Gender and Petty Violence in London, 1680-1720

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The period between 1680 and 1720 was fraught with religious and political turmoil in England. Catholic King James II was forced to flee the country in 1688, and the Protestant Stadholder of the Netherlands, William of Orange, and his wife Mary were invited to take over the throne. Though the English people were fairly eager to stem the growing tide of Catholicism launched by James II, William III did not inspire deep-rooted affection among his new subjects. He involved England in an expensive war against the French that was motivated primarily by his Dutch interests. The Hanoverian succession in 1714 was also hotly disputed. The new German King was popularly disliked, and the feeling seems to have been mutual. Like William III, George I used England’s resources to pursue foreign interests. These European wars brought an equally contentious rise in taxation, and John Brewer has described the extensive development of the fiscal state over the eighteenth century.¹ The taxes levied during the reign of James II doubled under his immediate successors.

Given the political and religious upheaval of the fin de siècle environment, one would expect to see a significant amount of petty violence against the state in the capital. In fact, London (and the rest of England, for that matter) was surprisingly peaceful. Despite widespread opposition to the monarchs and their advisors, there was no large-scale assault upon the state in this period. Ian Gilmour argues that the English government was able to cast a veil of hegemony over a people ripe for revolution. Notwithstanding a substantial undercurrent of popular dissent throughout the century, Gilmour observes,
the government was consistently able to “engineer consent” among its people. Because English men and women believed that “they were a uniquely free people,” they did not feel the need to violently overthrow their government. This desire was also fueled by the fear of repeating the disorders of the interregnum and restoration era and by the reluctance of some to frontally attack the government during wartime. The public demonstrations and petition drives that occurred during this era also served as an escape valve for violent antigovernment sentiments.

One would probably think that riots comprised the most significant form of violence against the state in this period. However, although Londoners rioted against everything from high theatre prices to French alehouse keepers, there was remarkably little violence in eighteenth-century riots. E. P. Thompson has written extensively on the organized and disciplined character of the eighteenth-century crowd, and many historians have remarked upon the largely defensive nature of the English riot. Chapter 7 examines the more violent aspects of riot to highlight the little-studied fact that riot was an avenue for female assaults on the state, and it focuses especially on the violent elements of female Jacobitism. The current chapter could deal more generally with the violence of Jacobitism as a whole, but because the topic has already received substantial attention in other histories, it seems unnecessary to reiterate their well-known findings.

Instead, this chapter will show that the vast majority of petty violence against the state was expressed in small-scale conflicts with individuals. Although Sir Robert Walpole himself was attacked in 1733, there were almost no attacks on high government officials in the early eighteenth century, and there were no assassination attempts. Londoners’ violence was confined to much smaller theatres. We will explore the state as it was personified in tax collectors, soldiers, press officers, constables, watchmen, bailiffs, and marshal’s men. These officials came into contact with Londoners in the course of their official duties, and they were attacked for a wide variety of reasons, ranging from their individual personalities to the government policies they enforced. Londoners assaulted soldiers not only because they were insconsiderate and unruly, but also because they represented growing state intervention in daily life. They attacked army and naval press gangs because they violated the principles of freedom held sacred by the English. They struck out at constables and other policing bodies who exceeded their authority or attempted to enforce unfair laws. Aside from Jacobitism—where historians have focused most of their attention—violence against the state was perpetrated mostly at an individual level, provoked by immediate concerns; it very rarely took the form of organized, sustained attacks.
Although women participated in political demonstrations and specific forms of violence against the state in this period (as chapter 7 illustrates), the vast majority of the attacks on the state appear to have been largely restricted to masculine participants. Women certainly had their own opinions about taxation, military recruitment, and the policing of the city, but they rarely allowed their opposition to escalate into physical violence. Aside from a few significant areas, depicted in the following chapter, the one-third of assaults perpetrated by women observed in chapter 5 stemmed mostly from neighborhood disputes. While men became violent over neighborhood disputes as well, they were much more likely than women to become aggressive with state officials as they conducted their duties.

