

Burglars and Bobbies

Burglars and Bobbies:
Crime and Policing in Victorian London

By

Gregory J. Durston

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P U B L I S H I N G

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CONTENTS

Acknowledgements	vii
Preface	viii
Chapter One.....	1
Introduction	
Chapter Two	17
The Criminal ‘Threat’ in Nineteenth-Century London	
Chapter Three	43
The Coming of the New Police	
Chapter Four	87
Routine Policing and the ‘Preventative’ System	
Chapter Five	121
Police Courts and the Growth in Police Powers	
Chapter Six	137
Effectiveness of London Policing	
Chapter Seven.....	161
Revisionist Interpretations	
Chapter Eight.....	184
The Return of the Detectives	
Chapter Nine.....	223
Abuse of Police Powers	
Chapter Ten	248
Alternative Paradigms for the Decline in Crime	

Chapter Eleven	254
Conclusion	
Bibliography	264
Index	293

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Gregory J. Durston

London, 24th December 2011

PREFACE

In the early 1800s, many 'respectable' Londoners were frightened of crime and prone to demonizing their city's criminals, often attributing sophistication and organisation to their activities. In reality, 'conventional' Metropolitan crime was largely the product of acute social disorganisation, much of it committed by a marginalised stratum of the working class. Change in policing in the years after 1829 was oriented towards dealing with the unsophisticated, opportunistic, offences that emanated from this section of society and, at the same time, promoting new standards of public decorum. The 'new' police of this period appear to have made an important, if sometimes exaggerated, contribution to the major reduction in conventional crime and improvement in public order that occurred in the capital during the second half of the nineteenth century.

However, too much significance has been placed on a simple police presence on the streets. The Metropolitan force was effective largely because it promoted social discipline, and so indirectly discouraged offending, in a manner that accords with the modern 'broken windows' theory of crime control. It was much less successful in *directly* combating conventional crime. As this became increasingly apparent, many came to believe that the institutional result achieved in 1829, and characterised by the triumph of the Peelite school of preventative policing, was inherently flawed. This prompted a major reassessment of the value of detective work.

Victorian policing in the Metropolis also had a darker side. The imposition of new standards of public order impinged on many traditional aspects of urban working-class life, often exciting bitter antipathy amongst the policed. It threatened long accepted civil liberties, several of which became increasingly attenuated during the period, and sometimes impinged on rights to 'due process'. Urban policing that was focused on dealing with incivilities was also a breeding ground for police corruption, perjury, and brutality, though this was limited by the relatively strict disciplinary regime that characterized the nineteenth-century Metropolitan force. This was, in part, the price paid for the radically improved personal and public security of the late Victorian period.

CHAPTER ONE

INTRODUCTION

The nineteenth century opened amid an apparent, though certainly not novel, 'law and order' crisis in the Metropolitan area, with burgeoning recorded crime rates eliciting widespread anxiety.¹ This concern lasted until the late 1850s. It then declined steadily if unevenly until, by the end of the century, crime *generally*, rather than some of its more eye-catching manifestations, had ceased to be viewed as a major Metropolitan problem. Recorded crime-rates were falling and optimism about offending levels, ending almost 200 years of public pessimism, was common, especially amongst well-informed and educated people.

Unlike their predecessors, nineteenth-century Londoners had an unprecedented faith in 'progress' and the potential for government intervention, based on rational study, to improve their personal security, and this grew steadily stronger as the era advanced. They would have been shocked by their forebears' relative indifference to the capital's crime problems, and strongly believed that the State could act as both 'moral tutor' and controller of their city's criminal elements.² Even the Reverend Francis Close, writing on the threat posed by the 'dangerous classes', thought that their crimes were: "...more or less remediable by public measures".³ Forty years later, the early criminologist, Havelock Ellis, observed that the crime problem, far from being hopeless, was largely a social fact, and so "most under our control".⁴ As a result of this confidence, the era witnessed major innovations and reform in all areas of criminal law enforcement. One of the most important of these was the advent of the 'new' Metropolitan Police Force in 1829.

Because the peak of the apparent law and order crisis of the early nineteenth century (roughly) coincided with the emergence of this body, it was inevitable that the former's remarkable decline and the latter's

1. On much earlier crises see, Shoemaker, Robert, 1991, at p.15.

2. Gatrell, V.A.C., 1990, at p.48.

3. Close, Francis, 1850, at pp.4-5.

4. Ellis, Havelock, 1890, at p.297.

development should be linked, both then and now. Even modern academics of a radical stamp have claimed that the fall in crime between 1860 and 1914 reflected a "transient-advantage" that the new police had over criminals, and a rare triumph for the 'policeman-state'.⁵ One of the aims of this book is to assess the validity of such a connection, in a London context. However, it also aims to chart the development of nineteenth-century urban policing and the complicated and sometimes competing mixture of political concerns, operational priorities, public and 'expert' opinion that it reflected.

Sources of Information

The two main sources for the study of nineteenth-century crime are 'literary' accounts, whether found in newspapers, memoirs, journals, Royal Commission reports, or recorded trial testimony, and criminal statistics. Both are inherently flawed. Although the growth of the latter makes the nineteenth century the first for which a detailed analysis using crime figures is at all practical, statistics suffer from major problems involving changing offence definition, levels of public sensitivity, policing priority and enforcement, ease and cost of prosecution, interpretation and collation.

Illustrative of this, in the late 1870s, the Metropolitan Police drew up a memorandum for the Home Office complaining of the distorting effect that the then recent re-classification of offences had had on their crime statistics. It claimed that three quarters of all additional burglaries reported over previous months could be attributed to this change alone.⁶ Similarly, in the mid-nineteenth century, although the police actively prosecuted many indictable felonies, such as murder, rape, and burglary, they were often much less interested in pursuing summary matters, frequently leaving this to the injured parties. However, by the 1880s, they regularly prosecuted a range of lesser offences in magistrates' courts, including drunkenness, assaults, and disorderly conduct, for the state, themselves, or on behalf of victims who otherwise could not (or would not) prosecute matters personally.⁷ This process inevitably had an impact on the statistics for minor crimes.

