



# The 1829 Fallacy: Parish Constables as a Professional Police

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## INTRODUCTION

It is the aim of this research to demonstrate that the establishment of what could be termed 'professional' policing significantly pre-dates the foundation of modern 'recognisable' police forces. Instead, that views of today's historians are tainted by 'presentism' or 'chronocentrism' with regards to what constitutes a 'professional constable' by their preconceptions about how the modern police service operates.<sup>1</sup> Furthermore it contends that the current view of the development of the police is tainted by Victorian era imperialist history. It will argue that views of what constitutes a 'professional' have changed throughout time, and use evidence from contemporary accounts and local records to show that professional paid police officers were in existence long before Sir Robert Peel was born. It will re-examine the popular notion that the police service as we recognise it today, defined as a force of professional law enforcers "paid full time to do the duty incumbent on every citizen",<sup>2</sup> began with the foundation of the Metropolitan Police in 1829. It argues that not only does this overlook early incarnations of near-identical models elsewhere, but that in fact the historic position of the 'petty' or 'parish' constables came to represent a profession of sorts in its own right. It will examine the idea of what constitutes a 'profession', both currently and

historically, before examining aspects of the role of constables throughout the early modern period and linking this to the ideas of professionalism. It will look at examples from across the English county of Nottinghamshire, as specific case studies which in the absence of contradictory evidence, are likely representative of a national trend.

Traditional and popular histories of the British Police force commonly give the date of the inception of 'professional' (full-time) police officers as the foundation of London's Metropolitan Police in 1829, under the *Metropolitan Police Act*.<sup>3</sup> More in-depth or considered histories cite the City of Glasgow Police, established in 1800, as being the first modern police force;<sup>4</sup> a claim which even the Advertising Standards Authority have even upheld.<sup>5</sup> Others also make reference to the Marine Police established in 1798 and renamed the Thames River Police in 1800 as the first professional paid officers, albeit established through private enterprise.<sup>6</sup> Even lesser-known and more oft-overlooked is the establishment of the Dublin police in 1786,<sup>7</sup> itself referenced even as early as 1885 as the foundation point of "a full history of the new police".<sup>8</sup> Most histories do make some efforts to reference 'what went before': generally covering the short-lived and relatively local 'Bow

<sup>1</sup> Fischer, David (1970) *Historians' Fallacies: Towards a Logic of Historical Thought* New York: Harper Torchbooks; Fowles, Jib (1974) 'On Chronocentrism' *Futures* 6 (1) p. 249

<sup>2</sup> Home Office (2012) *Definition of policing by consent*. [Online]

Available at: <https://www.gov.uk/government/publications/policing-by-consent/definition-of-policing-by-consent> [accessed July 2022].

<sup>3</sup> Cowley, Richard (2011) *A History of the British Police from its earliest beginnings to the present day* Gloucestershire: The History Press; Critchley, TA (1978) *A History of Police in England and Wales* London: Constable; Emsley, Clive (2010) *The Great British Bobby: A History of British Policing from 1829 to the Present* London: Quercus

<sup>4</sup> Goldsmith, Alistair (2002) *The development of the city of Glasgow police c.1800 - c.1939* (PhD thesis) Strathclyde: Strathclyde University, [available at] [http://oleg.lib.strath.ac.uk/R/?func=dbin-jump-full&object\\_id=21167](http://oleg.lib.strath.ac.uk/R/?func=dbin-jump-full&object_id=21167) (as accessed August 2021); R. S. Bunyard, R. S (1978) *Police: Organisation and Command* Plymouth: Macdonald & Evans

<sup>5</sup> *The Times* 4<sup>th</sup> July 2008

<sup>6</sup> Cowley *A History of the British Police* p. 19

<sup>7</sup> Boyle, Kevin (1972) 'Police in Ireland Before the Union: 1' *The Irish Jurist* (7) 1 pp. 115 - 137

<sup>8</sup> Maitland, F. W (1885) *Justice and Police* London p. 108



Street Runners';<sup>9</sup> night watchmen; and primarily the long-established parish (or petty) constable system. These are often explained simplistically however, with little examination of their effectiveness, or moreover a comment that they were ineffective which thus required the wholesale change represented by the 'new police'.

Petty constables were established by the *Statute of Winchester 1285*, requiring that every parish raise two constables per 'hundred', as well as establish a night watch. It also provided a duty on every citizen of each 'hundred' (later to become parish) to make all reasonable efforts to locate any person responsible for a 'robbery'—under the 'hue-and-cry' principle.<sup>10</sup> It has been called the single-most impactful piece of legislation to shape policing and domestic security policy until Peel's 1829 Metropolitan Police Act.<sup>11</sup> Petty constables were initially intended to oversee the night watchmen as well as ensure that highways were being maintained, detecting recusancy, and ensuring trading standards among other duties.<sup>12</sup> Such were their responsibilities that by the end Edward III's reign in 1377 "the parish constable and the magistrate had become the two officials that ran the policing system of Great Britain."<sup>13</sup> Petty constables reported directly to the magistrates and were appointed by them, requiring them to be men of reasonable (albeit not necessarily significant) social standing in their communities, who acquired more through taking on the role. Their powers to ensure the compliance of suspects were rooted in this prior and additional authority.<sup>14</sup>

