

# Wicked Ladies



Wicked Ladies:  
Provincial Women, Crime  
and the Eighteenth-Century English  
Justice System

By

Gregory J. Durston

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P U B L I S H I N G

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—Gregory J. Durston.  
London, All Saints Day, 2012.





## CHAPTER ONE

### INTRODUCTION: WOMEN AND CRIME IN PROVINCIAL ENGLAND

#### **Introduction**

This book will consider the experiences of eighteenth-century women in provincial England as both the perpetrators of various crimes and as suspects and defendants in the era's criminal justice process. In this context, 'provincial' is taken to refer to all parts of the country outside London and Middlesex; that is, all areas that did not send their serious crimes to the Old Bailey court for trial, whether they were in the Home Counties, West Country, Midlands, East Anglia, or the North. The period under consideration is what is sometimes termed the 'long' eighteenth century, that is the years from the Glorious Revolution of 1688 to the Battle of Waterloo in 1815. Of course, such delineations, though necessary, are inherently artificial; the era witnessed enormous social, political, cultural, and economic changes. Indeed, these years straddle two further conventional divisions, that between early modern and modern history. Wherever the line that separates these two periods is drawn, almost all scholars would place the era's first 12 years in the former, and last 15 in the latter.

A justification for such a study and its parameters is necessary, if only because, in recent years, there has been a considerable amount of work on female crime during this period, not least by the present author. It can no longer necessarily be said that historians universalise the male experience. However, many of these studies have had an overwhelmingly or specifically Metropolitan focus. This is for two reasons. Firstly, the eighteenth-century Metropolis was and is (to modern observers) an eye-catching phenomenon. Based on the neighbouring cities of London and Westminster, and incorporating urban Middlesex, it was, according to one contemporary estimate, a city of almost 631,000 souls in 1716.<sup>1</sup> It

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<sup>1</sup> *The Gentleman's Magazine*, 1735, vol.5, p.355.

continued to grow exponentially, so that at the end of the century the Metropolitan area contained about a million people, many of them attracted from the provinces, Ireland, Scotland, the Continent, or even further afield. As a result, it was also characterised by an unprecedented degree of change. Social cohesion could, and sometimes did, become attenuated in such an environment, something that was manifest in a lack of family ties, participation in communal activities, and transient accommodation arrangements. By 1700, London was grappling with many of the problems posed by urbanisation that have become so important around the Globe in the last three centuries.

Moral conformity was harder to enforce in the capital, which was the epicentre for novel social trends, such as the unprecedented popular consumption of large quantities of cheap gin and brandy. This vice extended to women, who participated in the vogue for “dram-drinking”, which was quickly addictive, not least because spirits were so easily ingested. For example, Martha Tracey, capitally convicted in 1744 at the Old Bailey for picking pockets, had been addicted to alcohol for some time before her death, although less than twenty years old when she was hanged. She could not remember the offence for which she was executed, or many others that she had perpetrated, because she was “always dead drunk when they were committed”.<sup>2</sup> This was shocking to respectable people. Excessive drinking was a sin in either sex: “...but in women it is still more abominable”.<sup>3</sup> One woman who became an alcoholic allegedly found that her eyes grew dull and languid, her complexion pale and: “...her mind stupid and regardless of every avocation befitting her sex and station”.<sup>4</sup>

The Metropolis also attracted more than its fair share of the most dramatic and so ‘interesting’ female crimes, even if they were unrepresentative of the whole. Amongst them was the case of Maria Phipoe. Helped by her maid, Maria seized the wealthy John Courtoy at knifepoint, held him prisoner, and tried to make him sign over his fortune to her, while also asking him how he would like to be killed (gun, dagger or poison) when he had done so!<sup>5</sup>

However, even more importantly than this, the Metropolis is enormously attractive to criminal justice historians because of the sheer number, detail, and ready availability of its sources, especially printed materials, many of which are now accessible on searchable online databases. Research that in

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<sup>2</sup> *Ordinary's Account*, 15th March 1744: OA17440315.

<sup>3</sup> Broughton, Thomas (1800) *Serious Advice and Warning to Servants*, p.21.

<sup>4</sup> Anon (‘Mira’), (1756) *The Wife*, pp.165-166.

<sup>5</sup> OBSP, Trial of Maria Theresa Phipoe, 20th May 1795: t17950520-27.

the 1990s would have taken months can be done in a matter of hours. For example, the most complete collection of the *Old Bailey Sessions Proceedings* available (a unique printed and published account of nearly all serious Metropolitan trials) has been digitalised and placed online (at [www.oldbaileyonline.org](http://www.oldbaileyonline.org)). This superb facility has been supplemented by several others, which are almost as valuable. Thus, the Newgate Prison chaplain's biographies of those awaiting execution are also available, as are details of 240,000 manuscripts from eight different archives and fifteen datasets relating to eighteenth-century London, with a particular focus on its poorer citizens (at [www.londonlives.org](http://www.londonlives.org)). Some of these will be cited in this book where they illustrate points of national or legal significance.

By contrast, provincial records are often poor or missing, usually available only in handwritten manuscript form, and frequently confined to court or jail registers and calendars. There is no provincial equivalent of the *Old Bailey Proceedings*, though there are individual published tracts on specific Assizes Sessions, many of which are used in this study. This is particularly unfortunate, given the very limited records produced by the English criminal justice system of the era, especially when compared to the Roman law countries of Continental Europe, with their heavy reliance on deposition evidence. Only the bare details (name, gender, employment, plea and verdict etc.) are normally given of defendants and trials, and even some of these, such as employment, can be unreliable.

Nevertheless, despite the huge importance of the London area to the wider nation, most eighteenth-century Englishwomen did not live in the Metropolis or in an environment that was remotely like it. London (broadly construed) contained only an eighth of England's population in 1800. The country's largest provincial cities were tiny by comparison. For example, when Norwich, England's second largest city during the first half of the era, was overtaken by its third, Bristol, in about 1750, the West Country city still only had about 50,000 inhabitants. As a result, London was *sui generis*. When it comes to crime and justice, women's experiences in the capital cannot be taken as representative of the wider country, though there were, inevitably, many similarities.

