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London Justice and the City of London Summary Courts in the late 18th Century

Throughout the last quarter of the 18th century, just around the corner from where we are now, on Poultry, stood an old lock up compter or gaol. Poultry Comptor housed a range of prisoners who had been arrested by the night watch or ward constables and who either awaited a hearing before a city magistrate, transfer to one of the capital's larger prisons or were languishing in gaol as debtors because they had been able to meet the demands of their creditors. In 1786 amongst the many inmates were three individuals whose circumstances tell us a little about the lives of ordinary Londoners caught up in the criminal justice system of the late eighteenth-century City. Some of the decisions that led these three to a cell in Poultry were made across the courtyard in the Matted Room of the Guildhall, where the City's aldermen sat in rotation or in the nearby Mansion House where the lord mayor, as chief magistrate, presided. In this evening's talk I will try and give you a flavour of these courts, the sorts of business they dealt with and the people that used them. But first let's return to the cold, damp and vermin infested horror that was the Poultry Compter.

Robert May had been admitted to the gaol in January 1786 because he couldn't pay his debts and his creditors exercised their right to have him committed to debtor's prison until he paid up. Clearly for many being incarcerated meant they would never be able to pay but creditors must have hoped that the threat of gaol would force some to cough up or bring pressure to bear on their friends and families to help them escape the shame and trauma of a debtor's existence. Robert was an alcoholic and his poor health deteriorated quickly inside the Poultry. He was removed from his cell and placed in the sick ward. Any hope he had of external support collapsed as his marriage fell apart and his wife left him for another man. According to the gaolers he took this news very badly. By the autumn he was very ill and a kindly soul paid the gaolers to give him some broth. But it was too late, Robert died on November 17th of 'sloth and indolence' and an addiction to peppermint liquor. When his body was discovered the shirt he wore 'swarmed with vermin'.

Another inmate, Elizabeth Gurney has an equally desperate story. Elizabeth had been found begging in a doorway on Cheapside, now an example of conspicuous consumption with its rows of fashionable shops and eateries. Discovered by a City constable, the amateur and part-time forerunners of the professional police, Elizabeth was taken to Poultry because it was nearer than the workhouse and she was already in what he described as a 'deplorable, weak state'. The next day he presented himself at the compter and took Elizabeth to the Guildhall to be examined for vagrancy. But the court was busy and the clerk sent him and his prisoner back to the gaol for the night. Two days later the turnkey found her dead, wrapped in a rug in her cell.

Finally John Martin, an ex-sailor who had 'served his king and country' for 19 years found himself in Poultry having been convicted of stealing metal. Martin had found it hard to get work and, like many ex-servicemen, had resorted to crime to survive. He had already served six months in Newgate for stealing a ten-penny pewter pint pot from a tavern when in November 1785 he was accused of stealing some iron bars. This time he was lucky, his accuser failed to appear against him and he was released but he was soon caught again and dragged before the lord mayor for the relatively minor theft. The lord mayor tried to expel him from the City using the poor laws but before he was passed out of the city he was arrested and convicted of the metal theft, being sentenced to transportation and slapped in leg irons in the compter to await his punishment. His harsh treatment took no account of his ill-health, or the fact that he was only forced into crime because of poverty caused by the withholding of wages owing to him.

The stories of these three individuals could be repeated hundreds of times across the second half of the 18th century; stories of cruelty, neglect, desperation and poverty – all of which were played out in the courtrooms of the City two justice rooms.

I am interested in the process of summary justice in the City of London and elsewhere; that is the lowest level of the criminal justice system in the long eighteenth century. At this level Justices of the Peace sat alone or in pairs and dispensed 'justice' or resolved conflicts without juries and often without any formal legal advice or input at all. Most of what we know about crime and punishment in this period has focused on the Assize courts, on Old Bailey, hanging and the 'bloody code', but this was in reality just the tip of the iceberg. Most people experienced the law – the criminal law that is – at the summary level and never saw the inside of the Old Bailey at all.

From 1737 prosecutors in the City of London could take their complaint about a whole host of issues (theft, violence, non-payment of wages for example) before one of the 26 aldermen magistrates that sat in the Matted Gallery of the Guildhall. The court convened from 11a.m. to 2 p.m., Monday to Friday with assistance from a clerk and an attorney from the mayor's court.¹ For the first time Londoners could hope to find a regular and continuous system of summary justice, one that operated all year round and one that took place in a well-defined public space. After 1753 there were two courts as the newly built Mansion House provided inhabitants with a second fixed summary court.

