Summary Proceedings and Social Relations in the City of London, c.1750-1800.

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Abstract

Historians of crime and the criminal justice system have largely neglected the summary process. While an important theme of previous work on the history of crime has been concerned with the use of law, most research has focused on the jury courts of assize and quarter sessions and has used records from provincial England. When summary proceedings have been considered attention has mostly focused on the prosecution of specific offences. By focusing on the summary courts of the City of London this work offers both a summary and a metropolitan dimension to this debate. We know relatively little about the nature of summary courts in this period and whether they are best seen as criminal or civil proceedings: this study addresses that issue throughout. Despite the size and importance of London to eighteenth-century English society we have very few studies of its criminal justice system in this period. The research presented here extends our knowledge of petty crime and its prosecution in the late Hanoverian capital.

Using the large number of minute books that have survived for the City summary courts as a basis, this dissertation takes both a quantitative and qualitative approach and examines: the position of these courts within the criminal justice system of London; the networks of policing and watching that served the City; the nature and prosecution of property and violent crime; and the regulation of trade, morality and everyday life in the City of London.

In doing so it reveals that, in the City of London, participation in the law at the summary level was extensive and touched all classes of the population. It was at the summary level that most people experienced the law in eighteenth century. As such the summary courts operated as a filter to the wider criminal justice system. The law was also used by a much wider range of people - including many women - than some previous histories have allowed. This thesis therefore supports recent work that has suggested that the criminal justice system was not a rigid tool of an elite class. However, it also concludes that in the City of London the summary courts were an integral part of a wider disciplinary network that regulated everyday life in the capital. Indeed, the City emerges as a highly regulated urban centre in this period. Throughout it argues that discretion and negotiation were at the heart of the summary process and that these were by nature civil rather than criminal courts.

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Glossary

LMA London Metropolitan Archives
GL Guildhall Library
HAD Hackney Archives Department
BL British Library
TNA The National Archives
P.P. Parliamentary Papers

All manuscript sources cited in references are LMA unless otherwise stated

Chapter 1 – Introduction

This study will analyse the records of the City of London's summary courts in the late eighteenth century. It will examine who was able to use the summary process, which kinds of offences were prosecuted there and the style of hearings and the nature of the outcomes arrived at. The period 1750-1800 was chosen for two main reasons. First, John Beattie's study of London, *Policing and Punishment in London*[1], which includes some work on the City's summary courts and policing resources, finishes in 1750. Second, the minute books of the City justice rooms (which are the main sources used for this study) do not survive in any useful way after 1800.

Rich surviving records about of those tried in the major courts and sentenced to hang at Tyburn and elsewhere have provided rich pickings for researchers, however they are limited in the extent to which they allow us to understand the workings of the criminal justice system in eighteenth-century society. This study will seek to demonstrate that most individuals who experienced the law in the City of London did so at summary level and that only by detailed study of these courts can we develop a full picture of attitudes towards, and the use of, the criminal justice system. One of the key themes in the history of crime has been the functions of the criminal law in the eighteenth century. Douglas Hay, for example, has suggested that the Hanoverian criminal justice system was a tool of the ruling elite which they used to underpin their hegemony.[2] However, both Hay's work and much of the research that followed it was based upon the records of the higher courts of assize and quarter sessions and is largely provincial in focus.[3] The use of the law debate therefore needs both a summary and an urban dimension and it is therefore on these aspects that this dissertation focuses.

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[1] J. Beattie, *Policing and Punishment in London, 1660-1750. Urban Crime and the Limits of Terror.* (Oxford, 2001)

[2] D. Hay, 'Property, Authority and the Criminal Law', in D. Hay, *et al: Albion's Fatal Tree. Crime and Society in Eighteenth-Century England* (London, 1975)

[3] J. Brewer and J. Styles, *An Ungovernable People. The English and their law in the seventeenth and eighteenth centuries*, (London, 1980); P. King, 'Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800' *Historical Journal*, 27, 1, (1984); P. King, *Crime, Justice and Discretion in England, 1740-1820*, (Oxford, 2000); J.H. Langbein, 'Albion's Fatal Flaws', *Past and Present*, 98,

This study will use the records of the City's two petty sessions courts to explore the nature of authority and court use in the half century after 1750. It will also analyse the character of the summary process and such questions as were these criminal courts or more broadly civil arenas of negotiation? What sorts of cases came before the magistrates in the City and how did these courts fit into the wider criminal justice system in London? By looking at the style, nature and outcomes of hearings and at those who attended them this study aims both to answer these questions and to contribute useful insights into the use of discretion by magistrates, prosecutors, and policing agents. As will be shown, large numbers of London's poorest citizens regularly appeared in the summary courts, and not always as defendants. Some, indeed a significant number, came to complain about those that assaulted, offended, robbed or defrauded them. This study can therefore usefully contribute to the history of London's labouring poor as well as to the nature of social relations in the City. The importance of gender to our understanding of the summary system in the City of London will also be considered. Women's use of the law, and their treatment by the justice system, has recently been explored in relation to the higher courts and this study will add a summary dimension to this work.

a) The neglect of summary proceedings

The nature and role of summary proceedings remains a largely neglected area of research within the history of crime. The summary jurisdictions of magistrates sitting in their parlours or in petty sessions throughout the country were often ignored in the early stages of the development of this field. Most work has focused instead on the jury courts of assize and quarter session, on indictable property crime, and on offences that attracted the most punitive sentences of hanging and transportation.[4] However,

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(1983); Thompson, *Whigs and Hunters*; P. Linebaugh, '(Marxist) Social History and (Conservative) Legal History: A Reply to Professor Langbein', *New York University Law Review* (May, 1985)

[4] J. M. Beattie, *Crime and the Courts in England, 1660-1800*, (Princeton, 1986); D. Hay, *et al: Albion's Fatal Tree. Crime and Society in Eighteenth-Century England* (London, 1975); C. Herrup, *Participation in the Criminal Law in Seventeenth-Century England*, (Cambridge, 1987); King, *Crime, Justice and Discretion*; P. Linebaugh, The *London Hanged. Crime and Civil Society in the Eighteenth Century* (London, 1991); G. Morgan and P. Rushton, Rogues, *Thieves and the Rule of Law. The Problem of Law Enforcement in North-East England, 1718-1800*, (London, 1998); J.A. Sharpe, *Crime*

some research has been done and this falls into four categories. First some general works on justices of the peace have appeared over a number of years, along with the publication, by local record societies, of individual justice's diaries with brief but interesting introductions.[5] Second, historians interested in the relationship between the criminal law and social class have also used the records of summary processes in rural England to explore the erosion of customary rights and the prosecution of poaching and workplace appropriation (for example the small numbers of cases in which the summary process was used to attack the customary practices and rights of the labouring population).[6] This has been followed more recently by extensive research on some of the work of the courts at the summary level, notably in relation to disputes between masters and servants and the prosecution of minor property crimes.[7]

Finally during the time this thesis has been written two pieces of work have been published which engage in a broader approach to the nature of summary proceedings and the role of the justice of the peace.[8] However, while the work of magistrates in

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in Early Modern England 1550-1750, 2nd Edition (London, 1999); R. Shoemaker, *Prosecution and Punishment. Petty Crime and the Law in London and Rural Middlesex c.1660-1725*

[5] N. Landau, *The Justices of the Peace, 1679-1760*, (Berkeley, 1984); E. Moir, *The Justice of the Peace*, (Harmondsworth, 1969); Sir T. Skyrme, *History of the Justices of the Peace. Volume 2. England 1689-1989*, (Chichester, 1991); E. Crittall, (Ed.) *The Justicing Notebook of William Hunt* (Devizes, 1982); A. Cirket (Ed.), *Samuel Whitbread's Notebooks, 1810-11, 1813-14*, (Bedfordshire, 1971), G. Morgan and P. Rushton, (Eds.), *The Justicing Notebook (1750-64) of Edmund Tew (1750-64) Rector of Boldon*, (2000); R. Paley,(Ed), *Justice in Eighteenth-century Hackney. The Justicing Notebook of Henry Norris and the Hackney Petty Sessions Book*, (London, 1991); E. Silverthorne (Ed.), *The Deposition Book of Richard Wyatt, J.P., 1767-76*, (Guildford, 1978)

[6] D. Hay, 'Poaching and the Game Laws on Cannock Chase', in D. Hay, *Albion's Fatal Tree*; P.B. Munsche, *Gentlemen and Poachers. The English Games Laws 1671-1831*, (Cambridge, 1981); J. Styles, 'Embezzlement, Industry and the Law in England 1500-1800', in M. Berg *et al.*, (Eds.), *Manufacture in Town and Country Before the Factory*, (Cambridge, 1983)

[7] D. Hay, 'Master and Servant in England: Using the Law in the Eighteenth and Nineteenth Centuries.' in *Private Law and Social Inequality in the Industrial Age*, ed. by Steinmetz, W (Oxford, 2000); D. Hay, 'Patronage, Paternalism and Welfare: masters, Workers and Magistrates in Eighteenth-Century England', *International Labor and Working Class History*, 51, (1998); King, *Crime, Justice and Discretion*

[8] P. King, 'The Summary Courts and Social Relations in Eighteenth-Century England', *Past & Present*, 183, (May, 2004) G. Morgan and P. Rushton, 'The Magistrate, the Community and the Maintenance of an Orderly Society in Eighteenth-Century England', *Historical Research*, 76, 191, (February, 2003). Two others works, D. Oberwittler, 'Crime and Authority in Eighteenth Century England. Law Enforcement on the Local Level', *Historical Social Research*, 15, 54 (1990) and S. Flynn and S. Mark, 'Petty Criminal, Publicans and Sinners: Petty Sessions Records in the Berkshire Record Office', *Journal of the Society of Archivists*, 16, 1, (1995), attempt some consideration of the summary level but are less useful to our overall understanding of the process.

Hackney and Middlesex has been touched upon in other works there has been no detailed analysis of summary proceedings in London in the second half of the eighteenth century.[9] This study will therefore add a specific metropolitan dimension to this approach and complement the work of Shoemaker and Paley who have looked at Middlesex and Hackney and that of Bruce Smith who focused on Middlesex in the nineteenth century.[10]

Amongst the most valuable studies we have of London's poor and the labouring process is Peter Linebaugh's analysis of some of those prosecuted for property offending at the Old Bailey in the eighteenth century.[11] For Linebaugh it was the Tyburn gallows and its role in the protection of the wealth of the rich from theft by the poor that characterized the criminal law in the Hanoverian age. However, Linebaugh's work, rich and detailed as it is, is weakened by the fact that he fails to make any reference to the summary courts. In equating capital punishment with capital accumulation Linebaugh missed the opportunity to explore how the labouring men and women of London utilized the courts of law available to them to resolve their everyday difficulties and interpersonal tensions. He also ignored an opportunity to study a legal arena in which the labouring poor were frequently prosecuted for pilfering activities which they often regarded as customary rights. More recently Tim Hitchcock has produced a new study that makes use of a much wider range of sources to explore the lives and social relations of London's poor.[12] While Hitchcock touches upon the summary courts he does not undertake a study of how they operated. This study will look at how poorer Londoners used the City summary courts for a variety of purposes.

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[9] Beattie has used the City of London summary court records for the first half of the eighteenth century, but not beyond 1750. Beattie, *Policing and Punishment*

[10] Shoemaker, *Prosecution*; Paley, *Justice in Eighteenth-century Hackney*; B. Smith, 'Circumventing the Jury: Petty Crime and Summary Jurisdiction in London and New York City, 1790-1855', PhD. thesis. (Yale University, 1996). Greg Smith has also looked at the prosecution of violence the City of London in the eighteenth century. G. Smith, 'The State and the Culture of Violence in London, 1760-1840', Ph.D. thesis, (University of Toronto, 1999).

[11] Linebaugh, *The London Hanged*

[12] T. Hitchcock, *Down and Out in Eighteenth-Century London*, (London, 2004)

b) The Importance of the City of London and the nature of its magistracy

Britain was one of the most powerful nations in the eighteenth-century world. This was a nation with a burgeoning empire, with a navy that guaranteed its naval supremacy and ensured that many of the commodities of the rest of the world entered Europe through its ports. London was by far the largest city in Britain in the Georgian period. England's capital city reflected the diversity that this growing empire represented. The streets of London overflowed with migrants from all corners of the British Isles as well as Europe. As Defoe declared:

> *London consumes all, circulates all, exports all, and at last pays for all, and this greatness and wealth of the City is the Soul of the Commerce to all the Nation;*
>
> *The Complete English Tradesman*[13]

London's shops were stocked as nowhere else with all manner of exotic goods offering a tempting display to shoppers and thieves alike.[14] Its docks unloaded spices, foodstuffs, cloths, and fuel daily in vast quantities, providing more opportunities for illegal appropriation. Despite this, the only major study of London's criminal justice system for the second half of the eighteenth century we have is Linebaugh's *London Hanged.*[15] This study will therefore be looking at a neglected area of London's history in this period.

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[13] Quoted in M. Byrd, *London Transformed. Images of the City in the Eighteenth Century*, (London, 1978), p.17

[14] "The shops stand, side by side, for entire miles. The accumulation of things is amazing: it would seem impossible that there can be purchasers for them all, until you consider what multitudes there are to buy," wrote the American, Richard Rush, on a visit to the City in December 1817. Quoted in, D. Kynaston, *The City of London. A World of Its Own, 1815-1890*, (London, 1994) p 29

[15] Linebaugh, *The London Hanged.* Beattie (*Policing and Punishment*) covers the earlier period and various studies have looked at aspects of crime in the capital. R. Shoemaker, 'Fights and Insults on London's Streets, 1660-1800', D. Palk, 'Private Crime in Public and Private Places. Pickpockets and Shoplifters in London, 1780-1823', both in T.Hitchcock and H. Shore (Eds.), *The Streets of London from the Great Fire to the Great Stink*, (London, 2003); P. King, 'Female Offenders, Work and Life Cycle Change in Late Eighteenth-Century London', *Continuity and Change*, 2, (1996); T. Henderson, *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis, 1730-1830*, (Harlow, 1999)

London was the largest city in Europe in the eighteenth century and was home to one tenth of England's population. At the heart of the metropolis lay the City of London, an administrative centre that prided itself on its independence from national government, and the operation of the criminal justice system within the City therefore offers an excellent opportunity to study the nature of metropolitan justice in this period. While recent works have begun to look at the City's police in the late eighteenth and early nineteenth centuries and its courts in the period before 1750 they have left large gaps in our understanding of how the population of the City used the criminal justice system.[16]

This study of the City of London will also enable us to consider the pattern of summary business, and the extent to which the pattern in London was different to that elsewhere.[17] The nature of the magistracy in the City was certainly not the same as that found in many other parts of England. It is possible to outline a broad fourfold typology of justices of the peace although there were many exceptions and variations. First, in provincial areas outside the boroughs justices of the peace were appointed from amongst the ranks of the landed gentry and by the second half of the century, because a 'growing proportion' of these individuals were refusing to serve, this increasingly began to include 'minor gentry, clergy, and professional men'[18]. These justices were essentially amateurs and unpaid and had no legal obligation to carry out the duties of a local magistrate. As Peter King has pointed out, of those justices in Essex, Kent, Oxfordshire and Surrey that were eligible to undertake judicial business at summary level 'only a small handful were truly active'[19]. It was therefore possible to attain the office of justice of the peace without having to take on the onerous

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[16] Beattie, *Policing and Punishment*, A. T. Harris, *Policing the City. Crime and Legal Authority in London, 1780-1840* (Ohio, 2004)

[17] King, 'The Summary Courts'; Morgan and Rushton, 'The Magistrate, the Community'; Crittall, (Ed.) *The Justicing Notebook of William Hunt* ; Cirket (Ed.), *Samuel Whitbread's* Notebooks; Morgan and Rushton, (Eds.), *The Justicing Notebook of Edmund Tew*; Paley,(Ed), *Justice in Eighteenth-century Hackney*; Silverthorne (Ed.), *The Deposition Book of Richard Wyatt*

[18] King, *Crime, Justice and Discretion*, p.117

[19] Ibid. p.112

responsibilities of dispensing justice. Some were, certainly, 'committed, conscientious men' but many were 'at best casual in the carrying out of their duties'[20].

Second, the situation in Middlesex was slightly different. Here, a considerable proportion of magistrates were essentially entrepreneurial in character and were drawn from a lower social stratum. Justices were able to earn a living from the business of law and justice by extracting fees for a range of services. Given that there was a demand for the issuing of legal documents such as warrants, and considerable opportunities to levy money in fines, the so-called 'trading justices' of Middlesex could administer justice profitably. As Norma Landau has written, 'throughout England justices conducted judicial business, in metropolitan London, justice was a business'[21]. Finally, in the City of London the nature of the role of justice of the peace was different to both the provincial amateurs and the trading justices. In the City, by the middle of the eighteenth century, all City aldermen were sworn as justices of the peace. A rotation system, instigated in 1737, meant that every City alderman had to take his turn in discharging his summary duties as a magistrate if he wanted to maintain his position in civic government.[22] Thus the City had a semi-compulsory system for the discharge of magisterial duties that was essentially different to most of the rest of England, although some towns may have also have had similar arrangements. [23] A fourth type of magistracy emerged after 1792 when the new stipendiary police offices were established across metropolitan Middlesex, each with three paid magistrates at the helm.[24]

This difference between the nature and role of the magistracy in the City of London and elsewhere might have affected the sorts of offences and disputes that were brought before them. Studies of the summary proceedings elsewhere have revealed that considerable amounts of poor law appeals, employment disputes and interpersonal

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[20] P. Langford, *Public Life & the Propertied Englishman, 1689-1798*, (Oxford, 1991) p 401

[21] N. Landau, 'The Trading Justice's Trade', in N. Landau (Ed.), *Law, Crime and English Society, 1660-1830*, (Cambridge, 2002), p.60

[22] Beattie, *Policing*, p.108

[23] The situation in the City may have been similar to that of justices in the English boroughs but we have no useful study with which to make a good comparison.

[24] One of these was Bow Street which had been operating with government funding since the 1780s.

violence prosecutions came before justices of the peace.[25] This study will consider whether there was a marked difference in the quantities or proportions of these types of hearing in the City of London courts. To what extent did the nature of the City's magistracy affect the pattern of summary business?

As Greg Smith has recently shown, London's residents had a number of prosecutorial options open to them.[26] The Londoner with a grievance could take his case before the lord mayor or the aldermen magistrates (if the offence occurred within the square mile), before the Bow street office run by the Fielding's (after 1739) or to the quarter sessions, Old Bailey, or even to the court of King's Bench when they were sitting at Westminster or the Guildhall. All of these were in easy reach. The same can not said of the rural litigant who often had to travel considerable distances to bring a prosecution. The additional cost incurred in taking time off work, travelling and possible overnight lodgings for oneself and any witnesses all increased the already onerous costs of prosecuting one's case. It would therefore seem reasonable to expect that the rate of prosecutions in the City would be greater than in the provinces. It also seems likely that crime was more of a problem in the metropolis. In the eighteenth century the rapidly growing London area almost certainly held greater temptations and opportunities for crime, as well as being characterized by looser communal ties which possibly increased the levels of poverty and want.[27]

c) The role of the law debate

In Douglas Hay's analysis the Hanoverian criminal justice system operated as an ideological instrument of the eighteenth-century ruling elites. It was a means of maintaining their hegemonic power and of protecting their property without recourse to a system of national policing. The law was part of the 'theatre of rule' of the ruling class in a system where terror and mercy were used hand-in-hand in place of police or

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[25] King, 'The Summary Courts'; Morgan and Rushton, 'The Magistrate, the Community'; Crittall, (Ed.) *The Justicing Notebook of William Hunt* : Cirket (Ed.), *Samuel Whitbread's* Notebooks; Morgan and Rushton, (Eds.), *The Justicing Notebook of Edmund Tew*; Paley,(Ed), *Justice in Eighteenth-century Hackney*; Silverthorne (Ed.), *The Deposition Book of Richard Wyatt*

[26] Smith, 'The State and the Culture of Violence'

[27] Beattie, *Crime and the Courts*

a standing army. This theatre of rule was expressed in the 'majesty' of the Assizes which so awed its observers: in the 'justice' of the criminal trial, which seemingly offered everyone equality before the law and in the 'mercy' which allowed those sentenced to hang to be reprieved by the word of the King.[28] As E.P. Thompson declared

> *the hegemony of the eighteenth century gentry was expressed, above all, not in military force, not in the mystifications of a priesthood or of the press, not even in economic coercion, but in the rituals of the study of the Justices of the Peace, in the Quarter sessions, in the pomp of Assizes and the theatre of Tyburn.*[29]

While Hay's thesis provides us with a useful paradigm subsequent research in this area has necessitated some rethinking of his analysis.[30] Careful consideration of who was able to use the quarter sessions and assize in this period has revealed that it was open to use by a much wider group of people than Hay originally suggested. For the criminal law to be merely a tool of the ruling class, as Hay posited, we would not expect to find that the majority of those using it to be artisans, small farmers and tradesmen. But this appears to be the case. A more pragmatic approach to the history of the criminal law has been taken by the legal historian John Langbein. Langbein criticized Hay's methodology and argued that the eighteenth-century criminal law functioned to 'serve and protect the interests of the people who suffered as victims of crime'[31]. Langbein's rejoinder to Hay's essay was based upon a two year sampling of cases at the Old Bailey and the work of Peter King on decision-making in eighteenth century Essex. From this research Langbein argued that non-elite individuals were not only able to employ the law but that they were positively encouraged to do so by their social superiors. In his view in order for us to understand the operation of the criminal law in the Hanoverian period we should not be searching for ideological explanations based on class rule but instead we should attempt to explore the use of the law to

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[28] D. Hay, 'Property, Authority and the Criminal Law', in Hay, *Albion's Fatal Tree*, pp.17-63

[29] Thompson, *Whigs and Hunters*, p 262

[30] For the wider debate see Brewer and Styles, *An Ungovernable People*; King, 'Decision-Makers and Decision-Making'; King, *Crime, Justice and Discretion*; Langbein, 'Albion's Fatal Flaws'; Thompson, *Whigs and Hunters*; Linebaugh, '(Marxist) Social History'.

[31] Langbein, 'Albion's Fatal Flaws', p 97

protect private property and the fabric of commercial society. Langbein criticized Hay for underplaying the use of the law by the non-elites, such as farmers and tradesmen, those that could ill afford to have their goods stolen or appropriated. He further suggested that Hay had under emphasized the discretionary powers of the jury whilst placing too much importance on the use of mercy by the assize judges. Peter King's work on Essex appeared to show that judges there made their sentencing decisions based upon the character, youth, age or poverty of the defendant before them.[32] Hay had argued that it was the 'respectability' of the accused that was the most crucial criteria at this time. This ability to employ the law by a wider grouping of society and the mitigating factors that King has identified has encouraged historians to rethink Hay's thesis.

The focal point of this debate was and remains the use of the law. John Brewer and John Styles, for example, argued cogently that the criminal justice system was 'a multiple-use right available to most Englishmen'.[33] However, much of the debate has relied upon studies of the prosecution of crimes in the higher courts of the land. Not just at the assizes but also at the quarter sessions and more recently at King's Bench.[34] As this study will seek to demonstrate, considerably more people experienced the process of law at the summary level in the eighteenth century than ever came before either of the jury courts of assize or quarter sessions. In many cases summary hearings represented a step on an individual's journey to jury trial. However, in the majority of cases those that appeared before the magistracy as part of a pre-trial process were removed from the criminal justice system at this early stage. By examining those that used the summary process this study will give the use of the law debate a much needed summary dimension.

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[32] King, 'Decision-Makers and Decision-Making'; King, *Crime, Justice and Discretion*

[33] Brewer & Styles, *An Ungovernable People*, p.20

[34] Smith, 'The State and the Culture of Violence' and R. Paley, 'Power, Participation and the Criminal Law: Restorative Justice Hanoverian Style', (2005 forthcoming)

d) The character of summary proceedings in the City

What sort of justice were the summary courts in the eighteenth century dispensing? Were they primarily criminal or civil courts, or a delicate mixture of both? Previous work on the prosecution of assault has suggested that in the eighteenth century interpersonal violence was usually treated as a civil offence by the criminal justice system.[35] While there has been relatively little work done on non-lethal violence more recent work has broadly supported this position.[36] Recent studies have also shown that a considerable amount of non-violent offences were being negotiated at the summary level.[37] In Essex property appropriation was also frequently resolved at the summary level and in London in the first half of the eighteenth century Beattie's brief overview has suggested that most petty larcenies that came before the City magistrates were dealt with without recourse to the jury courts.[38] The picture that is emerging suggests that the defining line between what was a civil and a criminal offence in this period was a mutable one. The motivation of those coming before the courts as prosecutors and the attitudes of the sitting justices would seem to be the key areas for analysis here. By looking at the operation of the summary courts in the City it will be possible to gain a deeper sense of the differences between the civil and criminal processes.

In part it was the availability of discretion to a range of individuals that characterized the criminal law at this time.[39] At the jury courts discretion was seemingly available to prosecutors, juries and witnesses, as well as judges. At summary level discretion was less widely distributed but was still a vital element in the proceedings. Both Shoemaker and Landau have commented upon the actual application of discretion by magistrates in the hearings before them, notably in the use of recognizances to bring

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[35] P. King, 'Punishing Assault: The Transformation of Attitudes in the English Courts', *Journal of Interdisciplinary* History, 27, 1, (Summer, 1996), p.48

[36] N. Landau, 'Indictment for Fun and Profit: A Prosecutor's Reward at the Eighteenth-Century Quarter Sessions', *Law and History Review*, (Fall, 1999); Paley, 'Power, participation and the criminal law'; Smith, 'The State and the Culture of Violence'

[37] Morgan and Rushton, 'The Magistrate, the Community'; King, 'The Summary Courts'.

[38] King, *Crime, Justice and Discretion*, p.86; Beattie, *Policing and Punishment*, pp.26-30

[39] Brewer and Styles, *Ungovernable People*, p.18; King, *Crime, Justice and Discretion*

pressure to bear on both parties involved to achieve a settlement. [40] In these instances the JP was seen to be acting as arbiter between disputing parties. This study will be able to analyse the use of discretion. by using the records of the summary courts. along with those from other non-jury courts in the City. to contextualize the role of the summary courts in the administration of power and authority in the capital.

The accessibility of the City's summary courts has already been noted but it is also important to establish how public these arenas of negotiation were. Outside of London most justices of the peace held their examinations in their parlours.[41] These were essentially private rather than public spaces. This situation began to change over the course of the century as more petty sessions were convened in local inns and county halls. However, in the City of London the Guildhall and Mansion House justice rooms were centrally located public venues throughout the second half of the eighteenth century. The evidence from the minute books would suggest that these were busy public courtrooms. This may have had implications for the way in which they were used by private prosecutors and the authorities and this can be explored in this study of the operation of the City courts.

e) Gender and Crime

Within this study of the summary courts the issue of gender can also be addressed in a number of interesting ways. Gender was a key variable in the prosecution and punishment of offenders by the criminal justice system in the long eighteenth century. Several historians have suggested that assize courts and courts of quarter session frequently handed down more lenient sentences to female property criminals and that victims were more likely to fail to turn up in court to prosecute if the defendant was a woman.[42] However, while the higher courts may have shown a marked reluctance to

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[40] Landau, *The Justices of the Peace*, Shoemaker, *Prosecution and Punishment*

[41] King, *Crime, Justice and Discretion*, p.85

[42] P. King, 'Gender, Crime and Justice in Late Eighteenth and Early Nineteenth-Century England', in M. Arnott and C. Usborne, Gender *and Crime in Modern Europe*, (London, 1999); Beattie, *Crime and the Courts*; Shoemaker, *Prosecution and Punishment*. For wider work on gender and crime see, J. Beattie, 'The Criminality of Women in Eighteenth-Century England', *Journal of Social History*, 8,

find women guilty of capital offences it is not clear that the same leniency prevailed in the lower courts. Recent work on the prosecution of offenders by the Cornish courts has suggested that females may have been subject to harsher treatment than males in some instances, and this has also been noted in the prosecution of some women in nineteenth-century Bedfordshire.[43] The City was also home to considerable numbers of prostitutes and the attitudes of the magistracy and wider City authorities and populace to the problem of prostitution can be explored through the records of the City justice rooms. This study will therefore be able to offer both an urban and a summary perspective on the treatment of women by the eighteenth-century criminal justice system. By looking at the outcomes of the prosecutions of women for property, violent and regulatory offences this study will be able to examine the extent to which the summary process in the City treated female offenders differently to males.

Women were also the victims of crime and the summary courts may have offered them a less intimidating forum for the resolution of disputes than the male-dominated jury courts. While there has been some work on the use of the summary process by female victims of domestic violence[44] there is much less work on female prosecutors of other forms of violence or crimes of property.[45] This study will therefore help to inform our understanding of how useful the summary courts were to female prosecutors.

(1975); J. Kermode and G. Walker, *Women, Crime and the Courts in Early Modern England*, (London, 1994); L. Zedner, *Women, Crime and the Courts in Victorian England*, (Oxford, 1991); C. Emsley, *Crime and Society in England, 1750-1900*, (London, 1996); Morgan and Rushton, *Rogues, Thieves and the Rule of Law*. (chapter 5);C. Conley, *The Unwritten Law: Criminal Justice in Victorian Kent*, (Oxford, 1991); Palk, 'Private Crime, Public Spaces'.

[43] P. King, 'Changing attitudes to Violence in the Cornish Courts, 1730-1830', (2006, forthcoming); D. Gray, 'Lewd Women' and 'Canny Wenches'. Bedfordshire Women before the Courts, 1807-1828', BA (hons) History dissertation. (University College Northampton, 1999)

[44] M. Foyster, *Marital Violence. An English Family History, 1660*-1857 (Cambridge, 2005); M. Hunt, 'Wife-Beating, Domesticity and Women's Independence in Eighteenth-Century London', *Gender and History*, 4, (1992); A. Clark, 'Humanity or Justice? Wife-beating and the Law in the Eighteenth and Nineteenth Centuries', in C. Smart (Ed.), *Regulating Womanhood*, (London, 1992); A. Clark, *The Struggle for the Breeches. Gender and the making of the British working class*, (London, 1995); Beattie, J.M. 'Violence and Society in Early-Modern England', in A. Doob and E. Greenspan (Eds.), *Perspectives in Criminal Law*, (Canada, 1984)

[45] Morgan and Rushton have looked at female prosecutors at the summary level in their study of the work of Tew in the North-East and this study can build upon that work. Morgan and Rushton, 'The Magistrate, the Community'.

f) Sources and Methodology

This study is focused upon the surviving records of the City's two summary or petty sessions courts, namely the Guildhall and Mansion House justice rooms.[46] The key records for the purposes of this work are the minute books of these courts. These handwritten notebooks detail the daily sittings of the courts and record information relating to defendants, prosecutors, witnesses, court and other officials as well providing information about examinations, outcomes and sentences. There is a wealth of information contained within these minute books that may never have been systematically subjected to analysis.[47] This is in part because the minute books have suffered from the pressures of space that threaten all archival sources. While the minute books of both courts combined cover a period of nearly 70 years (1752-1821) only 128 books survive in total and given that each book covered approximately two to three months there would presumably have been something in the region of 300-400 books originally. In addition to this the books that do survive rarely overlap in their coverage of the two courts making a comparative study of the Guildhall and Mansion House somewhat problematic.

Further problems are caused by the fact that the records of the Mansion House only survive from 1784 onwards and very few minute books exist for the Guildhall before 1776. Therefore it was decided to confine this study to the second half of the eighteenth century. As will become evident in the course of this study the two courts operated similarly but also had certain distinct differences in the types of business they dealt with. The information contained within the minute books also varies in terms of its quality and usefulness. Some minute books are very detailed in the descriptions of examinations whilst others are marked by their brevity. The role of the clerk of the court may well have been crucial in some instances whilst in others the nature of the

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[46] These are held by the London Metropolitan Archives in two series, CLA/004/02 for the Mansion House and CLA/005/01 for the Guildhall. See bibliography for full details of these holdings.

[47] They have been sampled by several historians for information about specific areas of the law, such as violence (Greg Smith, 'The State and the Culture of Violence'), policing (Andrew Harris, *Policing the City*) and enlistment (Peter King, 'War as a judicial resource. Press gangs and prosecution rates, 1740-1830', in Landau, N(Ed): *Law, Crime and English Society 1660-1830* (Cambridge, 2002)).

offence and whether it was being sent on through the criminal justice system may have occasioned a more detailed entry.

For the purposes of this study two key samples have been taken. In the period 1784-5 and 1788-9 it has been possible to use minute books from both courts that overlap to some extent.[48] The main quantitative information on offenders and offending have therefore been extracted from these records. In addition three minute books from the Guildhall court in the 1790s have been used both quantitatively and qualitatively to provide a useful comparison.[49] Throughout the study extensive use has been made of surviving minute books from the period 1750 to 1800 to ensure that the sample slices taken are not in some way extraordinary.[50]

In addition to the minute books of the summary courts this study has also drawn on a number of other primary sources. The records of the Chamberlain's court in the City provides detailed information about the relationship between City apprentices and their masters[51]; the Bridewell Court records[52], the Repertories of the Court of Aldermen[53] and other documents generated by the corporation have also been used. The Old Bailey trial records and the sittings of the Sessions for the Peace for London have been consulted, as have the very limited surviving records of the Poultry and Wood Street Compters.[54] Because, as was noted earlier, the minute books can be somewhat cursory in the way that they detail hearings and examinations the London

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[48] These are CLA/004/02/001-004, CLA/004/02/043-045 and CLA/005/01/029-30, CLA/005/01/038-39

[49] CLA/005/01/051-052 and CLA/005/01/055

[50] The main samples that have been used for quantitative purposes have been drawn from the minute books covering the period 1784-89, and 1793-96 but in chapter four, in order to be able to obtain more useful data relating to social status a wider sampling of the minute books was undertaken for cases where this information was recorded.

[51] These are also held at the LMA in the series CLA/CHD/AP (again see bibliography for details of sources used)

[52] These are held at Beckenham and at the Guildhall Library in London (see bibliography for details).

[53] CLA/CA/01/153-208 Court of Aldermen Repertories, 1754-1800

[54] For the sessions of the peace see the series CLA/047/LJ at the LMA, for Poultry and Wood Street compters CLA/047/LJ/03/001-008 includes the calendars of prisoners in the City compters and see also CLRO 236D 8 (Wood Street compter charge book) from 1785 onwards and CLA/030 01/001-012 (Poultry Compter Charge Books) Feb 1782-Sept 1813. The Old Bailey trial records were accessed from www.oldbaileyonline.org.

newspapers have been sampled to provide more qualitative data in places.[55] The London press only very occasionally (and briefly) reported the business of the Guildhall and Mansion House justice rooms in the eighteenth century but this becomes much richer in the early nineteenth century and therefore some reports have been used from the 1810s and 1820s although these decades fall outside the period of the main study. Naturally newspaper reporting has to be treated with some caution: reporters were much more likely to write up cases that they felt would interest their readers or that met the editorial needs of the paper. Similar caution is also necessary in the use of the evidence of the various parliamentary committees of the late eighteenth and early nineteenth centuries. Those appearing as City officials or contractors engaged to 'farm' the City paupers, for example, might be expected to display a degree of self-interest in answering questions. However, the reports of several committees in the early nineteenth century regarding the police, prisons and poor of the City usefully reflect views of past practice that are not always available for the second half of the eighteenth century. Finally, the justicing manuals of Richard Burn have provided an invaluable insight into how magistrates were supposed to discharge their duties.[56] Once again, it is apparent that on occasions these manuals were treated as guidebooks rather than rule books.

g) Outline of the chapters

Chapter two will provide an overview of the non-jury courts in the City of London so that the work of its summary courts can be contextualized. The City had several non-jury courts and disciplinary institutions (such as the Bridewell) which will be discussed. Chapter two will also explore the way in which the summary courts worked and look at the level of business they dealt with. The cost and availability of justice at these courts will be considered, and the style of these proceedings will be explored. This chapter will also demonstrate that the summary courts of the City of London were extensively used by a large proportion of City dwellers. Through an analysis of the outcomes of hearings at the Guildhall and Mansion House this chapter

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[55] Particularly *The London Chronicle*, but also *The Times*, *Argus* and *The World*
[56] R. Burn, *Justice of the Peace and Parish Officer* (London, 1785)

will also suggest that while these courts were primarily arenas of negotiation for the resolution of interpersonal disputes they also played an important disciplinary role in the administration of authority in the City. The men that oversaw this process, the City magistracy, will be the final subject of study in chapter two.

In chapter three the focus of attention will move from the operation of the summary courts themselves to the various agencies that brought so many offenders before them. Given that the summary process was often the first point of contact that most individuals would have had with the law it is necessary to explore the way in which victims of crime could seek to bring the accused to justice. The role of various policing agents in this process was central here. It is important to examine, therefore, to what extent law enforcement agencies were in place before the creation of the Metropolitan Police in 1829; how effective these agencies were, and how they operated. Who made up the members of these policing organizations, and what were their motivations? Were they in existence to serve all of the City's community or did they function to uphold the rights and interests of one section of society over another?

The City of London was served by a layered and connected system of policing that was thought by contemporaries to be superior to comparable systems elsewhere in England. Calls for police reform from individuals such Patrick Colquhoun were resisted by the City authorities and the City was exempted from legislation in both 1792 and 1829. To what extent was this simply an example of the independent spirit of the City authorities rather than a vindication of an effective policing network that served the square mile? In order to assess this Chapter Three will look at the levels and distribution of policing in the City. It will also explore the nature of policing by looking at the role and function of the ward constables, watchmen and the City patrol as well as considering the policing of the busy Thames quayside. Using trial reports from the Old Bailey, the summary court minute books and the London press chapter three will consider how proactive these policing agents were. Thus it will be possible to build upon the work of Paley and Reynolds who have suggested that in London

policing was both more tightly organized and more effective than some contemporary critics were prepared to admit.[57]

Chapters two and three will therefore contextualize the summary courts within the wider disciplinary and administrative network of the City of London. They will establish how these courts operated and how offenders were brought before them. Chapter Four will then look at who was using these courts to prosecute. It will argue that a wide cross section of City society were able to use the summary court system to resolve their differences and prosecute those that stole from them, physically abused them, disobeyed them or otherwise transgressed a variety of social regulations. This chapter will therefore engage with the ongoing debate on the use of the law in the eighteenth century. It will argue that the labouring poor used the summary process in significant numbers which in consequence suggests that we need to review our notions of how exclusive the criminal justice system was in this period.

While the social status of prosecutors will be addressed in chapter four there will be no attempt to do the same for those accused of offences. In part this is because of the poor nature of the sources in this regard – the occupations of offenders are hardly ever recorded in the City minute books. Thus we cannot use the records of the summary courts to map offending in the City of London by occupational status however interesting this may be. However, there is much that can be gleaned from the summary process. Chapters five, six and seven will analyse the types of offences that came before the summary courts in more depth. By looking in turn at property crime, violence and the regulation of everyday life we can explore the key themes of this thesis as outlined earlier. These chapters will also look at the importance of gender through issues such as depredations by female thieves, domestic violence and prostitution to consider how women were treated by the summary process. Chapter eight will draw together work from the early chapters and compare this with the recent historical work on property crime, interpersonal violence and regulation.

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[57] R. Paley: ' "An Imperfect and Wretched System"? Policing London Before Peel', *Criminal Justice History*, 10, (1989)'; E. Reynolds, *Before the Bobbies. Night Watch and Police Reform in Metropolitan London, 1720-1830* (London, 1998)

This study will therefore address the key areas of debate that have been outlined above; the role of the City justices, both as arbiters between disputing parties and agents of authority. It will consider the accessibility and use of the summary courts to the poor of London and compare this with studies elsewhere. This study will analyse the nature of these courtrooms to determine whether these are best seen as criminal or civil courts. It will also be looking in individual chapters at more specific debates on policing (such as how well the policing networks functioned prior to the creation of professional police in the nineteenth century), at property crime, interpersonal violence and the regulation of daily life and popular activities (such as drinking and gambling).

Chapter 2. The Court System in the City of London

This chapter aims to do two things: first to provide an overview of the non-jury courts in the City of London (the civil courts, Chamberlain's Court and Bridewell) in order to contextualize the work of its summary courts. Secondly it will analyse how the summary courts worked by exploring the following questions: how was justice administered at the summary level? How much did that justice cost? What proportions of cases were transferred up to the higher courts? How many justices served the City and how often did they sit? How careful and thorough was the process of summary examination in the City of London and what kind of justice, arbitration-based or criminal law based, was offered? Finally the individuals who acted as magistrates in the City will be examined. These were powerful men. The City was a fiercely independent and wealthy entity within the broader metropolis. The men who sat in judgment on its inhabitants were often past, future or sitting lord mayors; they also filled the City's parliamentary seats, and sat on the Aldermanic councils and courts. Contemporary biographical information can be used to put some flesh on the dry bones of these eighteenth century administrators and compare them with their counterparts in rural England.

It is also important to recognize from the outset that on the whole the justice offered by the summary courts was much more accessible than elsewhere. The two courts under examination here were located in the heart of London. The City's population had little distance to travel to bring their grievances before a magistrate, a luxury not available to a large proportion of people living in rural areas. The very size of London – that is the greater metropolis and not just the City - meant that the amount of crime and social tension was likely to be higher than elsewhere[1] while levels of toleration for disorder were possibly lower, making the role of the City summary courts particularly important.

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[1] As was noted in the Return of Number of Persons Charged with Criminal Offences in London and Middlesex, 1806-10. *P.P.*, 1812 (21) X. 215

a) The Corporation of the City of London

The Corporation of the City of London was the administrative centre of the metropolis. Fiercely independent, institutionally conservative and wealthy, its influence reached into every inch of the 'square mile'. Joanna Innes has described it as a 'multi-functional overarching body' and as such it was quite distinct from the rest of the capital.[2] The City was divided into twenty-six wards. The size and population of these wards varied considerably and included those, such as Farringdon Without, that bordered onto the rapidly expanding and less heavily regulated, wider metropolis. Each ward was represented by an alderman, elected for life by the freemen to sit on the Common Council which administered the City. These aldermen elected one of their number to serve as lord mayor for a term of one year. The lord mayor and aldermen therefore formed the basis of the administrative government of the City.

To become a freeman of the City an individual had to follow one of two routes. It was possible to be made an honorary freeman but most individuals would have first been admitted into one of the 89 municipal companies or guilds that operated in the City. Only freemen were entitled to practice retail trade within the City at this time and this may have helped to endow the City with a sense of self-confidence and even self-importance in the sense that 'outsiders' were excluded. However, the growth of greater London gradually began to erode this situation. Some of London's merchants chose not to take up their freedoms because it was possible for them to follow a wholesale business or to work in the financial trade without the necessity of obtaining a freedom.[3] On average the City was home to about 1,000 freemen in any given year between 1793 and 1837, but that figure was dropping by the time of the report on the Municipal corporations.[4] This possibly reflected a more general decline in the City's population in the latter years of the eighteenth century, a situation that was to

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[2] J. Innes, 'Managing the metropolis: social problems and their control c1660-1830' in P. Clark and R. Gillespie (Eds.), *Two Capitals. London and Dublin 1500-1840* (Oxford, 2001) p.64

[3] See M. D. George, *London Life in the Eighteenth Century* (Middlesex 1925, 1966) p.16

[4] *P.P.*, 1837, XXV, Second report of the commissioners appointed to enquire into the municipal corporation in England and Wales.

continue throughout the nineteenth.[5] This decline in the numbers holding freedoms was important because it was the freemen that were at the heart of the City's administration.

It was the responsibility of the City's freemen to elect the aldermen and the members of the City's Common Council. To qualify for a vote a freeman had to be a householder, paying Scot bearing Lot in the ward and paying ten pounds a year in rent (for at least twelve months) or paying at least thirty shillings in local taxes.[6] Twenty-four of the wards returned one alderman each (the two wards of Farringdon sent one between them and the final alderman represented Southwark on the south side of the River Thames).[7] The alderman sat in the Court of Aldermen which supervised the election of all aldermen along with other City officers and civic posts. In addition the court also licensed all the brokers in the City and was authorised to spend the City's money. This indicates that the men who sat in this court were closely involved in City government in a number of different ways[8]; this involvement must in part have influenced the way they operated as justices.

The aldermen were joined by 240 common councilors of the City in the Court of Common Council. This was the main legislative body of the Corporation and it was responsible for the election of the great majority of the City's functionaries. Finally there was the Court of Common Hall. The members of this body were freemen of the City who also served as Liverymen in one of the City's companies. The main business of the court was to elect those City officers not covered by the courts of Aldermen and Common Council. In the 1790s when the City authorities became concerned about the impact of Colquhoun's proposals to police the river Thames, and

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[5] The City's population stood at approximately 208,000 in 1700 with 139,300 living within the City walls. By 1750 the decline is evident with only 87,000 souls inhabiting the old City and a further 57,000 outside or 144,000. By the time of the 1801 census this had been reduced to 134,300 people, by 1811 this had fallen again to just 125,700. See George, *London Life*, p.319

[6] LMA P.D.48: 16 Various Acts of Parliament 1724 Geo I CAPXVIII (1725). An act for regulating Elections with the City of London and for preserving the Peace, good Order, and Government of the said City.

[7] The alderman for Southwark was not elected but tradition determined that when a vacancy for the seat arose it was offered to the most senior alderman.

[8] For example as leaders of their communities, as voters, by sitting on vestry committees and so forth.

in particular the extension of powers of arrest within the City proper, the Court of Aldermen set up a committee to investigate.[9] This shows that by the early nineteenth century the court seems to have become more closely involved in policing matters as Andrew Harris has demonstrated.[10] However in the later eighteenth century it would appear that the court was little involved in day to day responses to criminal activity in the City.

This then was the underlying administrative structure of the City of London, layer upon layer of civic administration that linked the City's merchants and traders together in a network formed upon local ward boundaries. This civic superstructure allowed the process of law to operate in a structured and cohesive manner, whether for civil or criminal matters. Its members would have had first hand knowledge and experience of the problems of crime and disorder in the capital. Naturally their discussions about these problems must have helped direct some form of concerted policy towards particular types of activity (such as prostitution or gambling) on occasions. At the top of this administrative structure sat the lord mayor who attended all these courts and so enjoyed an overall understanding of the functions of City governance. As chief magistrate he was able to influence policing initiatives and target areas or offences that he considered important. The position of lord mayor was therefore central to the nature of authority in the late Hanoverian City.

Before exploring the role of the City aldermen and lord mayor in the summary courts of the period it is important to place them in context with other legal institutions within the jurisdiction of the Corporation so that their role can be understood within the larger picture of regulation and adjudication within the square mile.

b) Civil Courts

There were two important civil courts in the City of London at the end of the eighteenth century and a number of ancient smaller courts that were in decline and

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[9] A. T. Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840*, (Ohio, 2004), p.73
[10] Harris, *Policing the City* pp.84-89

rarely used.[11] The Lord Mayor's court was presided over by the recorder in his position as the principal judge of the Corporation and its advisor on legal matters. The business of the court was mainly to deal with disputes in trade, cases of breach of contract and non-payment.[12] It sat eight times annually but the recorder had the authority to call an extraordinary court if he thought it necessary. The court was also responsible for prosecuting those that infringed certain of the City's by-laws. For example, those obtaining their freedoms fraudulently risked being disenfranchised by the court. Masters and apprentices also appeared here if the case merited it.[13] This could involve masters who gave false evidence as to the service of their charges or those apprentices who broke the terms of their indenture by marrying before the end of its stated period.[14] Apprentices could also apply to the Lord Mayor's court to be released from their indenture. The apprentice would submit a petition to the court setting out the reasons for their request. Upon presenting the petition a summons would be issued for the master to appear before the court to allow him the opportunity to challenge the facts stated in the petition. The Recorder would hear the case, with a jury, and the court would decide either that the apprentice was entitled to be discharged or that he should remain with his master. If the apprentice was successful he could then apply to the court to recoup his premium, with the recorder making a decision and awarding costs to the successful party.[15] It was essentially a court of arbitration. While the Lord Mayor's heard employment disputes the Sheriff's Court was concerned with disputes that arose out of debt and non-payment.

The Sheriff's Court was divided into two sections each presided over by a judge appointed by the Common Council. The court mainly heard cases of debt before a

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[11] The Court of Orphans dealt with the children of deceased freemen, the court of Pie Poudre was concerned specifically with the annual Bartholomew fair, while the Court of the Tower of London heard cases of debt and trespass.

[12] *P.P.*, 1837, XXV, p.128

[13] Most master-apprentice business was heard by the Chamberlain in a separate court.

[14] Unfortunately the records of the Lord Mayor's Court for the eighteenth century were among the archives destroyed by fire, the records of the court survive for the seventeenth and late nineteenth are held by the LMA.

[15] Premiums had become well established in the City by the mid eighteenth century as inducements for masters to take on apprentices. See J. Lane, *Apprenticeship in England, 1600-1914* (London, 1996) p.19

jury drawn from amongst the ranks of the more 'substantial householders'[16]. Unsuccessful defendants in the Sheriff's court did have the right to take their cases before the Lord Mayor who could alter the judgement of the court, by reducing the amount of the claim or delaying repayment. However this custom, called Markment was very little used by the early years of the nineteenth century. In addition to the Lord Mayor's and Sheriff's courts there was the little-used Court of Record, which heard civil pleas, and two Courts of Requests (one for the City and one for Southwark) which dealt with small claims for debt amounting to 40 shillings or less.[17] The City Court of Requests, established in the reign of Henry VIII and confirmed by statutes in 1604 and 1606 pioneered a system of summary justice in relation to small claims.[18] This was a response by the lord mayor and aldermen to the rising costs of civil litigation in the higher courts in London that was to occur in other metropolitan areas in the period between 1680 and 1750.[19] There were two other courts operating in the City which need to be considered here. The Chamberlain's Court and the Bridewell Court (and house of correction) were integral to the exercise of power and authority and the next two sections of this chapter will examine their role and function and how they relate to the wider themes of this thesis.

c) The Chamberlain's Court

The Chamberlain's Court dealt almost exclusively with disputes between employers and employees. The Chamberlain was treasurer of the City, and therefore held the purse strings of local government, but he also formally issued freedoms and directed the prosecutions of those traders who tried to operate within the City's boundaries without being free.[20] However, this study will focus on the Chamberlain's role as an arbiter between London masters and their apprentices rather than on the other administrative duties he performed for the City.

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[16] *P.P.*, 1837, XXV, p.12

[17] G. Cumberlege, *The Corporation of London* (London, 1950)

[18] M. Finn, *The Character of Credit. Personal Debt in English Culture, 1740-1914*, (Cambridge, 2003), pp.197-199

[19] Finn, *The Character of Credit*, p.198

[20] The Chamberlain 'is the Treasurer of the Corporation, and he also admits to the Freedom, adjudicates upon disputes between apprentices and their masters, and directs the prosecutions of persons who carry on retail business in the City without being free.' *P.P.*, 1837, XXV, p.9

Within the minute books of the summary courts there are several cases of 'disorderly' apprentices that were brought before the magistrates at Guildhall and Mansion House by their masters to be publicly rebuked or more severely punished. The justices of the City could send apprentices to Bridewell but a severe reprimand was a more likely outcome. While masters and apprentices could use the two summary courts, the evidence suggests that most of the disputes between the two parties were heard by the Chamberlain (or his deputy, the Comptroller) in his own court. Chapter seven will consider the nature of this court and the amount of business it conducted from the 1790s to the early years of the nineteenth century, as well as demonstrating that a great deal of the regulation of trading was carried out by the summary courts at Guildhall and Mansion House.

Bridewell, closely linked to the Chamberlains' court was the disciplinary institution used, amongst other things, to punish disobedient and unruly apprentices. The role and function of Bridewell needs consideration because it was regularly used both by the Chamberlain and the City magistrates for a variety of offenders.

d) Bridewell, the City of London's house of correction.

Like so many of the apprentices brought before the Chamberlain a significant number of those prosecuted at the City's summary courts found themselves deposited in Bridewell where they were subject to a strict regime alongside the occasional political prisoner.[21] Bridewell, a former palace that had been given to the corporation by Edward VI, was the City's house of correction and was used throughout the eighteenth century to house disorderly apprentices, petty criminals and vagrants. In 1709 the *London* Spy, Ned Ward visited the prison and found it an uninspiring place. Ward suggested that the experience of Bridewell was unlikely to reform individuals because of the 'unhappy stain' of the lash and imprisonment. [22] The Bridewell

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[21] George, *London Life* p.339, E.G. O'Donoghue, *Bridewell Hospital. Palace, Prison, School* Vol.2 (London, 1929). In 1702 William Fuller, 'a friend and imitator of Titus Oates' was imprisoned for perjury. O'Donoghue, *Bridewell Hospital*, p.176

[22] P. Hyland (ed.), Ned Ward, *The London Spy*, (London, 1709), p.111

convened its own court to hear the cases of those sent to the prison by City magistrates. Bridewell was also used as a holding gaol in addition to the City's compters at Poultry and Wood Street. While Bridewell survived as a house of correction into the nineteenth century its use declined after 1830 when a new prison was built at Southwark amid fears that the imprisonment of minor offenders alongside recalcitrant apprentices was having an adverse affect on the latter.[23] An earlier house of correction had also been constructed for the City at Giltspur Street in 1815[24] which seems to have served the sessions for London. It held prisoners sentenced to hard labour for minor felonies and misdemeanors and they could expect to spend their time picking oakum, grinding wheat and in painting the prison.[25] The role of the Bridewell seems to have been the subject of some concern by the early nineteenth century with a parliamentary committee producing a damning indictment of the institution in 1818. The report concluded that;

> *Although ostensibly a house of correction no attempt is made to reclaim the prisoners or to correct them, except by administering corporal punishment, which is left in a great measure to the direction of the porter. No employment of any description is provided; spinning machines have been erected, where some of the women are employed; but the men saunter about from hour to hour in those chambers where the worn blocks still stand, and exhibit the marks of the toil of those who in other times were employed in beating hemp.*[26]

Prior to this the end of the eighteenth century saw several reformers moved onto the board of governors. Men such as Granville Sharp, Thomas Bernard and William Waddington argued for changes to the Bridewell system that would separate the prisoners and apprentices from each other and perhaps establish the house of correction on 'the pattern of Cold Bath Fields.'[27] Eventually the Bridewell was closed down in 1855 and largely demolished, reopening as King Edward's school in 1860.[28]

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[23] Guildhall Library (hereafter GL) MS33051 Bridewell Case Book, this follows contemporary opinion as to the 'corruption' of juvenile offenders. See H. Shore, *Artful Dodgers. Youth and Crime in Nineteenth-Century London* (London, 1999)
[24] *P.P.*, 1818, VIII, p.79
[25] *P.P.*, 1818, VIII, p.81
[26] *P.P.*, 1818, VIII, p. 96
[27] O'Donoghue, *Bridewell Hospital* p.195
[28] GL MS33051

For the purposes of this study the Bridewell seems to have provided the City magistrates with an alternative to sending petty thieves for jury trial. This practice of committing pilferers and petty larcenists to the Bridewell court was well established by the mid eighteenth century.[29] But this was in conflict with the aims of the Bridewell governors who appear to have resented the use of their prison for such a purpose. As early as 1713 they had complained that the prison was 'overflowing' and refused to take any more convicted felons.[30] Prisoners continued to be sent to the governors to be dealt with by the Bridewell court[31], however, there does seem to have been a decline in the use of the Bridewell by the 1780s. Between June 1751 and July 1752 121 cases were heard by the governors. In 1784 and 1785 there were just 18 and 17 respectively. Clearly the Bridewell was being used in a different way. The chief clerk to the Guildhall magistrates told a parliamentary committee in 1815 that the Bridewell had a multiplicity of uses; vagrants were sent there not to be punished but because many of them were sick and a doctor was available to help them.[32] Bridewell awaits an extensive study which is beyond the scope of this dissertation but tentative suggestions can be made that might explain this change in the 1780s.[33] After 1781 the Bridewell governors seem to have lost the power to deal directly with prisoners committed to their care. The magistrates of the City were now using the Bridewell as a prison not as a court, and after 1781 'all the commitments to Bridewell have been by the lord mayor and aldermen in their character of magistrates, and not as governors of Bridewell.'[34] The Bridewell committee felt obliged in 1785 to inform its

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[29] Indeed it is suggested that the practice began almost from the institution's inception in 1553. See J. Beattie, *Policing and Policing and Punishment in London, 1660-1750. Urban Crime and the Limits of Terror.* (Oxford, 2001)p.25

[30] GL MS33045 1842 "Respecting the power of the Lord Mayor and Aldermen as magistrates of the City to commit offenders to Bridewell"

[31] Beattie, *Policing* p.27

[32] Evidence of Michael John Fitzpatrick: 'they are not sent to Bridewell by way of punishment; some may be in a state of sickness, and I understand there is a regular physician and an apothecary to attend them, and they have every medical advice, and every assistance that can be given them.' Report from the 'Committee on the State of Mendacity in the Metropolis, 1815', P.P., 1818,VIII, p.14

[33] Paul Griffiths' work on the Bridewell may go some way to addressing this problem. P. Griffiths, *Lost Londons: Crime, Control, and Change in the Capital City, 1545-1660*, (forthcoming), see also Dabhoiwala, F. 'Summary Justice in Early Modern London', *English Historical Review*, CXXI, 492, (2006) pp.796-822

[34] GL MS33045

porters that they should admit no prisoners who had not been fully committed by a magistrate. The role of the Bridewell had therefore changed by the key period under investigation here. In the first half of the eighteenth century the Bridewell can be seen as an alternative to the summary courts at Guildhall and Mansion House because the governors could hear cases of those idle and disorderly individuals, prostitutes and vagrants that were brought before them either directly from the streets (by watchmen or constables) or from the magistracy. But after 1781 the governors would appear to have been sidelined and the court system of the Guildhall and Mansion House took full control of all petty offending in the City.[35]

e) The History and Location of the City Justicing Rooms

The City of London had two summary courts, one at the Guildhall and the other at the Mansion House. While they both heard complaints and requests in common they were slightly different in their make-up. For administrative convenience they divided the City between them. Offenders arrested to the east of Queen Street were brought to the Guildhall Justicing room and those from the west before the lord mayor at Mansion House. The holding prisons of Wood Street and Poultry compters served the two offices. There does not seem to be a noticeable difference in the types of criminal offences that were heard by the two courts, however the two courts did deal with different civil processes, as will be explored later.

The death, in 1737, of Sir Richard Brocas led indirectly to the creation of a City magistrates' court. Brocas had been a particularly active magistrate in the early eighteenth century, his work far outstripping that of his fellow justices. When he died

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[35] The Bridewell continued to be used throughout the early nineteenth century as a house of correction. Between 1809 and 1817 on average 236 vagrant and disorderly persons were committed annually as well as 744 individuals who were to be returned to their place of last settlement. The evidence of Richard Clark, treasurer of Bridewell 1817 and 'Numbers admitted (committed) to Bridewell by the Lord Mayor and Aldermen 1810-1817. Figures for 1809 are from the Annual Easter Reports of commitments of vagrants etc, to Bridewell Hospital from the 'Report from the committee on the State of Mendacity in the Metropolis' 1815 *P.P.*, 1818,VIII, p.96 For a broader analysis of the role of English Bridewells see J. Innes, 'Prisons for the Poor: English Bridewells, 1555-1800', in F. Snyder and D. Hay, *Labour, Law, and Crime. An Historical Approach*, (London, 1987)

no one came forward to fill the void he had left and the authorities had to take action to prevent the system from falling into chaos.[36] The remaining aldermen magistrates agreed to sit 'in rotation' in the Matted Room of the Guildhall from 11 a.m. to 2 p.m., five days a week.[37] Each alderman served for one day at a time, assisted by a clerk and an attorney from the mayor's court. At first the lord mayor was included in the rotation cycle but after the building of the Mansion House as his residence in 1753 the lord mayor convened his own court in tandem with the Guildhall office. City magistrates enjoyed the privilege of hearing cases as 'double justices'[38], another notable peculiarity of the ancient corporation which emphasises the independence of the City and the power and authority invested in its leading citizens.

As John Beattie's recent research has shown the creation of the rotation office was important in establishing a permanent summary court in London.[39] It was followed in 1740 by the Bow street office run by De Veil (and later the Fieldings) and denotes an important change in the dispensation of local justice at this time. In rural England and Wales the practice had been that within a given county individuals would have sought a hearing with one of a number of local Justices. This sometimes meant travelling for some miles, a time consuming and expensive exercise that may have caused some to choose not to pursue their grievances.[40] This situation, while it had its disadvantages also allowed plaintiffs to choose between JPs in order to better achieve the outcome they desired.[41] Distance in the City was rarely, if ever, a problem. In the City,

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[36] Beattie, *Policing* p.134

[37] Ibid. p.144

[38] For some hearings two justices were required to sit in judgment. However in the City of London the Aldermen were invested with the privilege of acting alone in some instances. "By 43 Elizabeth c.2. Sec. every Alderman may within his ward execute such duties under the act as are appointed to be done by two Justices of the Peace in other counties." Cumberlege, *The Corporation*, p 61 However, this situation may have altered by the early nineteenth century; as the 1822 select committee report was told that while one magistrate sat at Guildhall daily a 'second Justice of the Peace can attend if the business requires two and the same is true of the LM at Mansion House.' The evidence of William Rayne, Chief Clerk at Guildhall. *P.P.*, 1822, IV, p.72

[39] Beattie, *Policing*. p.146

[40] In rural Essex some areas were so poorly served towards the end of the eighteenth century that an inhabitant of Foulness wishing to bring a complaint to a justice had to undertake a 28 mile round trip, with no guarantee of finding the justice at home. P. King, *Crime, Justice and Discretion. Law and society in South Eastern England, 1740-1820* (Oxford, 2000), pp.113-114

[41] P. King, *Crime, Justice and Discretion, 1740-1820* (Oxford, 2000), pp.113-114

therefore, it would appear that access to the Justices was usually not an issue. John Wade, writing in the in the 1820s. was critical of City magistrates claiming that:

> *The time of the magistrate's attendance is uncertain; or he comes too late to get through the business of the day; or , as sometimes happens, he never comes at all, nor appoints a brother alderman to come for him: in which case after waiting four or five hours in fruitless expectation of his worship's arrival, witnesses, accusers and accused, clerks, door-keepers, reporters, etc are obliged to retire with a kind of "call again tomorrow", and the whole business of the day, night charges included, is postponed to next morning.*[42]

Wade may have been correct in observing the situation in the 1820s but this was clearly not the case in the period under study here. The minute books that have been consulted for the purposes of this study show that aldermen magistrates were clearly available on all working days throughout the second half of the eighteenth century. This has consequences for our understanding of the use of the law as it would seem reasonable to expect that such easy access would have led to greater usage by the populace of London.

The concern here is with the operation of the rotation office in the Guildhall and the lord mayor's justice room at Mansion House from the middle of the eighteenth century. By this period the Guildhall justice room was well established, with City dwellers used to its function and aware of its existence.[43] The London Metropolitan Archives (hereafter LMA) hold the court minute books of the Guildhall and Mansion House justicing rooms for the period 1752 to 1796.[44] The minute books list the daily events of the court. A typical entry would note the name of the offender, the constable or other person bringing the offender to court, the name of the victim or prosecutor and the nature of the offence. There is then an examination of the case, which can be detailed - with several witnesses - or cursory. Finally the decision of the magistrate is usually included.

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[42] J. Wade, *A Treatise of the Police and Crimes of the Metropolis*, (London, 1829), pp.344-345
[43] Beattie, *Policing*, pp.108-113
[44] Not all minute books survive, some were destroyed by fire and others discarded by archivists for reason of space. For all listing of the minute books held by the archive see the attached bibliography.

In order to determine how accessible this summary court system was to the population of London it is important to know how much it cost to use. Were these courts accessible to all classes of society or did the costs involved effectively exclude those from the poorer ranks?

f) Cost

The cost of proceedings in the two City courts can be fairly accurately gauged. In the minute books of both courts the charges made are recorded in the margins and we also have a hand written tariff to compare these with. The charges were payable to the clerk of the courts and not generally to the magistrate. The cost of a warrant to arrest a suspect or to search premises for stolen goods was a shilling.[45] Similarly settlement examinations were heard for a shilling and a formal discharge from gaol by warrant also cost a shilling. The swearing of affidavits cost a shilling and four pence where a fee was allowed. Those costs incurred by individuals before the court were arguably reasonable and affordable. Wages are difficult to measure in the eighteenth century because they were often supplemented by customary perks and fluctuated with trade cycles and other factors. However, in the period 1765 to 1793 labourers in London were paid between nine and 12 shillings weekly with journeymen taking home slightly more.[46] Those in more skilled or profitable work could have earned considerably more. Finding a shilling or two for a court hearing would not have been too difficult, especially (as will be seen in later chapters) if there was a good chance of recovering this fee. The costs to the parish officers were slightly higher. The issuing of a warrant in bastardy cases and the examination of the mother cost 2s.6d as did settlement passes and orders of removal.

Overall the costs of using the court were not prohibitive. The costs would undoubtedly increase if the case proceeded to the quarter sessions or the Old Bailey as the prosecutor would have to pay for the indictment as well as the costs of his

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[45] CLA 004/09/002 List of Fees to be taken by Clerks in waiting at the Lord Mayors, 1753

[46] George, *London* p.166 See also L.D. Schwarz, *London in the Age of Industrialisation. Entrepreneurs, labour force and living conditions, 1700-1850* (Cambridge, 1992) for details of earnings of various tradesmen in London towards the end of the eighteenth century.

witnesses and the time taken away from work. Justice at the summary level therefore had the attraction of being relatively cheap by comparison. The fees were standard and presumably well known to the court's users and the money generated went to a variety of purposes. In assault cases, as will be seen in chapter six, prosecutors often recovered the costs of the court actions if they were successful. Similarly constables and others bringing those that broke City regulations relating to trading or traffic were allowed to keep all or part of the fees. The costs collected by the courts were in also part being redistributed throughout the City as the magistracy saw fit; the balance often being given to the poor. Other worthy causes benefited from the charges and fines raised at Guildhall and Mansion House. Donna Andrew noted that the Marine Society was 'given £6 in fines from the Guildhall and Mansion House in February 1774'[47]. The court fees therefore partly funded the prosecution and regulation process (by supplementing the incomes of substitute constables, watchmen and other parish and corporation officers) whilst also being redirected to help the poorest elements of society, a practice which was not unusual elsewhere in the country at the time.[48]

The costs of these courts did not represent a barrier to the lower ranks of City society, the fees were not unduly high and could often be recovered by prosecutors. This made the summary courts of more immediate use to the broad mass of citizens than the sessions of the peace and King's Bench where the recent attention of historians interested in restorative justice has been focused.[49]

g) An Overview of Types of Cases heard by the courts.

A huge range of different types of case came before the City of London summary courts in this period. Tables 2.1 and 2.2, which sample all cases brought before the

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[47] Marine Society, subscription lists, donations, legacies, and cash received, 1769-1772, MSY/U/1 from D. T. Andrew, *Philanthropy and Police. London Charity in the eighteenth century* (Princeton, 1989), p.82

[48] See E. Crittall (ed.), *The Justicing notebook of William Hunt 1744-1749* (Wiltshire Record Society, 1982) entry 445 and the R. Paley, (ed.), *Justice in Eighteenth-century Hackney: The Justicing Notebook of Henry Norris and the Hackney Petty Sessions Book* (London Record Society, 1991) entry 287

[49] N. Landau, 'Indictment for Fun and Profit: A Prosecutor's Reward at the Eighteenth-Century Quarter Sessions' *Law and History Review*, 17.3, (Fall, 1999) R. Paley, 'Power, participation and the criminal law: restorative justice Hanoverian style', (forthcoming).

JPs in the City for two rare periods in the 1780s for which overlapping records survive, illustrate this massive diversity and the high workloads of the courts.

Table 2.1 Types of case heard at the City summary courts November 1784 – March 1785 and November 1788 – March 1789.

Type of Case	Guildhall	Mansion House	Total
Property Offence	132	331	463 (35.8%)
Violent Offence	110	310	420 (32.4%)
Regulatory Offence	121	290	411 (31.8%)
Total	363	931	1294 (100%)

Source: The Minute Books of the Guildhall and Mansion House Justice Rooms, CLA/005/01/029-30, CLA/005/01/038-39 and CLA/004/02/001-004, CLA/004/02/043-45. Figures for each court are numbers of cases heard and adjudicated. Total is the sum of the two courts combined. Exact dates covered by these minute books are: 10/11/1784-5/3/1785, 17/12/1784-14/2/1785, 10/11/1788-14/3/1785 & 12/12/1788-26/1/1789 a period of 48 weeks. Therefore this sample represents 24 'court weeks'.

Table 2.2 Other Business before the City Justices Rooms 1784-89[50]

Action	Mansion House	Guildhall	Total
Affidavit	983	108	1091(35%)
Certificate	789	0	789 (25%)
Warrant - general	251	61	312 (10%)
Powers attested	219	0	219 (7%)
Order of removal	179	0	179 (6%)
Letters of Attorney	118	0	118 (4%)
Backed warrant issued elsewhere[51]	66	17	83 (3%)
Warrant - Bastardy	61	1	62 (2%)
Other	35	13	48 (1.5%)
Set parish poor rate	43	0	43 (1.5%)
Parish order	34	0	34 (1.0%)
Precept for election of Beadle/constable	19	1	20 (0.5%)
Warrant – desertion[52]	19	0	19 (0.5%)
Acknowledgements	17	0	17 (0.5%)
Hoards	14	0	14 (0.5%)
Warrant - Peace	13	1	14 (0.5%)
Warrant - Search	13	3	16 (0.5%)
Indenture of Apprentice	9	0	9 (0.3%)
Warrant - distress	9	0	9 (0.3%)
Exhibits	7	0	7 (0.2%)
Certificate	6	0	6 (0.2%)
Totals	2904	205	3109

Source: The Minute Books of the Guildhall and Mansion House Justice Rooms, CLA/005/01/029-30, CLA/005/01/038-39 and CLA/004/02/001-004, CLA/004/02/043-45. Figures for each court are numbers of hearings and applications made. Total is the sum of the two courts combined. Percentage is the number this represents as a total number of cases heard.

In this sample of 24 'court weeks' the minute books of the two City courts indicate that over 4,324 hearings/adjudications took place before the City magistracy. This suggests that these courts heard on average about 180 cases per week which would have meant that between them these courts dealt with over 700 cases each month.[53]

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[50] Dates are the same as for Table 2.1

[51] E.g. Outside the City boundaries

[52] Meaning the desertion of a wife, family or employment

[53] The figures in Table 2.1 and 2.2 shows that the Guildhall Justice Room heard 568 cases in the periods 17/12/1784-14/2/1785 and 12/12/1788-26/1/1789, a total of 90 working days: the court therefore dealt with on average 6.3 cases per day. The Mansion House heard 3834 cases over the two periods 10/11/1784-5/3/1785 and 10/11/1788-14/3/1789, a total of 204 working days: this court dealt

Although comparison with local magistrates and petty sessions in other areas is difficult because different summary courts used different recording practices. this suggests that the City courts were probably dealing with even larger numbers of complaints, examinations and administrations.[54]

The majority of these hearings dealt with relatively routine matters (the issuing of warrants, orders of removal and the swearing of affidavits) which were minimally recorded in the minute books. However, in 1,294 cases a longer record indicates that a full hearing took place leading to an adjudication and normally the names of the participants, the nature of the offence/dispute and some sense of the outcome was recorded. Amongst these 1,294 cases property offences formed the largest subsection of the courts' business accounting for 35.7 percent of the hearings. The prosecution of violence, chiefly interpersonal assault, formed a significant part of the caseloads of both City courts (32.4 percent). Theft and violence accounted for 68 percent of all hearings but the relative weight of these two types of cases is interesting. Beattie's work on the 1730s indicates that hearings involving violence outnumbered those involving theft by nearly two to one, fifty years later theft cases slightly predominated.[55] If Beattie's data is comparable this would imply a considerable change towards a greater emphasis on theft accusations. However, it is possible that the courts changed their recording practices in relation to, for example, preliminary requests for warrants in assault disputes, and therefore such conclusions must be tentative.[56] Finally the courts were also busy dealing with a variety of regulatory disputes and prosecutions. These involved traffic offences such as dangerous driving and unlicensed vehicles; obstructing the streets and pathways; trading violations;

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with many more, 18.7 cases. If we accept that, on average the courts heard 12 cases per day and sat six days per week then they would each be able to process 72 cases a week or 312 per month.