More generally, and as in the modern era, many frequently victimized Victorian Londoners felt that reporting crimes to the police was pointless,

5. Gatrell, V.A.C., 1990, at p.291.

6. Emsley, Clive, 1988, at p.41.

7. Godfrey, Barry, 2008, at p.173.

while senior officers massaged figures using mechanisms such as the 'suspected stolen' book to avoid formally recording offences. Some individual offences were also heavily affected by specific social developments. For example, a gradual move to tighter clothes, with less obvious pockets, eventually affected the incidence of pick-pocketing. Similarly, the supply of corpses for medical dissection occasioned by the Anatomy Act of 1832 slowly brought an end to grave robbing.⁸

Nevertheless, statistics continue to be of *some* value. For example, if recorded crime rates for mainstream offences decrease markedly over a period during which police efficiency and willingness to prosecute is known to have improved, as appears to have been the case for the later 1800s, it can *probably* be concluded that the trend reflects a real reduction in the incidence of crime, rather than the effect of purely administrative factors, at least to some degree.⁹ Statistics can reflect changes in both the reality of crime *and* attitudes towards it.¹⁰

Of course, some statistics are more useful than others, those for public drunkenness being amongst the least valuable, and those for homicide the most significant, although, even here, it seems that many homicides went unrecognized in early nineteenth-century London. In the absence of witnesses, obvious suspects and overt signs of violence, coroners were likely to return verdicts of accidental death, especially if the deceased was poor or a stranger, even if the surrounding circumstances were inherently rather suspicious.¹¹ In the late nineteenth century, many potentially violent deaths were still not subject to proper investigation, although such limitations, if consistent over time, would affect incidence rather than trends in crime rates.¹²

However, the position of those who completely reject statistical evidence in favour of literary sources ignores the parochial and socially determined nature of many of the latter, and their frequent dependence on untypical and anecdotal evidence.¹³ Literary evidence usually has an upper or middle class provenance; these are social groups that might be expected to portray offenders as members of a distinct criminal class.¹⁴ Its authors also tend to be male and significantly older than the average for the general population. Additionally, it must be remembered that many

8. White, Jerry, 1980, at p.342 and p.355.

9. Gatrell, V.A.C. & Haddon, T.B., 1972, at p.374 .

10. Beattie, J.M., 1986, at p.200.

11. Emmerichs, Mary Beth, 2001, pp.93-100.

12. King, Peter, 2010, pp.671-698.

13. Graff, H.J., 1992, at p.152.

14. See on this, Jones, David, 1982, at p.3.

commentators of the period based their literary opinions on contemporary statistics, for which, at times, there was a near mania. Thus, they are merely providing statistical evidence at one remove, refracted through the prism of 'opinion'.¹⁵

Some of these problems are slightly modified by the availability of 'alternative' sources for the period. These include a tiny number of works of oral history for the late Victorian era, these usually being recorded between the 1950s and early 1970s. When it comes to the 'criminal classes' of this time, evidence is not always limited to the accounts of policemen, courts or paternalistic social workers.¹⁶ The Victorian period also saw the first real attempts at ethnography. These include, very notably, Augustus Miles' work in 1830s' London and that of Henry Mayhew and John Binney in the capital during the 1850s. To these can be added, *inter alia*, Clarence Rook's detailed study of a Lambeth 'hooligan' in 1899. They provide a useful alternative (though not a replacement) to the more 'establishment-oriented' sources.¹⁷

Ironically, despite this literary/statistical debate, for much of the nineteenth century, especially the period after about 1850, there is considerable agreement between statistics and what might pass for 'received' opinion in the more informed and serious literature as to the direction of Metropolitan crime trends.

Nineteenth-Century Crime Rates

Most of the available evidence suggests a society that was becoming steadily less prone to serious violence throughout the era, especially in London, and markedly less prone to instrumental crime from the mid-century onwards, having seen a modest increase, from an already high incidence until the late 1840s (albeit to nothing like the degree suggested by official statistics).¹⁸

Nevertheless, real or not, the apparently rapid rise in crime during the early century prompted acute alarm, especially in London, which appeared to be its epicentre. Thus, the Duke of Wellington informed the House of Lords, with almost no dissent, that the defective nature of policing in the capital was "clearly proved" by the increase in offending levels. Committals for the City of London and urban Middlesex had gone up from

15. See on this, Philips, David, 1977, at p.19.

16. Thompson, E. P., 1973, at p.59.

17. Hammersley, M., and Atkinson, P., 1995, at p.23.

18. Gatrell, V.A.C., 1990, at p.250.

2,539 cases in 1822 to 3,516 in 1828. Lord Durham felt that the growth in crime was so "perfectly notorious" that the Duke did not even need to discuss it, or support his assertions with statistics.¹⁹ In the Lower House, Sir Robert Peel cited similar figures, and pointed out that they represented an increase in crime of 41%, despite a population growth of just 15 1/2% during the same period. He, too, believed that such major increases were largely a Metropolitan phenomenon, those for the rest of the country being very modest, and some counties even registering a decline. When introducing his Police Bill on April 15th 1829, he declared that there was one criminal charge in London for each 383 people, compared to only one in 822 elsewhere.²⁰

Although the State's figures seemed to suggest a rapidly expanding crime level during the early decades of the nineteenth century, especially in London, whether this really occurred is questionable. A sharp increase *may* have taken place over short periods. For example, the statistics appear to show a particularly major expansion between 1815 and 1819, and this is entirely plausible. The end of the Napoleonic wars in 1815 released 200,000 servicemen on to a contracting labour market.²¹ Traditionally, times were difficult during such mass demobilisations, especially in London, where many paid-off soldiers and sailors ended up. A short-term crime wave was predictable, if only because there was not enough work initially available to employ disbanded men.²² Some also blamed the brutalization attendant on 20 years of armed conflict and the presence of numerous battle-scarred veterans for the problem.²³ As will be seen, as a more *general* trend, a major sustained increase in crime levels in the early nineteenth century is much more doubtful.

By the 1840s, the huge rise in the gathering of statistics, accompanied by an attendant lack of sophistication in their use, was encouraging widespread feelings of imminent social dissolution. They moved one journal to declare that it was difficult to predict the fate of a country, such as England, in which the "astonishing" progress of "human depravity" was so much more rapid than the increase of its people. This was evidenced by the 700% growth in crime rates since 1805, despite the country's

19. *Hansard's Parliamentary Debates*, 1929, Vol. XXI, New Series, 31 March-24 June, at pp.1750-1752 and pp.869-870.

