

THE STRUGGLE FOR CONSTABULARY REFORM IN SOMERSET

BY I. P. COLLIS

A century has passed since the modern police system, designed to prevent crime and enable its effective detection, came into being in Somerset. This is a span of time sufficient to accord a degree of propriety to a short review of the events leading up to the introduction of the system in the County. Undoubtedly, the history of the development of police administration should be, and indeed has been, treated from a national standpoint,¹ but there are certain aspects which have their local interest. Peel's famous Act of 1829, which proposed the creation of a force of paid constables for the metropolitan area, was the direct result of expedients arrived at by several persons concerned with the administration of justice in several generations, most notably Henry Fielding,² the novelist, himself by birth a man of Somerset. Charles Aaron Moody, a chairman of Somerset Quarter Sessions, sat on the Select Committee of the House of Commons which in 1853 considered constabulary matters. The views of a Somerset justice of the peace, George Warry, and the governor of the county gaol, William Oakley, both strong advocates of constabulary reform, were held to be important enough to be heard at length by that Committee. Moreover, any attempt to clothe these isolated facts with detail brings with it glimpses of the social and industrial structure of the County in the first half of the nineteenth century, a full appraisal of which yet remains to be undertaken.

The first real efforts towards constabulary reform were made in eighteenth century London, at a time when lawlessness was rife, and it would be reasonable to suppose that they were the outcome of a general sense of the need for public order. This, however, was not the case. There was considerable opposition based, apart from the question of expense, on the argument that they represented an unconstitutional innovation infringing the liberty of the subject.

¹ W. L. Melville Lee, *A History of Police in England* (Methuen, 1901); Charles Reith, *The Police Idea* (O.U.P., 1938); *British Police and the Democratic Ideal* (O.U.P., 1943); *The Blind-Eye of History* (Faber and Faber, 1952); J. M. Hart, *The British Police* (Allen and Unwin, 1951).

² *Vide* F. Homes Dudden, *Henry Fielding, His Life, Works and Times* (O.U.P., 1952, 2 vols.), and B. M. Jones, *Henry Fielding, Novelist and Magistrate* (Allen and Unwin, 1933).

The existence of continental systems of armed police, with oppressive powers over the individual, lent support to the argument. Resistance was maintained over a long period and continued well into the nineteenth century, when examples of it in Somerset are not difficult to find.

The constabulary system which was the object of attack by the reformers had roots stretching into the distant past. For many centuries measures had been taken to fix upon the individual a responsibility to and for the community in which he lived. In the search for evidence, modern historians plunge at least as far back as the Hundred Ordinance, recently assigned to the period 939—*circa* 961 A.D., but formerly accepted as part of the Laws of Edgar.³ The ordinance purports to show how the hundred was to be held, but the nature of the organization is seen more clearly in the Laws of Cnut, 1020-1023, the authorship and date of which are again the subject of controversy.⁴ For the efficient performance of police duties, all free men were ordered to be brought into a hundred and tithing, and to find a surety that they would appear to answer any charge preferred against them. No doubt, the tithing and hundred had in origin a strong personal association, the tithing being perhaps a group of ten men and their dependants, each responsible for the others, and the hundred consisting of ten such groups, but even in the Anglo-Saxon period they are perceived as territorial units of local administration, and it is from these times that the tithingman, headborough, and borsholder who are later performing duties as or alongside the petty constable (a Norman term) are traced.

Shortly after the Conquest, William I found it necessary to introduce a measure designed to protect his followers against attack by the native population. It took the form of a fine, the *murdrum*, which was payable by the hundred whenever a murder was committed and the murderer not brought to justice, unless the English nationality of the victim, his "Englishry," could be proved. The fine provided, therefore, a clear incentive towards the detection of crime, for each member of each tithing within the hundred would be anxious to avoid paying it. The twelfth century brought the

3 *English Historical Documents*. Vol. I. Ed. Dorothy Whitelock, p. 293.

4 Dorothy Whitelock, *Wulfstan's Authorship of Cnut's Laws*. (Eng. Hist. Review, Vol. LXIX, No. 274, Jan., 1955.)

development of the frankpledge system, which penetrated to the greater part of England, and is clearly in evidence in Somerset. It placed upon each tithing, under its tithingman, the responsibility of producing all suspects or to pursue them if they fled, raising the "hue and cry" by shouting and blowing horns. With some exceptions, all males over the age of twelve were required to be in frankpledge and in tithing. As a measure of control, the sheriff, in what came to be known as his "tourn" took "the view of frankpledge." But the powers of this royal officer were declining, and the lords of the manors persisted in holding the views themselves, either as part of the courts of the hundreds, many of which were in private hands, or under the same arrangements as the manorial courts, which thus attracted to themselves what is known as "leet" jurisdiction.

A writ of 1233 supplemented to some degree the system of frankpledge by requiring watch and ward to be kept by four men in each township. Another of 1252 established one or two constables in each township, and a high constable in each hundred, under whose orders all men of the hundred sworn to arms were placed. The writs of watch and ward, repeated in 1242 and 1253, and the general police measures, were consolidated in the famous Statute of Winchester of 1285, which remained in force for more than three centuries. In many cases the headborough of the tithing became the new constable, with police functions as well as military duties, and at the emergence, after the Reformation, of the ecclesiastical parish as a unit of civil administration, he is found as a parochial officer, often still appointed at the court leet of the manor. He was a conservator of the peace, and served as the executive arm of those other conservators who, originating with the appointment of knights in 1195 to enforce the oath to keep the peace and gradually endowed with judicial powers until in 1362 they were ordered to hold annual quarterly sessions, had long since borne the title of justices of the peace. At the date (1607) from which the Somerset Quarter Sessions rolls have survived substantially, the constabulary system, which with one exception was to suffer little modification until the county police force was created in the mid-nineteenth century, was firmly established but already largely ineffective. The exception was the effort by Cromwell to use military force to secure observance of the law. In 1655 the country was divided into police districts, each under a

“Major-General” furnished with a body of troops. Within a few years the experiment had failed and had been abandoned.

The duties of the constables are illustrated not only in the rolls of Quarter Sessions but also in their own accounts which are sometimes to be found in the parish chest. For the parish of West Monkton a particularly fine book of accounts for the constables and churchwardens, collectors for the poor, waywardens, and other accounting officers, beginning in 1587, has survived.⁵ It demonstrates admirably the constables' duties concerning the maintenance of armour and the mustering of soldiers. The Tudor legislation on the subject of the treatment of the poor and the laws concerning vagrancy placed a heavy burden on all parochial officers, and the constable could hardly avoid being the most unpopular of them. It fell to him, not only to arrest wrongdoers, but also to take the practical steps towards the punishment of vagrants, and to move paupers out of the parish if they could not prove their right of settlement. The practice of appointing paid deputies, often unsuitable choices, in order to avoid an office which was compulsory upon most of the adult inhabitants of the parish no doubt made its contribution towards rendering the constabulary system effete, but in any case the whole civil parochial administration, with which the constable had much to do, had begun to crack under its burden long before reforms came in the nineteenth century.