Their duties however evolved through time, particularly in rural parishes, to being a role solely responsible for law and order; raising a hue-and-cry if required, apprehending suspected criminals and delivering them to the justice of the courts. As the use of the 'hundred' gave way as an administrative unit to that of the 'parish', the name of the constable changed accordingly.<sup>15</sup>

The position of the parish constable was, importantly, unpaid. In boroughs it was an expected civic duty of any burgess – a person of wealth or property to the value of £10 – who was therefore entitled to vote. In smaller rural communities the duty was shared between the members of the community deemed by the residents (often the parish council) to be the most affluent. Lists of said persons eligible for the duties were often kept in the locality's official records and continually updated.<sup>16</sup> This 'status' within their community brought with it the limited authority outlined above.

According to more traditional histories, the significant pitfall of this system was that those of means who qualified for the parish offices were primarily concerned with their principal trade and had little time (or inclination) to devote to the unpaid role of constable: "The compulsory duty of serving as a constable ... was not only unprofitable but a wicked waste of good time that might be devoted to objects that paid better".<sup>17</sup> Unable to duck their civic responsibilities, they instead paid others

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<sup>9</sup> Kennison, Peter (2019) *Policing From Bow Street: Principal Officers, Runners and The Patroles* London: Blue Lamp Books. There is a small body of evidence suggesting that actually Bow Street Runners were dispatched further afield to apprehend suspected criminals: Beattie, J.M (2014) *The First English Detectives: The Bow Street Runners and the Policing of London, 1750 – 1840* Oxford: Oxford University Press

<sup>10</sup> *Statute of Winchester 1285* as translated from the original Latin and available at <https://thehistoryofengland.co.uk/resource/statute-of-winchester-1285/> [accessed August 2021]

<sup>11</sup> Critchley *A History of Police in England and Wales*; critics may argue that the City of Glasgow Police Act 1800 preceded the London legislation and was therefore the yardstick to measure against.

<sup>12</sup> Cowley *A History of the British Police* p.11; Holland, Keith (2020) 'The Distribution of Catholic Communities in Nottinghamshire during the reign of King James VI and I' *Transactions of the Thoroton Society* **124** pp.113-126

<sup>13</sup> Cowley *A History of the British Police* p. 11

<sup>14</sup> Emsley, Clive (2021) *A Short History of Police & Policing* Oxford: Oxford University Press p. 39

<sup>15</sup> Albeit in wider policing historiography the two terms are generally used interchangeably.

<sup>16</sup> See any local 'town book' or 'town records' in local archives. E.g *Norwell Town Book*, Nottinghamshire Archives Office PR/928.

<sup>17</sup> Lee, W L Melville (1901) *A History of Police in England* London: Methuen & Co. p. 82



to do it,<sup>18</sup> thus was the ‘substitute system’ born.<sup>19</sup> It is this ‘substitute system’ that it is argued represents the birth of the professional police officer.

Any analysis of their efficacy in the historiography around parish constables traditionally focuses on their contemporary portrayals in popular culture: principally Shakespeare’s ‘Dogberry’ in *Much Ado about Nothing* or John Earle’s 1628 caricature of the role in which he describes the constable as “a viceroy in the street” who “sits in his chair of state”, “willing to arrest the drunkard for not standing in the King’s name”.<sup>20</sup> This however is lazy history, comparable to a historian of the future writing about today’s officers based on Hollywood depictions such as *Bad Boys* or portrayals in satirical publications such as *Private Eye*. It is easily recognisable that the representation of the ‘new police’ in *Punch* magazine for example are satirical, but a Shakespearian comedy is too-often taken as literal. There are many more (lesser-known) playwrights contemporary to Shakespeare though who did show constables to be entirely capable and competent,<sup>21</sup> they’re generally overlooked however due to their comparative anonymity.

In order to build a true picture of the role of the parish constable, it is necessary to dig deeper, into official records, and interpret those within the context of society at the time. There has been some more recent effort at this critical re-examination, primarily begun by Joan Kent in 1986,<sup>22</sup> but the prevailing sentiment still among many popular histories regarding the abilities of parish constables remains a view of lackadaisical indifference or outright incompetence. Kent’s position is instead one of a presumed general level of competence

amongst the constables, which is shared by Clive Emsley.<sup>23</sup> In fact this view appears not to be new, but instead resurrectionist of a one that was previously commonly held of local constables, but done away with in the Imperial age to exalt the ‘new police’. As one examiner of the pre-Victorian historiography notes, “The history of ... the constable, as an executive officer takes a very prominent place next to the sheriff and the justices of the peace.”<sup>24</sup> Indeed the role of the constable was of sufficient import that it was often used to define whether a place was in fact sufficient to warrant being referred to as a township – the absence of a constable determining the place was of insufficient size to be an independent village.<sup>25</sup> It is to be argued herein that their aptitude in the role and their importance marks those substitute constables as yet another step above merely being competent, and instead that they should – at least in some circumstances – be viewed as professionals.

