), p.3.

<sup>14</sup> For a discussion of the financial benefits associated with gleaning for example see P. King, 'Customary Rights and Women's Earnings: The Importance of Gleaning to the Rural Labouring Poor', *The Economic History Review*, 44, (1991), pp.461-76. For a contemporaneous critique of the attack on working class leisure pursuits see J.A.

can be added the underlying fears of rising crime, or certainly contemporary perceptions of rising crime, which were fuelled by the social unrest recently seen in France, and the Chartist and Swing movements, as well as the deep suspicion held about the ‘dangerous classes.’<sup>15</sup> Against this background the whole criminal justice system, including policing, was brought into the spotlight of contemporary debates by the beginning of the chronological focus of this thesis, which explores how those debates played out in Somerset.

The parish constable system was widely considered to be going into disrepair by the early nineteenth century. Many argued that it was obsolete, with the constables being commonly likened to Shakespeare’s incompetent watchman, Dogberry, from *As You Like It*.<sup>16</sup> To demonstrate this deterioration in the performance of the system one historian has suggested, with reference to the 160 different capital offences on the statute books at the turn of the nineteenth century, ‘it can easily be demonstrated that an inverse relationship exists between the efficiency of the police and the severity of crimes.’<sup>17</sup> Policing in England and Wales had existed in the form of parish constables since the Saxon period, and its history from the Norman Conquest through to the nineteenth century has been well documented.<sup>18</sup> More recently, however, the early

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Roebuck, 'On the Amusements of the Aristocracy and of the People', (1835).  
<<http://www.jstor.org.ezproxy3.lib.le.ac.uk/stable/60203183>> [Accessed 24 November 2014].

<sup>15</sup> For one discussion of the origins and imagery of this expression see, A. Silver, 'The Demand for Order in Civil Society: A Review of Some Themes in Urban Crime, Police, and Riot', in D. Bordua, (ed.), *The Police: Six Sociological Essays* (New York, 1967), ch.1, pp.3-4.

<sup>16</sup> For a detailed critique of the use of Dogberry, Elbow and other constables in Shakespearian literature as ‘comic’ see P. Spinrad, 'Dogberry Hero: Shakespeare's Comic Constables in Their Communal Context', *Studies in Psychology*, 89, (1992), pp.161-78. According to Chris Williams the term was first used by Benthamite reformers in the 1830s. See C. Williams, 'Police and Crime in Sheffield, 1818-1874', (unpublished, Open University, PhD thesis, 1998), p.2.

<sup>17</sup> W.L. Melville Lee, *A History of Police in England* (London, 1901), quote at p.205, referring to the Benthamite equation between the certainty of punishment and the rewards from crime.

<sup>18</sup> See for example, T.A. Critchley, *A History of Police in England and Wales* (London, 1967), pp.1-28; B. Godfrey and P. Lawrence, *Crime and Justice 1750-1950* (Cullompton, 2005), pp.9-20; Emsley, *The English Police*, pp.8-23; Melville Lee, *Police in England*, pp.1-20, and of particular interest, H.B. Simpson, 'The Office of Constable', *The English Historical Review*, 10, (1895), pp.625-641.

years of the nineteenth century have been described as a period which, ‘cruelly exposed the inadequacies of a system designed to meet the needs of a rural society [...] justices and parish constables were required to fulfil a law-and-order role to which they were fundamentally unsuited.’<sup>19</sup> Similar concerns were being expressed in Somerset. George Warry, a magistrate and one of the main protagonists for change, argued in 1853 that the parish constables were,

unqualified for the performance of their duties as ministers of the law, and also as conservators of the peace. They are persons very loath at all times to set themselves in motion for the prevention of crime and the detection of thefts [...] and they are altogether certainly very inefficient.<sup>20</sup>

This thesis will explore the extent to which such sentiments were prevalent in the county, and the ways in which they influenced debates connected to the need for fundamental police reform.

The early nineteenth century was a period during which the call for reformed policing was beginning to gather pace both in Westminster and in local Quarter Sessions and vestries. In 1829 this pressure had resulted in the formation of the Metropolitan Police in London, and there was a growing conviction that some sort of reform was necessary in the provinces. There was, however, a fear of reformed policing amongst the rural elite, where it was perceived as un-English and inevitably akin to the French *gendarmerie*. One writer noted happily that England had,

no espionage corps [nor] registry office for recording the name, abode and occupation of every inhabitant. [...] These precautions may be necessary in some countries but [...] we are very far from having attained that pitch of general depravity which renders such encroachments on individual freedom essential to public safety.<sup>21</sup>

Various legal remedies were applied in an attempt to satisfy the apparently conflicting demands of those who wanted a reformed police, but not one built on French lines, and

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<sup>19</sup> Foster, *Rural Constabulary Act*, quote at p.1.

<sup>20</sup> HCP, 1852-3, (603), *First Report of the Select Committee on Police*, para.1331.

<sup>21</sup> J. Wade, *A Treatise on the Police and Crimes of the Metropolis* (London, 1829), quote at pp.66-67.

those who, simultaneously, were arguing that the parish constabulary system might have been ailing but it was not yet dead. The *Lighting and Watching Act*, [3 & 4 Will. 4 c.90, 1833], obviated the need for private legislation in order to establish a local force, and enabled unincorporated towns and country parishes to levy a rate that would pay for a police under vestry control.<sup>22</sup> More significantly the *Municipal Corporations (England) Act* [5 & 6 Will. 4 c.76, 1835], was passed which required the creation of locally controlled police forces in incorporated towns. Several towns in Somerset took this route and these will be the subject of case studies in Chapter 3. Pressure from Edwin Chadwick led to a Royal Commission being established in 1836 to investigate policing in the rural areas, and consequently, to the permissive *County and District Constables Act*, [2 & 3 Vict. c.93, 1839].<sup>23</sup> This Act allowed for counties, or parts thereof, to form paid police forces, but did not insist that they do so.<sup>24</sup> Despite its impact in other parts of the country and its otherwise ‘seminal nature,’<sup>25</sup> the Act forms only the backdrop to the story of Somerset policing and although it was ultimately adopted, plays only a small part in it.<sup>26</sup> In 1842, the *Parish Constables Act*, [5 & 6 Vict. c. 109, 1842], had been passed which allowed for the payment of constables. This ‘unremarked’ Act had been noticeable elsewhere in the country, and it is this Act, along with the 1835 *Municipal Corporations Act*, which are of more significance in the history of Somerset policing.<sup>27</sup> As shall be shown, the county Quarter Sessions magistrates visited and re-visited the adoption of the 1839 legislation but demurred and prevaricated for seventeen years, finally adopting the Act just before a compulsory police force was imposed upon them in 1856 by the *County and Borough Police Act*, [19 & 20 Vict. c.69, 1856]. This thesis will thus consider the role that each of these

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<sup>22</sup> See C. Emsley, *The Great British Bobby* (London, 2009) p.78. For an example of the 1833 legislation in practice see B.J. Davey, *Lawless and Immoral Policing a Country Town 1838-1857* (New York, 1983).

<sup>23</sup> *Royal Commission on Establishing an Efficient Constabulary Force in the Counties of England and Wales* [1836].

<sup>24</sup> The 1839 Act is argued to have had ‘less to do with the [Royal Commission] report and more to do with Chartism,’ Williams, ‘Police and Crime in Sheffield’, quote at p.4.

<sup>25</sup> See A. Brundage, ‘Ministers, Magistrates and Reformers: The Genesis of the Rural Constabulary Act 1839’, *Parliamentary History*, 5, (1986), pp.55-64.

<sup>26</sup> For one example of its application see C. Emsley, ‘The Bedfordshire Police, 1840-1856: A Case Study in the Working of the Rural Constabulary Act’, *Midland History*, 7, (1982), pp.73-92.

<sup>27</sup> For the application of both pieces of legislation in Sheffield, see Williams, ‘Police and Crime in Sheffield’.

different pieces of legislation played in the development of policing in Somerset from c.1830 to 1856.

Against this backdrop, it is important to begin with an historiographical review of policing in England and Wales, setting out the theoretical arguments relating to the development of English policing and the literature which has considered them. It considers three different explanations that have been offered for the appearance of a reformed police. These theoretical stances will be shown to conform, albeit loosely, to three patterns; orthodox, revisionist and synthesist. This thesis will contend that no one position is adequate to explain the development of policing in Somerset, if, indeed they offer a general explanation of any location, especially outside the traditional industrial or urban areas. The suggestion is that in Somerset, and probably elsewhere also, different explanations need to be offered for different geographical and social situations.

### **Historiographies – a literature review**

It has been observed that policemen in mid-Wales, in the later part of the nineteenth century, found that after five years of looking at sheep their minds turned to emigration, drink and suicide. David Jones, trying to trace the history of the new police in England and Wales felt that his work had become a ‘comparable travail.’<sup>28</sup> Part of the problem, he explains, lies in the availability, or otherwise, of source material but equally problematic were the three models developed by police historians.<sup>29</sup>

The first of these, the model put forward by the ‘orthodox’ or ‘traditional’ historians, such as Edward Critchley and Charles Reith, was first developed in the 1930s and was the received wisdom until the 1970s.<sup>30</sup> Their view suggested that the police came about

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<sup>28</sup> See D. Jones, ‘The New Police, Crime and People in England and Wales, 1829-1888’, *Transactions of the Royal Historical Society*, 33, (1983), pp.151-68.

<sup>29</sup> For a detailed discussion of these descriptions see Reiner, *The Politics of the Police*, pp.11-56 and Emsley, *The English Police*, p.4; D. Taylor *Crime, Policing and Punishment in England, 1750-1914* (Basingstoke, 1998), p.73.

<sup>30</sup> For example see C. Reith, *A Short History of Police* (Oxford, 1948); C. Reith, *The Blind Eye of History* (London, 1952), and Critchley, *Police History*.

as an answer to rising crime rates and social disorder, and that by alleviating the worst excesses of these problems the police made a significant contribution towards the development of Victorian 'equipoise.' This orthodox approach was called into question by the second group of police historians, the revisionists, including notably, Robert Storch. From the opposite end of the political scale to the traditional historians, he argued that the growth of capitalism and the emergence of industrial society necessitated the development of the police force as an agency for disciplining the working class.<sup>31</sup> More recently the views of both these groups have been called into question. Clive Emsley and Robert Reiner have suggested that whilst there is much of value in the historical analysis of both groups their dialectic positioning is inappropriate and what is called for is some synthesis of their arguments.<sup>32</sup> The division of policing historiographies into these three schools has most clearly been described by Robert Reiner, although the term 'synthesists' might be coined for the third group in response to much of what Reiner and Emsley argue.<sup>0</sup>

In fairness to all of the authors involved, it must also be conceded that the arguments they put forward are inevitably more complex, more varied, and more subtle than is being presented here. As Reiner observes, these models of the traditional and revisionist views are clearly no more than Weberian ideal-types which synthesise, 'the essential elements of the work of a diverse group of writers, none of whom fits the pure model in every respect.'<sup>33</sup> With a general awareness of the different interpretations that have been spun upon historical events the purpose of what follows is to reconsider the three models in more depth.

### **The orthodox historians**

Critchley provides a detailed chronology of the development of policing as an institution in England and Wales. Leon Radzinowicz and Charles Reith also provide detailed and comprehensive studies of the events which shaped the introduction of the

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<sup>31</sup> R. Storch, 'The Plague of Blue Locusts: Police Reform and Popular Resistance in Northern England 1840-1857', *International Review of History*, 20, (1975), pp.61-90.

<sup>32</sup> See Reiner, *Politics of the Police*, pp.55-56, Emsley, *The English Police*, pp.4-5, and below for more detailed discussion of this synthesis.

<sup>33</sup> Reiner, *Politics of the Police*, quote at p.24.

new police.<sup>34</sup> These three, amongst others, have been acknowledged as being of enormous value in themselves for the wealth of detail that their work contains. The assumption underpinning the conclusions of these authors is that the introduction of the *County and Borough Police Act*, [1856], and the development of rural policing before it, were to a large extent historical inevitabilities given the prevailing perceptions of social conditions, rising crime rates, the need to control the ‘criminal underclass’, and the inadequacies of the existing systems of policing. The suggestion is that the reform of provincial policing in the second quarter of the nineteenth century was not so much a radical response to the *Metropolitan Police Act*, [10 Geo. IV c.44, 1829]. Instead it had evolved out of the old systems of policing and of parish constables in particular. This orthodox logic was underpinned by an acceptance of the arguments of the police reformers of the nineteenth century: first, that the old parochial system of policing was, at best, inefficient and at worst wholly corrupt; and second, that England at the close of the eighteenth and beginning of the nineteenth century was faced with a serious increase in crime and disorder.<sup>35</sup> Thus, following this logic, the advent of an organised police force provided an official agency which checked crime and disorder, thereby playing an important part in the emergence of England’s consensual society. The ‘Whiggish’ assumption was that there existed a smooth linear historical progression which saw the lessons of the new Metropolitan Police spreading out to the boroughs, and then ultimately to the rural areas. Finally, this ‘progressive’ approach saw the new police as a whole as an embodiment of an ideal, an unproblematic balance between the claims of individual freedom and the demand for social order in English society.<sup>36</sup>

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<sup>34</sup> Critchley, *Police History*; Leon Radzinowicz, *A History of English Criminal Law and Its Administration since 1750*, vol.3, (London, 1948-68); Reith, *History of Police*. Amusingly, Reith is no more than an ‘enthusiastic’ amateur’ historian of the police according to Reiner, in R. Reiner, ‘Police Research in the United Kingdom: A Critical Review’, *Crime and Justice*, 15, (1992), pp.435-508, quote at p.439.

<sup>35</sup> See Emsley, *The English Police*, p.4.

<sup>36</sup> The concept of the ‘Whiggish’ view of history was originally formulated by Cambridge historian Herbert Butterfield. H. Butterfield, *The Whig Interpretation of History* (London, 1931). See J. Tosh, *The Pursuit of History* (Harlow, 4<sup>th</sup> ed., 2006), p.21. The ‘Whiggish’ approach can be argued to be an obstruction to historical understanding because it is taken to mean the study of the past with direct and perpetual reference to the present: ‘present-minded’ history according to Tosh. For further discussion of ‘Whig’ history see for example D. Taylor, *Crime, Policing and Punishment*, p.73.

Orthodox histories of this nature tend to be teleological and to suggest that the original purpose of the police is revealed by what they do now. Since regular police forces have become the norm it is hard to imagine a society in which they did not exist. Therefore it is natural to assume, the traditionalists would suggest, that the establishment of paid, uniform and uniformed police forces was sensible and inevitable. Any historical opposition to them could only have come from those who were ‘foolish, reactionary, wicked, or all three.’<sup>37</sup> The short-comings of the orthodox view are obvious: history is seldom linear, often not progressive and, in reality, far more multi-layered than these accounts permit. Points made forcibly by a second school, the revisionists.

### **The revisionists**

The revisionist reappraisal of police historiography began in the 1960s, at a time when the role of the Welfare State, civil rights and individual freedom were being generally called into question. During these times of social change, academic study critiqued the history of policing and, in particular, subjected it to scrutiny through the popular lens of Marxist analysis. Revisionist historians have thus focussed their attention upon the police as social engineers, performing a necessary function, acting as intermediaries between the new classes created by industrialisation, urbanisation and nascent capitalism. In the early nineteenth-century new world of business classes, career bureaucrats and professional politicians, the demand for law and order became what it was not before – a constitutional imperative, personified and enforced by the police. In 1967, Allan Silver wrote that not only were the old agrarian rich looking for government intervention in the protection of property but, ‘those springing from the newer sources of wealth,’ meaning the industrialists, were also seeking protection from criminality through a bureaucratic police system which, ‘insulated them from popular violence [...] and seemed to separate the assertion of constitutional authority from that of social and economic dominance.’<sup>38</sup> Through the 1970s and 1980s, and into the 1990s, the revisionist arguments expanded. All have in common the premise that England’s police was not a disinterested arbiter, protecting the public as a whole from the evils of crime, but was instead an instrument of the new propertied class interests of

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<sup>37</sup> Philips and Storch, *Policing Provincial England*, quote at p.6.

<sup>38</sup> Silver, 'Order in Civil Society', quote at p.11-12.

an emerging industrial society. The underlying assumption was that the main task of policing was to, ‘suppress any disruptions in the public realm that might jeopardize the ongoing march of material progress.’<sup>39</sup>

Revisionist authors questioned the orthodox historiographies. One of the first, Robert Storch, was arguably one of the most diametrically opposed to the orthodox explanations. Storch adopted the view that the development of an organised police force was a necessary accompaniment to the development of an industrialised, capitalist society. He observed how orthodox historians had concentrated on the role of the police as repressors of crime and as agents of social administration.<sup>40</sup> But, developing the revisionist social engineering concept of the police role, he says, they ‘had a broader mission in the nineteenth century which was to act as an all-purpose lever of urban discipline.’<sup>41</sup> According to Storch, in addition to detecting and preventing crime the police had a mandate, ‘to maintain a constant, unceasing pressure of surveillance on all facets of life in working class communities – to report on political opinions and movements, trade union activities, public house and recreational life.’ Storch is echoing Silver here who had previously suggested, ‘some modern nations have been police states; all, however, are policed societies.’<sup>42</sup> The police penetration of civil society went beyond crime and violence, he argued, and represented a much more significant ‘penetration and continual presence of central political authority throughout daily life.’<sup>43</sup> The police’s mission, to the revisionist, was, ‘a symptom of both a profound social change and a deep rupture in class relations in the first half of the nineteenth century.’<sup>44</sup> The progressive imposition of the police resulted from the new conception of the need to both control crime and to maintain discipline in working class areas. Much as Silver talked about the ‘policed society,’ and Storch the ‘domestic

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<sup>39</sup> S. Devereaux, ‘New Histories of British Policing’, *Journal of British Studies*, 40, (2001), pp.146-51, quote at p.147.

<sup>40</sup> See R. Storch, ‘The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England 1850-1880’, *Journal of Social History*, 9, (1976), pp.481-509.

<sup>41</sup> Storch, ‘Domestic Missionary’, quote at p.481.

<sup>42</sup> Silver, ‘Order in Civil Society’, quote at p.6.

<sup>43</sup> *Ibid.*, quote at p.12.

<sup>44</sup> Storch, ‘Blue Locusts’ quote at p.62. See also R. Storch, ‘Crime and Justice in 19th-Century England’, *History Today*, 30, (1980), pp.32-37, p.34.

missionary,' in 1990, Vic Gatrell coined the term 'policeman-state' to describe this imposition of police activity throughout society. The nineteenth-century bureaucratic police, and the 'policeman-state,' he said, 'assumed an ever-increasing capacity to identify and target new objects of power.'<sup>45</sup>

Philips and Storch wrote a comprehensive volume examining, probably for the first time, 'the emergence of the law enforcement and order keeping in the provinces, above all in rural areas.'<sup>46</sup> This work, along with another article by Storch, represent an important step towards understanding what was going on in the rural, southern counties during the period immediately before the introduction of a compulsory county police.<sup>47</sup> These two pieces of work are of great significance to this present thesis and have provided a yardstick against which many of its findings can be tested. The conclusion reached by Philips and Storch demonstrates the importance of the years before 1856 and the complexity of the issues that this thesis will expand upon. They argue,

In the course of those three-and-a-half decades [1820-1856], provincial England had undergone a change in its machinery of law enforcement as profound in the long term, and as far-reaching in its effects, as the transition over that same period from a horse-drawn society to the railway age. Arguably, until the reorganisations of recent decades, the English provincial police system remained largely a product of the period with which we have been concerned and the political struggles of those days.<sup>48</sup>

The revisionist notion of the responsibility of the police as a 'disciplining agent' has, however, been pursued in other ways too. Michel Foucault argued that the purpose, and strength, of both the Panopticon prison and the police was that they induced,

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<sup>45</sup> V.A.C. Gattrell, 'Crime, Authority and the Policeman-State', in F.M.L. Thompson, (ed.), *Cambridge Social History of Britain* (Cambridge, 1990), vol.3, ch.5, pp.243-310, quoted in D. Churchill, 'Rethinking the State Monopolisation Thesis: The Historiography of Policing and Criminal Justice in Nineteenth-Century England', *Crime, History and Societies*, 18, (2014), pp.131-52 at p.134.

<sup>46</sup> Philips and Storch, *Policing Provincial England*, quote at p.2.

<sup>47</sup> Storch, 'Policing Southern England before the Police: Opinion and Practice 1830-1856,' in D. Hay and F. Snyder, (eds.), *Policing and Prosecution in Britain, 1750-1850* (Oxford, 1989), ch.5, pp.211-66.

<sup>48</sup> Philips and Storch, *Policing Provincial England*, quote at p.235.

a state of conscious and permanent visibility that assures the automatic functioning of power. So to arrange things that the surveillance is permanent in its effects, even if it is discontinuous in its action; that the perfection of power should tend to render its actual exercise unnecessary.<sup>49</sup>

Foucault had argued that surveillance, a synonym for supervision, was a fundamental part of the role of government in a broad sense. It was an economic imperative in the workplace and an equal imperative in other parts of a disciplined society such as schools, hospitals and prisons. ‘Hierarchized, continuous, and functional surveillance [...] owed its importance,’ he says, ‘to the mechanisms of power that it brought with it.’<sup>50</sup> These concepts can be directly related to police patrols, particularly following the introduction of the beat system in London 1829, with its strict rules, walking speeds, reporting, conference points and timings. F.M. Dodsworth observes how, at the same time, such mechanisms of surveillance, or ‘superintendence’ as it was more commonly termed, ‘were central to the maintenance of discipline within the newly-established systems of paid police.’<sup>51</sup> The random circulation of inspectors, or superintendents of the watch, was one of the most common methods for ensuring that watchmen carried out their duties properly. But more broadly than this, ‘there is clearly a deeper link to Foucault’s concept of the “technical” nature of disciplinary society - with his notion of cellular division, hierarchical observation, normalization, the circulation of information, and the precise regulation of time and space.’<sup>52</sup> Foucault was concerned, of course, not only with the ‘police’ as an organised institution, but with the concept of ‘police’ in a broader context as part of overall governmentality, that ‘ensemble of positive regulatory and institutional forces which in the eighteenth century took on the generic term of ‘police’ and of which an institutional force was merely a part.’<sup>53</sup> The general population, Foucault’s argument suggests, had become a problem to be ‘organised and disciplined,’ and in the process to be subjected to new forms of surveillance.<sup>54</sup> The

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<sup>49</sup> M. Foucault, *Discipline and Punish: The Birth of the Prison* (London, 1991), quote at p.201.

<sup>50</sup> *Ibid.*, quote at p.176.

<sup>51</sup> See F. Dodsworth, 'The Idea of Police in Eighteenth-Century England: Discipline, Reformation, Superintendence, C.1780-1800', *Journal of Historical Ideas*, 69, (2008), pp.583-603, quote at p.593.

<sup>52</sup> *Ibid.*

<sup>53</sup> J. Weeks, 'Foucault for Historians', *History Workshop*, 14, (1982), pp.106-19, quote at p.115.

<sup>54</sup> *Ibid.*

development of the police force is therefore, within this analysis, an inevitable consequence of the growth of Foucauldian ‘government.’

The broad contours of policing historiography described above provided the framework for a third development in the historical literature – the need to synthesise the views of the ‘orthodox’ and ‘revisionist’ schools, both of which by the 1990s had begun to appear as too extreme. More recent writers have tended to see positives and negatives in both orthodox and revisionist schools but believe in the need for some synthesis of them.

### **The ‘synthesists’**

Emsley and Storch have recognised the value of the orthodox historians’ work for its wealth of detail. For Emsley, though, the problem is that the orthodox histories were largely informed by the ‘Whiggish’ view, which saw history in relatively simple terms of progress and presupposed the existence of a political and social consensus existing from the Victorian era. Storch is also critical of the ‘Whiggish’ approach arguing that it represented the equation of ‘historical options actually taken with ‘progress’, and considered those [options] abandoned to be dead-ends by definition.’<sup>55</sup> Similarly the linear progression from metropolitan to rural forces has been questioned. John Styles, for example has suggested that, ‘[T]here are considerable problems with any typology which traces police emergence to the new police alone.’ He cautions historians to,

avoid that teleology which reduces historical inquiry to tracing the origins of a modern phenomenon, [...] the process of police emergence in England was a protracted and uneven one, in which the Metropolitan police was only one, albeit crucial element.<sup>56</sup>

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<sup>55</sup> Storch, ‘Policing Southern England’, quote at p.212. Storch, it must be noted, is at pains to point out that Radzinowicz ‘illustrates that ‘Whig’ history is not necessarily bad history,’ (See *ibid.*, footnote 2, p.212) and that ‘for all its faults, [it] retains the virtue of reminding us what was genuinely new in nineteenth-century criminal justice history.’ Quote at p.213.

<sup>56</sup> J. Styles, ‘The Emergence of the Police: Explaining Police Reform in Eighteenth and Nineteenth Century England’, *British Journal of Criminology*, 27, (1987), pp.15-22, quote at p.18.

David Taylor expresses this succinctly, by emphasising that the emergence of the new police was more protracted, and less clear cut, than was previously thought and that instead of a smooth linear progression, ‘diversity, dissention and debate were the key features.’<sup>57</sup> Styles is also cautious of problem-response models in which the introduction of the new police is explained as a response to perceived problems of riot, crime, social disorder, working class indiscipline and so forth. Such models, he says, at their worst, represent a crude juxtaposition of ‘some very generally perceived problem,’ with a response which was the new police. Yet Styles notes how more recent work is more historically sensitive recognising, for example, that economic and social conditions might have been conditioning and constraining rather than determining.<sup>58</sup>

Mike Brogden, likewise, examined a range of explanations for the advent of the new police, and in the process he highlighted riot, rising crime and the needs of embryonic capitalism. He concludes that as justifications for police development they are inadequate. Firstly, he says they contain a causal flaw and assume that because police forces in Anglo-American countries developed the way that they did then this development was inevitable. Secondly, they conflate the reasons for the coming into existence of the police with what they ended up actually doing. The fact, that the police may have been effective against social disorder, crime, migrant workers, and working class people does not, of itself, prove that was why they were created.<sup>59</sup> The main problem with these explanations, he argues, is their ethnocentricity in that they seem to assume that the Metropolitan Police model of policing was the only model possible. Brogden’s suggestion is that colonial policing has been neglected in the study of British police development and that exploration of it permits a fresh consideration of policing in mainland Britain.<sup>60</sup> Randall Williams, following very strongly a Marxist line, also emphasises a colonial dimension. He writes,

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<sup>57</sup> Taylor, *Crime, Policing and Punishment*, pp.72-73, quote at p.73.

<sup>58</sup> See Styles, 'Emergence of the Police', p.19.

<sup>59</sup> See M. Brogden, 'The Emergence of the Police: The Colonial Dimension', *British Journal of Criminology*, 27, (1987), pp.4-14, p.7.

<sup>60</sup> Although not of immediate relevance here, John Styles argues in a reply to Brogden’s article that seeking to find explanation for English police development in Colonial systems is not appropriate, as in most cases they developed significantly later than English police forces did. See Styles, 'Emergence of the Police', p.324.

The crises in England at the time of the adoption of the *Metropolis Police Improvement Bill*, did not in and of themselves necessitate the reorganization of policing that was implemented in 1829 (or those “national” forms generated in 1839 and again in 1856). Rather, the particular form designed drew upon a new calculus of repression that had been deeply transformed by emergent and expanding forms of colonial welfare and compromised attempts to secure hegemonic colonial domination.<sup>61</sup>

To recap, there are then several fundamental issues with early police historiographies. Firstly, the orthodox logic relied heavily on the need for a new police to replace what was perceived as the inept parish constable, but Emsley - and many other historians - have shown that the old system was not always as inefficient as it was often portrayed.<sup>62</sup> Maureen Scollan, for example has said of the Essex parish constables that, ‘contrary to the stereotypical images many [...] were both competent and semi-professional,’ and that ‘more importantly [the parish constable] continued as part of an effective parallel system of law enforcement which cooperated with the county police until the mid-1850s.’<sup>63</sup> A second trend is that both the orthodox and the revisionist views of police history rest on the assumption that the advent of the new police was a rational response to a real problem; for the former it was a rise in crime and disorder and for the latter it was the growth of industrial capitalism. Neither of these in reality may be seen as a definitive issue and both fall into the trap of the over-simplified ‘problem-response’ model identified by Brogden.

David Jones is another historian who has called into question the validity of this binary positioning and its obvious limitations. In the orthodox, Reithian, view the machinery of law and order was both inefficient and corrupt and the fabric of society was being torn apart by rising crime and social disorder. Despite this, the population stood firmly against the introduction of a state police, which they perceived as inimical to freedom. Yet, as Jones observes, between 1829 and 1856, ‘Britain had established the most effective and professional police force in the world, subject to the common law and set

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<sup>61</sup> R. Williams, 'A State of Permanent Exception: The Birth of Modern Policing in Colonial Capitalism', *Interventions: International Journal of Postcolonial Studies*, 5, (2003), pp.322-44, quote at p.324.

<sup>62</sup> Emsley, *The English Police*, p.11.

<sup>63</sup> M. Scollan, 'Parish Constables Versus Police Constables: Policing in Early Nineteenth-Century Essex', (unpublished, Open University, PhD thesis, 2007), Abstract, Unpaginated.

on the path of impartiality and independence.’<sup>64</sup> In no time at all, apparently, this new police had ‘controlled the mob, held crime within acceptable limits, and won the lasting admiration of the British people.’ Conversely, as has been shown, historians of the left have seen the value of the much maligned pre-industrial policing and have related the emergence of the new police with the rise of capitalism, the demands of industrialisation and the need for social control. Jones feels that the historian cannot be truly satisfied with either of these models, influential as they may have been, one of which involves consensus and the other conflict.<sup>65</sup> Perceptions of rising crime levels alone cannot be used to explain the advent of the introduction of nationwide statutory policing. Rather than the Metropolitan Police being the only viable model of policing in the 1830s and 1840s, there were still a range of ways in which the machinery of law and order could have developed.

One of the leading authorities in recent years on the development of policing, both in England and in continental Europe, has been Clive Emsley who argues for the need to tread a middle path between the ‘Whiggish’ view of police history, and the ‘revisionist’ view that police power is best seen as an instrument of class power. Emsley concedes, (as indeed one must), that it has always been the role of the police to enforce a dominant ideology, and that they have always been authorised to do so by the power of coercion and, where necessary, force.<sup>66</sup> Furthermore, given that so much property and power is concentrated in the hands of so few, and that the law is so very much concerned with the protection of property, then the claims of the police to protect the ordinary citizen (the poor man!) might appear to be no more than a moral and social deception. Emsley, however, also shows that, certainly in the second half of the nineteenth century, the relationship between the police and the working class was not entirely one of mutual hostility. The police performed various social functions beyond their apparent ‘oppressive’ remit; finding missing persons, lost children, establishing

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<sup>64</sup> Jones, 'The New Police', quote at p.153.

<sup>65</sup> *Ibid.*

<sup>66</sup> See for example, C. Emsley, 'Arms and the Victorian Policeman', *History Today*, 34, (1984), pp.37-42; Emsley, '"The Thump of Wood on a Swede Turnip": Police Violence in Nineteenth-Century England', *Criminal Justice History*, 6, (1985), pp.125-49 for a discussion of the ways in which the reputedly unarmed English police force have been armed and the ways in which those arms have been employed.

social funds and so on. Emsley (a self-confessed ‘woolly liberal’) does not wish to be seen to take the Whiggish consensual view either. He argues that he wants to describe the history of policing in England and Wales without either writing about a ‘celebration of a steady progress to the present’ or the opposite.<sup>67</sup> Conflating the ‘conflict’ versus ‘consensus’ debate he concludes: ‘it seems more realistic to conceive of the law and the police as multi-faceted institutions used by English people of all classes to oppose, to co-operate with, and to gain concessions from each other.’<sup>68</sup>

Emsley makes some direct and interesting comparisons between the English and the continental European experience. He describes three models of police force existing in England and Wales; the Metropolitan Police responsible directly to the Home Secretary, the borough forces responsible to watch committees appointed by local councils, and county forces responsible initially to the police committees of the county bench. Despite the common belief in the uniqueness of the English police he sees these reflected in European models, specifically the police of Paris, the municipal police and the French *gendarmarie*. Emsley develops this analytical framework further in his article *A Typology of Nineteenth-Century Police*, in which he distils the findings outlined above into three Weberian ideal types; State civilian (Metropolitan and Paris police forces), municipal civilian, (borough and county forces in England and *gardes champetres* in France), and finally, state military forces, (Royal Irish Constabulary and French *gendarmarie*).<sup>69</sup> These same three types, Emsley adds, can be seen functioning, ‘often side-by-side’ in other states across nineteenth century Europe.<sup>70</sup>

Criminologist Robert Reiner encapsulates the varying explanations for police development in what Emsley describes as ‘a valuable, critical introduction to orthodox and revisionist histories.’<sup>71</sup> Reiner argues that the orthodox historians of policing failed to appreciate the rational basis of the opposition of different social interests and

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<sup>67</sup> Emsley, *The English Police*, quote at p.xi.

<sup>68</sup> *Ibid.*, quote at p.6.

<sup>69</sup> See C. Emsley, 'A Typology of Nineteenth-Century Police', *Crime, Histories et Societes*, 3, (1999), pp.29-44, pp.35-36.

<sup>70</sup> *Ibid.*, p.31.

<sup>71</sup> See Emsley, *The English Police*, p.5, footnote 6, referring to Reiner, *Politics of the Police*.

political philosophies to the new police. On the other hand, revisionist historians have over-emphasized the extent of continued working class opposition, and the overt role of the police in class and political control.<sup>72</sup> The new police's acceptance was not the painless passage suggested by the Reithians, but was rather the gaining of increasing acquiescence from the working class in response to the 'soft' service activities (such as the lost children referred to by Emsley) as well as the 'hard' law enforcement and order maintenance functions. Reiner calls for a 'neo-Reithian/revisionist framework' as a way of understanding this process. This entails a perspective, he says, that would, 'give due weight to the success of the police reformers and the tradition they created, but also recognises that policing is embedded in a social order riven by structured bases of conflict, not fundamental integration.'<sup>73</sup> Policing, he says, whilst it is inherently political and partisan, insofar as it is responsible for the preservation and reproduction of social inequalities, does, at the same time, preserve the minimal conditions of civilized and stable existence from which all groups benefit, albeit differentially.<sup>74</sup>

Emsley and Reiner have moved the debate on and are suggesting that historians should seek to create a theoretical bridge across the binary divide between orthodox and revisionist historiographies. John Beattie also wishes to redress what he suggests is an imbalance in the way that historians, particularly the orthodox historians, have seen the 'birth' of policing as taking place in 1829 in London with Peel's Metropolitan Police. Beattie applauds more recent movements which are 'diminishing to some extent the sense of 1829 as a fundamental watershed in policing history.'<sup>75</sup>

### **Broader historiographies**

Policing may, however, be argued to have been carried out in many ways other than formally by the state; gamekeepers, voluntary associations for the prosecution of felons, private police organisations or watchmen, and in particular, business or industry specific ones: docks and railway police forces being clear examples. Individual, and

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<sup>72</sup> See Reiner, *Politics of the Police*, p.56.

<sup>73</sup> *Ibid.*, quote at p.56.

<sup>74</sup> See Reiner, *Politics of the Police*, p.3.

<sup>75</sup> J.M. Beattie, *The First English Detectives: The Bow Street Runners and the Policing of London, 1750-1840* (Oxford, 2012), quote at p.4.

community attitudes to what constituted criminal activity, and what constitutes justice and restitution, are also highly relevant to any discussion of police development, as is prosecutorial discretion. Many of these privately funded alternatives to formal policing pre-date, by quite significant periods, the date of this thesis. As Barry Godfrey and David Cox noted, ‘the employment of private, non-attested thief-takers began in the early seventeenth century,’ and it is suggested that even these characters may be likened to a sort of entrepreneurial police force.<sup>76</sup> Peter King points out that even if only two-thirds of the gamekeepers listed in late eighteenth century Essex were full-time, then game preservation would still have employed more men in the county than the new county police force did two years after it was created: ‘With their extensive rights to search labourers’ cottages for game or poaching equipment the gamekeepers represented a powerful form of private policing.’<sup>77</sup> Godfrey has studied in more depth alternative forms of policing and has presented a detailed analysis of the private ‘police force,’ the Worsted Inspectorate, operating in the textile factories of the north of England. His study of workplace appropriation is broader than simply the textile industry, and offers a detailed review of the private policing of other commercial settings such as the railways and docks, the Bank of England and Lloyds of London, as well as the Universities and Cathedrals.<sup>78</sup>

The historiography of policing continues, then, to evolve, albeit less quickly, perhaps, than through the latter part of the twentieth century. Chris Williams has published a significant volume which traces the development of police control systems from the parish constable to the mid-1970s.<sup>79</sup> David Churchill has recently suggested new evidence in support of Robert Storch and his view that there existed anti-police feeling, which lasted through until at least the beginning of the twentieth century.<sup>80</sup> Churchill

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<sup>76</sup> B. Godfrey and D. Cox, *Policing the Factory: Theft, Private Policing and the Law in Modern England* (London, 2014), pp.100-101.

<sup>77</sup> P. King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford, 2000), quote at p.64.

<sup>78</sup> See in particular, Godfrey and Cox, *Policing the Factory*, pp.103-107.

<sup>79</sup> C. Williams, *Police Control Systems in Britain, 1775-1975: From Parish Constable to National Computer* (Manchester, 2014).

<sup>80</sup> See D. Churchill, 'I Am Just the Man for Upsetting You Bloody Bobbies': Popular Animosity Towards the Police in Late Nineteenth-Century Leeds', *Social History*, 39, (2014), pp.248-66.

argues, convincingly, that ‘a broader reassessment of police–public relations in the second half of the nineteenth century is overdue.’<sup>81</sup> This would be valuable, particularly if the area of study was extended beyond the industrial north – the location for Churchill’s study and for Storch’s. Moreover, Churchill makes the salient point that his main source, police occurrence books, are a rich and almost entirely untapped resource for historians.<sup>82</sup> They have certainly proven to be a rich source of data for this thesis and offer significant scope for future study. (See also methodology section below)

Churchill has hence begun to move the historiography of criminal justice in a new direction. He has suggested that for too long there has been a concentration by historians on ‘the state monopolisation thesis: the idea that the governance of crime transferred from the people to the police in the nineteenth century.’<sup>83</sup> Churchill cites Silver’s concept of the ‘policed society’ as the most familiar version of this approach. Churchill demonstrates that the so-called ‘monopolisation thesis,’ gained currency with numerous important authors of police history and ‘continues to shape the terms of debate in histories of nineteenth-century crime and justice, most of which as a consequence remain skewed towards state institutions.’<sup>84</sup> Churchill is fearful that this model, which remains ‘the default position of some historians,’ leads to a ‘structural imbalance in the historiography.’<sup>85</sup> By focussing primarily on state institutions, he feels historians have neglected the role of civil society and private individuals in determining the response to crime. Churchill is undoubtedly correct and is suggesting exciting and fruitful ways forward for the study of crime and justice.<sup>86</sup> This thesis does not address this issue mainly because, in Somerset, the county and parish authorities played much the most significant role in the story of the region’s policing. However, it does aim to help historians to overcome another basic imbalance in the historiography – the

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<sup>81</sup> See *ibid.*, p.265.

<sup>82</sup> See Churchill, 'Popular Animosity Towards the Police', p.251.

<sup>83</sup> Churchill, 'Rethinking the State Monopolisation Thesis', quote at p.132.

<sup>84</sup> *Ibid.*, quote at p.132.

<sup>85</sup> Churchill, 'Rethinking the State Monopolisation Thesis', quote at p.136.

<sup>86</sup> For the significant impact of informal justice and the use of discretion throughout the criminal justice system see, for example, King, *Crime, Justice and Discretion in England*. Some of Churchill’s assumptions in his ‘Bloody Bobbies’ article, public responses to police involvement in domestic disputes, in particular, are open to question as evidence for a Storchian, class-based, argument. At best they are evidence of popular preference for informal dispute resolution.

tendency of police historians, (including Churchill), to focus almost exclusively on urban areas.

Churchill has also sought to broaden the historiography of policing further by arguing that many traditional historiographies of policing have been ‘undermined by excessive chronological or topical specificity.’ Much of the literature, he argues, is still preoccupied with the moment of reform and that, ‘few historians have analysed police administration over a longer period.’ Churchill is taking the important step of expanding the study of policing beyond the ‘rather obvious organisational changes’ to include broader notions of everyday governance.<sup>87</sup> He concludes, importantly, that despite an awareness of the significance of localism in nineteenth century English political administration, the role of statute, and of the central state should not be ignored in the development of police organisation. Neither should the inter-connections and the sharing of information and ideas between governors in one locality and those in another. It is this balance, between localism and centralisation, which shaped police organisation and administration through the nineteenth century. This theme will be returned to in the conclusion to this thesis.

### **The historiography of policing in Somerset**

Numerous counties have been studied in policing and criminal justice historiographies but the emphasis, as noted above, has tended to focus on industrial areas or those with significant conurbations and urban areas.<sup>88</sup> In particular almost nothing has been written about this important aspect of the social history, and political development, of the rural county of Somerset. This thesis therefore, represents an important addition to the study of police development in England and Wales. I P Collis, a Somerset County Archivist, used what must have been his privileged access to the records in 1954 to compile an interesting history of the debates in Quarter Sessions, and to describe police developments in Somerset. One of his key sources was the personal diaries of the local

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<sup>87</sup> D. Churchill, 'Local Initiative, Central Oversight, Provincial Perspective: Governing Police Forces in Nineteenth-Century Leeds', *Historical Research*, 88, (2015), pp.458-81, quote at p.459.

<sup>88</sup> An obvious example being Storch, 'Blue Locusts'.

magistrate, George Warry, which apparently describe events both in Quarter Sessions, and informally outside. Sadly, the original diaries were returned to the family in the 1960s, and despite significant efforts cannot now be traced. Collis' quotations from them are the only remaining evidence of Warry's thoughts and 'behind the scenes' discussions. Collis' article is therefore useful for several reasons. Its weakness, however, perhaps as a consequence of the period in which it was written, is that it conforms to what has been described above as the 'Whiggish' history of police development. Collis appears to adopt the view that the sequence of Metropolitan Police, as forerunners of all future policing, followed by expansion to the boroughs, and then the 1856 Act bringing policing to the counties, was a natural progression in response to rising crime rates and the 'effete' state of the parish constabulary system.<sup>89</sup>

Yeovil town police force, likewise, gets a brief mention in Lesley Brookes' book<sup>90</sup> and Janet Settington has presented her thesis on the advent of the reformed police in the northern, coal mining, district of Carhampton. In it she considers the nature of the parish and belonging in that part of the county, and concludes that communities had their 'own codes of conduct according to their individual needs and [...] the capacity to deal with transgressions without recourse to official channels. [...] Within this particular magistrates' district a police presence may well have been unnecessary.'<sup>91</sup> Settington also wrote another paper in which she describes the events leading up to

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<sup>89</sup> See I. P. Collis, 'The Struggle for Constabulary Reform in Somerset', *Proceedings of the Somerset Archaeological and Natural History Society*, 99, (1954-55), pp.75-104.

<sup>90</sup> See L. Brooke, *The Book of Yeovil* (Yeovil, 1978), p.47.

<sup>91</sup> See Settington, 'The Carhampton Magistrates' District in Relation to the 1856 County and Borough Police Act: A Case for Non-Statutory Policing', (unpublished, University of Plymouth, PhD thesis, 2005), quote at p.209, in which she considers the role of the local community in resolving justice. Although, in his article, he does not specifically discuss the introduction of reformed police forces, Keith Snell considers the nature of local community, and attitudes to outsiders, and describes the concept of 'local xenophobia,' which must have had implications for the introduction of policemen from outside the locality. K.D.M. Snell, 'The Culture of Local Xenophobia', *Social History*, 28, (2003), pp.1-30. See in particular footnote 91, p.16, and K.D.M. Snell, *Parish and Belonging: Community, Identity and Welfare in England and Wales, 1700-1950* (Cambridge, 2006), footnote 103, p.54, in which Snell lists police with other 'outsiders, all of whom he argues, 'relate closely to my theme of local xenophobia, and can be heavily documented.'

the reformed police in Somerset.<sup>92</sup> In this she relies heavily on Collis' notes but adds little to them. Crime in Hanoverian Somerset has also been the subject of study by Steven Pole.<sup>93</sup> Although Pole's work is one of the few studies which actually focus on the county of Somerset, the period covered is predominantly eighteenth century and is somewhat earlier than the focus of this current thesis. Finally, the centenary of Somerset Constabulary was celebrated in a booklet in 1956, but this makes only passing reference to the origins of the police force.<sup>94</sup> There are therefore some limited historical accounts of policing in the county but otherwise, with the notable exception of the work of David Philips and Robert Storch, Somerset does not figure as more than a footnote in most academic texts.<sup>95</sup>

### **A New Contribution: This Thesis in Context**

This thesis hence makes a substantial and original contribution to policing history. There remain, as discussed above, gaps in the historiography of policing across the country. There is still a need to study the advent of reformed police, and its pre-existing conditions, in the areas away from the large urban conurbations and industrialised areas. Whilst national trends in policing have been well documented, local nuances, particularly in rural areas, have still to be fully explored.<sup>96</sup> It is easy to observe that the first manifestation of the new police followed the passing of the *Metropolitan Police Act*, [10 Geo. IV c.44, 1829].<sup>97</sup> Six years later, the *Municipal Corporations (England)*

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<sup>92</sup> J.S. Settingington, *Mr Warry's Force: Policing Somerset in the 19th Century* (Taunton, Undated). Located in Somerset Studies Library, T 363.2.

<sup>93</sup> S. Pole, 'Crime, Society and Law Enforcement in Hanoverian Somerset', (unpublished, Cambridge University, PhD thesis, 1983).

<sup>94</sup> Avon and Somerset Constabulary, *The History of the Force 1856-1956* (Somerset, 1957).

<sup>95</sup> See in particular Philips and Storch, *Policing Provincial England*, and Storch, 'Policing Southern England'.

<sup>96</sup> For bibliographies of other local studies see, for example, Emsley, *The English Police* p. 277; D. Brett, *The Police of England and Wales: A Bibliography 1829-1979* (Hampshire, 1979).

<sup>97</sup> The expression new police is generally applied to the uniformed police forces established after 1829. See for example Reith, 'Preventive Principal of Police', *Journal of Criminal Law and Criminology*, 34, (1943), pp.206-09, p. 207, '[in 1829] Peel [...] created the 'New Police.' Other authors have emphasised the significance of this date. Miller says, 'the Metropolitan Police Force, [...] was the first modern police force in a

*Act*, [5 & 6 Will. 4 c.76, 1835], encouraged their spread into the provincial boroughs, and just four years after that the permissive *County and District Constables Act*, [2 & 3 Vict. c.93, 1839], enabled counties, or significantly, parts of counties to establish police forces. Finally, all counties were obliged to establish police forces under the terms of the *County and Borough Police Act*, [19 & 20 Vict. c.69, 1856]. The underlying story of police reform is not so straightforward, however. It chronicles political conflict and debate in Quarter Sessions, and in the newspapers, as much as in Parliament, and traces the almost innumerable variety of ‘police forces’ that came and went in the first half of the nineteenth century. The debate was not simply about how England should be policed, but incorporated delicate questions about the future shape of local government, about the role of county and parish élites, notions of ‘Englishness’ and fears of continental *gendarmeries*, not to mention simple ratepayer opposition to anything which would cost them more.<sup>98</sup> It is these complexities, a neglected area of rural life, that this thesis will examine, and to do so it is necessary to engage closely with the historical literature and to set local actions and trends into their context.

Clive Emsley has noted that ‘most studies of the new police have dealt with urban forces, or in counties where there was a substantial urban community.’<sup>99</sup> This is almost as true now as it was in 1982 when he wrote it. A key aim of this thesis, therefore, is to address the gap which still exists in the documented police histories, and to provide a detailed study of the development of policing in the largely rural county of Somerset through the period c.1830 to 1856. This thesis fits into the existing historiography of policing by providing insights into, and detail of, policing before the reformed police and does so in the context of a rural county. It enhances understanding of the men who filled the role of parish and borough constable, and provides a detailed study of the

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nation with representative government.’ Wilbur Miller, *Cops and Bobbies*, (Chicago, 1977), quote at p.ix.

<sup>98</sup> For D. Eastwood, the second quarter of the nineteenth century saw a series of crises which, ‘exposed the limitations of local government in rural England and partly in a reconfiguration in the ideologies of power which animated the English polity itself.’ One of these ‘crises,’ was policing and the extent to which its control should be in the hands of that ‘pivotal institution of English local government,’ – the magistracy. D. Eastwood, *Governing Rural England: Tradition and Transformation in Local Government* (Oxford, 1994), quote at p.2.

<sup>99</sup> Emsley, ‘Bedfordshire Police’, quote at p.73.

ways in which rural areas responded to changing national legislation. The thesis will increase knowledge and understanding of the development of policing in English towns before 1856. It will provide an analysis of the ways that national and local legislation were interpreted and adapted to suit the individual circumstances of particular towns, and how the new forces were created and used. The three towns selected for case study, Taunton, Wells and Chard, are rich in terms of the archival material which survives relating to their early police forces. Occurrence books, duty books, watch committee minutes, debates in council all provide an insight into the workings of these forces, the men themselves and their day-to-day activities.

The thesis also provides an important case study of the magistrates in one rural county and how they reacted in Quarter Sessions to the opportunities being presented to them by national legislation. The use of case studies enables important answers to be provided about the applicability of the differing historiographical explanations for police development. It will be possible to show how different contexts produced different responses, some of which might be found to conform to the orthodox view, some to the revisionist view and some to an amalgam of several theoretical explanations.

Overall, this thesis will consider a panoply of experiences of law and order, never studied before in Somerset. In the process a range of strategies to law and order will be considered as will the impact of social and industrial change. Reaction to new legislation, both within the county and in comparison with neighbouring counties, and the significance of central-local relations will be considered in order to address the three key core research questions.

### **Key Research Aims and Questions**

When this study began the main research question it sought to answer was straightforward: to what extent did the county of Somerset fit into the so-called 'grand narrative' explanations of police development through the nineteenth century? The initial premise was that whilst in some places the reformed policeman might have been

wanted for his ‘domestic missionary’<sup>100</sup> capacities, in other places he was little more than an inevitable, and to many, highly desirable, consequence of the golden Victorian ‘age of equipoise.’ To an extent, as the conclusion to this thesis will reveal, this initial belief is substantiated. However, in the process of the study the key research questions have multiplied and diversified in order to more fully explore the events and conditions specific to Somerset.

The thesis now addresses the three core research questions outlined at the beginning of this chapter. It begins in Chapter 2 by asking what the perceptions of crime and policing in the county were at this time. It asks, what was the ‘reality’ of the level of crime, and to what extent might these factors have influenced and swayed movements towards the establishment of a reformed police. The next chapters, 3 and 4, will then present an examination of the existing policing arrangements, in the towns and rural parishes through this period. The thesis will seek to question why the individual towns took the actions they did. What were the local motivating factors, political, social, economic, criminological, which led to the highly differentiated policing responses? The thesis also asks questions about the men who policed the rural parishes of Somerset, their numbers, methods of appointment, length of service and key personal details. This data has never before been studied in the wider context of policing throughout the county in this period. Finally the thesis will consider, in Chapter 5, the political debate in the Quarter Sessions in relation to national legislation and its application to Somerset – essentially it asks what socio-political journey the magistrates of this county took to move from initial opposition to the 1839 Act to ultimate acceptance of it.

### **Methodology and Sources**

This thesis adopts three methodological approaches to the original source material that has been extensively researched in West Country archive centres, and those of the National Archives in London. To a large extent the methodology has been driven as much by the availability and quality of primary material as by choice.

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<sup>100</sup> See Storch, ‘Domestic Missionary’, for the origins of this expression.

## Qualitative Analysis

The primary data used for this thesis is predominantly qualitative. The documents used are stored in the Somerset county archive, held at Taunton, the archives of Wells City Council and the National Archives. These three archives have provided all of the original documentary evidence on which the thesis' conclusions have been based. The county archives offered both rich, and not so rich, sources of data. The records of the Quarter Sessions are available and do offer some useful material. They are limited, however, in their depth, offering as they generally do, simply notice of the motions put forward and the results. Rarely, if ever, do they give detail of the debates themselves. After 1842, information about the men who served as parish constables is available, in an almost complete series, as a consequence of legislation that year.<sup>101</sup> However, before that time records of who was appointed are harder to find, as vestry minutes rarely recorded them. The post-1842 data was thus used in conjunction with the relevant censuses to provide detailed background on the policemen.<sup>102</sup>

The archives held in Somerset Record Office and in Wells City Archive have offered access to records of the individual borough forces, as well as some insight into the deliberations of their town councils and watch committees. As with Quarter Session records, however, the council minutes tend to show the results of meetings rather than the details of the debates that occurred within them. This limits the extent to which it is possible to assess the impact of the political leanings of individuals. The National Archives hold the returns that resulted from the detailed questionnaires sent out to every part of Somerset by the *Constabulary Commission* [1836], the report of which, to some degree, motivated the 1839 legislation.<sup>103</sup> The data contained in these have been of enormous significance throughout the thesis for the insights they give into the operation of the parish constabulary system in the 1830s, and into the mind-sets of those responsible for it. They are also, largely an underutilised resource and yet, for Somerset at least, provide a wealth of first hand, contemporary data. However, it has

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<sup>101</sup> *Somerset Record Office* [hereafter *SRO*], 1842-1856, Q/AP/c/1/84-85; *Returns of Parish Constables Appointed by Divisions*.

<sup>102</sup> Ancestry, 'U.K. Census Collection' <<http://search.ancestry.co.uk/>> [Accessed Various dates, 2013-2016].

<sup>103</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*.

been important to bear in mind the circumstances that determined why and when they were created. There would have been a significant degree of caution on the part of the magistrates and parish authorities in what they wrote in response. They did not want to provide support for Edwin Chadwick's centralised policing plans, as retaining local control of policing was a major issue. There may therefore, have been a justification for the signatories to the returns to understate the nature of problems around policing, either in terms of their present arrangements, or of the state of crime in their domain. Used cautiously, however, they provide a lens through which to view the key debates that shaped policing developments in rural life.

Local newspapers were also employed as a source of data in this thesis, particularly in Chapter 5 where the political debates about policing are discussed. The Somerset Heritage Centre has microfilm holdings of a number of local newspapers, although not many cover the relevant period. The main ones used were the *Western Gazette*,<sup>104</sup> the *Taunton Courier*,<sup>105</sup> *Somerset County Gazette*,<sup>106</sup> and to a lesser extent the *Bridgwater Times*,<sup>107</sup> and the *Somerset County Herald*.<sup>108</sup> These sources have been most useful in giving accounts of the Quarter Sessions debates although, as with any newspapers, their own political orientation must not be ignored. The *Somerset County Gazette*, for example, openly admitted to its Whig allegiances.<sup>109</sup> The newspapers provide the best account available of the debates given the lack of detail in the Quarter Sessions minutes and the disappearance of George Warry's diaries, which would themselves, of course, be highly subjective.

## Quantitative Analysis

The opportunities for quantitative analysis have been limited due to the reliability and availability issues associated with the raw data. The returns to the Constabulary Commission were transferred to a spreadsheet and have been subjected to analysis, but

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<sup>104</sup> *Western Gazette*, [hereafter *WG*].

<sup>105</sup> *Taunton Courier*, [hereafter *TC*].

<sup>106</sup> *Somerset County Gazette*, [hereafter *SCG*].

<sup>107</sup> *Bridgwater Times*, [hereafter *BT*].

<sup>108</sup> *Somerset County Herald*, [hereafter *SCH*].

<sup>109</sup> *SCG*, 24 October 1840.

the findings, in any statistical sense, can be seen as no more than indicative. Some statistical analysis of the parish constables has been conducted in order to attempt to classify them by age, occupation and so forth. The data again must be viewed with a degree of suspicion as they derive in the main from the census. It has not always been possible to locate a particular man in the census nearest to his years of service, (often those years fell mid-way between census points), and a limited amount of guesswork has necessarily been employed in order to establish that the correct man is being identified. His occupation would occasionally change between census years and the men themselves appear a little unsure of their exact dates of birth and ages. Again, the data must be taken as indicative at best. However, the value of the data set to this thesis is the insight that it gives into the nature of the men filling the role of constable; their social status, their occupation, their age and their family circumstances.

### **Case Study Analysis**

The towns selected for case study, Taunton, Wells and Chard, offered in all three cases a wealth of primary material. They were chosen because of this, and also for the variety of attitudes to municipal reform and the issue of policing that they demonstrated. In brief, Taunton, was totally opposed to the adoption of the *Municipal Corporations Act* [1835], seeing it as a corrupt, restricting and expensive method of adopting a police force. They wanted a reformed police but were not prepared to adopt this legislation in order to achieve it. Instead they formed a local force, with which they were to express great satisfaction, funded by voluntary subscription. Wells conversely, immediately leapt at the opportunity to adopt the 1835 Act, and straight away formed both Town Council and Watch Committee. Day-to-day supervision of the force for the next ten years may have proven inadequate, but it does appear that an adequate number of appropriately resourced men were appointed. In the second ten years of its existence, the force was both well-resourced and well controlled. Chard appears to have trodden a middle path. The 1835 Act was imposed upon them but they seem to have fully accepted the need for some municipal reform in the form of the Town Council and associated reformed electoral arrangements. They complied also with the letter of the law and appointed their whole number as Watch Committee. That committee was not, however, to meet until 1849, some fourteen years later, and then its first action was to

join with the surrounding, paid, parish force. The extra policeman appointed on the introduction of the *Municipal Corporations Act* [1835], was actually the old town Beagle with a new job title! Notwithstanding this somewhat precarious start the Chard force was again well received by the towns-people and survived, despite criticism from inspectors, until 1889.