One might think that Westminster, as the seat of national government, would have seen many Quarter Sessions assault prosecutions from those associated with parliament. In fact, only three recognizances for assault were brought by Members of Parliament or their assistants. The Speaker of the House of Commons was stopped “in his passage to the parliament house” in 1708, and his servant was assaulted as he rushed to protect his master. Mr. Edward Arnold was assaulted “in his office in Whitehall” in 1720. In 1701 a “cowkeeper” stopped an MP’s coach “in the open street” and assaulted him. The law took such assaults very seriously, and Queen Anne passed a statute in 1710 particularly to protect her Privy Councillors. The statute made an “assault . . . strike or wound” punishable by death without the benefit of clergy. Whether frightened by the severity of such laws, or simply because parliamentary officials were well guarded, there were few attacks on these representatives of the state. All of these assailants were male, but with only three attacks we can only hesitantly characterize assaults on MPs as a masculine form of petty violence.

The same is true of attacks on the state’s tax agents. Although our period in Britain’s history saw the beginnings of a dramatic expansion of the fiscal state, with high taxation, John Brewer has observed that there was surprisingly little popular resistance. The Westminster recognizances show, however, that there were a few rare occasions when Londoners’ ire against the heavy taxation did erupt in violence. Indeed, even contemporaries who defended the nation’s taxes admitted that it was “very much in Men’s mouths, that the Taxes are . . . grievous,” and several pamphlets were published between 1680 and 1720 which demanded reductions in various taxes. Despite the likelihood of some resentment among the populous, no large-scale tax riots swept
London at this time. Instead, anger was expressed against taxation at its most personal level, against the tax collector himself, and again only very rarely.

There are only five recognizances for tax-related assaults in Westminster. Thomas Rush assaulted the collector of the hearth tax in 1688; Rebecca Marson assaulted “one of the collectors for the highways” in 1693; James Barron attacked an overseer of the poor in 1705; Thomas Clarke assaulted a Land Tax collector in 1709; and John Shoplin assaulted an excise officer in 1717. Aside from the latter, all of the recognizances indicate that these officials were attacked while they were demanding money from the defendants. The records make clear that it was the men’s very role as tax collectors that had provoked the assault. Though Rebecca Marson was the only woman prosecuted for such attacks, her presence among the men suggests that women could and did question the legitimacy of certain taxes or the conduct of the collection officers. In her study of seventeenth-century Cheshire, Garthine Walker observed women’s opposition to taxation, arguing that “this area of female concern over household goods was widely acknowledged.” Nevertheless, it is likely—even given our small numbers—that men were more inclined than women to be violent with tax collectors in eighteenth-century London. It seems clear that tax collectors were not assaulted with any frequency in this period, as no laws had to be drawn up to protect them. Though legal handbooks had special procedures for people who refused to pay the poor rates, for example, there was no special penalty for physically attacking an overseer when he was collecting.

Even though Shoplin’s recognizance is not explicit, it seems likely that his assault was also motivated by his victim’s identity as an officer of the excise. Shoplin was described as “beating” the officer, “tearing his neckcloth & creating a riott” around him. Excise tax collectors may have been especially despised among the populace. Excisemen could conduct inspections at any time, day or night, and many Londoners found their visits highly intrusive. One pamphleteer referred to “the unspeakable disquiets and disturbances” associated with the excise collector in his “daily execution of this duty.” The exciseman’s very character was questionable; Brewer found “ample evidence” to substantiate the “exciseman’s reputation as a roué and philanderer,” preying upon the wives and daughters of the tradesmen he visited in executing his office. There are no accounts of women attacking these excisemen to avenge their honor, however; nor did the tradesmen themselves attack excisemen in any significant numbers (Shoplin is the only man to appear in the Westminster recognizances). The records suggest instead that there was not one particular type of tax or tax collector that roused Londoners to violence and that attacking tax collectors was a fairly masculine form of misbehavior, if it was gendered at all.
Londoners clashed with the state's military more often than with its Members of Parliament or tax collectors. There had long been opposition to a standing army in England, and John Childs has argued that it stemmed as much from civilian antipathy to the soldiers themselves as it did from “fears for the survival of the constitution.”

When Daniel Thorne, a “Lifeguardman,” stopped to water his horse, a horsecar driver assaulted him with his whip and called him “one of King George's Rogues.” Similarly, a fishmonger told a soldier that he was a “vilain” and “one of King George's Rouges.” The fishmonger also said that “they were all Rouges that wore the Cloath”—in other words, that the soldiers’ very uniforms tarred them all with the same brush.

