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## CHAPTER 7 CHIEF CONSTABLES AS 'MORAL HEROES' AND GUARDIANS OF PUBLIC MORALITY

Kim Stevenson

### Introduction

This chapter explores the role of certain Chief Constables in the late nineteenth century who were regarded as effective law enforcers because of the ruthless stance they adopted towards the policing of immoral behaviour within their communities. Often self-declaredly presenting themselves as ~~the~~ standard bearers and guardians of public morality such individuals were exemplary models of irrepressible moral leadership, deploying operational strategies to control social behaviour that local elites regarded as essentially immoral: primarily drunkenness, prostitution, betting and gambling. Typically, such policing was reactive, responding to the demands of the local Watch Committee and magistracy by enforcing the established law using conventional policing practices. But some Chief Constables gained national prominence because they were particularly proactive in implementing ~~policy~~-led initiatives that targeted types of everyday offending perceived as immoral. This prompts the question of whether such figures were simply highly effective conduits and managers who obediently implemented the wishes of their masters, or whether their own personal moral integrity and beliefs compelled and empowered them to lead the way by example effectively utilizing the law to curb such immoral practices and, as highly influential individuals, having a direct impact upon the wider popular consciousness and consensus.

Operational orders suggest that such 'moralistic' Chief Constables could be characterized as early proponents of a form of zero tolerance policing(ZTP) and 'tough on crime' rhetoric well before such late-twentieth century terms were even imagined. Their actions echo Punch's contemporary descriptor of ZTP as 'a catalyst for a more assertive style of policing' reinforced by the uniquely British "service and consent" paradigm' but they contrast sharply with his assertion that it operated

more as a rhetorical device than a major policy shift.<sup>1</sup> These were in fact deliberate policy initiatives. For example, in 1876, Birmingham's recently appointed Chief Superintendent of Police, Major Edwin Bond, instigated a major crackdown against drunkenness in the city, ordering his constables to arrest all 'quiet drunks' found in public thoroughfares irrespective of whether they were disorderly or misbehaving.<sup>2</sup> This led to an inevitable conflict with the Watch Committee concerning his legal authority and jurisdiction to issue such commands and resultant calls for his dismissal.<sup>3</sup> In justifying an unsuccessful prosecution of a music hall manager for 'improper performances' he claimed his office granted him the independent right to institute such prosecutions as 'the guardian of public morality and order' which again was not well received by the Committee and local justices.<sup>4</sup> In 1893, Plymouth's new Chief Constable, Joseph Davison Sowerby, an avowed temperance supporter, earned acclaim from the Mayor and local dignitaries for his widespread moral campaign and policing plan to tackle alcohol-fuelled offending and curb drunkenness. Similarly, his innovative leadership and deliberate introduction of ZTP style techniques, which provide a case study for this chapter, cannot simply be dismissed as mere 'rhetoric' as together they clearly evidence a **shift in policy**.<sup>5</sup> Such operational direction enables an informative and detailed analysis of one force's strategic approach to policing immorality and the issues generated by such responses. While certain examples of such pre-emptive and proactive policing garnered plaudits for successfully meeting Watch Committee expectations in achieving agreed social objectives, some pioneering tactics such as the use of surveillance techniques to help secure convictions, proved more controversial. So how were such strategies received by the public and local police committees, especially given Pike's assertion that in relation to the exercise of discretion in respect of public morality it is 'often difficult to assess

**Commented [DC1]:** In whose policy, exactly? Think this needs a little more clarification.

<sup>1</sup> M. Punch, *Zero Tolerance Policing*, Bristol: Policy Press, 2007 pp.ix-x.

<sup>2</sup> *Manchester Courier and Lancashire General Advertiser*, 19 August 1876,

<sup>3</sup> The friction between Bond and the Watch Committee endured for the six years he held the post until he was dismissed in 1882 and was raised in Parliament in discussions about his subsequent appointment as a police magistrate in Ballingarry, Tipperary, *Birmingham Daily Post*, 11 February 1882, *Leeds Times*, 7 January 1882.

<sup>4</sup> See N. Fielding, *The Police and Social Conflict*, 2<sup>nd</sup> ed. London: Glass House Press, 2005, p.29.

<sup>5</sup> *Plymouth Comet*, 1 July 1893.

the boundaries of public indignation or public tolerance’?<sup>6</sup> What legal authority justified such initiatives and what was the judicial response? To what extent were leaders like Sowerby self-determined ‘moral guardians of the law’ desirous of and able to impose their own moral perspectives and values on the local populace, and are there any indications that they possessed any distinctive character traits that could motivate such moral evangelism? Before examining Sowerby’s leadership and endeavours in more detail, the chapter starts with a brief prosopographical profile of the requisite personal characteristics and previous career experience that applicant Chief Constables were generally expected to demonstrate to justify their credentials as the prospective moral figurehead of both the local community and their men.

**Commented [DC2]:** Prospective may be a better word here?

#### Leading by ‘moral’ example

Colquhoun’s 1806 blueprint on how to prevent crime explicitly stressed the importance of morality in respect of both the official role and personal conduct of the police recommending that not only should it be ‘the business of the parochial Chief Constable to instruct petty constables in their duty’, but that they should also ‘impress upon their minds the necessity of purity, vigilance and attention to orders, and of being humane, prudent and vigorous in the execution of their duties’.<sup>7</sup> Peel confirmed that the new modern Metropolitan Police must maintain high standards of individual professionalism, honesty and integrity.<sup>8</sup> The police constable, as Emsley notes, was ‘the “domestic missionary” charged with bringing civilisation and decorum’ to his community.<sup>9</sup> Chief Constables therefore needed to lead by example but how did Watch Committees when appointing a borough chief officer, and the local magistrates on recommending a county Chief Constable to the Home Secretary, ensure that potential applicants met such moralistic expectations?

**Commented [DC3]:** I think that the first edition was published in 1796?

**Commented [DC4]:** This is tautology – you can’t have an old modern.

**Commented [DC5]:** Emsley has a new edition (Routledge, 2014) of his book – this quote is on the same page as the 1991 edition, so it might be fitting to update the reference to the 2014 edition (otherwise readers might wonder why new edition not used)?

<sup>6</sup> M. Pike, *The Principles of Policing*, Basingstoke: Macmillan 1985, p.69.

