1 Introduction

Thomas Limpus

Thomas Limpus was born into modest circumstances on 23 July 1760, to parents who frequently relied on the parish to make ends meet. He shared his fourteenth Christmas with a rag-tag collection of twenty-five boys and men from eight years old to eighty in a mixed men's ward at St Martin in the Fields workhouse.[1] For those few weeks he was a member of the 'workhouse family' and celebrated the most important ritual of the year with its members. But this was only the first of the many temporary and artificial communities he was obliged to join as a result of his encounters with the institutions of poor relief and justice over the next twenty-five years. In 1777, at seventeen years old, he stole a handkerchief and was sentenced to three years hard labour on the hulks; he was also forced to share his food, labour and life with a newly formed group of long-term prisoners.

Within months of his release, now aged twenty, he was once again caught stealing a handkerchief and was held for three months in Tothill Fields Bridewell with a constantly changing population of disorderly vagrants and prostitutes noted for spending their days gambling and retailing dirty jokes. And following an appearance before the Westminster sessions charged with 'Petit Larceny', he spent most of the next year in New Prison.[2] In each institution he was forced to engage with a new group of people and new figures of authority, and to develop along with his fellow prisoners strategies for survival in that temporary home. At the

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[1] He was in ward 14, which was run by four older female inmates and housed both long-stay older men (most of whom were probably disabled in some way) and younger boys and men who stayed for only a few weeks, and like Limpus were soon 'discharged'. *LL*, St Martin in the Fields Workhouse Registers, 25 November 1774 – 19 January 1775 (smdswhr_505_50557). See *International Genealogical Index* (*IGI*) (familysearch.org, 31 Dec. 2013) for his christening on 6 August 1760, in St Martin in the Fields. His parents were Henry and Mary Limpus. See also *LL*, set, 'Thomas Limpus'. We are grateful to Jeremy Boulton for providing us with the results of his unpublished research on Limpus.

[2] *LL*, Middlesex Sessions: Sessions Papers, October 1781 (LMSMPS507450053).

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same time, and along with his many contemporaries, his recidivism and later direct challenges to the working of those institutions helped to illustrate the failure of the prisons and hulks to eradicate the problems of crime and disorder.[3]

By early September of 1782, Limpus was once again at liberty on the streets of Westminster and was once more caught stealing a handkerchief. This time, however, his sentence was transportation. Since exile to America was no longer possible following the American Revolution, he was sent to 'Africa, for the term of seven years'. He was shipped to Gorée on the west coast, only to be told by the captain of the garrison when he arrived that as his own troops were starving, Limpus and his fellow prisoners could not remain.[4] They were told they were 'free men', and would have to 'do the best [they] ... could'.[5] Limpus managed to return to London within a few months, a breathing demonstration of the failure of the policy of transporting criminals to Africa. Tried for 'returning from transportation', he was sentenced to hang, along with fifty-seven other men and women – the largest number ever sentenced to death at the Old Bailey in a single session. Having delivered this terrible sentence, the judge berated Limpus and his contemporaries standing at the bar for having 'lost their terror' of the court and its punishments, and having become bold 'in defiance of the laws'.[6] The judge was right.

Having pronounced these death sentences, the judge had to turn to a group of eighteen convicts who had, like Limpus, 'returned from transportation' and, despite the fact this was a capital offence, offer them the same punishment a second time. At a time of social crisis, it would not have been politic to add to the increasing toll of executions. So a group of criminal mutineers captured following a convict uprising on a transport ship, the *Swift*, condemned for their 'violent combination of numbers', were pardoned and given their lives.[7] Just three months later, with Limpus's own death sentence commuted to transportation for life, he himself mutinied in company with many of those same eighteen men. Together they took over the *Mercury* and temporarily brought Britain's

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[3] Limpus was not, at least initially, a violent or difficult prisoner. In 1782 he served on the jury of a coroner's inquest that dutifully and conveniently found that a fellow prisoner, William Cadman, had died following a 'Visitation of God in a natural way'. *LL*, Middlesex Coroners' Inquests, 1 May 1781 – 31 December 1799 (LMCOIC651010028).

