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Settling their Differences: The Prosecution of Interpersonal Violence

In August 1785 the Public Advertiser carried a story of domestic violence. It was rare for the London press to print stories of non-lethal violence unless it was exceptional, involved the theft of property, or was in some way amusing. This case fell into the first category:

A man was carried before the Lord Mayor, charged with beating and stabbing his wife in the neck, and otherwise ill-treating her. The Lord Mayor recommended it to him to be reconciled to his wife, and to use her better for the future. This he promised to do: but they were no sooner in a public house but he beat her again, whereupon he was brought a second time before his Lordship, who committed him to the Poultry Compter till he can give security for his good behaviour to her for the future.¹

What is immediately shocking to the modern reader is the seemingly casual way in which this case is viewed by the magistrate. It would appear that while actual violence had been inflicted on the wife the lord mayor’s concern was to bring the two parties to reconciliation rather than to punish the husband for his cruelty. Even when this attempt ends in failure, and a subsequent beating, the emphasis of the law is still on resolution rather than repudiation. We cannot know the exact circumstances of this case and it may well be, as I have suggested, exceptional but it does tell us a great deal about the treatment of non-lethal violence by the summary courts in this period. Assault (a term that covered a wide range of violent actions) was fundamentally regarded as a dispute between two individuals; it was a civil matter not a criminal one. Thus, the summary courts did not see it as their role to punish those brought

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before them for petty violence. Instead the magistracy acted as mediators, brokering settlements and in some cases using the power at their disposal to force reconciliations. This chapter will explore the quantity and nature of assault prosecutions in the City and analyse the circumstances in which they arose. It will consider how these accusations of petty violence were dealt with, what proportion of the City’s population had cause to use these courts and how this affects our understanding of social relations and the use of the criminal justice system in this period. What it will reveal is that the records of the City courts offer important insights into the ways interpersonal violence was dealt with at the end of the eighteenth century.

Much of the previous work on violent crime has been focused upon lethal violence. However, both murder and manslaughter were rare occurrences in late eighteenth-century London. On average only around 12 indictments for homicide were heard per annum at the Old Bailey between 1780 and 1830. Clearly, this does not represent the majority of prosecuted acts of violence in the City. Once again I will argue that only by looking at the summary courts and the adjudications of the City justices and, more importantly, in the discretionary decision making by the victims of violence can we understand fully how the criminal justice system operated with regard to interpersonal violence.

In recent years historians have begun to explore the treatment of assault at the quarter sessions. However, this approach has its problems not the least of which is that so few cases of interpersonal violence actually made it to court. As King has written, the ‘dark figure of unrecorded crimes is so huge that it engulfs the relatively small number of acts that reached the courts’. While it has been evident that most petty violence was dealt with by the magistracy the relatively poor survival of summary court records has made historical research here difficult. Fortunately the minute books of the City’s two justice rooms give us an opportunity to explore the nature and prosecution of assault and to reach some useful conclusions.

The frequency of assault prosecutions in the City of London

The first important observation that can be made about assault is that it took up a considerable amount of the business of the summary courts in the late eighteenth century. Of 2429 cases sampled for the period 1784–96 there were 693 cases of assault. This represents 28.5 per cent