The uniforms allowed civilians to attack individual soldiers while voicing opposition to the army as a whole. One man assaulted a soldier specifically because he was “wearing the king's coat,” and another man threw rocks at soldier John Poin on the highway while calling him “Lobster” in derision of his uniform.

These attacks were symptomatic of many clashes between Londoners and their military. Though the army enforced law and order on various occasions, soldiers had a reputation for lawlessness, and John Childs argues that this was exacerbated by state policies encouraging soldiers to misbehave. The record of a soldier prosecuted in 1706 for threatening a constable and “being known to be a common guinea dropper [purveyor of counterfeit coins]” is just one of countless examples of troops who preyed upon the community wherever they were stationed. The government attempted to minimize this antagonism between civilians and their standing army by passing new laws requiring only alehouse keepers, victualing-house keepers, or innkeepers to quarter troops.

Quartering troops meant lost trade, unpaid bills, and damaged property at the very least, and it is not surprising that this became a source of violent conflict. One Westminster victualer struck the soldier who was supposed to be quartered with him. Two other publicans focused their violence on the constables who brought the quartering orders, assaulting them and refusing to take the soldiers under their roof. Yet another proprietor ignored the court’s order to quarter a soldier, saying that “he car'd not a fart for the Justice, nor for the whole Bench” who issued the quartering order. Women kept inns and alehouses in the early eighteenth century, yet there are no records of female victuallers violently protesting a quartering order. More often, according to John Childs, publicans resisted more subtly, by convincing more impoverished private householders to take their unwelcome guests. Violent protest against quartering soldiers was another uniquely male form of attack on the state.
Violent opposition to the military was not always directed at soldiers, however. New recruits or deserters were often united with the civilian community in opposing the harshness of military recruitment and discipline. Women had a slightly greater role in this form of petty violence against the state. There were two wars during the period 1680–1720, and the operations of various press gangs in the capital aroused particular ire. Impressment was seen as a direct attack on English liberty, and Londoners of both sexes could become violent in their resistance. During one naval press, John Richin “abused and threatened” Gervis Forster because Forster had told the authorities “where one . . . able seaman had concealed himself.” Such strong popular contempt for impressment was most visible in the many attacks on press officers. A group of watermen assaulted Lieutenant Charles Russell, rescuing the man he had already pressed into the navy. They removed his hat, wig, and cane—the accoutrements of his status—and beat him severely, dragging him through the mud of the Thames River. The recognizance describes him as “in a sad blody condition . . . much endaingered” of his life. The mob that had gathered focused all of their hatred of impressment on Lieutenant Russell, with some people crying “pull out his Liver, whilst others threw Coals out of the Lighters at him.” When officers rushed in to disperse the crowd, the watermen continued to resist, telling one another not to divulge anyone’s identity and “to hyde the number of their boats” from the authorities. Given the vehemence of popular hatred for impressment officers, it is not surprising that in 1709 Constable John Eason refused to execute the JP’s press warrant unless the justice could guarantee his safety.

Aside from the waterman who was arrested, we cannot determine the identity of the vast majority of those who participated in the attack on Lieutenant Russell, yet it is clear that opposition to impressment united all sorts of people. A “gentleman” was bound for “opposing the pressmasters in the Execution of their office” and concealing a man from being pressed, and a soldier was even bound on one occasion for “wounding” two members of a press gang. As the wives, mothers, or sisters of the men who might be taken, women were also vehement opponents of impressment, and there are several examples of women who violently resisted press officers. Elizabeth Desternell caused “a Ryott & Tumult to be made about” a constable enforcing a press warrant. William Walker’s wife Johanna barred impressment officers from entering her home, though they had “a search warrant” to execute an impressment order. Nicholas Rogers recognized women’s participation in anti-impressment riots, suggesting that they could be very “militant,” particularly when the male providers for their households were in danger of capture.
Londoners continued to attack military officials even after the soldiers and sailors had been successfully impressed. Alexander Yates assaulted and abused a press officer and rescued a new recruit in 1707, and Edward Bowers raised a mob against another official “by which means a new listed Soldier deserted” nine years later.42 These attacks resonate with that on Lieutenant Russell, where the desertions took place in the heat of an anti-impressment riot. However, men and women assisted with desertions long after the initial recruitment. Anne Vance helped two other men rescue a third from his service as “a foot Soldier in Brigadier Stearness’ Regiment.”43 Vance had a different surname from that of the soldier, but she may have been his sister or lover, and the family connection was the likely motive for another assisted desertion. William Bodily concealed his son from officials after he deserted another infantry regiment several years earlier.44 Desertion seems to have been a more serious problem than ever before, if we are to judge by the plethora of statutes related to mutiny and desertion by this period.45 The most significant catalyst for clashes between civilians and the military was the act of impressment itself, however, and any official enforcing a press warrant was vulnerable to attack by Londoners of both sexes. Hatred of soldiers or military recruitments was a fairly common source of petty violence in early-eighteenth-century London.

