

**Crime and Economies of Makeshift: Experiences of Poverty in the Old Bailey, 1750-1799**

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**Thesis Summary**

The labouring poor of eighteenth-century London adopted many strategies to meet their material needs. These economies of makeshift included parish relief, begging, borrowing, kinship support, and sometimes crime. Property crime has long been linked to poverty, but little is known about the strength, or the extent, of the relationship and how people used theft as part of their makeshift economies and why they resorted to it. To better understand the relationship between crime and poverty, and how that relationship worked, this dissertation examines the experiences of defendants who were tried at the Old Bailey between January 1750 and December 1799. Investigating individual experiences enables this dissertation to analyse causal links between prosecutions and poverty through defendants’ own words and explanations, as well as those explanations of other court actors who were involved in the trials.

By combining quantitative and qualitative methodologies, using digital techniques, and building upon the research and insights of linguistic scholars and historians of both crime and the labouring poor, this study investigates the human narratives behind the crime statistics in London. Exploring the narratives found in the *Old Bailey Proceedings* and analysing them alongside other sources, including parish poor relief records, *The Accounts of the Ordinary of Newgate*, record collections of the *Digital Panopticon*, and contemporary literature, this dissertation demonstrates that property crime was sometimes a strategy for coping with day-to-day poverty, as well as extraordinary events and personal crises, but the relationship remains complex and dependant on a range of factors. In some cases, Londoners stole because other strategies failed or were inaccessible, exclusionary, or impractical. In other cases, people routinely stole to get by from one day to the next. By investigating theft through the experiences of defendants, this study confirms that crime was part of a makeshift economy for some plebeian Londoners, and it explains how and why that was.

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**Note on the Text and List of Abbreviations**

When quoting from primary sources, spelling, punctuation, and grammar have been kept the same as the original, unless otherwise specified. All dates are New Style.

Sources and online collections which have been frequently cited have been identified using the following abbreviations. They appear in full in the first instance.

Online Collections of Primary Sources

[LL] – *London Lives, 1690-1800: Crime, Poverty and Social Policy in the Metropolis*: [www.londonlives.org](http://www.londonlives.org) [Accessed 16th August 2018]. This dissertation has followed the Project Citation guidelines, found at: [www.londonlives.org/static/Legal.jsp](http://www.londonlives.org/static/Legal.jsp). Manuscripts are cited with the following format: *LL*, [document title], [date of the manuscript], and [project reference number]. For example, LL: St Dionis Backchurch Parish: Churchwardens and Overseers of the Poor Account Books, 1 January 1729-31 December 1762, **GLDBAC30006.**

[OBP] – *Old Bailey Proceedings Online*: [www.oldbaileyonline.org](http://www.oldbaileyonline.org) [accessed 16th August 2018]. When citing material from this website, this dissertation has followed the Project Citation guidelines, found at: [www.oldbaileyonline.org/static/Legal-info.jsp](http://www.oldbaileyonline.org/static/Legal-info.jsp). Trial Accounts are cited with the following format: *OBP*, [month and year of Session], [defendant name], and [trial reference number]. For example, *OBP*, December 1753, trial of Walter Bedford (t17531205-14). The *Accounts of the Ordinary of Newgate* have been cited with [edition publication date] and [Account reference number]. For example, *OBP, Ordinary’s Account*, 12 February 1753 (OA17530212).

Archives

[BL] British Library

[CLSAC] Camden Local Studies and Archive Centre

[DRO] Devon Record Office

[LMA] London Metropolitan Archive

[PWDRO] Plymouth and West Devon Record Office

Other Abbreviations

[OBC] The Old Bailey Corpus, 1720-1913: [www.uni-giessen.de/oldbaileycorpus](http://www.uni-giessen.de/oldbaileycorpus) [accessed 16th August 2018]

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**Introduction**

‘Necessity, and poverty, and want of due provision for the imployment of indigent persons, and the custom of a loose and idle life, daily supply with advantage the number of those who are taken off by sentence of the law’ wrote Sir Matthew Hale in a commentary published posthumously in 1683. He condemned the severity of English laws against theft and argued that crime would not be reduced by terrorising the populace with threats of harsh punishments. Rather, that would be achieved though decent and expeditious provision for the poor. Hale argued that it was because of poverty that Newgate overflowed with pickpockets, thieves, burglars and those accused of ‘other such larcenies’ and therefore ‘the prevention of poverty, idleness and a disorderly education, even of poor children’, would facilitate the reduction of crime more ‘than all the gibbets, and cauterizations, and whipping posts, and goals in this Kingdom’.[[1]](#footnote-1)

Yet, other commentators considered that the provisions of the Elizabethan poor laws (hereafter referred to as the poor laws) were too generous and therefore encouraged idleness and vice which caused criminality.[[2]](#footnote-2) In 1697, John Locke, who Peter Laslett called the ‘determined enemy of beggars and the idle poor’, wrote *An Essay on the Poor Law*.[[3]](#footnote-3) Locke opined that the undeserving poor were parasitical ‘begging drones’ who feigned an inability to provide for themselves, preferring begging or ‘worse’, and taking the parish rates.[[4]](#footnote-4) Consequently, they were disorderly and idle, and their debauched carnality was evidenced by their ‘numerous children’ who they left to the provision of the parish and to whom they bequeathed their fecklessness. The ‘multiplying of the poor’ was not due to periods of dearth, nor unemployment, but was ‘nothing else but the relaxation of discipline and corruption of manners; virtue and industry being as constant companions on the one side as vice and idleness are on the other’.[[5]](#footnote-5)

The idea that poverty begat criminality because idleness caused vice and disorder was a broadly accepted precept which persisted throughout the eighteenth century and fomented much anxiety and debate.[[6]](#footnote-6) In 1751 Henry Fielding wrote that there was ‘improper regulation of the poor’, and that ‘vice was the parent of theft’, so the ‘very dregs of the people’ eschewed honest wages in favour of beggary and thieving.[[7]](#footnote-7) Adam Smith, too, noted in 1776 that since there was significant inequality between those who had property and those who had not, the poor could be expected to steal. Although Smith did consider ‘avarice and ambition in the rich’ as a motivation for property crime, he also thought that ‘the affluence of the rich excites the indignation of the poor, who are often both driven by want, and prompted by envy, to invade his possessions’.[[8]](#footnote-8)

A decade later Jeremy Bentham conceptualised his ‘Panopticon’ design as an ‘inspection house’ which could house and monitor the poor in the same way that it could prisoners. The needs of each group might be different, but Bentham believed that society would benefit from paupers and criminals receiving the same surveillance, scrutiny and management. In the series of letters in which Bentham communicated his design, he wrote that his plans were inspired by houses of correction. Though Bentham recognised that there were differences between houses of correction and workhouses, the surveillance and containment of the poor could untie the ‘Gordian Knot of the Poor-laws’.[[9]](#footnote-9) Bentham’s proposed physical positioning of pauper management alongside the surveillance of convicts illustrates that by the close of the eighteenth century the intellectual positioning of the poor alongside criminals continued to be firmly fixed in ideology and elite rhetoric.

**The Problem**

That the poor committed crimes because of their poverty, or their idleness, was a deeply embedded belief but how true was that in practice, and why might poor people be moved to theft, especially when the poor laws existed to aid the indigent? Both crime and poverty have been subject to considerable research, and historians too continue to assume that crime was committed by the poor, as a response to their material deprivation. However, despite a rich historiography the precise nature of the link between crime and poverty has not been examined sufficiently to document this, nor really explain the relationship.

This dissertation examines the relationship between crime and poverty in the second half of the eighteenth century. It investigates whether the poor really were prone to committing crimes and whether their poverty was the cause of that criminality and it examines the nature of that connection and how it worked. Historical scholarship has successfully deconstructed ideas that there was an impoverished ‘criminal class’ and it has dispelled the notion that paupers were especially deviant.[[10]](#footnote-10) Yet, the idea that crime was motivated by poverty is still ingrained in modern crime historiography and underpins much research.

Many of these premises stem from twentieth-century British Marxist and Marxisant historiography where ideas of class were embedded in crime scholarship (although it was not restricted to this historiography). Marxist historians placed class conflict and elite control at the heart of law-making and therefore positioned plebeian agency and struggle firmly within the historical record of crime and justice systems. For instance, Douglas Hay considered capital punishment to be an instrument used to terrify the labouring classes into subordinating to the ruling classes in his 1975 essay ‘Property, Authority and the Criminal Law’.[[11]](#footnote-11) Yet, even though John Langbein (who was not a Marxisant historian) thoroughly critiqued Hay’s central thesis and convincingly argued that changes to felony statutes were not tools of social control, he still wrote of Old Bailey defendants that ‘most of them were poor, as criminals tend to be’.[[12]](#footnote-12)

Historians of poverty and the poor laws have too assumed that crime was a survival strategy for the labouring poor but have also not yet sufficiently analysed this issue. Olwen Hufton’s concept of ‘economies of makeshift’ (the range of strategies that poor people adopted to keep body and soul together, often including but not limited to, official relief) has slipped easily into the vernacular of those who research poverty. It has been generally accepted that crime was part of that makeshift economy, but few historians have attempted to fully test this.[[13]](#footnote-13)

Despite the fact that few early modern historians have fully explored crime within the framework of the poor laws and poverty, the trajectory that crime historiography followed mirrors that of poor law history. Modern scholarship of both topics can trace its origins to the ‘boom’ in social history of the 1960s and the methodological advances which took place then.[[14]](#footnote-14) Developments in sociological history, quantitative methodologies and Marxist social history influenced the historical scholarship of poverty as well as crime, in terms of both research enquiries and methodologies. In particular, ‘history from below’, most closely associated with E.P. Thompson and his methodological approach in *The Making of the English Working Class* (1963), has impacted profoundly on the historiography of crime and of the poor.[[15]](#footnote-15) Though, for the most part, Thompson did not extend his research into such archives, he provided the impetus to find the voices of the indigent, and the criminal, and drove historians deeper into the parish chest and judicial records to reveal the agency and experiences of those who encountered the provisions of criminal law or the poor laws. That approach also influences this study. This dissertation investigates lived experiences, as revealed through the testimony of Old Bailey defendants, in their own words, or those used about them in the court. By doing so, this study highlights aspects of both the nature of crime and the nature of poverty and analyses the relationship between them.

Property crimes, such as the larcenies that Hale decried, *were* the most commonly prosecuted offences throughout eighteenth-century England.[[16]](#footnote-16) That they were committed by the poor because of necessity is a plausible assumption - the finality of the noose might deter all but the most devilish or desperate thief - but the rigours of modern scholarship demand more than assumptions. It has not yet been properly established that these larcenies were committed by the poor as a way of meeting their core material needs. John Beattie wrote that property crimes had a ‘particular character’ in eighteenth-century society. He argued that while not all such crimes were caused by the necessity of the offender, higher levels of theft did correspond with national periods of economic stress which increased the pressures on large numbers of the labouring poor.[[17]](#footnote-17) However, while times of national or local crisis may have increased the numbers of conjunctural poor and compounded the distress of the structural poor, historical treatment of trends and patterns obscures the experiences of day-to-day poverty. The continuing ‘background level’ of grinding poverty and economic uncertainty and how that might lead to crime is not well reflected in national or regional patterns or trends over time.[[18]](#footnote-18) To understand better the links between crime and poverty we must turn our attention to the experiences of individual defendants and the human narratives behind the statistical values. We need to investigate whether the poor – who were never a homogenous sector of society but rather a disparate collection of groups and individuals who might move in and out of poverty throughout their lifetimes – were committing property crimes and whether poverty was really the cause. To do this, judicial evidence must be examined afresh.

Focussing on Old Bailey defendants between January 1750 and December 1799, this dissertation builds upon the insights of linguistic scholars and combines quantitative and qualitative methodologies, alongside record linkage, to investigate to what extent property crime was adopted as part of a makeshift economy for eighteenth-century poor Londoners. Exploring the types of crimes that the poor might have committed, and the circumstances which provoked a criminal response, will illuminate how people coped with both continuing background poverty and national, local and personal crises. Not every person responded to these pressures in the same way. Clearly not all poor people committed theft, yet some did. Therefore, this study investigates why some poor people stole, and were subsequently prosecuted. It also examines the role that the provision or absence of parish poor relief might have had in the causation of crime. Understanding the lived experiences of those accused of property crimes is key to understanding the circumstances of theft. Reading courtroom testimony ‘against the grain’ affords a unique glimpse into those lived experiences and exploring those narratives enables us to build a more holistic view of the nature of both crime and poverty, and the relationship between the two.

Until recently the methodological techniques to enable this type of research, at scale, were not available. Judicial sources are extensive and have previously proved unmanageable for this type of study, but the growing number of digitised judicial records and the development of modern record linkage techniques means that this work can now be done. By building upon existing research and employing digital methodologies this study explores the relationship between crime and poverty in new ways and contributes to existing knowledge of both crime and poverty. In doing this, this study also provides a more nuanced understanding of the lived experience of the London labouring poor in the last half of the eighteenth century.

**Conceptions of the Role of Poverty in Crime Causation**

There are links between crime and poverty, but the exact nature of those links is unclear. Even modern criminological and sociological studies are unable to wholly explain the relationship. In 2014 Paul-Philippe Pare and Richard Felson completed an international study on the relationship between crime and poverty. Whilst they were able to identify that there was a link between the two, they were unable to determine whether that link was coincidental or whether it reflected a causal effect.[[19]](#footnote-19) That we have difficulty cementing those links in the recent past suggests that it is even more difficult to understand that relationship three centuries ago. Even so, historians of crime have made attempts to determine this relationship, and some of those arguments have been enduring.

Until the 1970s crime causation was largely neglected in historical scholarship. Although crime was not wholly unexplored before then, research tended to focus on legislation and administration.[[20]](#footnote-20) In a shift away from legalistic studies, the 1970s saw the growth of sociological history where historians adopted quantitative methodologies to investigate experiences and events in the past within their wider social context. Perhaps the best known, and most influential, example of this scholarship is John Beattie’s meticulous study *Crime and the Courts in England, 1660-1800* (1986), where he analysed the relationships between crime patterns and the ‘machinery of administration’ of the law.[[21]](#footnote-21) This large-scale work emerged from over a decade of research. Beattie argued that much theft in England was caused by ‘want and necessity’ and that property crime peaked during periods of dearth, thus connecting rising food prices with incidences of theft. He also found that prosecution patterns correlated with periods of national economic change which resulted in high levels of unemployment. Beattie concluded that as wage-dependent workers were vulnerable to contractions in the labour market, when work evaporated they resorted to crime [[22]](#footnote-22) Douglas Hay, in his 1982 article, ‘War, Dearth and Theft in the Eighteenth Century: The Record of the English Courts*’* analysed judicial records in Staffordshire and he also argued that theft increased when the price of grain rose.[[23]](#footnote-23)

The research of both Beattie and Hay plausibly positioned necessity as a cause of crime during times of economic hardship through unemployment or high food prices but these statistical analyses are insufficient to prove that poverty did lead to crimes of necessity. This is partly because both Hay and Beattie neglected to fully examine the implementation and provision of the poor laws which could, and did, casually relieve the labouring poor during times of crisis. Furthermore, they did not consider continuing levels of background poverty. As Joanna Innes and John Styles pointed out, the findings of Beattie and Hay wrongly suggested that only during such times of crisis did the poor turn to theft at any significant scale. Innes and Styles further argued that statistical studies, like those of Beattie and Hay, can show correlations between times of hardship and changes in prosecution rates but they cannot demonstrate that the link between poverty and crime was one of cause and effect. [[24]](#footnote-24) This is because neither Beattie nor Hay provided enough detailed evidence to show how this causation worked in individual cases. While dearth and high levels of national unemployment might be plausible explanations for crime increases at certain times, they do little to help us understand criminal responses within the background level of poverty and causal connections at the level of the individual.

The links between dearth and theft are far from certain. Peter King carefully deconstructed the theories of Beattie and Hay in his monograph *Crime, Justice and Discretion in England, 1740-1820* (2000). King analysed periods of dearth alongside indictment levels in Essex, Staffordshire and Sussex and found that indictment levels did not always rise during periods of severe dearth. He agreed that high food prices may have encouraged theft, but the statistical evidence did not confirm this. [[25]](#footnote-25)

Both Hay and Beattie also proposed that crime increased when wars ended. Hay posited that during peacetime, indictment levels rose because wartime recruitment had removed young poor men (who, in his view, were those most likely to commit crimes) from the population. When wars finished demobilised men faced unemployment and financial hardship, which led to crime.[[26]](#footnote-26) Beattie agreed with Hay’s conclusion and he noted similar prosecution patterns in Surrey and Sussex.[[27]](#footnote-27) King also dismantled this theory. He countered that whilst indictments peaked during peace time, a real link between crime and demobilisation could not be established. One reason for this, he argued, was that indictment levels were not accurate reflections of crime levels because of the ways that magistrates and victims utilised the military. Male offenders were often enlisted to avoid formal indictments and wartime increased the probability that victims would ‘artificially depress indictment levels’ by handing soldiers and sailors over to military recruiters.[[28]](#footnote-28) King also argued that there was a perception that returning soldiers and sailors would elicit a crime wave. Anticipating this crime wave initiated a media-led moral panic, which then encouraged prosecutions. This accounted for the rise in post-war prosecutions in Colchester, Essex in 1765.[[29]](#footnote-29) Richard Ward also found this to be the case in 1749-50 when a ‘crime-wave’ prompted a similar panic in London.[[30]](#footnote-30) In any case, even if demobilised men did commit theft because of economic hardship, this still does not account for thefts committed because of ‘background’ poverty.

Despite the problems with Hay and Beattie’s theses, the assumption that there simply was a relationship between theft and poverty remains, as recently noted by Ann-Marie Kilday. Kilday pointed out that as historians have accepted that there was a relationship between theft and poverty, those assumptions have negated the need for historians to measure the extent or strength of that link.[[31]](#footnote-31) A large amount of the population was forced to cope with poverty at one stage or another in their lives.[[32]](#footnote-32) Yet, it is obvious that not all those people responded to their economic situation with theft. Not every criminal was poor, nor was every pauper criminal. Innes and Styles cautioned that assuming crime was an automatic response to poverty was inaccurate and V.A.C Gatrell reminded us that all social classes committed crimes.[[33]](#footnote-33)

Historians have identified other causes of property crimes (although often an element of the poverty of the offender is assumed). Historians who located the eighteenth century as the start of a consumer society have positioned consumerism as a cause of crime.[[34]](#footnote-34) John Rule posited that when more goods became available crime increased and T.H. Breen declared that ‘the consumer market had created its own criminal class’ - an insight gleaned from recounting imported consumer goods that were stolen by a group of organized thieves in Philadelphia in the 1750s.[[35]](#footnote-35)

Beverly Lemire’s article ‘The Theft of Clothes and Popular Consumerism in Early Modern England’ (1990) examined this issue in closer detail by exploring clothing theft in London. She drew evidence from the *Old Bailey Proceedings*, newspapers reports, and quarter sessions papers, and found that clothing was commonly stolen because fashionable apparel had re-sale value. Additionally, some thieves might have stolen clothing for themselves, not just to clothe themselves in necessity, but to wear the latest fashions. Lemire considered the desire for luxury, or fashionable, clothing was a ‘mainstay of criminal activity and a source of supply for the second-hand trade in clothes’.[[36]](#footnote-36) Advances in digital humanities, particularly the digitisation of *The Old Bailey Proceedings*, accelerated the study of consumer-driven crime. Sarah Horrell, Jane Humphries and Ken Sneath, in their essay ‘Cupidity and Crime: Consumption as Revealed by Insights from the Old Bailey Records of Theft in the Eighteenth and Nineteenth Centuries’ (2013), quantitatively analysed the *Old Bailey* *Proceedings* to investigate the types of goods stolen. They tracked the ebb and flow of fashions and considered that the desire for luxury goods motivated theft for personal use or for re-sale.[[37]](#footnote-37) However, while judicial sources might record item values (though valuation was determined with discretion, and often by the victim of the crime), the *Old Bailey* *Proceedings* rarely state whether a stolen dress was a high fashion item or the third-hand working dress of a scullery maid left to dry in the morning sun. Without that contextual information it is impossible to say whether clothing was stolen because of cupidity, or necessity, or because of high resale value.

It stands to reason that an increased amount of available goods resulted in more opportunities for theft, and an elevated desire for them, but so far, the limitations of the sources (such as the difficulty in discerning original value and re-sale value for items) have prevented a thorough analysis of this subject. Moreover, these studies neither confirm nor sever links between crime and poverty as a motivation for this type of theft. The theft of consumer goods is not necessarily a crime of the poor and there are also good reasons why the poor might not have engaged in this type of theft. The London parish poor might have come under suspicion from parish officials if they were noticed possessing new fashions, or might have had to relinquish unnecessary goods to the parish in return for a pension which might disincentivize them from the theft, or the receipt of, stolen luxury items.[[38]](#footnote-38) Consumer goods were normally portable, and the opportunities for the theft and subsequent re-sale of them were plentiful, so although it is possible that the poor stole consumer items to alleviate poverty, this type of theft might be motivated by the demand of supplying goods to satisfy the consumer desires of others.

As previously observed, one of the reasons why the labouring poor are firmly linked to criminal activity is because of the work of some Marxisant historians during the mid-twentieth century. Not only did they highlight the suffering of the labouring poor and their agency more generally, but they positioned class conflict as a cause of crime. John Rule recognised in his 1982 essay ‘The Manifold Causes of Rural Crime: Sheep-Stealing in England, c. 1740-1840*’* that property crime in rural areas was ‘a matter of hunger and necessity and varied in incidence with the price of food’. He added, though, that rural crime was not always directly related to poverty but was also an expression of the resentment felt by labourers against their dire circumstances, and those who they felt were responsible for them.[[39]](#footnote-39)

These historians often saw crime - and punishment - as manifestations of class conflict and much of this body of work is concerned with the idea that the law was an elite tool used to subordinate the poor, and to which the poor responded in a variety of ways. Some of these historians argued that property crimes were committed by the labouring poor, but they were not directly motivated by necessity. Rather, some crimes were a response to laws which were judged as unfair or illegitimate. Moreover, some of those ‘crimes’ could be accepted by social groups and therefore legitimised within the community. Rule wrote in his 1979 article ‘Social Crime in the Rural South in the Eighteenth and Early Nineteenth Centuries’ that there were differences between ‘social crime’ and ‘real crime’. He determined that there were two categories of ‘social’ crimes, which were offences in law but accepted within communities at certain times. These were protest and affray aimed at perceived injustice, and also property crimes, such as smuggling or poaching, which were not seen as harmful to the community and were therefore legitimised by social acceptance.[[40]](#footnote-40)

Those property crimes which might fall under the category of ‘social crimes’ could include gleaning or the taking of workplace materials (the theft of such materials is discussed later in this introduction). These types of offences might have been committed because of poverty in some instances, especially in the case of gleaning and poaching. Gleaning – the taking of grain from fields following the harvest - was an important part of makeshift economies for poor families but it could be deemed criminal if gleaners trespassed on private property to take grains which they had not been given the right to take.[[41]](#footnote-41) Poaching, too, could be an important part of a makeshift economy. Many poor families would have supplemented their household incomes, and diets, through unlawful fishing or the hunting or trapping of animals and birds.[[42]](#footnote-42) It is likely that many communities turned a blind eye to such practices and therefore these types of crimes could be considered ‘social’ crimes (although perhaps not by the farmers who suffered losses from their fields).[[43]](#footnote-43)

‘Social crime’ is likely to have been a factor in eighteenth-century life but there is no reason to assume that such crimes were always committed by the poor. Emsley wrote that although the labouring classes may have committed offences as a response to the criminalisation of customs and perceived ancient rights, all classes could be hostile to some laws and resist or challenge them.[[44]](#footnote-44) However, some of these property crimes, which communities did not always condemn, could also form part of makeshift economies for the poor and were committed because of poverty. Douglas Hay argued in his essay *‘*Poaching and The Game Laws on Cannock Chase’, his second contribution to *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England* (1975), that the poor often depended upon poaching and therefore this crime, and others like it, can be linked to the poverty of the defendants.[[45]](#footnote-45)

Indeed, that crime was a symptom of class conflict is most clearly articulated in some of the contributions to *Albion’s Fatal Tree*.[[46]](#footnote-46) Though Hay wrote that poaching was an important survival strategy for poor labourers, he also argued that some poaching offences were committed by the lower classes as protest or rebellion against unpopular laws or laws seen as an erosion of customary rights.[[47]](#footnote-47)

Peter Linebaugh, who also contributed to *Albion’s Fatal Tree,* built upon the research of his 1975 Ph.D. thesis in his later book, *The London Hanged: Crime and Civil Society in the Eighteenth Century,* where he argued that class conflict was a factor in crime and punishment and that the majority of those hanged at Tyburn belonged to the ‘class of proletarians’.[[48]](#footnote-48) Linebaugh investigated low-paid London workers and found that workers who had hitherto considered perquisites to be a customary right were now criminalised for the taking of them. Therefore, individuals stole such materials to challenge those who held authority over them.[[49]](#footnote-49) Poverty was central to Linebaugh’s study as he posited that workers also stole to supplement insufficient wages. Indeed, Linebaugh’s central bipartite thesis is ‘first, that the forms of exploitation pertaining to capitalist relations caused or modified the forms of criminal activity, and, second, that the converse was true, namely, that the forms of crime caused major changes in capitalism. In short, people became so poor that they stole to live, and their misappropriating led to manifold innovations in civil society’.[[50]](#footnote-50)

Peter D’Sena supported aspects of Linebaugh’s thesis in his article, ‘Perquisites and Casual Labour on the London Wharf side in the Eighteenth Century’ (1989). D’Sena considered perquisites to be an ‘integral’ part of eighteenth-century working life, used by employers to motivate employees. However, D’Sena did not see disputes over perquisites as a signifier of historical materialism or emerging class conflict, or even necessarily related to poverty.[[51]](#footnote-51) That the criminalisation of perquisites was not a grim symptom of the march of capitalism is not the only criticism which can be levelled at Linebaugh’s study. He only discussed workplace crimes, which were only a portion of thefts which took place, so his study cannot speak for the motivations for all thefts in the capital. Furthermore, although poverty was key to Linebaugh’s thesis, workers who stole materials were not the poorest of the London poor. They were individuals who had economic utility and were able to sell their labour, even if only on a casual, and uncertain, basis. Even if we agree that some workers were impoverished to some degree (as this dissertation does in Chapter Two), workplace theft was not always committed owing to economic hardship or because of a desire to strike back at authority.