Frequently, the Metropolis had different types of police, magistrate, and court to those found in the provinces. Its justice system also worked under considerable pressure, as a result of the huge number of suspects being processed through it. This affected how criminal cases were dealt with. Most importantly for this book, the proportion of Metropolitan women committing, and being prosecuted for, property crime appears to have been extremely high by both its own previous and later standards and by those of most contemporary English counties, especially during the

early decades of the eighteenth century.<sup>6</sup> It declined gradually thereafter, but was still a third higher than the national average in 1800, although by the mid-1840s the proportion of female offenders (compared to the whole) who were indicted in the Metropolis was almost the same as that for counties such as Devon and Cornwall.<sup>7</sup>

Contemporary observers were vaguely aware of this discrepancy, and occasionally sought to explain it. Some suggested that rural areas were inherently less corrupting for women. As a lawyer noted of the murderer Mary Edmondson, she originally came from the Yorkshire countryside, where there were: "...few or no temptations to debauchery or extravagance, these rocks upon which so many of the female sex split, especially in and about London and Westminster".<sup>8</sup> Some of the modern work done to explain the reduction in female offending after the early 1700s has, perhaps, not fully appreciated that its very high incidence at that time was largely a localised and Metropolitan, rather than national, phenomenon.

The level of female offending elsewhere in the country was usually more modest, and also more stable over the course of the century, albeit subject to short-term fluctuations, especially during wartime. A sustained *national* decrease in the proportion of female offenders and, arguably, an attendant 'masculinisation' of crime, did eventually occur, but not until well into the 1800s. As a result, women would fall as a total of those who were prosecuted for indictable offences from 25 per cent in 1860 to 12 per cent in 1960, while for summary matters their proportion fell from 21 per cent in England and Wales in 1860, to six per cent in 1960.<sup>9</sup> (Both categories have increased since then). There was a particularly marked national decline in the proportion of women prosecuted on indictment between the 1850s and 1890s.

This book is primarily about Englishwomen. However, there will be some consideration of females and their experiences from other parts of the British Isles and even further afield. Obviously, England and Wales shared a legal system, and also uncertain legal boundaries (Monmouth was on the Oxford Circuit, Cheshire linked with Welsh counties), so that women from the Principality will also be discussed in considerable detail, and some of the most important statistics used include Wales. Ireland was

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<sup>6</sup> Feeley, Malcolm and Little, Deborah (1991) "The Vanishing Female: The Decline of Women in the Criminal Process, 1687-1912", p.721 and p.736.

<sup>7</sup> King, Peter (2006) *Crime and Law in England, 1750-1840*, p.218.

<sup>8</sup> Anon (By a gentleman of the law), (1759) *The Case of Mary Edmondson*, p.4.

<sup>9</sup> D'Cruze, Shani and Jackson, Louise A. (2009) *Women, Crime and Justice in England since 1660*, p.18.

also governed by common law (albeit often somewhat more loosely) and applied many of the same legal doctrines to women as the English courts, frequently using the same books on criminal procedure. At the end of the period, in 1800, the two islands experienced political union. Scotland had a separate legal system, but formed part of the same state after 1707. Women from both countries merit consideration, as do those from other parts of the English speaking world, particularly the Americas, and even those from Continental Europe and beyond, if only for comparison. Additionally, there will be some reference to women's experiences in other historical periods, to put those from the eighteenth century into chronological perspective.

This study is about provincial not just rural women. This means that as well as considering females in the countryside it will also examine women in the nation's towns and small cities. Although about a third of the British workforce was still engaged in agriculture at the end of the eighteenth century, the number of English people outside the Metropolis who lived in places with at least 5,000 inhabitants had increased from 275,000 in about 1700 to 1,420 000 in 1801.<sup>10</sup> England was slowly becoming urbanised.

Such towns, though tiny by Metropolitan comparison, and having little in common with the capital, were often very different in character to rural areas. They absorbed much of the country's generally increasing population during the period. This growth, which slowly set in at the end of the 1720s and accelerated after the middle of the century, was the result of both increased fertility and declining mortality rates. The presence of growing towns also encouraged internal migration, with its attendant loss of social control. Women were heavily involved in such movement, as urban environments often offered female employment opportunities. For a very specific example can be considered the new spas in places such as Bath and Buxton, which provided much work for washerwomen.

Although this book is confined to provincial England, it must always be remembered that the country differed greatly by region and county and such variation was often manifest in penal and prosecution strategies, and even the *apparent* incidence of female offending. This can make generalisations inherently very difficult, if not positively dangerous. For any assertion made, an exception can usually be found, if a sufficiently diligent search is conducted. Nevertheless, although all parts of the country were quite distinctive, there was also a significant degree of homogeneity throughout the land. Even the supposedly 'wild' North East,

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<sup>10</sup> Borsay, Peter (Ed.) (1990) *The eighteenth-century town: a reader in English urban history, 1688-1820*, p.45.

which was influenced by its proximity to the Scottish border, sparse population, hilly topography, and distance from the capital, produced a crime rate and offending profile that was broadly similar to that for other parts of England, with numerous minor property offences interspersed with occasional serious offences, such as robbery or murder.<sup>11</sup>

The presence of the centrally based Westminster judges at provincial Assizes encouraged a degree of procedural uniformity. The rapid growth in legal publishing and printing, especially of standard forms, meant that this increased steadily during the period. Additionally, the country ‘shrank’ over the course of the century. Roads improved enormously after the 1730s as a result of the establishment of turnpike trusts, which took responsibility for maintaining some arterial routes from the parishes that bordered them. A growing network of canals encouraged the movement of freight in the era’s latter decades. Journeys from London to major provincial centres such as Exeter and Manchester, which would have taken over three days at the start of the century, could be made in little more than 24 hours by its end. This also encouraged the transmission of Metropolitan fashions and trends. As a result, in 1761, the dramatist George Colman could observe that there was a growing similarity between Metropolitan and provincial manners. Fifty years earlier, they had been so different that the: “...inhabitants of the distant counties were regarded as a species, almost as different from those of the Metropolis, as the natives of the Cape of Good Hope”.<sup>12</sup>

It should be noted that, even though it was unique, it is not possible to completely and tidily distinguish the Metropolitan area from the rest of the country. Most importantly, although the Borough of Southwark was an integral part of Surrey, and its serious crimes were heard at that county’s Assizes (whether held there, at Kingston on Thames, or Croydon), it was firmly within the Metropolitan orbit by 1700. It even had its own ‘Rotation magistrates’ in the 1760s, to deal with the pressure of criminal work produced by its large population (over 66,000 people at the end of the period).<sup>13</sup> Southwark was a: “...borough [that was] not the best regulated, though the biggest in Britain”.<sup>14</sup> Effectively, it was in some ways an across river extension of the capital, as were some of its adjacent or nearby parishes, such as Lambeth.