Assaults on constables and watchmen were even more common, however. Not surprisingly, the law gave constables special authority in situations where people attempted to resist them with violence. The Guide for Constables stated that “if an . . . assault be made upon the Constable himself, he may not only defend himself, but also put the parties offending in the stocks, till such time as he can carry them to a Justice of Peace, or to the Gaol” if they had no sureties.46 There were 343 recognizances to appear and answer assaults upon constables or watchmen at the Westminster Quarter Sessions between 1685 and 1720, constituting 5 percent of all the recognizances to answer an assault. Of the 388 people bound in these recognizances, 17 percent were women.47 Though constables’ prosecutions of assaults by women fluctuated throughout the period (table 6.1), they were consistently lower than the 19 percent of female defendants accused of assaulting males as a whole (table 5.4 in chapter 5). The proportion of women was especially low in the five-year periods of 1696–1700 and 1701–5 (table 6.1). These periods cover the end of the Nine Years War (1697) and the beginning of the War of Spanish Succession (1702). It is likely that the influx of newly unemployed men in the capital
with demobilization and the rise in impressments following close on its heels at the start of a new war caused a corresponding proportional increase in clashes between authorities and male Londoners. Though slightly higher in other decades, women’s involvement in assaults on the police was still consistently lower than their participation in one-third of all assaults discussed in chapter 5, which suggests that assaulting constables or watchmen was much less “feminine” (or, conversely, more a “masculine” form of behavior) than assaulting in general.

Many of the assaults upon constables and watchmen resulted from height-

Table 6.1
Recognizances for Assaults on Constables and Watchmen:
Breakdown of Defendants by Gender over Time

<table>
<thead>
<tr>
<th>Timea</th>
<th>Total Assaults on Police*</th>
<th>Female Defendants*</th>
<th>Females as % of Total</th>
<th>Male Defendants*</th>
<th>Males as % of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apr 1685–Jul 1690</td>
<td>39</td>
<td>6</td>
<td>15</td>
<td>33</td>
<td>85</td>
</tr>
<tr>
<td>Oct 1690–Oct 1695</td>
<td>34</td>
<td>4</td>
<td>12</td>
<td>30</td>
<td>88</td>
</tr>
<tr>
<td>Jan 1696–Oct 1700</td>
<td>44</td>
<td>2</td>
<td>5</td>
<td>42</td>
<td>95</td>
</tr>
<tr>
<td>Jan 1701–Oct 1705</td>
<td>32</td>
<td>2</td>
<td>6</td>
<td>30</td>
<td>94</td>
</tr>
<tr>
<td>Jan 1706–Oct 1710</td>
<td>53</td>
<td>10</td>
<td>19</td>
<td>43</td>
<td>81</td>
</tr>
<tr>
<td>Jan 1711–Oct 1715</td>
<td>59</td>
<td>6</td>
<td>10</td>
<td>53</td>
<td>90</td>
</tr>
<tr>
<td>Jan 1716–Oct 1720</td>
<td>60</td>
<td>11</td>
<td>18</td>
<td>49</td>
<td>82</td>
</tr>
</tbody>
</table>

*Assault recognizances where there were multiple defendants both male AND female have not been included, and the numbers reflect recognizances rather than defendants. Thus, the number of defendants may be slightly higher because some recognizances named more than one defendant.

Note: Recognizances to prosecute assault have not been included.