As Clive Emsley pointed out, throughout the eighteenth and nineteenth centuries all members of a workforce - not just the casual wage-labourer- could be inclined to pilfer goods from the workplace for a variety of reasons. Emsley agreed that the workplace was ‘a major centre of criminal activity’ but he demonstrated that, by employing Gerals Mars’s analysis of contemporary work-place crime, this type of crime is not, and is likely to never have been solely committed by poorer workers.[[52]](#footnote-52) ‘Chipping’ (‘chips’ are scraps of wood generated from the ship-building process, but the term also refers to the rights that dockworkers had to take some of the waste material as a perquisite) *might* have been an action of an impoverished or aggrieved low-paid dock worker, but the selling of underweight goods by one businessman to another is also a workplace crime but not one typically committed by the poor.[[53]](#footnote-53)

Other historians have urged caution when linking poverty to crime. Louis Knafla wrote in his essay ‘Structure, Conjuncture, and Event in the Historiography of Modern Criminal Justice’ (1996,) that the ‘the old paradigm of crime as an activity of the poor or unemployed against the propertied, and the resulting theory of the criminal law as a tool of the state to maintain class control and the supremacy of the elite, has been allowed to go too far in the historiography’. Knafla believed crime to be an innate part of human nature and that crimes were committed by the poor against the poor, and by elites against elites.[[54]](#footnote-54) Linebaugh’s assertion that most of those hanged at Tyburn belonged to the labouring classes was disputed by Andrea McKenzie in her 2007 study *Tyburn’s Martyrs: Execution in England, 1675-1775* where she argued that the majority of those who were hanged at Tyburn were from the ‘respectable labouring and artisan classes rather than the upper or very lowest ranks of society’.[[55]](#footnote-55)

The explanations of crime causation made by these historians are important and have considerable purchase. This body of work has done much to further our understanding of how, why, and when crime occurred, and how crime was perceived, treated, and punished. However, many of these explanations assume an element of poverty on the part of the defendant, but, do not fully explain the relationship. The debates within this historiography are indicative of a wider problem; we still do not really know how poverty caused crime because we do not know how, or even if, people adopted criminal strategies to cope with their day-to-day poverty. The qualitative evidence that can help to explain the relationship that poverty has to crime, especially at the background level of poverty, is still mostly uncharted territory. There is clearly an element of poverty within much criminality, but we simply do not know to what extent the poor committed these crimes, and whether necessity really was the cause.

One of the reasons for this ignorance is because many of these studies focus on experiences of crime and justice, and not experiences of poverty. They do not examine how individuals responded to their circumstances, regardless of whether they were coping with ordinary or extraordinary national (or international) events. Experiences of poverty are key to determining whether the poor were motivated by need and necessity to commit offences. Those historians with an interest in the effects of the poor laws and the social history of the labouring classes have taken up this baton and tried to understand how far crime was part of the experience of poverty. This is largely due to Olwen Hufton’s concept of makeshift economies.[[56]](#footnote-56)

**Economies of makeshift and Crime**

The Elizabethan poor laws were, as Steve Hindle wrote, ‘a comprehensive programme of legislation’ which established compulsory relief of the poor through local taxation of parishioners.[[57]](#footnote-57) Parishes were given relative autonomy over who they relieved and how they relieved them.[[58]](#footnote-58)  There is a large body of literature which details the legislation and evolution of these laws and, as these works describe, in 1662 the poor laws were modified considerably by the Settlement Act (or, officially, ‘The Act for the Better Relief of the Poor’).[[59]](#footnote-59) This Act decreed that people were entitled to poor relief in their parish of legal settlement and empowered parishes to remove unsettled migrants (the Settlement Act and other poor law amendments will be discussed later in this chapter).[[60]](#footnote-60)

There is a rich and broad historiography of welfare systems in England and Europe, but, as Alannah Tomkins and Steven King wrote, Olwen Hufton could not have predicted how important her concept of ‘economies of makeshift’ has been to the field.[[61]](#footnote-61) Since the publication of her 1974 study, *The Poor of Eighteenth-century France, 1750-1780,* where she devoted two chapters to ‘An Economy of Makeshift’, historians have been quick to adopt this concept, which encapsulated the networks of informal sources of support accessed by the poor, including casual labour, borrowing and small loans, and critically, crime.[[62]](#footnote-62) Although France did not have the same system of poor relief found in England and Wales (indeed, some historians have claimed the English poor laws were unique within a European setting), Hufton articulated that official relief systems were only one of the ways that the poor supported themselves.[[63]](#footnote-63)

As a range of support systems existed, subsequent historians have argued that the parish was often a last resort for the poor. There could be shame and stigma in parish dependence and reluctance to submit to the surveillance and control of the ‘tyranny of the overseer and vestry’. [[64]](#footnote-64) Alongside this, because of the Settlement Act, individuals could be outside of parish poor relief systems, or simply denied it. As other strategies were adopted, and because people could be reluctant or unable to claim parish poor relief, historians have concluded that those who received parochial relief were only ever a fraction of those who were poor.[[65]](#footnote-65) Even so, for those paupers who were on the parish, relief likely only formed part of their strategies for meeting their material needs.

Some studies of begging, gift-giving, gleaning, charity, and kinship support networks as informal support strategies have been conducted, but, as Steve Hindle remarked, although the idea of makeshift economies has been embraced by historians of poverty, often even those historians who ‘emphasized the desperation of the labouring poor’ have been sometimes reluctant to analyse theft as part of an economy of makeshift.[[66]](#footnote-66) The assumption that crime was a way of making shift is widespread but not yet fully tested by historians of the poor. Steven King, who has written widely on many aspects of poor relief, lists crime as a likely aspect of makeshift economies in his monograph, *Poverty and Welfare in England, 1700-1850* (2000), but he made little reference to crime throughout the text and failed to investigate it.[[67]](#footnote-67) Ilana Krausman Ben-Amos has considered the role of favours and gift-giving as part of a makeshift economy, but despite using evidence from the *Old Bailey Proceedings* and the *Accounts of the Ordinary of Newgate*, she did not analyse theft either.[[68]](#footnote-68) Hindle, however, devoted a sub-chapter in his in-depth study of rural parish relief, *On the Parish? The Micro-Politics of Poor Relief in Rural England, c.1550-1740* (2004), to crime and poverty and stated that crime was likely to have been a ‘normal’ survival strategy for the impoverished. He wrote that although it is necessary to treat the pleas of poverty before magistrates with caution, there is evidence (drawn from quarter sessions papers and secondary literature) to suggest that even the ‘respectable poor’ turned to petty theft when prices were high.[[69]](#footnote-69) Although this, again, does not explain whether people turned to theft because of day-to-day poverty. Robert Jütte’s 1994 synthetic survey, *Poverty and Deviance in Early Modern Europe* also dedicated a chapter section to poverty and crime. He mostly considered vagrancy but did also point to courtroom evidence (using early modern Grenoble as a case study) of poverty-related theft too, though he posited that such testimony is rare. However, Professor Jütte did not provide a date for this case study. He did, however, point out that there are contradictions within the studies which link theft and dearth, especially in a wider European setting, and that it is difficult to wholly link crime and poverty in this way. He also stated that there is evidence of the backgrounds of accused thieves in eighteenth-century Aix-en-Provence which suggests that those accused were poor. Unfortunately, again, Jütte did not elaborate on what that evidence is, or where it can be found.[[70]](#footnote-70)

Slowly, historians are building a conceptual bridge between crime and poverty through the investigation of economies of makeshift, but the studies that are emerging from this foundation either avoid London entirely, concentrate on a small number of years, or are not positioned in the latter half of the eighteenth century when anxiety about the criminal poor was high (or all three). The most promising of these studies is Heather Shore’s 2003 essay ‘Crime, Criminal Networks and the Survival Strategies of the Poor in Eighteenth-Century London’. Shore focused on the early eighteenth-century (drawing evidence from the 1700s to *c*.1750) and concluded that crime was most certainly part of a makeshift economy for the poor but noted that there is much work to do before that relationship is confirmed, writing that ‘the place of crime in survival strategies has been inadequately assessed’.[[71]](#footnote-71) Shore pointed to this again in her book *London’s Criminal Underworlds, c.1720-1930: A Social and Cultural History* (2015). Shore utilised newspaper reports, judicial documents and police records to build case studies of individuals and networked groups and the concept of crime as a survival strategy underpins much of this research.[[72]](#footnote-72) However, the breadth and nature of the study prevented a detailed analysis of this topic. Samantha Williams, in her 2013 study of life-cycle poverty in rural Bedfordshire, found that some labourers did resort to crime to ‘eke out a living’ in the early nineteenth century. She determined that in 1830 seventy-six prisoners out of ninety-six in Bedford Gaol were reportedly ‘of good character and only driven to crime by sheer want’.[[73]](#footnote-73)

In 2014 A.W Ager correctly identified a gap in historical scholarship and attempted to fill it with his book *Crime and Poverty in Nineteenth-Century England: The Economy of Makeshifts*. However, Ager’s attempt to address this is thrown off-focus by his initial research enquiry, which narrows the focus to, ‘to what extent were the regions’ (Kent and Oxfordshire) poor prepared to step outside the boundaries of the law if reforms outlawed practices that they relied on to support their makeshift households?’ Despite being critical of the arguments made by Marxist scholars in the 1970s, Ager persisted with attempting to determine crime as an economy of makeshift within the parameters of ‘outlawed practices’ (the criminalisation of perceived customary rights). Agar concluded that *some* poor people did commit crimes when their ability to sustain themselves through once-legal practices was threatened.[[74]](#footnote-74) More focussed on theft is Anne-Marie Kilday’s study of poverty-related crimes in rural Oxfordshire, also published in 2014. Kilday did examine the latter half of the eighteenth century and concluded that, in rural Oxfordshire, crime was an ‘alternative’ survival strategy for some of the poor in the region. Kilday also acknowledged that there is much more work to be done.[[75]](#footnote-75)

Historians who have focussed on female poverty, and female crime, have offered more on this topic. Penelope Lane studied poor women in eighteenth and nineteenth-century Leicestershire and concluded that crime was part of an ‘informal economy’ for women as their earnings were low and their lifestyles marginal.[[76]](#footnote-76) More substantially, Lynne MacKay’s 1999 article‘Why They Stole: Women in the Old Bailey, 1779-1789’ utilised the *Old Bailey* *Proceedings* to examine the reasons for theft, if one was given during the trial. MacKay characterised all the defendants accused of theft that she studied as ‘plebeian’ and contextualised the period as one that put particular strain on the labouring classes. As she pointed out, the decade was punctuated by the ending of the American War of Independence, poor harvests (1782-3), and severely harsh weather (1788-9). Therefore, the underlying subtext, when she examined the motivations for theft, was the poverty of the defendant.

MacKay analysed a selection of defences given by the 7,495 defendants (both male and female) who were accused of theft between 1780 and 1789. Whilst this was not a comprehensive study (MacKay sampled individual years from the decade but did not assess the decade as a whole) the evidence of crime causation, as articulated by defendants, is of significance. She concluded that plebeian women explained their theft in several ways. Of those who pleaded guilty, some claimed distress, others blamed drunkenness. Some female defendants proclaimed innocence. Critically, MacKay also found that several female defendants claimed not to have stolen an item but simply to have borrowed it, and then found themselves accused of theft either through vexatious prosecution, or because they did not put the item back within an expected time frame.[[77]](#footnote-77) Margaret Hanley wrote that borrowing networks were a crucial strategy employed by the poor to make ends meet.[[78]](#footnote-78) This is an important topic that this dissertation will return to as it reveals a link between material need and theft, that theft was part of a makeshift economy, and that the lines between borrowing and stealing might be blurred. Jennine Hurl-Eamon, too, used evidence from the *Old Bailey Proceedings* and pointed to stealing (alongside pawning and kinship support) as part of survival strategies adopted by military wives who were hitherto thought to be wholly dependent upon their husbands’ wage.[[79]](#footnote-79)

As MacKay and Hurl-Eamon used evidence from the *Old Bailey Proceedings,* so too did Dianne Payne in her 2008 Ph.D. research on the children of the poor in London. Payne wrote that the digitised *Old Bailey* *Proceedings* offer a ‘matchless opportunity to access unique information about the lives and experiences of children’. She identified evidence within them which suggested that eighteenth-century children sometimes stole as part of their makeshift economies.[[80]](#footnote-80) However, children were often recipients of poor relief (especially workhouse places and apprenticeships), Whilst the struggles of some eighteenth-century juveniles should not be understated, they had different survival options than the adult labouring poor, and also different circumstances.[[81]](#footnote-81)

While some historians have begun to tentatively explore theft as part of a makeshift economy, few studies examine London in the latter half of the eighteenth century, and those studies which do focus on the city do not offer a systematic, broad, and deep analysis of the topic, nor do they fully consider background poverty, and the lived experiences of defendants more generally. This dissertation examines the role of crime in makeshift economies over a fifty-year period, through the lived experiences articulated by individual defendants. That the studies by MacKay, Hurl-Eamon and Payne have found compelling evidence within the *Proceedings of the Old Bailey* is significant. These historians have demonstrated that the *Proceedings* offer an unrivalled opportunity to understand lived experiences, which confirms that they are the best collection of records to quantitatively and qualitatively test the strength of the relationship between crime and poverty in London during the last half of the eighteenth century.

**The Old Bailey Sessions and their *Proceedings***

The *Proceedings of the Old Bailey* (alternatively referred to as the *Old Bailey Sessions Papers* and hereafter referred to as the *Proceedings.*) are the printed accounts of felony trials held in the court between 1674 and 1913.[[82]](#footnote-82) For nearly a century the *Proceedings* have been used by historians to understand plebeian lives. In 1925 M. Dorothy George, in her study *London Life in the Eighteenth Century*, considered the *Proceedings* to contain ‘invaluable information as to industrial and social life’.[[83]](#footnote-83) The interest in these sources continued throughout the twentieth century and they are still employed in important social histories of London. Recently, Heather Shore’s *London’s Criminal Underworlds, c.1720-1930: A Social and Cultural History* (2015*)* employed the *Proceedings* to help reconstruct the life-stories of some of London’s more notorious criminals.[[84]](#footnote-84) Tim Hitchcock and Robert Shoemaker’s *London Lives: Poverty, Crime and the Making of a Modern City, 1690-1800* uses the *Proceedings* in conjunction with other sources to ‘expose’ the experiences of plebeian Londoners.[[85]](#footnote-85)

As the *Proceedings* reveal the experiences of those who stood trial at the Old Bailey, the narratives found within their courtroom testimony offers the best opportunity to understand the relationship between theft and poverty. They record what defendants said, and what was said about them in the courtroom. Through that testimony by and about defendants, we can unpack lived experiences through the defendants and witnesses own words.

Although there are other sources which record crime and criminal behaviour in the eighteenth century, they do not provide the breadth of qualitative detail that is found in the *Proceedings*. For instance, newspapers were popular in London and reported news of crimes, but they are not representative of crimes which occurred, or those which were tried in London’s courts. Richard Ward found that between 1747 and 1755, street robbery and highway robbery accounted for 51 per cent of all crimes reported within his sampled London newspapers. These crimes, though, accounted for only 8 per cent of all the crimes tried at the Old Bailey within the same period.[[86]](#footnote-86) Sometimes newspapers did publish the exact same words as found within the *Old Bailey Proceedings*, especially if they were reporting a particularly important trial (in their view), but they did not report all trials in this manner, or even at all. Therefore, the level of testimony found within newspaper reports is limited.[[87]](#footnote-87) It is that testimony which enables us to investigate the lived experiences of defendants because within those narratives we get a unique and essential glimpse into the perceptions, expectations, and motivations of the defendants who stood in that most famous dock.

Analysing the *Proceedings* allows us to see not only how defendants engaged with judicial authorities, but also how other people viewed their alleged crimes (such as prosecutors and witnesses). The work done by the *Old Bailey Online* project has enabled the 28,120 trials which took place between January 1750 and December 1799 to be digitally analysed, using the selected methodology, in a reasonable time frame.[[88]](#footnote-88) The digitisation of the *Proceedings* has made this dissertation possible.

There are, however, limitations to the evidence found in the *Proceedings.* Whilst they published - to some degree - notice of every criminal trial conducted in the Old Bailey, they were not full trial transcripts.[[89]](#footnote-89) The *Proceedings* were a commercial publication, recorded by clerks, and provide only a partial account of what transpired in the courtroom. Not only were they subject to the vagaries of the scribe’s shorthand, as well as his censorship and word-selection, they were also shaped by the desires of the publishers and audiences. As Robert Shoemaker has demonstrated, the *Proceedings* were primarily marketed at (and consumed by) the literate and respectable middling and propertied classes (alongside other crime literature, such as the sister publication, *The Ordinary of Newgate’s Accounts*) and this shaped the content that was published.[[90]](#footnote-90)

Until the 1720s, the *Proceedings* were mostly summaries of trials. After this, they began to publish verbatim transcripts of some of the testimonies. They became even more detailed following 1775 when the Corporation of the City of London (which licensed the publication) declared that the *Proceedings* must detail trials as fully as possible.[[91]](#footnote-91) However, much information and detail was still omitted. It has, though, been accepted that the trial reports were not inaccurate.[[92]](#footnote-92) John Langbein determined that although information was omitted through the need to compress details to fit the publication, the content that remained was not fabricated. The regulations surrounding their publication, and the expectations of trial audiences, were ‘unlikely to have tolerated fiction’.[[93]](#footnote-93)

There are also general limitations of judicial evidence. Court proceeding*s* cannot be assumed to be representative of all criminal activity. Most crime in the eighteenth century simply went unreported or unprosecuted and therefore subsequently unrecorded.[[94]](#footnote-94) The omnipresent ‘dark figure’ of crime lurks outside all evidence of criminality. As Beattie remarked in 1995, judicial evidence can be considered a ‘guide to the activities of prosecutors’ rather than comprehensive evidence of all law-breaking.[[95]](#footnote-95) There are also specific limitations when looking to the Old Bailey for evidence of crimes which were committed as part of a makeshift economy. Many of the property crimes which poorer people might commit would not necessarily be felonious and therefore would not be defended in the central criminal court.

Petty theft and pilfering are perhaps the property crimes most associated with poverty but they were often considered misdemeanours rather than felonies and therefore did not escalate to trial at the Old Bailey. [[96]](#footnote-96) As Drew Gray discussed in his study of London summary justice, most Londoners accused of crimes would not face the jury at the Old Bailey because their alleged crimes came before magistrates at lesser courts, such as the Guildhall or Mansion House Justice Rooms.[[97]](#footnote-97) Justices of the peace, in consultation with victims and with some regard to legal constraints, decided which property offences would be sent to trial and which ones they would adjudicate.[[98]](#footnote-98) Petty, or *petit*, larceny was the theft of property below the value of one shilling (although the value of property was a subjective judgement and so prosecutors and justices applied discretion in determining where thefts might be tried) so lesser magistrates often chose to punish petty thieves through means such as incarceration in houses of correction or trial at quarter sessions.[[99]](#footnote-99) Quarter sessions dealt with an increasing amount of grand larceny cases from the middle of the eighteenth century.[[100]](#footnote-100) Despite this, property crimes were still the most frequently tried offences at the Old Bailey, even if those property crimes were not all, or even the majority, of thefts which took place in the City.[[101]](#footnote-101)

As qualitative and quantitative evidence is particularly rich within the *Proceedings*, and we know that while information was omitted, it was not falsified by the clerk, we can use the *Proceedings* to recreate a picture of the lived experiences of defendants. Indeed, we can say, with confidence, that those cases that we can investigate from the Old Bailey are merely the tip of the iceberg. There would have been many other cases where defendants articulated their experiences but whose words were omitted from the publication. There would also have been many more cases where that evidence simply was not given, and, even more cases which did not appear at the Old Bailey at all. Despite the limitations of the sources, the qualitative evidence published in the *Proceedings* dictates that they are the most appropriate place to explore the relationship between poverty and crime. The *Proceedings* contain the words of defendants, as well as words used about them by people in the courtroom. Especially as historians and linguistic scholars, such as Magnus Huber with his pioneering corpus linguistics study, *The Old Bailey Corpus*, have identified that the testimony contained within the *Proceedings* reflect the spoken words of defendants, as far as it is possible to get.[[102]](#footnote-102)

**Methods, Sources and Dissertation Structure**

Due to the nature of judicial evidence it has hitherto been difficult to study ‘from below’ those accused of crimes. Douglas Hay wrote in 1982 that there were significant problems in understanding the experiences of poor defendants through courtroom evidence.[[103]](#footnote-103) Methodological advances, particularly those prompted by the digital, cultural, and linguistic turns, have now made it possible to examine judicial documents afresh and extract some of the experiences of defendants over a broad chronological range. The *Proceedings* contain extraordinary narratives within the testimony by and about defendants who stood in the dock. Alexandra Shepard’s recent work on how witnesses identified themselves in early modern ecclesiastical courts shows how much we can learn about individuals through the ways that they described themselves within these types of sources.[[104]](#footnote-104) Indeed, as Laura Gowing wrote, ‘common voices’ left traces in court records.[[105]](#footnote-105) This is particularly true of the *Proceedings* where defendants talked of themselves, and, critically, other court actors spoke about them. Studying the narratives in court records, as Gowing did for her study of power, sexuality and gender in the seventeenth century, provides an opportunity to extract and investigate defendant experience, as well as their attitudes, motivations, and perceptions.

Importantly for this study, advances of the ‘linguistic turn’, have confirmed the *Proceedings* as source of spoken language. *The Old Bailey Corpus,* compiled by Magnus Huber and his colleagues at the University of Giessen, explored linguistic patterns and ascribed class and status to those who spoke. Huber and his colleagues determined that the *Proceedings* contain verbatim spoken text and that text is ‘as near as we can get to the spoken word of the period’.[[106]](#footnote-106) Andreas Jucker and Irma Taavitsainen, prolific writers in the field of historical pragmatics, wrote that ‘courtroom proceedingshave proved a valuable source because they give more or less faithful reproductions of actual spoken language even if the communicative situation in a courtroom is rather constrained, and scribal practices have to be taken into account as well’. Jucker and Taavitsainen posit that the later eighteenth-century *Proceedings*, for the most part, contain ‘recorded language’ which is language recorded by a person who was present when the utterances occurred (as opposed to ‘reconstructed language’ which ‘present dialogue which actually took place in the past’, or ‘constructed language’ which contain ‘imaginary dialogue’). [[107]](#footnote-107) However, the *Proceedings* do also contain reconstructed language when past conversations between defendants and witnesses are discussed in the courtroom.