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<sup>11</sup> Morgan, Gwenda and Rushton, Peter (1998) *Rogues, Thieves and the Rule of Law*, pp.9-11 and p.216.

<sup>12</sup> Langford, Paul (2000) *Eighteenth-Century Britain*, p.65.

<sup>13</sup> *Public Advertiser*, June 4, 1768.

<sup>14</sup> Anon, (1786) *An Authentic Narrative of the Most Remarkable Adventures, and Curious Intrigues, Exhibited in the Life of Miss Fanny Davies*, p.7.

Other parts of the Home Circuit, such as North Kent and West Essex, were also heavily affected by their proximity to the capital, which cast a very long shadow. London's presence drove up crime rates, prosecutions and executions in its collar counties, though not necessarily those involving women (who usually made up a smaller proportion of prosecuted offenders on the Home Circuit than elsewhere in the country). Conversely, rural parishes on the fringes of Middlesex had far more in common with other villages in the Home Counties than they did with the Metropolis, but their serious cases were still heard at the Old Bailey, and their lesser matters went to the Quarter Sessions held at Hick's Hall in Clerkenwell, like those from urban parts of the county. Many of their crimes were of a decidedly bucolic type, such as the theft of farm animals and the burning of haystacks.

Additionally, there was not a hermetic seal between the capital and other parts of the country. The Metropolis served as a place to flee to for provincial criminals, including women. In 1727, when Elizabeth Archer was suspected of murdering her newborn illegitimate baby by burying it alive near Burton in Staffordshire, she immediately made her escape to London. She was ultimately arrested in a house near the Tyburn Road, before being sent back to her native county for trial.<sup>15</sup> Many of those who ended their days at Tyburn had drifted into crime while still in the provinces, before moving to the city and resuming their criminal careers. Other nefarious individuals could be forced to go there by local pressure in their own areas, as the capital served as a receptacle for (perceived) ne'er do wells. London was the general receiver of: "...fugitives and vagabonds from all the nations in the universe". They included the ill-fated Ann Sharp, a Norfolk woman from a respectable and well-to-do background, who went there after being deflowered by an army officer in her native county, losing her reputation for chastity as a result and so embarrassing her prosperous friends.<sup>16</sup> Lower down the social scale, Mary Taylor, who had been born in Worcestershire of "mean" parents who gave her very little education, "came to Town" without even telling her mother. After she had been in domestic service in the capital for a few years she grew tired of such work and "fell to whoring and stealing".<sup>17</sup>

Furthermore, the proceeds of crimes that were committed far outside the Metropolis might be liquidated in the capital. In an extreme illustration, from 1726, John Murrel, a Yorkshire man, stole a mare worth

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<sup>15</sup> *The British Journal*, June 17, 1727.

<sup>16</sup> Anon (By a Lover of Justice), (1760) *An Answer to the Pamphlet Wrote by the Juryman, Touching the Death of Ann Sharp*, p.13.

<sup>17</sup> Ordinary's Account, 20th May 1728: OA17280520.

eight pounds from Jonathan Wood at a fair in Newcastle upon Tyne. He bargained for the horse, and then asked for a test ride, from which he failed to return. The loser “traced him all over Yorkshire”, but eventually sent a letter to a friend in London who made enquiries and found the missing animal.<sup>18</sup> More typically, George Robertson lost a gelding from a field in Essex and found him pulling a cart in Fleet Street a month later.<sup>19</sup>

## Sources of Information

To an extent, and even after decades of scholarship on women, crime, and the eighteenth-century justice system, we still see through a glass, darkly. Much important information has been permanently lost, and some was never recorded. This is unfortunate, especially when it comes to studying gender and crime. Sometimes, it has allowed the development of accounts of the phenomenon that are not properly grounded in reliable evidence. However, as with most such studies, this book is based on a mixture of primary and secondary sources. The former straddle both quantitative analysis (usually statistics for indictments and recognisances) and qualitative material, each with their respective strengths and flaws.

The (often rather sparse) surviving records of the era’s Assizes are preserved at the National Archives, while many of those for Quarter and Borough Sessions can be found in local record offices, though some records from almost all of these forums have been completely lost. For an example of such resources can be considered those of the Borough Sessions for Kingston on Thames. These were held four times a year, just like the Surrey Quarter Sessions. Indeed, within the town, the County’s Quarter Sessions had an overlapping jurisdiction with those for the Borough, albeit that more serious matters gravitated to the former. The records from these sessions are available from 1668 to 1748, while the files of presentments and recognizances are present from 1676 to 1762.<sup>20</sup> Both series have gaps in the sequence, but can be considered for specific sessions and years during the eighteenth century, and provide valuable information for this study. Kingston was located less than 20 miles from the Metropolis, but unlike Southwark it was in no way part of the capital, though influenced by its proximity to London.

Most importantly, it must always be remembered that a majority of criminal accusations at this time (albeit not of the most serious matters)

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<sup>18</sup> OBSP, Trial of John Murrel, 20<sup>th</sup> April 1726: t17260420-5.

<sup>19</sup> OBSP, Trial of David Davis, 15<sup>th</sup> September 1756: t17560915-53.

<sup>20</sup> At KE2/2/1-66 and KE2/3/1-10 in the Kingston Local History Room.



were resolved without any type of formal prosecution, and do not show up in the official records at all. Relatively few offences came for jury trial. Between 1660 and 1730, for example, indictment levels averaged 4.2 per annum at the Great Sessions for Denbighshire, and only 2.4 a year at the same county's Quarter Sessions. Admittedly, this sparsely populated Welsh shire had a relatively low prosecution rate compared to many English counties, especially those in the South East. Its annual rate of indicted theft was only about 1.8 cases per 10,000 people during the late seventeenth century, whereas in Restoration Essex they ran at about 3.7.<sup>21</sup> Nevertheless, this is still a very small total, vastly smaller than the number of crimes that must have been committed there. Even a large majority of thefts did not result in formal prosecutions. For example, the habitual Yorkshire criminal and eventual murderer, Mary Bateman (born in 1768), had been caught stealing and pilfering on several occasions while still a young woman, but had "compromised" matters by returning or paying for stolen items, without the authorities becoming involved.<sup>22</sup> Similarly, all nine women suspected of committing such a crime and identified in a selection of eighteenth-century diaries (taken at random) escaped formal proceedings.<sup>23</sup>