This column is broken down into seven periods of exactly twenty sessions each; this roughly corresponds with every five years. Note that rather than four there are only two extant sessions for 1689 (27 Jun and 2 Oct) and three for 1693 (9 Jan, 19 Apr, and 4 Oct).
ened tensions during an arrest, such as the recognizance binding Charles Ewers to answer two beadles and five watchmen “of the same parish for assaulting and obstructing them in the execution of their office.” A chairman was part of a riot “where the head Constable of Westm[inst]e[r] and several others were wounded,” and a baker attempted “to shoot John Mathews Constable for executing [a] warrant.” Indeed, the violence directed at constables and watchmen could be quite serious. One constable and his assistants vowed that they were “in danger of their lives” from one malcontent. Constable Thomas Addison also professed himself “in danger of his life” after an assault by Roger Mackmanus, a gentleman. Two constables were murdered in Turnham Green when they stopped a peer’s coach and asked the occupants to identify themselves. The aristocrats’ widely publicized response was “God Damn um, . . . they would make [the Constables] know who they were,” and the constables were stabbed in the resulting melee. Many assaults upon watchmen and constables occurred in the heat of an arrest or a similar conflict relating to their policing duties.

Before offering more evidence of the hundreds of assaults upon London’s policing bodies, I should acknowledge the possibility that these accounts might be false. Although assaults on constables and watchmen would have been taken very seriously at Quarter Sessions, and cases of assaults on policing officials were less likely to be settled by informal mediation, very few of the assaults on Westminster constables and watchmen were prosecuted by the more serious method of indictment. Three hundred forty-three constables and watchmen had their assailants bound over during this period, but only twenty-nine of these recognizances went on to indictment—1 percent less than that for assault recognizances as a whole. The lack of indictments for this period may be partially explained by the possibility of venality among constables and watchmen. Many legal historians have acknowledged the potential for corruption in England’s eighteenth-century legal system. If a constable or watchman brought false actions against Londoners, generating recognizances and forcing payments from the innocent parties in order to drop the assault charge, he would have had no interest in prosecuting by the more expensive indictment method. In order to combat such venality, one constables’ manual counseled the constable “never . . . to make himself a party in a complaint, unless he is called on by a magistrate.” The 343 assault recognizances prosecuted by constables illustrate that this advice was rarely followed and also indicate an increased possibility that corruption motivated some of the officers’ prosecutions.

As many as 50 percent of the 343 recognizances to answer for assaulting constables and watchmen may have been false—created by a corrupt officer
swearing that an assault had occurred, having the alleged assailant bound over to show his sincerity, and then dropping the charges in exchange for payment after the recognizance had been issued. However, whether these recognizances were genuine or were stories manufactured by corrupt police, they can still provide valuable insights of the types of assaults directed at officials and the assailants’ possible motivations. We will be looking mostly at recognizances that offer descriptive detail of the assault, as it is more likely that detailed recognizances record an actual assault—or, at the very least, were an account of a believable form of assault on constables or watchmen. Whether true or not, these recognizances document probable scenarios of attack on law officials, which allows us a sense of the types of violence that might be perpetrated on constables and watchmen.

Given the nature of the constables’ duties in the early eighteenth century, it is not surprising that they faced some violent confrontations. The tensions behind arrests gave rise to several defamation cases at the Bishop of London’s Consistory Court, and, in the absence of Quarter Sessions depositions for this period, these church court depositions offer a rare view of the anger and public attention involved with law enforcers’ activities. Mary Pettyfer deposed that she was with her sister and her nieces “in the parlour” of her sister’s house when “an officer brake open the door upon them on pretence of arresting” her sister. Pettyfer’s sister did not go willingly, however, and “many words arose between” the officer and Pettyfer’s sister, following which “a great mob was soon gathered about the door.” Even more public was the scene when William Wiltshire came “to arrest Joseph Fletcher, . . . then sitting in a room below stairs in a publick house,” surrounded by its many patrons. Wiltshire entered the room with the man at whose suit Fletcher was to be arrested, and “presently afterwards some [hot] words arose between” the parties. Two recognizances tell a similar story. One woman and two men beat Constable Thomas Shepard for trying to extricate them for staying too long in a public house. All three defendants were “found in the Publick house of Simon and Jane Prichard of Drury Lane . . . at an unseasonable time of night.” The unwelcome guests at the alehouse “instead of going assaulted and beat . . . Shepard . . . and his assistant with a Red hot Poker and Tongs causing a Great Disturbance so their lives were in danger Thereby.” In the normal execution of their duties as arresting officers, constables faced the constant threat of violent resistance, and their activities were often carried out in the public eye.