This linguistic insight is an important breakthrough for scholars of crime and the poor, and especially for those who attempt to study the relationship between the two, but it is one to which little attention has been paid. The words of eighteenth-century plebeians are elusive. Historians of the poor have been reliant on evidence produced by paupers' engagement with the agents of parochial poor laws. Some admirable work has been done ‘from below’ on these types of sources, such as Steve Hindle’s *On the Parish?* and the collection of essays in Tim Hitchcock, Peter King and Pamela Sharpe’s edited volume *Chronicling Poverty, the Voices and Strategies of the English Poor, 1640-1840* (1997).[[108]](#footnote-108) Hitchcock et al’s work, in particular, makes an excellent case for being able to reconstruct the voices of the poor through their experiences of the poor laws, particularly settlement and removal documents, bastardy examinations and vestry minutes. Yet, for the most part the actual voices of the poor, in their own words, remain frustratingly silent.[[109]](#footnote-109) Hitchcock, King, and Sharpe reminded us that E.P. Thompson wrote in his study of threatening letters that the ‘dark figure’ of crime is ‘dwarfed by the even darker figure of the plebeian consciousness through much of the eighteenth century’ and that remains the case.[[110]](#footnote-110) As Robert Jütte pointed out, language used about poverty shaped perceptions of the poor, but we know little about how the poor described themselves.[[111]](#footnote-111)

Analysing speech events used in the Old Bailey *does* reveal how plebeian Londoners described themselves - albeit in a courtroom setting - and how they were described by others; lower class, middling, and elite. If we accept that courtroom testimony, despite its limitations, provides a close approximation of the spoken language of, and about, the defendants, then we can investigate that language and assess the experiences of those who were perceived as poor. Doing this enables us to better understand the links between theft and economies of makeshift ‘from below’.

Since the language used in the Old Bailey was identified as ‘spoken’ language, a small wave of scholarship has emerged which analyses the linguistic form and content of the testimonies. Dawn Archer utilised the *Proceedings* in 2007 to explore the speech patterns in courtroom discourse, and – because of the long temporal range of thepublication - to analyse how speech changed over time.[[112]](#footnote-112) The language has not yet been used to draw conclusions about how defendants articulated their own socio-economic circumstances, or how their circumstances were pointed out by other actors in the trial, such as witnesses, prosecutors, or court officials. Even revealing linguistic studies which focus wholly on defences, such as Elisabetta Cecconi’s 2012 article on the defences of pickpockets at the Old Bailey between 1740 and 1820, fails to consider the speech events which could identify the circumstances of these defendants, preferring instead to focus on rhetorical devices, sentence construction and discourse practice.[[113]](#footnote-113)

Though this dissertation does not claim to be a linguistic study, it does borrow techniques from linguistics and pragmatics to better understand the nature of the relationship between crime and poverty. By identifying speech events, fully contextualising the utterances that occurred at those speech events, and quantitatively and qualitatively analysing the results, alongside qualitatively investigating other evidence contained within these trials, this study explores Old Bailey defendants and identifies which ones were verbally identified as poor, either by themselves, or others, or who shared characteristics, circumstances, and life experiences typical to the labouring poor.

To do this, initially a glossary of contextualised keywords, relating to the descriptive language of poverty identification, was iteratively compiled and deployed using the *Old Bailey Online* search function (specific keyword strategies are discussed within each chapter and in Appendix One). Each trial, and the speech events contained within it, was methodically contextualised and the relevant trials were entered into in an Excel database of defendants who identified themselves as poor (using the keywords), or who were described as such by others and who were tried for property crimes between January 1750 and December 1799. Chapter One of this study considers those defendants. It explores the language used by and about them (and who used it in the courtroom), the patterns of criminality revealed by that language, the demographics of the population of those who identified as poor and analyses the language deployment, strategies, agency and experiences of those defendants. Each trial was read for the lived experiences and defendants’ circumstances and their crimes were analysed in depth.

When qualitatively analysing those trials, it was discovered that in a significant number of cases, not only were people identifying themselves as poor at the time of the crime (or were identified as such by other actors) but they also explained what caused their poverty (or other actors did). There were a range of identifiers, but the most common themes were unemployment, physical barriers to wage-labouring (such as sickness or disability) and underemployment. This qualitative data generated a new glossary of keywords which were deployed once again with the *Old Bailey Online* search function to extract a new population dataset of defendants who shared the characteristics of those who described themselves as poor. The trials of these defendants were meticulously contextualised for links between their crime and their immediate circumstances. Chapter Two considers that population of ‘hidden poor’ (those who could not be extracted by the language of poverty alone) and considers each circumstance in depth. It explores why sickness caused poverty and how. It investigates three occupational categories (revealed through speech events rather than anachronistic occupational labels which provides a truer account of how people classified and described their paid labour) and it analyses those defendants who were unemployed.

Testimony by and about defendants is crucial for understanding the motivations for property crime. Quantitatively gathering that testimony and then qualitatively analysing the narratives found within it, using linguistic contextualisation methods, and reading testimony against the grain enables us to unpack the lived experiences of these defendants and provide a more nuanced account of the relationship between crime and poverty. The two datasets combined revealed a startling amount of qualitative evidence of the lived experiences of the defendants involved in 2,350 unique prosecutions. Social and familial relationships, kinship networks, exclusion from or insufficient poor relief, housing crises, and other economic pressures were revealed as being linked to thefts within the testimony of these defendants. Criminal strategies adopted to meet material needs were visible, but, more importantly, the reasons why they stole were exposed. Analysis of these factors, and the relationship of them to the alleged criminality of the defendants is the focus of Chapter Three.

The population datasets, drawn from the *Proceedings*, are the backbone of this dissertation, although the *Proceedings* are used in conjunction with other sources. *The* *Accounts of the Ordinary of Newgate*, contemporary literature, pamphlets, the Home Office ‘criminal registers’, poor law records from London parishes and provincial towns and villages, and other ancillary sources accessible via *The Digital Panopticon* (an AHRC project which links records of criminal justice about specific convicts between 1780 and 1925) are used to understand different facets of the lived experiences of defendants.[[114]](#footnote-114) Using keyword searches to extract the testimonies of defendants who were poor, or who were likely to be poor, and then unpacking their lived experiences enables us to consider to what extent crime was part of a makeshift economy for Londoners between 1750 and 1799 and why that might have been.

This chronological range has been selected because between 1750 and 1799 the *Proceedings* are particularly rich with qualitative evidence (John Langbein considers the 1780s to be a ‘golden age’ for the publication).[[115]](#footnote-115) Furthermore, while there were some inevitable changes in both judicial and poor law systems during this period, there were few changes to settlement laws until 1795 (when it became unlawful to remove migrants who were not yet chargeable to the parish). [[116]](#footnote-116) Historians consider the ‘bloody code’ to have been largely complete by 1750 but the nineteenth century ushered in significant changes to law, policing, punishment, record keeping, and other judicial processes. Therefore 1799 is a good place to stop, while still enabling a significant period of study which captures background levels of poverty rather than just times of extraordinary events.[[117]](#footnote-117)

**Defining Poverty**

Before we can begin to consider the relationship between theft and poverty, we need to confirm what we mean by ‘poverty’ and ‘the poor’. Defining poverty and ‘the poor’ is difficult because, as Robert Jütte pointed out, poverty is relative and variable because what defines poverty is governed by ‘the pattern of needs and values’ which exist within societies at any given time.[[118]](#footnote-118) Poverty levels are difficult to discern in pre-censal England and even those historians who have utilised records of taxation have encountered significant difficulties. Paul Slack interpreted Stuart hearth tax returns to estimate that, at that time 30 to 40 per cent of the population was exempt from the tax and therefore impoverished to some degree.[[119]](#footnote-119) Jütte advised caution when using taxation records to suggest poverty levels as there are problems with the representation and interpretation of them.[[120]](#footnote-120) In England, though there are some substantial hearth tax records for some regions, they have only survived in patches.[[121]](#footnote-121) Even if taxation records did not suffer these limitations, the concept of poverty is not easily measured with statistics because ‘the poor’ have never been a fixed group, but rather a fluctuating, disparate section of the population who might be trapped in permanent indigence or who might move in and out of poverty at different stages of the life-cycle.

Traditionally historians of poverty have defined ‘the poor’ by calculating who was in receipt of parish rates, or, as Steve Hindle has argued, ‘the poor’ can be defined by their inability to pay the parish poor rate.[[122]](#footnote-122) This too is problematic since while there were those who continually lacked resources through age, disability, or unfortunate circumstance, but there were also those who became reliant on relief to help them through particular events, such as a bad winter, or temporary employment setback. Even if we did consider poor law records to be instructive of poverty levels, as Lynn Hollen Lees wrote, parish documentation cannot be representative of all the poor who applied for, or even who received relief. They only record those individuals who had contact with parish authorities, and for whom records survive.[[123]](#footnote-123)

Sharon Vaughan offers a relational definition of poverty. She wrote that the poor are those individuals who can be considered to be at the ‘lowest level of economic achievement’.[[124]](#footnote-124) Though the point remains that economic achievement varies with time and place and ‘low’ is not a precise measure. This dissertation also takes the position that poverty was a relative concept. People were perceived to be poor because their economic achievement was thought to have prohibited them from meeting their core material needs. That situation varied between individuals and their circumstances, even if their financial circumstances might be measured favourably against those of others who had even less. As poverty is relative it is impossible to statistically measure the level of poverty that each individual experienced but although poverty was (and is) relative, the evidence suggests that it was also a material reality for many. Some people simply did not have enough money to meet their material needs.

This dissertation focuses on perceptions of poverty. The perceptions documented are plausible, convincing and, although impossible to verify (in much historiography, not just this study), they are likely to be based in the reality and experiences of those who were described by discourses of poverty at that time; perceptions of poverty were not just the perception and projection of poor individuals, but were also perceived and identified by those around the individual (which is why this study explores how other court actors identify the defendant). Therefore, this study focuses on perceptions of poverty because those perceptions are representative of real poverty and of how people coped with their lack of economic resources. Moreover, focusing on perceptions of poverty, and treating poverty as a relative concept, allow us to consider how the nature of poverty varied between individuals, circumstances, time and space.

Investigating to what extent crime was committed by poorer members of society to meet their core material needs highlights much about the lived experience of the labouring poor in the eighteenth century. Exploring this topic illustrates how people coped with poverty and what strategies they adopted. These questions matter because the historiography has been too quick to assume that poverty leads to theft, without having considered the lived experiences of defendants. We do not know *why* poverty might lead to theft. Identifying those individuals who were perceived as poor enables us to consider the nature of the crimes that they were accused of and their wider circumstances and to examine how important those circumstances were to their alleged criminality.

Tim Hitchcock and Robert Shoemaker define ‘the poor’ as the section of the population - up to 60 per cent, nationally – who experienced ‘significant poverty’ at some stage in the life-cycle. Hitchcock and Shoemaker characterised this group as ‘plebeian’.[[125]](#footnote-125) Gertrude Himmelfarb wrote that those who relied on their labour were likely to be poor at one time or another.[[126]](#footnote-126) This study uses the terms ‘the labouring poor’ and ‘plebeian Londoners’ interchangeably. Poverty was endemic and, as Beattie wrote, it ‘pressed with particular urgency in London’.[[127]](#footnote-127)

**London and the Labouring Poor**

London is a popular location for historical studies of crime. The city has a rich collection of judicial sources which enable the historian to delve into the criminal past of the metropolis. London has also been important in the history of justice, law-making and crime and so it has made sense to study those systems in the capital. John Beattie considered London to be influential, arguing that crimes occurring in London influenced nationwide criminal justice policy.[[128]](#footnote-128) Beattie also considered that London crime was exceptional. In another essay, he wrote that although crime was born out of opportunity and desperation, it was pervasive in London due to the size and density, and the ‘relative independence’ of the population.[[129]](#footnote-129) In contrast most historians of eighteenth-century poverty and the poor laws (with notable exceptions, including Tim Hitchcock, David Green, Jeremy Boulton, and Alannah Tomkins) have avoided studying the London poor, because they too consider London to be exceptional.[[130]](#footnote-130) Steven King deliberately avoided London as he believed poor relief there to be distinct from the rest of England and Wales; he described the city as an ‘oddity’.[[131]](#footnote-131)

Poor relief in London *was* complex. An important theme to have emerged from the past century of poor law historiography is the importance of regional studies. Dorothy Marshall counselled in 1937 that there were considerable differences in how the poor laws operated throughout England and Wales.[[132]](#footnote-132) This was reiterated by Steven King in 2000 who claimed that there was not one universal system, but rather a series of systems which varied from parish to parish.[[133]](#footnote-133) Eighteenth-century London contained well over one hundred parishes, in which overseers and churchwardens held considerable autonomy, even if the basic characteristics of poor relief were the same.[[134]](#footnote-134) Not only is London poor relief considered exceptional, relief systems there are also impractical to systematically study in the same ways that historians have studied other areas of the country. The density and dynamics of the population make it impossible to reconstruct individual experiences and the interplay between parishes further complicate the topic.

David Green recently highlighted that poor relief in London has not been subject to significant scrutiny. He stated in his 2010 study, *Pauper Capital: London and the Poor Law, 1790-1870*, that despite the amount of regional studies which are helping to develop a national picture of poor relief practices, London has been ‘conspicuous by its absence’. His book attempts to fill this gap in poor law historiography and is a welcome addition to the field. Green illustrated the complexities of relief systems in London and the studying of them. The scale of relief, the density of population and the fluidity of London life made parish administration difficult (and therefore difficult for the historian following the bureaucratic paper trail). Yet, the ‘spatial proximity of poor law authorities in the city’ meant that policies operating in parishes impacted on other parishes within the city. Green pointed out that because of the impact of relief practices in one parish on those of another, scholars of London need to deviate from singular parish or union studies and consider the ‘broader geographical context’ within which poor relief systems played out. He argued that the city must be considered as a whole.[[135]](#footnote-135)  It is difficult to accurately determine parish populations in the eighteenth century, but Robert Shoemaker estimated that, in the 1720s, St Paul’s Covent Garden had a population of 2,639 whereas the nearby parish of St Giles in the Fields held 14,355 people.[[136]](#footnote-136) Not only were parish populations uneven, they also had different levels of wealth. These differences between parishes meant that the City had to raise money to subsidise parishes elsewhere in the city which were unable to raise sufficient poor rates to pay for their poor. [[137]](#footnote-137)

London had a large population which expanded throughout the eighteenth and nineteenth centuries. In 1700 it was the largest city in Europe and its population swelled from around 575,000 in 1700 to 900,000 in 1800.[[138]](#footnote-138) Hitchcock and Shoemaker state that this ‘seemingly unstoppable urban bloat’ was almost ‘entirely the result of migration’.[[139]](#footnote-139) This factor makes analysis of the people of this vast, populous and dynamic city daunting and difficult. Migration and population growth also impacted on how poor relief systems worked in the City. As Shoemaker and Hitchcock wrote, the sheer number of people in London, alongside the influx of migrants (who played a vital role in London’s growth), weighed heavily on relief systems and made them difficult to administer.[[140]](#footnote-140) The strain on parochial relief, or the inability to access relief, as well as saturated labour markets, and migrants lacking in unofficial support systems, could have feasibly provoked a criminal response in some of the London labouring poor.

The social demographics of London were also different to rural areas. London had a high level of young, able-bodied migrants seeking employment who might fall foul of settlement laws or need casual relief. In London there were smaller proportions of the very old and the very young, so the population was weighted towards those people who were not necessarily deemed deserving of parish relief.[[141]](#footnote-141) Importantly, while many London immigrants might have been able to seek relief by way of certification from their own parish of settlement, there were large numbers of migrants who held no settlement anywhere. Peter King wrote that the largest migrant group in late eighteenth-century London were Irish immigrants. [[142]](#footnote-142) Settlement laws did not apply in Scotland or Ireland and therefore Irish people could not be removed to a home parish. Instead, officials relied on vagrancy laws to remove Irish paupers or perhaps casually relieved them on a discretionary basis – if they were fortunate.[[143]](#footnote-143)

The Settlement Act, and its seventeenth and eighteenth-century amendments impacted considerably on how some paupers experienced poverty, as did The Workhouse Test Act (1723). Although the poor law was designed to manage poverty and paupers, settlement and workhouse legislation might have marginalised or further immiserated paupers, or indeed, dissuaded them from accessing relief, especially in London where migration was high. The Settlement Act was criticised by eighteenth-century writers and has been the subject of much historiographical debate. Adam Smith wrote in 1776 that ‘it is often more difficult for a poor man to pass the artificial boundary of a parish than an arm of the sea or a ridge of high mountains’ and that there was ‘scarce a poor man in England of forty years of age […] who has not in some part of his life felt himself most cruelly oppressed by this ill-contrived law of settlements’.[[144]](#footnote-144) Early twentieth-century historians, such as Sidney and Beatrice Webb and Dorothy Marshall, also considered this law repressive, controlling and immobilising.[[145]](#footnote-145) Advances in quantitative techniques and sociological history challenged this paradigm. Mark Blaug, in his 1963 article ‘The Mythology of the Old Poor Law and the Making of the New’ used then-new quantitative methodology to investigate wage rates and death rates and controversially dismissed the view of the Webbs as ‘left wing’ and argued that the poor laws were helpful and generous.[[146]](#footnote-146) In 1969 J.S. Taylor criticised Blaug's thesis. He considered Blaug's research to be flawed; his data was incomplete, and he had neglected the Settlement Act, which Taylor insisted did immobilise people, remarking in a later article that the parish took care of the person, so the person took care not to leave the parish.[[147]](#footnote-147)

In the 1980s historians produced more nuanced studies which demonstrated that the provisions of the poor laws could be oppressive and harmful but could also be generous and benevolent. Settlement was re-examined and found to be less immobilising than previously thought, but still those paupers who were affected by it, might be affected in several ways. Two key works which express this view are Keith Snell's *Annals of the Labouring Poor: Social Change and Agrarian England 1660-1900* (1985) and Paul Slack's *Poverty and Policy in Tudor and Stuart England* (1988).[[148]](#footnote-148) Snell perceived parish poor relief to be ‘humane’ and that rural parishes were ‘miniature welfare states’ (at least until around 1780). However, he wrote that pauper circumstances dictated how the poor laws were experienced. Paupers who were subject to settlement disputes could often be treated harshly.[[149]](#footnote-149) Slack drew similar conclusions, considering the poor laws to be a ‘major achievement’ while arguing that marginalisation and exclusion of poorer people had always occurred, regardless of settlement laws.[[150]](#footnote-150) In his later monograph *The English Poor Law: 1531-1782,* Slack wrote that immobility caused by settlement laws was largely exaggerated and that the eighteenth-century poor were part of a mobile society despite them.[[151]](#footnote-151)

Settlement laws were still problematic, though, and parishioners could become immobilised, or otherwise disadvantaged, by the complexity of the law. Settlement was obtained by renting a property worth £10 or more per annum, service for a year whilst unmarried, paying parish rates, residing for forty days (although this provision was tightened in 1692 when it was declared that forty days residence only began once formal notice had been given to parish overseer), estate ownership, serving a public office in the parish for a year, illegitimate birth, marriage for women (who then gained their husband’s settlement), and paternal settlement if none of the other criteria superseded it.[[152]](#footnote-152) Many of these criteria were impossible for poor migrants to meet.

Even if removal was not threatened, because, as Paul Slack noted, it was of no benefit for parishes to remove migrant labour where it was needed (especially in the case of single, able-bodied men), relief could be, and was restricted for those who were not the settled poor.[[153]](#footnote-153) The threat of removal, or the disinterest of the parish overseers, may have prohibited many of the labouring poor from attempting to access relief. Similarly, the poor might also have been unwilling to declare their poverty to the parish because they feared the workhouse. Or, after 1723, relief might be withheld because they did not pass the workhouse test. By 1730 there were at least thirty-eight workhouses (some of which may have been little more than parish alms-houses) in Westminster, Middlesex and the City of London.[[154]](#footnote-154) It is likely to remain unknown just how many people were turned away from workhouses. In the event of unsuccessful relief claims, avoiding parish scrutiny, or being outside of settlement systems (as all non-English and Welsh persons were) theft might have been a means of making ends meet. Keith Snell noted that settlement laws operated differently in London than in other areas. Some London parishes were ‘increasingly disinclined even to remove, and the pauper was left entirely to his or her own devices, with not even a claim for removal on the parish of residence’.[[155]](#footnote-155) This might have been because high-levels of migration made removals a constant, costly endeavour. London benefited from migrant workers, it may not have been advantageous to remove them either.

While parochial systems may have worked in rural areas there were fundamental differences with how they could operate in London. Poor parishioners in rural communities lived cheek by jowl with the overseers, churchwardens, and rate-payers and there were often visible links between rates paid in and paid out.This was not the case for London and other large urban areas. As Patty Seleski wrote, the poor law was never well suited to cities because it depended on a stable, settled population and an easily-identified parish poor.[[156]](#footnote-156)

That the poor laws operated differently in London to other parts of England and Wales provides an impetus to explore economies of makeshift in a London setting. If the poor were excluded by the Settlement Act and unable to claim parish relief, or if relief systems in the city parishes could not, or would not relieve the settled poor, then they might have turned to crime. In theory, each person was to be settled in a parish, to which they paid rates in times of solvency and which was obliged to support them in times of need. If individuals found themselves unable to return to their own parish (or, without one), trapped by derived settlement, unsettled, or unable, or unwilling to access parish relief, then fewer options for survival existed.

As this dissertation is concerned with the relationship between poverty and crime, it is important to study crime as part of an economy of makeshift in a city where the poor laws were clearly not fit for purpose. This dissertation uses qualitative evidence to understand the nature of that relationship through the lived experiences of defendants. The *Proceedings* are the most suitable place to test the strength of this relationship as they contain richly detailed narratives of the circumstances of many people who awaited the hand of justice in the dock of the Old Bailey. The nature of poverty and the strategies that some people used to cope with difficult economic circumstances are revealed in the testimonies of defendants. Therefore, London is the best place to investigate the links between theft and poverty.

**Conclusion**

In the latter half of the eighteenth century, London was, in many ways, an exceptional city.[[157]](#footnote-157) Yet, for many of the resident women, men and children who were occupied with the mundane toil of supporting themselves and their families, life was wholly ordinary. Some of those London lives were punctuated (and subsequently altered, or even ended) by allegations of criminal activity which placed them in the dock of England’s highest court. The courtroom testimonies by and about those individuals reveal a startling breadth of information about their lives, their circumstances, and their motivations.

By blending quantitative and qualitative methodologies to analyse the lived experiences of Old Bailey defendants, between 1750 and 1799, this study re-examines the link between poverty and crime and investigated the nature of that relationship. The three chapters of this dissertation develop a view of London labouring life and show that crime was sometimes part of a makeshift economy, but it also illustrates *why* that was. Unpacking speech events recorded in the *Proceedings* has enabled this study to reveal the perceptions, motivations, agency, and strategies that some Londoners used to negotiate meeting their core material needs. Through this study we can understand much more about the lives of the labouring poor in London who coped with the grinding background level of poverty day-to-day, as well as temporary set-backs, and therefore we can understand much about the nature of crime and the nature of poverty, as well as the links between the two. Moreover, the methodological approach of this dissertation revealed that the cases studied here are only a proportion of those which took place - many more Londoners in similar circumstances committed thefts which remain hidden from quantitative research. We commence, however, with an analysis of how poverty was articulated, perceived, and treated in the Old Bailey.

**Chapter One: Perceptions of Poverty in the Courtroom**

**Introduction**

In a recent seminar paper showcasing ongoing research, Tim Hitchcock remarked that the speech text recorded in the *Old Bailey Proceedings* is evidence of ‘real people performing real communication’.[[158]](#footnote-158) Whilst the language used by and about defendants in the Old Bailey occurred at a point of conflict and stress, which affects the nature of that communication, those speech events still offer a unique glimpse into the lived experiences of defendants. Understanding experiences are key to understanding motivations for property crime and so this communication can be analysed to address questions about the relationship between poverty and crime. This chapter identifies the ‘language of poverty’, as it occurs in the speech events recorded in the *Proceedings*, and it analyses how that language was used by and about defendants in the Old Bailey between 1750 and 1799. By doing so, this chapter shows that crime was sometimes part of a makeshift economy and that it was caused by, and perceived to be caused by, poverty, though the link and the circumstances remain complex.

