

# Property Crime in Late Eighteenth-Century Bristol

Contexts of Theft in the  
Pre-Modern City

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# Abstract

**Matt Neale, 'Property Crime in Late Eighteenth-Century Bristol: Contexts of Theft in the Pre-Modern City', PhD thesis (University of Leicester, 2012).**

This thesis examines property crime in the city of Bristol, in south-west England, between 1770 and 1800. It uses documents produced by the city's magistrates, and the records of its civic administration, to study the locations and socio-cultural contexts of theft. There are several arguments which weave through this material.

Firstly, it is argued that the city was a location of distinctive social structures and institutions, which shaped the ways that crime occurred. It considers the circulation of stolen goods and the manner in which the city was policed, particularly in relation to the impact that this had on offenders' behaviour.

Secondly, this thesis argues that the nature of theft was highly contingent on its context. The ways in which thefts from houses, ships, alehouses and shops were mutually distinctive are illustrated. The chapters on alehouses and stolen goods markets also attempt to evaluate the importance of social connections to acts of crime, and to consider the place of crime within plebeian culture. The study of crime can, therefore, be a lens through which we can examine the economic and social life of the pre-modern city. Furthermore, it is not just thieves who are the focus of study in this thesis: victims' responses to crime, and the extent to which crime was an important factor in the organisation of their everyday lives, are issues which are critically considered.

Finally, this thesis aims to provide a study of provincial crime which can be compared to previous historians' studies of other places such as London. While this inevitably produces a story in which there are both continuities and differences, it is ultimately argued that the notion of 'the city' presents a useful category for the analysis of crime.

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# Abbreviations

BCL – Bristol Central Library.

BRO – Bristol Record Office.

Database of depositions – Database of depositions to courts of quarter sessions and gaol delivery, 1770-1799, which survive in JQS/P/30-167.

F/Ac/Box – Bristol Record Office: Chamberlain's vouchers (financial records of the Corporation of Bristol).

*Gaol Delivery Fiats* – *Bristol Gaol Delivery Fiats, 1741-1799*, ed. Georges Lamoine, Bristol Record Society Publication 40 (Bristol, 1989).

JQS/P – Bristol Record Office: Quarter Sessions Records, Sessions Papers.

N.B. in most cases items in this collection are individually numbered. When numbers are absent a question mark is used, followed by the date of the item in brackets, e.g. JQS/P/99/? (01/01/1770).

TC/Adm/Box – Bristol Record Office: Town Clerk's Letter Boxes.

TCLB – Bristol Record Office: Town Clerk's Letter Book, BCC/A/2/12/2 (1791-1813).

TNA HO 47 – The National Archives, Home Office: Judges' Reports on Criminals, HO 47.

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# 1 Historiography, aims and sources

The county study of law and order has long been a staple subject of doctoral theses. Many of the most important works in the criminal justice history of England and Wales are studies of individual counties or small regions, with a significant proportion of these studies originating from doctoral research.<sup>1</sup> While this thesis certainly could be described as another county study, the county examined here was a highly unusual one, in that it was also one of the largest cities in England. A great deal of research has been conducted with regards to crime in the rural areas of England and in London, but the provincial cities which were home to the majority of Britain's urban population have seldom been studied.<sup>2</sup> This is one of the ways that this thesis finds its originality. Of course, historiographical 'gap filling' does not necessarily produce findings which are of wider intellectual interest. However, in this thesis I attempt to show that a study of eighteenth-century Bristol has relevance to historians who do not have any particular interest in the city itself.

One reason for this is the overwhelming tendency for previous accounts of 'urban' crime to use the capital as the subject of study. I argue that it is only by examining crime and justice in all their major contexts that we can build a

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<sup>1</sup> John Beattie, *Crime and the Courts in England, 1660–1800* (Oxford, 1986) and Peter King, *Crime, Justice and Discretion in England, 1740–1820* (Oxford, 2000) are the most notable examples, but other regional studies include Sharon Howard, *Law and Disorder in Early Modern Wales: Crime and Authority in the Denbighshire Courts, c.1660–1730* (Cardiff, 2008); Garthine Walker, *Crime, Gender, and Social Order in Early Modern England* (Cambridge, 2003); Gwenda Morgan and Peter Rushton, *Rogues, Thieves and the Rule of Law: Problem of Law Enforcement in North-East England, 1718–1820* (London, 1998).

<sup>2</sup> John Langton, 'Urban Growth and Economic Change: from the Late Seventeenth Century to 1841', in P. Clark (ed.), *Cambridge Urban History of Britain*, vol. 2 (Cambridge, 2000), p. 471.

comprehensive history of crime and justice in England. While I do not question the value of previous studies which have focused on London, we can only judge the relevance of these studies to urban history in general by subjecting them to critical comparison with other city-based studies. The aim of this thesis is not, therefore, to gather evidence with which to refute previous historians' work, but to produce a study of a previously unexamined topic which can provide a point of comparison in the historiography. This will allow us to consider the ways in which studies of London and of rural areas have general applications, and the ways in which they reveal patterns of activity which were distinctive to those particular locations. By examining a major provincial city, we can get a better sense of the continuities and differences which existed in eighteenth-century England's experience of crime and justice.

The following section will review the historiography of eighteenth-century criminal justice. I will then set out the key themes discussed in this thesis, before attempting to show how I aim to make a contribution to the existing scholarship. This will be followed by a discussion of the sources used.

## Historiographical context

Even after almost forty years, Douglas Hay's essay entitled 'Property, Authority and the Criminal Law' in the influential *Albion's Fatal Tree* collection still forms an important starting point for historians of crime. Hay famously argued that the 'private manipulation of the law by the wealthy and powerful was in truth a ruling-class conspiracy in the most exact meaning of the word'.<sup>3</sup> The purpose of this conspiracy was to secure a 'division of property by terror' by an organised use of the threat of punishment and the prospect of mercy.<sup>4</sup> Crucial to this was the operation of discretion

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<sup>3</sup> Douglas Hay, 'Property, Authority and the Criminal Law', in D. Hay, P. Linebaugh, *et al.* (eds), *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975), p. 52.

<sup>4</sup> *Ibid.*, p. 21.

and mercy.<sup>5</sup> The questions that this raises, about who could use the law and about what interests it aimed to serve, continue to stimulate debate. Some scholars have been vociferous in their criticism of Hay. In particular, John Langbein has described Hay's work as 'fundamentally flawed', and has argued that the predominantly middling origins of prosecutors at the Old Bailey greatly weakens Hay's thesis.<sup>6</sup> Furthermore, 'pious perjury' – the practice of deliberately undervaluing a stolen item's value – was routinely used to save the suspect from excessive punishment.<sup>7</sup> Many jurors were from the middling sorts, rather than the ruling elite.<sup>8</sup> John Brewer and John Styles famously argued that the law was a 'multiple-use right' which was accessible to all but the poorest men.<sup>9</sup>

However, this more optimistic assessment of the eighteenth-century system of justice has been accompanied by studies which emphasise the ways in which the law was used to punish particular groups of people very forcefully. Randall McGowen has argued that the gallows was indeed used to enforce the interests of a particular interest group – namely, those with a stake in the new tools of financial capitalism.<sup>10</sup> The persecution of sodomites also shows how 'moral' values were bloodily enforced by the courts.<sup>11</sup> Furthermore, Peter King has shown that even if the 'ruling class conspiracy'

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<sup>5</sup> Ibid., pp. 17-18, 21, 48.

<sup>6</sup> John Langbein, 'Albion's Fatal Flaws', *Past & Present*, 98 (1983), p. 96.

<sup>7</sup> John Langbein, 'The Criminal Trial Before the Lawyers', *University of Chicago Law Review*, 45 (1978), pp. 303-4.

<sup>8</sup> Langbein, 'Albion's Fatal Flaws', pp. 106-7; Langbein's comments about the use of the law by the middling sort and the role of juries are echoed by: Beattie, *Crime and the Courts*, pp. 174, 346-7.

<sup>9</sup> John Brewer and John Styles, 'Introduction', in John Brewer and John Styles (eds), *An Ungovernable People? The English and Their Law in the Seventeenth and Eighteenth Centuries* (London, 1980), p. 20. King suggests that Brewer and Styles were too cautious in excluding the labouring poor from this 'multiple use right' (*Crime, Justice and Discretion*, p. 360).

<sup>10</sup> Randall McGowen, 'From Pillory to Gallows: the Punishment of Forgery in the Age of the Financial Revolution', *Past & Present*, 165 (1999), pp. 128-33.

<sup>11</sup> Steve Poole, "'Bringing great shame upon this city": Sodomy, the Courts and the Civic Idiom in Eighteenth-Century Bristol' *Urban History*, 34 (2007), pp. 114-26; Harry Cocks, 'Safeguarding

notion is problematic, the prosecution process was indeed flexible, and empowered victims.<sup>12</sup> Beattie and King argue that this left them relatively free to dictate how the accused would be prosecuted and punished.<sup>13</sup> Many crimes which ought to have been tried at the assizes were tried at the quarter sessions, for instance, while some suspects were simply committed to the house of correction without trial.<sup>14</sup> The magistracy, which was largely composed of amateurs, was seldom held to account for its interpretation of the law. With important works of reference such as Richard Burn's *Justice of the Peace* dramatically expanding in size by the nineteenth century, being well informed about statutes, precedents and correct legal procedure was something which was beyond the capacity of many magistrates.<sup>15</sup> This did not necessarily produce a 'conspiracy' – and, indeed, the assumption that judges would harshly punish the vulnerable is not always correct – but Hay's argument that the law was vague, that its enforcers were seldom held to account, and that the 'Bloody Code' was used to enforce moral and economic concerns remains in some respects valid.

Hay's essay in *Albion's Fatal Tree* has been followed by a body of scholarship which is concerned with much broader issues than the utility of notions such as 'ruling class conspiracy' and 'bloody code'. The work of John Beattie and Peter King, in particular, has examined the causes and characteristics of crime, the functioning of the courts and summary justice, the nature of policing and changing responses to theft.<sup>16</sup> Other scholars, such as John Langbein or Robert Shoemaker, have also made

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Civility: Sodomy, Class and Moral Reform in Early Nineteenth-Century England', *Past & Present*, 190 (2006), pp. 121-4.

<sup>12</sup> Peter King, 'Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800', *Historical Journal*, 27 (1984), pp. 25-7.

<sup>13</sup> Beattie, *Crime and the Courts*, pp. 38-9; King, *Crime, Justice and Discretion*, p. 17.

<sup>14</sup> Robert Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c.1660-1725* (Cambridge, 1991), pp. 36, 39; Robert Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London, 2004), pp. 232-3.

<sup>15</sup> Peter King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge, 2006), pp. 26-7.

<sup>16</sup> For full details of these texts, see the bibliography.

significant contributions to explaining how the eighteenth-century criminal code functioned and (in the case of Shoemaker) how petty crime was prosecuted and punished.<sup>17</sup> As Joanna Innes and John Styles remark, many of the studies which followed the first wave of publications in criminal justice history might be regarded as works of 'administrative history' or studies of institutions, rather than works of 'history from below' or positivistic social history which take crime as their primary focus.<sup>18</sup> This shift towards the study of the way that the law was administered, or the way that it functioned as a process, has not reached its termination. Within the last decade or so, numerous scholars have examined the criminal justice process, seeking – like their forebears – to reveal further details about the nature of crime and the operation of the law. The nature of policing also continues to be an area of investigation.<sup>19</sup> In many ways, these studies can be seen as offering a response to Hay's original provocations, in that they are all concerned with revealing how the eighteenth-century justice system functioned. The result of this is that we now have a good understanding of the types of crime which occurred in England, and of how offenders were prosecuted and punished.

The works of Hay, Beattie and others are chiefly concerned with the study of crime and the law as an end in itself. But particularly in recent years, historians have used the records of eighteenth-century criminal justice in order to study subjects in which crime is not the primary concern. For instance, Hans-Joachim Voth has used the *Proceedings of the Old Bailey* to examine time and work routines before the Industrial Revolution, while Styles has used the same sources to examine the furnishing of

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<sup>17</sup> John H. Langbein, 'Shaping the Eighteenth-Century Criminal Trial: A View From the Ryder Sources', *University of Chicago Law Review*, 50 (1983), pp. 1-36; Shoemaker, *Prosecution and Punishment*.

<sup>18</sup> Joanna Innes and John Styles, 'The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-Century England', *Journal of British Studies*, 25 (1986), pp. 384-5.

<sup>19</sup> For a survey of important works on policing, see the first footnote of chapter 8.

lodgings.<sup>20</sup> Benjamin Heller's work has used diaries and letters, in addition to the Old Bailey *Proceedings*, to take an 'agent-centred' view of eighteenth-century leisure; Amanda Vickery has used the *Proceedings* as the starting point for an investigation of domestic life.<sup>21</sup> Outside London, Polly Morris has used the depositions from Somerset's quarter sessions to study male honour.<sup>22</sup> It is the unique insights that sources such as court proceedings and depositions offer into the everyday lives of ordinary people which make them so appealing, and social and cultural historians have indeed used them to great effect. Of course, we should not force historians into excessively rigid disciplinary categories. Styles has, for example, written about coining and investigating crime, but has also used the *Proceedings of the Old Bailey* to examine plebeian consumption.<sup>23</sup> Shoemaker has conducted a statistical analysis of Middlesex recognizances, but in recent years has studied the representation of crime in print culture.<sup>24</sup>

But perhaps what are most lacking are studies of the relationship between everyday life and crime itself. There is a difference, after all, between studying the representation of crime in newspapers and trial reports, and studying how crime

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<sup>20</sup> Hans-Joachim Voth, 'Time and Work in 18th Century London', *Journal of Economic History*, 58 (1998), pp. 29-58; John Styles, 'Lodging at the Old Bailey: Lodgings and their Furnishing in Eighteenth-Century London', in J. Styles and A. Vickery (eds), *Gender, Taste, and Material Culture in Britain and North America, 1700-1830* (New Haven, 2006), pp. 61-80.

<sup>21</sup> Benjamin Heller, 'Leisure and Pleasure in London society, 1760-1820: an Agent-Centred Approach', DPhil thesis (University of Oxford, 2009), pp. 243-73; Amanda Vickery, 'An Englishman's Home is His Castle? Thresholds, Boundaries and Privacies in the Eighteenth-Century London House', *Past & Present* 199 (2008), pp. 147-8.

<sup>22</sup> Polly Morris, 'Sodomy and Male Honor: The Case of Somerset, 1740-1850', *Journal of Homosexuality*, 16 (1988), pp. 383-406.

<sup>23</sup> John Styles, "'Our traitorous money makers": the Yorkshire Coiners and the Law, 1760-83', in John Brewer and John Styles (eds), *An Ungovernable People? The English and their Law in the Seventeenth and Eighteenth Centuries* (London, 1980), pp. 172-249; John Styles, 'Sir John Fielding and the Problem of Criminal Investigation in Eighteenth-Century England', *Transactions of the Royal Historical Society*, 33 (1983), pp. 127-49.

<sup>24</sup> Shoemaker, *Prosecution and Punishment*; Robert Shoemaker, 'Print and the Female Voice: Representations of Women's Crime in London, 1690-1735', *Gender & History*, 22 (2010), pp. 75-91; Robert Shoemaker, 'The Old Bailey Proceedings and the Representation of Crime and Criminal Justice in Eighteenth-Century London', *Journal of British Studies*, 47 (2008), pp. 559-80

actually occurred. Similarly, while the relationship between representations of crime and prosecutorial behaviour has been explored, there is value in considering how preconceptions about criminality shaped the immediate experience of theft.<sup>25</sup> Were victims' responses to theft shaped by their prior exposure to representations of crime? Could it not be the case that thieves' approaches to theft were shaped by their pre-existing understanding of how retail culture functioned and how domestic life was organised? The records of England's courts have much to offer for those who wish to use them to study working practices or the history of leisure – but their qualitative richness means that they remain a resource which has much to offer for the study of crime.

## Aims and issues

Despite the increasingly well-developed historiography, there are still important questions which remain unanswered and avenues of enquiry which have not been comprehensively explored. The archival records of Bristol offer an opportunity to engage with these issues. What, then, are these unresolved issues which require further investigation? Several may be suggested, but three are investigated in this thesis: (i) the importance of social relations and cultural practices to acts of crime, (ii) the significance of the contexts of crime, and (iii) the ways in which crime was 'policed' in the provincial city. Examining crime in relation to these issues provides three approaches by which the sources may be interrogated. The overall result will be an improved understanding of the nature and causes of criminality, and the operation of policing and justice, in the English city.

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<sup>25</sup> Esther Snell, 'Representations of Criminality and Victimisation in Provincial Newspapers: The Kentish Post 1717 to 1768', *Southern History*, 27 (2005), pp. 48-75; Peter King, 'Newspaper Reporting and Attitudes to Crime and Justice in Late-Eighteenth- and Early-Nineteenth-Century London', *Continuity and Change*, 22 (2007), pp. 73-112; Richard Ward, 'Print Culture and Responses to Crime in Mid-Eighteenth-Century London', PhD thesis (University of Sheffield, 2010), pp. 49-96.

The question of the extent to which urban criminality was structured by social relations – be they those of friendship, family or acquaintance – in cities reflects an unresolved tension between historians of London and of rural areas. John Beattie has stated that in Surrey there were indeed genuine differences between urban and rural areas in terms of female criminality:

A more fundamental explanation of differences in the prosecution of women in urban and rural parishes of Surrey is that this pattern reflects real differences in the levels of offenses being committed, and that these in turn derive from differences in the circumstances in which women lived and worked in the city as against the countryside... Rural life was likely to be more restrictive for all; community pressures on those whose conduct threatened to disrupt village life were likely to be insistent and authority immediate, personal and formidable.<sup>26</sup>

It is important not to over-simplify the position which Beattie holds: he has written a great deal about the ways in which urban crime was investigated, policed and prosecuted, and the argument presented in the quotation above is one which highlights relative differences ('more restrictive') rather than absolute ones.<sup>27</sup> Furthermore, Beattie's argument about differences between rural and urban areas is supported by evidence relating to the types of goods which were stolen and the offences for which people were prosecuted.<sup>28</sup> Sharon Howard's work on crime and community in early modern Wales has argued persuasively for the importance of neighbourliness and acquaintanceship to both the detection of crime and the circulation of stolen goods.<sup>29</sup> This follows Beattie's arguments about the strong bonds of rural community. However,

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<sup>26</sup> Beattie, *Crime and the Courts*, p. 241. The same point is made by Morgan and Rushton, *Rogues, Thieves and the Rule of Law*, p. 105.

<sup>27</sup> Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror* (Oxford, 2001); John Beattie, 'Sir John Fielding and Public Justice: The Bow Street Magistrates' Court, 1754-1780', *Law and History Review*, 25 (2007), pp. 61-100; John Beattie, 'Early Detection: the Bow Street Runners in Late 18th Century London', in C. Emsley and H. Shpayer-Makov (eds), *Police Detectives in History, 1750-1950* (Aldershot, 2006), pp. 15-32 ; John Beattie, 'Garrow and the detectives: Lawyers and policemen at the Old Bailey in the late eighteenth century', *Crime, Histoire et Sociétés*, 11 (2007), pp. 5-24

<sup>28</sup> Beattie, *Crime and the Courts*, pp. 187, 147.

<sup>29</sup> Sharon Howard, 'Investigating Responses to Theft in Early Modern Wales: Communities, Thieves and the Courts', *Continuity and Change*, 19 (2004), pp. 420-6.

Heather Shore's work on eighteenth- and nineteenth-century London has argued that similar concepts are also helpful to understanding crime in the capital, even if urban criminal communities or criminal networks could be fairly flimsy.<sup>30</sup> Undoubtedly crime could have a social side, and Shore's recognition of the importance of theft to the challenge of 'making-shift' is insightful.

But if it is not appropriate to regard cities as entirely anonymous places, questions arise about how we can describe the forms of social organisation which existed in them. And should we expect the forms of criminal organisation to be found in a large metropolis to be replicated in the provincial city? Shore has proposed a relatively rigid model of the circulation of stolen goods which, as I argue in chapter 6, is not fully supported by the sources from Bristol.<sup>31</sup> The reasons why stolen goods were frequently sold by the acquaintances of thieves, rather than by thieves themselves, had as much to do with the need to negotiate the risks associated with visiting pawnbrokers and other receivers as it did with 'social ties'. It is also possible to suggest other ways that acquaintanceship and social interaction were important to acts of crime. In chapter 4, I argue that accounts of shoplifting and forgery show how criminals were able to understand and manipulate the complex socio-economic conventions of the retail economy. In chapter 5, I argue that the alehouse brought groups of potential criminals together, meaning that gangs of thieves were not necessarily linked by community ties. In some cases, it is therefore better to consider crime in terms of sociability and loose social connections rather than social *ties*, since the latter could be by no means binding. Furthermore, instead of emphasising the continuity between urban and rural areas, I argue that there are ways that crime and

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<sup>30</sup> Heather Shore, 'Cross Coves, Buzzers, and General Sorts of Prigs: Juvenile Crime and the Criminal Underworld in the Early Nineteenth Century', *British Journal of Criminology*, 39 (1999), p. 11. This question is also explored by Morgan and Rushton, *Rogues, Thieves and the Rule of Law*, pp. 85-95.

<sup>31</sup> Heather Shore, 'Crime, Criminal Networks and the Survival Strategies of the Poor in Early Eighteenth Century London', in S. King and A. Tompkins, *The Poor in England: an Economy of Makeshifts* (Manchester, 2003), pp. 150-5.

crime prevention were uniquely urban. Ultimately, in some cases it is better to recognise the complexity and diversity of the source material, rather than try to force notions such as 'organized crime' or 'criminal networks' onto source material which provides only weak evidence for such concepts.

Crime had a social context, but it could have a cultural context too. As I argued above, there is no need to draw rigid distinctions between the study of crime and the study of culture. In this thesis, I argue that practices of consumption, of work and of household organisation produced certain types of criminality. I highlight the ways in which thieves' strategies of crime reflect their understanding of retail practices, of the nature of print culture, of the use of paper money and credit, of the organisation of the household, and of the operation of second-hand markets. Thieves were not mere opportunists drawn from some sort of disenfranchised 'underclass', but could come from the same communities as those from whom they stole. They understood the practices of the shop and the home, and used alehouses and pawnbrokers in the same manner as 'legitimate' individuals. Similarly, the examinations of the ways that shopkeepers tried to prevent themselves being victims of theft or forgery, or the ways that householders secured their homes from theft, can be highly revealing of the extent to which fear of crime influenced business culture or domestic routines.

The second key issue with which this thesis engages is the question of the distinctive spatial characteristics of urban crime. Houses, shops, the street, alehouses and the city's harbourside were all sites of distinctive forms of criminality. Elucidating these spatially-specific forms of crime is worthwhile in itself, since both the eighteenth-century 'bloody code' and the analyses of previous historians have also frequently considered crime in terms of spatially-bounded offences such as theft from the home, and theft from shops.<sup>32</sup> Furthermore, the analysis of the ways that crime varied

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<sup>32</sup> Paula Humfrey, 'Female Servants and Women's Criminality in Early Eighteenth-Century London', in G. Smith et al (eds), *Criminal Justice in the Old World and the New* (Toronto, 1998), pp. 58-84; Deirdre Palk, 'Private Crime in Public Places: Pickpockets and Shoplifters in London,

according to location and time can be highly revealing of attitudes towards crime and the efficacy of crime prevention. The fact that there are distinctive patterns in the strategies of crime used by shoplifters, for instance, can tell us a great deal about their perceptions of the likelihood of being caught. Similarly, the fact that many homes and alehouses so frequently exposed themselves to crime questions the extent to which theft was a concern in everyday life. This is particularly significant since recent studies have emphasised the importance of the response to theft as an influence on the way that domestic and retail space was organised.<sup>33</sup>

There is also value in attempting to examine the overall geography of crime within the city. Some historians have emphasised the differences between regions, or between areas of particular counties, but the importance of spatial variations in the nature of urban criminality has not been considered.<sup>34</sup> This is not to say that thinking about criminality in terms of larger geographical areas is not worthwhile, and certainly it is possible to fit Bristol into larger geographies of crime. One such pattern emerged out of the city's close relationship with Bath. Many thieves absconded to Bath to avoid arrest, and stolen goods were also taken there in order to be sold. There were some cases which involved offences that had been committed in both Bristol and Bath: in one instance, the corporations of both cities agreed that the case would be tried in Bristol, where it was more convenient to do so.<sup>35</sup> In addition to the Bristol-Bath connection,

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1780-1823', in Tim Hitchcock and Heather Shore (eds), *The Streets of London: from the Great Fire to the Great Stink* (London, 2003), pp. 135-150. Such analyses largely mirror the nature of the eighteenth-century legal code, which as the century progressed introduced statutes which specifically dealt with theft from particular locations. Theft from each of these locations is discussed in Beattie, *Crime and the Courts*, pp. 172-181.

<sup>33</sup> Vickery, 'An Englishman's Home is His Castle?', pp. 147-73; Shelley Tickell, 'The Prevention of Shoplifting in Eighteenth-Century London', *Journal of Historical Research in Marketing*, 2 (2010), pp. 300-13.

<sup>34</sup> See Beattie's work already cited. Peter King argues that nightwatchmen and thieftakers from London were active in the parts of Essex which were closest to the capital, producing distinctive patterns of policing and reported crime in that part of the county: King, *Crime, Justice and Discretion*, pp. 76-81.

<sup>35</sup> TCLB, p. 15.

some Bristolian thieves regularly operated over larger realms. Stolen goods were routinely taken by boat to South Wales or other coastal towns in England to be sold. The mayor's correspondence also shows that the Corporation received warnings from London about pickpockets and card sharps who travelled to the city, and R. W. Malcolmson has demonstrated the city's perennial fear of invasion by the unruly Kingswood colliers.<sup>36</sup> Nevertheless, the issue of spatial variations *within* the city continues to raise some interesting questions. Is it possible to identify 'hotspots' of criminality within the city? Did contemporaries perceive certain places as being associated with crime? Was policing strongly focused on particular locations? All of these questions – to which the answer is, for the most part, 'yes' – will be considered. As I argue in chapters 8 and 9, the experience of crime – both by victims and by thieves – could be radically different according to their location in the city. This has important implications for how we conceptualise urban crime and policing: while 'the city' is a useful category for analysis, we should recognise that there could be substantial variations in the geography of crime and policing within it.

Few historians have attempted to engage with these issues. This is not, however, to say that crime as it occurred in particular locations has not been investigated. Peter D'Sena has shown how theft was a distinctive component of London dockworkers' subsistence, for instance, while Heather Shore's research on juvenile delinquency has argued that gangs of youths were particularly active in certain parts of the capital.<sup>37</sup> Studies such as these certainly can be very informative to the study of crime in Bristol. However, works which give more attention to the way that urban space was conceived and constructed also raise some important points.

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<sup>36</sup> TC/Adm/Box/32/06, TC/Adm/Box/26/12; R. W. Malcolmson, "'A set of ungovernable people": The Kingswood Colliers in the Eighteenth Century', in J. Brewer and J. Styles (eds), *An Ungovernable People? The English and Their Law in the Seventeenth and Eighteenth Centuries* (London, 1980), p. 89. The village of Bitton was also notorious for its association with thieves: Ian Wyatt, 'The Cock Road Gang', *Gloucestershire Historical Studies*, 4 (1970), pp. 37-43.

<sup>37</sup> Peter D'Sena, 'Perquisites and Casual Labour on the London Wharveside in the Eighteenth Century', *London Journal*, 14 (1989), pp. 130-47; Shore, 'Cross coves', pp. 13-15.

Henri Lefebvre has argued that space does not just form a passive backdrop to human interactions, but is something which has agency over action and thought. In this view, space is not just passively perceived, but is an entity which is discursively constructed, and which in turn has influence over how the city is perceived and experienced.<sup>38</sup> We might write, for instance, that a particular area of the city was associated with crime in the contemporary mind. This is interesting in itself, but a Lefebvrian analysis would ask how these associations shaped the actions of people who visited the area, and how this in turn served to shape the way that it was thought about. In chapter 3, I argue that theft was not just something which occurred in and around ships, but was a presence which shaped how maritime trade was perceived. The quayside was intensively policed as a result of the perception that crime was rife there, and contemporary accounts of the state of the harbour began to reflect concerns about its decline. Contemporary tropes relating to prostitution shaped the way that acts of pickpocketing were recounted, while groups of youths were repeatedly described using terms such as 'loitering' and 'lurking'.

The third major issue tackled by this thesis is the question of how pre-modern cities were policed. Historians have very persuasively shown that it is entirely wrong to think that London was unpoliced before the Metropolitan Police Act of 1829. Andrew Harris has argued that there was a 'quiet revolution' after the mid-1780s which saw the capital being policed with an unprecedented degree of intensity.<sup>39</sup> However, the fact that London has been well-studied does not mean that studies of policing elsewhere have no value. The ways in which non-metropolitan places policed crime are poorly understood, and while the capital's influence was certainly important over the long term, it was not necessarily the case that other cities implemented policing in imitation of it. Indeed, as Elaine Reynolds has shown, London's eighteenth-

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<sup>38</sup> Henri Lefebvre, *The Production of Space* (Oxford, 1991), p. 73.

<sup>39</sup> Andrew Harris, 'Policing and Public Order in the City of London, 1784-1815', *London Journal*, 28 (2003), p. 1.

century police forces arose out of the highly distinctive way that the city was governed, with individual parishes in metropolitan London receiving their own acts of parliament granting them the right to employ constables or watchmen. The city of London administered its police in a different way, and the process of obtaining acts of parliament permitting the employment of nightwatchmen in the metropolis took almost a century.<sup>40</sup> This historical process can be nothing but unique, since no other city comprised such a large and heterogeneous collection of parishes.

More research is needed, therefore, into the forms of policing which were produced by other types of urban government. Furthermore, there are other important issues to consider in addition to the nature and origins of pre-modern policing. Scant attention has been given to the impact which policing had on crime itself. We do not know whether thieves modified their behaviour to take account of the presence of nightwatchmen or constables, and nor do we understand the extent to which catching and prosecuting suspected thieves was dependent on the intervention and assistance of civic officials. While studies of London have set out the variations in the administration of policing between different parishes, the spatial and temporal variations in policing itself have hardly been examined at all, particularly at the sub-parish level or as they operated across the city as a whole. Furthermore, there is value in considering precisely what we mean by the term 'policing'. Harris's discussion of policing encompasses, for example, nightwatchmen, city constables, privately-employed watchmen, the Thames River Police, the Bow Street Runners and marshalmen.<sup>41</sup>

In this thesis I employ a definition of 'policing' which is as broad as that of Harris or Reynolds. Indeed, I argue that there is value in employing an even broader

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<sup>40</sup> Elaine Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830* (Basingstoke, 1998), pp. 2-4.

<sup>41</sup> Andrew Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (Columbus OH, 2004), pp. 1-37, 75, 125.

definition of policing which considers the ways that the witnesses of crime were prepared to intervene to prevent theft and catch suspected thieves. Some parts of the city could be places where the operation of 'informal policing' was particularly intense. This suggests that the picture of crime presented by court records may be very different to crime in reality. Investigating the importance of individuals' willingness to intervene against crime, and considering how and when people drew on the services of civic officials, can permit the investigation of the civic-minded values which contemporaries argued were so important to the British constitution and yet so lacking in cities.<sup>42</sup> By examining ordinary people's reactions to crime, we can examine popular perceptions of criminality and attitudes towards private property. While the role of print culture in forming popular sentiment about crime has been intensively studied, there have been few attempts to consider the way that people acted when they encountered acts of criminality. I argue that it is only by considering 'policing' very broadly that we can understand the ways in which criminal acts were constrained. As I argue in chapters 8 and 9, the nature of civic governance and of the built environment had important – if unintended – influences on the way that crime was policed.

## Sources

This thesis is primarily a study of the depositions which were made in front of Bristol's magistrates between 1770 and 1800. Unusually, the city's depositions survive for both the court of gaol delivery (Bristol's assize court) and the quarter sessions. This means that we have a particularly broad and detailed depiction of crime in the city which – unlike that offered by the *Proceedings of the Old Bailey* – is not confined to only the city's most senior court. However, it is important to remember that many alleged offenders were dealt with summarily by the magistrates who held a petty sessions at the council house in Bristol. As I show in chapter 10, there were 1332 instances in which people

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<sup>42</sup> Francis Dodsworth, "'Civic' Police and the Condition of Liberty: the Rationality of Governance in Eighteenth-Century England', *Social History*, 29 (2004), pp. 205-7.

were imprisoned in the Bristol Bridewell between Michaelmas 1779 and Lady Day 1783. This is far more than the number of people who were tried at the gaol delivery in the period 1770 to 1800 – 497 by my count – and even in post-war years the number of defendants at the four quarter sessions meetings did not exceed 100 people. There were numerous reasons why people might be committed to Bridewell, but certainly alleged property crime was one of them. Summary justice was, therefore, a very important way by which alleged criminals were dealt with.<sup>43</sup> Furthermore, even summary punishment may be atypical of how most disputes were resolved: as Gwenda Morgan and Peter Rushton have shown, the work of one magistrate in the north-east mostly involved negotiating an informal resolution between rival parties rather than helping to initiate a prosecution.<sup>44</sup>

To some extent, we should not draw too rigid a line between the three different strands – summary treatment, quarter sessions trial or gaol delivery trial – of the law when analysing the depositions. The majority of depositions were made before the mayor at the council house, and thus it was actually at the deposition-making stage that a suspect might find out whether they would be dealt with summarily or not. The observations made in chapter 10 about the ease with which the magistrates could be accessed are, therefore, pertinent to revealing how summary justice was experienced, even if these observations are derived from the depositions. Furthermore, this thesis is primarily concerned with what the depositions and the records of civic administration can tell us about crime, victimhood and policing – all of these things took place before the prosecution process had begun, and those who committed crime cannot have

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<sup>43</sup> Peter King, 'The Summary Courts and Social Relations in Eighteenth-Century England', *Past & Present*, 183 (2004), p. 129.

<sup>44</sup> Gwenda Morgan and Peter Rushton, 'The Magistrate, the Community and the Maintenance of an Orderly Society in Eighteenth-Century England', *Historical Research*, 76 (2003), p. 58. This echoes the argument made by Norma Landau that many indictments were never tried, and that the criminal law could also function as place to pursue 'civil' suits: 'Indictment for Fun and Profit: a Prosecutor's Reward at Eighteenth-Century Quarter Sessions', *Law and History Review*, 17 (1999), pp. 508, 514-17, 536.

known how they were to be dealt with. However, this does not solve the problem of judging how representative the depositions are of crime in general. Making a deposition was potentially time-consuming and inconvenient, as was prosecuting someone. It is possible, therefore, that the depositions concern offences which were regarded as being unusually serious, or which had been committed by alleged offenders who had had numerous other encounters with the magistrates. This is particularly true in relation to the depositions concerning crimes which were sent to the gaol delivery, but the absence from the depositions of large numbers of cases involving petty pilfering or theft would imply that these offences were normally dealt with summarily.

Nonetheless, this does not mean that the depositions are worthless as historical sources. With their rich qualitative content, they can be used to study the way that offenders committed crime, in terms of the strategies that they used to find opportunities for theft and to avoid detection. This can be revealing not about crime rates or the operation of the courts, but about how ordinary offenders perceived and negotiated risk. This can tell us a great deal about how shops and houses functioned, how and where policing was perceived to occur, and how thieves understood second-hand markets. While it probably is the case that the mindsets of forgers and burglars are over-represented in this thesis, and those of pilfering workers or petty thieves do not receive as much attention as they deserve, ultimately the study of the criminal activities which it is possible to examine in detail can be highly revealing of the relationships between crime, opportunity and risk.

It is perhaps an indicator of the Corporation of Bristol's vice-like grasp on so many aspects of civic governance that the city courts' papers are now archived in a single collection at Bristol Record Office. The 'Quarter Sessions Papers' include not only the records of that court, but also those of the court of gaol delivery, as well as a huge number of documents relating to excise offences, apprenticeship, coroners, grand

juries, prisons and urban improvement. While indictments or minutes of court proceedings have not survived in significant numbers, it is possible to reconstruct much of the business of the court of gaol delivery through the gaol delivery fiats, which record the people who were tried at that court, and the sentences and punishments that they received. The calendars of gaol delivery survive with reasonable regularity, and provide useful information about the prisoners who remained in prison on the eve of a meeting of the court of gaol delivery. There are several accounts of the trials of notable criminals, in addition to a single printed sessions paper which is similar in style to the *Proceedings of the Old Bailey*.<sup>45</sup> The minutes of the quarter sessions from September 1799 also survive, providing rough notes of the testimony of witnesses and defendants, and the verdicts which were reached, at that particular session.<sup>46</sup> A full account of the business dealt with at the gaol delivery sessions survives in The National Archives from 1753, because at that point the city's recorder (Sir Michael Foster) was also a judge on the Western Circuit.<sup>47</sup>

This thesis is primarily focused on the study of the depositions. There are perhaps around 1500 depositions relating to property crime which survive from the period 1770-1800. Any attempt to produce a definite figure for the number of extant depositions is hampered by the tricky problem of definition. Some magistrates combined the testimony of many witnesses into a single deposition, while others produced separate depositions for each witness. Furthermore, some depositions relate to assault, sexual offences, riot and accusations of disorderly housekeeping, which are not included in the above figure. Depositions which allege offences other than property crime are not systematically examined in this thesis. In total there were 1838 instances

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<sup>45</sup> *The Whole Proceedings Of His Majesty's Commission of the Peace, Oyer Terminer and Gaol Delivery for the City and County of Bristol* (Bristol, 1767); *Genuine Trial of Grant Cottle for Felony* (Bristol, 1771); *The Only Correct Trial of Henry Lane* (Bristol, 1800); *The Trial (Including an Account of the Execution) of Maria Davis and Charlotte Bobbett* (Bristol, 1802).

<sup>46</sup> JQS/P/166.

<sup>47</sup> TNA, ASSI 23/6: Minutes of the Bristol summer assizes of 1753; BRO, BCC/A/1/1: Letter book of the Mayor, 1746-1752, pp. 21, 49.

**Table 1.1: Suspects by gender and location, 1770-99**

	<b>Women</b>	<b>Men</b>	<b>Total</b>
<b>House</b>	153	160	<b>313</b>
<b>Shop</b>	73	133	<b>206</b>
<b>Workplace</b>	11	144	<b>155</b>
<b>Public</b>	19	104	<b>123</b>
<b>Alehouse</b>	24	84	<b>108</b>
<b>Ship</b>	2	71	<b>73</b>
<b>Other</b>	6	31	<b>37</b>
<b>Total</b>	<b>288</b>	<b>727</b>	<b>1015</b>

*Source:* Database of depositions.

on which people gave testimony to a magistrate, which relates to around 800 separate offences. Table 1.1 counts the number of theft suspects mentioned in the depositions by location, albeit with those cases with several different locations or where no location is given omitted (about 50 in total). While counting suspects is a problematic activity – depositions might fail to mention all suspects, or might falsely accuse accomplices – the table does give a good rough indication of the types of location which are most prominent in the depositions. In addition to the depositions from 1770 to 1800, those from 1801-4 have been read, and are employed as sources of anecdotal evidence in a small number of places (always indicated by reference to the date).

While the term ‘deposition’ is used throughout this thesis, it is important to realise that it is actually a collective term for several types of document. Coroners took depositions, for example, but these are not considered here, since relatively few survive. In the archives of criminal justice, there are two main types of deposition: the information, and the examination. The former records the testimony of witnesses and prosecutors. These are the most numerous sort of deposition, and were always written in the third person. The standard practice in Bristol was to append a recognizance to prosecute or appear as a witness to the first deposition relating to an alleged crime; the depositions also indicate the court to which the case was sent. The second type of deposition, the examination, are less numerous, and feature the testimony of suspects.

Usually they are simply a confession, but sometimes include information which implicates other criminals, or a defence against the charge of theft. Examinations are often very interesting documents, since they can provide a direct window into the thoughts and activities of those who committed theft. Unlike informations, they sometimes describe crimes which failed to occur, the circumstances which led to acts of theft, and the social and economic background of a suspect.

The main strength of the information is that it presents a detailed account of victims' and witnesses' experience of crime, and was usually produced shortly after a crime had occurred, or shortly after a suspect had been detained. Although written in the third person by a clerk employed by the city, the depositions present witnesses' testimony in a manner which is apparently close to verbatim, with swear-words and slang reproduced in full. They describe crime in a narrative way, usually beginning with a description of the offence, moving on to discussing how the suspect was caught, and then finishing with a description of the goods stolen. This structure probably reflects the magistrate's line of questioning. Sometimes individual depositions begin with one witness, move on to another, and then return to the first witness to report an interjection that they made, indicating that they reflect the chronology of the magistrate's interview.

Of course, the depositions are not without their problems. They typically do not pay any attention to suspects' views, and are full of phrases such as 'above mentioned', 'now present' and 'of this city and county' which were highly unlikely to have emerged from the mouths of deponents. This makes them quite similar to printed accounts of crime. As Robert Shoemaker has shown, the *Proceedings of the Old Bailey* devoted more attention to cases which led to convictions than acquittals, dramatically abbreviated testimony, and even made fun of the way people spoke.<sup>48</sup> Depositions

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<sup>48</sup> Robert Shoemaker, 'The Old Bailey Proceedings and the Representation of Crime and Criminal Justice in Eighteenth-Century London', *Journal of British Studies*, 47 (2008), pp. 560, 564, 567.

continued to play an active role in the prosecution and sentencing process after they had been produced before a magistrate. They were sometimes sent to the recorder ahead of the meeting of the gaol delivery sessions, so that he could familiarise himself with the upcoming cases.<sup>49</sup> Examinations of prisoners were also read out in court, and the confessions of the most infamous suspects could find themselves being printed.<sup>50</sup> They are complex texts which were read and reproduced in a variety of circumstances before, during and after the criminal trial.

The depositions survive in large numbers, but it is not the case that the records of all crimes which were reported in Bristol have survived. The city's newspapers report that 53 people were tried at the quarter sessions in the year before April 1784, for instance, while the gaol delivery fiats show that 23 were tried at the higher court. In the same period, 71 depositions survive. There are only thirteen property-crime depositions from the year before April 1791: 22 people were tried at the quarter sessions according to *Felix Farley's Bristol Journal* that year, while the gaol delivery fiats report 15 trials. One reason for this is that several people were tried for rioting, which meant that only a limited number of depositions were made for a large number of prosecutions. Another is that there are no depositions at all which survive for the year after September 1790. The depositions do not present a complete picture of reported crime in Bristol, therefore. It is likely that in some cases depositions were not made, while the practice of using depositions in court or sending them to the recorder ahead of the sessions may have meant that many depositions became lost. Some of the ones which do survive are barely legible. It is difficult to see any systematic collecting, editing or purging of the depositions.

Other than issues with documentary survival, the main problem with the depositions is that there is no way to verify the truthfulness of witnesses' testimonies.

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<sup>49</sup> TCLB, p. 197.

<sup>50</sup> N. J., *The Trial... of Maria Davis and Charlotte Bobbett*, pp. 9-11.

Some depositions may contain material which is entirely false because witnesses knowingly lied to the magistrates, or because they were mistaken in their interpretation of events. Nightwatchmen often made arrests because they simply suspected that a person might have committed theft: personal pride, and the justification of the existence of the office, may have caused them to exaggerate their account of events. Most of all, we should recognise that the witnesses in the depositions were often both the victims and prosecutors of an alleged offence, and were therefore highly motivated to depict the offence in the manner most likely to achieve their desired outcome. Just as 'pious perjury' manipulated sentencing, so witnesses may have under- or overemphasised the significance of an offence in order to procure a particular punishment or a trial at a particular court. We should not, therefore, assume that the depositions always present an accurate and objective depiction of genuine acts of crime.

Nonetheless, this does not mean that they are worthless as a body of sources. When a witness described the reasons why she became suspicious of a particular person, or when a man described his response to becoming a victim of theft, the text of a deposition is in itself a useful indicator of the way that people articulated their experience of crime. The depositions were not, after all, produced for the benefit of historians, but to be used by the courts as part of the trial process. How they were produced, and how individual subjective experience was transformed into textual testimony, are in themselves interesting questions. In chapter 5, I argue that the repeated use of terms such as 'decoyed' by men who were pickpocketed by prostitutes reflects the influence of contemporary perceptions of prostitution on the way they described, and perhaps experienced, becoming a victim of crime. It is likely that even when people exaggerated or lied about crime, they did so in ways which were intended to appear convincing and realistic.

One might argue that the solution to this problem would be to consider only those cases in which suspects were eventually found guilty, thereby exploiting the scrutiny which the courts gave to allegations of crime. Such an analysis might be possible using the gaol delivery fiats and the reports of quarter sessions convictions which appeared in *Felix Farley's Bristol Journal*. However, this approach would ultimately misunderstand the nature of the prosecution process. Many suspects were never convicted, not because they were acquitted but because a prosecutor did not appear at the sessions, or because the grand jury dismissed an indictment on a technicality. The recorders' reports to the Home Office show that in some cases there was significant doubt about the reliability of the witness testimony which was heard in capital cases. In 1785, for example, two men were convicted on their first indictment of burglary. Richard Burke, the recorder of Bristol, reported that they were convicted:

... on the evidence of James Paul, an accomplice, without other confirmation or support, than the Prisoners being seen in the Warehouse (a public auction room) the day preceding the night of the Robbery, amidst the croud of people who attended the sale, but without any remark made upon his manner or behaviour there, as differing from any other person attending the auction.

On the second indictment (also for burglary) they were convicted:

... solely on the Evidence of the same accomplice Paul, without even a Shadow of confirmation, or corroboration; & that neither in this, or in the former trial, was there the slightest evidence to shew that the Witness & the Prisoner were ever seen Together, or any kind of attempt in evidence to shew that they were in the smallest degree acquainted with each other...

Burke reported that James Paul's appropriateness as a witness was 'barely within the line that parts competence from incompetence', and that he 'disgraced the Character of a witness & dishonoured human nature'. The only reason that Burke did not seek a complete pardon was that he suspected the men had probably committed burglary before and that they were alleged to have escaped from transportation; they had their sentences commuted to transportation for life. Paul was deported from Bristol at civic

expense.<sup>51</sup>

George Showell's experience of Bristolian justice shows how accusers could become the accused, and how guilt was renegotiated after a trial. When Showell accused Charles Henry Brown of attempted sodomy in 1785 he made a deposition which quoted the words that the accused man was alleged to have used, and the way in which he approached him.<sup>52</sup> This, in itself, is very interesting, since it offers a valuable insight into eighteenth-century sexual slang. However, Showell was later accused of attempted extortion by making a false accusation, and was convicted and imprisoned.<sup>53</sup> The case of Showell shows, therefore, just how difficult it can be to achieve certainty about historical reality when using the records of the courts. In a petition to the mayor, Showell claimed that this conviction was unjust, since the prosecutor had several relatives on the grand jury, and there was no motive for him to make such a serious charge at great personal expense.<sup>54</sup> After Showell's conviction, the recorder of Bristol reported to the Home Office that a boy had also accused Brown of sodomy – an accusation which was 'corroborated by three irreproachable witnesses', and which led to Brown's detention by the Gloucestershire magistrates. The recorder reported that the mayor and magistrates of Bristol were 'strongly impressed with a belief that Showell is innocent'.<sup>55</sup> Showell was released, and was awarded £5 5s by the Corporation owing to his distressed circumstances caused by his imprisonment.<sup>56</sup> In cases in which the word of one witness was pitted against another, it is impossible to take a side with certainty – and, indeed, we can see that in Showell's case the

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<sup>51</sup> TNA HO 47/3/81 (ff. 262-3). The chamberlain recorded that 'he being a very bad fellow it was thought prudent to send him back to Ireland the place of his Nativity': BRO, City Treasurer's Journals: Journal D17 (04031/2), entry for 30 July 1785.

<sup>52</sup> JQS/P/95/01/24.

<sup>53</sup> *Felix Farley's Bristol Journal* (26 November 1785).

<sup>54</sup> JQS/P/95/01/24.

<sup>55</sup> TNA HO 47/5/71 (ff. 231-2). This second accusation is detailed in JQS/P/99/04.

<sup>56</sup> F/Ac/Box/97/6.

presumption of guilt moved back and forth. Convictions could, even by the admission of the city's recorder, be very unsound.

While the courts probably did manage to filter out some of the most egregious false accusations, we should recognize that in the majority of cases it is impossible to adjudge the veracity of the records produced by the magistrates and the courts, be they a deposition, examination, or a report of the proceedings of a trial. Examining the way in which crime was *represented* in the depositions provides one way to negate this problem. However, this thesis does not just study the depositions from the perspective of linguistic analysis or in terms of the way they describe theft, but seeks to use them as evidence for the study of crime as it actually happened. In this respect, it encounters what is the classic dilemma of qualitatively-minded social historians: how to use a small number of sources to make generalisations about society as a whole. While individual depositions may be unreliable, it is the fact that they were independently produced which gives them their strength. When patterns can be identified in depositions which were produced independently of one other, it is legitimate to see the depositions as reflecting the actual experience of crime. It is when we can identify patterns which run through several independently-produced depositions that it is reasonable to use them as evidence with which to study crime.

Additional sources of information about the civic response to crime include the mayor's correspondence, the Home Office's pardoning archive and local newspapers. I have also made considerable use of the records of civic finance and administration, which provide a new point of entry into the study of petty crime. In these records, one can obtain lists of prisoners in the city's gaols, and information about civic expenditure on policing. While it is frustrating that the vast numbers of trial reports, sessions rolls and house of correction registers that are available to historians of London are not present in Bristol, in some ways this has its advantages. The more manageable scale of the court records from Bristol means, for instance, that it is possible to study policing in

both the depositions and the records of civic administration. This produces a more holistic account which considers how policing was actually practised alongside how it was administered. Similarly, as my discussion of the unfortunate George Showell just showed, it is possible to follow individuals through numerous archives over considerable periods of time. Prosecution was a flexible *process* in which numerous outcomes were possible. By taking the depositions as a whole, and setting this evidence alongside other source material, it is possible to think of acts of crime in similar terms. Theft could be opportunistic and unplanned, but even crimes such as these can sometimes be traced back to an evening spent drinking in an alehouse or a friendship formed while summarily imprisoned. Similarly, many crimes required the negotiation of risk, in the form of suspicious victims, stolen goods markets or policing. Narrowly-focussed studies can miss the significance of this process.

## 2 Bristol in the eighteenth century

Before beginning the analysis of Bristol's court records, it is worth setting out the background against which crime and prosecutions occurred. This appreciation of context is particularly important because the city's unusual judicial autonomy meant that criminals were apprehended, tried and punished locally. This coherent judicial system was overseen by the Corporation of Bristol, which dominated practically all other aspects of urban governance. In comparison, in the nearby city of Bath criminal prosecution was strongly tied to the judicial system of Somerset. Its justice system was 'coherent' only in the sense that it was almost completely powerless to prosecute serious crime itself.<sup>1</sup> We might expect the way that justice was administered in Bristol to have had several impacts, such as a higher prosecution rate due to the ease with which crime could be prosecuted, or a tendency to encourage the prosecution of crimes which were detrimental to the local economy or civic identity. An understanding of the nature of the city's economy and civic identity, and the way that the city was governed, is a necessary precursor to understanding the patterns of crime and the operation of justice which are seen in Bristol's court records.

### The economy

The economy of Bristol is most famously, and most notoriously, associated with trade in the Caribbean. Sugar refineries were a famous feature of the town, and the specialisation of trading towards the end of the century by Bristol, Liverpool and

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<sup>1</sup> Sidney and Beatrice Webb, *English Government from the Revolution to the Municipal Corporations Act: Statutory Authorities for Special Purposes* (London, 1922), p. 320.

Glasgow saw Bristol intensifying its focus on sugar.<sup>2</sup> Liverpool overtook Bristol in terms of the total volume of its trade in the 1740s and in terms of population size in the 1780s, but Bristol referred to itself as the ‘second city’ for much of the eighteenth century.<sup>3</sup> Its specialised focus on sugar imports meant that, in terms of customs revenue from imports, it was indeed still the second city in 1800, even if its overall economic power had declined in relative terms.<sup>4</sup> This relative decline of Bristol’s maritime economy had several major causes. Firstly, the southern route around Ireland to the Atlantic placed ships at greater danger of predation during wartime. Secondly, the south-west had inferior transport links to English markets. Thirdly, the port dues were very high, making doing business costly. Fourthly, the city was slow to make improvements to its harbour – the disorder and economic hardship that this generated was a major cause of complaint.<sup>5</sup> Of course, relative decline does not entail absolute decline, and indeed the volume of Bristol’s Atlantic trade more than doubled between 1700 and 1800.<sup>6</sup> The reliance on trade in colonial markets was an important influence on the politics of the city, and Bristol’s members of parliament were frequently instructed to pursue the city’s economic interests.<sup>7</sup> However, it is important not to see trade as creating harmony in every aspect of Bristol’s politics and culture. Abolition was, for example, increasingly popular from the late eighteenth century; at the same time, Bristol’s MPs and Merchant Venturers remained strongly supportive of the slave

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<sup>2</sup> Kenneth Morgan, ‘Bristol and the Atlantic Trade in the Eighteenth Century’, *English Historical Review*, 107 (1992), p. 650; James A. Rawley and Stephen D. Behrendt, *The Transatlantic Slave Trade: A History* (Nebraska, 2005), p. 155.

<sup>3</sup> Morgan, ‘Bristol and the Atlantic Trade’, p. 627.

<sup>4</sup> *Ibid.*, p. 650.

<sup>5</sup> *Ibid.*, pp. 627-8, 634, 650.

<sup>6</sup> *Ibid.*, pp. 627-8.

<sup>7</sup> P. T. Underdown, ‘Edmund Burke, the Commissary of His Bristol Constituents, 1774-1780’, *English Historical Review*, 73 (1958), p. 252; Rawley and Behrendt, *Transatlantic Slave Trade*, pp. 151-4; Bristol Central Library, *Jeffries Collection*, vol. 8, p. 82: ‘A petition of the principal merchants and traders of Bristol against a bill for the relief of debtors’ (1780).

trade.<sup>8</sup> There could also be significant divisions between the various factions that might normally be said to represent the interests of the city: the Merchant Venturers were in disagreement with the Corporation regarding the state of the harbour, for example.<sup>9</sup>

International trade was not Bristol's only mercantile activity. The city also maintained a substantial water-borne trade with Wales and south-west England. With some activities, such as metalworking, its connections extended as far as Birmingham.<sup>10</sup> Furthermore, Bristol was one of the most important ports for those travelling to and from Ireland, meaning that large numbers of soldiers and migrants were frequently passing through the city. These groups were blamed for crime and disorder, and in 1816 efforts were made to remove them from the town.<sup>11</sup> As well as mercantile activity, Bristol also manufactured goods in substantial quantities. Its glass-houses were particularly well-known features of its skyline, and some visitors remarked upon the pall of smoke which overhung the city; Bristol also produced brass, copper, earthenware, gunpowder and spirits.<sup>12</sup> In 1793 a crisis of confidence led to a third of Bristol's speculative builders being issued with commissions of bankruptcy; many more were probably dealt with by informal means, and in 1798 there were still 500 unfinished houses.<sup>13</sup> Before the crash, however, a building boom transformed the city, with fifty streets and 3000 houses being laid out in the decade after 1783.<sup>14</sup> The

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<sup>8</sup> Rawley and Behrendt, *Transatlantic Slave Trade*, p. 154.

<sup>9</sup> Morgan, 'Bristol and the Atlantic Trade', pp. 627-8.

<sup>10</sup> *Ibid.*, p. 634; Gordon Jackson, 'Ports, 1700-1840', in P. Clark (ed.), *Cambridge Urban History of Britain*, vol. 2: 1540-1840 (Cambridge, 2000), p. 708.

<sup>11</sup> Steve Poole, 'To Be a Bristolian: Civic Identity and the Social Order, 1750-1850', in M. Dresser and P. Ollerenshaw (eds), *The Making of Modern Bristol* (Tiverton, 1996), p. 81.

<sup>12</sup> Morgan, 'Bristol and the Atlantic Trade', p. 634; Rawley and Behrendt, *Transatlantic Slave Trade*, p. 149; *Ferrner's Journal, 1759/1760: An Industrial Spy in Bath and Bristol*, ed. A. P. Woolrich (Eindhoven, 1986), p. 14.

<sup>13</sup> J. R. Ward, 'Speculative building at Bristol and Clifton, 1783-1793', *Business History*, 20 (1978), p. 14.

<sup>14</sup> *Ibid.*, p. 5.

significance of this is that the city offered a thriving market for stolen goods, particularly when it was metal, rope, wood or sugar which had been taken.

## Civic identity

Historians have also pointed to the city's distinctive civic identity, which to a large extent rested on its reputation as a location of maritime trade. The city's national reputation was that of a city obsessed with lucre, populated by merchants who were as ill-mannered as its sailors.<sup>15</sup> While such representations should be treated critically, maritime trade and commercial prosperity were central to Bristol's sense of itself. Steve Poole and Carl Estabrook have argued that the city's identity was strongly founded on revulsion from the threatening 'other'.<sup>16</sup> In Bristol's case, it was the colliers of Kingswood, a Gloucestershire village near the city, who were 'other'. In the words of a contemporary poet they were 'A tatter'd Brood of rough laborious Souls' who spent their lives 'Beneath the Blessing of the wholesome Air'; their riotous and violent invasions of Bristol were central to the city's xenophobic attitude to outsiders.<sup>17</sup> This isolationism was manifested in a number of practical ways. Charitable donations tended to be spent within the city, apprentices were more likely to be hired if they lived locally, and the city took great pride in its relatively unusual county status.<sup>18</sup> It should

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<sup>15</sup> Sweet, 'Topographies of Politeness', *Transactions of the Royal Historical Society*, 12 (2002), pp. 363-4.

<sup>16</sup> Steve Poole, 'Scarcity and the Civic Tradition: Market Management in Bristol, 1709-1815', in A. Randall and A. Charlesworth (eds), *Markets, Market Culture and Popular Protest in Eighteenth-Century Britain and Ireland* (Liverpool, 1996), p. 98; Carl Estabrook, *Urbane and Rustic England: Cultural Ties and Social Spheres in the Provinces 1660-1780* (Manchester, 1998), pp. 206-7.