[4] Emma Christopher, *A Merciless Place: The Fate of Britain's Convicts after the American Revolution* (Oxford University Press, 2011), p. 224.

[5] *LL*, Old Bailey Proceedings, 10 September 1783 (t17830910-41).

[6] *LL*, Old Bailey Proceedings, 10 September 1783 (s17830910-1).

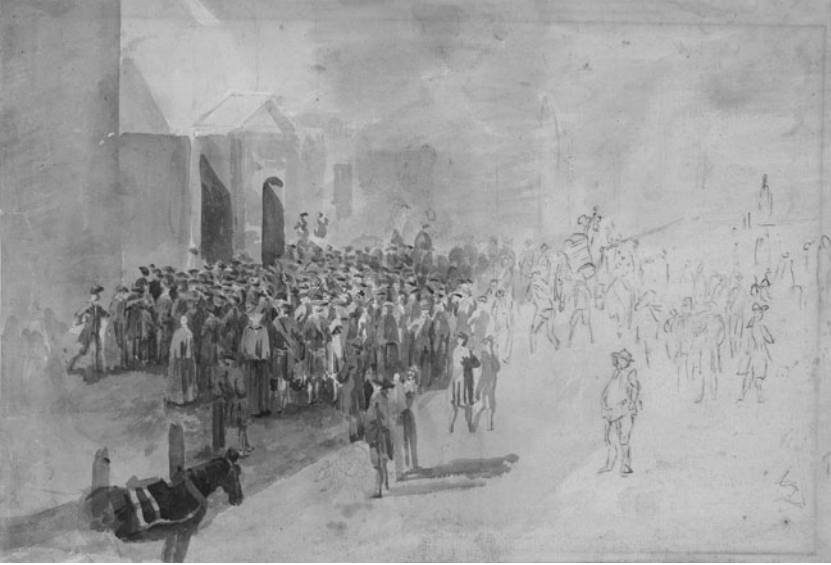[7] *LL*, Old Bailey Proceedings, 10 September 1783 (t17830910-28).

Figure 1.1 Samuel Scott, *A Crowd*, n.d. *c*. 1760. T08478. © Trustees of the Tate Gallery.

century-long policy of sending its criminals to indentured servitude to an end.

Following almost three years in a convict hulk and a foiled escape attempt on Guy Fawkes Day in 1784, in 1787 the criminal justice system finally won its unequal battle with Thomas Limpus by sending him to the far side of the world to a new-style penal colony.[8] But this was not before he and his fellow convicts, through their persistent acts of resistance, both individual and collective, had helped to transform the penal system. Thomas Limpus was one of the at least 283 men and women from London (over a third of the total) shipped to distant exile in Australia on the First Fleet.[9]

[8] After a period of penal servitude on Norfolk Island, he earned a conditional pardon and appears to have lived the rest of his life there: Christopher, *A Merciless Place*, pp. 263, 334, 357.

[9] Emma Christopher, 'Steal a handkerchief, see the world: the trans-oceanic voyaging of Thomas Limpus', in Ann Curthoys and Marilyn Lake, eds., *Connected Worlds: History in Trans-national Perspective* (Canberra: ANU E Press, 2006), p. 79 (epress.anu.edu.au, 30 Dec. 2013); Mollie Gillen, *The Founders of Australia: A Biographical Dictionary of the First Fleet* (Sydney: Library of Australian History, 1989), p. 221. See also Christopher, *A Merciless Place*.

Plebeian London

This book is about Thomas Limpus and Mary Cut-and-Come-Again.[10]
It is about Mary Dyson, Sarah Cowden and Paul Patrick Kearney;
Mary Whistle and Henry Bates – all paupers or criminals, or both.[11] It
is about the hundreds of thousands of Londoners who, although they
were obliged to negotiate from positions of weakness with overseers and
constables, magistrates and judges, helped shape social policy over the
course of the eighteenth century. It is about how working Londoners,
acting often autonomously but sometimes in alliance with those in
power, contributed to the evolution of criminal justice and social welfare
by playing the system and frequently confounding it. Both through the
subtle pressure of supplicants, inmates and prisoners (whose very sur-
vival depended on collaborating with the institutions of the state),
and through direct challenges in court or prison, in parishes, on ship-
board and on the streets, Thomas Limpus and his fellow accused crim-
inals and paupers, acting both together and alone, determined which
policies and institutions would survive (and in what form) and which
would collapse in chaos.