20. 'Proceedings in Parliament', *The Gentleman's Magazine*, Vol.99, 1829, at p.360.

21. Emsley, Clive, 1988, at p.40.

22. *The Gentleman's Magazine*, Vol. 115, 1814, at p.229.

23. Anon, 1822, *Thoughts on Prison Discipline*, at p.17.

population increasing by just 65%.²⁴ At about the same time, Friedrich Engels accepted the official figures unquestioningly, and also felt that they reflected an "extraordinarily rapid" sevenfold growth in crime. Assorted amateur criminologists, whether prison officials, clerics, or J.P.s, shared such beliefs. Most dramatically, Samuel Phillips Day suggested that the incarcerated population had increased tenfold from the turn of the century. Slightly more realistically, the Reverend Henry Worsley, a London prison chaplain, thought that crime had increased fivefold during that period. Although these were alarmist estimates, it was received opinion, in the words of the Reverend Alexander Thomson, that: "...our criminals are steadily increasing, not only in absolute numbers, but in relative proportion to the rest of the population".²⁵

Far from believing that the figures might suggest enhanced levels of detection, reporting and government funding for prosecutors, some observers were becoming increasingly aware of the degree of under-reporting of London crime, fearing (rightly) that it concealed a much larger 'dark figure' of hidden offences. Thus, in 1825, it was suggested that not only was the number of offenders increasing at a frenetic rate, but: "...by far the greatest number of robberies never reaches the public ear".²⁶ As late as the 1880s, it was noted that many robbery victims in Rotherhithe did not even bother to report crimes to the police.²⁷ Official figures could not be relied upon for this reason, although usually assumed to be "correct indications of the state of crime".²⁸

However, by the second half of the century, reservations were growing about the value of criminal statistics. Even as concern about the 'crisis' in urban law and order reached its zenith in the 1840s, there were a few observers who were openly sceptical about whether much of the apparent increase in offending over the previous few decades was not simply made up of offences that were being brought: "...to light through the superior organisation of the police, and the more rigid enforcement of the law".²⁹

24. 'Causes of the increase of crime', *Blackwoods Edinburgh Magazine*, Vol. LV1, No. CCCXLV, July 1844, at p.1.

25. Pearson, Geoffrey, 1983, at p.163, & Wiener, Martin J., 1994, at p.15.

26. Memoir forwarded to Sir Robert Peel in 1825, reproduced in Cobin, J., 1832, at p.8. Many of the reasons advanced for such under-reporting have been closely replicated in the modern British Crime Survey. In particular, that it would involve too much trouble for no real prospect of gain, as the case would never be solved, or the stolen items recovered.

27. Fuller, Robert, 1912, at p.23 & p.24.

28. pp.12.b.1839, at p.2.

29. Worsley, Henry, 1849, at p.27.

Among them was the judge John Mirehouse, who felt that the causes and incidence of crime were much the same as they had always been. The presence of the Metropolitan Police meant that offences were identified more frequently and criminals' chances of escape reduced by this "excellently conducted force".³⁰ The crime historian Luke Owen Pike was also confident that the increase from 4,605 felonies recorded in 1805 to 29,359 in 1854 was largely caused by a steady improvement in the nation's policing.³¹

Doubts about the value of statistics gradually became more widespread. Thus, in 1856, the *National Review* noted that crime and detected crime were not synonymous: "Government statistics, therefore present us with a part of the case only".³² Thomas Beggs feared that the fashionable surveys of the era could easily produce mistaken conclusions, leading those: "...unaccustomed to the use of statistics, [into] making calculations founded on some isolated or exceptional fact".³³ This gradually filtered into popular consciousness. In 1856, even John Glyde, a Suffolk artisan with Chartist sympathies, appreciated that those comparing the number of prisoners at different periods were prone to ignoring the impact of changes in law, policing, and the financial assistance available for prosecutors.³⁴ By 1877, when the industrialist William Hoyle, a mainspring in the temperance movement, gave evidence to a Select Committee using impressive statistics to show that increased drunkenness also led to a large increase in crime, the Earl of Onslow swiftly replied that anything could be 'proved' by "judiciously manipulating statistics".³⁵

Of course, statistics were not the sole cause of this early nineteenth-century anxiety about crime. It was also linked to the problems engendered by industrialization, rapid urbanization, and the rise to political power of a middle class possessed of a new set of values and concerns. In this last respect, the four decades between the end of the eighteenth century and the accession of Queen Victoria appear to have been crucial to the development of modern notions of public manners. During this period, restraint, thrift and sobriety in public behaviour came to dominate the values (if not always the activities) of most social strata, from the ambitious sections of the working class to the bulk of the aristocracy.³⁶

30. Mirehouse, John, 1840 at p.11 & p.12.

31. Pike, L. O., 1876, Vol.2 at p. 478 & p.481.

32. Anon, 1856, 'Crime in England and its Treatment', at p.290.

33. Beggs, Thomas, 1849, at pp.16-18.

34. Glyde, John, 1856, at p.116.

35. Emsley, Clive, 1988, at p.41.

36. Simpson, Anthony, 1988, at p.100.

Indeed, it has been argued that this cultural trend provides unity to the period after 1850 for Europe generally. A new cultural model for personal conduct became dominant. It was reinforced and reproduced through social institutions like schools, unions, and churches that placed an emphasis on self-control, domesticity in private life, and public respectability. It also emphasized hard work, order and, cleanliness.³⁷

A central theme of the radical Francis Place's autobiography was the change in London manners, for the better, from his youth in the 1780s to the 1830s.³⁸ By 1856, *The National Review* could observe, albeit with a little exaggeration, that: "Words and allusions which sixty years ago were common in the mouths of 'persons of quality' would now be deemed unclean in the mouth of any respectful scavenger".³⁹

More generally, there was a 'gentling' in society during the period. Thus, duelling had become one of the "infamies of a past generation" by the middle of the century.⁴⁰ Cruel sports also began a gradual decline; regulated and gloved boxing slowly replaced prize-fighting; bear-baiting and cock-fighting were abolished or hidden; societies devoted to the prevention of cruelty to children and animals were formed. Arguably, a rising tide of order reduced a previous tolerance for disorder.⁴¹

There were practical, as well as cultural, reasons for greater 'bourgeois' concern about crime. It was small urban tradesmen, not gentlemen, who suffered most from theft.⁴² As Edward Gibbon Wakefield noted in 1832, the middling orders, unlike the very rich in Grosvenor Square, could not keep country establishments to secure their wealth, or abandon their London businesses at short notice.⁴³ With the vantage of hindsight, a change on the part of perceiver is often readily apparent. At the time, however, it was frequently attributed to the behaviour of the perceived.