#### PROFESSIONAL POLICE?

To fully consider and ascribe professionalism to officers prior to Peel, it is necessary to define what is meant by that term. Richard Heslop provides a definition of what he considers constitutes a ‘professional’, listing six key attributes necessary for a job to be viewed thus:

1. provision of public service;
2. code of ethics;
3. self-regulation;
4. autonomy and discretion;
5. body of expert knowledge with control over application;
6. educational qualifications.<sup>26</sup>

<sup>18</sup> Kent, Joan (1986) *The English Village Constable 1580–1642: A Social and Administrative Study* Oxford: Clarendon Press

<sup>19</sup> Cowley *A History of the British Police* p.12; Emsley *A short History of Police & Policing* p. 49

Even Shakespeare writes about this practice contemporaneously with the character of ‘Elbow’ in *Measure for Measure* explaining that those chosen as constable are happy to pay him to do it on their behalf. *Measure for Measure*, Act II, scene i

<sup>20</sup> Shakespeare, William *Much Ado about Nothing*; Earle, John (1628) *Microcosmography* in Morley, Henry (1891) *Character Writings of the Seventeenth Century* Edinburgh and London: Ballantyne Press p. 180

<sup>21</sup> *Author Unknown* (1929) ‘The Old-Time Constable as Portrayed by the Dramatists’, *Police Journal*, 2(4), pp. 656–73

<sup>22</sup> Kent *The English Village Constable*

<sup>23</sup> *Ibid* and Emsley, Clive (1991) *The English Police: A Political and Social History* London: Routledge

<sup>24</sup> Simpson, H.B (1895) ‘The Office of Constable’ *The English Historical Review* 10(40) pp. 625 – 641. p. 625

<sup>25</sup> *Ibid*. p. 627

<sup>26</sup> Heslop, Richard (2011) ‘The British police service: professionalisation or ‘McDonaldization’?’ *International Journal of Police Science & Management* 13(4) pp. 312-321



There can be little question that today's police service meets these criteria, but would the 'Bobbies' of the nineteenth century, who are seemingly universally accepted as 'professional police', fit this definition? The Metropolitan Police ('The Met') and later borough and county forces can certainly claim points one and four. The 'General Instructions' issued to every new constable in 'The Met' could be considered a code of ethics<sup>27</sup> (as opposed to the so-called 'Peelian Principles' which were not in fact devised by Peel or anyone at the launch of the 'new police'.<sup>28</sup>). These comprehensive and considered instructions, alongside the high discipline standards,<sup>29</sup> could be held to be a degree of self-regulation under point three.

It is very difficult however to ascribe points five and six to the 'new police' of the Victorian era, or into the twentieth century, prior to the establishment of the *National Police Improvement Agency* in 2007.<sup>30</sup> Indeed, before the 'Popkess Affair' of 1959 and the subsequent Royal Commission on the Police of 1962, chief constables – and by extension their forces – were firmly responsible to their local watch committees and therefore the local authorities.<sup>31</sup> "The Victorians were in no doubt that the watch committee and not the Chief Constable

should control the police and law enforcement."<sup>32</sup> The police as a body therefore had no control over the application of their powers as required under point five. This is further demonstrated by instruction books for officers being written and issued by local authorities; dictating not only how constables should perform their duties, but all ranks up to the and including the chief officer.<sup>33</sup>

Officers, even to senior positions in the borough forces, held little to no education, barring that required to be able to read and write the required reports and pass sergeants' and inspectors' exams which featured basic arithmetic and writing alongside law knowledge.<sup>34</sup> There were certainly no bespoke policing educational qualifications outside of a Law degree. There can therefore be no argument that point six was not fulfilled, potentially until the introduction of the Initial Police Learning and Development Programme (IPDLP) in 2005, through which a 'Diploma in Policing' was obtained by all new recruits.<sup>35</sup>

The traits of a what constituted a 'professional' were markedly different during the Victorian era and before however. Education above what would now be considered to be primary school level was a preserve of the upper social classes, with those of

<sup>27</sup> 'New Police Instructions' *The Times* 25<sup>th</sup> September 1829, pp. 3 - 4.

<sup>28</sup> Lentz, Susan A & Chaires, Robert H. (2007). 'The Invention of Peel's Principles: A Study of Policing "Textbook" History' *Journal of Criminal Justice*. 35(1) pp. 69–79; Andrews, Tom (2024) 'The 'Peelian Principles': Their historical and contemporary veracity' *Policing & Society*

<sup>29</sup> Andrews, Tom (2013) 'Crime, Corruption and Malfeasance in the Early Modern Police Force' *Journal of the Police History Society* 27 pp. 12-16; Moore, Tony (2021) *Rowan & Mayne* London: Blue Lamp Books

<sup>30</sup> *Memorandum by the National Policing Improvement Agency (NPIA)* (December 2007) UK Parliament; available at: <https://publications.parliament.uk/pa/ld200809/ldselect/ldconst/18/8011603.htm> [accessed August 2021]

<sup>31</sup> Bowley, Alfred S (2004) 'Politicians and the Police in Nottingham: The Popkess Affair, 1959' *Transactions of the Thoroton Society of Nottinghamshire* Vol. 108 (2004) pp. 173 – 186; Andrews, Tom (2020) *The Greatest Policeman? A biography of Capt. Athelstan Popkess CBE, OStJ: Chief Constable of Nottingham City Police 1930 – 1959* London: Blue Lamp Books