This illustration from Hogarth's *Industry & Idleness* series gives us a sense of what the Guildhall courtroom may have looked like. The two courts divided most of their business along geographical lines. Offenders arrested to the east of King Street were brought before the Lord Mayor at Mansion House while those arrested in the west were dealt with by the aldermen at Guildhall. The holding compters (or gaols) of Wood Street and Poultry served the two offices, holding prisoners overnight before they came before the justice and as remand centres before those convicted were dealt with. It's hard for us to imagine what it was

¹ See Beattie.p108 NB. The mayor's court heard civil cases of debt and appeals relating to apprentice and master/servant business, we should not confuse it with the lord mayor's justicing room at Mansion House. Additionally it seems clear that as the century progressed the length of sittings was extended until later in the afternoon and that the court sat on a Saturday as well.

like to be in these courts but they were much less sanitised arenas than modern magistrate courts. Hogarth gives us a flavour, we can see the room is crowded, as constables (with staves of office) bring in offenders and witnesses wait to speak, bystanders could watch and presumably (as in the jury courts) shout out helpful advice and comment. I think we have to see these venues as public places of conflict, debate and sanction – this was public justice carried out under the overarching supervision of City authority.

And the men that sat in judgement epitomised urban power in the Hanoverian period. These were rich, powerful and well-connected individuals, most of them businessmen or financiers. They were men, like Sir Charles Asgil or Harvey Christian Combe who accrued huge fortunes during their lifetime. Asgil left £160,000 in his will, Combe (who was a close friend with the prince regent and the leader of the Whigs, Charles Fox, left £140,000 – around £9m in today's money. Some, like William Beckford, owed their wealth to their ownership of plantations in the West Indies, others, like Alderman Newnham profited from banking. John Boydell was a self-made man, a migrant from Derbyshire who made his money from trading in art works and copyrights – who left his collection to the Guildhall Art Gallery next door. This was a metropolitan elite who mixed business, politics and pleasure; many served as MPs and sat on the boards of other institutions such as the Bridewell, Bedlam hospital and the Marine society. The strong network that these men existed within allowed them to present a more unified front on the City bench than was the case outside of the capital, where JPs were drawn from a more diverse demographic.

To give you some idea of how busy these courts were, the records (held over at the LMA) were dealing with over 700 cases each month by the late 18th century. This represents a staggering workload for the City magistracy. The Old Bailey heard far fewer cases than this, roughly 140 property cases a year came before the London jury.² Clearly it was at the summary level that most Londoners experienced the criminal justice system in this period. Property crime dominated proceedings, as we might expect in the world's busiest commercial centre, there

² See Beattie, *Policing*, p.17

was also a lot of petty interpersonal violence, and a range of what I have termed 'regulatory' offences being heard by the justices. If we look in turn at these three areas we can begin to unpack the nature of these courts and how they were used by the local community.

Lets start with property crime, something we are all fairly familiar with. And before we do I'd like to start with another example from the archive.

Property Crime at the City Courts

On the 19th November 1761 Ann Bewry was collected from Bridewell by a City of London constable and brought before the sitting magistrate at the Guildhall. Here Ann was accused by Edward Read of picking his pockets, and stealing five guineas and a Portuguese gold coin (in modern money this probably amounts to well over £400). Read told the magistrate that after he had caught Ann she had managed to escape with the help of some friends. However, when the magistrate began to probe into the circumstances of the incident it became clear that Read was trying to conceal an important fact about his relationship with Ann. He said that when he initially searched her he found nothing on her, she didn't have his money. Then he admitted that he had only missed the coins when he awoke and dressed. He now admitted that he had spent the night with her and that when he woke up he noticed two guineas on the bed which prompted him to check his pockets. In doing so he realised that his coins had been exchanged for worthless counters. The magistrate pressed him to recall *when* he had last been sure of having the money he claimed to have lost. The unfortunate Read now admitted that he 'remembered not what time of day he saw his money, but was certain he had four guineas and a moidore when he went into the room with her.' The stolen five guineas had now become four. Read now explained, presumably with rising embarrassment, that he had visited Bewry at a bawdy house in Fleet Lane, possibly the worse for drink, and wasn't altogether sure exactly when he had lost his coins. The sitting magistrate decided that because Read's account was so inconsistent the case could not proceed to a full jury trial, where Ann would have

faced the very real possibility of a capital sentence if found guilty. She was released to pursue her occupation as one of London's many prostitutes, while Edward Read scuttled away to hide his shame and rue his misfortune.