Decline in Violence

Irrespective of the figures for property offences (see below), observers who concentrated on crimes of violence (actual or threatened) were unlikely to feel that Metropolitan security was bad, or deteriorating, even in the early nineteenth century. Indeed, Patrick Colquhoun's own figures

37. Eisner, Manuel, 2008, at p.303.

38. Place, Francis, 1972 (1835), at pp.14-15 & p.70.

39. Greg, W.R., 1856, at p.291.

40. Ballantine, William, 1890, at p.41.

41. Paley, Ruth, 1989, at pp.95-97.

42. Gatrell, V.A.C., 1990, at p.248.

43. Wakefield, Edward Gibbon, 1832, at p.2.

suggested that the most violent crimes, such as armed robbery and murder, were on the wane.⁴⁴ There was also a body of police committee evidence suggesting such a fall.

During the nineteenth century, the homicide rate in both England and London continued a decline that had been underway for at least 200 years. By the end of the century, it was at the very low rate of 1 per 100 000 a year (lower even than modern levels). There was a fall in reported homicides of 53% from the late 1860s to the late Edwardian period.⁴⁵ This process was especially marked in the capital, which by the 1890s produced an average of only about 60 homicides (20 murders and 40 manslaughters) a year, in a population of about six million people, despite having very inferior medical resources when compared to the modern era.⁴⁶ Perhaps understandably, by the start of the twentieth century, Sir Robert Anderson, a former head of Metropolitan C.I.D., could describe this high level of physical security in the Metropolis as a "standing miracle".⁴⁷

Other forms of violent (or potentially violent) crime also appear to have diminished as the century advanced. In 1822, the magistrate Sir Richard Birnie opined that street robberies in London had "very much" declined in recent times, especially at night, and that robberies in the environs of the city had also fallen.⁴⁸ John Townsend, a famous Bow Street runner, and his experienced colleague John Vickery, admitted astonishment at the falling away of highway robbery. He recalled that at the start of his long career, in the 1790s, there would frequently be several reports a day. By 1816, there were very few such crimes. Even armed footpads had declined greatly, being replaced by pickpockets and snatch-thieves.⁴⁹ Two years later, another observer was almost embarrassed to discuss highwaymen in the capital because their rarity made it pointless: "...so seldom are they now heard of compared to what they were formerly".⁵⁰

Similarly, by 1839, one commentator was able to note that burglary with violence had so far declined that few slept with pistols ready to hand, or deemed it: "... necessary to spend a mortal half hour every night in bolting, barring and chaining doors and windows".⁵¹ It has even been

44. Rudé, George, 1985, at p.123.

45. Gatrell, V.A.C., 1980, at pp.286-287.

46. Dilnot, George, 1915, at p.28.

47. Anderson, Robert, 1910, at p.142.

48. pp.9.1822, at p.19.

49. Evidence contained in pp.5.1816, at p.144 & p.173.

50. Anon, 1818, *The London Guide*, at p.47.

51. Taylor, W.C., 1839, at p.481.

estimated that the number of aggravated assaults against women heard in London Police courts dropped from 800 in 1853, to about 200 in 1889, despite a population increase and more vigorous prosecution and magisterial attitudes towards the crime, though these figures require a very considerable degree of caution.⁵²

Non-lethal assaults generally were viewed more seriously than had been the case in earlier periods, both by the courts and the legislature, this being indicative of a wider change in popular and judicial attitudes towards violence.⁵³ Throughout the Victorian period, the importance of crimes of violence within the criminal canon, when compared to property offences, increased steadily. Brawls were much more likely to result in formal prosecution and serious sanctions than they had been during the eighteenth century, especially if deemed to have been conducted on unfair terms.⁵⁴

Moral Panics

The optimism that was generated by this process was always subject to short-term media-driven 'scares' and moral panics about violent offenders. These could produce temporary despondency. They were aided by an unprecedented degree of media interest in non-lethal violence after the mid-century, itself a reflection of changing social mores. Prior to this period, few newspapers had specialist crime correspondents (as opposed to court reporters). They were common by the 1870s.⁵⁵ In their turn, such scares influenced attitudes towards non-violent crime.

For example, there was acute alarm in London about 'garrotting' in 1856 and, even more so, late 1862.⁵⁶ This prompted exaggerated stories about the "reign of terror" which had grown up in the Metropolis, though the same commentator accepted that, generally, crime was "undoubtedly on the decrease".⁵⁷ A foreign observer noted that newspapers at this time were filled with accounts of nocturnal outrages, and wondered about what had become of: "...that London police which was said to be the best organized in the world".⁵⁸ Similarly, an influx of cheap, foreign, revolvers

52. Tomes, Nancy, 1978, at p.330.

53. See generally, King, Peter, 1996, 'Punishing Assault: The Transformation of Attitudes in the English Courts', at pp.43-74.

54. Wiener, Martin, 2004, at p.61.

55. Sindall, Robert, 1990, at p.6.

56. *The Illustrated London News*, 6th December, 1862.

