Gender and Crime, 1815-1834

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GENDER AND CRIME, 1815-1834

by

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ABSTRACT
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The years between 1815 and 1834 marked a transition from the Age of Napoleon to the Age of Victoria. England experienced a period of civil strife and economic fluctuations. London was in the midst of industrialization and urban growth. These changes affected all classes of society and their effects impacted views of crime and justice. This study focuses on the Old Bailey, London's central court. Its intent is to look at this age of transition through the microcosm of criminal trials with a view toward gauging contemporary opinions on the nature of crime and assessing the impact of economic fluctuations on constructs of class and gender.

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Alexis de Tocqueville wrote that “life is to be entered upon with courage.”[1] So too, I would say, is one’s dissertation. But courage alone is not enough. A dissertation is the capstone of one’s academic career, and though only one person is the author, many people work to make its completion possible. I have been so lucky to have done my work at Marquette University. The institution, the graduate school, and the history department have truly created an environment where the “whole person” can work to achieve her best. I would also like to express by gratitude to the Smith Family Fellowship for supporting my research.

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[1] Steve Deger and Leslie Ann Gibson, eds. *The Book of Positive Quotations* (Minneapolis: Fairview Press, 1996, 532.

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Chapter One
Gender and Crime, 1815–1834: An Introduction

The years between 1815 and 1834 were a formative period for the English judicial system, yet it is a period often overlooked in studies of crime. Early modern scholars tend to end with the Napoleonic Wars and nineteenth—century scholars usually begin with the period of Victorian reforms. The assumption seems to be that during the period 1815–1830 the legal system in England was static. While it is the case that there were few substantive changes in the law and the prosecution of the law between 1815 and 1830, this period immediately predates the formation of the police force of London and the creation of the Central Criminal Court in 1834. Both of these benchmark events were the product of the period that came before, specifically, a period characterized by a sense that crime was increasing in the metropolis. Other issues confronting later reformers, such as juvenile delinquency and the safety of London's streets can also be traced to this critical period. Moreover, while legal historians generally place this period within the context of the unreformed system, they have also argued that the law was always changing in response to the social, economic, and political environment and that such changes emerged from below, from individual

judges dealing with individual cases. Reform from the top, may well have been a response to changes already occurring within the system.[1]

Two significant changes occurred between 1815 and 1834: the creation of the Metropolitan Police Force in 1829 and the emergence of a prison system for the punishment of offenders. Though both of these developments occurred outside of the courtroom, they would both impact the overall administration of the law in London. The establishment of the police, an initiative spearheaded by Home Secretary Robert Peel, significantly altered the detection, prevention, and prosecution of crime. Its creation was also reflective of contemporary anxieties. Andrew Harris argues in *Policing the City: Crime and Legal Authority in London,* that the impulse for the creation of the police force came from the dual forces of the French Revolution and industrialization. He states that "social and industrial change and the fear of rioting crowds contributed to an atmosphere in which English elites finally . . . gave up their resistance to centralized policing."[2] The impact of the police on crime in London was debated by contemporaries, some citing deficiencies and

[1] See Peter King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (New York: Cambridge University Press, 2006).
[2] Andrew Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (Columbus: Ohio State University Press, 2004), 103.

inadequacies, but certainly police became ever more visible in the records towards the later years of the period covered here.

The second key change in the early nineteenth century was gradual transition to imprisonment over other forms of punishment. Randall McGowen in "The Well-Ordered Prison: England 1780-1865," argues that though there were divergent opinions about the efficacy of imprisonment and though the movement towards a prison system was "slow and halting," by the end of the period, imprisonment as punishment and deterrent was firmly established.[3] He suggests that there were two key phases to the introduction of a prison system, the first initiatives dating to the 1790s and the move to make prisons more efficient in the 1820s. McGowen also notes that while conservatives wanted to preserve the harshness of punishment and reformers sought to improve the nature of criminals, there was broad consensus about the transition to a prison system. He contends that the change to a prison system was "relatively uncontested as it suited both conservative Tory concern for order with reformist concern for individuals."[4]

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[3] Randall McGowen, "The Well-Ordered Prison: England 1780-1865," in *The Oxford History of the Prison: The Practice of Punishment in Western Society* edited by Norval Morris and David Rothman (New York: Oxford University Press, 1995), 79.

[4] Ibid, 92.

This may have been the only aspect of judicial reform on which conservatives and reformers could reach consensus. The years directly following the Napoleonic Wars saw a conservative sweep of European governments that became dominated by men who saw the lower orders as a threat to order, stability, and progress. As noted above, this fear of the lower orders led elites in England to set aside fears of tyranny exercised by a domestic police force in favor of an institution that could help control the urban population of London. As Peel would set about organizing and consolidating the English judicial system, he consistently faced concerns voiced by conservatives that any changes must coincide with the prevailing view of the "masses" as inherently dangerous.

The attitude of conservatives to changes in the English system impacted how early historians of crime interpreted contemporary opinions. A rich historiography focused on crime and the courts began with the growth of economic and social history. The dominant place of property crime in the historical records led to intense scholarly debate about the "haves" and the "have nots." Earlier historians used criminal statistics on theft for discussions about class relationships. Douglas Hay, E.P. Thompson, and Eric Hobsbawm, pioneers in studies of group

criminal activity and working class culture, have suggested a relationship between deviance and class divisions. They identified an "elite" class of wealthy, propertied men who exercised legislative power and used that power to create structures to protect their own economic and social status. Early studies on crime focused on the nature of power relationships. In these studies justice was seen primarily as a mechanism of economic and social control.

Douglas Hay contends that crimes committed against this "elite" were acts of social protest. In *Albion's Fatal Tree* he argues that justice was a means of maintaining the privilege of the social and economic elite and controlling the growing working, urban population. He suggests that many crimes reflected social antagonism against existing power structures on the part of the lower classes. In his essay, "Property, Authority and the Criminal Law," Hay argues that "the ideology of the law was crucial in sustaining the hegemony of the English ruling class."[5]

Other historians moved beyond a Marxist paradigm. Revisionist scholars such as J. M. Beattie question the assumptions of class antagonism and its relationship to

[5] Douglas Hay, "Property, Authority and the Criminal Law" in *Albion's Fatal Tree* (New York: Pantheon Books, 1975), 56. Peter Linebaugh perpetuates the class conflict thesis. See *The London Hanged: Crime and Civil Society in the 18th Century* (New York: Cambridge University Press, 1992).

criminal legislation and practice. Beattie revises the idea of justice as merely a tool of social control in *Crime and the Courts in England.* He contends that "it would seem on the face of it that . . . there was no profound division in society over the legitimacy of the criminal law and the system of judicial administration."[6] Working primarily on the areas of Suffolk and Surrey, Beattie contends that large numbers of the working class actively used the judicial system thereby signifying a broad social acceptance of the English legal system. While acknowledging that the poorer populations were most likely to be brought before the courts, his argument suggests that seeing the judicial system as simply a means of control on the part of the upper classes is too simplistic. Peter King, in "Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800," contends that the "widely held notions that every freeborn Englishman was protected by the rule of law and that all were equal before the law both constrained authority and legitimized and strengthened it."[7] In a more recent work, King argues that judges and juries were more in tune with changing conceptions of crime than

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[6] J.M. Beattie, *Crime and the Courts in England 1600-1800* (New Jersey: Princeton University Press, 1986), 10.
[7] Peter King, "Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800," *The Historical Journal* 27, no.1 (March 1984): 26.

policy makers, contending that principles of justice were being changed from the bottom up by those who participated in the system on a day to day basis.[8]

The work of Beattie and King has revised the thesis that the law served only as a mechanism of control, suggesting instead that if the law was a means of social control, it was certainly not used only by a few elite members of the upper class. Indeed, there was "broad agreement about the law and about the wickedness of theft or robbery."[9] While it seems counterintuitive to argue that the main social group under pressure from the law code would have admitted the legal code's legitimacy, in fact even those with very little property used the system to protect their assets.

The more recent preoccupations of social historians have also impacted the study of crime by incorporating new sources, perspectives, and methodologies. Rather than simply focusing on the literature produced by the "elites," revisionists have begun to use newspapers, advertisements, and period literature to place criminal statistics into the

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[8] Peter King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (New York: Cambridge University Press, 2006). See Also *Law, Crime, and English Society, 1660-1830* edited by Norma Landau (Cambridge: Cambridge University Press, 2002); Malcolm Gaskill, *Crime and Mentalities in Early Modern England* (New York: Cambridge University Press, 2000).

[9] Beattie, *Crime and the Courts in England,* 37.

broader scope of cultural studies. In *Reconstructing the Criminal: Culture, Law, and Policy in England 1830-1914* by Martin J. Wiener argues that criminal policy was a social construct, contending that "crime and punishment are eminently dual entities, at once social facts and mental constructs."[10] He attacks the idea that crime and criminal policy should be set in the context only of political and economic history and argues rather for a cultural interpretation, an examination of how changing attitudes toward the nature of crimes affected criminal policy. Wiener's work is primarily concerned with Victorians who took the lead in shaping criminal policy. While he downplays issues of class and gender, he emphasizes the cultural dimensions of criminal law, providing a fruitful model for the study of crime.

Historiography on crime is also increasingly incorporating gender considerations, though much still needs to be done. Indicative of this trend is the work of Jenny Kermode and Garthine Walker, editors of *Women, Crime and the Courts in Early Modern England.* They contend that, "despite the recent emphasis on the broad participatory base of the legal system, any real consideration of what

[10] Martin J. Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914* (New York: Cambridge University Press, 1990), 3.

this meant for women has been conspicuously absent."[11] They suggest that women actively participated in the legal system and that it is no longer reasonable to simply state that women appear in smaller numbers. They argue that "female activity is marginalized if it is measured only against male criminality."[12] Because in absolute numbers men dominate criminal statistics, it is all too easy to pass over the issue of women and crime. Kermode and Walker argue that, "only by considering women's actions in context does their significant role in the legal process become evident."[13] They also suggest that "women were far from being passive victims or bystanders, and it is no longer adequate to discuss their experiences within the simple paradigm of active/passive or public/private."[14] Newer monographs on how women interacted with the judicial process are focusing on the issue of agency. Garthine Walker is pioneering scholarship that assesses female participation for what it was, not just in the context of what gender constructs have imposed upon historical records.[15] Taken together, newer historiography suggests

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[11] Jenny Kermode and Garthine Walker, eds. *Women, Crime and the Courts in Early Modern England* (London: UCL Press, 1994), 3.
[12] Ibid, 8.
[13] Ibid, 4.
[14] Ibid, 94.
[15] See Jennine Hurl-Eamon, " 'I Will Forgive You if the World Will': Wife Murder and Limits on Patriarchal Violence in London, 1690-1750" in

that women were well-versed in making the system work for them. Women played active roles in the legal process, and to ignore their presence is to miss an important element of the history of crime in the early modern period.

J.M. Beattie concludes that women appear less frequently in the documents because of the place of women in society--the home. However, much of the recent work in gender history has attacked the dichotomy of public/private as an inadequate explanation of male and female gender roles.[16] While it might be convenient to account for the absence of women by suggesting that society as a whole restricted their movement, such an argument is not supported by the Old Bailey records. Such division is even more difficult to uphold when considering the working classes and poorer populations—those most likely to appear in criminal court. Many women of the working and lower classes of London could not afford to marry at young ages and worked in service positions and often as prostitutes, actively participating in very public environments. "Home" to the women of this social group, would have also meant something very different from their middle-and upper-class counterparts. The records often point to prisoners and

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Violence, Politics, and Gender in Early Modern England edited by Joseph Ward (New York: Palgrave Macmillan, 2008).

[16] For a discussion of this historiography see Chapter 6, footnote 6.

prosecutors living in close quarters as renters and lodgers, often in the same room. If the public/private dichotomy can no longer be used as an explanation for the relatively low numbers of women prosecuted, historians must search for new answers.

Elizabeth Fox-Genovese offers a theoretical analysis of the interaction of class and gender in "Gender, Class and Power: Some Theoretical Considerations." While her work is not specifically related to crime, it does offer a theoretical paradigm that enhances the study of gender relations and perceptions of criminality. Fox-Genovese integrates gender, class and power, stating that the "three together constitute the fundamental social, economic, cultural, and political relations that determine any social system."[17] She argues that historians cannot ignore the implications of contemporary gender constructs as "even when specific forms of culture do not make explicit sexual references, they frequently draw upon an underlying concept of sexuality to encourage identification with or acceptance of their non-sexual messages."[18] Because gender norms are implicit in discussions of political and social power,

[17] Elizabeth Fox Genovese, "Gender, Class, and Power: Some Theoretical Considerations," *The History Teacher* 15, no. 2 (February 1982): 255.
[18] Ibid, 256.

interpretations of crime and violence must also be interpreted within gender constructs.

Several recent studies are indicative of the growing interest in gender and criminality. Martin Wiener in "Alice Arden to Bill Sikes: Changing Nightmares of Intimate Violence in England, 1558-1896," examines changing perceptions of gender violence and contends that a shift in attitudes toward gender occurred in the nineteenth century, a shift contextualized by the broader cultural trend to see women as a moralizing force on men and as upholders of civilization.[19] This led to less fear about female criminality. Robert Shoemaker assesses the impact of fluctuating gender constructs on concepts of male violence in "Male Honour and the Decline of Public Violence in Eighteen-Century London," and finds that public displays of violent behavior were increasingly frowned upon in the eighteenth century as man's honor was increasingly linked to his private life.[20] Another indication that gender is gaining a more prominent place in modern historiography on crime is Deirdre Palk's recent work, *Gender, Crime and Judicial Discretion 1780-1830*. Sampling cases from the Old

[19] Martin Wiener, "Alice Arden to Bill Sikes: Changing Nightmares of Intimate Violence in England, 1558-1896," *The Journal of British Studies*, 40 no. 2 (April 2001): 184-212.
[20] Robert Shoemaker, "Male Honour and the Decline of Public Violence in Eigtheenth-Century London," *Social History* 26, no. 2 (May 2001).

Bailey, Palk addresses gender as a factor in judicial discretion.[21] Kathy Callahan's recent dissertation, *Women, Crime, and Work: the Case of London 1783-1815*, investigates Old Bailey cases and studies how economic and social changes affected women of the period. Callahan's considers women who came before the Old Bailey. She argues that women were often involved in the public life of London, but that "they seldom acted outside of their daily lives when they behaved criminally.[22] She also suggests that courts treated women more leniently than men except when the women charged had deviated from socially acceptable roles. Cahallan's study does not consider men in the same period. This perhaps masks overarching trends that will be uncovered the present work.

Building on Callahan's work, this study investigates the relationship between gender constructs and the criminal process through a focused analysis of the Old Bailey records, newspaper commentaries, and the papers of barristers where available for the period 1815-1834. It

[21] The term "judicial discretion," has been used to contextualize the ability of judges and juries to mitigate and redefine the judicial process by making decisions that amended the written law. Such discretion was usually most evident in the sentencing of convicted felons. If judges saw a particular sentence as too harsh, they could and did choose to lessen punishments, sometimes significantly. See Deirdre Palk, *Gender, Crime and Judicial Discretion 1780-1830* (Woodbridge: Boydell Press, 2006).

[22] Kathy Callahan, "Women, Crime, and Work: the Case of London 1783-1815" (PH.D. diss., Marquette University, 2005), 338.

goes beyond consideration of crimes specifically associated with women, such as infanticide and prostitution to a more contextualized, balanced picture of female crime in relation to male crime for a better understanding of the construction of male and female criminals and the relationship between gender constructs and the judicial system.

English citizens believed their system of laws to be the most civilized and fair in the world. Even a French commentator on English law, M. Cottu, referenced the uniqueness of the British legal system in the context of integrating reforms modeled after it into the French courts. He wrote that the

> attempts which may be made to introduce into our system of laws those noble institutions which form the happiness and pride of the English nation, and upon which depends no less the political than the personal liberty of every one of its citizens will be opposed in our country by insurmountable difficulties.[23]

The English particularly revered their jury system and contended that judgment by peers was far superior to the repressive and arbitrary continental jurisprudence. William Blackstone observed in *Commentaries on the Laws of England*, "the founders of the English law have, with excellent forecast, contrived that no man should be called to answer

[23] "English and French Institutions," *Times*, 5 January 1820, p 2, col. G.

to the Crown for any crime, unless upon the preparatory accusation of twelve more of his fellow subjects."[24] Arguing that trial by jury was meant as a check on royal prerogative, Blackstone praised the jury system, despite the delays caused by it, as a foundational liberty of the English citizen. Blackstone's lauding of trial by jury was echoed in discussions over reforming the Scottish system along English lines. Member of Parliament, John Abercrombie, as quoted in the *Times*, stated in the House of Commons that "trial by jury in England was the pride and glory of every Englishman." He went on to argue that the "British Parliament would not deprive the Scottish of that light which they craved, and leave them forever in darkness."[25] The effectiveness of trial by jury is much debated, but there is little doubt that the English believed that it was a special right, one that distinguished them as a free people.

Any analysis of the social implications of crime and the English judicial system requires an understanding of the basic structure of the court and the trials. Trials at the Old Bailey were held over eight sessions spread over the year for crimes committed in London and Middlesex. The

[24] William Blackstone, *Commentaries on the Laws of England* (Boston: Beacon Press, 1962), 410.
[25] "House of Commons," *Times*, 10 March 1815, p 2, Col. G.

accused was brought in, often from the attached Newgate prison, and was presented before the court, consisting of judge and jury. Testimony was heard; verdicts were handed down. Trials at the Old Bailey were held largely without lawyers, though in a few cases lawyers were present to comment on points of law, and thus trials consisted primarily of witness testimony.

The court was not solely dominated by the elites of the city. The accused, the witnesses, and the jury were composed of a wide variety of people from a broad spectrum of London's social classes. Beattie finds in *Policing and Punishment in London 1660–1750,* that jurors were "overwhelmingly shopkeepers, tradesmen, and artisans . . . or merchants, gentlemen, and professionals."[26] Even though this list suggests that jurors were men of property, levels of wealth likely varied considerably. Given the political and economic climate of the period, attitudes toward justice were likely diverse. As will be seen in the following chapters of this study, prosecutors ranged from the unemployed to gentlemen.[27]

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[26] J.M. Beattie, *Policing and Punishment in London 1660–1750*: *Urban Crime and the Limits of Terror* (New York: Oxford University Press, 2001), 268,

[27] Beattie's study also finds that though the jury selection process is often unclear, many jurors were repeatedly tasked with hearing cases and that a knowledgeable community of jurors emerged. He states that "as they heard evidence and listened to and watched the defendant, they knew what they were looking for, as they knew the parameters within

The trials were recorded in the Old Bailey Sessions Papers, (hereafter cited as OBSP), which provide a rich source for historical inquiry into the lower classes of London, those living on the fringes of society. The study of criminal records offers more than a vehicle for investigating structures of power and issues of reform; they offer a rich source also for the investigation of the lives of those who most often did not leave written records. The Old Bailey heard predominantly felony cases. Between 1815 and 1834, the majority of cases brought for trial dealt with offences against property. The preoccupation of the records with property crimes suggests not only the tradition in English law to fiercely protect private property, but also the fact that the London metropolis was a bourgeoning commercial environment. Beattie argues in "The Pattern of Crime in England 1660-1800" that "in general the increasing and increasingly obvious wealth of the city must have provided both stimulation and opportunities for theft."[28] Urbanization, industrialization, and the rise of consumer culture created a new dynamic in which both the anonymity of the city and

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which they could exercise the considerable discretion available to them." Ibid, 270. It is also important to note that juries heard several cases in a single day and often made their decisions without physically leaving the courtroom.

[28] J.M. Beattie, "The Pattern of Crime in England 1660-1800," *Past and Present* 62 (February 1974): 93.

the growth of shops and warehouses provided an atmosphere congenial to theft. As will be seen, most property crime appeared born out of opportunity and necessity.

While the main category of crime recorded in the OBSP was that of property, crimes against the person such as assault, manslaughter, and murder were also prevalent. Crimes involving violence against the person were more likely to involve the most severe punishment, that of death, and were more likely committed against someone known by the indicted.[29] The "dark figure" might be even more common, but violence against spouses and children and rape went largely unreported.[30] Crimes against the person raise questions about general levels of violence in society as a whole. Beattie argues that "rarely did a servant or apprentice thrashed by their masters beyond a level acceptable to society, a wife beaten by her husband, or a man assaulted in the streets or in a tavern complain to a magistrate and institute a prosecution."[31] The most successful prosecutions involving personal violence were

[29] Property crimes could carry a death penalty, but the use of the death penalty for such offences was increasingly rare toward the end of the period, and a sentence of death for stealing was usually reserved for repeat offenders.
[30] The "dark figure," refers to crimes that were not reported to the authorities. Usually such cases involved alternative means of settling disputes between those involved, but also relates particularly to cases of domestic violence and sexual crimes.
[31] Beattie, *Crime and the Courts in England,* 124. Servants may have been unlikely to risk their livelihood by initiating a prosecution.

those associated with theft, a crime treated more harshly by the law than manslaughter.

The jury would assess guilt or innocence. This is where the court documents leave the historian grasping at straws. There is simply no good way to assess why the jury found some guilty and others innocent. Though in a few cases the charge is either well substantiated or completely flawed, generally jurors seemed to have relied on the credibility of witnesses and the overall character of the charged, both of which the historian would have difficulty assessing.[32] Surely, how the prisoner looked and spoke would have affected how the jury ruled, but these are considerations that historians cannot know in all but a handful of cases. The most accurate indication of a jury's opinion was the conviction or release of the indicted. Some crimes received consistent verdicts over the period, suggesting a general attitude of the public toward certain offences. For example, jurors were less likely to convict a female prostitute for stealing when the client had refused to pay.[33]

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[32] The character of an indicted person may have been judged on appearance—cleanliness, dress, etc, and may also have included articulation and manners.

[33] There are no confirmed cases involving male prostitution between 1815 and 1834. There were cases of sodomy, but the records do not include the trial testimony, only the indictment and verdict.

Once the verdict was rendered, sentence would be passed. The study of punishment under the "bloody code" is another aspect of the historical debate about the purpose of criminal legislation and the nature of crime. Sharpe argues in *Judicial Punishments in England* that "it is inaccurate to regard the early modern period simply as a period of unrelieved and unsystematic barbarity."[34] Recent scholarship suggests a strong element of flexibility in the application of certain punishments, particularly the death sentence. Peter King argues in "Decision-Makers and Decision—Making in the English Criminal Law" that while "in theory the eighteenth-century criminal law was a rigid, fixed and bloody penal code," in fact "it was a flexible and highly selective system."[35] Both King and Sharpe emphasize that, in addition to royal pardon, many options were available for prosecutors, judges, and juries to mitigate harsh punishment.[36]

The trial records of the Old Bailey provide so much more than a list of cases tried and the names of persons convicted. They offer a window into the world of men and women who made up the lowest strata of metropolitan

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[34] J. A. Sharpe, *Judicial Punishment in England* (Boston: Faber and Faber, 1990), 49.
[35] King, "Decision-Makers and Decision-Making," 25.
[36] As will be discussed in later chapters, sentences varied greatly in the period. The same offence could bring a sentence of Transportation for fourteen years or the payment of small fine.

society. Historians of crime tend to get lost in the numbers, the statistics of crime, and in doing so, they lose the richness of the documents. They team with information on urban life, class, and most importantly for this study, gender relationships. While the relationship of crime to issues of class has been continuously debated, issues of gender have yet to be explored in significant detail. Deirdre Palk argues in *Gender, Crime and Judicial Discretion 1780-1830* that "few historians have penetrated the lives of the truly poor. . . . Discussion of the 'appropriate' spheres of activity for poor and labouring men and women has hardly begun."[37] Peter King's, *Crime and the Law in England, 1750-1840*, is indicative of recent historiographical trends that include such discussions.[38]

In analyzing criminal records, such as those of the Old Bailey, all historians have to deal with the complicated nature of the records. The body of historiography on crime highlights the difficulty of interpreting records. Historians first point to the difficulty in defining crime in the past. Crime must be considered in its historical context; "crime" is not a fixed construct. Sharpe has defined crime as "behavior which is regarded as illegal, and, which, if detected would

[37] Palk, *Gender, Crime and Judicial Discretion, 11.*
[38] King, *Crime and the Law in England.*

lead to prosecution in a court of law or summarily before an accredited agent of law."[39] Determining the definition of crime in the past is problematic because court proceedings do not always adhere to written law. For example, at various periods, certain crimes received exceptional attention while others were rarely prosecuted. Moreover analysis is further complicated by issues of judicial discretion. One example is the level of violence that seems to have been socially accepted and largely ignored by authorities, particularly violence within the family. Crime, then, is "specific to a particular time and place."[40] Indeed, it can be said that the prosecution of crime reveals as much about the preoccupations of society as the actual letter of the law.

In *Crime and the Courts in England 1660-1800*, Beattie outlines the complicated nature of interpreting crime statistics. The most fundamental difficulty of crime statistics is what historians have termed the "dark figure," the myriad of crimes that were not reported or brought to prosecution. In England, victims still paid some of the cost of prosecution, and the costs could be prohibitive. They involved various court fees, traveling

[39] J. A. Sharpe, *Crime in Early Modern England 1550-1800* (New York: Longman, 1999), 6.
[40] Linebaugh, *The London Hanged,* 6.

expenses, and the basic cost of taking time off from productive labor to present a case in court. Beattie suggests that the "total costs would depend on the number of witnesses sworn and on the court of trial, but in a felony or assault case it would likely be at least ten shillings to a pound."[41] Many crimes undoubtedly went unreported because of the substantial cost.[42] Though the costs could be prohibitive, Beattie argues there were a wide variety of other options for settling disputes. Means of settling disputes without incurring the cost of trial included the public apology, private revenge, private restitutions, and agreements made at the mediation of a third party such as a magistrate. All of these extra-court settlement practices would restore the balance in the community. As Beattie argues, "because the victim remained the central agent in criminal prosecution . . . he also inevitably retained a great deal of discretionary power."[43]

Historians also contend that the actual recording of the trials is sometimes a problem. The amount of information contained in trial records varies tremendously, and the records of the Old Bailey are no exception. In some

[41] Beattie, *Crime and the Courts in England*, 41.
[42] Despite the fact that some legislation had allowed for some compensation for the cost of prosecution, said compensation was not given in every case, nor did it always cover the entire cost. Ibid, 41-48.
[43] Ibid, 38.

cases, the record is complete, including the testimony of several witnesses and the spoken defense of the prisoner. In other cases only a short summary of the trial is given, which includes information on the nature of the crime, the number of witnesses, and information on how the defendant responded to the charges. In yet other cases, the records reveal only the indictment and the verdict.

While it is perhaps impossible, given this set of methodological problems, to create a complete picture of the nature of crime or a truly accurate profile of the accused and accuser, the study of criminal records and statistics remains fruitful. As the major historians of crime have argued, criminal records offer a valuable source for investigation into those segments of the population that often leave few written records. The general consensus seems to be that the advantages of studying the records far outweigh the difficulties.

The Old Bailey, as the central court for London and surrounding suburbs, offers unique insight into the daily life of metropolitan residents. London was a growing metropolis. The population of London increased from approximately 1.3 million in 1801 to 2.4 million in 1841.[44] Stephen Inwood in *A History of London* states that "the

[44] Eric Evans, *The Forging of the Modern State: Early Industrial Britain, 1783-1870* (New York: Longman, 1983).

large gap between national birth rates and death rates that opened up in the period 1740–1820 caused the population of England and Wales to rise from about 6 million in 1741 to over 12 million in 1821."[45] London was the center of English trade and a hub for those seeking employment. Usually, however, there were more workers than jobs. Inwood argues that, "For the employer, this glut of labour made London a fine place to do business, but for the working man or woman without marketable skills it was a shifting and uncertain world, in which misfortunes or misjudgments could lead to destitution."[46] Because of the growing population and the concentration of casual labor, London provides an exceedingly good example of class and gender issues in relation to crime.

The voluminous case data provided by the Old Bailey allows for a broad look at the major issues involved in the criminal proceedings. There were over 40,000 indictments at the Bailey between 1815 and 1834. For this study, all cases were reviewed and specific categories were chosen to highlight issues of gender and society during the period. This year-by-year study distinguishes this work as most scholars consider only a sampling of cases or small periods

[45] Stephen Inwood, *A History of London* (London: Macmillan Press, 1998), 411.
[46] Ibid, 504.

of time.[47] For the sake of clarity, chapter breakdowns of this study will follow major crime categories such as stealing from the person, stealing from shops, assault, and murder. As previously stated, however, the numbers reveal only part of the story. Within each category, witness testimony is examined to discover glimpses of the day-to-day lives of London's lower classes. It is this testimony that reveals the web of connections between gender, crime, and class.

The data from the Old Bailey amplifies the work of revisionists. The largest number of prosecutors came from what can be called the working class and the *petite bourgeoisie*. Linen-drapers, cheese-mongers, and shopkeepers appear prominently in the lists of prosecutors of property theft. The prosecuted were usually "casual laborers," servants out of place, lower-level apprentices—who most likely received lower wages than those with more experience—as well as spinsters and unfortunate women. A great number of people in early nineteenth-century London owned no significant property. Casual laborers could be well-fed one day and on the brink of starvation the next. For men and women who lived in rented, crowded rooms,

[47] Peter King's work, for example, considers only two year blocks of Old Bailey Cases. He specifically focuses on the years 1820-1822 and 1827-1828, with two, two year blocks prior to the period of this dissertation.

successfully stealing small items could mean economic survival. Rather than a form of social protest, crime was usually motivated by economic circumstances. That said, although stealing out of necessity does not directly correlate with a class-conscious protest, it was behavior that garnered increasing attention from reformers and Parliament.

Chapter 2 will explore contemporary opinion on crime in London through the eyes of legislators and commentators, the "elite" of early Marxist scholarship. These groups were concerned with what they perceived as a crime wave in the city which they felt threatened social stability and commerce in the metropolis.

Chapter 3 will investigate London's commercial environment through a study of shoplifting. As more shops opened in London, there was more opportunity to steal from them. But shops represented more than simple opportunities to obtain needed items; they represented the emergence of consumer culture in England. The chapter will explore how London's lower classes experienced the culture of consumerism.

Chapter 4 will deal with stealing from the person. Pickpockets were a bold sort of criminal, able to reach into a pocket unnoticed, and be gone in an instant. In

speaking of this offense, William Blackstone argued that this crime was taken very seriously "owing to the ease with which such offences are committed, the difficulty of guarding against them, and the boldness with which they were practiced."[48] Those indicted for the crime were of highly varied ages and often worked in groups. Adding to the unique nature of this crime, the prosecutors were the most varied in profession and social status. This crime also provides a particularly useful avenue for investigating the relationship between gender and crime, for women and men who were brought to trial for this offence operated in very different ways.

Chapters 5 through 7 will deal with violent crimes. This category offers its own host of issues. Contextualizing the nature of violence in the past is quite difficult. For example, it seems paradoxical that the crime of assault and theft of as little as 10d could carry a sentence of death while manslaughter generally carried a sentence of only six months. And yet, this was the case. These cases are also the most likely to be affected by the "dark figure," particularly in cases of violence within the family and rape, both of which were not only difficult to bring to trial, but were also difficult to prove.

[48] Blackstone, *Commentaries*, 278–279.

The methodology used is both statistical and thematic. The data of the Old Bailey will be presented in each chapter according to category discussed. The numerical data, though imperfect, is necessary for a complete picture of the cases brought before the Old Bailey between 1815 and 1834. The data, however, cannot stand on its own. Witness testimony, the defense statements of the accused, and comments during trial by judges reveal theoretical constructs that drive the discussion of the relationship between gender and crime. To this will be added newspaper commentary, parliamentary documentation, and contemporary opinions where appropriate.

The trials at the Old Bailey present the historian with a view of London unique from other sources. They reveal how people of the lower orders experienced the dynamic economic and social change of the period. Londoners were dealing with urbanization, industrialization, and the emergence of consumerism in the context of their everyday lives. The court cases allow the historian to investigate how the people of the period contextualized these momentous changes.

Chapter Two
"Improve Their Condition:" The Perception and Reality of Property Crime 1815-1834

Prosecutions for property crime far outweigh any other type of crime tried at London's Old Bailey. Authorities and reformers were alarmed by what they perceived as a dangerous increase in urban crime and the safety of property in a growing industrial and commercial economy. Theft was traditionally attributed to the poor, but for centuries the poor were divided into two types, deserving and undeserving—those who would work if they could and those who were idle by choice.[1] For relief of the poor, the British system relied on a patchwork system of parish relief and charitable institutions to care for those who truly could not subsist on their own.[2] The persistence of this division is evident by the following comment from 1829, "it ought never to be forgotten that the mendicant-

[1] See Alan Kid, *State, Society and the Poor in Nineteenth Century England* (New York: St. Martin's Press, 1999); See also *The Poor in England, 1700-1850: an Economy of Makeshifts* edited by Steven King and Alana Tomkins (New York: Manchester University Press, 2003).
[2] For discussions of the history of English Poor Laws see Peter Dunkley, *The Crisis of the Poor Law in England, 1795 to 1834: an Interpretative Essay* (New York: Garland Publishing), 1982; Ursala Henriques, *Before the Welfare State: Social Administration in Early Industrial Britain* (New York: Longman, 1979).

imposter, sharper, pickpocket, and thief are the natural foes of the really unfortunate."[3]

As the metropolis continued to grow, however, the old paradigm seemed to break down. The system for poor relief crumbled under the pressure of an ever more populous, industrial, and urban society. Writing in 1800, William Bleamire, Barrister, contented that "the great increase of the poor of late years, and the enormous sums that have been annually raised for their support have been the causes of just regret and very serious complaint."[4] It stood to reason that if the number of poor was increasing, crime too would grow. Contemporaries believed that crime was on the rise. Debates in Parliament repeatedly alluded to an increase in crime, particularly in urban areas, but there was little agreement on why the increase was happening or what, if anything, government should do to control it.

Contemporaries argued over the nature and causes of the "crime wave," attributing it to the vagaries of a market economy, the nature of life in a large city, and the

[3] *A Treatise on the Police and Crimes of the Metropolis* (London: Longman, Rees, Orme, Brown, and Green, 1829), 24.

[4] William Bleamire, Esq., *Remarks on the Poor Laws* (London: printed at the Philanthropic Reform, St. George's Fields, by J. Richardson, 1800), 18. Bleamire adds the following discussion of deserving and undeserving poor: "Speaking of the Poor, I do not mean to include in that description all objects that are received into a poorhouse . . . but the idle, lazy, and abandoned, who now, to the shame of our modern governors of parishes, crowd every poor house, were, and still ought to be, objects of punishment." Ibid, 19.

debased character of what they increasingly referred to not as a mass of poor in need of charity, but to a dangerous criminal class. J. A. Sharpe argues in *Crime in Early Modern England,* that "by 1850, contemporary observers were convinced that such a social stratum existed."[5] This chapter will explore contemporary opinion on the nature of property crime, the reasons for its purported increase, and proposed solutions to the problem. This analysis offers insights into how even elites struggled with new economies and with how to redefine the relationship between the "haves" and the "have nots." This debate played out against rising unemployment and civil unrest in the aftermath of the Napoleonic Wars and the passage of protective tariffs for British agriculture.[6] The chapter will also discuss property offences tried at the Old Bailey between 1815 and 1834 to determine if the rate of property crime was actually rising as contemporaries believed.

The nineteenth century saw the culmination of earlier processes of industrialization and urbanization. Phyllis Deane argues in *The First Industrial Revolution* that "there

[5] Sharpe, *Crime in Early Modern England 1550-1750,* 135.
[6] Undoubtedly, in the years following the French Revolution and the Napoleonic wars, mass protests and large gatherings raised the fears of government reflected in such legislation as the Six Acts. See Ian Hernon, *Riot!: Civil Insurrection from Peterloo to the Present Day* (London: Pluto, 2006); Donald Reed, *Peterloo: the 'Massacre' and Its Background* (Manchester: Manchester University Press, 1958).

is a general consensus among historians that sustained [economic] growth . . . can be traced back to the middle decades of the eighteenth century" when "change became continuous, evident, and systematic."[7] Both parliamentarians and reformers perceived the impact of these changes, and while they certainly believed that resorting to crime was not a solution to hardship, they were more empathetic, at least intellectually, to the plight of the working poor than some historians have acknowledged. Though their commentary was always tainted with misconceptions of what it meant to be poor in London and characterized by a level of condescension and not a little contempt, contemporaries were legitimately concerned with finding the root causes of crime, even if doing so meant recognizing failures in the system.

Contemporaries divided the "poor," into the centuries-old concept of deserving and undeserving. But in the new industrial economy, that clear division became murkier as unemployment became statistically related to the vagaries of the market-driven economy. One MP stated that many "had shut their eyes to the real causes" of crime. "He was satisfied that the decreased wages paid to laborers . . .

[7] Phyllis Deane, *The First Industrial Revolution* (New York: Cambridge University Press, 1976), 20.

was one great cause of the increase of crime."[8] Home Secretary Robert Peel argued in reference to augmenting poor wages with parish assistance that such a practice "operates to destroy that independence of mind which is the foundation of moral character."[9] In an investigation into police and crime, one author suggested that an industrial economy also increased temptations: "England is pre-eminently a commercial community, abounding in manufactories, shipping, and well-stocked warehouses . . . which affords opportunities, and enlarges . . . depredation."[10] The author went on to say that the "valuable plate in the dwellings of the opulent, the stores of rich merchandise in the ships and warehouses, excite the cupidity of the criminal mind."[11] Exposed to such wealth in the presence of hardship and poverty, the criminal could not resist temptation.

Some of this temptation was no doubt caused by the increasing use of cash money and bills of exchange in commercial transactions. Stealing from one's master was a fairly common offence at the Old Bailey, but between 1815 and 1834, such cases were increasingly tried as embezzlement, which carried a penalty of transportation for

[8] Ibid.
[9] Parl. Deb, 2nd ser.(1828): 784-816.
[10] Wade, *Treatise, 100.*
[11] Ibid, 191.

fourteen years. Crime historian, Clive Emsley, discusses the issue of embezzlement in *Crime and Society in England 1750-1900.* He suggests that it was a crime that may have gone largely unreported as the "dismissal of a dishonest servant was, of course, far easier, far cheaper and, perhaps, less demeaning or embarrassing than a prosecution."[12]

Another key reason sometimes proffered to explain the rising tide of crime was the profitability of crime. If a thief did not benefit from stealing, there would be no thief. At the center of this discussion was the pawnbroker. Pawnbrokers, almost as much as pub-owners, were at the center of London communities. They served as a ready source of cash for goods that often enabled families to survive from one payday to the next. Pawnbrokers were also perceived as encouraging thieves by readily accepting stolen goods on pledge. Reformers saw pawnbrokers as perpetuating the plight of the poor by charging such excessive rates that the goods could either never be redeemed or at such a cost as to put the pledger in an even

[12] Clive Emsley, *Crime and Society in England 1750-1900*, (New York: Longman, 1996), 138. Emsley also considers embezzlement as part of a new category of white collar crime. This he relates very clearly to the changes of industrialization and commercialism arguing that the "the expansion of capitalism provided opportunities for more extensive and more profitable workplace fiddles [theft] by a variety of company directors, bankers, managers, and clerks."[12] These are crimes usually referenced in the Old Bailey as "frauds."

worse situation. Receiving stolen goods was a charge punishable by fourteen years of transportation, and pawnbrokers were often called to testify against thieves, many times to exonerate themselves. Pawnbrokers and their servants often appeared at trial either as witnesses for the prosecutions or on trial themselves for receiving stolen property. Between 1815 and 1834, 1,084 men and women were tried for receiving stolen goods. The trade in stolen goods received increasing attention throughout the period.

Not only did industrialization change economic relationships between classes, it also coincided with an increasingly urban environment. On visiting London in 1817, the Count of Soligny wrote the following: "but the view of the metropolis itself, at about a league distance . . . is the most spectacular sight I ever beheld. I really at the first view of it felt quite a shock, at the idea of living in such a place."[13]

As the commercial center of an empire, the capital city, and the home of industry, London attracted more and more people into its crowded streets. A comment made in the *Treatise on the Police and Crimes of the Metropolis* reflects a level of empathy for the plight of city immigrants:

[13] Victoire, Count de Soligny, *Letters on England*, (London : Printed for Henry Colbourn and Co, 1823), 63.

> The influx of strangers from every part of the United Kingdom, from the colonies and foreign parts . . . disappointed in their hopes, or afflicted by disease, and without claim anywhere for succor, many resort, as a temporary expedient from starvation, either to charity or crime.

