CRIME & PUNISHMENT

IN EIGHTEENTH-CENTURY ENGLAND

Frank McLynn

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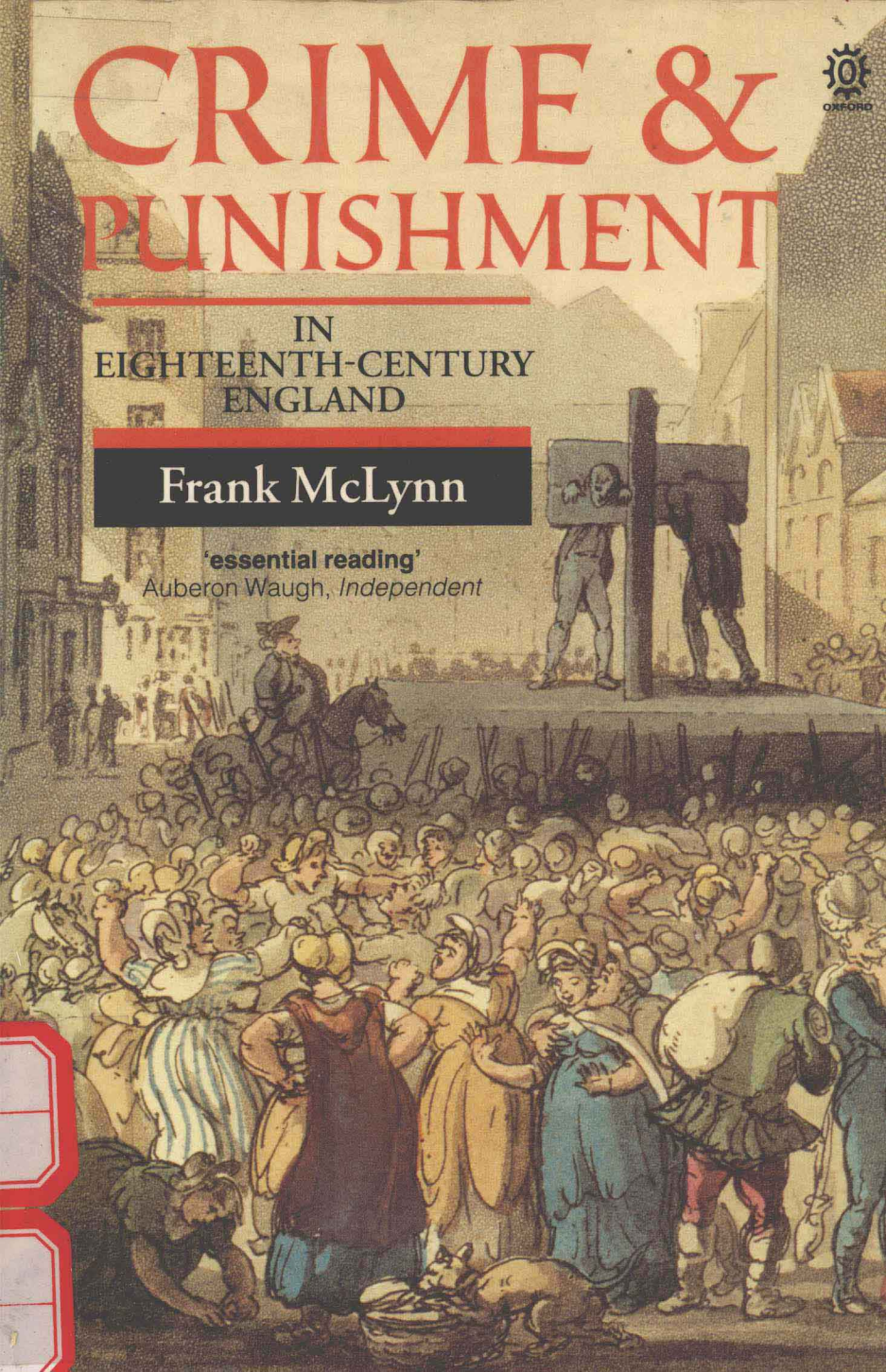