57. Pare, W., 1862, at p.3 & p.15.

58. Blanc, Louis, 1862, vol. 2, at p.236.

in the early 1880s raised fresh concerns about armed burglars, after a small number of incidents involving the shooting of bystanders and policemen.⁵⁹ There was to be another major panic, at the end of the century, over 'hooligans'. Such moral panics could influence those in high office. According to Assistant Commissioner James Monro, the introduction of new provisions for the control of 'habitual' criminals occurred the year after the garrotting panic because the public mind was: "...very much exercised owing to the vast increase of crime in the kingdom".⁶⁰

However, even at the time, there were many thoughtful individuals who appreciated that such sensationalised reports bore little relationship to the real level of physical security. In 1867, the writer Anthony Trollope could not find a single one of his acquaintances that had been garrotted or who even knew of someone that had been.⁶¹ Similarly, several observers appreciated that end-of-century hooligans were not an unprecedented phenomenon. Thomas Holmes, a police court missionary looking back on 25 years of experience from the vantage-point of 1908, felt that at the close of the 1800s every assault committed by a labouring man, and every bit of disorder in the streets caused by the poor, prompted the cry: "The hooligans again! Rubbish! But the people believed it and ... magistrates caught the spirit of the thing, and proceeded to impose heavier sentences on boys charged with disorderly conduct in the streets".⁶² In reality, such behaviour was not new. P.C. John Sweeney was to note that in 1879, almost 20 years before the advent of the 'hooligans', numerous gangs of roughs had plagued Hammersmith on Sunday evenings. They would commit petty thefts, engage in violent faction-fights, pursue and abuse passersby, as well as smashing windows and kicking in doors: "Nowadays we should call them hooligans".⁶³

Nevertheless, for most of the later nineteenth century, considerable optimism about levels of violence prevailed. By 1901, the Criminal Registrar thought that there had been a: "...great change in manners: the substitution of words without blows for blows with or without words; an approximation in the manners of the different classes; a decline in the spirit of lawlessness".⁶⁴

59. Emsley, Clive, 1985, at pp.137-139.

60. PR.14.1886, at pp.3-5.

61. Trollope, Anthony, 1867, at pp.419-424.

62. Holmes, Thomas, 1908, at p.167. Holmes was well aware that other factors were at work; for example, that "allowances" were not made for the poor that were made for the rich and even for soldiers and sailors on leave.

63. Sweeney, John, 1905, at p.13.

64. Quoted in Gatrell, V.A.C. & Haddon, T.B., 1972, at p.241.

Property Crime

Even if decreasing steadily, prosecuted crimes involving violence were always in a small minority. In London, as elsewhere, the great bulk of serious criminal activity was made up of property offences (or 'instrumental crime'). Indeed, Robert Peel described theft as the "paramount" London crime in 1826. Thirty years later, the *National Review* noted that: "Offences against property without violence form at present the staple crime of England". In 1849, the barrister Jelinger Symons opined that crime was "largely composed of thefts alone".⁶⁵

A selection of statistics, from a variety of sources, makes this apparent. For example, until late in the century, about 80% of all committals for trial on indictment were for offences against property that did not involve violence or its threat.⁶⁶ From 1820 to 1850, crimes of violence averaged only about 10% of the Old Bailey (i.e. serious indictable Metropolitan) offences that went to trial.⁶⁷ In 1859, of 2,853 indictable offences for which a suspect was prosecuted in the Metropolitan area, only 367 were for offences against the person, such as robbery (103 cases) or assault with intent to rob (7 cases).⁶⁸ On a smaller scale, of 72 prisoners tried at the Old Bailey Sessions commencing on 11th April 1833, and taken from the City of London, 16 were accused of theft from the person and 34 of larceny.⁶⁹

Nineteenth-century patterns of instrumental crime differed somewhat from the modern era. Larceny from the person appears to have been much more common than residential burglary (unlike today), though commercial burglary may have been just as frequent as in the modern era, in a city that was both a major port and crammed with warehouses. Reported housebreaking was heavily oriented towards wealthier homes, partly, perhaps, because of a lack of 'stealable' goods in poorer residences.

There was very little public optimism about ordinary property crime in the early 1800s. A tiny number were willing to extend the analysis for violence to crime generally. Thus, in 1838, a judge at the Middlesex Sessions noted (with a selective use of figures) that over the previous seven years, the number of trials on indictment had declined significantly, despite an increase in population.⁷⁰ Nevertheless, such confidence was highly unusual. A marked decline in property crime during this period

65. Symons, Jelinger C., 1849, at pp.19-23.

66. Gatrell, V.A.C. & Haddon, T.B., 1972, at p.367.

67. Rudé, George, 1985, at p.29.

68. See Table No.5, PR.6.1859.

69. PR.4.1833.

70. Adams, John, 1838, at p.9.

would appear very unlikely, and there is some support for the notion of a small increase.⁷¹

Improvement in Property Crime Rates

However, from the middle of the century, an apparent change in rates of property crime set in. As a result, there was a growing feeling that security was improving in England generally and the Metropolis in particular. Inevitably, not everyone who gave serious thought to the subject accepted that this was a true reflection of reality. To the former Clerkenwell prison chaplain, Canon Robert Gregory, writing in 1885, it was clear that there had been no major decrease in the number of offences committed during the previous fourteen years. He believed that the falling prison population had more to do with decreased detection rates and lenient sentencing than a lower incidence of offending. This was, he felt, reflected in the apparent increase of committals to the nation's prisons, up from 157,223 in 1870, to 176,467 in 1884.⁷² Similarly, long after the situation was felt by most observers to be improving, Havelock Ellis was still gloomily discussing the "rising flood of criminality".⁷³ As late as 1892, a lengthy debate between two thoughtful and well-informed men, W. D. Morrison (a Wandsworth prison chaplain) and Edmund Du Cane (an influential penologist and prison administrator) could be conducted in the pages of the *Nineteenth Century* as to whether crime was increasing or decreasing.

Nevertheless, by then, pessimists held a clearly minority view. Even those who feared that there was still a "distressing" amount of crime normally acknowledged that the situation compared favourably with former times.⁷⁴ This was particularly noteworthy as there had been a huge increase in the city's population and policing. As Anthony Trollope observed in 1867, the published figures for annual Metropolitan crime, such as the 4,738 pocket-handkerchiefs and 598 watches and other articles reported stolen that year in the capital's streets, though superficially impressive, had to be seen in the light of London's immense population (by then over three million people), when they would appear quite modest. None of his friends or acquaintances knew anyone who had had their pockets picked.⁷⁵

71. Gatrell, V.A.C. & Haddon, T.B., 1972, at p.239.

72. Gregory, Robert, 1886, at pp.774-776.

73. Ellis, Havelock, 1890, at p.297.

74. Smith, Henry, 1910 at p.267.

75. Trollope, Anthony, 1867, at pp.419-424.

A selection of statistics is suggestive. Between the early 1860s and late 1890s the number of indictable offences in England and Wales as a whole declined by 43%, most of the reduction being made up of cases of theft.⁷⁶ Composite rates for male committals and summary trials for larceny declined from a high point of 459 per 100,000 in 1857 to 329 in 1891. Given the improvements in policing standards, the figures probably reflect a real and major decline in criminal activity, properly deserving of Gatrell's epithet of 'extraordinary'.