The degeneration of the constabulary system was more apparent in towns, particularly in London, where the “trading justice” worked not for the prevention of crime but towards rendering it profitable to himself. The system of rewards for information and for the apprehension of criminals created an industry of wrongdoing itself, and gave rise to the profession of thief-taker, the prosperity of whose business was directly related to the incidence of crime. One trading justice, Thomas de Veil (1684-1746), did make strenuous efforts to enforce the law, although he was not slow to see his own advantage; and it was to his house in Bow Street that Henry Fielding succeeded when he was appointed to the commission of the peace for Westminster in 1748. In the following year, Fielding was nominated to the commission of the

⁵ For a commentary on extracts from this volume, *vide* R. K. Meade King, *Parish of West Monkton in the Days of Queen Bess and James I.* (Proc. Som. Arch. Soc., Vol. XI, for years 1861-2.)

peace for Middlesex and chairmanship of the Quarter Sessions of the City and Liberty of Westminster.

Henry Fielding was born in 1707 at Sharpham Park near Glastonbury, the grandson of Sir Henry Gould, a judge of the Court of King's Bench. As his cousin, another Sir Henry, became a judge of the Court of Common Pleas, and Fielding himself practised at the Bar, he was no stranger to the legal tradition. It was this training which was to serve as a protection against the lawyers not only for himself but also for the small band of men brought together by him as an unofficial police force. These men and similar forces organized later have been called the Bow Street Runners, but the term was quite unknown to Fielding. The organization was an expedient appropriate to the needs of the time, but Fielding knew that it was capable of elaboration; and indeed there was a fitful but gradual development which led to the establishment of the Metropolitan Police Force of today.

Fielding's work, which was carried on after his death in 1754 by his half-brother, the blind Sir John, was based on the principle of prevention of crime and the removal of its causes, and it is perhaps because this principle took so long to gain recognition that he is famed, even in the county of his birth, as the "Father of the English Novel" rather than as a parent of the modern police system. Most of the credit is accorded to Sir Robert Peel who successfully piloted through Parliament the Metropolitan Police Bill of 1829. Under it was created a force of paid constables to act within the Metropolitan Police District, from which the City of London⁶ was omitted, the omission being the price paid to secure the passing of the Bill.

Next in turn came the boroughs reformed under the Municipal Corporations Act of 1835. These boroughs were required to elect watch committees to establish and administer a police force, the cost of which was to be met out of the local rates. Although the provisions of the Act were not such that it could be expected to bring about an immediate and marked improvement in the efficiency of police organization in all the boroughs concerned, so long as no regard was had to the counties, the pattern of reform was shown to

⁶ In 1839 the Corporation of the City of London obtained an Act (2 & 3 Vict., c. xciv, Local) regulating its police, but at the same time preserving the City's ancient rights and privileges in the matter. In the same year, a further Metropolitan Police Act (2 & 3 Vict., c. 47) was passed.

be lamentably incomplete. Vast areas remained under the parochial constabulary system, the imperfections of which constituted a severe handicap on all who laboured for the maintenance of law and the prevention of crime. The widely-held theory that the police reforms caused a migration of criminals from the metropolitan area into the boroughs and, after 1835, into the rural areas, and that in this way attention was focused upon the counties, has been challenged recently.⁷ It has been pointed out that the government had in mind the reform of the rural constabulary system at least as early as 1836, and the passing of the County Police Act three years later was precipitated by the threat to public order created by the Chartists. A Royal Commission was appointed in 1836 to inquire as to the best means of establishing an efficient constabulary force in the Counties of England and Wales. In the closing months of that year, the Constabulary Commissioners issued questionnaires⁸ to the magistrates in petty sessions and the guardians of the poor seeking statistics and other information bearing on the prevalence of crime and the methods employed to deal with it.

The return from George Steart, guardian for Monkton Combe, shows that one element of the "migration thesis" would have found favour with him. He states categorically that the greater part of the depredations were committed in the parish by persons non-resident, "particularly so since the establishment of the Bath

⁷ Jenifer Hart, *Reform of the Borough Police, 1835-1856*. (*Eng. Hist. Review*, Vol. LXX, No. 276, July, 1955.)

⁸ These questionnaires are printed as Appendices 1 and 3 to the Report of the Constabulary Commissioners, 1839. The returns from the magistrates have not been traced, but a large number of those from the guardians are to be found in the Public Record Office under reference H.O. 73/8. Dulverton Union submitted a consolidated return only, but the Unions of Axbridge, Bridgwater and Shepton Mallet included several parochial returns with their consolidated returns. There are parochial returns only from the remaining 12 Unions. Extracts were taken (but not all used in this paper) from the four consolidated returns and the parochial returns of: Axbridge and Banwell in Axbridge Union; Monkton Combe, Wellow, and Widcombe and Lyncombe in Bath Union; Yatton in Bedminster Union; Ashill in Chard Union; Chew Magna in Clutton Union; Batcombe in Shepton Mallet Union; and Taunton S. Mary, Taunton S. James, and West Monkton, in Taunton Union. As there are in total more than 150 returns and 34 questions on each, a detailed analysis would require the consideration of well over 5,000 answers for Somerset alone.

Police which has inundated the villages adjacent with mendicants and depredators of all descriptions." A source of considerable worry to him was the theft of copper boilers which, together with livestock, could be concealed easily within the underground quarries of Bath stone in the parish, many of which were no longer worked. When beaten up and sold to dealers in old metals, these boilers were thought to be distributed to the many foundries in Bristol. The fear of incurring expense⁹ and loss of time, and the inefficiency of the constables, were his reasons for the small number of prosecutions within the parish. "The great distance at which our Assizes and Quarter Sessions are held, at Wells 21 miles, Bridgwater 42 and Taunton 52 miles, deter very generally most people from prosecuting offenders." The returns from the parishes within the Axbridge Union were stated by the clerk in his consolidating report to be in general agreement that all minor depredations were committed by persons in the neighbourhood but those of magnitude by distant thieves. In direct contrast, the Dulverton guardians, replying on behalf of the thinly populated parishes within their Union, considered that very few depredations were committed by non-residents, if a solitary case or so by thieves attending the fair be excepted. It would seem, then, that any examination of the effects of borough police reform under the Municipal Corporations Act on the incidence of crime in the rural areas would need to take account of the relative magnitude of offences, the nearness of the parishes not only to reformed boroughs but also to the seats of administration of justice, and local con-

⁹ At this time, the constable's expenses were reimbursed by fees charged on either the county stock or the parochial rates, according to the duty performed. The justices' powers to allow these expenses were derived from numerous Acts, among them 3 Jac. I, c. 10 (1605-06), 27 Geo. II, c. 3 (1753-4), and 18 Geo. III, c. 19 (1777-8). The Parish Constables Act, 1842 (5 & 6 Vict., c. 109), required the justices in quarter sessions to settle a table of fees and allowances to the constables for the service of summonses, execution of warrants, and the performance of such other duties for which they might think that fees ought to be allowed. It is evident that a good deal of expenditure could be incurred with scant possibility of reimbursement. In 1853, William Oakley stated that, in many cases, it would be necessary first for the aggrieved party to provide the means to pursue the offender or to make an inquiry; and George Warry said that on one occasion, when he remanded a prisoner pending further enquiries for clearer evidence which was not forthcoming, the expenses had to be paid out of his own pocket.

