

## Werk

**Titel:** The Petty Constable: His Duties and Difficulties in Shakspeare's Day

**Autor:** Latham, Grace

**Ort:** Weimar

**Jahr:** 1896

**PURL:** [https://resolver.sub.uni-goettingen.de/purl?338281509\\_0032|log10](https://resolver.sub.uni-goettingen.de/purl?338281509_0032|log10)

## Kontakt/Contact

[Digizeitschriften e.V.](#)  
SUB Göttingen  
Platz der Göttinger Sieben 1  
37073 Göttingen

✉ [info@digizeitschriften.de](mailto:info@digizeitschriften.de)

# The Petty Constable: His Duties and Difficulties in Shakspeare's Day.

By  
**Grace Latham.**

---

A Nightwatch Constable.  
(*Love's Labour's Lost* Act III, Sc. 1.)

Fully to appreciate Shakspeare's excellence as a play-wright, especially in comedy, to realise the lightness of his touch, the keenness of his satire, we must be able to create for ourselves pictures of his times.

Many a passage in his works which now seems pointless, once roused the house to laughter and applause, and often the very marrow of a scene lies in the holding up to ridicule of some well-known abuse. For example, the Elbow — scenes in *Measure for Measure*, the watch — scenes in *Much Ado about Nothing*, with a host of scattered allusions in other plays, especially in the two parts of *Henry IV*, are directed against those inefficient guardians of the public peace, the petty constables.

To us Dogberry with his "nice derangement of epitaphs" is only the literary forerunner of Sheridan's immortal Mrs. Malaprop, treated with a broader, stronger, and more realistic touch; in reality his mistakes contain hidden shafts of satire, to which the authorities could scarcely take exception without acknowledging their truth; but to perceive and to enjoy them, we must know, not merely the duties and failings of these persecuted officials, but the state of the towns in which they worked, and of the population they were supposed to protect and discipline.

The notes to the important editions of Shakspeare's plays help us to a certain extent, but of necessity in too fragmentary a fashion to be of much use. It is more profitable, if more laborious,

to study the times in which he wrote for ourselves, and we are mightily assisted in doing so by the cheap modern reprints of rare 16<sup>th</sup> century books, and by the publications of the Historical Manuscripts Commission, which place within easy reach what the wealthy scholar of a century ago could scarcely obtain.

As we read we seem to see old London: beautiful black and white timber houses, with peaked roofs, carved ornamental fronts, massive doors, and upper stories, whose lattice windows, then a comparatively modern refinement, projected over narrow streets strewn with piles of filth and refuse, inviting the too frequent pestilence. For an example we may quote an ordinance from the *Hereford MSS.*, A. D. 1554—5, directing that no man shall “cast out dung, nother mullock, neyther cley at his door“, that no swine or ducks shall be allowed to go loose in the streets, that all persons shall clean the space opposite their own houses, and even as late as A. D. 1665 we find the same abuses provided against.

But evil odours notwithstanding, the housewives sat at their doors, taking the air, chattering with their acquaintances, and watching the passers-by; the player in his silken cloak, an evidence of prosperity which excited the ire of the Puritan dames, the grave divine, perhaps their minister; the bold prentice and his master; the merchant in his old-fashioned long gown; my lord in velvet and embroidery, padded breeches, large ruff, a love-lock, and a jewel in his ear; such a person as the puzzled watch in *Much Ado about Nothing* imagined Conrade and Borachio were speaking of, when they “heard them talk of one Deformed; they say he wears a key in his ear, and a lock hanging by it“ (Act V, S. 1.) “A goes up and down like a gentleman; I remember his name . . . I know him, a wears a lock“ (Act III, S. 3). Then might come the court physician in his cloak, followed by his man with a rapier at his side, just as Shakspere shows them to us, in Dr. Caius and Jack Rugby of the *Merry Wives of Windsor*, and after them perhaps the young man of fashion, scented “like Bucklersbury in simple-time“ (*Merry Wives* Act III, S. 3), holding “a pouncet box, which ever and anon he gave his nose, and took’t away again“ (1 Hen. IV. Act I, S. 3.); then a party of young gentlemen of the Inns of Court, such as we get glimpses of in the reminiscences of Shallow, J. P., (2 Hen. IV.) intent on making a row, and “lacerating and prostrating“ some worthy citizen’s windows. See *Middlesex Sessions Rolls*, edited by J. Cordy Jeoffreson.