Other deviant acts might be dealt with by community action. Many areas still had a considerable ability to police themselves, without requiring recourse to formal methods of law enforcement. This was sometimes lacking in the Metropolis, especially after the early years of the century, and was another distinguishing feature of provincial England. For example, various types of charivari, often termed 'rough music', 'skimmingtons', and 'stang ridings', depending on where in the country they occurred, still operated to punish those who broke community norms, including (though it was not limited to) the criminal law. Large numbers of villagers might assemble, sometimes blacked up or disguised, and bang pots and pans outside the home of erring neighbours. Thus, in 1769, ten men and eleven women rioted outside the home of Mary Jones, in Braunton, Devon. Mary may have been committing adultery, as the crowd carried a ram's horns and a "mock child made of rags".<sup>24</sup> Despite the apparent jocularly (to modern eyes), such events were no light matter. In

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<sup>21</sup> Howard, Sharon (2004) "Investigating responses to theft in early modern Wales: communities, thieves and the courts", p.411

<sup>22</sup> Anon, (1809) *Extraordinary Life and Character of Mary Bateman, the Yorkshire Witch*, 9<sup>th</sup> edn., p.15.

<sup>23</sup> King, Peter (2000) *Crime, Justice and Discretion in England 1740-1820*, p.200.

<sup>24</sup> Williams, Amy (2000) *The Criminality Of Women In The 18th Century In The South West Of England*, pp.160-161.

1736, a stang riding aimed at shaming an Edinburgh blacksmith who had beaten his wife excessively was so humiliating that he committed suicide the following day.<sup>25</sup> Although in decline by 1700, and universally accepted as illegal by that time, they continued until late in the century. Even where the authorities *were* involved, they themselves sometimes acted informally and left no record or, at the very most, their actions were recorded in the notebooks kept by contemporary justices of the peace (see below). Few of these survive, though this study will refer extensively to the handful that do.

Another major source of information, one heavily mined in this book, can be found in the crime reports published in contemporary newspapers, journals and periodicals. The eighteenth century was an era of mass (but far from universal) literacy.<sup>26</sup> Wealth and gender greatly influenced the ability to read and write. In late eighteenth-century Essex, only six per cent of the mainly poor females who tried to glean from post-harvest fields could sign their names, while all of the prosperous male farmers who owned those fields were literate.<sup>27</sup> Nevertheless, by the latter part of the century there was enough female demand for reading matter that a specialist journal like the monthly *The Lady's Magazine*, founded in 1770 and sold for six pence a copy, could draw a large number of subscribers to its mixture of pieces on fashion, domestic economy, advice for wives and mothers, news, geography and history.

The newspaper became the dominant manifestation of the country's popular print culture during the early 1700s, replacing chapbooks in this role. Although it was an industry that was centred on London, and many newspapers had a Metropolitan focus, especially when it came to reporting crime, there was also a significant provincial press.<sup>28</sup> As a result of this expansion, newspapers became the main source of popular information about crime, selling for about 2 1/2d in the middle of the century, each copy usually having multiple readerships, if only via barber shops, taverns and coffee-houses. Typically, accounts of crime made up an average of over 30 per cent of all reports in *The Kentish Post* in most years between 1729 and 1767, only falling below this figure in times of war, when stories of battles

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<sup>25</sup> *Daily Gazetteer* (London Edition), April 6, 1736.

<sup>26</sup> Hay, Douglas and Rogers, Nicholas (1987) *Eighteenth-century English Society*, p.9.

<sup>27</sup> King, Peter (1989) "Gleaners, Farmers and the Failure of Legal Sanctions in England 1750-1850", p.122.

<sup>28</sup> Snell, Esther (2007) "Changing Discourses of Crime: Representations of Criminality in the Eighteenth-Century Newspaper Press", pp.13-47. Snell, Esther (2005) "Representations of Criminality and Victimisation in Provincial Newspapers: The Kentish Post 1717 to 1768", pp.48-75.

competed for attention.<sup>29</sup> Although this was a little higher than some other newspapers, all devoted a very significant proportion of their news to crime coverage. Of course, their reports were usually very short when compared to pamphlets. The medium was also more interested in dramatic offences than in mundane ‘everyday’ crimes, though still vastly superior to chapbooks when it came to coverage of the latter; *The Kentish Post*, for example, always reported a few misdemeanours. Although less likely to focus on crimes that did not produce suspects they are also infinitely superior to court records in this respect (by definition official records exclude such offenders).

Some journals were also quite casual about checking the accounts that they reported. Nevertheless, as Horace Walpole observed, the papers: “...though always full of lies, seldom fail to reach the outline at least of incidents”.<sup>30</sup> The basic facts were usually correct, even if some of the incidental details might be mistaken or exaggerated. Indeed, some modern historians have suggested that, where criminal cases were not notorious, most of the information provided by the era’s newspapers was reliable.<sup>31</sup>

It has sometimes been argued that eighteenth-century newspapers exaggerated the importance of crime for their readers and made them more fearful of the phenomenon than it properly deserved. However, this assertion has been questioned in its turn. Crime was a regular feature of eighteenth-century life. Collating newspaper and Old Bailey reports (including advertisements of reward) for Metropolitan J.P.s who had been personally victimised suggests that it was a far more serious phenomenon in the 1700s, at least in the London area, especially in its East End, than it is for professional people today. Statistics don’t hint at the ‘dark figure’ of unreported crime. This is still very substantial in the modern era, when it is merely based on those crimes that are not reported to the police. For the eighteenth century, it is necessarily based on crimes that were not indicted, rendering it far greater. For example, at least five of 65 Justices personally became the victims of street or highway robbery between 1768 and 1793. Several of these cases were not even considered newsworthy and reported,

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<sup>29</sup> Snell, Esther (2007) “Changing Discourses of Crime: Representations of Criminality in the Eighteenth-Century Newspaper Press”, pp.20-21.

<sup>30</sup> King, Peter (2007) “Newspaper reporting and attitudes to crime and justice in late-eighteenth-and early-nineteenth-century London”, pp.73-112.

<sup>31</sup> Oldham, James (1987) “Law Reporting in the London Newspapers, 1756-1786”, pp.177-178.

so ‘routine’ were they deemed to be.<sup>32</sup> Crime was also a major problem in provincial England, if not on quite the same scale.