ditions which would bear upon the ability of the depredators to cover up their tracks and avoid leaving their mark on the criminal records. Commission of crimes *en passant* would not have been, of course, a new problem, as an answer from Batcombe illustrates: "Our parish being situate in a line of road from Mendip collieries to Dorsetshire &c. a great number of persons employed in the conveyance of coals by waggons, horses & donkeys, are continually passing & therefore I conclude that many of the little depredations are committed by those colliers."¹⁰

Another aspect of the matter of prosecution is demonstrated by the Dulverton guardians. It had been the custom of the overseers of the parishes in their area to act as public prosecutors and to charge the expense incurred upon the poor rates. Under the stricter administration of the poor laws the guardians felt that such charges would be disallowed, and they could not be expected to become the prosecutors. "No imputation," they said, "lies on the constables for neglect of duty." The answer of the guardian for Chew Magna in Clutton Union expresses a contrary opinion: "No! unless a reward is offered they will not act, and when called on to suppress disorderly conduct in houses for the sale of liquor, if they do appear, it is hail fellow well met & down they sit." This same guardian attributes much of the evil of the times to the sale of cheap liquor, and indeed the beer and cider shops appear to be generally condemned.

One of the questions posed by the Constabulary Commissioners asked for suggestions for increasing the actual security, and the sense of security, to person and property. The guardians of Shepton Mallet thought these could be achieved "by elevating the moral character of the population, in the interim by the appointment of a more efficient constabulary." They noted that a police force responsible only to the Government was very generally objected to, but an augmentation of the constabulary under the control of a well regulated local body was likely to be advantageous. Axbridge Union thought that the magistrates should have power

¹⁰ Old Joe the collier, who flourished in the Salisbury Plain district in the first four decades of the nineteenth century, had eight donkeys. He "had to feed them well, and this he often contrived to do at some one else's expense." *Vide* W. H. Hudson's *A Shepherd's Life*, Chapter VI, to which my attention has been drawn by Mr. T. J. Hunt. Hudson says that coal was used only by the blacksmiths in the villages.

to appoint additional constables where required. The reply from George Emery, D.L., guardian of Banwell within Axbridge Union, was a detailed one: "I have always considered that a magistrate should be appointed in all places having a thousand inhabitants, that the magistrates in petty sessions should have the power of appointing as many constables in addition to those appointed by the lords of the manor. Constables should be paid for their services when called upon to act, the magistrates to settle what that payment should be. A power should be vested in constables to act in any part of the kingdom. There should also be a lock-up house or place of confinement for prisoners before commitment, the present practice of taking them to an inn or beershop is most dangerous and disgraceful." Bridgwater Union had no suggestions to offer and did not think the appointment of paid constables desirable in country villages, a feeling shared by the guardians of Dulverton Union. The guardian of West Monkton, in Taunton Union, wanted central police stations in each district under the superintendence of an active and intelligent officer. Visiting government officers were asked for by the guardian of Yatton in Bedminster Union. Generally speaking, the parishes contiguous to the Somerset towns seemed prepared at this time, the beginning of 1837, to support the slight reorganization of the rural police which would come with the appointment of additional constables and the placing of all constables on a stipendiary basis, and a few looked for rather more drastic measures.

Chief amongst the Constabulary Commissioners was Edwin Chadwick, and it was he who drew up their report which was published in March, 1839. Chadwick was convinced that an efficient rural police was necessary for the administration of the new poor laws.¹¹ His heart must have been gladdened when he received the return to the 1836 questionnaire from Henry Smith, land surveyor, on behalf of the parish of Widcombe and Lyncombe, in the Bath Union. Smith's return has been endorsed as "well done & by a competent judge" and various passages have been marked, no doubt by a clerk,¹² presumably to bring them to the especial notice of Chadwick. The reply to the last question, which asks for information or suggestions to further the objects of the Commission, covers five foolscap pages which have been stitched

¹¹ S. E. Finer, *The Life and Times of Sir Edwin Chadwick* (Methuen, 1952)

¹² The return is also endorsed in the same hand "E. Chadwick Esq."

to the printed form, but the following extract (with one or two corrections in spelling) should explain why Chadwick's attention had to be drawn to it :

“ The suppression of crime will never be effected without a day and night police force. The new Poor Law has begun a great moral and advantageous change in the manners of the poor in this part. A police force as the auxiliary of the Poor Law will check and eventually get rid of the daily and night robberies which injure society.

Our constables are the shadow of power because unsolicited. They never check vice or apprehend offenders. In many cases the thief and tumultuous receive great kindness and pity from the constable, and not infrequently the best advocates the abandoned have are the officers of justice, the constables appointed to be a terror to evil doers.

A police force regularly organized throughout the kingdom will prevent mendicity, robbery, and that abusive insult which often assails and annoys the traveller.

When I lived four miles from Bath my property was injured and stolen. My house was broken into and other times attacked by robbers. Villains under the disguise of beggars apply'd at my home for relief who insulted me and my family. My nights instead of seasons of refreshing rest were times of careful and painful watchings to guard against the midnight robber.

I now live in the Borough of Bath. A day and night police is continually passing around my home. I am not annoyed with insolent beggars. I sleep securely undisturbed by robbers. I have no dread of thieves and my property is secured from the spoiler and thief.

The contrast in the two residences I feel to be as if I were removed from the abodes of Savage Society to live among a highly civilized and intellectual people.”

The Act (2 & 3 Vict., c. 93) which followed some months after the Commission had reported was a permissive one. It enabled the justices of the peace of any county in England and Wales to establish a paid constabulary, if they felt that the ordinary officers appointed were insufficient for the preservation of peace, the protection of the inhabitants, and the security of property. It brought about a slight measure of central control, but in this respect fell far

short of Chadwick's requirements. The Home Secretary was to approve the appointment of the chief constables, and make certain rules touching the pay and conditions of employment of the constables. The borough forces remained independent, and there was no provision for governmental financial assistance to supplement the county stock.

The neighbouring counties of Gloucestershire and Wiltshire were quick to adopt the Act,¹³ but in Somerset it marked only the beginnings of a struggle for an efficient police system. Having before them the resolutions of the Lancashire and Salop Quarter Sessions very much in favour of a county constabulary, in July, 1839, the Somerset justices had been, in their own words, "ready to give their attention to any measure proposed by Government for the improvement of the present Constabulary Force of the County." Dr. Malachi Blake reminded his colleagues of this at their sessions the following December, when the Court considered a proposal that the County Police Act, which had received the royal assent four months before, should be adopted. The proposer of the motion was George Warry, of Shapwick House, who, over the years that follow, emerges as the chief protagonist of the Act. Warry, apart from being a landowner, was a barrister-at-law who had practised at the Chancery Bar and on the Western Circuit. His diaries,¹⁴ which cover a period of more than fifty years and have survived in an almost unbroken series, portray him as very much immersed in public affairs. On this occasion he wrote: ". . . the constabulary question was discussed at some length and it ended at last in an adjournment of the question to the next

¹³ The justices of Gloucestershire and Wiltshire took steps for the adoption of the Act at their Michaelmas Sessions in 1839. In Dorset there was an established force for two magisterial divisions from 1849, which had been extended to two further divisions before the Court of Quarter Sessions resolved to adopt the Acts of 1839 and 1840 for the remaining divisions at their Easter Sessions in 1856. The superintending constable system (explained later in the text) was adopted to a certain extent in Devon, but there was no definite order for the establishment of a force under the 1839 and 1840 Acts. A committee of enquiry was set up at the Devon Epiphany Sessions in 1856, and a chief constable was appointed by an order of the following Michaelmas Sessions. (Information kindly supplied by the Archivists of the respective Counties.)