Crime and Punishment in Eighteenth-century England

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To Pauline

Introduction

The Bloody Code is the name traditionally given to the English system of criminal law during the period 1688–1815. In these years a huge number of felonies punishable by death was added to the statute book. In 1688 no more than fifty offences carried the death penalty: the crimes so punishable were treason, murder, rape, and arson. By 1765 this figure had risen to about 160; an average of one new capital offence a year was added during the thirty-three-year reign of George II. A further sixty-five capital felonies added to the Code from 1765 to 1815 brought the number of crimes that bore the death penalty to about 225 by the end of the Napoleonic wars.[1] Even so, the number of capital offences was not co-extensive with the number of cases where the death penalty *could* be inflicted. On one calculation, the actual scope of the death penalty was about three or four times as wide as the capital provisions indicate.[2]

The other notably sanguinary feature (at least on paper) of the Bloody Code was that the new capital statutes deprived the felon of 'benefit of clergy'. Before 1706 it had been possible for members of the clergy and other literate persons to escape the death penalty in the case of lesser crimes by pleading an old form of ecclesiastical privilege; to obtain 'benefit of clergy' a person had to offer proof of literacy by reciting a passage of Scripture. An Act of 1706 abolished the literacy test.[3] Its abolition undoubtedly saved many illiterate men and women from the gallows since they were taken under the umbrella of equity. But what the elite gave with one hand it took back with the other. As well as enlarging the scope of the death penalty, the authorities saw to it that the new capital offences were 'non-clergyable', that is, benefit of clergy could not be invoked.

The explosion of capital statutes marked a return to Tudor severity and was the product of a mentality that saw the gallows as the only deterrent to serious crimes. In functional terms the Bloody Code was the response of a society where capital enterprise was releasing new forms of wealth which could not be adequately protected without a regular police force. There is no need to posit a conspiracy to introduce draconian legislation *in general*. In terms of challenge and response, the Bloody Code was an organic process of adaptation by a society concerned to protect new forms

of property and to restrict the benefits of a huge increase in wealth. The increase in commercial activity after the 'Glorious Revolution' of 1688 led to a plethora of laws on stolen property, receiving, embezzlement, fraud, and the obtaining of goods on false pretences. The modern law on theft may be said to date from this period.[4] The pattern was clear even in the reign of William and Mary. A law of 1691 made it a non-clergyable offence to take goods from a house while the owner was present and put in fear, and to break into houses, shops, and warehouses and then steal items to the value of five shillings.[5] Eight years later it was made a non-clergyable offence to shoplift any item worth more than five shillings or to steal articles of the same value from stables and warehouses.[6] In Queen Anne's reign it was additionally made non-clergyable to steal goods worth more than forty shillings from a house or outhouse, even if entry was secured without breaking and the owner was absent.[7]

It is a constant of human society that each age imagines itself more wicked than the preceding ones. Lord Chancellor Hardwicke remarked that the draconian provisions of the Bloody Code were made necessary by the egregious wickedness of the age.[8] And it is quite clear that, despite the hindsight assurances of later historians that the Hanoverians lived in a period of Augustan calm, the upper classes genuinely feared the mob, whether overtly criminal or not, and were quick to convert an increase in criminality into a threat to social order itself.[9] It was quite true that crimes against property *did* increase in the eighteenth century. Whether they increased at anything like the rate of trade or wealth, especially in real estate, is much more debatable. Those who argued for the singular wickedness of the age forgot the economic side of the social equation, just as they ignored urbanization, poor infrastructure, and (in the second half of the century), industrialization and population increase.

Yet while many members of the elite were prepared to countenance the Bloody Code as a necessary defence of social order against the evil anarchy of the mob, the violent, and the incorrigibly criminal, more thoughtful beneficiaries of the social system were disturbed by the Code's wild irrationality. In the first place, there was the element of 'overkill'. It was a capital crime to steal a horse (and after 1741 a sheep); to pickpocket more than a shilling; to steal more than forty shillings in a dwelling place or five shillings in a shop; to purloin linen from a bleaching ground or woollen cloth from a tenter ground; to cut down trees in a garden or orchard; to break the border of a fishpond so as to allow the fish to escape.