The men and women who form the subjects of this book, *plebeian
Londoners*, were a complex group, but they shared a common *relationship
to authority*. These Londoners were at the sharp end of the administration
of criminal justice and poor relief – they were the men and women tried
at the Old Bailey, committed to houses of correction and punished as
vagrants. And they were the most vulnerable of Londoners, forced by
their poverty to apply for parish relief. Their common characteristic was
that they were confronted by the need to negotiate from a position of
relative weakness.

Despite this shared relationship to authority, plebeian Londoners
cannot be reduced to a set of identifiable socioeconomic characteristics.
We are hampered in our analysis of this issue by the fact that the language
of social description in the eighteenth century was imprecise, while the
characteristics of wealth and status that marked social divisions were
themselves fluid. As a result we have no convenient shorthand for
describing those at the lower end of the social scale. This was not a class
society in a Marxist or nineteenth-century sense, and despite significant
inequalities of wealth, status and power, there are few clear lines to be

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[10] *LL*, set, 'Thomas Limpus'; and *LL*, set, 'Mary Cut and Come-again'.
[11] *LL*, set, 'Mary Dyson'; *LL*, set, 'Sarah Cowden'; *LL*, set, 'Paul Patrick Kearney'; for
Mary Whistle see the section 'Workhouses and the poor' in Chapter 3; and *LL*, set,
'Henry Bates'.

drawn between social groups. Thus, to use convenient shorthand terms such as 'lower class' or 'middle class', which eighteenth-century historians (including ourselves) often do, effectively imposes crude categorisations on a much more complex reality. Even 'the poor' is a notoriously elastic concept which can be defined narrowly to include only those in receipt of relief or charity (paupers), or much more broadly as all those whose economic circumstances were sufficiently precarious that they were in real danger of being forced to rely on relief, owing to old age or misfortune, at some point during their lives. Even relatively prosperous working Londoners could fall into poverty, just as they might at any time be accused of a crime. For the purpose of this book, we have equated 'the poor' not only with those in receipt of poor relief (historians put this figure at over 10 per cent of the national population at any one time in the second half of the century), but also the up to 60 per cent who experienced significant poverty at some point during their lives, a figure which is broadly comparable to Leonard Schwarz's estimate that half of the adult male population in London at the end of the century worked in unskilled or semi-skilled trades.[12] These are the men and women who were likely to possess that relationship to authority which we have characterised as 'plebeian'.

But even taking into account this unifying characteristic, plebeian Londoners were a very mixed group. We can see this first and foremost in many of the lives discussed in this book. While some, like Thomas Limpus, inherited relative social insecurity from their parents, others, like Paul Patrick Kearney or Mary Whistle, were formerly successful businessmen and respectable householders who encountered adversity and were reduced to begging or reliance on a workhouse. Consequently, if we attempt a sociological analysis of plebeian London, the results are complicated. Owing to the limitations of the surviving sources, we can discern very little about the status, occupations and levels of income and property ownership of those who were charged with crimes, or even of those in receipt of poor relief. The type of information most often provided is occupation, yet even this is rare. The most detailed source

[12] Lynn Hollen Lees, *The Solidarities of Strangers: The English Poor Laws and the People, 1700–1948* (Cambridge University Press, 2006), p. 45; Joanna Innes, 'The "mixed economy of welfare" in early modern England: assessments of the options from Hale to Malthus (c. 1683–1803)', in Martin Daunton, ed., *Charity, Self-Interest and Welfare in the English Past* (London: UCL Press, 1996), p. 165; Leonard Schwarz, 'Income distribution and social structure in London in the late eighteenth century', *Economic History Revew*, 32:2 (1979), 258. Dependency rates in London were marginally lower than the national average, with higher numbers of casual poor: David Green, *Pauper Capital: London and the Poor Law, 1790–1870* (Farnham, Surrey: Ashgate, 2010), pp. 28–34.

