

Aspects of Female Criminality in Wales, *c.*1730-1830:

Evidence from the Court of Great Sessions

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Summary

This thesis draws on the extensive, underexplored records of the Court of Great Sessions for the period 1730-1830 to examine the nature and extent of Welsh women's involvement in a range of serious crimes. Using both qualitative and quantitative methods, it provides an in-depth analysis of the characteristics of women indicted for various criminal activities, including crimes against the person and against the public peace, and offers explanations for their involvement, as far as the records allow. Information regarding the age, social position, and marital status of the female defendants has been compiled and analysed, and the extent to which these factors affected judicial outcomes is demonstrated. The broad geographical and chronological scope of this study also provides an insight into links between levels and types of crime involving women and their location, as well as changes over time. It is argued that there were distinctly gendered elements in the offences committed by women, the motivations attributed to them, and their treatment by the courts.

There is no comparable study of female crime in the period encompassed by this thesis. Many historians of crime have wrongly assumed that experiences in Wales and England were the same, and both countries have often been analysed interchangeably. Welsh criminals, women included, have rarely been considered in their own right. Studies of crime in 'England and Wales' have too often failed to fully appreciate the distinctiveness of Wales. This thesis addresses these shortcomings, demonstrating that Welsh experiences of crime were unique in many respects. In so doing, it provides an unparalleled contribution to our understanding of female crime and gender relations in Wales during the long eighteenth century.

Declaration

This work has not been submitted in substance for any other degree or award at this or any other university or place of learning, nor is being submitted concurrently in candidature for any degree or other award.

Signed (candidate) Date

STATEMENT 1

This thesis is being submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

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This thesis is the result of my own independent work/investigation, except where otherwise stated. Other sources are acknowledged by explicit references. The views expressed are my own.

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Catherine E. Horler-Underwood
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Prefatory note

Quotations from the Court of Great Sessions gaol files are given in modern English spelling. Capitalisation and punctuation has been standardised, and legal abbreviations have been expanded. Occasional clerical errors (such as repeated words) have been corrected. Dates follow Old Style, but the year is taken to begin on 1 January.

Abbreviations

NLW	National Library of Wales, Aberystwyth
GS	Court of Great Sessions gaol files
BER	Bute Estate records, 1319-1936

Chapter One

Introduction

1.1. Objectives of the thesis

The history of crime in Wales in the eighteenth and early nineteenth centuries has been vastly underexplored.¹ Studies of early modern Welsh women remain similarly scarce.² Drawing on an extensive body of pre-trial evidence from the gaol files of the Court of Great Sessions for the period 1730-1830 relating to over 1,000 female suspects, the present study addresses this void. It uses both qualitative and quantitative methods to consider Welsh women's involvement in a range of serious crimes against the person, and against the public peace. Information regarding the age, social position, and marital status of the women involved in criminal activity has been compiled and analysed, and the extent to which these elements affected judicial outcomes is demonstrated.³ Since there were variations in urbanisation, language, culture, wealth, and living standards across Wales in this period, the broad geographical scope of this study also provides an insight into links between levels and types of crime involving women and their location.⁴ In so doing, it offers a wider assessment of Welsh society in the period, including an exploration of the role of women, domestic life, and prescribed gendered

¹ David J. V. Jones, *Crime in Nineteenth-Century Wales* (Cardiff: University of Wales Press, 1992) and Sharon Howard, *Law and Disorder in Early Modern Wales: Crime and Authority in the Denbighshire Courts, 1660-1730* (Cardiff: Cardiff University Press, 2008) remain the only full-length monographs.

² The collection of essays edited by Simone Clarke and Michael Roberts is one of the only studies to consider gender in early modern Wales: Simone Clarke and Michael Roberts (eds.), *Women and Gender in Early Modern Wales* (Cardiff: University of Wales Press, 2000).

³ This information has been compiled using the National Library of Wales' 'Crime and Punishment' database, which can be located at http://www.llgc.org.uk/sesiwn_fawr/index_s.htm. The methodology implemented will be discussed in greater detail below.

⁴ For local studies of Wales see, for example, Melvin Humphreys, *The Crisis of Community: Montgomeryshire, 1680-1815* (Cardiff: Cardiff University Press, 1996); A. H. Dodd, 'Tory Wrexham (1660-1848)', in A. H. Dodd (ed.), *A History of Wrexham, Denbighshire* (Wrexham: Hughes and Son, 1957), 67-99; T. Hughes Jones, 'Social life', in A. H. Dodd (ed.), *A History of Wrexham, Denbighshire* (Wrexham: Hughes and Son, 1957), 235-56; A. H. Dodd, *A History of Caernarvonshire, 1284-1900* (Caernarvonshire: Caernarvonshire Historical Society, 1968); David Howell, 'Society, 1660-1793', in Brian Howells (ed.), *Pembrokeshire County History, Volume III: Early Modern Pembrokeshire, 1536-1815* (Haverfordwest: Pembrokeshire Historical Society, 1987), 256-98.

ideals of behaviour and codes of conduct, adding significantly to existing Welsh historiography.⁵

The purpose of this introductory chapter is threefold: to survey the current state of research relating to crime in early modern Wales, and crime and gender; to offer a brief overview of Welsh society and the legal system during the period under study; and to outline some of the practical and methodological issues associated with a study of Welsh crime and the law. Before the 1950s, Wales rarely featured in studies of Britain, and its rich, unique culture and heritage were often ignored. While scholars of England had merely to 'fill in an already well established background of general knowledge about the life of the times', historians of Wales were supposedly hindered by a lack of sources which left 'unanswered many fundamental questions of social history'.⁶ Others have argued that the development of Welsh History was curtailed by wider historiographical trends. According to Gareth Elwyn Jones, historians were driven by 'an obsession with power', which rendered Wales irrelevant in the wider context of the British Empire.⁷ The entry in early editions of the *Encyclopaedia Britannica*, 'For Wales - see England', was cited by Kenneth Morgan to illustrate the 'humiliation' felt by the Welsh people, and the 'patronising indifference' shown towards the country's past.⁸ Fortunately, the history of Wales, along with gendered contributions, has benefited considerably from the writing of 'new' social history from the 1970s and 1980s, which advocated studies of 'history from below', with an emphasis on social and

⁵ For general studies of Wales from the early modern period to the present-day, see, for example, Russell Davies, *Hope and Heartbreak: A Social History of Wales and the Welsh, 1776-1871* (Cardiff: University of Wales Press, 2005); David W. Howell, *The Rural Poor in Eighteenth-Century Wales* (Cardiff: University of Wales, 2000); John Davies, *A History of Wales* (London and New York: Penguin Books, 1994); A. H. Dodd, *Studies in Stuart Wales*, 2nd edn. (Cardiff: University of Wales Press, 1971); E. D. Evans, *A History of Wales, 1660-1815* (Cardiff: University of Wales Press, 1976); Gwynfor Jones, 'The gentry', in Trevor Herbert and Gareth Elwyn Jones (eds.), *Tudor Wales* (Cardiff: University of Wales Press, 1988), 10-40; Brian Howells, 'The lower orders', in Trevor Herbert and Gareth Elwyn Jones (eds.), *Tudor Wales* (Cardiff: University of Wales Press, 1988), 41-66; R. O. Roberts, 'The quickenings of industrial activity', in Trevor Herbert and Gareth Elwyn Jones (eds.), *The Remaking of Wales in the Eighteenth Century* (Cardiff: University of Wales Press, 1988), 77-110; Philip Jenkins, *A History of Modern Wales, 1536-1990* (London: Longman, 1992); Gareth Elwyn Jones, *Modern Wales: A Concise History*, 2nd edn. (Cambridge: Cambridge University Press, 1994); John Gwynfor Jones, *Early Modern Wales, c.1525-1640* (Basingstoke: St. Martin's Press, 1994); Peter D. G. Thomas, 'Society, government and politics', in Donald Moore (ed.), *Wales in the Eighteenth Century* (Swansea: C. Davies, 1976), 9-26; Glanmor Williams, *Renewal and Reformation: Wales c.1415-1642* (Oxford: Oxford University Press, 1993); Gwyn A. Williams, *When Was Wales?* (London: Penguin Books, 1991).

⁶ G. Nesta Evans, *Social Life in Mid-Eighteenth Century Anglesey* (Cardiff: Gomerian Press, 1936), 10-11.

⁷ Gareth Elwyn Jones, 'The people's nation', in Gareth Elwyn Jones and Dai Smith (eds.), *The People of Wales* (Ceredigion: Gomer Press, 2000), 1.

⁸ Kenneth O. Morgan, 'Welsh nationalism: the historical background', *Journal of Contemporary History*, 6 (1971), 153.

cultural experiences. It is to the studies that were published as a result of this alternative approach to the past that this chapter will now turn.

1.2. The history of crime in Wales

There have been few studies of crime in Wales. Where Wales is mentioned in existing studies of Britain, it is often in close association with England. Assumptions appear to have been made regarding the lack of distinctiveness of the history of Welsh crime, and despite the common inclusion of 'England and Wales' in titles of studies, the separate consideration of Wales has rarely occurred.⁹ The history of Wales was left to its own historians, and excluded from discussions of the criminal justice system in Britain. It is only in recent years that this shortfall has begun to be rectified within the new social history, and historians of Wales have asserted the importance of Welsh society to an appreciation of levels and patterns of crime in Britain. Inevitably, the recent nature of these developments means that we have much still to learn about the existence of criminal activity in early modern Wales.

Early research on crime in Wales focused on the administration of justice and the functioning of the law courts. Published in the 1940s, two important articles by T. H. Lewis widened our knowledge of the workings of the English legal system in Welsh society. Typical of studies writing a 'history from above', emphasis was placed on the machinery of the law and its more affluent participants. The Justices of the Peace were seen as popular with contemporaries and highly-efficient, and the relationship between the Quarter Sessions and Great Sessions courts was considered integral to the courts' popularity and effectiveness.¹⁰ The workings of the law courts, and the daily operation of law and justice in Wales, have more recently been considered by John Gwynfor Jones. Like Lewis, Jones has emphasised the crucial role played by the Justices, though he has suggested that they were equally keen to further their own reputations.¹¹ Despite the lack of a professional army or police force, and the growing political and economic tensions in Wales, the Justices succeeded in creating and maintaining a strong local

⁹ Richard W. Ireland, "'A second Ireland'?: Crime and popular culture in nineteenth-century Wales', in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Devon and Oregon: Willan Publishing, 2008), 239.

¹⁰ T. H. Lewis, 'The administration of justice in the Welsh county in its relation to other organs of justice, higher and lower', *Transactions of the Honourable Society of Cymmrodorion* (1945), 151-66.

¹¹ John Gwynfor Jones, *Law, Order and Government in Caernarfonshire, 1558-1640* (Cardiff: University of Wales Press, 1996).

government.¹² Both Lewis and Jones, however, fail to consider the actual experiences of those who came before the courts, as well as the numerous impracticalities of the implementation of an English system of law in Wales.

In line with wider historiographical trends, several studies published in the 1970s focused on popular protest.¹³ Echoing the seminal work of E. P. Thompson, David J. V. Jones asserted that many Welsh riots were disciplined and well-organised.¹⁴ Those who turned to violence were a minority under the economic strain of increasing rent and corn prices. The act of rioting is described as ‘the release valve for social discontent and not the first stirrings of revolution’ and each of the riots are portrayed as acts of desperation, rather than savage, purposeless violence.¹⁵ The crowds involved were conservative, but reacted in an attempt to defend their ‘natural’ rights against the ‘tyranny and oppression of merchants, poor law officers, landlords, employers and the government’.¹⁶ Jones has also argued that it would be wrong to exaggerate the turbulent nature or seriousness of the recorded disorders, as many parts of Wales experienced comparative peace.¹⁷

Welsh society has been viewed in contrasting terms, perceived both as a ‘paradisaal land free of crime’, and a ‘dislocated society’.¹⁸ Russell Davies, in his study of moral and secular crimes in West Wales, intended to correct what he believed to be misconceived preconceptions of rural Welsh society and present instead a supposedly more accurate portrayal. He alluded to a society characterised by chronic alcoholism and riotous and unruly behaviour, but as the criminal statistics do not necessarily support this view, he was forced instead to adopt a more ambivalent stance. Unlike the urban areas of London, Carmarthenshire, Davies’ chosen area of study, did not possess a professional criminal class, and crime in West Wales was largely comparable to similar localities within the country. Much of *Secret Sins* focused on the sensational and

¹² T. H. Lewis, ‘Attendances of justices and grand jurors at the courts of Quarter Sessions in Wales, sixteenth-eighteenth century’, *Transactions of the Honourable Society of Cymmrodorion* (1942), 108-22.

¹³ Historians of Wales have tended to place emphasis on the Rebecca Riots, which occurred outside of the period under study. See, for example, David J. V. Jones, *Rebecca’s Children* (Oxford: Clarendon, 1989); Pat Molloy, *And They Blessed Rebecca: An Account of the Welsh Toll Gate Riots, 1839-1844* (Llandysul: Gomer, 1983), and David Williams, *The Rebecca Riots* (Cardiff: University of Wales Press, 1955). For studies of popular protest in Wales before this period, see Sharon Howard, ‘Riotous community: crowds, politics and society in Wales, c. 1700-1840’, *Welsh History Review*, 20 (2001), 656-86, and Tim Jones, *Rioting in North East Wales, 1536-1918* (Wrexham: Bridge Books, 1997).

¹⁴ E. P. Thompson, ‘The moral economy of the English crowd in the eighteenth century’, *Past and Present*, 50 (1971), 76-136.

¹⁵ Jones, *Before Rebecca*, 193.

¹⁶ Jones, *Before Rebecca*, 198.

¹⁷ Jones, *Before Rebecca*, 192.

¹⁸ Russell Davies, *Secret Sins: Sex, Violence and Society in Carmarthenshire, 1870-1920* (Cardiff: University of Wales Press, 1996), 113.

Davies' search for extraordinary and unique crimes lead him to declare that crime in Carmarthenshire was, in fact, 'undramatic' and committed by 'normal individuals'.¹⁹

Communal stability has been emphasised by Nia Powell, who has argued that, despite negative comments by foreign observers, sixteenth-century Denbighshire was characterised by relative peace and lawfulness.²⁰ This was due, she believed, to the prominence of informal, community-sanctioned methods of justice, rather than the effectiveness of the law. Criminal activity was met with disapproval by the community, and those acting against the wishes of society risked social ostracism. It was these culturally-defined methods, Powell argued, that encouraged social harmony, not the threat of official retribution. The Welsh had unofficial ways of dealing with offences, as other historians and folklorists have equally attested, and often turned to the courts only when it suited them. The existence of mock courts and the *ceffyl pren* tradition suggest that crime levels were higher than officially recorded, and that there existed in Wales the concept of 'tolerated illegality' outside of official sanctions.²¹

There have been only two full-scale studies of Welsh criminality. The first, published in 1992, provided a detailed and wide-ranging analysis of the causes and extent of crime in nineteenth-century society. In his desire to examine not only offences against persons and property, 'the obvious threats to society', but all cases dealt with by the criminal courts, David Jones was ambitious.²² His ambitions were worthwhile, and through a mixture of qualitative and quantitative methods, the text explored a range of minor and serious crimes including vagrancy, embezzlement and drunkenness, albeit sometimes briefly. Jones argued that crime levels were comparatively lower than elsewhere in the kingdom, although there were regional disparities.²³ Following Jones, Sharon Howard published the first full-length county study of crime and authority in early modern Wales, providing an important contribution to the historiographies of both crime and Wales in this period. Focusing on the Great Sessions and county Quarter Sessions for Denbighshire, Howard explored both popular attitudes to crime, and the social contexts in which it occurred. She used depositional material to take the historian 'beyond questions of criminality, conflict and disorder', providing a wealth of

¹⁹ Davies, *Secret Sins*, 155.

²⁰ Nia M. W. Powell, 'Crime and the community in Denbighshire during the 1550s: the evidence of the records of the Court of Great Sessions', in J. Gwynfor Jones (ed.), *Class, Community and Culture in Tudor Wales* (Cardiff: Cardiff University Press, 1989), 261-94.

²¹ Jones, *Crime in Nineteenth-Century Wales*, 39. For a contemporaneous view of rough music, see Charles Redwood, *The Vale of Glamorgan: Scenes and Tales Among the Welsh* (London: Saunders and Oatley, 1839), 271-95.

²² Jones, *Crime in Nineteenth-Century Wales*, XIV.

²³ Jones, *Crime in Nineteenth-Century Wales*, 37-45.

information on community and family life, gender roles, and the local economy.²⁴ Her approach is largely qualitative, in contrast to Nicholas Woodward's recent quantitative analysis of Welsh crime. His highly statistical methods, now somewhat uncommon among social histories, examined a range of crimes, including sheep and horse-theft, and burglary, in the period 1730-1830.²⁵ Woodward considered the 'targets' of crime, as well as the offender's characteristics, motives and tactics. Both Howard's qualitative, and Woodward's more quantitative approach, are useful, and important observations are made about the nature and extent of Welsh crime, but Woodward's explanations for the statistical observations appear to fall short in comparison.²⁶

1.3. Studies of gender and crime

Early studies of crime within the new social history framework were presented in distinctly male-orientated terms, and neglected the involvement of women in the criminal process.²⁷ Male criminality was frequently normalised, while female crime was viewed in terms of dysfunction. Contemporary gender ideologies dictated that women should assume caring and nurturing roles; consequently, female criminality was portrayed as deviant, in contrast to notions of masculinity.²⁸ Quantitative methods initially favoured by historians of crime also presented women as a minority in the legal records, and they were all too often discounted as unimportant as a result.

With few exceptions, contributions that did strive to consider the role of women in crime tended to focus on supposedly 'female' offences, such as witchcraft, infanticide and scolding, disregarding the majority of crimes for which women were formally accused.²⁹ Women were presented as passive recipients, with emphasis placed on their

²⁴ Howard, *Law and Disorder*, 255.

²⁵ N. Woodward, 'Burglary in Wales, 1730-1830: evidence from the Great Sessions', *Welsh History Review*, 24 (2008), 60-91; N. Woodward, 'Seasonality and sheep-stealing: Wales, 1730-1830', *Agricultural History Review*, 56 (2008), 25-47; N. Woodward, 'Horse-stealing in Wales, 1730-1830', *Agricultural History Review*, 57 (2009), 70-108; N. Woodward, 'Infanticide in Wales, 1730-1830', *The Welsh History Review*, 23 (2007), 94-125.

²⁶ Woodward, 'Burglary in Wales', 65.

²⁷ J. A. Sharpe, *Crime in Seventeenth-Century England: A County Study* (Cambridge: Cambridge University Press, 1983).

²⁸ Gwenda Morgan and Peter Rushton, *Rogues, Thieves and the Rule of Law: The Problem of Law Enforcement in North-East England, 1718-1800* (London: UCL Press, 1998), 97.

²⁹ An early exception to this was a short chapter on female criminals in Frank McLynn's monograph, *Crime and Punishment in Eighteenth-Century England*. Although brief, it does provide some insight into female violence and larceny, a rarity in general studies of crime written at this time: Frank McLynn, *Crime and Punishment in Eighteenth-Century England* (London and New York: Routledge, 1989), 116-32. For more on the development of the historiography of gender and crime, see Garthine Walker and Jenny Kermode, 'Introduction', in Jenny Kermode and Garthine Walker (eds.), *Women, Crime and the Courts in Early Modern England* (Chapel Hill and London: The University of North Carolina Press, 1994), 1-25.

role as victims of crime rather than as perpetrators. Studies of ‘masculine’ crimes were mostly rejected as irrelevant and incompatible with women’s prescribed behaviour. When women were considered in wider studies of crime, they were shown acting alongside men, or under their coercion. Even female-dominated crimes, such as infanticide, exemplified women’s passive roles. They were associated with deviance, rather than criminal behaviour, and as such their behaviour was downplayed.

J. M. Beattie’s study of female criminality in seventeenth- and eighteenth-century England was ground-breaking. He showed clearly that women participated in the same range of offences as men, albeit in lower numbers, and he saw little evidence of supposedly ‘natural’ feminine weakness and passivity in relation to their involvement in crime.³⁰ Works that followed shifted the focus of crime history from a male-orientated approach to one which challenged women’s perceived marginality. The mid-1990s were pivotal as gender historians sought to gain a greater understanding of both male and female criminality by providing close textual analysis alongside quantitative approaches.³¹ Widely-cited works, such as those by Garthine Walker, and the collection of essays edited by Walker and Jenny Kermode, explored the dynamics of a range of crimes, including property offences and violent attacks, in the light of gendered experiences. Previous views concerning the methods and motives of female crime were challenged, and women’s involvement in criminal activity was shown to have been far more complex than earlier historians suggested.³² Their experiences of illegal ventures were not the same as men’s, but they were not in any way insignificant.³³

³⁰ J. M. Beattie, ‘The criminality of women in eighteenth-century England’, *Journal of Social History*, 8 (1975), 80-116.

³¹ Lucia Zedner, *Women, Crime and Custody in Victorian England* (Oxford: Clarendon Press, 1991). The importance of gender history, and the collaboration between the histories of gender and crime, was made evident in the re-edition of J. A. Sharpe’s *Early Modern England: A Social History, 1550-1760* in 1997, which included a chapter on gender not present in the first edition published ten years earlier.

³² Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003); Kermode and Walker (eds.), *Women, Crime and the Courts*.

³³ Many of the key themes explored in Walker’s monograph, including the centrality of the family to criminal activities, and sexual offences, have also been developed in article-form: Garthine Walker, ‘Expanding the boundaries of female honour in early modern England’, *Transactions of the Royal Historical Society*, Sixth Series, 6 (1996), 235-45; Garthine Walker, ‘Rereading rape and sexual violence in early modern England’, *Gender and History*, 10 (1998), 1-25; Garthine Walker, ‘Keeping it in the family: crime in the early modern household’, in Helen Berry and Elizabeth Foyster (eds.), *The Family in Early Modern England* (Cambridge: Cambridge University Press, 2007), 67-95; Garthine Walker, ‘Rape, acquittal and culpability in popular crime reports in England, c.1670-c.1750, *Past and Present*, 220 (2013), 115-42; Garthine Walker, ‘Just stories: telling tales of infant death in early modern England’, in Margaret Mikesell and Adele Seeff (eds.), *Culture and Change: Attending to Early Modern Women* (London: Associated University Presses, 2003), 98-115; Garthine Walker, ‘“Strange kind of stealing”: abduction in early modern Wales’, in Simone Clarke and Michael Roberts (eds.), *Women and Gender in Early Modern Wales* (Cardiff: University of Wales Press, 2000), 50-74.

Our understanding of the nature and extent of women's roles in violent crime has developed in recent years. Women were previously considered as victims of violence, usually domestic abuse.³⁴ Publications in the last two decades have shown that women were just as capable as men of committing varying degrees of non-fatal, as well as fatal, violence.³⁵ This applied both within and outside the home, as Elizabeth Foyster and Joanne Bailey have demonstrated, indicating that preconceptions of household authority did not always play out in practice.³⁶ The terminology surrounding abuse has also widened in line with contemporary definitions that understood verbal as well as physical abuse.³⁷ Neither the perpetration, nor prosecution, of violence was entirely subject to gender limitations, though there is evidence of distinctly gendered approaches to violence, both in the methods used and victims chosen.³⁸

The most widely-studied facet of female violence is that of infanticide, considered firstly by doctors, criminal historians and psychologists, and more recently from a social and gender perspective. Pioneering research published in the 1970s and 1980s drew on criminal records to show that the crime was far more complex than previously believed.³⁹ It did not stem simply from the mother's insanity, and was not viewed solely as a form of population control. By the 1990s the history of infanticide had become firmly established as distinct, and commonly discussed separately, rather than part of general crime studies.⁴⁰ The term 'infanticide' also came to be associated

³⁴ J. A. Sharpe, 'Domestic homicide in early modern England', *The Historical Journal*, 24 (1981), 29-48; James Buchanan Given, *Society and Homicide in Thirteenth-Century England* (California: Stanford University Press, 1977); Barbara A. Hanawalt, *Crime and Conflict in English Communities, 1300-1348* (Cambridge: Harvard University Press, 1979); Lawrence Stone, 'Interpersonal violence in English society, 1300-1800', *Past and Present*, 101 (1983), 22-33; Gwenda Morgan and Peter Rushton, *Rogues, Thieves and the Rule of Law: The Problem of Law Enforcement in North-East England, 1718-1800* (London and Pennsylvania: UCL Press, 1998), 95-120.

³⁵ Walker, *Crime, Gender and Social Order*, chs. 3-4; Anne-Marie Kilday, *Women and Violent Crime in Enlightenment Scotland* (Woodbridge: Boydell Press, 2007), ch. 3; Howard, *Law and Disorder*, ch. 2; Karen Jones, *Gender and Petty Crime in Late Medieval England: The Local Courts in Kent, 1460-1560* (Woodbridge: Boydell Press, 2006), ch. 3.

³⁶ Elizabeth Foyster, *Marital Violence: An English Family History, 1660-1857* (Cambridge: Cambridge University Press, 2005); Joanne Bailey, *Unquiet Lives: Marriage and Marriage Breakdown in England, 1660-1800* (Cambridge: Cambridge University Press, 2008).

³⁷ A. Lynn Martin, *Alcohol, Sex, and Gender in Late Medieval and Early Modern Europe* (Hampshire: Palgrave, 2001), 100.

³⁸ Jennine Hurl-Eamon, *Gender and Petty Violence in London, 1680-1720* (Columbus: The Ohio State University Press, 2005), 70-81, 126-27.

³⁹ R. W. Malcolmson, 'Infanticide in the eighteenth century', in J. S. Cockburn (ed.), *Crime in England 1550-1800* (London: Methuen and Co., 1977), 187-209; Keith Wrightson, 'Infanticide in earlier seventeenth-century England', *Local Population Studies*, 15 (1975), 10-22; Peter C. Hoffer and N. E. H. Hull, *Murdering Mothers: Infanticide in England and New England 1558-1803* (New York and London: New York University Press, 1981); Lionel Rose, *The Massacre of the Innocents: Infanticide in Britain, 1800-1939* (London, Boston and Henley: Routledge and Kegan Paul, 1986).

⁴⁰ Mark Jackson, *New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England* (Manchester and New York: Manchester University Press, 1996).

with the murder of newborn children, in contrast to the broader definition initially used by historians.⁴¹ Early regional approaches have been replaced in favour of more national and comparative works, the most recent of which compares incidences of infanticide in England, Wales, and Scotland across four centuries.⁴² Research has also increasingly utilised a wide range of literary sources in conjunction with court records, providing more sophisticated studies, and offering a more nuanced portrayal of the infanticidal mother.⁴³ Our knowledge of medical history, as well as our understanding of the impact of emotional and socio-economic factors, has deepened as a result.

Focus has similarly widened to include a more accurate representation of the full range of crimes committed by women. Recent studies have explored women's roles in riots, forcible rescues, and forcible entry and disseisin, among other crimes, though much work is still to be done.⁴⁴ A common theme throughout many of these works, and one which will be discussed in the present study, is the centrality of the household to women's participation in crime. Women have been shown acting decisively, and often aggressively, in protection of their household, possessions and loved ones, and the home was the site of various criminal activity involving women. In line with wider historiographical developments, greater attention has been placed on the criminal actions of all women within the household, not solely wives, though singlewomen and widows require further attention.⁴⁵ Qualitative approaches, many of which have utilised a wealth of ballads, poems, newspapers and letters, contradict the stereotypical views of coverture and passive feminine behaviour. Female criminals are instead portrayed

⁴¹ Hoffer and Hull included the killing of children up to the age of nine years: Hoffer and Hull, *Murdering Mothers*.

⁴² Anne-Marie Kilday, *A History of Infanticide in Britain c.1660 to the Present* (Hampshire: Palgrave Macmillan, 2013).

⁴³ Laura Gowing, 'Secret births and infanticide in seventeenth-century England', *Past and Present*, 156 (1997), 87-115; Walker, 'Just stories', 98-115.

⁴⁴ For female rioters, see John Walter, 'Faces in the crowd: gender and age in the early modern English crowd', in Helen Berry and Elizabeth Foyster (eds.), *The Family in Early Modern England* (Cambridge: Cambridge University Press, 2007), 96-125; Rhiannon Markless, *Gender, Crime and Discretion in Yorkshire, 1735-1775: Decision-Making and the Criminal Justice System* (Saarbrücken: Scholars' Press, 2014), ch. 7. For forcible rescue and forcible entry and disseisin, see Walker, *Crime, Gender and Social Order*, 249-62; Walker, 'Keeping it in the family: crime in the early modern household', in Helen Berry and Elizabeth Foyster (eds.), *The Family in Early Modern England* (Cambridge: Cambridge University Press, 2007), 67-95; Hurl-Eamon, *Gender and Petty Violence*, ch. 7.

⁴⁵ For studies that focus on unmarried women, see, for example, Amy M. Froide, *Never Married: Singlewomen in Early Modern England* (Oxford: Oxford University Press, 2005); Lesley Davison, "'Making shift": independent singlewomen in South-West Wales during the eighteenth century (M.Phil. thesis, University of Wales, Aberystwyth, 2001); Lesley Davison, 'Spinsters were doing it for themselves: independence and the single woman in early eighteenth-century rural Wales', in Michael Roberts and Simone Clarke (eds.), *Women and Gender in Early Modern Wales* (Cardiff: University of Wales Press, 2000), 186-209.

acting willingly alongside male household members, and also independently, with men and women's experiences of crime appearing distinctly gendered.

The treatment of female criminals by the courts has been a topic of much consideration, with some arguing that a 'reverse double standard' operated in a woman's favour when accused of criminal transgression.⁴⁶ While maintaining that women were less likely to be prosecuted, some scholars argued that women were more likely to be treated leniently by the courts. This was seen as evidence that they were considered less of a threat to society than men, and therefore deserving of favourable treatment.⁴⁷ The option to 'plead the belly' and postpone execution until after childbirth, as well as claims of *feme covert* as an attempt to gain an acquittal on the grounds of spousal coercion, have been seen to impact on conviction rates. Peter King has argued that pleas of poverty, unemployment and economic vulnerability by women were likely to gain a sympathetic hearing, whereas men were subjected to a harsher range of punishments and were more likely to receive a death sentence.⁴⁸ In contrast, Karen Jones has suggested that neither men nor women were treated with the severity that the law demanded, and that verdicts reflected this rather than any gendered leniency.⁴⁹ Others have argued that if women did escape punishment, then it was more likely a result of their social standing and not their gender.⁵⁰ According to Deirdre Palk, the treatment of men and women by the courts is virtually incomparable as they 'did not share level ground'.⁵¹ Building on Garthine Walker's views, it will be argued here that historians should not be too quick to assign leniency or harshness to female criminals without first contextualising the nature of the crime and the legal system.⁵²

We know far more about female criminals in England than elsewhere. London women have drawn particular attention, aided by the digitisation of the rich Old Bailey Proceedings.⁵³ Metropolitan women were supposedly free from the restraints associated with rural society, and were less-closely controlled. As a result, some have contended

⁴⁶ Jacqueline Eales, *Women in Early Modern England, 1500-1700* (London and Pennsylvania: UCL Press, 1998), 109.

⁴⁷ Doreen Elliott, *Gender, Delinquency and society: A Comparative Study of Male and Female Offenders and Juvenile Justice in Britain* (Aldershot: Avebury, 1988); Anne Worrall, *Offending Women: Female Lawbreakers and the Criminal Justice System* (London: Routledge, 1990).

⁴⁸ Peter King, *Crime and Law in England, 1750-1840* (Cambridge: Cambridge University Press, 2006), 169.

⁴⁹ Jones, *Gender and Petty Crime*, 59.

⁵⁰ Ulinka Rublack, *The Crimes of Women in Early Modern Germany* (Oxford: Clarendon Press, 1999), 90.

⁵¹ Deirdre Palk, *Gender, Crime and Judicial Discretion* (Woodbridge: Boydell Press, 2006), 36.

⁵² Walker, *Crime, Gender and Social Order*.

⁵³ Tim Hitchcock, Robert Shoemaker, Clive Emsley, Sharon Howard and Jamie McLaughlin, et al., *The Old Bailey Proceedings Online, 1674-1913* (www.oldbaileyonline.org, version 7.1, 26 November 2014).

that the ‘traditional’ distinctions between the sexes were greatly weakened in London, impacting on their propensity for criminal activity.⁵⁴ Outside of the capital, local studies remain prominent and have widened our understanding of the differences in urban and rural crime.⁵⁵ Studies of crime further afield have been less forthcoming, but progress has been increasingly steady in recent years. The previously Anglo-centric focus of gender and crime has broadened to include studies of Scotland, Ireland, Wales, and wider Europe, expanding our knowledge not only of criminal activity, but of women’s history in general.⁵⁶ National and comparative approaches raise important questions that can help further our understanding of gender and crime in England and elsewhere.

1.4. Land and society: setting the scene

Welsh society and economy, including its agriculture, industry, population densities and settlement patterns, have long been dictated by the topography of the land. Only a small proportion of the country is lowland, with over 60 percent of land above 500 feet. As a result, farming has remained predominantly pastoral throughout history, though corn was grown in favourable lowland areas.⁵⁷ The eighteenth century has been viewed as a period of progress in agricultural England, but a lack of sufficient capital, the remoteness from markets, and the unfavourable terrain, greatly hindered similar developments in Wales, especially in the western counties. Some areas of Wales that bordered England adopted new practices during this period, but progress was slow.⁵⁸

Land that remained unenclosed at the start of the eighteenth century was slowly transformed by encroachment and enclosure throughout the following decades. Much land was possessed by large land-owners, including aristocrats, squires, and gentlemen. The size of the estates varied, with incomes ranging from £3,500 a year, to £100 or less.

⁵⁴ Gregory Durston, *Victims and Viragos: Metropolitan Women, Crime and the Eighteenth-Century Justice System* (Bury St. Edmunds: Arima Publishing, 2007).

⁵⁵ See, for example, J. M. Beattie, *Crime and the Courts in England* (Oxford: Clarendon Press, 2002); Peter King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford: Oxford University Press, 2000); Jones, *Gender and Petty Crime*; Walker, *Crime, Gender and Social Order*, Howard, *Law and Disorder*.

⁵⁶ Anne-Marie Kilday, *Women and Violent Crime in Enlightenment Scotland* (Woodbridge: Boydell Press, 2007); Andrea Knox, “‘Barbarous and pestiferous women’: female criminality, violence and aggression in sixteenth- and seventeenth-century Scotland and Ireland”, in Yvonne Galloway Brown and Rona Ferguson (eds.), *Twisted Sisters: Women, Crime and Deviance in Scotland since 1400* (East Lothian: Tuckwell Press, 2002), 13-31; Carolyn A. Conley, ‘No pedestals: women and violence in late nineteenth-century Ireland’, *Journal of Social History*, 28 (1995), 801-18; Howard, *Law and Disorder*; Rublack, *The Crimes of Women in Early Modern Germany*; Stephen P. Frank, ‘Women and crime in Imperial Russia, 1834-1913: representing realities’, in Margaret L. Arnot and Cornelia Osborne (eds.), *Gender and Crime in Modern Europe* (London: UCL Press, 1999), 93-117.

⁵⁷ David J. V. Jones, *Before Rebecca: Popular Protests in Wales, 1793-1835* (London: Allen Lane, 1973), 1.

⁵⁸ Howell, *The Rural Poor*, 4-5; Jones, *Before Rebecca*, 7.

Incomes remained comparatively smaller than those enjoyed by landed families in many commercialised parts of England. By the end of the century the few great remaining Welsh estates were also heavily outnumbered by smaller, gentlemen-owned estates worth between £300 and £2000 a year, and yeomanry properties.⁵⁹ The consolidation of estates into the ownership of fewer families had a huge impact on the nature and size of the Welsh gentry, and for the communities they had previously overseen. The existence of decaying mansions largely abandoned by absentee-owners, many of whom had married into landed English families and spent a great deal of their time outside of Wales, was remarked upon by contemporaries.⁶⁰

The hierarchical composition of Wales in the eighteenth and early nineteenth centuries is difficult to judge accurately. It has been suggested that the gentry comprised, at most, one-twentieth of the population.⁶¹ Freeholders were more numerous, and in some parishes outnumbered gentlemen and esquires seven to one.⁶² In parishes without gentry families, the yeoman served an important role. The majority of the Welsh population were below freehold status, though craftsmen and artisans could enjoy a comfortable existence.⁶³ Evidence from two Montgomeryshire parishes in 1797 and 1798 shows that male outdoor labourers and farm servants outnumbered farmers by two to one, and by three to one if maidservants are included.⁶⁴

Few population histories of Wales exist, but estimations based on parish registers suggest that the population in 1700 was 406,000, increasing to 490,000 by 1750, and 587,128 between 1750 and 1801. However, it has been argued that the population growth may have been substantially higher than the recorded figures suggest.⁶⁵ Regardless, the ‘population explosion’ of the late eighteenth and early-nineteenth centuries had only begun by the 1830s.⁶⁶ At mid-century, and with the onset of industrialisation, population densities varied considerably, from 0.84 to 1.33 families per hundred acres in the bleak moorlands, to between 2.5 and 3.7 families on the coalfield, and between four and six families in the lead-mining parishes.⁶⁷ These families were nuclear in form, with Welsh household structures closely resembling

⁵⁹ Howell, *The Rural Poor*, 10.

⁶⁰ Howell, *The Rural Poor*, 11-12; Howard, *Law and Disorder*, 25.

⁶¹ Peter Laslett, *The World We Have Lost – Further Explored* (London: Methuen, 1983), 62.

⁶² Howell, *The Rural Poor*, 21.

⁶³ Jones, *Before Rebecca*, 3.

⁶⁴ Howell, *The Rural Poor*, 24.

⁶⁵ Howell, *The Rural Poor*, 14-15.

⁶⁶ Jones, *Before Rebecca*, 5.

⁶⁷ Howell, *The Rural Poor*, 13-14.

those in England.⁶⁸ Average household sizes in Denbighshire ranged from 4.0 to 5.5, with many also including servants.⁶⁹ Most households were headed by married couples, but widow or widower-run households were not unusual.

Welsh towns were significantly smaller than their English counterparts.⁷⁰ Even by 1801, many had populations below 1,000 inhabitants. Merthyr Tydfil, Swansea and Holywell were the three largest towns in the period, followed by Carmarthen, Wrexham and Haverfordwest. Merthyr Tydfil grew from a modest village in 1750, to a parish of over 22,000 in 1831. Carmarthen, too, had a population of 9955 in 1831, nearly twice the number of 1801.⁷¹ While industry transformed many towns in the south, others, such as Brecon, remained sparsely populated. Regardless of scale, Welsh towns were important social and economic centres of the community.⁷² They housed the rapidly emerging middling orders, including a range of vital tradesmen, local gentry, lawyers and medical practitioners. They were also important marketing centres, with town fairs and market days being central to the local economy, supplying many goods that could only be obtained from a distance.⁷³ Towns also began to be associated with specialist roles. Holywell, Swansea and Merthyr were important industrial towns, whereas Tenby and Aberystwyth became known as seaside resorts.⁷⁴ Cardiff and Caernarfon were important ports, and others were known for specific crafts.⁷⁵

1.5. Welsh courts and English law

The Court of Great Sessions was formally established in 1543 by the second Act of Union. Twelve of the 13 Welsh counties were divided into four circuits (Figure 1). These were: North Wales (comprising Caernarfonshire, Anglesey, and Merionethshire); Chester (comprising Denbighshire, Flintshire and Montgomeryshire); Carmarthen (comprising Carmarthenshire, Pembrokeshire and Cardiganshire) and Brecon (comprising Breconshire, Radnorshire and Glamorganshire). Monmouthshire in this period formed part of the English assize circuit. The sessions met twice a year in each county to administer English law and encompassed both civil and criminal actions. It

⁶⁸ Humphreys, *The Crisis of Community*, 32.

⁶⁹ Howard, *Law and Disorder*, 18.

⁷⁰ Humphreys, *The Crisis of Community*, 25.

⁷¹ Jones, *Before Rebecca*, 6.

⁷² Jones, *Before Rebecca*, 1.

⁷³ Humphreys, *The Crisis of Community*, 27.

⁷⁴ Humphreys, *The Crisis of Community*, 28.

⁷⁵ Howell, *The Rural Poor*, 28-29.

formed the main court for the prosecution of felonies and serious misdemeanours, and played a central role in the legal life of Wales until its abolition in 1830.⁷⁶

Figure 1: Map of Wales showing county divisions⁷⁷



Linguistic differences rendered the court process far more complex for Welsh participants than for their English counterparts. After 1536 Welsh had no official status in the courts and formal proceedings were conducted in English as far as practically possible, leading to the possibility of confusion and misunderstanding.⁷⁸ The nineteenth-century commentator Benjamin Malkin remarked that even the most skilful interpreter ‘can never convey the exact meaning, the tone, the gesture, as it bears upon the verbal impact of the evidence, the confidence or hesitation of the witnesses’, with the possibility ‘that property or even life may be endangered by a defective

⁷⁶ Glyn Parry, *A Guide to the Great Sessions in Wales* (Aberystwyth: National Library of Wales, 1995); Thomas Glyn Watkins, *The Legal History of Wales*, 2nd edn. (Cardiff: University of Wales Press, 2012).

⁷⁷ Adapted from https://commons.wikimedia.org/wiki/File:Wales_Historical_Counties.png, [CC BY-SA 3.0 (<http://creativecommons.org/licenses/by-sa/3.0>)], via Wikimedia Commons. Accessed 20/4/2011.

⁷⁸ Howard, *Law and Disorder*, 32.

interpretation'.⁷⁹ In an early nineteenth-century text entitled *Reminiscences of a Welsh Judge*, it was written of the Great Sessions that 'in most cases, the witness could not speak English and had to be examined with an interpreter...[i]n indeed, [in] their addresses to the jury...it was but too obvious that the majority knew but little of what was said to them'.⁸⁰ Similarly, according to the sixteenth-century Welsh lawyer George Owen, in some Pembrokeshire juries 'there will be the one half that cannot understand the other's wordes and yet must they agree upon the truth of the matter, before they depart'.⁸¹ Even prior to court appearances, the linguistic barrier could prove problematic. John Jenkins and his wife failed to turn up to give evidence in an infanticide case. In his *affidavit* John stated that 'being illiterate and not understanding the English language sufficient to comprehend the meaning or effect of a recognizance...which was read, but not explained to him in Welsh'.⁸² Although Welsh litigants and jurors may have suffered for their inability to understand all that was said in the law courts, the 'language clause' did not remove the Welsh language entirely from the courts, and its presence remains clear in the records.⁸³

Pre-trial written examinations of witnesses and suspects were essential to overcoming this linguistic barrier.⁸⁴ Amongst the English assize records examinations are relatively rare. In Wales, their survival can be attributed to their importance for a country where the language of the court was English, but the suspects and witnesses sometimes spoke only Welsh. These documents were translated from Welsh into English by a magistrate or a clerk, although this was rarely mentioned in the document. Details of offences committed were recorded in English, but initial enquiries, as well as the evidence presented in petitions and depositions to the courts, would inevitably have been conducted in Welsh.⁸⁵ It is likely that most active Justices of the Peace would have been able to speak both English and Welsh, and bilingualism was crucial for the functioning of the Welsh courts. It is the extensive survival of this supporting material that sets the Welsh records apart from those similar in England and elsewhere.

⁷⁹ Benjamin Malkin, *The Scenery, Antiquities, and Biography of South Wales, from Materials Collected During Two Excursions in the year 1803* (London 1804), 324, as cited in Howard, *Law and Disorder*, 33.

⁸⁰ As cited in J. A. Andrews and L. G. Henshaw, *The Welsh Language in the Courts* (Aberystwyth: University College of Wales, 1984), 4.

⁸¹ George Owen, *Description of Wales*, as cited in Richard Suggett, 'The Welsh language and the Court of Great Sessions', in Geraint H. Jenkins (ed.), *The Welsh Language Before the Industrial Revolution* (Cardiff: University of Wales Press, 1997), 157-58.

⁸² NLW GS 4/757/1.23 (1808).

⁸³ Andrews and Henshaw, *The Welsh Language in the Courts*, 4.

⁸⁴ Howard, *Law and Disorder*, 168.

⁸⁵ Howard, *Law and Disorder*, 190.

1.6. Sources and methodology

The Great Sessions gaol files, presently stored in the National Library of Wales, Aberystwyth, form one of the most important sources of information about crime in Wales. Survival rates of the gaol files do, however, vary by circuit. It has been estimated that the Chester and North Wales circuits have the highest survival rates of 99.7 percent and 99.5 percent respectively. The survival rates of the Brecon circuit are estimated at 97 percent, while the Carmarthen circuit fares considerably worse at 85.7 percent.⁸⁶ Each file consists of a bundle of miscellaneous documents, some of which are written on parchment and others on paper. Every file is held together by a cord which pierces each document, often in such a way as to make examining the full contents of the file difficult and, in some cases, impossible to read. The types of documents found in each file include indictments, recognizances, coroner's inquisitions, calendars of prisoners (most frequently from the late eighteenth century), lists of jurors, warrants for arrest, depositions and examinations. The task of examining every document in a gaol file relating to each suspect or alleged crime is laborious, but exceptionally rewarding.

The depositions, examinations and *affidavits* provide rich detail relating to the alleged crime, as well as a wealth of incidental information on Welsh society. These records, however, cannot be read at face value. They present the official output of a part of the legal process, much of which is obscured. The records are not verbatim transcripts, but reports translated and written in English sometime after the interviews. We do not know what questions deponents were asked, or if the witnesses' statements were shaped in any way by the officials. It is possible that not all information was written down, either deliberately or unintentionally, and it is unclear how far the testimonies reflect the views of the 'ordinary' members of society, rather than the concerns of the officials.⁸⁷ Although incredibly useful for historians, the records should be approached with caution.

Indictments and recognizances, although essential for statistical purposes, provide much less detail. The formulaic wording of indictments can mask the exact nature and extent of the offence. They do, however, contain essential information regarding the names, social status, and place of residence of defendants, and in the case of women, their marital status and their husband's occupation. They also detail the name of the prosecutor, the grand jury verdict, and usually (though not always) trial jury

⁸⁶ These survival rates relate to the period 1730-1830: Parry, *A Guide to the Great Sessions*, lxii.

⁸⁷ Howard, *Law and Disorder*, 60.

verdicts and sentences. The survival of the bills of indictment that were not passed for trial by the grand jury, in addition to those that were marked ‘true bill’, enables the development of a relatively full picture of jury decisions. Although recognizances can be considered a distinct legal procedure, and could be used by plaintiffs against petty offenders to bind them ‘for the peace’ or ‘for good behaviour’, among the Great Sessions gaol files they were used to guarantee the appearance in court of indicted defendants, and in the case of felonies, their prosecutors too. They serve as a useful appendage to indictments, allowing the cross-referencing of details, as well as providing some insight into social networks.⁸⁸

In recent years the National Library of Wales has catalogued the Great Sessions gaol files for the period 1730 to 1830, and created an online, fully-searchable, ‘Crime and Punishment’ database which has formed an integral part of this study.⁸⁹ Unlike the Old Bailey Proceedings Online, this database is not designed to generate statistics: it is merely a locating tool. The database provides a brief entry for every suspect and offence recorded in the gaol files, and includes information relating to marital status, age, occupation, geographical location, pleas, verdicts and sentences, as well as offering a short description of the crime. Using this database it was possible to identify the female suspects and corresponding data in order to compile a new database relating solely to female criminals. For some offences, namely infanticide and assault, sampling was required in order to make the vast body of cases sufficiently manageable. In these incidences, only suspects who were indicted in the periods 1730-45, 1770-85 and 1805-20, were drawn from the ‘Crime and Punishment’ database. For crimes such as forcible rescue, forcible entry and detainer, and rioting, where the numbers involved were smaller, all such cases were examined. The reference number included in the online database relates solely to the indictment (or another relevant document in instances where the indictment has been lost), but all supporting documents and pre-trial evidence have also been examined and are included in this study, where appropriate.

When more than one crime was recorded on the indictment, such as when suspects were accused of committing a riot and a theft, or breaking and entering and assault, for statistical purposes suspects have been recorded under each relevant crime category and may be discussed in more than one chapter. This is to ensure that the exact

⁸⁸ Robert B. Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c.1660-1725* (Cambridge: Cambridge University Press, 1991), 25-31.

⁸⁹ The National Library of Wales’ ‘Crime and Punishment’ database can be located at http://www.llgc.org.uk/sesiwn_fawr/index_s.htm.

nature of the offences committed by women is considered. If a suspect who committed an assault while partaking in a riot, and was thus indicted for both rioting and assault, was included only in a discussion of rioting, then the true extent of female criminality would be obscured. On such occasions, however, a degree of caution has been followed. Terms such as ‘assault’ and ‘riot’ could be used to add weight to a charge, rather than accurately reflecting the crime committed. Supporting evidence has been used for clarification, where possible. Similarly, if one woman committed the same crime on more than one occasion (as in the case of Ann Hughes, for example, who uttered counterfeit sixpences to Sarah Williams and, on a separate occasion, to Margaret Edwards), resulting in two indictments, two sets of prosecutors, and, potentially, two sets of verdicts, then the suspect has been counted twice.⁹⁰ To disregard the second offence, and to only count one crime, is to misrepresent the suspect and distort the full nature of the individual’s criminality. In this way the study includes numbers of female suspects *and* the number of crimes committed by women, as the two figures inevitably varied.

Given this vast body of source material, it has not been possible to also examine male defendants in any detail, though indirect evidence can be gleaned from crimes that involved mixed-sex groups. For some offences it was appropriate to provide statistical evidence relating to male suspects in order to offer meaningful comparisons. Where this occurs throughout the study, the National Library of Wales’ database alone has been used to generate the figures. As the online database was created as a searchable catalogue, rather than a quantitative, statistics-generating tool, all figures generated in this way, and used in this thesis, should be considered best estimates, rather than wholly accurate figures.

The ‘Crime and Punishment’ database is an excellent resource for scholars of crime in Wales. It does, however, have shortcomings. In the course of my research I came across several errors recorded in the database. For a handful of cases, the information relating to the suspects has been incorrectly recorded, or the indictment has been wrongly referenced.⁹¹ Where these errors were identified, I was able to correct them in my own database. Additionally, where multiple identical indictments exist for the same suspect, the National Library’s database records both documents. Usually a

⁹⁰ NLW GS4/62/4.48 (1789); NLW GS4/62/4.49 (1789).

⁹¹ For example, the ‘Crime and Punishment’ database includes an entry for ‘Jane Thomas Morgan’, a married woman indicted for assault. The indictment located in NLW GS 4/740/1.2 (1770) is actually related to John Thomas Morgan, a yeoman, indicted for assaulting John Griffith. I cannot find an entry for John in the database.

second, or sometimes third, indictment was written by the clerk where an error was made during the process of writing the initial document. The indictment containing incorrect information was usually disregarded by the juries, but some have remained within the gaol files. As the database records each indictment as if it related to a different suspect (even where both indictments clearly refer to the same individual and the same crime), this presents problems for quantitative analysis. Again, where I have observed this error, I have corrected my own database to reflect the most accurate figures.

Furthermore, where suspects were indicted for multiple, interrelated crimes, for example ‘riot and assault’ or ‘assault and breaking and entering’, the methods adopted in categorising the crime in the ‘Crime and Punishment’ database seems to vary. In some instances the crime of ‘riot and assault’ can be located by searching the database for ‘riot’, and in other instances for ‘assault’. This is less of a problem for the recording of crimes relating female suspects, as I have examined all such cases and supporting documents and have ascribed each suspect to the most appropriate crime category within my own database in order to avoid duplicate cases and inaccurate statistics. However, as it is impossible to also examine all male cases, where statistics in this study relate to male offences then they may be subject to a small margin of error. As the number of suspects involved is large, and the number of errors seemingly slight, then the effect on the percentages recorded is likely to be minimal and will certainly not impact on overall trends and conclusions reached.

The categorising and grouping of both suspects and offences is problematic. The National Library’s database does not allow the user to search by gender, so in order to extrapolate the female suspects I was required to search by marital status. Descriptions commonly attributed to women in this period, including ‘married’, ‘singlewoman’, ‘spinster’ and ‘widow’, were used as search terms for this task. There are also a handful of ‘servants’ who can be identified as female, as well as a number of women whose marital status is recorded as ‘unknown’ or ‘unspecified’.

A major shortcoming of the gaol files is the lack of consistent recording of sentences given on conviction. Where possible, the compilers of the National Library’s database have drawn this information from other sources outside of the gaol files, such as the Brecon circuit Black Books, or records held in The National Archives. For incidences where the verdicts or sentences are not made apparent in the gaol files, but

such information is recorded in the 'Crime and Punishment' database, then I have deferred to the information recorded by the database compilers.

1.7. Structure

This study is structured thematically into seven chapters, each of which explores a different offence or range of related offences. Given the broad geographical and chronological span of the thesis, a thematic breakdown has been implemented to allow for an in-depth consideration of specific crimes. The nature of the offences chosen for consideration convey the extent of women's participation in criminal activities, ranging from overt forms of violence to more discreet kinds of forgery and deceptive behaviour. The issues raised in each chapter are specific to the offences under discussion, but the thesis as a whole aims to address several more general questions relating to female criminality. How did the nature and extent of Welsh women's participation in crime compare to that recorded elsewhere? Do the Welsh records shed further light on gendered differences in the treatment by courts, and is this crime-specific? How did the vast geographical and cultural differences experienced within Wales, and between Wales and elsewhere, impact on levels of recorded female crime? Did women's involvement in crime change during the eighteenth and early nineteenth centuries?

Chapter Two begins with an examination of female murder and manslaughter suspects. The vast surviving depositional material is used to gain an insight into the methods and possible motivations of female-perpetrated murder. Verdicts and sentences are considered, and an analysis of the perceptions of female murderers in contemporary literature and wider society is offered. The chapter argues that the low number of female-perpetrated murders should not be seen as evidence that Welsh women were incapable of fatal violence. The cases show that women could and did commit extreme brutality, sometimes using only their bare hands, unaided by a weapon. Poison was not always their method of choice. Their motives for murder were similarly varied and unique, and women should not be resigned to solely passive roles. Conviction rates and sentences also do not support the argument for a gendered leniency towards female murders, as has been suggested.

Following on from women's roles in fatal violence, Chapter Three explores the crime of neo-natal infanticide. It argues that the profile of the 'typical' infanticidal mother needs to be reconsidered. Not all suspects were young, naive servants acting out of shame or the fear of the loss of reputation. Welsh folklore and contemporary

accounts suggest that intimate courtship customs existed, which undoubtedly contributed to the high levels of illegitimacy recorded. Bastardy, though, did not automatically carry the same social stigma as indicated elsewhere. The crime was not entirely female-dominated either, with several examples of male involvement and assistance put forward. The chapter also considers the responses of the community and the courts to the discovery of a dead child, highlighting the many issues surrounding proof of murder and concealment, and the locating of the child's mother.

Chapter Four assesses non-fatal violence, including the involvement of women in assault, and attacks on local officials. It shows that Wales was not a 'brutal' society characterised by 'lawlessness' and a propensity for violence, as has sometimes been claimed. Welsh women were certainly no more violent than their English or Scottish neighbours, and they did not regularly participate in 'casual violence'. Like men, women were drawn to violence in defence of their reputations, their family members, their households, or their wider community, and the victim was usually an individual with whom they were acquainted. The chapter offers an insight into the social and marital status of women indicted for non-fatal assault, as well as providing an assessment of female-orientated group attacks.

Chapter Five considers the nature and extent of women's involvement in popular protest, including food and enclosure riots. Much has been written on early modern riots, but studies of Wales have been less forthcoming. Women's roles in popular protest have also been overlooked, but this chapter shows that they were frequently at the forefront of disputes. They disseminated vital information before the protests, and distributed refreshments to those involved throughout. Many also took an active, physical role, and women can be seen abusing local officials and others who sought to restrict the riot. This chapter also emphasises the central role that all women could play in protests, regardless of their marital status. It was not solely married women who were driven to protest, singlewomen were equally keen to defend their 'rights', particularly access to common land.

Forcible rescue and forcible entry and detainer are discussed in Chapter Six. These crimes have received virtually no consideration by historians. Yet women were frequently involved in them, displaying clear determination to protect their possessions, or loved ones, from perceived adversaries. Such acts of resistance often brought Welsh women in conflict with their neighbours, and inevitably with the law. This chapter offers insight into the nature of female participation in these crimes, revealing the

forceful position of women as defenders and rescuers: roles stereotypically attributed to men

Chapter Seven explores the crimes of forgery, coining, and uttering and procuring false money, including women's methods of passing fake coins and notes, and their responses when challenged. It argues that women played an important role in the uttering and procuring of false money throughout Wales, particularly from the nineteenth century. They went to great lengths to avoid raising suspicion, selecting their location carefully, and using their clothing to conceal forged coins. Despite frequent advice printed in local newspapers, counterfeit currency remained difficult to detect. With the financial crisis of the early nineteenth century, the women partook in the offences knowing that it was possible for them to avoid prosecution. When caught and brought to trial there is little evidence of leniency towards female suspects. The severity of currency and forgery crimes is reinforced in the high conviction rates, with women as likely to receive the death penalty as men.

The predominantly verbal crimes of perjury, conspiracy and fraud form the focus of the penultimate chapter. It is shown that women adopted a variety of impersonations and disguises in order to procure financial gain, avoid economic loss, or to enact revenge. Their victims were carefully chosen, and the stories they told drew on commonly-held societal understandings, enabling them to manipulate their situations and attempt to avoid exposure. Rarely, though, were these crimes straight-forward, and this chapter emphasises the importance of considering the crimes within their own unique context. Evidence of warring neighbours and blackmail attempts serve to remind us that the evidence we are presented with in the pre-trial accounts was certainly not unproblematic. Perjury, conspiracy and fraud were taken seriously by the courts, and when detected, suspects were routinely punished.

Together, these, and the final concluding chapter, provide an unparalleled insight into female crime and gender relations in Wales during the long eighteenth century. Despite extensive available source material, there is no comparable study of female crime in the period encompassed by this thesis. Studies of female crime in England assume that Welsh cases were identical to English ones. This hinders our understanding of female criminality. Assumptions for England cannot necessarily be made for Wales. Current theories are thus based on flawed conceptions, which this study will illuminate.

Chapter Two

‘Being moved and seduced by the instigation of the devil’: fatal female violence

2.1. Introduction

Homicide has long been considered a male-dominated crime. Examinations of several British counties, and of wider Europe, between the thirteenth and twentieth centuries indicate that women continually comprised a minority of murder suspects.¹ As a result, many early studies of fatal violence largely disregarded women.² It is only with the writing of gender history in more recent years that focus has turned to their distinct roles in murder.³ Despite some notable exceptions, scholars continue to downplay women’s involvement.⁴ They are portrayed either in passive roles, acting with men as decoys or lookouts, or as victims of domestic abuse acting in retaliation.⁵ It has been argued that they learned violence only ‘through close contact with men’, and that ‘situation pressures such as threatened loss of valued relationships’ drove women to commit

¹ J. M. Beattie, ‘The criminality of women in eighteenth-century England’, *Journal of Social History*, 8 (1975), 85, Table 2; Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003), 135; Anne-Marie Kilday, *Women and Violent Crime in Enlightenment Scotland* (Woodbridge: Boydell Press, 2007), 43; Sharon Howard, *Law and Disorder in Early Modern Wales: Crime and Authority in the Denbighshire Courts, 1660-1730* (Cardiff: Cardiff University Press, 2008), 81; Manuel Eisner, ‘Modernisation, self-control and lethal violence: the long-term dynamics of European homicide rates in theoretical perspective’, *British Journal of Criminology*, 41 (2001), 618-63.

² J. A. Sharpe, ‘Domestic homicide in early modern England’, *The Historical Journal*, 24 (1981), 29-48; James Buchanan Given, *Society and Homicide in Thirteenth-Century England* (California: Stanford University Press, 1977); Barbara A. Hanawalt, *Crime and Conflict in English Communities, 1300-1348* (Cambridge: Harvard University Press, 1979); Lawrence Stone, ‘Interpersonal violence in English society, 1300-1980’, *Past and Present*, 101 (1983), 22-33; Gwenda Morgan and Peter Rushton, *Rogues, Thieves and the Rule of Law: The Problem of Law Enforcement in North-East England, 1718-1800* (London and Pennsylvania: UCL Press, 1998), 95-120. Direct comparisons of figures are difficult to make, since historians do not often compare like for like. Some studies include statistics for infanticide, which was an entirely different crime.

³ Recent contributions which continue to disregard women’s involvement in fatal violence include Clive Emsley, *Hard Men: The English and Violence Since 1750* (London: Hambledon and London, 2005); Julius R. Ruff, ‘Popular violence and its prosecution in seventeenth- and eighteenth-century France’, in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Devon and Oregon: Willan Publishing, 2008), 32-51; Joachim Eibach, ‘The containment of violence in Central European cities, 1500-1800’, in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Devon and Oregon: Willan Publishing, 2008), 52-73.

⁴ Notable exceptions include Walker, *Crime, Gender and Social Order*, 135-48; Frances E. Dolan, *Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700* (Ithaca and London: Cornell University Press, 1994); Carolyn A. Conley, ‘No pedestals: women and violence in late nineteenth-century Ireland’, *Journal of Social History*, 28 (1995), 801-18; Kilday, *Women and Violent Crime*, 39-58; Anne-Marie Kilday, ‘The Lady-Killers: Homicidal Women in Early Modern Britain’, in K. Watson (ed.), *Assaulting the Past: Placing Violence in Historical Context* (Newcastle: Cambridge Scholars Press, 2007), 203-19.

⁵ Margaret Anne Doody, ‘“Those eyes are made so killing”: eighteenth-century murderesses and the law’, *The Princeton University Library Chronicle*, 46 (1984), 63.

murder out of fear of neglect.⁶ Others have stated that women only killed because of domestic concerns, and that in resorting to violence they must have viewed their situation as life-threatening, either affecting the physical or emotional well-being of themselves or their children.

This chapter provides a Welsh perspective on female-perpetrated murder and manslaughter. It begins with an examination of the indictments and vast pre-trial evidence relating to female suspects, before moving to consider their methods of, and potential motives for, murder. The gaol files indicate that women were not averse to committing fatal acts of violence, nor did they only play passive roles. Their motives for murder were diverse, and were far more complex than has sometimes been assumed. The final sections analyse perceptions of female murderers in contemporary literature and wider society, before examining court outcomes, considering both verdicts and sentences. The existence of a gendered leniency towards female murderers in the courts has also been debated.⁷ It is argued here that the verdicts and sentences of male and female murder suspects are incomparable, because the circumstances and legal context surrounding female killings differed from male-perpetrated murder.⁸ Manslaughter is discussed briefly, but since the numbers of women indicted were small, the reasons for which will be discussed below, the chapter focuses predominantly on murder. The killing of children over a day old is examined separately in the following chapter.

2.2. Murder and manslaughter: patterns of prosecution

Unlike less serious crimes, recorded figures are likely to be a near-true indicator of actual levels of murder.⁹ Due to the severity of the crime, and the difficulty of concealing evidence, it is probable that the majority of murders were reported. Nevertheless, the often-cited 'dark figure' of crime still applies, and there will undoubtedly be some unrecorded cases. Not all bodies would have been discovered, particularly in the case of young children who would have been more easily concealed,

⁶ Peter Spierenburg, 'How violent were women? Court cases in Amsterdam, 1650-1810', *Crime, History and Societies*, 1 (1997), 26; Darrell Steffensmeier and Emilie Allan, 'Gender and crime: toward a gendered theory of female offending', *Annual Review of Sociology*, 22 (1996), 467.

⁷ Carol Z. Weiner, 'Sex roles and crime in late Elizabethan Hertfordshire', *Journal of Social History*, 8 (1975), 39; Hanawalt, *Crime and Conflict*, 54; Martin J. Wiener, 'Changing nightmares of intimate violence in England, 1558-1869', *Journal of British Studies*, 40 (2001), 184-212.

⁸ Walker, *Crime, Gender and Social Order*, 136-38.

⁹ S. J. Connolly, 'Unnatural death in four nations: contrasts and comparisons', in S. J. Connolly (ed.), *Kingdoms United? Great Britain and Ireland since 1500: Integration and Diversity* (Portland: Four Courts Press, 1999), 202.

and their deaths less suspicious than that of an adult.¹⁰ The limited medical knowledge in this period may also have left some murders undetected by coroners, particularly when inconspicuous methods, such as poison, were used. Furthermore, witnesses in the local community may have been hesitant to come forward. Despite handbills in Welsh and English advertising a £50 reward for information relating to the death of Ruth Jones in the mid-nineteenth century, the *Carmarthenshire Journal* reported:

That a foul murder has been perpetrated there can be no doubt, and that some of the neighbours are cognizant of the circumstances, which, if honestly revealed, might further the ends of justice, is also probable.¹¹

An Irish contemporary similarly commented that the refusal of witnesses to come forward to give evidence against a murderer was ‘constantly the result of the extraordinary intimidation that prevails’, and that ‘if they [gave] evidence they [would] be surely made victims’.¹² Instances of interpersonal violence, arson, and property damage directed at witnesses were recorded.¹³ The same was true in Wales. According to Peter King, traditions of ‘direct retribution’ and ‘informal community punishment’, such as the payment of compensation, and the use of banishment, harassment, and social ostracism, remained commonplace in rural counties.¹⁴ This ‘species of clanship’ led to mistrust in the courts and encouraged communal, rather than formal, intervention.¹⁵ Involving local magistrates was an admission that the preferred forms of popular control had failed.¹⁶

¹⁰ Thomas R. Forbes, ‘Deadly parents: child homicide in eighteenth- and nineteenth-century England’, *The Journal of the History of Medicine and Allied Sciences*, 41 (1986), 175.

¹¹ *Carmarthen Journal*, 12 September 1851, as cited in Richard W. Ireland, ‘“A second Ireland”? Crime and popular culture in nineteenth-century Wales’, in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Devon and Oregon: Willan Publishing, 2008), 245.

¹² Major George Warburton speaking before the 1839 Select Committee on the state of Ireland in respect of crime: *Minutes of Evidence taken before the Select Committee of the House of Lords appointed to enquire into the State of Ireland since the year 1835 in respect of Crime and Outrage, which have rendered Life and Property Insecure in that part of the Empire*, 91, HC 1839 (486), xi, xii, 1, as cited in Richard McMahon, ‘“For fear of the vengeance”: the prosecution of homicide in pre-Famine and Famine Ireland’, in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Devon and Oregon: Willan Publishing, 2008), 138.

¹³ McMahon, ‘“For fear of vengeance”’, 162.

¹⁴ Peter King, ‘Urbanisation, rising homicide rates and the geography of lethal violence in Scotland, 1800-1860’, *History*, 96 (2011), 248.

¹⁵ Peter King, ‘The impact of urbanisation on murder rates and on the geography of homicide in England and Wales, 1780-1850’, *The Historical Journal*, 53 (2010), 690. In contrast, Joachim Eibach has argued that in early modern Central European cities most citizens viewed the legal system as ‘something they could work with and/or use for their own interests’. The criminal justice system, he contends, was ‘not a major source of complaint’: Eibach, ‘The containment of violence’, 63.

¹⁶ David J. V. Jones, *Crime in Nineteenth-Century Wales* (Cardiff: University of Wales Press, 1992), 5.

Pam Fisher suggests that officials may also have artificially lowered recorded murder rates.¹⁷ The 1751 Coroner's Act provided coroners with a mileage allowance and a small fee, paid for by the county, 'for every inquest duly taken'.¹⁸ However, with rapidly rising expenditure towards the end of the eighteenth century, such fees proved burdensome if deaths were numerous. By the beginning of the nineteenth century there is evidence of counties attempting to control the number of inquests being held, and actively seeking to reduce the amount of notifications that coroners received. Methods varied by county, but in Glamorganshire officials were required to state what crime or act of culpable neglect was suspected. Many were unwilling to make such allegations. This would have had important consequences for levels of recorded murder, as some may not have been discovered, either because the coroner was not notified, or because he refused to act through concern that his expenses would not be paid if a verdict of natural death was returned.¹⁹ Shani D'Cruze similarly argues that Victorian coroners' courts seemed to actively filter out suspicious deaths, which may have further reduced homicide figures. In 1842 the Westminster coroner sought medical evidence in only 14 cases out of over 300 inquests, and ordered only four post-mortems, a 'suspiciously few' amount.²⁰

Between 1730 and 1830, 667 identifiable murder suspects were recorded in Wales; 68 (10.2 percent) were women.²¹ The number of suspects was sufficiently manageable to allow for the analysis of all cases of female-perpetrated murder. For effective analysis, and to allow for the consideration of change over time, the years under study have been divided into three periods of roughly equal duration: 1730-63, 1764-97 and 1798-1830. The numbers of female suspects are spread fairly evenly

¹⁷ Pam Fisher, 'Getting away with murder? The suppression of coroners' inquests in early Victorian England and Wales', *Local Population Studies*, 78 (2007), 47-62.

¹⁸ Fisher, 'Getting away with murder?', 48.

¹⁹ Fisher, 'Getting away with murder?', 59.

²⁰ Shani D'Cruze, 'Murder and fatality: the changing face of homicide', in Anne-Marie Kilday and David Nash (eds.), *Histories of Crime: Britain 1600-2000* (Basingstoke and New York: Palgrave Macmillan, 2010), 105.

²¹ A total of 686 suspect names are recorded in the 'Crime and Punishment' database when searching for 'Category of Offence: Offences against the Person (excluding sexual offences)' and 'Specific Offence: Murder'. This figure includes accessories, and excludes manslaughter and neo-natal infanticide. Two female suspects, Elizabeth Price and Anne Jones, appear in the database for infanticide and not murder. As their victims were not newborn, I have chosen to include them with the figures for murder, taking the total to 688. Since the identity of 21 murder suspects is unknown, for quantitative analysis the figure used is 667.

throughout this period, but with some short-term fluctuations.²² Married women form the largest single category of female defendants, but this number is only slightly higher than singlewomen. Only a handful of suspects were widows (Table 2.1). When compared with the adult female population composition, singlewomen are over-represented and married women and widows slightly underrepresented among the suspects.²³ The age of the women is unknown for all but a few suspects indicted in the nineteenth century. They were mostly in their thirties, with none appearing below the age of 25. These were not young women, but were older than the average marital age in this period.²⁴ The eldest murderess was 69. The social status of the women is similarly difficult to determine, but it is possible to gain some insight by using the recorded occupations of the suspects' husbands. Sixty percent were recorded as labourers, with one-third of suspects of yeomanry status. From the evidence available, no married gentry women appear to have been indicted for murder, though 15 male murder suspects were recorded as 'gents'. Murder was not a crime confined to the middling and lower orders, as the male figures confirm, though married women from the higher orders do not appear as murder suspects.

²² For studies which examine changing homicide rates over time see, for example, Stone, 'Interpersonal violence in English society, 1300-1980', 22-33; Ted Robert Gurr, 'Historical trends in violent crime: a critical review of the evidence', *Crime and Justice*, 3 (1981), 295-353; J. S. Cockburn, 'Patterns of violence in English society: homicide in Kent 1560-1985', *Past and Present*, 130 (1991), 70-106.

²³ Approximately 54.9 percent of the adult female population between 1574 and 1821 were married, 30.2 percent were singlewomen, and 14.9 percent were widows: Amy M. Froide's calculations based on Peter Laslett's study of a sample of 100 urban and rural communities throughout England in the period from 1574 to 1821: Amy M. Froide, *Never Married: Singlewomen in Early Modern England* (Oxford: Oxford University Press, 2005), 16. See also Peter Laslett, 'Mean household size in England since the sixteenth century', in Peter Laslett and Richard Wall (eds.), *Household and Family in Past Time* (Cambridge: Cambridge University Press, 1972), 145.

²⁴ John R. Gillis lists the average marital age of women in Britain in the first half of the eighteenth century as 26.2 years. This dropped to 25.9 years during the next 50 years, and in the first half of the nineteenth century it was 23.4 years: John R. Gillis, *For Better, For Worse: British Marriages, 1600 to the Present* (Oxford: Oxford University Press, 1985), 110.

Table 2.1. *Age, marital and social status of women indicted for murder*²⁵

		1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Marital Status	Married	31	46.3%	12	54.5%	9	34.6%	10	52.6%
	Singlewoman ²⁶	29	43.3%	9	40.9%	14	53.8%	6	31.6%
	Widow	7	10.4%	1	4.5%	3	11.5%	3	15.8%
	Unknown	1	-	0	-	1	-	0	-
	Total	68	100.0%	22	100.0%	27	100.0%	19	100.0%
Social status of married women	Gentry	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	Freeholder	9	30.0%	4	33.3%	4	50.0%	1	10.0%
	Craftsman/ Artisan	3	10.0%	2	16.7%	0	0.0%	1	10.0%
	Labourers	18	60.0%	6	50.0%	4	50.0%	8	80.0%
	Unknown	2	-	0	-	1	-	1	-
	Total	32	100.0%	12	100.0%	9	100.0%	11	100.0%
Age	Under 18	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	18-24	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	25-30	1	12.5%	0	0.0%	0	0.0%	1	14.3%
	31-40	4	50.0%	0	0.0%	0	0.0%	4	57.1%
	41-50	1	12.5%	0	0.0%	0	0.0%	1	14.3%
	51-60	1	12.5%	0	0.0%	0	0.0%	1	14.3%
	60+	1	12.5%	0	0.0%	1	100.0%	0	0.0%
	Unknown	60	-	22	-	26	-	12	-
	Total	68	100.0%	22	100.0%	27	100.0%	19	100.0%

Married women did not necessarily commit murder with their husbands (Table 2.2). Only 10 of the 32 married suspects acted with their spouse, with the remaining 22 murdering without their husbands. Thirty-seven of the 68 suspects (54.4 percent) were indicted with another individual, a third being members of their own family. Of these 37, 27 acted with a man, or in a group involving men and women. There is little evidence of the ‘sex-segregation’ of fatal violence noted in Denbighshire in earlier centuries, with only 10 women appearing alongside another woman or in a group of women.²⁷ Women mostly committed murder with the support of another individual, usually a man, or groups involving men, but not necessarily with their husbands. Kinship ties were seemingly as strong as ties of matrimony, and married women were certainly not dependent on their husbands to attack fatally.

²⁵ These figures include the 10 women indicted for aiding and inciting murder.

²⁶ One woman is recorded as a servant. Since most servants were unmarried, she is presumed to be a singlewoman.

²⁷ Howard, *Law and Disorder*, 81.

Table 2.2. *Composition of groups including women indicted for murder*

		1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Accomplice(s)	Acted alone	31	45.6%	8	36.4%	11	40.7%	12	63.0%
	Acted with others	37	54.4%	14	63.6%	16	59.3%	7	37.0%
	Total	68	100.0%	22	100.0%	27	100.0%	19	100.0%
Group composition	Female group	10	27.0%	4	28.6%	6	37.5%	0	0.0%
	Mixed sex	27	73.0%	10	71.4%	10	62.5%	7	100.0%
	Total	37	100.0%	14	100.0%	16	100.0%	7	100.0%
Indicted with husband	With husband	10	31.3%	6	50.0%	2	22.2%	2	18.0%
	Without husband	22	68.8%	6	50.0%	7	77.8%	9	82.0%
	Total	32	100.0%	12	100.0%	9	100.0%	11	100.0%

It has been argued that women committed more crimes against the person in urban than rural areas.²⁸ Eighty-three percent of such crimes committed by women in Surrey occurred in urban parishes and only 17 percent in rural areas, whereas for men the urban-rural distribution was 68.5 percent to 32.5 percent.²⁹ A similar discrepancy has been noted between the number of female murders committed in urban (68 percent) and rural (32 percent) areas of Scotland.³⁰ This pattern was supposedly due to ‘a greater degree of surveillance’ being ‘undoubtedly achieved in the smaller and more personal [rural] community’.³¹ Women in close-knit communities worked predominantly in service, or, like men, provided additional farm labour in nearby holdings.³² If married, they contributed towards the running of their own households. In comparison, women in urban areas have been viewed as more independent, particularly in London, where ‘some of the “traditional” distinctions between the sexes appear to have been loosened’.³³ Contemporaries believed this to be the case in the southern iron-mining communities in Wales, where the perceived larger number of violent offences

²⁸ Beattie, ‘Criminality of women’, 96; Forbes, ‘Deadly parents’, 199. In contrast, an inverse connection between urbanisation and homicide has been suggested for nineteenth-century Germany and France: Howard Zehr, *Crime and the Development of Modern Society: Patterns of Criminality in Nineteenth Century Germany and France* (London: Croom Helm, 1976), 115-16.

²⁹ Beattie, ‘Criminality of women’, 96.

³⁰ Kilday, *Women and Violent Crime*, 50.

³¹ Beattie, ‘Criminality of women’, 98.

³² Lesley Davidson, ‘Spinsters were doing it for themselves: independence and the single woman in early eighteenth-century rural Wales’, in Michael Roberts and Simone Clarke (eds.), *Women and Gender in Early Modern Wales* (Cardiff: University of Wales Press, 2000), 197.

³³ Gregory Durston, *Victims and Viragos: Metropolitan Women, Crime and the Eighteenth-Century Justice System* (Bury St. Edmunds: Arima Publishing, 2007), 16.

committed by women, particularly by the end of the period under study, was blamed on the degrading influences of men. According to an education commissioner:

the lawless vices and rude habits of the men are communicated to the women. In murderous offences by females, no other district (not excepting London) affords so many instances...This is in some degree owing to the masculine pursuits in the works and the pits, which degrade them to the habits and brutalities of men.³⁴

Despite these perceptions, there are no obvious geographical patterns in the location of female-perpetrated murders in Wales, with the numbers indicted across the country being broadly similar. Ten female suspects were indicted in Breconshire and Cardiganshire (Table 2.3), each comprising 14.7 percent of the total. This was closely followed by Glamorganshire (13.2 percent), Caernarfonshire, and Pembrokeshire (10.3 percent). This mirrors the pattern for men's murders, with the largest numbers committed in Pembrokeshire and Denbighshire (12 percent), followed by Glamorganshire, Carmarthenshire and Cardiganshire (11 percent).³⁵ Given the arguments put forward by some historians of England, a greater divide between Glamorganshire, a more populous area, and the rural counties of Breconshire and Cardiganshire, would have been expected.³⁶ Glamorganshire was growing rapidly, and by the end of the period became the most populous and urbanised county in Wales. Merthyr Tydfil, the county's largest town, grew from 7,700 inhabitants in 1801 to 43,300 in 1851 as a result of large-scale immigration. Denbighshire, too, doubled its population between the mid-sixteenth and seventeenth century, and by 1750 was approaching 47,000.³⁷

³⁴ J. C. Symons, *Tactics for the Times: as Regards the Condition and Treatment of the Dangerous Classes* (London: John Ollivier, Pall Mall 1849), 47, as cited in Jones, *Crime in Nineteenth-Century Wales*, 173.

³⁵ The names of 601 male suspects are recorded in the 'Crime and Punishment' database when searching for 'Category of Offence: Offences against the Person (excluding sexual offences)' and 'Specific Offence: Murder'. This figure includes suspects indicted for aiding and assisting murder, but excludes manslaughter. A further two men were indicted for inciting murder, but they do not appear in the database under the above categories. Seventy-three men were indicted in Pembrokeshire, 71 in Denbighshire, 65 in Glamorganshire and Carmarthenshire, and 64 in Cardiganshire.

³⁶ For a useful study of the links between urbanisation and homicide levels in England and Wales, see King, 'The impact of urbanisation on murder rates and on the geography of homicide in England and Wales', 671-98. For Scotland, see King, 'Urbanisation, rising homicide rates and the geography of lethal violence in Scotland', 231-59.

³⁷ Howard, *Law and Disorder*, 20.

Table 2.3. *Place of prosecution of women indicted for murder*

	1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Anglesey	3	4.4%	1	4.5%	1	3.7%	1	5.3%
Breconshire	10	14.7%	5	22.7%	0	0.0%	5	26.3%
Caernarfonshire	7	10.3%	1	4.5%	1	3.7%	5	26.3%
Cardiganshire	10	14.7%	2	9.1%	5	18.5%	3	15.8%
Carmarthenshire	2	2.9%	0	0.0%	1	3.7%	1	5.3%
Denbighshire	4	5.9%	2	9.1%	1	3.7%	1	5.3%
Flintshire	6	8.8%	3	13.6%	2	7.4%	1	5.3%
Glamorganshire	9	13.2%	2	9.1%	7	25.9%	0	0.0%
Merionethshire	1	1.5%	0	0.0%	1	3.7%	0	0.0%
Montgomeryshire	6	8.8%	3	13.6%	3	11.1%	0	0.0%
Pembrokeshire	7	10.3%	2	9.1%	3	11.1%	2	10.5%
Radnorshire	3	4.4%	1	4.5%	2	7.4%	0	0.0%
Total	68	100.0%	22	100.0%	27	100.0%	19	100.0%

Geographical patterns of female murder rates in Wales do not seem to correspond to those recognised for elsewhere, but this is not necessarily surprising. Despite significant growth, the population of Wales remained comparatively small throughout the eighteenth century, and even by the mid-nineteenth century, accounted for just six percent of that of England and Wales.³⁸ Even the more populous regions could not be compared to the larger urban counties of England. The majority of Welsh counties remained sparsely populated, and ‘urban’ parishes were likely to have retained many of the same characteristics as rural areas. A consideration of spatial patterns of crime in Wales, particularly when compared with other locations, should therefore be undertaken with caution, and is not always helpful given the lack of clear differentiation between many supposedly urban and rural parishes.