Second, there was the confusion arising from the fact that ancient statutes were not repealed, and that legislation long considered obsolete could suddenly be revived. The Bloody Code could become more severe in its effects simply through inflation. An Act that ordained the death penalty for stealing five shillings at the beginning of the eighteenth

century could appear altogether harsher if revived unchanged at the end of it. As one historian has put it: 'While everything else had risen in its nominal value and become dearer, the life of a man had continually grown cheaper.'[10]

In addition, the same crime could be prosecuted under totally different statutes and penalties. Often a multiplicity of laws bore on the same crime. The theory and practice of the criminal law were light-years apart. Then there were the well-known anomalies in the Code. To commit a theft in a furnished house which was let as a whole was not an offence. Pickpocketing carried the death penalty but child-stealing, despite its high incidence, was not even an offence.[11] It was a capital felony to steal goods worth more than forty shillings from a ship on a navigable waterway, but not on a canal. To steal fruit already gathered was a felony; to steal it by gathering it was a mere trespass. To break a pane of glass at 5 p.m. on a winter's evening with intent to steal was a capital offence; to housebreak at 4 a.m. in the summer when it was light was only a misdemeanour. To steal goods from a shop and to be seen to do so merited transportation; to steal the same goods 'privately', that is, without being observed, was punishable by death.[12] In extreme cases parricide might receive the same punishment as the theft of five shillings.[13]

Some of the anomalies became notorious. A servant who had wounded his master fifteen times with an axe was executed, not for attempted murder, but for burglary, on the grounds that he had had to lift the latch of his employer's door to enter his chamber. In another case, an inveterate burglar was convicted and executed on the 'lesser' charge of cutting down trees.[14] The essence of the situation was that the Code worked by exemplary punishment, where the retribution did not fit the crime.

There are two obvious traps to fall into when discussing the Bloody Code. One is to underrate its ferocity; the other is to overrate it. On the one hand, for those unlucky enough to be caught up in the web of exemplary punishment the criminal Code was unjust, irrational, and exceptionally severe. There was some discrimination on grounds of age and sex, but not nearly enough. What there was attracted the censure of hardline defenders of the Code like Martin Madan, who deplored the fact that juries tended to be lenient towards young offenders.[15] The safeguards supposedly guaranteeing the liberties of Englishmen, like Habeas Corpus and the jury system, were inadequate to prevent miscarriages of justice. Judges often admitted that capital punishment did not fit a given crime or even that they had doubts about a particular person's guilt; nevertheless they continued to argue that the death penalty should stand even in such cases, since it served as an awful example and warning.[16]

Sir Erskine May famously described eighteenth-century justice thus: 'The lives of men were sacrificed with a reckless barbarity, worthier of an eastern despot or African chief, than of a Christian state.'[17] His words were an elegant gloss on the dithyrambic attack on the Code made in Parliament by Sir William Meredith in 1778. Meredith exposed the fallacies in the Code's premises in a *tour de force* of anti-deterrent rhetoric. Cruel laws encouraged crimes rather than preventing them. Since only half at most of all convicted felons were hanged, a thief might reckon the odds in his favour to be as much as twenty to one. And even if the odds were twenty to one on his being apprehended, criminal psychology was such that the felon could still argue that it was his fate to be the one in twenty. Moreover, the death penalty could be shown to be no deterrent even in the case of crimes that were never pardoned. Perpetrators of forgery and coining were virtually certain to be hanged under the Code, yet these were among the most common offences. Finally, Meredith pointed out, every new capital statute begat twenty more. If you hanged for sheep-stealing, logically you had also to hang the man who stole a cow or a goat. There would literally be no end to the crazy cycle of 'deterrence'.[18]