<sup>17</sup> William Goldwin, *A Description of the Antient and Famous City of Bristol: a Poem* (Bristol, 1751), p. 8; Malcolmson, 'Ungovernable People', pp. 85-127; Poole, 'Scarcity and the Civic Tradition', p. 98; Steve Poole, 'To Be a Bristolian: Civic Identity and the Social Order, 1750-1850', in M. Dresser and P. Ollerenshaw (eds), *The Making of Modern Bristol* (Tiverton, 1996), pp. 78-80; Ian Wyatt, 'The Cock Road Gang', *Gloucestershire Historical Studies*, 4 (1970), p. 27; Estabrook, *Urbane and Rustic England*, p. 29.

<sup>18</sup> Estabrook, *Urbane and Rustic England*, p. 26; Jonathan Barry, 'Bristol Pride: Civic Identity in Bristol, c.1640-1775', in M. Dresser and P. Ollerenshaw (eds), *The Making of Modern Bristol* (Tiverton, 1996), p. 28; Poole, 'To Be a Bristolian', p. 34.

not be thought that poverty and social problems were uniform throughout the city. Elizabeth Baigent has identified a central core of small, wealthy parishes which paid an above-average poor rate. These, she argues, were accompanied by much less wealthy, large 'artisan' suburbs to the north and east of the old town.<sup>19</sup> Contemporaries realised this spatial distribution of poverty: the wealthy parishes diverted some of their poor rates to their large neighbours.<sup>20</sup>

In the city's quarter sessions papers, there are a number of references to people who were Jewish, and a smaller number to people who were black or Asian; these people appear as witnesses, suspects, prosecutors and victims.<sup>21</sup> Amongst the names of those who were committed to Bristol's house of correction, one finds references to people named Black Sall, John Qbeyo and Peter Oloculu.<sup>22</sup> For the most part, however, the source material used by this thesis reveals little about the relationship between ethnicity and crime. One problem is that there was no systematic attempt to take note of the ethnicity of suspected offenders or prisoners. In 1784, for example, a man named Edward Steele is described by a witness in a deposition as being a 'black servant' – but none of the other sources which relate to this case repeat this information.<sup>23</sup> Similarly, in the case of James Paul – an Irish burglar – it is only the chamberlain's financial records which report that he was Irish.<sup>24</sup> In both these cases, information about ethnicity was only provided when it was directly pertinent to a case, in order to

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<sup>19</sup> Elizabeth Baigent, 'Economy and Society in Eighteenth-Century Bristol', in D. Denecke (ed.), *Urban Historical Geography Recent Progress in Britain and Germany* (Cambridge, 1988), pp. 119-20.

<sup>20</sup> Mary Fissell, 'Charity Universal? Institutions and Moral Reform in Eighteenth-Century Bristol', in L. Davison (ed.), *Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1689-1750* (Stroud, 1992), p. 123.

<sup>21</sup> Black: JQS/P/49/01/03, JQS/P/91/01/05, JQS/P/146/04/39. In 1803 there is also a reference to someone named 'Black Jem': JQS/P/192/16. Serang (an Indian mariner): JQS/P/76/01.

<sup>22</sup> F/Ac/Box/101/07, F/Ac/Box/93/06, F/Ac/Box/94/06.

<sup>23</sup> Deposition: JQS/P/91/02/? (11/12/1784); calendar of prisoners: JQS/P/92; *Gaol Delivery Fiats*, p. 60; newspaper trial report: *Felix Farley's Bristol Journal* (9 April 1785).

<sup>24</sup> JQS/P/91/01/05; TNA HO 47/3/81 (ff. 262-3); Bridewell list: F/Ac/Box/96/3. The source which mentions that Paul was from Ireland is BRO, City Treasurer's Journals: Journal D17 (04031/2). The voucher for this is in F/Ac/Box/96/5.

explain why Steele was recognised by a shopkeeper who accepted stolen notes, and why Paul was deported to Ireland at civic expense.<sup>25</sup> However, this absence of evidence is interesting in itself, in that it shows that there was no systematic attempt to account for ethnicity in any of the city's records relating to crime. The way that non-white people were treated by the courts is an important unanswered question, since perhaps it is here that the 'ruling class conspiracy' of Douglas Hay – or at least a hegemonic 'conspiracy' based on race rather than class – might have operated. The fact that there is no evidence for this, despite the presence of a great deal of source material, in Bristol is significant, if not conclusive.

We should not, however, take too benign a view of the city's magistrates and judges. As Steve Poole has shown, when the city was accused of tolerating sodomites in the 1730s, its magistrates began an intensive campaign against the offence.<sup>26</sup> In the period covered by this thesis, two men were executed for sodomy.<sup>27</sup> There were other ways in which illegal acts threatened civic stability. Rioting inflamed the city's awkward relationship with outsiders, and saw the power of the city's authorities being challenged. The causes of the 1793 Bristol Bridge Riot, and the massacre which ended it, have been particularly controversial. Philip Jones saw the massacre as the outcome of an increasingly acrimonious relationship between the city authorities and the populace. He argued that the 1793 riot was suppressed with unprecedented force by authorities who wanted to show that they were willing to take a hard line against revolutionary activity.<sup>28</sup> Mark Harrison strongly disagreed with this interpretation, arguing that the riot and its suppression had a much more complicated context, and

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<sup>25</sup> The cases of Edward Steele and James Paul are discussed further on pages 95 and 32 respectively.

<sup>26</sup> Steve Poole, "'Bringing great shame upon this city": Sodomy, the Courts and the Civic Idiom in Eighteenth-Century Bristol' *Urban History* 34 (2007), pp. 114-26.

<sup>27</sup> James Burke and Benjamin Loveday, executed 1781. The depositions for this are in JQS/P/68.

<sup>28</sup> Philip D. Jones, 'The Bristol Bridge Riot and Its Antecedents: Eighteenth-Century Perception of the Crowd', *Journal of British Studies*, 19 (1980), p. 92.



range of different economic activities and classes of people co-existed in close proximity to each other. As the map illustrates, the central parts of the city were surrounded by water on three sides, and beneath the old medieval core of the city was located Queen Square – a major early Georgian building project – which itself was surrounded on all sides by the quay. Within a stone’s throw of Queen Square was Marsh Street, where the city’s transient residents were accommodated in alehouses and low-rent lodgings. In the area north of the River Frome, suburban sprawl had developed, which included several fine Georgian squares. This had several practical impacts in relation to crime. Firstly, as chapter 3 argues, the situation of maritime trade at the heart of the city produced many opportunities for crime, so that the disorderly and desegregated nature of the quayside became of popular concern. Secondly, in chapter 8 we will see how the city’s two rivers gave policing a distinctive geography while hindering the ability of thieves to move about the city. Thirdly, the built environment of the city was not spatially homogeneous, which had implications for where crime occurred and where it was detected; this point is explored in chapter 9.

## Institutions and governance

Throughout this thesis references are made to ‘the Corporation’, as the body which controlled various aspects of civic affairs. It is, therefore, worth setting out what the Corporation of Bristol was and what it did. Unlike the corporations which governed other towns and cities, the Corporation of Bristol was a sizeable, ‘opulent’ and genuinely powerful body.<sup>30</sup> It consisted of the mayor, twelve aldermen and 30 common councillors. The number of freemen in Bristol was unlimited, which led to some vigorous parliamentary elections, but this did not have much effect on the membership of the Corporation since the common council was self-selecting, and the mayor and

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<sup>30</sup> William Barrett, *The History and Antiquities of the City of Bristol* (Bristol, 1789), p. 140. The Corporation’s annual revenue was between £14,000 and £18,000 at the end of the century: Poole, ‘Scarcity and the Civic Tradition’, p. 92.

aldermen were drawn from it.<sup>31</sup> The Corporation's officers were also strongly associated with other roles. There was significant overlap between the Corporation, the Bridge Committee and the Society of Merchant Venturers.<sup>32</sup> In 1793, more than half of the Bridge Committee trustees were Corporation members; at the same time, fourteen of the Corporation members were Merchant Venturers.<sup>33</sup> It was the Bridge Committee that caused a furore when it reneged on its promise to cease collecting tolls on the city's only bridge over the River Avon in 1793.<sup>34</sup> In the disturbances that followed, the Guildhall and other civic buildings associated with the Corporation were attacked, showing that the link between the Corporation and other civic institutions was well-established in the popular mind.<sup>35</sup> Bristol did not have an improvement commission in the eighteenth century, because the Corporation possessed many of the necessary powers, and was willing to obtain the parliamentary legislation needed for more substantial changes itself. For instance, when a nightwatch was founded in the 1750s, it was the Corporation which obtained the legislation. As a consequence of this, it was the Corporation which had the ultimate right to administer it, although in practice such matters were left to the ward chief constables and watch committees. This led to complaints from the Corporation of the Poor, which had been established by disenfranchised citizens to rival the Corporation's power.<sup>36</sup> When the Corporation tried to increase rates in order to fund a new prison in the early 1790s, public opposition caused the plans to be shelved, with the twin devils of rate rises and the engrossment

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<sup>31</sup> *Appendix to the First Report of the Commissioners on the Municipal Corporations*, p. 1161. Barry estimates that a majority of male heads of household were freemen until mid-century: Jonathan Barry, 'Bristol Pride: Civic Identity in Bristol', p. 38.

<sup>32</sup> Harrison, 'To Raise and Dare Resentment', pp. 562-4.

<sup>33</sup> *Ibid.*, p. 564.

<sup>34</sup> The construction of the bridge was expensive and slow: Jones, 'The Bristol Bridge Riot', pp. 82-3.

<sup>35</sup> Harrison, 'To Raise and Dare Resentment', p. 569.

<sup>36</sup> For the further discussion of these issues, see page 176; Fissell, 'Charity Universal?', pp. 125, 137.

of the Corporation's power being presented again.<sup>37</sup> Of course, the existence of contemporary criticisms does not necessarily mean that the Corporation did a bad job of governing the city. As I argue in chapter 8, the provision of nightwatchmen in certain parts of the city actually appears to have presented a fairly formidable deterrent to crime.

It was against this political context that justice was administered in Bristol. All of the Corporation's twelve aldermen were magistrates, as was the mayor. There were no other magistrates in the city, meaning that justice was exclusively administered by members of the Corporation. The city was divided into thirteen wards, to each of which one alderman was assigned; the mayor was traditionally the magistrate responsible for Trinity ward, which was an amalgamation of several of the tiny parishes in the centre of the city.<sup>38</sup> In addition to monopolising the magistracy, the Corporation controlled other aspects of the judicial system. By the city's charter the mayor and aldermen were empowered to try felonies themselves, meaning that the city was not on an assize circuit and was not dependent on visits from an assize judge.<sup>39</sup> The quarter sessions were held before the mayor and two aldermen, while the court of gaol delivery met under the mayor's authority, although a recorder was employed to conduct the trials. The recorder was never a resident of the city, but the role was a well-paid position which was controlled by the Corporation, which meant that the recorder was hardly a disinterested outsider.<sup>40</sup> The court of gaol delivery only met to try criminal offences once a year, meaning that using the courts in Bristol was not easier in comparison to other areas in every respect.

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<sup>37</sup> Harrison, 'To Raise and Dare Resentment', p. 563. The commissioners of the report on municipal corporations strongly condemned the Bristol Corporation: *Appendix to the First Report of the Commissioners on the Municipal Corporations*, pp. 1222-3.

<sup>38</sup> Mark Harrison, *Crowds and History: Mass Phenomena in English Towns, 1790-1835* (Cambridge, 1988), pp. 62-3.

<sup>39</sup> Barry, 'Bristol Pride', pp. 28-9.

<sup>40</sup> *Appendix to the First Report of the Commissioners on the Municipal Corporations*, p. 1161.

As I argue in chapter 10, this appears to have had an impact on court usage, with the number of cases which were sent to be tried at the gaol delivery being lowest at times of the year when prisoners would have had the longest wait before trial. Prosecutors' discretion can explain this, but the fact that prisoners cost 2d per day to feed may also have been factor. As I argue in chapter 8, the administration of the nightwatch via the ward system produced a distinctive geography of policing, which provides another example of the way that urban administration had practical impacts on responses to crime. It is likely that the ease of accessing magistrates and arresting suspects was similarly variable across the city and over time, since magistrates would be harder to find in larger wards. While each ward had its own magistrate and watch-house, it was the Bridewell – in the centre of the city – to which suspects were often taken, sometimes by the victim. The testimony of a nightconstable at the quarter sessions also shows that people whose behaviour was disorderly might be dragged before the mayor.<sup>41</sup> This would have been much harder if a dispute occurred in the suburbs. As Elizabeth Baigent has shown, there were also great disparities in wealth between the city's different parishes, with the small central parishes being much wealthier per capita than the large suburban ones.<sup>42</sup> Victims in these wealthy wards may, therefore, have been more willing to prosecute. Unravelling the impact of these things on both crime and crime reporting is very difficult, since there were numerous independent factors which might vary by parish or ward. These include opportunities for crime, numbers of police officers, the ease of access to magistrates, the mayor and Bridewell, and the willingness of victims to prosecute.

The close control which the Corporation exerted over the administration of criminal justice had several other important consequences. Firstly, the response to crime was closely bound-up in local politics. As I argue in chapter 3, the level of

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<sup>41</sup> JQS/P/63/04.

<sup>42</sup> Baigent, 'Economy and Society in Eighteenth-Century Bristol', pp. 119-21.

plunderage – that is, theft and pilfering from ships and the quayside – was one issue by which the authorities’ management of the harbour was criticised. Fifty years earlier, the foundation of the nightwatch was described as yet another grab of power by the Corporation, as was its attempt to improve the gaol. Conversely, while the nightwatch had been controversial in the 1750s, by the late-eighteenth century there were complaints that the Corporation did not provide enough watchmen.<sup>43</sup> So, while the Corporation’s close management of the courts and of the police enhanced their political power, these things were also routes by which the populace criticised the way that the city was governed.

A more difficult question is the extent to which the governance of the city influenced the nature of crime itself. Did the Corporation intervene to prevent certain crimes or forms of disorderly behaviour? To some extent, the answer is yes. The Corporation funded rewards for the capture of particular felons, and printed advertisements which aimed to warn the populace against crime and to spread information about recent thefts.<sup>44</sup> Its correspondence also shows that it tried to reassure organisations such as the Bank of England and the Royal Mint that it would work hard to prevent the circulation of counterfeit bank notes, and that it was combating coining in the city.<sup>45</sup> However, we should not exaggerate the extent to which the Corporation proactively intervened in civic life. While there are many depositions which report accusations against the keepers of disorderly houses, the impetus for these charges came as much from the houses’ neighbours, or their wards’ constables, as from the Corporation. Furthermore, there is very limited evidence to show that the Corporation ever encouraged prosecutions. A very small number of depositions are marked ‘Charge this to the chamberlain’, indicating that prosecution costs were to be paid by the Corporation, but an inspection of the city’s detailed financial records provides no

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<sup>43</sup> This is discussed further in chapter 8.

<sup>44</sup> F/Ac/Box/87/07; TCLB, p. 14.

<sup>45</sup> TCLB, pp. 89, 91, 141, 236, 239.

evidence to show that such payments were frequently made.<sup>46</sup> Nor have I found any evidence that the city had a prosecution association before 1800, when a Society of Guardians was founded.<sup>47</sup> Civic support for such an association would have been limited, and in a letter written in 1803, the mayor and some magistrates stated that it was impossible for them to provide any support to an association which had been founded for the prevention of vice because to do so would interfere with their judicial impartiality.<sup>48</sup>

There were at least three levels at which justice operated in Bristol. The most serious crimes were tried at the court of gaol delivery; the quarter sessions tried a range of offences from the serious to the fairly trivial. The aldermen who served as magistrates oversaw informal arbitration in their wards, and it is certain that they committed suspects to the Bridewell without trial. The Chamberlain's records, which concern the financial affairs of the Corporation, show that people were regularly committed to Bridewell for short periods of time. In the six months before 29 September 1790, for instance, 210 people were committed to Bridewell, of whom 179 were imprisoned for a week or less.<sup>49</sup> The nightconstables also imprisoned people overnight. We should not forget that being prosecuted for an offence could be tantamount to a form of punishment itself. Bristol's court of gaol delivery only tried offences once a year, meaning that alleged offenders might have to spend a very long time in prison before coming to trial. In the 1770s, the prison reformer John Howard

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<sup>46</sup> After 1783 the Chamberlain's expenditure was recorded in a new system of ledgers, which can be cross-referenced with vouchers (effectively, receipts) of expenditure. The vouchers in F/Ac were consulted for 1765, 1770, 1775, 1780-5 and 1790, as were: BRO, City Treasurer's Journals, 04031/1-6.

<sup>47</sup> Bristol Central Library, *Jeffries Collection*, vol. 9, p. 5.

<sup>48</sup> TCLB, p. 305.

<sup>49</sup> F/Ac/Box/101/07.

described the horrendous state of Bristol's Newgate prison and Bridewell.<sup>50</sup> The worst part of the former was 'the pit': a 'close and offensive' underground dungeon in which prisoners slept without bedding or straw.<sup>51</sup> In January 1792, the keeper of Newgate wrote to the mayor about the fever that had broken out at the prison, suggesting that at the upcoming sessions 'neither they or any of the prisoners should be allow'd to appear till the very moment their trials are come on', for fear of spreading the infection.<sup>52</sup> In another letter from the same year, it was reported that a debtor had died 'with the most putrid symptoms', and that several other debtors were ill, giving 'an additional motive for getting the gaol as much thinned as possible'. A few days later, the keeper wrote again about the problems at the prison:

I think it necessary to inform you that Low is still unburied. His friends it seems have undertaken that office but he was only measured for the coffin this morning. The prisoners are all very clamorous and much alarm'd on the occasion.<sup>53</sup>

The movement to reform these conditions in Bristol was not strong enough to bring about any significant changes in the state of the city's prisons before the early nineteenth century.

Finally, it is worth being aware of the places that the Corporation and courts of Bristol were unable to govern. The wealthy suburb of Clifton overlooked the city, but was in the county of Gloucestershire. Similarly, Bedminster – then a large village – was within a short distance of the city boundary, but was in Somerset. In the west of the city the parish of St Philip and St Jacob represented urban sprawl into Gloucestershire. As mentioned above, invasion by unruly outsiders was a major fear among eighteenth-century Bristolians. But as Elaine Reynolds's work on metropolitan policing has

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<sup>50</sup> John Howard, *The State of the Prisons in England and Wales* (Warrington, 1777), pp. 391-4; John Howard, *Appendix to the State of the Prisons in England and Wales* (Warrington, 1780), p. 172; Miss Morgan, *The Gaol of the City of Bristol: Compared with What a Gaol ought to be* (London, 1815).

<sup>51</sup> Howard, *State of the Prisons*, p. 392.

<sup>52</sup> JQS/P/123

<sup>53</sup> *Ibid.*

shown, contemporaries were aware of the 'migration theory' that better policing in other parishes might displace criminals into their own, so that people who lived in urban hinterlands were as much concerned about crime as those who lived in urban centres.<sup>54</sup> It is perhaps revealing that the magistrates of Gloucestershire built a house of correction immediately outside the city, at Lawford's Gate.<sup>55</sup>

The depositions do indeed show that thieves left Bristol in order to commit crimes in the surrounding area, although it is not possible to reveal how significant the impact of this was.<sup>56</sup> They also contain examples of people who fled Bristol after stealing, but this may have been motivated as much by the desire to avoid detection rather than because they thought that changing jurisdiction would make an arrest more difficult. Certainly Bristol's constables were sent to places such as Gloucester to bring suspects back to be tried.<sup>57</sup> Ultimately, however, this thesis is focused on the source material which was produced by the magistrates and Corporation of Bristol, and which when taken as a whole represents a single and relatively coherent archive of information. This archive is largely concerned with crime which occurred within the city, rather than outside of it.

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<sup>54</sup> Elaine Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830* (Basingstoke, 1998), p. 42.

<sup>55</sup> Howard, *State of the Prisons*, pp. 346-7; Christopher Chalkin, *English Counties and Public Building, 1650-1830* (London, 1988), pp. 88-9.

<sup>56</sup> For thefts committed at Bedminster, for example, see: JQS/P/31/20, JQS/P/38/17, JQS/P/48/01/10, JQS/P/52/01, JQS/P/68/15, JQS/P/82/05-6, JQS/P/86/18, JQS/P/99/21, JQS/P/192/17.

<sup>57</sup> F/Ac/Box/101/03.

### 3 Maritime trade, theft and the urban milieu

It is difficult to exaggerate the extent to which eighteenth-century Bristol was defined by its status as a port. Even the most fundamental definition of the city – its chartered boundary – was shaped by the local importance of maritime trade, so that the jurisdiction of the city and county of Bristol extended all the way into the Severn Estuary, running down the River Avon to encompass King Road, where ships moored before entering the city.<sup>1</sup> This immense off-shoot from the city-proper was not some curious relic of the middle ages, but an important facet of the Corporation's power to exert control over the ships entering and leaving the city. The Corporation vigorously exercised its right to prosecute felonies which occurred in Bristolian waters.<sup>2</sup> In addition to these questions of jurisdiction, Bristol was quite literally built around its port. As Figure 3.1 shows, the quayside surrounded what had already become a densely-built city, with a vast fleet of ships forming an unbroken palisade of hundreds of masts, laden with sugar from the Caribbean and products from Ireland and Wales.<sup>3</sup> In 1742, Alexander Pope described seeing:

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<sup>1</sup> Kenneth Morgan, 'The Economic Development of Bristol, 1700-1850', in M. Dresser and P. Ollerenshaw (eds), *The Making of Modern Bristol* (Tiverton, 1996), p. 51.

<sup>2</sup> Michael Dodson, *The Life of Sir Michael Foster, Knt.* (London, 1811), p. 8.

<sup>3</sup> For the link between slavery and Bristol's growth as a city, see: Madge Dresser, 'Squares of Distinction, Webs of Interest: Gentility, Urban Development and the Slave Trade in Bristol, c.1673-1820', *Slavery & Abolition*, 21 (2000), pp. 21-47; Gordon Jackson, 'Ports, 1700-1840', in P. Clark (ed), *Cambridge Urban History of Britain*, vol. 2: 1540-1840 (Cambridge, 2000), p. 708.

Figure 3.1: Detail from *Perspective View of the City of Bristol* (1778)



Source: Unattributed print, topographical collections of the Centre for English Local History, University of Leicester.

... hundreds of ships, their masts as thick as they can stand by one another, which is the oddest and most surprizing sight imaginable. This street is fuller of them than the Thames from London bridge to Deptford, and at certain times only, the water rises to carry them out; so that, at other times, a long street, full of ships in the middle, and houses on both sides, looks like a dream.<sup>4</sup>

As I will argue, theft had a very important influence on the everyday operations of the port. It is not possible to understand how Bristol's port operated without considering the place of criminality in them.

This is not to say that either contemporaries or historians have failed to recognise the importance of ships, the quayside and warehouses as locations of crime. In 1751 theft from ships of goods worth more than 40 shillings was made a non-clergyable capital offence, placing it on a par with burglary in terms of the

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<sup>4</sup> William Roscoe (ed.), *The Works of Alexander Pope, Esq.*, vol. 8 (London, 1824), pp. 491-2.

punishments that convicts might receive.<sup>5</sup> In 1800, the magistrate and early police reformer Patrick Colquhoun wrote a detailed account of the many ways that losses occurred on the River Thames.<sup>6</sup> His account is largely focused on constructing a taxonomy of riverine criminals, and uses contemporary slang to describe the mudlarks and heavy horsemen, lumpers and scuffle-hunters, rat-catchers and river pirates, who all committed theft on the river.<sup>7</sup> This account has both useful and problematic elements. Colquhoun's argument that criminals adapted their theft strategies to the nature of their work is very insightful. For example, he states that lightermen stowed barrels of oil in their boats upside-down, so that large quantities of liquid drained out, to be collected as a rather dubious perquisite.<sup>8</sup> The problematic side of Colquhoun's writing is that by identifying thieves so strongly with their occupations, and classifying these occupations in such a rigid way, he glosses over the true complexity of criminal activity and places artificial discursive limitations on what criminals could and could not do. In his account, rat-catchers and lightermen could board ships to steal, but others – such as mudlarks – could not. In comparison to Colquhoun, Peter D'Sena's study of theft in London's docks is both more cautious in its observations and much more firmly grounded in empirical evidence.<sup>9</sup> D'Sena argued that theft was not just practised by a criminal minority, but something which was essential to the everyday subsistence of dockworkers on the Thames.<sup>10</sup> Shipbuilders were also reliant on the perquisites of their job, and whether the timber off-cuts called 'chips' which they removed from naval dockyards on an allegedly vast scale were to be regarded as

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<sup>5</sup> John Beattie, *Crime and the Courts in England, 1660–1800* (Oxford, 1986), p. 175.

<sup>6</sup> Ruth Paley, 'Colquhoun, Patrick (1745–1820)', *Oxford Dictionary of National Biography* (Oxford, 2004).

<sup>7</sup> Patrick Colquhoun, *Treatise on the Commerce and Police of the River Thames* (London, 1800), pp. 39-81.

<sup>8</sup> *Ibid.*, p. 72.

<sup>9</sup> Peter D'Sena, 'Perquisites and Casual Labour on the London Wharveside in the Eighteenth Century', *London Journal*, 14 (1989), pp. 130-47.

<sup>10</sup> *Ibid.*, pp. 139-41.

legitimate perquisites or stolen property was hotly contested.<sup>11</sup> D'Sena's attempt to locate theft in the working lives of London's dockworkers is, therefore, profoundly interesting in that it forces us to reconsider the causes and contemporary significance of acts of 'crime' in port cities.

A study of Bristol offers the opportunity to examine some of these themes in relation to a port other than London. Certainly there is much evidence to show that theft was woven into the everyday activities of mariners and those who worked on the quayside, and that the illicit appropriation of property could play an important role in their economic subsistence. However, reports of crime in Bristol show that theft did not only occur as part of specialised work routines. While some parts of the ship were difficult for the general populace to access, the nature of maritime trade was such that ships, the quayside and warehouses were at certain times vulnerable to thefts perpetrated by a broad range of people. In this sense, while D'Sena's study of London's wharveside presents many worthwhile insights, a more circumspect approach reveals that theft could have significance in other ways. Furthermore, the focus of both D'Sena and Colquhoun on the relationship between theft and work should not obscure the importance of other factors – such as the use of urban space – as influences on the nature of crime.

This more circumspect approach is one which has seldom been taken by other historians, who have tended to focus on the distinctive way that crime was experienced in places such as the home, the shop or the street.<sup>12</sup> While these categories provide a useful starting point from which to begin to study crime, in this chapter I argue that we should consider the connections between different types of space, and the variations which existed within categories such as 'the ship' or 'the street'. Certain types of vessel

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<sup>11</sup> R. Knight, 'Pilfering and Theft from the Dockyards at the Time of the American War of Independence', *Mariner's Mirror*, 61 (1975), pp. 215-25; John Rule, *The Experience of Labour in Eighteenth-Century Industry* (London, 1981), pp. 128-30.

<sup>12</sup> See page 19, note 32.

were more secure than others, for example, while the streets and alehouses around the port appear to have been a particularly prominent location of crime. Mark Harrison and Steve Poole have argued that particular locations within the city can become focal points for crowd activity.<sup>13</sup> However, historians of eighteenth-century crime have seldom taken such a nuanced approach to urban space, and have tended to focus on comparisons between urban and rural settlements, or within regions, if they have considered the geographical dimension of crime at all. This chapter aims to move beyond this approach by considering how crimes which were so strongly attached to particular locations in Bristol fitted within the broader context of the city.

## Theft from ships

Since it was the loading and unloading of ships which provided the reason for the port of Bristol's existence, the examination of theft from ships provides the most fitting starting point for this chapter. People who were employed to work on ships committed a broad range of crimes. Unloading goods onto the quayside, or working in the hold of a ship during a voyage, gave direct and sustained access to the valuable property which ships were designed to contain. Crucially, it was not just that they could access ships' cargoes which made the employees of maritime trade such a potent criminal threat, but the fact that they were able to incorporate theft into their work. Opportunities for crime were easy to find but, perhaps equally importantly, it was also possible for mariners and quayside-workers to commit crimes in ways which reduced the chance of being caught. This ability of maritime employees to avoid accusation is demonstrated by a deposition from 1794. It reports that the boatswain of the ship *Hercules* repeatedly took sugar from the hogsheads stowed on his ship, and secreted it elsewhere on board: over the course of at least three weeks he was able to build up a

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<sup>13</sup> Mark Harrison, *Crowds and History: Mass Phenomena in English Towns, 1790-1835* (Cambridge, 1988), pp. 142-55; Steve Poole, 'Till Our Liberties Be Secure: Popular Sovereignty and Public Space in Bristol, 1780-1850', *Urban History*, 26 (1999), pp. 40-3.

sizeable quantity of stolen sugar which he later removed from the ship and sold.<sup>14</sup> Similarly, Richard Jackson – steward of the *Britannia* – took four bags of sugar from the hold and hid them in the ship’s steerage, from where he later removed them for sale.<sup>15</sup> As these examples show, ‘acts of crime’ occurred not just on single occasions, but over a substantial period of time, with multiple instances of theft leading to the accumulation of substantial quantities of valuable goods. For the boatswain of the *Hercules*, or the steward of the *Britannia*, it was not just that they could go down into their ships’ holds which made them successful thieves, but the fact that they could do so repeatedly, and understood the workings of the ship well enough to conceal multiple instances of theft. This meant that losses could be both significant in scale, and difficult to prevent. An extreme example of this occurred in 1772, when twenty hundredweight of cane sugar was stolen from the brig *Kitty*. A sugarbaker was able to identify the receiver of the stolen goods, but the actual perpetrators remained unknown: the sugarbaker simply reported that he ‘believes part of the Crew stole the same’, and no one was prosecuted for the theft.<sup>16</sup> With many crewmembers having access to the cargo, this situation was probably very common.

The depositions collected by Bristol’s magistrates mostly concern thefts which were probably regarded as being fairly serious, involving losses of substantial amounts of property. A deposition from 1771 reports that a ship’s crew were accused of drilling holes in four pipes of wine during a voyage from Gibraltar to Bristol in order to drink the wine within, resulting in the loss of the entire contents.<sup>17</sup> In this case, the mariners’ actions were treated as a criminal offence, rather than as a disciplinary issue or as a legitimate perquisite. There are only a small number of cases in which thefts of items of trivial value by mariners or quayside-workers led to a prosecution. Samuel Egar was

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<sup>14</sup> JQS/P/137/01/11.

<sup>15</sup> JQS/P/157/02.

<sup>16</sup> JQS/P/36/20.

<sup>17</sup> JQS/P/31/46.

prosecuted for stealing a piece of beef worth one shilling from a trow on which he was employed, for example.<sup>18</sup> Overall, there is no evidence for a ‘clamp down’ in the late-eighteenth century on the pettiest forms of theft through the increasingly intensive use of criminal prosecution. Nor do the depositions support the view that taking waste (sugar sweepings, rope ends, scraps of cloth, *etc*) as a perquisite became increasingly criminalised. Indeed, there are very few accusations for the theft of wastage from any trade.<sup>19</sup> The depositions also suggest that petty smuggling was a common activity. Mariners conducted their own private transactions, bringing sugar and tobacco to Bristol as part of the small collection of personal property which travelled with them known as ‘sea stores’. On one occasion sugar that had been stolen in Bristol was sold by passing it off as sea stores: this implies that carrying sea stores was a commonly tolerated practice, and could provide a cover for acts of theft.<sup>20</sup>

There are other depositions which reveal the blurred line between theft and other forms of illicit activity. In 1794 William Cunningham – mate of the *John* – agreed to steal corn from his ship and sell it to a victualler, named John Lewis, at half its value. Initially Cunningham was simply asked if he ‘had any thing to dispose’, to which he replied that he had ‘no venture on Board’.<sup>21</sup> Cunningham claimed that Lewis encouraged him by saying ‘it was customary to do such things in Bristol’.<sup>22</sup> This language, with its vaguely-defined notions of ‘venture’ and ‘disposal’, coupled with the fact that Lewis approached Cunningham in an unsolicited manner on the quayside, suggests such practices were common. Cunningham also alleged that the officers on the *John* received corn ‘To Bye them a Little Beer’, in return for turning a blind eye to

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<sup>18</sup> JQS/P/38/15.

<sup>19</sup> A maltster in 1795 stated that his employee supplemented his wages with barley, and seemingly was not concerned about him doing so (JQS/P/151/02). A rare counterexample occurs in 1801, in which a man was prosecuted for stealing floor-sweepings worth 18 shillings from the bakehouse in which he worked (JQS/P/177/01/08).

<sup>20</sup> JQS/P/201/25.

<sup>21</sup> JQS/P/142/09c.

<sup>22</sup> JQS/P/142/09a.

his thefts.<sup>23</sup> Items were also stolen by men who were employed to unload cargo or refurbish vessels. For example, in 1781 John Thompson 'secreted' six or seven pounds of brown sugar under his arm while he was unloading the *Baltic Merchant*.<sup>24</sup> The ships' fittings were also targets of theft, and in 1788 two labourers were prosecuted for surreptitiously stealing the rigging of a ship that they were employed to repair.<sup>25</sup> In 1796 a 'large quantity of cordage' and two cutlasses were stolen by a man 'entrusted' to be working on a ship.<sup>26</sup>

The sources from Bristol are, therefore, supportive of previous historians' recognition of the apparently important place of theft in the lives of workers and mariners. The motivations behind theft were complex, but in the depositions we can read the language of perquisites, customary rights, smuggling and corruption. There are other sources which corroborate the view provided by the depositions. Particularly useful are the minutes of the House of Commons committee on the Bristol Dock Bill which sat in 1807. These minutes include transcriptions of the testimony of people concerned with the operation of Bristol's harbour, and provide a fascinating insight into their personal views on why the trade of Bristol had declined. An interview with William James, a shipwright, is particularly revealing.<sup>27</sup> After recounting the numerous accidents and sinkings which had occurred over the course of his 35-year career, he was asked about the level of 'plunderage' in Bristol. James stated that the men who were employed to unload ships coming to the city often began their job while the vessels were still afloat on the Avon, or even while still in the Severn Estuary at King Road. He alleged that they were 'dexterous as a cooper' at opening casks of sugar, while the lighters and trows which were used to transport goods from ships into

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<sup>23</sup> JQS/P/142/09c.

<sup>24</sup> JQS/P/75/02/05.

<sup>25</sup> JQS/P/109/09, JQS/P/146/04/39.

<sup>26</sup> JQS/P/146/04/39.

<sup>27</sup> Bristol Record Office, Bristol Dock Bill Parliamentary Committee minute book, M/BCC/DOB/1: examination of William James, 25 April 1807.

Bristol were particularly vulnerable to plunderage because they 'have no other protection or covering but a tarpaulin'.<sup>28</sup> Moreover, there were 'a great number' of houses near the Quay which were well-known as places where stolen sugar could be sold.<sup>29</sup> While this certainly adds support to the view that pilfering was very common, it is important not to see ships as completely defenceless against crime. James stated that it was mostly during the unloading of ships that opportunities for 'pilferage' arose, and also argued that property which was adequately watched would not be stolen.<sup>30</sup> As I will argue below, the depositions show that cargo was particularly vulnerable when it was being unloaded from ships, when it was being stored on the chaotic quayside, and when it arrived at warehouses. This supports James's assertion that losses happened when surveillance was weakest.

It was not just mariners and people employed in maritime trade who stole from ships, and there are many depositions in which ordinary Bristolians are accused of theft. These accusations did not typically involve complex strategies of crime – such as secreting many small quantities of goods over a long period of time – and opportunistic passers-by seldom attempted to conceal theft amongst other seemingly legitimate activities. The items that were most commonly taken were also different, with the valuable cargo in ships' holds being much less likely to be stolen. A particular problem was that being moored in the middle of a large city left the deck areas of a vessel highly vulnerable to theft, and there was very little that ships' masters could do to prevent access to the external areas of the ship. In 1793, for example, a man boarded a ship in the middle of the night and stole thirteen fathoms of rope which was lying on its deck.<sup>31</sup> Even if a vessel was moored away from the quay, the congestion in Bristol's harbour meant that risks persisted. In 1774, thieves stole rope from the *Baltick Merchant*

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<sup>28</sup> Ibid., pp. 9-10.

<sup>29</sup> M/BCC/DOB/1, pp. 19-21.

<sup>30</sup> Ibid.

<sup>31</sup> JQS/P/131/03.

by climbing over the deck of the ship moored next to it.<sup>32</sup> Mooring ropes were themselves a target for theft.<sup>33</sup> Again, there was little that ships' masters could do about this, since they had no option but to moor their ships. Other thefts included mariners' clothing, a bilge pump, a tarpaulin, rope fenders, rigging and flags.<sup>34</sup> There are several reports of thieves using boats to steal from vessels.<sup>35</sup>

It is therefore clear that maritime vessels presented a wide range of goods which could be easily accessed. This is not to say that non-seafaring thieves never attempted to steal cargo from ships. However, the depositions show that doing so could require both considerable physical force and specialist tools. In 1792, Robert Edward managed to steal some linen from the hold of a brig moored on the Quay: it took him three days to find an opportunity to get into the vessel's hold, after which he had to use an iron spike to get through the bulkhead. He then had to break into a wooden chest, after which it took him twelve hours to find an opportunity to leave the ship safely.<sup>36</sup> Similarly, in 1785 John Toss had to break the lock off a cabin door in order to gain entry, while in 1791 a witness reported that Anthony Assal had got into his ship's hold by forcing the lock off the steerage door.<sup>37</sup> I have found only one report of goods being stolen by strangers with ease, when some salt was taken from a trow.<sup>38</sup> In 1811 an act of parliament required masters of ships carrying excisable cargo to ensure that their vessels' holds and other storage areas were fitted with strong locks and fastenings; excise officers could demand that holds be locked, and the times when

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<sup>32</sup> JQS/P/43/13.

<sup>33</sup> JQS/P/112/12, JQS/P/92/01/18, JQS/P/100/06.

<sup>34</sup> Rope: JQS/P/92/01/13, JQS/P/43/13, JQS/P/48/01/08, JQS/P/87/16, JQS/P/92/01/23o, JQS/P/93/06, JQS/P/107/01/10. Other items: JQS/P/48/01/04, JQS/P/123/02, JQS/P/123/44, JQS/P/128/19, JQS/P/100/06, JQS/P/100/12.

<sup>35</sup> JQS/P/123/44, JQS/P/142/9.

<sup>36</sup> JQS/P/129/18. Signatures on confessions confirm that this is the same Robert Edward accused of burglary below.

<sup>37</sup> JQS/P/93/15.

<sup>38</sup> JQS/P/38/22.

cargo could be unloaded were restricted.<sup>39</sup> The implication of this is that failing to maintain the integrity of a ship's hold could lead to suspicion of duty evasion. From 1811 onwards, maintaining a secure ship while in port was an important legal requirement – but it is likely that the same concerns, and the same potential for being accused of law-breaking, existed before the requirement was formally codified. In Robert Edward's case, it is clear that the hold could not be entered without difficulty: indeed, the captain stated that he had secured it himself before leaving the ship. This can explain why thefts from ships by the general populace tended to involve taking goods from their decks rather than from within the ship.

This raises an interesting question: if mariners used locks, hatches, chests, and barriers to secure their cargo, why did they seem to make comparatively little effort to secure the ship in its entirety? The answer is that in many cases it would have been impractical to do so. Vessels which ventured up the Avon usually spent several days in the city, and many were moored for several weeks.<sup>40</sup> In 1770 the court of quarter sessions required all ships laden with tobacco to discharge their cargoes in forty working days, and eighty working days for other commodities. This certainly gave mariners plenty of time to steal and to pilfer, and provided many opportunities for Bristolians to get aboard.<sup>41</sup> Some mariners, and even some passengers, continued to lodge on their vessels for considerable amounts of time. Women came on board, bakers delivered fresh bread, victuallers were employed to bring provisions, customs officers visited, and tidewaiters became temporary residents; ships were also the locations of business deals, and captains entertained guests in their cabins.<sup>42</sup> We can see some

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<sup>39</sup> 51 George III c. 32, quoted in Charles Pope, *A Practical Abridgement of the Custom and Excise Law* (London, 1814), p. 195.

<sup>40</sup> Kenneth Morgan states that the average turn-around time at Bristol for ships in the Jamaica trade in the period 1764-70 was 108 days: *Bristol and the Atlantic Trade in the Eighteenth Century* (Cambridge, 1993), p. 52.

<sup>41</sup> Walter E. Minchinton, 'The Port of Bristol in the Eighteenth Century', in P. McGrath (ed.), *Bristol in the Eighteenth Century* (Newton Abbot, 1972), p. 154.

<sup>42</sup> JQS/P/129/18, JQS/P/142/9; *Felix Farley's Bristol Journal* (6 December 1783), JQS/P/67/05.

important distinctions in the way that ships functioned as part of the urban environment. While they may have been enclosed, self-contained worlds when they were out at sea, when moored in Bristol's harbour they became an important part of the urban milieu. The fact that ships became such easily accessed locations presented a difficult situation for those in charge of the integrity of their cargo, and the depositions reveal the importance of ensuring that cargo was secure and that hatches were locked.

## Crime and the port city

As Figure 3.2 shows, cargo was routinely stored on the quayside, which left it vulnerable to theft from a broad range of people. In 1783 a correspondent of *Felix Farley's Bristol Journal* wrote of the 'heaps of mud and dirt [on the Quay], into which packages of the most valuable merchandizes are roll'd'.<sup>43</sup> Previous historians of 'street crime' have almost entirely focused on either pickpocketing or robbery.<sup>44</sup> While the city's streets and public areas did indeed see significant levels of pickpocketing and robbery, the Quay and Back saw a different and distinctive form of street-based crime: the theft of commercial goods which had been placed in the open. An example of the theft of property from the quayside was provided in 1771, when Edward Daniel reported:

That several Crates of Earthen ware have been lately consigned to him by order of Messrs Dale & Deane of Bridgwater of their property & that Twenty Crates part thereof laying on the Back in the parish of St Nicholas within this City & County for about these Three weeks past & that several parcells of the said Earthen Ware have been lately stolen from thence to the Value of Ten pounds & upwards.<sup>45</sup>

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<sup>43</sup> *Felix Farley's Bristol Journal* (8 February 1783).

<sup>44</sup> For a good account of urban pickpocketing, see: Palk, 'Private Crime in Public Places', pp. 135-150. Beattie's account on property crime focuses on pickpocketing and robbery: *Crime and the Courts*, pp. 148-61, 180-1.

<sup>45</sup> JQS/P/31/? (04/02/1771).

Figure 3.2: Detail from *St Mary Redcliffe seen from the Back* (n.d.)



Source: Unattributed print, topographical collections of the Centre for English Local History, University of Leicester.

It is hardly surprising that the earthenware was stolen given how long it was left on the Back. In 1775 Evan Jones lost 'twelve birch besoms with wooden handles' from the Back after leaving them there all night.<sup>46</sup> The master of the sloop *Forester* reported that two iron bars had been taken, while 'Two Casks filled with old Glass' which were waiting to be loaded onto the trow *Michael* were plundered during the ten days that they sat on the quayside.<sup>47</sup> Similarly, in 1785 John Brooks opened a crate of glassware which was sat on the Quay awaiting transportation to Swansea and stole three glasses.<sup>48</sup> In 1770, two bars of iron were stolen from a shipment which had been left on

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<sup>46</sup> JQS/P/51/05.

<sup>47</sup> JQS/P/38/14, JQS/P/31/? (03/01/1771).

<sup>48</sup> JQS/P/95/01/05.

the Quay overnight.<sup>49</sup> Certainly the public nightwatchmen were very active on the Back and Quay. In St Stephen's ward, for example, six of the ward's eight watchmen were stationed on the riverside.<sup>50</sup> Nonetheless, some property owners employed their own watchmen to guard their goods.<sup>51</sup> This was a grievance for some merchants, who complained that in London watchmen's fees were paid out of the port dues.<sup>52</sup> In 1801, alderman Robert Claxton reported that he led a gang of Mayor's Officers onto the Quay and Back for:

... the purpose of apprehending Boys who might be found there pilfering of sugar and clearing the Quay & Back of Thieves who actually swarm upon the Quay & Back...<sup>53</sup>

Several boys were apprehended in one night.<sup>54</sup> The rules of Bristol's Society of Guardians from 1804 show that it refused to fund the prosecution costs of people whose goods had been stolen from the quayside, indicating that such thefts were a frequent occurrence.<sup>55</sup>

Perhaps more than anywhere else in the city, the Quay and Back were locations of truly opportunistic crimes. Valuable items were readily available, and no interpersonal contact was needed to access them. This group of crimes is therefore radically different from offences such as shoplifting, which often involved social contact between offender and victim, or pickpocketing, which involved close contact between victim and thief. The involvement of the city's aldermen in policing the quayside, and the concern about the gangs of boys who constantly stole sugar, imply

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<sup>49</sup> JQP/P/31/11. Other thefts included hemp: JQS/P/128/05; an anvil: JQS/P/150/12; nails: JQS/P/150/13; sugar from a hogshhead: JQS/P/162/08, JQS/P/162/02, JQS/P/123/48; iron: JQS/P/55/02, JQS/P/76/04, JQS/P/123/46; barrel hoops: JQS/P/80/14.

<sup>50</sup> TC/Adm/Box/335.

<sup>51</sup> JQS/P/150/10, JQS/P/123/44.

<sup>52</sup> M/BCC/DOB/1, 2<sup>nd</sup> section, p. 23.

<sup>53</sup> JQS/P/186/04.

<sup>54</sup> *Ibid.*; see also Stephen Furber's unnumbered examination following Claxton's information.

<sup>55</sup> *Rules of Bristol Society of Guardians* (BCL B28467).

that theft was seen as a serious problem. We can see how the quayside could be, in terms of the crimes that it experienced, a distinctive area of urban space. While mariners and labourers may have found opportunities for crime in their everyday employment, they were not the only people who recognised that the operation of the port presented easy opportunities for theft.

In 1785, the abolitionist Thomas Clarkson made several visits to some alehouses on Marsh Street as part of his investigation into the recruitment of sailors for slaving voyages. His account provides a valuable description of the accommodation that was taken up by sailors who were visiting the city. Clarkson wrote that:

These houses were in Marsh-street, and most of them were then kept by Irishmen. The scenes witnessed in these houses were truly distressing to me... Music, dancing, rioting, drunkenness, and profane swearing, were kept up from night to night. The young mariner, if a stranger to the port, and unacquainted with the nature of the Slave-trade, was sure to be picked up.<sup>56</sup>

Clarkson alleged that the landlords of these alehouses deliberately led young mariners into debt, before forcing them to choose between joining a slaving voyage or going to debtors' prison. Contemporary attitudes towards Marsh Street and its environs are demonstrated by literary works. In James Thistlethwaite's satirical mock-heroic poem, *The Consultation*, the name of Marsh Street is used as a metonym for Bristol's 'vulgar herd'.<sup>57</sup> Another poet described it as 'a dirty Street, (where jovial Tars/ Revel in Rudeness and domestick Jars...)', and made particular reference to the low morals and poor behaviour of its inhabitants.<sup>58</sup>

Certainly mariners who were in financial difficulties turned to disorderly behaviour, and contemporaries were quick to associate this with the potential for crime. In 1782, *Felix Farley's Bristol Journal* reported a protest by mariners about their working conditions in which they deliberately brought the city's shipping to a halt. The

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<sup>56</sup> Thomas Clarkson, *History of the Rise, Progress, and Accomplishment of the Abolition of the African Slave Trade by the British Parliament* (London, 1839), p. 195.

<sup>57</sup> James Thistlethwaite, *The Consultation* (Bristol, 2<sup>nd</sup> ed., 1774), p. 57.

<sup>58</sup> William Goldwin, *A Description of the Antient and Famous City of Bristol* (Bristol, 1751), p. 23.

mariners' demands were 'that their wages might be raised—that no foreigners be employed in the service—and that they be allowed to load and unload the vessels' moored in Bristol. After several days of disorder, the newspaper reported that means had been found to employ the mariners:

... who otherwise, from their distressed circumstances, there was great reason to fear, might have been tempted to commit depredations on the public, to prevent themselves from starving.<sup>59</sup>

Finally, we must not overlook the fact that Bristol's importance as a passenger port caused large numbers of soldiers travelling to and from Ireland to come to the city. In 1794 the Corporation reported that 16,000 soldiers had recently arrived in Bristol from Ireland, bringing disease with them. A temporary hospital was created, and a subscription raised, but there was little the Corporation could do to prevent ill and badly-dressed soldiers from roaming through the city.<sup>60</sup> While it is important to make a distinction between crime, alleged immorality and the effects of troop movements, all form part of a wider picture of disorderly behaviour which surrounded the port. When people complained of thefts which arose from the chaos on the quayside, or when the impossibility of securing moored ships led to theft, we can see how crime could be a component of wider patterns of urban disorder.

## Warehouses

Much previous work on 'maritime' crime has focused its attention on such shore-based activities as loading cargo and shipbuilding. As I have already argued, these areas of activity were by no means the only way by which theft and trade were intertwined. In fact, it is only by considering losses which were incurred while goods were in warehouse storage that we can get a true sense of the magnitude of theft in the port. As with ships, the depositions show that a broad range of people were caught stealing

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<sup>59</sup> *Felix Farley's Bristol Journal* (10 May 1783).

<sup>60</sup> TCLB, pp. 54-5.

from warehouses. Children, women, gangs of burglars and, unsurprisingly, warehouse employees all numbered amongst the accused.<sup>61</sup> Employees made up the majority, but the number of crimes committed by a diverse range of outsiders was still substantial. In 1780, for example, Benjamin George stole two casks of butter from a Hallins Lane warehouse: the casks were taken shortly after they had been landed from a ship.<sup>62</sup> Strangers who were employed as labourers and porters were asked to transport goods unsupervised, which led in turn to acts of theft.<sup>63</sup> Just as William James, the Bristolian shipwright, argued that it was while ships were ‘breaking bulk’ (unloading) that they were most vulnerable to crime, so it appears that cargo again became vulnerable to theft when it was being transported from ships to places of storage.<sup>64</sup>

It was not just the openness of warehouses which made them appealing targets for crime, but the fact that they could be broken into at night. Gangs targeted them for this reason.<sup>65</sup> Sometimes very specific targets were chosen, indicating prior knowledge about security measures that were in place and the goods that were available.<sup>66</sup> In 1785, Aaron Davis ‘turned king’s evidence’ on a number of crimes which had been planned by his erstwhile accomplices. He stated that a warehouse on Bridge Street would be burgled because ‘No person lives in the House’, before naming several other warehouses which would be burgled because their locks were weak enough to be opened.<sup>67</sup> Employees were also known to burgle the warehouses that they worked in by day. As with servants who burgled their masters’ houses, employees knew how to

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<sup>61</sup> JQS/P/87/18 (children); JQS/P/55/03, JQS/P/86/25, JQS/P/137/01/09, JQS/P/30/07, JQS/P/55/16 (women, including female employees).

<sup>62</sup> JQS/P/69/05. For a similar example, see JQS/P/79/04-05.

<sup>63</sup> JQS/P/68/04, JQS/P/151/01 (labourers); JQS/P/162/26, JQS/P/172/07 (unsupervised).

<sup>64</sup> M/BCC/DOB/1: examination of William James.

<sup>65</sup> JQS/P/87/18, JQS/P/93/19, JQS/P/123/50.

<sup>66</sup> JQS/P/151/01: wheat stolen by a group of porters who burgled the warehouse, knowing what was inside.

<sup>67</sup> JQS/P/93/19.

break in, when to do so, and what to steal.<sup>68</sup> While there is some evidence that watch-dogs were placed in warehouses at night, and plenty of evidence that care was taken to ensure that they were locked, warehouses were nevertheless tempting because they were likely to be unoccupied and to contain valuable items.<sup>69</sup> Joseph Bagg stole £8 in silver coins from a warehouse in 1780, for example, while a burglary of a linen warehouse garnered £6 of textiles.<sup>70</sup> As will be discussed, daytime-thefts by employees typically involved small quantities of goods; burglaries involved the theft of much more substantial hauls. In 1784, a gang stole ‘Eight watches some with silver cases and others with metal Cases, three peices of Black Silk, a Quantity of Silk Stockings, several Gold Rings and divers other things’.<sup>71</sup> Only a burglary from an unoccupied property gave the time and freedom to effect such a large crime. In 1792, for example, a gang of burglars spent ten minutes filling a large sack full of sugar before carrying it away; on another occasion they took the time to subdivide their sugar into individual portions before leaving.<sup>72</sup> Another burglar methodically distributed straw around a warehouse and its adjoining buildings before setting it alight, in an attempt to conceal the evidence for his crime by burning the warehouse down.<sup>73</sup> Such activities were much less common when it came to burglaries of houses or shops, where a swift exit was critical.<sup>74</sup>

While burglaries like these by ‘outsiders’ reveal something of the vulnerability of warehouses to crime, it was employees who were most frequently accused of stealing from Bristol’s warehouses. As with ships and the quayside, the depositions show that it was impossible to supervise warehouse employees at all times, meaning

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<sup>68</sup> JQS/P/112/18.

<sup>69</sup> JQS/P/93/11.

<sup>70</sup> JQS/P/74/02, JQS/P/77/03.

<sup>71</sup> JQS/P/91/01/04.

<sup>72</sup> JQS/P/123/50.

<sup>73</sup> JQS/P/74/02.

<sup>74</sup> This point is discussed in more detail in the section beginning on page 128.

that opportunities for theft were easy to find amidst the regular activities of work.<sup>75</sup> Items which were small and discrete were more likely to be stolen than those that were not, because they were easy to transport and their loss was less likely to be noticed. Several depositions report that items had been concealed in a suspect's clothing: sugar, tobacco and soap were stuffed into breeches pockets and rolled up in aprons, as were bulkier items such as glassware and even twelve pounds of iron.<sup>76</sup> In a few cases, these small thefts accumulated into one much more serious offence, with goods worth just a few pence totalling up to a value of several pounds.<sup>77</sup> In the 1770s, John Pullin was the victim of numerous thefts of leather goods; his employee, Charles Bayly, had been stealing from him for over six months before he was accused.<sup>78</sup> Employers who caught employees stealing often had the suspect's lodgings searched in an attempt to reveal the true extent of a crime. James Fowler, for example, was found with two pounds of sugar in his pocket and twenty pounds more were discovered when his lodgings were searched.<sup>79</sup> The fact that Fowler was able to steal on perhaps ten occasions without being caught is revealing of how easily small, discrete thefts could occur.

Nonetheless, employees did not regard theft as being entirely without risk, and we should not see warehouses as places where theft could occur with impunity. The fact that goods were stuffed into clothing rather than stolen openly, and the tendency towards stealing small amounts rather than committing large-scale offences, indicates a degree of caution against discovery. Such considerations are reflected in the timing of some thefts from warehouses. In 1779 John Williams deposited some iron in his

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<sup>75</sup> JQS/P/123/28, JQS/P/131/06, JQS/P/137/01/17, JQS/P/143/08, JQS/P/147/18-19, JQS/P/162/12, JQS/P/164/01/03, JQS/P/31/16.

<sup>76</sup> JQS/P/114/? (05/08/1789) (tobacco in pockets from warehouse); JQS/P/128/23 (sugar under frock); JQS/P/142/10 (wool concealed in frock); JQS/P/165/24 (cake of soap, hidden in bosom); JQS/P/112/? (20/10/1788); JQS/P/143/08 (hats); JQS/P/156/01 (teapot in pocket).

<sup>77</sup> JQS/P/121/01/38 (stealing chimney ornaments for over six months); JQS/P/147/18 (glassware worth several pounds); JQS/P/36/01(36s flour); JQS/P/51/12 (£100 copper); JQS/P/55/10 (about £2 linen); JQS/P/58/15 (about £5 linen).

<sup>78</sup> JQS/P/37/01. Other examples of long-term theft: JQS/P/38/02, JQS/P/51/12, JQS/P/55/.

<sup>79</sup> JQS/P/45/01.

master's shop, with the intention of removing it later.<sup>80</sup> Some porters did the same with a large quantity of tea the following year, hiding it in a hayloft and returning at four in the morning to take it away.<sup>81</sup> Other employees returned to work after hours, either when the premises were still accessible or with the intention of breaking in.<sup>82</sup> Again, these examples show that it was not just finding an opportunity for theft that was important to the execution of a crime, but removing the stolen items without arousing suspicion.

Warehouses existed throughout the city, and it was not necessarily the case that they always stored goods which were to be traded by sea. However, in the cases discussed above we have seen many examples of goods which certainly had been traded by sea, either from the Americas or – in the case of butter, iron, copper, or grain – from closer locations. In thinking about the times and locations when 'plunderage' occurred, we should not overlook the place of the warehouse as a location of theft. As with ships, we can see an important division in the depositions between thefts committed by those who were employed in warehouses and those who were not. Warehouses did not present an easy target for crime, but there were certain times – when receiving goods, or at night – when they were particularly vulnerable to theft. Moreover, the efforts made even by thieving employees to ensure their pilfering went undetected indicates that in many warehouses 'plunderage' was not something which was openly tolerated.

## Conclusion

In the opening pages of his *Annals of Bristol in the Nineteenth Century*, the late nineteenth-century chronicler John Latimer made two observations about the state of

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<sup>80</sup> JQS/P/63/? (23/11/1779). Thefts while leaving work: JQS/P/55/16, JQS/P/164/01/06.

<sup>81</sup> JQS/P/68/04. JQS/P/112/? (20/10/1788): stole iron while receiving weekly wages; JQS/P/99/24: threw lead into work cess-pit for later retrieval.

<sup>82</sup> JQS/P/131/10, JQS/P/112/18, JQS/P/110/11.