Life and property were most insecure under Elizabeth. The Mid-

dlesex Sessions Rolls from which we have just quoted, contain repeated examples of illdoers, who forcibly entered and took possession of field, barn or even dwelling house, to the exclusion of the lawful owner, keeping him out of it for a considerable time, so that, although the shutting of Antipholus of Ephesus out of his own house (Comedy of Errors) was borrowed from Plautus, it could not have seemed a very farfetched proceeding to an Elizabethan audience; and locking the house-door while the family was at dinner, must have been a necessary precaution (Comedy of Errors) when the citizens kept much of their wealth at home, in the form of plate, jewels, "numbered money", and linen then hand-made, and so valuable as, cumbersome tho' it be, to be considered a prize by the numerous burglars.

In the *Middlesex Sessions Rolls*, page 40, for instance, we find that on the 1. May, 3. Elizabeth, at Shoreditch,

John Tonge, yoman, stole from Giles Allen, gentleman . . . 3 diaper table cloths, worth 20/; 3 towels, 3/4, 1 cupp borde cloth, 2/; 6 table napkins, 3/; 11 shirts, L 3, 13, 4; 1 pillow bere, 16 pence; 6 kercheves, L 1, 6, 8; 1 pair of sleeves, six shillings and eight pence, 5 coverlets 25/.

Compare with this Autolycus' statement:

My traffic is sheets; when the kite builds look to lesser linen — when, that is, the warmer, more sunny days set housewives bleaching their summer smocks in the field, and Autolycus free to leave the shelter of the towns and wander up and down the country, lying out "in the hay" all night. (Winter's Tale Act IV, S. 3.)

When Antipholus of Ephesus is arrested for debt in the Comedy of Errors, he sends not to his banker, or man of business, but to his wife for the money, out of a desk "that's cover'd o'er with Turkish tapestry" (Act IV, S. 1); and Jessica could help herself to a rich dowery from the money and jewels stored in her father's house. (Merchant of Venice Act II, S. 6 and 8; Act III, S. 1.) No wonder Shylock was anxious to

See to my house left in the fearful guard  
Of an unthrifty knave. (Act I, S. 3.)

or that he bade his daughter

Look to my house; — I am right loath to go:  
There is some ill a brewing toward my rest,  
For I did dream of money bags to night . . . .  
Lock up my doors . . . .  
Perhaps I will return immediately:  
Do as I bid you; shut doors after you;  
Fast bind, fast find;  
A proverb never stale in thrifty mind. (Act II, S. 5.)

These are the precautions of common sense, even tho' taken by an avaricious man. The house of the celebrated Sir Walter Raleigh was twice robbed, once by one Hugh Pewe, of valuable jewels, and again by a gang of three men, of embroidered linen and a tablecloth, while some months later the same gang broke into the houses of Sir John Stanhope, and of the great statesman, Lord Burleigh, and stole cushions, curtains and carpets.

Shop-lifting was even more common than now; "the cut purse of quick hand" (Hen. V. Act V, S. 2) stripped the pouch from the citizen's side as he walked along the street, the cloak from his shoulders, the wrought falling band with its tag of gold from his wife's neck (See *Midd. Sess. Rolls*). In the roads around town highway robbery was frequent; the merchant was relieved of horse, purse and clothes; the curate, of the holy vessels he had come up to London to buy; so that men rode together for company and protection. (1 Hen. IV. Act I, S. 2. Act II, S. 1 and 2. — *Midd. Sess. Rolls*.)

The lawlessness was so great, and the streets so insecure that men went armed, and this again led to a fearful amount of crime; a dispute, a drunken squabble — and out come knives and swords. Duels were common; a peaceable citizen might be set upon, and have to fight for his life; and if he killed his man, he had then to prove that he had not been the aggressor and had done his utmost to avoid a fray, retreating till stopped by the wall or the water's edge; failing to do this, he was hung without mercy. This state of things is faithfully reflected by Shakspeare, as in the everlasting quarrels between Pistol, and his yokefellows (Hen. IV and Hen. V. — *Twelfth Night*, etc.). Besides all this there was much rowdy larking, and lawlessness, and it is easy to understand the difficulty there was in keeping so turbulent a population in check, especially as the darkness of the streets favoured an enormous amount of ill behaviour, making the chances of escape so many, that even the ferocious laws of the time could not act as deterrents.