On the other hand, it would be a travesty of eighteenth-century history to suggest that the grisly ritual at Tyburn was inevitable and unending. One hundred executions a year in England was thought to be the limit the Code could order without bringing the entire notion of justice into disrepute. Judges and juries mitigated the law's sanguinary provisions by discretionary actions. Often juries would flagrantly flout the evidence placed before them in order to avoid sending a felon to the gallows. Indictments for grand larceny (carrying the death penalty on conviction) would be downgraded to petty larceny (where the maximum penalty was transportation) by valuing the stolen goods notionally, at less than one shilling. On one occasion it was clearly established that a large number of golden guineas had been stolen, yet the jury chose to reduce the charge from felony to misdemeanour by finding that less than forty shillings had been stolen![19]

Judges too played their part in the process of clemency by sometimes discharging the accused before their cases even came to trial. Such a discharge was quite distinct from acquittal by the jury *after* trial. Large numbers of petty criminals were pardoned without entering a court-room.[20] In the year 1791–5 it was estimated that 5,592 persons were discharged before trial, while 2,962 were acquitted after trial.[21]

The general rule of thumb discernible from an examination of the way the Code actually operated was that for the most part judges ordered capital punishment for the 'old' (pre-1688) offences, like murder and highway robbery, and handed down sentences of transportation for the 'new' capital offences added to the statute book after 1688. This tendency

was particularly marked after 1750. By the 1790s, even when juries returned a guilty verdict for theft, they accompanied it with a plea for mercy, so that execution for stealing was uncommon. Where it took place, there were usually aggravating circumstances: armed robbery, demanding money with menaces, and so on.[22] Gang activities were particularly likely to elicit the full force of the Code.[23] But it must be emphasized that this was a relative pattern, not an absolute one. There was a proliferation of criminal statutes in the eighteenth century directed against forgery and counterfeiting. This was a response to the sustained lobbying of banks and other commercial interests, who were determined to secure protection for the new system of paper credit and exchange.[24] As a result, the crime of forgery was one great exception to the rule. Two-thirds of the century's convicted forgers were executed; except for murder, no crime was more relentlessly punished.

The central paradox of the Bloody Code was that a vast increase in capital statutes did not lead to higher levels of execution. This raises the question of what the ultimate intention of the framers of the Code actually was. The usual interpretation is that deep-seated resistance to a professional police force on the French model left the elite no choice but to use the deterrent horrors of Tyburn tree to protect its own property and privilege. The proliferation of capital statutes is then explicable in terms of lobbying by special interests to impose the death penalty for threats against their particular form of property. On this view, the fact that so many new offences were removed from benefit of clergy does not denote a ruling-class conspiracy or grand design by the Whig/Hanoverian ascendancy, but rather filling in the spaces of what has been described as a crude and rather mindless matrix. Blackstone adduced as the *locus classicus* of this process of piecemeal 'tacking' on to the Bloody Code by determined local pressure groups the 1741 Sheepstealing Act, the fruit of lobbying by a small group of farmers. Similar considerations apply to the passage of the 1731 and 1745 Acts against the theft of linen or cotton cloth, the 1742 Act against cattle theft, and the statutes of 1751 and 1765 directed against theft respectively from ships in a navigable river and from the mails.

It has not perhaps been sufficiently realized that the theory of the growth of the Code, as it were spontaneously and in a fit of absence of mind, as a functional response to the lack of a regular police force, does nothing to explain why the capital statutes were not more rigorously executed. Except for a few diehards like Madan, elite members of society themselves were fully aware that capital punishment could never fulfil the role of a police force. The theory that the Code was not inspired by a central intelligence but was an unconscious, quasi-organic adaptation to a new property-owning environment, also ignores the occasions when the elite did act in a concerted manner. The most famous such occasion was

the 1722 Waltham Black Act, which in effect provided an overarching capital statute covering almost every conceivable criminal activity.

The truth is that, in explaining the explosion of capital statutes in the eighteenth century as a reaction to the absence of a police force, many historians have mistaken a symptom for a cause. The dislike of police was part of a cluster of attitudes, including hostility to a standing army, that stood at the heart of English political culture. This culture can be characterized as empirical rather than rational, relying on habit, custom, tradition, hunch, and intimation rather than reason. This tendency informs classical English political theory, providing a thread that runs from Hume and Burke in the eighteenth century to Oakeshott and J. L. Austin in the twentieth. A corollary of this empirical political culture is the aristocratic tradition and the cult of the amateur. Professionalism, being an aspect of rationalism, has always been suspect in England. 'Too clever by half' is a phrase that is inconceivable in French.