A great many thieves and pilferers came through these City courtrooms. Much of the theft that was prosecuted at the summary level was petty, but not all. Most things stolen were personal property from business, homes and on the streets. Pewter pint pots, jewellery, show buckles, clothes, ribbons – easily sold on at pawnbrokers or second hand markets. Most prosecutors in property cases were tradesmen or merchants but a significant percentage (30%) were drawn from the labouring poor or poverty vulnerable, casual or low paid workers. Often this theft was opportunistic, taking advantage of crowded streets, inviting shop displays or distracted cart drivers or stall owners. But prostitutes robbed their clients and passers-by were sometimes inveigled into side streets and parted from their purses and pocket watches. Much if not all of this theft was felonious; the theft of goods valued at over a shilling was grand larceny and should have resulted in a prosecution before a judge and jury, but in numerous cases before the City aldermen and LM this rule was more observed in the breach as the justices dismissed cases or sent minor offenders to Bridewell, the City's house of correction that was situated near Fleet Street.

This is because to some extent the summary courts acted as filter for the jury courts, hearing cases of theft as a form of pre-trial process. Justices made decisions on what cases they sent on up through the criminal justice system and many, but not all, of the cases heard by OB juries started life before a London magistrate. However, JPs were supposed to send *all cases* they deemed felonious on to be heard before 'twelve good men and true'. In reality however, the lord mayor and aldermen of the City of London chose to deal with around 70 per cent of property offenders themselves, only forwarding just over a quarter to the jury courts. It would seem, from research I have undertaken outside of London, that this was a metropolitan initiative and perhaps reflected the fact that crime in London far outstripped that in the provinces.

In June 1784 Robert Wilson appeared at the Guildhall and charged Mary Saunders (who was probably one of the City's many prostitutes) with stealing 2 guineas from him.³ In modern money two guineas equates to about £130. Two witnesses saw Mary steal the gold coins but because she promised to return them she was released. Mary had a lucky escape. The theft of coins could have brought a much more serious punishment. The prosecutor's motives are clear in this case, as he presumably was more interested in recovering his property than in pursuing an expensive and time-consuming prosecution to the Old Bailey, which may not have recovered his coins and may well have ended in Mary's death on the gallows. It also saved him from any potential embarrassment in revealing his relationship with Mary. The quick and relatively easy option of the summary process allowed for a more effective solution.

As I've indicated much of the property crime that the City Justices had to deal with was petty, involving small amounts of goods stolen from warehouses, lodgings and City stalls and shop fronts. Edward Burn was accused of stealing a silver shoe buckle, and spent at least one night in Wood Street compter while witnesses were sought. Justices often did this; the practice was probably pioneered by Sir John Fielding and his Runners over at Bow Street, outside the City. Goods would be advertised in the newspapers and owners would come forward to claim them, or witnesses to crimes persuaded to testify, in the meantime the law allowed the accused to be held in a local compter while the process was undertaken. Frequently however, it seems that justices used this re-examination process to punish those they felt were guilty of something but where evidence was lacking – a short sharp spell in prison was presumably deemed to be a suitable lesson for some. In this case Edward, who was described as being 'a boy of tender years, viz.; under twelve years old' was discharged to his father 'to be corrected'. Other young men accused of picking pockets, such as John Brockhurst and Richard Barrett in May 1762, were sent to the Marine Society or the Army as alternatives to further punishment or trial.⁴ This forcible

³ GJR/M26 June 1784

⁴ GJR/M3 May 1762. Barrett was enlisted into the 74th Regiment of Foot, while Brockhurst went to sea.

enlistment can be seen as another example of magistrates using their ability to act summarily even if the legal grounds for so doing were a little shaky to say the least.