Indeed, the publicity of constables’ and watchmen’s work seems to have encouraged a sense of popular vigilance, and Londoners were not afraid to alert law officers when they overstepped their authority. One woman, charged with “raising a mob, and making a Riot in St. James Park,” had also
opposed “two constables in the doing of their duty, saying, the constables had no power in the park.” Similarly, a constable before the Old Bailey deposed that rioters threw rocks at him and told him “that he had nothing to do there, not being a constable of that Ward.” John Bowden abused the High Constable and “contemn[ed] his authority.” Londoners were well aware of the limits of the various governing bodies in the metropolis. Buildings along parish boundaries were marked with lead plates, “so that the limits of a parish’s responsibility could be clearly defined.” A constable was prohibited from arresting a felon outside the county, unless he was “in fresh [pur]suit,” that is, only if the felon fled over the county boundary while the constable was chasing him. Justices were told that their “first care,” when a case was brought before them, “must be to consider diligently, whether the Case be within [their] Jurisdiction.” A combination of factors, not the least of which being poverty and filth, made certain districts in London able to openly defy legal authority and serve as a shelter for all sorts of lawbreakers. Each year, hundreds of couples took advantage of the liberty of the Fleet to marry without a license. Similarly, the area within the “Rules” of King’s Bench was known to be the site of gambling, coining, prostitution, smuggling, and various other illegal activities, unhampered by outside law officers. Londoners knew the restrictions of constables’ and watchmen’s authority and were not afraid to remind them with violence if necessary.

This resistance to constables must be understood in the context of the voluntary nature of the office in early modern England. As a private citizen temporarily holding the office, the eighteenth-century constable may have faced more public defiance than would a professional police force. The armament of constables and watchmen was probably not intimidating, nor, probably, were their numbers. It is likely that there were a few “professional,” full-time constables in London at this time because the constables’ handbooks allowed a constable to “make a Deputy” who could serve in his place as a substitute. Several Londoners eligible to serve found it worthwhile to simply pay a deputy to take over their constableship, resulting in a number of constables who had served many consecutive terms and had essentially adopted policing as a profession. However, even in the city many constables would have had their own trade, entirely separate from their law enforcement duties. (This is most obvious in the recognizance binding Constable Gabriel Pilkington, a pastry cook who once refused to serve an arrest warrant because he “was then making Pyes.”) Watchmen and constables came from all walks of life—and are recorded in various trades from fishmongers, tailors, and distillers, to lowly laborers. In most cases, constables had to continue their other employments while they held their office.
In some cases Londoners attacked their police because of their lower social status and coarse behavior. A constables’ handbook warned these officers of the hypocrisy of drinking in a tavern when their job was to arrest unruly drunkards, and the handbook even warned that it might provoke violence among parishioners. Nevertheless, some constables appear to have spent a fair amount of time in the tavern rather than on their duties. Legislators understood the problems that constables with low social status could create. In principle, a constable had to “be an honest, understanding and able Man, both in Body and estate, and not of the meaner sort,” but in practice London had a reputation for the low social standing of its law officials. The most obvious way that Londoners showed their contempt for constables and watchmen was by mocking the very symbols of their authority. One man assaulted Constable Jacob Duhamill by pushing him out of his own house and “taking his staffe from him.” The staff, of course, was both a tool and a symbol of office, and City officials’ repeated requests that London’s constables attach their staff of office to the outside of their homes attest to the staff’s importance as sign of constableship. A group of men attacked Constable Richard Brothers by ripping his “Constables staff” from his arms, and beating him with it “in a violent manner.” A watchman was murdered in 1680, the result of being “struck . . . with his own Watch-staff.” The symbolism of using the officers’ staffs may have been the result of inadvertent, rather than calculated, attempts to humiliate, because the staff would have probably been the most obvious weapon at hand, seized during a struggle. Nevertheless, it seems likely that all of the defendants mentioned in these records would have found a certain satisfaction in assaulting law officers with their own symbol of office. This form of assault on constables and watchmen was a way of showing contempt by assailants who labored under the popular perception that the London police were of lowly status.