Furthermore, this linguistic analysis of communication in the courtroom reveals how individuals responded to, and engaged with, criminal justice systems. It highlights the strategies that defendants employed to negotiate their way inside and outside of the court and we can see that plebeian Londoners were not simply passive actors in their interactions with prosecutors, the courts, and authority figures. There is also suggestive evidence that the crimes we do know about which were likely to have been motivated by economic need, were only a portion of those committed, both prosecuted and unprosecuted.

Much can be learned through speech events and the analysis of communication. James C. Scott’s anthropological study *Weapons of the Weak* (1985) highlighted the role of language as part of the transcripts of power relationships.[[159]](#footnote-159) Accordingly, language *is* an important tool in the analysis of class relationships in the past, as Andy Wood argued in his essay ‘”Poore Men Woll Speke One Daye”: Plebeian Languages of Deference and Defiance in England, c.1520-1640’ (2001). Wood pointed out that where speech is recorded, we can ‘start to chart the outlines of a partially submerged plebeian language of class’.[[160]](#footnote-160) Courtroom testimonies and recorded language in other judicial documents (such as the sedition prosecutions that Wood examined) are particularly useful for this. We can also see power structures, relationships, and plebeian communication patterns in such documents, as shown by Laura Gowing and her analysis of the ‘language of insults’ in early modern church courts.[[161]](#footnote-161) Recent work by Alexandra Shepard has illustrated how speech uttered by witnesses in ecclesiastical courts illustrates how early modern people identified themselves and their status. Shepard used a range of signifiers found in those speech events to determine the social demographics of witnesses, including some language associated with poverty (though Shepard does not link those identities with the reasons why people were in the church courts). [[162]](#footnote-162)

How people articulated their status and identified themselves is an under-researched aspect of the past and Shepard’s work is important. Although Henry French and Jonathan Barry posited that while it is useful to consider how language both shaped and recorded identities, it can be problematic to use language to decipher how groups behaved and can overlook the importance of individual agency.[[163]](#footnote-163) People who can be categorised into groups had varying identities and different life experiences which were not common to all group members. Lived experience shapes how people behave and respond, though it does, of course, intersect with self-identification. As Peter King wrote, exploring the ‘plurality of forces’ which shaped individual perceptions of identities risks obscuring, and overlooking, the ‘core factors’ that shaped lived experience.[[164]](#footnote-164) While this chapter is concerned with how, and the circumstances of why, people identified as ‘poor’, the speech events that occurred in the *Proceedings* are analysed here to consider core factors of the experience of plebeian Londoners, at the level of the individual, and how that lived experience was linked to their criminality.

Analysing the language of Old Bailey defendants reveals that many defendants identified themselves as poor in the court and they did so for a variety of reasons. Some used it as an excuse for the crime even though doing so was an admission of guilt and therefore a potentially fatal courtroom strategy. Others revealed it as general information about their circumstances. Many defendants had poverty ascribed to them by prosecutors or prosecution witnesses. Sometimes it was offered by other court actors as an excuse for the crime, at other times it was revealed that the defendant had told the prosecutor that they were poor. In some cases, officials and figures of authority within the community revealed the poverty of the defendant. By identifying speech events, fully contextualising those utterances and then quantitatively and qualitatively analysing the results, this chapter explores Old Bailey defendants and identifies which ones were verbally identified as poor, either by themselves, or others, in order to better understand the relationship between crime and poverty.

**Finding the Language of Poverty**

To identify which defendants in the Old Bailey were characterised, or perceived, as poor, a glossary of keywords was compiled. This was then used to query the *Old Bailey Proceedings* *Online* database of trials, between January 1750 and December1799, to locate those trials which might contain defendants who identified, or were identified by others, as poor within the court, and who were experiencing poverty around the time of their alleged crime.[[165]](#footnote-165) After careful and meticulous consideration and contextualisation, twenty-one keywords were selected. This vocabulary, or ‘language of poverty’, contained the words: ‘alms’, ‘beg’, ‘chargeable’, ‘charity’, ‘distress’, ‘dole’, ‘extremity’, ‘necessity’, ‘overseer’, ‘parish’, ‘pauper’, ‘pension’, ‘poor’, ‘poverty’, ‘reduced’, ‘relief’, ‘settlement’, ‘starved’, ‘vagrant’, ‘want’, ‘workhouse’ as well as variations of these words (such as ‘begging’, ‘distressed’, ‘relieved’, ‘starving’, and others), and alternative spellings (such as ‘begg’d’). For a full account of variant spellings and advanced search techniques used in this chapter, and within other chapters of this dissertation, see Appendix One.

The compilation of the glossary was an iterative process. Initially, a series of keywords were selected because, during preliminary analysis of the *Proceedings*, they frequently appeared in the correct context during trial accounts. Words such as ‘poor’, ‘necessity’ and ‘distress’ were chosen because of the frequency with which they occurred, even though they might have a slightly different definition in the present day. Modern English speakers commonly use ‘distress’ to indicate emotional upset, but, in the eighteenth century, within the context of plebeian speech, ‘distress’ often meant to be without money. However, ‘distress’ still had multiple meanings, so each incidence of each keyword was contextually verified, and non-relevant utterances were discarded. When reading the trial accounts which returned positive results, more keywords were revealed which were then added to the glossary. This process, in turn, prompted the testing of other keywords which, when they proved to be contextually correct, were also added to the glossary. This iterative approach ensured that the glossary was as comprehensive as it was possible to be. Adhering to the integrity of contextualisation, the keywords which were selected to be studied here were chosen on the basis that they had a particular meaning in eighteenth-century parlance (rather than were anachronistically ascribed meaning).

The example of ‘distress’ highlights the importance of the contextualisation process. When compiling a glossary of words used to identify poverty, a dictionary might be considered the most sensible place to begin but this was not the case. The utility of early modern dictionaries was limited precisely because the *Proceedings* contain speech events. When Samuel Johnson was writing his famous dictionary, the written word was considered to be superior to the spoken word and qualitatively incomparable.[[166]](#footnote-166) Johnson considered written language to be distinct from speech; writing and speech were different forms of communication (this observation confirms the importance of investigating speech events as a distinct type of historical evidence).[[167]](#footnote-167)  Eighteenth-century dictionaries are not truly reflective of the spoken word, especially for non-elite speakers.[[168]](#footnote-168) Scholars of Johnson and his dictionary have ascertained that Johnson, as lexicographical auteur, selected the words included in his dictionary using observation and meticulous compilation. However, his selection of words was not fully comprehensive and whilst his definitions are considered ‘brilliant’, it must be remembered that they are *his* definitions.[[169]](#footnote-169)

When we look for ‘distress’ in Johnson’s dictionary we see that Johnson regarded it as meaning ‘the act of making a legal seizure’ as well as ‘a compulsion in real actions, by which a man is assured to appear in court, or to pay a debt or duty which he refused’.[[170]](#footnote-170) Given the legal value of this word, it is unsurprising that a keyword search in the *Proceedings* for ‘distress’ and ‘distressed’ resulted in a large amount of returned trials (or ‘hits’).[[171]](#footnote-171) When we examine the *Proceedings*, however, ‘distress’ occurs frequently to describe having no money or being in reduced circumstances. Edward Norman, a 21-year-old Irish sailor, stood trial for grand larceny in 1759. He admitted the crime he was accused of but claimed that he committed it because ‘he was in great distress’.[[172]](#footnote-172) Sarah Lawrence was prosecuted for pawning the bedding in her lodgings in 1757. Sarah told the court ‘I always got my bread very honestly; I am very big with child, and in great distress’.[[173]](#footnote-173) Both of these defendants used the word ‘distress’ to indicate their lack of resources.

That Johnson does not consider ‘distress’ as synonymous with ‘poor’, whilst plebeian Old Bailey defendants do, suggests that it was common in non-elite parlance, but it was not considered an important utterance for Johnson to include. Nor is it included in Francis Grose’s 1785 *A Classical Dictionary of the Vulgar Tongue*, though it is alluded to when he defines ‘hatches’ as being part of the phrase ‘under the hatches’ which was slang for ‘in trouble’, ‘distress’, or ‘in debt’.[[174]](#footnote-174) Yet, Francis Allen’s 1765 *A Complete English Dictionary* lists the legal meaning of distress alongside another definition which is ‘to reduce to misery’.[[175]](#footnote-175) Whilst it did have multiple meanings, ‘distress’ clearly meant ‘lacking money’ in popular eighteenth-century parlance, as can be seen by its frequent usage as such in the *Proceedings*, though it may not have been so commonly used, with this meaning, by elites.

‘Chargeable’, ‘dole’, ‘relief’, ‘settlement’ and ‘workhouse’ were selected because of their specific meaning in poor law discourse. It can be seen from settlement examinations from many parishes throughout England that ‘chargeable’ was commonly used to describe those who were in receipt of parish relief, or who were suspected of becoming so in the future.[[176]](#footnote-176) For Johnson, it simply meant ‘expensive; costly’.[[177]](#footnote-177)  While this was the true definition in poor law parlance, it meant that a person was costly or expensive *specifically* to the parish. ‘Want’ is a particularly troublesome term as it is both a verb and a noun. This again highlights the critical need for contextualisation. This study has considered ‘want’ as a noun, as in ‘I did it for want’. This is wholly in line with Samuel Johnson’s description of ‘want’ to mean, ‘poverty; penury; indigence’ and is how it was typically used in the *Proceedings*, though that context has fallen out of fashion in modern times.[[178]](#footnote-178) Other words were selected because they were commonly used in contemporary commentary. For instance, we can see in the examination of Matthew Hale’s text in the introduction to this dissertation that ‘necessity’ could mean ‘poverty’.[[179]](#footnote-179)

Other potential keywords were initially investigated but were rejected after searches revealed that they were impractical. For instance, ‘remove’ has specific meaning in poor law vocabulary but efforts to search for ‘remove’, ‘removal’, ‘removal order’, and ‘removed’ drew no non-ambiguous results.[[180]](#footnote-180) ‘Remove’ appears to have been used when people simply moved to and from different areas, and when items were removed from a place (such as from one person’s pocket to the pocket of another, or from lodgings to a pawn shop). In many parishes in England ‘sojourner’ was used to describe someone living in a parish which was not their parish of settlement but there are no instances of this being used in the Old Bailey either.[[181]](#footnote-181) In eighteenth-century Devon an ‘intruder’ was a person residing in a parish without settlement and they were almost certainly removed if they could not gain settlement or produce a certificate.[[182]](#footnote-182) This term was also used in other parishes in the country, but not, it appears, in London. It is not mentioned in the *Proceedings* and nor does it appear in the collections of poor law documents on the *London Lives* website.[[183]](#footnote-183) It is possible that there were other words used to describe poverty, but the methods adopted here, and the iterative compilation of the glossary, captured a comprehensive vocabulary and the selected twenty-one words enabled a substantial population of defendants who were verbally identified as poor, either by themselves or by other actors in the trial, to be drawn out of the *Proceedings.*

Once the keywords were selected, the *Proceedings* were meticulously searched for instances of these words. Between January 1750 and December 1799 there were 28,120 trials recorded in the *Proceedings*.[[184]](#footnote-184) *The Old Bailey Corpus* estimates that there are 3,764,701 words contained in spoken passages in the five decades between 1750 and 1799.[[185]](#footnote-185) That this phenomenal amount of words can be scrutinised and analysed for this research, within a reasonable time-frame, is entirely because of the innovation and tools ushered in with the digital turn. Using the advanced search facility, and sensible complex search terms designed to capture precise word usages as well as alternative spellings, on the *Old Bailey Online* website, resulted in 10,652 trials which contained one of more of those keywords. However, those utterances have multiple uses, contexts and meanings. ‘Poor’ has several contexts. People might be economically ‘poor’, or they might be situationally unfortunate. People might be ‘distressed’ through lack of money, or, alternatively some type of trauma might have emotionally upset them, or they might be subject to the legal proceeding*s* outlined by Samuel Johnson. More problematic are terms such as ‘want’ and ‘beg’ as they are both nouns and verbs. Therefore, the correct usage had to be determined. Each trial which returned a ‘hit’ on one or more of the keywords was read carefully to determine whether the context referred to poverty as an economic condition. Each instance of contextually correct utterance was entered into a population dataset. See Table 1 for a breakdown of keywords and hits returned both in and out of context.[[186]](#footnote-186)

**Table 1**: Speech event ‘returned hits’ (including non-economic crimes) compared to ‘hits in context’. Showing some actual wild card search terms and including discarded terms. A full list of advanced search terms, and an advanced search term key, is found in Appendix One.

|  |  |  |
| --- | --- | --- |
| **Word (other search terms)** | **Hits** | **Hits in Context** |
|  |  |  |
| Alms (Alms\*) | 36 | 1 |
| “Beg” (Beg’d, Begg’d, Begs, Begging, Beggar\*) | 2,561 | 33 |
| Chargeable | 9 | 1 |
| Charity | 93 | 84 |
| “Distress” (Distressed) | 854 | 400 |
| Dole | 2 | 0 |
| Extremity | 25 | 3 |
| Intruder | 0 | 0 |
| Necessity | 333 | 133 |
| Overseer | 55 | 5 |
| “Parish” | 1,764 | 25 |
| Pauper | 14 | 6 |
| Pension\* | 40 | 2 |
| Poor\* | 1,296 | 304 |
| Poverty | 78 | 51 |
| Reduced | 152 | 14 |
| Relief (Relie\*) | 175 | 16 |
| Remov\* | 678 | 0 |
| Settlement | 44 | 1 |
| Sojourner | 0 | 0 |
| Starve (Starv\*) | 121 | 67 |
| Vagrant (Vagran\*) | 21 | 9 |
| “Want” | 2,042 | 114 |
| Workhouse (“work house”) | 259 | 59 |
|  |  |  |
| Total | 10,652 | 1,328 |

Note: \* denotes a wild card search term which finds all instances of words which contain the letters preceding the asterisk. Words in quotation marks denote an exact phrase. In the example of “beg” it avoided returning trials which contained words like ‘beginning’.

Following the keyword search deployment, the population of defendants in the dataset was refined to remove all those who had been accused of committing non-economic crimes. Violent and sexual crimes may be linked to economic status in some ways, now and in the past, as recent criminological research suggests. Paul-Philippe Pare and Richard Felton argued that a range of factors associated with poverty, such as disadvantaged neighbourhoods and lack of social efficacy, frustration with discrimination and reduction of life chances, as well as exposure to negative experiences can lead to violent crime.[[187]](#footnote-187) As this study is focussed on crime as part of makeshift economies for the poor, only those crimes which could have resulted in a direct and obvious economic gain were retained in the population of defendants who were identified as being poor through language used in the court.

Removing non-economic crimes required careful reading of each trial to determine the type of crime for which the defendant was accused. Removing sexual crimes was straightforward, whereas filtering violent crimes required more careful handling. An assault which was a robbery gone wrong remained in the analysed population dataset, whereas violent assaults resulting from grievances or domestic incidents were removed from the population. Once the population of defendants, whose trial *Proceeding* recorded the language of poverty at the time of their alleged crime, and who were tried for economic offences, was complete, those *Proceedings* were analysed to determine which person in court uttered the speech event. Poverty was pointed out by a range of people within the courtroom, and this reflected important aspects of lived experience, so it is important to analyse who used the terms. To do this a series of categories for courtroom speakers were devised (see Table 2).

**Table 2**: Court actors and their ascribed roles

|  |  |
| --- | --- |
| **Actor Category** | **Role Within Court** |
|  |  |
| Defendant | * Defendant |
| Prosecutor | * Victim of crime. * Prosecutor of trial |
| Prosecution Witness | * Victim of crime but the goods belonged to another, though they were present in the court to testify. * Witness to crime appearing as evidence for the prosecution |
| Defence Witness | * Character witness called by defendant * Witness to crime appearing for defence |
| Official | * Member of jury * Judge * Court official * Constable * Alderman * Witness of other official status, such as overseer for the poor, churchwarden. * Justice of the peace * Defence Counsel |
| Accomplice | * Accomplice to the defendant during same trial |

These categories broadly capture each actor in the court room. Prosecution witnesses, in this instance, were not always people who were giving evidence in support of the prosecutor. Often, they could be the victim of the crime itself, but they were present in court in the capacity of a witness because the goods that were stolen legally belonged to another. This was frequently the case with married women, who, as Lynn Hollen Lees wrote, had no ‘independent legal personalities’.[[188]](#footnote-188) Even if their husbands were absent, and the items were their personal possessions, the goods were considered to belong to their husband and so he was the victim of the crime and prosecuted the case, even though he may not have been present in court. This is also seen often with servants who had custody of goods owned by their master or mistress. The poverty of the defendant was also pointed out in a range of contexts. Categories were devised which captured those contexts and events in order to analyse how, and why, the poverty of the defendants was referred to (see Table 3).

**Table 3**: The Context of speech events

|  |  |
| --- | --- |
| **Context Category** | **Context of Speech Event** |
|  |  |
| Defence in Old Bailey trial | * Courtroom testimony that crime was committed because of defendant’s poverty |
| To official before Old Bailey trial | * The defendant told an official that they committed the crime because they were poor but did not divulge that in the Old Bailey, or if they did, it was not recorded by the court clerk * Poverty articulated by the official because they had knowledge of the defendant |
| During crime | * Defendant told victim that they were poor when the crime was taking place |
| To prosecutor when apprehended | * Defendant told prosecutor or prosecution witness that they committed the crime because of necessity when they were apprehended by the prosecutor or witness but did not divulge that in the Old Bailey trial |
| General information | * When the poverty of the defendant is articulated as general information about their circumstances, by any of the actors within the court |

The context of poverty identification and the category of speaker appeared in various combinations. The language of poverty was used as an excuse for the crime (mostly by defendants, sometimes by defence witnesses, and occasionally even by prosecutors and prosecution witnesses). It was also offered as general information – courtroom actors simply described the defendants as poor, or the defendant described themselves thus. Prosecutors and prosecution witnesses also reported that the defendant had pleaded poverty to them when apprehended for the crime, or during the crime (pleading poverty during the crime was most commonly found in cases of highway or violent robbery). Additionally, the language of poverty was sometimes recorded by an official (constable, alderman, court official, justice of the peace, or other authority figure) who stated that the defendant had used poverty as an excuse for the crime in their presence, but not necessarily during the trial at the Old Bailey.

As the *Proceedings* do not record everything that was said within the trial, many accounts (particularly those published before 1775) are not complete and so it is probable that the language of poverty was spoken in many other trials throughout this chronological range. Moreover, not everyone who was poor and on trial divulged that information to the court. Nor did every prosecutor or prosecution witness have any knowledge of the defendant’s status, or if they did, *they* may not have divulged this information to the court. Therefore, it is likely that there are large numbers of ‘hidden poor’ in the *Proceedings* who have not been revealed by this language analysis (we consider some of them in Chapter Two). Also, at present we have few ways to determine non-verbal ways in which people might be identified as poor in the courtroom such as dress or appearance although there are sometimes hints of physical representations of poverty in the *Proceedings*. Sarah Prince, who was acquitted of stealing money from her employer, had her attire described in court. A witness was asked how the prisoner generally appeared when he saw her around the neighbourhood that they shared. The witness remarked he had never seen her ‘dress’d better than she is now’. The clerk, from his vantage point in the upper right of the court, had considered it important to annotate the account with the comment ‘that was the dress of a common servant’.[[189]](#footnote-189) This snippet of evidence is significant and potentially revealing. Little is known about how defendants physically appeared in the court. How their appearance was perceived and judged within that setting would be an interesting line of enquiry.

As this study is concerned with uncovering the circumstances of defendants, the trials were split into individual defendants (some trials had multiple defendants who self-identified as poor, or who were identified as poor by others). Each defendant was counted, which resulted in 1,075 discrete prosecutions, where the defendant was tried for economic crimes and where they identified as poor or were identified as such by others using one or more of the twenty-one keywords. The total number of defendants in the Old Bailey between January 1750 and December 1799 was 39,156.[[190]](#footnote-190) Thus 3 per cent of defendants, involved in unique prosecutions for property crimes in the Old Bailey, identified (or were identified by others) as poor using this vocabulary of poverty. Though this population is relatively small compared to the total number of defendants in the Old Bailey, it is significant. The demographic of those defendants who have emerged from the meticulous language search are representative of those people who might be considered likely to commit crime as part of a makeshift economy, an aspect that this chapter will return to in due course.

Yet, it is also interesting that within that 3 per cent of all Old Bailey defendants, poor law language usage is infrequent (108 incidences in total). This suggests that these individuals may not have been engaging with parish officials at that time (or that it was not reported, or recorded, in court). This could be for several reasons. Perhaps those defendants did not need to, or, were unable to approach the parish or were refused relief, or maybe stealing was preferable to going on the parish. When we explore the language of the defendant alongside the language used by others in the court we can see presumptive evidence for crime being part of makeshift economies. Moreover, we can see the strategies and actions utilised by plebeian Londoners during their engagement with authority, and with each other. Analysing these actions and strategies suggests that there are similar, wider patterns of criminality, which implies that many more crimes motivated by need and necessity were unreported, unprosecuted, and therefore unrecorded.

**The Demographics of Speakers and their Speech Events**

Before providing a deeper analysis of the language of poverty used by or about defendants, it is pertinent to discuss the frequency of keywords recorded in the population dataset, and the demographics of who uttered them and why. Though there were 1,075 prosecutions within this dataset, multiple utterances occurred within several of the trials. Many defendants used more than one of the keywords, as did other actors within the trials, and in multiple contexts. In some cases, the poverty of the defendant in a trial was pointed out by multiple persons within that account. For example, the trial account of John Foreman in 1784 has three different keywords, three distinct actors who articulated Foreman’s poverty, and two different contexts within which those utterances occurred. Foreman was capitally convicted for stealing a mare from Samuel Harrison in 1784. Two prosecution witnesses testified that Foreman had admitted that the horse was stolen but that he stole it because of his ‘distress’. Indeed, when Foreman made his defence in court he declared a lack of witnesses to speak for him, but that he ‘really did it through necessity, for want’. Foreman’s poverty was believed to be genuine by one of the witnesses, George Baker, to whom Foreman had attempted to sell the horse. He reported that Foreman not only admitted his distresses but elaborated on it, citing his four children in the country who he was struggling to support. Baker added that he believed Foreman as he had never seen a man ‘so terrified’ in his life. Perhaps the jury in Foreman’s trial also believed his tale of distress, necessity and want as although Foreman convicted and sentenced to death, he was also recommended to mercy by the jury.[[191]](#footnote-191) That mercy was granted, and Foreman was respited two months later. Before he could be released, Foreman died in Newgate in January 1785.[[192]](#footnote-192)

Regardless of multiple utterances and multiple speakers, there are large differences between the most common words used and the least common. In all circumstances (whoever said it and in every context the speech event occurred), ‘distress’ was the most frequently spoken word to describe poverty between 1750 and 1799 in the Old Bailey (400 utterances), followed by ‘poor’ (305) and then ‘necessity’ (133). Plebeian speakers used the term ‘distress’ (and ‘distressed’) the most. Defendants, witnesses and prosecutors used it with higher frequency than court officials.

When we consider the words which were used least frequently, we see that it is those words which were wholly associated with poor relief, such as ‘settlement’ (1 instance), ‘chargeable’ (1) and ‘pension’ (2). There are likely sensible reasons for this. Firstly, given the quasi-legal status of words like ‘settlement’ and ‘chargeable’, they might not have been common parlance for plebeian Londoners. Words which were frequently used by officials and parish officers outside of the court, might not have been part of the everyday language of plebeian Londoners, which again points to differences in elite and popular language. Or, as these terms are connected to parish poor relief, defendants outside of their parish of settlement may not have wished to draw attention to their status for fear of removal.

Petitions and letters to overseers of the poor reveal the shame that some paupers felt in having to apply to the parish and defendants in the Old Bailey may wished to avoid that shame and potential resulting stigma being attached to them, especially as it might have discredited them and their testimonies, or harmed their character.[[193]](#footnote-193) Alexandra Shepard, in her study of witnesses in church courts, also reported few incidences of references to official poor relief. She posited that witnesses might be discredited, or feared discreditation, if their status was revealed and so these terms were avoided in court.[[194]](#footnote-194) There might also have been a facet of avoiding public shame and humiliation. Stephen Walker argued that the ‘accounting regime’ practiced by Victorian poor law agents assisted in the stigmatisation of those in receipt of relief. [[195]](#footnote-195) While the *Old Bailey Proceedings* were not a bureaucratic exercise in crime recording, they *were* a commercial publication with a social function. Perhaps defendants feared the stigmatisation and resulting ‘spoiled identity’ that a publicly available account of their status as a relief-receiver might bring.[[196]](#footnote-196) Crucially, for this study, these words might have been uncommon utterances because these individuals actually had no dealings with the parish so therefore could not speak these words. This might point towards crime as part of a makeshift economy for those Londoners who were unable to or unwilling to obtain parish relief. As Dianne Payne wrote, ‘many on the margins of poverty valued independence and chose to cope alone’.[[197]](#footnote-197) Or, it might suggest that those who were accessing official relief had no need to steal as part of a makeshift economy. This dissertation returns to this topic in Chapter Three.