In terms of law enforcement, dislike of rationalism means a distaste for making the punishment fit the crime, in favour of general deterrence through exemplary punishment. A contemporary example may make the point clearer. The English law enforcement system favours the implementation of highway speeding regulations by means of the occasional ferocious example. There is no regular police patrol of the nation's motorways. In the USA, by contrast, a professional highway patrol rigorously enforces speed limits, so that speeding invites the certainty of detection. This reflects the differential experience of a society strongly influenced by Continental rationalism (the USA), with a written constitution and Bill of Rights, and a society accustomed to muddling through by 'intimations'. In a word, English law has always been concerned more with credibility and authority than punishment of each and every infraction.

That this political culture meshed beautifully with the requirements of the elite has been ably demonstrated by the most convincing explanation yet provided of the 'meaning' of the Bloody Code.[25] As Douglas Hay explains it, in eighteenth-century England the elite used a system of draconian punishments to allay its own anxieties over a number of issues: the real stability of their regime, the threat from Jacobites and later from Jacobins, the fear of the mob. The real motive was credibility. The sanguinary statutes were not meant to be implemented at all times and at all points. As Hay expresses it, they were more concerned with authority than property.[26] The principal aim was always to compel the deference of the lower orders. It was deference – an obvious aspect of the aristocratic tradition – that the authorities wanted, not one hundred per cent effectiveness in punishment or control of crime.

Yet there was a further subtlety to the elite use of the Code that made the superficially sanguinary criminal law system a masterpiece of social

control. The grip exercized by the eighteenth-century elite was precarious, reflecting the 'half-State' twilight characterized by parasitism when a ruling class has not yet sunk its roots deeply enough. What was needed was an ideology to provide social cement and legitimate the entire system. With the decline in traditional beliefs, religion could no longer play the required role. The great nineteenth-century ideology of market liberalism was still in the future. To fill the ideological gap, the elite invoked the law, insinuating the idea that every man was equal before the law, that the law was dispassionate, impartial, and blind to social stratification.[27] As Gramsci was later to explain it, social hegemony is only truly attained when a ruling class can persuade those it rules that the norms and sanctions of society, which in reality benefit only the privileged few, are devised for the good of all.

The occasional exemplary ferocious punishment meted out under the law would reinforce the majesty and authority of the allegedly trans-class law courts. An insistence on meticulous punishment for each and every transgression ran the obvious risk of giving the game away, of directing attention to how the legal system actually operated. But it is important to be clear that, in order to achieve this *pièce de résistance* of social control, to promote the law as the central legitimizing ideology, the elite had to accept very substantial limitations on its own freedom of operation. The trick of conflating 'equality' with 'equality before the law' is a difficult one to bring off.[28] It could be made convincing only if the authorities themselves accepted the restrictions imposed on them by the 'rule of law'. The ruling class had to be inhibited by its own laws from the use of arbitrary imprisonment, torture, or the indiscriminate use of the military. The occasional aristocratic victim like Lord Ferrers (see below p. 150) had to be offered up. Sometimes, as in the Wilkes case, the government retired from the courts defeated.

The social control achieved by the eighteenth-century elite was thus always partial and relative. Quite apart from lacking the necessary technology, the rulers of eighteenth-century England could not hope to rival the power available to a modern totalitarian state. There is a very great gap between ruling by a system of bad or imperfect laws, and even bending or misusing those laws, as in a primitive authoritarian regime, and simply inventing the law, as in modern totalitarianism. The English elite possessed no 'death squads' or secret agents 'licensed to kill'. By and large, the rule of law exhausted the range of its powers. This is a truth obscured by a vulgar Marxism of base and superstructure, where law is considered 'nothing but' the interest of the ruling class. The attitude of Sir Robert Walpole and Lord Hardwicke to the rule of law may have been the merest humbug; this does not mean to say that the concept of the rule of law itself was. As E. P. Thompson has well remarked: 'We may imagine how Walpole would have acted, against Jacobites or against

disturbers of Richmond Park, if he had been subject to no forms of law at all.'[29]