<sup>7</sup> P. Colquhoun, *A Treatise on the Police of the Metropolis*, London, 1806, p.407.

<sup>8</sup> See Pike, *The Principles of Policing*, p.42.

<sup>9</sup> C. Emsley, *The English Police: A political and social history*, Harlow: Longman, 1991, p.74.

The County Police Act 1839 stipulated that justices could only recommend the appointment of a county Chief Constable provided he was under 45 years, fit to perform the duties of office, not a declared bankrupt and was of general good character and conduct. A Home Office Circular in 1857 authorised by the County and Borough Police Act 1856 reduced **this** to fitness to perform and general good character and conduct.<sup>10</sup> Borough and city Chief Constables were directly recruited by the Watch Committee under the Municipal Corporations Act 1835 which was less restrictive in its appointment criteria and typically more influenced by local party politics and mutuality. Their police forces were a symbol of civic pride to which power and authority was delegated to the Chief Constable as the public-facing representative of idealistic moral dignity. This is reflected in Kleinig's description of the modern equivalent of ethical policing referring 'not so much to the morality of police officers and their institutions but to that morality as it is refracted through various roles and institutional purposes.'<sup>11</sup>

**Commented [DC6]:** These stipulations?

Both types of police authority 'sought chief constables whose backgrounds and social qualities were similar' to the district's social, economic and municipal elites with inevitably 'various hidden [and] social agendas at play.'<sup>12</sup> Fielding notes that in many small forces Chief Constables were often cowed by strong Watch Committees undermining their authority and there was often 'conflict between the high-minded morals of lowly constables and the venal self-interest of their superiors'.<sup>13</sup> As Taylor confirms in the opening chapter, Watch Committees could instruct Chief Constables on law enforcement policy but Chief Constables retained their original authority under the common law, thus it was the nature of the relationship between the two and the composition of the committee that were fundamental to any effective policing **policy**. The county justices in particular were closely

**Commented [DC7]:** As demonstrated in Cox's chapter concerning the somewhat fraught career of Henry Goddard, Chief Constable of Northamptonshire 1840-9.

<sup>10</sup> These provisions were not revised until the Police Act 1919.

<sup>11</sup> J. Kleinig, 'Ethical Policing', in A. Wakefield and J. Fleming (eds.) *Sage Dictionary of Policing*, London: Sage, 2009, p.107.

<sup>12</sup> D. Wall, *The Chief Constables of England and Wales, The socio-legal history of a criminal justice elite*, Aldershot: Ashgate, 1998, pp.97, 101.

<sup>13</sup> Though he does not provide any supporting examples, Fielding, *The Police and Social Conflict*, p.32.

connected with the local aristocracy therefore the formative years of most county forces were dominated by the influence of gentry and clergy. Justices recruited individuals equal to themselves in social standing and outlook, typically the 'scions of gentry families' experienced in military command.<sup>14</sup> Such appointments increased significantly after the 1856 Act as conflicts throughout the Empire meant that senior military personnel could prove the necessary criteria of good character and conduct. A stereotypical example is Colonel Walter Raleigh Gilbert CB who, with 23 years' service in the Royal Horse Artillery, was invited to be Chief Constable of Cornwall (1857-1896). Gilbert could trace his family lineage back to Edward the Confessor and later Sir Humphrey Gilbert. Bodmin Beacon, a 150 foot memorial costing £1,500, had been recently erected in honour of his uncle Lieutenant General Sir Walter Raleigh Gilbert's distinguished service in the 1845 India campaign, and his father was the prebendary of Exeter Cathedral.<sup>15</sup> It is therefore highly unlikely that there could have been a more 'suitable' candidate.

**Commented [DC8]:** I think that this could be qualified by reference both to Ireland's view regarding military men and Cox's comments regarding Goddard's social standing?

**Commented [DC9]:** (half-brother of Walter Raleigh)

Wall estimates that prior to 1920 and the changes wrought by the Desborough Review, 95% of county Chief Constables had previous military experience in the rank of captain or above, 50% of which had held the position of Major or higher.<sup>16</sup> Amongst other examples he cites the Standing Joint Committee's selection process for the new Chief Constable of Buckinghamshire in 1896 which attracted 61 mainly upper-middle and middle-middle-class applicants comprising 80% middle-ranking military officers, 15% with no military rank but with strong local connections, and 5% who were serving officers. To give a sense of the importance of military service, testimonials were received from two field marshals, 27 major generals, 35 lieutenant generals, three brigadier generals, 102 colonels, 35 lieutenant colonels, 15 majors and 6 captains. Four majors and one commander were shortlisted. The successful applicant, Major Otway Mayne, was another

<sup>14</sup> See T. Jefferson and R. Grimshaw, *Controlling the Constable: Police accountability in England and Wales*, London: Frederick Muller, 1984, p.38; Wall, *The Chief Constables of England and Wales*, p.91.

<sup>15</sup> Obituary, *The Times*, 19 October 1896.

<sup>16</sup> Wall, *The Chief Constables of England and Wales*, p.275.

stereotypical exemplar who possessed the requisite military background, support of a serving Chief Constable and a 'preferred social profile' with connections to leading local and national politicians.<sup>17</sup>

**Commented [DC10]:** Are we using ibid for references?

Further evidence of the importance of military service can be gleaned from a qualitative assessment of the obituaries of Chief Constables who served between the mid-nineteenth century and the early years of the First World War published in *The Times* 1894-1942.<sup>18</sup> Wall suggests that a Chief Constable's 'military status was typically more significant than his military achievements, especially before the First World War'.<sup>19</sup> But the obituaries indicate that individual courageousness could be an equally compelling factor in establishing moral character and strength. Predictably, the ranks of Colonel, Lieutenant Colonel, Major and Captain are well represented. Not only had these men commanded troops and fought for Empire with active service in a range of major conflicts but many were recipients of awards for bravery or had been mentioned in dispatches including a recommendation for the Victoria Cross,<sup>20</sup> Khedive's Star,<sup>21</sup> and medals and clasps from the Crimea,<sup>22</sup> Ashanti, Cabul, Punjab, Lucknow, Burma, Sudan etc. Otway Mayne had received medals in Afghan, Yawaki and Burma and was remembered for 'his tactfulness, shrewd judgement of character and his power of leading and inspiring his men'.<sup>23</sup> These were genuine, proven heroes including many nationally known figures who, if they had served in the troublesome domains of India or Ireland, epitomized the 'face of empire'. An unblemished military background automatically endorsed a man's status as a loyal and positive leader and the bestowal of an award proved he had the moral integrity to put others before himself. Rowbotham underlines how such military leaders were

**Commented [DC11]:** Which is interesting, as Captain is a fairly junior office rank.

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<sup>17</sup>Ibid, pp.101-103.