When they are used, words associated with poor relief (official terms such as ‘workhouse’ or less-specific terms such as ‘charity’) are mostly associated, in this population dataset, with prosecutors and prosecution witnesses. ‘Charity’ and ‘workhouse’ were typically used by people describing the defendant. Charity was most commonly used to discuss the relationship between the prosecutor and defendant, and workhouse was used to identify the defendant as belonging to, or recently having belonged to the workhouse. Few defendants use these terms about themselves, perhaps for the reasons outlined above.[[198]](#footnote-198)

There were also differences in the language used by or about male and female defendants. Within this population, 54 per cent of the defendants were male, and 46 per cent were female. ‘Distress’ was almost equally used by, or attributed to, both genders, whereas ‘necessity’ was used by or about men more than women (eighty-two utterances and fifty-one utterances respectively). ‘Poor’ was almost equal, whereas ‘starve’ was mostly used by or about males, and ‘parish’ was used predominantly by or about females. That ‘parish’ was used by men and women differently is reflective of how men and women experienced poor relief in different ways. Women were more likely to use ‘parish’ because they were more likely to access parish support than men were. This is most clearly demonstrated when we consider the demographics of ‘workhouse’ utterances.

‘Workhouse’ was used by, or attributed to, women much more than men and this reflects the experience of poor Londoners more generally. Throughout the eighteenth century, women were admitted to workhouses in greater number than their male counterparts. Tim Hitchcock reported that in the first part of the century 50.75 per cent of the residents of three workhouses (one from Westminster, one from Middlesex and one from Devon) were adult women. Male residents were less than half of that number (15.21 per cent), the remainder were children.[[199]](#footnote-199) Alannah Tomkins demonstrated that in the mid-century women vastly outnumbered men in workhouses in Oxford, Shrewsbury, and York.[[200]](#footnote-200) Analysis of the Register of Inmates in the Workhouse of St Pancras shows that between August 1780 and August 1781, 13 per cent (on average) of the residents were male, whereas 36 per cent were female.[[201]](#footnote-201) Women were in London workhouses in greater number than men for a multitude of reasons and men and women used workhouses in different ways. Hitchcock’s analysis of the reasons why women left the workhouse pointed to the fact women used the workhouse during periods of ‘short-term’ poverty, whereas men were more likely to use it as a ‘last resort’.[[202]](#footnote-202) Men were more likely to enter the workhouse because they were ill or infirm. Women also entered the workhouse because of illness, but they also entered because of widowhood or spousal abandonment, the difficulty of caring for dependants, and pregnancy. Workhouses were still being used as lying-in hospitals in some areas of London until the last half the eighteenth century.[[203]](#footnote-203) Men’s need for relief was judged to be less than women’s as men could support themselves better and women were simply more likely to be vulnerable to poverty.[[204]](#footnote-204)

Assessing specific speech events and considering the distribution of keywords reveals significant patterns of language use, but we need to move beyond the utterances themselves and consider what else language analysis can tell us about the context and circumstances of defendants. The actors and agents within each individual trial played a vital role in the judicial process. Who was saying that the defendant was poor, and why, reveals much about the circumstances of the alleged crime and the circumstances of defendant. The allocation and context of speech events can also reveal much about strategies and negotiations, and other aspects of the lived experiences of these 1,075 defendants at the time of their prosecution.

**Actors and Agents**

Examining who was using the language of poverty within the trial, and the context with which they used it, reveals that the poverty of the defendant was pointed out by a range of people for several different reasons. However, defendants did use that language more than other persons present in the courtroom (see Table 4). Not only did defendants use the language most often, they used it as part of their trial defence more than in any other way. Of the 521 instances of the ‘language of poverty’ by defendants, 350 of those utterances were used as an excuse, or a defence, for the crime that they were accused of. This is particularly interesting because using poverty as an excuse for the crime involved admitting guilt, which could result in death or transportation. Indeed, 219 of those defendants were fully convicted and 85 of them were found guilty of a lesser offence. Only 46 were acquitted. Yet, people still claimed that they were moved to theft because of their poverty.

**Table 4:** Court actors and number of speech events articulating the defendant’s poverty

|  |  |
| --- | --- |
| Actor | Number of Speech Events |
|  |  |
| Accomplice | 3 |
| Defence witness | 76 |
| Defendant | 521 |
| Official | 76 |
| Prosecutor | 240 |
| Prosecution witness | 277 |
|  |  |
| Total | 1193 |

Although pleas of poverty could be genuine, some court officials believed that poverty was dishonestly used in an attempt to manipulate the judicial system. In 1789 Henry Aitkins was acquitted of stealing from the office of a justice of the peace after arriving there to answer a recognizance. A witness reported that, whilst they were in that office, Aitkins had asked her to plead his poverty before the justice of the peace for him. An Old Bailey official questioned the witness; ‘pleading poverty is an old trick at that office when people come to draw recognizances?’ to which the witness replied she did not know. [[205]](#footnote-205) It is, as Steve Hindle says, tempting to dismiss the ‘narratives of distress’ provided by defendants but they also might be true.[[206]](#footnote-206) They might also have been believed and considered by members of the jury.

Some defendants made compelling cases that were it not for their distressed circumstances, they would not have committed a crime. In 1767 John Bowditch stole 567 pieces of shoe leather from his employers at Snow Hill. Bowditch was the porter for a small firm of leather cutters and stole the leather to sell. During his trial, he admitted the theft and expressed remorse for having ‘abused’ his ‘kind’ masters - ‘a wicked act’. He claimed that he was desperate for money as he had four young children and his wife was lying in and having a ‘very bad time’. Bowditch declared in court that his eleven shillings weekly wage was insufficient to support his family of six (following his wife’s delivery) so the ‘greatest distress’ had driven him to steal to augment his wages so he could support his large family. Witnesses appeared for Bowditch and declared him an honest man of good character. Even though the leather was valued at six pounds and Bowditch pleaded guilty to the theft, and despite that some of the leather was found in his lodgings during a search undertaken by virtue of a warrant from the magistrates, Bowditch was convicted of grand larceny but sentenced to be branded. [[207]](#footnote-207) Although this unusually light sentence for a theft of that value might be because it was a first offence and because the prosecutors and defence witnesses generally spoke well of him, it also might have been because he was too poor to support his family through legitimate means and the judge sympathised with him and his plight. However, it begs the question of whether Bowditch had gone to his parish for relief, or not, and if not, why not.

Bowditch was not an anomaly. While he asked for mercy from the court, and it appears that his sentence was lenient, there is no indication that he received a formal recommendation for mercy. However, there were other defendants in similar situations who were formally recommended to mercy because of their poverty. In 1799 Matthew Stinson was convicted of highway robbery. He stopped the chaise carrying John Field at Barrow Lane in the parish of Hendon. Field reported that Stinson ‘presented a pistol’ at him and told him that if he did not stop, then Stinson would shoot. Stinson allegedly declared to Field that he had a ‘wife and two children in much distress’ and ‘swore by God he would shoot me if I did not immediately deliver my money’. Shortly afterwards Stinson was apprehended and bought to the White Bear Inn at Hendon for Field to identify him. There, he returned the bank note and the gold half guinea (Field told him he could keep the silver shillings, although he did not say why). During the trial witnesses were called for Stinson who verified his and his family’s distress. John Hudson had known Stinson since he was a child and testified that he was ‘out of employment’ at the time of his offence. So too did John White, a victualler who had known Stinson for nearly a decade. Further, White also claimed that Stinson was unable to work as he had been ill for two months. [[208]](#footnote-208) Whether these witness testimonies are true or not, we are unlikely to ever know. However, we do know that while Stinson was sentenced to death - highway robbery almost always carried a death sentence - the prosecutor andthe jury recommended him to mercy because of his previous good character and ‘on account of his being in distress’. Instead of hanging, Stinson was transported for life to New South Wales, aboard the Earl Cornwallis.[[209]](#footnote-209)

When defendants did plead poverty when they were tried for grand larceny, it was not a particularly effective strategy in terms of securing an acquittal, though it was more effective for women than it was for men (verdicts and genders will be discussed later in this chapter). That it was not effective means that either people attempted it in desperation (as some people did benefit from pleading poverty as illustrated by the cases of Bowditch and Stinson, it might have been hoped that it would work for them too), or the social knowledge surrounding defence strategies was not as accurate or as widespread as it could have been. Knowledge about pleading poverty does seem to have existed. In 1765 Frederick Young stole a woollen coat from Samuel Hardey. He pleaded guilty but asked the court ‘I hope you will take it into consideration; it was for real want that I took it’, suggesting that perhaps Young was aware that sometimes poverty *was* taken into consideration. The court did downgrade the charge from grand larceny to petty larceny but sentenced Young to transportation anyway.[[210]](#footnote-210) That people did use poverty as a defence might mean that, despite it being a risky strategy, people were prepared to try it anyway in their desperation, or that because the evidence was enough to convict them they had no choice but to offer a plausible mitigating circumstance. It might actually also mean that these defences were true and that the crime was authentically motivated by need and necessity. In some cases, the jury believed this to be the case.

When looking at language usage by all parties in the court room, the language of poverty was used equally as a defence (either by defendants or about the defendants), or as general information about the circumstances of the defendant. The high instances of the language of poverty being used as general information illustrates much about the social and spatial worlds of Old Bailey defendants. In many cases there was a social relationship between prosecutor and defendant; these individuals often knew each other. There are also other types of relationships highlighted. Some prosecutors claimed that the defendant stole from them after they had helped them in some way, such as by providing food or shelter. In January 1764, David Scott’s wife, Susannah ‘took in’ Eleanor Williams, a ‘poor creature’ who had come to the house with Susannah’s sister. The family took her in through ‘charity’ yet the following day she allegedly stole a bundle of items from the home and pawned them. She was found guilty and sentenced to be transported.[[211]](#footnote-211) This trial, and others like it, also provides evidence that despite the contemporary rhetoric about idle and feckless paupers, sympathy and compassion for the poor did exist on the streets, and in the homes of Londoners. Indeed, as Tim Hitchcock writes ‘casual charity’ was often considered to be a mark of ‘good citizenship, hospitality, and Christianity’.[[212]](#footnote-212) The relationships between prosecutors and defendants will be scrutinised in closer detail in Chapter Three.

The high incidences of relevant speech events by the prosecution is particularly striking. 21 per cent of keyword instances were uttered by prosecution witnesses, and 17 per cent by prosecutors. Although prosecutors and prosecution witnesses did offer general information about the poverty of defendants, 11 per cent of the time the prosecutor or prosecution witness testified that the defendant had told them that they committed the crime out of necessity when they were first apprehended. 14-year-old John Clarke stood trial in 1799 for stealing a pair of pistols from John Richards. He was caught taking the pistols in the shop by the gun-maker’s foreman, John Dust. When Dust demanded Clarke turn out his pockets, he did so and begged for forgiveness, claiming distress had driven him to commit the crime.[[213]](#footnote-213)

This appears to be a relatively common strategy utilised by defendants reportedly apprehended at the scene, but before the trial, so there must have been some expectation on the part of the defendant that a tale of poverty might elicit sympathy from the prosecutor, or the person who apprehended them. It is likely that people pleaded poverty when apprehended for a crime because it may have actually worked. Victims may have been disinclined to prosecute if a thief could successfully convince them that they were only stealing from them through poverty. John Beattie wrote that victims of larceny were reluctant to prosecute because of the severity of the law.[[214]](#footnote-214) They might have been even more reluctant if the perpetrator was clearly poor. As Peter King argued, people may have been less inclined to prosecute thefts during times of crisis or shortages. [[215]](#footnote-215)  This may well have been true in ordinary times, too, if the offender persuaded the victim that they had only acted out of necessity.

It is possible that a reluctance to prosecute, and the fact that poverty did indeed elicit sympathy from victims at times, was part of societal knowledge. As Hitchcock, King and Sharpe remarked, for the poor, social knowledge ‘is often essential to survive’.[[216]](#footnote-216) It seems likely that, knowing that some victims would take pity on a crime of necessity, some thieves pleaded poverty when they were caught in the hopes that the victim would decline to prosecute out of compassion. Many victims might agree to a private settlement (which may just require the return of the items), or decide the theft was too insignificant to prosecute.[[217]](#footnote-217) As the burden of pursuing a prosecution (and the cost) fell upon the victim of the crime in the eighteenth century it is highly likely that many incidences of property crimes, where poverty was articulated to the victim, simply never reached the courts. Many prosecutors might have felt benevolence towards the offender and declined to prosecute. Others may not have been able to afford the cost of a prosecution. Peter King wrote, often prosecutors were mostly concerned with re-appropriating their stolen goods. If the thief returned them, then prosecution may not have occurred.[[218]](#footnote-218)

That some prosecutors in this population were inclined to forgive offenders because they were poor suggests that the crimes which were prosecuted, and for which poverty was blamed, were small portion of those that took place. Indeed, analysis of this ‘language’ dataset shows that some prosecutors, or witnesses who apprehended defendants, were initially inclined to forgive those who stole if they were driven to it by poverty. In May 1767 Michael Cormick stood trial for stealing paintbrushes from a widow, Margaret Grant. He was suspected of the theft by William Welbank after Cormick approached him offering to sell him some cheap paintbrushes. Although Cormick did not claim that he was poor, nor did he admit to stealing the brushes, Welbank recognised him as a ‘poor boy’ and ‘out of compassion’ Welbank did not ‘take him up’. However, Welbank made his own enquiries and when he discovered that the brushes were definitely stolen, and from who, his sense of duty prevailed, and he reported the theft after all.[[219]](#footnote-219)

Other prosecutors were not so civic minded as Welbank. John Hall was a post chaise driver. In 1774 he went out for a ‘few pots’ with a fellow servant but when they returned home at eleven o’clock they found themselves locked out. As Hall was expecting a coach to return to the house, he sat down on a bench to wait but, perhaps due to staying out too late and having more pots than was sensible, he fell asleep on the bench with his watch chain in his hand and a handkerchief around his neck. At around two o’clock in the morning Hall awoke to his watch being pulled from his pocket. He scuffled with the thief, crying out for the watchmen as they wrestled in the dark. After a struggle, where both assailant and victim ended up lying in a kennel, the watchman heard Hall’s cries and appeared. Whilst Charles Vernon, the watchman, was making his way to the commotion, the assailant – John Harris – threw the watch over his shoulder and discarded Hall’s handkerchief which he had grabbed during the struggle. A second watchman, James Archer soon arrived on the scene and finding his colleague Vernon, and Hall and Harris together, Archer decided to take Hall to the watch house to examine him. Upon arrival John Hall found that Harris was a ‘poor fellow’. Hall offered the watchmen half a crown for a drink, as he had his watch and handkerchief returned to him, so he was happy to let the matter rest and give himself ‘no further trouble about it’. James Archer, the Silver Street watchman said that Hall was to do no such thing as Harris had committed a capital offence and it must be prosecuted. And so, despite Hall wishing otherwise, Harris was tried, found guilty, and sentenced to transportation.[[220]](#footnote-220)

Pleas of poverty given to a prosecutor or prosecution witness were not always believed. Sarah Compton was found guilty of stealing shoes from a shoemaker, John Hale, who claimed he had been an ‘intimate acquaintance’ of hers for ten years (highlighting the social relationship between the pair). When he found she had shoplifted the shoes, he reported that she claimed to him that she was driven to it by distress. However, Hale told the court that he disputed this at the time, claiming that Compton was a ‘woman of property’.[[221]](#footnote-221) Prosecutors also sometimes conducted their own investigations into the claimed circumstances of defendants. In 1759 Elizabeth Rosdell (who also went by the name Elizabeth Wills) was indicted for stealing six yards of black silk lace from the shop of Harden Elderton in Bishopsgate street. After he had initiated a prosecution for the theft, he made enquiries into Rosdell’s circumstances and found that necessity had driven her to steal from him and that she had previously behaved well. He claimed that he was very sorry for her and appeared to regret the prosecution.[[222]](#footnote-222)

Even if defendants were believed to be poor by their victims, those victims might have been indifferent to their poverty and disinclined to forgive them, or accept reparations, in any case. In 1783 Frederick Ealias was indicted for stealing multiple items from his employer. Ealias was the second footman to Thomas Newnham Esquire. Newnham apprehended Ealias for the theft of his items and Ealias told him that it was through distress that he had taken the items to pawn. This made little difference to Newnham. He relayed to the court that he admonished his footman, telling him, ‘poverty I pitied, roguery I detested’.[[223]](#footnote-223)

It must also be remembered that the testimony offered by the prosecutor may not have been true. It is possible that some prosecutors testified that the defendant had admitted the crime and pleaded poverty in order to demonstrate their guilt and secure a conviction.[[224]](#footnote-224) Phebe Horn was temporarily employed by Peter Addison and his wife to wash for them in Gray’s Inn Lane. Following a ‘fit’ which frightened Mrs. Addison, Phebe left their employ. In due course, Mrs Addison noticed that four linen shirts were missing which were discovered in the pawnbroker’s. The pawnbroker identified Horn as the woman who had pawned the shirts and Horn admitted that she did. However, she also told the court that she had had permission to do so, as she was distressed for money. When she was unable to get the shirts out in the agreed time, Mrs. Addison prosecuted her ‘from spite’, Horn claimed.[[225]](#footnote-225)

It is also significant that forty-three (4 per cent) of the defendants in the dataset were reported within the courtroom as having used poverty as an excuse for their crime when they were bought before an official, yet they did not put this forward as a defence in the Old Bailey (or, if they did, it was unrecorded). This highlights the differences in how people engaged with various layers of the justice system. Admitting guilt in the Old Bailey, regardless of whether poverty motivated the crime or not, risked severe punishments. That they were willing to divulge this information to magistrates and other officials suggests that Londoners were aware of the discretionary nature of justice.[[226]](#footnote-226) They were perhaps aware that aldermen, night watchmen and constables, all of whom would have been members of the communities that they served, may well have been persuaded not to prosecute, or to deal with the matter in the lesser courts.[[227]](#footnote-227)

Some officials were sympathetic on occasion. John Henley, a night watchman, was patrolling Dyot Street in 1761 when an agitated man, William Hastings, a chocolate maker from Carnaby Market charged him to take a prisoner. He vehemently insisted that Mary Smith, who he had recently met and was walking the street with, had stolen his silver buckles. Henley asked Mary to give him the buckles which she did. Henley then advised Hastings to ‘make it easy with the poor creature’ as it would cost a great deal to prosecute her. Hastings refused his advice and the matter was passed to the night constable. At the trial, Mary Smith insisted that Hastings had given her the buckles in lieu of money (presumably as payment for sex) and she was acquitted.[[228]](#footnote-228) This case illustrates that sometimes authority figures, including watchmen and constables, were themselves willing to turn a blind eye to crimes allegedly caused by poverty. This is also true of justices of the peace. Robert Shoemaker’s analysis of the few justice’s notebooks which survive from the first half of the eighteenth century reveals that justices could and did settle many cases informally. Henry Norris, a justice of the peace for Middlesex, settled 38 per cent of cases informally (and was likely to have settled more as he did not always record the disposition of the cases which came before him).[[229]](#footnote-229) This included cases of felonious theft. In October 1738 Samuel Johnson charged Sarah Thompson with picking his pocket of a purse containing over nine shillings. Two witnesses swore that they had seen this happen and Sarah was taken into custody. Sarah was taken before Norris, but, with the consent of Samuel Johnson, Sarah was discharged.[[230]](#footnote-230) That we know that prosecutors did not always prosecute, and even when they did justices of the peace might informally dispense with the case indicates that the crimes which appear in the Old Bailey which were perceived to be caused by poverty are only the tip of the iceberg. There were likely to have been many other cases which were caused by poverty which remained unprosecuted, or, were dealt with informally by magistrates.

These factors begin to show that crime was a response to poverty for some plebeian Londoners. What is clear from the analysis of actors and agents in the court is that eighteenth-century Londoners believed crime to be part of a makeshift economy for the poor. Moreover, the behaviour and speech events of defendants, prosecutors, and officials suggests that those crimes which we can see were potentially caused by necessity were only a small portion of the crimes motivated by poverty which actually took place between 1750 and 1799. But what were those crimes? We now turn our attention to an analysis of the types of economic crimes that these defendants were tried for.

**Types of Crime**

As V.A.C. Gatrell reminded us, all social classes have participated in stealing, but as Beattie wrote, property crimes are those most like to be motivated by economic need.[[231]](#footnote-231) Though poverty might be more likely to cause property crimes, not all property crimes are easily attributed to poverty. Those prosecuted for theft were, as Robert Shoemaker writes, disproportionately from the lower classes, but the economic crimes included in this study range from petty larceny to coining, fraud, tax offences and even arson when it was clear that the offence was committed for financial gain.[[232]](#footnote-232)

Embezzlement and fraud are, and were in the past, considered ‘white collar’ offences (though this term is an anachronism) and ‘white collar’ offenders were considered ‘rotten apples’ rather than part of the supposed criminal class to which the feckless poor belonged.[[233]](#footnote-233) Still poor people had opportunity to engage in forging wills or smuggling, crimes considered to be fraud and tax offences respectively (as designated by the *Old Bailey Online* project).[[234]](#footnote-234) Simple larceny, theft with no aggravating factors (it became compound larceny when aggravated by circumstances such as stealing from a person, or, from a specific location) was divided into grand larceny and petty larceny. Grand larceny was the theft of money or items worth one shilling or above, petty larceny was the theft of goods below that amount.[[235]](#footnote-235) However, grand larceny could cover items and goods of large value, as well as the lowest amount of one shilling and was a felony, potentially punishable by death.

Though the values of items were recorded in the *Proceedings*, they are not the most reliable way of determining the value of stolen goods (which was based on decisions throughout the pre-Old Bailey trial process) because there were frequently disparities between the grand jury’s valuation and the valuation offered by the trial jury. Linebaugh wrote that the devaluation of property by the jury in order to pass a sentence which the jury thought better reflected the crime was common practice and known as ‘down-charging’, ‘under-charging’, or ‘pious perjury’.[[236]](#footnote-236) We can see the wide range of values that the offence of grand larceny covered in the *Proceedings.* Some defendants in this population dataset were accused of stealing items to the lowest value. Seventy-year-old Sarah Dove was convicted of grand larceny in 1796 when she was found guilty of stealing two pewter pint pots valued at one shilling.[[237]](#footnote-237) In contrast, there are defendants in the population who stole items of far greater value but were still convicted of grand larceny. In 1786 William Wynn, a servant who also engaged in casual work round the streets of London such as portering for coach passengers, was convicted of stealing items and bonds from Captain Francis Weldon Esquire. Captain Weldon had travelled by coach to Portman Square from a hotel in the Adelphi. Amongst his luggage he had a deal box containing various personal effects, including an ivory toothbrush and other grooming items, clothing, jewellery, and two bonds worth significant amounts. Wynn, who was ‘in distress’ and wanted a ‘trifle of money’ agreed to porter Weldon’s luggage and all but the deal box was taken to the destination. The contents of the box were valued at £391 and 10s. Though the value of this theft was incredibly large, the offence was still deemed to be grand larceny.[[238]](#footnote-238)

Analysis of the types of crimes which the defendants within this population dataset were accused of reveals that grand larceny and ‘theft from a specified place’ were the most frequent crimes that these defendants were tried for (see Table 5). [[239]](#footnote-239) There were only eleven cases of fraud. However, it must be remembered that a few defendants were tried for more than one crime (there are 1,082 crimes tried in the population dataset yet 1,075 defendants).