The work further suggested that:

> In this dilemma, they often linger till all they possess in the world is sold or pledged, and then falling into utter destitution, the females not infrequently resort to prostitution, the feeble-spirited among the males to begging, those of more profligate principles to petty theft and more atrocious offences, contributing to swell the general mass of delinquency.[14]

The wave of newcomers to London caused great concern. Many were perceived as vagrants. Not only could they not find work, the system of parish relief was difficult to apply. In 1824, John Adolphus, Barrister, wrote against a recent reform in the vagrancy law. The Act authorized punishment for:

> 1. Persons threatening to run away and leave their wives and children chargeable to the parish. 2. Persons able to work, refusing or neglecting, so that they or their families become chargeable. 3. Paupers, after removal, returning and becoming chargeable, and 4, Common prostitutes or night-walkers wandering in the public streets or highways, and giving a good account of themselves.[15]

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[14] Wade, *Treatise, 138.*

[15] John Adolphus, *Observations on the Vagrant Act and on the Powers and Duties of Justices of the Peace,* (London: Printed for John Major, 1824).

The author's overall concern was the potential for abuse on the part of authorities, given the vagueness of phraseology, but the association between the poor and the criminal is clear.

The city also presented dangers to those who were not prepared to protect themselves from would-be thieves. Not only did merchants fail to properly protect their goods, sometimes city visitors and dwellers aided criminals by participating in less than savory activities: "If people will get tipsy, frequent brothels, give their confidence to strangers, and receive apparent advantages from those to whom they are unknown, what can be expected but deception and loss."[16]

In *A Treatise on the Police and Crimes of the Metropolis*, the author cited four particular causes of rising crime. The first was the "tendency of augmented wealth and commerce to multiply offences."[17] The author suggested that British economic success had created an environment where thieves could thrive and where they would find constant temptation. He further argued that a "long course of public prosperity may tend to national

[16] Ibid, 385. Interestingly enough, the trials at the Old Bailey reflect this opinion that people can in fact court a criminal act by risky behaviors and, therefore, if they became a victim of crime, they got only what they deserved.

[17] *A Treatise on the Police and Crimes of the Metropolis* (London: Longman, Rees Orme, Brown, and Green, 1829), 212.

demoralization."[18] A second cause was the growth of capitalism, an economic system that operated solely on the basis of profit: "In no country are there so many worshippers of the *golden calf* as in England."[19] A third, and perhaps the most pervasive threat to property, was alcohol, which served to "brutalize the character, to inflame the passions and destroy all prudent and economical habits."[20] So harmful to society was drinking, according to the *Treatise*, that it "is impossible to imagine a more dreadful vice in domestic life, and one is filled with horror at the base idea of the neglect and suffering to which children must be exposed."[21]

The Marquis of Landsowne stated in an 1819 House of Lords debate on the problem of crime in London that

> He felt confident that the increase of crime could not be referred to any single principle. It arose from the weight of taxation, from the fluctuation of property incidental to war, and from the manner in which that war was supported. It was the conviction of the magistrates, that the crimes so prevalent at the present day did not belong, in any great degree, to soldiers and sailors; they were rather surprised how few could be traced to them. Crimes, it was true, might be committed by others, influenced by the state to which the families of soldiers and sailors were reduced; but the great number of juvenile offenders could not be accounted for upon any such principle. If

[18] Ibid.
[19] Ibid, 223.
[20] Ibid.
[21] Ibid, 225.

> there was any class of culprits upon which the interference of the legislature could produce a powerful and lasting effect, it was with respect to them. Their great increase was a most remarkable feature in the depravity of the present times; and it arose, he had no doubt, principally from the state of the prisons.[22]

In 1827 a *Report on Criminal Commitments* stated that committals for crime were on the rise and argued that crime bore a direct relation to poverty. The Committee offered the following conclusions on the causes of increased crime: "It is not for your Committee to enter into any discussion on questions of economy. But they think it their duty to call the attention of the House to the degradation of the moral character of the laboring classes."[23] Driven by unemployment or underemployment or by "early marriages, contracted either to avoid prison on a charge of bastardy, or with a view of receiving better allowance from the parish," the laboring classes resorted to crime to "improve their condition."[24]

What everyone agreed on, then, was that crime was rising, particularly in urban areas. New measures were needed. They also saw the government's response as fundamentally inadequate. Home Secretary Peel argued to the House of Commons on 28 February 1828, that "any person who

[22] Parl. Deb, 1st ser.(1819): 119-124.
[23] "Report on Criminal Commitments," *The Jurist*. 1827, 488.
[24] Ibid.

has the least information with respect to the state of many parts of the districts which border on the metropolis, must be perfectly satisfied that the security for property . . . is not what it ought to be in every well-regulated society." He added that the security for property offered by the government was not what "every subject who gives allegiance to the state has a right to expect."[25] No statement more perfectly reflects the opinion of those in power as to the threat of crime in London.

In grappling with a response to the perceived increase in crime, Parliament debated the nature of punishment. Both public whippings and the death penalty came under scrutiny as did replacing those modes of punishment with imprisonment and transportation. In 1819, a Report from the Select Committee on Criminal Laws was submitted to the House of Commons. The report included testimony from barristers, law officers, and justices. The aim of the Committee was to investigate whether or not the severity of punishment for lesser crimes, such as shoplifting, led to fewer convictions.

Another report was presented to the House in 1828.[26] The report opened with a summary of opinions. The Committee

[25] Parl. Deb, 2nd ser.(1828): 784-816.
[26] "Police and the Metropolis," *The Jurist*, 1828, 280-305. For a good discussion on the development of the police force see the following:

reported that "Mr. Sheldton who has been near forty years Clerk of Arraigns at the Old Bailey, states that Juries are anxious to reduce the value of property below its real amount, in those Larcenies where the capital punishment depends on value."[27] One London merchant testified that he had been robbed of a significant sum, but did not pursue prosecution because of capital punishment. He added that a "similar disposition prevailed among persons of the like condition and occupation with himself."[28] Typical of the testimony is that of Archibald Macdonald, former Chief Baron of Exchequer:

> Do you think, that much more terror is caused by an execution of one in twenty than by an execution of one in sixty?—Do you mean more effect on the public?—Yes. Upon my word I do not know what to say. Frequency of execution I have no doubt has a bad effect.
>
> Have you seen considerable reluctance to convict in cases of forgery?—Certainly; but I should observe that it is rarely that the forgery itself can be proved upon the prisoners; it is generally the uttering knowing to be forged, that they are convicted of.
>
> Is there not still greater reluctance to convict in cases of shoplifting?—Yes; there is a very great reluctance in convicting of that offence; that is,

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Elaine A. Reynolds, *Before the Bobbies: the Night Watch and Police Reform in Metropolitan London 1720-1830* (Houndmills, Basingstoke, Hampshire : Macmillan Press, 1998); Douglas Hurd, *Robert Peel: a Biography* (London : Weidenfeld & Nicolson, 2007); Phillip Thurmond Smith, *Policing Victorian London: Political Policing, Public Order and the London Metropolitan Police* (Westport, Conn: Greenwood Press, 1985);

[27] Parl. Deb. (1st ser.)(1819) 9-60.

[28] Ibid, 15.

> circumstances are laid hold of to avoid a capital conviction. The punishment is very severe; and I could mention something upon that subject which is almost ludicrous. Every body must have observed, in Holborn, that the linen-drapers hang their linen and things in the door-way, and outside of the door-way, and they are flying in the face of every miserable woman who is going past, and they are often snatched. I heard once a very long inquiry whether a piece of linen was outside the door-way or inside the door-way, when stolen; if it hung on the inside of the door it is a capital felony, and if outside it was a mere simple larceny.[29]

The testimony suggests that not only was there concern about the use of capital punishment, but also that the law contained provisions that, to some, defied reason.[30]

Peter King points out in his recent work, *Crime and Law in England 1750-1840: Remaking Justice from the Margins,* the real practice of the law changed most through the actions of justices and juries. He makes a convincing argument that "in the long eighteenth century . . . the justice delivered by the courts was shaped and remade as much from below, from within and from the margins as it was from the centre."[31] King suggests that particularly in cases of juvenile offenders and women, courts were instigating change by lessening the punishments inflicted. He finds,

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[29] Ibid, 50.
[30] The testimony also confirms that judges and juries allowed things outside of testimony to impact their decisions—including here, a consideration of whether the sentence mandated by law was too severe.
[31] Peter King, *Crime and Law in England, 1750-1840*, 2.

too, that Parliament took an increasingly central role in the formation of policy after 1827 contending that, "Parliament and central government seized the initiative with a series of legislative changes, and the notion that only parliament had the authority to introduce legal change began to take an increasing hold."[32] Home Secretary Robert Peel was instrumental in this transformation. Throughout the period covered here, he instigated conversations about consolidating and rationalizing the criminal justice system working to reform that system from the top.

Outside of the "center" of power and the work of justices and juries stood the reformers. An active reformist movement was evident throughout the period on issues concerning the abuses existing in prisons and the use of the death penalty. Randall McGowen, in "A Powerful Sympathy: Terror, the Prison, and Humanitarian Reform in Early Nineteenth-Century Britain," found that the "reformers believed that by establishing a punishment founded on sympathy and in harmony with the feelings of the people they had substituted the concerns of humanity for the obsession with power."[33] Already in the 1770s John Howard had investigated substituting imprisonment for other

[32] Ibid, 35.
[33] Randall Mcgowen, "A Powerful Sympathy: Terror, the Prison, and Humanitarian Reform in Early Nineteenth-Century Britain," *The Journal of British Studies* 25, no. 3 (July 1986): 313.

forms of punishment.[34] Later taken up by Elizabeth Fry and Thomas Buxton, the movement to reform prisons remained active throughout the period. In a recent biography of Buxton, David Bruce studies this reformer's investigation into the state of England's prisons and gaols. "Buxton was able to make repeated visits to each facility to observe conditions, interview employees and prisoners, and to evaluate the completeness and accuracy of earlier reports."[35] According to David Bruce, Buxton found

> The majority of institutions . . . were characterized as woefully inadequate. Inmates were confined but not regulated. Often the very influences that contributed to their incarceration—alcohol, gambling and violence—were readily accessible inside the prison walls. Minor criminals, such as pickpockets and thieves, were not segregated from those who had committed more heinous crimes like armed robbery or murder.[36]

Buxton's speech in the House 23 May 1821 illustrates key points in the movement to not only reform prisons, but also to decrease the severity of punishments, particularly the death penalty. He argued that the traditional rationale for the death penalty lay in its ability to prevent crime, but the facts did not support the conclusion that harsh punishment lessens crime:

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[34] See Randall McGowen, "The Well-Ordered Prison," 86-88.
[35] David Bruce, "'Ordinary Talents and Extraordinary Perseverance': the Life of Sir Thomas Fowell Buxton," (Ph.D. Diss., Marquette University, 2009), 142.
[36] Ibid, 143

> Now, it might make the boldest believer in the efficiency of executions pause a little, and somewhat distrust the infallibility of his own judgment, to contrast these reasonable and pleasant prospects—these bright, and, if his doctrine be sound, these inevitable results—with the strange and melancholy truth: and there are facts which place that result at once in a most striking and a most alarming point of view. It appears, by papers which are now on the table of the House, that there passed through the prisons of this country in the year 1818, no less than 107,000 individuals. Some very considerable deductions, I grant, must be made from that number—some additions also must be made. But, without entering into minor details, making, for argument's sake, so extravagant an abatement as one-fourth—still, what an army of delinquents remains! What a mass of criminality does it display![37]

Buxton suggested that no reasonable person could believe that crime was, in fact, being prevented under the current law. Indeed, certain crimes were increasing:

> I shall conclude my observations upon this practical part of the subject, with one single remark—crime has increased in England, as compared with every other country—as compared with itself at former periods. Now, what species of crime has increased? Those atrocious acts of violent robbery and murder which, in all times and in all countries, have been punished with death? By no means. These have decreased. Where, then, has the augmentation taken place? Precisely in those lesser felonies which are capital now, but were

[37] Parl. Deb, 2nd ser.(1821): 893-971. See also Thomas Fowell Buxton, *An Inquiry, whether Crime and Misery are Produced or Prevented, By our Present System of Prison Discipline* (London: Printed for John and Arthur Arch, Cornhill; J. Butterworth and Son, Fleet street, and John Hatchard, Picadilly, 1818); Edward Gibbon Wakefield, *Facts Relating to the Punishment of Death in the Metropolis* (London: James Ridgway, Picadilly, 1831).

> not formerly—which are capital in England, but in no other country—that by which we differ from ourselves in former times, and from our neighbours at the present moment; first, by our peculiar treatment of certain offences; and, secondly, by the multiplication of those very offences under that very mode of treatment.[38]

Buxton believed that criminals could be reformed. He believed in redemption and, in the end, he believed that English law could deliver justice, but that justice should be based on larger principles of humanity:

> The people of this country have strong feelings of humanity, and strong principles of justice; and, so long as the legislators keep within the bounds of moderation, so long the people will side with the law against the offender. But, when the bounds of reason and moderation are overstepped, as unquestionably they are in a multitude of your enactments, the feelings and the principles of the people, which ought to aid, withstand, and rebel against the operation of the law; and the very virtues of the people, their sense of true justice and humanity, which ought to be the strength of your law, go over to the enemy, investing the felon with chances of escape, and with hopes of deliverance, which would never have belonged to him, but for the severity of your law.[39]

Though Parliament, judges, and reformers all saw the need to investigate and change the mechanisms of law, they

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[38] Parl. Deb, 2nd ser.(1821): 893-971.

[39] Ibid. V.A.C. Gatrell offers an alternative view in *The Hanging Tree.* He argues that public hangings decreased between 1770 and 1869 not because of reformist sentiments but because elites feared the masses and therefore objected to the ritualized spectacle of hangings. He also contends that as other modes of punishment became available, hangings became less necessary. See V.A.C. Gatrell, *The Hanging Tree: Execution and the English People 1770-1868* (New York: Oxford University Press, 1994).

did not always agree on the best ways to achieve a stronger system. McGowen argues that there was profound disagreement, particularly about the severity of punishment under the existing code. He contends that "defenders of the existing criminal law" complained that the reformers offered new and misguided notions of human nature that underestimated both the forces of disorder and the will required to command."[40] In emphasizing care for individual development, not unconnected with concepts of sin and redemption so characteristic of the reform movement, reformers risked opening England to the forces of chaos. By contrast, McGowen notes, "Tory officials spoke of crime as a product of powerful emotions and strong temptations that could only be counteracted by severe and dreadful punishment."[41] In response to such Committee reports, legislation was passed that eliminated the death penalty for a few specific felonies, including shoplifting.[42]

There was also significant disagreement among all groups about the creation of a centralized domestic police force. Despite the perceived rise in urban crime, some believed that a police force tended too much toward

[40] McGowen, "A Powerful Sympathy," 315.
[41] Ibid, 315.
[42] Punishment of Death, etc. Act, 1832. Parl. Deb, 2nd ser.(1828): 293.

tyranny.[43] Although a number of reforms and changes in the law were discussed by Parliament between 1815 and 1834, the legislative body was particularly interested in standardizing the legal system and augmenting law enforcement. In 1816, for example, Parliament created a Committee to investigate crime and policing in London. The report submitted by the Committee was over 400 pages in length and dealt with issues ranging from insolvent debtors to bawdy women. The report is unified by consistent references to the benefits of a more organized system. The report contained "minutes of evidence," which included testimony by prominent law officials in England. In the opening pages of the report Nathaniel Conent, Chief Magistrate of Bow Street, responded to a number of questions posed by the committee. The investigator asked the magistrate the following question: "So do you not think that it would be a great improvement in the Police establishment of the Metropolis, to have one central head Police Establishment, which might be the organ to government?"[44] By way of clarification he stated that the "question referred to a superintendant establishment; that

[43] There was also disagreement over whether or not criminals could be reformed. The idea was generally applied to first-time offenders and will be covered in the discussion of juvenile delinquency in chapter 4.
[44] *Clements Official Edition of the Police Report from the Committee on the State of the Police of the Metropolis* (London: Printed by and for William and Charles Burke, 1816), 5.

would proceed upon one unity of plan."[45] Mr. Conent did not give the answer most likely wanted by the investigator, arguing that it would not be worth the expense of creating such a body. The intent of the investigators, however, was clear. The report is filled with references to standardization and the creation of order in the city.

Even those reformers who argued that the introduction of a regular police force was a step in the right direction, were nonetheless dubious that the force created could meet the demands of the growing city. Major concerns included the retention of officers, overlapping and confusing jurisdictions, and insufficient numbers in proportion to the population. After much debate the Metropolitan Police Force was established in 1829.[46]

Another problem considered by the House was the effect of forcing victims to pay for prosecutions: "when a man loses ten pounds, if he finds that it will cost him twenty pounds to prosecute the plunderer, the chances are

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[45] Ibid.

[46] The police force used primarily retired veterans and recruited members from outside of London. The force was responsible to the Home Office. Wilber Miller argues that from the beginning the bobbies were to serve to enhance order in the city, but were also supposed to quell fears of potential tyranny. He argues that the commissioners in charge of the force "inculcated loyalty and obedience, enforced by quick dismissal for infractions, expecting the men to be models of good conduct by subordinating their impulses to the requirements of discipline." Wilbur Miller, *Cops and Bobbies: Police Authority in New York and London 1830-1870* (Chicago: University of Chicago Press, 1977); Dougles Hurd, *Robert Peel: a Biography* (London: Wiedenfeld & Nicolson, 2007;

that he declines to do so."[47] Other measures discussed in the House of Commons during the period to reduce crime included further restrictions on the sale of alcohol—including restricting the hours of operation of public houses—increasing police presence at major events and ceremonies in the city, and increasing proactive investigations of known places of refuge for thieves.

The idea that the city of London was increasingly in danger from thieves prevailed throughout the period covered in this study. But the increase was seen as relating almost exclusively to crimes against property. Echoing Norbert Elias' view that Europe was undergoing a "civilizing process," most held that violent crime was significantly decreasing, a trend they attributed largely to increased education and improved police structures. In making a report to the House of Commons, Robert Peel noted a series of statistics prepared by the Home Office as proof that "there is no increase in the number of cases of personal violence, of murder of assaults upon the person; the increase is solely in the number of those offences connected with property."[48] The question for those in power and those generally interested in working to decrease crime, was why the increase in property crime was so

[47] Parl. Deb, 2nd ser.(1828):784-816.
[48] Ibid.

pronounced. On this point, there was not much agreement, but the variety of opinion mirrored the myriad of problems posed by a changing world.[49]

It has been noted that London's leading authorities on crime believed that violent offences were declining throughout the period. The numbers from Old Bailey returns do bear that out.[50] A far greater number of men than women were tried for violent crime during the period, and the greatest portion of violent crime was assault in the commission of a theft. Despite the yearly variations, the totals in 1834 are not substantially different from those of 1815. What is even more significant is that the numbers here do not explode as the population of London increased throughout the period, which would suggest that violent offences were declining in proportion to the population.[51]

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[49] The decrease in violent crime in many ways reflects a similar trend to reduce the severity of punishment, particularly by reducing offences punishable by death and by transitioning from corporal punishments to restrictions on liberty by the use of both transportation and imprisonment. Sir Samuel Rommily speaking to the House of Commons in 1813 argued that "it had been the universal opinion of all wise and reflecting, that the certainty of a mild punishment was better calculated to repress guilt, than the slight chance of one more severe." Most certainly this idea reflected Enlightenment views of Beccaria, but the debate remains consistent through the period studied here and is further reflected in the virtual disappearance of whipping as punishment and with a rising tide of opposition to the death penalty for more minor offences.

[50] There are periods of increase related to economic downturns after the Napoleonic Wars, the years between 1825 and 1827, and a final spike towards the end of the period. See the discussion of causal economic factors.

[51] It is important to note that some murder cases were, in fact, the result of "accidents." In particular, a number of cases came before the court where a person was hit and injured or killed by carriages

	Table 1 Murder				Table 2 Assault				Table 3 Assault Theft	
	Men	Women			Men	Women			Men	Women
1815	13	0		**1815**	5	1		**1815**	53	12
1816	12	3		**1816**	5	0		**1816**	99	11
1817	11	2		**1817**	6	0		**1817**	96	10
1818	13	2		**1818**	5	1		**1818**	65	8
1819	10	0		**1819**	11	2		**1819**	54	6
1820	11	2		**1820**	8	1		**1820**	94	7
1821	14	0		**1821**	7	0		**1821**	54	14
1822	18	2		**1822**	10	0		**1822**	54	11
1823	25	1		**1823**	7	3		**1823**	27	10
1824	9	1		**1824**	7	1		**1824**	24	11
1825	23	4		**1825**	6	1		**1825**	34	16
1826	37	4		**1826**	7	1		**1826**	84	15
1827	22	2		**1827**	6	1		**1827**	71	15
1828	29	1		**1828**	15	1		**1828**	69	14
1829	17	7		**1829**	8	1		**1829**	36	14
1830	16	0		**1830**	11	0		**1830**	23	8
1831	19	1		**1831**	12	2		**1831**	36	9
1832	20	10		**1832**	14	2		**1832**	35	8
1833	18	1		**1833**	20	2		**1833**	45	3
1834	17	7		**1834**	14	2		**1834**	41	2
Total	354	50		**Total**	184	22		**Total**	1094	204

operating on London's streets. These cases increased throughout the period and, in part, account for the growing number of murders towards the end of the period.

Was the contemporary apprehension about a rise in property crime warranted? To answer this question an analysis of general categories of property crimes tried at the Old Bailey between 1815 and 1834 can be instructive. The data will be presented in the form of tables and will reflect the number of individuals tried for the offences, not the number of cases.

The overwhelming majority of cases tried at the Old Bailey dealt with property crime. Well over 38,000 cases of theft were brought before the Old Bailey in the period. As shown below, the number of men indicted was far greater than women, but the presence of women was not insignificant with over 7,777 cases.

Table 4: Total Indictments for Non-Violent Property Crime

	Males	**Females**
1815	924	269
1816	1102	290
1817	1426	309
1818	1320	325
1819	1411	286
1820	1329	285
1821	1201	285
1822	1319	343
1823	1311	353

1824	1508	356
1825	1550	432
1826	1873	471
1827	2015	454
1828	1974	504
1829	1805	501
1830	1790	521
1831	1902	479
1832	2098	564
1833	1232	331
1834	1471	419
Total	30561	7777

Property offences included everything from fraud to breaking and entering. Table 4 suggests that rather than a sustained growth in cases of theft over time, there were significant variations in indictments in certain years, particularly 1820, 1824–1827, and 1832. The upsurge in 1820 was most likely related to the culmination of post-war factors.

Eric Evans observes in *The Forging of the Modern State* that England experienced an economic decline due to demobilization after the Napoleonic Wars, as well as a series of economic crises, including a "stunted harvest,

trade depression and glutted labour market."[52] He argues that while these trends emerged by 1816, the effects were felt for years after. He also suggests that as England's population increased "by 19 per cent between 1811 and 1821," the economic woes were compounded by growing demands.[53] England also experienced an economic slump between 1824 and 1827 due to a "severe banking crisis in 1825 and a short depression in 1826."[54] Evans also points to an economic slump in 1832.[55] The relationship between property crime and economic hardship can not be ignored, given the close correlation between the rise in indictments to periods of economic instability.

The property crimes considered in this study include pickpocketing and shoplifting. Though they represent only a small portion of the cases noted in Table 4, they are most useful in ascertaining the nature of property crime in the context of early nineteenth-century London. They also allow for an examination of gender considerations as women were more equally represented in these cases than other types of property offences.

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[52] Eric J. Evans, *The Forging of the Modern State: Early Industrial Britain 1783-1870.* (New York: Longman, 1983), 181,
[53] Ibid, 182.
[54] Ibid, 194.
[55] Ibid, 219.

Table 5: Shoplifting

	Men	Women
1815	100	44
1816	129	32
1817	248	48
1818	241	48
1819	173	55
1820	165	41
1821	144	42
1822	189	49
1823	207	57
1824	254	74
1825	239	78
1826	316	100
1827	354	67
1828	249	65
1829	242	79
1830	253	62
1831	267	74
1832	210	75
1833	141	41
1834	142	38

Table 6: Pickpocketing

	Men	Women
1815	65	39
1816	128	41
1817	156	65
1818	153	43
1819	174	58
1820	261	61
1821	163	52
1822	174	70
1823	167	65
1824	203	56
1825	210	79
1826	234	67
1827	258	98
1828	182	91
1829	157	81
1830	166	86
1831	195	84
1832	249	67
1833	142	70
1834	163	41

If fluctuations in indictments for property crime can be attributed to the economic factors noted above, the

absolute increase in numbers is not remarkable given the increase in population. Certainly the overall rate of property crime would not justify contemporary concerns over a crime wave.

Historians have for decades used criminal statistics to decipher the relationship between society's elites and its lower classes. The key trend in these early studies was to view England's "bloody code" as a conscious effort on the part of those in power to control the dangerous masses.[56] Such histories are often ideological, an expression of a Marxist interest in class relationships. Douglas Hay, for example, refers in *Crime and Justice in Eighteenth and Nineteenth-Century England* to a group of elite men who, because they held power, also enacted legislation that protected only their own interests:

> In eighteenth-century England, government was in the hands of a small group of men with enormous economic and political power. Less than 3 percent of the adult male population were rich enough to be legally entitled to act as justices of the peace, or even to hunt game, another prerogative of gentlemen. An even smaller proportion of the most wealthy, the two hundred families of the peerage, dominated both houses of Parliament. Only the House of Commons was fitfully responsible to an electorate, an electorate that was small, manipulated, and unrepresentative. These groups together comprised "the public," the political nation. They enacted a very extensive capital code in the

[56] Examples of this scholarship would include *Albion's Fatal Tree*. Similar ideas may also be found in Peter Linebaugh's, *The Hanging Tree*.

> eighteenth century, and replaced it by the penitentiary in the nineteenth.[57]

Hay goes on to portray England's poor as a class of persons "without political rights."[58]

The "violent transition" of the period under study affected all people living in and around London.[59] The general chaos of an early nineteenth-century city undoubtedly raised the anxieties of all "classes," and while clearly not all of London's poor participated in criminal activities, it was London's poor that elites saw as a threat to a good and ordered society. Anxiety about crime in the aftermath of war and in an era of civil unrest and economic volatility, combined with a concern for the cost of caring for the poor, the perceived growth in vagrancy, and a growing interest in maintaining order and rationalizing administration, was the prism through which both elites and the middling sort viewed property crime.

Recent monographs on the subject of crime move beyond statistics and ideology, in order to investigate what the nature of crime can reveal about how lower-class individuals actually lived and perceived themselves in the wake of monumental economic and social change. The

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[57] Douglas Hay, "Crime and Justice in Eighteenth and Nineteenth-Century England" *Crime and Justice* 12, 1980): 46.
[58] Ibid.
[59] J.J. Tobias, *Crime and Industrial Society in the Nineteenth Century*. (New York: Schocken Books, 1968), 37.

following chapters reflect these later historiographical trends. England's criminal code was, indeed, largely manufactured by elites and according to their social mores, but it was not primarily elites who used the system every day, particularly when it came to crimes of property. It was the lower echelons of the emerging "middle class" who dominated the ranks of prosecutors at the Old Bailey—small shop-keepers, laborers—people who often had little but wanted to protect their property, however modest. For both elites and the middling sort, a "crime wave" would be threatening.

Chapter Three
"Snatched!" Shoplifting in London 1815-1834

Historians have long been interested in the impact of industrialization on society and recently this has led to the emergence of studies of consumer culture. These histories have focused primarily on the emergence in the eighteenth century of consumer culture and the later Victorian of large-scale department stores. The culture of "shopping" has proved a fruitful area for the study of both class and gender relationships. London was the center of commercial changes. Dana Arnold argues that "there is no doubt that the growth of a consumer society impacted London as a site of both production and consumption."[1] She goes so far as to say that "London continued to increase in geographical size, in population and in political and economic importance to such an extent that it was seen to represent the nation."[2] With a plethora of shopping arenas from fairs and markets to high-end stores in London's West End, consumerism was an important part of everyday life for urban residents, both rich and poor, who could now experience a "kind of uncanny, sublime experience."[3]

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[1] Dana Arnold, *Representing the Metropolis: Architecture, Urban Experience and Social Life in London 1800-1840* (Vermont: Ashgate, 2000), 87.
[2] Ibid, xv.
[3] Ibid, 43.

In *Gender, Taste, and Material Culture in Britain and North America*, John Styles and Amanda Vickery argue that "there is no doubt that major changes in consumption did accompany Britain's emergence in the eighteenth century as Europe's most successful mercantile and manufacturing economy."[4] They observe that in the eighteenth century, "shopping as enjoyment of spectacle, browsing, lingering, and sauntering along predated the emergence of the Victorian department store."[5] They also note that Georgian shops were already using more advanced marketing techniques to reach customers, "including advertising, marketing, branding, mail order, dress hire, fashion magazines, fashion dolls, shops design, and window dressing."[6] The Old Bailey records confirm that these techniques, particularly using the windows and fronts of stores to lure in buyers, originated before the Victorian department store. Most thefts from shops occurred through windows and doorways, indicating that shop owners displayed their wares in obvious ways, even though those owners knew leaving their goods on such open display attracted would-be thieves. Shop owners also displayed their goods within the store by

[4] *Gender, Taste, and Material Culture in Britain and North America*, edited by John Styles and Amanda Vickery. (New Haven: Yale University Press, 2006), i.
[5] Ibid, 2.
[6] Ibid.

hanging clothes on nails and clothes horses, rather than simply stacking them in piles. Shoppers were also afforded the opportunity to try on potential purchases for fit and appeal.

Most historians agree that there was a general trend toward modern consumer culture, including displaying goods to tempt shoppers, competing with others in price, and advertising in newspapers so that by the Victorian period, shopping was considered a leisure activity and, perhaps, even a hobby. Even shops that may not have been as prosperous as large department stores were increasingly "willing to create a comfortable and sociable experience for a greater range of goods at affordable price."[7] Not everyone, however, experienced shopping the same way. Shops were as diverse as consumers. In her essay "Shops, Shopping, and the Art of Decision Making in Eighteen-Century England," Claire Walsh comments: "Shops could take many forms and sizes, ranging from wooden shacks . . . with let-down counters and lockup fronts, to a stone or brick buildings with many rooms . . . on many floors, to the front rooms of houses converted simply by enlarging the domestic window."[8] More is known about elite shops of the

[7] Claire Walsh, "Shops, Shopping and the Art of Decision Making," in *Gender, Taste and Material Culture,* 15.
[8] Ibid.

West End than those most likely frequented by London's lower classes. Hoh-Cheun Mui and Lorna H. Mui argue that "of all retail trades, the most difficult to document is the petty shopkeeper."[9] Old Bailey testimony does not always reveal a great deal about the shops and their interiors, but many shops doubled as residences, seemed to be family owned and run, and rarely had more than one or two employees.

In "Continuity, Change, and Specialization within Metropolitan London," Charles Harvey, Edmund Green, and Penelope Corfield discuss changes in London's markets and shops between 1750 and 1820. They argue that "markets were not simply commercial structures, but also important occupiers of city and cultural space." [10] The dynamics of consumerism in London seen through the records of the Old Bailey included those who stole rather than purchase the goods offered.[11] Several trends revealed by the records are significant for this chapter. First, the numbers of individuals indicted for "stealing from a shop," gradually

[9] Hoh-Cheung Mui and Lorna H. Mui, *Shops and Shopkeeping in Eighteenth-Century England* (London: McGill-Queen's University Press, 1989), 106.
[10] Charles Harvey, et al. "Continuity, Change, and Specialization within Metropolitan London: The Economy of Westminster, 1750-1820, *The Economic History Review,* n.s. 52, no. 3 (August 1999): 34.
[11] The fact that some thieves had the money to purchase items but chose to steal suggests that some shoplifters came from the "respectable" set or the middling sort. Tammy Whitlock looks at these individuals and connects them to the later emergence of kleptomania. See Tammy Whitlock, *Crime, Gender and Consumer Culture in Nineteenth-Century England* (Burlington VT: Ashgate, 2005).

increased between 1815 and 1834.[12] Second, because more women were indicted for this offence than for other forms of theft, the data reflects the impact of London's commercial environment on both sexes.[13] Finally, the data suggests that shopkeepers, thieves, and the justice system were working on ways to navigate urban, commercialized London and establish boundaries.

Table 1: Men and Women Indicted for Shoplifting

Year/Gender		Year/Gender	
1815/Men	100	1825/Men	239
1815/Women	44	1825/Women	78
1816/Men	129	1826/Men	316
1816/Women	32	1826/Women	100
1817/Men	248	1827/Men	354
1817/Women	48	1827/Women	67
1818/Men	241	1828/Men	249
1818/Women	48	1828/Women	65
1819/Men	173	1829/Men	242
1819/Women	55	1829/Women	79
1820/Men	165	1830/Men	253
1820/Women	41	1830/Women	62
1821/Men	144	1831/Men	267
1821/Women	42	1831/Women	74
1822/Men	189	1832/Men	210
1822/Women	49	1832/Women	75
1823/Men	207	1833/Men	141
1823/Women	57	1833/Women	41
1824/Men	254	1834/Men	142
1824/Women	74	1834/Women	38
Total Men	4263		
Total Women	1046		
Total Indicted	5309		

[12] The term "shoplifting," will be used throughout the chapter, though at different points in Old Bailey history other phrases were used to signify the offence.

[13] Prosecutors in shoplifting cases were overwhelmingly men. This speaks to the fact that women were increasingly excluded from commercial enterprises.

Table 1 tracks thefts from shops between 1815 and 1834.[14] More men were indicted than women, but the increase is notably similar for both genders, particularly after 1822. Most likely the increase can be attributed to improvements in London's police forces, London's natural population increase, and increased vigilance on the part of shopkeepers. More shoplifting cases were tried in 1817, 1818, 1823, and 1824. These spikes correlate to the economic slump after the Napoleonic Wars. There was also an increase during the economic recession of 1824 and 1827.[15]It is important to note that in the years 1833 and 1834 there is a marked drop in the number of indictments. There was a transition during these years from the "Old Court," to the Central Criminal Court established in 1834. Just under 1500 cases were heard in 1833—that is nearly a thousand cases less than in 1832. And the next year the Court changed its meeting cycle from a strict eight sessions spaced throughout the year to as many as twelve sessions, one each month. For this study, the year is always based on cases heard from December to December. The drop in indictments,

[14] There is a distinction between the number of cases and the number of persons. Sometimes two or three persons were indicted for the same crime.
[15] The economic downturns were considered in chapter two. See Eric Evans, *The Forging of the Modern State*, 15.

then, does not affect the overall conclusions of this chapter.

What were these men and women stealing and what do their actions say about the material culture of London's lower classes? The following series of tables will attempt to answer those questions. Table 2 lists indictments for stealing food; Table 3 shows indictments for theft of goods associated with London's clothing industries; and, Table 4 addresses other items.

Table 2: Food Items

Year/Gender	Pork	Beef	Poultry	Lamb	Cheese	Bread	Misc.	Total
1815/Men	5	1	0	0	3	1	1	11
1815/Women	3	1	0	0	0	0	0	4
1816/Men	6	3	3	1	3	1	3	20
1816/Women	2	2	0	0	1	0	0	5
1817/Men	15	6	0	3	3	3	7	37
1817/Women	3	0	1	0	1	0	1	6
1818/Men	7	1	0	1	6	2	7	24
1818/Women	2	0	0	1	0	0	0	3
1819/Men	13	5	0	2	1	0	7	28
1819/Women	3	0	0	0	0	0	0	3
1820/Men	11	4	0	2	4	0	5	26
1820/Women	5	0	0	0	1	0	0	6
1821/Men	8	5	1	2	2	1	7	26
1821/Women	3	1	0	0	0	0	0	4
1822/Men	10	8	2	4	4	0	6	34
1822/Women	7	0	0	1	1	0	1	10
1823/Men	14	5	7	4	2	2	3	37
1823/Women	1	0	1	3	0	0	0	5
1824/Men	11	4	3	2	4	1	5	30
1824/Women	2	1	0	2	0	0	1	6
1825/Men	11	6	2	2	5	1	4	31
1825/Women	7	1	1	0	0	0	0	9
1826/Men	24	4	1	6	6	0	7	48
1826/Women	9	0	1	1	1	0	0	12
1827/Men	21	8	4	6	12	0	5	56
1827/Women	5	2	1	1	1	0	0	10
1828/Men	22	5	3	3	8	0	8	49
1828/Women	4	1	0	1	1	0	0	7
1829/Men	20	9	4	5	8	1	4	51
1829/Women	4	2	0	1	1	1	0	9

1830/Men	17	9	1	4	0	0	11	42
1830/Women	5	4	0	3	0	0	0	12
1831/Men	14	7	2	2	5	5	5	40
1831/Women	6	0	2	1	3	0	3	15
1832/Men	11	5	2	3	5	1	6	33
1832/Women	4	1	0	1	2	0	1	9
1833/Men	7	2	1	0	3	3	9	25
1833/Women	2	2	0	0	0	0	0	4
1834/Men	6	2	1	1	3	0	4	17
1834/Women	1	0	0	0	1	0	0	2
Total	331	117	44	69	101	23	121	806

Between 1815 and 1834, 806 men and women were indicted for stealing food: 659 men and 147 women. The ages of these men and women varied greatly, with the majority falling between the ages of fifteen and twenty-five.[16] The majority of food thefts were meat items, particularly the more expensive ham and beef products. Food was generally stolen from cheese mongers, butchers, and grocers. Because these shops often hung meat on the outside of the shop, items could be quickly grabbed by a passing thief without even entering the shop.

Most thefts of food from shops were of the grab and run variety. Shop owners and their workers had to stay alert as catching the offender usually fell to them. Rarely was more food stolen than would supplement a family's weekly groceries. Given that bread was the sustenance of London's poor, this statistic is not surprising. The category of miscellaneous items includes such commodities

[16] See Table 8.

as butter and lard, sugar, and tea or coffee. Occasionally there would be a theft of fruit, mostly apples; never was anyone indicted for stealing vegetables.