¹⁴ In the possession of Mrs. Warry, of Shapwick House, Bridgwater, who most kindly permitted their examination. These diaries exist for the years 1816-77 and 1879, and there are few gaps in the daily entries.

Sessions. 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."

In the interval before the next sessions (Spring, 1840, held in March), there was great activity in the County in raising petitions against the Act. When the court met, the clerk of the peace submitted forty of them. With a few exceptions the form of each petition was the same, and owed much to the wording of objections already raised nationally, not only to this Act but also to the Metropolitan Police Act. In general, the petitioners thought that there was no need for an organized police in the rural districts of Somerset, that the want of police was confined to certain localities which ought alone to bear the rate-burden of an improved system, and that the new Police Act was objectionable in that it placed in the hands of the Government powers which ought to rest with the local authorities. The draughtsman of the petition from the rate-payers of Clapton permitted himself a slight variation in the usual formula by speaking of the "imbecility of the Act." The guardians of the Poor Law Union of Bedminster¹⁵ saw no need for the expensive new police system to be applied in their neighbourhood, but felt that it did not become them to express any opinion whether or not the measure was in accordance with the known principles of the English constitution. No such scruples troubled the guardians of Clutton Union. To them it was "an engine of power unsuited to the principles of the English constitution, being in fact an imposition only under another name of a system of military surveillance, neither recognized by any existing law, nor required by the present state of society." Some improvement was needed, but it could be effected by tightening up the present laws. One great evil was the uncertain method of election of the constable who might be chosen by the court leet, the magistrates, the parish vestry, or occasionally by private individuals. This opinion, the Clutton guardians said, they had given previously in answer to enquiries made by the Constabulary Force Commissioners in December, 1836.¹⁶ At that time, the chairman of their board had

¹⁵ The only return to the Constabulary Commissioners' questionnaire found in H.O. 73/8 concerning this Union was from the parish of Yatton.

¹⁶ A consolidated return from this Union was not to be found in H.O. 73/8. According to the minutes of the Clutton Board of Guardians of 30 December, 1836 (Somerset Record Office), the plan of the chairman for amendment of the constabulary force was appended to the return.

been George Treweeke Scobell, Captain R.N., of Kingswell House, in High Littleton, who opposed the adoption of the Act when it was first brought before the Court of Quarter Sessions, and now wrote to the clerk to say that, had he not been forbidden to attend by his medical adviser, he would have done so again. George Warry, on hearing that there were other Bills before Parliament affecting the constabulary, proposed the adjournment of the matter until Michaelmas, but the Reverend Thomas Henry Mirehouse, an *ex officio* guardian of the Bedminster Union, who had handed in twenty petitions, one from the guardians and the others from parishes within that Union, successfully moved an amendment that the consideration of the question be postponed *sine die*. Warry noted in his diary that the justices must some day recall their vote.

In due course, Warry and several others gave notice that they would move the adoption of the Act at the Michaelmas Sessions, but they were again confronted by petitions, including one from Clutton Union. The old objections to the Act were repeated and a new one—that it would lead to the introduction of a stipendiary magistracy—was added. During the debate it was asserted that increase of crime was likely to result from the rigour of the new poor law which prevented the able-bodied pauper from receiving relief for himself or his family, driving him to the committal of paltry crimes to save himself from starvation. Perhaps such incidents as that at Combe St. Nicholas in October, 1838, when a mob of women overturned the relieving officer's bread cart and stole the loaves,¹⁷ prompted the observation. William Miles, M.P.,
¹⁷ Minutes of the Board of Guardians, Chard Union. Reference kindly supplied by Mr. G. F. Baker.

The relieving officer, in company with the bread-contractor, was making his weekly round of the parish for the purpose of paying the paupers and delivering bread to them. He was besieged for three hours in a house by a mob said to number about 100 persons, of whom all but two were women. Prominent amongst them was Elizabeth Willmott, who wrapped herself up in the horse cloth used to cover the bread in the cart. The incident was reported to the Poor Law Commissioners, who replied that if "the service of a proper Officer from the Metropolis" should be needed for the discovery and apprehension of the ringleaders, it would be made available on application by two magistrates. The guardians issued orders on the overseers of the parish for the maintenance of the peace, and special constables were sworn in for the protection of the relieving officer but, as no further rioting took place, action against the ringleaders was not pursued.

who was one of the two chairmen of Quarter Sessions for the whole period between 1834 and 1870, said that the adoption of the Act had doubled the county rate in Gloucestershire, where the force was cordially hated and members of which had themselves caused disturbances. There was some complaint about the discourtesy of raising a matter which had been dealt with only a few months before, but the excuse could have been that in the meantime a further County Police Act had been passed (3 & 4 Vict., c. 88, 1840). However, the amendments to the 1839 Act which it brought did not satisfy the Somerset justices, who resolved "that no constabulary force under the Acts of the two last sessions of Parliament be established in this County." The discussion had been long, but according to Warry's diary, it ended good temperedly, although "Mr. Mirehouse exposed himself and his vulgarity."

It was not until 1849 that George Warry tried again. The *Western Flying Post* of 31st March carried a long report of the proceedings at the Spring Sessions at Wells. This time Warry wanted a committee to be appointed to consider the extent to which the 1839 Act should be applied. He said the County had been proceeding under the Parish Constables Act of 1842, which had not furnished the class of people expected, and there was no means of bringing about a proper organization under that Act. The legislation authorising the erection of lockups and the appointment of paid superintendents would not extend protection beyond the neighbourhood of the lockups and would not aid detection of crime. On one occasion he had remained at home an hour and a half waiting for a constable to bring forward some case, and then he was told that the constable, who was a butcher, could not come because he had gone round with his cart. He went on to deal with the likely cost, and suggested that if Somerset were so poor that it could not pay for its protection, it would invite all the vagabonds and thieves in the kingdom to come and despoil it. Captain Scobell, supported by William Henry Gore Langton, spoke in opposition, and convinced the court "that whilst the assumed advantages of a County Constabulary Force under the 2d and 3d Vict., cap. 93, are very doubtful the heavy cost thereof is quite certain." Mirehouse also opposed, and went so far as to question the legality of the notice of motion. The short record in Warry's diary has a harsh word or two to say about him, and ends, "Such is the wisdom of Somerset." Seven years later the name of William

Henry Gore Langton appeared with that of George Warry and twenty other justices at the foot of another notice of motion that the Court of Quarter Sessions for Somerset should adopt the Acts of 1839 and 1840 for the establishment of county and district constables.