**Table 5**: Types of property crimes and number of defendants accused of them

|  |  |
| --- | --- |
| **Type of Property Crime** | **Number of Defendants** |
|  |  |
| Animal theft | 21 |
| Burglary | 55 |
| Coining offences | 10 |
| Extortion | 4 |
| Forgery | 13 |
| Fraud | 11 |
| Grand larceny | 607 |
| Highway robbery | 56 |
| House breaking | 8 |
| Miscellaneous | 14 |
| Petty larceny | 15 |
| Pocket picking | 17 |
| Receiving | 20 |
| Robbery | 10 |
| Shoplifting | 26 |
| Tax offences | 5 |
| Theft from a specified place | 190 |
|  |  |
| Total | 1082 |

People who identified as poor (using all speech events as a whole), or who were identified as such by other speakers in the court, were overwhelmingly tried for grand larceny. 56 per cent of defendants within this population were accused of grand larceny. It is unsurprising that those who were described as poor by others, or who self-identified as such were accused of this crime, but, what is significant is that the figures for grand larceny defences in this population differ from the overall Old Bailey population. Between 1750 and 1799, 44 per cent of all defendants in the Old Bailey were tried for grand larceny.[[240]](#footnote-240) That differential of 12 per cent shows that this defendant population were somewhat disproportionately accused of grand larceny. This could be because those who were poor were disproportionately committing these offences and were perhaps doing so *because* they were poor.

Petty larceny is perhaps an even more typical crime which might be motivated by poverty because many small items of food were worth less that one shilling, but few petty larceny trials are found within this population of defendants. Petty larceny was not always regarded as a felonious offence and so was not typically tried in the Old Bailey. Instead, it was often dealt with at quarter sessions, or defendants were committed to houses of correction by justices.[[241]](#footnote-241) There are only 769 petty larceny cases in the Old Bailey between 1750 and 1799.[[242]](#footnote-242) This is reflected in the relatively few petty larceny trials found in this population. However, given that petty larceny was the theft of items worth less than one shilling, it would have been a more typical subsistence crime than grand larceny. Many petty larcenies motivated by theft are not revealed by this population analysis. This suggests that those crimes which *are* revealed in this database are only a small portion of those crimes which may have taken place because the offender was motivated by need and necessity.

The trials for grand larceny are higher for this population of defendants and they were also found guilty of the offence more often. 68 per cent of defendants who were identified as poor by themselves or by other people were fully convicted of grand larceny, 14 per cent were found guilty of a lesser offence, and 18 per cent were acquitted In the Old Bailey overall, 55 per cent of defendants were fully convicted, 9 per cent were found partially guilty so convicted of a lesser offence and 36 per cent were acquitted.[[243]](#footnote-243) This might be because a significant proportion of the defendants in this language dataset admitted guilt and used poverty as a mitigating circumstance. At present, there is no facility to digitally statistically analyse every Old Bailey trial account for admissions of guilt or proclamations of innocence. It remains a manual task which is beyond the scope of this dissertation. This would be an interesting line of enquiry and remains for future work.

Of the 607 defendants prosecuted for grand larceny from this population, 213 of them self-identified as poor and claimed that they stole because of their poverty. In 88 per cent of those cases, the defendant was convicted, although 17 per cent of these defendants were convicted of a lesser offence after the jury downgraded the value of the items stolen. This high conviction rate is likely to be because pleading poverty involved an admission of guilt, as discussed. Moreover, this conviction rate suggests that, for grand larceny, a plea of poverty was not an effective strategy. There were a range of punishments given to those defendants who were convicted of grand larceny (or who had their charge downgraded to a lesser offence) including death (see Figure 1).[[244]](#footnote-244) However, death sentences were uncommon. Most defendants were sentenced to be transported or whipped (privately or publicly). As this chapter discusses further on, these sentences might also have been changed after the trial. Sentences did not necessarily always happen. The punishment received might have been different to the sentence passed by the judge.

**Figure 1:** Defendants who pleaded poverty as an excuse for committing grand larceny and their sentences

A plea of poverty might have been attempted in court in order to try and secure a lesser conviction. As discussed, 17 per cent of these defendants, who were accused of grand larceny, and who pleaded poverty as a defence for their crime, were found partially guilty of the crime and therefore guilty of a lesser offence. This was far higher than those who were only partially convicted in the Old Bailey overall. In these instances, three-quarters were publicly or privately whipped (see Figure 2).

**Figure 2:** Sentences for those defendants who pleaded poverty for grand larceny and were partially convicted

In 12 per cent of grand larceny case within this ‘language’ population the defendants were acquitted, despite admitting that they had committed the theft. In 1792 John Shaw was prosecuted for stealing timber worth two shillings. Shaw told the court ‘I did it for real distress and want; I had not a farthing in the world nor could I get any relief from the parish where I belong to; I took a piece of wood whether it is the same or no I cannot tell’. Even though Shaw was apprehended with the timber upon him, and that he told the court that he had taken the wood, Shaw was acquitted.[[245]](#footnote-245) In 1794 Ann Lock stood trial for feloniously stealing a pewter pot. Ann admitted that she had had taken it, telling the court; ‘I was totally distressed, that was the instigation of my doing it. I leave myself to the mercy of the court; I had been sick a great while’. Ann, too, was acquitted.[[246]](#footnote-246)

In some cases, defendants might have been acquitted because there was not enough evidence to secure a conviction, but, in the cases of Shaw and Lock, there did appear to be an element of compassion for the defendant. Shaw might have been acquitted because the court simply could not prove that the wood that he was found in possession of was the same piece of wood that had been stolen, even though he admitted taking a piece of timber. However, it could also be because the jury believed his tale of distress and sympathised with him. This certainly seem to be the case for Ann Lock as she clearly admitted the theft at her trial and there does not appear to be any recorded discrepancies in the evidence or witness accounts. Though pleading poverty as an excuse for grand larceny carried a high conviction rate, it still may have been a strategy to elicit leniency from the jury. It might have been an attempt to have the original charge downgraded and therefore reduce the severity of punishment. If the evidence was against the defendant anyway, pleading poverty might have been a last-ditch attempt to appeal to the jurors. It might not save a defendant from the hulks – the prison ships where convicts awaited transportation - but it might have saved them from the rope.

Following prosecutions for grand larceny, the second largest group of defendants within this population were those accused of ‘theft from a specified place’. ‘Theft from a specified place’ is a category of crime devised by the *Old Bailey Online* project in order to facilitate statistical analyses. It is a collection of non-aggravated property offences which include theft from commercial premises (such as warehouses and manufactories), domestic houses (although when breaking and entering occurred, it is categorised as a burglary or a housebreaking), churches and lodging houses, as well as removing fixed material from buildings (such as timber or lead). These crimes were aggregated thus as they were codified into capital offences as part of the ‘bloody code’ and are distinct, because of aggravating factors, from larceny.[[247]](#footnote-247) 18 per cent of defendants who were identified by themselves, or others within their testimony, were accused of this type of crime. This is double the percentage of those accused within the Old Bailey population overall, where 9 per cent of defendants were prosecuted for this. [[248]](#footnote-248)

These types of offences, too, could be considered crimes which might form part of makeshift economies. Peter Linebaugh argued that perquisites (which, if prosecuted, could include theft from a specified commercial premises – a ‘specified place’) were an important way of augmenting the wages of low-paid dockworkers.[[249]](#footnote-249) Theft from lodging houses could also be a crime committed by citizens on the lower end of the socio-economic scale as many poor Londoners lived in such accommodation.[[250]](#footnote-250) This particular type of theft was likely a significant part of a makeshift economy and will be discussed in greater detail in Chapter Three.

Although there is a slightly higher conviction rate for this language dataset of defendants than for the Old Bailey defendants overall, conviction and sentencing was not always the end of the judicial process for those found guilty. Throughout the judicial process, decisions were made about the crime, and the defendant, from the moment a crime occurred until any sentence was completed, and those decisions did not always follow a neatly prescribed trajectory. There were many possible outcomes from a series of decisions made. As Peter King wrote, victims decided initially whether to prosecute, then they might influence the prosecution process. The layers of justice, such as constable, magistrates, jurists and judges also made decisions about the crime and how justice would proceed.[[251]](#footnote-251) Even when a trial escalated to the Old Bailey and guilt was determined and then sentence passed, other decisions might then affect that final sentence outcome. Records of those post-sentencing decisions can sometimes be found in the Home Office Criminal Registers and other judicial documents in the record collections of the *Digital Panopticon*.[[252]](#footnote-252)

Between 1791 and 1805 information about defendants was recorded in the Criminal Registers (the registers continued to be compiled until 1892, but, after 1805 the information recorded in them was reduced). During the last decade of the eighteenth century, these registers often recorded physical and biographical details about the defendant and noted any decisions made post-sentencing.[[253]](#footnote-253) Peter King wrote that these registers have been ‘relatively neglected’ in historical scholarship and when used in conjunction with the *Proceedings* (alongside other sources) they offer a unique insight into the backgrounds of prisoners.[[254]](#footnote-254) However, as Richard Ward and Lucy Williams have recently demonstrated, the Registers also enable researchers to trace the post-sentencing outcomes of hundreds of convicts.[[255]](#footnote-255)

The record linkage facilitated by the *Digital Panopticon* means that this study can also trace some of the defendants in this language dataset from when they first appeared in the Old Bailey through a range of other sources, including the Registers and transportation records (such as the British Transportation Registers) and investigate if they experienced a change in their sentence. Analysing the last decade of this population dataset against the first decade of the criminal registers, and other judicial records available through the record linkage of the *Digital Panopticon*, shows that for some defendants within this population, the sentence given at the Old Bailey was not the end of their judicial story.[[256]](#footnote-256)

To investigate this, the all those defendants in the ‘language’ dataset, and who were tried between January 1790 and December 1799, were divided into those who were convicted and those who were acquitted. The convicted defendants were entered into a new dataset and each defendant was manually searched for in the *Digital Panopticon* online database. When a linked record existed for those defendants, those records were qualitatively analysed and sentence outcome (including death in prison) was recorded and analysed alongside the trial account for each defendant.

Within the population of defendants who identified as poor, or who were identified by others as such, 279 of them appeared in the Old Bailey between January 1790 and December 1799. Of those 279 defendants, 230 of them were found guilty, or partially so and therefore sentenced to be punished in a range of ways. Six of those convicted in that decade, and for whom a record survives, died in Newgate. Yet, fifty-one of those convicted individuals had their punishment changed in some way following their sentencing (see Table 6) and that change can be traced through the linked records of the *Digital Panopticon*.[[257]](#footnote-257)

**Table 6:** Sentence outcomes of 51 convicted defendants (whose sentence was changed following their trial)

|  |  |  |  |
| --- | --- | --- | --- |
| **Original sentence** | **Total number of defendants who received sentence** | **Actual sentence outcome** | **Number of defendants**  **who received that**  **sentence outcome** |
|  |  |  |  |
| Death | 10 | Imprisoned | 1 |
|  |  | Military service | 1 |
|  |  | Transportation | 8 |
|  |  |  |  |
| Death with recommendation to mercy | 6 | Imprisoned | 2 |
|  |  | Military service | 1 |
|  |  | Pardoned, fined 1 shilling and passed to parish | 1 |
|  |  | Pardoned and passed to parish | 1 |
|  |  | Transported | 1 |
|  |  |  |  |
| Imprisonment | 3 | ‘Transferred’ | 3 |
|  |  |  |  |
| Imprisonment and fine | 8 | Imprisonment | 2 |
|  |  | Sentence remitted | 1 |
|  |  | ‘Transferred’ | 5 |
|  |  |  |  |
| Respited | 2 | Transported | 2 |
|  |  |  |  |
| Transportation | 22 | Imprisoned | 2 |
|  |  | Military service | 6 |
|  |  | Pardoned | 2 |
|  |  | Pardoned and passed to parish | 3 |
|  |  | ‘Transferred’ | 9 |
|  |  |  |  |
| Total | 51 |  | 51 |

For two of those defendants, problems with the judicial process potentially changed their sentence outcome. Mary Graham was convicted of grand larceny in 1791. Owing to a problem with her initial indictment, judgement at the trial was respited until the next session. At the next sessions, her conviction was upheld, and she was ordered to be transported to New South Wales on the Royal Admiral.[[258]](#footnote-258) Although judgement was delayed for Mary, given her conviction for grand larceny, she might have been transported in any case. However, a problem with the administration in the trial of Edward Bean might have saved his life. Bean was convicted of stealing a gelding and sentenced to death in 1791. Yet, when court officials were drawing up Bean’s record for trial, they did not correctly record the defendant’s actual name, instead they recorded an alias. This administrative mistake created an uncertainty within the court and so the decision on Bean’s fate was delayed and Bean was temporarily respited. It is unclear how the matter was resolved but instead of hanging, Bean was transported in 1792.[[259]](#footnote-259)

For seventeen of the convicts, there was some form of decision-making following their trials, but their sentences were ultimately upheld. They are recorded as being ‘transferred’ but their sentence remained the same, although it is possible that these convicts were transferred to a different prison, or a different hulk.

The remaining thirty-two convicts had their sentences changed in a range of ways. Three convicts were pardoned or had their sentence remitted though none of them had been sentenced to death in the first instance. Closer inspection of the reasons for pardoning reveals that in the case of Susannah Warren, she might have been pardoned because of her economic circumstances. Warren was convicted of receiving stolen goods in 1790. She received a free pardon because she was of ‘previous good character’ but also because she had a large family to support.[[260]](#footnote-260) In her trial, Susannah admitted that she had pawned items of clothing which were lent to her, and which were stolen. She told that court that she was lent the clothing to pawn ‘for the subsistence of me and six children’, a practice that she regularly engaged in seemingly as part of her makeshift economy.[[261]](#footnote-261) That she was pardoned partly based on her large family suggests that the judges either sympathised with her plight, or they were concerned about how her large family would be supported if she were to be transported.

The changed sentence outcome which occurred with the most frequency for this population of defendants was that their death sentence was reprieved in favour of transportation (either for seven years, or for life). Nine defendants (two women and six men) received this outcome (one of whom had been recommended to mercy by the jury). This is not surprising. Richard Ward and Lucy Williams reported that only 27.7 per cent of capitally convicted defendants, in the Old Bailey between 1790 and 1799, were actually executed. They wrote that those convicts had a range of post-sentencing outcomes, but by far the largest group were those who were transported – 37.7 per cent.[[262]](#footnote-262)

The outcomes which occurred with the next highest frequency were a miscellany of outcomes - either a pardon, respite, remittance, or transfer - which resulted in military service. Eight male convicts, all aged between 25 and 42, had their sentence changed to service in either the army or the navy. Lucy Williams and Richard Ward reported that a ‘significant proportion’ of men who were sentenced to transportation or death were pardoned and released into military service.[[263]](#footnote-263) As they pointed out, war increased the need for servicemen, but also reduced the ships available for transporting convicts. That military service was the second most common changed outcome for those defendants within this population is expected.

What is unexpected is that five of the defendants in this population were pardoned and passed to the overseers of their parishes. Four women and one man, who were either sentenced to death or transportation, had their sentences changed in this way. Susannah Edwards was convicted of burglary and sentenced to death in 1792 when she was 37-years-old.[[264]](#footnote-264) However, the jury recommended her for mercy because of her poverty and following her sentencing at the Old Bailey she was fined one shilling and returned to her parish in February 1793.[[265]](#footnote-265) Henry Cramer was also sentenced to hang but he was also recommended to mercy by the jury from ‘motives of compassion to an old man labouring under particular infirmaries’. Cramer was 72-years-old.[[266]](#footnote-266) Bridget Buckley, Ann Cooper and Mary Ayers, were amongst a group of convicted women who were discussed in the judge’s report in August 1797. The judges reported that these women could not ‘bear a voyage to Botany Bay’, their crimes were not considered deserving of further imprisonment in Newgate, and they could not be sent to Clerkenwell penitentiary house. Therefore, they were to be pardoned and sent to their parishes instead.[[267]](#footnote-267) This is of significant interest and suggests an amount of interplay between the machinery of the criminal and the poor laws. It also confirms that these defendants were poor, and that poverty was recognised by the court. There is scope for much further research on this sentence outcome, facilitated by the *Digital Panopticon*, but space limitations prohibit that analysis here. The remaining seven defendants had their sentences changed from either transportation, death (with and without recommendation to mercy) or imprisonment with a fine, to either imprisonment, or remained sentenced to be imprisoned but their fine was discharged.

The reasons for most of these decisions, across the population of defendants within this dataset who had their original sentences changed, are opaque, but it is clear, certainly in the case of those prisoners who were passed to their parish, that their circumstances impacted upon that post-sentencing decision. It is particularly interesting that the one man who was passed to his parish was elderly and the other prisoners were all women. People at various stages of the life-cycle experienced poverty, and the provisions of the poor law, differently. The following section of this chapter considers the ages of the defendants in this dataset. Women and men also experienced poverty, and parish relief differently, as has already been discussed in this chapter. However, women also articulated their poverty in different ways, and, as this chapter will now discuss, they articulated poverty in the court more often than men did.

**Gender and Age Demographics**

Regardless of the type of crime they were accused of, within the population of 1,075 defendants in the ‘language of poverty’ dataset, 54 per cent of poverty utterances were used by or about male defendants and 46 per cent were used by, or about female defendants. Between 1750 and 1799 there were 39,156 defendants recorded in the *Proceedings.* 74 per cent of those were male, and only 26 per cent were female.[[268]](#footnote-268) Yet, when we extrapolate those who are identified as poor, either by themselves or others, of those 39,156 defendants, 2 per cent of all male defendants (who were tried for property crimes) in the Old Bailey claimed poverty, or had poverty ascribed to them by others during the trial, whereas 5 per cent of women did so. These are conservative figures because we simply do not know how many more people were identified as poor by themselves or others during their trial as not all information was recorded. This does, however, suggest that that women articulated their poverty in the court (or were described as poor by others) far more often than men.

One reason for these gender disparities is because women were simply more likely to be poor and were more vulnerable to some of the causes of poverty than men were. There were more women than men in London and job insecurity was high.[[269]](#footnote-269) Low wages, caring responsibilities and the threat of single-parenthood, either through illegitimate pregnancy, widowhood, or spousal abandonment meant that women’s potential to be able to labour for their (and their families) support was usually lower than for men and so it is possible that the reason why more women pleaded poverty in the Old Bailey was simply because they were actually more likely to be poor than men were.[[270]](#footnote-270)

We know that more women than men occupied the workhouse throughout the eighteenth century and women were generally more likely to receive poor relief.[[271]](#footnote-271) However, women’s access to welfare was far from guaranteed and they were perhaps more likely to be marginalised by the machinations of the poor law. In many parishes throughout England women were more likely to be subject to removal orders than men.[[272]](#footnote-272) Men were not removed in the same numbers because, as Paul Slack reminded us, it was undesirable to remove single able-bodied men when their labour was useful.[[273]](#footnote-273)

Women, on the other hand, were more likely to become chargeable on the parish, due to their vulnerability to poverty throughout the life cycle and were therefore considered more likely to be a potential burden on the parish rates. There were also other problems for women under the provisions of the law. Derived settlement could be difficult for women and illegitimate children. Women took their husband’s settlement, so should he die, or abandon the family, the wife was trapped by his settlement, potentially isolating her from kinship support networks. Children took the settlement of their father, and so if no father could be found then the child would be settled in the parish of their birth.[[274]](#footnote-274)

As able-bodied women were more likely to be subjected to the (sometimes) punitive bureaucracy of the poor law, this might have been an incentive for them not to engage with poor law officials. Perhaps resorting to crime in some cases was preferable, especially during short-term poverty or crisis. Or, perhaps, women were more likely to plead poverty in the courtroom as a defence strategy. In her analysis of female theft between 1779 and 1789, Lynn MacKay argues that women were more likely to plead guilty than men for a variety of reasons. In her view, they might have pleaded guilty in the hopes that their femininity might provoke leniency, and she shows that some women did present their vulnerabilities to the court. She also found that women who pleaded distress were less likely to be found guilty than men who did the same.[[275]](#footnote-275)

When the gender ratio of verdicts within this ‘language’ dataset of defendants is analysed, it is particularly revealing. As found by MacKay, women were more likely to be acquitted than men. In this population of defendants, men were found guilty in 66 per cent of trials, and women were found guilty in 54 per cent. Only 17 per cent of men were found guilty of a lesser offence, compared to 25 per cent of women. These findings are supported by those in MacKay’s article, which covers a much shorter chronological range. However, it is revealing that women were found guilty of a lesser charge more frequently than men were and were found fully guilty less often. This suggests that, for women, at least, a plea of poverty might have been useful. This might be one reason why proportionally fewer men claimed poverty in the court – they might have known that they were less likely to be either believed or sympathised with when they were believed.

The methodology of this study enables these verdicts to be analysed in even greater detail. We can break down the categories of speaker and the context within which they spoke to reveal how poverty defences might have impacted upon the verdict (see Figures 3 and 4).

**Figure 3:** Female defendants who self-identified as poor and used poverty as defence, showing conviction rate

**Total population**  
n. 1075

**Female**  
n. 493  
(46% of total population)

**Self-identified defendants who used poverty as a defence**n. 161  
(33% of total female population)

**Total defendants who self-identified as poor**n. 247  
(50% of total female population)

**Self-identified poor defendants who used poverty as a defence and were convicted**  
n. 93  
(58% of population of female defendants who used the language of poverty in this way)

**Figure 4:** Male defendants who self-identified as poor and used poverty as defence, showing conviction rate

**Total population**  
n. 1075

**Male**  
n. 582  
(54% of total population)

**Self-identified defendants who used poverty as a defence**  
n. 171  
(29% of total male population)

**Total defendants who self-identified as poor**n. 216  
(37% of total male population)

**Self-identified poor defendants who used poverty as a defence and were convicted**n. 115  
(67% of population of male defendants who used the language of poverty in this way)

There is a 9 per cent difference in male and female verdicts, when poverty was articulated as a reason for the crime. This is significant and suggests that pleas of poverty were a more effective strategy for women than for men (although not very effective as over half of poverty defences still resulted in a conviction). This might explain why the gender distribution in this group of defendants is different to that of the total trials in the *Proceedings.* If women were more likely to escape the court with lesser, or no punishment, if they pleaded poverty, they might be more inclined to use it as a defence strategy and this would explain why we see higher than expected numbers of female defendants in this population. However, it could also be that women were poorer, so that poverty was believed more than when men articulated it, or that poverty was an acceptable mitigating factor for women.

This population can also be analysed for the types of crime which those men and women who were identified as poor were accused of. There were crimes which, in this population, were almost always committed by men, such as tax offences and animal theft. This is reflected in the patterns of overall Old Bailey trials, between 1750 and 1799 where only 2 per cent of women were accused of animal theft and only 1 per cent were accused of tax offences.[[276]](#footnote-276) Within this population of defendants, trials for grand larceny were almost evenly split between the genders but in the overall Old Bailey trials, 68 per cent of them were defended by men and only 32 per cent were defended by women.[[277]](#footnote-277) ‘Theft from a specified place’ was committed more frequently by women within this population dataset and more women were tried for shoplifting than men (65 per cent of shoplifting cases in this population were defended by women). However, this is also slightly different from overall Old Bailey patterns where 45 per cent of shoplifting trials were for men and 54 per cent were for women (the gender of the defendant was unrecorded for the remaining 5 per cent).[[278]](#footnote-278)

The differences found between this population and the overall Old Bailey suggests that women who were identified as poor, or who were prepared to say that they were poor in court, committed grand larceny and shoplifting at a greater rate than those who did not disclose poverty. This might be because these thefts provided financial relief to women on the margins because they had the opportunity to commit them. Women would, for the most part, have had more opportunity to shoplift than they would to commit a tax offence, for instance.

That this population has a different gender ratio to the Old Bailey shows that women not only pleaded poverty more but were more likely to be identified as poor by other people. This indicates that women were not only more likely to be poor, but more likely to plead poverty when they were accused of a crime. It also suggests that crime was part of a makeshift economy for many of these women especially. While pleas of poverty may have been a calculated strategy, they simply may have been true. There were likely to be many more women like Mary Walker, who was apprehended with five pewter plates in her apron which belonged to the Fighting Cock Inn in Fleet Lane in 1754. Mary told the man who apprehended her that she was starving and did not know how to get a livelihood other than by stealing.[[279]](#footnote-279)

This population dataset also reveals patterns in the ages (where recorded) of defendants who self-identified as poor or who were identified as poor by others. Generally, even after 1775 when the trials became more extensive, ages were not ordinarily recorded for Old Bailey defendants. The recording of ages for convicted criminals became routine practice from 1788, but ages were not generally recorded for acquittals.[[280]](#footnote-280) Consequently, we have relatively few ages for this defendant population although the amount that we do have is sufficient for an analysis of crimes and defendant ages. It is also sufficient for a comparison with the Old Bailey population as a whole.