2.3. Murder victims

The imprecise wording of indictments often renders the relationship between suspect and deceased unclear. Co-habiting partners are troublesome to locate, as are lovers and step-family. In cases without depositional evidence, we often know only the name of the victim. Where relationships are clear, it is apparent that the majority of female-perpetrated murders occurred within the household, involving either family or close acquaintances.³⁹ Fourteen victims were the suspect’s own children, seven were members of their close or extended family and four were their husbands (Table 2.4). In

³⁸ Connolly, ‘Unnatural death in four nations’, 205.

³⁹ The relationship between the victim and the suspect is only clearly distinguishable in 36 cases. Of these, the suspect and deceased appear to have had a close relationship in 25 cases.

only two cases was the victim a stranger, and in a further two the victims were local officials. This reflects patterns elsewhere.⁴⁰ In early modern Cheshire, all 48 female homicide suspects murdered relatives or associates.⁴¹ In the Essex Assizes between 1560 and 1709, women constituted 42 percent of those accused of killing a relative, in contrast to seven percent of those accused of a non-domestic killing.⁴² Similarly, in Enlightenment Scotland, 88 percent of murders charged against women were committed against relations or acquaintances.⁴³

Table 2.4. *Sex of murder victims and their relationship to female defendants*

		1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Gender of victim	Male	39	59.1%	14	63.6%	12	46.2%	13	72.2%
	Female	27	40.9%	8	36.4%	14	53.8%	5	27.8%
	Unknown	2	-	0	-	1	-	1	-
	Total	68	100.0%	22	100.0%	27	100.0%	19	100.0%
Relationship between victim and accused	Own child	14	34.1%	2	22.2%	7	43.8%	5	31.3%
	Spouse	4	9.8%	0	0.0%	1	6.3%	3	18.8%
	Close family	4	9.8%	2	22.2%	2	12.5%	0	0.0%
	Extended family	3	7.3%	2	22.2%	1	6.3%	0	0.0%
	Employer	2	4.9%	1	11.1%	1	6.3%	0	0.0%
	Servant	1	2.4%	0	0.0%	0	0.0%	1	6.3%
	Local official	2	4.9%	0	0.0%	0	0.0%	2	12.5%
	Stranger	2	4.9%	2	22.2%	0	0.0%	0	0.0%
	Other	9	22.0%	0	0.0%	4	25.0%	5	31.3%
	Unknown	27	-	13	-	11	-	3	-
	Total	68	100.0%	22	100.0%	27	100.0%	19	100.0%

This has been seen to reflect ‘casual brutality’, as well as the narrower range of women’s social contacts, and their lower likelihood of meeting strangers in public places and engaging in disputes that may end in fatal violence.⁴⁴ Men supposedly participated more fully within the wider community, whereas women were believed to

⁴⁰ J. A. Sharpe, *Crime in Seventeenth-Century England: A County Study* (Cambridge: Cambridge University Press, 1983), 125-27; Morgan and Rushton, *Rogues, Thieves and the Rule of Law*, 112-13; Durston, *Victims and Viragos*, 67; Walker, *Crime, Gender and Social Order*, 135; Frank McLynn, *Crime and Punishment in Eighteenth-Century England* (London and New York: Routledge, 1989), 117.

⁴¹ Walker, *Crime, Gender and Social Order*, 135.

⁴² Sharpe, ‘Domestic homicide’, 36.

⁴³ Kilday, *Women and Violent Crime*, 51. This pattern also continues in Scotland into the late-Victorian period: Carolyn A. Conley, ‘Atonement and domestic homicide in late Victorian Scotland’, in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Devon and Oregon: Willan Publishing, 2008), 233.

⁴⁴ Beattie, ‘The criminality of women’, 84; Stone, ‘Interpersonal violence’, 27.

have a restricted social role, remaining ‘firmly in the home’.⁴⁵ Although the lack of women’s freedom has been overstated, they did often marry into local families, and maintained close relations with their birth family and in-laws. The topography of Wales, coupled with the absence of rail communication, and the network of uneven footpaths and barely-passable roads, also made movement between counties troublesome.⁴⁶ Links with English counties are clear, especially in the areas bordering England, but individuals mostly worked and remained locally, commonly travelling only to their nearest town or market to trade.

However, these factors alone do not fully explain women’s preponderance for murdering within their domestic circles; many of the arguments apply equally to men. Societal perceptions of female violence and honour, as have been used to explain the low number of women indicted for manslaughter in comparison to men, may offer an additional explanation. Male violence was part of an accepted code of behaviour, which condoned physical acts as a means to affirm gender and social identity.⁴⁷ Male-perpetrated violence occurred most often in public places, often with strangers, because these were environments in which men were most likely to have their honour and reputations challenged.⁴⁸ Confrontations typically began ‘with a perceived violation of obligations or codes of behaviour’, and violent acts were used ‘to reassert one’s position, to regain face’.⁴⁹ This was less likely to occur within their household, or among members of their own family. As such, in order to restore their honour, men also needed to do so publically.⁵⁰ Although murder may not have been the intention, many violent affirmations of masculinity simply went too far.

It was not appropriate for women to respond violently or publically to affirm their honour, and such actions would have further degraded their reputations. Their violence stemmed from the breakdown in relations between family and other close relations, and such sources of tension, some of which are discussed below, were most

⁴⁵ Given, *Society and Homicide*, 141; Sharpe, ‘Domestic homicide’, 36.

⁴⁶ David W. Howell, *The Rural Poor in Eighteenth-Century Wales* (Cardiff: University of Wales Press, 2000), 13.

⁴⁷ Robert B. Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London: Hambledon and London, 2004), 168.

⁴⁸ Randall Martin, *Women, Murder, and Equity in Early Modern England* (New York and London: Routledge, 2008), 4.

⁴⁹ Howard, *Law and Disorder*, 70.

⁵⁰ The link between male honour and violence has also been made for early modern France and Germany: Julius R. Ruff, ‘Popular violence and its prosecution in seventeenth and eighteenth-century France’, in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Devon and Oregon: Willan Publishing, 2008), 32-51; Eibach, ‘The containment of violence’, 52-73.

often felt within the household.⁵¹ This was not because women remained solely in the home, but because the household represented the space where women were most likely to engage in disputes, such as husband-beating or assertions of authority towards children and servants, that may end fatally. When disputes did occur, household objects that could be utilised as weapons were freely available.⁵² In contrast, women were less likely to find themselves in a situation with a stranger, or other individual, where they needed to physically prove themselves, and where such aggressive acts may result in fatality. To do so would invert prescribed gendered roles of behaviour.⁵³ Although reputations were equally important to women, and some did respond violently when their honour was challenged, as will be shown in Chapter Four, female aggression was never acceptable in the same way as for men. As such, female-perpetrated acts of violence were much less common as a result of challenged honour, and therefore less likely to result in murder.

Welsh women murdered men more than women, even when the victim was an adult. Fifty-nine percent of women's victims were male, but if the suspect's own children are excluded from the figures, the number increases slightly to 64.8 percent (Table 2.4). Considering that only four of the victims were the suspect's husband, the findings appear significant. Sharon Howard has alluded to this trend for seventeenth-century Denbighshire, but the small number of cases examined prevented her from drawing any firm conclusions.⁵⁴ As this study considers Wales as a whole, the trend is far more pronounced, and is in contrast with what some historians have noted for elsewhere. In early modern Amsterdam, only one woman murdered an adult male between 1650 and 1810.⁵⁵ This has led Peter Spierenburg to remark that 'the culture of violence was a male culture' and that 'female violence was same-sex violence'.⁵⁶ He suggested that women most often killed other women due to their more frequent interaction and greater equality of strength, and that when female aggression was directed towards men, it was considered 'quite trivial'.⁵⁷ This was not the case in Wales, where women were more likely to murder men than women. Their methods were also far from 'trivial', as shown below.

⁵¹ Morgan and Rushton, *Rogues, Thieves and the Rule of Law*, 112.

⁵² Joanne McEwan, 'Negotiating support: crime and women's networks in London and Middlesex, c.1730-1820' (Ph.D. thesis, University of Western Australia, 2008), 243-44.

⁵³ For more on the ideals of Victorian femininity, see Lucia Zedner, *Women, Crime and Custody in Victorian England* (Oxford: Clarendon Press, 1991), 11-18.

⁵⁴ Howard, *Law and Disorder*, 81.

⁵⁵ Spierenburg, 'How violent were women?', 25.

⁵⁶ Spierenburg, 'How violent were women?', 27.

⁵⁷ Given, *Society and Homicide*, 141.

2.4. Methods of murder

The formulaic wording of indictments can be misleading and unhelpful in determining the exact cause of death. Anne Morgan supposedly beat her husband with ‘diverse sticks and staves’, and Jane Davies cut the throat of William Davies ‘with a certain knife’.⁵⁸ The sizes of the weapons are unknown, and in Jane’s case it is impossible to tell whether she used a small domestic knife, or a larger agricultural tool.⁵⁹ The reliability of coroners’ reports may also be questionable due to limited medical knowledge. Medical testimony did not play a significant role in the legal system until the nineteenth century, and much remained ‘amateur’ and ‘primitive’ in nature.⁶⁰ One witness recalled seeing blood on a corpse and stated that ‘there appeared to be a wound...in the back part of the head’.⁶¹ However, one coroner’s inquisition concluded that the victim ‘had no marks of violence appearing on his body, and departed this life through the inclemency of the weather and excessive drinking and by no violent ways or means whatsoever’.⁶² This is in contrast to a second inquisition, which stated that the victim was murdered by an unknown individual.⁶³ The detail contained in coroners’ reports varied considerably, and Mary Beth Emmerichs has argued that a lack of expertise resulted in coroners often guessing the cause of death.⁶⁴

Poison was notoriously difficult to recognise, with its symptoms being easily ascribed to disease, and tests to determine its existence in the stomach of a corpse considered by contemporary medical practitioners to be ‘very fallacious’.⁶⁵ Poison was sometimes fed to animals in an attempt to confirm its potency. One surgeon observed a ‘great deal of extravagated blood...in the bottom of the stomach’ of a murder victim, and a ‘small quantity of something which he took to be a mineral substance which he afterward gave to a pigeon and that it occasioned the pigeon to vomit’.⁶⁶ Arsenic, the most commonly used poison, was tasteless, colourless, and easily ingested by oblivious

⁵⁸ NLW GS 4/633/8.28 (1813); NLW GS 4/1008/1.3 (1768).

⁵⁹ For the problems associated with the wording of legal records, see, for example, Cockburn, ‘Patterns of violence’, 82.

⁶⁰ Malcolm Gaskill, ‘Reporting murder: fiction in the archives in early modern England’, *Social History*, 23, (1998), 17, 21.

⁶¹ NLW GS 4/526/8.9 (1773).

⁶² NLW GS 4/526/8.24 (1773).

⁶³ NLW GS 4/526/8.23 (1773).

⁶⁴ Mary Beth Emmerichs, ‘Getting away with murder: homicide and the coroners in nineteenth-century London’, *Social Science History*, 25 (2001), 93–100; Thomas R. Forbes, ‘Inquests into London and Middlesex homicides, 1673–1782’, *The Yale Journal of Biology and Medicine*, 50 (1977), 219.

⁶⁵ *Cambrian* (16 August 1834); Forbes, ‘Deadly parents’, 186.

⁶⁶ NLW GS 4/1000/8.6 (1731).

victims.⁶⁷ John Bevan willingly ate his meal of meat with boiled milk and flour that his daughter prepared for him. It was only later that evening when he ‘found himself sick with pain in his stomach and bowels...[and] had vomited and purged a great deal’ that he recalled that he ‘had been very well till he had had his supper’.⁶⁸ Similarly, Benjamin Davies found himself ‘very ill and complained of his stomach’, and within a few hours had vomited violently. The surgeon, believing his symptoms to be due to excessive consumption of alcohol, advised that he drink a mixture of boiled water and vinegar, and enquired whether he had been ‘drinking any ale the day before’. Benjamin languished for two days and was buried without suspicion. One week later his body was exhumed and subsequently inspected and dissected. It was only then, upon close inspection, that the surgeon found ‘a small quantity of gritty powder of a yellow colour which...[he]supposes to be the cause of death’.⁶⁹ The problems detecting poison were experienced as late as the nineteenth century. A commentator remarked in 1839:

It is certain that sudden death sometimes happens, without any appreciable change in the organization [organism], at least any change which a rude, cursory, post mortem examination can detect; and it is not improbable that a certain number of cases of poisoning escape undetected by the coroners and the juries, who can be expected to know little of the symptoms either of poisons or disease...The result of this negligence is that little is known positively of the causes of sudden death...poisoning may be confounded with natural causes...⁷⁰

Poison has long been considered a distinctly feminine method of murder. Reginald Scot claimed in the sixteenth century that ‘women were the first inventors and the greatest practisers of poisoning and more materially addicted and given thereunto than men’.⁷¹ The use of poison by women has also received lengthy scholarly consideration. Francis Dolan remarked that poison was ‘the early modern housewife’s method of choice’ because it was a ‘stealthy, tidy, non-confrontational method...[which] relies on more cunning than physical strength’.⁷² By resorting to such means, women manipulated their spouse’s reliance on them for care and nourishment.⁷³ Anne-Marie Kilday has more

⁶⁷ Walker, *Crime, Gender and Social Order*, 145.

⁶⁸ NLW GS 4/624/5.6 (1779).

⁶⁹ NLW GS 4/911/2.31 (1811).

⁷⁰ William Farr, ‘Letter to the Registrar-General, from William Farr, Esq.’, *First Annual Report of the Registrar-General* (London: W. Clowes, 1839), 107, as cited in Forbes, ‘Deadly parents’, 186-87.

⁷¹ Reginald Scot, ‘The Discoverie of Witchcraft’, (London, 1584), as cited in Walker, *Crime, Gender and Social Order*, 144.

⁷² Dolan, *Dangerous Familiars*, 30.

⁷³ Dolan, *Dangerous Familiars*, 31; McLynn, *Crime and Punishment*, 119.

recently argued that poisoning was a distinctly gendered crime, showing that Scottish women turned to it more frequently than any other method.⁷⁴

In Wales, poisoning was not used solely by women.⁷⁵ Edward ab Ellis mixed arsenic with papes and used ‘persuasion and instigation’ to deliver it to his wife and child.⁷⁶ Jenkin Jones similarly added arsenic to water gruel and gave it to his spouse. Unaware, she swallowed ‘several quantities of the said poison’ and became ‘sick and greatly distempered’.⁷⁷ Poison was chosen by both men and women for its ease of use and high chance of success. It was not gender-specific.⁷⁸ Nor was it the most common method of murder used by Welsh women (Table 2.5). In less than one-fifth of cases did women resort to it. When it was used, it appears that the method was chosen specifically upon consideration of the perceived resistance of the potential victim. Over half of the victims of poisoning were male, and only one was a child. As Kerry Segrave has argued, ‘the more helpless a victim is, the more likely it is that the woman will kill aggressively’.⁷⁹

Table 2.5. *Methods of murder used by women, organised by age and sex of victim*

	All victims		Adult male victim		Adult female victim		Child victim	
Asphyxiation	15	24.6%	1	4.2%	1	8.3%	13	52.0%
Blunt object	12	19.7%	5	20.8%	6	50.0%	1	4.0%
Poison	11	18.0%	6	25.0%	4	33.3%	1	4.0%
Beat (without weapon)	10	16.4%	8	33.3%	1	8.3%	1	4.0%
Sharp object	4	6.6%	3	12.5%	0	0.0%	1	4.0%
Burn	2	3.3%	0	0.0%	0	0.0%	2	8.0%
Drown	2	3.3%	0	0.0%	0	0.0%	2	8.0%
Abandonment	1	1.6%	0	0.0%	0	0.0%	1	4.0%
Shoot	1	1.6%	1	4.2%	0	0.0%	0	0.0%
Other	3	4.9%	0	0.0%	0	0.0%	3	12.0%
Unknown	7	-	7	-	0	-	0	-
Total	68	100.0%	31	100.0%	12	100.0%	25	100.0%

⁷⁴ Kilday, *Women and Violent Crime*, 45.

⁷⁵ The names of 17 men appear in the ‘Crime and Punishment database’ when searching for ‘Category of Offence: Offences against the Person (excluding sexual offences)’, ‘Specific Offence: Murder’, ‘Offences: further details (free text): poison. For other studies which have shown this, see, for example, Walker, *Crime, Gender and Social Order*, 145-47; Katherine D. Watson, ‘Serial homicide and “civilisation”’, in Katherine D. Watson (ed.), *Assaulting the Past: Violence in Historical Context* (Newcastle: Cambridge Scholars Publishing, 2007), 295.

⁷⁶ NLW GS 4/1003/2.2 (1741).

⁷⁷ NLW GS 4/904/1.18 (1787).

⁷⁸ Walker, *Crime, Gender and Social Order*, 145.

⁷⁹ Kerry Segrave, *Women Serial and Mass Murderers: A Worldwide Reference, 1580 through 1990* (Jefferson: McFarland and Co., 1992), 3.

The majority of suspected female murderers (24.6 percent) strangled or suffocated their victims (Table 2.5), using a rope or ribbon in some cases to enhance their strength. Sarah Owen tied ‘a certain piece of linen tape...in and about the neck’ of her infant son, of which he instantly died.⁸⁰ A further 19.7 percent attacked using a blunt object. The objects used were common, general-use household items such as chamber pots, iron hammers, sticks and wooden rods. Anne Morgan was accused of beating her husband so badly with ‘sticks and staves’ that he died from several internal injuries.⁸¹ Women reached for objects that were close to hand and with which they were familiar.⁸² They were also fully capable of killing without a weapon, using only their bare hands to inflict their fatal blow.⁸³ Jane Morris ‘did strike beat and kick’ Richard Jones with both her hands and feet, causing ‘several mortal strokes, wounds and bruises...upon the head, back, belly, sides and other parts of the body’.⁸⁴ He died two days later as a result of his injuries.

The methods of murder women adopted varied by age and sex of the victim. Children were most commonly asphyxiated, a method which required the attacker to have superior strength. It could also be easily explained away as overlaying or a sudden inexplicable death, with little evidence of attack. Burning and drowning were comparatively rare, but were also always directed at children. Over half of adult males were beaten, either with or without the use of a weapon, and only one woman used a firearm against an adult. Poison, which could easily have been administered to an unknowing child, was rarely used to this end. Quicker, and seemingly less agonising, methods were favoured for minors, where women’s physical superiority was assured.

2.5. Possible motives and justifications for murder

As confessions are rare, the reasons why women committed murder are not transparent. Changing notions of domesticity and patriarchy in the eighteenth century led to a reconstruction of female murderesses in contemporary literature, from rebellious and in need of control, to weak and in need of protection and sympathy.⁸⁵ Contemporary literature stated that men who provoked their wives to commit murder were guilty of

⁸⁰ NLW GS 4/62/1.7 (1788).

⁸¹ NLW GS 4/633/8.28 (1813).

⁸² Hanawalt, *Crime and Conflict*, 124.

⁸³ Andrew Finch, ‘Women and violence in the later Middle Ages: the evidence of the officiality of Cerisy’, *Continuity and Change*, 7 (1992), 29.

⁸⁴ NLW GS 4/908/1.22 (1801).

⁸⁵ Martin J. Wiener, ‘Changing nightmares of intimate violence in England, 1558-1869’, *Journal of British Studies*, 40 (2001), 184-212.

abusing their 'position of authority, forcing their wives to act against their natural feminine characteristics'.⁸⁶ This 'reconstruction of gender' continued into the Victorian period, when even extreme cases of female violence increasingly came to be blamed on men.⁸⁷ However, these views fail to adequately take into account female agency, and present murderesses as entirely obedient towards men and their domestic duties. This is not the impression gained from the court records, and the motives attributed to women are far more varied and complex.

Welsh pre-trial evidence is well-placed to provide some insight, but it should be viewed with caution. As with all prosecutions, there may be personal grudges between witnesses and the accused, and the suspect would undoubtedly attempt to exonerate themselves. Exaggeration or embellishment was sometimes used to supposedly confirm the existence of murder, even when the evidence was much less clear.⁸⁸ Evan Hughes went to view the body of a suspected murder victim, but on arrival he found 'a number of people assembled waiting for more to view the body'. When he eventually looked upon the deceased, he recalled that his 'shirt was out of his breeches...and from that and from the appearance of his coat over his head' he concluded that the body must have been 'dragged along the ground'.⁸⁹

The dissemination of stories and rumours represented a 'natural process' within the community.⁹⁰ Examinants did not necessarily lie, but conveyed a version of events that would most convincingly communicate their understanding of the crime to the authorities.⁹¹ However, these 'fictive strategies', which may 'provide either compelling narratives where no evidence for murder existed, or resourceful interpretations of what little there was', should not be 'dismissed according to modern standards as perjuries or perversions of justice'.⁹² James Oldham has argued that the legal system was well-equipped to deal with such narratives, and judges and jurors did not necessarily seek to determine the 'truth'. Instead, the courts were used as an arena for the 'peaceable

⁸⁶ Elizabeth Foyster, *Marital Violence: An English Family History, 1660-1857* (Cambridge: Cambridge University Press, 2005), 107.

⁸⁷ Martin J. Weiner, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* (Cambridge: Cambridge University Press, 2004), 3; Greg T. Smith, 'Violent crime and the public weal in England, 1700-1900', in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Devon and Oregon: Willan Publishing, 2008), 200.

⁸⁸ For a discussion of crime narratives in eighteenth-century England, including a consideration of testimony and narrative realism, see Hal Gladfelder, *Criminality and Narrative in Eighteenth-Century England: Beyond the Law* (Baltimore and London: The John Hopkins University Press, 2001).

⁸⁹ NLW GS 4/196/2.7 (1797).

⁹⁰ For more on truth-telling in the courts, see James Oldham, 'Truth-telling in the eighteenth-century English courtroom', *Law and History Review*, 12 (1994), 95-121.

⁹¹ Howard, *Law and Disorder*, 61.

⁹² Gaskill, *Crime and Mentalities*, 240; Gaskill, 'Reporting murder', 27.

processes that accomplish[ed] settlement', and determining the truth, however desirable, was secondary'.⁹³

Despite increasing pressure throughout the eighteenth century on the credibility of witnesses, testimonies were still often based on hearsay and communal rumours.⁹⁴ One witness heard a great deal of 'noise' and 'report...raised in the country' regarding a supposed murder, while William Jones claimed that he had 'heard Elizabeth the wife of Cuthbert say that she heard that Elizabeth Hughes the mother of Thomas Brown' had purchased arsenic.⁹⁵ Mary Phillip also told a murder suspect that she had heard 'a great many things' about them.⁹⁶ Such references are common in cases of murder, which were viewed with intrigue by the community. Although emphasis was being placed more frequently on medical testimony, victims' last dying words, often identifying their murderer with remarks such as 'you have done for me', or the reasons why they were attacked, were still recorded.⁹⁷

Poverty seems to have driven at least one woman to commit murder. Maria Williams climbed Halkyn Mountain and dropped her infant son down a mine shaft where he died instantly of several 'mortal blows, fractures and contusions'.⁹⁸ According to one examinant, Maria then went to the house of a friend where she offered her services as a servant. She appeared 'very different...and was apparently much troubled in her mind.' Maria told this examinant that she had previously resided with her father, but 'he treated her so ill and beat her so, she could not live with him any longer'.⁹⁹ Maria should not necessarily be portrayed as a victim of her circumstance. Six days later, 'without any promises, or any intimidation', she confessed the murderous act to the parish rector, but claimed that 'the parish...was more to blame than she was, because they did not allow her enough towards the keep of the child'.¹⁰⁰ Maria was indicted for murder, but was acquitted. Her narrative drew on her status as a financially-bereft, unmarried woman, with an abusive father, portraying herself as isolated and desperate. With nowhere to live, and with no parish relief or support from the child's father, her financial situation was depicted as dire. In confessing, Maria sought mercy from the

⁹³ Oldham, 'Truth-telling', 120.

⁹⁴ Oldham, 'Truth-telling', 104.

⁹⁵ NLW GS 4/178/4.28 (1734); NLW GS 4/1000/8.8 (1731).

⁹⁶ NLW GS 4/911/2.42 (1811).

⁹⁷ NLW GS 4/911/2.39 (1811). Dying words were only likely to be accepted if the judge was satisfied that the victim fully expected death when they made the declaration: McMahon, "For fear of the vengeance", 147.

⁹⁸ NLW GS 4/1017/6.2 (1813).

⁹⁹ NLW GS 4/1017/6.6 (1813).

¹⁰⁰ NLW GS 4/1017/6.13 (1813).

jurors, a tactic which succeeded. However, her defiance that she ‘*only* threw him down [the mine]’, reflected her rationale, and her firm belief that the parish was to blame for her purely practical response to her poverty.¹⁰¹

Some women were also portrayed as retaliating with anger when provoked. Grace Lloyd hit her servant, Jane Hughes, on the head with an iron poker resulting in a mortal wound.¹⁰² This was not the first time she had inflicted abuse.¹⁰³ Jane had confided in a friend that Grace ‘failed to ruin me on the Friday, and they must make at me on the Saturday and my mistress struck me...on the wound which made all the blood run down on my skirt’.¹⁰⁴ She suffered concussion as a result of this attack and ‘bore evident marks of mental derangement’ as her ‘demeanour was altogether different to what it used to be’.¹⁰⁵ In her defence, Grace claimed that her servant had ‘provoked her...and that she struck her on the head with a poker, but did not intend to do her any injury’.¹⁰⁶ Richard Burns’ manual instructing JPs on their duties stated that ‘the master is allowed by law, with moderation, to chastise his servant’.¹⁰⁷ It was thus considered appropriate for an employer to physically ‘correct’ servants, though emphasis was placed on the use of moderation.¹⁰⁸ Tim Meldrum does, however, note that the role of mistresses in chastising servants was more problematic.¹⁰⁹ It would not necessarily have been appropriate for a woman to correct a male servant. For female employers and their maids, *The Accomplished Housewife* recommended that a mistress ‘employ her servants with so much ease and order, as may make their labour pleasant and their duty desirable’, and that she should ‘command that only, which may and ought to be performed’.¹¹⁰ Such advice was open to interpretation, and aware that her actions could be considered extreme, Grace’s claim of provocation was used as an attempt to remove her blame.¹¹¹

¹⁰¹ NLW GS 4/1017/6.13 (1813).

¹⁰² NLW GS 4/258/1.26 (1810).

¹⁰³ For more on order and disorder in the household, see R. C. Richardson, *Household Servants in Early Modern England* (Manchester and New York: Manchester University Press, 2010), ch. 7.

¹⁰⁴ NLW GS 4/258/1.29 (1810).

¹⁰⁵ NLW GS 4/258/1.31 (1810).

¹⁰⁶ NLW GS 4/258/1.33 (1810).

¹⁰⁷ Richard Burns, *The Justice of the Peace and Parish Officer*, 4 vols, 10th edn. (London, 1766), IV, as cited in Tim Meldrum, *Domestic Service and Gender, 1600-1750: Life and Work in the London Household* (Essex: Pearson, 2000), 39.

¹⁰⁸ Greg T. Smith, ‘Expanding the compass of domestic violence in the Hanoverian metropolis’, *Journal of Social History*, 41 (2007), 32.

¹⁰⁹ Meldrum, *Domestic Service*, 44.

¹¹⁰ Anon, *The Accomplish’d Housewife; or, the Gentlewoman’s Companion* (London, 1745), as cited in Meldrum, *Domestic Service*, 44.

¹¹¹ Smith, ‘Expanding the compass’, 42-43.

In a similar portrayal of provocation, Mary Powell was attacked with a chamber pot by Janetta Rees.¹¹² Elizabeth Roberts stated that she had been distributing charity to the poor of Llywel when Janetta approached her to request some money. Upon ‘finding it to be all given, and that she came too late’, she ‘began to abuse this examinant...giving her very scandalous...language’. Elizabeth, ‘provoked with the said abusive words’, attempted to throw a chamber pot at Janetta. A scuffle ensued and Janetta secured the pot from Elizabeth and threw it at her ‘with an intention to strike her’. Her target was missed, and she instead hit Mary Powell, who was standing nearby, ‘upon or near her left ear’.¹¹³ Although Mary was the unintended victim, Janetta, provoked by Elizabeth’s retaliations, had desired to cause bodily harm. Additionally, Catherine Jones beat Hugh Smart on the head with a hoe causing a sizeable mortal wound.¹¹⁴ According to Catherine Williams, Hugh’s dog had attacked Catherine Jones’ dog, and in an attempt to separate the animals the suspect had taken a garden hoe to hit Hugh’s dog. He had protested, and she attacked him with the weapon instead. A witness also noted that both parties ‘were in the constant habit of quarrelling’.¹¹⁵ Like Grace, both Janetta and Catherine attempted to alleviate their blame by portraying their victims as the instigators. Janetta was successful in her attempt and was acquitted, whereas Catherine was convicted of manslaughter. Both women are portrayed as aggressive and needlessly violent, and their actions were seen to be a result of unacceptable anger and frustration.

Catherine Jones was one of only two women to be indicted for manslaughter rather than murder. Grace Lloyd, noted above, had her indictment for murder reduced to manslaughter by the grand jury. There is a large discrepancy between levels of male and female involvement in manslaughter. Of 139 suspects, only two were women.¹¹⁶ This is not unique to Wales, and historians of early modern England have noted similar patterns. Manslaughter, unlike murder, occurred ‘from the sudden heat of the passions’ and was defined as ‘the unlawful killing of another, without malice either express or implied’.¹¹⁷ The link between manslaughter and spontaneous violence was also made by contemporaries. At the opening of the Summer Sessions in Carmarthenshire, the judge

¹¹² NLW GS 4/373/6.29 (1730).

¹¹³ NLW GS 4/373/6.11 (1730).

¹¹⁴ NLW GS 4/74/5.39 (1828).

¹¹⁵ NLW GS 4/74/5.18 (1828).

¹¹⁶ A total of 143 suspect names are recorded in the ‘Crime and Punishment’ database when searching for ‘Category of Offence: Offences against the Person (excluding sexual offences)’ and ‘Specific Offence: Manslaughter’. Since three of the results returned appear to incorrectly relate to an infanticide, and not manslaughter, and one of the suspects is unidentifiable, the figure used for quantitative analysis is 139.

¹¹⁷ William Blackstone, *Commentaries on the Laws of England* (Oxford, 1769), Vol. IV, 190.

remarked that ‘few, if any, of the cases require comment. Two of them are for manslaughter, both in all probability arising from the crying sin of drunkenness’.¹¹⁸

The appearance of manslaughter cases involving women in the Welsh records indicates the beginning of a gradual change in attitudes towards female violence. No women were indicted for manslaughter in Cheshire between 1590 and 1670.¹¹⁹ In contrast, two were convicted of the crime in the Surrey Assizes between 1660 and 1802, and just three at the Old Bailey in the eighteenth century.¹²⁰ Each of the cases relating to manslaughter in Wales occurred after 1810. In line with the reconstruction of murderesses in contemporary literature, which historians have noted from the eighteenth century, changing perceptions of women’s violence may also be evident within the courts. Whereas a manslaughter charge was deemed inappropriate for women’s violence in previous centuries, by the nineteenth century, the courts had come to appreciate more fully that women did often act in retaliation, without premeditation, as the above cases suggest. Until the 1760s a manslaughter conviction would result in branding of the hand. This became a fine and imprisonment thereafter: a substantial difference to the hanging or burning prescribed for women convicted of murder. Joanne McEwan has made this observation specifically for husband-murder in the Old Bailey, arguing that by the late eighteenth century the courts came to take on ‘a more sympathetic attitude regarding the systematic violence that provoked these fatal altercations’.¹²¹ The Welsh records indicate that such changing notions of female violence were also starting to apply to fatal female violence more generally.

Provocation appears to have been the motive in a case of domestic abuse. Anne Morgan was suspected of giving her husband a mortal blow to the stomach following a period of strife.¹²² After the attack, Thomas Morgan complained to a surgeon of experiencing severe pain, having ‘received an injury on his bowels’ following ‘words with his wife in the night’. In his examination, the surgeon noted that he ‘did not question Morgan as to the mode of receiving the injury knowing that Morgan and his wife had squabbles’. He did, however, believe that the complaint ‘arose from

¹¹⁸ *Silurian or South Wales General Advertiser* (21 July 1838).

¹¹⁹ Walker, *Crime, Gender and Social Order*, 124.

¹²⁰ J. M. Beattie, *Crime and the Courts in England* (Oxford: Clarendon Press, 2002), 97; Durston, *Victims and Viragos*, 57.

¹²¹ Joanne McEwan, ‘Attitudes towards male authority and domestic violence in eighteenth-century London courts’, in Susan Broomhall and Jacqueline Van Gent (eds.), *Governing Masculinities in the Early Modern Period: Regulating Selves and Others* (Farnham: Ashgate, 2011), 259-60.

¹²² NLW GS 4/633/8.28 (1813).

drunkenness than anything else'.¹²³ A second deponent recalled how he had been with Thomas on the evening prior to the attack, when he had said that 'he did not like to go home that night'. The following day, Anne showed this deponent a blood-stained cap and a lock of her own hair, declaring, 'here if you think this is a fit usage for a wife, judge you?' She also 'opened her handkerchief and showed her breast with marks of nails in it which were fresh'. Anne later retold how her husband had returned home from the tavern in the early hours of the morning and dragged her out of bed by her hair. She believed that 'if she had been a weak woman and had not resisted herself she thought he would have killed her.'¹²⁴

Evidence suggests that the couple argued frequently and that Thomas had assaulted his wife at least once. From the surgeon's initial response to his sickness, it can also be inferred that Thomas was regularly intoxicated. On this occasion Anne, either in self-defence, or as a result of provocation from her husband's violence and drunkenness, responded with her own violence. It is impossible to determine whether she had intended to murder him, but Thomas' declaration that he did not wish to return home suggests that this was not the first time that his wife had acted aggressively. Their relationship is portrayed as volatile, and by responding to her husband's violence with her own, Anne became empowered within the household. Her actions reversed the domestic balance of power, and were in direct contrast to prescribed wifely obedience and subjection.

Claims of provocation from an abused wife would have been problematic for contemporaries.¹²⁵ This is likely why Anne does not admit to the attack, or present her violence as self-assertion. Although the relevance of the family unit had undergone significant changes by the eighteenth century, and analogies linking the male head of the household with the monarch were not as prominent following the upheaval of the Civil War and Restoration period, an ordered family was still considered essential to an ordered society.¹²⁶ Wives were still expected to respect their husbands and act obediently.¹²⁷ To maintain control within the household, early modern society recognised the importance of men using 'moderate' force to physically 'correct' their

¹²³ NLW GS 4/633/8.55 (1813).

¹²⁴ NLW GS 4/633/8.58 (1813).

¹²⁵ Martin, *Women, Murder, and Equity*, 52. This is in contrast to Ireland, where provocation was accepted as a mitigating factor for wives who murdered their husbands: Conley, 'No pedestals', 807.

¹²⁶ Dolan, *Dangerous Familiars*, 89. For more on the ordering of early modern society, see, for example, Susan Dwyer Amussen, *An Ordered Society: Gender and Class in Early Modern Society* (New York and Oxford: Columbia University Press, 1988).

¹²⁷ Michael Dalton, 'The Countrey Justice' (London, 1618), as cited in Dolan, *Dangerous Familiars*, 21.

rebellious wives or children.¹²⁸ Abused wives had little recourse in the legal system. They could have their husband bound by recognizance to keep the peace, or charge them with assault, a mere misdemeanour. Neither of these options resulted in a separation, except in extreme cases, and the husband was permitted to return home to recommence his abuse. In contrast, the use of violence by a woman was deemed unnatural, unacceptable, and a threat to wider social order. Women were 'expected to be the victims, not the perpetrators of marital violence, and this made reciprocating violence, let alone initiating it, difficult'.¹²⁹

The role of women as inciters of murder has received little attention from historians, but the gaol files include examples of women seemingly encouraging fatal violence. Evan Thomas initially denied beating his wife, Rebecca, to death with a shoemaker's hammer, but six months later he confessed to following her to a nearby millpond and giving her 'two or three blows on the back part of her head' of which she 'instantly fell down'.¹³⁰ Their servant, Catherine Jones, was suspected of inciting and aiding the murder.¹³¹ In her examination she recalled how Evan had arisen early on the morning of the murder, 'which he was not want to do', and followed his wife out of the house. He returned 'very sullen of sometime'. Catherine denied being privy to the murder, but admitted that she 'had been frequently with her said master at the meeting of the Methodists in the night and that he had a mind to debauch her'.¹³²

However, two examinations reveal an alternative portrayal of Catherine's involvement. Evan confessed his actions to one witness and proclaimed 'he was a dead man'. When asked whether his servant had 'any hand in it', he 'considered a little then said no, she knew nothing of it then, but she was an *offerin hannog* i.e. an incentive instrument to stir me up to do the fact'. He added that 'she used to tell me she did suspect her [Rebecca] to die before now' and that 'he loved the said Catherine as well as his own soul'.¹³³ When visited by his sister in prison, he was found to be 'weeping bitterly'. He claimed he was 'sorrowful and penitent on account of the first kiss he gave the wench (viz) Catherine Jones' who would frequently 'come to him privately and interrupt him and...he had been with her in his own bed when he found her in the

¹²⁸ Susan Dwyer Amussen, 'Punishment, discipline and power: the social meanings of violence in early modern England', *The Journal of British Studies*, 34 (1995), 13-14.

¹²⁹ Foyster, *Marital Breakdown*, 109.

¹³⁰ NLW GS 4/272/3.26 (1750).

¹³¹ NLW GS 4/272/3.35 (1750).

¹³² NLW GS 4/272/3.27 (1750).

¹³³ NLW GS 4/272/3.29 (1750).

absence of his said wife'.¹³⁴ According to Evan, Catherine 'had not the courage to poison Rebecca' so incited him to act instead.¹³⁵

In another case, Edward George beat his wife, Elizabeth, causing 'several mortal bruises'.¹³⁶ Their servant, Sarah Griffiths, is named on the coroner's inquisition as assisting him.¹³⁷ It is noted that Edward and his wife argued frequently, 'which would have ended in blows' if household members had not intervened. On the night of the fatal attack, one servant 'heard his mistress make an outcry and called aloud upon him to come down'. Elizabeth complained that her husband had 'hurt the side of her head', and promptly left with Sarah to seek shelter with a neighbour.¹³⁸ According to Margaret Pugh, Elizabeth arrived at her employer's house, where she was aided to bed. When asked what was wrong with her, Sarah replied, 'she was only in a drunken fit' and instructed Margaret 'to go to bed and not mind her'. Sarah was also heard remarking that 'she would give her mistress a good dressing if she could not be quiet'. Elizabeth later told Sarah that 'perhaps she might think her a fool but that she (meaning her own servant) was more knave than fool'.¹³⁹ Despite her requests that Sarah stay with her that night, she instead returned home to Edward and Elizabeth died some hours later.

Unlike the physical gains desired by Catherine and Sarah, Leah Powell was accused, along with her mother, of inciting Timothy Powell, her brother, to murder William Williams for familial revenge.¹⁴⁰ William's son told how the Powell family had 'not been on good terms' since his father 'had given evidence before the magistrate at Crockhowell against Thomas Powell the elder'. As a result of his evidence, Thomas was in prison at the time of William's murder. A family feud had developed as a result of William's testimony, and a servant of the Powell family noted that she had heard Leah say that she wished William 'would come again to look for her father' so that she could gain revenge. On the night of the murder, Timothy was seen 'running with a large stick in his hand' towards the area where William was found dead. He then supposedly returned to his house, where he washed and changed his clothes and cut his hair in an

¹³⁴ The sexuality of female servants has been well documented, both in terms of their vulnerability to sexual advances within the household, and their sexual appeal. See, for example, Bridget Hill, *Servants: English Domesticity in the Eighteenth Century* (Oxford: Clarendon Press, 1996), 44-63; Richardson, *Household Servants*, 165-70; Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England* (New Haven and London: Yale University Press), 59-65.

¹³⁵ NLW GS 4/272/3.28 (1750).

¹³⁶ NLW GS 4/185/3.5 (1756).

¹³⁷ NLW GS 4/185/3.25 (1756). Although named on the coroner's inquisition and implicated in Edward George's examinations, Sarah Griffiths does not appear to have been formally indicted.

¹³⁸ NLW GS 4/185/3.27 (1756).

¹³⁹ NLW GS 4/185/3.28-29 (1756).

¹⁴⁰ NLW GS 4/392/1.16 (1806).

apparent attempt to remove any incriminating evidence. That evening Anne and Leah were said to have been ‘much more cheerful than usual’, but Timothy ‘looked very pale and white and was examining his hands’.¹⁴¹

Margaret Jones’ motivations for inciting and committing murder seem to have been financial.¹⁴² Although both Margaret and her husband, Evan, confessed to murdering and robbing two pedlars, their examinations vary significantly. According to Evan, the couple were visited by a pedlar desiring a room for the night. The request was granted and it was later revealed that the pedlar paid four pounds a year to the king. Assuming that he must be carrying a large sum of money with him, Evan began planning the murder, which he believed to be ‘through the instigation of the devil’. The following morning, Evan instructed his sons to leave the house in order to murder the pedlar ‘without any witness to observe him.’ He took up an ‘axe or hatchet...and then struck him on the head’. Seeing the pedlar ‘struggling in the convulsions and agonies of death’, he attacked him a second time ‘to finish his work and put him out of his pain’. Upon returning home, Margaret desired to know the source of the blood she viewed. Evan stated that he told her ‘what is that to you! If you don’t hold your tongue I will knock you in the head’. Margaret ‘threatened to cry out murder and tore her hair and expressed much concern as to what had happened’. It took Evan ‘above half an hour before he could pacify her’, ‘forcibly restraining her from raising an outcry’, while informing her that ‘if she hanged him she could not get bread for her children’. Upon searching the pedlar, Evan found a small quantity of change and some cloth, which he instructed his wife to ‘make a couple of shirts’. Evan’s confession portrayed him as the instigator of the crime. He had planned the act, and committed the crime. In describing Margaret’s response, he attempted to absolve her of all blame, even threatening the welfare of their children, should she divulge his actions.

However, the confession changes considerably, and towards the bottom of the document it is written that Evan’s previous declarations regarding Margaret’s lack of involvement in the crime are ‘all false’. Instead, ‘she first persuaded him to commit that horrible fact’. The sudden change in tone is perplexing, but what follows is an emphatic statement of his wife’s culpability. According to Evan, Margaret was responsible for sending their children away, should they ‘make any discovery’, and that once he had given the initial blow, his wife took the weapon and attacked him ‘after he was down’.

¹⁴¹ NLW GS 4/392/1.1 (1806).

¹⁴² NLW GS 4/178/4.39-40 (1734).

When searching the body, Margaret was supposedly infuriated at the lack of valuable possessions. She then told her husband ‘to take money out of the next pack that came by and the owner’s life too’, which they ‘both agreed to do’ at the ‘first opportunity that they could find’. Evan claimed that his wife became obsessed and ‘frequently discovered her longing for a scotchman to come by that way’ so that she might follow her ‘inhumane design’. When a second pedlar did pass, Margaret invited him in under the pretence of purchasing some of his items. Evan took up his weapon and hit him on the head. Witnessing the pedlar struggle, he ‘put the sharp corner of his said axe or hatchet upon his throat and pressed him to the ground’.¹⁴³

The content of Margaret’s confession matches her husband’s, but with greater emphasis on their joint roles. There is little sign of remorse as she stated that she murdered the pedlars because she believed that they possessed a ‘large sum of money’. Margaret admitted instigating the murders, and claimed that although her husband committed the initial blows, she willingly provided him with the weapons. She also helped to bury both corpses in nearby woodland and sold their possessions at Worcester market.¹⁴⁴ Her role in the murder was active, and she appears far from a passive participant or helper, a role often been ascribed to female murderers. If Evan’s examination is accurate, then Margaret played the dominant role in the crime. But if Margaret is to be believed, their roles were equal. Regardless, she does not appear to have been coerced into the act. Such open admissions of guilt in murder cases are rare, particularly as no blame is ascribed to the victims. This undoubtedly explains the guilty verdict which Margaret received on both counts of murder, and the death penalty which, as far as can be determined, was carried out.

2.6. Perceptions of female murderers

Contemporaries were uneasy with the prospect of female murderers.¹⁴⁵ They rebelled not only against their household, but also against societal conventions dictating appropriate feminine behaviour.¹⁴⁶ This is evident in the way that society attempted to explain and make sense of their act. The label of insanity provides an example. It was stated that Jane Davies had behaved like a lunatic ‘several times before’ she cut the throat of her infant son with a knife, and that she was ‘not of sound mind memory and

¹⁴³ NLW GS 4/178/4.24 (1734).

¹⁴⁴ NLW GS 4/178/4.25 (1734).

¹⁴⁵ For studies of the perceptions of female murderers in early modern literary accounts see, for example, Martin, *Women, Murder and Equity*, and Dolan, *Dangerous Familiars*.

¹⁴⁶ Martin, *Women, Murder, and Equity*, 18.

understanding'.¹⁴⁷ Similarly, Elizabeth Parry drowned her infant daughter in a kettle full of water. She admitted her actions to an official, but recalled 'being not for a considerable time in her proper senses' and was 'much troubled'. She claimed that she could not remember committing the murder, but that if she had done so 'she would not this present do the same'. Elizabeth later confessed that she had put her daughter's head into the kettle, and placed a bag of corn on her head 'with an intent to drown' her. She had supposedly declared that the child was 'not worth keeping' as she was unwell and 'there was not matter of making an end of her, being good for nothing else'.¹⁴⁸

The use of the insanity verdict for murderous women was relatively rare in the courts, with only four suspects between 1730 and 1830 deemed mentally insane, and therefore not tried or considered responsible for their actions. This is in contrast with Victorian Scotland, where nearly a third of parents who murdered a legitimate child were found insane. Unlike the murder of illegitimate newborns, which could be deemed as rational behaviour and therefore never resulted in an insanity verdict, the killing of older children, especially legitimate ones, was viewed as irrational.¹⁴⁹ Although witnesses often commented on supposed signs of insanity, such as delirious speech or wild, irrational behaviour, definitive proof of madness was harder to come by, and until 1800 'little distinguished the specialist from the neighbour'.¹⁵⁰ By the end of the period under study, several partial stages of insanity were recognised, including delusion, melancholia and monomania, but only evidence of a cognitive impairment, and 'an inability to know the nature and quality of the act', would suffice in the courtroom and justify an acquittal.¹⁵¹

Despite the difficulties in obtaining proof, and the apparent rarity with which madness was used to obtain an acquittal, insanity was still used in contemporary literature to explain a murderous woman's actions, particularly when the victim was a child. Elizabeth Parry's insanity was described as temporary and sporadic, and although her actions appear premeditated, her desire to murder her own child was considered adequate proof of her troubled mind. Jill Newton Ainsley has argued that 'the idealisation of the relationship between mother and child inevitably encouraged the medical and legal professions and the public to surmise that only women disturbed in

¹⁴⁷ NLW GS 4/1008/1.18 (1768).

¹⁴⁸ NLW GS 4/250/3.30 (1730).

¹⁴⁹ Conley, 'Atonement and domestic homicide', 223.

¹⁵⁰ Joel Peter Eigen, 'Not their fathers' sons: the changing trajectory in psychiatric testimony, 1760-1900', in Imogen Goold and Catherine Kelly (eds.), *Lawyer's Medicine: The Legislature, the Courts and Medical Practice, 1760-2000* (Oxford and Portland: Hart Publishing, 2009), 83.

¹⁵¹ Eigen, 'Not their fathers' sons', 85.

their minds could take the lives of their own offspring'.¹⁵² This is conveyed in an article in the *Silurian or South Wales General Advertiser*, which described the story of the 'poor creature' who poisoned her five young children before committing suicide.¹⁵³ The 'shocking occurrence' and 'dreadful catastrophe' was explained as a result of the woman's 'unhappy' state. Witnesses confirmed that she was 'frequently' heard expressing 'the most melancholy forebodings'. Joel Peter Eigen has shown that melancholia came to be used frequently in association with insanity at the Old Bailey by the late nineteenth century, with almost all suspects said to be suffering from it targeting their own children.¹⁵⁴ The Press, however, seem to have made this association much earlier.

Even when the victim was not a child, excessively brutal cases of murder were reported in newspapers as evidence of madness. The *Cambrian* told of an unnamed servant who poisoned her aged mistress.¹⁵⁵ She also attempted to poison the doctor who came to assist the woman, before swallowing a large quantity of arsenic and dying the following day. The servant is described in the newspaper as a 'wretched girl', and her death, 'in great agony', is conveyed as sufficient retribution for her petty treason. Her actions, however, were explained by the coroner as evidence of her 'lunacy', which the newspaper claimed 'was clearly the case'. Although insanity could not be used to justify the actions of a murderous woman, it appears to have been used in particularly heinous cases to help explain how she could act so contrastingly to her expected gendered behaviour. It also enabled society to 'avoid the discomfiting prospect of acknowledging women's agency when confronted with physical proof of their capacity for anger, power, and violence'.¹⁵⁶

The conduct of murder suspects, either immediately following the attack or when facing trial and punishment, was subjected to close scrutiny, and was almost always remarked upon in the Press.¹⁵⁷ Rachael Edwards was convicted and subsequently hanged for petty treason. According to the *Cambrian*, 'her behaviour since condemnation was most exemplary'. She partook in 'sincere penitence' and 'continued to pray most fervently till the last moment'. She also circulated a letter of warning to others to take note of her 'sad example, and earnestly beseeching them never to neglect

¹⁵² Jill Newton Ainsley, "'Some mysterious agency": women, violent crime and the insanity acquittal in the Victorian Courtroom', *Canadian Journal of History*, 35 (2000), 37-55.

¹⁵³ *Silurian or South Wales General Advertiser* (September 1838).

¹⁵⁴ Eigen, 'Not their fathers' sons', 94.

¹⁵⁵ *Cambrian* (10 April 1824).

¹⁵⁶ Ainsley, "'Some mysterious agency"'.
¹⁵⁷ Doody, "'Those eyes are made so killing"', 61.

their religious duties'.¹⁵⁸ The newspaper similarly reported the story of Bridget Jones who murdered her neighbour's eight year old daughter with a razor and threw her body out onto the street. The act is described as 'barbarous', and partly explicable due to her 'impaired intellect'. However, following the murder she displayed clear signs of remorse and was 'continually in tears'.¹⁵⁹ When faced with the indisputable evidence of female aggression, contemporaries sought confirmation that such women would be effectively removed from society. The admittance of guilt, followed by repentance, was considered to be the most favourable outcome as it restored the perceived 'natural order' in society, and served as a warning to other rebellious women.¹⁶⁰

2.7. Outcomes for defendants in murder and manslaughter cases

Of the 68 female murder suspects, the indictments were returned *ignoramus* for 21 (31.8 percent), and 33 of the 37 (89.2 percent) who stood before a trial jury were acquitted (Table 2.6). Six women were not tried; four because they were deemed to be insane, one woman was never apprehended and another committed suicide. Two women had their charges reduced to manslaughter by the grand jury and were subsequently found guilty and imprisoned. Only four guilty verdicts (10.8 percent) were returned against female murderers in the 100-year period under study. This figure is, however, slightly inflated as two of the murders which returned a guilty verdict were committed by one woman. The punishment for one woman is not recorded, and it is unclear whether she was hanged for her crime. A second woman had her death sentence commuted and her life spared by the judge. Between 1730 and 1830, therefore, only one woman was hanged for murder, and it is almost certain that this was on account of the severity of the double-murder which she committed. In comparison, the indictments of just over one-quarter of male murder suspects were returned as 'no true bill' by the grand jury, and a further 198 (39.1 percent) were acquitted or subsequently not prosecuted.¹⁶¹ At least 177 men (34.9 percent) were found guilty or received partial verdicts (namely for manslaughter). Of these, 58 (32.8 percent) appear to have been hanged, with a further four receiving the death sentence, but later pardoned and transported for life.

¹⁵⁸ *Cambrian* (24 August 1822). This case was heard in Monmouthshire, part of the Oxford Circuit, and has therefore not been included in the quantitative analysis in this study.

¹⁵⁹ *Cambrian* (10 May 1834).

¹⁶⁰ For more on portrayals of murderers in popular entertainment see, for example, Rosalind Crone, *Violent Victorians: Popular Entertainment in Nineteenth-Century London* (Manchester and New York: Manchester University Press, 2012).

¹⁶¹ Of the 603 male murder suspects recorded in the 'Crime and Punishment' database, a verdict is evident for 507.

Table 2.6. *Outcomes for female defendants in murder and manslaughter cases*

		1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Pleas	Guilty/submits	2	5.4%	2	20.0%	0	0.0%	0	0.0%
	Not guilty	35	94.6%	8	80.0%	17	100.0%	10	100.0%
	Unknown	31	-	12	-	10	-	9	-
	Total	68	100.0%	22	100.0%	27	100.0%	19	100.0%
Verdicts	Pleads guilty/submits	2	3.0%	2	9.5%	0	0.0%	0	0.0%
	No true bill	21	31.8%	9	42.9%	6	23.1%	6	31.6%
	Guilty of murder	2	3.0%	0	0.0%	1	3.8%	1	5.3%
	Not guilty of murder	32	48.5%	9	42.9%	17	65.4%	6	31.6%
	Guilty of manslaughter	2	3.0%	0	0.0%	0	0.0%	2	10.5%
	Not guilty of manslaughter	1	1.5%	0	0.0%	0	0.0%	1	5.3%
	Not prosecuted	6	9.1%	1	4.8%	2	7.7%	3	15.8%
	Unknown	2	-	1	-	1	-	0	-
	Total	68	100.0%	22	100.0%	27	100.0%	19	100.0%
Trial jury verdicts (known)	Guilty of murder	2	5.4%	0	0.0%	1	5.6%	1	10.0%
	Guilty of manslaughter	2	5.4%	0	0.0%	0	0.0%	2	20.0%
	Not guilty	33	89.2%	9	100.0%	17	94.4%	7	70.0%
	Total	37	100.0%	9	100.0%	18	100.0%	10	100.0%
Sentences (known)	Imprisonment	2	40.0%	0	0.0%	0	0.0%	2	100.0%
	Death	3	60.0%	2	100.0%	1	100.0%	0	0.0%
	Total	5	100.0%	2	100.0%	1	100.0%	2	100.0%

Women were found guilty of murder only in very rare, exceptional cases, in this instance where two individuals were murdered and the accused freely confessed, thus allowing little room for any doubt.¹⁶² Eighty-eight percent of the women were acquitted by either the grand or trial juries. More than 75 percent of the women accused of homicide in the Surrey Assizes between 1660 and 1800 were discharged or acquitted, compared with half of the men.¹⁶³ In contrast, in Scotland 60 percent of women accused of murder were convicted, and two-thirds hanged.¹⁶⁴ Some historians have argued that women received particularly lenient treatment by the courts.¹⁶⁵ G. R. Elton claimed that there was ‘an often instinctive chivalry, or if you like embarrassment, which was a

¹⁶² Confessions had to be ‘freely and voluntarily’ made. Those made under threat, or promise of favour, were not accepted. For more on the rules governing confessions, see McMahon, “‘For fear of the vengeance’”, 147-49.

¹⁶³ Beattie, *Crime and the Courts*, 97.

¹⁶⁴ Kilday, *Women and Violent Crime*, 55.

¹⁶⁵ Martin, *Women, Murder, and Equity*, 21; McLynn, *Crime and Punishment*, 128.

common reaction of that day when confronted with women who broke the rules'.¹⁶⁶ Carol Weiner similarly argued that 'women reaped informal protection from the relative lenience of law-enforcement officials towards their sex'.¹⁶⁷ Barbara Hanawalt has stated that 'male jurors obviously did not take women's role in crime seriously or thought that, if caught, women deserved special considerations'.¹⁶⁸

It should not be assumed that female murderers were treated more leniently than men.¹⁶⁹ Mr Justice Hardinge advised against any 'unjust acquittals' that were motivated by 'a sense of compassion for human frailty', regardless of the sex of the accused, as they constituted 'mercy improvident' and would result in 'the opposite effect'.¹⁷⁰ The trying of women who murdered their husbands for petty treason, rather than murder, distinguished them from men who murdered their wives, and reinforced the heinousness of their domestic portrayal. The punishment of burning such women, in contrast to the standard punishment of hanging husbands, made it clear that husband-murder was perceived as more treacherous than uxoricide. Moreover, a much larger percentage of men (21 percent, compared with three percent of women) had the murder charge reduced to manslaughter, allowing them to claim benefit of clergy. It has been suggested that the circumstances surrounding male-perpetrated murder differed significantly from those of female murderers, and a manslaughter charge was deemed unsuitable for women. It was therefore less common for women to have their charge reduced from murder to manslaughter, particularly at the beginning of the period. As such, they were considered either innocent or guilty of murder.

It is likely that the high percentage of acquittals was due to the 'types' of murder committed by women. Poisoning, asphyxiation, and drowning were particularly difficult to identify as they often left no noticeable outward signs of murder, and such deaths could easily be mistaken as natural. Together these methods accounted for 45.9 percent of female murder cases. This could similarly be the case where there was no obvious murder weapon, as in the instances where women were suspected of beating the deceased to death with their bare hands. These attacks did not always leave an obvious physical mark, particularly if the head was targeted and the surface of the skin was not

¹⁶⁶ G. R. Elton, 'Introduction: crime and the historian', in J. S. Cockburn (ed.), *Crime in England, 1550-1800* (London: Methuen and Co., 1977), as cited in Kilday, *Women and Violent Crime*, 54.

¹⁶⁷ Carol Z. Weiner, 'Sex roles and crime in late Elizabethan Hertfordshire', *Journal of Social History*, 8 (1975), 39.

¹⁶⁸ Hanawalt, *Crime and Conflict*, 54.

¹⁶⁹ Walker, *Crime, Gender and Social Order*, 136-38.

¹⁷⁰ J. Nichols (ed.), *The Miscellaneous Works in Prose and Verse, of George Hardinge, Esq. Senior Justice of the Counties of Brecon, Glamorgan and Radnor, Volume I* (London: J. Nichols, Son and Bentley, 1818), 77.

penetrated. Beatings in this manner accounted for a further 16.4 percent of murders. In the four cases where a guilty verdict was found, the evidence was incriminating and undeniable. Two of the women confessed, and a third incriminated herself by disappearing immediately after the killing. As the methods of murder that women opted for made their actions particularly difficult to prove, juries opted to acquit unless there was clear evidence of guilt, fearing condemning an innocent individual.

2.8. Conclusion

This chapter has provided a Welsh perspective on female-perpetrated murder, reaffirming that, although comprising a minority of suspects, murderesses require consideration. Women most often killed familiar parties, with Welsh women murdering their children in greatest numbers. There is little evidence of ‘same-sex’ violence, as they fatally attacked both males and females. When acting with another individual, they most commonly appeared alongside men, but not necessarily their spouse. The methods of murder chosen were rarely non-confrontational or underhand, which is partly explicable through the young age of many of their victims. The defendants would have had superior strength, even without the use of a weapon. To assist in the act, or to speed up the process, various household objects were sometimes used to enhance their strength. Their actions should not automatically be considered as passive or helpless. In contrast to their gender stereotypes, many women appear to have acted out of anger or provocation, or a desire for material or sexual gain. Even in their roles as aiders or inciters of murder, they appear to have been far from submissive.

The suspect’s behaviour at, and leading up to, the trial was closely scrutinised. Signs of repentance were considered preferential, but denial, defiance, or a lack of remorse was criticised. When brought before the courts there is little evidence of gendered leniency. The methods adopted by women were difficult to prove, and they were acquitted on these grounds, not as a result of favourable treatment. Although newspapers were quick to label murderesses insane, rarely did the courts acquit on the grounds of insanity.

This chapter has not considered the largest single ‘type’ of female murder: that of neo-natal infanticide. The methods, motives and circumstances surrounding the killing of newborn children were very different from those discussed above, and will be examined in the following chapter.

Chapter Three

‘Her belly now is a great deal less’: newborn child murder

3.1. Introduction

This chapter examines cases of suspected child murder at, or immediately following, birth. It explores the act of infanticide, addresses issues of illegitimacy, and analyses the responses of the community and the courts to the discovery of a dead child. In so doing, this chapter argues that the profile of the ‘typical’ infanticidal mother needs to be reconsidered. In Wales, not all suspects were young, naive servants acting out of shame or the fear of the loss of reputation, as has been demonstrated for elsewhere.¹ More practical and tangible factors drove some unmarried women to murder their children. There were clear differences, both in levels of, and reactions to, illegitimacy and in instances of infanticide. The crime was also not entirely female-dominated. This chapter considers the conviction of infanticide, including the narratives told by suspects and witnesses, and explores how the crime was received by the jurors.

Infanticide in the early modern period has received detailed consideration by criminal and social historians, and more recently from a gender perspective. Keith Wrightson, R. W. Malcolmson and J. M. Beattie offered statistical interpretations of the crime in the 1970s and 1980s based largely on indictments as part of wider studies of crime in seventeenth- and eighteenth-century England.² C. Hoffer and N. E. H. Hull provided the first full-scale study of child murder in the form of a comparison between England and New England, followed by Lionel Rose’s contribution for nineteenth- and early twentieth-century Britain.³ The statistical evidence in these works, however, is incomparable. Hoffer and Hull included the killing of all children up to the age of nine years as infanticide, as such children were considered infants in law. In contrast, Beattie only addressed children up to a few weeks old. From the 1990s infanticide has received

¹ Mark Jackson, *New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England* (Manchester and New York: Manchester University Press, 1996), 4; R. W. Malcolmson, ‘Infanticide in the eighteenth century’, in J. S. Cockburn (ed.), *Crime in England 1550-1800* (London: Methuen and Co., 1977), 203; Marilyn Francus, ‘Monstrous mothers, monstrous societies: infanticide and the rule of law in Restoration and eighteenth-century England’, *Eighteenth Century Life*, 21 (1997), 142-43.

² Keith Wrightson, ‘Infanticide in earlier seventeenth-century England’, *Local Population Studies*, 15 (1975), 10-22; Malcolmson, ‘Infanticide in the eighteenth century’, 187-209; J. M. Beattie, *Crime and the Courts in England, 1660-1800* (Oxford: Oxford University Press, 1986).

³ Peter C. Hoffer and N. E. H. Hull, *Murdering Mothers: Infanticide in England and New England 1558-1803* (New York and London: New York University Press, 1981); Lionel Rose, *The Massacre of the Innocents: Infanticide in Britain, 1800-1939* (London, Boston and Henley: Routledge and Kegan Paul, 1986).

reconsideration, with a greater emphasis on depositional material and the social context of the crime. Mark Jackson, Laura Gowing, Garthine Walker, and Gregory Durston have explored the gendered nature of the crime in several English counties, looking in particular at the pre-trial evidence and the legal process.⁴ As with the study of other types of crime, an exploration of infanticide outside of England has been less forthcoming.⁵ Anne-Marie Kilday argues that there was a distinctly Scottish experience of child murder, which was exceptionally brutal in nature and far more heavily policed than elsewhere.⁶ Kilday has furthered this research as part of the most recent work on newborn child murder in Britain from 1660 to the present day. Her comparative study is comprehensive, and is the first to explore continuity and change in the nature of infanticide in England, Scotland and Wales across four centuries.⁷

There have been few dedicated studies of Wales. David W. Howell and Melvin Humphreys both consider the crime briefly in their respective monographs, as does Angela Muir as part of a wider discussion of illegitimacy in eighteenth-century Wales, but none offers more than an overview.⁸ Only two sizeable contributions have been made: Nicholas Woodward's heavily quantitative article on infanticide in the Court of Great Sessions in the period covered by this thesis, and Sharon Howard's analysis of infanticide in Denbighshire between 1660 and 1730 as part of her wider study of crime in the county.⁹ Both contributions, although illuminating, are limited in their findings. Howard's study is necessarily restricted geographically, and is unable to identify or

⁴ Jackson, *New-Born Child Murder*; Laura Gowing, 'Secret births and infanticide in seventeenth-century England', *Past and Present*, 156 (1997), 87-115; Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003); Garthine Walker, 'Just stories: telling tales of infant death in early modern England', in Margaret Mikesell and Adele Seeff (eds.), *Culture and Change: Attending to Early Modern Women* (London: Associated University Presses, 2003), 98-115; Gregory Durston, *Victims and Viragos: Metropolitan Women, Crime and the Eighteenth Century Justice System* (Bury St. Edmunds: Arima Publishing, 2007).

⁵ For a brief consideration of infanticide in early modern Sweden, see Maria Kaspersson, 'Prosecution and public participation – the case of early modern Sweden', in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Cullompton: Willan, 2008), 107-08. For early modern Germany, see Maria R. Boes, *Crime and Punishment in Early Modern Germany: Courts and Adjudicatory Practices in Frankfurt am Main, 1562-1696* (Farnham: Ashgate, 2013), chs. 8-9, and Ulinka Rublack, *The Crimes of Women in Early Modern Germany* (Oxford: Clarendon Press, 1999), ch. 5.

⁶ Anne-Marie Kilday, *Women and Violent Crime in Enlightenment Scotland* (Woodbridge: Boydell Press, 2007).

⁷ Anne-Marie Kilday, *A History of Infanticide in Britain c.1660 to the Present* (Hampshire: Palgrave Macmillan, 2013).

⁸ David W. Howell, *The Rural Poor in Eighteenth-Century Wales* (Cardiff: University of Wales, 2000); Melvin Humphreys, *The Crisis of Community: Montgomeryshire, 1680-1815* (Cardiff: University of Wales Press, 1996); Angela Muir, 'Illegitimacy in eighteenth-century Wales', *Welsh History Review*, 26 (2013), 351-88.

⁹ Nicholas Woodward, 'Infanticide in Wales, 1730-1830', *Welsh History Review*, 23 (2007), 94-125; Sharon Howard, *Law and Disorder in Early Modern Wales: Crime and the Authority in the Denbighshire Courts, c.1660-1730* (Cardiff: University of Wales Press, 2008).

account for spatial differences in levels of infanticide. The focus of Woodward's article is almost entirely statistical. Quantitative studies of infanticide are undeniably useful, especially for neglected source material such as the Welsh Great Sessions records, but little analysis or explanation for the findings is offered. The current contribution is long overdue.

3.2. Welsh courtship and marital customs

Some historians have attempted to explain infanticide as a reaction against the feelings of shame and disgrace associated with the birth of an illegitimate child.¹⁰ To determine whether the same was true of all early modern societies requires a consideration of local courtship and marital customs, and an exploration of common attitudes towards illegitimacy. From the sixteenth through to the late nineteenth century, the practices of 'courting on the bed' and 'courting at night' were popular in Wales. These intimate customs, which were largely unknown elsewhere, appear to have been widespread and accepted by most.¹¹ Contemporary evidence suggests that courting began with the meeting of young people at local fairs or hiring days, and involved the exchange of love tokens. Young men would then visit their female lover at night, after travelling sometimes lengthy distances. Although the master of the household may refuse their entry, most seem to have claimed ignorance to the courting 'on the alleged ground that it would be difficult for him to keep any servants if he restricted them in these respects'.¹² When inside, the couple would stay near the fireplace or in the bedroom where they would remain until early morning. An eighteenth-century English traveller commented that this 'notorious' act was practiced by 'nymphs', and despite its popularity in Wales 'it is a difficult matter especially by one that is married and an Englishman to ascertain with any appearance of credibility'.¹³ 'Courting on the bed'

¹⁰ Jackson, *New-Born Child Murder*, 4; Malcolmson, 'Infanticide in the eighteenth century', 203; Francus, 'Monstrous mothers', 142-43; Kilday, *Women and Violent Crime*, 75.

¹¹ Lawrence Stone alludes to the practice of 'bundling' in England, but it appears to have occurred on a much smaller scale than in Wales: Lawrence Stone, *Uncertain Unions and Broken Lives: Marriage and Divorce in England, 1660-1857* (Oxford and New York: Oxford University Press, 1995), 12-13.

¹² 'General Report on the Agricultural Labourer: Wales', *Parliamentary Papers* (1893-94), XXXVI, 33, 63, as cited in John R. Gillis, *For Better, For Worse: British Marriages, 1600 to the Present* (Oxford: Oxford University Press, 1985), 30.

¹³ J. Jackson, 'Letters from and relating to North Wales', *Transactions of the Merionethshire Historical Society* 5, (1965-8), 212-13, as cited in Catrin Stevens, *Welsh Courting Customs* (Dyfed: Gomer Press, 1993), 86.

could also occur in the day ‘in the sight and with the approbation of their mutual friends and relations’.¹⁴

The courtship customs were linked with the popular form of clandestine marriage known as the ‘besom’ or ‘broomstick’ marriage. Widespread in North Wales until the early nineteenth century, the practice took the form of a ‘trial’ wedding, and was viewed as a secular, popular rite that offered both self-marriage and self-divorce.¹⁵ Gwennith Gwynn used the christening registers of several Denbighshire parishes between 1768 and 1799 to show that besom weddings comprised 61 percent of all unions in that period.¹⁶ Following the decision to marry, and after gaining parental consent, the oldest man of the parish was called, and the couple were required to jump over a broomstick made of oak branches.¹⁷ If both individuals successfully leaped over the broom, without touching it, they were considered married. Within one year, if the couple thought themselves incompatible, they could jump backwards over a broom from the house into the open in the presence of witnesses and they were then free to remarry.¹⁸

In South Wales, a variant commonly referred to as *pridos vach* (‘little wedding’) was followed, where up to a dozen couples would be ‘wedded and bedded together’.¹⁹ As part of this union the couple lived together and if after one month they found themselves suited, community members were invited to witness their intentions and they were considered husband and wife. If, following the trial period of cohabitation, the individuals believed themselves unsuited, both were free to remarry. The ritual wedding was popular as *cydfydio* (cohabitation) implied partnership, not ownership, and the woman retained her maiden name.²⁰ Despite the passing of Hardwicke’s Marriage Act in 1753, ritual weddings remained commonplace in eighteenth-century Welsh society. When Lewis Morris visited mining villages in Wales in the 1760s he found that ‘the late Act of Parlamt [sic] is look[ed] upon only as a Cruel and wicked restraint upon the liberties of the Mine Country’. A decade later it was similarly reported that marriage

¹⁴ E. W. Jones, ‘Medical glimpses of early nineteenth-century Cardiganshire’, *National Library of Wales Journal*, 14 (1965-6), 260-75, as cited in Stevens, *Welsh Courting Customs*, 91.

¹⁵ Gillis, *For Better, For Worse*, 198.

¹⁶ Howell, *The Rural Poor*, 147.

¹⁷ Gillis, *For Better, For Worse*, 198.

¹⁸ Gillis, *For Better, For Worse*, 200.

¹⁹ Gillis, *For Better, For Worse*, 201.

²⁰ Howell, *The Rural Poor*, 148.

law was 'looked upon as no more than a ballad' and openly defied. Ritual weddings, rather than official church services, were believed to constitute a 'real marriage'.²¹

Historians contest the impact of these customs. Diana O'Hara argues that the common use of 'go-betweens' and intermediaries in the courtship 'acted to moderate the emotional temperature...of individual passion'.²² However, Humphreys suggests that 'courting on the bed' left women 'vulnerable to casual promiscuity', and Howell claims that '[y]oung unmarried women sometimes became pregnant before marriage as a consequence'.²³ Statistics suggest that there were tangible consequences to such liberal sexual practices and 'trial' marriages. The 1831 population census for Wales confirms that there were relatively high levels of illegitimacy in this period, with 7.7 percent of births in Wales being illegitimate, compared to 5.8 percent in England.²⁴ There were regional differences, with rural areas such as Radnorshire experiencing illegitimacy rates of 14.5 percent, the highest rate in Britain.²⁵ But bastardy did not automatically carry the same stigma in Wales as in most of England.²⁶ One education commissioner remarked that 'nothing is thought of having a bastard, and, when in the family-way, they walk as publicly as a married woman'.²⁷ Steven Walcott, a Poor Law Commissioner commented in 1832:

This custom ['courting on the bed']... is the way in which all courtships amongst the lower classes have been carried out since time immemorial, it is not considered by them either immoral or indecent. If the female is likely to become a mother, it is understood that the man is bound in honour to make her his wife; but as in many cases he fails to do this, the result adds to the bastardy list...The difference in this respect between the English and Welsh female arises doubtless from this, that in England when a woman once offends she loses her caste and continues to sink from hopelessness of regaining her position in society; but in Wales public opinion amongst the lower classes rather takes part with the woman for the first offence which is called 'an accident,' 'a misfortune' or some other mild term and she is treated by her friends and acquaintances as before.²⁸

The differences in the ways in which illegitimacy was recorded in Welsh baptism records further suggests that certain children born out of wedlock were readily accepted,

²¹ Gillis, *For Better, For Worse*, 17.

²² Diana O'Hara, *Courtship and Constraint: Rethinking the Making of Marriage in Tudor England* (Manchester: Manchester University Press, 2000), 117-18.

²³ Humphreys, *The Crisis of Community*, 231; Howell, *The Rural Poor*, 221.

²⁴ Woodward, 'Infanticide in Wales', 3.

²⁵ Muir, 'Illegitimacy in eighteenth-century Wales', 353.

²⁶ Muir, 'Illegitimacy in eighteenth-century Wales', 351-88.

²⁷ *Reports of the Commissioners of Inquiry into the State of Education in Wales, Part Two: Brecknock, Cardigan, Radnor and Monmouth* (London, 1847), 58.

²⁸ *Report from His Majesty's Commissioners for inquiring into the State of the Poor Laws in England and Wales* (1834), Appendix A, XXIX, 180.

and that this percentage was far higher in Wales than England. A recent study of the baptism records for the parishes of St. Peters in Carmarthenshire and Hawarden in Flintshire for the period 1700-1800 reveals that 67 percent and 72 percent of illegitimate baptisms respectively listed the supposed or known paternity of the child. In contrast, in England between 1540 and 1837 fathers of illegitimate children are named or implied as little as seven percent of the time in some areas.²⁹ Muir has used this evidence, along with such descriptions of the father and child as 'reputed' or 'supposed', in contrast to simply 'illegitimate' or 'base', to argue that there was a clear difference in attitudes towards illegitimate children. If an infant was born as a result of a 'permissible' union, then the parish officials were probably aware of the identity of the father, and such births received less stigma. Men who were recorded as 'reputed' fathers were likely unknown to officials, indicating that the relationship which led to the illegitimate birth was of a 'more secretive, promiscuous nature', and was probably not accepted by the community.³⁰ Many illegitimate births in Welsh parishes, in contrast to England, appear to have been readily accepted and openly and frequently recorded as such.

Welsh courtship and marital customs likely contributed to the high levels of illegitimate births in some parts of Wales during this period. However, this should not be viewed as evidence of extensive illicit behaviour, as the Poor Law Commissioners suggest. Sexual promiscuity undoubtedly did occur, but on the whole courtship and marriage followed accepted Welsh communal traditions, albeit methods somewhat different from those experienced elsewhere. Contemporary Welsh ballads still also took a highly moralistic stance, as would be expected, and ridiculed those who engaged in 'inappropriate' practices.³¹ But if an illegitimate pregnancy was not routinely deemed a source of shame, what did this mean for levels of infanticide in Wales?

3.3. The statistics for Wales

There are 178 female principal infanticide suspects in the Great Sessions gaol files for the period 1730-1830. The length and detail of the surviving records made it necessary to examine a sample of the cases in order to ensure sufficient analysis. The years 1730-45, 1770-85 and 1805-20 were selected for this purpose. The 45-year sample provides

²⁹ Muir, 'Illegitimacy in eighteenth-century Wales', 363-64.

³⁰ Muir, 'Illegitimacy in eighteenth-century Wales', 367-68.

³¹ For Welsh language ballads on the representation of women in the eighteenth century, including a discussion of illegitimacy and infanticide, see Siwan Rosser, *Y Ferch ym Myd y Faled: Delweddau o'r Ferch ym Maledi'r Ddeunawfed Ganrif* (Cardiff: University of Wales Press, 2005). I am grateful to Siwan for alerting me to these ballads, and for very kindly translating sections of her monograph to assist with my research.

exceptional qualitative and statistical data, whilst offering clear evidence of change over time. Ninety women were suspected of neo-natal infanticide in the years studied (Table 3.1). A further three were accused of aiding and abetting the crime. This suggests that there were, on average, two infanticide suspects across the whole country per year.³² When comparing this figure with localised English studies, the incidence of infanticide in Wales appears on a par with, if not slightly lower, than in England.³³ In late-seventeenth- and eighteenth-century Surrey there were 0.67 infanticides a year, with 0.82 for the period 1650-1800.³⁴ There was less than one indictment per year for newborn child murder in north-east England in the eighteenth century.³⁵ As with all crimes, but particularly for infanticide, surviving records detail only the cases reported and investigated.³⁶ The secrecy surrounding the births and deaths of some newly-born illegitimate children makes it plausible that the actual figures were higher. One entry in the 1795 Denbighshire Trinity Quarter Sessions read: ‘Account of costs of a search of all pools in a place in the parish of Ruthin for bodies of children supposed to have been thrown there’, implying that newborn children were believed to have been murdered and disposed of more frequently than the number of cases suggest.³⁷

Table 3.1. *Marital status of women indicted for infanticide (excluding accessories)*

	All samples	%	1730- 1745	%	1770- 1785	%	1805- 1820	%
Singlewoman	82	92.1%	32	88.9%	21	100.0%	29	90.6%
Widow	6	6.7%	4	11.1%	0	0.0%	2	6.3%
Married	1	1.1%	0	0.0%	0	0.0%	1	3.1%
Unknown	1	-	0	-	0	-	1	-
Total	90	100.0%	36	100.0%	21	100.0%	33	100.0%

If a married woman was prosecuted for killing her newborn child, the charge would be the common law offence of murder and a conviction could only be gained if there was evidence that the child had been born alive and subsequently been murdered. If the

³² Monmouthshire was part of the Oxford Circuit and is not included in this study.

³³ The population of Wales increased from approximately 406,000 in 1700 to 587, 128 in 1800: Howell, *The Rural Poor*, 14. The combined urban and rural population of the county of Surrey increased from 128,000 in 1700 to 278,000 in 1801, according to Beattie’s estimates: Beattie, *Crime and the Courts*, 28, FN 38. For a more detailed comparative statistical analysis, see Woodward, ‘Infanticide in Wales’, 100.

³⁴ Beattie, *Crime and the Courts*, 115, Table 3.6; J. R. Dickinson and J. A. Sharpe, ‘Infanticide in early modern England: the Court of Great Sessions at Chester, 1650-1800’, in Mark Jackson (ed.), *Infanticide: Historical Perspectives on Child Murder and Concealment, 1550-2000* (Aldershot: Ashgate, 2002), 38.

³⁵ Gwenda Morgan and Peter Rushton, *Rogues, Thieves and the Rule of Law: The Problem of Law Enforcement in North-East England, 1718-1800* (London and Pennsylvania: UCL Press., 1998), 113.

³⁶ The problems associated with the ‘dark figure’ of unrecorded murder cases are discussed in greater detail in the previous chapter.