Table 3: Clothing and Accessories

Year/Gender	Cloth	Hats	Handkerchiefs	Stockings	Ribbons
1815/Men	26	2	7	3	2
1815/Women	12	1	2	2	4
1816/Men	18	7	5	3	0
1816/Women	13	0	1	0	2
1817/Men	25	4	3	5	4
1817/Women	16	0	3	2	3
1818/Men	29	2	8	4	2
1818/Women	14	0	3	2	2
1819/Men	12	3	9	3	1
1819/Women	15	0	1	2	4
1820/Men	15	5	14	5	2
1820/Women	9	0	1	2	1
1821/Men	8	5	1	5	0
1821/Women	17	1	1	1	2
1822/Men	11	3	8	4	1
1822/Women	13	0	1	1	3
1823/Men	19	5	5	2	0
1823/Women	13	1	1	2	4
1824/Men	28	5	8	10	1
1824/Women	18	2	1	4	4
1825/Men	26	5	13	7	1
1825/Women	25	2	4	0	4
1826/Men	25	5	13	7	1
1826/Women	18	2	4	0	4
1827/Men	19	6	10	6	0
1827/Women	9	3	6	2	6
1828/Men	20	9	4	8	1
1828/Women	11	3	2	2	10
1829/Men	16	2	7	1	1
1829/Women	14	1	4	1	6
1830/Men	12	2	21	2	1
1830/Women	6	1	2	1	7
1831/Men	20	4	13	3	0

1831/Women	10	8	6	1	5
1832/Men	17	9	6	0	0
1832/Women	16	5	4	0	9
1833/Men	15	3	9	1	0
1833/Women	10	0	5	0	4
1834/Men	9	5	3	0	1
1834/Women	6	0	5	0	3
Total	635	121	224	104	106

Year/Gender	Shawls	Shoes	Ready-Made Clothes	Misc.
1815/Men	2	5	10	2
1815/Women	4	0	0	3
1816/Men	4	15	17	1
1816/Women	1	2	2	1
1817/Men	3	25	28	3
1817/Women	1	7	1	1
1818/Men	5	29	31	1
1818/Women	3	5	5	5
1819/Men	3	22	13	5
1819/Women	0	3	0	2
1820/Men	1	11	20	4
1820/Women	0	6	4	3
1821/Men	1	8	7	4
1821/Women	2	2	3	3
1822/Men	5	15	24	3
1822/Women	1	4	0	6
1823/Men	5	12	16	2
1823/Women	1	12	0	2
1824/Men	2	31	28	5
1824/Women	3	7	9	7
1825/Men	2	20	28	1
1825/Women	3	3	6	1
1826/Men	2	31	28	5
1826/Women	3	7	9	6
1827/Men	6	39	31	2
1827/Women	5	5	3	0
1828/Men	3	31	13	4
1828/Women	1	7	4	3
1829/Men	3	31	15	3

1829/Women	1	13	4	4
1830/Men	2	30	21	2
1830/Women	1	5	12	3
1831/Men	3	35	37	2
1831/Women	2	4	11	1
1832/Men	1	37	24	0
1832/Women	2	7	8	3
1833/Men	0	23	13	1
1833/Women	2	5	4	1
1834/Men	0	21	16	0
1834/Women	1	4	2	3
Total	90	579	507	108

Table 3 represents, by far, the largest category of shoplifting—goods associated with England's clothing industry. A total of 2,474 persons were indicted for stealing from London's vast variety of clothing shops and retailers: 1,720 men and 754 women. Linen-drapers, tailors, haberdashers, pawnbrokers, and general clothes dealers top the list of shops in this category. Women were more highly represented in thefts of cloth and clothing. In nearly half of all the indictments, the thief or thieves were accused of stealing cloth. Cotton fabric was the primary target, but some also stole more luxurious and more expensive varieties of silk and wool. During the period there was also increased interest on the part of thieves in finished clothing such as trousers, waistcoats, and gowns. As finished goods became more available and less costly for shop owners to purchase, they were carried more in London's

stores. The theft of cloth and ready-made clothes remains constant for both genders over the period, with a slight increase in the number of females stealing finished products.[17] Again, the ages of those tried fell primarily between fifteen and twenty-five. Older men and women were more likely to steal cloth, while young men and women tended to steal accessories or finished goods.[18]

While many of these items may have been taken for personal use, there was a strong trade in second-hand clothes, and some thieves may have intended to sell the items.[19] In one case, William Manning, age fifteen, was convicted of stealing a hat worth seven shillings. When asked to give his defense, the young man stated that he saw the hat as he "was walking along," and as "he had nothing to eat," he took it believing that he "should get something provided" if he had the hat in exchange.[20]

The second most stolen item was footwear: shoes, boots, half-boots, and shoe parts. Historians Hoh-Cheung Mui and Lorna H. Mui found in their study of London shops that the "demand for footwear exceeded any other single article of wearing apparel. Shoes wore out very quickly in

[17] Finished clothing items would also include coats, cloaks, children's items, etc.
[18] See Table 8.
[19] A Total of 861 persons were tried for knowingly receiving stolen property: 839 men and 22 women.
[20] OBSP, Case 1144, 1833.

the eighteenth century and had to be replaced or mended, even by the poor."[21] Shoes were valued and essential items, needed by men and women of all ages.[22] The most expensive pair of boots stolen between 1815 and 1834 was worth twenty shillings. According to Dale Porter, wages for a common laborer ranged from three shillings a week to six shillings a week for skilled tradesman.[23] Most shoes were not that expensive, running on average about three shillings per pair. But shoes were an expense that could not be avoided and shoes were an item that could not be easily hand-made or purchased in decent condition second-hand.

The other items in Table 3 include hats, handkerchiefs, stockings, ribbons, shawls, and miscellaneous sundries such as lace, gloves and stays. In terms of these items, women were far more likely than men to steal ribbons, which were often used to decorate hats and gloves. Ribbons were also easy to conceal in pockets and bosoms. Men were more likely than women to steal hats, which men would be expected to wear in public.

Clothing and shoe shops also displayed items in windows and outside of their doors. Consequently, these

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[21] Mui and Mui, *Shops and Shopkeeping*, 240.
[22] See Table 8.
[23] Dale Porter, *The Thames Embankment: Environment, Technology, and Society in Victorian London* (Akron, OH: University of Akron Press, 1998), 176.

stores were also vulnerable to quick grabs by thieves. James Bisgrove was convicted of stealing a pair of trousers from Peter Pige's pawnbroker's shop. A neighbor saw Bisgrove as he "snatched" the pants from outside the shop, but because the neighbor, James Shillingford, had his slippers on, he could not run after the thief.[24] Instead, he alerted the street and Bisgrove was apprehended soon after.[25] Robert Barnes, shop man at a shoe store, testified in 1833 that he "saw the prisoner [John Musk] and another man near the shop . . . he was there for several minutes." When Barnes missed the items from the "door where the goods were hanging," he ran after Musk and apprehended him.[26] In another case, shop assistant Mary Treadwell "heard a noise at the window" and saw some boys "pulling" a handkerchief through a hole that had been made in the window a few days earlier.[27]

Stealing clothing items inside a shop was a bit trickier than grabbing something from outside of the shop, and thieves used several methods to conceal their crimes. Some used distraction. In 1815, Mary Blake, Elizabeth Smith, and Elizabeth Lambert entered the shop of Edward Davis and Amos Bottomoley, linen-drapers. Mary Blake

[24] OBSP, Case 1048, 1833.
[25] Ibid.
[26] OBSP, Case 1090, 1833.
[27] OBSP, Case 1266, 1833.

engaged the shop worker, William Caton, who testified that "she wished to look at some blue prints." He showed her some items, but recalled that while he was helping Blake, Elizabeth Smith was at the other end of the shop and "she had on a very large cloak."[28] The women walked away with sixty-three yards of printed cotton worth four pounds. Sometimes the diversion was more dramatic. In 1826, John Owen walked into a linen-draper's shop and "asked if a lady had been there." The shop owner, George Woodhouse, told him the lady in question was out, but Owens decided to wait. According to the owner's testimony, Owens "went into the back part of the shop, where he remained about twenty minutes . . . he then came out, and told me if the lady came I was to say he was gone to the Bazaar; the moment afterwards Mrs. Bates told me he had put something in his hat."[29] Elizabeth Edwards and Caroline Smeed entered a jewelry shop in St. Martin's-Court in 1819. They asked to look inside a show glass containing ear-rings. Shop assistant Jane Loxley told the court that "while Elizabeth was looking at them, Smeed broke a glass on the counter," and that when the women left, she was missing "two pair of ear-rings out of the case which Edwards was looking at."[30]

[28] OBSP, Case 188, 1815.
[29] OBSP, Case 683, 1826.
[30] OBSP, Case 523, 1819.

Shoplifters generally hid their stolen wares in their clothes. Men often slid items into their hats and jacket pockets; women were likely to hide things in their bosoms, aprons, gowns and baskets they carried when shopping. A few cases illustrate the point. Hannah Hart was looking after the earthenware shop she ran with her husband when William Bye entered the store. She found herself watching the prisoner's behavior and eventually "asked what he had in his pocket." Upon searching him she found two sets of images and six plates.[31] Mary Smith was convicted of taking sixteen yards of printed cotton. When the shop man, Edward Richardson searched her, she had the property "wrapped up in her apron, under her child's legs."[32] A witness in the case of James Gardner, convicted of stealing from a shop in 1817, stated that he "saw a man stop at the corner of Georgeyard, and take the caddy from under his coat."[33]

Thieves would also try to hide their intent by purchasing items while stealing others. In 1827, fifty-one year old John Roberts entered a tobacco shop owned by John Micklam. The shop servant testified at trial as follows:

> the prisoner came to the shop to buy half an ounce of tobacco-he gave me 2d. for it; he did not ask for anything else; the cigars were on the counter—while I was weighing the tobacco he put his hand into the box,

[31] OBSP, Case 1367, 1833.
[32] OBSP, Case 636, 1817.
[33] OBSP, Case 645, 1817. James Gardner had stolen a tea caddy.

> took two handsful of cigars, and put them into his pocket.[34]

Elizabeth Bryan, convicted of stealing twenty yards of printed cotton in 1825, purchased a yard and a half of "black stuff," from a linen-draper. The shop employee upon missing some cloth, "asked her to walk to the end of the shop . . . and saw the cotton fall from under her clothes."[35] A year later, Maria Allen was convicted of stealing fifty-four yards of ribbon. The shop owner "watched her for some time, and saw her put her hand into her basket two or three times, very quickly." She was attempting to hide her movements with her shawl. The owner followed her out of the shop and found the ribbon in her basket. Allen had purchased "several small things" at the store before taking the ribbon.[36] Cases where the indicted had money on them to purchase items, but stole as well, are particularly interesting as they demonstrate a significant facet of consumer culture—buying things one wants but does not need. This type of theft was particularly the case with young offenders, who were more likely to take clothing accessories such as lace, ribbons, gloves, etc. These items may have been used to make older clothes appear newer or

[34] OBSP, Case 588, 1827.
[35] OBSP, Case 252, 1825.
[36] OBSP, Case 490, 1826.

more in fashion, but certainly the purloined items were not a necessity, although they could be pawned or sold.

Thieves would often spend considerable time in the store, perusing the wares, perhaps enjoying the outing. The case of Ann Smith, convicted of stealing three seals valued at forty shillings in 1819 demonstrates this aspect of shoplifting. Sarah Davis, wife of jewelry store owner William Davis, was watching the shop. She testified as follows:

> between four and five o'clock in the afternoon, the prisoner came to the shop . . . she asked to look at some gold seals—she stood at the counter, and had a white handkerchief in her hand. I shewed her a great number of seals in a tray, she examined many of them, and said they were too high a price.

The prisoner then left the store. Having suspected something amiss, Sarah Davis blocked her from leaving the stores and "discovered three gold seals in her handkerchief."[37]

Table 4: Personal Use and Household Items

Year/Gender	Jewelry	Furniture	Dishes/Silverware	Umbrellas
1815/Men	1	1	0	0
1815/Women	0	0	5	0
1816/Men	0	2	2	2
1816/Women	0	0	9	0
1817/Men	8	2	9	0
1817/Women	1	0	1	0
1818/Men	8	1	2	0
1818/Women	0	0	1	4

[37] OBSP, Case 1443, 1819.

1819/Men	9	0	12	2
1819/Women	4	0	1	1
1820/Men	4	4	2	1
1820/Women	2	0	2	0
1821/Men	3	5	6	4
1821/Women	1	0	0	0
1822/Men	2	2	1	1
1822/Women	0	0	1	1
1823/Men	5	3	7	0
1823/Women	0	0	3	0
1824/Men	7	4	7	2
1824/Women	1	0	4	0
1825/Men	9	1	11	4
1825/Women	0	0	3	0
1826/Men	11	9	10	4
1826/Women	3	0	0	1
1827/Men	7	4	11	4
1827/Women	3	0	2	0
1828/Men	4	1	5	3
1828/Women	0	0	4	0
1829/Men	2	7	7	3
1829/Women	2	1	1	0
1830/Men	3	3	8	6
1830/Women	0	0	2	0
1831/Men	2	3	5	2
1831/Women	1	2	2	0
1832/Men	3	1	6	0
1832/Women	1	0	0	2
1833/Men	2	6	2	0
1833/Women	1	0	3	0
1834/Men	2	1	2	0
1834/Women	1	0	1	0
	113	63	160	47

Year/Gender	House wares	Carpet	Tobacco	Books
1815/Men	1	1	1	0
1815/Women	4	1	0	0
1816/Men	1	4	0	5
1816/Women	1	0	0	0

1817/Men	2	5	1	0
1817/Women	1	0	0	0
1818/Men	1	5	0	9
1818/Women	3	0	0	0
1819/Men	3	5	2	7
1819/Women	0	0	0	0
1820/Men	2	1	0	0
1820/Women	0	0	0	0
1821/Men	0	2	0	5
1821/Women	1	0	1	0
1822/Men	4	2	1	5
1822/Women	1	0	0	0
1823/Men	5	4	1	3
1823/Women	0	3	0	1
1824/Men	2	4	0	2
1824/Women	2	0	0	0
1825/Men	2	3	0	4
1825/Women	0	0	0	0
1826/Men	4	5	0	5
1826/Women	2	0	0	1
1827/Men	2	2	1	12
1827/Women	1	0	0	1
1828/Men	1	3	7	8
1828/Women	0	0	0	0
1829/Men	1	3	8	11
1829/Women	0	0	0	1
1830/Men	2	1	1	12
1830/Women	2	0	0	0
1831/Men	1	2	3	11
1831/Women	1	0	0	2
1832/Men	0	3	1	8
1832/Women	0	0	0	4
1833/Men	0	1	3	1
1833/Women	0	0	1	0
1834/Men	0	4	1	4
1834/Women	0	0	0	1
Total	**53**	**64**	**33**	**123**

Table 4 includes the dominant remaining items in shoplifting cases between 1815 and 1834. A total of 656 persons were indicted: 542 men and 114 women. The three most important stolen items were jewelry, dishes and silverware, and books. The jewelry, in most cases, was watches and watch accessories, which would include the chains, seals and keys. Prominent under the category dishes and silverware were tea sets, tea-caddies, glasses, and forks. Watches and silverware were items that had high resale value.[38] The case of books is perhaps the most interesting here. In 1815 no one was indicted for stealing books, but over the period, books became a primary interest. Clearly such a trend would indicate an overall increase in literacy, but it is important to note that more men stole books than women. Unfortunately for historians, the Old Bailey records do not reveal whether the person who stole the book, read the book, but the increase remains telling. In fact, men stole more of the items listed above than women.

Women were less likely than men to steal larger items such as furniture and carpeting. Perhaps the most obvious conclusion is that these items tended to be heavy, and if one was going to steal such an item and run away with it,

[38] Watches in particular often appear in pawnbroker's shops, for example.

the thief needed to have a great deal of strength. But, that answer may be an oversimplification. Women were more likely to steal from grocers, butchers, haberdashers, and linen-drapers. These are stores where women would be present in some numbers every day. Furniture items and carpeting tended to be lifted from broker's shops and warehouses, where a female presence may have been conspicuous.

Many other miscellaneous items were stolen from shops, mostly by men. Table 5 displays goods stolen by men, and Table 6 covers items stolen by women. The data demonstrates what thieves either wanted for their own use, or believed to be saleable. Many of these items were stolen from broker's shops, pawnbroker's shops, and stores that dealt in general goods.

Table 5: Miscellaneous Items Stolen by Men

1815	3 tools, 1 scissors, 1knife case, 1 portmanteau, 1 looking glass, 1 iron,
1816	1 pair of spectacles, 1 looking glass, 1 copper, 1 broom, 1 brass cock, 1 pelisse, 1 pocket book, 1 set of brushes, 1 printing block and press plough, 1 picture
1817	2 portmanteau, 2 trunks, 1 quadrant, 1 set of dominos, 6 guns, 1 pelisse, 1 pistol flute, 4 paper items, 1 cage, 1 iron, 1 pelisse, 1 pair of bellows, 1 bridle, 2 brushes, 1 fender, 1 pair of spectacles, 1 carriage glass, 1 set of candles, 1 telescope,
1818	2 purses, 3 pelisses, 3 looking glasses, 1 show glass, 2 soaps, 2 trunks, 1 indigo, 5 tools, 1 glass, 2 paper

	items, 1 blunder-buss, 1 set of candles, 1 math instrument, 1 copper, 1 pair of eye glasses, 1 telescope, 1 map with a map book.
1819	1 basket, 5 soaps, 1 violin, 2 candles, 1 saddle, 8 tools, 1 brass fender feet, 1 bell-line, 1 skittle ball, 1 paper item
1820	1 book binder's tool, 1 soap, 1 tool, 2 looking glasses, 1 music-stool, 1 brass caddy feet, 1 set of thimbles, 1 box, 2 paper items, 1 gun, 1 telescope, 1 bridle and reins, 1 horse-hair, 1 set of cushions
1821	3 pelisse, 1 set of metal weights, 3 tools, 1 glazier's diamond, 1 looking glass, 1 harness, 1 set of pencils and chalk, 1 paper-book, 1 bell-pull, 1 brass, 1 pail, 1 metal cock, 1 fender, 1 set of keys, 1 copper, 1 pair of spectacles, 1 set of puzzles and paints
1822	1 tool, 1 bottle of fish sauce, 1 set of brushes, 1 knife, 1 paper item, 2 soaps, 1 ship, 1 bridle, 1 (combs), 1 (hinges), 1 picture, 2 locks, 1 fender, 1 scale beam, 1 horse chair, 1 flageolet, 1 (candles), 1 set of brass weights, 1 pencil case, 2 pairs of spectacles, 1 crimping engine
1823	2 knives, 1 coal scuttle, 3 (brushes), 7 (tools), 1 pelisse, 1 drawing instrument, 1 (candles), 3 soaps, 1 looking glass, 2 pins, 1 (buttons), 1 candlestick, 2 brass weights, 1 pair of eye glasses, 1 guitar, 1 pair of pistols, 1 bugle, 1 milk jug
1824	1 portmanteau, 1 (candles), 1 iron scraper, 3 soaps, 1 glue, 3 fenders, 2 looking glasses, 1 candlestick, 1 saddle, 2 knives, 1 picture, 1 pestle and mortar, 2 paper items, 1 brass weight, 1 hammock, 1 razor, 1 set of scales and weights, 1 phial, 1 telescope, 1 trunk
1825	1 knife, 4 soaps, 5 (tools), 1 printed music, 1 iron weight, 1 measure, 1 pocket-book, 1 stove, 1 (combs), 1 brass cock, 1 boiler, 1 candlestick, 1 (brushes), 1 vat, 1 portmanteau, 1 set of scales, 1 pelisse, 1 pair of spectacles, 1 bell pull, 1 paper item

1826	1 show glass, 3 paper items, 3 (brushes), 7 (tools), 1 pump and handle, 1 pocket-book, 1 lead box, 1 frame, 1 harness, 3 (combs), 1 lamp, 1 scissors, 1 bottle of essence of lavender, 1 pair of bellows, 1 portmanteau, 1 pair of scales and weights, 1 pelisse, 1 trunk, 1 candlestick, 3 (clocks), 1 fender, 1 card box, 2 metal weights, 1 telescope, 1 set of braces, 2 looking glasses, 1 pistol, 1 saddle
1827	4 looking glasses, 1 (needles), 1 stove, 2 (combs), 1 work box, 2 (tools), 1 brass, 1 chaise cushion, 1 purse, 1 (pewter), 1 (iron stakes), 1 clock, 1 hair front, 1 (reins), 3 paper items, 1 soap, 1 (pins), 1 travelling case, 1 garden engine, 2 (brushes), 1 surgical instrument
1828	2 carpet bags, 1 brass door plate, 3 (combs), 2 bellows, 1 set of brass weights, 1 paper item, 2 (tools), 1 basket, 1 pair of eye glasses, 1 gun, 1 medical chest, 1 toilinette, 1 pair of scissors, 1 picture, 1 farrier's iron, 1 candlestick, 1 pocket-silver communion service, 2 looking glasses, 1 (brushes),
1829	1 pocket knife, 1 set of collar and buckles, 1 wooden figure, 1 soap, 1 bordering paper, 1 poker drawing with frame, 1 treacle, 1 work-box, 1 (tools), 1 door, 1 hone, 2 paintings, 1 stove, 2 guns, 1 fender, 2 fire irons, 1 carpenter's plow, 2 sets of scales, 1 parasol, 1 looking glass, 1 copper, 1 paper item, 1 picture frame, 1 (brushes)
1830	2 paper items, 5 (brushes), 2 pelisse, 2 (candles), 1 set of scales, 1 picture, 3 locks, 4 soap, 1 (India rubber), 3 looking glasses, 1 pen-knife, 1 set of weights, 1 pair of bellows, 1 brass cock, 1 (lead), 1 curry comb, 1 fife, 1 clock
1831	1 steel-roller, 1 (gloves) 1 pincer, 2 soap, 1 (tin) 1 pen holder, 1 pair of skates, 5 (brushes), 1 (tools), 1 basket, 1 portmanteau, 1 (bristles), 1 music box, 1 (candles), 1 (boxes), 1 saddle, 5 pair of scales, 1 picture frame, 1 pistol, 1 carpet bag, 2 paintings 1 dial, 1 smelling bottle, 2 (combs), 1 glass bottle, 1 wine cooler
1832	1 copper, 5 soap, 2 stoves, 2 knife cases, 1 book rest, 1 flageolet, 1 set of brass weights, 1 looking glass, 1

	crystal vase, 2 paper items, 1 print, 1 work box, 1 gas lamp, 2 paintings, 1 skittle ball, 1 saddle, 1 iron wheel, 1 merino frame, 1 iron vice
1833	1 dressing glass, 1 (combs), 1 pair of glasses, 1 rope mat, 1 soap, 1 venetian blind, 1 (iron staples), 3 bellows, 1 (brushes), 1 glass bottle, 1 garden roller, 1 glazer's diamond, 1 set of dominos and 6 balls, 1 painting, 1 paper item, 1 (tools), 1 pair of spectacles
1834	1 paper item, 1 (penknives), 2 (combs), 1 carpet bag, 1 weighing machine, 1 (brooms), 1 (brushes), 1 opera glass, 2 fenders, 1 pair of pistols, 2 bottles, 1 basket, 2 (tools), 1 candlestick

Table 6: Miscellaneous Items Stolen by Women

1815	1 lady's hair braid, 1 picture
1816	1 saw, 1 set of brass cocks
1817	1 (shutters), 1 basket, 1 (sewing tools)
1818	1 mantle
1819	None
1820	1 patten cord, 1 trunk
1821	1 (tools)
1822	1 leather bag, 1 candles tick
1823	1 pelisse, 1 whittle, 1 (buttons), 1 soap
1824	1 opera glass, 1 time-piece stand, 2 (tools), 1 set of scales and weights
1825	1 soap, 1 pelisse, 1 silk roller, 1 whittle, 1 fender
1826	1 (penknives), 1 set of scales and weights, 1 soap, 1 pair of spectacles, 1 basket, 1 (buttons), 1 earthenware vase, 1 looking glass, 1 picture, 1 pelisse
1827	2 pelisse, 1 soup from an oil shop, 1 bottle, 1 set of lamp pullies

1828	1 opera glass, 1 (brushes), 1 soap
1829	1 set of wooden toys, 1 clothes horse, 1 (lasts), 1 pelisse, 1 (buttons), 1 (starch)
1830	1 set of fire irons
1831	1 set of scrubbing brushes
1832	None
1833	2 pelisse
1834	1 framed painting

From the shopkeepers' perspective, theft represented a very real loss of income. Vendors used a variety of methods to deter and detect would–be thieves. Some put bells on their doors so that, if they were in the back of the shop, no person could come in undetected. Some hired more assistants to watch over their goods and sometimes their premises in the evenings.[39] Employees, however, also represented a potential threat. Between 1815 and 1834, 1,084 employees were tried for embezzlement: 741 men and 343 women.

Table 7: Persons indicted for Embezzlement 1815–1834

	Males	Females
1815	21	10
1816	16	17
1817	26	9
1818	26	15
1819	22	12
1820	16	2

[39] Many shops often stayed open late into the evening.

1821	31	10
1822	24	10
1823	46	10
1824	35	21
1825	28	14
1826	29	11
1827	54	15
1828	47	15
1829	41	33
1830	67	24
1831	60	20
1832	54	40
1833	48	24
1834	50	31
Total	741	343

The Old Bailey cases reveal that the most effective way of stopping thieves was for all shop owners to watch out for each other. In 1815 Stephen Reynolds, age 41, was convicted of stealing ten pairs of stockings from hosier John Ride. A neighbor of the prosecutor saw Reynolds grab the stockings from the shop window. The neighbor, John Brown yelled for the prosecutor and grabbed the perpetrator who attempted to run away. John Brown ran after the prisoner, "closed with him, and threw him down."[40]After the creation of the London police force, officers of the law would also be on the lookout for shoplifters, alerting owners that they had lost property. Francis Keys, officer, testified in 1833 that he had seen Joseph Pearce and George

[40] OBSP, Case 132, 1815.

Gordon enter the shop of Matthew Gooch and attempt to steal the till:

> I watched the two prisoners from Marylebone-street to St. James'; I saw them go into several shops, and at last Pears went into Mr. Gooch's . . . and Gordon stood at the door . . . I asked Mr. Gooch if he missed anything? He said he did not; I said, 'Try your till,' which he did."[41]

Some shop owners may have hired special security, but the Old Bailey records do not confirm this for the majority of shops.

Those attempting to detect and deter shoplifters needed to be ever vigilant, as potential thieves had no specific profile. The youngest person indicted for stealing from a shop between 1815 and 1834 was eight years old, the oldest was seventy-seven. Over seventy-five percent of persons indicted for this period were between the ages of fifteen and twenty-five most of whom were men. This age group might be particularly prone to unemployment or underemployment, or they may have been new to the city having come to look for work, and were stealing to get by until they could find steady jobs. It may also be the case that young people were more susceptible to the changes in consumer culture—easily tempted by the increasing variety of goods available in the metropolis.

[41] OBSP, Case 1522, 1833.

Table 8: Known Ages of Male and Female Shoplifters

Women	Finished Clothes	Clothing Accessories	Cloth	Shoes	Food	Household	Misc.
8–14	7	16	9	7	1	2	11
15–25	34	144	117	45	23	17	34
26–35	25	50	52	17	27	10	15
36–45	24	34	35	17	35	14	12
46–55	14	19	17	9	22	5	4
Over 55	2	6	14	2	15	2	9

Men	Finished Clothes	Clothing Accessories	Cloth	Shoes	Food	Household	Misc.
8–14	55	104	32	76	109	35	143
15–25	263	319	264	282	428	223	528
26–35	50	53	48	50	81	38	73
36–45	30	26	19	28	56	19	46
46–55	18	9	7	14	30	9	32
Over 55	12	11	2	12	29	10	25

The fact that so many of the indicted were "youths," impacted how the justice system responded to the growing number of indictments. Juries seemed to struggle, not with finding young people guilty of the offence, but with sentencing them to the full measure of justice. Shoplifting could carry a sentence of transportation for life, although this tough sentence was reserved for those who were proven to be repeat offenders.[42] The majority of sentences were significantly less harsh. Most of those convicted were sentenced to some form of short-term imprisonment, usually

[42] As with other types of crime, repeat offenders were not well-tracked by the records.

between three months and one year. Age, distress, and future prospects could motivate leniency. In 1831, William Jones stole a ham worth seven shillings from a cheesemonger. He was seventeen years old and the shopkeeper testified that when he asked why the boy had done it, the response was that "he was starved to it." The shopkeeper also stated that he knew the young man's parents had been "well off," but were at the time distressed.[43] The convicted also fared better if they had someone willing to employ them. George Bloom, age 22, stole a fender from a pawnbroker in 1834.[44] At trial it was noted that Bloom's employer, a shoemaker, would be willing to take him back despite his conviction. George Bloom was sentenced to only two days confinement. Emma Maria Smith, age seventeen, was also saved from a hefty sentence when John Langhan told the court that he had spoken to Emma's former mistress who was willing to take her back.[45] Emma received a sentence of fourteen days confinement, on the assumption she would return to her employment.

In the absence of such clear statements, there is really no way to tell why some prisoners received lighter sentences than others, but it does appear that juries and

[43] OBSP, Case 2001, 1831.
[44] OBSP, Case 594, 1834.
[45] OBSP, Case 1097, 1832. He made it clear that the prisoner's mistress operated a "respectable" public house.

judges had some empathy for those indicted for shoplifting, and the variety of sentences bears that out. There was clearly empathy for those who could demonstrate that they had stolen out of necessity, either through testimony, but more often through their demeanor in court. There was also compassion for those who had been indicted for the first time on this charge, suggesting an understanding that so much temptation could easily lead young people into committing a crime.

As consumer culture grew, Londoners grappled with its implications. With a conviction rate for shoplifting of over eighty percent, it is clear that the judicial system wanted to protect those who engaged in commerce. But, juries, justices, and even prosecutors seemed to recognize that so much prosperity, wealth, and goods might be tempting to those who had nothing or those who felt that did not have enough. Consequently, leniency was frequently extended to shoplifters, especially juvenile offenders.

Chapter Four
"You Villain! You Have Robbed Me!"
Stealing from the Person 1815–1834

Pickpockets were among the boldest thieves in London. Categorized as "stealing from the person," this type of crime required close personal contact between perpetrator and victim. This was the case whether the crime was committed by a male or a female. Pickpocketing was also a random crime, meaning, no particular class of people was exempt from the dangers of loosing property from their person.[1] In many ways, it was also an urban crime, requiring crowded streets and an active night life. Men and women charged with stealing from the person between 1815 and 1834 plied their trades in very different ways. Male pickpockets did not know or have significant contact with their victims, while women often consorted at length with the men they stole from. The male pickpocket could rob a person quickly and slip away into the crowded street, while women often required more time to complete the theft. Despite these differences, men and women tried at the Old Bailey shared common traits. The majority of cases involved persons under the age of 30, a cause of concern for authorities and reformers who envisioned a new group of

[1] Between 1815 and 1834, prosecutors ranged in employment from unemployed servants to members of the nobility.

dangerous young people emerging from London's poorer classes. Both men and women faced stiff penalties if convicted, though penalties for each would change over time.

A total of 3,600 men were indicted for pickpocketing between 1815 and 1834.[2] The number per year varies, largely in relation to economic factors discussed in chapter 2, with a spike in 1820 and a consistently high number of indictments between 1824 and 1827. Cases of pickpocketing remained high after 1830, with another noticeable increase in 1832.

Table 1: Total Number of Men Indicted for Pickpocketing by Year

Year	#Indicted	Year	#Indicted
1815	65	1825	210
1816	128	1826	234
1817	156	1827	258
1818	153	1828	182
1819	174	1829	157
1820	261	1830	166
1821	163	1831	195
1822	174	1832	249
1823	167	1833	142
1824	203	1834	163

[2] This total does not include prisoners indicted for stealing items near a person or items that were loose, such as caps and veils. These cases involved actually picking items out of a person's pockets. The distinction is important if one compared this number to the Old Bailey online statistics, as the online site categorizes a variety of cases as *pickpocketing*.

Male pickpockets often operated where there were large crowds of people who would not notice being pushed or shoved. Mrs. Margaret Cameron was watching a funeral procession with her husband when he was robbed of his handkerchief. She stated in court that "several people passed—I felt a little brushing, which I attributed to the crowd."[3] Shortly after, she and her husband, John, were approached by an officer who asked if her husband was missing any property.[4] James Waite passed a crowd gathered around a picture shop in 1815 when he was robbed by John Glover and Joseph Penton. It was not uncommon for pickpockets to work in pairs, or even in small gangs. Mr. Waite testified that the "two prisoners joined their hands . . . and would not let me pass."[5] They pushed him, took his watch and the "cry of stop thief proceeded."[6] The prisoners were stopped shortly afterwards and the watch was returned to the prosecutor.[7] In 1818, the queen paid a visit to the Mansion House. A crowd had assembled to see her. John Carlisle was on patrol during the event and witnessed John Faulkner take the handkerchief an unknown person.[8] In an

[3] OBSP, Case 1564, 1816.
[4] Four men were indicted for this robbery and all were sentenced to transportation for life.
[5] OBSP, Case 536, 1815.
[6] Ibid.
[7] Both prisoners were convicted and transported for life.
[8] OBSP, Case 799m 1818. Because in this case the prosecutor was not known, only the patrol testified at trial. It would be increasingly

1824 case, a house fire drew a crowd of observers. John Barton stopped to look at the event and was robbed of his handkerchief.[9] One street-wise Londoner was passing through a crowd and had taken the precaution of securing his property. Benjamin Hayles told the court in 1825 that he "pressed [his] handkerchief down as close as [he] could into [his] pocket, and kept [his] left hand on it," as he moved through the mass of people.[10] Despite his efforts, William Cook stole his handkerchief.[11]

Pickpockets often targeted fairs and usually worked those events in groups. John Parry attended Harlow Green Fair in 1815. He testified that the fair had drawn a large crowd and that between seven and eight in the evening, he was approached by an officer and told that he had been robbed. William Brook, a constable on watch at the fair, saw one Isaac Davis "take this handkerchief out of Mr. Parry's right pocket."[12] The officer also observed a second man a short distance away "engaged in other pursuits of a

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common for watchman and later, policemen, to testify to pickpocketing offences without having the prosecutor as a witness to either the event itself, or to the identity of the property. The prisoner was convicted and sentenced to transportation for life.

[9] OBSP, Case 1329, 1824.

[10] OBSP, Case 708, 1825.

[11] The prisoner was found guilty and sentenced to transportation for life.

[12] OBSP, Case 641, 1815.

similar kind."[13] Officer John Carlisle was on watch at Bow fair in June 1816. He testified to the following:

> I saw the prisoner in company with two little boys; I was close to him. He shoved the two little boys up against the prosecutor's pocket, and I heard him say, go it, to one of them; neither of the boys appeared to be nine years old; the boys seemed rather timid; and the prisoner seemed very angry, and kept shoving them. Then one of the boys, put his little fingers to the pocket, and raised the handkerchief.[14]

John Brown and William Jackson were tried for stealing a handkerchief from William Culband at Bartholomew Fair in September 1816. Mr. Culband had checked his property before he entered the fair but was robbed of a snuff-box and a handkerchief. Witness Thomas White stated that he saw two young men very close to the prosecutor. Prisoner John Brown took the property and threw it to William Jackson.[15] Thomas Fair was also robbed when he attended Bartholomew's fair in 1827 and testified in the case of Charles Taylor, indicted for stealing a handkerchief from William Wall. Farr stated that "there was a great pressure just after the fair was proclaimed," and, "the pick-pockets were very active."[16]

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[13] Ibid. Only Isaac Davis was convicted. He was sentenced to seven years transportation.
[14] OBSP, Case 787, 1816. Testimony like this would be used in support of the opinion that very young boys were being recruited by older thieves and taught the trade. The prisoner Isaac Smith was 18 years old and was convicted. He was transported for life.
[15] Ibid.
[16] OBSP, Case 1621, 1827. Charles Taylor was convicted and sentenced to seven years transportation.

Pickpockets overwhelmingly stole handkerchiefs, in part, because a man's handkerchief would usually be carried in an easily accessible pocket and could be taken from behind. Handkerchiefs were an easier mark than a heavier item, such as a snuff-box or a watch, and were less likely to be traced. Watches and money, which would often be hidden in a hat, a sock, or a snuff-box, were more difficult items to steal. Table 2 provides the items stolen by those indicted for pickpocketing. "Watch Accessories" refers to seals, keys, chains, and watch cases. Miscellaneous items might include pencil cases, snuff-boxes, and spectacles.

Table 2: List of Items Stolen by Each Man Indicted for Pick-Pocketing

	Watches	Watch Accessories	Handkerchiefs	Money	Pocket-books	Misc
1815	17	4	23	9	3	9
1816	22	6	48	27	4	21
1817	37	5	69	25	3	17
1818	26	4	66	36	5	16
1819	38	4	90	22	2	18
1820	89	25	106	22	2	17
1821	25	4	75	41	3	15
1822	27	11	100	22	3	11
1823	18	6	97	29	1	16
1824	18	5	126	30	0	24
1825	17	2	142	24	2	23
1826	20	7	161	33	0	13
1827	33	6	126	48	5	40
1828	25	2	127	24	0	4
1829	12	2	129	11	0	3
1830	10	1	129	14	1	11
1831	11	2	154	18	0	10
1832	27	1	185	29	0	7

1833	14	1	117	8	0	2
1834	7	2	141	4	1	8

Stealing a man's watch was significantly more dangerous and difficult than taking a handkerchief as it often involved direct confrontation. James Clark was indicted for stealing a watch from Matthew Bainbridge. He was walking along Bishopsgate-street around seven o'clock in the evening when "a person passed off the curb-stone, close before [him]."[17] Before long, he was surrounded by "five or six persons" who pushed him against a wall, while James Clark took his watch.[18] Michael Lowrie told the court a similar story. He was walking through Tothill Street in the evening and "met the two prisoners in the passage."[19] The prisoners, George Henry and John Walters, pushed against him several times and took his watch.[20]

When a victim felt the person stealing goods, it was typical to try to seize the perpetrator on the spot. William Goldsworthy testified to the following:

> The prisoner came against me, as I supposed by accident—I drew aside for him to pass; at that moment I felt my watch drawn out of my pocket, and said, "You villain, you have robbed me!" Before I could well utter the words he was off. I followed him up Black

[17] OBSP, Case 47, 1817.
[18] James Clark was convicted and sentenced to transportation for life.
[19] OBSP, Case 128, 1817.
[20] Both prisoners were convicted and sentenced to transportation for life.

> Horse-yard, and called out, Stop thief! He ran too fast for me.[21]

The prisoner was stopped soon after and the watch was found.[22] James Whiffing Pualin was standing on a street corner when he felt his watch being "drawn" from his fob.[23] He immediately grabbed the hand "and caught the prisoner by the sleeve."[24] In 1830 Thomas Barnewall "felt [his] silver snuff-box going from [his] outside coat pocket."[25] He "rushed forward and seized him."[26]

It was not uncommon for watchmen, and later, policemen, to observe a robbery in progress. Officer William Marchant testified that he saw three suspicious persons intently watching "several gentlemen's pockets."[27] He followed them and saw one steal a handkerchief. All three prisoners were convicted solely on the watchman's testimony. Thomas Thompson gave similar testimony the same year: "I saw the prisoner very active in attempting people's pockets; I watched him for a few minutes, and then lost him."[28] After he caught up with the prisoner, he

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[21] OBSP, Case 1475, 1816.
[22] David Warden was convicted and sentenced to seven years transportation.
[23] OBSP, Case 265, 1817
[24] Ibid. William Martin was convicted and sentenced to transportation for life.
[25] OBSP, Case 1486, 1830.
[26] Ibid. The prisoner was found guilty and sentenced to transportation for life.
[27] OBSP Case 1478, 1817.
[28] OBSP, Case 1552, 1817.

continued to observe him as he "put his hand into the prosecutor's pocket and took the handkerchief out."[29] Officers William Barrett and George Vaughan were walking in Holborn when they observed several men acting suspiciously. Mr. Barrett reported the following to the court in 1815:

> I observed Newman make up close behind a gentleman, the other covering him. I saw Newman put his hand into a gentleman's pocket, and I suspected that he had taken something out. Vaughan at that time crossed the road, and I feared they should see him. They went a little further close to the side of Elyplace, and there attempted the pocket of another gentleman. They both continued in company, and turned up Union-court, Holborn Hill, which leads to Field-lane, towards a noted receiving house. Vaughan and I followed them. Newman was just going in at the door, when I ran forward, and seized hold of him, and Vaughan seized hold of the other prisoner. Newman at the same moment, dropped a handkerchief, and on searching him, I found another, and a knife.[30]

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[29] Ibid. Two prisoners were convicted and sentenced to transportation for life.

[30] OBSP, Case 154, 1815. This case provides interesting insight into how much power officers had. The case was unique in that the prisoners were tried for attempting to pick a pocket, not for actually succeeding. According to the record, attorney Mr. Adolphus objected to the indictment, raising the following issues: "Mr. Adolphus, on the part of the prisoners, objected to the foundation of this indictment, and conceived that nothing could be made of it at all, because the indictment stated, that they put and placed themselves close by a certain person unknown, and that one of them put his hand into the pocket of a coat . . . with intent the goods and chattels therein . . . to steal. When, for ought any one knew to the contrary, there was nothing in the pocket at all." He also contended that the officers in the case had no power to act in the way that they did, arguing that the law allowed the officers only to charge the men with vagrancy. Attorney Mr. Reynolds countered that the "attempt to commit a felony was an offence, and that the quoanimo [sic] was the principle thing to be looked at." In the end, the "Court, was of the opinion, that the argument of the Learned Gentlemen who was concerned for the prisoners was invalid." The argument of Adolphus, however, may have swayed the jury as the prisoners were found not guilty.

Men brought to trial for pickpocketting were generally under the age of thirty. The youngest offenders tried were eight years old, and a majority of indicted men were under twenty-five.

Table 3: Known Ages of Men Indicted for Pickpocketing

	1815	1816	1817	1818	1819	1820	1821	1822	1823	1824
8–14	5	14	14	10	10	17	7	13	22	14
15–20	18	33	41	51	84	126	55	83	60	106
21–25	11	19	24	32	27	36	27	16	21	12
26–30	9	12	7	11	8	12	8	10	8	2
31–35	1	4	6	3	3	2	3	0	1	0
36–40	1	8	0	3	2	7	2	3	2	1
41–45	0	4	3	2	1	0	2	1	1	1
Over 45	3	8	6	2	2	2	2	4	2	1

	1825	1826	1827	1828	1829	1830	1831	1832	1833	1834
8–14	27	23	27	24	17	21	18	42	14	22
15–20	96	119	113	89	86	88	110	143	79	113
21–25	17	22	32	23	25	26	27	30	20	24
26–30	10	9	12	6	6	5	9	11	4	2
31–35	3	0	3	2	1	0	2	3	0	7
36–40	0	4	0	2	2	2	0	3	2	0
41–45	0	1	0	0	0	1	2	0	0	0
Over 45	2	0	0	1	2	0	0	1	2	0

The age distribution of men indicted remained constant, with the largest number falling between the ages of fifteen and twenty. There was an increase over time in the number of indictments of young boys, between the ages of eight and

fourteen.[31] Those aged twenty-six to thirty made up the third largest group.