<sup>32</sup> Everitt, Geoffrey G (1971) *The Development of Law and Order in Nottingham* (MA Thesis), University of Sussex. Nottinghamshire Archives Office M/24550 p. 31

<sup>33</sup> E.g. Watch Committee of Newark-on-Trent (1857) *Rules, Orders and Regulations for the Guidance of the Officers and Constables of the Police Force appointed to act in the Borough of Newark-Upon-Trent* Newark: C J Ridge available in Nottinghamshire Archives Office DC/NK/8/2/3/1

<sup>34</sup> Senior officers in borough forces were regularly promoted through the ranks having served as constables and upward; in contrast to the county forces where the position of chief constable was seen as a local society role and primarily occupied by former military officers. Cowley A *History of the British Police* p.67 and Wall, David (1998) *The Chief Constables of England and Wales. The socio-legal history of a criminal justice elite* Aldershot: Dartmouth Publishing Co.; Walker, Rebecca (2022) 'London's Last Victorian Policemen' *Journal of the Police History Society* 36 pp. 65 – 79

<sup>35</sup> College of Policing (2013) *Professional Entry to Policing: Pre-Join strategy and Guidance v1.05* available at: <https://www.whatdotheyknow.com/request/167304/response/412119/attach/3/Professional%20Entry%20to%20Policin%20Strategy%20Final%20v1%2005.pdf> [accessed August 2021]



working-class often seeking employment from a very young age, often too young, even by the standards of the time.<sup>36</sup> Mastery of a profession was deemed to have been gained on the completion of an apprenticeship, typically lasting seven years or more.<sup>37</sup> Such a period was seemingly an acceptable duration by which to not only learn one's vocation, but to 'master' it; that term being applied to those who had completed the training and could apply it expertly. What then, the relevance of apprenticeships to policing, either in the Victorian era or before?

The traditional tenure of the parish constable had been set at one year, but the 'substitute system' frequently overrode this comparatively brief timescale. It was far from uncommon for proxies to continue to serve year-on-year, simply swapping their paymaster from one nominated office-holder to the next. For example, records from the historic parochial village of Norwell – just north of Newark in the English Midlands county of Nottinghamshire – show that between 1654 and 1668 one William Warren served as parish constable six times (evidently on behalf of others), and between 1696 and 1713 Richard Cullen served no less than eight times.<sup>38</sup> There are many other examples from the same village of constables holding the post for several consecutive or alternate years. Whilst this may not represent the seven consecutive years consistent with an apprenticeship required to become a master, it is not necessary to demonstrate 'mastership' of the constable role, simply professional competence. Even in modern times, with all the complexities of twenty-first century society, a probationary period of just two years is

considered acceptable for new police officers to demonstrate professional competence.<sup>39</sup>

Norwell is far from alone; examinations of records from other villages in the same county yield similar results. The parish of Lenton for example shows that for a thirty-seven year period between 1728 and 1765 a core group of just eighteen individuals occupied all five of the parish officer roles excepting just nine occasions, out of a possible 185.<sup>40</sup> In 1763 William Norris single-handedly undertook all five roles, and on six other occasions one individual undertook four roles.<sup>41</sup> The parish records show numerous other adult residents in the village eligible for duty as a parish officer, but never undertaking the roles. This strongly suggests that those core individuals could either live comfortably and thus undertake unpaid work for the good of the parish without recourse to paid employment – that they were the local parochial 'dignitaries' and comprised the parish committee, self-electing to enjoy the prestige of their appointments; or in fact that they were being paid for their roles. They could certainly claim reasonable expenses, as demonstrated when Thomas Roulton / Roughton claimed back £7 3s 3d for his year's duty as constable; a not insignificant sum representing six month's wages for a farm labourer of the time.<sup>42</sup> Similarly the parish constables could claim financial rewards for apprehending suspects sought in connection with offences where the victim had put up such sums for their successful capture, or awarded by the courts for their tenacity.<sup>43</sup> It was indeed these very rewards that formed the basis of income for the oft-cited first 'professional' thief-takers, the 'Bow Street Runners', working

<sup>36</sup> Felkin, William (Dec. 1866) 'The Lace and Hosiery Trades of Nottingham' *The Journal of the Statistical Society of London* (29) 4 pp. 536-541.

<sup>37</sup> Minns, Chris & Wallis, Patrick Wallis (2013) 'The price of human capital in a pre-industrial economy: Premiums and apprenticeship contracts in 18th century England' *Explorations in Economic History* (50) 3 pp. 335-350,

<sup>38</sup> *Norwell Parish Book* Nottinghamshire Archives Office (NAO) PR/928; Jones, Elizabeth- & Jones, Michael (2020) *Norwell: Parish and People* Norwell Parish Heritage Group. In a further demonstration of these post holders being 'professional substitutes' they would also regularly serve in the other parish office roles, often concurrently, with very few 'fallow' years not employed thus.