³⁷ Howell, *The Rural Poor*, 221.

woman was unmarried, the case fell under the 1624 act ‘to prevent the destroying and murdering of bastard children’.³⁸ The act stated that if a child was found dead, and the birth had been concealed, it would be presumed that the mother had murdered it unless it could be proven by at least one witness that the child had been stillborn. The fact that 82 of the 90 infanticide suspects were recorded as singlewomen, six were widows, and only one was married, was therefore largely dictated by this legal statute.³⁹ Although the motives for murdering legitimate and illegitimate children were likely to have differed greatly, that so few married women were charged with murdering their newly-born children is probably not entirely accurate.⁴⁰ This is not to suggest that all unmarried women who were suspected of infanticide were guilty, or that married women murdered their children in equal or greater numbers than singlewomen. But the comparatively low number of suspected newborn child murders occurring within marriage is unlikely to have accurately reflected reality. Married women were viewed as less of a social threat than singlewomen and widows and were not subjected to the same communal scrutiny.⁴¹ It would have been easier to murder a child within marriage, either by failing to provide adequate nutrition, or by ‘overlaying’, and the deaths would be less likely to raise suspicion.⁴²

The age and status of the suspects differ from those recorded elsewhere. The ‘typical’ offender is commonly believed to have been a young woman, usually a servant.⁴³ However, less than one quarter of the women recorded in the Great Sessions files can be readily identified as servants.⁴⁴ This is despite servants accounting for a larger percentage of the population in Wales than they did in England, and females accounting for a significantly larger percentage of servants than males.⁴⁵ The majority of suspects do not appear to have been in domestic service, nor were they necessarily

³⁸ 21 James I, c. 27. The act was repealed in 1803.

³⁹ Wrightson, ‘Infanticide in earlier seventeenth-century England’, 112; Beattie, *Crime and the Courts*, 114; Kilday, *Women and Violent Crime*, 70. Servants are assumed to be unmarried. The marital status of one woman is indeterminate.

⁴⁰ Kilday, *Women and Violent Crime*, 70; Malcolmson, ‘Infanticide in the eighteenth century’, 206.

⁴¹ Kilday, *A History of Infanticide*, 64.

⁴² Jackson, *New-Born Child Murder*, 43.

⁴³ Otto Ulbricht, ‘Infanticide in eighteenth-century Germany’, in Richard J. Evans (ed.), *The German Underworld: Deviants and Outcasts in German History* (Routledge: London and New York, 1988); Cliona Rattigan, “‘I thought from her appearance that she was in the family way’: detecting infanticide cases in Ireland, 1900-1921”, *Family and Community History*, 11 (2008), 134-51; Malcolmson, ‘Infanticide in the eighteenth century’, 192-93; Anne-Marie Kilday, ‘Desperate measures or cruel intentions? Infanticide in Britain since 1600’, in Anne-Marie Kilday and David Nash (eds.), *Histories of Crime: Britain 1600-2000* (Hampshire: Palgrave Macmillan, 2010), 60-79; Kilday, *Women and Violent Crime*, 73.

⁴⁴ Twenty of the 90 principal suspects can be readily identified as servants, though it is possible that some were in domestic service and not recorded as such.

⁴⁵ Woodward, ‘Infanticide in Wales’, 96.

young women. The age of the suspects is only recorded for 12 percent of the suspects, but they are significantly older than expected (Table 3.2). They range from 24 to 44 years, with the average age being 32. If we take into account the female accessories, this figure rises to 36 years.⁴⁶ The suspects, then, were not young, naive girls, but women above the average marital age in this period.⁴⁷

Table 3.2. *Age of women indicted for infanticide (including accessories) in the sample periods*

Age	All samples	%
Under 18	0	0.0%
18-24	1	10.0%
25-30	2	20.0%
31-40	5	50.0%
41-50	1	10.0%
51+	1	10.0%
Unknown	83	-
Total	93	100.0%

It has been suggested that an illegitimate pregnancy would be particularly disastrous for servants as they were only employed on the basis that they remained single and childless, and the loss of reputation to a household employing an unmarried, pregnant servant would not be tolerated.⁴⁸ This loss of character ‘would have been seen by many servants as not simply embarrassing or inconvenient or humiliating, but as completely catastrophic, both socially and economically’.⁴⁹ In early modern Germany, two young, unmarried servants were driven to suicide out of the shame of their illegitimate pregnancies.⁵⁰ This may have been the feeling of some Welsh women, but the acceptance of many employers of the liberal courtship rituals engaged in by their employees also provides evidence to the contrary. The *Report of the Commission to Inquire into the Poor Law* recorded: ‘many gentlemen state that they must either overlook the fact of their female servants giving in to it [courting] or make up their minds to employ only men servants or old women’.⁵¹ Most servants freely courted

⁴⁶ The oldest woman was Sarah Lloyd who was 76 years old and an accessory to her daughter’s infanticide: NLW GS 4/635/5.39 (1819).

⁴⁷ Gillis lists the average marital age of women in Britain in the first half of the eighteenth century as 26.2 years. This dropped to 25.9 years during the next 50 years, and in the first half of the nineteenth century it was 23.4 years: Gillis, *For Better, For Worse*, 110.

⁴⁸ Kilday, ‘Desperate measures’, 69; Malcolmson, ‘Infanticide in the eighteenth century’, 203; Beattie, *Crime and the Courts*, 114.

⁴⁹ Malcolmson, ‘Infanticide in the eighteenth century’, 203.

⁵⁰ Boes, *Crime and Punishment*, 165-79.

⁵¹ *Report from His Majesty’s Commissioners*, 180.

within their place of work, so if pregnancy was to result then it would hardly have been a surprise.

Depositional evidence suggests that many employers were far more understanding and accommodating towards their pregnant servants than has often been assumed.⁵² Jane Edwards was informed by her employer that if the rumours regarding her pregnancy were true, and that ‘if she was with child and would confess...she should be welcome to stay another week in his house and that he would assist her and do what service he could’.⁵³ William Price also overheard his dairymaid reporting that his housemaid had recently given birth. He went immediately to the maid and desired to know whether it was ‘dead or alive’ and ‘[i]f alive...assistance might be given’.⁵⁴ Margaret Robert’s employer approached the Overseer of the parish and informed him that his servant was pregnant and asked him ‘not to make a stir or noise in the parish about it’ as he ‘would give security to indemnify the said parish’.⁵⁵ Two employers also played a more active role in an attempt to protect their servants. Howell Williams was indicted for being ‘privy to the said murder’ of his servant’s newborn child, and for ‘receiv[ing], keep[ing] and comfort[ing]’ her after the murder had been committed.⁵⁶ Rees Jones was also bound to answer charges against him for aiding the escape of his servant who was suspected of infanticide. According to the recognizance, Rees had ‘disregard[ed] the caution’ of Margaret Davies, a midwife, and had ‘permit[ted] to escape and did not show the person of his late servant Mary Evans...in order to undergo an examination before a magistrate on a vehement suspicion of having been privately delivered of a bastard child...found in his garden’.⁵⁷

Pregnant servants were not necessarily ridiculed by their employers and did not automatically face expulsion from their place of work.⁵⁸ Some appear to have been offered support, both physically and financially. Mr Justice Hardinge suggested that servants who had suffered ‘indiscretion’ may still prove ‘excellent members of the community’, and he advised employers to ‘recommend [the women]...for other virtues’, as ‘many are the humane, who would gratefully accept a female servant thus

⁵² Laura Gowing suggests that mistresses were more likely to threaten their pregnant servants, than to support them: Gowing, ‘Secret births’, 104.

⁵³ NLW GS 4/47/6.22 (1742).

⁵⁴ NLW GS 4/912/2.14 (1814).

⁵⁵ NLW GS 4/757/1.94 (1808).

⁵⁶ NLW GS 4/812/4.10 (1737).

⁵⁷ NLW GS 4/526/3.18 (1771).

⁵⁸ Walker has argued that the options for unmarried, pregnant women were not as restricted in practice as has often been assumed: Walker, *Crime, Gender and Social Order*, 150.

recommended, with a generous oblivion of this fault'.⁵⁹ That servants comprised such a low percentage of infanticide suspects in Wales may be explicable in this way. This is not to argue that bastardy was readily accepted by all of Welsh society, or that all unmarried pregnant women freely bore their children. Social stigma certainly did play an important part in some women's decisions to murder their newborns, as will be shown later. But there were differences in attitudes towards illegitimacy, and not *all* unmarried Welsh women were subject to moral dilemma when faced with pregnancy, or were driven by the same desires to conceal and destroy their newborn child as has been recorded elsewhere.⁶⁰

Infanticide has been viewed as both a solitary crime, and gender-specific.⁶¹ Only six women committed the crime with the support of another individual in the sample years. Three accessories were women, two of whom were the suspect's mother.⁶² There are no recorded male principal infanticide suspects in the sample years, although three men were indicted as accessories to unmarried women.⁶³ Infanticide, like witchcraft, has been considered a rare example of a female-dominated crime. It has been suggested that men only became involved in infanticide cases after the discovery of the body, usually in their official roles as Justices of the Peace, coroners or jurors.⁶⁴ With few exceptions, the role of men in infanticide has received little consideration.⁶⁵ Men, however, were just as likely to act as accessories to infanticide as women. Two of the male accessories were employers of the suspects, and the third male was the child's father who received the body of the dead infant for concealment.

Although men were not always formally indicted, there is still indirect evidence for women turning to them to aid their crime, both before and after the act. Margaret John approached the physician, Rees Rytherch, and requested that he 'give her

⁵⁹ J. Nichols (ed.), *The Miscellaneous Works in Prose and Verse, of George Hardinge, Esq. Senior Justice of the Counties of Brecon, Glamorgan and Radnor, Volume I* (London: J. Nichols, Son and Bentley, 1818), 69.

⁶⁰ T. C. Smout has also argued that there was no need for a woman pregnant with an illegitimate child in lowland Scotland to resort to infanticide to conceal her shame as the rural community placed no pressure upon her, and would rather support her both emotionally and financially: T. C. Smout, 'Aspects of sexual behaviour in nineteenth-century Scotland', in A. A. Maclaren (ed.), *Social Class in Scotland: Past and Present* (Edinburgh: John Donald, 1976), 80.

⁶¹ Malcolmson, 'Infanticide in the eighteenth century', 200; Kilday, *Women and Violent Crime*, 70.

⁶² NLW GS 4/744/4.18 (1782); NLW GS 4/1020/3.10 (1820); NLW GS 4/635/6.39 (1819). The relationship between the third woman and principal suspect is unknown. Dickinson and Sharpe found that accessories were most often female members of the family: Dickinson and Sharpe, 'Infanticide in early modern England', 43.

⁶³ NLW GS 4/611/6.79 (1737); NLW GS 4/812/4.10 (1737); NLW GS 4/298/5.6 (1739).

⁶⁴ Howard, *Law and Disorder*, 90.

⁶⁵ For studies that do consider the role of men in infanticide, see Walker, *Crime, Gender and Social Order*, 154, and Kilday, *A History of Infanticide*, 66-70.

something to cause abortion'. Without her knowing, he 'gave her a little magnecia' out of fear that she 'might play a serious trick with herself and go elsewhere and take something that would be of serious consequence as he knew what he had given her could have no ill effect'. Two weeks later, Margaret returned to the physician as the medicine had not had the desired effect and she required something stronger. He 'gave her another harmless dose [for] the same motive'. Soon afterwards Margaret returned for a third time, but was advised to 'keep quiet and to suffer the child to come to maturity as it was too late to affect her purpose'. She 'begged' him to 'keep the circumstance secret,' which he 'promised to do'.⁶⁶ Ann Hughes, claiming that her child had been stillborn, also turned to her fellow servant, John Lloyd, and requested his help in burying the child. Although he refused, he kept her pregnancy a secret and 'never mentioned a word about what he had seen to anybody, not even his own wife'.⁶⁷ That these women turned to men during this difficult time and entrusted them with the secret of their pregnancy suggests a degree of mutual respect and friendship. In concealing the pregnancy from the community, an experience which was commonly shared and celebrated by all, these men opted to provide individual support over communal obligation. In the case of John Lloyd, he also kept Ann's pregnancy a secret from his own wife until required, under examination, to reveal his knowledge.

Men also played a central role in the removal of pregnant women or newly-born children from the parish in order to avoid suspicion. The aforementioned Rees Rytherch was desired by Margaret 'to procure a nurse for the child, but to keep it secret and there would be a horse waiting to send for [him] as the father of the child was very substantial and able to pay all expenses'.⁶⁸ Arabella Williams denied committing infanticide, and claimed in her defence that she had given her newly-born child to its father who 'took away the child...over the water'.⁶⁹ Moreover, following an incestuous relationship with his daughter, John Lloyd approached John Edwards, amongst others, to request whether he would 'go with his daughter to the north' and that he would 'give him two shillings a day and bear his expenses'.⁷⁰ Although the act of child murder was overwhelmingly a solitary crime, when women did seek support they were just as likely to look to a man as a woman. Indictments alone suggest that infanticide was an entirely female-dominated crime, but depositional evidence provides evidence of men playing central

⁶⁶ NLW GS 4/757/1.92 (1808).

⁶⁷ NLW GS 4/900/3.1 (1776).

⁶⁸ NLW GS 4/757/1.92 (1808).

⁶⁹ NLW GS 4/250/6.15 (1737).

⁷⁰ NLW GS 4/745/1.76 (1782).

roles in the concealment of the pregnancy, and offering support and comfort to women during their ordeal.

Considering the geographical location of suspected infanticides, historians of England (with the unique exception of London) and Scotland have suggested that the majority of women investigated for the crime were from rural areas.⁷¹ Suspects were supposedly identified and brought to justice more readily in the countryside, where the close proximity of neighbours and relatives ensured the slightest change in appearance or behaviour of an unmarried woman was readily detected, and where the body of a child could be rapidly traced to the woman concerned. For Wales, comparisons between urban and rural areas are difficult to make, as has been shown, as there was little distinction between the sparsely populated and more urbanised areas, especially before the nineteenth century. The arguments put forward by historians regarding geographical distribution of infanticides do not apply as clearly to Wales, where more infanticides were recorded in areas of larger population. Pembrokeshire, Carmarthenshire and Glamorganshire accounted for 19.8 percent, 18.7 percent and 15.4 percent of infanticides respectively (Table 3.3). The 1801 census showed that Glamorganshire and Carmarthenshire were the most densely-populated counties in Wales, with population figures of 70,000 and 67,000. Three of the largest towns (Cardiff, Swansea and Merthyr Tydfil) with populations of between 1,000 and 2,000 were located in Glamorganshire. Pembrokeshire was the fourth most populous county with a population of approximately 56,000. In contrast, only five percent of infanticide suspects were resident in Radnorshire, a county with a population of merely 19,000 in 1801. These figures appear all the more pronounced when it is remembered that Radnorshire had an illegitimacy rate of 14.5 percent in the early nineteenth century, the highest in Britain. In contrast, Merthyr Tydfil, Cardiff and Swansea had rates of 4.7, 5.4 and 4.0 respectively, yet twice as many infanticides took place in Glamorganshire than Radnorshire.⁷²

These figures suggest that illegitimacy was disproportionately a rural phenomenon, and that areas of high illegitimacy experienced lower levels of infanticide. This would seem to confirm that the liberal courtship patterns, which were most prevalent and sustained in the countryside, led to higher levels of illegitimacy, but that the commonality of bastard children in these areas led to a greater degree of communal

⁷¹ Beattie, *Crime and the Courts*, 115, Table 3.6; Jackson, *New-Born Child Murder*, 42; Morgan and Rushton, *Rogues, Thieves and the Rule of Law*, 113. These studies have examined rural Surrey and the counties of the Northern Circuit. For Scotland, see Kilday, *Women and Violent Crime*, 71.

⁷² Muir, 'Illegitimacy in eighteenth-century Wales', 353.

acceptance and support for unmarried mothers. The pattern may also be attributed to population figures and the simple fact that larger numbers of people meant that there were more unmarried women. Equally, the topography of rural locations would have aided the disposal of a newly-murdered child and the concealment of any evidence of childbirth.⁷³ Concealment would have been difficult in more crowded areas.

Table 3.3. *Place of prosecution of women indicted for infanticide (excluding accessories)*

	All samples	%	1730- 1745	%	1770- 1785	%	1805- 1820	%
Anglesey	3	3.3%	1	2.8%	2	9.5%	0	0.0%
Breconshire	6	6.7%	3	8.3%	1	4.8%	2	6.1%
Caernarfonshire	5	5.6%	1	2.8%	1	4.8%	3	9.1%
Cardiganshire	3	3.3%	0	0.0%	1	4.8%	2	6.1%
Carmarthenshire	16	17.8%	6	16.7%	5	23.8%	5	15.2%
Denbighshire	9	10.0%	3	8.3%	3	14.3%	3	9.1%
Flintshire	5	5.6%	1	2.8%	2	9.5%	2	6.1%
Glamorganshire	13	14.4%	3	8.3%	3	14.3%	7	21.2%
Merionethshire	3	3.3%	3	8.3%	0	0.0%	0	0.0%
Montgomeryshire	4	4.4%	2	5.6%	0	0.0%	2	6.1%
Pembrokeshire	17	18.9%	10	27.8%	2	9.5%	5	15.2%
Radnorshire	6	6.7%	3	8.3%	1	4.8%	2	6.1%
Total	90	100.0%	36	100.0%	21	100.0%	33	100.0%

The Welsh urban figures may have been artificially inflated as not all women indicted resided there. There is evidence of women moving from their place of residence to neighbouring counties up to six months before their delivery. Rachael John travelled to Neath and requested lodging for the night in the house of David Lewis. Her large belly aroused suspicion, but she claimed that ‘she had suffered much from the rheumatism, had been blistered till she was very sore and wore a great quantity of cloths to keep her warm’. Rachael gave birth secretly two days later and allegedly buried the child nearby. The purpose of her journey, it appears, was to give birth away from her home parish.⁷⁴ At least four other women were also pregnant when they moved to the area where they eventually delivered.⁷⁵ They may have wished to escape the scrutiny associated with small hamlets and villages, desiring to give birth in secret and bury their child without suspicion. The precise motivations for the movement from their place of residence prior

⁷³ Durston, *Victims and Viragos*, 98.

⁷⁴ NLW GS 4/634/1.2 (1814).

⁷⁵ NLW GS 4/374/6.21 (1733); NLW GS 4/1010/10.8 (1783); NLW GS 4/200/5.90 (1816); NLW GS 4/635/4.28 (1818).

to the birth were personal, but it may partly explain the increased levels of infanticide in more populated counties.

3.4. Rumour and suspicion

When pregnancy was suspected in an unmarried woman, rumours spread quickly throughout the neighbourhood.⁷⁶ It was ‘a common report’ that Elizabeth Richard was pregnant, and it ‘generally prevailed in the family and neighbourhood that Ann Hughes was with child’.⁷⁷ Both men and women engaged in the distribution of suspicions. The language of the rumour, however, was gender-specific. Women retold their own observations of the suspect’s increasing belly or enlarged breasts, often based on personal experiences of pregnancy, whereas men more frequently repeated the observations of female family members or neighbours. Whether retold by a man or woman, in order to maintain plausibility it was essential that the rumour was perceived to be collective. Testimonies relating to communal gossip frequently stated that their belief of the suspect’s pregnancy was corroborated by the views of others. Elizabeth Matthews accused her fellow servant of being pregnant and told her that ‘many people said so’.⁷⁸

If the rumour was not collective then its plausibility declined. David Bufton noted that ‘some of the neighbours reported that the said Hannah was with child some time...some others said she was not’. He declared that ‘to his knowledge he knows nothing of the matter’.⁷⁹ Howell Pritchard lived in the same house as one suspect, but when questioned about the pregnancy he responded that ‘he thought there was no such thing, and living in the same house together he should have taken notice if she had been big with child, but that he did not suspect any such thing’.⁸⁰ The belief of one individual was often insufficient, particularly if the suspect had familial support. Evan Prees feared challenging his servant about her suspected pregnancy because she was of a ‘dangerous, wicked family’, though he believed ‘in his conscience’ that she was responsible for the death of the newly-discovered child.⁸¹ Catherine Edwards accused Jane Edwards of being pregnant, to which Jane replied by giving her ‘several ill names’.⁸² The suspicion

⁷⁶ For a detailed discussion of the importance of gossip and rumour to infanticide cases, see Gowing, ‘Secret births and infanticide’, 94-6.

⁷⁷ NLW GS 4/912/2.14 (1814); NLW GS 4/900/3.1 (1776).

⁷⁸ NLW GS 4/623/3.27 (1774).

⁷⁹ NLW GS 4/517/6.14 (1735).

⁸⁰ NLW GS 4/373/6.7 (1730).

⁸¹ NLW GS 4/518/2.13 (1735).

⁸² NLW GS 4/47/6.22 (1742).

of a single individual could be viewed as a personal attack and subject to successful denial. The views of multiple individuals were likely to lead to an investigation

In addition to rumour, community members searched for more definite signs of pregnancy. The perceived increase, or sudden decrease, in the size of the woman's belly or breasts, or the appearance of illness, was viewed as evidence of pregnancy. Mary Powell questioned Jennet John about her supposed pregnancy and desired to see her breasts. On viewing them she said 'she never saw such a breast of any honest girl'.⁸³ John Rogers observed that Hannah Morris was 'not well' and 'much smaller' than she previously seemed to be. He also recalled that her breasts 'seemed as if they were swelled by reason of which he...suspected the said Hannah to be with child'.⁸⁴ Thomas Lewis saw Elizabeth Rees daily and 'observed that she was increasing in size' and 'had no doubt' she was 'with child'.⁸⁵

Laura Gowing has suggested that although men knew and watched for signs of pregnancy, '[t]here was no possibility here of the kind of physical confrontations and interventions that women used'.⁸⁶ This was not necessarily the case in Wales. Robert Jones suspected that Catherine Roberts was pregnant and in order to prove his assumption he touched her belly 'and found the same to be hard as his own wife's belly used to be when she was with child'.⁸⁷ Thomas Lewis also told how Elizabeth Rees' belly felt 'as hard as a stone' when she rode behind him on horseback.⁸⁸ Jenkin Griffiths similarly demanded that Elizabeth show him her breasts 'which she at first declined but afterwards showed [them]' and that he 'then observed it was not necessary to have any doctor to view her breasts as there was a sufficient sign of milk'.⁸⁹ Men, particularly those who were married with some experience of the pregnant body, did feel that they possessed the authority to examine suspects, and that their comments and observations would be noted.

Additionally, any act which could be viewed as an attempt to conceal or dispose of signs of pregnancy or delivery raised suspicion. David Thomas had shared a room with Mary Davies and noted how she appeared 'very bad all night' and had left the room in the early hours of the morning. The following day he discovered 'several drops of blood on the stairs which seemed fresh' and the 'floor of the room downstairs had

⁸³ NLW GS 4/623/3.27 (1774).

⁸⁴ NLW GS 4/517/6.14 (1735).

⁸⁵ NLW GS 4/761/2.77 (1817).

⁸⁶ Gowing, 'Secret births and infanticide', 93.

⁸⁷ NLW GS 4/46/2.23 (1736).

⁸⁸ NLW GS 4/761/2.77 (1817).

⁸⁹ NLW GS 4/761/2.77 (1817).

been washed'.⁹⁰ A 'great quantity of blood' was also found on Jane Davies and on the floor of the privy at her employer's house. She had desired her fellow servant to 'come up with a broom and sweep the floor and not tell anybody'.⁹¹ The appearance of blood stains on the bedding or linen belonging to females was commonplace and readily accepted as ordinary signs of menstruation, so much so that it was often the non-appearance of menstrual blood that raised suspicion. Attempts to conceal bloodstains inadvertently turned the ordinary into the mischievous.

As with the cleaning of the house, evidence of an increase in the washing of clothes was also viewed as an attempt to hide evidence of a birth. Catherine Morgan returned from market to find that her daughter's blanket and clothes had been washed, 'at which she was surprised' and suspected that she 'had either miscarried or borne a child and charged her with [it], but she absolutely denied the charge'.⁹² It was 'commonly reported in the neighbourhood' that the mother of one suspect had washed five petticoats within 24 hours.⁹³ Jane Edwards was seen 'washing her clothes and arms at a well' by two witnesses, who, as a result of this seemingly suspicious act, 'suspected...[she] had been delivered of a child'.⁹⁴ Unusually dirty or missing clothing was similarly suspicious. Sarah Joseph observed that Ann Lloyd's petticoat was 'dirty and wet', and that her under-petticoat was 'all spots and nasty'. From the appearance of her clothing she 'suspected that the prisoner had been delivered of a child'.⁹⁵ Mary Price and Jane Davies were ordered by Justices of the Peace to scrutinise Jane Williams' clothing, which they believed possessed 'the marks or sign of a birth of a child'.⁹⁶ In contrast, the production of clean undergarments could refute such claims. Jennet John's employer told her that 'she was sure she had done something which she ought not to have done and that she would see her petticoat which was missing'.⁹⁷ Common acts, undertaken in an atmosphere of heightened suspicion, became clear proof of guilt.

⁹⁰ NLW GS 4/634/4.2 (1815).

⁹¹ NLW GS 4/829/4.11 (1805).

⁹² NLW GS 4/392/9.1 (1810).

⁹³ NLW GS 4/46/2.23 (1736).

⁹⁴ NLW GS 4/47/6.20 (1742).

⁹⁵ NLW GS 4/635/6.20 (1819).

⁹⁶ NLW GS 4/178/2.23 (1734).

⁹⁷ NLW GS 4/623/3.27 (1774).

3.5. Suspect narratives

The stories told by witnesses and suspects can often ‘obscure as much as they reveal’, and it is clear that both narrator and scribe had their own narrative agenda.⁹⁸ Although such reservations must be borne in mind, the depositions and examinations provide detailed insights into potential motivations for infanticide, and into how illegitimate children were viewed by their mothers and the wider community. Given the prevalence of liberal courtship rituals and ‘trial marriages’, and high levels of illegitimacy, bastardy was more readily accepted in some Welsh communities. Illegitimacy was not automatically associated with feelings of shame or fear of the loss of reputation, and such motivations for infanticide are not immediately apparent in all testimonies. However, this is not to assume that illegitimate pregnancies were welcomed in every locality, or that all women and their families were indifferent to the legitimacy of their children.

Many still associated pregnancy with marriage. Sarah Thomas had approached Hannah Morris and wished her well. When questioning the reason for her comments, Sarah replied ‘because I think you are married or something worse is the matter with you imagining that the said Hannah was with child’.⁹⁹ Mary Owen confessed that she had been pregnant and that David Owen was the father. According to her testimony, ‘she told him that she hoped that he would perform his promise...[a]nd marry her’, but David had answered ‘perhaps he would’. It is possible that these remarks were fabricated, and were a deliberate attempt by Mary to downplay her role in the illegitimate pregnancy. By suggesting that David had promised marriage, their pre-marital sexual union may have been more socially acceptable. However, it is equally possible that David had proposed marriage, but was now faltering. The reservations of carrying an illegitimate child are clear from Mary’s confession. She further stated that she had prepared baby clothes, but she had ‘never shown them to her parents, nor to any of her neighbours want a suspicion might rise that she was with child’.¹⁰⁰

The social stigma also affected Mary’s family. One witness stated that ‘several times before she [had] informed William Evans that his step-daughter Mary Owen was with child and told him that all the neighbours knew it’. Another witness stated that he and several of his neighbours went to William Evans’ house and ‘informed him and his wife Jane that Mary Owen was with child’, and that ‘if she was not’ they should take

⁹⁸ Gowing, ‘Secret births and infanticide’, 89.

⁹⁹ NLW GS 4/517/6.14 (1735).

¹⁰⁰ NLW GS 4/61/1.34 (1784).

her 'to be examined by a proper person and to clear herself of the scandal that the country said of her'. Mary did not admit that shame drove her to murder her child. Instead, she claimed that her child was stillborn as a result of an earlier fall from a horse. She did, however, deny the pregnancy to witnesses who claimed that they had heard the cries of a baby, and attributed the pains of labour to 'the worms'.¹⁰¹

The importance of maintaining an unblemished reputation was deemed so essential by some women that they were prepared to take legal action against slanderers.¹⁰² In 1736, Edward Griffiths and Richard Davies accused Catherine Roberts of being pregnant, which she 'denied with imprecations and oaths that she was at all with child and that she never had any carnal knowledge of any man'. She then 'took out a purse wherein she said there was eight pounds and that she would spend the same to have them punished for defaming of her'. She and her mother also 'cursed them and all other persons that should say that...[she] was with child', and 'fearing a lawsuit' Edward and Richard 'declined any further examination'.¹⁰³ Seventy years later, the importance of reputation to some women remained. In 1806, Anne Roberts accused Elizabeth Hughes of being pregnant, which she denied, and Elizabeth's mother threatened to take her before the courts 'for scandalising her daughter'.¹⁰⁴ In both of these cases the fear of familial shame united mother and daughter against the accusers. Whether these women were prepared to act on their threats and sue for defamation remains to be seen, but the fact that they were willing to challenge the rumours and threaten legal action emphasises the strength of their feelings.

However, the association of illegitimacy with social stigma does not appear to have been universal. Ellin Morris disappeared shortly after her child was supposedly stillborn. According to her confession, she had absconded because 'she was ashamed of having a bastard child by another woman's husband'.¹⁰⁵ For Ellin, her shame was not associated with the illegitimacy of her child, but that it was conceived in an adulterous relationship. For other women, their fears were of a practical rather than moral nature. Parishioners, in particular, appear to have been more concerned with the economic impact of an illegitimate birth on the parish, than of the moral wrongs.¹⁰⁶ Sarah Lloyd

¹⁰¹ NLW GS 4/61/1.22 (1784).

¹⁰² Actual cases of slander would have been brought before the Church Courts and were not under the remit of the secular Great Sessions. For more on sexual slander, see Martin Ingram, *Church Courts, Sex and Marriage in England 1570-1640* (Cambridge: Cambridge University Press, 1994).

¹⁰³ NLW GS 4/46/2.23 (1736).

¹⁰⁴ NLW GS 4/68/3.6 (1806).

¹⁰⁵ NLW GS 4/272/1.42 (1745).

¹⁰⁶ Jackson, *New-Born Child Murder*, 15.

suspected her daughter was pregnant, but Anne Lloyd reassured her mother that ‘the parish officers need not trouble their mind about it I have nothing that will come’.¹⁰⁷ The churchwarden had also heard by ‘common fame’ that Jane Griffiths was pregnant. He ‘charged her with it and said it was in vain for her to deny it’. He also ‘told her that the parish had been at vast trouble and expense about her sister upon the like account’, and that it would cause further ‘trouble to the parish...if she would not discover and give them light in the matter...to which she replied that the parish or parishioners should be at no charge or trouble upon her account’.¹⁰⁸

In an area of relatively weak ecclesiastical control, and where illegitimacy was a seemingly familiar phenomenon, bastard children may have been regarded less as a source of shame than of expense and inconvenience.¹⁰⁹ Gillis has suggested that it was not disgraceful for a child to be born out of wedlock as long as there was a father to contribute to its upbringing, but if the father was not present then the financial burden would rest solely on the mother.¹¹⁰ Although these women may not necessarily have lost their employment as a result of their pregnancies, particularly if they had an understanding employer, the cost of raising a child on a single low wage would still have been exceptionally difficult.¹¹¹ Wages were often paid in kind, in the form of food or clothing, which would have been largely unhelpful towards the cost of raising a newborn child. Where money was paid, Welsh women earned far less than elsewhere. Women working in service in London from the mid-eighteenth to the mid-nineteenth centuries could expect to receive a wage almost double that of a rural servant.¹¹² Beyond domestic service, farmhands such as dairymaids and poultry girls received an equally low wage, in some areas just £2 a year, which was a rate far lower than was paid in English regions.¹¹³ Where the working wage was insufficient to support both mother and child, tangible fears of economic destitution, or the perceived inability to raise a child without the support of a husband, drove many women to conceal their pregnancies.¹¹⁴ Not all acted out of religious or moral desperation.

¹⁰⁷ NLW GS 4/635/6.20 (1819).

¹⁰⁸ NLW GS 4/1002/4.26 (1739).

¹⁰⁹ Wrightson, ‘Infanticide in earlier seventeenth-century England’, 17.

¹¹⁰ Gillis, *For Better, For Worse*, 128-30. It is argued that in Wales, as well as in some English counties including Yorkshire and Lincolnshire, illegitimate children were treated the same as children born in wedlock.

¹¹¹ Rublack, *The Crimes of Women*, 188-91.

¹¹² Pamela Sharpe, *Adapting to Capitalism: Working Women in the English Economy, 1700-1850* (London: Macmillan Press, 1996), 115.

¹¹³ David D. Howell, *The Rural Poor in Eighteenth-Century Wales* (Cardiff: University of Wales Press, 2000), 68, Table 4.

¹¹⁴ Kilday, *A History of Infanticide*, 161.

3.6. The discovery

With the discovery of the body of a dead child, the secret, hidden act of the birth became a collective endeavour to locate the child's mother.¹¹⁵ Immediately, all 'suspected persons' became potential murderesses and most members of the community formulated their own opinion. The location of the child was essential to identifying the suspect. All unmarried women within close proximity who had previously shown signs of pregnancy instantly became suspects. When the body of a newborn child was found in a field in Glamorganshire, the constable went to William Thomas' house, 'which was nearest to the spot where the child was...and asked for his daughter, one Amy Thomas'. Amy was examined and accused of the murder when blood was discovered on her bed-sheets.¹¹⁶ Similarly, Elizabeth William came across the 'guts or entrails...of a child newly born without a head or right arm' in her own garden when digging for potatoes. It was immediately suspected that 'Mary Morgan, a near neighbour...had committed the crime because it was understood she was newly with child', and the child was discovered 'about 100 yards' from the dwelling house of Mary Morgan's mother.¹¹⁷ Edward Edwards also retold how he witnessed a dead child lying in a field belonging to him, which 'appeared to have been murdered and to have been put there by some person or persons unknown'. The location was 'about a quarter of a mile from the abode of Elizabeth Bellis' and it had been 'commonly reported that...[she] was with child'.¹¹⁸ The physical drain of childbirth would undoubtedly render long or difficult journeys to conceal the child near-impossible. As a result, some women buried their children in shallow graves within the grounds of their house or in close proximity.¹¹⁹ Servants, in particular, had little privacy, and the practical task of concealing the child's body was difficult. To do so immediately after the birth risked leaving signs of the birth which would raise suspicion. Traces of blood or soiled clothing as the newly-delivered mother attempted to leave the area of the birth often acted as a trail which could lead the neighbours directly to her. However, failure to promptly dispose of the child also raised problems. Some women temporarily stored the children in boxes or wrapped in clothing and kept them close by.¹²⁰ The emotional impact and reminder of the harrowing

¹¹⁵ Gowing, 'Secret births and infanticide', 111.

¹¹⁶ NLW GS 4/634/5.81 (1816).

¹¹⁷ NLW GS 4/392/9.1 (1810).

¹¹⁸ NLW GS 4/58/2.31 (1774).

¹¹⁹ Gowing, 'Secret births and infanticide', 108, 110-11.

¹²⁰ NLW GS 4/373/6.44 (1730); NLW GS 4/177/1.29 (1730); NLW GS 4/611/3.23 (1736); NLW GS 4/611/6.43 (1737); NLW GS 4/60/3.10 (1782).

situation was exacerbated by the difficulty of successfully concealing the child from other members of the household.

The nature of the child's disposal was considered important in identifying possible evidence of murder. Mothers who abandoned their children in privies or cast them into wells or rivers were deemed uncivil and monstrous.¹²¹ A proper burial conveyed signs of civility and maternal care. The same was true of the appearance of the child. Depositional evidence frequently contained information regarding the state of the body and whether it had been washed and dressed. The existence of clothes was particularly significant as it showed that the mother had prepared for the birth and provided linen. It also conveyed maternal affection towards the child. Women who claimed that their labour had taken them by surprise were often forced to wrap the baby in their own clothing, usually a petticoat or apron. Elizabeth Morris confessed to her pregnancy, but admitted that she had gone into labour unexpectedly and believed that 'her distemper must have been occasioned by cold or by her labouring hard in the field the preceding day'. Her child was discovered wrapped in her petticoat.¹²² Although impromptu, this act remained symbolic. For the women who had not expected or prepared for the birth, the wrapping of the child in their own clothing showed an acknowledgement of the child's existence and created a physical bond between mother and child. Despite their inability or unwillingness to care for their infants in their life, they could still offer physical protection in the form of clothing in their death.

Conversely, the lack of clothing, or the failure to wash the child and remove the naval string, was evidence of denial or disassociation of the birth. Jane Wilkin discovered a 'newborn infant child which was naked and lying in the gutter' with its navel string attached, appearing 'about ten inches long', as if stretched.¹²³ Jane Griffiths' male child was also found 'stuffed into...[a] cheese vat undressed and unwashed'. A second witness told how it was 'crammed' into the vat, 'not having its naval string cut or any other dressings applied which are usually done to children newly born'.¹²⁴ The seemingly insensitive treatment of these children's bodies, and the failure to follow the 'normal' post-labour rituals of washing and dressing the child, was portrayed as evidence of a lack of maternal affection.

¹²¹ Walker, 'Just stories', 101.

¹²² NLW GS 4/374/5.2 (1732).

¹²³ NLW GS 4/759/3.58 (1814). Margaret Francis, the suspected mother of the child, was found guilty of concealment.

¹²⁴ NLW GS 4/1002/4.13 (1739). Jane was acquitted of the charge.

Upon discovery, the child was often returned to the suspected mother. This was no doubt to gauge the suspect's reaction and reveal signs of guilt, or to force a confession.¹²⁵ It was also a symbolic act of defiance on the part of the community, and a reassertion of the important role that members should have played in the birth of the child. What should have been a celebration of life, an act witnessed and supported by midwives and other local women, had been a secret, solitary affair. By returning the child to the mother, communal superiority was reinforced. Jenet Hopkin discovered the body of a female child in a shallow grave wrapped in a small piece of cloth. She immediately returned the child to the house of the suspect, where she washed and dressed it and presented it to the suspect, 'who taking it in her arms cried my dear little infant, the Lord knows I did no injury or hurt' and affirmed that it had been stillborn the previous night.¹²⁶

However, not all women reacted in such a way. Even when formally questioned, and despite almost irrefutable evidence presented against them, some women resolutely denied ever being pregnant. Jane Edwards was handed a male child found in a bog after suspicions had been raised that she had recently given birth. The child was washed and returned to Jane, but she 'continued to deny...being with child or delivered of any child'.¹²⁷ Five practicing midwives unanimously declared that Catherine Roberts had recently given birth, but she 'stiffly denied that she ever was with child'.¹²⁸ Elizabeth David also argued that 'she never was delivered of any child or ever was pregnant or great with child or ever had cause to be and denies her being privy to any ways concerned in the murder of the child mentioned'.¹²⁹ The women's denial of their pregnancy to society, and refusal to accept their child, even after discovery, conveys their determination to continue living the alternative reality they had embraced. Although it is possible that the children were stillborn, by concealing the pregnancy the women had made the conscious decision to deny their child's existence. After the birth, and even when presented with their child's body, they remained unable to accept its existence.

For the women who acknowledged their pregnancies, the explanations that they offered for the child's death provide a valuable insight into contemporary understandings of the pregnant body and childbirth. Only one woman pleaded guilty to

¹²⁵ Gowing, 'Secret births and infanticide', 112.

¹²⁶ NLW GS 4/611/3.1 (1736).

¹²⁷ NLW GS 4/47/6.23 (1742).

¹²⁸ NLW GS 4/46/2.25 (1736).

¹²⁹ NLW GS 4/374/6.4 (1733).

murder and her examination has not survived.¹³⁰ Ten women admitted to giving birth, but argued that the babies had been born dead. To support their claim, three offered possible reasons for the still-birth. Margaret Robert claimed that she had fallen from a horse whilst pregnant, 'which bruised her so much that she was unable to move from the place where she fell without assistance'. Three months later she 'received another fall from a horse and on the same evening was trampled by a bull and a cow'. A short while after the fall she 'felt the child coming from her which was quite dead' and was 'only skin and bones'.¹³¹ Mary Owen similarly claimed that she had fallen from a horse and 'in consequence of this fall she never afterward found her child move in her womb'.¹³² Although it was commonly understood that a fall could harm an unborn child, emotional trauma was also believed to trigger an early birth. Jane Griffiths stated that she was 'frightened by the noise of drums and guns and other...rejoicings used on the king's birthday last past which caused her to have pains from the child in her womb until she was delivered of a male child'.¹³³

The realities of the potentially disastrous consequences of giving birth alone were well-known to contemporaries. Mary Grey, a mother of nine children, and Mary Rees, a mother of six children, both declared that they could not have undergone their own labours 'without assistance'.¹³⁴ Despite the likelihood of complications at a solitary birth, Mary Morgan was the only suspect to allude to accidental death arising from the difficulties of labouring without aid. With her mother at a market, Mary was taken unexpectedly in labour and delivered of a male child. While 'raising herself', she allegedly 'put her knee upon the child'. She then 'took up the child with everything belonging to him in her arms and found him dead'.¹³⁵ Mary was acquitted of the murder, but her defence was no doubt risky. By admitting that she had caused the injuries that resulted in her child's death, accidental or not, Mary opened herself to the charge that she had intended the death. In this instance her innocence must have seemed apparent, but the riskiness of such a plea no doubt explains the lack of other similar testimonies.

The death of a child as a result of a lack of assistance in childbirth could be considered plausible by coroners if there were no other marks of violence. One surgeon

¹³⁰ NLW GS 4/735/3.11 (1733).

¹³¹ NLW GS 4/757/1.93 (1808).

¹³² NLW GS 4/61/1.34 (1784).

¹³³ NLW GS 4/1002/4.7 (1739).

¹³⁴ NLW GS 4/635/6.18 (1819).

¹³⁵ NLW GS 4/392/9.1 (1810).

commented that the child whom he examined was likely to have been born alive, but had bled to death as the naval string had been incorrectly tied ‘to stop the blood from that part’.¹³⁶ Another remarked that there were ‘no marks of violence’ on the body of a newborn male child and that ‘it might have died in the birth...[as] the naval string was not tied...[which] might have been the cause of its death’.¹³⁷ The inquisition of another female child stated that it ‘was born in its full time’ and ‘alive at its birth’, but ‘in consequence of the birth having being secreted...and no assistance of any description being afforded the said mother in her labour’, the child died from ‘negligence and want of timely assistance’.¹³⁸ Childbirth took place in a female-dominated, supporting environment where the mother was surrounded by women experienced in delivering children. The women who concealed their pregnancies and entered into labour alone were denied both physical assistance and emotional support. Unless they had given birth before, they also lacked the knowledge of how to behave in labour, and immediately following the birth. The necessary acts of physically separating the child from their body, and properly tying the umbilical cord, could be both difficult and unfamiliar to women who delivered their children alone. Some historians have assumed that all women who were suspected of infanticide were guilty of the murderous act.¹³⁹ Contemporaries, however, were aware of the difficulties of childbirth and were open to the possibility that the infants with whom they were faced had been killed accidentally.

3.7. Prosecution and sentencing

When considering jurors’ verdicts, it is necessary to differentiate between pre- and post-nineteenth century. The 1624 act, which made the concealment of the death of an illegitimate newborn child punishable by hanging, remained in place throughout the eighteenth century. All unmarried infanticide suspects *should* have been convicted under this act, but in reality this did not occur. Concealment is rarely mentioned in formal indictments or recognizances, and conviction was rare. Despite the act, jurors seem to have treated infanticide as synonymous with murder, searching for the same standards of proof.¹⁴⁰ Fifty-seven women were suspected of infanticide in the sample periods of 1730-45 and 1770-85 (Table 3.4). It is not possible to determine the verdicts

¹³⁶ NLW GS 4/632/3.22 (1807).

¹³⁷ NLW GS 4/68/3.6 (1806).

¹³⁸ NLW GS 4/759/1.99 (1813).

¹³⁹ Malcolmson has suggested that in most cases the infanticide suspects were directly responsible for the killing of their children: Malcolmson, ‘Infanticide in the eighteenth century’, 199.

¹⁴⁰ Walker, *Crime, Gender and Social Order*, 155.

for six of these women, and a further four were not prosecuted. Of the remaining 47 suspects, the grand jury returned an *ignoramus* verdict in 12 cases (25.5 percent). Thirty-four women stood before a trial jury: 29 were acquitted (85.3 percent) and only five were found guilty (14.7 percent). The punishment of one of the women is unknown, two women were pardoned and transported for life, one had her death sentence reprieved and was imprisoned, and two were hanged for their actions. Only 5.7 percent of the suspects who stood trial for infanticide in this period suffered the death penalty, all of which occurred before 1740. The low conviction rate for infanticide has also been noted in studies of early modern England. Only 20.9 percent of suspects in Surrey were found guilty by the trial jury in the period 1660-1802, and only 9 percent of the women who stood trial were hanged.¹⁴¹ On the Northern Circuit between 1720 and 1810, out of 200 infanticide suspects, six were found guilty and two were hanged.¹⁴² Similarly, out of 64 prosecutions for infanticide in Durham, Northumberland, Newcastle and Berwick, there were only seven convictions.¹⁴³

¹⁴¹ Beattie, *Crime and the Courts*, 116.

¹⁴² Jackson, *New-Born Child Murder*, 3.

¹⁴³ Morgan and Rushton, *Rogues, Thieves and the Rule of Law*, 117.

Table 3.4. *Outcomes for female defendants in infanticide cases (excluding accessories)*

		All samples	%	1730- 1745	%	1770- 1785	%	1805- 1820	%
Pleas	Guilty/submits	1	2.2%	1	4.8%	0	0.0%	0	0.0%
	Not guilty	44	97.8%	20	95.2%	9	100.0%	15	100.0%
	Unknown	45	-	15	-	12	-	18	-
	Total	90	100.0%	36	100.0%	21	100.0%	33	100.0%
Verdicts	Pleads guilty/submits	1	1.2%	1	3.1%	0	0.0%	0	0.0%
	No true bill	28	34.1%	5	15.6%	7	36.8%	16	51.6%
	Guilty of infanticide	5	6.1%	5	15.6%	0	0.0%	0	0.0%
	Guilty of concealment	9	11.0%	-	-	-	-	9	29.0%
	Not guilty	35	42.7%	19	59.4%	10	52.6%	6	19.4%
	Not prosecuted	4	4.9%	2	6.3%	2	10.5%	0	0.0%
	Unknown	8	-	4	-	2	-	2	-
	Total	90	100.0%	36	100.0%	21	100.0%	33	100.0%
Trial jury verdicts (known)	Guilty of infanticide	5	10.2%	5	20.8%	0	0.0%	0	0.0%
	Guilty of concealment	9	18.4%	-	-	-	-	9	60.0%
	Not guilty	35	71.4%	19	79.2%	10	100.0%	6	40.0%
	Total	49	100.0%	24	100.0%	10	100.0%	15	100.0%
Sentences (known)	Death	2	15.4%	2	40.0%	0	0.0%	0	0.0%
	Pardoned	3	23.1%	3	60.0%	0	0.0%	0	0.0%
	Imprisoned	8	61.5%	0	0.0%	0	0.0%	8	100.0%
	Total	13	100.0%	5	100.0%	0	0.0%	8	100.0%

The 1624 act was replaced in 1803 by a statute which made proof of murder a requirement for conviction. The statute also empowered juries to return the lesser verdict of concealment, punishable by a maximum of two years imprisonment. This altered the treatment of suspects considerably. In the period 1805-20, 33 women were suspected of infanticide (Table 3.4). The grand jury returned an *ignoramus* verdict for 51.6 percent of the suspects, over three times as many as sample one, despite the number of cases being smaller.¹⁴⁴ Fifteen women stood before a trial jury. A guilty verdict was returned in 60 percent of the cases, though these were for the lesser offence of concealment and not infanticide.¹⁴⁵ It is not possible to determine the punishment of one of the nine women, but the remaining eight were imprisoned for periods of between two months and two years.

¹⁴⁴ The verdicts are unknown in two cases. Sixteen indictments were returned as 'no true bill'.

¹⁴⁵ Nine of the 17 suspects who stood before a trial jury were found guilty of concealment.

It is possible that the low conviction rate in the earlier samples was partly due to the difficulty of successfully identifying the child's mother and potential murder suspect. Three inquest juries recorded the murderer as 'a person or persons unknown'.¹⁴⁶ As previously noted, when a dead child was found the neighbourhood immediately sought out all 'suspicious' women in the close locality. The women's breasts were commonly examined for signs of childbirth, but many midwives were unable to tell how recent the birth may have been. Jane Brown examined the breasts of Elizabeth Bellis at the request of the Justice of the Peace. She confirmed that milk was present and that she had 'the appearance' of someone who had 'lately had a child', but she could not accurately say when this may have been, commenting only that 'she believes she must have had one within a few months'.¹⁴⁷ Such imprecise evidence would not necessarily have been strong enough to link a suspect to a particular child. Where there was room for doubt, it appears that juries were quick to acquit.

The same is true for the methods of murder allegedly used. In 18 cases the cause of death is omitted, or the common legal phrase 'did make an assault' is used in the indictment. Where it is possible to determine how the infants died, it is apparent that 11 percent were drowned, 4.1 percent were abandoned and 4.1 percent were beaten.¹⁴⁸ One female child had her throat cut and a male child was discovered with several lacerations to the face.¹⁴⁹ The majority (75.3 percent) of the victims showed signs of strangulation or suffocation.¹⁵⁰ Asphyxiation required little physical exertion against the tiny bodies and enabled a greater disassociation from the act than a more overtly violent method. The act itself, unlike the spilling of blood, left little incriminating evidence and did not require the concealment of a weapon. Where marks on the neck were evident, they could potentially be attributed to the umbilical cord having wrapped around the infant's neck, or difficulties during labour. Suffocation left few physical marks, making it hard to prove whether the child had been born alive or dead.¹⁵¹ Over 40 percent of the cases involving a suspected strangulation or suffocation were thrown out by the grand jury,

¹⁴⁶ NLW GS 4/517/6.16 (1735); NLW GS 4/46/2.7 (1736); NLW GS 4/625/2.10 (1782).

¹⁴⁷ NLW GS 4/58/2.32 (1774).

¹⁴⁸ For quantitative analysis, the figure used is 72. Eight infants were drowned, three were abandoned and a further three were beaten to death.

¹⁴⁹ NLW GS 4/830/3.18 (1808); NLW GS 4/69/3.8 (1811).

¹⁵⁰ Fifty-six infants were supposedly strangled or suffocated. Francis E. Dolan, *Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700* (Ithaca: Cornell University Press, 1994), 124; Wrightson, 'Infanticide in earlier seventeenth-century England', 15; Malcolmson, 'Infanticide in the eighteenth century', 195.

¹⁵¹ One suspect was indicted for strangling and suffocating her child, but the coroner returned a verdict of stillbirth: NLW GS 4/634/5.62 (1816).

and one inquest jury could only ‘suppose’ that the child had been murdered.¹⁵² When the suspects did stand before a trial jury, the difficulty in confirming murder hindered the jury’s ability to reach a guilty verdict.¹⁵³

In contrast, Kilday has argued that Scottish women were ‘atypically brutal in the committal of infanticide’ and that ‘bloodshed was the norm, rather than the exception’.¹⁵⁴ She has shown that in only 19 percent of infanticide cases were no discernible ‘marks of violence’ discovered on the body of the victim.¹⁵⁵ If signs of violence were imperative for a guilty verdict, then the seemingly more brutal nature of infanticide in Scotland than recorded elsewhere would explain the 60 percent conviction rate for Scottish infanticidal suspects.¹⁵⁶ In the few cases recorded in the Great Sessions that resulted in a guilty verdict, the ‘marks of violence’ were indeed central to the verdict.¹⁵⁷ Anne Williams’ daughter was found in a well with a ‘bruise or wound’ on the right side of the head, ‘which was the occasion of the death’, and ‘marks of violence’ appeared on the right side of the head and face of Elinor Hadley’s child.¹⁵⁸ Jane William initially denied giving birth and refused to show her breasts to her neighbours in order to refute the claims. However, when formally questioned she confessed her pregnancy and subsequent burial of the child under a rock in her garden, but maintained that the child was stillborn. In this rare instance, the coroner’s inquisition and the testimony of a surgeon were incriminating. Both commented on ‘marks of violence on the throat and neck’, with the inquisition stating that the neck had been dislocated. The surgeon also deposed that the child’s skin had been ‘chafed off as it had been with a hand’. The child’s hand was open and the fingers were extended, implying further proof that it had lived.¹⁵⁹ Anne Williams’ punishment is unknown, but both Jane and Elinor were hanged for the crime.

In order to confirm whether a murder had been committed, witnesses and jurors searched for evidence that the child had been born alive, and was subsequently killed. Signs that the child had been delivered at full gestation increased the likelihood that the child had lived. Most witnesses who viewed the child’s body felt qualified to make such

¹⁵² NLW GS 4/634/5.62 (1816); NLW GS 4/834/4.8 (1819). Of the 56 cases of strangulation and suffocation recorded, 23 were returned as ‘no true bill’.

¹⁵³ Morgan and Rushton, *Rogues, Thieves and the Rule of Law*, 117.

¹⁵⁴ Kilday, *Women and Violent Crime*, 69.

¹⁵⁵ Kilday, *Women and Violent Crime*, 67.

¹⁵⁶ Kilday, *Women and Violent Crime*, 62.

¹⁵⁷ Walker draws the same conclusions in her study of infanticide in Cheshire: Walker, *Crime, Gender and Social Order*, 152.

¹⁵⁸ NLW GS 4/812/4.29 (1738); NLW GS 4/736/2.34 (1739).

¹⁵⁹ NLW GS 4/178/2.24 (1734).

observations. Anne Roberts declared that the child she discovered under her servant's bed was 'full grown' and 'lately born'.¹⁶⁰ Elizabeth Foulkes also believed that the male child she observed was 'newly or lately born with long hair on his head and nails full grown'.¹⁶¹ However, such observations were not reserved for women or medical practitioners. Men, often excluded from childbirth, still felt qualified to remark on the child's physical state at birth. John Davies viewed the body of a male child, and believed that he had been born 'at his full time'.¹⁶² Charles Cheetham also discovered the body of a dead child near an open well, and upon examining it he had 'no doubt of its having come to its full time'.¹⁶³ Elizer Williams examined a corpse and 'found it to be a fine full grown infant', which he had 'no doubt was born in full time', and Roger Howell claimed that the child he discovered amongst some nettles was a 'fine full grown child'.¹⁶⁴ Despite confident remarks from witnesses, the appearance of the child did not necessarily confirm a live or still birth. One woman who had 'received a great many into the world' concluded that the child she had witnessed 'looked as likely to have been born alive as dead'.¹⁶⁵

In addition to popular observations, scientific evidence and the views of medical practitioners became increasingly common throughout the eighteenth century to determine whether the child was fully developed and had been born alive. The 1730-45 sample includes only one examination of a surgeon who deposed that the child whom he had examined 'was carried to its full term...[and] that the hand of the said child was open and its fingers extended which...is a sure sign that the said child was born alive'.¹⁶⁶ But from mid-century, surgeons and medical doctors played an increasingly important role in infanticide cases. The examinations of at least six surgeons exist for the period 1770-85, increasing to approximately 20 in the period 1805-20. In addition to external observations, internal examinations, such as the 'lung test', were increasingly used to determine whether the child had breathed in air.

The importance of this medical evidence is contestable. Although not replacing the inclusion of popular observations regarding the perceived life or death of a newborn child, the increase in the number of medical testimonies suggests that they were viewed with increasing importance by the end of period. In contrast, Beattie argued that medical

¹⁶⁰ NLW GS 4/279/3.44 (1811).

¹⁶¹ NLW GS 4/1002/4.15 (1739).

¹⁶² NLW GS 4/517/6.14 (1735).

¹⁶³ NLW GS 4/68/3.7 (1806).

¹⁶⁴ NLW GS 4/759/1.28 (1813); NLW GS 4/635/6.20 (1819).

¹⁶⁵ NLW GS 4/1002/4.15 (1739).

¹⁶⁶ NLW GS 4/745/1.24 (1782).

evidence became less rather than more important in eighteenth-century infanticide cases, as it could not prove definitively that a mother had murdered her newborn child.¹⁶⁷ Scientific methods to ‘prove’ whether a child had been born alive were deemed fallible by many contemporaries. In 1774, a correspondent to *The Gentleman’s Magazine* quoted a lecturer’s opinion that although the lung test ‘may sometimes prove true, upon the whole it should be regarded no other ways than as a very uncertain and precarious proof of the fact in question’.¹⁶⁸ Another surgeon claimed that it was ‘impossible...to judge or say whether the said child was born alive or not’.¹⁶⁹ The gaol files indicate that despite the increasing use of scientific methods and testimonies of medical practitioners, ‘proof’ that the child had been born alive did not automatically result in a guilty verdict. Nevertheless, reservations regarding the accuracy of medical evidence may well have proved useful to the courts. The testimony of surgeons and midwives carried weight when it supported an acquittal, and uncertainties in medical evidence provided justification for judges and juries to return a not guilty verdict.¹⁷⁰

In infanticide cases acquittal was more common than conviction. R. Sauer has argued that the death sentence was rarely imposed because women who committed infanticide were frequently regarded as temporarily insane and not responsible for their acts.¹⁷¹ This does not appear to have been the case in Wales. Unlike the murder of older children, where the Press in particular were keen to stress mental instability, the issue of insanity as a possible motive for infanticide is only raised in one case. Joseph Roberts, a surgeon, was desired by the coroner to ‘ascertain the apparent intellectual sanity of Mary Morgan’, the presumed mother of a newly-murdered child. The surgeon recalled that ‘by her answers...she was very intelligent answering many questions’.¹⁷² A plea of insanity would entail some implicit admission of guilt, which, if unsuccessful, would lead to immediate conviction and possible execution.¹⁷³ Insanity was not bestowed upon the women by the juries either, suggesting that their sanity when supposedly committing the murderous act was not in question.

The low conviction rate has also been explained as a sign of chivalrous attitudes and sympathy on the part of the jurors for the plight of unmarried women facing the

¹⁶⁷ Beattie, *Crime and the Courts*, 119-20.

¹⁶⁸ *The Gentleman’s Magazine* (October 1774), 462-63, as cited in Jackson, *New-Born Child Murder*, 95.

¹⁶⁹ NLW GS 4/759/1.49 (1813).

¹⁷⁰ Jackson, *New-Born Child Murder*, 98.

¹⁷¹ R. Sauer, ‘Infanticide and abortion in nineteenth-century Britain’, *Population Studies*, 32 (1978), 83.

¹⁷² NLW GS 4/392/9.1 (1810).

¹⁷³ Dana Rabin, ‘Bodies of evidence, states of mind: infanticide, emotion and sensibility in eighteenth-century England’, in Mark Jackson (ed.), *Infanticide: Historical Perspectives on Child Murder and Concealment, 1550-2000* (Aldershot: Ashgate, 2002), 77.

economic and social difficulty of raising a child alone. When presented with ambiguous evidence that the child had been born alive, or had suffered violence, and due to the uncertainties in proving whether the suspect was even the child's mother, juries opted to acquit rather than resign the woman to the gallows. As a result, it has been suggested that juries were 'willing to accept faintly plausible, if far-fetched, explanations for otherwise suspicious facts'.¹⁷⁴ This is no doubt exaggerated, but unlike women who murdered older children or adults, infanticidal mothers were not considered a direct threat to society, and their plight could be viewed more sympathetically. As a guilty verdict could mean death for the suspect, the trial itself was perhaps viewed as punishment enough. The increase in convictions after 1803 supports this view. When the punishment was not death, the juries were more willing to return a guilty verdict. The large number of acquittals in the eighteenth century may have been partly due to the lack of a suitable punishment for infanticide. The 1803 Act ratified this legal failing. Punishment was desired by the jurors, but the nature of the crime did not justify the death penalty. When imprisonment became an option for the concealment of a child's death, the number of convictions increased.

It is arguable that guilty verdicts were returned in some cases in order to act as a deterrent to others.¹⁷⁵ Mr Justice Hardinge sentenced Mary Morgan to death for murdering her newborn child in Radnorshire in 1804. When delivering his sentence, he told Mary that '[h]ad you escaped, many other girls (thoughtless and light as you have been) would have been encouraged by your escape to commit your crime, with hopes of impunity; the merciful turn of your example will save them'.¹⁷⁶ This is also reflected in the locations of the guilty verdicts. In the 1730-45 sample, five guilty verdicts were returned: two were in Carmarthenshire, two in Pembrokeshire and one in Montgomeryshire. Over a quarter of the 36 recorded infanticides in this period occurred in Pembrokeshire. Carmarthenshire accounted for the second largest percentage, with 16.7 percent of the suspected infanticides in this period recorded in the area. The pattern remains the same in the 1805-20 sample. Nine guilty verdicts were reached in this period, of which 33.3 percent were in Pembrokeshire and 22.2 percent in Carmarthenshire. The largest numbers of suspected infanticides occurred in Glamorganshire, Carmarthenshire, Pembrokeshire and Caernarfonshire in this period, which collectively accounted for nearly 90 percent of the guilty verdicts. Although the

¹⁷⁴ Durston, *Victims and Viragos*, 97.

¹⁷⁵ Jackson, *New-Born Child Murder*, 46; Kilday, *A History of Infanticide*, 48.

¹⁷⁶ Nichols (ed.), *The Miscellaneous Works in Prose and Verse, of George Hardinge*, 62-63.

punishment in each of these cases was imprisonment, rather than death, a deterrent was arguably still the reason for these verdicts. In contrast, fewer than 15 infanticides occurred in either of the counties of Anglesey, Cardiganshire, or Flintshire in the 100-year period under study: none returned a guilty verdict for the crime. As reported infanticide was exceptionally rare in these areas, deterrents were not required.

3.8. Conclusion

Despite higher levels of illegitimacy, Wales did not experience a greater degree of infanticide. If there was little shame or stigma associated with children born under certain permissible circumstances, it seems unlikely that mothers would have been motivated to commit infanticide.¹⁷⁷ The profile of the ‘typical’ infanticidal mother in the early modern period also does not fit with the evidence presented in the Welsh gaol files. Not all suspects were young, naive servants acting out of shame or the fear of the loss of reputation, as historians have commonly argued for elsewhere.¹⁷⁸ Bastard children were regarded less as a social catastrophe, and more as one of expense and inconvenience, and when infanticide did occur, tangible fears of economic destitution, or the perceived inability to raise a child without the support of a husband, drove these women to conceal their pregnancies and supposedly murder their newborn children.¹⁷⁹ There were, of course, degrees of difference experienced across Wales, but not all women acted out of moral desperation.

When an illegitimate pregnancy was suspected, both men and women searched for definite signs to confirm the communal rumours. This involved physical examinations, which do not appear to have been solely conducted by women, as well as evidence of stained linen, the excessive washing of clothing, or other suspicious behaviour. With the discovery of a child’s body, communities rallied together to locate the mother and present her with the infant. Her reaction, coupled with the child’s physical appearance, was central to an infanticide prosecution. When in court, guilty verdicts for infanticide were rare, but the periods before and after 1803 should be considered separately. The methods of murder implemented by Welsh women, the contestable medical evidence, and the difficulty in correctly identifying the suspect, made proof difficult to locate and evidence of guilt hard to come by. It is also possible

¹⁷⁷ Muir, ‘Illegitimacy in eighteenth-century Wales’, 387.

¹⁷⁸ Mark Jackson, *New-Born Child Murder*, 4; Malcolmson, ‘Infanticide in the eighteenth century’, 203; Francus, ‘Monstrous mothers’, 142-43.

¹⁷⁹ Wrightson, ‘Infanticide in earlier seventeenth-century England’, 17.

that prosecution alone was considered punishment enough. A prosecution for infanticide could shame a woman and her family sufficiently for the woman to leave or be sent away after she was acquitted, thus ridding the parish of one unwanted character and deterring others from offending in the same way.¹⁸⁰ When conviction did occur, it was in counties which had increased numbers of suspected newborn child murders. In such instances the conviction of one unmarried woman could serve as a stark reminder that such ‘unnatural’ female behaviour would not be tolerated.

¹⁸⁰ Jackson, *New-Born Child Murder*, 46-47.

Chapter Four

‘Beat, wound and ill-treat’: non-fatal violence

4.1. Introduction

Georgian Wales has been viewed as a ‘violent, unsqueamish, brutal society easily given to lawlessness and physical affray’.¹ Russell Davies has argued that ‘men and women alike turned naturally to assaulting those who in any way offended them’, while Lawrence Stone declared that Welsh culture was characterised by frequent incidents of ‘casual violence’.² This view was also held by some contemporaries. One ballad entitled *The Welch Wedding betwixt Ap-Shinkin and Shinny* claimed that following the exchange of marital vows, members of the bridal party quickly ‘fell to fighting, both swearing and tearing, not one in the company did stand out’.³ At market days and fairs it was considered a ‘praise-worthy custom’ to injure another individual, while sports such as cock-fighting and bull-baiting were indulged in by members of all social groups, including the gentry and clergy, and supposedly involved far greater barbarity in Wales than those held elsewhere.⁴ In 1775 the Reverend S. Pegge noted that ‘thirty-one cocks are sure to be most inhumanly murdered for the sport and pleasure’, resulting in a great deal of ‘noise and nonsense’ and ‘profane cursing and swearing’.⁵

Richard W. Ireland has remarked upon the existence of a dichotomous portrayal of Welsh society. According to Ireland, the Welsh were simultaneously praised for the frequent presentation of a pair of white gloves on a ‘maiden’ assize, while also considered ‘poetically and axiomatically, both Welshman and thief’.⁶ These views are also in contrast to those disseminated for the later nineteenth century, whereby Wales was believed to possess ‘a reputation...for being the least criminal and most orderly part

¹ D. W. Howell, *The Rural Poor in Eighteenth-Century Wales* (Cardiff: University of Wales Press, 2000), 178.

² Russell Davies, *Hope and Heartbreak: A Social History of Wales and the Welsh, 1776-1871* (Cardiff: University of Wales Press, 2005), 236-38; Lawrence Stone, ‘Kinship and forced marriage in early eighteenth-century Wales’, *Welsh History Review*, 17 (1995), 363.

³ *The Welch Wedding Betwixt Ap-Shinkin and Shinny. With all the Mad Merriment which was performed on the Wedding-Day* (London, c.1671-1702).

⁴ Howell, *The Rural Poor*, 141; John H. Davies (ed.), *The Letters of Lewis, Richard, William and John Morris of Anglesey* (Aberystwyth, 1907), i, 370, as cited in Michael Roberts, “‘More prone to be idle and riotous than the English’? Attitudes to male behaviour in early modern Wales”, in Michael Roberts and Simone Clarke (eds.), *Women and Gender in Early Modern Wales* (Cardiff: University of Wales Press, 2000), 278.

⁵ The Reverend Pegge, ‘A memoir on cock-fighting’, *Archaeologia*, iii, as cited in Howell, *The Rural Poor*, 142.

⁶ Richard W. Ireland, “‘A second Ireland?’ Crime and popular culture in nineteenth-century Wales”, in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Cullompton: Willan, 2008), 241.

of the British Isles'.⁷ One education commissioner remarked that the Welsh were 'peculiarly exempt from the guilt of great crimes' and that there were 'few districts in Europe where murders, burglaries, personal violence, rapes, forgeries, or any felonies on a large scale...[were] so rare'.⁸ Mr Justice Hardinge similarly commented at one session that the blank Calendar of Prisoners with which he was presented, 'conveys in it a very high compliment (and where no flattery can dishonour it) in the good order of the publick'.⁹ The accuracy of such contrasting depictions is debateable, and will be addressed below in relation to female criminality.

The crimes of murder, manslaughter, and infanticide have already been considered in this study. This chapter explores one final aspect of violence: that of non-fatal assault.¹⁰ It begins with an assessment of recent historiography, before moving to provide a detailed analysis of the types of women prosecuted, including their marital position, social standing and geographical location. The crimes of assault, riot and assault, and the aggravated form of assault on an official, are considered together for quantitative analysis, but discussed separately where appropriate. Cases of marital violence do not appear in the gaol files, but a brief discussion of communal attitudes to domestic discord is offered.¹¹ Unlike cases of homicide, surviving examinations and depositions are scarce, and the majority of indictments exist without supporting documentation. Where they exist, they are used to provide an insight into possible motivating factors for women's involvement in both verbal and physical assault, as well as a consideration of the meanings of such actions. This chapter ends with an analysis of the changing patterns of prosecution and sentencing throughout the 100 year period under study.

⁷ David J. V. Jones, *Crime in Nineteenth-Century Wales* (Cardiff: University of Wales Press, 1992), 1.

⁸ *Reports of the Commissioners of Inquiry into the State of Education in Wales, Part Two: Brecknock, Cardigan, Radnor and Monmouth* (London: 1847), 56-57.

⁹ J. Nichols (ed.), *The Miscellaneous Works in Prose and Verse, of George Hardinge, Esq. Senior Justice of the Counties of Brecon, Glamorgan and Radnor, Volume I* (London: J. Nichols, Son and Bentley, 1818), 1. The date of this charge is unknown, but the editor believes that it relates to an early period of the French Revolution.

¹⁰ For the purpose of this chapter, the term 'assault' is used to refer to the existence, perceived or actual, of physical violence. In the case of threats, or spoken attacks, then the violence is clearly defined as being verbal.

¹¹ Marital violence was rarely formally prosecuted, the reasons for which will be considered in more detail below.

4.2. Definitions of assault and an assessment of the historiography

With its ambiguous status as both a public and private offence, assault could be heard at Quarter Sessions and Great Sessions courts, as well as at summary level.¹² An ‘assault’ was defined as ‘an attempt or offer to beat another, without touching him...in a threatening manner...amounting considerably higher than bare threats...though no actual suffering is proved’. Actual physical violence, and the ‘unlawful beating of another’, was considered ‘battery’.¹³ It is often impossible to determine from the records whether contact occurred between parties. Indictments frequently refer to both assault and battery, or state that the accused ‘did make an assault...did beat, wound and ill-treat’ thereby implying that physical contact had occurred, despite the absence of the term ‘battery’. Cases of assault could therefore involve varying degrees of physical violence, or verbal abuse, and the repetitive language of indictments offers frustratingly little insight into the severity of the offence.¹⁴ Unlike homicide, where the outcome is unquestionable, assault cases are difficult to extrapolate. Furthermore, the charge of ‘riot’ was used when three or more individuals committed an ‘unlawful act of violence, either with or without a common cause or quarrel’.¹⁵ Although the term ‘riot’ may imply the gathering of substantial numbers of people, the law required the violent act to be committed by just three individuals. As a result, in many cases of ‘riot and assault’ the emphasis was on the act of assault, rather than the supposed riot.

Until recently, non-fatal violence received little consideration by historians.¹⁶ Despite its comparative rarity, scholars wishing to analyse the degree of violence in past societies opted instead to study homicide, a supposedly more accurate indicator.¹⁷ The study of assault, it has been argued, ‘can tell us little of the nature or levels of

¹² For a study of the prosecution of interpersonal violence in the London summary courts during the eighteenth century, see Drew D. Gray, *Crime, Prosecution and Social Relations: The Summary Courts of the City of London in the Eighteenth Century* (Hampshire: Palgrave Macmillan, 2009), ch. 5.

¹³ William Blackstone, *Commentaries on the Laws of England* (Oxford, 1763), Vol. III, 120.

¹⁴ Peter King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge: Cambridge University Press, 2006), 229.

¹⁵ William Blackstone, *Commentaries on the Laws of England* (Oxford, 1769), Vol. IV, 146-47.

¹⁶ For a recent collection of essays on the history of violent crime, law and popular culture in Europe between 1500 and 1900, see Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Cullompton: Willan, 2008). For the changing ways in which the courts punished interpersonal violence, see Peter King, *Crime and Law*, ch. 7. See also Robert B. Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London: Hambledon and London, 2004), ch. 6.

¹⁷ See, for example, Lawrence Stone, ‘Interpersonal violence in English society, 1300-1980’, *Past and Present*, 101 (1983), 22-33; J. A. Sharpe, ‘The history of violence in England: some observations’, *Past and Present*, 108 (1985), 206-24; J. S. Cockburn, ‘Patterns of violence in English society: homicide in Kent, 1560-1985’, *Past and Present*, 130 (1991), 70-106; J. M. Beattie, *Crime and the Courts in England, 1660-1800* (Oxford: Oxford University Press, 1986), 76; T. R. Gurr, ‘Historical trends in violent crime: a critical review of the evidence’, *Crime and Justice*, 3 (1981), 295-393.

violence'.¹⁸ Early histories of crime downplayed the role of women's non-fatal violence, either dismissing it almost entirely on account of its perceived triviality or the low rates of prosecution, or emphasising the verbal, rather than physical, nature of the attacks.¹⁹ However, as for several other areas of women's history, the mid-1990s marked a decisive turning point.²⁰ Women's violence is now understood to have been potentially 'wild, passionate and even life threatening', in direct contrast to prominent ideologies emphasising the importance of their weak and passive nature.²¹ It has been shown that women displayed distinctly gendered methods of violence, and although less common, female violence could be more vicious than that committed by men.²² Whereas male violence could be expected and appropriately dealt with, female violence was distinctly unfeminine and contemporary society lacked an acceptable form of combat to contain it.²³

Although some headway has been made in the study of non-fatal assault in England, there have been few studies of the crime for elsewhere in the Britain.²⁴ In one of the only studies of the crime in Scotland, it has been argued that Scottish women were exceptionally violent, and that the severity of their violence was responsible for the comparatively low number of women prosecuted for violent attacks in the lower courts, in contrast to the higher courts.²⁵ For Wales, assault has mostly been considered within general studies of criminality or subsumed into wider discussions of

¹⁸ Neal Garnham, 'How violent was eighteenth-century Ireland?', *Irish Historical Studies*, 30 (1997), 382.

¹⁹ See, for example, J. M. Beattie, 'The criminality of women in eighteenth-century England', *Journal of Social History*, 8 (1975), 80-116; J. A. Sharpe, *Crime in Early Modern England*, 1st edn. (London: Longman, 1984); Carol Z. Wiener, 'Sex roles and crime in late Elizabethan Hertfordshire', *Journal of Social History*, 8 (1975), 38-60. However, as late as 2001, some scholars still maintained that 'One of the few weapons that women could use in their struggle with patriarchal domination was their tongues': A. Lynn Martin, *Alcohol, Sex, and Gender in Late Medieval and Early Modern Europe* (Hampshire: Palgrave, 2001), 100.

²⁰ Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003), chs. 2-3; Karen Jones, *Gender and Petty Crime in Late Medieval England: The Local Courts in Kent, 1460-1560* (Woodbridge: Boydell Press, 2006).

²¹ Elizabeth Foyster, *Marital Violence: An English Family History, 1660-1857* (Cambridge: Cambridge University Press, 2005), 104.

²² Jennine Hurl-Eamon, *Gender and Petty Violence in London, 1680-1720* (Columbus: The Ohio State University Press, 2005), ch. 5.

²³ Shoemaker, *The London Mob*, 168-69.

²⁴ For Ireland, see Garnham, 'How violent was eighteenth-century Ireland?', 377-92, and Carolyn A. Conley, 'No pedestals: women and violence in late nineteenth-century Ireland', *Journal of Social History*, 28 (1995), 801-18.

²⁵ NLW GS 4/826/3.42 (1796).

²⁶ Anne-Marie Kilday, *Women and Violent Crime in Enlightenment Scotland* (Woodbridge: Boydell Press, 2007), ch. 5.

interpersonal violence.²⁶ With the exception of a recent contribution by Sharon Howard, the studies are almost entirely male-dominated, and offer little reflection on issues of gender.²⁷ This present study contributes to our understanding of both non-fatal violence committed by women, and violent crime more generally, in eighteenth- and early nineteenth-century Wales.

4.3. Patterns of prosecution and modernisation assumptions

It is unlikely that the number of recorded indictments for assault accurately reflects the true level of non-fatal violence. With the onus on the victim to prosecute, it is doubtful that minor or isolated incidents would have been reported.²⁸ In the eighteenth century, legal costs ranged from £1-£10 and averaged £2-£3, with this increasing to £10-£20 by the nineteenth century. The expense of prosecution would undoubtedly have acted as a hindrance.²⁹ One prosecutor complained that he had been ‘at great expense in attending with his witnesses at several Great Sessions and Quarter Sessions’ to prosecute for a violent assault.³⁰ To avoid such costs, both prosecutors and defendants often opted to settle their disputes informally, outside of court.³¹ A defendant, Patrick Edwards, claimed that he and his wife had pleaded with Henry Davies, whom they had assaulted, to ‘make up and compromise the matter of the said indictment’ as they were ‘willing to come to any reasonable terms with...[him]’, but Henry Davies ‘refused to tell this deponent upon what terms he would compromise’.³² The prosecutor, however, counter-argued that he was ‘always willing to make up matters and offered so to do provided he should be paid his cost...which the said Patrick altogether refused and still refuses’.³³ Indeed, it seems that some cases only reached the courts if one, or both, of the parties had refused to settle their differences informally.³⁴

²⁶ See, for example, Jones, *Crime in Nineteenth-Century Wales*, ch. 3; Davies, *Hope and Heartbreak*, ch. 4; Melvin Humphreys, *The Crisis of Community: Montgomeryshire, 1680-1815* (Cardiff: Cardiff University Press, 1996); Howell, *The Rural Poor*, ch. 10.

²⁷ Sharon Howard, *Law and Disorder in Early Modern Wales: Crime and Authority in the Denbighshire Courts, 1660-1730* (Cardiff: Cardiff University Press, 2008).

²⁸ Greg T. Smith, ‘Violent crime and the public weal in England, 1700-1900’, in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Cullompton: Willan, 2008), 192, 201.

²⁹ Humphreys, *The Crisis of Community*, 222; Jones, *Crime in Nineteenth Century Wales*, 24; King, *Crime and Law*, 230; Kilday, *Women and Violent Crime*, 88.

³⁰ NLW GS 4/1001/4.13 (1734).

³¹ Jones, *Crime in Nineteenth-Century Wales*, 6-7. D. J. Williams stated that for some, the Chapel could operate as a forum for arbitration: D. J. Williams, *Hen Dy Ffarm*, translated by Waldo Williams as *The Old Farmhouse* (Carmathen: Golden Grove, 1987), 84, as cited in Ireland, “‘A second Ireland?’”, 246.

³² NLW GS 4/50/7.15 (1751).

³³ NLW GS 4/50/7.17 (1751).

³⁴ Robert B. Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c.1660-1725* (Cambridge: Cambridge University Press, 1991), 94.

Prosecution, particularly at the higher courts, affected the defendant both financially and socially, and was often sought out of a desire for revenge, as well as justice.³⁵ David Griffith, the husband of a woman accused of assault, complained that he had offered to pay the victim compensation, but his pleas were refused. He stated that he was ‘very poor’ and was ‘desirous of compromising the matter without going to the expense of trying a traverse’. The prosecutor and her family, intending ‘to harass and oppress’ him, ‘refused to compromise’ unless he would pay compensation to the mother of the prosecutor. David was unable to pay, as he was a ‘poor, labouring man and not worth ten pounds in the world’.³⁶ He had, however, offered to ‘willingly make a pecuniary compensation...in order to get rid of this business’.³⁷ Defendants rarely denied committing assault, but in their defence many argued that they had attempted to rectify the situation by offering payment to the victim. David’s offer of compensation was considered insufficient. By emphasising the victim’s refusal to accept payment, defendants attempted to portray prosecutors as uncooperative, and themselves as the wronged party.

Financial burden and the fear of social ostracism for those who did report the crime undoubtedly affected the number of recorded assaults. However, the figures may also be artificially inflated. Some individuals counter-alleged violence against the prosecutor, leading to multiple indictments for the same assault.³⁸ Ann Parry and Elinor Richards accused each other of being responsible for the same act of violence, as did Damaris Morris and Dorothy Lloyd, Elizabeth Lewis and Mary Thomas, and Esther Mountford and Esther Griffiths.³⁹ It appears that only Damaris Morris was successfully prosecuted and subsequently fined for her assault, though it is likely that this was because she submitted to the charge. The prosecution was either dropped, or returned *ignoramus*, in the other cases, emphasising the difficulty in successfully identifying the guilty party in such situations.

Over 6,000 men and women were indicted for assault (including riotous assault, and assault on an official), and recorded in the Great Sessions gaol files for the period

³⁵ Walker, *Crime, Gender and Social Order*, 223.

³⁶ NLW GS 4/822/5.14 (1784).

³⁷ NLW GS 4/822/5.14 (1784).

³⁸ Cases of this nature have also been recorded elsewhere. See, for example, Garnham, ‘How violent was eighteenth-century Ireland?’, 382; Julius R. Ruff, ‘Popular violence and its prosecution in seventeenth and eighteenth-century France’, in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Cullompton: Willan, 2008), 42; Walker, *Crime, Gender and Social Order*, 106.

³⁹ NLW GS 4/889/6.3-4 (1730); NLW GS 4/818/6.11-12 (1770); NLW GS 4/740/2.4, 10 (1771); NLW GS 4/529/2.12-13 (1785).