Sometimes a municipality tried to light their town; in the year 1575 the Mayor and Jurats of Rye, one of the Cinque Ports, then situated on the sea coast, and an important harbour for English and foreign vessels, ordered:

That the constables in every ward shall each night go thro their wards to see lanthorn and candle hung out by such as are of ability to maintain the same, and the Mayor and Jurats in their several wards to

see the same executed, and those that make default, to send some one person of the house to ward, there to remain until it be the pleasure of the Mayor to release him.

Evidently there was much difficulty in getting this public duty performed, and it was feared that the constables might forget to observe its omission. The old cathedral city of Hereford passed even a more stringent edict in 1554, particularising that

all who have been Mayors, or who are of the Common Council, and all innholders, vintners, tallow chandlers, and candle sellers shall from the vigil of All Saints (31. October) to the feast of the Purification (2. February) have and maintain every night, except the nights the moon doth shine, a lanthorn and a candle, burning at their doors, the candles to be lighted at 6 o'clock, and to be burning until eight.

Apparently it was neither safe nor usual to be out later than this, and no man was allowed to walk in the streets after nine o'clock at night, except he were of good name and fame, and had light with him. We may compare with this 1 Hen. IV. Act III, S. 3, where Falstaff, reproaching Bardolph for his red nose, says,

Thou hast saved me a thousand marks in links and torches, walking with thee in the night between tavern and tavern: but the sack that thou hast drunk me, would have bought me lights as good cheap, at the dearest chandler's in Europe.

Little could have been effected by these ancient methods of lighting, beyond a very partial illumination of the better-to-do quarters of the towns, leaving plenty of dark corners for evildoers to lurk in, and even a thoroughly efficient constabulary would have found it a hard task to preserve order. The constable of the vill, or petty constable of Elizabeth's time was, however, a very different person from his direct official descendent, the blue coated policeman of to-day. He takes up his work as a profession, remaining in it for perhaps twenty years, or more; he is trained to act alone or as one of a body, is officered and organised, respects himself and his calling, well knowing that he is supported by public opinion, and looks forward to a pension at the end of his services.

The petty constable was elected for a year only, so that he could gain no experience worth having. In the country he was chosen by the freemen of the tithing or twelfth division of the hundred at a court leet; in Warwickshire only every third borough had a constable, hence his name there was thirdborough or tharborough. (See *Eirenarcha, or of the Office of the Justices of Peace*, by Lambard, edition A. D. 1610.) In Shakspeare's earliest play, written

when he was fresh from Stratford life, *Love's Labour's Lost*, he introduces honest, thickheaded Dull, "his grace's tharborough". Act I, S. 1. Also in the *Taming of the Shrew*, Induction S. 1, when the drunken Sly will not pay for the glasses he has "burst", he is threatened:

*Hostess.* I know my remedy, I must go fetch the third borough.

*Sly.* Third, fourth or fifth borough; I'll answer him by law: I'll not budge an inch, boy; let him come, and kindly.

In London the city was divided into 26 wards, and these again into precincts, the inhabitants of each nominating their constable on St. Thomas' Day. An innkeeper could not be constable, probably because he had too great a temptation to connive at certain forms of wrong doing; barbers, butchers, fellows and members of the College of Physicians, and some other classes were also exempted; but knights and gentlemen, physicians not belonging to the college, tradespeople, merchants, and all other respectable, well-to-do folk of the division were eligible. (See *Law Dictionary*, by Giles Jacob.) The office was dangerous and disagreeable, and it was by no means easy to get those chosen to serve, proceedings being often taken against them in consequence.

"For as much", runs a Sessions of the Peace order, issued by the Middlesex magistrates in the second year of King James I,

that William Goodall, constable of St. Martin's in the Fields hath made complaint that divers knights and gentlemen, being inhabitants there, do refuse to watch and ward according to the law. It is therefore ordered by the Court that the constables and officers of the place aforesaid shall upon sight hereof repair to the houses of the knights and other gentlemen, requiring them by virtue hereof to watch and ward as they ought to do, or to return their answer to the justice next adjoining. (*Midd. S. Rolls.*)

In the *Hereford MSS.*, A. D. 1535—7, there is a writ, stamped with the King's signet and dated: At oure Manour of Rychemount, the XX. day of May, ordering

that the watch be duly kept from nine o' clock at night, until five in the morning until Michaelmas next, and that one of the watch at least shall be a householder of the honestest and best sort.

