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## **Prosecution Associations in NW Essex**

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Before the advent of the modern day police service, the Parish Constable maintained law and order at parish level. He would be elected from the parishioners on a yearly basis on Easter Monday of each year. He was unpaid, although he was permitted by law to levy a modest rate of a penny or twopence in the pound to cover his expenses. He was required to keep a record of both the rate levied and his disbursements. In the vast majority of cases, the Parish Constable's full time occupation was either publican or blacksmith, and therefore he was used to heavy work, likely to be of a muscular build, and able to cope with most prisoners. In the parish of Halstead, records show that a hairdresser served as constable during the 1830s, but this was exceptional.<sup>1</sup> The main drawback with having a policing system based on the parish constable was that he rarely enforced the law on his own initiative, but worked under the auspices of the local Justice of the Peace who would issue warrants for arrests, searches etc. A secondary problem was that the parish constable was not empowered to work outside the Hundred in which he resided, which could be important where felons operated across borders of Hundreds and indeed counties.

Until the later part of the 19th century the victims of crime were expected to finance the prosecutions of those who had offended against them. This would include the witness expenses; the cost of the barrister, even the clerk who transcribed the depositions would levy a charge. Many victims, therefore, avoided official means to deal with offenders. There was, however, a means by which the cost of bringing a prosecution could be offset, the prosecution association.

This, the forerunner of Neighbourhood Watch has its roots in the 1690s and coincided with the advent of the provincial newspaper. The first recorded group was formed in Stoke-on-Trent in 1693.<sup>2</sup> The scheme worked as follows: Members of the scheme would pay an annual

<sup>1</sup>Prosecution Associations' - *Saffron Walden Historical Journal* No 1 2001)

subscription to the association. If a member became a victim of crime, advertisements would be placed in the local newspapers offering a reward for information leading to the conviction of the felons responsible for the crime. Alternatively notices would be posted detailing the crime and reward. If the offender were apprehended, the association would also fund the cost of prosecuting him. In short, it was a form of insurance.

The first Essex association was formed in 1765, at Colchester.<sup>3</sup> Others followed although some targeted specific offences. The Billericay Association was concerned with horse theft (a capital offence then), the town being situated on a coaching route and therefore susceptible to such crime. In Halstead in 1800, following a spate of farm fires, an association was formed to specifically address the offence of arson. Not only did they fund advertising and any prosecutions, but also paid armed watchmen to guard vulnerable premises. As the situation escalated they provided the funds for a '*Bow Street Runner*' to be hired to investigate the offences, and for a reward of 100 Guineas to be offered.<sup>4</sup> At Braintree, a particularly distressed town at the start of the 19th century due to the rapid decline of the cloth industry, an association was established to prosecute persons hoarding grain with a view to making excess profits as food prices increased.<sup>5</sup> The extent of Prosecution Associations across the county is shown below in the appendix.

The main concentrations of associations were in the north-west and north-east of the county. There was a limited concentration on the Dengie Peninsular and along the Thames shore in the Rochford Hundred. The Tendring and Dengie Hundreds suffered from a dearth of resident magistrates, a factor that might explain the concentration of associations in these areas. The establishment of associations in central and northern Essex appears fragmented. This is particularly strange in the Hinckford Hundred where, between 1783 and 1851, most protest, and logically property, crimes were committed.<sup>6</sup> The area in the Clavering Hundred was renown for protest activity, a fact that is reflected by the concentration of associations in that vicinity.<sup>7</sup>

There was another factor and this was the operation of gangs of felons operating on the borders of Essex with Hertfordshire and Cambridgeshire. By operating in gangs they were able to terrorise their victims, by force of numbers. One such gang, known as the Waltham Gang, plagued the western part of Essex, committing robberies on householders.<sup>8</sup> Apparently Clavering miller, Tom Nottage was amongst their victims.<sup>9</sup> Such activities would be guaranteed to act as a strong incentive to take all possible action in the defence of property, hence the concentration of associations in this neighbourhood.