## The Role of Women in Provincial Society

In theory, female autonomy had little place in the eighteenth century, especially outside London. Women were widely seen as not just physically but also psychologically and intellectually weaker than men, while also being more superstitious.<sup>33</sup> It was argued that members of the “delicate” part of the human species were so fragile that they would: “...frequently die with frights, which to our [male] robust constitutions the same objects are only diversions”.<sup>34</sup> Even women from prosperous backgrounds had very inferior educations when compared to their male equivalents. For example, it was noted of the well-to-do poisoner Mary Channing that she had been taught to read and write: “...to a proficiency suitable enough to one of her sex”.<sup>35</sup> Daniel Defoe, who believed strongly in female education, thought it barbarous that men denied the advantages of learning to women: “We reproach the sex every day with folly and impertinence, while I am confident, had they the advantages of education equal to us, they would be guilty of less than ourselves”.<sup>36</sup> An intelligent and well informed woman might be advised, in the words of Lady Mary Montagu Wortley, to: “...conceal whatever learning she attains, with as much solicitude as she would hide crookedness or lameness”. It was not something that would endear her to many members of the opposite sex.<sup>37</sup>

Throughout the period under consideration, and as in all previous eras, men dominated English society, and this was rarely challenged. As late as 1810, in an introduction to her *Epistles on Women*, Lucy Aikin, a well-educated female author of the time, was careful not to question the essentially patriarchal character of her society, although seeking more recognition for female achievements and merits: “Let me in the first place

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<sup>32</sup> Landau, Norma (2010) “Gauging crime in late eighteenth-century London”, pp.396-417.

<sup>33</sup> Hanway, Jonas (1758) *A Plan for establishing a Charity-House or Charity Houses for the reception of repenting prostitutes*, p.xiii.

<sup>34</sup> Anon (By a Lover of Justice), (1760) *An Answer to the Pamphlet Wrote by the Juryman, Touching the Death of Ann Sharp*, p.4.

<sup>35</sup> Anon, (1706) *Serious admonitions to youth, in a short account of the life, trial, condemnation and execution of Mrs Mary Channing*, pp.1-4.

<sup>36</sup> Defoe, Daniel (1697) *An Essay Upon Projects*, p.282.

<sup>37</sup> Porter, Roy (1991) *English Society in the Eighteenth Century*, p.23.

disclaim entirely the absurd idea that the two sexes ever can be, or ever ought to be, placed in all respects on a footing of equality. ... As long as the bodily constitution of the species shall remain the same, man must in general assume those public and active offices of life which confer authority, whilst to woman will usually be allotted such domestic and private ones as imply a certain degree of subordination".<sup>38</sup> Even Mary Wollstonecraft wanted fairness, not equality, for women. Nevertheless, the intellectual basis for male domination changed slightly during the era. At the start of the period, a scriptural foundation was often cited. By its end, although this had certainly not disappeared, accounts that relied on historical and anthropological theories about gender relations, or which stressed biological 'facts', had become more common.<sup>39</sup>

As a result of these (and similar) attitudes, it was quite normal to believe that females should live under the control of their fathers, masters, or husbands, to use a typical succession for the first few decades of a woman's life. Unlike London, with its many new, unattached, female arrivals, these could readily be found for most provincial women. As a result, it is not difficult to find evidence of the power that men exerted over their lives, and the subservience that this often engendered. For example, in breach of promise actions, counsel for female plaintiffs who had been jilted by their fiancées could openly declare that they were, effectively, 'shop-soiled' and call evidence from men who had been potential suitors but withdrawn their attentions on learning that the object of their affections was already engaged.

However, English society did not, and never had, fully matched the 'ideal typical' model of normative literature, especially that found in conduct books, which was aimed at setting out what was 'desirable' rather than reflecting reality. In theory, the patriarch's role within the family was supreme; it was analogous, if only as a faint echo, to that of the monarch in the wider state and the Deity in creation. In reality, such an interpretation was often not remotely compatible with day-to-day life. It is vital to remember that much writing on gender relations and roles was not an accurate description of normal existence and common experience, especially for the poor. Taken literally, it can produce a highly caricatured view of contemporary expectations of women's behaviour, and ignore numerous ambiguities. It did not allow for women like Elizabeth Hook who, although married, was presented at Kingston Borough Sessions in

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<sup>38</sup> Aikin, Lucy (1810) *Epistles on Women, Exemplifying Their Character and Condition*, p.v.

<sup>39</sup> Dabhoiwala, Faramerz (2012) *The Origins of Sex: A History of the First Sexual Revolution*, p.188.

1746 for: "...calling of Murder and fire & other disturbing noises & c. in the night".<sup>40</sup> Still less did it provide for a Liverpool corn-factor's wife who, on a visit to London in 1784, got into a heated argument with two other women over opera seats at Covent Garden. When constables attended to break up the disturbance, she gave two of them black eyes.<sup>41</sup>

In the modern era, the concept of 'agency', the degree to which people can influence the course of their own lives and, perhaps, of those around them, has become a central theme in academic discourse. No eighteenth-century Englishwomen were free agents, though they were *comparatively* free by much international comparison (something that is often overlooked in modern discourse). There was *some* foundation to Robert Burton's seventeenth-century comment that, when compared to Italy, England was a "Paradise for women and hell for horses". Women could certainly influence their fates via a variety of stratagems.

More importantly, gender relations frequently departed from the tenets of a patriarchal society, even in rural areas. The hen-pecked husband was a recurring cultural trope, and the era possessed many observers who feared that there had been an erosion in the traditional distinctions between the genders and male and female behaviour: "Their peculiar and characteristic manners are confounded and lost: The one sex having advanced into boldness, as the other have sunk into effeminacy".<sup>42</sup> For a glaring example can be considered the regular cases of eighteenth-century women who dressed as men, such as the notorious criminal Fanny Davies, who often passed as a beardless youth when engaged in nefarious activities.<sup>43</sup> Some went further, and engaged full-time in the most 'masculine' of professions. The low level of ablution amongst many sections of the population, and a corresponding lack of physical exposure, combined with rudimentary medical tests for recruits to many of the era's institutions, facilitated this. Nevertheless, there was probably more awareness (and tolerance) of the reality to such cases than was sometimes publicly acknowledged.

In 1759, for example, a woman became known as the 'Female Shipwright' after it was revealed that as a sixteen-year-old she had left her parents, dressed herself in man's apparel, and gone down to Chatham, where the carpenter of H.M.S. *Sandwich* employed 'him' as a personal

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<sup>40</sup> Sessions for 6<sup>th</sup> October 1746, Kingston Local History Room, KE 2/2/1-14.

<sup>41</sup> *Whitehall Evening Post* (1770), December 21-December 23, 1784.