Which alone shows the extreme difficulty there was in getting the watch kept. Compare with this what is said below as to the necessary "fitness" of a constable.

It was, however, possible for a constable who was sick, or who did not wish to serve, to nominate a deputy, for whom he was re-

sponsible until he was sworn in, and it seems to have been a common, but somewhat irregular practice. Shakspeare alludes to it in *Measure for Measure* Act II, S. 1.

*Escalus.* Come hither, Master Constable. How long have you been in this place of constable.

*Elbow.* Seven year and a half, Sir.<sup>1)</sup>

*Escalus.* I thought by your readiness in the office you had continued in it some time. You say seven years together?

*Elbow.* And a half, Sir.

*Escalus.* Alas! it hath been great pains to you! They do you wrong to put you so oft upon't. Are there not men in your ward sufficient to serve it?

*Elbow.* Faith, sir, few of any wit in such matters: as they are chosen they are glad to choose me for them; I do it for some piece of money, and go through with all.

*Escalus.* Look you bring me in the names of some six or seven, the most sufficient of your parish.

*Elbow.* To your worship's house, Sir?

*Escalus.* To my house. Fare you well. [*Exit Elbow.*]

The »sufficient« twice used in this quotation does not mean enough, but competent; Escalus is inquiring if Elbow's parish contains men legally fitted to be constables. We find in the *Law Dictionary* of Giles Jacob, edition 1797:

Common law requires each constable to be «fit», i. e. to have honesty, knowledge and ability as well in estate as in body, and not to neglect his duty through impotence or poverty. He must be an inhabitant of his parish.

Elbow, like many another, was not «fit».

Dogberry is angrily protesting his «fitness», after Conrade has called him an ass, when he says:

I am a wise fellow; and, which is more, an officer; and, which is more, a householder; and, which is more, as pretty a piece of flesh as any in Messina; and one that knows the law, go to; and rich fellow enough, go to; and a fellow that hath had losses; and one that hath two gowns and every thing handsome about him.

(*Much Ado About Nothing*. Act IV, S. 2.)

In Act III, S. 3 there is another derisive allusion to this technical fitness.

*Verges.* We'll give them their charge, neighbour Dogberry.

*Dogberry.* First, Who think you the most desartless man to be constable.

1. *Watch.* Hugh Oatcake, Sir, or George Seacole; for they can write and read.

*Dogberry.* Come hither, neighbour Seacole. God hath blessed you with a good name; to be a well favoured man is the gift of fortune; but to read

---

<sup>1)</sup> Which we may remark was six and a half years beyond the time for which a constable was elected.



and write comes by nature . . . . For your favour, sir, why, give God thanks, and make no boast of it; and for your reading and writing, let that appear when there is no need of such vanity, You are thought here to be the most senseless and fit man for the constable of the watch; therefore bear you the lanthorn.

To-day the »mistaking words« only raise a laugh; when first written they were covert satires on the officials, who made no boast of their strength, i. e. did not use it when it was wanted, and displayed their »knowledge and ability« only when they were not required, and conducted themselves in a generally »senseless« manner.

The keeping watch and ward over the streets by night was one of the special duties of a constable, as »Conservator of the Peace« within the limits of his jurisdiction (see Lambard's *Eirenarcha*.) and this charging of the watch a duty of their chief; but it was legally Dogberry's duty to be in the company of these, his ministers and assistants, instead of going comfortably home to bed.

The constable's efficiency must often have depended on his activity and secrecy, and he could scarcely have been provided with a less practical costume: a long clinging black gown, which must have wofully impeded his movements in a fray; in one hand he held a bell, as though to give illdoers notice of his approach, and in the other a lanthorn, the flickering light of which was absolutely necessary to guide his steps thro' the ill kept streets, while on his shoulder he bore a cumbersome brown bill, which could however inflict very severe wounds. Dogberry reminds Oatcake and Seacole not to let their bills be stolen, showing that they were often laid aside, while their owners rested, and lost.