In April 1840 Essex Constabulary was formed, and one could be forgiven for thinking that this spelt the end of the Prosecution Associations. The

opposite was true. Firstly, the new force did not cover the entire county and there was still a need for some incentive for the ordinary man in the street to assist in the fight against crime. Secondly, and this is probably the more important issue, the constabularies were not permitted to offer rewards for the apprehension of offenders. The prosecution associations could therefore operate in conjunction with the police. Certainly in 1844 during a widespread spate of arsons in Suffolk, the prosecution associations were specifically requested by the chief constable to offer substantial rewards (in the region of £1,000) for information leading to the prosecution of the arsonists. When it is considered that the average farm labourer earned no more than nine shillings per week, this was a great incentive to inform on arsonists.<sup>10</sup>

Just how effective were the Prosecution Associations in combating crime? To a great extent this is virtually unanswerable, as we do not really know the true extent of crime in Essex (or for that matter the rest of England) during this period. It has been estimated that up to 90% of crime went unreported.<sup>11</sup> Accordingly, it is impossible to estimate the effect that the associations had on crime. Furthermore, despite the fact that the Essex newspapers carried weekly advertisements appertaining rewards offered by the associations, the readership of such newspapers was more likely to be the victims of crime rather than those who could inform on criminals, namely their peers. Even if they were made aware of rewards offered, it is questionable how many farm labourers would be inclined to inform on criminals for a relatively small sum of money. Small, when the typical sanctions against even petty criminals included hanging and transportation. Likewise, there was a marked reticence amongst juries to convict some classes of felons until after 1837 when some offences were de-capitalised.<sup>12</sup> This is not to say that labourer did not inform on labourer. In the case of one Essex incendiary of 1830, the reward of £1,000, 30 to 40 years wages for a labourer, might have been sufficient to send an innocent man to the gallows.<sup>13</sup>

The demise of the prosecution association was brought about by improved rights for the victims of crime, together with an efficient and reliable policing service, which brought with it a greater element of detection. The associations, however, did fulfil an important role, not so much in detection, but in prosecution. The modern day equivalent of the associations, Neighbourhood Watch, fulfils the opposite role.

## APPENDIX: LIST OF PROSECUTION ASSOCIATIONS IN ESSEX

Name	Object	Year Est.
Ardleigh	Prosecution Association	1769
Barstable & Chafford	Barstable & Chafford Association against robbers	1779
Barstable & Chafford	Barstable & Chafford Game Association	1779
Billericay	Billericay Association against Horse Stealers	1799
Billericay	Great Burstead and Billericay Association for the Prosecution of Felons	1804
Blackmore	Blackmore Assn for the Prosecution of Thieves, Felons & co	1798
Blackwater	Blackwater Association Against Felonies	1793
Bocking & Braintree	Bocking and Braintree Association against Felonies	1801
Boreham	Boreham Parish Association	1800
Braintree	Braintree Association for the Prosecution of Forestallers, Ingrossers, and Reqrators	1800
Brentwood	Brentwood and South Weald Association	1801
Bures	Bures Association for the Prosecution of Felons	1795
Chelmsford	Chelmsford Association for Apprehending & Prosecuting Animal Maimers & Thieves	1797
Chelmsford	Chelmsford Association for the Prosecution of Felons	1797
Chelmsford	Chelmsford Hundred Game Association	1809
Colchester	Colchester Association for the Protection of Property & the Prosecution of Housebreakers & thieves	1765
Colchester	Colchester Association against Horse Stealers	1773
Colchester	Colchester Association	1800
Colchester	Colchester Game Association	1800
Dagenham	Dagenham Association for the Prosecution of Felons	1795
Dengie Hundred	Dengie Association for the Prosecution of Felons	1801
Dunmow	Dunmow Prosecution Association	1788
East & West Mersea	East & West Mersea Association for Apprehending and Prosecuting Felons	n.d.
Epping	Association for the Security of Lives & Properties of the Inhabitants of the Epping Division	1818
Essex	Essex Association for the Preservation of Game	1779
Essex	West Essex Association for the Preservation of Game	1787
Essex	East Essex Association for the Prosecution of Felons	1789
Essex	East Essex Prosecution Association	1801
Fordham	Fordham Association	1811
Frating	Frating Association for the Prosecution of Felons	1802
Fyfield	Fyfield Association for the Prosecution of Felons	1803
Great Baddow	Great Baddow & adjoining Parishes Association for the Prevention of Crime and the Prosecution of Felons	1837
Great Oakley	Great Oakley Association for the Prosecution of Felons	1798
Great Tey	Great and Little Tey Prosecution Association	1787
Great Wakering	Great Wakering Prosecution Association	1787
Hadstock (Cambridgeshire)	Linton, Hildersham, Bratlow and Hadstock Association	1818
Halstead	Halstead Assn for the more speedy detection of highwaymen, house-breakers, sheep stealers etc	1786
Halstead	Halstead Association against Incendiarism	1800
Havering	Havering Liberty & Chafford Hundred Association for the Protection of Game	1801
Horndon	Horndon-on-the-Hill Prosecution Association against Robbers, Horsestealers & Housebreakers	1787
Kelvedon	Kelvedon Association for the Prosecution of Felons	1786
Little Clacton	Little Clacton Association for the Prosecution of Felons	1802