The overall youth of offenders concerned contemporaries, as a new notion of juvenile delinquency was developed, especially by reformers. An interesting commentary on the rise of youthful offenders was published in 1833. Written by Thomas Wontner, the *Old Bailey Experience: Criminal Jurisprudence and the Actual Working of our Penal Code of Laws*, provided readers with an insider's view of one man's experiences in Newgate Prison. Thomas Wontner was imprisoned for three years in Newgate where he "had the opportunity of strictly examining more than a hundred thieves, between eight and fourteen years old, as to the immediate cause of their becoming thieves."[32] Wontner suggests that the seeds of criminal behavior began at home, arguing that the "children of the poor are . . . brought up in ignorance, and are exposed to every evil and vicious example, which places them in situations of strong temptation, to join those already engaged in crime."[33] S. Wilderspin, master of Spitalfields Infant School echoed the

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[31] The youngest indicted was eight years old. It is likely that anyone younger would not have been brought to trial.
[32] Thomas Wontner, *Old Bailey Experience. Criminal Jurisprudence and the Actual Working of Our Penal Code of Laws. Also, An Essay on Prison Discipline, to which is Added a History of the Crimes Committed by Offenders in the Present Day.* (London: James Fraser, Regent Street, 1833), 16.
[33] Ibid, 3.

sentiment in *On the Importance of Educating the Infant Poor*. He argued that

> If anything were wanting, to prove the utility, indeed I may say the necessity, of establishing Infant Schools in every part of the kingdom . . . . I might refer to the alarming increase of juvenile offenders, hundreds of whom carry on schemes that have the most direct tendency to them [sic], not only as they advance in years very dangerous members of society, but what are termed experienced thieves.[34]

He made the same connection between crime and poverty as Wontner and argued that it was a public duty to educate the poor for the good of the nation. He went to say that by housing and educating the children of the poor, the children at risk would be saved from "falling into the hands of evil and designing persons, who make their living by encouraging the children of the necessitous poor to commit crimes."[35] Volume 12 of the *British Review and London Critical Journal*, published in 1818, contained an article on juvenile delinquency that considered a "discovery of a widely spread organized system for education in vice."[36] The author attributed the rise in juvenile crime to lack of employment and education.[37]

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[34] S. Wilderspin, *On the Importance of Educating the Infant Poor from the Age of Eighteen Months to Seven Years* (London: Printed for W. Simpkin & R. Marshall, 1824), 96.
[35] Ibid, 97.
[36] *The British Review and London Critical Journal, vol. 12* (London: Printed for Baldwin, Cradock, and Joy, 1818), 303.
[37] Ibid.

Peter King argues in his recent work, *Crime and the Law in England, 1750-1840,* that "by the mid-nineteenth century juvenile delinquency was established as a major focus of anxiety among the propertied, and separate penal policies and trial procedures for young offenders were being introduced for the first time."[38] He finds that the new concern with juvenile delinquency in the period "may initially have been partly due to the publicity skills of a highly active body of London-based Quakers, evangelicals and other philanthropists."[39] This argument is convincing, especially as men like Thomas Buxton and his friends found the proximity of young criminals to veteran offenders troubling.[40] As indicated by Peter King, the period 1815-1834 represents a transition in ideas on juvenile offenders. No major legislation occurred until over a decade after the period ended. What did occur was what King calls, "justice from the margins." The courts were clearly trying to grapple with a growing number of young offenders who faced, if the law was carried out strictly, very harsh

[38] Peter King, *Crime and the Law in England,* 73.
[39] Ibid, 105.
[40] See also, Heather Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (Rochester, NY: The Boydell Press, 1999); Yale Levin, "The Treatment of Juvenile Delinquency in England during the Early Nineteenth Century," *Journal of Law and Criminology* 31, no.1 (May-June 1930): 38-54.

sentences. A study of the sentences of convicts illustrates the point.

Table 4: Sentences for All Men Convicted of Pickpocketing

	1815	1816	1817	1818	1819	1820	1821	1822	1823	1824
Judgment Respited	7	9	3	2	1	2	1		3	2
Fined 1 Shilling and Discharged		1	4		1	4		2	6	1
Whipped and Discharged	1	1	1		1	1	3	6	4	1
Confined 1 Week and Whipped										1
Confined 14 Days										1
Confined 14 Days and Fined 1 Shilling	1									
Confined 1 Month			1					1	4	3
Confined 1 Month and Fined 1 shilling		1								
Confined 1 Month and Whipped	1			1			2			1
Confined 6 Weeks								2		
Confined 2 Months				2					4	4
Confined 2 Months and Whipped	1	4					3			2
Confined 3 Months			4	4	1		1	4	4	6
Confined3 Months and Fined 1 Shilling	1	4								
Confined 3 Months and Whipped		3	1		1	4	2	2	1	3
Confined 4 Months						1				
Confined 6 Months			6	4	4	5	3	2	4	7

Confined 6 Months and Fined 1 Shilling	1	6	2							
Confined 6 Months and Whipped	4	3	3		2	2	2	3	2	
Confined 1 Year			1		1		1	1	9	5
Confined 1 Year and Fined 1 Shilling	3									
Confined 1 Year and Whipped	1	2	2	1		3	2	7	3	1
Confined 2 Years	1		1						2	
Confined 2 Years and Fined 1 Shilling	1	2								
Confined 2 Years and Whipped		2						1		
Confined 3 Years						1				
Transported 7 Years	11	24	29	22	25	26	10	11	23	51
Transported 14 Years						1	2	1	4	6
Transported for Life	17	45	63	80	100	156	77	88	56	43

	1825	**1826**	**1827**	**1828**	**1829**	**1830**	**1831**	**1832**	**1833**	**1834**
Judgment Respited	1	4	5	6	3	4	7	5	1	5
Fined 1 Shilling and Discharged	1	2	4	1	1	3	2	3	1	
Whipped and Discharged	9	13	6	8	12	5	6	13	1	
Confined 1 Day										2
Confined 1 Week							1	2		
Confined 1 Week and Whipped										1
Confined 3 Days										1
Confined 6 Days										1

Confined 7 Days			1							
Confined 6 Days and Whipped										1
Confined 10 Days								1		
Confined 10 Days and Whipped								2		
Confined 14 Days	1	2				1		3		
Confined 14 Days and Fined 1 Shilling										
Confined 14 Days and Whipped								2		
Confined 3 Weeks									1	
Confined 1 Month	3	2	4	2			2	2	1	
Confined 1 Month and Fined 1 shilling										
Confined 1 Month and Whipped		1	1	1	1	1	3	1		
Confined 6 Weeks			4				1	2		2
Confined 2 Months	3	1	6	3	2			1		
Confined 2 Months and Whipped	2		1							
Confined 3 Months	16	11	8	5	4	6		11	8	15
Confined3 Months and Fined 1 Shilling							21			
Confined 3 Months and Whipped	4	3	3	3	2		2			
Confined 4 Months	1	2	1			2				
Confined 6 Months	7	12	22	6	3	7	10	22	13	26
Confined 6 Months and Fined 1 Shilling										

Confined 6 Months and Whipped							2			
Confined 9 Months							1		1	6
Confined 1 Year	4		5	4	4	1	3	2	1	6
Confined 1 Year and Fined 1 Shilling										
Confined 1 Year and Whipped	1									
Confined 16 Months				1						
Confined 18 Months			1	1						
Confined 2 Years	1									
Confined 2 Years and Fined 1 Shilling										
Confined 2 Years and Whipped										
Confined 3 Years										
Transported 7 Years	32	53	49	29	20	26	35	81	45	84
Transported 14 Years	13	21	36	45	44	55	24	37	35	20
Transported for Life	59	53	38	36	48	35	55	46	15	3

Clearly the punishment of transportation remained prominent throughout the period. However, after 1820, there was a significant shift in the term of years convicts would have to serve. Transportation for life became less common, replaced by shorter terms of seven or fourteen years. Both tables reveal a significant amount of discretion in sentences. Punishments varied greatly with some prisoners receiving a small fine while others were given the heaviest

penalty, transportation for life. Also evident, is an increase in the use of imprisonment, usually ranging from two months to one year, with imprisonment becoming more common after 1824. It is not the case that lighter sentences were always handed down to the most youthful offenders. Instead, it seems that the court judged juveniles on a case by case basis, perhaps contingent on whether or not the prisoner could be reformed.

Females tried for "stealing from the person" often operated in different ways than their male counterparts and were treated differently by the court.

Table 5: Total Number of Women Indicted for Pickpocketing

Year	Women Indicted	Year	Women Indicted
1815	39	**1825**	79
1816	41	**1826**	67
1817	65	**1827**	98
1818	43	**1828**	91
1819	58	**1829**	81
1820	61	**1830**	86
1821	52	**1831**	84
1822	70	**1832**	67
1823	65	**1833**	70
1824	56	**1834**	41

Between 1815 and 1834, 1223 women were tried for pickpocketing. In over ninety percent of these cases, the prosecutor was a man, and in over seventy-five percent of these cases, the prosecutor and defendant shared time together—either consorting around the city's public houses

or engaging in sexual intercourse--which suggests that most of the women participating in this crime made their living from either occasional or full-time prostitution.

The women indicted in these cases were, by and large, under the age of forty. As shown in Table 6, the majority were between the ages of fifteen and twenty-five, again making this a crime perpetrated by younger women.

Table 6: Known Ages of Women Tried for Pickpocketing

	1815	1816	1817	1818	1819	1820	1821	1822	1823	1824
15-20	2	6	12	1	9	9	2	10	9	8
21-25	3	5	9	4	8	8	6	10	9	8
26-30	0	5	3	5	13	5	3	9	6	5
31-35	4	4	2	1	1	3	1	3	2	3
36-40	3	3	5	2	2	5	3	4	5	2
41-45	2	1	1	1	0	1	1	2	1	0
Over 45	2	1	0	0	1	1	1	2	2	4

	1825	1826	1827	1828	1829	1830	1831	1832	1833	1834
15-20	13	17	19	11	14	15	12	18	15	11
21-25	7	13	26	14	9	14	25	19	14	5
26-30	6	7	14	16	6	16	11	10	10	8
31-35	5	2	8	2	7	4	5	2	3	5
36-40	3	1	2	3	1	2	2	4	5	4
41-45	1	0	0	1	2	1	0	1	0	0
Over 45	1	2	1	1	1	0	1	1	1	1

Historian Tony Henderson has investigated prostitution in *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis 1730-1830.* He points out that prostitution was a trade run primarily by women, and that organized prostitution, in the modern

sense, did not exist in the period. He argues that while "houses with a resident keeper . . . enjoying full control over the activities of a staff of women did exist," only a minority of prostitutes operated out of such houses.[41] This is supported by Old Bailey records which reveal that it was more likely for a sexual liaison to take place in a dark alley, a courtyard, or a rented room, than in an organized house. References to "bawdy houses" do occur, but they are infrequent and usually mentioned when a man was kicked out of a room by someone other than the woman with whom he entered.

Henderson suggests that "once a customer had been attracted a choice then, in theory, had to be made between a variety of locations."[42] He argues that the choice was, by and large, dictated by financial restrictions. If the couple did rent a night's lodging, it fell to the customer to pay both for the bed and for the company of the woman.[43]

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[41] Tony Henderson, *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis 1730-1830* (New York: Longman, 1999), 28. See Also Paul McHugh, *Prostitution and Victorian Social Reform* (New York: St. Martin's Press, 1980); Frances Finnegan, *Poverty and Prostitution: a Study of Victorian Prostitutes in York* (New York: Cambridge University Press, 1979); Ivan Bloch, *Sexual Life in England: Past and Present* (Royston: Oracle, 1996); Judith R. Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late—Victorian London* (London: Virago Press, 1992; *The Streets of London from the Great Fire to the Great Stink*, edited by Tim Hitchcock and Heather Store (London: Rivers Oram Press, 2003); Trevor Fischer, *Prostitution and the Victorians* (New York: St. Martin's Press, 1997).

[42] Ibid, 31.

[43] Henderson finds that determining what type of house couples would occupy is difficult. He writes that "the distinction between public

Once the deal was made and a location secured, the issue of payment needed to be determined. Henderson found that the price of companionship varied greatly. He suggests the following:

> In part, at least, the price charged by a prostitute might depend upon whether the woman was hiring out her experience or skills, her physical attractiveness, youthfulness or companionship, or some other quality. More important than any of these . . . was the precise nature of the sexual act itself.[44]

While the Old Bailey records rarely reveal anything specific about the sexual acts performed, there is often mention of how long the man was with the woman. It was likely that a man who wanted to spend the entire evening with a prostitute would pay more than a man who preferred a quick exchange in an alley.[45] A prostitute might expect to receive anywhere from 6d. to 6s., but often accepted property in place of cash.[46] Some women supplemented such payments with theft.[47]

Some women stole in ways similar to men. In some cases, it may have been easier for a prostitute to pick a

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house, hotel and lodging house seems frequently to have been more than nominal. Public houses . . . commonly offered room for temporary hire . . . while lodging houses might let their rooms by the night or even by the hour as required." Tony Henderson, *Disorderly Women*, 33.

[44] Ibid, 36.

[45] A range of five to twenty minutes was typical.

[46] As will be considered later, women often received considerable amounts of alcohol and, sometimes, food. This may account for the lack of reference to sums of money.

[47] For a discussion of why women entered the prostitution trade see Bridget Hill, *Women Alone: Spinsters in England 1660-1850* (New Haven: Yale University Press, 2001).

man's pocket as it would not have been uncommon for a man to be accosted in the street. John Thorn was walking home when "a woman come rushing up" against him.[48] When he reached his door, he missed his money.[49] William Waters had been out drinking with friends in 1821, when Mary Burtonwood with two other women "clasped us round."[50] Ms. Burtonwood was attempting to pull his watch out of his pocket. She was found guilty and transported for life. Mary Norris asked John Scott what time it was. When he pulled his watch out to tell her, "she snatched it out of [his] hand."[51] Alexander Cowie told the court in 1822 that Maria Rix "ran up, and caught hold of [his] watch chain, and asked if [he] was going to treat her."[52] She was already pulling his watch when he refused her.

A woman had more reason to have her hands about a man's body. Sophia Brown, convicted in 1822 of stealing a purse and money from John Stagg, went up to him in the street "pretending fondness," as she robbed him.[53] Women, like men, often operated in groups of two or more. Martin Stoll prosecuted three women for stealing his money in

[48] OBSP, Case 927, 1816.
[49] Ibid. Christiana Abraham was convicted and sentenced to seven years transportation.
[50] OBSP, Case 767, 1821.
[51] OBSP, Case 734, 1820.
[52] OBSP, Case 1324, 1822.
[53] OBSP, Case 1307, 1822.

1815. He told the court that as he was on his way home he saw "four women standing at the bottom of Stonecutter-street," the prisoner and others. [54] When he walked by them "Ann Turner put her arm round [his] waist, thrust her hand into [his] pocket, and took his money out, handing it to the fourth woman, who made off."[55] Only Ann Turner was convicted of the theft.[56]

Men could be particularly vulnerable to theft if they were drunk, unfamiliar with the city, or from out of town. An Austrian officer was robbed by Mary Price and Elizabeth Mash in 1819. Francis Lutz told the court that he met the prisoners at twelve in the morning when "they took hold of me, and took me into a passage, and made signs that they wanted something to drink. They then took me into a house."[57] When he realized that his situation was precarious, as the house was not public, he tried to get away. The women followed him out and threw him "against a wall," taking his pocket book, his money, and four of his medals.[58] A watchman testified that he knew the women on

[54] OBSP, Case 695, 1815.
[55] Ibid.
[56] She was sentenced to seven years transportation.
[57] OBSP, Case 103, 1819.
[58] Ibid.

trial and told the court that "they are always about there together, at every hour of the night."[59]

Pensioner John Smith made the mistake of drinking too much and passing out at a public house. He was robbed of his money when he fell asleep.[60] Thomas Pizzey faced a similar situation when he "fell asleep on a step."[61] He woke up missing his handkerchief. The prisoner, Susan Richardson claimed he had gone home with her and "gave [her] a handkerchief instead of money."[62] The jury did not believe her and sentenced her to transportation for life.

Men risked being robbed even when they refused a woman drinks or company. Musician James Dew was having a meal at an eating-house. He did not like the food and gave it to the prisoner as he left. She followed him, asked him for some gin, and, when he refused, grabbed his watch.[63] In 1819, James Hillier was accosted by Mary Murray around twelve o'clock in the morning. He stated at trial that she "caught hold of my arm, pulled me into a court in Golden-lane, and asked me to go with her—I refused. She then

[59] Ibid.
[60] OBSP, Case 340, 1820.
[61] OBDP, Case 1133, 1820
[62] Ibid.
[63] OBSP, Case 438, 1817. In this case there was some question about whether or not Mr. Dew was intoxicated and the prisoner was found not guilty.

pulled my watch out, and ran into a house."[64] In another case that year, Sarah Collins accosted James Adlard. He told her that he did not have any money and stated that she "then snatched my watch."[65]

If a man agreed to a connection with a women of the town, he opened himself up to theft in a variety of ways. It was fairly common for a man to testify that he went home with a woman, spent some time with her—either drinking or engaging in sexual activity—and woke up alone and missing his belongings. John Dean had accompanied Sarah Bennett to her room in 1816. He told the court the following: "I agreed to stop the night with her, and went to bed. I awoke about twelve o'clock, and missed my property, and she was gone also."[66] Maria Bishop took John Dempsey to her room in 1819. They shared some gin together, and she went out for more alcohol. She never returned. She had robbed him of his watch and his money.[67] Daniel James related a similar story to the court the same year. He went to a room with Isabella Setan. They drank together and went to bed, but in the

[64] OBSP, Case 17, 1819. In this case the prosecutor admitted that he was not sober when it happened and Mary Murray was found not guilty.
[65] OBSP, Case 519, 1819.
[66] OBSP, Case 592, 1816.
[67] OBSP, Case 113, 1819.

night she left.[68] When he woke up he was missing all of his money. Thomas Prior told a similar story in 1820:

> About eight o'clock in the evening, I was in Whitechapel, going home; the prisoner, Bryan, accosted me with a tale of distress, and asked me to relieve her—I said I would have nothing to do with her. She said, if I would come to her lodgings, she would shew me her distressed state, which would move me to relieve her. She took me to a room in the second floor in Charlotte-yard, she opened the door—I saw it was a miserable place, and had no furniture. I gave her a shilling and immediately upon which Williams came with a similar tale. I began to think I was in a dangerous situation, and gave her 18d. Immediately after a Mulatto came, blew the candle out, laid hold of me, threw me on the floor, and robbed me.[69]

The jury was either unconvinced of his story, or perhaps believed the "mulatto" was responsible. Both women in the case, Eleanor Bryan and Sarah Williams, were found not guilty. William Walker went home with Maria Bishop in 1820. He testified that "we got there about eleven o'clock, and I went sleep."[70] When he woke up she was gone as was his coat, pocket-book, watch, beef, and money.[71] James Dix went home with Lucy Payne in 1821. He told the court that when he awoke "she was gone,"[72] and Anthony Budd related the following to the court in 1815:

> I am a journeyman carpenter, and live at Highwood-hill, in the parish of Hendon . . . . I spent that

[68] OBSP, Case 287, 1819.
[69] OBSP, Case 124, 1820.
[70] OBSP, Case 562, 1820
[71] Ibid. Maria Bishop was sentenced to seven years transportation.
[72] OBSP, Case 842, 1821. Lucy Payne was convicted and sentenced to seven years transportation. She had taken a broach and his money.

> evening with a friend, whom I quitted at about two o'clock in the morning . . . when I had all my property safe. I knew very well what I was about. The bank tokens were loose in my coat pocket. I wanted to go to Covent Garden to my lodgings, but not knowing my way, I asked a watchman, and then the prisoner Elizabeth Lowe, and another girl, came up, and said they would show me the way. I went with them . . . . Elizabeth and I lay down on the bed and I fell asleep.[73]

When he woke up the next morning he "jumped out of bed to see what o'clock it was, but [his] watch was gone."[74] He had also been robbed of his money.

Men also risked being robbed by others in the house. Robert Elliot went home with Ann Norton. Elliot testified that a "man came into the room, and gave me a violent blow," and that the prisoner "threw a poker," at him.[75] Ann Norton claimed in her defense that he had given her "3s. 7d., and afterwards asked me for it again." When she refused, Elliot attacked her.[76] Ann Norton was found not guilty. William Bruce went home with Fanny Williams in 1824. He paid her 6s. for her services and the room. Sometime while he slept, she took his bag and money. Bruce told the court that he "was awoke by two men in the room."[77]

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[73] OBSP, Case 802, 1815.
[74] Ibid. Elizabeth Lowe was found guilty and sentenced to one year's confinement and a fine of one shilling.
[75] OBSP, Case 290, 1819.
[76] Ibid
[77] OBSP 843, 1824.

Fanny Williams was nowhere to be found.[78] John Titmar was also robbed in the night after having slept with Ann Green. He told the court that he "got up, and felt about for [his] clothes, and [he] found them all safe except [his] braces."[79] He had lost twenty shillings. After getting dressed, he found that he was locked in the room. He testified that he "knew what sort of a neighborhood [he] was in, and did not like to make a noise."[80] A man let him out of the room, but would not give him any information on the women he was with.[81] Roger Kayne "fell in with" Mary Ann Cafrey in 1816. He "agreed to pay her three shillings for the bed and herself."[82] When he woke up, his belongings were missing and "two men came up to the room to send [him] out."[83]

Some men went home with a woman for purposes of having sex but were robbed before that could happen. Mary Smith took Philip Olwell to a house. They decided to get some gin and she asked him for the time. The prosecutor told the court that he took his watch out and "she snatched it from

[78] Ibid. Fanny Williams was convicted and sentenced to seven years transportation.
[79] OBSP, Case 89, 1816.
[80] Ibid.
[81] Anne Green was found guilty and sentenced to seven years transportation.
[82] OBSP, Case 899, 1816.
[83] Ibid. Mary Ann Caffray was convicted and sentenced to seven years transportation.

my hand, and ran downstairs."[84] Richard Wright "met the prisoner in Drury-lane"; he went with her to a room and "gave her some money to fetch gin."[85] He fell asleep in the room before she returned and woke up missing his watch and his money.[86]

Male victims of this type of theft gave several reasons for their actions. Henry Fielding Corfe was robbed of twenty-eight pounds by Emma Smith and Mary Byrne in 1820. He related the night's events as follows: "About half-past eleven o'clock at night I was going to my lodgings—the prisoners accosted me in Brydges-street, and solicited something to drink. I wished them to pursue a better course. Smith said she should be very happy to do so, but was afraid her friends would not take her back."[87] Mr. Corfe was so concerned about the women that he "walked with them, conversing on that subject."[88] He went to a house with them where he remained three or four hours. When cross-examined on the length of his "moral lecture," Mr. Corfe replied that nothing untoward happened and that he was a "married man."[89] Whether the jury believed his story

[84] OBSP, Case 479, 1820.
[85] OBSP, Case 1331, 1821.
[86] Mary Davis was found not guilty.
[87] OBSP, Case 1163, 1820.
[88] Ibid.
[89] Ibid.

or not, the women received the very light sentence of a fine of one shilling.

Men often told the court that they were drunk when robbed. William Pratt, for example testified that he had met the prisoner at a public house and drank with her: "I had met her in Broadway, I was intoxicated, and found myself with her next morning."[90] Admitting drunkenness more often than not worked against the prosecutor, and certainly so in this case. Mary Weatherhad, who was charged with stealing Mr. Pratt's watch, stated in her defense that "he kept me company from Wednesday till Friday, and told me to pawn the watch or he would not pay for the ale."[91] As Mr. Pratt was so intoxicated that he could not remember, Mary Weatherhead was found not guilty.

Though in most cases, men did not give reasons for engaging female company, occasionally there were denials of actual sexual intercourse. Richard Gratton testified in 1821 that Eliza Ebbs had "made a most indecent proposition" to him, which he refused.[92] The Old Bailey record, however, includes the following: "the Court having the depositions before them which were taken before the Magistrate, questioned the prosecutor as to whether certain indecencies

[90] OBSP, Case 157, 1821.
[91] Ibid.
[92] OBSP, Case 1149, 1821.

had not taken place, which he positively denied although he had so deposed before the magistrate."[93] Eliza Ebbs was found not guilty of stealing his watch. It was also not uncommon for men to say that they did not undress, or that their clothing was not altered in any way. John Morgan told the court in 1829 that while he had stopped in a "passage" with the prisoner, Caroline Knight, "nothing was done to my dress by myself or her."[94] Very rarely were male prosecutors asked about their marital status.

The fact that so few men bothered to excuse their connections with women of the town, and that the court seemed unconcerned about fidelity, suggests that prostitution was recognized as legitimate. Bridget Hill finds that "prostitutes were not always ostracized by their contemporaries and the fact of their having been prostitutes does not seem to have prevented them getting married and leading happily married lives."[95] She goes on to argue that "many prostitutes seem to have been fully accepted by their neighbors."[96] Some men were quite forthright about their encounters. James Havard prosecuted Eliza Prothero for stealing his watch and money in 1830. He told the court that he had known the prisoner since 1825

[93] Ibid.
[94] OBSP, Case 1725, 1829.
[95] Bridget Hill, *Women Alone*, 11.
[96] Ibid.

and that he "was on the same terms with her that any man would be with a prostitute."[97] He next stated that he was "married," but his wife was only aware of the connection after he had called in the police.[98]

Table 7 includes all occupations revealed by the testimony. Prosecutors ranged from unemployed men to business owners. Sailors, mariners, tailors, and carpenters were particularly prone to be victimized by this type of theft. What is missing from the list are upper—class men. Perhaps this indicates that more prosperous men would have visited prostitutes in better sections of town. It was also likely that consorts of upper-class men would have been paid significantly more than the average woman of the town. Would-be thieves may also have been intimidated by the social status of well-to-do clients.

Table 7: Known Occupations of Male Prosecutors

	"Farming Man"		Furrier	2	Shipwright
	"not in business"	2	Gardener	9	Shoemaker
	"Old Officer"		Gas-Worker		Shop Worker
	"Old Soldier"		Gentleman's Coachman		Shopman
	"Out of Place"		Gentleman's Servant		Silk Weaver
	"Out of Place"		Glass Cutter		Silk-Mercer
	"Sells fruit about the country"	2	Glazier		Single Woman out of place

[97] OBSP, Case 363, 1831.
[98] Ibid. The prisoner was found guilty and sentenced to transportation for life.

3	Agent		Glover		Skinner
3	Apprentice		Gold and Silver wire Drawer		Slopseller
3	Attorney	3	Grocer	5	Smith
	Auctioneer	5	Groom	9	Soldier
	Austrian Officer	2	Haberdasher	3	Solicitor
	Back Maker		Hackney Coachman		Sorts letters at Post Office
5	Baker	7	Hair Dresser		Stamper
	Ballast Heaver	2	Harness Maker		Statuary Mason
	Ballast Man	4	Hatter	2	Steward
	Bargeman	2	Hawker	3	Stone Mason
	Barrister		Horse Dealer	2	Sugar Baker
	Belongs to a brig		Horse Keeper	2	Surveyor
	Belongs to a ship		Hostler	30	Tailor
	Boat Maker		Housekeeper		Tallow-Chandler
3	Boatman		in colonial office		Thames Police Officer
	Book Binder		In the Navy		Tide Waiter
2	Book Keeper		In the Silk Line		Timber Merchant
2	Bookseller		Insurance Broker		Tobacconist
	Boot and Shoemaker	5	Jeweller	2	Toll-collector
	Boot Closer		Jobbing Gardener		Traveller
	Breeches Maker	4	Journeyman Baker		Type Founder
	Brewer's Servant	2	Journeyman Bricklayer		Unemployed Clerk
	Brick Maker	7	Journeyman Carpenter		Unemployed Coachman
9	Bricklayer	2	Journeyman Hatter		Unemployed Coachman
2	Bricklayer's Laborer		Journeyman Ironmonger		Unemployed Servant
	Brickmaker		Journeyman Silkweaver		Unemployed Servant
2	Broker		Journeyman Stone Mason		Unemployed Servant
5	Butcher	4	Journeyman Tailor		Upholsterer
9	Cabinet Maker		Keeper of a Public House		Vetrinarian

2	Canal Boatman		Keeps a Coal Shed		Waggoner
	Captain in Newcastle Trade		Keeps a School	4	Waiter
2	Captain of a Ship		Keeps a stuff shop		Warehouseman
	Captain of Vessel		Keeps an Eating-house		was a farmer-lost his lease
3	Carman		Keeps beer and porter shop		Watch Guilder
31	Carpenter	2	Keeps Chandler's Shop	6	Watch Maker
	Carpenter and Builder		Keeps Coal Shed		Watch Spring Maker
	Carter		Keeps Public House		Watchcase-maker
2	Carver	39	Laborer	2	Watchman
3	Chair Maker	2	Lighterman	2	Waterman
3	Cheesemonger	3	Linen-Draper		Willow-weaver
3	Chelsea Pensioner		Livery Stable Keeper		Window Blind Maker
	Chemist and Druggist		Looking-glass maker		Wire Worker
4	Clerk		Makes Nails		Woollen Draper
4	Clothier		Manufacturer of gold and silver lace		Working Silversmith
	Coach Builder	21	Mariner		Works at Distillery
2	Coachmaker		Mason		Works at Nursery
2	Coachman		Master Chimney Sweep		Works at Opera House
	Coachsmith		Master Mariner		Works at Pottery
2	Coal Merchant		Master of a Ship		Works at Scagliola Works
	Coal Meter		Master of a Ship		Works at Treasury
2	Coal Porter	4	Master of a Vessel		Works for East India Co.
	Coal Whipper	2	Master of Brig		Works for East India Co.

	Colour Manufacturer		Mate of Ship		Works for Upholsterers
2	Compositor		Medical Student		Worsted Manufacturer
	Cook		Merchant		
	Cooper		Musician		
	Copper Plate Printer		Musician		
	Coppersmith		Navigator		
	Cordwainer		No Profession		
	Corn Chandler		Occasional Coachman		
	Cow Dealer		Ostler		
	Cowkeeper		Out of Business		
	Custom's Officer		Out of Employ		
2	Cutler	3	Painter		
	Deals in Yeast	1	Painter and Glazier		
	Dentist		Paper Maker		
	Door Keeper		Pastry-cook		
2	Draper	2	Pensioner		
	Drives a Cab	2	Plaisterer		
	Drives a Waggon	2	Plumber		
	Drover		Police Constable		
	Druggist		Pork Butcher		
2	Dyer	10	Porter		
	East India Co.	3	Public House Keeper		
	Engineer		Retired Shopkeeper		
3	Engraver		Rope and Rug Maker		
2	Excavator		Rope Maker		
2	Excise Officer		Sack maker		
	Extra Exciseman		Saddle and Harness Maker		
	Female Servant out of place		Saddler		
	Female/Widow/Weaver		Sail Maker		
	Female-Dress Maker	44	Sailor		
	Fife Cutter		Salesman		
	Fishing Tackle Maker	3	Sawyer		
	Footman		School Master		

2	Foreigner	3	Seafaring Man		
	Foreman		Sells Pies in the Street		
	Foreman to Farmer		Serjeant		
	Former Owner of Ship	19	Servant		
	Former Sailor	4	Servant out of Place		
	French Teacher		Ship Carpenter		
	Frenchman and Hatter		Ship Cooper		
	Fur Dyer		Shipowner		

Women perpetrators often received or stole more than money or goods. Keeping company with a man could mean the acquisition of food, drink, and lodgings. William Spencer who prosecuted Mary Holder for the theft of money in 1821 stated that they had "some bread, butter, and beer, which [he] paid 1s. for, and 2s. for the lodging."[99] Samuel Hulburt went home with Bridget Conway in 1816. He paid for a "pot of porter and a quarter of gin."[100] He also treated Ms. Conway with something to eat.[101]

An 1829 case illustrates many of the points made above. Ann Jones was tried for stealing money from Edward Redding, a boatman. He was the first witness in the case and stated the following about the night's events:

> Between twelve and one o'clock at night, I lost a pocket-book and four sovereigns from my waistcoat pocket—I was not drunk: I had been drinking at

[99] OBSP, Case 1149, The prisoner was transported seven years.
[100] OBSP, Case 574, 1815.
[101] Ibid. When he awoke he missed his watch and money. Bridget Conway was convicted and sentenced to seven years of transportation.

> Spring's public-house, in Holborn, for an hour and a half with my brother—I only drank ale; we had some spirits with the prisoner—it got late, and rained very hard; I asked Mrs. Spring if she could accommodate me with a bed—she could not; I met the prisoner in the street, and went into a private house in Gloucester-place—I believe we had 3s. worth of drink among the prisoner, myself, my brother, another woman, and the woman of the house.[102]

This was a typical situation. The prosecutor went out for drinks with his brother, treated a group of women to drinks, and eventually went home with one of the women. Twice the prosecutor stated that he did not have too much to drink, evidence that his memory of events was accurate. The testimony of the prosecutor continued:

> We paid two shillings each for a bed—I had money in my pocket, besides the sovereigns in my pocket-book; I shewed my pocket-book to the woman of the house, when I paid for the bed—I told her what was in it, and that I should expect to find it all good in the morning. I put my clothes under the pillow—my brother and another woman had gone to sleep in another room; I missed my money between twelve and one o'clock . . . . The prisoner was in bed with me, and I felt her draw the pocket-book from under my head.[103]

Edward Redding was cross-examined in the case. He was asked how long he had been out that evening and how much alcohol he had consumed. He reiterated his previous account and added that he was single. Officer Robert Brown was called to testify and stated that he searched the house and the prisoner thoroughly but could not find any money matching

[102] OBSP, Case 1707, 1829.
[103] Ibid.

the prosecutor's account. Because the money was not found on the prisoner, she was found not guilty.

While men and boys tended to steal handkerchiefs, women often stole more valuable watches and money. In this sense, women were more successful thieves, particularly when they were able to steal sums of cash. Handkerchiefs and watches needed to be pawned; money could be used immediately and without great risk.[104] Women were also more likely to steal multiple items from the same victim, often taking everything but the man's clothes, and sometimes, not even leaving him that.

Table 8: Items Stolen by All Women Indicted for Pickpocketing

	Money	Watch	Snuff Boxes	Jewelry/ Medals	Multiple Items	Misc.
1815	22	9	2		5	1
1816	18	13		1	9	
1817	19	19	1		21	5
1818	16	11		1	11	4
1819	22	17			15	4
1820	27	20			12	2
1821	29	12	1		8	2
1822	46	14			7	3
1823	37	14		2	10	2
1824	25	10	1	1	11	8
1825	39	18		2	19	1
1826	31	16		1	9	10
1827	44	25		1	21	7
1828	32	14			27	8
1829	22	17		1	7	6

[104] In cases where a woman started spending significantly more money than usual, she might have been noticed and reported.

1830	45	21		3	12	5
1831	42	23		1	16	2
1832	44	14			9	
1833	42	15		1	8	4
1834	30	6		1	3	1

The records do not reveal how much the women who stole the items actually kept for themselves. Perhaps, in the case of bawdy houses, the proceeds would have been given to the mistress of the house.

Table 9: Sentences of All Women Convicted of Pickpocketing

Sentence	1815	1816	1817	1818	1819	1820	1821	1822	1823	1824
Judgment Respited		1	1			3	1	2		
Fined 1 Shilling/ Discharged									1	
Confined 10 Days									1	
Confined 14 Days								1	1	2
Confined 1 Month			1			1			1	
Confined 1 Month/Fined 1 Shilling		1	1							
Confined 5 Weeks										
Confined 6 Weeks										
Confined 2 Months						2		2	3	1
Confined 2 Months and Fined 1 Shilling		1			1					
Confined 3 Months			1			2		6		1
Confined 3 Months and Fined 1 Shilling	2	7	1							
Confined 4 Months								1		
Confined 6 Months	1		3	3	4	2	1	5	3	1

Confined 6 Months and Fined 1 Shilling	5	2	2							
Confined 1 Year						4		6	7	4
Confined 1 Year/Fined 1 Shilling	3	1			1					
Confined 2 Years							1			
Transported 7 Years	8	11	17	5	19	8	6	9	11	14
Transported 14 Years									1	1
Transported for Life		1	4	6	6	10	8	8	5	6

Sentence	**1825**	**1826**	**1827**	**1828**	**1829**	**1830**	**1831**	**1832**	**1833**	**1834**
Judgment Respited	1	1	1			2				1
Fined 1 Shilling/ Discharged			1							
Confined 10 Days										
Confined 14 Days										
Confined 1 Month			1				2		1	
Confined 1 Month/Fined 1 Shilling										
Confined 5 Weeks										
Confined 6 Weeks	1					1				
Confined 2 Months	1									
Confined 2 Months and Fined 1 Shilling										
Confined 3 Months	3	2			2		1		2	1
Confined 3 Months and Fined 1 Shilling										
Confined 4 Months										
Confined 6 Months	2	1	1	1	1		2	2	1	2

Confined 6 Months and Fined 1 Shilling										
Confined 1 Year	2		1				2			3
Confined 1 Year/Fined 1 Shilling										
Confined 2 Years		1			2	1				
Transported 7 Years	9	18	32	7	6	17	20	22	20	14
Transported 14 Years	6	12	18	24	14	12	12	24	23	5
Transported for Life	11	8	16	17	15	21	20	9	2	2

The sentencing of women was not related to the age of the perpetrator as was the case with men. The youngest women, usually aged fifteen, were often sentenced as harshly as their older compatriots. And, whereas sentences for men were reduced over time, particularly for men under the age of 22, no such leniency was given to women accused of the same crime. In fact, as the table above shows, sentences for women became increasingly solidified and harsher over time, with more women being sentenced to long-term transportation. This may reflect a growing distaste for prostitution, but as other chapters have shown, the government was more concerned as the period progressed about the potential cost of maintaining those who could not provide for themselves. It may also be the case that while boys were increasingly considered victims of their

environment who could be reformed, a woman, once fallen, would always be, fallen.

Chapter Five
Violence in the Home: Domestic Abuse Cases 1815-1834

Measuring domestic violence in the past is difficult. Most cases were not considered a 'crime.' Acts of violence between spouses and partners came before the court usually when the result was death. There is no simple way to accurately define domestic violence in the early nineteenth century. It is, however, a worthwhile endeavor to investigate domestic cases of murder and assault with intent to murder. In these cases the men and women of London speak about their family relationships with their own voice so that conceptions of what was and what was not acceptable within the domestic sphere can be assessed from contemporary perspectives.

The debate about the acceptability of violence in Europe's past has engaged historians for decades. The assumption seems to be that men, as patriarchs in their homes, often used violence as a means of control. Anna Clark in "Domesticity and the Problem of Wifebeating in Nineteenth-century Britain: Working-class Culture, Law and Politics" argues that despite the growth of the "domestic ideal," domestic violence remained prevalent.[1] Her work

[1] Anna Clark, "Domesticity and the Problem of Wifebeating in Nineteenth-century Britain: Working-class Culture, Law and Politics" in *Everyday Violence in Britain, 1850-1950* edited by Shani D'Cruze (New York:

focuses on the working class. She finds that the "persistence of the patriarchal notion that husbands should rule the household, however softened by domesticity, could allow husbands to enforce their dominance with violence."[2] Feminist historians would undoubtedly agree with this analysis. While historians conclude that physical violence was a more common phenomenon and a more acceptable recourse in the past, it is not certain that men were inherently more violent than women.

There were fifty-seven domestic violence cases between spouses and partners tried at the Old Bailey between 1815 and 1834. It may not seem an impressive number, but it is important to consider the following: First, assault cases between domestic partners were not likely to be brought to the attention of civil authorities. Historians have long argued that cases of domestic abuse and violence are among the most under-reported, much as they are today. Second, it was even more likely that these cases went unreported as

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Longman, 2000), 27. See also Ginger Frost, " 'I am Master here': Illegitimacy, Masculinity, and Violence in Victorian England" in *The Politics of Domestic Authority in Britain Since 1800* edited by Lucy Delap, Ben Griffin, and Abigail Wills (New York: Pelgrave, Macmillan, 2009); A. James Hammerton, *Cruelty and Companionship: Conflict in Nineteenth-Century Married Life* (New York: Routledge, 1992); Catherine Hall, "The Early Formation of Victorian Domestic Ideology" in *The European Women's History Reader* edited by Fiona Montgomery and Christine Collette (New York: Routledge, 2002).