The three towns reveal then a spectrum of reactions to the new policing legislation and demonstrate how change over time was managed, in practical terms, locally. Taunton was the county town and a centre of both regional trade and communications. It was notable for its civic pride and desire to expand.<sup>110</sup> Wells, was a small medieval city, still a prominent religious centre, largely untouched by the developments of the early nineteenth century.<sup>111</sup> Chard provides a significant comparison by being the most industrial of the three towns. The woollen industry, on which it had been based, had gone into decline at the beginning of the nineteenth century, to be replaced in the early 1820s by the fully mechanised lace industry, which by 1851 was employing 28 per cent of the local workforce.<sup>112</sup> Threat of social unrest from Chartism was real in the town, which has been described as the ‘chief centre’ of the Plug Plot in Somerset, resulting in strikes during 1842.<sup>113</sup>

Distressing times, people half starved, want of potatoes, corn so dear. [...], (Jan. 14, 1847). The Factory mob stopped the corn from being carried out of the market [...], (May 17, 1847). Mr Hill’s Factory stopped, 140 hands out of employ [...], (June, 1854).’<sup>114</sup>

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<sup>110</sup> For a contemporary description of the town see J. Savage, *History of Taunton, in the County of Somerset* (Taunton, 1822). Savage said, ‘few towns are laid out in a superior mode for convenience or air.’ A potential resident in the town corresponding with the *Taunton Courier* in 1838 regarding police, said he was ‘pleased with the beauty of the town,’ and was, ‘intending to reside here for many years not doubting that a town of this magnitude and apparent importance was amply provided with the necessary appendages.’ *TC*, 21 March 1838.

<sup>111</sup> Whereas Taunton was connected to the canal network in 1839 and the railway in 1842 it was not until 1859 that Wells joined a small branch line to Glastonbury.

<sup>112</sup> See Chard History Group, *Chard in 1851* (Chard, 1975), p.9.

<sup>113</sup> See R.B. Pugh, ‘Chartism in Somerset and Wiltshire’, in A. Briggs, (ed.), *Chartist Studies* (1959), ch.6, pp.174-219, p.208.

<sup>114</sup> Chard History Group, *Chard in 1851*, quote at p.15.

Just three contemporary extracts from the diary of the Town Clerk which show how unrest was never far below the surface in the town throughout the period of this thesis. Between them, Taunton, Wells and Chard provide, therefore, an opportunity to compare the reactions of widely varying local environments, to determine the extent to which theoretical schools of thought facilitate explanation of why some places wanted police reform, but others did not.

### **General Chapter Overview**

The thesis begins in Chapter 2 by looking at perceptions of the state and nature of crime in Somerset in the mid-1830s, and attitudes both to it and to policing more widely. This data will be taken from a detailed look at the returns submitted to the Royal Commission appointed in 1836 to investigate the policing of counties and rural areas. The brainchild of Edwin Chadwick, the committee presented its first report in 1839.<sup>115</sup> Chadwick, later described as a ‘bureaucrat of the purest essence,’ was a Utilitarian, Jeremy Bentham’s secretary and a firm believer in the link between poverty and crime and the need for prevention, rather than cure.<sup>116</sup> Furthermore, he was a keen, and unpopular, exponent of centralisation as a means of effectively controlling public services.<sup>117</sup> He perceived the solution to crime therefore as a national police force, controlled by Commissioners such as those for the Metropolitan Police, and linked with Poor Law administration. The report of the Royal Commission, and the questionnaires it sent out, must therefore be seen as biased in favour of Chadwick’s beliefs, and would have been regarded as such by those who completed the returns. The returns were sent out to magistrates’ divisions, the towns with established borough forces, and boards of guardians (although the latter tended to be completed at parish level by parish clerks).<sup>118</sup> It becomes apparent very quickly when looking at the returns that there was a clear feeling across the county of the need for change. There was dissatisfaction with

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<sup>115</sup> *HCP*, 1839, (169); *First Report of the Royal Commission on Establishing an Efficient Constabulary Force in the Counties of England and Wales*.

<sup>116</sup> See J. Bartlet Brebner, ‘Laissez Faire and State Intervention in Nineteenth Century Britain’, *The Journal of Economic History*, 8, (1948), pp.59-73, quote at p.62.

<sup>117</sup> See, for example, E. Chadwick, *On Imperfect Local Self-Government and Its Results in Manchester* (London, 1883).

<sup>118</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*.

the existing parish constable system with some, but by no means all, of the respondents pointing out weaknesses. What will be shown later in this thesis, however, is that there was also very widespread support for the constables themselves. A degree of sympathy and understanding were shown for their poor payment, their understandable lack of knowledge, and their inevitable reticence in putting themselves at unnecessary risk. There is a strong feeling that a Chadwickian style police force was not wanted, and was not considered necessary, but that organic reform within the county was merited.

What was actually occurring in the county is then considered in Chapter 3, which looks initially at the town forces, with the three towns discussed above highlighted to form case studies. Somerset adopted the *Municipal Corporations Act* in Bath, Bridgwater, Chard, Glastonbury, Wells, and Yeovil, (after significant wrangling with the House of Lords). Taunton formed a voluntary subscription force whilst Glastonbury, had previously formed a force under lighting and watching regulations.<sup>119</sup> It will be shown in this thesis that whatever the legislative background to them, these were, in most cases, well organised forces that appear to have been well received by the inhabitants of their respective towns. In several cases, the towns fought to retain their own local control even after the county force was formed. Chapter 4 will continue this examination of the existing constabulary arrangements by looking at the use of rural parish constables. Academics have, of course, written about parish constables previously. Sometimes that writing has emphasised the deterioration of the role and the inferior quality of the men. T.A. Critchley observed,

by the end of the eighteenth century many of the men who served as parish constables, whether in London, in the new industrial centres in the Midlands and North, or in areas still largely rural, were at best illiterate fools, and at worst as corrupt as the criminal classes from which they sprang.<sup>120</sup>

Recent literature has tended to give them a fairer hearing, however. Robert Storch, coming to their defence, notes that perhaps because the quality and efficiency of the

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<sup>119</sup> *An Act for Paving and Improving the Streets and Other Publick Passages and Places in the Parishes of Saint John the Baptist and Saint Benedict, in the Town of Glastonbury, in the County of Somerset*, [51 Geo. III, 1811].

<sup>120</sup> Critchley, *Police History*, quote at p.18.

men varied so much it is inevitably easy to find tales of a local Dogberry.<sup>121</sup> Somerset generated its own such stories, often related initially as evidence to the *Select Committee on Police* [1852], and much re-quoted since.<sup>122</sup> Most historians now question the accuracy of the 'Dogberry' image, and have tended to come, to varying extents, to the constables' defence.<sup>123</sup> This present thesis will also be supportive of the men and will demonstrate that the parish constable in Somerset must have been serving an important, enduring and perhaps even rewarding role in the community.

Chapter 5 will consider the political journey taken by the magistrates of Somerset between the early 1830s and 1856, and will consider the ways in which they responded to national legislation and applied it to this county. In particular, the chapter will consider the role played by the main protagonists. One of them, George Warry, a barrister, spoke vigorously for seventeen years for the adoption of the 1839 legislation, and for a completely reformed police. Conversely, George Treweeke Scobell, MP for Bath and chair of the Clutton Board of Guardians, was a bitter opponent of what he saw as the unconstitutional and un-English legislation. The chapter will follow the debates and show how the magistrates could be seen to be engaging with the legislation and with the wishes of the ratepayers as expressed overtly through petitions and doubtless covertly in other ways. The end result, in terms of Quarter Sessions actions, was a long sustained period of indecision, inactivity and prevarication in which, with the exception of forming committees, they took no action at all.

The final chapter will conclude by arguing that the balance of the evidence suggests that the story of the development of policing in the county is more one of inertia than design, and that neither the political will, nor the sense of need in the community, were there to promote the formation of organised constabularies. The county was not significantly affected by Swing, by Chartism or by agricultural disorder. Arson and animal maiming did take place in Somerset, but do not appear to have been of any

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<sup>121</sup> See for example R. Storch, 'The Old English Constabulary', *History Today*, 49, (1999), pp.43 - 49.

<sup>122</sup> For example see *HCP*, 1852-3, (603), *Select Committee on Police* para 1295; Storch, 'Old English Constabulary', p.44; Philips and Storch, *Policing Provincial England*, p.12.

<sup>123</sup> See, for example, comments by Scollan, 'Parish Constables ', Abstract, Unpaginated.

particular concern to the magistrates. Crime, mostly petty in today's terms, was seen as a problem but not one sufficient to move the magistrates to action and expense. Although ostensibly quiet, rural and agricultural, the county was in fact a diverse mix of communities ranging from large to small, agricultural to industrial, and politically aware to completely inactive. Each of these communities and geographical environments had different needs and each approached those needs in its own way. The motivation to introduce organised policing was as diverse as the environments themselves. The thesis will conclude therefore that 'grand narrative' explanations for the development of policing still have value but none is sufficient in itself. At a local level it is possible to see examples of events which conform well to one or other theory, and a theoretical understanding can help to explain why practical events might have unfolded as they did. As the range and diversity of communities under study is increased, however, the universal applicability of any one explanation diminishes. Overall, hence, the thesis shows that Somerset, with its diverse range of communities and economic circumstances, demonstrates effectively why criminal justice historiography needs a more nuanced approach to the complex, fascinating, and often contradictory history of local policing during a formative period in national debates from 1830 to 1856.

## **Chapter 2: Contemporary Perspectives of Crime in Somerset and their Influence on the Adoption of Reformed Policing**

### **Introduction**

A central purpose of this thesis is to increase our historical knowledge, and understanding, of the key issues developing in Somerset which guided the county in its decisions regarding policing. Crime, and more importantly, contemporary perceptions of crime, are significant aspects of this historical process of continuity and change. The main aim of this chapter is, therefore, to identify the extent to which attitudes to crime may have influenced the decisions made regarding the adoption of a county-wide force between the early 1830s and 1856. Some historians have suggested that one of the major arguments put forward for a new police in the nineteenth century was that crime had, for some time, been dramatically increasing. ‘The police in the form that they developed, are presented [in these Whig interpretations of history] as a far-sighted and effective response to the collapse in law and order in an emerging urban/industrial society.’<sup>1</sup> The threat to law and order, David Taylor suggests, was one driver behind the evolution of the ‘policeman-state.’<sup>2</sup> Captain W.L. Melville Lee, for example, commented ‘On the whole there is no exaggeration in saying that, at the dawn of the nineteenth century, England was passing through an epoch of criminality darker than any in her annals, [...] lurid crimes which belong to this age, surpass in enormity anything before or since.’<sup>3</sup> ‘The breakdown of law and order,’ suggested T.A. Critchley in a chapter section of the same name had, ‘marched in step with the progress of the Industrial Revolution.’<sup>4</sup> Indeed, ‘crime was perceived as the key *raison d’être* for the new police.’<sup>5</sup> Yet, for many contemporaries establishing the ‘true’ level of crime in the

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<sup>1</sup> D. Taylor, *Crime, Policing and Punishment in England, 1750-1914* (Basingstoke, 1998), quote at p.73.

<sup>2</sup> *Ibid.*, p.1. David Eastwood also uses this term, which he borrows from V.A.C. Gattrell. ‘What was being created,’ Eastwood suggests, ‘was not a police state but a “policeman-state”.’ D. Eastwood, *Government and Community in the English Provinces, 1700-1870* (Hampshire, 1997), quote at p.146.

<sup>3</sup> W.L. Melville Lee, *A History of Police in England* (London 1901), quote at p.203.

<sup>4</sup> T.A. Critchley, *History of Police in England and Wales* (London, 1967), quote at p.21.

<sup>5</sup> C. Emsley, *Crime and Society in England 1750-1900* (Harlow, 1987), quote at p.238.

early nineteenth century was, unsurprisingly, even harder than it is today. The defects of the system of official crime measurement, particularly from their inception in 1805 until their reform in the mid-nineteenth century were, and are, well known.<sup>6</sup> Numerous factors, comprehensively discussed elsewhere, have meant that these figures will remain forever unknown with any certainty.<sup>7</sup> Clive Emsley, when discussing crime statistics, warns that ‘few historians worth their salt would seek to base general conclusions on one set of source material.’ Least of all he adds, ‘on the statistical evidence of something whose definition is as elusive as that of crime.’ Used ‘with caution, however, they might provide a starting point, a hypothesis, for patterns of both criminal activity and responses to perceptions of that activity.’<sup>8</sup> In that light, this thesis considers the crime statistics produced in the first half of the nineteenth-century, in order to identify, if possible, any significant patterns which might suggest reasons for adoption/non-adoption of the 1839 legislation, and for shaping attitudes to crime and policing in the county of Somerset.

This chapter does not attempt to definitively identify the amount of crime in the county prior to the arrival of the new police in the first half of the nineteenth century. It does, however, seek to explore contemporary perceptions of crime. It will do this by looking at crime statistics from three perspectives. Firstly, it will examine official statistics, limited as these are because they include only those cases brought to court.

Predominantly, the chapter will consider evidence from the Assizes and Quarter Sessions, but such summary statistics as are available, will also be considered and used to help make comparison between criminality in Somerset and in its neighbouring counties. Secondly, the chapter will consider crime as reported first hand by the borough constables of Wells and Chard. Lastly, and perhaps most importantly in the

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<sup>6</sup> See also R.M. Morris, "'Lies, Damned Lies, and Criminal Statistics': Reinterpreting the Criminal Statistics in England and Wales', *Crime, History & Societies*, 5, (2001), pp.111-27; D. Hay, 'Crime and Justice in Nineteenth-Century England', *Crime and Justice*, 2, (1980), pp.45-84, pp.62-66. See also V.A.C. Gattrell and T.B. Hadden, 'Criminal Statistics and Their Interpretation', in E.A. Wrigley, (ed.), *Nineteenth Century Society: Essays in the Use of Quantitative Methods for the Study of Social Data* (London, 1972), ch.8, pp.336-96; L. McDonald, 'Theory and Evidence of Rising Crime in the Nineteenth Century', *The British Journal of Sociology*, 33, (1982), pp.404-20.

<sup>7</sup> See, for example, Emsley, *Crime and Society*, pp.21-32.

<sup>8</sup> *Ibid.*, quote at p.30.

context of this thesis, it will consider perspectives on crime expressed by magistrates and guardians in their returns to the *Royal Commission into the Best Means of Establishing a Rural Constabulary* [1836], which reported in early 1839.<sup>9</sup> These will be analysed in-depth, both for what they tell us about the attitudes to crime held by magistrates and guardians of the poor, and what a lack of response may reveal about local circumstances across the county. Local newspapers, as a source of data for this chapter, have proven to be extremely limited. However, reference is made to them where it is appropriate. We begin then with the official statistical picture.

### **Official crime statistics**

Most historians focus on indicted crime, the crime that goes through Assizes and Quarter Sessions, and that is the type of crime that forms the national statistics that started in 1805. As we shall see, if we study these in a comparison of Somerset and Wiltshire, Somerset appears to have a faster growing crime problem than Wiltshire. Further, we also know that the summary level, magistrates without a jury - the place where most crime was tried - was growing massively. The statistics about this are almost non-existent but, as we will see, the few figures we do have would support the view that crime was actually growing faster in Somerset, raising the question: why did Somerset not adopt the 1839 Act, but Wiltshire did?

### **Assize and Quarter Sessions committals and convictions**

One source of 'official' crime data is the tables published annually by central government showing the number of individuals committed for trial at the Assizes or Quarter Sessions, and the results of these hearings.<sup>10</sup> Indictments, or even convictions, for a particular offence do not, of course, reveal the actual number of such offences that took place, but rather only those that found their way through all of the filters to reach

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<sup>9</sup> *House of Commons Papers*, [hereafter *HCP*], 1839, (169), *First Report of the Royal Commission on Establishing an Efficient Constabulary Force* [hereafter *CFC*] in the *Counties of England and Wales*.

<sup>10</sup> *HCP*, 1835, (218), and annually thereafter.

the higher courts.<sup>11</sup> Whilst they are surrounded by a wide range of issues concerning their accuracy and reliability, these figures do at least provide, nationally, an unbroken series, and might be used to make some preliminary observations.<sup>12</sup> Although, therefore, these statistics represent no more than court records covering a restricted group of offences, they ‘can however be used for the study of long term trends in certain forms of criminal behaviour.’<sup>13</sup> Comparing and contrasting neighbouring counties in the West Country can provide a useful starting point. In what follows, Somerset and Wiltshire crime rates and population trends are instructive.

**Table 2.1: Somerset and Wiltshire population levels and those for England and Wales, circa 1831-51.**

	1831	1841	1851	Average	Growth %	% In towns	% In country	Inhabs./sq.m
Eng. & Wales	14051986	16035198	18054170	16047118	28	50	50	307
Somerset	403795	435599	443916	427770	10	31	69	271
Wiltshire	237244	256280	254221	249248	7	45	55	188

Source: *HCP*, 1852-53, (1631), *1851 Census of Great Britain, Vol 1*.

Somerset was reluctant to adopt the *County and District Constables Act*, [2 & 3 Vict. c.93, 1839], whereas her neighbour, Wiltshire, adopted the legislation in full immediately. Do the crime statistics offer then, any insights into why the two adjacent counties might have reacted so differently? Understanding this might help to shed light on Somerset’s behaviour. Wiltshire, like Somerset, was essentially a rural county, although with a population approximately half that of Somerset’s, (See Table 2.1). Both counties had population densities below the national average, but Wiltshire was more sparsely populated than Somerset. Both counties were growing more slowly in population terms than the national average with Wiltshire again lagging behind. A

<sup>11</sup> For a detailed analysis of these filters as they operated in the late eighteenth and early nineteenth centuries see P. King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford, 2000).

<sup>12</sup> For an interesting discussion of the application by historians of this data see J. Brewer, 'An Ungovernable People?', *History Today*, 30, (1980), pp.18-27.

<sup>13</sup> Gattrell and Hadden, 'Criminal Statistics and Their Interpretation', quote at p.341.

greater percentage of the population of Somerset's neighbour was concentrated in the towns than was the case in Somerset, although the difference was not great.

**Table 2.2: A comparative analysis of murder indictment and conviction rates nationally with those for Somerset and Wiltshire, 1834-1854.**

	England & Wales	Somerset	Wiltshire
Average Population	16047118	427770	249248
Total Committals	1449	52	16
Average Offences per Year	69.0	2.5	0.8
Committal Rate/100,000	0.43	0.58	0.32
Total Convictions	356	19	8
Average Offences per Year	17.8	0.9	0.4
Conviction Rate/100,000	0.11	0.21	0.16
Guilty Verdicts %	25	37	50

Source(s): *HCP, 1835, (218), Criminal Offenders Committed for Trial or Bailed for Appearance at the Assizes and Session*,.and annually thereafter.

Table 2.2 reveals some differences in the rates of indictments and convictions for murder in the two counties between the years 1834 and 1854. On average every year, 0.43 people per 100,000 were indicted for murder across England and Wales as a whole. In Somerset this rate was higher with 0.58 people in every 100,000 being charged with the offence. Wiltshire, however, committed for trial only 0.32 people out of the same number. Convictions for murder also were highest in Somerset, with 0.21 guilty verdicts per 100,000 inhabitants against a national average of 0.11, and an average for Wiltshire of 0.16. Indictments, were then, on average lower in Wiltshire but having reached a trial the accused stood a greater risk of being convicted. Fifty per cent of the Wiltshire committals became guilty verdicts, compared with the national average of one in four.<sup>14</sup> Somerset was also higher than the national average, with more than one in three trials leading to guilty verdicts. One factor explaining the reasons behind Wiltshire's higher conviction rate may well have been more effective evidence being offered by their new policemen. However, no such explanation is available for Somerset's higher than average rates. Without doubt, elements other than the

<sup>14</sup> A 'guilty' verdict is defined for this thesis as any verdict listed in the returns under the general heading 'Convicted' and for which some sentence was imposed by the court.

availability or otherwise, of a police force are at work here, magisterial and judicial attitudes being perhaps amongst them.

The crimes that John Archer, Roger Wells and Adrian Charlesworth discuss as possibly 'protest' crimes are not prevalent in the indictment statistics, although that is not to say they were non-existent or that they might not have been significant in the county.<sup>15</sup>

These crimes include: arson, riot in its various forms, animal and plant maiming and additionally, according to Tim Shakesheff, wood theft.<sup>16</sup> Table 2.3 suggests that Wiltshire suffered more than Somerset from the problem of arson, particularly rick burning. Convictions for arson paint the picture clearly, with Somerset convicting the same proportion of its inhabitants each year as the national average, (0.33/100,000), but Wiltshire convicting a significantly higher proportion (0.56/100,000).

**Table 2.3: A Comparative analysis of arson conviction rates nationally with those for Somerset and Wiltshire, 1834-54.**

	England & Wales	Somerset	Wiltshire
Average Population	16047118	427770	249248
Total Convictions	1067	30	29
Average Offences per Year	53.4	1.4	1.4
Conviction Rate/100,000	0.33	0.33	0.56
Guilty Verdicts %	44	38	41

Source(s): *HCP*, 1835, (218) *Criminal Offenders*, and annually thereafter.

Each year, on average between 1834 and 1854, 0.17 people out of every 100,000 were convicted of riotous activity in Somerset as shown in table 2.4. By comparison, the figure nationally was broadly similar at 0.2. Wiltshire, did not commit anyone for trial throughout this period. Of the fifteen committals for riot in Somerset all were found guilty.

<sup>15</sup> J.E. Archer, *'By a Flash and a Scare: Arson, Animal Maiming, and Poaching in East Anglia 1815-1870'* (New York, 1990); R. Wells, 'Social Conflict and Protest in the English Countryside in the Early 19th Century', *Journal of Peasant Studies*, 8, (1981), pp.514-30; A. Charlesworth, 'The Development of the English Rural Proletariat - a Comment', *Journal of Peasant Studies*, 6, (1980), pp.101-11; T. Shakesheff, 'Wood and Crop Theft in Rural Herefordshire, 1800-1860', *Rural History*, 13, (2002), pp.1-17.

<sup>16</sup> See *Ibid.* Wood theft in particular is, of course, more likely to have been dealt with by the minor courts but it is important to at least recognise it here.

**Table 2.4: A Comparative analysis of riot conviction rates nationally with those for Somerset and Wiltshire, 1834-54.**

	England & Wales	Somerset	Wiltshire
Average Population	16047118	427770	249248
Total Convictions	72	15	0
Average Offences per Year	3.4	0.7	0
Conviction Rate/100,000 inhabitants	0.2	0.17	0
Guilty Verdicts %	34	100	0

Source(s): *HCP*, 1835, (218), *Criminal Offenders*, and annually thereafter.

Table 2.5 is included to show how relatively rare plant (crops), and animal maiming were as far as convictions on indictment were concerned, although they would, of course, have more likely been dealt with by lower courts.<sup>17</sup> Table 2.5 shows that animal maiming was, as might be expected in rural areas, more commonly prosecuted in Somerset and Wiltshire than was the case for the country as a whole. The conviction rates of 41, 33 and 38 per cent over the period studied are also surprising when compared with the 27 per cent in Norfolk cited by Archer as ‘remarkably high.’<sup>18</sup> At an average 0.4 convictions per year, however, in both counties it is clearly not a prominent offence in the higher courts. Plant maiming is particularly interesting. Griffin notes, ‘as Adrian Randall has delineated a political economy of machine-breaking, so too was there a political economy of plant maiming.’ Griffin evidences the cases of the destruction of four hundred apple trees in Wiltshire and ‘thousands of young trees’ being destroyed by individuals in Somerset in 1796. He suggests,

In the same way that labourers targeted that which was central to their work in many acts of protest, such as the horses with which they worked, the hay ricks they had helped to form, or the threshing machines on which they worked, we would expect that in many cases of plant maiming that which was being attacked would assume a central role to the maimer’s everyday life.<sup>19</sup>

<sup>17</sup> ‘Plant maiming;’ ‘the practices or patterns of malicious attacks on plants,’ C.J. Griffin, ‘Cut Down by Some Cowardly Miscreants’: Plant Maiming, or the Malicious Cutting of Flora, as an Act of Protest in Eighteenth- and Nineteenth-Century Rural England’, *Rural History*, 19, (2008), pp.29-54, p.29.

<sup>18</sup> See Archer, ‘By a Flash and a Scare’ p.214.

<sup>19</sup> Griffin, ‘Plant Maiming’, quote at p.43.

If this is the case, then, given Somerset's heavy dependence on apple trees, one might have expected to discover more incidents than the indictment statistics suggest. (It is noted further in this chapter that apple trees were targeted for crime, but numbers of offences were low and presumably, for a variety of reasons, did not often reach higher courts.) Animal theft reflected the nature of the county's agriculture. On average, two people each year were convicted of cattle stealing, four for horse stealing, and fifteen for sheep stealing.

**Table 2.5: A Comparative analysis of animal and crop maiming committal and conviction rates nationally with those of Somerset and Wiltshire, 1834-54**

	Animal Maiming: 1834-1854			Plant Maiming: 1834-1854		
	England & Wales	Som.	Wilts.	England & Wales	Som.	Wilts.
Average Population	16047118	427770	249248	16047118	427770	249248
Total Committals	680	24	21	164	4	6
Average Annual Committals	32.4	1.1	1.0	7.8	0.2	0.3
Committal Rate/100,000 inhabitants	0.2	0.27	0.4	0.05	0.04	0.11
Total Convictions	281	8	8	77	3	0
Average Annual Convictions	14.05	0.4	0.4	3.9	0.1	0
Conviction Rate/100,000	0.09	0.09	0.15	0.02	0.03	0
Guilty Verdicts %	41	33	38	47	75	0

Source(s): *HCP*, 1835, (218), *Criminal Offender*, and annually thereafter.

The picture, so far, suggests that crime in Somerset was broadly comparable with the national average. Murder rates were higher than either nationally or in Wiltshire, but small numbers of offences make interpretation unreliable. Offences against property, however, whether accompanied by violence or not, constituted by far the greater number of indicted offences, and were probably of the greatest concern at the time. Table 2.6 shows the conviction rates for all crimes included in the annual returns to

Parliament under categories 2, property offences with violence, and 3, property offences without violence.

**Table 2.6: A Comparative analysis of conviction rates for property offences, nationally with those for Somerset and Wiltshire, 1834-54.**

	England & Wales	Somerset	Wiltshire
Average Population	16047118	427770	249248
Category 2: Offences against property with violence / 100,000 inhabitants	8	14	9
Category 3: Offences against property without violence / 100,000 inhabitants	96	110	103

Source(s): *HCP*, 1835, (218), *Criminal Offenders*, and annually thereafter.

At 14 convictions per 100,000 inhabitants for category two offences, and 110 convictions for category three, it is apparent that Somerset had a significantly higher conviction rate than either the national average or Wiltshire. If these figures are taken as true indicators of actual crime, then Somerset had a worse crime problem than its neighbour. Explanations for this significant difference need further research outside of this thesis, however, given that this data would have been available to the county magistrates at the time, it might have been expected, at the very least, to have provided greater impetus for them to take the opportunities presented by the 1839 legislation.

Indictments for all offences against property unaccompanied by violence, (category three), averaged 648 per year, and although they fluctuated, the underlying trend was in fact downwards.<sup>20</sup> At first sight the fluctuations are not influenced by wheat prices, a commonly suggested cause.<sup>21</sup> However, by lagging property crime statistics two years after wheat prices a clearer relationship emerges, suggesting that high prices may conceivably have been correlated with high crime rates, albeit after a two year delay.<sup>22</sup> A similar relationship was even noted in the nineteenth century. One contemporary

<sup>20</sup> Linear trend;  $y = -7.0858x + 545.48$ .

<sup>21</sup> Wheat prices from B.R. Mitchell and P. Deane, *Abstract of British Statistics* (Cambridge, 1st ed., 1971), p.488. Correlation  $r = 0.269$ .

<sup>22</sup> Correlation  $r = 0.818$ . This very high correlation must be seen in conjunction with King's caveats. See footnote 24 below.

commentator showed how high food prices were mirrored, albeit lagged, by high crime rates, and low marriage rates, and vice versa. In 1851, Thomas Plint wrote, 'It is not in the nature of the cause that the effect should be visible the moment the cause begins to act'. He suggested that his tables nevertheless 'incontestably exhibit the unfailing action of a *continued high price of food, to increase crime and diminish marriages*' and vice versa.<sup>23</sup> Exact explanations for this lag, in the context of Somerset, must remain as a subject for further analysis elsewhere, although it would be an error to exaggerate this 'simplistic' relationship between dearth and theft.<sup>24</sup>

How far the indictment data can be seen as meaningful is then, a matter for debate.

Chris Williams suggests that three approaches may be taken to crime statistics; pessimistic, interactionist and positivist.<sup>25</sup> Some statistics, he concludes, should be seen in the 'pessimistic' light that they are, 'useful only as an input to attitudes,' rather than as accurate indicators of activity. Indictment figures for the period of this thesis would probably fit into this view. The statistics appear to suggest that property crime in

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<sup>23</sup> T. Plint, *Crime in England, Its Relation, Character and Extent* (London, 1851), quote at p.46. Emphasis in original.

<sup>24</sup> See Emsley, *Crime and Society*, p.33. Peter King, quoting figures derived by Stephen Pole, Pole, 'Crime, Society and Law Enforcement in Hanoverian Somerset', (unpublished, Cambridge University, PhD thesis, 1983), King, *Crime, Justice and Discretion*, p.145, also cites a correlation of 0.70 between changes in wheat price and indictments for property crime between 1777 and 1782 in Somerset. King adds serious words of warning, however, stating 'Much depends on the precise timespan used' and demonstrates that in Essex, by simply altering this the correlation can be changed from inverse 0.44 to positive 0.33. *Ibid.*, pp.146-147. Gattrell and Hadden put things simply, their research suggested that property crimes 'increased in times of depression and diminished in times of prosperity: more people stole in hard times than in good.' Gattrell and Hadden, 'Criminal Statistics and Their Interpretation', p.368. Wheat prices were also investigated by others in the nineteenth century: although William Hoyle was more inclined to link changes in crime rates to relaxation in beer and wine legislation concluding it was, 'No wonder that crime should so extensively increase.' W. Hoyle, *Crime in England and Wales in the Nineteenth Century. An Historical and Critical Retrospect* (London, 1876), p.36. George Rudé also explored this relationship between wheat prices and crime in some detail, finding some evidence to support it. He offers a number of caveats against making too much of the link, however, ultimately suggesting that to firmly establish the existence of this relationship significant further work is needed. See G. Rudé, 'Protest and Punishment in Nineteenth-Century Britain', *Albion: A Quarterly Journal Concerned with British Studies*, 5, (1973), pp.1-23, pp.15-17.

<sup>25</sup> See C. Williams, 'Counting Crimes or Counting People: Some Implications of Mid-Nineteenth Century Police Returns', *Crime, Histories et Societes*, 4, (2000), pp.77-93, p.78.

particular was a problem in the county. In Somerset, in 1854 for example, slightly more than 80 per cent of all indictments, and convictions, were classed as ‘offences against property without violence.’<sup>26</sup> Interpreting the data nevertheless is fraught with difficulty as it is also important to recognise that overall increases or decreases in indictments or convictions may hide more significant underlying trends. One of the major aims of this thesis is to establish what influenced the county magistrates of Somerset in their decisions regarding the adoption of a new police. It is difficult to see that the post-1834 crime statistics, such as they are, had any influence at all.<sup>27</sup> However, if a robust comparison is to be made with neighbouring Wiltshire, then the influence of their county force must be removed and pre-1830s data must be examined.

**Table 2.7: Committal for Trial at Assizes and Sessions over three seven year periods beginning 1811, 1818 and 1825. Nationally compared to key counties in the West Country (Offences per 100,000 Inhabitants).**

	1810-1817	1818-1824	1825-1831	Growth %
Nationally	515	645	735	43
Somerset	550	844	1015	85
Wiltshire	437	824	1089	149
Devon	493	596	618	25
Dorset	402	530	684	70

Source: *HCP*, 1831-32, (282), *Statements of the Number of Persons Charged With Criminal Offences*, 1811-1831, p.2.

Table 2.7 shows committals for trial, for three seven year periods, in both Somerset and Wiltshire, as well as two other adjoining counties. Unfortunately these shed little further light. Between 1817 and 1831 indictments per 100,000 inhabitants nationally, rose by 43 per cent. In Somerset the rise was 85 per cent, certainly significantly higher. In Wiltshire, the rise was 149 per cent, suggesting that, conversely to what has been described above, crime was rising faster in Wiltshire than elsewhere and offering some

<sup>26</sup> It is recognised, again, that indictment figures might not be the place to find the data concerning most of these offences although Rudé has noted that in Sussex, 60-80 per cent of all crimes tried at Quarter Sessions in Sussex were simple larceny, a constituent of category three as used here. G. Rudé, *Criminal and Victim: Crime and Society in Early Nineteenth-Century England* (Oxford, 1985), p.10.

<sup>27</sup> A more detailed examination of the attitudes and behaviour of the magistrates will be presented in Chapter 5.

explanation for Wiltshire's adoption.<sup>28</sup> Devon, alone of the West Country counties, had a rate of growth in the number of indictments lower than the national rate. Perhaps this sets in context why Devon did not adopt a county wide force until 1856. Taken at face value these figures might point to reasons for adoption/non adoption, but the differences are not adequate in themselves, to point to any definite findings. Other sources, albeit very slightly earlier, yield different results. A summary statement of persons committed to gaol for trial at Assizes and Quarter Sessions between the years 1805 and 1817, shows a three-fold growth nationally.<sup>29</sup> Committals in Dorset and Wiltshire were approximately in line with the national figure but Somerset shows an increase of 4.1 times. Devon, this time is similar to Somerset. Emsley's and King's warnings regarding drawing conclusions about inter-county comparisons from single, probably inaccurate sources, are worth remembering here.

It is also important to keep the numbers in perspective when trying to assess their contemporary impact. The largest increase in Somerset shown in table 2.7, was from 1,505 in the seven years ending 1817, to 3,000 in the period ending 1824. This doubling in the indictment rate would appear, with the benefit of historical hindsight, to be cause for greater alarm than was apparently created. However, 3,000 indictments over a seven year period would represent a little over 400 per year as an average. When spread over four Quarter Sessions and two Assizes this would represent, in very simple terms, about seventy cases per session – an increase from the previous figure of 35. The increase over the following seven years was from 70 to 95. For each of the several hundred magistrates in the county this might have represented an increase of perhaps one or two cases per year. Whilst they might have noticed the incremental change it does not appear to have been cause for alarm. Equally, they indicate an average 110 convictions per year for property crime, for example, compared with a national average of 96 (see Table 2.6). Spread across the 400 or so parishes in Somerset at this time, however, this would represent one conviction per parish every four years. Other question marks also hang over the figures. 'In the first half of the nineteenth century Parliament passed a series of measures to encourage prosecutors. Between 1805 and 1842 the number of

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<sup>28</sup> Or at, least, that Wiltshire's JPs were feeling more inclined, for whatever reason, to resort to imprisonment as a penalty.

<sup>29</sup> *HCP, 1805-1817, (420), Summary of Persons Committed to Gaol for Trial.*

trials in higher courts rose seven-fold,' observes Howard Taylor, who concludes that the actions of prosecutors rather than the actions of criminals determined crime statistics.<sup>30</sup> Barry Godfrey also observed that, 'if it was not for the substantial activity of victims, there would be little recorded crime at all before the late-Victorian period.'<sup>31</sup> In other words, 'crime statistics largely reflected supply-side policies.'<sup>32</sup> Magistrates were not, perhaps, seeing significant increases in cases coming before them, and it is inconceivable that they would not have been very aware of these other influences. They must have realised that, to some extent at least, the increases they were seeing were explained by exogenous factors. The indictment statistics themselves therefore, again, appear to have offered no concrete justification for action on the part of the magistrates. As Clive Emsley notes, the most common crime nationally throughout the early nineteenth century was small scale theft which would have been tried summarily by magistrates.<sup>33</sup> This chapter will continue its analysis of crime in the county by exploring such data as exists relating to summary offences.

### **Summary Convictions**

Chris Williams, when considering the different approaches to defining relevant data, cites David Philips and his work on the Black Country. Philips placed analytical emphasis on the indictable crimes examined at the Assizes and Quarter Sessions, as has been done above. The alternative paradigm, he says, 'looks at the activity of the criminal justice system as a whole, concluding, as did Emsley, that interaction is dominated by 'petty' crime.'<sup>34</sup> This thesis adopts this latter approach because it is evident that it was 'minor' crime that was the greater issue in Somerset and its neighbouring counties. It will consider relevant sets of data to be found in the summary conviction statistics. However, difficulties immediately arise with this methodological choice. Records for petty sessions were not always kept and those that might have been

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<sup>30</sup> H. Taylor, 'Rationing Crime: The Political Economy of Crime Statistics since the 1850s', *Economic History Review*, 51, 3 (1998), pp.569-90, quote at p.569.

<sup>31</sup> B. Godfrey, 'Changing Prosecution Practices and the Impact on Crime Figures, 1857-1940', *British Journal of Criminology*, 48, (2008), pp.171-89, quote at p.171.

<sup>32</sup> Taylor, 'Rationing Crime', quote at p.571.

<sup>33</sup> Emsley, *Crime and Society*, p.32. It is recognised, again, that that these crimes would probably have been dealt with by the minor courts.

<sup>34</sup> See Williams, 'Counting Crimes or Counting People', p.79.

kept were not always preserved. Prior to 1834, there are no detailed records specifically of summary convictions available for Somerset. The data relate only to committals to prison, and do not shed light on the much greater number of offences which resulted in lesser penalties. The returns submitted by the keepers of the various gaols, houses of correction and bridewells, of people committed to them under summary process, offer some crude indication but are themselves flawed. Their weakness is indicated by the caveat printed on the front page of the 1831 report to Parliament; ‘Many keepers have indicated that they are unable to furnish the Account for the Years antecedent to their period of appointment; and a few keepers have omitted to make any return.’<sup>35</sup> The keeper of the County Bridewell at Marlborough, Wiltshire, provides an example; ‘I have no books of a later date than 1818; and at that date I took charge of the Bridewell, Marlboro’. Some, albeit tenuous, inferences about ‘petty’ crime in this period may, however, be drawn from the returns. This 1831 report shows the returns submitted by keepers of goals for the years 1814 to 1829. Full data is not available for Devizes House of Correction, and Marlborough Bridewell, until 1818 but from then until 1829 the number of committals under summary process to Wiltshire gaols rose, from 495 to 857. This 73 per cent growth in numbers compares with 114 per cent in comparable figures in Somerset. Again, if much credence is to be given to the data, there is a suggestion that crime in Somerset was becoming a greater problem than was the case in Wiltshire. Such conclusions are, of course, superficial and do not, for example, take into account changes in sentencing policies of the different county benches, or the willingness of victims to prosecute. The implication of these figures is, however, strengthened when they are considered in the light of population changes. Basing calculations on the population figure in the previous census (using census data from 1811 and 1821) the number of committals per head increased significantly in both counties. The increase in Somerset was from 1.5 committals per 1,000 inhabitants to 2.7, an 83 per cent increase. The comparable figure in Wiltshire was 2.6 committals per 1,000 inhabitants to 3.9, a 51 per cent increase. In other words, relatively minor crime was less in Somerset, but was increasing more rapidly than in Wiltshire.

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<sup>35</sup> *HCP*, 1831, (131), *An Account of the Number of People Committed to the Several Bridewells, Houses of Correction, and Other Prisons, under Summary Process [...], from 1814 to 1829 Inclusive, as Far as the Same Can Be Made Out.*

Some patchy data is available showing the numbers of prisoners committed to gaol under summary jurisdiction after 1834, however, no meaningful conclusions can be drawn from it. For the year ending Michaelmas 1835, two sets of data are available, each showing different totals.<sup>36</sup> One of these sets, showing returns from the various magistrates' benches sitting across the county, shows 703 such committals, whilst the second, a return from the Clerk of the Peace of Somerset, shows a total of 435. Given additionally the problems of comparison of statistics between counties identified by King, it is apparent that these statistics, referred to by Gattrell and Hadden as 'an indirect and necessarily inaccurate [source],' clearly offer little genuine insight.<sup>37</sup>

Official statistics, in their various forms, paint therefore a muddled and unreliable picture. It is difficult, if not impossible to draw definitive conclusions from them. If they tell any story at all it is at best suggestive and indicates that crime in Somerset was rising, perhaps at a somewhat faster rate than its surrounding counties. 'Serious' crime existed, but appears to have given no grounds for concern, but 'petty' crime probably was a day-to-day issue. We need therefore to turn in detail to the second group of sources to be considered in this thesis, namely that generated by those close to the crime itself. Can a better picture of crime in Somerset in the first half of the nineteenth century be determined by looking at the issues being dealt with on the ground, in the towns and the parishes?

### **Crime in the towns**

The data for Somerset towns is limited, but good data, in the form of charge and occurrence books, exists for the towns of Wells and Chard. It is these that form the basis of the following analysis.

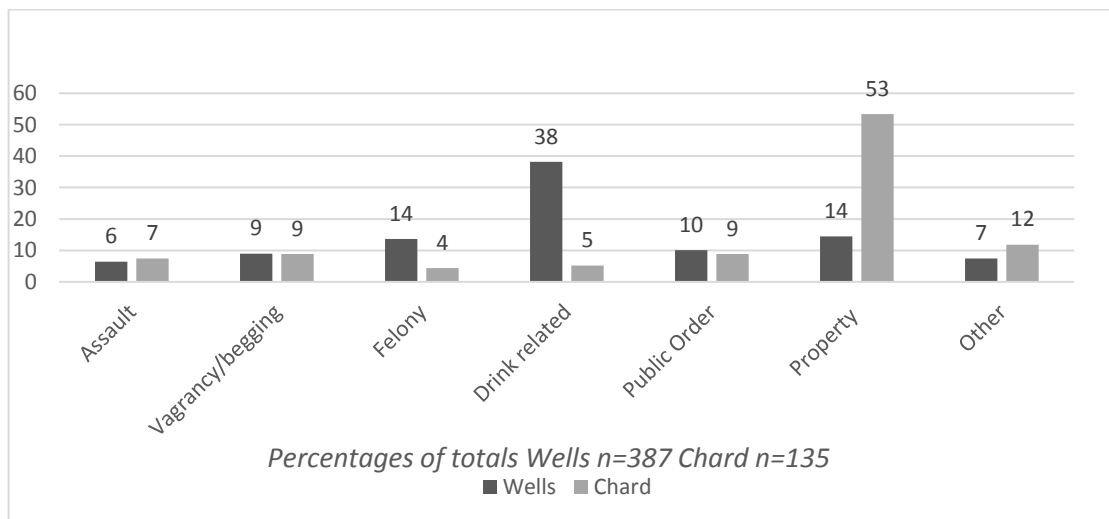
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<sup>36</sup> *HCP*, 1836, (580), *Summary Convictions. A Return of the Numbers of Persons Committed to Prison on Summary Convictions by One or More Justices of the Peace Acting out of Quarter Sessions, [...], in the Year Ending Michaelmas 1835*; *HCP*, 1837, (294), *Summary Convictions. A Return from the Clerks of the Peace [...] of the Number of Summary Convictions Filed with Them in the Year Ending Michaelmas 1835*.

<sup>37</sup> Gattrell and Hadden, 'Criminal Statistics and Their Interpretation', quote at p.343.

The crime dealt with on a day-to-day basis by the men of the Wells City force was predominantly not ‘serious’ enough to warrant time in prison, and would not therefore have been reflected in the figures described above. Over a period of a little over six years they brought before the magistrates a total of 401 suspected offenders, on average a little over five a month.<sup>38</sup> Of these, charges were brought against 388 men and women. The majority of the offences committed, nearly 40 per cent, involved drunkenness (see Figure 2.1), but offenders had an excellent chance of walking free within a day or two. Some 83 per cent of those brought before the magistrates charged with drink related offences were discharged immediately, with a further twelve being fined. It must be assumed that this ‘crime’ was considered of nuisance value but not, perhaps, truly a criminal offence. Offences which might loosely be termed today ‘public order’ offences, categorised in the charge book as ‘disorderly behaviour’ rather than drunken behaviour, constituted ten per cent of the offences identified. This behaviour appears to have touched more of a nerve with the magistrates as a smaller proportion, (31 per cent), were discharged without penalty.

***Figure 2.1: A sample of crimes brought before Magistrates in Wells and Chard town, circa 1841-51***



Source(s): WCA, 1847, Uncatalogued, *City of Wells Police Charge Book May 1841 to Sept 1847*; Somerset Records Office, [hereafter SRO], 1849-1854, D/B/ch/27/1, *Chard United Police Duty and Occurrence Book*.

<sup>38</sup> Wells City Archive, [hereafter WCA], 1841-1847, Uncatalogued, *City of Wells Police Charge Book*, May 1841 to Sept 1847.

The circumstances of the offences were of relevance to the sentencing since no fewer than thirteen occurred in the Union Workhouse. These workhouse inmates could expect to be imprisoned; only one of the accused was discharged, the remaining twelve being sentenced to various periods in Shepton Mallet Prison. In total, the Wells policemen arrested and charged 35 people for theft. The larger part of these offences involved food or clothes. Probably the most valuable item stolen was taken by the one horse thief arrested. Property crime in general, which includes picking pockets, theft, robbery, receiving stolen goods, was again fairly leniently dealt with by the magistrates, with 63 per cent of the accused being discharged. Surprisingly all eleven pick-pockets appearing before the magistrates were discharged without penalty, as were more than half of those charged with unspecified 'felony.' The high discharge rates evidently raise more questions than they resolve; why were the magistrates lenient, were the officers unskilled in their application of the law, or were cases discharged by virtue of prosecutors not coming forward? Comparing and contrasting Wells with Chard town could potentially be illuminating at this juncture.

The crime identified and dealt with by the officers in Chard differed in some significant ways as shown in Figure 2.1. Issues involving assault, public order and vagrancy appear to be of equal significance in both towns; each category representing no more than about ten per cent of the constables' duties. The significance of drink related offences and of property offences, mainly theft, does, however, vary. Wells appears to have suffered more from, or at least to have given greater emphasis to, drink related offences, whilst Chard suffered most particularly from property crime. At first glance this appears slightly incongruous as the greater concentration of factory workers in Chard might have suggested greater issues relating to drink. Similarly, the wealth associated with the church in particular in Wells might have suggested issues with property. Further evidence would be required to shed light on such an apparent paradox. Certainly, Wells Watch Committee, from time to time, instructed the constables to pay particular attention to the subject of the sale of alcohol.<sup>39</sup> Chard Watch Committee, once it started meeting, seemed rather more concerned about finance than day-to-day policing issues, which they tended to leave to the

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<sup>39</sup> See for example, WCA, 1846-1854, Uncatalogued, *City of Wells Watch Committee Minutes*, 4 June 1847; *Ibid.*, 10 January, 1848.

Superintendent. The public houses were inspected around closing time and during the hours of divine service,<sup>40</sup> and so, ostensibly at least, alcohol abuse was of concern in Chard, as much as Wells.<sup>41</sup> Mostly, however, the inspection of the beer and public houses, certainly in the town itself, was conducted by the Superintendent personally who invariably found all in order. (Whether in fact this was actually the case, or he enjoyed any special relationship with the keepers of these premises must remain a matter for conjecture.) In the same way that low agricultural wages and high prices may have influenced levels of property crime, it is not unreasonable to suggest that in a semi-industrial town such as Chard, low wages and insecure employment in the lace factories had a similar consequence. It is possible also to suggest that the emphasis in Wells on reducing overt drunken behaviour in the streets was a response to the significant ecclesiastical and educational presence in the town. In the absence of evidence, however, this hypothesis too, must remain untested.

Other differences between crime in the two towns also existed. Incidents involving inmates of the workhouse constituted four per cent of the Wells offences, in Chard the corresponding figure was 21 per cent. These differing attitudes to workhouse inmates reflect themselves in the numbers of persons committed to prison each year from the workhouse. Geographically, Chard was a slightly larger union, with a population of over 26,000 compared with that of Wells of 20,000. The size of the workhouses was the same, however, both being built to accommodate 300 inmates and both were situated within their respective towns. Between the years 1836 and 1842, however, a total of 36 inmates were committed to prison in Chard, as against eight in Wells.<sup>42</sup> Admittedly this is too early a period for Chard United Police, which was not formed until 1849, but nonetheless the figures reflect the differing attitudes of magistrates, and are perhaps

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<sup>40</sup> See *SRO*, 1849-1854, D/B/Ch/27/1, *Chard United Police Duty and Occurrence Book*.

<sup>41</sup> Attention to licensing hours, particularly during hours of divine service, has been argued to be one of the major purposes of the 'reformed' police and certainly appears to have been given significant emphasis by newly formed watch committees. See for example, R. Storch, 'The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England 1850-1880', *Journal of Social History*, 9, (1976), pp.481-509 p.483; P. Jennings, 'Policing Public Houses in Victorian England', *Law, Crime and History*, 3, (2013), pp.52-75, p.54.

<sup>42</sup> *HCP*, 1843, (63)(63-II), *Workhouse Offences: Abstract Returns of the Number of Persons Committed to Prison in England and Wales for Any Offence in a Union Workhouse*.

even more striking given the lack of an organised borough force. Regrettably they are also the only years for which such figures were published. Exact explanations for the differential approach taken by the two towns must wait for further research specifically into the circumstances of Wells and Chard. David Green, however, has suggested that studies of the poor law have focussed narrowly on the number of committals to prison of people from the workhouse. Such committals, he has hypothesised, 'were part of a much wider pattern of transgressions and misbehaviour inside the workhouse,' which in some instances may have been the result of simply rule-breaking for the sake of it, or efforts to squeeze extra relief from otherwise niggardly officials.<sup>43</sup> Frequently, however, they 'involve ways in which individuals questioned their roles in the context of clearly defined authority structures and contested notions of legitimacy.'<sup>44</sup> Green suggests that 'issues of working-class respectability and self-esteem coupled with notions of social justice infused some pauper protests.' Are then, nascent concepts of working class identity, so much stronger presumably in Chard than in Wells, the cause of the apparent disparity in behaviour? This question awaits further research to provide new answers.

In all crime, 22 per cent of the Chard offenders were female, whilst women only accounted for 10 per cent of offenders in Wells.<sup>45</sup> Some 64 per cent overall of offenders brought before the magistrates in Wells were discharged, the corresponding figure for Chard is 21 per cent. Possible suggestions for the disparities might include differing attitudes of the constables themselves affecting their inclination to apprehend people for certain offences, drink in particular. The willingness of the constables to apprehend drunk and potentially violent offenders might differ between the towns, particularly when the distances involved for the Chard officers to summon assistance or to return

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<sup>43</sup> See D. Green, 'Pauper Protests: Power and Resistance in Early Nineteenth Century London Workhouses', *Social History*, 31, (2006), pp.137-59, p.138.

<sup>44</sup> *Ibid.*, quote at p.139.

<sup>45</sup> Only a very small sample is being examined in data used here, and it is based on police records of prosecution, usually at Petty Sessions, rather than Quarter Sessions. However, these figures appear to be approximately in line with Stephen Pole's finding that women constituted around 16 per cent of property crime indictments in Somerset Quarter Sessions during the period 1842-1847. Pole, 'Crime, Society and Law Enforcement in Hanoverian Somerset', quoted in P. King, *Crime and Law in England: Remaking Justice from the Margins* (Cambridge, 2006), at p.204.

with a recalcitrant drunk are considered. Directives and guidance, formal and informal, issued to the men would also account for differing arrest rates, as with the instructions to the Wells men to inspect the pubs and the attitudes of the Chard magistrates. Local pay rates, social conditions, and levels of need might lead to greater propensity to commit certain types of crime. Perhaps the policemen of Chard were more *au fait* with the law of theft, or the law in general, than the men of Wells. It becomes apparent then that there are some fundamental problems with trying to draw immediate conclusions about crime in the towns of Somerset from these data sources. What they do suggest, however, is that there is need for considerable further research or new archives discovered that can reconstruct the circumstances behind them.<sup>46</sup>

### **Crime in the parishes**

Criminal activity, below that level which manifested itself in indictments, outside of the towns is much more difficult to identify. Parish constable notebooks, if they were ever kept, which is itself unlikely, have not survived in the Somerset county archives. The exception is that of Isaac Gregory of Frome, who served as Constable of the Hundred from 1813-1814, and then again, in the same capacity but as substitute for his brother, between 1817 and 1818.<sup>47</sup> Committals to prison as result of summary offences have been discussed above, however, 'many offences tried summarily would not be included in the total because many petty offenders might merely be discharged with a caution or

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<sup>46</sup> In the county's other towns, Bath for example, it is also noted that petty crime 'abounded,' but that 'major crimes found little place in the report books.' John Wroughton lists offenders gaoled for 'minor offences' in the years 1832-34; 62 of them were for breach of the peace, eight for assault, three for bastardy and two for keeping a disorderly house. Perhaps remarkably the largest single cause of committal to gaol was exposing fruit for sale on the footway, 63 cases. M. Roberts and J. Wroughton, 'Law and Order in Bath', in J. Wroughton, (ed.), *Bath in the Age of Reform* (Bath, 1972), ch.8, pp.88-103, p.102.

<sup>47</sup> An edited version of the diaries is available as, M. McGarvie, *Crime and Punishment in Regency Frome: The Journals of Isaac Gregory, Constable of Frome 1813-14 and 1817-18* (Frome, 1984). It is references to that booklet that are used here. This source is a little early for the period of this thesis but nonetheless provides an invaluable insight into one of the men who filled the role of constable and the duties they performed. The diaries reveal the daily activities of Gregory, his feeling about events that he witnessed and was involved in, and his relationships with magistrates and his subordinate constables.

fined.<sup>48</sup> We know this to be the case in Somerset from, for example, the information revealed in the Wells Charge Book which also recorded the outcome of each case. Other records of petty sessional hearings and outcomes have not survived for the period in question, again, assuming that they were always kept in the first place. One useful source of insight into both the levels and nature of crime, as well as attitudes to, and perceptions of it, promised to be local newspapers. In full recognition that the papers had their own political and party inclinations (as discussed again in Chapter 5), particularly perhaps with regard to ‘increasing’ crime and solutions to it, it is disappointing that, in fact, minor crime is not significantly reported in the press during the period of this thesis. Major crimes, in particular murders, are described in enormous detail being allocated many column inches, whether they occurred in Somerset or elsewhere. Assizes and Quarter Sessions hearings might be reported with a list of the numbers in the calendar of prisoners. In January 1837, for example, it is reported that the Quarter Sessions calendar contained, 185 prisoners, 161 for felony and 24 for misdemeanour. There then followed a breakdown of the statistics relating to prisoners’ literacy.<sup>49</sup> There is no useful coverage, however, of the lesser offenders who did not reach Quarter Sessions or Assizes, or of the issues facing either the parish constables or the local magistrates. For details of ‘local’ crime, outside the towns, it has been necessary to look elsewhere. The returns to the 1836 Royal Commission provide an excellent insight.

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<sup>48</sup> Gattrell and Hadden, 'Criminal Statistics and Their Interpretation', quote at p.343. This also presupposes that matters were recorded by the policemen in the first place. The long eighteenth century is described by King as ‘the golden age of discretionary justice.’ King, *Crime, Justice and Discretion*, p.355. Many examples of Gregory using his discretion can be found in his diaries. For example, a man held for assault the next day pleaded to Gregory that he ‘dreaded the idea of being put before the Justice [...] if he was not allowed to go to his work he should lose his place. He very much begged me to discharge him – which I did.’ McGarvie, *The Journals of Isaac Gregory*, quote at p.45.

<sup>49</sup> *Somerset County Gazette*, [hereafter *SCG*], 7 January 1837.

### Returns to 1836 Royal Commission<sup>50</sup>

Formal sources of data relating to crime in the county have proven inadequate in showing definitively a distinguishing pattern. If there was a particular crime problem in Somerset, or, indeed, if crime was particularly rare in Somerset the data offers little to conclusively show it. What is, however, more significant for the purposes of this thesis is not so much what was actually happening, but what was perceived to be happening. The best source, albeit again, a highly flawed one, is the evidence given to the Royal Commission set up in 1836 to ‘inquire into the best means of establishing an efficient Constabulary Force in England and Wales for the prevention of offences, the detection and punishment of criminals, the due protection of property, and the more regular observance of the laws of the Realm.’ The Commission, made up of Charles Shaw Lefevre, Charles Rowan and Edwin Chadwick reported on 27 March 1839.<sup>51</sup> The Report of this Commission has been much considered in the academic literature.<sup>52</sup> However, the Returns made by the Justices of the Peace and by the union guardians as evidence to that Commission have not, and yet they are able to give a particularly detailed, albeit highly subjective, insight into nineteenth-century perceptions of crime and policing.<sup>53</sup> In order to put the questionnaires into context, however, it is important to briefly consider the background to the Commission and that of Edwin Chadwick the major player in it. In particular, it is his philosophy that is of direct relevance to this thesis.