Attacks on bailiffs and marshal’s men also form a special category of assaults on police, and the men serving in this office were viewed with far more contempt than were constables or watchmen. The main responsibility of the office of bailiff, which could be held in various courts, was to serve writs and carry out arrests. Marshal’s men had similar responsibilities but served only the Palace courts, which were known interchangeably to contemporaries as the Marshalsea Court, the Court of the Verge, or the Palace Court, among other titles. These courts had jurisdiction over a twelve-mile radius surrounding the royal household (the verge), and their authority was a bone of contention.
to the Londoners who found themselves before any of them, as this section will show. Unlike constables, bailiffs and marshal’s men were paid for their duties, and their reputation for venality also seems likely to have been at the base of many of the attacks upon them. Although they served other courts, a significant number of bailiffs and marshal’s men came before the Westminster Quarter Sessions JPs to report assaults by irate Londoners.88

Popular literature encouraged violence against these officers, with one bloodthirsty pamphleteer stating that corrupt bailiffs “commonly die with their Guts ript up, or are decently run through the lungs; and as they liv’d hated, die unpitied.”89 Another depicted a bailiff rightfully attacked by a mob who “wash’d” him under every pump in the vicinity, ducked him “Head over Ears thrice” in the ditch, and finally forced him to take an oath which stated “I . . . do confess my self a Rogue by my profession.”90 The actual prosecutions for attacks on bailiffs and marshal’s men are not as sensational, but they nevertheless reflect Londoners’ distaste for the activities of these law officers. Edward Cole attacked George Extone, “one of the under Bailiffs of . . . Westminster,” because he was “Whipping . . . Martha Jones along Peter Street in the Parish of St. Margaret.”91 Extone was whipping Jones as part of his official duties, having been ordered by the court to execute this particular punishment on Jones, but Cole was clearly not pleased with either the punishment or the way that Extone was executing it, or both. A man assaulted Bailiff Phillip Brag in order to take Brag’s prisoner from custody.92 Two men and two women assaulted marshal’s man John Brown, and a woman attacked another marshal’s man several years later, and both events occurred while the officers were escorting prisoners to jail.93 As we shall see in chapter 7, women assaulted officials who held prisoners more often than any other official, so bailiffs and marshal’s men faced violence from women as well as men when they arrested and guarded prisoners. Mostly, however, attacks on bailiffs and marshal’s men were masculine, as with all of the other attacks on the state. Every rescue mentioned above was accompanied by a riot, which suggests that assailants had no trouble stirring the crowds to oppose these infamous officials. As the takers of prisoners and the executors of punishments such as whipping, bailiffs and marshal’s men provoked Londoners’ anger and violence.

Bailiffs and marshal’s men had a reputation for being extremely violent themselves, which probably explains many of the assaults on them. One pamphlet depicted bailiffs “with swords drawn, hangers and other weapons, as if they intended a murder,” rather than merely an arrest.94 Marshal’s men were called “savage Cattle,” prone to “Cruelty and Barbarousness,” in the Proceedings account of a marshal’s man who murdered a little girl with a cudgel while he
was arresting her father “for a Debt of seven shillings.” The Westminster Quarter Sessions saw virtually as many prosecutions for assaults by bailiffs and marshal’s men as they did on these officers. One bailiff violently assaulted his own wife, and several bailiffs assaulted constables and watchmen who questioned their authority. The recognizances binding bailiffs and marshal’s men for assault, along with publicized accounts referring to their notorious aggressiveness, suggest that the violence against these officers was motivated by a desire for revenge over their many acts of brutality.

This was further exacerbated by their reputation for corruption. Marshal’s men were particularly hated for serving a court that many considered to be illegitimate. Alternative courts, like the Westminster Quarter Sessions, denied the authority of the marshal’s men in several cases and allowed those they had arrested to turn around and prosecute the marshal’s men for assault. In addition to persisting in arrests despite their perceived lack of authority, marshal’s men also had a reputation for corruption, which further alienated the general public. These officers were said to be “false,” encouraging malicious prosecutions in order to make more money. Bailiffs had a similar reputation for venery. One pamphleteer assured readers that the bailiff’s “first business is to bait you for money,” and another declared that bailiffs were “addicted to Perjury” and would “tell more Lies than a Traveller.” Sixteen bailiffs arrested a gentleman and picked his pocket “under pretence of searching for pistols.” Another bailiff confessed that he “very much wronged” the poor “by Extortion.” Westminster bailiff Joseph Suckcliffe was prosecuted for “fomenting quarells and Lawsuits and arresting in sham actions.” Both bailiffs and marshal’s men notoriously used their office for immoral financial gain.