It was at the Spring Sessions, begun at Wells on 18 March, 1856, and presided over by William Miles, M.P., that the dogged efforts of George Warry finally reaped their reward. Before the meeting he had conferred with Gore Langton¹⁸ and Richard King Meade King,¹⁹ and considered his prospect of success most promising. Three petitions were handed in, this time in favour of the establishment of an organised police force; and then Warry rose to give what the *Taunton Courier* described as "a very able address." There was ample evidence, he said, to show that the time was now come for putting into effect a statute which had been the law of the land for sixteen or seventeen years. He could not understand in what ways the liberties of any county were likely to be influenced by an act regulating the police of the kingdom at large. In the management of highways and turnpike trusts, for instance, the want of centralization was felt as an evil. The highways, now requiring a rate of sixpence in the pound, might well be managed for fourpence, and as the police rate would not exceed twopence, there would be no extra burden. He thanked Mr. Gore Langton, once his opponent, who had given him very liberal support. The opposition, and it proved in the end to be the only opposition, came from Francis Henry Dickinson, of Kingweston. He pre-

¹⁸ Warry speaks only of "Langton" in his diary, but from various authorities it is clear that William Henry Gore Langton of Clifton Court, Gloucestershire, is the subject of this and other references. He was a son of William Gore Langton, of Newton Park (b. 1760), by his second wife, was mayor of Bristol in 1852, and M.P. for Bristol 1852-65. He might be confused with William Henry Powell Gore Langton, of Newton Park and Hatch Beauchamp, who was very active in Somerset affairs at the same time. The latter was the son of William Gore Langton's eldest son (by the first marriage) and M.P. for West Somerset, 1851-9 and 1863-8.

¹⁹ Here again Warry speaks only of "Meade King" but frequently he mentions Walford House where sometimes he used to stay on his visits to the Taunton Sessions. Richard King Meade King's father, Richard Meade King, lived at Pyrland Hall, Taunton, and he too was interested in police matters, but the Quarter Sessions order books and local newspapers indicate that the references are to the son.

ferred that the Court should ask Parliament to supply better means for using borough and city constables for the detection of crime and keep them in readiness to proceed to the places where offences had been committed. Captain Scobell seconded the amendment in order, he said, to assist in raising discussion on the subject, but when the vote was taken he abstained. He was not able to take so long a step as to alter his opinions, as his former supporters had done. He still believed the measure put too much into the hands of the government, but rejoiced that, if the motion were carried, the Court would be acting without compulsion. According to the *Taunton Courier* and to his own diary, the voting was sixty-four in favour of Warry's motion, and one against. A committee to enquire into the number of constables needed and their rates of pay was set up; and Warry presented its report at the adjourned Spring Sessions. At the Midsummer Sessions on July 1st the appointment as chief constable of Valentine Goold, sub-inspector of Irish Constabulary, was ordered. Three weeks later the Bill to render the establishment of a county constabulary obligatory became law.²⁰

The question at once arises as to whether the decision of the Somerset justices in 1856 might have been different had they not known of the Bill which was passing through Parliament during the course of their deliberations. The Editor of the *Taunton Courier*, who in January, 1856, wrote that "the ratepayers and magistrates must settle the question whether or not it is cheaper to support a body of paid constables in preference to a predatory band of lawless ruffians," in March inveighed against the new Police Bill as seeking "to sap the foundations of local self-government" and "introduce an unconstitutional spy system, suitable only for a despotic country, where freedom of speech, and the liberty of the press is fettered by the severity of police regulations." He felt constrained to repeat the declaration made in the House by Captain Scobell who, apart from being a Somerset magistrate, was also member of Parliament for the City of Bath, that the measure seemed more fitted for Naples than for England, a remark which has captured the imagination of at least one modern historian of the police.²¹ Perhaps the Court of Quarter Sessions in general, like the Editor, now viewed the 1839 Act as less per-

²⁰ The County and Borough Police Act, 1856 (19 & 20 Vict., c. 69).

²¹ J. M. Hart, *The British Police* (1951), p. 33.

icious in the light of the new Police Bill, but an examination of its attempts at police administration from the time of the refusal to adopt the Act shows that its decision to establish an organised police force could not have been much longer delayed. Few of the justices were satisfied with the constabulary system, and events from 1840 onwards did nothing to allay their concern.

By the Parish Constables Act, 1842, the power of appointment of the parish constables, except for the performance of duties unconnected with the preservation of the peace, was taken from the courts leet²² and transferred to justices who were to hold annually special petty sessions for the purpose within their divisions. This Act also enabled the justices either to appropriate existing lockups, cages, or strong rooms, for the temporary confinement of persons taken into custody by any constable, or to provide new ones. If they took the latter step, they had also to appoint superintending constables to be paid out of the county rate to have charge of the lockups. It was the matter of lockups which kept the general police problem continually before the Court of Quarter Sessions. The Bath and Frome Divisions were particularly active in petitioning the Court to make adequate provision in this respect. On July 3rd, 1849, a Committee which included William Henry Gore Langton, George Warry and Captain Scobell, was appointed to consider the question, and Warry noted "A step was taken today towards constabulary improvements in the county & I hope it will be followed up." He was to be disappointed. In the following October the Committee reported that although the want of lockups and superintendents was felt more in divisions of large population and bordering on the Cities of Bath and Bristol, it would give more efficient protection, a greater facility for the detection of crime, and increased security to all classes, if the measure were extended to the whole County. The matter dragged on because the Larceny Summary Jurisdiction Bill and a Bill to amend the Parish Constables Act were before Parliament, but finally an order was made in December, 1850, that superintendents for each petty sessional division, should it be thought meet, should be appointed under the new Parish Constables Act, 1850,²³ at an annual salary not exceeding £110 "including the expenses of keeping a horse." According to Warry's diary, this motion had been brought forward

²² 5 & 6 Vict., c. 109, s. 21.

²³ 13 Vict., c. 20.

by Gore Langton, and seconded by himself, after they had spent some time together settling the course of proceeding to ensure success. Petitions against the appointment were received from the boards of guardians of the Taunton, Langport and Wellington Unions and from parishes around Bridgwater. The main theme of the objections was the great expense at a time of pressing difficulties in agriculture. The ratepayers of the Hundreds of Bathforum and Wellow which lay within the Bath Petty Sessional Division went further, and organized a public protest meeting. Their satisfaction with the present system of choosing constables and the peaceable state of the Division was in marked contrast to the opinions of the magistrates of the Division who, a year before (March, 1850), had petitioned Quarter Sessions for a new lockup and a proper place for holding petty sessions, and had asked for a committee to consider the provisions of the 1839 and 1840 County Police Acts in view of the inadequacy of the 1842 Parish Constables Act and an Act of 1848²⁴ providing for the expenses of maintaining lockup houses on borders of counties. The resolutions issuing from the protest meeting were printed, and apart from the objections to the proposals both of the Bath Division magistrates and of the justices in Quarter Sessions, they embody two items of some interest and importance. The first was a motion considering the present custom of taxing the ratepayers for county purposes, without their being adequately represented,²⁵ as unjust. Certain of the other petitions had also raised this point. The other item was a vote of thanks to Captain Scobell and his supporters for their strenuous opposition to the system of superintending constables. Captain Scobell, in fact, had signed the report of 1849 recommending the provision of the system for the whole County, and in his speech against the adoption of the 1839 County Police Act in 1856, he is reported as having asserted that he had proposed the superintending constable system. The Order of Quarter Sessions, of December, 1850, was never put into effect, as the committee appointed to consider future steps concerning it recommended postponement in the hope that the legislature would

24 11 & 12 Vict., c. 101.