<sup>42</sup> Brown, John (1757) *An Estimate of the Manners and Principles of the Times*, p.51.

<sup>43</sup> Anon, (1786) *An Authentic Narrative of the Most Remarkable Adventures, and Curious Intrigues, Exhibited in the Life of Miss Fanny Davies*, p.32.

servant. After working some time in this capacity, she bound herself as an apprentice to a shipwright, served the whole term of her indentures, and then worked as a qualified artisan for two more years, (allegedly) without raising suspicion.<sup>44</sup> Barbara Hill, from York, was of a more martial turn, and enlisted as an infantry soldier under the name of John Brown; she would have gone undiscovered had not someone informed her platoon sergeant. She then became a stonecutter.<sup>45</sup> Hannah Snell, from Worcester, went one better, and not only successfully enlisted in the army but was flogged and saw active service in India, where she was wounded several times.<sup>46</sup> According to Parson James Woodforde, who later met her, she retired after 21 years service, on a government pension, and then worked as a peddler with the “liberty of wearing men’s cloaths”.<sup>47</sup>

Some of these women sought partners. (Unlike ‘sodomy’, lesbianism was not a crime). In 1764, a woman died in Middlesex who had gone by the name of John Chivy, passed as a man for decades, and spent 20 years ‘married’ to another female.<sup>48</sup> In one of the most extreme illustrations, at the Quarter Sessions held at Taunton in Somerset, in 1746, Mary Hamilton was accused of marrying 14 women according to the rites of the Church of England, while dressed as a man. It was hard to find an offence to charge her with (as none of the marriages were valid she could not be guilty of bigamy). Mary Price, the fourteenth wife, gave evidence for the Crown. She swore that she was lawfully married to the prisoner, and that they bedded and lived together as man and wife for more than three months. During this time, Hamilton assumed the behaviour of a man: “...using certain vile and deceitful practices, not fit to be mentioned”.<sup>49</sup> Hamilton was found guilty of being a common cheat and sentenced to six months in prison and to be publicly whipped in Taunton, Glastonbury, Wells and Shepton Mallet.

Society, and the position of females, also changed significantly during the course of the eighteenth century, which witnessed a major shift in attitudes towards femininity and the role of women. This can clearly be seen in the very changed official approach to their physical punishment, especially in public, between 1700 and 1799 (discussed in chapter two). However, exactly why and how society changed in this regard is rather

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<sup>44</sup> *London Evening Post*, August 2, 1773.

<sup>45</sup> *London Chronicle*, 31 January – 2 February, 1760.

<sup>46</sup> Anon, (1750) *The Female Soldier; Or, The Surprising Life and Adventures of Hannah Snell*, pp.1-30.

<sup>47</sup> Woodforde, James (1999) *The Diary of a Country Parson, 1758-1802*, at p.100.

<sup>48</sup> *London Chronicle*, 16-18 February, 1764.

<sup>49</sup> *London Evening Post*, November 6, 1746 - November 8, 1746.

more difficult to say, and has been the subject of considerable debate. Certainly, it was a time of transition, but so are most historical periods, especially in the last 500 years. Furthermore, it was not just the position of women that changed during the era. In 1819, it could be noted in parliament that, apart from cases of murder, treason, or arson, both juries and prosecutors were averse to prosecuting and condemning convicts when they knew the likely penalty to be a death sentence.<sup>50</sup> This was a squeamishness that their predecessors a century earlier had not shared. It is important not to attribute changes in the position of women to developments in gender relations when, in reality, they were the result of more widespread trends.

### *Separate Spheres?*

According to one popular modern analysis, the sexes, which in the early decades of the century had often worked alongside each other, became increasingly separated into different ‘spheres’ during its second half. One of these was private and domestic, which was the province of women, and the other was public and work-oriented, and the preserve of men. Women’s lives increasingly revolved around the home and domesticity, rather than employment, so that marriage and children were the most important things in them. By the end of the century, female craftsmen engaged in trades like carpentry and bricklaying were very rare, these occupations having become masculinised.

Women were also gradually excluded, or at least discouraged, from certain other, less physical, occupations and activities. For example, and perhaps surprisingly, there was a considerable decline in their participation in retailing and shop work. Trial transcripts of witnesses who were present during cases of Metropolitan shoplifting reveal a major move from the employment of female staff in favour of men between the 1740s and 1770s. The proportion of premises staffed entirely by women fell from 35 per cent to just 12 per cent. By the 1770s, three quarters of shops were staffed purely by men.<sup>51</sup>

Women had also played a major role as small traders in market towns and villages, selling meat, candles, bread, fish, cheese and ale, and being legally recognized as *feme sole merchant*. The number of such women declined during the course of the century. Thus, Oxford market saw a

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<sup>50</sup> *The Times*, July 7, 1819, p.3.

<sup>51</sup> Tickell, Shelley (2010) “The prevention of shoplifting in eighteenth-century London”, p.300.



steady fall in female stallholders during the 1700s.<sup>52</sup> Similarly, a large number of female retailers and alehouse keepers were presented at Kingston Borough Sessions in the late seventeenth and the first half of the eighteenth centuries for regulatory offences, such as using defective balances or, in the case of the Widow Clark in 1744: "...for using a pint mugg wanting a quarter of a pint of the just measure".<sup>53</sup> Their numbers had also fallen by the end of the century. The work that was still open to women became less varied, increasingly tedious and the preserve of females or (even more significantly) 'women and children'.

However, in recent years the generality of this paradigm has, at the least, been questioned. Women entered several new occupations during the period, such as working in spas, even if their presence in others declined. It should also be remembered that many of these developments were centered on, or initiated in, the London area. Things moved more slowly in the provinces, especially in the early decades of the century, rippling out from the capital over time. Change occurred at very different rates. Even rural Surrey was a radically different society to the more remote parts of Lancashire. In the modern era, an examination of social trends suggests that for many British people the '1960s' only arrived in the 1970s. The same can be said of some aspects of sexual relations and gendered behaviour during the 1700s, albeit that change was measured in decades rather than years. Many features of the previous century lingered long into the following era, particularly in isolated parts. As a result, linear histories can be unsatisfactory when applied to the whole country.

## Courts and Policing

During the eighteenth century, most criminal offences were, in theory, triable on indictment before a jury. More serious crimes of this type, such as murder, robbery, and burglary, were classified as felonies, and normally determined by juries at the Assizes. Less serious crimes, including most assaults and some lesser offences of dishonesty, were termed misdemeanours and usually heard by juries at county Quarter Sessions or (their equivalent in some towns) Borough Sessions.