One of these officers’ key responsibilities was to arrest debtors, and given bailiffs’ and marshal’s men’s reputation for corrupt financial practices, this irony was probably not lost on their fellow Londoners. In arrests for debt, officers were constrained by several rules, which may have given Londoners more incentive for resistance and vigilance. Bailiffs “could not make arrests at night, nor on Sundays, nor could they break into a house in order to make an arrest, and if they did infringe any of these conditions then they were acting without legal authority and could be resisted by force.” Julian Hoppit summarized the advantage accorded debtors: “if the debtor was obstinately strong willed, he could defeat all attempts to get at his property by keeping his front door firmly shut.” Despite these restrictions, arrests for debt took place frequently. Lord McGregor affirmed a nineteenth-century parliamentary committee’s report that “in many cases the decision whether a debtor is actually conveyed to prison or not rests effectively not with the court but with the creditors and the bailiffs,” and McGregor argued that this principle applied
equally to the eighteenth century. Indeed, after creditors had convinced a court to issue a writ for debtors’ arrest, debtors could find themselves in prison if they were unable to put up bail. Not until the suits came to trial might debtors have a chance to speak in their own defense. The Palace Court had the authority to try “Debt, Trespasse, Battery, Slander, Trover, and all other actions personal,” according to its constitution, but it seems to have dealt mostly with minor debtors. Both marshal’s men and bailiffs in general, therefore, were especially associated with arrests for debt, and the combination of their restrictions and powers in this area probably evoked particular hatred among many Londoners.

Indeed, such arrests were deemed unjust in popular literature. Early modern sentiment held debt apart from other crime. Debt was “an honest man’s” offense, in the words of one pamphlet, and many felt debtors deserved better treatment than other prisoners. This sense of the injustice of arrest and imprisonment for debt provoked many of the assaults on bailiffs and marshal’s men. Aside from one woman severely beating a marshal’s man for arresting a man for a debt of £10, there are no other records of feminine attacks over debt. This does not mean that women did not share the popular contempt for bailiffs’ and marshal’s men’s cruelty and corruption. It does, however, indicate fairly strongly that women were unlikely to let their hatred escalate into real violence. The men had no such restraint. “Youth” William Buckley murdered a “bailiff’s assistant” who was trying (along with “a Marshall’s court-officer” and four assistants) to arrest Buckley’s master for debts “amounting to £112.” Roger Swiny murdered another bailiff’s follower when he came with a party of “five or six Bailiff’s and their followers” to arrest his brother “for a debt of sixty pounds.” William Carman, along with “foure or five men with naked blades and pistols,” assaulted arresting officers when they came to arrest Anne Tener “for a Debt of 6001.” One officer was wounded in the shoulder, and another officer’s injuries were so serious that, according to the surgeon, he “was in danger [of] his life.” As custodians of debtors, and notoriously violent and corrupt themselves, bailiffs and marshal’s men were popular targets for masculine petty violence in the early eighteenth century. Male Londoners would stop at nothing to prevent the arrest of debtors, and their violence was solidly rooted in a popular sense of the illegitimacy of debt as a crime.

Despite mounting taxes and recurring succession problems, none of the violence against the state in the early eighteenth century came close to a large-scale revolution. Aside from the Jacobite riots, historians have generally
assumed that there was almost no violence against the state. However, Londoners—in their more everyday interaction with the state through its officials—could become physically aggressive. This aggression was generated almost entirely by male Londoners. Women were markedly hesitant to assault officials at any level of government, though the next chapter will suggest that they did so in a few significant contexts.

These records do not contradict previous histories that underscore the English government’s almost hegemonic control of its people. When we look at assaults on the state, we see very few against taxation, one of the most burdensome elements of the contemporary regime. Even the attacks upon the military were less in protest of the principle of a standing army and more against the everyday nuisances of quartering soldiers or losing able-bodied men to the press. The vast majority of assaults on the state were perpetrated, not surprisingly, against London’s policing officials—constables and watchmen especially, but also bailiffs and marshal’s men. Similar to the attacks on MPs, tax collectors, and soldiers, the assaults on police occurred mainly in the heat of an arrest, out of contempt for these officers’ lowly birth or reputation for venery.

That being said, there are echoes of bigger woes. The press gang flew in the face of every English man and woman’s belief that they were born free. Londoners also had a very deep-seated sense of the injustice of debt as a crime. These concerns motivated them—particularly the males among them—to physical aggression.