25 The ordinary members of the boards of guardians, which pressed their observations concerning constabulary matters upon the Court of Quarter Sessions, were elected by persons assessed to the parochial rates. Justices of the peace, however, were *ex officio* members of such boards.

introduce a Bill to empower the levying of a separate rate on each division in which a superintending constable should be appointed.

In putting their case in 1851 for the application to the Bath Division of the County Police Acts as opposed to the superintending constable system, the magistrates had had the assistance of William Oakley, then chief of police for the City of Bath. He produced statistics of estimated comparative expense not only for that Division but also for the County at large, and for the latter they gave an annual saving of £6,000 if a proper police force were established. Oakley was appointed governor of the County Gaol at Taunton in October, 1851, a matter of considerable satisfaction to George Warry, who wrote "I shall be much disappointed if he does not make a good public servant." In 1853 the new governor saw fit to publish his "Observations on Constabulary and Police; with suggestions for the establishment of a National Police under control of Local Magistrates." In this pamphlet he lists the imperfections of existing systems, and calls for uniformity of control of county police and the proper integration of borough and county forces. If his own statement is correct, his experience was formidable, as it included twenty years' intimate acquaintance with the metropolitan police, seven years' service in a county police, and three years' command of the police of a city and borough. Some, at least, of the County justices must have been familiar with his pamphlet, as a number of copies of it have been preserved in the quarter sessions records. The matter of superintending constables, therefore, hung fire, and the Court made no further orders upon it, although a Committee appointed to enquire into the state of the Frome lockup house expressed the view in January, 1855, that the construction of a new building at the expense of the County, which would involve the appointment of a superintending constable, was a question to be considered with reference to the County generally and not to Frome alone.

William Oakley's pamphlet on the establishment of a national police must have been published early in 1853, for in it he had advocated that a parliamentary committee should examine evidence and a new Act of Parliament be obtained. In fact, a Select Committee of the House of Commons was appointed by an order of April of that year, charged with the consideration of the expediency of adopting a more uniform system of police in England, Wales and Scotland. The Committee was placed under the chair-

manship of Edward Royd Rice, M.P. for Dover, and Charles Aaron Moody, of Kingsdon House, one of the two members for West Somerset and junior chairman of Somerset Quarter Sessions, was nominated to it. Evidence regarding circumstances in Somerset was given in the persons of Alfred Hughes, chief of the police in the City and Borough of Bath, George Warry, who had been a magistrate for more than twenty years, George William Blathwayt,²⁶ who was a magistrate for the Counties of Gloucester, Somerset and Wiltshire, and the City of Bath, and chairman of the Bath Division of the Somerset petty sessions, and William Oakley. Hughes appeared first, and from his experience, had formed the opinion that it would be impracticable to carry on the superintending constable system with the help of parish constables, and that a county police, amalgamated with forces of the cities and boroughs, ought to be established. He gave examples of the evils of the absence of police in the surrounding countryside.

George Warry's diary shows that he travelled to London by the mail train on Tuesday, 31st May, two days before he was due to appear before the Committee, and soon after his arrival he was making enquiries for Rice, the chairman. On the following morning he met Rice at the University Club, in company with the Hon. Philip Pleydell Bouverie of Brymore, M.P., who had always supported the attempts for constabulary reform in Somerset. When the time came for Warry to give evidence, he could find no good word to say for the parish constables. He described them as "persons who are very loath at all times to set themselves in motion for the prevention of crime and for the detection of thefts which have been committed, and they are altogether certainly very inefficient." He pointed out that he had tried for the adoption of the 1839 Act and, failing that, had co-operated with Mr. Gore Langton, one of the members for Bristol, to get the appointment of superintending constables, because if a move could have been made in any direction, it would have been an improvement on the present system. If there were a paid constabulary, the poor man would be on the same footing as to the recovery of his property as the rich man, and he, Warry, would feel satisfied in contributing to his relief. He thought the value of land to the occupier would

26 Of Dyrham, Gloucestershire, and Porlock, Somerset. In his evidence he states that he did not act for Wiltshire and knew nothing of the established police in that county.

be increased by the establishment of a well regulated police, and the advantages would be quite commensurate with the expense. His evidence completed, George Warry went about his private business, but spent some time on the next day listening to the examination of several other witnesses, which prompted the note in his diary, "The evidence agst our present constabulary appears to be irresistible."

George William Blathwayt was not so ready to condemn the parish constable but, having experience of a county and city—Gloucestershire and Bath—where police forces existed already, he was able to say that there were considerable advantages. He instanced the fair at Lansdowne (of which he was lord of the manor) which had been always the occasion of rioting and thieving. He had sworn in special constables, and made use of the high constable and parish constables, but they did more harm than good. For the last four or five years the City of Bath police had attended the fairs and races with the result that both were conducted quietly. The police were employed under the Municipal Corporations Act, 1835, which* permitted them to be used in the county, but the parishes made some allowance for refreshments in the case of the fair, and the expense at the races was met from the race fund. He did not favour the system of administration by the watch committees in boroughs, especially as the police retained their right of voting at both municipal and parliamentary elections, and he thought that a uniform police system all over England would be more efficient and cheaper.

William Oakley was one of the three people questioned most closely by the Committee, their replies occupying a substantial part of the minutes of evidence in the two reports. The other two were both chief constables, Harris for Hampshire and M'Hardy for Essex. Oakley had served under the latter for seven years, and in preparing his pamphlet had drawn not only on his own experience as chief constable of Bath between 1849 and 1851, but also that which he had gained in Essex. He thought that the county police system should be extended universally and improved, particularly in regard to the duties of the chief constables, the number of the officers, and the performance of duties by the police. The number of officers was too great in proportion to the number of men, and could be diminished. The present system of remuneration of parish constables by fees and allowances gave them an

interest in crime, and made it impossible for a poor man to obtain justice. Many constables were respectable men, but their local connections and occupation made it difficult for them to perform their duties. The appointment of superintending constables would increase the evil and add to the expense of the parochial constables system, by setting the one against the other. In several cases that he had known the only effect of appointing superintending constables had been to spoil them as police officers.

The paper which Oakley had prepared when the magistrates of the Bath Division were discussing the adoption of the county constabulary in that Division was handed in, and he was questioned upon it. It was printed eventually as an appendix to the Committee's reports. In his evidence, Oakley stated that in the 33 parishes of the Bath Division the parish constables got up meetings and the feeling excited by them was such as to prevent the magistrates from carrying out their intention of applying for a police. His answers range over numerous other aspects of police matters, among them the cost of a force, police officers as relieving officers for vagrants, the powers and control of a chief constable, the conflict of jurisdiction between the coroner and the magistrates, the use of the electric telegraph in communications, arrangements with the railways for conveyance of police and criminals, arming of the police, and the imperfections of watch committees. Altogether it gives abundant proof that Oakley had thought at length and seriously about police systems, and that all the time he had kept in touch with M'Hardy, who had been responsible for several writings on the subject, and who commanded in the Essex force, in Oakley's opinion, "the most efficient in England."