Bristol in 1801. Firstly, that the Corporation had squandered the opportunity to improve the port. Secondly, that the consequence of this civic complacency was that the city was in a terrible state, with ‘miserably imperfect’ paving and lighting, watchmen who were ‘decrepit old drunkards’, and a crime rate which meant that burglaries and robberies were a ‘constant occurrence’.<sup>83</sup> Latimer’s assessment of the state of the city is perhaps not entirely the result of his viewing the past through the usual prism of Victorian disdain for ‘unreformed’ Hanoverian England. In sources from the late eighteenth century, it is possible to discover similar frustration at the condition of Bristol. In 1791, for example, the Society of Merchant Venturers complained that the chaos on the quayside meant that:

... local shipowners are not on an equal footing with those of other ports, either as regards security of ships whilst in port, or as to ease and expedition in discharging and loading...<sup>84</sup>

For Latimer, as for contemporary commentators, the failure to improve Bristol’s harbour was the city’s greatest civic embarrassment. While Alexander Pope marvelled in the 1740s at the multitude of ships beached in the mud of the Avon, by the end of the century the mud signified a deterrent to foreign trade, and was held responsible for untold damage to ships’ hulls.<sup>85</sup> Just as Bristol’s harbour was described in terms of danger and decline, similar terms were used to depict the broader realm of activities which surrounded the port. ‘Marsh Street’ was, in the popular consciousness, synonymous with disorder, and so were the unemployed mariners and demobilised soldiers that the port brought to the city. While we should not naively follow Latimer’s view that Bristol’s troubles can be laid solely at the feet of its complacent Corporation, the depositions do show that the congestion and operation of the unimproved port allowed a great deal of crime to take place.

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<sup>83</sup> John Latimer, *The Annals of Bristol in the Nineteenth Century* (Bristol, 1887), pp. 1-3.

<sup>84</sup> Quoted in Minchinton, ‘Port of Bristol’, p. 155.

<sup>85</sup> Roscoe, *Works of Alexander Pope*, pp. 491-2; Latimer, *Annals*, p. 17.

Both contemporaries and historians have blamed the decline of Bristol's importance as a port on the very high dues which had to be paid by ships in order to use the port.<sup>86</sup> Alongside these dues sat plunderage, which was yet another cost associated with doing business in the city. In Bristol losses had significance 'from above' as well as 'from below': they formed part of a narrative of port decline, and were used to criticise the authorities' management of the port. In the examples of ships which were boarded at night, or of goods left on the quayside which were stolen, we can see how certain areas of the city saw very distinctive forms of criminality. Writing of 'urban crime', or even of 'street crime', serves to simplify a complex situation, as does viewing theft entirely from the perspective of workplace relations. Indeed, the existence of a broader realm of criminality around the quayside suggests that we must rethink the relationship between crime and other forms of disorder. Historians have typically associated disorderly behaviour with discrete events, such as protests or riots.<sup>87</sup> I do not dispute the value of such interpretations, but in this chapter I have argued that a significant and continuous state of disorder existed around the port. The consequence of this is that the significance of theft needs to be understood not just in relation to other acts of property crime, or to the way that the law was enforced, but to its place within the broader context of the city. Those who committed theft damaged their victims' finances, but they also influenced how the port was conceived, debated and experienced.

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<sup>86</sup> Morgan, *Bristol and the Atlantic Trade*, p. 4.

<sup>87</sup> Philip Jones, 'The Bristol Bridge Riot and its Antecedents: Eighteenth-Century Perception of the Crowd', *Journal of British Studies*, 19 (1980), pp. 74-92; Mark Harrison, "'To Raise and Dare Resentment": the Bristol Bridge Riot of 1793 Re-Examined', *Historical Journal*, 26 (1983), pp. 557-85; Steve Poole, 'To Be a Bristolian: Civic Identity and the Social Order, 1750-1850', in M. Dresser and P. Ollerenshaw (eds), *The Making of Modern Bristol* (Tiverton, 1996), pp. 76-86.

## 4 Crime and retail culture

This chapter is a study of three offences: shoplifting, obtaining goods by false pretences, and forgery. At first glance, these offences may seem very different. The first was a common form of property crime in which items were surreptitiously stolen. The second involved deceiving a retailer into supplying items. The third involved the counterfeiting of either bank notes or some other form of valuable paper instrument. All three were punished with varying degrees of severity, with forgery being one of the most harshly punished of all offences. The factor which unites them all is that, in many cases, they involved the use of social engagement with retailers and tradesmen in order to facilitate an act of crime. For a shoplifter who wanted to find an opportunity to steal, or for a forger who wanted to convince a tradesman to accept an unfamiliar bank note, it was the manipulation of the conventions of retail culture which was key. The study of crime in the retail context can, therefore, allow us to do two things. Firstly, to explore the ways in which retailers negotiated the risks of the urban economy. Secondly, to examine the extent to which retail culture, credit and paper currency were things which were accessible to, and understood by, people who committed crime. While we should not assume that all criminals were poor or 'plebeian', the examination of criminals' use of retail culture can tell us something about the popular experience of this culture.

Shelley Tickell has recently argued that, in London, the innovations in retailing practices which occurred over the course of the eighteenth century served to make

shops places which were better suited to detecting and discouraging acts of crime.<sup>1</sup> She argues that practices of staffing, and the layouts of shops which had been adopted by the latter decades of the century, enabled shopkeepers to be more vigilant in the ways that they counteracted theft.<sup>2</sup> Such an argument fits nicely alongside other writings which have emphasised the important relationship between credit, sociability and consumption. Helen Berry, for example, has argued that retailers' sociability was strongly motivated by the need to establish the creditworthiness of a client.<sup>3</sup> Tickell's argument for the importance of crime-prevention as a driving force of the emergence of polite retailing is, therefore, a very appealing one. And, indeed, Bristolian retailers' practice of storing valuable goods behind shop counters suggests that minimising property crime was a consideration in their everyday work. However, as we will see, the conventions of eighteenth-century shopping continued to produce many opportunities for crime.

Margot Finn has argued that there was a 'widespread and deeply rooted' aversion to paper money in Georgian England.<sup>4</sup> While this certainly may have been true in cultural terms, the depositions from Bristol show that a broad range of people used paper currency, both as consumers and as retailers. Spending forged or stolen banknotes, or passing-off counterfeited orders or bills from employers, required some understanding of the conventions of retail transactions. The depositions suggest that the demographic of people who were able to manipulate these transactions was relatively broad, although it is notable that the people who appear in the depositions accused of forgery are universally male. There are cases in which soldiers, servants,

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<sup>1</sup> Shelley Tickell, 'The Prevention of Shoplifting in Eighteenth-Century London', *Journal of Historical Research in Marketing*, 2 (2010), pp. 300-3.

<sup>2</sup> *Ibid.*, pp. 307-11.

<sup>3</sup> Helen Berry, 'Polite Consumption: Shopping in Eighteenth-Century England', *Transactions of the Royal Historical Society*, 12 (2002), pp. 388-9.

<sup>4</sup> Margot Finn, *The Character of Credit: Personal Debt in English Culture, 1740-1914* (Cambridge, 2003), p. 80.

apprentices and children converted forged or stolen banknotes into coinage. The victims and prosecutors of forgery were not bankers and merchants, but grocers, victuallers and farmers.

## Shoplifting and retail culture

In 1753 the condemned thief John Poulter described how a typical criminal went about shoplifting in Bristol:

Their partner sits down with her Petticoats half up, ready for the Word *nap* it; then she puts it between her Carriers (that is a Cant Word for Thighs) and then gets up and lets her Cloaths drop, agreeing and paying for what they like, and so walks off, and can walk very well without putting their Hands to hold it; then going into a Yard or Entry, their Partner takes it from them...<sup>5</sup>

While the depositions from Bristol do not provide much evidence for the view that shoplifters were in some way 'professional' criminals like Poulter, they do show that textiles and clothing were indeed frequently stolen by concealing them within the clothing of a pretended shopper. In 1778, for example, Anna Southcote testified that she:

... on Monday last Pull'd down [some linen] in her shop in Broadmead above mentioned and laid [it] on her Shop Chest there and havg Occasion to go into the adjoining Room before she had been away Three Minutes she observed the Woman now in Custody giving her Name Jemima Bevan going out of her said Shop and suspecting she had taken something from her shop she followed and stop't her and immediately the said Jemima Bevan dropt from under her Cloak the sd Two Peices of Linnen above mentd.<sup>6</sup>

Similarly, Elizabeth Stringer used her cloak to conceal a handkerchief, while Elizabeth Wright stuffed them into her pocket.<sup>7</sup> As Table 4.1 shows, concealing stolen items beneath clothing was a very common style of theft. The city's vigorous market for stolen textiles and clothes was an influence on why these items were stolen, but the practical demands of concealing a theft and evading suspicion meant that items were

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<sup>5</sup> John Poulter, *The Discoveries of John Poulter, alias Baxter* (Sherbourne, 2<sup>nd</sup> ed., 1753), p. 25.

<sup>6</sup> JQS/P/63/04.

<sup>7</sup> JQS/P/65/01/03; JQS/P/68/12.

**Table 4.1: Methods of shop-based crime, split by gender, 1770-99**

	Female	Percentage	Male	Percentage	Unknown
<b>Distraction and concealed</b>	24	39.3	10	10.9	2
<b>Method unknown</b>	9	14.8	19	20.7	4
<b>By employee</b>	7	11.5	12	13.0	–
<b>Distraction</b>	7	11.5	4	4.3	–
<b>Snatch and grab</b>	6	9.8	23	25.0	–
<b>Concealed in clothing</b>	5	8.2	3	3.3	–
<b>Deception</b>	2	3.3	5	5.4	–
<b>Burglary<sup>a</sup></b>	1	1.6	4	4.3	–
<b>Burglary from window</b>	–	–	10	10.9	–
<b>Unattended</b>	–	–	2	2.2	–
<b>Total</b>	<b>61</b>		<b>92</b>		<b>6</b>

*Source:* Database of depositions.

<sup>a</sup> Includes cases in which the entry point was definitely not a window, and those where no information is available. It is often difficult to distinguish between burglaries of shops and houses in the depositions, and it is likely that this figure underestimates the significance of burglary from shops.

stolen for their portability and inconspicuousness, as much as their value or marketability. This echoes the findings of Deirdre Palk, who found that 61 per cent of women concealed stolen goods under a cloak or petticoat, while men were most often accused of concealing property beneath a cloak or under their arm.<sup>8</sup>

It is clear that in some shops opportunities to steal the most valuable items had to be manufactured rather than found. In 1778, for example, Sarah Brookman had to ask for some linen before stealing it, implying that such products were not normally freely available for perusal.<sup>9</sup> Ribbon and lace were also only shown to shoppers on request. In 1778 Thomas Green was accused of putting 73 yards of lace worth £13 into his pocket; the presence of such valuable and portable goods perhaps explains why they were kept behind the shop-chest.<sup>10</sup> In 1779 two women spent 20 minutes browsing in a shop, but the lace they stole was only that which had been produced to them at the

<sup>8</sup> Deirdre Palk, *Gender, Crime and Judicial Discretion, 1780-1830* (Woodbridge, 2006), p. 62.

<sup>9</sup> JQS/P/63/02. Also: JQS/P/68/01, JQS/P/76/11.

<sup>10</sup> JQS/P/63/02.

shop-chest.<sup>11</sup> Less valuable items, such as tea kettles, shoes and woollen cloaks are reported as being directly available within the shop.<sup>12</sup> It should not be thought that shopkeepers were always highly observant. Sometimes distractions would arise spontaneously, such as when a shopkeeper unexpectedly had to receive a large delivery of tea while in the middle of counting his money.<sup>13</sup> In 1773 two women visited a cheesemonger's shop multiple times to steal cash from its till, implying that it was regularly unattended.<sup>14</sup> However, the theft of lace, handkerchiefs and other valuable items from the shop-chest or from other exposed parts of the shops often required opportunities for crime to be created rather than passively sought out. Transactions were made deliberately complicated, with several things ordered at once so that the shop-chest became cluttered and disordered; fictitious requests were made to shop assistants to distract their attention, and things were dropped on the floor to mask the concealment of fabric beneath clothing.<sup>15</sup>

In light of this, we need to ask whether anyone was able to engineer an opportunity for theft, or whether there were restrictions on who could do so. Ascertaining the gender of an alleged felon is almost always very easy, but making observations about the social status of an offender is much harder. However, there is one way that we can proceed with this analysis: by considering the performative roles which shoplifters adopted. As implied by the cases already presented, the depositions show that the conventions of the shop – inspecting goods, being supplied with samples – were accessible to those who shoplifted. They also suggest that we should not see thieves as necessarily being of modest means, since some concealed their acts of theft

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<sup>11</sup> JQS/P/68/02.

<sup>12</sup> JQS/P/37/05, JQS/P/86/11 (kettles); JQS/P/86/12 (shoes); JQS/P/129/07 (cloaks).

<sup>13</sup> JQS/P/95/01/30.

<sup>14</sup> JQS/P/49/01/04. I have found no evidence to suggest that tills were any different to the fairly primitive 'shop drawer'. The introduction of the mechanical till, which sounded a bell when it was opened, must have prevented a significant number of thefts.

<sup>15</sup> JQS/P/55/14. JQS/P/167/01 provides an example of a woman who lost count of the number of handkerchiefs on the counter. JQS/P/63/02 (coins); JQS/P/137/01/19 (pulling up stocking).

by making a purchase as a distraction. For example, in 1779 two women stole twelve yards of lace worth six guineas from a shop; the day before they had bought a yard and half of it, indicating that they were able to afford a purchase worth at least 15s 3d.<sup>16</sup> In the same year, Mary Donaldson stole 40 yards of lace, but also bought two and a half yards of it, worth about twenty shillings.<sup>17</sup> Thomas Green, mentioned above, bought lace worth 5s 6d and ribbon worth 1s 3d, using the transaction as a cover for theft.<sup>18</sup> Of course, this does not mean that thieves routinely purchased items of the same value as those they stole. Elizabeth Stringer purchased a scrap of fabric for a waistcoat before stealing two handkerchiefs, for example, and Thomas Green's expenditure of 6s 9d is only a small fraction of the £13's worth of lace which he allegedly stole.<sup>19</sup>

It is, perhaps, a mistake to argue that thieves could *assume* the appearance of legitimate customers: some thieves were legitimate customers too. Certainly people who stole were treated as normal consumers. When Elizabeth Wright stole some handkerchiefs in 1781, for example, a shopkeeper had 'pulled down' two parcels of handkerchiefs to show her.<sup>20</sup> As described above, Anna Southcote was prepared to 'pull down' two pieces of linen and then leave them unattended in Jemima Bevan's presence.<sup>21</sup> Ann Dyer was able to convince a shopkeeper to cut some handkerchief cloth for her, indicating that she was perceived as a genuine customer to the extent that a shop-servant was willing to prepare stock for sale.<sup>22</sup> The question that this leads to is: what kind of roles were shoplifters trying to perform here? John Styles and Beverly Lemire have shown that people of modest financial means were significant purchasers

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<sup>16</sup> JQS/P/68/03. Other examples where genuine purchases covered crime: JQS/P/38/03, JQS/P/63/02a, JQS/P/86/03.

<sup>17</sup> JQS/P/65/01/03: the value here is approximate because two types of lace are mentioned which are worth different amounts.

<sup>18</sup> JQS/P/63/02b.

<sup>19</sup> JQS/P/65/01/03.

<sup>20</sup> JQS/P/68/12. Also: JQS/P/167/04.

<sup>21</sup> JQS/P/63/04.

<sup>22</sup> JQS/P/51/06.

of textiles and clothing, using either their own money or the credit of an employer.<sup>23</sup> It was not necessarily the case that those who stole had to pretend to be wealthy women from the middling sort, therefore, since this was not the only group of people who could be found in the shop. As we will see below, pretending to be a servant sent on an errand was a successful means of obtaining goods by false pretences.

Assertively constructing opportunities for theft was not the only way that thieves went about stealing from shops. The shop-drawer was an important target for theft, as it represented an easily accessible source of cash.<sup>24</sup> As Table 4.1 shows, a sizeable minority – 9 and 25 per cent respectively – of acts of theft involved ‘snatch and grab’ raids in which no attempt was made to conceal an act of theft from the shopkeeper. Many shops were open to the street, allowing thefts to occur without entering the premises.<sup>25</sup> The shop-door, from which merchandise was hung, is also reported both by the depositions and contemporary printed texts as being an easy target for theft.<sup>26</sup> As we can see from Table 4.1, these snatch-and-grab raids were more typical of males than females. For the latter, stealing from within the shop was the most common strategy of crime, with distracting or confusing the shopkeeper and hiding goods under clothing being of particular importance. This is particularly true when we exclude cases of burglary and thefts by employees. It is also worth noting that of the 23 instances of male snatch-and-grab thefts in Table 4.1, at least nine cases involved juveniles (individuals or groups).

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<sup>23</sup> Beverly Lemire, ‘Consumerism in Pre-Industrial and Early Industrial England: the Trade in Second-hand Clothes’, *Journal of British Studies*, 27 (1988), pp. 1-24; John Styles, ‘Involuntary Consumers? The Eighteenth-Century Servant and Her Clothes’, *Textile History*, 33 (2002), pp. 9-21.

<sup>24</sup> JQS/P/49/01/04, JQS/P/74/02, JQS/P/74/05, JQS/P/75/02, JQS/P/75/02/02, JQS/P/129/14, JQS/P/147/15.

<sup>25</sup> See chapter 9, note 28.

<sup>26</sup> JQS/P/37/05, JQS/P/92/01/25, JQS/P/114/07, JQS/P/129/07. Jonathan Swift described the shop-door as ‘crowded with so many thieves and pick-pockets’: *The Works of the Rev. Dr. Jonathan Swift*, ed. Thomas Sheridan, vol. 10 (London, 1784), p. 136.

## Credit and false pretences

In addition to acts of theft, the depositions describe several cases in which goods were obtained from shops under false pretences. Jurists did not necessarily regard such acts as being felonious, and they were sometimes prosecuted and punished as misdemeanours by Bristol's courts.<sup>27</sup> It is well-known that eighteenth-century polite social conventions and a shortage of coinage meant that retailers were often forced to give credit to complete strangers.<sup>28</sup> For example, as a young man in London, James Boswell wrote with satisfaction in his diary that he was able to convince 'Mr. Jefferys, sword-cutter to his Majesty' to give him a sword worth five guineas. Boswell was very pleased that he looked creditworthy, because it affirmed his elite status.<sup>29</sup> But it was not just those who appeared wealthy who could obtain credit. The depositions show that people claiming to be servants could also receive valuable goods before payment. As with shoplifting, the conventions of shopping were manipulated by those who wanted to obtain goods for nothing.

In 1792, Sarah Gill went to the shop of Thomas Lyne and asked his employee – Thomas Parsley – for a sample of printed cotton. Gill claimed that it was to show her mistress, Amelia Caddiford. Gill was given it, went away, came back five minutes later, then asked for 13 yards more at a cost of 35 shillings. Parsley, 'supposing her to be the Servant of the said Mrs Caddiford', let her have the cotton as well as a shawl worth six shillings. A few days later she did the same thing again, this time asking to sample some muslin before taking 5  $\frac{3}{4}$  yards of it, as well as a muslin handkerchief. When contacted, Gill's mistress said she had no knowledge of any of these

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<sup>27</sup> Richard Burn's opinion was that acts which 'wholly depend on a bare naked lie' were not necessarily prosecutable as criminal offences: *The Justice of the Peace, and Parish Officer*, vol. 1 (London, 1755), pp. 178-9

<sup>28</sup> Nancy Cox, *The Complete Tradesman: A Study of Retailing, 1550-1820* (Aldershot, 2000), pp. 146-62; Julian Hoppit, *Risk and Failure in English Business 1700-1800* (Cambridge, 1987), p. 163.

<sup>29</sup> *Boswell's London Journal, 1762-1763*, ed. F.A. Pottle (London, 1950), pp. 59-60.

transactions.<sup>30</sup> The same crime occurred in 1770 when Ann Smith pretended that Lephemiah Fry, draper in Castle Street in Bristol, had sent her for ten yards of printed cotton; Smith claimed that Fry wanted the cotton to make a gown and coat for his niece.<sup>31</sup> John Hicks secured nine pounds of tea, worth a guinea, by pretending to be a servant.<sup>32</sup> Like Gill and Smith, he took care to make his demand sound plausible by explaining that his master was out of town, and therefore unable to come to the shop himself. It was not just in the more 'polite' areas of retailing that acts of deception occurred. In 1793 a large quantity of nails and other metal fittings were obtained by a man who claimed to be working on board a ship.<sup>33</sup> The man took care to name the ship and its master, to make the story more plausible. Sometimes shopkeepers were suspicious of customers and required further proof of a potential customer's claims. In 1771, for example, John Murry went to a shop and falsely requested five pieces of satin for his master. When the shopkeeper doubted his claim, Murry faked a note from his supposed master requesting the satin, and had it supplied to him.<sup>34</sup> The ways in which shopkeepers could investigate the creditworthiness of their customers could, therefore, be as unreliable as the customers themselves. As we will see, similar problems existed in relation to forgery.

## Forgery and the use of money

Randall McGowen has emphasised the vigour with which institutions such as the Bank of England pursued forgers in the late Georgian period.<sup>35</sup> By the late 1790s the Bank had its own inspector in Bristol, who reported back to it on the state of forgery in the

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<sup>30</sup> JQS/P/128/20.

<sup>31</sup> JQS/P/31/44.

<sup>32</sup> JQS/P/38/23.

<sup>33</sup> JQS/P/131/02.

<sup>34</sup> JQS/P/31/40.

<sup>35</sup> Randall McGowen, 'Managing the Gallows: The Bank of England and the Death Penalty, 1797-1821', *Law and History Review*, 25 (2007), p. 243.

city, in addition to assisting the local authorities in the prosecution of suspected forgers.<sup>36</sup> However, while it is clear that politicians and financiers were gravely concerned about the damage which the circulation of forged money could do to popular confidence in the value of paper currency, this tells us little about popular attitudes to money.<sup>37</sup> Indeed, the remarks of the Bank of England's inspector – who stated that shopkeepers were very inattentive when it came to ensuring that banknotes were genuine – suggest that his concerns were not necessarily shared by those who regularly dealt with paper money.<sup>38</sup> An aim of this section is, therefore, to consider how and by whom paper money and other items with financial value were used. By examining the precise nature of acts of forgery, we can examine the circulation of paper money not from the perspective of those who enforced the law, but from that of the ordinary participants in an economy which involved a variety of unreliable forms of payment.

While the producers of banknotes increasingly pursued technological solutions to the problem of forgery – such as making banknotes which were harder to counterfeit, and developing networks for the collection of information about forgery – the depositions from Bristol suggest that tradesmen and retailers who accepted banknotes and other forgeable entities relied on social interactions, both with the potential forger and with trusted acquaintances, to negotiate risk. Indeed, the act of taking a risk could be something by which the bonds between a retailer and customer

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<sup>36</sup> Randall McGowen, 'The Bank of England and the Policing of Forgery 1797-1821', *Past & Present*, 186 (2005), pp. 83, 91. The inspector, named Thomas Glover, was involved in at least two successful prosecutions in the late eighteenth-century: JQS/P/157/04e; *The Only Correct Trial of Henry Lane* (Bristol, 1800), pp. 5-6.

<sup>37</sup> Randall McGowen, 'Making the "Bloody Code"? Forgery Legislation in Eighteenth-Century England', in N. Landau (ed.), *Law, Crime and English Society, 1660-1830* (Cambridge, 2002), pp. 120, 122.

<sup>38</sup> Randall McGowen, 'From Pillory to Gallows: the Punishment of Forgery in the Age of the Financial Revolution', *Past & Present*, 165 (1999), pp. 91, 137; Randall McGowen, 'Forgers and Forgery: Severity and Social Identity in Eighteenth-Century Justice', in D. Lemmings and C. Walker (eds), *Moral Panics, the Media and the Law in Early Modern England* (Basingstoke, 2009), pp. 157-9.

were strengthened. The depositions appear to confirm that there was indeed a gulf between the expectations of the Bank of England and the way that banknotes were used. I do not dispute McGowen's assertion that 1797 marked an important turning point in the state's attitude towards forgery, but the sources from Bristol make it clear that this change in attitude did not derive from changes at the popular, provincial level.<sup>39</sup>

Of the eleven people who were executed for forgery between 1770 and 1805, depositions have survived for all but three cases.<sup>40</sup> Fortunately, printed sources, newspapers and the records of the Home Office allow the details of these cases to be filled in. Depositions also survive for cases in which forgers were either not convicted or not sentenced to death. There were several accusations, convictions and executions for forgery between 1800 and 1805 which are also discussed in this section. The consequence of this is that it is possible to follow many cases through the prosecution process, from the initial accusation (often made very soon after an offence) through to indictment, trial, appeals for clemency, punishment and reportage in print culture.

Counterfeiting banknotes could be a skilful business. The engraved designs on notes issued by the Bank of England were increasingly complex, as were the techniques used to watermark the paper. The forgers of Birmingham were renowned for their skill and for the speed with which they reacted to innovations in banknote design.<sup>41</sup> However, it was not necessarily the case that those who circulated banknotes and other printed items had personally produced them. Biographical information is available for all of those hanged for forgery in Bristol, but none of the sources report that any of those executed for uttering forged banknotes had either printed them themselves or had experience as an engraver. For skilled forgers, selling a large number of false notes

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<sup>39</sup> McGowen, 'The Bank of England and the Policing of Forgery', p. 88.

<sup>40</sup> *A List of Persons Executed at Bristol Since the Year 1741* (BRO 40165/1).

<sup>41</sup> McGowen, 'The Bank of England and the Policing of Forgery', p. 86.

to criminals at a marked-down price may ultimately have been more profitable than trying to spend only one or two counterfeits. An example of this practice is provided by the case of Joseph Tyso, who was executed in 1805. He was arrested when he sold several £1 notes to an informant for seven shillings each. A search of Tyso's lodgings revealed that he had 40 counterfeited notes.<sup>42</sup> Coiners also sold fake coins rather than simply spending them.<sup>43</sup>

The depositions show, however, that 'forgery' could involve the much more mundane manipulation of paper – and, furthermore, simply *uttering* forged items was felonious in itself. Counterfeiting banknotes was one aspect of forgery, but producing fake bills of exchange could lead to a forgery prosecution, as could manipulating items such as bank post bills. This reflects the situation presented by a vast and bewildering body of law which had accrued by the early nineteenth century which defined a broad range of activities as forgery. There were, for instance, 278 acts relating to forgery passed in the reign of George III.<sup>44</sup> Most importantly, an act of 1729 extended capital punishment to forgeries against private individuals for the first time.<sup>45</sup> The significant point is that the counterfeiting of instruments which were to some extent designed to be resistant to forgery – such as banknotes – could occur in a variety of ways, some of which were surprisingly simple. According to William Blackstone, the common law defined the crime as 'the fraudulent making or alteration of a writing to the prejudice of another man's right', and this could encompass crimes as simple as adding a false name to a genuine bill of exchange, or counterfeiting a signed letter requesting that goods be supplied on credit.<sup>46</sup>

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<sup>42</sup> JQS/P/211/? (13/03/1805).

<sup>43</sup> JQS/P/52/? (16/02/1776), JQS/P/52/04.

<sup>44</sup> McGowen, 'Making the "Bloody Code"', p. 122.

<sup>45</sup> McGowen, 'From Pillory to Gallows', p. 107

<sup>46</sup> Quoted in McGowen, 'Making the "Bloody Code"', p. 121.

The depositions show that it did not require much skill to forge banknotes. For instance, in 1803 a man named William Badger forged some banknotes, and was eventually executed for doing so. Numerous notes were found in his possession after his arrest, and the method he used to produce them was described as follows:

... the said Note hath since the issuing of the same of their Bank been altered from One Guinea to Ten Pounds by cutting out one Sum and fixing on the back thereof in two places another sum and is therefore counterfeited to the sum of Ten Pounds ...<sup>47</sup>

It is not clear in this case how Badger managed to obtain the one guinea notes which he turned into notes worth ten pounds. This deposition shows, however, that counterfeiting could be practised by those who had no technical proficiency in printing, since all that Badger had done was cut-and-paste different notes together. Indeed, most cases which were prosecuted as forgery had not involved tampering with a bill, but simply signing it under a false name. Duncan McLaughlin (executed 1801) had stolen 500 guineas in bank post bills which he had been entrusted to collect from the post office while serving as a soldier in Ireland. He escaped to Bristol, signed some of the bills with the name 'D. Chisholme', and cashed them with some tradesmen.<sup>48</sup> McLaughlin could easily have been prosecuted for theft and desertion in Ireland, but was instead prosecuted for forgery at Bristol. The city's correspondence on this issue is silent, but there were probably several reasons why this approach was taken. Firstly, it was relatively easy to prosecute him at Bristol, compared to sending him to Ireland; secondly, he had defrauded several traders in the city, and therefore there was a civic reputation to uphold. The significance of this case is, however, that it shows how acts of theft could become acts of forgery, and that forgers were not necessarily skilled printers who excelled at reproducing complex engravings, since in McLaughlin's case it was the act of signing the bills with a false name which fulfilled the main criterion for

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<sup>47</sup> JQS/P/186/03.

<sup>48</sup> JQSP/P/169/24. *The Life of Duncan M'Lachlan, Written by Himself, when Under Sentence of Death in Newgate in the City of Bristol* (Bristol, 1801).

forgery.

The depositions show that a range of other paper items were forged in Bristol, and for a variety of reasons. When Lancelot Ryan wanted to convince the father of the woman he intended to marry that he was a wealthy young gentleman, for instance, he forged several bills from Lord Demontalt to the value of over £800. Ryan was tried and sentenced to death, but was pardoned after the recorder reported to the Home Office that such a conviction was not within the spirit of the law.<sup>49</sup> Jonathan Britain was convicted of both uttering forged bills and forging a letter by which he cheated his aunt.<sup>50</sup>

As I argued above, some acts of shoplifting involved the performance of the role of the 'legitimate' customer as a precursor of theft. This could involve making genuine transactions of high value, or engaging a shopkeeper in conversation by enacting performative behaviour such as pretending to inspect fabric. Forgers did the same, and some were easily able to convince victims of their trustworthiness. When Duncan McLaughlin cashed twelve bills with a tea dealer, for instance, the dealer reported that:

... he then produced to the Number of Twelve which Bills were drawn by Beresford & in Dublin as Bank Post Bills for Ten Guineas each & payable to D. Chisholme. That the Prisoner McLaughlin telling him that his Name was Chisholme the Person to whom the Bills were payable and that he received them at Galway from Beresford & co at Dublin he did not scruple to give him Cash for them & the Cash he so paid him for said Bills...<sup>51</sup>

The dealer's lack of scruples were, therefore, based on little more than his belief in the veracity of McLaughlin's claim, which appears to have gained authority from the fact that McLaughlin had some knowledge of tradesmen in Galway. In reality McLaughlin was not a merchant or tradesman, but a corporal who had deserted his regiment, and

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<sup>49</sup> JQS/P/115/02; TNA HO 47/10/22 (ff. 89-90).

<sup>50</sup> JQS/P/36/02; *The Trial of Jonathan Britain, Capitally Convicted of Forgery* (Bristol, 1772), p. 2.

<sup>51</sup> JQS/P/169/24.

who had been whipped several times for dissent.<sup>52</sup> In 1793 Benjamin Smith tried to pass some forged notes, for which he was eventually executed. It was reported that he:

... produced to this Informant and his Brother Roger Creamer (who was present) Twenty One pieces of Paper appearing to be Leicester-Bank notes for Five Guineas each. That on his so producing them, this Informant and his Brother at first refused to take them, but on the said Person's declaring that they were good Bills of a Bank at Leicester, That he had property in the said Bank and had himself drawn them out of the said Bank he this Informant and his Brother consented to take them and received the said twenty one pieces of Paper and half a Guinea in money in payment for the said Oxen...<sup>53</sup>

As in the case of McLaughlin, the doubts of the seller were assuaged by little more than the assertions of the forger.

The condition of banknotes was something which raised suspicions. In 1803, Bartholomew Barry – a bookseller – reported:

That this Informant observed it's mutilated state without his asking the said William Badger any question concerning it, he told this Informant that the snuff of a Candle had fallen on it and another note and had destroyed the Corners of them. That this Informant believing his storey received the said Note and delivered it to the above named Benjamin Butt [his apprentice] to get Cash for it. And the said Benjamin Butt for himself on his Oath saith... that he this Informant took the Note which he received from Mr Barry to the shop of Mr Watts in High Street who exchanged it for Cash and a smaller Note...<sup>54</sup>

As with the cases discussed above, the only reason why the note was accepted was because the bookseller chose to accept Badger's explanation for why it was damaged, when the real reason for why the notes were torn and dirty was because Badger had attempted to conceal the fact that he had cut-and-pasted the £10 value from a different note. The fact that the note was old and dirty, and that despite this the victim did not significantly challenge it, shows how forged notes could circulate with ease. The

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<sup>52</sup> McLaughlin was eventually arrested in London and his name is listed in the Home Office registers, where he is described as a butcher from Shoreditch – this was false, but tells us something about the social status which he decided to affect: The National Archives, Home Office: Criminal Registers of Prisoners in Middlesex and the City, available at London Lives, <http://www.londonlives.org/browse.jsp?div=NAHOCR70004> [accessed 1 May 2012].

<sup>53</sup> JQS/P/128/28. Further details relating to this case can be found in JQS/P/137/01, and in *The Life and Confession of Benjamin Smith* (Bristol, 1795).

<sup>54</sup> JQS/P/186/03.

implication of this is that notes circulated frequently, particularly those of lower value which could be drawn at either local banks (in this case, the Bristol Bank) or the Bank of England.<sup>55</sup> The deposition is also notable because, as the final sentence of the long quotation shows, we can see how banknotes were used by people of more moderate means. It was not Barry himself who took the note to be cashed, but his apprentice Benjamin Butt. Apparently William Watts – a hosier – was willing to give out large sums of cash and notes to apprentices bearing tarnished banknotes. One reason for this is provided by a deposition from 1799, in which it is suggested that retailers did not wish to turn apprentices bearing employers' banknotes away, for fear of losing their custom. William Sheppard, a bookseller, reported that:

... on Tuesday last between the hours of six and seven in the Evening Thomas Palot Mansell applied to this Informant & requested him to give cash for the Note now produced [worth £100]... and this Informant knowing Mansell to be the Clerk of Messrs Bengough & Palmer & conceiving he shod accomodate them thereby he this Informant did give the said Mansell change for the said Note partly in small bank notes and in Cash to the amount of thirty six Guineas... Mansell particularly requested as much Cash as possible and this Informant gave him all the cash he had.<sup>56</sup>

In this case the note was stolen rather than forged, but the point is the same: the desire to maintain good terms with business acquaintances meant that large sums of money were given to unreliable people.

The depositions relating to Jonathan Britain's crime provide further detailed examples of the ways that victims attempted, but ultimately failed, to scrutinise forgers.<sup>57</sup> In 1771, Britain took a forged £5 bill of exchange to Daniel Wait, a grocer in

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<sup>55</sup> Thefts from alehouses' cash drawers show that they contained low-denomination notes, while in a 1798 forgery case a victualler was unable to be sure that she had accepted a forged note since she had had several notes of the same value in her possession: JQS/P/194/02, JQS/P/157/04g.

<sup>56</sup> JQS/P/165/04, JQS/P/165/18.

<sup>57</sup> In addition to the depositions cited here, there are several accounts of Britain's life and execution: *The Trial of Jonathan Britain, Capitally Convicted of Forgery* (Bristol, 1772); *Some Particulars of the Life and Death of Jonathan Britain* (Bristol, 1772); *The Rev. Mr. Talbot's Narrative of the Whole of His Proceedings Relative to Jonathan Britain* (Bristol, 1772). Britain achieved national prominence when, in a bid to obtain a royal pardon which would prevent him from being

Bristol. Wait immediately cashed it for Britain. Three days later Britain returned with another bill for £10 and asked for it to be cashed. Wait reported that he:

... assented to [cash it] if he the said Jonathan Britain would first promise this Informant to send the same to George Nelson Esqr and Company to be accepted, and upon this Informant's telling him that he should on the Monday following write to his Corresponent in London upon other Business the said Jonathan Britain went away with the said Bill.<sup>58</sup>

Britain returned on the Monday, but was refused cash because the bill had not been accepted. Wait reported that:

... Jonathan Britain went away, and about Two Hours afterwards came again with the said Bill with the Name Wm Merryfield and endorsed thereon, and upon the said Britain's pretending that he had got Mr Merryfield a Grocer in the Old Market in this City to endorse the same and this Informt not suspecting the said Endorsement to be forged but believing it to be a good Indorsement he this Informt gave the said Jonathan Britain Nine pounds and nineteen shillings for the said Bill...<sup>59</sup>

From this deposition we can see that it was not the bills themselves which decided the matter, but the peripheral social connections and interactions which surrounded it. Unlike in the cases of McLaughlin, Badger and Smith, Britain failed to convince Wait just by the force of his character, the consequence of which was not that the bills were rejected, but that additional endorsements were required. The fact that Wait was eventually prepared to cash the bills is somewhat surprising. Why was he prepared to put credence in little more than a grocer's signature? At Britain's trial, Wait stated that:

I made answer I had not heard of the bill, for I very seldom sent such small bills to London, but paid them away in the course of trade; and I believe, that was near all that passed at that time. He wished me a good night, and so we parted. A few days after, about the middle of the same month, he called, and offered me a 5l. bill, and desired I would give him cash for that, which I objected to at the first; but as he pressed me so strongly, I at last told him if he could get it indorsed

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prosecuted for forgery, he claimed to be implicated in a plot to attack Portsmouth dockyard. A manuscript version of Britain's 'confession' survives in the Jeffries Collection (vol. 19, p. 61) at Bristol Central Library.

<sup>58</sup> JQS/P/36/02.

<sup>59</sup> Ibid.

by Mr. Sandall, whom he called his friend, I would give him cash, and then we parted.<sup>60</sup>

It is clear that the dynamic in operation here was the effect that endorsement by trusted individuals could have on the credibility of a bill. Endorsement was important because it meant that the person who had passed on a bill had, by signing it, signified that they believed the bill to be genuine and that they would be held liable for paying it.<sup>61</sup> So, whether the credit of the original issuers of the bills which Jonathan Britain circulated could be trusted was of little concern to retailers such as Daniel Wait, since the endorsements which had been added meant that they would be able to obtain their money.

This raises the question of why signatures were relied upon as evidence that endorsements had occurred. One explanation might be that those who accepted paper instruments were able to recognise signatures as being genuine – this was, in general, an important aspect of trading in the credit-based economy.<sup>62</sup> However, the source material used here suggests that this explanation may not be entirely sufficient. William Merrefield – whose name, as mentioned above, was counterfeited (and misspelled) by Britain – had authorised two of his servants to endorse bills for him.<sup>63</sup> In this case it is difficult to see how the victim's ability to recognize the endorser's handwriting or signature was an important factor – and as the trial of Britain and the following example relating to Thomas Brown show, the endorser and victim were not always acquainted. Even the forgery of signatures could be as much about performance as it was counterfeiting.

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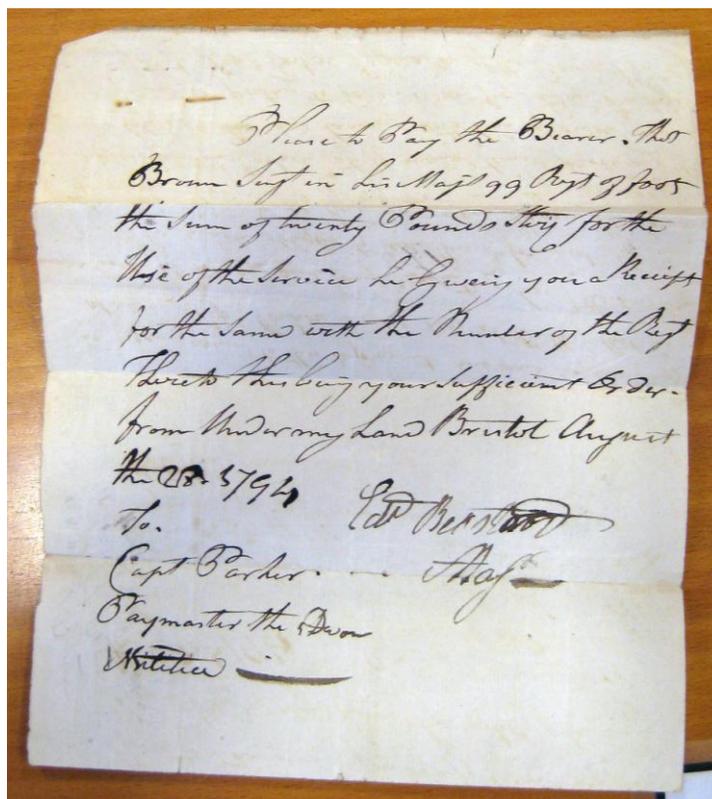
<sup>60</sup> *Trial of Jonathan Britain*, p. 9.

<sup>61</sup> William David Evans, *Essays on the Action for Money Had and Received* (Liverpool, 1802), p. 134; T. E. Tomlins, *The Law Dictionary* (London, 1797), third section of definition for 'bill of exchange'; William Blackstone, *Commentaries on the Laws of England*, vol. 4 (London, 11th ed., 1791), p. 468.

<sup>62</sup> Donna T. Andrew and Randall McGowen, *The Perreaus & Mrs. Rudd: Forgery and Betrayal in Eighteenth-Century London* (Berkeley, 2001), p. 18.

<sup>63</sup> *Trial of Jonathan Britain*, p. 9.

Figure 4.1: Handwritten note forged by Thomas Brown



Source: JQS/P/137/01/05.

A similar case to that of Jonathan Britain is provided by the case of Thomas Brown, who was transported for fourteen years after being convicted of forgery in 1795.<sup>64</sup> Brown visited a woollen-draper's shop in Bristol claiming to have been sent by a major belonging to the Devon Militia with an order for some cloth with which to make 30 soldiers' jackets. He returned later in the day, this time with an order for eight guineas in cash, with the debt to be added to the order for jackets. The money was supplied, after which Brown returned several more times with orders for more money, one of which is illustrated in Figure 4.1. In this case, it was not even a banknote which had been forged or altered, but merely a handwritten memorandum from Brown's supposed senior officer. When the draper began to suspect the authority of these notes,

<sup>64</sup> Gaol Delivery Fiats, p. 87.

he enquired at the lodgings of the major, who was not at home. Despite this, the woollen-draper described Brown to a female servant, who said that she had seen him before, which eased his suspicions. It was only when the draper met the major on the street in Bristol and showed him the order that the fraud was discovered.<sup>65</sup>

This case is significant in two ways. Firstly, it shows again that it was not the financial instrument itself which had significance in bringing authority to a transaction, but the activities which surrounded it: namely, the order for cloth for 30 soldiers' jackets, Thomas Brown's willingness to give assurances and sign his name, and the testimony of a servant girl. Secondly, since 'forgery' in this case involved the creation of a few handwritten notes with a forged signature, the case of Brown raises questions about how exactly the offence was defined. When soldiers (or pretended soldiers) obtained cash from victuallers as part of the billets to which they had fraudulently claimed an entitlement, they were not prosecuted as forgers.<sup>66</sup> In Thomas Brown's case, there were two factors which appear to have influenced the prosecution of the offence as forgery: the fact that Brown had forged someone else's signature, and the large sums of money involved. In 1772, Thomas Pinke Percy attempted to swindle the landlord of the White Lyon Inn out of the £2 that he owed for his board. Percy pretended to be a knight named Sir John Fellowes, and even went so far as to pay a liveried servant to deliver a fake letter to the inn for him.<sup>67</sup> Again, this case reveals the difficulty of making judgments about the character of individuals, and the way in which the presentation of a forgery – rather than the nature of the forged item itself – was of decisive importance. Like Brown's case it, too, shows that the definition of forgery was flexible. Percy was initially charged with forgery, which was downgraded to 'cheat', and then back to forgery, for which he was convicted.<sup>68</sup> The difference between this case, and those in

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<sup>65</sup> JQS/P/137/01/05.

<sup>66</sup> JQS/P/87/09; JQS/P/112/07.

<sup>67</sup> JQS/P/36/07.

<sup>68</sup> *Ibid*; *Gaol Delivery Fiats*, p. 32.

which cloth or victuals were obtained by false pretences, is that Percy had gone beyond telling a mere 'bare naked lie' which thereby made his crime felonious.<sup>69</sup>

The sources from Bristol show that it was as much farmers and tradesmen as financiers and opulent merchants who were the victims of forgery. The victims of those who were executed for forgery included livestock traders, an alehousekeeper, a tea dealer, a cheesemonger and a grocer.<sup>70</sup> It was only Edward McNamara (executed 1790) who was convicted of defrauding a banker.<sup>71</sup> The question that all of this raises is why individuals were willing to accept paper money from strangers given the substantial losses which could occur if forgeries were accepted. After all, historians such as Randall McGowen have emphasised the significance of popular revulsion to forgery, and highlighted forgery's important place in contemporary popular culture.<sup>72</sup> One reason is, of course, that there may have been no other way to receive payment if paper money was refused. Simply providing goods on credit could be equally risky, and carrying around hundreds of pounds in cash could also be dangerous. The coinage was also heavily debased, with some guineas perhaps being worth 18d less than their nominal value.<sup>73</sup> Furthermore, forged notes are only worthless if they cannot be passed on to somebody else. Circulating forged notes was not a 'strict liability' offence since utterers had to pass on forged notes knowingly. This might explain why flimsy verbal assurances were accepted – such acts would ensure that those who accepted forged notes could re-circulate them, since they could claim that they had been deceived into believing the notes to be genuine. An account of the trial of Henry Lane, for instance,

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<sup>69</sup> Burn, *Justice of the Peace*, p. 179.

<sup>70</sup> Livestock traders: JQS/P/160/11, JQS/P/128/28; alehousekeeper: JQS/P/157/04; tea dealer: JQS/P/169/24; cheesemonger: *A Narrative of the Life of Wm. Morley* (Bristol, 1783), p. 5; grocer: JQS/P/36.

<sup>71</sup> *Gazetteer and New Daily Advertiser* (15 April 1790); *The World* (10 May 1790).

<sup>72</sup> See note 38.

<sup>73</sup> John Styles, "'Our traitorous money makers": the Yorkshire Coiners and the Law, 1760-83', in John Brewer and John Styles (eds), *An Ungovernable People? The English and their Law in the Seventeenth and Eighteenth Centuries* (London, 1980), pp. 174-5.

reports that his alleged accomplice was arrested when she failed to give a good explanation of where she had obtained the forged money.<sup>74</sup> Being able to give a convincing account of one's own deception can explain why many of the retailers who appear in the depositions questioned customers and then accepted their forged notes anyway.

We may understand why notes and bills were accepted in transactions, but more puzzling is why shopkeepers were willing to cash them even when nothing had been purchased. In the case of William Badger, for instance, we saw that a hosier named William Watts cashed a note so that a fellow shopkeeper could issue change. Jonathan Britain also committed his crime not by purchasing something, but by getting a grocer to cash a bill. One explanation is that those who cashed bills charged a commission. Daniel Wait only returned £4 19s to Jonathan Britain, for example, when he cashed a £5 bill. However, a one per cent commission seems like a very trivial fee given the risk associated with doing so. Furthermore, Wait cashed another bill for Britain, this time giving him £9 19s on a £10 bill, which is an even lower fee in relative terms. Wait described these fees as being for 'postage', and perhaps this was a genuine expense associated with cashing the bills.<sup>75</sup> If so, this further diminishes the explanation as to why traders were willing to exchange bills for cash. Another explanation is that the provision of cash and other financial services was the way that business connections were maintained. We have already seen one deposition in which William Sheppard stated that he cashed a stolen note because the servant who presented it worked for an important client.<sup>76</sup>

Depositions in which banknotes were stolen can also be enlightening about how difficult it was to spend them or to turn them into cash. The main differences

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<sup>74</sup> *The Only Genuine Trial, of Henry Lane* (Bristol, 1800), p. 9.

<sup>75</sup> JQS/P/36/02.

<sup>76</sup> See note 56.

between the forgery and theft of banknotes was that in the latter case the victim could soon become aware of the crime, whereas people who circulated forged notes aimed to trick their victim into failing to realise that a crime had occurred. When a servant stole a banknote from their master, they came to possess an item which could be highly incriminating, since the practice of numbering and signing notes made them unique; when bureaux were smashed open, or when pockets were picked, it did not take long for victims to realise that they had been robbed. Some people kept records of the characteristics and numbers of their banknotes, and advertised their theft in national newspapers.<sup>77</sup> It was, therefore, important to spend notes or convert them into cash as quickly as possible. In 1784, the servant of James Richardson – a cork cutter – stole a £20 promissory note from his master's house. The servant, named John Munn, was arrested when he appeared in Bristol dressed in a suit of fine new clothes. He admitted that he had stolen the note, and then passed it to his friend John Baxter, 'a boy', who had redeemed it at the banking shop of Messrs Fowler & Son.<sup>78</sup> When a black servant named Edward Steele stole a £10 bill of exchange from his employer in 1784 he took it to a linendraper who gave him goods and cash to the value of £10 for it: the linendraper only attempted to verify that the bill had been endorsed after he had accepted it as payment.<sup>79</sup> The bill had not been endorsed – the fact that Steele did not add a false signature very likely saved his neck – but it is significant that the shopkeeper did not properly inspect the bill until after he had accepted it. In these cases we can, therefore, see how banknotes and bills could be redeemed easily and rapidly, by people probably of slender means. These cases are inherently similar to those involving forgery discussed above, in which a broad range of people were able to convince traders to accept forgeries.

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<sup>77</sup> After a theft in 1799, for instance, a detailed inventory of the notes which had been stolen was published in the London press: *The Star* (22 August 1799).

<sup>78</sup> JQS/P/92/01/05.

<sup>79</sup> JQS/P/91/02/? (11/12/1784).

Randall McGowen has argued that forgery was severely punished because contemporaries were afraid that the crime would have a poisonous effect on the economy overall, and because it provoked an extreme emotional reaction when acquaintances defrauded their friends and tradesmen swindled their trustful creditors. In London, trials such as those of William Dodd and the Perreau brothers were among the most sensational of their day.<sup>80</sup> In Bristol, executions of forgers were also widely reported in newspapers, and several led to the publication of accounts of the malefactor's life, crimes and execution. The analysis of these sources allows the examination of the terms upon which the crime of forgery was presented to a popular audience in Bristol. I argue that these accounts represent forgery in a way which is divergent from the concerns of the Bank of England or the state. Of course, one must try to separate the contents of these publications from the post-conviction negotiations of those who were due to be executed. The two pamphlets which were published shortly after Henry Lane's conviction and which depict his trial as being unsound, or the account of the life of Duncan McLaughlin which attempts to set his forgery within the context of seeing atrocities in Ireland, both appear to have been part of an attempt to gain a pardon, for instance.<sup>81</sup> Most of the pamphlets discussed here were, however, published after the death of the convict.

The most consistent feature of the accounts is that they report the relatively comfortable family backgrounds of those who were executed. Jonathan Britain, William Morley, Benjamin Smith, James Baber and Duncan McLaughlin are all described as having received a good education.<sup>82</sup> Morley, for instance, knew Latin, had

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<sup>80</sup> McGowen, 'From Pillory to Gallows', p. 137; Simon Devereaux, 'From Sessions to Newspaper? Criminal Trial Reporting, the Nature of Crime, and the London Press, 1770-1800', *London Journal*, 32 (2007), p. 13.

<sup>81</sup> Lane had his sentence commuted; McLaughlin did not. For the pamphlets, see notes 36, 48 and 74.

<sup>82</sup> *Life and Death of Jonathan Britain*, pp. 7-8; *Genuine Memoirs of the Lives of William Morley and William Shutler* (Bristol, 1783), pp. 7-8; *Life and Confession of Benjamin Smith*, p. 2; *The Sun*, no. 2061 (1 May 1799); *Life of Duncan M'Lachlan*, p. 5.

been to boarding school and worked as a school usher.<sup>83</sup> Britain was also a school usher and excelled at mathematics, while McLaughlin's brother was a clergyman.<sup>84</sup> It is only in the case of Duggan and Powell – executed in 1799 – and Edward McNamara that we find prisoners being described as 'rogues' or 'old offenders'.<sup>85</sup> In this sense, the sources from Bristol share many similarities with accounts such as those produced in relation to the Reverend William Dodd, who was also a well-educated individual who lived beyond his means and turned to forgery as a result. What is surprising, though, is the relatively limited attention that the sources from Bristol give to the victims of forgery. An account of Morley's crime, for instance, reports that the cheesemonger to whom he passed a forged bill had lost £25 on the transaction, some of which he would be able to make up by entering into dealings with mariners from Newport.<sup>86</sup> Perhaps most significantly, Morley was described as a 'plunderer of honest and industrious tradesman', in a manner which is more reminiscent of Daniel Defoe's writings on credit than it is of those relating to the financial consequences of forgery.<sup>87</sup> Another report provides no details of the crime at all.<sup>88</sup> Other accounts report the method of forgery and the amount taken, but give relatively little attention to the wider consequences. This is contrasted with accounts of the lives of executed burglars, which go into great detail about their prior crimes in addition to recounting the methods that they used.<sup>89</sup> When Jonathan Britain was executed in 1772 a minor pamphlet war broke out, in which the Reverend William Talbot of Reading defended himself against the charge that he had vindictively pursued Britain despite the fact that no-one in Bristol wanted to see

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<sup>83</sup> *Genuine Memoirs of the Lives of William Morley and William Shutler*, pp. 8-9, 13.

<sup>84</sup> *Life and Death of Jonathan Britain*, pp. 7-8; *Life of Duncan M'Lachlan*, p. 39.

<sup>85</sup> *The Sun*, no. 2061 (1 May 1799); *Gazetteer and New Daily Advertiser*, no. 19144 (15 April 1790).

<sup>86</sup> *Narrative of the Life of Wm. Morley*, p. 5.

<sup>87</sup> *Ibid.* Daniel Defoe, *The Complete English Tradesman* (London, 1726), pp. 408-23, 292-312.

<sup>88</sup> *Genuine Memoirs of the Lives of William Morley and William Shutler*.

<sup>89</sup> See, for example, the account of the life of William Shutler – who was executed alongside Morley – which discusses his strategies of theft in great detail: *Genuine Memoirs of the Lives of William Morley and William Shutler*, pp. 15-32.

him executed.<sup>90</sup> A pamphlet entitled *The Life and Confessions of Benjamin Smith*, published after his death, depicts Smith's prosecutor as being a liar – a charge which is to some extent supported by the depositions.<sup>91</sup>

The forgery pamphlets' focus on the risks of trade and the often unreliable nature of prosecutions is hardly the sensational, emotionally-provocative approach which one finds in accounts of other crimes. Nor is it consistent with McGowen's assertion of the economic and cultural importance of forgery in the contemporary mindset. While accounts of forgery provided an opportunity for moralists to show the middling sort their vulnerability to temptation, they do not reinforce values relating to the use of money. It is vigilance against vice, not against forgery, which they encourage. This observation is particularly significant given the city's concern about its reputation as a place of trade.

## Conclusion

The cases discussed in this chapter reveal the difficult choice between declining a potentially lucrative sale and entering into a risky transaction that many retailers faced on a daily basis. While it should not, of course, be thought that all retailers behaved in the same way, the depositions do allow us to study several examples of retailers' decision making, examining how they balanced risk against the demands of commerce. In cases of shoplifting, deception and forgery, we can see that the conventions of retailing were manipulated for the purposes of crime, so that it was impossible to tell 'legitimate' customers from those who had the intention of appropriating property. The effect of this was that people of low status – labourers, servants, soldiers – were given items worth considerable sums.

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<sup>90</sup> *The Rev. Mr. Talbot's Narrative*, pp. 3-6.

<sup>91</sup> *Life and Confession of Benjamin Smith*, pp. 2-3. The depositions show that an innocent man was initially accused of committing Smith's crime. This man alleged that Smith's prosecutor was a 'drunken Fool': JQS/P/128/28.

As Julian Hoppit has argued, we should not see popular attitudes towards credit as being founded upon a rational and analytical economic 'logic' – indeed, in his view, the eighteenth century represented a time when traditional economic practices were confronted, but by no means superseded, by new forms of economic thought.<sup>92</sup> Just as contemporaries did not think about credit in simple 'cost-benefit' terms, nor did the shopkeepers of Bristol treat unreliable payments in this way. We have seen that it was actually the social interactions which surrounded the use of paper money – rather than the nature of the paper money itself – which had the strongest influence on whether a note was accepted. Even dirty and dishevelled notes drawn on distant banks were accepted by shopkeepers who perceived the utterer to tell a convincing story. When it came to evaluating the security of a note, or obtaining an endorsement on a bill, social ties between individuals were used. Shopkeepers wrote to their acquaintances, required that signatures of respectable persons be added to a bill, or visited the houses of those who issued them in an attempt to ensure their veracity. When tradesmen provided goods or coins in exchange for paper money some complex considerations relating to creating and maintaining business relationships could lead them to take a significant personal risk. From this it is clear that the concerns of Bristol's retailers and traders were not the same as those of the Bank of England. Just as John Styles has found that in Yorkshire counterfeit copper and debased gold coins were widely circulated because of the shortage of better alternatives and because of a lack of public concern about the consequences, so it was that in Bristol unreliable forms of paper money appear to have circulated quite freely, with retailers' fear of the gallows and their willingness to be vigilant against currency which undermined the British economy being less important than their desire to conduct trade in a context in

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<sup>92</sup> Julian Hoppit, 'Attitudes to Credit in Britain, 1680-1790', *Historical Journal*, 33 (1990), p. 321.

which coinage was scarce and in which transactions were frequently conducted between strangers.<sup>93</sup>

The use of paper currency had many parallels with the credit economy, which saw retailers making complex evaluations of 'creditworthiness' which arose as much from subjective assessments of reputation and appearance as they did from a detached analysis of risk.<sup>94</sup> The depositions which report offences which were eventually prosecuted as forgery share, therefore, many similarities with the cases of shoplifting and deception which were discussed in the first two sections of this chapter. Just as tradesmen had to evaluate whether their customers' credit and paper money could be relied upon, so the decision to allow a customer access to valuable items such as lace or ribbon could be based on the assessment of risk. Among shoplifters and deceivers, there are several examples in which high-value purchases occurred as precursors of crime. We can see that far from preventing acts of theft, the culture of polite retailing facilitated acts of crime. In almost all of the cases discussed here, the interaction between victim and perpetrator was an anonymous one, made between strangers. Participating in an economy in which forms of payment were unreliable and in which the nature of urban life meant that it was difficult to verify the character of a potential customer posed some difficult problems. In this chapter we have seen how these problems were negotiated.