The constable had to stop all frays. We seem to be looking on at what must have been a pretty to do in the parish of St. Giles's in the Fields, on the 19. of March in the 21. year of King James I., when we read in the *Middlesex Sessions Rolls* how Anthony Ellis and Humphrey Harecourt beat and maltreated Margaret Canwell, wife of John Canwell, and on the same day beat, wounded and assaulted Jeremiah Harris, Constable, in the performance of his duty; for which they were fined £ 25 and £ 40 and imprisoned, a very heavy penalty when we remember that the value of money in those days was many times more than it is now.

When Romeo and Paris fight, the page flies to call the watch, whose arrival precipitates Juliet's suicide; they promptly search the churchyard, seize Balthasar and Friar Laurence, rouse the Prince and bring the case before him. (Romeo and Juliet Act V, S. 3.)

The constable might also take surety of the peace

from any man committing a felony, or making an affray, or other wise commit him to prison, until he should find such surety [*Eirenarcha*]; and in *Measure for Measure* (Act III, S. 2), when Constable Elbow is triumphantly taking Pompey to prison, that worthy appeals to Lucio to be his bail.

The constable had also to provide for the quiet of the streets: see *Statutes of the Streets*, A. D. 1595.

22. No man shall blow any horn in the night within this city, or whistle after the hour of nine of the clock in the night, under pain of imprisonment.
25. No hammerman, as a smith, a pewterer, a founder, and all artificers making great sound shall not work after the hour of nine at night.
26. No man shall, after the hour of nine at night, keep any rule, whereby such sudden outcry be made in the still of the night, as making any affray, or beating his wife or servant, or singing or revelling in his house to the disturbance of his neighbours, under pain of three shillings and four pence.

It is to this that Dogberry alludes when he bids the Watch make no noise in the streets; for for the Watch to babble and talk is most tolerable and not to be endured.

If you hear a child cry in the night, you must call to the nurse and bid her still it.

adds Verges.

This it is which makes Mrs. Quickly so disturbed, when Pistol will not be prevented from making an uproar in the Boar's Head Tavern. (2 Hen. IV. Act II, S. 4.) She had evidently been summoned before Master Tisick the deputy, for keeping a noisy disreputable house, and Master Dumb, the minister had advised her:

Neighbour Quickly, says he, receive those that are civil, for saith he, you are in an ill name, now he said so, I can tell whereupon; for, says he, you are an honest woman and well thought on; therefore take heed what guests you receive; receive, says he, 'no swaggering companions.

In deadly fear of being brought again within the clutches of the law, or of having her house broken into by the constables, as they had power to do where tumults were going on, or where the tenants were evilly disposed persons, she cries to Pistol as he threatens to fire,

No, good Captain Pistol, not here, sweet Captain . . . Good captain Peesel, be quiet, it is very late. I beseech you, now aggravate your choler.

But all her efforts did not save her from being implicated in a very serious affray:

The man is dead that you and Pistol beat among you.

(2 Hen. IV. Act V, S. 4.)

and she and her associate, Doll, were delivered over by the Constables to the beadle, to receive the savage penalty of being beaten through the streets at the cart's tail.

The constable must have been especially feared in alehouses; not only had they to call there, and

bid those that are drunk get them home —

(Much Ado About Nothing Act III, S. 3.)

but they might also become informers if they were kept open too late, or, if the drink were not properly measured out. Christopher Sly had good reason not to fear the thirdborough, having cause of complaint on his side:

Yet would you say ye were beaten out of door;  
And rail upon the hostess of the house.  
And say you would present her at the leet,  
Because she brought stone jugs, and no sealed quarts.

(Taming of the Shrew Induction S. 2.)

In the *Hereford MSS.*, A. D. 1521, Sept 23, we find;

At the view of frankpledge various persons are presented for using of unlawful pots of earth, and not sealed.

As illustrating the foregoing, the following extract is interesting.