<sup>39</sup> Cleveland Police (2021) *Probationary Period Policy – Police Constable* Cleveland: Cleveland Police

<sup>40</sup> Lenton is now a suburb of the City of Nottingham but at this time was a village in its own right. The parish had five posts for officials: the usual constable, churchwarden, overseer of the poor and surveyor of highways, and two 'Burleymen' who were essentially mediators of minor local disputes. *Lenton Parish Book* NAO PR/1836

<sup>41</sup> 1735, 1755, 1758, 1759, 1760 and 1763 *Lenton Parish Book* NAO PR/1836

<sup>42</sup> Williamson, Jeffrey G. (1982) 'The Structure of Pay in Britain, 1710-1911' *Research in Economic History*, 7 pp. 1 - 54

<sup>43</sup> Godfrey, Barry & Lawrence, Paul (2005) *Crime and Justice 1750-1950*, Devon: Willan p. 12



contemporaneously to the parish constable system in mid eighteenth-century London.<sup>44</sup> If the ‘Runners’ are today deemed as professionals, and earned their money from such court-awarded rewards, there is therefore an argument the same is applicable of those regular (substitute) parish constables.

Alternatively, if local burgesses reprised the constable role simply for the perceived kudos, then this further serves to undermine the ‘Dogberry’ view of the constable. It would be nonsensical to voluntarily choose to repeatedly serve in a derogative officialdom. In either event, the repeated appointments of individuals as parish constables is certainly demonstrative of a tendency towards aptitude at the roles; and crucially, a level of professional knowledge regarding the expectations of them.

The town of Arnold just north of Nottingham follows a similar vein to Norwell and Lenton, with repeated appointments to the various parish positions by a limited cadre of individuals.<sup>45</sup> There is however a formal suggestion in this instance towards the idea of those individuals being substitutes; where by their names occasionally appears the phrase “to serve for [another’s] house”.<sup>46</sup> This annotation is primarily found adjacent to many of the more frequent names on the list. Occasionally those same names also appear with the wording “for his own house”, suggestive of that fact that their service is not normally representative of it being their turn.<sup>47</sup>

The village of Lambley too can demonstrate repeated appointments to the post of constable. Thomas Godber served for three consecutive years 1748 – 1750, and a further two in 1766–7; all the while serving as churchwarden in the meantime, and also being overseer of the poor for the latter two years. Godber holds at least one parochial role every year from 1743 to 1770. John Burnham also held the post of constable five times between 1735 and 1755; again often in successive years, although in his case never

alongside another post.<sup>48</sup> The same indentured service to the various parish positions by a small cadre of individuals is evident throughout the various records of the local Nottinghamshire administrations.

In the county town of Nottingham itself, there is evidence of similar longevity of tenure by the town’s constables in the form of a petition submitted to the town’s council in 1604. In it, the constables petition the council for additional funds, citing that several have been serving for in excess of ten years.<sup>49</sup> It is likely that they were attempting to evidence their increased abilities, or excuse their poor performance in light of criticism they received a few years prior in 1601, where the council determined and formally documented that the constables were becoming lazy and inefficient. Instead they opted to pay John Cooper, keeper of the House of Correction, 40/- yearly “to walke the towne to take up rogues and such like” alongside his regular position.<sup>50</sup> In *A Short History of Police & Policing*, Clive Emsley argues that parish constables did not represent police officers as we know them “in the sense of people appointed to seek to prevent crime or regularly to gather information about offences and pursue offenders beyond their boundaries”.<sup>51</sup> He instead describes them as a purely reactionary force investigating crimes *post-hoc*. The role description of Cooper seems to fly contrary to that, albeit he may not specifically have held the title ‘constable’.

Cooper’s effectiveness in this role is unknown, but there is evidence that the town council of Nottingham realised the value of such pro-active patrols, taking on two further such officers in 1630 and paying them from town coffers, only now calling them ‘beadles’. Their function was the same as Cooper’s: to “keep out rogues and vagabonds, oversee the House of Correction, and to act as

<sup>44</sup> Kennison *Policing From Bow Street*

<sup>45</sup> *Arnold Parish Register 1669 – 1736* NAO PR/2607 & PR/2608

<sup>46</sup> *Ibid.* Years 1707, 1710, 1713, 1716, 1718, 1723, 1724, 1727, 1728

<sup>47</sup> *Ibid.* Years 1721 & 1722

<sup>48</sup> *Lambley Parish Book* NAO PR/18,619.

<sup>49</sup> Records of the Borough of Nottingham Vol. 4 King Edward VI to King James I, 1547-1625. p.309

<sup>50</sup> *Ibid* p. 256

<sup>51</sup> Emsley *A Short History of Police & Policing* p. 40



inspectors of weights and measures".<sup>52</sup> A century later in 1740, such a function seems to have continued, only by now it was indeed undertaken by a force of some thirty *constables*, tasked to patrol the borough's seven ward areas by day.<sup>53</sup> This was a number deemed to be efficient in the maintenance of law and order in the borough by later historians,<sup>54</sup> some hundred years before a Peelian police force was to be established in the city.<sup>55</sup>

This similarity of functions between the beadle and duties of the constable was exemplified by the town of Halstead in Essex, where the post-holder held both titles.<sup>56</sup> The title of 'constable' was one defined anciently in law that required the holder to have been granted their authority by a justice of the peace and to make annual reports thereto.<sup>57</sup> It could therefore not be awarded to a person not tasked with the preservation of law and order, and therefore those paid constables in Nottingham would have had the same duties as parish constables – merely paid full time to do the duty in the more densely urban environs of Nottingham.