The national figure was more than reflected in London, as judged by the Metropolitan Police Crime Returns (M.P.C.R). These appear to evidence a real change in criminal behaviour.⁷⁷ In the capital, it seems that the decline began (very gently at first) between the late 1840s and early 1850s. However, by 1872, the Metropolitan Police Commissioner could opine in his annual report that: "The more serious offences against person and property show a continuous decrease".⁷⁸ This was especially the case with regard to burglary and larceny in a dwelling house, with burglary falling from 433 cases in 1871 to 344 in 1872. Additionally, and less reliably, the number of known thieves and suspected persons at large had decreased from 4,336 in 1869 to 3,115 in 1872, and the number of houses of 'bad character' from 1,740 to 1,148 over the same period. Such a report was typical of the generally optimistic assessments found throughout the 1870s. Thus, in 1875, the Commissioner noted (again) that the more serious property offences, such as burglary, robbery, larceny, and receiving stolen goods, had continued to fall over the previous year, which itself had had the smallest number of serious crimes in the decade. In 1868, there had been 14,316 such crimes; by 1875, these had fallen by 4,373 (a fall of just over 30%) despite an increase in population.⁷⁹

This general sense of optimism continued throughout the economically straitened 1880s and into ensuing years. The Commissioner, Charles Warren, noted in 1888 that: "Heavy crimes have been diminishing in the Metropolis year by year, so that even within the official lives of many police officers a marked improvement has taken place".⁸⁰ Three years later, a newspaper noted that the almost annual decline in Metropolitan

76. Gatrell, V.A.C. et al (Eds.) 1980, at p.240.

77. Jones, David, 1982, at p.143.

78. PR.9.1869-6, at p.1. Although there had been a large increase in the numbers taken into custody in 1872: "Nearly the whole of this large increase is accounted for by the arrest of persons for being drunk, disorderly or both".

79. PR.12.1869-76, at p.3.

80. Warren, Charles, 1888, at p.580.

crime rates disclosed a “most satisfactory record”.⁸¹ In 1887, reported loss from theft in the London area stood at only £97,000 for the whole year.⁸² During the period from 1879 to 1883, there were 4,856 reported crimes against property per 1,000,000 people in the Metropolis, while in the years 1894 to 1898 there were only 2,755.⁸³

Inevitably, there was a lag between improving statistics and signs of optimism becoming widespread amongst the general public. Nevertheless, these were also apparent by the 1870s. By then, many felt it was unquestionable that although the population of the Metropolis had: “...increased there has been a marked diminution of crime”.⁸⁴ As a result, Luke Owen Pike was confident that there had never been a nation in history in which: “...life and property were so secure as they are at present in England”. In most areas of London, it was thought that a man of average stature and strength could wander alone, at any hour of the day or night, without undue concern. This was in marked contrast to the sense of insecurity that had prevailed at the beginning of the century.⁸⁵ One observer even went so far as to declare (somewhat implausibly) that, in many respects, when compared to the provinces, the Metropolis was “one of the most innocent places in the kingdom”.⁸⁶

There were other indications that, by then, London was not a particularly ‘high crime’ environment. These included the frequently casual attitudes manifest by traders and shopkeepers towards their own security. For example, of the minor larcenies committed in 1880, 2,806 were a result of the “indefensible practice” of exposing goods for sale without having anyone watching over them, presenting juveniles, in particular, with acute temptation.⁸⁷ In 1897, Sir Francis Powell was able to tell Parliament that a reduction in prison sentences had occurred not because of increased public sympathy for offenders, but because of a widespread belief that crime had diminished, reducing the need for harsh deterrence.⁸⁸ This confidence sometimes threatened to become exaggerated; in 1899, a leader in *The Times* even suggested that the thief was a disappearing breed!⁸⁹

81. *The Morning Post*, August 5th, 1891, p.5.

82. Warren, Charles, 1888, at p.588.

83. Anderson, Robert, 1910, at p.141.

84. Anon, 1871, *Our Police System*, at p.693.

85. Pike, L.O., 1876, Vol. 2, at pp.480-481, and p.484.

86. ‘Police Criterion of the Criminality of Districts’, *The Pall Mall Gazette*, December 23rd, 1875.

87. *The Standard*, August 10th, 1881, p.2.

88. Reproduced in McWilliams, W., 1983, at pp.129-147.

89. *The Times*, February 6th, 1899.

This trend was not confined to the Metropolis. To varying degrees, it was found in most urban areas in England. For example, the crime rate in Middlesbrough almost halved during the 1870s, and continued to decline thereafter, although there is no evidence to suggest this was due to any reluctance to prosecute on the part of the local police force.⁹⁰ Indeed, it is a pattern that appears to extend, if less markedly so, to a number of other western cities, whether Sydney or Stockholm, which also experienced a generally sharp fall in crime between the 1850s and the 1870s, and a more gradual reduction thereafter.⁹¹ Nevertheless, the fall was particularly apparent in London.

As a result, it can be said that the second half of the nineteenth century, especially the years after 1860, witnessed both a national and a more specifically Metropolitan decline in the number of offences committed against people and property, this decline continuing until the end of the era and beyond. The academic debate has largely been limited to the rate at which this was happening and, most importantly, *why* it occurred. Many, then and now, linked this decline to changes in nineteenth-century policing, especially in London. Others have stressed the important socio-economic developments of the period.