[2] Ibid, 27. She finds a specific connection between working-class occupations and domestic violence: "Artisan culture particularly could produce hostility toward women. Artisans fraternally bonded in their workplaces and clubs through heavy drinking, which robbed their families of income, and loosened inhibitions on violence." Ibid, 28.

the cost of prosecution was paid by the victim. Finally, these cases were most likely to be handled within the confines of the family network as such units would want to keep the law from intruding upon their otherwise private concerns. Cases of murder were, of course, difficult for the authorities to ignore as there was always a body. In cases of assault, the court was most likely to be involved when the victim required significant medical attention. J. A. Sharpe argues that "personal intervention by a justice of the peace, or binding the husband over to be of good behavior or to keep the peace, were considered more effective remedies against wife-beating than formal prosecution."[3] Greg Smith argues in *Violent Crime and the Public Weal in England, 1700-1900* that "the cultural tolerance for a modicum of violence in the domestic sphere makes it difficult to discover how widespread the systematic abuse of subordinates was."[4] Kathy Callahan in her 2005 dissertation, *Women, Crime, and Work: the Case of London 1783-1815*, confirms that domestic violence was under-reported and concludes that "women were the dead

[3] J.A. Sharpe, "Domestic Homicide in Early Modern England," *The Historical Journal* 24, no.1 (March 1981):31.
[4] Greg T. Smith, "Violent Crime and the Public Weal in England, 1700-1900," in *Crime, Law and Popular Culture in Europe, 1500-1900,* ed. Richard McMahon. (Portland: Willan Publishing, 2008),197.

victims of domestic abuse at higher rates than men."[5] She finds that only two women were indicted in her period of study for murdering their partners.[6]

Tables 1 through 4 display the indictments for domestic violence by year from 1815 to 1834. Thirty-one men were tried for domestic violence against their wives; eighteen men were indicted for the same offence against their domestic partners. Six women were indicted for the murder or assault of their husbands; and, only two women for domestic violence against a partner.

Table 1: Men Indicted for Murder or Assault of Their Wives[7]

1815	Robert Penton	Murder	Ann Penton
1817	William Ball	Murder	Sarah Ball
1818	David Evans	Murder	Elizabeth Evans
	Francis Losch	Murder	Mary Ann Losch
1819	Henry Nash	Murder	Catherine Nash
	Thomas Francis	Murder	Ann Francis
	John Holmesby	Murder	Ann Holmesby
	Henry Stent	Assault	Maria Stent
1821	John Sumner	Murder	Sarah Sumner
	Thomas Broophy	Murder	Catherine Broophy
	James Scott	Assault	Elizabeth Scott

[5] Kathy Callahan, "Women, Crime, and Work, 252. This dissertation focuses solely on the criminal activity of women, so male perpetrators of domestic violence are not included in her statistics.
[6] Ibid.
[7] The outcome of these cases is covered in Tables 6 and 7.

1824	Robert Mark	Murder	Ann Mark
	Samuel Devoll	Assault	Mary Devoll
1825	Joseph Eldred	Murder	Ann Eldred
	Patrick Welch	Murder	Mary Welch
	Thomas Gooderham	Murder	Elizabeth Gooderham
1826	Joseph Taylor	Murder	Ann Taylor
	Isaac Bateman	Murder	Sarah Bateman
1827	Edward Tredway	Murder	Ann Tredway
	Richard Richardson	Assault	Sophia Richardson
1828	James Abbott	Assault	Hannah Abbot
1829	Michael Kennedy	Murder	Ann Kennedy
	James Cummings	Assault	Catherine Cummings
1830	William Hectrup	Assault	Catherine Hectrup
	Michael Mcarthy	Murder	Eleanor McCarthy
1831	Samuel Green	Assault	Rebecca Green
	William Parrot	Assault	Harriet Parrot
1832	Henry Gray	Assault	Mary Gray
	Thomas Reilly	Murder	Catherine Reilly
	Owen Sullivan	Murder	Mary Sullivan
1834	Timothy McCarthy	Assault	Ellen McCarthy

Table 2: Men Indicted for the Murder or Assault of a Domestic Partner

1815	William Russell	Murder	Mary Ann Daws
	Thomas Bedsworth	Murder	Elizabeth Beesemore
1816	Thomas Green	Murder	Elizabeth Martin
	Thomas Cooper	Assault	Susannah Perkins
1818	John Jones	Murder	Amey Reader
1822	John Crooks	Assault	Mary Ann Nelson
	William Abbot	Murder	Mary Lees
1823	William Britton Dyson	Murder	Eliza Anthony
1824	George Goulseberry	Murder	Sarah Lawrence
1825	Cornelius Sullivan	Murder	Jane Earl
1826	John Ambrose	Murder	Mary Ann Perry
1827	Thomas Clements	Murder	Ann Barrett
	Joseph Jones	Murder	Sarah Langley
	James Jones	Assault	Margaret Merrett
1828	Joseph Silver	Murder	Sarah Cottrell
1831	James Reeves	Murder	Mary Bunyon
1834	George Bell	Assault	Martha Clements
	John Wilkins	Assault	Eliza Billings

Table 3: Women Indicted for the Murder or Assault of Their Husbands

1817	Mary Chambers	Murder	John Chambers
1823	Phoebe Allen	Assault	John Allen
1823	Margaret Stanton	Assault	Richard Stanton
1824	Mary Simpson	Assault	William Simpson
1825	Mary Keaton	Murder	Joseph Keaton
1827	Mary Wittenback	Murder	Frederick Wittenback

Table 4: Women Indicted for the Murder or Assault of a Domestic Partner

1817	Mary Cook	Murder	Thomas Cayne
1833	Louisa Bottrill	Assault	Mathew Pearson

Because domestic violence was often overlooked or handled within the confines of family and neighborhoods, the most accessible evidence for historians are the cases that went to the extreme. One example of domestic violence being initially ignored is that of Francis Losch who stabbed his wife to death. A witness in the case testified that she "had seen them both about ten minutes before . . . they had been having a few words; he struck with a bundle . . . and kicked her . . . it appeared a casual quarrel."[8] This witness raised no alarm nor interfered to help the

[8] OBSP 1818, Case 432.

woman. The next day Mary Ann Losch died as the result of a stab wound to the abdomen.[9] In another case, an officer of the law asked a man "what made him use an instrument like that to his wife." The man had cut his wife's neck with a razor. The officer continued by stating that "it would have been better to have used his fist."[10] A witness in the case of John Ambrose, found guilty of killing his partner, stated that he "did not think it necessary to intervene."[11] The victim, Ann Perry died as result of severe blows to the head. In yet another case, a fellow lodger of Catherine Reilly, beaten to death by her husband, stated to the court that she knew of significant violence between the couple as the victim "had been bad a fortnight, laid up in bed, through his brutish usage."[12] Again, this witness did not attempt to intervene when Thomas Reilly continued to beat his wife. Clearly a measure of physical violence was socially sanctioned. What the Old Bailey session papers reveal is that violence between spouses was sometimes an every-day aspect of marriage, but more often was the result

[9] Ibid. Francis Losch was sentenced to death for the murder of his wife. He told an officer that he had killed her out of jealousy.
[10] OBSP 1832, Case 2215. In this case Henry and Marie Gray were at home. Mr. Gray wanted to have relations with his wife and she refused him, as he had used bad language toward her earlier in the day. There was pre-existing tension as Henry Gray had been out of work and was often asking his wife for money—she made children's clothes. Though two witnesses offered character testimony for Mr. Gray, he was sentenced to death.
[11] OBSP 1826, Case 17.
[12] OBSP 1832, Case 1422.

of a specific argument, or a night of drinking spun out of control.

Two types of domestic violence cases were prosecuted: murder and assault with the intent to murder. The latter charge was brought when the injuries caused to the victim were severe enough to have possibly caused death.[13] Both were capital offenses but it was possible to be convicted on lesser charges. In the case of murder, the lesser possible charge was manslaughter. William Blackstone defined the difference between manslaughter and murder in this way: "manslaughter arises from the sudden heat of the passions, murder from the wickedness of the heart."[14] For assault with intent to murder, on the other hand, the lesser included charge was that of assault with intent to inflict "grievous bodily harm."[15]

As with almost all of the crimes tried at the Old Bailey, the victims of domestic violence were overwhelmingly women. Tables one through four clearly indicate that men were far more likely than women to be brought up on charges relating to domestic abuse, but this is not necessarily a measure of which gender had a greater

[13] It was important that this point be proved in court. If the injuries were not severe enough, or if it was difficult to determine their cause because of other illnesses, the charge could not be sustained.
[14] Balckstone, *Commentaries*, 213.
[15] Though rarely cited, in these cases, an indicted person could be convicted of assault with intent to disable.

propensity for violence. Through the cases examined below, it will be evident that women could be as argumentative and as violent as their male partners. In one incident that occurred during the summer of 1818, a cohabiting couple, well into their cups, began to quarrel while working in a brickfield. "They were both very much in liquor," their employer later testified,

> They had words and quarreled–the prisoner wanted to get away, she would not let him, she collared him and threw him down, tore his shirt and waistcoat. He then struck her somewhere about the belly, she fell down—how she got down I cannot say. I saw him strike her once after she was down; there was a heap of bricks where she fell, she might have fallen on them and hurt herself. She was lifted up, she was in liquor, and carried to the sand-house and put to bed.[16]

In this type of case, the fact that both parties were engaged in the argument worked to the advantage of the accused; it generally reduced the conviction from murder to manslaughter.[17] But, more importantly it illustrates that women could be just as likely as men to engage in disputes in a physical manner. In a similar case, Phoebe Allen was certain that her husband John had seduced a young female servant. Being in what was described as "a great passion," Phoebe threw a knife at her husband's head, which narrowly

[16] OBSP 1818, Case 1096.
[17] See Tables 9 and 10.

missed.[18] In yet a third case, Mary Cooke stood accused of killing Thomas Cayne by striking him in the head with a hammer while "quarrelling and fighting."[19] Mary Ann Simpson threw a knife at her husband after a night of drinking. A witness told that court the fight was "about a woman named Bonham"[20] In 1825 Mary Keaton was found guilty of murdering her husband. The surgeon testified that the victim suffered "two large wounds on the head; one of which communicated with an extensive fracture of the skull near the top of the head."[21]

The disparity in numbers between male and female victims can most likely be attributed to sheer strength. One case in point involved an argument between husband and wife, William and Sarah Ball. Their neighbor, Joseph Lucas, a merchant, later testified that he observed "a noise proceeding from the street leading from the barracks, I looked through the window and saw the prisoner, in the street, strike his wife twice, the noise I heard was quarrelling, I took no notice of it; he appeared to strike her at the lower part of her head, and on her shoulder, he

[18] OBSP 1823, Case 1385.
[19] OBSP 1820, Case 40.
[20] OBSP 1824, Case 886.
[21] OBSP 1825, Case 410.

struck her with his hand and fist."[22] By eight o'clock the next morning, Sarah Ball was dead.

Men not only were more likely to inflict critical injury, they were probably less likely to acknowledge the need for medical attention when they were assaulted. Given the cost of health care and disruption of work, recourse to a medical practitioner would have likely been considered a last resort. It is also probable that if they did seek professional help, men would not have been quick to mention the circumstances surrounding their injuries. J.A. Sharpe also advances this argument stating that "it seems safe to assume that contemporary ideas on male dominance would make unlikely that a husband would take legal action against a violent wife."[23]

It has also been widely assumed that women used subtler means of murder, specifically poison. Only one of the fifty cases considered here involved accusations of poison. Mary Wittenback was charged with the murder of her husband Frederick. The couple was married with three children. Frederick, according to witnesses had been feeling fine all day, but became violently ill after supper. He vomited in the yard and later a cat in the same vicinity was found dead. Despite the fact that Mary, too,

[22] OBSP 1817, Case 988.
[23] J.A. Sharpe, "Domestic Homicide," 38.

became ill, she was found guilty. The police found a quantity of arsenic in the home, and Mary was convicted of the murder and sentenced to death. What is interesting about the testimony in this case is that it reveals a reluctance to pay for medical care. A witness revealed that "they were poor people," and that it would have been "an object to them to have a cheap medical man."[24] If poison was used on an individual and the symptoms came on more gradually, it is possible that the murder would have gone undetected.

Though marriage was the ideal in the nineteenth century, for many in the lower classes, cohabitation was more practical. Marriage was often delayed because of financial necessity. Couples also chose to live together because one was already married but not living with his/her spouse. But beyond this, often couples separated due to strains on the relationship. The courts could intervene in these situations ordering a separation of living arrangements or jailing one spouse for assault. In 1823, for example, Elizabeth Scott was violently assaulted by her husband James who "had been discharged that day from Clerkenwell, upon his own recognizance to keep the peace."[25] Elizabeth received stab wounds to her head, shoulders, and

[24] OBSP 1827, Case 1597.
[25] OBSP 1823, Case 1302.

arms, and her husband was convicted and sentenced to death. While husbands and wives often did not live under the same roof because of financial constraints, employment, or because they chose to live separately, unmarried couples often did share a residence. Cohabitation was often indistinguishable from marriage. Contemporaries frequently described the relationship as living "together as man and wife."[26] Such "common-law" couples often lived together as long, if not longer, than married couples. Many had children and built lives together that while, lacking the legality of marriage, were the same in nearly all other aspects.

Cohabitating couples also appeared at the Old Bailey in cases of domestic violence, and the complexity of some relationships is further revealed by the testimony given at such trials. In many cases, though the couples were married or cohabited for many years, not all of those years were spent living under the same roof. As divorce was highly uncommon, a separation of living arrangements was the only recourse for many. In 1816, Thomas Cooper assaulted Susannah Perkins outside of a public house. Susannah Perkins had separated from her partner before the incident: "I met the prisoner at the bar; I had lived with him about

[26] OBSP 1833, Case 354.

four months. He asked me in the public-house, if I would live with him any more; and I said I would not, and he then said, I should have the contents of his knife." Testifying at the trial, she stated that he was often of bad temper when he was drunk. She also confessed that though they had a troubled relationship for years, she felt "obliged" to go back to him, and that, in general, they "always lived very happy together."[27] Mary Devoll was married to her husband eleven years, but when asked how many of those years they lived under the same roof, she replied, "not long at a time—he sold my furniture several times and I was obliged to leave him."[28] In the case of William and Catharine Hectrup, the couple had not lived together for some time.[29] In two cases, one of the partners was married while cohabiting with another.[30]

While the domestic situations of those involved in these fifty-seven cases were often complicated, their social-economic status is clearly revealed by the records. Those involved were decidedly from the working and lower classes. The proof of this lies not only in the consistent reference to financial strains, but also the work and

[27] OBSP 1816, Case 196.Thomas Cooper was found guilty of assault and sentenced to death.
[28] OBSP 1824, Case 48.
[29] OBSP 1830, Case 1470.
[30] OBSP 1822, Case 202 and OBSP 1815, Case 724.

living situations of the men and women. In most cases, an occupation is not clearly stated, indicating that those involved, particularly the men, were not employed in a specific profession.[31] When mentioned in the testimony, employment ranged from skilled trades, such as cabinetry and shoemaking, to casual day labor. Most of the women involved participated in some form of occupation to add to the family's finances, such as charing, washing, sewing, or helping their partners in their work. A woman's economic contribution to the home has been of increasing interest to historians. David Levine concludes that women often participated in extra work to bolster the family's income. He states that "rarely, however, were such women and children independent wage-earners. More usually their wages were subsumed within a larger family income."[32] In none of the cases is it stated that those involved owned property. Most lived in lodging-houses, some in rooms occupied by other families or single persons. Such living arrangements were typical of London's lower classes.

[31] A stable work life would have been of consequence in these cases. As will be noted, men of character provided for their families, were sober, and worked for a living. It is unlikely that men who were employed would not have noted that fact as it might have favorably influenced the jury.
[32] David Levine, "Industrialization and the Proletarian Family in England," *Past and Present*, no. 107 (May 1985): 167.

The root causes of extreme violence in the home were alcohol abuse, jealousy, and arguments about money. In many ways, then, the causes for abuse in the home were not different from today. London's lower classes most often lived precariously. Many resided in cramped lodging houses, with little or no privacy. Financial uncertainty was rife in these communities. Families often used the local pawnbroker for temporary relief, offering whatever they had for cash money in the hopes of buying it back once the financial situation of the family improved. Added to these already substantial stressors was the seemingly daily recourse to the consumption of gin and beer. Cases of extreme violence reveal how the daily stresses of life could precipitate violence in the home. Nancy Tomes finds very similar tensions in relationships later in the century. In her work, "A 'Torrent of Abuse': Crimes of Violence between Working-Class Men and Women in London 1840-1875," she argues that

> those cases which came to trial undoubtedly involved circumstances of "peculiar outrage" that distinguished them from common household quarrels. Yet one can argue that the instances of extreme violence shed light on ordinary male-female behavior. The people who committed these crimes were not professional criminals. Their acts of violence were rarely premeditated. Those convicted of such crimes did not become members of an ostracized or even a clearly defined deviant group. Instead their acts were

> tolerated and often condoned by their neighbors. In a community where physical violence occurred frequently, these crimes were deviant not in the nature but in the level of their violence.[33]

These extreme cases can be seen as magnified events. Not every argument, quarrel, or abusive situation led to murder or life-threatening injury, but less serious disputes were not uncommon in personal relationships among the lower classes.

Alcohol consumption, a prominent pastime for London's lower classes, often wreaked havoc on the home environment.[34] Not only did alcohol aggravate already tense domestic situations, it also exacerbated other problems. In cases of violence between cohabiting men and women, eight cases mention alcohol as a contributing factor.[35] In the cases of married couples, testimonies in nine cases reveal

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[33] Nancy Tome, "A 'Torrent of Abuse': Crimes of Violence between Working-Class Men and Women in London 1840-1875," *Journal of Social History* 2, no. 3 (Spring 1978), 329. Tome argues that by the end of the period, incidents of spousal abuse ebbed significantly. She suggests several reasons for the decline including changing attitudes toward respectability, a decrease in community controls as more working-class people moved to suburban environments, and a rise in the overall standard of living. Ibid, 340-341.

[34] Noted historian J.J. Tobias argues that "drunkenness among the lower classes was on the decline, but there had been a switch from beer to gin." J.J. Tobias, *Crime and Industrial Society in the 19th Century*. (New York: Schocken Books, 1967),180. See also James Nicholls, *Politics of Alcohol: a History of the Drink Question in England* (New York: Manchester University Press, 2009).

[35] OBSP 1827, Case 266.

alcohol as a motivator.[36] Alcohol led to poor judgment, heated arguments, and could turn a tense situation violent.

Alcohol also contributed to confusion when determining the cause of death. If a death could not be determined to have been caused by violence, the charge would not hold up. For example, if a victim of assault had a damaged liver or inflamed intestines, both of which were considered effects of excessive alcohol consumption, the surgeon might attribute the death of the victim more to those ailments than the violence inflicted. In one case the surgeon at trial testified that he saw the victim regularly after her injury and, "there was no disease on the chest; the liver and the lining membrane of the stomach, had evidently been suffering from a low degree of inflammation a considerable time . . . these are the appearances we generally find in dram drinkers."[37] In another case, the surgeon stated that he "knew she was addicted to drink; a violent blow on the head of a drunken person might produce very serious consequences, which might not happen if sober."[38]

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[36] The cases in which alcohol was a contributing factor in a husband's attack on his wife are as follows: Case 164, 1816; Case 988, 1817; Case 406, 1818; Case 917, 1818; Case 1097, 1818; Case 1432, 1818; Case 251, 1820; Case 1288, 1824; Case 1584, 1829; and Case 36, 1827. Cases where alcohol contributed to violence between cohabitating couples are as follows: Case 724, 1815; Case 733, 1815; Case 196, 1816; Case 1096, 1818; Case 357, 1822; Case 481, 1824; Case, 1306, 1825; and, Case 266, 1827.

[37] OBSP 1827, Case 31.

[38] OBSP 1827, Case 266.

Alcohol was, by and large, not considered a defense of action in the Old Bailey trials. There was little sympathy for persons claiming that they committed a crime because they were inebriated. Alcohol affected the court's and the jury's view of both the indicted party and the victim. For women, abuse of alcohol was a definite mark against their character. It displayed a weakness of morality and diminished their worth as domestic partners. Robert Penton, who stood accused murdering his wife Ann in 1815 suggested that when she was "tipsy" she was "very quarrelsome and very aggravating."[39] Robert Penton was convicted of the lesser offence, manslaughter, and sentenced to six months confinement and a fine of one shilling. For men, excessive drinking as in the case of Thomas Bedworth, was telling. Bedworth and Elizabeth Beesemore cohabited together, but the two had decided to separate as Elizabeth Beesemore's son did not get along with Thomas Bedworth. Mr. Bedworth had found another place to live, but often visited Elizabeth at her lodgings, and in June 1815, he visited after drinking. A friend of the victim, Sarah Collins, testified at trial that Bedworth "requested permission of the deceased to lie down on the bed, to sober himself, that he might go to work the next morning, and she gave him

[39] OBSP 1815, Case 164.

leave."[40] He stayed at the victim's lodging for some time. After being arrested for the murder, the prisoner offered a confession as follows:

> he went to the apartment of the late Elizabeth Beesmore , who lived in a front room on a second floor in Short's Gardens, Drury Lane; where he saw the said Elizabeth Beesmore; but being very much intoxicated, she put him to bed, where he lay till between six and seven o'clock in the evening; she, the deceased giving him gin several times. The deceased took away his shoes to prevent his going out; but after being repeatedly asked for them she restored them to him, and he went down stairs, asking her to come with him, which she did, and when they came to a space between the kitchen and where the water-butt stands, he seized hold of her with his left hand; got her head under that arm, and with a shoemaker's knife which he brought from his own lodging for the purpose, cut her throat, and she dropped dead from him without making any noise, on which he ran away, taking the knife with him, which he threw away the next morning into the Regent's Canal.[41]

Bedworth later recanted that confession, but when asked for his defense at trial, he stated simply that she had refused to give him his shoes as he was leaving their apartment.[42] Statements by witnesses confirm that Bedworth had been quite drunk the night before.

In the case of Mary Chambers, convicted of killing her husband John, a night of drinking led to struggle during which he was stabbed in the left chest. Witness Mary Swain

[40] OBSP 1815, Case 733.
[41] OBSP, 1815, Case 733.
[42] OBSP 1815, Case 733.

had been out to drink with them that evening and was invited to eat with them afterwards. She stated the following about the events of the evening:

> I was out with the prisoner and her husband in Norton Falgate, he drank a great deal, and got intoxicated; I went home to sup with them - He asked to go to bed-his wife and a young man undressed him and put him to bed in the same room where we were. I was going home; he said he would have something more to drink. I took the bottle and went down, under pretence of getting something merely to get away, his wife went down with me to take the bottle up again; we waited some time and then went up, thinking he would be asleep - We did not mean to get any liquor; when we got up she asked him what was the matter with him. We sat down and he stood in the middle of the room with a large stick in his hand, two inches and a half thick; the prisoner took a knife in her hand to cut a piece of meat, the deceased fell upon her directly, and struck her a violent blow on the head; I was going to her assistance; he fell backward immediately-she had a bonnet on - I did not see what caused him to fall, it was so instantaneous - He bled very much; she jumped up, and said, 'good God, what have I done!'

John Chambers suffered a severe head wound and a punctured heart. Mary Chambers was found guilty but sentenced to only one month of confinement.

Jealousy was also a cause for arguments that led to violence. Infidelity on the part of a female victim might lead to sympathy for the male perpetrator among the jury. In 1828 James Abbott assaulted his wife of eight years, Hannah, with a sharp object. Several witnesses in the case

testified that Mr. Abbott was jealous and suspicious of his wife's activities. Robert Fitzgerald, who lodged in the same house as the couple, told the court that in conversation the prisoner had told him the following: "I am very miserably situated; I wish my wife would stop at home, and pay attention to her home the same as your's [sic]- she can earn money at glove-making at home, but prefers going out charing, that she should have an opportunity of going with other men."[43] Fitzgerald also stated at trial that the prisoner suspected that three of the couple's four children were not his. Compelling testimony in this case also came from Ann Turnbill at whose house the couple lodged. She stated that before the accusations of infidelity the husband had an excellent character in that "he worked night and day for his wife and family and was a very kind-loving husband—he used to carry the children out, and take delight in his family."[44] James Abbott was recommended for mercy by the jury as they believed that he had attacked his wife for her infidelity. In the case of John Holmseby, who was convicted of killing his wife Anne by hitting her in the head several times with an axe, accusations of infidelity were of no avail. One witness stated that the victim, Anne Holmseby, "said she was dragged into the cow-house by the

[43] OBSP 1828, Case 1924.
[44] Ibid.

man . . . The prisoner said if she would swear a rape against the man, he would take him to Worship-street—she said she would not."[45] In an 1827 case, Edward Tredway, told the jury that he and his wife Ann "had been quarrelling in the course of the day—that she knew he was of a jealous disposition, and ought not have aggravated him."[46] Accusations of infidelity may have helped Mr. Tredway as despite the fact that he had beaten his wife to death—she suffered fractured ribs and a ruptured spleen—he was sentenced to only three months confinement.[47]

Financial disputes also led to heated arguments with unfortunate results. Crowded living conditions and precarious financial circumstances sparked many of the incidents leading to violent assault and murder. The case of Elizabeth Harding is perhaps the most telling. It not only reveals the recourse to separation, but also sheds light on why people stayed in violent situations. Many couples barely eked out a living with both partners contributing. A physical separation carried with it great financial hardship. Elizabeth Harding was a friend of Mary Marshall, who had been separated from her husband for some time. Harding accompanied Marshall to confront her husband

[45] OBSP 1819, Case 1413.
[46] OBSP 1827, Case 1366.
[47] Ibid.

about support: “About half-past seven o’clock in the evening, I accompanied the prisoner’s wife, Mary Marshall, to where her husband . . . worked, in St. Mary-axe—she had been separated from him; I had known her two or three years, but I never saw him before this happened.” Mr. Marshall was providing only three shillings a week in support. Mrs. Marshall, in debt to her landlord, tried to persuade her husband to give her more money. They went with him to his lodging to discuss the matter further. There Harding confronted Mr. Marshall on behalf of her friend: “I told him he must pardon my interfering, but the poor old lady had been very ill, and was in arrears for rent and 3s. was very little.” The friends went again to his lodging later that night: “He came out of the bed room on the same floor; no message had been sent to him; I suppose he heard our voices—I think he was dressed, but his night cap was on—he came out with a sword in his hand, and brandished it about.” Mary Marshall fled and Harding was wounded.[48] William Marshall was found not guilty.

The issue of support aside, squabbles over money often led to dangerous situations. In the case of Richard and Sophia Richardson, married only eleven weeks, the issue of money led to him gashing her head with a hoe. At the trial

[48] OBSP 1823, Case 524.

she stated that she had been to the public house several times that evening trying to get money out of him and said that "he was very much to blame for spending his money at a public house when he knew it was wanted at home."[49] In another case, Thomas Green when asked why he and Elizabeth Mantin argued—resulting in her falling out of a window—replied that "he did not want to murder her, but he would have his money."[50]

Juries and the Court considered the causes of violence, but they also considered the character of those involved. Though the situation here becomes a bit murky, as there is no way to assess how juries reached their verdicts, the focus of the testimony reveals what people thought might sway the jury one way or another. The evaluation of a person's character hinged on a few very specific things. For women, alcohol consumption, fidelity, and a temperate personality were main considerations. For men, sobriety, industry, and kindness, were marks of good character.

In defining a "good woman," first and most frequently mentioned, was the level of her alcohol consumption and her fidelity. These points have already been illustrated above.

[49] OBSP 1827, Case 36.
[50] OBSP 1816, Case 204. The testimony did not reveal what Thomas Green wanted the money for or whose money it actually was.

Perhaps more interesting and revealing is the quality of a temperate personality. A woman, it would seem, should be quiet and not quarrelsome. About one victim of assault it was said that "her conduct was not proper toward her husband-she has often . . . spoken aggravatingly to him."[51] Many aspersions were cast on Ann Penton, murdered by her husband. One witness stated: "the poor man, his wife did everything that was unkind to him, she threw the knife at his head."[52] Another witness, Mary Holder said that "she was always tormenting him."[53] A third witness added to the list of character flaws that "she was a woman very much addicted to drinking."[54] Because this was a case of murder, Ann Penton could not defend her character. Perhaps the testimony swayed the jury as Robert Penton was found guilty only of manslaughter and punished with six months confinement. A "good woman," such as Elizabeth Evans, was a "quiet, sober woman."[55]

In some cases women defended the actions of their men by insulting their own character. Maria Stent left her

[51] OBSP 1830, Case 1470.
[52] OBSP 1815, Case 164.
[53] Ibid.
[54] Ibid.
[55] OBSP 1818, Case 406. What is interesting about this case is that David Evans had heard that his wife had had an affair, but key witnesses at the trial indicated that the accusation arose only from rumor. Three witnesses told the court that Elizabeth Evans was a sober woman, and one witness claimed that the couple had been "on very good terms," for fifteen or sixteen years. David Evans was found guilty and sentenced to death.

husband in 1818. She traveled to France for an unknown purpose and returned to London. She ran into her long lost husband at the Saracen's Head Inn, Snowhill. Immediately upon seeing her, Henry Stent stabbed his errant wife. Though not specifically stated, it appears that when Maria Stent left London, she did so with another man. A witness to the event stated at trial that he had "heard her say to him, that she hoped no harm would happen to him for what he had done, for she had been a very base wife, and he was one of the best of husbands." According to testimony, Henry Stent, after brutally stabbing his wife stated, "I have accomplished my purpose, and wish for nothing more but to suffer for it, and I know I shall." She exclaimed, 'You have, you have, Henry! And I freely forgive you; I hope the law will take no hold of you, and no harm will come to you.' She said, 'Kiss me, pray do, I freely forgive you.' Maria Stent also confessed to being a "very base wife." This type of language was not uncommon, and suggests that the juries may have been receptive to a lesser charge or punishment if the husband had "good cause" for his actions.[56] Mary Ann Nelson testified at the trial of her

[56] OBSP 1819, Case 1153.

partner John Crooks that she "was very passionate, and aggravated him as much as [she] could."[57]

One aspect of determining character was the same for both genders, sobriety. Men, too, were judged in light of their drinking habits. Drinking for men, however, was usually tied to their industry. Supporting their families through work was considered a mark in their favor. A character witness for Isaac Bateman, found not guilty of murdering his wife in 1826, testified that the prisoner was a hardworking and sober man.[58] The most interesting phrase in the records regarding a man's character is "humanity, industry and sobriety."[59] To be gentle in action and humane in spirit were qualities emphasized in defense of male clients. Philip Brickwood testified in 1817 that William Ball, convicted of killing his wife Sarah, was "a humane man, and very good-natured."[60]

One of the most important aspects of finding a guilty verdict was the determination of the cause of death. The majority of victims suffered injuries consistent with being beaten. Head wounds were particularly dangerous but also wounds near major organs. Stab wounds also account for a great many injuries. Table five displays the type of injury

[57] OBSP 1822, Case 202.
[58] OBSP 1826, Case 1327.
[59] OBSP 1828, Case 1924.
[60] OBSP 1817, Case 988.

suffered by female victims of murder or assault and table six provides the same information for male victims.

Table 5: Injuries of Female Victims

1815	Ann Penton	Broken Rib/Punctured Lung
	Mary Ann Daws	Damage from a fall or push out of a window
	Elizabeth Beesemore	Throat Cut
1816	Elizabeth Martin	Damage to the brain
	Susannah Perkins	Stab Wounds
1817	Sarah Ball	Damage to the brain
1818	Elizabeth Evans	Severe cuts to the head
	Amey Reader	Ruptured bladder
	Mary Ann Losch	Stab wounds to the stomach
1819	Catherine Nash	Damage to the brain
	Ann Francis	Not determined
	Ann Holmesby	Axe wounds to head
	Maria Stent	Stab Wounds to body
1821	Sarah Sumner	Not determined
	Catherine Broophy	Damage to the brain
1822	Mary Ann Nelson	Stabbed
	Mary Lees	Damage to the brain
1823	Eliza Anthony	Drowned
	Elizabeth Scott	Stabbed
1824	Ann Mark	Drowned
	Mary Devoll	Beaten severely with a gun

	Sarah Lawrence	Deep cut to the forehead/Infection
1825	Ann Eldred	Not determined
	Mary Welch	Damage from a fall or a push
	Elizabeth Gooderham	Miscarriage
	Jane Earl	Severely Beaten
1826	Ann Taylor	Damage to the Brain
	Sarah Bateman	Damage to the brain
	Mary Ann Perry	Damage to the brain
1827	Ann Tredway	Fractured rib/Ruptured spleen
	Ann Barrett	Broken ribs/Inflammation of lungs and stomach
	Sophia Richardson	Damage to the brain
	Sarah Langley	Severe cut on the forehead
	Margaret Merrett	Damage to the brain
1828	Sarah Cottrell	Set on Fire
	Hannah Abbot	Throat Cut
1829	Ann Kennedy	Damage from a fall or a push out the window
	Catherine Cummings	Struck with an Iron
1830	Catherine Hectrup	Stabbed in the Chest
	Eleanor McCarthy	Severely Beaten
1831	Rebecca Green	Throat Cut
	Mary Bunyon	Not determined
	Harriet Parrot	Throat Cut
1832	Mary Gray	Throat Cut

	Catherine Reilly	Ribs broken/Damaged lungs
	Mary Sullivan	Beaten around the stomach
1834	Ellen McCarthy	Damage to the brain
	Martha Clements	Stabbed
	Eliza Billings	Stabbed

Table 6: Injuries of Male Victims

1817	John Chambers	Stabbed in the Chest
	Thomas Cayne	Hit several times with a hammer
1823	Richard Stanton	Stabbed
	John Allen	Stabbed
1824	William Simpson	Stabbed
1825	Joseph Keaton	Damage to the brain
1827	Frederick Wittenback	Poisoned
1833	Mathew Pearson	Stabbed

If the surgeon could not confirm cause of death as directly relating to actions of the accused, there was no way to sustain the charge.[61]

Twenty-three out of forty-nine men were found guilty either of murder or assault. Four of the twenty-three were convicted of a lesser charge—manslaughter or inflicting

[61] It is interesting to note that most of the injuries inflicted were likely made with weapons or implements easily found in a lodging. This suggests that most of these assaults were not premeditated.

"grievous bodily harm."[62] Three women were convicted of similar charges. Refer to Tables 7 and 8 for verdict lists and sentences.

Table 7: Verdicts and Sentences for Men Charged

1815	Robert Penton	Murder	Not Guilty	
	William Russell	Murder	Not Guilty	
	Thomas Bedsworth	Murder	Guilty	Death
1816	Thomas Green	Murder	Not Guilty	
	Thomas Cooper	Assault	Guilty	Death
1817	William Ball	Murder	Guilty of Manslaughter	Confined Six Months
1818	David Evans	Murder	Guilty	Death
	John Jones	Murder	Not Guilty	
	Francis Losch	Murder	Guilty	Death
1819	Henry Nash	Murder	Not Guilty	
	Thomas Francis	Murder	Not Guilty	
	John Holmesby	Murder	Guilty	Death
	Henry Stent	Assault	Guilty	Death
1821	John Sumner	Murder	Not Guilty	
	Thomas Broophy	Murder	Not Guilty	
1822	John Crooks	Assault	Not Guilty	
	William Abbot	Murder	Guilty	Death
1823	William Britton Dyson	Murder	Not Guilty	
	James Scott	Assault	Guilty	Death

[62] The phrase usually appears either in the indictment as a possible charge or as a verdict returned by the jury.

1824	Robert Mark	Murder	Not Guilty	
	Samuel Devoll	Assault	Not Guilty	Not of Sound Mind
	George Goulseberry	Murder	Not Guilty	
1825	Joseph Eldred	Murder	Not Guilty	
	Patrick Welch	Murder	Guilty	Death
	Thomas Gooderham	Murder	Not Guilty	
	Cornelius Sullivan	Murder	Guilty of Manslaughter	Transported Life
1826	Joseph Taylor	Murder	Acquitted	
	Isaac Bateman	Murder	Not Guilty	
	John Ambrose	Murder	Guilty	Confined One Year
1827	Edward Hudson Tredway	Murder	Guilty	Confined Three Months
	Thomas Clements	Murder	Not Guilty	
	Richard Richardson	Assault	Guilty	Death
	Joseph Jones	Murder	Guilty	Confined Seven Days
	James Jones	Assault	Not Guilty	Insane at the Time
1828	Joseph Silver	Murder	Not Guilty	
	James Abbott	Assault	Guilty	Death
1829	Michael Kennedy	Murder	Not Guilty	
	James Cummings	Assault	Not Guilty	
1830	William Hectrup	Assault	Guilty	Death
	Michael Mcarthy	Murder	Guilty of Manslaughter	Transported Life

1831	Samuel Green	Assault	Not Guilty	Insane at the time
	James Reeves	Murder	Not Guilty	
	William Parrot	Assault	Guilty	Death
1832	Henry Gray	Assault	Guilty	Death
	Thomas Reilly	Murder	Guilty	Death
	Owen Sullivan	Murder	Not Guilty	
1834	Timothy McCarthy	Assault	Guilty of grievous bodily harm	Death
	George Bell	Assault	Guilty	Death
	John Wilkins	Assault	Not Guilty	

Table 8: Verdicts and Sentences for Women Charged

1817	Mary Chambers	Murder	Guilty	Confined One Month
	Mary Cook	Murder	Not Guilty	
1823	Margaret Stanton	Assault	Not Guilty	
1824	Mary Simpson	Assault	Not Guilty	
1825	Mary Keaton	Murder	Guilty of Manslaughter	Confined One Year
1827	Mary Wittenback	Murder	Guilty	Death
1833	Louisa Bottrill	Assault	Not Guilty	

Not guilty verdicts arose from a number of scenarios. As noted above, sometimes medical practitioners could not determine the cause of death. Even if there was violence inflicted, if that specific violence did not lead directly

to death, it was likely the prisoner would be released. As noted above, contributing factors such as the abuse of alcohol could affect the outcome.

In several cases, the defendants tried to prove that they acted out of passion or that they were deprived of their sanity. This was successful in the case of Samuel Devoll, James Jones, and Samuel Green. This could be quite effective. If the court and jury believed the accused acted in the heat of passion, or was in fact insane at the time of the incident, the indicted person could receive a lesser charge or be found not guilty altogether. As judges and juries both exercised considerable discretion in the courtroom, these arguments could be quite compelling.[63] Martin Wiener, historian of crime in 19th century England argues that juries and justices "had their own moral agendas."[64] The effectiveness of such defenses are also made clear by William Blackstone who argued that when deprived of reason a person cannot act with "malice aforethought," a condition necessary for proving felony murder.[65] He added

[63] For discussions on judicial discretion see Peter King, "Decision-Makers and Decision-Making. in the English Criminal Law, 1750-1800, " *The Historical Journal* 27, no. 2 (March 1984); Peter King, *Crime and the Law in England 1750-1840: Remaking Justice from the Margins* (New York: Cambridge University Press, 2006).
[64] Martin Wiener, "Judges v. Jurors: Courtroom Tensions in Murder Trials and the Law of Criminal Responsibility in Nineteenth-Century England," *Law and History Review* 17, no. 3. (Autumn 1999): 472.
[65] In such cases, Blackstone argued, only a case of manslaughter could be supported. Blackstone, *Commentaries, 218.*

that "lunatics or infants … are incapable of committing any crime: unless in such cases where they show a consciousness of doing wrong."[66]

What would convince a jury that someone was insane at the time of a violent act? In some cases the answer was obvious. In 1824, Samuel Devoll shot a pistol at his wife and then beat her with the same weapon. Testimony revealed that he had already spent time in an asylum as a "lunatic." His wife supported that testimony, and he was found not guilty as he was not of "sound mind."[67] Similar verdicts occurred in only two other instances. Testimony in these cases reveals a parade of witnesses portraying either the erratic behavior of the prisoner or a sudden change in temperament. But very few were acquitted of a crime because they were insane. It was far more common for those indicted to receive a lesser sentence. In eleven cases, juries returned verdicts lowering the charge and thus the sentence. The argument that a husband acted under the perception of infidelity appears particularly influential in a jury's determination that an incident was an act of passion rather than a rational act.[68]

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[66] Ibid.
[67] OBSP 1824, Case 48.
[68] See Deirdre Palk, *Gender, Crime and Judicial Discretion;* Kathy Callahan, "Women, Crime, and Work."