The Royal Commission was set up in the shadow of the *Municipal Corporations Act*, [5 & 6 Will. 4 c.76, 1835], which had obliged the Boroughs to establish Watch Committees and paid urban police forces. The Metropolitan Police had also by this time

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<sup>50</sup> For actual questions asked see Appendix A – Magistrates’ Questionnaire and Appendix B – Guardians Questionnaire.

<sup>51</sup> *HCP*, 1839, (169), *CFC Report*.

<sup>52</sup> See for example, D. Foster, *The Rural Constabulary Act 1839: National Legislation and the Problems of Enforcement* (London, 1982), pp.8-12.

<sup>53</sup> That is not to say that the returns have not been considered at all. For a detailed discussion of them see, in particular, David Philips and Robert Storch, *Policing Provincial England 1829-1856* (London, 1999); Storch, 'Policing Southern England'.

established itself, and was being hailed as an example of the benefits that an organised police force might yield. Predictably, perhaps, attention was turning to reform in the rural areas, reflecting what is perceived as a ‘gradual shift among most of the rulers of provincial England’ towards a belief in the need for a better police force across the rural areas of the country.<sup>54</sup> The issue was not straightforward, however, and ran deeper than the crime statistics which would be given prominence in the Commission’s report. At the centre of the debate amongst the county squires and magistracy was the question of the locus of power in the counties. A new police was a threat to local power by central government, and by implication therefore, to the status and prestige of local dignitaries but without the support of these individuals, and their parliamentary representatives, any attempts at legislation were likely to fail.<sup>55</sup> As Philips and Storch note, whilst the English central state did increase its power in the first half of the nineteenth century, it did so only by ‘undertaking the negotiations and making the bargains that had to be made with a still self-confident and far from passive landed élite.’<sup>56</sup> Lord John Russell, then Home Secretary in Lord Melbourne’s Whig Government, claimed that he had given his attention to the issue but a ‘press of business’ had prevented the introduction of a Bill.<sup>57</sup> Chadwick, Secretary to the Poor Law Commissioners, believed there was a connection between poverty and crime and wrote to Russell suggesting the formation of a Commission to investigate the issue of crime and policing in the rural areas. The idea was enthusiastically adopted by Russell who could see no obstacles, providing that the Commission did not recommend that the new constables be ‘clothed in uniform.’<sup>58</sup> As Emsley notes, Chadwick may not have ‘dominated the Commission,’ and in fact did not ultimately get entirely his own way in the Report, but nonetheless he was largely responsible for drafting it, and certainly played a key part in the methods adopted by the Commission.<sup>59</sup> It is he, therefore, that this chapter needs to briefly focus on, since his influence was both national and local.

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<sup>54</sup> See Emsley, *The English Police: A Political and Social History*, (Harlow, 1991) p.38.

<sup>55</sup> See Philips and Storch, *Policing Provincial England*, p.9.

<sup>56</sup> *Ibid.*, quote at p.10.

<sup>57</sup> Lord John Russell quoted in Critchley, *Police History*, at p.68.

<sup>58</sup> See Critchley, *Police History*, pp.68-69.

<sup>59</sup> See Emsley, *Crime and Society*, p.64.

Edwin Chadwick was born in 1800 and trained as a lawyer. He achieved prominence with his work on sanitation and for his significant role in the development of the New Poor Law in 1834. He became a great friend of Jeremy Bentham and an enthusiastic supporter of Utilitarianism, the fundamental principle of which was that actions are right if they promote the greatest good for the greatest number of people. He argued that individuals were rational beings and weighed up their actions in terms of the relative pain or pleasure they would suffer as a consequence of those actions. Chadwick also partially worked on Bentham's *Constitutional Code*. It recommended the reconstruction of, 'England's sacred legal system, [incorporating] a large central administration staffed by paid and trained experts chosen by examination.'<sup>60</sup>

Chadwick developed these fundamentals into a complex theory of political economy. Central to this theory lay two Benthamite principles. Firstly, prevention; it is better to prevent evils, crime, poverty, disease, than to punish or cure them after the event. Secondly the 'tutelary' principle which recognised the acceptability of using the powers of the state 'constructively, in order to bring into harmony both social and anti-social interests.'<sup>61</sup> The state, in this context meant central government in preference to more localised control. Local control allowed for the operation of 'sinister interests' of private traders colluding with irresponsible 'rate expenders [...] at the expense of the many uninformed ratepayers.'<sup>62</sup> Of his success, or perhaps lack of it in redeveloping the Poor Law along Benthamite lines, Chadwick says, 'we also failed to get the administration freed, as was intended, from action of those sinister interests which *operate the most powerfully in narrow areas*.'<sup>63</sup> His belief in the concept of prevention being better than cure is also evident throughout his writing. Of the police he suggested in 1829;

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<sup>60</sup> D. Roberts, 'Jeremy Bentham and the Victorian Administrative State', *Victorian Studies*, 2, (1959), pp.193-210, quote at p.194.

<sup>61</sup> Philips and Storch, *Policing Provincial England*, quote at p.79.

<sup>62</sup> E. Chadwick, *On Imperfect Local Self-Government and its Results in Manchester* (London, 1883), quote at p.24.

<sup>63</sup> E. Chadwick, 'Poor Law Administration, Its Chief Principles and Their Results in England and Ireland as Compared with Scotland', *Journal of the Statistical Society of London*, 27, (1864), pp.492-504, quote at p.497. Emphasis Added.

A good police would be one well-organised body of men acting upon a system of precautions, to prevent crimes and public calamities; to preserve public peace and order; and to perform whatever other functions might be comprehended in their duties...<sup>64</sup>

A 'preventive' police was, for Chadwick, a vital adjunct to the solution of poverty, disease and all society's other ills. Certainly, these ills were inextricably intertwined and addressing one simultaneously addressed the others. Again, speaking about the Poor Law, he said it was not simply a measure for the relief of indigence but had 'an important aspect, not commonly regarded, as a measure for the prevention of crime, as a measure of police, and of extended penal administration.' There should be 'concurrent action in England between the indigence relief service with a systematized police service - when it could be obtained.'<sup>65</sup>

Chadwick was not universally applauded. *The Times*, in a highly sarcastic tone, described him as the, 'universal genius of our age.'<sup>66</sup> His ubiquitous involvement in Boards and Commissions was reflected on elsewhere by the newspaper:

Mr Chadwick has tested and illustrated with a light of his own all the relations of life. Poverty, labour, wealth, the bench of Magistrates, the parish vestry, the village lawyer, the churchwarden, the way-warden, the relations of the parish to the county, and of both to the State – the relations of husband and wife, parent and child, have come under the searching scrutiny of a man whose course has been as various, perhaps we should say as destructive, as that of a Congreve rocket, which if it speeds and blazes alike in land and water, it does not always differentiate between friend and foe.<sup>67</sup>

Chadwick's views were strongly supported by William Miles, one of the Assistant Commissioners, appointed with Chadwick's approval. Miles wrote a lengthy letter to Lord Russell which he turned into a pamphlet setting out his views on the necessity of the formation of a 'General Police.'<sup>68</sup> In this pamphlet Miles argued the necessity for a police force, modelled on the Metropolitan Police, operating under the central control

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<sup>64</sup> E. Chadwick, 'Preventive Police', *London Review*, 1, (1829), pp.252-308 p.252, quoted in Brundage, 'Ministers, Magistrates and Reformers', at p.63, endnote 9.

<sup>65</sup> Chadwick, 'Poor Law Administration', quote at pp.494-5.

<sup>66</sup> *The Times*, 10 September 1861.

<sup>67</sup> *Ibid.*, 8 July 1854.

<sup>68</sup> See W.A. Miles, *Suggestions for the Formation of a General Police* (London, 1836).

of the two Metropolitan Police Commissioners who would ‘thus hold the united command of the Police of the Whole of England.’<sup>69</sup> Miles expresses his views in words similar to Chadwick’s, and refers to ‘tramping beggars and imposters’ as being the ‘vermin of society.’<sup>70</sup> He writes about the ‘emigration’ from London to the countryside of ‘burglars, swell-mob men, common pilferers and passers of bad coin.’<sup>71</sup> Lodging houses also come in for mention. ‘Thieves, bad money passers, and that class, frequent the [lowest class of] public houses’ whilst the ‘private lodging houses, or beggars’ rests, are frequented almost exclusively by the various grades of beggars and imposters.’<sup>72</sup> To Miles, only the formation of a General Police would ‘check this spreading gangrene.’<sup>73</sup> Both Chadwick and Miles offer ‘obvious examples of the disciplinary discourse of the modern ‘human sciences,’ seeking to cast their dragnet determinisms [in this case suggesting that the inevitable consequence of all vagrancy must be criminality] over criminals and over all deviants, all misfits of the ‘wandering tribe.’’<sup>74</sup> For Chadwick and Miles therefore, a police force operating under central control, performing a preventive rather than reactionary, function was argued to be a necessity. It was Chadwick’s hope to be able to use his Royal Commission to achieve this end.<sup>75</sup>

The Commission took three years to report and in that time collected a mass of evidence. Indeed, it is worth noting from the outset that the volume of data collected by the Commissioners, particularly as a result of questionnaires, would, in a pre-computerised world, have been almost impossible to analyse. Three sets of questionnaires were sent out nationwide to magistrates in Petty Sessional Divisions (November 1836), Watch Committees (December 1836), and Boards of Guardians of Poor Law Unions (November 1836). Respectively they contained 48, 34, and 34

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<sup>69</sup> *Ibid.*, quote at p.11.

<sup>70</sup> Miles, 1836, *General Police*, quote at p.3.

<sup>71</sup> *Ibid.*, quote at p.5.

<sup>72</sup> Miles, 1836, *General Police*, quote at p.7.

<sup>73</sup> *Ibid.*, quote at p.8.

<sup>74</sup> P. Brantlinger and D. Ulin, 'Policing Nomads: Discourse and Social Control in Early Victorian England', *Cultural Critique*, (1993), pp.33-63 p.35.

<sup>75</sup> Nearly half a century later Chadwick was still maintaining, ‘If the principles which were laid down in our first report of 1839 for the organisation of a police force be fully carried out, *as I believe eventually they must be.*’ E. Chadwick, 'The Financial Value of Sanitary Science: Presidential Address' (LSE Selected Pamphlets: LSE Library, 1887), quote at p.6. Emphasis Added.

questions. (For questions asked see Appendices A and B). Those for magistrates and guardians were broadly similar in terms of what they asked. The Watch Committee questions were different as they were already in the position of having paid, full time, police officers. In all cases where the opinions of respondents might vary within a particular return they were invited to provide alternative responses. In Somerset this did occur with separate forms, for example, being returned by different groups of magistrates in the same Division of Shepton Mallet. Two caveats are worthy of mention before a detailed study begins. Firstly the questions asked, it is now widely accepted, were biased in favour of identifying a need for a uniform constabulary. Secondly, instructions do not appear to have been issued as to how the forms were to be completed, or by whom. In some cases therefore they may be considered to represent a broad view of all of the targeted respondents, in others they have been completed (and signed) by an official.

### **The magistrates' returns**

Returns have been examined here from the sixteen Somerset divisions which have survived in the National Archives, Kew.<sup>76</sup> In 1856 it was hoped to reduce the number of divisions from twenty to sixteen, so sixteen is almost certainly not them all but is, perhaps, more than seventy-five percent. At what stage the remaining returns disappeared can only remain a matter of conjecture.

Question 3 on the magistrates' returns seeks to establish the number of offences committed in the division. Responses from magistrates were variable in terms of their detail but the question was also not helped by the compounding together of felonies and misdemeanours. One division itemised the offences into felonies, misdemeanours and examinations, and gave the gender breakdown of the offenders,<sup>77</sup> whilst another noted

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<sup>76</sup> The return for Ilminster division was not present in Kew but had been previously studied by David Philips and Robert Storch and referred to in D. Philips and R. Storch, *Policing Provincial England 1829-1856* (London, 1999). References to it in this paper are based on the notes for that book kindly provided to me by Robert Storch for which I would like to express my sincere thanks.

<sup>77</sup> The National Archives, [hereafter *TNA*], 1836-38, H0 73/5-9, *Constabulary Commission Returns* [hereafter *CFC Returns*], Shepton Mallet magistrates.

‘The Magistrates have no means of ascertaining.’<sup>78</sup> Yet others simply offered one figure to cover everything or were more circumspect saying the misdemeanours were ‘numerous.’<sup>79</sup> The question also posed difficulties for the magistrates in that it asks about offences committed. Bridgwater magistrates offer in some detail an explanation of why this was impossible for them to answer accurately.

Doubtless other felonies and misdemeanours [to those not appearing in the calendar of committals to Assize and Quarter Sessions] have been committed but from their not being followed by an examination and inquiry before a Magistrate there is no record of them. There are also cases of felony frequently brought before Magistrates which are thought not to require prosecution and of these too no account is kept.<sup>80</sup>

Bath is more succinct ‘we have no means of knowing the number apart from the number that have come before us’<sup>81</sup>

Question 4 carries on with this theme of committed crime but begins to ask about the ‘dark’ or ‘hidden’ level of crime which did not lead to a prosecution. Question 20 also pursues this point asking if offences within the division are, ‘much more common than official information would give reason to suppose.’ These must have been almost impossible questions for the nineteenth-century magistrates to answer; even more so than they would be today, but they do at least give an insight into contemporary ideas about the issue. Fourteen divisions offered a response about offenders who remained unapprehended, and of these eight suggested that all, or mostly all, offenders were apprehended. Three divisions offered an estimate of apprehensions relative to offences, and six said this percentage was unknown. Fifty per cent of the responding divisions, however, said they did not believe that there existed a figure of ‘hidden’ crime in their division. The remainder considered crime to be of little importance being mainly ‘petty theft and poaching,’<sup>82</sup> ‘the stealing of poultry and such like.’<sup>83</sup> It has been pointed out elsewhere that several of the questions in the questionnaire were leading the

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<sup>78</sup> *Ibid.*, Keynesham magistrates.

<sup>79</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Bedminster magistrates.

<sup>80</sup> *Ibid.*, Bridgwater magistrates.

<sup>81</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Bath magistrates.

<sup>82</sup> *Ibid.*, Wells magistrates.

<sup>83</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Shepton Mallet (1) magistrates.

respondents to desired answers. Question 20's use of the word 'much', highlighted by Philips and Storch, suggests clearly that the Commission were looking for a desired answer.<sup>84</sup>

Within the individual returns differences in reported 'crime rates' are quite noticeable, but with the limited information available are most safely ascribed to the inaccuracy of the data provided by the magistrates: indeed, it stretches credibility to attempt to infer crime rates from the figures presented in the returns. The number of convictions, as implied by the magistrates' comments themselves, probably bears no relation to the actual levels of crime committed. A variety of issues arise. As King says, albeit of the late 18<sup>th</sup> century:

The vast majority of property-crime prosecutions were brought by the victim and a wide range of decisions was open to him. He could write off the property lost or begin to pursue enquiries. He could attempt only a minimal search for the offender or be more vigorous and involve others in the pursuit. If the accused was tracked down, the potential prosecutor could compound the offence, activate informal sanctions within his own community or take the offender before a Magistrate. At the committal stage he could influence the outcome in favour of a compromise or push for the accused to be tried summarily, put into the armed forces or held awaiting trial.<sup>85</sup>

The various circumstances had not become much clearer by the early 19<sup>th</sup> century, particularly when conflated with the issues regarding constables' discretion.

Chadwick may well have been genuinely trying to establish the extent of criminality in the counties. However, it was very much in his interest, if he was to establish a uniform police system, that crime should be perceived as a problem. The questions relating to crime numbers and to hidden crime were, therefore, deliberately worded so vaguely as to allow free rein for the magistrates to express their biases, preconceptions and speculation, hopefully supporting the notion that crime was a prevailing issue in the

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<sup>84</sup> See Philips and Storch, *Policing Provincial England*, p.117.

<sup>85</sup> P.J.R. King, 'Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800', *The Historical Journal*, 27, (1984), pp.25-58, quote at p.27.

rural areas. In many contemporary quarters, however, the opposite was true and crime was regarded as diminishing, particularly in the rural areas.<sup>86</sup>

The lack of reliable crime statistics available at the time is covered in detail in the Commission's report and it is recognised that, 'there is in general no recorded information upon the subject on which any reliance for exactitude may be placed.'<sup>87</sup> This absence of sound data nationally, and vague responses from magistrates, gave scope for the Commissioners to assume, given a lack of evidence to the contrary, that there must in fact be a significant amount of 'hidden' crime. Anecdotal evidence was produced in support of this assertion from a number of sources, and an attempt was made to identify the principal reasons why crimes were not reported. Expense, trouble, loss of time, uncertainty of conviction and fear of retribution were *inter alia* cited. Evidence is thus presented from the return of Shepton Mallet who stated that:

Numerous complaints have been made by persons on account of the trouble and expense which they have sustained in pursuing and apprehending felons, for the ordering of the payment of which the Magistrates have no power, and we are convinced that this is a considerable inducement to persons to withhold information relative to the prosecution of offenders.<sup>88</sup>

However, Shepton Mallet had qualified this response by their answer to Question 20, in which they had stated that, whilst they believed 'there are many offences that do not come under our cognizance but that they are *generally trifling*.'<sup>89</sup> Neither of the Shepton Mallet returns identified a new police as a necessary, or desirable, solution. The return from Bath likewise demonstrates the creative use of contemporary statistics. Bath had reported in their return to the Commission a crime rate of one offence per 148 inhabitants. Data contained in the Commission's report quote the number of 'Depredators, offenders and suspected persons' in the City as being 1,601, or 1 per 37 inhabitants.<sup>90</sup> Definitions of who fitted into each class of 'depredator' were very open ended, however. Class I included persons who showed 'no visible means of subsistence

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<sup>86</sup> See for example, *Hansard* 6 May 1836 vol. 33 c.662, in which Home Office figures are used to argue an overall reduction in all types of crime by nine per cent since 1834.

<sup>87</sup> *HCP*, 1839, (169), *CFC Report*, quote at p.2.

<sup>88</sup> Shepton Mallet Q.41, quoted in *HCP*, 1839, (169), *CFC Report*, at p.3.

<sup>89</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Shepton Mallet (2) magistrates.

<sup>90</sup> See *HCP*, 1839, (169), *CFC Report*, p.8.

and are *believed* to live wholly by violation of the law,' which left much to the judgement of the individual police officers. Class II, included people following some 'ostensible and legal occupation,' who were known to have committed an offence, and believed to still live by 'habitual or occasional violation of the law.' Class III specifically included 'Persons not *known to have committed any offences*' so their inclusion in crime data might today be questionable, especially as in Bath, they constituted over half of the people 'within the cognizance of the Police.'<sup>91</sup> This figure clearly, and perhaps intentionally, paints a much worse picture of crime in the City than the magistrates themselves reported in their returns.<sup>92</sup> Question 20 on the whole, therefore, did not offer ammunition for Chadwick. If it was his intention to demonstrate a terror of crime in the rural areas he was thwarted as very little by way of serious concern is recorded in the magistrates' returns for any of these questions.

Question seven asks about 'particular inducements' to crime in the division, whilst Question eight asks how they might be removed. Later questions explore these issues further by asking about vagrancy, ease of disposal of stolen property, and the influence of beer shops in the division. Chadwick was concerned about the 'evils' of vagrancy.<sup>93</sup> He associated vagrancy and mendacity with crime and therefore the elimination of the former would tend to eradicate the latter. In 1837, he argued that the 'existing constabulary force of the towns, and even that excellent force the Metropolitan Police, is found not to possess the means of coping with the evil of vagrancy.'<sup>94</sup> Fifty years later, he was still arguing for an 'Imperial police force, in aid of the poor law authority, [...], for the suppression of vagrancy from one end of the country to the other.'<sup>95</sup>

Questions seven and eight to the magistrates are open-ended, and invite broad comment. Consequently responses to them were varied. To Question seven, only six

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<sup>91</sup> *Ibid.*

<sup>92</sup> Note that it is also based on a total population of 59,237 rather than the 80,000 in the Magistrates' return.

<sup>93</sup> See E. Chadwick, *An Article on the Principles and Progress of the Poor Law Amendment Act* (Hume Tracts, 1837), p.73.

<sup>94</sup> *Ibid.*

<sup>95</sup> E. Chadwick, *An Imperial Police Force as an Available Reserve Military Force* (LSE Selected Pamphlets, 1888), quote at p.8.

divisions suggested that their areas offered no particular inducements to crime.<sup>96</sup> Proximity to large towns, specifically Bath and Bristol, was identified as a particular problem by three divisions.<sup>97</sup> For Chewton, the towns were a problem because of the opportunities they presented for the disposal of stolen property. The magistrates of Frome were more concerned that, as well as the ‘facilities and inducements’ that the vicinity to Bath and Bristol offered, part of their division was adjacent to a county boundary, and ‘the escape of offenders is facilitated by the Constables having no powers in the adjoining County.’ None of these divisions reported a particularly high crime rate, however, and two of the three argued that they did not believe they experienced any unreported crime. Beer houses were identified by five divisions as causes of concern (see discussion below).<sup>98</sup> The coal-producing areas of eastern Somerset also created the problems of coal carriers passing through their divisions. ‘Many felonies are committed by Coal carriers who are very numerous in this Division who travelling much by night steal Hay and commit other depredations.’<sup>99</sup> Vagrancy is specifically mentioned by one division only, Shepton Mallet (1) who bemoan not vagrancy *per se*, but the lack of application of the anti-vagrancy/mendacity legislation, later to be identified by this division as a responsibility to be assumed by any new constabulary.<sup>100</sup> Question eight follows up seven directly asking how these ‘peculiar facilities’ may be removed. Answers to this question are interesting and begin to reveal the thoughts of the magistrates in relation to the future shape of policing and are therefore examined later in this thesis. (See Chapter 5)

Questions 9 to 15 develop some of the common themes in the questionnaire such as vagrancy, criminal migration and beer shops (themes, it should be remembered, highlighted as cause for concern by Miles). Question nine asks about the ease of escape for depredators, and the ease of disposal of stolen property. The question only addresses the issue of property crime. Again here Chadwick might be argued to be looking for

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<sup>96</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Bishops Lydeard, Bridgwater, Kilmersdon, Milverton, Wellington, Wincanton magistrates.

<sup>97</sup> *Ibid.*, Bedminster, Chewton, Frome magistrates.

<sup>98</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Bath, Keynesham, Shepton Mallet, Wells, Wrington magistrates.

<sup>99</sup> *Ibid.*, Shepton Mallet (2) magistrates)

<sup>100</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Shepton Mallet (1) magistrates.

evidence amongst the magistrates to support his aims, and those of Miles, to establish constabulary forces with a wider remit than the purely parochial, which would operate by ‘constant communication that would carry recognition into every resort of crime, however remote.’<sup>101</sup> Most divisions chose to address the second part of the question relating to disposal of stolen property, at the expense of a response to the first, relating to ease of escape. Only five of the returns claimed that they did not think that escape with stolen property, or its disposal was particularly easy.<sup>102</sup> The greater sense of security felt by these five, if it can be so described, is not entirely surprising as they constitute almost entirely the western part of the county, the half furthest removed from the larger conurbations of Bath and Bristol. These cities, unsurprisingly, were identified by seven of the remaining ten divisions as being the destination for their stolen goods. One of the remaining three,<sup>103</sup> blamed pawnbrokers in their division, and two offered no particular explanation for their concern. The answers to this question speak louder than any other in defence of Chadwick, and suggest some justification for significantly improved communication and interaction between policing districts. It is also, to a degree, supported by responses to question ten, which asks whether depredations ‘within your Division were committed by persons who do not reside in it.’ Chadwick again here is seeking evidence to confirm vagrancy and criminal migration as major sources of criminality: therefore offering justification for a national police force. Some 80 per cent of the five western divisions reported that depredations were caused by local residents, whereas the opposite applied in the eastern divisions, with 66 per cent reporting that depredations were committed by outsiders, predominantly from the cities. Bath, as a large city, unsurprisingly blamed its own residents for crime. Such arguments appear to offer solid support to the ‘migration’ theorists, Captain W.L. Melville Lee, for example, who suggested that following the introduction of rural forces ‘criminals had migrated in large numbers [...] and had begun to ply their trade in the unprotected districts.’<sup>104</sup> A popular conception was that the bulk of offences was the work of criminals from the large towns. The extent to which this ‘migration thesis’ is

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<sup>101</sup> Miles, 1836, *General Police*, quote at p.9.

<sup>102</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Bishops Lydeard, Bridgwater, Milverton, Wellington, Wincanton magistrates.

<sup>103</sup> *Ibid.*, Bath, magistrates.

<sup>104</sup> Melville Lee, *Police in England*, quote at p.280.

sustainable has been seriously challenged by Jennifer Hart.<sup>105</sup> She makes an extremely important point that:

even if, as it would appear, the available statistics do not lend any support for the migration thesis, one cannot from these figures, [charge and conviction rates] prove it to be false. Moreover, it is possible that, whatever the truth, contemporaries thought that there was a vast migration of criminals from London’<sup>106</sup>

Presumably the same thoughts would apply to other conurbations such as Bath and Bristol. Recognising that such contemporary perceptions of crime were probably of more significance than actual facts raises more questions for this thesis than it answers. Given the magistrates’ responses, why was there not a greater call in Quarter Sessions for a reformed police from these magistrates than was the case? A question to be considered in Chapter 5.

Questions 11, 12 and 13 explore the question of vagrancy in the context of local provision for vagrant people. Most of the magistrates reported the existence of lodging houses in their division (Q11), but almost exclusively said that they existed in the towns within the division, rather than the surrounding rural areas. No division claimed to inspect its lodging houses (Q12), citing in five cases that they were not aware of any legal entitlement to do so other than when the constable had a warrant against a particular individual.<sup>107</sup> In ten of the thirteen divisions for which returns are legible, offenders were never apprehended in such lodging houses (Q13). Of the remaining three, Taunton expressed the strongest view that offenders were ‘frequently’ apprehended there, one suggested ‘occasionally’,<sup>108</sup> and the last ‘rarely’.<sup>109</sup>

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<sup>105</sup> See J. Hart, ‘Reform of the Borough Police, 1835-1856’, *The English Historical Review*, 70, (1955), pp.411-27.

<sup>106</sup> *Ibid.*, quote at p.414.

<sup>107</sup> Tom Crook notes that some police officers had raided lodging houses under local vagrancy acts and settlement laws but that clarification of entitlement to inspect was not forthcoming until 1853, and even then, inspection was seen as an almost pointless exercise which had little or no effect, ‘tactics like inspection bred counter-tactics, which in turn engendered further counter-tactics.’ T. Crook, ‘Accommodating the Outcast: Common Lodging Houses and the Limits of Urban Governance in Victorian and Edwardian London’, *Urban History*, 35, (2008), pp.414-36, quote at p.433.

<sup>108</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Wells magistrates.

<sup>109</sup> *Ibid.*, Wellington magistrates.

Support for vagrancy as an issue, and as a prime catalyst for crime, was not strengthened for Chadwick by these latter results. The next question (Q14), was fairly all-embracing comprising as it did five separate elements, all revolving around the concept of ‘no visible’ means of support, again on the theme of vagrancy and mendacity, and including an implicit assumption of illegality and criminality. Specifically, the question asked; were there people in the division who had no visible or known means of support? Did they live by habitual depredation, by illegal means, what were their numbers and their ‘supposed habits?’ The responses perhaps did not do justice to the question and certainly, were of only limited assistance to Chadwick. Eight of the fifteen divisions reported that there were few, or no, such individuals in their area, and none of the divisions reporting their presence was prepared to hazard a guess at the number of individuals described. The theme beginning to emerge in Question 11, concerning lodging houses, that criminality concerns were focussed predominantly on the towns, is developed here, for example, with Wells. They described the surrounding rural areas as comprised of ‘small and quiet villages,’ but the characters described in the question, those who lived by habitual depredation, ‘are to be found to a great extent in the Inns of Wells and Glastonbury.’ A case might be being made for strengthening of the borough forces but evidence was not accumulating at this stage for county-wide forces.

Lastly in this section the Commission asked about beer shops (Q15); were they poorly managed and did they give cause for complaint? Chadwick could rely with some confidence on favourable replies to these questions, and got them. Every division reported that the beer houses were a cause for complaint. Some magistrates elaborated upon how they saw the beer houses as, ‘nurseries of vice,’<sup>110</sup> and the source of criminal activity; ‘we consider the greater number of crimes are there agreed upon and that the Plunder is in many cases there divided afterwards,’<sup>111</sup> or ‘we find generally all crimes coming before us emanate from them.’<sup>112</sup> The second part of the question, regarding the management of beer shops and public houses, received a wider mixture of responses.

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<sup>110</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Wellington. Magistrates.

<sup>111</sup> *Ibid.*, Wincanton magistrates.

<sup>112</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Wells magistrates.

Several divisions, Bath, Bedminster, and Frome for example, were at pains to distinguish between beer shops and public houses. The former were not perceived as well run, the latter were. The main problem identified was that the constables were not able to go onto the premises of beer houses without due cause. Taunton expressed the problem:

They are not well conducted. As to the beer houses much inconvenience arises from the officers not being authorised to enter such as are licensed to sell beer not [*sic*] to be consumed on the premises in consequence of which such houses are often filled with customers who remain till late hours and cannot be detected.<sup>113</sup>

The number of beer houses nationwide had increased from 400 in 1830, when they were first permitted, to some 46,000 by 1838. They were doubtless considered a nuisance nationwide and Somerset, which also hosted cider houses of a similar nature, would have been no exception.

The previous decade or so had been characterised by social dissent. The Napoleonic Wars had not long ended and many soldiers had returned to flood the labour market. Europe was in the midst of the ‘Age of Revolution.’<sup>114</sup> Closer to home there were anti-enclosure protests and the Luddite disorders of 1811-12. Through the early part of the century, ‘the labouring poor in many parts of England not only endured irregular employment and inadequate wages, but also suffered a series of attacks on their customary rights.’<sup>115</sup> Finally, the ‘Swing’ riots of 1830/1 had swept, predominantly, across southern England, bringing with them arson and civil disorder as had protest against the New Poor Law. Rudé identifies a number of, ‘main phases of collective [social] protest,’ and one, ‘minor phase,’ in the nineteenth century prior to the Chadwick Commission.<sup>116</sup> This was a period during which the ruling élites may well

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<sup>113</sup> Emphasis in original.

<sup>114</sup> See E.J. Hobsbawm, *The Age of Revolution: Europe, 1789-1848* (London, 1962).

<sup>115</sup> King, *Justice from the Margins*, quote at p.282. In this context King is discussing gleaning; an important addition to the family income for those living in rural areas. Barry Godfrey has studied the attacks on, and erosion of, ‘customary rights,’ in manufacturing environments. See, for example, B. Godfrey and J. Lockyer, ‘The Nineteenth Century Decline of Custom, and Its Impact on Theories of ‘Workplace Theft’ and ‘Whitecollar Crime.’, *Northern History*, 38, (2001), pp.261-73.

<sup>116</sup> Rudé, ‘Protest and Punishment’, p.3. 1811-1822, 1826-1827, 1829-1832, 1833-1834 (and one more during the lifetime of the Commission 1837-1839).

have felt concern for their long term security and it is unsurprising that the Commission should have raised questions about riot and disorder. Despite the fact that Somerset was identified as a ‘Swing county’ by Hobsbawm and Rudé, evidence of civil disorder does not come through strongly in the magistrates’ responses.<sup>117</sup> Of the fifteen returns examined only five said they had experienced ‘riots or tumults’ since 1829 (Q16). Bath had suffered what appears to have been fringe activity spilling over from the Bristol riots of 1831. Frome experienced one riot at the time of the Borough elections, and Ilminster one in protest at the Reform Bill in 1832. Wrington, mentioned one that was ‘of no great consequence.’ In a lengthy response Wincanton describes the most serious disorder;

In the year 1830 riots and burning took place in one or two Parishes within this Division principally by the Labouring Classes and against the Persons and Property of farmers and others using machinery. [?] Wilful burnings have since taken place in many Parishes which distinctly originated with the Poor who was [*sic*] discontented at the first operation of the Poor Law Amendment Act.<sup>118</sup>

Questions 17 and 19, dealt respectively with fire and malicious damage to animals. Question 17 yielded mixed responses from the magistrates. Eight divisions<sup>119</sup> said they had had no incidents of arson, or at worst, ‘One or two only which were *supposed*’<sup>120</sup> to be caused deliberately. Others, such as Wincanton, reported significant numbers of incidents. Justice, when it could be meted out was tough: ‘About the year 1830 three small stores of wheat were wilfully burnt at Kenn within this Division – but the property destroyed was of no great value.’ However, the Magistrates of Wrington continue, ‘The offenders were executed on the spot where the offence was committed.’<sup>121</sup> Similarly, Wincanton experienced some apparently motiveless cases of

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<sup>117</sup> See E.J. Hobsbawm and G. Rudé, *Captain Swing* (London, 1969), p.42.

<sup>118</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Wincanton magistrates.

<sup>119</sup> *Ibid.*, Bath, Bedminster, Bishops Lydeard, Bridgwater, Frome, Shepton Mallet, Wellington, Wells magistrates.

<sup>120</sup> Frome, Emphasis added.

<sup>121</sup> This execution is of particular interest to historians partly because it is argued to be England’s last scene of crime execution, and represents, therefore, a significant step in the movement away from exemplary bodily punishments. Secondly, however, it is significant because although it was an execution for incendiarism, there is no element of protest associated with it. The incidents for which the three men were hanged were not acting in some greater cause but were ‘put to death at the scene of their crime in order to protect and uphold the principle of informing in a rural community.’ S Poole.,

arson and executed one offender, 'since which no riot or wilful burning has taken place.' Keynesham also hanged one offender. When offenders were apprehended executions appear to have inevitably been the consequence. Malicious wounding to cattle and other property (Q19) appeared almost never to have occurred apart from one or two minor examples, such as Bridgwater who reported, 'several instances of the destruction of young geese.'

Overall the questions asked in the returns invited magistrates' speculation about crime and its causes, but perhaps did not entirely get the response that Chadwick might have wanted of a widespread fear of crime. These were broad, open-ended questions which, certainly in the case of the questions relating to lodging houses, vagrancy, and criminal migration, failed to develop evidence in favour of Chadwick's theories. Migration is hardly referred to as a problem, but proximity to large towns was problematical for some divisions because of the opportunities it provided for the disposal of stolen property, and the escape of offenders. The Royal Commission's argument that the most prominent body of delinquents in the rural districts was vagrants, was by no means supported in Somerset. Riot and other disorder did not appear to have been causes for concern in Somerset. Although five divisions did report incidents of rioting, the issues involved were different in each affected locality, with genuine political issues being cited as causes infrequently, and with no appearance of any one issue being of county-wide concern. Fear of crime, or crime being out of control in the county, are not the prevalent themes in the responses, although crime as a perennial nuisance seems to have been a theme for many magistrates.

### **Boards of Guardians returns**

Questionnaires were also sent out to the Boards of Guardians of the New Poor Law unions of parishes. It might be argued that the individuals responsible for completing them were more in touch, on a day-to-day basis, with the grass roots of criminality than the magistrates, whose perceptions of it were based at one remove – those individuals

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'A Lasting and Salutory Warning': Incendiarism, Rural Order and England's Last Scene of Crime Execution', *Rural History*, 19 (2008), pp.163-77.

brought before them. The Commissioners sent the returns to the Guardians of the Poor Law Unions:

Being desirous of receiving information from those whose persons and property were objects of protection, and who are not themselves in anywise by office responsible for the conservation of the peace [...]. The difficulty and delay in obtaining answers from single parishes, and the less responsible character of the persons to whom in most cases the queries must have been transmitted, appeared to us to counterbalance any advantages derivable from an apparent completeness of the returns; we therefore did not extend our inquiries beyond the new unions.<sup>122</sup>

In fact, the majority of returns submitted to the Commission had been completed by the 'less responsible characters,' as most Boards of Guardians appear to have shared out the returns directly with parishes, and submitted the completed forms in bulk to the Commission. Only in a minority of cases was a return submitted by the Board of Guardians, speaking for the union as a whole. The returns do, however, tend to have been signed in most cases by the individual guardian of the parish concerned. Somerset at the time of this study contained in the region of 480 parishes, combined into 17 unions.<sup>123</sup> Extant Somerset returns at Kew total 129; these include five composite Union returns, and seven parish returns unused here because they were incomplete or illegible. Three parishes submitted more than one return with Taunton, St Mary Magdalene, submitting three different returns. A total of 117 returns from 113 individual parishes, have therefore been used here; approximately 24 per cent of the possible original parish questionnaires. However, five boards did, as Chadwick wanted, and prepared a composite return for the union. If these are taken as representing the views of all their constituent parishes then the number of parishes represented increases to 223, or 46 per cent of the total. Other unions returned the individual parish replies as well as a composite. In further instances, individual replies only have survived and for two unions no replies at all are extant. It is not possible to guess at the total number of replies received by Chadwick.<sup>124</sup> The conclusions presented here are based upon all of

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<sup>122</sup> *HCP*, 1839, (169), *CFC Report*, quote at p.1.

<sup>123</sup> All estimates of Poor Law Union composition and parish numbers come from P. Higginbottom, *The Workhouse: The Story of an Institution*, (2016), <http://www.workhouses.org.uk/>.

<sup>124</sup> Sadly, the Commission's report does not give this information and perhaps cynically, Chadwick did not want the figure open to scrutiny.

the legible extant replies. The returns are slightly shorter than the magistrates' questionnaires, containing only 34 questions. The issues covered were, however, very similar. Fifteen questions were removed from the magistrates' form and one was added to the guardians'. The added question in the latter questionnaire asked about local policing acts, a question which might perhaps have been addressed equally well, or better, to the magistrates. The fifteen removed questions asked, in the main, about present policing arrangements and the satisfaction felt with them. The guardians were not asked for their views on this central question although, why, is not explained.

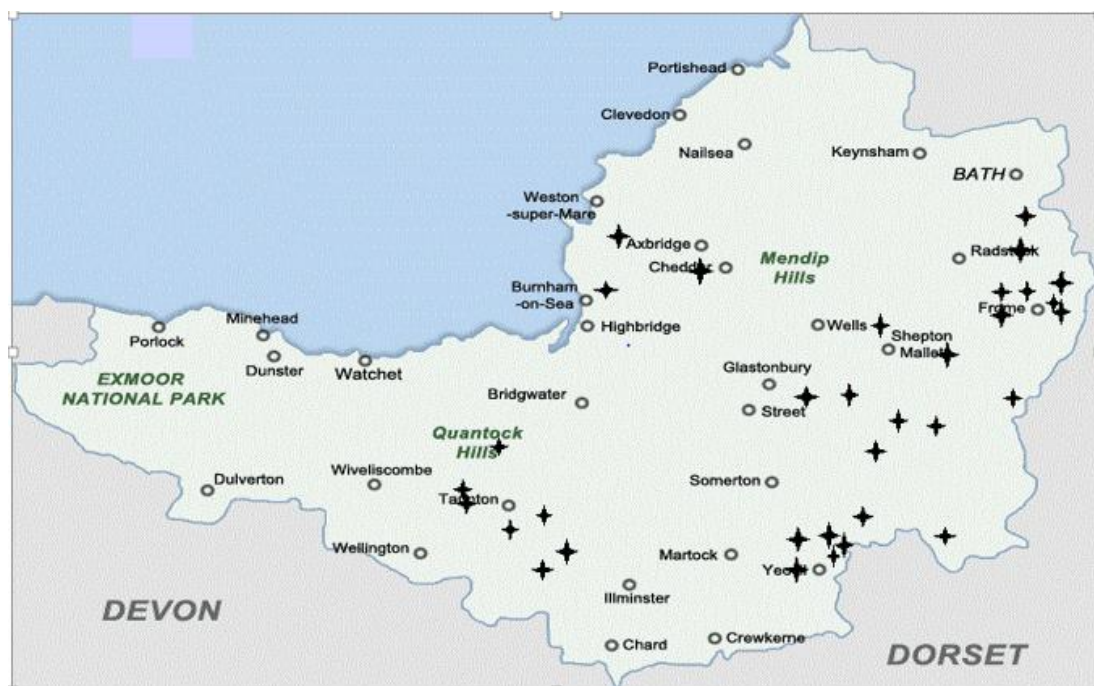
It is tempting to give these returns some basis in substantive 'fact', to believe that what the guardians, and indeed the magistrates, were saying was in some way, 'how it was.' This is dangerous. The returns are entirely the subjective views of a relatively elite group of people, who in the main, were able to offer no more than their perceptions of events and situations. This truth is brought home very clearly where more than one return is submitted by a parish, as is the case here with three parishes, Castle Cary, North Curry and Taunton, St Mary Magdalene. The last of these submitted three returns, each signed by a different individual and each, presumably represented his views. However, despite their remarkably similar vantage points, on the questions of policing they presented very different conclusions. In the case of Castle Cary, one of the two returns was signed by Harry Russ who was a solicitor, and one of the guardians of Castle Cary. The other was signed by Edward Coombs, of whom sadly no record can be found, who was also a guardian. Disagreement begins in the first questions with Russ describing the number of offences as 'immeasurable,' with 'not 1 in 20' offenders being apprehended. Coombs throughout adopts a more optimistic view of the issues, and suggests that there were twenty offences with a fifty per cent apprehension rate. 'To what causes do you ascribe the failure to bring the offenders to justice,'<sup>125</sup> the questionnaire asks. In reply Russ asserts, the 'always unwilling' constable and Tythingman will not act 'without being paid.' Coombs believes there is 'No particular failing.' Are the constables to blame? 'No, not at all,' he replies. North Curry returns are broadly similar. The first return is signed by Charles Holcombe Dare, gentleman farmer and guardian and the second by John Andrews, also a landowner and guardian.

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<sup>125</sup> Magistrates' questionnaire, Q6.

Dare, blames crime in the parish on the Beer and Cyder houses. Andrews refers to ‘the want of labour.’ Dare would solve crime by ‘enforcing the present laws.’ Andrews by, ‘Labour, and a fair price for it; and the Introduction of allotment system [*sic*], [...]: and also by improving the moral condition of the labouring classes, by education.’ These polar extremes of view are likewise reflected in the Taunton returns. These key examples demonstrate unequivocally the extent to which the evidence presented in these returns is the subjective opinion of the individual that completed the form. Opinions, then as now, might differ diametrically between individuals. What is presented in this chapter, therefore, is not offered as a representation of the way things were in Somerset but is perhaps a ‘snapshot’ of some of the prevailing perspectives of those who were, after all, the key decision-makers in the story.

**Map 2.1: The County of Somerset indicating the parishes that reported no criminal offence in their evidence to the Constabulary Commission – 1836**



Key: ★ = parishes reporting no offences

Source: TNA, 1836-38, H0 73/5-9, *Returns to the Constabulary Force Commission*, Q2.

The questions on crime remained unchanged between the magistrates’ and the guardians’ questionnaires. As with the magistrates’ returns there is no really meaningful information contained in the replies to the first two questions, which ask about the number of offences and the percentage of offenders apprehended. The same

questions were, however, much more difficult to answer with any degree of accuracy by the guardians, than by the magistrates, because the former did not have access to the record-keeping of the latter, such as it was. The questions asked not just about recorded crime, but also wanted them to speculate on the 'hidden' figure of unreported, unprosecuted or unpunished crime. Most returns made some attempt at both questions with about two thirds offering something in the way of an empirical response. One hundred and four parishes offered answers to Question 2 concerning the number of offences, and of these 33 reported no offences at all. (See Map 2.1) This map plots those parishes and whilst it can only be indicative of the true picture the map is interesting for what it does not show. The 'zero crime' returns have not come entirely from remote rural areas, but include the districts around large towns such as Frome and again, they show no actual evidence to suggest that crime was over-spilling from the urban areas.<sup>126</sup> In total, 62 of the 104 parishes reported less than four offences or just a 'few' in the last year, and of these many commented that the offences were merely trivial. Langridge parish reported 'The only misdemeanours that have occurred have been occasionally robbing a hen roost or pilfering potatoes.'<sup>127</sup> Given that Langridge lies on the outskirts of Bath, which at that time had its own police force, there appears little here for Chadwick to support the idea that local forces only displaced crime from the cities out into the suburbs - the migration thesis.<sup>128</sup> Such crime as did exist in the county appears to have been almost entirely petty, revolving around theft of food and firewood in particular. North Brewham lists thefts of sheep, poultry, turnips and potatoes and refers to the theft of faggots of firewood and 'repeated depredations in the woods.' These 'depredations' were presumably predominantly acts of survival by the perpetrators, and whilst doubtless of great significance at the time, do not appear to suggest crime being rampant in the rural areas. Of greater concern was probably the issue raised by Question 3, what proportion of offenders had been apprehended. North Brewham ruefully replied, 'Unfortunately none.' Of the 67 parishes that reported any

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<sup>126</sup> Significantly also, many of them lie in close proximity to the county border and are clearly present in the east of the county as well as the west.

<sup>127</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Langridge.

<sup>128</sup> Jennifer Hart examined the same returns to find evidence of the migration thesis and concluded, 'in all this correspondence there is no reference to any exodus of criminals from London or from the provincial towns, and no suggestion that the problem [of crime] had been aggravated by any movement of malefactors.' Hart, 'Reform of the Borough Police', quote at p.426.

offences at all only fifteen, less than one in four, were able to claim to have apprehended 100 per cent of the offenders. Reasons for this were many and varied, ranging from lack of information about the offender to unwillingness to prosecute; issues explored elsewhere in the questionnaire.

The ‘hidden’ figure of crime is explored directly by the Commissioners in Question 19, which asked about unreported crime. Chadwick may again have been disappointed if he was expecting a strong belief that crime was much worse than officially recorded. Only about one quarter of returns, 25 out of the 96 that expressed an opinion, said that crime was worse than the figures suggest. Some of these felt quite strongly though: ‘In cases of theft,’ one parish suggested, ‘not one in ten is detected and brought to trial.’<sup>129</sup> ‘Not a tenth part are reported,’ suggested another.<sup>130</sup> Bradford parish explained: ‘Being a cider district there are occasional robberies of orchards by boys, who are generally let off, from the unwillingness of farmers to have them committed to the House of Correction – from whence probably they would come out worse characters – and therefore of such there would be no official information given.’ Conversely, however, 71 of the 96 returns, 74 per cent, said that they did not believe official figures significantly underestimated the actual rate of crime. In all probability, despite their overwhelming majority, these guardians were probably wrong. The crime rate was quite probably greater than official figures suggested, however, what is important for this thesis is that the guardians may have believed, and were prepared to argue, that there was no hidden crime. Self-evidently this is not a plea for increased policing.

One theme which has already begun to emerge is the nature of crime itself, in a predominantly rural area in this part of the nineteenth century. It is worth saying something about it at this stage as it is a theme which continually reoccurs throughout the returns. The isolated nature of farms and fields meant that property, in particular agricultural produce, was open to theft. Glastonbury parish describes, ‘property stolen being in open fields and exposed situations out of the reach of houses and with no public roads or paths over which persons are likely to pass during the night.’<sup>131</sup> They

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<sup>129</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, St Mary Magdalene (1).

<sup>130</sup> *Ibid.*, Monkton Coombe.

<sup>131</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Glastonbury.

say, for example, that ‘potatoes, which are generally secured in pits, or graves, in open fields in the winter and spring are constantly the subject of depredation and other agricultural produce also.’<sup>132</sup> Another describes the ‘nature of the things purloined viz. the fruits of the Earth such as apples, wood, potatoes etc. [*sic*] which lie exposed and are easy to be purloined.’<sup>133</sup> Other parishes agree that crimes were petty, and the property stolen taken for personal consumption as much as for financial gain, ‘Property stolen, I think, is generally made use of by the person who stole it.’<sup>134</sup> ‘I do not think that property is generally sold but is put to the use of the [indecipherable] – Wood is in each case purloined solely for the use of the remover and his family. This species of theft is so common that it is scarcely considered a crime.’<sup>135</sup>

The questionnaire also asked about particular inducements to crime, and how they might be alleviated. Fifty-six of the one hundred and six responding parishes claimed to have no particular inducements to crime, and therefore offered no remedial suggestions. The main reasons given by other parishes as inducements were beer shops, (21 parishes), followed by Game Laws, (seven parishes). Beer shops were the anathema of the ruling classes, but only came in for limited vitriol in these answers, although they are asked about in a separate question. One parish suggested that the particular inducement was, as mentioned above, the rural nature of the area and its exposed property. Crime, others argued was ‘generally committed by the frequenter of the Public House & those pests of the Country, the Beer Shops.’<sup>136</sup> The issues surrounding Game Laws were summed up by North Brewham parish who referred to the ‘large and extensive covers, to which the Idle and Dissolute too often resort for the purpose of

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<sup>132</sup> *Ibid.*

<sup>133</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Whitelackington.

<sup>134</sup> *Ibid.*, Ilton.

<sup>135</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Whitelackington, Q8. An example perhaps of John Rule’s ‘social crime’. Emsley has also noted that ‘some offences, on some occasions, could be legitimised by social groups and communities,’ Emsley, *Crime and Society*, quote at p.6. Perhaps, in this present context the property theft referred to was not so much legitimised as accepted. Tim Shakesheff notes; ‘that there was a certain degree of resignation, if not acceptance, on the part of farmers, that some crops would be stolen, so that action was only taken when the thefts looked like getting out of hand.’ T. Shakesheff, ‘Wood and Crop Theft in Rural Herefordshire, 1800-1860’, *Rural History*, 13 (2002), pp.1-17, quote at p.4.

<sup>136</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Chew Magna.

poaching.’ The proposed solutions to the beer shop issues were fairly predictable, including shutting them down, controlling their licensing, and granting greater powers of inspection. A fairly common solution proposed was to price the poorer ones out of business by increasing the ‘amount of rate for the qualification of Sellers of Beer & Cyder & consequently making these Houses more respectable.’<sup>137</sup> The poaching issues were not so easily resolved.

The questionnaire asked whether escape or disposal of stolen property was easy. Sixty-two parishes thought it was easy and about one third of these (23), cited the nearness to towns and the facility for selling stolen property, particularly through the pawn shops. For a number of parishes, the nature of the district and of crime itself, were the determining factors here, ‘the greatest part [of stolen property] is consumed themselves.’<sup>138</sup> Twenty-nine parishes responded it was not easy, or at least, ‘Not more than what is Common.’<sup>139</sup> A significant 36 parishes were unable, or unprepared, to offer an answer to Question 9 which asked who committed the offences. Of the remaining 77 parishes, five had claimed no crime to discuss, and 44 said that crimes were committed by people from their own, and/or neighbouring parishes, supporting again the idea that crime was perceived as a highly localised phenomenon. Chedzoy, for example, said, ‘There have been depredations such as robbing gardens we supposed to have been committed by persons in the parish.’ Proximity to large cities or towns was seen as the cause by nine parishes, and all of these, with one exception, were close to Bath or Bristol. The exception, Trull near Taunton, said that its depredators came ‘Principally from the Town of Taunton.’ Others such as Wellow complained, ‘A great number come from Bath; especially since the new police.’ So there was some limited support here for criminal displacement. Only six parishes, out of the 77 that responded to this question, mentioned vagrants and trampers as the likely criminals, although curiously two of these parishes had reported no offences during the year.<sup>140</sup> There was then, not a great deal of support for Chadwick here.

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<sup>137</sup> *Ibid.*, Durston.

<sup>138</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Castle Cary (2).

<sup>139</sup> *Ibid.*, Penselwood.

<sup>140</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Compton Pauncefoot, Pitcombe.

A key concern in the vagrancy debate was the role of cheap lodging houses as shelter for vagrants, and Chadwick would have looked to this question to gain evidence against the houses for that reason. Question 10, which asked about them, was responded to by a large number of parishes (109). Of these, only twenty parishes admitted to the presence of such accommodation, and these were almost entirely situated in the towns. Eighty-nine parishes said they had none. Of those parishes that reported no lodging houses, several were at pains to add that this did not prevent vagrancy in their area. For some the beer and cider shops were seen as the principal source of shelter for vagrants. ‘Dischargers<sup>141</sup> on the Navigations and other vagrants generally lodge or sleep at the Beerhouses.’<sup>142</sup> ‘Beer shops are the receptacle for Trampers and Vagrants.’<sup>143</sup> Conversely, some parishes had lodging houses but saw no problem with them, ‘There are two or three lodging houses for Trampers but there is no particular inducement to Vagrancy and Mendicancy.’<sup>144</sup> Churchstanton had, ‘None, but are well looked after.’ Wells had lodging houses for trampers and vagrants but claimed, ‘I do not apprehend that they are productive of any crime.’ Castle Cary, where there were three, did, however, give Chadwick the answer he was looking for, saying that the lodging houses were, ‘the greatest evil existing in our parish.’ What is clear is that these houses were not open to inspection. Only three parishes, responded in Question 11 to say that their lodging houses were regularly inspected, two of these also argued that lodging houses were not a problem for them.<sup>145</sup> Wells, had its own local force at this time and therefore had paid men to conduct such inspections. Castle Cary, alone, carried out regular inspections of them. Nine parishes conducted ‘regular’ or ‘occasional’ inspections by constables or beadles and, of these, several did not conduct inspections ‘without suspicion,’<sup>146</sup> or ‘some particular cause for doing so.’<sup>147</sup> Of these nine, eight parishes were able to claim the apprehension of offenders but, disappointingly for Chadwick,

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<sup>141</sup> Presumably a canal worker with responsibility for explosives.

<sup>142</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Taunton.

<sup>143</sup> *Ibid.*, Shepton Montague.

<sup>144</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Axbridge Parish.

<sup>145</sup> *Ibid.*, Wells, Castle Cary, Churchstanton.

<sup>146</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Saint Mary Magdalene 1.

<sup>147</sup> *Ibid.*, Frome.

these arrests were not in great numbers; ‘not often,’<sup>148</sup> or ‘occasionally,’<sup>149</sup> being common responses.

Question 13, asked about the number of people in the parish known to live by habitual depredation. One hundred individual parishes gave a response to this question, and a number of these identified a problem. Compton Martin described, ‘idle young men residing in the Parish & living wholly by plunder.’ Banwell had, ‘15 or 20. Chiefly young men who live by habitual depredation. Poaching and the like, spending their time by day in the Beer and Cyder [*sic*] houses.’ These responses were by far the minority, however. 71 returns said they had no such persons in their parish, whilst a further 14 said that the number was ‘very few,’<sup>150</sup> or that there were, ‘one or two who do not actively engage in work during the Game Season.’<sup>151</sup> The predominant problem appears, again, to relate to the nature of the county, the facility afforded for poaching and presumably, a readily available market for foodstuffs. Question 14, the last question in this section on inducements to crime, investigates more specifically the infamous beer shops and their management. 105 responses were given by 101 parishes, of which 52, approximately half, said that either they had no beer shops, or the ones they had caused no complaint. The parishes that did report problems did so with vehemence, however, some of the greatest rancour coming from the parishes surrounding Bath, ‘Bad all as far as I know,’<sup>152</sup> ‘one of the greatest evils in our neighbourhood,’<sup>153</sup> or ‘Dens of Blasphemy, Drunkenness and every vice.’<sup>154</sup> Wells, however, was not far behind in disapproval, ‘they become the resort of Poachers, Thieves & Whores knowing as they do that no one of respectability frequents such houses & that they are not therefore subject to detection.’ The inability to police the beer houses, and control the assumed criminality inside, was expressed by Wells, even though it had its own police force. Despite being ‘nightly looked after – yet they most frequently escape detection by resorting to Garrets or Back rooms & by locking the

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<sup>148</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Frome.

<sup>149</sup> *Ibid.*, Glastonbury St Benedict.

<sup>150</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Seavington St Michael.

<sup>151</sup> *Ibid.*, Witham Friary.

<sup>152</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Walcot.

<sup>153</sup> *Ibid.*, St Catherines.

<sup>154</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Lyncombe and Widcombe.

front door the Police have no access – in short there is no being up to their tricks.’ Needless to say the second part of Question 14, regarding ill-management of these places, was answered by some parishes with similar passion. ‘Extremely ill conducted,’<sup>155</sup> said one parish, ‘the great majority are ill run – and the resort of the lowest and worst characters,’<sup>156</sup> said another. Overall, however, only fourteen of the responding parishes actually said they thought the beer shops were ill-run, which appears to balance quite closely the eleven parishes that specifically thought the contrary. Public houses, wherever they were mentioned, were almost universally praised for their management, and indeed earned a degree of sympathy from one parish, who commented that the incorrigible beer shops had ‘produced that competition that the Keepers of Public Houses have resorted to every stratagem to induce Custom & to keep pace with them.’<sup>157</sup> The beer shops were seen by both magistrates and guardians as being a principal breeding ground for crime, ‘England’s felon manufactories’ as they were referred to by one contemporary pamphlet writer.<sup>158</sup> In this regard, at least, it can be inferred that the questionnaires do reflect the general attitudes of the respondents.