However, most indicted cases of petty theft (less than a shilling in value), the only felony not to carry a potential death penalty, were also tried at Quarter Sessions. Furthermore, some lesser examples of those felonies that were 'clergyable' (see below) were determined at this forum,

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<sup>52</sup> Laurence, Anne (1996) *Women In England 1500-1760: A Social History*, p.170.

<sup>53</sup> Sessions 26th April 1742, Kingston Local History Room, KE 2/2/15-56.

especially in the provinces, and particularly after the middle of the century, although the willingness of these courts to hear such cases varied greatly. For example, the Surrey Quarter Sessions tried many cases of grand larceny after a sudden change in policy in 1748, possibly linked to an increase in prosecutions and prison overcrowding. Initially, this was done by nominally valuing stolen items at 10d (petty theft), whatever their true worth. Subsequently, the Justices were quite open about trying the more serious form of larceny.<sup>54</sup> This entailed no legal problems, as Quarter Sessions had always been empowered to hear such cases, and in centuries gone by had done so. These developments were matched elsewhere. In the North East, for example, Justices appear to have been particularly willing to hear minor clergyable felonies at Quarter Sessions, especially when women were involved, not least as a way of preserving local control over their fates and limiting the consequences of conviction.<sup>55</sup>

Some Quarter Sessions went further, and tried a few quite serious matters, that really ought to have gone to Assizes, particularly where women were involved. They included the occasional female-perpetrated case of horse-theft, as occurred twice in Devon between 1735 and 1782. On three other occasions women who stole sheep were also tried at that county's Quarter Sessions, as was one female who took a pig (though this was a 'clergyable' animal throughout the era).<sup>56</sup> Indeed, a handful of special City and Town Sessions, including those at Berwick, Exeter, Bristol, King's Lynn, Oxford, and Yarmouth, had full power of gaol delivery and continued to try tiny numbers of potentially capital matters during the eighteenth century. Margaret Dryden, for example, was executed after her trial for infanticide at the Berwick Sessions in May 1758.<sup>57</sup> Against this, some Quarter Sessions would not determine anything more serious than petty larceny, leaving all other felonies to the Assizes as a matter of course, especially early in the century.

Conversely, misdemeanours and petty thefts could be tried at Assizes if the felonies had been disposed of and time allowed (frequently not the case). For example, at the Northampton Assizes in 1797 Judith Mills was

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<sup>54</sup> Beattie, John (1986) *Crime and the Courts in England 1660-1800*, pp.283-284 and p.512.

<sup>55</sup> Morgan, Gwenda and Rushton, Peter (1998) *Rogues, Thieves and the Rule of Law*, p.123. It should be noted that only about a fifth of Quarter Sessions' time was devoted to criminal matters. Much civil and administrative work was also dealt with, a considerable amount of it in open court.

<sup>56</sup> Williams, Amy (2000) *The Criminality Of Women In The 18th Century In The South West Of England*, p.121.

<sup>57</sup> *Lloyd's Evening Post and British Chronicle*, May 17, 1758 - May 19, 1758.

tried for stealing a flax sheet initially valued at only 10d.<sup>58</sup> It was also possible, and quite common, for prosecutors to artificially down-value goods to ensure that they were indicted as petty, or at least a clergyable form of, theft. In an extreme example of this phenomenon, at the Warwick Quarter Sessions in 1690, three sheep were initially valued together at only 11d, although their real value was well over 12 shillings.<sup>59</sup> Other crimes could be indicted as misdemeanours, even though they involved allegations that, in reality, amounted to serious felonies.

As their name suggests, Quarter Sessions sat four times a year. Frequently, they would move on a regular cycle through a county's major towns. Thus, for much of the eighteenth century, the Hilary sessions for Wiltshire would meet in Salisbury, the county's Easter sessions at Devizes, the Trinity sessions at Warminster and those for Michaelmas in Marlborough. Assize Courts were held just twice a year, during Lent and Michaelmas in one or more major towns. The former were presided over by a bench of county magistrates (usually between four and a dozen of them). These were the unpaid, part-time, (usually) legally untrained, Justices of the Peace, albeit that they were often aided by a legally qualified, part-time, Recorder (normally a professional barrister). The latter were the province of the itinerant Westminster judges, a pair of which rode each of the six clusters of adjacent English counties known as 'circuits' ('Home', 'Midland', 'Norfolk', 'Northern', 'Western' and 'Oxford'). Wales (and Cheshire) had their own system of four circuits, known as the Great Sessions.

By the eighteenth century, there were also a number of minor offences that did not require a jury trial at all, but which could be formally determined by J.P.s, either when sitting alone or with colleagues on a bench of two or more magistrates. The latter frequently sat in a local public house at what were termed 'petty sessions'. These often had greater powers than a single J.P. For example, in 1748, Hannah Beard was convicted before the magistrate William Hunt (sitting alone) for the summary offence of cursing in public. She had been caught "swearing six oaths" in Lavington market, and found guilty on the evidence of a local clergyman who had been present at the time. (The offence could be established by a magistrate 'viewing' it, the evidence of one reliable witness, as in this case, or by a confession made by the suspect).<sup>60</sup> Beard

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<sup>58</sup> *Oracle and Daily Advertiser*, July 9, 1799.

<sup>59</sup> Johnson, H.C. (1964) *Warwick County Records*, vol.IX: *Quarter session records; Easter, 1690 to Michaelmas, 1696*, p.23.

<sup>60</sup> Blackerby, Samuel (1715) *The Justice of Peace His Companion*, 3<sup>rd</sup> edn., p.3.

was unable or unwilling to pay the fine and, as a result, was committed to ten days' imprisonment in the Devizes Bridewell.<sup>61</sup>

The number of such summary offences gradually expanded during the era, though their use varied greatly. Thus, it appears to have been quite low in rural Lincolnshire during the middle of the century, but higher in some other parts of the country. This variation is unsurprising. In some respects, the growth in formal summary powers, like the expansion in informal settlements supervised by magistrates, replaced earlier processes that were based on more active popular engagement in the justice system and, in particular, the use of Quarter Sessions to deal with interpersonal quarrels.<sup>62</sup> Unfortunately, calculating the incidence of summary prosecutions is extremely difficult. Magistrates were supposed to return details of all convictions that they made to the ensuing Quarter Sessions. In practice, this was often not done.