One Nicholas Fowler, Sept. 22, 1571, was appointed and licensed to keep a victualling house (i. e. public house) within the town of Rye for this year to come, for the relief of his poor neighbours and other good, honest, wayfaring and traveling persons, and he entered into recognizances that he would at all times hereafter during this said year to come, keep, and maintain his house with convenient victuals, and not maintaining beds, nor suffering in his house at any time or times any unlawful games, neither sell nor utter any victuals within or without his house in time of Divine Service, to be celebrated in the Parish Church of Rye upon Sundays and Holy Days, nor in the night after convenient times, that is to say, after the hours of nine of the clock at afternoon of every day in the summer, and eight of the clock at afternoon in the time of winter, except in the case of necessity, neither after the same hours receive any suspect person or persons (other than such as he will answer for) into his house, to enter, drink, or lodge, without the special commandment of Mr. Mayor, or of some one of the Jurats, nor at any time or times do suffer to remain in his house any idle persons, long to sit singing, drinking, or idly to the maintenance of idleness, and of idle persons. And also the said Nicholas Fowler do, during all the said time of his victualling, sell his drink, as well out of doors as within, and the same by the measure of the hooped pot commonly called a thirdeale and a half thirdeale.

---

<sup>1</sup>) It will be observed that in this part of England the hooped, not the sealed, pot was the standard measure. See 2 Hen. VI Act IV, S. 2.

And also upon the ordinary and accustomed fish days to victual his said house with fish upon the tables, according unto the laws and statutes of this realm, not keeping any common or petty tapsters, and paying such duties as he is appointed for his victualling, and keeping all other honest, lawful and decent orders, as pertaineth to an honest victualler within the said town of Rye.

Selling or eating meat in Lent or on fast day was a legal offence in the days of Elizabeth, and it was one of the special duties of the constables to prevent it,

and to take care that no butcher, poulter, or other person whatever, do sell, utter, or suffer to be sold or uttered any manner of flesh, victual, or other commodity, other than innkeepers, cooks, or victuallers, on the Sabbath Day.

In the *Rye MSS.*, 1589–90, we find Lord Cobham writing from London by command of the Queen,

for restraint of killing and eating of flesh in the time of Lent.

In 2. Hen. IV. Act II, S. 4 there is an allusion to this:

*Falstaff.* Marry there is another indictment upon thee, for suffering flesh to be eaten in thy house contrary to the law; for the which I think thou will howl.

*Mrs. Quickly.* All victuallers do so: what is a joint of mutton or two in a whole Lent?

The passage in the recognisance,

Neither after the same hours receive any suspect persons

refers to another very important part of the constable's duty: to stop and question all travellers, nightwalkers, or folk who were out late, as to their business.

You shall comprehend all vagrom men —

says Dogberry (*Much Ado About Nothing*, Act III, S. 3) and the *Statutes of the Streets* provide,

23. No man shall go with visours, or disguised by night under pain of imprisonment.

24. Made that nightwalkers and evisdroppers have the like punishment.

The authorities in that age of conspiracy were very jealous of all unexplained travelling, mysterious conferring and moving about after dark; the watch could arrest a man on mere suspicion and keep him till morning, when if he could give a proper account of himself he was allowed to go.

If you meet the Prince in the night, you may stay him —

says Dogberry. The instant Conrade calls to Borachio the Watch are on the alert, and when he promises to "utter all to him", they cry, "Some treason, masters, stand close", although Don John's name has

not yet been mentioned. We find in the *Middlesex Sessions Rolls* that in the second year of King James I. recognisances were taken for one Robert Massey's appearance at the next Session of the Peace to answer

for coming over the water (the Thames) in a suspicious manner, in the company of two women, after twelve of the clock at night, and so taken by the Constables of St Martin's in their watch.

Other recognisances were taken for the appearance of Thomas Evans of Lambeth, waterman, and Katherine Williams, wife of Nicholas Williams, waterman, to answer respecting this suspicious passage across the river, so that the ferryman apparently got into trouble too. Indeed to harbour a stranger for more than three nights at an inn was punishable, and travelling for business or pleasure must have been most difficult. In 1571 we find the Mayor and Jurats of Rye writing to the Bailiffs and Constables of Havant to assure them of the "honesty and behaviour" of one William Simpson of Yorkshire, who had quitted Rye on business, leaving his wares, "being cloth, in divers honest men's hands in Rye, who are debtors unto him for it until his return", and in the *Hereford MSS.*, A. D. 1547, there is an angry letter from one John Tronge, Esquire, of Exeter, complaining of the detention of certain stuff of his, until its ownership is proven, that one of his servants had with him in Hereford:

He does not go a begging, nor does he like a snail carry all that he has on his back.