Rioting, particularly politically motivated rioting, in the years running up to the Chadwick Commission returns, was not seen as a problem by the guardians of the Somerset unions. Only seven parishes reported any sort of disturbances in the period identified in the question, and these demonstrated no common cause. They mentioned, amongst other things, one election riot,<sup>159</sup> one anti-Poor Law riot,<sup>160</sup> one against the prosecution of a beer shop,<sup>161</sup> and one caused by a ‘drunken fellow.’<sup>162</sup> Fires, possibly deliberately set, were more common, being reported in eighteen parishes. Again, causes, where the returns specified them, varied and included revenge against a farmer for bringing a prosecution,<sup>163</sup> two presumed arson attacks on overseers,<sup>164</sup> and two in

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<sup>155</sup> *Ibid.*, Hutton.

<sup>156</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Glastonbury St Benedict.

<sup>157</sup> *Ibid.*, Chew Magna.

<sup>158</sup> R.G. Gammage, *Beershops: England's Felon Manufactories* (London, 1863).

<sup>159</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Frome.

<sup>160</sup> *Ibid.*, Maperton.

<sup>161</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Monkton Coombe.

<sup>162</sup> *Ibid.*, Banwell.

<sup>163</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Frome.

<sup>164</sup> *Ibid.*, Marksbury & Witham Friary.

opposition to the New Poor Law.<sup>165</sup> South Brewham described, ‘a large Barn & farming Outbuildings completely destroyed two years ago, which took place on the occasion of the first pay of the Poor in Bread, no doubt wilfully done.’ Another hay rick, belonging to an overseer ‘was fired by a vindictive Pauper.’ The poor ‘Offender was soon apprehended, convicted & Executed.’<sup>166</sup> Answers to Question 17, asking whether the constables rendered efficient assistance at these fires, showed varying views – Castle Cary (1) said in reaction to their one incendiary incident, ‘the Constable did his duty,’ Castle Cary (2) referring to the same incident simply said, ‘no.’ Across all of the returns the responses to this question were mixed, with many parishes offering answers even where they had said that there were no fires!<sup>167</sup> In virtually all of the cases where the fires were supposedly set deliberately, the constables were credited with an efficient response, which, in one case, led to an execution.<sup>168</sup>

In summary, 22 guardians’ returns expressed satisfaction with the response of their constables, sixteen did not, a further nine argued that their constables had not been called upon to render assistance, and seventy returns offered no reply to the question. In reply to Question 18, 26 parishes reported incidents of supposedly malicious damage to animals or property. Where animals were concerned, the injuries were almost invariably not fatal. Being a cider producing county apple trees were a target for crime, and five parishes listed damage to young apple trees in their return. Despite their appearance, penalties for these petty offences were severe; Glastonbury reported ‘Two cases of malicious cutting apple Trees and two or three of the malicious cutting young trees growing in plantations [...] in one instance the Offenders convicted and transported for seven years.’<sup>169</sup> Motivations behind these particular offences are difficult to guess at, but some speculation in the context of Somerset crime figures has already been offered above.

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<sup>165</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Horsington & South Brewham.

<sup>166</sup> *Ibid.*, Marksbury.

<sup>167</sup> See for example, *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Compton Pauncefoot and North Cheriton.

<sup>168</sup> *Ibid.*, Charlton Hawthorne.

<sup>169</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Glastonbury St Benedict.

### **Some concluding observations**

This chapter has gone some way to challenge the significance of perceptions of crime as a driver behind police reform, and to look in detail at crime, in a ‘quiet’ rural county. More specifically it has looked at some of the localities within that county, and examined to what extent crime could be said to be acting as a force for any form of change in the nature of policing. In particular, the chapter has looked beyond the available crime data to explore a hitherto largely unexplored resource, the returns to the 1836 Constabulary Commission. The chapter has, as far as possible, analysed the limitations of available data and compared the different environments within the county. These ranged from towns such as Chard and Wells, both themselves different to each other, (as shall be further explored in Chapter 3), to the isolated rural parishes. The chapter has also considered, not just what actual levels of crime were, but more importantly, what were the contemporary perceptions of that crime, and to what extent was it seen as a predominant challenge facing the county.

The next chapter will examine in detail the development of policing in the towns and urban areas of the county. Emphasis will be given to the diversity of responses which were demonstrated in the different towns, to the various pieces of legislation which were passed during the early nineteenth-century, in order to facilitate the development of reformed policing. The chapter will show how individual towns identified specific, and individual needs, and responded in often very different ways to both reformed policing and to the legislation.

### **Chapter 3: The Town Forces of Somerset– Different Responses to Different Problems**

Prior to its last minute adoption in 1856 of the *County and District Constables Act*, [2 & 3 Vict. c.93, 1839], Somerset was policed under a number of systems. These might broadly be described as a mixture of organised, full time forces formed under different pieces of legislation, and the more traditional parish constables, both paid and unpaid. This chapter begins with an examination of those policing arrangements which were put into place during the period of this thesis, and considers them in the context of the available, and emerging, legislation. It will examine the nature of the forces involved and the differing reasons for their formation. The history of policing in the towns of Somerset has not been singled out for study previously, and this analysis of new archival material provides an opportunity to consider, at case study level, the impact of national legislation. It also adds significantly to the social history of Somerset and some of its towns. The chapter therefore presents, and analyses, data not previously studied by historians of crime and justice in the nineteenth century.

The chapter will begin with an overview of the relevant pieces of national legislation, and will then consider in detail their application. Three case studies will be examined. These are of Taunton, Chard and Wells. Taunton had strongly opposed the *Municipal Corporations (England) Act*, [5 & 6 Will. 4 c.76, 1835], but formed what appears to have been an effective force by subscription. The chapter considers the debate that Taunton had regarding the advantages of the available Lighting and Watching legislation over the 1835 Act. The second town case study, Chard, had approached the legislation with trepidation, and was somewhat selective in how it adopted the different aspects of it. Wells, by contrast, was enthusiastic about the adoption and application of the Act, and took on its terms immediately. The three towns considered in the case studies were not the only ones in Somerset to form their own forces. The chapter, therefore, compares and contrasts how town forces were created in other places in Somerset, before examining the equally important question, why did some towns choose not to adopt reformed forces? The conclusion to the chapter reflects more broadly on why the towns, in such close proximity to each other, responded so differently to the changing national legislation? Overall, this third chapter explores the

extent to which the ‘grand narrative’ theories, outlined in Chapter 1, can really explain what happened to town police formation in Somerset. Were these the natural development of the Metropolitan Police model and the need to accommodate the various needs of a so-called ‘consensus society’? Alternatively, can police reform be described as a manifestation of ‘domestic missionary’ motivations, meeting the growing needs of emergent capitalism?

The first Act of Parliament to make an impact in Somerset with regard to policing was the *Lighting and Watching Act*, [3 & 4 Will. 4 c.90, 1833]. It provided vestries with the enabling framework necessary to allow them to appoint paid day and night patrols and watches.<sup>1</sup> This Act was implemented in Somerset although here, as elsewhere, a lack of significant data makes the full extent of its use, and its effectiveness, difficult to evaluate.<sup>2</sup> Taunton will provide a case study of where its use was considered by the townspeople, and elaborate the views that they held about it. The second major piece of national legislation to have a significant impact on the policing of Somerset was the *Municipal Corporations Act*, [1835]. It is argued that the policing clauses were included in the Act, not so much with the intention of expanding the model of policing embodied in the Metropolitan Police, but because municipal policing had always been the preserve of local government.<sup>3</sup> This Act had reformed local government and required the councils of all boroughs immediately after their first election, to appoint a watch committee.<sup>4</sup> They, in turn, were required within three weeks to appoint a

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<sup>1</sup> This Act was dismissively described by W.L. Melville Lee as ‘of little permanent value, and is only worthy of notice as the first attempt to provide a day police outside the metropolis.’ Melville Lee, *A History of Police in England* (London, 1901), quote at p.274. For examples of the Act’s effective use, however, see D. Taylor, *Crime, Policing and Punishment* p.76; C. Emsley, *The English Police, A Political and Social History* (Harlow, 1991), pp.36-37; B.J. Davey, *Lawless and Immoral Policing a Country Town, 1838-1857* (New York, 1983).

<sup>2</sup> T.A. Critchley also noted that although use of the Act is difficult to assess ‘there is reason to think that it was adopted more extensively than has hitherto been suggested.’ Critchley, *A History of Police in England and Wales* (London, 1967), quote at p.61.

<sup>3</sup> See C. Emsley, *Crime and Society in England 1750-1900* (Harlow, 1987), p.230; C. Emsley, ‘Detection and Prevention: The Old English Police and the New, 1750-1900’, *Historical Social Research* 37, (1986), pp.69-88, p.75.

<sup>4</sup> A borough was any city or town listed in the 1835 Act. The intention of the Act had been to bring local government out of the hands of the gentry and to widen the range of people participating in it. It also created fully elected borough councils. Policing was just one aspect of this wide ranging Act.

constabulary force for the town, which could be of any size deemed appropriate by that committee. Many towns were dilatory in their approach to this latter requirement.<sup>5</sup> Two years after the passing of the Act only just over half of the boroughs across the country had actually appointed a police force. Ten years later, there remained upwards of thirty boroughs, which had not done so, and even as late as 1856, ‘there were at least six, and possibly as many as 23 recalcitrants.’<sup>6</sup> Boroughs were also later criticised for not appointing a ‘sufficient number of fit men,’ as required by the law, and some for not appointing someone to the role of Chief or High Constable, (albeit, not required by the law).<sup>7</sup> The reactions of the boroughs in Somerset were varied, ranging from outright opposition to the whole Act, to immediate adoption of its terms in full. Where available evidence permits, the case studies pay particular attention to the detail of the men’s duties. This will further develop understanding of both the work of the nineteenth-century policeman, and the role that he was expected to play in a variety of urban locations. In addition to these three case studies, the 1830s saw forces being established, under different pieces of legislation, in Bath, Bridgwater, Glastonbury, and Yeovil.<sup>8</sup> Other forces may have existed for which no record appears to exist. It seems strange, for example that Frome, a town which relied heavily on the textile industry and had been affected by the influences of Chartism, did not.<sup>9</sup> There is not room here to discuss each of these forces in detail, but each has its own particular story to tell. By means of these carefully chosen micro-studies, it is intended that this thesis will extend historians’ knowledge and understanding, of how policing developed more generally in the rural counties of England.

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<sup>5</sup> See J. Hart, ‘Reform of the Borough Police, 1835-1856’, *The English Historical Review*, 70 (1955), pp.411-27, p.415.

<sup>6</sup> Emsley, *The English Police*, quote at p.43.

<sup>7</sup> *Municipal Corporations (England) Act* [5 & 6 Will. 4 c.76, 1835], Para 77.

<sup>8</sup> David Phillips and Robert Storch list ‘known policing schemes under local acts, Lighting and Watching Act, voluntary subscription and other auspices’ but show no forces for Somerset. See D. Philips and R. Storch, *Policing Provincial England 1829-1856*, (London, 1999), pp.237-244. This thesis is therefore offering new data not previously studied by historians in this field.

<sup>9</sup> Although see below in this chapter for further comment on the policing of Frome.

## Taunton, Wells and Chard – Three Case Studies of Urban Police Development

### Taunton – A Subscription Force

Taunton was the county town and was the home to both Quarter Sessions and the Assizes, held in Taunton Castle. The town returned two members to Parliament, and with a population in 1852 of 14,176, it was much the largest of the three towns being studied here.<sup>10</sup> Taunton had always been a market town and, up until the eighteenth century, had been heavily reliant on the woollen trade. This trade had gone into decline, and been replaced by silk as the major industry, along with brewing and iron foundries. In 1831, it was the largest town in the county after Bath and Bedminster, consisting of two parishes of St Mary Magdalene and St James, with the majority of the inhabitants in St Mary Magdalene. The town was expanding and developing, enjoying a new voluntary hospital in 1812, gas lighting in 1821, access to the Grand Western Canal from 1839 and the railway from 1842. The town had been incorporated in 1627, and had been run by a mayor and corporation. Vacancies in the corporation led to the charter lapsing in 1792, and so by the time of the *Municipal Corporations Act* in 1835, the town was without its own elected leaders, and was not mentioned in the Act. However, under section 134 of the new statute, any town in which the inhabitants felt it expedient, could petition the Monarch and, subject to the approval of the Privy Council, be granted a charter under the Act.

Taunton's reactions to all of the issues of crime, and the organisation of policing, were significantly different to those of Chard and Wells. The people of Taunton were strongly opposed to the *Municipal Corporations Act* and all that it entailed. They did, however, definitely want a police force and the 1835 Act provided one vehicle for the provision of one. The call for a police force can certainly be traced back at least as far as 1836, and probably goes back further. In January of that year, one reader of the *Taunton Courier* referred to, 'the evidence which hourly occurs in this town of the

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<sup>10</sup> *House of Commons Papers*, [hereafter, *HCP*], 1852, (441), *Population and Houses in Cities and Boroughs Returning Members to Parliament and Towns Containing Upwards of 2,000 Inhabitants*.

necessity of [...] something in the way of a Police.’<sup>11</sup> In February, the paper complained of, ‘The continued robberies in our town,’ which, at least in part, it attributed to the lodging houses. The one Beadle that the town employed was inadequate to perform ‘the essential superintendence of the town.’ The solution lay in the hands of the ratepayers to adopt the *Lighting and Watching Act*, [1833], the expense of which would be ‘but slightly felt.’<sup>12</sup> The existing parish police were still considered ‘inefficient [...] even for ordinary purposes’ in 1838.<sup>13</sup> In February, a call had gone out from the *Taunton Courier* for the inhabitants of Taunton to, ‘subscribe their mite’ and employ two officers from Bristol or London, to investigate all of the town’s recent crimes.<sup>14</sup> On 21 March 1838 a letter was published in the paper reminding the townsfolk of, ‘the numerous robberies that have recently occurred,’ and the, ‘necessity of obtaining an efficient body of police, for watching the town by night.’<sup>15</sup> Another letter of the same date also reminded the town of ‘the late daring robberies [which] demand your awakening to that need of a police, which has long been deeply felt.’<sup>16</sup> This letter went on to discuss cost, admitting that a force would be expensive, but not necessarily prohibitively so. The writer referred to the watchmen who had been employed in the town a few years previously, and had apparently been very costly. Readers were referred to Barnstable, in Devon, where a force had been employed at a weekly cost of 14s per man. The correspondent asked, ‘Why must Taunton remain destitute of comforts that smaller towns obtain?’ He suggested a force of perhaps six or so men, one or two patrolling by day and the others by night. More would be better, the writer conceded, ‘but half a loaf is better than no bread.’ The cost could be raised either by subscription, in which case it fell on a few willing subscribers, or by raising a rate which ‘would levy only a trifle on each, and all would receive the benefit.’<sup>17</sup> A third writer referred to, ‘the uninterrupted progress of daring depredation which had latterly infested [the town].’ He explained that when he had asked why there was no force in

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<sup>11</sup> *Taunton Courier*, [hereafter *TC*], 13 January 36. The reader’s female relative had just been ‘pelted with snowballs’.

<sup>12</sup> *TC*, 3 February 1836.

<sup>13</sup> *Ibid.*, 15 January 1838.

<sup>14</sup> *TC*, 28 February 1838.

<sup>15</sup> *Ibid.*, 21 March 1838.

<sup>16</sup> *TC*, 21 March 1838.

<sup>17</sup> *Ibid.*

the town, the answer he received was that ‘there is no cure but the curse of a Municipal Corporation, and we won’t have that if we can help it!’<sup>18</sup>

The matter was first discussed in public at a vestry meeting in June of 1838. Henry Badcock, a local banker, opened the meeting by proposing that the town adopt the *Lighting and Watching Act* [1833], in order to benefit from its watching provisions. Badcock referred to the recent burglaries. He cited Bridgwater, Bristol, and Wells, as places that had introduced organised police forces which ‘had freed [the town] from the daily and nocturnal aggressions on the persons and properties of the inhabitants.’<sup>19</sup> In Exeter, Devon, not a single offence had been committed in the previous year he argued, but Taunton in the same period had experienced three a week. That something needed to be done about crime in Taunton, he felt was self-evident and he suggested that the *Lighting and Watching Act* offered a solution which was both economical and easily practicable.<sup>20</sup> William Beadon, local magistrate, offered an amendment to the motion but urged that his motives were, ‘not the mere partial protection of our property from the nightly thief, but to include the general superintendence and better regulation of the town at large.’<sup>21</sup>

Beadon’s amendment was to opt instead for the *Municipal Corporations Act* [1835]. He pointed out that the places identified by Badcock had, in fact, all formed their forces under this Act. He accepted that cost was an issue, and to spend £500 to save on the loss from crime of £200 would be unwise. However, in his view, the lack of proper governance was keeping respectable families out of the town, and it would take very few such families spending £2,000 to cover the cost of the police. Under the town’s previous watch there ‘were as many robberies, and far more disturbances [...] than there was before or has been since’ – a comment which earned him the approbation of the audience. Additionally, he saw the *Municipal Corporations Act* as offering a

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<sup>18</sup> *TC*, 21 March 1838.

<sup>19</sup> *Ibid.*, 13 June 1838.

<sup>20</sup> Carolyn Steedman has noted that this Act was similarly used, ‘as a way for magistrates to avoid establishing a rural police after 1839.’ C. Steedman, *Policing the Victorian Community: The Formation of the English Police Forces, 1856-80* (London, 1984), quote at p.15.

<sup>21</sup> *TC*, 13 June 1838.

‘resident and responsible judiciary, elected by the people’ which was only appropriate for a town of Taunton’s size.<sup>22</sup> He also saw crime as having not just a local impact. Thieves were able to sell their plunder in neighbouring towns, and thus crime had a wider geographical effect for which Taunton should take due responsibility. Most significantly, Beadon wanted, ‘to call a meeting of the whole town and not confine it to a mere parish meeting for all are interested.’ Let us, he continued, ‘have the opinion of the town at large, whether a mere police under the Lighting Act, or whether a more comprehensive form of a Municipal Corporation is best.’ One other speaker sincerely hoped he would never live to see a Corporation effected in Taunton, whilst another spoke of the ‘intolerable expense and mischievous burthen of a Corporation.’ He observed that the cost of the Corporation would be far greater than that of a police alone. ‘If the town should be oppressed by a Corporation, it could not be got rid of; but any solution under the Police Act might be remedied at pleasure.’ Why not try the Police Act and, if desired, adopt the 1835 Act at a later stage? In the end the voting went against the raising of any rate for the purposes of policing, the result being that neither piece of legislation was actually adopted. There is no detail of the discussions before the town vote, the newspaper simply reported that it had gone against ‘the rate for establishing a Police in this town.’<sup>23</sup>

The crimes continued. In one edition of the *Taunton Courier* a range of thefts is reported; poultry, garden produce and the burglary of a shop. A night watch appears, however, to have been established in part of the town by autumn 1839. The organiser of the watch also tried to obtain the support of the other inhabitants for a system funded by the subscription of every household at 6d per week. The intention was that the watchmen would call at each house every Monday to collect the money. In that way they would establish regular communication with those paying them, which would create ‘a greater inducement [...] for the men to provide general satisfaction.’ It was hoped that the system could be extended to other areas ‘so that a regular link of police may be formed throughout the town.’<sup>24</sup> The watch appears to have met with a degree of support. On 27 November 1839, the *Courier* announced, ‘nine able bodied men now

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<sup>22</sup> *Ibid.*

<sup>23</sup> *TC*, 27 June 38.

<sup>24</sup> *Ibid.*, 22 October 1839.

nightly patrol the streets of this town: the expense is defrayed by a voluntary weekly contribution. The men are well clothed and armed, and have by their vigilance and useful services already elicited the thanks of the Magistrates.<sup>25</sup> In January 1840, there was praise reported again, but also a comment reflecting the underlying desire to put the force onto a more permanent footing.

The manifest usefulness of the present probationary establishment of the police has been so successful that in the event of the Rural Police not being recognised and accepted by our county Magistrates, it is suggested that subscriptions be raised for the purpose of continuing the duties of the present Force until the arrangement contemplated can be permanently effected.<sup>26</sup>

The voluntary subscription was to continue amid much clamour against both the *Municipal Corporations Act*, and the threat of the newly passed *County and District Constables Act*, [2 & 3 Vict. c.93, 1839], which in the event was not adopted in Somerset until 1856. Both Acts were seen as threatening to the ratepayers of the town. The watching component of the 1833 Act, ‘Portman’s Act,’ as it was referred to, was seen as preferable. Further meetings were held in 1840. At the first, in October, a committee was formed to establish the best way to proceed to put the force on a sounder footing. It was decided that the adoption of, ‘Lord Portman’s Act was the best practicable measure for the purpose contemplated, if a fund for relieving the poorer classes from the payment of the rate could be raised.’<sup>27</sup> A canvass of those present appears to have shown this was feasible and that voluntary contributions could cover the rate for all those rated at less than £6 pa. For everyone else a rate of 5d in the £ would cover the cost of the force. A resolution was moved to adopt the Act on this basis. As was usual, however, the mention of increasing the rates had an immediate effect. An amendment was moved that completely negated this suggestion. The person who moved the amendment, Mr Beadon (again), spoke of the ‘present quiet, and satisfactory state of the town,’ and in complimenting the present, subscription police on its efficiency, he said, that ‘Taunton was now an example of quiet and security to any town in the Kingdom.’ The amendment was carried by a substantial majority and it was therefore concluded that, ‘the present system of watching the town by voluntary

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<sup>25</sup> *TC*, 27 November 1839.

<sup>26</sup> *Ibid.*, 22 January 1840.

<sup>27</sup> *TC*, 18 March 1840.

subscription was most advisable, the proposed measure of levying a rate for the purpose was rejected and the meeting dissolved.<sup>28</sup>

The pressure of ratepayer mentality had won in Taunton, and all attempts to introduce a new force financed from the rates were therefore prevented. The town continued relying on its subscription force. The apparently *ad hoc* funding arrangements do not mean, however, that the force itself was poorly run, and it certainly continued to be held in high regard, as the following editorial in the *Taunton Courier* clearly shows;

In June 1842:

the men ‘received their supplies of new clothing, which being adapted to the most approved uniforms worn on duty elsewhere, confer on them a becoming and respectable appearance. The estimation in which this body is held in the town, may be inferred from the liberality and alacrity with which the subscription for purchasing the new clothing was conferred in – an ample fund for providing ten men with all suitable accompaniments of dress having raised without the slightest difficulty. [...] almost every resident must have gratefully observed how almost totally exempt the town has been from those evils which before the institution of the police had been too familiar. The conduct of the men too, no doubt, created a bias in their favour, not a single instance having occurred of misbehaviour...and this very gratifying security both to person and property, with its attendant advantage on the moral habits of a town population, has been attained at a cost on the whole so trivial as to excite surprise that so great a benefit should so long have slumbered amid such abundant resources for inviting its activity of operation.’<sup>29</sup>

By 1841, eleven men appear to have been employed, based around a Station House in which six men lived with their families.<sup>30</sup> In 1844 the force is described as having been formed in 1838, and by 1844 comprising one Chief Superintendent, one Inspector, one Deputy Inspector, one Serjeant and ten Constables. By 1851 the Station House appears to have disappeared although the force was continuing.<sup>31</sup>

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<sup>28</sup> *Ibid.*

<sup>29</sup> *TC*, 24 June 1842. Mindful of editorial bias the newspaper seems to be offering unqualified support for the subscription force. The newspaper had, however, expressed its concerns about both the levels of crime in the town and the *Municipal Corporations Act*, [1835].

<sup>30</sup> 1841 census.

<sup>31</sup> Sadly its actual location cannot now be traced.

## **Chard – A Reluctant Municipal Force?**

Chard as a settlement has existed since Saxon times, and the Borough was first established in the early part of the thirteenth century. Royal approval was granted later that century which included the town's right to self-government. The town's income was based upon the textile trade, wool in particular. As well as being the centre of a large cottage industry in woollen products, it was a centre of woollen production, with perhaps sixteen commercial finishing mills in the town by 1790. The local wool and cloth industry was badly hit by competition in the nineteenth century, but by then the town was becoming a centre for lace production thanks to the relocation of manufacturers from Nottinghamshire. Lace making is described as a volatile industry and Chard went through significant periods of industrial expansion and of deprivation. Riots and strikes in 1842 might perhaps be seen as a direct consequence.<sup>32</sup>

Developments in Chard throughout the period of this thesis represent an interesting amalgam of responses to the question of how policing could be approached and, like Taunton, the town's history gives an insight into contemporary perceptions of the need for regularised policing arrangements.

### **Chard Borough Police**

In 1835, the town of Chard adopted the *Municipal Corporations Act* but was one of the towns best described as 'dilatatory' in its application. The return of the borough to the Chadwick commission in 1837 gives some indication of the nature of the force so created, and it is immediately apparent that policing was not a major concern at that time.<sup>33</sup> The borough was estimated to be 52 acres in size, with a population in 1831 of

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<sup>32</sup> M. Richardson, 'Somerset Urban Archaeological Surveys: Chard', (1994-1998). <[http://www1.somerset.gov.uk/archives/hes/eus/chard\\_eus.htm](http://www1.somerset.gov.uk/archives/hes/eus/chard_eus.htm)> [Accessed 13 January 2013].

<sup>33</sup> The document used here is a transcript of the return which was made in 1980 by the Chard History Group from the original, which was 'among sundry papers deposited at SRO.' The original is not with other returns stored at Kew. See, *Somerset Records Office*, [hereafter *SRO*], DD\CHG/40, *Miscellaneous Correspondence Including Questionnaire Re Establishment of Police Force 1837*. Although the Royal

2,511.<sup>34</sup> Two constables had been appointed, one paid and one unpaid. They were not issued with uniforms and were not allowed any payment towards clothes or lodgings. No rules or regulations were laid down to guide them and they could be dismissed at any time. The paid constable was Thomas Hutchings, previously the town Beadle, a post he had held for a significant number of years. The amount of his pay was at that time unfixed. The constables did not inspect weights and measures, report problems with the pavements and roads or remove nuisances. They did have responsibility for the fire engine but otherwise, according to the return, had no responsibility other than the prevention of offences and detection of offenders. Offenders were to be kept in the lock-up 'under the Grist Mill.' The Mayor, J Langdon, who completed the return, did not think that the lack of paid constables in the surrounding parishes was a cause for concern. Although the two lodging houses in the town and the beer shops were a cause of nuisance, he did not consider them places of known resort of thieves or habitual offenders. There was no one in the Borough who lacked a visible means of support or lived by illegal means. In other words, in 1837 at least, the town does not appear to have seen crime or unrest as issues worthy of serious concern, expense or effort.

The force formed under the *Municipal Corporations Act* appears to represent only a token compliance with the law, and nothing more than a change of job title for Hutchings. Clive Emsley observes that in some boroughs the men who made up the new forces were, 'often the watchmen, serjeants and beades of the old town police now put into a semblance of uniform and called by the new name of 'policeman.'<sup>35</sup> This certainly was the case in Chard. Indeed the new Corporation of the town did not appear to take the question of policing seriously at all. They technically formed a Watch Committee but it was comprised of 'the normal persons forming the Council.'<sup>36</sup> There is no record of it having met for the next fifteen years. The only Constable whose name

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Commission did send out questionnaires to borough forces, this is the only surviving example for Somerset.

<sup>34</sup> By 1851, the population had risen to 5,297, attributed by the census compilers to the growth of the lace industry.

<sup>35</sup> Emsley, *The English Police*, quote at p.37. Emsley argues that many towns adopted this minimal approach to their new forces and cites Bedford which included in its nine policemen; 'the mayor's serjeant, the bellman and the beadle.' Emsley, *Crime and Society*, quote at p.230.

<sup>36</sup> *SRO*, 1835-1852, D\B\ch/2/2/1, *Chard Council Minute Book*, January 1836.

survives is the paid man, Thomas Hutchings. Whether the Chadwick return brought the issue to the fore, whether Hutchings protested loudly, or whether they simply got round to it is unclear, but in March 1837 the Corporation agreed to pay him back pay of £20 for services to date. He may have already been working as long as two years unpaid. December that year saw motions debated to reduce his salary to £8, and then £7, but finally it was agreed to maintain it at £10. His duties, it appears were also more complex than was implied to Chadwick, in reality incorporating the roles of Constable, Town Crier, Collector of Market Tolls and Market Man. He was expected to attend the Council meetings, affix notices of them around the town, and ‘look after and report on the state of the Public and Beer Houses and Lodging Houses within the Borough.’<sup>37</sup> For pay of slightly less than 4s per week, it is certain that he was not working in his police role full time, although he would presumably have also been earning fees for his work.<sup>38</sup> One issue which was of concern to the Council was that of vagrancy. In August 1838 they appointed a committee to ‘enquire into the state of lodging houses,’ a problem identified in the return to Chadwick. The committee was tasked to look into vagrancy and to report on ‘the best means of providing for or otherwise relieving the Borough from the Burthen occasioned thereby.’<sup>39</sup>

It was not until 1849 that the issue of policing, or crime, was referred to again in the Council minutes, when a Watch Committee was specifically elected for the first time. Perhaps more significantly, the Council resolved that, ‘a more effective Police Force should be established in the Borough,’ and that two of their number ‘be authorized to confer with the Parish Authorities and report how far they would cooperate with the Town Council for such purpose.’<sup>40</sup> The policeman was to become part of the new Chard United Police Force, paid two-thirds by the Parish and one-third by the Borough. The Council fund apparently would be exhausted by this expenditure, and therefore, it was decided to levy a rate on the town of £60 for the purpose.

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<sup>37</sup> *Ibid.*, March 1837.

<sup>38</sup> See below in this chapter for discussion of constables’ fees.

<sup>39</sup> *SRO*, 1835-1852, D\B\ch/2/2/1, *Chard Minute Book*, August 1838.

<sup>40</sup> *Ibid.*, 18 November 1849.

### Chard Parish Police<sup>41</sup>

Prior to 1849, the parish of Chard had been policed by traditional parish constables.<sup>42</sup> In February, 1844, however, a vestry meeting had been called to collect the names of men qualified to act as constables for the parish but, more significantly, to ‘take into consideration the propriety of the appointment of one or more paid Constables for this Parish.’<sup>43</sup> The Overseers were responding to a precept issued to them by the magistrates of Somerset under the *Parish Constables Act*, [5 & 6 Vict. c.109, 1842], to collect the names of men eligible to fulfil constabulary duties and also, if they so chose, to exercise the power granted to the vestry by that Act to appoint paid constables.<sup>44</sup> Although the matter of paid constables was therefore first raised at this vestry in 1844, no action appears to have been taken until February 1849, when it was agreed to appoint two paid constables at a salary of £46 16s 0d per year, (18s per week), plus their uniform. In early March 1849, it was decided to rescind this decision and to instead appoint three men to the Parish; one Superintendent at a salary of £60 p.a. and two constables at a salary of £44 p.a., plus clothes and to be paid quarterly. The vestry also formed a Police Committee made up of nine of their number.

On 27 March 1849, two constables were appointed, Samuel Seabright and William Amor. A member of the Police Committee was appointed, *pro tem*, as the Superintendent of Police but just two weeks later, Benjamin Elms, a Detective Police Constable from Bristol Police, was appointed Superintendent. Elms was to outlast both the constables and was still serving in 1856, the end of the period of this thesis. The men were issued with ‘A Summary of the Office and Duties of a Constable’ by Chitty and it was directed that the letters ‘C. P. P’ (Chard Parish Police) were to be worn on the collars of the subordinate constables, akin to, but not identical to, the Metropolitan

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<sup>41</sup> Chapter 4 will examine in greater detail the use of parish constables in the county, but the history of the parish constables in Chard forms an integral part of the story of that town’s policing.

<sup>42</sup> See *SRO*, 1842-1872, DD\SAS/C909/90, *Chard Parish*, for details of the men themselves.

<sup>43</sup> Notice of vestry in bundle, *SRO*, 1842-1872, DD\SAS/C909/90, *Chard Parish*.

<sup>44</sup> *An Act for the Appointment and Payment of Parish Constables*, [5 & 6 Vict. c.109, 1842].

Police model of collar numbers.<sup>45</sup> The nature of the duties assigned to these early constables also begins to emerge and again, reflects the concern with vagrancy rather than crime. In May they were instructed that they should, ‘impound all cattle or pigs found straying on the turnpike, [and to] prevent in future the encampment of gypsies in the Parish.’<sup>46</sup>

### **Chard United Police Force**

On 19 November 1849, a deputation was received by the vestry from the Borough, who put to the meeting the Council resolution concerning joint action with the Parish. The vestry responded by saying they were, ‘ready to cooperate with the authorities of the Borough in the maintenance of an united and efficient Police force in the Parish and Borough of Chard.’<sup>47</sup> The expense was to be shared, as previously proposed by the council, two-thirds to be met by the Parish, one-third by the Borough. An extra man was to be employed, and the cost of his uniform was to be met by the Borough. Management of the new force was to be under a new United Police Committee, made up of members of the Parish Committee and supplemented by four representatives from the borough, including, as was the norm, *ex officio*, the Mayor. The policemen were to be employed on an annual basis and were to be reappointed each year. The existing Parish Police Station was to remain in use. The Borough Watch Committee met for the first time on 7 December, 1849, and were informed that the cost of the new force in total was going to be £206 4s 0d p.a., and that their share therefore was £62 14s 8d. A rate for this purpose was raised and the new force began operation on 1 January 1850. Elms was instructed in the interim to find a suitable extra man, William Froom. He and the original three were duly appointed to act as Constables jointly for the Borough and Parish of Chard on 17 December 1849.

In December 1851, one of the constables had left and the remaining two asked for a pay rise of 3s per week. The Watch Committee considered this request, as well as that for a replacement man and reached a curious, although perhaps predictable decision.

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<sup>45</sup> J. Chitty, *A Summary of the Office and Duties of Constables* (London, 1837).

<sup>46</sup> *SRO*, 1849-1857, DD/SAS/c909/91, *Chard United Police*, 8 May 1849.

<sup>47</sup> *Ibid.*, 18 November 1849.

Following consultation with Salter, the Mayor and a lawyer, they decided that they had no power to either change the men's pay or to appoint more men.<sup>48</sup> This decision is puzzling insofar as the Committee was made up of representatives of the borough, operating under the *Municipal Corporations Act*, [1835], and the parish, operating under the *Parish Constables Act* [1842]. Under both of these pieces of legislation there was authority to appoint any number of men and to pay them as thought appropriate. On the other hand, Salter as Mayor, knew that money was tight. He was aware, as had been demonstrated in Taunton, that the ratepayers of the town would only support the police to an extent, and it was vital to restrict costs where possible.<sup>49</sup>

### **What did the men do?**

Crime in Chard has already been examined in Chapter 2, therefore, as noted at the beginning of this chapter, attention will also be given to the other day-to-day activities of the men. Prior to the integration of the Parish and Borough force, the parish had been split into two areas, effectively north and south. The men were not assigned to any particular district but could expect to patrol either. To walk around each, and visit the different localities *en route*, was a distance of approximately five miles. These were not referred to as beats and do not appear to have been patrolled in any systematic way.<sup>50</sup> Each might be patrolled once a day, twice, or not at all, presumably at the discretion of the Superintendent. To patrol each area the constables would take on average about three hours. The men worked seven days a week, as was usual, and patrolled for long hours. Days such as 13 May 1849 were not unusual, where the men began patrol at 4.00 am, and each walked one of the 'beats' until 8.00 am. They were out on patrol again at 3.00 pm until 9.00 pm. In the meantime, they were on duty near the church, and one of

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<sup>48</sup> *SRO*, 1849-1857, DD/SAS/c909/91, *Chard United Police*, 15 December 1851.

<sup>49</sup> 'Ratepayer mentality' showed itself again in 1852, when a memorial signed by ratepayers was presented to the Council complaining of the 'great expense and inconvenience attending the coalition with the Parish of Chard,' and calling for a separation of their policing. The Council rejected this proposal but did take the opportunity to call the attention of the United Police Committee to the 'inefficient manner in which the Police discharged their duties.' *SRO*, 1835-1852, D\B\ch/2/2/1, *Chard Minute Book*, 27 February 1852.

<sup>50</sup> For convenience, the term 'beat' will be used here in its usual interpretation: a pre-determined route or area for patrol.

them went with the Superintendent around the pubs and beer houses during the hours of divine service. Other days did not end until the following morning. The men could expect to be on foot patrol for around 50 hours per week and do other duties in addition. The Superintendent's main activity appears to have been inspecting the beer houses which, invariably, were 'all orderly.' He did, however, conduct patrols himself when needed, when a man was sick, or when there was a crime to be investigated. By way of example:

Called on Mr Brown, respecting a robbery at his house & afterwards hearing that a highway robbery had been committed near this Parish & suspecting it to have been committed by Chard thieves I proceeded to Yarcombe to see the person who had been robbed & to obtain further Information but as yet without success.<sup>51</sup>

The next day he wrote, 'The Superintendent & Constables proceeded to Forton to search the house of a man named Russell also the plantations near his residence where Stolen property is supposed to be concealed.'<sup>52</sup> Nothing was found. Over the course of the rest of the month the Superintendent covered patrol on two occasions when his men were on leave of absence, (a rare occurrence), or when they were sick. He went with his men to remove a camp of gypsies, investigated two robberies, and assisted in one arrest for vagrancy.

Following the merger at the end of 1849, an additional district, the Borough, was added to the Chard United Police Force. At first there was an extra man, but after August 1851, when one resigned, the force was back to two men and the Superintendent. The beats do not appear to have significantly changed although there was more for the men to keep watch on, and the hours of patrol were now to go through the night. Any pattern to the hours of work of the Constables seems to vary with time. In August 1850, it seems to have been the practice to have one man patrolling the Borough between 9.00 am and 1.00 pm. Thereafter he would go on patrol elsewhere. A second Constable would be patrolling one of the outer districts. The third Constable, frequently Froom, would be on duty in the Borough through the night.

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<sup>51</sup> *SRO*, 1849-1854, D/B/Ch/27/1, *Chard Occurrence Book*, 3 May 1849.

<sup>52</sup> *Ibid.*, 4 May 1849.

Regular patrol was a requirement for the men and, as has been noted, they could expect to walk significant distances whilst on duty. Presumably the object was to create a visible deterrent to crime and to provide reassurance to the inhabitants that their persons and property were being protected. Certain particular activities are also highlighted, however. Patrol of the public and beer houses was fundamental. The Superintendent was most actively involved in this but the other constables also took part. Almost invariably on a Sunday, a man was 'on special duty' near the church during divine service. Being drunk, or worse a vagrant, would result in a visit to the cells. Charles Fisher was arrested for vagrancy on 30 May 1849. The next day he was sentenced to one month in Wilton Gaol with hard labour. More generally, theft was restricted to low value property and to foodstuffs. As a consequence it was not unusual for the men to be tasked to watch specific fields to prevent thefts. Where crime of a more 'serious' nature took place, it was enthusiastically investigated by the officers.<sup>53</sup> Detection may well, 'in the eyes of the police themselves, have taken second place to prevention,' but it certainly played an important part in the work of the Chard men.<sup>54</sup>

As well as their weekly wages the paid constables also appear to have earned fees. Table 3.1 below shows fees paid to both paid and unpaid constables and serves three purposes.<sup>55</sup> Firstly, the table adds further weight to the suggestion that crime was certainly becoming of nuisance proportions by the 1850s, but was not comprised of 'serious' offences. Secondly, it shows how active the unpaid constables continued to be alongside their paid counterparts. Thirdly, it offers further insights into the payment of constables. There were three unpaid parish constables in 1849, and if the total fees earned in that month were only £1 6s then that could equate to approximately 8s per man per month; certainly not a living wage. The original record says that these fees were 'paid' to unpaid constables, but that fees paid to constables were 'received' by them. Probably, this distinction is because the fees paid to the latter were not theirs to

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<sup>53</sup> See for example *SRO*, 1849-1854, D/B/Ch/27/1, *Chard Occurrence Book*, 27 May 1849.

<sup>54</sup> Emsley, *The English Police*, quote at p.72. For a discussion of eighteenth and early nineteenth-century constables' detective work in the parishes see Emsley, 'Detection and Prevention' or for London, see Beattie, *The First English Detectives: The Bow Street Runners and the Policing of London, 1750-1840*.

<sup>55</sup> The *Municipal Corporations Act* [1835], did not expressly proscribe the payment of fees to constables.

keep. Out of them appears to have been deducted expenses, and the balance paid back to Superintendent Elms, who in due course paid it back to the Secretary of the Board of Guardians, £3 8s in the case of August 1849. Payments to both paid and unpaid constables appear to have tailed off noticeably after the advent of the 'United' force as demonstrated by August 1852 dropping from £1 6s in August 1849 to just 3 shillings in August 1852.

**Table 3.1: Payments Made to the Chard Constables, Somerset, 1849**

Date	Offence	Fees Paid to Unpaid Constables	Fees		Balance
			Received by Constables	Expenses Paid	
3/8/49	Disorderly Conduct in the Union	2/6	18/6	13/6	5/-
7/8/49	Picking Pockets	2/6	1/4/-	16/-	8/-
8/8/49	Stealing Apples	2/6			
10/8/49	Catching a hare	1/-			
	Stealing potatoes (vagrants)	2/6	1/8/-	17/-	11/-
	Stealing apples	2/6	19/-	5/-	14/-
13/8/49	Disorderly conduct at the Union	2/6	1/4/-	16/-	8/-
17/8/49	Stealing apples	2/6	1/-/-	13/6	6/6
	Disorderly conduct at the Union	2/6	1/-/-	4/6	15/6
26/8/49	Stealing apples	2/6			
29/8/49	Using threatening language	2/6			
Totals August '49		1/6/-	7/13/6	4/5/6	3/8/-
Totals August '52		3/-	2/19/6	18/6	2/1/6

Source: *SRO, DD/SAS/909/91, Chard United Police.*

Chapter 2 has already offered a brief discussion of crime in workhouses, in which the question was raised whether notions of class conflict were stronger in Chard than in Wells. The more industrial nature of Chard might suggest this as a possibility. It is important, before moving away from Chard as a case study, to investigate this apparent difference a little further. The 1852 census offers some insight into the occupational structure of the inhabitants of the two towns. Table 3.2 shows that both males and females were employed, in approximately equal percentages, in the traditional

occupations of agricultural work and domestic service. In these categories, agricultural labouring employed over a quarter of males in both towns, and domestic service approximately seven per cent of females. Textile work, gloving in particular, represents a significant difference for the women of Chard, however. Whilst ten per cent of the Wells women were occupied with their husbands as farmers' wives or daughters, more than ten per cent of Chard women were employed in gloving, and seventeen per cent were employed in other textile work. In this way the people of Chard, women especially, would have been more exposed to the growth of mechanisation and the factory system than those residing in Wells.

**Table 3.2: Structure of Employment in Wells and Chard towns in Somerset circa 1851**

	Wells		Chard	
	Male	Female	Male	Female
Inhabitants	5726	6218	6310	7123
Total	11944		13433	
% employed in each trade				
Servants	1.3	7.3	1.2	6.5
Land Proprietor	1.1	0.5	0.4	0.5
Farmer	10.8	0.6	7.3	0.7
Ag Lab	28.5	0.8	29.7	1.9
Farmers Wife/daughter		10.2		4.3
Lace Manufacture	0.0	0.0	3.1	2.4
Flax Manufacture	0.0	0.0	2.1	2.2
Woollen Cloth	0.2	0.0	1.1	1.2
Glover	0.1	1.8	0.0	11.2
Silk Manufacture	0.0	0.0	0.6	0.0

Source: *HCP, 1852-53, (1691-1), 1851 Census Population Tables.*

In the workhouses themselves it is difficult to see any corresponding differences to offer an explanation for the divergent attitudes of the authorities of the two towns. Both institutions held about the same number of inmates, the staffing levels were almost identical, albeit low, and the gender split in the inmates was roughly half and half in

both.<sup>56</sup> The average age of inmates was slightly higher in Wells (see Table 3.3). Perhaps then younger people, females especially, were more likely to oppose authority. The largest single group of inmates in Wells were from a domestic service background and, in Chard, agricultural labourers.

***Table 3.3: The occupational structure of workhouse inmates according to the 1851 census for Somerset.***

	Wells		Chard	
	Male	Female	Male	Female
Inmates	104	125	105	108
Average Age	31	24	28	19
<hr/>				
Occupations (% of those given)	Wells		Chard	
Servant	38.3		16.5	
Ag Lab	9.6		45.9	
Other Lab	28.7		5.9	
Textile trades	0		18.8	
Tradespeople	6.4		5.9	
Other Lab	6.4		7.1	
'Now of weak mind' -(Wells only)	10.6		0	

Source: 1851 Census

It is credible that those in domestic service were more inclined to conform to regulations, since that was a requirement in their working lives. The census enumerator in Wells saw fit to identify a significant number of inmates who he classified as, 'idiots' or as, 'now of weak mind.' If the admission criteria of the Wells workhouse were different to those of Chard, this might have resulted in a more compliant intake. Or, and perhaps more probably, the people exercising day-to-day authority in the Chard workhouse had a sufficiently different understanding of the 'tacit agreement' between inmates and authorities identified by Green, to require more frequent police

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<sup>56</sup> Each workhouse employed; Master, Matron, School Master, School Mistress, Porter and Nurse in 1851 although Wells also employed a seamstress. The same number of staff were employed in 1841 but Wells lacked a school master. Source: 1851 Census Enumerators Books.

intervention.<sup>57</sup> Detailed research into the circumstance of the ‘offences’ dealt with in the two workhouses is needed to improve our historical understanding of these differences.

### **Wells Borough Force – An Enthusiastic Municipal Force**

It is only recently that the data concerning the history of Wells Borough Force has been studied in any depth, although an article was written about it in 1998.<sup>58</sup> Taken in conjunction with the records of the Corporation of Wells, it becomes apparent that this city’s reaction to the *Municipal Corporations Act*, and its policing requirements, was different yet again to both Chard and to Taunton. As noted above, many towns, Chard being one of them, had been dilatory in adopting all of the terms of the Act. Taunton had rejected it outright whereas Yeovil, (discussed later in this chapter), was desperately trying to adopt it. Wells does not appear to be guilty of reluctance. We shall see below that the force was in operation within the set time scales, with what can be argued was an appropriate number of men under the overall control, albeit initially of a tenuous nature, of both High Constables and a rota of council members.

The Wells council minutes for the period have survived, and show the decisions made to implement the Act in full, but sadly do not record the content of the debates which preceded the council’s actions, nor the details of the votes which must have also taken place. What is clear, however, is that at their first meeting the council appointed eleven of their number to be members of the Watch Committee as well as, an *ex-officio*, local solicitor Joseph Lovell Lovell, the newly elected Mayor.<sup>59</sup> The Watch Committee, in

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<sup>57</sup> See D. Green, 'Pauper Protests: Power and Resistance in Early Nineteenth-Century London Workhouses', *Social History*, 31 (2006), pp.137-59, p.139.

<sup>58</sup> G. Osborne, 'Crime Prevention in Wells', *Wells Natural History and Archaeological Society*, (1998), pp.13-18. This article describes the force in the second half of its existence, from 1846 to 1856, and focuses on the rule book issued to the men and their day-to-day activities.

<sup>59</sup> The *ex-officio* appointment of the Mayor as a member of the Watch Committee, and also as a magistrate for the town, is comparable to the system established in 1792 in London, whereby seven stipendiary magistrates were appointed with responsibility for the operation of the policemen within their bailiwick. See *Middlesex Justices Act*, [32 Geo. III c.53, 1792]. The inter-twining of the justice system and the police would act as

turn, appointed the first constables of the borough including two High Constables. They received no payment for this service and were replaced every year. Another man was appointed as the ‘Constable of the Watch House,’ (he doubled as the (Town) Hall Keeper), and was to be in constant attendance there where the first police office was to be based. For his services as Hall Keeper he received £10 per annum, the use of the apartments in the Town Hall set aside for that purpose, a great coat and a cocked hat.

Two men were appointed as ‘Day Constables’ who were also to perform the duties of Mace Bearer, and the intervening night hours were to be patrolled by another two men, the ‘Night Constables.’ The rules governing the behaviour of the constables were detailed, running to a booklet of twenty-seven pages issued to each man, and included ‘no swearing, tippling or quarrelsomeness’ and of course no visiting any ‘Inn, Beer House or Cider House or Spirit Shop during hours of parade’ unless as part of his duty.<sup>60</sup> The basic purpose of the police force modelled very closely the instructions given to the Metropolitan Police. It was not the apprehension of criminals *per se*, although self-evidently this was required. In capital letters it was spelled out in the Rule Book, ‘THE PRINCIPAL OBJECT OF THE POLICE ESTABLISHMENT IS THE PREVENTION OF CRIME.’<sup>61</sup> Prevention of crime was seen as being a far better way of reducing it than the detection and conviction of the felon after the event. To this ‘great end,’ of prevention, the Rule Book continued,

every effort is to be directed; the security of persons and property, and the preservation of peace and good order in the Borough will be better effected by persevering in this object than by the detection and punishment of offenders after they have succeeded in violating the laws.<sup>62</sup>

It was strongly believed that if offences were committed, and the offender not quickly apprehended, then the police force was not an efficient one.

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a palliative to those in local office, who would see the introduction of reformed policing as a threat to their authority.

<sup>60</sup> *Wells City Archives*, [hereafter *WCA*], 1836, Uncatalogued, *Rules, Orders and Regulations Framed by the Watch Committee of the Borough of Wells for the Guidance of the High Constables and Police*.

<sup>61</sup> *Ibid.*, quote at p.10. Using the wording of regulations issued to London officers was not unusual, see for example, Emsley, ‘Detection and Prevention’, p.80.

<sup>62</sup> *WCA*, 1836, Uncatalogued, *Wells Police Rule Book*, p.10.

The Wells force came into existence on 1 February 1836. A lack of surviving documentation, however, makes it difficult to know precisely what happened during the first ten years of its life. It began with four constables operating the two shifts, night and day, under the theoretical supervision of the High Constables. What hours were actually worked in the first ten years is not clear, however, certainly by 1846 the shifts were 6.00 am until 7.00 pm, and then 7.00 pm until 6.00 am the following morning. This pattern continued through until the consolidation of the force in 1856. Once on patrol, each officer was allocated either the East or the West beat. They would patrol for an hour, have an hour at the station, and then patrol again.

If the return to the 1836 Royal Commission on Policing is to be believed, however, crime does not appear to have been a matter of major concern for the Wells City authorities. The signatory to the return, who was also the Chief Constable of the borough force, made it clear that the region was ‘not a manufacturing region and the lower classes were generally well employed and not therefore inclined to crime.’<sup>63</sup> There was no easy way to escape with stolen property as the region was not ‘in connexion with the rogues of larger places,’ and neither were ‘depredations committed by strangers.’ The lodging houses in the town were frequented by vagrants, but they were checked every day by the police, and frequently by himself - they did not usually find offenders there. The ‘few disorderly fellows’ inevitably to be found in every area were, ‘sharply looked after,’ in their numbers and conduct, and were therefore of little importance.<sup>64</sup> Perhaps the lack of concern about crime explains the somewhat lackadaisical approach to the supervision of the borough force throughout the first years of its existence. By 1846, however, the Watch Committee was unhappy with the performance of their officers, and in February of that year, exactly ten years since the

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<sup>63</sup> TNA, 1836-38, H0 73/5-9, *Constabulary Commission Returns*, [hereafter *CFC Returns*]. As Chief Constable he had a vested interest, of course, in presenting a positive image of his force – another example of the nuanced way in which these returns were both created and completed. It must also be observed that the return in question, was that for the parish of St Andrews, Wells. The return for the magistrates’ division of Wells, was signed by the Mayor of Wells, and advocated a reformed police. The return for the borough force has not survived. For actual questions asked see Appendix A – Magistrates’ Questionnaire and Appendix B – Guardians Questionnaire.

<sup>64</sup> *Ibid.*, Wells, St Andrews.

constables had first appeared on the streets, the Committee was sufficiently concerned to present a long report to the Council suggesting some fairly dramatic changes. They referred to complaints from members of the public concerning dissatisfaction with the force, inattention to, and neglect of duty, as well as cases of misconduct. Both the Chief Constable and the Mayor claimed to have travelled through the City in the early hours of the morning and not come across a policeman, but they had found the public houses open ‘contrary to the law, and which it is the particular duty of the Night Police to prevent.’<sup>65</sup> Other cases of disorderly and disgraceful conduct in the public streets were also ‘entirely the consequence of the inattentive and indolent police.’ The Watch Committee felt that their rules and regulations for a long time had been ‘insolently violated,’ and that their repeated reprimands had been ‘utterly disregarded.’<sup>66</sup>

The solution, the Committee unanimously agreed, was an urgently needed reorganisation. They appeared to consider, and in retrospect were probably right, that the cause of the indiscipline in the force was lack of effective supervision on a shift by shift basis. They proposed therefore, to reduce the number of constables by one, and instead to replace him with a Sergeant. This would still leave a force of four men, but the new man, subject to their authority, would have complete control of the men. In other words the Committee were introducing a new supervisory level into the structure of their force and effectively writing the High Constables out of any responsibility for the actual performance of the force.<sup>67</sup> The Committee claimed in their report to the

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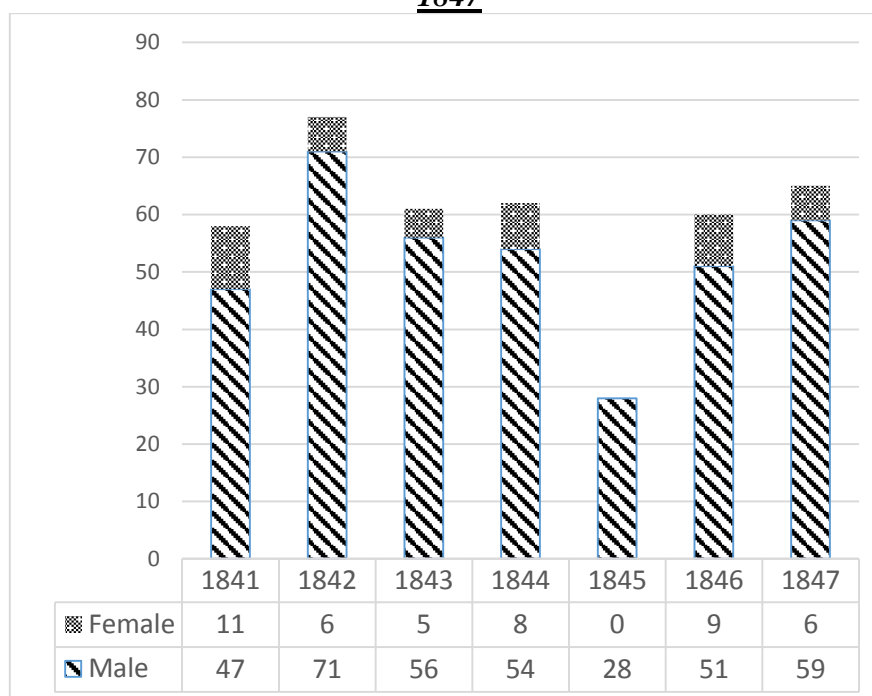
<sup>65</sup> WCA, 1846-1854, Uncatalogued, *Watch Committee Minutes 1846-1854*, 5 February 1846.

<sup>66</sup> *Ibid.*, 5 February 1846. The limitations of the rule book were also considered by Osborn who noted that ‘It would be interesting to know how such a proliferation of regulations was enforced.’ Osborn, ‘Crime Prevention in Wells,’ p.16. To some extent the Wells force had tried to overcome this problem with the appointment in 1846 of a sergeant. However, the value of a rule book as a guide to actual behaviour rather than as a manual of desired codes of conduct is worthy of further academic consideration.

<sup>67</sup> It may be argued that men of even moderately high status, are unlikely to exert particular energies in a task if they are unpaid for it. Certainly the role of High Constable appears to have been seen as no more than honorary by these men, both of whom had other interests. Perkins was already 61 when the force was formed, and was the organist at Wells Cathedral from 1820-1859. John Balfour Plowman fulfilled a number of roles as part of his Council duties, becoming Mayor in 1846. Presumably they had little motivation for the unpaid function of overseeing the policemen on any sort of day-to-day basis. This attitude stands in contrast, however, to that of men like Gregory, High Constable of Frome, who exerted all of his efforts in the execution of his

Council that they were ‘determined on reconstructing the Police force under a perfect confidence that the plan they propose will ensure a well ordered and efficient Municipal Police.’ This plan was going to cost the ratepayers of Wells a further £18 per annum; a sum which they considered ‘of little moment when compared with the important object of transforming the existing imperfect Police force into one of perfect order and efficiency.’<sup>68</sup>

***Figure 3.1: Annual Totals of Charges Recorded in Wells Charge Book, circa 1841-1847***



Source(s): WCA, 1841-1847, Uncatalogued; *City of Wells Watch Police Charge Book*.

Figure 3.1 shows the total charges recorded in the Wells Charge Book for the period 1841 to 1847, the period for which the records still exist. It is apparent that males significantly outnumbered females amongst those charged. It is interesting that the reorganisation of the force in 1846 does not seem to have had a dramatic impact on its

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duty, much of which effort would have been unrewarded. M. McGarvie, *Crime and Punishment in Regency Frome: The Journals of Isaac Gregory, Constable of Frome 1813-14 and 1817-18* (Frome, 1984), p.13.