The Select Committee included eight resolutions in its second report, with none of which could the Somerset witnesses have violently disagreed, and indeed their evidence must have had considerable influence in the shaping of them. The Somerset member of the Committee, Moody, however, along with Sir John Trollope, M.P. for Kesteven, Lincolnshire, objected to the suggestion of compulsion contained in the last resolution "that it is the opinion of Your Committee, that it is most desirable that legislative measures should be introduced without delay by Her Majesty's Government, rendering the adoption of an efficient Police Force on a uniform principle imperative throughout Great Britain." An interesting family connection is revealed in the

examination of Colonel Clifford who agreed that he, in conjunction with Mr. Deedes, brought in a Bill for the amendment of the Act for superintending constables. William Deedes, of Sandling Park, M.P. for East Kent, was George Warry's brother-in-law. Another interesting family link, although not related to the deliberations of the Select Committee, is that Lord Cavan, who supported Warry and worked with him at the Bridgwater Petty Sessions and Board of Guardians, was the grandson of Sir Henry Gould, the cousin of Henry Fielding.

The Court of Quarter Sessions had more than one sharp reminder of the inadequacy of the constabulary system, which served to push it towards the decision made in 1856. At their Midsummer Sessions in 1855 the Chairman read to the assembled justices a letter from Whitehall enclosing another from Sir Arthur Hallam Elton, Bart., of Clevedon Court, who was one of their number. Sir Arthur had written to Sir George Grey, the Home Secretary, urging upon him the need to make the appointment of a paid constabulary compulsory upon the justices at Quarter Sessions. He was moved to do this because of the rioting which had broken out among the coal-miners at Nailsea on May 26 in consequence of the masters having lowered their wages. The trouble started when, after six weeks of strike, about a third of the miners returned to work. They were set upon by a mob, and much damage was done to person and property. According to Sir Arthur, the solitary paid policeman was left in the lurch by his unpaid colleagues, and they and the special constables, sworn in at the outbreak of rioting, evinced unmistakable signs of reluctance to act, either from sympathy with the rioters or from fear of suffering later at the hands of the coal-miners. Despite considerable assistance from the Bristol Police, up to the time of writing the letter only six of the rioters had been apprehended, and they had to be conveyed to the Bristol police station, because there was no lockup anywhere in that part of the county. The letter went on to describe other serious breaches of the peace, which were almost a weekly occurrence, and forced Sir Arthur to conclude that counties without police were harbours of refuge for thieves, as well as hotbeds of social disturbance.

By the end of 1855, the Watch Committee of Bristol was tired of rendering assistance, and instructed the town clerk to write to the magistrates of the Keynsham Division concerning certain

prisoners committed by them to a police station belonging to the City. The letter, copies of which were sent to the Home Secretary and to Lord Portman, Lord Lieutenant of Somersetshire, complained of the frequent demands by the county authorities both regarding the preservation of peace and the safe custody of prisoners. The practice was unfair to the Bristol ratepayers, and pointed to the need of an organized force within the county. In future, the Watch Committee said, it could not allow its police stations to be used for such purposes. The Chairman of the magistrates of the Keynsham Division also wrote to the Lord Lieutenant on the same matter, 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. William Henry Gore Langton was then M.P. for Bristol and his close association with the City's affairs must have served to alter the views which he held in 1849, when he was in opposition to George Warry.

At the Epiphany Sessions in January, 1856, the Court of Quarter Sessions considered these letters, and also a memorial from the inhabitants of West Monkton praying that a responsible constabulary might be provided. It was presented on their behalf by Richard King Meade King, of Walford House, who had been a ready supporter of George Warry throughout the whole period. The memorial or petition pointed out that the ratepayers paid annually a considerable sum for constables' expenses without corresponding benefit, and the saving would counterbalance the cost of a paid constabulary. Although the Court took no action apart from ordering the documents to be filed, it was already convinced, and the next Sessions brought the resolution to establish the county constabulary pursuant to the Acts of 1839 and 1840. Wellington and North Petherton, opposers of any alterations in the parish constable system in 1851, now petitioned for the scheme, and the former seized the opportunity to suggest to the Court that it should make the town one of the stations of the force.

Other factors which brought about the change of mind of the justices lie embedded in the social and economic history of the period, and one or two are touched upon in the records preserved officially. The Nailsea riots have been mentioned, but there were undoubtedly many more, some born of industrial unrest, some of election fervour, and others perhaps from general discontent

heightened at the beershops. Although, the rioters may not have been apprehended, the practice of fining the hundreds in which the disturbances took place in order to meet the cost of damages claimed by injured parties left record of some of the riots in the reports of the treasurer of the County. Between 1847 and 1855 there are seven such references, the more serious in terms of damage being in 1848 when there was "felonious demolition of certain erections used in conducting the business of a certain mine" at Charterhouse, and in 1852 when the Warwick Arms Inn at Clutton was wrecked. The election disturbances could not all have been as mild as those at Yeovil in 1847 where there was a distribution of eggs "to pelt the Tories."²⁷ The increased mobility of the populace, and accordingly of its criminal section, brought about by the coming of the railways, and the nomadic habits of the people who built them, contributed their measure of uncertainty. Indeed, they are hinted at by the Rector and inhabitants of Radstock when petitioning in December, 1849, for a lockup house. "Radstock," the petitioners said, "is the 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*),²⁸ under circumstances which endanger the public peace." They were referring, no doubt, to the construction of the Frome-Radstock branch of the Great Western Railway, which was scheduled to begin in 1850 but, owing to various difficulties, was not completed until 1854.²⁹ The parish, which incidentally lay within the Poor Law Union of Clutton, the guardians of which had objected so strongly to the establishment of a county police, supported its own policeman at the wages of twenty-five shillings a week, four shillings in excess of what a sergeant was to receive when the county police was first organized.

The demand for a less barbarous penal code and the reform of the criminal law made an efficient police even more necessary.

²⁷ MS. annotations in Richard King Meade King's volume of *Calendars of Prisoners (Assize and Quarter Sessions)*, 1836-53, for Michaelmas Q.S., 1847. (Somerset Record Office reference: DD/MK.)

²⁸ This passage has been struck through.

²⁹ *Vide* E. T. Macdermot, *History of the Great Western Railway*, Vol. I, pp. 287-8.

The Wellington petition in 1856 considered the number of undetected burglaries and robberies to be a probable consequence of the ticket-of-leave system. As the practice of transportation was dying out, a system of supervised employment of convicts, with subsequent release on conditional pardon or ticket-of-leave, was tried, but several factors, not the least the haphazard methods of policing the country, contributed to its failure.

In a time of agricultural depression and industrial unrest with the labouring population on extremely low wages, the countryside could hardly be said to be at peace. The justices, most of them landowners, lived and moved amongst the people, in both an official and a private capacity, and could not have been ignorant of the circumstances. Why, then, did they delay their decision so long? No doubt there was a good deal of hatred of change and rooted objection to the loss of liberty which the establishment of a police force was supposed to bring about. But above all, and it is impossible to escape this conclusion, expense was the greatest deterrent. All the petitions speak of it, and numerous and varying estimates were made as to what it was likely to be. Even Captain Scobell, who was still thundering his "constitutional argument" in 1856, based his amendment to Warry's 1849 proposal on cost alone. William Oakley's efforts to show that an ineffective police system was more expensive than an effective one no doubt helped to allay the fears of the justices in this respect, and the reports of the Select Committee offered food for thought, but full appreciation took time. When the Somerset justices decided at last to adopt the permissive Acts in 1856, it must have been with a feeling of relief that this expensive step was taken against a background of an obligatory Bill passing through Parliament, a Bill which promised a degree of governmental assistance in the matter of police pay and clothing. The overwhelming vote made a mockery of the "constitutional argument," which had left little mark on the discussion.