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analysed in this book, the *Old Bailey Proceedings*, provides occupational
labels for only 10.4 per cent of the defendants brought to trial between
1690 and 1800.[13] As with most occupational evidence, we lack suffi-
cient information to fully assess the meanings of the terms used –
whether, for example, someone labelled a 'carpenter' was a master,
journeyman or apprentice. Nevertheless, judging by what we know of
the status and income of the occupations most frequently listed, those
charged with crime were predominantly at the bottom of the social
scale, although this was not invariably the case. Among the 7,064
defendants accorded an occupation in the *Proceedings*, over a thousand
different occupational labels can be found. However, the four most
common were servants (32.3 per cent of defendants labelled), labourers
(4.3 per cent), porters (3.8 per cent) and soldiers (3.4 per cent). An
additional 6.9 per cent were labelled as apprentices and journeymen, in
a variety of mostly artisanal trades such as carpenter, tailor, shoemaker
and weaver. In so far as it is possible to generalise from this disparate
evidence, the vast majority of Old Bailey defendants came from what
historians might call the lower, or lower-middle, classes. In contrast,
only a small minority of defendants came from more elite backgrounds:
2.7 per cent of defendants were labelled as gentlemen, 'esquire' or 'Mr',
0.3 per cent as captain and 0.2 per cent as merchants. Although these
elite defendants are not our central focus (they were more likely to be
accused of murder than theft) and they maintained their distance from
their fellow defendants, even in Newgate Prison (where they paid for
separate apartments), for the most part all those tried at the Old Bailey
shared similar experiences of arrest, prison and trial – of being at the
sharp end of a relationship with judicial authority. This helps explain
why Lord George Gordon made common cause with his fellow prison-
ers when he was incarcerated in Newgate in the 1780s, by providing
some with financial support.[14]

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[13] The original parchment indictments in the gaol delivery rolls do systematically contain
occupation or status labels, since they were legally required, but the information
provided is unhelpful owing to the common use of the vague terms 'yeoman' and
'labourer' to refer to individuals who possessed a wide range of specific occupations;
although a status label was required, it did not have to be accurate. See J. S. Cockburn,
'Early-modern Assize records as historical evidence', *Journal of the Society of Archivists*,
5:4 (1975), 222–5.

[14] We have been unable to remove the small number of elite defendants from the statistics
from the *Proceedings* provided in this book, but the numbers are too small to make a
material difference. For Gordon's support of his fellow prisoners, see Douglas Hay, 'The
laws of God and the laws of man: Lord George Gordon and the death penalty', in J. Rule
and R. Malcolmson, eds., *Protest and Survival: The Historical Experience* (London: The
Merlin Press, 1993), pp. 60–111.

While we lack equivalent evidence of occupational background for those who were in receipt of poor relief, such people were, at the time of asking for support, manifestly at the bottom end of the social scale, sharing that characteristic with a significant proportion, but not all, of those tried at the Old Bailey. We do not know how much overlap there was between the individuals who committed (or were simply charged with) crimes and those who were in receipt of poor relief. A systematic analysis comparing lists of names of accused criminals and paupers has not yet been completed, but preliminary analysis (using the automated matching facility on the *London Lives* website) reveals few direct matches; most concern individuals who had been tried at the Old Bailey and either had recently been, or were subsequently, subjected to a settlement examination, reflecting the precarious position of individuals with these experiences. There is probably a specific reason why more matches were not found: those in receipt of financial support had much less impetus to resort to crime. However, there is also a more important explanation: while there is much we do not know about the relationship between poverty and crime, it has become increasingly clear that only a fraction of those in economic need actually resorted to theft to support them-selves, and that poverty was only one of many possible motivations for committing crime.[15] For reasons of both opportunity and temperament, Londoners responded to poverty in different ways. At the same time, there is significant evidence that accused criminals and the poor were often part of the same communities, and even the same families. The automated matching facility has revealed several married couples in which the wife was in receipt of parochial relief while the husband was tried for criminal activity. For example, when John Askew's wife was giving birth in a workhouse in 1782 and she sent him a message that she needed for support 'a few shillings more than the workhouse would allow her', he went out and stole a pair of linen sheets worth seven shillings. Given that both the poor and accused criminals came from a wide range of generally deprived economic circumstances, it is likely that there was considerable overlap in terms of their social composition and even family backgrounds.[16]

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[15] This conclusion is supported by the most recent examination of the statistical correlations between numbers of prosecutions and levels of economic deprivation, as measured by the price of grain and periods of war and peace. See Peter King, *Crime, Justice and Discretion in England, 1740–1820* (Cambridge University Press, 2000), pp. 145–61.