1730-1830.⁴⁰ The substantial volume of cases necessitated the use of sampling for quantitative analysis. As in the previous chapter, the years 1730-45, 1770-85, and 1805-20 were chosen for this purpose, resulting in a sample of approximately 3600 individuals. Just over 12 percent were female (Table 4.1). This figure is broadly comparable to that recorded in eighteenth- and early nineteenth-century Cornwall and seventeenth-century Essex, where women comprised 10.7 percent and eight percent of assault suspects respectively.⁴¹ It is slightly lower than the 19.1 percent recorded in eighteenth-century Surrey, and 19.2 percent in seventeenth-century Cheshire, though direct comparisons in this instance are largely unhelpful as many studies also include figures from the lower courts.⁴²

Table 4.1. *Number of defendants indicted for assault*

	All samples	%	1730- 1745	%	1770- 1785	%	1805- 1820	%
Female	451	12.5%	242	12.4%	147	12.9%	62	12.1%
Male	3149	87.5%	1706	87.6%	991	87.1%	452	87.9%
Total	3600	100.0%	1948	100.0%	1138	100.0%	514	100.0%

The low incidence of female violence, in comparison with that of men, has been attributed to both biological differences and conventional societal roles. It has been argued that violence was deemed inappropriate for women, whereas men were trained in the use of weaponry and would have utilised them more easily.⁴³ Men were supposedly ‘conditioned to violence’ and the use of such in situations where their gender roles and masculinity was challenged.⁴⁴ Emphasis has also been placed on women’s dependant position on the male head of the family to settle their grievances,

⁴⁰ Using the ‘Crime and Punishment’ database, this number was reached by searching for “Offences: further details (free text): “assault”, for the periods 1730-45, 1770-85 and 1805-20.

⁴¹ King, *Crime and Law*, 261, 237; J. A. Sharpe, *Crime in Seventeenth-Century: A County Study* (Cambridge: Cambridge University Press, 1983), 118, Table 10. For a useful comparison of the proportion of medieval and early modern Englishwomen prosecuted for assault in several Quarter Sessions and manorial courts, see Jones, *Gender and Petty Crime*, 64, Table 10. The statistics collated by Jones confirm that women always comprised less than 20 percent of the total accused for assault. It is difficult, however, to draw direct comparisons in the figures recorded as scholars have tended to use the records of the lower courts either solely or alongside the higher courts.

⁴² Beattie, ‘The criminality of women’, 85, Table 2; Walker, *Crime, Gender and Social Order*, 25, Table 2.1.

⁴³ James Buchanan Given, *Society and Homicide in Thirteenth-Century England* (California: Stanford University Press, 1977), 141-42; Smith, ‘Violent crime and the public weal’, 191; Robert Shoemaker, ‘Male honour and the decline of public violence in eighteenth-century London’, *Social History*, 26 (2001), 200.

⁴⁴ Smith, ‘Violent crime and the public weal’, 191.

thereby assuming that men would fight on women's behalves should the need arise.⁴⁵ For others, the 'nurture' theory has been utilised to suggest that women were raised to be gentle, caring, and nurturing, and that signs of female aggression were constrained in a largely male-dominated society.⁴⁶ This theory continues to be used by modern sociologists in their studies of crime and gender. According to Darrell Steffensmeier and Emilie Allan, 'an apparent greater inherent readiness of women to learn parenting and nurturing predispose women toward an "ethic of care" that restrains [them] from violence and other criminal behaviour injurious to others'.⁴⁷

Although both 'nature' and 'nurture' may have influenced levels of female violence, neither can be easily or directly applied to early modern society. As more recent scholars have argued, the predominantly agricultural landscape and subsistence economy in England and Wales weakened the gendered division of labour amongst the middling and lower orders, and both men and women would have undertaken strenuous physical work and interchangeable roles in order to contribute to the household economy.⁴⁸ One contemporary traveller through Wales commented:

As for the difference of sex, it would hardly be perceived if it was not for the criterion of breeches, for labour seems equally divided between men and women, and it's as common to meet a female driving the plough, as to see Taffy seated at the milk pail.⁴⁹

Additionally, Richard Jones, writing of his childhood in Denbighshire at the end of the eighteenth century, recalled a conversation between his mother and father. When faced with starvation during a disastrous harvest, his mother agreed to 'see to food' and 'make the butter' for the family, if her husband, 'in addition to looking after the horse, the cattle and pigs', would 'do the churning, wash-up, make the beds and clean the house'. Richard's father therefore 'did the housework in addition to the work on the farm' and his mother kept them 'alive until the next harvest'.⁵⁰

⁴⁵ Carol Z. Wiener, 'Sex roles and crime in late Elizabethan Hertfordshire', *Journal of Social History*, 8 (1975), 46; Kilday, *Women and Violent Crime*, 81; Bernard Capp, *When Gossips Meet: Women, Family and Neighbourhood in Early Modern England* (Oxford: Oxford University Press, 2003), 223.

⁴⁶ Barbara A. Hanawalt, *Crime and Conflict in English Communities, 1300-1348* (Cambridge: Harvard University Press, 1979), 116.

⁴⁷ Darrell Steffensmeier and Emilie Allan, 'Gender and crime: toward a gendered theory of female offending', *Annual Review of Sociology*, 22 (1996), 476.

⁴⁸ Bridget Hill, *Women, Work and Sexual Politics in Eighteenth-Century England* (Oxford: Basil Blackwell, 1989), 35-36.

⁴⁹ E. D. Clarke, *Tour through the South of England, Wales and parts of Ireland, Made during the Summer of 1791* (1793), 216, as cited in Lesley Davidson, 'Spinsters were doing it for themselves: independence and the single woman in early eighteenth-century rural Wales', in Michael Roberts and Simone Clarke (eds.), *Women and Gender in Early Modern Wales* (Cardiff: University of Wales Press, 2000), 196.

⁵⁰ Hill, *Women, Work and Sexual Politics*, 121.

A chronological assessment of the recorded assault cases indicates that the number of female suspects was not split equally amongst the three sample periods; rather, the figure decreased throughout the 100 years (Table 4.2). Fifty-three percent of the suspects were indicted between 1730 and 1745, with only 13.7 percent prosecuted in the period 1805-20. Welsh women were committing (or were being prosecuted for) fewer acts of non-fatal violence in the early nineteenth century than they were previously. This trend is not distinct to female violence, as Table 4.2 shows, and the number of male suspects decreased at an almost equal rate. It is also not unique to Wales, and as such has received extensive historiographical consideration.⁵¹

The early modern period has been characterised by some as one filled with brutality and an apparent disregard for physical wellbeing.⁵² The use of state-sponsored corporal punishment, quasi-official acts of community retribution, and amongst the higher orders, the use of the duel to settle disputes of honour, have all been viewed as evidence of a violent society.⁵³ For many, the eighteenth century represented a turning point in attitudes towards violence.⁵⁴ Scholars emphasised the decline in prosecution rates for homicide and other violent offences in this period, coupled with a move away from the use of the death penalty and physical punishment, and a growing abhorrence for violent sports.⁵⁵ These changing attitudes were also supposedly implemented within the household, as patriarchs increasingly avoided the use of physical correction for unruly inferiors, signalling a move towards 'affective individualism' as a result of the 'civilising process'.⁵⁶

⁵¹ For studies of declining levels of violence, see Sharpe, 'The history of violence', 206-15; Stone, 'Interpersonal violence', 22-33.

⁵² Lawrence Stone, *The Family, Sex and Marriage in England, 1500-1800*, abridged edn. (London: Penguin Books, 1990), 76-78.

⁵³ Beattie, *Crime and the Courts*, 132-39. For the changing nature of, and attitudes to, violent sports, see R. Malcolmson, *Popular Recreations in English Society, 1700-1850* (Cambridge: Cambridge University Press, 1793). For a study of the changing nature of punishment, see D. Garland, *Punishment and Modern Society: A Study in Social Theory* (Oxford: Oxford University Press, 1990).

⁵⁴ Smith has argued that changes in attitudes towards violence in English society were evident from the late eighteenth and early nineteenth centuries, but that this 'transformation' continued into the twentieth century and was thus 'less an event than a very long process': Smith, 'Violent crime and the public weal', 191.

⁵⁵ Beattie, *Crime and the Courts*, 135-39.

⁵⁶ Stone, *The Family, Sex and Marriage*, ch. 6; N. Elias, *The Civilising Process: Sociogenetic and Psychogenetic Investigations*, rev. edn. (Oxford: Blackwell, 2000). For a more recent consideration of the 'civilising process', including a useful critique, see David Nash, 'Blasphemy and the anti-civilising process', in Katherine D. Watson (ed.), *Assaulting the Past: Violence in Historical Context* (Newcastle: Cambridge Scholars Publishing, 2007), 58-76, and J. Carter Wood, *Violence and Crime in Nineteenth Century England: The Shadow of our Refinement* (London: Routledge, 2004), esp. chs. 1-2.

Table 4.2. *Number of defendants indicted for assault in the sample periods (as a percentage of the total)*

	Female assault suspects		Male assault suspects	
	No.	%	No.	%
1730-45	242	53.7%	1706	54.2%
1770-85	147	32.6%	991	31.5%
1805-20	62	13.7%	452	14.4%
Total	451	100.0%	3149	100.0%

Many theories regarding the supposed decline in levels of violence from the early modern period are shaped by modernisation assumptions.⁵⁷ The focus is mainly on homicide figures, with broad generalisations being made regarding the nature and extent of all types of violence in society. It has also been implied that early modern society moved in a linear motion from a traditional, archaic society typified by brutality, to a modern one characterised by a hatred of violence and aggressive behaviour. The eighteenth century has thus been viewed as a ‘bridge’ between a pre-modern and modern society, with a decline in patterns of prosecutions for violent crime used as evidence of inevitable modernisation.⁵⁸

Such theories are problematic. Although the records do indicate a reduction in levels of assault, the trends may equally reflect declining or shifting prosecution levels, or indicate changing strategies of victims, or the authorities, in response to variations in the frequency of interpersonal violence.⁵⁹ It may also reflect a change in the mode of prosecution, signalling an increasing preference for the lower, rather than higher, courts. J. S. Cockburn has also argued for continuity rather than change, showing that levels of corporal punishment were actually higher in the eighteenth century than the early modern period.⁶⁰ There is no doubt that several important changes occurred in the ways in which violent crimes were committed and reported in the period under study, but these changes occurred at different rates and times in different locations. Declining levels of recorded violent crime should therefore be viewed with caution, and outside of a modernisation framework.

⁵⁷ For a discussion of the ‘modernisation’ of crime in England, see J. A. Sharpe, ‘Crime in England: long-term trends and the problem of modernization’, in Eric A. Johnson and Eric H. Monkkenon (eds.), *The Civilization of Crime: Violence in Town and Country since the Middle Ages* (Urbana and Chicago: University of Illinois Press, 1996), 17-34.

⁵⁸ Garthine Walker, ‘Modernisation’, in Garthine Walker (ed.), *Writing Early Modern History* (Oxford: Hodder Arnold, 2005), 25-48.

⁵⁹ King, *Crime and Law*, 230.

⁶⁰ J. Cockburn, ‘Punishment and brutalization in the English Enlightenment’, *Law and History Review*, 12 (1994), 155-79.

4.4. The 'typical' female offender

The majority of female suspects indicted for assault were married (Table 4.3), confirming that women did not always expect their husbands to engage in violence on their behalf.⁶¹ This contradicts Bernard Capp's argument that spinsters were more likely to commit acts of violence as they lacked a husband to deter them.⁶² The predominance of married women as defendants has been seen to indicate the extent to which domestic duties and family interests influenced patterns of female violence.⁶³ Both practical circumstances and household ideology dictated that married women should protect their households, either with or without their husband's participation.⁶⁴ But if women acted in this way solely out of defence of their husbands and households, or out of fear of the loss of a male breadwinner, then the percentage of married women amongst the suspects should have been far higher. Without a husband or children to defend, unmarried women would seemingly have little incentive to commit assault. As singlewomen still comprised over one-quarter of the suspects, this should not be viewed as the only motivation, or a motivating factor unique to married women. As will be shown, familial obligations undoubtedly influenced certain cases of female violence, but this applied to both married and unmarried women.

The predominance of married women as assault suspects decreased by the end of the period, and the number of unmarried women increased significantly. In the period 1730-45, singlewomen made up just over one quarter of the suspects, but by 1805-20 they comprised over 50 percent. In contrast, the percentage of married female suspects had declined to 36.1 percent by sample three from 66.7 percent in sample two. The percentage of widows remained fairly steady throughout the period, fluctuating between 13 and 10.4 percent. Given that approximately 30.2 percent of the adult female population between 1574 and 1821 were singlewomen, 14.9 percent were widows, and 54.9 were married, singlewomen were overrepresented, and married women underrepresented, in the final sample.⁶⁵

⁶¹ Beattie, 'The criminality of women', 87; Walker, *Crime, Gender and Social Order*, 76.

⁶² Capp, *When Gossips Meet*, 223.

⁶³ Walker, *Crime, Gender and Social Order*, 76-77, 80; Beattie, 'Criminality of women', 88; Kilday, *Women and Violent Crime*, 102.

⁶⁴ Walker, *Crime, Gender and Social Order*, 77.

⁶⁵ Amy M. Froide's calculations based on Peter Laslett's study of a sample of 100 urban and rural communities throughout England in the period from 1574 to 1821: Amy M. Froide, *Never Married: Singlewomen in Early Modern England* (Oxford: Oxford University Press, 2005), 16. See also Peter Laslett, 'Mean household size in England since the sixteenth century', in Peter Laslett and Richard Wall (eds.), *Household and Family in Past Time* (Cambridge: Cambridge University Press, 1972), 145.

Table 4.3. *Marital status of women indicted for assault*

	All samples	%	1730- 1745	%	1770- 1785	%	1805- 1820	%
Married	259	58.3%	141	59.0%	96	66.7%	22	36.1%
Singlewoman	132	29.7%	67	28.0%	33	22.9%	32	52.5%
Widow	53	11.9%	31	13.0%	15	10.4%	7	11.5%
Unknown	7	-	3	-	3	-	1	-
Total	451	100.0%	242	100.0%	147	100.0%	62	100.0%

There is a similar decline in the percentage of married women acting alongside their husbands. In the period 1730-45, 46.1 percent of the married suspects were indicted with their spouse, with this figure decreasing to 31.8 percent by the period 1805-20 (Table 4.4). Married women commonly committed assault without their husbands, a trend which is also evident in seventeenth-century Cheshire.⁶⁶ Reasons for the increase in the percentage of singlewomen indicted, and the decrease in the number of married women acting alongside their husbands, are difficult to determine. It may be that more married women were simply being prosecuted independently by the end of the period. The figures may similarly be indicative of an increasingly independent female society, or a perceived threat of uncontrollable women acting outside of the constraints of patriarchy.⁶⁷

The degree to which patriarchy was implemented in practice, despite its emphasis in prescriptive theory, has been widely debated.⁶⁸ The notion of ‘separate

⁶⁶ Walker, *Crime, Gender and Social Order*, 76. This is at odds with Andrew Finch’s study of late medieval Cerisy, wherein he argues that married women were more likely to engage in assault in the presence of their husband than alone: Andrew Finch, ‘Women and violence in the later Middle Ages: the evidence of the officiality of Cerisy’, *Continuity and Change*, 7 (1992), 30.

⁶⁷ For a useful overview of the historiography of ‘separate spheres’, see Amanda Vickery, ‘Golden age to separate spheres? A review of the categories and chronology of English women’s history’, in Pamela Sharpe (ed.), *Women’s Work: The English Experience, 1650-1914* (London and New York: Arnold, 1998), 294-331.

⁶⁸ For a discussion of the degree to which patriarchal codes were internalised by women, and related historiography, see Garthine Walker, ‘Keeping it in the family: crime and the early modern household’, in Helen Berry and Elizabeth Foyster (eds.), *The Family in Early Modern England* (Cambridge: Cambridge University Press, 2007), 69-70. For a useful overview of early modern theoretical constructions of patriarchal order, see Amanda Flather, *Gender and Space in Early Modern England* (Woodbridge: Boydell Press, 2007), ch. 1.

spheres' of public and private life for men and women has equally been challenged.⁶⁹ Proponents of this theory argue that domestic womanhood was glorified at the expense of women's public power, and that this move into the home stemmed from industrialisation and the growing role of the male breadwinner.⁷⁰ Yet, the fact that women appear in the court records alone, or among other women, confirms that they were certainly not, as Stone stated with reference to women in the sixteenth century, simply 'aiding their menfolk'.⁷¹ The steady evidence which exists of married women acting outside of the domestic sphere and separately from their household superior, at least when committing violent crime, confirms that the impact of ideological concepts on day-to-day life was limited.

It also points to a degree of continuity, rather than change.⁷² As Amanda Flather has shown, in practice there were inconsistencies within patriarchal spatial models, and although the model of separate spheres may have influenced the working activities of men and women, practical necessity counterbalanced these demands.⁷³ Despite male moralists insisting that women should remain within the home, many married couples were required to work at different tasks in separate places and therefore spent a great deal of their days apart. Others worked side by side. Degrees of integration and separation varied by couple and location, and this continued to be the case long after the early modern period.⁷⁴ The emergence of separate spheres supposedly came about from the early nineteenth century, and was firmly rooted in society by the Victorian era. But as married women were increasingly being prosecuted without their husbands by the early nineteenth century, there is little evidence among the gaol files for such an accentuation of gender roles.

⁶⁹ For an account of the meanings of 'private' and 'public' in the eighteenth century and their relation with gender differences, see Lawrence E. Klein, 'Gender and the public/private distinction in the eighteenth century: some questions about evidence and analytic procedure', *Eighteenth-Century Studies*, 29 (1995), 97-109. For studies that have drawn attention to the 'private' aspects of the lives of men as well as women see, for example, J. Tosh, *Men at Home: Domesticity and the Victorian Middle Class* (New Haven and London: Yale University Press, 1999). Studies that reject the notion of 'separate spheres' include J. Smail, *The Origins of Middle Class Culture: Halifax, Yorkshire, 1660-1780* (Ithaca: Cornell University Press, 1994), and Margaret Hunt, *The Middling Sort: Commerce, Gender, and the Family in England, 1680-1780* (London: University of California Press, 1996).

⁷⁰ Vickery, 'Golden age to separate spheres?', 294; Alice Clark, *Working Life of Women in the Seventeenth Century* (London: Routledge and Sons, 1919).

⁷¹ Stone, *The Family, Sex and Marriage*, 141.

⁷² Robert B. Shoemaker, *Gender in English Society, 1650-1800: The Emergence of Separate Spheres?* (London: Longman, 1998), 318.

⁷³ Flather, *Gender and Space*, 174-75.

⁷⁴ Flather, *Gender and Space*, ch. 3.

Table 4.4. *Composition of groups including women indicted for assault*

		All samples	%	1730- 1745	%	1770- 1785	%	1805- 1820	%
Accomplice(s)	Indicted alone	104	23.1%	73	30.2%	25	17.0%	6	9.7%
	With accomplice	347	76.9%	169	69.8%	122	83.0%	56	90.3%
	Total	451	100.0%	242	100.0%	147	100.0%	62	100.0%
Indicted with husband	With husband	123	47.5%	65	46.1%	51	53.1%	7	31.8%
	Without husband	136	52.5%	76	53.9%	45	46.9%	15	68.2%
	Total	259	100.0%	141	100	96	100.0%	22	100.0%

Singlewomen also appear increasingly prominent as defendants. Lesley Davidson, in her article on Welsh spinsters, commented that the apparent ‘problem’ of women who never married, or who acted outside of male guidance, resulted in an increase in fearful articles and pamphlets written mainly by men ridiculing such women. Using probate records, Davidson has shown that in the eighteenth century many unmarried women were living in relative comfort as independent cottagers, farmers, and moneylenders, living ‘much as they would have done if they were married’.⁷⁵ Amy Froide has similarly tracked the change in representations of never-married women from ‘young virgins pursuing love, sex, and courtship’ during the seventeenth century, to figures of ‘scorn, contempt, and even abuse’ by the eighteenth century. These changes are attributed to the growing economic power of singlewomen from the 1690s, and the belief that the success of some unmarried women may encourage others to remain single.⁷⁶ Such apparently uncontrollable women sparked debate in contemporary literature, and the view of ‘old maids’ as figures of ridicule not to be trusted is increasingly evident in various literary and artistic mediums in this period.⁷⁷ For Cornwall, Peter King has argued that singlewomen were treated more harshly by the courts than married women, which reflected the court’s belief that young, violent, unmarried women needed strict discipline.⁷⁸ It is possible that victims of female assault, nearly three-quarters of whom were male, were responding to similar fears of unruly women by taking more of their disputes to court. The increase in the number of singlewomen indicted for assault across the period, coupled with the increase in the percentage of married women being indicted

⁷⁵ Davidson, ‘Spinsters were doing it for themselves’, 204.

⁷⁶ For the ‘social problem’ of working singlewomen in nineteenth-century London, see Sally Alexander, *Becoming a Woman and Other Essays in 19th and 20th Century Feminist History* (London: Virago Press, 1994), 3-15.

⁷⁷ Froide, *Never Married*, 175-81.

⁷⁸ King, *Crime and Law*, 263-65.

without their husbands, may suggest that women were continuing to challenge their prescriptive roles and were being punished for such.

This does not mean that most women engaged in assault alone. The majority of female suspects committed the offence with at least one accomplice, with the percentage of women acting alone decreasing from 30.2 percent in the period 1730-45 to just 9.7 percent by the period 1805-20 (Table 4.5).⁷⁹ This was not necessarily to compensate for a lack of physical strength, but was probably indicative of a common interest or motive.⁸⁰ The gender composition of the groups changes decisively from the eighteenth to the early nineteenth century. Although the majority of women were indicted for assault in groups involving both male and female suspects, by the third sample period the percentage of all-female groups had doubled in comparison to the earlier periods. In all 35 cases of assault in the late Elizabethan Hertfordshire Assizes and Quarter Sessions where women were charged with assault, at least one male accessory was present. Carol Weiner has argued that men enticed women to engage in violence, and that the cases made it to court solely because a man was involved in the act. Had the men not been present, she contends, the cases were unlikely to have been prosecuted.⁸¹ Evidence from the Great Sessions shows that this was certainly not the case. Women did not require men to settle their disputes physically, and assault cases involving solely women were clearly considered serious enough to warrant prosecution.

Table 4.5. *Size and composition of groups including women indicted for assault*

		All samples	%	1730- 1745	%	1770- 1785	%	1805- 1820	%
Size of group	Alone	104	25.9%	73	31.1%	25	21.0%	6	12.5%
	2-5	198	49.3%	120	51.1%	56	47.1%	22	45.8%
	6-9	51	12.7%	22	9.4%	20	16.8%	9	18.8%
	10-24	38	9.5%	18	7.7%	18	15.1%	2	4.2%
	25-99	2	0.5%	2	0.9%	0	0.0%	0	0.0%
	100+	9	2.2%	0	0.0%	0	0.0%	9	18.8%
	Unknown	49	-	7	-	28	-	14	-
	Total	451	100.0%	242	100.0%	147	100.0%	62	100.0%
Group composition	Female group	35	10.1%	15	8.9%	10	8.2%	10	17.9%
	Mixed sex	312	89.9%	154	91.1%	112	91.8%	46	82.1%
	Total	347	100.0%	169	100.0%	122	100.0%	56	100.0%

⁷⁹ This pattern has also been recorded in Scotland: Kilday, *Women and Violent Crime*, 94.

⁸⁰ Kilday, *Women and Violent Crime*, 94-95.

⁸¹ Carol Z. Weiner, 'Sex roles and crime in late Elizabethan Hertfordshire', *Journal of Social History*, 8 (1975), 45.

Despite the frequency with which women committed assault in groups, their violence was still only targeted at a single individual. Only 22 indictments (4.9 percent) refer to more than one victim, with over 71 percent of the victims being male. If we consider only the women who were indicted for assault alone, and not in a group, then the pattern remains the same: 58.1 percent of their victims were men. This is at odds with some studies of elsewhere. Scottish women attacked men and women in relatively equal numbers, while in Amsterdam between 1650 and 1810 women targeted their violence at each other.⁸² This 'same-sex violence' led Peter Spierenberg to emphasise the triviality of women's aggressive actions.⁸³ Although the figures from the gaol files may suggest a greater propensity for Welsh women to assault men, it is equally possible that the trend at least partially reflects gendered patterns of prosecution. Men possessed greater means to prosecute by indictment at the higher courts, and given the expense, women generally favoured binding over by recognizance.⁸⁴ Indeed, studies of assault either partly or solely within the lower courts indicate that far greater numbers of female assault victims were women.⁸⁵ Howard, in her examination of the Denbighshire Quarter Sessions and Great Sessions records, shows that nearly three-quarters of female assault victims were women.⁸⁶ Although female violence was far from trivial, or focused solely on other women, the greater likelihood of female victims to prosecute in the lower courts provides some explanation for this trend.⁸⁷

Female assault suspects came from a range of social backgrounds. The majority (44.7 percent) were from the lower-middling orders, with their husbands most commonly recorded as yeomen. A further 31.6 percent of the women were married to

⁸² Peter Spierenberg, 'How violent were women? Court cases in Amsterdam, 1650-1810', *Crime, History and Societies*, 1 (1997), 21.

⁸³ Spierenberg, 'How violent were women?', 21, 27.

⁸⁴ Walker, *Crime, Gender and Social Order*, 80.

⁸⁵ Gray, in his study of the eighteenth century London summary courts, found that few prosecutions exist for women attacking men: Gray, 'Settling their differences', 134. Hurl-Eamon has also shown that London Quarter Sessions courts displayed a tendency towards an 'endogamy of violence' as women mostly attacked women, and men mostly attacked men, but they did not cross gender lines: Jennine Hurl-Eamon and Sonya Lipsett-Rivera, 'Spiralling out of control? Female violence in eighteenth-century London and Mexico', in Katherine D. Watson, *Assaulting the Past: Violence in Historical Context* (Newcastle: Cambridge Scholars Publishing, 2007), 184. See also Hurl-Eamon, *Gender and Petty Violence*, 70.

⁸⁶ Howard's study of assault in the Denbighshire Quarter Sessions and Great Sessions courts has shown that nearly three-quarters of female assault victims were women: Howard, *Law and Disorder*, 81. Jones' study of the local courts in late medieval Kent has also revealed that only 10 out of 31 women attacked a man: Jones, *Gender and Petty Crime*, 73.

⁸⁷ According to Gray's study of the minute books of the Guildhall and Mansion House justice rooms in London, 22 percent of women charged with assault had attacked another women, whereas only 5.2 percent of women had attacked a man. This supports the view that women were more likely than men to seek justice at summary level: Gray, *Crime, Prosecution and Social Relations*, 95.

men in skilled professions, such as butchers and tailors, and 16.5 percent could be described as labourers. There is some change over time, with the percentage of suspects of freehold status decreasing, but those of skilled and labouring status increasing significantly. The low number of married women indicted in sample three makes it difficult to draw any firm conclusions regarding the changing status of the suspects, though the change may be partly reflective of the particular social upheavals of these groups during the French Wars, with which the figures coincide. Tradesmen and craftsmen were especially vulnerable to economic fluctuations, and the high taxes and prices of these years drove many into poverty.⁸⁸ Assessed taxes trebled and the new income tax came into effect in 1806. The involvement of women of this status in rioting will be discussed in the following chapter, but of 181 males appearing before the Great Sessions in Montgomeryshire and Carmarthenshire between 1792 and 1813 suspected of assault, property destruction, and rioting, some 56 were artisans.⁸⁹

The conditions of war led to the suffering of many in Welsh society, but the interruption of trade affected craftsmen greatly. Although some agricultural farmers benefitted from the war conditions, those who grew corn were obliged to sell it early and then buy bushels later at higher prices. The poverty of their neighbours therefore rebounded on them, as high rates led to high prices, leading to a general feeling of disaffection.⁹⁰ This, coupled with the increasing enclosure of land which restricted craftsmen from taking wood and other natural resources used in their trade from previously common land, resulted in a decline in living standards.⁹¹ These social tensions may be partly responsible for the violent confrontations between the families of craftsmen and their neighbours, and towards local officials, in the early nineteenth century.

⁸⁸ For more on the effects of war on levels of property crime, see Douglas Hay, 'War, dearth and theft in the eighteenth century: the record of the English courts', *Past and Present*, 95 (1982), 117-60.

⁸⁹ Howell, *The Rural Poor*, 65.

⁹⁰ David J. V. Jones, *Before Rebecca: Popular Protests in Wales, 1793-1835* (London: Allen Lane, 1973), 54.

⁹¹ The impact of enclosure in Wales will be discussed in more detail in the following chapter.

Table 4.6. *Social status of women indicted for assault*

	All samples	%	1730- 1745	%	1770- 1785	%	1805- 1820	%
Gentry	17	7.2%	14	10.5%	3	3.5%	0	0.0%
Freeholder	106	44.7%	64	48.1%	37	43.5%	5	26.3%
Craftsman/ Artisan	75	31.6%	35	26.3%	31	36.5%	9	47.4%
Labourers	39	16.5%	20	15.0%	14	16.5%	5	26.3%
Unknown	22	-	8	-	11	-	3	-
Total	259	100.0%	141	100.0%	96	100.00%	22	100.00%

It should not be assumed that all suspects were from the lower orders, as some historians have suggested.⁹² A small percentage were of gentry status, with their husbands recorded as ‘gentlemen’. This serves as a reminder that ‘there was no hard and fast distinction between the “plebeian culture” of the multitude and the “patrician society” of the well-off’.⁹³ Like cases of violence involving gentlemen and esquires, female members of the gentry also engaged in, or were indicted for, fewer acts of violence by the nineteenth century. Their presence is confined to sample one and two, with no women of this status recorded in the period 1805-20. It has been argued that by the mid-nineteenth century, violence came to be seen as largely undesirable, and as both a social as well as a moral wrong. Influenced by polite codes of manners and respectability, it was gradually assumed that physical violence ‘was such a sign of brutish, uncivilised behaviour’ that ‘only those with no regard for social mores, the rough and idle poor, would resort frequently to its practice’.⁹⁴ Similar observations have also been made for Central Europe, where it is evident that individuals from all social backgrounds in the late Middle Ages engaged in violent disputes, but by the second half of the eighteenth century the higher orders had allegedly withdrawn from such activities.⁹⁵

However, as suggested above, we should be wary about such modernising assumptions. Changing patterns of prosecution could equally offer an explanation. Indeed, by the end of the Georgian period genteel social gatherings in England and Wales became increasingly exclusive, implying that any acts of aggression that occurred

⁹² Spierenberg has suggested that female assault suspects were overwhelmingly from the lower class: Spierenberg, ‘How violent were women?’, 18.

⁹³ Humphreys, *The Crisis of Community*, 229.

⁹⁴ Foyster, *Marital Violence*, 72.

⁹⁵ Joachim Eibach, ‘The containment of violence in Central European cities, 1500-1800’, in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Cullompton: Willan, 2008), 52, 66.

within this arena were not reported.⁹⁶ A decline in the number of defendants from the higher orders could therefore equally represent a gradual move away from formal modes of prosecution for assault within this social group, as indicating changing attitudes to violence.

It is only in cases of assault against an official that gentry women are not present, though this is hardly surprising. All of the female suspects of this aggravated form of the offence were drawn from the middling orders, with the husbands of the accused most frequently described as yeomen or skilled workers. Although possible motivations for women's participation in assault are rarely illuminated, women from this social order were unlikely to be driven by the same economic incentives as those in the lower orders. It is doubtful that they, or their husbands, would have come into conflict with bailiffs or excise officials, and they did not have cause to fear the debilitating loss of a wage-earner to the household economy like married women of the lesser orders.⁹⁷

Geographically, there is some evidence for a rural dominance in the recording of cases of female assault, though as shown in previous chapters this should be interpreted with caution. Women from Radnorshire and Breconshire comprised 17.3 percent and 16.4 percent of the total number of suspects in the three sample periods (Table 4.7). Glamorganshire was one of the most densely populated counties in Wales in 1801, with a population of 70,000, but only 5.1 percent of the suspects were recorded in this area. Radnorshire, in contrast, had a population of merely 19,000 in this period, and only 25,000 some 40 years later. These figures also bear little resemblance to the locations of fatal female violence discussed in Chapter Two. Only 4.4 percent of female murder and manslaughter cases occurred in Radnorshire, with the largest number of murder suspects (14.7 percent) recorded in Cardiganshire and Glamorganshire. This suggests that the factors motivating both the committing, and prosecution, of fatal and non-fatal violent acts differed by location.

⁹⁶ Humphreys, *The Crisis of Community*, 229-30. Sharon Howard has also shown how the more affluent groups in Welsh society were growing increasingly hostile to community gatherings and festivities, where they had previously played an important role: Sharon Howard, 'Riotous community: crowds, politics and society in Wales, c. 1700-1840', *Welsh History Review*, 20 (2001), 660.

⁹⁷ For a consideration of violence against state officials in early modern London, see Hurl-Eamon, *Gender and Petty Violence*, ch. 6.

Table 4.7. *Place of prosecution of women indicted for assault*

	All samples	%	1730- 1745	%	1770- 1785	%	1805- 1820	%
Anglesey	8	1.8%	5	2.1%	3	2.0%	0	0.0%
Breconshire	74	16.4%	44	18.2%	26	17.7%	4	6.5%
Caernarfonshire	12	2.7%	11	4.5%	1	0.7%	0	0.0%
Cardiganshire	31	6.9%	8	3.3%	13	8.8%	10	16.1%
Carmarthenshire	36	8.0%	18	7.4%	10	6.8%	8	12.9%
Denbighshire	49	10.9%	30	12.4%	15	10.2%	4	6.5%
Flintshire	39	8.6%	33	13.6%	5	3.4%	1	1.6%
Glamorganshire	23	5.1%	5	2.1%	13	8.8%	5	8.1%
Merionethshire	4	0.9%	4	1.7%	0	0.0%	0	0.0%
Montgomeryshire	52	11.5%	28	11.6%	21	14.3%	3	4.8%
Pembrokeshire	45	10.0%	16	6.6%	18	12.2%	11	17.7%
Radnorshire	78	17.3%	40	16.5%	22	15.0%	16	25.8%
Total	451	100.0%	242	100.0%	147	100.0%	62	100.0%

The Reverend R. Lister Venables, a vicar and magistrate in the county of Radnorshire, stated in 1847 that ‘common assaults are frequent’ in the area, which he blamed, in part, on the ‘utterly useless’ nature of the parish constables.⁹⁸ It was also said of the communities of nineteenth-century Cardiganshire that ‘instead of condemning and punishing the constables for neglect of duty, their conduct was applauded, and the condonation of crime was well and highly appreciated by the masses’.⁹⁹ The lax attitude of local officials seems to have been particularly evident in sparsely-populated locations, and this lack of an effective deterrent may have contributed, in part, to the larger numbers of women being indicted for assault in these areas. However, this was certainly not the only factor, as the traditions of ‘direct retribution’ and ‘informal community punishment’, discussed in Chapter Two, were particularly prevalent in rural parishes, and communal rather than formal intervention was still favoured by many.¹⁰⁰

Another reason may be the unique pressures of rural life. Two basic types of settlement pattern existed in the countryside: that of scattered farmsteads linked by a network of uneven footpaths, and nucleated villages. Population densities varied between 0.84 to 3.7 families per hundred acres.¹⁰¹ Although separated by sometimes vast areas of land, the individuals who lived within the farmsteads and villages did so in close proximity. As late as the nineteenth century the cottages of Breconshire,

⁹⁸ The Reverend R. Lister Venables, as cited in *Reports of the Commissioners*, 60.

⁹⁹ Howell Evans, Chief Constable, *Cardiganshire Constabulary: A Retrospect of the Nineteenth Century relating especially to Crime and its Prevention* (Aberystwyth, 1901), 3-5, as cited in Howell, *The Rural Poor*, 209.

¹⁰⁰ Peter King, ‘Urbanisation, rising homicide rates and the geography of lethal violence in Scotland, 1800-1860’, *History*, 96 (2011), 248.

¹⁰¹ Howell, *The Rural Poor*, 13.

Cardiganshire and Radnorshire, and undoubtedly many other areas of Wales, comprised just one room for living and sleeping, often with only a large dresser and shelves to form a partition. A curtain or low board was used in some instances to separate the beds, where such separation existed.¹⁰² Unlike the mining districts and larger towns, where a degree of migration, and therefore some anonymity occurred, the countryside offered little respite for its close-knit inhabitants. It is perhaps understandable, then, that personal disputes and fracas would occur among its members.

The connection between violence and urbanisation has perhaps also been overstated, especially with regard to Wales. Although some Welsh contemporaries believed that interpersonal violence was high in rural areas due to inept law enforcement, English travellers through the country actually believed that the ‘violent passions which engendered crimes [were] invariably most prevalent in populous districts’.¹⁰³ However, despite describing the more crowded Breconshire mining areas of Beaufort and Brynmawr as ‘violent and vicious’, and characterised by ‘lawlessness’ and ‘deplorably low’ morals, one education commissioner conceded that ‘the gaols were empty’. Indeed, just 0.46 percent of the population of Breconshire in 1841 were recorded as offenders, compared to 1.05 percent of the population of the bordering agricultural region of Herefordshire.¹⁰⁴ These perceptions were not matched in the recorded instances of assault in the gaol files either, particularly those committed by women, as Table 4.7 confirms.

According to John Carter Wood, there existed by the nineteenth century a ‘discourse of urban savagery’, which acted as a ‘source of myths of urban danger’. Although the rapidly-growing towns and cities of the eighteenth and nineteenth centuries could potentially create new opportunities for violence and disorder, they could equally generate new forms of discipline and control. The differences between ‘urban’ and ‘rural’ were far from clear in Wales, at least until the final decades of the period under study, but the belief that more populous areas, such as Glamorganshire, were centres of crime arguably led those who lived there to adjust their behaviour and self-control. This increase in order came not only from the state, but in the requirement of individuals to enhance their awareness of their surroundings, which stemmed from the belief that they were at greater risk of criminal activity. The more densely-populated

¹⁰² *Reports of the Commissioners*, 56.

¹⁰³ William Bingley, *North Wales*, ii (London, 1804), 264, and Thomas Roscoe, *Wanderings and Excursions in South Wales* (London, 1854), 45, as cited in Jones, *Crime in Nineteenth Century Wales*, 39.

¹⁰⁴ *Reports of the Commissioners*, 62-63.

locations therefore both ‘contributed to and limited conflict’, and were not automatically centres of violent crime, as often assumed.¹⁰⁵

4.5. Marital violence

The high likelihood that not all cases of non-fatal assault were reported is especially true of cases of marital violence.¹⁰⁶ There are no examples of violence between a husband and wife in the sample periods, though one suspect was indicted for attempting to poison her spouse.¹⁰⁷ This is not necessarily surprising. Although studies of marital breakdown confirm that some relationships could be ‘battlegrounds for power’ where both women and men could resort to physical violence to assert dominance, victims of domestic violence were unlikely to prosecute.¹⁰⁸ Those few that sought assistance went before Justices of the Peace to gain assurances in the Petty or Quarter Sessions. Contemporary debates surrounding the right of a husband to ‘moderately correct’ his rebellious wife had evolved significantly by the eighteenth century, but it remained difficult for a woman to successfully prove her husband’s violence in court.¹⁰⁹ Similarly, male honour and respectability remained so essential that men would rarely acknowledge their wives’ aggressive behaviour.¹¹⁰ Female violence directly threatened a social order dependent on patriarchal ideals and was potentially so destructive that it

¹⁰⁵ John Carter Wood, ‘Locating violence: the spatial production and construction of physical aggression’, in Katherine D. Watson (ed.), *Assaulting the Past: Violence in Historical Context* (Newcastle: Cambridge Scholars Publishing, 2007), 22.

¹⁰⁶ There have been several important studies of marital breakdown and domestic violence from the early modern, through to the modern, period. Examples include Joanne Bailey, *Unquiet Lives: Marriage and Marriage Breakdown in England, 1660-1800* (Cambridge: Cambridge University Press, 2003); Foyster, *Marital Violence*; Margaret R. Hunt, ‘Wife beating, domesticity and women’s independence in eighteenth-century London’, *Gender and History*, 4 (1992), 10-29; Leah Leneman, ‘“A tyrant and tormentor”: violence against wives in eighteenth and nineteenth-century Scotland’, *Continuity and Change*, 12 (1997), 31-54; Maeve E. Doggett, *Marriage, Wife-Beating and the Law in Victorian England: ‘Sub Virga Viri’* (London: Weidenfeld and Nicolson, 1992); Susan Dwyer Amussen, ‘“Being stirred to much unquietness:” violence and domestic disorder in early modern England’, *Journal of Women’s History*, 6 (1994), 70-89.

¹⁰⁷ NLW GS 4/612/3.16 (1739).

¹⁰⁸ Foyster, *Marital Violence*, 102.

¹⁰⁹ Hurl-Eamon, *Gender and Petty Violence*, 59; Helen Rogers, ‘Women and liberty’, in Peter Mandler (ed.), *Liberty and Authority in Victorian Britain* (Oxford: Oxford University Press, 2006), 131. For the right to ‘correct’ household inferiors, see Susan Dwyer Amussen, ‘Gender, family and social order, 1560–1725’, in Anthony Fletcher and John Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge: Cambridge University Press, 1985), 196-217. For the changing nature of patriarchy following the Civil Wars, see Jacqueline Eales, *Women in Early Modern England 1500-1700* (London: UCL Press, 1998), 23-34.

¹¹⁰ For studies of manhood and male honour, see, for example Robert B. Shoemaker, ‘The taming of the duel: masculinity, honour and ritual violence in London, 1660-1800’, *Historical Journal*, 45 (2002), 525-45; Robert B. Shoemaker, ‘Male honour and the decline of public violence in eighteenth-century London’, *Social History*, 26 (2001), 190-208; Alexandra Shepard, ‘Manhood, credit and patriarchy in early modern England’, *Past and Present*, 167 (2000), 75-106; Elizabeth Foyster, *Manhood in Early Modern England: Honour, Sex and Marriage* (London and New York: Longman, 1999).

‘could turn the world upside down’.¹¹¹ Women who abused their husbands were mocked and ridiculed, as were the male victims, who were seen as losing control of their households and their masculinity.¹¹² Indeed, the authority of the husband was so important that few self-respecting men would admit that their wives had been violent towards them unless they could prove that they had regained control in the struggle that ensued.¹¹³

According to folklore, communities adopted informal sanctions to deal with cases of domestic violence. In Wales, the ‘Coolstrin’ was witnessed in Glamorganshire by the nineteenth-century English traveller, Charles Redwood. This ancient form of ‘rough music’ was allegedly introduced by the ‘Old Welsh Lawgivers’ as a corrective measure for unruly women, and pre-dated the English version of ‘Skymmetry’ and the ‘Riding of the Stang’. Charles recalled the incident of a tailor married to an abusive wife who would often ‘cuff the little man, to the great disgrace of manhood in general’. The neighbourhood intervened, summoning a ‘Coolstrin Court’ to determine a resolution. Local men were assigned to the roles of judge, defender and prosecutor and the case was presented to a ‘jury’. After deliberating, it was decided that a ‘riding’ should take place so that ‘these hectoring wenches may...learn what it is we think of them; and that all men may be put in mind to keep the reigns tight, and not part with the breeches’. On the designated day, a procession comprising the ‘judge’, various ‘musicians’ beating frying-pans, kettles and other domestic objects, and two standard-bearers, one with a petticoat on a pole, and the other with attached, reversed breeches, processed around the village in display of the communal disapproval of the act of female violence.¹¹⁴

This was not a unique occurrence and there is folkloric evidence of regional variations.¹¹⁵ ‘Rough justice’ in eighteenth-century Denbighshire was administered through a court referred to as ‘Court Beans’ after its founder, Richard Beans.¹¹⁶ These ‘courts’ were presided over by two judges dressed in white wigs and gowns in imitation of the Courts of Great Sessions. The Welsh contemporary, William Thomas, also recalled two earlier examples of rough music. In his diary entry for 15 March 1765 he wrote there was ‘much Noise and Riots in Wrenston and Wenvoe’ as a result of a

¹¹¹ Foyster, *Marital Violence*, 105.

¹¹² On rough music, see M. J. George, ‘Skimmington revisited’, *The Journal of Men’s Studies*, 10 (2002), 111-26. On cuckoldry, see David M. Turner, *Fashioning Adultery: Gender, Sex and Civility in England, 1660-1740* (Cambridge: Cambridge University Press, 2002).

¹¹³ Foyster, *Marital Violence*, 103.

¹¹⁴ Charles Redwood, *The Vale of Glamorgan: Scenes and Tales Among the Welsh* (London: Saunders and Oatley, 1839), 271-95.

¹¹⁵ For informal courts in the nineteenth century, see Jones, *Crime in Nineteenth Century Wales*, 11-13.

¹¹⁶ Howell, *The Rural Poor*, 148.

‘Skymmetry’ due to Morgan Daniel’s wife having ‘abused him after a merry night of dancing at their house in Wrenston the 13th February last past’.¹¹⁷ He also wrote that another Skymmetry had occurred in the area on 15 December 1790.¹¹⁸

That there are no recorded instances of non-fatal domestic assault in the Great Sessions records during the period under study is not to imply that marital violence did not occur. The existence, albeit scant, of cases amongst the lower courts, and folkloric evidence, confirms its occurrence. Communities had their own way of dealing with domestic violence. References to communal intervention in cases of marital discord emphasise the wider significance of the ordered household, which was often considered too important to be left entirely to its members. Marital violence was deemed unacceptable and could not be tolerated. Community-sanctioned acts of humiliation existed to reinforce disapproval and deter such occurrences.

4.6. Motivations and meanings of violence

For the majority of assault cases the motivating factors for the violent behaviour are unclear. Over 70 percent of the indictments recorded in the 45-year sample exist alone, without supporting material. Only five percent of the indictments have surviving pre-trial testimonies, either in the form of *affidavits* or examinations. Each of these cases reached the trial jury stage, with 33.3 percent resulting in the suspect submitting to the charge, or pleading guilty, and 29.2 percent culminating in punishment. It is likely that pre-trial examinations survive for this five percent of cases as they would have been required in court by the judge and trial jury.¹¹⁹ Supporting evidence relating to the majority of *ignoramus* indictments, it seems, was disposed. The records that have survived are few, but nevertheless can provide some insight into the causes and perceptions of non-fatal assault.¹²⁰

It is a common characteristic of modern-day violence that assailants most often assault their ‘primary associates’: individuals well-known to the attacker.¹²¹ The same was true in the period under study. As has been noted, female violence was not ‘same-sex’ violence, and women were more likely to assault men than members of their own

¹¹⁷ R. T. W. Denning (ed.), *The Diary of William Thomas of Michaelston-super-Ely, near St Fagans, Glamorgan, 1762-1795* (Cardiff: South Wales Record Society, 1995), 133.

¹¹⁸ Denning (ed.), *The Diary of William Thomas*, 394.

¹¹⁹ See Chapter One for a detailed discussion of the problems associated with the use of the English language in the Great Sessions courts.

¹²⁰ To allow for qualitative analysis, surviving pre-trial evidence for all female assault cases in the period 1730-1830 were examined. Cases outside of the sample years were not included in the statistical analysis.

¹²¹ Julius R. Ruff, *Violence in Early Modern Europe, 1500-1800* (Cambridge: Cambridge University Press, 2001), 117.

sex. However, like murderers, they rarely attacked strangers, and were frequently acquainted with their victims. The gaol files depict intertwined tales of complicated family feuds, often involving several relatives, supported by their friends and neighbours. In one such example, Evan Lloyd was indicted for breaking and entering the house of Sarah Lloyd on 16 July 1734.¹²² He was also indicted separately for assaulting her.¹²³ On the same day, Evan Lloyd was indicted for an attack on Dorothy Lloyd.¹²⁴ Eight days later, Sarah Lloyd was indicted for beating Evan Lloyd, and his wife, Anne.¹²⁵ As only the indictments survive, the background to these cases is unknown. However, it seems plausible that as all shared the same surname and resided in the same parish they were related through blood or marriage. Little evidence can be gleaned from the indictments, but the named individuals were clearly involved in an ongoing feud and were desirous to resolve their differences, or to gain vengeance, in an official manner.

It was often in defence of their close or extended family that many women committed acts of violence. Anne Davies and Mary Roberts were prosecuted alongside Henry Davies, their husband and brother, with Robert Roberts, Mary's husband, also being prosecuted separately, for committing a riotous assault upon William Jones and Thomas Morris.¹²⁶ One witness, Gwen Jones, claimed that around ten o'clock at night she observed Robert Roberts fighting with Thomas Morris, and that during the scuffle Mary Roberts 'finding her husband on the ground under...Thomas Morris endeavoured to raise him', but 'William Jones interfered'. According to the witness, as the defendant attempted to free her husband, the prosecutor struck her across the head and bruised the side of her face. Mary was joined by Anne Davies who attempted to part the men, but who was also attacked by William Jones and 'struck on the head and...dragged...about the street [by her hair] without the least provocation'. Anne was, according to the witness, 'then with child' and was 'brought to bed in the course of three weeks after the scuffle'.¹²⁷ This narrative was corroborated by Catherine Jones, who although claiming that she could not 'tell whether the said William Jones or Henry Davies struck first', reported hearing Mary Roberts crying out 'O God my husband is killed', and seeing her

¹²² NLW GS 4/47/7.16 (1734).

¹²³ NLW GS 4/47/7.17 (1734).

¹²⁴ NLW GS 4/47/7.14 (1734).

¹²⁵ NLW GS 4/47/7.21-22 (1734).

¹²⁶ NLW GS 4/59/4.24-25 (1780).

¹²⁷ NLW GS 4/59/5.6 (1780).

being struck by the prosecutor as she attempted to aid her husband.¹²⁸ Similarly, Alice Basset stated that she heard Anne Davies exclaiming ‘don’t kill my brother’ and witnessed her attempt to separate the men. Both witnesses stated emphatically that ‘they did not see either of the defendants Mary and Anne strike or do any harm to the prosecutor’.¹²⁹

However, the prosecutors portray themselves in a very different manner. According to Thomas Morris, he was returning home late one night when he mistook the defendant, Henry Davies, who was walking towards him, as his servant and called out to him. Upon realising his mistake, Thomas answered that ‘he hoped there was no harm done’, but Henry ‘damned and cursed and terribly threatened this deponent that he would beat out his brain (or words to that effect)’. The defendant proceeded to remove his shirt ‘without further words or any provocation whatsoever’ and call the prosecutor ‘by all the foul disgraceful names he could think of...in a very threatening and terrifying manner’. Despite Thomas ‘retreating and beseeching quietness, the [defendant] followed him brandishing his arms...and at last gave him a blow upon one side of the face until he reeled and his tooth cut his lip’. Immediately afterwards, Mary and Anne ‘fell upon this deponent [Thomas], and...gave him a kick that cut him in the forehead...a cut under his eye, and they pulled his hair, beat and kicked him on the ground, both in the face and sides, in a desperate and violent manner before they were taken off from this deponent’.¹³⁰ The individual who came to his aid was William Jones. William stated in his own examination that he had been awoken one night by ‘a great noise and riot in the street’, and upon venturing outside to determine the source of the disruption, he viewed Thomas Morris and a second defendant, Robert Roberts, ‘fighting on the ground’, and Mary and Anne ‘pulling and lugging at Thomas Morris’ hair’. When attempting to separate them, Mary and Anne ‘knocked him [William Jones] down...and continued to beat and abuse him till others came to his assistance’.¹³¹

It is not transparent which version of events is most accurate. In their statements, Anne and Mary are portrayed as acting without malice and solely in defence of their husbands and brother. In an attempt to aid their family they suffered greatly. However, if we believe the prosecutors, the women displayed clear acts of aggression with an intention to cause severe bodily harm. They were still acting in support of their family,

¹²⁸ NLW GS 4/59/5.6 (1780).

¹²⁹ NLW GS 4/59/5.7 (1780).

¹³⁰ NLW GS 4/59/5.5 (1780).

¹³¹ NLW GS 4/59/5.4 (1780).

but with a desire to assist them in their acts of violence, and not to rescue them from it. That women mostly committed violence in support of family and household concerns has already been noted.¹³² There has been a tendency, however, to downplay these actions as purely reactionary. Testimonies such as those recorded above suggest that women could be more forthright in their desire to assist loved ones, even actively encouraging violence in some instances. Their assistance in these cases is depicted less a result of natural or prescribed female behaviour, but out of an intention to attack perceived foes alongside their male relatives.

It was not just individuals whom women sought to protect. There are several cases of women attacking violently out of a desire to guard houses and property owned by them or their family. The crimes of forcible rescue and ejectment will be considered in greater detail in Chapter Six, but from evidence in assault cases it is apparent that women were not afraid to violently attack individuals who threatened their possessions. When Thomas Lewis assisted William Roberts in attempting to remove Edward Selley 'in an amiable manner' from the place where he unlawfully resided, he was met with strong resistance. Edward refused to leave, and was joined by his parents and his sister, Anne, in his resistance. According to the prosecutor, Anne and her mother, armed with axes, sickles or 'some such like weapons', forced entry into his house and 'dragged him by the hairs of his head out of the doors'. According to William Roberts' wife, Anne Selley gave her husband 'a desperate wound on his wrist with a long hedge bill', which she believed would 'prove mortal to him, he now lying in a bad manner'.¹³³

Similarly, Judith Edwards was indicted for assaulting Joseph Davies and Henry Davies whom she believed posed a threat to her household.¹³⁴ Judith argued that the prosecutors had entered her house late at night 'without as much as giving notice...of their intention of coming in' in order to 'gain some advantage' over her, leaving her feeling 'a good deal frightened at seeing them both there at that unreasonable time'. She stated that the men 'jostled' with her, which put her 'in a great deal of confusion', but refusing to put up with 'such evil treatment from them both in her own house' she took up a 'small rod or twig' from the floor and 'lightly' hit Henry Davies.¹³⁵ The testimony for the prosecution, however, conveys an alternative story. According to the men, they had been sent to the house to deliver notice in writing to Judith's husband. Stating that it

¹³² Walker, *Crime, Gender and Social Order*, 75-77.

¹³³ NLW GS 4/519/8.8 (1743).

¹³⁴ NLW GS 4/50/6.28 (1751).

¹³⁵ NLW GS 4/50/6.15 (1751).

was a 'lawful concern', and the time being only 'four o' clock in the afternoon...or thereabouts', they approached the house and 'found the door wide open'. When enquiring of the whereabouts of Judith's husband, she 'damned the said Henry Davies' and brutally attacked them.¹³⁶ Although the degree of violence is contestable, Judith did not deny attacking the men and clearly believed that she was justified in doing so. By stressing both the lateness of the hour, and their unannounced entry into the house, clear points of difference in the narratives, she attempted to portray herself as a potential victim and her subsequent actions as self-defence. In brandishing a weapon and acting aggressively, Judith, like the aforementioned Anne Selley and her mother, was clearly unafraid to commit assault in defence of herself and her property, despite being outnumbered and physically outmatched.

Unlike fatal attacks, which were mostly targeted at family members or acquaintances, women's interests could extend beyond their immediate household, and there is evidence of female suspects committing assault in support of their wider community.¹³⁷ Mary Morris was indicted for an assault on Dennis Pinock, a local gentleman.¹³⁸ According to Mary's *affidavit*, the parishioners of the Pembrokeshire county of Johnston, including her widowed mother, had attended a spring in Popehill Green 'for twenty years and upwards' as it was 'the only spring or well of clear water' in the area. The land upon which the spring was located was owned by Thomas Wright, but Dennis had resided in a mansion house on the site for several years previously. The suspect's mother and the other tenants of Popehill had seemingly taken water from the well without interruption, assuming that as tenants of Thomas Wright they were able to do so. However, Dennis, believing otherwise, went to Mary's mother's house 'and behaved himself...with great indecency and made proposals...which she [Mary] refused to accede to'. Mary proceeded to threaten the prosecutor that 'if he did not quit her mother's house she would throw fire at him, upon which he quitted the house and abused this deponent'. Sometime later, as she returned from the well, Mary met Dennis, who 'laid hold of...[her] by the right hand and proceeded to treat her extremely ill'. Fearing that he intended to murder or rob her, she 'immediately took out of her pocket some money which she said she would give to him if he would let her go'. A scuffle ensued and Dennis attempted to break Mary's pitcher of water, which she 'endeavoured to prevent'. Her jacket and silk handkerchief were torn as a result of the fight, while the

¹³⁶ NLW GS 4/50/6.17 (1751).

¹³⁷ For examples of Irish women attacking others over land disputes, see Conley, 'No pedestals', 805.

¹³⁸ NLW GS 4/826/3.42 (1796).

prosecutor gained 'a slight bruise on his head from the said pitcher'. Anne Rees, a servant of Dennis, reported that upon returning to his house he had exclaimed 'that he would be damned if he did not blow out the brains of the said Mary Morris with a pistol if he met her there again'.¹³⁹ The prosecutor, however, told a different story. Dennis stated that his poultry had been stolen, and the locks had been removed from the gates of his field, which he had installed to prevent trespassers. When discovering the defendant on his land, he approached her, but she 'threw a large stone...which very much bruised his hands that interfered its direction to his head' and 'repeatedly struck this deponent with a pitcher which she had in her hand'.¹⁴⁰

Similarly, Anne Jones was accused of assaulting John Thomas.¹⁴¹ She stated that on the edge of the tenement owned by her husband there existed a 'narrow way or path' that led to the parish church 'and to no other place'. This path was frequently used by John, who claimed that it was 'a common high road for him and others to pass...to carry sand on horseback from the seaside' to his own tenement on the east and southeast of the parish. It appears that on one such occasion when John and two others 'forcibly and against this deponent's will and requests' entered the church path, Anne attacked the prosecutor 'in her own defence and to prevent him...diverting that private way to church into a common road'. Anne's mother had also been accused of committing a similar attack some months earlier, which had supposedly been 'occasioned by the like dispute about the said road'.¹⁴² In that instance, several witnesses had supported her and 'proved that the said road in dispute was only a road to that parish church and not a common high road' and she had been acquitted.¹⁴³ However, John counter-argued that for the past few years he had carried sand from the sea to his farm 'through a common high road, as this deponent was informed and verily believes'. On one occasion he was met with Anne 'with a stone in each hand' who 'ordered him to stop...and...threatened and swore that she would knock out his brains or do him some bodily harm'. She 'immediately flung one of the stones at...[him] and hit him above the left eye', which 'wounded...[him] very much'. In fear, he attempted to escape, but was pursued by Anne, who threw a stone at him.¹⁴⁴

¹³⁹ Both testimonies in NLW GS 4/826/5.14 (1796).

¹⁴⁰ NLW GS 4/826/5.15 (1796).

¹⁴¹ NLW GS 4/252/1.34 (1749).

¹⁴² NLW GS 4/252/1.63 (1749).

¹⁴³ For the indictment of Anne Jones' mother, Elizabeth Hughes, see NLW GS 4/251/4.68 (1749).

¹⁴⁴ NLW GS 4/251/4.101 (1749).

Both prosecutors and defendants in the above cases believed that their actions were justified. The language used, and scenes depicted, displayed emphatic attempts to win favour with the justices and juries. In protesting the community's rights to retrieve water from the well, and by repeatedly returning to the site despite the fear of attack, Mary Morris acted out of a collective, rather than a personal, motive.¹⁴⁵ She assumed the figurative role of spokesperson and communal provider, and was clearly prepared to use force to assert their perceived rights. Similarly, Anne Jones and her mother engaged in physical violence to protect their community, both social and religious, from disturbance. These women were depicted as strong-willed and persistent, standing firmly in support of their communities without the obvious direct assistance or support of any men.

4.7. Verbal assaults and threats to reputation

Contemporary understandings of assault extended beyond physical attacks and could include threats of violence and verbal insults.¹⁴⁶ Slander litigation stood outside of the remit of the secular courts, and scolding and defamation were commonly dealt with at the Quarter Sessions and consistory courts.¹⁴⁷ Nevertheless, indictments for physical violence in the Great Sessions files provide extensive evidence for verbal attacks and imply, in many cases, that offensive words could result in physical retaliation. Links between violence, honour, and reputation have most commonly been associated with men.¹⁴⁸ For the higher orders, duelling was long considered an appropriate means to challenge or regain masculine honour. For the lower orders, tavern brawls commonly took place after one party threatened the other's reputation.¹⁴⁹ Male violence could thus occur in response to a threat to honour, or could be utilised as a means of regaining lost honour and reasserting masculinity. While the exchange of insults and slanderous words

¹⁴⁵ For more on customary rights, see Nicola Whyte, 'Custodians of memory: women and custom in rural England, c.1550-1700', *Cultural and Social History*, 8 (2011), 153-73, and Andy Wood, 'Deference, paternalism and popular memory in early modern England', in Steve Hindle, Alexandra Shepard and John Walter (eds.), *Remaking English Society: Social Relations and Social Change in Early Modern England* (Woodbridge: Boydell Press, 2013), 233-54.

¹⁴⁶ For the prosecution of verbal assaults involving both men and women in sixteenth-century Scotland, see J. R. D. Falconer, *Crime and Community in Reformation Scotland: Negotiating Power in a Burgh Society* (London and Vermont: Pickering and Chatto, 2013), 99-126.

¹⁴⁷ See, for example, Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Clarendon Press, 1996), and Tim Meldrum, 'A woman's court in London: defamation at the Bishop of London's Consistory Court, 1700-1745', *London Journal*, 19 (1994), 1-20.

¹⁴⁸ For a discussion of violence arising from attempts to reassert male honour, see Walker, *Crime, Gender and Social Order*, 33-39.

¹⁴⁹ For the links between alcohol and violence see, among others, Jones, *Crime in Nineteenth-Century Wales*, 89-94; Hurl-Eamon, *Gender and Petty Violence*, 87-88; Durston, *Victims and Viragos*, 70-72; Howard, *Law and Disorder*, 71-73.

between women, or by women towards men, and the often subsequent suing of the slanderer in the consistory courts, has received some consideration by historians, physical responses to threats of female honour have been discussed comparatively less.¹⁵⁰ Women were as keen to protect their reputation as men, and were likewise prepared to respond with aggression if their social standing was challenged.

Margaret Tuson was seen by several witnesses calling Hannah Goffe ‘a drunken bitch’ and her ten year old son ‘a little bastard’.¹⁵¹ Articles of the Peace initiated by Hannah also stated that Margaret had been ‘in a very great rage’ and had threatened to kill her.¹⁵² However, in her *affidavit*, Margaret told how she had been walking along the street outside the shop belonging to Hannah and her husband, when Hannah called at her and ‘damned her for a whore’. She then proceeded to give her ‘a great deal of ill language’ and ‘poked her fists at...[her] face provoking her and desiring she would strike her’.¹⁵³ As there was an absolute distinction between honest women and whores, a woman’s sexual reputation was integral to her reputation within the community.¹⁵⁴ In referring to Hannah as a drunkard, and her son as a bastard, Margaret publicly challenged Hannah’s sexual and moral reputation. But Hannah’s referral to Margaret as a ‘whore’ could be similarly damaging to her social standing. It is unknown who initiated the quarrel, though it appears that Hannah physically attacked her opponent with her fists. With the exception of this act, the other attacks mentioned in the case were largely verbal, but the existence of the case at this level of jurisdiction attests to the perceived severity of the offence. Verbal threats to a woman’s reputation were viewed just as seriously by prosecutors as physical attacks, and an attack on a woman’s reputation could lead to a physical retaliation.

¹⁵⁰ For women and slander litigation in the consistory courts see, for example, Laura Gowing, ‘Language, power and law: women’s slander litigation in early modern London’, in Jenny Kermode and Garthine Walker (eds.), *Women, Crime and the Courts in Early Modern England* (Chapel Hill and London: The University of North Carolina Press, 1994), 26-47; Laura Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford: Clarendon Press, 1996), chs. 3-4; Meldrum, ‘A women’s court in London’, 1-20; Laura Gowing, ‘Gender and the language of insult in early modern London’, *History Workshop Journal*, 35 (1993), 1-21; Jones, *Gender and Petty Crime*, ch. 4.

¹⁵¹ NLW GS 4/1001/4.6 (1734).

¹⁵² NLW GS 4/1001/3.32 (1734).

¹⁵³ NLW GS 4/1001/4.9 (1734).

¹⁵⁴ Faramerz Dabhoiwala, ‘The construction of honour, reputation and status in late seventeenth- and early eighteenth-century England’, *Transactions of the Royal Historical Society*, Sixth Series, 6 (1996), 207. For an insightful study of the expanding of the boundaries of female honour beyond sexual conduct, see Garthine Walker, ‘Expanding the boundaries of female honour in early modern England’, *Transactions of the Royal Historical Society*, Sixth Series, 6 (1996), 235-45.

This is particularly poignant in the case of Mary Griffiths, who was indicted by Susannah Lang for a violent assault.¹⁵⁵ The prosecutor claimed that Mary had viciously thrown stones at her, and ‘beat and bruised...[her] in the ears and temples on each side of her head until...[she] was nearly deprived of her senses’ and ‘quantities of blood and water issue[d] there from’. She also ‘tore off her cap, hat, apron and her upper coat’ and called her ‘opprobrious names’.¹⁵⁶ However, according to one witness, Susannah had ‘frequently been at the dwelling house of...Mary Griffiths’, where she was heard calling Mary a ‘whore, thief and other names not proper for a woman to mention’.¹⁵⁷ A second witness had also heard Susannah call the defendant ‘several names, that is to say bitch, whore...and other names not fit for a woman to mention’.¹⁵⁸ Mary’s violent attack appears to have come about after a period of extensive verbal abuse received from Susannah. In beating her and tearing off her clothes, Mary sought to shame her physically as revenge for several verbal attacks that she had received to her own reputation. Garthine Walker has argued that early modern courts lacked the ability to properly describe and explain female physical violence. As a result, cases of female assault often described the actual physical attack as an aside to verbal insults, a form of female transgression with which they were more comfortable.¹⁵⁹ The above examples downplay the verbal attack in place of the physical assault, attesting to the seriousness of these particular cases.

4.8. Explanations for assault

It was rare for suspects to deny committing assault. Often the physical signs of abuse were clear, and there were witnesses to attest to the violent act. It was common, however, for defendants and prosecutors to disagree over the context of the violence and its extent. John Pierce, an Overseer of the Poor, stated that he was attacked in a ‘very violent manner’ by Barbara Powell when he attempted to return her mother to her custody. Upon hearing that her mother was likely to become chargeable to the parish and was therefore required to reside with her, Barbara supposedly became so angered by the suggestion that she attacked John with her fists ‘with such great force and violence’ that he fell backwards down a flight of stone steps.¹⁶⁰ According to Barbara she had

¹⁵⁵ NLW GS 4/822/5.95 (1784).

¹⁵⁶ NLW GS 4/822/5.11 (1784).

¹⁵⁷ NLW GS 4/822/5.12 (1784).

¹⁵⁸ NLW GS 4/822/5.13 (1784).

¹⁵⁹ Walker, *Crime, Gender and Social Order*, 97.

¹⁶⁰ NLW GS 4/1001/4.13 (1731).

merely informed the prosecutor that he could not leave her mother with her, and ‘went immediately in to the house for her hat to go out to be advised’. As she left the house she ‘pushed by the prosecutor...and others who were standing by the door’, but asserted that she did not cause them ‘any damage at all’.¹⁶¹ This view was supported by a witness who stated that he was ‘very sure and positive’ that Barbara ‘did not at that time strike or assault the said prosecutor...at all but pass by him in a hurry’.¹⁶²

Moreover, in attempting to stop John Rowlands from passing along a private road to the seafront to collect sand for his farm, the abovementioned Anne Jones admitted to physically impeding him. She stated, though, that ‘all the assault committed...was by hitting the said prosecutor’s horse only’, and that she did not act ‘with a view of hurting...him personally in any shape whatsoever’.¹⁶³ Neither Barbara Powell nor Anne Jones resolutely denied that physical contact occurred between them and the prosecutor. They did deny that they intended to openly attack. By admitting that she pushed passed the prosecutor in a hurry, Barbara implied that she may have accidentally caused him to fall backwards, rather than deliberately pushing him. Similarly, in stating that the horse was the intended recipient of her force, and not its rider, Anne claimed that her assault on the prosecutor was entirely accidental. Although physical contact in both of these cases appears certain, the motivations and intentions of such violence were disputed.

The degree of violence imparted was also a heavily contested issue. Judith Edwards argued that she gave Henry Davies ‘a slap or two therewith across his back and shoulders’, which caused him ‘no manner of harm’.¹⁶⁴ In contrast, Henry protested that she had bruised him so violently with a stick that some weeks later he still experienced pain ‘in his back and shoulders caused by the said abuse’.¹⁶⁵ Similarly, according to Mary Morris, Dennis Pinnock gained from her a ‘slight bruise on his head’, which was ‘the only injury he received’.¹⁶⁶ Dennis alleged that he was ‘very much bruised’ by the incident.¹⁶⁷ In order to stress the degree of violence they received, prosecutors were keen to emphasise its lasting effects, both physically and financially. Susannah Lang claimed that after she was attacked by Mary Griffith she ‘frequently had a violent pain in her head and ears’ which she attributed to the ‘bruises which she

¹⁶¹ NLW GS 4/1001/4.15 (1731).

¹⁶² NLW GS 4/1001/4.11 (1731).

¹⁶³ NLW GS 4/252/1.63 (1749).

¹⁶⁴ NLW GS 4/50/7.15 (1751).

¹⁶⁵ NLW GS 4/50/7.17 (1751).

¹⁶⁶ NLW GS 4/826/5.14 (1796).

¹⁶⁷ NLW GS 4/826/5.15 (1796).

received from the said defendant'. Her mother further stated that 'by means and reason of the bruises and fright', her daughter was 'very much injured in her hearing, her spirit, and in her health, which have ever since been and now is in a declining state'. As a result, she had been 'at much expense and trouble in endeavouring to restore...[her to] her usual health and spirit', which she had 'wholly failed'.¹⁶⁸

As the victims in many of the cases of female assault were male, emphasis was placed on financial loss, rather than the physical effects of the attack. Henry Davies argued that he was unable to work for a month due to Judith Edward's attack, and John Ralph was 'disabled from getting his livelihood for about five weeks and very narrowly escaped death' as a result of an assault by Catherine Parry and her husband.¹⁶⁹ Thomas Morris also stated that he had been 'confined and quite unable to follow his business for a great many weeks' because of the beating he had received from Mary Roberts and Anne Davies.¹⁷⁰ This was likely an attempt to downplay the full extent of the violence inflicted upon them by a female inferior. In admitting to being assaulted by a woman, men risked claims of effeminacy and demasculinisation. To avoid such claims they either had to display the violence as extensive and unsurpassable in such a way that it would have been impossible to overcome, or to replace the narrative of a physical assault with one which stressed financial losses. In this way, their indictments were not so much for a physical attack sustained, but an economic one.¹⁷¹

In order to refute the charges, defendants and their witnesses often argued that they had viewed the prosecutors following the supposed assault going about their daily business without any evidence of impairment. One witness claimed that when she saw the prosecutor, Susannah Lang, one week after the assault had reportedly occurred, she 'did not appear to be at all hurt but to be perfectly well in every respect'. It was stated that her hearing 'was not very clean, but...such deafness was not occasioned by any beating...lately received'; rather she was 'afflicted with such deafness three or four years ago'.¹⁷² Thomas Morris also declared that the night after receiving a violent attack from Anne Davies, Mary Roberts, and her husband, 'he was so very ill from his bruises, that he thought he should have died, not being then able to turn in bed without help'.¹⁷³ However, Alice Basset and Gwen Jones both witnessed Thomas that same day 'carry a

¹⁶⁸ Both testimonies in NLW GS 4/822/5.11 (1784).

¹⁶⁹ NLW GS 4/50/7.17 (1751); NLW GS 4/41/4.4 (1754).

¹⁷⁰ NLW GS 4/59/5.5 (1779).

¹⁷¹ Walker, *Crime, Gender and Social Order*, 82.

¹⁷² NLW GS 4/822/5.12 (1784).

¹⁷³ NLW GS 4/59/5.5 (1779).

bar of iron of about two yards long, or upwards, upon his shoulders from the town to his shop which is near a quarter of a mile, and that he seemed to these deponents to be hearty and well'.¹⁷⁴ Assault cases allowed for a greater degree of contention than homicide cases, and the extent of violence was frequently debateable. If there was no physical evidence of an assault, as may pertain from cases which did not involve the use of a weapon, then the onus fell to the victim and their witnesses to prove that an attack had occurred, and that its effects were debilitating.

4.9. Verdicts and sentences in assault cases

The response of the suspect to the indictment charged against them had important implications for how the case progressed. There appears to be significant gendered and chronological differences in the pleas recorded. In the 45-year sample, 71.1 percent of the female suspects either submitted to the indictment or pleaded guilty to the crime (Table 4.8). If the samples are considered individually then the trend is particularly noteworthy. In period 1730-45, 35.3 percent of the women indicted for assault pleaded not guilty to the crime, with 64.7 percent pleading guilty or submitting to the charge. By 1805-20 not a single woman pleaded her innocence. The number of known pleas is very small, with only 11.3 percent of pleas recorded in the final sample, but the pattern is nevertheless interesting. In comparison, in the same 45-year sample, 49.8 percent of men pleaded guilty to assault or submitted to the charge; a percentage considerably lower than that recorded for female suspects.¹⁷⁵ Chronologically, an inverse pattern is evident with men being more likely to plead not guilty by the end of the period under study. In the period 1730-45, 34.7 percent of male suspects declared their innocence to the crime, but by 1805-20 53.2 percent did so.

Table 4.8. *Pleas of female and male defendants in assault cases*

	Pleas (known)	All samples	%	1730-1745	%	1770-1785	%	1805-1820	%
Female defendants	Guilty/submits	27	71.1%	11	64.7%	9	64.3%	7	100.0%
	Not guilty	11	28.9%	6	35.3%	5	35.7%	0	0.0%
	Total	38	100.0%	17	100.0%	14	100.0%	7	100.0%
Male defendants	Guilty/submits	135	49.8%	79	65.3%	34	33.0%	22	46.8%
	Not guilty	136	50.2%	42	34.7%	69	67.0%	25	53.2%
	Total	271	100.0%	121	100.0%	103	100.0%	47	100.0%

¹⁷⁴ NLW GS 4/59/5.7 (1780).

¹⁷⁵ A total of 282 pleas relating to male suspects are recorded in the 'Crime and Punishment' database when searching for 'Offences: further details: "assault"', for the periods 1730-45, 1770-85 and 1805-20. Of these suspects, 136 pleaded guilty, and 146 pleaded not guilty.

As argued above, financial limitations rendered the trial procedure difficult as there were often substantial costs involved in the calling of witnesses to support a defence. As a result, a number of those accused had little choice but to submit or plead guilty to the indictment. This limitation had the greatest impact upon women. Elizabeth Thomas told how she had ‘lately buried her husband and child’, and was ‘a poor widow without friends and without money to carry on a defence to the indictment preferred against her’, and was ‘advised to plead guilty to the said indictment’. Elizabeth Price similarly declared that she was the wife of a ‘labouring man’ with five young children, and did not have ‘money or friends to defend herself against the indictment preferred against her’ and was therefore ‘advised to submit to the said indictment’.¹⁷⁶ By pleading guilty, the defendant hoped to receive a nominal fine and payment of compensation to the prosecutor, which could be substantially cheaper than the court costs.¹⁷⁷

Table 4.9. *Outcomes for female defendants in assault cases*

		All samples	%	1730- 1745	%	1770- 1785	%	1805- 1820	%
Verdicts	Pleads guilty/submits	26	12.1%	11	9.6%	9	12.3%	6	21.4%
	No true bill	142	65.6%	80	70.2%	46	63.0%	15	53.6%
	True bill for assault only	6	2.8%	2	1.8%	4	5.5%	0	0.0%
	No prosecution	32	14.9%	19	16.7%	8	11.0%	5	17.9%
	Discharged/ process stayed	6	2.8%	2	1.8%	4	5.5%	0	0.0%
	Partial verdict	1	0.5%	0	0.0%	0	0.0%	1	3.6%
	Guilty	1	0.5%	0	0.0%	0	0.0%	1	3.6%
	Not guilty	2	0.9%	0	0.0%	2	2.7%	0	0.0%
	Unknown	236	-	128	-	74	-	34	-
	Total	451	100.0%	242	100.0%	147	100.0%	62	100.0%
Trial jury verdicts (known)	Guilty	1	25.0%	0	0.0%	0	0.0%	1	50.0%
	Not guilty	2	50.0%	0	0.0%	2	100.0%	0	0.0%
	Partial verdict	1	25.0%	0	0.0%	0	0.0%	1	50.0%
	Total	4	100.0%	0	100.0%	2	100.0%	2	100.0%
Sentences (known)	Imprisoned	6	17.6%	0	0.0%	0	0.0%	6	85.7%
	Fined	28	82.4%	13	100.0%	14	100.0%	1	14.3%
	Total	34	100.0%	13	100.0%	14	100.0%	7	100.0%

There was a gendered difference in the treatment of men and women in the courts. Two-thirds of the indictments relating to women for which the verdict is evident were

¹⁷⁶ Both testimonies in NLW GS 4/829/4.5 (1805).

¹⁷⁷ King, *Law and the Courts*, 258.

returned as *ignoramus* (Table 4.9). This percentage remains fairly steady throughout the period. There is, however, one exception. Each of the female indictments relating to the assault of an official is unmarked, suggesting that all of the women who were indicted for this crime stood before a trial jury.¹⁷⁸ It is possible that this was due to the nature of the offence. As the prosecutors were local officials the grand jury may have been hesitant to refute their claims of assault. Successful prosecutions would also act as a deterrent to other potential offenders. However, 34.7 percent of male cases for the same offence can be identified as ‘no true bill’, suggesting the existence of a gender bias on the part of the grand jury.¹⁷⁹ It is possible that this divide was partly due to the differences in the number of individuals indicted: 190 males compared to 28 females. But it may also be evidence of a hardened attitude towards women who attacked figures of authority. Pre-trial evidence only exists for three of these cases, so it cannot be determined whether the attitudes of the grand jury towards these women were in part shaped by the specific nature of their offence, but the testimonies that do survive do not indicate crimes that were any more heinous than those committed by male suspects.¹⁸⁰

There were significant changes in the punishment of assault across the period (Table 4.9). All of the women in samples one and two received a nominal fine of one shilling or less, with this changing in favour of imprisonment by the third period. The range of punishments delivered to men was far greater (Table 4.10). Although the majority of male suspects who received a punishment in sample one and two were ordered to pay a fine, a small number were also imprisoned, bound over and pilloried. By sample three, when 85.7 percent of female suspects were imprisoned, only 25 percent of male suspects were treated this way.¹⁸¹ A further 64.1 percent of the men were fined, with 9.4 percent receiving a fine and imprisonment.

¹⁷⁸ None of the indictments were marked as *ignoramus* or crossed through, suggesting that all were considered true bills by the grand jury.

¹⁷⁹ A total of 190 male suspects are recorded in the ‘Crime and Punishment’ database when searching for ‘Offences against the persons (excluding sexual offences)’: ‘Specific offence: Assault/riots and assaults on law officers/parish officials’, and ‘Offences against the persons (excluding sexual offences)’: Specific offence: Assault on customs and excise officers, tax officials, and toll collectors’ for the periods 1730-45, 1770-85 and 1805-20. Of these, 66 indictments were returned ‘no true bill’.

¹⁸⁰ NLW GS 4/1001/4.11 (1730) and NLW GS 4/829/4.5-7 (1805).

¹⁸¹ The tendency towards imprisonment as a punishment for female assault assailants was also evident at summary level. The minute books of the Guildhall and Mansion House justice rooms in London show that 6.4 percent of men accused of assault in the period 1784-96 were imprisoned compared to 7.8 percent of women: Gray, *Crime, Prosecution and Social Relations*, 108.

Table 4.10. *Sentences for female and male defendants in assault cases*

	1730-1745		1770-1785		1805-1820	
	Female	Male	Female	Male	Female	Male
Fined 1/- or less	100.0%	54.7%	92.9%	63.5%	14.3%	43.8%
Fined over 1/-	0.0%	25.3%	0.0%	13.5%	0.0%	10.9%
Fine (unknown amount)	0.0%	14.7%	7.1%	8.7%	0.0%	9.4%
Fine and imprisonment	0.0%	0.0%	0.0%	2.9%	0.0%	9.4%
Pillory and imprisonment	0.0%	1.1%	0.0%	1.0%	0.0%	0.0%
Imprisonment	0.0%	0.0%	0.0%	7.7%	85.7%	25.0%
Other	0.0%	4.2%	0.0%	2.9%	0.0%	1.6%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The move from fine to imprisonment for assault has also been noted by historians, but for women the pattern appears far more emphatic.¹⁸² In the Essex Quarter Sessions during the period 1819-21, 13.2 percent of assault suspects were fined, and 51.6 percent were imprisoned. However, in Wales during the period 1805-20 all but one of the female suspects were imprisoned. As Peter King has argued, this partly reflects a move away from the essentially private nature of assault prosecutions and informal settlements.¹⁸³ It is also indicative of wider changes in the punishment of offenders for non-fatal offences, in particular the growing prison reform movement. Interestingly, the changing mode of punishment occurred later in Wales than elsewhere. It was not until the nineteenth century that Welsh women were being incarcerated for assault, whereas by the last decades of the eighteenth century more than a third of individuals in Essex were imprisoned for the offence, and around a fifth of suspects in Surrey, London and Middlesex.¹⁸⁴ It has been noted that Cornwall was similarly slow to adopt such changes, with only 7.4 percent of suspects being imprisoned for assault in the 1790s, but the evidence relating to women suggests that Wales was even slower.