[54] P. King, 'The Summary Courts and Social Relations in Eighteenth-Century England', *Past and Present*, 183, (May, 2004), p.132, pp.170-172; G. Morgan and P. Rushton, 'The Magistrate, the Community and the Maintenance of an Orderly Society in Eighteenth-Century England', *Historical Research*, 76, 191, (February, 2003), p.61 and Crittall, E (Ed.) *The Justicing Notebook of William Hunt, 1744-1749* (Devizes 1982)

[55] Beattie, *Policing*, p.104

[56] Beattie's table on page 104 does not indicate whether or not it includes warrants issued for assault or other disputes. If assault warrants were to be added to table 2.1 the apparent emphasis on theft accusations in the 1780s would be reversed. However, if warrants *are* included in Beattie's data then the comparison stands and an argument for a change in emphasis can be supported.

immoral behaviour (such as prostitution and bastardy): drunkenness and disorder, as well as master/servant disputes and a host of other petty infringements of City regulations. This large and varied amount of business guaranteed that these courts were busy arenas of adjudication and negotiation in the eighteenth century. Large numbers of Londoners were appearing here as prosecutors, witnesses, defendants and policing agents, many more indeed than were passing though the doors of Newgate and the Old Bailey.

In addition to the hearings and examinations of property crime, interpersonal violence and regulatory disputes that we can identify from the summary court records there is also a considerable amount of administrative and other business that was being undertaken. A small amount of poor law business came through the summary courts, especially at Mansion House. Additionally bastard bearers and absent husbands or fathers were summoned before the magistracy and ordered to take the necessary steps to prevent their children's upkeep falling upon the parish expenses. Vagabonds and beggars were brought in and ordered to be 'passed' to their place of lawful residence, sometimes being sent to the Bridewell for a brief reminder of the City's hospitality lest they chose to return. The court at Mansion House also swore in new constables and other officers of the City and parishes and set the poor rates. Numerous affidavits were sworn each week before the lord mayor and considerable numbers of warrants were issued.

It would add a further dimension to this study if we could analyse and describe in detail the many administrative functions performed by the Mansion House court. A considerable amount of the court's time was taken up with 'other' business. However, the cryptic way in which this is recorded makes it impossible to clearly identify what was happening. Therefore it has not been possible to discuss the role that they clearly play in relation to settlement, poor rates, orders of removal and a variety of other business. [57] As Table 2.2 shows a large number of removal orders and settlement

[57] It is notable that very few paupers appear in the records of the Mansion House court appealing for relief. This may be because these appeals are disguised in some way in the headings that precede the description of the daily business of the court. We know that paupers did come before the court in the

examinations were dealt with although unlike other justices' records that have been studied[58] where the name of the individual and their parish are described. in the City that information was not provided. Administrative hearings were normally listed as the first item in any day's business and a typical entry would read as follows:

Saturday 4th December 1784
Affidts: Lang, Dean, Innes, Davis, Butler, Bureau
Ditto; Richards, M. Knight, Williams, Randall,
Ditto; Westerland, Gibson, and others
Certs; Jones, Artis, Jenner, Wright, Watts
Letters Attorney; Barnett, Carou, Mitchell, McDonald
Ditto; Hughes [59]

The exact context that required the issuing of these affidavits, certificates and letters of attorney were never made clear. Table 2.2 illustrates that the City summary courts were not simply criminal courts but almost certainly played a host of other important roles in London society. In both courts the overwhelming number of entries were for affidavits. An affidavit was literally the swearing of evidence to be used in court, but it is not possible to determine what these affidavits referred to.[60] Warrants were issued against the purported fathers of illegitimate children.[61] Similarly warrants for desertion were taken out for men who abandoned their families causing them to become dependent on poor relief. The primary aim of bastardy warrants and warrants for desertion was not a moral one but rather a more pragmatic device to reduce the

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early nineteenth century because parliamentary records evidence this. Francis Hobler, chief clerk at the Lord Mayor's court from 1807 told the 1834 poor law committee that paupers could and did regularly apply to the lord mayor for relief. 'A great deal of money is dispensed in this manner at the Mansion house. A woman with a train of children comes to London to seek her husband, and cannot find him; all her money is gone, and unless she obtains immediate relief she is lost. In these instances some temporary relief is administered and a great deal of money is dispensed at the mansion house with very good effect. This money is taken out of the fees, and accounted for to the Corporation.' *P.P.*, 1834 (44) XXIX, p.89a

[58] For example Crittal (ed.), *The Justicing notebook of William Hunt 1744-1749* (Wiltshire Record Society, 1982) entry 445 and R. Paley, (ed), *Justice in Eighteenth-century Hackney: The Justicing Notebook of Henry Norris and the Hackney Petty Sessions Book* (London Record Society, 1991), and G. Morgan and P. Rushton (Eds.), *The Justicing Notebook (1750-64) of Edmund Tew*

[59] CLA/004/02/001, 4/12/1784

[60] OE Dictionary: Affidavit, 'A statement made in writing, confirmed by the maker's oath and intended to be used as judicial proof.'

[61] 'Any person "charged on oath with being the father of a bastard child shall be apprehended and committed to gaol until he gives security to indemnify the parish from expense.' Tate, *Parish Chest* p.198

overall costs of the parish community. The City justice rooms were, therefore, an integral part of the complex meshing of local government business that touched the lives of Londoners in a multiplicity of ways.

The remaining work of the court was the issuing of other types of warrant and these were generally self-explanatory. The warrants were issued at the request of the complainant and Burn's manual suggested that a brief examination should be made before a warrant was granted.[62] Once the warrant had been issued the City's constables and marshals could act upon it, by arresting the person named on it and bringing them to court.[63] Most of the warrants labelled as 'general warrants' in Table 2.2 were for assault or potential felonies. Search warrants were also issued which specified the place of search and the reason given. In December 1775 Alderman Alsop issued a warrant to search 'the house of [ ] Jones on Dowgate Hill for eight yards of black lace, two women's aprons and other things, the property of Benjamin Cooper – on his oath.'[64] Such warrants were issued only when there was sufficient grounds for suspicion and, as this example shows, particular named goods were specified as being missing. It was not a general invitation to rifle through a person's property looking for suspicious items.[65] To what extent magistrates and executing officers complied with this is open to question.

Thus a large amount of the lord mayor's courtroom time was taken up with administrative business. The court at Mansion House, and indeed at Guildhall, dealt with a great deal more than petty crime. In part this is because of the multi-faceted nature of magistracy in the eighteenth century and the centrality of these courts to the City community. They certainly dealt with many more defendants, witnesses and prosecutors than the higher courts of assize and quarter sessions that served the City, but what sort of justice did they offer. To answer this we can now consider the style

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[62] 'It is convenient, though not always necessary, that the party who demands the warrant be first examined on oath, touching the whole matter whereupon the warrant is demanded, and that examination put in writing....Or at least it is safe to bind him over to give evidence; lest afterwards when the offender shall be apprehended, or shall surrender himself, the party that procured the warrant be gone.' Burn, *Justice* Vol. 4 p.367

[63] Ibid. p.368

[64] CLA/005 01/004, 1/12/1775

[65] Burn, *Justice of the Peace* Vol. 4 p.122

of the hearings at Guildhall and Mansion House and the sorts of outcomes they produced.

h) The Style and Outcome of Hearings at the City Justice Rooms.

What form did the hearings before the magistrates take in this period? The scene in the Guildhall Justice Room is illustrated by Hogarth in 'Industry and Idleness' in figure 2.1 below.[66] The image is not necessarily accurate in all respects but conveys the essence of the open court.

Figure 2.1 , 'The Industrious 'Prentice Alderman of London, the Idle one brought before him and impeach'd by his accomplice', William Hogarth

The court room depicted by Hogarth was a public space. The justice sat with a clerk and was (usually) attended by an attorney from the mayor's court. The name of the attending attorney at law was listed in the minute books and the same few names continually feature.[67] The accused was brought in from the holding compter by a

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[66] Hogarth, *Industry and Idleness X The Industrious 'Prentice Alderman of London, the Idle one brought before him and impeach'd by his accomplice* in S. Shesgreen, *Engravings by Hogarth* (Toronto, 1973)

[67] For example a William Rhodes regularly attended.

constable (or by an arresting officer or prosecutor from the street if the offence occurred whilst the court was sitting) or was summoned by a warrant. The case was then presented by the prosecutor and an examination by the magistrate of the accused and any witnesses ensued.[68] This could be detailed and exacting or cursory and straightforward, depending on the offence itself.[69] Thus in 1789 Elizabeth Austin was brought before the lord mayor charged on the oath of a constable. Samuel Roberts, with being an idle and disorderly person. With no more evidence recorded than that Roberts had sworn to the charge Austin was sent to Bridewell for a month. The next day, Tuesday 8th December, Jane Pearce accused Elizabeth Walden of abusing her five year old son. The witness described the assault on the child in detail and the examination by a doctor. The lord mayor remanded Walden in custody in the Poultry compter to be examined further with a view to charging her with murder. Walden was discharged on the following day after the coroner reported that the child had died naturally.[70] On the 19th November 1761 Ann Bewry was charged by Edward Read with picking his pockets after he had spent the night with her. The clerk recorded the evidence presented by Read and his cross-examination by the alderman. Read said that he had taken her into custody soon after the act was committed but she had escaped with the help of some friends. He then described to the court how he had fallen asleep 'after he had lain with her and that when he awoke missed his money'. The next morning, instead of his money, all he had were five counters. However, under questioning by the justice he admitted 'that he remembered not what time of the day he saw his money', although he was certain he had four (or possibly five)

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[68] For a more detailed description of the operation of magistrate courts in London in the late eighteenth and early nineteenth century see, Bruce Smith, 'Circumventing the Jury: Petty Crime and Summary Jurisdiction in London and New York City, 1790-1855', PhD. thesis., (Yale University, 1996), pp.175-184

[69] The examination of the accused by the magistrate had undergone a change in the eighteenth century. Under the Marian legislation of the sixteenth century the role of the magistrate in property offences was simply to prepare the evidence for the crown in advance of the trial. There was no obligation upon the Justice to look for evidence that could be used as a defence. As Beattie puts it the magistrate's duty was to "assemble a prosecuting brief that would stiffen and supplement the case presented orally by the victim-prosecutor in court. He was not actually forbidden to report information that was in the prisoner's favour, but nor was he expected to search for such evidence 'as maketh against the king,' in Michael Dalton's phrase." However, during in the eighteenth century the nature of the magistrate's examination began to take on the 'some of the characteristics of a judicial hearing' as JPs more regularly determined whether a case should proceed to trial on the basis of the evidence brought before them. Beattie, *Crime and the Courts*, pp.271-274

[70] CLA 004 02/053, 7/12/1789 and 8/12/1789

guineas and a moidore[71] when he went to her room in a bawdy house in Fleet Lane. The case was dismissed because the magistrate felt that Read's account was inconsistent and contradictory.[72] These cases reflect the brevity of the recording of some cases in the minute books and the rich detail in others. In some instances the records of the courts are much more forthcoming, recording detailed exchanges between witnesses and the court that are in effect depositions. We can see the full workings of the summary court in an arson case from March 1779.

On the 17th March 1779 Henry Washington, a parish constable, gave an account of several suspicious circumstances relating to a fire in Cheapside. The detailed recording of this case runs for several full pages in the minute books of the Guildhall Justice Room.[73] A fire had broken out the home of Thomas Hilliard, a substitute constable in the City. Hilliard had alerted the watch who had hurried to the scene. However, in seems that there were conflicting accounts of how the fire started and Hilliard himself was suspected of arson, perhaps in order to make an insurance claim or for some other, more heinous reason. The unfolding of the case is revealed by the clerk's record of the hearings. On the first day a constable, Washington, came before the court with a number of persons including Hilliard under his care. He described the events of the night of the fire from his position as duty constable at the watch house. The court then heard evidence from Hilliard, his wife and servants, another couple that lived in the house and from members of the watch and constabulary that attended. The actual exchanges are recorded in the minute books. To give an example:

> *Thomas Hilliard was called in and said that after supper last night he went down into the kitchen and the cellar – he was going into bed when he smelt the fire – he then pushed into the maid's room, and also knock'd on the wainscot – he shoved the maid's room open, and said "Molly have you any lighter here, or is your candle safe, for I believe the house is on fire" He thought the shavings were in a blaze – he passed the closet where they*

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[71] A moidore was a Portuguese coin that was in circulation at the time.
[72] CLA 005/01/002, 17/12/1761
[73] CLA 005/01/007, 26/2/1779-3/4/1779

lay, but did not examine it – nor did he smell the key hole – he said , he could not give a reason for not looking to the shavings[74]

The magistrate remanded Hilliard for further examination so that more evidence could be gathered and witnesses interviewed. Hilliard was held in custody at the Poultry compter where he apparently confessed to the arson but subsequently retracted his confession. The thorough nature of the examination before the magistrate is illustrated by the involvement of an 'expert' witness in the person of William Payne, the reforming constable, in his capacity as a carpenter. Payne was questioned about the construction of a closet (where the fire started) and its combustibility. Hilliard was committed to Newgate to await trial but no there is record of any trial occurring.[75] Arson was an extremely serious offence in the metropolis given that the risk of fire spreading and consuming adjacent property was a very real one.[76] The detailed examination of this case and the way it is was recorded shows that part of the function of the summary process was to prepare cases for trial at the higher courts. It is clear, therefore, that while some if not many of the hearings that occurred at these courts were brief and cursory, others were careful and considered.

The outcome of some summary hearings involved the imposition of a fine, the sentencing of the culprit to Bridewell or another prison, or some other penalty. However, the style of the court was often deeply influenced by a more civil mode of proceeding. Often the case was agreed between the accused and victim and the former discharged. Similarly the case was often dismissed for lack of evidence or because the prosecutor failed to appear. If the case was serious the magistrate was obliged, if the advice books of the time are to be believed, to send it on to the higher courts, and in these cases a recognizance was issued and recorded in the minutes.[77] This study will

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[74] CLA/005/02/007, 17/3/1779

[75] He appears on the Newgate calendar listings for 19/2/1779 to 17/4/1779. CLA SF/1077 April 1779

[76] Cheapside and the surrounding area were particularly vulnerable to fire. P. Ackroyd, *London. The Biography*, (London, 2000), p.218

[77] R. Burn's *Justice of the Peace and parish officer* (1785) has been used as the key source for this study with additional information on practice from W. Blackstone, *Commentaries on the Laws of England volumes 1-4* (Oxford ,1765)

demonstrate, however, that the summary courts sent very few cases on to the higher courts, preferring to deal with offenders at this stage of the justice system where possible. In this respect the evidence from the City of London courts is consistent with research carried out elsewhere in the same period.[78]

In several instances the accused was remanded to await further examination in a few days, and this could happen more than once before the case was eventually discharged or the prisoner was summarily punished or committed to Newgate to await trial. [79] The court could remand the individual and then use the newspapers to advertise the case in order to allow witnesses, or the owner of the alleged stolen goods, to come forward.[80] This practice of 'further examination' can itself be viewed as a prosecution strategy that exploited the criminal justice system of the time. Without hard evidence the accused could be thrown into gaol for a short (but very unpleasant) period before being released for lack of evidence. If the procedure had been repeated more than once, (and there are several instances where it was)[81], the accused could easily spend a week or more in prison. However, it also gave the magistrate an alternative to committing the accused to trial.[82] Remanding for further examination was therefore a multifaceted tool of the summary bench, allowing as it did for the punishment of minor offenders, the terrifying of young offenders and the more careful examination of others.

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[78] See P. King, 'The Summary Courts'; Morgan and Rushton, 'The Magistrate and the Community'; Morgan and Rushton (Eds.), *The Justicing Notebook (1750-64) of Edmund Tew,* pp.13-25; and Paley, (Ed): *Justice in Eighteenth-century Hackney*, pp. xvii-xviii.

[79] The reason for remanding prisoners for 'further examination' was to perhaps encourage witnesses to come forward or simply to get more information about the case. Justices could only remand in this way for a period of three days. Beattie, *Policing* p.270 Burn informs us that while it is reasonable to hold the prisoner in order to allow evidence or witnesses to appear the 'time of the detainer must be no longer than is necessary for such purpose; for which it is said, that the space of three days is a reasonable time. 2 Haw.119.' *Burn* vol. 1 p.537 However recent work has shown that suspects could be held for longer than three days, even over a week on occasions. See P. King, *Shaping and Remaking Justice from the Margins. The Courts, the Law and Patterns of Lawbreaking, 1750-1840* (Cambridge, 2006)

[80] It is impossible to be certain of how often the courts resorted to the press to advertise stolen property but in the early nineteenth century *The Times* has the occasional advert from the City justice rooms. For example; an advert entitled: 'Ansley, Mayor. Justice-Room, Mansion-House, 1st Oct' appears. Here a 'Cornelian Seal' is described as being found on a suspicious person. 'May be seen by applying to Mr Hobler (Francis Hobler – clerk) at the Mansion House.' *The Times* 3/10/1808; pg. 1; Issue 7482; col. A

[81] This will be discussed in more detail in chapter five.

[82] King, *Crime, Justice and Discretion* p.95

Detailed outcomes for the three broad categories of hearings under exploration here (property crime, violence and regulation) will be discussed in subsequent chapters but the broader style of these courts can be illustrated by looking at the overall profile of outcomes that the courts arrived at (Table 2.3).

Table 2.3. The Nature of Outcomes of the City Summary Courts, November 1784-March 1785 and November 1788-March 1789.

Outcome	Guildhall	Mansion House	Total
Settled & Discharged	214	455	669 (59.4%)
Summarily Punished	69	208	277 (24.6%)
Sent on	36	143	179 (15.9%)
Total known outcomes	319	806	1125 (99.9%)
Outcome unknown	44	125	169
Total	363	931	1294

Source: The Minute Books of the Guildhall and Mansion House Justice Rooms, CLA/005/01/029-30, CLA/005/01/038-39 and CLA/004/02/001-004, CLA/004/02/043-45. Settled includes cases that were agreed, dismissed, reprimanded and discharged. Summarily punished encompasses those cases where the defendant was fined, imprisoned or passed. Those sent on were committed for trial at Old Bailey and the London Sessions of the Peace. Figures for each court are numbers of cases heard and adjudicated. Total is the sum of the two courts combined. Percentage is of known outcomes.

Some 59.4 percent of offenders that were brought before the two magistrate courts were discharged or dismissed by the sitting justice. These defendants were therefore dropping out of the criminal justice system at a very early stage. There are a number of explanations for this that will be examined as we look in turn at the prosecution process and the way in which the courts dealt with property crime, interpersonal violence and the regulation of trade, the streets and public morality. This filtration process is further emphasized by the percentage of hearings, 24.6, that ended in some form of summary punishment. The courts were able to imprison and fine offenders for a number of crimes as well as having the less formal sanction of persuading them to enlist in the army or navy or sending them to the Marine Society if they were young enough. Some of those appearing before the courts were imprisoned by the magistrates, usually in the Bridewell, others were fined before being released and a

small number were ordered to be returned to their place of last settlement. All these outcomes will be discussed in more detail in later chapters.

Of the cases heard by the court a significant percentage were dealt with without any formal punishment being given. Many cases were settled without the need for further court action, an outcome that has been identified in other studies of summary justice.[83] The discretionary powers of JPs and their wider role as mediators within the community have also been noted.[84] The settling of disputes to the satisfaction of both sides was both less expensive and less divisive to the wider community.[85] It is therefore not surprising to see that many cases were settled at the summary level and filtered them out of the justice system early on. A reprimand may well have acted in a similar way. Youth, gender or poverty may well have played a part in the decision to reprimand but it also seems that this outcome was designed to satisfy the prosecutor without the resort to further trial and expense.

When the figures for those hearings that were settled are combined with those that were summarily punished we can see that in cases where the outcome is known 84 percent of defendants were being dealt with by the City justices without the need for the further involvement of the wider criminal justice system.[86] Therefore it is important to remember that when we look at crime rates (or more properly, *prosecution rates*) for the eighteenth century, we have to take account of the number of cases that are discharged at this initial phase in the system. The growing body of work on the history of crime has for the most part concentrated on the relatively small number of cases that were serious enough to reach the higher courts of the land but

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[83] King, 'The Summary Courts', Morgan and Rushton, 'The Magistrate', Morgan and Rushton , *The Justicing Notebook (1750-64) of Edmund Tew* , Paley, *Justice in Eighteenth-century Hackney*

[84] See King, *Crime, Justice and Discretion*, pp.22-35

[85] See Beattie, *Crime and the Courts*, p.268

[86] It is possible that some cases did come directly to the higher courts when they were sitting and so bypassed the summary courts but this figure is not likely to be a high one. See Beattie, *Policing* p.268

has not always shown an awareness of the vast number of cases filtered out lower down the system.[87]

These courts facilitated the hearing of disputes, they dispensed warrants and forced those accused of a variety of offences and infringements to attend. They were a semi-civil, semi-arbitrational arena for the settling of disputes and arguments rather than a criminal court. However, they had the power to punish as well as to arbitrate and this is an important dimension of their role. The men that sat in these courts were the justices of the peace for the City of London. These were powerful and, for the most part, wealthy individuals and it is necessary to understand something of their lives and motivations in order to appreciate the way in which summary justice functioned in the this period.

i) The City Magistrates

Prior to 1638 the number of aldermen who were eligible to serve as magistrates was limited. Only the recorder, the lord mayor and those aldermen who had previously served as lord mayor could act as City magistrates.[88] The next three most senior aldermen supplemented this group in 1638 as did six more in 1692 and a further four in 1704, presumably to deal with a shortage of candidates.[89] The situation was finally consolidated in 1741 when all aldermen were named as magistrates. In 1751 the aldermen operated on a daily rota system, as Beattie has described,[90] while in September 1789 the magistrates sitting at the Guildhall appear to have served three to four days in turn. Perhaps procedures changed from time to time, for in December 1784 there is a daily variation in the sitting magistrate. At the Mansion House the lord

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[87] Robert Shoemaker's work on misdemeanors is a notable exception to this trend. R. B. Shoemaker, *Prosecution and Punishment. Petty Crime and the Law in London and Rural Middlesex, c.1660-1725* (Cambridge, 1991)
[88] Beattie, *Policing* p.92
[89] Ibid.
[90] Beattie, *Policing* p.112

mayor was nearly always in attendance. his periods of absence being filled by aldermen.[91]

The magistrates of the City were important, rich and powerful men. They were. as Rudé noted, 'almost without exception men of wealth and expected to hold property to the value of £15,000.'[92] They had risen to positions of influence and been voted into office by their respective wards and parishes. To become lord mayor one had to have served as alderman and be nominated by the Court of Common Hall. Each lord mayor only served for a year before he was succeeded by one of his aldermanic colleagues. Apart from the wealth and power that was part and parcel of aldermanic office several of these individuals would also have had experience of Parliament. In the period 1770 to 1809 between 18 and 20 percent of London aldermen served as MPs, (although not all of them as representatives of the City itself).[93] John Sawbridge was an MP from 1774 to 1795 who`s backing of John Wilkes` nomination for the mayoralty in 1774 in return for his own smooth election as MP for London hints at the cosy patronage of City politics – indeed Sawbridge succeeded Wilkes as lord mayor in the following year.[94] Sir Watkin Lewes served three times as an MP and demonstrated his understanding of the City's long tradition of independence by resisting the intrusion of press gangs into the City.[95] This determination to resist central government intervention in City affairs had been evident during the American War of Independence and again in 1787 when the sitting lord mayor, John Burnell, 'declared his resolution not to back any press warrants' which brought him into direct confrontation with the Prime Minister, first Lord of the Admiralty and the Lord Chancellor.[96] Independence and an attention to the vested interests of the corporation characterize the careers of several City MPs.

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[91] When he was away – on some official function or other – his place was taken by another JP from the Guildhall but notably the civil business of the court was much reduced, presumably reflecting the special power of the Lord Mayor to act on his own in the capacity of two Justices.

[92] G. Rudé, *Hanoverian London, 1714-1808*, (London, 1971), pp.122-123

[93] D. Andrew, 'Aldermen and Big Bourgeoisie of London Reconsidered', *Social History*, 6, 3. (October, 1981), p.361

[94] P. D.G Thomas,. *John Sawbridge (1732-1795)* Oxford Dictionary of National Biography ref:odnb 24750 (www.oxforddnb.com accessed 1/11/05)

[95] Ibid. p.21

[96] King, *Shaping and Remaking Justice*

The City returned three members of parliament but, as suggested earlier, other aldermen made it to the national stage as representatives of seats outside of London. Alderman Townsend served as MP for West Looe in 1767 and later Calne in 1782 and the wealthy Jamaican planter William Beckford served for Shaftsbury from 1747 to 1754 before he fought and won his London seat.[97] National politics and City politics were certainly closely linked although as we saw above City MPs seem to have been primarily concerned with representing City interests.

London aldermen were a distinct group in the second half of the eighteenth century. While many of them invested in land outside of the capital few chose to exchange their metropolitan lifestyles and careers for that of country gentlemen. They remained rooted in trade and the accumulation of wealth in the urban centre. Many of these individuals derived their personal fortunes from trade or from the financing of trade. To give an example, Alderman Newnham began life as a sugar-baker but moved into banking on gaining his inheritance. Bankers, financiers and merchants accounted for 63 percent of the aldermen serving in the City between 1738 and 1762 while in the years 1768 to 1774 of 43 aldermen 12 were bankers, at least three were major merchants, several were 'gentlemen of leisure' and 'only a handful followed the more common City crafts or trades.'[98] Some 20 percent were wholesalers operating out of the capital but naturally intrinsically linked to the wharfs and warehouses of London. Some were successful self-made men like John Boydell, who rose from impoverishment in Derbyshire to make his fortune by purchasing the copyrights in the re-prints and paintings of artists.[99]

City interests, the interests of trade and finance, must have informed decision making at Guildhall and Mansion House but individual interests and personal predilections probably influenced some aspects of their work. Boydell, the son of a vicar, also

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[97] Oxford Dictionary of National Biography P.D.G. Thomas, *James Townsend (bap.1737, d.1787)* ref:odnb/64140 and R. B. Sheridan, *William Beckford (bap.1709, d.1770)* ref:odnb/1903 (www.oxforddnb.com accessed 1/11/05)

[98] N. Rogers, 'Money, Land and Lineage: the Big Bourgeoisie of Hanoverian London', *Social History*, 4, 3, (October, 1979), p.442 and Rudé, *Hanoverian London*, p.123

[99] T. Clayton, ***John Boydell (1720-1804)*** ref:odnb 3120 (www.oxforddnb.com accessed 1/11/05)

served as steward of the Marine Society in 1785 and this may have affected the way he discharged his magisterial responsibilities. [100] It is also likely that these men shared their thoughts and opinions with each other in the numerous social gatherings open to them. Meetings, civic ceremonies, balls and investitures would have brought these men together while marriage and friendships would have created further links between them. Nick Rogers has observed that approximately 'one third of the Georgian aldermen were related to former City dignitaries or to their fellow members. Compared to their seventeenth century counterparts they constituted an indigenous elite, solidly grounded in London merchant society.'[101] They formed what Rogers has termed a 'City patriciate', bound together as they were 'by interlocking ties of kinship.'[102] This further emphasizes their metropolitan focus and is perhaps suggestive of their ability to administer a layered and connected system of civic government.

Rogers also noted that the aldermen of London 'reflected a broad cross-section of the greater merchant community. Among their numbers were to be found some of the richest commoners of England.'[103] Few surpassed Richard and William Beckford who had enormous wealth from the West Indian plantations or Sir Charles Asgil who headed a banking house and died with assets worth around £160,000.[104] When Harvey Christian Combe died in 1818 his estate was valued at £140,000. Combe's entry in the current Dictionary of National Biography notes that; 'No brewer, except perhaps Combe's contemporary, the second Samuel Whitbread, better demonstrates the social and political range of London's super-rich brewing fraternity in the late Georgian period.' Combe moved outside the world of brewing as well, being close friends with Charles James Fox, Sheridan and the Prince of Wales demonstrating the way in which these City patriarchs were interlinked within London society.[105]

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[100] Ibid.
[101] Rogers, 'Money, Land and Lineage', p.443
[102] Ibid.
[103] Ibid. p.441
[104] Ibid. p.440
[105] R.G. Wilson, *Harvey Christian Combe (1752-1818)* ref:odnb/50464 (www.oxforddnb.com accessed 1/11/05)

It is unwise to generalize about the character of the individuals that dispensed justice in the square mile throughout the late eighteenth century. They were, however, representative of a mercantile elite. Most had made their money from business or by making crucial alliances with those that had. These men served the City in a variety of ways; as national representatives of the City in Parliament, as local politicians as aldermen and lords mayor, and as Sheriff and Chamberlain, while they also sat on boards of governors at the Bridewell and Bethlem hospitals, the Marine Society and various other organizations. [106] They were also a metropolitan elite, influenced by both their experience of the urban centre and by its particular needs. While many may have chosen to reside outside the City, most lived within the greater metropolis (in the fashionable parts of Westminster) or commuted from their opulent properties along the banks of the Thames. [107] Along with the various talents and abilities they brought to the office of magistrate they must also have been able to add a good understanding of City affairs and City politics which would have informed their actions. While some may have had moral issues uppermost in their minds others may have been more concerned with furthering or protecting their business interests (or those of their supporters) while still others had their wider political careers in mind. At least one had direct experience of crime. In July 1790 Alderman Curtis was on his way home when his coach was stopped by highway robbers. The newspaper reported that:

> *When they stopped the coach he was asleep, and was awakened by finding a large horse pistol on each side of his breast. They robbed him of three guineas, a gold watch, and of the Newgate Calendar, which he happened to have in his pocket. We hope the latter will be of use to the gentlemen.*[108]

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[106] For example Sir Richard Glyn was Bridewell president (a post his son was to hold after him) and a prominent member of the Antigallican Society; A. Turton, *Sir Richard Glyn (*bap. *1711*, d. *1773*) ref/odnb 47949 Paul le Mesurier 'was noted as a philanthropist, serving on the governing bodies of the Eastern Dispensary, the Asylum for Female Orphans, and the London Huguenot Hospital.' W.R Meyer, *Paul Le Mesurier (1755 -1805)*: ref:odnb/16428 (www.oxforddnb.com accessed 1/11/05)

[107] Rudé, *Hanoverian London*, p.122

[108] *The World*, 12/7/1790

There is no indication of whether these robbers were ever caught or prosecuted but we might expect the experience to have had some bearing on the way in which the Alderman discharged his magisterial duties.

Concluding remarks

The City of London was a layered network of arenas of negotiation that were connected administratively, at the heart of which were the two City summary courts. The Guildhall and Mansion House justice rooms individually and collectively dealt with the majority of all civil business and criminal prosecutions in the City of London at the end of the eighteenth century and as such formed an essential part of the fabric of Georgian London's social relations. These courts were accessible, affordable and seemingly used by a significant proportion of the population of the City.[109] They dealt with a very wide range of business, from theft to domestic violence to requests for settlement and orders of removal. These courts reached the lives of thousands in a way that the Old Bailey never did. Our understanding of the criminal justice system and its impact upon eighteenth-century society therefore has to involve an appreciation of the role of the summary process. The following chapters will explore this process in the City of London in much more detail to emphasise the importance of this key tier of the judicial system.

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[109] It has not been possible to determine whether it was possible for an individual to see a City Justice outside of the sitting of these courts. The aldermen were busy men, and while in principle it may have been possible, it is likely that those wanting to see a magistrate were expected to attend at one of the two summary courts.

Chapter 3: Policing & Personnel: Constables and the Watching System in the City of London c.1750-1820.

While the aim of this thesis is to establish how important and intrinsic the summary courts were to the everyday lives and concerns of the City's population, it is clear that by the time issues reached the summary courts, they represented the latter or final stages of the policing process and were in many respects a reflection of it. The magistracy and the various policing agencies in the City were tied together and this can be seen in the records of the summary courts. Daily reports on the policing of the City were made to the Lord Mayor in his capacity of chief magistrate. Therefore this chapter will examine the nature of policing in the City between 1750 and 1820. It will be argued, contrary to some historical opinion, the City was well-policed prior to the Metropolitan Police Act. This will be shown in terms of manpower per head of population and geographical area, specialist functions such as the policing of the Thames Quayside, proactive and reactive policing and the nature of the personnel involved. While it will be argued that the City of London was probably better policed than the broader metropolitan city area and other rapidly urbanising and industrialising centres in England, the system was not without its problems. For example, not everyone wanted to fulfill their civic duty and perform the role of constable and payments for successful convictions may have influenced prosecution processes unfairly. Nonetheless, as this chapter will demonstrate the nature of policing in the City had evolved from within the community and remained very close to the day-to-day experiences of city life. In this respect, the nature of policing and the role of the Summary courts were very much in tune with each other.

In order to assess the nature of policing in the City, the first section of this chapter will look at the intricate structure of the policing from the City Marshals and Marshalmen answerable to the lord mayor and aldermen, to the constables, constable substitutes and watchmen who made up this multi-layered system. Having established the role of these agencies, we need to examine how well they could police – how large an area in terms of population and geographical spread did they cover, were

they proactive or reactive to City problems and how did they practice their policing? Traditional portrayals of the parish constable have been far from favourable, but in line with more recent research this chapter will argue for a more balanced interpretation of their role and effectiveness.[1] While this evidence will suggest a largely comprehensive and responsive policing system, this chapter will finish with an analysis of the problems that existed within the system and may to some extent have influenced its effectiveness.

1) Structure of Policing in the City

In the eighteenth century the term 'police' was less narrowly employed than it is today. Taken from the French, the word 'police' equated with governance and was defined by Dr. Johnson as "the regulation and government of a city or country, so far as regards the inhabitants."[2] This governance was the responsibility of the local parish, and in the City of London of each ward. However, while outside of the City the responsibility for policing rested with the parish and its vestry, within the square mile a more co-ordinated approach to 'police' was in existence. Overall policing in the City of London was controlled directly by the sitting lord mayor and the Aldermen. As chapter two explained, these same individuals served as magistrates for the City and parts of the borough of Southwark. In addition they sat on the committees of Bridewell Royal Hospital, decided the poor rate and set the assize of bread. Much power rested on the shoulders of these wealthy men, many of whom had made their fortunes in the cut and thrust world of the City's mercantile and financial markets. It is important to recognise that, in the City, policing and the administration of criminal justice, in common with all other aspects of daily life, were heavily influenced by the individual ideology of the sitting lord mayor. Outside initiatives, as Pitt and Peel were both to discover, were not welcomed if they infringed the City's

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[1] R. Paley, '"An Imperfect, Inadequate and Wretched System"? Policing London before Peel.' *Criminal Justice History*, 10, (1989). E. A. Reynolds, *Before the Bobbies. The Night Watch and Police Reform in Metropolitan London, 1720-1830*, (California, 1998).

[2] Quoted in L. Radzinowicz, *A History of the English Criminal Law and its Administration from 1750.. Volume 3: Cross-currents in the movement for the reform of the police*, (London, 1956) and E.A. Reynolds, 'St. Marylebone: Local Police Reform in London, 1755-1829', *The Historian*, 51, 3, (1989) p.450

special status or privileges. The City fiercely guarded its independence and. in the realm of 'police' it had some justification in believing that it had no need of the reforms that were being called for in Middlesex and elsewhere. It was believed by contemporaries that the City of London (in contrast to much of the rest of the country) was well policed and ordered in the late eighteenth and early nineteenth century. The 1812 select committee concluded that:

> *The City of London, from the nature of its Magistracy, the description of its various public offices, the gradation and subordination of their various classes, the division and subdivision of its local limits, affords an example of that unity, and of that dependence of parts on each other, without which no well constructed and efficient system of police can ever be expected.*[3]

Part of the justification for this view lies in the structure of policing in the City: a structure that was organised on a tripartite model (of public, private and community policing) while at the same time being coordinated from the centre of City government. We now can explore the ways in which this system operated.

a) The City Marshals and the Marshalmen

At the heart of the City's policing system sat the magistracy, in the shape of the lord mayor and aldermen. Below, and directly answerable to them, were the City Marshals. They were responsible for ensuring that the system of police operated smoothly and effectively, that order was maintained and that the decisions and reforms of the mayor, aldermen and Court of Common Council were enacted and executed. These were salaried positions that had been in existence since the 1570s[4] and which by 1828 were worth £500 per year for the Upper Marshall and £450 for his 'second'.[5] The positions were attractive ones, carrying with them many additional

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[3] Report from the Select Committee on the Nightly Watch and Police of the Metropolis, *P.P.*, 1812, II, 2

[4] G.Howson, Thief-*taker General. The Rise and fall of Jonathan Wild* (London, 1970) p. 26

[5] L. Radzinowicz, A *History of the English Criminal Law. Volume 2: The Clash Between Private Initiative and Public Interest in the Enforcement of the Law* (London, 1956) p.492 In 1700 the salary was £100 for the Marshal and £60 for his deputy. Marshalmen earned 1s a day or £18. 6s per year. J. Beattie, Policing *and Punishment in London, 1660-1750. Urban Crime and the Limits of Terror* (Oxford, 2001) p.158

'perks' such as a clothes and horse allowance, as well as permission to sell a freedom of the City each year (in itself worth around £30). Marshals also received 6d for every prisoner committed to the City's prisons and were permitted to extract £1 from every stall holder at the annual Bartholomew Fair. Until the 1770s the office of marshal had to be purchased but the rewards of the position would seem to have made the investment worthwhile.[6] Whilst the purchase of offices was not an unusual activity in this period it is perhaps reasonable for us to question the quality of those occupying the position. The opportunity for private aggrandisement and personal gain through the abuse of public position cannot be overlooked, and certain individuals have been shown to have taken full advantage of their power. George Howson's description of the City under-marshal, Charles Hitchen, is one of a lawman that trod a very fine line between law enforcement and criminality. Hitchen was in league with Jonathan Wild, the notorious 'thief-taker General' of early eighteenth-century London: Howson's description of Hitchen is of a man who used his position to line his own pockets whilst at the same time satisfying his sexual desires for young boys.[7] However, the exploits of Hitchen should not colour unduly our perception of all the City's marshals. The City authorities' concern about possible corruption was clearly behind the Common Council decision to end the purchase of the position of marshal in the 1770s.[8] To assist them in their duties the marshals had six marshalmen who were also salaried (at £18 5s per annum[9]). The marshalmen had similar responsibilities to the marshals but also served warrants across the City's jurisdiction.

The marshals and their assistants had a crucial role in City life in the late eighteenth century. Throughout the 1770s and 1780s the office of under marshal and (after 1778) upper marshal, was held by Thomas Gates and it is evident from a handful of cases

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[6] Howson, *Thief-taker General* pp. 26-7
[7] Ibid
[8] One of the early beneficiary's of this reform was the anti-Catholic reforming constable, William Payne. Payne was elected to a vacant Marshalman's post in 1778, the previous fee for buying the office seems so have been around £500-£800. J. Innes, 'William Payne of Bell Yard, Carpenter c.1718-1782: the life and times of a London informing constable.' unpublished paper. p.3
[9] A. Harris, *Policing the City. Crime and Legal Authority in London, 1780-1840*, (Ohio, 2004) pp.30-31 Harris notes that the Marshalman's fixed wage was only a part of his income, additional officially sanctioned fees would have raised this basic salary to £67 per year.

that reached the Old Bailey that Gates performed a variety of policing roles in this time. In 1772 he was protecting the lord mayor from an angry mob that had gathered in Guildhall Yard where he was pelted with mud for his pains: three years later he exercised a search warrant of the home of David Hart and during the Gordon riots he tried to quell the disturbances and persuade individuals he knew to stop attacking private property. [10] After his appointment as City marshal in 1778 Gates reformed the small force of marshalmen into what one historian has described as 'an effective crime-fighting force'[11]. Just how effective this small force was is open to question but it would seem that the City used its marshals and marshalmen as a public policing agency in the late eighteenth century. The marshals also performed more mundane tasks on behalf of the civic government. In 1787 the lord mayor instructed the marshals to visit the various inns and alehouses of the City on Sundays and arrest anyone they found drinking when they should have been in church.[12] Their role was a multifarious one but principally they acted as the chief magistrate's first officer in policing matters. This is evident in their role as supervisors of the City patrols.

Underneath the marshals and marshalmen, as a part of the public system of policing after 1784, were the City patrols. After the election of Richard Clark to the mayoralty in November 1784 the Common Council debated the creation of a patrol on the lines of the horse patrol operating out of Bow Street.[13] The Council agreed to spend £300 to employ ten men to carry out a variety of duties including the supervision of the night watch.[14] Over the next thirty years three patrols developed out of this initiative. By 1828 a day patrol of twenty-three men patrolled the City streets from 10am to 8pm, while a sixteen man night patrol came on duty at 6pm and served until 1am.[15] There was an additional patrol that covered Smithfield Market when it was open on

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[10] See his involvement in the following trials. That of Edward Brockett in December 1772; the trial of Mary, wife of, David Hart in May 1775; and the trial of Thomas Baggot in June 1780 *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 23 December 2005) OB refs: t17721209-99/t17750531-61 t17800628-113.

[11] D. Rumbelow, *I Spy Blue. The Police and Crime in the City of London from Elizabeth I to Victoria* (London, 1971) p.91

[12] *The Times*, Saturday, Apr 07, 1787, page 3, col. D

[13] Harris, *Policing the City*, p.46-49

[14] Ibid. p.47

[15] Wade, *A Treatise of the Police* p.48

Mondays and Fridays.[16] These patrols were paid, and in addition to apprehending 'thieves, rogues and vagrants'[17]. they reported back to the marshals on the conduct of constables, watchmen and the state of taverns and bawdy houses within the City. Indeed the parliamentary commission on police of 1812 reported that the watch system in the City was not a "dead letter".

> *[but] is kept alive and in action by the constant superintendence of the Marshals of the City, with their Assistants, who every night visit the different Wards and Precincts, and take care that the Constables, Beadles, and Watchmen of all descriptions are alert and do their duty. Morning reports are made to the Lord Mayor, as Chief Magistrate; deficiencies are noticed, as well as any disorders or irregularities, or other occurrences of the night.*[18]

The marshals, it is clear, had an important supervisory role to play in the public policing of the City and this was a role that helped integrate the various policing agencies that served the mercantile centre.

Marshals, marshalmen and the patrols operated as the City's public police force prior to 1839 and the creation of the City Police. The power of the City's aldermen extended firmly throughout the City's boundaries. Indeed the 1812 parliamentary committee was of the opinion that a warrant issued by a City magistrate should be considered to operate within a five mile radius of the Royal Exchange without the need for them to be backed locally, and a reciprocal arrangement for county magistrate's warrants to have validity within the City was also proposed.[19] The aim here was to prevent criminals from escaping across the administrative boundaries of the City and greater metropolis and there are several examples of warrants from Middlesex and further a field being presented and backed at the City courtrooms.[20] Thus the picture that emerges of policing in the City of London in the 'long eighteenth century' is very far from that painted by traditional historians of the police.

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[16] Ibid

[17] Radzinowicz, *History of the English Criminal Law. Volume 2*, p. 493

[18] *P.P.*, 1812, II, p.2

[19] *P.P.*, 1812, II, p.8

[20] For example, in October 1761 the Lord Mayor backed a warrant issued in Surrey against two men that had unlawfully boarded a ship. The men were arrested and taken before the Guildhall court, which sent them for trial in Surrey. CLA/005/01/002, 20/10/1761

Instead there appears to have been an organised and structured policing network that was able to operate across the ward boundaries, overseen and directed by the lord mayor and Court of Aldermen through the marshal and his assistants. This structure could be reformed by individual lord mayors and marshals as the needs and social makeup of the City changed over time. This publicly organised system supervised all the policing initiatives across the City endowing it with a coherence that, as we have seen, drew praise from the 1812 parliamentary committee.[21]

This then was the public branch of City policing: before we consider the policing of the City wards we can explore the private initiatives that protected the financial interests of City merchants and other businessmen. As will be shown these too were an integral part of the overall policing network of the late eighteenth-century city.

b) The Policing of the Thames Quayside

The river Thames stretched the entire length of the City's southern boundary, from Tower ward in the east to the large ward of Farringdon Without in the west. Hundreds of wharfs, docks, quays and warehouses lined the banks of the river and the waterway was congested with shipping. All this amounted to a huge financial enterprise worth millions by the end of the eighteenth century.[22] It also represented a huge opportunity for theft and pilferage. In 1711 the Excise, alarmed at widespread pilfering from the docks and quays, appointed their own special constables. These men were paid a salary of 10/- a week plus 5/- for every criminal they prosecuted to a successful conviction.[23] D'Sena noted in his study of eighteenth century dockland that the 'constables of the quays' were heavily involved in the prosecution of offenders taken before the Bridewell court in this period.[24] These men appear to have been acting

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[21] *P.P.*, 1812, II, p.2

[22] Colquhoun calculated that the value of imports and exports from the Port of London in the year 1798 was over £60 million. P. Colquhoun, *A Treatise on the Police of the Metropolis* (London, 1806) p.215

[23] P. D'Sena, 'Perquisites and Pilfering in the London Docks, 1700-1795', (Unpublished M.Phil, (Open University, Milton Keynes, 1986) p.34

[24] D'Sena, 'Perquisites and Pilfering in the London Docks

from strong financial motives and with the support of the Inspector of Prosecutions at the Customs House. So much so that even when they were not directly involved in the exposure and arrest of a suspected pilferer they were often keen to persuade those that were to appear in court to give testimony to ensure a successful prosecution.[25] These individuals came to rely upon the prosecution of offenders in order to support themselves and their families. In other words this was their main source of income or means of employment, and this is perhaps born out by their relationship with both workers and the other 'watchmen' who operated on the quays. D'Sena mentions that the constabulary was practiced in developing informers to assist in catching and prosecuting felons. The Thames riverfront was peppered with alehouses and brothels which served as information centres and employment exchanges as well as entertainment venues.[26] The City constables were familiar faces in these locations, as William Blizzard was to complain in the 1780s.[27] Blizzard may have had first hand experience of crime on and around the river as he served in Tower ward, which bordered the Thames, as a constable during 1778.[28]

Whilst seeking the co-operation of those working or living around the dock area, the quayside constables were less keen to co-operate with the other policing elements in existence at the time. City merchants hired their own watchmen, known as 'Charlies', to protect their goods from thieves. One can speculate that these Charlies resented the intrusion of other 'outside' security men on to their 'patch', particularly if it interfered with their own chances of profiting from the reward schemes, or perhaps their own appropriation of their employer's goods. These dockyard watchmen probably only operated as part-time police, as the example of William May illustrates. May was a watchman who used 'to strip tobacco on the quay' as he watched and similar watchmen would have had held other jobs perhaps related to the quays and used watching as a means to supplement their income.[29] The problem of quayside pilfering

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[25] Ibid, p.6

[26] Ibid. p.64 see also P. Clark, *The English Alehouse*, (London, 1983)

[27] W. Blizzard, *Desultory Reflections on Police* (London, 1785)

[28] London Metropolitan Archives, Tower ward presentment 1778.

[29] See D'Sena, 'Perquisites and Pilfering,' p. 117. William May appears several times in the 1740s to give evidence at the Old Bailey against pilferers. Trials of James Solovan , James Casttelow, Thomas

persisted throughout the eighteenth century and neither the presence of the constables of the quays or the 'Charlies' seems to have deterred those Londoners who were unable to resist such an abundant array of removable goods. In 1749 the West India merchants tried to act against this drain on their profits by creating the 'Merchants' constables' as an additional force upon the Thames. It would seem then that policing the river trade represented a serious problem both for the merchants that used the quayside and the City authorities within whose boundaries it lay. Here law enforcement was outside the direct control of City government, being *private* rather than *public* policing. As a consequence the efficiency of this system is harder to assess, dependent as it was on the individual agents employed within it. This section of the City was probably not as well policed as some would have liked, and this led to further reform at the turn of the eighteenth century.

Policing on the river was extended by the creation of the Thames River Police in 1800, which saw the government take responsibility for the private force that Patrick Colquhoun had introduced two years earlier.[30] However this force was incorporated into the stipendiary magistrates' scheme of 1792, which excluded the City, and tensions existed between the river force and the City's extant policing networks. Where the river Thames ran through the City's boundaries the lord mayor regarded it's policing as the responsibility of the City authorities and not of the government, and complained if the Thames Police ventured onto City territory.[31] Just how these various riverside policing agencies operated will be explored later in this chapter when it considers the role that constables and watchmen played. For the moment we can now turn our attention to the final element in the tripartite model of policing, the community or ward network.

Bozeley (all 17/1/1746); Jeremiah Ford (9/4/1746); he was also himself acquitted of receiving stolen goods on the 15th May 1746 (www.oldbaileyonline.org 3/6/2006) OB refs: t17460117-29 t17460117-11/t17460117-17/t17460409-11

[30] This force had been partly funded by West Indies Merchants. C. Emsley, *English Police. A Political and Social History* (London, 1996) p.21 and Clive Emsley, *Policing and its Context 1750-1870* (London, 1983) pp.49-50

[31] Emsley, *Policing and its Context* p.50

c) Constables and the Policing of the City Wards

The twenty-six wards of the City of London each contained several parishes and were further subdivided into precincts for the purposes of policing. The number of precincts varied from ward to ward but in principle each precinct elected one constable (or occasionally in the case of large precincts, two constables) to serve it.[32] Each ward first nominated two 'respectable citizens' for the position of Beadle and then elected one of these two to serve annually. The beadle was responsible for the nightly watch and the ward constables as well as ensuring that the streets were cleaned and nuisances removed. City constables were formally appointed annually at the Wardmote, having been selected, from among the inhabitants of the ward, at parish or precinct meetings. The eldest householder who had not previously served the ward was chosen, a system formally legitimated by the Court of Aldermen in 1790.[33] The position of constable was considered to be a civic duty, fulfilled by householders in rotation, and was therefore unsalaried. While constables could claim back their expenses, they were not reimbursed for their time. It is perhaps not surprising that, as elsewhere, many of those elected to serve as constables hired substitutes or deputies to undertake the work for them. These substitute constables could expect to be paid in the region of £8-£15 per year.[34] However, all substitutes, and appeals against serving, had to be approved by the Common Council. Those nominated and subsequently elected to serve as constables were liable to a fine if they failed to take up their office or instead provided a substitute. These individuals were tried before the Court of Aldermen who had the power to excuse them on grounds of ill health or ineligibility.[35] The money thus extracted from those bent on avoiding their civic duty was used to supplement the upkeep of the poor. It has been suggested that the first half of the eighteenth century saw a deliberate attempt to put forward

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[32] Beattie, *Policing* p.114
[33] Harris, *Policing the City* p.17
[34] *P.P.*, 1812, II, p.493. Beattie estimates this fee as around £5 per year in the first half of the eighteenth century. See Beattie, *Policing*, chapter 3, pp.114-168
[35] Harris, *Policing the City* pp.18-19

richer individuals for the position of constable with the express purpose of raising extra revenue.[36]

In addition to the constables and deputies (or substitutes) the ward also appointed 'extra constables'. In 1692 four 'street men' and a number of their assistants were sworn as constables specifically to deal with the increasing problem of hackney carriages and traffic congestion, especially around busy parts of the City such as the Exchange.[37] Porters at Bishopsgate workhouse and at Bethlem were also enrolled as extras by the authorities, perhaps reflecting the growing pressures on the existing constabulary.[38] After 1737 the City's watchmen were sworn as Extras,[39] as were all ward beadles from October 1763.[40] Extra constables were partly useful to the wards because it allowed them 'to tailor local policing to the ward's particular concerns, without obliging inhabitants to carry the permanent burden of another ward constable.'[41] The beadle, as a long serving and unpaid servant of the community, represented a cost-effective addition to local policing. [42] The position of extra constables is an interesting one. Given that there was no provision to increase the number of ward constables, the marshals appear to have used the appointment of 'extras' as a way to increase 'police' numbers. Some of these extra constables were sworn in for special occasions or particular purposes, such as Lord Mayor's Day or the Sessions, executions and the reading of the lottery.[43] But as the administrative history of the Corporation records, it seems

> *that the greater part of the policing of the City, and certainly all unsavoury duties, were done by an unlimited number of extra constables appointed at the request of the Marshal. They were even used to warn the Ward Constables of*

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[36] Beattie, *Policing* p.134
[37] Ibid. p.125
[38] Ibid. pp.125-6
[39] G. Cumberlege, *The Corporation of London. Its origin, Constitution, powers and duties* (Oxford, 1950) p. 96
[40] Cumberlege, *The Corporation of London*, p. 96
[41] Harris, *Policing the City* p.28
[42] Cumberlege, *The Corporation of London*, p. 96
[43] In 1752 two constables were hired (at 5/- a day) to police the Old Bailey sessions, this was increased to eight in 1763. Beattie, *Policing* p.154

their duties. They may have been 'extra' in name, but in fact they seem to have been every whit as much a constable as their customary counterparts.[44]

The annual returns of the Wardmotes as well as the parliamentary reports of 1812-17 give us a reasonably clear idea of the number of extra constables appointed by each ward and these will be examined later.

d) Substitution, exception, and the avoidance of serving as constable.

The position of the parish constable has been given a revisionist perspective in recent historiography.[45] Historians such as Kent, King and Wrightson have considered the decline in status of the constable from the early modern to the modern period and tackled the consequences of this decline. While a consensus has emerged that has effectively challenged the traditional perception of constables as lazy and ineffectual, Kent and Wrightson are both keen to emphasize the problematic nature of the parish constable's position.[46] The constable was caught between his duty to the state and to the community. If the role of the constable was in part to keep order within society this was not necessarily consistent with being a representative of the king and of central government. Laws passed by parliament might be held as unfair or unacceptable to village life and culture. By the same token the main desire of most villagers was to avoid trouble in their daily lives, lives that were open to many possible arenas of conflict. As Wrightson observed, while villagers were very happy to use certain enactments against squatters or vagrants when it suited their purposes, they 'were less likely to embrace the full panoply of the penal laws. For a vigorous application of the laws could excite conflict within the community'[47]. Such conflict

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[44] Ibid. p. 97

[45] J. R. Kent, *The English Village Constable, 1580-1642. A Social and Administrative Study,* (Oxford,1986), K Wrightson, 'Two concepts of order: justices, constables and jurymen in seventeenth-century England.' in J. Brewer & J. Styles, *An Ungovernable People. The English and their law in the seventeenth and eighteenth centuries* (London, 1980), J. Styles, 'Constables considered'. Review article. *The Times Higher Education Supplement* (6th March 1987) and P. King, *Crime, Justice and Discretion in South Eastern England 1740-1820.* (Oxford, 2000)

[46] Kent, *The English Village Constable* and Wrightson, 'Two concepts of order'.

[47] Wrightson, 'Two concepts of order', p.24

was to be avoided wherever possible.[48] Good will and neighbourliness were important in the early modern period and would continue to be in the period under investigation and, as constables had to continue to work in the parish in which they served, this restraint upon them should not be underestimated. Many constables were artisans and at risk of alienating their customers and losing valuable trade. In 1784, in the ward of Cripplegate without, the positions of constables were filled by a broker, a baker, a carpenter, chaser, packman and two shoemakers; all trades that were reliant upon customers.[49]

Daniel Defoe declared that the duty of constable was an unenviable one, of 'insupportable hardship; it takes up so much of a man's time that his own affairs are frequently totally neglected, too often to his ruin'[50]. This is well illustrated in the City by a surviving petition from an impoverished barber, William Brown, presented in 1763. Brown asked to be excused the duty of constable because 'through the decay of trade he does not make on average more than five shillings a day for the maintenance of himself and his family', and presumably is therefore not in a position to pay a substitute. Brown was further

> *troubled with two Ruptures, for which, he wears a double truss, and which complaint subjects your petitioner to a faintness and weakness so much so that he is frequently obligated to lay down for two or three hours at a time.*[51]

William Brown seems an entirely unsuitable candidate to have served as an active constable, something that must have happened fairly often given that the duty was rotated amongst ratepayers. William Payne, an active and highly motivated constable and marshalman, also suffered to some extent from his civic duties. Soon after his death his widow, Elizabeth, asked the Common Council for financial help. This was partly to gain recognition of her husband's efforts on the City's behalf but also

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[48] Ibid,
[49] CLA/AD/04 Cripplegate without 1784. A chaser was either a cloth worker or decorative metal beater; a packman was a term for a traveling salesman. C. Waters, *A Dictionary of Old Trades, Titles and Occupations*. (Newbury, 2002), p.66
[50] Defoe, quoted in Emsley, *The English Police*, p12
[51] CLA/048 PS/01/013

because his activities had caused his business to suffer. with the consequent result that his son, William junior. 'made only a poor living.[52] The records of the Quarter Sessions and the Court of Aldermen are liberally interspersed with requests for exception from office or indictments against those refusing to undertake the position of constable.[53] However, few were successful as a report from the *The Argus* in 1790 makes clear. Four individuals applied to the Court of aldermen to be relieved of the duty of serving their wards as constables: William Mountain argued that because he owned a property that spanned two wards, Cripplegate and Farringdon, and had served as constable for the former he should be excused. James Hammond wanted to be excused because he only rented a business property in the ward. Neither were relieved of their duty by the court. Two other men tried to avoid serving by arguing that they had undertaken previous forms of civic service, one as a militiaman and the other as a common councilman. Neither man was successful.[54]

If, as Defoe opined, the role of constable had a detrimental affect on a man`s ability to work and provide for his family it was also subject to other pressures. The constable, whilst he was an elected officer of the parish, and, in the City, directly responsible to the lord mayor and aldermen, was also a member of the wider local community. This laid the constable open to criticism and worse from his neighbours. Payne almost certainly experienced this sort of local conflict. He placed an advertisement in the *London Gazette* in 1772 offering a reward for the apprehension of someone sending him a letter threatening to burn down his workshop, perhaps in retaliation for his policing activities.[55]

The nature of the criminal justice in the eighteenth century did allow individuals to find other ways to avoid public service as parish constables. Under the terms of an act of William III in 1699 those successfully prosecuting horse thieves to conviction could receive the so-called 'Tyburn ticket' that exempted them from serving as parish

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[52] Innes, 'William Payne of Bell Yard', p.14
[53] For a fuller discussion of the reasons for the use of substitute constables see Harris, *Policing the City* pp.18-20
[54] All examples from *The Argus*, 20/1/1790
[55] Innes, 'William Payne of Bell Yard' p.18

officers in any capacity. These tickets could also be sold on to others and so had a value in their own right.[56] The issuing of such tickets was a part of the reward system that had come into being to encourage the prosecution of felony.[57] The development of the London and regional press allowed a faster and wider dissemination of information about crimes and rewards.[58] The reward system undoubtedly led to the development of more targeted policing motivated by a desire to earn a living from the successful prosecution of offenders. Some of these reward seekers were possibly corrupt (as the example of Jonathan Wild suggests), but others were simply choosing to make policing their primary means of employment. It is therefore likely that while some individuals chose not to serve their civic duty as parish constable there were others who were more than happy to substitute for them, seeing it as a viable career which guaranteed a regular - if small - income. Indeed Colquhoun's criticism of the parochial police derived in part from the use of substitutes.[59] Colquhoun insisted that householders should either serve their turn or pay a fine, he objected to the use of substitutes because it risked the creation of constables who were less diligent in their duties and who were open to corruption; 'It is of the highest importance that an Office invested with so much power should be executed by reputable men, if possible of pure morals, and not with hands open to receive bribes' he thundered.[60] Colquhoun's was just one view of course and he was speaking about London as a whole. In the City substitution was widespread with over half of all constables being substitutes.[61] Many of those serving for other men did so over a number of years and, given the

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[56] J. Beattie, *Crime and the Courts in England, 1660-1800* (Oxford, 1986) footnote on p.52, also Sidney and Beatrice Webb, "By an act of parliament of 1699 the person prosecuting a felon to conviction, or the first assignee of such person, was given the privilege of exemption from all parish offices in the parish in which the felony was committed. Under this section, the 'Tyburn Ticket', as it was universally called, was habitually sold, sometimes for a large sum, to some wealthy parishioner desiring exemption." S. & B. Webb, *English Local Government from the Reformation to the Municipal Corporations Act* (London, 1906-1929) p.19

[57] The £40 reward represented a major incentive for prosecutors and as such was the subject of much criticism throughout the second half of the eighteenth century and into the nineteenth. The reimbursement of costs was much less contentious with the courts being allowed to give discretionary payments to individuals from 1752 onwards. In 1778 an act 'codifying existing practice' officially sanctioned the award of expenses regardless of whether the accused were found guilty or not. King, *Crime, Justice and Discretion*, p.49

[58] Beattie, *Crime and the Courts*, p.38

[59] Colquhoun, *A Treatise* p.405

[60] Ibid.

[61] Harris, *Policing the City*, p.17

stipulation that their appointment had to meet with the approval of the lord mayor and Court of Aldermen, this suggests that broadly speaking the wards were happy with this situation.

While the position of constable was supposedly a civic duty and one that was rotated annually, it seems clear from the returns of the Wardmote that a proportion of constables were men that regularly substituted for wealthier individuals within the ward. In order to understand how important the use of substitutes was throughout this period a thirteen year sample was taken of the City's twenty five wards, using the annual returns of constables to the lord mayor.[62] In a sample year, 1784, we can see that 25 wards of the City returned lists to the lord mayor of 244 individuals who were elected or agreed to serve as constables. Some of these were substituting for those not wishing to serve – and of these many had served previously – others were designated as 'extras'. Of the 244 constables who are named on the returns 131, or 53 percent, were serving as substitutes for other men. This is emphasized further by looking at the pattern of service over a series of years. Thus, for example, within the ward of Langbourn for the years 1783, 1784, 1785 and 1786 three men: Thomas Wood, Thomas Perkins and Seth Clinton acted as paid substitutes for different ward members. Five others substituted for three years in succession and two others for two years. No elected constable in Langbourn actually took up his civic responsibility in 1784.[63] Langbourn is by no means unique in this. In the small ward of Bassishaw James Prior substituted for three different individuals between 1783 and 1785 and in Tower ward William How did likewise with four others substituting for three years in a row.[64] It is quite possible that substitute constables could have served in other wards once they were known to the lord mayor and marshals but this is not apparent in the sample that was taken. Analysis of the returns of the Wardmotes for the sample years 1771-1789 is outlined in Tables 3.1 and 3.2 below.

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[62] See COL/WD 02/011 Box 2 Wardmotes Box 2 1771-1812, there are some omissions, presumably lost returns.
[63] Ibid.
[64] Ibid.

Table 3.1 Total Numbers of Constables, Substitutes and Extras who served in City wards, 1771-1789.

Elected Constables	Substitutes	Extra Constables	Total
91 (38.2%)	132 (55.4%)	15 (6.3%)	238

Source: C.L.R.O. Wardmote Presentments 1680-1853 and C.L.R.O. 266B Box 2 Wardmote Papers 1771-1812. The number of constables, substitutes and extras are calculated by taking a mean average of each title over the twelve sampled years. 'Constables' are those individuals elected to serve who actually discharged their duties, 'substitutes' are those serving on behalf of someone else. The 'extras' are individuals selected by the wardmotes to provide additional policing cover when necessary by arrangement with the Lord Mayor.

Table 3.2 Substitute constables for all City wards who served at least twice in their chosen ward, 1771-1789.[65]

Number of Years Service	Number of Constables
Two Years	103
Three Years	59
Four Years	30
Five Years	26
Six Years	18
Seven Years	8
Eight Years	1
Nine Years	1
Ten Years	1

Source: COL/WD/02/011 Wardmotes Box 2 1771-1812. 'Constables' indicates the number of individuals that filled the position of constable in place of the elected ward householder. 'Number of Years Service' denotes the number of times they appear in the presentment for a given ward.

As Table 3.1 shows substitution was a regular practice in the City with approximately 55 per cent of all those serving between 1771 and 1789 doing so at the behest of someone else. Table 3.2 also demonstrates that it was common for substitute constables to serve more than once. The returns from the Wardmotes are problematic; the returns vary slightly in their format and presentation, there seems to be no consistent method of recording substitute constables, and spelling varies throughout. However, even allowing for these inconsistencies it is still possible to trace the individual careers of substitute constables over a number of years and to show that substitute constables commonly served for several years at a time as Harris has shown[66]. By far the largest numbers of constables in Table 3.2 serve for two years and this may reflect two factors. Firstly in a small sample like this, with some

[65] Data collated for the years 1771-72, 1774, 1776-77, 1779-81, 1783, 1785, 1787, & 1789.
[66] Harris, *Policing the City*, p.20

damaged returns, individuals may be difficult to identify or go on to serve outside the dates selected and so have not been included in the sample. Many of those serving two years may well have substituted at other times as well.[67] The second factor was a tradition from the early seventeenth century that constables should serve for two years and, while this had largely fallen into abeyance by the eighteenth century it is possible that some wards continued it[68]; some of these men might have been elected constables and not deputies.[69]

Individuals that served as substitutes their wards (or offered their services to more than one ward) for several years would have built up considerable experience of policing in that time. They would have had the opportunity to familiarize themselves with the inhabitants of their area, to identify criminal elements, the local prostitutes, drunks, beggars and vagrants and other potential 'troublemakers'. They would also be known by the local innkeepers, traders, residents who would know where to find them if they needed them. It is possible that such familiarity bred contempt or facilitated bribery or the abuse of power. However, the reselection of these men at the wardmote could also suggest a degree of confidence and trust. Substitution therefore allowed some individuals to specialize in community policing many years before professionals were legislated into existence by Sir Robert Peel. To illustrate this point the police 'careers' of several substitute constables can be uncovered from the returns.

Bryan Chandler served as a substitute in Aldersgate ward for every year between 1776 and 1785. This represents an unbroken run of ten years. In Billingsgate Benjamin Lepine appears in the returns for 1776 and 1777 and not again until 1784 and then 1785 and 1789. This may simply reveal gaps in the records or inaccuracies in the returns but it may also mean something else. Perhaps Lepine used policing as a supplement to his main occupation or turned to substituting when times were harder

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[67] This is also possible for all of the other terms of office listed in Table 3.2
[68] Beattie, *Policing* p.114
[69] This is, I believe, fairly unlikely given the way that their names have been recorded

or work was scarce as such men were likely to do[70]. In Broad Street Stephen Wallinger served as a substitute in 1783 and 1785 and by 1789 had taken on the role of beadle, perhaps demonstrating that he was seen as a capable individual by his fellow householders. There are four other examples of substitute constables who went on to take the position of beadle in their ward.[71] Edward Burton filled the role of an extra constable in Cripplegate over a twelve year period, from 1783 to 1795. During that time we would expect him to have developed a good knowledge of his area, and to have been well respected in his position to have been continually accepted by the ward.[72] It therefore reasonable to view these examples as experienced men, serving their communities and holding the respect and confidence of the inhabitants.

Not everybody could avoid the duty of constable once elected. One barrier was the potential cost of doing so. In some parts of Westminster in the eighteenth century the going rate for avoiding serving as constable was a fine of £7.[73] Reynolds has questioned how widespread the practice of substitution was in the metropolis as a whole and it may be the case that in the City unusually high numbers of substitute constables were employed. This may reflect the relative wealth of the City's population or the willingness of men to serve as constables. It seems plausible, given the numbers of substitutes that operated there, that in the City those wishing to avoid serving as constables could do so by hiring willing substitutes and that these substitutes were able to make a decent living from fees and the rewards system that accompanied the policing of their communities. In order to determine whether serving as a substitute constable was a viable occupation in itself we need to consider the sort of money that these individuals could earn in a year and compare this to average wages in London at this time.

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[70] Harris, *Policing the City* p.20-21

[71] While this post was unsalaried it perhaps carried some prestige.

[72] There is a suggestion that in some urban parishes in the eighteenth century that once an individual had assumed the position of constable he could not relinquish it until his successor had been found, thus incumbents could find themselves burdened for year after year. The serving constable could, however, complain to the Justices at quarter or petty sessions to be relieved of their duty. S. & B. Webb, *English Local Government*, p.19

[73] Reynolds, *Before the Bobbies*, p.66

To give an indication of average earnings for this period it is possible to use Schwarz's calculations of the average payments to men working in the capital's building trades between 1700 and 1860.[74] Using the data from the period 1780-1790 we can see that carpenters were paid an average wage of 19s a week or £49 4s- a year if they were in regular work. Bricklayers earned slightly less at 18s a week, £46 8s annually; Bricklayers' labourers were paid just 12s a week, amounting to £31 2s a year. Labourers' wages in London fluctuated throughout the eighteenth century, affected by trade cycles and war.[75] Coal-heavers were paid 10s a week during the Napoleonic wars while at the end of the conflict an 'ordinary labourer' could take home 18s for a week's work.[76] This was dependent, of course, on these workers being able to secure a regular job or waged labour. Constables on the quays were paid 10s a week, which only amounted to £26 annually but they did have the opportunity to supplement this with fees of 5s for each successful prosecution.[77] If they only managed two a week this would have doubled their salary and made them better off than carpenters. It is also likely that they could have acted as quayside constables on a part-time basis, and so we have to see their salary from policing as merely a part of their annual income. Likewise it is difficult to place too much emphasis on wage rates as those working in the building trades would have been subject to periods of unemployment or underemployment when they may have turned to some other form of work to avoid slipping into debt or poverty.[78] Indeed one of the advantages of acting as a paid law enforcement officer may well have been the guaranteed income it brought.

As Reynolds' work on greater London has shown while watchmen in the 1820s were only paid 12 to 16 shillings a week this was 'slightly better [wages] than those of unskilled workers.'[79] In addition to the fees for prosecuting that constables received

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[74] L.D. Schwarz, 'The Standard of Living in the Long Run: London, 1700-1860'. *Economic History Review*, 38, (1985)
[75] M. D. George, *London Life in the Eighteenth Century*, (London, Peregrine edition, 1966) p.168
[76] George, *London Life*, pp.168-9
[77] D'Sena, 'Perquisites and Pilfering,' p. 105
[78] I. Prothero, *Artisans and politics in Early Nineteenth Century: John Gast and His Times*, (London, 1979) p.25
[79] Reynolds, *Before the Bobbies*, p. 119

there were fees to be gained for specific offences and an annual fee which varied from ward to ward but could be somewhere between £10 and £20 per year for taking on the role of substitute constable[80]. It is therefore possible that being a constable, whether as a substitute, quayside or informing one, was, if not a lucrative occupation, at least a viable alternative to other forms of semi-skilled or unskilled work. It was steady work and as such may well have appeared attractive to London's male population. The notion of unpaid amateur policing in the late eighteenth century is therefore in need of some reassessment. Substitute constables were not salaried police agents but they may well have viewed themselves as such. They were at the call of their community, they were paid for a number of activities that would become the job of the 'new' police, and they were well placed to earn rewards offered by the Georgian criminal justice system. Substitute constables therefore represent an historical bridge between the parochial constabulary and the nineteenth century professionals. The existence of a body of semi-professional community constables supports a depiction of the City as being well policed at the end of the eighteenth century.