This short account, which seeks with the minimum of explanation to set the essential evidence of the attempts at police reform in Somerset within the framework of national history, is of necessity characterized by its omissions as much as by its content. The full investigation of the various aspects of police development, in these pages either lightly touched upon or left untreated, would approach closely to a detailed social history of the County. The

generalizations concerning the unsatisfactory nature of the former constabulary system in Somerset could be demonstrated more fully from the records of Quarter Sessions of the seventeenth century onwards. The following extract from a petition, submitted to the Court by George Tayler on behalf of his nephew, is in itself an illuminating commentary on the mode of election of the tithingman :

“ That whereas at the court leet & court baron of the Lady Sara Stewkley, lady of the manor of Old Cleeve aforesaid during the minority of Hugh Stewkley baronet her son, there held the ninth day of October 1654 by Thomas Siderfin esquire steward there, the jury could not agree in choice of a tithingman being fifteen in number. The said steward put them to most voices for the choice. The foreman with ten others voted that one Humphrey Hooper should be tithingman for the year ensuing, being come to his turn by custom (which is) from house to house beyond the memory of man, and gave their presentment unto the said steward, who demanded whether the said Hooper would be sworn to do the said office, or be bound to answer it to the next general quarter sessions. The said Hooper replied he would answer it. The steward then said unto the foreman that he with some other of the jury should be bound to lay against the said Hooper at the next quarter sessions. The foreman, hearing that he should have some trouble to travel to sessions, caused one of the jury to take up the presentment, and went forth of the court with the rest of the jury. And afterwards most wrongfully have chosen, contrary to the custom of the manor aforesaid, your poor petitioner’s nephew the abovesaid Phillip Clowter, being of fourteen years of age, and put upon him the said office seven or eight years before it comes to his turn. For which your petitioner doth desire the custom for doing the office of a tithingman from house to house may continue ; and that the said Hooper may do the office for this year ensuing according to the said jury’s first vote. *And your petitioner &c.*”³⁰

³⁰ Formal heading and ending omitted ; converted to modern usage in so far as spelling, use of capital letters, extension of contracted forms, and punctuation are concerned. At the Wells Sessions on 9 Jan., 1655, Hooper was ordered to execute the office. *Cf. Som. Rec. Soc., Vol. 28, p. 255.*

The duties of the hundred constables and the parish or tithing officers, and their relationship with the justices of the peace, might be examined more closely. Once again the records of Quarter Sessions are an obvious, but not the only, source.³¹ The role of the special constable, and the protective measures taken by the landowners themselves are subjects worthy of consideration. In the latter case it should be possible to find, generally in the offices of firms of solicitors, evidence of the various associations for the protection of property and the prosecution of offenders.³² To one such association belonged Paulet St. John Mildmay of Farley-Chamberlayne, Hants., and Hazlegrove, Somerset, who until his death in 1845 was a firm sympathiser with the aims of George Warry. The association was formed at the Sparkford Inn in December, 1836, and its members were drawn from the Camel, Cadbury and Sparkford area. There was an initial subscription of ten shillings and an annual payment of seven shillings. Additional funds were raised by fines levied for non-attendance at the annual general meeting and the dinner which followed. Rewards for discovery of criminals ranged between ten pounds for murderers and one pound for persons guilty of cutting down trees. This association was still in being in 1845, but the subscription list had become very much smaller.³³

William Oakley told the Select Committee in 1853 that the Taunton constabulary was not under any proper supervision, but only established by the inhabitants "for want of better," which is a reminder that police arrangements within the Somerset towns are deserving of further study. Conditions prevailing in the industrial areas and the environs of Bath and Bristol, which have been examined above to a certain extent, might be considered in

³¹ The diary of Isaac Gregory, constable of Frome, records in 1817 his quarrels with the tithingman "for taking upon himself duties and dignities which belonged exclusively to the Constable," and his failure to persuade a justice of the peace to forego his amusement in order to deal with a prisoner. *Vide* Katherine Ashworth, *Memories of Frome* (Country Life, July 21, 1955).

Constables' Accounts have been mentioned already as a primary source.

³² Answers to question 29 in the Constabulary Commissioners' 1836 questionnaire to the guardians of the poor give details of many parishes covered by such voluntary associations.

³³ Rules, subscription lists, notices, etc., in the Somerset Record Office (DD/FF, C/281).

more detail. Little has been said on the problems created by the efforts made to temper the harshness of the penal code, or by the introduction of the new poor law, and no attention has been given to the improvement of gaol administration, a subject in itself. Perhaps least rewarding would be a statistical investigation of the incidence of crime. Captain Scobell was at pains to show that the number of crimes in Somerset in 1855 was smaller than in any one year but one for the previous twenty-one years,³⁴ but few people could have confidence in statistics which had to ignore unreported and undetected offences.

The constabulary system was supplemented in times of grave disorder by the use of troops, and the improvement of communications, particularly the coming of the railways, facilitated the swift despatch of military forces to areas of disturbance.³⁵ Consideration of this subject in its local aspects should lead to a better appreciation of the attitude of the petitioners of 1840 who showed resistance to the imposition of "a system of military surveillance." Such resistance, which had long been a feature of the "constitutional argument" propounded whenever and wherever constabulary reform was mentioned, probably contributed as much as any other factor to the nature of the circumstances in which each member of the police force finds himself today. In exercising the office of constable, he stands in relation to the law very much as does the ordinary citizen, but the policeman has at least the advantage of a specialized training. As an example, it might be said that if firearms were made part of his standard equipment, his thoughts would turn to the need for proving their justifiable use, and any means of indemnification, introduced to relieve him of this hampering responsibility, would revive at once the "constitutional argument" so dear to the hearts of George Warry's opponents. However, the policeman and his problems now stand in time a century distant from the end of the struggle for fundamental constabulary reform in Somerset. The founding of the modern system and its subsequent development are matters for the chroniclers of that century. Their task should be eased considerably by the

³⁴ Editorial of the *Taunton Courier* for 12 March, 1856, reporting a debate in Parliament.

³⁵ Vide F. C. Mather, *The Railways, the Electric Telegraph and Public Order during the Chartist Period, 1837-48* (History, New Series, Vol. XXXVIII, Feb., 1953, No. 132).

work of a special committee, appointed by the Chief Constable, which has in preparation a short history of the Somerset Constabulary to be published in the summer of 1956.³⁶

³⁶ The remaining MS. authorities consulted for this paper and for which references have not been given above are: Somerset Quarter Sessions Order Books (Civil Concerns), 1834-58 (4 vols.); and Rolls, 1839-56; and Police—various papers (petitions against Constabulary Acts, 1840); all in the Somerset Record Office.