The south border of the City was bounded by the river Thames and peppered with quays and warehouses which offered ample opportunity for larceny and William Dunbar was accused of stealing indigo. William had borrowed a handkerchief from a fellow worker and wrapped a quantity of the dye in it before hiding it under his hat. Unfortunately for him Dunbar was seen hanging around the crane that was loading the goods and he was searched by a vigilant porter who found 3lbs of indigo on him – the lord mayor committed him to Newgate to await a trial.⁵ Dunbar was convicted at OB and sentenced to be whipped. In a similar case Matthew White, who stole a small amount of Spanish wool as it was being landed at Smarts Quay, just east of London Bridge, was caught and sent to Bridewell.⁶ In other cases men stuffed goods into their boots, trousers or coats, or left them nearby to collect later. The courts are filled with cases like these. In addition, sides of ham were lifted from street stalls, handkerchiefs stolen by pickpockets, landladies complained that their tenants had run off with their linen and travellers that their landladies stole their effects while they slept and, as we might expect shoplifting from the numerous retail outlets of the City was rife. The court minute books are therefore rich sources for evidence of property crime in the City.

It is worth mentioning that much of this offending was dealt with at the summary level and in this women seemed to have benefited considerably. Historians have found that men dominated the statistics of property crime in the eighteenth century and that women increasingly seem to have disappeared from the courts. However, I have found that plenty of women appear before the City magistracy accused of thefts but that they are more likely to be discharged or summarily punished than their male counterparts. This would mean that more of

⁵ MJR/M54 January 1790

⁶ MJR/M54 January 1790

them were being filtered out of the criminal justice at this early stage, and so they avoided, as Mary did, a jury trial and the threat of the noose.

Our second area of interest is petty violence, because a tremendous amount of interpersonal disputes were heard by the City justices – and as we shall see, they were invariably treated as civil rather than criminal cases.

Violent crime and assault

Assault is an elusive offence because so much of it went unreported and unprosecuted in this period. However the summary courts of the City were filled with violence and by looking at this level of the criminal justice system we can begin to understand the nature of assault and the way in which it was dealt with.

The first point we should make is that much of the assault that was prosecuted at the Guildhall and Mansion House justice rooms was petty. Many of these assault cases were simply everyday disputes that got out of hand. In the City magistrates were commonly treating assault as a civil dispute between individuals, a dispute in which the role of the Justice was that of a mediator. When John Anderton went to bargain with Ann Jefferys about the purchase of some fish, they quarrelled and he “cut her lip thru’ and thru’”, while Lipsey Hyams was summoned by Michael Hyams when she emptied a quart of water over him and then struck him with the empty pot.⁷ In both cases the sitting magistrate persuaded the parties to come to a settlement together. This was the preferred outcome for the courts, sometimes the prosecutor accepted an apology, on occasions a small sum of money was handed over, but it was extremely rare for anyone to go to gaol or suffer any other form of punishment.

Water, slops, and sundry items of everyday use were cited in assault cases, on one occasion a large fish appears to have been used to slap down an irritating customer, but it was rare for assaults to involve weapons, and very few that come before the magistrates seem to have resulted in any form of personal

⁷ GJR/M3 May 6th 1762

injury. On-going arguments were 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 on-going feud between the two neighbours. Witnesses appeared for both women to say that Pipkin had abused Hemmings outside of church, suggesting she had stolen something or otherwise publically damning her character and reputation so that later Hemmings had retaliated by producing her chamber pot and 'emptying a quantity of her reverence over her'. Two other women quarrelled over ribbons, one accusing the other of dressing like a common tart.

Not surprisingly men were by far the worst offenders in assault. Many were the result of drunkenness, with arguments getting out of hand and ending in violence – and men tended to be more likely to resort to their fists. Attacks on officials – on watchmen and constables usually – were not uncommon. Constables Isaac Bockarah, Jacob Spinoza and Edward Jolly, interrupted a card game (as they were duty bound to do)⁸ in Gravel Lane and were attacked for their trouble. Spinoza was seized and threatened, his assailant vowing he would 'cut his bloody head off'.⁹ These early police officers were routinely set upon and beaten as they patrolled, often by drunks coming out of the many inns most of whom were male but not all. Women were also aggressors in assault cases when their activities brought them into conflict with City officers. This was most apparent in relation to prostitution. The City 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 'Twitches on the Sleeve' or other 'lewd and ogling Salutations'.¹⁰ And prostitutes

⁸ In a proclamation issued by the lord mayor in 1789 City marshals are 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.