It is possible to demonstrate further evidence of professionalism, long before Peel's 'Blue Lobsters' took the streets, in the form of the meticulous records kept by parish constables of their daily duties. At least a century before the period where even half the country could claim some form of basic literacy,<sup>58</sup> those who took on the roles of constable could write comprehensive and legible accounts of their duties. Clearly those allocated the role by virtue of their status as a burgess were the more affluent in the community and therefore significantly more likely to have had some form of education. Notably however, those who acted as paid substitutes were no less able to maintain their chronicles, both recording their actions in prose and

maintaining their accounts in numbers;<sup>59</sup> demonstrating both literacy and numeracy. One constable of the Nottinghamshire parish of Upton even maintained their accounts in both Roman and the more familiar Arabic numerals demonstrating knowledge of both methods.<sup>60</sup>

This tends to negate suggestions around the idleness or incompetence of parish constables. The ability to keep such meticulous records showing that not only were they undertaking their expected roles (and much more than those roles may commonly be thought to be limited to) but they were documenting their actions and ensuring financial accountability for their parishes. The level of detail required within those accounts is also indicative of the burdensome expectation incumbent on the constable, demonstrative of the level of abstraction required from other employment. The record keeping is meticulous, detailing the names, locations and amounts of monies paid out, as well as maintaining the running totals.<sup>61</sup>

These chronicles add significant credence to the notion of these constables as professionals. Whilst those serving purely as their expected civic duty may have been used to maintaining accurate records from their own trades, those serving as substitutes would have been keen to ensure that they were perceived as responsible and professional. If their livelihoods depended on being able to secure repeated remuneration as parish officers, a reputation of ineptitude would significantly damage their ongoing career prospects. Whilst locals may well not have wanted to serve in the role themselves, it can be stated with almost certainty that they would not have wished to

<sup>52</sup> Records of the Borough of Nottingham Vol. 5, 1625 – 1702 p. 145

<sup>53</sup> Wylie, William. H (1853) *Old and New Nottingham* London: Longman, Brown, Green, and Longmans pp. 335 – 6

<sup>54</sup> Deering, Charles (1970) *History of Nottingham* London: S R Books p. 123

<sup>55</sup> Andrews, Tom (2021) 'The Founding of Nottingham's 'New Police'' *Journal of the Police History Society* **35** pp. 25-8

<sup>56</sup> Scollan, Maureen (2007) *Parish Constables versus Police Constables: Policing Early Nineteenth-century Essex* PhD Thesis: The Open University available at <https://core.ac.uk/display/189591700> [accessed: September 2021]

<sup>57</sup> Simpson 'The Office of Constable'

<sup>58</sup> Laqueur, Thomas (1976) 'The Cultural Origins of Popular Literacy in England 1500 – 1850' *Oxford Review of Education* **2** (3) pp. 255 – 275

<sup>59</sup> *Norwell Parish Book; Upton Constables Account Book* NAO PR/1710; *Arnold Parish Constables' Accounts 1781 – 1787* NAO PR/2627

<sup>60</sup> Bennett *A Nottinghamshire Village in War and Peace* p. 10

<sup>61</sup> *Ibid. Passim.*



be 'lorded over' by Earle's "street viceroy";<sup>62</sup> jumped-up men "of the poorest type".<sup>63</sup> Instead, those appointed as deputies demonstrate both education and understanding of the roles expected of them, as well as presumably the necessary tact not to unnecessarily harass and harangue those of higher social standing who may well subsequently become their employers. Indeed, in a mark of the esteem in which they appear to have been held, Oliver Cromwell told parliament that he envisaged his role of Lord Protector as akin to that of 'a good constable set to keep the peace of the parish'.<sup>64</sup> It is far more likely that Earle's opinion is similar to that of more sensationalist newspapers today, prepared to denigrate the police in order to provoke reaction translating to sales.

It is also possible to ascribe another element of professionalism to the parish constables, under a theory of 'street level bureaucracy';<sup>65</sup> the notion of empowering front-line practitioners with a high-level of discretion and autonomy in decision-making. This is indicative of an expectation of professionalism by those who are entrusted to exercise authority. It has been argued by Peter King that parish constables in Early Modern England were actually afforded significant levels of discretion, which he bases on the fact that relatively few prosecutions were pursued.<sup>66</sup> This is supported by constables often reporting back on oath to the justices that "all was well within their parishes" for the entire year since the previous report; in essence meaning that no single crime had been committed!<sup>67</sup> The logical assumption therefore being that crimes were dealt with far more informally.