[16] The relationship between poverty and crime is a subject Robert Shoemaker intends to explore in a forthcoming article.

If plebeian Londoners shared a complex social identity, their methods of engaging with authority were similarly multifaceted, depending on shifting alliances among those directly challenging authority or, when possible, with those able to exercise some institutional power. A grocer or weaver, or even a butcher, might join the gangs of young men, such as the 'butcher boys', who made up a distinctive part of the mob. A widow and decayed householder, standing on her legal settlement and respectable demeanour when seeking relief from the overseer, might present herself as a repentant prostitute to the Magdalen Hospital. Each role, from lowly labourer to censorious good wife, brought with it a script and cultural baggage that Londoners took up and put off as the situation demanded; each identity implying different communities of interest, both with men and women in similar circumstances, and in temporary alliances with parish and judicial officials. In the process, relationships could appear inconsistent and contradictory: ratepayers combined with respectable paupers in opposition to the vestry when their expectations of a parish pension in old age were threatened, while simultaneously supporting the reformation of manners societies when confronted by the ungodly and the disorderly. The poor shared an interest with trading justices in seeing justice done often and cheaply, putting them in opposition to the bench (the collectivity of justices) and parish officers, but they could equally find themselves in a justice's parlour accused of crime. Each new challenge brought into being a new alliance created in defence or pursuit of shared interests.

Plebeian Londoners were not averse to using the law; 10.3 per cent of the prosecutors at the Old Bailey for whom we have information were in low-status occupations, and the poor also used summary justice.[17] Indeed, their prosecutions were often malicious, taking advantage of the possibility of using the law as an aggressive weapon.[18] Some plebeian Londoners even more actively collaborated with the system by participating in the administration of justice and poor relief on the ground – either by acting as informers and thief-takers, or by taking up official positions including constables and night watchmen, prison turnkeys, and

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[17] These victim occupations include labourers, journeymen, servants, porters, carpenters, shoemakers, soldiers, weavers and even laundresses and washerwomen. For summary justice, see Peter King, 'The summary courts and social relations in eighteenth-century England', *Past and Present*, 183 (2004), 140–7; Drew Gray, *Crime, Prosecution and Social Relations: The Summary Courts of the City of London in the Late Eighteenth Century* (Houndmills: Palgrave, 2009), pp. 29–31, 168–9.

[18] Douglas Hay, 'Prosecution and power: malicious prosecution in the English courts, 1750–1850', in Douglas Hay and Francis Snyder, eds., *Policing and Prosecution in Britain 1750–1850* (Oxford: Clarendon Press, 1989), pp. 343–96.

masters and mistresses of workhouses. The subjects of this book thus did not engage in a single clear dialogue or dialectic with the rich and powerful (who were in any case a similarly complex and diverse collection of groups). Instead, they entered a series of sometimes confusing and contradictory alliances in pursuit of their interests. Nonetheless, the sum total of their actions repeatedly forced the authorities to rethink their social policies and respond to these pressures from below.

The problem

The very existence of the growing metropolis of London, with its multiple roles as a political, imperial, industrial, cultural and economic capital, has often been used as part of a wider explanation of the course of British social and economic history.[19] However, most historians have shied away from exploring the forces that shaped London itself. By focusing on two interrelated aspects of the history of what would soon be Western Europe's first million-person city – crime and poverty, and their institutional *doppelgängers* of criminal justice and poor relief – this book attempts to explain how the demands and actions of plebeian Londoners helped create the most complex and expensive system of police and justice, relief and charity Britain had ever seen.