For those defendants who were identified as poor, or identified by others as such, 184 ages were recorded, ranging from under 10 to 76 years. The youngest of these was Ann Hill, who appeared to be 9 or 10. She was tried for stealing a walnut tea-chest, and a purse with a guinea in it. Due of her age, it appears that she was deemed *doli incapax* -the court considered her too young to be able to ‘distinguish between good and evil’- and passed her to the overseers of the poor in St Clement Danes parish who were instructed to take care of her.[[281]](#footnote-281) The eldest within the dataset was George Brace (described by a prosecution witness as being distressed for money) who, at the age of 76, was convicted of stealing a she-ass worth £1 1s. in 1794. Despite animal theft being a capital crime, Brace was publicly whipped as punishment.[[282]](#footnote-282) Brace’s sentence may not have been lenient simply because of his identified poverty. It was more likely that Brace escaped death because of his advanced age, and he was also perhaps an unsuitable candidate for transportation because of it. King wrote that, though there was no specific legislative dispensation for leniency towards the very young or the very old, age was one of the central factors in sentencing decisions.[[283]](#footnote-283) This is reflected in this population dataset. Including George Brace, there were seventeen defendants whose ages were recorded as over 60 years. There were twelve grand larceny cases, two incidences of theft from a specified place, one instance of animal theft, and two trials for fraud. Each of these defendants was found guilty, yet, only one was sentenced to death though he was not actually executed. Henry Cramer, who met earlier in this chapter, was recommended to mercy on account of his age and infirmity and was passed to his parish.[[284]](#footnote-284) Only three were sentenced to transportation (possibly because the others were unsuitable for either the journey, or the colonies). The remainder were whipped, imprisoned, fined, or a combination of those three punishments.

In the dataset of defendants identified as poor, or identified as such by others, for whom there is a recorded age, ten individuals under the age of 15 were convicted between 1750 and 1799. They were not always treated particularly leniently by the court, though none of them received a death sentence. Six of them were transported, including 11-year-old Sarah Stoner who was indicted for two counts of grand larceny, and was convicted of one but the second charge was reduced to the lesser offence of petty larceny. Her young age was not a mitigating circumstance as it was with some other children. This may well have been due to the nature of the crimes Sarah was convicted of. Sarah had lived with her aunt and uncle since she was around a month old. In August 1753 she was formally bound parish apprentice to them by Lambeth officials and had ‘never wronged’ in all the time that she had been with them. Yet, on two occasions she was accused of taking and stripping two small children of their clothes in Bartholomew Close. She stripped the children of their clothing and then pawned one set and attempted to sell the other. Sarah admitted the crime but claimed that Mary Nicks (or Dicks – both names are given), an old woman, coerced her at knife point into taking the clothes off the children and then putting them in pawn. Mary had run away when the mother of one of the children apprehended Sarah and ‘licked her’, Sarah insisted.[[285]](#footnote-285)

There are slightly more defendants aged over 60 in this population dataset than there is in the age distribution of the Old Bailey as a whole, while there are slightly fewer defendants aged under 15 (see Table 7). The ability to support oneself and one’s family through labour declined in old age, and the elderly were usually seen as deserving recipients of poor relief and potentially neighbourly charity. They also might have had better kinship support than working-age people in London. This is perhaps why we see relatively few elderly defendants, though we see more defendants in this language population than in the Old Bailey as a whole. They had a range of options which younger, able-bodied citizens might not have had. However, of the eighteen defendants aged over 60 in this population, twelve of them were male. This is significant because elderly women, particularly widows, were generally seen as deserving objects of charity.[[286]](#footnote-286) As Samantha Williams reported, elderly women were over twice as likely to be relieved by the parish as elderly men were.[[287]](#footnote-287) We might not see large amounts of elderly in the Old Bailey because they may have had less reason to break the law, and if they did do so, it is possible that those cases did not reach the Old Bailey, or that prosecutors were reluctant to prosecute a poor, aged offender.

However, what is striking is that of all the defendants tried for all crimes at the Old Bailey, between 1750 and 1799, and whose ages were recorded as over 60, 14 per cent of them were identified as poor, either by themselves or by others. Old-age poverty could be a factor for large numbers of the labouring poor, and this is reflected in this population. Similarly, that we see few defendants under 15 in this dataset, or in the Old Bailey overall, might be because the very young had access to poor relief resources in a way that able-bodied adults did not. Children were often provided for by the parish. They could be bound apprentice (which, of course, did not mean that they could not also suffer from poverty) and children were admitted in high numbers to workhouses. In St Pancras workhouse, 25 per cent of the residents were children in 1781.[[288]](#footnote-288)

**Table 7:** Ages of defendants in ‘language’ dataset compared to national demographics and overall Old Bailey population, 1790-1799

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Age range | % of whole England population | % of defendants in Old Bailey | % of defendants identified as poor in Old Bailey | Percentage of ‘poor’ defendants in the Old Bailey compared to all defendants in this age bracket |
|  |  |  |  |  |
| Total population (n) | n.7,739,889-8,664,490 | n.3,057 \**for whom age is recorded* | n.151 \**for whom age is recorded* | 4% |
| 5-14 | 21% - 23% | 3% | 2% | 4% |
| 15-24 | 17%-18% | 39% | 28% | 4% |
| 25-59 | 38% - 38% | 55% | 62% | 6% |
| 60+ | 7% – 7% | 3% | 8% | 14% |

Sources: For whole England population data see: E.A. Wrigley and R.S. Schofield, *The Population History of England, 1541 – 1871: A Reconstruction* (Cambridge: Cambridge University Press, 1989), p.529. N.B The age ranges are those devised by Wrigley and Schofield. They have been retained as it is felt that they illustrate the young, the working age, and the elderly. Also, Wrigley and Schofield provided quinquennial data. This author has adjusted that to decadal data by providing the range of data rather than the exact figures. For whole Old Bailey Population see: *OBP*, Tabulating defendant age, between 1790 and 1799. Counting by defendant.

Within this population dataset, the largest amount of crimes were committed by people aged between 15 and 59 and disproportionately so, compared to the whole Old Bailey population. This was the group who were most likely to be considered the labouring poor, and those who were least likely to be considered deserving of relief. Moreover, they were also the largest age-group in London.[[289]](#footnote-289) Though the parish was legally obliged to relieve the settled poor who resided within the parish boundaries, there was no legal basis to define who was deserving of poor relief, or not, or how the poor would be relieved and to what extent.[[290]](#footnote-290) The elderly and the very young were considered more deserving of parish relief and were more likely to get it. The able-bodied, working-aged poor were expected to be able to support themselves and were perhaps denied relief, or did not approach the parish for it.[[291]](#footnote-291) Moreover, the mobility of the able-bodied working age citizens in London might have prohibited citizens from approaching the parish lest they were found on the wrong side of the Settlement Act.

The age distribution of these defendants indicates that crime might have been part of a makeshift economy for Londoners throughout the life-cycle. Elderly men might be moved to crime through necessity as whilst they were unable to wholly support themselves through their labour any longer, they were also not as likely to receive parish relief as their female contemporaries. The working aged poor might simply have been considered undeserving of relief or may have been reluctant to approach the parish and therefore compelled to criminality. The age and gender of the populations of defendants who were described as poor, by themselves or by others is wholly reflective of the demographic of those eighteenth-century Londoners who were the most likely to be poor.

**Expressions of Poverty in the *Accounts of the Ordinary of Newgate***

Through language analysis of Old Bailey trials, we have identified the gender and age distribution, as well as the types of crimes committed by those defendants, who were identified as poor, either by themselves or by others. This evidence has pointed towards crime being part of a makeshift economy for some poor Londoners, yet it is likely that there were many more defendants who committed such crimes but who are not found in the defendant population.

When we look at other evidence which contains details of defendant socio-economic experiences, we can see that defendants articulated poverty to different people and under different circumstances. This considerably augments the notion that those defendants who were described, and perceived, as poor were only a small portion of those who actually were poor. One of the richest biographical sources which can be analysed alongside the *Proceedings* is the sister publication, *The Ordinary of Newgate, His Account of the Behaviour, Confession, and Dying Words of the Malefactors who were Executed at Tyburn* (hereafter referred to as the *Ordinary’s Accounts*). These provide ancillary evidence of the socio-economic circumstances of some Old Bailey defendants in this chapter.

The Ordinary was the Chaplain of Newgate and he had, as a perquisite, the right to publish the last dying speeches of condemned criminals for profit.[[292]](#footnote-292) The *Ordinary’s Accounts* have been traditionally viewed as problematic evidence because of the formulaic format of the pamphlet, the moral and theological agenda of the Ordinary, and the commercial nature of the publication. Even during their tenure as popular literature they were derided as ‘trash’ and ‘scandal’, ‘slovenly’ and ‘wretched’ by other contemporary publications.[[293]](#footnote-293) Despite the often dubious ways in which the Ordinary coaxed the dying confessions from the condemned, the quite considerable sums they received through the publication, and the moral lessons contained within the ‘dying speeches’, they contain important biographical details about Old Bailey defendants and have been used by historians to investigate aspects of eighteenth-century life. Historians such as Peter Linebaugh and Andrea Mckenzie view the *Ordinary’s Accounts* as providing a glimpse in to the everyday lives of plebeian convicts and their narrated experiences.[[294]](#footnote-294) Though they are, as Mckenize wrote, ‘punctuated with parenthetical asides’, they do contain a dialogue between the Ordinary and the condemned.[[295]](#footnote-295)

There are, of course, other limitations to be considered. The *Ordinary’s Accounts* only discuss those defendants who were executed. As we have seen through the discussion of sentence outcomes, this was not all of those who were sentenced to die. Moreover, as they detail only the capitally condemned, those most serious offences may not have been those crimes typically associated with poverty. Lastly, some condemned criminals refused to give the Ordinary their last words, so the biographical sample shrinks even further.[[296]](#footnote-296) However, as Peter Linebaugh confirmed, when biographical information does exist, much of it can be verified through other documentary evidence. Therefore, the *Ordinary’s Accounts* provide useful ancillary evidence to the *Old Bailey Proceedings*, but they have to be handled with meticulous care.[[297]](#footnote-297)

Few (only 11 per cent) of the population of defendants in this dataset were sentenced to death. Fewer still were sentenced to death between 1750 and 1772, when the *Ordinary’s Accounts* ceased to be published. Only thirty-eight defendants found within this population dataset were capitally convicted, and of those thirty-eight only thirteen had their sentence exacted and were executed, and therefore appear in the *Accounts*. The other twenty-five were either pardoned, had their sentence commuted to a lesser punishment (usually transportation), died in custody, or their fate is unclear.[[298]](#footnote-298)

Though much is likely to have been omitted from the *Ordinary’s Accounts*, or never reported to him in the first place, comparing the language used by this population of Old Bailey defendants during their trial and their dialogue with the Ordinary, highlights how defendants articulated their poverty in different scenarios. Of those thirteen capitally convicted defendants in the ‘language’ dataset*,* and for whom an *Ordinary’s Account* exists, only four of them also told the Ordinary that they were poor. In December 1752 William Morris was capitally convicted of highway robbery. During his trial at the Old Bailey, the prosecutor claimed that Morris had told him that he was poor as the crime was taking place. When he gave his dying confession to the Ordinary, he revealed that he had been in the workhouse shortly before the crime occurred.[[299]](#footnote-299) In 1754, John Haine was convicted of highway robbery in similar circumstances, though this time telling his victim that he had three children in distress when the victim’s servants apprehended him after the robbery. He corroborated that in his dying confession. Haine told the Ordinary that he could not support his family any longer.[[300]](#footnote-300)

In 1757 Henry Clark was capitally convicted. He had told his victim that he was ‘in necessity’ when he stole his watch from him on the King’s Highway. Clark told the Ordinary that he was unemployed and in necessity, though, now in his penitence he could see that there was honest industry to be had if only he had a mind to it. Lastly, in 1765 John Cook was capitally convicted of forging a will. Whilst Cook was being secured in the home of William Gregory, the keeper of the Borough Counter in Surrey, Cook revealed to Gregory that necessity had driven him to forgery. He told the Ordinary that he came from a good background, and had even attended university in Aberdeen, but his fortunes were so low that he could not support himself and had thus turned to forgery.[[301]](#footnote-301) The other condemned criminals found within this population had the same opportunity to divulge their economic status to the Ordinary as these four malefactors did. Yet, they did not choose to report their poverty at this time (or perhaps the Ordinary discarded the information). In contrast, if we investigate the language of poverty in the *Ordinary’s Accounts* overall, we can see that many people told the Ordinary that they were poor but that they did not self-identify as poor in the court, nor were they identified as poor by others.

There are approximately 700 named convicts mentioned in the *Ordinary’s Accounts*, between 1750 and 1772.[[302]](#footnote-302) Not all these people spoke to the Ordinary. Some were respited, some would not communicate, others were not asked, or if they were, their last words were not published. However, when we do have the last words of condemned criminals, 11 per cent of them claimed that they were motivated to commit their offence by poverty. A further 8 per cent revealed that they were generally poor. That many condemned prisoners in Newgate did not articulate that poverty verbally in the courtroom, or it was not recorded in the *Proceedings,* but it was recorded by the Ordinary is significant. It illustrates that despite sometimes lengthy trial accounts, poverty was not always articulated in the court or recorded by the court when it might have been articulated, whether or not it was a true assertion from either witnesses or defendants. It must be considered that perhaps poverty was recorded by the Ordinary as it suited the message that the Ordinary was hoping to achieve through his publication. Often the Ordinary attempted to inculcate the perils of immoral behaviour through his framing of the dying confessions of convicts.[[303]](#footnote-303) Expressions of poverty might have suited the narrative of temptation and sin leading to Tyburn. Perhaps condemned convicts might have felt freer to admit circumstances of their crime as they had nothing further left to lose. In either case, though, this evidence suggests that while we can see the beginnings of the evidence that crime was part of a makeshift economy for some poor Londoners, the evidence that we have is likely to be only a partial picture. It is probable that many more defendants were poor and were committing crimes because they were poor.

**Conclusion**

Though there are difficulties exploring the relationship between crime and poverty in the past, analysing the language used by defendants in the Old Bailey has shown that we can make links between property crimes and poverty from the spoken experiences of defendants. Using twenty-one carefully selected and meticulously contextualised keywords, 1,075 defendants were extracted from the *Old Bailey Proceedings* whose verbalised poverty was linked to their alleged offences. Analysing that population, which comprises 3 per cent of all Old Bailey defendants between 1750 and 1799, revealed that there were links between crime and poverty which point to crime being a part of makeshift economies for plebeian Londoners.

Analysing the pattern of language distribution showed that not only was there a potential difference between elite and plebeian language but that different groups of people used language, or had it ascribed to them, in different ways. Both male and female defendants were almost equally as likely to describe themselves as ‘distressed’, yet more women were identified as poor by the word ‘workhouse’ than men were. This is congruent with workhouse population in the eighteenth century where more women than men were occupants. Language distribution analysis also revealed that almost no defendant used the language associated with the poor laws about themselves. This was either a symptom of differences between popular and elite language, or that these people could not get parish relief, did not attempt to apply for it, it was not considered relevant to the trial, or that those who were on parish relief did not tend to turn up in the Old Bailey accused of felonies in high numbers.

Women were likely to be poorer than men, and that too is reflected in the population dataset. Women were also more likely to plead poverty as a defence, and when they did, they were more likely to be acquitted than their male counterparts. This is probably because women were more vulnerable to poverty, but, it may also have been a strategy devised through social knowledge. Regardless of gender, the defendants of this population were accused of grand larceny more than any other crime, and they were accused of it in higher numbers than the general Old Bailey population. Despite pleading poverty being a sometimes-fatal admission of guilt, many defendants still did so, and sometimes it worked; defendants were sometimes recommended to mercy, and given lesser punishments, because they successfully argued that they committed the crime because they were poor. Though it did not work very often. Defendants within this ‘language’ dataset were convicted at a higher rate that Old Bailey defendants overall.

Investigating the speech events of prosecutors and officials reveals that poverty was pointed out by a range of people and for a variety of reasons. Moreover, that defendants told prosecutors that they were poor when they were first apprehended for the crime, or that they told officials before their Old Bailey trial, suggests that the crimes which are represented here are only a portion of those crimes motivated by poverty which actually took place. Many prosecutors might have eschewed a prosecution, and many officials might have dealt with the crime informally.

There were likely to be many more defendants who shared the condition of poverty but who were not identified as such in their trial. As Alexandra Shepard found, many witnesses in church courts were reluctant to describe themselves as poor as they feared that they might have been discredited.[[304]](#footnote-304) In part, because poverty was expected to lead to crime, articulating poverty might also have made defendants fear being presumed guilty. Many other defendants would not have revealed their poverty to the court when it involved admitting guilt for the crime they were accused of. Yet, the poverty of those who did not identify as such can be gleaned from other aspects of their lived experience. Qualitatively analysing the 1,075 defendants within this population has revealed not just the circumstances of their crimes, but also sometimes the circumstances of their poverty. The following chapter explores some of those circumstances and considers other defendants who shared them, and whether those circumstances can also be linked to criminal strategies of makeshift.

Finally, this language analysis has revealed that not only can we see links between crime and poverty, but that this was recognised by Londoners in the eighteenth century. There was a discourse of poverty within the Old Bailey which was understood by all the actors within it. Those Londoners certainly considered crime to be part of a makeshift economy for the poor. In 1799, when James Charlick, a 22-year-old apprentice, was convicted of stealing from his master, Thomas Long-Sheene, a brazier in Holborn. Long-Sheene complained to the court that not only had he taken Charlick out of charity and clothed him, he had also given him a shilling every Saturday, ‘to keep him honest’.[[305]](#footnote-305)

**Chapter Two: Illness, Unemployment, and Low-Paid Work**

**Introduction**

Analysing the courtroom testimony found in the *Old Bailey Proceedings* determined that 3 per cent of Old Bailey defendants identified themselves as poor, or, were identified as such by others and for a variety of reasons. Yet, some of those Londoners not only identified as poor (or were identified thus), but also explained (or someone else did) the cause, or contributing factors, of their poverty. Few studies fully consider the causes of poverty when they posit that crime is a response to poverty. Despite the sophistication and breadth of the studies which link rises in indictments to events which caused economic crises, the conclusions are too simplistic. This is partly because they ignore the day-to-day causes of poverty in favour of patterns of extraordinary events. Many marginal people watched men mobilise and demobilise, hungered when the price of wheat rose, and froze in harsh winters, yet were still just as poor before, during, and after these exogenous events. People who lived precariously could be only one personal crisis away from poverty.

There were several reasons why poverty might be exacerbated, or why people might be plunged into destitution. Poverty could be, and still is, inherited, and it is a deeply complex issue. It is, and was, also, as Samantha Williams writes, ‘inherently life-cycle related’.[[306]](#footnote-306) Old age, widowhood, parenthood and orphan-hood could compel individuals and families to turn to the parish. However, for those mothers, fathers, sons and daughters who were just about managing to get by, there were three other factors, amongst others, which could plunge them into poverty; sickness (or other physical prohibition to labour), unemployment, and insufficient or underemployment.

Qualitative analysis of the 1,075 defendants whose testimonies contained speech events from the language of poverty revealed that ninety-one of them said that they were sick, disabled, or physically prohibited from labour in other ways, and ninety-nine of them said they were unemployed at the time of the crime. There was also a range of occupations discussed within those trials. The livelihoods of 425 defendants were mentioned in the *Proceedings* for this language population and eighty of those defendants shared three types of livelihoods which can be characterised as low-paid, casual, or intermittent. Those occupations were street-selling (which both men and women engaged in), casual labouring (which was usually a male occupation), and casual women’s labour (casual – and usually domestic - tasks performed by women). There were, of course, many other types of occupations which were casual, erratic, and low-paid, but for reasons of time and space, this dissertation has analysed only three.

When those defendants in Chapter One disclosed reasons for their poverty at the time of the crime, the testimony was revealing. In 1754 Francis Collins, who described himself as ‘a poor man’ during his testimony, was tried for grand larceny. He had obtained goods upon credit from a pawnbroker, Mary Magennis, and then proceeded to lodge in her house. Upon leaving the lodgings he took the goods with him but he had still not paid for the items. Magennis challenged him for either his debt or the return of the items. Collins reported to the court that a period of illness had left him unable to either pay Magennis or return the items as he had been obliged to pawn some of them elsewhere because of his illness. He told the court; ‘I proposed payment for these cloaths, and bought them of the prosecutrix; I then lodged in her house; after that I went to lodge with Mrs. Bready upon Snowhill. After some time I was taken ill, and was obliged to pawn them; then she came to me and asked me for the money. I said, if God spares me, and gives me health, I'll pay you’. Magennis took ownership back of what goods remained with Collins and they agreed that when he was able to, he would pay her for the lost items. The court, in consideration that an agreement between the two had been reached, acquitted Collins.[[307]](#footnote-307) In this case, Collins, who appeared already to live on the margins as he utilised pawnshops, credit, and flitted amongst short-term lodgings, was impoverished further by his sickness which left him unable to pay for goods which he had used, or to retrieve them out of pawn. William Peterson, who in 1768 was found guilty of grand larceny, told the court; ‘I was out of work, and greatly distressed for want; I made use of these things to get my own out of pawn’.[[308]](#footnote-308) Peterson clearly articulated the language of poverty and that poverty was linked to his lack of work.

It was not possible to analyse every occupation in the ‘language’ database, but three occupations common within the dataset of identified poor defendants were studied: street-selling, casual women’s work, such as chairing or washing, and casual male labouring. This chapter considers those defendant’s experiences, but also, analyses a different population who shared those circumstances. By using the signifiers of illness, unemployment, and underemployment for those three types of occupations, and the methodology outlined in the previous chapter, a second population of defendants, who shared those experiences but who did not use the language of poverty in their trial, or have it used about them, were extracted from the *Proceedings*.

Using a specific glossary for each category (which will be discussed in the relevant sections, and for which the full search terms are outlined in Appendix One), a new population of 1,537 prosecutions were found. That population consisted of 561 defendants who were sick, disabled or suffered from other physical prohibitions to wage-labouring, 407 individuals who were unemployed at the time of their alleged crime, and 569 defendants who were engaged in the occupations of street-selling, casual women’s work, and casual labouring (there were 151 labourers, 210 street-sellers, 205 women engaged in casual women’s work, one man who laboured and sold goods about the street, and two women who were both street-sellers and involved in casual women’s work).[[309]](#footnote-309) These populations are referred to as the ‘sickness’ dataset, the ‘unemployed’ dataset, and the ‘underemployed’ dataset.

Naturally, there is a small amount of crossover in the datasets. People like Francis Collins who told the court he was both ill and poor appear in the ‘language’ dataset as well as the ‘sickness’ dataset. The few defendants who appear in more than one dataset have been retained because their narratives need to be quantitively analysed to summarise the evidence. Moreover, those defendants who reported that they, or their spouse, were both ill and out of work can reveal how multiple crises could impact upon economic circumstances. For defendants like John Knight, convicted of grand larceny in 1770, a bipartite crisis became a catastrophe. Knight was a sawyer by trade, but he had had no work. His son contracted small pox and had to go in to hospital and his wife became ill of a fever. These events reduced Knight’s circumstances until he, owing a quarter’s rent, was compelled to pawn a tea kettle, which the maid of the public house within which he lodged had lent to him filled with water. Knight told the court that he intended to ‘have put it in its place again’ but the landlord of the public house missed the kettle and prosecuted. Knight was convicted and sentenced to be transported.[[310]](#footnote-310)

Individual experiences need to be explored before we can test the extent to which crime was a response to poverty and part of that experience is what provoked poverty in the first place. Though, as discussed, there are many factors which contribute to poverty, this chapter assesses those defendants in the Old Bailey, between 1750 and 1799, who were identified as ill or unemployed, or, underemployed, either by themselves or by others. As it was suggested in the previous chapter, those who claimed that they were poor in the Old Bailey were likely to have only been the tip of the iceberg. There would have been many more poor people who stood in that dock but who did not use the language of poverty to identify their circumstances or who had it ascribed to them by others. Identifying defendants who were sick, unemployed, or underemployed is a way to reveal those whose poverty was verbally hidden from the *Proceedings*. Drawing out those ‘hidden poor’ is meaningful and necessary for two key reasons. Firstly, it enables us to test more fully the relationship between crime and poverty. Examining the causes of poverty can explain why some Londoners were compelled to commit property crime as part of a makeshift economy. Secondly, it highlights the experiences of a hitherto neglected group of people who shared the common experiences of sickness and unemployment and allows us to examine how that affected their lives. As Lynn Hollen Lees reminded us in her discussion of settlement and removal documents, within the official records of the poor, we have ‘at most describe a group of destitute people that attracted the attention of local officials for which a paper trail survives’.[[311]](#footnote-311) This chapter will give some of the ‘hidden poor’ physical form and analyse whether sickness, unemployment, or underemployment might have motivated their criminality.