While substitute constables provided the backbone for community policing in the City of London they were not the only policing agents active in the wards. Each ward operated its own night watch as part of the layered network of policing in the square mile.

e) The Watching Networks of the City Wards

Watchmen have a long tradition in English history. They were selected locally to police urban areas, primarily at night, and were made official by the Statute of Winchester in 1285.[81] Theirs was primarily a nocturnal role, patrolling the streets and looking out for disreputable characters and protecting the property of the City's population. They performed a duty (although they were salaried by the eighteenth century the position of watchman had originally been a civic office like that of

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[80] Harris, *Policing the City* p.20

[81] C. Emsley, *The English Police: A Political and Social History*, (London, 1991) p.9

constable[82]) to the community in a similar way to the public one of the City patrol and the private role of the quayside constables. As the recent work of Reynolds has identified, the vestrymen of Westminster successfully secured an act of parliament in 1735 that allowed them to raise taxation in order to establish a night watch with paid watchmen.[83]

A more regulated watching system was already established in the City of London, a reflection of the City's tighter and more organised administrative set-up, having been reformed by an act of Common Council in 1705. This act required the building of watch houses in wards were there were none and enshrined the practice of watchmen being deployed in 'stands' and on regular 'beats' in City law[84]. After several years of debate and wrangling caused by the problems of financing and supplying men for the watch the City finally succeeded in obtaining an act of parliament to reform the watch in 1737.[85] This failed however to ensure that sufficient funds would be available to maintain watching networks in all the wards and instead the 'fundamentally local nature of the watch system was confirmed'[86]. It did however provide some sense of uniformity to the watch system. Wages were set at thirteen pounds per year which went some way to countering the complaints[87] of those who felt that low pay was a disincentive to recruitment; the hours of service were established and all watchmen were to be issued with a five foot long staff. By 1806 there were 765 watchmen operating across the 25 City wards but the system was still very much under the control of the wards.[88] However, as Beattie suggests, the 1737 act while hardly innovative did represent a tentative move towards a uniform provision of policing at ward level.[89]

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[82] Beattie, *Policing* p.173
[83] Reynolds, *Before the Bobbies*, pp.7-8
[84] Beattie, *Policing* p.186-7
[85] For a full discussion of the night watch in the City prior to 1750 see Beattie, *Policing* Chapter Four pp.169-225
[86] Ibid. p.194
[87] Ibid. p.196
[88] Colquhoun, *Treatise* p.413
[89] Beattie, *Policing* p.197

Watchmen have suffered from contemporary depictions of them as incompetent. old and decrepit. However, while this view may well have been applicable to some of these individuals it is far too generalised a view of the watch itself. The select committee on the police were informed in 1822 that all watchmen were appointed by the common council and that they had to provide a certificate of good behaviour signed by two 'respectable' householders, a sign that at least by the nineteenth century the importance of having reliable watchmen had been established.[90] However. Harris suggests that in the late eighteenth century such criticism was fair as several watchmen in the City were either old or extremely poor.[91] It is impossible to be sure about the quality of the watchmen that served the City wards. The truth is probably somewhere in between these views. Particularly bad cases of elderly or corrupt watchmen are more likely to have been recorded in City paperwork than the majority of men who performed their duties competently.

This then was the structure of policing in the City of London in the last quarter of the eighteenth century. At the top were the lord mayor and the aldermen magistrates supported by the marshals who oversaw policing matters. They organised the day and night patrols which provided a public, City-wide service and helped to supervise the wider networks of constables and watchmen. A private paid police were employed by the merchants and traders of the City to protect their investments and property, particularly in the vulnerable quayside border by the Thames. In the wards constables and beadles supported the community and supervised the night watch. While the emphasis on policing was local in character there was a connection between all these different agencies that provided an integrated police for the City. Effective, flexible and accountable policing is one measure of good government at the local level. The City's constabulary and watching networks serviced the community alongside the summary courts and cannot be separated from any study of the latter. Most of those individuals that ended up before the magistracy at Guildhall or Mansion House were brought there by constables. However, in order to be able to comment upon the

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[90] *P.P.*, 1822, IV, p.5
[91] Harris, *Policing the City*, p.22

effectiveness of the City's policing system it is necessary to explore exactly what function these early policing agents had and what duties they performed.

2) The role and duties of the police of the City

The constable's primary duty was to keep the peace, as contemporary justicing manuals make clear.[92] This was undoubtedly true for the City as well. Individuals could call upon the ward constables to enact warrants issued by a sitting JP or to assist them in bringing a suspected person to the City justicing rooms for examination. Constables could also act against certain offenders without instruction. It had been the duty of constables from the sixteenth and seventeenth centuries onwards to arrest, and, on occasions, to punish vagrants and the 'idle and disorderly' as well as those that infringed specific statutes relating to religious observance and licensing. Constables were directed by the Justices to bring before them those breaching economic or social regulations concerning the maintenance of the highways, buildings, swearing and the market place. [93] The watch could also arrest those they found abroad between sunset and sunrise who could not give a good account of themselves and, if necessary, bring them before a justice in the morning. There are numerous examples of this in the minute books. On the 12th October 1789 George Marr was brought before the lord mayor by constable Leman Caseby for being a 'loose, idle and disorderly person wandering abroad in the open air and having no visible way of living.' The unfortunate Marr was sent to Bridewell for ten days prior to being passed from the parish.[94] Catherine Thompson suffered a similar fate when she was brought in by John Clarke for 'behaving riotously on the Sabbath and misbehaving herself in the time of the divine service,' Mayor Pickett sentenced her to a week in Bridewell.[95] The vagrancy act[96] was a wide ranging piece of

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[92] R. Burn, *Justice of the peace and Parish Officer* (London, 1785) and W. Dickinson, *A Practical Exposition of the Law Relative to the Office and Duties of Justice of the Peace* (London, 1813)
[93] See R.. B.Shoemaker, *Prosecution and Punishment. Petty Crime and the Law in London and Rural Middlesex, c.1660-1725* (Cambridge, 1991) p. 217
[94] CLA 04/02/052 12/10/1789
[95] CLA 04/02/05314/12/1789

legislation that could entrap beggars, tramps. peddlers, travelling players. minstrels. jugglers, quack doctors, runaway husbands and gypsies. After 1784 this also allowed the authorities to arrest or move on those individuals that they believed to be about to commit an offence as it defined anyone who could be viewed as suspicious - someone in the possession of a picklock or crowbar for example – as a 'rogue and vagabond within the meaning of the statute.'[97] It was the duty of the constable to arrest these offenders, although any person could legitimately do so. The reward set down in Burn, in 1785, for the arrest of offenders under the vagrancy act was 10s.[98] By the same token any constable that neglected this basic duty was liable to a fine of 10s, which was payable to the poor. Therefore anyone sleeping rough, begging, soliciting or hawking in eighteenth century London risked being arrested and sentenced to a short period of correctional imprisonment in Bridewell.[99]

Constables could earn fees for the successful prosecution of offenders[100], and also claim expenses for carrying out their duties. The repertory of the Court of Aldermen lists the payments made to constables over the course of their year in office.[101] Vagrants could be given a pass to their last place of legal settlement, (or if that was unknown, to their place of birth) there to be delivered to the local churchwardens of the poor. The constable would be instructed where and how they were to be conveyed and what allowance he could expect for his trouble. In 1785, for example, Nathan

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[96] 17 Geo. 2. c.5. Burn, *Justice of the peace*, Vol.4, p.343

[97] See Burn, *Justice of the peace*, Vol.4, p.343 The full entry is as follows: "(18) Unto which must be added another species by the 23 G.3.c.88. whereby it is enacted as follows: *viz*. Any person apprehended, having upon him any picklock key, crow, jack, bit, or other implement, with an intent feloniously to break and enter into any dwelling-house, warehouse, coach-house, stable, or out-house; or shall have upon him any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent feloniously to assault any person; or shall be found in into any dwelling-house, warehouse, coach-house, stable, or out-house, or in any inclosed [sic] yard or garden, or area belonging to any house, with intent to steal any goods or chattels; - shall be deemed a rogue and vagabond within the meaning of the statute of the 17 G.2."

[98] R. Burn, *Justice of the Peace*, Vol. 4, p.345

[99] Although many escaped this situation as Hitchcock notes. T. Hitchcock, *Down and Out in Eighteenth-Century London* (London, 2004)

[100] A detailed breakdown of rewards available to constables is provided by Colquhoun, *Treatise* pp.390-2

[101] CLA/015/AD 02/032 Contains warrants for payments to constables and others for apprehending those driving cattle without a license.

Lyon, a constable of Portsoken ward, was paid £18 7s for passing vagrants.[102] Harris notes that the Bridge constable 'made £16 1s 9d for passing vagrants' in 1789.[103] Certain offences also garnered a cash reward. Several certificates for the year 1789 request the chamberlain to pay constables for prosecuting offenders for bullock hunting. Once again Leman Caseby appears in the records, receiving forty shillings for

> *apprehending and prosecuting to conviction ... John Watson, charged for that he not being employed to drive cattle did hunt away a bullock to the Terror of his Majesty's subjects and against the statute.*[104]

The problem of 'bullock hunting', which was related to the presence of Smithfield meat market in Farringdon Without, will be considered in chapter seven.

The payment of constables both in rewards and expenses drew criticism from contemporaries. Those accused of crimes at the Old Bailey called into question the evidence of such officers whom they considered to be motivated solely by the chance of a reward.[105] As Colquhoun suggested, the system of rewards 'tends to weaken evidence' by allowing defence counsels to remind the jury that witnesses that 'have a pecuniary interest in the conviction of any offender standing on trial, are not, on all occasions, deserving of full credit, unless strongly corroborated by other evidence.'[106] Colquhoun further alleged that corrupt constables and watchmen would also accept financial bribes and other forms of inducement from 'disorderly persons' and 'unfortunate females' (by which he means prostitutes) rather than carry out the duties they were required to.[107]

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[102] CLA/CA/01/194, 15th February 1785
[103] Harris, *Policing the City*, p.21
[104] CLA/015/AD/02 Under the statute, '*An Act to Prevent the Mischief's that arise from the Driving of Cattle within the Cities of* London *and* Westminster *and Liberties thereof, and Bills of Mortality.*' Geo III (21st year)
[105] See Colquhoun, *Treatise* p.392-3 and Harris, *Policing the City*, p.21
[106] Colquhoun, *Treatise* p.392-3
[107] Ibid. p.413

City constables undoubtedly had a variety of motivations of which financial recompense was but one. The case of William Payne raises the interesting question of whether individual constables took it upon themselves to police certain sorts of crimes or types of behaviour that they found particularly abhorrent (such as prostitution or vagrancy). Payne's behaviour during the Gordon riots reflected both his anti-Catholicism and resentment at the loss of income he suffered as result of the loosening of the restrictions originally imposed upon Catholics by the Penal Laws.[108] This and his activities against prostitutes were consistent with his involvement with the Reformation of Manners movement.[109] Other constables may have held similar strong views which influenced their approach to their duties. It is also likely that some constables (and we may expect this to be particularly true of substitute constables) were more concerned to act when a crime was likely to result in a profitable prosecution reward.

In order to comment upon the efficiency of policing in the City it is necessary to have some understanding of what individual police agents were doing when they were on duty. Hans-Joachim Voth used the trial reports of the Old Bailey to explore the use of time by workers in the long eighteenth century.[110] It is possible to undertake a similar survey of watchmen and this has been done here for a ten year sample. Using the Old Bailey Online a keyword search for watchmen and constables appearing in City of London trials for the years 1785-89 and 1795-99 was completed producing the results shown in tables 3.3 To 3.5 These results can be used to discover where these watchmen and constables were when the crimes under examination were committed and what they were doing. We can also consider whether they were proactive in their duties or merely reacting to requests for help from the public or other police agencies. The results give some indication of the different roles of these early City police officers as well as the way in which the different branches of the watching networks supported each other in attempting to keep the peace and reduce

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[108] C. Haydon, *Anti-Catholicism in Eighteenth-Century England, c.1714-1780: A Political and Social Study*, (Manchester, 1993) p.204
[109] Innes, 'William Payne of Bell Yard'
[110] H.J. Voth, *Time and Work in England 1750-1830* (Oxford, 2000)

crime and criminality. It is possible to argue in support of recent historiography[111] that in the City policing was neither as rudimentary nor as inefficient as contemporaries suggested.

Table 3.3 Descriptors of 'police' appearing before Old Bailey City of London juries 1785-1799[112]

Type of police	Number	Percentage
Watchman	104	46.42
Constable	47	20.98
City Patrol	23	10.26
Constable of the Night	10	4.46
Merchant's Watchman	9	4.01
Customs/Excise Watchman	8	3.57
Watchman on the Quays	8	3.57
Officer of the Customs/Excise	4	1.78
East India Company W/man	2	0.89
'Extra' Watchman	2	0.89
Bow Street Patrol	1	0.44
Head borough	1	0.44
Watch House Keeper	1	0.44
Market Watchman	1	0.44
Constable on the Quays	1	0.44
Total	224	99.03

Source: The Old Bailey Proceedings Online. The 'Number' refers to the numbers of times individuals appear with the corresponding descriptors in the Old Bailey trial reports for the London Jury. This number is shown as a percentage in the appropriate column.

The diversity of descriptors in Table 3.3 demonstrates the different types of police agents operating within the City. Watchmen and constables dominate the results as the most commonly used terms. The City patrol represents the *public* policing system discussed earlier which was separate from the wards, but as will be seen this worked closely with the ward or *community* watchmen. On the river quays *private* watchmen served the merchants and East India Company while the customs and excise employed watchmen and constables to police the Thames[113]. Where were these police agents when the crimes under investigation at Old Bailey were committed and

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[111] Paley, '"*An Imperfect, Inadequate and Inefficient System?*"', and Reynolds, *Before the Bobbies*

[112] Data from Old Bailey Proceedings Online (www.oldbaileyonline.org) 3/7/2005

[113] Merchants and other businessmen could approach the local watch authorities to request watchmen to attend their specific properties. See Harris, *Policing the City* p.28

what were they doing? By using the testimony of these officers it is possible to produce the following table.

Table 3.4 Location of 'police' appearing before Old Bailey City of London juries 1785-1799[114]

Location Given	Number	Percentage
On the Streets	87	44.38
In the Watch House	33	16.83
On the Quays	22	11.22
In their box/Stand	13	6.66
On Duty	11	5.61
On Patrol	11	5.61
Calling the Hour	8	4.08
On Rounds	4	2.04
On a Boat	3	1.53
Setting the Watch	2	1.02
In the Custom House	1	0.51
Off Duty	1	0.51
Total	196	100

Source: Old Bailey Proceedings Online. The 'Number' refers to the numbers of times individuals appear with the corresponding descriptors in the Old Bailey trial reports for the London Jury. This number is shown as a percentage in the appropriate column.

The majority of watchmen and other police agents were on the streets (or said in evidence that they were), which is where they were expected to be. Whether they were patrolling their set beat, returning to their box or stand at regular intervals, or calling the hour the presence of watchmen was evidently of some comfort to City residents.[115] Other officers when questioned by the Old Bailey court replied that they were 'on duty' a justification of their actions and proof that they were where they should be (or perhaps an attempt to convince the court that they were). Harris noted that the role of City watchmen and constables was a reactive one.[116] While they often appeared in court as witnesses they rarely prosecuted offenders. They stopped and searched suspicious persons and were 'expected to intervene in fights and thefts and investigate disturbing noises in the night.'[117] Harris therefore sees the role of

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[114] Data from Old Bailey Proceedings Online (www.oldbaileyonline.org) 3/7/2005
[115] Harris, *Policing the City* p.15
[116] Ibid pp.13-17
[117] Ibid p.16

watchmen as 'assistants to the victim of a crime.'[118] However, while this is undoubtedly the main purpose of the watch, it is clear that many of these individuals took a very proactive role in policing their areas. They checked up on empty properties, made sure that warehouse doors were secure and alerted householders to open windows and suspicious persons. In other words, they policed their communities, communities that they were familiar with.

The act of stopping and searching can also be viewed as proactive engaged policing even if it did not lead to a prosecution. Such preventative policing was exactly the model that police reforms envisaged in the debates leading to the creation of the Metropolitan Police in 1829. [119] In 1771 Robert Cleghorn and Richard Aldrich had just robbed the home of Luke Currie in Cheapside and were making off with a considerable haul when they were seen by James Wright, a watchman. Wright suspected them of some crime because of the bundles he saw them carrying and chased them. Although they split up Wright and another watchman he called to help caught Cleghorn and questioned him. After jettisoning the bundle and an abortive attempt at escape, Cleghorn was eventually taken to the watch house to be searched. Wright gave evidence at his trial at Old Bailey where both men were convicted and sentenced to be transported.[120] Similarly Robert Briant stopped Elishia Collier and two others as they passed near him in the street. At first he thought Elishia had a child with her but after noticing that she was 'not carrying it like a child, I asked her what it was? She said, linen to wash; I opened one corner, and found it was not; and we took her to the watch-house'. It turned out to be printed calico that she and her two accomplices had stolen earlier.[121] In both cases the actions of the watch were independent of any call for assistance from victims. A clearer picture of this more proactive role of City policing in agents can be seen in Table 3.5.

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[118] Ibid p.16
[119] Colquhoun, *Treatise*, p.408
[120] www.oldbaileyonline.org Trial of Robert Cleghorn and John Aldrich for theft 15/5/1771 (accessed 14/12/2005) OB ref t17710515-8
[121] www.oldbaileyonline.org Trial of Elishia Collier, John Monk and Sarah Sharp 15/9/1790 (accessed 14/12/2005) OB ref t17900915-88

Table 3.5 Action taken by 'police' in evidence given by those appearing before Old Bailey City of London juries 1785-1799[122]

Action Taken	Number	Percentage
Stopped on suspicion	38	20.21
Responded to hue & cry/watch/patrol	33	17.55
Assisted Prosecutor arrest suspect	27	14.36
Took suspect to watch house	20	10.63
Searched/questioned suspect in watch house	22	11.70
Gave chase	9	4.78
Alerted other police agents	8	4.25
Called out to assist other agents	7	3.72
Searched prisoner's lodgings	6	3.19
Discovered break-in	5	2.65
Found goods in streets	4	2.12
Acted on prior information	4	2.12
Other	5	2.65
Total	188	99.93

Source: Old Bailey Proceedings Online. The 'Number' refers to the numbers of times individuals appeared in the Old Bailey trial reports for the London Jury stated their action. This number is shown as a percentage in the appropriate column.

As Table 3.5 shows, considerable numbers of individuals were prosecuted because they were apprehended by watchmen or patrols whilst out on the streets of the City. Individual watchmen were acting upon their instructions to question those out at night without good cause or those carrying bundles of goods that might not belong to them. In addition to the 20 percent of agents stopping suspects, another five percent discovered open doors and windows or found suspicious packages in alley ways and acted upon these finds. Another five percent of officers gave chase when their actions disturbed would be or actual thieves. This seems to show that in about a third of these cases watchmen and other city police agents were taking a clear proactive role in the prevention of crime and the apprehension of criminals without being directly called in to assist by members of the public. This is suggestive of a coordinated system of policing that was more efficient than some contemporaries suggested.

Evidence of the extended tripartite network of police agencies is provided by looking at the numbers of times when other police groups were alerted or officers responded

[122] Data from Old Bailey Proceedings Online (www.oldbaileyonline.org) 3/7/2005

to calls for help from their fellows. The court records at Old Bailey describe the actions of watchmen who came to the help of colleagues. or responded to cries of 'stop thief!' or simply 'heard the rattle sprung'. There are links between watchmen on the quays and those patrolling the river fronts and streets leading into the City proper and considerable evidence of collaboration and mutual assistance. Harris has noted the discretion available to these police agents[123] which was raised as a criticism by some contemporaries worried about corruption but in reality probably allowed watchmen and constables to police their areas thoughtfully and effectively and in much the same way as the reformed police were able to in the late nineteenth century.[124] The ability of the watch and local constables to respond to the needs of their communities in the late eighteenth century City suggests we need to be sceptical of notions of a corrupt and inefficient body of 'Charlies' in need of reformation.

If a closer look is taken at the first of a series of cases heard by the lord mayor in 1789 we can see that the role of the City constable was often a fairly passive one. particularly by comparison to that of the watch or patrol. George Shirley was seen carrying away a quantity of beef which aroused the suspicion of Edward Chapman who was on his way to Leadenhall Market.[125] Chapman soon bumped into his acquaintance, William Cook, who worked as a servant to Benjamin Cross the butcher. Cook had been unloading a delivery cart and Chapman asked if he had missed anything. He had, so Cross went after the prisoner and made him return to the butcher's house. Cook identified the meat and they rejected Shirley's claim that he had found his prize behind a water pump in Lyme Street and was taking it to Whitechapel to find its owner. The constable, a goldsmith called Jasper Bull. merely took charge of both the prisoner and the beef.

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[123] Harris, *Policing the City*, p.22

[124] See S. Inwood, 'Policing London's Morals. The Metropolitan Police and Popular Culture, 1829-1850' *London Journal*, 15, 2, (1990)

[125] CLA 004/02/052 3/10/1789

If the role of the constable in this case was primarily a passive one then the case of Patrick Egan shows a constable taking a more proactive approach to his duty.[126] Constable John Ellis of Candlewick ward arrested Egan because he became suspicious of him and his attempt to sell a roll of cloth to a Jewish trader. Egan claimed that he had been given half a crown to carry the goods to be sold but was unable to identify the man who had done so. Ellis arrested the prisoner and the lord mayor, who demanded clarification of Egan's story. committed him to the Poultry compter overnight. Ellis' suspicion seem to have been well founded for when he was examined further it became clear that Egan had left his previous job at a Dyer's three months earlier, after which his employer had missed a quantity of cloth. The trader, Moses Spencer, was himself suspicious of Egan and called another constable to intervene. Egan was taken and brought to the watch house but attempted to escape before being rearrested by Ellis. Egan was committed for trial at the Old Bailey and sent to Newgate.[127] Ellis had acted as one would expect an alert policeman to in preventing crime in his community.

Constables Isaac Bockarah and John Sowton of Cheap frequently appear in the records bringing actions against beggars and vagrants under the terms of their duties.[128] These were also functions performed by the professional force after 1829. The arrest of Edmund Lockyer for maltreating an ox by Thomas Pinner is another example of constables enforcing the by-laws of the City.[129] Finally we can use an example of a constable who clearly knew his community reasonably well. Joseph Gabitas went to the scene of a disturbance in Greyhound Alley and found that Benjamin Solomon had seemingly knocked down a woman, Elizabeth Carpenter.[130] Gabitas had encountered Solomon before, and knowing that he had previously

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[126] CLA 004/02/053 7/12/1789

[127] Egan, with the colourful alias of Patrick Mc'Grab, was sentenced to seven years transportation in January 1786. Old Bailey Proceedings Online (www.oldbaileyonline.org) 11/1/1786 he only appears in the summary of the trial not in the full text. OB ref s17860111 (accessed 2/4/2006)

[128] Sowton appears in December 1789 when he arrested Elizabeth Wright for being disorderly. CLA/004/02/053 7/12/1789

[129] CLA/004/02/053 7/12/1789

[130] CLA/004/02/053 15/12/1789

escaped from a constable (and was, by implication, a troublesome character) arrested him for the assault.

The behaviour of individual constables appears to have varied considerably, both in terms of the sorts of offences they acted against and in their level of activity. This may well be closely related to their position in the community. Substitute constables, who were likely to have been of lower status (since they seem to have been quite willing to take on the burden of office for a financial recompense) may well have been more active, especially in the prosecution of vagrants, beggars and other 'street' offenders. The action of these men does, however, point to a functioning and broadly effective policing network that operated across the City. In order to try and establish the efficacy of the City's policing networks it is necessary also to determine how many men served as constables. This will help to indicate the depth and breadth of policing in the square mile in this period.

3) Levels of Policing, the number of constables in the City 1776-1818.

The breakdown of constables, substitutes and extra constables can be analysed by sampling the Wardmote returns for the City wards towards the end of the eighteenth century. In addition we have the evidence presented to the select committee of the House of Commons in 1818 looking into the problems of law and order and the need for formal police. The returns of the Wardmotes exist in an almost unbroken series throughout our period[131]. There are some missing returns and some are damaged and not available for consultation. However this has not prevented a detailed examination of the numbers of constables available by ward for a twelve year period in the late eighteenth century.

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[131] COL/AD 04-051680-1853 NB. There are several gaps in this series and damaged returns.

Table 3.6 Distribution of constables, substitutes and extra constables by ward 1771-1789[132]

Ward	Constables	Substitutes	Extras	Total
Aldersgate	3	4	0	7
Aldgate	3	3	3	9
Bassishaw	0	2	0	2
Billingsgate	6	4	0	10
Bishopsgate	2	5	3	10
Bread Street	5	7	0	12
Bridge	5	7	0	12
Broad Street	2	8	0	10
Candlewick	3	4	0	7
Castle Baynard	4	5	3	12
Cheap	2	9	0	11
Coleman Street	2	4	0	6
Cordwainer	4	4	0	8
Cornhill	1	3	0	4
Cripplegate	9	7	2	18
Dowgate	4	4	0	8
Farringdon Within	4	11	1	16
Farringdon W/O	10	5	1	16
Langbourn	3	9	1	13
Lime Street	1	3	0	4
Portsoken	2	3	1	6
Queenhithe	4	5	0	9
Tower	5	7	0	12
Vintry	4	5	0	9
Walbrook	3	4	0	7
Total	91	132	15	238
Average Per ward	3.64	5.28	0.6	9.52

Source: COL/AD/04- Box 2 Wardmote Papers 1771-1812. The number of constables, substitutes and extras are calculated by taking a mean average of each title over the twelve sampled years.
'Constables' are those individuals elected to serve who actually discharged their duties, 'substitutes' are those serving on behalf of someone else. The 'extras' are individuals selected by the wardmotes to provide additional policing cover when necessary by arrangement with the Lord Mayor. The 'average per ward' is calculated by dividing the total number in each column by the number of wards.

Table 3.6 represents the average number of constables, substitutes and extras serving each ward annually over the selected years. The numbers fluctuated over this period but in most cases remained fairly constant. In general terms policing numbers

[132] Data collated for the years 1771-72, 1774, 1776-77, 1779-80, 1781, 1783, 1785, 1787, & 1789 from the Wardmote Presentments.

increased after 1780 (which might reflect concerns about rising crime and the recent experience of the Gordon riots).The numbers taken from the wardmote presentments will be compared with other data to balance these inconsistencies. Table 3.6 reveals that in the period from 1771 to 1789, there were on average 238 constables operating throughout the City wards in any one year. It is difficult to estimate London's population prior to the census of 1801 but it has been put at 87,000 in mid century falling to 78,000 by the time of the census.[133] If we take an average of these two figures then we can suggest that there were approximately 82,500 people living within the City in the 1780s. Each constable nominally represented 347 persons. The number of constables, substitutes and extras serving in each ward varied considerably from as many as 24 in Cripplegate in 1785 to as few as three in Bassishaw in the same year. This is in part explained by the variation in size of the different wards and the number of precincts they included. The actual distribution of constables varied between the wards as can be seen by reference to Table 3.7 below.

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[133] P.J. Corfield, *The Impact of English Towns, 1700-1800* (Oxford, 1982) p.78

Table 3.7 Distribution of constables by ward in the City of London, 1771-1789

Ward	Precincts[134]	Parishes	Constables	Houses[135]	Houses per constable
Aldersgate	8	6	7	1035	148
Aldgate	7	4	9	1089	121
Bassishaw	2	1	2	142	71
Billingsgate	9	5	10	398	40
Bishopsgate	7	3	10	2038	204
Bread Street	13	4	12	331	28
Bridge	14	3	12	385	32
Broad Street	10	6	10	785	79
Candlewick	7	5	7	286	41
Castle Baynard	10	4	12	784	65
Cheap	9	7	11	367	33
Coleman Street	6	3	6	611	102
Cordwainer	8	3	8	367	46
Cornhill	4	2	4	180	46
Cripplegate	13	6	18	1894	105
Dowgate	8	2	8	369	46
Farringdon W/I	16	10	16	1368	86
Farringdon W/O	18	7	16	4278	267
Langbourn	12	7	13	530	41
Lime Street	4	2	4	209	52
Portsoken	5	3	6	1385	231
Queenhithe	9	8	9	488	54
Tower	10	4	12	782	65
Vintry	9	4	9	418	46
Walbrook	7	5	7	293	42
Total	225	114	238	21625	91

Sources: Act of Common Council 1663, C.L.R.O: Alchin MSS, E/57, C.L.R.O. Wardmote Presentments 1680-1853; C.L.R.O. 266B Box 2 Wardmote Papers 1771-1812, and J. Smart, *A Short Account of Several Wards, Precincts, Parishes, etc. in London* (1741) as used in Beattie, *Policing* Table 4.2 p.195

Each precinct, as was noted earlier, usually elected one constable to serve. Therefore we should find that there are at least as many constables as precincts for every ward. This is broadly the case with some exceptions and we can attribute this to missing records or to the use of extra constables. However, despite these small inaccuracies in

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[134] Source: Act of Common Council 1663: C.L.R.O: Alchin MSS, E/57 as used in Beattie, *Policing* Table 3.1 p.116

[135] Source: J. Smart, *A Short Account of Several Wards, Precincts, Parishes, etc. in London* (1741) as used in Beattie, *Policing* Table 4.2 p.195

the data the broad emphasis of the returns is that larger wards elect more constables. This may reflect the larger populations of these wards or it may be entirely due to the number of precincts. There were 225 precincts listed in 1663 and it is likely that this figure remained constant throughout the eighteenth century. This sample from the wardmote presentments shows a constabulary force of 238 men. This is almost identical to Beattie's findings for the earlier period.[136] The numbers of constables present in the wards was stable and consistent across the eighteenth century. The effectiveness of this force can, in part, be assessed by determining how stretched it was.

Given that Beattie took a survey of 1741 to determine the number of houses in each ward we can use the same data here to determine how many households each constable was expected to serve. This shows that, on average, each constable's 'patch' was approximately 91 houses. However there was a considerable discrepancy between the best served wards of Cornhill and Bread Street and the worst, Farringdon Without. As Beattie points out it would have been much easier to have found a constable to respond to your problem if you lived in one of the 'inner' City wards such as Bread Street or Cheap than it was in the outlying wards of Bishopsgate or Cripplegate. It is perhaps worth noting that the numbers of constables serving Aldersgate, Bishopsgate, Cripplegate and Portsoken had increased by the last third of the century. There were more constables per household in these larger outer wards, perhaps in response to a fear of rising crime from the expanding metropolis outside the City's boundaries.[137]

There was, however, a fall in the City's population over the long eighteenth century. According to an assessment made in 1795 (in response to an act of parliament requiring the raising of a quota of men for the navy[138]) there were just 13,921 houses

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[136] Beattie recorded 237 constables serving in 1663. See Beattie, *Policing* Table 3.1 p.116

[137] See Harris, *Policing the City* Chapter 2. *The Crisis Decade, 1783-1793* pp.38-52

[138] 5th March 1795 35 Geo. III c.5, N.A.M. Rodger, *The Command of the Sea. A Naval History of Britain, 1649-1815* (London, 2004) p.443

in the City.[139] This represents a fall of one third in household numbers which confirms the population decrease noted earlier. If this reduction in the number of households is accurate, and not due to faulty recording in either 1663 or 1795 then the numbers of houses for which each constable would be responsible would be significantly reduced. It would also mean that the duty of constable would be drawn from a smaller pool of individuals as the century progressed, perhaps increasing the reliance upon substitutes and the recruitment of extras. Both these points have implications for our understanding of policing in the City. If there were proportionally more constables per head of population at the end of the eighteenth century this might explain the contemporary opinion that the corporation was well policed, at least in terms of coverage. Secondly if the wards increasingly relied upon substitutes then the pool of experienced policing agents is likely to have grown, further enhancing a view that this was a semi-professional organisation.

Size of ward and the number of precincts were both important factors in determining the number of constables that served but were there other factors involved? To understand what was going on in these City wards we can look at these returns from a geographical perspective to see if there were any environmental aspects that help to explain the differences between them. Analysis of the geography of the City at this time is limited by the nature of the sources available. The Wardmote returns are fairly unhelpful in determining why certain wards had more constables than others but we may reasonably speculate about the presence of particular factors. Firstly the proximity of some wards to the river Thames, with its opportunities for pilferage and theft, might indicate that levels of crime were likely to be higher. Similarly, if a ward bordered the wider metropolis of London its inhabitants could have been, or have seen themselves as being, more exposed to crime and disorder. Wards which contained important civic buildings or public spaces, such as the Bank, Guildhall or the City markets, may have needed more policing than those that did not. The wards of the City of London are shown in figure 3.1 below.

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[139] COL CHD/AD/02 006, Military & Naval, raising men for the navy 1795. Clerk to the commissioners of taxes, lists of parishes, wards, number of houses and quotas of men.

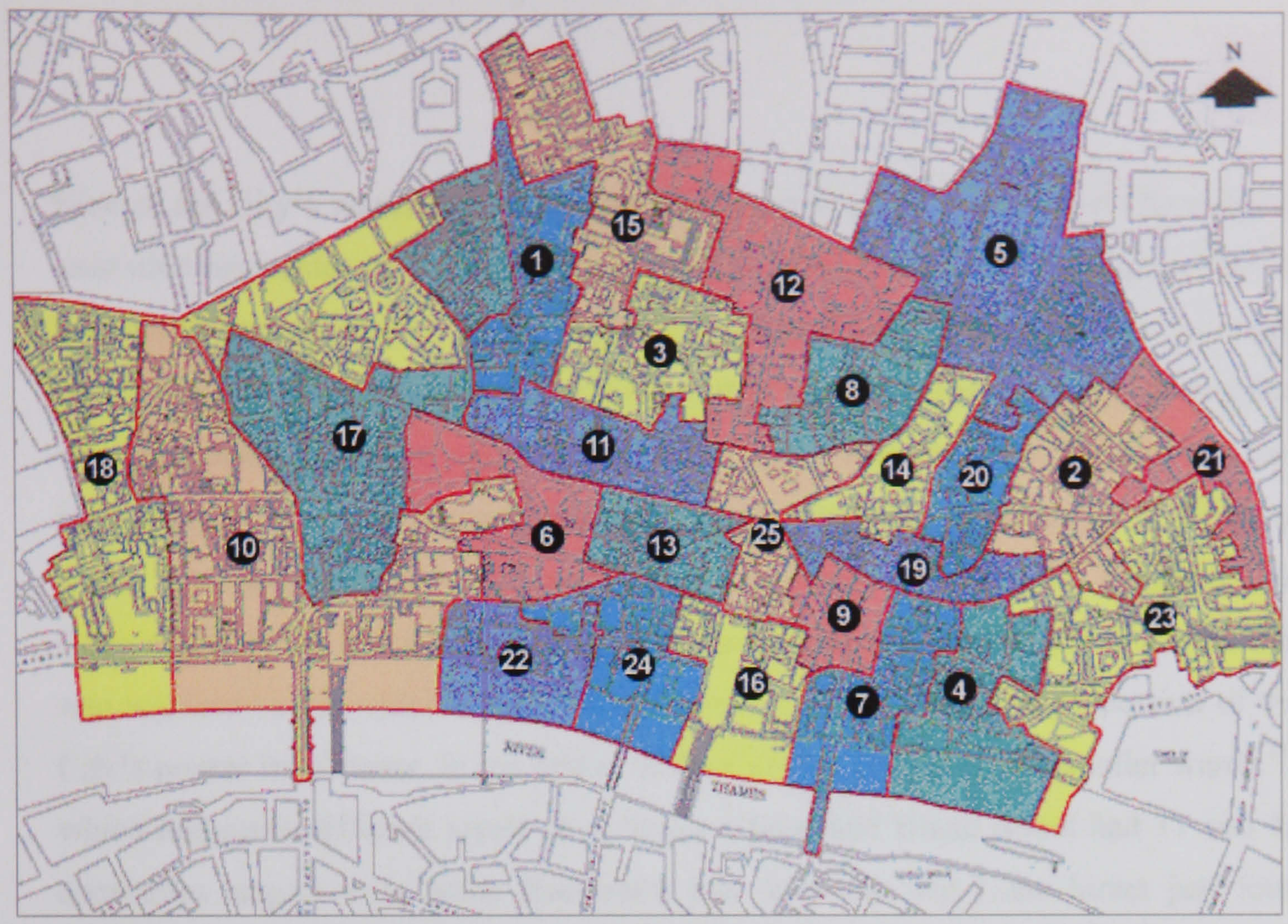

Fig 3.1 The Wards of the City of London[1]

1. Aldersgate
2. Aldgate
3. Bassishaw
4. Billingsgate
5. Bishopsgate
6. Bread Street
7. Bridge
8. Broad Street
9. Candlewick
10. Castle Baynard
11. Cheap
12. Coleman Street
13. Cordwainer
14. Cornhill
15. Cripplegate
16. Dowgate
17. Farringdon Within
18. Farringdon Without
19. Langbourn
20. Lime Street
21. Portsoken
22. Queenhithe
23. Tower
24. Vintry
25. Walbrook

[1] www.cityoflondon.police.uk

Nine of the City's wards had embankments on the Thames[140], and all of them had at least nine constables operating within them. The great market of Billingsgate, the old London Bridge, Customs House and the Bridewell all fall within these riverside wards. They all posed problems for policing that were additional to the pilfering that was prevalent on the quays. Seven wards share borders with greater London; Farringdon without, Cripplegate, Bishopsgate and Portsoken in particular.[141] All these wards list larger numbers of constables. The high numbers of constables in Cripplegate (18 on average) in part reflects the need to protect property in a ward that was adjacent to the wider metropolis and which contained a larger proportion of the City's poorer inhabitants. In the centre of the City lay several much smaller wards,[142] which had quite different levels of policing. Cheap and Bread Street had 11 and 12 constables respectively, while Bassishaw had only two and Lime Street just four. Cheap and Bread Street contained more domestic housing, and so more individuals that were liable to serve as constables, while Bassishaw and Lime Street were business areas rather than residential ones. These were also much richer wards with fewer members of the poorer classes resident within them. The ward of Bassishaw also contained the Guildhall justicing room which had permanent constables provided by the marshalmen from the patrols.

The 1818 Parliamentary survey shows some changes from the returns of the later eighteenth century but the pattern is broadly similar as Table 3.8 illustrates.

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[140] Running East to West these are: Tower, Billingsgate, Bridge, Dowgate, Vintry, Queenhithe, Castle Baynard, and the two Farringdon wards.
[141] East to west again: Portsoken, Bishopsgate, Broad Street, Coleman Street, Cripplegate, Aldersgate and Farringdon without.
[142] Bread Street, Cheap, Cordwainer, Walbrook, Langbourn, Lime Street, and Bassishaw.

Table 3.8 Distribution of constables and extra constables by ward in the City of London 1818

Ward	Constables	Extras	Total
Aldersgate	9	2	11
Aldgate	6	8[143]	14
Bassishaw	2	1	3
Billingsgate	11	1	12
Bishopsgate	19	2	21
Bread Street	12	1	13
Bridge	12	1	13
Broad Street	10	1	11
Candlewick	7	1	8
Castle Baynard	10	2	12
Cheap	11	1	12
Coleman Street	6	1	7
Cordwainer	8	2	10
Cornhill	4	1	5
Cripplegate	17	2	19
Dowgate	8	1	9
Farringdon Within	24	2	26
Farringdon Without	19	8	27
Langbourn	13	1	14
Lime Street	4	1	5
Portsoken	0	1	1
Queenhithe	9	1	10
Tower	12	1	13
Vintry	9	1	10
Walbrook	7	1	8
Total	240	39	279
Average Per ward	9.6	0.16	11

Source: Third report from the Select Committee on the State of the Police of the Metropolis, 1818.[144]

The two Farringdon wards and Cripplegate had the most constables, and were the largest wards; they border the greater metropolis and the river. Aldgate's total is relatively high compared with earlier years but this is possibly explained by the additional five constables appointed for the synagogue and possibly not included on the earlier records. Overall levels of policing are much the same as before with 240 (as opposed to 238) regular constables. There were more than twice as many extras

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[143] Includes 5 for the synagogue. All the Aldgate Wardmote presentments from 1771-1789 listed at least 1 constable to serve the synagogue which was the Great Synagogue in Duke Street.
[144] *P.P.*, 1818, 8, See Tables showing the police establishment of the parishes in London.

by the early nineteenth century (39 to 15) but given that this figure includes the five from Aldgate the increase was not dramatic in a period of heightened concern about law and order.

So far this chapter has established that the City had a tripartite system of policing in the late eighteenth century. The system was integrated and supervised at local and public levels and ultimately responsible to the lord mayor and aldermen. Throughout the eighteenth century the system of community policing in the wards relied upon the constables whose numbers remained fairly static although there was some increase in the numbers of extra constables who were recruited for specific events but were then retained. Once again this would suggest that the community was happy with the level and cost of ward policing and saw no particular reason for reform. In order to support this suggestion it is necessary to ascertain the numbers of men serving in the watch during this period in order to provide a more comprehensive picture of policing in the City.

Beattie calculated that there were 672 watchmen after the 1737 reform, an increase of 22 percent on the 1705 figure.[145] Rumbelow noted that there were 736 watchmen employed in 1775.[146] Colquhoun estimated that there were 765 watchmen serving the City of London in 1806.[147] Harris notes the flexibility of the watch and its ability to expand when necessary.[148] By using the official report of the 1818 committee the following table can be constructed:

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[145] Beattie, *Policing* Table 4.2 p.195
[146] Rumbelow, *I Spy Blue*, p.224
[147] Colquhoun, *Treatise* p.413
[148] In 1763 for example in response to the end of the Seven Years War and again in 1773 when concerns were raised about the usefulness of transportation. Harris, *Policing the City*, p.27

Table 3.9 Distribution of watchmen and patrols in the City wards, 1818

Ward	Watchmen	Patrol	Keeper	Others	Reserves
Aldgate	NR	NR	NR	NR	NR
Aldersgate	22	4	1	0	0
Bassishaw	6	0	0	0	0
Billingsgate	18	3	0	0	0
Bishopsgate	48	6	0	0	0
Bread Street	12	3	0	3[149]	4
Bridge	14	2	0	6[150]	0
Broad Street	31	3	0	3[151]	0
Candlewick	10	2	0	0	3
Castle Baynard	15	4	0	0	6
Cheap	22	6	0	4[152]	0
Coleman Street	24	3	0	0	4
Cordwainer	14	4	0	0	0
Cornhill	16	4	0	0	5
Cripplegate	53	6	1	1[153]	0
Dowgate	9	3	1	0	0
Farringdon W/I	34	5	1	0	0
Farringdon W/O	90	9	1	2[154]	2
Langbourn	26	0	0	0	0
Lime Street	10	0	0	0	NR
Portsoken	24	3	2	0	0
Queenhithe	14	2	0	0	0
Tower	35	0	0	0	0
Vintry	12	4	0	0	0
Walbrook	12	0	0	0	5
Total	570	72	7	19	29

Source: Third report from the Select Committee on the State of the Police of the Metropolis, 1818., P.P., 1818, 8,. Explanation of terms: 'Patrol' is City Patrol, 'Keeper' is 'Watch house keeper' or 'houseman'; 'Reserves' were those officers referred to as 'Bye-men', 'supernumeraries' or 'spare men'; 'NR' means no return.

Table 3.9 shows that there were at least 570 watchmen employed across the City (Aldgate has no return but would have had an estimated 15-20 men) plus around 20

[149] Extra patrols ' to patrol the ward from dusk till the setting of the watch'. P.P., 1818, 8, Appendix 3. p.119

[150] 'To attend every night on London Bridge, and patrol each side at certain hours, according to the season of the year.' P.P., 1818, 8, Appendix 3. p.120

[151] Superintendents, 'To attend, two every night, at the watchhouse, and patrol the ward every night to insect the lamps and watch.' P.P., 1818, 8, Appendix 3. p.120

[152] Superintendents; 'To go round the ward and see that the watchmen do their duty.' P.P., 1818, 8, Appendix 3. p.122

[153] Superintendent; 'To go round the ward and see that the watchmen do their duty.' P.P., 1818, 8, Appendix 3. p.125

[154] Superintendents of Watch, 'To attend, alternately, at the watchhouse every night, and inspect the watch during the night.' P.P., 1818, 8, Appendix 3. p.128

or more additional supporting officers. a body of 600 plus men in 1818. With a further 72 patrolmen and 29 reserves this gives a figure of 700 men employed daily in policing duties. The City therefore would seem to have had an estimated force of 650-800 watchmen and about 250 constables during the 1780s. meaning that overall the wards were policed by approximately 1,000 men. This force served a population of about 82,500. This varied considerably from ward to ward as we can see from both Table 3.9 above and the previously mentioned figures for constables. The larger wards had more men but they also had more houses and so more people.

In addition the City Patrol by 1818 consisted of 20 men during the day. 16 at night and eight specially deployed when Smithfield market was open for business. This detailed analysis of the numbers of policing agents that were deployed in the City consistently throughout the eighteenth and early nineteenth century demonstrates that London was far from being unpoliced before 1829 and the arrival of the Metropolitan police. In terms of distribution and numbers the City seems to have employed a large body of men for the purposes of policing. Indeed when the new police arrived outside the City borders the proportion of those actually patrolling the streets was greatly reduced.[155] The City police, introduced in 1839, initially numbered around 500 officers although this rose to 627 by 1861.[156] So it would seem that simply in terms of numbers the old City constabulary, watch and patrol network that existed throughout the Hanoverian period was considerably larger than the professional force that replaced it.

Concluding remarks

Clearly we can no longer accept that proper and effective policing began in the early nineteenth century. Certainly Peel's reforms helped to give a definite structure to the policing system. But this was a system that had been evolving over a long period. Changes in policing and prosecution were happening in advance of legislation as

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[155] Paley, '"An Imperfect, Inadequate and Wretched System?"' p.115
[156] Rumbelow, *I Spy Blue* p.148

Reynolds has shown.[157] Gradual change was also occurring in the City with small increases in the numbers of policing agents. The flexibility of the system of policing meant that extra constables could be deployed when and where necessary. The structure of City government from parish, through ward to Aldermanic court and the lord mayor allowed for a multi-layered and supervised system of policing, in both an eighteenth century and modern understanding of the word 'police'.

Importantly the experience of the City also allows a challenge to be made to those that see increased policing as the inevitable response to urbanisation and population growth. As Andrew Harris argues;

> *The City of London, while creating some new and more aggressive forms of policing before many other parts of England, underwent neither rapid industrial change nor population growth in the early nineteenth century.*[158]

Neither did it experience the rampant urbanisation that characterised many areas of eighteenth and early nineteenth-century England. The City's policing evolved in response to the needs of its inhabitants, it was a truly 'dynamic' system as Harris suggests.[159] The combination of day and night watches, constables and beadles, and Marshalmen provided a seemingly adequate level of security for the City's inhabitants. This may well have been insufficient to deal with outbreaks of unprecedented disorder such as the rioting of 1780[160], or indeed capable of halting all depredations from the river trade, but even modern police forces struggle to prevent all criminal activity or to deal with sporadic rioting. It is perhaps accurate to see the level of policing in the eighteenth century City as better than that in the greater metropolis or the country as a whole. In Westminster opponents of the existing system complained to the press,

> *The present establishment* [of police in Westminster] *for the protection of our houses from nightly depredation, is now become, not a security, but a*

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[157] Reynolds, *Before the Bobbies*
[158] Harris, *Policing the City* p.8
[159] Harris, *Policing the City* p.27
[160] J. Stevenson, *Popular Disturbances in England, 1700-1832*, 2nd edition, (London, 1992) pp.107-108

> *public imposition; to be obliged to pay a quarterly rate for supporting a feeble old fellow, who thinks it sufficient to disturb your rest, by croaking out the hour of the night in a lamentable, unintelligible voice, is one of the numerous absurdities, to which John Bull submits with his usual Patience and Folly.*[161]

The men who served as constables were a mixture of those fulfilling, perhaps grudgingly, their civic duty and others - indeed the majority - who were willing to take the place of men who could afford to pay them. These individuals may well have had other jobs but knew that policing was a regular employer and as such it represented a viable means of earning a living. The majority of these substitute constables were regulars, the records show that they held their positions for several years some in excess of a decade. These men represent an evolutionary bridge between the old parochial system of rate paying constables and the salaried ranks of the Metropolitan police. It is likely that when the new police arrived many of the same men joined its ranks. Therefore the experience of the City of London supports the findings of Paley who argues that it 'is highly unlikely that the new police really were more efficient than the old' when we consider either numbers of men employed or how they operated.[162] The City of London possessed an integrated, tripartite system of policing that was flexible, responsive and answerable to local, public, private and community bodies. A fierce critic of the capital's policing system, John Wade, noted in 1829 that, 'Though the police of the City is better conducted than in any other division of the Metropolis, it is neither pure nor perfect.'[163] It was certainly not perfect but, perhaps due to the peculiar nature of City government, it was in many ways better than the system that operated outside of the square mile. The actions of the various policing agents resulted in prosecutions before the summary courts. Constables, watchmen and patrols all appeared before the justices as witnesses, prosecutors, guards and, occasionally, defendants: their duties were interlinked to the workings of the summary courts. This will be clearly demonstrated as this thesis considers the operation of the courts in relation to property crime, interpersonal

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[161] *The World*, 25/12/1789
[162] Paley, '*An Imperfect, Inadequate and Inefficient System?*' p.123
[163] Wade, *A Treatise*, p.73

violence and the regulation of other types of illegal and immoral behaviour. Prosecution was a personal business in the eighteenth century but City policing agents played an important role in assisting and, in some instances, directing this process. It is prosecution and prosecutors who form the focus of the next chapter.

Chapter 4. Prosecutors and the Prosecution Process

Much of the historiography of crime has been concerned with the perpetrators of crime rather than their victims.[1] Indeed, studies that have concentrated on the prosecution of property offenders have sometimes tended to view the prosecuted as the victims of a harsh criminal justice system. However, the victim was central to the prosecution process in the eighteenth century and this is clearly evident in the records of the summary courts in the City.[2] What can be learnt about the people that used the City's summary courts in the second half of the eighteenth century? By analysing the minute books of the City's justice rooms it is possible to begin to form a picture of the men and women that used the courts to seek redress, justice or recompense from those who had insulted, assaulted, disobeyed or stolen from them. In particular this chapter will investigate social class and gender in three key areas: violence, property crime and the regulation of everyday life. By looking at who was using the summary process in the City, this chapter aims to contribute to the debate on the use of the law by adding an urban and summary dimension. In doing so it will provide an introduction to the next three chapters of the study which will consider the nature of offending in the City and how it was prosecuted at the summary level.

While private prosecutors were crucial to the eighteenth-century criminal justice system not all prosecutors were private individuals, many were servants of the local community such as constables, watchmen, churchwardens and other petty officials.[3] There were officers that controlled fishing on the Thames, others that dealt with the obstruction of the City's pavements, patrols and constables who policed set locations or events such as the Exchange, the Guildhall, the lottery and the City markets and many of these officials were regular attendees at the courts. Their role as prosecutors will also be considered here.

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[1] For example, V.A.C. Gatrell, *The Hanging Tree. Execution and the English People, 1770-1868* (Oxford, 1994) and P. Linebaugh, *London's Hanged. Crime and Civil Society in the Eighteenth Century* (London, 1991)

[2] For the victim-led nature of the Hanoverian criminal justice system see J.M. Beattie, *Crime and the Courts in England 1660-1800* (Princeton, 1986), D. Hay, 'Property, Authority and the Criminal law', in D. Hay *et al*, *Albion's Fatal Tree. Crime and Society in Eighteenth-Century England*, (London, 1975), and P. King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford, 2000)

[3] Beattie, *Crime and the Courts*, pp.35-36

a) Prosecutors, an overview of social status and gender.

Identifying the social status of prosecutors from the court records is fraught with difficulty. In many instances no specific occupational data is recorded at all, only the names of those involved.[4] The court records are also incomplete, for reasons that have been stated elsewhere in this dissertation. However, despite these problems it is possible to attempt an analysis of the social status of prosecutors. If a sample of minute books[5] is taken from the second half of the eighteenth century we can construct a table of occupations for prosecutors that can be compared to recent work on social status in Essex.[6]

Table 4.1 Prosecutors at the City justice rooms 1761-1800.

Occupation	Number	Percentage
Gentry/Wealthier Merchants	6	0.6
Masters/Professionals/Merchants	78	5.0
Tradesmen/Artisans	133	8.6
Poverty vulnerable trades	85	5.5
Labourers/poor	65	4.2
Other category	29	1.8
City Officials	371	24.1
No known occupation	765	49.8
Totals	1532	99.6

Source: The Minute Books of the Guildhall and Mansion House Justice Rooms. Data from CLA/004/02/014, CLA/004/02/047-048, CLA/004/02/054-055, CLA/004/02/060 and CLA/005/01/002-3, CLA/005/01/005-6, CLA/005/01/010, CLA/005/01/018, and CLA/005/01/026. 'Number' refers to the number of prosecutors bringing cases before the courts and 'percentage' reflects the proportion of these that came from the different occupational categories. The stated occupations of prosecutors before the summary courts are summarized in Appendix A. 'Other category' for the majority of cases means wife or husband.

The prominence of officials (primarily constables and street keepers) is to be expected given the major role these courts played in the regulation of daily life in the City. Additionally the large proportion of unknown occupations creates problems for analysis. So for the present these two categories as well as 'others' (mainly the wives

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[4] While it would add useful dimension to this study if the social status of those accused of offences at the summary courts were analysed this is extremely difficult to do. This is because there is even less occupational data provided for the perpetrators of crimes than there is for their victims and thus it was decided not to attempt this area of study.

[5] Minute books were sampled across the period for those records that provided some clear detail of offences. Information was taken from cases where some details of the hearing had been recorded.

[6] P. King, 'The Summary Courts and Social Relations in Eighteenth-Century England'. *Past and Present*, 183, (May, 1984)

of men accused of assaulting them) will be removed from the findings to produce Table 4.2.

Table 4.2 Prosecutors at the City justice rooms 1761-1800. (Unknowns and officials omitted)

Occupation	Number	Percentage
Gentry/Wealthier Merchants	6	2.7
Masters/Professionals/Merchants	78	21.0
Tradesmen/Artisans	133	35.8
Poverty vulnerable trades	85	22.9
Labourers/poor	65	17.5
Totals	367	99.9

Source: The Minute Books of the Guildhall and Mansion House Justice Rooms. Data from CLA/004/02/014, CLA/004/02/047-048, CLA/004/02/054-055. CLA/004/02/060 and CLA/005/01/002-3, CLA/005/01/005-6, CLA/005/01/010, CLA/005/01/018, and CLA/005/01/026. 'Number' refers to the number of prosecutors bringing cases before the courts and 'percentage' reflects the proportion of these that came from the different occupational categories.

It is clear that where we have an idea of social status tradesmen and artisans form more than a third of prosecutors. This table is however problematic in that it has omitted the 765 cases for which we have no known occupational data. This omission could affect the figures in a number of ways. It is possible, for example, that the occupations of persons of lower status was less likely to have been recorded by the courts and if this is true the numbers of the labouring poor will be underrepresented. However, the labouring poor still account for at least 17.5 percent of prosecutors at the City courts. There is also a significant percentage of those employed in poverty vulnerable trades (such as weavers and Hackney Coachmen for example). There is little comparative work on the social status of prosecutors at summary level but 31 percent of victims at the Lexden and Winstree petty sessions were tradesmen and 22 percent were described as poverty vulnerable' and 33 percent were labourers.[7] In the City the figures are similar with 35.8 percent of prosecutors being tradesmen, 22.9 percent being those described as poverty vulnerable and 17.5 percent coming from

[7] King defines 'poverty vulnerable' as "poor employees lacking significant capital resources or reserves, and vulnerable to structural underemployment and sometimes to long periods of unemployment – in other words, they were members of the labouring poor broadly defined.' King, 'Summary Courts', Table 3, p.140

amongst the ranks of the labouring poor. Thus, some 40 percent of prosecutors in Table 4.2 came from the poorest classes of London society.

It is also evident that the proportion of prosecutors who came from the higher levels of society were slightly higher in the City than was the case in Essex, with the gentry, professionals and richer middling sorts accounting for nearly a quarter of the prosecutors for whom an occupation can be identified. The possible under representation of the labouring poor and the slightly higher figures for the urban elites may well be a result of the omission of the cases for which we have no identifiable occupation. It could also be caused by the relationship between good occupational data and certain sorts of offence. For example, property offending was much better recorded in the court minute books than assault, because of the court's role as a pre-trial forum. In this role the court was required to judge which cases should be sent on to the higher courts and part of the process of the pre-trial hearing involved the swearing of evidence from victims and witnesses. Assault hearings were more often settled at the summary level, without the need for the diligent recording of evidence with the result that it is much more likely that occupational data would be mentioned in a property hearing than in one for assault. Secondly the victims of property crime were much more likely to have been drawn from amongst the ranks of the propertied, and therefore would have had a tendency to tilt the statistics in that direction. However, while property offending represented about 35 percent of the courts' business, interpersonal violence alone accounted for approximately 28 percent of the caseload of these courts. It is necessary therefore to analyse the level of information we have by offence to see whether this allows for a more balanced view of prosecutors.

b) Assault and interpersonal violence at the summary courts.

Assault represented the largest area of business for most summary courts in the eighteenth century. This is not surprising given the broad legal definition of assault in the period, as will be discussed in chapter six. In Hackney over 50 percent of Henry

Norris' criminal business involved assault hearings[8], King's work on the Essex courts showed that for all districts assault accounted for a quarter of all cases over the period 1770-1813 and that assaults represented an even higher percentage in urban areas.[9] Similarly, just over a quarter of William Hunt's business in Wiltshire involved assault.[10] In the City courts this figure would appear to be much the same at 28 percent for the period 1784-96. However, there are acute problems with identifying who brought assault prosecutions before the summary courts and therefore the sample in Table 4.3 is tiny.

Table 4.3 Occupations of prosecutors in assault cases 1761-1800

Occupation	Number
Gentry/Wealthier Merchants	0
Masters/Professionals/Merchants	1
Tradesmen/Artisans	10
Poverty Vulnerable Trades	2
Labouring Poor	2
Total	15

Source: The Minute Books of the Guildhall and Mansion House Justice Rooms. Data from CLA/004/02/014, CLA/004/02/047-048, CLA/004/02/054-055, CLA/004/02/060 and CLA/005/01/002-3,CLA/005/01/005-6,CLA/005/01/010,CLA/005/01/018, and CLA/005/01/026. 'Number' refers to the number of prosecutors bringing cases before the courts and 'percentage' reflects the proportion of these that came from the different occupational categories.

This is because the available information for assault cases recorded at the summary courts is so poor in occupational data that it makes the analysis of who used the courts to prosecute those that attacked them very problematic. There are just fifteen hearings where occupation is clear and these are set out in Table 4.3. Even in such a small sample it is notable that the largest proportion of prosecutors are drawn from the ranks of tradesmen and artisans. This was also reflected in the occupations of prosecutors of assault who appeared at the quarter sessions of the peace for City.[11]

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[8] R. Shoemaker, Prosecution *and Punishment. Petty Crime and the Law in London and Rural Middlesex, c.1660-1725*, (Cambridge, 1991) Table 3.1. p.44

[9] King, 'Summary Courts, Appendix p.170-1

[10] Shoemaker, *Prosecution and Punishment* p.46 and E. Crittall (Ed.) *The Justicing Notebook of William Hunt, 1744-1749* (Devizes, 1982)

[11] In a sample of assault prosecutions at the London sessions of the peace for the period 1793 to 1798, of 37 cases where the social status of the prosecutor is known, and after City officials have been omitted , 23 (62.1%) of these are drawn from the artisan and tradesmen class.

However there are a significant percentage of prosecutors from the labouring poor or poverty vulnerable trades. This again is in line with findings from outside the City.[12]

Given the paucity of information from either the summary courts or the quarter sessions the Old Bailey was also considered as a source of assault prosecutions. The Old Bailey is a difficult source to use in relation to assault for technical and procedural reasons.[13] Just eighteen assault cases were heard before the London jury at the Old Bailey between 1778 and 1810.[14] Several of these cases involved the use of firearms which indicates the serious nature of these assaults. The cases arose from a variety of circumstances that included the pursuit of an escaped prisoner, robbery, a revenge attack, insults and name calling.[15] The prosecutors were notable in that they came from a broad cross section of London society as Table 4.4 demonstrates.

Table 4.4. London prosecutors in assault trials at the Old Bailey, 1778-1810.

Occupation	Number
Gentry/Wealthier Merchants	1
Masters/Professionals/Merchants	1
Tradesmen/Artisans	2
Poverty vulnerable trades	2
Labouring poor	7
City Officials	2
Other category (Spinster)	1
No known occupation	2
Total	18

Source: The Old bailey Proceedings Online, www.oldbaileyonline.org 25/1/2006. Using the statistical search facility the term 'assault' was sampled across the period 1778-1810 and the London Cases (defined as such by the term 'London jury') were examined.

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[12] King, 'Summary Courts', Table 3. p.143

[13] A detailed search of the OBSP would entail a research project in its own right and the online database recently made available to researchers does not always reveal all the trials for assault that a page by page analysis would uncover. There is also a problem that is related to the way in which London cases are recorded. In the period 1760-1775 the database does not always list which jury heard the case, making it difficult to isolate London from Middlesex cases.

[14] www.oldbaileyonline.org 25/1/2006

[15] The specified trials are those of James Atterby (29/4/1778); Joseph Weston (13/7/1782); John Mills (30/4/1783); John Bewley (29/10/1783); Richard Carroll (12/1/1785); Patrick M'Kernon (11/1/1786); William Brown (26/4/1786); James Gastineau (31/5/1786); David Davis (4/12/1793); William Coleman (25/10/1797); Edward Gallaghy (24/10/1798); Daniel Mackaway (9/1/1799); Francisco (27/10/1802); Benjamin Garrey (1/7/1807); Alexander Munro (16/9/1807); John Briant (20/9/1809); Edward Sadler (5/12/1810) www.oldbaileyonline.org 25/1/2006

Here members of the poorer class (broadly defined) appear in significant numbers as servants, porters and carmen. Two tradesmen were assaulted in consequence of protecting their property from theft and a gentleman intervened when he witnessed a defenceless man being verbally abused. This analysis of the Old Bailey confirms the very tentative findings in Table 4.2 and suggests that the labouring poor played an important role in the persons bringing prosecutions of assault in the City. The relationship between prosecutors and defendants in assault cases will be explored in more detail in chapter six which will consider the nature of interpersonal violence in the City.

Although the occupational data contained in the minute books is notably poor in assault hearings it is usually possible to identify the gender of the plaintiff. By returning to our core sample for the period November 1784 to March 1785 it is possible to demonstrate that women had a significant presence as prosecutors in assault cases (Table 4.5)

Table 4.5 Gender of prosecutors at the City summary courts November 1784 – March 1785 and November 1788 – March 1789, by type of case.

	Male	Female	Total	% of females
Property Offence	416	47	463	10.1
Violent Offence	263	157	420	37.3
Regulatory Offence	382	29	411	7.0
Total	1061	233	1294	18.0

Source: The Minute Books of the Guildhall and Mansion House Justice Rooms, CLA/005/01/029-30, CLA/005/01/038-39 and CLA/004/02/001-004, CLA/004/02/043-45. Figures for each court are numbers of cases heard and adjudicated. Total is the sum of the two courts combined.

Table 4.5 shows that considerable numbers of women were using the summary process to bring allegations of assault. So while the percentage of female plaintiffs in property crime hearings was low, at 10.1 percent, this rose to 37.3 percent in assault examinations. This is close to the figure of 41.9 percent for female prosecution of assault in the Durham magistrate Edmund Tew's notebooks in the mid eighteenth

century but much higher than the 23 percent for Essex.[16] The relatively high numbers of female prosecutors in the City perhaps indicates the relative independence of women in the capital that has been identified in other work.[17] Shoemaker commented on the significant numbers of female prosecutors that used the law in the early eighteenth century to prosecute cases of petty violence, and suggested that the female experience of public life in the urban environment may have made women 'less likely to settle their disputes out of court'.[18] The small numbers of female prosecutors for property crime and regulatory offences are to be expected, given that much of the property stolen would have been held in the name of man even if *de facto* it 'belonged' to his wife and most regulation prosecutions were brought by City officials. It would seem, however, that while female prosecutors in assault cases were in the minority they still appeared in significant numbers. This shows that women were regular users of the summary courts and this study will look in detail at the way that women used the courts to prosecute assault and the outcomes they achieved in chapter six.

c) The prosecutors in property offences.

Victims of property crime regularly appeared before the magistracy to report suspected thieves, missing items or to ask for search warrants. In addition to the victims of crime the police authorities (in the person of the aldermen magistrates themselves, the ward constables and the watchmen) also brought in offenders and suspected offenders for examination by the court. Goods believed to be stolen and other items were ordered to be advertised for identification and suspected felons were detained while this process was undertaken. Alongside the victim/prosecutor the central figure was always the magistrate who played a multiple role. The sitting JP in part viewed his role as an arbiter. While arbitration between depredators and their victims would seem to be difficult this was not always the case. Many victims simply

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[16] G. Morgan and P. Ruston, 'The Magistrate, the Community and the Maintenance of an Orderly Society in Eighteenth-Century England', *Historical Research*, LXXVI, 191, (February, 2003), Table 5, p.69; King, 'The Summary Courts', Table 3, p.143

[17] Beattie, *Crime and the Courts*, pp.241-43

[18] Shoemaker, *Prosecution and Punishment*, p.209

wished to see their property returned, and this will be explored in detail in chapter five.

Table 4.6 Occupations of prosecutors in property cases at the City justice rooms.

Occupation of prosecutor	Number of hearings	Percentage of prosecutors in occupational category
Gentry/Wealthier Merchants	3	2.5
Masters/Professionals/Merchants	17	14.6
Tradesmen/Artisans	62	53.4
Poverty vulnerable trades	15	12.9
Labourers/poor	19	16.3
Total	116	99.7

Source: The Minute Books of the Guildhall and Mansion House Justice Rooms. Data from CLA/004/02/014, CLA/004/02/047-048, CLA/004/02/054-055, CLA/004/02/060 and CLA/005/01/002-3,CLA/005/01/005-6,CLA/005/01/010,CLA/005/01/018, and CLA/005/01/026.

As can be seen in Table 4.6 the largest proportion of prosecutors was tradesmen or other artisans. This figure includes shopkeepers and publicans, both of whom would have been especially vulnerable to theft. Given the nature of London's commercial economy the evidence that over half of all thefts prosecuted at the City courts were perpetrated on this social group is not at all surprising.

Employers bringing accusations of theft against employees were also fairly common, as were depredations from the quayside. These latter cases were sometimes brought by fellow workers, perhaps because they acted both as porters or unloaders and as watchmen.[19] Shopkeepers, or their servants, prosecuted thieves operating in their stores and innkeepers sought to convict those that stole their pewter mugs and pint pots. These represent examples of small businessmen (and women) and their employees trying to protect their property - property which was exceedingly vulnerable to opportunist crime as these following examples make clear. George Neuenberg and Andrew Nash employed Timothy Davis in their shop in Cornhill where they sold glass and earthenware goods. As they were shutting up shop in early December 1800 they became suspicious of Davis and stopped him as he was leaving

[19] See chapter three on policing for more details on quayside security arrangements.

work.[20] He was discovered to have an earthenware milk jug and a china plate hidden in his coat. He said he had got them from a warehouse but the partners were unconvinced and went with him to search his lodgings at the Bear pub across the river in Southwark. There they found all sorts of stolen items including a teapot, vinegar bottle, glass decanter and even fittings for a chandelier.[21] In the autumn of 1780 an alert shop assistant prevented the theft of jewellery from his master's shop in St Paul's Church Yard.[22] While William Cheetham distracted the attention of Jonathan Jennaway, the assistant, his partner tried to steal some items from a glass display case. However, the case was a different one from those he had encountered previously and opened from the side instead of the top. In trying to open it he broke the glass lid and alerted Jennaway.[23]

Other employers were also involved in prosecuting offenders. Masters, professionals and merchants all had reason to use the courts on occasion. If the figures for these individuals are combined it becomes evident that seven out of ten prosecutors of property crime at the City courts were members of the top three occupational groups, albeit of varying means.[24] Not all these prosecutors were determined to see these petty thieves stand trial for their crimes however. Jonathan Vaughan was suspected by his master of stealing two of his watch cases because they were missed and found in a room that only he had access to. However, the master did not want to pursue the prosecution having got his property back. The servant lost his position, perhaps punishment enough. Later that same month Jasper Nicholas was sent to the Bridewell for stealing a blue and white Staffordshire mug from the premises of William Davis.[25] These cases represent examples of pilfering by employees, an action that must have been quite common in this period. Once the goods were returned, and an apology made or the servant dismissed, the need for further costly prosecution was perhaps

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[20] CLA/004/02/66, 3/12/1800
[21] Ibid.
[22] CLA/005/01/010, 25/9/1780
[23] OBSP www.oldbaileyonline.org , 6th December 1780. Trial of John Bailey, Patrick Madan and William Cheetham t178012061-46 (accessed 7/2/06)
[24] Table 4.7 Gentry/Wealthier Merchants (2.5%), Masters/Professionals/Merchants (14.6%), Tradesmen/Artisans (53.4%) = 70.5 percent.
[25] CLA/005/01/046, 8/2/1791

alleviated. This can be explored further when we consider the nature of theft and its prosecution in the following chapter.

When members of the lower orders of society appeared as prosecutors in property cases it was often on behalf of their employers. For example, Mary Fisher the wife of a drayman, was involved in the prosecution of a brewer's servant accused of stealing a barrel of porter. Mary was a witness and came to court with the brewer's clerk to prosecute.[26] However on occasions there are examples of members of the labouring class appearing to prosecute those that stole their own property. For example, John Houghton, a labourer, appeared at the Mansion House to charge John Marshall with stealing his handkerchief.[27] Thus these courts were not exclusively used by the middling sorts and the propertied elite when it came to the prosecution of thieves and pilferers.

d) The role of the magistracy and parish officials in the prosecution process

Apart from interpersonal violence and petty theft, the summary courts of the City concerned themselves with a range of regulatory actions arising from daily life in the capital. As Peter King has noted 'every aspect of social and economic life might generate a dispute, complaint or criminal accusation before a summary court, and many regularly did[28]'. These proceedings can be broadly divided into two types: economic and social regulatory offences and issues concerning the discipline, mobility and sexuality of the poor. Combined these two areas probably accounted for around a third of all offences brought before the summary courts. This area of the courts' business covered disorderly behaviour, which often meant drunkenness on the City's streets, prostitution, problems with beggars and vagrants as well as traffic problems such as dangerous driving and obstruction. Much of the business of the summary courts is therefore best seen as the regulation of everyday life in the City.

Most of the individuals involved in these prosecutions would have been City officials; the constables, watchmen and street keepers who were the historical predecessors of

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[26] CLA 004/02/047, 11/5/1789 and OB ref: 17890603-85, the trial of Thomas Wade and Peter Grisely, 3/6/1789

[27] CLA/004/02/047, 23/5/1789 and OB ref: 17890603-59, the trial of John Marshall, 3/6/1789

[28] King, 'The Summary Courts', p.128

modern policemen and traffic wardens. Table 4.7 clearly demonstrates that it was these individuals who dominated the proceedings.

Table 4.7 Occupations of prosecutors for regulatory offences & trading disputes

Occupation of prosecutor	Number of cases	Percentage
Gentry/Wealthier Merchants	2	0.73
Masters/Professionals/Merchants	23	8.48
Tradesmen/Artisans	14	5.16
Poverty Vulnerable Trades	23	8.48
Labouring Poor	12	4.42
City Officials	197	72.69
Total	271	99.96

Source: The Minute Books of the Guildhall and Mansion House Justice Rooms. Data from CLA/004/02/014, CLA/004/02/047-048, CLA/004/02/054-055, CLA/004/02/060 and CLA/005/01/002-3,CLA/005/01/005-6,CLA/005/01/010,CLA/005/01/018, and CLA/005/01/026. Number of cases brought by each occupational group heard by the courts and expressed as a percentage of the total in the adjacent column.