⁹ CLA/004/02/054, 18/1/1790

¹⁰ See T. Henderson, *Disorderly Women in Eighteenth-Century London. Prostitution and Control in the Metropolis, 1730-1830*, (London, 1999) p.107

were quite happy to use violence to resist being arrested or moved on from notorious areas such as St. Paul's Churchyard. A particularly active City constable called 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. However, Payne did not always have an easy time of it. In December 1775 in attempting to arrest five women who were soliciting in Old Bailey he met with resistance from at least two of them. In the process the dispute spilled into a tavern and a landlord was assaulted when he tried to throw the women out.¹¹

Male violence towards women was also an unpleasant and regular feature of city life. This is also the type of assault that most often went unreported and unpunished. The City justices were frequently called upon to mediate disputes between husbands and wives, sometimes in cases of desertion but mainly because of accusations of beatings. Women could sometimes use the courts to enforce a separation from a particularly abusive husband as Ann Hands did in December 1776. Ann successfully prosecuted her husband for beating her and then requested a separation. The magistrate helped the parties agree to this with her husband, William, paying her an allowance of seven shillings.¹² The eighteenth-century courts were not a sympathetic arena for women, with rape victims as much on trial as their attackers and the court process exclusively male dominated, but at summary level in the City plenty of women appear to be using the courts to seek justice and arbitration and with some success.

The City was home to around 14,000 households by the beginning of the nineteenth century¹³ 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

¹¹ CLA/005/01/004, 15/12/1775

¹² GJR/M4 December 5th 1775

¹³ C.L.R.O. 221A Box 1 Military & Naval, raising men for the navy 1795 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

summary courts each year in this period. This represents a quite staggering involvement of the City's populace in the court process that places the study of summary courts and the summary process at the forefront of our understanding of crime and punishment in the long eighteenth century. 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.

It seems 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. Two drovers settled their dispute, a quarrel that had ended in a fist fight and appearance in court, by agreeing to sit down over a quart of ale – which may of course be how the whole squabble developed in the first place. Assault in the eighteenth century was a multi-faceted offence that engendered a multi-layered response. 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. And it is to the use of the streets that I want to turn for the last area of the summary courts' business.

The regulation of the streets by the City Justice Rooms

These courts regulated trade, tackled social problems such as drunkenness, vice and gambling, mediated disputes between masters and servants, punished dangerous driving and attempted to control unruly popular pastimes. As a result the records of the summary courts open a window into the lives of Londoners at the end of the eighteenth century. London was a busy, vibrant place, its streets teeming with people, animals and vehicles.

This is reflected in the appearance in the courts by many individuals accused of driving offences or for blocking the pavements as traders and hawkers. Such as this carman (the 18th C equivalent of the modern delivery driver – or ‘white van man’) who appeared before the lord mayor charged with obstructing the streets. The case was reported in the press who often chose to sit in on cases at the Mansion House or Guildhall.

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.¹⁴

Rowe complained to the lord mayor that he was regularly delayed by such obstructions and 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.¹⁵ Anyone that has driven in London recently will sympathise with Mr. Rowe.

Hackney coach drivers (18th C taxis) also parked where they shouldn’t and had their numbers taken by constables and City patrols. And on occasions the courts witnessed cases that were clearly not simple violations of by-laws but in fact incidents of dangerous driving. The *Whitehall Evening Post* carried the following report in November 1784.

On Saturday a Hackney-coachman was carried before Mr. Alderman Le Mesurier for wilfully driving against a corpse carry up Fetter-lane, by which the coffin was

¹⁴ *The London Chronicle*, 14/8/1821

¹⁵ *Ibid.*

*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.*¹⁶

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. One of those purposes might seem quite bizarre to the modern audience but it harks back to a time when London's streets were market routes for all manner of livestock and goods.