<sup>18</sup> Survey based on 53 obituaries covering a wide range of 46 county and city forces in England and Wales. There is evidence that 66% had previous military experience, of those who served between 1850-1915 the figure was 79%.

<sup>19</sup> Wall, *The Chief Constables of England and Wales*, p.272.

<sup>20</sup> James Kellie-Macallum, Northamptonshire, (1881-1931) the longest serving of all Chief Constables, *The Times*, 15 September 1932.

<sup>21</sup> Captain Williams-Freeman, Shropshire, (1890-1905), *The Times*, 28 December 1905.

<sup>22</sup> Captain Robert Sterne, Wiltshire, (1870-1908) *The Times*, 6 June 1927; Captain Francis Perry, Derbyshire, (1873-1892), *The Times*, 21 February 1905.

<sup>23</sup> (1896-1928), *The Times*, 4 November 1939.

portrayed as hagiographic heroes in popular literature to encourage 'manliness' and moral responsibility and that any 'personal heroic characteristics highlighted are generally revealing of the priorities and prejudices of the period'.<sup>24</sup> She confirms that between 1850-1870 there was an 'air of confident British masculinity' underpinned by a set of complex stereotypical expectations predicated on respectability and morality essentially mandating that 'heroes' and 'good leaders' must demonstrate proof of moral courage.<sup>25</sup> Thus, therefore it was critical that Chief Constables were appointed who could be endorsed by their committee as moral protagonists able to inspire the men under their command and be relied upon to lead from the front while at the same time obeying the wishes of their committee. Interestingly, while many obituaries highlight individual military exploits, apart from a few notable exceptions such as Sir Robert Peacock, Chief Constable of Manchester and Sir Charles Rafter, Chief Constable of Birmingham<sup>26</sup>, they rarely reference any aspects of their police role and (often significant) achievements. This implies that there was a general public expectation and trust of what Chief Constables were required to do and that while in the smaller borough forces many tended to be regarded as symbolic figureheads, in the larger forces they needed to promote themselves as established and effective leaders.

**Commented [DC12]:** States? – otherwise whose work is she confirming?

**Commented [DC13]:** Therefore (thus relates to 'how', therefore relates to deductive reasoning such as is used in the following sentence)

### Managing Drunkenness and Immorality

In advocating the moral responsibility of the police Colquhoun also proposed that legislation should be enacted enabling them to deal with:

THE PREVENTION OF THE PRESENT CORRUPTION OF MORALS, as originating from ill-regulated Public Houses, Tea-Gardens, Theatres, and other places of Public Amusement;

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<sup>24</sup> J. Rowbotham, "All our Past Proclaims our Future": Popular Biography and Masculine Identity', in I. Inkster (ed.) *The Golden Age: Essays in British Social and Economic History 1850-1870*, Aldershot: Ashgate, p.264.

<sup>25</sup> Ibid, p.262.

<sup>26</sup> Both died in post having served 40 and 36 years respectively in the rank.



indecent Publications; Ballad-Singers, Female Prostitution, Servants out of Place, the lottery[sic]; Gaming, Indigence and various other causes.<sup>27</sup>

The trope of immorality permeated society throughout the nineteenth century generated by the dogma of the social purity movement and moral campaigners including the Society for the Reformation of Manners and Society for the Suppression of Vice (later the Public Morality Council) who self-determined what conduct was 'socially immoral' and should be prohibited.<sup>28</sup> Activities perceived as immoral had been largely controlled by the common law on a case-by-case basis, but by the mid-nineteenth century the police had gained a range of powers to deal with undesirable behaviour through the generic Vagrancy Act 1824 and Town Police Clauses Act 1847 which created new statutory offences that conferred powers on the police to arrest violators. But increasingly, despite such regulation, the allure of alcohol magnetized immoral conduct and bad behaviour, triggering public demands and political pressure to curb drunkenness and restrict drinking. However, the police had no specific powers to deal with individuals who were drunk and incapable or drunk and disorderly until the Licensing Act 1872 authorised the issuing of summons for such offences. In the early days of the Metropolitan Police, Commissioners Rowan and Mayne had been reluctant to police licentiousness, fearing that it could undermine their reputation and public support, particularly as there was no legislative or judicial backing.<sup>29</sup> However, as with the example of Major Bond cited in the introduction [to this chapter](#), some chief officers were prepared to push the boundaries of the statutory provisions and direct their officers to crackdown on the problem utilizing their more nebulous common law powers of public protection. Therefore, as Miller notes, police chiefs found themselves in an invidious position caught between the religious fervour of

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<sup>27</sup> Colquhoun, *A Treatise on Policing*, p.617.

<sup>28</sup> For a more detailed discussion on this see D. J. Cox et al., *Public Indecency England, 1857-1960*, Abingdon: SOLON Routledge, 2015 chap.2.

<sup>29</sup> W. Miller, 'Never on Sunday: Moralistic Reformers and the Police in London and New York City' in D. Bayley (ed.) *Police and Society*, London: Sage, 1977, pp.130-2.

Sabbatarianism aided by the growth of the temperance movement and teetotalism but reliant on the respect of the working classes and libertarians to maintain order.

By the last quarter of the nineteenth century political concern intensified about public drunkenness and how it undermined moral discipline spawning prostitution, gambling, violence and general disorder. As Yeomans notes, the 'People could not be coerced into sobriety' but the ~~state~~ State could make it more difficult for them to become intoxicated.<sup>30</sup> The 1872 Act, sponsored by the Home Secretary Henry Bruce, granted magistrates more control over the management of licensed premises and the police more powers to enter and inspect them in order to 'persuade' citizens to 'self-improve' by summoning licensees to appear before the court. Individuals were allowed the legal freedom to drink but within 'officially designated moral parameters' and censure.<sup>31</sup> Yeomans applies Ruonavaara's model of persuasive moral regulation to the growing temperance movement, arguing that there was a synergy with the Act's legal regulation as both sought to engender rather than force, behavioural reform.<sup>32</sup> The Home Office keenly monitored the impact of the Act and ~~alcohol~~ alcohol-related policing generally as underlined by the specific references of HM Inspectors of Constabulary in their annual reports. These included comparative comment and rankings in relation to the annual statistical returns from each force area on the number of licensed premises, type of liquor sold and convictions for drunk and disorderly offences.<sup>33</sup> Cox's research explains why the Home Office were so concerned because nationally the number of convictions for drunkenness between 1885-1905 generally increased.<sup>34</sup> Plymouth, however, provides an interesting comparator. Once notorious for its overcrowded public houses which encouraged inebriacy, prostitution and

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<sup>30</sup> H. Yeomans, *Alcohol and Moral Regulation*, Bristol: Policy Press 2014, p.83.