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<sup>93</sup> Styles, 'Our Traitorous Money Makers', pp. 177, 210-12.

<sup>94</sup> Helen Berry, 'Polite Consumption: Shopping in Eighteenth-Century England', *Transactions of the Royal Historical Society*, 12 (2002), pp. 388-9.

## 5 Alehouses, pickpockets and the social side of stealing

While a city's larger inns might provide a place for political clubs to meet and for court sessions to be held, the alehouse – which was smaller and less genteel – also performed valuable social functions, making it of central importance to life in the eighteenth-century town.<sup>1</sup> For people who lived in cramped lodgings or who had no fixed abode, alehouses provided shelter, nourishment and a place to socialise.<sup>2</sup> Carl Estabrook has found that in 1760 Bristol's parishes had, on average, 32 alehouses each; in central areas this amounted to eight per acre. In total, 573 alehouses were licensed in the city that year. In some parishes there were more licensed alehouses than there were houses with kitchens.<sup>3</sup> Alehouses performed a variety of functions, from the simple sale of alcohol to the provision of accommodation for mariners, soldiers and tradesmen. They were, perhaps more than any other typical feature of the urban landscape, the landmarks which collectively mapped the city. Along with street names, they formed waypoints by which the town could be imagined and described. In an age where only a minority of buildings were numbered, there were many occasions where the location of a

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<sup>1</sup> Peter Clark, *The English Alehouse: A Social History, 1200-1830* (London, 1983), pp. 222-49, 306-33; Rosemary Sweet, *The English Town, 1680-1840: Government, Society and Culture* (Harlow, 1999), pp. 231-3. For a review of the literature relating to the political function of alehouses, see: James Brown, 'Drinking Houses and the Politics of Surveillance in Pre-industrial Southampton', in B. Kümin (ed.), *Political Space in Pre-Industrial Europe* (Farnham, 2009), pp. 61-2.

<sup>2</sup> Many dwellings in early-modern London had no facilities for the preparation of cooked food, forcing people to purchase cooked food: Sara Pennell, "'Great Quantities of gooseberry pye and baked clod of beef': Victualling and Eating Out in Early Modern London', in Paul Griffiths and Mark Jenner (eds), *Londinopolis: Essays in the Cultural and Social History of Early Modern London* (Manchester, 2000), pp. 230-1.

<sup>3</sup> Carl Estabrook, *Urbane and Rustic England: Cultural Ties and Social Spheres in the Provinces 1660-1780* (Manchester, 1998), pp. 48-9.

property was given as being on 'The Back next to the sign of the Cardiff Boat' or 'opposite the Bell in Lamb Street'.<sup>4</sup> The alehouse was not just a location of leisure activity, but a place which was essential to the economic life of the city. Without them, the prosperity of the city's port and markets would have collapsed.

Historians have recognised that many thefts occurred in alehouses, and have identified particular types of crime – such as the theft of valuable metal tankards, known as 'clank-napping' – which were distinctive to that location.<sup>5</sup> But it is nonetheless remarkable that, unlike places such as the house or the shop, the alehouse seldom receives much devoted attention as a subject of study from historians of crime. Nor has the question of the extent to which fear of crime influenced the operation of the alehouse received much attention. Of course, the reason why the alehouse has not received much attention from historians of crime may simply be due to the fact that previous researchers have had little of interest to say about them. However, in this chapter I argue that there are indeed worthwhile reasons for examining the relationship between alehouses and crime. Firstly, I argue that alehouses were a location in which social connections were formed and which provided an 'institution' that thieves could use. This mirrors their wider role in the life of the city. Secondly, I argue that the study of thefts from alehouses can show that crime could be an aspect of sociability. We should not see all thefts from alehouses as being premeditated, and nor should we see all crimes as being motivated by crude economic rationality.

This chapter extends this theme by considering pickpocketing as it occurred in the city's alehouses, public spaces and so-called disorderly houses. The consumption of alcohol appears to have been important in many of these cases, and the depositions contain some interesting revelations about perceptions of public space. As with alehouses, theft was something which occurred as part of other forms of social activity,

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<sup>4</sup> JQS/P/107/01/08, JQS/P/112/11.

<sup>5</sup> Clark, *The English Alehouse*, p. 198; Francis Grose, *A Classical Dictionary of the Vulgar Tongue* (London, 2<sup>nd</sup> ed., 1788).

and explaining why thefts occurred – and how victims perceived their experience of crime – cannot be achieved simply by recourse to simple considerations of risk and reward. Similarly, some of the sexual encounters in which pickpocketing occurred feature forms of economic interaction which are more complex than the simplistically-defined label ‘prostitution’.

The consequence of this is that we can identify two new approaches with which to examine the causes and nature of criminal activity. Considering the influence of institutions and sociability on crime is particularly pertinent to recent historiographical trends, which have sought to examine the kinds of structures which organised urban criminality.<sup>6</sup> While we can see evidence for the existence of relationships between thieves, many of these relationships endured only over the short-term. To write of community *ties* or social *bonds* risks, therefore, overstating the power of these things to restrict the nature of crime. By thinking about crime in terms of sociability, and by examining the way that institutions such as the alehouse played a role in uniting disparate individuals, it is possible to suggest some new ways that urban crime could have a social side.

This chapter also suggests that the significance of responses to crime needs to be interpreted with care. The depositions contain many examples of the use of owners’ marks and other signs to restrict the theft of tankards. To some extent these practices can be taken as evidence of alehousekeepers’ concern about crime, but I argue that they are actually indicative of the extent to which consumer preference and cultural practices could override the desire to prevent crime. This is a similar point to the one made in the previous chapter, since we will see that for both shopkeepers and

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<sup>6</sup> Paul Griffiths, ‘Overlapping Circles: Imagining Criminal Communities in London, 1545-1645’, in ‘A. Shepard and P. Withington (eds), *Communities in Early Modern England: Networks, Place, Rhetoric* (Manchester and New York, 2000), pp. 115-33; Heather Shore, ‘Undiscovered Country: Towards a History of the Criminal “Underworld”’, *Crimes and Misdemeanours*, 1 (2007), pp. 41-68.

victuallers, responding to crime forced some difficult decisions in relation to risk and the nature of retail/leisure culture.

## Theft in alehouses

The division of the alehouse's working space into several rooms, and the likelihood that a publican would be called away or distracted, meant that opportunities for crime frequently occurred. In this sense, the alehouse was unlike other frequently-reported locations of crime such as the house or the shop: in alehouses, strangers were permitted unrestricted access to valuable goods, despite the risks inherent in doing so.<sup>7</sup> An example of the opportunities that alehouses presented to thieves occurred in 1781 when Ann Barry bought a can (i.e. tankard) of beer from Sarah Watts: when Watts went to serve another customer, Barry left with the container, which was later valued at three pounds.<sup>8</sup> John Morris Powell did almost exactly the same thing in 1783, except that he stole a cup when the servant was getting coal from the cellar.<sup>9</sup> A cup worth £2 10s was supplied to a customer at the Jack of Newbury in 1779: he left, 'saying that he had to make water', and never returned.<sup>10</sup> There were many more cases where expensive items were reported as being stolen while employees were distracted, and the people who worked in alehouses were well-aware of the risk of theft.<sup>11</sup> In 1791, two men went to the Three Tuns on Old King Street and asked for ale and lodgings. Ann Vagg, the owner, reported that 'not likeing their appearance she watched their Motions'. Some time later the men asked for supper: Vagg said they could eat it in the parlour, because there was valuable plate in the bar. Vagg reported that she:

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<sup>7</sup> The value of stolen goods is, of course, contingent on the ability to sell them. Vigorous markets for silver existed, and the recycling of silver was common. Helen Clifford, 'A Commerce with Things: the Value of Precious Metalwork in Early Modern England', in M. Berg and H. Clifford (eds), *Consumers and Luxury: Consumer Culture in Europe, 1650-1850* (Manchester, 1999), pp. 152-3.

<sup>8</sup> JQS/P/73/07.

<sup>9</sup> JQS/P/80/07.

<sup>10</sup> JQS/P/31/02. Another example of this practice is JQS/P/74/3.

<sup>11</sup> JQS/P/74/03, JQS/P/79/7, JQS/P/87/04, JQS/P/95/01/10.

... went out to order the supper & direct the girl to the Meat in the Parlour. That she only went to the Parlour Doors gave directions & im[mediatel]y returned. That one of the men call[in]g himself Wm Broad came out of the Bar passed her & went to the street Door. That she instantly looked into the Barr, & missed a silver pint.<sup>12</sup>

So it was not the case that Vagg failed to suspect the two men, or that she failed to take actions to secure her property. Vagg correctly identified a risk, but was unable to guard against it. Vagg's case makes explicit a problem that was the cause of so many thefts from public houses: the maintenance of adequate security was often subjugated to the practicalities of running the alehouse itself.

It is worth thinking further about the way that drinks were served in public houses, since it is striking that such valuable tankards were used when the employees of alehouses were so clearly aware of the risk of theft. The depositions are, of course, fairly selective sources in that they concern thefts which were towards the more serious end of the spectrum – perhaps cheap drinking cellars also saw the frequent theft of earthenware cups, but such cases never appear in the depositions. Nonetheless, the use of silver tankards to serve beer, and the use of silver spoons in drinks such as gin and water, presents a conundrum: why were such valuable items used if the potential for crime was so significant? Indeed, the depositions make it clear that tankards and other valuables were often marked to deter their sale, showing that publicans were hardly unaware of the potential for their theft.<sup>13</sup> Several answers are possible. Firstly, one could argue that there were practical advantages to using silverware. It is difficult to sustain this argument based on practicality given that silver tankards were often worth more than four pounds and yet cheaper and more durable pewter containers could be used and cleaned in a similar way, and did not tarnish as easily either. Silver was not easy to clean, and the metal's softness meant that it was not particularly durable; this

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<sup>12</sup> JQP/P/123/32.

<sup>13</sup> One publican had all his tankards marked with consecutive numbers, for example: JQS/P/95/01/10.

meant that owners' marks could easily be rubbed out.<sup>14</sup> The second answer is that customer preference required that metal containers be used. Peter Clark has highlighted the popularity of silver containers in alehouses, and numerous popular prints – such as *Beer Street* (1751) by William Hogarth – show metal (if not silver) tankards being used as the default drink receptacle in idealised depictions of the tavern. It seems that similar cultural practices existed in Bristol.<sup>15</sup> The third possible reason why silver tankards were used is that they signified respectability. Alehouses were, after all, licensed by the magistrates, and thus the use of silver tankards by even fairly lowly drinking establishments may have arisen from the need to present a veneer of propriety, demarcating them from unlicensed or disorderly vendors.<sup>16</sup> The prominent declarations of loyalty to the crown and Bristol Corporation (which ran the quarter sessions and of which all the magistrates were members) made by the city's innkeepers and victuallers were perhaps also motivated by their desire to manage their relationship with the magistrates.<sup>17</sup> Furthermore, if expensive silver or pewter tankards were seen as items which it was necessary for licensed alehousekeepers to possess, then the amount of capital required to establish an alehouse would have been substantially increased. Appearing respectable and catering to the popular expectation for silver tankards was not necessarily just an issue of licensing and responsiveness to consumer choice, but also a way of excluding or marginalising competitors.

Of course, not all alehouses were the same, and it is likely that some did not serve drinks in silver containers. Others may have owned an assortment of silver, pewter and earthenware vessels, perhaps giving customers a container which matched their social status. But the depositions make it clear that 'calling for a can of ale' (or

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<sup>14</sup> JQS/P/36/06.

<sup>15</sup> Clark, *The English Alehouse*, p. 198.

<sup>16</sup> For the kinds of requirements to deal with disorderly behaviour which were made by alehouse licenses, see Brown, 'Drinking Houses and the Politics of Surveillance', p. 67.

<sup>17</sup> Broadside declaration of loyalty made at the Bush Tavern, 4 January 1793, signed by 680 'inn-keepers, vintners, victuallers and wine-merchants' in British Library, Cup.21.g.34/2.

Burton) was the standard way to order a drink.<sup>18</sup> We must reinterpret the practice of adding marks to tankards in order to discourage their theft. These marks certainly do show that there was a desire to prevent theft, but they should not be taken as evidence that it was a primary concern. The use of valuable silver and pewter tankards in even fairly down-market alehouses shows the opposite to be the case, with the response to crime being of secondary importance to meeting customers' expectations by conforming to the standard cultural practices of the alehouse.

Aside from a large number of tankards which were directly supplied to customers, thieves also took advantage of lax security around the storage of the public house's silver plate and tableware.<sup>19</sup> In one case it was the publican himself who alerted the thieves to the presence of a plated pint mug, by putting it away in a cupboard in the room in which they were sitting.<sup>20</sup> Samuel Sammerell reported that he 'became acquainted with the Prisoner Thomas Scott soon after he came to Bristol by drinking with him at a Publick House'. Both lodged with Edward Neal at the White Lyon in Tucker Street: Neal had previously bought stolen goods from Sammerell, and informed him that there was a public house at Bedminster (the Full Moon) which was unoccupied at night. Sammerell and Scott went to the Full Moon for some ale so that they could investigate what the building contained. Neal also told them about the Three Cups and Salmon, a public house in Bedminster that was only occupied by a widow: after paying it a visit, Sammerell and Scott decided to burgle the Three Cups and Salmon instead. Several days later, they went to the Three Cups and Salmon at 5pm, drank two pints of ale, and poisoned the house's dog. They left shortly after 8.45pm, then returned at midnight with a chisel and an iron bar. They entered through the kitchen window, broke into the bar, then forced open the cupboard where the

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<sup>18</sup> JQS/P/73/07, JQS/P/187/05, JQS/P/192/09. This was partly because certain types of containers were associated with certain volumes of drink: a 'dobbin' was a small container, for example.

<sup>19</sup> JQS/P/48/01/07.

<sup>20</sup> JQS/P/77/08.

establishment's valuable plate was located.<sup>21</sup> A problem faced by alehouses was, therefore, that thieves could easily find out (if they did not know already) what was inside them, what security measures existed and where the valuables were kept.

These thefts from alehouses had a number of shared characteristics: strangers were legitimately able to have access to a building, valuable goods were entrusted to their possession, surveillance was sufficiently lax that they were able to steal. It is not my intention here to argue that these characteristics were unique to thefts from alehouses. The depositions show that houses and shops could also be open to strangers and stocked with valuable goods which were entrusted to outsiders. In the next chapter, we will see how the dual-function of houses as both dwellings and workplaces meant that often the practicalities of economic activity meant that domestic areas (containing valuable items) were opened to outsiders. However, while alehouses were not the unique possessors of the risk factors identified above, these risk factors were much more strongly associated with the typical, *intended* features of the alehouse than they were of the house or the shop. While householders sought to regulate the access which strangers had to their homes, and while shopkeepers attempted to secure their valuable goods, alehouses were supposed to admit strangers, and to provide them with an intimate and surveillance-free atmosphere.

Amanda Vickery has argued that the increasingly intensive use of lockable doors, windows and boxes reflects historical trends towards limiting theft and defining the boundaries of the home.<sup>22</sup> In the case of alehouses, we can see that actually anti-theft technologies were used because the security of property was not a primary concern – had alehousekeepers been primarily concerned about limiting their exposure to crime, they would not have served drinks to strangers in silver cups.

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<sup>21</sup> JQS/P/52/? (30/08/1775).

<sup>22</sup> Amanda Vickery, 'An Englishman's Home is His Castle? Thresholds, Boundaries and Privacies in the Eighteenth-Century London House', *Past & Present*, 199 (2008), pp. 163-73.

## Alehouses as social institutions

The alehouse was not just a place where crime occurred, but somewhere that offenders met and where they devised their crimes. It was also a place to gather after an offence, and a place where stolen goods could be sold. In other words, it was not just the opportunities for theft that public houses presented which linked them with crime: they also offered social functions to criminals, in the same way that they were used by ordinary people as place of trade and sociability. In the early 1780s James Paul came to Bristol and became involved in petty crime. In 1784 a previous accomplice introduced him to six men at the Red Lion in Castle Street: the group split in two, half meeting at an unnamed public house on Marsh Street, and the other half meeting at the Admiral Rodney public house on Prince Street. The two groups went, together, to a nearby warehouse which they burgled. They then took the various valuable things that they had stolen to a house on Lawrence Hill. The next day, everything was packaged up, taken to the White Hart Inn in Broad Street, and sent to London.<sup>23</sup> Here we can see just how important public houses could be to the execution of a crime. James Paul met his accomplices in a public house, set-out on a burglary from a public house, then (presumably) received profits from stolen goods which were transported to London through a public house. In 1794, John Steward – a carpenter – reported that:

... he went to the Bear and Ragged Staff near Peter Street to get some ale, that when he went in he there saw the other person now in Custody whose Name is Daniel Waters drinking that after some little time the said Daniel Waters asked this Examinant how work went this Examt told him but sparingly, Waters said that he knew where to get a Shilling or Two, this Examinant asked him how long it would be about, he said they could earn the Two shillings in Two Hours, Waters then said it was to go to Saint Pauls he knew where to get some lead...<sup>24</sup>

At a time of recession in the city's building trade, it is hardly surprising that people like

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<sup>23</sup> JQS/P/91/01/03/01.

<sup>24</sup> JQS/P/131/15.

Steward were intrigued by mysterious offers of 'Two shillings in Two Hours'.<sup>25</sup> There are other depositions which show people getting involved in crime in a spontaneous manner. This might have been because they were drunk, or because they simply allowed themselves to become swept up in the activities of a group. For example, in 1792, Robert Edwards, a mariner, met several people in the Ship and Castle on Marsh Street. When providing testimony, he was only able to name some of them, indicating that they were unfamiliar to him. They all went to a warehouse nearby and stole a substantial quantity of sugar.<sup>26</sup> This case is different to that of James Paul, therefore, in that Edwards met his accomplices for the first time shortly before the crime. The Ship and Castle was not used intentionally by criminals, but it still facilitated crime.

As these examples show, the alehouse was a place which could stimulate the initial genesis of a crime. Alehouses were used to recruit accomplices and sell stolen goods, but they could also stimulate crimes in a more spontaneous way. For example, in 1792 William James was drinking with some friends at the Crab in the Well in Temple Street. While walking home from there, past midnight, two of his companions said that there was a shop nearby which could be burgled. They failed to open its shutters, so went around the town, trying to open other buildings.<sup>27</sup> In 1773, Cornelius Leary met John Ryan and Isaac Barratt (the latter for the first time) in an alehouse. While walking to another alehouse, they picked a man's pocket. Later in the evening, after drinking some more, they left an alehouse, and Barratt swore 'he would have the first Fellow's money he should meet with'. They robbed two people, then returned to a public house on Marsh Street.<sup>28</sup> What is the role of the alehouse here? No one was recruited in an alehouse, and the crime was not planned in an alehouse. However, in

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<sup>25</sup> J. R. Ward, 'Speculative building at Bristol and Clifton, 1783-1793', *Business History*, 20 (1978), p. 14.

<sup>26</sup> JQS/P/123/50.

<sup>27</sup> JQS/P/129/22.

<sup>28</sup> JQS/P/49/01/? (16/09/1773).

both these cases, the alehouse caused a group of men to be together, in town, late at night. Crimes like burglary and robbery required several individuals, some to act as lookouts and others to provide physical strength. Alehouses caused these groups to be gathered together, so that while a crime may have been unplanned and opportunistic in nature, it was the alehouse which created a key precondition for it.

Returning to the case of James Paul and his burglarious accomplices, we can identify another important characteristic of the alehouse: it was a fixed location where meetings could be made by criminals who had already decided to commit a crime. In James Paul's case, he met his accomplices for the first time at an alehouse and (shortly before the crime) his gang split into two groups and assembled at two alehouses. This latter usage – as a gathering point – was an important general function of the alehouse: it allowed people with no fixed address, or people who could not be reliably encountered at their fixed address, to have a place where they could be contacted in the town. In 1784, Jeremiah Boyle became involved with a group of criminals who had committed several thefts around the city. One Sunday they met at a public house, and agreed to leave Bristol and rob a post-chaise on the highway.<sup>29</sup> Again, we see criminals who did not live together, but who were acquainted, using a public house as a meeting place immediately before their crime. In 1770, Ann Smith was persuaded by a woman named Hannah (surname unknown) to obtain goods from a linendraper under false pretences: the two met again at an alehouse after the crime, and Hannah took the fraudulently-obtained things into the country.<sup>30</sup>

The crime committed by Ann Smith and her accomplice required only one visit to a public house; in other cases, the use of alehouses was much more complex. When James Pearce from Henbury (a village near Bristol) tried to have his kinsman murdered in 1783, he tried to persuade James Miller to do the deed for him. With neither Pearce

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<sup>29</sup> JQS/P/91/02/05/02.

<sup>30</sup> JQS/P/31/44.

nor the would-be murderer living in Bristol, they arranged to meet at various alehouses at designated times. When Miller lost his nerve and failed to carry out the murder, Pearce demanded that he return to Bristol on the next Monday and meet him at an alehouse. Miller recruited Thomas Evans at an alehouse in Henbury, and went to Bristol with him. They drank and slept at several alehouses, arranged further meetings with Pearce (at alehouses), and then went to an alehouse before intending to commit the crime: the murder itself was never carried out.<sup>31</sup> The depositions which survive in the Bristol quarter sessions records present a constellation of different alehouses, linked together by the numerous journeys and meetings made by Miller, his employer and his accomplice. As I argued above, it was not only criminals who used alehouses in this way, since public houses were crucially important institutions to the economic and political life of the city. Nonetheless, this widespread usage of alehouses as social institutions does not detract from their use by criminals: we can say that they *facilitated* crime, just as they made economic activity more efficient and political organisation more dynamic.

Another precondition to crime was the willingness to commit theft. Criminologists have shown that offenders typically travel only very short distances to commit crime, with their everyday movements strongly shaping where their crimes will occur.<sup>32</sup> One study has found that only a third of offenders make a journey to a specific location in order to steal.<sup>33</sup> As some of the examples discussed above have shown, there are many cases which suggest that unplanned opportunism was the main reason why a theft occurred. When flirtatious behaviour led to pickpocketing, for example, we should not necessarily assume that theft had been premeditated from the outset. Witnesses reported that they had been robbed by people with whom they had

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<sup>31</sup> JQS/P/82/? (various dates). Some of these depositions are included as an appendix in *Gaol Delivery Fiats*, pp. 122-9.

<sup>32</sup> Anthony E. Bottoms, 'Place, Space, Crime and Disorder', in M. Maguire, R. Morgan, *et al.* (eds), *The Oxford Handbook of Criminology* (Oxford, 2007), pp. 543-5.

<sup>33</sup> *Ibid.*, p. 545.

been drinking all evening.<sup>34</sup> Similarly, the theft of tankards may have been something which arose out of alehouse bravado. In 1781, for example, Thomas Woodward reported that Philip Boswell ‘swore he would have the Silver Cup that was standing on the same table he was Drinking at’, and could not be dissuaded from taking it.<sup>35</sup> It is noticeable that many thieves finished their ale before stealing its container; some even had several pints before doing so.<sup>36</sup> Sometimes crime was a social activity, or at least a part of it. This is further illustrated by the rather speculative way that some people went about theft. In 1771, a boy named William Spice was recruited as an accomplice by a man who approached him while he was playing with a spinning top in Queen Square; the man bought Spice several ales in a beer cellar, before asking him to go stealing with him.<sup>37</sup> On another occasion, some people who played cards together decided ‘to go out and steal what they could’.<sup>38</sup> Ale was used both to lure people into crime, and to pay-off accomplices. In 1783, Thomas Jones reported that he was walking along the Back when James Leary – a complete stranger – approached him and said that he would give him some victuals if Jones helped him carry a load to his uncle’s house. Jones eventually committed a burglary with Leary.<sup>39</sup> Offers of food and drink could, therefore, be a way to make contact with potential accomplices, and to reward them for their cooperation.

In a pamphlet appealing for clemency that was released shortly after his capital conviction for burglary, William Hungerford argued that he had never intended to break the law, but had been ‘in liquor’ when James Leary forced him to help commit a

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<sup>34</sup> JQS/P/38/04, JQS/P/93/09, JQS/P/101/09, JQS/P/143/01.

<sup>35</sup> JQS/P/73/02.

<sup>36</sup> JQS/P/123/32, JQS/P/142/07, JQS/P/151/13, JQS/P/164/01/02. In one deposition, a man stole from a house which he had visited numerous times: JQS/P/129/12.

<sup>37</sup> JQS/P/31/? (29/07/1771).

<sup>38</sup> JQS/P/36/10.

<sup>39</sup> JQS/P/83/01/05/02.

burglary. He wrote that Leary, knowing he had a weakness for alcohol, encouraged him to go to a public house, where:

As soon as my associate thought me properly inebriated, he desired I would rise and take a walk with him which I accordingly did. On our way he broke the matter to me, proposing that I should assist him; but this I positively refused. However I went with him, forming resolutions all the way, not to be accessory[sic] to any crime of the kind...

Hungerford, 'being intoxicated with liquor', eventually helped to carry the stolen goods away.<sup>40</sup> With Hungerford writing while under sentence of death, his attempt to emphasise Leary's responsibility needs to be treated with scepticism. However, in this case it is not Hungerford's truthfulness that is at issue, but the contemporary ideas and discourses that he plays upon in his pamphlet.<sup>41</sup> Hungerford states that he was originally a pious Methodist, but that '*Drinking and BAD COMPANY*' had led him into the belief that he was 'under no restraint from MAN'.<sup>42</sup> The depositions contain accounts of people who became violently enraged while drunk, and of men who were so intoxicated that they presented very easy targets to pocket-picking women.<sup>43</sup> Drunken brawls also ended in theft.<sup>44</sup> Finally, it is worth noting that being visibly drunk could attract the attention of the nightwatch, which could lead to arrest for other crimes. John Clough was arrested for coining in 1772 when he drunkenly tried to force a landlord to accept a fake guinea.<sup>45</sup> Benjamin Williams was arrested when he brought the nightwatchmen a quantity of ale as a gift, and was found with stolen money upon

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<sup>40</sup> James Alexander, *An Interesting Narrative of some Memorable Circumstances Relating to the Present Case of Wm. Hungerford* (Bristol, 1790), pp. 7-8. The title page names James Alexander as author, but the text is present as if by Hungerford himself, in the first person.

<sup>41</sup> For more on changes ideas about the extent to which drunkenness mitigated guilt, see: Dana Rabin, 'Drunkenness and Responsibility for Crime in the Eighteenth Century', *Journal of British Studies*, 44 (2005), pp. 457-77.

<sup>42</sup> Alexander, *An Interesting Narrative*, pp. 6-7. For Defoe's view of the corrupting properties of gin, see: *Second Thoughts are Best: or, a Further Improvement of a Late Scheme to Prevent Street Robberies* (London, 1729), p. 5; Henry Fielding, *An Enquiry Into the Causes of the Late Increase of Robbers* (Dublin, 1751), pp. 10-17; Rabin, 'Drunkenness and Responsibility', p. 457.

<sup>43</sup> JQS/P/58/03, JQS/P/101/17; JQS/P/114/? (07/09/1789).

<sup>44</sup> JQS/P/194/02.

<sup>45</sup> JQS/P/36/22.

him.<sup>46</sup>

A difficult question is whether certain alehouses were well-known as locations of thieves. The image of the alehouse which is generally presented by the depositions is that of one run by an honest publican who had been the victim of crime. However, there are instances which show that people spoke openly in alehouses of crimes which they had committed, and even conversed with publicans about them. In 1783, for example, Stephen West boasted openly that he had robbed a Welshman.<sup>47</sup> Mary Cottle also openly admitted that she had just been seen stealing from a house.<sup>48</sup> The importance of alehouses as a place to sell stolen goods should certainly not be ignored. In chapter 6 I argue that the city offered many opportunities for the informal sale of stolen property. Alehouses were a particularly important location for this, in that they offered a place where anonymous transactions could occur. In 1786, for example, Eleanor Hamilton reported that she was sitting in a public house when Thomas Moone asked her to sell a stolen silver tankard for him: this fits with the important role of ‘intermediaries’ identified in chapter 6.<sup>49</sup> The depositions show that alehouses were also places in which other informal economic activity occurred. Clothes dealers sold their wares from alehouses, for example, while publicans also provided services such as washing clothes.<sup>50</sup> It is unsurprising that stolen goods circulated in this arena.

## Pickpocketing and personal contact

As well as stealing items which belonged to the alehouse, thieves also targeted alehouses’ patrons, since alehouses were places where members of the public were likely to have valuable items on their person. For example, in 1786 Watkin Bowen came

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<sup>46</sup> JQS/P/38/04.

<sup>47</sup> JQS/P/101/09.

<sup>48</sup> JQS/P/87/05.

<sup>49</sup> JQS/P/99/23.

<sup>50</sup> JQS/P/36/10; JQS/P/43/25.

to Bristol to sell his cattle, then went to a public house near Bristol Bridge with a purse containing 48 guineas. He was robbed by two men who pretended that they were interested in buying his livestock.<sup>51</sup> In other words, the use of public houses as places of transaction meant that money and valuable goods could be reliably found in them. Furthermore, the public house allowed the close physical contact that was necessary to perpetrate acts of pickpocketing. While pickpocketing certainly did occur in the streets, in public houses crimes were more audacious, because of the different types of physical contact that the latter place offered. Street-based pickpocketing was essentially a covert activity, while the close contact between individuals which occurred in alehouses meant that in some cases the thief made no attempt to conceal the fact they were stealing their victim's property. In two separate cases, a pocket watch and a guinea were taken simply by snatching them from the victim's hand.<sup>52</sup> In 1791 two men took a watch out of Thomas Salter's pocket, then ran off to a house in Portwall Lane. Salter followed them, but was unable to get his property back.<sup>53</sup> Similarly, in 1795 Thomas Ivery had his hat taken from his head by two women he was drinking with: they ran away to a house in Tower Lane, and Ivery followed them and was robbed again.<sup>54</sup> Legally, these thefts cannot be regarded as pickpocketing, since they did not occur 'privately' (that is, without the knowledge of the victim). But in this section, a more general definition of 'pickpocketing' is used, since it is really the nature of interpersonal contact which is of interest, rather than the categories of the law.

While chapter 3 reviewed the relationship between crime and maritime trade, we should realise that mariners were also the victims of crime. Alleged thefts from mariners were often of comparatively high sums. In 1782 Serang Adam – a mariner in the East India trade – lost a purse containing 99 pieces of foreign gold worth £30, two

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<sup>51</sup> JQS/P/101/09.

<sup>52</sup> JQS/P/63/? ( 20/11/1779); JQS/P/69/06.

<sup>53</sup> JQS/P/123/22.

<sup>54</sup> JQS/P/147/12.

guineas, and a silver watch to a woman in a Marsh Street alehouse; in 1792 James Hall was robbed of three guineas and some silver in similar circumstances.<sup>55</sup> Women flirted with mariners in order to steal their money, and prostitutes were well-placed to do the same. One reason why mariners represented a tempting target was that ships' articles dictated that mariners could only receive their wages once their ships had completed their voyages.<sup>56</sup> Many recently paid-off mariners would have had few places more secure than their own pockets to store their temporary wealth – it is perhaps for this reason that farmers and traders who came to Bristol on business were also targeted by pickpockets. Furthermore, the transient nature of active mariners' residence in the city meant that for many a formal prosecution would have been impossible, since their work meant they would not be able to appear in court.<sup>57</sup> This provides another reason why alehouses were apparently a popular location for pickpocketing.

Literary sources often asserted that it was the bustle and busyness of the town which caused pickpocketing to be such a problem. *The New Cheats of London Exposed* advised that for those seeking to keep their wealth safe:

The most effectual method I can prescribe, is to avoid all crowds, which are frequently raised by these means, and if you go to places of public resort, leave every thing valuable behind you, and always be upon your guard.<sup>58</sup>

Looking at the depositions, we can see that Bristol's pickpockets certainly did target busy areas. Alongside the warnings about pickpocketing in the fair which were both issued and received by Bristol's Corporation sit reports of crimes which actually happened there.<sup>59</sup> In 1788, for example, Richard Buffin observed two boys

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<sup>55</sup> JQS/P/76/01, JQS/P/127/02.

<sup>56</sup> W. E. Minchinton (ed.), *The Trade of Bristol in the Eighteenth Century*, Bristol Record Society Publication 20 (Bristol, 1957), p. 170.

<sup>57</sup> Recognizances from this period typically bound prosecutors to appear in court with a penalty of £40 for failing to appear.

<sup>58</sup> *New Cheats of London Expos'd* (London, 1792), p. 22.

<sup>59</sup> TC/Adm/Box/32/06; TCLB, pp. 331-2.

systematically trying to pickpocket in the crowded fair ground.<sup>60</sup> In 1799 Thomas Legg had his watch stolen while standing in a crowd of people watching ‘two boys fighting’ in St James’s Churchyard, where the city’s most prominent fair was held.<sup>61</sup> The fair brought thieves of both genders to the town, and in one letter received by the town clerk it was reported that two women were coming from London to steal at the fair, their practice being to ‘dress like Tradesman’s Wives’ in order to steal.<sup>62</sup> Every year the city hired extra constables to deal with the problem.<sup>63</sup> All Saints Market was another area which generated many reports of pickpocketing.<sup>64</sup> The reason why these locations experienced pickpocketing were two-fold. Firstly, markets and fairs – like alehouses – were places of transaction, which meant that some acts of pickpocketing could yield substantial returns. Secondly, they placed many people in close proximity to each other, which allowed theft to occur. Fairs were not the only locations where both these factors could be reliably found. *The New Cheats of London* argued that pickpockets also ‘frequent places of public worship, that are generally crowded through fashion, or the popularity of the preacher, from which they frequently carry off a good booty.’<sup>65</sup> In 1771 James Mitchell confessed that he had stolen ‘a Dozen or two’ handkerchiefs in the city’s churches, and that he had taken ‘Eight Handkerchiefs at one time’ at St James’s fair. On a separate occasion he confessed that he had taken three handkerchiefs at a single church service.<sup>66</sup> Like the fair, church services provided a situation in which valuable goods could be reliably accessed and stolen. The court sources also show that some specialised forms of pickpocketing activity took place. For instance, pickpockets

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<sup>60</sup> JQS/P/109/08.

<sup>61</sup> JQS/P/165/23.

<sup>62</sup> TC/Adm/Box/32/06.

<sup>63</sup> For an example of the petitions which were sent annually to the Corporation requesting payment for these constables, see: F/Ac/Box/81/07 (1770).

<sup>64</sup> JQS/P/98/04, JQS/P/100/13, JQS/P/162/14, JQS/P/33/30, JQS/P/48/01/03, JQS/P/50/01/? (12/04/1775).

<sup>65</sup> *New Cheats of London Expos’d*, p. 21.

<sup>66</sup> JQS/P/31/18-20.

roamed St James's Fair using sharp knives to cut open pockets and bags.<sup>67</sup> They also worked in groups of two or more. One would create a distraction, while the other would steal.<sup>68</sup>

Both men and women pickpocketed in crowded public areas, but alongside these crimes sit a body of depositions which describe 'sexualised' pickpocketing which was exclusively committed by women. In 1786, a farmer named John Bray from Devon reported that he had been at the fair in Bristol, and in the evening went to a public house to hear a fiddler play. Bray reported that he had £110 in his pocket, and that a woman named Susanna Milledge 'frequently attempted to sit on his Knee which he Endeavor'd to prevent'.<sup>69</sup> Unsurprisingly, Milledge stole the money. While it is reasonable to describe the close physical contact seen in the depositions as 'sexualised', it should not be assumed that these women were prostitutes (in itself a problematic term) since there is no direct evidence that they exchanged money for sex. However, there are depositions which show a more direct relationship between pickpocketing and the sale of sex. In 1785 William Ellis alleged that the keeper of a disorderly house on Tower Lane had received a stolen watch and gold ring from a woman who worked there as a prostitute.<sup>70</sup> A deposition made by James Cook in 1785 reveals something of the financial relationship between prostitutes and the keepers of disorderly houses. He stated that he went to a house in Tower Lane with £2 19s 6d in his pocket, and went to bed with Elizabeth Hill. The owner of the house, Elizabeth Driver, brought some gin up to them before they went to bed; Cook said:

That when he so awakened he found sd Elizh Hill was gone and the Moneys taken out of his Breeches Pocket .... And this Informt further saith that sd Elizh

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<sup>67</sup> JQS/P/48/01/18.

<sup>68</sup> JQS/P/109/08.

<sup>69</sup> JQS/P/101/15.

<sup>70</sup> JQS/P/94/23.

Driver well knew the purpose for which this Inft and said Elizh Hill went to bed together in her sd House and received a Shillg as a Consideration.<sup>71</sup>

Similarly, in 1770 Archibald Owen reported that Elizabeth Moore 'gave the said Mary Porter for the use of the Room during the time this Informant & the said Moore were together One Shilling': Moore's revenue from the meeting was seventeen shillings that she stole from Ellis.<sup>72</sup>

Sometimes several women worked together in order to commit theft, but alongside these sources sit depositions which show the thief apparently working alone – again, it should not be assumed that these women were prostitutes. For example, in 1791 Thomas Franklin reported that Hannah Swan picked his pocket at a Tower Lane alehouse, but made no mention of anyone else being involved.<sup>73</sup> In 1779 Jane Thompson 'accosted' Samuel Palmer and asked him to take her to a public house, after which they went to the Rope Walk and had sex, with Palmer giving Thompson sixpence; at some point Thompson stole Palmer's purse and watch. There appears to have been some sort of exchange of money for sex in this case, but 'prostitution' is probably not the best word to describe it. The deposition shows that Thompson operated alone, and lived alone in lodgings.<sup>74</sup> Similarly, in 1785 John Clewett had his pocket picked by Martha Reed at her apartment after she had propositioned him on the street, while James Hall was pickpocketed by a woman operating out of lodgings 'rented by herself'.<sup>75</sup> In 1776 Thomas Power had his watch taken by a woman whom his shipmates had brought back to his ship one night.<sup>76</sup> While the woman actively sought out the opportunity to steal – by disturbing him in the night and climbing into his hammock – there is again no evidence of organised prostitution or the payment of 'a

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<sup>71</sup> JQS/P/94/22.

<sup>72</sup> JQS/P/30/01.

<sup>73</sup> JQS/P/123/27.

<sup>74</sup> JQS/P/63/05.

<sup>75</sup> JQS/P/94/06, JQS/P/127/02.

<sup>76</sup> JQS/P/67/05.

Shilling as a Consideration', like that mentioned by James Cook above.<sup>77</sup>

Daniel Defoe wrote earlier in the century that men who were pickpocketed in this manner 'deserved no better usage'.<sup>78</sup> The reasons which people gave to explain how they came to be in a disorderly house are, therefore, of interest. While some testimonies make no attempt to conceal the purpose of the victim's visit, several others use terms like 'decoyed' (in particular) and 'diverted' to explain how they came to enter the house. For example, in 1788 Edward Penting said that:

... on the Eighteenth day of December last he was decoyed into a House in Duck Lane in the parish of Christ Church in this City by the Girl now present giving his Name Elizabeth Moody, that he lay down on a Bed with the said Moody and went to sleep.<sup>79</sup>

In 1783 Timothy Pritchard was also 'decoyed' into a Tower Lane house by Ann Tuck, but made no attempt to leave once he was there.<sup>80</sup> Sampson True said that 'Ann Swan forced this Informant into her House in Tower Lane and locked the Door' before robbing him.<sup>81</sup> She did the same to Bartholomew Moore eighteen months later.<sup>82</sup> In both these cases the manner of the reported robbery is ambiguous. While both men reported being 'forced' into the house and being locked inside, both also implied that they stayed for a considerable amount of time and engaged in sexual relations. Sampson True states that Swan 'pulled this Informant down upon her on a Bed and unbuttoned this Informants Breeches'. He only noticed that his money was missing when he left. Similarly, Moore states that:

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<sup>77</sup> The general impression from the depositions is, therefore, one which is supportive of Tony Henderson's assertion that only a 'small minority' of women ever worked in the kind of brothel depicted by moralising writers and artists: Tony Henderson, *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis, 1730-1830* (London, 1999), pp. 28-9.

<sup>78</sup> Daniel Defoe, *The Fortunes and Misfortunes of the Famous Moll Flanders* (London, 2<sup>nd</sup> ed., 1722), p. 238.

<sup>79</sup> JQS/P/107/01/19.

<sup>80</sup> JQS/P/80/03.

<sup>81</sup> JQS/P/132/03.

<sup>82</sup> JQS/P/147/? (01/10/1795).

... whilst he was in the said House the said Ann Swan several times put her hands into this Informants Breeches Pocket, that after he came out of the House he missed out of his pocket a half Guinea

Knowing how much credibility we should give to these testimonies is difficult, but the consistency with which encounters with the women of Tower Lane were described is in itself of interest. Some men alleged a more substantial degree of ill treatment, arguing that they were physically forced inside and assaulted. In 1787 Thomas Cole was walking along Tower Lane when Mary Jenkins:

... laid hold of him and forcibly pulled this Inft into such house and fastened the door but whether with a bolt or Lock this Informt cannot tell and being there she Prevailed on this Informant to go up stairs.<sup>83</sup>

Jenkins and her accomplices forced Cole to give them money, and made his head 'very bloody'. It is also notable that when terms such as 'decoyed' are not used, men still reported that they were invited into Tower Lane's houses by women on the street.<sup>84</sup> It is clear that the 'disorderly houses' which were established along the street were by no means discretely shielded from those walking past.

These findings are particularly significant in two respects. Firstly, contemporary opinion stated that prostitutes and disorderly houses constituted a morally threatening and corrupting influence, distracting people from their work and the path of virtue.<sup>85</sup> In 1792 a riotous mob attacked one of the Tower Lane houses, while in 1785 the grand jury's presentment also criticised the scale of prostitution in the city.<sup>86</sup> The rhetorical use of terms like 'decoyed' in the depositions reinforces contemporary representations of prostitution, and appears to reflect a significant trend in public opinion about disorderly houses. The term 'decoy' as it pertains to prostitution can be found in a

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<sup>83</sup> JQS/P/110/? (24/09/1787).

<sup>84</sup> JQS/P/94/22, JQS/P/112/19, JQS/P/123/45.

<sup>85</sup> Henderson, *Disorderly Women*, pp. 166-77.

<sup>86</sup> JQS/P/129/09, JQS/P/95/01/02. Two of the rioters were convicted but later reprieved, indicating some sympathy with the rioters: TNA HO 47/17/78 (f. 352).

variety of texts from the period.<sup>87</sup> Secondly, we can see how different types of urban space could overlap and interact. Prostitution was not just something experienced in the darkened bedchambers of disorderly houses, but by those who walked through the city at night. Furthermore, the depositions show that pickpocketing was associated with a range of 'sexualised' behaviours which did not involve prostitution or sexual intercourse. The alehouse was a particularly important location for this.

## Conclusion

In this chapter we have seen how alehouses fostered forms of sociability which led to, and supported, criminality. They brought groups of men together at times conducive to burglary and robbery; they sold alcoholic drinks which could be used to pay accomplices; they provided a place where those who intended to commit crime could meet; they offered the intimacy and physical contact which were essential to acts of pickpocketing; and they provided an informal market for stolen goods. While the evidence for quasi-formalised gangs or for highly-organised groups of criminals in Bristol is weak, this does not mean that we cannot see social relations and interpersonal associations as being important aspects of crime. The use of alehouses as places for thieves to meet is one example of this, but so is the practice of pickpockets sharing a portion of their profits with the housekeepers who accommodated them.

Just as rigid notions of community are only partially useful in describing social connections between criminals, explanations of crime which rest on simplistic economic reasoning are also problematic. Using the *Proceedings of the Old Bailey*, Lynn Mackay has argued that much of female criminality was motivated by the need to participate in networks of credit exchange in which clothing – as much as cash – was

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<sup>87</sup> The *OED* finds the first use of the term in the 1637 play *The Lady of Pleasure* by James Shirley, which features a procuress named 'Madame Decoy'. William Hazlitt wrote of the 'common lodging-house decoy' in his *Liber Amoris* (London, 1823) in a manner which is strikingly reminiscent of the term's usage in Bristol [p. 20].

an important medium of account.<sup>88</sup> In Bristol it certainly was the case that clothing was commonly stolen, and that significant numbers of women were prosecuted. However, the situation appears considerably more complex. Explanations which see theft as being motivated either by crude self-enrichment or the participation in community economies fail to appreciate other potential reasons of crime. Sometimes there was no obvious reason for theft – or at least the motivation might have had little to do with ‘making shift’ or community. When some men received the proceeds of selling stolen goods, for example, they spent the money on beer.<sup>89</sup> A man used fake bank notes to pay for a marriage service, as well as several trips to alehouses, and was executed for doing so.<sup>90</sup> In the examples of people who pickpocketed while drunk, or who stole because of bravado, a similar lack of prior materialistic motivation can be detected. Furthermore, we can see that the forces of civic governance were not the only institutions which existed in the city. Alehouses also performed functions which helped deal with the scale and chaos of urban life. In the absence of strong community ties, people could still associate, and commit crime in a quasi-organised way.

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<sup>88</sup> Lynn MacKay, ‘Why They Stole: Women in the Old Bailey, 1779-1789’, *Journal of Social History*, 32 (1999), p. 630.

<sup>89</sup> JQS/P/129/04.

<sup>90</sup> JQS/P/157/04.

## 6 Houses, theft and the routines of everyday life

The significance of contemporary concern about theft from houses is seen in the way that the simple offences of grand and petty larceny were augmented by numerous narrowly-defined crimes from which benefit of clergy was withdrawn. This organised the different ways that houses could be stolen from in a hierarchical manner. At the top of the hierarchy was burglary, which was defined as breaking and entering a house during the night with the intention to steal.<sup>1</sup> The jurist Henry Dagge wrote that burglary should be harshly punished because of ‘the terror it occasions’, while William Blackstone gave another justification: it exploited the fact that at night an Englishman had ‘rendered his castle defenceless’ by going to sleep.<sup>2</sup> Patrick Colquhoun wrote that burglary was an attack on political liberty, since it meant that people could not even feel safe in their own homes.<sup>3</sup> Housebreaking was essentially the same offence as burglary, except that it occurred during daylight.<sup>4</sup> If the house was empty, benefit of clergy could be obtained for thefts worth less than five shillings.<sup>5</sup> Beneath burglary and housebreaking on the scale of seriousness was stealing goods above the value of forty shillings from a dwelling house, which was also non-clergyable. This offence was

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<sup>1</sup> This was the main definition of burglary, but were also several other situations when it applied, such as when a criminal hid themselves in a house with the intent to break out, or when someone broke a window and reached through: William Blackstone, *Commentaries on the Laws of England*, vol. 4 (Oxford, 1769), p. 224.

<sup>2</sup> Henry Dagge, *Considerations on Criminal Law*, vol. 2 (London, 1774), p. 152; Blackstone, *Commentaries*, pp. 224-8.

<sup>3</sup> Patrick Colquhoun, *A Treatise on the Police of the Metropolis* (London, 1800), p. 2.

<sup>4</sup> John Beattie, *Crime and the Courts in England, 1660–1800* (Oxford, 1986), p. 162.

<sup>5</sup> Richard Burn, *The Justice of the Peace, and Parish Officer*, vol. 2 (London, 1755), p. 104.

created in 1713, following the fear that servants were stealing their employers' property.<sup>6</sup> 'Pious perjury' frequently made this distinction irrelevant, but this does not diminish the symbolic legal importance of theft from houses. Certainly burglars and housebreakers tended to receive harsher sentences than thieves in general, and were one of the few groups of criminals who were executed in eighteenth-century Bristol.<sup>7</sup> This tendency was also seen on the national scale.<sup>8</sup>

This enshrinement of domestic security in the criminal law was accompanied by a much broader cultural assertion of the inviolability of the household boundary. Contemporary political doctrine held that the 'Englishman's house is his castle', in the sense that the home could not be invaded by agents of the state without following due process.<sup>9</sup> Amanda Vickery has argued that a general emphasis on the importance of maintaining secure and private domestic space had a profound influence on household organisation. In her view, the physical nature of the house, the way that social relations within it were regulated, and the way that authority was structured were strongly influenced by the desire for security.<sup>10</sup> While this view does not undermine Vickery's previous critique of the separate spheres model, she does argue that the home encapsulated space which was distinctively domestic and which was to a significant extent organised around the pursuit of privacy and security. Rather than upholding a rigid and deterministic model of domestic 'privacy', Vickery argues that it is worthwhile also to look 'at the capacity and mechanisms to achieve seclusion and

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<sup>6</sup> 2 Anne, c. 17: *An Act for the More Effectual Preventing and Punishing Robberies that Shall Be Committed in Houses* (London, 1713), p. 1; John H. Langbein, 'Shaping the Eighteenth-Century Criminal Trial: A View From the Ryder Sources', *University of Chicago Law Review*, 50 (1983), p. 22. Burglary and housebreaking were never clergyable, regardless of the property value.

<sup>7</sup> See Table 10.3, p. 241.

<sup>8</sup> Peter King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford, 2000), p. 174; Gwenda Morgan and Peter Rushton, *Rogues, Thieves and the Rule of Law: Problem of Law Enforcement in North-East England, 1718-1820* (London, 1998), pp. 70-1; Beattie, *Crime and the Courts*, pp. 161-2.

<sup>9</sup> Amanda Vickery, 'An Englishman's Home Is His Castle? Thresholds, Boundaries and Privacies in the Eighteenth-Century London House', *Past & Present*, 199 (2008), pp. 155-6.

<sup>10</sup> *Ibid.*, pp. 147-8.

withdrawal, refuge, security and secrecy'.<sup>11</sup> Tim Meldrum has argued, in a somewhat similar manner, that accounts which rest heavily on the study of probate inventories or architectural plans risk being highly deterministic, producing models of privacy which are excessively rigid and which have questionable chronology.<sup>12</sup> Christoph Heyl has presented the argument that the early eighteenth-century London home saw the construction of symbolic physical defences such as railings, columned doorways and areas which enforced the privacy of the home.<sup>13</sup> This may well have been an important trend within metropolitan domestic architecture but, as Meldrum's comments imply, we should be careful about drawing conclusions about domestic life from such evidence.

This creates some issues which would benefit from further investigation. Firstly, more attention could be given to how security technology was used. As I argue, there are clear temporal variations in strategies of crime, which suggests that models of intensive domestic privacy may only have had relevance at night. We must ask how mechanisms for security and privacy functioned, and how they failed. The study of crime committed by domestic servants – whose presence in the household was a constant source of contemporary complaint – provides an opportunity to do this.<sup>14</sup> Secondly, there is value in considering the extent to which the house was a distinctive location of crime. As I argue, the study of thefts committed by servants and apprentices reveals that those who worked in the home were uniquely placed to steal; their employers were also uniquely placed to investigate these thefts.

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<sup>11</sup> Ibid., p. 152; Amanda Vickery, 'Golden Age to Separate Spheres? A Review of the Categories and Chronology of English Women's History', *Historical Journal*, 36 (1993), pp. 393-401; Amanda Vickery, *The Gentleman's Daughter: Women's Lives in Georgian England* (New Haven, 2003), pp. 3-11.

<sup>12</sup> Tim Meldrum, *Domestic Service and Gender, 1660-1750: Life and Work in the London Household* (Harlow, 2000), pp. 76-8.

<sup>13</sup> Christoph Heyl, 'We Are Not At Home: Protecting Domestic Privacy in Post-Fire Middle-Class London', *London Journal*, 27 (2002), pp. 15-16.

<sup>14</sup> Daniel Defoe, *Every-body's Business, is No-body's Business* (London, 1725), pp. 6-8; Jonathan Swift, *Directions to Servants in General* (London, 1746), pp. 54, 63.

In this chapter these issues are considered by grouping thefts from houses into two sets: thefts committed by outsiders, and those committed by insiders. The last group is comprised almost entirely of servants and apprentices. The former includes people who entered houses on social visits and on business, and those who entered houses without the consent of their occupants, such as burglars. These groups are fundamentally different, and there are issues which are only of pertinence to one of them. How servants managed to gain access to a household is not, for example, a question of any importance, whereas the question of how petty thieves did so is of great interest. There are, however, some important issues which connect these two very different perspectives on crime. The first is the extent to which security was an important consideration in the home: this is a question which applies both to the treatment of servants, and to the house's place within the wider city. The second considers the relationship between the social environment of the home and urban anonymity. As Henry Fielding argued, the trouble with servants in London was that their characters could not be judged, and they could easily abscond after having committed theft.<sup>15</sup> These assertions will be considered in relation to Bristol – but the depositions also show that ascertaining the trustworthiness of *visitors* to the home could be difficult too.

## Burglary

Burglaries could occur in a variety of locations, but it was the private dwelling house which was most strongly associated with burglary in the contemporary mind. As contemporaries argued, the most important security measure that could be implemented was the strong locking door – a feature of the house which, as Amanda Vickery has argued, was the focus of a complex set of socio-cultural practices.<sup>16</sup> The depositions imply that the use of strong doors was an effective approach to take

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<sup>15</sup> See note 89.

<sup>16</sup> Vickery, 'An Englishman's Home is His Castle?', pp. 153-4.

against crime, as there are very few cases in which a burglar is reported to have entered a house by forcing its door open.<sup>17</sup> This is not to say that doors could not be opened in theory. Indeed, one member of a gang admitted to having entered a number of warehouses in this way. However, he also mentioned that his gang employed this strategy only when a certain criterion was met: that the targeted warehouse was empty.<sup>18</sup> There were only a small number of cases where a pick-lock or false key was used.<sup>19</sup> Locked doors were an effective protection against crime not because they were invincibly secure, but because the loud and time-consuming methods needed to open them were often unappealing to burglars.

Such a finding is not duplicated when we look at the much larger quantity of crime reports where a window was the entry-point used by burglars. These crimes show that a house did not always have to be uninhabited for burglars to target it. Clearly, burglars did not consider damaging a window to be as risky as damaging a door. This was because windows had fatal weaknesses that were not present in doors. In particular, the popular system of covering the window with wooden shutters that were fastened from the inside with a metal pin was open to exploitation.<sup>20</sup> A standard approach was to force the window open, as revealed by a 1781 deposition:

... sd Barry after seeing that no Person was about laid hold of the Bolt of the Window Shutter and turned it round upon which the Pin dropped out whereupon he pulled out the Bolt and slung same into the Ashes which done he pulled down the Shutter of the Window...<sup>21</sup>

A burglar might also try to reach into the window bay and pull out the pin.<sup>22</sup> The glass panes or quarrels which were fitted in many windows were small enough that they could be knocked out with an elbow; a person could climb through if a sufficient

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<sup>17</sup> JQS/P/99/17-18.

<sup>18</sup> JQS/P/93/19.

<sup>19</sup> JQS/P/123/50, 91/01/03/01.

<sup>20</sup> JQS/P/80/01, 67/15, 68/11.

<sup>21</sup> JQS/P/68/11.

<sup>22</sup> JQS/P/112/14.

number were removed.<sup>23</sup> Larger panes of glass could also be removed, usually by damaging the frame so that they could be lifted out.<sup>24</sup> Some window frames could be unscrewed, but simply breaking them was a quick method that did not require specialist or cumbersome tools.<sup>25</sup> For example, in 1784 James Paul and others:

... Broke a pane of Glass in the window and afterwards forced open the Window shutter sd Crowder went in whilst this Exam.t. stayed in the street on the Watch sd Crowder brought out with him Three pounds and Fifteen shillings in half pence & a Pair of Pockett Pistols and some Candles...<sup>26</sup>

A very similar crime when an hostler called William Spiller broke a window frame with his knife and removed two quarrels.<sup>27</sup> In many of the examples cited here the crime was only discovered by the residents of the property the next morning: criminals were confident that they could enter a house that they had opened without being discovered or, worse, killed. Indeed, the court records contain only limited evidence that burglars saw the family inside a house as a threat. In one case, a burglar – providing evidence against his accomplices – stated that his gang saw lights inside a house, and decided not to burgle it immediately. Rather than abandon the burglary altogether, they hid in a pigsty and waited until the lights were extinguished.<sup>28</sup> It was not, therefore, the fact that the house was occupied which initially deterred them, but that it would be foolish to burgle a house in full view of its occupants.

The ease with which windows could be broken made them an attractive target, and shutters were especially appealing because the broken window could be covered over if the nightwatchman came. For example, in the confession already quoted above, it was stated that:

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<sup>23</sup> JQS/P/67/12, JQS/P/68/11, JQS/P/91/01/06, JQS/P/67/15, JQS/P/91/02/05/02.

<sup>24</sup> JQS/P/93/14.

<sup>25</sup> JQS/P/91/01/03.

<sup>26</sup> JQS/P/80/01.

<sup>27</sup> JQS/P/67/15.

<sup>28</sup> JQS/P/80/01.

... the Watchmen were then coming down and Barry put up the Window shutter as it was before in order to prevent a discovery and that all three of them went to hide in some Freestone then in the street until the Watch had passed. That after the way was clear, Barry & Harding went up to the Window Shutter and took it down and cleared away the broken Glass that was left in the Square of Wood in the Window...<sup>29</sup>

In 1784 William Bond was arrested because a neighbour of the house that was robbed spotted him loitering outside it while an accomplice was stealing inside.<sup>30</sup> There are many more examples of this practice.<sup>31</sup> The crucial point is that, ideally, criminals would have worked alone: as many of these examples show, it only took one person to conduct the actual burglary. Working with an accomplice had several disadvantages, such as reducing each individual's gain.<sup>32</sup> It also meant that there was an extra witness who – under threat of death – might be persuaded to 'turn king's evidence'.<sup>33</sup> The depositions suggest, therefore, that perceived threats from the street were an important influence on the nature of crime. Accomplices were used as 'lookouts' not to prevent the occupants of a house from becoming aware that they were being burgled, but to ensure that the streets were clear while a burglary was taking place. Windows offered an ideal point of entry because they could be opened rapidly, but also because stealing from them could be relatively inconspicuous. Window panes could be knocked out with an elbow, or the frame could be taken apart.<sup>34</sup> More dexterous criminals scored the glass with a knife or even a diamond, and then knocked out the central part of the

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<sup>29</sup> JQS/P/68/11.