The City of London was home to the capital's main cattle market at Smithfield and this caused a number of problems. Firstly the area was notorious for thieves, prostitutes and drunkenness; it was around here that Ikey Solomon, the inspiration for Dickens' Fagin, ran his gang of juvenile pickpockets. Secondly the animals that were brought to sell at the market had to be driven through the streets of the capital to reach it. As you might imagine this resulted in some degree of chaos on the thoroughfares on market days. And one unusual practice leaps out of the pages of the minute books of the summary courts. Several persons, perhaps as many as 50 a year (or one a week), were prosecuted for 'bullock hunting' on the City streets. For an example of the practice look at this report from the *London Chronicle*;

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

¹⁶ Cited in D. Spratt, *1784* (London, 1984) p.273-4

*of the horse's making a sudden plunge backwards, in order to disengage himself from the horns of the bullock.*¹⁷

Bullock hunting or bull running was practised in at least two English towns in the 18th and 19th centuries (Stamford and Tutbury) and survives in Pamplona in Spain, but in these towns it was highly ritualised and confined to one day in the year. It was far from ritualised in London and the chaos it regularly caused on the city's streets certainly concerned the authorities, to the extent that hunters were fined or sent to Bridewell if they were caught. This is what happened to Thomas Spencer who 'was carried before the Lord Mayor, charged with having been taken in the inhuman fact of bullock-hunting; and being fully proved against him, he was convicted in the penalty of 20s; and being unable to pay it, his lordship committed him to Bridewell to hard labour as the act directs.'¹⁸

A handful of bullock hunters were also prosecuted at Old Bailey as cattle thieves, but what they were really doing was demonstrating their bravado by risking their lives in the face of a raging bull. The sport, if that's what it was, was cruel but not untypical of contemporary popular pastimes such as cockfighting or watching public executions for that matter. In 1837 Common Council was asked to remove the old market Smithfield and to replace it with one more suited for the trade in livestock. The petitioners claimed that on market days 1,400 vehicles had to be diverted from the area and so were diverted into the already crowded adjacent streets of the City. The Smithfield area was, they went on to add, the worst in London and the capital compared very unfavourably with other cities in Europe which had removed their cattle markets from the centre. Instead, as *The Times* reported, the City of London, 'boasting of arts and science, of taste and refinement, still cherished [their market], glorying in its folly and its filth, in the very midst of a crowded population.'¹⁹ Those speaking against the petition pointed out that for all its problems bullock hunting was a thing of the past and it would seem that the development of professional policing in London from 1829

¹⁷ *London Chronicle*, 18/10/1820

¹⁸ *The Times*, Saturday, Feb 05, 1785

¹⁹ *The Times*, Friday, Feb 24, 1837

had been effective in stamping out the sport. The New police have been seen by historians as part of an attempt to bring order to English cities that some contemporaries had seen as dangerously out of control. Certain forms of behavior, those deemed immoral or licentious, were periodically held up as examples of the degradation of the laboring population. As a result throughout the 18th C the City authorities made sporadic attempts to clamp down on drinking, prostitution, and gambling, and the summary courts were used as a crude 'lever of urban discipline' in much the same way as the later Peelers were to be.

Many of those appearing before the City magistracy were termed 'disorderly', this was a loose catch-all phrase that involved quite a variety of offences and misdemeanours but very often included the consumption of large amounts of alcohol. 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. As the late Dorothy George said, eighteenth-century London had a drinking culture that was 'interwoven with everyday life'.²⁰ 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.²¹ 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. Ann Griffith was arrested for 'making a great riot and disturbance' near Bishopsgate

²⁰ George, *London Life* p.281

²¹ CLA/005/01/052, 30/4/1794

Church Yard.²² Ann was probably a prostitute as she turns up again in the following April accused of stealing a few shillings from her client.²³ 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.

Which brings us to the prosecution of large numbers of women as streetwalkers by constables such as the busybody William Payne who we met earlier. Prostitution was a perennial problem for the authorities and not something that any proclamation or policing initiative could ever hope to solve. However, it seems that periodically the magistracy and policing networks of the old City had a go at ridding the streets of these 'unfortunate' women.

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'.²⁴ This was because prostitution in itself was not an illegal activity but those making a nuisance of themselves on the streets could be arrested under the vagrancy laws. The vagrancy laws were so wide ranging that they effectively allowed the authorities to pick and prosecute any labouring person or pauper who was on the streets, sleeping rough, begging, or otherwise unable to give a good account of themselves; so for example, the vagrancy laws were used to prosecute petty thieves when no real evidence against them existed.