<sup>31</sup> *Ibid*, p.85.

<sup>32</sup> *Ibid*, p.87 citing H. Ruonavaara, 'Moral Regulation: A Reformulation', *Sociological Theory* (1997) 15, 3, 277-293.

<sup>33</sup> See Parliamentary Papers, *Reports of the Inspectors of Constabulary 1896-1897*, Paper 379, London: HMSO 1898, pp.6, 73, 258-263; *Reports of the Inspectors of Constabulary 1897-1898*, Paper 157, London: HMSO 1899, p.73.

<sup>34</sup> Cox et al., *A Serious and Growing Evil*, p.162.

illicit gambling amongst its residents and visiting sailors, the town experienced a reverse in this trend directly attributable to the policy shifts introduced by the appointment of its new Chief Constable in 1892. Five years later, Joseph Sowerby proudly informed the 1897 Royal Commission on Liquor Licensing Laws that as a result of his resourceful efforts and extensive monitoring of the town's 350 licensed premises 'there is less drunkenness than there used to be. Drunkenness is decreasing.'<sup>35</sup>

Sowerby was an atypical appointment as he had no previous military experience. In 1881, aged 18, he followed his father who had moved from Everton to Leeds to become a publican, and joined the Leeds City Police as a clerk. Leeds had already secured a reputation for employing a robust approach to drunkenness initiated by its former Chief Constable, James Wetherell (1866-1874) and continued by Sowerby's two superiors, the Nott-Bower brothers: Captain Sir William Nott-Bower (1878-1881) who would become Head Constable of Liverpool and then Commissioner of the City of London,<sup>36</sup> and Arthur Nott-Bower (1881-1890). Sowerby quickly moved through the ranks making First Inspector within three years and Chief Inspector two years later, in 1891 he was credited with bringing to justice Walter Lewis Turner, executed for cutting the throat of 6 year-old **Barbera** Waterhouse thereby establishing his investigative skills.<sup>37</sup>

Commented [DC14]: I think that it was spelled Barbara?

Sowerby held no military honours to prove his moral courage but he had regularly taken charge of the fire brigades in Leeds and attended some 400 fires. In January 1892 he nearly died in the notorious 'Dark Arches' fire underneath Leeds railway station which took 20 hours to control and caused £200,000 damage. According to ~~The~~ the *Leeds Times*, Sowerby and a colleague found themselves 'IN CONSIDERABLE PERIL' and had to dive into the Leeds and Liverpool canal.<sup>38</sup> Sowerby 'being an expert swimmer, managed to keep afloat, in spite of the fact that the conflagration raged

<sup>35</sup> Royal Commission on Liquor Licensing Laws [1897] c.8523 p.217.

<sup>36</sup> His son was Sir John Nott-Bower, Metropolitan Police Commissioner (1953-1958).

<sup>37</sup> *Dundee Courier*, 13 June 1891; 'Shocking discovery at Leeds', *Nelson Evening Mail*, 11 September 1891.

<sup>38</sup> The *Leeds Times*, 16 January 1892; The *Leeds Mercury* 14 January 1892.

all around him, and that the water had somewhat the consistency of ink.<sup>39</sup> Hauled out and with a quick change of clothes he was immediately back in action (while his colleague opted to remain at the infirmary) proving as equal a hero as any of his former military counterparts and substantiating his credentials of a 'good leader'.

Plymouth's Chief Constable, Arthur Frederick Wreford, a Freemason and Anglican conformist, had led the force for 26 years until his unexpected demise in 1892. Watch Committee records single out drunkenness and demoralizing exhibitions in the town's notorious Union Street, the display of indecent advertisements in public houses, swearing and obscenity in public and low-level violence as ongoing problems.<sup>40</sup> Such concerns chimed with a reinvigoration and 'multifying' of the number of local temperance associations<sup>41</sup> including the Plymouth Police Temperance Association. Wreford pleaded for another 11 constables to increase the force establishment to 103 and more severe fines from the magistrates to help 'greatly minimize the evils' but acknowledged 'I do not think a complete remedy is possible' as the only locations where 'the class of people who create the difficulties can resort' were licensed premises.<sup>42</sup> This prompted Plymouth's Watch Committee to seek a more commanding replacement, ideally an outsider and a non-conformist, to clean up the town and impose a solution.

### The Publican's Nemesis

In July 1892, aged just 29 years Sowerby's moral integrity and promise to eliminate drunkenness, prostitution and gambling clearly impressed the Committee; his testimonials were of the highest

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<sup>39</sup> *Plymouth Comet*, 1 July 1893 (marking the 12 month anniversary of his appointment).

<sup>40</sup> See E. A., Dickaty, *From Rattles to Radio; A History of the Plymouth Police Plymouth* (original typed manuscript, 1977) Plymouth and West Devon Record Office (PWDRO), 922. p.37.

<sup>41</sup> *Western Weekly News*, 19 November 1887; see *Western Weekly News*, 7 October 1893 for reference to the PPTS.

<sup>42</sup> Dickaty, p.41. Wreford did get his extra men.