The following table identifies the City officials by type and shows that it was the parish constables and watchmen who brought the vast majority of cases before the magistrates, reflecting their role as policing agents within their communities.

Table 4.8. Occupations of prosecutors for regulatory offences & trading disputes

City Officials by Occupation	Number of cases	Percentage
Constables & Watchmen	133	67.51
Street Keepers	20	10.15
Churchwardens/Overseers	36	18.27
Toll Keepers	4	2.03
Other Officials	4	2.03
Total	197	99.99

Source: The Minute Books of the Guildhall and Mansion House Justice Rooms. Data from CLA/004/02/014, CLA/004/02/047-048, CLA/004/02/054-055, CLA/004/02/060 and CLA/005/01/002-3,CLA/005/01/005-6,CLA/005/01/010,CLA/005/01/018, and CLA/005/01/026. Number of cases brought by each occupational group heard by the courts and expressed as a percentage of the total in the adjacent column. Other officials were the water bailiff, the keeper of Newgate prison, a beadle and the lottery keeper's assistant

Drivers of carts or their employers were frequently summoned to appear by constables and street keepers. Offences included failure to display names and

addresses on the vehicles, an infringement of City bylaws designed to make cart drivers identifiable. Carts were licensed in the way that Hackney coaches were, so that they could be controlled to some extent within the City boundaries. The toll collector at Aldgate appeared on a number of occasions to prosecute those refusing the toll but also to punish violations of the rules governing working vehicles. Such cases point to a desire on the behalf of the authorities to regulate street life and to impose a sense of order on the metropolis which is in line with the regulation of hackney carriages, increased street lighting and City directives concerning the appearance of streets and houses. [29] The prosecution of street offences, while they could generate small rewards in fees for the prosecutors is therefore perhaps best seen as simple regulation. As will be seen in the discussion of bull running later in this dissertation, the City authorities were keen to keep London's streets open rather than allowing them to become blocked with vehicles, animals or crowds. Many of the assault cases heard before the courts involved offences that had taken place on the thoroughfares around the justice rooms as a result of disputes about the use of the streets. London was a very busy commercial centre and the courts acted as mediator to a wide variety of individuals that lived and worked within it.

Constables also brought considerable numbers of prostitutes, drunks and other disorderly individuals before the courts and charged them with a variety of offences. Much of this prosecution can be viewed as attempts to impose of order and authority on the inhabitants of the City by those elected to serve their communities. Similarly the actions of churchwardens and overseers who brought charges of bastardy, desertion and a variety of infringements of the poor laws, can be situated within this area of court usage. However, not all of those bringing prosecutions under the broad heading of regulatory offending were parish officers or other City officials.

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[29] A process that was also happening across the wider metropolis as Elaine Reynolds has demonstrated. E. Reynolds, *Before the Bobbies The Night Watch and Police Reform in Metropolitan London, 1720-1830* (California, 1998)

Hackney coachmen appeared to prosecute those that attempted to avoid paying their fares, or who disputed the size of the fare. Other drivers, notably draymen and carters, also prosecuted those who failed to pay them. These, plus servants who were attempting to get unpaid wages or a reference from a former master, and apprentices, complaining of poor treatment, make up the majority of poor prosecutors. So it is apparent that when City officials are removed from the figures in Table 4.7 the proportion of those labelled as 'poverty vulnerable' or 'labouring poor' who used the courts is significant. Paupers only occasionally made appeals before the summary courts, a situation that suggests the City courts were possibly quite different to those elsewhere in England at this time. About one eighth of Edmund Tew's magisterial business involved the poor law (although a much smaller proportion would have represented pleas for relief brought by paupers themselves), [30] and significant numbers of paupers came before the petty sessions in other jurisdictions in England.[31] However, as was suggested in chapter two poor law business might be hidden in the minute book records because we know that paupers could present themselves at the Mansion House in the early nineteenth century.[32] Nevertheless despite the apparent absence of paupers over 45 percent of non-official prosecutors in regulatory hearings were drawn from amongst the poverty vulnerable and labouring poor.

Concluding remarks.

While the records of the City justice rooms are limited in how much they allow us to determine the status of those using the courts, this chapter has shown that it is possible to make some tentative conclusions about the types of prosecutors appearing here. It was the middling strata of society that dominated the prosecution process in England in the eighteenth century when all levels of the criminal justice system are considered.[33] The middle stratum included small merchants, shopkeepers and other artisans and tradesmen and these individuals feature prominently in the data from the summary courts. That these individuals accounted for the majority of prosecutors in

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[30] Morgan and Rushton, 'The Magistrate, the Community', p.61
[31] King, 'The Summary Courts', see Table 1, p.137
[32] *P.P.*, 1834, (44), 9, p.86
[33] King, *Crime, Justice and Discretion*, p.40

property cases is not surprising. these were after all those with possessions worth stealing. Artisans, shopkeepers, and other urban tradesmen were seriously exposed to crime. Victuallers. for example, suffered because their 'houses and goods were in constant and unsupervised use by the public' and the numerous examples of City innkeepers prosecuting those that stole pewter pints pots is evidence of this.[34] While the middling sorts and the propertied used these courts to prosecute employees and others that stole from them, they also prosecuted each other for assaults. Here, however, the problem of identifying the social status of prosecutors is most acute. The lack of clear occupational data in assault hearings means that any findings here are tentative. However, despite these obstacles it is still possible to argue that a wide cross section of the City's populace used the summary process to prosecute violent offenders.

Where we can be much more certain is in relation to the gendered use of the courts. Male prosecutors dominated the proceedings at summary level in the City, particularly in property and regulatory examinations. Once again this is to be expected, given that most property was controlled by men and that most of the business of regulation was carried out by constables and other City officers. However, it has emerged that women used these courts in significant numbers as prosecutors in assault hearings. This has echoed the findings of other studies[35] and suggests that perhaps women were much more comfortable at using the law at the summary level than their experience in the wider criminal justice system would suggest.

While the relative groupings of middling sorts, artisans and poverty vulnerable classes in the City records do appear to be consistent with Lexden and Winstree in Essex it is possible that these groupings are labelled differently in the capital.[36] It is very difficult to identify the 'poverty vulnerable' or the 'labouring poor' in eighteenth-century London. Some of those who followed trades such as carpenters or

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[34] Ibid, p.41

[35] Hunt, M. 'Wife-beating, Domesticity and Women's Independence in Eighteenth-Century London', *Gender & History*, 4, 1, (Spring, 1994), King, *Crime*, and 'The Summary Courts', Morgan and Rushton, 'The Magistrate, the Community'.

[36] King, 'The Summary Courts', p.143

tailors could easily fall into poverty in times of economic hardship whilst still describing themselves as journeymen when they appeared before the courts. What is evident is that members of the poverty vulnerable trades and the labouring poor were using these courts in sizeable numbers. Hackney carriage drivers could use the courts in an attempt to make fare dodgers pay up and members of the lower orders prosecuted those that attacked or abused them. Servants would also have experienced the courts when they appeared to give evidence against those that stole from their employers and occasionally to prosecute those that stole their own property.

As was noted at the beginning of this chapter, not all prosecutors were acting purely as private individuals and the role of the magistracy and the City officials in the regulation of every day life can be seen in the numbers of constables and other officers that prosecuted traffic, trading and moral offences. The impact that their actions had on the poorer sections of City society will be explored later in this study.

Thus, enough detail has been forthcoming to suggest that the City was not dissimilar to other areas and regions that have been the subject of recent work on petty sessions (apart from in relation to poor relief). It would be surprising if this was not the case. More details will emerge about the usage of the courts as we look at in more detail at how particular offences were prosecuted and punished in later chapters, but the significant plebeian use of the summary system that has emerged from other studies is reinforced here.[37] It would seem, therefore, that these courts catered to a wide cross section of London society. However, while they seem to have been *available* to all classes, this is not to say that all classes enjoyed the same level of success in using them. This study will now move into a detailed analysis of the way that these two summary courts dealt with the prosecutions that were brought before them. By considering in turn the nature of property crime, interpersonal violence and the regulation of everyday life, we will be able to better understand the role of these courts and the ability of Londoners from all social groups to use them.

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[37] Ibid, pp.168-9

Chapter Five: Property Offending in the City of London

The summary courts of the City of London were regularly used for the examination of property offenders. Amongst those arraigned before the City justices were men and women accused of both trivial and serious forms of criminal activity. While the majority of individuals were accused of stealing seemingly minor amounts of property a great deal of this appropriation could have been indicted as felony. Although Langbein has argued that while 'JPs had no power to dismiss felony charges for insufficiency of the evidence', this is exactly what the City aldermen were doing.[1] They used their discretion to discharge some defendants who could have been sent on for jury trial, while imprisoning others summarily for short periods in the City gaols. This had the result of removing considerable numbers of property offenders from the criminal justice system at a very early stage. This has important implications for our understanding of the Hanoverian judicial process. Most studies of property crime have focused on the courts of assize and quarter session and the rituals of the adversarial jury trial. If in fact most potentially indictable crime was dealt with at summary level then historians may need to reorient the direction of their research if they wish to fully comprehend the nature of crime and prosecution in the late eighteenth century. One aspect of this understanding is the importance of gender and its affect upon decision making. This chapter will confirm that women were far less likely to be prosecuted for theft (even of petty theft) than men in this period. But it will also suggest that, in the City of London at least, magistrates were much less inclined to fully commit female offenders for jury trial at the Old Bailey.

a) Number and Gender of Offenders

Eighteenth-century criminal justice was concerned with the protection of private property. From 1688 to 1820 the number of offences that carried the death penalty grew from around 50 to more than 200, and almost 'all of them concerned offences

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[1] J. Langbein, *The Origins of the Adversarial Criminal Trial* (Oxford, 2003) pp.46-47 and pp.274-275.

against property'[2]. In Surrey between 1660 and 1800 the most common 'serious offences' were those that involved the taking of property.[3] In the north-east of England it was theft that 'comprised the largest category of business at the assizes'[4] and at the Old Bailey between January 1750 and December 1800 95 per cent of the trials heard related to property crime.[5] However, a great deal of property offending was prosecuted at a lower level than the assize, much of it at summary level.[6] This chapter will look at the amount and types of property crime heard by the City justices and the way they dealt with those cases. It will also highlight the fact that many more property crime cases were heard under summary process than by the higher courts.

Table 5.1 Statistical analysis of property offenders before the City justice rooms c.1784-96

Offence	Male	Female	Totals
Theft	265	73	338
Suspected felonies	210	50	260
Common Pilfering	121	19	140
Fraud	24	6	30
Picking pockets	8	3	11
Burglary/robbery	12	4	16
Forgery	19	6	25
Pawning	7	12	19
Uttering/Coining	3	4	7
Embezzling	5	0	5
Receiving	6	2	8
Total	680(79%)	179(21%)	859

Source: The Minute books of the Guildhall and Mansion House Justice Rooms, data from CLA 005/01/029-030, from CLA 005/01/038-039, from CLA 005/01/051-52, CLA 005/01/055 and from CLA 004/02/001-004, from CLA 004/02/043-045

[2] D. Hay, 'Property, Authority and the Criminal Law', in Hay *et al*, *Albion's Fatal Tree. Crime and Society in Eighteenth-Century England*, (London, 1975) p.18

[3] J. Beattie, *Crime and the Courts in England, 1660-1800*, (Princeton, 1986) p.140

[4] G. Morgan and R. Rushton, *Rogues, Thieves and the Rule of Law. The problem of Law Enforcement in North-East England, 1718-1800*, (London, 1998) p.61

[5] Of 30,852 trials, 25,834 were for theft, 2,131 for theft with violence, 1,106 cases of deception (fraud or forgery) and 506 offences against the king (predominantly coining). Only 1,365 involved non-property or violent crime. Old Bailey Online, www.oldbaileyonline.org (accessed 7/4 2006)

[6] Morgan and Rushton, *Rogues, Thieves and the Rule of Law*, p.49

Table 5.1 represents just over a year's business at the Guildhall and Mansion House justice rooms.[7] In that time the courts heard 859 prosecutions for a variety of property related offences, the nature of which will discussed later in this chapter. The figures shown in Table 5.1 are drawn from a sample of justice room minute books from the City's two courts. The 859 cases of property crime they reveal underestimate the real figure of prosecution across this period. This is because the data is drawn from two overlapping periods where there are records for both courts but also from three periods (between 1793 and 1796) when only the Guildhall justice room's minutes are available. Therefore the corresponding period for the Mansion House would increase this sample by at least 150-200 cases.[8] We can therefore calculate that approximately 1,000 property offenders were brought before the City magistrates annually in the late eighteenth century.

Table 5.2 Statistical analysis of property offenders before the London Jury at Old Bailey, 1784-1796

Offence	Male	Female	Totals
Theft	260	59	319
Theft with Violence	16	1	17
Forgery	10	1	11
Fraud	10	2	12
Coining	5	1	6
Totals	301 (82.5%)	64 (17.5%)	365

Source: The Old Bailey Proceedings Online. All London trials for the period 10/11/1784-5/3/1785, 10/11/1788-14/3/1789, 25/3/1793-4/5/1793, 23/4/1794-24/5/1794 & 15/2/1796-25/3/1796. This period represents 14 sessions. Numbers are of individuals indicted. 'Theft' covers animal theft, burglary and housebreaking, embezzlement, extortion, grand & petty larceny, pick pocketing, receiving stolen goods, and shoplifting: 'Theft with Violence' includes highway robbery and robbery. 'Forgery' and 'Fraud' are separated here but found in the OBSP online under the category of 'Deception'. 'Coining' includes both the manufacture and the passing of counterfeit money.

In 14 sessions the London Jury at the Old Bailey dealt with 365 found indictments to which should be added 53 others to allow for cases thrown out by the Grand Jury.

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[7] The dates for these minute books are 17/12/1784-19/12/1785, 12/12/1788-3/1/1789, 25/3/1793-4/5/1793, 23/4/1794-24/5/1794, 15/2/1796-25/3/1796, 10/11/1784-31/3/1785 and 10/11/1788-14/3/1789. The period covers 429 days, of which 363 would have been working days.

[8] There are 197 property prosecutions listed in the Guildhall minute books used for the 1793-6 sample.

making a total of 418.[9] Therefore the Old Bailey was dealing with just under 250 property accusations for the City in a twelve month period.[10] Thus considerably more than four times as many property offenders were being processed by the summary courts as were prosecuted at the assizes.

This heavy usage of the summary courts can be explained in part by their role and function as pre-trial hearings for property (and other) offenders. The pre-trial hearing and the use of re-examination by City magistrates will be addressed presently. What is clear from Table 5.1 is that the City summary courts were extensively used by Londoners to prosecute offenders for theft or suspicion of theft. Given that property crime dominated the criminal justice system in this period this emphasises the importance of the summary courts to any understanding of that system.

What is immediately apparent from Table 5.1 is that committing property crime and being prosecuted for it was overwhelmingly a male pastime in London, as elsewhere in England. Men were much more likely to be prosecuted for theft than women and previous research has offered useful explanations of why this is so.[11] In Tables 5.1 and 5.2 women account for just 21 and 17.5 per cent of the accused respectively, and these figures are slightly lower than the 24 per cent prosecuted at the Surrey assizes between 1660 and 1800 or the 24.4-25.1 per cent brought before the north east circuit in a similar period.[12] Moreover, in certain sorts of property crime the percentage of

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[9] In Surrey Beattie found that 11.5 percent of indictments for capital property offences, and 17.7 percent of non-capital property offences, were returned as 'not found'. This gives an average of 14.6 percent for not found verdicts in Grand Jury judgments. Beattie, *Crime and the Courts*, Table 8.1, p.402

[10] The Old bailey held eight sessions annually, therefore if we divide the 418 cases recorded by 14 we get 29.8. By multiplying this figure by eight (for the number of sessions) a figure of 238.8 is arrived at.

[11] J. Beattie, 'The Criminality of Women in Eighteenth-Century England', *Journal of Social History*, 8, (1975), P. King, 'Gender, crime and justice in late eighteenth and early nineteenth-century England', in M. Arnott and C. Usborne, *Gender and Crime in Modern Europe*, (London, 1999), R. Shoemaker, *Prosecution and Punishment. Petty Crime and the Law in London and Rural Middlesex, c.1660-1725* (Cambridge, 1991)

[12] Beattie, *Crime and the Courts*, Table 5.3, p.239 and Morgan and Rushton, *Rogues, Thieves and the Rule of Law*, Table 3.3, p.68

male offenders rose further, to 93.5 per cent for robbery and 87 per cent for burglary.[13]

b) The nature of property offending in the City

This chapter will now look in some detail at the types of offences that were heard at this level of the court system and at gender before considering how property offenders were dealt with by the City magistracy. Common theft, or petit larceny, constituted the most prevalent property offence in this period. This was the theft of goods or property valued at less than one shilling.[14] It has been suggested elsewhere that this type of petty theft in the metropolis was routinely being filtered out of the wider criminal justice system. Beattie observed that 'virtually no defendant in the City of London or County of Middlesex, either at the quarter sessions or at the Old Bailey, was charged with petty larceny in this period'[15]. These petty larcenies were not being sent to the sessions of the peace as these were already busy with non-property disputes.[16] Many of them were instead being dealt with at summary level. Table 5.1 identified 338 prosecutions for theft and these cover a wide range of appropriations (Table 5.3).

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[13] Beattie, *Crime and the Courts*, Table 5.3, p.239. In Beattie's study of prosecutors at the Old Bailey for the City in the period 1670-1750 the proportion of women accused of property offences rises significantly but it is still considerably less than men, 60.6 per cent of defendants were men while only 39.4 per cent were women. However, Beattie's work shows that this period was untypical. The period 1690-1710 saw a panic about female offenders and a rise in prosecution rates as a consequence. Beattie, *Policing* table 1.1 p.17

[14] R. Burn, *Justice of the Peace and Parish Officer*, Volume 3, (London, 1785) p.63

[15] J. Beattie, *Policing and Punishment in London, 1660-1750. Urban Crime and the Limits of Terror*, (Oxford, 2001), p.24

[16] Beattie, *Policing and Punishment in London*, pp.24-25

Table 5.3 The nature of theft prosecuted at the summary courts, c.1784-96

Goods stolen	Male	Female	Total
Personal property	84	44	128
Goods from docks	58	6	64
Clothing	47	13	60
Foodstuffs	27	7	34
Industrial goods/tools	34	0	34
Money	7	2	9
Livestock	8	1	9
Totals	265	73	338

Source: The Minute books of the Guildhall and Mansion House Justice Rooms, data from CLA 005/01/029-030, from CLA 005/01/038-039, from CLA 005/01/051, CLA 005/01/053-054 and from CLA 004/02/001-004, from CLA 004/02/043-045. 'Clothing' includes hats and handkerchiefs.

The largest categories of stolen goods were items of personal property stolen from homes, businesses and the streets. Pewter pint pots from inns, jewellery and watches, shoe buckles, ribbons and a cornucopia of other possessions were separated from their owners. Susannah Cook was remanded in Wood Street compter after being accused by three different publicans of stealing their tankards.[17] Clothing was also routinely stolen by men and women as it was easy to dispose of in the capital's many pawnbrokers and second hand shops and stalls.[18] On the 24th January 1785 Thomas Sawyer was brought before Justice Crosby accused of stealing a shirt, neck cloth and handkerchief and was fully committed for trial at the Old Bailey.[19] Sawyer had taken the items out a stationary whiskey (a type of horse and cart) but had been seen doing so by the victim whereas Joseph Garlin claimed to have found William Howard's missing coat in the street and no one testified to seeing him steal it.[20] Both cases speak to the opportunistic nature of this type of theft. Congested streets and crowded markets were perfect hunting grounds for would-be thieves with carmen and porters transporting all sorts of goods and property across the City.[21] Cheeses and sides of

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[17] CLA/005/01/004 28/12/1775

[18] P. Linebaugh, *The London Hanged. Crime and Civil Society in the Eighteenth Century*, (London, 1991), pp.227-228L. Schwarz, *London in the Age of Industrialisation: Entrepreneurs, Labour Force and Living Conditions, 1700-1850*, (Cambridge, 1992), pp.61-65, D. George, *London Life in the Eighteenth Century*, (London, 1965) p.71

[19] CLA/005/01/030 24/1/1785 and OSBP trial of Thomas Sawyer, 23/2/1785, OB ref t17850223-39, www.oldbaileyonline.org (accessed 7/4/2006)

[20] CLA/005/01/053 23/5/1794

[21] D. Palk, 'Private Crime in Public and Private Places. Pickpockets and Shoplifters in London, 1780-1823', in T. Hitchcock and H. Shore (eds.), *The Streets of London from the Great Fire to the Great Stink*, (London, 2003), p.144

beef were taken out of carts and from the fronts of shops while some thieves contented themselves with stealing small portions of food to eat. The theft of money and livestock were less frequently prosecuted at the summary courts but the former was often a feature of larcenies committed by prostitutes and servants. As he made his way home one evening William Dickie was accosted by a street walker who tried to pick his pocket under pretence of unbuttoning his breeches, he lost some silver but could not prove she had taken it.[22] John Price spent the night with a prostitute only to wake up to find her and all his money gone.[23] The constable of Bishopsgate ward brought 'two notorious offenders' before the alderman 'for decoying a young lad into house of ill fame in Angel alley, Bishopsgate Street, and taking from his person three half crowns and a sixpence'.[24] Much of this theft was felonious and should properly have been dealt with by the quarter sessions and assize but, as will be shown later, a considerable number of prosecutions for property offences were resolved at the summary level.

As well as theft by prostitutes there are other gender factors that affect property crime. Men, while they stole clothing, were more likely to steal goods that related to their gendered sphere. So it is not surprising to find that men account for 100 per cent of the prosecutions involving industrial goods. These include the theft of tools or materials from individuals or places of work. Men were accused of stealing hammers and irons, nails, lead pipe and canvas, and other everyday items that they could use or sell on. In June 1784 Michael Fitzpatrick was charged by William Perrin (a watchman) with stealing two wood planes; a pair of iron pinchers; a chisel and an old hammer; all valued at 2s 6d by their owner, a journeyman carpenter named Stephen Pounds, and an iron adze owned by his colleague John Calder. All these items had been found on him when he was stopped by the watch.[25] In February 1788 Thomas Barnwell was accused of stealing 46lbs in weight of lead from a house in the City belonging to an Essex victualler. Barnwell was a lodger there and it seems he had

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[22] CLA/004/02/054, 4/1/1790
[23] CLA/005/01/038, 14/1/1789
[24] *The London Chronicle*, 5-7/1/1790
[25] CLA/005/01/026 17/6/1784 and OBSP trial of Michael Fitzpatrick, 7/7/1784 , OB ref t17840707-8, www.oldbaileyonline.org (accessed 4/6/2005)

been systematically stealing the lead and selling it on over a number of days before he was caught.[26] Thefts of industrial goods included both opportunistic larceny, as Barnwell's case indicates, and workplace appropriation as in Fitzpatrick's.

The taking of off-cuts of wood or 'shavings' from the workplace might not be have been viewed as theft by the perpetrators. It may well have received community sanction as in the cases of smuggling and gleaning discussed by historians of crime.[27] London dockyard workers had a long tradition of supplementing their wages with the by-products of their labour,[28] but as Linebaugh has shown, this practice of taking home the off-cuts or 'chips' was increasingly proscribed in the eighteenth century, by the Navy and other employers in the capital.[29] This, if Linebaugh is correct, would mean that some of those prosecuted at the Mansion House or Guildhall were likely to have been victims of the changing definition of customary rights as a more capitalistic logic began to govern the changing nature of the wage. Men were also much more frequently prosecuted for stealing goods from the docks and City warehouses. Much of this appropriation was of tea, coffee, sugar and other imported luxuries that were landed from the merchant fleets of the capital.

It can be seen from Table 5.1 that acts labelled by the courts as common pilfering accounted for a significant proportion of property hearings at this level. Common pilfering appears to have been used by the courts to mean the stealing of small quantities of low value goods or produce, the context in which such labelling was used often being stealing from the storehouses and wharves that concentrated along the banks of the Thames and its surrounding networks of streets and alleys.[30] There is

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[26] Trial of Thomas Barnwell, 18/2/1784 , OB ref t17780218-30, www.oldbaileyonline.org (accessed 4/6/2005)

[27] P. King, 'Gleaners, Farmers and the Failure of Legal Sanctions in England, 1750-1850', *Past and Present* ,125, (1989), J. Sharpe, *Crime in Early Modern England, 1550-1750* , (London, 1984), J. Styles, 'From an Offence between Men to an Offence against Property: Industrial Pilfering and the Law in the Eighteenth Century', in M. Berg, P. Hudson, & M. Sonenscher, (eds.), *Manufacture in Town and Country Before the Factory*, (London, 1983, J. Sharpe, *Crime in Early Modern England 1550-1750*, 2nd Edition (Cambridge, 1999)

[28] Linebaugh, *The London Hanged*, p.378

[29] Ibid

[30] According to the Oxford English Dictionary (1909 edition) pilfering "can mean pillaging, plundering, or robbery: but often refers to stealing or thieving 'in small quantities'. To pilfer, by the

therefore considerable overlap between pilfering and theft as terms used by the summary courts. The amount of pilfering cases that were heard by the lord mayor at Mansion House was much higher here than at Guildhall because it was the Mansion House court that covered the busy quayside for most of its reach. Pilferers commonly took small quantities of easily disposable goods; tobacco, indigo, coals and so forth. Many probably did so considering them to be 'perks' of their poorly paid labouring in London's docks and warehouses and much of the detection of these petty thieves fell to the part-time quayside watchmen and merchant constables.[31] We can be reasonably confident in suggesting that much pilfering went either unnoticed or did not end in prosecution.[32]

Pilfering was a petty crime but one that continually agitated the merchants and ship owners that used the long stretch of docks and quays that formed the southern border of the City. In 1711 the Commissioners of the Excise had felt obliged to appoint their own constables on the quays in an attempt to stem the tide of pilferage.[33] The Eastern area of the metropolis had an unwelcome reputation for criminality which had existed long before the Georgian period. It formed the working half of London to some extent and the affluent West relied upon it as it grew throughout the seventeenth and eighteenth centuries.[34] The proximity of the docks to the City represented a policing issue for the authorities and the watchmen in these areas may have been more diligent in bringing forward suspected thieves and pilferers.[35] Porters operated in the area transporting goods from the Thames to warehouses, shops and private addresses throughout the City and beyond, and anyone operating without the means to identify

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same token, is to commit petty theft'. Reference from P. D'Sena, 'Perquisites and Pilfering in the London Docks, 1700-1795', (Unpublished M.Phil, (Open University, Milton Keynes, 1986) p.43 See also, H. Phillips, *The Thames About 1750* (London, 1951)

[31] See Chapter 3 on policing for a discussion of the role of quayside police.

[32] For a more in-depth examination of pilfering on the London docks see D'Sena, 'Perquisites and Pilfering'. Patrick Colquhoun estimated that some 90 percent of crime went undetected or unreported. D'Sena, 'Perquisites and Pilfering', p.43

[33] Ibid p.36

[34] Ibid p.40-1

[35] It may also be the case that watchmen on the quays were held accountable for goods that were stolen, as is indicated in some of the trial reports at Old Bailey. In 1785 Morris Thomas, a merchant's watchman, declared that; 'I am answerable for all sorts of goods that are lost, I have paid above a hundred pounds for deficiencies.' www.oldbaileyonline.org trial of John Cleverly .19/10 1785, OB ref t17851019-35 (Accessed 26/7/05)

themselves as legitimate left themselves open to arrest by the watch or city constables. This was further complicated by traditional notions of perquisite and privilege.[36] Defendants at the Old Bailey frequently argued that the goods they had taken were damaged or soiled in some way and were for their "own use" and for resale, justifying the appropriation as reasonable.[37] This may have been the excuse used by those appearing before the lord mayor at Mansion House but the records of pilfering cases are seldom detailed enough to support this suggestion. However, as D'Sena noted some dock workers were prepared to deliberately damage goods so as to be able to justify the appropriation of them.[38] Constables on the quays naturally took a different view of this acquisitive behaviour by dock workers and made efforts to search men as they left the area. All sorts of goods could be concealed about the person, in over large trousers, coats and under hats. Goods could also be secreted safely for collection at a later date. On many occasions individuals must have successfully arrived home with this ill-gotten bounty intact, a useful supplement to their household budget, at other times a quick witted constable or warehouseman may have acted to thwart the theft. Such was the unfortunate experience of Daniel Debarge in 1789. Whilst working in an East India warehouse, (several of which clustered around Aldgate in the east of the City)[39], Debarge attempted to remove a quantity of nails but was suspected by a warehouse keeper, John Stockwell. Stockwell followed Debarge home and 'found him emptying his pockets of some articles which proved to be nails.'[40] James Baker was also prosecuted before the Guildhall Justice for stealing a quantity of sugar from the custom house quay, 'the property of persons unknown'.[41]

As has been established pilferage and petty theft formed by far the bulk of all property offences heard before the magistracy of the City. Male offenders typically stole items within their realm of experience; industrial and consumable goods and

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[36] Workers who did extra work or overtime might have been allowed to take small quantities of goods or payment in kind as a supplement to low wages. D'Sena, 'Perquisites and Pilfering', p.165
[37] Ibid p.142
[38] D'Sena, 'Perquisites and Pilfering', p. 161
[39] The A to Z of Regency London is helpful in indicating the geographical locations of City buildings. The A to Z of Regency London (London 1985)
[40] CLA/004/02/052 September 1789
[41] *The Times*, 25/1/1790

tools, but also food. personal property and money. Females were much less likely to be prosecuted for pilfering from the docks, as Table 5.3 makes clear. Women were more often prosecuted for stealing personal property, clothing or food than they were for taking industrial goods or produce from the docks, items that were consistent with their gendered sphere. Thus, Mary Fox stole a petticoat and hid it under her apron. Jane Jones swore to the theft and Mary was sent to Bridewell for 10 days while Jane Mountain was accused of ransacking the drawers of Mary O'Clancy's house after she had taken her on as a washerwoman.[42]

In the period of February 15th to the 24th March 1796 there were 28 cases of theft that were examined before the magistrates at Guildhall.[43] This excludes those listed as suspected felonies and omits repeat appearances by those initially remanded for further examination (which will be addressed in the next section of this chapter). Of these 28 cases, 17 were for the theft of property, four of food, three of industrial goods, while three represent items taken from lodgings and one for the theft of a pair of dogs. The food stolen was some beef from a butcher in Grub street and some veal from another whose cart was en route for Chelsea, three loaves of bread from a baker's yard and a basket of potatoes. Mary Jones took various items such as bed linen and an iron from her lodgings but agreed to return them and was forgiven. Rebecca Davis absconded with her landlady's linen from her room in Drury Lane. Those stealing industrial goods took coal[44], lead and pewter. The remaining 17 persons stole other items of property. It is possible to look at a few of these cases in detail to see what they tell us about the nature of property appropriation in the City.

Four individuals were committed to Newgate by the magistrate to take their trials at Old Bailey where the survival of more expansive records allows us to explore these thefts in greater detail. Following four cases up into the Old Bailey enables us to get a deeper sense of the motivation and context of these offenders and of the opportunism, the desperation, and the material contexts that could lead individuals into property

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[42] CLA/005/01/055 20/02/1796, 22/2/1796 and 23/2/96
[43] CLA/005/01/055 February-March 1796
[44] Coal is both an industrial and a domestic commodity being used for a variety of purposes.

crime. Joseph Davison stole 13 hempen bags so that he could set himself up in business as a potato dealer.[45] He was caught red-handed but his employers spoke up for him in court and perhaps believed that he had intended to return the sacks when he had established his small business. Samuel Edwards was accused of taking a pair of silver shoe buckles, some stockings and a pocket map of London. John Allnutt, who had lost the items amidst a move from lodgings in Coopers Row to Mark Lane, suspected that one of the workmen employed on the site was responsible. He made some enquiries and 'in consequence of some information' he received Edwards was arrested and carried before Alderman Newnham at Guildhall. His enquiries must have taken him about five days given he noticed the loss on the 12th or 13th of February (he was unsure on this point). A constable was despatched to accompany Allnutt to the prisoner's lodgings in East Smithfield where the missing items were discovered. The stockings were in a drawer, the map in a cupboard and crucially the buckles were in his wife's pocket. Because the lodgings were, as was common at the time, shared by other tenants there was not enough proof to convict Edwards for those items.[46] Edwards was lucky, as a workman employed in building or repairing houses in the City he had taken advantage of his position and made away with a small amount of goods that he could use or sell to supplement his wages. Without clear sworn testimony that he had actually stolen the items from Allnutt's lodgings it was very hard to prove his guilt. The fact that he was employed and had a wife probably helped his situation in court.[47]

Again we can see that opportunism was one of the most common factors in property crime in this period as the case of William Buckthorpe illustrates. Buckthorpe was loitering near a calico glazer's shop in Bartholomew Close near to the sprawl of Smithfield early on the morning of the 2nd March. While the owner, Mary Rutter, was busy inside Buckthorpe slipped in through the window and stole a roll of cloth valued at £3.6s. Unfortunately for Buckthorpe George Heeley had noticed the young man

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[45] CLA/005/01/055 17/2/1796 OBSP T17960217-65

[46] CLA/005/01/055 19/2/1796 OBSP T17960406-52

[47] See King, 'Decision makers'. Those offenders with familial responsibilities were more likely to receive lenient treatment from the courts in this period than young single men who were considered to be more of a threat to society.

acting suspiciously while he was eating his breakfast and ran after him and 'caught [him] with the piece under his great coat'.[48] James King, a flamboyant character who worked as a shop man for Sarah Jackson, a haberdasher and milliner in Bishopsgate, was prosecuted before the alderman magistrate at Guildhall. Over a period of eleven months Jackson had become suspicious of her assistant on account of his extravagance in clothes. Jackson presumably felt that he was dressing beyond his means, and believed it might have been at her expense. King was dismissed from her service and afterwards arrested on suspicion of theft. His lodgings were searched and various items, mainly ribbons, were found that Jackson was able to identify. The court questioned her closely about King and other servants she employed and his defence counsel was vigorous in cross examining both her and the constable that had conducted the search. In his defence King argued that he owned all the items he was accused of stealing before he entered Jackson's service and he was able to call six witnesses that vouched for his good character. The court seems to have been in some doubt as to the relationship between King and his mistress and also the circumstances of the theft and its discovery. As a result while he was indicted for stealing various items valued at over 30s, he was in the end found guilty of stealing to the value of one shilling. [49]

Opportunism and greed would appear to have been two clear motivations behind three of these incidents of theft. Smithfield may have provided a ready market to dispose of the roll of cloth that William Buckthorpe removed from under the nose of the shop keeper and a pair of silver buckles may well have been usefully traded for food, alcohol or tobacco to improve the circumstances of Samuel Edwards and his wife. James King, if he did indeed help himself to Sarah Jackson's stock of ribbons and other goods was perhaps more interested in keeping up with the latest fashions in an increasingly consumer orientated society. Eighteenth-century shops used visual display as their prime method of marketing to tempt the passing customer, it is not

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[48] CLA/005/01/055 2/3/1796 OBSP T17960406-17
[49] CLA/005/01/055 15/3/1796 OBSP T17960406-81

surprising that they attracted less welcome attention.[50] In Joseph Davison's case, the motivation was different. A desire to improve his and his family's situation (he had a wife and three small children) by starting a business was undermined by his lack of capital. His theft of sacks therefore feels more like an act of desperation than one of greed. Thus, if as seems likely, these cases are not untypical, the motivations for theft in this period would seem to be mixed but largely related to need and opportunism rather than representing organised crime or large scale appropriation. This may not have been the case for forgery or robbery that were more likely to attract people with a higher commitment to a semi-professional criminal lifestyle.

So far this chapter has concentrated on the nature of relatively petty theft in the City and while this represents the overwhelming majority of property crime heard before the Guildhall and Mansion House courtrooms it is important to note that other, more serious, offences were also examined at this stage. Table 5.1 reveals that the courtrooms at Guildhall and Mansion House did, occasionally, hear accusations of burglary, forgery and street robbery. These were capital offences that have usually been associated with the higher courts by historians of crime.[51] There were 25 cases of forgery in the sample covered by Table 5.1 and 16 of burglary or robbery of which at least 35 percent were dealt with at summary level with only 19 being committed for trial by the magistracy. Table 5.2 shows that just 11 individuals were accused of forgery and 17 of highway robbery before the London jury at the Old Bailey in the 14 sessions sampled. Again it would appear that the summary courts are an important source of information about all property crime, not just petty or less serious offending. The importance of the assizes and the Old Bailey in particular can be overstated.

After theft the largest category of offences listed in Table 5.1 is 'suspected felony', an open definition that covered a wide range of activities. Many of those brought in for

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[50] C. Walsh, 'Shop Design and the Display of Goods in Eighteenth-Century London', *Journal of Design History*, 8, 3, (1995) p.163

[51] Notably Beattie, *Crime and the Courts*, Linebaugh, *London Hanged*, and Hay, 'Property'.

suspected felonies were examined on more than one occasion by the justices and this re-examination process needs to be understood as more than just an operational function of the City courts.

c) The Re-examination process employed by City magistrates

It seems to have been common practice for those arrested by the watch or City patrols for property offences to have been examined on more than one occasion by the sitting JP and often to have been kept in prison in the meantime. This can be viewed in two ways. Firstly it represents an attempt by the Justice to ascertain the facts of the case and to establish whether a crime has been committed. On several occasions the clerk of the court simply recorded the name of the accused, that of the constable and the fact that he believed an offence had taken place because he either saw the defendant loitering without good cause or because he was in possession of some item (such a piece of clothing, a trunk or foodstuffs) that raised the suspicions of the 'police' officer concerned. This practice of arresting individuals on suspicion was clearly a part of the duties of watchmen and other policing agents as was seen in chapter three. Sometimes the magistrate was happy with the explanation given and released the defendant while in other situations the individual was detained for further examination a few days later while the goods were advertised to see if anyone came forward to claim them.

Beattie has recently speculated upon John Fielding's use of the re-examination process at his Bow Street office.[52] Fielding developed the practice of holding prisoners suspected of offences while advertising stolen items and using his 'Runners' to investigate and seek out potential witnesses and victims. He convened his meetings in the nearby inn and seemingly wished to create a participatory form of justice. His intention appears to have been, in Beattie's view, to build and strengthen prosecution cases. Notably, this also allowed the defence a chance to fashion a more

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[52] J. Beattie, 'John Fielding and the Bow Street Magistrates Court.' Unpublished paper given at the Open University 'Themes in the History of Crime, Justice and Policing in 17th and 18th Century Britain' on March 18th 2004.

robust counter case as Sir John recognised.[53] Beattie noted that Fielding set aside one day a week to hear these examinations. On Wednesdays all prisoners committed in the preceding week were re-examined before a bench of 'three or more'[54] justices, a process which Beattie suggests 'must have helped to clear up other offences and at the same time, if other victims of these defendants came forward with further charges, to bolster the prosecution's chance of success when the trial came on at the Old Bailey.'[55] Fielding, it would appear, was redefining the pre-trial process by using his magisterial discretion to interpret his powers in a way that he saw fit. He was able to employ the vagrancy laws to hold suspected persons for up to six days before formally indicting them or releasing them. In doing so he was probably exceeding his authority and this systematic abuse of legislation designed to deal with beggars and vagrants, coupled with the unwelcome side affect of this action in the appearance of numerous lawyers (both for the prosecution and the defence) drew a significant chorus of opprobrium in Fielding's direction. William Augustus Miles complained that Fielding was more intent on cementing his reputation as an examiner rather than serving the cause of justice and he accused Fielding of asking 'improper questions.'[56] Beattie's conclusion is that we should understand this re-examination process as Sir John Fielding's ongoing mission to develop and refine the criminal justice system in London.

However, another way to view this exercise is to see this as a way of dealing with petty crime without recourse to full trial at either quarter or assize court level. It was not uncommon for City offenders in these circumstances to be remanded on two or more occasions, in total spending perhaps three to seven days (or more on occasions) in lock-up prisons at Wood Street or Poultry. Therefore the magistrates were able to punish casual offenders with short periods of imprisonment, perhaps as a way of both taking them out of circulation and also attempting to deter them from further

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[53] Beattie, *Policing*, p.112

[54] Sir John Fielding, *Extracts from such of the Penal Laws as Particularly relate to the Peace and Good Order of this Metropolis (1762)*, quoted in Beattie, *Policing* p.111

[55] Beattie, *Policing*, p.111

[56] Ibid. See also, 'John Fielding and the Bow Street Magistrates Court', and Langbein, *The Origins of the Adversary Criminal Trial*, p.274

offending. In the City there was no set day in the week for the re-examination of offenders (as Beattie has suggested there was at Bow Street). It happened regularly in both courts. The process also allowed the sitting magistrate to pressure offenders into taking an alternative option, such as that of joining the armed forces. The City's aldermen were under pressure to provide troops for the wars of the eighteenth and early nineteenth centuries and notably resisted the use of press gangs within the square mile.[57] Offering petty thieves, whether proved to be such or not, the chance to avoid a possible visit to Old Bailey may well have informed this treatment of casual offending. In 1796 Thomas Donsdon was arrested after stealing a quantity of beef from a stall in fleet market. Alderman Clark allowed him to join the Loyal South Volunteers despite there being ample evidence of his guilt.[58] Earlier in the century the lord mayor offered two men, caught whilst robbing their master's premises, "the choice of going on board the tender or standing trial and they wisely chose the former".[59]

It is difficult to assess the level of impressments used by magistrates (or by prosecutors themselves[60]) because many offenders may have never reached a formal hearing being redirected instead to one of the City's regiments or towards the services of the Navy beforehand. King suggests that while the males accused were not forced to join the armed forces as an alternative to other sanctions (such as a full trial, with its consequences, or imprisonment in the house of correction), they may 'have found the pressure to enlist virtually impossible to resist, given the magistrate's wide discretionary powers'[61]. The practice of impressments allowed the City justices to 'do their duty' so to speak by the king without undermining at the same time the independence of the City and its determination to resist the activities of press gangs on the City streets. Where official court records are somewhat silent on the practice

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[57] N. Rogers, 'Impressments and the Law in Eighteenth-Century Britain', in N. Landau (ed.), *Law, Crime and English Society 1660-1830* (Cambridge, 2002), pp.79-80

[58] CLA/005/01/055, 23/2/1796

[59] *London Chronicle*, 13/7/1762, quoted in P. King, 'War as a Judicial Resource. Press Gangs and Prosecution Rates, 1740-1830', in N. Landau (Ed), *Law, Crime and English Society, 1660-1830*, (Cambridge, 2002), p.108

[60] See King, *Crime* p.91

[61] Ibid.

King has used both parliamentary reports alongside newspaper and journal sources to illustrate that the use of enlistment in times of war was much more widespread than historians had previously recognised.[62] King argues that

> *many other offenders who might otherwise have been indicted were put in to the armed forces without ever being taken to a summary hearing. Second, some of those who were committed to gaol to await trial were later allowed to avoid formal indictment by agreeing to enlist.*[63]

In both instances this would help to explain why some suspected felons disappear from the records of the summary courts.

The re-examination of offenders can also be seen as a way of dealing with the problem of vagrancy in the Georgian City. Anyone found wandering abroad without the apparent ability to support themselves or able to give a good account of their behaviour was liable to be arrested by the watch and parish constabulary. Indeed the watch and constabulary risked a reprimand and possible fine of 10s if they did not apprehend such individuals.[64] Many of those arrested as 'suspected felons' may simply have been unfortunate in being on the streets at the wrong time. These officers could also earn a reward for prosecuting these 'idle and disorderly' vagrants and we cannot disregard this factor in the prosecution process. [65] This appears to be what happened when Henry Rolaston attempted to make his way home rather the worse for drink on a December night in 1800. He was stopped by a parish constable, Charles Alderman, who was suspicious of the bundle he was carrying. He took him to the watchhouse and brought him before the lord mayor at Mansion House in the morning who was satisfied that the goods were his own and discharged him.[66]

Many other suspected thieves were released after a short spell in the compter and after an attempt had been made to establish whether the goods they had in their

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[62] King, *Press gangs* p.108
[63] Ibid. p.111
[64] Burn, *Justice of the Peace*, Vol. 4 p.345
[65] The reward was the same as the penalty for not apprehending vagrants, 10s. Officers could also receive a 5s reward. Burn, *Justice of the Peace*, Vol. 4. p.344
[66] CLA/004/02/066, 8/12/1800

possession were ill-gotten or not. On other occasions when they reappeared for examination after a couple of days the lack of evidence against them was somewhat irrelevant if no one was prepared to vouch for them. Three costermongers were caught taking a little bit too much of an interest in the windows of a silversmith in Barbican and were arrested by Philip Josling. He found some knives on them, which although this in itself was not necessarily damning evidence in the late eighteenth century, they were still remanded in custody. When they came up before the alderman on the following day they were all sent to Bridewell for fourteen days as pilferers despite the clerk of the court noting that 'no other evidence' had been produced.[67]

For evidence that the re-examination process could work in a similar way to that which Beattie has described at Bow Street in the 1760s we can turn to the case of Thomas Pruden. Pruden appeared before Sir Francis Sanderson in May 1794 accused of stealing two casks containing peppermint and bitters. He claimed he had been asked to carry the goods to the *Antigallican* public house in Dark House Lane in return for sixpence. The magistrate remanded him and noted that the casks were marked. On the following day a distiller named Read and his partner identified the casks and Pruden was committed for trial at Old Bailey. At the trial Read told the court that he only became aware of the theft when the constable from Guildhall told him of the arrest. He checked his stock and found the casks missing. Pruden, despite a bold and lengthy denial was found guilty and sentenced to a public whipping and a year's confinement in the house of correction.[68]

These three examples of re-examination show the discretionary nature of the practice. Sometimes, as in Rolaston's case, the examination process allowed those swept up by the watch to be vindicated – especially if a person could be found (such as an employer) who would vouch for them. By contrast it also enabled a more rigorous investigation to take place, such as we saw with Thomas Pruden, whereby any goods detained could be advertised or leads such as a dealer's mark on the casks he stole

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[67] CLA/005/01/055, 18/2/1796

[68] CLA/005/01/052, 9/5/1794 and OB ref: 17940604-25, trial of Thomas Pruden, 4th June 1794

could be followed up and victims alerted. Finally we can see that if the magistrate believed an individual was guilty of *something*, even if evidence was ambiguous or even non-existent, he could use the vagrancy laws to send those termed 'idle and disorderly' to Bridewell if the re-examination process failed to provide more concrete grounds for prosecution.[69]

It would seem therefore that the practice of re-examination by magistrates in the City shared similar characteristics to the pre-trial process that was created by Fielding at Bow Street, even if the latter's was more extreme. While Fielding seemingly overstepped the mark and found his practice curtailed, in the City re-examination continued throughout the eighteenth century. It was certainly used to help build cases against thieves and also to allow the innocent to prove the facts of their stories. It may be the case that the City aldermen had noted the practice at Bow Street, after all the newspapers regularly reported the activities of the 'blind beak' and it is unlikely that the controversy of Fielding's actions escaped notice in the City. It may be the case that they adapted the principle allowed under the vagrancy laws to suit their own needs in the square mile, once again demonstrating their firm grasp of their discretionary powers and the grip that the authorities had on everyday life in the City.

d) Outcomes

In the first half of the eighteenth century, as Beattie has argued, the City justices were not sending petty larcenists to trial before a jury, instead they dealt with them summarily and imprisoned them in the Bridewell house of correction.[70] We can ask whether this practice continued to the end of the century and what implications this has for our understanding of the criminal justice system of the late eighteenth century. Many of those accused of common pilfering from the City's wharfs and warehouses in the 1780s were dealt with in just the way that Beattie outlines in the earlier period.

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[69] Beattie noted that the City magistrates were committing offenders to the London workhouse (after its establishment in 1699) for 'idle and disorderly conduct [which] included pilfering and petty theft' who might 'have been charged with property offences if prosecutors and the authorities had chosen to do so.' Beattie, *Policing*, p.29

[70] Ibid, p.17

Pilfering is a category of theft for which Burn makes no separate entry. It would seem to come under the umbrella of petty larceny (the theft of goods valued at 12d or less) but actually seems to have prosecuted by justices utilising the wide powers they had under the vagrancy laws. Section 18 of Burn's 1785 edition entry concerning vagrants states that:

> *Any person...found in or upon any dwelling-house, warehouse, coach-house, stable, or out-house, or in any inclosed [sic] yard or garden, or area belonging to any house, with intent to steal any goods or chattels:- shall be deemed a rogue and vagabond within the meaning of this statute of the 17 G.2.* [71]

It was this piece of legislation that allowed magistrates to lock up minor property offenders as "idle and disorderly pilfering persons" even if they had stolen a specified item from an identified victim. As Beattie suggests

> *it seems reasonably clear that such committals resulted from the magistrates' decision to take advantage of the grey areas on the borderland of larceny and of the vagueness of the vagrancy laws to punish those suspected of small thefts by sending them for a brief period of hard labour and perhaps corporal punishment rather than committing them for trial at the quarter sessions or assizes.*[72]

Beattie found that the practice was common in Surrey in the early eighteenth century and throughout the first half of the Hanoverian period in the capital. As is clear from Table 5.4 this process persisted to the end of the century.

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[71] R. Burn, *Justice of the Peace and Parish Officer*, Vol. 4 (London, 1785) p.343
[72] Beattie, *Crime* p.269

Table 5.4 Overall outcomes of examinations of property offenders before the City Justice Rooms c.1784-c.1796

Outcome	Number	Percentage
Discharged	248	36.7
Dealt with Summarily	237	35.1
Committed for Trial/bailed	190	28.1
Total known	675	99.9
Remanded destination uncertain	184	
Totals	859	99.9

Source: The Minute books of the Guildhall and Mansion House Justice Rooms, data from CLA 005/01/029-030, from CLA 005/01/038-039, from CLA 005/01/051-52, CLA 005/01/055 and from CLA 004/02/001-004, from CLA 004/02/043-045

Of those accused of property offences at the City's summary courts at least 485 out of 675 were dealt with by the justices without recourse to the wider criminal justice system. This represents over 70 percent. It was not simply pilferers who were being treated in this way, defendants accused of various forms of theft had their cases handled directly by the magistracy.

Therefore a very considerable proportion, or 36.7 percent, of all property offenders were being discharged after an examination (or series of examinations) before the sitting justice of the peace. Only 28.1 percent of those accused of a property crime that were taken before the City magistrates were fully committed for trial at the Old Bailey. This demonstrates that the summary courts were playing an important role in the wider criminal justice system in London by filtering out a large proportion of property crime at an early stage. Offenders were sometimes discharged for 'want of evidence' or because no prosecutor appeared against them, or because the case was 'settled' or 'agreed'. On occasions the defendants were discharged at the will of the prosecutor, who perhaps had satisfied his or her desire to establish ownership of certain goods or their authority over a recalcitrant employee. The settlement could be a simple one, the return of stolen goods or the payment due. When John Wiley was accused of trying to defraud George Steel and his partner of the price of 66 pairs of shoes he produced the money and was released.[73] Indeed perhaps we should view this use of the courts as an arena of negotiation, the summary process and the authority of

[73] CLA 004/02/047, 23/5/1789

the magistracy acting as a lever to persuade non-payers to settle their bills promptly. Judicial discretion is often hard to read from the sparse records of cases that do not progress beyond the summary level but there are occasional flashes of illumination. William Willis stole some pieces of timber and was chased and arrested by a local constable who took him to the watch house and then to Poultry Compter. His father heard of the arrest and meted out his own punishment on the lad. Hearing this. the presiding lord mayor released William without further sanction.[74] In two other instances reports in the London press allow an insight into the court process and the way in which discretion was applied to property cases.

Table 5.5 Nature of outcomes for property offenders dealt with summarily before the City Justice Rooms c.1784-c.1796

Nature of Outcome	Number	Percentage
Imprisoned	149	62.8
Reprimanded	37	15.6
Settled	26	10.9
Other	25	10.5
Totals	237	99.8

Source: The Minute books of the Guildhall and Mansion House Justice Rooms, data from CLA 005/01/029-030, from CLA 005/01/038-039, from CLA 005/01/051-52, CLA 005/01/055 and from CLA 004/02/001-004, from CLA 004/02/043-045. 'Other' includes those sent to sea or into the armed forces or to the hospital (un the case of two female offenders).

As can be seen from Table 5.5 A significant proportion of minor property offenders, 16.4 percent, were imprisoned by the magistrates, usually in the Bridewell but occasionally in the City's two compters at Poultry and Wood Street. By the 1820s the compter at Giltspur Street was home to a large number of minor property convicts whose place of birth reveals the cosmopolitan nature of the capital.[75] Most of those imprisoned were pilferers but there were 29 thieves as well as a number of pickpockets (probably all young offenders) and a receiver that were deposited in the City's various prisons for short periods. The normal period of confinement seems to have been between seven days and one month and usually involved either a beating or

[74] CLA/004/02/066, 2/1/1800

[75] There were 278 prisoners in the Giltspur for felony in 1821, 2 for fraud, 65 misdemeanors, 3 runaway apprentices and a deserter, 1 receiver of stolen goods, 11 individuals for assault, 1 man for being disorderly and a couple of embezzlers. Aside from London parishes there were prisoners from Birmingham, Bristol, Essex, Hampshire, Hertfordshire, Kent, Somerset and Yorkshire, as well as several from Wales and a great number from Ireland. CLA 030/01/023

hard labour or both. The short length of imprisonment coupled with the harsh treatment that awaited inmates allowed the courts, the magistrates and of course. the prosecutor/victims to punish some and deter others but without entering into great expense or losing valuable members of the workforce for lengthy periods of time. Bridewell, as the repository of the City's idle apprentices, can possibly be seen as an important part of a disciplinary machine that was there to meet the needs of the mercantile class.

Other defendants were more fortunate, especially if their victims were prepared to let the matter drop. In October 1821 a man and his son distracted a shoemaker and his shop assistant and made off with a pair of boots valued at 44s.[76] The culprit was a bookbinder who had found work hard to come by and had been working as a milkman. He told the court he 'had an ailing wife and six children, of whom the boy with him was the eldest but one, and he earnestly entreated mercy for the sake of his family, alleging this was his first and only offence'[77]. The shoemaker 'humanely joined in this request, expressing his willingness to forego prosecuting, if the Magistrate should think it proper to overlook the offence'[78]. The alderman agreed to consider the matter while the shoemaker enquired into the truth of the man's story and remanded him for further examination. That there is no record of this case going to the Old Bailey perhaps suggests that the bookbinder was fortunate on this occasion. In the second example, two boys (their ages are not given) were charged with stealing from the luggage on the Northampton wagon.[79] It was established, after the boys had been remanded, that they had good characters and no history of previous misconduct. The prosecutor, Thomas Peters,

> *very humanely, said that he should be sorry to prosecute them, as probably they might never offend again, and begged that they might be discharged. The magistrate said, fortunately for the prisoners, the Waggoner's evidence was not so conclusive as to make it impossible for him to discharge them, and hoped that, as this was their first*

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[76] *The London Chronicle*, 19/10/1821
[77] Ibid.
[78] Ibid.
[79] *The London Chronicle*, 11/10/1821

> *offence, it would be their last. The prisoners, after receiving an impressive admonition from the magistrate, were discharged.*[80]

Therefore property cases, even those that were felonious, could be settled before the magistrate by an apology, the return of goods and/or a reprimand from the justice and a warning as to the defendant's future behaviour.

Property offenders before the City summary courts could also be persuaded to enter the armed forces as an alternative to imprisonment or a jury trial. This was the outcome for the 23 male prisoners in Table 5.5. George Parsons stole a three penny cheesecake from a pastry cook in Red Cross Street and was sent into the Marine Society.[81] Tom Williams was suspected of stealing from his room mate and the justice ordered him aboard the tender.[82] Both were teenage boys and appropriate objects for such judicial discretion. Some prosecutors came to an agreement with those they had accused, perhaps servants or other employees while others were simply discharged with a reprimand (presumably an admonition to behave better in future). Without more detailed qualitative information it is impossible to be conclusive about the motor for magisterial decision-making at the summary courts. But it is reasonable to suggest that youth, previous conduct, available evidence, and character all affected the way in which the City justices arrived at their judgements. To what extent did gender affect this process? As was shown above women were five times less likely to be prosecuted before the City summary courts for property offences than men in the period 1784 to 1796. Did they also receive more lenient treatment when they got there?

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[80] Ibid.
[81] CLA/005/01/006, 4/2/1778
[82] Ibid.

Table 5.6 Outcomes of examinations of property offenders at the City justice rooms. c. 1784-1796, by gender

Outcome	Male	%	Female	%	Total
Discharged	175	32.8	73	51.4	248
Committed	158	29.6	20	14.0	178
Bailed	9	1.6	3	2.1	12
Imprisoned	126	23.6	23	16.1	149
Reprimanded	24	4.5	13	9.1	37
Settled	18	3.3	8	5.6	26
Other	23	4.3	2	1.4	25
Total Known	533	99.7	142	99.7	675
Destination unknown	151	-	33	-	184
Totals	684	-	175	-	859

Source: The Minute books of the Guildhall and Mansion House Justice Rooms, data from CLA 005/01/029-030, from CLA 005/01/038-039, from CLA 005/01/051, CLA 005/01/053-054 and from CLA 004/02/001-004, from CLA 004/02/043-045. 'Other' includes those sent to sea or into the armed forces or to hospital (in the case of the two female offenders).

Table 5.6 would suggest that they did. Women were much more frequently discharged by the courts than men and twice as likely to be set free with a reprimand. They were more often able to settle their disputes over property (items pawned or otherwise 'borrowed') than were males. Crucially women were able to escape a jury trial almost twice as frequently as male property offenders, a finding that partly explains why fewer women appear at the Old Bailey (as shown in Table 5.2). Women were not, naturally, sent into the armed forces but this lack of judicial resource did not seem to mean that more female petty property thieves were incarcerated in the Bridewell or City compters. Imprisonment was being used for both sexes but more men were sent to these institutions as pilferers and petty depredators. In 1821 there were 76 women in the Giltspur for property offending, while 200 men were similarly detained.[83] So only 27.5 percent of the thieves, receivers and fraudsters in the Giltspur at this time were female, male offending was still being treated more seriously by the magistracy.

Female defendants in property cases here are perhaps underrepresented. As previous research has suggested, women typically committed offences which were hard to

[83] CLA 030/01/023

prosecute therefore the numbers of undetected or unpunished crimes must be have been considerable.[84] Shoplifting, pick pocketing and pilfering by servants was extremely hard to detect or to prove in court and the victims of prostitutes who removed their pocket books and watches while they were sleeping or otherwise engaged would often have been too embarrassed to prosecute. The numbers that do appear in the summary courts therefore represents but a fraction of those women that committed property crime in the City. However, while women accounted for just over 21 percent of all property offenders in Table 5.1 they were responsible for 34 percent of accusations of the theft of personal items in Table 5.3. However, many of them were simply being discharged by the summary courts at this early stage. This suggests that women were not as lacking in criminal activity as some indictment based work implies.

This has implications for the argument that the second half of the eighteenth and early nineteenth century saw a decline in female criminality.[85] Feeley and Little did not look at the summary courts and are therefore unable to discuss all the possible shifts in jurisdiction in trying to account for the decline in the proportion of women indicted for property crimes.[86] As is shown here, women were accused of committing a variety of property offences but relatively few of them were sent for trial at the Old Bailey or the quarter sessions. Feeley and Little suggest that it was not until the nineteenth century that 'many of the less serious cases were shunted off to the lower courts'[87] while this study demonstrates that the summary process was routinely dealing with these offences in the last quarter of the eighteenth. Female thieves were certainly active in the City, possibly for the reasons that Beattie suggests: unemployment, poverty and the lack of supervision.[88] When they came before the summary courts, however, they were much more likely to escape any further sanctions or punishment than their male counterparts. As King has written, 'women had the advantage at

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[84] J. Beattie, 'The Criminality of Women in the Eighteenth Century', pp.93-94
[85] . Feeley and D. Little, 'The Vanishing Female: The Decline of Women in the Criminal Process, 1687-1912', *Law and Society Review*, 25, 4, (1991)
[86] Feeley and Little, 'The Vanishing Female', p.724
[87] Ibid, p.725
[88] Beattie, 'The Criminality of Women'.

virtually every stage of the pretrial process'[89]. The City justices frequently exercised their discretion to release females accused of property crime and sent very few of them on face a jury trial.

Discretion was also available to the prosecutors and summary justice allowed a fast resolution of disputes as previous chapters have emphasised. But it is judicial discretion, that wielded by the magistracy, that matters here. As was noted earlier justices of the peace had limited formal options available to them when presented by a property offender. If the prosecutor failed to appear or refused to press for a trial then the defendant could be released. If neither of these eventualities occurred then the justice was obliged to send the case for trial, even if the offence only amounted to petty larceny. As has been shown, however, the majority of property offenders were being dealt with at summary level, with a significant number being released without further action. Given this level of discretion by magistrates and grand juries, along with the notable use of discretion by prosecutors it is apparent that the opportunities for escaping a trial for a capital felony in the late eighteenth century metropolis were considerable. While there were perhaps around 250 trials at the Old Bailey per year of property offenders under City indictments in the 1780s and 1790s there were many more hearings at the summary courts. A significant proportion of these property offenders were arrested on suspicion of committing crime and subsequently released after a period of incarceration. This procedure may have been used, as Beattie suggests[90], to help build a prosecution case against them or it may represent a disciplinary process by which minor property criminals were punished with a view to deterring them from future offending. It is likely to have been a mixture of both explanations and also an important way of removing some of the burden of work from the higher court system. This informal use of carceral punishment by the magistrates suggests that we need to be wary of reading judicial practice from contemporary manuals. As recent work on the Refuge for the Destitute has

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[89] King, *Crime*, p.200
[90] Beattie, *Policing*

highlighted, Old Bailey judges used informal imprisonment as a sentencing option in the early nineteenth century even though no such option formally existed in law.[91]

Concluding remarks

Five key points emerge from this work. Property crime was an overwhelmingly male preoccupation. This has been established by previous studies of the higher courts and remains true at the summary level, women are less frequently prosecuted for property crime than men. It is also the case that property crime is gendered to some extent. Men stole goods related to their work and life experiences while women took items such as clothes and bedding that they would come into contact with as servants. More serious property theft by women was often related to their activities as prostitutes. Which highlights the next point that can be made by this study; property crime was for the most part occasioned by need and opportunity. The theft of goods from lodgings and workplaces as well as the pilfering of commodities from the docks and warehouses of the Thames points clearly to petty appropriation as a way of supplementing a meagre existence. Of course, as Beattie noted[92], we cannot ever be sure why some chose to steal while others did not but it is possible to suggest that London presented a vast array of opportunities for those with a mind to commit crime.

Third, the summary courts exercised a huge degree of discretion in relation to property offending. While the justicing manuals such as Burn's were adamant that *all* theft (felonious or otherwise) had to be considered before a jury this was seemingly ignored by the aldermen of the City of London. Less than 30 percent of all property cases that were examined by the City justices were sent on by them to Old Bailey. Those bringing defendants also had a large discretionary role to play in this process and their decisions were affected by their relationships to those that stole from them.

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[91] P. King, *Crime and the Law in the Age of Reform 1750-1850. Remaking Justice from the Margins*. (Cambridge, 2006)
[92] Beattie, *Crime* p. 263

Servants and apprentices could be forgiven or admonished, the court could use the Bridewell to discipline them. and the experience of prison could serve as a warning to their future behaviour. The magistrates had discretion in abundance. By using the re-examination process they could frighten petty thieves. persuade them to join the armed forces or take pity on their difficult circumstances and release them. What it is clear is that the aldermen justices felt that they had the right and the ability to filter property cases out of the system at this early stage and so keep the wider criminal justice system clearer for more serious offences.

The fourth point to note is that the discretion of the courts seems to have been of most benefit to female property offenders. Considerable numbers of women were being accused of theft in the City of London but were then being removed from the criminal justice system at the summary level. Proportionally more women were discharged, released with a reprimand, made a settlement with, or were forgiven by, their accusers than was the case with male property offenders. This would necessarily have reduced the numbers of female thieves that appeared at the Old Bailey. It suggests that we should be wary of believing that the numbers of female property offenders was falling in this period based on research carried out from the records of the higher courts.

The final point that can be made follows from this filtration process. There was simply much more crime being examined and many more criminals, witnesses and victims involved at the summary level. Four times as many cases were heard at the City justice rooms than were dealt with by the London jury at Old Bailey. This necessarily affects our understanding of the criminal justice system in this period. The terror of the gallows is not evident in the matted gallery of the Guildhall, even if its threat is implied by the presence of the justice of the peace in his robes of office. The summary courts operated for a very wide range of the City of London's population. It is, however, true that it was those with property to protect or reclaim that prosecuted here, and this may not have involved the poorest of the London population. The magistracy acted as mediators and practiced restorative justice in reuniting victims with their property.

Chapter 6: Non-Property Offending – Violence

The historical analysis of violent crime has tended to concentrate upon the more serious offences of murder and manslaughter. There are clear methodological reasons for this pattern of historiography.[1] However, murder and manslaughter were rare occurrences in the late eighteenth century. Between 1780 and 1820 there were 416 indictments for homicide before the London and Middlesex jurors at the Old Bailey.[2] At around 10 murders a year it is clear that this does not represent the majority of prosecuted acts of violence. Homicide invariably involved the authorities in one way or another. While coroners were obliged to examine all violent or suspicious deaths[3] there was no equivalent office to investigate non-lethal violence. This chapter will argue that only by looking at the summary courts and adjudications of the Justices of the Peace and, more importantly, in the discretionary decision making by the victims of violence can we understand fully how the criminal justice system operated with regard to interpersonal violence.

Although recent attention has moved towards examining the treatment of assault at the quarter sessions there are problems with this approach.[4] King has highlighted the difficulties faced by historians who wish to study assault. The 'dark figure of unrecorded crimes', he argues, 'is so huge that it engulfs the relatively small number of acts that reached the courts'.[5] Moreover, because so many cases were dealt with at

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[1] See L. Stone, 'Interpersonal Violence in English Society, 1300-1980', *Past and Present*, 101, (1983); J.A. Sharpe, 'The History of Violence in England: Some Observations', *Past and Present*, 108, (1985); J. S. Cockburn, 'Patterns of Violence in English Society: Homicide in Kent, 1560-1985', *Past and Present*, 130, (1991) and R. Shoemaker, 'Male honour and the decline of public violence in eighteenth-century London' *Social History* Volume 26, 2 (May 2001). Homicide and manslaughter are almost always recorded because a coroner is obliged to make a report into any death and because unlawful killing is hard to conceal and engenders strong reactions in people that impels them to report it.

[2] The Old Bailey Proceedings Online, www.oldbaileyonline.org (26/2/2006). Beattie found an even lower rate of homicide in Surrey between 1780 and 1802, at around 2 deaths per year. J. Beattie, *Crime and the Courts in England, 1660-1800* (London, 1986) p.90

[3] See R. Burn, *Justice of the Peace and Parish Officer*, Vol.1 (London, 1785) '*Coroner*'

[4] P. King. 'Punishing Assault: The Transformation of Attitudes in the English Courts', *Journal of Interdisciplinary History*, 27, 1, (Summer, 1996), N. Landau, 'Indictment for Fun and Profit: A Prosecutor's Reward at the Eighteenth-Century Quarter Sessions', Law and History Review, 17,3, (Fall, 1999), G. Smith, 'The State and the Culture of Violence in London, 1760-1840', Ph.D. thesis, (University of Toronto, 1999)

[5] King, 'Punishing Assault', p.46

summary level and never made it to the jury courts the relatively poor record survival at the former makes research more difficult.[6] Norma Landau is surely correct in identifying that the key aim of prosecutors at the quarter sessions was to obtain some form of recompense or compensation for their hurt, be it in the form of money or at the least an apology made in some public form. Landau suggested that the vast majority of assault cases were heard before the Quarter Sessions.[7] However, as Morgan and Rushton noted, the 'statistical evidence suggests that a lone magistrate dealt with more allegations of assault in a year than ever went to the quarter sessions.'[8] The experience of the City of London will clearly show that most violent offences were actually being both examined and dealt with summarily.

This chapter will explore the quantity and nature of assault prosecutions in the City and analyse the circumstances in which cases of assault arose. It will consider how these accusations of petty violence were dealt with, and whether this is better seen as a civil or a criminal process. It will look at the proportion of the City's population that had cause to use these courts to prosecute defendants and how this affects our understanding of social relations and the use of the criminal justice system in this period. It will argue that the records of the Petty Sessions offer important insights into the ways interpersonal violence was dealt with at the end of the eighteenth century.

a) The frequency of assault prosecutions in the City of London

Assault accounted for a considerable amount of the business undertaken by the summary courts of the City of London in the long eighteenth century. For the period 1784-96 of the 2429 cases sampled there were 693 cases of assault. This represents 28.5 percent of the offences heard before the City summary courts, which is lower

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[6] Norma Landau was equally concerned to point out the problems faced by researchers into assault at the Quarter Sessions. She identified the lack of trial reports as well as depositions and recognizances. The Middlesex bench only got to hear about a third of all assault indictments, many being settled without the need for a trial. N. Landau, 'Indictment for Fun and Profit'

[7] Landau, 'Indictment for Fun and Profit', p.508

[8] G. Morgan and P. Ruston, 'The Magistrate and the Community and the Maintenance of an Orderly Society in Eighteenth-Century England', *Historical* Research, 76, 191, (February, 2003), p.68

than some other parts of the Metropolis and the City in an earlier period.[9] However, percentages are not the most significant guide to the quantity of assault prosecutions in the City. As the previous chapter demonstrated, a considerable amount of minor property crime was being dealt with by the summary process which would necessarily reduce the proportion of violent offences recorded. Table 6.1 also demonstrates that a large amount of regulatory business was coming before the City magistracy. Therefore it is more useful to look at the numbers of assault prosecutions that were coming before the summary courts of the City.

Table 6.1 Types of offence heard before the City courts, 1784-1796

Type of Offence	Number	Percentage
Property	859	35.3
Assault	693	28.5
Regulatory disputes	877	36.1
Total	2429	99.9

Source: The Minute Books of the Guildhall and Mansion House Justice Rooms, data from CLA/004/02/001-4, CLA/004/02/043-045, CLA/005/01/029-030, CLA/005/01/38-9, CLA/005/01/51-052 and CLA/005/01/55. These minute books cover 33 weeks at the Mansion house and 29 at the Guildhall, a total of 62.If this figure is divided by 2 this means this table represents 31 'court weeks'. Therefore these courts were hearing 22 cases of assault between them each week (693/31=22).

It is clear from Table 6.1 that the City summary courts were hearing more than 20 cases of assault each week, over 1000 annually. The frequency of assault prosecutions can in part be explained because the term assault was a very loose one and covered a range of violent actions in the eighteenth century. According to Richard Burn assault was any attempt to harm someone else, with or without a weapon, a show of force involving the waving of a fist or indeed anything 'done in an angry threatening manner.'[10] Simply shoving someone aside could constitute an assault if the victim chose to press the matter. Using the court records and newspaper reports from the

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[9] Beattie found that assault accounted for a much higher proportion of cases (51%), outnumbering theft by nearly two to one. However, as discussed in chapter two, it is not clear whether Beattie included assault warrants in his figures. See J. Beattie, *Policing and Punishment in London, 1660-1750. The Limits of Terror*, (Oxford, 2001), p.104 Henry Norris also dealt with a greater percentage (64%) of assaults to other offences in Hackney. R. Paley, *Justice in Eighteenth-century Hackney: The Justicing Notebook of Henry Norris and the Hackney Petty Sessions Book*, (London Record Society, 1991), see P. King, 'The Summary Courts and Social Relations in Eighteenth-Century England', *Past & Present*,183, (May, 2004), Table 1, p.137 for comparative data on assault prosecutions.