Many London prostitutes were very poor; a few of course had access to the rich in Covent Garden brothels but most eked out a living on the streets. As Tim Hitchcock has described the streets were for prostitutes, 'a resource to be exploited'²⁵. This appropriation of the pavements for soliciting brought London's sex workers into direct confrontation with the demands of civic government for

²² CLA/005/01/001, 24/11/1761

²³ CLA/005/01/002, 20/4/1762

²⁴ The term 'prostitute' is not commonly used before the middle of the eighteenth century. Dabhoiwala, *The Pattern of Sexual Immorality* p.88

²⁵ Hitchcock, *Down and Out*, p.52

order and politeness, the same underlying motive that brought the prosecutions of bullock hunters and drunks.²⁶ City constables like Payne (a man who belonged to the Reformation of Manners movement – a sort of 18th C evangelical pressure group), brought in large numbers of women, sometimes as many as 13 at one time (as this illustration shows), to be charged with picking up men or for disorderly behaviour.

However, they were not always successful in gaining a prosecution. When Jane Cox was brought in by Payne he told the sitting JP that he had found her 'wandering in Fleet Street and picking up men' and said that she had confessed to being a prostitute. However, another constable said the prisoner had denied 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).²⁷ She was discharged. Payne was thwarted, and perhaps Jane's strategy of throwing herself upon the mercy of the male dominated court was successful.²⁸ Most street walkers were released by the courts with merely a reprimand, but nearly all of them had spent the previous night in a compter such as Poultry or Wood Street, in what we know to have been unpleasant circumstances before they appeared in court.

The discretion of the magistrate is clear from the judgements they give. Some women were sent to Bridewell either as 'old offenders', or because they were arrested when there was clear evidence of their offence. 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.²⁹ 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

²⁶ Ogborn, *Spaces of Modernity*, p.49

²⁷ CLA/005/01/006, 22/1/1778

²⁸ CLA/005/01/006, 22/1/1778

²⁹ CLA/005/01/002, 15/10/1761, Bagnio Street did indeed exist off Newgate Street; *The A-Z of Regency London* ref 14Db

Welch girl' and was released.³⁰ 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 were capable of distinguishing need from greed on occasions. 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'³¹. 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'³². 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'³³. 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.

If prostitution was hard to prevent so was gambling. The City was rife with lottery fraud – people bet on gaining the winning ticket in the national lottery and large crowds gathered to watch the draw. Dog fights, cock fights, rat fights, indeed all manner of animal cruelty was an opportunity for a flutter. Inns and taverns were venues for dice or card games or form an old form of what seems like roulette, EO as this report from the press shows. The *World* newspaper reported in 1787 that an E O table had been seized and the owners of it taken before the LM at Mansion House. The gamblers had been playing at it in a house in Old Bailey when the City marshal (the LM's head of police) and two of his officers had entered acting on a tip off; according to the report the 'table was thrown into the yard' but recovered by one of the officers. On October 10th that

³⁰ CLA/005/01/006, 21/1/1778

³¹ *The London Chronicle*, 27/9/1821

³² Ibid.

³³ Ibid.

year the World reported that an EO table, presumably this one, had been publically burned.

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. This was the role of JPS throughout the country, administering the poor laws, passing vagrants, punishing beggars, handing out small doles, examining bastard bearers and dealing with all manner of routine everyday business. In London some of this work was undertaken outside of the court, at Bridewell or by charities.

I do not have time to detail all the business of the summary courts, except to say that the courts at Guildhall and Mansion House were, to a significant extent, serving to deliver the holding goals 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. 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. In addition the courts served to 'police' industrial relations – so we see badly behaved apprentices here (though many were sent directly to the City Chamberlain who maintained his own court), servants complaining about their masters and employers bringing in workmen for running off and leaving work unfinished. Some people come in to plead poverty and ask for help, others to swear that they have upheld the laws that insist on burials in linen, and a handful of individuals come seeking to have their settlement papers verified.

And this is perhaps the overall picture of these summary courts. As we might say, 'all human life was here'. The courts at Guildhall and Mansion House allowed victims to bring their complaints swiftly and inexpensively, to prosecute those

that had stolen from or assaulted them. The courts acted as a filter to the jury courts, easing pressure on the Old Bailey. In doing so they probably exceeded their authority but also provided a model of the magistrate court system that was to evolve in the nineteenth century. Those using the courts were drawn from a wide social background and while social status is quite difficult to determine from the minute books it is clear that considerable numbers of lower class Londoners were using these courts to bring charges or seek compensation or help. It would be stretching things too far to describe the Guildhall and Mansion House justice rooms as 'people's courts' but they were certainly courts that most people could use and it is very evident from this under used archive source that Londoners were using them in considerable numbers.