**Commented [DC15]:** We might want to point out in our Introduction that many CCs were Freemasons (and probably still are!!)

possible character, and his appearance and general behaviour told much in his favour'.<sup>43</sup> He quickly made his presence felt ordering his constables to fill the petty sessions registers with lists of offenders charged with drunk and disorderly, drunk and incapable, using profane and obscene language, keeping disorderly houses and harbouring prostitutes. He immediately instigated 79 proceedings against licensees for unlawfully permitting drunkenness, opening premises during prohibited hours and harbouring thieves and prostitutes, convincing the magistrates to close 60 public houses. This instantly triggered arguments at town council meetings between teetotalers, temperancers and the Licensed Victuallers' Protection Association who claimed its members were being harassed and were suffering significant financial loss. Sowerby then decided to review the management of all licensed houses and openly confirmed his sympathies, and bias, when he joined the Plymouth Methodist Temperance League.<sup>44</sup> He personally visited over 300 licensed traders, notably entering 40 premises on the same day asserting, in another example of moral direction, that he could not trust his constables as the licensees were supplying them with liquor while on duty.<sup>45</sup>

Plymouth's elite welcomed Sowerby's strong leadership. To mark his first 12 months in office the *Plymouth Comet* reported that 'In connection with the suppression of immorality in Plymouth, and in other ways where law breakers are concerned, our Chief Constable has shown himself equal to any emergency'. The editorial confirmed that 'the local papers have on several occasions highly eulogised Mr Sowerby for his zeal and discretion'.<sup>46</sup> Sowerby's crackdown on licensees was reinforced by the press with reports of prosecutions highlighted by-lines such as 'IMPORTANT POLICE PROSECUTION'.<sup>47</sup> As a temperance advocate, Sowerby, was as equally concerned about the causes of alcohol as its effects and made no distinctions across class boundaries.<sup>48</sup> But his main aim

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<sup>43</sup> *Plymouth Comet*, 1 July 1893.

<sup>44</sup> 'Local Gossip', *Trewman's Exeter Flying Post*, 6 August 1892.

<sup>45</sup> Royal Commission on Liquor Licensing Laws [1897] c.8523 p.215.

<sup>46</sup> *Plymouth Comet*, 1 July 1893.

<sup>47</sup> *Western Weekly News*, 16 October 1893.

<sup>48</sup> See examples of prosecutions reported in ~~the~~ *Exeter Flying Post*, 2 December 1893.

was to reduce the consumption of alcohol believing this would in turn diminish the problems associated with immorality and sexual impropriety. Sowerby's success, aided by the magistracy and Watch Committee, would have been less effective without the support of other local agitators such as Isaac Foot, a fellow member of the Methodist Temperance League.<sup>49</sup> Foot was also a Guardian and no doubt acted as a conduit between Sowerby and the other temperancers on the Plymouth Board of Guardians who lobbied hard to prohibit alcohol being used as a 'medicinal measure' in the workhouse.<sup>50</sup>

Meanwhile the local breweries were smarting after being castigated by Sowerby because the exorbitant rates they demanded from their licensees encouraged the practice of 'rack renting' where whole families rented spare rooms in public houses resulting in some housing more than 20 adults and children. Sowerby was deeply troubled by such social problems and disturbed by the fact that children had to enter the bar to access their rooms and could peer into the 'snugs' where men and women (often prostitutes) would engage in sexual behaviour that was beyond the gaze of the landlord. Heavitree Brewery challenged Sowerby's enforcement initiative in a contested appeal at Exeter Quarter Sessions in 1896. The Brewery appealed a decision of the Plymouth Justices (based on a prosecution by Sowerby) to refuse to renew the licence of the Royal Exchange Inn because the former tenant had received two previous convictions courtesy of Sowerby's campaign.<sup>51</sup> The Justices called Plymouth's Chief Collector of Rates to testify as to the excessive number of licensed premises in the vicinity and the chaplain of the Seaman's Mission to depose that the Exchange was frequented by a certain 'low' class of person. His Honour Judge Edge upheld the appeal asserting that the Justices' argument that there were too many public houses was irrelevant to the refusal of the

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<sup>49</sup> Father of the future Liberal MP Isaac Foot and grandfather of the Labour party leader Michael Foot.

<sup>50</sup> A Home Office report published in 1887 detailing the spend, in 1885, of every Workhouse in the country showed that Plymouth had the highest spend per inmate in the county and one of the highest nationally by a significant margin, *Return of Quantity of Spirits and Wine consumed in Workhouses in England and Wales, 1885*, House of Commons Papers, 18 June 1886.

<sup>51</sup> *Heavitree Brewery v Plymouth Justices*, *Western Times*, 23 October 1896.

licence although he did reject the brewery's application for costs. Despite this setback Sowerby continued with his enforcement policy. In 1893 he prosecuted 28 publicans for breaching licensing regulations and in 1897 just [9-nine](#), informing the Royal Commission that this was because licensees generally had become more co-operative and responsive to police advice although he retained the view that there was still an unnecessary number of public houses in the town.<sup>52</sup>

In 1903 Sowerby published an extensive audit of all 347 licensed premises to support his claim that in '1902 drunkenness has considerably decreased in the Borough.'<sup>53</sup> The number of public houses had reduced by 59 since 1875, the conviction rate for drunkenness was now one of the lowest nationally and the average population per licensed premises one of the highest. Sowerby modestly informed the Royal Commission that he attributed these successes to the 'improved social condition of the people' brought about by the police supervision of public houses and 'enlightened attitudes of the young'.<sup>54</sup> He continued to introduce innovative ideas to curtail drinking; a keen photographer, after the Licensing Act 1902 gave the police the power to arrest anyone found drunk and incapable, he personally photographed all habitual drunkards in the town, i.e. those convicted more than three times a year, confidentially distributing the images amongst licensed victuallers who could then alert officers to apprehend regular inebriates.<sup>55</sup> However, even Sowerby struggled to manage Plymouth's notorious Union Street; its 18 public houses, 22 beer-houses, six off-licences and numerous brothels were an irresistible magnet drawing sailors and marines on shore leave, describing it in 1904 as 'the most difficult street in Plymouth to manage', a reputation it is only just starting to recover from today.<sup>56</sup>

### **'Moral' Connexions**

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<sup>52</sup> *Royal Commission on Liquor Licensing Laws*, p.219.

<sup>53</sup> PWDRO, 274/678, Plymouth Chief Constable's Report, Public Houses and Licensed Premises (1903).

<sup>54</sup> *Royal Commission on Liquor Licensing Laws*, p.217.

<sup>55</sup> *The-Photographic News*, 2 January 1903 and see 'Drunkenness and the Law', *The-Spectator*, 17 January 1903.

<sup>56</sup> *The-Western Times*, 6 April 1904.