4.10. Conclusion

The Great Sessions records do not suggest that Wales was a ‘brutal’ society characterised by ‘lawlessness’ and a propensity for violence, as has been claimed. Recorded levels of assault involving women show that the Welsh in this period were no more violent than their English or Scottish neighbours. The few surviving records that allow for some consideration of the potential motives for female violence also do not indicate that women were involved in ‘casual violence’. Like men, women could be

¹⁸² Smith, ‘Violent crime and the public weal’, 204-6; King, *Crime and Law*, ch. 7.

¹⁸³ King, *Crime and Law*, 232.

¹⁸⁴ King, *Crime and Law*, 247.

drawn to violence in defence of their reputations, family members, households, or wider community, and the victim was usually an individual with whom they were acquainted. Although the degree of violence inflicted by women is particularly difficult to determine, with both prosecutor and defendant portraying contrasting opinions regarding the nature of the assault, it is clear that this was not an 'unsqueamish' society where men and women 'turned naturally to assaulting those who in any way offended them'.¹⁸⁵

An analysis of the court records provides some interesting findings regarding the sorts of women involved in assault in this period. The majority of female suspects were married, but a chronological breakdown conveys a greater propensity for unmarried women to engage in, or be indicted for, assault by the early nineteenth century. Less than half of married women acted alongside their husbands. Women also increasingly opted to act within groups, with the composition of the groups changing from mixed sex, to solely female, by the early nineteenth century. The size of the groups indicted also increased by the end of the period. Female defendants were predominantly from the lower-middling orders, married mainly to yeomen, though wives of craftsmen also feature prominently. Assault was by no means class-specific, and gentry women, although comparably rare, were present in the gaol files.

A consideration of the pleas, verdicts and sentences is particularly revealing. Women were far more likely than men to plead guilty or submit to the charge of assault. Similarly, the grand jury was more likely to find their bills true, than for male assault cases. When facing the trial jury, differences in the punishments remain. Women were either fined a nominal sum, or, by the end of the period, suffered imprisonment. Men, on the other hand, received a wider range of sentences, including being bound over or pilloried. Although increasingly popular, the move towards incarceration in Wales was notably slow.

¹⁸⁵ Howell, *The Rural Poor*, 178.

Chapter Five

‘Against the peace of our said Lord the King’: riots, routs and unlawful assemblies

5.1. Introduction

Following the passing of a parliamentary act granting the enclosure of 10,000 acres on the Llŷn Peninsula, John Ellis told how his brother, a Commissioner, had been sent to the parish of Pistyll in North Wales in 1812 to survey the commons. He wrote:

...we had not been there an hour before about forty persons, men and women and children, assembled and after reasoning with the men for some time and telling them the consequences of opposing the Surveyor I think they had made up their minds not to molest them, until a fresh set of women from the neighbourhood of Llithfawn came up who immediately abused the men for their supineness and commenced a salute of sods upon the Commissioner and the Surveyor and the old women continued to do so...and the Commissioner, the Surveyor and myself were obliged to retreat.¹

The historiography of early modern riots is vast.² Contributions for Wales have been equally forthcoming.³ However, the place of women in eighteenth- and early nineteenth-century popular protest, both in Wales and further afield, has received only sporadic attention.⁴ The earliest studies focused mainly on the grand narratives of class struggle, and when attention turned to the rioters themselves, the emphasis was

¹ A letter dated 12 September 1812 from John Ellis to his brother, the Commissioner, as cited in David J. V. Jones, *Before Rebecca: Popular Protests in Wales 1793-1835* (London: Allen Lane, 1973), 47.

² For early influential studies, see George Rudé, *The Crowd in History: A Study of Popular Disturbances in France and England, 1730-1848* (New York: John Wiley and Sons, 1964); E. P. Thompson, ‘The moral economy of the English crowd in the eighteenth century’, *Past and Present*, 50 (1971), 76-136. For more recent studies see, for example, Andy Wood, *Riot, Rebellion and Popular Politics in Early Modern England* (Hampshire: Palgrave, 2002); John Walter, *Crowds and Popular Politics in Early Modern England* (Manchester and New York: Manchester University Press, 2006).

³ Jones, *Before Rebecca*; David D. Howell, *The Rural Poor in Eighteenth-Century Wales* (Cardiff: University Press, 2000); Sharon Howard, ‘Riotous community: crowds, politics and society in Wales, c.1700-1840’, *Welsh History Review*, 20 (2001), 656-86; Tim Jones, *Rioting in North East Wales, 1536-1918* (Wrexham: Bridge Books, 1997).

⁴ The writing of women’s and gender history paved the way for a consideration of the role of women in riots. Seminal studies include Malcolm I. Thomis and Jennifer Grimmett, *Women in Protest, 1800-1850* (London and Canberra: Croom Helm, 1982), which also draws on several Welsh examples, and Thompson, ‘The moral economy’. More recent studies include John Walter, ‘Faces in the crowd: gender and age in the early modern English crowd’, in Helen Berry and Elizabeth Foyster (eds.), *The Family in Early Modern England* (Cambridge: Cambridge University Press, 2007), 96-125 and Rhiannon Markless, *Gender, Crime and Discretion in Yorkshire, 1735-1775: Decision-Making and the Criminal Justice System* (Saarbrücken: Scholars’ Press, 2014), ch. 7. Wood also provides a gendered consideration of early modern riots in his *Riot, Rebellion and Popular Politics*, 100-11.

commonly on the involvement of men.⁵ Women's roles in food riots have raised some debate amongst scholars, but their involvement in other kinds of riots has drawn much less interest.⁶ As the above quote suggests, women were frequently present in riots of various natures, and many played prominent roles. Their presence in the court records, however, does not always reflect this and, as such, female rioters have been often overlooked. Exploring the nature and extent of Welsh women's involvement in food riots, enclosure riots, and more generalised forms of popular protest during the long eighteenth century, this chapter addresses the void.

The number of women indicted for riot and recorded in the Great Sessions gaol files was sufficiently manageable to allow the examination of all cases in the period 1730-1830. Although selective sampling was unnecessary, to enable effective statistical analysis the figures discussed below have been divided into three periods of roughly equal duration: 1730-63, 1764-97 and 1798-1830. Supporting pre-trial evidence, in addition to the formal indictments, survives for only a small number of cases. This chapter focuses primarily on quantitative data, but draws on qualitative evidence where it remains. It considers the number and types of women indicted, as well as the dynamics of the rioting groups. Where possible, the motivations and driving factors behind the participation of women are explored, in addition to the response of the defendants and the juries following indictment.

5.2. Riots, routs and unlawful assemblies

The tumultuous or ill-intended gathering of a group of people in this period could fall into one of three legal categories: riots, routs or unlawful assemblies. The categorisation depended on the intended and actual outcome of the gathering.⁷ For behaviour to be considered 'riotous' it needed to involve at least three individuals. When these individuals assembled together to commit an unlawful act, but dispersed before commencing their intention, it would be considered an unlawful assembly. If the assembled group made some advances towards their malicious act before dispersing

⁵ J. A. Sharpe, *Crime in Seventeenth-Century England: A County Study* (Cambridge: Cambridge University Press, 1983), ch. 6. As late as 2005, a monograph exploring violence in England since the mid-eighteenth century gave no consideration to women's distinct roles in popular protest: Clive Emsley, *Hard Men: The English and Violence Since 1750* (London: Hambledon and London, 2005), ch. 6.

⁶ Lawrence Stone argued that women's participation in food riots was the only way that they showed 'a spirit of independence', and at all other times 'married and unmarried women were as submissive and dependent as the conduct books suggested they ought to be': Lawrence Stone, *The Family, Sex and Marriage in England 1500-1800*, abridged edn. (London: Penguin Books, 1990), 141.

⁷ Edward Coke, *The Third Part of the Institutes of the Laws of England: concerning High Treason, and other Pleas of the Crown* (London, 1644), 176.

then this was defined as a rout. A 'riot' occurred when an unlawful act of violence *actually* took place and involved three or more individuals.⁸ However, when 12 or more met together to disturb the peace and failed to disperse when requested by an official, the offence was considered substantially more serious and the benefit of clergy was removed.⁹

The precise offence for which an individual was accused can be unclear from the indictment alone. The official wording of the documents commonly stated that the defendants had 'unlawfully riotously and routously...assemble[d] and gather[ed] together', suggesting that they had been involved in a riot, rout and unlawful assembly. Although it is sometimes possible to determine from the wording whether the violent act, and therefore a 'riot', had actually taken place, it is near-impossible to distinguish between a rout and an unlawful assembly. Moreover, several other crimes were often considered to have been committed 'riotously', with such terminology frequently used on the indictment to add weight to the charge. As shown in the previous chapter, this was particularly common for the offence of 'riot and assault', which was an assault committed by three or more individuals. Other crimes such as breaking and entering, forcible rescue, and forcible entry and detainer, were often described as 'riotous'. Like riot and assault, the riotous aspect of the indictment appears secondary to the main offence. For the purpose of this study, riots, routs and unlawful assemblies have been grouped together and analysed simultaneously. Also, only indictments which refer explicitly to a riot (including routs and unlawful assemblies), or to a related crime which undoubtedly occurred as part of the riot, such as the theft of foodstuffs, are considered in the following section.¹⁰ Indictments for which the primary offence was not a riot, but a crime committed under riotous conditions, are considered elsewhere.

⁸ Historians who have employed a quantitative method in their approach to the topic have differed in their definition of a 'riot'. Bohstedt defined a riot as consisting of 50 or more persons, but C. Tilly considered a 'contentious gathering' to involve just 10 or more individuals: Bohstedt, *Riots and Community Politics*, and C. Tilly, *Popular Contention in Great Britain, 1758-1834* (Cambridge, Massachusetts: Harvard University Press, 1995). Archer has argued that by defining riots in terms of numbers, historians have largely neglected individual acts of protest, such as arson and animal maiming: Archer, *Social Unrest and Popular Protest*, 7. The present study has followed the contemporary definition of a 'riot' as involving three or more individuals, but discretion has been used when distinguishing between a riot and riotous behaviour.

⁹ 1 Geo. I c.5; 36 Geo. III. c.8.

¹⁰ Some individuals were indicted for multiple offences simultaneously (e.g. riot and forcible rescue). For statistical analysis, these individuals have been accounted for within the 'riot' section of this chapter, and again in the following chapter on forcible rescues. To include these individuals in only one section, when multiple crimes had clearly been committed, is to obscure the full nature of the offence.

At least 128 women were indicted for rioting in the period 1730-1830.¹¹ Coincidentally, this figure is very similar to that recorded by Anne-Marie Kilday in her study of Scottish women indicted at the Justiciary Court for rioting in the period 1750-1815.¹² As her period is 35 years shorter than the one explored as part of the present study, the comparable Scottish and Welsh figures would seem to imply that Welsh women were indicted far less frequently than women in the North. However, the Welsh figure is by no means a complete representation of all those engaged in rioting in this period. Not all rioters stood before the Court of Great Sessions, and could instead be dealt with at local Quarter Sessions courts. Riots also ‘evolve’ and people are drawn into them, or leave when officials arrive; thus the number of people indicted was not necessarily indicative of the total number involved.¹³

Moreover, the sexually indeterminate language used to describe the ‘mob’ or ‘crowd’ can frustrate gender identification, and it is likely that only the leaders or those who featured prominently in the riots would be formally prosecuted, with the majority of the group remaining unidentifiable.¹⁴ The naming of individual offenders was reliant on them being known to the prosecutor or possessing distinguishing features or behaviour. The memory of witnesses was important, and any previous clashes with the law might add to a person’s notoriety. Regarding a food riot which had occurred in Glamorganshire in 1800, Thomas Morgan stated that he ‘particularly remembers to have seen amongst the crowd who were upon them...namely James Howell, Thomas Thomas, George Butler and Richard Parry’.¹⁵ The other rioters were seemingly obscured. Justices of the Peace were largely dependent on reliable witnesses to name participants, but with groups of considerable size this would have been wrought with difficulty.

The nature of community-sanctioned riots could lead to the fear of social ostracism for those who reported participants to the authorities.¹⁶ David Jenkin had been

¹¹ Seven of these women were indicted twice, and one woman was indicted three times, but as the indictments imply that the crimes for which they stood indicted differed on each occasion then each indictment has been counted separately.

¹² According to Anne-Marie Kilday, 125 women were indicted for ‘mobbing’ at the Scottish Justiciary Court between 1750 and 1815: Anne-Marie Kilday, *Women and Violent Crime in Enlightenment Scotland* (Woodbridge: Boydell Press, 2007), 106.

¹³ John E. Archer, *Social Unrest and Popular Protest in England, 1780-1840* (Cambridge: Cambridge University Press, 2000).

¹⁴ E. P. Thompson, *Customs in Common* (Harmondsworth: Penguin Books, 1993), 309.

¹⁵ NLW GS 4/390/6.13 (1800).

¹⁶ Some Gin Act informers were beaten so badly that they died of their injuries: Jessica Warner and Frank Ivis, “‘Damn you, you informing Bitch’: *Vox Populi* and the Unmaking of the Gin Act of 1736”, *Journal of Social History*, 33 (1999), 309-10.

accused of partaking in a Carmarthenshire riot, but in his *affidavit* he declared that ‘he did everything that lay in his power to dissuade the rioters from committing any outrage by suggesting to them the consequence’ and that ‘many of the persons who made the disturbance could and would testify [to his lack of involvement] were they not afraid to make their names known’.¹⁷ This sworn testimony suggests that David had been wrongfully accused of rioting, but he nevertheless refused to name those who were present out of fear of repercussions. Another nineteenth-century contemporary wrote how locals, including parish constables, frequently withheld vital information on crimes, while in Haverfordwest ‘common informers’ were driven out of the town by angry groups.¹⁸ Similar feelings have been noted by historians of nineteenth-century Ireland. According to Richard McMahon, the fear of fierce retribution for those who participated in the prosecution of violent offenders, including those involved in riots, left many unwilling to provide evidence. Those who did participate ‘could leave themselves open to acts of lethal violence’ from fellow members of the community.¹⁹

In some instances, individuals who were merely observing the riot, but not participating in it, could find themselves accused. The fast-paced nature of the offence, and the large number of people involved, inevitably lead to a daunting and confusing atmosphere where it was difficult to differentiate between bystanders and active participants.²⁰ Owen Jones was indicted for partaking in a riot in Pwllheli in 1795. He denied his involvement and stated that he had been drawn to the gathering crowd ‘from motives of curiosity merely and not to go for any riotous purpose nor did he at any time aid or assist the rioters...or excite any person or persons to commit any riot but only was there as spectator’.²¹ His story was supported by Mary Watkins, who confirmed that she had witnessed Owen in the crowd, but that he ‘did not take any part in the riot nor had he any intention whatsoever to create any disturbance...and he behaved himself in the most peaceable manner during the whole time’. The defendant further claimed that he

¹⁷ NLW GS 4/751/1.29 (1795).

¹⁸ Home Office letters and papers 45/454, letter from J. Walters and an anonymous writer, both similar and both dated 4 October 1843, as cited in David J. V. Jones, *Rebecca's Children: A Study of Rural Society, Crime, and Protest* (Oxford: Clarendon Press, 1989), 159.

¹⁹ Richard McMahon provides the example of Mary Keating, who was killed by the blow of a stone thrown from a crowd who assembled outside her house. The crowd had gathered to taunt Mary's son who had participated in a prosecution for riot earlier in the day: Richard McMahon, “‘For fear of the vengeance’: the prosecution of homicide in pre-Famine and Famine Ireland”, in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Cullompton: Willan, 2008), 162.

²⁰ Robert Shoemaker has suggested that in many cases the spectators could outnumber the active participants in riots: Robert Shoemaker, ‘The London “Mob” in the early eighteenth century’, *Journal of British Studies*, 26 (1987), 281.

²¹ NLW GS 4/277/4.43 (1795).

had initially been at home in bed, but had heard ‘the town bell ringing which caused him to think there was a fire in some part of the town’ and that he left his house to determine the cause of the alert.²² Local justices, in an attempt to seek assistance in dispersing the crowd, could inadvertently add to the swelling numbers and further enhance the problems associated with identifying protesters.

Although on average only 1.28 women a year were indicted for riot, evidence suggests that they were involved in protests in far greater numbers. One witness stated that during a riot in Anglesey in 1757 he saw ‘a great multitude of people, some women amongst them...armed with clubs and staves’.²³ Also in Anglesey in 1817 the justice of Treiorwerth wrote of a riot that ‘a few scores of women [and] children made their appearance who were rather unruly and abusive’.²⁴ Yet no women appear in the Great Sessions records for rioting on either of these dates. Additionally, at a demonstration against high corn prices in Swansea in 1801, a visitor to the town recorded:

About 4 o’ Clock in the Afternoon a number of poor Women with two Common Girls of the Town at their head assembled and paraded the Streets, and being joined by a number of poor Children whom the Women encouraged to Holloa and Scream, the whole body proceeded to a Corn Warehouse, in which was a large quantity of Barley belonging to Messrs. Grove and Co., and forced open the Door...²⁵

The reasons why women were only formally indicted for rioting in relatively small numbers, despite the certainty of their presence, are difficult to substantiate.²⁶ David D. Howell has argued that the authorities were less willing to prosecute women for the offence than men, whereas Malcolm Thomis and Jennifer Grimmett see women’s exclusion from the records as an intentional act on the part of local officials in order to emphasise the seriousness of the riots.²⁷ They argue that ‘to identify women as participants was the standard means of playing down an event and suggesting that it need not be taken seriously’.²⁸ Others have suggested that the legal position of women in crowds was unclear for contemporaries, with many believing that husbands and

²² NLW GS 4/751/1.29 (1795).

²³ NLW GS 4/252/3.91 (1757).

²⁴ Jones, *Before Rebecca*, 220, Appendix I.

²⁵ Hilary M. Thomas (ed.), *The Diaries of John Bird: Clerk to the First Marquis of Bute, 1790-1803* (Cardiff: South Wales Record Society and Glamorgan Archive Service, 1987), 131.

²⁶ Robert Shoemaker’s study of the Middlesex Sessions between 1660 and 1779 is an exception. His findings suggest that 72 percent of the 415 rioters bound by recognizance were female. However, he concedes that it is likely that women were overrepresented in the small-scale riots which dominate this form of prosecution: Robert Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London: Hambledon and London, 2004), 138.

²⁷ Howell, *The Rural Poor*, 187.

²⁸ Thomis and Grimmett, *Women in Protest*, 14.

fathers would be legally responsible for the riotous behaviour of their wives and daughters.²⁹ According to John Walter, women used this uncertainty to their advantage and often taunted their victims that they were not answerable to the law. Indeed, on several occasions women in English riots announced ‘that they...were lawless creatures and that there was noe lawe to rule order or punishe them for...theire riott’.³⁰

There was an increase in the number of female suspects accused of rioting throughout the period under study (Table 5.1). Nearly one-third of the female rioters appear in the period 1730-63, but over 40 percent of the women were indicted between 1798 and 1830. The general consensus in the historiography is that ‘[b]y the end of the eighteenth century the age of the mob was over’.³¹ Supposedly, riots had ‘ceased to be the predominant form of popular politics in the nineteenth century’, and had essentially ‘died out’.³² It is interesting that the number of women involved in riots in Wales was increasing during this period. An examination of the kinds of riots that the women were involved in provides some explanation. As will be discussed in greater detail later in this chapter, 28 of the 54 female suspects indicted in this period were involved in enclosure riots following the spate of acts passed between 1793 and 1815. This, coupled with the high unemployment following the end of the Napoleonic Wars, made for a particularly turbulent period. As historians have focused predominantly on food riots, the involvement of individuals in other forms of popular protest has largely been obscured. The participation of women in food riots may have decreased, in line with an overall reduction in the number of protests of this nature, but the involvement of women in enclosure riots persisted well into the nineteenth century.

Table 5.1. *Marital status of women indicted for riot*

	1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Married	53	42.4%	17	42.5%	18	54.5%	18	34.6%
Singlewoman	46	36.8%	12	30.0%	7	21.2%	27	51.9%
Widow	26	20.8%	11	27.5%	8	24.2%	7	13.5%
Unknown	3	-	0	-	1	-	2	-
Total	128	100.0%	40	100.0%	34	100.0%	54	100.0%

²⁹ John Stevenson suggests that this perceived ‘immunity’ and belief that women would not be arrested as readily as men explains the appearance at riots of men dressed as women: John Stevenson, *Popular Disturbances in England 1700-1870* (London and New York: Longman, 1979), 102.

³⁰ As cited in Wood, *Riot, Rebellion and Popular Politics*, 106.

³¹ Shoemaker, *London Mob*, 151.

³² John Bohstedt, *Riots and Community Politics in England and Wales 1790-1810* (Cambridge and London: Harvard University Press, 1983), 210; Howell, *The Rural Poor*, 233.

The majority of women (42.4 percent) indicted for riot were married, with singlewomen comprising an average of 36.8 percent of the female suspects, and widows 20.8 percent (Table 5.1). The percentage of singlewomen, does, however, increase substantially to 51.9 percent in period three (1798-1830) from 30 percent in period one and 21.2 percent in period two (1764-97). The predominance of married women amongst female riot suspects has been seen to reflect concerns with the price and supply of food and their ability to feed their husbands and children, as well as their conflicts over customary rights in matters that immediately affected their family.³³ The significant percentage of unmarried women who were indicted for this crime reinforces the integral role that *all* members of the household played in both the domestic economy and the wider community. Increasing food prices and the enclosure of common land affected both men and women, and had a detrimental impact on the entire household. Widows, too, many of whom would have headed their own households following the death of their husbands, were also directly affected by the rapidly changing economy. In a society where both sexes worked the land together, women's involvement in such riots alongside men, regardless of marital status, is significant. These women were rioting not only with their husbands, but as integral members of the household and neighbourhood.

The size of the assembled rioting group is difficult to determine. As has been stated, it was common for only a handful of the most prominent and easily-distinguishable rioters to be named on the indictment, with other participants recorded solely as 'diverse other persons to the jurors yet unknown'. Occasionally the indictment lists an estimate of the total number of rioters, though this remains frustratingly unhelpful. For example, we know only that a particularly turbulent riot occurred in Pembrokeshire on 30 August 1824 involving five named defendants, in addition to 'other evil disposed persons to the number of five hundred and more...as yet unknown'.³⁴ The formal language can mask the size and nature of the rioting group. One indictment stated that Eleanor Bradley, Mary Lloyd, John Ralph and 'diverse other persons' gathered together to steal wheat and barley from a boat.³⁵ This alone is unrevealing, and it is only from a surviving examination that we learn that 'a number of colliers amounting to 70 or 80' stole 'thirty two measures of wheat and about three

³³ J. M. Beattie, 'The criminality of women in eighteenth-century England', *Journal of Social History*, 8 (1975), 88. A notable exception is eighteenth-century Scotland where two-thirds of female riot suspects were unmarried: Kilday, *Women and Violent Crime*, 112.

³⁴ NLW GS 4/836/4.1 (1824).

³⁵ NLW GS 4/1006/4.8 (1762).

hundred measures of barley' from a docked boat as it was being loaded.³⁶ As few examinations survive, the full extent of many riots is inevitably hidden, and the difference between 'petty acts of neighbourly malice' and 'significant outbreaks of social disorder' is often concealed.³⁷

Where it is possible to establish the numbers involved, it is clear that the size of the rioting groups varied considerably. Female rioters appear most frequently on indictments recording comparatively small-scale riots of 24 or fewer individuals (Table 5.2). As women formed a minority of rioters, they may simply have been more noticeable within the smaller groups. However, this is not to suggest that women did not appear at all in large-scale riots.³⁸ Over 40 percent of the female suspects were indicted for riots involving over 100 people, with 13.2 percent of these relating to riots of 500 persons or more. Also, there appears to be considerable change over time. In the period 1798-1830, over 72 percent of the women are named on indictments for riots involving over 100 people. This is in contrast to the period 1730-63 when only 11 percent of women were prosecuted for riots of this size. It would be too simplistic to assume that women were involved in larger rioting groups by the end of this period than at the beginning: women were undoubtedly far more prominent in the large scale riots than the indictments suggest. Nevertheless, it certainly appears that they were attracting the attention of the authorities in much greater numbers by the early nineteenth century than previously.

³⁶ NLW GS 4/1006/4.30 (1762).

³⁷ John Walter and Keith Wrightson, 'Dearth and the social order in early modern England', in Paul Slack (ed.), *Rebellion, Popular Protest and the Social Order in Early Modern England* (Cambridge: Cambridge University Press, 1984), 112.

³⁸ All individuals named on the indictments were counted in an attempt to gain some insight into the group dynamics of female rioters. Where there was no indication that the size of the group may have been larger, then the number of named individuals was taken as accurate. Where the indictment records an estimate of the total number of rioters, then the number recorded is taken as the size of the group. Indictments that merely state that 'diverse other persons' were involved in the riot, with no indication of the size of the group, have not been included in quantitative analysis.

Table 5.2. *Identifiable size of rioting groups involving female defendants*³⁹

	1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
< 5	12	13.2%	9	33.3%	3	18.8%	0	0.0%
5-10	4	4.4%	0	0.0%	2	12.5%	2	4.2%
11-14	24	26.4%	10	37.0%	5	31.3%	9	18.8%
15-19	1	1.1%	0	0.0%	1	6.3%	0	0.0%
20-24	7	7.7%	0	0.0%	5	31.3%	2	4.2%
25-99	5	5.5%	5	18.5%	0	0.0%	0	0.0%
100-499	26	28.6%	2	7.4%	0	0.0%	24	50.0%
500+	12	13.2%	1	3.7%	0	0.0%	11	22.9%
Unknown	37	-	13	-	18	-	6	-
Total	128	100.0%	40	100.0%	34	100.0%	54	100.0%

Using the recorded occupations of the husbands of married female suspects, it is possible to make some observations regarding the social status of the women involved in riots (Table 5.3). On average, 38 percent were married to labourers, 34 percent were of professional or freeholder status, and wives of craftsmen and artisans made up 28 percent. All except the higher orders are represented.⁴⁰ Again, there is a noteworthy change over time. In the period 1730-63, 35.3 percent of the female suspects were married to men of yeoman status. However, this figure decreased substantially to just 5.9 percent by the early nineteenth century. The percentage of women from the labouring poor more than doubled, from 29.4 percent in period one to 64.7 percent in period three. This provides a contrast with Kenneth J. Logue's study of popular disturbances in Scotland during the period 1780-1815. According to his figures, 30 of the 68 women (44 percent) involved in the various forms of popular protest were married to 'skilled manual' workers, a category he broadly defines as including artisans and tradesmen engaged in 'skilled' professions. In contrast, only 19 women (27.9 percent) were married to 'unskilled manual' workers such as labourers.⁴¹ The social composition of the early modern 'London mob' was also similarly varied, but with one exception: the presence of members of the gentry. Robert Shoemaker and others have shown that women and men 'of all social classes' were present in rioting groups, but

³⁹ The numbers recorded relate to the 'identifiable' size of the rioting group. This is not necessarily the number of suspects formally named and indicted, but can relate to numbers estimated by witnesses or approximate figures recorded on the indictment or on other official documents.

⁴⁰ Although rarely directly involved in rioting, Howard suggests that members of the higher orders may be found 'behind the scenes', either in the context of their own inter-class rivalries, or in their hostilities towards the middling sort. They may have expressed a genuine sympathy for the poor, but this relationship, she argues, was reciprocal, as even 'the most "ignorant" rioter might well be capable of realizing the usefulness of gentry support, or of exploiting gentry rivalries': Howard, 'Riotous community', 667.

⁴¹ My calculations based on Logue's figures: Kenneth J. Logue, *Popular Disturbances in Scotland, 1780-1815* (Edinburgh: John Donald, 1979), 192, Table 1.

gentry women do not appear in Welsh riots. Despite this, remarks that ‘typical’ riots consisted primarily of those from ‘lower and lower middle-class occupational groups’ and not the ‘dregs of society’ apply as equally to Wales as they do to the metropolis.⁴²

Table 5.3. *Social status of married women indicted for riot*

	1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Gentry	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Freeholder	17	34.0%	6	35.3%	10	62.5%	1	5.9%
Craftsman/ Artisan	14	28.0%	6	35.3%	3	18.8%	5	29.4%
Labouring poor	19	38.0%	5	29.4%	3	18.8%	11	64.7%
Unknown	3	-	0	-	2	-	1	-
Total	53	100.0%	17	100.0%	18	100.0%	18	100.0%

The predominance of women of labouring status in Welsh riots can be partly attributed to the social make-up of the affected counties, as well as the kinds of riots in which they were participating, and the economics of the period. Pembrokeshire and Cardiganshire feature heavily in the records for rioting and the 1841 census indicates that less than a quarter of the working population of these counties were involved in commerce, trade or manufacture.⁴³ In addition, as will be discussed in greater detail below, nearly one-fifth of the female suspects were engaged in food riots. The rise in the price of provisions at the end of the eighteenth century was not accompanied by an increase in the wage of labourers, and inevitably they suffered greatly. As early as 1788 some families within the lower orders were spending up to 60 percent of their earnings on purchasing corn, with this percentage being as high as 74 percent in Denbighshire.⁴⁴ This, coupled with the low standard of living of the lower orders, their dependence upon bread as the main component of their diet, the rapid rise in the price of corn, and the unsatisfactory nature of the corn trade, led to a particularly turbulent period for the labouring classes.⁴⁵ However, as David J. V. Jones has argued, it would be a mistake to view those who took part in riots, particularly food riots, as simply ‘down-trodden and starving mobs of labourers’. The social composition of the crowds suggests a ‘much more complex

⁴² Shoemaker, *London Mob*, 139. Logue made the same observation for eighteenth- and early nineteenth-century Scotland: Logue, *Popular Disturbances*, 191. So too did Rudé in *The Crowd in History*, 203-07.

⁴³ Jones, *Rebecca's Children*, 29.

⁴⁴ This is based on a family of six living in Merionethshire in 1788. A family of five living in Denbighshire in 1796 could expect to spend up to 74 percent of their income on bread and meals made of corn: Jones, *Before Rebecca*, 15, Table 1.

⁴⁵ These three factors are listed by Jones to explain the large number of corn riots in the period 1793-1801. He does not refer explicitly to labourers, but the problems he describes undoubtedly affected the labouring classes most of all: Jones, *Before Rebecca*, 13.

picture'. Artisans, craftsmen and small property owners played significant roles as they were affected by the inflationary and unstable nature of the period which led, in some cases, to out-migration. Yeomen were also particularly prominent in the disturbances as they were affected by the increasing poor rates and perturbed with having to part with their corn so quickly during periods of scarcity.⁴⁶

Geographically, women were indicted for rioting from all Welsh counties except Merionethshire (Table 5.4).⁴⁷ Nearly one-fifth of the suspects were indicted in Cardiganshire, with women from this county present in all three periods under study. Other counties, such as Breconshire, Carmarthenshire and Denbighshire indicted women for rioting infrequently throughout the eighteenth and early-nineteenth century. Roger Wells has claimed that eighteenth-century riots have too often been assumed, or stated categorically, to be simply rural incidences. In his study of revolts in the South-West in 1800-01, Wells found that almost every person tried for partaking in a riot lived in an urban setting and depended largely on town markets.⁴⁸ With regards to Wales, Jones has suggested that 'the very nature of the rural economy and society in Wales made such open protests unlikely'. Regrettably, he fails to elaborate on this point and his definition of a 'rural' society is somewhat unclear.⁴⁹

⁴⁶ Jones, *Before Rebecca*, 33.

⁴⁷ For two informative studies of the geography of riots, see the collection of contributions edited by Andrew Charlesworth: Andrew Charlesworth (ed.), *An Atlas of Rural Protest in Britain, 1548-1900* (London: Croom Helm, 1983), and A. Charlesworth, D. Gilbert, A. Randall, H. Southall and C. Wrigley, *An Atlas of Industrial Protest in Britain, 1750-1900* (Basingstoke: Macmillan Press, 1996).

⁴⁸ Roger Wells, 'The revolt of the South West, 1800-1: a study in English popular protest', in John Rule and Roger Wells, *Crime, Protest and Popular Politics in Southern England, 1740-1850* (London: Hambledon Press, 1997), 47.

⁴⁹ David J. V. Jones, *Crime in Nineteenth-Century Wales* (Cardiff: University of Wales Press, 1992), 98.

Table 5.4. *Place of prosecution of women indicted for riot*

	1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Anglesey	8	6.3%	8	20.0%	0	0.0%	0	0.0%
Breconshire	2	1.6%	1	2.5%	0	0.0%	1	1.9%
Caernarfonshire	17	13.3%	9	22.5%	2	5.9%	6	11.1%
Cardiganshire	24	18.8%	3	7.5%	11	32.4%	10	18.5%
Carmarthenshire	2	1.6%	1	2.5%	0	0.0%	1	1.9%
Denbighshire	4	3.1%	4	10.0%	0	0.0%	0	0.0%
Flintshire	12	9.4%	8	20.0%	4	11.8%	0	0.0%
Glamorganshire	16	12.5%	4	10.0%	10	29.4%	2	3.7%
Merionethshire	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Montgomeryshire	7	5.5%	0	0.0%	7	20.6%	0	0.0%
Pembrokeshire	19	14.8%	0	0.0%	0	0.0%	19	35.2%
Radnorshire	17	13.3%	2	5.0%	0	0.0%	15	27.8%
Total	128	100.0%	40	100.0%	34	100.0%	54	100.0%

The evidence examined here suggests a correlation between the larger numbers of women indicted for riot and counties with higher population densities and more ‘urbanised’ economies, a trend also recorded in eighteenth-century London.⁵⁰ The ‘population explosion’ of the late eighteenth and early-nineteenth century has been described as ‘tremendous’, with the population increasing by 19.6 percent between 1750 and 1801, predominantly in Cardiganshire and the counties of north Wales.⁵¹ By the nineteenth century, Glamorganshire had many industrial towns, with Merthyr Tydfil and Swansea being the first and second largest towns in Wales in 1801. Caernarfon, rapidly developing as a port, was the seventh largest Welsh town, although this remained small in comparison with many English towns.⁵² The increasing presence and concentration of industrial wage earners and artisans in these rapidly growing counties appears to be of particular importance to the incidence of riots. These groups were exposed to the sharp price fluctuations of the open markets of the towns and were far more vulnerable than ‘protected’ agricultural labourers.⁵³ Migratory workers, attracted by the opening and growth of new commercial markets, added to an already expanding population. A further consequence of this, according to Andy Wood, was an intensification of local conflicts over rights of tenure and common. In some areas, established villagers clashed with newcomers and drove them out of the village, while

⁵⁰ Shoemaker, ‘The London Mob’, 302.

⁵¹ Jones, *Before Rebecca*, 5.

⁵² Howell, *The Rural Poor*, 27.

⁵³ Howell, *The Rural Poor*, 180.

in other instances local lords saw the expanding population as a potential source of revenue and sought to increase manorial tolls. In both cases, tension ensued.⁵⁴

According to Walter and Keith Wrightson it was in grain-producing regions, which usually provided a surplus that was used to feed other areas, that grain riots were most likely to occur. Riots in areas such as Norfolk, Essex, Kent, Sussex, Hertfordshire, Hampshire and the Thames Valley, they argued, were commonly provoked by the fear of the siphoning off of local grain supplies to meet metropolitan demand.⁵⁵ Coastal and riverine ports that supplied London and the new manufacturing centres were similarly targeted and considered 'riot-prone'.⁵⁶ Indeed, this also appears to have been influential in Wales, at least in the case of riots where motivation is evident. Two riots occurred in Glamorganshire and Flintshire spurred, it seems, by the movement of grain out of the parish to another.⁵⁷

Many of the riots for which women were indicted were community-specific and small-scale. They were targeted at a particular individual or property for unique reasons. Rioting groups removed the thatch from cottages, destroyed stone steps and glass windows of targeted houses, and rioted in support of incarcerated prisoners.⁵⁸ In one particular case of 'rough music', which occurred in Radnorshire in 1752, a crowd of 100 men and women 'with sticks, staves, guns, blunderbusses, pistols, and other offensive weapons' made 'an effigy to represent the person of John Price', a local gentleman. With 'great shouts, huzzahs, noise, and disturbance' they carried and 'publicly expose[d]' it, and 'afterwards burn[ed] the same' in order to 'injure the reputation of the said John Price'. Then 'to the great terror of...his majesty's subjects' the crowd 'continue[d] armed...in a tumultuous manner...for the space of twenty hours'.⁵⁹ According to Shoemaker, '[p]eople who were targets of popular hatred were more likely to be burned in effigy than directly attacked'.⁶⁰ The reasons for this particular incident are hidden, but the highly ritualised nature of the riot clearly sought to reinforce the community's hatred of the local gentleman.

⁵⁴ Wood, *Riot and Popular Politics*, 87-88.

⁵⁵ Walter and Wrightson, 'Dearth and the social order', 113. See also Walter, *Crowds and Popular Politics*, ch. 3.

⁵⁶ J. Stevenson, 'The "moral economy" of the English crowd: myth and reality', in Anthony Fletcher and John Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge: Cambridge University Press, 1985), 233; Stevenson, *Popular Disturbances*, 109.

⁵⁷ NLW GS 4/631/1.22 (1802); NLW GS 4/1006/4.8 (1762).

⁵⁸ NLW GS 4/617/1.11 (1755); NLW GS 4/45/5.52 (1733); NLW GS 4/1001/3.4 (1734); NLW GS 4/612/1.2 (1737).

⁵⁹ NLW GS 4/522/2.9 (1752).

⁶⁰ Shoemaker, *The London Mob*, 130.

In addition to local riots with community-specific or private motivations, there are two ‘types’ of riot which had common motives and which can be seen occurring throughout England and Wales in this period: food riots and enclosure riots, both of which will be considered separately below.⁶¹ This is not intended to over-simplify or limit the nature of popular protest, as riots were frequently multifarious and motivated by several overlapping and interlinked causes, but to draw on common motivations for female involvement in popular protest in greater detail.⁶²

5.3. Food riots

Food riots covered a wide range of activities, such as stopping the movement of grain out of an area, the forcible seizure of foodstuff, the tumultuous assembly in order to force dealers or authorities to reduce prices, or *taxation populaire*. While the role of women in food riots has received the most detailed consideration, the exact nature of their involvement has led to debate. Some of the earliest studies of food riots portrayed women as the initiators and leaders, due to their experience of collecting and purchasing food and ‘face-to-face marketing’.⁶³ One scholar went as far as claiming that ‘it is hardly surprising...that market riots were so often the province of women’ as ‘it was they who felt most acutely the frustrations and anxieties of fluctuations in prices’.⁶⁴ Expanding on this, Walter has argued that women drew on contemporary constructions of their gendered identity in order to justify their presence in food riots. Just as men explained their involvement with reference to their role as ‘breadwinner’, women too referred to their role as provider within the household and family economy.⁶⁵ Others have made similar observations about women’s conspicuous roles in riots, but with alternative explanations. Robert Southey drew largely on contemporary observations when he argued that ‘women are more disposed to be mutinous; they stand less in fear

⁶¹ For a study that examines politically-motivated riots, see Jennine Hurl-Eamon, *Gender and Petty Violence in London, 1680-1720* (Columbus: The Ohio State University Press, 2005), ch. 7.

⁶² For the problems associated with the categorising of early modern riots, see Walter, *Crowds and Popular Politics*, 17.

⁶³ See, for example, Thompson, ‘Moral economy’, 115; Beattie, ‘The criminality of women’, 88; Stevenson, *Popular Disturbances*, 101; Logue, *Popular Disturbances*, 36. This explanation has since also been offered by Bernard Capp in ‘Separate domains? Women and authority in early modern England’, in P. Griffiths, Adam Fox and Steve Hindle (eds.), *The Experience of Authority in Early Modern England* (New York: St. Martin’s Press, 1996), 121, and Nicholas Rogers, *Crowds, Culture and Politics in Georgian Britain* (Oxford: Oxford University Press, 1998), 233.

⁶⁴ Stevenson, *Popular Disturbances*, 101.

⁶⁵ Walter, ‘Faces in the crowd’, 111.

of law, partly from ignorance, partly because they presume upon the privilege of their sex'.⁶⁶

In contrast, Thomis and Grimmett are doubtful about women's special prominence in the history of food rioting, arguing that in many food riots women are rarely mentioned specifically.⁶⁷ John Bohstedt has similarly sought to dispel the 'myth of the feminine food riot', arguing instead that women commonly rioted *alongside* men and children as a result of their shared communal values.⁶⁸ Women, he stated, 'did not dominate food riots; food riots were not a distinctly feminine province'.⁶⁹ In eighteenth- and early nineteenth-century Scotland, women were involved in disturbances 'where the issues were more sophisticated than "bread and butter" and not at all related to the stereotyped role of women as housewives'.⁷⁰ In Wales, only 23 of the 128 women indicted for riot partook in what could be deemed a 'food riot', and no incident such as the riot involving over 100 women and children recorded at Maldon in 1629, or the food riots in Manchester in 1795 and 1800 involving a crowd 'made up mostly of women', appears to have taken place.⁷¹

Although low in number, the reasons why these 23 women partook in food riots require consideration. Between the 1750s and 1790s butter and meat doubled in price. Wheat, which before 1764 had averaged 34s. 11d. per quarter in Britain, reached an average of 55s. for the remaining years of the century. In Wales, where corn was usually dearer than in England, the high level of grain prices between 1793 and 1801 was unprecedented.⁷² These price increases placed incredible pressure on Welsh families

⁶⁶ The contemporaneous view that female rioters were immune from the law has also been suggested by Bernard Capp as an explanation of what he considers to be the prominent role of women in riots: Bernard Capp, *When Gossips Meet: Women, Family and Neighbourhood in Early Modern England* (Oxford: Oxford University Press, 2003), 311.

⁶⁷ Thomis and Grimmett, *Women in Protest*, 32-34. The opposite view has been put forward by D. J. V. Jones who has stated that 'The regular appearance of women' in Welsh corn riots 'is one of the most notable features': D. J. V Jones, 'The corn riots in Wales, 1793-1801', *Welsh History Review*, 2 (1964-5), 344-45. Despite this emphatic claim, the exact role of Welsh women in riots is considered only briefly in the article.

⁶⁸ John Bohstedt, 'Household and community politics: women in English riots 1790-1810', *Past and Present*, 120 (1988), 88-122.

⁶⁹ Bohstedt, 'Household and community politics', 89. See also John Bohstedt, 'The myth of the feminine food riot: women as proto-citizens in English community politics, 1790-1810', in Harriet B. Applewhite and Darline G. Levy (eds.), *Women and Politics in the Age of the Democratic Revolution* (Ann Arbor: The University of Michigan Press, 1990), 21-60. This view is also taken by Howell in one of the few studies to consider female rioters in early modern Wales: Howell, *The Rural Poor*, 186-87.

⁷⁰ Logue, *Popular Disturbances*, 199.

⁷¹ It is possible that this figure is higher, but the formal wording of the indictment can often mask the nature of the riot. For analysis, only where indictments or supporting pre-trial evidence explicitly refers to foodstuff has the event been defined as a 'food riot'. The role of women in food riots is a contentious issue that has received considerable attention by scholars, and will be discussed in greater detail below.

⁷² Jones, *Before Rebecca*, 8-9.

and undoubtedly spurred many women to engage in forms of popular protest. But women could also be motivated for a number of other reasons, not all of which were related to the national increase in the price of grain. On a local level, issues of hoarding or regrating in order to create artificial shortages and price increases could also spark protest. Hoarding was possibly the reason why a group of 20 individuals entered the houses of Edward Jones and Thomas William Thomas during the night and stole 97 pots of butter and two tonnes of cheese.⁷³ The harmfulness of marketing offences, particularly at times of dearth, is evident in the case of Mary Richard and Humphrey Griffith Owen. They were indicted in Merionethshire in 1741 for having purchased 200 bushels of barley at Llanelltid parish and selling it for a profit in Dolgellau market ‘which illegal practice...tended...to the enhancing of the price of grain at Dolgellau and several other places in Merioneth to the very great prejudice of several of the inhabitants of the said county’.⁷⁴

The concept of a ‘moral economy’ and its association with food riots has received considerable attention.⁷⁵ Scholars such as E. P. Thompson, the most notable exponent of this theory, were keen to emphasise the disciplined, highly-ritualised form of early modern popular protest. Food riots, they argued, formed part of a ‘sub-political’ tradition and received popular legitimisation as a result of an ‘unwritten code, quite distinct from the laws of the land’.⁷⁶ It has been argued that the rioters were not engaging in mindless, arbitrary violence, but an organised and disciplined form of protest which came about due to the conflict between a traditional set of values and commercial capitalism.⁷⁷ Thompson and others have focused mostly on the English crowd, but the concept applies equally to Wales and can be seen particularly in the reaction of the communities to the exporting of grain during times of dearth. On one occasion, a group of over 100 people assembled together and stole 32 measures of wheat, 300 measures of barley, and ‘cut several of the sacks which contained the same’ in order to prevent it from being removed from Bangor. Despite the plaintiff’s derogatory description of the crowd, the incident does not appear to have involved

⁷³ NLW GS 4/277/4.26 (1795) and NLW 4/277/4.27 (1795).

⁷⁴ NLW GS 4/299/1.30-31 (1741).

⁷⁵ For a useful critique of the theory of the ‘moral economy’ of the English crowd, see Stevenson, ‘The “moral economy”’, 218-38. .

⁷⁶ E. P. Thompson, *The Making of the English Working Class* (London: Victor Gollancz, 1963), 64.

⁷⁷ While agreeing largely with the theory, Bohstedt is keen to stress the existence of regional and chronological variances. The disorderliness of the riots recorded in Manchester in 1795 and 1800 are seen as evidence that ‘the “moral economy” was decaying’ in the area: Bohstedt, *Riots and Community Politics*, 86.

physical violence against any person.⁷⁸ Leaders of the group are distinguishable and the crowd's aim is made explicit: 'that no corn should be carried out of the country'. The crowd threatened to sink the ship that was to be used to carry the corn unless a sum of money was paid, and upon successful payment several members signed a piece of paper using fictitious names promising 'not to injure or destroy' the boats.⁷⁹ Despite clear signs of discipline, the desperation of the crowd is evident in their declaration that 'it was indifferent to them' whether they died 'by famine or sword'.⁸⁰ As both Thompson and Howell have argued, during moments of crisis the working population resented what they perceived to be illegitimate behaviour that attacked the old moral economy of the lower orders with its notion of sufficient bread at fair price as a traditional right.⁸¹ In exporting the grain to attain a profit, the community's traditional values and customs had been exploited and the response of the men and women involved was considered both appropriate and justified.

5.4. Enclosure riots

Eighty-five Enclosure Acts for Wales and Monmouthshire were passed before 1793, which gave the go-ahead for the enclosure of nearly 35,000 acres of land. A further 85 acts passed between 1793 and 1815 legislated for the enclosure of at least 213,000 acres. The period between 1793 and 1815 witnessed the most vehement activity, with the later acts between 1815 and 1885 dealing with the smaller amount of 166,000 acres. The post-1793 acts related to the vast upland moors, where newly-enclosed fields were added to existing farms, or sometimes detached from such holdings, and provided a stark contrast with the irregular, small, old fields. While enclosure improved farming in lowland areas, little was done to improve the upland pastures. Enclosure in these areas signified ownership and an attempt to stop piecemeal small encroachments.⁸²

The social consequences of enclosure have been widely debated, and require little repetition here. Some scholars have argued that enclosure brought a fuller and more remunerative demand for labour, more regular and secure employment, higher standards of living, an increase in the number of small landowners and tenant farmers, and a positive increase in the population. Others have conceded that enclosure led to

⁷⁸ The element of discipline and restraint in English food riots has been noted by several historians, including Stevenson, *Popular Disturbances*, 105.

⁷⁹ NLW GS 4/1006/4.8 (1762).

⁸⁰ NLW GS 4/1006/4.31 (1762).

⁸¹ Thompson, 'Moral economy', 132.

⁸² Howell, *The Rural Poor*, 9.

damaging out-migration, a fall in real wages, detrimental effects on poor relief expenditure, labour unrest, class tension, and deterioration in diet and health.⁸³ Of particular relevance to this discussion is not the actual outcome of enclosure, but how contemporaries viewed the enclosure acts and perceived the effects. It was widely believed that enclosure would have a devastating effect on small farmers and cottagers and would lead to a loss of additional income for tradesmen. Artisans took wood and rushes from the commons, and farmers worked the small stone and slate quarries on the wastes. Livestock was grazed on open pastures, which saved many from being dependant on poor relief. The enclosure acts sought an end to all this, and combined with the mass unemployment and increase in poor rates at the end of the Napoleonic Wars, sparked extreme resistance across England and Wales.⁸⁴

Thirty-seven women participated in what appear to be enclosure riots in the period under study. It is unclear, due to the formalised language of the indictments, whether these incidents represented community-wide social resistance to enclosures, or private, possibly family, disputes over property. Nevertheless, the involvement of both men and women in enclosure riots was perceived by the participants as being wholly legitimate, not only because the acts threatened their subsistence, but because the majority of the working community opposed them.⁸⁵ The riots involved the physical removal or destroying of hedges, fences and walls marking enclosure boundaries and were both practical and symbolic. In enclosing common land, communal rights, many of which had existed for generations, had been forcefully removed. The taking down of the barriers sought to reassert these rights.⁸⁶ In one particular act of defiance, two women broke down a gate and allowed their cattle to enter a field and trample on another person's corn. On a more practical level, six women destroyed a wall which was

⁸³ For works that emphasise the positive outcomes of enclosure see, for example, J. D. Chambers, 'Enclosure and labour supply in the Industrial Revolution', *Economic History Review*, Second Series, 5 (1953), 319-43; J. D. Chambers and G. E. Mingay, *The Agricultural Revolution, 1750-1880* (London: Batsford, 1966). In contrast, some studies which argue that enclosure had a negative impact on society include J. L. Hammond and Barbara Hammond, *The Village Labourer, 1760-1832: A Study in the Government of England before the Reform Bill* (London: Longmans, Green and Co., 1911); Gilbert Slater, *The English Peasantry and the Enclosure of Common Fields* (London: Constable, 1907); Wilhelm Hasbach, *The History of the English Agricultural Labourer* (London: P. S. King, 1908); N. F. R. Crafts, 'Enclosure and labour supply revisited', *Explorations in Economic History*, 15 (1978), 172-83; K. D. M. Snell, *Annals of the Labouring Poor, 1600-1900* (Cambridge: Cambridge University Press, 1985), ch. 4.

⁸⁴ Archer, *Social Unrest and Popular Protest*, 10-11.

⁸⁵ Walter raises the same point in his study of seventeenth-century English enclosure riots: Walter, *Crowds and Popular Politics*, 21-22.

⁸⁶ Walker, *Crime, Gender and Social Order*, 268.

preventing their cattle from gaining access to water.⁸⁷ The barriers not only took away common land, but also threatened the existence of livestock.

The enclosure of land had a particularly huge impact on singlewomen and widows. The number of unmarried women who owned or rented small plots of land before enclosure is undoubtedly underestimated, but even without such land, singlewomen and widows could still survive by means of common rights. As tenants of cottages with rights of common they might become dairywomen, using the products produced for subsistence, or perhaps even supplying local communities with eggs, milk or butter. Peat from the large fens was also carried by women from the hills to be sold at the coast as an additional source of income.⁸⁸ However, when the commons were enclosed the ability of unmarried women to make a living in agriculture was severely undermined.⁸⁹ Many survived only on occasional day labour in the fields, or working at remaining local cottage industries. Others were forced to migrate in search of work during the harvest period. Given the hardship created by the enclosure of common land, it is perhaps unsurprising that 19 of the 37 women indicted for enclosure riots were singlewomen, with a further eight recorded as widows. Unlike married women, it is possible that many singlewomen lived alone and may have been reliant only on themselves, or poor relief, to survive. Their participation in these riots could be considered indicative of their frustration and financial desperation.

The conflict over common and wasteland, and grazing rights, in Wales was more pronounced than has been acknowledged in existing historiography. A Radnorshire MP stated as late as 1844 that ‘I am sorry to say, that in the enjoyment of these rights [to enclose land] there is the utmost possible violence exercised on the part of the strong against the weak’.⁹⁰ Thomis and Grimmett have similarly argued for a distinctly Welsh experience of enclosure riots. While acknowledging that ‘[t]he causal links between enclosure, discontent and disturbance are easier to assume than demonstrate’, they assert that ‘anti-enclosure protest clearly occurred’ and women made a definite contribution which ‘seem[s] to have happened most frequently in Wales’.⁹¹ In Cardiganshire during the early nineteenth century a group of women wearing dripping-

⁸⁷ NLW GS 4/270/5.15 (1734).

⁸⁸ Jones, *Before Rebecca*, 43.

⁸⁹ Bridget Hill, *Women, Work and Sexual Politics in Eighteenth-Century England* (London: UCL Press, 1989), 236, 254; Lesley Davison, ‘“Making Shift”: independent singlewomen in South-West Wales during the eighteenth century’ (M.Phil. thesis, University of Wales, Aberystwyth, 2001), 67.

⁹⁰ Thomas Frankland Lewis (MP for Radnorshire), Parliamentary Papers, 1844, V, Report of the Select Committee on Commons Enclosure, Evidence, 100, as cited in Jones, *Crime in Nineteenth-Century Wales*, 98.

⁹¹ Thomis and Grimmett, *Women in Protest*, 51.

pans as cuirasses and ‘armed with missile weapons of all descriptions’ attacked a surveyor, seized his equipment and directed his attention to ‘a pit which was dug for the internment of every surveyor that approached their sights’. During a later attempt to survey the land, ‘like a rolling torrent the Amazons rushed down to put an end to it’ resulting in the summoning of troops.⁹² Such aggressive behaviour has been partly explained as an anti-English response in which Welsh women were attempting to safeguard their homes and families ‘against the forces that threatened them’ and ‘English exploitation’.⁹³ The authorities complained that the women caused more trouble than the men, and were frequently at the forefront of the crowds, encouraging the men with their taunts and provocation.⁹⁴ In contrast, English women appear to have been much less visible in riots of this nature.

Historians of England have concluded that full-scale enclosure riots were rare and that this was a result of the social status of the victims upon whom enclosure would have had the greatest impact. According to Bohstedt, enclosure ‘bore hardest upon the lowest members of the village society – the cottagers, labourers, and paupers who depended on the commons’, which he has argued explains the prominence of ‘the poor’ in enclosure riots in England between 1790 and 1810.⁹⁵ This social group were ‘too little bound together by social networks, perhaps even too geographically mobile, to concert collective violence’. Enclosures ‘made their greatest impact on precisely that part of the population least capable of resistance by riot’.⁹⁶ Although this may be true to an extent, women of the labouring poor were not the only female defendants accused of partaking in enclosure riots in Wales; those of the higher yeomanry status are also present. As most of the women indicted for enclosure riots were unmarried, their social status is unclear and it would be unwise to make too much of these findings given the small number of women involved. Nevertheless, certainly not all who partook in this form of popular protest were of the poorest sort. Bohstedt’s conclusions seem to be hindered by the cut-off date of his research and the criteria he uses to define a ‘riot’. Half of the Welsh women indicted for their involvement in enclosure riots appear after 1810, and in groups numbering between three and 200 people. In contrast, Bohstedt defines a riot as involving 50 or more people. A wider period of study, and a definition closer to that of contemporaries, would perhaps have led to very different findings.

⁹² NLW Nanteos estate records, L942, as cited in Howard, ‘Riotous communities’, 679.

⁹³ Thomis and Grimmett, *Women in Protest*, 51.

⁹⁴ Jones, *Before Rebecca*, 48, 66, 202.

⁹⁵ Bohstedt, *Riots and Community Politics*, 198.

⁹⁶ Bohstedt, *Riots and Community Politics*, 199.

Like increasing food prices and the exportation of foodstuffs from struggling regions, the enclosure of common land directly affected women in the same way that it affected men. In the case of unmarried women, this was likely to have been even more so. The subsistence of the household was threatened and for many families and singlewomen vital income was lost. In the same way as in food riots, it is likely that women, regardless of their marital status, were concerned with the household's survival, and that these concerns prompted their involvement in protests over enclosure and customary rights. Despite this, and despite the fact that Welsh women were involved in enclosure riots in greater numbers than food riots, the role of women in the former has previously received little attention, especially when compared to the substantial research that has been centred on female food rioters.⁹⁷ In the following sections, the nature of women's involvement in enclosure riots, food riots, and other popular disturbances will receive more detailed consideration.

5.5. The role of female rioters

The evidence from the gaol files indicates that women were integral in the preliminary stages of a riot and were able to use their communal networks to help coordinate the gatherings.⁹⁸ Katherine Evans informed her husband and sons that they should journey to the parish of Hope the following morning 'to join a great number of people', and from there travel to Flint to rescue Thomas Jones from prison.⁹⁹ They had not been at home when John Jones had visited to request their involvement, but Katherine proceeded to relate the information upon their return.¹⁰⁰

Many women can also be seen providing encouragement and support to the rioters and in some instances were directing the crowd's actions. John Richardson was loading his boat with wheat and barley when a large group of colliers appeared, 'shouting and brandishing their sticks'.¹⁰¹ John stated that the colliers were not resident in Bangor, but that the inhabitants 'seemed and expressed themselves glad to see them'.

⁹⁷ See Thomis and Grimmett, *Women in Protest*, 51-52 for a brief discussion of the involvement of women in enclosure riots, including a consideration of several Welsh examples.

⁹⁸ Howard has also argued that women's involvement in informal 'gossip' networks and their local knowledge were of considerable importance to the riots: Howard, 'Riotous communities', 681-82. Walter, too, has referred to the importance of 'women's networks' and their ability to gauge popular feelings and encourage effective collective action: Walter, 'Faces in the crowd', 112.

⁹⁹ NLW GS 4/1012/10.14 (1793).

¹⁰⁰ NLW GS 4/1012/10.23 (1793).

¹⁰¹ Such mobile armed forces are understood to have involved only men. According to Walter, women's presence in protests that remained locally-based is certain, but they do not appear to be an active presence in rebellions that took the form of armed, mobile groups marching over considerable distances: Walter, 'Faces in the crowd', 97.

In particular, ‘Eleanor Bradley, Elizabeth Ralph and Mary Lloyd...said they wished they had come sooner’ and they ‘encouraged the colliers to go on and they would stand by them’.¹⁰² According to witnesses, the three women were supported by a crowd of over 100 people who had assembled together to prevent the corn from being taken from Bangor.¹⁰³ On a separate occasion a woman referred to as ‘Morgan the Smith’s wife’ was present in a food riot in Brecon in 1800 which sought to prevent eight horses laden with barley leaving Breconshire for Dowlais Furnace in Merthyr Tydfil. Although not formally indicted, the woman was recorded in an examination as declaring defiantly ‘before you shall take it [the barley] to Merthyr, we will rip the sacks and horses and throw them in the furnace’.¹⁰⁴

Undoubtedly, some Welsh women played central roles in popular protest, but instances of them leading riots are seemingly rare, and their leadership roles should not be overstated. In contrast, women in eighteenth-century London were bound for more than half of assaults when they ‘raised a mob’. This has led Jennine Hurl-Eamon to conclude that mob-raising was a ‘highly significant source of feminine petty violence’.¹⁰⁵ According to Walter, women’s participation in the crowds allowed them ‘temporary access to power and authority’ and in many cases enabled them to dominate over ‘unfortunate males’ who were very often the targets of their protest.¹⁰⁶ Jessica Warner and Frank Ivis focused explicitly on the role of women as ‘mob raisers’ against Gin Act reformers, arguing that this provided a way for women to participate in group protest without being actively violent.¹⁰⁷

The suggestion that women ‘raised’ riots instead of actively participating in them in order to avoid using physical violence is debatable. Some women provided food and refreshments to the rioters, rather than directly joining them in the protest. Several witnesses reported that Anne Jones had called out to a group of rioters in Flintshire that ‘there are crocks full of ale to be had’ at her alehouse. When asked who would pay for the ale, she responded that ‘she should have nothing to do with money, but as to meat and drink she had given much and would give more’.¹⁰⁸ Another examinant stated that he saw Anne ‘among the mob’ and that ‘there he received some ale and bread and

¹⁰² NLW GS 4/1006/4.30 (1762).

¹⁰³ NLW GS 4/1006/4.31 (1762).

¹⁰⁴ NLW GS 4/390/6.13 (1800). The symbolic act of destroying corn, rather than stealing it, has been seen by Thompson as the crowd’s motif of popular intimidation and their desire to punish the proprietors: Thompson, ‘Moral economy’, 114.

¹⁰⁵ Hurl-Eamon, *Gender and Petty Violence*, 111.

¹⁰⁶ Walter, ‘Faces in the crowd’, 123, 121.

¹⁰⁷ Warner and Ivis, ““Damn you, you informing Bitch””, 311.

¹⁰⁸ NLW GS 4/1012/10.17 (1793).

cheese from...[her] without having asked for it or demanding it'.¹⁰⁹ But there are also examples of women committing clear acts of violence during the protest. Edward Roberts appears to have been caught up in a food riot and was assaulted by Margaret Humphreys, Magdalen Parry and others when several measures of barley and oats were taken from his possession.¹¹⁰ Similarly, Gwenllian Jenkin, Elizabeth Spencer, Mary Andrew and around 18 others beat and wounded William William, the reasons for which are unclear.¹¹¹

Many of the victims were local officials. Jane Davies, Mary Davies, Sarah Evan, Mary John and up to 100 others had gathered together in order to prevent the enclosing of common land. As part of the protest, David Joel, a Commissioner, was attacked by the protesters and 'beat[en], bruise[d], wound[ed] and ill treat[ed] so that his life was greatly despaired'.¹¹² The status of local officials did not deter women from committing assault but, like non-officials, the impression gained from the sources is that individuals were rarely the sole target of the riot or attack. Rather, they were attacked only because they were trying to stop the riot or prevent the rioters from achieving their overall aims.

Attacks on property occurred relatively frequently in riotous conditions.¹¹³ Elizabeth Morgan was among a large group of rioters in Merthyr Tydfil who attacked several properties, and was indicted for her part in a food riot. At around 4pm on 22 September 1800, the following report was sent to the leading Merthyr Tydfil employer and magistrate, Samuel Homfray:

The riot is now at such a height that it will be impossible to Quell it without the assistance of the Military – Morgan Lewis Shop is totally demolished, the Goods taken out and carried away - & what will be the end nobody knows – Immediate assistance must be had – I fancy that 2000 People are at present doing all the Mischief they can – Morgan Lewis Shop is not the only one destroyed – They have stop'd everything at Cyfartha & Penydarren but the Furnaces.

Also, Catherine Williams, Elizabeth Williams and Robert Williams 'did break down and demolish' several stone steps leading to the dwelling house of Frances Jones, and Catherine Lloyd, Margaret Matthews and Margaret Roberts, along with several others,

¹⁰⁹ NLW GS 4/1012/10.19 (1793).

¹¹⁰ NLW GS 4/47/5.56 (1741).

¹¹¹ NLW GS 4/623/7.9 (1777).

¹¹² NLW GS 4/912/5.32 (1816).

¹¹³ Mr Justice Hardinge, in his address to the convicts tried before him at the Cardiff on 8 April 1801, acknowledged that '[i]t is true that no acts of *personal cruelty* appear to have taken place': 'Mr Justice Hardinge's address to the Convicts, who were tried before him at the Cardiff Great Session, upon the 8th of April 1801', NLW BER L48/57 iiii.

destroyed the glass windows and walls of the house belonging to Edward Richard.¹¹⁴ Enclosure riots, by their very nature, involved the destroying of walls, fences, ditches and other property. Eliza Fenton, Martha Harris and at least 500 others destroyed ‘ten walls and five buildings’ during the five hours that they remained unlawfully assembled in what appears to have been an enclosure riot. In addition, Mary Evans and a group of around 12 others used ‘mattocks, shovels, and spades’ to ‘demolish, prostrate and destroy a certain ditch or fence...to the evil example of all others’. Such behaviour should not be seen as evidence of mere sporadic vandalism, as the destruction of property often took place in a ‘selective and disciplined manner’. The masses considered their violence against property to be ‘largely unthreatening’, and solely in defence of communal rights.¹¹⁵

5.6. Pleas, verdicts and sentences for riot

The suspects’ pleas and the jury’s responses are unknown for most defendants.¹¹⁶ Over 60 percent of the suspects for whom pleas are recorded pleaded not guilty to the crime, with 36.4 percent pleading guilty or submitting to the charge (Table 5.5). Over 66 percent of the cases did not make it to trial, with the majority of indictments returned as ‘no true bill’. The evidence against most female rioters was clearly deemed insufficient by the grand juries to warrant prosecution. Over 78 percent of the women who faced trial for riot, and for whom a verdict is evident, were found guilty of their crimes, with all the women indicted before 1763 being successfully prosecuted (Table 5.5).

It has been argued that after the passing of the Riot Act of 1715, which made it a non-clergyable felony for a group of 12 or more individuals who failed to disperse within one hour of being requested to do so, magistrates became ‘more confident in handing down capital sentences upon rioters’.¹¹⁷ In Wales, however, no women, as far as can be determined, suffered the death penalty for riot in this period. Instead, nearly 60 percent of defendants were fined for their actions, with 11.8 percent transported. The remaining 29.4 percent of the women were imprisoned, with all those indicted after 1800 suffering incarceration. The same is also true for eighteenth-century Scotland,

¹¹⁴ NLW GS 4/45/5.52 (1733); NLW GS 4/1001/3.4 (1734).

¹¹⁵ Shoemaker, *London Mob*, 130-31.

¹¹⁶ Over 40 percent of the pleas and verdicts are unknown. This shortcoming does not apply only to this crime. A. A. Powell has shown that in a sample of indictments between 1733 and 1830 of the 354 indictments returned ‘true bill’ only in 210 cases is the verdict known, and out of 104 guilty verdicts the sentences are known for just 79: A. A. Powell, ‘Crime in Brecknockshire 1733-1830: as revealed by the records of the Great Sessions’ (M.A. thesis, University of Wales, 1990).

¹¹⁷ Wood, *Riot, Rebellion and Popular Politics*, 40.

where the authorities favoured imprisonment as a punishment for rioters of either gender, with this shifting to banishment or transportation from the 1760s onwards.¹¹⁸

Table 5.5. *Outcomes for female defendants in riot cases*

		1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Pleas	Guilty/submits	8	36.4%	2	20.0%	1	20.0%	5	71.4%
	Not guilty	14	63.6%	8	80.0%	4	80.0%	2	28.6%
	Unknown	106	-	30	-	29	-	47	-
	Total	128	100.0%	40	100.0%	34	100.0%	54	100.0%
Verdicts	Pleads guilty/submits	8	11.1%	5	7.4%	1	7.7%	5	15.6%
	No true bill	48	66.7%	15	55.6%	8	61.5%	25	78.1%
	No prosecution	1	1.4%	1	3.7%	0	0.0%	0	0.0%
	Discharged	1	1.4%	1	3.7%	0	0.0%	0	0.0%
	Guilty	11	15.3%	8	29.6%	2	15.4%	1	3.1%
	Not guilty	3	4.2%	0	0.0%	2	15.4%	1	3.1%
	Unknown	56	-	13	-	21	-	22	-
	Total	128	100.0%	40	100.0%	34	100.0%	54	100.0%
Trial jury verdicts (known)	Guilty	11	78.6%	8	100.0%	2	50.0%	1	50.0%
	Not guilty	3	21.4%	0	0.00%	2	50.0%	1	50.0%
	Total	14	100.0%	8	100.0%	4	100.0%	2	100.0%
Sentences (known)	Imprisoned	5	29.4%	0	0.0%	0	0.0%	5	100.0%
	Fined	10	58.8%	10	100.0%	0	0.0%	0	0.0%
	Transported	2	11.8%	0	0.0%	2	100.0%	0	0.0%
	Total	17	100.0%	10	100.0%	2	100.0%	5	100.0%

Given the not unsubstantial number of women involved in riots, the numbers who stood before a trial jury, or were punished, is comparatively small. As has been shown, the difficulty in establishing the precise degree of culpability in collective popular protest was exceptionally difficult, and this possibly played a part in the handing out of lesser punishments, rather than execution. It has also been argued that punishing women at a time of societal tension might have exacerbated an already fraught situation, while if women played on contemporary representations of their weakness and frailty then they might hope to escape or mitigate punishment.¹¹⁹ Rigorous prosecution would serve only to exacerbate the situation: the *threat* of punishment was enough to discipline the rioters. Shoemaker, however, has argued that the reluctance to prosecute and punish offenders is evidence that only in cases of excessive violence or overt political behaviour was rioting seen as a serious crime in this period.¹²⁰

¹¹⁸ Kilday, *Women and Violent Crime*, 108.

¹¹⁹ Walter, 'Faces in the crowd', 115.

¹²⁰ Shoemaker, *London Mob*, 137.

The rare survival of a charge to the grand jury, and an address to convicts tried for riot, provides a unique insight into the contemporary mindset of judges. Regarding a riot which took place in Merthyr Tydfil in 1800, Mr Justice Hardinge instructed the grand jury that he ‘not only approved[d] the commitments’, but would be ‘very much hurt’ if the indictments were not ‘shaped, as to reach them’. He advised that ‘some well chosen examples’, including ‘partly active incendiaries, and partly those in the mob’, would be ‘deemed sufficient indications and warnings of the Law’.¹²¹ His instruction, it seems, was followed through. Moreover, in his address to the convicts, he described the riot as a ‘dreadful outrage’ and the rioters as ‘the worst of all tyrants’. He did, however, state that the three convicted male rioters who were sentenced to death ‘appear to have led at least very unimpeached, and perhaps virtuous lives’ before participating in the riot. The judge acknowledged that the ‘sudden famine, or scarcity of grain’ had ‘made provisions dear’ and provided the impetus, but he conceded that the rioters were driven by ‘a fatally miscalculated hope’ that their actions would lead to a reform of market price. The decision to sentence the men to death was described by the judge as ‘painful’, but viewed as a ‘warning’ that would ‘teach the careless minds and spirits of men, what a peril they incur, in listening to those who make them act as the instruments, and servile ministers, of unlawful assemblies, for any purpose whatever’. Before delivering the sentence of death, he concluded that he was ‘comforted by the hope that in forfeiting [their] lives, the terror of that law which is in mercy in its object, and mercy in its end, will save *many other lives*’.¹²² Such sentences were rare and this riot was clearly deemed exceptional enough to warrant the capital punishment as an example to others.

5.7. Conclusion

The period under study was one of significant change. Rather than witnessing a decline in the age of the riot, the nineteenth century saw more women being indicted for the crime than previously. This is partly due to the types of riot in which Welsh women participated. Although ‘bread and butter’ issues were clearly important, so too was the huge impact that the enclosure acts had upon Welsh society. The occurrence of food riots had declined significantly by the end of the period, at a time when enclosure riots still featured heavily. Existing historiography focuses too heavily on the role of women

¹²¹ ‘Mr Justice Hardinge’s charge on Monday April 6th 1801, in the Court of Great Sessions held for the County of Glamorgan’, NLW BER L48/57iii.

¹²² ‘Mr Justice Hardinge’s address to the Convicts, who were tried before him at the Cardiff Great Session, upon the 8th of April 1801’, NLW BER L48/57 iiij.

in food riots, and presents a misleading picture in terms of the issues affecting women. The motives driving women to protest were the same, regardless of their marital status, and married and unmarried women were prepared to engage in forms of popular protest in order to display their anger and attempt to invoke change.

Female rioters were more prominent than the official records imply. Their roles as leaders of food riots, however, have been overstated. Although there were strong female personalities who feature heavily in particular incidents, it is certainly not the impression gleaned from the Welsh records that women led all, or even most, of the food riots. They were integral in the preliminary stages of riots, drawing on their communal networks to distribute information. Many also drew on their roles as providers of sustenance to supply rioters with essential food and drink. But women were not averse to committing acts of violence either. Most aggression was targeted towards property, rather than individuals, but when officials or other community members sought to disrupt riotous acts then they were prepared to act decisively.

Few women admitted to their involvement in riots, though the vast majority of pleas are unknown, and the difficulty of successfully identifying suspects led more than half of the indictments involving women to be rendered *ignoramus*. When facing a trial jury, however, a guilty verdict was likely. Convictions were used as deterrents to other would-be offenders, as Mr Justice Hardinge's address suggests. Despite this, and despite the 1715 Riot Act, which made the gathering of large numbers of people a felony, the punishment for female rioters was commonly a fine or imprisonment, and not the death penalty.

Chapter Six

‘Unlawfully and injuriously did rescue, take, and lead away’: forcible rescue and forcible entry and detainer

6.1. Introduction

This chapter considers the nature and extent of women’s involvement in two crimes against the peace and personal property: forcible rescue and forcible entry and detainer. Forcible rescue could relate to individuals, goods, or livestock, and was considered either a private or a public wrong depending on the nature of the crime. The law allowed individuals to seize possessions from the owner in lieu of payment for a debt. It was stipulated that they needed to be taken immediately to a pound and placed in custody of the law, before eventually being sold to satisfy the debt. If these goods or livestock were wrongfully taken then it was understood that they could be ‘rescued by the owner, in case the distress was taken without cause, or contrary to the law’ before being impounded. If the ‘distress’ was rightfully taken, but later ‘rescued’ by the owner, then an offence had been committed.¹

The forcible rescue of an individual ‘from an arrest or imprisonment’ was an offence against public justice and the rescuer could be punished in the same way as the prisoner who was incarcerated. In this way the rescue of an individual imprisoned for felony was considered a felony; for treason, a treason; for misdemeanour, a misdemeanour. Related to this offence was the forcible breach and escape from prison. Like forcible rescue, to break prison (whether the county gaol, stocks, ‘or other usual place of security’) when lawfully confined for a capital offence was punishable capitally, whereas to do so when apprehended for an inferior charge was treated as a high misdemeanour and punished by fine and imprisonment.² Additionally, the crimes of ‘forcible entry’ and ‘detainer’ were often interlinked. Defined as ‘violently taking or keeping possession of lands and tenements, with menaces, force, and arms, and without the authority of law’, the crimes were punishable by fine or imprisonment.³

Both rescues and entries involved a degree of force, either against the authorities or other individuals. Like popular protest, they commonly involved groups of people, in sometimes substantial numbers, acting in defence of their ‘rights’. With the exception of

¹ William Blackstone, *Commentaries on the Laws of England* (Oxford, 1768), Vol. III, 12-13.

² William Blackstone, *Commentaries on the Laws of England* (Oxford, 1769), Vol. IV, 131.

³ Blackstone, *Commentaries*, Vol. IV, 147-48.

notable contributions by Garthine Walker and Jennine Hurl-Eamon, these crimes have received virtually no historiographical consideration.⁴ Yet women were frequently involved in rescues and forcible entries, displaying clear determination to protect their rights, possessions, or loved ones, from adversaries. Such acts of resistance brought women into conflict with their neighbours, and inevitably with the law.⁵

The crimes of forcible rescue (including escaping from gaol), and forcible entry and detainer are discussed separately in this chapter. The numbers of women indicted for the crimes and recorded in the gaol files did not require the use of sampling, and all cases in the period 1730-1830 have been examined. As in previous chapters, the periods 1730-63, 1764-97 and 1798-1830 are used for statistical analysis, particularly regarding change over time. The village of Prendergast in Pembrokeshire serves as a case study to highlight the 'social' nature of forcible rescues, showing how some communities worked together to prevent the imprisonment of one of its members. In so doing, this chapter argues that a consideration of these often less overtly and physically violent crimes than those dealt with earlier in this study can similarly reveal the prominent position of women as defenders and rescuers: roles stereotypically attributed to men. It suggests that the loss of property or household contributors adversely affected all members of the household, not solely married women, and that forcible rescues and entries were about more than economic factors. The chapter ends with an analysis of the pleas, verdicts and sentences of the female suspects.

6.2. Forcible rescue

Between 1730 and 1830 at least 128 women were indicted for committing a forcible rescue (Table 6.1). Sixty-four women (50 percent) rescued an individual, two women (1.6 percent) escaped from prison, 51 (39.8 percent) rescued livestock, and 11 (5.6

⁴ Forcible entry, detainer and disseisin, and forcible rescue, are considered briefly by Garthine Walker in her seminal monograph, *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003). The crimes receive much greater consideration in her article, 'Keeping it in the family: crime in the early modern household', in Helen Berry and Elizabeth Foyster (eds.), *The Family in Early Modern England* (Cambridge: Cambridge University Press, 2007), 67-95. See also Jennine Hurl-Eamon, *Gender and Petty Violence in London, 1680-1720* (Columbus: The Ohio State University Press, 2005), ch. 7 for a study of the role of women as rescuers in early modern London.

⁵ For more on neighbourly relations in rural Wales, see David W. Howell, *The Rural Poor in Eighteenth Century Wales* (Cardiff: University of Wales Press, 2000), ch. 6.

percent) rescued goods.⁶ As approximately 521 men were indicted for the crime in the same 100-year period, women comprised over one-quarter of suspects.⁷ Given that women formed between 10 and 12 percent of suspects for violent offences, their greater prominence among those accused of forcible rescue is noteworthy, especially in light of studies which emphasise women's passive nature.⁸ As discussed in greater detail below, the loss of household members or livestock affected all individuals living within the property, not only men. The individual rescued may have been a spouse, but could equally have been a parent, sibling, or employer. In such cases, both women and men were required to act assertively.

The majority of female suspects (56.4 percent) were married, with singlewomen comprising 30.8 percent and widows 12.8 percent (Table 6.1), indicating a broad correlation with the adult female population in this period.⁹ This remains the case throughout the 100-year period, with married women continually forming more than half of those indicted. The predominance of wives amongst the suspects has been partly explained in familial terms as 'wifely obligations' to protect their household from economic and social danger. As Walker has argued, both household ideology and circumstance required married women to maintain the integrity of their household, either with or without the presence of their husband. Also, as to 'all intents and purposes, a married couple were "common owners" of their goods and chattels', both could be acutely affected by their loss. It was therefore their joint duty to protect goods and livestock from loss or harm in the interests of the household.¹⁰ On a practical level, married women were also more likely to be in or near their home when warrants were

⁶ This figure includes cases of attempted rescue and aiding and abetting a rescue. Two suspects also escaped from prison, and two were indicted for a forcible rescue after they cut down the gibbet upon which a prisoner had been hung in chains for a robbery. Two women were indicted twice, but as the indictments appear to relate to separate crimes they have both been counted: NLW GS 4/387/1.5 (1782) and NLW GS 4/387/1.7 (1782).

⁷ Using the 'Crime and Punishment' database, the number of male suspects was reached by searching for 'Offences: further details (free text): "rescue"' and 'Offences: further details (free text): "rescuing"' for the period 1730-1830. A total of 521 male names were returned, excluding female suspects and indictments which do not relate to forcible rescue. The figure includes cases of attempted rescue, aiding and abetting a rescue, and escaping from prison. Women comprised 27.5 percent of suspects.

⁸ Carol Z. Weiner, 'Sex roles and crime in late Elizabethan Hertfordshire', *Journal of Social History*, 8 (1975), 38-60; Sara Mendelson and Patricia Crawford, *Women in Early Modern England, 1550-1720* (Oxford and New York: Clarendon Press, 1998), 44. For the percentage of women's involvement in murder and non-fatal assault, see Chapters Two and Four.

⁹ Amy M. Froide's calculations based on Peter Laslett's study of a sample of 100 urban and rural communities throughout England in the period from 1574 to 1821: Amy M. Froide, *Never Married: Singlewomen in Early Modern England* (Oxford: Oxford University Press, 2005), 16. See also Peter Laslett, 'Mean household size in England since the sixteenth century', in Peter Laslett and Richard Wall (eds.), *Household and Family in Past Times* (Cambridge: Cambridge University Press, 1972), 145.