<sup>30</sup> JQS/P/92/01/16.

<sup>31</sup> JQS/P/115/08, JQS/P/93/13, JQS/P/123/50, JQS/P/95/01/25, JQS/P/107/01/18.

<sup>32</sup> For example, when a group of men entered a warehouse in Marsh Street, one of them recalled that: 'Michael Neal being then filling his bag [with sugar], Thos Neal pushed him away and said "damn your Eyes let me fill my bag first I have a greater right than you for I first found it out" [JQS/P/123/50]. In this case, as is in several others, it was one of the perpetrators who was providing the court with a statement.

<sup>33</sup> *Ibid.*; James Alexander, *An Interesting Narrative of Some Memorable Circumstances Relating to the Present Case of Wm. Hungerford* (Bristol, 1790), pp. 7-8.

<sup>34</sup> JQS/P/68/11, JQS/P/91/02/05; JQS/P/93/14.

pane.<sup>35</sup> Francis Grose gives a name to the practice – starring the glaze – and the term actually was used by Bristolian thieves.<sup>36</sup>

## Daytime thefts by outsiders

The material presented in the previous section offers some insights into the nature of burglary in Bristol, but its significance also rests in the striking contrast that exists between acts of burglary and other thefts from the home. The depositions show that, during daylight hours, the fact that a house was occupied did not always deter thieves, and indeed the actions of some suggest that they were confident that they could deal with the people they might encounter inside. The picture is, therefore, one of profound temporal variation.

Not only were houses poorly secured in the daytime, but labour and social practices meant that it was often impossible simply to tell whether someone was a criminal or not. The depositions show that people who stole from houses sometimes exploited the home's function as a place of business and leisure to commit theft. For example, in 1781 a man simply walked into a baker's house unannounced. A servant reported that he entered the house and:

... without speaking to any one there went into a back Parlour and soon after retired from thence into the street. That this Informt observing him, following him to the Door and ask'd him his Business, to which he answer'd that he wanted one Captain Johnson. And this Informt also saith that the Diaper Table Cloth now produced value 1s is her said Master's property and was upon a table in the aforesd back Parlour just before the said Prisoner came in there as aforesaid.<sup>37</sup>

In this case, a domestic space was accessed by exploiting a household employee's lack of knowledge about who should be trusted with access to it. While the servant was suspicious of the man's intentions, the excuses that he provided – plus the very fact

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<sup>35</sup> JQS/P/115/07, JQS/P/129/22; *Felix Farley's Bristol Journal* (6 April 1782).

<sup>36</sup> Francis Grose, *A Classical Dictionary of the Vulgar Tongue* (London, 2<sup>nd</sup> ed., 1788); JQS/P/91/02/05/.

<sup>37</sup> JQS/P/75/2/02.

that he was able to walk straight into the house's back parlour – indicate that such behaviour was not entirely abnormal. Another man gained access to the upstairs rooms in a public house by pretending to be ill and asking 'to go up stairs to lie down on the Bed as he was grogy'.<sup>38</sup>

As I argued in chapter 4, an important shoplifting strategy involved distracting a shopkeeper by asking for something and stealing while his or her back was turned. In the case of thefts from houses, criminals also employed strategies which aimed to exploit everyday business and social transactions to create opportunities for crime and reduce the chances of capture. A 1789 deposition gives an example of this:

[Ann Jenkins says that:] Catherine Morgan and Catherine Martin and Elizabeth Morris and Elizabeth Clark went to a House near Saint John's Gate, that said Martin and Morris went into the House whilst this Informant remained outside and Morris and Martin was in the Kitchen talking with the Servant that said Martin and Morris brought out of the House the Cotton Gown Linen Apron, Woollen Petty Coat and one Cotton Shaul and other things that said Martin took all the above things and pawned the petty coat with a person in Temple Street<sup>39</sup>

This case is not the only example of using everyday activity to provide a distraction. A similar crime occurred in 1790 when Jane Fidoe admitted that she went to a house and offered some mackerel for sale. While her customer went upstairs to fetch some money, Fidoe stole a spoon.<sup>40</sup> In this case, then, the risk of detection was *managed* by the thieves, who created an opportunity for theft. There are other examples of this. In 1798, Ann Dade sat with Sarah Fone in the latter's garret, helping her to cut out some linen. Sarah Phillips came up twice during the time they were there, and on both occasions asked 'some trifling questions'. Fone went down at 5pm, and found her dining room in disorder. She reasoned:

... that from the circumstance of the said Sarah Phillips's having twice came up stairs to this Informant in the Garrett, seemingly to watch whether this Informant was there or no, and the plate being left as aforesaid on the table not taken away

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<sup>38</sup> JQS/P/98/07.

<sup>39</sup> JQS/P/110/07.

<sup>40</sup> JQS/P/123/09.

she this Informant verily and in her conscience believes that the said Sarah Phillips was the person who broke open the said Bureau and took from thence the said Bank Bills and Cash<sup>41</sup>

Here we can see how the awareness of the routines and practices of the home by a potential thief helped them to ensure that they were not caught.

In other cases it was not necessary to use social engineering to enter a house, since they were not locked anyway. In 1783 Hannah Scriggens entered a house and took a sheet, and was only caught when she was seen leaving the house by a man on the street.<sup>42</sup> Similarly, a decade later Hester Lowle was caught leaving a house with a basket of linen: she had entered the house, gone upstairs, and come down again without being detected.<sup>43</sup> It was probably the case that thieves would have preferred to leave houses as quickly as possible, but the depositions show that some thieves had no fear of entering rooms which were not on the ground floor, and which required passing through one or more rooms to enter. In 1784 Thomas Heath, an apprentice, reported that:

... on the second day of this Instant August as this Informant was at work in his said Masters shop he observed the person now present giving her Name Catherine MacClausty coming down the stairs and upon going to her he charged her with having robb'd the House and upon searching he found Nine Linen Sheets and a plush waistcoat on the first Pair of Stairs which thing he saith had been brought from one of the Garratts by the sd Catherine MacClausty as no other person was in the House but this Informant his fellow apprentice and the Servant maid.

In addition to this report, there is an account by Abraham Mogg, a bystander on the street who helped interrogate the suspects:

... McClausty said the other Woman meang sd Cottle had pulled off her shoes and stock[ing]s and went up stairs and bundled up the Linnen and put a pair of Silver buckles therein and then sent her up to fetch 'em down.

These depositions reveal, therefore, that MacClausty was not the only person to enter

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<sup>41</sup> JQS/P/160/05.

<sup>42</sup> JQS/P/79/03.

<sup>43</sup> JQS/P/129/13. Similar thefts: JQS/P/86/24, JQS/P/87/05, JQS/P/92/01/10, JQS/P/94/04.

the house: Cottle entered barefooted and prepared the stolen goods, then MacClausty went in to remove them.

This rather unexpected behaviour suggests that we should not assume that it was the rooms nearest a house's entrance which were most 'open' to theft during the daytime. In the case of MacClausty and Cottle, it appears that finding a way to remove stolen goods without being caught was a bigger concern. Furthermore, it is noticeable just how seldom certain rooms were stolen from during the daytime. Out of over 280 offences which involved theft from a house, only two involved theft of items from a kitchen. In 1780, *Felix Farley's Bristol Journal* reported that daytime thefts from upstairs bedchambers were very high.<sup>44</sup> It is difficult to argue that stolen goods markets significantly influenced this pattern, since kitchens contained many valuable items, such as copper kettles, textiles or silver plate, which could be sold with ease. Nor is there much value in the argument that the people who stole from kitchens were less likely to be caught, since the reason why many people were arrested was because they had tried to sell stolen goods, or because they had been stopped on the street: those who stole from kitchens would have had as much chance of arrest as anyone else. The consequence of this is that patterns of theft present a negative picture of room usage: kitchens were busy during the daytime, while bedchambers and parlours were not.

Almost all the examples cited so far have involved theft from unlocked houses. The only examples where this was not clearly the case were those in which the criminal entered a house by deceiving the victim. The implication is, therefore, that poorly secured houses were common enough to make searching for them worthwhile. This inference is very difficult to evaluate, since the depositions do not report instances when crime failed to happen because a door was locked. There are no reports of street doors being broken down or windows being smashed during the daytime which, given the number of depositions which survive, suggests that lockable doors and windows

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<sup>44</sup> *Felix Farley's Bristol Journal* (17 February 1780).

did provide a modicum of security. However, in a densely-constructed city, finding an unlocked door might be easy given enough time. There is some direct evidence which suggests that open houses were relatively common. For example, in 1781 when the fraudulent behaviour of Robert Rogers was exposed, he 'ran down some steps in Pipe Lane and got into a House where he locked or Bolted a door to the way agt [his pursuer]'.<sup>45</sup> The ease with which he was able to find an unlocked building, while being pursued, suggests that the Pipe Lane house was not atypical. Similar evidence is provided by a deposition from 1784, in which Mary Cottle is reported to have entered several houses in Denmark Street – which was not a particularly long thoroughfare – and stolen a kettle from one of them.<sup>46</sup>

Why were so many of the buildings discussed here left unlocked despite the presence of locks? In some cases the answer must simply have been complacency, but this is not the only explanation. There is evidence to suggest that properly securing houses during the daytime was too impractical to be feasible. A significant reason for this was the way that keys were managed. Rather than all members of the extended 'household-family' being trusted with a key, it tended to be the case that only the most senior members of the house – the master, mistress and perhaps a head servant – were entrusted with them.<sup>47</sup> Consequently, the many servants, apprentices, shop assistants, charwomen, laundresses and others whose business involved going in and out of the house all day long would have been severely inconvenienced by the need to request that the door be unlocked every time they went out. This situation was satirised by Jonathan Swift, who wrote of how servants might have to leave the house fifty times in a morning. He sarcastically advised them to leave the street door open, so that they

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<sup>45</sup> JQS/P/68/09.

<sup>46</sup> JQS/P/104/05.

<sup>47</sup> Vickery, 'An Englishman's Home is His Castle', pp. 156, 162.

could get back in without disturbing their master.<sup>48</sup> The testimony of Margaret Pritchard, a servant, suggests that this did indeed occur:

Yesterday she had several occasions to go out of her master's house and on her return she saw John Wisehammer and Thomas Webber, both boys, running out of the house.<sup>49</sup>

The implication here is that she was not able to lock the door behind her, thereby allowing the two boys to enter the house with ease. In one case, a man was forced to lend his key to a workman because his back yard could only be accessed through his house: the workman used the opportunity to rob him.<sup>50</sup> Similarly, many of the examples cited above feature domestic spaces which adjoined an inn or a shop, or which were part of a larger building complex: maintaining a secure street-door was impossible in these situations.<sup>51</sup> It is ironic that householders' strict management of keys might actually have facilitated crime, since the very purpose of their behaviour was to try to reduce it.

The cases discussed above have all concerned incidents in which it was householders who were the victims of crime, and in which the dwelling house was the unit of space which was violated. However, there were many cases in which lodgers reported that they had been victims of crime, and the depositions which they produced depict very different approaches to theft. In particular, the fact that lodgings were contained within larger dwellings meant that the social strategies seen above were not employed. Lodging rooms were stolen from opportunistically, and in some cases they were forcibly broken into, but there are no depositions which report that economic transactions or the use of lodgings as a place of work were exploited to commit theft. In 1782, a lodger stole the furnishings of his room, nailed its door shut and left the property. The owner of his lodgings took several days before she broke the door

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<sup>48</sup> Swift, *Directions to Servants*, pp. 10, 15-16, 56.

<sup>49</sup> JQS/P/87/09.

<sup>50</sup> JQSP/P/92/01/26.

<sup>51</sup> JQS/P/79/13.

open.<sup>52</sup> In 1801, Thomas Cromer stole clothing and bedding from the owner of the house in which he lodged. He left it in his room, where it was not found until eight days later, when the room was searched after Cromer had been caught wearing the breeches in public.<sup>53</sup> Despite these cases which suggest that lodgers' spaces were respected, lodging rooms and apartments were still vulnerable to theft because they could be broken into without arousing attention – unlike houses. When lodgings were left unlocked, they were even more vulnerable to theft. As John Styles has shown, lodging rooms were increasingly furnished with consumer goods, indicating popular demand for such items.<sup>54</sup> In Bristol items such as tea kettles, silver spoons and expensive linens were stolen from furnished lodgings.<sup>55</sup> However, the depositions also suggest that the demarcation between lodgers' quarters and that of the house could be very blurred, so that the contents of lodging rooms were as much for the use of the house rather than its lodgers. For instance, in 1783 John Lewis reported that his chest had been broken open and that a large purse containing several guineas had been taken out – the chest had been stored in William Barnes's lodging room.<sup>56</sup> In 1774 a woman received a furious letter from a Salisbury clothier demanding to know why she had stored his goods – which she had been paid to store for him until the next fair – in the same room as a lodger.<sup>57</sup> Other lodgings provided little more than a bed in a shared room.<sup>58</sup> Those who could do so locked their doors, but in crowded lodging rooms they slept with their money in their pockets or beneath their pillows.<sup>59</sup> While a 1691 statute

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<sup>52</sup> JQS/P/77/? (09/11/1782). See also: JQS/P/100/04, JQS/P/196/01/09.

<sup>53</sup> JQS/P/187/02.

<sup>54</sup> John Styles, 'Lodging at the Old Bailey: Lodgings and their Furnishing in Eighteenth-Century London', in J. Styles and A. Vickery (eds), *Gender, Taste, and Material Culture in Britain and North America, 1700-1830* (New Haven, 2006), pp. 71, 75.

<sup>55</sup> JQS/P/55/01, JQS/P/196/01/09.

<sup>56</sup> JQS/P/82/08.

<sup>57</sup> JQS/P/45/04.

<sup>58</sup> JQS/P/48/01/17.

<sup>59</sup> JQS/P/94/22, JQS/P/109/02; JQS/P/67/03.

created 'theft from furnished lodging rooms' as a specific offence, we can see that such 'rooms' could in some cases be poorly demarcated, and contain items which neither belonged to nor were for the use of the renter.<sup>60</sup>

The first conclusion which can be drawn from the material presented in this section is, therefore, that it is difficult to apply any sort of model to the overall picture of theft from houses. While security may have been an important consideration in domestic culture and may indeed have had an important influence on the way that domestic social life was organised, the practical exigencies of everyday life meant that many houses were highly vulnerable to crime. The use of the home as a place of transaction and sociability meant that security technologies such as the locking door were to some households of limited relevance. Christoph Heyl's work on the ways that living space in post-fire London's terraced houses was divided and secured may have some value in relation to that particular subset of properties, but we should not generalise these ideas – which primarily concern cultural conceptions of domestic space and the use of it by the metropolitan elite – to the very diverse range of dwellings seen in Bristol.<sup>61</sup> Furthermore, the great diversity in the forms of domestic space means that it is difficult to see coherence in the way that crime was experienced or guarded against. While for some the 'castle doctrine' may have been an important way that domestic space was both conceived and organised, the evidence relating to theft from lodgings shows that the demarcation between different spaces could be very blurred. For the poorest lodgers the boundaries of privacy were practically non-existent. Of course, it is important not to argue that *all* houses were unsecure: perhaps some householders and their servants were very conscientious about ensuring that doors were locked and that strangers were carefully watched; but this was not universally the case.

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<sup>60</sup> Styles, 'Lodging at the Old Bailey', p. 66.

<sup>61</sup> See note 13.

## 'Insiders' and theft

Working and living in the household of an employer presented servants and apprentices with many opportunities for crime which were not available to ordinary people. Even fairly meagre houses contained goods which were of considerable value, and there was little that employers could do to prevent those in their employment from accessing them.<sup>62</sup> Perhaps the most striking example of this is given by a deposition from 1783, in which William Sladen, a silversmith, reported that he left '200 guineas and upwards in a leather bag, five hundred ounces of silver, and a quantity of unfinished silver buckles' in a chest in the garret of his home while he went into the country. The chest was locked and the key was entrusted to his wife.<sup>63</sup> While such measures may have been an effective method to prevent theft by burglars, Sladen's servants and apprentices – who slept in the same room as the money – were eventually able to break into the trunk. So, one way in which the crimes of servants and apprentices were differentiated from those of ordinary criminals is that they could use their place within the household to commit crimes that only those with sustained access to the domestic interior could perpetrate. While servants committed a substantial number of acts of pilfering and appropriation, their thefts could also be extremely serious. Indeed, some of the largest thefts which are reported in the depositions concern thefts by 'insiders'. As Sladen's report shows, care was taken to secure items of high value, but his apprentices were well-placed to steal these goods. Another example of this is given by the theft of bank notes. The most serious theft of this item in the period studied occurred in 1783, when James Bevan lost £61 to his servant. Thomas Eagles had a £10 bill of exchange stolen by his servant, and there are

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<sup>62</sup> The evidence from early eighteenth-century probate inventories shows that even households of modest wealth owned 'luxury' possessions such as clocks and watches: Carl Estabrook, *Urbane and Rustic England: Cultural Ties and Social Spheres in the Provinces 1660-1780* (Manchester, 1998), pp. 134-9; Paul Glennie and Nigel Thrift, *Shaping the Day: a History of Timekeeping in England and Wales, 1300-1800* (Oxford, 2009), p. 125.

<sup>63</sup> JQS/P/82/21.

several other examples of thefts of £10 or more.<sup>64</sup>

One reason for servants' effectiveness as thieves was their ability to incorporate acts of theft into their everyday work routines, which made their crimes very difficult to prevent. Some householders were aware that their goods were going missing, but were unable to make any specific accusations until they finally found proof that identified the culprit.<sup>65</sup> Indeed, sometimes householders remained unaware that a crime had taken place until long after the event. For example, in 1777 Edward Brown lost a large quantity of goods from both his house and warehouse – he only suspected his servant when her new landlady reported to him that a large quantity of textiles was in her possession.<sup>66</sup> Shopkeepers used marked money to investigate whether their employees were stealing, but there was no equivalent trap that householders could use.<sup>67</sup> The downside of this was that suspicion sometimes immediately fell upon the servant: when Thomas Smith lost over £54 in cash in 1794 he immediately suspected his servant, since only she and his wife knew that the money had been recently placed in a locked cupboard.<sup>68</sup>

This is not to say that employers did not try to secure their goods from their own employees. As Amanda Vickery has argued, the servant's lockable box was often its owner's only portion of secure space in the home – this has its direct parallel in the lockable bureaux or chests of drawers into which employers emptied their pockets and deposited their possessions each night.<sup>69</sup> Just as servants' boxes could easily be forced open by employers in the course of a criminal investigation, so employers' most secure spaces could be violated by their servants. For example, in 1783 Lettice Saunders was

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<sup>64</sup> JQS/P/91/02/? (11/12/1784); JQS/P/91/01/02; JQS/P/92/01/05; JQS/P/137/01/08; JQS/P/58/13.

<sup>65</sup> Ibid; JQS/P/31/19; JQS/P/54/? (07/02/1776); JQS/P/68/08, JQS/P/92/01/14.

<sup>66</sup> JQS/P/58/15. Also: JQS/P/31/19, JQS/P/92/01/14, JQS/P/99/03.

<sup>67</sup> JQS/P/132/06, JQS/P/137/01/13, JQS/P/147/10.

<sup>68</sup> JQS/P/137/01/08.

<sup>69</sup> Vickery, 'An Englishman's Home is His Castle?', p. 166.

able to steal banknotes from her master's locked bureau; he was unable to explain how she did this until a key was found inside her locked box.<sup>70</sup> In several other cases, servants either stole a key or used a pick-lock, obviating the need to break in.<sup>71</sup> Such activity certainly was accompanied by spontaneous and opportunistic stealing – but the point is that the depositions show that nowhere was safe from the criminal designs of a motivated servant. Even the lock and key, which were invested with great symbolic importance, gave only partial protection.<sup>72</sup> Crucially, it was not just the fact that eighteenth-century locks were technologically flawed which rendered them ineffective, but that the exigencies of running a household made it very difficult for employers to keep effective control over their keys.<sup>73</sup> An example of this is given by a deposition from 1799 in which Thomas Bowdick reported that:

... he hath at sundry times within the Space of a year last past lost several Keys vizt the Key of his warehouse and shop, the Key of the side door to this dwelling house and the Key of his parlour door...<sup>74</sup>

The keys were found in the box of his servant, along with a set of pick-locks. This source reveals that it was not just the fact that locks could be picked which made them vulnerable, but that a dedicated servant could obtain the keys required to open them.<sup>75</sup> If keys could not be stolen outright, then locks could have 'false keys' made for them. A confession made by a banker's clerk details the process of breaking into a large iron trunk. First he obtained a rough, key-shaped 'Investment of iron according to a pattern, cut in paper' from a local blacksmith, and then:

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<sup>70</sup> JQS/P/82/13.

<sup>71</sup> JQS/P/45/08, JQS/P/68/10, JQS/P/86/23, JQS/P/91/02/? (11/12/1784), JQS/P/107/01/17, JQS/P/165/? (20/07/1799). Locks picked by lodgers: JQS/P/82/08.

<sup>72</sup> Vickery, 'An Englishman's Home is His Castle?', p. 170.

<sup>73</sup> For a contemporary discussion of locks' flaws, albeit from someone with a vested interest in the issue, see: Joseph Bramah, *A Dissertation on the Construction of Locks* (London, 1785?), pp. 9-10.

<sup>74</sup> JQS/P/165/? (20/07/1799).

<sup>75</sup> Other examples: JQS/P/93/05, JQS/P/58/13.

... endeavoured to take off the impression of the Wards of the Lock of the Iron Chest by introducing a piece of Card edgeways & pressing the Card agt the wards, which served him as a guide to file out ye wards in the Iron instrument which he had obtained.<sup>76</sup>

Doing all of this took several weeks. The important point is, therefore, that servants and other employees could use the long-term access to locks which they enjoyed to steal in a much more assertive way than those thieves who had to break or talk their way into a home. Employees' constant presence in the home meant that even a small failure of security could have costly consequences.

There are several cases in which servants returned to the houses of their former employers to steal from them. Sometimes the physical damage done to the house, and the goods which were stolen, led the victim immediately to suspect that their former servant was responsible. For example, in 1784 John Lambeth returned to the house of William Carr, whose service he had left five months previously. Lambeth followed a chaise into the property, then concealed himself for several hours; he retrieved a meat cleaver from the kitchen, then used it to break into the drawer of Carr's desk. When Carr awoke to find his money stolen, he immediately suspected Lambeth.<sup>77</sup> The significance of this is that no ordinary criminal would have been able to perpetrate such an offence: it was Lambeth's knowledge of how the house was used, where items were kept, and which valuables would be available, which enabled him to perpetrate such a complex act of burglary. The accusation against Lambeth is not the only example of this practice. Martha Cambridge returned to her mistress's house eighteen months after she had left her service: she also secreted herself inside, and stole after dark.<sup>78</sup> In 1773 William Tucker burgled a man who had dismissed him three weeks previously, while William Hooper reported that he had 'lost at different Times many Things out of his House' – James Francis, whom he had dismissed as his servant a year

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<sup>76</sup> JQS/P/165/18.

<sup>77</sup> JQS/P/93/05.

<sup>78</sup> JQS/P/36/12.

before, had been found concealing himself in the house.<sup>79</sup> The single feature which unites this diverse body of crimes is the fact that they represent a category of offences which were committed only by those people who resided within the household. Just as servants could use their unique place in their employer's home to steal their most carefully guarded possessions, so they could also conduct burglaries which no normal criminal would be able to commit. Their detailed 'inside knowledge' of the layout and functioning of the household meant that they could target a wide range of goods.

This does not mean, however, that we should see servants' crimes as being confined to the household. The wider context of servants' crimes had an influence on the strategies that they employed. In other words, the urban location of the houses where servants lived was important. When servants committed crimes, strategies were employed by both victim and offender that did not occur in other cases. For example, a very common scenario was when a servant stole something and – rather than attempt to conceal the crime – chose to abandon their position. In a deposition of 1784, a familiar situation was recounted:

That a few days ago she put Ten Guineas in a Wine Drinking Glass which was in a Closet in a parlour in the house of the said Matthew Concanen situate in Jacob Street in the said City of Bristol and she last saw the said money in the said Glass on Friday morning the fourteenth day of this instant May; This Informant also saith that she saw one William May who was then a yearly hired servant Lad to the said Matthew Concanen go into the said parlour about the middle of the day of yesterday being the fourteenth day of May aforesaid, and after he had been there a few minutes he came out again and went out of the house and has ever since absconded from his said Service.<sup>80</sup>

The practice of absconding is relatively unusual among the depositions as a whole, in that the strategy was tantamount to a clear admission of guilt. Employers soon made the connection between the servant's departure and their crime. In 1794, for example, Thomas Smith testified that:

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<sup>79</sup> JQS/P/43/07, JQS/P/50/01/? (16/05/1775): a search of Francis's box confirmed that he had committed the earlier crimes. Also: JQS/P/58/13.

<sup>80</sup> JQS/P/91/01/02.

The prisoner was my housemaid; on the morning of the 15th of January she absconded from my house, which occasioned a suspicion that she had taken these things...<sup>81</sup>

Jacob Cavill became suspicious for the same reasons in 1776, as did several other employers.<sup>82</sup> The consequence of this was that many servants made no attempt to conceal the fact that a crime had taken place, since their rapid departure was evidence enough that they had stolen something. While burglars, highwayman and shoplifters may have committed crimes in a similarly audacious manner, there is one key difference – criminals did not usually have a prior personal connection with their victim. This permitted a much more assertive attempt to locate a suspected criminal servant. Indeed, there are depositions concerning servants from villages in Somerset, and from places as remote as Warrington.<sup>83</sup>

Contemporary writers linked these thefts with the breakdown of the affective relationship between master and servant, and contemporaries were particularly wary when hiring new employees.<sup>84</sup> Certainly there are examples of newly-hired servants being accused of theft in the sources from Bristol. Hannah Prosser quit her mistress's household after only a week, while Martha Williams stayed a month before absconding.<sup>85</sup> However, there are also examples of servants who were employed for considerable amounts of time before absconding, including servants who served their full term of service, then stole at the end of it.<sup>86</sup> It is, overall, difficult to argue that newly-employed servants were more likely to abscond, or that they were more likely to be prosecuted due to the absence of an 'affective relationship' with their new

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<sup>81</sup> JQS/P/137/01/08.

<sup>82</sup> JQS/P/55/07, JQS/P/68/8, JQS/P/92/01/05, JQS/P/95/01/32, JQS/P/151/06.

<sup>83</sup> JQS/P/55/07, JQS/P/93/04; JQS/P/156/06.

<sup>84</sup> Paula Humfrey, 'Female Servants and Women's Criminality in Early Eighteenth-Century London', in G. Smith *et al* (eds), *Criminal Justice in the Old World and the New* (Toronto, 1998), pp. 76-7.

<sup>85</sup> JQS/P/109/06, JQS/P/55/03. Also: JQS/P/31/46, JQS/P/76/06, JQS/P/82/08, JQS/P/142/11.

<sup>86</sup> JQS/P/31/18, JQS/P/68/08, JQS/P/92/01/05.

employers. This raises the question of why so many servants abandoned their positions after committing a crime. The first explanation is simply because they were optimistic that their victims would not be able to find them. While the nature of servants' departures was without parallel – very few people (and certainly no coherent group) secretly, quickly and completely abandoned their jobs and residences after committing a crime – the act of 'vanishing' was a fairly common one, and also occurred in relation to the avoidance of maintaining families or illegitimate children.<sup>87</sup> Paula Humfrey has also found support for some of the main contemporary complaints about servants in the *Proceedings of the Old Bailey*.<sup>88</sup> Complaints about the unreliable nature of servants' character references frequently appeared in polemical printed works, and in the 1750s the Fielding brothers established a Universal Register-Office which would overcome the problems of urban anonymity, allowing masters to investigate their servants' backgrounds and 'bring the World... together into one Place'.<sup>89</sup> The venture was not a success.<sup>90</sup>

There are, however, other reasons which can explain why servants stole before leaving service. In many cases, employers were easily able to locate their former servants because they had gone to locations which were known to them. When Hannah Prosser stole at the end of her week-long period of service, for instance, her employer was easily able to find her at her lodgings.<sup>91</sup> A servant who absconded to Bath was immediately followed there by his master, who knew where he lodged.<sup>92</sup> In

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<sup>87</sup> John Black, 'Illegitimacy, Sexual Relations and Location in Metropolitan London, 1735-85', in T. Hitchcock and H. Shore (eds), *The Streets of London: From the Great Fire to the Great Stink* (London, 2003), p. 114.

<sup>88</sup> Humfrey, 'Female Servants', pp. 78, 80-1.

<sup>89</sup> *Covent-Garden Journal*, 64 (30 September 1752), p. 1; *Universal Spectator*, 142, in *Gentleman's Magazine*, 1 (1730), pp. 249-50; *The World*, 129, in *Gentleman's Magazine*, 25 (1755), pp. 364-5. Henry Fielding, *A Plan of the Universal Register-Office* (London, 1752), p. 9.

<sup>90</sup> Philip Rawlings, 'Fielding, Sir John (1721-1780)', *Oxford Dictionary of National Biography* (Oxford, 2004).

<sup>91</sup> JQS/P/109/06.

<sup>92</sup> JQS/P/95/01/32. Additional example: JQS/P/94/26.

1796 Margaret Edwards placed several stolen items in her box before leaving her employer's service. When he suspected that she had stolen from him, her master was easily able to track her down owing to the fact that she had entrusted him to send the box to her new lodgings. 'Anonymity' cannot have been a motivation in this case, since Edwards had none.<sup>93</sup>

A possible explanation lies in the ways in which crime could be investigated before and after servants had quit a household. The depositions make it clear that servants who chose not to abscond could be subject to vigorous investigation. After a crime had been committed the privacy of servants' boxes was not respected, especially if the box had been left in the employer's home.<sup>94</sup> While some servants did try to prevent these searches, some employers physically forced them to submit; there is no evidence that any legal measures (such as obtaining a warrant) preceded these searches. For instance, in 1794 Blanch Allard reported that:

... suspecting that [her servant] had put in her Box something or other belonging to this Informant she insisted on searching the sd Richards's Box which at first she refused to permit this Informt to do but on threatening to call up the Man-Servant to oblige her thereton she opened her Box<sup>95</sup>

Here, then, we can see that while a servant might attempt to refuse to permit a search of their box, employers were ready to use force to effect such searches and felt they had the authority to do so. In addition to threats of physical force, employers had other tools with which they could force a confession. As Robert Shoemaker has shown, a very substantial proportion of the inmates of London's eighteenth-century houses of correction were domestic servants. Such incarceration could involve hard labour, corporal punishment and confinement, not to mention inconvenience, loss of wages

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<sup>93</sup> JQS/P/147/16.

<sup>94</sup> JQS/P/37/08, JQS/P/54/? (07/02/1776), JQS/P/55/03, JQS/P/55/09, JQS/P/55/10, JQS/P/58/15, JQS/P/67/12, JQS/P/68/08, JQS/P/91/02/? (11/12/1784), JQS/P/92/01/14, JQS/P/114/03, JQS/P/142/11.

<sup>95</sup> Threatened physical force: JQS/P/151/06.

and gaol fees.<sup>96</sup> Given the formidable extrajudicial punishments which existed, it is perhaps unsurprising that some employers obtained confessions despite possessing almost no evidence of servants' guilt.<sup>97</sup>

This raises the question of whether employers' substantial powers of investigation and intimidation declined once the servant had left their household. Were this the case, we would have a second reason – alongside the desire simply to avoid arrest – which explains why servants abandoned their positions. There is indeed evidence to suggest that conducting searches and forcing confessions was more difficult once a servant had left the home. Searching a property required a warrant and, usually, the assistance of constable.<sup>98</sup> When outside the home, opening servants' boxes was almost always done with the assistance of constables.<sup>99</sup> There are some cases where a former employer was able to get a servant to waive their rights, but these are very much in the minority.<sup>100</sup> There is perhaps an emotional dimension too, in which employers appeared less threatening when outside their own homes. The fact that servants absconded to locations which were known to their employer suggests that 'vanishing' into the urban milieu was not the primary motivation; it also shows how ties of residence or family persisted while a person was in service. While servants were uniquely placed to steal from the home, the considerations which prefigured these crimes – and which shaped their response to the threat of arrest – could involve broader realms than the home.

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<sup>96</sup> Robert Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c.1660-1725* (Cambridge, 1991), pp. 188-9; King, *Crime, Justice and Discretion*, p. 179; Beattie, *Crime and the Courts*, pp. 289-90.

<sup>97</sup> JQS/P/95/01/04, JQS/P/95/01/14, JQS/P/99/03, JQS/P/123/37.

<sup>98</sup> Burn, *Justice of the Peace*, vol. 1, pp. 70-1.

<sup>99</sup> JQS/P/36/18 (box taken to council house), JQS/P/50/01/? (16/05/1775; constable), JQS/P/68/08 (warrant), JQS/P/93/05 (constable), JQS/P/95/01/07 (constable), JQS/P/107/01/? (06/11/1787, constable) JQS/P/128/12 (constable), JQS/P/147/04 (constable).

<sup>100</sup> JQS/P/137/01/08.

## Conclusion

As this chapter has argued, there was great diversity in the forms of living arrangement seen in Bristol. Lodgings could range from entire houses to a space in a shared bed in an alehouse, while houses themselves could be open to the street and secured at only certain times of the day. It should not, therefore, be thought that the types of crime described in this chapter were experienced by all. Thefts by servants, apprentices, clerks, charwomen and hostlers were unique to those households which employed people in these roles. Furthermore, it was not the case that every household was used as a place of work or was so easily exposed to entry from the street. However, for many the importance of the home as a place of work, of social interaction and of exchange meant that it was impossible to maintain the ideal of domestic security. Amanda Vickery's work, which identifies the home as an important place of social interaction while arguing for the significance of the role of privacy and security in defining the nature of domestic space, is certainly supported by sources from Bristol.<sup>101</sup> We have seen how the home could be a location of transaction and of sociability, and we have also seen evidence for the significance of lockable doors and boxes. But we should not stretch contemporary concern with boundaries and privacy too far by arguing that domestic life was primarily organised around the prevention of crime, or that the boundaries of the domestic sphere for those who lived in lodgings or in houses where work occurred were particularly secure.

Similarly, while Christoph Heyl's work on the homes of London's elite has its value, it is not representative of the very diverse picture of housing seen in Bristol. As Benjamin Heller has argued, the meaning of domestic space was temporally variable, with individual rooms having a variety of uses.<sup>102</sup> Making generalised observations

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<sup>101</sup> See note 11 above; Vickery, *Gentleman's Daughter*, pp. 195-212.

<sup>102</sup> Benjamin Heller, 'Leisure and the Use of Domestic Space in Georgian London', *Historical Journal*, 53 (2010), p. 623.

about the relationship between domestic space and crime, as with leisure, is an impossible task. But it is nonetheless significant that crime often reflected these changing uses of domestic space, with some criminals' approaches to crime showing an understanding of the way that the home could function as a place of transaction and work. This can explain the stark differences between crimes committed by 'insiders' and 'outsiders', and between those who stole during the day compared to the night.

## 7 Stolen goods and negotiating informal markets

John Beattie has shown that the types of property that were commonly stolen by people who were indicted for theft in eighteenth-century Surrey varied significantly between the county's rural and urban parishes.<sup>1</sup> Beattie also suggests that there were 'real differences' in the levels of property crime which were seen in these areas. In his view, such differences can to a significant extent be explained by the fact that there were different opportunities for theft and for the sale of stolen goods in each location.<sup>2</sup> The assertion that life in the countryside was 'likely to be more restrictive for all', with disruptive behaviour being met with an 'immediate, personal and formidable' response from the local community, offers an additional explanation.<sup>3</sup> In London, the plethora of pawnbrokers, publicans, shopkeepers and street traders meant that any ill-gotten item could be sold.<sup>4</sup> A commonly held opinion in the eighteenth century was that receivers of stolen goods in London acted with impunity, thereby stimulating crime on a vast scale in the capital.<sup>5</sup> In 1793, for example, the *Honest London Spy* described the 'unconscionable pawnbroker' as:

... *Old Nick's* warehouse-keeper, an *English Jew*, that lives and grows fat on fraud and oppression, as a toad on filth and venom. His practice outvies usury as far as

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<sup>1</sup> John Beattie, *Crime and the Courts in England, 1660–1800* (Oxford, 1986), p. 187.

<sup>2</sup> *Ibid.*, p. 184–9.

<sup>3</sup> *Ibid.*, p. 241.

<sup>4</sup> *Ibid.*, p. 189.

<sup>5</sup> *Ibid.*; John Beattie, *Policing and Punishment in London, 1660–1750* (Oxford, 2001), pp. 39, 250–1.

highway-robbery does petit-larceny... He is the treasurer of the thief's exchequer, and the common tender of all booth-heavers and shop-lifters in the town.<sup>6</sup>

The magistrate Henry Fielding described the huge number of places in London where stolen goods could be sold, and argued that it was almost as if the city had been intentionally designed for the concealment of thieves.<sup>7</sup> While historians have emphasised the importance of not accepting such contemporary views uncritically, the question of whether it really was very easy to sell stolen goods in London and other cities has not received sustained investigation. As this chapter argues, markets for stolen goods were more complex than has previously been recognised, and certainly were not as free from constraint as contemporaries imagined. Shedding further light on the nature of these markets is a worthwhile end in itself, in that it can reveal valuable information about the place of stolen goods in a broader 'informal economy' in which second-hand trading was of great importance.<sup>8</sup> Furthermore, examining the ways that stolen goods were sold can tell us a great deal about how crime was both facilitated and constrained by the nature of the eighteenth-century city.

This chapter does not take issue with the view that urban and rural settlements experienced crime in different ways. Moreover, it is important to recognise the

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<sup>6</sup> Peeping Tim, *The Honest London Spy* (London, 1793), p. 72. For a survey of contemporary attitudes towards pawnbroking, see Alannah Tomkins, 'Pawnbroking and the Survival Strategies of the Urban Poor in 1770s York', in Steven King and Alannah Tomkins (eds), *The Poor in England, 1700–1850: an Economy of Makeshifts* (Manchester, 2003), pp. 167–73.

<sup>7</sup> Henry Fielding, *An Enquiry into the Causes of the Late Increase of Robbers* (London, 1751), pp. 68–76.

<sup>8</sup> As Jon Stobart has remarked, our understanding of the full panoply of opportunities for second-hand sale is still poorly developed. See Jon Stobart, 'Clothes, Cabinets and Carriages: Second-Hand Dealing in Eighteenth-Century England', in B. Blondé, P. Stabel, *et al.* (eds), *Buyers and Sellers: Retail Circuits and Practices in Mediaeval and Early Modern Europe* (Turnhout, 2007), p. 225. Beverly Lemire has done some excellent work on the second-hand clothing trade but, as Stobart points out, the clothing trade may not be representative of second-hand markets in general; see Stobart, 'Clothes, Cabinets and Carriages'. For Lemire's work in relation to stolen clothing, see Beverly Lemire, 'The Theft of Clothes and Popular Consumerism in Early Modern England', *Journal of Social History* 24 (1990), pp. 255–76; and Beverly Lemire, 'Peddling Fashion: Salesmen, Pawnbrokers, Tailors, Thieves and the Second-Hand Clothes Trade in England, c.1700–1800', *Textile History*, 22 (1991), pp. 67–82. For second-hand clothing in general, see Beverly Lemire, 'Consumerism in Pre-Industrial and Early Industrial England: the Trade in Second-Hand Clothes', *Journal of British Studies*, 27 (1988), pp. 1–24.

nuanced nature of Beattie's argument, which acknowledges that prosecution practices could also shape the picture of urban criminality that is presented to us by indictment records.<sup>9</sup> The problem is, however, that so much of the examination of the 'urban' side of this equation has involved research using sources pertaining to London, meaning that we cannot adequately assess the value of the rural and urban as categories for analysis on a *national* scale.<sup>10</sup> Beattie's work was initially concerned with the comparison of London and the 'urban parishes' in its hinterland with rural Sussex and Surrey. He has subsequently contributed magisterial studies of policing in early modern London, and of the operation of London's judicial system.<sup>11</sup> The nature of policing in London has also been carefully investigated by other historians, as have petty crime and summary justice.<sup>12</sup> These studies have emphasised the ways in which London developed its own innovative forms of policing and its own dynamic judicial system. It is, however, the uniqueness of the capital that calls into question its usefulness as a model for the study of urban crime and justice, unless one is interested in the study of London as an end in itself. As Peter King has argued, some of the locales of England prosecuted and punished crime in ways that were highly divergent from the practices of the capital or the commandments of central government.<sup>13</sup> We should not assume that the ways in which stolen goods were sold in London were duplicated in England's provincial cities.

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<sup>9</sup> Beattie, *Crime and the Courts*, pp. 240-3. For another nuanced survey of the factors which shaped this picture, see Robert Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c.1660-1725* (Cambridge, 1991), pp. 8-10.

<sup>10</sup> *Ibid.*, pp. 284-8.

<sup>11</sup> Beattie, *Policing and Punishment*; John Beattie, 'Sir John Fielding and Public Justice: The Bow Street Magistrates' Court, 1754-1780', *Law and History Review*, 25 (2007), pp. 61-100.

<sup>12</sup> Elaine Reynolds, *Before the Bobbies: The Night watch and Police Reform in Metropolitan London, 1720-1830* (Basingstoke, 1998); Andrew Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (Columbus, OH, 2004); Shoemaker, *Prosecution and Punishment*; Drew Gray, *Crime, Prosecution and Social Relations: the Summary Courts of the City of London in the Late Eighteenth Century* (Basingstoke, 2009).

<sup>13</sup> Peter King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge, 2006), pp. 2, 10-35.

Studies of the sale of stolen goods have also often focused on London.<sup>14</sup> Heather Shore has examined the relationship between poverty and the sale of stolen property in the eighteenth century, and has studied the ways in which ‘juvenile delinquents’ engaged with receiver networks in the early nineteenth century.<sup>15</sup> Shore has shrewdly urged for caution in the way that urban criminality is depicted, arguing that cities were not entirely anonymous places, with the bonds of community and networks being of continuing importance in London, albeit in ways which had as much to do with neighbourliness and making-shift as they did with organised crime.<sup>16</sup> How, then, can a study of stolen goods in late eighteenth-century Bristol contribute to this body of work? There were indeed many opportunities for the sale of stolen goods in Bristol, which provides support for the observation that cities were the location of distinctive markets for the sale of stolen property. However, there is evidence to show that people who stole were mindful of the risks associated with selling stolen goods, and that they often modified their behaviour accordingly. There is also evidence that suggests that these risks were genuine: information about stolen property could circulate rapidly, and rewards were often offered for pawnbrokers who ‘stopped’ stolen items. The consequence of this is that more thought is needed about *why* individuals involved other people in the disposal of stolen goods. After all, there were many disadvantages associated with doing so, such as the reduction of a thief’s personal share in a crime’s profits, and the risk that an accomplice would – under threat of severe punishment – ‘turn king’s evidence’. Previous explanations have focused on the importance of ‘receivers’ and ‘fences’ as individuals who could provide a point of entry into criminal

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<sup>14</sup> In addition to Lemire’s work cited in note 8, see Lynn MacKay, ‘Why They Stole: Women in the Old Bailey, 1779–1789’, *Journal of Social History*, 32 (1999), pp. 623–39.

<sup>15</sup> Shore, ‘Crime, Criminal Networks and the Survival Strategies of the Poor in Early Eighteenth Century London’, in S. King and A. Tompkins (eds), *The Poor in England: an Economy of Makeshifts* (Manchester, 2003), pp. 137–65; Heather Shore, ‘Cross Coves, Buzzers, and General Sorts of Prigs: Juvenile Crime and the Criminal Underworld in the Early Nineteenth Century’, *British Journal of Criminology*, 39 (1999), pp. 10–24.

<sup>16</sup> Shore, ‘Crime, Criminal Networks and the Survival Strategies of the Poor’, pp. 139, 145, 154–6.

networks, bridging the gaps between thieves, criminal networks and community.<sup>17</sup> In some instances it is possible to fit the source material into this paradigm, but in a number of other cases in Bristol personal connections played a different role. Associates were often used to deal with the risks associated with selling stolen goods, particularly in relation to pawnbroking. We cannot simply regard pawnbrokers and other second-hand dealers as providing an easy market that allowed people to sell stolen goods with impunity. Terms such as ‘criminal networks’ or ‘fencing’ have a tendency to separate the channels through which stolen goods were sold from other markets for second-hand goods. The evidence for ‘criminal networks’ in Bristol is limited, whereas there is significant evidence to show that the informal economy offered a vibrant market for stolen property. A more nuanced account is, therefore, needed of the opportunities for the sale of stolen goods that existed in the eighteenth-century city, and of the ways that stolen goods markets were used.

## Stolen goods and the informal economy

The depositions make it clear that many types of stolen property could be sold through informal transactions with apparent ease. Items which were not easily identifiable, and which could be offered to people who used them in the course of their everyday business, were likely to be sold to the final user of that item. When Thomas Pierce stole iron from a wheelwright in 1785, for example, he sold it to Robert Higgins, who was a blacksmith.<sup>18</sup> Similarly, when Philip Charriton stole some cheeses from a huckster’s shop in 1772, he was able to sell them at a public house within a few hours.<sup>19</sup> Beverly Lemire has argued that when it came to selling stolen clothing ‘specialist receivers were not necessary’, unlike when ‘commodities like lead, plate, tools, or livestock’ were

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<sup>17</sup> Shore, ‘Crime, Criminal Networks and the Survival Strategies of the Poor’, p. 154; Shore, ‘Cross Coves’, pp. 12, 16; Richard Williams, ‘Stolen Goods and the Economy of Makeshifts in Eighteenth Century Exeter’, *Archives*, 31 (2005), pp. 87, 93-6.

<sup>18</sup> JQS/P/94/18.

<sup>19</sup> JQS/P/36/10.

sold.<sup>20</sup> This view is only partly supported by the Bristolian depositions, which make it clear that many types of commodity could be sold with ease. The evidence for the sale of livestock is limited, but there are examples of chickens and other birds being sold directly to victuallers; woodworking tools were sold to carpenters, and plate stolen from alehouses was sold to other alehouse-keepers and to silversmiths.<sup>21</sup> Metals such as lead, iron, pewter and copper were sold directly to tradesmen who used them in their work, as were pieces of leather and cloth.<sup>22</sup> While one could characterise tradesmen such as braziers, blacksmiths and cordwainers as 'specialist' buyers in the sense that they had demands for specific items, these kinds of tradesmen were hardly uncommon.<sup>23</sup> For many types of stolen item, opportunities for direct sale to end-consumers could be easy to find. For example, in 1782 Daniel Morgan was able to sell a bundle of sticks that was not his property to a passer-by on the quayside, combining the act of theft and act of sale into a single event.<sup>24</sup> Similarly, in 1783 when George Frownes stole some barrel hoops from the Back (part of Bristol's quayside), he was able to sell them immediately to a hooper working in a nearby street.<sup>25</sup> Two men employed to load a dray with rope were able to steal and sell some of it during their dinner break.<sup>26</sup> Contemporaries reported that there were many opportunities for the sale of stolen or smuggled sugar within close proximity to the quayside.<sup>27</sup>

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<sup>20</sup> Lemire, 'The Theft of Clothes', p. 258.

<sup>21</sup> JQS/P/79/14 (ducks); JQS/P/110/06 (fowls); JQS/P/91/01/03/01 (butter); JQS/P/80/17, JQS/P/156/04 (carpenter's tools); JQS/P/129/? (23/03/1793), JQS/P/36/06 (plate).

<sup>22</sup> JQS/P/147/17, JQS/P/192/19, JQS/P/177/01/02 (lead). For a comment by an accused criminal about the extent of trading in stolen lead, and the difficulties of avoiding purchasing it, see JQS/P/112/06. JQS/P/115/18 (pewter), JQS/P/31/16 (iron and brass), JQS/P/38/02 (copper), JQS/P/99/14a (leather), JQS/P/55/22 (leather), JQS/P/100/02 (a saddle).

<sup>23</sup> Elizabeth Baigent, 'Economy and Society in Eighteenth-Century Bristol', in D. Denecke (ed.), *Urban Historical Geography: Recent Progress in Britain and Germany* (Cambridge, 1988), pp. 109-24.

<sup>24</sup> JQS/P/74/08. JQS/P/80/02 (sale on the street).

<sup>25</sup> JQS/P/80/14.

<sup>26</sup> JQS/P/112/15.

<sup>27</sup> BRO, Minutes of the House of Commons Committee on the Bristol Dock Act, M/BCC/DOB/1, 19-21. Many mariners imported small quantities of sugar as 'sea-stores'. A deposition from the

Many buyers did not actively seek out stolen goods, but simply could not avoid purchasing stolen property as part of their everyday business. In 1788, for example, a large quantity of stolen lead was sold by giving the buyer a forged letter which claimed the lead had come from 'out of the Country': the fact that the buyer had to be actively deceived with a fake letter indicates that he did not purchase the lead knowing that it was stolen.<sup>28</sup> Similarly, in 1784 two porters were duped by two sailors into taking iron from a ship to a blacksmith, the porters not realising that the iron did not belong to the sailors.<sup>29</sup> When stolen goods were purchased informally, the price paid was not necessarily heavily discounted from the market price: indeed, heavy discounting could lead to suspicions of theft.<sup>30</sup> The diverse range of retailers and traders that could be found in Bristol meant that even fairly luxurious or unusual items could be sold directly to a trader, rather than having to be fenced. When Charles Hobbs stole an ivory pocket case in 1792, for example, he sold it to a toy manufacturer at his shop.<sup>31</sup>

The Bristolian sources are broadly supportive of Lemire's point that a vibrant realm of economic activity existed in which the shop was by no means the only location of trade, and in which second-hand goods could be traded as vigorously as new ones.<sup>32</sup> It may well have been that for candle-makers who wanted tallow, or braziers who needed copper, casual transactions based on recycling and second-hand sales formed their most important source of supplies. It is important, therefore, to exercise caution in how we think about the ways that stolen goods were sold. The presence of many opportunities for the casual sale of stolen items means that it is not possible to argue that all stolen goods had to be sold through receivers or fences. Nor is

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early nineteenth century describes an attempt to pass-off stolen sugar as 'sea stores', showing that stolen goods could be sold through the same channels as petty smuggling: JQS/P/201/25.

<sup>28</sup> JQS/P/112/11.

<sup>29</sup> JQS/P/132/05.

<sup>30</sup> JQS/P/150/13 (a blacksmith had a man arrested when offered a bag of nails for sale at 4½d per pound, 2d below the usual price).

<sup>31</sup> JQS/P/93/02.

<sup>32</sup> Lemire, 'Peddling Fashion', pp. 67-8, 76.

it possible to support the view that markets for stolen clothing were in some way easier to use, or more dynamic, than markets for other goods. While ‘popular consumerism’, as Lemire calls it, may have created a great deal of demand for clothing, the depositions show that the everyday economic activity of a large city created a substantial body of demand for a range of other types of item.<sup>33</sup>

It should not be thought, however, that all sales of the materials of everyday business were made in a casual way. Certainly there are examples of quasi-formalised relationships between thieves and buyers: these buyers perhaps come closer to what might be labelled ‘specialist receivers’, in that they demanded large quantities of particular commodities and do not appear to have needed them for their normal work. In the 1780s, for example, George Stanbury was accused of stealing the following very long list of items from his employer:

Twenty three pewter plates, One pewter dish Value Two shillings, One pewter basin value six pence, Four pounds weight of pewter, Four pewter cups Value Two shillings, Six pewter Tea spoons Value six pence, Six Brass Weights Value one shilling, one Iron Hammer Value Two pence, One pair of pinchers Value Six pence, One Brass pair of snuffers Value Six pence, Two pounds and three Quarters of pewter Value One Shilling, Five pounds Weight of Brass Value Two shillings, and Two Brass Candlesticks Value One shilling and six pence.<sup>34</sup>

He took them to a man named Joseph Burroughs, who paid him five pence per pound for the metal before selling it on at a profit to some local braziers.<sup>35</sup> This crime represents not the casual sale of the perquisites of business to an unsuspecting tradesman, but the systematic sale over time of stolen goods to a person who was clearly able to resell significant quantities of metal. There are similar examples of large quantities of stolen wheat being purchased at wholesale prices, as well as long-term thief–receiver relationships involving other foodstuffs, glassware and candles.<sup>36</sup> There

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<sup>33</sup> Lemire, ‘The Theft of Clothes and Popular Consumerism’, p. 255.

<sup>34</sup> JQS/P/115/18.

<sup>35</sup> Ibid.

<sup>36</sup> JQS/P/36/05 (cheeses), JQS/P/94/13 (barley and malt), JQS/P/142/9a (wheat), JQS/P/147/18 (glassware), JQS/P/67/01 (candles).

are few major differences between these activities and the way that stolen clothing was purchased by long-term receivers. Indeed, sometimes both stolen clothing and other stolen items could be sold through the same channels. In 1771, for example, Mary Cottle received a constant stream of stolen handkerchiefs from two boys, promising them a fixed price depending on the number of handkerchiefs that they brought her; when they stole a hundredweight of iron, she was able to sell it too.<sup>37</sup> Similarly, in 1775 the landlord of an alehouse was accused of receiving stolen clothing from two burglars; he was alleged to have received a variety of other goods.<sup>38</sup>

In these cases, we have seen examples of people who purchased goods that were not obviously related to their trade. It is difficult, for example, to think of many types of work that would have required Mary Cottle to need both large numbers of handkerchiefs and a hundredweight of iron. However, care is needed in relation to how we characterise these relationships. The fact that an individual bought stolen goods on numerous occasions does not necessarily mean that they formed part of a criminal network. As we have just seen in the case of Joseph Burroughs, a receiver of stolen goods did not necessarily sell stolen property to criminal accomplices, but could simply sell it to ordinary consumers himself. Indeed, many of the people who bought stolen goods over an extended period of time were themselves tradesmen or retailers. In 1793, for example, it was reported that Jacob Edwards had bought stolen sugar several times. Edwards was a grocer, so it is likely that he often purchased foodstuffs to sell in his shop.<sup>39</sup> Similarly, there are reports of braziers and blacksmiths buying metals on numerous occasions, and of victuallers buying numerous cheeses or large quantities of grain.<sup>40</sup> These people could dispose of stolen goods through their normal trading

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<sup>37</sup> JQS/P/31/? (22/03/1771).

<sup>38</sup> JQS/P/51/04.

<sup>39</sup> JQS/P/129/04.

<sup>40</sup> JQS/P/38/02, JQS/P/94/18, JQS/P/112/06, JQS/P/147/17 (metals); JQS/P/151/01 (wheat to victualler); JQS/P/99/14a (repeated sale of leather to leatherworker).

activities, and therefore represented not ‘fences’ who disposed of conspicuous goods through dubious channels, but simply tradesmen who constantly demanded certain commodities.

## Second-hand markets and risk

The material discussed in the previous section showed that there were many channels through which stolen goods were sold in eighteenth-century Bristol. Long-term buyers of stolen property could be very much part of mainstream economic activity, rather than serving as ‘middle men’ who allowed thieves to access markets indirectly.<sup>41</sup> As Table 7.1 shows, pawnbrokers were the most important market for stolen textiles and clothing among those cases that were reported in the depositions. This reflects pawnbrokers’ great importance as a destination for second-hand clothes, even if their ability to sell unredeemed items was highly regulated by the law.<sup>42</sup> However, it is not possible to argue, as some historians have done, that stolen clothing was *particularly* easy to sell.<sup>43</sup> Furthermore, as the following material argues, using pawnbrokers could be a risky activity, and was perceived as such by thieves. This can explain the patterns of activity that we see in the depositions, and reveals some of the constraints on criminal agency that existed in the eighteenth-century city.

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<sup>41</sup> For the idea of the receiver as a ‘nexus’ between thieves and markets, see Shore, ‘Cross Coves’, pp. 11, 17; and Shore, ‘Crime, Criminal Networks and the Survival Strategies of the Poor’, p. 154.

<sup>42</sup> In addition to the work by Lemire and Tomkins already cited, see Miles Lambert, ‘“Cast-off wearing apparell”: the Consumption and Distribution of Second-Hand Clothing in Northern England during the Long Eighteenth Century’, *Textile History*, 35 (2004), pp. 1-26; John Styles, ‘Clothing the North: the Supply of Non-élite Clothing in the Eighteenth-Century North of England’, *Textile History*, 25 (1994), pp. 158-9. For the legal regulation of pawnbrokers’ ability to sell unredeemed items, see Richard Burn’s discussion of 30 Geo. II, c. 24: Richard Burn, *The Justice of the Peace, and Parish Officer*, vol. 1 (London, 1793), p. 274.

<sup>43</sup> Lemire, ‘The Theft of Clothes’, pp. 258-9; Garthine Walker, ‘Women, Theft and the World of Stolen Goods’, in Jenny Kermode and Garthine Walker (eds), *Women, Crime and the Courts in Early Modern England* (London, 1994), p. 91.

**Table 7.1: Locations of sale of stolen goods in Bristol, 1770-99**

	Pawnbroker	Individual	Shop
<b>Textiles<sup>a</sup></b>	42	17	8
<b>Domestic goods<sup>b</sup></b>	9	12	5
<b>Commodities<sup>c</sup></b>	3	33	4
<b>Total</b>	54	62	17

*Source:* Database of depositions.

<sup>a</sup> Includes: clothing, household furnishings, hats, handkerchiefs, buttons and ribbons.

<sup>b</sup> Includes: tableware, furniture, valuables, plate.

<sup>c</sup> Includes: metals, building materials, foodstuffs, tobacco, animals.

**Table 7.2: Time of sale of stolen goods in Bristol, 1770-99**

	Pawnbroker	Individual	Shop	Total
<b>Immediate</b>	9	28	7	46
<b>Within 24 hours</b>	28	17	6	53
<b>Within 1 week</b>	10	9	2	22
<b>Over 1 week</b>	2	7	0	12
<b>Total</b>	49	61	15	133

*Source:* Database of depositions.