Domestic violence between spouses was undoubtedly under-reported, but perhaps even more so was domestic violence perpetrated by parents against their children. Violent crime against children was not distinctly categorized by early nineteenth century courts. Not until 1889 was there a significant legislative change in the form of the Prevention of Cruelty to, and Protection of, Children Act. The Act provided that "any person over sixteen years of age, who having the custody, control, or charge of a child," who neglects or mistreats that child was subject to fines or imprisonment.[69] The Act defines a "child," as a boy under the age of fourteen or a girl under the age of sixteen.[70] Monica Flegel, who studies this transformation in English law relating to children in *Conceptualizing Cruelty to Children in Nineteenth-Century England: Literature, Representation, and the NSPCC,* argues that "while assaults against and mistreatment of children prior to the 'creation' of child abuse could be and were prosecuted under the same laws that protected adults, the passage of the 'Children's Charter' lent to such acts of

[69] *Children Charter*, 1889, [online]available from http://www.victorianvoices.com 5 August 2010.
[70] Ibid.

violence a new significance."[71] Her work looks at how violence against children was displayed through various media and connects an increase in Victorian interest in childhood as a distinctive stage to the birth of consumerism in England.[72] What is important for the period 1815 to 1834, is that special protection for children was emerging, particularly in labor legislation. Violence against children was, in fact, prosecuted the same way as violence against adults. Between 1815 and 1834 only eleven cases of domestic violence against children were tried at the Old Bailey and in ten of those cases, the child died. Only one case of assault was tried.[73] By any reasonable logic, violence against children went largely unreported, and like domestic abuse between spouses, was prosecuted when it could simply not be ignored—when there was a body. In seven out of the eleven cases the child victims were

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[71] Monica Flegel, *Conceptualizing Cruelty to Children in Nineteenth-Century England: Literature, Representation, and the NSPCC*. (Burlinton, Vermont: Ashgate Publishing, 2009), 1.

[72]Much of the historical literature about violence and cruelty to children deals with child labor. Certainly relevant would be the discussion leading up to the passage of the Factory Act of 1833. As this chapter focuses on domestic abuse, and though the conclusions of Flegel deal with late nineteenth century, she makes a particularly interesting comment about the nature of Victorian concern for child abuse victims. She states that there was a conflict in the prevailing opinion saying that "while narratives that suggest that it was both right and necessary for working-class children to be gainfully employed persisted throughout the nineteenth century, these narratives coincided and competed with representations of the abused and endangered laboring child." Ibid., 110.

[73] Children were, in fact, much more likely to appear in cases of injury due to traffic accidents.

killed by the mother or father.[74] In one case, a grandfather was charged and in one case, a woman who lived with the father of the child was accused.[75]

Table 9: Indictments for Murder and Assault of Children

Year	Indicted	Charge	Victim	Relationship
1816	John Painter	Murder	Benjamin Painter	Grandfather
	William and Elizabeth Molds	Murder	Hazel Molds	Mother/Father
1826	Ann Brown	Murder	Elizabeth Brown	Prosecutor lived with child's father
1827	William Sheen	Murder	Charles Sheen	Father
	Thomas Johnson	Murder	Thomas Long	Master/Apprentice
1829	Esther Hibner, Esther Hibner, jr., Ann Robinson	Murder	Frances Colpit	Took in the child from the parish as apprentice
	Ann Chapman	Assault	Elizabeth Chapman	Mother
1830	Charles Joseph Perry	Murder	Joseph Blagg	Father
1831	Richard Turpin	Murder	Sarah Turpin	Father
1832	John	Murder	Mary Mahoney	Father

[74] OBSP: Case 521, 1816; Case 1026, 1827; Case 1161, 1829; Case 394, 1830; Case 2106, 1831; Case 459, 1832; Case 1377, 1834.
[75] OBSP: Case 234, 1816 and Case 1090, 1826.

	Shaugnessey			
1834	Elizabeth Forsyth	Murder	Thomas Forsythe	Mother
	Frederick Finnegan	Murder	Charlotte Finnegan	Father

Children sometimes suffered injury in an altercation between their parents, the violence not specifically targeted at the victim. In 1816, John Painter argued with his son while having dinner prepared by his daughter, Mary Painter, mother of the victim, Benjamin. Mary Painter told the jury that as her father and brother argued, her father "threw the knife down on the table, and it rebounded off, and hit the child on the head."[76] The child lived three days and died "by the loss of blood."[77] John Painter was sentenced to six months confinement and a fine of one shilling. In another case, Charles Perry was indicted for the murder of his son Joseph. Charles had been out that day drinking with the mother of the child, Elizabeth Blagg. After coming home, the two began to argue. Elizabeth stated at trial that during the argument "she aggravated him a great deal, more than a man could bear."[78] She went on to testify that "he had the iron heater in his hand, and was

[76] OBSP Case 234, 1816.
[77] Ibid.
[78] OBSP Case 394, 1830.

going to stir the fire with it . . . he accidentally threw the heater, not with the intention of hurting me or the child—it went through the child's head."[79] The child died within a few minutes of being struck and Charles stated, in his defense, that he was, in fact, aiming at Elizabeth, but hit the child instead: "She abused me more than a man could bear, and attempted to strike me, then spit in my face, and ran across the room—having the iron in my hand . . . I threw it at her, and struck the child."[80] The surgeon in the case, James Farish, told the court that the object would not have inflicted a life-threatening injury on an adult and Charles Perry was convicted of manslaughter. In 1832, a five week old girl, Mary Mahoney, died in the night, her arm broken. At trial, her mother testified that there had been a quarrel while the family was in bed—the baby girl slept with them. During the quarrel, John Shaugnessey had struck at his partner with a stick, hitting the child instead. Though the medical testimony in the case could not determine an official cause of death, the prisoner was convicted of manslaughter and sentenced to eighteen months confinement.[81]

[79] Ibid.
[80] Ibid.
[81] OBSP Case 459, 1834

Other cases of violence against children were not as easily explained. In 1826, Ann Brown was tried for the murder of Elizabeth Brown Clear. Ann Brown lived with Elizabeth's father, Charles.[82] Thomas Price, who lodged in the same house with the indicted, recalled the day's events to the jury: "I heard Edwards go up stairs, and after she was gone I heard the prisoner come down stairs into the shop, and soon after heard her exclaim to her husband 'Charles, what have I done!' she said this a dozen times or more in great grief apparently."[83] Price testified that when the father came out of the room after going to check on his partner and child he was "tearing his hair, wringing his hands, and stamping."[84] Ann Brown had cut the throat of three-year-old Elizabeth Brown Clear. Officer Samuel Furzman interviewed Ann Brown later that day reported to the jury that "she said it was asleep in bed—that she laid hold of it, took the knife off the table and did it. She then complained very much of a person named Easley . . . and one Bentley encouraging her in doing so."[85] Ann Brown

[82] Ann Brown and Charles were referred to as husband and wife in the testimony, but Ann Brown was not the mother of Elizabeth. One witness stated that the child had been with them eighteen months. Either Ann Brown was the child's step-mother, or the couple was in fact not married but cohabited.
[83] OBSP Case 1090, 1826. Elibeth Edwards did charing for Ann Brown.
[84] Ibid.
[85] Ibid

was found not guilty as she was found to be "insane."[86] Frederick Finnegan was convicted of murdering his daughter Charlotte in 1834. The child was found in a ditch, and while no one could determine if the injuries resulted from a fall or a push, several witnesses claimed to have heard the prisoner admitting the murder. At no point was the motive for the crime revealed to the court.[87]

In two cases children were the victim of violence perpetrated by their masters. These two cases are included as domestic violence cases because in both situations, the "apprentice," lived with their masters and relied on them for care. The case of Frances Colprit, killed in 1829, was particularly disturbing. Frances Colprit was turned over to a workhouse as an infant. She was placed with Esther Hibner, sen. "on liking" in 1828 and was later "bound to the prisoner."[88] The man who had placed Frances and another child with Esther Hibner, Jeremiah Smith, testified at trial that the child had "been under the care of the parish five or six years, and was always in perfect health."[89] The agreement for apprenticeship was read for the court: "Frances Colpit was articled as apprentice to Esther Hibner, Sen., of Platt's-terrace, to learn the business of

[86] Ibid.
[87] OBSP 1834, Case 5.
[88] OBSP 1829, Case 731.
[89] Ibid.

a tambour-worker, she engaging to provide her with board, lodging, and all other necessaries."[90] If not for the interest of her grandmother, the fate of Frances Colpit may have never come to light. The grandmother, Frances Gibbs, testified about visiting the child and finding the care in the home severely lacking:

> I saw her several times after she was apprenticed to the prisoner—the last time I saw her was on the 27th of September: I went again on the 30th of November—I did not see my grandchild; I was told Hibner's daughter was dead, and I could not see the child—I did not see either of the prisoners; I called again on the 3rd of January, and saw Hibner, Jun.—I asked her to let me see my grandchild; she said it was Saturday night and it was not convenient, for the children were being washed—I went again on the 8th of February, saw the daughter, and asked to see my child; she said she had soiled her work and I could not see her—on account of the child be so fond of me, that was the only punishment she could have.[91]

The grandmother called two more times before being allowed to see Frances, and when she did "she looked in a deplorable state."[92] In fact, the grandmother was troubled enough by Frances' appearance that she informed the "gentlemen of the parish," those responsible for placing the children. The overseer of the parish, John Blackman, visited the home of Esther Hibner a day after the complaint was made. He related to the court that he "found Colpit

[90] Ibid.
[91] Ibid.
[92] ibid

lying on a mattress, without any proper covering;" he took her and the five other children of the parish away later that day. When he took Colpit to the infirmary he noticed that she "appeared merely skin and bone, her lips were contracted a great deal, the teeth much exposed, a redness about the eyes, on one eye I observed a cut, and I think there was a bruise on the forehead."[93]

A fellow apprentice in the home, Susan Whitby revealed the day-to-day experiences of the girls who lived there, particularly the victim:

> She was called up to work between three and four o'clock, and continued to work till between ten and eleven at night . . . she used to have a slice of dry bread, and a cup of milk and water at breakfast time; she had nothing else in the course of the day, and no other meal till the next morning . . . . Sometimes they used to say she had not earned her breakfast, and should not have it.[94]

Whitby also testified that Frances was beaten when her work was found to be unsatisfactory. Mary Ann Harford, another apprentice, confirmed the ill-treatment. In her testimony she revealed that "she was beat very often—they beat her with a slipper: I have seen a slipper, a rod, and a cane used to beat her."[95] The surgeon in the case, Charles James Wright stated that "her death arose from abscess on the

[93] Ibid.
[94] ibid
[95] ibid

lungs . . . in conjunction with the mortification of the toes," and that he did not doubt that "tubercles might be produced by the treatment described, and want of food."[96] Esther Hibner, Sen., was found guilty and sentenced to death. She received no recommendation of mercy from the jury.

Thomas Long was also an apprentice murdered by his master, Thomas Johnson, chimney-sweep. In the 1827 trial, witness Mary Tarbin, recalled for the court what happened when Johnson and Long came to her and asked if she wanted her chimney done:

> he asked me to give him a piece of bread and butter - I cut him a thick slice, and stood him by the fire to eat it; his master came and asked if he was there, and before I could speak he collared him, knocked him down, and beat him violently with a stick, which was rather thicker than my middle finger - he struck him over the loins and shoulders; and when he was knocked down, the left side of his head came against the wall; there was a sooty mark on the wall where his head had been; the child then went out - he laid hold of him by the collar and dashed him on the grating in front of my door; the poor boy cried, but said nothing; he struck him four or five times after he went out of the house, and struck him while he was on the ground; the poor child ran home; he repeated the blows till the stick broke, and I saw no more.

Two surgeons testified in the case, each claiming a different cause of death. One stated that the beating could

[96] Ibid.

have produced life-threatening injury, the other claimed that the death was caused by a pre-existing condition. Thomas Johnson was found not guilty.

Making any sort of broad-based conclusions based on the small number of cases actually prosecuted at the Old Bailey is difficult. What may be said is that when these cases were tried, the conviction rate was fairly high, nearly 25% higher than for cases of domestic violence between partners.

Table 10: Verdicts and Sentences

Year	Indicted		
1816	John Painter	Guilty	Confined six months and Fined one shilling
	William and Elizabeth Molds	Not Guilty	
1826	Ann Brown	Not Guilty	Insane
1827	William Sheen	Not Guilty	
	Thomas Johnson	Not Guilty	
1829	Esther Hibner, Esther Hibner, jr., Ann Robinson	Esther Hibner, Sen. Guilty	Death
	Ann Chapman	Guilty	Death
1830	Charles Joseph Perry	Guilty of Manslaughter	Confined one year
1831	Richard Turpin	Guilty	Transported Life
1832	John	Guilty	Confined eighteen

	Shaugnessey		months
1834	Elizabeth Forsyth	Not Guilty	
	Frederick Finnegan	Guilty	Death

From these cases, it may be conjectured that children were most at risk if they lived in already dangerous situations. If one considers the five other children placed in apprenticeship with Frances Colpit, would their mistreatment have become known had not Frances had an interested grandparent to raise an alarm? Probably not. When Thomas Long was being beaten by his master, not one witness intervened, even though at least one person present saw the child beaten until the stick was broken. Children were also placed at a higher risk if they lived in homes where violence between father and mother occurred. As shown above, intentionally or not, children could be injured in fights between others in the home.

A total of sixty-nine cases of domestic violence have been covered here. These cases shed light on how London's lower classes lived every day. Confirming recent scholarship, they reveal that relationships between genders were more complicated than once imagined. Men and women adapted their relationships to the necessities of life,

choosing to live under separate arrangements when called for, and opting often to live outside the convention of marriage. Testimony in these trials portray a group of people living constantly on the edge of survival, where alcohol was used daily to alleviate the stresses of life and where financial ruin was always very close at hand. In some relationships the stresses of everyday life resulted in significant violence against women, men, and children. Only a small percentage of such incidents, however, resulted in a trial at the Old Bailey.

Chapter Six
"In the Family-Way:" Infanticide 1815-1834

Infanticide, the willful murder of an infant child, was a woman's crime.[1] Several themes emerge from a study of infanticide in the Old Bailey Court between 1815 and 1834. The women prosecuted during this period came from the fringes of society. Many of them were servants and most were single. Old Bailey testimony reveals that the Court had little interest in questions of morality. Though most of the women charged with infanticide were single, little is said about how they became pregnant out of wedlock.[2] Until 1829, even less mention is made about the men who fathered the children. The increase in interest in the role of fathers is an indication of attitudes expressed in the 1834 Bastardy Law which investigated cases of illegitimacy in the context of reforming poor relief systems. The Old Bailey evidence supports what historians have found in the past—that infanticide was an under-reported crime.[3] Citing an unwillingness to convict a young, often single woman for

[1] Only one man was indicted for infanticide between 1815 and 1834. In 1822 John Morrison was indicted with his partner Elizabeth Jones. OBSP, Case 1188, 1822. He was found not guilty, as was his partner. The only testimony provided about his role, was that of an undertaker who stated that Morrison had come to purchase a coffin for the infant.

[2] This is even more significant as sex was not necessarily a taboo topic in the Old Bailey. As seen in chapter five, testimony was given about such matters and though most often such testimony was stricken from the official record, it was considered in court cases and heard by judges, juries, and audiences.

[3] The Bastardy Law will be discussed on page five.

murdering her child, historians have argued that European courts and juries would find any excuse to find the prosecuted woman not guilty.[4] Though compelling, I would suggest that other motivations were at play. Most significantly during this period, male medical professionals were increasingly viewed as "experts" in court cases involving death. Patricia Crawford in "Sexual Knowledge in England 1500-1700" argues that the opinions of male practitioners were already outweighing female views on the subject of childbirth in the early modern period. She states that "medical writers increasingly . . . dismissed women's knowledge during this period."[5] The court system increasingly relied on expert opinion, but as Christine Krueger argues in "Literary Defenses and Medical Prosecutions," proving anything regarding childbirth was incredibly difficult. She argues that ideas about infancy were concepts that remained "remarkably malleable in the hands of judges, medical witnesses, and judges."[6] Mark Jackson offers a similar conclusion in "Pregnancy Loss in

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[4] The most famous of reasons was the presence of baby linen—if the mother had prepared for the child in any way, this was deemed proof that she had not intended to harm the infant. This will be addressed later in the chapter.

[5] Patricia Crawford, "Sexual Knowledge in England 1500-1700," in *Sexual Knowledge, Sexual Science: The History of Attitudes to Sexuality*, edited by Roy Porter and Mikulas Teich (New York: Cambridge University Press, 1994), 100.

[6] Christine Krueger, "Literary Defenses and Medical Prosecutions: Representing Infanticide in Nineteenth-Century Britain," *Victorian Studies* 40, no.2 (Winter 1997): 274.

Eighteenth-Century England," stating that it was difficult to mount a case against a woman claiming miscarriage as the

> force of medical opinion on this issue, ostensibly in support of the prosecution's case, was blunted by the uncertainty inherent in the rest of the medical evidence. Although medical evidence could establish that a child had been born sufficiently mature to have been viable, they could not establish with any certainty that the child had in fact been born alive.[7]

Jackson further contends that "inconsistencies in medical procedure, legal constraints and medical practitioners' alignment with ostensibly humanitarian opposition to the conviction of women," all combined to "limit the extent to which medical testimony could accurately . . . determine the cause of death."[8]

For much of European history, a woman's role as wife and mother was her most important responsibility. During the Victorian Period, motherhood would be idealized in the notion of the "cult of domesticity."[9] Historians who have

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[7] Mark Jackson, "Pregnancy Loss in Eighteenth-Century England" in *The Anthropology of Pregnancy Loss: Comparative Studies in Miscarriage, Stillbirth and Neonatal Death* edited by Rosanne Cecil (Washington, D.C.: Berg, 1996), 207.

[8] Ibid, 209.

[9] Historians have addressed the development of "separate spheres," and the cult of domesticity in some detail. See Robert Shoemaker, *Gender in English Society 1750-1850: the Emergence of Separate Spheres*, (New York: Longman, 1998); Robert Shoemaker and Mary Vincent, ed., *Gender and History in Western Europe*. (New York: Oxford University Press, 1998); Jane Rendall, "Women and the Public Sphere," in *Gender and History: Retrospect and Prospect* edited by Leonore Davidoff, Kieth McClelland, and Eleni Varikas, (Malden Mass: Blackwell, 1999). For a broad discussion on gender constructs in the writing of history see Johanna Alberti, *Gender and the Historian* (New York: Longman, 2002). Merry Wiesner Hanks' recent edition of *Women and Gender in Early Modern Europe* (New York: Cambridge University Press, 2008) discusses concepts

considered the role of women in the family have long suggested that the upper class and, in England, the growing middle class increasingly extolled the family unit as a mark of moral character and national progress. Hailing the man as the bread-winner and the woman as the queen of a serene and spiritually pure home, the upper classes created a model of the home that the lower classes simply could not achieve—even assuming they wanted to mimic their "betters."[10]

The period under discussion in this study is book-ended by the intellectual revolution of the Enlightenment and the English Poor Law of 1834. Jean Jacques Rousseau articulated the idea of separate spheres, which saw the home as the rightful place of women and the public world as the realm of men. "Protected" from the moral filth of political life, women could stay in their natural environment and nurture future citizens of the nation. Of course, to achieve this model, the family must have a bread-winner. For lower-class women in England, the ideal

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of women's power. See also Merry Wiesner Hanks, *Gender in History* (Malden, Mass: Blackwell, 2001). For a more recent discussion of impact of separate spheres on the writing of gender history see Laura Lee Downs, *Writing Gender History*, (New York: Oxford University Press, 2004).

[10] See F.M.L. Thompson, *The Rise of Respectable Society: a Social History of Victorian Britain, 1830-1900* (Cambridge, Mass.: Harvard University Press, 1988); Marjorie Levine-Clark, *Beyond the Reproductive Body: the Politics of Women's Health and Work in Early Victorian England* (Columbus: Ohio State University Press, 2004).

would be hard to achieve as their wages were necessary to maintain a family's economic viability.[11] The literature and the mindset of the period between the Napoleonic Wars and the age of Victoria indicted the lower classes for failing to achieve the ideal family model.[12]

If motherhood was ideally the goal of every woman, then killing a child constituted an absolute rejection of a woman's purpose for being.[13] Lisa Forman Cody, in *Birthing the Nation*, argues that "Enlightenment writers and authors valorized maternity as a primary social bond to hold families and nations together." She states that this elite image of motherhood could also be used to distinguish true mothers of the nation from the "rough and common parental

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[11] For discussions of women's work in England see *Women's Work in Industrial England: Regional and Local Perspectives,* edited by Nigel Goose (Hatfield, Hertfordshire: Local Population Studies, 2007); *Women, Work, and Wages in England, 1600-1850,* edited by Penelope Lane et al, (Rochester, New York: Boydell Press, 2004); Patti Seleski, "Women, Work and Cultural Change in Eighteenth-Century and Early Nineteenth-Century London," in *Popular Culture in England, c. 1500-1850,* (New York: St. Martin's Press, 1995);Katrina Honeyman and Jordan Goodman, "Women's Work, Gender Conflict, and Labour Markets in Europe 1500-1900," in *The European Women's History Reader* edited by Fiona Montgomery and Christine Collette, (New York: Routledge, 2002). See also Anna Clark, *The Struggle for the Breeches: Gender and the Making of the British Working Class* (Berkeley: University of California Press, 1995); Martha Vicinus, *Independent Women: Work and Community for Single Women, 1850-1920* (Chicago: University of Chicago Press, 1985).

[12] For a good discussion of the attitudes of the Victorian middle and upper class toward the lower orders see Jill L. Matus, *Unstable Bodies: Victorian Representations of Sexuality and Maternity*, (New York: Manchester University Press, 1995).

[13] See Julie Kipp, *Romanticism, Maternity and the Body Politic*, (New York: Cambridge University Press, 2003); Lynn Abrams, *The Making of Modern Women*: Europe 1718-1918, (New York: Longman, 2002).

[behavior] of the poor."[14] This contempt for the poor classes was strongly articulated in Thomas Malthus' *Essay on the Principles of Population*, published in 1798. Malthus argued that the poor were unwilling or unable to exercise family planning and that to aid the poor materially simply aggravated their already dismal situation.[15]

The Poor Law Commission Report of 1834 epitomized contemporary views on illegitimate children and their mothers. The review of existing bastardy laws focused on the financial burden of illegitimate children on parishes in England. The report argued that mothers who placed their children on parish relief were "defrauding" the deserving poor.[16] Although theoretically financial responsibility belonged to both parents of the child, maternity was far easier to prove than paternity. Oxford magistrate Simeon, speaking before the House of Lords in 1831, remarked on the efficacy of placing responsibility on men: "now I rather believe that we shall never be able to check the birth of

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[14] Lisa Cody, *Birthing the Nation: Sex, Science, and the Conception of Eighteenth-Century Britons*. (New York: Oxford University Press, 2005), 27.
[15] Thomas Malthus, *An Essay on the Principle of Population, As It Affects the Future Improvement of Society*. (London: Printed for J. Johnson, 1789). [Online], available from http://www.econlib.org/library/Malthus/malPop.html, 6 August 2010.
[16] *Poor Law Commissioners' Report of 1834.* [Online], available from http://www.econlib.org/library/YPDBooks/Reports/rptPLC.html, 27 September 2010.

bastard children by throwing the onus upon the man."[17] He also vehemently argued that "until the law of this country is assimilated to the law of nature . . . by throwing the onus more upon the females, the getting of bastard children will never be checked."[18] His lengthy argument is worth discussing in some detail as it reveals important aspects of contemporary opinion. He began by observing that "when a man has the misfortune to have a bastard child sworn to him, he is brought before a magistrate." The word "misfortune" is telling. It implies that most of the women who brought such a suit were deceiving both the man and the parish. Undoubtedly *some* of the men sued for support were actually the fathers. Simeon emphasized the plight of men forced to make a choice: "will you marry this woman, will you support the child, or will you go to prison?" Certainly, none of those options were particularly appealing, but Mr. Simeon suggested that most men when placed in such a situation would choose to marry the woman.[19]

Simeon's contempt for the women is clear. He assumed that lewd women were by nature seductresses, saying that a "woman of dissolute character may pitch upon any

[17] Mr. Simeon's report was included in the Poor Law Commissioners' Report of 1834. Ibid.,159.
[18] Ibid.
[19] Ibid, 158-159.

unfortunate young man whom she has inveigled into her net, and swear that child to him; and the effect of the law, as it now stands, will be to oblige the man to marry her."[20] Again, the phrase "unfortunate young man" implies that such a man is most likely innocent of any wrongdoing and that, even if he did engage in sexual misconduct, the female bore sole responsibility for luring him into a bad situation. While in earlier laws, both parents were faulted, the proposed new law placed the onus on "lewd" women having children out of wedlock.[21] Simeon suggested that government was, in a way, endorsing unladylike conduct:

> You thus make the vice of the woman the means of getting that which she is anxious to get; and I feel convinced that three-fourths of the women that now have bastard children would not be seduced, if it were not for the certainty that the law would oblige the man to marry.[22]

[20] Ibid. Though he uses the word "lewd," to describe the women in question, clearly the majority of women who found themselves seeking parish relief came from the lower classes.
[21] Commissioners Report, 1834: "because great charge ariseth upon many places within this realm by reason of bastardy, besides the great dishonour of Almighty God, enacts that every lewd woman which shall have any bastard which may be chargeable to the parish shall be committed to the house of correction, there to be punished and set on work, during the term of one whole year; and if she shall. . . offend again shall be committed to the said house of correction as aforesaid, and there remain until she can put in good sureties for her good behaviour, not to offend so again;"—a sentence which, if executed, must often have been imprisonment for life. The 50 Geo. III. c. 51, s. 2, repeals this power, and enables the justices to sentence the woman to imprisonment for any period not less than six weeks, or more than one year."
[22] Ibid, 159.

Indeed, under the current law, according to Simeon, women were rewarded socially by gaining a husband and therefore, a solid place in the community.

> You say to a woman—as long as you continue virtuous and modest you have no chance of getting a husband, because in the present state of things, the men are cautious—but if you will be intimate with any person you please, the law will oblige him to marry you.[23]

Mr. Simeon argued further that women were actually benefitting financially from the current regulations: "To the woman, therefore, a single illegitimate child is seldom any expense, and two or three are a source of positive profit."[24] He cited several cases where women had so many illegitimate children that the monetary gain left them "better off than married woman."[25] Simeon also cited a number of cases to prove that women abused the system, often conning innocent men into giving the women money to preclude a suit for fathering the child. The report proposed, in line with the larger framework of reforming the poor laws, that able-bodied women should support their children. The report suggested an end to cash payments of

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[23] Ibid.
[24] Ibid. After this statement on the profitability of bastardy, Simeon made an interesting comment on marriages secured only on the basis of pregnancy. "Still more frequently, however, as soon as he finds that the evil of becoming the father of a bastard is otherwise inevitable, he avoids it by marrying the woman during her pregnancy—a marriage of which we may estimate the consequences, when we consider that it is founded, not on affection, not on esteem, not on the prospect of providing for a family, but on fear on one side, and vice on both."
[25] Ibid.

support altogether, replacing such support with recourse to workhouses. Such a remedy would have the added benefit of exposing "bastard" children to at least some level of education.[26]

While the discussions on the part of authorities and elites focused on allocating blame for illegitimacy, authorities also believed that revising the current law along the lines mentioned above would reduce cases of abortion and infanticide. Charles Sawyer, Esq., J.P, acknowledged that "desertion of children, with infanticide, were objections sometimes urged," against changing the bastardy law. He asserted, however, that the "great majority of clergymen, magistrates, and others . . . thought that the former would not be more frequent than at present."[27] While elsewhere in the document women were labeled conniving seducers of men, he suggested that the "female left to herself, from maternal feelings, and natural timidity, would seldom attempt the destruction of her offspring."[28] Herein lies the problem. Were women solely responsible for finding themselves in a difficult situation, or were women the "victims," of a socio-economic situation that left them vulnerable? It would seem that

[26] Ibid.
[27] Ibid, 158.
[28] Ibid.

contemporaries could not decide. An analysis of infanticide cases between 1815 and 1834 reveals that women charged with killing their infants were often in a position where having the child would have created a significant economic hardship as it would possibly have resulted in an end to employment. The cases also suggest that the fathers were largely absent.

As indicated by the table below, twenty-five cases of infanticide were prosecuted between 1815 and 1834. The number is very consistent with Kathy Callahan's figures for the period 1783-1815. She found for those years 24 cases of concealment and infanticide charges.[29] Rarely were more than two cases prosecuted in a given year with the exception of 1817.

Table 1: Indictments for Infanticide

1815	Catherine Tewner	Murder	Not Guilty	
1816	Sarah Panton	Murder	Not Guilty	
1816	Esther Wesson	Murder	Not Guilty	
1817	Sarah Perry	Murder	Guilty	Death
1817	Jane Wild	Murder	Not Guilty	
1817	Eliza Cornwall	Murder	Guilty of Concealment	Confined 2 Months
	Diana Thompson		Not Guilty	
1817	Sarah Grout	Murder	Not Guilty	
1818	Sarah Clapp	Murder	Not Guilty	
1821	Susan Hyde	Murder	Not Guilty	
1822	Elizabeth Jones	Murder	Not Guilty	
	John Morrison		Not Guilty	

[29] Callahan, "Women, Crime, and Work: the Case of London 1783-1815," 263.

1823	Susan Stubbings	Murder	Not Guilty	
1823	Elizabeth Saunders	Murder	Not Guilty	
1825	Matilda Hamilton	Murder	Not Guilty	
1828	Ann Evans	Murder	Not Guilty	
1828	Catherine Welch	Murder	Guilty	Death
1829	Ann Pragnell	Murder	Not Guilty	
1829	Harriet Farrell	Murder	Guilty of Concealment	Confined 1 Year
1829	Martha Barrett	Murder	Guilty of Concealment	Confined 18 Months
1830	Sophia Morgan	Murder	Guilty of Concealment	Confined 2 Years
1832	Maria Puolton	Murder	Guilty of Concealment	Confined 2 Years
1832	Sarah Drew	Attempted Murder	Not Guilty	
1833	Catherine Weeks	Murder	Guilty of Concealment	Confined 14 Days
1834	Louisa Wilmot	Murder	Not Guilty	

The number of cases is small relative to the overall number of cases tried in the period, only 25 out of 338 murders.[30]

In eleven of these cases the socio-economic status of the women is clear. An understanding of their circumstances offers a possible clue into what may have motivated their termination of an unwanted pregnancy. A pregnancy could easily end a woman's employment. Not only would her character be called into question, particularly if she was single, but there might also be questions about her ability to do the work assigned her. Lionel Rose argues in *The Massacre of Innocents: Infanticide in Britain 1800-1939,*

[30] Though this number is relatively small, it must be remembered that infanticide was certainly under-reported. Some cases would have been dismissed, if the cause of death was listed as natural, and undoubtedly some mothers did successfully bury or hide the body of a dead infant.

that the "motives that could impel a woman to dispose of an unwanted infant can only be appreciated against the setting of women's economic and social vulnerability."[31] Shani D'Cruze and Louise A. Jackson argue in *Women, Crime and Justice in England Since 1600,* that "from the seventeenth to the nineteenth century, infanticide cases most commonly involved single women."[32] They conclude that the "social disruptions of demographic and urban growth that accompanied industrialization may well have increased the incidence of infanticide as more economically marginal and socially vulnerable women found themselves with babies they could not keep."[33] Lisa Cody suggests that "single mothers naturally panicked when contemplating the social consequences of a bastard."[34]

The women whose occupations were revealed in Old Bailey testimony were servants of some kind. Six were referred to simply as "servants," or as having been "in service."[35] One was listed as a servant to a public house keeper.[36] Two were cooks, one took in washing, and one did

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[31] Lionel Rose, *The Massacre of Innocents: Infanticide in Britain 1800-1934* (Boston: Routledge & Kegan, 1986), 15.
[32] Shani D' Cruse and Louise A. Jackson, *Women, Crime and Justice in England Since 1600* (New York: Palgrave Macmillan, 2009), 77.
[33] Ibid, 80.
[34] Cody, *Birthing the Nation,* 274.
[35] OBSP, 1817, Case 829; Case 733, 1821; Case 384, 1823; Case 385, 1823; Case 587, 1829; and, Case 1100, 1830
[36] OBSP, 1816, 223.

mangling.[37] The importance of these occupations when considering infanticide can hardly be overstated. Women who relied on their labor for a living could not afford to lose their employment. Rose argues that "servants were particularly vulnerable if they became pregnant, as it would mean instant dismissal without references."[38] One case in particular references a fear of unemployment. In 1823 Sarah Stubbing stood trial for murdering her infant child. Her aunt, Sarah Stubbings, related to the court a conversation with her niece about her pregnancy: "I spoke to her about her condition, and told her she had better go home to her father's; she said her father had a large family, and had trouble enough, and she wished to get another situation."[39] Though ages of the accused are not always available, the youngest was sixteen and the eldest was thirty-three.

While references to a loss of employment are rare, numerous cases reveal a concern for being discovered. Employers and fellow servants or lodgers often asked the suspected women whether or not they were pregnant. Kathy Callahan's work confirms that "servants were under the

[37] OBSP, 1817, Case 393; Case 1189, 1832; Case 1188, 1822; and, Case 165, 1815.
[38] Rose, *The Massacre of Innocents*, 19.
[39] OBSP, Case 384, 1823.

watchful eyes of employers."[40] Charlotte Armstrong testified in the case against Sarah Perry that she "observed that she was large," and when she confronted Perry about it, "she said it was her clothes."[41] Mary Walsingham, who lived in the same house as Jane Wild, indicted in 1817, told the court about the following conversation: "I said you was in the family way. She said, Yes. I said, are you now? She answered, No. I asked her where her child was? She replied, she had got it."[42] Mary Walsingham found the infant in the prisoner's room. Margaret Mayger likewise confronted Sarah Clapp, tried in 1818: "I asked her if she was in the family way; she said she did not know that she was, nor did she know that she was not."[43] Mary Taylor, the mistress of Susan Hyde, told the court in 1821 that "the prisoner lived in our service about a year and a half—she is single. I had no reason to suppose her in the family-way till a week or ten days before this happened, I then told her of it—she denied it."[44] Susannah Stubbings, who delivered in her master's house, had worked as a servant for Elizabeth Hackett for three months. Mrs. Hacket had spoken to her several times

[40] "Women, Crime, and Work," 265.
[41] OBSP, Case 393, 1817.
[42] OBSP, Case 569, 1817.
[43] OBSP, Case 1095, 1818.
[44] OBSP, Case 733, 1821.

"and asked if she was in the family way."[45] Some women were successful at hiding their condition well into the pregnancy. David Ellis, who employed Elizabeth Saunders, "did not suspect her being pregnant" even though the infant, according to the surgeon, was only one or two months short of its "maturity."[46]

Infanticide, like murder, was prosecuted when a body was found. The crime was among the most under-reported. One reason is suggested by Lisa Cody who argues that "most historians of the subject agree that abortions did occur, even if criminal indictments did not, a disparity that suggests how much contemporaries viewed the termination of pregnancy as a private matter."[47] It may also suggest that contemporaries were not shocked by the idea of pre-marital relations or out of wedlock pregnancies. One poor law investigator spoke to a man who "stated that in forty-nine out of every fifty marriages that he had been called on to perform in his parish amongst the lower orders, the female was either with child, or had one."[48] Historian Lionel Rose certainly agrees, arguing that "for a working-class girl an illegitimate child was less of a social stigma than an

[45] OBSP, Case 384, 1823.
[46] OBSP, Case 385. 1823.
[47] Ibid, 276.
[48] Poor Law Commissioners' Report, 1834, 157.

economic liability."[49] As will be discussed, infanticide was also under-reported because the death of an infant was easily considered a result of complications in the birthing process and because the birth of a child and the death of that child could be easily concealed.

The victims of the crime of infanticide were often discarded in secreted places. Most commonly, and especially in cases where the woman was delivered without help from family or medical practitioners, infants were found in the privy. Eleven of the infants in the Old Bailey cases were found in such a location.[50] In the case of Catherine Tewner, a witness came forward claiming to have heard the birth. Matthew Pendergast reported that when he went to the privy he heard "a moaning as if in great distress" that lasted about five minutes. He then claimed to have heard the "cries of child two or three times." The next thing he heard was a "drop into the cesspool."[51] In another case Margaret Mayger told the court that Sarah Clapp confided that she had put her infant "down the privy."[52] Sarah Hyde's child was also found in a privy "with its two legs stuck

[49] *The Massacre of Innocents*, 21.
[50] OBSP, 1815, Case 165; Case 828, 1817; Case 1095, 1818; Case 733, 1821; Case 385, 1823; Case, 927, 1826; Case 587, 1829; Case 1100, 1830; Case 1530, 1832; and, Case 1055, 1833.
[51] OBSP, Case 165, 1816.
[52] OBSP, Case 1095, 1818.

upright," and the rest "under the soil."[53] When Susan Stubbing's employer searched for her infant, he found the child in the privy "lying on its back, with its head and part of the neck in the soil."[54]

The privy was likely the only private space available to a servant. They often shared rooms, and it would have been unlikely that a woman could give birth in a house full of family and servants and not have someone notice her odd behavior. The dampness of the cesspits would also hide the smell of a decaying body and make it difficult, as will be seen later, to determine cause of death. Mary Lay, who stood trial in 1826, admitted that "she had been delivered of it in the privy,"[55] and as later medical testimony will support, it seems that contemporaries believed that the pains of labor could be mistaken for a need to defecate.

In some cases women hid the body of the child in and around their lodgings. In 1829, officer James Stone was called in to investigate Martha Barrett for killing her newborn infant. He told the court that he "reached into some garden-pots on the ledge of the window," where he "found a portion of a child's skull in one, and another

[53] OBSP, Case 733, 1821.
[54] OBSP, Case 384, 1823.
[55] OBSP, Case 927, 1826.

portion of a skull in another."[56] When he took his search to the home's fireplace, he found "a number of bones, which were materially burnt."[57] One infant was found in a ditch, one in a gutter, and one "under a hedge in the lane."[58] Four infants were found in the room occupied by the mother, two in boxes for personal belongings, one under a pillow, and one on the floor, wrapped in cloth.[59]

If a woman could not achieve privacy, she risked the birth being found out by those she lived with as in the case of Sarah Perry. She shared a room with fellow servant Charlotte Armstrong. On the night she gave birth, Ms. Perry seemed restless and got up several times and went to the kitchen area of the house. After being woken several times, Charlotte asked Sarah why she kept getting up and was told that "she was dreadfully in her bowels and went down for fear of disturbing her master."[60] The noise and the movement in the house was also noticed by the footman, William Roberts, who testified that the "prisoner was in the scullery making a groaning noise as if she was in pain." He also claimed to have heard the sound of a child crying.[61] In

[56] OBSP, Case 793, 1829.
[57] Ibid.
[58] OBSP, Case 810, 1828; Case, 551, 1828; and Case 223, 1816.
[59] OBSP, Case, 1189, 1832; Case 829, 1817; Case 569, 1817; and Case 1188, 1822.
[60] OBSP, Case 393, 1817.
[61] Ibid.

the morning blood was found both on the stairs and in the kitchen. The infant was found there later that day. In another case a neighbor of Elizabeth Jones said she might have heard the "cry of an infant."[62] Susan Stubbings went into labor while her mistress was at home. The mistress, Elizabeth Hackett, called for Stubbing's aunt and arranged for her to have a room outside of the home for the delivery, but "she was delivered of it between the time her aunt came, and our getting the coach."[63]

That secrecy could save a woman her job and protect her from prosecution speaks to the larger issue of concealment. The first question in a case of infanticide was whether or not the mother had hidden her pregnancy from her employer, her family, and her neighborhood community. A sign of intent, concealment was a punishable offence, even if a guilty verdict for infanticide was not rendered.[64] Women servants were likely to have concealed their situation to keep their position for as long as possible. The idea of moral shame was more indirect and specifically mentioned only once. The mother of Esther Wessen told the court that she had no knowledge of her daughter's pregnancy and that when the child was delivered she "did not know

[62] OBSP, Case 1188, 1822.
[63] OBSP, Case 384, 1823.
[64] The crime of concealment carried a sentence up to two years confinement, but sentences varied dramatically.

what to do." She decided that it was in the best interest of her daughter—and perhaps the family—to "hide the child," so that "nobody [would] know anything about it, to hide the shame of the girl."[65] In the same case, the brother-in-law of the prisoner related his response to the situation: "I told them it would bring disgrace on my own family, and they might do what they liked."[66] Lisa Cody argues that social norms were undergoing a shift, observing that "condemning attitudes towards single mothers, which found their justification before the mid-eighteenth century in theology, found new rationale in late eighteenth-and nineteenth century political economy that viewed bastardy as an economic drain on the nation."[67] This is even further evidenced by the Poor Law Commissioners' Report of 1834 which viewed bastardy as financially ruinous since the parish would have to provide support and try to recoup money from absent fathers—a process which often cost more than it brought in.