Pike cautions that 'where a chief officer of police adopts a moral stance in relation to selective enforcement' of the law, he is on difficult ground as ultimately he is responsible for enforcing the law and 'any professional judgement on moral issues may become an expression of personal moral values which are out of step with public morality.'<sup>57</sup> This is particularly pertinent when considered in the context of late-nineteenth century associations with prominent morality campaigners who lobbied for police co-operation and assistance to prosecute individuals they believed had committed 'immoral' offences. The establishment of the National Vigilance Association for the Repression of Criminal Vice and Public Immorality (NVA) in 1885 increased social purity efforts to educate the 'degenerative' classes and improve the health of the nation, framing an agenda that demanded the prohibition of all things 'indecent' including literature, advertisements, dramatic performances, mail communications, lotteries etc. Such moralistic activism intensified considerably in the 1890s as 'Middle-class campaigners enjoyed greater influence, co-opting newly empowered local councils, magistrates, and the now-ubiquitous police to the cause.'<sup>58</sup> Enlightening in this context is American research conducted amongst police officers in New Jersey in the 1970s that showed how the enforcement of law involving moral issues can be affected by their perception of a community's values, precipitating a 'sensitivity to local attitudes, beliefs and expectations' producing a response 'governed less by legal definition of what should be done and more of a personal value judgement of the situation'.<sup>59</sup> And it was those Chief Constables with strong moral instincts who found themselves in the awkward position of determining which community values to police without compromising their operational independence.

Commented [DC16]: Or of course, she

A number of Chief Constables from the larger city forces, disturbed by the seemingly intractable levels of everyday offending in their poorer wards, were persuaded by the rhetoric of the NVA.

<sup>57</sup> Pike, *The Principles of Policing*, p.73.

<sup>58</sup> Cox et.al., *Public Indecency England, 1857-1960*, p.46 and chaps.3 and 4.

<sup>59</sup> Pike, *The Principles of Policing*, p.70 citing research conducted by Finckenaaur.



Mort's examination of the NVA's 11<sup>th</sup> *Annual Report* published in 1896 confirms that some had become active members of the Association and were willing to collaborate with local branches, exchange information and reciprocally refer cases to ensure a greater likelihood of conviction. Mort references Birmingham's Joseph Farndale, Liverpool's Captain Sir John William Nott-Bower, and Manchester, Leeds, Sheffield and Cardiff as other cities where such mutual cooperation was evident.<sup>60</sup> The Sunderland Vigilance Association spoke positively of their local Chief Constable, William Huntley, who acted on complaints made by the branch without divulging the names of informants and in successfully closing several immoral houses.<sup>61</sup> Such societies could be equally critical if they perceived any reluctance on the part of Chief Constables to enforce their agenda as illustrated in the comment made by the secretary of the Leeds Vigilance Association regarding A. W. Nott-Bower 'declining to interfere with notorious houses' despite the issue of 17 such summonses in the previous 12 months, 12 warrants for failing to answer and 15 warnings.<sup>62</sup>

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Birmingham City Police were on particularly good terms with the NVA. In 1894 its local chairman stated that 'their work had been very much lightened, by the way in which' Chief Constable Farndale and his officers had helped them in 'doing so much to suppress bad houses.'<sup>63</sup> In 1900, William Alexander Coote, the vociferous national co-secretary of the NVA praised the 'splendid' Birmingham police force 'who had long assisted in the social and moral life of the city...creating a sweeter and purer Birmingham'. Farndale's successor, Sir Charles Rafter appointed in 1899, was lauded for securing the conviction of Robert Wells for obscene libel in publishing his book *Marriage Physiologically Considered*. Now in its 20<sup>th</sup> edition with thousands of copies sold the prosecution

Commented [DC17]: Do you mean that the publication is currently in its twentieth edition, or that it was in 1900? If the latter, then perhaps it should read 'Then already in its 20<sup>th</sup> edition...?'

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<sup>60</sup> F. Mort, *Dangerous Sexualities: Medico-moral politics in England since 1830*, London: Routledge, 2000 p.105.

<sup>61</sup> *Sunderland Daily Echo*, 16 May 1889.

<sup>62</sup> *Leeds Times*, 4 February 1888.

<sup>63</sup> *Birmingham Daily Post*, 27 April 1900.

raises questions, however, about whether Rafter was sensitive to the interests of the whole community or was acting primarily from his own moral perspectives and beliefs.<sup>64</sup>

The NVA had lobbied hard, and for some time, to cultivate alliances with police leaders in the provinces beyond the Metropolis, especially the larger cities. The NVA actively sought the views of Chief Constables, for example on the criminalization of incestuous relations which was highly controversial at the time. Almost all were in favour despite considerable opposition from lawyers and magistrates who feared it would be counterproductive suggesting that many Chief Constables supported the conservative tendencies of the NVA.<sup>65</sup> In 1900, Samuel Smith MP, the NVA's parliamentary spokesman, informed its 15<sup>th</sup> Annual Meeting that in 'the past 20 to 30 years the moral tone of other cities had been advancing, but that of London had been going back.' He attributed this difference to the fact that as the Metropolitan Police were under the control of the Home Secretary they were less able to administer the law as 'vigorously' as those forces supervised by the County Councils.<sup>66</sup>

Back in Plymouth, Sowerby, with the backing of the Watch Committee was one of those NVA sympathisers able to rigorously enforce the law. As a maritime town Plymouth had a considerable number of immoral houses, in 1865 it was noted that in Stonehouse there were over 100 prostitutes in Fore Street alone servicing some 2-3,000 soldiers at the local barracks.<sup>67</sup> There had been numerous attempts to prosecute beer-house and brothel keepers but many 'unfortunate' and 'immoral' women who had lost their husbands at sea had no means of financial support other than engaging in illegal prostitution. Beer-house keepers claimed the presence of prostitutes was

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<sup>64</sup> *Birmingham Daily Post*, 16 February 1900, also J. Reilly, *An Account of 150 years of Policing Birmingham*, Birmingham: West Midlands Police 1989.

<sup>65</sup> Mort, *Dangerous Sexualities*, p.105. Such fears were justified with the subsequent Punishment of Incest Act 1908, see K. Stevenson, "These are cases which it is inadvisable to drag into the light of day" Disinterring the crime of incest in early Twentieth century England,' *Crime Histories and Societies* (2016) vol 20 no 2 pp.6-28

<sup>66</sup> *The Times*, 23 June 1900.