The Bristolian sources present clear evidence that thieves often went to considerable lengths to reduce the risks associated with pawning and selling stolen clothing or textiles. The fact that they did this is revealing of their perceptions of the nature of pawnbroking and the efficacy of responses to crime. Modifying stolen items so that they were difficult to identify is perhaps the best-known example of this. Mary Cottle was careful to unpick monograms from stolen handkerchiefs before selling them, for example, while a lodger who stole some curtains from her landlord turned them into petticoats before taking them to pawn.<sup>44</sup> Modifying items was not the only way that criminals' behaviour took account of risk, however. As Table 7.2 shows, a significant number of items were sold within a very short time of being stolen. There

<sup>44</sup> JQS/P/31/? (18/03/1771), JQS/P/40/07, JQS/P/55/03.

are several reasons that can explain this pattern. One is that many thieves appear to have been aware of potential buyers before they committed a crime, and so were able to obtain a quick sale. When two men stole some iron bars from a ship in 1773, for example, they went straight to Sarah Darvill's house in Marsh Street (near to the scene of the crime) and sold them.<sup>45</sup> Similarly, when Thomas Morgan stole some silver buckles in the same year, he took them straight to a silversmith who bought them from him.<sup>46</sup>

The desire to turn stolen property into cash was not necessarily the only motivation to sell goods quickly, however. Looking specifically at pawnbrokers, the depositions provide 37 reports in which a pawnbroker was visited within 24 hours of a theft, and only 12 instances in which the duration was longer. The reason for this will partly have been due to the desire to obtain cash for stolen goods as soon as possible – but the desire to pawn an item before pawnbrokers had the chance to hear about it in advertisements may also have been a reason. One way that news about a crime could circulate was through the practice of victims visiting numerous pawnshops in search of their stolen items.<sup>47</sup> Mary Cottle was arrested in 1785 when a pawnbroker gave a description of her to the victim, as was William Challenger in 1776.<sup>48</sup> Bristol had several weekly newspapers which often carried advertisements about thefts that had occurred in the preceding days, and the Corporation of Bristol's correspondence shows that handbills were used both to publicise crimes that had occurred and to warn the public when suspected thieves were in town.<sup>49</sup> The Corporation employed a bellman to spread the word about stolen property, and the nightwatchmen also 'called' news

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<sup>45</sup> JQS/P/38/14.

<sup>46</sup> JQS/P/49/01/09.

<sup>47</sup> JQS/P/109/05, JQS/P/121/04/56, JQS/P/140/08.

<sup>48</sup> JQS/P/93/16, JQS/P/67/01.

<sup>49</sup> For a typical example of a newspaper advertisement, see *Felix Farley's Bristol Journal* (19 January 1782). On the Corporation's use of advertising, see TCLB, p. 14.

about stolen goods on their rounds.<sup>50</sup> The depositions confirm the speed with which information could circulate. For example, when Mary Ellis was burgled on the night of Friday, 24 February 1786, a clothes dealer reported that:

James Cleaver brought the pair of Cotton stock[ing]s now produced and above deposed to by said Deborah Doyle to the House of these Informants in Broad Mead Bristol where he sold the same together with a Shirt and a Pocket handkerchief and that on the next Day being Sunday they heard sd Ellis's house had been Robbed they sent such stock[ing]s there where they were Owned by sd Deborah Doyle.<sup>51</sup>

In this case, then, it took less than two days for the clothes dealer to find out about the theft. John Styles has found printers who offered handbill-printing at an hour's notice.<sup>52</sup> Similar printers existed in Bristol: Henry Bright was robbed on Friday night, advertised his stolen watch the next morning, and received information which enabled him to arrest the suspect and retrieve his watch on Saturday evening.<sup>53</sup> A surviving example of one of these advertisements states that a pawnbroker who stopped the stolen items (in this case, clothing) would receive a reward of three guineas in addition to any reward money received for convicting a burglar.<sup>54</sup> Potential buyers could, therefore, rapidly become potential prosecution witnesses. Some buyers refused to buy goods immediately, or held them for a few days before issuing payment: this allowed them time to encounter advertisements regarding whether the item was stolen.<sup>55</sup>

While advertising might not always have led to an arrest, there is direct evidence that people would modify their behaviour once they knew that a theft had

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<sup>50</sup> F/AC/Box/101/5, no. 243; JQS/P/63/? (20/10/1779). These 'calling' services were also accessible to private individuals at short notice; see JQS/P/92/01/26.

<sup>51</sup> JQS/P/99/18.

<sup>52</sup> John Styles, 'Print and Policing: Crime Advertising in Eighteenth-Century Provincial England', in D. Hay and F. Snyder (eds), *Policing and Prosecution in Britain, 1750–1850* (Oxford, 1989), p. 70.

<sup>53</sup> JQS/P/99/01.

<sup>54</sup> F/AC/Box/81/7. The text of this advertisement indicates that it was printed at short notice, on the same day as the theft.

<sup>55</sup> JQS/P/68/07.

been advertised. When two men stole a large quantity of linen from a whitening yard in 1783 they sold it to Mary Welsch. The thieves reported that she:

... persuaded them to go there again and get some more, and said that she would buy it of them if it were a thousand yards, for she had a place to carry it to.<sup>56</sup>

The men returned to the whitening yard and stole some more linen, but when they took it to Mary Welsch she:

... said that she had heard of an Advertisement being out offering Twenty Guineas reward for the discovery and was afraid of having her House searched and advised them to carry it to some one else.<sup>57</sup>

When encouraged to steal some more linen, the thieves refused to do so, judging the risk of capture to have become too high.<sup>58</sup> John Styles has shown that, on the Northern Circuit, printed advertising played an important role in the detection of acts of horse-stealing.<sup>59</sup> In Bristol, advertising, victim-led investigations and the circulation of knowledge also occurred shortly after acts of crime and led to arrests and prosecutions. These activities were important in another respect: they affected the ways that thieves were prepared to deal with second-hand markets. In the case of Mary Welsch and her acquaintances, advertisements reduced the thieves' willingness to continue stealing and the receiver's willingness to continue buying. In light of this, it is difficult to see the tendency towards rapid sales that is shown by Table 7.2 as being solely due to the ease with which markets could be accessed. In terms of risk, there were clear benefits to selling stolen goods as quickly as possible.

Timing was not the only important consideration in the sale of stolen items; some thieves went even further in ensuring that it was difficult to link them to an act of crime. The advantage of Bristol as a place to commit theft was not just that there were

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<sup>56</sup> JQS/P/82/06.

<sup>57</sup> See JQS/P/82/06. JQS/P/160/12 also contains evidence to show that thieves read advertisements for crimes that they had committed.

<sup>58</sup> JQS/P/82/06.

<sup>59</sup> Styles, 'Print and Policing', p. 77.

local opportunities to sell stolen items, but that it also had good links with Bath, London and – by water – Wales and the south coast of England.<sup>60</sup> All of these transport links were used by thieves to remove stolen goods. For example, in 1781 when William Hancock fraudulently obtained 155 deal boards from a Bristol merchant, he had them transported to Bath, making it difficult for the defrauded merchant to find and arrest him.<sup>61</sup> Similarly, in 1783 a yeoman who had lost two horses in Bristol found that they had been sold at Calne in Wiltshire.<sup>62</sup> Quitting the city was a strategy used by thieves who feared that they might be captured. When Martha Cambridge sold some stolen goods after a burglary in Bristol, the buyer advised her ‘to go to Bath for fear she should be taken up’.<sup>63</sup> A gang did the same in 1786, journeying to Bath and then on to Salisbury in a vain attempt to escape prosecution.<sup>64</sup> Such examples further challenge the view that people could sell stolen goods with impunity, showing that – at least in some cases – thieves were reluctant to remain in Bristol after a crime. Fielding, writing about London in the 1750s, described the capital as a ‘vast Wood or Forest in which a Thief may harbour’.<sup>65</sup> In Martha Cambridge’s view, Bristol was not so large that it provided an entirely safe harbour for those who had committed crime.

## Stolen goods and the use of associates

One very noticeable feature among the depositions is the high proportion of cases in which thieves dealt *indirectly* with second-hand goods markets. As Table 7.3 shows, almost a third of cases where stolen goods were taken to a pawnbroker involved the

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<sup>60</sup> JQS/P/129/21 and JQS/P/115/03 (both Bath); JQS/P/80/02, JQS/P/167/06 (both South Wales); JQS/P/91/01/03/01 (London); JQS/P/51/12 (Devon).

<sup>61</sup> JQS/P/67/16.

<sup>62</sup> JQS/P/82/15.

<sup>63</sup> JQS/P/36/12. See also JQS/P/115/03, JQS/P/115/08. Depositions from the Somerset quarter sessions show that Bristol was a popular destination for criminals from Bath; see Somerset Record Office [SRO], Sessions Rolls 355/2/1-57/21, SRO Q/SR 366/1/40, SRO Q/SR 366/1/21 (among many others).

<sup>64</sup> JQS/P/101/15.

<sup>65</sup> Fielding, *Enquiry*, p. 76.

**Table 7.3: Use of acquaintances to sell stolen goods in Bristol, 1770-99**

	Pawnbroker	Individual	Shop
<b>Direct sale</b>	38	55	13
<b>Acquaintance</b>	18	4	4

*Source:* as Table 7.1, using only sources containing relevant information.

use of an intermediary to do so. These intermediaries were employed to visit the pawnbroker on behalf of the thief, returning some or all of the proceeds to them. Much emphasis has already been given to the involvement of women in the sale of stolen goods.<sup>66</sup> While the Bristolian sources do not contradict this view, they do suggest that there were multiple reasons for why this was the case, so that female involvement in the sale of stolen goods cannot solely be attributed to women's better understanding of second-hand clothes markets. As Garthine Walker has written, considering the influence of women's social and economic activity on crime is certainly more satisfying than explaining women's criminality in terms of stereotypes – but, as the Bristolian sources show, the link between female socio-economic activity and crime was complex.<sup>67</sup> I argue that we should also consider the gendered nature of *suspicion* as an influence on the way that stolen goods were sold.<sup>68</sup> In 1782, Bridget Hayes reported that:

... on Wednesday Night she met the man named James Butler at the End of Small Street who produced to this Informant a Gown & Pettycoat and desired this Informant to go and sell it and that he would give her something for her Trouble

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<sup>66</sup> Peter King, *Crime, Justice and Discretion in England, 1740–1820* (Cambridge, 2000), p. 196; Beattie, *Crime and the Courts*, pp. 189-90; Walker, 'Women, Theft and the World of Stolen Goods', p. 91; Tomkins, 'Pawnbroking and the Urban Poor', p. 181; MacKay, 'Why They Stole', p. 630.

<sup>67</sup> Garthine Walker, *Crime, Gender, and Social Order in Early Modern England* (Cambridge, 2003), p. 176.

<sup>68</sup> This idea of 'suspicion' is also an important concept in Sharon Howard's work: 'Investigating Responses to Theft in Early Modern Wales: Communities, Thieves and the Courts', *Continuity and Change*, 19 (2004), pp. 409-10, 415-20.

and shewed her the way to the Shop of Mr Booth in the Pithay and while this Informant went into the shop he remained without.<sup>69</sup>

Why did Butler enlist the help of Hayes when he already knew exactly where the stolen items would be sold? Given that women were the most frequent users of pawnbrokers, and that gowns and petticoats were not normally items of clothing possessed by men, it is likely that the avoidance of suspicion was the crucial factor in this case.<sup>70</sup> When Timothy Thomas stole tallow from his employer, he got Ann Chew – a widow – to sell it to another tallow chandler for him.<sup>71</sup> While the kitchen was certainly not a part of the household from which men were excluded, in terms of passing-off stolen tallow as recycled kitchen fat, it is likely that a widow would have been less suspicious than the employee of a tallow chandler.<sup>72</sup> In 1782, Thomas Kidney stole a new cloak from a warehouse, and then paid Sarah Nelin sixpence to carry it from her lodgings to a house on the other side of Bristol Bridge.<sup>73</sup> Nelin did this while Kidney walked with her, refusing to take hold of the cloak when she asked him. In this case, it is again possible to isolate the avoidance of suspicion as a motivation for the use of an accomplice. Kidney was prepared to pay Nelin, despite the fact that he was walking the same route anyway. It was not Nelin's ability to sell the cloak that attracted Kidney, since Kidney had already decided where to take it. This indicates that he perceived carrying a woman's cloak through the streets by himself as a risky activity. The use of family members to sell stolen goods also suggests that risk – rather than access to markets, or personal convenience – was sometimes the primary factor motivating the use of personal connections. In 1795, a serial thief named Henry Maids

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<sup>69</sup> JQS/P/77/? (9 November 1782). Booth's occupation is recorded as 'broker' at the start of the deposition.

<sup>70</sup> For the gender balance of pawnshops' users, see Beverly Lemire, *The Business of Everyday Life: Gender, Practice and Social Politics in England, c.1600–1900* (Manchester, 2005), p. 35.

<sup>71</sup> JQS/P/178/04.

<sup>72</sup> Sara Pennell, "'Pots and pans history': the Material Culture of the Kitchen in Early Modern England", *Journal of Design History*, 11 (1998), pp. 205-7.

<sup>73</sup> JQS/P/77/03. See also JQS/P/92/01/33, in which a woman was instructed to go to a named pawnbroker.

used his 12-year-old son to visit pawnbrokers on many occasions, and, in 1783, John Williams got his wife to pawn goods for him.<sup>74</sup> It is hard to describe these family members as ‘receivers’ who had specialist knowledge of second-hand markets, since they went to locations at the direction of (respectively) their father and husband.

The use of female associates was particularly common in relation to selling clothing and textiles, but women were also used to sell other items of high value.<sup>75</sup> This is not to say that female thieves themselves went to pawnbrokers with impunity. When a well-known thief named Catherine MacClausty stole a large quantity of clothing in 1784, she got Elizabeth Thompson to keep it for her, before asking Martha Reed to pawn it.<sup>76</sup> MacClausty appears to have been mindful of the fact that women could also be recognised by pawnbrokers and suspected of theft. We have seen an example already in which Mary Cottle was arrested because a pawnbroker was able to give a description of her; advertisements also gave descriptions of the physical features of female suspects.<sup>77</sup> In addition to this, there were cases when a pawnbroker identified an alleged thief directly. Mary Cleaver, for example, appears numerous times in the Bristolian depositions accused of attempting to sell goods that had been stolen by her brother and his accomplices; her brother was already well known to pawnbrokers.<sup>78</sup> This helps explain why Mary Cleaver eventually tried to persuade the woman with whom she lodged to pawn items for her, saying that ‘she had them from her Aunt and begg’d this Deponent would not speak of it least her Aunt should be turned out of Doors by her Unkle’.<sup>79</sup> In this case the Cleaver siblings’ avoidance of direct contact with

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<sup>74</sup> For Maids, see JQS/P/140/08, JQS/P/147/07-08 and JQS/P/55/15. For Williams, see JQS/P/80/28.

<sup>75</sup> Numerous brass items sold by the wife. See JQS/P/80/28.

<sup>76</sup> JQS/P/86/24. See also JQS/P/137/01/09.

<sup>77</sup> For example, *Felix Farley’s Bristol Journal* (19 January 1782): ‘ANN EVANS is about 22 Years of Age, stout made, of a brown Complexion, fresh colour’d, has a full broad Face, and has lost one of her Front Teeth.’

<sup>78</sup> JQS/P/99/15-20. For a woman pawning goods for two wanted highwaymen, see JQS/P/86/06.

<sup>79</sup> JQS/P/99/16.

pawnbrokers seems to have been a sensible decision, since the cause of their arrest was that James Cleaver was recognised 'as a housebreaker' by a pawnbroker's daughter.<sup>80</sup>

From all of this we can see that it was not just differences in the economic lives of men and women (and also children) which made acquaintanceship an important aspect of the way that stolen goods were handled, but also differences in suspicion. Among the depositions as a whole, it is clear that being 'out of place' was a very important way by which suspicion was generated. Carrying a stolen cask of butter through the city at night could raise the suspicions of a nightwatchman, for example, whereas doing the same during the daytime was unlikely to attract attention.<sup>81</sup> Women's importance as sellers of stolen goods did not stem only from their close association with the production and legitimate sale of clothes, or from their detailed knowledge of the opportunities for sale of second-hand goods. In some cases these factors were important, but women's ordinary involvement in second-hand clothes markets, and their tendency to use pawnshops as part of 'making shift', meant that they were less likely to be *suspected* of selling stolen goods, and this made them appealing as people who could be paid to sell or pawn stolen property. Indeed, in the absence of corroborating evidence, it should not be assumed that the people who acted as intermediaries for thieves knew that they were being implicated in the sale of stolen property. In 1771, Amelia Moses agreed to sell some stolen silver spoons for Samuel Badcock, who claimed that he had found them on the ground in the market: when Moses found out they were stolen, she had Badcock arrested.<sup>82</sup> Nor should we think that the thieves and their associates were always particularly well acquainted. Moses was quick to report Badcock's theft, and many of the sources show that it was money –

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<sup>80</sup> JQS/P/99/17. See also JQS/P/110/5b.

<sup>81</sup> JQS/P/49/01/02.

<sup>82</sup> JQS/P/33/30.

rather than friendship – that motivated associates to help sell stolen goods.<sup>83</sup> In her work on early modern Wales, Sharon Howard has persuasively emphasised the importance of suspicion as part of the process that led to crimes being investigated and prosecuted.<sup>84</sup> In the case of stolen goods in late eighteenth-century Bristol, we can see that ‘suspicion’ remains a very useful concept in helping us understand how sales to pawnbrokers occurred.

Certainly there is evidence that personal acquaintances could be used to link a thief with unfamiliar buyers, and it should not be thought that the only reason why acquaintances were used was to manage risk. For example, when Edward Harrington tried to pawn a silver jug and some silver buckles in 1787, he failed to do so despite several attempts. Eventually he paid a six pence commission to Edward Palmer for introducing him to a buyer.<sup>85</sup> In 1795, William Walter tried to buy some stolen wool from Lawrence Houlder; Houlder was reluctant to admit that he possessed the wool, and only did so when David Powell, a mutual acquaintance, assured him that there was no danger in doing so because Walter had bought stolen wool before.<sup>86</sup> The benefit of using acquaintances to access unfamiliar markets is seen in a deposition from 1792, in which Robert Edwards confessed that he stole some linen from a ship and:

... went immediately to Pill in the County of Somerset where he delivered all the Linen which he had so taken, except two pieces, to one Hester Avery the wife of Joseph Avery Labourer, to sell for him and the said Hester Avery immediately went out to sell some of the said Linen & returned in about ten minutes to this Examinant with some money.<sup>87</sup>

In addition to Edwards’s clear desire for a swift sale outside Bristol, we can see that

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<sup>83</sup> The lack of prior acquaintance between thieves and associates is illustrated by the case of Bridget Hayes and Samuel Butler discussed above. For another example in which a woman was approached on the street and asked to sell something in exchange for money, see JQS/P/74/09.

<sup>84</sup> See note 68.

<sup>85</sup> JQS/P/107/01/18. Other cases where an acquaintance recommended an unfamiliar buyer; see JQS/P/38/17 and JQS/P/129/22.

<sup>86</sup> JQS/P/143/10.

<sup>87</sup> JQS/P/129/19. See also JQS/P/129/21, in which two burglars got a female acquaintance to find a buyer.

Hester Avery's understanding of local markets meant that she could sell the linen quickly. It is important not to take an excessively reductionist approach in considering the different reasons why personal acquaintances were used in the sale of stolen goods. As these latter examples have shown, one reason to use associates' assistance was that they could link thieves with unfamiliar buyers. In the case of Edwards, in particular, Hester Avery appears to have been particularly well placed to find places where the stolen goods could be sold. Avery's role is consistent with the way that historians have associated women with the sale of stolen clothes, seeing them as being particularly adept at finding suitable places for their sale.<sup>88</sup> This was not, however, the only thing that women had to offer when it came to selling stolen goods.

## Conclusion

The picture presented by the Bristolian sources is one in which stolen goods markets were complicated and diverse. It is for this reason that caution is needed with the way that we describe eighteenth-century crime. It is all too easy to describe stolen goods as being circulated through 'networks' of thieves and receivers, with women's contribution arising solely from the fact that they were well placed to understand and use these networks. As we have seen, the reasons why associates were used were more complex than simply linking buyers with sellers. Criminals' decision-making involved quite complex considerations of risk and opportunity, and their activities were constrained by factors such as timing, location and appearance. Certainly the Bristolian sources support Shore's argument for the importance of personal connections in the way that stolen items circulated.<sup>89</sup> However, while personal acquaintances were important in a number of ways, great caution is needed when trying to turn this point into a more complicated model of the way that stolen goods circulated. While there is no doubt that stolen property did circulate rapidly and widely, it should only be with

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<sup>88</sup> Walker, *Crime Gender and Social Order*, p. 167.

<sup>89</sup> Shore, 'Crime, Criminal Networks and the Survival Strategies of the Poor', pp. 150-5.

good reason that we replace the simple notion of *circulation* with more complex concepts relating to networks or notions of organised crime. Perhaps the best way of theorising the way that stolen goods circulated is not in terms of networks of goods and people, but of myriad social and economic connections that were constantly in flux.

The consequence of this is that some aspects of recent conceptualisations of urban crime are, at best, partially supported by the Bristolian sources. Shore has described receivers as people who 'ran trades or small businesses, at the heart of the community' and as 'central players in the interlinking of community and criminal networks'.<sup>90</sup> In Bristol, the role of community in the sale of stolen goods was complex, and it is difficult to detect the presence of criminal networks which were either stable over time or to a significant degree separated from normal economic activity. It is not clear why we should see Shore's receivers ('pawnbrokers, old clothes shop keepers, publicans, lodging-house keepers') as being either part of criminal networks, or part of the communities in which thieves existed.<sup>91</sup> Many people bought stolen goods directly and anonymously from thieves and used them in their trade or sold them to unsuspecting members of the public, completely bypassing any engagement with networks of criminals or of stolen goods. Unscrupulous pawnbrokers may well have existed, but we have seen that in many cases the pawnbroker's shop was a locus of suspicion. The findings of this chapter are not, therefore, concordant with the viewpoint advanced by Shore's study of juvenile crime in early nineteenth-century London, which argues for the continuing value of 'organisation' and 'networks' as analytical concepts.<sup>92</sup> While Shore takes care to point out that these concepts should not be applied uncritically and that the boundaries between illegal and legitimate activity could often be blurred, in Bristol second-hand markets were so diverse and

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<sup>90</sup> Ibid., p. 154.

<sup>91</sup> Ibid.

<sup>92</sup> Shore, 'Cross coves', pp. 11-12.

relationships between buyers and sellers often appear so fragile that such analytical tools have only limited utility.

These differences between the work reported here and that of Shore suggest that studies which are based on London may have only a limited relevance to helping us understand crime in other English cities. The evidence for the kinds of receiver networks that Shore detects in London is not present in Bristol, and we have seen that the ability of information to circulate rapidly in a city of Bristol's size placed significant constraints on criminal behaviour. This does not mean, however, that Bristol can be regarded as sharing more features with the countryside than with the capital. Acquaintanceship was important to the sale of stolen goods, but its significance came from the necessity of negotiating the risks and difficulties that were specifically associated with the urban environment. The constraints on thieves' ability to sell stolen property did not arise from the personal and community-based authority which Beattie has so strongly associated with the rural parish, but from the speed with which information about stolen goods could circulate, and from the suspicious nature of many buyers.<sup>93</sup> Furthermore, this chapter has shown that there were many opportunities for the informal sale of stolen property in Bristol, and that buyers for many types of stolen property could be easy to find. In this sense, Beattie's argument that, overall, there were real differences in the ways that stolen goods were sold between urban and rural areas is not contradicted by the Bristolian sources.

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<sup>93</sup> Beattie, *Crime and the Courts*, p. 241.

## 8 Policing the city

Over the last few decades, historians have reassessed the effectiveness of London's eighteenth-century police forces, finding little evidence to support the accusations of contemporaries that the nightwatch were ineffective, unresponsive old drunks. As Andrew Harris and Elaine Reynolds have argued, it simply was not the case that London was ineffectually policed in the eighteenth century, or that the reforms introduced in the 1820s represented a radical break from the past.<sup>1</sup> Nor can we see institutions such as the nightwatch as being resistant to change, or unresponsive to contemporary attitudes towards crime.

While the research which has been done on policing in London is certainly very interesting, it remains to be seen whether similar observations can be made about policing in other locations. Given that Reynolds *et al* so strongly emphasise the importance of local initiative in shaping the nature of London's police, there is no reason to expect policing in a city like Bristol – or indeed anywhere else – to be similar

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<sup>1</sup> Andrew Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (Columbus OH, 2004); Andrew Harris, 'Policing and Public Order in the City of London, 1784-1815', *London Journal*, 28 (2003), pp. 1-2. Elaine Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830* (Basingstoke, 1998). For another account which also argues that substantial change in the nature of policing occurred before 1829, see: V. A. C. Gatrell, 'Crime, Authority and the Policeman-State', in F.M.L. Thompson (ed.), *The Cambridge Social History of Britain, 1750-1950*, vol. 3: *Social Agencies and Institutions* (Cambridge, 1990), p. 247. Other revisionist studies of London's police include: John Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror* (Oxford, 2001), Ruth Paley, "'An imperfect, inadequate and wretched system"?: Policing London before Peel', *Criminal Justice History*, 10 (1989), pp. 95-130 and Heather Shore, "'The Reckoning": Disorderly Women, Informing Constables and the Westminster Justices, 1727-33', *Social History*, 34 (2009), pp. 409-27.

to the situation found in London.<sup>2</sup> We can, therefore, only start to get a sense of the national situation with regards to eighteenth-century policing by conducting case studies in different areas, and building up a picture of continuities and variations between English cities and towns. Bristol provides an excellent opportunity to begin doing this. Much like the City of London (the focus of Harris's book), Bristol was a very small, autonomous county which was highly urbanised. Given the substantial similarities between the two places, we might expect two similar systems of nightwatching to have evolved.

There are some questions about the nightwatch which even research using metropolitan sources has failed to answer. As Elaine Reynolds has argued, we know that the nightwatch existed, but the nature of their work – or how they were perceived by the citizens of the parishes in which they worked – is still poorly understood.<sup>3</sup> To a significant extent, the sources show that the nightwatchmen engaged in activities which were similar to their counterparts in London: searching suspected criminals, visiting disorderly houses, calling the time, and patrolling the streets. However, in this chapter I argue that within Bristol we can see significant distortions in how these activities occurred: different parts of the city, and different groups of people, were more intensively watched than others. Furthermore, studies based on London have largely failed to consider the operation of the nightwatch at a city-wide level, probably because the highly fragmented nature of the nightwatch's administration makes such an investigation of the bigger picture very difficult. The sources from Bristol offer the opportunity to map the locations of all of the watch-stands in the city, showing how some areas could expect a very different standard of policing than others.

In addition to considering the nightwatchmen, this chapter will attempt to investigate the contribution of other groups which policed the city, such as the

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<sup>2</sup> Reynolds, *Before the Bobbies*, pp. 2-3; Harris, *Policing the City*, pp. 7-10.

<sup>3</sup> Reynolds, *Before the Bobbies*, p. 5.

constables, customs officers and various other civic officials. Just as Harris has employed a definition of 'policing' which includes a very diverse range of officials – encompassing constables, nightwatchmen, patrols and city marshals – so we will see that there were many groups involved in the policing of Bristol.<sup>4</sup> Setting out the differences between these groups is an important task, since it can reveal temporal and spatial variations in the operation of justice. These variations influenced the strategies of crime employed by thieves, and likely contributed to the distortion of the picture of crime presented by the depositions from that which existed in reality. The following chapter extends this argument further, by arguing for the importance of 'informal policing' to the prevention of crime.

## The nature and origins of policing

Bristol's nightwatchmen were organised according to a ward system. There were thirteen wards in the city, each of which employed a nightconstable to supervise the nightwatchmen; most wards corresponded to one of the city's parishes.<sup>5</sup> Both the nightconstable and the nightwatchmen were paid from a levy on local ratepayers. The nightconstable was employed alongside the day constables, who were all supervised by a chief constable. The chief constable was ultimately responsible to each ward's alderman, the city's twelve aldermen each being assigned to a particular ward; the mayor supervised the thirteenth ward, Trinity, which comprised several of the city's small central parishes.<sup>6</sup> In this way, Bristol's nightwatch formed part of a city-wide hierarchy which was ultimately controlled by the Corporation. Indeed, the issue of the extent to which the nightwatch were subject to central control and paid for out of the

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<sup>4</sup> Harris, 'Policing and Public Order', pp. 2, 4.

<sup>5</sup> Trinity ward comprised parts of the small parishes of St John the Baptist, St Peter and Christ Church.

<sup>6</sup> 'An Act for establishing, maintaining and well governing a Nightly Watch within the City of Bristol', 28 Geo. II, c. 32; Mark Harrison, *Crowds and History: Mass Phenomena in English Towns, 1790-1835* (Cambridge, 1988), p. 69.

rates created controversy upon its foundation in 1755. When the Bristol Watch Bill was in the House of Lords, the Corporation of the Poor sent a petition which argued that it:

... is calculated to grant, to the Mayor and Aldermen of Bristol, a power unconstitutional and unprecedented, as we humbly apprehend in any similar instance: in plain terms, to raise an unlimited number of able men to be armed, ordered, and stationed, within the city, at their pleasure, with a levy of money on the citizens for their pay, and this power, great and dangerous as it is, may be granted to the Mayor and two of the Aldermen.<sup>7</sup>

As Jonathan Barry has argued, the Corporation of the Poor was a powerful institution in which those who were excluded from civic office – often because of their religion – could participate. It is somewhat unsurprising, therefore, that it was opposed to the Corporation's further acquisition of administrative power, since the two organisations were in perpetual conflict.<sup>8</sup> Other petitions in protest and support were submitted throughout the bill's journey through parliament, which eventually ruled that the Corporation was the best-placed body to oversee the nightly watch.<sup>9</sup> Interestingly, a request that some flexibility be allowed to citizens who wished 'that the inhabitants themselves (as had ever been the custom) might be permitted to depute and direct the persons, who were, at their expence [sic], to watch and guard their properties' was ignored.<sup>10</sup> The bill was passed in essentially unmodified form, with control of the nightwatch remaining with the magistrates.<sup>11</sup> In practice, the administration of the nightwatch appears to have seen each ward acting fairly autonomously, and the fact that the town clerk had to collect lists of who was employed as nightwatchmen and where the stands were located suggests that the Corporation did not take a particularly

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<sup>7</sup> James Brown, *Transactions of the Corporation of the Poor, in the City of Bristol* (Bristol, 1826), p. 121.

<sup>8</sup> Jonathan Barry, 'The Parish in Civic Life: Bristol and its Churches 1640-1750', in S. J. Wright (ed.), *Parish, Church and People: Local Studies in Lay Religion, 1350-1750* (London, 1988), pp. 168-9.

<sup>9</sup> *Case of the Petitioners against the Bill for establishing a Nightly-Watch within the City of Bristol* (Bristol, 1755) – in British Library: Acts of Parliament 1755, 213.i.3 (98); *London Magazine*, vol. 24 (1755), pp. 440-2.

<sup>10</sup> *Ibid.*, p. 441.

<sup>11</sup> Sidney and Beatrice Webb, *English Government from the Revolution to the Municipal Corporations Act: the Manor and the Borough*, book 2 (London, 1908), pp. 456-7.

Table 8.1: Nightwatchmen in each ward, 1780-1800

	1780	1789	1800
All Saints	2	2	3
Castle	4	4	3
Redcliffe	6	6	7
St Ewin's	3	4	4
St James's	10	13	6
St James's ward in St Paul's	–	–	7
St Mary le Port	5	4	7
St Michael's	18	19	9
St Michael's in St Augustine's parish	–	–	12
St Nicholas	6	6	6
St Philip in St James	4	6	6
St Stephen's	7	6	8
St Thomas	2	3	2
Temple	4	4	6
Trinity	4	4	4
<b>Total</b>	<b>75</b>	<b>81</b>	<b>90</b>

*Source:* TC/Adm/Box/33/05 (1780), TC/Adm/Box/41/03 (1789), TC/Adm/Box/52/06 (1800). The figure for St Nicholas's ward in 1780 is drawn from the 1779 list in TC/Adm/Box/33/04.

interventionist approach.<sup>12</sup> Indeed, while the office of nightconstable was technically held in the patronage of the Corporation, there is evidence to show that in at least one ward it was an elected position – a relatively popular one, given that there were six applicants when the office became open in Castle ward in 1796.<sup>13</sup>

The number of watchmen employed varied between wards, so that some parts of the city saw a denser concentration of watchmen than others. This is shown by Table 8.1, which details the numbers of watchmen employed in each ward at approximately ten-year intervals. We can see that these numbers tended to remain fairly stable over time. On a city-wide scale, there was a reasonable – but hardly revolutionary – increase of approximately 20 per cent in the number of watchmen employed in Bristol between

<sup>12</sup> TC/Adm/Box/52/06.

<sup>13</sup> BRO, Papers of Miss D. Livock, Public Safety to 1830: General notes + working paper on the development and finance of the public safety services (36771/60)

1780 and 1800. By the 1820s the number of nightwatchmen had risen to 115, but there had been no major changes in the way that the city was policed.<sup>14</sup> This observation is significant because Andrew Harris has argued that the ‘crime wave’ of the mid-1780s profoundly influenced public opinion about crime, and caused a ‘quiet revolution’ in the way that the City of London was policed.<sup>15</sup> As will be discussed in chapter 10, Bristol also experienced a dramatic spike in reported crime in the mid-1780s. However, the city does not appear to have experienced its own ‘quiet revolution’ in policing, despite the fact that the preconditions for such a revolution existed in the city. How can we explain this? The fact that Bristol’s nightwatch was essentially organised on a city-wide basis meant that some of the driving-forces behind the expansion of the nightwatch in London did not exist. As Reynolds has shown, the contemporary fear that policing in central London would cause criminals to migrate to unpoliced areas meant that by the 1760s and 1770s London’s suburban parishes had become fearful that they would see increased crime. When Camberwell and Peckham sought a lighting and watching act in 1776, for example, they did so because of their close proximity to the metropolis.<sup>16</sup> Overall, the parishes outside the City of London received nightwatch acts over the course of almost a century, with the first (St James, Piccadilly and St George, Hanover Square) occurring in 1735.<sup>17</sup> In Bristol, the suburban parishes received nightwatchmen at the same time as the central ones, and were governed by the same act of parliament.

It is, however, worth realising that Bristol’s situation was more favourable than that in other cities. Liverpool employed 60 nightwatchmen after 1741, and in 1815 had

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<sup>14</sup> Henry Bush, *Bristol and Its Municipal Government* (Bristol, 1976), p. 52.

<sup>15</sup> Harris, ‘Policing and Public Order’, p. 1. This point is also made by David Philips, ‘A New Engine of Power and Authority’: The Institutionalization of Law Enforcement in England, 1780-1830’, in V.A.C. Gatrell, *et al.* (eds), *Crime and the Law: The Social History of Crime in Western Europe since 1500* (London, 1980), p. 156.

<sup>16</sup> Reynolds, *Before the Bobbies*, p. 42.

<sup>17</sup> *Ibid.*, pp. 2-3.

26 constables – considerably fewer than in Bristol.<sup>18</sup> In the late eighteenth century nightwatchmen were employed in Birmingham only on an irregular basis, with provision in the 1790s being left entirely to private individuals.<sup>19</sup> Some smaller cities such as Bath had nightwatchmen from the mid-eighteenth century, but Manchester did not obtain an act to expand the size of its nightwatch until 1792.<sup>20</sup> In comparison to these cities, then, Bristol more closely resembles London in terms of the number of nightwatchmen that it employed and its early use of parliamentary legislation to obtain them.<sup>21</sup> We should not see all cities as existing on a simplistic continuum in which intensity of policing was correlated with city size.

Bristol's Corporation also controlled the city's prisons, in addition to overseeing the constables, managing the courts and dealing with customs and excise issues. The nightwatch were, therefore, only one component in a much larger governmental structure in which there were several types of civic official who were significantly involved in reducing crime. These officials included the constables, but also (in particular) the mayor and sheriff's officers. The customs and excise officers also prevented theft, and even the city bellman was used to circulate information about crime. Perhaps the best way to begin to unravel the different jurisdictions and the varied nature of policing is by considering the functions performed by the different

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<sup>18</sup> Thomas Baines, *History of the Commerce and Town of Liverpool* (Liverpool, 1852), p. 416; Anne Bryson, 'Riotous Liverpool, 1815-1860', in J. Belchem (ed.), *Popular Politics, Riot and Labour: Essays in Liverpool History, 1790-1940* (Liverpool, 1992), p. 102.

<sup>19</sup> Sidney and Beatrice Webb, *English Government from the Revolution to the Municipal Corporations Act: Statutory Authorities for Special Purposes* (London, 1922), pp. 254-55.

<sup>20</sup> John Wood, *A Description of Bath* (London, 1765), p. 381; Arthur Redford, *The History of Local Government in Manchester*, vol. 2 (London, 1939), pp. 92-7.

<sup>21</sup> In London, as in Bristol, it is important to distinguish between central parishes and suburban ones. In the City of London's 25 wards, 765 watchmen were employed in 1806 – which, even accounting for the City's higher population, meant that there were more watchmen per capita than in Bristol. In 1811 Bethnal Green was home to 33,000 people but had just 18 nightwatchmen; by contrast, in 1790, the much smaller parish of St Paul's, Soho, was deploying 19 watchmen. Drew Gray, 'Summary Proceedings and Social Relations in the City of London, c.1750-1800', PhD thesis (University of Northampton, 2006), p. 74; Paley, "'An imperfect, inadequate and wretched system'", p. 104; Tony Henderson, *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis, 1730-1830* (London, 1999), pp. 106.

types of publicly-employed officer. Table 8.2 is derived from all the depositions in which a nightwatchman or other civic official made a significant contribution to the arrest or prosecution of an offender. It shows that there were many civic officials involved in policing, but that these officials tended to work in different ways. The depositions are, of course, a set of sources which had a very narrowly-defined purpose, and do not represent the activities of all civic officers. The bellman was never directly involved in preventing crime, for example, but he did communicate information which led to arrests; nor do the depositions tell us anything about the other duties of the sheriff's officers.<sup>22</sup> Nonetheless, it is the policing of crime which is the focus of this chapter, and the depositions can certainly be revealing about how civic officials were involved in investigating crime and helping to bring cases to court. Particularly prominent is the fact that while the nightwatchmen very frequently appear in the depositions as people who either saw a crime taking place or who searched a suspect on the street, they were much less frequently involved in making arrests or searching for stolen goods. In contrast, nightconstables often arrested suspects on the street, but they also searched houses, made arrests, conveyed people to Bridewell and tried to obtain confessions. This is illustrated by Table 8.2, which shows that there are 36 depositions in which a nightconstable is reported to have either made an arrest or searched for stolen goods: there are only nine in which a nightwatchman did the same. Conversely, we can see that nightwatchmen were much more involved in conducting searches and making arrests on the street. This shows one way in which the nightwatch was hierarchically organised: nightwatchmen patrolled the streets and apprehended suspicious people, but it was the nightconstable of each ward who executed arrests and conducted searches.

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<sup>22</sup> The importance of the bellman and other strategies of information circulation is discussed in more detail in the following chapter.

Table 8.2: Role of civic officers in preventing crime, 1770-99

	Street search	Arrest/search after crime <sup>a</sup>	Witness to theft	Total
<b>Constable</b>	–	9	–	<b>9</b>
<b>Constable of the market</b>	1	–	–	<b>1</b>
<b>Customs or Excise officer</b>	1	–	–	<b>1</b>
<b>Mayor's beadle</b>	–	1	–	<b>1</b>
<b>Mayor's officer</b>	1	10	–	<b>11</b>
<b>Nightconstable</b>	15	36	1	<b>52</b>
<b>Nightwatchman</b>	27	9	4	<b>40</b>
<b>Private watchman</b>	3	–	–	<b>3</b>
<b>Sheriff's officer</b>	3	9	–	<b>12</b>
<b>Sheriff's yeoman</b>	–	3	–	<b>3</b>

*Source:* Database of depositions.

<sup>a</sup> Since officers would often recover stolen goods from a property *and* arrest a suspect, this column lists case in which one of these things happened.

Somewhat surprisingly, we can see from Table 8.2 that the officers who served the mayor and his two sheriffs appeared more frequently than the city constables in the depositions. These officers made arrests, enforced warrants, and searched both buildings and people for stolen property. The constables appear only twelve times in the depositions, compared to 27 cases in which officers of the mayor or sheriff were significantly involved in the investigation of a theft. It is also noticeable that there are no depositions featuring the constables reporting crimes which they had witnessed, and no reports of them arresting people in the same manner as the nightwatchmen. Table 8.3 shows that the number of constables employed in each ward was not particularly substantial, with most wards employing fewer than ten constables in 1801. As with the nightwatchmen, the city's smallest wards – such as All Saints or St Ewin's – tended to employ fewer constables than the large suburban wards, but the much higher populations of the latter meant that there were far fewer constables per

Table 8.3: Constables per ward, 1801

	Constables	Nightconstables	Houses	Constables per house
All Saints	5	1	33	6.6
Castle	8	1	245	30.6
St Ewin	5	1	143	28.6
St James	12	3	1120	93.3
St Mary le Port	10	1	53	5.3
St Michael	11	2	437	39.7
St Nicholas	9	1	274	30.4
St Stephen	10	1	250	25.0
St Thomas	6	2	190	31.7
Temple	9	1	556	61.8
Trinity	8	1	–	–
<b>Total</b>	<b>93</b>	<b>15</b>		

Source: BRO, Constable Book, 1719/1; James Johnson, *Transactions of the Corporation of the Poor* (Bristol, 1826), p. 170.

household in them.<sup>23</sup> The main difference between the nightwatch and the other civic officers was that the nightwatchmen were far more involved in discovering acts of crime and identifying suspicious behaviour through the simple process of patrolling the streets – whereas the day police’s work tended to involve assisting victims to arrest particular suspects and retrieve stolen goods, and responding to well-defined threats of crime.

Specific areas of the town were proactively policed, and suspected criminals were lured into implicating themselves – these were activities which were quite distinct from those of the nightwatch. When Philip Boswell was suspected of burglary in 1781, for example, the constables attempted to catch him in the act of selling stolen goods by getting a potential buyer to meet him at an alehouse at an arranged time. The constables remained hidden until the sale had occurred, then arrested him.<sup>24</sup> In 1803, a sheriff’s officer reported that he had been placed to watch the cellar of a merchant in

<sup>23</sup> Drew Gray has conducted a similar analysis of constables in the City of London, finding that the number per household varied from 28 to 257: ‘Summary Proceedings and Social Relations in the City of London’, p. 89.

<sup>24</sup> JQS/P/73/01.

Frogmore Street, and had caught a man in the act of theft.<sup>25</sup> The mayor's officers were also used to target perceived areas of crime. In 1804, for example, the aldermen led the officers onto the Quay for the purpose of preventing theft.<sup>26</sup> While it is hard to argue that events such as St James's Fair (the city's largest fair) were *increasingly* heavily policed – as Andrew Harris has shown in relation to St Bartholomew's Fair in London – extra constables were indeed employed just to police the fair, with the intention of preventing disorderly behaviour.<sup>27</sup>

This kind of targeting of specific locations on a temporary basis is not seen (at least in the records which survive) in the activities of the nightwatch: indeed, it was specifically ruled-out when the nightwatch was founded.<sup>28</sup> This is not to say that nightwatchmen could not be employed privately, working in addition to their duties as public officials. In 1800 Joseph Jones – nightwatchman in Temple ward – was employed to search for stolen goods on behalf of a victim, while a nightconstable was employed to protect a shop in 1802.<sup>29</sup> In addition to paying off-duty nightwatchmen to perform extra work, private watchmen were regularly employed. This was particularly the case when it came to securing the goods stored on Bristol's quayside. The depositions report that three men – a wiredrawer, a labourer and a porter – were employed as private nightwatchmen on the quayside, showing that the job of private nightwatchmen does not appear to have been a full-time profession.<sup>30</sup> At an 1807 House of Commons committee enquiring into the improvement of Bristol Docks, William James – a shipwright of 35 years' standing – complained that in Bristol

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<sup>25</sup> JQS/P/198/06. Constable followed suspect to inn and waited for him to come out before arresting him: JQS/P/186/03.

<sup>26</sup> JQS/P/186/04.

<sup>27</sup> Harris, 'Policing and Public Order', p. 63. In 1770, for example, the Chamberlain paid £4 to hire five men to attend at the fair: F/Ac/Box/81/07. This payment was also made in 1780, 1790 and 1800.

<sup>28</sup> See note 9.

<sup>29</sup> JQS/P/175/08, JQS/P/190/02.

<sup>30</sup> JQS/P/123/44, JQS/P/150/10, JQS/P/165/20.

merchants were forced to employ their own watchmen, at great personal expense. On the London dockside, nightwatchmen were funded since 1799 – something which witnesses to the enquiry saw as indicative of Bristol’s less-competitive trading position.<sup>31</sup>

The above material shows, therefore, that the public nightwatch were not the only group who were involved in policing the city. As I will argue below, in certain parts of Bristol the response to crime was more intense than in others.<sup>32</sup> This point can also be made about the way that the city was policed during the daytime. As we have seen, some wards had more constables than others, and areas such as the Quay were also frequented by customs officers and other civic officials who were concerned with the reduction of theft. The fact that places such as St James’s churchyard were periodically the locations of *additional* policing supports this argument, as well as illustrating the importance of temporal variations in the strength of policing. St James’s Fair was an annual event, but ultimately the most important temporal variation in policing occurred on a daily basis, when the nightwatch started and ended their duty. The relatively unimportant role of daytime officers in influencing reported crime, as shown by Table 8.2, suggests that in the daytime for those who wished to initiate a prosecution or conduct a search, it was the centrally-located officers such as the mayor’s officers who were used as much as the ward constables. This has implications for our assessment of how difficult it was to investigate theft. It also means that the essence of the nightwatchmen and constables’ work can be described in radically different ways. Both contemporaries and some historians have argued that the ‘New Police’ of the mid-nineteenth century represented a shift from ‘reactive’ to ‘proactive’ policing, with the activities of the Metropolitan Police being increasingly based on

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<sup>31</sup> M/BCC/DOB/1, testimony of William James, pp. 19-21; section 1, p. 23. Harris, *Policing the City*, p. 4.

<sup>32</sup> This argument echoes Steve Poole’s emphasis of the distinctiveness of certain spaces of protests in Bristol: ‘Till our Liberties be Secure: Popular Sovereignty and Public Space in Bristol, 1780–1850’, *Urban History*, 26 (1999), pp. 40-54.

surveillance by patrolling officers rather than the detection of crimes which had already occurred.<sup>33</sup> The validity of this interpretation has been questioned, but the categories employed do have some relevance to Bristol.<sup>34</sup> While the nightwatch patrolled the streets and attempted to detain suspected thieves during or shortly after their crimes, the constables were much more involved with investigating crimes after they had happened. This reflects the reactive/proactive distinction, albeit with a different time frame – it also suggests that when police reform did occur in Bristol, any shifts towards ‘proactive’ policing which occurred were not entirely novel.

## Policing the nocturnal city

There are a large number of depositions which provide useful information about the nature of the nightwatchmen’s duties. While all nightwatchmen were assigned to stands, the depositions make it clear that they spent considerable amounts of time patrolling the streets, usually on fixed ‘rounds’. This was the main task of the nightwatch: patrolling, watching, calling the hours, and dealing with suspicious or disorderly people. As Table 8.2 shows, we can see that they were less involved with searching properties, arresting offenders and retrieving stolen goods than other civic officers: these tasks were much more frequently accomplished by the nightconstables of each ward, or (in the daytime) by the sheriff and mayor’s officers. The watchmen entered buildings when there was reason to do so, but for the most part their work was entirely street based, focused on monitoring and assisting ‘disorderly’ people and houses, interrogating and arresting suspected thieves, and ensuring that buildings were locked.<sup>35</sup> It is difficult, therefore, to say that the nightwatchmen policed the city in

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<sup>33</sup> John Styles, ‘The Emergence of the Police – Explaining Police Reform in Eighteenth and Nineteenth Century England’, *British Journal of Criminology*, 27 (1987), p. 17.

<sup>34</sup> Ibid; Ruth Paley, ‘An Imperfect, Inadequate and Wretched System? Policing London before Peel’, *Criminal Justice History*, 10 (1989), p. 95.

<sup>35</sup> Checking buildings: JQS/P/160/03, JQS/P/186/02. The treatment of drunken people was not always necessarily punitive. When a heavily-intoxicated John Clough was found in the street, the watchmen simply took him home and put him to bed: JQS/P/36/22. Similarly, people

any sort of proactive sense, although this did not mean that being a nightwatchman was free from danger. In 1779 the two nightconstables of St Stephen's ward were paid ten guineas for the 'Care of Wounds, bruises and other Hurt's received in ye Execution of their Office'.<sup>36</sup>

The nightwatchmen's approach to policing the city meant that suspicion and serendipity, rather than any sort of sustained 'detective' work, were of crucial importance to the detection of crime. The people who appear in the depositions are not convicts, but suspects – and the depositions show that some people were more likely to become suspects than others. Those who appeared 'out of place' were most likely to be stopped and searched by the nightwatch. In 1781, James Underwood – nightconstable of St Nicholas's ward – saw John Thompson leaving the ship *Baltick Merchant* with something under his arm. This, in itself, was sufficient for him to search and arrest Thompson.<sup>37</sup> In 1782, Elizabeth Glover was arrested because she was seen on the Quay with an iron bar; Thomas Fitzgerald was arrested the next year because he was seen in Queen Square at 3am with a piece of lead.<sup>38</sup> From these examples we can see that suspicion was contingent on certain conditions. Thompson was arrested because of the time and location of his theft; Fitzgerald also appeared suspicious due to the hour at which he was seen by the nightwatch; in the case of Elizabeth Glover, gender can also be identified as a factor, since women were less likely to have a legitimate reason to be carrying iron on the Quay. There were, however, other things which aroused suspicion. Being seen 'lurking' was one, and so was the way that people were seen to be carrying property.<sup>39</sup> In 1783, William Churchill was arrested in the market because

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without accommodation were sometimes permitted to sleep in the watch-house or stands: JQS/P/82/? (23/12/1783), JQS/P/115/04.

<sup>36</sup> F/AC/Box/81/7, no. 5.

<sup>37</sup> JQS/P/75/02/05.

<sup>38</sup> JQS/P/76/04, JQS/P/79/02. Further examples in which the unusual timing of an action led to suspicion: JQS/P/86/26, JQS/P/87/03, JQS/P/91/01/10, JQS/P/91/02/04.

<sup>39</sup> JQS/P/162/04.

he was seen 'with something between his arm and side'.<sup>40</sup> It is somewhat ironic that the cause of suspicion was often the attempted concealment of stolen property. Some suspects were arrested despite the fact that they were not in possession of stolen goods. In 1795, Isaac Light stopped two men who were 'carrying an Empty sack and... very much covered with mud' at 2am, illustrating how appearance and timing could be the sole reason for arrest, even when direct evidence that a crime had occurred was absent.<sup>41</sup> We can see that 'suspicion' was a highly variable phenomenon, with factors such as location, gender and appearance being important influences on how the nightwatch policed the city. Perhaps the most important factor was, however, timing. At night, activities which would at other times be completely indistinguishable from 'legitimate' activity became highly suspicious.

Suspicion also arose from watchmen's local knowledge, providing another way by which certain people were more likely to be accused of crime than others. In 1781, for example, James Underwood reported that:

... he saw the Person now present whose Name is James Harding with a Bundle on his Head and this Infr from a knowledge he had of the Character of sd Harding suspecting such Bundle to have been stolen laid hold of him and got Possn of such Bundle... And saith that havg before in the Mornng seen sd Harding and one John Barry together he aftwds Caused sd Barry to be taken into Custody...<sup>42</sup>

In this case, then, Underwood's reason for stopping Harding was founded not on evidence, but on suspicion based on Harding's appearance and his character. Furthermore, Underwood's testimony illustrates the benefit of having watchmen in highly-trafficked locations: he had observed Harding and Barry *before* the alleged burglary occurred. In this case, Underwood's knowledge of the 'characters' of local people, and of the people who were present in his ward, allowed him to make two arrests. There are several other cases which show the value of local knowledge to

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<sup>40</sup> JQS/P/100/13.

<sup>41</sup> JQS/P/147/09.

<sup>42</sup> JQS/P/68/11.

Table 8.4: Nightwatch and ward populations, 1800

	Watchmen	Houses	Houses per watchman
All Saints	3	33	11.0
Castle	3	245	81.7
Redcliffe	7	692	98.9
St Ewin's	4	143	35.8
St James's	6	1129	188.2
St James's ward in St Paul's	7	797	113.9
St Mary le Port	7	53	7.6
St Michael's	9	437	48.6
St Michael's in St Augustine's parish	12	860	71.7
St Nicholas	6	274	45.7
St Philip in St James	6	396	66.0
St Stephen's	8	250	31.3
St Thomas	2	190	95.0
Temple	6	556	92.7
Trinity	4	–	–
<b>Total</b>	<b>90</b>	<b>6022</b>	<b>66.9</b>

Source: TC/Adm/Box/52/06 (1800); James Johnson, *Transactions of the Corporation of the Poor* (Bristol, 1826), p. 170. Trinity ward covered several parishes in the centre of the city, and is thus not included.

successful policing. When Samuel Bryant was sent to arrest a woman in 1779, for example, he could recognise her by sight.<sup>43</sup> In 1795 Isaac Light reported that he was directed to a 'house of ill-fame' to arrest a suspect; when he found that the suspect was not there, he went to his home instead.<sup>44</sup> Again, Light's ability to recognise a suspect, and his knowledge of the location of the suspect's lodgings, allowed him to make an arrest. Thomas Apperley, sheriff's sergeant, searched Richard Hennesy in 1785 simply because he had 'heard something had been stolen' and suspected that Hennesy might have it.<sup>45</sup>

<sup>43</sup> JQS/P/63/? (20/10/1779).

<sup>44</sup> JQS/P/140/10.

<sup>45</sup> JQS/P/95/01/13. See also: JQS/P/115/03, in which the constable arrested the suspect despite having no evidence as to their guilt.

The material presented above showed that the attention of the nightwatch was particularly strongly focused on certain people and on those who appeared in certain contexts. This point becomes particularly pertinent when we examine the spatial distribution of the nightwatchmen. As we saw in Table 8.1, there were considerable variations in the number of watchmen who were employed in different wards. For example, the small ward of All Saints had only four watchmen in 1780, compared to St Michael's ward which had nineteen. This was due to the fact that St Michael's ward encompassed the large suburban parishes of St Augustine and St Michael, while wards such as All Saints, St Mary le Port and Trinity covered only a few streets in the centre of the city. As Table 8.4 shows, the wards had very different populations, so that the density of nightwatchmen in each ward also varied considerably. While St James's ward may have had the most watchmen in 1800, it also had the largest number of households, meaning that there were fewer watchmen per household in St James's ward than in any other ward in the city. We can see that wards such as those of All Saints had a much narrower ratio of watchmen to residents, so that while All Saints may have employed fewer watchmen than almost any other ward in 1800, it is difficult to argue that its residents' properties were any less secure. Indeed, the implication of Table 8.4 is that the smallest wards were more intensively policed than the largest.

As well as studying the numbers of watchmen who were employed in each ward, it is also possible to examine the locations of the city's watch-houses and watch-stands, thereby permitting a much closer spatial analysis of the distribution of the nightwatchmen. The nightwatchmen only spent a limited amount of their time at their stands, but the stands nonetheless give a rough guide to their distribution – the fact that the nightwatchmen patrolled the areas around their stands cannot have made them any easier to avoid. A study of Figure 8.1 shows that the combined effect of the many small wards in the city centre meant that the nightwatchmen were particularly concentrated in the central parts of Bristol, while there were very few watchmen's

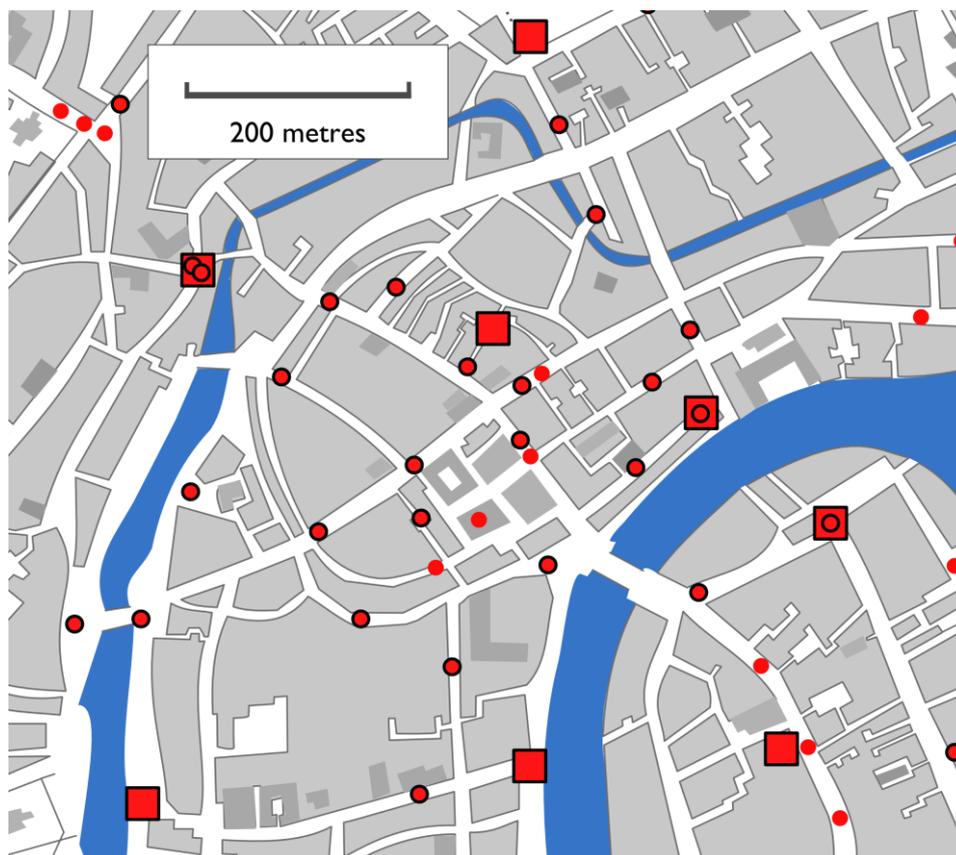
Figure 8.1: Watch-houses and watch-stands, 1800



Source: TC/Adm/Box/52/06 (1800); *Matthews's New and Correct Plan of the City and Suburbs of Bristol* (1800).