Testimony about how a woman had prepared for the birth of her child suggests that there was sympathy for women who found themselves in difficult situations. Mary Wallsingham, who lodged in the same house of one Jane Wild first

[65] OBSP, Case 687, 1816.
[66] Ibid.
[67] Cody, *Birthing the Nation*, 284.

testified that she had thought the prisoner was pregnant and was present when the body was found dead in the prisoner's room. She stated that the prisoner "confessed that she had been in the family way without hesitation," and added further that the "prisoner bore a very good character."[68] Elizabeth Jones' neighbor who had testified to hearing the cries of a child also testified that though the prisoner had not told her she was pregnant she "had heard it." She indicated that it was, at least in the neighborhood, common knowledge.

In the court's opinion the strongest proof against concealment was a consideration of whether or not the mother had prepared for the child's birth. Catherine Eagle, on behalf of Catherine Tewner, told the court in 1815 that the prisoner had prepared for her "lying in" period and swore that "there was no secret that she was with child not the least in the world."[69] Elizabeth Wyatt, who testified in the case against Elizabeth Jones, told the court that she was hired to nurse the accused after the birth, and Ann Evan's roommate said that although she never saw the prisoner with baby items, she "did not examine her boxes."[70] Officers on the scene of a suspected infanticide

[68] OBSP, Case 569, 1817.
[69] OBSP, Case 165, 1815.
[70] OBSP, Case 1188, 1822.

investigated a mother's preparation. William Haughty, a parish officer, testified in Jones' case that he "searched for baby linen, and found some in the drawer."[71] Sergeant Charles Richard Edwards who was called to investigate the case of Sophia Morgan in 1830 went so far as to find a pawnbroker the prisoner had named where he found what he thought might be a child's "frock."[72]

The introduction of a regular police force did have an impact on cases of infanticide. In particular, officers who investigated the charge offered the court significantly more information about the circumstances of the crime and of those of the prisoner. Martha Barrett was tried in 1829 for the murder of her new-born. James Stone was the officer who spoke to the prisoner, and he asked her if the father of the child "had influenced her in any way to make away with the child—she said No, no one had any knowledge of her being the family-way, exclusive of herself."[73] This is the first case where significant mention is made of the role of the father in the woman's life or in the decision to end a pregnancy. In 1830, Charles Richard Edwards related his entire interrogation of prisoner Sophia Morgan:

> I told her not to alarm herself but to be composed—I said there was a very serious charge against her . . .

[71] Ibid.
[72] OBSP, Case 1100, 1830.
[73] OBSP, Case 793, 1829.

> . I then said, 'is it true that you have been delivered of a child?' She asked if her punishment would be great—I said that was not for me to say; Mrs. Williams then said, 'Sophia, you had better tell the truth:' she then said that to hide one crime she had committed a greater; I said, 'Then it is true that you have been delivered of a child?'She said, Yes—I asked if it was alive when it came from her: she said she could not tell—I asked if she had heard it cry; she said, No—I asked if it was down the privy, she said, Yes . . . . I asked her who was the father of the child; she said she could not tell me his name, but she had been living with a Mrs. Cox in Hunter-street, and in her mistresses' absence a gentleman called and prevailed over her.[74]

In 1832, the superintendant of the Covent Garden division of the police testified at the trial of Maria Poulton. He told the court that he had asked her a series of questions about the infant, whether or not she had "made any provisions" for the baby, and whether or not any one knew of her "situation."[75] She replied that "she had never acquainted any one but the father of the child—she had informed him some months ago; that he was long way in the country, and she would never say who he was."[76] She also told the officer that she was not married to the man in question, but that he had promised to marry her soon.[77] An immediate question in the cases investigated under the new police system, is why fathers are mentioned in these cases and not in earlier ones. It may simply suggest that

[74] OBSP, Case 1100, 1830.
[75] OBSP, Case 1189, 1832.
[76] Ibid.
[77] Ibid.

officers in the new police kept more thorough notes, but it may also suggest that in the years leading up to the 1834 discussion of the Bastardy Law, authorities were more concerned with the role of the father in such situations—particularly in terms of providing support for the child.

There was only one case of attempting to commit infanticide in the period. Sarah Drew was indicted for trying to kill her infant in 1832. Despite the fact that the trial record for her case was brief, hers was the only case covered at any length in *The Times*.[78] Undoubtedly, the case was unique as the child was found alive, but the circumstances of Sarah Drew also proved of interest. The first article appeared on 24 May 1832 and reported on the detection of the child by "two females of highly respectable appearance," who purchased some items from a baker's shop and then used the properties' facility.[79] When they came out, "they observed that the water closet should be immediately examined, for either a child or a cat had fallen down or were put there, as they had distinctly heard cries."[80] The police were called and they dismantled the "water-closet," and a child "consented to go down with a

[78] Three other cases of infanticide were reported in the period, but all three appear only in summary of court cases or lists of police activities.
[79] "British and Foreign Temperance Society," *The Times*, May 24, 1832.
[80] Ibid.

cord tied round his waist."[81] After travelling 13 feet, he returned with a "newly-born male infant still alive and strong."[82] After the baby had been rescued, officer Thomas requested that he be allowed to talk to the staff of the house and found Sarah Drew, who by her appearance seemed most likely to be the mother.[83] A second article appeared the next day, 25 May 1832 and reported the following:

> A decent-looking young woman, strongly resembling the accused Sarah Drew, and who stated that her name was Mary Drew, and the twin sister of the unfortunate woman now in custody, presented herself before the magistrates, and said that she had no doubt her sister intended to murder her babe. She added (and her avowal struck every one who heard her with horror) that her sister had before had two illegitimate children, one of which, if not both, there was reason to believe had been destroyed by her.[84]

The next month, a third article was published, stating that "both mother and infant became chargeable to the parish of St. Paul, Covent garden," and that both Sarah Drew and her infant were at the workhouse.[85] Parish officers had investigated the case and believed that they had found the father, one Mr. Le Voi.[86] When confronted by the parish, Mr. Le Voi denied that he was the father and a "warrant of affiliation," was brought against him.[87] Sarah Drew spoke at

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[81] Ibid.
[82] Ibid.
[83] Ibid.
[84] "Police," *The Times*, May 25, 1832.
[85] "Police," *The Times*, June 26, 1832.
[86] Ibid.
[87] "Affiliation" refers simply to paternity

the hearing, telling the parish officers that she had been living in London for two years and had worked for, and lived with, Mr. and Mrs. Le Voi for one of those years. She also admitted to having had the child in the privy.[88] Mrs. Le Voi became suspicious of Sarah Drew and confronted her about being pregnant. When Drew denied it, Mrs. Le Voi requested a surgeon to examine her.[89] Sarah Drew then stated that she was pregnant and that Mr. Le Voi was the father and that they had had relations in the "back kitchen at Brompton."[90] The result of the hearing was that Mr. Le Voi "was directed to pay 4s. per week for the maintenance of the child and 40s. in expenses."[91]

At her Old Bailey trial, Sarah Drew was found not guilty, and the interest in the cases faded. While the dramatic nature of the case made it newsworthy, it is even more significant that there was so much coverage of the search for the father by the parish and the ultimate settlement of paternity. The case also reveals the dangers single women faced if they became pregnant. Not only was this a case involving a master/servant sexual relationship, but Sarah Drew was also forced by her mistress to have a surgeon confirm the pregnancy.

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[88] "Police," *The Times* June 26, 1832.
[89] Ibid.
[90] Ibid.
[91] Ibid.

One of the most striking features of infanticide cases between 1815 and 1834 was the predominance of male physicians in court proceedings rather than midwives or other female relatives. Lisa Cody, in "The Politics of Reproduction: From Midwives' Alternative Public Sphere to the Public Spectacle of Man-Midwifery," states that "traditional female midwifery as an alternative public sphere disappeared in the eighteenth-century."[92] She also asserts that "though female midwives once had examined the bodies of female prisoners and plaintiffs, the male midwife became the professed agent of the court in the eighteenth century."[93] Cody concludes that contemporaries felt that "women were led by the heart rather than the head; their subjective investment in pregnancy disqualified them from actually arriving at reproductive truths, but men—who of course, were not themselves mothers—could gain necessary objective distance."[94] Stephen Landman offers another reason for the transition in "One Hundred Years of Rectitude: Medical Witnesses at the Old Bailey," a study of medical testimony between 1717 and 1817. He finds that the records "indicate movement toward the modern practice, thereby

[92] Lisa Forman Cody, "The Politics of Reproduction: From Midwives Alternative Public Sphere to the Public Spectacle of Man-Midwifery," *Eighteenth-Century Studies* 32, no. 4 (Summer 1999): 482.
[93] Ibid, 486.
[94] Ibid, 487.

signaling the growing authority of expert testimony."[95] He argues further that "not only did eighteenth-century courts and lawyers come to focus more keenly on the expert testimony of medical witnesses, they eventually demanded a higher degree of certainty."[96] Patricia Crawford confirms the transition to male practitioners, but suggests that "at the popular level, women continued to seek and heed the advice of midwives and other women."[97] A bevy of surgeons, apothecaries, and hospital students testified in cases of infanticide while only a handful of midwives appeared.[98] In no case was the testimony of a midwife considered without additional evidence provided by a surgeon.

These "experts," faced incredible difficulty when it came to cases of infanticide. Certainty in the process of childbirth was simply non-existent. Dr. William Cummin, member of the Royal College of Physicians published *The Proofs of Infanticide Considered* in 1836. He stated in his

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[95] Stephen Landman, "One Hundred Years of Moral Rectitude: Medical Witnesses at the Old Bailey, 1717-1818" *Law and History Review* 16, no. 3 (Autumn 1998): 454.
[96] Ibid, 456.
[97] "Sexual Knowledge in England," 100.
[98] The most significant testimony by a midwife was given in the case of Sarah Hyde in 1821: "I am a midwife. I first saw the prisoner about eight o'clock on Friday morning . . . . I had a patient myself the other day, who had liked to have dropped her child in the privy—I am in the habit of cautioning them against it sometimes." This was the last case of the period to include substantive testimony by a midwife. The date of the case suggests that though professional male witnesses were more prominent by 1815, midwives were often used for delivery and advice to women—perhaps because women were inclined to trust other women or because men charged more for the same service. OBSP, Case 733, 1821.

introduction that "in the whole range of subjects on which medical men are called upon to give their evidence in courts of justice, there is, perhaps, not one more complicated or embarrassing than that of Infanticide."[99] Dr. Cummin's work was not the only manual available for medical practitioners called upon to investigate cases of infanticide. A second edition of Dr. William Hutchinson's work, *A Dissertation on Infanticide in its Relation to Physiology and Jurisprudence*, was published in 1821. He conceded in his introduction that it was not uncommon that the testimony of medical men "has favored the subsequent commission of crimes, by rendering prevalent the notion that vague and indeterminate statements constitute the best evidence that can be produced towards proof of guilt."[100]

The first major issue confronting experts and the court was the question of when an infant "lived." Cody argues that "until the eighteenth century when men-midwives began to controvert this notion, nearly everybody equated the defining moment when life began to occur with quickening."[101] Quickening here refers to the first moment when a mother felt the baby moving within the womb. She

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[99] William Cummin, M.D., *The Proofs of Infanticide Considered* (London: Longman, Rees, Orme, Brown, Green, and Longman, 1836), v.
[100] William Hutchinson, M.D., *A Dissertation on Infanticide in its Relation to Physiology and Jurisprudence,* (London: Printed by J. and C. Adlard, 1821), Preface to second edition.
[101] *Birthing the Nation,* 276.

further contends that "if a woman could claim that she had not yet felt 'quick with child,' the loss of her uterine contents was not considered a criminal abortion."[102] How was it possible to contradict a mother's word on this issue, when it was a subject which only she could address?

The question of when life began is reflected in Old Bailey testimony by consistent references to the infants by the pronoun "it." Infants lost not only their gender affiliation, but also consideration of an individual identity. M.A. Crother, in "Medicine, Property, and the Law in Britain 1800–1939," argues that even in the nineteenth century the "medical man had . . . to decide whether a child was living at the time of birth," and that a "child was not 'born' until fully separated from its mother."[103] Dr. William Cummin alluded to the difficulty by suggesting that even if the child could be proven to have been born alive, "there still remains a material question to be decided—namely whether the infant's death resulted from violence."[104] He went on to state that "unless this can be established in the affirmative, the charge of infanticide must be held to be unfounded."[105] A number of infanticide

[102] Ibid.
[103] M. A. Crowther, "Medicine, Property and the Law in Britain 1800–1914," *The Historical Journal* 31, no.4 (December 1988): 859.
[104] *Proofs of Infanticide*, 79.
[105] Ibid.

cases between 1815 and 1834 were dismissed based solely on the testimony of doctors. Julia Barry was found not guilty when "two medical men deposed, that they were unable to state whether the child had not died in the birth; from natural causes."[106] Mary Lay was also released because the "surgeon deposed that he was unable to state whether it had been born alive."[107] In the case of Ann Pragnell, tried in 1829, the court recorder summarized that "it appeared that the body of the child, when found, was in a decomposed state, and he was unable to state whether it had been born alive."[108] In all three cases no other testimony was considered.

Medical men were in a precarious position as the traditional means of determining life had, by the early nineteenth century, been largely dismissed. The earlier practice was referred to as the "lung test." To see if an infant had been born alive, doctors attempted to ascertain if the child had breathed. This was determined by placing the lungs into water to test if they had taken in air. If the lungs floated, they had been actively breathing; if the lungs did not float, the infant had never taken a breath. The validity of this test was scrutinized prior to the

[106] OBSP, Case 16, 1825.
[107] OBSP, Case 927, 1826.
[108] OBSP, Case 1634, 1829.

nineteenth century and though still mentioned in a few cases, it was viewed as suspect and a mark of a lack of education and experience on the part of professionals.

Mentioned in a few cases early on, the "lung test" fades from the records over time. In 1817 James Taylor, surgeon and apothecary, used the lung test as absolute proof that an infant had never lived and was likely still born: "From the state of the lungs, I considered that it never could have breathed . . . . They were collapsed."[109] His testimony was affirmed by surgeon John Vincent. Years later, however, apothecary James Kerr testified that he "opened the body and found the lungs inflated and from that I think it had breathed, but that is not conclusive."[110] The same year, a surgeon told the court that he "opened the body and found the lungs inflated, and from that I think it had breathed, but that is not conclusive—it might have imbibed sufficient air, even in parturition so as to have inflated the lungs."[111]

As many of the victims were found in privies, medical men were often called to determine whether a baby could fall from a mother without her knowing that she was in labor. Most concluded that it was a possibility. In 1815, a

[109] OBSP, Case 569, 1817.
[110] OBSP, Case 385, 1823.
[111] OBSP, Case 385, 1823.

surgeon was asked, “might not a person who went to a privy for the ordinary purpose, be surprised with labor, and the child drop from her in an instant?” The surgeon replied that he had “no doubt of it.”[112] In an 1821 case, the testifying apothecary was more skeptical. He argued that “it is unlikely that the child should drop from her.” He qualified his statement by adding that “it depends on local circumstances, and the strength of the woman.”[113] A midwife testified in the same case that she did tell women in her care that a child could be born suddenly stating that she was “in the habit of cautioning them against it sometimes.”[114] As late as 1828, a surgeon told the court that it was possible for a women to “have been taken in labour suddenly, and the child fall from her in the street.”[115]

The “lung-test,” therefore, was no longer considered a proof of infanticide, but medical men found it difficult to replace this test by other means. They looked to substitute investigations into the maturation of the infant in the womb, arguing that if a baby made it near full-term, it was more than likely to have born alive. In this, medical men were many times obtuse. Words such as “likely,” and

[112] OBSP, Case 165, 1815.
[113] OBSP, Case 733, 1821.
[114] Ibid.
[115] OBSP, Case 551, 1828.

"opinion," did not engender the kind of certainty judges and juries increasingly expected. In 1817 Richard Reid examined the body of an infant found in a privy. He suggested to the court that the child was approximately seven months along and though he could not say for certain if the child was born alive, "its nails were not perfect—that might be the case if it was born alive." When cross-examined, he stated that "it is not common for seven months' children to be born dead."[116] James Kerr argued that he thought an infant "was born alive by its general healthy appearance."[117]

Even when an infant's body showed signs of an attack, it was difficult for medical experts to achieve certainty. The infant of Sarah Panton, tried in 1816, had significant visible wounds. The surgeon in the case "found one wound on the right cheek, extending completely from the mouth to the extremity of the jaw."[118] He also found wounds on the neck and the head. He told the court that it was his "belief and judgment, that the child was born alive," but he had never seen a child "where the death was alleged to have arisen from violence."[119] In an 1832 case the surgeon adamantly stated that "everything induced me to think the death had

[116] OBSP, Case 828, 1817.
[117] OBSP, Case 385, 1823.
[118] OBSP, Case 223, 1816.
[119] Ibid.

been caused by strangulation." He had to admit, however, that similar damage could happen during the birthing process."[120] Thomas Hale, upon examining the child of Sarah Clap told the court that the infant appeared to have reached maturity but that he could not say if the child was born alive."[121] Mr. Watkins, an apothecary, testified that he had a "good deal of experience in the delivery of women," but also stated that in the case of Sarah Hyde that "there is nothing that enables [him] to say whether it was born alive or not."[122] In an 1825 case, "two medical men deposed that they were unable to state whether the child had not died in the birth, from natural causes, but were decidedly of the opinion that it had not died from suffocation."[123] If it could not be determined if a child was born alive, a guilty verdict for infanticide was unlikely. What the Old Bailey records reveal is that although courts gave increasing weight to expert testimony, experts did not provide certitude in cases of infanticide.

The difficulties surrounding proof of infanticide impacted the number of cases where the court found the woman guilty. Only two of the sixteen women charged with infanticide were found guilty of the charge. Six women were

[120] OBSP, Case 1189, 1832.
[121] OBSP, Case 1095, 1818.
[122] OBSP, Case 733, 1821.
[123] OBSP, Case 16, 1825.

found guilty of concealment, but only two served the full sentence of two years. Both of the cases where the jury returned a guilty verdict reinforce what has been argued here about the difficulties of proving that a woman killed her infant. Both Sarah Perry and Catherine Welch failed to maintain the secrecy of the birthing process; in both cases, there was no evidence that the woman had prepared for the arrival of a child; and, in killing the infants, both woman left marks clearly indicating that they had done physical violence to the infants.

Sarah Perry, tried in 1817, delivered in the kitchen where she served as cook. An officer by the name of Jeffries was called in and "found a bundle in the coal-cellar." When he opened it, he found a new-born female infant."[124] At trial Jefferies testified that he "found the head part with a course cloth over the face and neck."[125] The surgeon who examined the body stated that he took the cloth and "applied it to the child's mouth," and found that the "lump exactly fitted the internal part of the mouth." He concluded that "there was a redness about its neck and head as if arising from strangulation."[126] The coroner for

[124] OBSP, Case 393, 1817.
[125] Ibid.
[126] Ibid.

Middlesex County agreed, telling the court that "if the child was born alive, the cloth must have suffocated it."[127]

Catherine Welch, tried in 1828, was also found guilty. Her infant was found in a ditch by a couple on a Sunday morning walk. Mary Inglefield related that she "thought at first there was a dog in the water," but soon "perceived that it was the body of a child."[128] The infant's body was taken by constable John Levick to his house. From there it was taken to a public-house to be examined by a surgeon. The surgeon, John Holmes, when asked by court how the "life of the child was taken," replied that he believed "it to have been strangled by pressure with the hand."[129] His evidence was a clearly "contused wound."[130] The infant also had a bruise on the head, but Holmes could not say for certain what caused the bruise.[131]

Because the child was found a distance from the workhouse where Catherine Welch was staying, the prosecution had to prove that the child was hers. The first evidence to this was the testimony of the surgeon who examined Welch. He "pressed on both her breasts and milk spurted out of them." She admitted to him that she had

[127] Ibid.
[128] OBSP,, Case 810, 1828
[129] Ibid.
[130] Ibid.
[131] Ibid.

given birth but stated that her child had since died and was already buried. To counter her statements, the prosecution put forward three witnesses who stated that Welch was seen both before the child was discovered and afterwards at the exact place near the water where the infant corpse was found. When Welch's belongings were searched by an officer, no children's clothes were found among them. The surgeon who examined the body also found marks of violence on the child which included damage to the infant's eyes, which he found to be a good deal suffused with blood." He stated that the eyes could only have been damaged in such away by the "pressure of the hand or the fingers."[132]

Infanticide was a female crime, and as such, its prosecution reveals a great deal about how the women of London's lower classes were viewed both by juries, judges, and elites. This investigation reveals that while elites were leaning towards a conception of women as loose, lewd, and largely responsible for their own situations, juries were far more sympathetic. As evidenced by the Poor Law Commission Report the educated elite seemingly saw lower-class women as immoral and the cause of a consistently growing rate in the number of illegitimate children on the

[132] Ibid.

public roles, but prosecutors of infanticide at the Old Bailey rarely discussed the circumstances surrounding the pregnancy, nor did they attempt to besmirch the overall sexual morality of the women indicted. This would indicate that either they believed juries were not interested in the circumstances leading to a woman's pregnancy or they found the issue irrelevant in proving their case. As noted, even when fathers were mentioned, it was in the context of providing support, not in the context of morality issues.

What the Old Bailey records reveal then was the enormous difficulty of proving that a woman had committed the crime. Certainty was not to be had in cases of infanticide. Having done away with archaic lung test, surgeons, apothecaries and medical students were left with only opinions and vague conclusions. Perhaps there was also an overarching denial that a woman would choose to turn her back on her most important role: that of being the mother of a future citizen of the nation. Even in the Commissionerss Report, women were perceived as "naturally timid," and unlikely to kill their own child. Perhaps the crime was too horrific to believe, certainly when proof was so hard to come by.

Chapter Seven
A Man's Honor: Ritualized Male Violence 1815-1834

Men were more likely than women to participate in violent crime. This chapter will focus on two forms of male violence: dueling and street fighting. Though technically illegal, dueling was regarded by many contemporaries as a valuable means of restraining violence among upper-class men. Street fighting was analogous to the duel; in many ways it not only mirrored the practice, but sought to achieve the same ends.[1] Most importantly, contemporary conceptions of fair play and a man's honor transcended class divisions. Several conclusions are evident from a study of prosecutions for dueling and street-fighting in the Old Bailey between 1815 and 1834. The similarities indicate that comparable processes were at play in both the duel and the street fight; the dissimilarities suggest that men of the lower-classes valued different manifestations of physical and moral character. While duels often took place outside of the public view, an audience was a key component of a street fight. The authorities responded to both dueling and street fighting in the same way; they wanted to

[1] Street-fighting is distinguished from boxing matches in that a street-fight arose from a quarrel, not from an arranged or "staged" match between trained athletes.

see an end to aggressive forms of violence as they often proved disruptive to an industrializing society.

Historical research on violence has suggested that, on the whole, violence was decreasing during the early modern period.[2] Robert Shoemaker considers the decline of violence in the context of changing conceptions of masculinity in the early modern period, stating that the decline was "caused by the formulation of new understandings of masculinity in the context of the changing socio-cultural significance of honour in urban society."[3] The key to the decline in violence, according to Shoemaker, was a privatization of honor: "As honour became less dependent on the views of others, gentleman became less likely to respond to 'provoking' words with violence."[4] The general sense among historians is that ritualized forms of male-on-male violence were increasingly frowned upon by

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[2] See Lawrence Stone, "Interpersonal Violence in English Society, 1300 to 1950," *Past and Present* no. 101 (Nov., 1983): 22-33; J.A. Cockburn, "Patterns of Violence In English Society: Homicide in Kent, 1560-1985," *Past and Present,* no. 130 (February, 1991): 70-106; Eric Johnson and Eric Monkkonen eds., *The Civilization of Crime: Violence in Town and Country Since the Middle Ages* (Urbana: University of Illinois Press, 1996)

[3] Robert Shoemaker, "Male Honour and the Decline of Public Violence in Eighteenth-Century London," *Social History* 26, no. 2 (May, 2001): 190. Shoemaker studies Old Bailey homicide cases in the eighteenth century and argues that "at a time when most homicide accusations resulted from deaths caused by wounds received from unpremeditated spontaneous assaults which occurred in everyday life (such as tavern brawls, or attempts to resist arrest . . . the prevalence of deaths resulting from such assaults *can* be linked to levels of public violence." Ibid, 192.

[4] Ibid, 205. Shoemaker suggests, however, that while the decline in male—on—male violence seems to have trickled down to lower classes, domestic violence did not show a similar decline.

authorities, despite the fact that these forms of entertainment remained popular with the people. Martin Weiner argues in *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* that "violent and life-threatening defenses of one's honor, or even mere tests of one's prowess, once routine in public rituals were no longer considered manly by either state authorities or a growing 'respectable' public."[5] Though he discusses the later Victorian period, Wiener's conclusion depends upon evidence from the previous era. Historian Ute Frevert in her study of dueling in Germany finds that between the eighteenth and twentieth centuries the "traditional image of strong, powerful, autonomous masculinity was gradually approaching its sell-by date."[6] She attributes the change in attitude to the "increasing uniformity and standardization of industrial production."[7] In the cases studied in this dissertation, it is evident that the court sought to restrict both the duel and the occurrence of public fights by indictments and convictions. Nonetheless, carrying out the ideal of an increasingly 'civilized society' proved far more difficult in the field where constables found

[5] Martin Wiener, *Men of Blood: Violence, Manliness, and Criminal Justice in Victorian England* (New York: Cambridge University Press, 2004), 41.
[6] Ute Frevert, *Men of Honor: a Social and Cultural History of the Duel* (Cambridge, MA: Polity Press, 1995), 173.
[7] Ibid., 173.

themselves outnumbered. In such instances they were often reluctant to interfere.

Public fights and duels were both specifically gendered criminal infractions. The public fights considered in this chapter tended to resemble "sham fights," or pugilistic contests in their forms. Participants in spontaneous fights arising from arguments very clearly used rules associated with formal fighting. Only men participated in the actual fight, and in both forms of fighting, conceptions of manliness were at the forefront.[8] P. Egan writes in his treatise, *Boxiana; or, Sketches of Modern Pugilism*, that the "good effects of this manly spirit have long been witnessed in England, and I trust, my Lord, it will never be extinguished."[9] He further connects this "manly spirit" to the overall success of the nation, suggesting that fighting as sport "tends to inure the common people to bravery, and to encourage that truly British spirit, which was the pride and glory of our ancestors."[10] In discussing the duel, Frevert contends that "concepts such as 'masculinity', 'male consciousness', 'male pride', male worth', male dignity' and male sanctity'

[8] Though women would not have participated in the fight, they would have been active in the audience.
[9] P. Egan, *Boxiana; or, Sketches of Modern Pugilism from the Championship of crib to the Present Time,* vol. 2 (London: Printed for Sherwood, Neely, and Jones, 1818), v.
[10] Ibid., 5.

were always at the fore" of motives for engaging in a duel.[11] Defending one's masculinity meant securing one's reputation for courage, bravery, character, honor—and in the case of fist-fighting--personal strength. Shoemaker confirms these themes in his study of homicides considered by the court in the previous century:

> The most common theme that appears in accounts of London homicides . . . is that the violence was prompted by perceived threats to male honour. Men, as the superior gender, were expected to confirm their status by physically defending their integrity and reputation against all challenges. They could not allow themselves to be verbally insulted or physically jostled without responding.[12]

Two duels were prosecuted in the Old Bailey Court between 1815 and 1834. The first was between Thomas O'Callaghan and Edward Bailey; the second, between Jonathan Henry Christy and John Scott. In both cases the duel was discovered by witnesses hearing the firing of pistols. William Adams was ill in bed when he "heard the report of fire-arms so close together, that [he] apprehended some gentlemen were fighting a duel."[13] When he got up to investigate he saw "four gentlemen in a field opposite [his] house."[14] He quickly got dressed to investigate and while he was running in the direction of the men, he "heard

[11] Frevert, *Men of Honour,* 171.
[12] Shoemaker, "Male Honour," 193.
[13] OBSP, Case 205, 1818.
[14] Ibid.

the report of two . . . pistols, and saw one of the gentlemen make a kind of a turn, which induced me to suppose he had been hit."[15] Mr. Adams went on to tell the court that his "intention was to stop them if I had been in time."[16] In the Christy-Scott case a surgeon by the name of Thomas Pettigrew stated that he "reached the top of the hill, and saw four gentlemen in the neighboring field." He claimed that he heard the knocking of pistols, the priming of pistols—the shutting of the pan" and, "soon after shots were exchanged."[17] In this case, the testimony of the surgeon must be considered suspect. It was unlikely that he would hear the knocking of pistols from any distance. He may have been deliberately stating that he was not actually present at the duel. The same witness would later attend the injured party as a surgeon. If the court found that he had previous knowledge about the event, he might have faced prosecution.

In these two cases little is revealed in the court record about the participants or why they were fighting the duel. Both reference "a quarrel," but what the quarrels

[15] OBSP, Case 205, 1818.
[16] Ibid.
[17] OBSP, Case 518, 1821.

entailed is not indicted in the trial testimony.[18] Both of the duels, however, were covered by *The Times*. The coroner's inquest into the duel fought between Edmund Bailey and Theodore O'Callaghan was reported in the paper 15 January 1818. The coroner posed a series of questions to the first witness to determine the source of the dispute:

> Coroner.—Did you year any explanation given relative to the cause of the quarrel?
>
> Mr. Adams.—There was some explanation given by O'Callaghan and Bailey; they said they were seconds in a duel which was to have taken place the morning before. Some of them said, 'We were not to blame, it was not our quarrel.'
>
> Coroner.—Who said this?
>
> Mr. Adams.—I believe the words were used by all, but I am pretty sure they were by Bailey.
>
> Coroner.—Did they state what the nature of the quarrel was?
>
> Mr. Adams.—No, they did not.[19]

No more evidence about the quarrel was given in this case, but newspaper coverage of the duel between John Scott and Henry Christie did report the source of that conflict. The article first stated the relationship between the participants: "The Parties in this unhappy conflict were Mr. John Scott, the avowed editor of the *London Magazine*,

[18] This may suggest that the court was disinterested in the cause of conflict and therefore, ascribed more significance to the process of the duel than to why the duel happened.
[19] "The Late Duel," *The Times*, 15 January 1818.

and Mr. Christie, a friend of the supposed conductor of *Blackwood's Magazine*—Mr. John Gibson Lockhart."[20] The article further related that the "original cause of the quarrel between these gentlemen . . . had its rise in a series of three articles which appeared in the London Magazine, discussing the conduct and management of Blackwood's Magazine."[21] The articles so distressed Mr. Lockhart that he sent his friend, John Scott, to "demand an explanation of the articles in question, and in fact to require a public apology for matter which he considered personally offensive to himself, or such other satisfaction as a gentleman was entitled to."[22] In the first case, then, even the other participants in the duel were not privy to the cause of the quarrel. The second case would suggest that the offence was publically given and therefore required a public response.

These two cases reveal important aspects of the dueling process. At some point prior to the duel, one party must have issued a challenge. Both men had to accept the fight and indicate that they were willing participants. This could have been done through letters, contact between the seconds, or by shaking hands prior to the duel itself.

[20] "Duel," *The Times*, 19 February 1821.
[21] Ibid.
[22] Ibid.

In both cases four men were present, including two active participants and a second for each man. Dueling required seconds to ensure fairness on both sides. Seconds would often choose the field and inspect the weapons to ensure equal opportunity during the duel. In both cases, pistols were used: witnesses testified that the number of shots heard suggested that each active participant fired his weapon, and that each had the same weapon.[23] It was not required that each man fire directly at his opponent, only that each man fire. For example, if the first to fire missed his target, the opponent could simply fire into the air. Fair play—meaning here that the same weapon was used by each participant—ensured a legitimate test of manliness. Both of the injured men were quickly attended to by the rest of the party and surgeons were called in to treat the wounds. The function of the duel was not to kill the opponent but to receive satisfaction or reconciliation. If the duel was properly done, there would be no reason not to see to the care of the injured party, despite the fact that not a moment before, each duelist was engaged in a mortal struggle.

[23] In both duels, the testimony suggests that only one party was injured. This may not be conclusive, as the court would have focused on injuries sustained by the deceased victim.

It was important for the duelist to demonstrate concern for his opponent, a sign of gentlemanly conduct and moral character. The surgeon for John Scott reported that on his death-bed Scott said that "whatever may result of this case, I beg you all to bear in remembrance that everything has been fair and honourable."[24] Scott's surgeon also stated that the "attention the gentlemen paid was all that kind and humane friends could do—it was as great as it possibly could be."[25] Edward Bailey's physician asked him "if everything had been fair between them?[26] The surgeon, Mr. George Rodd, told the court that the dying man replied, "decidedly so."[27] Mr. Rodd also stated that the he "received all the assistance possible from the three prisoners," the duelist and the two seconds.[28] All three of the prisoners indicted for the murder of Edward Bailey were convicted. The man responsible for firing the fatal shot said the following in his defense:

> I never apprehended that I should appear in a Court of Justice to answer for a crime; I never had a disposition to commit a crime. I only express my confidence in your integrity and justice. You may believe me, that no man, however deeply connected with

[24] OBSP, Case 518, 1821.
[25] Ibid.
[26] OBSP Case 205, 1818
[27] Ibid.
[28] Ibid.

> the valiant man now no more, can more lament the unfortunate occurrence than myself.[29]

Ten "respectable witnesses," appeared at the trial and "gave the prisoners most excellent characters for humanity and gentleness of mind."[30] Theodore O'Callaghan, Thomas James Phelan, and Charles Newbold were convicted of manslaughter and sentenced to three months confinement. Both Jonathan Christie and James Traill, his second, were found not guilty of the murder of John Scott.[31] At their trial, a "numerous body of most respectable witnesses gave both gentlemen an unusually excellent character, for humanity and good temper through life."[32]

The aggrieved party in a duel was also expected to offer forgiveness to his opponent. The sense that the duel was a "civilized" way of settling a dispute between gentlemen allowed elites to separate themselves from the brutish masses. Frevert states that

> Unlike men from the petty bourgeois, peasant or proletarian backgrounds, members of the society of satisfaction did not settle their conflicts spontaneously in immediate reaction to an insult they had suffered; neither did they allow themselves to

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[29] Ibid.
[30] Ibid.
[31] The surgeon who cared for Edmund Bailey testified that "upon examination he found a wound in the right side nearly on a level with the navel, evidently made by a ball. On further examination, he found that the ball had penetrated through the body to the opposite side; it was buried between the muscles and the skin." "The Late Duel," *The Times,* 15 January 1818; OBSP, Case 205, 1818. John Scott also suffered a gun-shot wound to the abdomen, OBSP, Case 518, 1821.
[32] OBS 518, 1821

> become involved in fights the outcome of which was decided solely by physical strength and agility.[33]

The distinctions that the duel was supposed to exemplify between elites and their inferiors, however, are not as clear, when one examines street-fighting. In fact, dueling and street-fighting often paralleled each other in their forms, their meanings, and their processes. From challenge to finish, they were ritualized in a similar fashion, often employing the rules and forms of boxing.

The giving of offence, or the quarrel, was the provocation for a duel or a street fight. Most often heated words led to the challenge. Seemingly small incidents were easily amplified by hasty words spoken in anger. In 1816, William Anderson stood trial for the willful murder of John Levy. The two men had quarreled at a public house over a game of cards. Richard Hollier, a goldsmith and jeweler present that night, saw the prisoner come into the Cart and Horse public house where he "wanted to play cards,

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[33] Frevert, *Men of Honour,* 152. Historian Lowerson discusses middle class views in his work on a later period, affirming a desire on the part of elites to separate themselves from the lower orders. In *Sport and the English Middle Classes, 1870-1914,* he argues that middle class participation in boxing had receded significantly by the period, arguing that middle class men "could match neither the physical strength nor the stamina of most of their potential working-class opponents." He also contends that while boxing was being taken out of curriculums at schools for the upper classes, it remained a "sport which earnest curates and settlement worker were happy to teach to slum boys as essential to the encouragement of self-reliance." John Lowerson, *Sport and the English Middle Classes, 1870-1914* (New York: Manchester University Press, 1995), 168.

challenging any man to play for 5l." The witness related what passed between the two men: "The prisoner offered to play the deceased, and the deceased replied, what is the use of playing you, you have no money."[34] Levy further aggravated the deceased by saying that he "knew what sort of chap" he was. A fight ensued. While fighting over the ability of a man to pay for his gambling may seem a small affair, suggesting that he could not pay his own way was a mark against his character in the neighborhood, particularly if this was an establishment he frequented.[35] John Levy died as a result of this fight.[36] In another trial, Elizabeth Williams testified in the case of William Bingley and George Durham, that George Durham "spoke disrespectful things of the prisoner." She told Bingley of it later that day and he confronted Durham. "The prisoner said, to the deceased, 'What have you been saying disrespectful of me.' The deceased said, 'what I like.' He repeated this several times."[37] They fought immediately

[34] OBSP, Case 96, 1816.
[35] It is easy to forget that while pubs were centers for drinking and gambling, they were also places where men conducted business and maintained public relationships. What was said in a pub, then, could be heard by people who could influence a man's social and economic success.
[36] The surgeon testified that "I have no doubt but that the wound on the right thigh was the cause of his death; the main artery of the thigh, which we call the farmicular artery, was cut through, which, if not immediately stopped, death is certain." OBSP, Case 96, 1816. William Anderson was found guilty and sentenced to death.
[37] OBSP, Case 383, 1823.

after. George Durham died from injuries to the brain, and William Bingley was convicted of manslaughter and sentenced to one month confinement. A heated argument led to a fight in a third instance, when during a game of sack jumping one man took a sack belonging to another.[38] Though the causes here may seem trifling, in the heat of the moment or in a case of long-standing argument, what actually provoked the fight need not be of great importance.

Another key source of tension involved more personal relationships. Neighborhoods were close-knit communities, and in most parts of the city privacy of any kind was difficult to maintain. Conflicts between people on a personal level could easily be known by the community at large. In 1824 Thomas Watkins was renting a room from John Fish and fell behind in his rent. In testimony at the Old Bailey, John Fish stated that "he challenged me to a fight, and said he would fight some of the bl—dy family before he left the premises. I had distrained him for rent about three weeks before, and wanted him to leave, as I could get

[38] Ibid. In this case the victim, Charles Gibson, died from injuries to his brain. Thomas George, who actually fought Gibson was sentenced to six months confinement while his second, John Fawcett, received a heavier sentence of two years. This may seem a minor reason to engage in what could turn into mortal combat, but duelists also fought for reasons that to some seemed silly. Joseph Hamilton, who authored, *The Dueling Handbook*, in 1829 wrote of one duel between army officers: "the cause of the quarrel was some slight offence received while the parties were playing what is generally called leap-frog." See Joseph Hamilton *The Dueling Handbook* (London: Hatchard and Sons, 1829), 61.

no rent of him."[39] John Fish allowed his son, Thomas, to fight the prisoner for him and Thomas Watkins lost his loft. Mr. Watkins died of damage to the bowels, but the surgeon could only conjecture as to whether or not the fight caused his death. In another case, two men fought over a woman. Witness Richard Painter told the court in 1825 that he was in "Jew's-row, when he saw the "prisoner and his wife coming home, arm-in-arm; Mrs. Tutton went up to a woman, and had a few words with her, understanding that her husband had been with her that afternoon; she hit the woman, who fell down crying."[40] At that point, the men got involved. Thomas Gray "came up to the prisoner, and said, 'if you don't take your wife home, and give her a good hiding, I will;' Tutton said, 'You had better go home my friend you have nothing to do with me or my wife."[41] This particular event adds to the evidence that these fights were manly affairs and that women were not supposed to settle disputes physically and aggressively. That is not to say, however, that women did not participate in street-fights. In the case above, clearly women were part of the dispute and without doubt, women watched and perhaps verbally participated as audience members. In *Men of Honor,*

[39] OBSP, Case 1128, 1824. Thomas Fish was found not guilty.
[40] OBSP, Case 1307, 1825.
[41] Ibid. Thomas Gray's death was caused by a ruptured urinary tract. William Tutton was found not guilty of murder.