¹⁰ Walker, *Crime, Gender and Social Order*, 260.

served, and were therefore able to act immediately to secure the release of their chattels, or assist in the escape of a household member.¹¹

Table 6.1. *Marital status of women indicted for forcible rescue*

	1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Married	66	56.4%	26	55.3%	35	57.4%	5	55.6%
Singlewoman	36	30.8%	16	34.0%	17	27.9%	3	33.3%
Widow	15	12.8%	5	10.6%	9	14.8%	1	11.1%
Unknown	11	-	3	-	7	-	1	-
Total	128	100.0%	50	100.0%	68	100.0%	10	100.0%

These obligations applied equally to the rescue of individuals and chattels. As the loss of a financial contributor could be catastrophic to the household, it was perceived to be a married woman's duty to attempt to restore stability. For more than half of the forcible rescues the relationship between the rescuer and the rescued is unclear, as in most cases only a name is recorded. However, over 80 percent of the individuals rescued were men.¹² At least seven women sought to rescue their husbands, with a further nine suspects assisting these women in their attempts to free their spouse.¹³ For an additional eight suspects some familial connection may be assumed, either due to the commonality of surnames or from information derived from pre-trial evidence.¹⁴ Family connections appear to have motivated over one-third of these women to commit a forcible rescue, but it is possible that this figure was far higher.¹⁵

The frequent appearance of women rescuing male relatives has also been noted for eighteenth-century London. According to Hurl-Eamon, this form of violence against the state was widely accepted because the women were acting in their roles as family nurturers and assistants to their husbands.¹⁶ While they may have been motivated by economic factors and the need for male financial support in the household, the female rescuers were also displaying agency and empowerment.¹⁷ These findings have

¹¹ Walker, *Crime, Gender and Social Order*, 261.

¹² Ten female suspects rescued women, 52 rescued men, and two women rescued a man and woman.

¹³ For the indictments relating to the rescue of a spouse, see NLW GS 4/365/3.8 (1734); NLW GS 4/181/1.1 (1744); NLW GS 4/620/1.1 (1764); NLW GS 4/819/3.19 (1771); NLW GS 4/58/8.11 (1777); NLW GS 4/386/9.8 (1781); NLW GS 4/200/5.96 (1816).

¹⁴ For indictments which are suggestive of familial connections, see NLW GS 4/7373.17 (1739); NLW GS 4/521/8.5 (1750); NLW GS 4/819/3.19 (1771); NLW GS 4/741/2.27 (1774); NLW GS 4/386/3A.12 (1778); NLW GS 4/61/2.23 (1785); NLW GS 4/194/8.1 (1792); NLW GS 4/828/3.52 (1801).

¹⁵ Twenty-four of the 64 suspects accused of rescuing an individual appear to have assisted a family member, or supported a woman in her attempts to rescue a member of her family.

¹⁶ Hurl-Eamon, *Gender and Petty Violence*, 118.

¹⁷ Hurl Eamon, *Gender and Petty Violence*, 121.

important implications for gendered and patriarchal assumptions, and contradict contemporary stereotypes of the male ‘rescuer’ saving the helpless female.¹⁸ When the women’s households were threatened they acted decisively to restore order and normality. Scholars have long questioned the prescribed ideals circulated by contemporary moralists that stressed the importance of the dominant patriarch ruling over his submissive wife and children.¹⁹ In practice, this relationship could be far more balanced and cooperative than prescriptive literature dictated, with many couples jointly leading, and seeking to protect, the household unit.²⁰

Unmarried women could also be driven by similar interests, as the sizeable percentage of singlewomen indicted confirms.²¹ As shown in Chapter Three, Welsh women often co-habited with men before marriage and retained their own surname, rendering the relationship undetectable.²² Familial or friendship links should also be borne in mind. Women helped rescue their parents and siblings, as well as assisting others in the rescue of family members. Amy M. Froide has argued that unmarried women continued to play a key role within the family when they reached adulthood.²³ They maintained close links with their siblings, and many continued to enjoy long-term residence with family members. The prominent role that unmarried women played in cases of forcible rescue indicates that without their financial support, assistance and physical labour, many families would have struggled to survive.²⁴ It should not be assumed that only married women had the relevant impetus to flout authority and commit a forcible rescue.

Most of the married women (65.1 percent) were indicted without their husbands, as in at least some cases they were endeavouring to rescue them. Nevertheless, women

¹⁸ Typical surveys which challenge the existence of patriarchy, or emphasise the diversity in individual experiences, include Ralph A. Houlbrooke, *The English Family 1450-1700* (London: Longman, 1984); Anthony Fletcher, *Gender, Sex and Subordination in England 1500-1800* (New Haven and London: Yale University Press, 1995), esp. chs. 8-9; Bernard Capp, *When Gossips Meet: Women, Family, and Neighbourhood in Early Modern England* (Oxford: Oxford University Press, 2003), 1.

¹⁹ For a discussion of the degree to which patriarchal codes were internalised by women, and related historiography, see Walker, ‘Keeping it in the family’, 69-70. For a useful overview of early modern theoretical constructions of patriarchal order, see Amanda Flather, *Gender and Space in Early Modern England 1500-1700* (Woodbridge: Boydell Press, 2007), ch. 1, and Jacqueline Eales, *Women in Early Modern England 1500-1700* (London: UCL Press, 1998), 23-34.

²⁰ Walker, *Crime, Gender and Social Order*, 258-59

²¹ Walker has also argued this based on her study of forcible rescue in early modern Cheshire: Walker, *Crime, Gender and Social Order*, 260.

²² Hurl-Eamon, *Gender and Petty Violence*, 119.

²³ Froide, *Never Married*, 44.

²⁴ Walker, ‘Keeping it in the family’, 92; Froide, *Never Married*, 31, 38.

rarely acted alone (Table 6.2).²⁵ The nature of the offence rendered it unlikely that individuals would succeed in the rescue had they done so. Those being rescued were usually locked in the county gaol, or were being transported there by local justices and their assistants. Goods or livestock were secured within a property or in the local pound, and sufficient force was needed to facilitate the rescue. The indicted groups most commonly involved two or three individuals, but 6.1 percent of the suspects were indicted in groups of 10 or more and were acting under riotous conditions. Over three-quarters of the groups were mixed sex, with 21.7 percent of suspects acting in groups comprised solely of women.

Table 6.2. *Size and composition of groups including women indicted for forcible rescue*

		1730-1830	%	1730-1763	%	1764-1797	%	1798-1830	%
Accomplice(s)	Acted alone	8	6.3%	2	4.0%	6	8.8%	0	0.00%
	Acted with others	120	93.8%	48	96.0%	62	91.2%	10	100.0%
	Total	128	100.0%	50	100.0%	68	100.0%	10	100.0%
Group composition	Female group	26	21.7%	0	0.0%	23	37.1%	3	30.0%
	Mixed sex	94	78.3%	48	100.0%	39	62.9%	7	70.0%
	Total	120	100.0%	48	100.0%	62	100.0%	10	100.0%
Size of group	2-3	52	45.2%	19	39.6%	26	45.6%	7	70.0%
	4-5	26	22.6%	14	29.2%	12	21.1%	0	0.0%
	6-7	23	20.0%	13	27.1%	7	12.3%	3	30.0%
	8-9	7	6.1%	2	4.2%	5	8.8%	0	0.0%
	10+	7	6.1%	0	0.0%	7	12.3%	0	0.0%
	Unknown	5	-	0	-	5	-	0	-
	Total	120	100.0%	48	100.0%	62	100.0%	10	100.0%

An average of 23.6 percent of suspects for whom a social standing can be determined were labouring poor. This increased from 9.1 percent in the period 1730-63 to 30 percent in the period 1764-97, before reaching 66.7 percent in the early nineteenth century (Table 6.3). Given the low number of women formally accused in period three, it would be unwise to make too much of these findings, but they are potentially symptomatic of the social upheavals and increasing financial hardship of these decades. The economic fluctuations, increasing taxes, and subsequent rising prices during the French Wars affected all levels of society, but the labouring poor suffered greatly. A petition sent by workers of the Golden Grove estate demesne in Carmarthenshire in

²⁵ Walker has similarly shown that two-thirds of wives prosecuted for rescuing goods were joined by their husbands: Walker, *Crime, Gender and Social Order*, 260.

1813 to their employer, Lord Cawdor, indicates the strain felt by labourers. Stating that they were required to support their wives and children on just seven shillings a week, the workers requested an increase in wages ‘because of the present high price of corn and every other article necessary to the nourishment of the generality of the suffering poor – Barley is 9s. 6d. a Winchester Bushel, cheese and every other article proportionately higher and in all probability may become still higher’.²⁶ During times of dearth, both chattels and wage-earners were vital for the household’s survival, yet it was in times of economic hardship that losses of goods as a result of debt increased. This impacted especially on the lower orders of society, who turned to forcible rescue out of necessity.

Table 6.3. *Social status of married women indicted for forcible rescue*

	1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Gentry	2	3.6%	1	4.5%	1	3.3%	0	0.0%
Professional/Freeholder ²⁷	28	50.9%	11	50.0%	16	53.3%	1	33.3%
Craftsman/Artisan	12	21.8%	8	36.4%	4	13.3%	0	0.0%
Labouring poor	13	23.6%	2	9.1%	9	30.0%	2	66.7%
Unknown	11	-	4	-	5	-	2	-
Total	66	100.0%	26	100.0%	35	100.0%	5	100.0%

A further 21.8 percent of the suspects were married to artisans and craftsmen, while half were married to yeomen (Table 6.3). Members of the gentry are also represented, albeit slightly. Given that most of the inhabitants in Wales in this period were below freehold status, yeomen’s wives appear to be overrepresented in the courts for this particular crime.²⁸ Women of this status were especially prominent among those suspected of rescuing livestock, which was probably due to their greater likelihood of owning animals. Labourers’ diets consisted mainly of barley or oats, and increasingly potatoes, with the addition of milk, cheese, and butter. Fish may also have been eaten in some coastal areas, but fresh meat was scarce.²⁹ In contrast, not only did yeomen own land and livestock, but they were faced with the issue of ensuring that their animals did not stray onto nearby farms and become impounded as a result. So frequent was this occurrence in eighteenth-century Glamorganshire that the diarist William Thomas

²⁶ Carmarthenshire Record Office, Cawdor MSS., Box 2/119, as cited in Howell, *The Rural Poor*, 76.

²⁷ Men of ‘professional’ status include lawyers, clerks etc.

²⁸ Howell, *The Rural Poor*, 21-22. Howell does, however, note that whereas labourer’s families outnumbered those of landowners in 20 parishes, the reverse was the case in as many as 11 others. At the upper end of the social hierarchy, for every one gentleman or esquire in Cardiganshire in 1760 there were seven yeomen.

²⁹ Howell, *The Rural Poor*, 87-89.

remarked on the ‘daily pounding’ of cattle.³⁰ Livestock was valuable in both real and relative terms and was essential in a predominantly subsistence economy. Whereas members of the gentry would be less affected by the loss of an animal, for middling households, the loss of a cow or heifer could be disastrous. The inventory of one Cheshire husbandman showed that his cow and heifer (£3 6s. 19d.) were worth far more than all his other possessions – tools, furniture, clothes, linens, household goods together (£2 7s.)³¹ As will be shown below, the impounding of livestock could lead to violent disputes and forcible rescues.

Livestock had most frequently been taken from the owner to be sold to satisfy a debt or to pay outstanding rent arrears. At least six suspects had breached the common pound to retrieve animals, while a further 11 appear to have taken the livestock on the way to being impounded. Others took the goods and livestock directly from the prosecutor’s land, or the care of officials, usually involving a degree of force. Several of the animals had been lawfully taken after they had trespassed onto land and caused substantial damage, while nine suspects had unlawfully stolen the possessions in the first instance, and had succeeded in ‘rescuing’ them when officials were attempting to return them to their rightful owners. The number of animals taken at any one time varied considerably, with some incidents involving only one or two cows, pigs or horses, but others involving up to 400 sheep.

Given the value of livestock, the large number of animals rescued, in comparison to goods, is unsurprising. Nevertheless, some items were deemed important enough to retrieve. A group of five women and two men conspired together to retrieve 1500 distrained tilestones, while other rescued items included steers, clocks and chimes, a shelf, and an oaken coffer.³² The value of the goods and livestock ranged from 22 shillings, to over £16, though many indictments do not include the value of the possessions stolen. But it was not just the loss of the material value of the goods or livestock which affected the household. As Walker has shown, the removal of possessions raised questions over the indebted household’s credit and honesty, the repercussions of which could be devastating.³³ With a shortage of money in circulation, credit was integral, and the ability to secure credit was based on the household’s

³⁰ R. T. W. Denning (ed.), *The Diary of William Thomas, 1762-1795* (Cardiff: South Wales Record Society, 1995), 17 June 1763, as cited in Howell, *The Rural Poor*, 131.

³¹ Inventory of William Jones of Nantwich, husbandman, in Jeremy Lake, *The Great Fire of Nantwich* (Nantwich: Shiva Publishing, 1983), 23, as cited in Walker, *Crime, Gender and Social Order*, 252.

³² NLW GS 4/375/6.5 (1735); NLW GS 4/375/6A.1 (1736); NLW GS 4/892/4.15 (1742); NLW GS 4/1004/3.9 (1748); NLW GS 4/895/1.7 (1752).

³³ Walker, *Crime, Gender and Social Order*, 252-53.

reputation and perceived ability to meet repayments.³⁴ The loss of chattels as a result of failure to meet debts would undoubtedly have had a detrimental impact on the household's ability to secure credit in the future. The rescue of such items was therefore about far more than just economic factors.

6.3. Methods and motivations

Women's roles in rescue were forceful and direct. Most involved physical attacks upon officials and their assistants, some of which were brutal. As previous chapters have shown, women were undeterred by an official's status when committing their assaults. Theodosia Lewis and John Pugh assaulted Job Powell until his 'life was greatly despaired' when rescuing Charles Stephens, and to 'beat, wound and ill treat' officials was far from uncommon.³⁵ Courtney Thomas has argued that women have too often been portrayed as peacemakers within the family, which downplays their assertiveness.³⁶ As cases of forcible rescue show, women were equally likely to be aggressive as defensive in issues regarding household honour. However, not all women opted for forceful methods to procure a means of escape from prison. Saws, knives, and pick-axes were amongst the objects concealed and delivered to gaol to be used to cut the prisoner's irons and attack gaolers in an attempt to escape. Mary James was indicted for providing 'diverse articles of wearing apparel', including 'one brown cloth jacket, one brown cloth petticoat, one blue cloth cloak, and one check apron' to be used as 'disguises proper to facilitate the escape' of Margaret James, while Anne and Rachel Lawrence secured a 'twin key' which was 'usually kept...under the gaoler' without the gaoler's consent, and unlocked 'the outward door of the said common gaol', enabling Robert Letton, David John and Mary Bowen to escape.³⁷

Magdalen Jones and Mary Hughes were especially cunning in assisting several felons to escape from prison. Elizabeth Jones, a servant to Richard Hughes, stated that she had seen her mother, Magdalen, enter her master's house and present a 'cord and file' to her mistress, Mary. Her mistress used the file on a pair of fire tongs and was heard saying that 'it would do very well...since it has filed this, it will file the irons upon

³⁴ For a discussion of the links between reputation and credit, see, for example, Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England* (New Haven and London: Yale University Press, 2003), 184-85, and Craig Muldrew, 'Interpreting the market: the ethics of credit and community relations in early modern England', *Social History*, 18 (1993), 147-77.

³⁵ NLW GS 4/526/4.9 (1772).

³⁶ Courtney Thomas, "'The honour and credite of the whole house': family unity and honour in early modern England", *Cultural and Social History*, 10 (2013), 334.

³⁷ NLW GS 4/828/3.52 (1801); NLW GS 4/387/1.5 (1782); NLW GS 4/387/1.7 (1782).

the legs of the felons under sentence of death in Ruthin Gaol'. Mary then told Elizabeth that 'the prisoners that had some time before escaped out of the...gaol had made use of a stick at the end of a cord to fasten to the iron spikes upon the gaol wall'. Elizabeth was ordered to go to the shop of James Hughes 'to fetch a stick which...would answer the purpose'. Upon her return she was instructed to give it to her mother, who was told by Mary to 'conceal it in her breast until she could find an opportunity to deliver it privately to the said felons'. Mary afterwards advised Elizabeth to go to the prison and inform the felons that they should 'throw the said stick and cord upon the top of the wall opposite to the pump, for that other prisoners had made their escape over that place'. Once they had escaped they should make their way 'over the fields to the hills [and]...not to go near any great houses, but that if they wanted refreshment to call at small cottages'. After passing on this message to the felons, Elizabeth was given 'a strict charge to keep the whole a secret'.³⁸

The reasons why these women participated in the rescues, or how they responded to the allegations, are rarely illuminated, but three women admitted to committing the crime. Mary Thomas and Ann Jarvis 'rescued' the corpse of Mary's husband from a gibbet upon which he was hung in chains for burglary. They openly admitted the crime to Elizabeth Catarah, who told how Ann and Mary 'did saw down the gibbet pole...whereupon John Thomas alias Jeffrey was hung in chains, and that they were the only persons who committed the said offence'.³⁹ In addition, Joan Cox was considered a 'person of an evil mind and wicked disposition' for 'intending to procure the escape of...William Williams, William Lewis and [her husband], Lewis Cox. According to the indictment, she 'unlawfully, knowingly and advisedly' took them an iron bar in prison so that they may be 'enabled to make their escape'.⁴⁰ Joan admitted to giving the prisoners an iron bar, but protested that it was only due to the 'frequent requests' made by her husband and the other felons.⁴¹

Joan appears to be drawing on her position as *feme covert*, suggesting that she was following her husband's demands in order to downplay her own role in the crime. The law stated that 'in some cases the command or authority of the husband, either express or implied, will privilege the wife from punishment, even for capital

³⁸ NLW GS 4/61/1.22 (1785).

³⁹ NLW GS 4/58/8.22 (1777).

⁴⁰ NLW GS 4/620/1.1 (1764).

⁴¹ NLW GS 4/620/1.24 (1764).

offences'.⁴² Joan displays an awareness of the law of coverture, and by stating that she was acting by the coercion of her husband, rather than of her own accord, she attempts to excuse her actions and avoid conviction and punishment.⁴³ This law did not apply for treason or murder, and as Walker has shown, it was not automatically accepted by the courts as a mitigating factor for other crimes in practice either.⁴⁴ It was also not applied in this instance, and Joan was sentenced to one month in prison, a far harsher punishment than the whipping that her husband received for the theft for which he was held in custody.⁴⁵

Hurl-Eamon, in her study of petty violence, found that the 'vagueness of the records' did not allow for any consideration of the types of crimes committed by the individuals in need of rescue.⁴⁶ The present study is able to offer some insight. Unlike the recognizances used by Hurl-Eamon, indictments briefly recorded the crime for which the rescued individual was initially charged. There do not appear to have been any correlations between the female rescues and the kinds of offences initially committed. Women did not, for example, only rescue individuals who committed riot, assault, or certain property offences. Although a substantial number of the individuals rescued had been imprisoned for failing to pay a debt, or in response to a plea of trespass for various damages received, individuals were also held for breaking and entering, burglary, and larceny. The sorts of crimes for which they were incarcerated varied considerably, but with the exception of a single case of the rescue of an individual who was suspected of infanticide, none of the rescued individuals had committed offences against the person. There are no apparent cases of assault, murder, or any crimes involving the physical attack on another individual. Instead, those being rescued had largely committed larceny, felonious property offences, or had failed to pay an outstanding debt.

It was rare for women to escape gaol. Although several women provided assistance to incarcerated prisoners, it appears that only two successfully escaped themselves. On 24 October 1780, Chancy Rees was delivered to the keeper of the gaol under suspicion of stealing 12 sheep. She remained in custody until the following March, when 'with force and arms' and 'against the will and without the leave and consent' of the gaoler, she 'unlawfully, wilfully and voluntarily did escape and go at

⁴² Blackstone, *Commentaries*, Vol. IV, 28.

⁴³ Walker, 'Keeping it in the family', 71-74.

⁴⁴ Walker, *Crime, Gender and Social Order*, 201-05.

⁴⁵ For the indictment of Lewis Cox, see NLW GS 4/620/1.32 (1763).

⁴⁶ Hurl-Eamon, *Gender and Petty Violence*, 108.

large'. It is unclear how she escaped, and as she is the only named defendant on the indictment it does not appear that she was assisted. She was found guilty and sentenced to three months imprisonment.⁴⁷ Ten years later, in Glamorganshire, Sarah Burt, along with two others, was found guilty of burglary and theft and sentenced to death. This sentence was reprieved by royal pardon, and Sarah was sentenced to transportation for life to New South Wales. During the following March, while being held in gaol awaiting transportation, she escaped 'without the licence and consent of the said gaoler', with the assistance of David Thomas, who was also formally indicted. Again, it is unapparent how she escaped, but she was caught and eventually transported.⁴⁸

6.4. Forcible rescue as a 'social crime'

John Rule and others have advocated the categorising of certain types of offences as 'social crime[s]'.⁴⁹ Such crimes, it is argued, can be defined as a 'criminal action which is legitimised by popular opinion'. This is in contrast to crimes which are 'both illegal and not legitimised by popular opinion', and action which 'though not illegal is not acceptable to community mores'.⁵⁰ Rule defines activities such as smuggling, poaching and wrecking as examples of social crime. Arguably, some forcible rescues can also be considered in this way.

The 1771 case of William White from the Pembrokeshire parish of Prendergast reinforces this point.⁵¹ Elizabeth and Ann White, acting alongside their sons, brothers, and several townspeople, forcibly rescued and protected William, their husband and father, from arrest. William was indebted to Martha Mathias in the sum of £57. When he had failed to pay the debt, Martha had procured a writ from the Court of Exchequer to arrest him in order to secure the money she was owed. A warrant had been delivered to local bailiffs who, with the support of Martha's son, John, arrested William at a public house. However, the owner of the public house immediately 'raised a mob of the people of Prendergast who surrounded the house and threatened to murder' John and the bailiffs, and declared that 'their bones should be carried home in bags if they attempted

⁴⁷ NLW GS 4/821/8.4 (1781).

⁴⁸ NLW GS 4/628/3.14 (1792).

⁴⁹ John Rule, 'Social crime in the rural south in the eighteenth and early nineteenth centuries', in John Rule and Roger Wells, *Crime, Protest and Popular Politics in Southern England, 1740-1850* (London: Hambledon Press, 1997), 153-68; Douglas Hay, Peter Linebaugh, John G. Rule, E. P. Thompson and Cal Winslow, 'Preface', in Douglas Hay, Peter Linebaugh, John G. Rule, E. P. Thompson and Cal Winslow (eds.), *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London: Allen Lane, 1975), 14-15.

⁵⁰ Rule, 'Social crime', 156.

⁵¹ NLW GS 4/819/3.19 (1771).

to bring the said William White away'. Elizabeth and Anne, joined by several other women, then entered the room where William was being held and 'immediately surrounded [John] and laid hold of him by the hair of his head and at the same time crying out murder and for the mob who were at the door to come in and assist' to prevent William from being taken away. With their assistance, William was able to take up a large poker, while swearing that 'neither they...[John and the bailiffs] nor all the devils in hell should get him from thence and that Prendergast was not easily managed or used or words to that effect'. The crowd surrounded the bailiffs and succeeded in freeing William, 'at the same time cursing, swearing and threatening...[them] in a most terrible manner'.⁵²

Within three months Martha had secured a second writ to arrest William for his debt. On this occasion, 'knowing it would be a difficult matter...having lately experienced the villainy and wickedness of the inhabitants there', John 'procured several other persons to assist him'. They took with them 'guns and pistols to defend themselves well knowing they should be attacked by the Prendergast people'. During the early hours of the morning, John and the bailiffs entered William's house and 'immediately laid hold of [him]'. William struggled, and succeeded in cutting John three times on the leg with a butcher's knife. At the same time, Anne and Elizabeth were present 'attempting also to lay hold of...[John] but were kept off by the other bailiffs'. Undeterred, the women 'frequently cried murder' and called to William 'not to fear take a good heart there will be people enough here presently to assist us'. Despite being instructed by the bailiffs 'to come away quietly', Anne responded defiantly that 'he should not go from there for that there would be people enough to save him'. One of the bailiffs also recalled how the women had laid hold of him and 'beat and buffeted him with their fists' and 'cried out murder in order...to induce the mob to come to their assistance'. A second bailiff similarly stated that upon entering the house, Elizabeth had attacked him with a 'large knife', resulting in 'a large cut in the cheek quite to the bone'.

The women's orchestrated cries succeeded in attracting the crowd.⁵³ One neighbour, Mary Priest, admitted hearing an 'outcry of murder in the street' and 'observed a great concourse of people' outside the house. Desirous to assist the prisoner, she 'attempted to go in at one of the windows...but was prevented from so

⁵² NLW GS 4/819/5.5 (1771).

⁵³ NLW GS 4/819/5.5 (1771).

doing by some person with a gun in his hand who told...[her]...he would shoot her'.⁵⁴ She succeeded on her second attempt, and along with the rest of the crowd successfully overpowered the officers and drove them from the house.

John Walter has warned that in early modern society, 'authority was always the first historian of popular protest', and that opinion, beliefs and stories gleaned from records of crime 'have to be recovered from the distorting pen of the contemporary magistrate'. Such records, Walter argues, 'tell the historian more about the attitudes and anxieties of authority rather than the thoughts and actions of those engaged in protest'.⁵⁵ While caution should be followed, the same could equally be said of the differing interpretations offered by plaintiffs and witnesses. The examinations of members of the Prendergast community depicted very different versions of events from those told by John and his assistants. The aforementioned Mary Priest commented that upon entering the house she witnessed 12 men behaving 'in a very riotous manner, swearing and cursing, beating and abusing' those within the house. One man in particular was seen beating Elizabeth with a staff, even though she did not 'give any offense to any person whatsoever'. According to Mary, William had instructed his captors to 'spare the life of his wife and children' as 'he was ready to go with them wherever they pleased to bring him'. Elizabeth Hill lived in the same house as the family and had been asleep upstairs when the fracas commenced. She argued that rather than assisting the crowd, she was actually attempting to leave the property 'to save her life'. She tried to climb out of a window, but was prevented from doing so by the bailiffs who stood under the window 'cursing and swearing' that they would 'blow out...[her] brains' if she attempted to leave.⁵⁶

Women feature heavily in this incident. Their portrayals, however, vary considerably. If the accounts of John and the bailiffs are to be believed, Elizabeth and Ann were self-assured, determined women, acting both calculatedly and aggressively to protect their loved one. They behaved with defiance towards the authorities, and were arrogant in their abilities to draw communal support. However, if the examinations of the townspeople are accurate, then the women were merely victims of violent aggressors. They acted only out of desire to protect their family, but were beaten cruelly and excessively as a result. Their cries of 'murder' were desperate pleas for help, rather

⁵⁴ NLW GS 4/819/5.13 (1771).

⁵⁵ John Walter, *Crowds and Popular Politics in Early Modern England* (Manchester and New York: Manchester University Press, 2006), 14.

⁵⁶ NLW GS 4/819/5.13 (1771).

than deliberate calls for crowd assistance to outnumber their attackers. Both parties adopted fictive strategies to enhance their version of events, and the accuracy of each narrative is unclear, but this is not necessarily problematic. Some points are clear. Women could, and did, succeed in raising large numbers of people to their support. Their voices were heard and listened to within their community, and in so doing they could protect their families despite their lesser physical strength. Although numerically women formed a small proportion of rescuers, their calculated calls for assistance were essential in raising crowds to assist them. As the witness Mary Priest shows, women were also fully prepared to support others and offer physical support for their neighbours. In returning for a second attempt to enter the house, despite being forcefully refused entry on the first occasion, Mary's loyalty to her friends and neighbours is made explicit. By admitting this in her examination, she clearly believed her actions to be fully justifiable.

The arrest and subsequent removal of a community member was often considered a source of widely-felt grievance. As the above example suggests, neighbours and friends were prepared to take decisive action to protect an individual from the law. The rescue could be popularly justified, and viewed as a legitimate social crime committed in response to the perceived illegitimate actions of the authorities.

6.5. Forcible entry and detainer

Although most commonly dealt with under civil law as a personal trespass, forcible entry and detainer could also be dealt with as a misdemeanour at courts that had criminal jurisdiction.⁵⁷ This study is concerned only with the criminal cases brought before the Great Sessions, and which involved the removal of an individual from their land or property for any length of time, usually after making an entry by force: only when *both* 'forcible entry' and 'detainer' had occurred.

At least 98 women were indicted for forcible entry and detainer between 1730 and 1830 (Table 6.4).⁵⁸ Like forcible rescue, the majority of the suspects (48 percent) were married. Singlewomen comprised 30.6 percent, and widows 21.4 percent, indicating that widows were slightly overrepresented compared to the adult female

⁵⁷ John H. Baker, *An Introduction to English Legal History*, 3rd edn. (London: Butterworths 1990), 262-71.

⁵⁸ Three women were indicted twice, but as the indictments appear to relate to different crimes they have been included separately: NLW GS 4/812/3.23 (1737) and NLW GS 4/812/3.24 (1737); NLW GS 4/535/8.1 (1819) and NLW GS 4/535/8.2 (1819).

population.⁵⁹ The prominence of married women among forcible entry suspects has been seen to reflect the equal stake that women held with their husbands in disputes over property.⁶⁰ It also explains why over 70 percent of the married female suspects were indicted with their husbands, with all the women in the period 1798-1830 acting alongside their spouse. In spite of coverture, real and moveable property that legally belonged to husbands belonged realistically to both spouses. This was the reason that verbal and written notice of ejectment in civil actions could be delivered to the tenant or his wife.⁶¹ Married women were equally responsible for the maintenance and provision of household property, a role that could theoretically conflict with the ideal virtue of wifely submission.⁶² They were required to be forceful, and often aggressive, in order to reclaim their property, either with or without the presence of their husband.

Table 6.4. *Marital status of women indicted for forcible entry and detainer*

	1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Married	47	48.0%	16	42.1%	25	58.1%	6	35.3%
Singlewoman	30	30.6%	11	28.9%	9	20.9%	10	58.8%
Widow	21	21.4%	11	28.9%	9	20.9%	1	5.9%
Total	98	100.0%	38	100.0%	43	100.0%	17	100.0%

Singlewomen comprised an average of 30.6 percent of suspects, but made up nearly 60 percent in period three (Table 6.4). Like cases of forcible recue, this reinforces the equal importance of unmarried women to the domestic structure. Disputes regarding property affected all household members, not just husband and wife. Familial or household connections informed the groups in which people carried out these offences, and the ties and divisions both between and within families is evident from such cases.⁶³ As entire families were affected by being physically removed and kept out of a property in which they lived, and may also have worked, then it is understandable that they would react together in order to regain control of the property. The survival of the household, both

⁵⁹ Approximately 30.2 percent of the adult female population between 1574 and 1821 were singlewomen, 14.9 percent were widows, and 54.9 were married: Froide, *Never Married*, 16.

⁶⁰ For similar percentages based on a much larger study of forcible detainer and dissesin in the sixteenth and seventeenth century Cheshire Quarter Sessions and Great Sessions records, see Walker, 'Keeping it in the family', 88, Table 4.1.

⁶¹ Walker, 'Keeping it in the family', 87.

⁶² Walker, 'Keeping it in the family', 90.

⁶³ Walker, 'Keeping it in the family', 85.

socially and economically, could depend on all inhabitants committing unlawful acts either individually or collectively.⁶⁴

The change over time is particularly noteworthy. Singlewomen comprised less than 29 percent of the total female suspects in period one (1730-63) and two (1764-97), but this had doubled by period three (1798-1830). With singlewomen comprising an average of 30.2 percent of the adult female population between 1574 and 1821, they were substantially overrepresented in this later period. The larger percentage of singlewomen indicted for crimes in the nineteenth century has been noted elsewhere in this study, and it remains difficult to fully explain.⁶⁵ Some contemporaries believed that the increasing employment opportunities and freedoms afforded to singlewomen through urbanisation and improved transport links had a detrimental impact on women, especially those who were unmarried. The liberating effects of towns and cities were partially attributed to the perceived increase in women's immoral and illegal activities. Helen Rogers has demonstrated how female dressmakers living within the 'polluting city environment' without parental care were believed to be at risk from exposure to 'luxury goods' that 'excited desires which could not be satisfied by the wages of the needle'.⁶⁶ Similarly, the author of an eighteenth-century guidebook to the trades of London remarked on the common assumption that women needed to be carefully monitored, as:

A Woman is always under Age till she comes (in the Law Phrase) to be under Cover. A Youth may be set a-float in the World as soon as he has got a Trade in his Head, without much Danger of spoiling; but a Girl is such as tender, ticklish Plant to rear, that there is no permitting her out of leading-strings till she is bound to a Husband.⁶⁷

However, these views do not adequately explain the growing percentage of unmarried women suspected of forcible entry.⁶⁸ The trend may equally be evidence of changing practices of the courts towards unmarried women. Walker has suggested in her study of forcible rescue that the involvement of unmarried women may have been much higher

⁶⁴ Walker, 'Keeping it in the family', 94.

⁶⁵ See, for example, Chapter Four.

⁶⁶ Helen Rogers, "'The good are not always powerful, nor the powerful always good": the politics of women's needlework in mid-Victorian London', *Victorian Studies*, 40 (1997), 596.

⁶⁷ R. Campbell, *The London Tradesman* (London, 1747), 228, as cited in J. M. Beattie, 'The criminality of women in eighteenth-century England', *Journal of Social History*, 8 (1975), 98-99.

⁶⁸ For studies which have commented on the increasing prevalence of singlewomen in the courts, as well as their supposedly more harsh treatment, see, for example, Peter King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge: Cambridge University Press, 2006), 263-65. For the 'social problem' of unmarried working women in nineteenth-century London, see Sally Alexander, *Becoming a Woman and Other Essays in 19th and 20th Century Feminist History* (London: Virago Press, 1994), 3-15.

than recorded, as they were not always formally prosecuted when they participated as daughters, sisters or maidservants.⁶⁹ The nineteenth-century records could indicate a gradual move away from this practice. The number of indictments may therefore have been raised by changing methods of the prosecutors and the law, rather than reflecting an actual increase in the number of these crimes committed by unmarried women.

It was not only the social elite who felt passionately about their property (Table 6.5). Just over 43 percent of the female suspects were of professional or freeholder status, with the suspects' husbands recorded most frequently as yeomen. An average of 29.3 percent of female suspects were married to skilled craftsmen and artisans, and a further 24.4 percent were labourers. There was only one woman of gentry status recorded in the 100-year period. Members of the higher orders were more likely to opt for civil, rather than criminal, action over disputes involving land.⁷⁰ That women from all social orders are represented highlights the importance of the household as both an economic unit and a symbol of honour and reputation. Honour was collective, and family unity centred around the household was integral.⁷¹ The physical loss of property symbolically represented the loss of control of the household, and could potentially be disastrous as it signalled wider disorder. Occurrences of forcible entry and detainer reinforce the extent to which the loss of property impacted on women of all social statuses, as well as men, and the lengths to which they were prepared to go to defend and regain the reputation of their household.⁷²

Table 6.5. *Social status of married women indicted for forcible entry and detainer*

	1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Gentry	1	2.4%	0	0.0%	1	5.0%	0	0.0%
Professional/Freeholder ⁷³	18	43.9%	5	33.3%	10	50.0%	3	50.0%
Craftsman/Artisan	12	29.3%	7	46.7%	5	25.0%	0	0.0%
Labouring poor	10	24.4%	3	20.0%	4	20.0%	3	50.0%
Unknown	6	-	1	-	5	-	0	-
Total	47	100.0%	16	100.0%	25	100.0%	6	100.0%

⁶⁹ Walker, 'Keeping it in the family', 91.

⁷⁰ Walker, 'Keeping it in the family', 83.

⁷¹ Thomas, "'The honour and credite of the whole house'", 329-45; Lawrence Stone, *Crisis of the Aristocracy 1558-1641* (Oxford: Clarendon Press, 1965), 223; Anthony Fletcher, 'Honour, reputation and local office-holding in Elizabethan and Stuart England', in Anthony Fletcher and John Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge: Cambridge University Press, 1985), 92-115.

⁷² Helen Berry and Elizabeth Foyster, 'Introduction', in Helen Berry and Elizabeth Foyster (eds.), *The Family in Early Modern England* (Cambridge: Cambridge University Press, 2007), 11.

⁷³ Men of 'professional' status include lawyers, clerks etc.

6.6. Methods and motives for forcible entry and detainer

The nature of the offence varied, with some forcible entries involving only one or two individuals, and others large scale assaults by sizeable groups.⁷⁴ Only seven of the 98 women acted alone, with 92.7 percent of the suspects being indicted with at least one other person (Table 6.6). Over 97 percent of the groups were mixed sex, with only two women indicted for forcible entry and detainer solely with other women.⁷⁵ The exact size of the group involved is indeterminate for a large number of cases as, like rioting, the indictments frequently referred to named individuals acting alongside ‘diverse other malefactors and disturbers of the peace...whose names to the jurors aforesaid are yet unknown’. However, where it is possible to determine the size of the groups involving women, it is evident that 40 percent of the suspects were involved in small groups comprising only two to five individuals. At least two women forcibly entered a property as part of a food riot involving 200 people, and ejected the inhabitants.⁷⁶

⁷⁴ All individuals named on the indictments were counted in an attempt to gain some insight into the group dynamics of female defendants. Where there was no indication that the size of the group may have been larger, then the number of named individuals was taken as accurate. Where the indictment records an estimate of the total number of participants, then the number recorded is taken as the size of the group. Indictments that merely state that ‘diverse other persons’ were involved in a forcible entry, with no indication of the size of the group, have not been included in quantitative analysis.

⁷⁵ NLW GS 4/190/2.21 (1773).

⁷⁶ NLW GS 4/535/8.1-2 (1819).

Table 6.6. *Size and composition of groups including women indicted for forcible entry and detainer*⁷⁷

		1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Accomplice(s)	Acted alone	7	7.3%	5	13.9%	2	4.7%	0	0.0%
	Acted with others	89	92.7%	31	86.1%	41	95.3%	17	100.0%
	Unknown	2	-	2	-	0	-	0	-
	Total	98	100.0%	38	100.0%	43	100.0%	17	100.0%
Composition of group	Female group	2	2.2%	0	0.0%	2	4.9%	0	0.0%
	Mixed sex	87	97.8%	31	100.0%	39	95.1%	17	100.0%
	Total	89	100.0%	31	100.0%	41	100.0%	17	100.0%
Size of group	2-5	24	40.0%	9	37.5%	11	50.0%	4	28.6%
	6-9	18	30.0%	11	45.8%	1	4.5%	6	42.9%
	10-14	9	15.0%	4	16.7%	5	22.7%	0	0.0%
	15+	9	15.0%	0	0.0%	5	22.7%	4	28.6%
	Unknown	29	-	7	-	19	-	3	-
	Total	89	100.0%	31	100.0%	41	100.0%	17	100.0%

For most prosecutors the legal route was their last or only option of reclaiming land and property. A successful conviction would result in a writ of restitution that would put the plaintiff back in possession of the property. As 61 of the 98 female suspects were still in possession of the tenement at the time the indictment was taken, it is clear that the courts were not initially turned to as a form of punishment for most wronged individuals, but as a way of resolving the issue. This suggests that, unlike attacks against the person, which were often dealt with informally outside of the legal system, victims turned to the courts to resolve certain property issues.⁷⁸ However, some suspects did relinquish claim after a much shorter period. Eleven suspects detained the land or property for less than 24 hours, with one woman only illegally taking possession for one hour. A further six women held the land for a longer period of two to seven days.

In taking the property by force, personal attacks on the owners frequently occurred. John Edwards had been possessed of a ‘certain messuage with the appurtenances’ for two years when Meredith Evans, Catherine Jones, and her husband, Edward, used ‘force and arms’ and ‘swords, staves and other offensive weapons’ to

⁷⁷ The numbers recorded relate to the ‘identifiable’ size of the rioting group. This is not necessarily the number of suspects formally named and indicted, but can relate to numbers estimated by witnesses or approximate figures recorded on the indictment or on other official documents.

⁷⁸ For a more detailed consideration of the informal methods of dealing with interpersonal violence, see Chapters Two and Four.

unlawfully enter and expel him from the property and abuse him grievously.⁷⁹ Anne Jenkin, along with eight named individuals, and ‘diverse other persons...of wicked and ill disposed minds and of unruly and turbulent tempers’, used ‘swords, staves, sickles, and pickaxes and other offensive weapons’ to break, enter, and expel David Thomas from his dwelling house, and ‘beat, wound and ill treat [him] so that his life was greatly despaired of’.⁸⁰ But it was not just people who were attacked. There are also several examples of the malicious destruction of food sources and the maiming and killing of animals after forcible ejectment had occurred. A group of six women and a man expelled David Mendus from his garden for up to six hours and used mattocks, spades, pickaxes and hatchets to cut down hedges and fruit trees, while another forcible detainer that took place as part of a riot resulted in over 100 sheep and lambs being maimed and beaten with stones, staves and bludgeons.⁸¹

In addition to expelling individuals from their property, and sometimes physically attacking them, some aggressors harmed their victims in other ways. In several cases personal possessions were taken and unlawfully held. Mary Davies and Elizabeth Jones, along with three other named men and ‘diverse other malefactors’, expelled Elizabeth Clarke from her house. They took three oak chairs valued at six shillings and a cartload of coal valued at five shillings out of her possession.⁸² Similarly, Mary Morgan, Magdalen David and numerous others took and held possession of a ‘certain piece of land’ belonging Morgan Aubrey for up to 12 hours. While there they also carried away four cartloads of hay valued at four pounds belonging to the victim.⁸³ In other cases, gates were opened so that animals could escape, or so that they could be driven out.

Possible reasons for forcibly detaining property or land may be gleaned from some cases. The law stated that the crime of forcible entry and detainer could not occur if the rightful owner was attempting to retake lawful possession of their own land or property. For some prosecutions, disputes over the legitimate owner escalated into more forceful means, particularly relating to common land. In one dispute over the right of commons, Rice Williams swore that Rowland Wynne had been the owner of an area of land, and that since his death his son, William Wynne, was the rightful heir. Ellen Cadwaladr, a local woman of 92 years of age, was asked to provide evidence in this

⁷⁹ NLW GS 4/395/1.31 (1817).

⁸⁰ NLW GS 4/624/4.9 (1779).

⁸¹ NLW GS 4/831/6.2 (1812); NLW GS 4/535/8.1-2 (1819).

⁸² NLW GS 4/59/3.14 (1778).

⁸³ NLW GS 4/746/3.37 (1785).

dispute as she ‘well knows the place...having...lived many years near to it’. She stated that she had lived as a servant for 20 years near the ‘lands of Rowland Wynne...and the late lands of William Wynne Esq; his father deceased, who she was well acquainted with in his life time’. Ellen recalled how Morris Evan was a tenant on the land and held ‘a large parcel of ground where the...cattle grazed in summer time undisturbed’. Indeed, ‘she always thought’ that the grazing land belonged to the tenants, but that she ‘has heard of late’ that the area ‘is now claimed by the freeholders...as if they had a right of common’. Despite suggestive evidence to the contrary, Catherine Richard, Elizabeth Robert, Margaret Bedward, Elen Owen and several others had forcefully taken the land, seemingly believing it to be their ‘right’.⁸⁴

This case shows how collective memories could be used deliberately to foster social criticism and, as Andy Wood has argued, provide ‘a kind of agency enabling subordinates...to undercut gentle authority in the present’.⁸⁵ Ellen’s use of nostalgia and referral to a time of perceived social harmony, when tenants were freely able to graze their animals on the lands belonging to the Wynne family, is used in comparison to the harsh loss of common rights in her present. Wood has argued specifically of the nineteenth century that ‘the loss of common rights meant more than a simply material process of deprivation.’ It meant also ‘the loss of a distinct physical space that, in many villages, had provided the basis for a sense of community’.⁸⁶ The women’s actions in forcibly retaking the land represent an assertive attempt to regain these rights, and return to a more harmonious past.

The case also highlights the important role that women could play in the dissemination of oral memories. Nicola Whyte has shown how in local disputes, ‘the authentication of customs rested upon notions of antiquity’ and ‘[p]roof that customs had existed “since time out of mind” was sought both in written documents and in the memories of long-established elderly residents’.⁸⁷ The inclusion of Ellen’s age in the record is therefore particularly important since it was in old age that both men and

⁸⁴ NLW GS 4/270/3.61 (1731).

⁸⁵ Andy Wood, ‘Deference, paternalism and popular memory in early modern England’, in Steve Hindle, Alexandra Shepard and John Walter (eds.), *Remaking English Society: Social Relations and Social Change in Early Modern England* (Woodbridge: Boydell Press, 2013), 249.

⁸⁶ Wood, ‘Deference, paternalism and popular memory’, 252-53.

⁸⁷ Nicola Whyte, ‘Custodians of memory: women and custom in rural England, c.1550-1700’, *Cultural and Social History*, 8 (2011), 154.

women gained social influence as the retainers of local memory.⁸⁸ Women, according to Whyte, were pivotal in customary law. The gathering of fuel and herding of livestock, in addition to their often-seasonal involvement in agriculture, provided familiarity with the geography of tenure and custom. Prior to the nineteenth century, boundaries were not always documented, so a working knowledge of the area was required by women in order to avoid encroachment or trespass. Practically, jobs such as spinning or sewing would also be undertaken outside, usually on the doorstep, where light was greatest.⁸⁹ From there, women were provided with a clear vantage point of their local area which, as Whyte has noted, made them ‘well placed to monitor their neighbours’ exploitation of resources and to call to account the transgressors of custom and right’.⁹⁰

6.7. Outcomes for defendants

Returning firstly to the crime of forcible rescue, just over 88 percent of female suspects pleaded not guilty, with only two women submitting to the charge (Table 6.7).⁹¹ Two-thirds of the women did not stand before a trial jury, either because the indictments were returned *ignoramus*, or because they were discharged or not prosecuted. For those who did stand trial, the jurors’ verdicts were far from clear-cut. Just over half of the women were found not guilty, with the remaining 43.8 percent successfully convicted of the crime. Most of the women for whom a punishment is identifiable were fined, with all punished in this way after 1800. Twenty percent were imprisoned, and a further 20 percent were transported for their crime.

⁸⁸ Age also added weight to witness testimonies in court. See, for example, Matthew Hale, *Historia Placitorum Coronae: The History of the Pleas of the Crown, Volume II* (London: 1736), 278; Keith Thomas, ‘Age and authority in early modern England’, *Proceedings of the British Academy*, 62 (1976), 207.

⁸⁹ Whyte, ‘Custodians of memory’, 155.

⁹⁰ Whyte, ‘Custodians of memory’, 164.

⁹¹ For the two women who submitted to the charge, see NLW GS 4/737/3.17 (1739); NLW GS 4/614/5.1 (1747).

Table 6.7. *Outcomes for female defendants in forcible rescue cases*

		1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Pleas	Guilty/submits	2	11.8%	2	100.0%	0	0.0%	0	0.0%
	Not guilty	15	88.2%	0	0.0%	12	100.0%	3	100.0%
	Unknown	111	-	48	-	56	-	7	-
	Total	128	100.0%	50	100.0%	68	100.0%	10	100.0%
Verdicts	Pleads guilty/submits	2	3.8%	2	0.0%	0	0.0%	0	0.0%
	No true bill	28	52.8%	20	87.0%	8	32.0%	0	0.0%
	True bill for assault only	2	3.8%	0	0.0%	2	8.0%	0	0.0%
	No prosecution	4	7.7%	2	8.7%	2	8.0%	0	0.0%
	Discharged/ process stayed	1	1.9%	0	4.3%	1	4.0%	0	0.0%
	Guilty	7	13.2%	0	0.0%	5	20.0%	2	50.0%
	Not guilty	9	17.0%	0	0.0%	7	28.0%	2	50.0%
	Unknown	75	-	26	-	43	-	6	-
	Total	128	100.0%	50	100.0%	68	100.0%	10	100.0%
Trial jury verdicts (known)	Guilty	7	43.8%	0	0.0%	5	41.7%	2	50.0%
	Not guilty	9	56.3%	0	0.00%	7	58.3%	2	50.0%
	Total	16	100.0%	0	0.0%	12	100.0%	2	100.0%
Sentences (known)	Imprisoned	2	20.0%	0	0.0%	2	33.3%	0	0.0%
	Fined	6	60.0%	3	100.0%	2	33.3%	1	100.0%
	Transported	2	20.0%	0	0.0%	2	33.3%	0	0.00%
	Total	10	100.0%	3	100.0%	6	100.0%	1	100.0%

The rescue of an individual was viewed far more seriously than that of personal possessions, with the breaking of gaol considered particularly heinous. There was a marked difference in the treatment of suspects who rescued individuals to those who rescued goods or livestock. Grand jury verdicts were returned as *ignoramus* for 28 female suspects, of which 20 related to the rescue of goods or livestock. The evidence for these cases was deemed insufficient to warrant a trial. At least 16 female suspects stood before a trial jury for forcible rescue, all of whom were indicted for rescuing an individual. The exact nature of the rescue also appears to have influenced the jury outcome. Only seven guilty verdicts are known for the women, but six of these either rescued a prisoner, or escaped themselves, from gaol.⁹² The same was true for male suspects. Thirty-three men were indicted for escaping, or aiding and abetting an escape, from prison or custody in the period 1730-1830. Of these, only four (12 percent) were

⁹² NLW GS 4/620/1.1 (1764); NLW GS 4/741/2.27 (1774); NLW GS 4/821/8.4 (1781); NLW GS 4/61/2.22 (1785); NLW GS 4/628/3.14 (1792); NLW GS 4/828/3.52 (1801); NLW GS 4/200/5.96 (1816).

returned *ignoramus* by the grand jury, with 12 (36 percent) standing before a trial jury. Sixty-six percent of these men were found guilty.

For the crime of forcible entry and detainer, women pleaded guilty and not guilty in equal numbers, though the pleas are unknown for over 93 percent of the women (Table 6.8). Nearly 70 percent of the indictments were returned *ignoramus* by the grand jury. This figure seems particularly high, but given the large number of unknown verdicts the overall percentage may have actually been considerably lower. Indeed, an approximate comparison with the male suspects indicted for this offence suggests that there were similarities in the way the grand jury responded to male and female suspects. If the unknown female verdicts are excluded, then the indictments were returned *ignoramus* for 29 out of 98 female suspects: 29.6 percent. In comparison, out of a sample of 619 men indicted for forcible entry and detainer, 214 were returned ‘no true bill’: 34.6 percent of the suspects.⁹³

Table 6.8. *Outcomes for female defendants in forcible entry and detainer cases*

		1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Pleas	Guilty/submits	6	50.0%	3	37.5%	3	100.0%	0	0.0%
	Not guilty	6	50.0%	5	62.5%	0	0.0%	1	100.0%
	Unknown	86	-	30	-	40	-	16	-
	Total	98	100.0%	38	100.0%	43	100.0%	17	100.0%
Verdicts	Pleads guilty/submits	6	14.3%	3	14.3%	3	16.7%	0	0.0%
	No true bill	29	69.0%	15	71.4%	11	61.1%	3	100.0%
	No prosecution	3	7.1%	1	4.8%	2	11.1%	0	0.0%
	Quashed	3	7.1%	1	4.8%	2	11.1%	0	0.0%
	Guilty	1	2.4%	1	4.8%	0	0.0%	0	0.0%
	Not guilty	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	Unknown	56	-	17	-	25	-	14	-
	Total	98	100.0%	38	100.0%	43	100.0%	17	100.0%
Trial jury verdicts (known)	Guilty	1	100.0%	1	100.0%	0	0.0%	0	0.0%
	Not guilty	0	0.0%	0	0.00%	0	0.0%	0	0.0%
	Total	1	100.0%	1	100.0%	0	0.0%	0	0.0%
Sentences (known)	Imprisoned	3	37.5%	0	0.0%	3	75.0%	0	0.0%
	Fined	5	62.5%	4	100.0%	1	25.0%	0	0.0%
	Total	8	100.0%	4	100.0%	4	100.0%	0	0.0%

⁹³ The years 1730-45, 1770-85 and 1805-20 were chosen as sample periods for the male cases. Using the ‘Crime and Punishment’ database, the number of male suspects was reached by searching for ‘Category of Offence: Others’, ‘Specific Offence: forcible entry/ejectment and related offences’ for the sample years. A total of 619 male names were returned, excluding female suspects. Of these, 214 are recorded as ‘no true bill’.

In only one case can it be determined with certainty that a woman stood before a trial jury for a forcible entry and was found guilty.⁹⁴ Eight women received a punishment for the offence: three were imprisoned (37.5 percent) and five were fined (62.5 percent), though it is uncertain whether these women had pleaded guilty or were convicted by a jury.⁹⁵ There are some differences evident in the sentences received by male and female suspects. Punishments are only apparent for 32 male suspects in the sample: 31 were fined (96.9 percent) and only one was imprisoned. Although women were more likely to suffer incarceration than men, the length of their imprisonment was considerably shorter: one month, in comparison with the six month sentence imposed on the male suspect.

Men also tended to receive larger fines. For women, fines ranged from sixpence to one shilling, whereas 10 male suspects received fines of five shillings. Robert Shoemaker found that in Quarter Sessions indictments, women generally received much smaller fines than men, even when the women admitted to their crimes. This led him to conclude that for petty offenders, their sentences were influenced by their sex as much as their social status and the gravity of the crime, and women benefitted from the fact that they were 'not viewed as dangerous criminals'.⁹⁶ Shoemaker's observations are based solely on misdemeanours, and are therefore not directly comparable to the more serious crimes tried at the Great Sessions courts, but the gaol files do not give the impression that the differing sentences handed to women were a result of them being considered less dangerous. It could be argued that more practical considerations were taken into account. Peter King has suggested that pleas of unemployment, poverty, and economic hardship made by women were more likely to be received sympathetically by juries, and that material conditions played an important role in the decision-making.⁹⁷ The court may have felt that women did not have the resources to pay larger sums of money, which may also explain the jury's greater willingness to imprison them, rather than women being less in need of punishment.⁹⁸ This should not be misinterpreted as gendered leniency towards women. It was arguably a wholly practical consideration of

⁹⁴ NLW GS 4/299/4.68 (1752).

⁹⁵ For the three women who were imprisoned, see NLW GS 4/747/1.39 (1786). For those who suffered a fine, see NLW GS 4/521/1.1 (1747); NLW GS 4/299/4.68 (1752); NLW 4/1007/1.30 (1762); NLW GS 4/254/1.30 (1773); NLW GS 4/747/1.39 (1786).

⁹⁶ Robert B. Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c.1660-1725* (Cambridge: Cambridge University Press, 1991), 158-59.

⁹⁷ King, *Crime and Law*, 263.

⁹⁸ King, *Crime and Law*, 192.

the effects that punishments would have on the suspects, and how this would impact on their families and, ultimately, the parish.

6.8. Conclusion

There are clear similarities between the offences discussed in this chapter. In committing forcible rescue and forcible entry and detainer, the women were inverting prescriptive gendered stereotypes about the role of the rescuer and the rescued. There is firm evidence of women's use of violence, as well as less overt methods, to protect or regain their property, and to uphold their household's integral reputation. The cases confirm that they could act both defensively and offensively to protect household members and chattels, either with or without assistance from a spouse. It was also not solely married women who were driven to such actions. Singlewomen and widows were equally compelled to act in order to protect their perceived rights, or to support their families, friends and neighbours.

The nature of the crimes often meant that community members were pitted against each other. Evidence regarding boundaries and ownership of land or property was frequently contested, with oral memories proving central in some cases. As the large percentage of *ignoramus* indictments, and the similar number of guilty and not guilty verdicts for forcible rescue, suggests, it was difficult to assign culpability. Where sentences were passed, fines or imprisonment were common. However, there are clear differences in the treatment of women who rescued individuals to those who rescued livestock, as well as differences in the treatment of men and women for forcible entry and detainer.

Chapter Seven

‘Well knowing the same to be false and counterfeit’: currency and forgery offences

7.1. Introduction

The previous chapters within this study have considered blatant, direct attacks on both individuals and the state. The use of varying degrees of force in each offence is explicit. The remainder of this study focuses on sly, underhand offences which were intended to trick and mislead others. Few historians of crime have examined counterfeiting and related forgery offences.¹ J. M. Beattie chose to exclude the crimes as they ‘were very often without specific victims, but mainly because they are so complex that the connections between the prosecuted offences and the realities that lie behind them seem to be even more attenuated than in the mainstream property crimes’.² In his study of crime in nineteenth-century Wales, David J. V. Jones devoted less than a page to counterfeiting and forgery as he claimed that the numbers involved were small and most evidence is missing.³ Other scholars have made little more than passing remarks to the crimes.⁴ The most substantial and significant works have been provided by John Styles, Malcom Gaskill, Tim Wales, D. W. Jones and Carl Wennerlind, while Randall McGowen has contributed several, insightful articles on the prosecution and punishment of forgery.⁵ However, the only studies to consider monetary crimes from a gendered

¹ There is a much larger body of secondary literature relating to the history of coinage which often considers clipping and coining in the early modern period. See, for example, C. E. Challis, *The Tudor Coinage* (Manchester: Manchester University Press, 1978). For the prosecution of forgery offences, see E. G. H. Kempson, ‘Indictments for the coining of tokens in seventeenth-century Wiltshire’, *The British Numismatic Journal*, 43 (1973), 126-31; Phil Handler, ‘Forgery and the end of the “Bloody Code” in early nineteenth-century England’, *The Historical Journal*, 48 (2005), 683-702; John Chown, *A History of Money from AD 800* (London and New York: Routledge, 1994).

² J. M. Beattie, *Crime and the Courts in England* (Oxford: Clarendon Press, 2002), 191.

³ David J. V. Jones, *Crime in Nineteenth-Century Wales* (Cardiff: University of Wales Press, 1992), 114.

⁴ Melvin Humphreys, *The Crisis of Community: Montgomeryshire, 1680-1815* (Cardiff: University of Wales Press, 1996), 239.

⁵ John Styles, “‘Our traitorous money makers’: the Yorkshire coiners and the law 1760-83”, in John Brewer and John Styles (eds.), *An Ungovernable People: The English and their Law in the Seventeenth and Eighteenth Centuries* (London: Hutchinson and Co., 1980), 172-250; Malcolm Gaskill, *Crime and Mentalities in Early Modern England* (Cambridge: Cambridge University Press, 2000), 123-202; T. Wales, ‘Thief-takers and their clients in later Stuart London’, in P. Griffiths and M. S. R. Jenner (eds.), *Londinopolis: Essays in the Social and Cultural History of Early Modern London* (Manchester: Manchester University Press, 2000); C. Wennerlind, ‘The death penalty as monetary policy: the practice and punishment of monetary crime, 1690-1830’, *History of Political Economy*, 36 (2004), 131-62; Leon Radzinowicz, *A History of English Criminal Law and its Administration from 1750: Volume 1 The Movement for Reform* (London: Steven and Sons Ltd., 1948), 642-54; Ned Riley, ‘Early modern coining: criminality, occupation and social space in London and Wales, 1689-1750’ (M.A. thesis, Cardiff University, 2006).

perspective are those of Nicholas Tosney and Deirdre Palk, both of whom focused on England, with London drawing the greatest attention.⁶ Incidences of currency and forgery crimes in Wales remain vastly underexplored.

This chapter begins by considering the problems faced by scholars when examining crimes of this nature, particularly those surrounding the detection of counterfeits and the locating and prosecuting of offenders, before looking specifically at the involvement of Welsh women. The uttering and procuring of false money, including women's methods of passing fake coins and notes, and their responses when challenged, receives separate consideration. Finally, the court's treatment of women indicted for these crimes and the punishments imposed are examined. In so doing, this chapter argues that women played important roles in the uttering and procuring of false money throughout Wales, particularly from the nineteenth century. It demonstrates the profile of a 'typical' Welsh female monetary offender, and explains the nature of the objects forged.

7.2. Problems of discovery

In his commentaries on the metropolis, the nineteenth-century writer Henry Mayhew divided society into three groups of people: 'those that will work, those that cannot work, and those that will not work'.⁷ Criminals who refused to earn a living by honest means were further subdivided into 'the professional and the casual'. The latter non-professional crimes consisted of 'murder, assaults, incendiarism, ravishment, bigamy, embezzlement, high treason, and the like', as it was impossible to 'make a trade or profession of the commission of these crimes, or resort to them as a regular means of living'. These offences were committed out of lust, malice, shame, temptation, or political prejudice.⁸ 'Professional' crimes, on the other hand, included poaching, smuggling, and coining, as they required 'almost the same apprenticeship as any other

⁶ Nicholas Tosney, 'Women and "false coining" in early modern London', *The London Journal*, 32 (2007), 103-23; Deirdre Palk, "'Fit objects for mercy": gender, the Bank of England and currency criminals, 1804-1833', *Women's Writing*, 11 (2004), 237-58. Another notable exception is the micro-history of the infamous forgery case of Mrs Rudd: Donna T. Andrew and Randall McGowen, *The Perreaus and Mrs. Rudd: Forgery and Betrayal in Eighteenth-Century London* (London: University of California Press, 2001). Just half a page is devoted to female coiners in a general study of eighteenth-century crime: Frank McLynn, *Crime and Punishment in Eighteenth-Century England* (London and New York: Routledge, 1989), 123-24.

⁷ Henry Mayhew, *London Labour and the London Poor: A Cyclopaedia of the Conditions and Earnings of those that Will Not Work, those that Cannot Work, and those that Will Not Work*, Vol. IV (London: Griffin, Bohhn and Company, 1862).

⁸ Clive Emsley, *Crime and Society in England, 1750-1900*, 2nd edn. (London: Longman, 1996), 72.

mode of life' and could be considered 'arts to which no man, without some previous training, can take'.⁹

Much of the evidence for these 'professional' crimes in Wales, as elsewhere, remains hidden. The number of formal prosecutions for coining, counterfeiting and other forgery offences bears little resemblance to actual levels of the crimes. Styles has argued that the indictments that we do have, and the patterns of prosecution that they convey, are 'clearly inadequate as a measure of changes in the incidence and character of the offences themselves'. Rather, changes in the number of prosecutions over time are as likely to reflect the changing sensitivities of the Mint's representatives as developments in official objectives and policy. He argues that '[b]etween 1757 and 1769 the single most important influence on the national level of indictments was...the Mint's Solicitor's concern to limit his expenditure on prosecutions'.¹⁰ Prior to the nineteenth century, the Bank chose to prosecute only a small proportion of those found possessing or passing forged notes, either because the prospect of conviction was small, or because the person held was a minor offender.¹¹ Even following the 1797 Bank Restriction Act and the suspension of cash payments, discussed in further detail below, there is still evidence to suggest that the scale of forgery was not fully recorded. A reply to an enquiry from Edwin Chadwick in 1838 claimed that the official return of forged banknotes to the Bank of England understated the scale of forgery because many bankers did not bother to return bad notes to the Bank. Since the corporation refused to pay such notes, no doubt many more forgeries were simply destroyed by those unlucky enough to have taken them. However, such problems do not necessarily affect levels of private prosecutions for uttering false coins, which were frequently brought by individuals, and not Mint officials. The uttering of false currency forms the main body of monetary offences charged against Welsh women.¹² These crimes should therefore not be disregarded so hastily.

Prosecutions for counterfeiting offences were inevitably reliant on an individual detecting the forged item. With many forged bank notes and base coins appearing highly realistic, particularly when compared to the poor physical appearance of genuine coinage in this period, identifying counterfeit money was a difficult task. After a lengthy period of time it would have been difficult to obtain proof of manufacture and

⁹ Mayhew, *London Labour*, 30.

¹⁰ Styles, "'Our traitorous money makers'", 241.

¹¹ Randall McGowen, 'The Bank of England and the policing of forgery, *Past and Present*, 186 (2005), 87.

¹² Some private prosecutors were reimbursed their expenses by the Bank of England.

circulation. As coins also lost their weight by normal wear and tear, false, underweight coins were difficult to detect.¹³ Newspapers printed advice for businesses and consumers to help them identify forged currency. According to *The Cambrian*, on genuine bank tokens ‘the dashes from the rim touch exactly on the upper part of the letter *r* in the word Rex in the exergue, whereas in the counterfeits the dash goes between the *a* in Gratia, and the *r* in Rex’.¹⁴ Counterfeit coins circulated in Caernarfonshire in 1808 were also described by the newspaper as ‘very light, each of them has a crack’, with others supposedly ‘made of lead, thinly cased over with copper’ and ‘easily detected by their dull sound’.¹⁵

Despite such advice, on many occasions it was often only subtle differences in the colour of the coin, such as it appearing ‘whiter than shillings usually do’, that attracted suspicion.¹⁶ Alice Williams, for example, received a false shilling from Sarah Beddowes in exchange for purchasing a pound of potatoes. She declared in her examination that ‘she was not aware that it was bad at the time she received it’.¹⁷ For some victims, it was only when they attempted to spend false coins that they had unknowingly received that the authenticity was called into question. Sarah Davies sold half a pound of butter and a penny worth of eggs to Mary Bray for sixpence. However, when giving this money to her sister later that day to buy an ounce of tea, she was made aware of the false nature of the coin that she had unwittingly accepted.¹⁸ William Parry’s ignorance of the counterfeited coin that he had accepted led others to accuse him of uttering. According to his examination, William ‘sold two tubs of...butter to Mary the wife of David Evans...for which this examinant received three crown pieces and four shillings and returned sixpence of his own proper money’. As he had accepted this payment at a public house, ‘in a room that was somewhat dark’, he ‘did not then apprehend that the said money was bad’. Only after he attempted to pay for bread at a local fair was the coin ‘found...to be bad’, and ‘others who were near...challenged this examinant for uttering bad or counterfeit coin’.¹⁹

¹³ Kempson, ‘Indictments for the coining of tokens’, 129.

¹⁴ *The Cambrian*, 20 June 1811.

¹⁵ *The Cambrian*, 25 August 1810; *The Cambrian*, 25 May 1805.

¹⁶ NLW GS 4/195/4.12 (1794).

¹⁷ NLW GS 4/1021/1.8 (1823).

¹⁸ NLW GS 4/201/6.14 (1822).

¹⁹ NLW GS 4/46/7.10 (1738).

There is evidence to suggest that currency and forgery offences, like many other interpersonal crimes, could be deliberately overlooked or dealt with informally.²⁰ One examinant, Robert David, said that he had met Eleanor Williams at a public house where he sold her ‘seven or eight pair of shoes for the sum of £2 11s. 0d. and gave her in change £7 9s. 9d. for which he received...a ten pound note of the Chepstow bank’. The following week he attempted to tender the note in payment. The recipient ‘thought it was not a very good one’, but agreed to take it and ‘would try to pass the bill to see whether it was a good one or not’. Some weeks later, ‘the person in Bristol to whom the note had been sent had written to him to say the same was a forgery’, and David sought out the counterfeiter. After some conversation with Eleanor Williams and her husband, ‘he consented to receive the husband’s note of hand for £10 in lieu of the forged note’.²¹ A second case shows that, in addition to unsuccessfully uttering false money in a public house, Anne Lewis and her common law husband, Richard Warton, had stolen a gown from the landlady. Sometime later, the landlady confronted them and insisted on searching Anne. During the search ‘the parcel containing the bad money’ was dropped on the floor, to which the landlady responded that ‘I suppose this is some of the bad money which you before offered to me’. Despite these accusations, she contended that if the prisoners would ‘fetch the gown’ they ‘both should be set at liberty’.²² For this victim, the theft of her gown was considered more serious, and the recovery of such far more important, than the uttering of false coins.

However, some prominent individuals in the community actively sought out coiners and utterers and adopted secretive methods to attempt to catch offenders. They were encouraged, no doubt, by the promise of reward, with banks offering between 20 and 100 guineas for assistance in locating and prosecuting forgers.²³ Samuel Homfray, owner of Tredegar Iron Works, employed Morgan Jenkins and John Williams to locate Mary Duncan, alias Mary Samuel, and Margaret Watkins, as there was a suspicion that they had been ‘dealing in bad money’. In order to catch the women in their act, Morgan deliberately bought from them six counterfeit half crowns at a cost of five shillings and was given a ‘wedge powder...to be used for the purpose of colouring the said counterfeit

²⁰ Gaskill, *Crime and Mentalities*, 132. John Powell has also suggested that the coiners viewed their offence as justifiable as they were merely ‘taking back from the government what was “robbed” from them in taxes’: John Powell, ‘The Birmingham Coiners, 1770-1816’, *History Today*, 43 (1991), 49-55; Emsley, *Crime and Society in England*, 5.

²¹ NLW GS 4/634/5.61 (1815).

²² NLW GS 4/201/6.1 (1822).

²³ *The Cambrian*, 7 August 1813; *The Cambrian*, 3 June 1815. One magistrate was awarded an engraved plate by the Bank of England for his part in the detection and apprehension of several prominent distributors of forged notes in Wales: *The Cambrian*, 4 February 1809.

half crowns'.²⁴ John had initially sought out the women in Hereford, 'having known the prisoners to deal in bad money'. He and Morgan went to their lodgings in Brecon and 'asked [Mary Duncan] for some half bulls (meaning counterfeit half crowns)'. She replied that she 'has none but that she had expected Richard Chapman, otherwise Richard Jones, about six o' clock that morning with some, but that he was not then come'. Richard eventually arrived and the financial transaction took place. John further stated that when the property was later searched 'he found the parcel of counterfeit half crowns (marked no. 3) and shillings...between the bed and the sacking of the bed there wherein he was informed by Mrs Williams their landlady the prisoners usually slept and slept last night'.²⁵ Samuel's act, described by *The Cambrian* as 'praiseworthy', appears to have been financially-motivated, driven by a desire to rid the local society of false coins which impacted on the iron works.²⁶ It may also have formed part of an informal alliance with the Mint, whose solicitors often sought out prominent members of the community to assist in the prosecution of forgers. This 'decentralized and often ad hoc network' of alliances was 'capable of great flexibility in dealing with highly mobile offenders and widely dispersed outbreaks of crime'.²⁷

The nature of counterfeiting and uttering enabled individuals either to actively initiate prosecutions, or to simply ignore the offence, when it suited them. Informal methods and bargaining tactics undoubtedly render the formal prosecutions that we do have unrepresentative of the actual occurrence of currency and forgery offences. Nevertheless, the Welsh cases, due to the vast body of surviving pre-trial evidence, remain uniquely placed to offer an insight into monetary offences in this period. Despite some inadequacies in the figures, the indictments, when used alongside the detailed depositions and examinations, are illuminating.

7.3. Female suspects accused of currency and forgery offences

The involvement of women in counterfeiting offences has been largely taken for granted by historians. McGowen claimed that utterers of false money were 'frequently female', and Jones has noted that 'housewives' appear among the suspects accused of offences against the currency in nineteenth-century Wales.²⁸ Gregory Durston, too, has claimed

²⁴ NLW GS 4/395/4.11 (1819).

²⁵ NLW GS 4/395/4.9 (1819).

²⁶ *The Cambrian*, 19 June 1819.

²⁷ McGowen, 'The Bank of England and the policing of forgery', 94.

²⁸ McGowen, 'The Bank of England and the policing of forgery', 98; Jones, *Crime in Nineteenth-Century Wales*, 114.

that coining and uttering was ‘a relatively common crime amongst women’, though he fails to provide any figures to support this view.²⁹ Indeed, an examination of property crimes recorded in the Old Bailey and Home Circuit between the 1780s and 1820s reveals that coining and uttering made up a slightly larger percentage of property crimes committed by women, than by men: 1.5 percent compared to 1.2 percent.³⁰ In Wales, 76 women were accused of coining, forgery, and related offences in the period 1730-1830 (Table 7.1). Coining here refers to the counterfeiting of coins, with forgery encompassing bank notes, promissory notes, and bonds, as well as a wide range of other paper documents. Related offences included possessing moulds and other equipment for the manufacture of coins, the diminishing of coins, possessing or procuring counterfeit money, or putting counterfeit money into circulation. As the number of cases was sufficiently manageable, sampling was not required, and all females accused of these crimes have been recorded and subsequently included within this chapter. Of these 76 women, 53 (69.7 percent) were suspected of uttering false money, 13 (17.1 percent) were accused of forgery, seven (9.2 percent) were indicted for procuring or possessing false money, and two (2.6 percent) were accused of coining (Table 7.1).

Table 7.1. *Number of women indicted for currency and forgery offences*

	1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Coining	2	2.6%	2	20.0%	0	0.0%	0	0.0%
Forgery	13	17.1%	6	60.0%	2	40.0%	5	8.2%
Possessing tools for coining/forgery	1	1.3%	1	10.0%	0	0.0%	0	0.0%
Uttering false money	53	69.7%	1	10.0%	3	60.0%	49	80.3%
Procuring and possessing false money	7	9.2%	0	0.0%	0	0.0%	7	11.5%
Total	76	100.0%	10	100.0%	5	100.0%	61	100.0%

These indictments were not spread equally throughout the period, with 80 percent occurring in the nineteenth century (Table 7.1). The predominance of cases in this latter period coincided with the currency crisis following the Napoleonic Wars, and was

²⁹ Gregory Durston, *Victims and Viragos: Metropolitan Women, Crime and the Eighteenth-Century Justice System* (Bury St. Edmunds: Arima Publishing, 2007), 112.

³⁰ Coining and uttering made up 1.5 percent of the property crimes committed by women indicted at the Old Bailey in the period between the 1780s and 1820s, in comparison to 1.2 percent for men. For the Home Circuit in the same period coining and uttering offences comprised 4.9 percent of the property offences committed by women, and 1.3 percent of those committed by men: Peter King, *Crime and Law in England, 1750-1830: Remaking Justice from the Margins* (Cambridge: Cambridge University Press, 2006), 167, Table 5.1.

unique neither to female suspects nor to Wales.³¹ During the 14 years prior to the 1797 Bank Restriction Act there were only four prosecutions for coining offences in the whole of England and Wales, and none in the six years before that date.³² This is in comparison with 972 prosecutions in the period 1797-1817.³³ Following the suspension of cash payments in 1797, the Bank of England issued their first ever £1 and £2 notes.³⁴ The forgery of these notes was a 'simple affair' as they comprised a basic printed form containing a number, a date, and a clerk's signature. As a result, '[t]hey presented little challenge to the criminal entrepreneurs, many of them dealers in fraudulent coin, who now seized upon the new opportunity for easy profit'.³⁵ The notes were widely circulated, leading to a 'new and disturbing' steep rise in prosecutions and executions for forgery.³⁶ Small changes in the design of the bank note in 1798, and the introduction of the waved line watermark in 1800, each had a temporary impact on incidences of the crime, but skilled forgers soon triumphed over the alteration.³⁷

The specific increase in the number of women accused of monetary offences in the nineteenth century requires more careful consideration. It is possible that they were simply engaging more frequently in these crimes in the later period than previously. The introduction of bank notes and the gradual move away from a credit to a currency system may have initially affected women to a greater extent than it did men, since it was women who were involved in purchasing household goods on a daily basis. As will be discussed in greater detail later, markets were dominated by women buying and selling a range of 'necessary' goods and luxury items.³⁸ Whereas previously these products would have been purchased on credit, the steady increase in the amount of actual currency in the local economy meant that money, which had formerly been scarce, was changing hands more frequently.

³¹ For a useful tabular account of the number of bank notes under £5 in circulation, the number of forged notes returned to the bank, and prosecutions for forgery between 1797 and 1824, see McGowen, 'The Bank of England and the policing of forgery', 87.

³² McGowen, 'The Bank of England and the policing of forgery', 90.

³³ McGowen, 'The Bank of England and the policing of forgery', 86.

³⁴ The Bank mistrusted the use of low value notes. Only in 1793 had it begun issuing notes for less than the value of £10: McGowen, 'The Bank of England and the policing of forgery', 85.

³⁵ McGowen, 'The Bank of England and the policing of forgery', 85.

³⁶ Handler, 'Forgery and the end of the "Bloody Code"', 690.

³⁷ McGowen, 'The Bank of England and the policing of forgery', 86.

³⁸ For women selling goods in the market place, see Wendy Thwaites, 'Women in the market place: Oxfordshire c.1690-1800', *Midland History* 9 (1984), 23-42; Sara Mendelson and Patricia Crawford, *Women in Early Modern England* (Oxford: Oxford University Press, 1998), 301-44.

The figures suggest that women in the eighteenth and nineteenth centuries were involved predominantly in the passing of false money, rather than in its production.³⁹ Men partook far more heavily in the coining and forgery process. Although counterfeiting occurred throughout the period under study, the introduction and circulation of easily-forged notes in the nineteenth century exacerbated the offence and, inevitably, a huge increase in uttering followed. It was these new opportunities that created the arena for men and women to engage in uttering to an extent previously unseen. The uttering of false coins and notes was equally risky, but the relative ease with which convincing false notes were produced may have created a sense of confidence that such notes would pass unnoticed.⁴⁰ This prominent increase in the making of counterfeits led to a huge increase in the prosecution of forgery more generally throughout England and Wales, and also in the number of females accused of uttering.⁴¹

It is also plausible that the figures are artificially-induced as a result of changing patterns of prosecution. Historians have given significant focus to the making and uttering of bank notes in the period immediately following the 1797 Act.⁴² The Great Sessions records show that counterfeit shillings, half-shillings, and sixpences remained in circulation, despite the increased production of forged £1 and £2 notes. They also show that women were being prosecuted for uttering them on a scale never before seen. The surge of false notes into the economy therefore led to a rise in the number of private prosecutions for uttering all forms of currency. Individuals were passing and receiving fake money of various denominations on a more frequent basis, leading to a greater awareness of the money they were accepting, and a heightened sense of fear of accepting counterfeits. Also, with the Bank of England offering to reimburse successful prosecutions for forgery and related offences in response to this monetary crisis, private prosecutors had a greater incentive to prosecute female suspects in the period after 1797 than they did before.

³⁹ McGowen similarly noted that utterers were ‘frequently female’: McGowen, ‘The Bank of England and the policing of forgery’, 98.

⁴⁰ McGowen, ‘The Bank of England and the policing of forgery’, 85.

⁴¹ McGowen, ‘The Bank of England and the policing of forgery’, 81-116.

⁴² Randall McGowen, ‘From pillory to gallows: the punishment of forgery in the age of the financial revolution’, *Past and Present*, 165 (1999), 107-40; Handler, ‘Forgery and the end of the “bloody code”’, 683-702; Randall McGowen, ‘Forgery and the twelve judges in eighteenth-century England’, *Law and History Review*, 29 (2011), 221-57.

Table 7.2. *Marital and social status of women indicted for currency and forgery Offences*

		1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Marital Status	Married	40	54.1%	5	50.0%	4	80.0%	31	52.5%
	Singlewoman	23	31.1%	2	20.0%	1	20.0%	20	33.9%
	Widow	11	14.9%	3	30.0%	0	0.0%	8	13.6%
	Unknown	2	-	0	-	0	-	2	-
	Total	76	100.0%	10	100.0%	5	100.0%	61	100.0%
Social status of married women	Gentry	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	Freeholder	4	11.8%	2	50.0%	2	50.0%	0	0.0%
	Craftsman/ Artisan	7	20.6%	1	25.0%	2	50.0%	4	15.4%
	Labourer	23	67.6%	1	25.0%	0	0.0%	22	84.6%
	Unknown	6	-	1	-	0	-	5	-
	Total	40	100.0%	5	100.0%	4	100.0%	31	100.0%

Over half of the female suspects (54.1 percent) accused of currency and forgery offences were married, 31.1 percent were singlewomen, and 14.9 percent were widows (Table 7.2). Given that approximately 30.2 percent of the adult female population between 1574 and 1821 were singlewomen, 14.9 percent were widows, and 54.9 were married, the marital status of the women indicted seems to broadly correlate with the population figures.⁴³ They were not, however, all ‘housewives’, as Jones has argued, but working women. The husbands of married suspects were most often labourers, with only seven of 40 indictments recording the occupations of the women’s husbands as craftsmen, and four as yeomen.⁴⁴ Although the term ‘labourer’ is misleading, and can refer to servants, paupers, or itinerants as well as to other manual workers, this would seem to reinforce McGowen’s observation that many utterers were of the lower orders.⁴⁵

⁴³ Amy M. Froide’s calculations based on Peter Laslett’s study of a sample of 100 urban and rural communities throughout England in the period from 1574 to 1821: Amy M. Froide, *Never Married: Singlewomen in Early Modern England* (Oxford: Oxford University Press, 2005), 16. See also Peter Laslett, ‘Mean household size in England since the sixteenth century’, in Peter Laslett and Richard Wall (eds.), *Household and Family in Past Time* (Cambridge: Cambridge University Press, 1972), 145.

⁴⁴ The social status of six married female suspects is unknown.

⁴⁵ Peter King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford: Oxford University Press, 2000), 21; McGowen, ‘The Bank of England and the policing of forgery’, 98.