<sup>68</sup> WCA, 1846-1854, Uncatalogued, *Watch Committee Minutes 1846-1854*, 5 February 1846.

efficiency, although 1845, the year before the reorganisation, certainly showed a dip in charges brought. A typical period of activity for the men might be represented by the first three months of 1846. There were three constables working at this time and the Sergeant, Fuller, who would abruptly resign in July the following year.<sup>69</sup> During this period a total of seventeen people, thirteen men and four women, were charged with various offences. How seriously the different offences were perceived at the time can be guessed at by the severity of the penalties imposed. The ‘serious’ crimes, the felonies, were almost invariably sent by the Wells magistrates for trial at the forthcoming Quarter Sessions. Details of the actual offences were not recorded in the Charge Books, but were simply entered as ‘Felony.’ One of these ‘felons’ was released by the magistrates on payment of expenses. Why, is not clear. Another was committed to Shepton Mallet House of Correction to await trial. A third was granted bail on a surety of £100; almost three years pay for a police constable. Shepton Mallet was also the destination for an embezzler, and a suspected thief of a piece of timber.<sup>70</sup> Surprisingly, only two of those charged during this period were found guilty of being drunk and disorderly. One of these was fined the sum of 20s, this apparently large sum also, however, probably included consideration of assault on a police officer, as Dudderidge was badly injured in the foot during the arrest. Another drunk was discharged on payment of costs. The leniency, and discretion, that could be shown by both the courts and the police were demonstrated by a third drunk, William Trickey, who was picked up by the police, drunk and incapable, and taken back to the station. A little official patronage helped though as the intervention of Mr J Welsh, the Town Clerk, resulted in Trickey’s father being summoned and seeing him ‘safe home to Dulcote.’<sup>71</sup>

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<sup>69</sup> *Ibid.*, 31 July 1847. Ex-military officers were commonly appointed to the senior positions, notably Chief Constables, of the reformed forces. It can be suggested, however, that ex-military personnel were less suitable for the lower ranks as they found it difficult to make the transition from military life and discipline to that of the role of civilian policeman. This appears to have been the case with Fuller, an ex-military NCO, who apparently rebelled against civilian concepts of order and discipline.

<sup>70</sup> Punishments were certainly flexible. In April of the same year a woman was convicted of the theft of two oranges and was discharged provided that she left town.

<sup>71</sup> WCA, 1841-1847, Uncatalogued, *City of Wells Police Charge Book, May 1841 to Sept 1847*, 27 March 1847.

Wells' adoption of the *Municipal Corporations Act* was effectively compelled upon it, although the corporation of the city appears to have embraced the new legislation wholeheartedly, and certainly did not delay the adoption of any of its provisions, policing included. When the probability of a county force first became a reality, Wells, as they had done with the formation of the force twenty years earlier, again took the opportunity presented with open arms, and unanimously agreed to begin discussions with the county.<sup>72</sup> Again, no record of the debate appears to have survived but the council's decision to join with the Somerset Constabulary was made some time before that force came into being. William Miles, one of Somerset's MPs, prominent local magistrate, and a long-time supporter of the idea of a rural police, had written to the boroughs on 14 April 1856 pointing out to them the benefits of amalgamation. Just a week later, the council was writing back to him in terms which demonstrated their enthusiasm.<sup>73</sup> Wells then, was a conservative place, with a tendency over time to adopt rather than resist legislation from the centre. This culture was reflected in the reform of the police in the period. Initially, the force formed apparently met the requirements of the law but in reality was dysfunctional. Only significantly later was it brought up to a degree of efficiency.

### **The Other Somerset Towns**

The above three case studies have provided the opportunity to examine events in urban areas in detail. As such, they have gone some way to extend knowledge of how small towns in an essentially rural county reacted to the changing picture of national legislation. Forces were also formed in other Somerset towns. The story of each of them is different and although there is not space here to describe each in detail this chapter will briefly compare and contrast developments in them. The towns in which forces are known to have been created include Bath, Bridgwater, Glastonbury and Yeovil. The chapter will then explore the equally important question of why some towns, often surprisingly, do not appear to have established reformed police forces at all. Finally, it will offer some conclusions about the nature of town policing in Somerset through this period.

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<sup>72</sup> WCA, 1856, Uncatalogued, *City of Wells Council Minutes*, 21 April 1856.

<sup>73</sup> *Ibid.*, 21 April 1856.

## Bath

Bath, it has been noted, was ‘amongst the first to establish Improvement Commissions (1766), amongst the first to copy Peel’s London ‘Bobbies’ (1830), and amongst the first to set up a full time force under the terms of the Municipal Corporations Act (1836).’<sup>74</sup> Records of watchmen and night constables<sup>75</sup> exist for the city dating back to 1766, when a force was first formed in central Bath under a local act.<sup>76</sup> Divided into three companies this force appears to have been well organised, comprising by 1835, two inspectors, six night constables and seventy-two watchmen. Each constable had responsibility for his own team of watchmen, and was required to patrol the streets regularly, at night, to check on their presence.<sup>77</sup> By 1835, the city was patrolled by not one, but three different police forces. ‘Each force had different powers; and each was independent of the other two.’<sup>78</sup> The parish of Walcott, part of the city of Bath, had also formed its own force under a local act in 1793. In 1825, a separate act enabled these men to be sworn in as regular day-time constables, and in 1830 the force was remodelled again, very much in the style of the Metropolitan Police.<sup>79</sup> There were four divisions with day and night patrols operating a beat system, and clad in the same uniform as the officers of the London force. Walcott had the distinction of ‘being one of the first places in the country outside the capital to have a properly organised police system.’<sup>80</sup> The inspectors of the Walcott force recorded daily occurrences in Report Books which provide good insights into the incidents within the parish.<sup>81</sup> Crime here, appears little different to that elsewhere across the county. The theme of undramatic but frequent crime across the wider county, identified in Chapter 2, also applied to Bath. ‘Quite small in scale but frequent in nature [...] The keynote in 1835 seems to have

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<sup>74</sup> M. Roberts, and J. Wroughton, ‘Law and Order in Bath’, in J. Wroughton, (ed.), *Bath in the Age of Reform* (Bath, 1972), ch.8, pp.88-103, quote at p.102.

<sup>75</sup> *Bath Records Office*, [hereafter *BRO*], 1766-1851, BC/22, *Records of Bath [Improvement] Commissions*.

<sup>76</sup> *An Act for Better Paving, Cleansing, Lighting, Watching and Regulating the Streets of Bath*, [6 Geo III, c.70, 1766].

<sup>77</sup> See Roberts and Wroughton, ‘Law and Order in Bath’, p.88.

<sup>78</sup> *Ibid.*

<sup>79</sup> *Walcot Police Act*, [6 Geo IV, c.cv, 1825].

<sup>80</sup> Roberts and Wroughton, ‘Law and Order in Bath’, quote at p.90.

<sup>81</sup> *BRO*, 1811-1847, CP/5, *Lamp Report Books, Police Report Books and Pitching/Paving Reports*.

been the undramatic nature of most of the crime.’<sup>82</sup> The neighbouring parish of Bathwick also formed its own force of night watchmen in 1801.

In 1836, Bath, (a city of some 38,000 inhabitants in 1831), formed a force under the *Municipal Corporations Act*.<sup>83</sup> The list of ‘Depredators, Offenders and Suspected Persons’ who were ‘brought within the cognizance of the Police’ during that year gives some, albeit highly subjective, reflection of the nature of Bath criminals in the mid-1830s.<sup>84</sup> Of 1,601 ‘known depredators’ identified by the Chief Constable, 35 per cent were ‘habitual disturbers of the peace,’ 25 per cent were prostitutes, and 36 per cent were assorted property offenders, mostly, ‘common thieves.’ The force was not without its objectors. Finance was a continual issue and the new force was a target for the Bath Radicals who in 1838 successfully demanded a cut in its size by twenty-three men<sup>85</sup> – only to have the recruitment of an additional fifty men made necessary on 10 May 1839 by the ‘exigencies of Chartist riots.’<sup>86</sup> Chartist activity in the city caused problems for the force and stretched its ability to maintain order. On Monday 20 May 1839, for example, 130 police armed with cutlasses, were supported by six troops of North Somerset Yeomanry, 600 special constables, two troops of Hussars, and 200 Chelsea Pensioners to quell expected violence at a Chartist meeting.<sup>87</sup> In the end they were not needed. At its peak, in 1967 the Bath force had 162 officers, but merged with Somerset Constabulary in that year to form the short-lived Somerset and Bath Constabulary, later to absorb Bristol and become Avon and Somerset.<sup>88</sup>

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<sup>82</sup> Roberts and Wroughton, ‘Law and Order in Bath’, quote at p.91.

<sup>83</sup> The City of Bath, Bathwick, Walcott and, additionally the parishes of Lyncombe and Widcombe were to come together to constitute the force formed under the *Municipal Corporations Act*, [1835].

<sup>84</sup> With TNA, 1836-38, H0 73/5-9, *CFC Returns*.

<sup>85</sup> See R.S. Neale, *Bath: A Social History 1680-1850 or a Valley of Pleasure, yet a Sink of Iniquity* (London, 1981), p.366.

<sup>86</sup> See Roberts and Wroughton, ‘Law and Order in Bath’, p.97.

<sup>87</sup> See Neale, *Bath: A Social History*, pp.372-373. This quotation also demonstrates clearly points argued by, for example Clive Emsley, regarding the ‘unarmed’ nature of British policemen. See C. Emsley, ‘Arms and the Victorian Policeman’, *History Today*, 34 (1984), pp.37-42.

<sup>88</sup> Policing in Bath, although the subject of short but valuable studies such as that of Roberts and Wroughton, does not appear to have been the subject of in-depth academic study. The material is there in the city archive and there remains here a significant opportunity to further historical understanding of the varied approaches to policing adopted through this period. As Neale cogently illustrates through his book the history

## Bridgwater

Bridgwater was one of the dilatory towns that did not form a force under the *Municipal Corporations Act* immediately but delayed its formation until 1839.<sup>89</sup> The force was always small (20 men maximum), and its early inefficiencies had been commented on in 1857 by the Inspectors of Constabulary.<sup>90</sup> Despite its failings, however, Bridgwater stood firm in its desire to have its own police. It had originally been identified as the location for the new Somerset force HQ, when that force was formed in 1856, but the town's refusal to give up its own force meant that the HQ was instead located in Glastonbury. The Bridgwater Borough Force survived two amalgamation attempts with the county, and was finally absorbed into it in 1940.

## Glastonbury

Few records remain of the Glastonbury force which merged with the new County force in 1856. A local Lighting and Watching Act had been passed in 1811, and in 1820, the procession to celebrate the coronation of George IV included; two Chief Constables, two Serjeants at Mace, and fourteen constables.<sup>91</sup> In 1835, the local act was superseded by the inclusion of the town in the *Municipal Corporations Act*. In that year a beadle was appointed, 'in consequence of 'disturbances and depredations,' but principally to control the ubiquitous problem of the beer houses.<sup>92</sup> In 1837, two

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of Bath is frequently portrayed through its grand architecture and imposing visitors but does not consider the underlying issues of prevalent prostitution, pornography, drugs, repeated and sustained civic disturbance and 'important unanswered questions about the development of class consciousness among sections of Bath's labouring populations.' Quote at p.340.

<sup>89</sup> See A. Sleight, *The Police and Constabulary List 1844* (London, 1844), p.56 and *HCP*, 1847, (134) (134-II), *Constabulary Force. Supplementary Abstract of Returns of the Constabulary Force for Each City, Borough, and Town in England and Wales*.

<sup>90</sup> *HCP*, 1857-58, (20), *Reports of the Inspectors of Constabulary for the Year Ended 29th September 1857*.

<sup>91</sup> *An Act for Paving and Improving the Streets and Other Publick Passages and Places in the Parishes of Saint John the Baptist and Saint Benedict, in the Town of Glastonbury, in the County of Somerset*. [51 Geo. III, 1811]; H.F. Scott Stokes, *Annals of Glastonbury Corporation*, (Unspecified, 1925), p.27.

<sup>92</sup> IHR, 'British History Online, Glastonbury: Town' <<http://www.british-history.ac.uk/vch/som/vol9/pp16-43>> [Accessed 1 January 2015].

serjeants and two constables were appointed under the 1835 Act, but by 1852 a force of only two men was operating, at an annual cost of £6; not therefore a full time force.<sup>93</sup> In fact, the two serjeants appear to have been little more than honorary civic titles, although they were sworn occasionally as Special Constables. Throughout the life of the force there is little mention of these men performing any actual constabulary roles, although one of them was active as overseer for the rates. The two constables were active, however. Each of them was appointed annually, and they were named in the returns to magistrates with their individual occupations. The men were paid £2 per year until 1847, when this was increased to £3.<sup>94</sup> This level of pay was not comparable with levels of pay for a full time occupation. (See tables 3.5 below) The men would probably have attracted fees, but there is little record of these in the Borough Minutes apart from one occasion in 1838, when they were awarded £2 each for serving summonses for non-payment of rates. A charge made by one of them in 1841, for serving a summons in the nearby town of Somerton, was refused by the council on the grounds that they had no liability to pay it. This indicates that the men were earning remuneration in addition to their salaries, but also demonstrates clearly the risks constables took when they performed their tasks: risks both to their health and to their pocket. Despite the low pay, the town did not experience the high turn-over of men that some other forces suffered. Through the fifteen years for which there exist records, a total of seven men filled the two posts, with two of them serving for four years each, one six years and one man, serving for eight years. The Watch Committee was elected annually by the council, but does not appear to have met separately, and a valuable source of primary data, their minutes, is therefore unavailable, although matters relating to the appointment and dismissal of the men are recorded in the council minutes. Parish constables continued to be appointed and presumably worked alongside the paid men. The town very readily agreed to consolidate with the new County force in 1856 and undertook to pay for one First Class and one Second Class Constable.

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<sup>93</sup> *HCP*, 1852 (490) Police. *Return showing the number and the charge of the rural or municipal police in each county, county of a city, and borough, in England and Wales.*

<sup>94</sup> *SRO*, 1837-1849, D\B\gla/2/1/1, *Glastonbury Borough Council Minutes*, Various dates. However, in particular see *ibid.*, 9 November 1837 for example of notice of Watch Committee meeting, and *ibid.*, 12 November 1840, for example of appointment of two constables. After 1842 detailed records are available which confirm that Glastonbury was continuing to appoint parish constables alongside their paid men.

## Yeovil

The status of the town of Yeovil under the 1835 Act was a matter of much dispute. Policing arrangements had been covered by the town's own Lighting, Paving and Watching Act passed in 1830.<sup>95</sup> The latter task fell to four watchmen, and additionally two constables were appointed by the Court Leet.<sup>96</sup> Yeovil, a borough by prescription, had been 'most desirable that the full benefit of the Government measure [the *Municipal Corporations Act*] should be participated by them.'<sup>97</sup> The *Taunton Courier* describes the fury of the town's inhabitants at the machinations of the House of Lords with regards to the town's position in the Act. Yeovil accused the House of Lords of 'fickleness,' and 'flagrant capriciousness,' after, 'Three times was this town [...] struck out of the bill, as unworthy of legislative attention.'<sup>98</sup> It was argued in the Lords that although it was a borough, the Corporation of Yeovil, in practice, exercised no power over the affairs of the town and was not, therefore, a fit body to administer a corporation. In 1846, the town petitioned Parliament asking for the right to become a municipal corporation, but the petition was again rejected, and only in 1854 was the town given that status.<sup>99</sup>

The nature of the police force operating in Yeovil through the period 1835 to 1856 is not clear, and no reference is made to it in either the 1844 Police List or the 1852 return listing the number and cost of the country's various police forces.<sup>100</sup> Whether the town adopted a force following incorporation in 1854 is not clear. Certainly there was a police station. This became the subject of the negotiations between the town and the county at the time of incorporation, and was finally sold to the county. In 1857 the force was not well regarded by the inspectors who commented that, 'the constables

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<sup>95</sup> *An Act for Paving, Lighting, Watching, Watering, Cleansing, Repairing, Widening and Other Wise Improving, the Streets, Lanes and Other Public Passages and Places within the Town of Yeovil*, [11 Geo IV, c.119, 1830].

<sup>96</sup> *HCP*, 1839, (169), *First Report of the Royal Commission on Establishing an Efficient Constabulary Force in the Counties of England and Wales*.

<sup>97</sup> *TC*, 2 September 1835.

<sup>98</sup> *Ibid.*, 30 September 1835.

<sup>99</sup> Yeovil Town Council, 'Yeovil Town: Incorporation'.

<<http://www.yeoviltown.com/history/incorporation.aspx>> [Accessed 13 March 2014].

<sup>100</sup> Sleight, *Police and Constabulary List; HCP*, 1852, (490), *Number and Charge of the Rural or Municipal Police*.

receive low wages and are allowed to follow their own trades or occupations, except when they are on duty, which is only for a limited number of hours during the night, that is to say, for two constables from 6 to 10 pm, and for the other two from 10 to 4 am.<sup>101</sup> A draft agreement to consolidate with the county was not finalised until January 1859. In this agreement a force of one Serjeant, two First Class Constables and two Second Class were decided upon.

### **The towns that did not form forces**

Several other towns in the county might have tried to form their own forces, under the lighting and watching regulations for example, but appear not to have done so.

**Table 3.4: The Towns of Somerset County with Population in 1851 that exceeded 2000 persons.**

Towns adopting new forces		Towns not adopting new forces	
Town	Population	Town	Population
Bath <sup>1, 2</sup>	54240	Frome <sup>1</sup>	10148
Taunton <sup>1</sup>	14176	Wellington <sup>3</sup>	3926
Bridgwater <sup>1, 2</sup>	10317	Shepton Mallet <sup>3</sup>	3885
Yeovil <sup>3</sup>	5985	Crewkerne <sup>3</sup>	3303
Wells <sup>1, 2</sup>	4736	South Petherton <sup>3</sup>	2165
Glastonbury <sup>2</sup>	3125		
Chard <sup>2</sup>	2291		

Key:

- 1 City or Borough returning MP
- 2 City or Borough regulated by *Municipal Corporations Act*
- 3 Town with > 2000 pop., but not in either 1 or 2

Source: *HCP*, 1852, (441); *Population and Houses in Cities and Boroughs Returning Members to Parliament and Towns Containing Upwards of 2,000 Inhabitants*.

Table 3.4, shows the towns in Somerset in 1851 with populations greater than 2,000 inhabitants. It shows that the *Municipal Corporations Act* must have been a principal factor leading to the formation of forces in the towns. The Act does not, however, explain the picture fully, and there remain some anomalies. Taunton, as has been

<sup>101</sup> *HCP*, 1857-58, (20), *Inspectors of Constabulary Report*, p.104

shown, was very enthusiastic about a force, but was not required to establish one, and wanted no part of the 1835 Act. Yeovil, conversely, wanted a police force and regulation under the Act. Glastonbury, had formed a force under local legislation long before it was required to do so, but also took the opportunities presented by the *Municipal Corporations Act*. In one way or another, therefore, all of these towns created reformed forces within their boundaries. Why did the remaining towns not do likewise? Table 3.4 suggests that the answer does not lie in size alone. Although, with the exception of Frome, all of the towns had fewer than 4,000 inhabitants, they were still larger than either Glastonbury or Chard. Of the five towns which did not create reformed police forces, three lay to the centre or west of the county, and were not therefore affected by the influences of Chartism, or by depredations from surrounding counties, but Frome and Shepton Mallet were much closer to the eastern boundary (see Map 3.1). Wellington, the furthest west of the towns, was perhaps the least affected by industrial growth, but Shepton Mallet, Crewkerne and South Petherton were all reliant on industrial activity, albeit small scale in comparison with other parts of the country. In South Petherton in 1831, one third of the families were engaged in manufacturing or handicrafts, and by 1851 the gloving industry alone employed over 400 people, particularly women and children.<sup>102</sup> Additionally, sailcloth, canvas, rope, twine and sacking were all manufactured in the towns as well as bricks and tiles. Crewkerne was also dominated by the textile industry, ‘the allied manufactures of webbing sailcloth, hair seating and later shirts eventually came to dominate the nineteenth-century labour market.’<sup>103</sup>

By the 1830s, Crewkerne had its own blind house, lighting from 1837, and by 1853, a paid constable.<sup>104</sup> Shepton Mallet had also been reliant on textiles. The town had previously experienced riots, caused by workers from neighbouring towns in Somerset

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<sup>102</sup> IHR, 'British History Online: South Petherton' <<http://www.british-history.ac.uk/vch/som/vol4/pp170-198#h3-0003>> [Accessed 8 May 2015].

<sup>103</sup> *Ibid.*, 'Crewkerne' <<http://www.british-history.ac.uk/vch/som/vol4/pp4-38#anchorn536>> [Accessed 8 May 2015].

<sup>104</sup> A West Country lock-up. Also called a round house they were so-called because of their shape and deliberate lack of windows. See, for example, L. Brooke, *Some West-Country Lock-Ups: In the Counties of Somerset, Dorset, Avon, Wiltshire, Devon & Cornwall* (Castle Cary, 1985).

and Wiltshire, against the introduction of new machinery.<sup>105</sup> However, although Chartism did reach Somerset and had some impact, ‘no Chartist groups have been traced, for instance, in Shepton Mallet, Wellington, Crewkerne or Wells, and there was little Chartist activity in Bridgwater and Taunton.’<sup>106</sup> Crewkerne and Shepton Mallet might well have felt the need to introduce reformed police as ‘domestic missionaries,’ but did not do so.

***Map 3.1: Somerset Towns which did, or did not, adopt a reformed police***



Source: *HCP*, 1852, (441), *Population and Houses in Cities and Boroughs Returning Members to Parliament and Towns Containing Upwards of 2,000 Inhabitants*.

◇= Towns with population > 2,000 that did not create reformed forces

☆=Towns with population > 2,000 that did create new forces

Frome is particularly worthy of brief examination here. It was sizable, its population being comparable with other large towns in the county. It was very close to the Somerset coal fields, centred on Radstock, approximately eight miles distant, and Bath, just thirteen miles. It was located adjacent to the county border, and reported problems

<sup>105</sup> See A. Charlesworth and others, *An Atlas of Industrial Protest in Britain: 1750-1990* (London, 1996), p.24.

<sup>106</sup> Pugh R.B., 'Chartism in Somerset and Wiltshire', in A. Briggs, (ed.), *Chartist Studies* (Macmillan, 1959), ch.6, pp.174-219, quote at p.216.

as a consequence of this. Some of the thieves in the district came from outside the town, or so the magistrates believed, stating that: ‘part of our division being on the boundary of the County the escape of offenders is facilitated by the Constables having no powers in the adjoining County.’<sup>107</sup> Frome had seen machine breaking in the later eighteenth century, and it was in fact Frome workers, along with colleagues from Wiltshire, that had marched as a ‘riotous mob’ to Shepton Mallet and been responsible for the riots there.<sup>108</sup> These disturbances had resulted in one death and six wounded men. Attempts to introduce textile machinery in Frome itself had also led to extensive disturbances. ‘Swing’ affected the town, although perhaps more from fear of potential events, than from events themselves. In 1830, ‘minor rioting,’ had broken out in South Brewham, ten miles from Frome, and ‘the same day it was reported from Frome that a farmer had set fire to his own threshing machine, which had cost him upwards of £100.’<sup>109</sup> Chartism may have been ‘inconspicuous’ in Frome, but it must have been a great concern to the town authorities as just nine miles away, across the county border in Trowbridge, Chartism was ‘active, indeed militant.’<sup>110</sup> Albeit slightly earlier in the century, the detailed diaries of Isaac Gregory, Constable of Frome also seem to suggest that the town experienced the full range of issues facing any large community of that period.<sup>111</sup> By 1836, in addition to the Constable and tythingmen, the town appointed a nightly watch paid for by local subscription.<sup>112</sup> None of this seemed to necessitate a more structured, or formal, police force, however. The factors which inclined towns such as Frome not to adopt reformed forces, must have been closely related to those

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<sup>107</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Frome magistrates.

<sup>108</sup> See Charlesworth, *et. al.*, *Atlas of Industrial Protest*, p.24; Edward Thompson also quotes an incident in 1797 when two or three hundred armed men with blackened faces entered the houses of a ‘Sheergrinder’ (making parts for a textile machine), about three miles from Frome. They destroyed about thirty pounds worth of components. E. P. Thompson, *The Making of the English Working Class* (London, 1963), p.574.

<sup>109</sup> E.J. Hobsbawm and G. Rudé, *Captain Swing* (London, 1969), quote at p.101.

<sup>110</sup> Pugh, ‘Chartism in Somerset and Wiltshire’, quote at p.217.

<sup>111</sup> McGarvie, *The Journals of Isaac Gregory*.

<sup>112</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Frome. Certainly, this would suggest that an organised force was formed. The arrangements these men worked under, however, are unclear as the return also says that there are no unpaid constables in the parish. No other record of this force appears to have survived and there is no evidence that it was either put onto a permanent footing or expanded to include day patrols, or for how long it was in existence.

which, legal obligations aside, meant some of the others did. These factors will be considered below.

### Somerset town forces in focus

***Table 3.5: The cost of policing in towns sampled across the West Country in the 1851 census***

		Men	Weekly Pay	Total Cost	Cost / Man	Pop 1851	Pop / Officer	Old Pence (d) per head
<b>Towns Outside Somerset</b>								
Penzance	Cornwall	17	14/-	119	7	9214	542	3.1
Barnstaple	Devon	3	7/6	163	54	11371	3790	3.4
Plymouth	Devon	40	15/-	2329	58	52221	1306	10.7
Tiverton	Devon	4	17/-	251	63	11144	2786	5.4
Dorchester	Dorset	5	14/-	162	32	6294	1259	6.2
Shaftesbury	Dorset	2	n/k	100	50	9404	4702	2.6
Weymouth	Dorset	10	16/-	582	58	9458	946	14.8
						13732		
Bristol	Glos	252	16/- <sup>††</sup>	13993	56	8	545	24.5
Chippenham	Glos	4	n/k	50	13	6283	1571	1.9
Gloucester	Glos	16	16/-	800	50	17572	1098	10.9
Winchester	Hants	10	15/6	559	56	13704	1370	9.8
<b>Towns in Somerset</b>								
Bath	Somerset	86	15/-	4882	57	54240	631	21.6
Bridgwater	Somerset	5	15/-	246	49	10317	2063	5.7
Chard	Somerset	3	14/-	161	54	6693	2231	5.8
Glastonbury	Somerset	2	1/8	6	3	3125	1563	0.5
Taunton	Somerset	12	14/-	350	29	14176	1181	5.9
Wells	Somerset	4	14/-	119	30	4736	1184	6.0
Yeovil	Somerset	4	13/-	110	28	8739	2185	3.0

<sup>††</sup> = average of different constable grades

Source: *HCP, 1852, (490); Police. Return Showing the Number and the Charge of the Rural or Municipal Police in England and Wales.*

This concluding part of the chapter will consider the extent to which any single explanation is possible for the decision to create reformed forces in the towns. The section begins by looking in Table 3.5 at the costs of policing the towns in Somerset

that opted to form a force, as well as a selection of some other towns from surrounding counties.

Pay rates per man across Somerset, with only limited exceptions, are noticeably similar. There is a strong correlation, as might be expected, between the size of the town's population and the total cost of policing, but the cost per head of population for policing also seems to be closely correlated with town size. Bath and Glastonbury demonstrate this, with a relatively high cost imposed on the people of the large town of Bath of nearly 22d per head each year for their police, but a minimal cost of half a penny per head to the people of the far smaller town of Glastonbury. The Bath force was large, made up of a large number of officers, at varying ranks and based around the city in a number of locations. The infrastructure costs, as well as the pay and equipment costs, must also have been high per constable, but Glastonbury was the opposite extreme. The correlation here is clear. The larger, and more densely populated the conurbation the greater the expenditure, per inhabitant, of policing. The suggestion must be that as population density increases perceived policing needs also change.

Table 3.6 shows this a little more clearly. Towns which did form local forces, not always as a consequence of a legal requirement to do so, tended to be more densely populated.<sup>113</sup> Doubtless, a wide range of issues relating to urban density and social deprivation begin to show themselves here, and cannot be ignored in the context of expanding understanding and knowledge of the history of the development of policing. Size alone, is probably not the arbiter of reform, but does set a framework within which other factors also come into play. The apparent anomalies in the data, Tiverton, Shaftesbury, Penzance and Glastonbury, are all explained by legal obligations. Tiverton and Penzance were on Schedule A of the *Municipal Corporations Act* whilst Shaftesbury and Glastonbury were on Schedule B.<sup>114</sup>

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<sup>113</sup> The measure used here for population density is inhabitants per house. A separate measure, inhabitants per acre, would overcome some of the difficulties of the measure used (eg numbers of servants in a house distorting interpretation of poverty levels). Data which shows the area of the town corresponding to the town boundaries is not, however, available.

<sup>114</sup> Each of these town forces, although outside the scope of this thesis, is worthy of further study. Penzance in particular, appears to have been run on a financial 'shoe-string,' being one of the lowest cost forces in this list, and being housed for the next

***Table 3.6: Inhabitants per House and the formation of Town Police Forces in local areas***

	New Force?	County	Pop.	Houses	Inhabitants/ House
Plymouth	Yes	Devon	52221	5171	10.1
Bath	Yes	Somerset	54240	7744	7.0
Bristol	Yes	Gloucester	119730	17833	6.7
Dorchester	Yes	Dorset	6394	960	6.7
Winchester	Yes	Hants	13704	2077	6.6
Gloucester	Yes	Gloucester	17572	2843	6.2
Yeovil	Yes	Somerset	5985	1055	5.7
Weymouth	Yes	Dorset	9458	1722	5.5
Bridgwater	Yes	Somerset	10317	1911	5.4
Barnstaple	Yes	Devon	11371	2116	5.4
Taunton	Yes	Somerset	14176	2645	5.4
Wells	Yes	Somerset	4736	906	5.2
Chard	Yes	Somerset	2291	441	5.2
Crewkerne	No	Somerset	3303	644	5.1
Wellington	No	Somerset	3926	766	5.1
Tiverton	Yes	Devon	11144	2181	5.1
Shaftesbury	Yes	Dorset	9404	1894	5.0
Sth Petherton	No	Somerset	2165	439	4.9
Penzance	Yes	Cornwall	9214	1878	4.9
Frome	No	Somerset	10148	2122	4.8
Shepton Mallet	No	Somerset	3885	825	4.7
Glastonbury	Yes	Somerset	3125	690	4.5

Source: *HCP*, 1852, (441), *Population and Houses in Cities and Boroughs Returning Members to Parliament and Towns Containing Upwards of 2,000 Inhabitants*.

Bath was certainly the most intensely policed, with one officer for 631 inhabitants, but all of the other towns conformed to the maximum set down later in the *County Police Act* of one policeman to every 1,000 inhabitants. Whether these were adequate numbers, as Jennifer Hart has mused, is difficult to determine.<sup>115</sup> Bath, as the only major city considered in this thesis, conforms fairly closely to the Metropolitan Police

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ninety years in a basement. See S. Dell, *Policing the Peninsula (1850-2000)* (Newton Abbott, 2000), p.21.

<sup>115</sup> See J. Hart, 'Reform of the Borough Police, 1835-1856', *The English Historical Review*, 70, (1955), pp.411-27, pp. 418-419.

figure of one officer to every 450 to 500 inhabitants. Figures for incorporated boroughs seem to vary widely across the country but, 'taking the whole country throughout the period 1836 to 1856, the municipal corporations which maintained separate police forces, had only about half as many police in proportion to their population as London.'<sup>116</sup> These tables suggest interesting aspects of town policing that require more thorough exploration elsewhere.

Why did some towns choose to spend more on their police forces than others? The answer is not immediately obvious. Glastonbury was the exact antithesis of Bath, choosing to spend very little. Their men do not appear to have been uniformed, there was no station house, and the men earned their main income from other occupations. Glastonbury was not an industrial town, and does not appear to have seen crime as a major issue. The town's return to Chadwick was quite specific, crime predominantly was 'petty larcenies,' almost wholly confined to the theft of potatoes which were left to over-winter in the open fields, and to other property, 'so exposed as to render the detection of the offenders almost impossible.' There were very few people in the parish living by depredation, and serious offences were 'very rare.'<sup>117</sup> Bridgwater, Taunton, and Chard were all much more reliant on manufacturing, and yet perhaps, only Taunton can be said to have embraced policing enthusiastically, even while rejecting the *Municipal Corporations Act*. Wells, had aspirations to become a dominant voice in the county. The city was already a centre of ecclesiastical and educational authority, a location for the county Assizes, and had a prison, but nowhere does it demonstrate its ambitions more clearly than in the fight which began in 1856 to become the location for the Headquarters of the new county police; a fight the city was never destined to win.<sup>118</sup> The city embraced the political aspects of the *Municipal Corporations Act*, but might perhaps be argued to have only paid lip service to the practical aspects: policing, after all, was effectively left to its own devices for the first ten years. Chard, in comparison, had a history of industrial and social unrest. The lace industry had been through periods of boom and of bust. In 1837, for example, it was reported, 'the lace trade is so bad in

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<sup>116</sup> Hart, 'Reform of the Borough Police', p.419. Some of the difficulties of estimating police/population ratios are also highlighted in the same article by Hart.

<sup>117</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Glastonbury.

<sup>118</sup> In fact the headquarters were originally destined for Bridgwater but actually went to Glastonbury.

this town, that nearly 50 hands were discharged last week from one mill [...] and still further depression is apprehended.’<sup>119</sup> Chartism, which had briefly flourished in the town, manifested itself in 1842 in riots which necessitated the calling out of a troop of Scots Greys, and then subsequently the militia. There was a general strike in Chard, and disturbances continued for two days culminating in a public meeting with over 1,000 attending.<sup>120</sup> One diarist records,

The factory mob stopped the corn from been [*sic*] carried out of the market’ (Jan 25 1847), ‘Rioting at Chard the mob took the corn and meat at their own price, a fine disturbance’ (May 17, 1847), ‘Mr Hills Factory stopped 140 hands out of employ.’ (June 1854).<sup>121</sup>

Lastly, Taunton was content with its politics. It saw itself as the county town, settled in its position as an attractive, sedate, market town. Its problem was not drink or social unrest – it was ‘petty’ theft – on what it perceived was an epidemic scale, and a threat to its continued equipoise and growth. The policing needs of the three towns were, therefore, quite significantly different and evoked appropriately different responses. In the simplest of terms, perhaps Wells wanted the streets cleaned up, and the drunks taken off them in order to protect its political and cultural aims. Taunton, conversely was not driven by political ambitions but was content to maintain the status quo as far as management of the town was concerned. What it did want, however, was for its residents, and hopefully incoming new residents, to enjoy a sense of security for their persons and property. Chard is less easy to offer a simplistic analysis of. Unlike

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<sup>119</sup> *TC*, 8 March 1837.

<sup>120</sup> See Chard History Group, *Chard in 1851* (Chard, 1975), p.15.

<sup>121</sup> *Ibid.* E P Thompson notes that food riots in the 18<sup>th</sup> century were doubtless triggered by soaring food prices, or by hunger. Such actions, however, were, ‘grounded upon a consistent traditional view of social views and obligations, of the proper economic functions of several parties within the community, which taken together can be said to constitute the moral economy of the poor. An outrage to these moral assumptions, quite as much as actual deprivation, was the usual occasion for direct action.’ Thompson appears here to be expressing similar views, and reflecting similar phenomena in Chard, to those discussed by Green in the context of the workhouse. This perhaps adds further weight to the suggestion that the factory based nature of much of the work in Chard, based on the lace mills, was acting to encourage the development of a latent class consciousness which was slower in appearing, or at least manifesting itself, elsewhere in the county. E.P. Thompson, ‘The Moral Economy of the English Crowd in the Eighteenth Century’, *Past and Present*, 50, (1971), pp.76-136, quote at p.79.

Taunton the town was obliged to adopt the *Municipal Corporations Act* and all of its terms, but again, in contrast to Wells, it did not do so with particular enthusiasm. Unlike both Wells and Taunton, Chard had been the scene of significant industrial and social unrest, and had no cultural heritage to speak of. The Watch Committee was formed in compliance with the law, but did not meet or take any meaningful action until 1849. The first genuine moves towards reformed policing occurred not in the town, where the unrest had manifested itself, but instead in the surrounding parish. Only after 1849 when Chard United Police was formed was the borough of Chard policed in any modern sense.

Where do these histories leave the ‘grand narrative’ explanations of police development? The ‘orthodox’ school of thought saw the growth of reformed police forces as a response to historical inevitability - the police in the provinces, following on logically from the London model and playing ‘a considerable part in the emergence of England’s consensual society.’<sup>122</sup> It is difficult to defend any sense of inevitability about the growth of policing in the towns of Somerset with its seeming arbitrariness. With the possible exception of Taunton, the reformed police appears to have been introduced with considerable reluctance, rather than any sense of urgent need. Conversely, the ‘revisionist’ view, would suggest that the new police was established to act as, ‘domestic missionary’ or ‘an all-purpose lever of urban discipline [...] to mold a laboring [*sic*] class amenable to new disciplines of both work and leisure.’<sup>123</sup> Perhaps it might be possible to argue that ‘new disciplines’ were being established in Wells, by the focus on drunkenness, although concern about public drunkenness was by no means new. Presumably, Wells, being a Cathedral city, must also have had practical concerns relating to the need to maintain an image of respectability and morality. The apparent leniency with which drunken offenders were treated in the courts further indicates no

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<sup>122</sup> Emsley, *The English Police*, quote at p.4. See also R. Reiner, *Politics of the Police* (Oxford, 3rd ed., 2000), pp.15-46; D. Taylor, *The New Police in Nineteenth Century England: Crime, Conflict and Control* (Manchester, 1997), p.73, for discussions of the opposing views of police development.

<sup>123</sup> R. Storch, The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England 1850-1880', *Journal of Social History*, 9 (1976), pp.481-509, quote at p.481.

deeper motives than simply keeping the streets tidy.<sup>124</sup> Taunton was not concerned with ‘improving’ its working class, or of bringing them into line. It wanted its domestic property protected. Chard, again, might be the anomaly, fitting in much more closely with the image of the northern industrial towns; the focus of Storch’s analysis, and comments have been made above suggesting that there might be visible signs of nascent class-consciousness. The disturbances in Chard occurred predominantly through the 1830s and 1840s, however, and yet it is 1849 before the town takes any actions at all, even though it had been given the tools to do so fourteen years earlier in 1835.

None of this is intended to reject out-of-hand the models of police development. There is strength in both the orthodox and the revisionist views. There are contrasts in the way the towns reacted to the developments in policing and, perhaps, it is therefore appropriate to employ contrasting theoretical explanations. Elements of the orthodox view can be found. The reformed town police forces, ‘not only protected the individual victims from depredation but stabilised society for future growth within a liberal democratic framework.’<sup>125</sup> The orthodox analysis, Robert Reiner comments, argues that this purpose was concretely achieved by the English police system. The beginnings of this system were created, during ‘the most important decade in our police history,’ 1829 to 1839, when the seeds were sown for that movement ‘which eventually provided England with a trustworthy constabulary.’<sup>126</sup> Perhaps this was what was happening in Wells or Taunton, with their concerns for urban equipoise, and civic respectability. However, elements can also be found of the revisionist counter view. The ‘beat’ system, adopted wherever a reformed force was created, can unquestionably be described as preventative policing, or more sinisterly, surveillance and supervision: ‘The exercise of discipline presupposes a mechanism that coerces by means of

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<sup>124</sup> Peter King has suggested informally that perhaps the reformed policeman was less a ‘domestic missionary’ than a ‘domestic cleaner.’ Certainly the evidence of Wells might justify this epithet.

<sup>125</sup> Reiner, *Politics of the Police*, quote at p.19.

<sup>126</sup> W.L. Melville Lee, *A History of Police in England*, (London, 1901), quote at p.278.

observation; an apparatus in which the techniques that make it possible to see [the beat system and regular patrol] induce effects of power...'<sup>127</sup> For Robert Storch this means:

The pressure of surveillance cannot be calculated by precisely measuring police man power [...] As far as the police were concerned the impression of being watched or hounded was not directly dependent on the presence of a constable on every street-corner and at all times. What produced the effect was the knowledge that the police were always near [...] This it seems was – and still is – the main function of the pressure of surveillance.<sup>128</sup>

Put simply, the revisionists argue, the focus of the criminal law and law enforcement was moving from the exemplary punishment of the few, towards 'the surveillance of the many.'<sup>129</sup> The tasking of the newly created policemen to concentrate on pubs and lodging houses, and to ensure that no 'frivolous' activities were conducted during the hours of divine service, might represent this 'domestic missionary' function. Certainly, the introduction of the beat system, and regular patrolling, may be closely associated with the concept of surveillance. It is difficult, however, to find evidence in the towns of Somerset of other ways in which,

the imposition of the police brought the arm of municipal and state authority [supported by its policeman's truncheon] directly to bear upon key institutions of daily life in working-class neighbourhoods, touching off a running battle with local custom and popular culture.<sup>130</sup>

Is there a third, 'synthesist' explanation for the developments in the towns? As Reiner observes, his *neo-Reithian* framework, 'would give due weight to the success of the police reformers [...] but also recognises that policing is embedded in a social order riven by structured bases of conflict, not fundamental integration.'<sup>131</sup> For the purposes of this thesis that might mean that a 'synthesist' approach can recognise that in some towns. In Wells undoubtedly, Yeovil, and perhaps even Glastonbury, 'progress' and

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<sup>127</sup> M. Foucault, *Discipline and Punish: The Birth of the Prison*, (London, 1991), quote at p.170-171.

<sup>128</sup> Storch, 'Domestic Missionary', quote at p.487.

<sup>129</sup> R. Storch, 'Policing Rural Southern England before the Police: Opinion and Practice 1830-1856', in D. Hay and F. Snyder, (eds.), *Policing and Prosecution in Britain, 1750-1850* (Oxford, 1989), ch.5, pp.211-66, quote at p.212.

<sup>130</sup> Storch, 'Domestic Missionary', quote at p.481.

<sup>131</sup> Reiner, *Politics of the Police*, quote at p.56.

civic improvement were seen as all-important, and necessitated the formation of the police force; in other words, the traditionalist view. In other places, Chard most certainly, the more radical view is perhaps appropriate: the policemen were required to act as agents in the control of a wakening, and perhaps now problematic, developing working class consciousness. Robert Storch argued that working-class alienation towards the police, and ‘the moral assent of which the commissioners, [the Royal Commission whose report precluded the 1839 Act], hoped to obtain continued to be withheld into the twentieth-century.’<sup>132</sup> David Churchill has revisited this idea of opposition to the police and argued that he has,

presented substantial evidence of antagonistic encounters between police and public in the late nineteenth century. Such resentment was grounded in the nature of policing, especially the petty, intrusive regime of order it sought to impose upon ordinary people<sup>133</sup>

Churchill derives this conclusion from the ‘valuable source - police occurrence books - to analyse more closely popular animosity towards the police in late nineteenth-century Leeds.’<sup>134</sup> Police occurrence books have been used as a source for this chapter but do not show the same results and bring into question the wider applicability of Storch’s, and Churchill’s findings. In Wells, for example, the occurrence book, which is a highly detailed record of events, listed not simply what the men did, but also what they saw and what was said. A study of three months, from 28 September 1846, to 1 January 1847, reveals one assault on a policeman. The assailant was, however, drunk and was resisting arrest, as drunks regularly still do.<sup>135</sup> The policemen did involve themselves in the social activities of the inhabitants; regularly visiting the pubs and breaking up fights as well as restricting the letting off of fireworks, but there is no evidence that their intercession in these social activities was especially resented. On 4 November, 1846,

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<sup>132</sup> R. Storch, ‘The Plague of Blue Locusts: Police Reform and Popular Resistance in Northern England 1840-1857’, *International Review of History*, 20 (1975), pp.61-90, quote at p.108.

<sup>133</sup> D. Churchill, ‘I Am Just the Man for Upsetting You Bloody Bobbies’: Popular Animosity Towards the Police in Late Nineteenth-Century Leeds’, *Social History*, 39 (2014), pp.248-66 quote at p.265.

<sup>134</sup> *Ibid.*, quote at p.250.

<sup>135</sup> This finding from the Record Book is supported by the findings from the Wells Charge Book. In the period 1841-1847, three assaults on police are listed – two of which were accompanied by charges of drunk and disorderly.

for example, Sgt Fuller found a ‘great assembly’ in the Market Square in Wells setting off fireworks. One boy was taken into custody and detained for fifteen minutes after which he was released having promised not to do it again.<sup>136</sup> The following night a bonfire and fireworks was recorded, and was tolerated. Later a fight between two drunken men was broken up and both went quietly to their homes.<sup>137</sup> This does not accord with what Storch referred to as the ‘domestic missionary role,’ neither do these records suggest a ‘more coherent conception of the illegitimacy of the police role in enforcing street order.’<sup>138</sup> Storch’s ‘domestic missionary’ concept was derived by studying the industrial North of England – as did Churchill. Can one, all-encompassing, theory provide a model for the development of a phenomenon such as policing across a broader, and more disparate area? The evidence of Somerset presented here shows it cannot.

This chapter has explored the development of urban policing in Somerset. It has analysed, principally by means of three case studies, how the issues of legislation, crime, urban density and civic aspiration, might all have played their part in the decision to adopt, or not to adopt, reformed forces. The chapter has focused on the impact that different pieces of legislation had upon the actions of the towns, and has shown that the reactions of towns varied dramatically across the county. The chapter has also tried to draw out some of the principal differences in the towns themselves and in the way that they perceived the challenges of crime, social disorder, industrialisation and social development and how these influenced their choice of policing options. The extent to which these differing responses relate to theoretical understanding of police development will be explored further in the final, concluding, chapter of this thesis. The next chapter will go on to look at policing in the areas outside of the towns and will examine the continuing role, functions and organisation of the more traditional parish constable in Somerset.

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<sup>136</sup> WCA, 1846-1848, Uncatalogued, *City of Wells Police Record Book*, 4 November 1846.

<sup>137</sup> *Ibid.*, 5 November 1846.

<sup>138</sup> Churchill, 'Popular Animosity Towards the Police', quote at p.257.

## **Chapter 4: The Parish Policemen – ‘Dogberry’ or an integral part of peace keeping in Somerset**

### **Introduction**

Policing in Somerset prior to the arrival of the county police in 1856, was not only the responsibility of the town forces as examined in Chapter 3. Parish constables were also still playing a central role. This chapter will consider that role and the contemporary perspectives on it, and will examine the background of the men themselves.<sup>1</sup> This analysis will add a crucial perspective to policing in Somerset prior to the arrival of the county force in 1856.

The parochial constable system has a very long history, extending back to Anglo-Saxon times.<sup>2</sup> The parish constable, elected or appointed from his community, represented a system of law and order based on the idea of collective security through communal responsibility exercised at the local level. The men filling the role, described by David Foster as the ‘executive officer’ of the Justice of the Peace have, however, historically been much maligned. As noted in Chapter 1 they have commonly been portrayed as Shakespeare’s Dogberry, or Elbow; lazy, unprofessional and inefficient, men who were ‘so lacking in social status that they were easily intimidated and commanded little respect.’<sup>3</sup> As far back as the Tudors, Clive Emsley has observed, the holders of the office had been ‘not without their contemporary critics.’<sup>4</sup> Indeed, they were still suffering criticism in the early nineteenth century. For Bridgwater magistrates, ‘the

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<sup>1</sup> For clarity – all of the constables studied for this thesis were men and it is the understanding of the author that no women were employed in the role in Somerset during the period under study.

<sup>2</sup> For traditional histories of the parish constable system see, for example, W.L. Melville Lee, *A History of Police in England* (London, 1901); P. Stead, *The Police of Britain* (New York, 1985), pp.7-18; T.A. Critchley, *A History of Police in England and Wales* (London, 1967), pp.1-28.

<sup>3</sup> J. Kent, 'The English Village Constable, 1580-1642: The Nature and Dilemmas of the Office', *Journal of British Studies*, 20 (1981), pp.26-49, quote at p.27.

<sup>4</sup> C. Emsley, *The English Police: A Political and Social History* (Harlow, 1991), quote at p.10.

inefficiency of constables is a crying grievance through the country.<sup>5</sup> Most historians are now recognising the inaccuracy of this view as a generalisation on the condition of parish constables and rural policing. The question is, however, not simply one of efficiency.<sup>6</sup> As one historian has noted, ‘What seem to the historian to be practical matters of organizational structure that can be assessed according to the criteria of efficiency and efficacy are actually aspects of the condition of liberty, and thus carry significant political implications.’<sup>7</sup> Keith Wrightson has described the situation of seventeenth-century Britain that might be equally well applied in the nineteenth century, particularly to rural areas. He shows how parish constables were caught between two opposing concepts of order, one embodied in legislation and the other based on broader areas of behaviour that were normally permitted to themselves by a group of villagers. These wretched village officers were thus ensnared at the point where the national elite’s legislative prescriptions and local customary norms intersected and collided.<sup>8</sup> David Eastwood situates the parish constable within this debate, observing that it had been argued the constable held one of six ‘equal offices within a ‘subordinate magistracy,’ along with the sheriffs, coroners, magistrates, surveyors of the highway and overseers of the poor.<sup>9</sup> The nature of the constables’ role, however, had encouraged social dilution and they had come to be seen as little more

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<sup>5</sup> *The National Archives*, [hereafter, *TNA*], 1836-38, H0 73/5-9, *Returns to the Constabulary Force Commission*, [hereafter *CFC Returns*], Bridgwater magistrates. For actual questions asked see Appendix A – Magistrates’ Questionnaire and Appendix B – Guardians Questionnaire.

<sup>6</sup> Phoebe Spinrad concludes that even the most ardent critics must admit that Dogberry and the others are not ‘all that inefficient,’ and that perhaps their ‘inefficiency is part of their effectuality.’ P. Spinrad, ‘Dogberry Hero: Shakespeare’s Comic Constables in Their Communal Context’, *Studies in Psychology*, 89 (1992), pp.161-78, quote at p.161.

<sup>7</sup> F.M. Dodsworth, ‘Civic’ Police and the Condition of Liberty: The Rationality of Governance in Eighteenth-Century England’, *Social History*, 29 (2004), pp.199-216, quote at p.199. Similar ideas had been expressed for some time, ‘It is probable that a complete history of the parish constable would be a history of the gradual decay in local self-government in the rural districts.’ Simpson, ‘The Office of Constable’, *The English Historical Review*, 10 (1895), pp.625-41, quote at p.626.

<sup>8</sup> See K. Wrightson, ‘Two Concepts of Order: Justices, Constables and Jurymen in Seventeenth-Century England’, in J. Brewer and J. Styles, (eds.), *An Ungovernable People: The English and Their Law in the Seventeenth and Eighteenth Centuries* (London, 1983), ch.1, pp.21-46, pp.21-22.

<sup>9</sup> D. Eastwood, *Governing Rural England: Tradition and Transformation in Local Government* (Oxford, 1994), quote at p.84.

than servants of the justices - serving warrants. Whilst the other parish offices were accorded authority and local prestige, the constables' 'office of humble standing was thus filled by men of humble status,' the most important consequence of which being, 'the tensions which arose when plebeian constables were obliged to enforce an essentially patrician concept of order.'<sup>10</sup> Further, traditional systems of policing, Eastwood suggests, resulted in the relatively unpropertied constable protecting, 'the valued liberties of the propertied.' The rural elites were prepared to accept relatively high levels of crime and weak policing, 'in order to preserve local control and to meet ratepayers' preference for economy.'<sup>11</sup> The position of the office of parish constable was therefore complex, and was significantly entwined with issues of local autonomy, authority and power. Attitudes to the parish constable were therefore nuanced according to the differing views of the individual respondent. How these issues of local authority and power influenced the debate on the reform of policing in Somerset will be explored further in Chapter 5. This present Chapter will draw on the existing documentary evidence for Somerset to determine who the men were who filled this apparently invidious local office.

Early remaining documentary evidence relating to parish constables in Somerset is sketchy. Vestry minutes, where they still exist, do little more than make occasional passing references. Petty session records are also regrettably missing.<sup>12</sup> In order to gather detailed data about the men, their numbers, their ages and their occupations, it has been necessary to rely mainly on two sets of documents. Firstly, the returns made by the guardians and the magistrates to the 1836 Royal Commission.<sup>13</sup> These asked a series of questions about the number and use of parish constables. Being addressed to the unions, and through them the parishes, as well as to the magistrates they had the advantage, particularly for this thesis, of giving a local insight. The wording of the questions in many cases also allowed for the respondents to express opinions as much

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<sup>10</sup> *Ibid.*, quote at p.229.

<sup>11</sup> Eastwood, *Governing Rural England*, quote at p.192.

<sup>12</sup> An absence which also restricted Settingington in her study of the Carhampton district of Somerset. J.S. Settingington, 'The Carhampton Magistrates' District in Relation to the 1856 County and Borough Police Act: A Case for Non-Statutory Policing', (unpublished, University of Plymouth, PhD thesis, 2005), Abstract.

<sup>13</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*.

as facts, again of benefit to this thesis in offering a window into contemporary thinking. The second group of documents studied was created as a consequence of the *Act for the Appointment and Payment of Parish Constables*, [5 & 6 Vict. c.109, 1842], hereafter the *Parish Constables Act* [1842], which required that magistrates' divisions prepared annual returns to the county sessions listing the men appointed to the office of constable for each parish. For Somerset, a fairly complete run of these exists from 1842 until 1856, and show varied amounts of detail; sometimes they were little more than lists of names, other returns additionally contained ages and occupations.<sup>14</sup> Along with census data, it is possible to form a quite detailed impression of who these men were. Due to this variation in sources, the data types are very different, and give very different information, therefore this chapter will split the study into two periods, 1836-1842 and then 1842-1856.

### **1836-1842**

The Constabulary Commission returns, discussed in detail in Chapters 1 and 2, go some way to provide a perspective on the numbers and types of men employed as constables in this earlier period.<sup>15</sup> Most usefully, however, they provide insight into the prevailing attitudes towards those men, and the system within which they were working. As such the views expressed in them, by both guardians and magistrates, should not be accepted as fact but should be seen in the highly nuanced way in which the returns were compiled, completed and ultimately analysed by Chadwick's team. It is, though, the views of those involved, as much as their basis in concrete fact, which is of interest to this thesis. It is also worth remembering that the Commissioners sent them to the Guardians of the Poor Law Unions, rather than the 'less responsible characters' in the parishes.<sup>16</sup> However, most Boards of Guardians appear to have shared out the returns directly to the parishes, and submitted the completed forms in bulk to the Commission. Somerset at the time of this study contained in the region of some 480 parishes

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<sup>14</sup> *Somerset Records Office*, [hereafter, *SRO*], 1842-1856, Q/AP/c/1/84-85, *Returns of Parish Constables*.

<sup>15</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*.

<sup>16</sup> See *House of Commons Papers*, [hereafter, *HCP*], 1839, (169), *First Report of the Royal Commission on Establishing an Efficient Constabulary Force in the Counties of England and Wales*, p.1.

combined into 17 unions.<sup>17</sup> The returns used in this study are detailed in table 4.1. Returns have also been examined here from the sixteen Somerset magistrates divisions which have survived in the National Archives, Kew.<sup>18</sup>

***Table 4.1: Poor Law Union Returns to the ‘Chadwick Commission***

Union	No of Parish Returns	No of Parishes in Union	% Coverage
Axbridge	7	38	18
Bath	7	24	29
Bedminster	1	23	4
Bridgwater	1	40	3
Chard	7	34	21
Clutton	4	29	14
Dulverton	0	10	0
Frome	21	28	75
Keynsham	1	14	7
Langport	0	29	0
Shepton Mallet	3	24	13
Taunton	25	38	66
Wellington	2	19	11
Wells	3	18	17
Williton	0	36	0
Wincanton	31	38	82
Yeovil	1	35	3
	113	477	24

Source: TNA, 1836-38, H0 73/5-9, *Constabulary Commission Returns*.

There is still a great deal of significant research to be conducted into both the returns themselves and to the process by which they were constructed, manipulated perhaps, and analysed by the team working for Chadwick.

<sup>17</sup> All estimates of Poor Law Union composition and parish numbers come from P. Higginbottom, *The Workhouse: The Story of an Institution*. <<http://www.workhouses.org.uk/>> [Accessed various dates].

<sup>18</sup> Additionally, the notes for Ilminster division, kindly provided to me by Robert Storch have been used.

## The Men: Selection and Appointment

Both the magistrates,' and the guardians' questionnaires, asked about the men that filled the office of constable. Question 21 on the magistrates' returns asked for the number of constables in the division, and their method of appointment. The imprecise nature of the replies to this question makes calculation of totals very difficult. What does show through, however, is a relatively clear rank system. At the top were the alternatively named High or Chief Constables, or Constables of the Hundred.<sup>19</sup> These are specifically referred to in five of the sixteen divisions.<sup>20</sup> Next came the petty, or parish constables, appointed in varying numbers in every parish, as will be explored below. Parish constables, in the larger parishes, were generally supported by the lowest rank of constable, the tythingman and watchman. At a very loose approximation, and counting all grades, the returns list a total of 766 peace officers in the divisions examined. With a population in these divisions of 337,405 this represented one office holder for about every 400 people. Whilst bearing clearly in mind that these were not full-time policemen, they did not engage in active patrol and they did not have a particular preventive role, this figure still seems to represent a significant resource for the magistrates to call upon when compared, for example, with one estimate of the average for England in 1845 being one rural policeman per 2,059 of population.<sup>21</sup> Even at a later date in the towns of Somerset, the ratios were higher, with Taunton for

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<sup>19</sup> An insight into the status, role and duties of the High Constable, or Constable of the Hundred, albeit for a slightly earlier period than is the subject of this thesis, can be gathered from the diaries of Isaac Gregory, constable of Frome from 1813-1814 and 1817-1818. He describes for example the participants in a parade in the town to proclaim peace following the Napoleonic Wars, 'Party of Constables and Tythingmen on foot [...] Gentlemen on Horseback [...] High Constables on Horseback.' (Emphasis in original) M. McGarvie, *Crime and Punishment in Regency Frome: The Journals of Isaac Gregory, Constable of Frome 1813-14 and 1817-18* (Frome, 1984). Quote at p.24. McGarvie's text will be used often in this chapter as it provides the only surviving personal account of a Somerset constable in the early nineteenth century.