Ute Frevert links a women's honor to her sexuality, arguing that a women could not defend her own honor, but needed a man to back her claim and protect her virtue, much as the law required a man to take responsibility for his wife or daughter's mistakes. In matters of sexual indiscretion, then, only a man could restore a woman's reputation. Frevert concludes that even if a woman's virtue was restored, she stood blemished by being the cause and source of the trouble.[42]

Fights were a means to test one man's prowess over another. Fighting clubs did exist and because money was often wagered on these events, a fighter with a solid reputation could stand to make a profit from his strength. Though prize fighting is not the focus of this chapter, it was the underlying cause of an 1827 case. John Kemp Crow actively pursued a fight with another man of some reputation, Samuel Beard. Two witnesses told the court that Crow doggedly sought to provoke a fight. Joseph Charlesworth states that "he had often expressed a wish to fight Beard—he said before, that he had done all he could two or three times to provoke him."[43] He added that Crow "spoke with joy when he said he had got him to fight." William Wadman corroborated this testimony stating that he

[42] Frevert, *Men of Honour,* 175.
[43] OBSP, Case 2069, 1827.

had "heard the deceased challenging Beard on different occasions in the most provoking manner."[44] It is likely that Crow was trying to build a reputation as a fighter and that taking on Beard and winning would establish him on the circuit. One witness stated that Crow was known to be a fighter and in fact, belonged to a fighting club.[45] John Crow died of a ruptured spleen, which the surgeon stated must have been "caused by violence."[46] Beard was found guilty of manslaughter but was confined for only seven days, suggesting that the jury believed Beard had been provoked and did not deserve a harsh sentence.

One final case bears mentioning. A quarrel occurred between a group of Irishmen and a group of Englishmen. In this case, the prisoner offered a lengthy statement about what precipitated the fight that began between two men and ended in a "row" between approximately 20 Englishmen and Irishmen:

> I and my fellow prisoners were employed by Mr. Reed, a farmer, of harrow, at hay-making, for some time back. On the 14th of June last, before this . . . happened, the party of the deceased came up to the barn, which Mr. Reed allowed myself and my fellow prisoners to sleep in, and threw stones and brick-bats into the barn, and threatened to kill us. On the night in

[44] Ibid.
[45] Ibid.
[46] Ibid.

> question, which was Sunday, I was at the Green man; the deceased was there and struck me first.[47]

The two leaders fought alone at first, but the rest of the gangs soon joined in the fray. In the end John Casey grabbed a pitch-fork and stabbed John Eales. It is not clear whether or not this fight was rooted in national animus, or simply a manifestation of neighborhood gangs sorting out their differences.

Whatever the reason for a challenge to fight, once given, rules went into play. In a thorough study of dueling in Europe, Frevert argues that the rules of dueling, "although unwritten, were familiar to everyone who participated . . . and their function was to institutionalize dueling as an honourable, egalitarian, and fair form of combat."[48] She also suggests that elites believed that these rules separated them from the "characteristics of cunning, deceit, anger, rage, and thirst for vengeance which were associated with fist fights."[49] Robert Shoemaker also suggests that dueling separated elite from middle-class men arguing that,

> Those who aspired to gentility were especially anxious to assert their distinctiveness against their increasingly prosperous middle-class social inferiors. One way of doing this was to carry a sword; another

[47] OBSP, Case 1374, 1828. Only Case was convicted. He was found guilty of manslaughter and sentenced to seven years transportation.
[48] Frevert, "Men of Honour," 153.
[49] Ibid.

> was to engage in an illegal activity such as dueling which showed that they were above law.[50]

In point of fact, however, street fighters also recognized rules of conduct and etiquette. Author, P. Egan wrote that while "originally, little doubt can exist, when every man stood on the alert to provoke or resist an insult, he fought without system." In modern fighting "rules were laid down . . . the collection of which became a discipline, a science, and an art."[51] Rules in street fighting ensured the same sense of 'fair play' and honor that existed in a duel. This would suggest that the "civilizing process," was not only occurring in middle class and elite circles. The existence of a code of conduct gave the fight legitimacy and served to protect the participants. That these fighters adopted rules associated with boxing suggests that those rules were familiar. It also implies a general feeling that for a fight to be "civilized," it must be fought in an orderly fashion.[52]

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[50] Shoemaker, "Men of Honour," 197; Se also Robert Shoemaker, "The Taming of the Duel: Masculinity, Honour and Ritual Violence in London, 1660-1800," *The Historical Journal* 45, no. 3 (September 2002): 525-545.
[51] P. Egan, *Boxiana,* 5.
[52] Robert Shoemaker offers an alternative view, suggesting that the use of rules was more strongly related to ensuring a controlled level of violence: "Although the various rules which governed male violence, whether formally institutionalized in duels or not, served in some ways to encourage violence, it should be noted that such rules often contained it, allowing its expression in carefully controlled ways which reduced the possibility of injury or death." Shoemaker, "Men of Honor," 201.

Evidence from the Old Bailey indicates that just as in a duel, street fighters ensured fairness by the presence of seconds. Seconds traditionally oversaw the location of the "field of battle" and the weapons used. They also looked after the well-being of their partisan.[53] Most importantly they were obligated to "see fair play."[54] They stood near their fighters, offered them drink between rounds, and kept a watchful eye over the opponent to make sure he did not have a weapon or take unfair advantage. Seconds also had the responsibility of ensuring an end to the fight before either party was too seriously hurt. Though they were partisans, they were there to keep a cool head and restrain the fighters if the match got out of hand. In one Old Bailey case a witness told the court that the "seconds thought they should fight no longer, for they thought the man was hurt."[55] Seconds were viewed by the court as active participants in the affair. As such, they were subject to indictment if death resulted.

To be considered legitimate other rituals needed to be followed. First, a "ring" had to be formed, establishing a field of play. Sometimes this was done by putting a rope around the fights' center. When there was no rope, or no

[53] OBSP, Case 1105, 1816.
[54] Ibid.
[55] OBSP, Case 2069, 1827.

time to erect a "stage," the crowd would serve as the ring. The fighters then went through the ritual of parlay by meeting in the middle and indicating an agreement to engage in battle.[56] The opening also sometimes involved shaking hands and usually required that fighters strip. Even in cases where the fight occurred within moments of the argument, stripping occurred, a tacit agreement and consent to participate. This particular is noted in the case of Samuel Beard and William Crow: "Beard and the deceased went to the ring and stripped to fight."[57] When William Savage and William Cousins fought in 1823, "they threw their hats up, went into the ring and shook hands."[58] All of these actions indicated that both parties were willing participants who had agreed to settle their quarrel by means of a staged fight. Because in these cases, one of the fighters did not survive, the rituals of ending a fight are less clear. In one case, where the loser of the fight lived for a few days after, the fight was ended when the winner "threw up a handkerchief in triumph, and the ring broke."[59]

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[56] In another case, a witness stated that "they fought fair, and by mutual consent." OBSP, Case 1028, 1824.
[57] OBSP, Case 2069, 1827.
[58] OBSP, Case 918, 1823. "Stripping" served multiple purposes. Not only was it part of the ritual, but it also made it harder for one of the fighters to hide a sharp implement and made it more unlikely that he could employ such an implement without being seen doing so by the onlookers.
[59] OBSP, Case 918, 1823.

Just as in a duel, the "fairness" of the fight was of utmost importance. Fairness ensured that the outcome of the fight would settle the dispute and it also served as a measure of a man's character and honor. This "fairness" could be proved in many ways. Most importantly, both fighters had to fight only with their fists. They were not allowed to use other weapons. Of particular concern were sharp instruments. Each participant had to come to the fight "equal." Because street fights relied on physical strength, the size and athleticism of the fighters could sway the outcome. In the 1827 case of Samuel Beard, a witness was specifically asked if the "deceased was a stout man." He answered in the affirmative but also said that "there was nothing at all unfair; there was no foul play," and that "both seemed equally beaten about."[60] Taking an unfair advantage was frowned upon. Richard Coombe was present at the fight between Edward Turner and John Curtis. When asked if he saw the "prisoner take any unfair advantage," Mr. Coombe replied, "No; I observed very much like forebance towards the latter [sic] end of the fight on his part. When Curtis was very much beaten, about ten minutes before the conclusion of the fight the prisoner for

[60] OBSP, Case 2069, 1827.

bore very much."[61] Combe stated that Edward Turner "several times could have struck him violent blows, but he held up his hands, and left him as he was; he held up his hands to the public, to see that he would not take any advantage."[62]

A fight was also considered unfair if one participant exercised an unfair advantage; it was important that fighters follow the rules of play. A great deal of testimony in the case of William Anderson, accused of murdering John Levy, dealt with whether or not Anderson had taken the advantage of using a sharp instrument to help him win. William Hutton gave the following responses to the court when examined about what he saw:

> Q. If, at the commencement of the battle, he had a knife in his hand, you would have noticed it—A. No; I should not have noticed, whether he was striking or cutting.
>
> Q. After the first round Levy sprang up—A. Yes; and as soon as both were up they began fighting; there was no time for any complaint; if he had been cut, I suppose, he would have desisted. They were down, the time, about half a minute.
>
> Q. Half a minute was a sufficient time for a man to draw a knife from his pocket—A. I should suppose so; I did not see him do it.[63]

Bringing a knife to a fist-fight would have given Anderson an unfair advantage and created a greater potential for life-threatening injuries. The surgeon in the

[61] OBSP, Case 1105, 1816.
[62] Ibid.
[63] OBSP, Case 96, 1816.

case, William Taylor, told the court that he had no doubt that the "wound on the right thigh was the cause of his death; the main artery of the thigh . . . was cut through."[64] Anderson was found guilty of murder and sentenced to death. In the fight between the Irishman and Englishman mentioned above, Casey used a stick and when questioned by the court as to the fairness of the fight, a witness stated that the fight was not fair because "Casey struck him with a stick, and John had nothing but his fist."[65] Not only did Casey use a stick, but he also "gave him about three blows in the head when he was down."[66] It was considered cowardly to hit an opponent when he clearly could not fight back. Another fighter, Edward Turner, was praised by a witness who observed that when during the fight his adversary was "lying on the ropes, the prisoner several times could have struck him violent blows, but held up his hands and left him as he was."[67] There were also certain parts of the body that were off limits. The witnesses of one fight called foul when Thomas Ready struck Edward Thompson "below the handkerchief in his -----."[68]

[64] Ibid.
[65] OBSP, Case 1374, 1827.
[66] Ibid.
[67] OBSP, Case 1105, 1816.
[68] OBSP, Case 1327, 1833.

The fairness of the fight was closely associated with the honor of the men fighting. Dueling and fighting were expressions of manliness. Frevert asserts that "as far as the writers of the day were concerned, it was a self-evident fact that all their debates on the subject of honour and dueling concerned the honor of men."[69] She further suggests that the "emphasis on courage, boldness, willpower, and resoluteness, with which honour was meant to be defended pointed directly to the core of male self-image. [70] These gendered characteristics are evident in street-fights as well. One street fight was referred to as a "trial of strength."[71] It was important that a fighter emerge as the "strongest and the best man."[72] In a challenge to fight, one adversary told his rival that "it would take a better man than him" to beat him.[73] In another trial, a witness "heard the prisoner say 'Stand up, like a man.'"[74] The worst fear for any man irrespective of class was to be called a coward. Frevert contends in *Men of Honor* that the "terms 'scoundrel,' 'coward,' and 'yellow belly,' all of which impugned the personal courage of the person in

[69] Frevert, *Men of Honour*, 27.
[70] Ibid.
[71] OBSP, Case 81, 1823.
[72] OBSP, Case 2069, 1827.
[73] OBSP, Case 96, 1816.
[74] OBSP, Case 414, 1825.

question, were thus certain to provoke a challenge to a duel."[75]

While the motivations for fighting, the rules of fighting, and the ritualized sense of fair play in street fighting mirror the same aspects in a duel, there were significant differences between the two. The first point of divergence emerges from the sounding of the challenge. In a typical duel, a period of time passed between the argument and challenge and the actual fighting of the duel. As Frevert states, "duels between 'men of honor' took place sometime after the occurrence of the incidents that had provoked them, and they were characterized by the intellectual composure of the forms which they assumed."[76] The street-fights in Old Bailey testimony took place much closer to the event, sometimes within moments. Both the presence of alcohol, the nearness of an exited crowd, and the nature of urban live contributed to speedy engagements. The offences could be far more public than might be the case in upper-class circles, where offences might have taken place in private. An affront in a public drinking establishment would have been heard by many, and therefore a more ready response may have been desired. Julie E. Leonard expands the importance of neighborhood in her

[75] Frevert, *Men of Honour,* 176.
[76] Ibid, 152.

dissertation, *A Window into Their Lives: The Women of the Faubourg Saint-Antoine, 1725-1765.* Though she covers an earlier period in France, her conclusions coincide with comments in Old Bailey testimony. She argues that "daily life involved tasks that necessitated leaving domestic spaces, and the neighborhood was an essential part of life."[77] She also suggests that the

> eighteenth-century Parisian street was a place where the give and take of news and scandal added to the general entertainment, and it was here that people socialized, conducted business, even quarreled, and where reputations were attacked and defended.[78]

Because the lower classes lived, worked, and played in spaces beyond the private, quarrels were public as well. When an affront took place, it was necessary to resolve it in front of the neighborhood.

Perhaps the most significant difference was that street fights were much more public than the duel. This may reflect class differences, as a duelist was unlikely to publicize the event for the general masses perhaps to protect the reputations of the participants or, more likely to avoid complications with authorities.[79] Early nineteenth—

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[77] Julie E. Leonard, "A Window into Their Lives: The Women of the Faubourg Saint-Antoine, 1725-1765" (Ph.D. diss., Marquette University, 2009), 246.
[78] Ibid, 248.
[79] Because it was common practice for some time to pass between the challenge to a duel and the actual event, immediately family would certainly have heard of it, and rumors most likely spread quickly outside the family circle.

century street fights appealed to the English appetite for blood sports and reflected the violence of everyday life. J.H Plumb argued in *The First Four Georges,* that the "amusements of all classes were streaked with blood and cruelty," and that "prize-fighting was carried on in the savagest manner; blood sports were popular and widespread."[80] Dennis Brailsford, author of *A Taste for Diversions,* investigates "blood sports," such as cock-fighting, dog-fighting, and bull-baiting, noting that these received widespread support from the public.[81] Both staged boxing matches and street-fights could be considered entertainment, and as such, often drew large crowds. Several references are made in the Old Bailey testimony to large numbers of spectators being present.[82] One witness gave more specific crowd estimates, reporting that in the fight between Thomas George and Charles Gibson "about seven hundred people were present."[83]

There was also a significant difference between duels and street fights in the physical endurance displayed by the participants and the potential for physical harm. In a

[80] J.H. Plumb, *The First Four Georges* (London: Batsford, 1956), 15.
[81] Dennis Brailsford, *A Taste for Diversions: Sport in Georgian England* (Cambridge: Lutterworth Press, 1999), 181-200. Although, he suggests, like Weiner, that these types of "diversions" were increasingly scrutinized by authorities.
[82] OBSP, 1105, 1816; 1336, 1826; and 1327, 1833.
[83] OBSP, Case 81, 1823.

duel, adversaries had the option not to fire at their opponent, but a bullet was potentially more lethal than fists. The physical exertion was exponentially less in a duel. The typical length of a street fight averaged between a half hour and an hour and fifteen minutes.[84] As the following testimony of surgeons attests, great harm could be done to a body during that duration of time. Mr. Griffen, surgeon to John Curtis, testified that "his head was very much swollen, so that you could barely distinguish a feature."[85] The most graphic testimony is that of Daniel Brown, the surgeon who examined the body of John Eales, who had died in the 1828 fight with Casey. He found the following:

> he had been very much beat about the face—the bruises were very considerable; there were two incised wounds on the upper lip and one in the under lip—that appeared a contused wound; the lower jaw was fractured—his mouth was full of blood and there were punctures with a fork in his left shoulder and considerable bruises about the chest.[86]

Despite all of these wounds, John Eales died from internal brain hemorrhaging. Blows to the head or the neck were most likely to cause fatal injury. One surgeon found that a fighter had died from a "blow under the right ear," where he found that "several small vessels had burst on the

[84] OBSP, 1105, 1816; 918, 1823; 81, 1823; and 1336, 1826.
[85] OBSP, Case 1105, 1816.
[86] OBSP, Case 1374, 1828.

brain."[87] Another died from "apoplexy, occasioned by a blow, and very likely by concussion."[88]

As stated in the introduction, the government viewed both dueling and street-fighting as an affront to emerging industrial society. Two pieces of evidence from the Old Bailey support the view that the government was cracking down. First, anyone involved in the fight or duel—or anyone with previous knowledge of the event—was liable for prosecution. Two doctors in 1821 were warned by the court that "if they had attended on the field, knowing a duel was going to take place . . . they were liable to a criminal prosecution themselves."[89] Both refused to testify.

The second piece of evidence derives from the indictments. In nine cases, all parties involved, including seconds and supporters, were indicted. Though rarely convicted, these participants were put on notice that they could suffer the same fate as the accused. By signaling that all those who participated fell under the law and could lose their freedom, the court took a hard line.

The harsh stance taken by the courts toward the practices of dueling and street-fighting was far more difficult to carry out on the streets of London. Actually

[87] OBSP, Case 918, 1823.
[88] OBSP, Case 414, 1825.
[89] OBSP, Case 735, 1821.

breaking up a fight fell to the local constables and officers in the field. Given the great crowds that might gather, it was nearly impossible for effective police action to occur. John Lloyd, a constable who happened across the fight between Thomas George and Charles Gibson reported that he "saw Gibson on the ground, and his seconds throwing water over him." Lloyd stated that he "advised him to leave off," but his advice went unheeded. After two more rounds Lloyd attempted to end the fight, but "Martin said he would cut [his] b—y head off if [he] did not go out of the ring." The beleaguered constable stated that he would have pursued the matter but "not having [his] authority with [him], and there being so many thieves about, [he] was afraid to interfere."[90] Outnumbered and honestly fearful about what could happen, or perhaps even sympathetic to the fighters and the audiences, local authorities may have been unable or unwilling to stop these events once they were underway.

Outward expressions of aggressive male violence in the form of the duel and the street fight represent a gender-specific crime. Both were intended to satisfy matters of honor, an ideal that resonated throughout the male population, regardless of class and status. Trials of

[90] OBSP, Case 81, 1823.

strength separated the participants from weaker men and from the "weaker sex." By showing the attributes of honor, bravery, and physical prowess, skill, and strength, men from all classes could distinguish themselves as the best of their kind. Both Wiener and Frevert suggest that men of the era were concerned about a feminization process, whereby men were being stripped of their rugged individualism in favor of an organized, peaceful society focused on economic gain.[91] As Wiener contends, toward the end of the period and into the Victorian age, these traditional manifestations of "manliness," were increasingly viewed as a stain upon the nation.

[91] Wiener, *Men of Blood*, 40-42.

Conclusion

Old Bailey cases between 1815 and 1834 reflect a society in transition in the wake of economic and industrial changes. As the metropolis grew both in population and as a commercial center, the relationships between its citizens came under scrutiny. Contemporaries believed that crime was on the rise and that something needed to be done. Some favored strengthening mechanisms of control and rationalizing the detection, prevention, and prosecution of crime. Others worked to understand the nature of rising crime, and still others were already trying to change the system from within.

Elites viewed crime, particularly property crime, as both a product of these changes and as something that needed to be controlled. It would not be inaccurate to say that in these years parliamentarians, reformers, and justices were debating what measures would be most successful in dealing with London's criminals. Though they came to few final solutions, their debates would inform the next decades of Victorian reforms. The measures they began, such as decreasing the use of capital punishment and organizing and rationalizing law codes, would be finished later in the century.

Elites were primarily concerned with property crime, and theft dominated the trial roster. Theft in this period was motivated by economic necessity, but it was also related to the emergence of a consumer culture. Though thefts of necessary items, including food and shoes, were prevalent, thieves also stole clothing accessories, books, and jewelry. Thieves were also increasingly coming from the younger generation, which brought into question the severity of punishment. Thieves found London to be a promising arena. The anonymity and sheer size of the city made crimes such as pickpocketing difficult for authorities to contain. There was also a widespread trade in second-hand materials so that thieves could cash in what they stole. For some, even the introduction of the Metropolitan Police Force was not a strong enough deterrent to crime.

Men and women participated in property crime in different ways. In part this is because men and women had different priorities, different desires, and lived in different circumstances. Men were more likely, for example, to steal ready-made clothes while women often stole cloth. Women were more likely to take ribbons and lace from a shop, while men often stole shoes. Men and women were also viewed differently by the courts. There was a growing sense that men, particularly young men, were victims of their

education and economic circumstances—that they turned to crime because they lacked other options. Women who stole, however, could not be reformed, particularly if their crimes were associated with a sexually amoral lifestyle.

The rate of violent crime did not increase between 1815 and 1834. Chapters 5 through 7 highlight domestic violence, infanticide and ritualized male violence. These cases reveal a good deal about the values of lower-class Londoners and those who judged them. It is clear from this study that while violent crime was viewed as dangerous to society, violence in the home was often accepted. Witnesses, for example, seldom tried to interfere even when witnessing an intense assault, and juries were less likely to convict an indicted partner or spouse of the full charge, often opting instead for a lesser one. It is also evident that both women and men instigated domestic disputes which were often caused by alcohol, financial difficulties, or troubled relationships. The cases in this chapter also reveal that men were supposed to be sober and industrious and women were to be sober and quiet.

Infanticide cases of the period also highlight the growing role of experts and a desire for certitude. More testimony was offered by “professional” male medical practitioners who increasingly offered technical evidence

to juries. Despite this, however, infanticide cases remained difficult to prosecute and courts often relied on traditional evidence such as a woman preparing for the birth of the child by hiring a nurse or purchasing baby clothes. Toward the end of the period, there was a growing interest in the nature of the relationship between the woman and the father of the child. This was not a reflection of an interest in morality, but rather a concern with child support.

Cases involving ritualized male violence both in the form of the duel and the street fight suggest that lower-class men fought to sustain their honor just like their upper-class counterparts. In all of these cases, "matters" of honor were settled by a physical confrontation, but more importantly, they suggest that ideas of fair fighting and the upholding of honor in one's community transcended class.

The Old Bailey cases presented in this work, more than anything else, speak to the values of society in the period. Elites were concerned with protecting industry and consumerism and maintaining order in a rapidly changing world. At the same time reformers sought to create a system that recognized what they perceived to be the true causes of crime and reform the system accordingly. Those

struggling to support themselves and their families sought new ways to acquire what they needed. Their anxieties were sometimes manifested in violent outbursts. That the system needed changing was evident in the phenomenon of judicial discretion. The voices of the period suggest a society questioning fundamental relationships and values in the face of monumental changes in a city that by its very growth created both new dangers and new temptations.

Bibliography

Unpublished Primary Sources

Criminal Entry Books. The National Archives—Public Records Office (PRO). HO 13.

Register of Criminal Petitions. The National Archives—Public Records Office (PRO). HO 19.

Newgate Calendars. The National Archives—Public Records Office (PRO). HO 47.

Newgate Prison Calendar. The National Archives—Public Records Office (PRO). HO 77.

The Whole Proceedings on the King's Commission of the Peace, and Oyer and Terminer, and Gaol-delivery for Newgate, Held for the City of London and the County of Middlesex at Justice Hall in the Old Bailey, For the Years 1714-1834. [Microfilm] Harvester Microform, 1984.

Published Primary Sources

Adolphus, John. *Observations on the Vagrant Act and on the Powers and Duties of Justices of the Peace*. London: Printed for John Major, 1824.

Bleamire, William, Esq. *Remarks on the Poor Laws.* London: printed at the Philanthropic Reform, St. George's Fields, by J. Richardson, 1800.

Buxton, Thomas Fowell. An Inquiry, whether Crime and Misery are Produced or Prevented, By our Present System of Prison Discipline. London: Printed for John and Arthur Arch, Cornhill; J. Butterworth and Son, Fleet street, and John Hatchard, Picadilly, 1818.

Children Charter, 1889, [online]available from *http://www.victorianvoices.com* 5 August 2010.

Count de Soligny, *Letters on England*. London: Printed for Henry Colbourn and Co, 1823.

Cummin, William M.D., *The Proofs of Infanticide Considered.* London: Longman, Rees, Orme, Brown, Green, and Longman, 1836.

Clements Official Edition of the Police Report from the Committee on the State of the Police of the Metropolis. London: Printed by and for William and Charles Burke, 1816.

Egan, P. *Boxiana; or, Sketches of Modern Pugilism from the Championship of crib to the Present Time.* Vol. 2. London: Printed for Sherwood, Neely, and Jones, 1818.

Hamilton, Joseph. *The Dueling Handbook.* London: Hatchard and Sons, 1829.

Hansard's *Parliamentary Debates*. London: Printed by T.C. Hansard.

Hutchinson, William M.D., *A Dissertation on Infanticide in its Relation to Physiology and Jurisprudence.* London: Printed by J. and C. Adlard, 1821.

Malthus, Thomas. *An Essay on the Principle of Population, As It Affects the Future Improvement of Society*. (London: Printed for J. Johnson, 1789). [Online], available from http://www.econlib.org/library/Malthus/malPop.html, 6 August 2010.

A Treatise on the Police and Crimes of the Metropolis. London: Longman, Rees, Orme, Brown, and Green, 1829.

Wakefield, Edward Gibbon. *Facts Relating to the Punishment of Death in the Metropolis.* London: James Ridgway, Picadilly, 1831.

Wilderspin, S. *On the Importance of Educating the Infant Poor from the Age of Eighteen Months to Seven Years.* London: Printed for W. Simpkin & R. Marshall, 1824.

Wontner, Thomas. *Old Bailey Experience. Criminal Jurisprudence and the Actual Working of Our Penal Code of Laws. Also, An Essay on Prison Discipline, to which is Added a History of the Crimes Committed by Offenders in the Present Day.* London: James Fraser, Regent Street, 1833.

Newspapers and Journals

The British Review and London Critical Journal

The Jurist

The Times

Published Sources

Abrams, Lynn. *The Making of Modern Women*: Europe 1718-1918. New York: Longman, 2002.

Alberti, Johanna. *Gender and the Historian.* New York: Longman, 2002.

Arnold, Dana. *Representing the Metropolis: Architecture, Urban Experience and Social Life in London 1800-1840.* Vermont: Ashgate, 2000.

Beattie, J.M. *Crime and the Courts in England 1600-1800.* New Jersey: Princeton University Press, 1986.

_____. "The Pattern of Crime in England 1660-1800," *Past and Present* 62 (Feb. 1974): 47-95.

Blackstone, William. *Commentaries on the Laws of England.* Boston: Beacon Press, 1962.

Bloch, Ivan. *Sexual Life in England: Past and Present.* Royston: Oracle, 1996.

Brailsford, Dennis. *A Taste for Diversions: Sport in Georgian England.* Cambridge: Lutterworth Press, 1999.

Bruce, David "'Ordinary Talents and Extraordinary Perseverance': the Life of Sir Thomas Fowell Buxton," Ph.D. Diss., Marquette University, 2009.

Callahan, Kathy. "Women, Crime, and Work: the Case of London 1783-1815," Ph.D. diss., Marquette University, 2005.

Clark, Anna. "Domesticity and the Problem of Wifebeating in

Nineteenth-century Britain: Working-class Culture, Law and Politics," in *Everyday Violence in Britain, 1850-1950* edited by Shani D'Cruze. New York: Longman, 2000.

Cockburn, J.A. "Patterns of Violence In English Society: Homicide in Kent, 1560-1985," *Past and Present* 130 (February, 1991): 70-106.

Cody, Lisa. *Birthing the Nation: Sex, Science, and the Conception of Eighteenth-Century Britons*. New York: Oxford University Press, 2005.

_____. "The Politics of Reproduction: From Midwives Alternative Public Sphere to the Public Spectacle of Man-Midwifery" *Eighteen-Century Studies* 32 (Summer 1999): 477-495.

Crawford, Patricia. "Sexual Knowledge in England 1500-1700," in *Sexual Knowledge, Sexual Science: The History of Attitudes to Sexuality*. Edited by Roy Porter and Mikulas Teich. New York: Cambridge University Press, 1994.

Crowther, M. A. and Brenda White, "Medicine, Property and the Law in Britain 1800-1914," *Historical Journal* 31(December 1988): 853-870.

D'Cruse, Shani and Louise A. Jackson. *Women, Crime and Justice in England Since 1600.* New York: Palgrave Macmillan, 2009.

Deane, Phyllis. *The First Industrial Revolution.* New York: Cambridge University Press, 1976.

Dolan, Frances E. *Dangerous Familiars : Representations of Domestic Crime in England, 1550-1700*. Ithica: Cornell University Press, 1994.

Downs, Laura Lee. *Writing Gender History.* New York: Oxford University Press, 2004.

Dunkley, Peter. *The Crisis of the Poor Law in England, 1795 to 1834: an Interpretative Essay.* New York: Garland Publishing, 1982.

Emsley, Clive. *Crime and Society in England 1750-1900*. 2nd ed. New York: Longman, 1996.

Evans, Eric J. *The Forging of the Modern State: Early Industrial Britain 1783-1870.* New York: Longman, 1983.

Frevert, Ute. *Men of Honor: a Social and Cultural History of the Duel.* Cambridge, MA: Polity Press, 1995.

Finnegan, Frances. *Poverty and Prostitution: a Study of Victorian Prostitutes in York.* New York: Cambridge University Press, 1979.

Fischer, Trevor. *Prostitution and the Victorians.* New York: St. Martin's Press, 1997.

Flegel, Monica. *Conceptualizing Cruelty to Children in Nineteenth-Century England: Literature, Representation, and the NSPCC.* Burlinton, Vermont: Ashgate Publishing, 2009.

Fox Genovese, Elizabeth "Gender, Class, and Power: Some Theoretical Considerations," *History Teacher* 15 (February 1982): 255-276.

Frost, Ginger. "'I am Master here': Illegitiacy, Masculinity, and Violence in Victorian England," in *The Politics of Domestic Authority in Britain Since 1800* edited by Lucy Delap, Ben Griffin, and Abigail Wills. New York: Pelgrave, Macmillan, 2009.

Gatrell, V. *The Hanging Tree: Execution and the English People 1770-1868.* New York: Oxford University Press, 1994.

Goose, Nigel ed. *Women's Work in Industrial England: Regional and Local Perspectives.* Hatfield, Hertfordshire: Local Population Studies, 2007.

Hall, Catherine. "The Early Formation of Victorian Domestic Ideology" in *The European Women's History Reader* edited by Fiona Montgomery and Christine Collette. New York: Routledge, 2002.

Hammerton, A. James. *Cruelty and Companionship: Conflict in Nineteenth-Century Married Life.* New York: Routledge, 1992.

Harris, Andrew. *Policing the City: Crime and Legal*

Authority in London, 1780-1840. Columbus: Ohio State University Press, 2004.

Harvey, Charles et al. "Continuity, Change, and Specialization within Metropolitan London: The Economy of Westminster, 1750-1820, *Economic History Review.* 52 (August 1999): 469-493.

Hay, Douglas. "Property, Authority and the Criminal Law," in Douglas Hay et al, *Albion's Fatal Tree.* New York: Pantheon Books, 1975.

Henderson, Tony. *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis 1730-1830.* New York: Longman, 1999.

Henriques, Ursala. *Before the Welfare State: Social Administration in Early Industrial Britain.* New York: Longman, 1979.

Hernon, Ian. *Riot!: Civil Insurrection from Peterloo to the Present Day.* London: Pluto, 2006.

Hill, Bridget. *Women Alone: Spinsters in England 1660-1850.* New Haven: Yale University Press, 2001.

Hilton, Boyd. *A Mad, Bad, and Dangerous People?: England, 1783-1846.* New York: Oxford University Press, 2006.

Hitchcock, Tim and Heather Shore, eds. *The Streets of London from the Great Fire to the Great Stink*. London: Rivers Oram Press, 2003.

Hobsbawm, Eric, and George Rudé. *Captain Swing.* New York: Pantheon Books, 1968.

Honeyman, Katrina and Jordan Goodman, "Women's Work, Gender Conflict, and Labour Markets in Europe 1500-1900" in *The European Women's History Reader* edited by Fiona Montgomery and Christine Collette. New York: Routledge, 2002.

Hurd, Douglas. *Robert Peel: a Biography.* London : Weidenfeld & Nicolson, 2007.

Hurl-Eamon, Jennine. "'I Will Forgive You if the World

Will': Wife Murder and Limits on Patriarchal Violence in London, 1690-1750" in *Violence, Politics, and Gender in Early Modern England* edited by Joseph Ward. New York: Palgrave Macmillan, 2008.

Inwood, Stephen. *A History of London.* London: Macmillan Press, 1998.

Johnson, Eric and Eric Monkkonen, eds. *The Civilization of Crime: Violence in Town and Country Since the Middle Ages.* Urbana: University of Illinois Press, 1996.

Kermode, Jenny and Garthine Walker, eds. *Women, Crime and the Courts in Early Modern England.* London: UCL Press, 1994.

Kid, Alan. *State, Society and the Poor in Nineteenth Century England.* New York: St. Martin's Press, 1999.

King, Peter. "Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800," *Historical Journal* 27 (March 1984): 26-58.

_____. *Crime and Law in England, 1750-1840 Remaking Justice from the Margins*. New York: Cambridge University Press.

King Steven and Alana Tomkins, eds. *The Poor in England, 1700-1850: an Economy of Makeshifts.* New York: Manchester University Press, 2003.

Kipp, Julie. *Romanticism, Maternity and the Body Politic.* New York: Cambridge University Press, 2003.

Krueger, Christine. "Literary Defenses and Medical Prosecutions: Representing Infanticide in Nineteenth-Century Britain," *Victorian Studies* 40 (Winter 1997):271-294.

Landsman, Stephen. "One Hundred Years of Rectitude: Medical Witnesses at the Old Bailey, 1717-1818," *Law and History Review* 16 (Autumn 1998): 445-494.

Lane, Penelope et al eds. *Women, Work, and Wages in England, 1600-1850.* Rochester, New York: Boydell Press, 2004.

Leonard, Julie E. "A Window into Their Lives: The Women of the Faubourg Saint-Antoine, 1725-1765," Ph.D. diss., Marquette University, 2009.

Levin, Yale "The Treatment of Juvenile Delinquency in England during the Early Nineteenth Century," *Journal of Law and Criminology* 31 (May-June 1930): 38-54.

Levine, David. "Industrialization and the Proletarian Family in England," *Past and Present* 107 (May 1985), 168-203.

Linebaugh, Peter. *The London Hanged: Crime and Civil Society in the Eighteenth Century.* New York: Cambridge University Press, 1992.

Lowerson, John. *Sport and the English Middle Classes, 1870-1914.* New York: Manchester University Press, 1995.

Jackson, Mark. "Pregnancy Loss in Eighteenth-Century England" in *The Anthropology of Pregnancy Loss: Comparative Studies in Miscarriage, Stillbirth and Neonatal Death* edited by Rosanne Cecil. Washington, D.C.: Berg, 1996).

Matus, Jill L. *Unstable Bodies: Victorian Representations of Sexuality and Maternity*. New York: Manchester University Press, 1995.

Mcgowen, Randall. "A Powerful Sympathy: Terror, the Prison, and Humanitarian Reform in Early Nineteenth-Century Britain," *Journal of British Studies* 25 (July 1986): 312-332.

_____. "The Well-Ordered Prison: England 1780-1865," in *The Oxford History of the Prison: The Practice of Punishment in Western Society* edited by Norval Morris and David Rothman. New York: Oxford University Press, 1995.

McHugh, Paul. *Prostitution and Victorian Social Reform.* New York: St. Martin's Press, 1980.

Mellor, Anne. *Mothers of the Nation: Women's Political Writing in England 1780-1830.* Bloomington: Indiana University Press, 2000.

Miller, Wilbur. *Cops and Bobbies: Police Authority in New York and London 1830-1870.* Chicago: University of Chicago Press, 1977.

Mui, Hoh-Cheung and Lorna H. Mui, *Shops and Shopkeeping in Eighteenth-Century England*. London: McGill-Queen's University Press, 1989.

Murphy, Theresa. *The Old Bailey: Eight Centuries of Crime, Cruelty and Corruption.* London: Mainstream Publishing, 1999.

Nicholls, James. *Politics of Alcohol: a History of the Drink Question in England.* New York: Manchester University Press, 2009.

Palk, Deirdre. *Gender, Crime and Judicial Discretion 1780-1830.* Suffolk, England: The Royal Historical Society and Boydell Press, 2006.

Plumb, J.H. *The First Four Georges.* London: Batsford, 1956.

Porter, Dale. *The Thames Embankment: Environment, Technology, and Society in Victorian London* (Akron, OH: University of Akron Press, 1998), 176.

Reed, Donald. *Peterloo: the 'Massacre' and Its Background.* Manchester: Manchester University Press, 1958.

Rendall, Jane. "Women and the Public Sphere," in *Gender and History: Retrospect and Prospect* edited by Leonore Davidoff, Kieth McClelland, and Eleni Varikas. Malden Mass: Blackwell, 1999.

Reynolds, Elaine A. *Before the Bobbies: the Night Watch and Police Reform in Metropolitan London 1720-1830.* Houndmills, Basingstoke, Hampshire : Macmillan Press, 1998.

Rose, Lionel. *The Massacre of Innocents: Infanticide in Britain 1800-1934.* Boston: Routledge & Kegan, 1986.

Rudé, George. *The Crowd in History: A Study of Popular Disturbances in France and England 1730-1848.* New York: Wiley, 1964.

_____. *The Crowd in the French Revolution.* New York: Oxford University Press, 1972.

Seleski, Patti. "Women, Work and Cultural Change in Eighteenth-Century and Early Nineteenth-Century London," in *Popular Culture in England, c. 1500-1850.* New York: St. Martin's Press, 1995.

Sharpe, J. A. *Judicial Punishment in England.* Boston: Faber and Faber, 1990.

_____. *Crime in Early Modern England 1550-1800.* New York: Longman, 1999.

_____. "Domestic Homicide in Early Modern England," *Historical Journal* 24(March 1981): 29-48.

Shoemaker, Robert. *Gender in English Society 1750-1850: the Emergence of Separate Spheres.* New York: Longman,1998.

_____. "Male Honour and the Decline of Public Violence in Eighteenth-Century London," *Social History* 26 (May, 2001): 190-208.

_____. "The Taming of the Duel: Masculinity, Honour and Ritual Violence in London, 1660-1800," *Historical Journal* 45(September 2002): 525-545.

Shoemaker, Robert and Mary Vincent, eds., *Gender and History in Western Europe*. New York: Oxford University Press, 1998.

Shore, Heather. *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London.* Rochester, NY: The Boydell Press.

Smith, Greg T. "Violent Crime and the Public Weal in England, 1700-1900," in *Crime, Law and Popular Culture in Europe, 1500-1900,* edited by Richard McMahon. Portland: Willan Publishing, 2008.

Smith, Phillip Thurmond. *Policing Victorian London: Political Policing, Public Order and the London Metropolitan Police.* Westport, Conn: Greenwood Press, 1985.

Stone, Lawrence. "Interpersonal Violence in English

Society, 1300 to 1950," *Past and Present* 101 (November 1983): 22-33.

_____. *Broken Lives: Separation and Divorce in England, 1660-1857.* New York: Oxford University Press, 1993.

_____. *The Family, Sex, and Marriage in England, 1500-1800.* New York: Harper and Row, 1977.

Styles, John and Amanda Vickery eds. *Gender, Taste, and Material Culture in Britain and North America*. New Haven: Yale University Press, 2006.

Tobias, J.J. *Crime and Industrial Society in the Nineteenth Century*. New York: Schocken Books, 1968.

Tome, Nancy. "A 'Torrent of Abuse': Crimes of Violence between Working-Class Men and Women in London 1840-1875," *Journal of Social History* 2 (Spring 1978):328-345.

Walker, Garthine. *Crime, Gender and Social Order in Early Modern England.* New York: Cambridge University Press, 2003.

Walkowitz, Judith R. *City of Dreadful Delight: Narratives of Sexual Danger in Late—Victorian London.* London: Virago Press, 1992.

Whitlock, Tammy C. *Crime, Gender and Consumer Culture in Nineteenth-Century England.* Burlington, VT: Ashagate, 2005.

Wiener, Martin J. *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914.* New York: Cambridge University Press, 1990.

_____. "Judges v. Jurors: Courtroom Tensions in Murder Trials and the Law of Criminal Responsibility in Nineteenth-Century England," *Law and History Review* 17 (Autumn 1999): 467-506.

_____. *Men of Blood: Violence, Manliness, and Criminal Justice in Victorian England.* New York: Cambridge University Press, 2004.

Wiesner Hanks, Merry. *Women and Gender in Early Modern*

Europe. New York: Cambridge University Press, 2008.

_____. *Gender in History*. Malden, Mass: Blackwell, 2001.