Table 7.3. *Composition of groups including women indicted for currency and forgery offences*

		1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Accomplice(s)	Acted alone	46	60.5%	7	70.0%	2	40.0%	37	60.7%
	Acted with others	30	39.5%	3	30.0%	3	60.0%	24	39.3%
	Total	76	100.0%	10	100.0%	5	100.0%	61	100.0%
Group composition	Female group	14	46.7%	0	0.0%	0	0.0%	14	58.3%
	Mixed sex	16	53.3%	3	100.0%	3	100.0%	10	41.7%
	Total	30	100.0%	3	100.0%	3	100.0%	24	100.0%
Indicted with husband	With husband	10	25.0%	3	60.0%	2	50.0%	5	16.1%
	Without husband	30	75.0%	2	40.0%	2	50.0%	26	83.9%
	Total	40	100.0%	5	100.0%	4	100.0%	31	100.0%

Over 60 percent of female suspects prosecuted for currency and forgery offences were indicted alone, and only a quarter of the married women were indicted alongside their husband (Table 7.3). For Mr Justice Hardinge, the fact that many married women committed these crimes in secret, without their husband's knowledge, further attested to their heinousness. When sentencing Sarah Chandler to death for altering a promissory note, he remarked that 'no part of your conduct affects *me* so much as your treachery to your husband...it was your plan to conceal your enterprise...from *him*...you have deceived him into misery'.⁴⁶

When the women did commit the offence with other individuals, they were almost equally likely to appear in mixed-sex groups as they were with other women. The separate indictment of individuals can, however, mask the relationships between utterers. Although indicted separately, Jane Rogers, Jane Thomas and Elizabeth Thomas, who was possibly Jane's daughter, acted together to commit their crime.⁴⁷ They entered the shop of Thomas Probert and attempted to purchase a cow's heart. Jane Thomas offered 'several bad shillings' in payment, which were refused, and when the shopkeeper's sister threatened to report them to a Justice of the Peace, Jane Rogers 'seemed alarmed and tried all she could to get the said Jane Thomas away'. When the women were later apprehended and Jane was searched, 'a parcel...containing a great

⁴⁶ J. Nichols (ed.), *The Miscellaneous Works in Prose and Verse, of George Hardinge, Esq. Senior Justice of the Counties of Brecon, Glamorgan and Radnor, Volume I* (London: J. Nichols, Son and Bentley, 1818), 157-58.

⁴⁷ For Jane Thomas, see NLW GS 4/393/6.15 (1814), for Jane Rogers, see NLW GS 4/393/6.16 (1814), and for Elizabeth Thomas, see NLW GS 4/393/6.17 (1814).

number of base shillings and marked A' was found.⁴⁸ The behaviour of the women implies that each was fully aware that the money Jane carried was fake. The marking of the bag containing the coins is also noteworthy as it suggests that several bags existed and needed to be differentiated. This would seem to indicate that the women were either heavily involved in uttering counterfeit coins, or that they formed part of a wider counterfeiting network.

With few exceptions, the age of criminals is rarely considered in studies of crime before the 1800s.⁴⁹ This has been dictated primarily by the lack of available and reliable source material containing such information. The extensive prison records and reports that were created from the nineteenth century are insightful and provide far more detail than the surviving Calendars of Prisoners prior to this period. Scholars of the early modern period have largely been left to approximate the age of suspects based on available depositional evidence. Where studies have been conducted, they focus largely on property crimes post-1800, and the age of suspects has often been linked to certain types of offences. According to Jones, in nineteenth-century Wales the very young were most often apprehended for stealing food, fuel, and clothing, vagrancy, and trespass. Women of around 20 years of age, he argued, were frequently convicted of stealing from the person, while 10-20 years later they were more inclined to shoplift. The elderly were accused of refusing to pay rents and rates, collecting free fuel, and receiving stolen goods.⁵⁰

⁴⁸ NLW GS 4/393/6.10 (1814).

⁴⁹ Peter King is a notable exception. He has contributed several studies on the age of offenders: Peter King, 'The rise of juvenile delinquency in England 1780-1840: changing patterns of perception and prosecution', *Past and Present*, 160 (1998), 116-66; Peter King, 'Female offenders, work and life cycle change in late eighteenth-century London', *Continuity and Change*, 11 (1996), 61-90; King, *Crime and Law*, 73-164; King, *Crime, Justice and Discretion in England*, 169-196. Heather Shore has also focused on juvenile crime: Heather Shore, *Artful Dodgers: Youth and Crime in Early-Nineteenth Century London* (Woodbridge: Boydell Press, 1999).

⁵⁰ Jones, *Crime in Nineteenth Century Wales*, 177. His definition of 'elderly' is, unfortunately, somewhat unclear.

Table 7.4. *Age of women indicted for currency and forgery offences*

	1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Under 18	1	2.9%	0	0.0%	0	0.0%	1	3.0%
18-24	2	5.9%	0	0.0%	1	100.0%	1	3.0%
25-30	8	23.5%	0	0.0%	0	0.0%	8	24.2%
31-40	15	44.1%	0	0.0%	0	0.0%	15	45.5%
41-50	5	14.7%	0	0.0%	0	0.0%	5	15.2%
51-60	3	8.8%	0	0.0%	0	0.0%	3	9.1%
60+	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Unknown	42	-	10	-	4	-	28	-
Total	76	100.0%	10	100.0%	5	100.0%	61	100.0%

The majority of women indicted for coining and forgery offences were aged between 30 and 40, substantially older than the average age of marriage in this period.⁵¹ Only three suspects were below the age of 25, with one under the age of 18 (Table 7.4). Nearly one-quarter of the suspects were aged between 25 and 30, with 8.8 percent of the women over 50 years old. Similar figures are evident in the Essex court records between 1740 and 1820, where only 15 percent of suspects accused of fraud, forgery, and coining offences were under the age of 25.⁵² If the figures relating to the ages (where known) and marital status of the women are combined, as shown in Table 7.5, then it is possible to establish that the ‘typical’ female offender accused of monetary and forgery offences was a married woman between the ages of 31 and 40. As utterers were required to purchase the false currency from counterfeiters, access to disposable income was inevitably required. It is possible that it was only when women had accumulated enough savings, either following a number of years of marriage, or through saving the wages received in service, that they were in a position to attempt the crime.⁵³ Indeed, ten years or more of service offered the opportunity to save ‘a small reserve of money in anticipation of the uncertainties of married life’.⁵⁴ Younger women, many of whom may not have worked for a sufficient enough period to gather savings, would not necessarily have had the resources or opportunities available to older women to purchase and utter false coins.

⁵¹ John R. Gillis lists the average marital age of women in Britain in the first half of the eighteenth century as 26.2 years. This dropped to 25.9 years during the next 50 years, and in the first half of the nineteenth century it was 23.4 years. See John R. Gillis, *For Better, For Worse: British Marriages, 1600 to the Present* (Oxford: Oxford University Press, 1985), 110.

⁵² King, *Crime, Justice and Discretion*, 172.

⁵³ As many maidservants did not have day-to-day expenses they were often able to save up wages as a dowry or, if they never married, for future maintenance. These savings led many servants to act as modest moneylenders: Froide, *Never Married*, 89.

⁵⁴ Humphreys, *The Crisis of Community*, 81.

Table 7.5. *Age of women indicted for currency and forgery offences, organised by marital status*

	Married	Singlewoman	Widow
Under 18	0	1	0
18-24	0	2	0
25-30	5	3	0
31-40	7	6	2
41-50	4	1	0
51-60	2	0	1
Unknown	22	10	8
Total	40	23	11

7.4. Coining

The coinage during much of the eighteenth century, in terms of quality and availability, was defective. The failure of the silver recoinage of 1696-8 resulted in only a residue of old, worn, and underweight silver coin remaining in circulation by the second half of the century. This was supplemented by foreign silver, which passed at an exaggerated value, and counterfeits. In 1717 the Mint fixed the price of gold, which became legal tender for all transactions. But there had been no gold recoinage in the 1690s, and the gold coins in circulation were becoming progressively worn and underweight. The condition of both gold and silver circulations caused public complaint, but the government showed little interest in sustaining the quality of the money already in circulation, or in initiating a reform in monetary values. The Mint could do little more than continue to produce new coins, and prosecute illegal abuses, such as counterfeiting and clipping, where possible. The result was an acute shortage of English gold coins. Copper did not fare any better. A 1787 Mint inspection of a random sample of coppers in circulation confirmed that eight percent bore some resemblance to Mint coin, 43 percent were inferior, 12 percent were blanks, and the remaining 37 percent were ‘trash which would disgrace common sense to suppose it accepted for coins’. The huge demand for substitutes for small denomination silver produced a ready market for counterfeit copper which flooded the country at an estimate of between two-thirds and one and a half times the legal issue.⁵⁵

The tools and equipment required to forge counterfeit coins were relatively cheap, easy to obtain and handle, and transportable. As a result, counterfeiting activities could be easily begun and rapidly concealed.⁵⁶ Profits were also substantial. In 1755 the Mint estimated that profits for counterfeit copper could be up to 50 percent on the best

⁵⁵ Styles, ““Our traitorous money makers””, 173-78.

⁵⁶ Challis, *The Tudor Coinage*, 284.

quality counterfeits, while a Lancashire magistrate in 1783 estimated a 300 percent profit. According to Styles, manufacturers and tradesmen were often customers of counterfeits in bulk to alleviate the shortage of small coin, and workers readily accepted counterfeits when the alternative was a delay in wages.⁵⁷ These false coins were then re-circulated at markets and retailers, who accepted them as payment for similar reasons. The illegal abuse and circulation of gold and silver coin was more problematic. Unlike bad coppers, counterfeit gold and silver coins were not always knowingly accepted by the public as a considerable loss would be made if the coin did not pass.

It was commonly understood by contemporaries that women acted alongside men in making false coins. Mayhew believed that the process of coining involved ‘two persons...sometimes four’, and in ‘nine times out of ten, men and women [were] employed in it together’. It was the job of the man to hold the mould with an iron clamp, while the woman poured the metal into it. If interrupted in the act, the man would ‘endeavour to destroy the mould’, while the woman threw ‘the counterfeit coin into the fire, or into the melted metal, which effectually injures it’.⁵⁸ In eighteenth-century London, just over a third of the *c.*750 people accused of coining were women.⁵⁹ In Wales, however, only two women were indicted for making false coins, forming just 9.7 percent of those indicted for coin counterfeiting or possessing tools for coining in the 100-year period under study.⁶⁰ Women did not necessarily act alongside men in the crime either. In 1814 Jane Thomas was indicted alone for possessing counterfeiting tools, and for forging a false coin.⁶¹ Only Mary Evans acted alongside her husband.⁶² Despite the low number of prosecutions, married women were undoubtedly aware of their husband’s involvement in coining, even though they were not directly implicated.⁶³ The possibility of ‘hidden’ women involved in coining, but not formally indicted for such, must not be ignored.

Coining supposedly required ‘skill but little strength’, and as a result has been explained as a crime with ‘strong female involvement’.⁶⁴ This was not the case in Wales, where women formed only a small proportion of those indicted for coining offences. The number of Welsh male coiners, when compared to those in London, is

⁵⁷ Styles, ““Our traitorous money makers””, 181.

⁵⁸ Mayhew, *London Labour*, 378.

⁵⁹ Durston, *Victims and Viragos*, 14.

⁶⁰ Twenty-eight of the 31 suspects were men.

⁶¹ NLW GS 4/393/6.15 (1814).

⁶² NLW GS 4/46/7.41 (1738).

⁶³ Gaskill, *Crime and Mentalities*, 139.

⁶⁴ Durston, *Victims and Viragos*, 45.

also comparatively small. This pattern is not easily explained. As the coining centres in this period were located in Birmingham and the metropolis, men and women would have found it troublesome to make the substantial journey from Wales, particularly the more remote regions, to purchase the base metals needed for the process, which would have been more readily available in the larger English cities.⁶⁵ Men, burdened less with the responsibility of childcare, may have had greater opportunity to make the journey. This is not to suggest that Welsh women were unwilling or unable to travel to support their counterfeiting acts, as will be shown below with reference to female utterers, but the low number of both male and female coiners suggests that the process of coining was more far troublesome in Wales.

The differences in the percentage of English and Welsh female coiners may also be viewed in economic terms. As disposable income was required, it is possible that Welsh women, particularly those living in remote countryside locations, did not have access to such funds. Women working in service in London from the mid-eighteenth to the mid-nineteenth centuries could expect to receive a wage almost double that of a rural servant, who was often better provided for in kind with food and clothing.⁶⁶ Beyond domestic service, farm servants, such as dairymaids and poultry girls, received an equally low wage. Women employed in these roles in Mostyn in Flintshire received an annual wage of just £1 6s.0d. in 1737, and £2 0s. 0d. in 1768: a rate far lower than was paid in English regions.⁶⁷ Women in Wales would have had access to lower funds, and with the coining centres outside of their local community they could not rely on their own or their family's reputation to purchase the tools and metal on credit.

Furthermore, although the equipment required to make false coins may have been readily available, it was not easily explained away. Gaskill has suggested that the large numbers of metal-workers present among male suspects in England, such as blacksmiths, goldsmiths, locksmiths, and clockmakers, was evidence both of the use of their skills to coining, and because they possessed tools that 'only they could plausibly have owned'. This equipment 'provided not only the means to counterfeit and clip, but an alibi'.⁶⁸ Should any women have been found in possession of incriminating

⁶⁵ Counterfeits from Birmingham were not only circulated in Wales. It was reported in 1829 that a box containing 314 base half-crowns was intercepted on the way to Aberdeen: *The Carmarthen Journal and South Wales Weekly Newspaper*, 30 January 1829.

⁶⁶ Pamela Sharpe, *Adapting to Capitalism: Working Women in the English Economy, 1700-1850* (London: Macmillan Press, 1996), 115.

⁶⁷ David D. Howell, *The Rural Poor in Eighteenth-Century Wales* (Cardiff: University of Wales Press, 2000), 68, Table 4.

⁶⁸ Gaskill, *Crime and Mentalities*, 143.

equipment, it would have been far more difficult to argue their innocence.⁶⁹ Although this applied equally to women in England, London, where much of the research in this area has focused, provided unique opportunities for female counterfeiters. Women enjoyed a great deal more anonymity than they would have in many of the small Welsh towns and villages, and would have had a greater chance of successfully concealing their counterfeiting acts. London women were also incredibly mobile, with domestic servants gaining a wide experience of different places. Peter Earle has shown that the length of time a London servant spent in any one place ranged from just a few days to 30 years, with the average being around one year. Many also broke their employment to visit parents outside of the city for varying lengths of time.⁷⁰ Even outside of service, few women working in London would have been employed for the whole year, with a high proportion of jobs being seasonal, casual, and infrequent.⁷¹ In contrast, Welsh domestic servants spent most of their service with one family, or were employed in trades in their local community, and did not have this same freedom to move around to engage in counterfeiting, or to leave employment, should their involvement in criminal activities be suspected.

The existence of urban female networks is also a possible factor in explaining the high involvement of women in coining in England, compared to Wales. By the eighteenth century, several English towns had become thriving hubs of production and distribution. Urban businesswomen, like men, benefitted from the larger customer bases and greater availability of staff. In many towns there were also traditions of allowing women to belong to trade guilds and be generally economically independent of men.⁷² Focusing on singlewomen, Amy M. Froide has shown how women in Southampton often grouped together to form business partnerships and share capital. These female networks offered valuable sources of training and assistance in setting up and running businesses and provided important trade links.

Given the higher urban wages, there is also substantial evidence of women acting as moneylenders to their friends, neighbours, and kin. In Bristol, Southampton, Oxford, and York, 42-45 percent of urban singlewomen engaged in money lending

⁶⁹ Froide, *Never Married*, 101.

⁷⁰ Peter Earle, 'The female labour market in London in the late seventeenth and early eighteenth centuries', in Pamela Sharpe (ed.), *Women's Work: The English Experience 1650-1914* (London: Arnold Publishers, 1998), 132.

⁷¹ Earle, 'The female labour market', 134.

⁷² Christine Wiskin, 'Urban businesswomen in eighteenth-century England', in Rosemary Sweet and Penelope Lane (eds.), *Women and Urban Life in Eighteenth-Century England* (Aldershot: Ashgate, 2003), 89.

during the early modern period.⁷³ Many also grouped together to run charitable provisions, with examples of female philanthropy most numerous in large urban centres, compared to rural and semi-rural societies.⁷⁴ Such charities, although not abundant, served to offer both financial assistance and emotional support, with many voluntary societies corresponding with those in other towns.⁷⁵ These women clearly had money spare to loan, and when they did so it was often within their local communities. If access to disposable income was indeed central to women's ability to partake in coining, then urban women located within female networks were well-placed to commit the crime. Few Welsh towns came close in size to their English counterparts before the nineteenth century. Estimates suggest that by 1700 there were only 50 small towns in Wales; the equivalent in England was 730. Only Wrexham and Carmarthen had populations above 2,500.⁷⁶ Even by 1801, Wales still only possessed 12 towns with populations of 2,000, and none of over 8,000.⁷⁷ English and Welsh urban environments were virtually incomparable and the favourable surroundings for female coiners in England were not mirrored in Wales.

7.5. Other objects of forgery

In addition to coins, women forged a variety of other items. Three women counterfeited bank notes, two forged bonds, and five created fake promissory notes.⁷⁸ One woman forged two letters, while another created a false stamp.⁷⁹ A final woman falsified a receipt.⁸⁰ Each of these cases is unique, with the women clearly possessing specific motives for their behaviour. Ann Poyer, for example, forged a stamp to resemble one used 'for the marking and stamping of hides and skins...and of vellum and

⁷³ Froide, *Never Married*, 130.

⁷⁴ Sylvia Pinches, 'Women as objects and agents of charity in eighteenth-century Birmingham', in Rosemary Sweet and Penelope Lane (eds.), *Women and Urban Life in Eighteenth-Century England* (Aldershot: Ashgate, 2003), 67.

⁷⁵ Pinches has shown that nine Birmingham charities were created specifically for women between 1680 and 1831. Four were aimed at widows, two at 'poor women', two specified a certain number of recipients, and one was for 'old maidens or single women of virtuous character': Pinches, 'Women as objects and agents of charity', 74, 83.

⁷⁶ Peter Clark, 'Small towns, 1700-1840', in Peter Clark (ed.), *The Cambridge Urban History of Britain, Volume II: 1540-1840* (Cambridge: Cambridge University Press, 2000), 735.

⁷⁷ Robert Anthony, "'A very thriving place": the peopling of Swansea in the eighteenth century', *Urban History*, 32 (2005), 87.

⁷⁸ Five indictments exist for the forging of bank notes. These relate to four women, since one, Sarah Chandler, was indicted for two separate offences.

⁷⁹ NLW GS 4/613/1.22-23 (1744); NLW GS 4/814/3.17 (1742).

⁸⁰ NLW GS 4/183/7.9 (1751).

parchment...to denote the charging the duties...payable to...the King'.⁸¹ As a widow of a tanner, it is likely that Ann was continuing in her late husband's business, but was struggling to pay the duties owed to the king. In forging the stamp and using it 'at diverse times and in and upon diverse days...and upon several hides and in and upon several skins', she was probably acting out of financial necessity. Margaret Jones was also accused of making and possessing false bank notes, and using her servant, John Jones, to utter them. According to John, he had travelled to Ruthin Fair with his mistress with the intention of purchasing a horse. When arriving in Denbigh she 'gave him four or five one pound Bank of England notes which she told him to go and get changed to buy a pound or half a pound of sugar and two ounces of tea'. This he did, and returned to her the purchased items and changed silver. The following day she gave him a further two notes, and instructed him to return with change. It is unclear who accused the suspects, but both Margaret and her servant were later indicted for counterfeiting offences.⁸²

Other women targeted specific victims, notably men, and attempted to elicit sympathy alongside their counterfeiting skills in order to fraudulently obtain money.⁸³ Rachel Owen, 'a person of evil name and fame and of dishonest conversation', visited Gabriel Powell and produced a 'forged and counterfeited letter with the names Edward Walters and Mary Walters thereto subscribed and directed for Gabriel'. The letter requested the loan of 'twenty pound for five weeks time' because 'money [was] short' and they were in great need of it. The suspect said that she lived with Edward and Mary Walters, 'persons well known to the said Gabriel', and that her mistress was dead. It appears that Gabriel initially refused her request, but she further pretended that she had been 'contracted for wines and brandy at Britton Ferry by the orders of...Edward Walter depending upon having the money...to pay for it'. Whereas 'in truth and in fact', the suspect was not their servant, and had not been sent to request money.⁸⁴

⁸¹ NLW GS 4/814/3.17 (1742). Rules requiring stamps to be affixed to certain articles in order to denote payment of the duties imposed on them were enacted by many statutes, and were later embodied in the general acts of 27 Geo. 3, c.13 (1787) and 37 Geo. 3, c.90. Section five of the latter act specifically stated that 'to counterfeit or forge any stamp denoting the duties specified by this or certain other acts with intent to defraud duties' was a felony without benefit of clergy: Radzinowicz, *A History of English Criminal Law*, 646.

⁸² NLW GS 4/71/1.81-82 (1816).

⁸³ Men were also the principal targets of women's thefts in north-east England during the eighteenth century: Gwenda Morgan and Peter Rushton, *Rogues, Thieves and the Rule of Law: The Problem of Law Enforcement in North-East England, 1718-1800* (London and Pennsylvania: UCL Press, 1998), 106.

⁸⁴ NLW GS 4/613/6.22-23 (1744).

One suspect, Catherine Pugh, was indicted alongside her husband, Richard John David, and an accomplice, Robert Jones, for forging a bill purporting to have been signed by a deceased gentleman, and which stated that the sum of £180 was owed to Catherine and her husband. An informant, William Davies, said that he ‘was sent for to the house of one Humphrey Thomas...by one Catherine Pugh...in order to draw a bond from one William Bedward...to the said Richard John David...for the payment of one hundred and eighty pounds or thereabouts’. Upon entering the house, Catherine escorted him into a room where he witnessed a man ‘sick and weak in bed’ with ‘things tied about his face and arms...to disguise him’. The man ‘called himself and was also called by the said Catherine Pugh by the name of William Bedward’ and he ‘desired this informant to draw a bond from him...to the said Richard John Davies for the sum...justly due and owing from him’. William Davies accordingly drew up the bond, which was signed by the ‘fellow so found in bed’. However, he was later ‘credibly informed’ that the man witnessed in bed was actually Robert Jones, and that the figure whom he had impersonated had been dead for ‘30 years and upwards’. When returning that evening, he was informed by another ‘smiling’ woman that as soon as he had left the house earlier in the day ‘the same fellow got out of the said bed and made the best of his way off’.⁸⁵

These were not the only women to use deceased individuals for their own financial gain. Elizabeth Jenkins and her husband forged a bond and promissory note allegedly written by the deceased gentleman, Robert Jones, during his lifetime.⁸⁶ The bond and note stated that Robert owed Elizabeth Kendrick (who, presumably, was also known as Elizabeth Jenkins) and her daughter £180, and that an annual sum was to be paid to them. Edward Lloyd said in his examination that Elizabeth and her husband had arrived at his house in possession of these two documents, which they stated belonged to his father in law. They ‘then demanded the payment of the money due upon the note...as heir at law’. This plan, however, was flawed as the examinant declared that he had ‘seen the handwriting of the said Robert Jones...in various papers now in his possession’ and therefore believed that the ‘pretended bond and note produced’ was not written by his father in law.⁸⁷ The defendants, in this instance, were quickly and easily suspected.

⁸⁵ NLW 4/251/2.25, 29, 47 (1743).

⁸⁶ NLW GS 4/61/1.10-11 (1785).

⁸⁷ NLW GS 4/61/1.28-29, 54 (1785).

7.6. Uttering and procuring false money

It has been suggested that the image of a ‘typical’ eighteenth- and early nineteenth-century forger differed greatly from that of an utterer. Phil Handler has stated that forgery was a ‘middle-class crime, typically committed by clerks or men who took a desperate risk to preserve their position’. They were supposedly ‘respectable’ members of the community.⁸⁸ According to McGowen, however, utterers were, in contrast, ‘poor, often illiterate and frequently female’, engaging in ‘small-time’ crimes.⁸⁹ There were, of course, exceptions, as the famous eighteenth-century case of Mrs Rudd implies, but this stereotype largely downplays both the nature and extent of women’s roles in counterfeiting networks.⁹⁰

Women in Wales committed the offences of uttering and procuring false money in far greater numbers than coining and forgery (Table 7.1), though this was still not on the same scale as English women. Uttering has received virtually no historiographical consideration, with the majority of scholars focusing instead on the practical tasks of coining and clipping.⁹¹ In Wales, 60 women were indicted for procuring, possessing, and uttering false money. Forty-nine of these women uttered or possessed false coins, five indictments related to bank notes, three related to promissory notes, and a further three involved bank tokens.

There is evidence to suggest that women played an important role in the movement of false money across Wales.⁹² Although the coining centres of Birmingham and London do not appear to have been mirrored on this scale in Wales, and Welsh women were not exposed to the favourable counterfeiting environments of their English counterparts, they did still pass money within their locality and nearby areas. When apprehended, Maria Bowen admitted that she had purchased ‘nine counterfeit Bank of England three shilling tokens, and twenty eight false and counterfeit plain shilling pieces for the price or sum of twenty shillings’ from ‘a person of the name of Beech who lives at a place called Newton...near Swansea’. She further stated that ‘Mr Beech deals largely in the sale of counterfeit and false Bank of England tokens and plain

⁸⁸ Handler, ‘Forgery and the end of the “Bloody Code”’, 689.

⁸⁹ McGowen, ‘The Bank of England and the policing of forgery’, 98.

⁹⁰ The 1775 forgery case of Margaret Rudd and identical brothers Robert and Daniel Perreau drew extensive coverage from the London press. Each suspect told dramatically different stories about their involvement in the crime and offered strikingly different portraits of themselves: Andrew and McGowen, *The Perreaus and Mrs. Rudd*.

⁹¹ Styles only indirectly refers to utterers: Styles, “‘Our traitorous money makers’”, 172-249.

⁹² Jones, *Crime in Nineteenth-Century Wales*, 114.

shillings...and...employs fifty persons at and in the neighbourhood of Swansea'.⁹³ In 1819, *The Cambrian* similarly reported the existence of a 'nest of utterers' connected with a 'gang that travel South Wales and the adjoining counties of Monmouth, Hereford and Salop'. Of this gang, three women were found possessing a quantity of base coins, and it was believed that two of their husbands 'were still travelling the country' to pass counterfeits 'under the real or assumed character of hawkers and pedlars'.⁹⁴ Mary Wilson, committed to the House of Correction in Cowbridge in December 1826, was also reportedly connected with 'a gang dealing extensively in counterfeit coins'.⁹⁵

The majority of women (17.1 percent) prosecuted for monetary and forgery offences were indicted in Glamorganshire, but Carmarthenshire, Denbighshire, and Breconshire were also popular locations (Table 7.6). However, many of the women indicted in Wales were not actually Welsh. Indeed, 20 of the 76 women indicted for currency and forgery offences in Wales had previously resided in a different county from the one in which they were prosecuted. Nine had resided in Birmingham, Gloucester, Chester, Ireland, or elsewhere 'outside Wales'.⁹⁶ Eleanor Williams had initially intended to utter a false note at a fair in Saint Mary Hill, but when discovering that she was 'well known to about all the people who kept standings at the fair' the 'dread of detection', coupled with 'her wish not to impose on others', forced her to change her plan.⁹⁷ Another suspect, Anne Lewis, confessed that she had cohabited with Richard Warton in Gloucester. They had journeyed together to Birmingham, where Richard 'told her he had an opportunity of buying some bad money and asked her for 10s. to pay for it'. The parcel of 'bad money' was opened in Worcester, and part of it was sold shortly after in Bromyard. From there the pair journeyed to Ludlow, Bishop's Castle, and Kerry, before settling in Newtown where they uttered the remaining false coins in a public house.⁹⁸

⁹³ NLW GS 4/760/4.50, 52-53 (1816). This case was also recorded in *The Cambrian* on 31 August 1816.

⁹⁴ *The Cambrian*, 10 July 1819. For the indictments, see NLW GS 4/635/6.31 (1819) and NLW GS 4/635/6.25 (1819).

⁹⁵ *The Cambrian*, 16 December 1826.

⁹⁶ Birmingham in this period was 'the universally acknowledged centre for the manufacture of forged notes': McGowen, 'The Bank of England and the policing of forgery', 94. For more on the Birmingham coiners, see Powell, 'The Birmingham Coiners', 49-55.

⁹⁷ NLW GS 4/634/5.57 (1815).

⁹⁸ NLW GS 4/201/6/1 (1822).

Table 7.6. *Place of prosecution of women indicted for currency and forgery offences*

	1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Anglesey	1	1.3%	1	10.0%	0	0.0%	0	0.0%
Breconshire	12	15.8%	4	40.0%	0	0.0%	8	13.1%
Caernarfonshire	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Cardiganshire	1	1.3%	0	0.0%	0	0.0%	1	1.6%
Carmarthenshire	12	15.8%	0	0.0%	0	0.0%	12	19.7%
Denbighshire	12	15.8%	1	10.0%	4	80.0%	7	11.5%
Flintshire	4	5.3%	0	0.0%	0	0.0%	4	6.6%
Glamorganshire	13	17.1%	1	10.0%	0	0.0%	12	19.7%
Merionethshire	2	2.6%	0	0.0%	0	0.0%	2	3.3%
Montgomeryshire	9	11.8%	2	20.0%	1	20.0%	6	9.8%
Pembrokeshire	7	9.2%	1	10.0%	0	0.0%	6	9.8%
Radnorshire	3	3.9%	0	0.0%	0	0.0%	3	4.9%
Total	76	100	10	100.0%	5	100.0%	61	100.0%

The counties were undoubtedly selected deliberately. Predominantly rural areas were avoided, as ‘strangers’ would immediately attract attention. Popular fairs held in Glamorganshire, Carmarthenshire and Denbighshire were large and drew substantial crowds, and utterers stood the best chance of avoiding detection. Denbighshire’s proximity to the counterfeiting centre in the Midlands is also likely to explain the appearance in the records of women from the area and surrounding regions. Birmingham, in particular, possessed a well-developed network of dealers in counterfeit coins, many of whom journeyed to Wales to pass their false coins.⁹⁹ Monmouthshire served as a useful stopping point for utterers to secretly store their collection. In February 1820, *The Cambrian* reported the discovery of a parcel containing upwards of £7 of counterfeit silver, with each piece individually wrapped. It was believed that the parcel had only been recently deposited by ‘persons from a distance’ who were ‘in the habit periodically’ of travelling to Monmouthshire with forged bank notes and coins.¹⁰⁰

The marketplace acted as a central location for the uttering of counterfeit money. False currency was used to purchase food and clothing, or was passed off as change for genuine notes or larger value coins. Newspapers frequently reported the circulation of false money in the markets, and encouraged businesses to be alert. In March 1815 it was said that ‘[t]here is scarcely a fair in Wales which is not frequented by these villains’, as they offered a ‘very favourable opportunity’ for profit-making. In the same newspaper article it was reported that one hat seller at Llangavelach Fair made 14 shillings, ‘the

⁹⁹ Palk, “‘Fit objects for mercy’”, 239.

¹⁰⁰ *The Cambrian*, 12 February 1820.

whole of which were not worth one penny'.¹⁰¹ For female utterers, the location was particularly important. The presence of substantial numbers of women at markets and fairs, both as buyers and sellers, was commonplace so their presence would not attract attention.¹⁰² The large volume of people would also necessitate swift financial transactions, allowing the recipient little time to closely scrutinise the money. Coins and notes could change hands multiple times during market day, making the criminal especially difficult to locate. When giving Eleanor Williams a forged £10 note, Richard Leigh warned her to 'take care where she did get it changed and she would do very well'. A few days later she journeyed to a fair at Caerphilly to utter the note under the pretence of purchasing some flannel to make shirts for her husband.¹⁰³ One female suspect appears to have been particularly adept at using the marketplace to pass off forged coins. In her confession, Sarah Collins admitted that she was sent to the house of Thomas and Elizabeth Hughes where she was presented with 'about twelve shillings', and asked to travel to Pembroke to 'dispose of them as well as she could'. The following day, 'being market day', she used half of the coins to purchase butter, cheese and barley, which she delivered to Thomas and his wife. A few days later 'she was again sent for to the house of Thomas Hughes' where she was given 'several bad shillings' and instructed to 'go to Pembroke the next day...and make the most of them'. Upon her return she would be given 'something for her trouble'.¹⁰⁴ It was on this occasion, however, that her crime was discovered.

Some married women acted alongside their husbands to collectively coin and utter fake money. Mary Evan confessed that she had purchased two tubs of butter from a local fair using 'three crown pieces and four shillings'. These coins had been 'made the night before...by...John Roberts and...Thomas Dainty'...[in the] town of Denbigh where this examinant and her husband were'.¹⁰⁵ She also admitted to seeing them make 'two pieces of lead into a mould for the making of crown pieces'. Mary's husband, David, similarly confessed to his involvement, and told how he had been informed that 'there was some mixed metals to be had in the city of Chester with which he could make money if...[he] would fetch it'. David collected the metal and 'contributed so much money' towards it. When the coins were forged, he 'gave two shillings to his

¹⁰¹ *The Cambrian*, 4 March 1815.

¹⁰² See, for example, Thwaites, 'Women in the market place', 23-42, and Mendelson and Crawford, *Women in Early Modern England*, 301-44.

¹⁰³ NLW GS 4/634/5.57 (1815).

¹⁰⁴ NLW GS 4/833/2.22 (1816).

¹⁰⁵ NLW GS 4/46/7.10 (1738).

wife' who proceeded to utter them.¹⁰⁶ In another case, William Morris said that he had approached the standing of a hawker and his wife as he was 'in want of silver'. He purchased two handkerchiefs and subsequently received 18 shillings as change. Upon later discovering that the change he had received was false, William reported the couple to a magistrate, whereupon a collection of false coins were located upon the hawker's wife.¹⁰⁷ Both of these cases suggest that although the women may not have played a prominent role in the making of false money, they were certainly integral to the passing and carrying of it.

When uttering false coins, women adopted a variety of methods. In addition to using the money to purchase goods, they sought to change the false money for genuine coins. William Murray and Jane Phillips requested ten pints of ale in a brewery and the landlord 'received either from one or other of the prisoners a shilling in payment and gave nine pence in change'. According to the landlord, '[a]ll the while...[he] was changing this money he never suspected it...nor were his eyes opened to the deceit till after the prisoners had gone to their lodgings'. He declared that he could not 'positively swear he received them all from the prisoners, having put them in a drawer where they were mixed with other money', but there was 'no doubt' in his mind that he had done so.¹⁰⁸ Similarly, Margaret King told how she had been approached by Sarah Beddowes at Holywell market and asked to change a shilling. She refused the request, and told her 'it was a bad one'. Sarah instead gave her half a crown, which Margaret similarly refused to change 'as it was also bad'. Margaret told Sarah that she 'deserved to be taken up for offering bad money', but Sarah declared that she 'did not know they were bad'.¹⁰⁹ Anna Walker opted for a more direct approach. One examinant stated that he had witnessed Ezekiel Hamer at Anna's market stall, bargaining for a waistcoat. Ezekiel had tendered one shilling in silver down on the stand and was counting another shilling in copper from his waistcoat pocket. Anna picked up the shilling and 'exchanged it for another shilling'. Unaware of her action, Ezekiel left the stall. The examinant 'called to him and asked him if it was a good shilling he put down', to which Ezekiel responded that 'to the best of his knowledge it was', but upon closer inspection it was 'proved to be a bad one'.¹¹⁰

¹⁰⁶ NLW GS 4/46/7.10 (1738).

¹⁰⁷ NLW GS 4/199/7.45 (1813).

¹⁰⁸ NLW GS 4/74/6.15 (1830).

¹⁰⁹ NLW 4/1021/1.7 (1823).

¹¹⁰ NLW GS 4/536/2.1 (1820).

Women had an advantage over men when it came to concealing bags of forged money in order to utter them. Their skirts and undergarments acted as a temporary storage for coins and notes, with the counterfeits often being discovered when the women were restrained for arrest or searched. It was only when Thomas Williams and others escorted Jane Rogers and her accomplices for questioning regarding her suspected criminal activity that he ‘saw her drop something from under her skirt – namely a rag, containing something – and which felt heavy’.¹¹¹ Jane was later indicted for possessing seven false shillings ‘with the intent...to utter and cause to procure the same’.¹¹² In a separate case, the constable, John Thomas, demanded to search Elizabeth Williams after receiving information that she had been passing base coin. She ‘objected to be searched’, but her objections were ignored and ‘while proceeding to search her she let fall two half crowns (counterfeit money) one shilling (good silver) and three halfpence’. A further seven half crowns dropped from under her skirt and five half crown pieces were located in her pocket ‘wrapped in some paper’.¹¹³ By explicitly stating that the women had concealed the coins in such a manner, prosecutors sought to prove that the women were deliberately uttering false currency, rather than unknowingly passing it. The mention of the clothing formed part of the ‘authenticating process’, which served to strengthen the ‘truth-value of the [witnesses’] narrative by making it more convincing’.¹¹⁴

Undoubtedly, such uttering tactics were frequently successful. However, some suspicious behaviour could draw attention to the women’s intentions. Sarah Thomas stated in her examination that the suspect, Nancy Taylor, ‘appeared uneasy’ when a saddlebag, which was later discovered to contain false coins, had been moved from her sight.¹¹⁵ John Jones also claimed that Elizabeth Davies ‘appeared to be of a suspicious appearance’ when he saw her on a turnpike road. His suspicions were proven to be correct as Elizabeth was ‘immediately observed to take a small parcel out of her pocket...which appeared to contain several base shillings’.¹¹⁶ Additionally, William Murray and Jane Phillips were seen acting lavishly in a public house. They ordered several pints of ale, but William ‘did not call for all the drink for his own consumption,

¹¹¹ NLW GS 4/393/6.10 (1814).

¹¹² NLW GS 4/393/6.16 (1814).

¹¹³ NLW GS 4/639/4.22 (1828).

¹¹⁴ Catherine Richardson, “‘Having nothing upon hym saving onely his sherte”: event, narrative and material culture in early modern England”, in Catherine Richardson (ed.), *Clothing Culture, 1350-1650* (Aldershot: Ashgate, 2004), 214.

¹¹⁵ NLW GS 4/195/4.14 (1794).

¹¹⁶ NLW GS 4/395/4.14 (1819).

but gave some to other people and threw some away'. This extravagant behaviour drew attention to the pair, and 'some persons present observed that the prisoners had already changed a great many shillings and asked if these people, meaning the prisoners, had not given him...[the landlord] some bad money'.¹¹⁷ Some women had a reputation for being known utterers, and their mere presence was enough to raise suspicion. Mary Cole had been 'told to be cautious what money she took' from Elizabeth Thomas, Jane Rogers, and Jane Roberts as she had been 'informed that they had offered base money to several of the town's people'.¹¹⁸

Vigilance was urged when accepting money, especially in the marketplace, and words of caution were frequently printed in local newspapers. One report told how a counterfeit note had previously been accepted in Swansea Fair purporting to be from the bank of 'Wheaten and Co.' The article informed readers that 'no such bank exists' and that individuals should be 'on their guard against imposition'.¹¹⁹ Readers were similarly advised not to accept notes from 'Oxford University and County Bank', and to be aware that counterfeit shillings, which were 'remarkably well executed', were being circulated in Cardiganshire and surrounding areas.¹²⁰ During a spate of heavy counterfeiting, *The Cambrian* advised individuals to reject tokens which did not bear the address to which it was payable, and to refuse to exchange tokens for currency if they were being tended at a distance from where they were issued. They recommended that '[i]f this rule be universally adopted, unprincipled speculation will be defeated, and loss prevented'.¹²¹ Where possible, descriptions of suspected utterers were also printed to prevent losses and assist in the catching of criminals. One female utterer, who was seen accompanied by a young female child, was described as 'rather tall' and wearing a 'Welsh blue-striped flannel bed gown'.¹²²

7.7. Responses to counterfeiting accusations

When challenged, a number of women denied knowing that the money they possessed was false. Gwen Hughes purchased a shawl from David Pritchard of the value of two shillings and sixpence. Upon inspection, the seven shillings offered in payment were found to be 'all base money'. Gwen was asked where she had obtained the money, to

¹¹⁷ NLW GS 4/74/6.15 (1830).

¹¹⁸ NLW GS 4/393/6.10 (1814).

¹¹⁹ *The Cambrian*, 19 January 1811.

¹²⁰ *The Cambrian*, 24 May 1806; *The Cambrian*, 9 March 1822.

¹²¹ *The Cambrian*, 9 November 1811.

¹²² *The Cambrian*, 14 October 1809.

which she responded that she had received it from ‘some hardware hawkers that had lodged at her master’s house two nights before’ and that ‘she did not know that the money was bad and that she took it for good money’. In light of this information, she was taken before a special constable ‘for the purpose of going...in search of the persons from whom she said she had received the bad money’. Gwen ‘frequently’ told the constable ‘that she had had the money from the hawkers’ and he ‘had no doubt she was telling the truth’. It was only when the hawkers were located and searched that she ‘fell upon her knees and confessed she had told a lie and that she had picked up the money on the kitchen floor at her master’s house in a piece of white paper as she was sweeping’. ¹²³

Other women similarly declared that they had ‘found’ the false money, or that they had unknowingly received it. When accused of exchanging a forged £1 note in a blacksmith’s shop, Jane Morris ‘looked much confused’ and claimed that she had ‘found the note on the ground’. ¹²⁴ Another suspect, Margaret Baker, had travelled from Chester to Holywell, and had sold some caps ‘to different persons in Holywell market and was there paid for them’. When accused of uttering false coins, she argued that ‘she had only three half pence in money by her when she arrived at Holywell and that all the money she had there was received in the market in payment for caps’. ¹²⁵ Margaret did not deny knowing that the money she had uttered was false, but stressed instead that she had not intentionally set out to pass fake coinage.

Facing prosecution, many women attempted to destroy the evidence. Joseph Evans spotted Anfin Pugh ‘dropping something out of her right hand’ as she was taken into the custody of a local official. Upon investigating the parcel he discovered some three shilling pieces and a shilling ‘all of bad metal’. ¹²⁶ Ann Hughes received William Murray and Jane Phillips into her public house to be questioned by a special constable under suspicion of uttering false money. Ann recalled that ‘during the time they were there, they seemed juggling together’ and that she ‘saw one or other, she cannot distinctly say which (but of the two she believes it was the woman) throw something into the fire’. Ann ‘immediately took the tongs to search’, and a ‘piece of coin purporting to be a half crown...tumbled out from the grate’. ¹²⁷ When taken before a magistrate, Sarah Collins similarly confessed that she had thrown ‘the two [false]

¹²³ NLW GS 4/306/3.26 (1815).

¹²⁴ NLW GS 4/72/1.4 (1820).

¹²⁵ NLW GS 4/1020/5 (1822).

¹²⁶ NLW GS 4/199/7.45 (1813).

¹²⁷ NLW GS 4/74/6.15 (1830).

shillings away'.¹²⁸ By throwing away the money, the suspects had sought to remove any incriminating evidence. Attempts to destroy the evidence were, however, viewed as signs of guilt.

Some female utterers offered to bargain for their freedom in exchange for naming the counterfeiters. Margaret Harries accused Elizabeth Williams of uttering a false half crown in payment for some butter received at Merthyr market. Margaret challenged Elizabeth, but declared that '[i]f you will change this bad half crown and give me a good one instead I will not make any noise about it'. The defendant then proceeded to give 'two shillings and six pence in silver to [the] examinant who returned her the half crown and went away'. Although Elizabeth may have believed that she had got away with her crime, information had reached the local constable that she had been 'passing base coin'. She was later searched and several false coins were located. In an attempt at an informal agreement with the constable, Elizabeth 'offered to find out the man of whom she obtained the money if she should be free till Monday'. She also 'voluntarily' asked another of her captors that 'if he would let her free' she would 'inform him where she had the money' and that she would go with him at her 'own expense to catch the man'.¹²⁹ Unfortunately, her tactics failed, and Elizabeth was tried and subsequently found guilty of uttering.

7.8. Outcomes for defendants in currency and forgery offences

Forgery has been considered the 'quintessential offense of the long eighteenth century' due to the large numbers of suspects and the harsh sentences involved.¹³⁰ Of 120 statutes dealing with forgery, 61 inflicted the death penalty.¹³¹ From 1729 anyone who forged, 'or cause[d] or procure[d] to be falsely made', any 'deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, endorsement or assignment of any bill of exchange, or promissory note for payment of money, or acquittance or receipt, either for money or goods...knowing the same to be false', was guilty of felony without benefit of clergy.¹³² This sentence was frequently

¹²⁸ NLW GS 4/833/2.22 (1816).

¹²⁹ NLW GS 4/639/4.22 (1828).

¹³⁰ Randall McGowen, 'Making the "Bloody Code"? Forgery legislation in eighteenth-century England', in Norma Landau (ed.), *Law, Crime and English Society 1660-1830* (Cambridge: Cambridge University Press, 2002), 119.

¹³¹ Thomas Dogherty, *The Crown Circuit Assistant* (London, 1787), 360-2, and *Parliamentary Debates*, Vol. XXIII, 1179, both in McGowen, 'Making the "Bloody Code"?', 119.

¹³² 2 Geo. II, c. 25.

adhered to, and forgery shared with murder the distinction of being most likely to see a convicted offender actually hanged.¹³³

Of the 76 women indicted for currency and forgery offences, the pleas are unknown for 30.3 percent of the suspects (Table 7.7). Where pleas can be identified, over 96 percent of suspects pleaded not guilty, with only two women admitting to the offence. A total of 11.6 percent of the suspects were not prosecuted, and the indictments were returned as ‘no true bill’ for a further 13 percent. When the women stood before a trial jury, over 70 percent were found guilty. The majority of convicted women were imprisoned, with many also required to pay a fine or provide sureties for their future good behaviour. At least three female prisoners were sentenced to death. One woman was fortunate enough to have her sentence changed to transportation, but two women, it appears, were put to death for their crime.¹³⁴

¹³³ McGowen, ‘The Bank of England and the death penalty’, 243. For more on the passing of this act, including the motivations behind it, see McGowen, ‘The punishment of forgery’, 107-40.

¹³⁴ NLW GS 4/534/5.1 (1814); NLW GS 4/761/3.87 (1817).

Table 7.7. *Outcomes for female defendants in currency and forgery cases*

		1730- 1830	%	1730- 1763	%	1764- 1797	%	1798- 1830	%
Pleas	Guilty/submits	2	3.8%	0	0.0%	0	0.0%	2	4.9%
	Not guilty	50	96.2%	6	100.0%	5	100.0%	39	95.1%
	Unknown	24	-	4	-	0	-	20	-
	Total	76	100.0%	10	100.0%	5	100.0%	61	100.0%
Verdicts	Pleads guilty	2	2.9%	0	0.0%	0	0.0%	2	3.6%
	No true bill	9	13.0%	1	12.5%	0	0.0%	8	14.3%
	Quashed	1	1.4%	0	0.0%	0	0.0%	1	1.8%
	Not prosecuted	8	11.6%	1	12.5%	0	0.0%	7	12.5%
	Guilty	35	50.7%	1	12.5%	2	40.0%	32	57.1%
	Not guilty	14	20.3%	5	62.5%	3	60.0%	6	10.7%
	Unknown	7	-	2	-	0	-	5	-
	Total	76	100.0%	10	100.0%	5	100.0%	61	100.0%
Trial jury verdicts (known)	Guilty	35	71.4%	1	16.7%	2	40.0%	32	84.2%
	Not guilty	14	28.6%	5	83.3%	3	60.0%	6	15.8%
	Total	49	100.0%	6	100.0%	5	100.0%	38	100.0%
Sentences (known)	Imprisoned	11	32.4%	0	0.0%	0	0.0%	11	34.4%
	Imprisoned and find sureties	13	38.2%	0	0.0%	1	100.0%	12	37.5%
	Imprisoned and fined	3	8.8%	0	0.0%	0	0.0%	3	9.4%
	Fined	2	5.9%	0	0.0%	0	0.0%	2	6.3%
	Pilloried, fined and imprisoned	1	5.9%	1	100.0%	0	0.0%	0	0.0%
	Transported	1	2.9%	0	0.0%	0	0.0%	1	3.1%
	Death	3	8.8%	0	0.0%	0	0.0%	3	9.4%
	Total	34	100.0%	1	100.0%	1	100.0%	32	100.0%

The high conviction rate for coining and forgery offences is mirrored elsewhere, with few initially questioning the general principle that the death penalty was appropriate for the crime. Adam Smith said in 1766 that ‘nobody complains that this punishment is too severe’, and judges and the Crown normally overrode appeals for a pardon, precisely because they viewed the crime so seriously.¹³⁵ Of 2098 defendants who were tried at the Old Bailey for coining offences between 1730 and 1830, 1460 (69.6 percent) were found guilty. Of these, 361 (17.2 percent) suffered the death penalty.¹³⁶ When compared to other capital offences, this percentage is all the more pronounced. On the Home

¹³⁵ R. L. Meek, D. D. Raphael and P. G. Stein (eds.), *Adam Smith, Lectures on Jurisprudence* (Oxford: Clarendon Press, 1978), 483-84, as cited in McGowen, ‘From pillory to gallows’, 137.

¹³⁶ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 7.1, 2 May 2014), Tabulating defendant gender against verdict category where offence category is coining offences, between 1730 and 1839. Counting by defendant.

Circuit between 1782 and 1827, 44.3 percent of females accused of property offences were found guilty, with just 2.6 percent hanging for their crime.¹³⁷

A successful prosecution was beneficial for the Bank's tactic of deterrence by setting examples. In the early years of the Bank Restriction Act, in particular, it was believed that 'swift action would put a quick end to the threat', and that 'a few dramatic executions would cow the population of potential offenders'.¹³⁸ Deterrence is also a likely explanation for the large number of convictions for uttering and procuring false money, which, although not necessarily prosecuted by the Bank, were still in the Bank's interests. Mr Justice Hardinge told Sarah Chandler that her death sentence for forging a £1 promissory note in 1814 was implemented in 'the hope of dispensing mercy to others, whom the terror of *your* example may warn in time'.¹³⁹ Pressure was clearly placed on the courts to act decisively against all currency crimes.

Three death sentences were handed to women convicted of forgery at the Great Sessions in the period under study, equating to 18.8 percent of the total number of women indicted for coining and forgery.¹⁴⁰ Transportation was later secured for the aforementioned Sarah Chandler, but Jane Baines and Elizabeth Baines, who were possibly mother and daughter, did not fare so well.¹⁴¹ These women were found guilty of forging a bank note in 1817, and suffered the death penalty. In comparison, approximately 25.2 percent of men accused of coining or forgery between 1730 and 1830 were found guilty, with 16.1 percent of the suspects receiving a death sentence.¹⁴² Like the women, not all of these men actually suffered death. Eight of the 23 men who were capitally convicted were pardoned, and were instead transported or imprisoned. The similarity in the percentage of men and women who were handed a death sentence suggests that gender had little impact on the jury responses.

However, by the end of the period under study, attitudes towards the death penalty for currency and forgery offences had changed considerably, largely in line with

¹³⁷ King, *Crime and Law*, 173-74, Table 5.4 and Table 5.5.

¹³⁸ McGowen, 'Managing the gallows', 246.

¹³⁹ Nichols (ed.), *The Miscellaneous Works in Prose and Verse, of George Hardinge*, 156.

¹⁴⁰ NLW GS 4/534/5.1 (1814); NLW GS 4/761/3.87 (1817).

¹⁴¹ The transportation of Sarah Chandler is also discussed in Deirdre Beddoe, *Welsh Convict Women: A Study of Women Transported from Wales to Australia, 1787-1852* (Barry: Stewart Williams, 1979), 65. Beddoe has shown how three years after her trial at the Great Sessions, Sarah Chandler is to be found listed among prisoners in Radnor gaol. At some point after the verdict in 1814, her death sentence was changed to transportation for life. She sailed on the *Friendship* in June 1817, arriving in New South Wales in 1818, four years after being apprehended.

¹⁴² These figures have been taken from the NLW 'Crime and Punishment' database. When searching for 'Category of offence: Offences against the State and against currency', 'Specific offence: Forgery' and 'Specific offence: Coining/clipping', the names of 143 men are produced. Of these, 36 record a guilty verdict, with 23 including a death sentence.

petitions to repeal the ‘bloody code’.¹⁴³ Imprisonment, sometimes coupled with a fine or the need to find sureties for good behaviour, came to be viewed as a more favourable option. A parliamentary committee of 1819 investigating the criminal law was told about bankers and merchants who had overlooked repeated forgeries because they could not consider the prospect of condemning a person to death for such an offence.¹⁴⁴ The last death sentence handed to a woman convicted of forgery at the Great Sessions appears to have taken place in Glamorganshire in 1817, with death penalties continuing for men convicted of these crimes for an additional seven years.¹⁴⁵

7.9. Conclusion

The role of women in currency and forgery offences has been taken for granted, but underexplored. As most studies have focused on England, with emphasis on London, it has been assumed that women were prominent coiners, equalling the participation of men in these offences. This was certainly not the case in Wales. Welsh women were indicted for uttering in far greater numbers than for coining, but this was still not on a scale comparable to that of English women. The unique opportunities afforded to female coiners in the metropolis were not available in Wales, and several suspects accused of uttering originated from the counterfeiting centres of Birmingham and the Midlands. Women did forge a variety of other documents, including letters, stamps, and receipts, but this was similarly small-scale.

Surviving pre-trial evidence suggests that the few women who were involved in the crimes played prominent roles. They formed small groups to work together at the marketplace and in local shops to utter false currency, and assisted with the movement of counterfeits throughout Wales. They went to great lengths to avoid raising suspicion, selecting their location carefully, and using their clothing to conceal bags of forged coins. Despite extensive and frequent advice printed in local newspapers, base currency was often incredibly difficult to detect. With the financial crisis of the early nineteenth century the women partook in the offences knowing that it was possible for them to avoid prosecution. When caught and brought to trial there is little evidence of leniency being shown to female suspects. The severity of currency and forgery crimes is

¹⁴³ For more on forgery and the death penalty, see Handler, ‘Forgery and the end of the “Bloody Code”’, 683-702, and McGowen, ‘Making the “Bloody Code”?’ , 117-38.

¹⁴⁴ Beattie, *Crime and the Courts*, 191.

¹⁴⁵ NLW GS 4/638/1.94 (1824).

reinforced in the high conviction rates, with women as likely to receive the death penalty as men.

Chapter Eight

‘False acts, colours and pretences’: conspiracy, perjury and fraud

8.1. Introduction

This penultimate chapter focuses on the crimes of perjury, conspiracy and fraud. Each of these offences involved the uttering of false words, often linked with the usage of falsified documentation or evidence. Conspiracy and perjury, both characterised as crimes against public justice, were interlinked. Conspiracy referred to the malicious attempt of at least two individuals to falsely indict an innocent person of felony. It could also involve ‘sending a letter, threatening to accuse any person of a crime punishable with death, transportation, pillory, or other infamous punishment, with a view to extort from him any money or other valuable chattels’.¹ By the eighteenth century, the meaning of conspiracy was widened to include all cases where expense, punishment or scandal had resulted for the victim, and applied even in cases where the bill of indictment was not found.² Perjury was committed when an individual, under oath, swore ‘wilfully, absolutely, and falsely’ in ‘some judicial proceeding...in a matter material to the issue or point in question’.³ ‘Fraud’ was multifaceted and could be used to cover a wide variety of crimes. It is used here to refer to the fraudulent activity of obtaining money and goods by false pretences. In 1541, it was made a criminal act to use ‘false or privy tokens, or counterfeit letters made in any other man’s name’ to ‘falsely and deceitfully obtain...any money, goods, chattels, jewels, or other things of any person or persons’.⁴ Legislation passed in 1757 recorded the use of ‘false pretence’ as a method of defrauding another individual, and it was under this later act that the majority of Welsh women appear to have been indicted.⁵

This chapter firstly considers the statistical evidence relating to the crimes of perjury, conspiracy and fraud simultaneously, before moving to discuss each in greater detail. The participation of women in the offences between 1730 and 1830 is demonstrated, providing an important insight into these hitherto under-studied crimes.

¹ William Blackstone, *Commentaries on the Laws of England* (Oxford, 1769), Vol. IV, 136. The crime was punishable by the statute 30 Geo. II c.24, more commonly known as the ‘Obtaining Money by False Pretences, etc. Act 1757’.

² Douglas Hay, ‘Prosecution and power: malicious prosecution in the English courts, 1750-1850’, in Douglas Hay and Francis Snyder (eds.), *Policing and Prosecution in Britain, 1750-1850* (Oxford: Clarendon Press, 1989), 349.

³ Blackstone, *Commentaries*, Vol. IV, 136-37.

⁴ 33 Hen. VIII c.1; Edward Coke, *The Third Part of the Institutes of the Laws of England* (London, 1628), 133.

⁵ 30 Geo. II c.24; Blackstone, *Commentaries*, Vol. IV, 158.

The nature of perjury and conspiracy offences is also explored, with the pre-trial narratives used to discover possible motivations for women's involvement. Finally, the chapter considers the crime of fraud, specifically the activity of obtaining money and goods under false pretences, before ending with an analysis of the patterns of prosecution and punishment. In so doing, it shows that women adopted a variety of different impersonations and disguises in order to procure financial gain, avoid economic loss, or to enact personal revenge. Their victims were carefully chosen, and the stories that they told drew on commonly-held assumptions of female roles in society. This chapter also emphasises the importance of considering the crimes within their own unique context. Narratives of warring neighbours and blackmail attempts serve to remind us that the evidence with which we are presented in the pre-trial accounts was certainly not unproblematic. Perjury, conspiracy and fraud were taken seriously by the courts, and when detected, suspects were routinely punished.

8.2. Female suspects indicted for conspiracy, perjury and fraud

The crimes of conspiracy, perjury and fraud have received virtually no consideration by scholars. Robert Shoemaker has remarked upon the existence of perjury and fraudulent activities, while John Spurr has indirectly considered perjury through his studies of early modern oaths and oath-taking.⁶ David J. V. Jones and David Philips do little more than allude to the existence of fraud in nineteenth-century Wales and the Black Country, while the fourteenth-century origins of the crime of conspiracy received consideration by Alan Harding in an article published three decades ago.⁷ Instances of malicious prosecution, closely aligned with the crime of conspiracy, formed the focus of a chapter written by Douglas Hay, but the crimes remain vastly underexplored.⁸

The number of individuals indicted for these crimes in the Court of Great Sessions was small. Only 20 women were formally accused of perjury in the 100-year

⁶ Robert B. Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c.1660-1725* (Cambridge: Cambridge University Press, 1991); J. Spurr, 'A profane history of early modern oaths', *Transactions of the Royal Historical Society*, Sixth Series, 11 (2001), 37-63; J. Spurr, 'Perjury, profanity and politics', *The Seventeenth Century*, 8 (1993), 29-50.

⁷ David J. V. Jones, *Crime in Nineteenth-Century Wales* (Cardiff: University of Wales Press, 1992); David Philips, *Crime and Authority in Victorian England: The Black Country, 1835-1860* (London: Croom Helm, 1977); Alan Harding, 'The origins of the crime of conspiracy', *Transactions of the Royal Historical Society*, Fifth Series, 33 (1983), 89-108.

⁸ Hay, 'Prosecution and power', 343-95. See also, Percy Henry Winfield, *The History of Conspiracy and Abuse of Legal Procedure* (Colorado: Fred B. Rothman and Co., 1982); Michael D. Gordon, 'The invention of a common law crime: perjury and the Elizabethan courts', *The American Journal of Legal History*, 24 (1980), 145-70; Comment, 'Perjury: the forgotten offense', *The Journal of Criminal Law and Criminology*, 65 (1974), 361-72.

period under study, equating to approximately 13.5 percent of the total suspects for this offence.⁹ Sixteen women were accused of conspiracy, in comparison to 65 men (19.8 percent).¹⁰ Thirty-one women were indicted for fraudulently and deceitfully obtaining money or goods (24 percent of the total).¹¹ These figures are, however, skewed, since some women were indicted both for conspiring and committing fraud by obtaining goods or money under false pretences.¹² The numbers are also not representative of all instances of the crimes. Unlike most of the other felonious or serious crimes considered in this study, which were commonly dealt with at the Great Sessions, individuals could routinely be tried at the lower courts for perjury, conspiracy or fraud. Catherine Smith, for example, was examined at the Denbighshire Quarter Sessions on 18 November 1772 on suspicion of receiving rum and brandy under false pretences from Grace Sidebotham, while Mary Evans confessed in 1765 to fraudulently obtaining shoes and money.¹³ Elizabeth, daughter of Peter Williams of Derwen, was also bound by recognizance to appear at the Quarter Sessions to answer John Jones for perjury.¹⁴ Although the Great Sessions figures are insightful and should certainly not be disregarded, they should be treated with caution and not viewed as entirely representative.

⁹ A total of 147 suspect names are recorded in the 'Crime and Punishment' database between 1730 and 1830 when searching for 'Category of offence: Other' and 'Specific Offence: Perjury/persuading/suborning to commit perjury'. One female suspect, Susan Hughes, was indicted for perjury, but does not appear in the database for such, taking the number of perjury suspects to 148.

¹⁰ Eighty-one names of suspects are recorded in the 'Crime and Punishment' database when searching for 'Category of offence: Other' and 'Specific Offence: Conspiracy'. Since 16 names are female, it is assumed that the remaining 65 are male.

¹¹ The names of 98 male suspects are returned when searching the 'Crime and Punishment' database for 'Category of offence: Fraud' and 'Specific Offence: Fraud/deceit/false pretences/impersonating'. Margaret Griffiths appears in the database four times. However, as NLW GS 4/634/1.3 (1814) and NLW GS 4/634/1.7 (1814) appear to be identical indictments, it seems likely that one is a duplicate copy and has therefore been disregarded from my own statistics.

¹² Ann Caen, Mary Carliles, Eliza Mulhearn and Alicia Pierce were indicted three times, and Mary Pierce twice: NLW GS 4/914/3.4, 6, 7 (1820).

¹³ Denbighshire Quarter Sessions Rolls, QSD/SR/252/52 (1772); Denbighshire Quarter Sessions Rolls, QSD/SR/226/81 (1765).

¹⁴ Denbighshire Quarter Sessions Rolls, QSD/SR/346/41 (1796).

Table 8.1. *Marital status and age of women indicted for conspiracy, perjury, and fraud, 1730-1830*

		All	%	Perjury	%	Conspiracy	%	Fraud	%
Marital Status	Married	26	39.4%	8	40.0%	8	50.0%	10	33.3%
	Singlewoman ¹⁵	26	39.4%	7	35.0%	4	25.0%	15	50.0%
	Widow	14	21.2%	5	25.0%	4	25.0%	5	16.7%
	Unspecified	1	-	0	-	0	-	1	-
	Total	67	100.0%	20	100.0%	16	100.0%	31	100.0%
Age	Under 18	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	18-24	13	50.0%	0	0.0%	2	40.0%	11	55.0%
	25-30	5	19.2%	1	100.0%	1	20.0%	3	15.0%
	31-40	4	15.4%	0	0.0%	1	20.0%	3	15.0%
	41-50	4	15.4%	0	0.0%	1	20.0%	3	15.0%
	51-60	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	60+	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	Unknown	41	-	19	-	11	-	11	-
	Total	67	100.0%	20	100.0%	16	100.0%	31	100.0%

When the crimes are considered together, married and singlewomen appear in the records in equal numbers (39.4 percent), and it would seem that marital status had little influence on the women's participation (Table 8.1). However, given that approximately 54.9 percent of the adult female population between 1574 and 1821 were married, 30.2 percent were singlewomen, and 14.9 percent were widows, married women were under-represented and singlewomen over-represented for these offences.¹⁶ If the crimes are considered separately, this trend becomes even more apparent: in cases of fraud, married women comprised 33.3 percent, and singlewomen 50 percent of female suspects. As discussed in more detail below, many of the women who obtained goods under false pretences either pretended to be servants, or used their status as servants to fraudulently receive items in their employer's name. They were therefore unlikely to be married. This also explains the age of the women, with the majority aged between 18 and 24, and their average age recorded as 26 (Table 8.1).¹⁷ This figure was only slightly

¹⁵ The marital status of one suspect is unclear as she is recorded merely as a 'servant'. Given the high percentage of servants who were unmarried, she is assumed to be a singlewoman.

¹⁶ Amy M. Froide's calculations based on Peter Laslett's study of a sample of 100 urban and rural communities throughout England in the period from 1574 to 1821: Amy M. Froide, *Never Married: Singlewomen in Early Modern England* (Oxford: Oxford University Press, 2005), 16. See also Peter Laslett, 'Mean household size in England since the sixteenth century', in Peter Laslett and Richard Wall (eds.), *Household and Family in Past Time* (Cambridge: Cambridge University Press, 1972), 145.

¹⁷ A breakdown of the three crimes reveals that the average age of women indicted for conspiracy was 30.8. It was 26 for perjury and 28.3 for deceit.

higher than the average age of marriage by the end of the period under study.¹⁸ The women were mostly unmarried and of typical servant age, and needed to be in order to play their roles convincingly. An older, married woman may have been more recognisable in her local community, both in her own right, and through association with her husband. She would be unable to impersonate a servant without raising suspicion, or to pretend to be the wife of another man.¹⁹

8.3. Financial motivations for conspiracy and perjury

Douglas Hay has argued that prosecutors did not always use the law ‘for the approved ends of recovering property, deterring criminals, and justifying the social order’. Rather, many ‘sought above all to humiliate or destroy, to protect him or herself from the law, or to use it for extortion’.²⁰ The clerk to the magistrates in Lampeter believed that the Welsh were uniquely placed to commit perjury due to linguistic differences. He stated that perjury was:

common in courts of justice, and the Welsh language facilitates it; for, when witnesses understand English they feign not to do so, in order to gain time in the process of translation to shape and mould their answers according to the interest they wish to serve.²¹

Although it is not always possible to identify a clear or single motivation for the crimes of conspiracy and perjury, or indeed any other crime, we can gain some insight into the concerns and sources of tension within these Welsh communities.²² Financial incentives and a desire to settle personal disputes seem to have played some part in the making of conspiracy and perjury indictments. Both men and women of all social classes understood the law and how to use it to their own advantage, particularly to manipulate and harass contentious neighbours.²³ The use of private prosecutors and the encouragement of private settlements could, however, leave the courts open to

¹⁸ John R. Gillis records the average marital age of women in Britain in the first half of the eighteenth century as 26.2 years. This dropped to 25.9 years during the next 50 years, and in the first half of the nineteenth century it was 23.4 years: John R. Gillis, *For Better, For Worse: British Marriages, 1600 to the Present* (Oxford: Oxford University Press, 1985), 110.

¹⁹ Philips similarly notes the importance of portraying a ‘sufficiently plausible and respectable appearance for the victim to believe the false pretence being advanced’: Philips, *Crime and Authority*, 227.

²⁰ Hay, ‘Prosecution and power’, 345.

²¹ *Reports of the Commissioners of Inquiry into the State of Education in Wales, Part Two: Brecknock, Cardigan, Radnor and Monmouth* (London: 1847), 61.

²² Sharon Howard, *Law and Disorder in Early Modern Wales: Crime and Authority in the Denbighshire Courts, c.1660-1730* (Cardiff: University of Wales Press, 2008), 197.

²³ Howard, *Law and Disorder*, 206.

‘widespread abuse’.²⁴ It was seemingly this fear that led one nineteenth-century writer of the *Law Magazine* to claim that ‘accusatorial duties are too often conducted in the worst spirit, and criminal courts of justice become subservient to the purposes of passionate, vindictive, personal animosity’.²⁵

One defendant, Joyce Rowland, was indicted in Carmarthenshire in 1800 for perjury and supposedly lying under oath regarding her use of a horse. The ‘Act For repealing the Duties upon Male Servants, Carriages, Horses, Mules, and Dogs...’ of 1798 stated that any person who kept or rode a horse, mare, or gelding for any purpose other than to a ‘fair, market, or place of worship’ was liable to pay a ‘fair rate’.²⁶ Joyce, despite ‘being a person liable to the duties charged by the statute’, appealed this surcharge and denied having ridden any horse. According to her indictment, however, she had ridden a horse on three separate occasions over the period of eight months, and her denial of such was ‘wilful and corrupt perjury’, motivated out of a desire to ‘wickedly...evade a fair rate and assessment...and to defraud his majesty’s revenue’.²⁷

This motivation may have been less ‘wicked’ than simple necessity. Given the topography of Wales, particularly the expansive hills and mountains of regions of rural West Wales, travelling without the aid of a horse would have been particularly arduous. Parts of Carmarthenshire lay above 150 feet, and in the absence of rail communication, settlements were linked by a network of footpaths, uneven cart tracks and sometimes barely-passable roads.²⁸ Such unfavourable terrain would undoubtedly have made movement between counties, or further afield, difficult. As an unmarried woman dependent on a single wage, it is likely that the duty required for riding a horse would have been hard to pay, so Joyce opted instead to take the risk of not being caught. She not only failed to pay the appropriate duty, but denied having ridden the horse, in order to avoid financial loss.

Driven by similar economic motives, some women altered legal documents for financial gain. Martha Kyffin, for example, committed perjury by knowingly omitting several articles from the inventory relating to her deceased husband’s will in order to benefit from the inheritance in place of another individual. The indictment stated that

²⁴ Robert B. Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London: Hambledon, 2004), 224.

²⁵ J. Pitt Taylor, ‘Defects of Criminal Procedure’, *Law Magazine*, 34/64 (1844), 257, as cited in Hay, ‘Prosecution and Power’, 343.

²⁶ 38 Geo. III c.41.

²⁷ NLW GS 4/754/2.41 (1800).

²⁸ David W. Howell, *The Rural Poor in Eighteenth-Century Wales* (Cardiff: University of Wales Press, 2000), 13.

the suspect ‘possessed herself’ of several household items, including six table cloths, 12 napkins, a saddle, and bridle, which she had ‘knowingly, falsely, wickedly and maliciously’ omitted from ‘the particulars of all the goods and chattels and effects’ of her late husband, Richard Kyffin. A Bill of Complaint was subsequently drawn by Elizabeth Gronow, on behalf of her infant son, Thomas Davies, relating to Martha’s actions.²⁹ Only the indictment survives for this case so it is difficult to determine the relationship of Elizabeth and Thomas in relation to the deceased, but the infant, Thomas, was to benefit from Richard’s will. Martha, his widow, altered the inventory, claiming that several domestic items belonged to her, and not to her husband, and therefore could not be passed to Thomas.

Similarly, Jane Dykes was indicted for perjury at the Great Sessions for lying on a Bill of Complaint brought against her by John Preece in the High Court of Chancery. According to the perjury indictment, John was ‘contracted’ and ‘well entitled...to a certain messuage or tenement and dwelling house with its appurtenances’ belonging to Morris Pugh Dykes, Jane’s late husband. Upon entering into a contract with John, Morris ‘employed and instructed his...solicitor Charles Meredith...to prepare the necessary instruments for conveying the same’. However, without Morris’ knowledge, Jane ‘desire[d] the said Charles Meredith to insert her name in the said conveyance as a joint purchaser with her said husband’.³⁰ Again, little is known about the circumstances surrounding this case, but it can be assumed that with Morris’ death, Jane had refused to give up the property to John, claiming that she had owned it equally with her husband. John subsequently took Jane to the Court of Chancery and accused her of wrongfully adding her name to the legal documents, when she was not in a position to do so. Jane denied this and, as result, was accused by John of perjury.

The unenviable situation that Martha and Jane found themselves in upon the deaths of their husbands epitomises the practical difficulties experienced by widows in early modern society. For Martha, the items that she claimed were hers in the inventory were probably used solely by her on a daily basis. Although coverture dictated that possessions legally belonged to the male head of the household, in practice, these domestic items belonged equally, if not more so, to her and the household. Realistically, married couples were ‘common owners’ of marital property.³¹ Items such as tablecloths

²⁹ NLW GS 4/1005/8.53 (1756).

³⁰ NLW GS 4/537/1.51 (1824).

³¹ Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003), 163.

and napkins would have been chosen by the women, and held and used with great pride. The loss of such would undoubtedly have proved distressing. The diaries of the widow, Elizabeth Shackleton, show how she laboriously maintained the household linens and adapted them for other uses when they were beyond repair.³² The best linen she reserved for guests and special occasions.³³

For Jane, though, the situation was far more serious. It is possible that the sale of the house in question could have rendered her homeless or financially bereft. As a widow, she was not automatically entitled to the marital home upon her husband's death. Although many women did become heads of households with the passing of their spouse, this was only if the man had made allowances for it in his will.³⁴ Men were equally able to disinherit their wives in favour of their children or other family members. Rather than continuing with the sale of the house to John following her husband's death, Jane may instead have wished to keep the property for herself, either to reside in or to rent out. She may equally have decided to locate an alternative buyer, perhaps at an increased price. In so doing, Jane's overall intentions were probably to secure her future, both financially and practically.

Financial gain could also be sought through malicious accusations of sexual abuse. Sarah Francis and Mary Thomas allegedly conspired with David Edward to accuse Henry Griffiths of rape. Sarah was indicted both for conspiracy and perjury, while Mary was accused of conspiracy alone.³⁵ According to surviving examinations, David Edward had sought to 'make Henry Griffiths...bring back all the cattle which he had taken away...and also pay him a hundred pounds'. In order to achieve this, he was overheard declaring that 'he would make...Sarah Francis...swear a rape against the said Henry Griffiths'. Sarah, however, had supposedly admitted to another examinant that she had been pressed to 'swear a rape...because she might by doing so get about three hundred pounds', which was 'sufficient to keep her as long as she lived'. Nevertheless, 'she was resolved not to do it, for Henry Griffiths would prove where he was at the time that she should swear the rape against him and then she would be in the shame and would not get the money either'.³⁶

³² Amanda Vickery, 'Women and the world of goods: a Lancashire consumer and her possessions, 1751-81', in John Brewer and Roy Porter (eds.), *Consumption and the World of Goods* (London and New York: Routledge, 1993), 282.

³³ Vickery, 'Women and the world of goods', 285.

³⁴ A total of 12.9 percent of households in early modern England were headed by widows: Laslett, 'Mean household size in England', 147.

³⁵ NLW GS 4/760/4.29, 47 (1816).

³⁶ NLW GS 4/760/4.56-59 (1816).

It appears that despite these reservations, the trio went ahead with their plan and approached several individuals in an attempt to bribe them to swear to Henry's whereabouts so that they might match their story. Jenkin Evan said that he had been offered three guineas to 'go before Mr Saunders to swear that he did on Saturday the eighth day of June...see Henry Griffiths...go through the fields to the highway'. He was also informed that as 'a poor man, the money would be of service to him, and that if he would not do it that he [David Edward] would get another person that would do it'. David Griffith was also approached and asked 'if he had seen Henry Griffiths...going by his forge'. When answering that he had not, the suspects requested 'that he might swear that it was on the Saturday' and 'if he would do so he should be well paid for it'. Several other individuals were similarly offered bribes. The victim, however, was made aware of the act, and in his complaint told how he had 'probable grounds to believe that the said Sarah Francis was instigated and persuaded to do so' and that he had been 'credibly informed that [they]...have been active in endeavouring to suborn witnesses to come forward to prove that this examinant was seen...near the dwelling house of the said Sarah Francis'. Henry also said that the suspects had attempted to 'extort money from him by fear of the consequences of the proceedings which they designed against him', but he believed that in paying them 'some large sum of money' they still intended to 'proceed against him with the view of taking away his life'.³⁷

Convictions for rape in the early modern period were low. In the Old Bailey between 1730 and 1830 the rate was just 17 percent. Comparable rates for the capital crimes of burglary and robbery were 56 percent and 35 percent respectively.³⁸ This was partly due to the difficulty of securing sufficient evidence against the defendant, and impediments in the law itself.³⁹ The criteria required to define a rape were exceptionally difficult to prove, particularly evidence that penetration had *actually* occurred, and the lines between what may be defined as a rape and consensual intercourse were frequently blurred. Matthew Hale compared rape with witchcraft when stating that 'the greatest difficulty' was often experienced in trying to secure evidence. As such, 'many times

³⁷ NLW GS 4/760/4.56-69 (1816).

³⁸ Antony E. Simpson, 'Blackmail myth and the prosecution of rape and its attempt in 18th century London: the creation of a legal tradition', *Journal of Criminal Law and Criminology*, 77 (1986), FN36, 109.

³⁹ Garthine Walker, 'Rape, acquittal and culpability in popular crime reports in England, c.1670-c.1750', *Past and Present*, 220 (2013), 115-16; Simpson, 'Blackmail myth', 103.

persons are really guilty, yet such evidence, as is satisfactory to prove it, can hardly be found'.⁴⁰

This is not the place to discuss rape charges in any detail, or prosecution and acquittal rates. A great deal of work has already been written on this topic.⁴¹ The above case does, however, shed some light on potentially false rape accusations and the fear by contemporaries that blackmail may be used to extort money from supposedly innocent men. The prosecution at a rape trial in the Old Bailey confirmed this fear in declaring that '[rape] charges of this kind are certainly very easily made; now and then malicious charges are made'.⁴² Mr Justice Hardinge similarly advised the grand jury considering a rape accusation in Cardiff to question whether the female victim had been 'cheated into the act by seduction or under promise of marriage', as she may have sought revenge. Also, he claimed that if the victim was 'of low rank in the world, poor and vicious, her aim....[may have been] to receive hush-money, by the terror of this charge, though false'.⁴³

Although there were undoubtedly some malicious accusations of rape, these fears were largely unfounded as the number of false rape accusations in eighteenth-century England was no higher than for false allegations relating to other crimes.⁴⁴ Laurie Edelstein has argued that the low number of malicious accusations was partially a result of rape being a capital charge. Where they did take place, they were more likely to be for assault or trespass, misdemeanors or clergyable offences with less serious

⁴⁰ Matthew Hale, *Historia Placitorum Coronae: The History of the Pleas of the Crown*, Vol. II (London, 1736), 290.

⁴¹ See, for example, Nazife Bashar, 'Rape in England between 1550 and 1700', in Feminist History Group (ed.), *The Sexual Dynamics of History: Men's Power, Women's Resistance* (London: Pluto Press, 1983), 28-42; Anna Clark, *Women's Silence, Men's Violence: Sexual Assault in England, 1770-1845* (London and New York: Pandora Press, 1987); Kim Stevenson, 'Unequivocal victims: the historical roots of the mystification of the female complainant in rape cases', *Feminist Legal Studies*, 8 (2000), 343-66; Shani D'Cruze, *Crimes of Outrage: Sex, Violence and Victorian Working Women* (London: UCL Press, 1998); Martin J. Wiener, *Men of Blood: Violence, Manliness, and Criminal Justice in Victorian England* (Cambridge: Cambridge University Press, 2004); Antony E. Simpson, 'Popular perceptions of rape as a capital crime in eighteenth-century England: the press and the trial of Francis Charteris in the Old Bailey, February 1730', *Law and History Review*, 22 (2004), 27-70; Garthine Walker, 'Sexual violence and rape in Europe, 1500-1750', in Sarah Toulalan and Kate Fisher (eds.), *The Routledge History of Sex and the Body: 1500 to the Present* (London: Routledge, 2013), 429-43.

⁴² Barton Dorrington, *Old Bailey Sessions Papers* (September 1788), as cited in Laurie Edelstein, 'An accusation easily to be made? Rape and malicious prosecution in eighteenth-century England', *The American Journal of Legal History*, 42 (1998), 351; Walker, 'Rape, acquittal and culpability in popular crime reports in England', 123.

⁴³ J. Nichols (ed.), *The Miscellaneous Works in Prose and Verse, of George Hardinge, Esq. Senior Justice of the Counties of Brecon, Glamorgan and Radnor, Volume I* (London: J. Nichols, Son and Bentley, 1818), 170.

⁴⁴ Simpson, 'Blackmail myth', 107.

punishments, rather than rape.⁴⁵ Organised gangs specialising in blackmail did exist, in London at least, but allegations of rape did not appeal to them.⁴⁶ Accusations of sodomy or robbery were far more frequent, with the latter drawing substantial rewards.⁴⁷ The proof required for a rape prosecution involved rigorous questioning, potentially painful examinations, public exposure, and embarrassment. Given that the cost of prosecution was so high, and the conviction rates so low, there was arguably very little benefit for the prosecutor.