This approach does however fail to consider the expense of bringing prosecutions at the time, which was a private enterprise – the responsibility of which primarily fell to the victim.<sup>68</sup> This placed access to judicial recourse beyond the means of the working class at the time and meant that community resolution would no doubt have been a preferred option for those wanting justice but unable to afford it. There had been a mandate for stocks or pillory in every village since the *Statute of Labourers* 1351, and these were a simple, cheap and effective means for dispensing summary justice for minor offences. Constables, as usually the only law enforcement officials, certainly within smaller towns, could easily dispense such justice, usually with the full support of onlookers.<sup>69</sup> Other forms of summary justice were available to ordinary people too, such as 'rough music', 'riding', 'cuckolding' or 'ducking' / 'cucking', further negating the need for official justice.<sup>70</sup> Indeed paradoxically it was one of the responsibilities of the constable in Norwell to pay the annual 4d. fine on behalf of the village for failure to have a cucking stool available.<sup>71</sup>

Constables would have also no doubt been reluctant to undertake all the extra duties faced when taking a captured suspect to court; albeit those working as paid substitutes would no doubt have welcomed the opportunity to claim the associated expenses. The records of the constables of the village of Upton in Nottinghamshire for example demonstrate that the officers claimed not inconsiderable sums back from the parish for escorting their 'charges' to various courts.<sup>72</sup> These were men (and in some rare cases women)<sup>73</sup> who

<sup>62</sup> Earle *Microcosmography* p. 180

<sup>63</sup> Lee *A History of Police in England* p. 57

<sup>64</sup> Emsley *A Short History of Police & Policing* p. 50 citing W. C. Abbott (ed.) (1937-47), *The Writings and Speeches of Oliver Cromwell*, 4 vols Cambridge, MA: Harvard University Press, iv. p.407

<sup>65</sup> Lipsky, Michael (1980) *Street-level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russell Sage

<sup>66</sup> King, Peter *Crime, Justice and Discretion in England 1740 – 1820* Cambridge: Cambridge University Press

<sup>67</sup> Simpson 'The Office of Constable' p. 628

<sup>68</sup> Koyama, Mark (2012) 'Prosecution Associations in Industrial Revolution England: Private Providers of Public Goods?' *The Journal of Legal Studies* 41(1) pp. 95-130

<sup>69</sup> Ingram, Martin (1984) 'Ridings, Rough Music and the "Reform of Popular Culture" in Early Modern England' *Past & Present* 105 pp. 79 – 113. p. 105.

<sup>70</sup> *Ibid.*

<sup>71</sup> Jones & Jones *Norwell Parish and People* p. 16

<sup>72</sup> Bennett *A Nottinghamshire Village in War and Peace*

<sup>73</sup> Bennett *A Nottinghamshire Village in War and Peace* p. xix; Dew, Paul (2021) 'First WPC, 1451' *Newsletter of the Police History Society* vol. 106 p. 41; Cox, J C (1890) *Three Centuries of Derbyshire Annals Vol.1* London: Bemrose and Sons p. 112





were trusted to convey their charges to distant towns and then claim back only what costs they had incurred as a result, based on merely their word with no supporting evidence. They also had the responsibility of ensuring some basic level of care for those detained in a parish lock-up whilst awaiting trial. Detention in such a lock-up would however, often have been considered punishment enough, negating any need to take a detainee before the judiciary;<sup>74</sup> once again evidence of the powers of discretion available to the local constable, in concert with the views of local population. Constables of the 'new police' would not have been able to display such discretion, instead being expected to be physically and mentally tough enough to deal – often alone – with whatever situation they found themselves in.<sup>75</sup> Neil Bell however argues that constables patrolling some of the less salubrious districts of London would have needed to have a very good sense of discretion of what matters to involve themselves in, and what to turn a blind eye to, in order to remain on patrol.<sup>76</sup> There was however no recourse to them for summary justice as there was for the parish constables.

### CONSTABLES AS PROFESSIONALS

It is therefore possible to demonstrate a strong level of professionalism amongst the traditionally perceived incompetent parish constables. This is similarly applicable to the full-time paid 'police officers' (as per Emsley's definition) within more urban environments, whatever their actual name may have been. Their ongoing tenures in the role of constable (and other parish positions) demonstrate that substitution represented a professional and viable career option, complete with longevity. Viewed through the eyes of their contemporaries, constables serving year-on-year would come to be experts of their role, no different to the indentured apprentices of other trades, who would then earn the title 'master' as a true professional.

Even by Heslop's six points of what constitutes a modern professional it is possible to easily ascribe to the early-modern constables points one and three: provision of public service and self-regulation. The constables were accountable to the law, and should they fail to do that job they would be dismissed or prosecuted – as in the case of the paid officers of Nottingham, or the eleven constables fined 6d. each in Newark in 1579 after failing to ensure the residents of the town undertook the required archery training.<sup>77</sup> In the case of the substitutes, should they not be accountable or productive, they would not be re-appointed thereby risking their livelihoods. The meaning of 'educational qualifications' has changed considerably since the time of the parish constable, but their clear abilities with letters and numbers demonstrate a level of learning appropriate for their period to mark them being above a significant percentage of their peers.