90. Taylor, David, 2004, at p.759.

91. Gurr, Ted, 1981, at p.111.

CHAPTER TWO

THE CRIMINAL ‘THREAT’ IN NINETEENTH-CENTURY LONDON

Introduction

The perpetrators of ‘conventional’ (non-white-collar) Metropolitan crime during the nineteenth century can (very roughly) be divided into two main groups. At their apex was a small band of skilled professionals, one that had existed in the capital for almost 200 years. Below them, was a very much larger group of opportunistic offenders; these were largely drawn from the capital’s working class. As the Reverend Francis Close (a prominent evangelical of the time) observed, although upper and middle class criminals existed, they were ‘rogue’ elements within their social groups, individual ‘abominations’ rather than typical representatives of a wider culture steeped in crime. By contrast, it was a brutal reality that of the criminal offenders who came: “...within the clutches of the law, ninety-nine out of a hundred are taken from the working-classes”.¹

However, by the early 1800s, this class was itself highly fragmented. Much of its crime was the work of those in its lowest reaches, rather than its skilled or ‘respectable’ elements, and this phenomenon became steadily more marked as the century advanced. This bottom group was termed, at various times, and *inter alia*, the ‘residuum’, the ‘casual poor’, and the ‘criminal’, ‘predatory’ or ‘dangerous’ classes.² As the Reverend Close noted, the words were usually synonymous.

When the Victorians referred to the ‘dangerous classes’ they were certainly not alluding to the labouring population as a whole. Whatever may have been the situation in earlier periods, crime was not perceived as being randomly distributed throughout the working class. Thus, if rather implausibly, the social reformer Mary Carpenter had no doubt that juvenile

1. Close, Francis, 1850, at pp. 4-5.

2. Emsley, Clive, 1988, at p.36.

crime arose entirely from the "lowest class" within that broader grouping.³ Henry Mayhew, too, was anxious that the public should not confuse: "...honest, independent working men with the vagrant beggars and pilferers of the country".⁴ Such people were quite distinct from the average Londoner, coming from: "below the class from which we usually obtain our domestic servants".⁵ They were: "...decidedly lower in the social scale than the labourer".⁶

The Metropolis, with its huge numbers of unskilled casual workers, unregimented by factory 'discipline' (however unattractive that may have been), was thought to be the epicentre of this residuum. In some respects, the identification of this group with offending was the conclusion of a centuries-old process whereby conventional property crime ceased to be something that 'everyman' could have recourse to, even upper-class medieval 'robber-barons', and became heavily associated with a distinct social group.

Of course, this process was confined to conventional (especially property) crime. The very rudimentary development of notions of white-collar crime, and a corresponding failure to police it, meant that levels of middle and upper class deviance were hugely underestimated throughout the century.⁷ The Victorians were plagued by white-collar crime like no other people, before or since, with the joint-stock company being an especially common vehicle for fraud. The modern image of the upright Victorian businessman is largely a myth.⁸ By the late nineteenth century, 'long-firm' frauds were common in London, with mock businesses being established, acquiring goods on credit, selling them, and then disappearing into the night.⁹

Additionally, many normally 'respectable' working-class men succumbed to temptation or adversity by having recourse to crime. They included poor but "naturally honest" individuals who stole out of desperation to support their families, during cyclical hard times.¹⁰ Nevertheless, contemporary observers were right in thinking that conventional (especially street) crime

3. Evidence to Select Committee on Juveniles by Mary Carpenter. Response to Question 799. Reproduced in Tobias, J.J., 1972, *Nineteenth Century Crime*, at p.46.

4. Wiener, Martin J., 1990, at p.23.

5. Bayly, Mary, 1860, at p.11.

6. Ellis, Havelock, 1890, at p.297.

7. Sindall, Robert, 1983, at pp.23-40.

8. Robb, George, 2002, at p.3.

9. Thor, Fredur, 1879, at p.178.

10. Anon, *Convict Life, or Revelations*, 1879, at pp.3-4.

in the London area was disproportionately the work of what might be termed an urban underclass, usually operating on a casual, unsophisticated, and impulsive basis.¹¹ Professional criminals might originate in this milieu, but they were never typical of it. As a result, educated prison inmates in the 1870s carefully delineated London "roughs" from other Metropolitan criminals.¹²

In recent decades, the identification of such an underclass has become controversial. It is sometimes alleged to be a social construct, rather than a reflection of reality. This is partly because the 'robustness' of many Victorian portrayals, particularly those influenced by social Darwinism, is acutely distasteful to modern eyes. The observers who made them usually came from the middle or upper classes, and often failed to empathize in any meaningful way with their subjects or their very limited life choices.¹³ Nevertheless, this does not mean that such elite representations were entirely unfounded.

Then as now, there was also a debate as to the origins of this social group. Was it a response to an economic predicament that was the result of structural inequalities in society, or the result of a cultural commitment by that group to dysfunctional values?¹⁴ This also meant that there was uncertainty as to whether the best method of: "...treating these unfortunate persons were that of sending them to the gaol, or of taking care of them in the eating-house".¹⁵

However, as the nineteenth century advanced, there was increasing agreement, amongst observers from both left and right, that such an underclass existed in the capital. Thus, Octavia Hill (another active social reformer) drew a sharp distinction between the "tidy and quiet poor" and the rough elements that made the lives of their respectable neighbours a misery by pelting them with dirt, if they went out cleanly attired, and shouting obscenities in their vicinity.¹⁶ Similarly, a newspaper correspondent, although himself from the rough Minorities area near the Tower, complained of the: "...class who set all moral decency in open defiance".¹⁷

11. Smith, P.F., 1985, at p.27.

12. Anon, *Five Years' Penal Servitude*, 1877, at p.178.

13. Shore, Heather, 1999, at p.153.

14. Greenstone, J. David, 1991, at p.399.

15. Holland, E.W., 1870, at p.162.

16. Hill, Octavia, in the *Nineteenth Century* for September 1889, reproduced by Monro, James, 1889, at p.9.

17. 'The Social Evil', *East London Observer*, October 29th, 1859.