Some very specific forms of minor theft (stealing vegetables etc.) could be, and were, prosecuted summarily. In 1809, for example, Elizabeth Bishop was sent to the House of Correction in Hereford for a month after a local J.P. convicted her of stealing turnips. The following year, two sisters received the same disposal for a similar crime. In 1811, two more Herefordshire women were summarily fined 2s 6d each for stealing kindling "out of Riggs Wood".<sup>63</sup> However, as Hannah Beard's case suggests, the procedure was most commonly employed to deal with bad language, especially amongst females. Three quarters of the women in mid-eighteenth-century Devon who were convicted using this mechanism, and whose records of conviction were returned to Quarter Sessions (142 of them), had been prosecuted for cursing and swearing. In just over a quarter of these cases, the allegation was confined to one oath. A similar number had been convicted of uttering ten or more curses, with the rest in-between.<sup>64</sup> The more curses charged (and proved), the greater the fine that could be imposed. Sometimes it also provided a mechanism by which assaults and disturbances could be dealt with summarily. Few blows were struck without bad language being used.

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<sup>61</sup> Crittall, Elizabeth (Ed.) (1982) *The Justicing Notebook of William Hunt, 1744-1749*, p.85.

<sup>62</sup> Lemmings, David (2011) *Law and Government in England during the Long Eighteenth Century: From Consent to Command*, p.173

<sup>63</sup> Shakesheff, Tim (2003) *Rural Conflict, Crime and Protest: Herefordshire 1800-1860*, p.115.

<sup>64</sup> Williams, Amy (2000) *The Criminality Of Women In The 18th Century In The South West Of England*, p.170.

Many other misdemeanours (not felonies) were ‘prosecuted’ by magistrates issuing recognisances (rather than indictments) against suspects binding them over to appear at the next Quarter Sessions, on pain of forfeiting a sum of money (often £20) if they failed to do so. These were usually issued at the behest of their alleged victims.<sup>65</sup> The complainant could then attend at the same time as the defendant and ask for him/her to be indicted for the relevant misdemeanour. If he (or she) did so, the matter would be considered by the Quarter Sessions’ Grand Jury with a view to going before a trial jury at the same sessions. Nevertheless, the complainant was not *required* to attend sessions and prosecute. He would not forfeit anything if he failed to appear and the matter was then dismissed. In *practice*, complainants would often not attend and the defendant would simply be discharged after paying a small fee to the Quarter Sessions’ clerk and court crier. The procedure served as a cheap warning and minor punishment for erring individuals. It was used fairly regularly until the latter decades of the century. For example, women accused of assault in Devon and Dorset between 1736 and 1741, or Somerset between 1775 and 1785, were almost as likely to go through such a process as to be indicted.<sup>66</sup>

Additionally, J.P.s had the power to commit to a House of Correction for vagrancy. Early in the century, this power was sometimes construed very generously to address a range of nefarious behaviour. For an example can be considered a case from Thorpe, in Surrey, in which Ann Hart appears to have been gratuitously attacked by another single woman, Mary Dodsworth. She was beaten with a stick and, at the same time, Dodsworth set a large dog on her, which “tore her in several parts of her body”. Dodsworth was committed to the House of Correction at Kingston on Thames.<sup>67</sup> As the era advanced, the courts became more nervous about invoking this power too loosely. Nevertheless, as late as 1730, a major *Habeas Corpus* action was unsuccessful on this issue when brought by the notorious Moll Freeman in the Court of King’s Bench. She had been committed to the Bridewell as an “idle and disorderly” person for picking up a 15-year-old youth and taking him to a disorderly house, where he spent large amounts of his father’s money. Although represented by several expensive lawyers, who objected to her incarceration on this basis,

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<sup>65</sup> Shoemaker, Robert (1991) *Prosecution and Punishment*, p.25.

<sup>66</sup> Williams, Amy (2000) *The Criminality Of Women In The 18th Century In The South West Of England*, p.150

<sup>67</sup> Silverthorne, Elizabeth (Ed.) (1978) *The Deposition Book of Richard Wyatt JP, 1767-1776*, p.5.

the Lord Chief Justice concluded that the Justices' decision was "just and legal" and commended their action in punishing such a vile woman.<sup>68</sup>

Irrespective of either this power or formally established summary offences, magistrates were the entry point to the entire criminal justice system, and would often deal informally with as much of the business that came before them as possible, even if they did not always have a sound legal basis for their actions (see below). The initial decision to use such a procedure was unlikely to have been entirely gender neutral.

It is a crude generalisation, but one that is normally (but not quite invariably) accurate, that more women are to be found in the lower jury court than its senior counterpart. For example, in County Durham, Newcastle and Northumberland, in the North East (admittedly an extreme case), women made up 22.43 per cent of defendants at Assizes, but fully 46.18 per cent at Quarter Sessions. In the North West (Cumberland, Westmorland and Lancashire) the respective figures were 12.94 per cent and 22.04 per cent. In Devon, on the Western Circuit, they were 17.30 per cent and 31.21 per cent.<sup>69</sup> Going across the Welsh border to Denbighshire, the difference was smaller, but still present; less than one-fifth (19.2 per cent) of those indicted at the county's Great Sessions (the Welsh equivalent of Assizes) between 1660 and 1730 were female, while just over one-quarter indicted at Quarter Sessions (25.7 per cent) were women.<sup>70</sup> Bristol, however, showed little difference, turning in figures of 32.85 per cent and 34.67 per cent respectively.<sup>71</sup> More generally, its (partly) surrounding county of Somerset also appears to have been something of an exception at several points during the eighteenth century.

However, and perhaps confusingly, going even further down the judicial pyramid it seems that women were often in a clear minority of defendants who were formally tried for summary offences, without a jury. For example, in Essex between 1748 and 1804 only 10.4 per cent of those summarily convicted of stealing wood or vegetables were female. Nevertheless, a majority of those convicted of stealing yarn in this fashion *were* women, making up 61 per cent of the total (and fractionally more in absolute numbers than females who were summarily convicted of wood

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<sup>68</sup> *Grub-street Journal*, December 3, 1730.

<sup>69</sup> Morgan, Gwenda and Rushton, Peter (2004) *Eighteenth-Century Criminal Transportation: The Formation of the Criminal Atlantic*, p.48.

<sup>70</sup> Howard, Sharon (2003) *Crime, Communities And Authority In Early Modern Wales: Denbighshire, 1660-1730*, p.44.

<sup>71</sup> Morgan, Gwenda and Rushton, Peter (2004) *Eighteenth-Century Criminal Transportation: The Formation of the Criminal Atlantic*, p.48.