[10] Burn, *Justice of the Peace*, Vol 1, p.111

early nineteenth century it is possible to explore the nature of assault prosecutions in the City.

b) The Nature of Assault in the City of London

As was seen in chapter four identifying the relationship between victim and prosecutor in assault cases is very difficult. Very little detail was recorded by court clerks in assault cases because so few went on to be prosecuted at a higher court. It is helpful to analyse assaults by placing them in the one context that can be identified thoroughly – that of gender.

Table 6.2 Nature of assault charges at Guildhall Justice Room 1784-96

	Number	Percentage
Male on male	289	41.7
Male on female	163	23.5
Female on female	153	22.0
Female on male	36	5.2
Assault on official	52	7.5
Total	693	99.9

Source: The Minute Books of the Guildhall and Mansion House Justice Rooms, data from CLA/004/02/001-4, CLA/004/02/043-045, CLA/005/01/029-030, CLA/005/01/38-9, CLA/005/01/51, CLA/005/01/53, and CLA/005/01/55.

As this table makes clear, it was men who dominated the charge sheets of the summary courts in relation to assault. This is of course not at all surprising, male violence remains an important theme in criminal justice reform agendas to this day. Approximately 70 percent of all assaults were carried out by men.[11] This is very similar to the findings of Morgan and Rushton in analysing assault cases heard by Edmund Tew in the north-east of England in the mid eighteenth century where 69 percent of attacks were by males.[12] Women are much less well represented but they do

[11] Most assaults on officials were carried out by men, although a few represent attacks by females.
[12] In their analysis 48 percent of assaults were perpetrated by men on other men, 21 percent by men on women, 24 percent by men on women and just 7 percent by women on men. Morgan and Rushton,

have a significant presence. What is noticeable is that women tended to fight with, or attack, other women – very few prosecutions were for attacks made by women on men, which may well be related to the reluctance of men to prosecute female aggressors. [13] The reverse is unfortunately not the case and nearly a quarter of prosecuted assaults were made by men on women, a significant number of these cases being instances of domestic abuse. King also found that 23 percent of the victims of male assaults at the Lexden and Winstree petty sessions were women.[14] As men were much less likely to report their wives or partners for beating them this may unintentionally under represent husband-beaters.[15]

As has already been noted the court records are at their least informative when recording the events that led to prosecutions for assault. Many entries simply give no information other than the name of the accused, victim and the constable that brought them to court. On other occasions there is the merest scrap of additional information that helps to define the attack. In December 1788 Joseph Ware was brought from the cells at Wood Street to answer the charge laid by James Jacques that he had assaulted him and knocked his hat off the previous evening. The assault was confirmed by a witness but Ware was discharged by Alderman Le Mesurier.[16] There are other cases of hats being knocked off in the streets which are suggestive of youthful excess or drunken loutishness. In 1791 Dennis Connor was charged by Thomas Perry for an assault in Barbican. Connor lost his hat and an old one was put on his head instead, this could perhaps have been a form of petty theft but was not prosecuted as such.[17]

'The Magistrate, the Community', Table 6 (I have rounded the percentages), p.70 Neale's study of Bath found that 77 per cent of assault were committed by men. R. Neale, *Bath: A Social History 1680-1850*, (London, 1981), Table 3.8. p.90

[13] There are very few occasions when men prosecute their wives in the summary courts. There are a number of reasons for this. Firstly because female violence *per se* was almost certainly less common and usually aimed at other women. Secondly it was much less likely to be recorded, because men were reluctant to report it given the associated loss of face and social standing that would result from admitting that one could not control one's wife in a society dominated by patriarchy.

[14] P. King, 'The Summary Courts and Social Relations in Eighteenth-Century England', *Past & Present*,183, (May, 2004), p.143 see Table 3.

[15] E. Foyster, *Marital Violence. An English Family History, 1660-1857*, (Cambridge, 2005) p. 23

[16] CLA/005/01/38, 18/12/1788

[17] Knocking off hats has been identified as 'bonneting', an indirect form of theft. J. E. Archer, 'Men behaving badly'?: masculinity and the uses of violence, 1850-1900', in S. D'Cruze, *Everyday violence in Britain, 1850-1950* (Longman, 2000) p.48

Connor's assailant also attacked another pedestrian further down the road who gave evidence before the magistrate. [18] These cases illustrate both the triviality of some of the assault cases that were brought before the magistracy but also the discretion available to prosecutors. As Peter King observed

> *It is not difficult to imagine the customers in a crowded alehouse jostling, pushing, threatening, and hitting each other often enough in one evening to keep the local quarter sessions busy for weeks, if all such acts ended in an indictment.*[19]

The same was true of the crowded City thoroughfares and alleys. Most of the time the assaults would have been minor, (as the examples above show) pushing and shoving as some people tried to negotiate the dangers of the streets – animals and carts competing with hansom cabs and coaches, street vendors attempting to sell all manner of goods and pedestrians trying not to step in the filth and detritus that Europe's busiest urban centre generated. Beattie has suggested that early eighteenth-century London society was no stranger to violence.[20] However, contemporary visitors to London remarked that it was a less violent city than some in Europe. Writing in the 1780s, 'the Prussian J.W. Von Archenholz noted that, whereas disputes occasioned "by the jostling of coaches in narrow streets" were likely to lead to the spilling of blood in Paris, in London "the people immediately fly to …restore order"'[21].

Male violence has often been related to alcohol consumption, and public houses seen as venues for male fights. In 1796 a drunken customer at the Axe Inn began abusing the other customers in the coffee room (the quiet retreat in public houses), offended the landlord's wife and was thrown out on the street. Not heeding this warning he returned and attacked the publican. His brother appeared in court and promised to look after him in future and he was discharged.[22] There is much better information

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[18] CLA 005/01/46, 25/1/1791
[19] King, 'Punishing Assault', p.46
[20] J. Beattie, 'Violence and Society in Early-Modern England', in Anthony N. Doob and Edward L. Greenspan (eds.), *Perspectives in Criminal Law*, (Canada, 1984)
[21] Shoemaker, 'Male honour', p.191
[22] CLA/005/01/055, 17/2/1796

available from the newspapers when they decided to report a case at the courts. In 1818 an unnamed 'fighting baronet' was hauled before the Justice for picking fights with almost everyone in the Mitre tavern on Aldgate. The other customers thought him 'to be at least intoxicated, if not mad' and he was taken into custody.[23] Further evidence of the effects of alcohol on men's propensity to challenge and fight one another can be seen in a report from the *Observer* made a few years earlier. When, rather the worse for drink, Thomas Cobham was refused more beer by a landlord in West Smithfield he declared that he was a gentleman and would go and sit in the parlour until he was served. The landlord, a Mr Riggs, not wanting the peace of his quiet room disturbed remonstrated with Cobham and eventually threw him out. The Irishman was not so easily rebuffed however and after hurling verbal abuse from the street managed to get back inside. He made straight for the landlord and attacked him, kicking and punching, while his victim tried to restrain him. The fight was accompanied by considerable destruction to the bar room as Cobham 'contrived to destroy every article of glass, china, delft, etc. in the bar, independent of which he smashed several panes of glass, a patent lamp, and other articles' before he was subdued 'and conveyed to the Compter'[24]. At his examination the defendant claimed he was reacting to Rigg throwing him out but the magistrate was unconvinced. In the end he brokered a settlement between the two men.[25]

What these cases illustrate is that landlords often made a strong attempt to maintain some kind of order on their premises and were prepared to deal firmly with unruly behaviour. That they did so made sound commercial and common sense. A disorderly bar was more likely to attract the unwanted attention of the authorities who periodically clamped down on gambling and prostitution and presumably would also have taken a dim view of pub brawls. Customers would also have been unlikely to want to frequent a place where they were constantly at risk of getting beer thrown at them, being insulted or worse. These cases ended in a reconciliation, which as we shall see was the most likely outcome of all assault prosecutions heard by the summary

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[23] *London Chronicle*, 27/1/1818
[24] Ibid
[25] *The Observer*, 15/10/1815

courts, none of these accused were punished for their behaviour by the court system but they had all spent a night in the cells before their appearance.

Violence could erupt in all sorts of situations; in pubs and taverns and on the street but also in shops, markets and other public places. On many occasions it was simply the everyday frustrations of life that boiled over into actual physical conflicts, however minimal. Jonathan Holmes was strolling along the Poultry, in the heart of the City, when he overhead an altercation in a shop. He intervened to assist a shopkeeper who was being verbally abused and, with the help of the watch, had the aggressor taken in custody. [26] As was noted in chapter five shopkeepers were not above using violence to eject abusive or violent customers from their premises. They could also use violence when they had less cause to do so. When a formerly respectable but impoverished woman, Mrs Devonshire, complained to her baker that one of the loaves he had given her as part of her allowance from the parish was short weight he struck her and threw her out of his shop so that 'her arm and neck were much bruised, and her mouth lacerated.'[27] The baker countered that she had been abusive and he had threatened to call for the constable. Mrs Devonshire denied the charge and the magistrate rejected it. The paper in which this information appears presumably reported the case for its 'human interest', a poor but 'respectable' woman fallen on hard times and being mistreated by a callous shopkeeper. As Landau's work has suggested prosecutors were not above using the quarter sessions to gain compensation from others and this may well be the case at the petty courts as well.[28] For example, in 1789 Josiah Simmonds prosecuted Joseph Cooper before the lord mayor for an assault. Cooper had run into him and broken the glass he was carrying. Cooper in defence said he had merely turned a corner fast and then stepped aside to avoid a passing dray. It was, in Cooper's eyes an unfortunate accident. Simmonds may have seen this as an opportunity to extract some compensation from the situation; after all he had lost a valuable piece of

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[26] CLA/005/01/055, 16/3/1796
[27] *London Chronicle* 20/1/1818
[28] Landau, 'Indictment for Fun and Profit', p.518

glass.[29] We can now move on to consider how violence occurred in the home and the responses of women who were the victims of domestic abuse.

c) The nature of assaults in domestic contexts

Anna Clark has recently outlined the 'struggle for the breeches' within plebeian marriage by drawing upon biography and popular literature.[30] While some of the songs Clark sampled stressed the sanctity and comforts of marriage others voiced concerns about brutal husbands (and occasionally wives) and urged defiance in the face of unacceptable male behaviour.[31] The paucity of detail contained in the pages of the summary court minute books do not allow us to tease out the difficulties in the relationships of City married couples but it is sometimes possible to explore the nature of domestic violence and how it was resolved.

Table 6.2 showed that just over 50 percent of the women who brought accusations of assault against them charged a man with attacking them. Many of these attacks may have been by their husbands but it is hard for us to be definite about this from the records. Victims with the same name as their assailant may have been wives, and those with the suffix *ux* almost certainly were. However, marriage was not easily defined in the eighteenth century. Poorer couples living together in the urban sprawl of London may not have been concerned to get officially married with the expense that it would accrue, and secret marriages were not uncommon. As Tanya Evans has recently written, 'evidence suggests that marital and sexual relationships were necessarily fluid' in eighteenth-century London.[32] Within plebeian culture there was certainly some room for informal divorce and remarriage as Anna Clark has noted:

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[29] CLA/005/01/053, 23/12/1789

[30] A. Clark, *The Struggle for the Breeches. Gender and the making of the British working class*, (London, 1995) see in particular Chapter 5.

[31] 'I'll be no submissive wife, No, not I, - no, not I; I'll not be a slave for life, No, not I, - no, not I.' Clark, *Struggle for the Breeches*, p.69

[32] T. Evans, *'Unfortunate Objects': Lone Mothers in Eighteenth-Century London*, (Basingstoke, 2006), p.3

> *As the Poor Law records and bigamy trials reveal, men often deserted their wives for other women, and it was by no means uncommon for women to desert their husbands as well. Since common law marriages were acceptable, at least in the 'libertine' sections of plebeian culture, both men and women could readily seek more suitable partners if they were discontented with their first union.*[33]

This makes it difficult to determine whether there were higher levels of prosecuted domestic violence between spouses than is apparent from the available court minutes.[34] Some of the couples that appeared in court may well have been married without sharing a common surname. It seems extremely likely that prosecutions of spousal violence represent the tip of the iceberg concerning male violence towards women as much domestic abuse may not have reached the courts being dealt with instead 'by friends, family and neighbours using less formal means'.[35]

Although cases of domestic violence are hard to quantify, for the reasons given, it is possible to identify 26 cases of women using the courts to prosecute their violent husbands (Table 6.3).

Table 6.3 Outcomes in cases of domestic violence at the City justice rooms, c.1784-6

	Discharged	Settled	Sent On	Total
Number	6	12	8	26

Source: Guildhall Justice Room Minute Books, CLA/005/01/029-030, CLA/005/01/038-039, CLA/005/01/0 51-52, & CLA/005/01/054, CLA/004/02/001-4 and CLA/004/02/043-45. 'Number' is number of cases brought, 'Sent On' includes those suspects who were bailed or remanded in custody for want of sureties to face trial at the sessions of the peace.

[33] Clark; *The Struggle for the Breeches*, p.85

[34] One contemporary commentator certainly believed that marriage amongst the lower orders was of dubious benefit to them given the costs; 'the expense of being married will be so great that few of the lower class of people can afford it.' Alexander Keith quoted in J.C. Jeaffreson, *Brides and Bridals* (1872) quoted in B. Hill, *Women, Work, and Sexual Politics in Eighteenth-Century England* (Oxford, 1989) p.207

[35] Morgan and Rushton, 'The Magistrate and the Community', p.72 See also A. Clark, 'Humanity or Justice? Wife-beating and the Law in the Eighteenth and Nineteenth Centuries' in C. Smart (Ed.), *Regulating Womanhood. Historical Essays on Marriage, Motherhood and Sexuality* (London 1992) and M. Hunt, 'Wife-beating, Domesticity and Women's Independence in Eighteenth-Century London' *Gender & History*, 4, 1, (Spring 1994)

While this sample is extremely small it does give some indication of the way in which domestic violence was treated by the courts. The majority of cases were either discharged or settled by the justice. Only just over 30 percent of cases were referred on to the sessions of the peace with the husbands being bailed or imprisoned in the meantime. However, these figures somewhat underestimate the number of domestic violence cases because they exclude warrants issued to wives which cannot be identified specifically in the records. Not all warrants resulted in hearings before the magistracy. It is important to recognise that in some cases the issuing of a warrant might have been sufficient inducement to force a reconciliation. Therefore many more cases of violence simply did not make it to the arena of the summary courts. The figures for the City would suggest that, even within such a small sample, there were at least one or two cases of domestic violence brought before these courts each week, most of which resulted in some sort of settlement.

Available summary records from outside the City have demonstrated that women frequently used the lower courts to publicly admonish their partners. William Hunt of Devizes brokered several agreements between husband and wife such as that between Mary and Thomas Draper in April 1745.[36] Thomas was called before Hunt for 'his beating and otherwise abusing her, likewise for turning her out of his house and refusing her maintenance.' [37] Similar cases can be seen in the notebooks of Richard Wyatt for Surrey, Samuel Whitbread from Bedford and Henry Norris for Hackney.[38] Anna Clark, Elizabeth Foyster and Margaret Hunt have also shown that both plebeian and middling women in the eighteenth century were prepared to use the law to prosecute abusive husbands, despite the ambiguity of the law in this area. [39] Married women were viewed as the property of their husbands and within the patriarchal relationship that allowed masters to punish their servants and fathers to correct their

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[36] Crittall, *The Justicing Notebook of William Hunt, 1744-1749* (Devizes 1982), entry nos. 219-220
[37] Ibid.
[38] A. Cirket (Ed.), *Samuel Whitbread's Notebooks, 1810-1811, 1813-14* (Bedfordshire Historical Association, 1971), R. Paley (Ed.) *Justice in Eighteenth-Century Hackney: The Notebooks of Henry Norris and the Hackney Petty Sessions Book* (London Record Society, 1991), The Deposition Book of Richard Wyatt, JP, 1767-1776. (Surrey Record Office)
[39] E. Foyster, *Marital Violence: An English Family History, 1660-1857* (Cambridge, 2005), Clark, 'Humanity or Justice?' and Hunt, 'Wife-beating'.

sons, it followed that husbands could beat their wives.[40] Justice Buller had famously suggested that men were allowed to beat their wives so long as they restricted their chastisement to a stick no thicker than their thumb and many men in eighteenth century England probably believed they had the right to 'correct' a disobedient spouse.[41] By looking at some examples from the minute books it is possible to see whether the summary courts agreed with this view and to review the results victims of domestic violence achieved when they resorted to the summary process.

Sarah Rottam's husband assaulted her 'in a violent manner', then took off leaving her at the mercy of the parish.[42] The couple decided to separate with the husband agreeing to pay her 3s 6d a week in maintenance.[43] The courts were similarly useful to Ann Hands who obtained a warrant in Middlesex against her violent husband, William.[44] She complained of his behaviour and requested a separation with an allowance of 7s a week, which was granted to her.[45] In both these cases the women were able to obtain some settlement from their husbands, even if the amounts were very different. Official divorce was all but impossible for plebeian women in this period, given that the costs involved amounted to more money than they were likely to earn in a decade.[46] A separation therefore represented a significant opportunity for a new start. Whilst there are relatively few fully recorded instances of women taking their husbands before the City summary courts and successfully winning some form of financial support and physical separation, those that are recorded suggest that plebeian women were capable of asserting themselves when confronted by male aggression. Many wives worked alongside their husbands in this period and contributed significantly to the household income. It was also not unusual for women to have independent occupations from

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[40] Hunt, 'Wife-beating', p.19.

[41] In fact 'until 1853 legal authorities equivocated as to whether wife-beating constituted legitimate correction or criminal assault.' Clark, *The Struggle for the Breeches* p.73

[42] CLA/005/01/002,17/11/1761

[43] Ibid.

[44] CLA/005/01/004, 5/12/1775

[45] Ibid.

[46] 'The cost of a divorce *a mensa et thoro* probably began at around £20 but could go much higher. This was the equivalent of a year to two year's income for many London laborers, and as much as ten times what some working women made in a year. You did not have to be extremely rich to seek a divorce but it was necessary to have some money, and many women caught in abusive marriages, even relatively high status women, had little or no money of their own.' Hunt, 'Wife-beating' p.13

their men folk. The courts may have reflected these differences when deciding upon the levels of maintenance at separation. Unfortunately the clerks have not recorded the magistrates' thoughts on these adjudications.

The details of settlements and discharges in Table 6.3 reveal that a variety of options were available to both the prosecutor and the magistrate. Mary Ray's husband was discharged by the alderman, 'a reconciliation having taken place' between them.[47] The threat of court sanctions presumably having had its effect on Mr Ray. Ann Clark had a much more torrid experience of using the law, one which highlights the problems that wives faced in trying to prosecute or control their husband's violent behaviour. Ann secured a warrant against her husband, Jonathan, but before she managed to get him to court he beat her again (perhaps on being informed of the impending action). The night before he appeared he was again threatening 'to have her life' and she threw herself on the protection of the court. Ann swore to the assaults, the couple agreed to separate and the violent husband was discharged. Several days later Ann was the victim of another attack, this time from Frances Clark who may have been a relation of Jonathan's seeking revenge for the public humiliation of the family in court.[48] The women that charged their husbands in such a public way risked more violence from their spouse, his family and friends and this must have prevented many women from taking this route to justice.

The key concern of female prosecutors in such cases was either to achieve the separation that Ann Clark managed or to force their spouses to alter his future behaviour. Having one's husband locked up or fined was not a favoured option for women in the eighteenth century as it could mean that the family budget was adversely affected. However, in some cases settlements were simply impossible because the animosity had gone on for too long and the building blocks of reconciliation had long ago disappeared. This is evident in the case of Catherine and

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[47] CLA/005/01/053, 24/5/1794
[48] CLA/005/01/053, 3/5/1794

Mordecai Moses who appeared before the Guildhall court in 1796.[49] The report is unusually full and suggests that the pair were already estranged and that Moses might have found a new partner in Hannah Abrahams. Catherine complained that Mordecai and Hannah ('whom he lives with') had beaten her. The husband told 'a long story by way of defence, but rather a history of recrimination' which neither convinced the Justice nor helped resolve the dispute. Because he refused to promise to behave better in the future he was imprisoned to find sureties although Abrahams was discharged for her part.[50] What did Catherine gain from this action? She managed to split the couple up, albeit temporarily, which may have brought her some satisfaction, and she alerted her community to her violent husband and his treatment of her. As the case of Ann Clark demonstrated this was not always the end of the matter.

The public court provided an arena to host the domestic struggle that must have been a frequent occurrence in the crowded dwellings of the Hanoverian City. The open nature of the court carried both advantages and disadvantages for the battered wife or abused partner. On the one hand she was able to employ the magistrate as an arbiter of her dispute, do this in front of witnesses and have the outcome – the reconciliation and presumably the husband's contrition – seen and heard, giving it gravitas and authority. It would also act as restraint upon the aggressor in that he would perhaps not wish to risk the public opprobrium which accompanied a court appearance (or indeed the arrest by a constable delivering a warrant). It was inexpensive, swift and potentially beneficial to the victim of domestic violence therefore. However, the same tenets worked against the woman. The relationship could be damaged irrevocably by such an action. Men would frequently resort to the threat of desertion as a way of controlling their wives.[51] A desire to curb the excesses of her husband's behaviour may well have left the wife without a breadwinner and reliant upon the parish for relief.[52]

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[49] CLA/005/01/055, 17/2/1796
[50] CLA/005/01/055, 17/2/1796
[51] See Clark, 'Humanity or Justice?' p.194
[52] Ibid.

In the cases of Ann Hands and Sarah Rottam the court awarded a financial settlement but we have no way of telling if the men involved kept up these payments or even if the court had the power to enforce its actions. It could also be the case that husbands shamed so publicly resented their wife's behaviour and took their revenge more violently at a later date, or threatened their wives with this possibility in order to force them not to resort to the law in future. It is therefore by no means clear that the numerous examples we have of women using the courts against their abusive husbands is evidence that the court process was useful to them. Daniel Defoe believed that it was difficult for women to use the courts, arguing that while wives *could* swear out an article of the peace, 'obtaining these documents required "considerable charge and trouble", and often failed in their purpose'.[53] Clark concludes that the law was of limited use to battered wives in this arguing that in practice, 'the law rarely protected women and allowed private patriarchy to continue'.[54] Women could certainly use the courts but the number of domestic violence cases undoubtedly represents merely a tiny proportion of incidents of domestic abuse that occurred in the eighteenth century City.

Did the sitting justices take cases of domestic violence seriously? It would appear that they dealt with them partly on their merits but primarily they acted as mediators between the combatants as they did with most other assaults. The evidence from the City would appear to be consistent with previous work on Glasgow and the London Consistory Courts in revealing that abused women could and did take their husbands to court.[55] It must have taken a great deal of courage, effort and risk to prosecute one's husband. The best that could be achieved would be a separation with some form of financial settlement or maintenance, or perhaps a restraining order, but this was by no means a predictable outcome. Given that the magistracy regarded all assault as a private matter and a negotiated settlement as the preferred outcome, women were very much at the mercy of a male dominated justice system. However, it would appear that despite these obstacles women in the City of London were not averse to going to law when they found themselves in abusive relationships, and this in itself may imply that

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[53] Ibid. p.192
[54] Ibid. p.204
[55] Foyster, *Marital Violence*

at least some of them achieved outcomes that were useful to them in dealing with their partner's violence. Not all violence suffered by women was at the hands of their husbands however.

We have already noted the case of Mrs Devonshire who was beaten for complaining that her bread was short weight. Anne Bailey was assaulted in Fleet Street on a Saturday evening, apparently for no reason. Her assailant, 'a respectable land surveyor', counter claimed that she had struck him first then caused a scene for 'some wicked purpose'[56]. Fleet Street was a notorious spot for prostitutes and Anne might have given her attacker the wrong impression or reacted forcefully to unwanted advances. Being on the street and dressed in the 'wrong' way could sometimes lead to verbal disputes that escalated into violence. In 1817 a City constable, John Salter, was charged with the assault of two 'ladies' in Gracechurch Street. In 'mistaking them for strumpets' the constable swore that one of the women 'struck him with her umbrella because he ventured to admonish her to move along more discreetly'[57]. In February 1791 William Wheatley was prosecuted for throwing potatoes at Elizabeth Ryder but allowed to go free after apologising and promising not to do it again. Wheatley was probably a child and while potatoes can hurt this does not represent a very serious offence.[58]

There are several instances of men attacking women in the streets or in lodgings (and it is possible that these men and women were cohabiting although this is not made explicit in the minutes) and many cases where female tavern staff were attacked by customers, not infrequently for refusing to serve them when they had had too much already. One case from *The Observer* speaks to the vulnerability of women, particularly servant girls, to male domination and violence. In May 1815 George Harris, described by the paper as 'a respectable tradesman', was charged by a Miss Elliot, with assaulting her.[59] The prosecutrix stated, that

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[56] *London Chronicle*, 29/12/1818
[57] *London Chronicle*, 5/8/1820
[58] CLA/005/01/046, 9/2/1791
[59] *The Observer*, 20/5/1815

she had lived in the service of the prosecutor a considerable time, and that he had contrived to win her affections, and to effect her ruin. She was now likely to become a mother by him; and in consequence of some unpleasant words between them, he had struck her violently in the chest, knocked her against a wainscot, and severely bruised her shoulder. [60]

In this case at least the magistrate intervened and decided that it should be heard before a jury at quarter sessions. Harris was bailed.[61] This case comes quite late in our analysis and perhaps represents a change in attitudes towards violence as illustrated by Lord Ellenborough's act of 1803 that sought to punish those that offered serious harm to others.[62]

In their role as one of the providers for the family table women were frequently placed in situations where they were exposed to violence, sometimes as an indirect consequence of their actions. In 1796 Elizabeth Palmer became involved in an argument with another woman about the price of eggs, the dispute escalated and eggs were thrown. Some of these landed on the neighbouring stall of Thomas Merton who reacted angrily by throwing water over Palmer. She took him to court for the assault but the magistrate felt she was as much to blame.[63] Women were also regularly victims of attacks from other women.

d) Violence between women

While men often became embroiled in fights in ale houses, women attacked each other in circumstances and spaces which fitted with their gendered role in society. Market places, shops and shared lodgings were all witness to battles between female protagonists. Ann Bird prosecuted Mary McIntyre for simply spitting in her face

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[60] *The Observer*, 20/5/1815
[61] Ibid.
[62] G. Smith, *The State and the Culture of Violence in London, 1760-1840* , Unpublished PhD. thesis, (University of Toronto, 1999) p.56
[63] CLA/005 01/055, 22/2/1796

whereas when Mary Clark complained about Jane Satchell for assaulting her. the clerk noted that she was 'very much beat and scratched.'[64] Women seem to have been less likely to resort to formal weapons and the injuries they inflicted. such as the scratches suffered by Mary Clark, are different from the bruises and broken bones which may have resulted from fights involving men. Women also tended to utilise household utensils that were close to hand. In May 1762 Dorothy Dickinson threw water over Elizabeth Ravenot after the pair had argued and although the case came before the courts it was dismissed when it became clear that there was guilt on both sides.[65] There are several other examples of women emptying buckets or chamber pots over each other.

City householders were obliged to keep their front steps clean and tidy and it is likely that tensions and rivalries were not uncommon.[66] Ongoing arguments were also a feature of city life, when communities lived so close together and small incidents mattered in people's lives. When Elizabeth Hemmings complained that Sarah Pipkin had thrown a chamber pot out of her window that had narrowly missed her it unveiled an ongoing feud between the two neighbours. Witnesses appeared for both women to say that Pipkin had abused Hemmings outside of church, perhaps suggesting she had stolen something (she says 'Damn you, you've got it' on one occasion) and that later Hemmings had responded by producing her chamber pot and 'emptying a quantity of her reverence over her'[67]. While the magistrate attempted to reconcile the two parties it seems this was one case where the animosity ran too deep and Hemmings was ordered to find sureties for her future good behaviour.[68] Crowded lodgings were also regular sources of tension in this period and many female/female assaults arose as a result of this. Martha Phillips and Hannah Martin fell out over hair ribbons and similar incidents must have plagued relationships where money was scarce and personal

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[64] CLA/005/01/053, 23/5/1794 and CLA/005/01/039, 14/1/1788
[65] CLA/005/01/003, 6/5/1762
[66] There is reference to this in a story from *The World* newspaper in 1789. 'Thursday, several housekeepers were summoned before Mr. Alderman Crosby at Guildhall, for not sweeping the fronts of their houses before 10 o'clock each day, and were fined according to the law.' *The World*, 17/1/1789
[67] CLA/005/01/055, 17/2/1796
[68] Ibid.

possessions and self-image were placed at a premium.[69] Some cases were more serious and while these would be expected to end up at the quarter sessions they sometimes surface initially in the summary courts. This case, from the *London Chronicle* in the early nineteenth century, illustrates that rivalries could escalate into quite dangerous and destructive actions. In a report headlined 'Female revenge' three women were charged with threatening to murder another woman, or 'to do her some bodily harm'.[70] They had reportedly 'thrown upon her a quantity of deleterious liquid, by which her gown, a valuable shawl, and other articles of dress, were burned and destroyed.' The lord mayor correctly interpreted this as a transportable felony, and remanded the prisoners for trial.[71]

If men responded to insults concerning their honour or manliness, women were similarly protective of their good name. Meldrum's work on the early modern period shows women defended their reputations strongly.[72] So when Joanna Hook used the courts to prosecute Mary Hullen and Mary Ally for striking her the prosecution of assault might have been secondary to publicly challenging the cries of 'whore' that they levelled against her. [73] Thus it can be observed that the summary court, as a public space, was a useful arena for plebeian women (and men) to obtain public apologies for attacks on their characters as well as their bodies.

Disputes between women also arose in taverns and inns, for much the same reasons as they did for men. Drunken customers were refused service and retaliated with verbal abuse and/or violence. When Mary Clark refused to serve Mary Jones with more

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[69] The record reads that Martin 'lodges in same house with prisoners [and] mentioned something about dyed ribbons afterwards since they both struck me. Harriet Jones witnessed the assault did not see Friar push, or pull her by the hair. Ann Phillips denies the assault, Martha her daughter confesses sticking Friar the blow referred was [a] hint at her taking notice of her wearing dyed ribbons. advised discharged on payment of expenses to complainant', CLA/005/01/053, 3/5/1794

[70] *London Chronicle*, 22/4/1817

[71] Ibid., According to Burn, 'By 6. G.c.23.S.11. Assaulting in the street or highway, with intent to spoil people's cloaths. And so spoiling them, is felony and transportation.' Burn, *Justice of the Peace*, Vol.1, p.113

[72] T. Meldrum, 'A Women's Court in London. Defamation at the Bishop of London's Consistory Court, 1700-1745', *London Journal*, 19, 1, 1994 see also L. Gowing, 'Gender and the Language of Insult in Early Modern London', *History Workshop*, 35, (Spring, 1993)

[73] CLA/005/01/055, 20/2/1796

liquor she 'struck her in the breast'[74]. Mary Corr tried to help herself to Mary Anderson's oyster tray and was thumped for her pains.[75] Servants could also get dragged into disputes when intervening to help their mistresses. Ann Murray came to the rescue of her mistress when Bel Peale collided with her outside a club and attempted to headbut her. Murray stepped in calling Peale a 'nasty stinking hussy' and both women found themselves before the justice.[76]

Women were also aggressors in assault cases when their activities brought them into conflict with City officers. Where this is most apparent was in relation to prostitution. The watch, while never operating a uniform policy towards prostitution, was meant to offer some protection to those who wished to move about the streets at night without being harassed by the 'Twitches on the Sleeve, lewd and ogling Salutations' that an anonymous correspondent complained of in 1735.[77] Prostitutes and their pimps (and indeed their clients) were quite happy to use violence to resist arrest or being moved on. The celebrated City constable William Payne made a career out of rounding up streetwalkers, regularly appearing at the courts on Mondays with dozens of unfortunate women he had impounded on the Saturday before. Sometimes we get a sense that Payne did not always have too easy a time of it. In December 1775 in attempting to arrest five women who were soliciting in Old Bailey to find clients for a bawdy house in Fleet Lane he met with resistance from at least two of them. In the process the dispute spilled into a tavern and the landlord was assaulted when he tried to throw the women out.[78] Henderson noted that the owners of certain disorderly houses, or brothels, were not above affecting a rescue of their charges from the clutches of the law.[79] Another City constable that features regularly in the minute

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[74] CLA/005/01/055, 5/3/1796
[75] CLA/005/01/002, 17/11/1761
[76] CLA/005/01/053, 6/5/1794
[77] See T. Henderson, *Disorderly Women in Eighteenth-Century London. Prostitution and Control in the Metropolis, 1730-1830*, (London, 1999) p.107
[78] CLA/005/01/004, 15/12/1775
[79] Recent work has noted the activities of members of the Reformation of Manners Movement in attempting to prosecute prostitutes and their clients and that this often resulted in robust retaliation by those men who were targeted by this campaign. J. Hurl-Eamon, 'Policing Male Heterosexuality: The Reformation of Manners Societies' Campaign against the Brothels in Westminster, 1690-1720.'

books, Isaac Bockarah, prosecuted Elizabeth Scott for being disorderedly and assaulting him in the execution of his duty.[80] Scott was in all probability a City prostitute that Bockarah was attempting to move along.[81] John Scofield was prosecuted at the Guildhall for intervening when a patrolman told a prostitute to move along and he threatened to 'knock his block off.'[82] It was not simply streetwalkers that Bockarah and his colleagues had to deal with, street vendors could also react badly to attempts to move them on. Throughout the second half of the eighteenth century it is apparent that the authorities were keen to keep the streets and pavements free of obstructions and nuisances, as will become clear in chapter seven.

Prostitutes also assaulted (and were assaulted by) their clients and other street users. The process of soliciting could vary from lewd suggestion to direct physical contact. The latter may well have led to accusations of assault from either party if accompanied with enough violence. Prostitutes appeared in the summary courts charged by men with assault but when they were brought in from the compters they were often released because the prosecutors failed to appear; this can also be seen as a form of punishment in itself as the women have been confined in gaol overnight.[83] This was the case for the unfortunate Elizabeth Moody and Ann Steward who were arrested on Saturday night at the request of a gentleman (who they claimed had assaulted *them*) who then failed to appear to prosecute them on the Monday. [84] This counter claim of assault was frequently used and must have served to make the adjudication process very problematic for the magistracy and the policing network. If there was little evidence of actual bodily harm (and it would seem that actual harm was rare in cases coming before the summary courts) just who's word were they supposed to believe? In this latter case it is clear that the word of a gentleman was evidence enough. This

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Journal of Social History Volume 37, 4 (2004), see also the case of Jacob and Elizabeth Levy in 1807 as described in Henderson, *Disorderly Women* p.112

[80] CLA/005/01/060, 3/7/1790

[81] Bockarah, like Payne, was regularly involved in the prosecution of streetwalkers.

[82] CLA/005/01/055, 20/2/1796

[83] Which could have severe consequences as Tim Hitchcock has described. T. Hitchcock, 'You bitches...die and be damned' Gender, Authority and the Mob in St Martin's Roundhouse Disaster of 1742' in T. Hitchcock & H. Shore (eds.) *The Streets of London. From the Great Fire to the Great Stink* (London, 2003)

[84] CLA/005/01/055, 15/2/1796

sometimes prejudicial view of evidence, coupled with the discretionary nature of summary justice and the vagaries of assault itself, led to many acts of interpersonal violence and abuse being dealt with in a seemingly casual manner, as we shall see when considering the treatment of assault by the courts.

Before doing so however, it is necessary to conclude our analysis of the nature of assault by looking more generally at attacks on officials and at sexual assaults and assaults upon children. These last two areas of consideration will be of necessity brief, as they rarely occur in the minute books.[85]

e) Attacks on Officials and upon infants

City constables and watchmen routinely encountered abuse and were exposed to violence in the course of their duties. We have seen some examples of this in relation to the policing of prostitution. Much of the work of the watch patrols was in moving along those who were out on the streets after dark without good reason. This naturally included a number of people who were somewhat the worse for drink. It also included those who took a dislike to the police in general or to certain officers in particular. Leman Caseby became fed up with the abuse he received every time he passed a Mrs Beal in the streets. Having been involved in prosecuting a relation of hers she had developed a habit of calling out 'there goes the informer, he'll be well paid' every time she saw him.[86] We can imagine that such verbal brickbats were fairly common and should remind us that antipathy towards the police did not start in the 1830s and 1840s.[87] It is also apparent that City constables came under attack when they tried to

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[85] Greg Smith has recently looked at child abuse in the City and has noted that abuse is difficult to determine in a period when the use of correction was endemic, typical and tolerated. He suggests that towards the end of the century toleration of violence towards children lessened but this is hard to discern from the records of the summary court in the 1780s and 1790s. Greg T. Smith, *Detecting Child Abuse and Domestic Violence in the Hanoverian Metropolis* (Unpublished paper presented at 'Assaulting the Past': Placing Violence in Historical Context', an international conference held at St Anne's College, Oxford 7-9 July 2005)

[86] CLA/005/01/055, 17/2/1796

[87] See Storch, '"The Plague of Blue Locusts". Police reform and popular resistance in Northern England 1840-1857', *International Review of Social History*, 20, (1975)

police the morals of the labouring classes. just as the Metropolitan Police were to find after 1829. Isaac Bockarah and two colleagues, Jacob Spinoza and Edward Jolly, interrupted a card game (as they were duty bound to do)[88] and were attacked for their trouble. Spinoza was seized and threatened, his assailant vowing he would 'cut his bloody head off'.[89] When Jonathan Hilliard intervened in a disturbance at the London hospital he was assaulted by the object of the disruption, a very drunken Jonathan Peacock, who later apologised and told the court he was overwrought at the condition of his son. More seriously a patrol of watchmen that was attempting to deal with a disorderly house were set upon by three men who wrestled one officer's staff away from him and told them to mind their own business.[90] In 1815 the papers reported the case of a watchman who had 'been pulled by the nose'[91], others had their lanterns stolen (on one occasion while they slept!) and their boxes turned over. As we noted in an earlier chapter the duty of constable was seen as an onerous one, with consequences beyond the term of office, it is evident that some of those consequences could be painful.

Just over 200 cases of sexual offences in which women were the victims were heard before the Old Bailey between 1750 and 1799, or about 4 per year.[92] It is therefore not surprising that so few came before the summary courts. One or two women appeared before the justices to claim attacks upon them with 'intent to ravish' but none of these were committed for trial at a higher level. Mary Parker was attacked by a man who had come to her house with the intention of finding a prostitute he had known previously.[93] When Mary told him that this person was not there he replied that 'you'll do as well' and offered her a shilling. Mary resisted and was bitten in the process. At

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[88] In a proclamation issued by the lord mayor in 1789 City marshals were reminded to make sure that constables search all houses that are suspected of 'harbouring common prostitutes, or suffering unlawful games, and particularly that they present all persons who permit any game whatever to be played within their houses, by labouring men, servants, apprentices' and arrest them and bring them before the justices. C.L.R.O. PAR Book 4.

[89] CLA/004/02/054, 18/1/1790

[90] CLA/005/01/055, 29/2/1796

[91] *London Chronicle*, 4/8/1815

[92] www.oldbaileyonline.org (accessed 29/3/2005

[93] CLA/005/01/053, 17/5/1794

first the defendant was imprisoned to find sureties but was later released when his master appeared to vouch for him and Mary consented.

Similarly there are very few cases where children can be identified as the victims of assault. Children occasionally appear as the victims of road traffic accidents and in 1796 a mother accepted expenses when she prosecuted another woman for injuring her child.[94] In 1789 there was an exceptional case that was heard before the lord mayor which shows perhaps how cheaply the lives of children were regarded in a period when infant mortality was so high.[95] Jane Pearce accused Elizabeth Walden of severally beating 'and ill-treating a child – William Walden'[96]. The court was told that the child had died from its injuries. In evidence Pearce alleged

> *that last Saturday about nine o'clock in the morning she saw the child sitting in a chair, at 11 o'clock [she] saw the prisoner strike the child on the side of the head with her double fist - then she took it by the hair beat it on several parts of his body - the child cried very much - she afterwards set it on a table and the child fell back and never moved afterwards - she took it by the hand and said "dear child, speak to your Aunty and I will not beat you any more"*[97]

Walden admitted 'correcting' the child, a five year old boy, in the five months she had looked after it but that she had never hit him. Walden was remanded on suspicion of murder but released a day later after an inquest found that William had 'died a natural death.'[98] The case was unusual and so generated a much richer report in the minute books than most of the other assault cases we are left to consider.

Most assaults, by contrast, seem to have been essentially trivial and minor acts of violence. The records list assaults on the street that can be viewed as accidents, violence in pubs and taverns that perhaps were the result of an excess of alcohol and a

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[94] See below in the discussion of outcomes of assault cases.
[95] According to Roy Porter 'in the 1740s in certain London parishes about three in four children died before the age of six.' R. Porter, *English Society in the Eighteenth Century* (London, 1982) p.27
[96] CLA/004/02/054, 8 12/1789
[97] Ibid.
[98] Ibid.

lack of good sense. Domestic abuse and attacks upon women were not uncommon and women fought other women when everyday niggles got out of hand. Assault could mean just about anything in the late eighteenth century and this is amply demonstrated in the records of the Mansion House and Guildhall courtrooms. It is now possible to move on to see how these disputes were dealt with by the summary process.

f) The Treatment of Assault Prosecutions by the City Courts.

As Landau noted the aim of prosecutors before the Middlesex Quarter Sessions was often to gain some form of compensation for the assaults that they had suffered. These prosecutors were using the courts as civil rather than criminal courts in Landau's analysis.[99] Many of the indictments were never heard by the Middlesex bench however, because settlements were made prior to trials occurring. By looking at the 'general release' documentation attached to the quarter sessions paperwork Landau has identified an important aspect of court usage for the eighteenth century. As she puts it, the quarter sessions, as far as the prosecution of assault was concerned, were 'merely an institution structured so as to encourage disputes to be settled extra-institutionally.'[100] However, in the City relatively few cases reached the quarter sessions, being filtered out at the summary level, and it was here that settlement was most important, to avoid the expense of taking the case any further. In a recent article Ruth Paley has looked at the prosecution of misdemeanors (including assault) at the King's Bench in the eighteenth century.[101] Here again prosecutors were using the prosecution process as a means to both settle ongoing disputes (some of which are very petty) and to achieve some sort of compensation. Sometimes the main point of prosecution seems to have been to simply air the grievance and obtain an apology, while in others a more formal settlement was required. We can now begin to explore the ways in which prosecutors and defendants reached various forms of settlements to see whether the pattern that both Landau and Paley have identified is repeated in the

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[99] Landau, 'Indictment for Fun and Profit'
[100] Ibid, p.533
[101] R. Paley, 'Power, participation and the criminal law: restorative justice Hanoverian style', (paper given at the 16th British Legal History Conference, University of Dublin, 2-5 July 2003)

summary courts, or in fact whether the summary process developed an even more conciliatory or compensation based system.

That settlements between parties involved some exchange of money or material goods seems highly likely. At the Middlesex sessions a financial exchange was a common occurrence and the amount was variable, presumably according to personal circumstances and the nature or severity of the assault.[102] In the City while many of the cases recorded in the minute books at summary levels give no clue as to the nature of the settlement we do have enough information to suggest that some form of compensation and the payment of court fees was forthcoming from defendants. Apologies were also frequently used to resolve disputes, and again while we should be wary of speculating it is perhaps not unreasonable to believe that a handshake and admittance of guilt was sufficient to allow some prosecutors to drop the case at an early stage. As will be shown there were a variety of ways in which reconciliations could be brokered by the sitting magistrate.

Table 6.4. Outcomes of assault cases heard before the City justice rooms 1784-96

Outcome	Number	Percentage
Settled & Discharged	278	45.6
Dismissed	237	38.9
Reprimand & Discharged	7	1.1
Fine	2	0.3
Bailed to Q/S	37	6.0
Imprisoned for want of sureties	42	6.8
Other*	6	1.0
Total Known	609	99.7
Outcome Unknown	84	-
Total	693	-

Source: The Minute Books of the Guildhall and Mansion House Justice Rooms, data from CLA/004/02/001-004, CLA/004/02/043-045, CLA/005/01/029-030, CLA/005/01/038-039, CLA/005/01/051, CLA/005/01/053, CLA/005/01/055. 'Other' includes 2 summarily imprisoned) 'Number' indicates the number of hearings before the court and 'percentage' represents the same figure expressed as a percentage of the Total.

[102] Landau, 'Indictment for Fun and Profit', pp.518-519

As Table 6.4 clearly demonstrates the vast majority of assault cases that came before the alderman and lords mayor were dealt with without recourse to the wider criminal justice system. Over 45 percent of all cases were recorded as being settled in some way or another, the warring parties reaching an agreement, probably with the help of the magistrate. A further 39 percent were dismissed by the justice. These may have simply been trivial affairs (and this is sometimes indicated in the minute books with terms such as 'frivolous') or this might be another way of listing cases that have been settled. A few were dismissed with an admonishment from the magistrate to one or both of the parties and there are only two cases that resulted in a fine.

Where more serious action was required or the defendant and accused could not be reconciled the cases were removed to the quarter sessions or the defendant was required to provide sureties or face imprisonment. In all, less than 15 percent of all cases required more punitive action by the court. Only 13 percent were sent on to the sessions of the peace and a handful punished by short spells in the Bridewell. Imprisonment for want of sureties can also be viewed as punishment option but imprisonment itself is not listed by Burn as an action available to the magistrate.[103] As Shoemaker noted sureties were an important part of the justice's armoury and helped to encourage settlements. Sureties,

> *provided a financial guarantee that the defendant would fulfil the obligations stated on the recognizance, which were usually to appear at the next sessions and to keep the peace (or to be of "good behaviour") in the interim.*[104]

The small number of individuals in Table 6.4 (42 out of 609) that were unable to find someone to stand surety for them may have had an uncomfortable wait in prison until the sessions came around[105], but notably a shorter wait than most defendants outside

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[103] It is not clear from Burn's guidelines that justices were empowered to imprison defendants. They could facilitate a private action by the victim or they could indict perpetrators 'at the suit of the king' for which a fine was the proscribed punishment. Burn, *Justice of the Peace*. Vol. 1, p.113

[104] Shoemaker, *Prosecution and Punishment*. p.107

[105] It is quite possible that some of those imprisoned in this way would have been released appearing before the sessions, by agreement with their prosecutor or by managing to find bail in the interim.

of the capital (where the quarter sessions only sat four times a year rather than eight[106]).

Shoemaker found that at the 1723 sessions for Middlesex nearly three quarters of defendants selected sureties that came from a different status group to themselves, in order, he suggests, that the most pressure could be exacted upon them to execute the terms of their recognizance. While the data for the City is problematic, due to the vagaries of the recording of assault cases, it may be that the relationships between defendants and those that were willing to support them were closer.[107] For example, in 1794 when Margaret Riley was bailed for assaulting Mary Clifford (a servant girl caring for her mistress) Riley's husband, a landlord, was supported in finding bail by a cooper and a cabinet maker. Riley's tavern, the King's Head in Beech Street, was close to a brewery and surrounded by cooperages and the cabinet maker may well have been a tenant of Riley as no other address is given for him.[108] This may reflect a tighter community or the importance of work or other business contacts. Religious ties may also have helped provide surety. Abigail Ephraim was able to draw on the wider support of the Jewish community in finding bail. As a spinster living in the Minories she turned to the synagogue on Bevis Marks and to another Jewish manufacturer in Aldgate close by.[109]

We can return to a statistical analysis of assault prosecutions by looking at prosecution for assault filtered by the gender of the defendant to see if the pattern of outcomes is affected. Can the minute books help us unpack any differences in relation to gender in the prosecution of assault? There is some suggestion from the Cornish records that women actually received slightly harsher treatment at the quarter sessions in the punishment of assault.[110] In Cornwall in the period 1737-1821 women found guilty

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[106] Beattie, *Crime and the Courts* p.309

[107] Assault cases, as noted earlier, were rarely recorded in great detail in the minutes of the justice rooms. The exact relationships between individuals appearing or accused are therefore difficult to ascertain.

[108] CLA/005/01/053,12/5/1794

[109] CLA/005/01/053,10/5/1794

[110] P. King, 'Changing attitudes to Violence in the Cornish Courts, 1730-1830', (2006 forthcoming)

were 'nearly twice as likely to be given direct prison sentences' as men.[111] Table 6.5 would suggest that this gendered difference is also in evidence at the City of London courts in the late eighteenth century.

Table 6.5. Outcomes of assault cases heard before the City justice rooms by gender of the accused, 1784-96

Outcome	Male	%	Female	%	Total
Settled& Discharged	194	47.7	84	41.3	278
Dismissed	160	39.4	77	37.9	237
Reprimanded & Dd.	3	0.7	4	1.9	7
Fine	0	0	2	1.0	2
Bailed to Q/S	20	4.9	17	8.3	37
Imprisoned (WOS)	26	6.4	16	7.8	42
Other	3	0.7	3	1.4	6
Total Known	406	99.8	203	99.6	609
Outcome Unknown	71	-	13	-	84
Total cases	477	-	216	-	693

Source: The Minute Books of the Guildhall and Mansion House Justice Rooms, data from CLA/004/02/001-004, CLA/004/02/043-045, CLA/005/01/029-030, CLA/005/01/038-039, CLA/005/01/051, CLA/005/01/053, CLA/005/01/055.

While a similar proportion of women had the cases against them settled or dismissed a slighter higher percentage were bailed to quarter sessions or imprisoned for want of sureties. There are a couple of explanations for this. In the 609 cases of assault contained within this sample, for which the outcome is known, there are only 77 cases that require the use of the wider justice system. It may be that these cases are extraordinary. Abigail Ephraim was arrested on a warrant from King's Bench which suggests that her offence was a part of a more elongated feud.[112] Bel Peale was unable to find sureties and her prosecutor was a servant who had been assaulted by Peale when she intervened to help her mistress, Peale being drunk and perhaps a prostitute. She was released when her accuser dropped the charges. George Bruce and Jonathan Thordown wished to visit the whispering gallery in St. Paul's Cathedral. But as the divine service was being heard the officer on duty, Benjamin Bradley, refused them

[111] King, 'Changing attitudes to Violence', p.7 see also King, *Crime, Justice and Discretion*, Chapter 8. pp.259-296

[112] See Paley, 'Power, participation and the criminal law' and Smith, 'The State and the Culture of Violence'

entry. Not taking 'no' for an answer they attempted to barge their way through pushing past Bradley and his colleague. They were taken into custody and bound to find sureties for the attack, which they did. It may not have been so easy for an unmarried woman to have found someone to vouch for her. which may explain why there are proportionally more women being imprisoned for want of sureties. One of the other women bailed to appear in this sample was apparently acting with her partner or employer (he provided bail for her) but there are no details of the incident.[113]

There may also have been anxiety about female independence as King suggested in Cornwall and I have noted in the treatment of young women in Bedfordshire in the early nineteenth century.[114] This is further emphasised if we consider that in several instances the women that were brought in for assault were street walkers arrested by the watch.[115] As was noted earlier prostitutes and their clients were quite happy to use violence to resist arrest or being moved on.[116] The suggestion that there was a slightly less lenient attitude towards women is by necessity tentative. Larger samples will be required and a greater depth of analysis needed before we can be clearer in this area.

So far it has been established that less than 15 percent of all assault prosecutions heard before the City magistrates were pushed on up through the wider court system. This figure may very slightly exaggerate the importance of the summary courts as some assault cases may never have gone through the City justice rooms before arriving at a higher arena. Prosecutors could take their complaints directly to the quarter sessions or even to King's Bench if they were sitting. And in London this was a much more regular occurrence than outside the metropolis. However it is clear that the vast majority of assault cases were settled or dismissed at summary level. and the latter can be seen as a form of resolution of the dispute in itself. While reminding ourselves that the records of the courts relating to assault cases are severely limited we can now try

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[113] CLA/005/01/053, 10/5/1794

[114] King, 'Punishing Assault', D.Gray, 'Lewd Women' and 'Canny Wenches', Bedfordshire Women before the Courts, 1807-1828', BA (hons.) History dissertation. (University College Northampton, 1999)

[115] Henderson, *Disorderly Women*, p.107

[116] Hurl-Eamon, 'Policing Male Heterosexuality'

to understand what forms of settlement were entered into in the late eighteenth century.

g) The Nature of Settlements in Assault Cases.

In October 1789 John Goddard punched Joseph Saunders and nearly dislocated his jaw, seemingly without any provocation. Saunders believed that the cause was his good fortune in getting work when Goddard could not. They both worked at Billingsgate market. Saunders complained of the attack at the Mansion House and the lord mayor issued a warrant. On the following day Goddard was brought before the court and he and Saunders settled their disagreement.[117] However, there is no indication of what form that settlement took. This is the unfortunate situation with the majority of assault prosecutions that end in settlements before the courts of the City. The violence of Goddard's attack certainly represents an assault however loose the term was in the late 1700s but the fact that Saunders was prepared to drop the matter perhaps suggests that it was also not uncommon and something that could be resolved without further need for the law.

Table 6.6 Settlements and dismissals in assault cases before the Guildhall justice room in the 1790s where the nature of the settlement was recorded

Settlement Type	Number	Percentage
Discharged on merits (frivolous/equal blame)	22	23.1
At request /consent of prosecutor/forgiven	20	21.0
Promise of good behaviour/asking pardon	15	15.7
Advised to make satisfaction	14	14.7
Payment of expenses	14	14.7
Prosecutor not appearing/no charge	10	10.5
Total known	95	99.7
Unknown	125	-
Total	220	-

Source: The Minute Books of the Guildhall Justice Room, data from CLA/005/01/051-052 and CLA/005/01/055. 'Number' indicates the number of cases heard while 'percentage' represents the same expressed as a percentage of the total.

[117] CLA/004/02/052, 2/10 1789

Table 6.6 represents a subset of 220 cases from the Guildhall in the 1790s where there is a clear indication of the way in which assault was dealt with by the magistrates. Of these 95 clearly record the rationale behind the adjudications made. While this only represents 43 percent of settlements in the sample it is reasonable to expect many of the cases for which the settlement details are unrecorded to fall within the broad categories listed above.

Ten percent of prosecutors failed to appear which was not uncommon in the period.[118] At the jury courts in Essex eight to ten percent of prosecutors did not turn up, even when they had been bound by recognizance to do so (and so risked a financial penalty).[119] In property cases many prosecutors may have been concerned about the possibility of seeing the defendant sent to his or her death. They may also have not wanted to undertake the expense of a full trial. There is also the possibility that they had been unable to build an effective case or that witnesses had died or moved away. King also argues that many poorer prosecutors used the court system differently to richer victims of crime and that the imprisonment of offenders on remand waiting trial was seen as a sufficient sanction for some of these individuals.[120] But is this an explanation for the failure of prosecutors in assault cases to appear at the Guildhall Justice Room in the period under consideration here? In property cases defendants were often remanded but this was extremely rare in assault cases. Some of those released on the non-appearance of the prosecutor may have spent a night in the compter while others would have been arrested on a warrant by a City constable, both situations that may have been unpleasant and therefore deemed sufficient punishment by the victim. It is also possible that malicious prosecution is at play here or even that the fear of retribution from the defendant or his or her associates persuaded some people not to press their cause in court. The nature of summary justice in the City was swift. The criminal justice system of the eighteenth century was a lengthy process, with time spent waiting for the sessions and assizes, with related expenses in the

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[118] See Beattie, *Crime and the Courts*, p.47
[119] King, *Crime, Justice and Discretion* p.43-44
[120] Ibid. p.46

payment of witnesses and lost working time.[121] By contrast complaints before the justices resulted in warrants that were executed within hours, and plaintiffs could usually expect to have their complaints heard within 24 or 48 hours of deciding to go to law. Some might have acted in the heat of the moment but when they considered the case decided to stop the process. Many assaults arose out of drunken brawls and may not have looked that serious in the cold light of day.

But even when they decided to appear before the magistracy many found that their complaints were simply dismissed by the aldermen. Nearly a quarter of assault cases in the subset sample from the Guildhall (23 percent) were dismissed as being unworthy of further consideration (those listed as 'discharged on merits' in Table 6.6). Sarah Walker's complaint against Susan Howard was dismissed 'on its merits', as were five other similar complaints. Rebecca Martin complained that Diana Martin had assaulted her but the alderman rejected her claims because of their 'frivolity'. Assaults between women were not infrequently dismissed as being frivolous, suggesting that they were either not serious or that the magistrates did not take them seriously.[122] Sometimes the magistrate stated that he simply did not believe the prosecutor. When Mary Whiteman accused Mary Ward of assault Ward replied that the prosecutrix had in fact 'rushed into her house with violence' after accusing her of holding another's goods. Ward's story was supported by witnesses and the alderman discharged her.[123] Male combatants were more likely to have the cases dismissed by the magistracy when they felt that there was little to choose between the parties. Therefore we see that some claims were rejected because there was 'blame on both sides' or 'equal blame' adjudged by the alderman. When Eleanor Holland accused Margaret Haley of assault the magistrate decided, despite the fact that the assault was sworn to, to dismiss the

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[121] See Beattie, *Crime and the Courts*, pp 41-48, 178-182.
[122] CLA/005/01/055, 20/2/1796 Morgan and Rushton suggested that magistrates 'may have regarded men's assaults against women as more serious, and were more likely to refer them to the sessions, while women's attacks on other women to be settled out of court'. Morgan and Ruston, 'The Magistrate and the Community', p.70
[123] CLA/005/01/055, 16/2/1796

case because they were 'both equally violent.'[124] Here the magistrate was acting as the adjudicator and it is surely the case that these dismissals are actually better regarded as settlements as well.

In 14.7 percent of cases the alderman sent the parties away advising them to settle their differences and presumably the prosecutor in these cases was happy (or at least accepted the advice) to do so. Victims would not always heed this advice however, and this would then lead to magistrates binding over the defendants either to appear at quarter sessions or hopefully to reach a settlement in the meantime. The arbitration skills possessed by the magistrate were also dependent upon the desire of the prosecutor (and the defendant) to reach an agreement. That most of them did is evidenced by the relatively small number of cases that did progress to the higher courts (and it should be noted that many of these would never have reached a trial, having been settled beforehand). Isabella Abershaw was imprisoned for want of sureties after assaulting Elizabeth Phillip but released when a Surrey baker and farmer provided them some few days later. [125] The sitting alderman at the Guildhall ordered the three attackers of Jonathan Humphries, member of the patrol for Farringdon Within, to settle with him. The men had quarrelled outside a disorderly house in the ward and had tried to wrestle away his staff of office, they had been held in the compter overnight and Humphries seems to have been content to let the matter drop, perhaps because some financial recompense changed hands.[126]

As we can see from Table 6.6 a third of cases ended in some kind of direct reconciliation between the parties. Some 21 percent of cases were dropped at the request of the prosecutor because they had forgiven their attacker. This was often the case in disputes between husbands and wives. As discussed earlier the use of the courts by abused wives was in part to correct a husband or partner's behaviour and further punishment was often not necessary or desired. Men, including constables and other City officials, could also be happy to resolve disputes without further sanctions.

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[124] CLA/005/01/055, 18/2/1796
[125] CLA/005/01/055, 24/2/1796
[126] CLA/005/01/055, 3/3/1796

especially when a defendant had been incarcerated for a short period. William Bird, a City constable, was abused by John Brown who swore repeatedly and 'put his fist in the prosecutor's face'. However Bird was happy to let the matter rest after Brown had been detained overnight and Brown had apologised.[127] In some cases the prisoner was released after promising not to repeat the offence. This was a less formal version of binding over to keep the peace, an option available to magistrates in more serious cases. Apologies and a promise of future good conduct may well have been the intention of many of these prosecutions. If the offence was relatively minor, (and many of these cases were indeed trivial affairs – water being thrown, fists waived in faces, pushing and shoving in the streets – not warranting further action) then it seems likely that the aim of prosecution was a public demonstration of remorse. This allowed the aggrieved party to show that he or she were in the right in the dispute, it protected their honour and good name (as was suggested earlier this may have been an important strategy for women who were the victims of sexual insults relating to their characters) and was a fast solution to a problem. But, as Landau and Paley[128] have suggested, sometimes an apology was not sufficient on its own. There had to be some form of financial recompense to compensate the victim. This might simply have meant the payment of any expenses incurred in bringing the case to law. So prosecutors might have expected to have their legal costs paid, the warrant or the clerk's fees for example. Some might have required payment for lost time or trade. Others might have sought larger amounts if they had suffered injury. Sarah Berry dropped her case against Mary Jenkins (for hurting her infant son) when Mary agreed to pay her expenses. Ann Thompson was similarly satisfied when she brought Sarah Hasewell in for assault.[129] Sometimes the payment did not involve money; two men called Murphy and Moor agreed to share a gallon of beer together as a reconciliation of the dispute between them which was noted as being 'customary among them'.[130] There are other examples of porters and costermongers exchanging alcohol as a means of resolving fights. One is bound to wonder at whether, given the frequency in which alcohol

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[127] CLA/005/01/055, 20/2/1796
[128] Landau, 'Indictment for Fun and Profit', Paley, 'Power, participation and the criminal law'
[129] CLA/005/01/055, 18/2/1796
[130] CLA/005/01/053, 24/5/1794

features in assault and riot cases, this was actually a very sensible way to reconcile disputes.

As was shown in Table 6.4 some 85 percent of all assault cases heard before the summary courts of the City ended in some form of settlement, usually brokered by the magistrate. The desire of the prosecutor was still the most relevant factor. If the victim of violence decided not to proceed, or accepted an apology or promise of good behaviour the defendant would be released. Sometimes this apology or promise was backed by a financial settlement, perhaps meaning anything from the payment of legal costs to significant compensation for injuries received. The records are too scanty in detail to allow us to be more forthcoming on this issue. But we can argue that the intention of the prosecutor was to receive some form of admission of guilt, backed by an apology, all of which was made in a public space and before a member of the City's elite. This would seem to be what mattered to the eighteenth century victim of petty violence in the City of London.

Concluding remarks.

The summary courts at Guildhall and Mansion House were dealing with a huge caseload in comparison to the jury courts in this period. In the 1780s and 1790s City dwellers were bringing more than 20 assault prosecutions a week before the magistrates. While City magistrates heard 1000 (or more) cases of assault each year their colleagues at the quarter sessions were much less troubled in this way. In 1786 the quarter sessions heard just 34 prosecutions for assault and in 1796 the slightly higher figure of 42.[131] Greg Smith's work has shown that the quarter sessions were only imprisoning or fining a few persons each year in the period 1760-75, and this figure had not leapt dramatically by 1815.[132] What does this mean for our understanding of the regulation of violence in the late eighteenth century City? The City was home to around 14,000 households by the beginning of the nineteenth

[131] London Sessions of the Peace and Gaol Delivery, CLA/047/LJ/03/001-118, 21/2 1785-2 12/1799
[132] Smith, 'State and Culture of Violence', p.310 see table 6.3 the figures are 1760-75 62 persons, 1780-95 94 persons, and 1800-15 61 persons; representing 4.8 per year.

century[133] and if we allow conservatively for each assault case having involved two individuals we can suggest that perhaps as many as one in seven households brought or were involved in an assault prosecution at the City's summary courts each year in this period. This represents a staggering involvement of the City's populace in the court process. Jennifer Davis has noted the wide use that was made of the police courts of the metropolis in the second half of the nineteenth century, particularly by the working classes.[134] The evidence from the eighteenth century would seem to support a view that the population of London were experienced in using the legal system to seek resolutions in their interpersonal disputes. Parallel studies have yet to be completed but in his work on Bath R.S. Neale found similar results in relation to assault. [135] Neale noted that 'life among the poorest social strata in Bath was permeated by hostility and aggression manifested in assaults'[136] Despite the lack of detailed occupational data in the minute books of Guildhall and Mansion House it is clear that there was a heavy plebeian usage of the summary courts in assault prosecutions. Thus the evidence of court usage from the City of London summary courts would tend to extend Brewer and Styles' argument that the justice system of the eighteenth century was a 'multiple-use right' to the labouring poor.[137] Here even the very poor members of society could employ this system to resolve disputes between themselves. The direct experience of large numbers of Londoners in using the summary process for the resolution of interpersonal disputes may also have helped facilitate the 'grudging accommodation with the more egregious aspects of the criminal process' that Brewer and Styles suggest[138] or at least have allowed a 'pragmatic acceptance of' the law's 'usefulness'.[139]

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[133] COL/CHD/AD/02/006 lists the number of houses in the City as 13,921. In 1663 according to Beattie's research there were 21,625. See Beattie, *Policing and Punishment in London, 1660-1750.Urban Crime and the Limits of Terror*, (Oxford, 2001), p.116

[134] J. S. Davis, 'Prosecutions and Their Context. The Use of the Criminal Law in Later Nineteenth-Century London', in D. Hay & F. Snyder, *Policing and Prosecution in Britain, 1750-1850*, (Oxford, 1989)

[135] R. S. Neale, *Bath. A Social History 1680-1850*, (London, 1981) p.87

[136] Neale, *Bath* p.90

[137] J. Brewer & J. Styles (Eds.), *An Ungovernable People. The English and their Law in the Seventeenth and Eighteenth Centuries*, (London, 1980), p.20

[138] Brewer & Styles, *An Ungovernable People*, p.19

[139] King, *Crime, Justice and Discretion*, p.365

Assault is an extremely difficult offence to quantify. The 'dark figure of unrecorded crime'[140] is particularly dark for petty violence. However given that so much of the day to day violence of the City went on without the need for any official intervention the numbers that do appear are dramatic. Many would have decided not to take their disputes before the magistrates for a range of personal, economic and social reasons. Many disputes could be resolved without the need for warrants, summons or the judiciary. So what remains are the disputes that individuals could not (or would not) resolve amicably.

Landau has argued effectively that the motive behind assault prosecutions at the quarter sessions was primarily financial, that victims were intent upon gaining some kind of compensation for the injuries that were done to them.[141] Paley has recently used the King's Bench to draw similar conclusions.[142] Both of these studies help us to understand the nature of assault prosecutions and in particular the motivations of victims. But it is important to note that historians looking in the records of the higher courts for ways of understanding attitudes towards violence and in particular assault are perhaps looking in the wrong place. At the quarter sessions for the City in 1796 only 22 individuals ended up with any kind of sanction being placed upon them by the court. The King's Bench court also dealt with assault cases, as both Paley and Smith have eloquently described, but again the figures are small. In the period 1797 to 1799 the average number of assault indictments to the King's Bench was 29 per year, and this is for London *and* Middlesex.[143] This is a very small number of people and while the outcome achieved by prosecutors may have been motivated by a desire for compensation and redress it is not clear that their use of the higher courts was of any real benefit to them. Most of their fellow citizens were achieving similar outcomes in the Mansion House and Guildhall with considerably less effort and time being exhausted. As was shown earlier only a very tiny percentage of assault prosecutions were sent on though the criminal justice system. It is clear therefore that if historians

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[140] King, *Punishing Assault*, p.46
[141] Landau, *Indictment for Fun and Profit*
[142] Paley, *Power, Participation and the Criminal Law*
[143] Smith, *State and the Culture of Violence* p.108 see Table 2.2.

wish to understand the nature of assault prosecutions and indeed of attitudes towards violence in the eighteenth century we need to understand the workings of the Petty Sessions.

This chapter has hopefully indicated that assault was treated very much as a *civil* rather than a *criminal* offence. The overwhelming majority of assault prosecutions were settled by negotiation, although these settlements could take a variety of forms. Assault in the eighteenth century was therefore a multi-faceted offence which engendered a multi-layered response. At the heart of this lay the conundrum that assault was both a civil and a criminal offence, at least until the mid nineteenth century. Contemporaries viewed it as both and this had an important effect on prosecution strategies. A prosecution for assault at the summary courts could arise from an accident, from an argument that became heated or from long term feuding, or as a result of the actions of officials policing the streets. This list is by no means exhaustive, as we have seen there is little uniformity in actions for assault. What is clear is that a large proportion of court business was devoted to assault and that has clear implications for our understanding of court usage in the City of London at the end of the eighteenth century.

Chapter 7. The Regulation of Trade, Anti-Social and Immoral Behaviour in the City of London in the late eighteenth century.

At the heart of the role of the City magistracy and the summary courts was the regulation of many everyday aspects of civil life in the ancient capital. The summary courts were involved in the regulation of space, commerce, morality and. to some extent, poverty. This can be explored through the study of the prosecution of road users, the drunk and disorderly, prostitutes, apprentices and others. Defendants appeared before the justices for a range of misdemeanors and violations from cruelty to animals to prostitution. This chapter will therefore examine the attitude of the authorities towards a variety of actions that brought their perpetrators to the attention of the courts. What was the role of the summary courts in this process of regulation, and whose interests did it serve?

A considerable amount of business came before the summary courts that did not involve either property appropriation or interpersonal violence. In a sample drawn from the court minute books of 1784-96 there are 877 hearings for a variety of offences that affected the streets and communities of the City of London (Table 7.1).

Table 7.1 Prosecutions for regulatory offences 1784-96

Offence	Number	Percentage
Disorderly Conduct	280	31.9
Traffic Violations	179	20.4
Trading Violations	144	16.4
Vagrancy and Begging	92	10.5
Prostitution	66	7.5
Bull Running/Animal Abuse	57	6.5
Bastardy and Desertion of Family	52	5.9
Lottery Offences	7	0.7
Totals	877	99.8

Source: The Minute books of the Guildhall and Mansion House Justice Rooms, data from CLA 005/01/029-030, from CLA 005/01/038-039, from CLA 005/01/051-052, CLA 005/01/054 and from CLA 004/02/001-004 and CLA 004/02/043-045.

The majority of the regulatory business of the courts was in the disciplining and punishment of those brought in for disorderly behaviour and drunkenness. The City

streets were regularly patrolled throughout the night and given the proliferation of public houses, taverns and other drinking and entertainment establishments it is no surprise that drunkenness represented a major problem for the authorities. The crowded City streets also created numerous problems for the citizenry and keeping the arteries clear was a major task for the City's regulatory bodies. The control of the streets and open spaces was increasingly important to the image of a well-ordered metropolis and there were periodic clampdowns on prostitution and on a range activities intrinsic to popular culture. Vagrancy and begging were similarly problems for a City government that prided itself on London's reputation for prosperity and culture and there were intermittent attempts to clear the streets of mendicants. Poverty had a direct impact upon the rates paid by City dwellers and any actions that increased this burden on Londoners was likely to result in prosecutions at the summary courts, which explains the appearance of those men accused of neglecting their responsibilities towards their wives and families. This chapter will explore the role of the courts as an arena of negotiation for those that wished to put pressure on others who had reneged on their contractual obligations (particularly apprentices and their masters), or had refused to pay them for work done.

a) Disorderly Behaviour, Drunkenness and the City streets.

Table 7.1 demonstrates the high incidence of prosecutions for disorderly behaviour in the period at the end of the eighteenth century. Disorderly conduct was a seemingly vague term that covered a multitude of actions considered inappropriate by the authorities. Disorderly servants, employees, apprentices, and paupers could all find themselves presented before the lord mayor or aldermen magistrates. Other categories of disorderly offenders mask the appearance of prostitutes, suspected thieves, and vagrants.