As no formal rape accusations were made in the above case, it is very difficult to determine whether Sarah Francis had malicious intentions, or whether Henry Griffiths had sought to build up his defence for a crime which he had actually committed. Indeed, a significant aspect of a defence in many rape trials was to present a case that either raised the issue of compromise or depicted negotiations as instances of blackmail and extortion.⁴⁸ Women could be framed as ‘malicious’ and ‘revenge-seeking’, and prepared to perjure themselves for financial reward. In this way, a defendant could question the motives behind the rape prosecution and shift the focus of the trial to the prosecution and hope to undermine the prosecutor’s case against him. Although Henry was able to offer several witnesses to this conspiracy and attempted blackmail, this is still not necessarily evidence that the extortion attempt had actually occurred.

Financial concerns also appear implicit in cases relating to illegitimate children and apparently false allegations regarding the naming of the child’s father. Elizabeth Williams, a spinster, gave birth to a male child on 6 January 1796. Two days earlier she had declared before two Justices of the Peace that Robert Jones was the father of the child. However, one month later, she stated in another examination that the gentleman, John Jones, ‘did get her...with child’. For changing her story, Elizabeth was accused of ‘devising and intending falsely and unjustly to charge and burden...John Jones with the maintenance and support of the...child and not only to draw him into great charges and expense...but also to bring him into great scandal...as a lewd and unchaste person’. The indictment against her stated that ‘in truth and in fact...John Jones never had any carnal

⁴⁵ Hay has similarly noted that a desire to cause ‘inconvenience and perhaps embarrassment was more likely to be realized on a lesser charge’, rather than a felony: Hay, ‘Prosecution and power’, 361.

⁴⁶ Simpson has argued that if this was the case, a larger number of wealthy men would have been expected among the defendants. Instead, most of the defendants of rape charges were ‘not men of rank or substance’: Simpson, ‘Blackmail myth’, 115.

⁴⁷ Simpson, ‘Blackmail myth’, 110.

⁴⁸ Walker has shown how male denials of rape in Star Chamber sought to frame women as ‘malicious, revenge-seeking harpies’ who were prepared to perjure themselves for financial reward: Garthine Walker, ‘Rereading rape and sexual violence in early modern England’, *Gender and History*, 10 (1998), 4.

knowledge' of Elizabeth.⁴⁹ Additionally, Margaret Price and John Jones had allegedly 'wickedly and maliciously' conspired together 'to oppress and aggrieve' Benjamin Jones, and 'falsely and without just cause' accuse him of being the father of Margaret's male bastard child. As part of this conspiracy, they threatened Benjamin that they would swear that he was the father unless he would produce a 'promissory note of and for the sum of twenty pounds'. Their victim was well chosen, as Benjamin was a clergyman of the Church of England and a 'man of credit...and reputation', who would no doubt have been greatly affected by their malicious accusations.⁵⁰

In accusing the men, apparently falsely, of fathering their illegitimate children, Elizabeth Williams and Margaret Price may have desired financial security for both them and their children in the form of regular maintenance. They also sought to threaten the men's honour and reputation.⁵¹ As Alexander Shepard has shown, 'chastity and economic trustworthiness were not mutually exclusive categories of identity' and 'assorted social, moral and economic meanings...informed notions of honour and reputation'.⁵² As such, men were clearly aware that the fragile nature of both honour and paternity left them open to the risk of deceit and fraud.⁵³ Although Chapter Three showed that illegitimacy was higher in Wales than elsewhere, and that courtship customs and informal marriage practices were commonplace in many parishes, to be named as a father of an illegitimate child could still potentially bring men into disrepute. This would have been particularly true of members of the gentry and clergy, and it could threaten not only their reputation, but also their ability to access credit and their future marital prospects.⁵⁴ Bernard Capp has gone as far as arguing that men were deeply concerned about accusations of immorality and paternity as a woman's ability to name them as father of their child presented them with a powerful weapon which could be used as blackmail.⁵⁵

⁴⁹ NLW GS 4/64/6.11 (1796). See also NLW GS 4/837/6.4 (1830).

⁵⁰ NLW GS 4/531/8.12 (1796).

⁵¹ For more on the impact of a bastardy accusation on male honour, see Laura Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford: Clarendon Press, 1996), 114-16.

⁵² Alexandra Shepard, 'Honesty, worth and gender in early modern England, 1560-1640', in Henry French and Jonathan Barry (eds.), *Identity and Agency in England, 1500-1800* (Hampshire: Palgrave Macmillan, 2004), 89.

⁵³ Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England* (New Haven and London: Yale University Press, 2003), 179.

⁵⁴ Gowing, *Common Bodies*, 184-85.

⁵⁵ Bernard Capp, 'The double standard revisited: plebeian women and male sexual reputation in early modern England', *Past and Present*, 162 (1999), 70-100.

8.4. Personal motivations for conspiracy and perjury

Conspiracy and perjury were not solely financially motivated. There is evidence to suggest that the courts may have been used as a way to settle scores and exact revenge among feuding parties.⁵⁶ Some women maliciously claimed that they had been victims or witnesses of crime in order to injure or destroy an individual's reputation.⁵⁷ This tactic, according to Hay, was often successful.⁵⁸ Mary Jenkins appeared as a material witness at the Great Sessions and gave evidence as part of a trial for trespass and ejectment. Under oath she swore that a Bible, which was then produced, belonged to her and had been recently lost. However, according to the perjury indictment, she had on this occasion acted 'to prevent justice and pervert the due cause of law', and in so doing had sought to 'aggrieve...William Rees and David Terry...and to subject them...to sundry heavy costs...and expenses'. The Bible, which she had claimed at the trial for trespass and ejectment belonged to her, 'had not been ever before in her possession' and was therefore 'not stolen or taken' from her.⁵⁹ Similarly, Elinor Davies and John Davies were accused of 'devising and intending unjustly to deprive...James Bodenham of his good name, credit and reputation' by falsely swearing under oath that he had stolen two sheep.⁶⁰ Mary Stephen, a spinster 'of evil name and fame and of dishonest conversation', also conspired with three men 'to subject...Andrew Corbet without any just cause to the loss of his life and forfeiture of his goods' by swearing that he had feloniously stolen half a guinea from William Reynolds when drinking in his company.⁶¹

Additionally, the refusal of Hannah Thomas to attend court and give evidence, thereby hindering a prosecution, was seen to possess malicious intent. At the Great Sessions court Richard Evans prosecuted William Williams, and Hannah Thomas was believed to have been 'a very material witness' for the defendant, 'without the benefit of whose testimony' he could not 'with any safety proceed to the trial'. Mary, Hannah's

⁵⁶ Craig Muldrew, 'Class and credit: social identity, wealth and the life course in early modern England', in Henry French and Jonathan Barry (eds.), *Identity and Agency in England, 1500-1800* (Hampshire: Palgrave Macmillan, 2004), 171. For a discussion on the use of the courts to settle a range of disputes between neighbours in early modern Wales, see Howard, *Law and Disorder in Early Modern Wales*, 187-220.

⁵⁷ Contemporary legal commentators were aware that the courts were sometimes used in this way. Blackstone noted that 'preferring malicious indictments or prosecutions...under the mark of justice and public spirit' could make men 'engines of private spite and enmity': William Blackstone, *Commentaries on the Laws of England* (Oxford: 1768), Vol. III, 126.

⁵⁸ Hay, 'Prosecution and power', 371.

⁵⁹ NLW GS 4/637/2.1 (1823).

⁶⁰ NLW GS 4/526/1.1 (1771).

⁶¹ NLW GS 4/189/2.3 (1768).

mother, claimed that her daughter had been ‘brought to bed’ and was ‘so weak and ill’ that she could not attend the trial ‘without the greatest danger of her life’. According to the perjury indictment, Mary had intentionally sought to ‘defer the trying of the said issue’ in order to ‘injure’ William by taking a ‘corporal oath upon the holy gospel’ that her daughter was too unwell to attend the court. It was claimed that Hannah was in fact ‘in good state of health that time, and might have attended the trial...without the least danger or hazard of her life’. The perjury was confirmed by three witnesses who had viewed Hannah ‘in a good state of heath’, and who were allegedly told by Mary that she had received three guineas ‘to ruin the rogue [William Williams]...and to put off the trial’.⁶²

The narratives surrounding perjury and conspiracy, as with all crime narratives, should be interpreted with caution.⁶³ Their truthfulness is impossible to determine. Each individual’s testimony is one-sided, with the deponent inevitably desiring to present themselves as innocent, or the wronged party. Although not necessarily lies, since the grand jury served to filter out cases which lacked sufficient evidence, the narratives may be exaggerated or misleading.⁶⁴ They may also be masking wider disputes or issues. Hannah’s failure to attend court to give evidence, for example, may not necessarily have been malicious. Attending the Sessions was practically difficult, often involving journeying substantial distances. It was also emotionally challenging.⁶⁵ Gender, social status, age, and reputation, all went hand-in-hand in early modern society, with each contributing to the individual’s ‘credit’ and reliability, inside and outside of the courts.⁶⁶ Keith Thomas has found evidence of a tendency among contemporaries to ascribe wisdom, maturity, and self-government to increasing age, by contrasting it to the foolishness and irrationality that characterised youth.⁶⁷ As such, adult males were held in greatest repute in court, particularly those who stressed their ability to maintain themselves and their subordinates, with females appearing considerably ‘less important’.⁶⁸ Laura Gowing has shown that the stories that men told about sex

⁶² NLW GS 4/186/2.37 (1758); NLW GS 4/186/1.5 (1758).

⁶³ For more on victim narratives, see, for example, Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France* (Stanford: Stanford University Press, 1987).

⁶⁴ Howard, *Law and Disorder*, 206.

⁶⁵ Howard, *Law and Disorder*, 41.

⁶⁶ Matthew Hale, *Historia Placitorum Coronae: The History of the Pleas of the Crown, Volume II* (London: 1736), 278.

⁶⁷ Keith Thomas, ‘Age and authority in early modern England’, *Proceedings of the British Academy*, 62 (1976), 207.

⁶⁸ Gregory Durston, *Victims and Viragos: Metropolitan Women, Crime and the Eighteenth-Century Justice System* (Bury St. Edmunds: Arima Publishing, 2007), 30.

automatically received more credit than those of women, but the same was also thought to be true of men's words in general.⁶⁹ An individual's 'honesty' was age- and gender-related, with distinctions clearly made between independent householders and 'dependent' individuals. Women, in contrast, were perceived to be guided more by their emotions, and were therefore considered less reliable.⁷⁰ Married women were particularly keen to align their own trustworthiness with their husband's 'honest' labour.⁷¹ Hannah's age is unknown, but as a potentially young, unmarried female, such perceptions regarding her reliability as a witness may have influenced her, or her mother's, decision to withdraw from the court process. Although 'age granted all women, singlewomen included, authority', the law remained a predominantly male domain, and some women may have believed that they would not be taken seriously by the courts.⁷² These beliefs, coupled with the practical task of attending court, may have made Hannah unwilling to attend.

8.5. Fraud: obtaining money and goods under false pretences

Thirty-one women were indicted for obtaining money and goods under false pretences (Table 8.1), with many formally accused more than once for their acts. In September 1820, Alicia and Mary Pierce, Eliza Bridget Mulhearn, Ann Caen and Mary Carliles, along with Daniel Downey and James Pierce, were indicted on two separate occasions for conspiring and fraudulently intending to cheat the Overseers of the Poor out of substantial sums of money.⁷³ The same individuals were also indicted for *actually* obtaining money under false pretences. Although several indictments were drawn up, they were successfully prosecuted for fraudulently obtaining money, and not for conspiracy. The suspects, ranging in age from 17 to 46 years, claimed to two Overseers of the Poor that they were entitled, under an act passed in 1818, to receive allowances

⁶⁹ Laura Gowing, 'Language, power and the law: women's slander litigation in early modern London', in Jennifer Kermode and Garthine Walker (eds.), *Women, Crime and the Courts in Early Modern England* (Chapel Hill and London: The University of North Carolina Press, 1994), 37.

⁷⁰ Amanda Flather, *Gender and Space in Early Modern England* (Woodbridge: Boydell Press, 2007), 13.

⁷¹ Shepard, 'Honesty, worth and gender', 92-93.

⁷² Froide, *Never Married*, 150; Robert B. Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c.1660-1725* (Cambridge: Cambridge University Press, 1991), 211. An exception to this would be the crime of infanticide where women formed the majority of witnesses and were considered 'experts' in pregnancy and childbirth.

⁷³ NLW GS 4/913/4.4-7 (1820).

from their parish as ‘the wives and children of soldiers’ serving abroad.⁷⁴ They also pretended that they had been authorised to receive the payments on behalf of a number of other parish residents. However, the certificates that they had presented to the Overseer were falsified, and the enclosed signatures, which supposedly belonged to army colonels, were forged.⁷⁵

Parish officials were reluctant to pay poor relief and did everything possible to minimise spending. Between 1790 and 1800 the burden of poor relief in Wales had trebled, and continued at this higher level into the nineteenth century.⁷⁶ Concerns about the behaviour of the poor, particularly those who were believed to be abusing parish aid, were taken very seriously, especially at times of economic hardship.⁷⁷ Marjorie Keniston McIntosh has argued that the requirement to carry licenses for the receipt of aid created ‘a vast pool of temptation and opportunity for producers and users of falsified documents’. Some documents were entirely counterfeit, using false signatures and seals, while others were carried by someone who was not the intended recipient.⁷⁸ Particular suspicion was placed on those requesting aid due to military service, as it was difficult to distinguish genuine soldiers from fraudulent ones, or others requesting aid.⁷⁹ This fear was later noted in an act passed in 1818 which recognised that ‘many frauds have been practiced against the provisions of the said acts, and false certificates used to procure the allowances’.⁸⁰ Rarely, though, do such cases appear among the Great Sessions gaol files, being dealt with more commonly by the magistrates themselves, or at the lower courts. The fraudulent aspect of the above case, along with the combined effort and persistence of the offenders, appears to have made it worthy of treatment at the higher courts. If true, the suspects had not just forged one document, but several,

⁷⁴ The acts 51 Geo.III c.106, 52 Geo. III c.120, and 52 Geo.III c.27 were consolidated in 1818 under 58 Geo. III c.92, ‘An Act to consolidate and amend the Provisions of several Acts, passed in the Fifty-first and Fifty-second Years respectively of the Reign of his present Majesty, for enabling Wives and Families of Soldiers to return to their Homes’.

⁷⁵ NLW GS 4/914/3.4-7 (1820).

⁷⁶ Melvin Humphreys, *The Crisis of Community: Montgomeryshire, 1680-1815* (Cardiff: Cardiff University Press, 1996), 90.

⁷⁷ Howard, *Law and Disorder*, 225.

⁷⁸ Marjorie Keniston McIntosh, *Poor Relief in England, 1350-1600* (Cambridge: Cambridge University Press, 2012), 173.

⁷⁹ McIntosh, *Poor Relief in England*, 176-77.

⁸⁰ 58 Geo. III c.92; Michael Nolan, *A Treatise of the Laws for the Relief and Settlement of the Poor*, Vol. III, 4th edn. (London: 1825), 405.

and had deceived at least two Overseers of the Poor. Despite their pleas of innocence, the women were found guilty and sentenced to 18 months' imprisonment.⁸¹

Fraud has been considered a 'white-collar crime', associated with the middle-classes. Jones has argued that members of this class 'gained money dishonestly by false wills, deeds and orders', whereas the 'working class concealed and removed household articles in an attempt to defraud creditors'.⁸² Although Jones is referring solely to the nineteenth century, when a rapidly-changing society inevitably meant that the type and nature of frauds being committed were expanding, his profile of a middle-class fraudster is somewhat misleading. This is also not the pattern evident in nineteenth-century Birmingham, where over half of the suspects indicted for obtaining goods under false pretences were unskilled or semi-skilled manual workers.⁸³ Differences between the 'working class' and the 'middle class' were far from clear-cut in the period under study, particularly in Wales, where little distinguished yeoman farmers from their labourers. Nevertheless, the gaol files show that at least 37 men who were indicted for fraudulently obtaining money or goods were labourers.⁸⁴ Unfortunately, the marital status is unknown for all but one female suspect, so it is impossible to offer a gendered perspective, but the suspects were certainly not all 'middle-class'. Circumstantial evidence relating to the women named in the above case of fraud, such as their lack of a fixed abode, suggests that they were probably vagrants. They supposedly engaged in forgery and fraud, but do not fit the profile of a 'middle-class' offender.

Suspects were accused of having adopted various guises in order to undertake the crime. Several women entered shops claiming to be the servant of a customer well-known to the shopkeeper, and requested a variety of items and money on behalf of their master or mistress.⁸⁵ The suspect then left the shop with the money or goods under the pretence that they would be paid for by their employer at a later date. Jane Jones, 'a common cheat', pretended that she was a servant and that she had been 'sent to the shop...for diverse articles', including a muslin cap, lace, a silk handkerchief, and a pair

⁸¹ For more on the early modern poor law see, for example, Steve Hindle, 'Power, poor relief and social relations in Holland Fen, c.1600-1800', *The Historical Journal*, 41 (1998), 67-96; Steve King, 'The poor, the Poor Law and welfare in Calverley, 1650-1820', *Social History*, 22 (1997), 318-38; Peter Rushton, 'The poor law, the parish and the community in north-west England, 1600-1800', *Northern History*, 15 (1989), 135-52.

⁸² Jones, *Crime in Nineteenth-Century Wales*, 116.

⁸³ Philips, *Crime and Authority*, 226.

⁸⁴ A total of 37 male suspects are recorded as 'labourer' in the 'Crime and Punishment' database between 1730 and 1830 when searching for 'Category of offence: fraud' and 'Specific offence: fraud/deceit/false pretences/impersonating'.

⁸⁵ For more examples of this nature, as well as a brief discussion of fraud, see Jones, *Crime in Nineteenth-Century Wales*, 116.

of cotton gloves.⁸⁶ However, she was not a servant, nor had she been sent to collect the items. Similarly, Anne Williams, ‘a person of ill name and fame, and not minding to get her living by truth and honest labour’, claimed to Elizabeth Roberts that she was the servant of John Williams, a farmer, and that her master had journeyed to Chester, leaving his wife to purchase some cattle. Anne’s mistress was supposedly short seven guineas for the purchase, and so had sent her servant to borrow the money. When challenged why her mistress did not go herself to seek out the money, Anne replied that she ‘had a cheese to make and could not come’.⁸⁷ Her story was believed by the shopkeeper and she promptly left with the seven guineas. Unlike the abovementioned women, Anne had previously been in service with John, but she had been dismissed some months before committing the crime. Her fraudulent act may therefore have been an attempt at revenge against her former employer.

With entry into service it would not have been uncommon for masters and mistresses to send their servants to purchase new clothes from local shops. Amanda Vickery has shown that although female servants could expect no formal entitlement to new clothes, since they did not wear livery, favoured maids might receive regular gifts in the form of lace, ribbons, handkerchiefs, and so on.⁸⁸ If not for their use, servants would also be required to collect items for their employer or the household. These purchases were invariably made on credit. As currency was in short supply, particularly before the introduction of the Bank Restriction Act, almost all buying and selling was conducted on the basis of verbal promises, which were interpreted as contracts. These debts would be accumulated, with the balance paid in cash at regular intervals.⁸⁹ The stories told by these women, and the form of credit payment offered, would therefore have been unlikely to raise suspicion.

One woman pretended to be the wife of several prominent members of the community, using various aliases to commit multiple offences on separate occasions. Margaret Griffiths told Samuel Partridge that she was the wife of Morgan Williams and that she had been sent by her husband to purchase several items from his shop. On the same day she also told John Davies Bird that she was the wife of David Robert, and told Thomas Jones that she was the wife of Evan David, and that she had been sent by her husband to purchase various domestic items from their shops. This was not the full

⁸⁶ NLW GS 4/305/3.2 (1807).

⁸⁷ NLW GS 4/65/6.18 (1799).

⁸⁸ Vickery, ‘Women and the world of goods’, 284.

⁸⁹ Craig Muldrew, “‘A mutual assent of her mind?’ Women, debt, litigation and contract in early modern England’, *History Workshop Journal*, 55 (2003), 48.

extent of her deceit. Referring to her many aliases, the indictment named her as the ‘wife of William Bryant...otherwise...the wife of William Farmer...otherwise...the wife of William Bond...otherwise...the wife of William Smith’, implying further trickery.⁹⁰

In collecting goods in this way, Margaret was drawing on the ‘law of necessities’, which gave married women flexibility from the scriptures of coverture.⁹¹ Despite the common law doctrine stating that wives had no legal possessions of their own, and could not enter into contracts in their own right, the ‘law of necessities’ enabled them to make purchases using their husband’s credit.⁹² *The Laws Respecting Women* defined ‘necessaries’ as ‘meat, drink, clothing, physic, &c. suitable to his rank and fortune’.⁹³ Margaret was not acting out of chance, but by positioning herself as a married woman, and requesting items that could be legitimately purchased on her husband’s credit, she displayed a clear awareness of the agency of a married woman in matters surrounding household consumption. Further, as it was stated that a husband’s assent ‘shall be presumed, unless otherwise proven’, the likelihood of Margaret’s actions being questioned, and of her disguise being uncovered, was seemingly slim.

Another suspect, Elizabeth Maundre, took this agency a step further, and although she did not take on a false identity, she did create a fake story for financial gain. According to Mary Longfellow, Elizabeth ‘came and demanded money of her...under pretence of her husband working for...Thomas Longfellow’.⁹⁴ The indictment further stated that ‘John Maundre was a workman of...Thomas Longfellow’s and worked for him at Slough for a week’, and that Thomas owed Elizabeth’s husband ‘five shillings for a week’s work which she...demanded’.⁹⁵ Mary, on this occasion, ‘and at several other times’, paid her ‘seven shillings more under the pretence of her husband being employed by the said Thomas Longfellow’. In truth, however, Elizabeth’s husband was not a workman, and had never been employed by Thomas. Both Margaret Griffiths and Elizabeth Maundre displayed a great deal of financial freedom in the

⁹⁰ NLW GS 4/634/1.6 (1814).

⁹¹ Joanne Bailey refers to the ‘law of agency’, which enabled wives to act as their husband’s economic agent in the domestic and business spheres: Joanne Bailey, ‘Favoured or oppressed? Married women, property and “coverture” in England, 1660-1800’, *Continuity and Change*, 17 (2002), 354. For a discussion of coverture, see Garthine Walker, ‘Keeping it in the family: crime in the early modern household’, in Helen Berry and Elizabeth Foyster (eds.), *The Family in Early Modern England* (Cambridge: Cambridge University Press, 2007), 67-95.

⁹² Cordelia Beattie, ‘Married women, contracts and coverture in late medieval England’, in Cordelia Beattie and Matthew Frank Stevens (eds.), *Married Women and the Law in Premodern Northwest Europe* (Woodbridge: Boydell Press, 2013), 133-34.

⁹³ Anon., *The Laws Respecting Women as They Regard Their Natural Rights or Their Connections and Conduct* (London, 1777), 68, 66, as cited in Beattie, ‘Married women, contracts and coverture’, 134.

⁹⁴ NLW GS 4/388/2.4 (1787).

⁹⁵ NLW GS 4/388/2.1 (1787).

running of their households. By demanding and collecting payment on behalf of her husband, albeit falsely, Elizabeth indicated her clear involvement in the household finances. That Mary agreed to pay her this money unquestionably on several occasions, rather than paying it directly to the wage-earner, suggests that this decisive behaviour was not uncommon. It also implies that Mary had access to these funds, despite her husband being named as the employer. Men clearly entrusted their wives to act as agents on their behalf in monetary affairs relating to the running and financing of the household.⁹⁶

Many of the stories relating to the fraudulent acts were detailed and, if accurate, display clear evidence of extensive preparation. When challenged, the women were forced to adapt their stories without raising suspicion. Eliza Williams pretended that she was sent by Gwenllian Powell to purchase ‘stuff for the making of a gown’. David Jenkins said that Eliza had entered his shop and requested sewing cotton and various other items, for which he ‘made out a bill...in the name of Mrs Powell and delivered it to the prisoner’. However, her actions appeared suspicious, and ‘[s]uspecting that the prisoner was not authorised by Mrs Powell to buy the goods, as Mrs Powell was not in the habit of purchasing goods without paying’, David directed his brother to contact Gwenllian immediately. Upon so doing, he was informed that ‘she had not authorised any person to purchase a gown for her’. The shopkeeper’s brother met the prisoner on his return and told her that he was aware that the goods were not for Gwenllian. Eliza promptly altered her story, declaring instead that ‘the goods were for Mrs Lloyd’. Again, the shopkeeper’s brother sought out the supposed purchaser of the items, only to be informed that Mrs Lloyd had similarly ‘not authorised any person to purchase any articles for her’. When challenged again later that day as to who was the supposed recipient of the items, Eliza changed her story for a third time, stating that ‘indeed it was not her fault it was Mrs Powell’s servant maid who sent her’.⁹⁷

The individuals with whom suspects claimed they were acquainted, and whom they sought to damage financially, were usually prominent members of the community. This benefitted the women as in a society highly dependent on credit, reputation was

⁹⁶ The freedom of wives of agricultural workers in eighteenth-century England to control the farm finances has similarly been noted by Bridget Hill: Bridget Hill, *Women, Work and Sexual Politics in Eighteenth-Century England* (London: UCL Press, 1994), 31. For nineteenth century examples of reciprocal relationships between working-class husbands and wives, including the example of Mary Smith whose mother was commended for her ‘superior business skills’, see Helen Rogers, “‘First in the house”: daughters on working-class fathers and fatherhood”, in Trev Lynn Broughton and Helen Rogers (eds.), *Gender and Fatherhood in the Nineteenth Century* (Basingstoke: Palgrave Macmillan, 2007), 129.

⁹⁷ NLW GS 4/398/8.5-7, 19, 26 (1830).

paramount.⁹⁸ As shown in the previous chapter, the amount of gold and silver currency in circulation in this period was small. As a result, full and direct payment in cash was unusual except in the smallest transactions or in cases where the buyer's credit was weak or unknown.⁹⁹ Indeed, Craig Muldrew has stressed that in medieval and early modern society 'most buying and selling was done on trust, or credit, without specific legally binding instruments, in which an individual's creditworthiness in their community was vital'.¹⁰⁰ Women used the importance of reputation to their advantage, as many of the targeted individuals were well known to the victims. This trust was exploited, enabling the women to claim often vast quantities of goods merely on the promise that the shopkeeper would later be reimbursed. Mary Williams claimed that she was the daughter of David Jones, a person 'long before being well known...and a customer of the said Richard Jones', when she entered Richard's shop under the pretence of purchasing handkerchiefs, tobacco, tea, and other foodstuffs for her father.¹⁰¹ Jane Jones, alias Jane Rees, similarly lied that she was the servant of a farmer 'then and long before being well known' to the keeper of shop she entered, as well as being 'a customer...in his business and way of trade'.¹⁰² In a variation of this crime, Mary Davies pretended that she was the daughter of Richard Williams when purchasing 'certain goods' to the value of seven shillings from the shop of Richard Bright. She claimed, however, that she had been incorrectly given 'only change for a ten shilling note' instead of for a pound note, which she argued she had used. The shopkeeper recalled that the prisoner 'said she was Miss Williams' and therefore 'on this statement and knowing the reputability of Mr Williams' family' he 'paid the prisoner the ten shillings'.¹⁰³

The items acquired by the women were predominantly of the same type. Textiles, including calico, cotton, silk and bombazett, appear most frequently in the indictments, followed by clothing such as handkerchiefs and hats, and ribbon, lace, and other sewing accessories. Food was requested less often, but tea and sugar were popular choices, as was kitchenware, including dishes and jugs. There is also mention of 'luxury' objects, including more extravagant forms of clothing and decoration, such as silk, rather than cotton, handkerchiefs, and ostrich feathers, indicating the growing

⁹⁸ For a discussion of the links between reputation and credit, see Gowing, *Common Bodies*, 184-85.

⁹⁹ Craig Muldrew, 'Interpreting the market: the ethics of credit and community relations in early modern England', *Social History*, 18 (1993), 171.

¹⁰⁰ Muldrew, 'Interpreting the market', 169.

¹⁰¹ NLW GS 4/306/2.19-23 (1815).

¹⁰² NLW GS 4/305/3.2, 27-29 (1807).

¹⁰³ NLW GS 4/202/5.50, 63, 113-15 (1825).

consumer culture in this period.¹⁰⁴ Earthenware and equipment for making and drinking tea were similarly targeted by the women as they were used both by the middling and lower orders from the late seventeenth-century.¹⁰⁵ There are clear similarities between the kinds of items falsely accumulated in this manner, and goods stolen by women. In her study of larceny in seventeenth-century Cheshire, Garthine Walker has shown that kitchenware, such as pewter dishes and cooking utensils, and cloth, wool, and yarn were popular female targets. In Cheshire during the 1620s, women were involved in over a third of larcenies in which these objects were stolen.¹⁰⁶ These were items that women would have used on a daily basis, and which could have been distributed through familiar networks.¹⁰⁷ Their acquisition would therefore be unlikely to draw unwanted attention from the shopkeepers. They could also be transported with relative ease, and due to their high marketability could later be exchanged or sold for a profit.¹⁰⁸

There is evidence to suggest that some women organised themselves into small groups and worked together to falsely obtain goods.¹⁰⁹ Mary Williams confessed to her involvement in the unlawful activity, but claimed that she had been ‘induced to commit the said crime’ by Mary Davies, ‘who had drawn her in as an accomplice’. She also stated that she had been requested to meet Mary two weeks after committing the crime ‘to divide their spoil and to account for them’.¹¹⁰ Similarly, Mary Thomas’ mother was implicated for receiving the goods that her daughter had taken.¹¹¹ The same has been noted for some north-eastern English counties in the eighteenth century, but these female networks were considered to be ‘limited in nature and extent’, ‘short-lived’ and containing ‘few identifiable links’.¹¹² The present study confirms the existence of such

¹⁰⁴ For more on consumer culture in the early modern period see, for example, Lorna Weatherill, *Consumer Behaviour and Material Culture in England, 1660-1760*, 2nd edn. (London and New York: Routledge, 1996); Lorna Weatherill, ‘The meaning of consumer behaviour in late seventeenth- and early eighteenth-century England’, in John Brewer and Roy Porter (eds.), *Consumption and the World of Goods* (London and New York: Routledge, 1993), 206-27.

¹⁰⁵ John Styles, ‘Manufacturing, consumption and design in eighteenth-century England’, in John Brewer and Roy Porter (eds.), *Consumption and the World of Goods* (London and New York: Routledge, 1993), 357.

¹⁰⁶ Garthine Walker, ‘Women, theft and the world of stolen goods’, in Jenny Kermode and Garthine Walker (eds.), *Women, Crime and the Courts in Early Modern England* (Chapel Hill and London: The University of North Carolina Press, 1994), 87.

¹⁰⁷ Walker, *Crime, Gender and Social Order*, 163; Howard, *Law and Disorder*, 128.

¹⁰⁸ Walker, ‘Women, theft and the world of stolen goods’, 89-91.

¹⁰⁹ The similarities with other forms of theft are again clearly evident. Gwenda Morgan and Peter Rushton have argued that a ‘female subculture of illegal activity most certainly existed’, and that women worked together when pursuing their victims: Gwenda Morgan and Peter Rushton, *Rogues, Thieves and the Rule of Law: The Problem of Law Enforcement in North-East England, 1718-1800* (London and Pennsylvania: UCL Press, 1998), 106-07.

¹¹⁰ NLW GS 4/306/2.22 (1815).

¹¹¹ NLW GS 4/629/5.40 (1795).

¹¹² Morgan and Rushton, *Rogues, Thieves and the Rule of Law*, 112.

networks outside of England. It also contradicts Jones' suggestion that the majority of women who acquired food and clothes deceitfully used them immediately, either for themselves or their families, rather than taking them to receivers.¹¹³ The gaol files indicate that many women indicted for obtaining goods under false pretences took their items to a third party, with examples surviving of women organising themselves into small groups to arrange their redistribution, possibly for resale. Judging by the number and range of goods that Mary Thomas requested, which included brown sugar, tobacco, tea, raisins, currants, snuff, two cotton handkerchiefs, printed calico, white calico, and cotton cloth, it is plausible that she was a pawnbroker or a dealer of stolen items.¹¹⁴ Although many women undoubtedly acted out of desperation, and retained the objects for their own benefit, there is evidence to suggest that some also formed part of larger criminal networks. As Walker has argued, '[t]he world of stolen clothes, linens and household goods was populated by women: women stealing, women receiving, women deposing, women searching, and women passing on information, as well as goods, to other women'.¹¹⁵

8.6. Outcomes for defendants in perjury, conspiracy and fraud cases

As with the majority of offences recorded in the gaol files, the suspects' pleas are unknown for most of the cases relating to perjury, conspiracy and fraud (Table 8.2). Where they are evident, 96.3 percent of the women pleaded not guilty, with only one woman admitting her guilt.¹¹⁶ At the grand jury stage of prosecution there are similarities between the three crimes, with the bills returned *ignoramus* for two women indicted each for perjury, conspiracy and fraud.¹¹⁷ However, when reaching the trial jury, the three offences were treated very differently. Seventeen guilty verdicts were recorded for the women accused of these crimes, 12 of which were for fraudulently obtaining goods or money. In contrast, only three women were found guilty of perjury, and two for conspiracy. With the exception of three women who suffered corporal punishment, and one who was transported, all female suspects found guilty of their crimes were incarcerated for periods of between two months and two years, sometimes

¹¹³ Jones, *Crime in Nineteenth-Century Wales*, 127.

¹¹⁴ Howard has made similar observations based on her study of seventeenth- and early eighteenth-century Wales: Howard, *Law and Disorder*, 131.

¹¹⁵ Walker, 'Women, theft and the world of stolen goods', 97.

¹¹⁶ Only Susan Hughes pleaded guilty to her indictment for perjury: NLW GS 4/281/7.30 (1822). This case does not appear under the category of 'Specific offence: perjury/persuading/suborning to commit perjury' in the NLW 'Crime and Punishment' database, as would be expected.

¹¹⁷ NLW GS 4/526/1.1 (1771); NLW GS 4/531/8.12 (1796); NLW GS 4/760/4.29 (1816); NLW GS 4/837/6.4 (1830); NLW GS 4/629/5.13 (1795); NLW GS 4/202/5.63 (1825).

with the addition of a fine, corporal punishment, or a period of hard labour. The only case of transportation, sentenced to Margaret Griffiths, likely reflected the extent of her crime.¹¹⁸ As discussed above, Margaret adopted various aliases and pretended to be the wife of several different men in order to obtain goods in their name.

Table 8.2. *Outcomes for female defendants in perjury, conspiracy, and fraud cases, 1730-1830*

		All		Perjury		Conspiracy		Fraud	
		No.	%	No.	%	No.	%	No.	%
Pleas	Guilty/submits	1	3.7%	1	20.0%	0	0.0%	0	0.0%
	Not guilty	26	96.3%	4	80.0%	5	100.0%	17	100.0%
	Unknown	40	-	15	-	11	-	14	-
	Total	67	100.0%	20	100.0%	16	100.0%	31	100.0%
Verdicts	Pleads guilty/submits	1	2.0%	1	12.5%	0	0.0%	0	0.0%
	No true bill	6	12.0%	2	25.0%	2	16.7%	2	6.7%
	No prosecution	17	34.0%	0	0.0%	5	41.7%	12	40.0%
	Quashed	1	2.0%	1	12.5%	0	0.0%	0	0.0%
	Guilty	17	34.0%	3	37.5%	2	16.7%	12	40.0%
	Not guilty	8	16.0%	1	12.5%	3	25.0%	4	13.3%
	Unknown	17	-	12	-	4	-	1	-
	Total	67	100.0%	20	100.0%	16	100.0%	31	100.0%
Trial jury verdicts (known)	Guilty	17	68.0%	3	75.0%	2	40.0%	12	75.0%
	Not guilty	8	32.0%	1	25.0%	3	60.0%	4	25.0%
	Total	25	100.0%	4	100.0%	5	100.0%	16	100.0%
Sentences (known)	Imprisoned	9	52.9%	0	0.0%	1	50.0%	8	66.7%
	Fined and imprisoned	1	5.9%	1	33.3%	0	0.0%	0	0.0%
	Corporal punishment and imprisoned	2	11.8%	2	66.7%	0	0.0%	0	0.0%
	Imprisoned and find sureties	1	5.9%	0	0.0%	1	50.0%	0	0.0%
	Corporal punishment	3	17.6%	0	0.0%	0	0.0%	3	25.0%
	Transported	1	5.9%	0	0.0%	0	0.0%	1	8.3%
	Total	17	100.0%	3	100.0%	2	100.0%	12	100.0%

The female conviction rate for perjury is broadly similar to that of male suspects, with 57.9 percent of indictments relating to men returning a guilty verdict, and 42.1 percent being acquittals.¹¹⁹ Conviction for perjury was clearly most common for both men and women. Lying under oath was undoubtedly viewed with contempt, and warranted stern treatment. For conspiracy, there is some evidence of a gendered difference in the

¹¹⁸ NLW GS 4/634/1.6 (1814).

¹¹⁹ The National Library's 'Crime and Punishment' database suggests that eight guilty verdicts and 11 not guilty verdicts were found for men indicted for perjury. A further 42 indictments were returned *ignoramus* by the grand jury.

treatment of men and women, with men being slightly more likely to receive a guilty verdict than an acquittal. For women, as Table 8.2 shows, the opposite was true. These figures are, however, far too small to reach any definitive conclusions.

Moreover, a pattern in the guilty verdicts returned for perjury and conspiracy crimes is apparent. Of the five convictions relating to women, four involved false accusations of rape. Alice Kerry and Nancy Beavan both committed perjury by swearing that they had been raped by the prosecutors of the case.¹²⁰ Similarly, Sarah Francis and Mary Walter allegedly conspired together to accuse Henry Griffiths, also the prosecutor, of rape.¹²¹ It is likely that such cruel and damning accusations, which had they been believed would have led to serious ramifications for the men, gained the sympathies of the all-male juries. Although convictions for rape were low, seemingly false accusations of such were treated harshly. Despite their pleas of innocence, these women were subjected to imprisonment ranging in length from two months to three years, with the addition of corporal punishment or the requirement of sureties for their future good behaviour.

Some comparisons can also be made between the fraudulent obtaining of goods or money, and other property crimes. Between 1791 and 1822, 30.2 percent of female property offenders in the Old Bailey were found not guilty, with 43.7 percent found guilty.¹²² Also, on the Home Circuit, 38.9 percent of women indicted for property offences were acquitted, and 44.3 percent convicted.¹²³ Even the higher percentage of guilty verdicts recorded at the Home Circuit does not come close to the 76.5 percent of women convicted at the Great Sessions of fraud alone. Fraud, then, appears to have warranted a higher conviction rate for women than other property offences. This is possibly due to the level of trickery involved. The crime involved the suspect pretending to be someone else, or the use of other false means to gain money or goods. Although they undoubtedly involved a great deal of courage, the methods used were secretive, compared to the more open, overt forms of theft. A certain degree of forgery was also used in some cases. Fraud was difficult to detect and as such was detested by the authorities. It warranted harsh treatment.

¹²⁰ NLW GS 4/1007/7.1 (1767); NLW GS 4/528/7.2 (1782).

¹²¹ NLW GS 4/760/4.29, 47 (1816).

¹²² Peter King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge: Cambridge University Press, 2006), 168, Table 5.2.

¹²³ King, *Crime and Law*, 173, Table 5.4.

8.7. Conclusion

The role of women in the crimes of conspiracy, perjury and fraud has previously received little consideration. This chapter has shown that they adopted various guises for financial gain or to enact personal revenge. A clear understanding of the legal system and its workings is evident. The suspects were well aware of how the law operated and how the courts could be used to their advantage.¹²⁴ They were accused of lying and providing false evidence in order to destroy another's reputation or social standing. The narratives told were detailed and suggest that the crimes were clearly planned, and witnesses carefully sought, with the overall intention of manipulating the secular courts. Women drew on well-known societal conventions regarding their roles as servants or wives. By acting within a recognised framework, they sought to avoid detection. We should, however, remain mindful of the background to the cases. It was in the interests of the prosecutors to portray the suspects as especially deviant. The accused may, in fact, have been driven out of financial or emotional necessity.

Furthermore, suspects do not necessarily fit the typical profile assigned to them by some historians. Generalisations have too often been made about women based on examples of male suspects, or about the social status of the offender. The image of a 'typical' fraud offender, in particular, should be reassessed. The suspects were not all middle-class women, but drawn from a variety of social backgrounds, including the lowest in society. When brought to trial there is little evidence of leniency. Where it was perceived that the women sought to attack a man's sexual or moral reputation, and where substantial evidence was evident, the male juries did not hesitate to punish transgressors. In cases of fraud, too, conviction rates for women were higher than for those of other property crimes recorded elsewhere. The false acts and pretences involved were especially detested by the courts, and suspects were treated appropriately as a result.

¹²⁴ Walker has similarly shown that 'women's lesser involvement in administering law and as litigants did not preclude knowledge of law and the legal process': Walker, *Crime, Gender and Social Order*, 221.

Chapter Nine

Conclusion

9.1. The scope of the thesis

This thesis has shown the value of studying women and crime in Wales during the long eighteenth century. It has provided an in-depth analysis of the types of women indicted for various criminal activities, and has offered explanations for their involvement, as far as the records allow. It has demonstrated that there were geographical and chronological differences in the nature and extent of female-perpetrated crime, and has provided insights into patterns of conviction and sentencing. There were similarities, but also notable differences, between England and Wales in the period, and even within Wales there were regional disparities, with the border counties absorbing English customs and mixing Anglicisation with a formerly distinct culture. Mid and West Wales maintained strong Welsh traditions, at least until industrialisation and population expansion took hold. Wales retained its own language and customs, yet it shared a legal system with its larger neighbour. As a result, many historians of crime have wrongly assumed that experiences in Wales and England were the same, and both countries have often been analysed interchangeably.¹ Welsh criminals, women included, have rarely been considered in their own right, and the rich surviving records of the Great Sessions gaol files have long been neglected. This study has addressed these shortcomings, and it will end by drawing together several of the key themes and main conclusions that have run throughout the thesis.

9.2. Patriarchy and gendered conventions in practice

Despite the continuing centrality of patriarchy, and the emphasis on gendered roles and behaviour in contemporary literature, it has been shown that convention rarely mirrored reality. Married women were as willing and able to commit crimes independently as they were with their husbands.² This applied to offences as varied in nature as interpersonal violence and the uttering of false coins. Their involvement was active and they were far from coerced into criminal activity. Indeed, some women assumed the

¹ David J. V. Jones, *Crime in Nineteenth-Century Wales* (Cardiff: University of Wales Press, 1992), and Sharon Howard, *Law and Disorder in Early Modern Wales: Crime and Authority in the Denbighshire Courts, 1660-1730* (Cardiff: Cardiff University Press, 2008) remain the only full-length monographs.

² Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003), 258-59.

role of inciter and coercer, roles which have hitherto been underexplored for women. Chapter Two considered the case of Margaret Jones, who allegedly enticed her husband to murder two passing pedlars for financial gain. She is presented by deponents as possessing a controlling and domineering manner, in contrast to her more passive husband.³

In Chapter Six it was shown that married women assumed assertive roles to rescue their spouses, and to protect their houses, goods, and livestock. In practice, possessions belonged equally to husband and wife, regardless of the law of coverture. It was viewed as a wifely duty to defend the jointly-owned chattels, in the same way as the role of protector was commonly assigned to men. As women were more likely to work in or near to their homes, they were able to act quickly and decisively when warrants were served.⁴ The loss of a financial contributor could be similarly catastrophic to the household, and married women were expected to act to attempt to restore stability. Over 80 percent of the individuals rescued by female suspects were male, which contrasts with the stereotypical image of the male rescuer.⁵ Women did not need their husbands to act on their behalf, which the courts recognised. They appear in the gaol files for a range of offences, both with and without mention of their spouse, and were prosecuted in their own right. This is despite the unsuccessful attempts of some married women to draw on their position as *feme covert* and suggest that they were merely following their husband's demands in committing the offence in order to downplay their own role and avoid conviction and punishment.⁶

This study has added to recent historiography reinforcing the prominent roles that married women assumed within the household. The gendered division of labour was blurred for the lower and middling orders, and women undertook physical, arduous tasks both within and outside of the home. Contemporary travellers' accounts attest to the equal and complementary roles undertaken by husbands and wives, and their centrality to the successful running of the household.⁷ The court records also confirm

³ NLW GS 4/178/4.39-40 (1734).

⁴ Walker, *Crime, Gender and Social Order*, 260-61.

⁵ Ten female suspects rescued women, 52 rescued men, and two women rescued a man and woman.

⁶ Garthine Walker, 'Keeping it in the family: crime in the early modern household', in Helen Berry and Elizabeth Foyster (eds.), *The Family in Early Modern England* (Cambridge: Cambridge University Press, 2007), 71-74.

⁷ See, for example, E. D. Clarke, *Tour through the South of England, Wales and parts of Ireland, Made during the Summer of 1791* (1793), 216, as cited in Lesley Davidson, 'Spinsters were doing it for themselves: independence and the single woman in early eighteenth-century rural Wales', in Michael Roberts and Simone Clarke (eds.), *Women and Gender in Early Modern Wales* (Cardiff: University of Wales Press, 2000), 196.

that women provided an invaluable contribution to the household economy. They were prominent in the marketplace as buyers and sellers, though not always with legitimate currency, and travelled sometimes substantial distances to acquire domestic items. When required, they could draw on the ‘law of necessities’, which gave married women flexibility from coverture and enabled them to make purchases using their husband’s credit.⁸ For some, this extended to control of the family’s finances, with men entrusting their wives to act as agents on their behalf in monetary affairs relating to the running of the household.⁹ In Chapter Eight, it was shown that Elizabeth Maundre and Mary Longfellow experienced a great deal of financial freedom. Elizabeth’s demands (albeit false) to Mary to pay her husband’s wages indicated her clear involvement in monetary affairs. As Mary agreed to pay on several occasions, and that the money was paid to Elizabeth rather than to the wage-earner, implies that this scenario was common. It also shows that Mary must have had access to funds alongside her husband, despite her spouse being the employer.¹⁰

However, the equal relationship between husband and wife could also be inverted. Chapter Four demonstrated how some women challenged their husband’s authority and threatened their reputations by verbally and physically abusing them. This could be taken further, as in the extreme example of Anne Morgan who was accused of murdering her husband. Anne told how her spouse had previously abused her, including dragging her by her hair when returning from a tavern. Thomas Morgan also claimed he had been previously assaulted by his wife, and on the night he was murdered he had expressed fear at returning home. Their relationship was portrayed as volatile, and by allegedly responding to her husband’s violence with her own, Anne reversed the balance of power within the household.¹¹ Claims of provocation from an abused wife were problematic for contemporaries, and Anne did not admit to the attack or present her violence as retaliation.¹² To maintain control, the importance of men using ‘moderate’ force to physically ‘correct’ rebellious wives or children was recognised.¹³

⁸ Joanne Bailey, ‘Favoured or oppressed? Married women, property and “coverture” in England, 1660–1800’, *Continuity and Change*, 17 (2002), 354.

⁹ Bridget Hill, *Women, Work and Sexual Politics in Eighteenth-Century England* (London: UCL Press, 1994), 31.

¹⁰ NLW GS 4/388/2.1,4 (1787).

¹¹ NLW GS 4/633/8.28 (1813).

¹² Randall Martin, *Women, Murder, and Equity in Early Modern England* (New York and London: Routledge, 2008), 52.

¹³ Susan Dwyer Amussen, ‘Gender, family and social order, 1560–1725’, in Anthony Fletcher and John Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge: Cambridge University Press, 1985), 196–217.

Abused wives had little recourse in the legal system, and their violent responses were deemed unnatural, unacceptable, and a threat to social order.

It has been argued here that gendered assumptions for singlewomen and widows were similarly challenged. Unmarried women were just as likely to act in mixed-sex criminal groups as they were in all-female groups, and they were not afraid to defy men. In Chapter Five, the prominent role of women in popular protest was highlighted, and they can be seen encouraging and inciting riotous behaviour. The enclosure of land had a significant impact on unmarried women, and they feature prominently in enclosure riots. As tenants of cottages with rights of common they might act as dairywomen, keeping the products produced for their own use, or selling the eggs, milk or butter to local communities. Peat from large fens was also sold at the coast as an additional source of income.¹⁴ The enclosure of common land undermined the ability of unmarried women to make a living in agriculture.¹⁵ Their participation in riots was indicative of their frustration and financial desperation, and they responded decisively, sometimes directly against local officials, to make their protests known.

The consideration of the village of Prendergast in Chapter Six illustrated how the arrest of a community member was often considered a source of widely-felt grievance. During such instances, singlewomen acted alongside married women and neighbours to take decisive action to protect an individual from the law. The rescue could be popularly justified, and viewed as a legitimate social crime committed in response to the perceived illegitimate actions of the authorities. Ann White was presented as a self-assured, determined woman acting alongside her mother to calculatedly and aggressively protect her father. She behaved with defiance towards the authorities, and was arrogant in her ability to draw communal support. The women succeeded in raising a crowd and it is clear that their voices were heard and listened to within their locality. Ann was proactive in her protection of her family, including her attacks on the male officials, despite her lesser physical strength.¹⁶

This study has shown that women did not need men to act on their behalf, though they did often choose to act alongside them. They did, however, sometimes turn to men for support in times of need. Infanticide has been seen as a solitary, gender-

¹⁴ David J. V. Jones, *Before Rebecca: Popular Protests in Wales 1793-1835* (London: Allen Lane, 1973), 43.

¹⁵ Hill, *Women, Work and Sexual Politics*, 236, 254; Lesley Davison, "'Making shift': independent singlewomen in South-West Wales during the eighteenth century' (M.Phil. thesis, University of Wales, Aberystwyth, 2001), 67.

¹⁶ NLW GS 4/819/3.19 (1771).

specific crime, and one in which men only became involved in the latter stages of discovery and prosecution.¹⁷ Chapter Three argued that this was not always the case, as men can be seen offering advice and protection to pregnant women. Three men were also indicted as accessories to the crime. Not all male employers automatically dismissed their pregnant servants, with some offering practical and financial assistance. Margaret John's request to a physician for an abortifacient was ignored, as it was feared that serious harm may come to her should she take it. The physician's attempts to protect Margaret further extended to his agreement to keep her pregnancy a secret.¹⁸ Trust was similarly bestowed upon John Lloyd, a fellow servant of Ann Hughes, when she informed him of her supposed stillbirth.¹⁹ That these women turned to men during this difficult time and entrusted them with the secret of their pregnancy suggests a degree of mutual respect and friendship. In concealing the pregnancy from the community, an experience which was usually shared and celebrated by all, the men chose to provide individual support over societal obligations. The act of infanticide was not entirely female-dominated.

9.3. The household and family

The household played a central role in criminal activity, and the survival of the domestic unit, both socially and economically, could depend on all inhabitants committing unlawful acts either individually or collectively. Chapter Six argued that disputes regarding property, particularly forcible entry and detainer, involved all household members, not solely husband and wife. Entire families were affected by being physically removed and kept out of the property in which they lived and often worked, and they reacted together to retake possession. It was not only the social elite who felt passionately about their property.²⁰ With the exception of the gentry, who were more likely to opt for civil, rather than criminal action over disputes involving land, women from all social orders were visible.²¹ The household was both an economic unit

¹⁷ R. W. Malcolmson, 'Infanticide in the eighteenth century', in J. S. Cockburn (ed.), *Crime in England 1550-1800* (London: Methuen and Co., 1977), 200; Anne-Marie Kilday, *Women and Violent Crime in Enlightenment Scotland* (Woodbridge: Boydell Press, 2007), 71.

¹⁸ NLW GS 4/757/1.92 (1808).

¹⁹ NLW GS 4/900/3.1 (1776).

²⁰ Walker, 'Keeping it in the family', 94.

²¹ Walker, 'Keeping it in the family', 83.

and a symbol of honour and reputation, and the loss of property represented the disastrous loss of control of the household and threatened wider social order.²²

Chapter Eight explored the fraudulent activity of obtaining money and goods under false pretences, and in so doing it demonstrated the ways in which household reputation could be manipulated for personal gain. The individuals with whom suspects claimed they were acquainted, and whom they sought to damage financially, were carefully chosen and were usually prominent members of the community. This benefitted the women, as in a society highly dependent on credit, reputation was crucial.²³ Suspects used the importance of reputation to their advantage, as many of the shopkeepers and stallholders targeted by the women were well known to the individual with whom they were claiming association. This trust was exploited, enabling the accused to gain often vast quantities of goods merely on the promise that the shopkeeper would later be reimbursed. In a variation of this crime, Mary Davies' pretence that she was the daughter of Richard Williams, and that she had been short-changed by a shopkeeper, led to her falsely receiving money due to the 'reputability of Mr Williams' family'.²⁴ The victim in this instance believed that the suspect was from a respectable household and was therefore trustworthy.

Female-perpetrated acts of violence frequently took place in, or near, the home, and often stemmed from familial concerns. Unlike men, women rarely killed strangers, but members of their close or extended family, or associates. This was not because women remained solely within the home, but because the household represented the arena where they were most likely to engage in disputes, such as husband-beating or disciplining children and servants, that may end fatally. In contrast, they were less likely to find themselves in a situation with a stranger, or other individual, where they needed to physically prove themselves, and where such aggressive acts may have resulted in fatality. Male violence was part of an accepted code that condoned physical acts in order to affirm gender and social identity.²⁵ Male-perpetrated violence occurred more commonly in public places because these were environments in which men were most

²² Courtney Thomas, "'The honour and credite of the whole house': family unity and honour in early modern England", *Cultural and Social History*, 10 (2013), 329-45; Lawrence Stone, *Crisis of the Aristocracy 1558-1641* (Oxford: Clarendon Press, 1965), 223; Anthony Fletcher, 'Honour, reputation and local office-holding in Elizabethan and Stuart England', in Anthony Fletcher and John Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge: Cambridge University Press, 1985), 92-115.

²³ For the links between reputation and credit, see Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England* (New Haven and London: Yale University Press, 2003), 184-85.

²⁴ NLW GS 4/202/5.50, 63, 113-15 (1825).

²⁵ Robert B. Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London: Hambledon and London, 2004), 168.

likely to have their reputations threatened.²⁶ This was less likely to happen in the household, or among members of their own family. In order to restore their honour, men needed to do so publicly.²⁷ Although the intention may not have been murder, many brutal affirmations of masculinity simply went too far. Reputations were equally important to women, and Chapter Four showed how some women responded violently when their honour was challenged, but female aggression was never acceptable in the same way as for men. It was not appropriate for women to act belligerently or publically to affirm their honour, and such behaviour would have further degraded their reputations.²⁸

Female-perpetrated murder has been portrayed as an inversion of women's nurturing role, and their use of poison, in particular, as a domestic betrayal.²⁹ However, as Chapter Two argued, most women either strangled or suffocated their victims, using a rope or ribbon in some cases to enhance their strength, and did not opt for poison. Common, general-use items such as chamber pots, iron hammers, sticks, and wooden rods were also used, as women reached for nearby objects.³⁰ They were equally capable of killing using only their bare hands.³¹ The methods of murder women adopted varied by the age and sex of the victim. Children were most commonly asphyxiated, a method which required the attacker to have superior strength. It could also be incorrectly ascribed to overlaying or a sudden unexplained death, with little evidence of attack. Burning and drowning were comparatively rare, but were also always used against minors. Over half of adult males were beaten, either with or without the use of a weapon, and only one woman used a gun against an adult.³² Poison, which could easily have been administered to an unknowing child, was rarely used for this purpose. Quicker, and perhaps less painful, methods were used against children. Poison was only chosen in certain circumstances, and it was not a method unique to women.

²⁶ Martin, *Women, Murder, and Equity*, 4.

²⁷ Julius R. Ruff, 'Popular violence and its prosecution in seventeenth and eighteenth-century France', in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Devon and Oregon: Willan Publishing, 2008), 32-51; Joachim Eibach, 'The containment of violence in Central European cities, 1500-1800', in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Devon and Oregon: Willan Publishing, 2008), 52-73.

²⁸ For more on the ideals of Victorian femininity, see Lucia Zedner, *Women, Crime and Custody in Victorian England* (Oxford: Clarendon Press, 1991), 11-18.

²⁹ Frances E. Dolan, *Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700* (Ithaca and London: Cornell University Press, 1994), 30.

³⁰ Barbara Hanawalt, *Crime and Conflict in English Communities, 1300-1348* (Cambridge: Harvard University Press, 1979), 124.

³¹ Andrew Finch, 'Women and violence in the later Middle Ages: the evidence of the officiality of Cerisy', *Continuity and Change*, 7 (1992), 29.

³² Chapter Two, Table 2.5.

Households were closely scrutinised within the neighbourhood and behavioural changes of family members, or unusual activity within or around the home, could attract attention. Chapter Three showed how any act which could be perceived as an attempt to conceal or dispose of signs of pregnancy or childbirth raised suspicion. These included blood stains, attempts to conceal blood, or indeed the non-appearance of menstruation. Evidence of an increase in the cleaning of a particular room, or the entering or leaving of the household during unsociable hours, was particularly suspicious. An increase in the washing of clothes was also viewed as an attempt to hide signs of a birth. It was ‘commonly reported in the neighbourhood’ that the mother of one suspect had ‘washed five petticoats with 24 hours’, and Jane Edwards was seen ‘washing her clothes and arms at a well’ by two witnesses, who, as a result of this seemingly suspicious act, ‘suspected...[she] had been delivered of a child’.³³ Unusually dirty or missing clothing was similarly suspect, but the production of clean undergarments could refute claims of childbirth. Ordinary acts of washing and cleaning, partaken in an atmosphere of heightened suspicion, became clear proof of guilt, with the household firmly at the centre.

9.4. Culture, tradition and behaviour

Communal traditions largely dictated people’s experiences of the law. Many Welsh contemporaries distrusted the English legal system, and were hesitant to cooperate in legal procedures. This was evident in cases of popular protest, where the fear of social ostracism deterred the reporting of participants to the authorities.³⁴ Many individuals avoided prosecuting crimes, or providing evidence, through fear of violent retribution from community members. It was suggested in Chapter Eight that some were wary of the court process, leading to a refusal to attend trials. Although non-attendance could sometimes be malicious, it should not automatically be assumed to be such. Hannah Thomas’ failure to give evidence in court, despite witnesses attesting to her health, may have resulted from practical and emotional difficulties.³⁵ Gender, social status, age, and reputation, all went hand-in-hand in early modern society, with each contributing to the

³³ NLW GS 4/46/2.23 (1736); NLW GS 4/47/6.20 (1742).

³⁴ Some Gin Act informers were beaten so badly that they died of their injuries: Jessica Warner and Frank Ivis, “‘Damn you, you informing Bitch’: *Vox Populi* and the unmaking of the Gin Act of 1736”, *Journal of Social History*, 33 (1999), 309-10.

³⁵ NLW GS 4/186/2.37 (1758); NLW GS 4/186/1.5 (1758).

individual's 'credit', 'honesty' and reliability, inside and outside of the courts.³⁶ As Hannah was a young, unmarried woman her testimony would have been considered less reliable than that of a man, or a married or older woman. The law remained a predominantly male domain and some women may have believed that they would not be taken seriously by the courts.³⁷ These beliefs, coupled with the practical task of journeying to court, may have made Hannah unwilling to attend.

With the onus on the victim to prosecute, and legal costs rising to £10-£20 by the nineteenth century, it is doubtful that minor or isolated incidents would have been reported.³⁸ To avoid such costs, both prosecutors and defendants often opted to settle their disputes informally outside of court.³⁹ Compensation was favoured, and it was only when negotiations broke down that many less serious crimes were formally prosecuted. It has been shown in relation to non-fatal assault that a prosecutor's refusal to settle informally could present the defendant as the wronged party. Moreover, in instances of domestic discord, communities frequently intervened to impose collective informal justice on husband and wife. As discussed in Chapter Four, there are no recorded instances of non-fatal domestic assault in the Great Sessions records, but sporadic evidence amongst the Quarter Sessions files, and folklore, confirms its existence. References to 'rough justice' and 'Coolstrin Courts' emphasise the wider significance of the ordered household, which was considered too important to be left entirely to its members.⁴⁰ Marital violence was unacceptable and could not be tolerated. Community-sanctioned acts of humiliation existed to reinforce disapproval and deter future occurrences.

It has been argued throughout that contemporaries only turned to the courts when it suited them. Currency offences, for example, could be overlooked, with

³⁶ Matthew Hale, *Historia Placitorum Coronae: The History of the Pleas of the Crown, Volume II* (London: 1736), 278.

³⁷ Amy M. Froide, *Never Married: Singlewomen in Early Modern England* (Oxford: Oxford University Press, 2005), 150; Robert B. Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c.1660-1725* (Cambridge: Cambridge University Press, 1991), 211. An exception to this would be the crime of infanticide where women formed the majority of witnesses, and were considered 'experts' in pregnancy and childbirth.

³⁸ Greg T. Smith, 'Violent crime and the public weal in England, 1700-1900', in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Cullompton: Willan, 2008), 192, 201.

³⁹ Jones, *Crime in Nineteenth-Century Wales*, 6-7. D. J. Williams stated that for some the Chapel could operate as a forum for arbitration: D. J. Williams, *Hen Dy Ffarm*, translated by Waldo Williams as *The Old Farmhouse* (Carmarthen: Golden Grove, 1987), 84, as cited in Richard W. Ireland, "'A second Ireland'? Crime and popular culture in nineteenth-century Wales", in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Devon and Oregon: Willan Publishing, 2008), 246.

⁴⁰ Charles Redwood, *The Vale of Glamorgan: Scenes and Tales Among the Welsh* (London: Saunders and Oatley, 1839), 271-95; R. T. W. Denning (ed.), *The Diary of William Thomas of Michaelston-super-Ely, near St Fagans, Glamorgan, 1762-1795* (Cardiff: South Wales Record Society, 1995), 133.

recipients of base coins knowingly accepting them if they believed that they could be passed on without detection. The courts were also used with malicious intent. Individuals falsely accused their neighbours of committing crimes out of a desire for revenge, and some women sought to blackmail men and secure financial gain by falsely claiming that they were the father of their child. Others allegedly made false claims of sexual abuse. Malicious rape allegations, and the use of extortion against purportedly innocent men, were greatly feared. Although these fears were promoted in the popular press, Chapter Eight showed that they were largely unfounded. Malevolent accusations were more likely to be for misdemeanors or clergyable offences with less serious punishments, rather than capital crimes such as rape.⁴¹ The level of proof required to secure a rape conviction was high, and when coupled with the public exposure and embarrassment of the supposed victim, there was seemingly little benefit for the prosecutor.

Local customs and traditions could affect the level and nature of recorded crime. In Chapter Three it was shown that, despite higher levels of illegitimacy, which seem to have been partly a result of intimate courtship rituals and informal marriage practices, Wales did not experience a comparatively high level of infanticide. The shame and stigma commonly associated with the murder of newborn children elsewhere in this period was not routinely applied to Welsh women. Although there were undoubtedly exceptions, bastard children were regarded less as a social catastrophe, and more as one of expense and inconvenience. When infanticide did occur, fears of poverty, or the inability to raise a child without the support of a husband, led some women to hide their pregnancies and allegedly murder their baby.⁴² Although there was not a single universal experience, it is clear that not all women acted out of moral desperation.

9.5. Prosecution and punishment

Several wider trends in patterns of prosecution and sentencing have been addressed in this study. The first relates to the social status of female suspects. Women of varying social positions stood before the courts, confirming that it was not only the lowest in society who committed illegal activities. Female suspects were married to labourers and gentlemen alike, reflecting the wide range of issues affecting contemporaries. However,

⁴¹ Douglas Hay, 'Prosecution and power: malicious prosecution in the English courts, 1750-1850', in Douglas Hay and Francis Snyder (eds.), *Policing and Prosecution in Britain, 1750-1850* (Oxford: Clarendon Press, 1989), 361.

⁴² Keith Wrightson, 'Infanticide in earlier seventeenth-century England', *Local Population Studies*, 15 (1975), 17.

certain groups of women feature more prominently for certain crimes, as may largely be expected. Gentry women do not appear among those suspected of currency offences, assaults upon local officials, or forcible entry and detainer, for example. In contrast, labourers' wives feature heavily in cases of popular protest, since this social group were badly affected by increasing prices and the loss of the commons. Women of freehold status were overrepresented for forcible rescues, and were especially prominent among those suspected of rescuing livestock. This was possibly due to their greater likelihood of owning land and livestock, and the necessity of ensuring that their animals did not stray onto nearby land and become impounded as a result.

It is more difficult to make geographical comparisons. Historians of England tend to refer confidently to 'urban' and 'rural' patterns of crime. In Wales, regional differences were less clear. It was only with the onset of industrialisation that counties such as Glamorganshire expanded rapidly, and in comparison with England, much of Wales remained predominantly 'rural' in the period under study. As late as 1801, many towns still had populations below 1,000 inhabitants, and while industry transformed areas in the south, others remained sparsely populated.⁴³ Any conclusions relating to the geography of crime in Wales are largely tentative, but this study has shown some insight.

There is evidence to suggest that women in Wales committed non-fatal violence most often in less populated areas, which may be the result of the unique pressures of country life. Some contemporaries remarked upon the frequency of common assaults in rural parishes, which they believed derived from the poor quality of law enforcement to serve as a deterrent.⁴⁴ It may equally have stemmed from settlement patterns, and the near proximity within which people lived in their sparsely located parishes. Unlike the mining districts and larger towns, where migration affected the composition of the area, the countryside offered little respite for its close-knit inhabitants. It is perhaps understandable that personal disputes and fracas would occur among members. This is in contrast with the location of neonatal infanticide discussed in Chapter Three. With the exception of London, historians of England and Scotland have suggested that the

⁴³ Jones, *Before Rebecca*, 1-6.

⁴⁴ The Reverend R. Lister Venables, as cited in *Reports of the Commissioners of Inquiry into the State of Education in Wales, Part Two: Brecknock, Cardigan, Radnor and Monmouth* (London: 1847), 60.

majority of women indicted for newborn child murder were from rural areas.⁴⁵ Suspects were supposedly identified and brought to justice more readily in the countryside, where the close proximity of residents ensured that changes in the appearance or behaviour of an unmarried woman were quickly noticed, and where the body of a child could more easily be traced to its mother.

However, the opposite is apparent in Wales, with more infanticides recorded in regions of larger populations. The figures also suggest that illegitimacy was disproportionately a rural phenomenon, and that areas of high illegitimacy experienced lower levels of infanticide. This would appear to indicate that the liberal courtship patterns, which were most prominent in rural counties, led to higher levels of illegitimacy, but that the commonality of bastard children in these areas led to greater acceptance and support for unmarried mothers.⁴⁶ The pattern may also be attributed to population figures and the simple fact that larger numbers of people equated to more unmarried women. Equally, the topography of rural locations would have aided the concealment of a recently-murdered child.⁴⁷ This was more difficult in densely populated areas, where the child's body would have been more difficult to conceal. The larger volume of inhabitants would have increased the likelihood that both the murder and burial of the child would be witnessed.

These figures are, of course, slightly misleading since not all women were from the county in which they were indicted. Some moved from their place of residence to neighbouring regions up to six months before giving birth. The same has also been observed for other crimes. In Chapter Seven it was shown how many of the suspects indicted for uttering in Wales were not actually Welsh. Several had previously resided in Birmingham, Gloucester, Chester, Ireland, or elsewhere 'outside Wales'.⁴⁸ The areas chosen for the purpose of coining and related offences were selected deliberately. Sparsely populated areas were avoided, as 'strangers' would draw attention. Popular fairs held in Glamorganshire, Carmarthenshire, and Denbighshire were large and attracted considerable crowds, and utterers stood the best chance of avoiding detection.

⁴⁵ J. M. Beattie, *Crime and the Courts in England* (Oxford: Clarendon Press, 2002), 115, Table 3.6; Mark Jackson, *New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England* (Manchester and New York: Manchester University Press, 1996), 42; Gwenda Morgan and Peter Rushton, *Rogues, Thieves and the Rule of Law: The Problem of Law Enforcement in North-East England, 1718-1800* (London and Pennsylvania: UCL Press, 1998), 113. These studies have examined rural Surrey and the counties of the Northern Circuit. For Scotland, see Kilday, *Women and Violent Crime*, 71.

⁴⁶ Angela Muir, 'Illegitimacy in eighteenth-century Wales', *Welsh History Review*, 26 (2013), 387.

⁴⁷ Gregory Durston, *Victims and Viragos: Metropolitan Women, Crime and the Eighteenth-Century Justice System* (Bury St. Edmunds: Arima Publishing, 2007), 98.

⁴⁸ John Powell, 'The Birmingham Coiners, 1770-1816', *History Today*, 43 (1991), 49-55.

Denbighshire was also close to the counterfeiting centre in the Midlands, and Birmingham possessed a well-developed network of dealers in counterfeit coins, many of whom journeyed to Wales to pass their base coins.⁴⁹

The period under study witnessed prominent changes in the punishment of criminals. The introduction of transportation, the increase in the use of imprisonment as punishment, and the gradual decline of corporal punishment and the death penalty were as evident in Wales as recorded elsewhere. The relative leniency or harshness with which female criminals were treated by the courts has been the subject of much historiographical debate.⁵⁰ This study has shown that although there is evidence for gendered differences in the treatment of men and women, this should not be misconstrued as leniency. In Chapter Four it was demonstrated how men received a larger range of punishments to women for non-fatal assault. In the eighteenth century, women were mostly fined a shilling or less, with this changing to imprisonment by the nineteenth century. In contrast, in the earlier periods men were bound over and pilloried, in addition to being fined, with many continuing to receive fines by the nineteenth century. Similarities are evident for cases of forcible entry and detainer. Women were more likely to suffer incarceration than men, though the length of their imprisonment was considerably shorter. Also men tended to receive larger fines. For women, fines ranged from sixpence to one shilling, whereas men received fines of up to five shillings. There is little indication that the differing sentences handed to women were a result of them being considered less dangerous or problematic than men. Rather, practical considerations seem to have been taken into account. Pleas of unemployment, poverty, and economic hardship made by women were more likely to be received sympathetically by juries, and material conditions played an important role in decision-making.⁵¹ The court may have felt that women did not have the resources to pay larger sums of money, which may also explain their greater willingness to imprison them, rather than them being less in need of punishment.⁵² Their imprisonment terms for some crimes, though, were shorter, as the removal of a woman from society would likely leave her children a burden on the parish.

⁴⁹ Deirdre Palk, “‘Fit objects for mercy’: gender, the Bank of England and currency criminals, 1804-1833”, *Women’s Writing*, 11 (2004), 239.

⁵⁰ For the impact of gender on court decisions see, for example, Peter King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford: Oxford University Press, 2000), ch. 8.

⁵¹ Peter King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge: Cambridge University Press, 2006), 263.

⁵² King, *Crime and Law*, 192.

For murder, the high acquittal rate for women was probably due to the nature of the act, rather than any kind of ‘informal protection’ or ‘relative lenience’ afforded to women.⁵³ Poisoning, asphyxiation, and drowning accounted for nearly half of female murder cases, and were particularly difficult to identify as they often left no noticeable outward signs of murder, and such deaths could be mistaken as natural. This could similarly be the case where there was no obvious murder weapon, as in the instances where women were suspected of beating the deceased to death with their bare hands. These attacks did not always leave a blatant mark, particularly if the head was targeted and the surface of the skin remained unbroken. The same is also true for cases of infanticide. The inconclusive methods of murder employed, the contestable medical evidence, and the difficulty in correctly identifying the suspect, made proof difficult and evidence of guilt hard to come by. As a prosecution for infanticide could shame a woman and her family sufficiently for her to leave or be forced away from the parish after she was acquitted, it is possible that the trial alone was viewed as punishment and a suitable deterrent to others.⁵⁴

Finally, there were gendered differences in the way in which suspects pleaded for certain crimes. Chapter Four showed how over 70 percent of the women indicted for non-fatal assault either submitted to the indictment or pleaded guilty to the crime. This is in comparison to less than half of men.⁵⁵ Financial limitations rendered the trial procedure difficult as there were considerable costs involved in the calling of witnesses to support a defence. Many had little choice but to submit or plead guilty to the indictment, but this limitation impacted greatest on women. Both Elizabeth Thomas and Elizabeth Price told how they were advised to plead guilty to their indictment for non-fatal assault on accord of their poverty.⁵⁶ They hoped to receive a nominal fine and payment of compensation to the prosecutor, which could be substantially cheaper than the court costs.⁵⁷ However, by pleading guilty, there was little room for freedom in the punishments assigned. To plead not guilty and stand trial allowed for the possibility of acquittal or the return of a partial verdict, and potentially a lesser punishment.

⁵³ Carol Z. Weiner, ‘Sex roles and crime in late Elizabethan Hertfordshire’, *Journal of Social History*, 8 (1975), 39.

⁵⁴ Jackson, *New-Born Child Murder*, 46-47.

⁵⁵ Chapter Four, Table 4.8.

⁵⁶ NLW GS 4/829/4.5 (1805).

⁵⁷ King, *Crime and Law*, 258.

This important study has focused on one small part of an extensive archive, but in so doing it has made a valuable contribution to our knowledge of Welsh society, as well as expanding our understanding of gender and crime in the eighteenth and nineteenth centuries. It has shown that Welsh experiences of crime were different in many respects, and that studies of crime in 'England and Wales' have too often failed to fully appreciate Wales' distinctiveness. This also raises questions for studies of elsewhere. Have historians of England too often assumed that the nature of crime in one area of the country was mirrored throughout? Is our knowledge of women in early modern society skewed by the often Anglo-centric focus? Further comparative research is undoubtedly needed, but as part of this endeavour Wales, and its peoples, should be studied fully and entirely, without assumptions.

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4/250/6	Anglesey	1737	4/383/6	Breconshire	1763
4/251/1	Anglesey	1741	4/384/8	Breconshire	1770
4/251/2	Anglesey	1743	4/385/1	Breconshire	1771
4/252/2	Anglesey	1743	4/385/3	Breconshire	1773
4/252/3	Anglesey	1758	4/385/4	Breconshire	1773
4/253/1	Anglesey	1761	4/386/2	Breconshire	1777
4/253/3	Anglesey	1765	4/386/3A	Breconshire	1778
4/523/4	Anglesey	1770	4/386/5	Breconshire	1779
4/253/4	Anglesey	1770	4/386/6	Breconshire	1780
4/254/1	Anglesey	1773	4/303/1	Breconshire	1780
4/254/2	Anglesey	1775	4/386/9	Breconshire	1781
4/254/4	Anglesey	1779	4/387/1	Breconshire	1782
4/255/1	Anglesey	1784	4/387/5	Breconshire	1784
4/258/1	Anglesey	1810	4/387/6	Breconshire	1784
4/373/6	Breconshire	1730	4/387/7	Breconshire	1785
4/374/2	Breconshire	1730	4/388/2	Breconshire	1787
4/734/1	Breconshire	1730	4/389/6	Breconshire	1794
4/374/4	Breconshire	1730	4/390/7	Breconshire	1800
4/734/2	Breconshire	1731	4/392/1	Breconshire	1806
4/374/3	Breconshire	1731	4/391/10	Breconshire	1806
4/374/5	Breconshire	1732	4/392/2	Breconshire	1807
4/374/6	Breconshire	1733	4/392/9	Breconshire	1810
4/375/2	Breconshire	1734	4/393/5	Breconshire	1811
4/375/3	Breconshire	1734	4/393/2	Breconshire	1812
4/375/4	Breconshire	1735	4/393/6	Breconshire	1814
4/375/5	Breconshire	1735	4/394/6	Breconshire	1816
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4/376/5	Breconshire	1739	4/398/8	Breconshire	1830
4/377/2	Breconshire	1741	4/270/3	Caernarfonshire	1731
4/377/3	Breconshire	1741	4/270/4	Caernarfonshire	1733
4/377/4	Breconshire	1742	4/270/5	Caernarfonshire	1734
4/377/5	Breconshire	1742	4/270/6	Caernarfonshire	1734
4/378/1	Breconshire	1743	4/271/1	Caernarfonshire	1736
4/378/2	Breconshire	1744	4/271/3	Caernarfonshire	1740
4/378/5	Breconshire	1745	4/271/2	Caernarfonshire	1740
4/380/3	Breconshire	1750	4/272/1	Caernarfonshire	1745

4/272/3	Caernarfonshire	1750	4/913/5	Cardiganshire	1819
4/273/2	Caernarfonshire	1758	4/914/3	Cardiganshire	1820
4/275/2	Caernarfonshire	1774	4/915/8	Cardiganshire	1826
4/276/1	Caernarfonshire	1780	4/733/6	Carmarthenshire	1730
4/276/2	Caernarfonshire	1783	4/734/5	Carmarthenshire	1731
4/277/4	Caernarfonshire	1795	4/734/3	Carmarthenshire	1731
4/278/2	Caernarfonshire	1798	4/734/4	Carmarthenshire	1732
4/66/1	Caernarfonshire	1800	4/735/3	Carmarthenshire	1733
4/279/2	Caernarfonshire	1809	4/734/6	Carmarthenshire	1733
4/279/3	Caernarfonshire	1811	4/735/1	Carmarthenshire	1733
4/279/4	Caernarfonshire	1812	4/735/2	Carmarthenshire	1734
4/1017/6	Caernarfonshire	1813	4/735/5	Carmarthenshire	1735
4/280/2	Caernarfonshire	1817	4/736/4	Carmarthenshire	1738
4/762/1	Caernarfonshire	1820	4/736/5	Carmarthenshire	1738
4/281/7	Caernarfonshire	1822	4/737/1	Carmarthenshire	1739
4/281/8	Caernarfonshire	1823	4/736/2	Carmarthenshire	1739
4/538/2	Caernarfonshire	1827	4/737/3	Carmarthenshire	1739
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4/890/4	Cardiganshire	1733	4/737/5	Carmarthenshire	1749
4/892/4	Cardiganshire	1741	4/738/2	Carmarthenshire	1764
4/892/5	Cardiganshire	1742	4/740/1	Carmarthenshire	1770
4/893/6	Cardiganshire	1746	4/740/2	Carmarthenshire	1771
4/893/8	Cardiganshire	1748	4/740/4	Carmarthenshire	1773
4/895/5	Cardiganshire	1752	4/740/5	Carmarthenshire	1774
4/895/1	Cardiganshire	1752	4/741/2	Carmarthenshire	1774
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4/72/1	Denbighshire	1820	4/612/1	Glamorganshire	1737
4/73/3	Denbighshire	1823	4/612/3	Glamorganshire	1739

4/613/6	Glamorganshire	1744	4/635/6	Glamorganshire	1819
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4/635/2	Glamorganshire	1816	4/190/5	Montgomeryshire	1774
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4/191/1	Montgomeryshire	1777	4/821/5	Pembrokeshire	1781
4/191/3	Montgomeryshire	1778	4/821/8	Pembrokeshire	1781
4/191/8	Montgomeryshire	1779	4/822/5	Pembrokeshire	1784
4/192/1	Montgomeryshire	1781	4/825/4	Pembrokeshire	1793
4/192/5	Montgomeryshire	1783	4/827/4	Pembrokeshire	1799
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4/810/7	Pembrokeshire	1730	4/516/3	Radnorshire	1731
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4/812/4	Pembrokeshire	1737	4/517/2	Radnorshire	1734
4/812/3	Pembrokeshire	1737	4/517/5	Radnorshire	1734
4/812/5	Pembrokeshire	1738	4/518/2	Radnorshire	1735
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4/813/6	Pembrokeshire	1742	4/518/1	Radnorshire	1735
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4/815/2	Pembrokeshire	1750	4/519/1	Radnorshire	1739
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4/819/8	Pembrokeshire	1774	4/522/4	Radnorshire	1752
4/820/6	Pembrokeshire	1775	4/522/2	Radnorshire	1752

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4/533/5	Radnorshire	1809
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4/535/8	Radnorshire	1819
4/536/2	Radnorshire	1820
4/537/1	Radnorshire	1824

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- L48/57iii Mr Justice Hardinge's charge on Monday April 6th 1801, in the Court of Great Sessions held for the County of Glamorgan.
- L48/57 iiij Mr Justice Hardinge's address to the Convicts, who were tried before him at the Cardiff Great Session, upon the 8th of April 1801.

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The Unfaithful Servant; And The Cruel Husband. Being a perfect and true account of one Judith Brown, who together with her Master Iohn Cupper, conspired the Death of her Mistris, his Wife, which accordingly they did accomplish in the time of Child-bed, when she lay in with two Children, by mixing of her Drink with cruel Poyson; for which Fact she received due Sentence of Death at the late Assizes in the County of Salop, to be Burned; which was accordingly Executed upon the Old Heath near Shrewsbury, on Thursday the Twenty-first day of August, 1684 (London, 1684).

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