<sup>20</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Chewton, Frome, Keynesham, Kilmersdon, Wincanton.

<sup>21</sup> See R. Storch, 'Policing Rural Southern England before the Police: Opinion and Practice 1830-1856', in D. Hay and F. Snyder, (eds.), *Policing and Prosecution in Britain, 1750-1850* (Oxford, 1989), ch.5, pp.211-66, p.249. David Eastwood has also noted the ratio of parish policemen to population was much higher than the later ratios of 'reformed' policemen. This he ascribes to the increased costs associated with the latter. See Eastwood, *Governing Rural England*, p.241.

example, having one full time constable per 1,273 of population in 1844 and Bridgwater 1,167.<sup>22</sup> (Both towns by then had police forces formed under different pieces of legislation, see previous chapter).

Question 21 to the magistrates had also asked about the method of appointment of the constables. In response, every division reported that constables were appointed at the courts leet. In Wrington, the responsibility for appointments was split, however, 'some by the Parishioners and some by the courts leet.' In Wincanton 'in one instance by the Court of Quarter Sessions in default of the Leet.' Kilmersdon constables were appointed, 'by the Lord of the Hundred.' This figure of effectively 100 per cent Court Leet appointment is quite high when compared with the 64 per cent of petty sessional divisions nationally, in which appointments were entirely or predominantly made by the Leets, although it is acknowledged that, 'no clear regional pattern is discernible.'<sup>23</sup> This issue of constables' appointment being out of the control of the magistrates was of great concern to them, as noted for example on the return by Wincanton magistrates. 'There is at present no method of securing the fitness of men appointed Constables or Tythingmen and the Courts Leet are either governed by no rule on the subject or their rules do not in any degree depend on the efficiency of the individual.' Bedminster magistrates had unequivocally called for more efficient constables, 'and the appointment and dismissal to be in the acting magistrates.'<sup>24</sup> Robert Storch noted that as the post of constable was often seen as one to be avoided, the courts leet took no trouble in the appointment of men, 'except to make sure one's friends were not chosen.'<sup>25</sup>

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<sup>22</sup> See A. Sleight, *The Police and Constabulary List 1844* (London, 1844).

<sup>23</sup> Philips and Storch, *Policing Provincial England*, quote at p.14.

<sup>24</sup> Somerset magistrates were by no means alone in calling for increased control over the appointment and management of constables. To some extent they were to get their wish as David Eastwood notes, 'What is striking about police reform, as it emerged in the Municipal Corporations and Rural Constabulary Acts, was that it acknowledged the legitimacy of control by local authorities.' D. Eastwood, *Government and Community in the English Provinces, 1700-1870* (Hampshire, 1997), p.144. The strength of feelings of the magistracy was such that it appears unlikely that police reform in the provinces could have been achieved at all without consideration being given to local interests.

<sup>25</sup> Storch, 'Policing Southern England', quote at p.223. When sworn in at the Court Leet in 1813, Gregory had expressed his disinclination for the office by telling the Jurymen 'I was not at all pleased with their choice.' McGarvie, *The Journals of Isaac Gregory*, quote at p.12.

### The Men: Efficiency

The 1836 Royal Commission questionnaires asked both the magistrates and the guardians about the efficiency of the constables; presumably because Chadwick hoped to elicit responses which showed the bankruptcy of the parish constable system, and to provide the evidence he required for his reformed force. They were asked whether the constables apprehended offenders without being applied to for that purpose. Of the 108 parish responses, 87 gave the answer, no or never, and a further eight said only seldom. Only 13 returns, therefore, suggested that constables acted on their own initiative.<sup>26</sup> Of these, it must be commented that five parishes had reported that they had experienced no offences - constables had therefore no reason to act. In many cases the individuals filling in the return gave simple, one word answers to this question. Some parishes did elaborate, suggesting that either the constables would act, 'in any case of consequence,'<sup>27</sup> or 'if apparently justified in so doing.'<sup>28</sup> Some were scathing of the constables, 'when called upon to suppress disorderly conduct in Houses for the sale of Liquor if they do appear it is hail fellow well met & down they sit.'<sup>29</sup> They did not act on their own initiative and, 'when applied to are generally very unwilling to act.'<sup>30</sup> Others were sympathetic to the constables. They were 'improperly appointed,'<sup>31</sup> and were 'frequently persons not properly acquainted with the Duties of the Office.'<sup>32</sup> 'Their duties are much neglected,' conceded Bruton, '& more particularly so because there is no particular fund out of which they can be reimbursed expenses.' Rather than chastise them for this, however, both the guardians and the magistrates frequently came to the defence of the constable, pointing out the risks that he would face by acting on

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<sup>26</sup> Peter King has found similar results for eighteenth-century Essex. 'Eighteenth-century constables, like their counterparts in seventeenth-century Sussex, were largely reactive rather than proactive.' The 1836 returns to Chadwick also show a similar result in rural Essex to Somerset's. See P. King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford, 2000), p.74.

<sup>27</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Marksbury.

<sup>28</sup> *Ibid.*, Witham Friary.

<sup>29</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Chew Magna.

<sup>30</sup> *Ibid.*, West Monkton.

<sup>31</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Stowell.

<sup>32</sup> *Ibid.*, North Brewham.

his own initiative, and the overriding fact that he was not being paid to do so.<sup>33</sup> As Robert Storch notes:

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 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.<sup>34</sup>

Add to this, of course, natural fear of personal injury and its consequences for future income, as well as the possibility of later reprisals from those involved, and it becomes almost surprising that constables would ever act at all, with or without a warrant. Answers to this question by Somerset magistrates were mixed. Nine divisions reported that constables, on the whole, did not act on their own initiative, whilst, perhaps surprisingly, six said that generally they did. Within these groups responses were again, however, mixed. Kilmersdon was enthusiastic in its support for its constables, if a little circumspect as well: 'The Constables have always been found zealous in discharging their known duties.' (Emphasis in original.) In another division, constables rarely acted upon their own initiative but, 'no unwillingness to apprehend has ever been shewn when a Charge of Felony or Misdemeanour has been made.'<sup>35</sup> The constables of Taunton and Wellington must have been quite brave, or perhaps (and less likely), very well supported by their local bench, as they were prepared to act when 'circumstances lead them to suspect persons of Felony & where they witness a breach of the peace or Vagrancy.'<sup>36</sup> Frome magistrates, again in support of their men, added that offenders are not brought to justice because of 'the difficulty of Constables in obtaining remuneration – or fear of exceeding their powers and the inconvenience of neglecting their ordinary duties.'<sup>37</sup>

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<sup>33</sup> Albeit twenty years earlier Gregory does appear to have been willing to act on his own initiative, for example 'Very Quiet until the evening when I resolved to have a general turn out from the all the Public Houses.' This is something he seems to have done quite often, with no evidence of payment. McGarvie, *The Journals of Isaac Gregory*, p.13.

<sup>34</sup> R. Storch, 'The Old English Constabulary', *History Today*, 49 (1999), pp.43-49, quote at p.48.

<sup>35</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Milverton magistrates.

<sup>36</sup> *Ibid.*, Taunton magistrates.

<sup>37</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Frome magistrates.

Having broached the matter of the efficiency of the constables early in the questionnaires, the next questions follow up the issue by asking about delays in bringing offenders to justice, and the responsibility of the constables for those delays. The same question was posed to both the magistrates and the guardians and might be seen as a loaded and ambiguous, two-part question. Firstly it asks, to what causes respondents ascribed failures to bring offenders to justice, presupposing that such failures existed. The second part asks emphatically, 'have such failures been ascribable in any cases to the inefficiencies of the Constables,' clearly linking 'failure', 'inefficiency' and 'Constables' in the same sentence.<sup>38</sup> The results might again, have been a disappointment to Chadwick. Whilst three magistrates divisions acknowledged delays through police failures,<sup>39</sup> six maintained that there were no delays to account for.<sup>40</sup> It was suggested by two divisions that their constables were above reproach,<sup>41</sup> stating, 'the Constables are in general vigilant and few failures have been ascribable to them.'<sup>42</sup> Time and expense of prosecution was suggested in three cases,<sup>43</sup> although Bedminster magistrates were keen to add that any failures were not, within their knowledge, 'from inefficiency of Constables.' Shepton Mallet, whilst acknowledging that occasionally delays might be attributable to the 'Constables, who are often ignorant of their duties & remiss in the performance of them,' also claimed that in many cases there was a 'merciful consideration for offenders, particularly for Juvenile Offenders & to avoid exposing them to the contamination of a Gaol.'<sup>44</sup> Responses from the parishes

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<sup>38</sup> For Chadwick's influence on the Royal Commission see for example, A. Brundage, *England's "Prussian Minister": Edwin Chadwick and the Politics of Government Growth, 1832-1854* (Pennsylvania, 1988), pp.57-77, and Philips and Storch, *Policing Provincial England*, pp.111-135. Jennifer Hart suggests, the report of that Commission might now have become 'a rich but perhaps over-worked quarry.' However, for historians, the returns themselves, and the methodology of their analysis by Chadwick and his team, remain to be given the full academic study they warrant. J. Hart, 'Reform of the Borough Police, 1835-1856', *English Historical Review*, 70 (1955), pp.411-27, quote at p.411.

<sup>39</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Bridgwater, Shepton Mallet, Wells magistrates.

<sup>40</sup> *Ibid.*, Bath, Bishops Lydeard, Kilmersdon, Milverton, Wincanton, Wellington.

<sup>41</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Keynesham, Wellington magistrates.

<sup>42</sup> *Ibid.*, Wellington magistrates.

<sup>43</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Bedminster, Frome, Wrington magistrates.

<sup>44</sup> Perhaps such sympathy was integrated, in some way, with the 'new set of discourses' described by Peter King relating to the concept of 'the juvenile delinquent.' P. King,

to this question were highly varied with many offering more than one answer. Of the 88 parish responses, 27 simply held that there was no complaint to answer – offenders were brought to justice. ‘No cause to ascribe the failure to. When there is suspicion of any offenders, the constable is applied to, which is efficient to apprehend the offenders if to be found.’<sup>45</sup> Some parishes referred to prosecutions not being pursued because of ‘misplaced leniency,’<sup>46</sup> or the ‘trivial nature of the offences and the leniency of the Yeomen not wishing to carry matters too far.’<sup>47</sup> There was, ‘Unwillingness to bring a man’s family on the Parish.’<sup>48</sup> Others were, ‘influenced by fear of the consequences as to injury that will probably be done by others of the Gang to the stock exposed in the Fields by night if they were to be very active [in detecting and prosecuting offenders].’<sup>49</sup> The open, uninhabited nature of the countryside, with its consequent delay in discovering offences as well as the ease with which a depredator could abscond, and the inevitable lack of information about them, was blamed by eighteen parishes.<sup>50</sup> Marksbury, for example attributed the blame, ‘Partly to the offences not being observed so early as to cause instant pursuit to be made, & partly to the great wariness of the offenders. I am not aware that in the instances alluded to any blame attaches to the Constabulary of the Parish.’ Additionally, ‘the offence is generally committed during the night when the Constables and other honest Inhabitants are in their beds.’<sup>51</sup> Some blame was attributed in this regard to the training of officers, ‘The

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‘The Rise of Juvenile Delinquency in England 1780-1840: Changing Patterns of Perception and Prosecution’, *Past and Present*, 160 (1998), pp.116-66, quote at p.118.

<sup>45</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Blagden.

<sup>46</sup> *Ibid.*, Frome.

<sup>47</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Creech St Michael.

<sup>48</sup> *Ibid.*, Elm. King has suggested three reasons why a constable might choose to use discretion rather than bring an offender forward for prosecution: if the accused was of ‘good name and fame,’ if the accused pleaded a first offence or, finally, if the constable was concerned about the personal implications of alienating the accused or his friends and family. King, *Crime, Justice and Discretion in England, 1740-1820*, quote at p.75. Gregory provides an excellent example of this use of discretion when, along with the victim, he spends time tracking and pursuing a robber. When the suspect is apprehended he is contrite and returns the money and goods, upon which the victim and Gregory let him go as it was a capital offence and ‘would touch the fellow’s life.’ McGarvie, *The Journals of Isaac Gregory*, p.38.

<sup>49</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Elm.

<sup>50</sup> The rural nature of the area has already been commented upon in Chapter 2, where it was cited as an explanation for the type and level of crime in the county.

<sup>51</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Norton Fitzwarren.

difficulty of finding them out [...] would in a great measure be obviated by having in Office persons well acquainted with the System of investigating the nature, situation and general circumstances of commission of the Various Offences.’<sup>52</sup>

Trouble and expense of prosecution were mentioned, but in only 12 of the 88 responses. Ilton, which had suffered about ten offences with no offenders apprehended, said, ‘No doubt, but many misdemeanours and Felonies go unpunished in consequence of the Robbed parties bearing the expenses of a Prosecution.’ Others reflected on the nature of the crimes in relation to the cost, suggesting that prosecutors did not proceed because of, their ‘small importance & not liking the cost.’<sup>53</sup> Lullington was unequivocal - crimes were not prosecuted because of ‘the expenses of prosecution, not the inefficiency of Constables.’ Some returns did, of course, accuse the constables. Seventeen parishes did so, but again their arguments varied. Some were actually quite sympathetic to the constables, blaming not only training, but their conditions of employment and, again, their selection. Constables were not ‘paid for their trouble,’ one parish noted.<sup>54</sup> Recent changes in the law had exacerbated this situation and constables now were, ‘deprived of the salaries formerly paid them by the Parish but which are not allowed under the Poor Bill, they will not exert themselves without being paid.’<sup>55</sup> Constables had their own occupations and, did not generally, ‘in the Country Parishes like to be taken from [them] & thus lose their time.’<sup>56</sup> Inefficiency of constables was also attributed to their ‘improper selection at a Court Leet,’<sup>57</sup> a system

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<sup>52</sup> *Ibid.*, South Brewham.

<sup>53</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Seavington St Mary.

<sup>54</sup> *Ibid.*, Lovington.

<sup>55</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*. Castle Cary (2). In 1836 an administrative ruling of the Poor Law Commissioners had declared illegal any payment for the administration of justice made from the poor rate. See, for example, Philips and Storch, *Policing Provincial England*, p.56, for a discussion of the impact of this decision.

<sup>56</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Whatley. King has also noted that in the earlier nineteenth century, ‘occasionally the victim, the parish, or the statutory reward system would offer him [the constable] some recompense but the outcome was anything but certain.’ Tradesmen were unlikely therefore to want to leave their business to investigate a crime for which they might receive nothing. King, *Crime, Justice and Discretion in England, 1740-1820*, p.75. Gregory recounts how he lost the sale of £20 worth of leather because he got involved in removing a group of drunks from a pub. See McGarvie, *The Journals of Isaac Gregory*, p.34.

<sup>57</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Yatton.

which led to constables ‘annually appointed not knowing their duties.’<sup>58</sup> Charlton Hawthorne pulled all of these arguments together, and talked of the want of a ‘permanent and paid police. Constables who are elected annually will not leave their business to attend to the duties of their office unless paid for the same which cannot by law be done.’ Only seven parishes actually laid blame for offenders not being brought to justice unreservedly with the constables. Pensford, said that constables ‘sometimes suffer Offenders to escape.’ Later in the return, they also pointed out that the constable may need to take the prisoner twenty to twenty-two miles and then, finding no magistrate at home, have to go back the next day. ‘Trifling offences are sometimes taken no notice of on this account.’<sup>59</sup> Another parish, having the example of the Bath Borough Police nearby with which to make comparison, concluded that its own constables were ‘of little or no use.’<sup>60</sup> Finally, West Monkton, almost alone, offering no mitigating factors, laid the blame for not bringing offenders to justice on the ‘inefficiency of the Constables – and the neglect of their duty.’

The guardians were asked about the connections and interests of constables, and 81 of these parishes, again, defended their men.<sup>61</sup> ‘Our constable is generally a respectable man.’<sup>62</sup> ‘... and their general conduct is good,’<sup>63</sup> were typical responses. The remaining seventeen parishes were not so kind. ‘An Active honest Constable is rarely met with.’<sup>64</sup> ‘I look upon the Constable [...] as a mere name.’<sup>65</sup> ‘Our present Constable is the keeper of one of the Beer Houses which I think quite a Sufficient Answer to the different parts of the Question.’<sup>66</sup> Such views were, however, in the minority. Sympathy for the plight of the Constable also appeared again here, ‘The Constables are [...] generally persons dependent upon their own exertions for support and consequently cannot afford to dedicate more time than they can possibly help with the

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<sup>58</sup> *Ibid.*, Stowell.

<sup>59</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Pensford.

<sup>60</sup> *Ibid.*, St Catherine.

<sup>61</sup> Question 20.

<sup>62</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Middle Chinnock.

<sup>63</sup> *Ibid.*, Axbridge.

<sup>64</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Lyncombe & Widcombe.

<sup>65</sup> *Ibid.*, Langridge.

<sup>66</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, South Brewham.

duties of their Office.<sup>67</sup> Opinions on substitutes were also divided. One parish stated, ‘There are no connexions or interests known that could so tempt the Constables or their Substitutes,<sup>68</sup> whilst for another parish, substitutes were ‘highly improper persons.’<sup>69</sup> Overall, the clear feeling that comes through these returns is that the vast majority of the parishes appear to have been decisively supportive of their constables.

The question of the accessibility of magistrates was raised in the guardians’ returns, who were asked how far a suspected offender needed be taken to one. Of the 107 parishes that offered a reply, thirty were able to claim one resident in the parish. For the remainder three miles appears to be the average. The issue for the constable was actually, however, not entirely about distance but about uncertainty; ‘About 5 miles with the chance of not finding a Magistrate at home,’ complained one parish.<sup>70</sup> Another developed the point and linked it with the later issue of prosecutions not always being pursued, ‘An offender, if apprehended must be taken 8 miles and offenders frequently escape Punishment because the Prosecutor cannot spare time to bring them to justice. [...] The distance to a Magistrate and the loss of time are subjects of complaint.’<sup>71</sup> Worse yet, ‘It sometimes happens that after calling at the residence of three Magistrates, neither one found to be at Home and after travelling from 20 to 22 miles we are obliged to return home and go again the next day. [...] Trifling offences are sometimes taken no notice of on this account.’<sup>72</sup> Where a magistrate was resident in the

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<sup>67</sup> *Ibid.*, Glastonbury St Benedict’s.

<sup>68</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Berkeley.

<sup>69</sup> *Ibid.*, Horsington.

<sup>70</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Banwell.

<sup>71</sup> *Ibid.*, Compton Martin.

<sup>72</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Pensford. Gregory recounts in detail such a situation. Having been assaulted and injured effecting an arrest Gregory took the offender to the magistrate’s house. There he was told the magistrate was in his park and would ‘not give up his amusement.’ Despite protestations, the magistrate could not be persuaded to deal with the matter, and insisted Gregory return with the prisoner the following day. After this ‘shameful treatment,’ and the penitence of the offender the following day, Gregory chose to withdraw his prosecution. McGarvie, *The Journals of Isaac Gregory*, quote at p.37. King has suggested that ‘it is possible that in areas far from the centre taking an offender to a magistrate [...] was only resorted to when a whole panoply of other communal measures had failed.’ P. King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge, 2006), quote at p.67. No evidence will be offered in this thesis in support of this suggestion but it seems highly probable to have been the case in communities such as those in Somerset.

parish there appeared to be no problem, elsewhere the difficulties might be significant. The issue needing addressing was not, therefore, fundamental changes to policing but improvements in the system of local magistracy.

Question 18, asked the magistrates whether efficient assistance was rendered by the constables in arresting the progress of fires in the division, or of apprehending the offenders, again directly approaching the efficiency of constables. This question drew an even more negative response from Chadwick's point of view. Five divisions reported that there had been no suspicious fires to require the assistance of constables, ten divisions spoke up for their constables, and the remaining one gave a somewhat long-winded response, which did not actually answer the question.<sup>73</sup> Questions 26 and 27 to the magistrates again, offered them the opportunity to severely criticise the effectiveness of the existing constabulary arrangements, and this time, to some degree they took it. Nine divisions reported their perception that constables, and their substitutes, had inadequate knowledge of the law (Q26), although one of these qualified their answer by pointing out, again, that the constables received no instruction in their duties.<sup>74</sup> Bath and Kilmersdon felt that some of their constables had good knowledge and others did not. Finally, the last five returns<sup>75</sup> reported that it was felt that their constables had adequate knowledge of their duty but also, 'in times of difficulty they apply to the Magistrates' Clerk for instruction.'<sup>76</sup> Three divisions also reiterated the benefits of long service as a means of gaining the knowledge required.<sup>77</sup> Wincanton summed up what might be the prevailing attitude among the magistrates, that constables 'usually acquire a sufficient knowledge of their Duty to execute process and *more cannot be expected of them.*' (Emphasis added)

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A detailed discussion can be found in Janet Settington's thesis which concludes that communities in Somerset 'accepted social responsibility and self-regulation in relation to crime according to local perceptions of wrong doing.' Settington, 'A Case for Non-Statutory Policing', Abstract, unpaginated.

<sup>73</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Kilmersdon magistrates.

<sup>74</sup> *Ibid.*, Bedminster, Bishops Lydeard, Bridgwater, Chewton, Frome, Keynesham, Shepton Mallet (1), Taunton, Wells magistrates.

<sup>75</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Milverton, Shepton Mallet (2), Wellington, Wincanton, Wrington magistrates.

<sup>76</sup> *Ibid.*, Kilmersdon magistrates.

<sup>77</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Bedminster, Frome, Wincanton magistrates.

Question 27 to the magistrates asked whether ‘the connections or interests [of the constables] might tempt them to connive at illegal practices, or cause them to be less active than they ought to be in the performance of their duties.’ Responses from the magistrates were generally again not the ones that Chadwick might have wanted. Of the seventeen responses studied here, eleven categorically denied that constables’ other ‘connexions and interests’ led them into illegal practices or caused them to be less active than they should be. Of the remaining divisions, only Chewton, Ilminster and Bridgwater expressed unreserved belief that such problems did arise. Wells, Frome and Shepton Mallet all offered some support for the constables, even whilst acknowledging that there might be some truth behind the question. ‘And tho’ we have sometimes had reason to be satisfied with their exertions in the cases which come before us, they cannot, generally speaking, be vigilant and efficient in the performance of their duties, having a very imperfect knowledge of those duties, & being moreover, ill paid.’<sup>78</sup> As Storch notes, ‘Where semi-professional deputies were not employed a man could more easily earn more working at his trade;’ a point which does not seem to have escaped the attention of at least some of the Somerset magistrates.<sup>79</sup>

The last three questions to the magistrates concerning constables’ efficiency relate to delays in the serving of summonses, and in prosecutions. Again, if Chadwick was aiming to give magistrates scope to criticise the current system of policing he must have been disappointed. Question 35, in particular, is a long question that enquires about the existence of delays in the service of warrants or other ‘performance of duties.’ It presents ample opportunity for magistrates to make complaint. Of the fifteen returns available for study,<sup>80</sup> eight said they experienced no delay, and of the other seven every division offered some justification for delays, with support for the constables being almost unanimous. ‘Constables generally execute their office with zeal and promptitude,’ offered Kilmersdon. Where delays were experienced, lack of pay for constables was by far the most commonly offered explanation.<sup>81</sup> Shepton Mallet, however, suggested that delays might be attributable to, ‘ignorance or neglect of the

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<sup>78</sup> *Ibid.*, Shepton Mallet (1) magistrates.

<sup>79</sup> Storch, ‘Policing Southern England’, quote at p.225.

<sup>80</sup> The relevant pages from Taunton and Bridgwater were missing.

<sup>81</sup> *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Bath, Chewton, Frome, Wells magistrates.

constables' and Ilminster argued that, an 'intelligent and permanent' police force would eliminate delays. Question 36, concerning delays due to constables being restricted in where they could serve, achieved similar results. Eight divisions said they experienced no delay, four of the remaining seven returns said delays range from occasional to frequent. Bath, again, said that it is all a matter of payment, and Keynesham reported that delays only arise if signatures of magistrates outside the district are required. Given the comments above concerning the costs of prosecution, it would be reasonable to assume that magistrates would assert in Question 41 that the trouble and expense of prosecutions would deter, or at least delay, prosecutions. In fact, only Shepton Mallet and Bishops Lydeard gave this response, with the latter division qualifying its answer with a detailed explanation;

The trouble and expense of apprehending Offenders, has sometimes (but we believe, very seldom) induced persons to decline prosecuting for trifling offences – but generally speaking we think people are not deterred from prosecuting for any offence, when the Offenders can be apprehended.

Clearly, the key words here are – 'when the Offenders can be apprehended.'

## **Summary**

The picture which emerges from this in-depth study of the returns is one of a widespread reliance on parish constables throughout the county; as might be expected. It is also suggestive of general support for the men themselves, who, it was felt, were as willing and as capable as could be expected of men who had livings to earn, and were untrained and inappropriately appointed. What was being asked for, by both the guardians and the magistrates, comes through time and again in the returns. The current system of policing was flawed, but could be remedied by increased magisterial control over appointments, better payment systems and better training of men. Feelings about local autonomy and authority, as well as ratepayer concerns about cost would, of course, have run deep in the minds of the county elites, and approaches to resolution of these issues might have varied. What comes through in the returns, however, is more than this. It is a genuine, and deeply felt, support for the men, and for the traditional systems of local responsibility for law and civil order. Nowhere is there a significant call for a reformed police in the style that Chadwick was envisaging. The next section

of this chapter examines the attempts made by Peel's Conservative government to respond to some of these calls.

### **1842-1856**

The *Parish Constables Act*, [1842], was highly significant in terms of the development of parish policing during the time covered by this thesis. Firstly, it allowed for the payment of the constables out of the poor rate, and required the county justices to determine rates of fees and allowances to be paid to constables for duties performed.<sup>82</sup> Both of these clauses were intended to address the concerns raised to Chadwick about inadequate payments to the men. Secondly, the Act set out the qualifications required of the men, not the least of which being that they should be ratepayers. Presumably, this clause intended to raise the social standing of constables from its very low perceived level. Thirdly, the Act addressed the concerns expressed about the parochial nature of constables' powers by extending them across the whole county, and fourthly, it allowed magistrates to build lock-ups and to appoint superintending constables to supervise them, both financed out of the county rate. Most significantly, however, the Act removed the power to appoint constables from the courts leet, and placed it squarely with the magistrates, albeit acting on suggestions provided by the vestries. This had previously been a major source of irritation to both the magistrates and the vestries, and had been pointed to a number of times in the Chadwick returns as a cause of the problems in the parish constable system.

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<sup>82</sup> Parishes had a choice to either raise a separate rate to defray the expenses of paid constables or to take the money from the poor rates. *Parish Constables Act* [1842], para.28.

***Table 4.2: Number of men selected in 11 magistrates' divisions 1842-1856***

Division	Parishes	Number of Men Per Division in Selected Years				Total
		1842	1846	1852	1856	
Bishops Lydeard	9	16	16	18	18	77
Frome	20	37	44	58	76	235
Somerton	24	46	50	53	55	228
Bath	28	120	122	116	127	513
Bridgwater	37	94	95	102	102	430
Milverton	19	37	39	43	47	185
Carhampton	16	19	19	21	22	97
Chewton	22	47	59	66	62	256
Yeovil	33	61	59	62	62	277
Bedminster	20	52	55	57	56	240
Iminster	50	71	75	71	68	335
Total	278	600	633	667	695	2873

Source: *SRO, 1842-1856, Q/AP/c/1/84-85, Returns of Parish Constables Appointed by Divisions.*

Eleven divisions were selected at random to be studied in a little more detail using the post-1842 returns. Table 4.2 lists these divisions, and shows the number of men appointed to each in four sample years examined. The divisions contained a total of 278 parishes, and during these four years a total of 2,873 men were selected. During this period the total number of men appointed per year rose from 600 in 1842, to 695 in 1856.

***Table 4.3: Constables Per Parish: 1842-1856***

	1842	1843	1844	1845	1846	1847	1848	1849	1850	1851	1852	1853	1854	1855	1856	Mean
Bath (E)	4.3	4.2	*	*	4.4	4.1	*	*	*	*	4.1	*	*	4.4	4.5	4.3
Bedminster (E)	2.6	2.7	2.7	*	2.8	2.7	2.8	*	2.7	*	2.9	2.9	2.9	*	2.8	2.7
Bishops Lydeard (W)	1.8	1.8	1.8	1.8	1.8	1.8	1.9	2.0	2.0	2.0		2.0	2.0	2.0	2.0	1.9
Bridgwater (W)	*	*	2.5	2.6	2.6	*	2.6	2.5	*	2.6	2.8	2.9	2.8	2.8	2.8	2.7
Carhampton (W)	1.2	1.2	1.2	1.2	1.2	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.4	1.4	1.3
Chewton (E)	2.1	2.4	2.6	2.7	2.7	2.7	2.8	2.9	2.9	2.9	3.0	*	3.0	*	2.8	2.7
Frome (E)	1.9	1.9	2.0	2.4	2.2	2.5	2.5	*	2.6	*	2.9	3.1	3.1	*	3.8	2.6
Iminster (W)	1.4	1.4	1.4	1.5	1.5	1.5	1.5	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4
Milverton (W)	*	*	*	1.9	2.1	2.1	2.1	2.1	2.1	2.2	2.3	2.3	2.4	2.4	2.5	2.2
Somerton (E)	1.9	2.0	2.0	1.8	2.1	*	2.0	*	2.2	2.2	2.2	2.2	*	*	2.3	2.1
Yeovil (W)	1.8	1.8	1.8	1.9	1.8	1.8	1.9	1.9	1.9	*	1.9	1.9	1.9	*	1.9	1.9

Source: *SRO, 1842-1856, Q/AP/c/1/84-85, Returns of Parish Constables.*

\* = Data Unavailable.

Table 4.3 expands this data and shows the average number of constables per parish in each division, for all fifteen years studied, which suggests that it was uncommon for only one man to be appointed in each parish, but it was more likely that two men would serve simultaneously.

***Table 4.4: Constables per 1000 Inhabitants – Alternate years, 1842-1856***<sup>83</sup>

	1842	1844	1846	1848	1850	1852	1854	1856
Frome	3.1	3.3	3.7	4.1	4.3	4.9	5.2	6.4
Somerton	3.1	3.2	3.2	3.1	3.2	3.2	*	3.3
Bishops								
Lydeard	4.3	4.2	4.2	4.4	4.6	*	4.5	4.4
Bath	5.8	*	6.1	*	*	6.0	*	6.8
Bridgwater	*	2.9	2.9	2.9	*	3.0	3.0	3.0
Milverton	*	*	3.1	3.2	3.2	3.5	3.6	3.8
Bedminster	1.5	1.5	1.6	1.6	1.5	1.6	1.6	1.5
Yeovil	3.3	3.2	3.2	3.4	3.4	3.4	3.4	3.4
Carhampton	2.2	2.2	2.2	2.3	2.3	2.4	2.4	2.5
Chewton	2.5	3.0	3.1	3.2	3.3	3.5	3.6	3.3
Ilminster	1.9	1.9	2.0	2.0	1.9	1.9	1.9	1.9

Source: *SRO, 1842-1856, Q/AP/c/1/84-85, Returns of Parish Constables.*

\* = Data Unavailable.

Obviously changes in parish populations need also to be factored in to give a more meaningful statistic, which shows the ratio of inhabitants per constable. Table 4.4 shows this data, using the 1841 and 1851 census, and the numbers of men sworn as constables in alternate years.<sup>84</sup> These tables give a very clear picture of the concentration of parish policing, and show levels of policing never again achieved by the reformed forces, although the caveats about the limitations of the parish constable, *vis-à-vis* a full-time paid officer, must be strongly reiterated.

<sup>83</sup> Without accurate annual population data these figures cannot, of course, ever be completely accurate. The closest approximation has been arrived at by assuming steady annual growth between the 1841 and 1851 census points for each division.

<sup>84</sup> Intermediate years omitted from table 4.4 for clarity.

**Table 4.5: Slope of Trend Line of Growth of Number of Constables per 1,000  
Inhabitants 1842-1856**

Milverton	0.065
Frome	0.203
Bath	0.068
Bridgwater	0.015
Somerton	0.016
Bedminster	0.001
Bishops Lydeard	0.022
Yeovil	0.006
Carhampton	0.021
Chewton	0.062
Ilminster	-0.006

Sources: *SRO*, 1842-1856, Q/AP/c/1/84-85, *Returns of Parish Constables*; 1841 and 1851 Census.

What is significant about both tables 4.3 and 4.4, however, is probably not so much what they superficially show, as the underlying patterns within their data. Table 4.5 shows that not only are the number of men per parish increasing in virtually every division, but the underlying trend in every division bar one, supports the conclusion that this is the case even after allowing for increasing populations. This table shows the slope of the trend line of constables per inhabitant in each of the eleven divisions examined between 1842 and 1856. In every case, except Ilminster, the trend is positive, meaning the policing density was increasing, albeit only very slowly. Both of these key statistics then, constables per parish, and policing density, demonstrate an increased use of parish constables over the period of this study.

**Table 4.6: Constables per parish: Eastern and Western Administrative Divisions of Somerset - Average 1842-1856**

Eastern Administrative Division	Constables per Parish	Constable/1000 Inhabitants
Bath	4.3	6.1
Bedminster	2.7	1.6
Chewton	2.7	3.2
Frome	2.6	4.3
Somerton	2.1	3.1
Average	2.9	3.66
Average <i>less</i> Bath <sup>85</sup>	2.5	3.05
<hr/>		
Western Administrative Division		
Bishops Lydeard	1.9	4.4
Bridgwater	2.7	2.9
Carhampton	1.3	2.3
Milverton	1.4	3.3
Ilminster	2.2	1.9
Yeovil	1.9	3.3
Average 1842 - 1856	1.9	3.01

Sources: *SRO*, 1842-1856, Q/AP/c/1/84-85, *Returns of Parish Constables*; 1841 and 1851 Census.

The average number of constables per parish in the east was 2.5 (excluding Bath), as against 1.9 to the west. This difference is easily explained in terms of differential population densities. Table 4.6 shows that the number of constables per 1,000 inhabitants in each Division was, on average, 3.05 constables per 1,000 inhabitants in the east of the county, and 3.01 constables in the west: an insignificant difference.

When the magisterial divisions of each half of the county are aggregated, as in Table 4.7, it is again shown that there is no discernible east/west difference.

<sup>85</sup> A calculation is shown here, less Bath, as Bath was exceptional amongst the divisions of Somerset by virtue of its size and degree of urbanisation.

**Table 4.7: Mean Number of Constables per Inhabitant, Eastern and Western Administrative Divisions 1842-1856**

Eastern Administrative Division	
Mean Population ( <i>Excluding</i> Bath)	82087
Mean Total Constables	216
Constables / 1,000 Inhabitants	2.63
Western Administrative Division	
Mean Population	113869
Mean Total Constables	309
Constables / 1,000 Inhabitants	2.71

Sources: *SRO*, 1842-1856, Q/AP/c/1/84-85, *Returns of Parish Constables*; 1841 and 1851 Census.

### Age and Occupation

Who were the constables? From 1842 it becomes easier to form a picture of the men themselves, as returns giving names and sometimes occupations were made by the divisions each year, and these can be cross-referenced against the census to give more detail about the men's backgrounds. Six divisions have been sampled for this section of the chapter, three divisions from the east of the county, and three from the west. The data shown in Table 4.8 uses the returns submitted to the Quarter Sessions listing the men selected as parish constables for the year 1842. In that year, a total of 279 men were selected with responsibility for 165 parishes; 1.7 men per parish. The average age of these men was about 40, a figure which did not fluctuate considerably between the divisions. Within each division, however, there is some variation, with the oldest man selected being in his early sixties, and the youngest a teenager. Even the oldest of these compares favourably, however, with the men described elsewhere, Essex in 1832 contained, 'a number of men in their sixties [...] and men in their seventies [...] even one aged 77 in Streethall.'<sup>86</sup> The average age in Essex of 41.3 conforms quite closely with the Somerset figure, however.

<sup>86</sup> Philips and Storch, *Policing Provincial England*, quote at p.21.

**Table 4.8: Ages of constables in six selected divisions 1842**

Division	Men Appointed	Men		Ave Age	Oldest	Youngest	Men/Par	Parishes
		Identifiable in Census						
Carhampton (w)	18	18		41.2	53	29	1.2	16
Chewton (e)	47	37		32.4	51	21	2.1	22
Frome (e)	37	27		38.5	60	27	1.9	20
Ilminster (w)	71	43		33.9	61	16	1.4	50
Somerton (e)	46	34		36.5	56	21	1.9	24
Yeovil (w)	60	43		36.7	54	21	1.8	33
	Total	Total		Average	Oldest	Youngest	Average	Total
	279	202		age 39.6	61	16	1.7	165

Sources: *SRO*, 1842-1856, Q/AP/c/1/84-85, *Returns of Parish Constables*; 1841 Census.

It has been noted that by the 1830s the position of constable had declined in social status. Peter King, for example, is quoted as suggesting that in Essex this decline had begun some time before 1760.<sup>87</sup> David Philips and Robert Storch note that although labourers by no means dominated the constabulary, ‘the increase in the representation of labourers was indicative of the direction in which the office was going.’<sup>88</sup>

**Table 4.9: Occupations of constables in six selected divisions 1842 (%)**

	<u>Eastern</u>			<u>Western</u>		
	Chewton	Frome	Somerton	Ilminster	Carhampton	Yeovil
Farmers	38	38	53	44	44	29
Tradesmen	54	46	35	47	56	58
Shopkeepers	0	4	3	2	0	4
Labourers	5	13	6	7	0	7
Others	3	0	3	0	0	2
Total	100	100	100	100	100	100

Sources: *SRO*, 1842-1856, Q/AP/c/1/84-85, *Returns of Parish Constables*; 1841 Census.

In the divisions for which occupational data has been examined, the percentage of labourers is low, averaging no more than seven per cent across the six divisions, and at a maximum of thirteen per cent in Frome (see table 4.9). ‘Farmers’ represent a

<sup>87</sup> P. King, 'Resources Available to Victims', (Unpublished manuscript, Undated), pp.41-42, quoted in Philips and Storch, *Policing Provincial England*, at p.18.

<sup>88</sup> *Ibid.*, quote at p.21.

significant proportion but this term is open to interpretation, with little to go on for the period studied to give an indication of the actual size of farm involved or nature of land tenure. Tradesmen are also strongly represented, but again, this is a ‘catch all’ category, including a very wide range of occupations. However, what is clear is that the men being chosen in this period were not paupers or being selected ‘to keep certain men from becoming paupers.’<sup>89</sup> They were, in the main, presumably healthy active men, in their early to middle age, and from ‘respectable’ occupations. A slightly more detailed study of data from the same source covering the full period 1842 to 1856, and based on seven divisions shows similar results to the above (see Table 4.10).

**Table 4.10: Constables in seven divisions; age at first service and occupations 1842-1856**

<u>Age at 1st Service</u>		<u>Constables' Occupations</u>		
		<u>Occupation</u>	<u>Number</u>	<u>%</u>
Bath	38	Farmer	95	30
Bedminster	39	Tradesmen	85	27
Chewton	36	Retail	45	14
Somerton	39	Ag lab	32	10
Milverton	38	Yeoman	15	5
Ilminster	33	Other lab	12	4
Frome	38	Gardener	12	4
		Coal		
Average	37	Industry	6	2
Oldest	66	Independent	4	1
Youngest	16	Professional	2	1
		Servant	2	1
		Other	2	1
		Total	312	100

Sources: *SRO*, 1842-1856, Q/AP/c/1/84-85, *Returns of Parish Constables*; 1841 and 1851 Census.

312 men, selected at random,<sup>90</sup> between the years 1842 and 1856, had an average age of 37 when they first began their service in the role, with the youngest being 16 and the oldest 66. Table 4.10 gives a detailed breakdown of their occupations showing, again, that labourers constituted at most 14% of the men appointed. The landholdings of 39 of

<sup>89</sup> Philips and Storch, *Policing Provincial England*, quote at p.21.

<sup>90</sup> Every tenth man approximately.

the men that were listed as ‘Farmers’ could be identified in the 1851 Census. Table 4.11 shows the acreages that they worked. The mean holding was 108 acres, but most farms were much smaller than that, with fourteen, (36 per cent), being less than fifty acres, and the modal value being twenty acres.

**Table 4.11: Land holdings of farmers included in table 4.10 (for whom data is available)**

Size (Acres)	Number	%
0 to 49	14	36
50 to 99	11	28
100 to 199	10	26
200 plus	4	10
Total	39	100

Sources: *SRO*, 1842-1856, Q/AP/c/1/84-85, *Returns of Parish Constables*; 1841 and 1851 Census.

### **Length of service**

David Philips and Robert Storch have suggested that ‘some constables served for long periods of time as “permanent,” “standing,” or “perpetual” constables, acquiring a certain expertise and cunning in their business.’<sup>91</sup> This thesis shows that practice was, indeed, standard throughout Somerset. Table 4.12 shows the length of service of men in eleven divisions between 1842 and 1856.<sup>92</sup> Extant returns are more numerous for some divisions than others; all fifteen years’ records surviving for Ilminster for example, whilst only seven years’ records have survived for Bath.

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<sup>91</sup> Philips and Storch, *Policing Provincial England*, quote at p.31.

<sup>92</sup> To arrive at these calculations the men appointed in every parish each year were listed. From these lists it was possible to determine, (1) the number of individuals appointed and (2) the length of service of each man. Total man years = total of individual men’s service. Average service = total man years/number of men.

**Table 4.12: Length of service of constables 1842-1856**

Division	Years' Records	Total Individuals	Ave. years' service	1 year	2 years	3 years	4 years	5 years	6 years +	Max service	Total Man Years
Bath	7	443	1.88	234	117	43	23	18	8	7	832
Bedminster	11	336	1.77	225	53	25	9	14	10	11	594
Bishops Lydeard	14	56	3.88	14	12	8	6	4	12	14	217
Bridgwater	11	479	2.27	256	94	36	31	19	43	11	1086
Carhampton	15	98	3.11	56	13	7	5	3	14	15	305
Chewton	13	419	1.86	282	70	22	14	8	23	13	783
Frome	12	342	1.8	208	71	29	18	6	10	12	612
Ilminster	15	309	3.43	101	71	38	21	17	61	15	1060
Milverton	13	169	2.93	73	32	11	14	12	27	13	496
Somerton	11	298	1.72	197	53	21	14	4	9	9	512
Yeovil	13	157	3.12	66	27	16	13	11	24	13	490
Total	135	3106	2.25	1712	613	256	168	116	241		6987

Source: *SRO, 1842-1856, Q/AP/c/1/84-85, Returns of Parish Constables.*

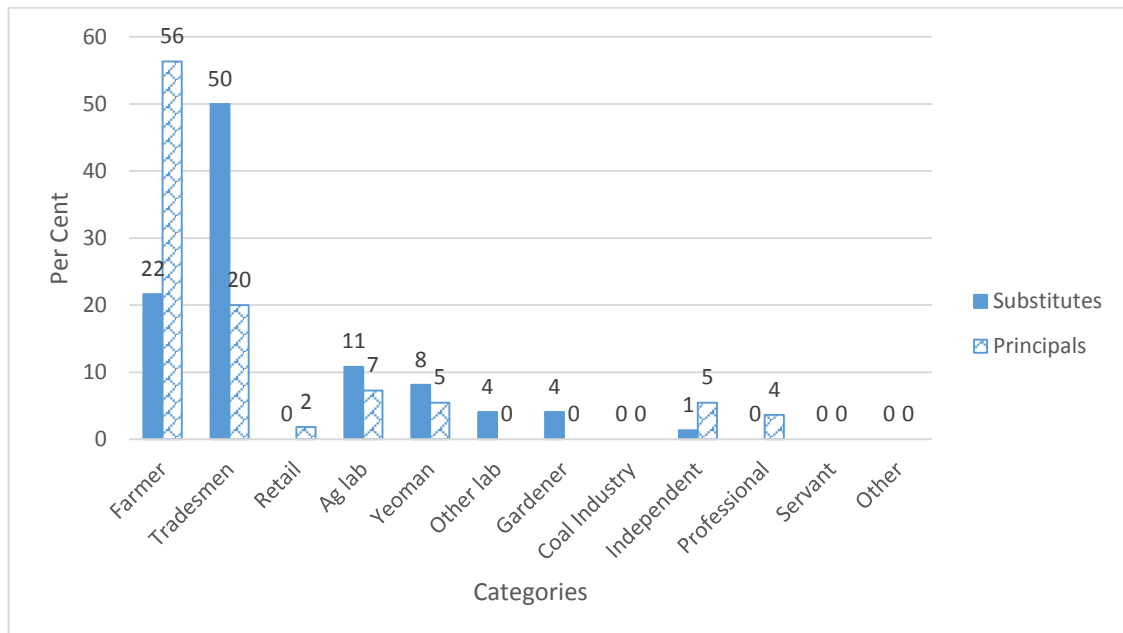
In total 6,987 man-years' service have been analysed, during which time a total of 3,106 individuals were appointed as constables. On average therefore, each man served 2.25 years. Around this figure were local variations; Ilminster appointed 309 men over a period of 1,060 man-years – an average of 3.43 years' service each. In contrast, the 336 men appointed in Bedminster served only 1.77 years each. Around one half of the men studied between 1842 and 1856 served for one year only. Two years was common, however, but periods longer than this were also by no means unusual. Some men served significantly longer than the average and it is worth observing that because much of this data is missing the findings understate the true picture. In Bath, for example, five men served in each of the seven years for which records have survived. In Bridgwater, five men served for the eleven years in which there are records. It is reasonable to assume that for many of them, their service would have continued in the gaps between the data, and that therefore, service durations were in fact longer than is demonstrated here. The duration of service of constables varied not only from division to division, but within the divisions between parishes. Doubtless the rigours, and rewards, of service would have varied between localities, and presumably these would offer some explanation for

the variations in service durations. A study of these local factors would provide fertile ground for further research. The evidence in table 4.12 suggests that the role of constable during this period was perhaps not as ‘onerous, unpleasant and occasionally dangerous’ as is often suggested.<sup>93</sup> Without doubt, at times, the job must have been all of these things, but for men to come back to it, year after year, it must have had some attraction. The implication has to be that there was income to be earned from the role otherwise the men would not have done it for so long.

### Substitutes

Phillips and Storch also noted that substitutes were widely used throughout Somerset and that constables, ‘or more commonly their deputies, might serve for long periods of time in a semi-professional capacity.’<sup>94</sup> The evidence of this thesis supports that conclusion but adds further detail to it.

***Figure 4.1: Occupational status of substitutes and principals 1842-1856***



Sources: *SRO, 1842-1856, Q/AP/c/1/84-85, Returns of Parish Constables; 1841 and 1851 Census.*

<sup>93</sup> See, for example, Foster, *Rural Constabulary Act*, p.3.

<sup>94</sup> Storch, 'Policing Southern England', quote at p.223.

The results presented in figure 4.1 relate to seventy-four men identified on the returns as substitutes, chosen from six divisions, and the corresponding data for fifty-five men who employed substitutes (principals).<sup>95</sup> It is apparent that the occupational status of substitutes was lower than that of the principals.<sup>96</sup> Twenty-two per cent of substitutes were identified as farmers compared with fifty-six per cent of principals, whilst conversely half of all substitutes were tradesmen compared with only twenty per cent of principals. The proportion of labourers is quite similar between the two groups, (eleven per cent substitutes and seven per cent principals), although it is no surprise that the professional and independent men were more inclined to appoint substitutes than to take on the role of constable themselves. The principals sampled included a paper mill owner, a woollen mill owner and a manufacturer of edge tools. The farms occupied by principals also tended to be more substantial than the norm, being frequently, rather than occasionally, in excess of 200 acres. These findings accord loosely with the comments of Frome magistrates who had told Chadwick that substitutes were ‘generally inferior to their principals.’<sup>97</sup> That is not to say that their being from a lower social class was always seen as negative. Bedminster magistrates had commented that they were, ‘inferior men with local knowledge of persons and characters,’ whilst Kilmersdon commented on their being ‘labourers of known resolute character and unimpeached integrity.’ It is a positive reflection on the quality of the substitutes that every man who was to be appointed to the Chard United Police Force is shown prior to their appointment to this office as being a substitute.

Storch comments that the prevalence of substitution in country districts was taken by nineteenth-century reformers as a token of the bankruptcy of the system.<sup>98</sup> Substitutes were certainly not held in high regard in all parishes of Somerset. They were labourers ‘and other persons who, by their age, were unfit for the situation’<sup>99</sup> or worse, ‘idle men

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<sup>95</sup> The choice of men for selection was very largely determined by the availability of census data.

<sup>96</sup> ‘Certainly, substitutes were almost inevitably of a lower status than the principals they replaced’ Philips and Storch, *Policing Provincial England*, quote at p.30, confirmed again here in Somerset.

<sup>97</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Frome magistrates.

<sup>98</sup> See R. Storch, ‘The Old English Constabulary,’ p.45.

<sup>99</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Wincanton.

hanging loose upon society with a very imperfect knowledge of their duties.’<sup>100</sup> Doubtless this must have been true in some cases. Service as parish constable is usually perceived as often being rendered ‘grudgingly or unwillingly.’ The evidence of this sample suggests, however, that the role cannot have been entirely unattractive to all men and that it was performed as a regular source of income in its own right as well, perhaps, as a source of additional income as a substitute.

### **Paid Constables**

The 1842 *Parish Constables Act* had also opened the way for constables to be paid out of the parish poor rate or from a rate levied for the purpose.<sup>101</sup> How many parishes actually opted for this option is not easy to determine, as some divisions listed paid men and others did not. There is no way to be sure that where they are not mentioned they were not actually used. Four divisions out of the eleven studied record the use of paid constables to varying extents. Chewton division used them in eight parishes at different times, but in particular, Midsomer Norton town and parish used them continuously from 1842. In Chewton they were not identified after 1847 - did Chewton parishes stop using paid men after 1847 or did Chewton magistrates, or their clerks, simply stop recording them? The latter seems most likely but it is impossible to be sure.

Paid men are recorded predominantly in the towns of Ilminster, Midsomer Norton, Crewkerne and Chard but, from time to time, they were employed in some of the villages, presumably to deal with local, temporary concerns or by way of local experimentation. All of the towns were growing in size through this period, and all were being influenced by the changes in the nature of industry. Ilminster, Chard and Crewkerne were becoming more dependent on factory-based textile production. Midsomer Norton was at the heart of the Somerset coal mining region. The larger towns, Bridgwater, Taunton and Wells, for example, had already formalised their policing and it was perhaps inevitable that the smaller towns should follow suit. What is puzzling is not that towns such as Ilminster did adopt paid men but that towns such as Frome, also at the heart of industrial mechanisation and not untouched by either

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<sup>100</sup> *Ibid.*, Shepton Mallet.

<sup>101</sup> *Parish Constables Act* [1842], para 28.

unemployment, Chartism or social unrest, did not do so. It seems more likely that the records simply do not show the steps they took.

Where records do exist they show that men were paid widely varying rates. In 1842, Joseph Smith of Chewton earned £1 per year, but John Gollege, of the same division but a different parish, was paid £8. Presumably the authorities' expectations of each man were different, or the arrangements for fees varied between localities.<sup>102</sup> Within five years, pay had gone up from this range of £1-8 to a range of £3-10 in Midsomer Norton. William Colmer, who served in Ilminster for 10 years from 1842, was paid £12 pa.<sup>103</sup> He cannot have been expected to perform full-time duties for his pay as he still shows his occupation in 1851 as a master tailor, employing men and boys. George Brown, who replaced him in 1852, gives his occupation as a grocer. Samuel Seabright had served for a number of years as a full-time officer in Chard United Police Force. However, after being asked to resign for alleged insubordination and drunkenness he went on to serve as a paid parish constable in Ilminster parish, itself a small unincorporated town.<sup>104</sup> The paid parish constable role appears to have offered opportunities to the towns and parishes to upgrade their policing, as well as a platform for the newly emerging professional policeman. By 1861, Seabright, for example, was working in Ivy Bridge, Devon and still giving his occupation as police constable, presumably with the Devon Constabulary. Although the county in Quarter Sessions may have resisted the introduction of policing, until the legislation of 1856 took matters out of its hands, the roots of embryonic change towards some reorganisation of policing can, therefore, be traced across the county. In the towns there was a movement, albeit slow, towards paid, full-time men whilst elsewhere throughout the county the density of constables was gradually, but persistently increasing.

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<sup>102</sup> Although scales of fees for the county were determined by Quarter Sessions *Parish Constables Act* [1842], para 18.

<sup>103</sup> *SRO*, 1842-1856, Q/AP/c/1/84-85, *Returns of Parish Constables*.

<sup>104</sup> *SRO*, 1849-1857, DD/SAS/c909/91, *Chard United Police*.

### Other private policing options

Policing in the parishes must also include an examination, albeit brief, of voluntary associations for the prosecution of offenders. Peter King examined their role in eighteenth-century Essex, but does not appear to be very convinced about the impact of them.<sup>105</sup> He suggests that, for Essex at least, ‘most subscriptions were designed to supplement the existing system rather than to challenge it.’ Even then, ‘the extent to which these associations provided an effective supplement remains in doubt.’<sup>106</sup> In Somerset they were also formed, as the returns to the 1836 Royal Commission show. A total of 103 responses to question 29 of the parish questionnaire, which asked about their existence, are discernible.<sup>107</sup> Of these a majority, 74, said that there were no such organisations in their parish. The 29 parishes that did have, or were in the process of forming, associations were mixed in their views about them. In support, were parishes such as Banwell where the respondents were effusive in their praise for their association, the benefits of which ‘are very visible as less depredations is [*sic*] committed on the members.’ Clearly the association was both solvent and active as the respondent continued; ‘I have known upwards of £40 expended on apprehending and prosecuting an Offender.’<sup>108</sup> Others concluded, ‘There is one but it does not diminish crime.’<sup>109</sup>

Janet Settington also noted the role of the associations and refers to the Camel, Cadbury and Sparkford Association, suggesting their formation represents evidence of fear of crime.<sup>110</sup> However, the same bundle of records that she quotes also contains a number of letters resigning from the society, mostly for the reason William Travers of Marston Magna gave, who simply stated, ‘I do not conceive it [membership] of any

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<sup>105</sup> See P. King, ‘Prosecution Associations and Their Impact in Eighteenth-Century Essex’, in D. Hay and F. Snyder, eds., *Policing and Prosecution in Britain, 1750-1850* (Oxford, 1989), ch.4, pp.171-210 and King, *Crime, Justice and Discretion in England, 1740-1820*, pp.53-57.

<sup>106</sup> *Ibid.*, quotes at p.56.

<sup>107</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*.

<sup>108</sup> *Ibid.*, Banwell.

<sup>109</sup> TNA, 1836-38, H0 73/5-9, *CFC Returns*, Yatton.

<sup>110</sup> See J.S. Settington, *Mr Warry's Force: Policing Somerset in the 19th Century* (Taunton, Undated), p.6.

benefit to me.<sup>111</sup> Within two years, out of the sixty men that had joined, seventeen were in arrears and eleven had resigned completely.<sup>112</sup> Other associations also appear to have been formed and then dwindled away; records for Somerton Union Association, for example, stop in 1842,<sup>113</sup> whilst Doultling Association for the Protection of Property (a name change from the Prosecution of Felons),<sup>114</sup> was not wound up until the county force was formed in 1856. This decline of the private associations was mirrored across the country. Barry Godfrey suggests that many of them quickly degenerated into little more than ‘an annual social event in the form of a grand dinner, and by the middle of the nineteenth century most had disappeared altogether.’<sup>115</sup>

Private associations did not appear to form their own forces as might have been the case elsewhere in the country.<sup>116</sup> There is no evidence in the archives to suggest that the Taunton subscription force was linked to such an association. Private watchmen may have been employed, but detailed study into individual estate papers would be necessary to identify them. George Warry, admittedly the major proponent in the county of a reformed police, argued in his evidence to the 1852 Select Committee on Police, that it would not pay him to employ a private watchman, and that his ‘contribution to the county police would be far less than the expense of a private watchman.’<sup>117</sup> Other evidence to the same committee gives a slightly different picture, (although as unsupportive of the parish constabulary system as George Warry was). Henry Eve, agent to the Bath Property Protection Society, said in a letter that in 1848, his society ‘caused six or eight sheep-stealers to be transported, and many to be apprehended, but seldom convicted, principally caused from the slovenly manner in

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<sup>111</sup> *SRO*, 1835-1845, DD\FF\16/2, *Miscellaneous Documents Concerning Camel, Cadbury and Sparkford Association for the Protection of Property, and the Prosecution of Offenders*.