It could be easy to perceive that they lacked other aspects, most notably autonomy or discretion, paid privately as they were by the parish or town council. Melville Lee's foundational *History of the Police in England* published in 1901 is perhaps the root cause of this as he describes the substitute constables as "men of the poorest type" amongst whom "corruption and bribery were rife".<sup>78</sup> Kent in her studies however has concluded the opposite, and the evidence offered thus far herein tends to support that latter conclusion. Indeed it is a conclusion that appeared to be the accepted norm,<sup>79</sup> before the Imperialist or Whig historians of the Victorian age changed the narrative in line with their viewpoint of Victorian British values and institutions being the pinnacle of achievement and the telos towards which history had taken them.<sup>80</sup> Kent's evidence demonstrates that relationships between constables and higher authorities were very official in nature, with "little evidence of personal bonds

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<sup>74</sup> <https://www.prisonhistory.org/local-lock-up/about-local-lock-up/> [accessed September 2021]

<sup>75</sup> Emsley *The Great British Bobby*

<sup>76</sup> Bell, Neil R. A (2016) *Capturing Jack the Ripper: In the Boots of a Bobby in Victorian London* Gloucestershire: Amberley

<sup>77</sup> Mann, Roy (2017) 'The humble beginnings of Retford police force' *The Lincolnite* 19<sup>th</sup> June 2017

<sup>78</sup> Lee *A History of Police in England* p. 57

<sup>79</sup> Simpson 'The Office of Constable'

<sup>80</sup> Bevir, Mark (2017) 'Historicism and the Human Sciences in Victorian Britain' in Bevir, Mark (Ed.) *Historicism and the Human Sciences in Victorian Britain* Oxford: Oxford university Press pp. 1 – 20. p. 14



between constables and their superiors”.<sup>81</sup> This would seem to demonstrate point four of Heslop to also be applicable; more so than the rank-and-file officers of the Victorian era who were permitted almost no autonomy,<sup>82</sup> or the senior officers who were answerable to the watch committees.<sup>83</sup>

This only leaves aspects two and five of Heslop’s list as not being directly attributable to substitute or other paid constables by the standards of their time. It can easily be seen however, that whilst there may have been no formal ‘code of ethics’ under point two, there was a clear (if unwritten) understanding of the requirements of the constables. When to bring formal prosecutions and when to use more discretionary or summary approaches; how to liaise with those of different social standings;<sup>84</sup> how to walk the fine path between the official justice and absolute adherence to laws demanded by lords and gentry, versus the discretion demanded by the commoners;<sup>85</sup> and how to both live and work in a small locale where all your decisions would relate to your neighbours with whom you would have to continue to reside. Any constable who overstepped the bounds of acceptable ethics, would have no doubt found themselves ostracised by their community, or worse. This only leaves an absence of some kind of professional body, which in this time period would have been a guild or equivalent. As the constables had no production output to speak of, and officially received no pay, there would have been no requirement to safeguard their rights or prices. Their positions were also very transient in nature, with the professional substitutes not always undertaking the constable role, even if they were employed in some of the other parish roles. This did not prevent the paid constables of Nottingham petitioning the corporation collectively as above however.

## CONCLUSION

It can therefore clearly be demonstrated that in contrast to the traditionally popular perception of parish constables as petty officials with little interest in the role, there is a strong argument that the opposite is in fact true in equal or greater measure. The position of parish constable was a reasonably well respected one, from both above and below. Those who were unable or unwilling to undertake the role as a civic duty, frequently hired substitutes who were often career ‘parish officers’. These vocational officials demonstrated a high level of professionalism for the standards of their day, and indeed modern ones; exemplified by their level of educational ability and discretion. Their adherence to the ‘Heslop attributes’ of professionalism are in fact more evident than those of Victorian era professional ‘new police’, certainly on an individual level as opposed to organisational. It is therefore necessary, in line with Kent, Emsley and pre-Victorian mentality, to rethink the fallacy that ‘professional policing’ began in 1829, which isn’t even the start of ‘modern’ policing, which is again a fantasy concocted of Victorian British Whiggist historiography. Instead, we must look upon the development of professional policing – as with so many other aspects of social evolution – as a gradual advancement; one which is continually ongoing. It is therefore time to venerate the formerly humble parish constable, and elevate them to their rightful position within policing history – as hard working professionals, undertaking their duties in the face of criticism from all directions, and navigating a fine web of demands and expectations. No different to their counterparts today who often face the same argument regarding their professionalism.

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<sup>81</sup> Kent, Joan (2011) *The English Village Constable, 1580-1642: The Nature and Dilemmas of the Office* in Emsley, Clive (Ed.) (2011) *Theories and Origins of the Modern Police* London: Routledge

<sup>82</sup> Bell *Capturing Jack the Ripper*

<sup>83</sup> Everitt *The Development of Law and Order in Nottingham*

<sup>84</sup> The head constable of Newark and several of his men protected the Duke of Newcastle from attack by a baying mob, but were keen to stand up in defence of His Grace’s reputation by saying that he was never at significant risk and was not fearful of his safety. In return for their circumspection, the head constable was sent a basket of game in thanks. *Nottingham and Newark Mercury* 29<sup>th</sup> January 1831 p. 3.

<sup>85</sup> Wrightson, Keith (2011) ‘Two concepts of order: justices, constables and jurymen in seventeenth-century England’ in Emsley, Clive (Ed.) *Theories and Origins of the Modern Police* London: Routledge pp. 263 – 294.