One of the problems in analysing this data is in defining the term 'disorderly'. Burn gave it no separate entry, including it within his discussion of vagrancy.[1] In 1784 the

[1] R. Burn, *Justice of the Peace and Parish Officer*, (London, 1785), Vol. 4 pp.333-366

General Evening Post described a gang of roughs and thieves, known as Lady Holland's Mob, as 'disorderly fellows' while disorderly houses were sometimes brothels.[2] Prostitutes were labelled 'lewd and disorderly' women and suspected thieves were 'loose, idle and disorderly persons'. The term was very wide ranging and could be loosely applied. After the Gordon riots of 1780 attitudes towards riotous disorderly behaviour may well have changed as Londoners faced up to the very real prospect of injury or death if they became embroiled in political protest and the elites increasingly saw such action as 'nothing more than a source of disorder'[3]. In the aftermath of the riots associations of householders, formed to safeguard their property in the face of mob action, helped to place the riotous and disorderly outside of the norm.[4] Therefore when the term 'disorderly' was used by the courts, newspapers and other commentators in the latter part of the eighteenth century this may have represented a general feeling of intolerance towards unruly behaviour. Unfortunately, few of the records in the 1780s give details of those brought in for such behaviour and even in 1796, when the minute books contain better information, of 29 persons brought up as 'disorderly' a third have no further details than the offence making any attempt to discern such trends in attitudes problematic.

Defining 'riotous' is quite as difficult as defining 'disorderly'. 'Riotous behaviour' could involve breaking windows, being abusive in the streets or in taverns or knocking doors late at night. One person arrested for 'riotous' behaviour seems to have been guilty of persecuting a Polish immigrant by continually calling him names and inciting others to join in.[5] The same types of behaviour were covered by 'disorderly conduct'; there are examples of people shouting in the streets, crying 'murder' or calling the hour, disorderly paupers misbehaving, the insane causing disturbances and individuals who would not go quietly when moved along by the patrols. Much of this anti-social behaviour was fuelled by the consumption of alcohol

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[2] Sprott, *1784*, p.214. T. Henderson, *Disorderly Women in Eighteenth-Century London. Prostitution and Control in the Metropolis, 1730-1830*, (London, 1999) p.91

[3] R. Shoemaker, The *London Mob. Violence and Disorder in Eighteenth-Century England*, (London, 2004) p.144

[4] Shoemaker, *London Mob*, p.148

[5] CLA 005/01/055, 15/2/1796

and it would seem that when the summary court records concern themselves with riotous or disorderly behaviour what they were really dealing with on many occasions was the problem of intoxication in the urban setting.

The eighteenth-century City had a proliferation of outlets for the sale of alcohol. From inns and taverns that sold food and provided entertainment in addition to drink; alehouses and gin shops which served a slightly different market; to barrows and cellars where cheap drink could be found and consumed. Dorothy George describes a drinking culture that was 'interwoven with everyday life' which did not begin to be dismantled until the nineteenth century.[6] The alehouse was an essential part of the community, acting as an informal labour exchange and as pawnbrokers and money lenders, as well as centres of discussion and gossip. [7] They were also home to many of London's prostitutes, especially on the City's long river border, their landlords well aware of the symbiotic relationship between alcohol and the sex trade.[8]

As well as prostitution alehouses were also associated with gambling and crime, and this, along with the inevitable consequences of excessive alcohol consumption meant that the City's drinking establishments occupied a significant proportion of court time at Guildhall and Mansion House. JPs were instructed by Burn in how to deal with drunkenness, with the use of fines and the stocks and the removal of licenses from landlords who failed to keep orderly houses.[9] Robberies in London in the 1780s were blamed on gangs frequenting alehouses and elsewhere in the country concerns about crime, disorder and agricultural and industrial unrest were focused on popular

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[6] George, *London Life* p.281

[7] A. Everitt, 'The English Urban Inn, 1500-1760' in A. Everitt (Ed), *Perspectives in English Urban History*, (London, 1973), pp.91-137 and George, *London Life* p.284-6, Sweet, *English Town* p.233

[8] Henderson, *Disorderly Women* p.46

[9] Burn, *Justice of the Peace*. Vol.1 pp.41-3 Alehouses (Drunkenness) [1.pp.41-43] – 'all constables, churchwardens, aleconners, and sidemen, shall be sworn to present the offence of drunkenness.' 1st offence was a 5s fine, to be paid within one week after conviction to the churchwardens for the use of the poor, failure to pay will result in an order of distress, and/or a period of six hours in the stocks. A 2nd offence meant the offender would be bound by recognisance with two sureties for £10, for future good behaviour. Which in effect meant until the next sessions of the peace when they were expected to appear. Alehouse keepers who were convicted were barred from that occupation for 3 years.

drinking establishments.[10] There were clampdowns on alehouses that allowed radicals to assemble and in 1792 City of London magistrates withdrew licenses from a number of establishments.[11] There was increasing control and supervision of drinking houses, with campaigns to limit their hours of opening, raise the cost of licenses, and restrictions on almost every aspect of the business. One victualler complained that 'every house has received instructions as to where shall stand the bar, the customer, the casks, the cocks, the tap-room, nay even the very spot where the proprietor shall eat and drink'[12].

With the loss of the American colonies and the rise of evangelism came the renewal of the campaign for the reformation of manners. The early membership of the Proclamation Society founded in 1788 included Brook Watson, a London alderman and magistrate, amongst its number.[13] Several others were 'drawn from the world of commerce and finance', the world that represented the economic heart of the City of London.[14] The close knit world of City government would inevitably have meant that the ideas of the Proclamation Society (and related movements such as the Society for Bettering the Condition of the Poor) would have been discussed at the tables of the well-to-do in London society. This echoed the previous movement for the reformation of manners that occurred in the early eighteenth century.[15] The Proclamation Society was headed by William Wilberforce who was also champion of a number of worthy causes. While the reformation of manners movement contained many London luminaries its judicial arm was operated by the City's magistrates. As Joanna Innes has argued; 'More than any other groups, ... magistrates set the agenda for the late

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[10] P. Clark, *The English Alehouse. A Social History 1200-1830* (London, 1983), pp.255-6
[11] Ibid p.257
[12] Clark, *The English Alehouse* p.257-8
[13] J. Innes, 'Politics and Morals. The Reformation of Manners Movement in Later Eighteenth-Century England', in Hellmuth, Eckhart (Ed.), *The Transformation of Political Culture. England and Germany in the Late Eighteenth Century* (Oxford, 1990)p.81
[14] Innes, 'Politics and Morals', p.83
[15] In the early eighteenth century the first Reformation of Manners campaign was much more focused on the urban rather than the rural area, and targeted particularly at London. 'London is where the reformation of manners movement began, and where the reformers were most active.' R. Shoemaker. 'Reforming the City. The Reformation of Manners Campaign in London, 1690-1738', in Davison *et al*, *Stilling the Grumbling Hive. The response to social and economic problems in England, 1689-1750*, (London, 1992), p.100

eighteenth-century reformation of manners movement'[16]. This was as true inside the City as it was without, but perhaps it is possible to argue that the problems of disorder caused by drink and gambling (to take just two of the movement's concerns) were more pronounced in the eighteenth-century capital. Here drink-fuelled disorder could create disruption to trade and commerce and affect external perceptions of the City adversely. The role of magistrates in suppressing vice and disorderly behaviour was, of course, nothing new by the 1780s. Justices were appointed 'for the conservation of the peace', and the magistrates' task 'was *routinely* represented as consisting largely in striving to repress 'vice and immorality'.[17] With this role in mind, and understanding that in the last quarter of the eighteenth century the focus of concern was firmly placed upon the drinking and related leisure habits of the lower orders (which is not to ignore contemporary concerns about elite immorality) we can now turn to the prosecution of drink related offending at the summary courts.

While the limited recording of the 280 cases of disorderly behaviour heard by the City magistrates does not allow us to be precise about the number that involved drink it can be fairly assumed that alcohol played a significant role in bringing offenders to the attention of the courts. Offenders arrested for disorderly conduct were routinely described as being 'abusive' or 'riotous' in the streets, refusing to move along when asked to by watchmen and constables or to leave public houses by landlords when they had had too much to drink. Charles Doute was 'very much inebriated' when he was picked up by a City constable, while Jonathan Turner was described as 'very much in liquor' when he created a disturbance in the house of Thomas Gill.[18] Others were 'very drunk', 'in liquor', 'drunk and riotous', and several of these individuals were too drunk to appear before the courts and had to be remanded until the following day. When Ann Griffith was arrested for 'making a great riot and disturbance' near Bishopsgate Church Yard because the watchmen believed she was a prostitute, the magistrate accepted that in fact she was 'but a poor woman a little overcome with

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[16] Innes, *The Reformation of Manners Movement* p.104-5
[17] Innes, 'Politics and Morals', p.106 . See also Burn, *Justice of the Peace*, Vol. 3, p.1
[18] CLA/005/01/052, 30/4/1794

liquor' who 'was now penitent'.[19] Ann *was* probably a prostitute as she turns up again in the following April as a defendant accused of stealing a few shillings from her client.[20] As far as the watch was concerned it probably mattered little what her offence really was, their instructions were to round up the disorderly, and therefore those abroad at night without good reason to be so were likely to be arrested. Some constables may well have had particular ideological reasons for arresting such individuals, as Innes has argued. Some may have been members of the reformation of manners movement, like William Payne,[21] while others may simply have looked for financial recompense from clearing the streets of petty offenders and nuisances.

Alehouse keepers were required to operate orderly houses and in protecting their licenses were aware that they had to police their establishments. George Birkley charged William Musgrove with drunken behaviour in his alehouse and the court, hearing that Musgrove had previously enjoyed the charity of the parish, sent him to Bridewell.[22] The landlord of the *Devil Tavern* in Temple Bar forgave Timothy Woodhead for causing a disturbance in his establishment after he had received an apology and Woodhead had spent a night in the compter. Woodhead had been brought in by William Payne, perhaps because Temple Bar was closely associated with Payne's usual targets, the City's streetwalkers.[23] Again, while Woodhead was forgiven the landlord, Joseph Smith, was mindful of the reputation of his house. Licensees in the City had to be freemen; a restriction not applied to those operating in the wider metropolis, and City landlords may have felt a greater need to preserve their reputations in the light of this.[24] They would also have been aware that it was the aldermen magistrates and the lord mayor that approved the issuing of licenses at the sessions of the peace.

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[19] CLA/005/01/001, 24/11/1761
[20] CLA/005/01/002, 20/4/1762
[21] Innes, 'Politics and Morals', p.113
[22] CLA/004/02/055, 3/2/1790 Musgrove had been 'cloathed by the parish' three months previously, 'he trembles and pretends he has the ague' but this didn't fool the court.
[23] CLA/005/01/004, 30/11/1775
[24] P. Earle, *A City Full of People. Men and Women of London 1650-1750*, (London, 1994), p.93

Even those imprisoned for offences were capable of finding drink to ease their confinement. Rose Queen was brought from Bridewell where she had been able to get drunk and was promptly sent back there with a further seven days added to her sentence.[25] Drink was freely available in Newgate and other prisons despite some attempts to restrict it.[26] It was also available to those who used the workhouse. Despite their protestations that when Martha Hicks was allowed to enjoy the hospitality of the house she endeavoured to get drunk. the Churchwardens of St Boltoph's Aldersgate were instructed to continue to relieve her by the sitting alderman.[27] Whether, in the light of the renewed campaign for the reformation of manners, Martha would have enjoyed such success in the courts a decade later is questionable.

Drunk and disorderly persons were not uniformly referred to as such, but in some cases it can be strongly inferred from the circumstances related to the court. For example, those arrested after causing a disturbance in an alehouse can usually assume to have been under the influence of drink. Leaving aside disorderly prostitutes (who may often have been drunk) those taken on the streets may have been on their way home and have drawn the attention of the watch by their rowdy behaviour. At what point the watch and constables decided to step in and remove these individuals from the streets is difficult to discern. An unnamed 'young gentleman' was brought before John Wilkes, sitting as alderman at Guildhall in 1789, charged with 'amusing himself the preceding morning, between two and three o'clock, in breaking the Lamps in Newgate-street'[28]. For this disorderly act of drunken criminal damage he was fined and released. There are many similar cases of damage caused to property, windows smashed or broken, with prosecutions detailing disorderly or riotous behaviour. Most

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[25] CLA/004/02/014, 7/11/1785

[26] See Linebaugh, *London Hanged* p.30 In 1724 the 'Partners' established a more restrictive regime, 'refusing to allow visitors to bring beer in.' The same body incidentally failed to prevent Jack Sheppard from escaping however. The *World* newspaper reported in 1789 that 'Sir Robert Taylor was the Magistrate who first started the regulation now so well adopted by the City of London – the preventing Gaolers keeping ale-houses in their prisons. York, Bristol, Liverpool, Bath, Newcastle, all very well governed, are already turning their attention to similar objects of amendment.' (6/3/1789)

[27] CLA/005/01/005, 23/9/1777

[28] *The World* newspaper, 2/2/1789

were reprimanded and then released; some were fined or sent to Bridewell. We can perhaps assume that some of those that were released without official sanction had been persuaded to offer an apology with some form of compensation to their prosecutors. The appearance of a parent or guardian (in the form of an apprentice's master for example) may have helped some but it was not sufficient to prevent Samuel Meardy from being confined in Bridewell. He had been 'found wandering about the streets, laying upon steps, and otherwise behaving in a disorderly manner'[29]. Although his father appeared he said he had been unable to 'persuade his son to remain at home, or to attend to his business'[30]. A former master told the court that Samuel had 'for a considerable time back attended very negligently to his work, and that it was impossible to keep him from getting into the streets at night, and becoming entirely careless in his dress'[31]. Samuel's behaviour might have been particularly excessive, which both contributed to his downfall and the reporting of it in the paper while it may well have been used as an object lesson for other young men who might be neglecting their apprenticeships.

The summary courts of the City received the majority of their defendants from the compters at Poultry and Wood Street. In delivering these gaols each day the sitting magistrates were faced with the flotsam and jetsam of the City's streets. Those that the watch had imprisoned overnight for a variety of offences included many who were simply drunk and incoherent. As such they were often abusive to the watchmen and constables and this probably contributed to their arrest. Once they had sobered up and calmed down they were usually released, with a warning as to their future conduct. The social status of the accused could certainly assist in gaining a release and paupers who misbehaved or those who were seen as potential thieves were likely to be more severely punished with Bridewell being the preferred option. But some, those with funds like the young man who enjoyed breaking street lamps, might be able to buy their way out of a difficult situation. Status did not, however, render an individual immune from arrest and imprisonment over night as Thomas Withers

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[29] *London Chronicle*, 21/10/1815
[30] Ibid.
[31] Ibid.

discovered. Withers was out late in Bishopsgate Street with some friends and was seemingly drunk and in high spirits. He was approached by Thomas Milner because he was 'knocking on doors and bawling out the hour' whereupon he insisted he was the son of the Duke of Leeds. He was still arrested and spent the rest of the night in Poultry Compter.[32]

The arrest of the City's drunks can be seen as the removal of nuisances from the streets. The formal prosecution of these individuals was secondary; they were habitually reprimanded and then released having spent a night or morning sobering up in the compter. This was a common enough police practice in the nineteenth and twentieth centuries and there seems to be no reason to interpret the arrest of drunks in the late eighteenth century in any other way. Using the summary powers of magistrates to prosecute drunks was well established before the late eighteenth century as Shoemaker has noted.[33] Michael Dalton exhorted his fellow justices to use their powers to lock up the 'riotous and prodigal person, that consumes all with play, or drinking'[34] and constables and watchmen were instructed to round up offenders and bring them before the magistracy for punishment.[35]

b) The problems of the State Lottery

Related to the problems of drink and alehouses was a concern with gambling, and in particular the lottery. The state lotteries were an important way of raising money in the late eighteenth century and after 1778 they were held regularly. Until 1802 the lottery was drawn over 40 days and small traders (with the notable exception of pawnbrokers who took more pledges) saw a fall in business from the lower orders as they gambled away their scant incomes for the chance to get lucky.[36] The lottery drew contemporary criticism, notably from Patrick Colquhoun who devoted a chapter of his treatise on the Police to the problems caused by the lottery and gaming in

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[32] CLA/004/02/054, 4/1/1790
[33] R. Shoemaker, *Prosecution and Punishment. Petty Crime and the Law in London and Rural Middlesex. c.1660-1725* (Cambridge, 1991) p. 36
[34] Shoemaker, *Prosecution* p. 39
[35] Shoemaker, *Prosecution* p. 217
[36] George, *London Life* p.306

general.[37] Alongside the official lottery was a wholly illegal, but nonetheless widespread, trade in lottery insurance. Effectively this allowed people to insure against any 'number for any amount coming up blank'.[38] Those found selling insurance were arrested but this black market activity was impossible to stop.[39] Historical writing on the state lottery and its demise is notably thin but there are several appearances by those accused of lottery 'crimes' in the summary courts of the City.[40]

The small proportion of individuals prosecuted before the summary courts for lottery offences in the period 1784-96 (seven persons, or just under one percent of regulatory business) should not be understood to mean that the practice was rare. Perhaps it was unusual for such prosecutions to be heard at summary level. While this study has not been able to undertake a systematic review of the King's Bench court for the period there are incidents of lottery fraud that were heard there.[41] For example, in 1786 the King's Bench roll recorded that

> *Richard Oakford, City gentleman, charges that, on 10th March 1786 George Turner of Bishopsgate Street, Bishopsgate – labourer, did receive under pretence, promise and agreement to pay from John Solomon £2 3s to pay him (Solomon) 5 guineas if either the tickets 31 or 78 were drawn in the lottery.*[42]

For this offence Turner should apparently have been fined £50 on conviction and Oakford was asking for him to be prosecuted so that he, as an informer, could claim a reward. Touts, known as 'morocco men', looked for business in the alehouses and inns of London, collecting money for such insurance and rarely getting caught. If they were they faced, after 1787, the prospect of being imprisoned as vagabonds which

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[37] P. Colquhoun, *A Treatise on the Police of the Metropolis*, (London, 1806), pp.133-170

[38] Colquhoun, *A Treatise on the Police*. P.128

[39] George, *London Life* p.306.

[40] Dorothy George discusses the problem briefly in *London life*, p.306-7; there is also James Raven's article 'The Abolition of the English State Lotteries' in the *Historical Journal*, 34, (1991), in which he argues that economics played a more important role in their abolition in the 1820s than did calls from moral reformers to abandon them.

[41] There are also several references to lottery forgeries and frauds prosecuted at the Old Bailey which are worthy of future research. www.oldbaileyonline.org (accessed 28/7/2005)

[42] Court of King's Bench, Crown Side, Indictments 1785-1786, TNA KB10/44

was hardly a deterrent given that 'their employers would allow them two guineas a week, with which they lived in comfort in prison'[43]. This type of action is apparent in the case of Jonathan Brakespear who was charged by a Mr Johnson with selling lottery insurance. Johnson had seen Brakespear taking down numbers at a public house in Grub Street and had approached him. Johnson described to the court what happened;

> *I askt [sic] him what it was to insure a number for 1 guinea, [he] said 1/6d [I] told him to put down number 4.5.6 & 64 for half guinea for which I paid him 3s. He asked my name I told him Smith, went again this morning to the upstairs front room between 8 & 9 o'clock saw the other prisoner in that room, he was writing numbers for other people. Told him to put down the numbers I had put down the day before, he put 'em down for which I paid him 3/2d for the 22nd day the others were for the 21st day of drawing.*[44]

Brakespear was then arrested. The other prisoner, Richard Lillwell, was given an 'excellent character' and, on account of this and 'his youth', was discharged. Brakespear was sent to Bridewell for a month.[45] There are several very similar cases of individuals being arrested after taking down numbers for people. Some were committed, others released and some sent to Bridewell. That these cases do not appear uniformly across the period suggests perhaps that, like other regulatory practices, lottery offending was subject to periodic clampdowns by the authorities. It was not simply the insurance scam that came in for criticism. Lottery house keepers were accused of withholding prizes and their properties were sometimes attacked by a 'deluded and justly enraged mob, who have been ruined by the purchase of tickets, shares, chances, and insurances thereon'[46].

There were other forms of gambling that agitated the minds of City magistrates. Gambling, coupled with alcohol and the use of prostitutes, was a vice associated with

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[43] George, *London Life* p.306
[44] CLA/005/01/055, 17/3/1796
[45] Ibid.
[46] R. King, 'The Frauds of London Detected; or, a warning Piece Against the Iniquitous Practices of the Metropolis', (1770?) in J. Mullan & C. Reid (Eds.), *Eighteenth-Century Popular Culture. A Selection*, (Oxford, 2000), p.50

the rougher elements of the labouring population even though plenty of well-to-do individuals indulged in all three pastimes with regularity. The concern of contemporaries such as Richard Aston was the effect of these 'wicked or unlawful purposes' on youth.

> *For there Youth are first seduced from their native Innocence; there they imbibe those dissolute Principles upon which they afterwards act to the Destruction of themselves and others; there they first get involved into Difficulties, and become connected with a Set of Acquaintance, who are ever prompting them to Villainies to support their Extravagance, and ready to assist in carrying them into Execution.*[47]

Those parents who could be described as 'honest artisans and shopkeepers' attempted to give their offspring the rudiments of an education before securing them an apprenticeship that would help them set themselves up in a trade of their own at some stage.[48] In 1810 Jonathan Furlonger was convicted of simple grand larceny and sentenced to seven years transportation. He had stolen a pocket book and advertised its return for the price of £25. In his letter to the owner he declared that 'Your pocket book has fell into the hands of a young man whose ungovernable passion, and cursed infatuation for the gaming table has led him into an act the most disgraceful'[49]. Gambling or gaming was seen as a corruption that undermined the very fabric of society. The nation was 'gripped by gambling fever' and bets were placed on just about anything.[50] Throughout the period concern surrounded the widespread prevalence of gambling amongst the population.[51]

Gambling, although it often took place in alehouses and private rooms, was also a very public concern for the authorities. Apprentices and others were exposed to

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[47] G. Lamoine, (Ed.), *Charges to the Grand Jury, 1689-1803*. Camden Fourth Series Volume 43. (London, 1992), Address of Richard Aston to the Grand Jury of Dublin 1763, p.401

[48] Earle, *City Full of People* p.32

[49] www.oldbaileyonline.org trial of Jonathan Furlonger 6/6/1810, OB ref t18100606-25 (Accessed 28/7/2005)

[50] R. Porter, *English Society in the Eighteenth Century*, (London, 1986), p.255

[51] M. J. Cardwell, *Arts and arms. Literature, Politics and Patriotism during the Seven Years War* (Manchester, 2004) p.78 I am grateful to Dr Matthew McCormack for this reference. See also P. Langford, *A Polite and Commercial People. England 1727-1783*, (Oxford, 1989), p.143 and P. Carter, 'An 'Effeminate' or 'Efficient' Nation? Masculinity and eighteenth-century social documentary', *Textual* Practice, 11, 3, (Winter, 1997)

gambling that took place on the streets of the metropolis, causing a twin problem of corruption and obstruction. Those that set up gaming tables were likely to be moved along or arrested by watchmen, street keepers or constables.[52] Sometimes it was difficult to identify who were legitimate traders and who were illegal gamblers, indeed it is perhaps unhelpful to try and make a distinction between them so much were games of chance intrinsic to the popular culture of the time. The Middlesex Sessions complained in the early eighteenth century that

> many *'idle persons of loose conversation' went about the streets with barrows selling a variety of cheap consumable goods but that they also 'carry with them dice, and encourage unwary passengers and children to play with their dice for some such of their goods and use other unlawful means and practices whereby they defraud several of her Majesties subjects...and greatly hinder and obstruct all her Majesties subjects goeing [sic] and travelling in and through the said footpaths.* '[53]

This was an established role of the constable who was obliged to intervene whenever they saw gambling in the streets.[54] Justices of the peace were ordered to investigate possible breaches of the gaming laws and constables and other officials were expected to search weekly or at the least monthly, for gaming houses. Many workers were forbidden to play at games except at Christmas (and even then they had to do it '*only in their master's house, or in their master's presence*'). Landlords were further penalised by an act that forbade gaming in taverns with a fine at first offence of 40s, thence £10 with three-quarters of the fine going to the poor while the informant retained the last quarter. Anyone found gaming could face a fine of between 5s and 20s or a month's imprisonment.[55] Constables, if they uncovered a gambling set could hope to pocket a small reward, some compensation perhaps for the abuse that they encountered in carrying out such a task. However, constables that interfered with those playing at cards or other similar activities could find themselves open to abuse

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[52] T. Hitchcock, *Down and Out in Eighteenth-Century London*, (London, 2005) p.85

[53] Order of Middlesex Sessions, January 1710. Quoted in Earle, *City Full of People*, p.223

[54] The practice of using their barrows for playing at dice was an infringement of the laws on gaming set down in the Tudor period. Burn, *Justice of the* Peace, Vol.2, pp.339-356

[55] Burn, *Justice of the Peace*, Vol.2, pp.339-356

or worse. Isaac Bockarah was attacked and threatened by three men in Gravel Lane in Portsoken. Four other men were charged with 'playing at cards' by Bockarah's fellow constable, Edward Jolly.[56] Thus, it is likely that many constables turned a blind eye to the activities of London's gambling population in the way that nineteenth-century policemen did.[57]

Disorderly behaviour, alcoholism and gambling created both moral and practical concerns for the city's government. These issues were linked to the commercial development of the City in the late eighteenth century and this can be seen in the ways that the summary courts and the City's policing agents intervened to regulate the streets.

c) Dangerous driving and other traffic related offences

A considerable amount of the attention of the summary courts was focused on petty violations of laws concerning the obstruction of the streets and on those that broke rules regarding the driving of vehicles or the riding of horses. These everyday problems demonstrate the multi-functional role of the City courts, as criminal and civil venues for the hearing of disputes. As Table 7.1 shows, driving offences accounted for just over a fifth of all regulatory business heard by the summary courts. Once again at this level of dispute qualitative details are scarce in the minute books. However it is possible to identify some consistent complaints and characteristics and analyse why they were of importance to the authorities.

Under a 1717 act it was an offence for a Hackney Coachman to wait for customers 'between *Cornhill* and *Threadneedle-street*, with the Horses towards *Cheapside*'.[58]

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[56] CLA/004/02/054, 18/1/1790

[57] See S. Inwood, 'Policing London's Morals. The Metropolitan Police and Popular Culture, 1829-1850', *London Journal*, 15, 2, (1990). Inwood suggests that the police did not have the manpower to enforce moral and cultural laws in the way that Robert Storch had argued earlier.

[58] CLRO P.D.10.190 An Abstract of the By-laws and Ordinances of Hackney Coaches. Dated 24/6/1717.

The penalty for breaking this law was a fine. The area defined by the act included the Bank of England and the Royal Exchange and would have been a bustling part of the commercial City. Because the act specified that the horses should not face towards Cheapside, (that is *into* the City), perhaps we are to understand that its purpose was to control the traffic in the way that a modern one-way system does. By forcing all coaches to face eastwards the authorities could hope to keep the flow of vehicles moving steadily. It may also reflect a desire to keep trading coachmen in line with what Mark Jenner has termed the 'deferential choreography' of London traffic.[59] However it may have intended to restrict the number of Hackney carriages waiting in the vicinity in order to minimise any obstruction to the free flow of traffic. There are several instances of prosecutions for 'standing for hire in Threadneedle street' or 'standing and plying with coach' in the minute books, which suggest that this part of town was restricted in some way.[60] It would seem that, as recent work has suggested, the eighteenth-century urban elites were increasingly concerned with 'ensuring "conveniency of passage" and preventing any obstruction in the streets'.[61] As one contemporary noted, 'a quick and easy communication from place to place is of the utmost consequence to the inhabitants of a great commercial city'[62].

The obstruction of the streets was not confined to Hackney coach drivers, the minute books have many instances where constables and street keepers brought in complaints against carters, coachmen and other road users. Street keepers, such as Jonathan Andrews, were employed by the wards to keep the thoroughfares of the City free from parked carts or discarded luggage and furniture.[63] As a result William Jones was brought to Guildhall for 'placing furniture on foot pavement in Brackley Street' in

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[59] Mark Jenner, 'Circulation and Disorder. London Streets and Hackney Coaches, c.1640-c.1740' in T. Hitchcock & H. Shore (Eds.), *The Streets of London from the Great Fire to the Great Stink* (London, 2003)
p.44

[60] CLA/005/01/053 April-May 1794 The cases of Jenks, Sadler and Whitworth who were all brought by J.Dean on that charge, found guilty but released without being fined. Similarly Chilton was also summoned by Dean and released without further penalty, as was Buston by J.Hall.

[61] Jenner, 'Circulation and Disorder', p.43

[62] J. Gwynn, *London and Westminster Improved*, (1766) in N.G. Brett-James (Ed.), *A London Anthology*, (London, 1928), p.176

[63] Burn, *Justice of the Peace*, Vol.2 p.425

Cripplegate Without, and William Holloman for leaving rubbish in Goldsmith's Street near Holborn.[64] Holloman was discharged while Jones escaped a fine on account of his poverty. Naturally the City authorities could not allow unrestricted dumping of rubbish on the streets for reasons of health nor could they tolerate individuals or businesses blocking the roads that others needed to use. This was undoubtedly a situation that would be recognised by local government officers in the twenty-first century and we can view the actions of street keepers as very similar to those of traffic wardens employed today.

As well as those that left rubbish and items of furniture or other goods on the streets watchmen, constables and street keepers were alert for carters that blocked roads or those who traded on the streets illegally. The records in the minute books give very little detail of the circumstances surrounding these prosecutions but a newspaper report from 1821 gives a much fuller picture of the problem caused by some street users. A carman appeared before the lord mayor charged with obstructing the streets.

> *Mr. Rowe* [the prosecutor] *stated, that on Monday he was going down Water Lane, on his way from Fenchurch Street to the Custom House, on horseback, when he was stopped in the middle of the street by the defendant's cart, which was placed across so as to stop up all but the foot path. He desired the defendant to move his cart and allow him to pass, when the defendant said he was unloading it, and should not move to please any one until he had done. Remonstrance was unavailing, and he continued to behave both in language and manner with the most insufferable impertinence.*[65]

Rowe complained that he was regularly delayed by such obstructions and told the court that that 'carmen in general entertained a notion that they had a right to place their carts in what position they pleased, and to keep them in it until they were unloaded' and that he had brought the prosecution in the hope that laws in place to stop this practice were more rigorously enforced.[66] The situation Rowe described seems to be one that mainly affected the southern reaches of the City, those closest to

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[64] Both CLA/005/01/055, 15/2/1796 and 12/3/1796
[65] *The London Chronicle*, 14/8/1821
[66] Ibid.

the quays and warehouses that bordered the Thames. Most commonly drivers were prosecuted for stopping on Snow Hill. one of the City's main thoroughfares close to Smithfield market but defendants were brought for obstructing many other areas of the City. Most were either discharged with a reprimand or because of a lack of proof while others were fined (usually 5s) with the fine being paid to the officer bringing the complaint. In 1793 of 40 prosecutions for obstruction 10 were discharged (four with the recommendation of the prosecutor), six were not convicted of the offence by the court, seven were convicted but not fined and 16 were fined the sum of 5s which was then paid to the constable concerned. Eleven individuals brought these prosecutions with four officers bringing more than three each. Given that they were paid for these prosecutions this again helps us view the actions of City 'police' officers in an entrepreneurial way as was suggested in chapter three. Sometimes the behaviour of the officials may have overstepped the mark or not met the criteria of the act, which may explain some of the dismissals. For example, in December 1775 the 'drivers of four drays' were brought before Alderman Alsop to answer a charge that they had been, 'obstructing the free passage in Bury Street by placing their drays there'[67]. The common sergeant was called in and 'gave it as his opinion that the draymen were not within the act' and the case was dismissed.[68] This also demonstrates that the court was content on some occasions to call in 'expert' witnesses, usually either the common sergeant or the City solicitor to interpret certain laws.

On occasions the courts witnessed cases that were clearly not simple violations of the by-laws but in fact incidents of dangerous driving. Sometimes these resulted in injury or even death while others seem more petty prosecutions of inappropriate behaviour. The *Whitehall Evening Post* carried the following report in its edition of the 6-9th November 1784.

> *On Saturday a Hackney-coachman was carried before Mr. Alderman Le Mesurier for wilfully driving against a corpse carry up*

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[67] CLA 005/01/004, 5/12/1775
[68] Ibid.

> *Fetter-lane, by which the coffin was thrown from the bearers' shoulders, and the undertaker endeavouring to keep the coach off, the wheels ran over his foot, and he was so much hurt that he was unable to attend the funeral.*[69]

While this is an extraordinary case, hence its inclusion in a newspaper report, it is suggestive of the dangers of crowded City streets used for a variety of different purposes. Coaches crashed and overturned and drivers were unseated, and sometimes these could result in prosecutions for assault as was shown in chapter six.

On other occasions the authorities stepped into prosecute. That some road users, notably Hackney coachmen, had poor reputations in the eyes of the press at least is evident in this report from *The World* in 1789.

> *On Tuesday a hackney-coachman was whipt at the cart's –tail in a pretty severe manner, from the top of the Hay-market to the bottom, and up again, for overturning a Gentleman and Lady in a one-horse chaise, a short time since; for which he was tried at Guildhall, Westminster. It is hoped this punishment may have a proper effect on the Gentlemen of the Whip, whose insolence is often unbearable.*[70]

Hackney carriages were licensed and regulated under rules set down in the late seventeenth century.[71] Burn's justicing manual goes into some detail on the laws surrounding hackney carriages, suggesting that the matter was one which concerned magistrates particularly.[72] Misbehaviour by coach drivers could result in the commissioners that regulated hackney coachmen imposing a fine and committing them to Bridewell if they could not pay. The licensing of the trade should not simply be seen as an imposition, but also a protectionist move by the coach drivers.[73] Regulations on working practice allowed coachmen to operate on what can be termed a level playing field, and restrictions that governed where hackneys could pick up and set down were not just of benefit to other road users but also ensured fair trade and prevented abuses. Hackney coachmen enjoyed a poor reputation for manners and for

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[69] Cited in D. Sprott, *1784* (London, 1984) p.273-4
[70] *The World*, 30/1/1789
[71] Jenner, 'Circulation and Disorder', p.42
[72] Burn, *Justice of the Peace*, Vol.2. pp.387-391
[73] Hitchcock, *Down and Out*, p.50

flogging their horses but this was because they worked within a very competitive and demanding market. Ned Ward, the *London Spy*, described the quarrels of Hackney coachmen trying to navigate a street blocked by a funeral procession.

> *They attacked each other with such a volley of oaths that if a parcel of informers had stood by as witnesses to their profaneness, and would have taken the advantage, there would scarce have been one amongst 'em that would not have sworn away his coach and horses in half the time of the disorder. At last, by sundry stratagems, painful industry, and the great expense of whip-cord, they gave one another way, and then with their "hey-ups" and ill-natured cuts upon their horses, they made such a rattling over the stones that had I been in St Sepulchre's belfry upon an execution day,...I could not have had a more ingrateful* [sic] *noise in my head than arose from their lumbering conveyances.*[74]

As we shall see the regulation of all aspects of their trade was important and by no means detrimental to their business.

Drivers who plied a trade without displaying the evidence of their right to do so were also at risk of appearing before the courts. In some instances the defendant was not the driver himself, but the company that employed him. The City authorities were evidently licensing not only hackney carriages but also all commercial users of the streets. Whether this was for financial reasons or for administrative purposes (or both) is difficult to determine. Licensing was a fairly straightforward way of raising revenue as the City had found with hackney coaches in the past. There were strict guidelines to control the actions of carmen whose vehicles were also licensed with the money being paid to the governors of Christ's Hospital.[75] Restrictions were placed on how they conducted their business, when they entered the City and where, and the regulations also set out where carmen could appeal when they believed they had been under paid. Carters and other road users also had to demonstrate that they were in control of their vehicles. Those found riding on the shafts of their wagons without 'some person on foot to guide' them were frequently brought to justice as were those

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[74] P. Hyland (Ed.), Ned Ward, *The London Spy*, (London, 1709), p.324

[75] Rules and Ordinances for the Regulation of Carmen made by the Lord Mayor and Justices of the Peace of the City of London (London, year unknown) LMA

riding on the dray[76], illustrated by the case of Francis Loo who was deemed not be in control of his vehicle and was fined 10s.[77] Others who drove vehicles that failed to conform to laws that governed the use of the highways were also at risk of being punished by the summary courts. Jonathan Anstell was summoned by one of the City's street keepers 'for using his cart [No.14494] in this City drawn by 2 horses the wheels thereof not being 6 inches broad' the magistrate let him off on this occasion, perhaps the accused was not aware of the infringement.[78] The emphasis seems to have been on order. A clear regulation of public space was underway in the eighteenth century and this possibly reflects the continuing expansion of London, (if not the City itself where the population was static throughout the century)[79] and the growing multiplicity of demands being made upon it.[80]

Such regulation of the City's thoroughfares also brought less commercially minded users into conflict with the authorities. Popular pastimes and festivities were also under pressure from a growing desire for order in the metropolis. This manifested itself in the prosecution of bull runners at the summary courts.

d) Bull-running and the control of popular culture

In December 1785 *The London Chronicle* carried the following report:

> *Complaint has been made to the Court of Mayor and Aldermen of this city, that a set of idle and disorderly persons generally assemble in Smithfield-market, on Mondays and Fridays, the market days for the sale of cattle, and make a practice of following cattle; and after having separated one or more from the rest, wantonly hunt and worry them until they become wild and mischievous, whereby the lives of people are in danger.*[81]

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[76] Burn, *Justice of the Peace*, Vol.2, p.425
[77] CLA/005/01/026, 14/6/1784
[78] CLA/005/01/004, 1/1/1776
[79] John Stevenson suggests the City parishes were 'losing population by the eighteenth century as the rich moved to more fashionable areas and the poorer craftsmen and labourers moved to the low rent areas on the periphery.' J. Stevenson, 'London, 1660-1780', in Stevenson *et* al, *The Rise of the New Urban Society*, Open University Block IV, (Milton Keynes, 1977) p.13
[80] M. Reed, 'The Transformation of urban space, 1700-1840' in P. Clark (Ed), *The Cambridge Urban History of Britain, Volume II, 1540-1840* , (Cambridge, 2000), pp.615-640
[81] *London Chronicle*, Dec.3-6 1785

The harrying and running of bulls was a long standing traditional pastime in eighteenth-century England. The practice survived in Stamford in Lincolnshire well into the nineteenth century and was only prohibited after a long campaign.[82] The practice also took place in London despite the suggestion in recent work that it was restricted to the Midlands of England.[83] Bull-running was also known as bull-hanking which was practiced particularly in Bethnal Green to the east of the City, again on market days.[84] It was described to a parliamentary committee thus:

> *Every Sunday morning, during the time of the divine service, several hundred persons assemble in a field adjoining the churchyard, where they fight dogs, hunt ducks, gamble, enter into subscriptions to fee drovers for a bullock...Monday is the principal day; one or two thousand men and boys will on these occasions leave their looms and join in the pursuit, pockets are frequently picked, persons are tossed and torn.*[85]

Bull-running caused problems for the authorities in London and elsewhere. As the parliamentary report described, there were large crowds of young men taking part or watching the show, and where there were crowds there was the potential for disorder and crime. There was an obvious risk to public safety given that enraged beasts were being driven at speed through the City's streets, streets that were often crowded with other users. It was criticised in the press by writers who condemned it as a 'barbarous practice so disgraceful to the police of a civilized country'[86]. When bull-running was tolerated by the authorities in Stamford provision was made for it. In Stamford bull-running appears to have had, until the 1780s at least, the support of the local authorities or ruling classes.[87] In London there does not seem to have been a similar reaction from local government. The prosecution of bull-runners and anyone driving cattle without a license would suggest that this was one popular pastime that the authorities wished to see fall into disuse.

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[82] R. Malcolmson, *Popular recreations in English society, 1700-1850*, (Cambridge, 1973)
[83] E. Griffin, *England's Revelry: A History of Popular Sports and Pastimes 1660-1830* (Oxford, 2005)
[84] George, *London Life in the Eighteenth Century*, (p.342 note 104
[85] Report of the Police of the metropolis, 1816 quoted in George, *London* p.191-2
[86] *The Argus*, 20/1/1790
[87] Malcolmson, *Popular recreations*, p.66-7

The Green Yard in the City was a sort of pound where stray animals, specifically cattle and sheep, were brought.[88] Anyone bringing cattle to the yard was entitled to a fee of 'Twelve-pence *per* Head of all such Cattle as they drove or brought hither'[89]. It seems that the Common Council was concerned that some individuals were abusing this system and acted to prevent 'idle, loose, vagrant people' stealing animals and driving them to the Green Yard for the reward. In 1760 the Court of Aldermen criticised the keeper of the yard, Nicholas Morrell, for being 'lax in taking note of the names of people bringing sheep to the Green Yard' and reduced the amount paid out to 6d.[90] That such a pound existed demonstrates the importance to local government of trying to balance the many, sometimes conflicting, uses of urban space. While Smithfield was a vibrant commercial centre for traders coming from all over London and beyond, it was also a place of danger and chaos. The large cattle market depicted in contemporary prints was home to thousands of workers, salesmen, customers and animals.[91] It was a major employer and vital to the local economy. But it also attracted crime, immorality and disorder. In order to get cattle to the market they had to be driven through the metropolis' streets; streets that also served as thoroughfares for other forms of business, for carriages and carts, and for pedestrians. As the wider metropolis expanded in the eighteenth century it became more important to keep these arterial routes free[92] and the tension between different road users is apparent in the records of the summary courts. John Fielding believed that once the problem of licensing alehouses and the prevalence of gaming establishments had been dealt with the

> *next Care of the Magistrate should be to put in vigorous Execution those Laws calculated to remove the Evils and Nuisances in our Streets, viz. Beggars, the Insolence of Coachmen, Carmen, Porters,*

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[88] It was also used for unlicensed and unattended carts that were taken from the streets by civic officers. CLRO PD 10.163 Rules and Ordinances for the Regulation of Carmen made by the Lord Mayor and Justices of the Peace of the City of London (London year unknown)

[89] Ibid

[90] CLA/CA/01/169 Court of Aldermen Repertory Rep 15/11/1760-8/11/1761 p.204

[91] George Shepherd (1765?-1831) *View of Smithfield market with figures and animals* c.1810. This picture shows the market with boys baiting bulls in the foreground.

[92] R. Sweet, The *English Town 1680-1840. Government, Society and Culture* (London, 1999)

etc. Carters riding on their Carts; Obstructions by carriages, Casks, Goods, Stalls, Bulks, etc.[93]

A correspondent to *The Times* in 1790 felt that the sitting lord mayor should

> *perhaps act wiser to mind his Magisterial Duties, and preserve the security of the City from bullock drivers, and others, who hunt cattle through the streets in the middle of the day, instead of troubling himself with Politics, which are so foreign to his station.* [94]

It would appear that the City's constables, watchmen and street keepers were often reminded of their responsibilities although it is impossible to know how diligent they were in executing them.[95]

Table 7.2 Outcomes of hearing of persons prosecuted for bullock hunting or bull running in the City, c.1784-1796

Outcome	Number	Percentage
Fined	26	50.9
Discharged	17	33.3
Imprisoned	3	5.8
Other	3	5.8
Reprimanded	2	3.9
Total known	51	99.7
Destination unknown	6	-
Total	57	-

Source: The Minute books of the Guildhall and Mansion House Justice Rooms, data from CLA 005/01/029-030, from CLA 005/01/038-039, from CLA 005/01/051-052, CLA 005/01/055 and from CLA 004/02/001-004, from CLA 004/02/043-045. Those imprisoned were sent to Bridewell. 'Other' includes two persons that were passed and one that was bailed.

Table 7.2 shows that most individuals who were prosecuted for driving or hunting cattle were fined and released by the courts. Some of these prosecutions were simple acts of regulation against those that infringed minor laws relating to the care of animals. Individuals were therefore prosecuted after being arrested for driving animals without license to do so. Albert Millingfield was convicted on the oath of

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[93] J. Fielding , 'An Account of the origin and effects of a Police set on foot by His Grace the Duke of Newcastle in the year 1753, upon a plan presented to his Grace by the late Henry Fielding, esq. To which is added a plan for preserving those deserted Girls in this Town, who become Prostitutes from Necessity.' (London, 1780) BL103.L16) introduction xiii

[94] *The Times*, 20/1/1790

[95] In 1787 the Court of Aldermen authorised payment for 'printing bills against bullock hunting.' CLA CA 01/196 Court of Aldermen Repertory. 4 12/1787- 8/11/1788 p.117

John Turner that 'he not being a person employed to drive cattle did hunt and drive away a cow belonging to a person unknown', he was fined 20s.[96] Whether Millingfield was after sport or after the 12d he could earn from the Green Yard pound is open to question. Other cases are clearer. William Burbage was sent to Bridewell for 'hunting a bullock which has done a great deal of mischief'[97]. The mischief in this instance presumably refers to the chaos caused by a scared young animal being harried in crowded streets by a baying group of youths. In the following report from the *London Chronicle* it is evident just how much damage and disruption a loose beast could cause on the streets of the capital.

> *On Monday afternoon a bullock having escaped from a slaughter-house in Whitechapel, ran down the Minories, followed by several hundred persons, whose attempts to stop it only tended to make it the more outrageous; in its course it upset several poor women who sat with their stalls in the streets, some of whom were much injured. The enraged animal, in running through a court in Rosemary-lane, near the Tower, came in contact with a horse drawing a cart, against which it ran with such violence as to plunge both its horns into the horse's belly, and lacerated it in such a manner as to expose its entrails: a porter, heavily laden, was killed on the spot, by being jammed between the cart and a house, in consequence of the horse's making a sudden plunge backwards, in order to disengage himself from the horns of the bullock.*[98]

In some cases, however, it was the cruelty of the offender's actions that were emphasised by the court. John Bambridge was also sent to Bridewell for 'hunting and goading a bullock in a cruel manner' and fined 20s for his offence.[99] The nature of this cruelty is evident in the appearance of three young men in December 1789. Here an ox was pelted 'with stones in Moorfields', while a bullock was whistled at, worried and struck with a stick.[100] The culprits tend to be young men or boys, in high spirits taking their chances with dangerous animals and the policing bodies of the metropolis. Sometimes they got caught and were punished, on many other occasions

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[96] CLA/004/02/066, 24/11/1800
[97] CLA/004/02/052, 5/10/1789
[98] *London Chronicle*, 18 10/1820
[99] CLA/004/02/052, 13/10/1789
[100] CLA/004/02/053, 22/12/1789

they must have escaped prosecution. If the individual was able to convince the magistrate that they had a legitimate right to drive cattle then charges would be dropped, as was the case for William Dillon who told the alderman he was 'master of the beasts' and was discharged.[101]

There does seem to have been a concern about the treatment of animals at Smithfield and elsewhere, a concern that reflected a change in societal values. William Smith was fined 10s for admitting beating a sheep to death in Smithfield. His only defence was that it 'ran out of the pen'. Smith was not wearing his badge that identified him as licensed to work in the market and it is difficult to tell whether his fine was for this lapse or for the cruelty, but the charge is 'beating an animal' and would seem to be the reason for his punishment.[102] As Sweet has noted; 'Bull baiting was suppressed by civic authorities, anxious about the possible threat to public order posed by such outbreaks of barbaric licence, and displaying humanitarian concern for the fate of the bull'[103]. Keith Thomas has suggested that there was a 'growing concern about the treatment of animals which was one of the most distinctive features of late-eighteenth century English middle-class culture'[104]. William Smith's prosecution for cruelty is clearly in line with this concern. Smithfield was policed after 1781 for such examples of cruelty and this concern about animal welfare prompted further legislation to license slaughterhouses and find ways to kill animals humanely.[105] Joseph Bunberage's prosecution for 'wilfully and cruelly beating a heifer in Duke Street. Smithfield' in 1794 can be viewed as evidence of the surveillance of the meat market.[106] The authorities may not have prosecuted every abuse of livestock but it is likely that they chose to periodically clamp down on the worst excesses of behaviour in order to encourage a new attitude towards animal husbandry. Cruelty persisted despite the attempts of the authorities to prevent it and was worthy of reporting in the papers. The *London Chronicle* noted, in 1815, that a drover in Smithfield was fined

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[101] CLA/005/01/043, 17/12/1789
[102] Ibid.
[103] Sweet, *The English Town* p.200
[104] K. Thomas, *Man and the Natural World. Changing Attitudes in England, 1500-1800*, (London, 1983), p.144
[105] Thomas, *Man and the Natural World*, p.178
[106] CLA/005/01/052, 25/1794

10s for abusing some sheep with a stick. The tenor of the report suggests that he could have faced a more severe punishment but it was his first offence.[107]

Such cases rarely made the pages of the *London Chronicle* but another that did is interesting for its use of language to describe the event. A Hackney coachman was prosecuted at the Marlborough Street police office in August 1817. The description of the cruelty meted out to his two horses occupied a large amount of the paper's crime reports section. Despite one of the horses breaking a leg the coachman flogged them continuously, even turning over the coach in the process. The paper reported that the 'brutal wretch jumped up and dragged them on to Kentish Town, where it was found necessary to kill the off horse'. The coachman's conduct was described as 'horrid' and 'inhuman'. The magistrate, in passing sentence, declared:

> *"Prisoner, it is proved that you are guilty of as terrible, cruel, or inhuman an act as ever became the subject of an investigation in a Court of Justice. Therefore, by virtue of this Act, I sentence you to one month's close confinement in the House of Correction, there to be kept upon bread and water. We have had recent instances of similar cruelty, but yours beggars description." The coachman appealed on the grounds of having a large family to support but was rebuked by the justice who told him that "if you had fifty children, I would not mitigate one hour of your punishment."*[108]

The condemnatory nature of the report and the magistrate's words suggests that middling and elite reaction to plebeian cruelties was one of horror, and echoes contemporary concern about public execution and other forms of public violence. Interestingly little moral opprobrium is aimed at boxing in the same organ, a report of a fight in Islington Fields being reported with enthusiasm just over a week later.[109] Not all popular culture was under attack, but cruelty towards animals was increasingly seen as intolerable. This middling and elite move away from such open

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[107] *London Chronicle*, 10/1/1815
[108] *London Chronicle*, 5/8/1817
[109] *London Chronicle*, 14/8/1817.The report concentrates on the odds for victory and simply describes it as 'a severe battle'.

and public displays of cruelty and violence is in line with both Borsay's interpretation of change in the urban environment and Elias' theory of a 'civilising process'.[110]

Bull running needs to be seen as a part of the urban culture but one associated with old traditions that were increasingly at odds with the needs of a growing commercial and heavily populated city. It is also evidence of a pattern of control upon lower class popular culture that, while never uniform or systematic, characterises the use of policing in the late eighteenth and early to mid nineteenth centuries. Any riotous behaviour that involved the poorer classes was frowned on and discouraged.[111] Thomas has argued that the imposition of middle class values upon the labouring sorts by restricting the excesses of popular culture was typified by the creation of the Society for the Prevention of Cruelty to Animals in 1824. The case for animal welfare was also championed by Jeremy Bentham who argued that the question to be asked about animals was neither "Can they *reason*?" nor "Can they *talk*?", but "Can they *suffer*?"[112] It is possible to see the summary courts reflecting broader cultural change through the prosecution of such behaviour.

While bull running cases before the Guildhall or Mansion House were rarely, if ever, reported in detail (on most occasions the clerk is content to record simply 'hunting a bullock' or 'waiving a hat/stick/coat' and so forth) a more detailed description can be obtained by looking at incidents of bullock hunting that crop up in trials at Old Bailey. In 1803 a drover on his way to Hendon had his herd broken up by twenty or thirty men who drove one animal off, striking the drover and threatening to 'cut his b[lood]y liver out' if he pursued them. [113] In a similar case from 1797 a crowd of men, possibly as many as a hundred according to one witness, surrounded a herd and

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[110] P. Borsay, *The English Urban Renaissance. Culture and Society in the Provincial Town, 1660-1770* (Oxford, 1989) p.285 and N. Elias, *State Formation & Civilization. The Civilizing Process, Volume 2.* (Oxford, 1982)

[111] R. Storch, '"The Plague of Blue Locusts". Police reform and popular resistance in Northern England 1840-1857.' *International Review of Social History*, XX, (1975)

[112] Thomas, *Man and the Natural World*, p.176

[113] www.oldbaileyonline.org trial of Edward Reynolds 2/4/1803, OB ref t18030420-60 (Accessed 28/7/2005)

separated one of the beasts.[114] In particular John Johnson 'got in between the beasts. and drove three of them away, by beating them with a stick he had in his hand: someone called to him, turn out the brindled bullock'[115]. Another person intervened to help the drover and Johnson was eventually arrested, the rest of the crowd ran away. The drover told the court that bull running 'was a nefarious practice' that he wished was 'put an end to'.[116] The man that came to the assistance of the drover, James Pitt, described the bullock hunters as those who 'meet people, and take people's property, and drive them at night, till they have been killed'[117].

These examples give a sense of the danger of the City and while the estimations of the sizes of the crowd may be exaggerated, the idea that large groups of men and youths were congregating in and around Smithfield and other routes that drovers used must have been a concern, both to them and the authorities. The actual method here is also clear. The crowd stopped the drove in its tracks and then one or two individuals got in amongst the animals and tried to dislodge a likely looking beast. Perhaps aficionados of the 'sport' could identify particular animals as good runners – hence the singling out of the brindled bullock above. Sticks were used, both on the animals and anyone who got in the way, but determined intervention could deter even a large group of hunters. That a reward was offered for prosecuting bullock hunters throws an interesting light on this practice and its policing. Were constables, officials and members of the public intervening because they wished to prevent the practice or because there was the chance of financial recompense? The answer is probably a mixture of the two. That the practice can be treated as attempted or actual theft suggests that the penalties imposed in the summary courts, a fine and possible short term imprisonment, were not deemed sufficient by some or that the chance of reward was only realisable through the higher court.

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[114] www.oldbaileyonline.org trial of John Johnston 20/9/1797, OB ref t17970920-66 (Accessed 28/7/2005)

[115] Ibid. 'Brindled' means tawny or greyish with streaks or spots of a darker colour.

[116] Ibid.

[117] Ibid.

The running of bulls was an intermittent problem for the City authorities as they tried to keep the arteries of London open for trade and commerce. Another perennial problem for the City authorities was that of prostitution and other forms of illicit sexual behaviour.

e) Prostitution, Illegitimacy and the Regulation of Sexual Behaviour by the Summary Courts.

It was rare for women brought before the summary courts to be described as prostitutes. More commonly they were termed 'disorderly women' or 'loose, idle and disorderly'.[118] This was because prostitution in itself was a not an illegal activity but those making a nuisance of themselves on the streets could be arrested under the vagrancy laws. Richard Burn noted that 'a woman cannot be indicted for being a bawd generally, for that the bare solicitation of chastity is not indictable'[119]. On many occasions it was the actual nature of their actions that defined the offence. Women were accused of 'strolling' around and 'picking up men', or attempting to do so. The streets were for prostitutes, as Hitchcock noted, 'a resource to be exploited'[120]. This appropriation of the pavements for soliciting brought London's sex workers into direct confrontation with the demands of civic government for order and politeness.[121] Tony Henderson is correct when he says that 'prostitutes were charged for violating laws whose architects had had much broader, and often very different aims in mind'[122]. In the 1690s the adherents to the reformation of manners movements attempted to suppress bawdy houses and prostitution as part of their campaign to clean up the kingdom.[123] Those termed 'night walkers' could be arrested under the statute of Winchester which regulated the use of the streets after dark and stipulated the need for watching networks in urban areas. As Shoemaker found the justices of Middlesex in the early eighteenth century used their discretion to imprison

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[118] The term 'prostitute' is not commonly used before the middle of the eighteenth century. Dabhoiwala, *The Pattern of Sexual Immorality* p.88

[119] Burn, *Justice of the Peace*, Vol.3.pp.97-8

[120] Hitchcock, *Down and Out*, p.52

[121] Ogborn, *Spaces of Modernity*, p.49

[122] Henderson, *Disorderly Women* p.76

[123] Shoemaker, *Prosecution*

nightwalkers in the house of correction as representing a more expedient and effective solution than simply binding them over as the act suggested. Shoemaker's study suggests that imprisonment was by far and away the most likely punishment for women rounded up for prostitution between 1677 and 1721.[124] This may of course reflect the activities of the reformation of manners movement and their dedication to clearing the streets. However, in the later period the attitude towards prostitution seems to be much less punitive. In the sample identified in Table 7.1 there were 66 prosecutions for prostitution.[125]

Table 7.3 Outcomes of prosecutions of prostitutes at the City summary courts c.1785-1796

	Discharged	Reprimanded	Imprisoned	Other	Total
Number	15	27	18	6	66
Percentage	22.7	40.9	27.2	9.0	99.8

Source: The Minute books of the Guildhall and Mansion House Justice Rooms, data from CLA 005/01/029-030, from CLA 005/01/038-039, from CLA 005/01/051, CLA 005/01/053-054 and from CLA 004/02/001-004, from CLA 004/02/043-045. This represents a period of 378 days of which 320 would have been working days (days when the court was in session). Those imprisoned were sent to the Bridewell. 'Other' includes five persons passed to their place of last settlement and one 'sent to the Hospital'.

What is strikingly apparent from Table 7.3 is that imprisonment was not always used to punish prostitution in the last two decades of the eighteenth century. We know from Henderson's work that as the reformation for manners movement declined and its members ceased their activities the responsibility for prostitution fell back into the hands of the watch. In London the watch seem to have taken a more relaxed attitude towards the problem. Women were still rounded up and placed in the watch house but were 'frequently expelled from the watch house after a few hours without seeing any magistrate'[126]. However there was no specific or concerted attempt to limit street

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[124] Ibid. p.176 See table 7.2 in 1677 69.5% of prostitutes convicted were imprisoned, in 1693-7 this rises to 88%, 72.5% in 1712 and 89% in 1721.

[125] In all these cases the offenders can be identified as prostitutes by the language used in the minute books; e.g. 'common prostitute', 'disorderly prostitute'.

[126] Henderson, *Disorderly* p.90 There was an attempt to clamp down on bawdy houses in the wake of the 1751 report of the House of Commons Committee on the Criminal laws which among other things suggested ways in which London's 'large disorderly population and growing lawlessness' could be tackled. Beattie, *Crime*, pp. 251-2Bawdy houses were viewed, as one contemporary magistrate described, 'as manifestly tending to corrupt the morals of young persons of both sexes; and also endangering the Public by bringing together and harboring Persons of ill Fame.' T. Barlow, *Justicing*

prostitution. Instead it seems to have been left in the hands of some highly motivated individuals and to the discretion of individual magistrates. So while the minute books for the 1780s and 1790s, which have been sampled for the tables above, show that relatively few disorderly female prostitutes were being prosecuted by the courts if the minute books from 1762, 1778 and 1780 are examined it becomes clear that many more women were being brought before the justices. However, as Table 7.4 shows, the outcomes remain much the same; most of these offenders were reprimanded and discharged, although all of them had spent at least one night in the watch house or compter.

Table 7.4 Outcomes of prosecutions of prostitutes at the City summary courts 1762,1778 &1780

	Discharged	Reprimanded	Imprisoned	Passed	Total
Number	44	3	8	2	57
Percentage	77.1	5.2	14.0	3.5	99.8

Source: Guildhall Justice Room Minutes books, CLA 005/01/03, CLA 005/01/06, & CLA 005/01/10 which cover the periods 19/4/1762-14/5/1762/21/1/1778-16/2/1778/28/8/1780-2/10/1780, a period of 86 days, only 74 of which were working days. Those imprisoned were sent to the Bridewell.

The perceived increase in prosecutions in this period can be explained by the endeavours of one particular individual constable. William Payne was responsible for the prosecution of 54 of these women alone.[127] He was a member of the reformation of manners movement that reasserted itself in the second half of the eighteenth century. Payne brought in large numbers of women, sometimes as many as 13 at one time, to be charged with picking up men or disorderly behaviour. If Payne's intention was to punish such behaviour he was not always successful. The aldermen may not have shared Payne's moral outlook and certainly did not always value his words or opinions above those of other witnesses. When Jane Cox was brought in by Payne he swore to her 'wandering in Fleet Street and picking up men' and told the alderman

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Manual, (London, 1756), p.61The Magdalen House was opened in 1758 to help repentant prostitutes and enjoyed some levels of success in reforming these 'unfortunates', but just how effective it was is hard to judge. Dabhoiwala, *The Pattern of Sexual Immorality*, p.95 and Langford, *Polite and Commercial People*, p.144

[127] Payne is the subject of a forthcoming publication by Joanna Innes and as such I do not intend to dwell overmuch on his character and background. Payne was a well known individual in Hanoverian London and was involved in anti-Catholic activities including the Gordon riots of 1780. He served as a special constable for the City throughout the 1760s and 1770s and died soon after the riots.

that she had confessed to being a prostitute. Jane revealed that 'a captain of a ship had debauched her' (thereby fulfilling one contemporary view of prostitutes as the victims of powerful males, and strategically working to win the sympathy of the court as a result). [128] Yet Joseph Thompson, another constable, was also sworn and he said the prisoner had denied being a prostitute. She was discharged. Payne was thwarted, and perhaps Jane's strategy of throwing herself upon the mercy of the male dominated court was successful.[129] It may be that Payne was calculating in his strategy; while he was aware that these women were likely to be released he could at least ensure that they received some form of punishment for what he saw as their immoral behaviour. As Table 7.5 shows most street walkers were still being released by the courts without any more sanction than a simple reprimand. However, all of them had spent the previous night in a compter and those Payne arrested on Saturday night would have been incarcerated in unpleasant circumstances for two nights before they appeared on the Monday.

The attitude of the court is interesting. The discretion of the magistrate is clear from their judgements. Those sent to Bridewell were either old offenders, those that had been before the justice previously or had garnered a reputation as prostitutes, or those arrested where there was clear evidence of their offence. So Leticia Martin was sent to Bridewell after being found in the appropriately named Bagnio Court on Newgate Street in 'an indecent posture' with an apprentice.[130] However those who were recorded as appearing for the first time or as 'unknown' were reprimanded or simply discharged, Ann Evans was described as 'a poor ignorant Welch girl' and was released.[131] As King's work on discretion has established, previous good conduct was likely to elicit a more lenient reaction from the court system.[132] The strong correlation between poverty and prostitution might also help explain the sometimes lenient attitude of the magistracy. While not all London whores were poor the City aldermen

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[128] CLA/005/01/006, 22/1/1778
[129] CLA/005/01/006, 22/1/1778
[130] CLA/005/01/002, 15/10/1761, Bagnio Street did indeed exist off Newgate Street; *The A-Z of Regency London ref 14Db*
[131] CLA/005/01/006, 21/1/1778
[132] P. King, 'Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800' *Historical Journal*, 27.1. (1984)

were capable of distinguishing need from greed on occasions. Jane Cox may have seemed more deserving of sympathy (as a 'disgraced' woman unable, perhaps, to secure a position) than was Leticia who had debauched an apprentice. When Payne brought in ten women to the Guildhall on a Monday the aldermen released two of the women because he thought their arrest to be 'improper' (they were 'taken together sitting quietly in a house'), while the remaining eight were discharged on the grounds that they had in 'the opinion of the alderman suffered by imprisonment' and were now 'promising to keep out of the streets'.[133] As Hitchcock has graphically described the imprisonment of street walkers and other disorderly and unsavoury persons by highly motivated public officials could have severe consequences for those arrested in this way.[134] Sometimes the actions of the watch and patrols were seen as over officious. In 1821 a constable that charged a woman with being a prostitute was roundly criticised by the justice. The magistrate was reminded of a previous occasion when 28 women had been brought before him. The women had been

> *taken up for being found late in the street of a Saturday night, and kept in confinement till Monday morning, when they were brought before him, and it appeared that several of them were married women, who had been going home with work which their husbands or themselves had executed. "The feelings of both husbands and wives on such an occasion," said the worth Alderman, "may well be supposed, though I am certain they could scarcely be more poignant than mine were, at finding that such an outrage could be committed on the peaceable inhabitants of the city of London; but I trust it will never be repeated."*[135]

As a result of this 'outrage' the clerk at the Mansion House suggested that each watch house be issued with copies of the relevant acts of parliament dealing with street walking so that watchmen and constables could familiarise themselves with their duties and avoid arresting innocent pedestrians. This gives an insight into the attitudes of the justices which we rarely come across in the brief entries of the minute books.

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[133] CLA/005/01/010, 4/1/9/1780
[134] T. Hitchcock, 'You bitches...die and be damned'. Gender, Authority and the Mob in St. Martin's Roundhouse Disaster of 1742', in Hitchcock and Shore, *The Streets of London*
[135] *The London Chronicle*, 16/10/1821

The behaviour of individual women could certainly affect the outcomes they received in the summary courts. In September 1821 17 women were taken to the Guildhall Justice Room for examination. As the *London Chronicle* reported, they were 'altogether hopeless, they being wholly destitute of money, friends, and character, and without the slightest prospect of being able to maintain themselves out of their miserable line of life'[136]. These women had been rounded up as part of a move by the magistracy to 'clear the city of the hordes of females that nightly infest the streets'[137]. Some were remanded so that relatives and friends could come forward to vouch for them, one or two were released after promising that they would find gainful employment, while 'five of the most abandoned and hopeless were committed to Bridewell for one month'[138]. It would seem likely that periodic clampdowns on prostitution were characteristic of eighteenth-century London but that systematic and regular prosecutions of the trade were rare. This would suggest that perhaps contemporaries realised that 'commercial sex was more an outpost of poverty than anything else'[139]. For example, Mary Crowther was one unfortunate woman who turned to prostitution when she lost her position as a servant through no fault of her own when her employer, a Mrs Beaumont, 'a foreign Lady' returned home leaving Mary 'destitute'.[140] This is not to suggest that communities accepted prostitution and prostitutes at all times and in all circumstances, or that individuals did not take widely different views of the trade. This mutable attitude towards prostitution can be seen in the records of the summary courts.

Once the campaigning constable Payne had ceased his operations the levels of prosecutions for prostitution in the City fell off considerably although we do have instances where constables acted in a similar way to Payne, bringing in large numbers of women in a single swoop. In April 1793 Richard Tilcock, a regular prosecuting constable at the Guildhall, brought in 16 women and while one ran away the rest were

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[136] *The London Chronicle*, 27/9/1821
[137] Ibid.
[138] Ibid.
[139] Hitchcock, *Down and Out*, p.93
[140] Refuge for the Destitute HAD D S/4/3 17/06/1812

ordered to be taken to Bridewell 'in a cart.'[141] A similar case occurs on the following day and involved 18 women brought by another officer. Benjamin Dixon.[142] These cases were perhaps exceptional, prostitution was generally being treated alongside other disorderly behaviour,[143] and suggests that outrageous and overt behaviour was punished while activities that were more discreet, and perhaps confined to certain areas, were tolerated for the most part. This can be seen in a case that came before the Guildhall in 1793. Two constables, Pritty and Lodge, brought in three men that been involved in a disturbance that occurred when the officers had tried to arrest two prostitutes. Pritty had asked the women to move along as they were acting disreputably, 'throwing pieces of apple at gentlemen and picking up men' but they refused. When he tried to take them into custody the men had intervened, declaring that 'these women have not picked pockets, let them go!', abusing and threatening the constable. The wife of a cork dealer confirmed that the women had been behaving badly but another witness denied they were prostitutes, while yet another complained that there was an ongoing problem with such 'disorderly' women in the area. The magistrate, in the face of these conflicting reports and with the agreement of the constables, discharged the men.[144]

In the nineteenth century the new house of correction at Giltspur Street held very few prostitutes. John Teague, the keeper, told the Parliamentary committee investigating the state of the prisons in the capital that some women were held there 'for a considerable time' but only until they could be placed in the Refuge for the Destitute or the Guardian Society. Between January 1816 and January 1817 there were only seven female inmates imprisoned for misdemeanors.[145] There is some evidence that towards the end of the Napoleonic wars more prostitutes were being routinely imprisoned by the summary courts in what was perhaps another City-wide clampdown. The clerk to the Bridewell Hospital told the same Committee that in

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[141] CLA/005/01/051, 26/4/1793
[142] CLA/005/01/051, 27/4/1793
[143] As Dabhoiwala suggests, prostitution 'was defined far more in social than in sexual terms: as the whoredom of the idle and disorderly poor, and the natural concomitant of their other vices, rather than as a distinctive form of sexual relations.' *The Pattern of Sexual Immorality* p.100
[144] CLA/005/01/051, 9/4/1793
[145] *P.P.*, 1818 (275) VIII, p.157 and p.217

1814 eleven more cells were made available in Bridewell to house disorderly prostitutes. Prior to that there were just 15 cells used to house a maximum of 30 women, after the increase capacity was raised to 52. However, the former palace was rarely full. There were significant numbers of women sentenced to between seven days and one month imprisonment with 191 admitted in 1815, 295 in 1816 and 1817 in 1817.[146] Even in 1816 this suggest that relatively small numbers of prostitutes were incarcerated in the Bridewell in this period, which perhaps supports the evidence from the 1790s that most women were simply reprimanded or discharged by the courts.

Dabhoiwala has argued that prostitution cannot be viewed in isolation but in relation to other social and sexual practices.[147] With that in mind we can now turn our attention to the other instances of sexual immorality that were dealt with by the summary courts.

In December 1775 John Adams Snipes was brought before the Guildhall court on a warrant for bastardy charged with getting Arabella Todd pregnant and not supporting her. Arabella had named Snipes on oath and at the hearing he agreed to maintain the mother and child and therefore remove the need for the parish of St Mary Magdalen to support her. At this he was released.[148] This was the most likely outcome for those that appeared before the Justices of the City in this context at the end of the eighteenth century (Table 7.6).

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[146] *P.P.*, 1818 (275) VIII, p.145 and pp.227-231
[147] Dabhoiwala, *The Pattern of Sexual Immorality*
[148] CLA/005/01/004, 7/12/1775

Table 7.5 Outcomes for offenders brought for Bastardy or desertion of families in the City summary courts 1785-96

Outcome	Number	Percentage
Discharged	32	78.0
Bound/Bailed	5	12.1
Imprisoned WOS	3	7.3
Other	1	2.4
Total known	41	99.8
Destination unknown	11	-
Total	52	-

Source: The Minute books of the Guildhall and Mansion House Justice Rooms, data from CLA 005/01/029-030, from CLA 005/01/038-039, from CLA 005/01/051-052, CLA 005/01/054 and from CLA 004/02/001-004, from CLA 004/02/043-045. 'Other' was one person referred to Middlesex.