In a little over a hundred years, between the 1690s and the 1790s, a centuries-old system of discretionary justice characterised by citizen arrests and householder policing, by exemplary hangings and pardoned convicts, was transformed. It was replaced by one in which policing and prosecution were reshaped as an increasingly bureaucratic and rules-based system, administered by a cadre of salaried officers and professional lawyers and justices. The process of arrest and prosecution first evolved from a system dependent on public participation and unpaid parish officers serving by rotation into one peppered with substitute paid officers working alongside freelance thief-takers in search of rewards; it then gradually became a more bureaucratic system of regular officers working directly under judicial control.[20] During the same period, the adversarial trial and an increasingly rigorous notion of procedure came to

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[19] For the classic statement of this perspective, see E. A. Wrigley, 'A simple model of London's importance in changing English society and economy, 1650–1750', *Past & Present*, 37 (1967), 44–70.

[20] Most authoritatively, see John Beattie, *Crime and the Courts in England, 1660–1800* (Princeton University Press, 1986); and John Beattie, *Policing and Punishment in London, 1660–1750: Urban Crime and the Limits of Terror* (Oxford University Press, 2001).

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characterise criminal justice.[21] Prosecution and defence counsel, the
right to silence and an assumption of innocence each took root in judicial
soil. Concurrently, punishments for the most serious crimes were trans-
formed from the simple and inexpensive expedient of hanging a propor-
tion of those convicted to include heavy reliance on transportation and
imprisonment.[22] And yet these were not necessarily the outcomes
favoured by the elites. Many in parliament simply wanted to hang more
people rather than spend scarce resources on policing and punishment.
Few besides victims of crime and secretaries of state welcomed the thief-
takers, while the newly regularised night watch and Bow Street Runners
were created out of the fear of crime and concern that criminal justice
was losing its on-going battle with a rising tide of disorder.[23]

In the same years poor relief was also transformed. By the beginning
of the nineteenth century Londoners were spending over half a million
pounds a year on parochial poor relief, or approximately nine shillings,
seven pence per head of the population. A hundred years earlier they had
spent less than one shilling, six pence per head.[24] Even accounting for a
century of inflation, costs more than tripled.[25] The same period also
witnessed the evolution of a new parish-based bureaucracy of belonging
and removal, extensive institutional care for most paupers in workhouses
and an increasingly integrated system of medical provision.[26] Moreover,
a plethora of new associational charities spread a carpet of alternative

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[21] John H. Langbein, *The Origins of Adversary Criminal Trial* (Oxford University Press, 2003); John Beattie, 'Scales of justice: defense counsel and the English criminal trial in the eighteenth and nineteenth centuries', *Law and History Review*, 9:2 (1991), 221–67.

[22] For London's pivotal role in this transition, see John Beattie, 'London crime and the making of the "Bloody Code", 1689–1718', in Lee Davison *et al*., eds., *Stilling the Grumbling Hive: The Response to Social and Economic Problems in England 1689–1750* (Stroud: Alan Sutton, 1992), pp. 49–76.

[23] John Beattie, *The First English Detectives: The Bow Street Runners and the Policing of London, 1750–1840* (Oxford University Press, 2012); Elaine A. Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720–1830* (Basingstoke: Macmillan, 1998).

[24] Based on the 1803 returns for London and Middlesex: £525,261, against a population of 1,096,784 recorded in the 1801 census; and national returns from the Board of Trade for 1696 of £400,000 per annum, with a national population of 5.2 million. The national figure has been adopted for the 1700 comparator. Paul Slack, *The English Poor Law, 1531–1782* (Basingstoke: Macmillan, 1990), p. 30, Table 1.

[25] Using the Retail Price Index, the 1s. 7d. expenditure in 1700 was worth 2s. 11d in 1800; in relation to average earnings, this figure was 3s. 0d. See 'Purchasing power of British pounds from 1245 to present' (www.measuringworth.com/ppoweruk, 20 Jan. 2014).

[26] See David Green, *Pauper Capital: London and the Poor Law, 1790–1870* (Farnham, Surrey: Ashgate, 2010); Steve Hindle, *On the Parish?: The Micro-Politics of Poor Relief in Rural England c. 1550–1750* (Oxford University Press, 2004); Lees, *Solidarities of Strangers*; Paul Slack, *From Reformation to Improvement: Public Welfare in Early Modern England* (Oxford: Clarendon Press, 1999).