Some of the more puzzling features of the Code thus become clear. Its egregious absurdities are revealed as part of a general resistance to rationality by a political culture that was profoundly functional in its support of elite interests. Since these absurdities were widely known and widely debated, it might be asked why the Code was not tidied up. After all, the elite had its own overarching enabling legislation in the form of the Waltham Black Act. Why not lop away the surplus or obsolescent statutes? The answer is that their retention increased the obfuscatory effect of the Code and facilitated social camouflage, so that the special interest of the elite could masquerade as the General Good. The same 'mystifying' effect was achieved by the use of exemplary rather than certain punishments. There can be few more misleading assessments than this by Blackstone: 'It is moreover one of the glories of our English law that the species, though not always the quantity or degree of punishment is ascertained for every offence.'[30] Nothing could be further from the truth.

1

London

> London joyned with Westminster, which are two great cityes but now with buildings so joyned up it makes but one vast building with all its suburbs.
>
> Celia Fiennes, *The Journeys of Celia Fiennes*

> Dear, damn'd, distracting Town farewell!
> Thy fools no more I'll tease
> This year in Peace, ye Critics, dwell,
> Ye Harlots, sleep at Ease!
>
> Alexander Pope, *A Farewell to London in the Year 1715*

> That tiresome dull place! where all people under thirty find so much amusement.
>
> Thomas Gray, letter to Norton Nicholls, 19 November 1764

In eighteenth-century England crime was overwhelmingly a London phenomenon. Outside the capital there was of course the natural quota of murders and petty theft. But in the provinces what the London authorities considered as crime was usually viewed very differently by the local community, as in the case of coining, poaching, smuggling, or wrecking. Here 'local mafias' conducted their illicit operations with the implicit or explicit sanction of local folkways. Only in London was there a distinct criminal subclass, sustaining itself by its own 'underworld' ethos, at odds with the wider community in which it found itself.

London was different from the rest of the country both in degree and kind. In 1700 England had a population of some five millions, two thirds of whom were employed in one way or another in agriculture. During the entire eighteenth century London contained at least one-tenth of the population. Before the first official census in 1801 all estimates are guesswork. But if we take the population of London in 1801 (900,000) as the fixed point, the best conjecture produces a population steadily rising from about 575,000 in 1700 to 675,000 in 1750, then accelerating more rapidly thereafter.[1] Between 1720 and 1750 there were more deaths than

births in London, but after 1750 the death rate declined. In the first half of the century bad harvests followed by a rise in the price of bread combined with harsh winters to produce epidemics of disease that carried off large numbers, as in 1709-10, 1713-14, 1727-8 and 1740-1.[2] The fact that London's population rose during 1700-50 was attributable to the 'population implosion', the increasing flight from the countryside to the capital.

'The great wen' dominated England to an extent difficult to appreciate. In 1700 when London's population was already well over half a million, the second city in numbers, Norwich, contained no more than 20,000 souls, while Birmingham had no more than 10,000. Throughout the entire century London contained at least one-tenth of the nation's people. Paris provided at most one-fortieth of the population of France in the same period. By another index, London's domination was even more complete. It is estimated that by 1750 one sixth of the English population either was living in London or had lived there for significant portions of its lives.[3]

Early Hanoverian London (including the cities of London and Westminster) was a noisome farrago of cobbled, mud-covered streets. Overcrowded and pestilential, it sometimes resembled a gigantic market town, where animals wandered freely in the streets and their smells and noises were ubiquitous. It extended from modern Bond Street and St. James's Park on the west to Wapping in the east, and from Moorfields (Sadler's Wells) to St. George's Fields, Southwark in the south. Included in the population total of some 600,000 for the early period were the villages of Chelsea, Kensington, Hampstead, Islington, Bow, Stepney and Camberwell. Soho and Mayfair were largely pasture ground. But the sheer appetite for space of the 'monster city' was beginning to appal the most perceptive contemporaries. Daniel Defoe estimated that London would soon have a circumference of thirty-six miles and would include not only the cities of London and Westminster but Southwark, Deptford, Islington and Newington. Next, the moloch would consume Poplar, Greenwich and Blackwall in its maw; soon Chelsea, Knightsbridge and Marylebone would be devoured:

> It is the disaster of London, as to the beauty of its figure, that it has thus stretched out in buildings, just at the pleasure of every builder, or undertaker of buildings, and as the convenience of the people directs, whether for trade or otherwise; and this has spread the face of it in a most straggling confus'd manner, out of all shape, incompact and unequal; neither long not broad, round or square, . . . one sees it in some places three miles broad, as from St. George's in Southwark to Shoreditch in Middlesex: or two miles, as from Petersburgh House to Montague House; and in some places not half a mile as in Wapping; and much less as in Redriff. . . . We see several villages, formerly

> standing, as it were, in the country, and at a great distance, now joyn'd to the streets by continual buildings, and more making haste to meet in the like manner. . . . That Westminster is in a fair way to shake hands with Chelsea, as St. Gyles is with Marybone; and Great Russell Street by Montague House, with Tottenham-Court; all this is very evident, and yet all these put together, are still to be called London: whither will the monstrous city then extend? and where must a circumvallation or communication line of it be placed?[4]

At the end of the century Horace Walpole confirmed Defoe's prognosis:

> There will soon be one street from London to Brentford; ay, and from London to every village ten miles around! Lord Camden has just let houses at Kentish Town for building fourteen hundred houses – nor do I wonder; London is, I am certain, much fuller than ever I saw it. I have twice this spring been going to stop my coach in Piccadilly, to inquire what was the matter, thinking there was a mob – not at all; it was only passengers.[5]

The topography of London with its tangled lanes, hidden courts, dark alleyways and sprawling suburbs provided an ideal nesting ground for criminals of all kinds. As Henry Fielding remarked in a famous passage:

> Whoever indeed considers the cities of London and Westminster with the late vast addition of their suburbs, the great irregularity of their buildings, the immense number of lanes, alleys, courts and bye-places; must think that, had they been intended for the very purpose of concealment, they could scarce have been better contrived. Upon such a view, the whole appears as a vast wood or forest, in which a thief may harbour with as great security, as wild beats do in the deserts of Africa or Arabia.[6]

The situation was aggravated by the existence of criminal sanctuaries. It had long been a practice for criminals to claim the right of sanctuary on consecrated ground where the old dissolved monasteries had once stood. By 1712 the authorities had effectively clamped down on this misuse of ancient privileges. Only the Mint at Southwark, a refuge for debtors, remained as the last of the 'bastard sanctuaries'. But the old sanctuary areas continued to be popular criminal ghettoes. The most famous were at Whitefriars and Alsatia (the area between Fleet Street and the river), but there were many others: Whitechapel, Barbican, Smithfield, Bankside, Covent Garden, Shoe and Fetter Lanes, parts of Holborn. There were many notorious streets, feared and dreaded by the law-abiding: Chick Lane, Thieving Lane (near Westminster Abbey), Petty France, Orchard Street.[7] The riverside district from St. Katherine's to Limehouse was widely considered a 'no go' area. Even the fields and

roads around London were unsafe except on Sundays, when crowds of people streamed out to the pleasure gardens and tea rooms.[8]

Into these ghettoes peace-officers ventured at their peril. Fielding recorded glumly 'it is a melancholy truth that, at this day, a rogue no sooner gives the alarm within certain purlieus, than twenty or thirty armed villains are found ready to come to his assistance.'[9]

Violence was endemic in London, especially in the first half of the eighteenth century. Cock-fighting, bear-baiting, goose-throwing, bare-knuckle fist-fighting were just some of the popular recreations. A culture of heavy drinking, bawdy houses, illiteracy and low life-expectancy bred an ephemeral, gambler's attitude to 'law and order'. This 'deviant' subculture even produced its own literature and had a strong influence on the productions of elite culture and literature.[10] The violence was compounded by the minions of the elite, notably by press gangs, whose strong-arm methods routinely provoked serious rioting.[11] The French traveller and mathematician La Condamine said that he had visited the most barbarous countries in the world (he instanced Russia, Turkey, Algiers, Tunis, Tripoli, Morocco and Egypt) and had never seen savages to equal Londoners. In his view, the inhabitants of the capital were more ferocious and fearsome than any other group of people from China to Peru.[12]