The very soldier in garrison on the Scotch frontier had to obtain a pass from his general to enable him to get home for his six weeks leave of absence.

It was the constable's duty to fulfil the bidding of the coroners, sheriffs, justices of the peace within his parish, executing their warrants and carrying out sentences. Falstaff narrowly escaped, when disguised as the Fat Woman of Brentfort, being set in the stocks by the knave constable for a witch (*Merry Wives of Windsor Act IV, S. 5*). If an offender were "wanted" for a political or civil offence, warrants were sent down into the country, and circulated in town, to all constables and other Her Majesty's officers and ministers whatsoever for his arrest.

In 1 Hen. IV. Act II, S. 4 "the Sheriff with a most monstrous Watch" comes to arrest the highwaymen who had plundered the merchants on Gadshill. The *hue and cry* here alluded to was

the common law process of pursuing with horn and voice all felons, and such as had dangerously wounded another . . . Hue and Cry may

be raised either by a precept of a Justice of the Peace, or by a private person, who knows of the felony; who should acquaint the Constable of the Vill with the circumstances and person of the felon; tho if the Constable is absent when Hue and Cry is raised, all persons, as well constables as others, are bound to join in the pursuit.

[*Stephen's Criminal Law.*]

The pursuers were justified in breaking the outer door of the house where the offender actually was; and great was the terror and confusion at the tavern in Eastcheap when they arrived.

The constable superintended the ducking of scolds, the carting of offenders through the streets. See *Measure for Measure*, Act II, S. 3, where the constables are called "the Officers".

They had to ring their bells and call the hours as they passed along the streets, and to sing

Some drowsy charm  
To bless the doors from nightly harm. [Milton's *Penseroso.*]

There are two allusions to this in *Macbeth*; in one *Macbeth* is waiting for the bell, which is to tell him the moment has come to murder Duncan, and the situation suggests the image:

And wither'd murder,  
Alarum'd by his sentinel the wolf,  
Whose howl 's his watch, thus with his stealthy pace,  
Moves like a ghost. (Act II, S. 1.)

While his wife, in the following scene, hearing the boding cry of the screech-owl, the messenger of death, applies the warning to Duncan:

It was the owl that shriek'd, the fatal bellman  
Which gives the stern'st goodnight.

It was the office of the constable to close the plague-stricken houses, and in the *Middlesex Sessions Rolls* surety is taken for the appearance of one Robert Streaker, Constable, at his trial,

for that he hath not done his duty concerning the shutting up of one Wildman's door, one dying out there of the plague, he having perfect knowledge thereof upon his own confession, by reason whereof his own house became infected and both his next neighbours, out of which there was buried five persons of the plague [9 August, 6th James I.].

It will be remembered that *Romeo* did not get Friar Laurence's letter in time, because he who should have borne it was found in a house, "where the infectious pestilence did rage", and was shut in with the other inhabitants. (*Romeo und Juliet* Act. V, S. 2) There is also an allusion to the words written on the doors of plaguestruck houses in *Love's Labour's Lost*:

Soft, let us see  
Write, 'Lord have mercy on us' on those three;  
They are infected, in their hearts it lies;  
They have the plague, and caught it of your eyes:  
These Lords are visited; you are not free,  
For the Lord's tokens on you do I see. (Act. V, S. 2.)

The law protected its constable as far as it could; to refuse to aid him, or to abuse him in the execution of his duty was to risk being set in the stocks; to beat or otherwise maltreat him, to incur a very heavy fine.

2 Oct. 15th Jas I. That Richard Godson of Ruislippe, joiner, for abusing of John Cogges, constable, in the execution of his office, be set in the stocks at Ruislippe, before the alehouse door, where he was drunk and did abuse, from the beginning of Morning Prayer until the end of Evening Prayer, and to be brought to the next Justice to enter into recognisances, with sureties, for his good behaviour. [*Midd. Sess. Rolls.*]

Nevertheless drunken Trinculo speaks of being in case "to justle a constable", as though it were a sign of being well and in good spirits (Tempest Act III, S. 2), and King Henry sighs over frolicsome Prince Hal.

For there, they say, he daily doth frequent,  
With unrestrained loose companions,  
Even such, they say, as stand in narrow lanes,  
And beat our watch, and rob our passengers.  
(Richard II. Act V, S. 3.)