<sup>112</sup> *Ibid.*

<sup>113</sup> *SRO*, 1839-1842, DD\S\BT\26/4/8-37, *Records Relating to the Somerton Union Association for the Protection of Property*.

<sup>114</sup> *SRO*, 1835-1858, DD\TAB\30, *Doultling Association for the Protection of Property*.

<sup>115</sup> B. Godfrey and D. Cox, *Policing the Factory: Theft, Private Policing and the Law in Modern England* (London, 2014), quote at p.102.

<sup>116</sup> See for example, Philips and Storch, *Policing Provincial England*, p.97; Godfrey and Cox, *Policing the Factory*, p.103; King, *Crime, Justice and Discretion*, p.54.

<sup>117</sup> *HCP*, 1852-3, (603), *First Report of the Select Committee on Police*, para.1366, p.85.

which the officers got up their evidence.<sup>118</sup> The coming of the railway did bring with it its own policemen many of whom can be found in the census records living in the county. Truncheons, and other artefacts, also survive. The textile industry does not appear to have employed its own private policemen but it was in decline through this period. The coal mines did not do so either.<sup>119</sup> Wells Cathedral did not employ its own constables as other cathedrals around the country had done.<sup>120</sup>

## Conclusion

Policing across the county then, overwhelmingly, was the responsibility of the parish constable. To a large extent these men themselves conformed to the general picture of policing in southern England painted by Philips and Storch. The men were from the lower social classes, but not the lowest. They were young to middle aged - mostly. They were able to appoint men to act as substitutes for them, and these men would probably be from lower social classes than they themselves were. Finally, they served in many cases for the one year that was required, but were equally likely to serve for longer: in some cases for many years. Opportunities being presented nationally by changing legislation, which may not have been being adopted at county level, were being taken up in many parishes.<sup>121</sup> Under these new laws, paid, and presumably more reliable and active men were being employed. It would seem that the number of parish constables in use across the county was increasing: not just in real terms but also in proportion to population. All this data shows that there were concerns about crime and policing, which appear to have been increasing. These concerns had expressed themselves in the early 1830s in the replies to Chadwick which had highlighted the problems with the old system, but also stressed that the revised system offered by him was not seen as necessary, and was not what was wanted. Twenty years later, it is obvious that these concerns were still as strong, since policing density, and associated expenditure on policing, were increasing in every corner of the county. The next

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<sup>118</sup> *Ibid.* Appendix 3, p.162.

<sup>119</sup> Email correspondence with Radstock Museum confirms there is no evidence in their archives and they ‘think it unlikely.’ Email received 9 February 2016 from research@radstockmuseum.co.uk.

<sup>120</sup> Conversation with Dr Julia Wood, previous Cathedral Archivist.

<sup>121</sup> See Chapter 5 for a more detailed discussion of debates at county level.

chapter will continue this analysis, by setting both these concerns, and the associated reservations of the parish and magistrate elites, into the context of the debates in Quarter Sessions. The chapter will consider how the voices of the parishes and the towns reflected themselves in the views of their magistrates, and the journey that the county took to final acceptance of the 1839 legislation.

## **Chapter 5: The Debate in Somerset – the Political Journey to a Reformed Police Force**

Over a period of seventeen years the magistrates of Somerset moved hesitantly, from an initial stance of outright rejection of the *County and District Constables Act*, [2 & 3 Vict. c.93, 1839], (hereafter *The Rural Constabulary Act*) to its adoption in 1856. This chapter sets out the detail of that journey, and examines it in terms of six key stages through which the magistrates and their debates travelled. These stages might be briefly described as the situation before 1837, initial acceptance of the need for change in 1839, 1840 and a change of heart, 1842-1852 a compromise – the *Superintending Constables Act, An Act for the Appointment and Payment of Parish Constables*, [5 & 6 Vict. c.109, 1842], another attempt in 1849 and in 1856, final acceptance and adoption of the 1839 Act. The chapter considers the views and arguments of the more important magistrates involved in the debates, as well as considering the implications of party political allegiances. Finally, before leading into the concluding chapter, it draws conclusions as to why such a significant shift in opinion eventually took place.

### **Stage 1: (1837 and Before) The Chadwick Commission and Scobell's Police Plan**

Around the country by the 1830s many schemes for improved policing were being devised by reform minded magistrates concerned with local shortcomings in existing arrangements.<sup>1</sup> Somerset was no exception. For some time before 1839, when the *Rural Constabulary Act* became law, the magistrates of Somerset, as elsewhere, had been expressing their dissatisfaction with the current arrangements for rural policing. In 1836, as discussed in the previous chapters, some of the magistrates had vocalised their desire for change in the returns to the Royal Commission into Rural Policing.<sup>2</sup> In 1837, one of the magistrates, the Whig MP for Bath, George Treweeke Scobell, had submitted his proposals for reformed policing. He had urged the improvement of the

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<sup>1</sup> See R. Storch, 'Policing Rural Southern England before the Police: Opinion and Practice 1830-1856', in D. Hay and F. Snyder, (eds.), *Policing and Prosecution in Britain, 1750-1850* (Oxford, 1989), ch.5, pp.216-221, for details of some of them.

<sup>2</sup> *The National Archives*, [hereafter *TNA*], 1836-38, H0 73/5-9, *Constabulary Commission Returns* [hereafter *CFC Returns*].

parish constable system but without going so far as ‘an organized stranger [*sic*] police.’<sup>3</sup> He wanted to extend the duty period of parish constables beyond one year, presumably to give them opportunity to gain experience in the work, but he wanted to leave their method of appointment unchanged. Greater activity on their part, including visiting beer houses, attending petty sessions and preserving the peace, he felt, could be induced by paying them an annual stipend of £5 to £10, enhanced with 3/6d, (per day presumably), whilst on public duty. Supervision was to be provided by full time, paid, chief constables, appointed either at the petty sessions or by the Poor Law guardians and paid £100 pa. The constables’ job would be to act within a hundred, a division or a union and be responsible for collecting information from the petty constables, acting on it, reporting it to the local magistrates, keeping a record of the state of the local beer houses and pubs, as well as performing some other local duties. In line with countless other such plans, Scobell’s scheme appears to have come to nothing, but does serve to demonstrate the thought that was being given to change, and how it might be achieved.

## **Stage 2: (1839) Acceptance in principle**

The Spring 1839 Quarter Sessions in Somerset, as in many other such sessions nationwide, saw a debate on a letter from the Home Secretary, Lord John Russell, who was canvassing views regarding the resolution of the Shropshire magistrates concerning rural policing. The Salop magistrates had unanimously resolved to establish a county wide police force, under the control of the magistrates, and paid out of the county rate.<sup>4</sup> This resolution inevitably met with a degree of sympathy from the Somerset magistrates. They had made clear in their returns to the Chadwick Commission that they were not happy with the present system of policing but that in whatever way the system was to be amended, central to their requirements was that they should retain, or perhaps increase, their control over the constabulary. The magistrates saw the failings of the old system as remediable, and as with other country gentlemen elsewhere, they

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<sup>3</sup> Details of Scobell’s plan are reported in Storch, ‘Policing Southern England’, at p.218. (Perhaps the use of the term ‘stranger’ here provides an exemplification of Keith Snell’s concept of local xenophobia? See K. Snell, ‘The Culture of Local Xenophobia’, *Social History*, 28 (2003), pp.1-30.

<sup>4</sup> See *Somerset Records Office*, [hereafter *SRO*], 1834-1858, Q/AO/6, *Civil Order Book*, Spring 1839.

wanted to see the ‘curtailing of the prerogatives of courts leet and vestries, a magisterial takeover of constabulary appointments and a reformed manner of paying parish constables.’<sup>5</sup> After consideration of the Salop magistrate’s resolution the Somerset Spring Session agreed that, ‘from the importance of the subject,’ they deemed it advisable to adjourn discussion until the following Sessions in the summer: the first of a great many adjournments and delays.<sup>6</sup> In their Midsummer meeting it was resolved that in their opinion;

the present Constabulary Force is not sufficient for the increasing wants of the County. That an organized Constabulary Force appointed by and under the control of the Magistrates is desirable and that they will at all times be ready to give their attention to any measure proposed by Government for the Improvement of the present Constabulary Force of the County.<sup>7</sup>

This resolution was hardly a surprise in the light of their comments to Chadwick. It stressed on the one hand that a reformed police should be ‘under the control of the magistrates’ and on the other committed them to do no more than ‘be ready to give their attention’ to any measures which might be forthcoming from government.

### **Stage 3: (Epiphany 1840 to Michaelmas 1840) cost and constitution**

#### **Epiphany Sessions 1840**

It is not until the Epiphany Sessions of 1840 that the debate really began in Somerset. Notice was given of the intention to move for the establishment of a police force under the 1839 *Rural Constabulary Act*.<sup>8</sup> According to the *Taunton Courier*, the meeting opened with the Clerk of the Court reading a notice signed by fourteen magistrates. The notice indicated the intention to raise the question of the introduction of the 1839 Act. It also reminded the Court of the resolution agreed at the previous Sessions, that they would give full consideration to any measure proposed by Government to improve the

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<sup>5</sup> D. Philips and R. Storch, *Policing Provincial England 1829-1856* (London, 1999), quote at p.210.

<sup>6</sup> *SRO*, 1834-1858, Q/AO/6, *Civil Order Book*, Spring 1839.

<sup>7</sup> *Ibid.*, Summer 1839.

<sup>8</sup> *SRO*, 1834-1858, Q/AO/6, *Civil Order Book*, Epiphany 1840.

constabulary force. Dr Malachi Blake, Unitarian lay preacher and founder of Taunton Hospital, moved the resolutions in favour of adopting the Act.<sup>9</sup> He argued that if the magistrates had been of the opinion in 1839 that the police needed some improvement, then they must be even more so now, ‘after the instances of robbery of the person, burglary, and felony of every description that had since occurred.’ He recognised that not all counties had adopted the Act, but felt that its adoption must inevitably be widespread. He admitted that its effect would be to double the county rate, but felt that the inhabitants ‘might well be content if they found that security of persons and property that was now so much needed.’ His two resolutions were that, one, the present police was ineffective, and two, a special meeting of magistrates should be called in May to elect a Chief Constable, decide the number of constables, their pay and other particulars under the new Act.<sup>10</sup> The seconder is unclear but was probably George Warry, arguably the main protagonist for the new force, who urged that if the existing force was insufficient then the new Act should be adopted.<sup>11</sup>

John Barrow, a fellow magistrate, suggested sarcastically that as the matter was so important, he would move that discussion of it should be adjourned until twelve months’ time, which apparently earned a round of cheers. Sir James Bathurst, opposed the motion but supported Blake insofar as some change was necessary. However, in his, Bathurst’s, view the new Act was ‘repugnant to the Constitution.’ In a speech described by Robert Storch as ‘ludicrous,’ Bathurst suggested that it placed on magistrates ‘the odious task of imposing new taxes on the ratepayers.’<sup>12</sup> He wished to see a uniform police for the whole country, paid for, not out of the rates, but out of general taxation. He also opposed the requirement for the magistrates to be involved in selecting the Chief Constable, who would, in all likelihood, be a military man. A task which should be left to the Lord Lieutenant of the county. He felt it better for Somerset to await results in other counties and therefore moved for an adjournment until the next, (Spring

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<sup>9</sup> *Taunton Courier*, [Hereafter *TC*], 22 Jan 1840.

<sup>10</sup> *Ibid.*

<sup>11</sup>For discussions of Warry and his role in the policing debates see, I.P. Collis, ‘The Struggle for Constabulary Reform in Somerset’, *Proceedings of the Somerset Archaeological and Natural History Society*, 99 (1954-55), pp.75-104, and J.S. Settrington, *Mr Warry's Force: Policing Somerset in the 19th Century*, (Taunton, Undated).

<sup>12</sup> Storch, ‘Policing Southern England’, quote at p.241.

1840), Sessions.<sup>13</sup> The Rev. Thomas Mirehouse agreed with none of the earlier speakers – he opposed the scheme *in toto*. He objected on constitutional grounds, and argued that the inadequacy of the existing police needed to be proven before considering a new force. That inadequacy, he suggested, was yet to be established. The remedy to what, he accepted, was an imperfect present police, was that courts leet should name individuals for the role of constable, and that magistrates should make the final selections. The *Taunton Courier* reported that he ‘inveighed emphatically, and at considerable length, against the despotic tendency of the bill, the system of espionage that it would introduce, and its infringement on the liberties of Englishmen’ as well as suggesting that it would cost £18,000 per year to introduce the Act.<sup>14</sup>

Support for reform came from Paulet St John Mildmay, a Whig MP, who decried the present state of policing, but Thomas Dyke Acland, a Tory MP, was circumspect. He felt unable to comment himself, and instead read the content of a letter he had received from Sir William Miles, Tory MP for East Somerset. In the letter Miles set out calculations based on three unspecified counties in which the Act had been adopted. Based on these figures, Miles estimated that Somerset would need one constable per 1,716 inhabitants, totalling 103 constables. At an average cost of £55 10s this would total £10,711 for the county. Miles’ letter also contained committal figures for Bristol over the four years that a Borough Force had been in place. These, he suggested, showed an increase. Presumably, Miles inferred from this that crime itself had risen as a consequence of the new police, rather than that apprehension rates had improved, but on the basis of them, Acland felt it was safer to delay adoption in Somerset until the evidence of more counties was available.

Issues of power were forcibly raised by the Whig MP for Bath, Captain George Treweeke Scobell. He would give ‘no man’ the powers that he said the 1839 Act placed in the hands of the Secretary of State. He would move that, ‘this court was not prepared to sanction the introduction into [Somerset] of the Act 2<sup>nd</sup> and 3<sup>rd</sup> Victoria, inasmuch as it was repugnant to the ancient and constitutional laws of England, and to the habits of a peaceful and agricultural people’ – points which elicited loud cheering from the

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<sup>13</sup> *TC*, 22 January 1840.

<sup>14</sup> *Ibid.*

assembled magistrates. He continued by arguing that the Act placed in the hands of the Secretary of State powers which were taken, 'out of the hands of the constitutional and natural conservators of the peace, the magistrates of the county.' He went further,

the constables and the magistrates were themselves in this matter on the same footing: the change of the one was a stepping stone to a change of the other; and if they looked abroad for a constabulary force there was no reason why they might not have to look abroad for magistrates also.<sup>15</sup>

Such views were also being espoused elsewhere. The journal, *The Justice of the Peace*, had declared in 1840, 'we doubt not for a moment that as soon as this force [a rural constabulary] shall be fully established throughout the country, the management of it shall be wrested from the hands of the magistrates, necessarily too feeble to govern an unconstitutional body such as this.'<sup>16</sup> Scobell put to the Somerset Quarter Sessions that he would accept the cost of a new force, which he estimated at £22,000 per year, if it were necessary, 'but the bill was contrary to the whole spirit of the constitution.' Finally, Edward Sanford, Whig MP for West Somerset, concluded that he advocated the bill, as 'founded upon the system of the London Police,' but wanted to wait to see how things developed in other counties before adoption in Somerset.<sup>17</sup>

The court divided on Bathurst's motion to postpone a decision until the Spring session. The motion was carried with 32 votes for, and 15 against, a majority for postponement of 17. Warry wrote, somewhat enigmatically, in his diaries, 'I endeavoured to press the court to express an opinion at once on the adoption of the Act or the rejection of it. It is perhaps the best course for the success of the measure.'<sup>18</sup>

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<sup>15</sup> *TC*, 22 January 1840.

<sup>16</sup> Anon, 'District and County Constabulary Force', *Justice of the Peace and Local Government Review*, (1840), pp.17-18, p.18.

<sup>17</sup> *TC*, 22 January 1840.

<sup>18</sup> Diary of George Warry quoted in Collis, 'Constabulary Reform in Somerset', at pp.85-86.

### Spring Sessions 1840

At the Spring 1840 session the opposition to adoption was supported by numerous petitions. The Order Book lists 38 from parishes, and two from adjacent Poor Law Unions.<sup>19</sup> The wording of the petitions was identical between almost all of the parishes and, in most cases, the parish clerk had merely to fill in the blank space left for the parish name and append the signatures of the petitioners. Doubtless it had originated from a central source, and the arguments expressed therein are suggestive of Scobell. The petitions claimed that, ‘there is, in reality no want of an organized Police in the Rural Districts of the County of Somerset.’<sup>20</sup> They cited existing legislation as offering full freedom for localities to make their own policing arrangements.<sup>21</sup> Tellingly, however, the petitioners argue, ‘their decided conviction that the principle of the New Police Act is highly objectionable, inasmuch as it places in the hands of the Government that power which ought to rest with the local authorities.’<sup>22</sup> Clutton Union, chaired by Scobell, went into more explicit detail, saying that the required improvement in rural policing could be achieved by:

restoring to their original efficiency the Laws regulating the appointment and duties of Constables. One great evil which should be remedied is the uncertain method in which this office is elected. In some places he is chosen by the jury of the Court Leet, in others he is appointed by the Magistrates, in some by the parish vestry, occasionally by private individuals and in some instances the last duty which the Constable whose term is nearly expired has to perform is the nomination of his own successor.<sup>23</sup>

The proposed new police under 2 & 3 Vict., Clutton said, was

an engine of Power unsuited to the principles of the English constitution being in the opinion of your petitioners an imposition only under another name of a

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<sup>19</sup> *SRO*, 1834-1858, Q/AO/6, *Civil Order Book*, Spring 1840.

<sup>20</sup> Petition of Nailsea parishioners used as example of identically worded petitions. *SRO*, 1840, Q/AP/a/1/1-3, *Petitions Presented to Spring Session at Wells against the Establishment of a Constabulary Force for Somerset*.

<sup>21</sup> Specifically they cited: *Lighting and Watching Act*, [3 & 4 Will. 4 c.90, 1833].

<sup>22</sup> *SRO*, 1840, Q/AP/a/1/1-3, *Petitions to Spring Session*, (Emphasis in original).

<sup>23</sup> *Ibid.*, Clutton Union petition.

system of military surveillance neither recognized by any existing law, nor required by the present state of Society.<sup>24</sup>

The result was, ‘incompetent and ignorant’ men, holding the office when the remedy was simple – a uniform mode of election, by the inhabitants in vestry, the magistrates, ‘or some other competent authority where the suspicion of favouritism or its reverse might not occur.’<sup>25</sup>

The *Taunton Courier* had predicted that the debate would be intense and that ‘the matter will be fully argued, and some decided steps taken, for or against.’<sup>26</sup> They were right about the depth of debate, although whether the steps taken were ‘decided’ is perhaps arguable. Scobell had been forbidden by his medical attendants from attending the meeting. He wrote to the court, however, stating that consideration had confirmed in his mind, ‘the unfitness and inexpediency of the stringent provisions’ of the 1839 Act. He ‘most unreservedly’ admitted, however, ‘the necessity of an immediate legislative enactment for the improvement and renovation of the ancient constabulary system of the Kingdom.’<sup>27</sup> Henry Hobhouse, Chairman of the Quarter Sessions and Whig MP, began the debate by reading a letter from Edward Sanford. In it Sanford explained that he had recently met Thomas Law Hodges, the Whig MP for Kent, who had told him about his proposed bill for reforming the police which was introduced in Parliament on 24 March 1840. Hodges’ view was that the 1839 Act had, ‘put a total extinguisher on the ancient constabulary system of this country,’ so in his intended bill he ‘proposed the continuance of the present system, but contemplated its improvement;’ sentiments which received applause from the Somerset magistrates.<sup>28</sup> Hodges’ plan was to leave the nomination of constables with the Court Leet, but for the magistrates to make the final selection.<sup>29</sup> Sanford’s letter also outlined Fox Maule’s

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<sup>24</sup> *SRO*, 1840, Q/AP/a/1/1-3, *Petitions to Spring Session*.

<sup>25</sup> *Ibid.*

<sup>26</sup> *TC*, 4 March 1840, quoting *Sherborne Mercury* – Undated.

<sup>27</sup> Letter to QS, dated 23 March 1840 included in *SRO*, 1840, Q/AP/a/1/1-3, *Petitions to Spring Session*.

<sup>28</sup> Hansard, *HC Debates*, 24 March 1840, vol. 53 cc16-23.

<sup>29</sup> Hodges’ bill was defeated when the Commons voted against it going to Committee, 3 March 1841. It has been suggested that the system Law Hodges was proposing, a police district under the control of local petty sessional justices, ‘might have amounted to the

intended bill, (later to become the amending Act to the 1839 legislation<sup>30</sup>), which proposed, *inter alia*, to allow magistrates to raise a special rate to pay their police expenditure rather than finance it from the general rate.

Luttrell presented eight of the petitions from parishes against adoption, Popham several more, whilst Mirehouse presented twenty. Warry appears to have recognised the inevitable and, rather than fight the opposition, at this point he moved for adjournment until the Michaelmas sessions, a motion seconded by Dr Blake. He reasoned that with the two bills going through parliament, and in compliance with both the petitions and the letter from Sanford, he ‘would best discharge his duty’ by moving for the adjournment. Sir James Bathurst spoke to say that he had expected the petitions, and he felt equally sure that as things stood the county would never introduce the Act. He regretted the increasing amount of crime but laid the blame on the beer shops. Finally, Rev Mirehouse, seconded by Barrow, moved for the adjournment of the matter *sine die* which was carried by 34 votes to 15.<sup>31</sup>

### Michaelmas 1840

Despite the previous decision, the matter was raised again at the 1840 Michaelmas session, with notice of motion being signed by six magistrates including Warry. Petitions were again presented against the adoption of a rural constabulary under the 1839 Act, and also now its 1840 Amendment. The petitions, again identical between the parishes, this time began by expressing surprise that the matter of a rural police was once more being discussed. Cost and infringement of liberties were again raised, although this time the petitioners also expressed their concerns that this legislation would lead to a stipendiary magistracy; ‘the greatest bane that could be imposed on a [*sic*] Agricultural district to the exclusion of the present Honorary and useful Body of County Magistrates.’<sup>32</sup> Warry, seconded by Bouverie, moved for the introduction of the

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*County Police Acts writ small.* Philips and Storch, *Policing Provincial England* quote at p.234.

<sup>30</sup> *County Police Act*, [3 & 4 Vict. c.88, 1840].

<sup>31</sup> *SRO*, 1834-1858, Q/AO/6, *Civil Order Book*, Spring 1840.

<sup>32</sup> Badgworth petition used as an example. *SRO*, 1840, Q/AP/a/1/1-3, *Petitions to Spring Session*.

rural police. The four hour long meeting was to prove perhaps the most acrimonious of the whole affair. In a speech of ‘considerable length and great ability,’<sup>33</sup> Warry argued the necessity of the new police based on, ‘the present imperfect state of the constabulary, and the increase in crime,’ and attempted to answer the objections presented by his opponents. He disposed ‘very summarily’ of the argument that the new force was un-constitutional and dangerous to the liberties of Englishmen. ‘The liberties of Englishmen must be rickety indeed if they are to be destroyed by a constable’s staff – a solitary constable in each parish; such liberties would be scarcely worth preserving.’<sup>34</sup> He upset the *Taunton Courier*, and undermined his own argument, however, when he recounted a visit he had made, accompanied by some Bridgwater Borough Force officers, to beer houses during the hours of divine service. He apparently found men drinking and saw this as an example of the want of a new police. The paper was incensed at what it perceived as typical of the surveillance to be expected from the new police. Perhaps, suggested the paper, Warry and the officers had found ‘two persons taking a cup of small beer in one ale house and three in another.’ But – ‘had they visited the parlours of the farmers and gentry at the same hour would they not have found fifty-fold the number engaged in the same occupation – and the public house is the parlour of the poor for he has none at home.’<sup>35</sup>

Barrow again opposed Warry, claiming the adoption of the 1839 Act was, ‘contrary to the wishes of the whole people of the county,’ and he again moved for the matter to be adjourned *sine die*. Mirehouse seconded Barrow, and argued that the new police could not be introduced in an effective state for less than £20,000 pa, against the £7,000 apparently claimed by Warry. Mirehouse quoted Blake as having previously said that the force would cost £18,000 although, if the *Taunton Courier* is to be believed, it was Mirehouse himself who quoted this figure.<sup>36</sup> Both Mirehouse and Barrow complained of the ‘lack of courtesy’ of those who had again brought up the matter of a rural police after its ‘discussion and rejection’ at a previous sessions. Bouverie countered that they were ‘actuated alone by a desire of seeing and hearing the question fairly and

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<sup>33</sup> *Somerset County Gazette*, [hereafter *SCG*], 24 October 1840.

<sup>34</sup> *Ibid.*

<sup>35</sup> *TC*, 21 Oct 1840.

<sup>36</sup> *Ibid.*, 22 January 1840.

impartially discussed.’ The *Taunton Courier* criticised Barrow in particular for being ‘personal – unfairly so. The proposers of the motion could have no imaginable self-interest to gratify in the establishment of a police; on them would fall a share of the burden and its vexations.’ Barrow’s arguments, the paper suggested, were ‘addressed to the prejudices of his audience, he dealt not in facts and figures.’ Mirehouse’s ‘speech did not grapple with the question at issue; one half of it was an attempt to bespatter with dirt the proposers of the measure, one half of the remainder to stimulate the prejudices of his listeners, and the rest to direct those prejudices to party purposes.’<sup>37</sup> The *Taunton Courier* berated the Reverend Mirehouse as ‘un-Christian.’<sup>38</sup>

Sir Alexander Hood deprecated in strong terms the introduction of the new police both on grounds of cost and of unconstitutionality. He observed that ‘*gens d’armes* like those of France, which country being totally dissimilar in habits to England, probably required it, but that a rural population, as Somerset contains, requires a soldier at every corner he strongly denied.’ The New Poor Law was, in his opinion, to blame for the increase in crime which ‘prevented the able bodied pauper from receiving the slightest relief for himself, wife and children, and who preferring the chance of a gaol to a poor house, was driven to the committal of paltry crimes to save himself from starvation.’<sup>39</sup> One suggestion is that this comment may have been influenced by incidents such as one at Combe St Nicholas in 1838, when a mob of women overturned the relieving officer’s bread cart and stole the loaves.<sup>40</sup> The *Taunton Courier* was not so generous to Hood. He had blamed the Poor Law for poverty, they reminded their audience, but it was not the Law, in their opinion, that caused poverty – the poor were suffering ‘because provisions are so dear, and provisions are so dear because he and his class refuse to permit the poor man to exchange his labour for food.’ A serious attack on Toryism followed in the paper’s columns.

William Hayter, Whig MP for Wells, advocated the adoption of the Act on the grounds of the increase in crime.<sup>41</sup> Hayter focussed upon a suggestion Hood had made that,

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<sup>37</sup> *TC*, 22 January 1840.

<sup>38</sup> *Ibid.*, 24 October 1840.

<sup>39</sup> *TC*, 24 October 1840.

<sup>40</sup> See Collis, ‘Constabulary Reform in Somerset’, at p.87.

<sup>41</sup> *TC*, 24 October 1840.

‘though a police was useful and necessary in the rude county of Lancashire, it was not required in the quiet rural county of Somerset.’ Hayter presented data, apparently from ‘the criminal returns,’ which showed that Somerset not only surpassed Lancashire in total amount of crime but also in atrocity of offences, and for sheep stealing Somerset had the highest figure in the country; its total of these offences being greater than York, Devon, Lancashire and Surrey added together. As for suggestions of unconstitutionality of the new force; Hayter observed that it had become law and thus incorporated into the constitution, and was, in fact, a part of it. Miles, quoted the case of Gloucestershire, in which he lived and argued that the county rate had doubled. The force there, he said, was so hated that they were obliged to travel in pairs, as it was dangerous for them to be alone. He knew many instances in which they had created disturbances themselves, and that no less than eight highway robberies had been committed without the perpetrators of one of them being discovered. His estimate of the cost approached £10,000 pa, and he suggested that, although it might be a good measure for large towns, they could already form their own force if they wished. He recognised, however, that the present system was ineffective and that any improvement was going to cost money, ‘for men will not work properly unless they be well paid, and a constable in each parish could not be well paid without a heavy charge being thrown upon the public.’<sup>42</sup> Miles’ main objections to the new police were that they could not be effectively supervised in a rural district, and that there would, therefore, be an inevitable neglect of duty and abuse of power. Above all, he said, the jealousy and dislike with which the new police were viewed by the inhabitants, although lamentable, should be taken into consideration in decision making. The surprising question then put to the vote by the Chairman was, ‘whether the present Constabulary of the County was sufficient for the protection of the lives and the property of its inhabitants.’ The result was Noes 13 – Ayes 22. Nearly one third of the magistrates present at the meeting refused to vote. ‘And well they might,’ observed the *Taunton Courier*, ‘for, owing to the extraordinary mode of putting the question they were called upon to confirm or deny that the present constabulary was insufficient. This had been admitted, even by speakers who oppose the motion.’<sup>43</sup> The magistrates further resolved, however, that ‘no constabulary force under the Acts of the two last sessions of Parliament be established in this county.’ Warry wrote in his diaries

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<sup>42</sup> *Ibid.*

<sup>43</sup> *TC*, 24 October 1840.

that day that the discussions had been long but had ended good-temperedly although, 'Mr Mirehouse exposed himself and his vulgarity.'<sup>44</sup>

Why had the magistrates changed their attitude from support of a reformed police to significant opposition? Firstly it must be remembered that their support had only been premised on their having control of the reformed constabulary. They did not perceive the 1839 Act to give them this control. Crucial, in fact, was their misplaced concern that the Act actually removed what authority they did have over the appointment and management of the constables, and potentially placed it in the hands of central government.

#### **Stage 4: (1842-1852) Compromise - Superintending Constables**

In 1842 the *Parish Constables Act*, [5 & 6 Victoria c.109], had been passed which had offered the opportunity of changing several aspects of the ways in which parish constables were appointed, paid and supervised. Firstly, where a vestry requested it, the county magistrates were able to authorise the appointment of paid constables.<sup>45</sup> Secondly, responsibility for the appointment of parish constables was removed entirely from the courts leet and passed to the magistrates.<sup>46</sup> Lastly the magistrates had the power to build lock-ups in the county paid for out of the county rate. Each lock-up was to be overseen by a superintending constable.<sup>47</sup> Although the county magistrates recognised the Act and published, as required, lists of fees payable to unpaid constables, no further action appears to have been taken at Quarter Sessions until midsummer 1849 when the magistrates of Somerset moved for the adoption of sections 22 and 23 of the Act. These sections would allow them to 'provide Lock Up houses for the temporary confinement of Persons taken into custody by any Constable [and] for the appointment of Superintending Constables to have the charge of such Lock Up houses.'<sup>48</sup>

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<sup>44</sup> Collis, 'Constabulary Reform in Somerset', quote at p.88.

<sup>45</sup> *Parish Constables Act*, [1842] s.19.

<sup>46</sup> *Ibid.*, s.21.

<sup>47</sup> *Parish Constables Act*, [1842], s.23.

<sup>48</sup> *SRO*, 1834-1858, Q/AO/6, *Civil Order Book*, Midsummer 1849.

Gore Langton had introduced the subject with his motion for the establishment of lock-ups. He suggested that the state of crime and policing was by now self-evident, and that remedy was needed. Lock-ups were now needed, with their accompanying superintending constables, if for no other reason than to overcome the risk of losing prisoners. This need Gore Langton exemplified with the tale of the sheep stealer in Blagdon who was, ‘given into the custody of a constable who, as was the custom, took him to an inn. During the night the prisoner managed to get hold of the room key and escaped – taking the constable’s ‘small clothes’ with him.’<sup>49</sup> The only question Gore Langton foresaw was whether to site one lock-up in each magisterial division or to divide the county into wider areas. He moved that a lock-up be provided, ‘at such places within the county as the Justices shall think fit and for the appointment of superintending constables to have the charge of such Lock-Up houses.’<sup>50</sup> He presented his plans and estimated the cost at less than £4,000 - about 1d on the rate. His motion was seconded by Synge.

Bickham Escott spoke against the motion – declaring that the new lock-ups would be ‘a series of prisons,’ and saw the expense as a heavy burden on the county at a time when they already had paid constables and crime was still increasing.<sup>51</sup> He wanted more precise detail about the number of lock-ups, and their cost, before he could support the motion. Scobell disagreed with Escott on cost, having himself estimated it at £1,060 per year. He also refuted the ‘little prisons’ idea, observing that men, ‘when apprehended, must be sent somewhere, and their object was to have a place where prisoners could be safely lodged.’<sup>52</sup> He suggested an amendment to the motion calling for a delay in reaching a firm agreement and the formation of a committee to investigate the question. Upon the suggestion of the Chairman, Gore Langton withdrew his motion in favour of the amendment. The committee was decided upon and was made up of the individuals shown in Table 5.1.

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<sup>49</sup> *SCG*, 7 July 1849.

<sup>50</sup> *SRO*, 1834-1858, Q/AO/6, *Civil Order Book*, Midsummer 1849.

<sup>51</sup> For discussion of the use of paid constables in Somerset see Chapter 4 of this thesis.

<sup>52</sup> *Bridgwater Times*, [hereafter *BWT*], 5 July 1849.

**Table 5.1: Somerset Magistrates – Members Of The Committee Appointed To Investigate Lock Ups**

Hon Philip Pleydell Bouverie	(Whig)
George Rouse	(unknown)
Francis Henry Dickinson	(Tory)
John Jarrett	(Tory)
William Francis Knatchbull	(Tory)
Thomas Tutton Knyfton	(unknown)
Richard King Meade King	(unknown)
Francis Fownes Luttrell	(Tory)
William Henry Gore Langton	(Tory)
George Treweeke Scobell	(Whig)
Francis Hutchinson Synge	(unknown)
William Ayshford Sanford	(Whig)
Thomas Bampffield Uttermare	(unknown)
George Warry	(Tory)
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Whigs -3, Tories -6, Unknowns – 5	
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Source: <i>SRO, Q/AO/6, 1834-1858, Civil Order Book, Midsummer 1849.</i>	

Warry's diary notes; 'a step was taken today towards constabulary improvements in the county and I hope it will be followed up.'<sup>53</sup>

### **Michaelmas 1849**

In 1849 the committee reported that the majority of them, (regrettably their internal deliberations and votes are not available), felt that it was expedient that some arrangements should be made for the provision of lock-ups with a superintending constable in charge. They demurred on the number of these, however, by suggesting that they should be available, 'generally throughout the county [but] leaving it for future consideration whether one should be established in each of the Magisterial Divisions or otherwise.'<sup>54</sup> The need for lock-ups was felt more, the committee suggested, in divisions containing large populations, and particularly those bordering Bristol and Bath. Rural areas had less need. However, under 5 & 6 Vict. c.109 the cost of these lock-ups was to be borne out of the county rate and therefore levied county

<sup>53</sup> George Warry's diaries quoted in Collis, 'Constabulary Reform in Somerset', at p.91.

<sup>54</sup> *SRO, Undated, Q/SR/573/89, Report of the Committee on Lock-up Houses.*

wide. The committee felt it appropriate, therefore, to extend 'to the whole county a measure, which they consider if carefully carried out, will, without overly bothering the ratepayers, tend to give a more efficient protection to Property, a greater facility for the detection of crime, and increased security to all classes.'<sup>55</sup> Scobell and Warry had found unanimity, it appears, as they are two of the five signatories to the report, the others being Gore Langton, Syngé and Bouverie; two Whigs, two Tories and one unknown. The court ordered that the report be filed and that, yet again, the matter be postponed for further consideration at the next meeting, at which the report was again referred back to the committee.

### **Spring 1850**

At the Spring Sessions, 1850, the committee's new report began by reasserting their belief that some action was necessary with regard to the question of lock-ups and superintending constables; particularly in the east of the county in the Divisions of Bath, Bedminster, Chewton, Keynsham, Wrington and Kilmersdon. They referred to the number of offenders that had gone undetected during the previous winter in those divisions, citing them as, 'additional proof that some active measures should be adopted at an early period.'<sup>56</sup> However, (and the magistrates by now are no strangers to prevarication on matters related to policing), the committee also made reference to legislation recently passed by Parliament,<sup>57</sup> and suggested that they had 'reason to believe that a measure will shortly be introduced calling on every County to provide a [...] place in each Magisterial Division for holding Petty Sessions to which a Lock-Up house with a residence for a Superintendent might be attached.'<sup>58</sup> The committee felt that in the light of this, and other legislation going through Parliament, they were not prepared to ask the court to, 'carry out any particular plan,' but instead to await the outcome of the present session of Parliament. This time the report had seven signatories; Gore Langton, Scobell, Warry, Pleydell Bouverie, Rous, Knatchbull and Jarrett. (Three Tories, two Whigs, two unknown)

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<sup>55</sup> *Ibid.*

<sup>56</sup> *SRO*, Undated, Q/SR/573/89, *Report of the Committee on Lock-up Houses*.

<sup>57</sup> *Petty Sessions Act*, [12 & 13 Vict. c.18, 1849].

<sup>58</sup> *SRO*, Undated, Q/SR/573/89, *Report of the Committee on Lock-up Houses*.

## Epiphany 1851

The matter was clearly not going to go away, and in January 1851, Gore Langton again raised the question of superintending constables, pointing out that the previous objections to the compulsory building of lock-ups, when they may not always be required, had been rendered obsolete by the passing of the *Superintending Constables Act*, [1850].<sup>59</sup> Now, superintending constables could be appointed without the accompanying requirement to build a lock-up. He was not, he said, going to ask the court to spend anything on lock-ups at the present time as he did not wish to, 'place the smallest additional burden on the ratepayers of the county, the advantages of which would not be immediately seen, and the expense not repaid, directly or indirectly.'<sup>60</sup> He suggested, therefore, that the county appoint one superintending constable to each petty sessional division; a total of twenty men. Each would be paid £110, which included the keep of a horse and, in addition to their ordinary duties, they might have 'the inspection of county bridges, the service of summonses, and the execution of warrants.'<sup>61</sup> Gore Langton moved that the court acceded to his plan, and he said that if they did then he would also move for the formation of a committee to, 'carry out the necessary details' and to report at the next meeting. Warry seconded the resolution. According to his diaries, he and Gore Langton had bought forward this motion after spending some time together discussing their course of proceeding in order to achieve success.<sup>62</sup> Crime, he believed was hatched in the unlicensed beer shops, 'and to put down these the present parochial constables are inefficient.'<sup>63</sup> The cost should be no more than one farthing on the rates.

Sir Alexander Hood disagreed with the motion. He looked at it as 'a skeleton placed before the county, to be filled up by degrees. It was introducing the thin end of the wedge to be followed up by a full constabulary force.' He could not agree to it being

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<sup>59</sup> *An Act to Amend an Act of the Fifth and Sixth Years of Her Present Majesty, for the Appointment and Payment of Parish Constables*, [13 & 14 Vict. c.20, 1850].

<sup>60</sup> *SCG*, 4 January 1851.

<sup>61</sup> *Ibid.*

<sup>62</sup> Quoted in Collis, 'Constabulary Reform in Somerset,' at p.92.

<sup>63</sup> *SCG*, 4 January 1851.

introduced without contemplating very extensive future expenses. Currently, he saw, ‘the very deep distress in to which the county was brought,’ and on that ground he would object to anything which would increase the counties expenses. A further £500 each year could be saved, Francis Dickinson suggested, by using the superintending constables to transport prisoners to gaol. Other speakers referred again to the additional cost of the scheme and opposed the motion for that reason. When the vote was taken the motion to introduce superintending constables was passed by 32 votes to 8 but, Gore Langton’s intention to then ask the court to form a committee to carry out the plan was watered down in discussion, and the court finally decided to form a committee, ‘only empowered to consider the best means of carrying out the proposition and to report to the next meeting.’<sup>64</sup>

### **Spring and Midsummer 1851**

At both the Spring and Summer 1851 meetings, petitions against, ‘any alteration in the present Parish Constabulary system,’ were again presented from parishes and unions opposed to the introduction of the superintending constables.<sup>65</sup> The matter was ordered to be deferred again until the Michaelmas session that year. Protest meetings had been held in Bathforum and Wellow against the appointment of superintending constables, where satisfaction was expressed with both the present system of appointing constables and the peaceable nature of the division; a view in marked contrast to the magistrates of the division who the previous year had petitioned Quarter Sessions asking for a new lock-up.<sup>66</sup> The protest meetings also recorded their dissatisfaction with the current system of rates being determined by unelected magistrates, and of support for Scobell in his determined opposition to the introduction of new police systems. The latter despite Scobell’s co-operation with the proposed adoption of the superintending constables legislation.<sup>67</sup>

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<sup>64</sup> *Ibid.*

<sup>65</sup> *SRO*, 1834-1858, Q/AO/6, *Civil Order Book*. Spring 1851

<sup>66</sup> *Ibid.*, Spring 1850.

<sup>67</sup> Referred to in Collis, ‘Constabulary Reform in Somerset’, p.92.

### **Michaelmas 1851**

The October 1851 Quarter Sessions, extraordinarily well attended with over 100 magistrates present, saw the final stages in the debate on superintending constables. The committee submitted a revised report, which began by reaffirming their strong belief in the need for a system which was not limited to those parts of the county that suffered the most from crime; ‘how greatly the advantages to be derived from the proposed measure derive from an [un?]interrupted chain of Communication being kept up between the Superintendents of each Division, your committee are of opinion that it would be desirable to appoint a Superintending Constable for each Division.’<sup>68</sup> The report recognised, however, the petitions which had been received against the new system, which was seen as adding to the rate burden for areas which did not appear to suffer particularly from crime. The report continued, ‘Your committee therefore, whilst adhering strongly to the opinion that they have before expressed, recommend that the Appointment of Superintending Constables, the expenses of which [...] must be borne out of the County Rate, should for the time being, be postponed and we therefore hope that the legislature may introduce a Bill [extending] the power of levying a separate Rate [...] upon each Division in which a Superintending Constable may be Appointed.’<sup>69</sup> The new report was signed by most of the original signatories. Scobell did not sign it, however, although he was present at the Michaelmas meeting.

### **Stage 5: (1849) A Third Attempt**

Meanwhile, jumping back in time a little, the question of the *Rural Constabulary Act* had not gone away. In spring, 1849, notice had been given of a motion to establish a force under the *Rural Constabulary Act*, 2 & 3 Vict. c.93, signed by seven magistrates, including most of the names from the 1840 sessions. More petitions against adoption were presented, signed by both landlords and tenants, which prayed that the court would not adopt the motion about to be discussed as, ‘they should be unable to bear the expense it would entail with trade in its present state; and giving it as their opinion that

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<sup>68</sup> *SRO*, Undated, Q/SR/573/89, *Report of the Committee on Lock-up Houses*.

<sup>69</sup> *Ibid.*

their property would not be more safe than at present.<sup>70</sup> Warry began by recapping the progress of the debate, both nationally and in Somerset, thus far. He made reference to the perceived increase in crime, which had led to the establishment of both the Metropolitan Police and forces in all of the large cities, as well as to the 1839 Act, but observed that;

thieves and vagabonds take advantage of the unprotected state of the county to commit their depredations. It was natural to suppose that finding they could not pursue their lawless practices without being detected in those counties which had a police force, they should infest those counties which are still undefended.<sup>71</sup>

He pointed out that the resolution condemning existing constabulary arrangements, and calling for a new force under the control of the magistrates, still stood on the Order Book, and he observed how the county had proceeded since 1842 under the provisions of the *Parish Constables Act* of that year. But, he considered, that Act ‘did not furnish that class of people which had been expected [...] and that there was no means of organization.’<sup>72</sup> Warry demonstrated, again, examples of the inadequacies of the present system.<sup>73</sup> He also produced letters from neighbouring counties which suggested that the highest addition to the rates in those counties had been 3d., and outlined his vision for the new force in Somerset comprising a total of 110 men at a cost to the rates of an additional 1d. He argued that in addition to their policing duties, the men could ‘take charge of the county’s weights and measures; they could perform the duties now done by the parish constables at an enormous expense – the conveyance of prisoners and the county could depend upon having these duties performed with accuracy and efficiency.’<sup>74</sup> When added to the detection and prevention of crime, in themselves of the ‘greatest importance,’ this made for a significant saving for the ratepayer.

Warry spoke for over an hour and, seconded by Bouverie, moved that the 1839 Act be adopted, and a committee appointed to investigate constabulary needs. Scobell totally disagreed with the motion, as was to be expected. It would be productive of great outlay

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<sup>70</sup> *BWT*, 29 Mar 1849.

<sup>71</sup> *Ibid.*

<sup>72</sup> *SCH*, 31 March 1849.

<sup>73</sup> *Ibid.*

<sup>74</sup> *SCH*, 31 March 1849.

to the county, he believed, with no great return. Warry had referred to Wiltshire and Scobell did so also, stating that whilst that county may have an effective police force, ‘official returns’ showed there had actually been an increase in crime since the new force had been established. Statistics, he claimed, ‘did not show that thieves and vagabonds were driven from that county into Somerset,’ and the Clerk of the Peace of Wiltshire was bound to give a good account of their police when he was employed by the justices who had initiated it. Crime in Wiltshire, he was able to assert ‘from good authority [...] comparatively speaking greatly exceeded that of Somerset.’<sup>75</sup> He believed it ‘a pretty strong fact’ that no county had adopted the 1839 legislation since the 1842 *Parish Constables Act* had been passed. He suggested that if Somerset was going to have a force, that they should at least have one that would be effective. 110 men, he believed would be lost in a county the size of Somerset. 173 men were employed in Wiltshire, but that county was smaller than their own. The number of other duties for the policemen proposed by Warry were too numerous, Scobell pronounced, to be performed properly. He moved an amendment to Warry’s motion; ‘That whilst the assumed advantages of a County Constabulary Force are very doubtful the heavy cost thereof is quite certain and therefore the Court declines to adopt any of its provisions.’<sup>76</sup>

In the course of Warry’s speech he had made reference to the establishment of lock-ups under the control of superintending constables, but dismissed the idea because, ‘it would not extend protection beyond the neighbourhood of the lock-up houses, and would not detect the thief who had been committing depredations.’<sup>77</sup> The Rev. Mirehouse picked up on this, and said that if Warry’s motion were defeated he, Mirehouse, would move for the formation of a committee to investigate how many lock-ups might be needed, where and at what cost. Jolliffe, one of the signatories to the notice of motion, also spoke for it, but in language so flowery that it must have sent out confusing messages even to his fellow magistrates; ‘words as you well know are ‘winged’ in more than one sense. Human speech is impatient of restraint, and prompt to overleap the confines of one signification only,’ he offered by way of explanation, and

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<sup>75</sup> *Ibid.*

<sup>76</sup> *SRO*, 1834-1858, Q/AO/6, *Civil Order Book*, Spring 1849.

<sup>77</sup> *SCH*, 31 March 1849.

reasserted his support for the motion. He also, however, expressed fear of crime to come, in particular from, ‘our sister island [Ireland]. Is there no danger of infection from the influx of turbulent and desperate adventurers?’ Even if at present there was little crime, he urged the magistrates not to be, ‘beguiled by that seductive stillness which [...] would entice our footsteps over a thin crust of ashes, beneath which the lava is glowing.’<sup>78</sup> The vote was 10 for Warry, and 38 against. Warry’s motion was therefore defeated and Scobell’s amendment carried. ‘Warry’s diary entry that night ended; ‘such is the wisdom of Somerset.’<sup>79</sup>

### **Stage 6: (1856) The *Rural Constabulary Act* [2 & 3 Victoria c.109, 1839] is adopted in Somerset**

#### **Spring 1856**

Seven years later, and following all the fruitless discussions about Superintending Constables and lock-ups, the Spring Session of 1856 saw the rural police, under 2 & 3 Vict., brought up again for discussion. Notice of intention to move for the adoption of the Act had been duly served in January and signed, this time by 22 magistrates - two Whigs, seven Tories, thirteen unidentified. Three petitions were presented to the court but this time they spoke in favour of the new police. Warry moved, again, that the ‘ordinary officers of the county’ were insufficient for the protection of life and property, and that therefore the provisions of the 1839 Act should be adopted. The 1839 legislation had been the law of the land for sixteen or seventeen years, he pointed out, and there was ample evidence to suggest that the time had come to adopt it in Somerset. He was at a loss, he said, to understand the ‘centralization’ objections and to see how the liberties of any country were likely to be influenced by an Act of Parliament regulating the police of the kingdom at large. Certainly, as far as highways were concerned, it was the want of centralization that was perceived as the problem rather than its presence. Equally the cost argument, the highways were currently rated at 6d but he felt they could be maintained at 4d. The balance then could finance the new

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<sup>78</sup> *Ibid.*

<sup>79</sup> Quoted in Setterington, Undated, *Mr Warry's Force*. p.15.

police. 'The moral improvement of the country would be worth something, and anything that would tend to assist the reformatory movement would be worthy of consideration.'<sup>80</sup> Gore Langton seconded him and said that in opposing Warry in 1842, he had had in mind the depressed state of the agricultural interests, and had been in favour of the less expensive system of supervising constables. Crime now, however, had become 'almost a science,' and the present constabulary system could not keep up with it. Dickinson agreed that the present force was inadequate for the county's needs. He nonetheless opposed the motion on the grounds that Parliament should be asked to find a better means of using borough and city constables for the detection of crime, as well as having them in readiness to proceed to the scene where an offence has been committed. Dickinson proposed an amendment to that effect, which Scobell seconded 'in order to assist Mr Dickinson's desire to raise a debate on the subject.' He supported the superintending constable scheme. He looked at the question of county police, 'in a broad constitutional point of view,' and he believed that, if it were put into the hands of Government it 'was an armed force which the electric wires might place where the Government pleased.'<sup>81</sup>

The result of the vote was 64 in favour of Warry's motion and 1, (Dickinson), against. Scobell was as opposed to the 1856 legislation as he had been the 1839 Act; and for much the same reasons. 'If we are to have arbitrary power far better to have it in the crown than in the fluctuating body like the Ministry. It, [the 1856 legislation] was the most un-English measure he had ever read, and seemed more fitting for Naples than for England.'<sup>82</sup> Scobell declined to vote. The court, at long last, had resolved to adopt the 1839 legislation, and further resolved to form a committee of 37 magistrates to decide on the numbers of men and their rates of pay. Before the meeting Warry had conferred with Gore Langton and Richard King Meade King and had, apparently, considered that his chance of success on this occasion was good.<sup>83</sup> He was not wrong; after seventeen years the 1839 legislation was finally adopted.

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<sup>80</sup> *BWT*, 27 March 1856.

<sup>81</sup> *Ibid.*

<sup>82</sup> Scobell to Parliament during the debate on the 1856 Bill, *Hansard*, 10 March 1856

<sup>83</sup> Quoted in Collis, 'Constabulary Reform in Somerset,' at p.89.

### Was Somerset different to the rest of the country?

Did Somerset, and the way that it reacted to the different pieces of legislation, differ from other counties around it? Are there patterns of adopting/non-adopting counties into which Somerset fits?

Somerset was bordered on the west by Devon, the south by Dorset and the east by Gloucestershire and Wiltshire. Of these; Gloucestershire and Wiltshire adopted the 1839 Act immediately, Dorset did so in part, Somerset and Devon did not do so until 1856.

***Table 5.2: Population Change in Somerset and Neighbouring Counties 1801-1851***

	1801	1851	Change	% Increase
England & Wales	8892536	17882314	8989778	101
Gloucestershire	250723	457399	206676	82
Devon	340308	563520	223212	66
Somerset	273577	443788	170211	62
Dorset	114452	183898	69446	61
Wiltshire	183820	254221	70401	38

Source: *HCP 1852-1853 Census of Great Britain, Vol 1. p.lxxxix.*

Table 5.2 suggests that overall population growth within each county, and possible associated employment and crime pressures, cannot offer an explanation. Wiltshire had the lowest growth rates throughout the period, Gloucestershire the highest (albeit still below the national average) and yet both immediately embraced the 1839 legislation.

**Social disturbance****Swing*****Table 5.3: Swing disturbances by county January 1830 – December 1832***

	Som.	Devon	Dorset	Glos.	Wilts.
Arson	2	4	12	5	18
Swing letters	2	7	-	-	4
Wages riots	1	1	5	-	-
Tithe riots	-	1	-	1	-
Workhouse riots	-	-	-	-	-
Enclosure riots	-	-	-	1	-
Food riots	-	-	-	-	-
Strikes	-	1	-	-	-
Political	2	1	1	1	-
Riots' assaults	3	-	4	4	20
Robbery	1	-	9	-	62
Burglary	1	-	1	-	3
Threshing Machines	3	3	9	19	97
Other Ag. Machinery	-	-	1	6	-
Industrial Machinery	-	-	-	-	4
Rent riots	-	-	-	-	-
<b>Total</b>	<b>15</b>	<b>18</b>	<b>42</b>	<b>37</b>	<b>208</b>
Pop – 1831 Census	403,908	494,168	159,252	386,904	239,181
Inhabitants per Incident	26,927	27,454	3,792	10,457	1,150

Source: Hobsbawm E.J., and Rudé, G., *Captain Swing* (London, 1969) Appendix 1

The impact of Swing on the different counties might offer some insight. Of the five counties, Wiltshire was without doubt the most seriously affected by unrest, with 208 incidents being recorded (see table 5.3). This represents one recorded incident per 1,150 inhabitants. Dorset, which partially adopted the Act is next, they, and Gloucestershire, who immediately adopted, are also high in the number of disturbances. Somerset and Devon, almost completely unaffected by disturbances in this period, chose not to adopt the Act.<sup>84</sup> Clearly there is some correlation here, although, on its own, it does not seem enough to explain the differing behaviour of the counties given the time lapse between Swing disturbances and final adoption.

<sup>84</sup> Of those incidents occurring in Somerset and listed in table 5.3 only one is referred to in the returns to the Chadwick Commission and that one was caused by 'drunken fellows' who set light to the lock-up. *TNA*, 1836-38, H0 73/5-9, *CFC Returns*, Banwell.

## Chartism

If Swing, and the associated disturbances, were in any way an early influence on the magistrates of the West Country counties, then Chartism may have been a later one. Again, however, the evidence is not conclusive. The region was, without doubt, affected by the Chartist movement, particularly in its textile and glove making industries. As shown elsewhere in this thesis, towns such as Yeovil, where glove making was a major cottage industry, were centres of Chartist activity. Frome, lying close to the Somerset/Wiltshire border, and still hanging on to its textile industry, also saw support for Chartism. However, ‘During its ten years of activity Chartism gained hardly any hold in the rural areas of Somerset and Wiltshire.’<sup>85</sup> In Somerset, Pugh notes, no Chartist groups have been traced in Shepton Mallet, Crewkerne or Wells and there was little Chartist activity in Bridgwater and Taunton.<sup>86</sup> Wiltshire, perhaps, of the two suffered more in terms of Chartist disturbance than Somerset. Gloucestershire, particularly in the industrial and urban areas of Cheltenham, Stroud and Wotton also demonstrated more support for Chartism than was evidenced in Somerset.<sup>87</sup> Whilst Chartism would undoubtedly have been in the backs of the minds of Somerset magistrates, there is no evidence that they were unduly worried about it, or that it influenced them in their policing debates. Probably, in fact, their lack of concern was part of their rationale in not previously adopting the 1839 Act.

## Conclusion

The question, then, is what made the magistrates of Somerset change their minds. Why did they not adopt the 1839 legislation before 1856? Robert Storch has suggested that, on the basis of his sources, it was not possible to determine why,

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<sup>85</sup> Pugh R.B., 'Chartism in Somerset and Wiltshire', in A. Briggs, (ed.), *Chartist Studies* (Macmillan, 1959), ch.6, pp.174-219, quote at p.216.

<sup>86</sup> *Ibid.*

<sup>87</sup> R.A. Owen, 'Radicalism and Chartism in Gloucester', (unpublished, Birmingham, PhD thesis, 1980).

counties A and B adopted the County Police Acts of 1839-40, whereas counties C and D did not. So many factors influenced the local decision in each case, and so many of them are unlikely to be recoverable without much further work by local historians, and perhaps not even then....<sup>88</sup>

Somerset, which had identified to Chadwick the need to reform its policing, appears to be such a case. Somerset magistrates did not stand apart from the ‘emerging consensus,’ described by Storch, for the need of some measure of police reform felt among provincial gentlemen and magistrates.<sup>89</sup> The need for change appears to have been recognised by everyone involved, and had been reflected in the views expressed in the returns to Chadwick, although the subject appears to have been given only superficial debate in Quarter Sessions. Critically, the magistrates wanted greater control over the appointment and management of the constables – a point made clear in the majority of the returns. It was inevitable, therefore, that when presented with the Salop Quarter Sessions’ deliberations, Somerset magistrates would initially be happy to pass a resolution which committed them to nothing other than the expression of their desire for change. The Salop resolution originated, not from government, but from a bench of magistrates. It contained no mention of the involvement of the Metropolitan Police Commissioners, or of a dominant role for government, in either the appointment of men or in the finance of the forces.<sup>90</sup> As such, it would have been seen as less threatening to the magistrates than any other proposal currently before them, either from the 1839 Royal Commission report, or from Chadwick himself. In this regard Somerset was not alone. As has been noted, a number of counties expressed support for the Salop Resolution without then going on to accept the 1839 legislation.<sup>91</sup> Despite this acceptance in principle of the need for change, however, opposition to the Act itself was implacable. Throughout, it was based on what David Jones has referred to as ‘the twin pillars’ of opposition to Peel’s 1829 police acts – constitutional acceptability and cost.<sup>92</sup> Even W.L Melville Lee, a firm supporter of the, ‘comprehensive and interesting,’ Report of the 1839 Royal Commission, referred to the, ‘obstinate

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<sup>88</sup> Storch, 'Policing Southern England,' quote at p.249.