The outcomes depicted in Table 7.5 are in line with William Hunt's actions in Wiltshire, where he seems to have settled just under half of all Bastardy actions and sent very few to gaol and also of JPs in Essex where commitments to the house of correction for Bastardy are similarly rare.[149] Innes and King have both noted the use of the house of correction as a tool for the control of the labouring poor and what we may be seeing in these records for the City is the success of that strategy. [150] When fathers were brought in the threat of Bridewell may have acted as reliable prompt to persuade them to fulfill their parental responsibilities. It has been suggested that in most of England in the period 1650-1750 the rate of illegitimacy was notably low because of self-imposed restrictions of sexual behaviour.[151] However, it may be the case that London was somewhat different. Historians that have studied demographic trends[152] and patterns alongside those looking at changing attitudes towards sexuality and sexual practice[153] have suggested that London 'produced a remarkably high number of bastard children'[154]. Perhaps the peculiar nature of London life, the opportunities for sex in a society that was seemingly so much more anonymous than

[149] Shoemaker, *Prosecution* p.46, King, *Summary Courts* p.159
[150] Innes, *Prisons for the Poor* p.65 , King, 'The Summary Courts and Social Relations in Eighteenth-Century England', *Past & Present*,183, (May, 2004), p.157
[151] Hitchcock, *English Sexualities*
[152] P. Laslett *et al*, *Bastardy and Its Comparative History*, (London, 1980), E.A. Wrigley & R.S. Schofield, 'The Growth of Population in Eighteenth-Century England', *Past and Present*, 98, (1983)
[153] A. Wilson, 'Illegitimacy and its Implications in Mid-Eighteenth Century London: The Evidence of the Foundling Hospital', *Continuity and Change*, IV, 1 (1989)
[154] Hitchcock, *English Sexualities* p.39

the rural backgrounds and small urban centres that many of its immigrants had set out from, led to changes here earlier than for the rest of the country.[155]

Changing attitudes towards sexual intercourse are impossible to discern from the records of the summary courts both because of the limited numbers of cases that appeared there and because so little detail is included. The cases that the courts did consider usually ended in agreement between the parties involved, which entailed the putative father taking on the responsibility of his child. The same was largely true for those men that were summoned for abandoning their wives and families. Once again the peculiarity of London may have led more men to desert their partners than in other areas. The opportunities to disappear into the metropolis or to move abroad or join the forces were much greater than anywhere else in Britain at this time. The temptations of the City were many and varied and the pressures on relationships would have been increased in times of dearth and with the arrival of extra mouths to feed. Thomas Jones found succour in the arms of a prostitute he met at Bartholomew fair. As a consequence he lost his job and ran away from his wife and child. The officers of St. Dunstan's summoned him before the alderman at Guildhall where it was discovered that despite his many letters to his wife in which he promised to return and look after her, instead he had attempted to sell all the furniture in their lodgings , 'even the very bed his unfortunate wife and child slept upon'[156]. He was bound over, both to keep the peace and maintain his family while the prostitute he had taken up with was marched off to Bridewell for a month.[157] A journeyman printer was also imprisoned for failing to support his wife and children. He had driven his wife away through fear of his violence and the reporter remarked that the 'fellow seemed wholly devoid of the common feelings of humanity'[158].

While some men were forced to return to support their families, or at least indemnify the parish against that expense, occasionally the charge was more serious. Bigamists

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[155] T. Evans, ' "Unfortunate objects": London's Unmarried Mothers in the Eighteenth Century'. *Gender & History*, 17, 1, (April, 2005)
[156] *London Chronicle* 12/11/1818
[157] Ibid.
[158] *The London Chronicle*, 2/8/1821

were technically at risk of being hanged for their indiscretion (although it was subject to benefit of clergy and death was unlikely).[159] The first marriage had to be proved to have taken place and be legal and if the parties had been separated for seven years or more without contact (or knowledge that the other was alive) then a charge of bigamy would not have been sustained. In 1817 William White appeared before the lord mayor to answer the charge that he had made a bigamous marriage to Jemima Taylor despite still being married to Mary Buckeridge. It seems that when William married Mary she had been a woman of property but as soon as he had secured her fortune he left. Jemima was, in contrast to the fifty year old Mary, a 'fine bouncing girl about 20' who 'sobbed very much during the examination'. Her father was a local constable which probably did not help William's case and he was committed for trial.[160] White, aged 31 took his trial at Old Bailey in April and was found guilty and sentenced to a year in prison. Jemima spoke up for him, not wishing him to be punished while William's only justification for his actions was to complain that his first wife was 'always intoxicated'[161]. Thus, the overriding motivation for the prosecutors in bastardy and desertion cases was to save money. The court acted as a useful lever to force men to take their responsibilities seriously. The City court had the ultimate sanction of the Bridewell for those that would not indemnify the parish.

The regulation of sexual practices in the City summary courts was most heavily involved in the prosecution of prostitutes and in bringing those that shirked their parental and familial responsibilities to book. However it is worth briefly noting that the magistracy occasionally dealt with those accused of more 'morally corrupt' behaviour.

Homosexuality was not legal in the eighteenth century and the act of sodomy was punishable by death.[162] There were 77 prosecutions for sodomy at the Old Bailey

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[159] Burn, *Justice of the Peace*, Vol. 3, pp.312-4, headed *Polygamy*

[160] *London Chronicle* 20/3/1817

[161] www.oldbaileyonline.org trial of William White 16/4/1817, OB ref t18170416-69 (accessed 27/7/05)

[162] The offence had first been made capital in 1533 (25Hen.VIIIc.6) but was not fully applied until the reign of Elizabeth I (5Eliz.c.17) See Harvey, *Sex in Georgian England* p.122 Those receiving the

between 1750 and 1830, most of which occurred in the period 1770-1830.[163] Of these only 23 were found guilty but all were sentenced to death. The reports of trials from the 1770s provided detailed accounts of the trials but in later ones the printer refused to publish the details on account of their obscenity. This perhaps reflected the fear of contagion which underlay contemporary rhetoric concerning homosexuality. In the records of the summary court sodomy is rare. There are a couple of cases of assault where sodomy is alleged but dismissed and a brief spate of prosecutions of young men who appear to be trying to extract money from passers by on the pretext of claiming that they had been trying to buy them for sex. In the only detailed case we have the situation seems to be quite different. William Finch-Blackley and John Wagoner were discovered together in a sheep pen at Smithfield market in the early hours of the morning by the St. Sepulchre patrol. [164] One officer, Samuel Roberts, crept up on the pair and observed them 'hugging and squeezing one another about the waists' before they proceeded to have intercourse. At this point Roberts leapt up and sprang his rattle for assistance. Blackley tried to deny that he had been doing anything more than using the pen to relieve himself. Wagoner said they had simply met for a drink in a pub and that nothing untoward had occurred. However one of the officers of the patrol claimed that Blackley had tried to bribe him with five shillings to let them go.[165] This case illustrates the role of the policing agencies in regulating behaviour within the City of London. Roberts could have ignored what he saw in the sheep pen, just as William Payne could have allowed those prostitutes that plied their trade discreetly to go about unmolested.

Illicit and illegal sexual behaviour brought numerous individuals before the City justices to be examined, reprimanded, dismissed, imprisoned or made to take

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death penalty were also unlikely to obtain a reprieve. J. Beattie, *Crime and the Courts in England,1660-1800*, (Princeton, 1986) p.434

[163] www.oldbaileyonline.org (accessed 27/7/05)

[164] CLA/005/01/053, 23/4/1794

[165] CLA/005/01/053, 23/4/1794 They were both committed but there is no record of a trial at Old Bailey so perhaps the charges were dropped or the grand jury found no true bill against them. The rules governing sodomy trials were predicated on very strict guidelines surrounding the offence and the evidence to demonstrate it had taken place, this evidence may have been lacking here, see N. M. Goldsmith, *The Worst of Crimes. Homosexuality and the Law in Eighteenth-Century London*, (Aldershot, 1998) pp.34-37

responsibility (in the cases of wayward husbands and absent fathers) for their actions. The activities of some of these were occasioned by desire or greed, but many were reduced to their 'crimes' through poverty. It is to poverty and the problems of vagrancy and begging that this chapter now turns.

f) Vagrancy and Begging.

There was a recognition as early as the sixteenth and seventeenth centuries that the problem of poverty was 'an integral part of the problem of law and order'[166]. The situation was particularly problematic in London in the eighteenth century with migrants travelling to the capital from all over Britain and Ireland. Towards the end of the century a correspondent to *The World* complained that

> *the streets of London, to their utter disgrace, swarm with such people [common beggars], who come dressed out for the ceremony in all the hideousness and deformity which can be assumed!*[167]

The disciplining of the labouring poor has been identified as a major part of the work of JPs in the period.[168] In other areas considerable numbers of paupers used the summary process to press their claims for relief. This section will consider the disciplinary nature of the summary courts and then the ways in which they were used by the City's poorer inhabitants.

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[166] G. Oxley, *Poor Relief in England and Wales, 1601-1834* (London, 1974) p.15
[167] *The World*, 18/12/1790
[168] See King, 'The Summary Courts and Social Relations' and Shoemaker, *Prosecution and Punishment*

Table 7.6 Beggars, vagabonds and vagrants prosecuted before the City justice rooms. c.1784-96.

Outcome	Number	Percentage
Imprisoned	35	52.2
Passed	16	23.8
Discharged/Settled	12	17.9
Other	4	5.9
Total known	67	99.8
Destination uncertain	25	-
Total	92	-

Source: The Minute books of the Guildhall and Mansion House Justice Rooms, data from CLA 005/01/029-030, from CLA 005/01/038-039, from CLA 005/01/051-052, CLA 005/01/054 and from CLA 004/02/001-004, from CLA 004/02/043-045. Those imprisoned were sent to the Bridewell but were often then ordered to be passed back to their place of last settlement. Of the four others, two were 'sent to the Hospital'.

City aldermen used their summary powers to send beggars, vagrants and vagabonds to the Bridewell for short periods of correction and imprisonment. This sometimes followed situations where the culprit had failed to take heed of a previous warning. For example, the secretary of the Marine Society appeared before the lord mayor requesting his help in disciplining lads who had failed to the make the best of opportunities given to them to mend their ways in the past. John Hooper had run away from his ship and William Morris was charged with stealing the clothes the society had given him as well as with deserting his position. Both were sent to the house of correction for a month. The Churchwardens of Allhallows-the-Less similarly charged William Murray with pawning the clothes they had provided him with and with misbehaviour.[169] All three could be viewed as ungrateful recipients of local relief or charity and as such deserving of more rigorous punishment.

Many vagrants were simply imprisoned prior to being passed back to their place of last settlement.[170] Morris Connor appeared before the Bridewell governors in 1751

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[169] CLA/004/02/047, 28/5/1789, 1/6/1789 and 6/6/1789

[170] Settlement – the underlying principal behind 17th century poor relief was to make each community responsible for its own paupers. This principal was somewhat undermined however, by the fact that individuals tended to move around in their search for work and new opportunities. The question that troubled parish authorities was that of who was responsible for this transient population, the parish of their birth or the one to which they had moved? Oxley puts it thus: '[I]f a newcomer arrived, were they to expel him lest he become chargeable or allow him to come because there was an employment vacancy which he could fill'. Oxley, *Poor Relief*, p.19

having been sent to the prison by the lord mayor for begging in the ward of Bread Street having already escaped from being passed by the Middlesex magistrates. When Dominic Murphy was arrested for begging in the parish of St. Stephen's, Coleman Street, it was noted as being his third offence.[171] Vagrants could be whipped before being sent on, presumably to deter them from returning, and rewards were available to those who apprehended them.[172] As Table 7.6 demonstrates, most of the 92 persons arrested for begging or vagrancy for whom the outcome is clear were summarily imprisoned with a significant proportion simply being sent back to their last place of settlement. This was in line with stated practice at the time.[173] All were subject to imprisonment from one month to two years (for the worst offenders), or a public whipping after which they were sent to their place of settlement or, failing that, to their place of birth. The intention was to get them off the streets as they represented a threat to order and were a potential source of criminality. Women were often simply removed unless they were abusive. Being removed meant they did not come before the JP but were simply taken to the boundaries of the City and released, it was only when they repeatedly had to be removed that they would be sent to Bridewell.[174] Therefore, not all of those brought in for begging or as vagrants were sent to Bridewell. Elizabeth Lloyd was arrested for begging by constable Newman but was discharged 'with a caution against begging in future'[175]. John Richardson was sent to the Marine Society for the same offence.[176] Lloyd may have been pitied or not seen as a threat to law and order and Richardson, as a young boy, was a suitable object for mercy. This suggests that the penalties for vagrancy and begging were not as fixed or inflexible as they seemed, allowing the justices of the City to apply or ignore the laws as they deemed appropriate according to the nature and circumstances of the case.

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[171] GL. Bridewell Court Record Books (1751-1761) - 21st June 1751
[172] Tate: *The Parish Chest* p.193
[173] Burn, *Justice* vol. IV p.333-366
[174] *P.P.* 1814-15, (473), IV, p.252
[175] CLA/005/01/051, 1/5/1793
[176] CLA/005/01/051, 4/4/1793. The Marine Society was founded in 1756 under the influence of Sir John Fielding with the intention of sending 'young offenders and vagrants to sea, not as convicts, but properly equipped and "cured of the various distempers that are constant companions of poverty and distress".' George, *London Life* p.21

The figures for those brought before the courts for vagrancy and begging were relatively small, 92 in a period of 320 days, or one offender every three days. This would suggest that in any given year the courts saw around 100-150 beggars, vagrants and vagabonds. Given these relatively small numbers it is possible that such individuals were being dealt with somewhere else. Did the City gaols hold large numbers of beggars and vagrants at this time? The Poultry compter charge book for the period 10th November 1784 to 18th December 1784 shows that there were 77 persons admitted on vagrancy charges.[177] Most of these, 72, were listed as being passed to their place of settlement, while three were sent to the London Hospital, one to Bridewell and one was discharged without further action. Some of these individuals appeared in both the Poultry charge book and the court minutes of the Mansion House justice room but others did not. Given that so many of these vagrants were simply being passed this would suggest that some other, unseen, process was going on. The watch and constables were arresting those they found on the streets and bringing them to the watch houses and City compters but perhaps not all of these were being sent on through the justice system.

It is possible that some paupers were using the arrest process as part of a strategy of survival, manipulating 'the system to their own ends'[178]. Some of those arrested and placed overnight in the Poultry could well have been sent on their way in the morning without being taken before the lord mayor. Prison offered a temporary place of refuge and there is at least some evidence to suggest that not all desperate City dwellers feared the Bridewell or City compters.[179] Tim Hitchcock suggests that many constables and watchmen were reluctant to arrest beggars if they felt some sympathy for their plight. Even when they did they acted to assist rather than punish vagrants. As Hitchcock noted, 'Many watchmen sent the obviously ill and desperate to the workhouse door, a note in hand, rather than marching them before a justice as the law

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[177] CLA 030/01/001-012 , Poultry Compter Charge Book, Nov-Dec 1784
[178] T. Hitchcock, *Down and Out in Eighteenth-Century London*, (London, 2004), p. 180
[179] Hitchcock, *Down and Out*, p.161

directed'[180]. Being arrested for vagrancy or begging did not necessarily result in punishment, it could lead to much needed medical care or temporary access to necessary resources such as food and clothing. The watch, as the first point of contact for those forced out on the streets through poverty, had a vital communal role to play in the lives of London's mendicants. This situation may have hardened towards the end of the eighteenth century and in the early part of the nineteenth. By the 1790s imprisonment with whipping and removal from the parish were 'mandatory punishments for male beggars'[181]. However, even this stipulation must be treated with care. It cost the City five shillings for every male vagrant it had whipped and justices were naturally reluctant to punish every offender regardless of their situation.[182] Indeed when the clerk to the Mansion House was examined by a parliamentary committee in 1814 he suggested that City officers were still reluctant to prosecute vagrants, saying that

> *it is as much their duty to remove beggars as it is to apprehend thieves; but it is a duty I have found the officers more unwilling to attend than any of their other duties, for it is unpopular, and they always get abused when they lug these people to the prisons.*[183]

Table 7.7 Numbers admitted (committed) to Bridewell by the lord mayor and aldermen 1809-1817

Year	Vagrants & Disorderly	City Apprentices	Passes
1809	279	35	947
1810	198	30	387
1811	388	39	253
1812	178	36	783
1813	231	41	860
1814	240	29	558
1815	379	47	520
1816	266	28	1316
1817	244	28	2021
Totals	2124	278	6698

Source: Evidence of Richard Clark, treasurer of Bridewell 1817, Report of the Committee on the Prisons within the City of London and Borough of Southwark 8th May 1818

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[180] Hitchcock, *Down and Out*, p.143
[181] Ibid. p.160
[182] Webb, *English Local Government: The Old Poor Law*, (1927), p.381
[183] PP. 1814-15, (473), IV.p.251

Table 7.7 does suggest that considerably more individuals were being sent to Bridewell as vagrants in this period than appears to be the case in the period covered by the minute books sampled for this study. The figure noticeably rises after the end of the Napoleonic wars in 1815.

Table 7.8. A return of the number of prisoners committed to the Giltspur-Street prison 1823-1827

Giltspur	Felonies	Assaults	Misdemeanors	Vagrants	Total
1823	1079	770	2191	388	4428
1824	1139	640	2016	497	4292
1825	1179	643	1946	502	4270
1826	1093	654	1869	718	4334
1827	1169	755	2313	852	5089

Source: *P.P.* (533) Vol 4 Report from the select committee on the Police of the Metropolis, 1828.

Throughout the 1820s vagrants appear in the records of the Giltspur Compter but were not being sent to the House of Correction for formal punishment. [184] Vagrants may simply have been held in the Giltspur before being passed to their place of last settlement. The role of the London compters is still not clear and further detailed research needs to be undertaken in this area.[185]

Thus, the courts functioned to discipline beggars, vagrants and paupers but to what extent did they also exist to assist those that found themselves in need in the eighteenth century? In a small sample of examples from the 1790s several individuals were recorded as bringing parish officials before the aldermen at Guildhall to complain about non-payment of relief and sometimes of other forms of subsistence. Mary Hicks complained that the overseers of the poor of St Boltoph's had failed to provide enough relief for her son, but the alderman dismissed her claim. She tried again later in the same month arguing that he had been ill-treated in the house. She met the same cold response, the clerk recording that the magistrate felt it 'frivolous and vexatious'. [186] Rose Callaghan was similarly unsuccessful in her complaint about the Churchwardens of St Andrews, Holborn. Ann Townsend

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[184] Only four vagrants were also sent to the House of Correction in this period.
[185] Hitchcock, *Down and Out*, see footnote 29 on page 162.
[186] CLA 005 01/055, 15 2/1796

complained that the churchwardens of St Margaret Moses had refused to relieve her after her husband abandoned her and her son after having previously been obligated to pay her 2s 6d per week. The churchwardens of St Stephen's Walbrook similarly evaded prosecutions brought by the wife of a militiaman and a pauper. [187] However, these examples are only representative of the minority of cases that we can identify from the minute books. Many more may well be hidden from us because of the way in which such hearings were recorded. Perhaps this reflects two aspects of the City that may explain this lack of action by the labouring poor.

First the City was served by a workhouse system to which paupers could be sent if they requested relief, an option that was easy for the JP or the parish to administer and perhaps difficult for the pauper to avoid. Most of the workhouses used by the City parishes were located outside of the City boundaries.[188] Paupers were often 'farmed out' by the City authorities, and had been since the middle of the century or longer.[189] This practice supposedly offered value for money for the parish whilst at the same time placing the able-bodied poor in gainful employment.[190] So, while the City had few institutions within its boundaries into which to deposit their able-bodied paupers, the surrounding wider metropolis provided plenty of destinations for those that sought relief.[191]

Second this may have been compounded by the very nature of summary justice within the square mile. King suggests that the rural poor had the ability to pick and choose which JP they saw so as to achieve the outcome they desired. They could negotiate a better result for themselves by playing gentry magistrates off against

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[187] CLA/005/01/052, 3/5/1794 and CLA/005/01/055, 15/2/1796 and 24/2/1796

[188] 'The hundred and odd minute parishes of the old City, after having a joint workhouse in 1647, and again in 1698, reverted to individual poorhouses or workhouses, which were, during the eighteenth century, abandoned and reinstituted in particular parishes.' S. and B. Webb, *English Poor Law History Part 1: The Old Poor Law* (London 1927, 1963) p.215

[189] There were 14 pauper farms situated on the borders of the City by 1800 which had grown up as an entrepreneurial reaction to the lack of indoor provision within the City E. Murphy, 'The Metropolitan Pauper Farms, 1722-1834' *London Journal*, 27, 1, (2002) pp.3-5

[190] Murphy, 'The Metropolitan Pauper Farms' p.2-3

[191] See also Tim Hitchcock's new account of poverty in the Hanoverian capital: T.Hitchcock, *Down and Out in Eighteenth-Century London* (London, 2004)

middling sort parish officials.[192] However, the nature of local government in the City placed an important obstacle in the path of the pauper. City parishes were interlinked with the City wards and at the head of these wards sat the same aldermen who presided in the City courtrooms. Conflicts between parish officials and magistrates simply do not seem to be as relevant here as they were in the countryside. The aldermen of London were, for the most part, hard-nosed businessmen from the same background as the middling sorts that occupied the position of civic officialdom across the metropolis.[193] Perhaps these courts witnessed very few poor relief claims simply because the labouring poor realised that there was little value in pressing their suits at these particular institutions.

The unique situation of London, and in particular the City, may also have contributed to the apparently small numbers of paupers appearing before the summary courts. London offered considerable opportunities for work, petty crime and charitable support. Frederick Eden listed 107 almshouses, 14 'asylums for the indigent and helpless' and 17 for the 'Sick, Lame, Diseased, and for Poor Pregnant Women' in the metropolis as a whole in 1797, many of which were within the City itself.[194] The presence of numerous establishments such as these afforded the City authorities, vestries and indeed its population a range of options for dealing with the problem of poverty. Many of these may have dealt with paupers and the poor directly without the need for them to appear before the magistracy in a formal court setting.

The Chief Clerk in the lord mayor's court in 1834, Francis Hobler, indicated that paupers could regularly obtain relief by applying to the lord mayor directly.

> *"A great deal of money is dispensed in this manner at the Mansion House. A woman with a train of children comes to London to seek her husband, and cannot find him; all her money is gone, and unless she obtains immediate relief she is lost. In these instances some temporary*

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[192] King, 'Summary Courts and Social Relations'.

[193] A situation which is evident from reading the biographical notes of lord mayors in C. Welch, *A Modern History of the City of London* (1896)

[194] Sir F. M. Eden, *The State of the Poor: Or an History of the Labouring Classes in England from the Conquest to the Present Period. Volume One* (London 1797, 1966) p.459-460

relief is administered and a great deal of money is dispensed at the Mansion House with very good effect."[195]

Murphy noted that City aldermen were quite willing to side with paupers on occasions when 'they felt it justified'[196], and Hitchcock suggests that justices 'could and frequently did countermand the decisions of churchwardens and overseers' acting to the advantage of the poor in their communities.[197] Rogers has also noted that Middlesex magistrates interpreted the vagrancy laws quite widely in their attempts to retain 'wide discretionary powers' in the face of demands for more systematic carceral treatment of itinerant beggars.[198] However, Hobler also suggested that paupers who tried to abuse the system or who failed to behave would be treated firmly by the authorities. 'Refractory paupers are brought before the lord mayor, and if the cases are grave, the parties are sent to Bridewell'[199]. Paupers who refused to work would not get relief from the lord mayor, if the individual was obviously able-bodied. However, this may reflect a change of attitude in the 1830s when the system of poor relief was different.

While paupers *could* apply directly to the lord mayor for relief at the Mansion House Justice room this was not always successful. Patrick Kearney's strategy of playing off his local churchwardens against the magistracy backfired and he was forced into a workhouse outside of the City.[200] Kearney managed to get back on the streets in just over three weeks, reclothed at the expense of the parish, and then got himself admitted to Guy's Hospital. The staff there described him as a 'very singular man indeed' and he was discharged, the implication being that he was something of a nuisance. For a while Kearney was relieved by the parish but in the spring of 1768 he was once again sent to a workhouse, this time in Hoxton, by the sitting alderman at Guildhall. The case of Patrick Kearney illustrates the ways in which London's poor could navigate between the various forms of authority they encountered but not

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[195] *P.P* 1843, VIII, p.86a
[196] Murphy, 'Mad Farming in the Metropolis' p.109
[197] Ibid. p.127
[198] N. Rogers, 'Policing the Poor in Eighteenth-Century London: The Vagrancy Laws and their Administration', *Social History*, 24, (May, 1991)
[199] *P.P* 1834, VIII p.86a and p.381
[200] Hitchcock, *Down and Out*, pp.123-131.

always escape the attempts of those bodies to impose restrictions upon them. While Hitchcock's depiction of a faintly benign poor law system in London in this period is not without its problems his assertion that;

> *The system of poor relief in eighteenth-century London was extensive, expensive and remarkably comprehensive. For the settled and parish poor, it provided a resource that could not be ignored, while for the unsettled poor and migrant beggars it represented a important component in their economy of makeshift*[201]

does serve to support a contention that the local community of City parishes and wards with their networks of watchmen, constables and poor law officers operated a flexible and discretionary system of welfare provision and disciplinary control. The lives and prospects of paupers on the streets were therefore governed, to a significant extent, by the attitudes and predilections of the men that served these communities. Paupers that seemed worthwhile objects of relief, the 'deserving poor' – the sick, elderly, very young, and those genuinely in need could hope to be treated with kindness and compassion. However, those deemed 'undeserving', the unruly, rowdy, drunk or abusive and seemingly work shy members of the poorer classes were much more likely to experience the disciplinary nature of the City's poor law system. This reflected the desire of the City authorities to maintain an ordered and well governed environment.

Many of those arrested and charged as 'idle and disorderly persons' could also have been labelled as vagrants and beggars. Similarly many of the women brought as vagrants may have been arrested as nightwalkers in different circumstances. At least one writer in *The Times* felt that it was possible for the vagrancy laws to be abused by officials. He noted that even

> *a man of fortune may, on the oath of any wretch, be committed to prison for near three months, without the benefit of a bail. He has indeed a remedy afterwards, but that remedy can never atone for the injury his character, health, or fortune may receive.*[202]

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[201] Ibid, p.132
[202] *The Times*, 4/6/1790

Sitting in a doorway could get one arrested for begging, for disorderly conduct or for drunkenness if there was evidence of alcoholic consumption. It is therefore more helpful to view the prosecution and punishment of begging and vagrancy as a part of the general desire to clean up the streets of the metropolis and to remove elements that might blight commerce or represent a threat to the pockets and persons of other road users.

The City justices therefore had considerable discretion when dealing with the poorer elements of society and this could work in favour of the lower classes. There are occasional entries in the margins of the court records which point to the charity or generosity of the magistracy. Paupers or 'poor' men or women were given small amounts of money, or had the costs of their warrants or other expenses waived. The problems of poverty within the City seldom surface overtly in the minute books but the lord mayor and aldermen were not inured to the situation. The same business and social links that may have prevented the poorer sorts from manipulating the system to their advantage may also have led to relief schemes and greater charity provision. Aldermen cannot have been unaware of the links between poverty, unemployment and petty crime. Indeed the sitting alderman at Guildhall in February 1818 observed that increased crime was directly related to 'the harsh conduct too often displayed by parish officers to persons who applied to them for relief', and that he could not compel them to act differently.[203] In the post war environment of the early nineteenth century the lord mayor and aldermen were directly involved in a scheme to assist the considerable numbers of unemployed sailors who found themselves surplus to navy requirements in a time of peace. In January 1818 the *London Chronicle* published a report of a meeting held at the King's Head public house in Poultry, the purpose of which was to find 'some speedy means for relieving the numerous distressed seamen with whom the streets of London are daily crowded'[204]. The meeting agreed that it was vital that a distinction was drawn between those genuine cases worthy of help and the idle impostors who simply deserved to be treated 'with the wholesome

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[203] *The London Chronicle*, 26th February 1818
[204] *The London Chronicle*, 6-7th January 1818

severity provided by law'[205]. The minute books, with their occasional references to monies given to paupers, would seem to reflect this attitude of distinguishing between 'deserving' and 'undeserving' cases.[206] So when a subscription was raised and a boat secured to house the seamen the *London Chronicle* was quick to report that some of the recipients of the charity were less than grateful to their benefactors. James Mason had been fed and clothed and set on board the *Sapphire*, a receiving-ship on the Thames, where he proceeded to steal silverware and make off in his newly borrowed clothes. [207] Thomas Walker first absconded then, 'having pawned his clothes had the impudence to return, in the hope that he would not be recognised, for another supply'[208].

This desire to keep the City streets passable and attractive for commerce and retail is evident in the way in which the summary courts, and the associated policing and regulatory bodies, were involved in the day-to-day regulation of trade and employment in the late eighteenth and early nineteenth centuries.

g) The Regulation of Trade

The City of London in the eighteenth century was a place of business. It was the commercial heart of Britain's growing empire, as well as being an international trading centre.[209] It was, as one contemporary observer put it, 'the chiefest Emporium, or Town of Trade in the World'[210]. But for the City to function as such there had to be tight regulation of trade. Clearly the City's governors, the aldermen who represented the City's wards, were ideally suited to this role. These were men who had made their

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[205] Ibid.

[206] As Martin Daunton notes it is possible to view such philanthropy as representing an consensual relationship between the middle and working classes that was aimed at the eventual creation (in the nineteenth century) of a society 'based on shared values of decency and independence, and animosity to the undeserving poor.' Martin Daunton, 'Introduction', in Martin Daunton (Ed) *Charity, self-interest and welfare in the English past* (London, 1996) p.11

[207] Two silver table spoons, two tea spoons, two salt spoons and a cellar. *The London Chronicle* 27th January 1818

[208] *The London Chronicle* 13th February 1818

[209] A. Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (Ohio, 2004) p.6-7

[210] Earle, *City Full of People* p.3

fortunes in trade. some from relatively humble beginnings. Sir William Plomer had worked in an oil shop in Aldgate, while John Boydell had started out as an impoverished youngster from Derbyshire who made his fortune by purchasing the copyrights in the re-prints and paintings of artists.[211] Others had inherited their wealth but all must have appreciated the importance to business of rules and regulations that governed contracts of employments, payment, and other aspects of business practice. The City had one of the oldest guild networks in England, and had elected Common Councils to regulate its affairs from as early as the fourteenth century.[212] Within each trade a hierarchy existed, well illustrated in Campbell's *London Tradesman*.[213] This section will concentrate on the role of the City summary courts in the regulation of trade.

Table 7.1 showed that, after disorderly behaviour and traffic offences, the regulation of trade and the markets accounted for the largest area of business at the courts that did not involve property crime or violence. Just over 16 percent of hearings in Table 7.1 involved disputes about working practice, pay or other contractual disputes. How did these disputes manifest themselves and what can they tell us about the nature of the summary courts and their roles at the heart of City affairs? In 1793, between the 25th March and the 4th May there were 17 appearances by individuals in relation to disputes or violations of regulations governing trade. Of these seven related to non-payment for services. While this is a small sample it is typical of the types of dispute that feature in the minute books throughout the late eighteenth century. Those demanding payment were usually coachmen, specifically hackney coachmen, and carters or the owners of carts.

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[211] BL 10825 CC13 'City Biography containing anecdotes and memoirs of the rise, progress, situation, & character of the Aldermen and other conspicuous personages of the Corporation and City of London.'

[212] Common Councils were called in 1351 and again in 1377, see Ackroyd, *London* p.90

[213] R. Campbell, *The London Tradesman, Being a Compendious View of All the Trades, Professions, Arts, both Liberal and Mechanic, now practised in the Cities of London and Westminster Calculated for the Information of PARENTS, and Instruction of YOUTH in their Choice of Business* London: T. Gardner, 1747.

In the sample for 1793 Hackney coach drivers who brought in those that had refused to pay them were largely successful in obtaining the outstanding fares. But this was not always the case. The magistrate again acted here as mediator between two private individuals who were in dispute, just as they did in cases of petty violence and minor thefts. The courtroom acted as a public arena to resolve such disputes. William Vallance, summoned by Richard Lacy for refusing to pay his fare from Cheapside to Vauxhall, was ordered to pay the fare, the fee for the summons (1s) and a penalty of 1s.6d by way of compensation for the driver's time.[214] Other coachmen had similar success, getting the fare they demanded and sometimes the expenses of the summons.[215] But the court was prepared to hear contrary evidence if it was available and drivers would not always receive the outcome they wanted. William Nibb claimed that William Davis owed him 2s and 6d to cover both the fare and the turnpike fee. Davis was able to convince the court that Nibb had already been through the turnpike and had accepted 2s for his fee, the case was dismissed.[216] The problem of fares and how much should be paid exercised the minds of eighteenth century Londoners.[217] Jenner demonstrates that hackney coachmen were amongst the most regulated of all London workers with commissioners that determined just how much money they were allowed to charge for their services. The lists of fares, set out in tabulated form, such as *The London Companion*, were available to those who used the carriages. Jenner argues that this represented a commodification of space in the metropolis. It surely also illustrates an attempt to control behaviour and limit the opportunities for dispute. The attempt to regulate Hackney coachmen, a body of individuals notorious for their insubordination and independence, was also part of a gradual move to readjust the City to a changing role as a primarily *commercial* centre in the late eighteenth century.

Hackney coachmen were not the only road users that used the summary courts to settle disputes. Carters and carmen also looked to the magistracy to assist them in

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[214] CLA/005/01/051, 9/4/1793

[215] As Alexander White did in December 1788, successfully claiming his fare, the summons and 1s6d 'for the loss of time of the complainant.' CLA/005/01/038, January 178929 12/1789

[216] CLA/005/01/051, 10/4/1793

[217] Jenner, *Circulation and Disorder*

forcing their clients to pay them. In 1793 Osborne and company were prosecuted by a carman for refusing to pay the fee due for cartage. The amount of eight shillings was paid and while the minute books give no additional details other than that the affair was 'settled' we may perhaps infer that the magistrate accepted the carman's application and ordered Osborne's to comply.[218] William Young, by contrast, was able to produce evidence, in the form of his petty cash book, to show that he had already paid the cartage due to William Ruck and was discharged.[219] There might have been some prejudice against William Ruck as the minute books show that a William Ruck appeared on the 16th April charged with obstructing the passage at Galley Key and earlier on the 11th April for an assault, he was discharged on both occasions. Carmen (or carters, the name seems interchangeable[220]), like Hackney coachmen, did not enjoy a great reputation amongst London's workers as they were, 'reputedly an ill-mannered set'[221]. Their role was to ferry the various goods and commodities around the metropolis, sharing the streets with the coachmen and other road users and forever at the mercy of thieves. Notably both carters and coachmen were among the lowest of London's classes and the fact that the courts often operated as an arena for them to pressure their customers to pay them goes some way to helping us view the summary courts as theatres of negotiation open to a wide cross-section of Londoners.

Other tradesmen used the summary courts to recover monies owing to them. Both customers and employers were equally confident of using the same courts to punish those that left work unfinished or failed to deliver items that they had ordered. When David Maitland was summoned for refusing to pay a bill for fixing a chimney the magistrate played an important role in settling the dispute. After hearing the evidence the alderman halved the £2.10s bill and the disputants settled.[222] There are examples elsewhere of servants using the courts to get references from their former employers

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[218] CLA/005/01/051, 25/4/1793
[219] CLA/005/01/051, 18/4/1793
[220] C. Waters, *A Dictionary of Old Trades, Titles and Occupations* (Newbury, 1999) p.59
[221] George, *London Life* p.161
[222] CLA/005/01/051, 16/4/1793

which clearly shows that these courts were not simply a mechanism for employers to discipline and otherwise control their workers.

By contrast the City authorities regulated the way goods were traded within the City and on occasion this involved the courts directly. Justices of the peace helped to control supply of bread and foodstuffs throughout the eighteenth century, to ensure that outbreaks of popular discontent were limited particularly in times of dearth and hardship.[223] In 1795 a magistrate, called to attend a riot in Seven Dials sided with the crowd when it became clear their accusation that the baker whose property they were attacking was indeed selling his loaves at short-weight.[224] A baker's examined loaves were weighed before the Guildhall court in April 1793 and found to be short. He was summoned and fined 5s which was paid to the constable involved.[225] No other bakers appear as defendants in this sample but three women were prosecuted by a constable for 'selling stinky and unwholesome fish'.[226] The City regulated the markets at Smithfield, Billingsgate and elsewhere where disputes over trading practice, money or goods could easily become more serious problems of disorderly conduct, assault and serious violence. A highly regulated and controlled City was clearly deemed important to good governance.

Those who failed to complete work under the terms of their verbal contracts were also liable to find themselves summoned to appear before the City's magistrates. Two journeymen printers were charged by their employer with 'leaving work unfinished'[227]. No outcome was listed which suggests either insubstantial evidence and a dismissal or, which is more likely, that the court appearance was enough to persuade them to honour their previous commitment.[228] Patrick Hughes, a

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[223] See E.P. Thompson, 'The Moral Economy of the English Crowd in the Eighteenth Century', in E.P. Thompson, *Customs in Common*, (London, 1991)

[224] Ibid. p.223

[225] CLA/005/01/051 23/4/1793 the courts lists the loaves by size and then how short weight they are; so No.1 is 2oz under, No.2 1oz and so on.

[226] CLA/005/01/046, 23/6/1789 The women were reprimanded and discharged, presumably fairly quickly if they had the aforementioned fish with them!

[227] CLA 004/02/053, 17/12/1789

[228] Ibid.

journeyman leather dresser was prosecuted by his master for 'neglecting the performance of certain work in the manufacture of leather which he had undertaken to perform by permitting himself to be subsequently retained by another master before he had completed the same'[229]. However the court heard that he had done no such thing and he was discharged.[230] Servants who abandoned their masters or employment could be brought before the magistracy for punishment, and the house of correction was frequently used for such purposes.[231] Justices had the power to imprison deserting servants until they could provide surety, in effect forcing them to honour their commitments. In London restrictions were not quite as onerous as elsewhere in the country, here servants could terminate contracts with a month's notice.[232] This perhaps reflects the more fluid employment market of the capital.

How far City justices were able to exercise their discretion in the face of the abusive relationships some servants undoubtedly experienced is unclear. While the numbers of poorer Londoners appearing was small there is evidence that servants, coachmen and labourers recognised that the City courts did represent an arena within which they could air their grievances. As Hay noted, servants 'could sue in higher courts for unpaid wages' but they were more likely to use the summary courts where legislation progressively extended the powers of magistrates to rule in these cases.[233] So in 1796 Catherine Thorp was prepared to bring her former mistress, a Mrs Sharp, to the Guildhall court to complain that she had refused her a reference. The alderman advised Mrs Sharp to provide her with one.[234] A reference was a crucial document for an eighteenth-century worker, in that it symbolised respectability and honesty. The refusal to issue one could in itself be viewed as a slight on one's character. Again, as we have seen before the courts provide a public arena within which individual honour, respectability and integrity could be asserted. However, the aldermen were

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[229] CLA/005/01/004, 22/12/1775
[230] Ibid.
[231] D. Hay, 'Master and Servant in England: Using the Law in the Eighteenth and Nineteenth Centuries.', in W. Steinmetz, (Ed.), *Private Law and Social Inequality in the Industrial Age*, (Oxford, 2000) p.229
[232] Hay, *Master and Servant* p.228
[233] Hay, *Master and Servant* p.229
[234] CLA/005/01/055, 22/2/1796

not always prepared to take sides with the employee. Catherine Thorp may have successfully extracted a reference from her mistress but later in the month Elizabeth Leach and an unnamed fellow servant failed to get characters from Mrs Wigzell. There were, however, able to get her to agree to pay them monies owing to them.[235] The suggestion here is that she had dismissed them and that the court was in some way performing the role of an industrial tribunal, a role historians have previously associated with magistrates in other areas.[236] Phillip Levi was accused by his servant Frances Chessman of 'turning her out of his house and service at an unreasonable time of night and refusing to pay her wages.[237] The court found in her favour and he was ordered to pay her 4s wages and 1s expenses.[238] Four other women brought their mistresses before the Guildhall court for character references in this three month period, three were successful and one had her request dismissed. This may not be a large number of complainants but it does demonstrate that on occasions members of London's poorer class felt that the summary courts of the City were not exclusively for the use of the elites and middling sorts. Thus, justice in the City, at summary level at least, was available and useable by even the poorest and least influential members of society and not something that simply served the interests of ruling mercantile elite.[239]

This can be further developed by looking at the role of the summary courts and associated agencies played in the regulation of apprenticeship. While the apprentice was in many ways at the bottom of the employment system and therefore exposed to the vagaries of their master's personality and prosperity it is evident that they too enjoyed some limited success in seeking justice from the court system of the City. This can be shown by looking at the role played by the City Chamberlain who acted.

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[235] CLA/005/01/055, 25/2/1796, the outstanding amount was 17s.6d.
[236] See D. Hay, 'Patronage, Paternalism and Welfare: masters, Workers and Magistrates in Eighteenth-Century England', *International Labor and Working Class History*, liii, (1998)
[237] CLA/005/01/002, 23/11/1761
[238] Ibid.
[239] As King suggested, while the summary courts 'were often used by the propertied to discipline the poor, the labouring sort were also able to mobilize these courts successfully in their disputes with employers over wages and hiring.' P. King, *Crime, Justice and Discretion. Law and Society in South Eastern England 1740-1820*, (Oxford, 2000)p.362

like his magisterial counterparts, to mediate trade disputes and to discipline recalcitrant workers. The records of the Chamberlain's Court survive seemingly intact from the 1790s well into the nineteenth century.[240] These records have been sampled for the purposes of this study.

h) Apprenticeship and the role of the Chamberlain's Court.

Under sixteenth-century legislation 'no-one could exercise a trade in England or Wales unless he had first served seven years apprenticeship under a legal indenture which defined the mutual obligations of master and apprentice'[241]. In London apprenticeship offered a path to gaining a freedom of the City, which was necessary in order to trade or establish a retail outlet in the City.[242] The terms of the indenture, as set out in the Statute of Artificers, were quite specific and in the City detailed how each side should behave.[243] The master was to teach his charge his 'art', by the best means possible and should also feed and cloth and provide the apprentice with shelter for a period of seven years.[244] In return the apprentice agreed to serve him. He was to study and learn, work as required and keep his Master's (trade) secrets. Furthermore he was expected to behave himself; the indenture is quite clear on this point.

> *He shall not waste the Goods of his said Master, nor lend them unlawfully to any. He shall not commit fornication, nor contract Matrimony within the said Term. He shall not play at cards, Dice, tables or any other unlawful Games whereby his said Master may have any loss. With his own Goods or others during the said Term, without licence of his said Master, he shall neither buy nor sell. He shall not haunt Taverns or Playhouses, nor absent himself from his said Master's service Day or Night unlawfully.*[245]

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[240] The Chamberlain's court files contain the names and occupations of masters, their apprentices and how long they have served. The series is held by the LMA under COL/CHD/AP

[241] Prothero, *Artisans* p.32

[242] P. Earle, *The Making of the English Middle Class. Business, Society and Family Life in London, 1660-1730*, (London, 1989), p.85

[243] D. Hay, *Masters, Servants, and Magistrates in Britain and the Empire, 1562-1955* (North Carolina, 2004) p.6-7

[244] COL/AP/MMSS/12/4 Indenture Certificates for an example see that of Robert Brockholes indentured to Thomas Lynall, Cloth worker (1796)

[245] COL/AP/MMSS 12/4 Indenture Certificates of Robert Brockholes 1796 That this is typical of apprentice indentures outside of London is illustrated by Joan Lane's use of an almost identical document in her study, *Apprenticeship in England*, appendix one. P.251

It was when there was a breakdown in this contract or relationship that either the Chamberlain or the City justices could become involved. The summary courts could be, and were on occasion, used to prosecute unruly apprentices or negligent masters but more often these cases were dealt with by the Chamberlain in a separate court.

The relationship between the Chamberlain and the City apprentices was initiated at an early stage. All City apprentices had to be enrolled at the Chamberlain's court in their first year of indenture.[246] The enrolment process served the dual purpose of formalising the role of the Chamberlain as the arbiter of relations between employer and employee, while also demonstrating to the apprentice that poor behaviour (on either side) had potential consequences. Table 7.9 illustrates the business of the Chamberlain's court for a short period at the end of the eighteenth century and early decades of the nineteenth.

Table 7.9 Plaintiffs before the Chamberlain's court 1792-1799 and 1815-1817

Complainant	Number	Percentage	Successful	Percentage
Master	891	73.3	812	91.1
Apprentice	324	26.6	181	55.8
Total	1215	99.9	993	

Source: CLA/CHD/AP/04/02/002-003 and CLA/CHD/AP/04/02/009 Complaint book. The success achieved by apprentices in 181 cases must be qualified as it involved171 cases where *both* parties were admonished to respect their duties by the Chamberlain.

What is apparent is that in the City of London masters were much more likely to take complaints before the Chamberlain than were their apprentices. Nevertheless there are still significant numbers of apprentices prepared to use the court to seek justice.[247] In the north east of England servants and apprentices were more often those bringing complaints while in Bristol 'more than half' of accusations were brought by masters.[248] The large majority of appearances were by apprentices charged with

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[246] However, Peter Earle suggests that this was often deliberately neglected so as to facilitate 'an easy way out of what was otherwise a difficult contract to break'. Earle, *Making of the English Middle Class*, p.95

[247] As indeed Hay found to be the case in Cheshire in the early nineteenth century. See Hay, 'Master and Servant in England.' p.236-7

[248] P. Rushton, 'The Matter of Variance: Adolescents and Domestic Conflict in the Pre-Industrial Economy of Northeast England', *Journal of Social History*, 25,1,(Fall, 1991), p.92

indiscipline by their masters. Naturally this only represents the relatively small number of cases that reached the courtroom. In many instances the master would have used less formal methods of correction to discipline his charges such as corporal punishment. Joan Lane noted that by 'far the largest number and greatest variety of complaints about apprentices concerned infringements of the indenture conditions restricting the adolescent's personal behaviour'[249]. This is reflected in the cases that came before the Chamberlain.

In December 1809 Richard Howlett was prosecuted for playing Dominoes with his fellow apprentice after the family were in bed, with 'great irregularity of conduct and disobedience to his master's orders'[250]. Playing at games when they should have been in bed, and a suggestion that Richard was the elder of the two (and so responsible for setting a good example) seem to be the key factors here. William Preston was reprimanded by the Chamberlain for neglecting the terms of his indenture, absenting himself from his Master's service from Sunday morning 'till the Thursday following, great neglect of Duty, disobedience to his Master's orders, and not coming to business till 10 or 11 o'clock in the morning' [251]. He was warned that any repetition of this behaviour would result in 'punishments [that] would fall with double weights on him'[252]. Running away from service or staying out late at night were regular complaints that were levelled at apprentices, and formed a part of the discourse about adolescent behaviour throughout the eighteenth century.[253] The advice books that were written for apprenticeships contained instructions on good behaviour and warned against drinking, gaming and the pleasures of the flesh as distractions from the acquisition of a trade.[254] This cannot have been easy for teenage boys who were

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[249] Lane, *Apprenticeship* p.192
[250] CLA/CHD/AP/04/02/007, 14/12/1809
[251] CLA/CHD/AP/04/02/004, 3/10/1799
[252] Ibid.
[253] See Lane, Apprenticeship and Earle, *Making of the English Middle Class*. Daniel Defoe amongst others wrote on the subject of unruly apprentices, criminals such as Jack Sheppard and Dick Turpin were notable for having absconded from their masters. Indeed Sheppard, having been locked out of his master's (Mr. Kneebone) house perfected the skills he was later to employ in housebreaking and escapology. See T. Griffith (ed.), *The Newgate Calendar* (London ,1997) p.100
[254] Such as R. Campbell, *The London Tradesman, Being a Compendious View of All the Trades, Professions, Arts, both Liberal and Mechanic, now practiced in the Cities of London and Westminster*

expected to work in company with adults and in many ways act as adults, with a range of temptations placed within their reach.[255] The greatest temptation would appear to have been female company. Marriage was not permitted for bound apprentices[256] and London presented the young male with innumerable opportunities for licit and illicit intercourse. In September 1799 John Boswell's indenture was cancelled before the Chamberlain after he absented his master's employ and married in secret.[257] William Shonk suffered a spell of imprisonment (possibly for debt, the records are unclear on this point) and came out to find that his daughter had been 'taken advantage of' by his apprentice.[258] However, almost any behaviour could be seen as a breach of the indenture, given the wide ranging nature of that document. Therefore, apprentices accused of 'great neglect of duty, frequenting Public houses and disobedience to his orders'; 'For being repeatedly insolent, saucy and idle and not applying himself properly to his business'; 'for staying away from his work and giving very trifling excuses for it and behaving very impertinent' are all typical comments laid before the Chamberlain.[259]

This was less clear in the breaches alleged by apprentices themselves. Masters were expected, indeed obliged, to care for their charges: to feed, clothe and house them and not to mistreat them. But given that physical chastisement was an accepted part of the relationship between master and servant the degree to which a master maltreated his apprentice was hard to judge. Here the discretion of the Chamberlain must have been paramount. Not all masters were as cruel as the chimney sweeps that Joseph Hanway campaigned against.[260] Peter Rushton noted that cases of physical abuse brought by

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Calculated for the Information of PARENTS, and Instruction of YOUTH in their Choice of Business. (London: T. Gardner, 1747)

[255] Lane, *Apprenticeship* p.193

[256] Ibid. p.195

[257] CLA/CHD/AP/04/02/004, 4/9/1799

[258] CLA/CHD/AP/04/02/007, 10/12/1809

[259] CLA/CHD/AP/04/02/004 and CLA/CHD/AP/04/02/007

[260] K.H. Strange, *The Climbing Boys: A Study of Sweeps' Apprentices, 1773-1875* (London, 1982) p.37 Hanway orchestrated a campaign to regulate the trade in chimney sweeps' apprentices and published an expose of the conditions they suffered, *The State of Chimney Sweepers' Young Apprentices*, in 1774, forming associations to further reform in 1774 and 1780.

apprentices were 'but the most extreme examples of a general problem'[261]. This is perhaps demonstrated by an example from the court. Charles Bettell had been an apprentice to a copperplate printer for just over a year when he complained that his Master had been 'knocking him about with a thick rope. [and had cut] a piece out of his arm with a cane'[262]. In response his master said that the lad was 'a very careless stubborn boy, always spoiling his work, so that he has been 100 pounds out of pocket since he has been with him. Mr Chamberlain severely reprimanded lad and dismissed him.'[263] Here we see that the Chamberlain presumably believed the evidence of the printer and perhaps felt that the lad needed to settle into his position and learn the trade, a little discipline was not unwarranted. This was especially so given the poor reputation that apprentice boys enjoyed in eighteenth-century London.[264] We need to see the treatment of apprentices in the context of the age. Physical violence was an everyday factor in working lives.[265] Although few masters or mistresses were as cruel as the notorious Mrs Brownrigg who was hanged in 1767[266] masters 'who themselves worked 14 hours a day for six days a week saw nothing wrong in thus preparing children for doing so in an adult worker's life'[267]. The life of an apprentice was often a hard one with long hours, drudgery, and displacement to the bottom of the pecking order. This improved as the apprentice served his term, with new boys arriving that occupied the lowest positions and did the most menial tasks and as privileges drawn from custom were earned.[268]

Arguing that the work was too hard or caused injury drew little sympathy from the Chamberlain. Luke Hansard was a London printer who regularly appeared before the Chamberlain with a disorderly apprentice he wished to discipline. One of his lads

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[261] Rushton, 'The Matter of Variance', p.96
[262] CLA/CHD/AP/04/02/007, 5/7/1810
[263] Ibid.
[264] Francis Place describes the drinking and whoring culture of his fellows apprentices and Sim Tappertit's gang of 'prentices in Dickens' *Barnaby Rudge* provides a similar picture of youthful excess. M. Thale, (ed), *The Autobiography of Francis Place 1771-1854* (Cambridge, 1972) p.74-5
[265] Lane, *Apprenticeship* p.219
[266] Ibid. p.225
[267] Ibid. p.226
[268] Earle, *Making of the English Middle Class*, p.102

complained that the work Hansard put him to 'cracked his fingers and made them bad', the printer replied that as a consequence he had given him less painful work cleaning his boots and the boy had refused to do even this. The Chamberlain committed the apprentice to Bridewell for 14 days.[269] As Table 7.7 indicates, it was unusual for apprentices to enjoy an unqualified success in bringing accusations of poor treatment against their masters. Masters and apprentices were more likely to both receive a reprimand from the Chamberlain, by way of a reminder to them of the mutuality of their relationship, but very few masters were publicly admonished in front of their charges.[270] Henry Case, a Tallow Chandler, appeared to prosecute his apprentice of two years, Thomas Smallbones for absenteeism while Smallbones countered with a charge of 'ill-use. The Chamberlain reprimanded both of them and ordered them home to their respective duties'[271].

The families of apprentices had often paid considerable premiums for them to be educated into a trade that would support them in adult life (even if many apprentices had little or no hope of ever becoming a master). [272] In consequence masters failing to instruct their young employees could find themselves brought before the Chamberlain. In other areas apprentices would apply to the quarter sessions[273] but in London they could use the Lord Mayor's court if the Chamberlain did not bring them the outcome they desired.[274] Some apprentices summoned their masters for treating them simply as manual labourers. This was a particular concern of those young men that had entered into apprenticeships whose fathers termed themselves gentlemen. As Earle notes these future businessmen had not signed up to provide cheap labour.[275] That this last point was an area for concern is evident from an anonymous letter sent

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[269] CLA/CHD/AP/04/02/007, 30/10/1811

[270] Hay found this to be the case in 1787; indeed 'no masters were punished' at this time. Hay, *Masters, Servants, and Magistrates* p.94

[271] CLA/CHD/AP/04/02/007, December 1809, Rushton found that about one in five complainants were ordered back to their masters, their accusations dismissed. 'The Matter of Variance', p.97

[272] George, *London* p.165, Earle, *Making of the English Middle Class*, p.94 and p.85

[273] As Lane noted in Coventry. Lane, *Apprenticeship* p.214

[274] Lane noted that at the Lord Mayor's court 'the facts were tried by a jury and the Recorder decided the points of law.' P.235

[275] Earle, *The Making of the English Middle Class*, p.86

to the lord mayor in 1773.[276] The author, who styled himself *Humanitas*, complained that some employers were happier to use apprentices than to employ qualified journeymen. This, he argued, was causing poverty and forcing some craftsmen to emigrate to America in the hopes of finding work. *Humanitas* was intent upon reminding the lord mayor that he had the power to restrict the number of apprentices that a master took on (which illustrates the role of the City's chief magistrate in the regulation of trade). The line between cheap labour and an expert grounding in a trade was a fine one, and may well have caused many apprentices to challenge the treatment they received.[277] The 'overstocking' of industries with apprentices, to the detriment of journeymen, was not a new development in the 1770s but it had become much more widespread 'bringing apprenticeship itself into disrepute'[278].

Interestingly it seems that elsewhere in the country apprentices may have enjoyed greater success than in the capital with 68.9 per cent of cases in Coventry being 'the fault of the master rather than the apprentice'[279]. It is clear therefore that the Chamberlain presided over a court of industrial disputes where the advantages seemingly lay in the hands of the employer. Nearly 75 percent of all cases here were instigated by masters and even in the minority of hearings brought at the request of apprentices the court still found for the master.[280] That this sample has been taken from the late eighteenth and early nineteenth century, when a concern about juveniles was on the increase, may be significant. Apprenticeship was on the decline at this time and has been put forward as one of the reasons behind concern about juvenile delinquency in the immediate aftermath of the French wars.[281]

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[276] Misc.MSS/40/16

[277] Lane, *Apprenticeship*, p.242

[278] Ibid. p.246-7

[279] Lane, *Apprenticeship* p.214 and Hay, Douglas, *Masters, Servants, and Magistrates* Table 1.4 p.45 and Table 2.1 p.72

[280] In Hay's most recent work it seems that masters elsewhere fared worse and servants better than they did in the City of London. Perhaps this reflects the close business community of the City or more likely it could be explained by differences between the treatment of adult servants and young apprentices. See Hay, Douglas, *Masters, Servants, and Magistrates* Table 1.4 p.45 and Table 2.1 p.72

[281] H. Shore, *Artful Dodgers. Youth and Crime in Early Nineteenth-Century London* (London, 1999) p.19-22

We can now look at a sample of outcomes from cases brought before the Chamberlain between 1792 and 1817 (Tables 7.10 and 7.11) to see if there is any indication of a shift in attitudes towards apprenticeship.

Table 7.10 Apprentices as defendants at the Chamberlain's Court by year

Year	Bridewell	Admonished	Forgiven	Released	Total
1792	78	53	41	1	173
1793	57	66	22	1	146
1796	25	42	21	0	88
1797	29	49	20	0	98
1798	25	62	20	0	107
1799	27	80	12	0	119
1815	40	62	9	11	122
1816	21	54	10	0	85
1817	53	58	13	0	124
Total	355	526	168	13	1062

Source: CLA/CHD/AP/04/02/002-009 Chamberlain's Court Complaint books for selected years 1792 to 1817

Table 7.11 Masters as defendants at the Chamberlain`s Court by year

Year	Agreement	Dismissed	Released	Total
1792	15	15	0	30
1793	14	10	6	30
1796	5	5	0	10
1797	13	10	0	23
1798	20	26	0	46
1799	15	25	0	40
1815	28	31	11	70
1816	19	16	4	39
1817	21	19	0	40
Total	150	157	21	328

Source: CLA/CHD/AP/04/02/002-009, Chamberlain`s Court Complaint books for selected years 1792 to 1817

Table 7.10 shows that the Chamberlain was quite prepared to use the Bridewell as a way of disciplining troublesome or disobedient apprentices. A third of all apprentices appearing in the court were sent to Bridewell for short periods up to a month. Many more were reminded of their duties and threatened with Bridewell (49.5 percent) while a smaller percentage (15.8 percent) were forgiven on the grounds that they promised to behave better in the future. A minority of masters were allowed to cancel their indentures because of the apprentice's persistent bad behaviour or because they

transgressed in a way that allowed an immediate annulment of the contract.[282] The apprentice to printer William Preston was told that if he appeared before the court again the punishments would be more severe than just a telling off. However, the threat of Bridewell did not always work, and we can see this in some cases that reappeared before the court. For example, in April 1811 a London watchmaker brought his apprentice in for 'behaving very saucy after coming out of Bridewell.[283]' The breakdown in the relationship had come to the notice of the court in October 1810 when the lad had complained about his master's treatment of him. Then on October 30th 1810 the apprentice was sent to Bridewell for 14 days for 'not doing in three days what he ought to do in a day'[284]. However, the lad was not at all worried about facing the prospect of the Bridewell. In a show of teenage bravado when threatened with the Chamberlain he replied, 'he did not care, nor regard going to Bridewell' [285].

Tables 7.10 and 7.11 indicate differences in the treatment of apprentices over a twenty-six year period. In 1815 and 1816 notably more apprentices were released from their indentures, both at their own request and that of their masters. This was in the aftermath of the end of the French wars in 1814 when there may have been severe pressures on the economy but more importantly in 1814 the ancient apprenticeship regulations for all trades were formally abolished.[286] However it is possible that trade regulations lasted longer in London than elsewhere, in some trades at least. The weavers of Spitalfields had successfully fought off attempts to introduce a free trade in the 1760s and secured control over several aspects of their business by statute in 1773.[287] The Dyers and Hatters were less successful and deregulation occurred in their trades between 1777 and 1779.[288] To what extent did the master's particular trade affect the data?

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[282] For details of how contracts could be cancelled see Lane, *Apprenticeship*
[283] CLA/CHD/AP/04/02/007, 29/4/1811
[284] Ibid.
[285] CLA/CHD/AP/04/02/004, 18/2/1799
[286] Hay and Rogers, *Eighteenth-century English Society* p.98
[287] Ibid. p.105
[288] Sixteen dyers operated a virtual monopoly of supply of green vitriol in order to maintain prices in the early eighteenth century. Earle, *Making of the English Middle Class*, p.133

Table 7.12 Outcome of hearings by given trade of apprentices brought before the Chamberlain's Court 1792-1799 and 1815-1817

Occupation	Bridewell	Admonished	Forgiven	Released	%	Total
Building	35.7%	58.5%	4.2%	1.4%	99.8	70
Clerical	100%	-	-	-	100	1
Clothing	38.7%	48.7%	10.0%	2.5%	99.7	80
Food/drink	29.6%	58.2%	8.7%	1.1%	97.6	91
Furniture	31.0%	65.5%	3.4%	-	99.9	29
Jewellery	43.8%	47.9%	6.8%	1.3%	99.8	73
Manufacture	23.8%	66.6%	7.9%	1.5%	99.8	63
Medicine	37.9%	51.7%	10.3%	-	99.9	29
Metal trades	31.8%	63.6%	4.5%	-	99.9	44
Printing	36.2%	60.4%	1.6%	1.6%	99.8	182
Retailing	19.2%	69.2%	7.6%	3.8%	99.8	26
River Trade	17.6%	58.8%	23.5%	-	99.9	17
Service	25.7%	65.7%	8.5%	-	100	35
Specialist craft	42.1%	47.3%	5.2%	5.2%	99.8	19
Transport	41.3%	48.2%	10.3%	-	99.8	58
Total known	280	470	54	11	-	815

Source: CLA/CHD/AP/04/02/002-009, London Chamberlain's Court Complaint books. There were 76 cases omitted from this table for which the outcome was unknown.

None of the numbers for disobedient apprentices in Table 7.10 are particularly unusual, excepting printing. The numbers of appearances would seem to be commensurate with the numbers of apprentices employed. Overall it represents a broad coverage of the London trades of the time. The numbers of print apprentices brought before the court is significant. The printing industry was particularly criticised in the early nineteenth century for its employment of 'outdoor' apprentices.[289] The criticism was part of a campaign by journeymen printers against the employment of cheap labour but it also reflected back to an earlier period, in the late eighteenth century, when print houses were considered to be very disreputable places where drink was freely available.[290] The relative nature of the business also seems to be important. Slightly higher percentages of apprentices were sent to Bridewell in the trades with more valuable goods (jewellers, specialist crafts and clothing for example) and less in general retailing or the river trade. Fluctuations in

[289] George, *London* p.269

[290] Earle describes printers as 'ungenteel', grouping them with builders, coalmongers, soapmakers and wine coppers. Earle, *Making of the English Middle Class*, p.292

the trade cycle may have increased pressure on master/apprentice relationships in some trades. Schwarz argued that trade was affected by the London 'Season'.[291] From the autumn through to early June the wealthy inhabitants of London demanded the services of the capital's jewellers, silversmiths, goldsmith, printers, coachbuilders and furniture makers.[292] When they left the trade went into decline and presumably more journeymen were laid off and pressure on apprentices was likely to increase. So perhaps what we can see in Table 7.10 are the results of a seasonal decline in employment and trade that impacted more heavily on some business than others.

Masters frequently complained about apprentices that were not working as hard or as effectively as they might wish. For example, in February 1799 John Clark, a City Printer complained about his apprentice Thomas Walley declaring that he had 'not earned 5/- a week for many weeks past tho' with ease he could have earned 20/- a week'[293]. George described printers as being 'typical of the better paid London journeymen', and uses Francis Place to suggest that their wages may have been as high as 36 shillings a week in 1785 and 48 shillings by 1805 so Clark was perhaps not unreasonable in his complaint.[294]

Thus, the Chamberlain in the City of London was not seeking to upset the balance of economic and social relations between master/servant but rather to *reinforce* the ties that bind them together; the mutuality of responsibilities as outlined in the indenture.[295] As Hay suggests, 'Master and servant law was about holding people to

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[291] As well as the arrival and departure of shipping and the weather. Schwartz, *London* p.104

[292] By the 1830s the season lasted from April to July when the racing season began, it was further altered as travelling times to the capital reduced and more individuals moved between their estates more frequently. Schwarz, *London* p.106

[293] CLA/CHD/AP/04/02/004, 18/2/1799

[294] George, *London* p.167

[295] Douglas Hay has suggested that there was, in the early eighteenth century at least, a notable divergence between the treatment of misbehavior amongst servants in London and the industrial areas of the north of England. While the courts in the north were sending offenders to the house of correction for, on average, one month in London sentences of a week or two were more likely. Hay, 'Master and Servant in England.' p. 241 In a larger survey of master/servant cases Hay found that London was notably different. In 1787 71% of cases were brought by masters and in 1823-59 all prosecutions were instigated by employers. This contrasted with most other areas of the country where the ratio were

their agreements', and in regard to apprentices in the City of London the adjudication of this law fell to the Chamberlain.[296] The Chamberlain acted as an important part of the master's disciplinary armoury if he chose to use him. The threat of going before the Chamberlain must have hovered over the heads of young and wilful apprentices whose masters found them difficult to manage. However, while masters appear to have been given an easier time of it by the court we should not discount the potential embarrassment involved in being summoned before the Chamberlain. The mutual reprimand that was employed by the Chamberlain did not necessarily imply mutual guilt, it may simply have been a mechanism for reconciliation.

The Chamberlain's court was of some use to both parties in the resolution of disputes between apprentices and masters and as such it forms an important part of our understanding of the court systems in the City of London at the end of the eighteenth century. Elsewhere most master/servant disputes were dealt with by the justices either sitting their parlours or convened in formal petty sessions, other business went before the quarter sessions.[297] In London this work was separated out, at least for this form of industrial dispute, releasing the summary courts – and the magistracy – to deal with the wider regulation of the City. It also demonstrates that in London apprentices, those supposedly occupying the lower levels of the employment chain were not without agency in the late eighteenth century. The records may suggest that they had limited success in challenging the terms and nature of their employment but challenge them they did. As Rushton suggests was the case in the local courts of the Northeast, the Chamberlain's Court and the City justice rooms may have 'offered the illusion of security through individual redress'[298].

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either more balanced or favored the servant. See Hay *Masters, Servants, and Magistrates* Table 2.1 p.72 King has also shown that in parts of rural Essex in the eighteenth century the most likely prosecutors in master-servant disputes were servants. See King, 'The Summary Courts', p.142

[296] Hay, *Masters, Servants, and Magistrates* p.35

[297] King, 'The Summary Courts'

[298] Rushton, 'The Matter in Variance', p.102

Finally this analysis of regulation by the summary process in the City needs to briefly consider the way in which the City authorities attempted to control the use of the River Thames.

i) The River Thames and its Regulation by the City Courts

Reminiscing on his days as lord mayor and chief magistrate in the City, Robert Waithman wrote in 1824,

> *that "watermen are a class of people that well deserve watching. What with insulting their passengers, overloading their boats, and over charging hire, they are constantly committing offences for which they deserve to be trounced. An informer might pick up a considerable livelihood by now and then taking a row down the river."*[299]

While watermen do not seem to be prosecuted before the lord mayor or aldermen the regulation of the use of the river Thames is a regular if small part of the business of these courts.[300] When the river does feature in the minute books it is usually with the appearance of a water bailiff bringing in those who have contravened regulations relating to the taking of fish or the using of nets on the river. Those found fishing at certain stretches of the Thames at certain times or using particular forms of nets (which seem to resemble modern drag nets that catch large numbers of fish indiscriminately) are routinely fined by the courts. Here the water bailiff was functioning in a manner akin to the street keepers and market inspectors who maintained other areas of the City and enforced the regulations that governed business practice and relationships. These tended to come before the lord mayor, presumably because his jurisdiction covered the length of the river. Between November 17th 1800 and October 22nd 1801 five offenders were summoned to the

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[299] Maxims of Robert Lord Waithman some while Chief Magistrate of London (London 1824) p.33

[300] It is possible that watermen were dealt with at some other venue but it has not been possible to establish this.

Mansion House by the water bailiff in November for unspecified offences, and were all fined.[301]

The court records are not detailed enough to explore the role of the water bailiff in depth here but there are a handful of trials at the Old Bailey where these individuals are mentioned. In 1768 Richard Ellis, a fisherman, was indicted for manslaughter. The evidence of his associate, Thomas Hobbs, is revealing. Hobbs and Ellis were fishing 'just below Barnes' when they were approached by men from the water bailiff's office, led by Mr Goodchild the deputy water bailiff. As Hobbs admitted the pair were fishing with illegal nets, 'my nets were not fair nets; I mean they were unlawful, the mashes were too small' and the officers confiscated them. However, once on land it seems that Hobbs and Ellis tried to recover their nets and a fight ensued which ended in Thomas Thorne being drowned. Hobbs was shaken by his experience and promised the court; 'I own we did wrong: I will never fish with foul nets no more as long as I live'[302]. The water bailiff's men were policing the river and looking out for those operating illegally. Presumably using 'mashes' that were too small would mean that smaller or undersized fish would be caught up in it, perhaps this was one of the reasons for the regulations. The water bailiffs also seem to have had responsibility for articles found in the river. In another Old Bailey trial a witnessed complained that although one was supposed to receive a reward for recovering timber from the Thames 'when you take it to those water bailiffs, you never get any thing for it'[303]. Complaints about the water bailiffs are perhaps unsurprising, holders of regulatory offices are rarely popular members of society especially when the rules they attempt to uphold restrict the activities of those who are working in the area.

The actions of the water bailiffs were in line with those officers that patrolled the streets, wharves and markets of the capital. Across the City all manner of trading

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[301] CLA/004/02/062

[302] www.oldbaileyonline.org trial of Richard Ellis 14th January 1768, ref: t176880114-11 Accessed 28th July 2005

[303] www.oldbaileyonline.org trial of John Smith 31st May 1797, ref: t17970531-39 Accessed 28th July 2005

activity was subject to rules and regulations and infringements of these led to prosecutions before the summary courts.

Concluding remarks

The summary courts dealt with a wide variety of regulatory offences and disputes. This part of their business was vital to the smooth running of social relations in the Hanoverian capital because it enabled City residents and workers to air their grievances in a public and accessible forum. Those bringing complaints about uncompleted work and disputed fares were given the opportunity to resolve them with the assistance of the lord mayor and aldermen magistracy who were in turn aided by the Chamberlain and City solicitor. The emphasis was usually on resolution rather than punishment. The evidence suggests that, to some extent at least, these courts served all levels of London society and were not exclusively arenas for the ruling elite. However, the courts also played another role in the regulation of certain forms of behaviour that impacted more directly on the lower orders. The control of traffic and the prosecution of popular sports and pastimes, such as bull running and gambling, affected the rougher elements more than it did polite society. But how should we view these attempts at control? Was this a clampdown on popular culture as a part of the 'civilizing process' that Elias has described or a growing demand for order from shopkeepers and merchants who needed easy access and peaceful streets?[304] Or was it perhaps merely a pragmatic approach to regulating the streets? The detailed regulations for controlling the behaviour of hackney coachmen, carmen and street vendors when viewed alongside the arrest and prosecution of other 'nuisances' (those blocking the streets with rubbish or furniture for example) provide a different less ideological interpretation of the actions of the corporation.

The attempts to prevent prostitution were undoubtedly fragmentary and sporadic suggesting that there was either a recognition that the problem was impossible to solve or that its existence was generally tolerated so long as the nuisance did not

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[304] Elias, *State Formation & Civilization*

become too great. Prosecutions of prostitutes and others for immoral behaviour may also have depended to a great extent on the motivations and energies of the policing agencies. The courts also dealt with refractory paupers, vagrants and beggars brought in by the watch and ward constables. The summary courts seem to have been a part of a diverse selection of institutions that operated to assist, punish and deter mendicants in the late eighteenth-century City. It is clear that there is still much for us to understand about the treatment of poverty in this period but it would seem that the role of the lord mayor and aldermen magistrates was, in keeping with much of their work, deeply discretionary.

The courts at Guildhall and Mansion House were, to a significant extent, serving to deliver the holding gaols of the City. Each morning the Poultry and Wood Street compters, as well as Bridewell and later the Giltspur, emptied their contents for the aldermen and lord mayor to sift through. The detritus of the previous night's trawling by the watch contained many that had been found drunk and disorderly, many more may have never reached the courts having been released after a few hours in the watch house or before they came to their examinations. Most were reminded to behave better in the future and released by the magistracy. In this the courts served the City reasonably effectively as a well organised system of public discipline, never too harsh but nevertheless allowing the authorities to maintain a patriarchal grasp on its population. As with the prosecution of offenders for property and petty violence the regulation of behaviour and trade was underpinned by the use of discretion by all its participants.

Chapter 8 - Conclusions

Whilst discussing the debate surrounding Hay's definition of the criminal law as a tool of the ruling elite Innes and Styles noted that more information was required about the pre-trial process, and about how defendants came to appear in court.[1] They recognised that our understanding of how the criminal justice system was used in the eighteenth century was incomplete without better knowledge of the actions of justices of the peace and their courts of petty sessions. Just over a decade later this situation is slowly beginning to change but there is still relatively little work on the summary courts.[2] This study of the City of London's summary courts therefore offers a valuable contribution to our understanding of the criminal justice system and how it was used. In answer to Innes and Styles' request it has examined the process of pre-trial examinations and considered to what extent discretion was available throughout. In doing so it has identified a number of important points for consideration.