<sup>67</sup> *The Royal Cornwall Gazette*, 14 December 1865.

necessary to attract male customers and that 'it would be unjust to deprive' the women of their 'refreshments'.<sup>68</sup>

Sowerby was in the fortunate and authoritative position (long before the days of the Crown Prosecution Service) of being investigator, enforcer and prosecutor and could more easily express his concerns to the Bench and offer more informed and practical suggestions for disposal than could ever be the case today. In 1901 he started a campaign in association with the National Social Purity Crusade against the keepers and owners of disorderly houses leading the local press to by-line reports of such prosecutions as 'The Sowerby Crusade', the 'Plymouth Purity Crusade', 'a Policy of Worrying' and 'the Plymouth Agitation'.<sup>69</sup> Such rhetoric reflected the pervasive 'indecent agenda' of the new moral activists, middle-class Liberals and Conservatives, who invoked the concept of the Christian crusade to fight immorality, indecency and intoxication to turn the tide of 'degeneration' at the end of the nineteenth century.<sup>70</sup> In one such 'crusade' Sowerby and the Mayor of Plymouth visited his home town Liverpool, his former workplace Leeds, and the cities of Cardiff, Manchester and Portsmouth to see how other forces dealt with the suppression of vice. Undoubtedly Sowerby was familiar with this idea of knowledge transfer from his time at Leeds as referenced in Churchill's review of such fact-finding missions and sharing of police expertise amongst the main cities and towns as the development of what would become more formalized 'municipal networks'. And in contrast to the early influence of the Met as explored by Morris in Chapter 9, his foray substantiates David Barrie's argument that by the end of the nineteenth century 'British boroughs were more likely to look to each other for guidance on police administration than to seek answers from London.'<sup>71</sup>

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<sup>68</sup> Ibid.

<sup>69</sup> PWDRO, 854/2 Plymouth Temperance Society booklet.

<sup>70</sup> Cox et al., *Public Indecency England, 1857-1960* p.58 and ch.4 generally.

<sup>71</sup> D. Churchill, 'Local initiative, central oversight, provincial perspective: governing police forces in nineteenth-century Leeds', *Historical Research*, (2015) 458-481.

Visiting Liverpool one of the reasons why Plymouth appeared to have a problem quickly became apparent. In 1890 there had been a dispute over the Head Constable William Nott-Bower's deliberate policy not to prosecute brothel-keepers leading to vociferous complaints from purity campaigners. Nott-Bower believed that indiscriminate prosecution would spread prostitution across the city but succumbed to the demands of the Watch Committee and local justices instructing his officers to prosecute all known brothels. He instigated 443 proceedings which subsequently led to complaints from the Committee about the dispersal of prostitutes into more respectable areas, just as he had predicted.<sup>72</sup> To retrieve the situation Liverpool City Police adopted its own form of ZTP employing 64 plain clothes constables to watch houses of accommodation with the result that when Sowerby visited in 1901 no brothels were visibly evident in the city, also any prostitute who simply accosted three or more men was immediately convicted by the stipendiary magistrate.<sup>73</sup> Sowerby did not have such manpower and in Plymouth a conviction required proof that a prostitute had in fact made an invitation of an improper character, this not only required the police to enter a house to obtain evidence to show it was a place resorted to by known prostitutes but also witness testimonies to confirm the solicitation. In Cardiff, he found that for the past 15 years the police had exercised strict vigilance and prosecuted every case they could—'localities that were hotbeds of vice and crime have been entirely cleared of both'. On his return to Plymouth, Sowerby advised that the Watch Committee approve similar strategies and requested that the current force be strengthened in order to do so.<sup>74</sup> Despite his best efforts and securing extra men to act as watchers of houses of ill-repute Sowerby never managed to completely control the problem largely because of the naval presence in the town and he must have been frustrated when, in 1907, a representative from the NVA came down to Plymouth as locals had raised concerns about the ongoing 'flagrancy of immoralities' in Plymouth and Stonehouse.<sup>75</sup>

Commented [DC18]: Do you mean Nott-Bower?

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<sup>72</sup> See Fielding, *The Police and Social Conflict*, p.30.

<sup>73</sup> PWDRO 854/2 Plymouth Temperance Society booklet.

<sup>74</sup> Ibid.

<sup>75</sup> PWDRO 94/2 Plymouth and Stonehouse Vigilance Association.

### Moral Protector or Spoiler?

Not content with eliminating sexual immorality on licensed premises, Sowerby's next target was to tackle premises that allowed betting on the basis that it encouraged more drinking. He invoked the Suppression of Betting Houses Act 1853 which had not been used in Plymouth for over 30 years and started to watch suspected houses to gain evidence on which to conduct a number of raids between 1893-96. These were widely reported in the press nationally as such legislative tactics had not been used by other forces thereby promoting Sowerby's reputation. Readers of the *Birmingham Post* and *Bristol Mercury* were informed that 'Chief Constable Sowerby had raided a public house' and seized evidence of betting, his police officers had dressed as labourers to avoid recognition and all classes were involved from fishermen to tradespeople.<sup>76</sup> Was this simply a matter of public record or was it perhaps a warning from the respective editors to their readers that they might find themselves subjected to similar raids? On 18 April 1894 Sowerby led 60 plain clothes officers to raid 12 licensed premises including a chemist, tobacconist and bowling alley, arresting all the proprietors and 50 men found to have laid bets at the various locations.<sup>77</sup> The following week a further 18 men were arrested after Sowerby paid two undercover agents a weekly wage to monitor licensed premises in the town over a two month period, he also gave them money to act as agent-provocateurs to place bets in public houses in order to secure evidence for prosecutions. Interestingly, the accused were termed 'victims' in the newspaper report emphasizing the views of the editor and readers who regarded such methods as unacceptable 'foreign' or 'Continental' policing. The defence were highly critical of Sowerby's 'underhand' tactics especially when Sowerby acknowledged he had allowed one of the men to keep his winnings in lieu of any wages.<sup>78</sup> In another case against Philip Curzon, the landlord of the of the Spirit Vaults, where a number of racing chronicles, guides and sporting papers were seized by Sowerby's stooge, the defence counsel protested to the magistrates that 'If on such

**Commented [DC19]:** Did he do this of his own bat, or did he seek sanction from his Watch Committee?

**Commented [DC20]:** Plural of agent provocateur is agents provocateur

**Commented [DC21]:** This appears to have been an unusual gaffe on Sowerby's part?

<sup>76</sup> *Birmingham Daily Post* 30 March 1893, 6 April 1893; *Bristol Mercury*, 30 March 1893.