<sup>89</sup> See *Ibid.*, p.213.

<sup>90</sup> See Philips and Storch, *Policing Provincial England*, p.137.

<sup>91</sup> *Ibid.*, p.301.

<sup>92</sup> See D. Jones, 'The New Police, Crime and People in England and Wales, 1829-1888', *Transactions of the Royal Historical Society*, 33, (1983), pp.151-68. p.163.

opposition [of] country gentlemen who besides being indisposed to favour any innovation that threatened their personal supremacy so near home, were strongly opposed to any additional burden being thrown on the county rate.’<sup>93</sup> Of Jones’ two ‘pillars,’ the constitutional argument had perhaps played the more minor part in Somerset but had nonetheless been persistent. Fears of a Continental police system, based upon spies and centralised in the Home Office, were widespread amongst both Conservatives and Radicals and were verbalised in Somerset, at the very least, by Hood and Scobell. However, although they formed a constant background argument throughout the period, by 1856, the constitutional argument, which was still being trumpeted by Scobell in parliament, otherwise ‘had left little mark’ on the debate.<sup>94</sup>

The explanation for the behaviour of the Somerset magistrates does not appear to lie in party politics, a point that the *Somerset County Gazette* had been eager to emphasise in 1840.<sup>95</sup> The debate had crossed party lines both locally and in Parliament. The 1839 Act had been passed with support from 68 per cent of Tory MPs and 89 per cent of Whigs.<sup>96</sup> Moreover, it, and its 1840 amendments, were Whig legislation. A Whig government was also in power in 1856 when Somerset adopted the Act. Locally, the main protagonist for the force, George Warry was, however, a Tory. His opponent, George Scobell, and principal opponent of the legislation, was a Whig. The initial notice of motion in 1840, moving for the adoption of the Act, was signed, probably quite calculatingly, by two Whig magistrates and three Tories. Throughout the debates, situations like that in 1840 arose when Scobell, a Whig MP, opposed the adoption but was followed in debate by Sanford, also a Whig MP, who spoke for it or when Warry, a Tory, spoke for the motion, followed by two more Tories opposed to it. It is impossible at this historical distance to determine the party political allegiances of all the magistrates. Indeed it was perhaps not always possible at the time.<sup>97</sup> It seems reasonable to suggest, however, that although party political allegiances must have

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<sup>93</sup> W.L. Melville Lee, *A History of Police in England* (London, 1901), quote at p.294.

<sup>94</sup> Collis, 'Constabulary Reform in Somerset,' quote at p.100.

<sup>95</sup> *SCG*, 24 October 1840.

<sup>96</sup> Quoted in Storch, 'Policing Southern England,' at p.213, footnote 5.

<sup>97</sup> As the *SCG*, 24/20/1840 notes of Barrow – ‘we do not know to what party he attaches himself, but from the line of his speech we would have him down as a genuine Tory – the organic remains of a former world.’

existed, the arguments for and against the adoption of the Act were fairly spread amongst them and many, of course, changed their views as the debate went on. Did pure party politics play a part in the debates, Storch asks? 'Perhaps further detailed research on a local level will show this to be the case, but it seems doubtful.' As shown above Somerset magistrates generally appear to have followed the 'protocol and good form' and left their party allegiances outside the doors of Quarter Sessions.<sup>98</sup>

Towards the end of the period of this thesis localised civil disorder was beginning to be perceived as an issue in the county. The worst of Swing had passed it by, but there were still socio-economic changes taking place which were leading to unrest. Storch could find no apparent correlation between Swing disturbances and adoption, nor any with anti-poor law disturbances. Neither Swing nor Chartism figure significantly in the Somerset debates, although anti-poor law feeling does from time to time get a mention, as does other civil unrest. The Civil Order Book for 1855 shows payments of over £80 being made for riot damage caused in the Hundred of Frome that year. More than fourteen parishes had been involved, with damage being inflicted on shops and houses.<sup>99</sup> At their Midsummer Sessions in the same year, the Chairman read a letter from Sir Arthur Elton, the Tory magistrate from Clevedon, North Somerset. His letter to Sir George Grey, Home Secretary, was urging Sir George to make the introduction of a paid constabulary compulsory upon the magistrates of Somerset. Elton's letter was prompted by the riots of striking coal-miners in his region whose pay had been cut. He claimed that the solitary paid policeman had been 'left in the lurch' by his unpaid colleagues and that, for whatever reason, the special constables sworn in had been unwilling to act.<sup>100</sup> Elton went on to describe other serious breaches of the peace in his area, which were, according to him, an almost weekly occurrence and led him to conclude that, 'counties without police were harbours of refuge for thieves, as well as hotbeds of social disturbance.'<sup>101</sup>

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<sup>98</sup> See Storch, 'Policing Southern England,' p.251.

<sup>99</sup> *SRO*, 1834-1858, Q/AO/6, *Civil Order Book*, Epiphany 1855.

<sup>100</sup> Collis, 'Constabulary Reform in Somerset,' quote at p.97.

<sup>101</sup> *Ibid.*

The Order Book also records riots in other places such as Chew, where the inn was destroyed, and Charterhouse, where serious damage was done to mine workings. Radstock parish, at the centre of the coal mining industry, had petitioned for a lock-up in 1849. The Civil Order Book refers to seven incidents of serious rioting being recorded between 1847 and 1855.<sup>102</sup> Increased social mobility and trade had meant that Radstock felt itself, ‘a great thoroughfare between, Bath, Wells, Frome and Shepton, situated in the midst of the coal pits, where a large concourse of persons is frequently assembled (*which will be much increased this spring with navigators*), under circumstances which endanger the public peace.’<sup>103</sup> Collis makes the interesting point that the parish of Radstock, which supported its own policeman at a wage of twenty five shillings per week, was situated within the union of Clutton, chaired by Scobell, which had petitioned against the establishment of a county police.

Issues were arising elsewhere with the provision of lock-up houses. Frome, as discussed in Chapter 3, was a declining industrial area, with a relatively high population density, close to the major conurbations of Bath and Bristol. Despite being without a police force of its own, it still had its own secure lock-up. In 1854 the Quarter Sessions had received letters from Lord Palmerston and the Inspector of Prisons regarding the state of this facility. It was apparent that there were failings in the Frome facility, and a committee was formed to investigate. They reported that the construction of a new building at the expense of the County, which would involve the appointment of a Superintending Constable, ‘is a question to be considered by the Court with reference to the County generally rather than as to the Frome Lock-Up alone.’<sup>104</sup> At the same time, letters were presented from the Town Clerk of Bristol to the magistrates of the Keynsham Division, (copy to the Secretary of State), making it clear that the City would no longer accept prisoners, to be confined in the City of Bristol police stations, committed by Somerset magistrates. The Bristol Watch Committee had complained that frequent demands were made by the county for assistance in keeping the peace and in the confinement of prisoners. The practice, they argued, was unfair to the ratepayers of

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<sup>102</sup> Collis, 'Constabulary Reform in Somerset,' quote at p.99.

<sup>103</sup> Quoted in Collis, 'Constabulary Reform in Somerset,' at p. 99. Portion in italics struck out in original.

<sup>104</sup> The report, dated 17 November 1854, is repeated in full in *SRO*, 1834-1858, Q/AO/6, *Civil Order Book*, Epiphany 1855.

Bristol and pointed to a need for an organized force in the county. One of the Keynsham magistrates had also written to the Lord Lieutenant of the county and he too stressed, ‘the very serious inconvenience arising from the entire absence within the county of any organized police and the want of buildings for the detention of prisoners.’ A memorial from the people of West Monkton was also read to the court praying that ‘an efficient and responsible Constabulary for this County may be provided.’<sup>105</sup>

Pressure was thus being placed on the magistrates from a number of sources for improvements to the constabulary. The 1856 Epiphany Quarter Sessions saw some of these pressures come together and seems, finally, to have motivated the magistrates in Quarter Sessions to take some action. The next chapter will continue this analysis by drawing together all of the ideas and material presented in this thesis. It will reflect on the interplay of national legislation, local events, fears and concerns and consider how these factors played themselves out in Somerset through the twenty-five years or so under study, leading ultimately to the adoption of the 1839 legislation.

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<sup>105</sup> *Ibid.*

## **Chapter 6: Conclusion**

By the mid-Victorian period, the adoption of a new police appeared to have become a reality in many rural counties of England. This study has shown that, even in the areas that did not adopt the 1839 Act until the 1850s, diverse, and often quite extensive, police reforms were introduced in rural England in the period 1830 to 1856. Somerset has provided a very valuable historical prism because of the spectrum of different sorts of communities across the county, and these have provided an analytical framework within which to test research on a relatively neglected aspect of policing and criminal justice historiography. It is important at this point to return to the three research questions that framed this study's approach.

### **Revisiting Three Core Questions**

This thesis set out to examine three core research questions. They were: firstly, what was the state of crime in the county through the first half of the nineteenth century, and how was it perceived by the Quarter Sessions and vestries? Secondly, what were the existing policing arrangements in the towns and rural areas of the county, and how satisfactory were these felt to be by the local decision-makers? Thirdly, what was the political journey taken by the magistrates in Quarter Sessions, from initial outright rejection of the *Rural Constabulary Act*, [5 & 6 Vict. c.109, 1839], to its ultimate acceptance in 1856?

In order to set the thesis into its historiographical context, Chapter 1 examined the development, and main theoretical arguments, of policing history. Three major schools of thought about the origins of the reformed police through the early nineteenth century were outlined. In particular, the chapter considered the orthodox, 'Whig', historiography, the predominantly Marxist revisionism, and the more recent views tending towards some synthesis of these two. As Barry Godfrey suggests, current historical research is tending, 'to emphasize the contingent and multifaceted nature of the new police, building on some elements from both 'Whig' and 'revisionist'

histories.<sup>1</sup> This thesis has concluded that no other approach is viable. Policing in Somerset, as doubtless elsewhere, has been shown to be ‘multifaceted;’ a necessary response to the multiplicity of social and economic conditions prevailing at the time. Theoretical explanations of these developments must therefore be capable of accommodating this range of different outcomes. Drawing upon the new material presented in the thesis, this final chapter supports the conclusions of Clive Emsley, Robert Reiner and others, and suggests that a ‘synthesis’ of theoretical positions is the only approach appropriate for Somerset.<sup>2</sup> This facilitates regional, county, and intra-county comparisons which will have wider applicability for further studies elsewhere.

Chapter 2 examined crime in the early nineteenth century with the aim of addressing the first research question, what was the extent of crime in the county, and how was it perceived? The theoretical premise behind this investigation was that rising crime levels have been seen to have provided the necessary motivation for the development of rural policing. The chapter examined official crime statistics, and compared Somerset with its neighbouring counties. The government-compiled crime statistics, with all their issues of accuracy and reliability, appear to show that ‘serious’ crime did exist but was neither significantly better nor worse than the national average, although, if anything, it was worse in Somerset than in Wiltshire. The statistics also suggest that the rate of property crime was worse in Somerset than either nationally or in Wiltshire. These official figures do not explain why Somerset did not choose to adopt the 1839 legislation, and reform its policing, whilst its neighbouring county, Wiltshire, did. In fact, if crime was the sole motivator of police reform then this outcome is the reverse of what the theory would suggest - Somerset should have adopted and Wiltshire not.

First-hand accounts of crime in two of the towns, Chard and Wells, were examined to identify local variations in both patterns of crime and responses to it. The nature of

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<sup>1</sup> B. Godfrey and P. Lawrence, *Crime and Justice, 1750-1950* (Cullompton, 2005), quote at p.19.

<sup>2</sup> See, C. Emsley, *The English Police: A Political and Social History* (Harlow, 1991), pp.5-6; R. Reiner, *The Politics of the Police* (Oxford, 3rd ed., 2000), pp.55-56, and in particular, D. Taylor, *Crime, Policing and Punishment 1750-1914* (Basingstoke, 1998), where Taylor argued that ‘More recent syntheses have stressed the complex and continuing nature of the debate on policing and also the immense local variation to be found in the first half of the nineteenth century,’ quote at p.73.

crimes recorded in the occurrence and charge books varied between the two towns, with Chard apparently focussing on property crime, and Wells on public order.<sup>3</sup> Chard experienced far greater disturbance in the workhouse than Wells. Women offenders appeared more often in the Chard records whilst Chard magistrates dealt with offenders more stringently than did those of Wells. Why these differences should exist is difficult to say. One explanation might be that police forces, which both of these towns had, dealt with the issues in their own ways, according to their own discretionary inclinations, local instructions and demands. Prosecution rates would not simply be a function of crime rates, or even of prosecutorial behaviour, but would also be mediated by the attitudes and aspirations of those that controlled and directed those policemen, as well as the attitudes of the men themselves. Other possible explanations might also revolve around the greater industrialisation of Chard, and perhaps, linked with this, a developing class consciousness. These hypotheses offer rich ground for further local study beyond this thesis.

Studies of rural criminality in England have focussed on particular types of crime specific to an agrarian context; wood theft, crop theft, poaching, animal maiming and sheep theft, for example. The Somerset questionnaires would suggest that Somerset experienced precisely the same range of criminal activity that other historians of rural areas have shown in their studies.<sup>4</sup> The Somerset material, therefore, reinforces the kinds of criminal activity that are typical in rural communities. It does not appear, however, that the traditions and cultures of criminality had a central role to play in debates about policing. Throughout the period of the thesis, and across all of the regions of the county, there is little evidence to suggest that crime itself was the driver behind policing reform.

What is most significant for this thesis is not, however, the actual statistics, but rather the perceptions of crime held by the decision-makers in the county. Chapter 2,

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<sup>3</sup> *Wells City Archive*, 1841-1847, Uncatalogued, *City of Wells Police Charge Book, May 1841 to Sept 1847*; *Somerset Records Office*, [hereafter *SRO*], 1849-1854, D/B/Ch/27/1; *Chard Occurrence Book*.

<sup>4</sup> See for example T. Shakesheff, 'Wood and Crop Theft in Rural Herefordshire, 1800-1860', *Rural History*, 13 (2002), pp.1-17; J.E. Archer, '*By a Flash and a Scare:*' *Arson, Animal Maiming, and Poaching in East Anglia 1815-1870* (New York, 1990).

therefore, considered perceptions of crime in the mid-1830s by examining the responses to the Royal Commission investigating rural policing.<sup>5</sup> This second chapter provided evidence that crime in Somerset at the time was generally, but not invariably, perceived by the respondents as predominantly trifling in nature, albeit fairly prevalent.<sup>6</sup> Such crime, in various forms, particularly theft and drunkenness, was frequently seen as a cause for concern. Just how much a cause for concern seemed, however, to be a matter for local variation. Chadwick's case for a new police could only rest upon a strong belief amongst those in power in the counties that crime was a problem, and that it could only be solved by the adoption of a fundamentally new approach. Whilst it was broadly agreed that policing arrangements across the county were in need of general improvement, the belief about the significance of crime needed by Chadwick, was not evident in the returns submitted to the Royal Commission. Neither, was it implied by the 'official' statistics of the day which, as was shown, produce a contradictory picture from which hard conclusions cannot be drawn. Through most of the period of this thesis there is little evidence that concerns about the crime rates figured prominently in the minds of the decision makers of Somerset. Nor was the will there to commit the ratepayers to the significant expenditure that was involved in a reformed police.<sup>7</sup> Crime was not a sufficient justification for major expense and change. Chapter 2, therefore, presented data on crime in a county that has not previously been studied and has considered its impact in a rural environment. This second chapter further challenged the orthodox historians' assumption that the introduction of the reformed police can be attributed to a single cause – such as crime rates. Explanations for the decisions of the magistrates in Quarter Sessions must therefore be sought elsewhere.

The second core research question was what were the existing policing arrangements in the towns and rural areas of the county, and how satisfactory were these felt to be?

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<sup>5</sup> *The National Archives*, [hereafter *TNA*], 1836-38, H0 73/5-9, *Constabulary Commission Returns*.

<sup>6</sup> Other historians have drawn the same conclusion. As Reiner notes, for example, most offences were small scale burglaries, robberies and assault, carried out for personal motives rather than by organised criminals or for political purposes. See Reiner, *Politics of the Police*, p.45.

<sup>7</sup> See below for further discussion of ratepayer pressures.

Chapter 3 examined the towns in Somerset and provided an analysis of why some chose to adopt reformed forces, whilst others did not. The *Municipal Corporations (England) Act*, [5 & 6 Will. 4 c.76, 1835], was responsible for most of the borough forces that were formed in the county, but the ways in which those forces were introduced varied widely between the towns. Wells, for example, welcomed the legislation, seeing it perhaps as a way to further its corporate ambitions. Chard took it on begrudgingly. Taunton wanted nothing to do with it but did want its own subscription force. Glastonbury, admittedly only a small town, adopted a very small force.

This third chapter examined the towns in the light of the ‘grand narrative’ theoretical explanations. It was shown that an amalgam of factors came into play to determine the inclinations of the individual town authorities to spend money on policing. As Chapter 3 demonstrated, size and urban density appear to be fundamental. This then forces us, however, to look more deeply at the particular forces at work in each town which increased the need for policing as population density grew. Local politics played a significant part in determining the ultimate creation and size of local forces. Included in this are town self-perceptions, which can only be fully understood by undertaking a study of the specific individuals in power in the particular localities. The desire by these men to create and mould the image of their towns, also appears to have been a significant driver for change through this period. Additionally, legislation such as the *Municipal Corporations Act*, [1835], and the *Lighting and Watching Act*, [3 & 4 Will. c.90, 1833], created both obligations and opportunities which were reacted to in different ways in different places. Levels of crime themselves do not appear to be the immediate motivator for the formation of reformed town forces, nor does political activism such as Swing or Chartism. High levels of incendiarism, as experienced for example in Norfolk, a county which adopted the 1839 Act immediately, might have been an adequate incentive, but these pressures were not present in Somerset. Levels of industrialisation may have been relevant, particularly in Chard. However, the suggestion that this alone might be adequate to influence local elites is weakened by other industrialising towns, Crewkerne and Frome, for example, which did not take

advantage of the opportunities available.<sup>8</sup> The nature of crime in each town is relevant, although, as discussed in Chapter 2, whichever source is used to determine crime's magnitude, doubts can be expressed about its reliability. Keeping that in mind, in Chard there appeared to be concern for class-based issues, in Wells, appearance and orderliness, whilst in Taunton, domestic security. An understanding of the actions of individual Somerset towns cannot therefore be gained by the application of mono-causal explanations such as, crime, industrialisation, or social upheaval, but requires a detailed and complex investigation of each individual situation.<sup>9</sup>

It is in Chapter 4, which examined the parish constables, that increasing concerns about crime are most easily identified. Parish constables continued to be used in Somerset, often alongside full-time borough men, up until the end of the period of this thesis and beyond. They tended to be male, young to middle-aged, either tradesmen or small farmers. They might employ substitutes, usually from a lower social class than themselves, and they might serve for any number of years. In these regards they conform very closely with the findings of Robert Storch and others.<sup>10</sup> Opportunities being presented nationally by new legislation, the *Act for the Appointment and Payment of Parish Constables*, [5 & 6 Vict. c.109, 1842], for example, were being taken up and the number of paid men was increasing. The significant finding, however, is that policing density was increasing at a rate which outpaced population growth. This increase, albeit slow, was fairly consistent across the duration of this study and throughout the county. The conclusion has to be that concerns over crime or public order, at least at parish level, were increasing and so therefore were feelings of vulnerability or insecurity: thus the perceived need for enhanced policing. It is not until 1856, and the eventual acceptance of the *County and District Constables Act*, [2 & 3

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<sup>8</sup> As was noted above, the town may have formed a night watch by subscription but evidence for this is very limited.

<sup>9</sup> David Barrie has noted that, 'Civic embellishment – rather than Metropolitan emulation or, indeed, concern with crime and disorder – was often instrumental in shaping municipal policing,' which certainly seems to be the case with Wells and may also have applied to Taunton. D.G. Barrie, 'A Typology of British Police: Locating the Scottish Municipal Police Model in Its British Context, 1800–35', *British Journal of Criminology*, 50, (2010), pp.259-277, quote at p.261.

<sup>10</sup> See for example, D. Philips and R. Storch, *Policing Provincial England 1829-1856* (London, 1999) pp.11-35; P. King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford, 2000), pp.65-75.

Vict. c.93, 1839], that any other evidence of this increasing insecurity can be clearly found.

No attempt has been made in this study to identify what the constables actually did, in terms of the issues other than crime that they dealt with, and their dealings with victims.<sup>11</sup> To some extent, their activities can be deduced from records such as those kept by the Chard United Police, which also listed fees to unpaid parish constables, but there remains need for further, detailed study of these men.<sup>12</sup> Chard provides one possible, albeit limited, data source but it must be remembered that the unpaid men were working alongside the paid men, and that their duties may not truly represent those of the isolated rural constable.

Were the existing policing arrangements considered satisfactory? Although tentative conclusions have been drawn throughout this thesis, it is only at this point in the study that it is possible to draw together the thoughts of the towns, the parishes and the magistrates. The answers to this at the beginning of our period, as expressed by the guardians and the parishes in the returns to the Chadwick Commission in the 1830s, are summarised in table 6.1.

Neither the magistrates, nor the guardians, were asked directly whether they wanted a reformed police, but several questions gave them opportunities to air their views.<sup>13</sup> As has been noted elsewhere, both these groups had indicated some dissatisfaction with current policing, but had shown no desire for a 'Chadwickian' style, centralised force. Table 6.1 confirms this. It shows that of 123 questionnaires in total, from which it is possible to infer an opinion, 13 per cent might be said to support a reformed police, 21 per cent advocated improvements to the existing system, and 66 per cent did not want

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<sup>11</sup> Although this would provide rich ground for further research outside of this thesis.

<sup>12</sup> *SRO, 1842-1859, DD\SAS/c909/77, Chard Union and Chard Parish.*

<sup>13</sup> Both the magistrates and the guardians were asked, supposing it were desirable to appoint paid constables what other duties they might perform and, additionally, the magistrates were asked how many paid constables they thought would be required in the division. Both questionnaires also asked what additional means would be required to increase security of life and property. From answers to these questions, as well as comments made elsewhere in the individual returns, it is possible to infer the views of the respondents. See Appendices A and B for detail of the questionnaires.

any specific changes at all. Arguably, bearing in mind the small number of magistrates' responses, they were, as a group, more inclined to want a reformed force than the guardians. Similarly, they were less inclined to retain the existing policing system unchanged. The guardians, those upon whom an increased rate burden would have fallen the most heavily, were, however, very clear. Only ten per cent expressed a desire for a reformed police, and the remaining ninety per cent were either content with the existing system, or looked only to modify it. There is no evidence at any time during the period studied to suggest that these views changed, particularly if debates in the Quarter Sessions are indicative of opinions. Ratepayer petitions against a county police continued to be presented to them right up until 1849. It is only in 1856 that petitions for a new police appear and the decision was taken, to some extent begrudgingly, to adopt one. Throughout, what was being asked for was change, but in the form only of improvements to the system of a locally controlled parish constabulary.

**Table 6.1: Summary of support for a reformed police**

Returns to 39 Royal Commission	Identifiable Responses	Reformed Police	Wanted by respondents	
			Increased Efficiency/ Supervision or magisterial appointment	No change
<b>All Returns</b>				
Parishes	107	11 (10%)	21 (20%)	75 (70%)
Magistrates	16	5 (31%)	5 (31%)	6 (38%)
<b>Total</b>	<b>123</b>	<b>16 (13%)</b>	<b>26 (21%)</b>	<b>81 (66%)</b>
<b>Eastern Division</b>				
Parishes	72	8 (11%)	18 (25%)	46 (64%)
Magistrates	11	3 (27%)	5 (45%)	3 (27%)
<b>Western Division</b>				
Parishes	35	3 (9%)	3 (9%)	29 (83%)
Magistrates	5	2 (40%)	-	3 (60%)

Note: rows may not total to 100% due to rounding.

Source: *TNA*, 1836, HO 73/5-9.

Historiographical explanations of policing development suggest that there should be a tendency to see greater concern about crime, and the need for increased policing, in the east of Somerset, than the west. The 'migration thesis', would emphasise close proximity to the major cities of Bath and Bristol. The industrialisation of towns such as

Frome, and the influences of Gloucestershire and Chartism in the Eastern Division might also have had an effect. Table 6.1 provides some evidence that this was in fact the case. Although it shows only a very limited support for a Chadwickian-style police it is clear that there was a greater call in the east of county for some change than there was in the west. The percentages of both parishes and magistrates that indicated they wanted no change was much smaller in the east than the west and the percentages wanting improved or more efficient policing were higher in the east than the west. Indeed, in the east of the county one quarter of the parishes, and almost half of the magistrates, were calling for some improvement. Overall, Table 6.1 supports the suggestions made throughout this thesis, that the existing parish constable system may well have been seen as ailing, but it had not been pronounced dead.<sup>14</sup>

The third research question asked about the political journey the magistrates took from outright rejection of the 1839 legislation, to its final adoption in 1856, seeking to explain why the magistrates did not adopt the Act sooner. Chapter 5 noted that David Jones' 'twin pillars' of opposition to the Act; constitutional objections and cost, both had an influence on the outcome of the debates and the county's reluctance to adopt radical reform.<sup>15</sup> Constitutional arguments played a much lesser part, but cost was a recurring issue throughout the Somerset Quarter Sessions debates. Crime, which has been comprehensively considered above, does not appear to have been a significant driver for the magistrates - certainly not as overtly significant as were ratepayer opinions. Neither do party politics seem to have been significant. The magistrates can be shown, however, to have responded to the pressure exerted, at several points through the debates, by ratepayer petitions. Any dissatisfaction with existing policing expressed in the Royal Commission returns, was clearly not sufficient to overcome the concerns of the magistrates about cost, and its impact on the ratepayers. Nowhere is this expressed more clearly than by the magistrate Gore Langton, who had opposed the idea of a county police from 1839 to 1856, but ultimately was to second the successful motion for its introduction. Gore Langton had been, he openly admitted, opposed to the

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<sup>14</sup> See Chapter 1 for example.

<sup>15</sup> See D. Jones, 'The New Police, Crime and People in England and Wales, 1829-1888', *Transactions of the Royal Historical Society*, 33 (1983), pp.151-68, p.163.

force on the grounds of cost and ‘the depressed state of the agricultural interest.’<sup>16</sup> Nationally, such concerns about costs and about the political influence of ratepayers, were being reflected equally strongly in other areas of social policy. As other historians such as Christopher Hamlin have shown in his work on sanitation, the role of ratepayers should not be underestimated. He observes, for example, that Chadwick was driven in his advocacy of improved health not so much by philanthropic motivations as by the desire to cut cost for the ratepayers.<sup>17</sup> Pamela Fisher notes that legislation, and growing social pressures for reform, including a reformed police, were

met from the county rate, which fell heavily on an agricultural sector that, in the 1830s and 1840s, faced serious difficulties. As an unelected body with almost total discretion over county spending, the magistrates were sensitive to claims that the county rate was a form of ‘taxation without representation.’<sup>18</sup>

The question might also be asked, why did the county magistrates not defer their decision just a little longer, until it would have been taken out of their hands and the responsibility for the imposition of the new police would not fall on them? The assumption must be that they did not live in a social vacuum, and would have been aware there had been a change in the feeling of the ratepayers of the county, as reflected not only in the public order issues raised in the Epiphany sessions, but also in the memorials to be presented in the spring; all requesting a reformed police. By 1856 it is possible to argue that the situation in the county was beginning to change. There are indications in the towns, and in the parishes, that crime was beginning to become more significant to the authorities. Equally, the magistrates cannot have been unaware of the legislation going through Parliament, and its high probability of passing into law.<sup>19</sup> Scobell himself had spoken in the House of Commons during the debate at the second

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<sup>16</sup> *Somerset County Herald*, 31 March 1856.

<sup>17</sup> C. Hamlin, 'Edwin Chadwick, "Mutton Medicine," and the Fever Question', *Bulletin of the History of Medicine*, 70, (1996), pp.233-65. See also, for example, M. Latham, 'From Oligarchy to a 'Rate Payer's Democracy': The Evolution of the Corporation of London, 1680s-1750s', *Urban History*, 39, (2012), pp.25-245.

<sup>18</sup> P. Fisher, 'The Politics of Sudden Death: The Office and Role of the Coroner in England and Wales, 1726-1888', (unpublished, Leicester, PhD thesis, 2007). Quote at p.151.

<sup>19</sup> *County and Borough Police Act*, [9 & 20 Vict. c.69, 1856].

reading. Within that year, any choice that the magistrates may have had would be taken away from them. Robert Storch talks of the influences of;

overt rural discontent, [and] the covert phenomena of sabotage, maiming and arson [...] The Swing episode; the disturbances accompanying the introduction of the New Poor Law, a vagrancy panic [and] the growing concern among the gentry that rural society could no longer be kept in equipoise by an increasingly ragged paternalism and even perhaps a real increase in rural criminality.<sup>20</sup>

All of these must have been, to a greater or lesser extent, influences on the Somerset magistrates, but in the end it made no real difference if they adopted the 1839 legislation, or simply waited to be absorbed by the 1856 legislation. The end result would be, to all intents, the same. By electing to adopt the 1839 legislation they were able to appear to be taking the initiative and responding to changing ratepayer demands. Constitutional arguments were taken out of their hands and the matter of cost would, to an extent, be resolved for them.<sup>21</sup> At the beginning of 1856, accepting the 1839 legislation was, in effect, accepting the inevitable, but at the same time saving face and appearing to create a force on their terms, rather than having one imposed upon them. As Scobell tellingly said, he accepted that the motion in Quarter Sessions for adoption was going to be carried, but, ‘he rejoiced if it were so that they would carry out their views without being compelled to do so.’<sup>22</sup>

By presenting the first detailed examination of the state of policing, and debates about policing reform in Somerset 1830-1856, this thesis has made a number of contributions to the broader historiography of policing. The next section of this chapter will situate these findings within the current historiography and will discuss the broader contribution that this thesis has made.

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<sup>20</sup> R. Storch, 'Policing Rural Southern England before the Police: Opinion and Practice 1830-1856', in D. Hay and F. Snyder, eds., *Policing and Prosecution in Britain, 1750-1850* (Oxford, 1989), ch.5, pp.211-66, quote at p.263.

<sup>21</sup> The 1856 legislation offered one quarter of the cost regardless of which legislation the force was formed under.

<sup>22</sup> *Bridgwater Times*, 27 March 1856.

### **What has this thesis contributed to the historiography of policing?**

This thesis has made use of hitherto under-explored historical data sources. The occurrence books of the local police forces, for example, represent a rich source that still offers much to the historian.<sup>23</sup> The borough forces remain in need of investigation in much more detail than was possible in this thesis. Detailed records exist for Bath, for example, which would offer rich material for separate investigation and future publication. The returns to the 1836 Royal Commission have been shown in the thesis to be very rich, and also are an invaluable and under-used source of research data for the historian, offering an insight into the thinking of the magistrates and parish authorities of the time. They also are awaiting more research to investigate, for instance, who were the individuals who signed them, to what extent are their views nuanced by desires to avoid a Chadwickian solution to policing, and in what ways did Chadwick himself manipulate the information that came out of them? This thesis has gone some way to continue the exploration of this invaluable source of historical data.

Historians have sometimes used the adoption of the 1839 Act before 1856 as a crude measure of whether rural and county elites wanted better policing. However, this investigation has shown that they might both not want full reform, and the loss of power it entailed, whilst at the same time clearly introducing measures which gave them a greater depth of policing.<sup>24</sup> Refusal of the 1839 legislation does not constitute, as is sometimes implied by historians, a refusal to have more policing, but was simply a refusal of the particular framework inherent in that Act. Rural policing, certainly in Somerset, was developing throughout the period of this thesis, and may have continued to do so if the 1856 Act had not taken matters out of the county authorities' hands. The Victorian era is characterised as a period of improvement in a range of issues – transport, welfare, education, and penal policy to name but a few. Policing was one of

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<sup>23</sup> A point recently taken up by David Churchill, 'I Am Just the Man for Upsetting You Bloody Bobbies': Popular Animosity Towards the Police in Late Nineteenth-Century Leeds', *Social History*, 39 (2014), pp.248-66, p.251.

<sup>24</sup> This point has been noted by Philips and Storch, who refer to a 'serendipity in the pattern of adoptions of the *County Police Act*. Its rejection was not an infallible indicator of the sentiment of justices, or the gentry in general towards police reform *per se*.' Philips and Storch, *Policing Provincial England*, quote at p.163.

these issues but shows clearly the extent to which the centre and the localities could interact to develop local solutions to local problems. Both county, and local authorities, were able to ‘cherry-pick’ the opportunities presented by national legislation to find solutions which fitted their particular needs – effectively remaking policing ‘from the margins’ rather than from the centre.<sup>25</sup>

In the early stages of the Marxist historiography of policing there was a danger that historians would fall into the ‘one-size-fits-all’ view. Many focussed their study on specific types of locality, the urbanised, industrial, frequently northern, areas. Other regions where their particular configuration of causative factors was not present, were not properly investigated. ‘Grand narrative,’ one-size-fits-all solutions cannot be applied in a situation as diverse as the county of Somerset. Philips and Storch began the move away from the Marxist regional preoccupations, and produced a significant study of the development of policing in the provinces.<sup>26</sup> Robert Storch focussed his study on rural southern England.<sup>27</sup> This present thesis has developed those studies, and in the process has reinforced Storch’s findings. Although it is easy to explain the earlier adoption of the 1839 Act in counties that experienced readily identifiable panics, ‘Swing’, Chartism, incendiarism, and so forth, counties such as Somerset, where no such issues arose, do not offer ready explanation.

1856 represented in Somerset, as it may have done in other counties, ‘the end of a long and complex process of both ideological change and practical experiment in the countryside.’<sup>28</sup> The period of this thesis, has been described as a period of revolution in local government.<sup>29</sup> The reforming legislation of the 1830s, including significantly, the *Reform Act*, [1832], the *New Poor Law*, [1834], and the *Municipal Corporations Act*, [1835], were reshaping the roles of the governors of both the parish and of the county. By the middle of the century, ‘the participatory traditions of local self-government in

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<sup>25</sup> To borrow an expression from Peter King, *Crime and Law in England 1750-1850: Remaking Justice from the Margins* (Cambridge, 2006).

<sup>26</sup> Philips and Storch, *Policing Provincial England*.

<sup>27</sup> Storch, ‘Policing Southern England’.

<sup>28</sup> Philips and Storch, *Policing Provincial England*, quote at p.233.

<sup>29</sup> O. MacDonagh, ‘The Nineteenth-Century Revolution in Government: A Reappraisal’, *The Historical Journal*, 1, (1958), pp.52-67.

rural England had been substantially eroded.<sup>30</sup> David Churchill recently noted that in some respects later histories of the police have, ‘contributed to a broader reassessment of the nineteenth-century state.’<sup>31</sup> This thesis has contributed to that reassessment and has shown how policing in the county was shaped by an amalgam of influences beyond simple cause-effect models such as crime, industrialisation or social unrest. Churchill’s analysis of police governance through this period calls on three individual, but interconnected influences: local interest, central state oversight and statute, and an extra-local, provincial, perspective.<sup>32</sup> This thesis has shown that it is this amalgam of influences which is responsible for shaping the events which occurred in Somerset.

The evidence of this thesis does not, however, support Churchill in all respects. Churchill has revisited the revisionist perspective of police development to trace antagonism towards the new police. He suggests ‘resistance [to the police] was directed at once at particular, unwelcome police interventions, and at the institution itself.’<sup>33</sup> As was shown in Chapter 3, Somerset, in the period studied, does not offer any data in support of this assertion, no evidence has been found, in either the towns or the rural areas, to suggest antagonism towards the new police.<sup>34</sup> The conclusion drawn from this must be that the revisionist approach has validity, but is highly context specific. Storch, for his work on this topic, studied the industrial and urban north of England, as too has Churchill, where both can find the evidence they need to support their hypotheses.<sup>35</sup>

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<sup>30</sup> D. Eastwood, *Governing Rural England: Tradition and Transformation in Local Government* (Oxford, 1994), quote at p.261. David Eastwood further suggests that ‘the forcible remodelling between centre and locality’ had been the *leitmotif* of the period immediately after 1830. D. Eastwood, *Government and Community in the English Provinces, 1700-1870* (Hampshire, 1997).

<sup>31</sup> D. Churchill, ‘Local Initiative, Central Oversight, Provincial Perspective: Governing Police Forces in Nineteenth-Century Leeds’, *Historical Research*, 88 (2015), pp.458-81, quote at p.458.

<sup>32</sup> *Ibid.*, p.481.

<sup>33</sup> Churchill, ‘Popular Animosity Towards the Police’, quote at p.266.

<sup>34</sup> Those cases of assault on the police which were identified were accompanied in two, out of the three cases, with being drunk. As noted in Chapter 3, drunks, then and now, have a tendency to resent police intervention, particularly if it is leading to arrest. This does not itself, signify any conscious class antagonisms.

<sup>35</sup> Churchill’s study is of Leeds. For Storch’s relevant work see, Storch, ‘The Plague of Blue Locusts: Police Reform and Popular Resistance in Northern England 1840-1857’, *International Review of History*, 20 (1975), pp.61-90; Storch, ‘The Policeman as

Revisionist arguments may be shown to have application in these conditions. Drawing, as Churchill did, on the evidence of the policemen themselves, this thesis has demonstrated, however, that they cannot be shown to have relevance in all contexts.<sup>36</sup>

Philips and Storch have shown that straightforward explanations for a county's adoption of the 1839 Act are not immediately obvious.<sup>37</sup> The detailed discussion contained in this thesis, has gone some way to indicate that in order to understand the development of policing in English rural areas, it is necessary to look within the 'macro,' national picture. Whilst acknowledging the context the national picture sets, it is necessary to examine circumstances at the 'micro,' local level too. The history of policing must be seen as part of a wider debate on regional, and, (perhaps more significantly), intra-regional, cultural differences.

Overall, the thesis has moved the locus of historical attention away from the urban, industrialised counties and regions, to begin to examine in detail the varieties of responses to crime in a particular rural location. This is an important historiographical step as firstly, it enables the application of the broad theories of police development in a wider range of contexts. Secondly, having a variety of environments, such as exists in Somerset, it is possible to make useful comparisons, and draw conclusions about policing behaviour in different situations. In particular, the mix of urban/rural, industrial/agricultural, policed/non-policed environments, has provided an important historical prism through which it is possible to analyse the various choices available to, and made by, those in charge of local policing options. Therefore making a significant contribution to the body of knowledge of policing development between 1830 and 1856.

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Domestic Missionary: Urban Discipline and Popular Culture in Northern England 1850 - 1880', *Journal of Social History*, 9 (1976), pp.481-509.

<sup>36</sup> In fairness to Robert Storch, nowhere in his writing does he credit his arguments with such universal applicability.

<sup>37</sup> See Philips and Storch, *Policing Provincial England*, pp.159-163.

### Looking Ahead: Future Research Opportunities

This thesis has had as a central concern, the introduction of a county-wide police force. However, in the process of its completion, the thesis has uncovered a wide range of attitudes to crime and policing as well as different local responses to the legislative opportunities presented. One suggestion of this thesis, therefore, is that the county, as a unit of study of policing development, is unhelpful. It has been observed that there exists ‘a degree of misfit between the untidiness of society on the ground and the ideal tidiness of administrative units [such as counties],’ and that therefore most administrative units are inadequate as objects for societal study.<sup>38</sup> Historians might benefit by turning their attention to the identification and study of ‘communities of common interest’ or ‘local social areas’ as discussed by Charles Phythian-Adams, and by examining how variations in these influenced attitudes to crime and policing.<sup>39</sup> Such

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<sup>38</sup> C. Phythian-Adams, *Re-Thinking English Local History* (Leicester, 1987), quote at p.46.

<sup>39</sup> See R. Houston, [review], ‘Charles Phythian-Adams, *Societies, Cultures and Kinship, 1580-1850: Cultural Provinces and English Local History* (Leicester, 1993)’, *Albion: A Quarterly Journal Concerned with British Studies*, 25, no.4, (1993), pp.686-87, p.686. Rab Houston observes that all of the contributors to Phythian-Adam’s book identify the forces that ‘helped form a sense of identity: kinship, occupation, residence, class, or gender’ and therefore explored a ‘local identity.’ The theoretical difficulties of this approach are identified by Phythian-Adams himself though. Referring to a lack of internal homogeneity within ‘cultural provinces,’ (‘a realistically generalized cultural setting at its *maximal* localized extent’), for example he says ‘it is that very lack [...] which makes so challenging any exercise that seeks to articulate the component sub-regions [...] so that each subdivision may reflect a genuine logic.’ Phythian-Adams, *Societies, Cultures and Kinship, 1580-1850: Cultural Provinces and English Local History* (Leicester, 1993), p.14. Philips and Storch also considered the possible impact of the ‘county communities’ identified by Eastwood as a determining factor behind county adoption, or non-adoption, of the 1839 legislation. County communities are ‘intricate webs of social and political relations and contacts within a county’s borders’ which would have perhaps influenced ‘climates of opinion’ (towards criminality and policing) within the county elites, and differentiated them from other counties, ‘sometimes even those next door.’ Philips and Storch, *Policing Provincial England*, quote at p.159. When discussing the relationship between the counties and the centre Eastwood suggests that there ‘is no necessary tension between arguing for the distinctiveness of county communities and the development of a national political culture.’ Thus Eastwood is identifying the significance in political decision-making of the particular ‘culture, values and institutions’ of the county and that, in fact, the effect of such differences is ‘dialectical’ in national politics rather than ‘dissonant.’ See Eastwood, *Government and Community*, p.100.

an approach might be valuable in investigating attitudes to reformed policing in general, and, more specifically (considering the impact of Keith Snell's concept of local xenophobia), police officers from outside the identified communities. In this way new theories of policing historiography might be developed, 'not [through] the localization of established 'national' themes but [...] *per contra* as the 'nationalization' of freshly conceived localized themes.'<sup>40</sup> The towns of Somerset, offer rich sources of data to lend themselves to further studies of this nature. Keith Snell suggests that 'ideas of belonging are complex, subjective, culturally ingrained, based on different and often rival criteria, and intermeshed with administrative systems.'<sup>41</sup> He goes beyond the Philips and Storch, class based approach, to 'add angles of view which deserve far more study in their own right.'<sup>42</sup> Arguably, this process has already begun in Somerset. Janet Settington, successfully showed that it was the geographical and cultural nature of the community of Carhampton which influenced both its lack of desire for, and need of, reformed policing.<sup>43</sup> Variations within counties clearly have equal significance with variations between counties. Further study could usefully now be conducted into the influence of localities upon policing, and also to identify the extent to which attitudes to policing were intertwined with attitudes to other social reforms.

Future research might usefully complement, and develop the work of Barry Reay. He correctly emphasises the importance of building up a number of micro histories to engage with the macro political forces, which shaped the regulatory life of communities in the agricultural sector as a whole. Micro histories, Reay says 'use the local to explore wider issues... [...]. The local is the site for exploring significant social change and for teasing out important historiographical issues.'<sup>44</sup> It may be argued that Steve Poole's

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<sup>40</sup> C. Phythian-Adams, *Re-Thinking English Local History* (Leicester, 1987), quote at p.3.

<sup>41</sup> K.D.M. Snell, *Parish and Belonging: Community, Identity and Welfare in England and Wales, 1700–1950* (Cambridge, 2006), quote at p.496.

<sup>42</sup> *Ibid.*, quote at p.32.

<sup>43</sup> J.S. Settington, 'The Carhampton Magistrates' District in Relation to the 1856 County and Borough Police Act: A Case for Non-Statutory Policing' (unpublished, University of Plymouth, PhD thesis, 2005).

<sup>44</sup> B. Reay, *Microhistories: Demography, Society and Culture in Rural England, 1800–1930* (Cambridge, 2002) p.260. Reay uses this approach to study the 1838 'Battle in Bossenden Wood,' which, rather than the Chartist disturbances, he considers to be the last rising of the agricultural labourers. By studying the 'local' he is able to draw much

article on the execution of the Kenn incendiaries (see Chapter 2), demonstrates how the study of a highly localised event, when considered in the light of the surrounding social, cultural and political context, can enhance understanding of broader, ‘national,’ themes.<sup>45</sup> There is also scope to engage with the ideas developed by Keith Snell and Paul Ell, who suggest that ‘assessments of the role of religion in politics, for example, have not paid much attention to region, despite the acknowledged primacy of religious influences upon political parties.’<sup>46</sup> The magistrate, Malachi Blake had been a keen proponent of the 1839 Act in Somerset right from the start. Blake was a Unitarian lay preacher, and a significant figure in both the politics of Somerset, and his home town of Taunton. Religion might well have been a key factor in influencing both the attitudes to crime and policing held by the local decision-makers, and as a personal influence on the men who filled the constables’ role. For Reay, the importance of religious affiliations in shaping historical events was one of the key themes of his book. Many historians, he says ‘have yet to recognize the strength of the religious factor in early nineteenth-century protest.’<sup>47</sup> This is one important aspect of early policing history that is yet to receive historians’ attention.

Equally, we still know relatively little about how policing interacted with other forces of law and order, and forms of justice resolution, through this crucial period immediately before the introduction of compulsory, county-wide policing. As noted elsewhere in this thesis, Peter King for example, has considered alternative forms of justice resolution in the eighteenth century and authors such as Barry Godfrey have considered alternative ‘policing’ solutions in industrial settings. There remains,

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wider conclusions about, for example, the roles of religion, women and literacy in rural protest. See B. Reay, *The Last Rising of the Agricultural Labourers: Rural Life and Protest in Nineteenth-Century England* (Oxford, 1990).

<sup>45</sup> See S. Poole, ‘A Lasting and Salutary Warning’: Incendiarism, Rural Order and England’s Last Scene of Crime Execution’, *Rural History*, 19 (2008), pp.163-77.

<sup>46</sup> K.D.M. Snell and P.S. Ell, *Rival Jerusalems: The Geography of Victorian Religion* (Cambridge, 2000), p.2. Eastwood also offers an interesting discussion of the impact of non-conformity, specifically Methodism and Old-Dissent, on parish culture. He cites the rector of Camerton, in Somerset, who saw local Methodist ministers not only offering an alternative version of religious authority, but also ‘at the very least implicitly challenged the traditional public culture of the parish.’ D. Eastwood, *Government and Community in the English Provinces, 1700-1870*, (Hampshire, 1997), quote at p.32.

<sup>47</sup> Reay, *The Last Rising*, p.178.

however, useful work to be carried out to examine the use of alternative forms of justice resolution in the rural areas during this crucial period, 1830-1856.<sup>48</sup> Finally, and perhaps most significantly, further studies are also called for to investigate the background, allegiances and motives of the main protagonists in the debates. The influence of particular individuals on the decisions of Quarter Sessions cannot be underestimated. To paraphrase Snell, when one examines the geography of policing developments, the efforts of charismatic individuals may 'often over-ride the panoply of local deterministic factors that technical scholarship now elucidates'<sup>49</sup>

It is hoped therefore that this study is the start, not the end point, of a process of research investigation. Certainly, research elsewhere will help to refine and rethink the rural policing experience, and its importance for future scholarship.

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<sup>48</sup> See, for example, P. King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford, 2000), pp.53-57; P. King, 'Prosecution Associations and Their Impact in Eighteenth-Century Essex', in D. Hay and F. Snyder, eds., *Policing and Prosecution in Britain, 1750-1850* (Oxford, 1989), ch.4, pp.171-210, and B. Godfrey and D. Cox, *Policing the Factory: Theft, Private Policing and the Law in Modern England* (London, 2014).

<sup>49</sup> Snell and Ell, *Rival Jerusalems*, p.420. Philips and Storch endorse this view suggesting that 'powerful individuals could shape, (or even control) the terms of the debates [on the introduction of the 1839 Act] through their sheer prestige.' Philips and Storch, *Policing Provincial England*, quote at p.160.

**Appendix A: Magistrates' Returns to the 1836 Royal Commission on Rural Policing**

No.	Question
1	What is the extent and supposed population of the Division for which you act?
2	What number of acting Magistrates reside generally within your Division?
3	State, as nearly as you can, the number of felonies and misdemeanours committed during the last twelve months within your Division?
4	What proportion of the offenders has been apprehended?
5	Do the Constables apprehend offenders without being specially applied to for that purpose?
6	To what causes do you ascribe the failure to bring the offenders to justice; and have such failures been ascribable in any cases to the inefficiency of the Constables?
7	Are there any and what peculiar facilities or inducements to the commission of crime within your Division?
8	By what means, as you conceive, may they be removed?
9	In case of depredation in your Division, is escape with the property easy; and is such property easily disposed of?
10	Is there reason to believe that the depredations committed within your Division have been committed by persons who do not reside in it; if so, from what place or direction are they supposed to come?
11	Are there within your Division any lodging houses for trampers, vagrants, or mendicants, or any peculiar inducements to vagrancy or mendicancy?
12	Are these lodging houses frequently inspected; and by what officers?
13	Are offenders frequently apprehended there?
14	Are there within your Division any persons who have no visible or known means of obtaining their livelihood honestly, and who are believed to live by habitual depredation, or by illegal means? Will you state the numbers and supposed habits of such persons?
15	Are the beer shops or public houses within your Division the subject of complaint; and are they, in point of fact, ill conducted?
16	Since the year 1829 have there been any riots or tumults within your Division; if any, describe them and their supposed objects?
17	Since the year 1829 have there been any fires within your Division? If so, specify their nature, and whether they were suspected to have been wilfully caused; and what were the effects so far as relates to the loss of life or property?
18	Was any efficient assistance rendered by the Constables in arresting the progress of the fires, or in apprehending the offenders or suspected persons?
19	Since the same period have there been any malicious injuries committed on cattle or other property; and if so, what number?
20	Is there reason to believe that offences of any description within your Division are much more frequent than any official information would give reason to suppose?
21	What is the number of Constables in your Division, and how are they appointed?

22	From what class of persons are they usually selected and are they permitted to provide substitutes?
23	What description of persons usually serve as substitutes?
24	What is usually paid to them by the principal?
25	Have the persons serving as substitutes any other emoluments or inducements to serve the office?
26	Have Constables or their substitutes a competent knowledge of the law with relation to the duties of their office?
27	Are their connexions or interests such as might tempt them to connive at illegal practices, or cause them to be less active than they ought to be in the performance of their duty?
28	Can you ascertain, by examining competent persons who have served the office of Constable, what is the annual cost on an average to the public, and the individual, of the services of a Constable during the year?
29	Does any nightly patrol appear to be requisite within your Division?
30	Do the high roads in your Division require patrolling?
31	In case of the commission of any offence, are there any public means of promptly spreading information or of pursuing the offender? Describe the means, and specify the extent of District over which such information can be carried; in what time, and at what cost?
32	In the case of the occurrence of any riots or tumults, what means are available for their suppression, and for the apprehension of the offenders; and do you find any difficulty in securing the prompt attendance of a sufficient number of persons to act efficiently as Special Constables for the protection of your Division?
33	In case of need are there any and what means of co-operation between your Division and other Divisions in the same or different Counties?
34	Are there within your Division any, and what class of persons, such as army pensioners or others, who may be relied upon for trustworthy service as Special Constables?
35	Is any difficulty or delay experienced in the service of warrants, or the execution of processes, or in the performance of their duties, civil and penal, by Constables as at present appointed within your Division? If so, specify the difficulties and their consequences?
36	Do any delays or obstructions arise from Constables being restricted from acting beyond their immediate district?
37	Are there within your Division any and what number of officers paid to keep the peace or give their whole time to the execution of their duties as Constables? If so, state what is the whole expense of maintaining them, including their salaries, and equipments; the authority under which they are appointed and the fund out of which they are paid?
38	On the apprehension of any offender, to what distance is it requisite to take him to a magistrate?
39	In case a prisoner is remanded for further examination, in what place and manner is he secured; and to what distance is it necessary to send him to a place of legal confinement?
40	In case he is committed for trial, what is the distance of the prison to which he must be sent; and what is the expence of his conveyance thither including maintenance?

41	Is any, and what part of the procedure before trial, the subject of complaint on account of trouble, delay and expence? If so, specify their effect in inducing persons to withhold information or otherwise?
42	Supposing it desirable to appoint paid Constables to give their whole time to the performance of their duties, what other useful functions might be assigned to them?
43	How many paid Constables do you consider would be requisite in your Division?
44	Are there any voluntary associations for the protection of property or the prosecution of offenders within your Division; if so, describe them, and state their effects in preventing crime?
45	Is there within your Division any voluntary association for the suppression of vagrancy and mendicity? If so, state its effects?
46	What proportion of the expenses now incurred by the public in the apprehension and prosecution of offenders, do you conceive might be saved by the establishment of a more efficient preventive force?
47	Do any and what additional means appear to you desirable in your Division for increasing the actual security, and the sense of security to person and property?
48	Have you any other information to give or suggestions to offer in furtherance of the objects of this Commission?

Source: *TNA, 1836-38, H0 73/5-9, Returns to the 1836 Royal Commission on Establishing an Efficient Constabulary Force in the Counties of England and Wales.*

**Appendix B: Guardians' Returns to the 1836 Royal Commission on Rural Policing**

No.	Question
1	What is the extent and supposed population of the Parish or Union for which the information is given?
2	State, as nearly as you can, the number of felonies and misdemeanours committed during the last twelve months within your Parish or Union?
3	What proportion of the offenders has been apprehended?
4	Do the Constables apprehend offenders without being specially applied to for that purpose?
5	To what causes do you ascribe the failure to bring the offenders to justice; and have such failures been ascribable in any cases to the inefficiency of the Constables?
6	Are there any and what peculiar facilities or inducements to the commission of crime within your Parish or Union?
7	By what means, as you conceive, may they be removed?
8	In case of depredation within your Parish or Union is escape with the property easy; and is such property easily disposed of?
9	Is there reason to believe that the depredations committed within your Parish or Union have been committed by persons who do not reside in it; if so, from what place or direction are the depredators supposed to come?
10	Are there within your Parish or Union any lodging houses for trampers, vagrants, or mendicants or any peculiar inducements to vagrancy or mendicancy?
11	Are these lodging houses frequently inspected; and by what officers?
12	Are offenders frequently apprehended there?
13	Are there within your Parish or Union any persons who have no visible or known means of obtaining their livelihood honestly, and who are believed to live by habitual depredation, or by illegal means? Will you state the numbers and supposed habits of such persons?
14	Are the beer shops or public houses within your Division the subject of complaint; and are they, in point of fact, ill conducted?
15	Since the year 1829 have there been any riots or tumults within your Parish or Union; if any, describe them and their supposed objects?
16	Since the year 1829 have there been any fires within your Parish or Union? If so, specify their nature, and whether they were suspected to have been wilfully caused; and what were the effects so far as relates to the loss of life or property?
17	Was any efficient assistance rendered by the Constables in arresting the progress of the fires, or in apprehending the offenders or suspected persons?
18	Since the same period have there been any malicious injuries committed on cattle or other property; and if so, what number?
19	Is there reason to believe that offences of any description within your Parish or Union are much more frequent than any official information would give reason to suppose?
20	Are the connexions or interests of the Constables or their Substitutes such as might tempt them to connive at illegal practices, or cause them to be less active than they ought to be in the performance of their duty?

21	Does any nightly patrol appear to be requisite within your Parish or Union?
22	Do the high roads in your Parish or Union require patrolling?
23	In case of the commission of any offence, are there any public means of promptly spreading information or of pursuing the offender? Describe the means, and specify the extent of District over which such information can be carried; in what time, and at what cost?
24	In the case of occurrence of any riots or tumults, what means are available for their suppression, and for the apprehension of the offenders; and do you find any difficulty in securing the prompt attendance of a sufficient number of persons to act efficiently as Special Constables for the protection of your Parish or Union?
25	Are there within your Parish or Union any, and what class of persons, such as army pensioners or others, who may be relied upon for trustworthy service as Special Constables?
26	On the apprehension of any offender, to what distance is it requisite to take him to a magistrate?
27	Is any, and what part of the procedure before trial, the subject of complaint on account of trouble, delay and expence? If so, specify their effect in inducing persons to withhold information or otherwise?
28	Supposing it desirable to appoint paid Constables to give their whole time to the performance of their duties, what other useful functions might be assigned to them?
29	Are there any voluntary associations for the protection of property or the prosecution of offenders within your Parish or Union; if so, describe them, and state their effects in preventing crime?
30	Is there within your Parish or Union any voluntary association for the suppression of vagrancy and mendicity? If so, state its effects?
31	Is there within your Parish or Union any Local Act in force giving peculiar Police powers?
32	What proportion of the expenses now incurred by the public in the apprehension and prosecution of offenders, do you conceive might be saved by the establishment of a more efficient preventive force?
33	Do any and what additional means appear to you to be desirable in your Parish or Union for increasing the actual security, and the sense of security to person and property?
34	Have you any other information to give or suggestions to offer in furtherance of the objects of this Commission?

Source: TNA, 1836-38, HO 73/5-9, *Returns to the 1836 Royal Commission on Establishing an Efficient Constabulary Force in the Counties of England and Wales.*

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