In the period 1780-1799 there were 3,836 trials heard by the London jury for all offences at the Old Bailey, an average of 192 per year (220 if 'not found' verdicts are allowed for).[3] Most studies that have developed our understanding of the criminal justice system in London have used data from the Old Bailey and as it was at this level that capital convictions were handed down this is an understandable strategy. However when we consider the number of hearings that were undertaken at the City of London's two summary courts towards the end of the eighteenth century it is clear that these courts were much busier. Between them they probably undertook something in the region of 7,000 hearings for all manner of offences, disputes and

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[1] J. Innes & J. Styles, 'The Crime Wave', in A. Wilson, (Ed.), *Rethinking Social History: English Society 1570-1920 and its Interpretation*, (Manchester, 1993)

[2] P. King, 'The Summary Courts and Social Relations in Eighteenth-Century England', *Past & Present*,183, (May, 2004); G. Morgan, G and P. Rushton, 'The Magistrate, the Community and the Maintenance of an Orderly Society in Eighteenth-Century England', *Historical* Research, 76, 191, (February, 2003)

[3] www.oldbaileyonline.org accessed 1/8/05. Although again the average for the 1780s is notably higher at 218 while the figure for the 1790s is down to 166. It is suggested that 14.6% of cases before the Grand Jury were returned 'not found'. See chapter five, note 9. Beattie found that on average 140 persons were prosecuted for property offences by the London jury at Old Bailey in the period 1670-1750. J. Beattie, *Policing and Punishment in London, 1660-1750. Urban Crime and the Limits of Terror*. (Oxford, 2001), Table 1.1 p.17

regulatory infringements each year. This study has also established that around 75 percent of these examinations resulted in decisions taken at this level without the need for the higher courts' involvement. Therefore we can argue that considerably more business went through the summary courts in the City of London than was considered by the Old Bailey.

The records from other summary jurisdictions in Hackney, Bedfordshire, Essex and the north east of England also suggest that local populations were used to appearing before the magistracy if not in such great numbers as in the capital.[4] Indeed the capital may well have been peculiar in this respect because of the very accessibility of the City justice rooms (as demonstrated in chapter two) and because of London's unique place in Georgian society as Britain's largest urban centre. However it can be suggested that the pattern of summary court usage was similar and that as we uncover and analyse the records of summary courts and individual magistrates throughout the country we will discover that there was an extremely widespread use of the criminal justice system at this level which requires us to revise our understanding of the nature of that system and whom it served.

The City was home to around 14,000 homes in the late eighteenth century[5] and so perhaps as many as one in two households may have come into contact with the summary courts in some capacity[6] annually. The first and fundamental conclusion of this study is therefore that in the City of London in the late eighteenth century most people experienced the law at the summary level and that Londoners did so in very large numbers. The criminal justice system, in the widest sense, was not simply the distant and somewhat mysterious or quasi-religious manifestation of state power that

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[4] A. Cirket, *Samuel Whitbread's Notebooks, 1810-11, 1813-14* Bedfordshire Historical Record Society, 50, (Ampthill, 1971) , King, 'The Summary Courts', G. Morgan and P. Rushton, 'The Magistrate, the Community and the Maintenance of an Orderly Society in Eighteenth-Century England', *Historical* Research, 76, 191, (February, 2003), Paley, R (Ed). *Justice in Eighteenth-century Hackney: The Justicing Notebook of Henry Norris and the Hackney Petty Sessions Book,* (London Record Society, 1991)

[5] COL/CHD/AD 02/006 lists the number of houses in the City as 13,921.

[6] For example, as a defendant, witness or prosecutor.

some would have us believe.[7] It was much more mundane and ordinary than that at the summary level. The crowded justice room that Hogarth depicted wherein Tom Idle miserably pleads his innocence is a much less ordered space than the county assize with its pomp and ceremony. [8] It is hard to argue that those that encountered this level of the criminal justice system on a regular basis, or who read about its proceedings in the London press and discussed it in their workplaces, alehouses and lodging rooms, would have been in awe of it to any significant extent. It is much more likely that this familiarity with the law encouraged participation and interaction with it. This leads us to consider who used the law in this period.

In chapter four we saw that prosecutors came from a wide cross section of London society. This was reiterated by many of the examples in chapters five, six and seven that looked at the nature of offending in more detail. As King noted, previous work that has concentrated on the use of summary hearings to deal harshly with poachers in rural communities has 'unintentionally distorted our understanding of the nature of summary-court hearings'[9]. The majority of those bringing complaints before the justices were 'middling men or members of the labouring poor' and not the gentry elite.[10] More work needs to be undertaken on the social status of prosecutors in summary hearings but it would appear that the evidence from the City justice rooms broadly support these findings although there were significant differences. When property offending is the focus of investigation it is perhaps to be expected that most prosecutors were those with something to lose. Therefore more of these individuals came from the middling and higher artisan and trading classes. However many more poorer individuals used the courts to prosecute those that assaulted them and this is clear despite the difficulties we have in establishing social status from the brief

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[7] D. Hay, 'Property, Authority and the Criminal Law', in D. Hay *et al: Albion's Fatal Tree. Crime and Society in Eighteenth-Century England* (London, 1975), p.29 The idea that the elite could use the court trial in the way that Hay implied is challenged by King who describes a much more unruly scene where the public were very much involved in the process. P. King, *Crime, Justice and Discretion in England, 1740-1820*, (Oxford, 200), pp.252-257.

[8] Shesgreen, Sean (Ed.): *Engravings by Hogarth* (New York 1973) *Industry and Idleness* Plate X *The Industrious 'Prentice Alderman of London, the Idle one brought before him and impeached by his accomplice* p.69

[9] King, *Summary Courts* p.154

[10] Ibid

records of examinations before the aldermen and lord mayor. When the hearings of those who brought complaints about trade and employment, and those who used the courts as a sort of industrial tribunal, are brought into the picture the numbers of poor or poverty vulnerable users increased considerably. Overall it would seem that around 17 to 20 percent of those using the courts as prosecutors were members of London's labouring poor. These members of London society therefore had the opportunity to use their discretion even if negotiation 'was not carried out between equals'[11]. Thus it is possible to reinforce recent work that has suggested that Hay underestimated the amount of agency the poor and vulnerable had in the criminal justice system.[12] While they may have been restricted in their use of the higher courts, both criminal and civil, by preventative costs no such bar existed at the summary level. Access to the City courts was much more open. The courts were centrally located, open for business six days a week, and cost relatively little in money and lost time. Moreover the holding gaols at Poultry and Wood Street allowed for the intermediate punishment of those that offended. Londoners knew that they could get their abusers locked up in unpleasant conditions for short periods that might have seemed proportionate with the injury they themselves had suffered.

These court rooms were indeed arenas of 'negotiation and struggle'[13] in which the labouring populace of London could use the law and the magistracy to improve their situation and eke advantage from difficult circumstances. Carters and coach drivers were able to force payments for unpaid fares and victims of assault found it possible to extract apologies and small amounts of compensation from their attackers. Granted, the 'room for manoeuvre may have been limited, but it was exploited to the full'[14]. It is therefore possible to suggest that this study of the use of the summary courts allows us to press the argument made by Brewer and Styles a little harder. The law was certainly not 'the absolute property of patricians' and was instead a 'limited

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[11] J. Brewer & J. Styles, *An Ungovernable People. The English and their Law in the Seventeenth and Eighteenth centuries*, (London, 1980) p.17-18
[12] Hay, *Property*, King, *Crime, Justice and Discretion*
[13] King, *Crime, Justice and Discretion*, p.361
[14] Brewer & Styles, *Ungovernable* p.20

multiple-use right' available to *all* levels of English society to some degree.[15] As has become apparent in the chapters of this study, members of the labouring poor enjoyed better success in utilising the law at summary level in certain areas (such as interpersonal violence and in pressing claims for non-payment) than they did in others. This study therefore supports the recent conclusion of Peter King that the

> *criminal law was an arena not only of terror, of exploitation, and of bloody sanction but also of struggle, of negotiation, of accommodation, and almost every group in eighteenth-century society helped to shape it, just as their behaviour was partly shaped by it.*[16]

The summary courts of the City also serviced the wider criminal justice system and were an integral part of governance and policing in the Hanoverian capital as chapters two and three described. As such they served as a filter to the 'bloody code', dealing with large numbers of offenders without recourse to jury trial. This role was also carried out by men who may have had a markedly different approach to their duties than magistrates in other parts of the country. While rural JPs were essentially amateurs that could easily avoid their magisterial duty, and those in Middlesex were entrepreneurs that traded in justice, the City's aldermen justices were unpaid amateurs that were obliged to discharge their magisterial duties as a consequence of obtaining high office in local governance. Their magisterial role must also have overlapped with their other civic duties, allowing them to implement changes to the administration and control of daily life in the City.

The magistrates that presided over the City summary courts also served the London bench at the quarter sessions and assize for the City and were aware of the need to reduce pressure on the system at the higher levels. Their experience of the regular proceedings at Old Bailey and Guildhall and Mansion House must also have helped them in their adjudications at all levels of the criminal justice system. The evidence of this study points therefore to an integrated system within which the key arbitrators, the magistracy, were well informed, in touch with their community and experienced

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[15] Ibid.
[16] King, *Crime* p.373

in administering the law. Newgate prison, the Bridewell and the City compters provided a network of institutions that could be used to discipline the populace when necessary providing alternatives to transportation and execution. The Chamberlain's court and the City's other minor courts for civil adjudication also interlinked directly and indirectly with the summary courts.

This study has also highlighted some interesting aspects of the treatment of women by the summary courts. Female defendants in property cases seem to have been much less likely to be sent on up through the criminal justice system than their male counterparts. This helps us to understand why so few reached the higher courts in the period. It should also remind us that women were accused of property crimes in significant numbers in the late eighteenth century but they were being dealt with at summary level where surviving records are rare.[17] When violent crime is the focus of analysis women were affected by the courts in different ways. Female victims of domestic violence seem to have been able to employ the summary courts of the City as part of a strategy of negotiating a better domestic situation. Their success in doing so is very hard to measure but in London women were perhaps more independent and more prepared to use the law to seek protection and to control male behaviour.[18] However, if the summary courts represented a useful, if limited, environment for female victims of male violence it would seem that those women who used violence were treated more harshly than men similarly accused. Proportionally more female defendants in assault prosecutions were imprisoned for short periods because they could not find sureties. This may be simply a practical approach from the magistracy or it could represent a different attitude towards female offenders that has been identified in a recent study.[19] This is an area that needs more research.

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[17] M. Feeley and D. Little, 'The Vanishing Female : the Decline of Women in the Criminal Process, 1687-1912', *Law and Society Review*, 25, 4, (1991)

[18] It is very difficult to compare rates of prosecutiosn for domestic violence in other areas because JPs outside of London covered ill-defined areas and a number of JPs operated simultaneously. As individuals could often choose where take their cases, and since the records of most JPs do not survive, comparison is therefore almost impossible.

[19] P. King, *Crime and the Law in the Age of Reform 1750-1850. Remaking Justice from the Margins*, (Cambridge, 2006)

The lord mayor sat at the head of a network of policing that covered most aspects of the City's life. The City marshal and his deputy represented a police force independent of the watchmen that patrolled the precincts and the day and night patrols provided a level of surveillance that was superior to that existing in most English urban areas at the time. The docks and warehouses were supervised by private watchmen paid for by the City merchants and the East India Company. Parish constables served their wards either as householders in their own right or as substitutes for those unwilling to take on this onerous responsibility. This study has demonstrated that the levels of policing were consistent with and possibly denser than those of the first half of the eighteenth century and were clearly extensive.[20] The ability and motivations of individual watchmen and constables undoubtedly varied considerably but the evidence both from the summary records and the trial reports from the Old Bailey generally support Ruth Paley's assertion that the policing of London before 1829 was not as inefficient and corrupt as contemporary writers and police historians have suggested.[21] The development of ward policing and the initiatives of individual lord mayors would also add weight to Elaine Reynolds' work on the wider Metropolis.[22] This is not to suggest that the City represented a blueprint for crime prevention or good policing but that it certainly enjoyed a better organised system of policing than other parts of London and the country. It may well be that the ability of the City to resist pressure for police reform in the late eighteenth and early nineteenth century owed something to this perceived good governance as well as to its political power. Was the City of London well policed in the late eighteenth century? Many contemporaries believed this to be the case and the structures uncovered in this study lead us to suggest that this may well have been the case although the effectiveness of policing is an extremely difficult notion to assess.

The amount of time that the Guildhall and Mansion House magistrates gave to regulating the use of the City's streets suggests that they appreciated the importance

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[20] Beattie, *Policing*

[21] R. Paley, '"An Imperfect, Inadequate and Wretched System"? Policing London Before Peel.' *Criminal Justice History*, 10, (1989)

[22] E. Reynolds, *Before the Bobbies. Night Watch and Police Reform in Metropolitan London, 1720-1830* (London, 1998)

of such work. The multiple uses of the streets of the capital necessitated a system of regulation.[23] The streets had to serve the needs of commerce, rough trade and of leisure. With several markets situated within the City, drovers had to be able to bring their cattle in despite the possibilities of disruption and chaos this might cause. The transport network had to be able to operate without blocking the streets for everyone else so restrictions had to be made and enforced to stop hackneys stopping and waiting indiscriminately. Likewise carters moving the goods of wholesalers and shopkeepers (and their clients) had to be aware that illegal parking and unloading caused problems that would be tackled by warnings and fines. Both hackney coachmen and carmen had earned reputations as surly and poorly behaved individuals but they still managed to use the courts to prosecute those that tried to avoid paying them their due. The magistracy also upheld their complaints when they felt them to be fair, demonstrating that the regulation process worked in a variety of directions.

The gradual erosion of customary rights and their replacement with a more deeply regulated society is also perhaps in evidence in the way in which the authorities clamped down, periodically at least, on immorality and the more abrasive displays of popular culture. These attempts to control certain elements of plebeian life were only partly successful as we saw with the sporadic prosecution of bull runners. Bull running was attacked throughout the eighteenth century but persisted well into the nineteenth. From the point of view of those in authority, it had no place in a 'polite and commercial' city such as London but until the nineteenth century and the establishment of professional policing the authorities simply lacked the resources to eradicate it.

Prostitution and street gambling were also elements of plebeian behaviour that exercised the minds of contemporaries quick to bemoan the decay of London.[24] Despite the vigorous efforts of constables such as William Payne prostitutes were not permanently removed from London's streets nor were they likely to be while there

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[23] As noted by Rosemary Sweet, *The English Town 1680-1840. Government, Society and Culture*, (London, 1999), p.76

[24] Hitchcock & Shore, *Streets of London* p.5

was an ongoing demand for their services. The treatment they received from the summary courts suggests, periodic clampdowns aside, a casual tolerance of their existence if they were not too obvious in their behaviour. Prostitutes that regularly appeared before the justices were described as 'old offenders' and invariably sent to Bridewell while younger and unknown women were simply reprimanded and discharged. It appears that it was their drunken behaviour on the streets that earned the opprobrium of the magistracy and their acts of soliciting and lack of respect for authority which caused them to be arrested in the first place. Their overnight incarceration was probably considered punishment enough by the aldermen in most cases. This was also true of those brought before the courts for disorderly behaviour. As has been suggested in this study the term 'disorderly' was most often used to refer to the 'drunk and disorderly' and the use of the City compters as receptacles for the nightly trawl of the streets by the patrols presumably did little more than deal with an immediate social problem. Despite contemporary protestations about drunkenness amongst the lower orders the courts rarely took any further actions against these individuals.

It appears therefore that these courts attempted to mitigate the worst excesses of popular culture and immoral behaviour whilst recognising that severe clampdowns on the behaviour of the labouring population would result in a breakdown in social relations. The City simply did not have the means to control all aspects of life and we should not be surprised that its magistrates chose to exercise discretion in order to maintain their general authority. The aldermen and lords mayor needed the City to operate for business and leisure, to some extent it needed to serve all its residents and the wider community. At times it would have been politic to turn a blind eye or issue a warning whilst at other times the use of fines and the Bridewell may have been more appropriate.

The sheer size of the wider metropolis and its difference to the rest of the country has caused some writers to suggest that social relations in the capital developed in a

markedly different way to smaller provincial towns and rural areas.[25] Historians of crime have also noted that there are differences in the urban and rural experience of crime.[26] The poverty and cramped conditions of London's lodging community may well have been conducive to the proliferation of petty squabbles and ongoing feuds, and some City residents may have been persuaded to resort to the law, especially as these courts were close by and relatively inexpensive to use. However, it is difficult to use the records of the City summary courts to make a useful comparison with the density of court use in rural areas. Rural JPs did not cover defined areas and these areas may have included other justices whose records have not survived. So instead of comparing density we have attempted to compare the mixture of different categories of cases in different sections of the study. However, this has been proved to be problematic. First, there were no legal or standard administrative procedures that governed what should or should not be recorded by the clerks of summary courts until the nineteenth century. For example, the information recorded in the minute books does not allow us to determine to what extent poor law business and employment disputes were dealt with by the City magistrates. Thus the lack of poor law adjudications and the virtual absence of master/servant disputes, both of which were major components of justicing notebooks elsewhere in the eighteenth century, undoubtedly cause other offences and disputes to predominate. Within these complex parameters it would appear probable that the city of London was hearing a higher number of regulatory practices – such as the control of prostitution and disorderly behaviour and the regulation of the streets – hardly a surprising finding given the nature of metropolitan life.

This study of summary proceedings in the City of London has both added to and consolidated some of our understanding of the administration of justice in the eighteenth century. It has also enhanced our growing understanding of social relations. London was home to a diverse cross section of society in the late eighteenth

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[25] Wrigley, E.A *A Simple Model of London's Importance 1650-1750* in Abrams & Wrigley: *Towns in Societies. Essays in Economic History and Historical Sociology* (Cambridge 1978) p.222

[26] J. M. Beattie, *Crime and the Courts in England, 1660-1800*, (Princeton, 1986) and King, *Crime*

many of whom are represented both as prosecutors and defendants in the summary courts. We need more work on the City's population to support the findings of this dissertation, in particular in relation to the poor laws, how the poor could manipulate them, and how the poor and the courts could use the charitable institutions such as the Refuge for the Destitute. It has been unclear from the research undertaken for this study where most poor law business was conducted. Very little appears to have gone through the City's summary courts. We also need a dedicated study of the London Bridewell as available histories are far too general and descriptive. Finally the history of crime clearly needs many more studies of summary proceedings from around the country and it is to be hoped that previously neglected or hidden Justicing notebooks emerge in the coming years.

The summary courts at Guildhall and Mansion House served a wide cross section of eighteenth-century London society. Members of all classes in London were brought before the courts, even the influential on very rare occasions. More crucially the courts were available for use by all these classes even if they did not all enjoy the same levels of access and success. The amount of business they conducted compared to the higher courts demonstrates that it was here that most Londoner's obtained their experience of the law. The emphasis of the courts was on the settlement of disputes. The key role of the magistrate was that of an arbiter, in the financial heart of the nation the justice of the peace was the broker of agreements between disputing City dwellers. Thus the overwhelming character of these courts was often civil rather than criminal, which suggests that we need to reflect on how we understand the criminal justice system of the eighteenth century and also how we interpret relationships within it.[27] It may be overstating the case to argue that the summary courts of the City were the 'people's' courts. But they were courts that all of the people could use; they may have been of less benefit to the poor and more useful to the propertied, the

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[27] Christopher Brooks noted that the eighteenth century saw the growth in the number of poorer defendants using the law to purpose cases of low level debt. The massive use of the summary courts in the City of London to resolve civil disputes echoes Brooks' work on the courts of request. C.W.Brooks, 'Interpersonal Conflict and Social Tension: Civil Litigation in England, 1640-1830', in Beier, Cannadine & Rosenheim (Eds.), *The First Modern Society*, (Cambridge, 1989), p.372

master artisans and traders of the City, but we cannot dismiss them as simply a disciplinary tool of the ruling elite.

Appendix A. - Social Status in the City of London.

Social status is very hard to define in mid eighteenth-century London. The 'middling sorts' can be said to have contained three different groups according to Leonard Schwarz.

> *The tradesmen and shopkeepers of the City of London and Westminster; the manufacturers, carrying and serving trades based on the Port and the outparishes of Surrey and Middlesex; and finally, belonging to the 'middling classes' by reason of status if not always of income, professional men and artists.* [1]

Contemporary estimates of social status and distribution are problematic because their authors may have had particular reasons for creating them and those that were asked their occupation or income may have been inclined to exaggerate.[2] Peter Earle's work on the early eighteenth century[3] has been useful in attempting to place individuals within the categories listed below although I recognise that this is far from foolproof. Earle notes that illiterate Londoners tended to 'cluster in poorly paid occupations' and these included coachmen and porters. His table of 'Occupations of Deponents with Selected Fortunes' provides a useful breakdown of trades that has informed the social constructions undertaken here. Some trades are notably difficult such as carpenter/joiner because they could represent small employers or journeymen. In these instances they have been placed where it seems most appropriate. i.e. amongst the tradesmen and artisans rather than higher or lower in the social scale. It is also particularly difficult to differentiate between those persons termed as merchants in

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[1] Leonard Schwarz, *London in the age of industrialisation. Entrepreneurs, labour force and living conditions, 1750-1850* (London, 1992) p51.

[2] For a discussion on the attempts of Gregory King, Joseph Massie and Patrick Colquhoun to define 'class' in the eighteenth century see P. H. Lindert and J. G. Williamson, 'Revising England's Social Tables 1688-1812' *Explorations in Economic History*, 19, (1982), pp.385-408. See also T. Arkel, 'Illuminations and Distortions: Gregory King's Scheme Calculated for the Year 1688 and the Social Structure of Later Stuart England', *Economic History Review*, LIX, 1, (2006) pp.32-69.

[3] P. Earle, *A City Full of People. Men and Women of London 1650-1750*, (London, 1994)

chapter four. I have identified the few wealthier merchants that appear as individuals that are in some ways akin to the gentry. the 'big bourgeoisie' that Rogers identified.[4] These are made up entirely of those men that served as aldermen in the City.

Thus this sample may be critiqued in a number of ways but nevertheless provides a useful rationale for discussing the nature of social status amongst those using the summary court in the City of London. Even allowing for some movement between categories I do not believe this would affect the overall outcomes in any meaningful way. The sample is arranged below under the headings that are employed throughout chapter four. The numbers next to each description record the numbers of persons with that identifier bringing prosecutions whilst the figure in parenthesis is the total for that social grouping.

i) **Gentry/ Wealthier Merchants (5)**
Alderman 5

Masters/Professionals/Merchants (66)
Book keeper 2
Brass founder 3
Broker 2
Coal Merchant 3
Dealer in glass and earthenware 1
Dentist 1
Druggist 1
Gentleman/Esquire 12
Glass Manufacturer 1
Grocer 1
Herbalist 1
Jeweller 2
Linen Draper 4
Master (unspecified) 17
Master Carman 2
Master Tin Plate worker 1
Merchant (unspecified) 2
Optician 1
Pipe merchant 1

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[4] N. Rogers, 'Money, Land and Lineage: the Big Bourgeoisie of Hanoverian London', *Social History*, 4.3, (October, 1979)

Ship's master 1
Soap Dealer 1
Yeoman 6

Tradesmen/Artisans (102)
Blacksmith 1
Boro' factor 2
Breeches maker 3
Calico-glazier 1
Card maker 2
Carpenter/Joiner 7
Clerk 1
Cutler 1
Dressmaker 1
Dyer 1
Engineer 1
Haberdasher 4
Hairdresser 2
Hosier 1
Ironmonger 1
Ivory turner 1
Landlord 9
Painter 2
Pawnbroker 4
Peruke maker 2
Pewterer 1
Post Officer worker 1
Print Seller 1
Ribbon Manufacturer 1
Saw maker 1
Shoemaker 3
Shopkeeper 10
Stationer 1
Tobacconist 1
Turncock 1
Victualler/Publican 30
Watchmaker 4

Poverty Vulnerable (67)
Baker 1
Butcher 7
Chandler 2
Cheesemonger 3
Fishmonger 2
Framework knitter 1
Hackney Coachman 30

Journeyman (unspecified) 2
Leather Dresser 2
Pastry Cook 2
Poulterer 2
Rider 1
Salesman 2
Slopseller 1
Stall Holder 1
Stonemason 1
Tailor 2
Tinplate worker 1
Warehouseman 3
Weaver 1

Labourers/poor (47)
Carter 17
Chimney Sweep 1
Coal-heaver 1
Labourer 5
Pauper 4
Porter 4
Servant (unspecified) 15

City Officials (303)
Beadle 1
Church Warden 22
City Marshall 2
Constable 182
Customs officer 1
Keeper of Newgate 1
Lottery Hall Keeper's Assistant 1
Master of the Workhouse 2
Officer of the Mint 1
Overseer 12
Secretary of Marine Society 2
Street keeper 20
Toll Collector 4
Ware Bailiff 1
Watchman 43
Watchman on the Quays 3

Others (22)
Husband (domestic assault) 2
Spinster 2
Widow 1
Wife (domestic assault) 17

Bibliography

Archival Sources

London Metropolitan Archives[1]

The Guildhall and Mansion House Courtrooms

CLA/005/01/001-055, Guildhall Justice Room Minute Books Series. 1752-1796
CLA/004/02/001-066, Mansion House Justice Room Minute Books Series. 1784-1821
CLA/004/03/001 Information Book, 15/11/1792-16/3/1793
CLA/004/03/006 Summonses Book, 9/7/1798-7/11/1798
CLA/004/03/007-010 Recognizances Books, 12/11/1800-17/10/1803
CLA/004/03/017, Letter Book, 16/11/1808-18/3/1810
CLA/004/09/002 List of Fees to be taken by Clerks in waiting at the Lord Mayors. 1753
CLA/004/09/007 Mansion House, Prisoners by whom committed and discharged. 5/6/1785 – 15/2/1787
CLA/004/09/014 Daily Rota agreed for the attendance of Justice at Guildhall (no date).

Constables and Wardmotes

COL/WD/02/001 Miscellaneous returns of aldermen, common councilmen, constables etc. 1683-1711
COL/WD/02/011 Wardmotes, 18th century
COL/WD/02/028 Wardmote inquest 1721-1851
COL/AD/04-05, Ward Presentments Series
CLA/015/AD/02/032 Contains warrants for payments to constables and others for apprehending those driving cattle without a license.
CLA/048/PS/01/013 Relates to constables
CLA/MMSS 181 constables returns 1812
CLA/MMSS 391 Extracts from the court of aldermen - appeals against serving as constable or inquest man.
CLA/MMSS 226 various relating to constables - refusals to serve etc

City Gaols

CLRO 236D/8 Wood Street compter charge book from 1785 onwards.
CLA/030/01/001-012 Poultry Compter Charge Books. Feb 1782-Sept 1813
CLA/030/01/023 Giltspur Compter commitment book, 1811 to 1823

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[1] The Corporation of London Archives moved to amalgamate with the LMA in the summer of 2004. Where possible I have provided the new LMA finding reference but for the few sources that this has proved impossible the original CLRO reference has been adhered to.

The London Sessions
CLA/047/LJ/03/001-008, Sessions of the Peace Files (includes calendar of prisoners in Wood Street & Poultry Street Compters)
CLA/047/LJ/04/149, Sessions Minute Book (Fair) Dec 1784-Jan 1785
CLA/047/LJ/06/001 Sessions of the Peace Minute Books Feb 1785- Feb 91
CLA/047/LJ/01/1115-23 London Sessions of the Peace and Gaol Delivery. 13/1/1784-12/1/1785
CLA/047/LJ/03/001-118, London Sessions of the Peace Files. 21/2/1785-2/12/1799 (Series runs from 1785-1927)
CLA/047/LJ/05/001 Sessions of Gaol Delivery and Oyer & Terminer minute book (fair) Feb 1785-Feb 1789

The Chamberlain's Court/Apprentices
CLA/CHD/AP/04/02/002-009 Chamberlain`s Court Complaint books
COL/CHD/AP/01/004 Inrolment of Apprentices` Indentures Book
CLRO Misc.MSS/40/16 'Humanitas' letter

Other sources from the LMA
COL/CHD/AD/02/006, Military & Naval. raising men for the navy 1795. Clerk to the commissioners of taxes, lists of parishes, wards. number of houses and quotas of men
CLA/004/03/011, Water Bailiffs Charges 1807 – 1809
CLA/CA/01/153-208 Court of Aldermen Repertories, 1754-1800
CLA/015/AD/02 Under the statute, 'An Act to Prevent the Mischief's that arise from the Driving of Cattle within the Cities of London and Westminster and Liberties thereof, and Bills of Mortality.' Geo III (21st year)
CLRO PD.48.16 1724 Geo. I CAPXVIII (1725) An act for the regulating Elections within the City of London and for preserving the Peace. good Order. and Government of the said City.
COL/SJ/06/028 An Abstract of the By-laws and Ordinances of Hackney Coaches. Dated from 24th June 1717
COL/SP/05/084 Rules and Ordinances for the Regulation of Carmen (no date)

<u>Guildhall Library records</u>
Ms 33131/1 & 2 - Prison Committee Minute books 1775-1802 (2 volumes)
Ms 33132 1-12 Prison Sub-committee books 1792-1854 (12 volumes)
Ms 33137/2 Prisoner's admission and discharge book for 1773.
Ms 33138 Prisoner's Committal books 1809-1916 (9 volumes)
Ms 33140/1-14 Weekly returns of prisoners in custody 1817-30
Bridewell Court Record Books (1751-1761) - 21st June 1751
MS33051 Bridewell Case Book
MS33045 1842 "Respecting the power of the Lord Mayor and Aldermen as magistrates of the City to commit offenders to Bridewell"

<u>The National Archives</u>
KB10/44, Court of King`s Bench, Crown Side. Indictments 1785-1786
KB29/444. Court of King`s Bench. Crown Side. Controlment Rolls

Parliamentary Papers
Report of the Select Committee on the State of the Nightly watch of the Metropolis. 1812 (127) II. 95
Report of the Select Committee on the State of the Police of the Metropolis. 1816 (510) V. 1
First Report of the Select Committee on the State of the Police of the Metropolis. and the Execution of the Law for Licensees and Victuallers. 1817 (233) VII. 1
Second Report of the Select Committee on the State of the Police of the Metropolis. and the Execution of the Law for Licensees and Victuallers. 1817 (484) VII. 321
Report of the Select Committee on the State of the Police of the Metropolis. 1822 (440) IV. 1
Report of the Select Committee on the Causes of Increase in Number of Commitments and Convictions in London and Middlesex, and the State of the Police in the Metropolis, 1828 (533) VI. 1
Report of the Select Committee on the State of Newgate Gaol. and Poultry. Giltspur-street, Ludgate and Borough Compters. 1813-14 (157) IV. 249
Report of the Select Committee on the State of Gaols in London, 1813-14 (152) IV. 249
Report of the Select Committee on the Prisons within the City of London and Borough of Southwark, 1818 (275) VIII. 297
Return of Stipendiary Magistrates Metropolitan Police Offices, 1812 (55) X. 273
Bill to Facilitate Summary Proceedings before Justices of the Peace. 1821 (625) III. 11
Return of Number of Persons Charged with Criminal Offences in London and Middlesex, 1806-10. 1812 (21) X. 215
Return of Number of Persons Committed for Trial at the Sessions for London and Middlesex, 1810-12. 1813-14(336) XIII.195
Bill to Amend the Laws Relating to Vagrancy. 1821 (564) II. 1105
Report of the Select Committee on the State of Mendicity in the Metropolis. 1814-15 (473) III. 231
Report from His Majesty's Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws. Appendix A. Part III. 1834 (44) XXIX. 111
Second Report of the Commissioners appointed to enquire into the Municipal Corporation in England and Wales (London and Southwark), 1837 (239) XXV. 1
Population from the 1801 census 1831 (1) XVIII

Newspaper Sources
The Argus
The London Chronicle
The Times
The World

Web Resources

Oxford Dictionary of National Biography www.oxforddnb.com
Old Bailey Proceedings Online www.oldbaileyonline.org
The Times digital archive http://www.gale.com/Times/

Printed Primary Sources before 1900

Anon 'City Biography containing anecdotes and memoirs of the rise, progress, situation, & character of the Aldermen and other conspicuous personages of the Corporation and City of London.' (1800) BL 10825

Barlow, T. *Justicing Manual* (1765)

Blackstone, W. *Commentaries on the Laws of England volumes 1-4* (Oxford 1765, London 1979)
Blizzard, W. *Desultory Reflections on Police* (1785)

Burn, R : *Justice of the Peace and Parish Officer* (London, 1785)

Campbell, R. *The London Tradesman, Being a Compendious View of All the Trades, Professions, Arts, both Liberal and Mechanic, now practiced in the Cities of London and Westminster. Calculated for the Information of PARENTS, and Instruction of YOUTH in their Choice of Business.* (London: T. Gardner, 1747)

Cirket, A. F. *Samuel Whitbread's Notebooks, 1810-11, 1813-14* Bedfordshire Historical Record Society, 50, (Ampthill, 1971)

Colquhoun, P. *A Treatise on the Police of the Metropolis* (1795)

Copeland, A.J. *Bridewell Royal Hospital past and present* (1888)

Crittall, E (Ed.) *The Justicing Notebook of William Hunt, 1744-1749* (Devizes 1982)

Deveil, Sir T : *Observations on the Practice of a Justice of the Peace: Intended For Such Gentlemen As Design to Act for Middlesex or Westminster* (London 1747)

Deveil, Sir T: *Memoirs of the Life and Times of Sir Thomas Deveil, Knight, One of His Majesty's Justices of the Peace for the Counties of Middlesex, Essex, Surry and Hertfordshire The City and Liberty of Westminster, The Tower of London, and the Liberties thereof.* (London 1748)

Dickinson, W. *A Practical Exposition of the Law Relative to the Office and Duties of Justice of the Peace* (1813)

Dornford, J. *Nine letters to the Lord Mayor and Aldermen of the City of London on the state of the Prisons and Prisoners within their Jurisdiction.* (1786). BL. T.158(5)

Fielding, H : *An Enquiry Into the Causes of the late Increase of Robbers, & with some Proposals for Remedying this Growing Evil.*(London 1751)

Fielding, Sir J , *An Account of the origin and effects of a Police set on foot by His Grace the Duke of Newcastle in the year 1753, upon a plan presented to his Grace by the late Henry Fielding, esq. To which is added a plan for preserving those deserted Girls in this Town, who become Prostitutes from Necessity.* (London 1780) BL103.L16)

Fielding, Sir J. *Extracts from such of the Penal Laws as Particularly relate to the Peace and Good Order of this Metropolis* (1762)

Jeaffreson, J.C : *Brides and Bridals* (1872)

Lamoine, G (Ed.), *Charges to the Grand Jury, 1689-1803.* Camden Fourth Series, 43. (London, 1992)

Morgan, G and Rushton, P. (Eds.), *The Justicing Notebook (1750-64) of Edmund Tew, Rector of Bolton*, (Woodbridge, 2000)

Paley, R (Ed). *Justice in Eighteenth-century Hackney: The Justicing Notebook of Henry Norris and the Hackney Petty Sessions Book*, (London Record Society, 1991)

Stone, J. *The Practice of the Petty Sessions* (London 1838)

Thale, M (Ed), *The Autobiography of Francis Place 1771-1854.* (Cambridge, 1972)

Waithman, R. *Maxims of Robert Lord Waithman some while Chief Magistrate of London*, (London, 1824)

Wade, J: *A Treatise on the Police and Crimes of the Metropolis* (1829)

Welch. C: *Modern History of the City of London* (London. 1896)

Willcock, J.W: *The Office of Constable.* (London, 1827) BL516.k.25

The Deposition Book of Richard Wyatt, JP, 1767-1776. (Surrey Record Office)

Published Secondary Sources Post 1900

Abrams, Phillips & Wrigley. *Towns in Societies. Essays in Economic History and Historical Sociology*, (Cambridge. 1978)

Ackroyd, P. *London. The Biography* (London, 2003)

Andrew, D.T. 'Aldermen and Big Bourgeoisie of London Reconsidered', *Social History*, 6, 3, (October, 1981), pp.359-364

Andrew, D T. *Philanthropy and Police. London Charity in the Eighteenth Century*. (Princeton, 1989)

Anon. *The Corporation of London. Its origin, Constitution, Powers and Duties*. (Oxford, 1950)

Archer, J. E. 'Men behaving badly'?: Masculinity and the uses of Violence, 1850-1900', in D'Cruze, S. *Everyday violence in Britain, 1850-1950* (Longman, 2000)

Arkel, T. 'Illuminations and Distortions: Gregory King's Scheme Calculated for the Year 1688 and the Social Structure of Later Stuart England', *Economic History Review*, LIX, 1, (2006), pp.32-69

Arnot, L and Usborne, C (Eds.), *Gender and Crime in Modern Europe*, (London, 1999)

Ashton, R. 'Popular Entertainment and Social Control in Later Elizabethan and Early Stuart London', *The London Journal*, 9, 1, (Summer, 1983), pp.3-19

Beattie, J.M. 'The Criminality of Women in Eighteenth-Century England', *Journal of Social History*, 8, (1975), pp.80-116

Beattie, J.M. 'Violence and Society in Early-Modern England', in Doob, A and Greenspan, E (eds.), *Perspectives in Criminal Law*, (Canada, 1984)

Beattie, J.M. *Crime and the Courts in England, 1660-1800*, (Princeton, 1986)

Beattie, J.M. 'Crime and Inequality in Eighteenth-Century London' in Hagan, J and Peterson, R. *Crime and Inequality* (Stanford, 1994)

Beattie, J. M. *Policing and Punishment in London, 1660-1750. Urban Crime and the Limits of Terror*. (Oxford, 2001)

Beaven, E. *The Aldermen of the City of London* (London, 1908)

Beier, A.L & Finlay, R (Eds.), *London 1500-1700. The making of the metropolis* (London, 1986)

Bertelsen, L. 'Committed by Justice Fielding: Judicial and Journalistic Representation in the Bow Street Magistrate's Office January 3-November 24, 1752'. *Eighteenth-Century Studies*, 30, 4, (1997), pp.337-363

Borsay, P. *The English Urban Renaissance. Culture and Society in the Provincial Town, 1660-1770*, (Oxford, 1989)

Borsay, P (Ed.). *The Eighteenth Century Town. A Reader in English Urban History 1688-1820*, (London, 1990)

Brewer, J & Styles, J. *An Ungovernable People. The English and their law in the seventeenth and eighteenth centuries*, (London, 1980)

Broad, J. 'Parish Economies of Welfare 1650-1834' *The Historical Journal*, 42, 4, (December, 1999), pp.985-1006

Brooks, C.W. 'Interpersonal conflict and social tension: civil litigation in England, 1640-1830' in Beier, Cannadine & Rosenheim (Eds.) *The First Modern Society*, (Cambridge, 1989)

Brooks, C.W. *Lawyers, Litigation and English Society Since 1450* (London, 1998)

Byrne, R. *Prisons and Punishments of London*, (London, 1989)

Cardwell, M.J. *Arts and arms. Literature, Politics and Patriotism during the Seven Years War (*Manchester, 2004)

Carter, P. An 'Effeminate' or 'Efficient' Nation? Masculinity and eighteenth-century social documentary', *Textual* Practice, 11, 3, (Winter, 1997), pp.429-443

Chalklin, C.W. 'The Reconstruction of London's Prisons, 1770-1799: An Aspect of the Growth of Georgian London.', *The London Journal*, 9, 1, (Summer, 1983), pp.21-34

Clark, A. *Women's Silence, Men's Violence: Sexual Assault in England, 1770-1845* (London, 1987)

Clark, A. 'Humanity or Justice? Wife beating and the Law in the Eighteenth and Nineteenth Centuries', in Smart, C (ed) *Regulating Womanhood. Historical Essays on marriage, motherhood and sexuality*, (London, 1992)

Clark, A. *The Struggle for the Breeches. Gender and the making of the British working class*, (London, 1995)

Clark, P. *The English Alehouse. A Social History*. (London, 1983)

Clark, P (Ed.), *The Cambridge Urban History of Britain. Volume II, 1540-1840*. (Cambridge, 2000)

Cockburn, J.S and T.A. Green (Eds.). *Twelve Good Men and True. The Criminal Trial Jury in England 1200-1800*, (Princeton, 1988)

Cockburn, J. S. 'Patterns of Violence in English Society: Homicide in Kent, 1560-1985', *Past and Present*, 130, (1991), 70-106

Conley, C. *The Unwritten Rule. Criminal Justice in Victorian Kent*. (Oxford, 1991)

Corfield, P.J. *The Impact of English Towns, 1700-1800*. (Oxford, 1982)

Critchley, T.A. *A History of Police in England and Wales*. (London, 1978)

Cumberlege, G . *The Corporation of London*, (London. 1950)

Dabhoiwala, F. 'The Pattern of Sexual Immorality in Seventeenth and Eighteenth-Century London', in Griffiths, P and Jenner, M (Eds.), *Londinopolis: Essays in the Cultural and Social History of Early Modern London* (Manchester, 2000)

Dabhoiwala, F. 'Summary Justice in Early Modern London', *English Historical Review*, CXXI, 492, (2006) pp.796-822

Davidoff, L. *Family Fortunes: Men and Women of the English Middle Class, 1780-1850*, (London, 1987)

Davis, J S. 'Prosecutions and Their Context. The Use of the Criminal Law in Later Nineteenth-Century London', in Hay, D & Snyder, F (Eds.) *Policing and Prosecution in Britain, 1750*, (Oxford, 1989)

Davison, L (Ed). *Stilling the Grumbling Hive the response to social and economic problems in England, 1689-1750*, (Stroud, 1992)

De Krey, G. S. *A Fractured Society. The Politics of London in the First Age of Party 1688-1715*, (Oxford, 1985)

Devereaux, S and Griffiths, P. (Eds.). *Penal Practice and Culture, 1500-1900. Punishing the English*, (Basingstoke, 2004)

Dobson, C.R. *Masters and Journeymen. A Prehistory of Industrial Relations 1717-1800* (London, 1980)

D'Sena, P. 'Perquisites and Casual Labour on the London Wharfside in the Eighteenth Century', *The London Journal*, 14, 2, (1989), pp.130-147

Earle, P. 'The female labour market in London in the late seventeenth and early nineteenth centuries', *Economic History Review*, XLII, 3 (1989), pp.328-353

Earle, P. *The Making of the English Middle Class. Business, Society and Family Life in London, 1660-1730*, (London, 1989)

Earle, P. *A City Full of People. Men and Women of London 1650-1750* (London, 1994)

Eisner, M. 'Modernization, Self-Control and Lethal Violence. The Long-Term Dynamics of European Homicide Rates in Theoretical Perspective', *British Journal of Criminology*, 41, 4, (Autumn, 2001), pp.618-638

Elias, N. *State Formation & Civilization. The Civilizing Process, Volume 2.* (Oxford, 1982)

Emsley, C. *Policing and its Context 1750-1870*, (London, 1983)

Emsley, C. *Crime and Society in England, 1750-1900*, 2nd edition, (London, 1996)

Emsley, C. *The English Police. A Political and Social History*, (London, 1996)

Evans, E. J. *The Forging of the Modern State 1783-1870*, (London, 1983)

Evans, T. '"Unfortunate objects": London's Unmarried Mothers in the Eighteenth Century', *Gender & History*, 17, 1, (April, 2005), pp.127-153

Evans, T. *'Unfortunate Objects': Lone Mothers in Eighteenth-Century London*, (Basingstoke, 2006)

Everitt, A. 'The English Urban Inn, 1500-1760' in Everitt, A (Ed), *Perspectives in English Urban History*, (London, 1973)

Feeley, M & Little, D. 'The Vanishing Female : the Decline of Women in the Criminal Process, 1687-1912', *Law and Society Review*, 25, 4, (1991), pp.719-757

Finn, M. *The Character of Credit. Personal Debt in English Culture, 1740-1914*, (Cambridge, 2003)

Fletcher, A.J. *Gender, Sex and Subordination in England. 1500-1800*. (London. 1995)

Flynn, S & Mark, S. 'Petty Criminal, Publicans and Sinners: petty sessions records in the Berkshire Record Office.' *Journal of the Society of Archivists*, 16. 1. (1995). pp.41-53

Foucault, M. *Discipline and Punish. The Birth of the Prison*. (London. 1977)

Foyster, E. *Manhood in Early Modern England: Honour, Sex and Marriage*. (London, 1999)

Foyster, E. *Marital Violence. An English Family History, 1660-1857* (Cambridge. 2005)

Friedrichs, C. R. *The Early Modern City 1450-1750*. (London. 1995)

Gadd, I. (Ed.), *Guilds, Society and Economy in London, 1450-1800*, (London. 2002)

Gatrell, V.A.C. *The Hanging Tree. Execution and the English People 1770-1868*. (Oxford, 1994)

George, M.D. *London Life in the Eighteenth Century*. (London, 1925)

Godfrey, B., Farrall, S and Karstedt, S: 'Explaining Gendered Sentencing Patterns for Violent Men and Women in the Late Victorian and Edwardian Period', *The British Journal of Criminology*, 45, 5, (2005), pp.696-720

Godfrey, B and Lawrence, P. *Crime and Justice 1750-1950* (Cullompton, 2005)

Goldsmith, N. M. *The Worst of Crimes. Homosexuality and the Law in Eighteenth-Century London*, (Aldershot, 1998)

Gowing, L. *Domestic Dangers: Women, Words and Sex in Early Modern London*. (Oxford, 1996)

Green, D. R. *From Artisans to Paupers: Economic Change and Poverty in London, 1790-1870*, (Aldershot, 1995)

Griffin, E. *England's Revelry. A History of Popular Sports and Pastimes 1660-1830* (Oxford, 2005)

Griffith, T (Ed.) *The Newgate Calendar* (London. 1997)

Griffiths. P., Fox. A and Hindle. S (Eds.).*The Experience of Authority in Early Modern England*. (Basingstoke. 1996)

Griffiths, P and Jenner. M (Eds.). *Londinopolis: Essays in the Cultural and Social History of Early Modern London* (Manchester, 2000)

Harding, V. 'Controlling a Complex Metropolis. 1650-1750: politics, parishes and powers.' *London Journal*, 25, 1, (2001), pp.29-37

Harris, A. T. 'Policing and Public Order in the City of London, 1784-1815', *The London Journal*, 28, 2, (2003), pp.1-20

Harris, A. T., *Policing the City. Crime and Legal Authority in London, 1780-1840* (Ohio, 2004)

Harvey, A.D., *Sex in Georgian England. Attitudes and Prejudices from the 1720s to the 1820s*, (London, 1994)

Harvey, K. 'Gender, Space and Modernity in Eighteenth-Century England: a Place Called Sex', *History Workshop Journal*, 51 (2001), pp.158-179

Hay, D *et al: Albion's Fatal Tree. Crime and Society in Eighteenth-Century England* (London, 1975)

Hay, D. 'War, dearth and theft in the eighteenth century: the record of the English courts', *Past and Present*, 95, (1982), pp.117-160

Hay, D & Snyder, F. *Policing and Prosecution in Britain, 1750-1850*, (Oxford, 1989)

Hay, D & Rogers, N. *Eighteenth-Century English Society: Shuttles and Swords*, (Oxford, 1997)

Hay, D. 'Patronage, Paternalism and Welfare: masters, Workers and Magistrates in Eighteenth-Century England', *International Labor and Working Class History*, 51, (1998), pp.27-48

Hay, D. 'The State and the Market in 1800: Lord Kenyon and Mr. Waddington', *Past and Present*, 162, (February, 1999), pp.101-162

Hay, D. 'Master and Servant in England: Using the Law in the Eighteenth and Nineteenth Centuries.' in *Private Law and Social Inequality in the Industrial Age*, ed. by Steinmetz, W (Oxford, 2000)

Hay, D. *Masters, Servants, and Magistrates in Britain and the Empire, 1562-1955* (North Carolina, 2004)

Henderson, A. *Disorderly Women in Eighteenth-Century London. Prostitution and Control in the Metropolis, 1730-1830*, (London, 1999)

Hill, B. *Women, Work, and Sexual Politics in Eighteenth-Century England*. (Oxford. 1989)

Hill, B, *Servants. English Domestics in the Eighteenth Century*. (Oxford. 1996)

Hitchcock, T *et al. Chronicling Poverty. The Voices and Strategies of the English Poor, 1640-1840* (London, 1997)

Hitchcock, T. *English Sexualities, 1700-1800* (London. 1997)

Hitchcock, T. 'Unlawfully begotten on her body', in Hitchcock *et al*; *Chronicling Poverty. The Voices and Strategies of the English Poor, 1640-1840* (London. 1997)

Hitchcock, T and Black, J (Eds.). *Chelsea Settlement and Bastardy Examinations 1733-1766*, (London Record Society, 1999)

Hitchcock, T and Cohen, M. *English Masculinities, 1660-1800*, (London. 1999)

Hitchcock, T. 'You bitches...die and be damned' Gender. Authority and the Mob in St Martin's Roundhouse Disaster of 1742' in Hitchcock & Shore (eds.) *The Streets of London* (London, 2003)

Hitchcock, T & Shore, H (Eds.), The *Streets of London from the Great Fire to the Great Stink* (London, 2003)

Hitchcock, T. *Down and Out in Eighteenth-Century London*, (London, 2004)

Howson, G . *Thief-Taker General. The Rise and Fall of Jonathan Wild*, (London. 1970)

Hunt, M. 'Wife-beating, Domesticity and Women's Independence in Eighteenth-Century London', *Gender & History*. 4, 1, (Spring, 1994). pp.10-33

Hurl, J. ' "She being bigg with child is likely to miscarry": Pregnant Victims Prosecuting Assault in Westminster, 1685-1720', *The London Journal*. 24. 2. (1999)

Innes, J. 'Managing the Metropolis: Social Problems and their Control c.1660-1830'. in Clark, P. and Gillespie. R (Eds) *Two Capitals. London and Dublin 1500-1840* (Oxford, 2001). pp.18-33

Hurl-Eamon, J. 'Policing Male Heterosexuality: The Reformation of Manners Societies' Campaign against the Brothels in Westminster, 1690-1720.' *Journal of Social History*. 37, 4 (2004). pp.1017-1035

Innes, J. 'Statue Law and Summary Justice in Early Modern England', (May, 1986)

Innes, J. 'Prisons for the Poor. English Bridewells. 1555-1800', in Hay, D and Synder, F. *Labour, Law and Crime: An Historical Perspective*, (London, 1987)

Innes, J. 'Politics and Morals. The Reformation of Manners Movement in Later Eighteenth-Century England', in Hellmuth, E (Ed.), *The Transformation of Political Culture. England and Germany in the Late Eighteenth Century* (Oxford, 1990)

Inwood, S. 'Policing London's Morals. The Metropolitan Police and Popular Culture. 1829-1850', *The London Journal*, 15, 2, (1990), pp.129-146

Inwood, S. *A History of London,* (London, 1998)

Jenner, M. 'Circulation and Disorder. London Streets and Hackney Coaches, c.1640-c.1740' in Hitchcock, T & Shore, H. (Eds.), *The Streets of London from the Great Fire to the Great Stink* (London, 2003)

Kellett, J.R. 'The breakdown of Guild and Corporative control over the Handicraft and Retail trade in London', *Economic History Review*, 10, 3, (1958), pp.381-394

Kent, D.A. 'Ubiquitous but Invisible. Female Domestic Servants in Mid-Eighteenth Century London', *History Workshop Journal*, (1989), pp.111-128

Kent, J. R. *The English Village Constable, 1580-1642. A Social and Administrative Study*, (Oxford, 1986)

Kermode, J & Walker, G. *Women, Crime & the Courts in Early Modern England*, (London, 1994)

King, P. 'Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800', *The Historical Journal*, 27, 1, (1984), pp.25-58

King, P. 'Gleaners, Farmers and the Failure of Legal Sanctions in England, 1750-1850', Past *and Present*, 125, (1989), pp.116-150

King, P & Noel, J. 'The Origins of "The Problem of Juvenile Delinquency". The Growth of Juvenile Prosecutions in London in the Late Eighteenth and Early Nineteenth Centuries', *Criminal Justice History*, 14, (1993), pp.17-44

King, P. 'Female Offenders, work and life-cycle change in late eighteenth-century London', *Continuity and Change*, 11, 1, (1996), pp.61-90

King, P. 'Punishing Assault: The Transformation of Attitudes in the English Courts', Journal *of Interdisciplinary History* 27, 1, (Summer, 1996), pp.43-74

King, P. 'The Rise of Juvenile Delinquency in England 1780-1840. Changing patterns of Perception and Prosecution', *Past and Present*. 160, (August. 1998). 116-166

King, P. 'Gender, crime and justice in late eighteenth and early nineteenth-century England', in M. Arnott and C. Usborne. Gender *and Crime in Modern Europe*. (London, 1999)

King, P. 'Locating Histories of Crime. A Bibliographical Study', *British Journal of Criminology*, 39, 1, (1999)

King, P. *Crime, Justice and Discretion in England, 1740-1820*. (Oxford. 2000)

King, P. 'War as a judicial resource. Press gangs and prosecution rates. 1740-1830', in Landau, N(Ed): *Law, Crime and English Society 1660-1830* (Cambridge. 2002)

King, P. 'The Summary Courts and Social Relations in Eighteenth-Century England', *Past & Present*, 183, (May, 2004), pp.125-172

King, P. *Crime and the Law in the Age of Reform 1750-1850. Remaking Justice from the Margins*, (Cambridge, 2006)

King, S. *Poverty and Welfare in England 1700-1850. A Regional Perspective*. (Manchester, 2000)

Kynaston, D. *The City of London. Volume 1. A World of Its Own, 1815-1890*. (London, 1994)

Landau, N: *The Justices of the Peace, 1679-1760*, (University of California Press. 1984)

Landau, N. 'The Eighteenth-Century Context of the Laws of Settlement', *Continuity and Change*, (1992), pp.417-439

Landau, N. 'Appearance at the Quarter Sessions of Eighteenth-Century Middlesex', *The London Journal*. 23. 2. (1998). pp.30-52

Landau, N. 'Indictment for Fun and Profit: A Prosecutor's Reward at the Eighteenth-Century Quarter Sessions', *Law and History Review*. (Fall. 1999). pp.507-536

Landau. N(Ed). *Law, Crime and English Society 1660-1830*. (Cambridge. 2002)

Landau, N. 'Summary Conviction and the Development of the Penal Law', *Law and History Review*. 23. 1 (2005). 173-189

Lane. J. *Apprenticeship in England. 1600-1914*. (London. 1996)

Lane, P. 'Work on the Margins: Poor Women and the Informal Economy of Eighteenth and Early Nineteenth Century Leicestershire'. *Midland History*, 22, (1997), pp.85-99

Langbein, J. H. 'Albion's Fatal Flaws', *Past and Present*, 98, (1983), pp.96-120

Langbein, J.H. 'Shaping the Eighteenth-Century Criminal Trial: A View From the Ryder Sources', *University of Chicago Law Review*, 50, (1983)

Langbein, J. H. *The origins of the Adversary Criminal Trial*, (Oxford, 2003)

Langford, P. *A Polite and Commercial People. England 1727-1783*, (Oxford, 1989)

Langford, P. *Public Life & the Propertied Englishman, 1689-1798*, (Oxford, 1991)

Laslett, P. *et al*, *Bastardy and Its Comparative History: Studies in the History of Illegitimacy and Marital Nonconformism in Britain, France, Germany, Sweden, North America, Jamaica and Japan*, (London, 1980)

Lindert, P.H. and Williamson, J.G. 'Revising England's Social Tables 1688-1812', *Explorations in Economic History*, 19, (1982), pp.385-408

Linebaugh, P. '(Marxist) Social History and (Conservative) Legal History: A Reply to Professor Langbein', *New York University Law Review* (May, 1985), pp.212-243

Linebaugh, P. *The London Hanged. Crime and Civil Society in the Eighteenth Century* (London, 1991)

Macfarlane, A. *Marriage and Love in England: Modes of Reproduction, 1300-1840*, (Oxford, 1986)

Magarey, S. 'The Invention of Juvenile Delinquency in Early Nineteenth-Century England', Labour *History*, 34, (1978), pp.11-27

Malcolmson, R.W. *Popular recreations in English society, 1700-1850*, (Cambridge, 1973)

Malcolmson, R.W. *Life and Labour in England 1700-1780*, (London, 1981)

Margary, H. *The A to Z of Regency London*, (London, 1985)

Marshall, D. *Dr. Johnson's London*, (New York, 1968)

Mathias, P. *The First Industrial Nation. An Economic History of Britain 1700-1914.* (London , 1969, 1997)

Meldrum, T. 'A Women's Court in London. Defamation at the Bishop of London's Consistory Court, 1700-1745', *The London Journal.* 19. 1. (1994). pp.1-20

Michie, R.C. 'London and the Process of Economic Growth since 1750', *The London Journal*, 22, 1, (1997), pp.63-90

Moir, E. *The Justice of the Peace*, (Harmondsworth. 1969)

Morgan, G and Rushton, P. *Rogues, Thieves and the Rule of Law. The Problem of Law Enforcement in North-East England, 1718-1800*, (London. 1998)

Morgan, G and Rushton, P. 'The Magistrate, the Community and the Maintenance of an Orderly Society in Eighteenth-Century England', *Historical* Research. 76. 191. (February, 2003), pp.54-77

Muldrew, C. *The Economy of Obligation. The Culture of Credit and Social Relations in Early Modern England*, (London, 1998)

Mullan, J & Reid, C. *Eighteenth-Century Popular Culture: A Selection*, (Oxford. 2000)

Murphy, E. 'The Metropolitan Pauper Farms, 1722-1834', *The London Journal*. 27, 1, (2002), pp.1-18

Murphy, E. 'Mad farming in the metropolis. Part 2: The administration of the old poor law of insanity in the City and East London 1800-1834'. *History of Psychiatry*. 12. (2001), pp.405-430

Neale, R.S. *Bath: A Social History 1680-1850*. (London, 1981)

Neocleous, M. 'Social Police and the Mechanisms of Prevention. Patrick Colquhoun and the Condition of Poverty', *British Journal of Criminology*. *40*, (2000). pp.710-726

Nicholls, E. *Crime Within the Square Mile. The History of Crime in the City of London*, (London, 1935)

Norton, R. *Mother Clap's Molly House: The Gay Subculture in England. 1700-1830* (London. 1992)

Oberwittler. D. 'Crime and Authority in Eighteenth Century England. Law Enforcement on the Local Level'. *Historical Social Research.* 15. 54 (1990). pp.3-34

O'Donoghue, E. *Bridewell Hospital. From the Death of Elizabeth to Modern Times* vol.2 (London, 1929)

Ogborn, M. *Spaces of Modernity. London's Geographies, 1680-1780*. (New York, 1998)

Oxley, G: *Poor Relief in England and Wales, 1601-1834*. (London, 1974)

Paley, R. 'Thief-Takers in the Age of the McDaniel Gang, c.1745-1754', in Hay, D. and Snyder, F. *Policing and Prosecution in Britain, 1750-1850*. (Oxford, 1989)

Paley, R. '"An Imperfect, Inadequate and Wretched System"? Policing London Before Peel.' *Criminal Justice History*, 10, (1989), pp.95-130

Palk, D. 'Private Crime in Public and Private Places. Pickpockets and Shoplifters in London, 1780-1823', in Hitchcock, T and Shore, H (Eds.), *The Streets of London from the Great Fire to the Great Stink*, (London, 2003)

Parker, S. *Informal Marriage, Cohabitation and the Law, 1750-1989*. (Basingstoke, 1990)

Perkin, H. *The Origins of Modern English Society, 1780-1880*. (London, 1969)

Phillips, H. *The Thames About 1750*. (London, 1951)

Porter, R. *English Society in the Eighteenth Century*. (London, 1982)

Porter, R. *London : A Social History*, (London, 1994)

Porter, R and Mulvey, M (Eds.), *Pleasure in the Eighteenth Century*. (Basingstoke, 1996)

Poynter, J.R. *Society and Pauperism: English Ideas on Poor Relief, 1795-1834*. (London, 1969)

Prothero, I. *Artisans and politics in Early Nineteenth Century London. John Gast and His Times*. (London, 1979)

Quinault, R. 'From National to World Metropolis: Governing London, 1750-1850.' *The London Journal*, 25, 1, (2001), pp.38-46

Radzinowicz, L. *History of English Criminal Law and its Administration from 1750*, in four volumes, (London, 1956)

Raven, J. 'The Abolition of the English State Lotteries', *The Historical Journal*, (1991), pp.371-389

Rawlings, P. *Drunks, Whores and Idle Apprentices: Criminal Biographies of the Eighteenth Century*. (London, 1992)

Reay, B. *Popular Cultures in England 1550-1750*. (London, 1998)

Reed, M. 'The Transformation of urban space, 1700-1840' in Clark, P. (Ed), *The Cambridge Urban History of Britain. Volume II, 1540-1840*, (Cambridge, 2000)

Reith, C. *The Police Idea*, (Oxford, 1938)

Reynolds, E. A. 'St. Marylebone: Local Police Reform in London, 1755-1829'. *The Historian*, 51, 3, (1989), pp.446-466

Reynolds, E. A. *Before the Bobbies. Night Watch and Police Reform in Metropolitan London, 1720-1830* (London, 1998)

Rodger, N.A.M. *The Command of the Sea. A Naval History of Britain, 1649-1815* (London, 2004)

Rogers, N. 'Money, Land and Lineage: the Big Bourgeoisie of Hanoverian London', *Social History*, 4, 3, (October, 1979), pp.437-454

Rogers, N. 'Policing the Poor in Eighteenth-Century London: The Vagrancy Laws and their Administration', *Histoire Sociale*, 24, 47 (May, 1991), pp.127-147

Rogers, N. *Crowds, Culture and Politics in Georgian Britain*, (Oxford, 1998)

Rogers, N. 'Impressments and the Law in Eighteenth-Century Britain', in Landau, N. (Ed.), *Law, Crime and English Society 1660-1830*. (Cambridge, 2002)

Rose, M. E. *The English Poor Law, 1780-1930*, (Newton Abbot, 1971)

Rudé, G. *Paris and London in the Eighteenth Century: Studies in Popular Protest*, (London, 1970)

Rudé, G. *Hanoverian London. 1714-1808*, (London, 1971)

Rumbelow, D. *I Spy Blue. The Police and Crime in the City of London from Elizabeth to Victoria*, (London, 1971)

Rushton, P. 'The Matter in Variance: Adolescents and Domestic Conflict in the Pre-Industrial Economy of Northeast England, 1600-1800', *Journal of Social History*, 25, 1, (Fall, 1991), pp.89-107

Schwarz, L.D. 'The Standard of Living in the Long Run: London, 1700-1860', *Economic History Review*, 38, (1985), pp.24-41

Schwarz, L.D. *London in the Age of Industrialisation. Entrepreneurs, labour force and living conditions, 1700-1850*, (Cambridge, 1992)

Schwarz, L.D. 'London, 1700-1850', *The London Journal*, 20, 2, (1995), pp.46-53

Sharpe, J. A. 'The History of Violence in England: Some Observations', *Past and Present*, 108, (1985), pp.206-215

Sharpe, J. A. *Crime in Early Modern England 1550-1750*, (London, 1999)

Sheppard, F. *London 1808-1870: The Infernal Wen*, (London, 1971)

Shesgreen, S. (Ed.): *Engravings by Hogarth*, (New York, 1973)

Shoemaker, R. *Prosecution and Punishment. Petty Crime and the Law in London and Rural Middlesex, c.1660-1725*, (Cambridge, 1991)

Shoemaker, R. 'Reforming the City. The Reformation of Manners Campaign in London, 1690-1738', in Davison, L *et al*: *Stilling the Grumbling Hive. The response to social and economic problems in England, 1689-1750*, (Stroud, 1992)

Shoemaker, R. 'The Decline of Public Insult in London 1660-1800', *Past and Present*, 169, (2000), pp.97-131

Shoemaker, R 'Male honour and the decline of public violence in eighteenth-century London', *Social History*, 26, 2, (May, 2001), pp.190-208

Shoemaker, R: *The London Mob. Violence and Disorder in Eighteenth-Century England*, (London, 2004)

Shore, H. 'Cross coves, Buzzers and General sorts of Prigs. Juvenile Crime and the Criminal 'Underworld' in the Early Nineteenth Century'. *British Journal of Criminology*, 39, 1, (1999), pp.10-24

Shore, H. *Artful Dodgers: Youth and Crime in Nineteenth-Century London*, (London, 1999)

Skyrme, Sir T. *History of the Justices of the Peace. Volume 2. England 1689-1989*, (Chichester, 1991)

Smart, C (Ed). *Regulating Womanhood. Historical Essays on marriage, motherhood and sexuality*, (London, 1992)

Smith. B. 'Did the Presumption of Innocence Exist in Summary Proceedings?', *Law and History Review*, 23, 1, (2005), pp.191-199

Smith, S. 'The Ideal and Reality: Apprentice-Master Relationships in Seventeenth Century London', *History of Education Quarterly*, (Winter, 1981), pp.449-459

Smith, K.H. (Ed), *Warwickshire Apprentices and their Masters, 1710-1760*, (Oxford, 1975)

Sprott, D. *1784* (London, 1984)

Steinberg, M. 'The Dialogue of Struggle. The Contest over Ideological Boundaries in the Case of the London Silk Weavers in the Early Eighteenth Century', *Social Science History*, 18, 4, (Winter, 1994), pp.505-541

Stevenson, J. 'London, 1660-1780', in Stevenson. J *et* al, *The Rise of the New Urban Society*, Open University Block IV, (Milton Keynes, 1977)

Stevenson, J. *Popular Disturbances in England, 1700-1832*, (London, 1992)

Stirk, N. 'Arresting Ambiguity: the Shifting Geographies of a London Debtors' Sanctuary in the Eighteenth Century', *Social History*, 25, 3 (October, 2000), pp.316-329

Stone, L. 'Interpersonal Violence in English Society, 1300-1980', *Past and Present*, 101, (1983), pp.22-33

Stone, L. *The Family, Sex and Marriage in England, 1500-1800*, (London, 1990)

Storch, R. '"The Plague of Blue Locusts". Police Reform and Popular Resistance in Northern England 1840-1857.' *International Review of Social History*, 20, (1975), pp.61-90

Storch, R. 'The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England, 1850-1880.' *Journal of Social History*, 9, (1976), pp.481-509

Strange, K. H. *The Climbing Boys. A Study of Sweeps' Apprentices, 1773-1875*, (London, 1982)

Styles, J. 'From an Offence between Men to an Offence against Property: Industrial Pilfering and the Law in the Eighteenth Century', in Berg, M. Hudson, P. & Sonenscher, M. (Eds.), *Manufacture in Town and Country Before the Factory*, (London, 1983)

Styles. J. 'Constables considered'. Review article. *The Times Higher Education Supplement*, (6th March, 1987)

Summerston, J: *Georgian London*, (London, 1945)

Sweet, R. *The English Town 1680-1840. Government, Society and Culture*. (London, 1999)

Tate, W.E. *The Parish Chest*, (Cambridge 1946, 1969 3rd Edition)

Taylor, D. *The New Police in Nineteenth Century England: Crime, Conflict and Control*, (Manchester, 1997)
Taylor, D: *Crime, Policing and Punishment in England, 1750-1914*, (London, 1998)

Thomas, K. *Man and the Natural World. Changing Attitudes in England, 1500-1800*, (London, 1983)

Thompson, E.P. *Whigs and Hunters. The Origins of the Black Act*. (London, 1975)

Thompson, E.P. Customs in Common, (London, 1991)

Tobias, J.J. *Crime and the Police in England, 1700-1900*, (Dublin, 1979)

Uglow, J. *Hogarth. A Life and a World*, (London, 1997)

Voth, H-J. *Time and Work in England 1750-1830*. (Oxford, 2000)

Walsh, C. 'Shop Design and the Display of Goods in Eighteenth-Century London', *Journal of Design History*, 8, 3. (1995), pp.157-176

Waters, C: *A Dictionary of Old Trades, Titles and Occupations* (Newbury, 2002)

Watson, J. S. *The Reign of George III 1760-1815*. (Oxford, 1960)

Wiener, M. 'The Victorian Criminalization of Men', in Spierenburg, P. (Ed.) *Men and Violence. Gender, Honor, and Rituals in Modern Europe and America*, (Ohio, 1998)

Wiener, M. *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England*, (Cambridge, 2004)

Wilson, A. 'Illegitimacy and its Implications in Mid-Eighteenth Century London: The Evidence of the Foundling Hospital', *Continuity and Change*, 4, 1, (1989), pp.103-164

Wilson. A (Ed.). *Rethinking Social History. English Society 1570-1920 and its Interpretation*, (Manchester, 1993)

Wood, J.C. *Violence and Crime in Nineteenth-Century England. The Shadow of Our Refinement* (London, 2004)

Wrightson, K. 'Two concepts of order: justices, constables and jurymen in seventeenth-century England.' in Brewer, J. & Styles, J.: *An Ungovernable People. The English and their Law in the Seventeenth and Eighteenth Centuries*, (London, 1980)

Wrigley, E.A. & Schofield, R.S. 'The Growth of Population in Eighteenth-Century England. A conundrum resolved', *Past and Present*, 98, (1983), pp.121-150

Yeo, E. & S. *Popular Culture and Class conflict 1590-1914: Explorations in the History of Labour and Leisure*, (Brighton, 1981)

Zedner, L. 'Women, Crime, and Penal Responses. A Historical Account.' in Tonry, M (Ed) *Crime and Justice*, Vol.14 (1991)

Unpublished Secondary Sources

Beattie, J.M. '*John Fielding and the Bow Street Magistrates Court.*' (Unpublished paper 2004)

Gray, D. 'Lewd Women' and 'Canny Wenches'. Bedfordshire Women before the Courts, 1807-1828', BA (hons) History dissertation. (University College Northampton, 1999)

Griffiths, P. *Lost Londons: Crime, Control, and Change in the Capital City, 1545-1660*, (forthcoming, 2006)

Innes, J. 'William Payne of Bell Yard, Carpenter c.1718-1782: the life and times of a London informing constable.' (Forthcoming, 2007)

King, P. 'Changing attitudes to Violence in the Cornish Courts, 1730-1830', (2006 forthcoming)

Paley, R. 'Power, Participation and the Criminal Law: Restorative Justice Hanoverian Style', (forthcoming, 2007)

PhD/MPhil Thesis Consulted

Balch-Lindsay, V.G. 'An Orderly Metropolis: The Evolution of Criminal Justice in London, 1750-1830', PhD thesis, (Texas Tech University, 1998)

Brown, S. E. *Politics*, 'Commerce and Social Policy in the City of London, 1782-1802', PhD thesis, (Balliol College, Oxford, 1992)

Davis, J S. 'Law Breaking and Law Enforcement: A Criminal Class in Mid-Victorian London', PhD thesis, (Boston College, 1989)

D'Sena, P. 'Perquisites and Pilfering in the London Docks', MPhil thesis, (Open University, 1986)

Linebaugh, P. 'Tyburn: a study of crime and the labouring poor in London during the first half of the eighteenth century.' PhD thesis. (Warwick University, 1975)

Shoemaker, R. 'Crime, courts and community: the prosecution of misdemeanors in Middlesex county, 1663-1723.' Ph.D. thesis. (Stanford University, 1986)

Smith, B. 'Circumventing the Jury: Petty Crime and Summary Jurisdiction in London and New York City, 1790-1855', PhD. thesis. (Yale University, 1996)

Smith, G. 'The State and the Culture of Violence in London, 1760-1840', Ph.D. thesis, (University of Toronto, 1999)