<sup>77</sup> *Nottingham Evening Post* 19 April 1894; *Western Gazette* 20 April 1894.

<sup>78</sup> *Devon and Exeter Daily Gazette* 28 April 1894; *The Western Times* 24 and 25 July 1894.

evidence the magistrates held there was a *prima facie* against the defendant, no citizen of Plymouth would at any time be safe.' The magistrates agreed and dismissed the case because of the use of an agent provocateur amidst much public applause.<sup>79</sup>

There is evidence of a consciousness that in conducting these raids Sowerby was aware that he was not arresting the usual criminal types but ordinary respectable people whose confidence he needed to retain. When one defendant, Brock, tried to destroy some gambling papers during a raid on his tobacconist shop, PC Voysey immediately slapped on the handcuffs. Brock later complained, and amidst much laughter in court Voysey stated, 'That's nothing to losing your head.' However, Sowerby stepped in and offered an apology:

It was not my wish that violence of any kind should have been used to anybody, but from what I have heard, you have been greatly to blame in this matter. The matter, however, shall be inquired into, and you shall have an opportunity of being present at the inquiry. I am sorry that the handcuffs have been used at all.<sup>80</sup>

Betting and gambling have of course always attracted concern, but whist drives? In the early twentieth century winter whist drives were enormously popular in raising money for charitable causes often combined with evening dances. Sowerby announced that he would prosecute anyone who organised a whist drive where there was a fee for entry or participation saying he had no choice but to enforce the law and apply it. Unsurprisingly, this led to a 'lively agitation' especially when 20 bookings at the Corn Exchange were suddenly cancelled. For Plymouth's respectable class this was a step too far prompting a number of groups to protest and defy the ban and prosecutions to collapse.<sup>81</sup>

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<sup>79</sup> *Western Morning News*, 10 May 1894.

<sup>80</sup> *Western Morning News*, 9 May 1894.

<sup>81</sup> *Derby Daily Telegraph*, 27 September 1912.

**Commented [DC22]:** My Nan would have had an apoplectic fit, as she was a demon whist-drive attendee!

## Conclusion

Chief Constables like Sowerby were able to exert considerable influence on the expected moral behaviour of their local community by imposing, or as in the case of attempting to prohibit whist drives, their own views and standards. In 1910 a number of Chief Constables gave evidence to the Royal Commission on Divorce and Matrimonial Proceedings Commission about whether local courts should be given jurisdiction to permit divorces in respect of the poorer classes as they could not afford to initiate divorce proceedings at the High Court. Spouses subjected to domestic violence or whose partner had left the matrimonial home could make applications to the Police Court for separation orders and maintenance payments but securing such orders was something of a 'postcode lottery'. While the Chief Constable of Worcester was sympathetic to such cases Sowerby believed that 'Separation of that kind was not conducive to good morality.' In support he cited statistics that in the previous three years 69 applications for separation orders had been made in Plymouth, 35 were granted of which 14 couples were still living apart and 10 were back together. The Chief Constable of Hull agreed that 'divorce for desertion would ruin the national character' and the sanctity of marriage was 'the greatest national asset.'<sup>82</sup> Sowerby also reprised his concerns about the poorer classes living in public houses.<sup>83</sup> But he was also pragmatic and was one of the first Chief Constables to recruit women as Special Constables to look after the morals of young girls found wandering the streets at night.

There is no question that Sowerby proved to be an effective moral evangelist, diplomatic and politically astute he genuinely believed in social change and justice for all not just the few. The temperance agenda provided the context for his campaign against drunkenness, betting and gambling and its success is largely attributable to the concerted moral judgments he and his

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<sup>82</sup> *The Times*, 19 March 1910

<sup>83</sup> *Aberdeen Daily Journal* 10 March 1910

**Commented [DC23]:** I know he's one of your heroes, but he was a bit of a prig at times!

associates made about individual conduct but more significantly in targeting those who supplied and sold intoxicants. Sowerby's approach and strategies confirm Innes' ZTP model that traditional policing functions resided more 'in the veiled nature of the available coercion - an iron fist in a velvet glove' rather than the 1990's 'tough on crime' rhetoric.<sup>84</sup> Innes also concludes that late-twentieth century ZTP strategies were simplistically deceptive in appearing to address the underlying and complex causes of crime by targeting the problems of disorder, ultimately tending to deal with the effects rather than its roots<sup>85</sup> whereas Sowerby genuinely tried to understand and tackle those underlying causes informed by his own moral compass.

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Sowerby's broad police experience and qualification, as administrator, firefighter, leader and prosecuting officer in court is very different to that of his modern-day counterparts. As a case study Sowerby offers a useful comparator in respect of the contemporary and ongoing debate about whether it is necessary and/or desirable that ACPO ranks be required to work their way up from the 'uniform copper on the beat' or be directly parachuted in at senior levels from other internal departments and external organisations. Other leading figures have also, albeit more controversially, sought to impose their moral perspectives on the local populace through various early forms of ZTP such as 'God's cop' James Anderton of Greater Manchester Police in the 1980s and former soldier Captain Popkess of Nottingham City Police in the 1960s but arguably neither commanded the same respect from both the local authorities and the public. Sowerby retained the confidence of the Watch Committee until his retirement in 1917, celebrated by *the Plymouth Pictorial and Western Figaro*. The paper lauded Sowerby on its front page 'Open letter to Local Celebrities' feature on behalf of the town by-lined 'Sowerby: An English Gentleman'. This encapsulates the response to Pike's query referred to at the beginning of this chapter regarding the difficulty of assessing public reaction and acceptance to the policing of public morality:

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<sup>84</sup> M. Innes, 'An "iron fist in an iron glove": The Zero Tolerance Policing Debate', *The Howard Journal*, (1999) 38(4) 397-410 at p.398.

<sup>85</sup> *Ibid* p.401.



I have searched all over Plymouth- the Three Towns- and have not been able to find a single man who had a word to say against you. You are well respected. You have, I am told an unblemished record and your retirement is generally and unanimously regretted. The town, whatever its libellers say, is a much more moral, clean and better behaved borough than when you came a quarter-of-a century ago and I knew it to be something, well different.