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Little Thurrock	Little Thurrock & District Association for the Prosecution of Felons	1803
Little Waltham	Little Waltham, Great Waltham & Broomfield Association for the Prosecution of Felons	1801
Little Waltham	Little Waltham Game Association	1807
Maldon	Maldon Association for the prosecution of Felons	1795
Marks Tey	Marks Tey Association	1821
Mucking	Mucking, Fobbing, Waltons with Satford-le-Hope Game Association	1800
Ongar	Ongar Association Against Murderers, Housebreakers, Horse & Sheepstealers & Felons of every description	1787
Ongar	Ongar, Harlow and Half Hundred of Waltham Prosecution Assn	1788
Radwinter	Radwinter Prosecution Association	1831
Rainham	Rainham Prosecution Association	1788
Rayleigh	Rayleigh Association for the Prosecution of Felons	1794
Rochford	Rochford Hundred Assn for the Prosecution of Felons & Thieves	1797
Rochford	Rochford Game Association	1807
Romford	Gidea Hall, Romford & the Liberty of Havering Game Preservation Association	1800
Saffron Walden	Saffron Walden Prosecution Association	1809
South Weald	South Weald & Brentwood Assn for the Prosecution of Felons	1800
Southminster	Southminster Association for the Prosecution of Felons	1809
Stock	Stock and Buttsbury Association	1799
Tendring	Tendring Hundred Association for the Prosecution of Felons	1800
Thaxted	Thaxted Association	1809
Thorpe-le-Soken	Thorpe, Kirby and Adjacent Parishes Association	1798
Thorpe-le-Soken	Sokens Association for the Prosecution of Felons	1803
Tollesbury	Tollesbury & Tolleshunt D'Arcy Game Association	1815
Thundersley	Thundersley Parishioners Association	1800
Uttlesford	Uttlesford and Clavering Prosecution Association	1840
Waltham	Waltham Half Hundred Association for the Prosecution of Felons	n.d.
Weeley	Weeley Prosecution Association	1787
West Bergholt	West Bergholt Association for the Prosecution of Felons	1799
West Ham	West Ham Prosecution Society	1817
Wethersfield	Wethersfield Prosecution Association	1774
Winstree	Winstree Hundred Association for the Prosecution of Felons	1786
Witham	Witham Prosecution Association	1777
Writtle	Writtle Prosecution Association	1786

**Note:** The Appendix above has been expanded from the one published in the original article.

## NOTES

1. ERO, Vestry Minutes, D/P 96/8/6.
2. Philips, D., 'Good Men to Associate and Bad Men to Conspire: associations for the prosecution of felons in England, 1760 to 1860,' in Hay, D. & Snyder, F. (Eds.) *Policing and Prosecution in Britain, 1750 to 1850* (1989), p.161.
3. King, P.J., 'Prosecution Associations and their Impact in 18th Century Essex,' Hay & Snyder (1989), p.176.
4. *Chelmsford Chronicle*, 24 October 1800.
5. *Chelmsford Chronicle*, 8 August 1800.
6. Holland, M.A., *Flames Across Essex: the incidence of protest crime in Essex* (Forthcoming),
7. Hobsbawm, E.J. & G. Rudé, G. *Captain Swing* (1985), p.150.
8. *Chelmsford Chronicle*, 19 March 1819. Robbery, in this context, relates to burglariously entering premises and intimidating their victims.
9. Correspondence with K. Harrison July 1999 to April 2000 on this and other gangs operating within Essex.
10. Jones, D.J.V., 'Thomas Campbell Foster and the Rural Labourer: incendiaryism in East Anglia', *Social History* 1 (1) 1976, p.18.
11. King, P.J., *Crime, Justice and Discretion; law and social relations in England, 1740 to 1820* (Forthcoming) p. 225.

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12. Cooper, J., unpublished research notes for J Cooper, *A Well-Ordered Town: a story of Saffron Walden, Essex, 1792-1862* (2000) pp. 5-6.
13. Holland, M.A., 'A Crime to be Poor: protest in the Barstable and Rochford Hundreds, 1825 to 1840,' unpublished MA thesis, University of Brighton (1992) p.52.