Unsurprisingly, in these circumstances, street-crime was thought to be heavily concentrated amongst certain families.¹⁸ Indeed, a middle-class prisoner in the 1870s believed that stealing was: "...to a very great extent hereditary in England".¹⁹ Some statistical evidence supports his analysis. Of a selection of 175 boys committed to the Westminster House of Correction in the early 1850s, 99 had uncles, siblings or parents who were in prison or who had been transported, while 53 had a brother in prison.²⁰ Similarly, in the 1850s and 1860s, crime amongst the residents of the infamous Jennings' Buildings in Kensington appears to have been concentrated amongst about 200 of the location's 900-plus occupants, many coming from the same five extended families.²¹

Definitions

Clearly, the residuum was a group whose style of life seemed a defiance of respectable society.²² Unfortunately, producing more precise definitions is (and was) inherently difficult. Edward Gibbon Wakefield made an early attempt, based on personal experience acquired in Newgate while serving time for abducting an heiress. He felt that its members lived amid extreme poverty, followed brutalizing pursuits, and were often either out of work or employed as costermongers, chimneysweeps, and scavengers.²³ More generally, Hugh Edward Hoare, of the Charity Organisation Society, felt that it was made up of casual labourers who lived "on the brink of starvation and crime".²⁴

Vagrants were considered to be a particularly important part of this group.²⁵ Although not confined to the capital, most were thought to originate from the "great reservoir of crime in London".²⁶ Vagrancy, like the crime that often accompanied it, was a disproportionately male activity. At least 85% of those who had recourse to the 'casual' (as opposed to residential) wards of workhouses were adult men under the age of 65.²⁷ Of course, not *all* were criminal. However, some observers thought that

18. Beggs, Thomas, 1849, at p.49.

19. Anon, *Convict Life, or Revelations*, 1879, at p.10.

20. Antrobus, Edmund, 1853, at p.19.

21. Davis, Jennifer, 1989, at pp.15-21.

22. Chesney, Kellow, 1970, at p.76.

23. Wakefield, Edward Gibbon, 1832, at p.7.

24. Bailey, Victor, 1981, at p.97.

25. Guy, W.A., 1848, at p.395 & p.400.

26. Miles, W.A., 1836, at p.5.

27. Vorspan, Rachel, 1977, at p.60.

three quarters of those in casual wards would subsist by "begging or thieving" during the day.²⁸ This pattern also applied to many of the people who lived in cheap, private, 'casual' accommodation, such as the capital's many common lodging-houses, which were seen as the: "...general resort of the dishonest, the vagrant, and the utterly impoverished".²⁹ (See below). In 1835, the occupant of one such establishment in the East End could note that its residents would regularly ask for companions to go thieving with them.³⁰

Contrast with Professional Crime

The casual crime of this underclass was always very different to that of London's small number of professional criminals, who adapted themselves to modern conditions and followed a: "...profession which requires great skill".³¹ The imprisoned Irish Nationalist, Michael Davitt, noted that forgers, professional burglars, and high-class swindlers looked with contempt on 'low' thieves.³² Professional crimes were aimed at producing high-value returns, characterised by careful planning and execution, and frequently involved the effective use of commercial fences. Their perpetrators were also able to exploit the intricacies of the legal system.³³ They included members of London's 'swell mob', criminals able to infiltrate upper-class environments, such as society balls.³⁴ Burglaries of upper-class homes by specialist "cracksmen" were also largely the province of professionals, as the attendant risks and difficulties were considerable.³⁵ It was claimed that top-class men could break all but Chubb and Hannah locks in less than three minutes, and knock a man-sized hole in a brick wall in less than two hours.³⁶ However, this type of burglar was so rare that most of those who worked in the Metropolitan area could be identified by name.³⁷

28. Holland, E.W., 1870, at p.171.

29. *The Standard*, October 4th, 1893, at p.6.

30. Quoted in Shore, Heather, 1997, at p.196.

31. Ellis, Havelock, 1890, at p.22.

32. Davitt, Michael, 1886, at p.26 & p.32.

33. Mirehouse, John, 1840, at p.28.

34. Wills, W.H., 1850, at p.370.

35. Ryan, Michael, 1839, at p.271.

36. Mayhew, Henry et al, 1862, at p.355.

37. pp.15.1878, at p.24.

Professionals also dominated the commercial handling of stolen goods.³⁸ The largest receivers owned warehouses well away from their own residences and had furnaces to melt down stolen plate.³⁹ In many establishments, precious metals could be turned into bullion within minutes of being delivered. There were huge profits to be made, as far less than a quarter of the 'market' value of stolen goods (as opposed to silver) would normally be given to the thief.⁴⁰

The Typical Metropolitan Criminal

Nevertheless, the 'typical' London criminal of the nineteenth century was *not* a sophisticated professional. As a prison missionary noted, much confusion was occasioned by the common inability of the general public to distinguish the mass of the criminal underclass from such high profile offenders.⁴¹ According to Michael Davitt, over two thirds of prison inmates were the grossly ignorant products of a squalid upbringing.⁴² Towards the end of the century, Sir Robert Anderson reiterated that the element of professional crime in London was very small and had to be distinguished from a much larger class of opportunistic offenders and habitual, but incompetent, thieves.⁴³ According to one estimate, of the 6,000 people who made some sort of living from theft in London during the early 1850s, less than 200 were "first-class thieves". Most were habitual petty criminals.⁴⁴ Similarly, although Charles Booth could describe Hoxton in the 1890s as the leading criminal area of London, he also noted that its: "...number of first-class burglars is said to be very small".⁴⁵ It was a commonplace that the vast majority of Metropolitan pickpockets were drawn from the "dregs of society".⁴⁶

Confusion was partly engendered by sensationalist literature that encouraged people to believe that criminal specialism was typical in the London area.⁴⁷ In practice, most criminals varied their *modus operandi* as

38. Pike, L.O., 1876, Vol. 4, at p.273.

39. Mainwaring, George B., 1821, at pp.89-93.

40. Mayhew, Henry et al, 1862, Vol. 4, at p.374.

41. Meredith, Susanna, 1881, at p.89.

42. Davitt, Michael, 1886, at p.26 & p.32.

43. Anderson, Robert, 1910, at p.234.

44. Wills, W.H., 1850, at p.371.

45. Quoted in Evans, Alan 1988, at p.15.

46. Mayhew, Henry et al, 1862, at p.188.

47. Mayhew, Henry et al, 1862, Vol. 4, at p.353.