N.B. Watch-stands are indicated by a red circle; watch-houses by a red square. Locations without a solid border are approximate (i.e. accurate to a particular street); locations with a solid border are precisely located. Watch-houses with a circle superimposed indicate that a watchman was stationed there in addition to the nightconstable.

Figure 8.2: Nightwatchmen in the centre of Bristol, 1800



Source: as Figure 8.1.

stands in the suburban parts of the city. Figure 8.2 shows that in 1800 there were approximately 21 watchmen or nightconstables (out of 105 in total) who had their stands within 200 metres of the traditional city centre.<sup>46</sup> This is reflected by the content of the depositions. When Joseph Price pursued a suspect in 1773, he was able to get several watchmen to go with him: his own watch-stand was on High Street, in central Bristol. At that time there were two stands on High Street and several more nearby in 1780.<sup>47</sup> Looking at the central part of town, it is clear that there were effectively no routes to the outer parts of the city which did not pass by a watch-stand. A person

<sup>46</sup> The 'traditional centre' being the meeting place of the medieval city's four main thoroughfares, where the High Cross was located.

<sup>47</sup> JQS/P/49/01/02.

committing a theft in Queen Square or on the Quay, for example, could not have left the wards in which these places were located without passing at least one nightwatchman's stand. All the major streets in the central area of the town had at least one watch-stand on them, and both the drawbridge and Bristol Bridge (the two main crossing-points on the rivers which encircled the central parts of the city) had watch-stands on either side. To some extent, therefore, it was the city's unusual physical geography which made its policing distinctive.

There is evidence that the density of nightwatchmen in Bristol's central wards was such that some thieves avoided moving stolen goods through the city at night. In the deposition by James Underwood quoted above, the reason why Harding was moving stolen clothing in the morning was because his bundle 'had been hid for the Night in some Free Stone [in Marsh Street]', near the shop that he had burgled.<sup>48</sup> Harding was stopped on Bristol Bridge because he looked suspicious, but the way in which he stole goods and then transported them later shows that he considered moving the bundle at night to be a risky activity: it appears that he failed to wait long enough, and was unlucky to be caught by Harding before he had finished his shift. Similarly, when two burglars stole a piece of tick in 1788, they got Alice Fidoe to conceal it overnight for them. They took particular care while carrying it past a watch-stand near to the shop they had burgled.<sup>49</sup> In a confession made by George Williams, concerning the burglary committed by Harding and Barry, it was reported that the patrolling of two watchmen down Marsh Street caused them to cover the window that they had been breaking open and hide themselves in the free stone until the watchmen who were patrolling Marsh Street had passed.<sup>50</sup> This provides another way that the

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<sup>48</sup> JQS/P/68/11.

<sup>49</sup> JQS/P/110/? (17/04/1788). For similar examples of hiding stolen goods in the street, see: JQS/P/86/14, JQS/P/123/02, JQS/P/150/10 (iron); JQS/P/31/36, JQS/P/36/21, JQS/P/129/22 (clothing); JQS/P/123/15a, JQS/P/123/32, JQS/P/142/08 (silver tankards); JQS/P/123/52 (sugar); JQS/P/143/01 (pocket watch).

<sup>50</sup> JQS/P/68/11.

watch constrained thieves' behaviour: while the burglars were not caught by the watchmen in the Marsh Street area, their crime had to be timed so that it did not occur under the eyes of the patrolling nightwatch.<sup>51</sup> As I argue in chapter 9, windows were a very frequent target of burglary, with thieves developing strategies of crime which were designed to be as fast as possible: the danger presented by the nightwatch can explain why this emphasis on speed was so important.

This behaviour, with thieves making definite attempts to avoid an encounter with the nightwatch, indicates that they perceived the nightwatch as being a credible threat. The sources suggest that in certain parts of the town the chances of encountering the nightwatch could be quite substantial, thereby corroborating the picture of policing presented by Figure 8.1. When a gang of seven men burgled a sugar warehouse in 1792, two were stopped separately by the nightwatch, suggesting that being stopped was not a particularly unlikely occurrence.<sup>52</sup> The rest of the gang hid in an alleyway until dawn. Again, the resumption of work in the city, and the cessation of the nightwatch, appear to be an important factor in their behaviour. In 1802 a man carrying stolen lead was stopped twice: the first time he was able to escape by abandoning his companion, but the second time (being by himself) he was unable to get away. The second encounter with the watch occurred less than an hour after the first.<sup>53</sup> Figure 8.3 shows the locations at which people were arrested on suspicion of theft by the nightwatchmen, although it should be noted that it is only in a minority of cases that such locations can be plotted with accuracy. As we can see, the vast majority of relevant depositions report that suspects were apprehended either in the city's medieval core, or in the streets nearest the quayside. There were only three reports of suspects who were arrested south of the river, and no reports of suspects who were arrested by the nightwatch in the northernmost extent of the suburb which extended

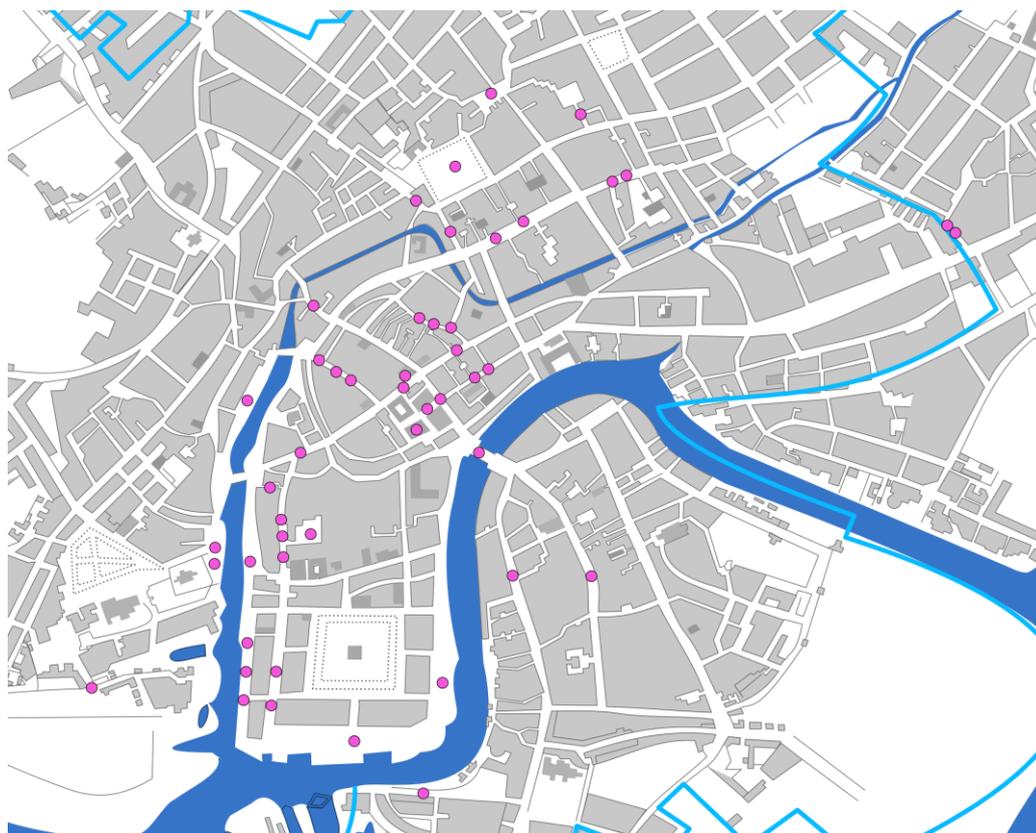
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<sup>51</sup> Ibid.

<sup>52</sup> JQS/P/123/50-2.

<sup>53</sup> JQS/P/190/16.

**Figure 8.3: Reported locations of nightwatchmen apprehending suspects, 1770-99**



*Source:* JQS/P.

above the city. We can, therefore, see a positive correlation between the location of the nightwatchmen's stands and reports of arrests by the nightwatch. It was not just the nightwatchmen – but also the tendency to be arrested by the nightwatch – which were unevenly distributed across the city.

This raises the issue of whether particular areas were specifically targeted by the nightwatchmen, in the same way that locations such as St James's Fair or the market had their own constables assigned to them. The nightconstables' returns, from which the map of watch-stands and watch-houses is derived, do not provide any direct evidence of this. While the locations of the nightwatchmen's stands did vary between 1780 and 1800, it is difficult to see them as moving so that areas which had become increasingly 'problematic', such as the quayside or St James's churchyard, were

increasingly intensively watched. In some instances, we can see a certain amount of logic in the way that the nightwatchmen were distributed. In St James's ward, for example, the stands were evenly distributed along the ward's most important thoroughfare. In St Stephen's and St Nicholas's wards – the locations of the city's maritime trade – the stands and watch-houses were predominantly located on the quayside. The stands were also evenly spaced on Temple Street, which was the main street in Temple ward. It is important to realise that the location of the stands did not necessarily equate to the locations of the nightwatchmen: as Figure 8.3 shows, the nightwatchmen often reported themselves as making arrests in areas away from their stands. While Marsh Street – the city's most notorious location of crime and disorder – had no stands on it, it certainly was patrolled as part of watchmen's rounds. The answer to the question of whether watchmen were used to target specific properties is, therefore, inconclusive, but this does not mean that we cannot see important distortions in the operation of the nightwatch on a slightly larger scale, so that certain areas of the city were more intensively policed than others.

## Other functions of the nightwatch

Patrolling the streets was not the only function of the nightwatch. The nightconstables, in particular, were frequently called upon to make arrests and to search for stolen property. They did this across the city, crossing the ward boundaries when necessary. In 1804, the nightconstable of St Michael's ward was approached at his stand by Elizabeth Lloyd, who requested that he search the house of Charles Buss on suspicion of theft. The nightconstable went 'to search the said Buss's house by turning over some Small Coal in a Coal-Repository near the Kitchen', until Buss 'ask'd this Informant for his search-warrant and required this Informant leave off searching, saying to this Informant "search my house at your peril".<sup>54</sup> The nightconstable desisted, but posted one of his watchmen at the door of the house to prevent stolen goods being removed,

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<sup>54</sup> JQS/P/201/11.

then obtained a warrant. Eventually he was able to search the house and have Buss arrested. All of this required consultation with the keeper of Bridewell's assistant, the nightconstable of Temple ward, and Alderman Noble.

There are several important observations to be drawn from this. Firstly, we can see that the nightwatch could function across ward boundaries, and that other civic officials were involved in the prevention and prosecution of crime at night. The construction of watch-houses meant that suspects could be detained until morning before committing them to prison, but in this case it was not arresting the suspect – but proving that he was in possession of the stolen goods – which posed a problem. This was one of the key functions of Bridewell, as a place to detain the *potentially* criminal while conclusive evidence was sought. The ways in which news about detained suspects was circulated are discussed in the next chapter. Secondly, the fact that a nightconstable was approached at his stand shows that the stand's purpose was not just to provide shelter to nightwatchmen, but to provide a focal-point where citizens could contact the nightwatch. That the nightconstable was approached by a member of the public, and the fact that he responded positively to this approach, show that the nightwatch were perceived, and indeed did function, as a public service.

As this case shows, some people were willing to enter into direct confrontation with suspects, but the first reaction of others when they suspected a crime had taken place was to summon the nightwatchmen or to enlist the assistance of a nightconstable. When Susanna Morris saw a suspected burglar, for example, she went immediately to the nearest watchman. That Morris chose this course of action indicates that the watch was perceived as the most effective response available, and an institution which was fairly accessible. The watchman attended quickly enough to arrest the burglar, thereby confirming Morris's view.<sup>55</sup> Again, it is likely that this was easier to do in some wards

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<sup>55</sup> JQS/P/104/03. Similarly, when a man found a burglar in his house in 1791, his first action was to send for the watch: JQS/P/123/23. In 1796, Solomon Maggs found his employee – whom he

than in others. Morris was able to find a watchman very quickly because she saw the burglary on Corn Street, in the centre of Bristol: two years later, in 1789, there were three stands on Corn Street alone, in addition to many more watchmen in the surrounding streets. It should be noted that the nightwatchmen did not always provide the standards of service that the citizens desired. In 1788 a nightwatchmen in St Mary le Port ward was dismissed after refusing to attempt to arrest a gang of 'ruffians' who had assaulted a gentleman, and in 1783 it was alleged (and then strongly denied) that the watchmen were afraid to enter a disorderly house on Limekiln Lane.<sup>56</sup> The fact that these activities generated complaints in *Felix Farley's Bristol Journal* – and the fact that the watchmen who failed to intervene were sacked – tells us something about public expectations of how and when watchmen should intervene, and the standards of service which the citizenry expected.

## Conclusion

As the material presented in this chapter has shown, the nightwatch were an important presence in late eighteenth-century Bristol. They were ultimately responsible for bringing a significant number of the suspects seen in the depositions to justice, and we have seen evidence to indicate that the way that victims responded to crime – and the way that thieves went about theft – were influenced by their organisation and activities. In this way, we can see the importance of locating the nightwatchmen within their urban context as a precursor to evaluating their effectiveness. While the contemporary depiction of the nightwatchmen as decrepit, drunken old paupers is not supported by the sources from Bristol, this does not mean that the entire city was effectively policed, or that the nightwatch operated in the same way in all areas. As the maps presented in this chapter show, certain locations were much more intensively

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suspected of theft – in an alehouse. Instead of arresting him immediately, he went to find a nightwatchman to make the arrest: JQS/P/143/08.

<sup>56</sup>*Felix Farley's Bristol Journal*, 16 August 1788 and 24 May 1783.

policed than others. When we realise that suspicion essentially arose from the prejudicial interpretation of appearance, we can see that this intensity of policing was particularly magnified on certain individuals. In this sense, the geography of criminal activity – as presented by the depositions – may have arisen to a significant extent out of patterns of policing, rather than just out of patterns of discretionary behaviour on the part of victims and out of the geography of ‘real’ crime. This chapter is not the first time that geographical variations in policing have been noted. Peter King, for example, highlights the distinctive intensity of policing in south-west Essex, which arose from the ‘proactive entrepreneurial police networks’ which operated in London’s hinterland.<sup>57</sup> But we can now see that variations existed *within* cities, and that these geographies of policing could operate on a very small scale.

The nightwatch was, of course, only present at certain times of the day, and as Table 8.2 shows, the impact of the day constables on report crime appears to have been quite limited. In the next chapter, we will consider further the forms of policing which operated when the nightwatchmen were not present, and the ways that information about crime could circulate around the city.

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<sup>57</sup> King, *Crime, Justice and Discretion*, p. 80.

## 9 Surveillance, citizenship and constraints on theft

The argument of this chapter is not that the forms of community-based responses to crime which were found in rural England and Wales were exactly the same in the city.<sup>1</sup> Perhaps community ties and bonds of neighbourliness were indeed weaker in cities, but this does not necessarily entail that the response to crime was weaker, or that investigating crime was more difficult. Practices of investigation and surveillance emerge from the depositions which can be specifically associated with the urban environment and with urban institutions. These practices were not always reliant on relations of community or mutual assistance, since the sources clearly show that people who were not victims of crime intervened to prevent theft or to detain offenders. As I will argue, it is possible to detect self-interest as being a motivation in some cases. In others, neighbourliness or economic fraternity appear to have been factors. Certainly contemporary writers were clear about the duty that people had to intervene against crime.<sup>2</sup> Indeed, the failure of collective society was one of the key arguments of moralists such as Henry Fielding, who vociferously complained that people bought stolen goods without giving due care to their provenance, paid thief-takers to recover their property, and gave untrustworthy servants good references so that they would

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<sup>1</sup> Sharon Howard, 'Investigating Responses to Theft in Early Modern Wales: Communities, Thieves and the Courts', *Continuity and Change*, 19 (2004), pp. 409-30; Cynthia Herrup, 'New Shoes and Mutton Pies: Investigative Responses to Theft in Seventeenth-Century East Sussex', *Historical Journal*, 27 (1984), pp. 811-30.

<sup>2</sup> Patrick Colquhoun, *A Treatise on the Police of the Metropolis* (London, 1796), p. 217.

not become a burden on the parish.<sup>3</sup> The sources suggest that we should not take quite so pessimistic an outlook, because there are many examples in which people were willing to intervene to prevent crime. These cases can be revealing about the values that people held in relation to the prevention of crime.

This point is particularly pertinent given that the previous chapter discussed the extension of the nightwatch in Bristol. Robert Shoemaker has recognised the importance of citizens' intervention against crime in early eighteenth-century London, but argued that the importance of such acts declined as policing became increasingly professionalised.<sup>4</sup> It is difficult to provide a substantial critique of this argument using the sources from Bristol, since the depositions – which only report crime which was successfully detected – are not helpful to the study of a *decline* of intervention against crime. Indeed it is impossible to say with certainty that, at any point in the eighteenth century, the reports of citizenly intervention found in depositions and trial accounts are representative of social practices in general. What we can do, however, is use the depositions to examine individuals' responses to crime. The depositions show that, at least for some, a willingness to intervene against theft did exist. As this chapter suggests, this was not necessarily likely to be reduced by the emergence of better policing – especially since we now know that the nature of policing was highly variable in time and space.

## Discovering theft

As the preceding chapters of this thesis have shown, theft occurred in a variety of circumstances. Consequently, the ways in which crime was detected also varied

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<sup>3</sup> Henry Fielding, *Plan of the Universal Register-Office* (London, 1752), p. 9. For complaints about the difficulty of assessing servants' characters, see: *Covent-Garden Journal*, 64 (30 September 1752), p. 1; *Universal Spectator*, 142, in *Gentleman's Magazine*, 1 (1730), pp. 249-50; *The World*, 129, in *Gentleman's Magazine*, 25 (1755), pp. 364-5.

<sup>4</sup> Robert Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London, 2004), pp. 27-49.

according to context. The depositions present many examples in which thieving shop servants were caught when their employers placed marked money in the shop drawer, or when servants were caught because their masters searched their boxes.<sup>5</sup> However, given that these acts essentially occurred within the private realm, mostly involving the victims of crime detecting theft, they are not treated in detail here. It is the cases in which crime occurred in public, in which people who were not victims of theft intervened, which are most revealing.

Merely suspecting a shoplifter or pickpocket of having stolen something was not sufficient to lead to an arrest and prosecution. Positive evidence of a theft was required and in almost all cases this involved finding the stolen goods in the possession of the alleged thief. This generates some important questions regarding the ways that theft could be investigated. We know that women often concealed stolen textiles within their own clothing, frequently hiding items in their petticoats. The items stolen by pickpockets were, by definition, of a small size and could be easily concealed. How, then, were stolen goods discovered by victims of crime? The depositions provide direct evidence that physical searches took place immediately after a crime had been suspected. When Elizabeth Stringer was suspected of stealing two stockings, for example, the victim – Abraham Humphries – sent for his female neighbour to search Stringer, who found the stockings in Stringer’s petticoats.<sup>6</sup> Pickpockets were investigated in similar ways. When Samuel Palmer had his money stolen by Jane Thompson in 1771, he had to take her to a public house to be examined by a woman who worked there.<sup>7</sup> These examples are revealing in two ways. Firstly, they confirm that searches could occur almost immediately, without the involvement of a constable

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<sup>5</sup> JQS/P/132/06, JQS/P/137/01/13, JQS/P/147/10; JQS/P/54/? (07/02/1776), JQS/P/55/03, JQS/P/55/09, JQS/P/55/10, JQS/P/58/15, JQS/P/91/02/? (11/12/1784), JQS/P/114/03, JQS/P/142/11.

<sup>6</sup> JQS/P/99/06. For some almost identical examples see: JQS/P/68/12, JQS/P/76/11, JQS/P/115/05, JQS/P/137/01/19.

<sup>7</sup> JQS/P/63/05. The woman clearly did an ineffective job, since the money was later found by the constables at Thompson’s lodgings: even finding out where Thompson lived involved a considerable amount of effort on the part of the victim.

or any other official. Secondly, they imply that there were gendered constraints on who could and could not search: as the first example shows, rather than conducting a search himself, Humphries got his neighbour to do it. Searches of cloaks and pockets were not of the same order of intimacy as searches of petticoats, skirts or underclothing. This is directly demonstrated by a deposition of 1795 in which an alleged shoplifter reportedly allowed her (tie-on) pocket to be searched by a male shop-servant. When he found the pocket was empty, he accused her of intending to steal because she had no money with which to pay for goods, and sent for a woman to search the suspect comprehensively.<sup>8</sup> The second search occurred in a back room, rather than in the shop itself. So in this case we can see a clear difference between searching a pocket and searching more deeply, with the latter being more strongly constrained by gender.<sup>9</sup> Pockets and cloaks were searched openly, but petticoats and other under-clothing were not. When John Baxter, for example, stated that he had seen Ann MacRee loitering outside a shop with some stays and 'supposing she had stolen the said stays he followed the said Ann MacRee and found the stays now produced under her Cloak'.<sup>10</sup> Similarly, a night-constable stated that he searched the pockets of an alleged female burglar.<sup>11</sup>

Of course, the apparent constraints on the ability of men to search women may be as much a product of the deposition-making process as of actual practice. Certainly there are many depositions in which the manner that stolen goods were discovered is not stated or is apparently glossed over. In a 1790 deposition, to pick one example, it is

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<sup>8</sup> JQS/P/137/01/19.

<sup>9</sup> In this sense there are continuities between late-eighteenth-century Bristol and Laura Gowing's depiction of the importance of matrons as searchers of other women: *Common Bodies: Women, Touch and Power in Seventeenth-Century England* (New Haven, 2003), pp. 43-51.

<sup>10</sup> JQS/P/99/27.

<sup>11</sup> JQS/P/104/06. Burglar's bag searched on the street: JQS/P/104/15. Street search: JQS/P/48/01/02, JQS/P/114/07, JQS/P/128/17.

alleged that Ann Jenkins hid two silk stockings under her stays, but no explanation is offered as to how the stockings were recovered.<sup>12</sup> In 1800, Lancelot Beck reported that:

... on endeavouring to search the said Sarah Frapnell she let the Ten Muslin Handkerchiefs value Thirty Shillings fall from her, being entangled in her Cloth shirt. She hath now confessed that the other women persuaded her to take the Handkerchiefs.<sup>13</sup>

Others report that shoplifted items 'dropped' from a suspect's petticoats or hands in the street.<sup>14</sup> We should not overlook the fact that the vague language used here may euphemistically refer to searches which went against acceptable practices. The extent to which suspects were able to resist these searches was limited. In 1795 Thomasin Radon was suspected of having a handkerchief under her arm, but refused to be searched; eventually another linendraper 'came to the assistance' of the suspicious shopkeeper, perhaps implying that the search was forcibly made.<sup>15</sup> In 1797, Thomas Davis reported that he searched a female shopkeeper, and 'saw something fall from her' which turned out to be a stolen ribbon.<sup>16</sup> Perhaps in some cases stolen property did just 'fall out' of women's clothing or out of people's hands. In other cases thieves dropped stolen property in an attempt to reduce their culpability. When Sarah White was caught with a pickpocketed tobacco tin, she dropped it on the ground as if it had fallen there innocently.<sup>17</sup> In 1785 William Humphries reported that John Roberts 'dropped this Infts handkerchief out of his hand the Moment this Informant turned round', implying that Roberts really did drop the handkerchief as a response to being caught in the act of crime.<sup>18</sup> In one deposition made in 1804, it was reported that a suspected shoplifter

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<sup>12</sup> JQS/P/123/06.

<sup>13</sup> JQS/P/167/01.

<sup>14</sup> JQS/P/128/08, JQS/P/54/? (13/01/1776).

<sup>15</sup> JQS/P/147/05.

<sup>16</sup> JQS/P/151/08. Case in which ribbon was 'found' on a suspect: JQS/P/43/13.

<sup>17</sup> JQS/P/194/14.

<sup>18</sup> JQS/P/94/25. For a similar deposition, see: JQS/P/110/? (24/09/1787).

kicked a stolen scarf under the shop chest when he realised that he had been caught.<sup>19</sup> When a woman chased after a man who had stolen two cheeses from her shop, he ‘threw one of the such cheeses at her and dropt the other’ before running off; similarly, a man who stole a silver quart threw it away once he realised he was being followed.<sup>20</sup> It is only possible to prove that goods were intentionally dropped in a minority of cases, however, and the repeated assertion that goods were dropped only when an accuser had caught up with a suspect implies that physical searches occurred instantly. This implies some awareness that certain forms of searching were transgressive or socially problematic, and thus needed to be downplayed.

It is clear that many victims were willing to search suspects without the involvement of civic officials. In 1786, Joel Ashman apprehended a boy who had pickpocketed him, and took the boy before a magistrate. The magistrate ordered that the boy be committed to Bridewell, and Ashman took the boy there himself.<sup>21</sup> This shows that magistrates committed suspects to Bridewell summarily, at the request of victims and without the involvement of other civic officials such as the constables. Nor was it strictly necessary for searches to be conducted by constables or sheriff’s officers. When William Drake suspected an ex-servant of theft in 1781, for example, he obtained a warrant and searched her lodgings himself.<sup>22</sup> On other occasions victims simply conducted a search without a warrant.<sup>23</sup> This was not necessarily illegal, so long as force was not used: in practice, suspects often consented to be searched, probably in the hope that they would be treated kindly.<sup>24</sup>

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<sup>19</sup> JQS/P/201/05.

<sup>20</sup> JQS/P/123/41, JQS/P/151/14.

<sup>21</sup> JQS/P/104/17.

<sup>22</sup> JQS/P/68/08. See also: JQS/P/75/02/02.

<sup>23</sup> JQS/P/69/05.

<sup>24</sup> For one example selected from among many, see: JQS/P/86/07.

**Table 9.1: Reasons for arrest, shoplifting, 1770-99**

	<b>Cases</b>	<b>Percentage</b>
<b>Street-based witness</b>	26	22.0
<b>Hue and cry</b>	7	5.9
<b>Building-based witness</b>	7	5.9
<b>No data</b>	78	66.1
<b>Total</b>	<b>117</b>	

*Source:* Database of depositions.

Note: this table only includes acts of shoplifting (covert daytime thefts from shops by non-employees), rather than the fuller picture of crime presented by Table 4.1.

In chapter 4, I argued that appearance was very important to the way that acts of shoplifting were carried out. It is unsurprising that pickpockets were often arrested and searched on the street. More surprising is the fact that shoplifters were often arrested on the street, or seen in the act of theft by street-based observers. As Table 9.1 shows, in a third of cases a theft was only detected because a person outside the shop saw it happening. This challenges the extent to which the body of depositions that we possess reflects ‘real’ crime. Rather than being distorted only by prosecutorial discretion, another influence was the fact that certain locations were more likely to generate suspicion and lead to discovery than others. The nature of the street environment could also form a deterrent to crime, and influenced the way that people went about committing a theft. When George Frapnell and two young accomplices tried to see what they could steal in 1771, for example, they made at least seven attempts to commit theft across three days but only managed to steal two things, their other attempts at crime being abandoned not because of lack of opportunity but because it was not safe to do so.<sup>25</sup> It was not the way that the shops, ships and market stalls which they considered stealing from operated which put them off, but the fact

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<sup>25</sup> JQS/P/31/? (29/07/1771).

that the streets surrounding them were too busy.<sup>26</sup> When they finally did find a shop which they deemed a safe target, they remained acutely aware of the threat posed from the street, the examinant reporting that:

... in the Evening when they set out together towards the Old Market and in Peter Street the said Frapnell pointed to a Small pair of Leather Breeches which were hanging at a Shop Window the Corner of St Mary Port Street and said they would fit his Brother & then directed this Informt & Collins to go and take them while he stood opposite to Watch and agreed to give the Word 'Peter' if any Person observed them.<sup>27</sup>

In cases involving theft from a shop window, from a bulk, or from a market stall, the importance of the street as a place of observation is to be expected. And certainly many shops were relatively open locations, with goods being displayed and sold through windows, on and around the door of the shop, as well as on the street outside the shop itself.<sup>28</sup> However, it was also the case that street-based observers noticed crimes occurring well inside the shop. In 1782, for example, William Maclane was seen stealing a shop's cash drawer by a man walking along the street outside.<sup>29</sup> In 1778 Sarah Hart reported that she could see out of her house into the shop opposite and saw an act of theft take place.<sup>30</sup> In light of the number of sources in which passers-by were responsible for shoplifters' arrests, it is not surprising that one group of boys posted a look-out to watch for trouble.<sup>31</sup>

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<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Bulks and open shop-windows: JQS/P/33/31, JQS/P/80/12, JQS/P/107/01/15, JQS/P/110/? (08/04/1788), JQS/P/99/13. In some of these cases the line between a shop and a less permanent form of structure is blurred. Some shops had bulks built outside them, for example, while others erected stand-alone bulks in the street or market house. For the latter see: JQS/P/48/01/02, JQS/P/104/15, JQS/P/132/? (22/02/1794).

<sup>29</sup> JQS/P/74/05. Seen from street: JQS/P/38/21, JQS/P/55/? (17/12/1776), JQS/P/75/02/06, JQS/P/80/12, JQS/P/91/02/? (04/01/1785), JQS/P/92/01/31, JQS/P/92/01/32, JQS/P/128/08, JQS/P/128/17.

<sup>30</sup> JQS/P/65/01/03. Also: JQS/P/37/05, JQS/P/86/19, JQS/P/92/01/12, JQS/P/95/01/18, JQS/P/137/01/06, JQS/P/175/10.

<sup>31</sup> JQS/P/93/13. Also: JQS/P/123/29, in which the use of a look-out, ironically, aroused the suspicions of a woman looking out of the window of a nearby shop.

Again, all of this implies that some shops were riskier targets for crime than others: shops which were overlooked by other buildings, perhaps with windows or open shutters which revealed the interior of the shop, meant that shoplifting was more likely to be observed. Busy streets also made shouts of hue and cry more effective: shouting 'Stop thief', as the depositions always put it, was an important way by which arrests occurred.<sup>32</sup> When we think about why certain crimes were prosecuted while others were not, it is possible that rates of observation – not just rates of prosecution – were out of sync with real levels of crime. This is because rates of detection may have been geographically variable according to the built-environmental context of an act of theft.

The relationship between the street and theft was not confined to the fact that external observers could see into shops. There are several depositions in which the behaviour of people who were seen entering shops from the street attracted suspicion in itself. In 1785, a maltster working on High Street named William Williams reported that he saw John Port 'lurking about [a shop] with two or three other Persons'. In consequence, Williams watched Port enter the shop, and then spied him through the shop window stealing a bundle of cotton. Port was arrested when Williams cried 'Stop thief'.<sup>33</sup> It must, therefore, have been something in the behaviour or deportment of the alleged shoplifters which caught their attention. Loitering or lurking about in a group was frequently mentioned as a signifier of suspicious behaviour, and deponents placed emphasis on the fact that those suspected were juveniles.<sup>34</sup> After a crime had occurred, being in possession of valuable goods could raise suspicions. In 1782 George Peters

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<sup>32</sup> Use of 'stop thief' shout: JQS/P/75/02/02, JQS/P/91/02/? (04/01/1785), JQS/P/92/01/09, JQS/P/92/01/30, JQS/P/110/? (17/04/1788), JQS/P/128/10, JQS/P/143/05. Additionally there are many depositions which passively report that someone 'was stopped'.

<sup>33</sup> JQS/P/91/02/? (04/01/1785). For other examples of this, see: JQS/P/55/? (24/04/1776), JQS/P/55/? (17/12/1776), JQS/P/92/01/17, JQS/P/92/01/25, JQS/P/99/05, JQS/P/99/27, JQS/P/110/? (21/06/1788), JQS/P/129/14.

<sup>34</sup> JQS/P/55/? (17/12/1776), JQS/P/92/01/25, JQS/P/129/14: all mention 'lurking' and the fact that the suspects were juveniles.

was seen carrying some beef down the street, and was arrested for no other reason than because he looked suspicious.<sup>35</sup> In most cases, the precise reasons for exactly which aspects of a suspect's appearance were suspicious are not given. In the examples of people being stopped for carrying stolen property through the streets, perhaps suspicion rested on no more than the fact that a suspect appeared 'out of place', carrying valuable property in unusual circumstances. In the depositions which report that people were seen 'lurking' outside a shop, it is possible to discover some more concrete expressions of why suspicion was generated. Aside from being young or being in a group, approaching a shop in the wrong way – perhaps too slowly, or arriving in a group but entering alone – could generate suspicion. As with deception, suspicion was most strongly directed towards those who failed to perform the role of the legitimate customer convincingly.

The same points can to some extent be applied to houses. Detection could also emanate from street space, meaning that the home was not just open to thieves, but also to surveillance. Bystanders saw people entering and leaving homes, and became suspicious of their behaviour.<sup>36</sup> They also noticed when houses were being broken into.<sup>37</sup> For example, in 1784 William Hunt reported that he was at a house in St James's Barton and, looking from the window, saw Benjamin George enter the house opposite and leave with two umbrellas.<sup>38</sup> The same year, a cordwainer saw a theft occurring in a house on the opposite side of Marlborough Street, viewing it from his own residence.<sup>39</sup> The depositions also show that the divisions between certain locations could be highly permeable.<sup>40</sup> In 1777, for example, Joseph Lane reported that:

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<sup>35</sup> JQS/P/75/02/13. Same reason: JQS/P/68/11, JQS/P/76/14, JQS/P/128/09.

<sup>36</sup> JQS/P/37/12.

<sup>37</sup> JQS/P/98/06, JQS/P/104/03.

<sup>38</sup> JQS/P/92/01/11.

<sup>39</sup> JQS/P/92/01/16. Also (shoplifting seen across street): JQS/P/37/05.

<sup>40</sup> The classic example of the transparency of internal boundaries is that of the servant who observed illicit sexual activity. Examples of this in the depositions include: JQS/P/68/13.

... he saw from a Hole in the Wainscoat of the Warehouse of the other Informt Edwd Stone which is next adjacent to the dwelling House of the sd Hannah Edwards a Man and Woman in a Room of sd Hannah Edwards's House in the Act of Carnal Copulation together<sup>41</sup>

In these cases, then, the interiors of houses were visible (and probably audible) to each other. It is clear that the potential for such suspicions to develop was contingent on the nature of the built environment. The examples that we find among the depositions of thefts being observed in one building by the occupants of another required both a clear line of sight and close proximity between the offender and witness. Bristol's narrow streets and overhanging buildings – the object of much contemporary criticism by visitors to the city – were more conducive to the discovery of crime than the open squares and broad streets which were archetypal of eighteenth-century urban improvement.<sup>42</sup>

## Intervening to prevent crime

The depositions provide many examples in which people who were not the victims of a crime made great efforts to ensure a suspect's arrest and punishment. In 1784, for example, an apprentice saw two men leaving his neighbour's house: he followed them to a field, and returned the next day to recover the iron which they had stolen.<sup>43</sup> In this case it was not personal victimhood which motivated the apprentice, but it is possible to suggest that a personal connection between him and his neighbour was a factor. There were other cases where the link between the victim and witness was more tenuous. In 1782, Thomas Protheroe apprehended Richard Welsh on suspicion of stealing sugar from a hogshead on the Quay, and arranged for him to be prosecuted,

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<sup>41</sup> JQS/P/67/11.

<sup>42</sup> Peter Borsay, *The English Urban Renaissance: Culture and Society in the Provincial Town, 1660-1770* (Oxford, 1989), pp. 63, 75.

<sup>43</sup> JQS/P/86/14.

even though the owner of the sugar was not known to him.<sup>44</sup> William Acraman, a lighterman, apprehended two people between 1785 and 1792, both of whom he met on the street near his lodgings in Princes Street. Both were met at night, and all carried goods relating to maritime trade.<sup>45</sup> Labelling the activities seen in these depositions as being entirely selfless would perhaps be naive. While none of the three men mentioned above were the victims of crime, it is notable that they all reported crimes which were committed against people who were either their neighbours or who worked in the same economic sector as themselves. To some extent the frequently-close occupational links between witnesses and victims of crime can be explained by the fact that people of similar or related occupations often worked in the same locations: it is not surprising that barrel-makers reported thefts from sugar-refiners, since both groups spent a lot of time working with and around the sugar that was stored in barrels on the quayside. In 1783 Robert Jeffrey reported that he followed two suspicious-looking men from an alehouse because he 'had recently had sevl things of value stolen from his House': he confronted one of the men, then followed him for some time before managing to apprehend him.<sup>46</sup> There could have been no doubt that the silver tankard lid which the men had stolen belonged to someone other than Jeffrey, and yet he still pursued them. Fraternity between fellow victuallers may have been a factor, but it is striking that Jeffrey used his own recent victimhood to explain his actions. We should not ascribe all cases in which non-victims helped to prosecute thieves who had stolen from their colleagues as being motivated by self-interest.

There are other cases in which witnesses met suspects in parts of town away from their work, and still acted upon their suspicions. A brightsmith's apprentice went to great lengths to follow a suspected iron thief whom he met in the street in 1788: in

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<sup>44</sup> JQS/P/76/07. JQS/P/78/04: another example in which a cooper helped a sugarbaker investigate a crime.

<sup>45</sup> JQS/P/98/06, JQS/P/112/22.

<sup>46</sup> JQS/P/79/07.

this case, given the number of possible sources of scrap iron, it is difficult to see his action as an attempt to curry favour with the victim.<sup>47</sup> Similarly, it is difficult to understand why William Grant went to the aid of a man who was being robbed at one o'clock in the morning, other than by seeing the act as one motivated by a general desire to prevent the crime occurring.<sup>48</sup> These cases did not involve the mere reporting of crime, but an assertive intervention to prevent theft. When a labourer named John Howell saw some railings being stolen, he prevented the theft and searched the subject, before beginning a prosecution against him.<sup>49</sup> While it is possible to posit economic and emotional reasons to explain why witnesses took action against crime, there are many cases in which complete strangers with no obvious economic connection to the victim intervened to prevent a theft. In 1791 Sarah Bishop, the wife of a tallow chandler, received the help of strangers twice in succession: firstly someone called into her house to inform her that two cheeses had been stolen; when Bishop tried to arrest the suspect, another stranger helped her to secure him.<sup>50</sup> On another occasion, the landlord of a public house suspected that his house was being used as a place to sell stolen goods, and covertly followed two suspects, arresting them on suspicion (entirely without evidence) of theft.<sup>51</sup> The same point applies to the many examples of people who stopped shoplifters in the street, or who apprehended pickpockets. John Spencer only realised that his pocket had been picked, for example, when a boy who had seen the theft informed him of it.<sup>52</sup> Thomas Francomb was also led by two strangers to a group of boys who had pickpocketed him in 1785.<sup>53</sup>

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<sup>47</sup> JQS/P/112/21.

<sup>48</sup> JQS/P/123/22.

<sup>49</sup> JQS/P/74/06.

<sup>50</sup> JQS/P/123/33.

<sup>51</sup> JQS/P/80/02. The same offence, in which a landlord also went to considerable inconvenience to recover a stolen tankard. He did so when informed of the theft by a patron: JQS/P/142/08.

<sup>52</sup> JQS/P/80/10.

<sup>53</sup> JQS/P/95/01/31. Other examples: JQS/P/36/15, JQS/P/98/04, JQS/P/99/26, JQS/P/101/14, JQS/P/104/02.

Some responses to theft were predicated on the assumption that uninvolved individuals would intervene – and sometimes they did. When Henry Ashley heard the shout of ‘Stop thief’ in 1785, he immediately pursued the suspect and took him into custody.<sup>54</sup> These confrontations could be fairly physical. Elizabeth Edwards failed to detain a female suspect in 1786, for example, because she was ‘too strong’; fortunately a cork-cutter working nearby reported that ‘hearing the Cry of Stop Thief he ran into St Thomas Lane... and Caught hold of her’.<sup>55</sup> While it is true that the law required people to respond to the hue and cry, it is unlikely that this explains why some people responded so readily to the cry of ‘Stop thief’. As the many examples which have been presented so far have shown, it was clearly the case that people who were not directly the victims of crime witnessed theft and were sometimes prepared to make a deposition against a suspect. However, there is a difference between passively witnessing crime, and actively intervening to prevent it. Certainly some depositions show that people engaged in the latter. Indeed, there are some cases in which a witness of a crime went to the trouble of organising a prosecution despite the fact that the victim was unknown.<sup>56</sup> In 1788 Richard Buffin reported that he had seen two boys pickpocketing a woman in the fair: Buffin is the sole witness in the deposition, and the person who made a recognizance to prosecute.<sup>57</sup> Of course, the highly selective nature of the depositions mean that it is difficult to make general observations about public responsiveness to theft. As discussed above, the lighterman William Acraman may well have helped prosecute thieves on two occasions when he was not the victim, but perhaps he was an unusually assertive outlier rather than a representative of a general willingness to prosecute theft as vigorously as possible. Similarly, we do not hear anything in the depositions about when the hue and cry failed. This does not mean,

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<sup>54</sup> JQS/P/92/01/30.

<sup>55</sup> JQS/P/99/12. Use of workmates to detain suspect: JQS/P/104/07.

<sup>56</sup> JQS/P/74/06.

<sup>57</sup> JQS/P/109/08. The boys were tried, found guilty, and publically whipped: *Felix Farley's Bristol Journal* (11 October 1788).

however, that it is not possible to draw some inferences from the source material. The fact that people raised the hue and cry suggests that they perceived that there was some value in doing so.

In the cases discussed above, witnesses actually saw a crime taking place and acted accordingly. However, it is important to realise that such events were dependent on suspicion: 'acts of crime' were not always objectively distinguishable from legitimate activities, meaning that additional factors were necessary in order to lead a witness to intervene. For example, in 1785 John Poole was arrested for stealing copper from the quayside because a captain on a nearby ship saw him concealing it under his coat.<sup>58</sup> In this case it is possible to identify Poole's behaviour – rather than the simple fact that he was seen with copper – as providing the reason for his arrest. Indeed, there are several cases in which suspicion was aroused *before* a crime occurred. In 1784 Abraham Mogg reported that he saw Catherine MacClausty 'lurking about' in the street, and that he consequently kept his eye on her, observing her entering a house and taking a bundle of linen.<sup>59</sup> In this case it can only have been the behaviour and appearance of MacClausty which stimulated his suspicion, since there was nothing which was self-evidently illegal about her actions. It was, therefore, whenever activities deviated from normal – when people 'lurked about' or were seen at unusual times – that suspicion arose. The depositions frequently report that it was the manner in which something was being carried that was suspicious. As the case of John Poole shows, people were stopped because they had stolen goods under their arms, or in their aprons, or stuffed into their clothing.<sup>60</sup> When Hannah Scriggens was seen leaving a broker's house one night in Corn Street with her apron full of sugar, a man who was walking past suspected that she had stolen it and had her stopped. Here, the time of day, and the manner in which she was carrying the sugar, were identified as factors

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<sup>58</sup> JQS/P/140/07.

<sup>59</sup> JQS/P/87/05. Similar example involving 'lurking' about: JQS/P/92/01/25, JQS/P/36/21.

<sup>60</sup> JQS/P/112/22, JQS/P/131/12, JQS/P/172/14.

which led to suspicion being aroused.<sup>61</sup> A few years later, Scriggens was stopped again on the street by a stranger, who also saw her leaving a building and became suspicious of her, mentioning the fact that she was carrying a bundle under her arm.<sup>62</sup> So, on separate occasions, Scriggens's behaviour or appearance raised the suspicion of complete strangers. There are other cases in which timing was explicitly identified as an important factor in generating suspicion. In 1788 William Acraman reported that he had seen John Williams carrying an iron bar under his frock 'between Ten and Eleven o'Clock' at night, and stopped him accordingly.<sup>63</sup> As I have argued elsewhere, moving stolen property through the city was something that some thieves were reluctant to do because of the high risk of being seen by the nightwatch: in this case, we can see that it was not only the nightwatch who became suspicious of theft when they saw a man carrying valuable goods at night.

## The circulation of knowledge about crime

The potential for information about theft to circulate provides another way that crime could be constrained and counteracted, with community ties functioning in a much more fluid way. As with policing, civic institutions operated alongside much more informal practices. It is clear that knowledge of theft circulated among the nightwatchmen and constables. When William Humphries, nightconstable of St James's ward, arrested William Stephens in 1789, he asked him about a recent burglary, and used the information which he obtained to make an arrest.<sup>64</sup> The Bridewell was used to detain people suspected of possessing stolen goods – one benefit of this was to allow time for information about recovered property to circulate.<sup>65</sup> Perhaps the most important way that information about crime was transmitted was by word of mouth.

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<sup>61</sup> JQS/P/69/02.

<sup>62</sup> JQS/P/79/03.

<sup>63</sup> JQS/P/112/22.

<sup>64</sup> JQS/P/115/08.

<sup>65</sup> JQS/P/31/07, JQS/P/43/17.

The depositions are full of examples in which victims from one side of the city were united with their stolen property which had been recovered on the other side. No explanation is given as to how this could have happened. Perhaps sometimes advertisements were used, but the depositions are much more likely to report that a victim 'heard' that his or her property had been found. In some cases there are definite statements of the importance of oral transmission. Constables reported that they stopped individuals because they had 'heard' that certain goods were stolen.<sup>66</sup> Others reported that they had heard about a theft through an acquaintance, colleague or business contact, and acted on their suspicions accordingly.<sup>67</sup> The Corporation sent written warnings about thieves to the chief constable of every ward.<sup>68</sup> The importance of printed advertisements as a response to crime was very significant, but we can see that it was not only by printed text that information about crime circulated. Indeed, the two methods were not dichotomous: in 1781 a silver dealer reported that 'he was informed that advertisements were out' concerning the tankard he had recently stopped, showing how print culture might need help from community links to have an impact.<sup>69</sup> Furthermore, it was not necessarily the case that printed messages were the first-choice method of information dissemination. When one shopkeeper confiscated some leather which he suspected was stolen, he 'caused the same to be Cryed' and soon reunited them with their owner.<sup>70</sup> So, for those who wanted to spread information about crime, there were effective and fast alternatives to print.

Perhaps the most prominent example of a public service for the dissemination of information about crime were the nightwatchmen. The depositions show that they actively circulated knowledge about stolen goods. In 1779, for example, Charles

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<sup>66</sup> JQS/P/115/08.

<sup>67</sup> JQS/P/132/? (22/02/1794); JQS/P/137/01/14.

<sup>68</sup> TCLB, p. 21.

<sup>69</sup> JQS/P/68/07.

<sup>70</sup> JQS/P/92/01/26.

Withington reported that he recovered his stolen goods because a nightwatchman had 'called' for them: the stolen goods had been found on a woman committed to Bridewell for a separate offence.<sup>71</sup> On other occasions, the nightwatchmen were informed about thefts very rapidly after they had happened. When John Loman had some shoes stolen from his shop, the nightwatchman Henry Humphries was informed of the theft, so that when he saw a man selling shoes in the street at eight o'clock that night he suspected the seller and had him arrested.<sup>72</sup> It was not only the nightwatchmen who 'called' for stolen goods, however. The Bristol Corporation employed a bellman (i.e. town crier) to make important announcements in the streets. On 7 October 1789, for example, the bellman was paid 2s 6d to cry '3 new Hats & some stockings stop'd on a Person in Custody supposed to be stolen'.<sup>73</sup> On 16 December he was paid again to cry the news that two men had been arrested on suspicion of theft. The role of the nightwatch in spreading information about crime shows that such practices did not necessarily have to be victim-led. Indeed, the Corporation maintained a bellman throughout the period covered by this thesis, in addition to paying for printed adverts. The purpose of the bellman's work and of advertisements was often to find the *victims* of crime, the suspects and allegedly stolen goods already having been stopped.

The consequence of this is that we can see that civic institutions played an important role in attempting to control the chaotic urban environment, by improving the ways that information could circulate. In London, Sir John Fielding changed the practices of the Bow Street Magistrates' Court to improve the likelihood that information about thieves would circulate, allowing more time for victims to come forward.<sup>74</sup> We can see that in Bristol civic institutions performed a similar task.

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<sup>71</sup> JQS/P/63/? (20/10/1779).

<sup>72</sup> JQS/P/76/14. JQS/P/91/01/10: case in which the suspect and burglary were discovered by two different watchmen, allowing the nightwatch to be the node which linked victim and offender.

<sup>73</sup> F/AC/Box/101/5, no. 243.

<sup>74</sup> John Beattie, 'Sir John Fielding and Public Justice: The Bow Street Magistrates' Court, 1754-1780', *Law and History Review*, 25 (2007), esp. pp 82-92.

However, these institutions were not the only way that information could circulate. In addition to printed advertising and the employment of a bellman, we saw in chapter 6 how victims would tour pawnbrokers' shops hunting for their stolen property. Individuals also paid for their own advertisements, employed servants to search for stolen goods for them and employed off-duty watchmen to help them find stolen goods. In 1773 James Wiston – who had had some clothes stolen – organised a crowd of people to assemble outside the house of the woman who was suspected of receiving them. The crowd was sufficiently rowdy for her to return the clothes, and for the constables to arrest her.<sup>75</sup> Victims did not necessarily always turn to the nightwatchmen or constables, and nor were these groups always the most effective tools with which a citizen could intervene against crime.

## Conclusion

From all of this we can see that the likelihood of a crime being noticed, or a suspect being detained, varied according to several factors. The built environment and the use of street space were important in creating the essential preconditions for the arrest of a suspect. Busy streets meant that there were more potential witnesses for a theft, and interiors which could be looked into from the outside meant that shops, alehouses and dwelling-houses were not always areas of 'private' theft. It certainly was not the case that the entire city saw these types of surveillance in equal measure. Indeed, some places saw highly specific forms of observation: the quayside, for example, was an area where private watchmen were frequently hired.<sup>76</sup> Similarly, suspicion which was based on appearance alone was a highly variable occurrence. Being at the wrong place, at the wrong time, and acting in the wrong manner all generated suspicion which would not have occurred in other situations.

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<sup>75</sup> JQS/P/48/01/04.

<sup>76</sup> See chapter 8.

This observation has important consequences. Historians have tended to equate the strength of 'surveillance' with the strength of local social bonds, leading to the assumption that surveillance was weaker in cities. As I have argued, this assumption and the reasoning behind it are not supported by the sources from Bristol. Surveillance did not just arise from community ties, but from the nature of the built environment, from the use of street space, and from the intervention of civic officials and ordinary citizens. Acquaintanceship was not, therefore, a necessary precursor of the surveillance and prevention of crime, and we should not assume that because the bonds of community were weaker in towns that the response to crime was necessarily weaker too. Bristol had nightwatchmen and constables, a vigorous press and a town crier which facilitated the circulation of information about theft. Furthermore, we should not assume that the bonds of community, neighbourliness or economic fraternity were necessary in order for individuals to intervene against theft, since there are examples in which ordinary citizens intervened to prevent crime in ways which appear to have been solely altruistic. Of course, *why* people behaved altruistically is an interesting question. The depositions report that some did so because they had themselves been victims of crime. But for others, the reason why they intervened may well have been because they had internalised societal expectations about the illegitimacy of theft and the necessity of intervening against it.

The second reason why the material present in this chapter is significant is that it shows that the operation of criminal justice was not evenly distributed across the city. While urban congestion was a cause of perennial complaint, it did mean that the streets were furnished with people who could both witness crimes and act upon shouts of hue and cry. Places where tradesmen worked in the street rather than in workshops, or where goods were sold directly from the pavement rather than in shops, meant that there were many people who could witness and directly prevent crime. As we saw in the section on the circulation of knowledge about crime, obtaining justice could be

contingent on interpersonal flows of information. However, the involvement of the bellman and nightwatch in circulating information about theft also show that there were public means by which information about crime could circulate. This is also likely to have had distinctive spatial characteristics: as the previous chapter showed, the distribution of nightwatchmen was highly uneven. While the administration of the nightwatch may have been heavily fragmented by the ward system, information was shared between different wards, with the Bridewell prison performing the vital function of providing a place for suspects to be detained while victims were sought.

## 10 Crime and the justice system

The following chapter takes a more quantitative approach to the records of criminal justice in eighteenth-century Bristol, in an attempt to cast further light on some of the themes which have been explored in the preceding parts of this thesis. It is not possible to subject the depositions used here to the kinds of quantitative analysis pursued by historians such as John Beattie, Peter King or Robert Shoemaker, who have enjoyed the large and relatively complete archives of source materials which are available to historians of counties such as Surrey, Sussex, Essex and Middlesex.<sup>1</sup> In the Bristolian archives the collections of recognizances and indictments which have been so profitably used by these historians simply do not survive with the same level of completeness, if at all, as they do for elsewhere.

However, while the incomplete survival of the depositions and recognizances means that the results of quantitative analysis need to be interpreted with caution, there are other collections of sources which were produced in a more systematic manner, and which survive in their entirety. Much of this chapter is devoted to the analysis of two hitherto under-utilised bodies of material: the gaol delivery fiats and the Bridewell bread vouchers. The former describe how everyone in Newgate prison was to be dealt with after the sessions of gaol delivery had finished, reporting the defendants, verdicts and sentences for every trial which was heard. Their main weakness is that they do not consistently detail the alleged crimes committed by those

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<sup>1</sup> For these historians' discussion of their source material, see: John Beattie, *Crime and the Courts in England, 1660–1800* (Oxford, 1986), pp. 15-25; Peter King, *Crime, Justice and Discretion, 1740–1820* (Cambridge, 2000), p. pp. 130-2; Robert Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c.1660–1725* (Cambridge, 1991), pp. 16-17, 320-2.

who were acquitted, and are therefore most useful as a record of convictions and punishments. The Bridewell bread vouchers are a type of source which, as far as I am aware, has never been cited by historians of Bristol: the complete lists of all the people imprisoned in the city's gaol. Each of these sources has its own problems, but the analysis of them can produce some interesting insights which complement the view of crime present by the depositions.

Since this thesis is primarily concerned with property crime, there are many potential lines of enquiry which will not be discussed below. The gaol delivery fiats offer, for instance, the opportunity to examine the punishments which were handed out by Bristol's courts – but these punishments will not be examined in depth. Instead, the focus of the first section will be on reoffending and on tracing relationships between offenders, in an attempt to consider the extent to which criminal activity was shaped by summary punishment. Such an approach permits a comparison of Bristol with London, since historians of the capital have asked similar questions. The following sections extend this analysis, by comparing the city's use of capital punishment with London.

## Reoffending in the Bridewell records

Those diligent readers who have managed to persevere with this thesis up until this point may well have noticed how some names have appeared several times in entirely different contexts. Mary Cottle, for instance, has been mentioned numerous times, and not because the same deposition has been used to support several points. In total, Cottle's name appears in six depositions between 1783 and 1787, before she was finally sentenced to be transported to Australia.<sup>2</sup> As Mary Clayton has shown in her study of Charlotte Walker in London, some thieves could be arrested and tried numerous times

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<sup>2</sup> JQS/P/79/13, JQS/P/87/05, JQS/P/93/16, JQS/P/99/05, JQS/P/104/04, JQS/P/104/05; *Gaol Delivery Fiats*, p. 66.

before they were convicted.<sup>3</sup> An instinctive impression is, therefore, that reoffending occurred on the same scale in Bristol as it did in London.

But while particular individuals such as Mary Cottle leap out from the quarter sessions papers, it is harder to get a sense of the ways that other individuals encountered authority. Particularly problematic in this regard is the fact that the records of the petty sessions which were held in Bristol have not survived for the period studied.<sup>4</sup> In this light, what I call the 'Bridewell bread vouchers' are of particular interest. These vouchers owe their existence to the fact that twice a year the keeper of the Bristol Bridewell sent the city chamberlain a detailed list of all the people who had been imprisoned, providing the name, admission date and length of stay of each prisoner. The chamberlain paid him two pence for each day that a prisoner spent in the Bridewell – this is described in the chamberlain's vouchers as being payment for 'bread'. In 1774 two acts of parliament exempted some prisoners from the payment of gaol fees and authorised JPs to pay apothecaries and surgeons for services provided to prisoners out of the local rates. While this may have stimulated an improvement in the state of Bristol's gaols, the chamberlains' vouchers make clear that the Corporation was being invoiced for both these expenses before 1774.<sup>5</sup> Since the Bridewell keeper was only concerned with being remunerated, the reason for each person's imprisonment are not given, unless they had been detained as a witness for an upcoming trial. Suspected thieves and rioters were certainly detained, as were people accused of vagrancy and disorderly behaviour.<sup>6</sup> However, the information that is provided is

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<sup>3</sup> Mary Clayton, 'The Life and Crimes of Charlotte Walker, Prostitute and Pickpocket', *London Journal*, 33 (2008), pp. 3-19.

<sup>4</sup> These are recorded in JQS/D, for which the volumes from between 1753 and 1808 are missing.

<sup>5</sup> For example, see: F/Ac/Box/81/7-8 (1770). Roy Porter, 'Howard's Beginning: Prisons, Disease, Hygiene', in R. Creese, W. F. Bynum and J. Bearn (eds), *The Health of Prisoners: Historical Essays* (Atlanta, 1995), p. 7.

<sup>6</sup> The newspapers occasionally report Bridewell detentions directly. For example, on 28 May 1768 *Felix Farley's Bristol Journal* reported that two women had been detained for insulting the nightwatchmen, while two men had been detained for spilling ale and breaking an alehouse's windows. In 1809, a prison reformer alleged that Bristol's workhouses had committed dying

**Table 10.1: Duration of detentions in Bridewell, 1779-83**

<b>Nights detained</b>	<b>People</b>
<b>1-7</b>	1042
<b>8-30</b>	234
<b>31-100</b>	29
<b>Over 100</b>	27
<b>Total</b>	<b>1332</b>

*Source:* Database of Bridewell bread vouchers, September 1779 to March 1783, from items in F/Ac/Box/91/07, 92/05, 92/06, 92/07, 93/06, 93/08, 94/06.

interesting in itself, since it can tell us a great deal about the operation of the Bridewell. We can discover for how long people were typically imprisoned, what the gender balance of prisoners was and how this changed over time. The fact that the vouchers also report the names of prisoners make them particularly useful, in that we can examine the extent to which people were repeatedly imprisoned. Summary justice is not the principal subject of this thesis, and thus the Bridewell vouchers have not been investigated systematically for the entirety of the period covered. Instead, the vouchers from Michaelmas (29 September) 1779 to Lady Day (25 March) 1783 have been transcribed in full, enabling the intensive analysis of a brief period in the prison's history.<sup>7</sup> This approach, instead of systematically sampling the vouchers over a longer period, provides a better opportunity to examine reoffending and the experience of imprisonment, which are the topics most relevant to revealing the nature and origins of crime in the city.