It will be easy to realise that the constable's power in the hands of a meddling or malicious man could be made very grievous to his neighbours, and that he was cordially hated in consequence. Compare Measure for Measure, Act II, S. 1. Elbow has apparently sent his wife to act as spy on Mistress Overdone's house, and in consequence of what she has told him, has laid information against Froth and Pompey, which he has no evidence to support. Escalus rebukes him:

*Elbow.* What is't your worship's pleasure I should do with this wicked caitiff?

*Escalus.* Truly, officer, because he hath some offences in him that thou wouldst discover if thou couldst, let him continue in his courses till thou know'st what they are.

*Elbow.* Marry, I thank your worship for it. Thou see'st, thou wicked varlet, now, what's come upon thee: thou art to continue now, thou varlet; thou art to continue.

And Elbow's virtuous indignation is wonderfully comic, when at last he has succeeded, through the despicable Lucio, in proving Pompey's guilt (Act III, S. 2).

Shakspeare almost seems to have had a grudge of his own against the force, so delightedly does he drag their folly and incapacity to light, and hold them up for men to mock at.

In point of fact, however, with no efficient organization behind him, or experience to fit him for his work, the constable was well nigh powerless against the dangerous sections of the population, and soon learnt to shut his eyes easily, even when he did not absolutely let offenders escape. Dogberry advises the Watch,

If you meet a thief, you may suspect him, by virtue of your office, to be no true man; and, for such kind of men, the less you meddle or make with them, why, the more is for your honesty.

*Watch.* If we know him to be a thief, shall we not lay hands on him?

*Dogberry.* Truly, by your office, you may; but I think they that touch pitch will be defiled: the most peaceable way for you, if you do take a thief, is to let him show himself what he is, and steal out of your company.

If the "vagrom man" will not stand, they are to

take no note of him, but let him go; and presently call the rest of the watch together, and thank God you are rid of a knave.

Even the drunken men who will not go home, are to be let alone till they are sober; and

if they make you not then the better answer, you may say they are not the men you took them for.

When neighbour Seacole makes the astounding statement,

We will rather sleep than talk; we know what belongs to a watch — he is praised,

Why, you speak like an ancient and most quiet watchman.

How to combine an imposing show of authority with cautious inaction is the gist of Dogberry's advice.

You, constable, are to present the Prince's own person; if you meet the Prince in the night you may stay him . . . . . Marry, not without the Prince be willing: for, indeed, the watch ought to offend no man, and it is an offence to stay a man against his will.

In pursuance of their instructions the watch at once determine, instead of perambulating the streets, or calling at the alehouses, to go sit upon the church bench till two, and then all to bed.

When we turn to the *Middlesex Sessions Rolls*, we find these quotations illustrated, as it were, by cases in which a constable is brought before the magistrates "for letting go a prisoner committed unto him by Sir John Brett, J. P."



On 31 Aug. 16th James I, John Mathews, late of Marybone, baker, being a constable of the said parish, permitted a certain Anne Lea, an incorrigible rogue, to escape without punishment from his custody, also on 10. September he permitted Robert Grafton, an incorrigible rogue, to escape from his custody . . . Confessing, fined 20/ for each offence.

And on 4 December, 20 th James I., the inhabitants of a parish are requested to be the overseers of the Constables,

for prevention of connivance & partiality, & are bidden occasionally to stir them up to the careful performance of their duty . . . . . aiding, counselling, and directing them in the same, and informing the Court at the next Sessions of any neglect, connivance or corruption.

The constables were butts for the wit of the seventeenth and eighteenth centuries; but London remained under their care down to the establishment in 1829 of the "New Police", with whom we are now so happily familiar. There still remains, behind St Sepulchre's Church, opposite the new buildings of St Bartholomew's Hospital, Smithfield, the quaint little octagon watch house, where the constable of the last century locked up his prisoners till he could take them before the magistrate. Some of us may remember the «Old Charlies», as the constables used to be called, one or two of whom lingered on for many years, their individual office being attached to some vested right, which could not easily be done away with. Dressed in a big great coat of dark blue, with great cuffs and a deep collar, he wandered along his beat through the London Streets, singing as he went the hour of the night, and the state of the weather, and wakening little children from their slumbers with his cry, "Five o' clock, and a frosty morning!"

---