There can be no mistaking the general level of casual violence. On a single day in 1764 the following crimes were reported. A footpad was committed for stealing a hat and a wig; another for stealing a bundle of linen from a woman's head; a man was arrested who had stolen £500 worth of plate in Cavendish Square. A housebreaker wounded the occupant in a house in Gloucester Street and made off with £100. A man lost a watch and £12 to a robber between Kentish Town and St. Pancras. A woman was robbed when one member of a gang fell down in front of her; she tripped over him, and his accomplice made off with her bundle. Meanwhile a ship's master was brought from Bristol on a charge of murdering two blacks on the high seas.[13]

Six months later casual violence was just as evident. On a single day, in December 1764, the *London Chronicle* records the following. A sailor bumped into a porter in Threadneedle Street, begged his pardon but was struck. He struck back and killed the porter. Since he was not the aggressor, the crowd of onlookers let him escape. On the same day the woman servant of a tripe-man in Southwark cut her own throat. On the road from Guildhall to London a married couple got caught up in a furious row. The husband, a carpenter, in his fury threw himself into a pond and was drowned.[14]

It is tempting to conclude that everyday life was not far removed from Hobbes's state of nature – 'nasty, brutish and short' – and there is some truth in such a shorthand description. Yet observers detected a more nuanced attitude to other human beings, suggesting that human life was

not held quite so cheaply as in the cliché picture of early Hanoverian London.[15] The traveller d'Archenholz noticed that London crowds were in general very considerate towards women and children.[16] It has to be remembered, too, that modern indices of stress factors predisposing people to aggression are cultural constructs. The same triggers would not necessarily have elicited the same responses in the eighteenth century. The inhabitants of London lived in overcrowded conditions, but so did the capital's upper classes. It is a mistake to read back modern notions of privacy into the eighteenth century.[17]

The species of London criminal feared most was the footpad, the armed robber operating on foot, usually in gangs. They infested London and the outskirts. The normal pattern of operation was to waylay people in one area and then to retreat to safety in the 'flash houses' (safe houses) of one of the notorious 'rookeries'. Favourite operating haunts of the footpads were around Knightsbridge and Tottenham Court Road, then surrounded by ditches and open fields.[18] After the robbery the favourite retreat would be one at Holborn, Gray's Inn Lane, St Giles, Great Queen Street, Long Acre, St Martin's Lane, Bedford Street and Charles Street. Such was the *modus operandi* of the notorious White Brothers (executed in 1758).[19]

Footpads would steal anything of value but different gangs had different specialities or 'lays'. Obadiah Lemon's gang, operating in the second decade of the century, specialized in stealing from coaches. At first they used fishing hooks and lines to whisk hats, whigs, and scarves out of coach windows. The coach owners retaliated by fitting their vehicles with perforated tin sashes, though one unwelcome consequence was that passengers then had to travel in darkness and stifling heat.[20]

The Lemon gang then developed a new expertise. They would jump on to the backs of coaches, cut through the roof and snatch hats, whigs and jewellery out through the hole. A much simpler ploy was simply to sever the leather straps supporting the coach. Then, when the coachdriver got down to see what was the matter, the footpads simply made off with the boxes under the driver's seat.[21]

Other footpad specialities were the waylaying of stage-coaches when they dropped speed. The difficulty of their robbing men on horseback was obvious, though many such attempts were made.[22] But when a coach slowed down to cross a bridge, an opportunity arose. In June 1792 Mr Fry of Wimpole Street and six young ladies in his company were held up at Richmond Bridge on their way home from Richmond theatre and robbed of four guineas and some silver. There were six footpads on the bridge, and they fired into the coach window to stop it. One of the shots grazed a lady's ear and carried off her earring.[23] The same gang had held up two post-chaises from Richmond three days previously in Kew Lane.[24]

Footpads were much more violent and far more dreaded than the