The Bridewell was used as a place to hold convicts sentenced to imprisonment, as a place to detain suspects and untrustworthy witnesses before a trial, and as a place where people were imprisoned summarily. Some people could, therefore, spend a

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paupers to the Bridewell so that they would not have to pay the costs of their funerals: George Paul, *Address to His Majesty's Justices of the Peace for the County of Gloucester* (Gloucester, 1809), p. 67.

<sup>7</sup> F/Ac/Box/91/07, 92/05, 92/06, 92/07, 93/06, 93/08, 94/06.

great deal of time in the Bridewell – but as Table 10.1 shows, the majority of people confined there remained for less than a week. The question that this raises is whether the Bridewell was routinely used for the summary detention of petty thieves, as an alternative to sending them for trial at the court of quarter sessions or gaol delivery. There are indications that this was the case from the depositions. For example, when Joel Ashman was pickpocketed in 1787, he dragged the two pickpockets to a magistrate who instructed him to take them to the Bridewell. It was only when Ashman was attacked by a gang of the pickpockets' friends that a formal prosecution was initiated.<sup>8</sup> As I argued in chapter 8, one purpose of the Bridewell appears to have been providing a place to detain the potentially criminal, to allow time for information about crime to circulate. But it is clear from cases such as that concerning Joel Ashman that the Bridewell was used simply as a place to detain summarily those who had been caught in the act of petty crime.

Examining repeated detentions is difficult, in that we do not know the reasons why such detentions occurred.<sup>9</sup> If we were able to discover that a woman was repeatedly detained for prostitution, for instance, then that would be significant for a different reason than if a person were repeatedly detained for burglary. However, the depositions and newspapers allow us to discover something about the reasons as to why some people were detained, albeit more frequently in cases concerning fairly serious crime rather than non-criminal behaviour. Thomas Kidney appears as an alleged burglar in several of the depositions produced in the early-1780s, for instance,

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<sup>8</sup> JQS/P/104/17. For cases in which nightwatchmen took people to Bridewell, and in which magistrates committed people to be detained there, see: JQS/P/31/08, JQS/P/43/17, JQS/P/91/01/01, JQS/P/92/01/04, JQS/P/110/? (24/09/1787), JQS/P/113/? (23/03/1789). Pawnbrokers and other people who stopped suspected stolen goods also had people committed: JQS/P/31/02, JQS/P/31/07, JQS/P/54/08.

<sup>9</sup> This means that the kind of analysis conducted by Shoemaker (*Prosecution and Punishment*, p. 169) cannot be replicated in Bristol.

as do men named William Gunter, Philip Boswell and John Barry.<sup>10</sup> All of these men have fairly distinctive names, and all appear between eight and twelve times in the Bridewell records from September 1780 to September 1782.<sup>11</sup> The frequency with which these people reappeared in the Bridewell is intriguing, and by placing the Bridewell vouchers alongside other sources we can discover more about their criminal lives.

In October 1782, William Bendall was sentenced at the quarter sessions to a period of imprisonment and a public whipping for his role in a burglary; he was lucky to receive this sentence, since several of his accomplices were transported for it. Just days after his release, he was detained again after stealing a silver tankard – an offence for which he was sentenced at the next quarter sessions to transportation. In 1780, he had been committed to the Bridewell five times; in 1781, he was committed again on five occasions, the last of which was immediately followed by a sentence of imprisonment following a conviction. Within days of his release, he committed the burglary for which he was whipped.<sup>12</sup> Similarly, Hannah Scriggens was committed to the Bridewell at least eight times between September 1779 and March 1783. During this period she was sentenced by the quarter sessions to imprisonment and private whipping on three occasions. When she left prison in September 1782, she was back for another seven-day stretch within days. And when this detention was over, she immediately re-offended and was back in the Bridewell again. In December 1781 and January 1782 she was detained three times, the second of which resulted in a sentence of imprisonment and whipping at the quarter sessions. Finally, on 15 February 1783 she was detained in the Bridewell for three days. On 21 February, she was back there

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<sup>10</sup> Kidney: JQS/P/75/02/02, JQS/P/77/03; Gunter: JQS/P/80/16, JQS/P/77/04; Boswell: JQS/P/73/01, JQS/P/79/07, JQS/P/79/10; Barry: JQS/P/68/11, JQS/P/77/03, JQS/P/86/15, JQS/P/95/01/25.

<sup>11</sup> See references to Table 10.1.

<sup>12</sup> JQS/P/77/03, JQS/P/79/07; *Gaol Delivery Fiats*, p. 52; *Felix Farley's Bristol Journal*, 2 November and 21 December 1782.

again, being accused of stealing a blanket from a house – for which she was finally transported.<sup>13</sup>

The Bridewell bread vouchers also make it tempting to argue that there was indeed some form of criminal organisation or community among Bristol's thieves. When John Barry was detained in September 1781 and March 1782, for instance, a man named James Harding was detained with him – the depositions show that they were accused of committing burglaries together, and were known to the nightwatchmen.<sup>14</sup> The repeat offenders Thomas Kidney and William Bendall also committed burglary together – and John Barry committed burglary with them too.<sup>15</sup> When Barry was accused of stealing a tankard in 1782 shortly after his release from the Bridewell, a man named James Butler was accused of stealing it with him – Butler had himself been released on the day of the theft.<sup>16</sup> There are other cases which are strongly suggestive of enduring relationships between thieves. Jobe Holister and William MacLane were both committed to the Bridewell within at most two days of each other in January, February and March 1780, in August/September 1781, in March/April 1782 and in December 1782. The depositions from 1785 report that Jobe Hollister was arrested on 3 January for stealing from a shop along with another unnamed 'boy' who evaded capture – five days later, a 'young man' named William MacLane was arrested for stealing in the same manner from a different shop.<sup>17</sup> While the depositions do not provide direct evidence that MacLane and Hollister worked together, the fact that they are described by the depositions as committing the same style of crime at the same time, and are both described as being boys, strongly suggests that the number of times their names appear together in the Bridewell vouchers is not the result of coincidence.

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<sup>13</sup> JQS/P/69/02, JQS/P/74/09, JQS/P/77/06, JQS/P/79/03; *Felix Farley's Bristol Journal*, 14 July 1781, 13 April 1782, 21 December 1782 and 3 May 1783; *Gaol Delivery Fiats*, p. 52.

<sup>14</sup> F/Ac/Box/93/06, F/Ac/Box/93/08, JQS/P/68/11.

<sup>15</sup> JQS/P/77/03.

<sup>16</sup> JQS/P/79/07, F/Ac/Box/94/06.

<sup>17</sup> JQS/P/92/01/25, JQS/P/92/01/31.

This also shows that Hollister and MacLane had committed crime in Bristol for at least five years before being transported. While not quite on the same scale, the cases discussed in the preceding paragraphs are consistent with Mary Clayton's study of the 24-year criminal career of Charlotte Walker, who was arrested at least 30 times and tried twelve times at the Old Bailey before finally being transported.<sup>18</sup> In Walker's case, as with some of the offenders identified above, prisons and the courts were encountered numerous times before she was eventually convicted and given a punishment which would prevent further reoffending. Of course, one might argue that Walker's experience is more extreme than those seen in Bristol. In some ways this is true: individuals such as Hannah Scriggens and William Bendall only sustained criminal careers for, apparently, a few years and made no appearances at the gaol delivery before being transported. Furthermore, we have a complete record of all those tried at the Bristol gaol delivery, and there are no examples of the same magnitude as Charlotte Walker. It is also possible to suggest counter-examples of offenders who were treated very harshly without much evidence of having a prior history of offending. William Shutler, for instance, was executed in May 1783 for committing two burglaries: a man with the same name was imprisoned for 27 nights in the previous August, but otherwise his name does not appear in the Bridewell vouchers, quarter sessions papers, gaol delivery fiats or newspaper reports of trials except in relation to the crime for which he was executed.<sup>19</sup>

Such examples of repeat offenders are very interesting since they suggest that at least for some people the possible consequences of crime – imprisonment, trial, whipping or transportation – did not represent a major deterrent. This is not to downplay the hardships faced by those who were imprisoned. The conditions in

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<sup>18</sup> Clayton, 'Life and Crimes of Charlotte Walker', p. 3.

<sup>19</sup> As noted above, only vouchers from September 1779 until April 1783 (by which time Shutler was in prison) have been examined. For Shutler's conviction, see *Felix Farley's Bristol Journal* (3 May 1783).

Bridewell were, after all, strongly condemned by John Howard, and accounts of Newgate prison are not any better.<sup>20</sup> Perhaps the reason why offenders such as James Butler or Hannah Scriggens turned to crime within hours of their release from the Bridewell was that – without money, a job or a place to live – they had no alternative but to steal in order to pay for food and lodgings. Of course, the question of how representative these extreme cases are is an important one. While individuals such as Hannah Scriggens might have been imprisoned in the Bridewell numerous times, this was not universally the case. Once some standardisation is applied to the spelling of the names which appear in the Bridewell vouchers from Michaelmas 1779 to Lady Day 1783, 985 unique forename-surname combinations remain. Of these, 169 occur more than once in the period. Twenty-two appear five times or more. Given that these figures also include names such as ‘John Smith’ (three appearances) which may have been shared by numerous people, and that the trial and conviction process might involve someone leaving for a short stay in Newgate before returning to the Bridewell, the extent to which people reappeared at the Bridewell is perhaps rather limited. An analysis of a longer run of documents might produce more examples of persistent reoffending, but it is significant that in a city of perhaps 55,000 people, only a handful of people were repeatedly imprisoned and released from the Bridewell.<sup>21</sup> On the other hand, it is the way that people experienced the law that is of interest, not merely the figures relating to prison admissions. And what the Bridewell bread vouchers make clear is that some offenders could experience several encounters with the law before they reached the courts, and it could take several trials before a sentence of transportation or death was given.

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<sup>20</sup> John Howard, *The State of the Prisons in England and Wales* (Warrington, 1777), pp. 391-4.

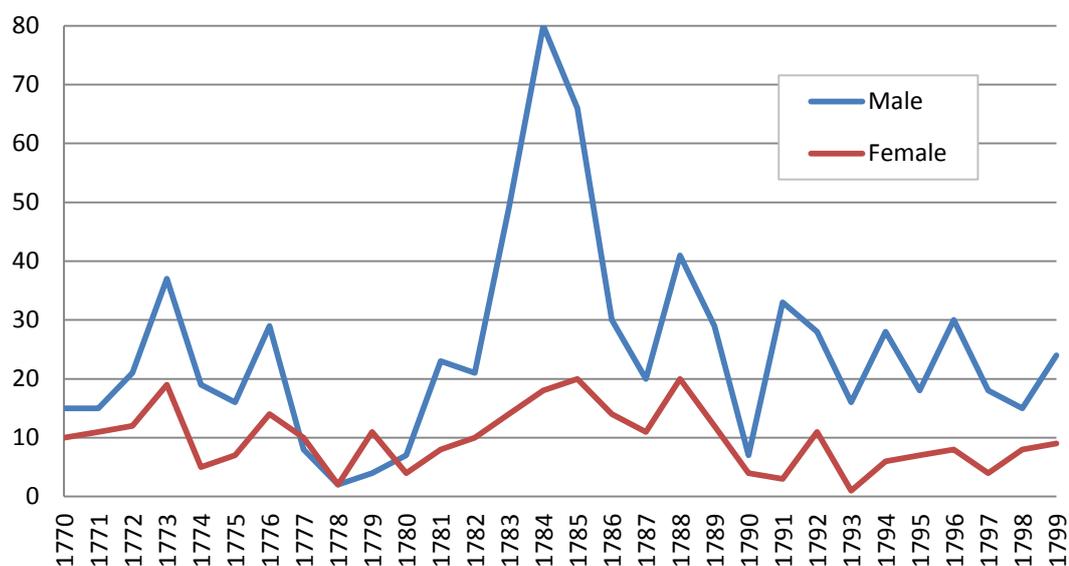
<sup>21</sup> For Bristol’s population, see note 35 below. The figure of 55,000 is an estimate based on the fact that Bristol’s population grew from 50,000 to 60,000 between 1750 and 1800.

## The timing of crime reporting

Sometimes several depositions were produced in relation to individual acts of crime, since different witnesses might provide testimony to a magistrate at different times. The usual practice was to append a recognizance to the end of the victim's deposition, binding witnesses to appear in court, and binding a prosecutor to continue with the prosecution. These recognizances are useful in that they state to which court the case was to be sent. Consequently, when conducting quantitative analysis, it is helpful to distinguish between recognizances to prosecute and depositions in general, since any particular case could produce only a single recognizance to prosecute, but any number of depositions. In cases when multiple depositions have been made but no recognizance to prosecute can be found, all but one deposition have been marked as 'duplicates' in the database used to produce the figures and tables presented here. This ensures that, when necessary, it is possible to distinguish between the number of reported crimes, and the number of depositions which were produced.

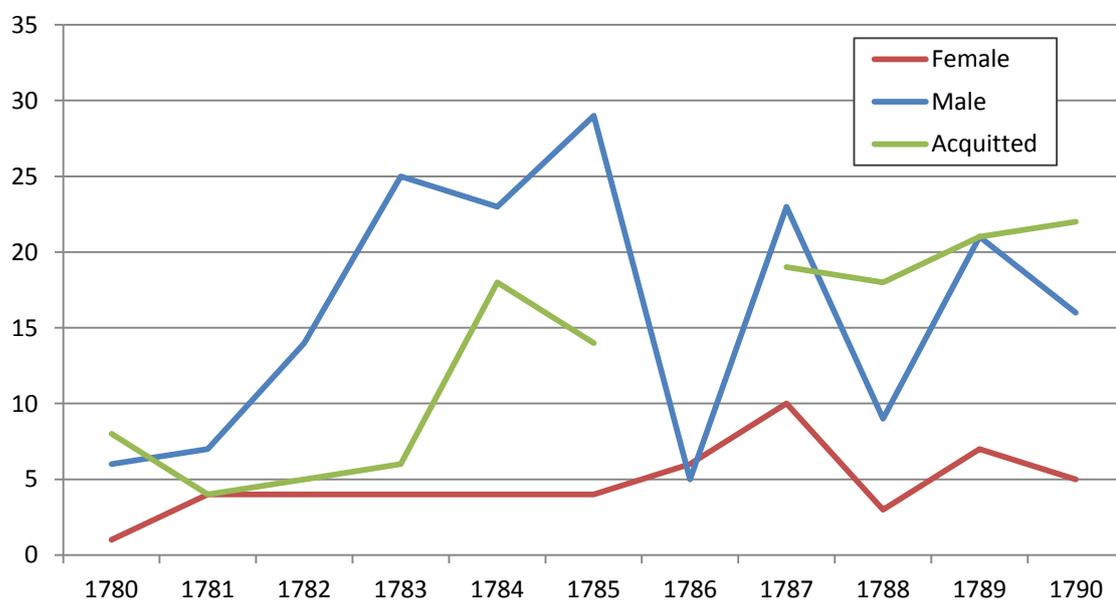
As I wrote in the introduction to this thesis, the depositions – and hence the recognizances appended to them – represent only a limited proportion of all the cases which were prosecuted in eighteenth-century Bristol. This limits their utility as sources for quantitative analysis, in that we cannot be certain that results have not been skewed in some unknown way by factors relating to archival survival. It is possible, for example, that the depositions relating to burglary survive in lower numbers than other types of crime, since burglars were more severely punished, and their depositions are more likely to have been used (and hence lost) in the prosecution and pardoning process compared to minor crimes like pickpocketing. So, while the depositions do not appear to have been systematically 'weeded' to remove reports relating to particular activities, it is possible that their contemporary function as what Paul Griffiths has nicely termed an 'active archive' may have influenced the types of documents which

**Figure 10.1: Suspects per year, 1770-99**



*Source:* Database of depositions – all property crime depositions included.

**Figure 10.2: Newspaper reports of defendants at quarter sessions, 1780s**



*Source:* Reported trials at the quarter sessions in *Felix Farley's Bristol Journal*.

N.B. 'Acquitted' is included as a separate series since the names of unconvicted individuals were sometimes not given. The male/female series include individuals who received a range of verdicts, although it is probable that those who were convicted are over-represented.

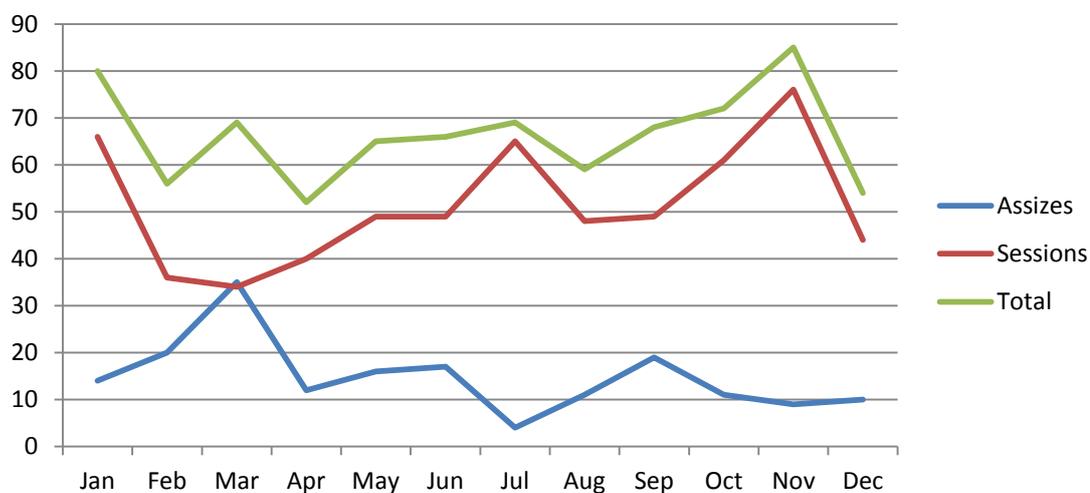
survive.<sup>22</sup> The observations presented below are, therefore, somewhat tentative, but can at least help to reveal the overall picture of crime which is presented by this 'active archive'. They can also augment the quantitative analysis of other sources, allowing some observations to be made which are based on a range of different source materials.

As Figure 10.1 shows, the relationship between numbers of men and women being accused of crime each year was not constant. The number of women remained relatively stable between 1770 and 1800, while the number of men being accused fluctuated dramatically. The mid-1780s are the most prominent example of this, when the transition from war to peace caused accusations against men to increase very rapidly. The fluctuations presented in Figure 10.1 are consistent with other accounts of chronological fluctuations in rates of reported crime, which have emphasised the long-term stability of rates of female reported criminality, and the sensitivity of reported male criminality to war and peace.<sup>23</sup> Figure 10.2 enumerates the number of people who were reported by *Felix Farley's Bristol Journal* as having been tried at Bristol's quarter sessions in the 1780s. The unsystematic nature of newspaper crime reporting (crime news was often used to fill the space left over after shipping and society news had been reported) means that the figure does not give a complete picture of the work of the quarter sessions. But it is striking how fluctuations in trials almost exactly track both the number of suspects reported in the depositions and national trends, with trials of women remaining stable over the entire period. As mentioned above, subjecting the reports of crime contained in the depositions to quantitative analysis in this way is rather problematic, since it is possible that archival survivals have skewed the results.

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<sup>22</sup> Paul Griffiths, *Lost Londons: Change, Crime, and Control in the Capital City, 1550-1660* (Cambridge, 2008), pp. 400-2.

<sup>23</sup> John Beattie, 'The Criminality of Women in Eighteenth-Century England', *Journal of Social History*, 8 (1974), pp. 103-5; Douglas Hay, 'War, Dearth and Theft in the Eighteenth Century: the Record of the English Courts', *Past & Present*, 95 (1982), pp. 144-5; Peter King, "'Press Gangs are Better Magistrates than the Middlesex Justices': Young Offenders, Press Gangs and Prosecution Strategies in Eighteenth and Early Nineteenth-Century England', in N. Landau (ed.), *Law, Crime and English Society, 1660-1830* (Cambridge, 2002), p. 99.

**Figure 10.3: Recognizances by month, 1770-99**

*Source:* Database of depositions – only those with recognizances naming court used.

But nonetheless, the fact that we have two different sources reporting that Bristol experienced a ‘crime wave’ in the mid-1780s is significant in that it shows that national phenomena were also experienced in the city. Whether this ‘crime wave’ reflected a genuine increase in crime, or whether it occurred as the result of an increased willingness to prosecute theft as a result of fear about a crime wave, is difficult to tell.

Accusation rates were also subject to month-by-month variations, as shown in Figure 10.3. Since the analysis of crime reporting by month involves the compilation of all the recognizances from the period 1770 to 1800, archival survivals are likely to have had less of an impact than in cases where the source material is analysed on a year-by-year basis. Most striking is the fact that it was not the case that fluctuations in the total number of recognizances produced identical rises in the workload of the city’s two courts. For example, in the month of March there were 69 recognizances: 34 alleged criminals’ cases were sent to the quarter sessions, and 35 to the assizes. By contrast, in the period 1770-1800 only four prosecutors were bound in July to appear at the assizes, while 65 were bound in that month to prosecute at the quarter sessions. The timing of

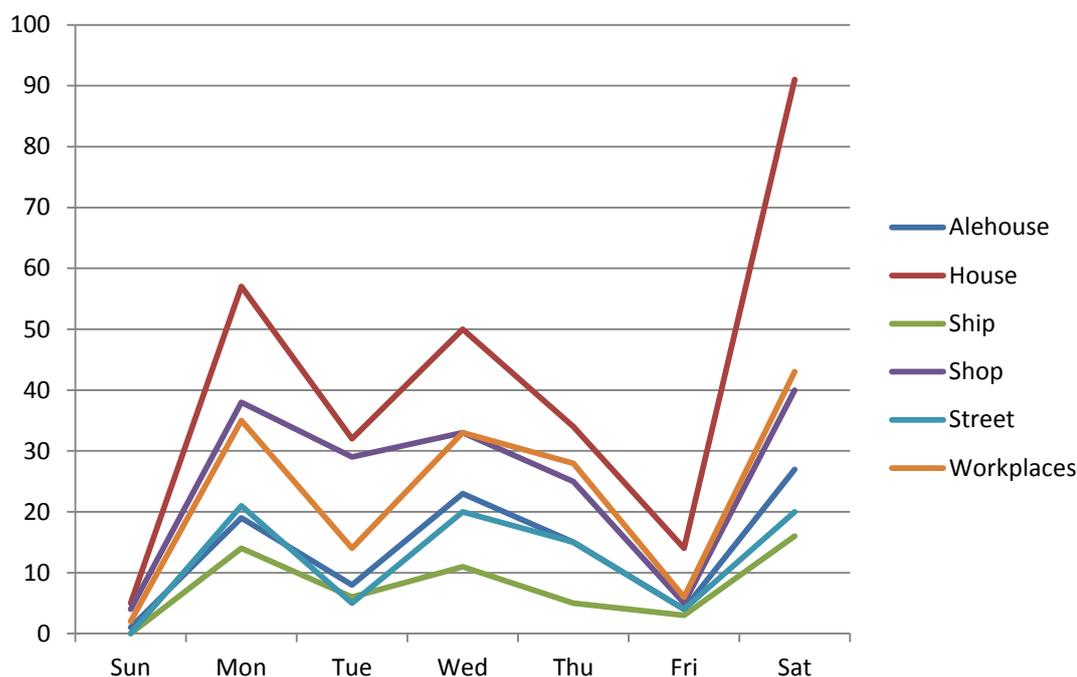
Bristol's assizes can explain this: they were usually held in late March or early April, which explains the high figure for the month of March. For the rest of the year, the quarter sessions shouldered the majority of the city's cases. Crime in the autumn was increasingly referred to the quarter sessions, until the assizes became a popular choice again the next spring. The overall picture that emerges from Figure 10.3 is one of a reluctance to commit suspects to the assizes, so that the quarter sessions were often used instead. For those accused of crime, this can have made little practical difference, since the quarter sessions dispensed every punishment available other than the death sentence. While this apparent reluctance to use the assize court may have stemmed from prosecutors' desire not to force suspects to remain in prison for excessive amounts of time, the fact that the Corporation of Bristol had to pay two pence per day (or part of a day) for the upkeep of its prisoners may have encouraged the city's magistrates to seek swift resolutions to allegations of crime. Prisoners' medical costs were also a significant area of expenditure. In September 1783 the previous year's expenditure on prisoners in Newgate were £41 16s, while those in Bridewell cost £10 5s.<sup>24</sup>

Finally, the depositions can be analysed according to the day of the week that they were produced. The results of doing this are presented in Figure 10.4, which has two striking features: a very small number of depositions being made on Sundays, and many depositions being made on Saturdays. This point holds true even when we split the data according to the place where a crime had occurred. There are three factors which can explain this: variations in crime, variations in the availability of magistrates, and work/life routines which meant that certain days were more convenient for reporting crime than others. Regarding the first factor, it is probable that there were indeed weekly variations in crime. Shoplifting was probably less likely to occur on Sundays, for instance, as was theft from places of work. But it is unlikely that the

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<sup>24</sup> F/Ac/Box/94/07.

**Figure 10.4: Number of extant depositions by day, 1770-99**



*Source:* Database of depositions.

N.B. when multiple depositions for a single crime exist, only the deposition of the victim or prosecutor was used.

pronounced differences between mid-week days in Figure 10.4 are reflective of differences in crime rates, since there are no obvious reasons why crime rates should be higher in all locations on Wednesdays compared to the days before and after. And while it is possible to think of reasons why crime rates relating to particular offences might vary, the way in which the different categories of crime in Figure 10.4 all fluctuate in essentially the same manner is striking. It appears, therefore, that the second and third factors suggested above were most important. The reason why so few depositions were made on Sundays was probably because no magistrates were willing to take them. This can also explain the depressed figures for Tuesday and Friday.

The fact that Saturday was by far the most popular day for making depositions is probably in part due to the availability of magistrates. But it is also possible that depositions were made on Saturdays because it was the most convenient day for doing

so. One of the main drawbacks of prosecuting a suspected felon was that doing so required a prosecutor to be away from work. This can explain why the 'Saturday effect' is most strongly associated with depositions relating to domestic crime. Prosecutions made by employers against pilfering employees, or ships' masters against thieving crew-members, might be justified as part of work activity, which can explain why the distribution of deposition-making is more evenly distributed across the week in cases involving theft from ships and workplaces. The fact that Monday was almost as popular a day as Saturday for the prosecution of shoplifters may also be reflective of the fact that Monday was not an important day for retail trade. But for the victims of domestic crime, making a deposition would have been a distraction from work rather than an integral part of it. Since the magistrates were not available on Sunday, it was Saturday which provided the most convenient time to visit them. Just as Mark Harrison has argued that participation in crowd activity in Bristol appears to have been influenced by daily and weekly work routines, so the same point can be made about individuals' willingness to participate in the first stage of the prosecution process.<sup>25</sup>

Some depositions imply that male victims used their wives and dependants to handle the bureaucracy of producing a deposition for them. While Bristol's magistrates appear to have upheld the basic tenets of coverture – such as making a husband liable by recognizance to bring a prosecution when his wife had initiated it – the appearance of married women in the depositions is consistent with Hannah Barker's observation that local courts were more flexible with the powers they were willing to attribute to married women.<sup>26</sup> When Robert Witherly had a tankard stolen from his alehouse in 1781, it was his wife who made a deposition about it: as her testimony states, neither of

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<sup>25</sup> Mark Harrison, *Crowds and History: Mass Phenomena in English Towns, 1790-1835* (Cambridge, 1988), pp. 119-30.

<sup>26</sup> Hannah Barker, *The Business of Women: Female Enterprise and Urban Development in Northern England, 1760-1830* (Oxford, 2006), p. 138.

them had witnessed the crime.<sup>27</sup> Similarly, when William Murray's clothes shop was burgled in the same year, it was his wife Margaret who gave evidence: the recognizance which follows the deposition states that Margaret Murray had been bound to appear as a witness, but there is no mention that William Murray had been bound to prosecute, indicating that he would be bound at a later date. The case went to trial.<sup>28</sup> These examples show that it was not always the legally-defined prosecutor who initiated proceedings; nor did the victim always make a deposition or put himself forward to give evidence, even in cases where neither the victim nor his wife had witnessed a crime taking place. Naomi Tadmor's work on the structure of the eighteenth-century family has suggested that families were typically organised according to a model in which the wife (or, in her absence, chief servant) performed the vital function of assisting the male head of household in his business.<sup>29</sup> Some of the depositions reflect this, again indicating that deposition-making occurred against a background of decisions relating to work and the use of time.

The significance of the variations in timing is that it is possible to identify specifically local reasons to explain fluctuations in accusation rates. While annual changes in recognizances are consistent with other locations and conform to the model of post-war 'crime waves' proposed by other historians, when we look at monthly and weekly variations in accusations across the period 1770-1800 it is possible to identify a different set of reasons for changing accusation rates. It is notable that even in a city with such a high degree of judicial autonomy as Bristol, the irregularity of judicial meetings appears to have meant that alternatives to the formal judicial process were sought. While contemporaries recognised that prosecuting in Bristol was much easier

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<sup>27</sup> JQS/P/68/07. For other examples, drawn from depositions made in 1780-5, in which a wife made a deposition and initiated a prosecution for an absent husband, see: JQS/P/73/02, JQS/P/75/02/10, JQS/P/79/13, JQS/P/92/01/06, JQS/P/92/01/14, JQS/P/92/01/31.

<sup>28</sup> JQS/P/68/11; *Gaol Delivery Fiats*, p. 59: entry for James Harding. Also: JQS/P/75/2/1.

<sup>29</sup> Naomi Tadmor. 'The Concept of the Household-Family in Eighteenth-Century England', *Past & Present*, 151 (1996), p. 118.

than elsewhere, clearly the city's justice system was not convenient or flexible enough to mean that people did not give some thought to when and where the next sessions would be held before deciding how to negotiate the prosecution process.<sup>30</sup> And if prosecutors did not do this, then the city's magistrates, who were mindful that prisoners cost the city two pence per day, may have done it for them. The same point applies to rates of crime reporting on a weekly basis, which strongly suggest that the availability of magistrates and work routines had an influence on when people could access the law. Prosecuting crime was a highly discretionary process, with factors such as the cost and inconvenience of mounting a prosecution having an influence on the way in which redress was obtained.<sup>31</sup> The sources from Bristol do not contradict this point.

## Bristol's bloody code

John Beattie has argued that statutes which extended the 'bloody code', such as the 1751 act which made theft of items worth 40 shillings or more from ships non-clergyable, often went unused in London.<sup>32</sup> The same point can be made about statutes relating to theft from houses, shops and warehouses which were frequently neutered by partial verdicts.<sup>33</sup> There is value in considering whether this was also the case in what was one of England's most important out-ports and commercial centres. It is also possible to examine the punishments which were given out by Bristol's assize court. Given that the combination of its judicial autonomy, large population and significant economy meant that Bristol was perhaps more similar to London in terms of its experience of crime than anywhere else in the country, we might expect its use of the death penalty to have been substantial, as it was in the capital. If this was not the case,

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<sup>30</sup> For a letter in which Bristol's town clerk reports that it would be easier to try a suspect in Bristol than Bath, see: TCLB, p. 15.

<sup>31</sup> King, *Crime, Justice and Discretion*, pp. 18-35, 198-9.

<sup>32</sup> Beattie, *Crime and the Courts*, p. 177.

<sup>33</sup> *Ibid.*, p. 428.

Table 10.2: Offences committed by those found guilty, 1770-99

	Male	Female
Arson	1	
Attempted rape	1	
Attempted sodomy	1	
Bigamy	2	
Burglary	20	
Coining	8	
Forgery	15	
Fraud		1
Grand larceny	95	39
Highway robbery	7	
Horse theft	5	
Housebreaking	2	
Larceny		1
Manslaughter	7	2
Misdemeanor	7	1
Murder	5	
Petty larceny	20	13
Plundering stranded vessel	2	
Rape	1	
Receiving	8	6
Robbery	1	
Shoplifting	2	1
Sodomy	2	
Theft: animal	1	
Theft: dwelling	9	8
Theft: Ship	3	
Violence	2	
<b>Total</b>	<b>227</b>	<b>72</b>

*Source: Gaol Delivery Fiats.*

then the significance of the notion of the 'bloody code' as a way of understanding the operation of the law on a national scale is called into question.

As one would expect, the gaol delivery fiats are overwhelmingly concerned with property crime, much like the depositions. As Table 10.2 shows, the great majority of defendants were convicted of non-violent theft, with grand larceny being by far the most frequent offence. Individuals were much less frequently convicted under statutes which withdrew benefit of clergy. We can see that there were only three occasions on

which the 1751 statute against stealing from a vessel was used, for instance, while nobody was convicted of pickpocketing and only three people of shoplifting property worth more than five shillings. Of course, this does not mean that people were not tried under these statutes, or that pickpockets were never prosecuted. The gaol delivery fiats merge normal guilty verdicts with partial verdicts into a single 'guilty' category, and thus it is probable that many of the people in the grand and petty larceny categories were the beneficiaries of pious perjury. The point is, however, that Beattie's comment that few people were convicted under bloody code statutes is supported by the evidence from Bristol.

Indeed, it is the use of the gallows which offers the most unusual aspect of the operation of the law in Bristol. Between 1770 and 1799, seventeen people were executed after being condemned at Bristol's gaol delivery, which averages to 0.57 per year. In comparison, there were 1110 executions in London and Middlesex, being 37 execution each year on average.<sup>34</sup> Bristol's population grew to 61,000 in 1800, at which time London's had exceeded 900,000, making it roughly fifteen times larger than Bristol: the execution rate in London and Middlesex was clearly much more than fifteen times greater than it was in Bristol.<sup>35</sup> Nor is the chronology of execution in Bristol similar to that experienced in London. While the execution rate in London halved in the 1790s compared to the previous decade, in Bristol the number of executions in each decade was the same. Furthermore, the types of crime for which individuals were executed in Bristol appears different. Between 1770 and 1799, 67 people were executed for murder in London; only one murderer was executed in this period in Bristol. Of the five people convicted of murder between 1770 and 1800, four had their sentences respited. The depositions report that people fought each other,

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<sup>34</sup> *A List of Persons Executed at Bristol Since the Year 1741* (BRO 40165/1); *Parliamentary Papers* (1819), vol. XVII.295-9.

<sup>35</sup> Joyce M. Ellis, *The Georgian Town 1680-1840* (Basingstoke, 2001), p. 148; Leonard Schwarz, 'London, 1700-1840', in P. Clark (ed.), *The Cambridge Urban History of Britain*, vol. 2: 1540-1840 (Cambridge, 2000), p. 650.

Table 10.3: Executions at Bristol, 1770-99

Offence	Number executed
Forgery	8
Burglary/housebreaking	4
Robbery	2
Sodomy	2
Murder	1
Total	17

Source: *A List of Persons Executed at Bristol Since the Year 1741* (BRO 40165/1).

mugged strangers, fired weapons in the street, and wounded people with knives – and yet there was only one murder execution in the same period.<sup>36</sup> It is very surprising that there were so few convictions and executions for murder, given the number of murderers who were executed in the capital.

We cannot, therefore, say that London and Bristol were particularly similar in their use of capital punishment, since executions happened much less frequently in the latter city, and for different reasons. It is very difficult to see the gallows as having been used as an assertive deterrent against property crime. To some extent, this finding is to be expected. Historians of other non-metropolitan areas have also highlighted the infrequent use of capital punishment.<sup>37</sup> However, in Bristol there were factors which did not exist in other cities: the city had an independent judiciary, it was larger than many other provincial cities, and it was the location of intensive economic activity which was both vulnerable to crime and protected by statutes which denied the most egregious offenders benefit of clergy.

But what are we to make of the seventeen people who were executed in the final three decades of the eighteenth century? Appendix 1 draws on a variety of

<sup>36</sup> All of the observations about execution are derived from the sources mentioned in note 34. For knife crime and violent muggings, see: JQS/P/30/08, JQS/P/49/01/08, JQS/P/49/01/09, JQS/P/99/25, JQS/P/140/01; shootings: JQS/P/58/03, JQS/P/121/01/08.

<sup>37</sup> Gwenda Morgan and Peter Rushton, *Rogues, Thieves and the Rule of Law: Problem of Law Enforcement in North-East England, 1718-1820* (London, 1998), pp. 140-1.

sources in order to detail the origins of those who were sent to the gallows. What is very striking is that so few of the people who were executed had been long-term residents of Bristol, particularly in cases of property crime. Of the seventeen, only four can be confirmed to have lived in Bristol in the long term, which is less than the number who came to the city shortly before committing the crimes for which they were executed. Of course, this needs to be understood at least against the demography of all the people who were convicted of capital crimes (i.e. including those who were reprieved), and ideally against all those who were accused of crimes which had the potential to be punished capitally. This can help answer the question of whether Appendix 1 reflects the judicial persecution of 'outsiders', or whether it simply reflects the demographic characteristics of those who were sent to court. Answering this question is difficult because we do not possess the same level of biographical detail about the lives of those who were not executed. In some respects, the numbers can make up for this problem. It is very unlikely that all the people who were capitally convicted and then reprieved for forgery, housebreaking or burglary were outsiders from Bristol, given how many people were convicted of those offences. In some cases it is possible to prove this. James Emanuell was convicted of forging a £20 bill of exchange in 1781 and was sentenced to death, but had his sentence respited to fourteen years' transportation. He was the employee of the man he defrauded.<sup>38</sup> Henry Lane, a local watchmaker, was also convicted of forgery but had his sentence respited.<sup>39</sup> When Robert Hamilton was executed in 1793 his three accomplices had their sentences respited – at least two can be identified as long-term residents of the city for whom good characters were given at their trial, whereas Hamilton was described as the leader of gang who had recently been released from the Thames hulks.<sup>40</sup> Of those who were convicted of burglary, 17 out of 21 had their sentences respited – and this figure

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<sup>38</sup> JQS/P/68/10; *Gaol Delivery Fiats*, pp. 48, 50.

<sup>39</sup> *The Only Correct Trial of Henry Lane* (Bristol, 1800).

<sup>40</sup> *Gaol Delivery Fiats*, p. 83; TNA HO 47/17/77-81 (ff. 346-59).

does not include those who received partial verdicts. When three forgers were executed in 1799, newspapers reported that two had come to the city from London and Wales. The third had been resident as a butcher for two years and was well-liked by the city: it was reported that he remained hopeful of receiving a pardon until two days before his execution. No such comment was made about the others<sup>41</sup>

The consequence of this is that one might be tempted to see Bristol's justices as being particularly willing to execute non-Bristolians. Such an explanation would fit with what we know about the xenophobic nature of Bristolian civic identity.<sup>42</sup> Furthermore, in the case of forgery, it was Bristol's national reputation that was at stake. When forgers passed notes or bills which named banks or creditors in London, Birmingham or Leicester, they tarnished the reputation of Bristol as a place where one could do business with confidence.<sup>43</sup> Just as the city's earlier persecution of sodomites aimed to uphold the city's national reputation, so the prosecution of forgery did the same.<sup>44</sup> When two men were accused of circulating false notes in 1798, it was the Bank of England's inspector of notes – Thomas Glover – who decided whether the notes were genuine; the men were executed.<sup>45</sup> Randall McGowen has argued that the suspension of cash payments by the Bank of England in 1797 saw a dramatic increase in the severity with which forgers were policed and punished.<sup>46</sup> Thomas Glover's presence in Bristol is indicative of this – as is the fact that seven people were executed

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<sup>41</sup> *The Sun*, no. 2061 (1 May 1799).

<sup>42</sup> See page 39.

<sup>43</sup> JQS/P/128/28, JQS/P/137/01/15 (Leicester), JQS/P/137/01/? (08/04/1794, Birmingham); JQS/P/58/? (06/12/1776, London).

<sup>44</sup> Steve Poole, "'Bringing great shame upon this city": Sodomy, the Courts and the Civic Idiom in Eighteenth-Century Bristol', *Urban History*, 34 (2007), pp. 114-26.

<sup>45</sup> JQS/P/157/04e.

<sup>46</sup> Randall McGowen, 'The Bank of England and the Policing of Forgery 1797-1821', *Past & Present*, 186 (2005), pp. 85-8.

for forgery between 1799 and 1805, compared to just four executions in the previous sixty years.<sup>47</sup>

The issue that this raises is how we can interpret Bristol's experience of the eighteenth-century bloody code. As I mentioned above, the number of executions in Bristol was nowhere near as high as it was in London, and those who committed property crime other than burglary, housebreaking, forgery or robbery had no chance of being executed. On the other hand, we can see a willingness to treat certain offenders and certain offences with harsh punishments. In Bristol, we see what might be described as a 'dual Bloody Code', in which community members and those who had not tarnished the city's national reputation were only executed in the most extreme cases.

## Conclusion

The consequence of this is that we can see some distinctive patterns of prosecution and punishment in Bristol. While the city authorities considered themselves very fortunate to have such dynamic powers to prosecute crimes locally, the records of the city's Bridewell suggest that prosecution and punishment did not have a deterrent effect on all. We have also seen evidence to suggest that the availability of magistrates, the inconvenience of being away from work and the cost of imprisoning suspects awaiting trial influenced the decision making of victims and magistrates. In previous chapters we saw how the distinctive geography of policing and crime-detection in Bristol meant that the experience of crime, by both victims and thieves, could be highly contingent on spatial and temporal contexts. In many ways this chapter extends this argument: the ways that the law was used, and the ways that alleged offenders experienced prosecution and punishment (not necessarily in that order), were also shaped by a

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<sup>47</sup> *A List of Persons Executed at Bristol Since the Year 1741* (BRO 40165/1). As McGowen's article shows, the Bristolian authorities were in regular contact with the Bank of England in this period: McGowen, 'The Bank of England and the Policing of Forgery', pp. 91, 93, 102.

variety of external factors.

Despite the ability to tie the operation of the city's courts and prisons to specifically local factors, in many ways the story is one of continuities with the capital, rather than striking differences. Bristol's serial offenders had counterparts in the capital, and the variations in crime reporting over time are similar to those seen elsewhere. It is, perhaps, the picture of sentencing presented by the gaol delivery fiats which is most curious. Perhaps more than any other English city, we might expect sentencing practices in Bristol to mirror those seen in London. But in Bristol the death penalty was used sparingly, and was more precisely targeted at particular offenders than it was in London. Furthermore, the analysis of annual and weekly patterns in crime reporting suggest that Bristol's civic calendar and the availability of magistrates had an influence on the way that victims reported and prosecuted crime. Perhaps these patterns were duplicated elsewhere, but the evidence from Bristol does suggest that the nature of the local judicial system could shape responses to crime.

## 11 Outcomes

This concluding chapter attempts to highlight the themes which have woven through this thesis. It brings together the different strands of argument which have been originated in the previous chapters, in order to reach some overall conclusions about the significance of eighteenth-century Bristol's experience of crime.

### Crime, community and culture

An issue which was examined in several chapters in this thesis was the question of whether crime can be located within the behaviour and structures of particular community groups. Certainly personal connections were important to acts of crime. In the depositions relating to shoplifting and burglary, and particularly in relation to the sale of stolen property, we have seen how accomplices were of great importance to the perpetration of crime. Furthermore, on an anecdotal level within the depositions – and more demonstrably within the Bridewell records – we can find evidence for relationships between thieves which endured over time. In my examination of the relationship between alehouses and crime, I also argued that it is possible to see links between crime and sociability, so that even if models based on rigid notions of social networks are not useful to the study of crime, we can see how certain forms of social activity – and particular locations within the city – had an influence on the nature of crime. When we examine the way that crime was policed, we can again see that notions of 'community' remain useful. The nightwatch was organised according to the traditional administrative unit of the city – the wards – and appears to have been responsive to public concerns, both directly and in terms of the way that urban space

shaped the nature of policing. And while the residents of late-eighteenth-century Bristol had expectations about how the nightwatch should function, this did not necessarily displace shouts of 'Stop thief' and interventions by non-victims.

In this sense, the simplistic view which sees cities as essentially anonymous places in which crime was unhindered has been strongly challenged. But, conversely, the evidence for more formal and structured forms of criminal organisation in Bristol is limited. We have seen examples of criminal cooperation and of gangs, but it is not possible to go further to write of distinctive criminal networks, or of highly organised forms of crime. Nor is it possible to talk of 'career criminals' or 'professional thieves', although certainly there are cases in which individuals reoffended regularly. This raises the question of whether it is possible to develop any form of coherent theorisation of the relationship between crime and community in the city. The problem is that attempting to do this risks over-generalisation, and it is difficult to find a place for those who stole opportunistically – or those people who turned to theft as a result of their vulnerability to poverty – within a more complex theoretical model of crime and community. Moreover, viewing the city as a place where the kinds of social interactions identified by historians of rural crime occurred but in a watered-down version is an unsatisfying response.<sup>1</sup>

The solution to this is to emphasise the ways that social practices were strongly modified by the urban context, so that even if the personal connections which were often of great importance to acts of crime cannot be described as bonds of community or even criminal organisation, we can see how social contacts' roles in crime often stemmed from the social interaction, policing and detection which occurred alongside urban crime. When lookouts were used to guard against the nightwatch, or when acquaintances were used to sell stolen goods to suspicious pawnbrokers who might

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<sup>1</sup> Sharon Howard, 'Investigating Responses to Theft in Early Modern Wales: Communities, Thieves and the Courts', *Continuity and Change*, 19 (2004), pp. 420-6.

send a suspect to Bridewell, we can see how crime was shaped by considerations which related to the risks and reward that were presented by anonymous markets and urban policing. Similarly, while alehouses were found in settlements of all sizes, the anonymous nature of Bristol's alehouses and the opportunities for crime which existed within and around them produced distinctive forms of criminality in which sociability was an important factor. After all, we must consider what community actually is, and why we – as historians of crime – are interested in it. If we defined 'community' as social relations which influence and structure the activities of thieves, then the notion continues to be relevant to Bristol in a loose sense, since it is possible to identify ways that social relations shaped the nature of Bristolian crime.

The relationship between crime and culture has been a theme which was raised at numerous points in this thesis. In the discussion of crime in shops, for instance, I argued that many thieves' strategies of theft show that they were able to access, understand and exploit the conventions of retailing. Similarly, the examination of cases of forgery and deception show that paper money and credit could be used by those who committed crime. Some depositions concerning thefts from alehouses and the home also reveal thieves' understanding of the routines of those places. But the value of the depositions, in particular, is that they present victims' accounts of crime, and offer an opportunity to examine victims' attitudes to theft. In many cases, we have seen clear examples of how the potential for crime was an important organising influence on everyday life. When banknotes were stolen, for instance, some victims were able to supply lists of their serial numbers and distinguishing features; silver tankards were marked to discourage theft; and the way in which retailers exposed certain goods for sale suggests that preventing their theft was an important influence on how they practised their trade. In this sense, we have seen how crime could be an important presence in the way that everyday transactions and encounters were conducted. When we add to this an awareness of the distinctive and intensive forms of policing which

were implemented at night, of the cultural significance of places such as the quayside and 'disorderly' houses in terms of popular perceptions of crime and disorder, and of the ways in which stolen goods were an important presence in the 'informal economy', we can find yet more reasons which show that crime – or, more importantly, the potential for it – was an important presence in everyday life.

Furthermore, it is possible to locate these practices within the unique challenges imposed by life in the town. The complex practices of endorsing banknotes or demonstrating an individual's creditworthiness, for instance, stemmed from the problems of anonymity and the difficulty of verifying an individual's character that were especially acute in cities. However, it is also important to realise that responses to the threat of crime were often tempered by other considerations. Alehouses may have marked their silver tankards to deter their theft, but the very fact that such tankards were given to complete strangers shows that the cultural practices of the alehouse overrode considerations of preventing crime. Similarly, giving credit to risky customers or accepting unverified banknotes could be a way that business relationships were created and sustained. While lockable doors and boxes had great cultural significance in the home, the depositions show that many 'outsiders' stole from houses because the exigencies of everyday life made them impossible to secure. In this sense, while crime may have been an important everyday presence, it was not necessarily of primary importance in structuring those aspects of daily life in which crime was often encountered.

But if crime was not of primary importance, this is not to say that its presence did not have an important impact on how people lived their lives in the city, and how they perceived the city at large. In chapter 3, we saw how the quayside – the most important area of public space in the city – was perceived by contemporaries as being a location where crime often occurred. The consequence of this was not only that perceptions of crime fed into broader concern about the decline of Bristol's importance

as a port, but that the state of the quayside was used to criticise the Corporation of Bristol; and as argued in chapter 8, the quayside became an important location of policing.

## ‘Urban crime’ – a useful idea?

At the start of this thesis I stated that a major aim was to produce a case study which could be compared to previous research which has been based on London, and at various points in the preceding chapters comparison has been made with the work of historians of the capital. To what extent, therefore, was Bristol’s experience of crime and the law different from London? The most concise judgment that can be given is unfortunately the most prosaic one: there were both continuities and differences between Bristol and London. For example, I argued that the strategies of crime seen in cases of shoplifting and theft from ships were similar to those identified in Deirdre Palk and Peter D’Sena’s work on London. In chapter 6, I argued that Bristol was indeed a vibrant market for stolen and second-hand goods, which is consistent with the way that historians of crime have described the capital. It is also clear that comparison with London was present in the contemporary mind. When a merchant from Bristol complained about the standard of policing and the state of the quayside in 1807, he made his complaints with reference to the much more favourable situation in London.<sup>2</sup>

However, there are some important differences between the findings of my own research and those of other historians. In particular, there is limited evidence for the kinds of networks of thieves and stolen goods circulation which historians such as Heather Shore and Beverly Lemire have posited in London.<sup>3</sup> While it is possible to

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<sup>2</sup> See page 185.

<sup>3</sup> Heather Shore, ‘Cross Coves, Buzzers, and General Sorts of Prigs: Juvenile Crime and the Criminal Underworld in the Early Nineteenth Century’, *British Journal of Criminology*, 39 (1999), p. 11; Heather Shore, ‘Crime, Criminal Networks and the Survival Strategies of the Poor in Early Eighteenth Century London’, in S. King and A. Tompkins (eds), *The Poor in England: an Economy of Makeshifts* (Manchester, 2003), pp. 150-5; Beverly Lemire, ‘The Theft of Clothes and Popular Consumerism in Early Modern England’, *Journal of Social History* 24 (1990), p. 258.

identify instances of people who 'fenced' stolen goods, these people were by no means essential to providing an outlet for acts of theft. I propose, therefore, a more fluid model of circulating stolen goods than has previously been suggested.

The depositions also show that crime could be constrained in ways which were unique to the city. The nightwatch in Bristol had a highly distinctive distribution which arose out of the system of wards by which it was administered. The physical geography of the city – with its confluence of rivers surrounding the commercial centre on three sides – shaped the nature of policing. It also had a major influence on the locations and nature of mercantile activity, and the crime which was associated with it. While Bristol shared many similarities with the City of London – but not with the metropolis as a whole – in terms of how its nightwatch operated, my investigation of nightwatch provision in cities such as Liverpool, Manchester, Bath and Birmingham suggests that Bristol and the City of London were fairly atypical in relation to the national picture.

Given that one aim of this study was to tease out the differences between London and Bristol in terms of the way that the two cities experienced crime, the obvious question that this raises is the extent to which Bristol can provide a useful case study of provincial urban crime. One could suggest some reasons why Bristol is not a suitable candidate. The city's highly-centralised justice system was very unusual, and its power-hungry and very wealthy Corporation enacted a form of government which was not found in all provincial cities. Furthermore, Bristol's economy – a large one, in which maritime trade was of central importance – bore similarities with only a few other coastal or riverine cities such as Liverpool or Glasgow. But despite this, the unique character of eighteenth-century Bristol does not prevent the construction of a more general assertion about provincial crime, policing and justice. The point is not that other provincial cities and towns shared similar experiences with Bristol, but that they too – like Bristol – probably experienced crime, policing and justice in unique

ways as a product of the distinctive nature of their own urban environments and forms of governance. We have seen how perceptions of crime and disorder could be highly specific to the local context, and how policing and post-crime strategies were also highly geographically variable. It is likely that other towns also experienced crime in their own unique ways.

These leads to the question of how we might think about crime in terms of urban space. Previous historians of crime have often employed the spatial categories used by the law to structure their research. John Beattie's *Crime and the Courts* monograph, for instance, structures its account of property crime around the analysis of theft from houses, shops, warehouses and other distinctive locations – these locations were all the subjects of statutes which punished thieves who committed certain crimes in them more severely.<sup>4</sup> Offences such as shoplifting, pickpocketing and theft from ships have received close attention from historians. Several chapters in this thesis followed this model by examining houses, ships, warehouses, shops, and alehouses as distinct units of space. However, I have also argued that connections can be traced between different types of space, and that sometimes different spaces could merge into each other. Shoplifters were often detected by witnesses on the street, for instance, showing how 'private' retail space could be subject to the public gaze. The cases in which men reported being 'decoyed' into Tower Lane's disorderly houses show how (supposedly) domestic spaces could intrude onto the street.<sup>5</sup> Chapter 6 argued that houses were important places of work, and that the security technologies which had an important place in eighteenth-century domestic culture were irregularly employed. While servants committed crimes which only domestic 'insiders' could perpetrate, their attempts at avoiding the consequences of theft also exploited

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<sup>4</sup> John Beattie, *Crime and the Courts in England, 1660–1800* (Oxford, 1986), pp. 166-81.

<sup>5</sup> These observations are echoed by Vanessa Harding's study of the problems of defining private property in early modern London: 'Space, Property, and Propriety in Urban England', *Journal of Interdisciplinary History*, 32 (2002), pp. 560-3.

householders' declining investigatory powers outside the home. Domestic crimes were, therefore, situated within broader spatial realms.

In this sense, the use of spatial categories to study crime has problematic aspects. While certain forms of theft – such as stealing from shops and ships – involved the careful exploitation of the social and economic conventions of those places, the boundaries between different types of space were often loose and fluid, so that even crimes committed in shops and ships were structured by factors such as surveillance from the street or quayside. Furthermore, the nature of the relationship between crime and urban space was also highly dependent on timing. We have seen how thefts from the home dramatically varied between daytime and night, and it is even possible to suggest that diurnal patterns of room usage are reflected in patterns of crime: in the daytime thieves climbed flights of stairs and stole from bedchambers and parlours; at night, thieves reached into buildings through windows and stole from counting houses and workshops. Policing also varied strongly according to time, both in terms of the manner in which officers were deployed and in the ways that crime was detected. The material on policing in chapters 8 and 9 reflected this, by arguing that the distribution of the city's police and the locations in which 'informal policing' by ordinary citizens was most likely to be present were both subject to chronological and spatial distortions. Again, this placed constraints on criminal behaviour – but particularly in certain parts of the city, and at certain times. The consequence of this is that the nature and significance of crime could be highly contingent on its context.

# Appendix

## Appendix 1: Origins of people executed in Bristol, 1770-99

Name	Crime	Execution date	Origins	Reference
<b>Jonathan Britain</b>	Forgery	15/05/1772	Yorkshire*	1
<b>Isaac Barratt</b>	Robbery	02/04/1774	Unknown	2
<b>Daniel Haynes</b>	Housebreaking	22/09/1775	Worcester; America*	3
<b>Thomas Crewys</b>	Forgery	15/05/1778	Exeter	4
<b>Benjamin Loveday</b>	Sodomy	12/10/1781	Bristol†	5
<b>John Burke</b>	Sodomy	12/10/1781	Bristol†	5
<b>William Shutler</b>	Housebreaking	23/05/1783	London*	6
<b>William Morley</b>	Forgery	23/05/1783	Wales*	6
<b>John Collins</b>	Murder	08/04/1785	Ireland*	7
<b>Ambrose Cook</b>	Robbery	06/10/1786	Unknown	2
<b>Edward Macnamara</b>	Forgery	07/05/1790	Clifton (nr Bristol)†	8
<b>William Hungerford</b>	Burglary	10/07/1790	Unknown	2
<b>Robert Hamilton</b>	Housebreaking	03/05/1793	London*	9
<b>Benjamin Smith</b>	Forgery	24/04/1795	Birmingham*	10
<b>James Powell</b>	Forgery	26/04/1799	London*	11
<b>John Duggan</b>	Forgery	26/04/1799	London*	11
<b>James Baber</b>	Forgery	26/04/1799	Somerset†	11

*Source:* A List of Persons Executed at Bristol Since the Year 1741 (BRO 40165/1) – some names and crimes have been corrected when evidence from newspapers or court records is available. This source also lists four executions near Bristol suffered by men convicted in Somerset and Gloucestershire; these have been omitted here.

\* Source confirms that the convict had come to Bristol shortly before their offence.

† Source confirms that the convict was permanently resident in Bristol.

1. *Some Particulars of the Life and Death of Jonathan Britain* (Bristol, 1772), pp. 7-8.

2. No information found.

3. *Morning Chronicle and London Advertiser*, no. 1979 (26 Sept. 1775).

4. *The Last Dying Speech and Confession of T. Crewys, of Exeter* (Exeter, 1778).

5. JQS/P/68/13.

6. *Gentleman's Magazine*, 53 (1783), p. 531; *A Narrative of the Life of Wm. Morley* (Bristol, 1783); *Genuine Memoirs of the Lives of William Morley and William Shutler* (Bristol, 1783).

7. *Felix Farley's Bristol Journal*, no. 1878 (23 October 1784); *Mercure de France*, no. 46 (13 November 1784), p. 71.
8. *Felix Farley's Bristol Journal*, no. 2167 (8 May 1790); *The World* [founded 1787], no. 1045 (10 May 1790); *Gazetteer and New Daily Advertiser* no. 19144 (15 April 1790).
9. TNA HO 47/17/77 (ff. 346-51).
10. JQS/P/137/01/15; *The Life and Confession of Benjamin Smith* (Bristol, 1795).
11. *The Sun*, no. 2061 (1 May 1799).

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28 Geo. II, c. 32: An Act for establishing, maintaining and well governing a Nightly Watch within the City of Bristol.

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