Due to the limitations of the *Proceedings* and the vagaries of descriptions of sickness, unemployment and occupational speech events, the prosecutions which appear in these three datasets cannot include every sick, unemployed, or underemployed defendant who appeared in the dock of the Old Bailey. However, this group of identified defendants reveals much about the relationship between crime and poverty. Moreover, analysis of these groups suggests that there are many more ‘hidden poor’ in the Old Bailey and that this evidence is indicative of crime being part of makeshift economies on a far larger scale than we can immediately see from court records. This chapter shows that not only did sickness, unemployment and underemployment cause economic strain to individuals and families, but also, that during times of such crises, some people did indeed turn to crime to make ends meet.

**Health, Poverty, and Crime**

A century had passed since Thomas Hobbes published *Leviathan,* but life remained ‘poore, nasty, brutish, and short’ for many citizens in eighteenth-century England.[[312]](#footnote-312) Though the Great Plague of London, which took an estimated 68,596 lives between 1665 and 1666, had proven to be the last epidemic of the Black Death in Britain, myriad infectious diseases rampaged through London’s crowded streets and alleyways.[[313]](#footnote-313) Tuberculosis, diphtheria, measles, typhus, influenza, venereal diseases, and other illnesses maimed, disfigured, and killed. Malaria (‘marsh fever’, or, as it mostly referred to in the *Old Bailey Proceedings*, ‘ague’) afflicted those living in the marsh-lands of the South East.[[314]](#footnote-314) Complaints such as gout, gall-stones, and rheumatism affected citizens from all classes and industry and war inflicted catastrophic wounds, occupational illnesses (such as potter’s lung disease), and workplace injuries on London’s labouring populace.[[315]](#footnote-315)

Life expectancy for Londoners was just 20.1 years in 1750, rising to 28.0 years in 1800.[[316]](#footnote-316) It must be remembered, however, that these figures are influenced by the large numbers of infant deaths. Children were especially vulnerable to disease and infection and infant mortality was brutally high. Though infant mortality gradually decreased during the 1700s, by the end of the century, 41 per cent of all children who had been baptised still died before they reached the age of 5.[[317]](#footnote-317) Even for those who survived childhood, wealth and status did not grant immunity to illness or injury. However, for the labouring poor, who were often only one crisis away from destitution, sickness could be an economic catastrophe. [[318]](#footnote-318)

Those of the settled poor, who were ‘impotent’, ‘aged’, ‘lame’ or seriously wounded in the ‘defence and service of her majesty and the state’ were considered deserving of official aid and entitled to relief from the parish and this was enshrined in the legislation of the Elizabethan poor law.[[319]](#footnote-319) Not all parishes listed the reasons why they had relieved the poor citizens in their accounts, but when they do, frequent extra disbursements, or casual one-off disbursements in times of sickness are visible. The accounts of Samuel Littlebury, the churchwarden for the parish of St Dionis Backchurch during 1737-1738, listed the casual disbursements – which totalled £58 3s. that year - for people within the parish. The account listed casual payments for items such as pauper burials, but it also named the paupers who the parish casually relieved with extraordinary payments. Thirty-three parishioners that year were named as being in receipt of clothing, lodging, or money. Eighteen of those people were already parish pensioners, receiving regular payments, though the remainder do not appear to have been receiving a weekly parish pension during that year. Not every casual payment was accompanied by an explicit reason for the disbursement, but when they did, it was often because the parishioner, or their spouse or children, were sick. For example, the parishioner ‘Gregory’ was given two shillings for his sick children and ‘Southgate’ was given two shillings to support him in his sickness (the type or cause of the sickness which afflicted ‘Gregory’s’ children and ‘Southgate’ was not recorded).[[320]](#footnote-320)

As well as the outdoor relief found in some parishes, some London citizens could utilise the workhouse for relief during their sickness. Workhouses, which attempted to provide care and treatment for those poor who were eligible and willing to submit to the workhouse, became increasingly ‘medicalized’ throughout the eighteenth century, allocating space and resources to the sick.[[321]](#footnote-321) In the 1770s, the workhouse of St Giles and St George Bloomsbury lodged their ‘sick and diseased’ residents in separate wards which were attended on by four nurses.[[322]](#footnote-322) However, though workhouses functioned as infirmaries and attempted to deal with a range of ailments and infectious diseases, the medical care was questionable and the large number of people contained within the same walls led workhouses to be regarded as contagious spaces, so saturated with disease that ‘gaol fever’ and ‘workhouse fever’ were both terms used for typhus.[[323]](#footnote-323) There were also the more general disadvantages of submitting to the workhouse, such as the loss of independence detailed in the introduction to this dissertation.

The range of options available for Londoners meant that in some ways they were more fortunate than their rural counterparts. In rural areas, there were few options for health care for plebeian citizens. Two-hundred miles south-west of London lies the small, rural parish of Coldridge, Devon. Sick, poor parishioners who lived there in the eighteenth century were ministered to by neighbours (often parish pensioners themselves who had been instructed to care for the sick by overseers and vestrymen), a visiting doctor (who was summoned and employed by the parish on an ad hoc basis) or placed in the parish poor house which functioned as short-term house of correction, hospice, convalescent home and hostel.[[324]](#footnote-324)

Londoners had a far more facilities and choices. Alongside parish relief and the workhouse there were also hospitals designed to cater for the poor (even the unsettled poor) voluntary hospitals, philanthropic dispensaries, doctors, physicians and apothecaries.[[325]](#footnote-325) However, these options were not always free, or easy to access. By the middle of the eighteenth century, both St Thomas’s hospital and St Bartholomew’s hospital charged an admittance fee and the voluntary hospitals, such as the Lock Hospital required a prospective patient to be nominated for admittance, thus dividing the ‘deserving’ and the ‘underserving’ poor regardless of their settlement status.[[326]](#footnote-326) For the poor, treatment could be financially out of reach. Not only could the price of medicine and care afflict the poor alongside their illness, sickness and injury could cause labour to be lost which could resulted in poverty and hardship.

In most eighteenth-century occupations, there was no pay without work. This can be seen through the testimony of defendants and witnesses in the Old Bailey. In 1793, Francis Mardin prosecuted his sometime-servant, Gabriel Moore, for fraudulently obtaining two tea kettles. Moore had approached a tin-plate worker and instructed him that Mardin desired two kettles to inspect. Mardin declared he knew nothing of the kettles, the court agreed, and Moore was found guilty and imprisoned for obtaining goods under false pretences. During the trial the relationship between master and servant was scrutinised and it was revealed that Moore was lame which occasionally caused him to be absent from his job. Mardin told the court ‘when he [Moore] worked I paid him, and when he did not work I did not pay him’.[[327]](#footnote-327) Another servant, William Owen, was convicted of stealing a range of spectacles and opera glasses from his employer, John Dolland. Owen told the court that he had taken the goods to pawn as he had been ill for six weeks, had been attended by a doctor from the dispensary, and was in debt. The court asked Dolland whether Owen’s pay was ‘intermitted during the time of his illness’. ‘It certainly was’, Dolland confirmed.[[328]](#footnote-328)

For some people, the earnings lost through sickness could be negated through benefit clubs and societies, or, having the wherewithal to save for such events. Peter Clark wrote that by 1801, there were at least 7,200 such friendly societies throughout England and Wales and some of those provided subscription-based insurance for members who might fall ill.[[329]](#footnote-329) Some of these clubs are visible as support strategies for defendants in the Old Bailey. The Rodney Society, which was described by a witness as a ‘benefit club in case of sickness’ and the Granby Society, which offered members ten shillings a week if they fell ill, and ten pounds to be paid out on member’s behalf upon death, were two benefits clubs active in London during this time, and recorded in the *Proceedings*.[[330]](#footnote-330) As an estimated 40 per cent of working Londoners were members of such clubs, we can see that they were no longer solely for upper class men, as the Antiquaries Society (although not a benefit club, it was the first association in England and was patronised by lawyers and gentlemen), was in the sixteenth century.[[331]](#footnote-331) E.P. Thompson considered some late eighteenth-century benefit clubs to be evidence, and part, of the growth of the burgeoning working-class consciousness of artisans and labourers.[[332]](#footnote-332) Though benefit clubs had ‘working class’ members, only those who could spare a portion of their income could rely on them in times of need. These societies warded off destitution in the case of sickness for members, but not for those who could not afford, or sustain, membership. Similarly, many individuals and families could not save a portion of their wages to self-insure against the threat of illness and subsequent lost labour.

During times of sickness or physical conditions which prohibited labour, those who already lived precarious economic existences could plunge deeper into poverty. The cost and difficulty of obtaining medical care coupled with a loss of earnings could stretch already difficult circumstances. As could an inability, or unwillingness to apply for parish relief. Despite ill health, some people might have wished to avoid the workhouse because of both the associated loss of independence and anxiety about the threat that workhouses posed to already precarious health, if they were even eligible to apply for it in the first place.

Poverty caused by sudden sickness, long- and short-term health problems, and injuries, disabilities and other physical conditions which prohibited labour, such as pregnancy, did sometimes prompt criminal behaviour to provide financial relief for some of the defendants in the Old Bailey. Moreover, for some people, who were already engaging in risky behaviour, sickness could be the catalyst which enabled their law-breaking to be discovered and resulted in their prosecution. For marginalised plebeian Londoners, sickness could be life-changing beyond the implications for health.

Using the methodology discussed in the previous chapter, a selection of keywords and phrases which were used to describe sickness, injury or other physically limiting conditions were searched for within the *Proceedings*. The selected words and phrases were: ‘sickly’, ‘sick’, ‘sickness’, ‘with child’, ‘lying in’, ‘lame’, ‘palsy’, ‘palsey’, ‘ague’, ‘fever’, ‘bad with’, ‘been bad’, ‘taken bad’, ‘not well’, ‘unwell’, ‘not been well’, ‘ill’, ‘illness’, ‘disable’, ‘disabled’, ‘unhealthy’, ‘disease’, ‘diseased’, ‘sickened’, ‘sicken’, ‘feeble’, ‘infirm’, ‘weak’, ‘weakened’, ‘frail’, ‘infirmary’, ‘hospital’, ‘doctor’, and ‘pox’. These searches returned 5,885 hits within trials for economic crimes. The trials were then scrutinised to determine the context and relevance of the words and phrases.[[333]](#footnote-333) This resulted in a population of 561 defendants who described themselves as sick, injured, or with some other physical condition which prohibited their ability to labour, or who were described as such by others, or that they had a spouse who they were supporting through such a circumstance.

The trials were read meticulously to ensure that each utterance was by or about the defendant. Roy Porter wrote that illness and death were constant themes in early modern communities and witnesses, prosecutors, and defendants all described various ailments and injuries within the courtroom.[[334]](#footnote-334) Moreover, to consider whether sickness-induced poverty could lead to criminal behaviour, it was essential that the defendant was ill shortly before, or during the time of the alleged crime. For example, ‘pox’ was a frequent utterance but was discarded within the analysis after initial searches because it almost always referred to illness, including sexually transmitted diseases, in the quite distant past. All those defendants who told the court they were ‘sick’ through drunkenness were similarly discarded because they were typically reporting the temporary physical symptoms of over-indulgence.

So too were defendants who became ill after the crime, or, were injured because of the crime. Gaol fever (typhus) was notorious and a real risk to prisoners in Newgate. It was also a risk to those who encountered them. In 1750 an outbreak of typhus caused the death of forty prisoners, court officials, judges and the Lord Mayor.[[335]](#footnote-335) Therefore, it is expected that prisoners who had been incarcerated in Newgate, or a house of correction, prior to their trial might present in the Old Bailey with this, or other contagious illnesses.

Falling sick for other reasons after the crime took place was commonly reported, as was an injury that occurred during the crime. Occasionally the court might even take pity on those who were injured in such a way. In 1785 David Cole alleged that he saw John Baille steal his handkerchief. Baille reported that Cole kicked him ‘violently over the private parts’, a fact that Cole denied by oath. However, Baille was so visibly injured by ‘some hurt’ that the court ‘in compassion to his situation’ sentenced him to be privately whipped and then discharged. Furthermore, a court official stated his intent to take Baille to the Lord Mayor after the session had finished and have him admitted to a hospital.[[336]](#footnote-336) As this injury occurred after or during the crime, the crime was not committed through sickness induced poverty and so the case was not included in the ‘sickness’ dataset.

Defendants suffering from mental illnesses and learning difficulties were also omitted from the dataset. The relationship between mental health and poverty is an important line of enquiry and there have been some inroads into researching this over recent years. Audrey Eccles’ 2013 article on vagrancy and mental illness is a good example of scholarship in this area.[[337]](#footnote-337) Experiences of mental health and mental distress are present in the *Proceedings* through the testimony of witnesses and defendants. This has been explored by Dana Rabin in her detailed study, *Identity, Crime, and Legal Responsibility in Eighteenth-Century England* (2004). Rabin found that the language of mental illness was used to excuse criminal behaviour, articulate diminished responsibility, and perhaps helped to shape ideas of responsibility and culpability.[[338]](#footnote-338) While there might be links between poor mental health and poverty (especially if it prohibited labour), and therefore potentially a link to crime, those potential links are beyond the scope of this dissertation because there are also many other factors which might link mental health and crime, and mental health and poverty.

Defendants who claimed that their spouse was sick or injured were included in the dataset. The poverty of a contributing family member affected the entire household. A family member who was unable to work might prompt an able-bodied partner to criminality as a survival strategy for the family As Alysa Levene wrote, parental sickness, especially that of the father was an ‘underlying trigger for destitution’ and a factor in many children’s admittance to St Marylebone workhouse.[[339]](#footnote-339) To test whether an ill spouse could prompt crimes of makeshift, sick spouses were included in the data. However, defendants with sick children were excluded from the dataset (unless they or their spouse were also sick). It is acknowledged that a sick child could be costly, both financially and in lost labour whilst caring for them but know that there were a range of options available for ill children from poor families. Indeed, children with a sick parent were likely to be considered deserving of parish relief.[[340]](#footnote-340) Children in the workhouse have been discussed at length by Alysa Levene and it has been pointed out both by her and Tim Hitchcock that families could and did use the workhouse to ease the financial burden on parents and families.[[341]](#footnote-341) Alysa Levene stated that children were routinely entered into the workhouse during their own illnesses, and often admitted because of parental sickness. Between 1769 and 1781, 8.5 per cent of children (under 13) admitted to the St Marylebone workhouse, and for whom admissions data is available, were admitted because of sickness of some type, whether they were admitted alongside a parent or independently of one.[[342]](#footnote-342)

Analysing the language of illness and injury in courtroom testimony is methodologically more difficult than assessing the language of poverty. This is because of the plethora of ways in which early modern Londoners described their physical circumstances. For example, someone who was suffering from malaria would describe themselves as having ‘the ague’, or perhaps ‘ague and fever’. They might have been ‘taken bad’ because of it or ‘been very bad’. Perhaps they were ‘brought to bed’. Indeed, ‘malaria’ does not occur once in the *Proceedings* between 1750 and 1799.[[343]](#footnote-343) Similarly, the words used to describe physical problems were also used to articulate social or spiritual behaviour. ‘[I have not] heard ill of her’, or similar speech events, were frequent refrains from witnesses called to the court to testify to the character of the defendant.[[344]](#footnote-344)

Despite the multi-functionality of these words, meticulous contextualisation resulted in each selected utterance being assessed with its relevant meaning and those utterances reveal some interesting insights into the identification of experience. A linguistic analysis of the words used indicates that ‘ill’ and ‘illness’ were the most frequently recorded utterance in this dataset – 204 instances. These words also resulted in the most discarded ‘hit’ because of the ways in which they were used to describe wider behaviour.[[345]](#footnote-345)

It can also be seen that certain utterances referred to specific conditions. ‘Weak’ was used predominantly to describe those who were mentally ill, or of perceived ‘inferior’ intellect. For example, James Percival was described by a witness as ‘a weak boy as to understanding’.[[346]](#footnote-346) As mental health and learning difficulties were not considered for this analysis, this explains why there were 153 hits returned for ‘weak’ and its derivatives but only eight defendants appear in the database as contextually correct trials.[[347]](#footnote-347) ‘Disease’ was usually the ‘foul disease’, a euphemism for a range of venereal diseases. It was seldom used to describe other illnesses or complaints. Defendants suffering from the ‘foul disease’ were retained for the dataset as syphilis was debilitating in the pre-antibiotic age. It could reduce capacity for earning as well as be expensive to treat. Due to these factors, and the difficulty of obtaining treatment for some people, Kevin Siena wrote that suffering from venereal disease could impoverish citizens by ‘driving many into a further state of poverty’.[[348]](#footnote-348)

Injury or disability did not necessarily condemn a labouring man or woman to ‘the scrapheap’, though. John Harlow, who was convicted of stealing from his employers in 1796, had begun to work for Robert Jackson and John Mosier, ironmongers and braziers of Soho, in 1785. He began his employment as a hammer man, yet, when he became ‘infirm’ five years after his appointment, Jackson and Mosier employed him as a night-watchman instead, retaining his services and paying him a wage.[[349]](#footnote-349)

It is significant that by observing health problems and physical circumstances with implications for unemployment and underemployment in this way, we can see that of the eighty-one utterances of ‘with child’ and ‘lying in’, fifty-four utterances were made by or about female defendants (the remainder were made by or about male defendants regarding their spouse). This means that we can say with certainty that between 1750 and 1799, only fifty-four women who were accused of property crimes told the Old Bailey that they were, or they were described as, being ‘with child’, or ‘lying in’ either during the time of the alleged crime or very recently before the crime took place. This suggests two key factors. Firstly, that pregnant women, and women who were newly post-partum, were not particularly criminal or prosecuted particularly often of property crimes. In the parishes included in the London Bills of Mortality, in the 1760s alone, 17,8531 baptisms were recorded (as births were not routinely recorded, this figure is conservative as baptism did not take place for every infant, for a variety of reasons).[[350]](#footnote-350) Even considering multiple births, this is a large amount of pregnancies. It appears that only a tiny minority – an average of one per year - of the mothers who gave birth in London were accused of committing a felonious property crime which was tried at the Old Bailey, or (and this is more likely) very few revealed their pregnancy in that courtroom, or if they did, it was unrecorded. As ‘pleading the belly’ could result in respite, or a pardon from execution (if a jury of matrons did indeed find the defendant ‘quick with child’), it was more commonly used after the sentence to persuade a stay of execution.[[351]](#footnote-351) Very few of the women in the ‘sickness’ dataset were sentenced to death (only 8) and so it is expected that few women in this dataset would have pleaded pregnancy in the hope of respite. This dataset only analysed property crimes. Though property crimes tried in the Old Bailey were indeed felonious, and people were executed for them, most respites through pregnancy occurred for the most serious crimes, such as killing– be it infanticide, murder or petty treason.

It is, of course, possible that more women reported pregnancy (or were observed to be pregnant) to the court, yet the scribe omitted that detail. It is also possible that justices of the peace sometimes chose not to commit pregnant women to an Old Bailey trial. However, that there are so few women within this dataset, it also suggests that while pregnancy and lying in could cost money for nursing and midwifery, as well as lost labour, and therefore potentially impoverish, pregnant women were potentially less likely to turn to theft as an economy of makeshift. This may be because there were other resources available to them. If they were the settled poor, they could be considered deserving of parish relief, and parishes were obliged to relieve them, even if it was indoor relief whilst lying in. Also, the parish would pursue a putative father if the mother was unmarried. It is possible that pregnancy also brought an employment opportunity in the form of wet-nursing, especially for the parish.[[352]](#footnote-352) Pregnant women might not have been particularly criminal, also, because a heavily pregnant woman was not just conspicuous and easily remembered, but a lack of mobility, for some women in the later stages of pregnancy and when they were post-partum, might have prohibited criminal activity.

However, this might also have been because pregnant women, and maybe their unborn children, might have been seen as objects of sympathy and compassion and thus not commonly prosecuted. The innocence of babies in utero was a common allusion in the defences of Old Bailey defendants. ‘I am as innocent as the child unborn’ is a frequently heard phrase from the dock.[[353]](#footnote-353) Moreover, there seemed to be a reluctance to prosecute visibly expectant mothers. The child of Ann Hill appears to almost have been born in the dock of the Old Bailey because Hill was prosecuted ‘so near her time’. The court berated the prosecutor and declared that Hill was so near her delivery that she ‘would be brought to bed in less than an hour’. The prosecutor in this instance defended his prosecution by stating that he ‘had been a great sufferer’. Despite her conviction for the theft of goods worth thirty shillings, Ann Hill was only sentenced to be privately whipped, and she was recommended to mercy by the prosecutor and the jury, because of ‘being so near her time’.[[354]](#footnote-354) In this case, a constable had taken Hill up, despite her condition. In another case, Mr. Pearce, a constable who went with a search warrant to the home of John Penny after Jenkin Jones complained that Penny had stolen a large amount of linen and apparel from him, met Penny and his wife at the property. Pearce found the items at the property and took Penny to New Prison. Though Penny’s wife was considered a suspect in the theft, Pearce did not ‘take her’ as ‘she was very big with child, and compassion led us not to take her on that score’.[[355]](#footnote-355)

Though these details are interesting, they do little to shed light on the economic circumstances of the defendants. How do we know whether they were poor? In many cases they possibly were not. Or if they were impoverished by their sickness, it was a temporary financial blip which could have been negated by a benefit society, or other forms of support. However, there are some clues in the language that was used. Eighty-four individual defendants have ‘hospital’ or ‘infirmary’ mentioned in their trials. The utterance was made by or about the defendant in seventy-four cases, and about the spouse of the defendant in eleven cases. Forty-two of these cases do not name a specific hospital, but, the remainder do, and the identification of those hospitals can shed light on the circumstances of defendants.

Chelsea Hospital provided care and financial relief in the form of pensions for wounded soldiers and Greenwich Hospital provided that function for sailors, so it does not particularly reveal the economic circumstances of the two defendants who named those two hospitals, aside from their military, or ex-military occupation.[[356]](#footnote-356) Plymouth and Portsea hospitals, in the naval towns of Plymouth and Portsmouth respectively, were also military hospitals and were where two defendants had recently stayed. The French Hospital was for the care of Huguenots, where two defendants were treated.[[357]](#footnote-357) On the other hand, Guy’s (three defendants), the Westminster Infirmary (three defendants), St George’s (four defendants), Lock (three defendants), Middlesex infirmary (three defendants), and the London Hospital (two defendants) were voluntary hospitals and cared for the poor, with the Lock hospital caring for those suffering from venereal diseases.[[358]](#footnote-358) Westminster and St Georges, furthermore, were concerned with the poor who the parish would not treat, or could not, through lack of settlement of the patient, or because they needed care the parish workhouse could not provide.[[359]](#footnote-359) The Magdalen Hospital (one defendant) was for the care and subsequent reform of ‘penitent prostitutes’.[[360]](#footnote-360) Although as Olwen Hufton points out, not all prostitutes were poor, it is sensible to consider that many of London’s ‘girls of the town’ probably were.[[361]](#footnote-361) The Royal hospitals of St Bartholomew’s (eight defendants) and St Thomas’s (six defendants) had also cared for the poor, but in the early eighteenth century, they began to charge a fee for access to them, thus, technically, only being available for those who could stretch to the fee for a bed.[[362]](#footnote-362)

Those defendants who attended the voluntary hospitals were poor, and potentially unsettled in their parish of residence. Moreover, those defendants who attended St Bartholomew’s or St Thomas’s may too have been poor but had been able to borrow, or perhaps steal, enough to pay the admittance fee. The parish may have paid the fee on their behalf. In June 1757 the vestry in St Michael Wood Street ordered the churchwardens to ‘endeavour’ to get John Holliday into ‘Bartholomew Hospital’ and to ‘pay the necessary expense’.[[363]](#footnote-363) In 1738 the churchwardens of St Dionis Backchurch paid for a parishioner to attend St Thomas’s Hospital.[[364]](#footnote-364) This illustrates a handful of ‘hidden’ poor in the Old Bailey who were accused of property crimes and had recently been in hospital, and there are likely to have been many more who did not discuss a hospital in their testimony, or it was omitted from the *Proceedings*. Workhouses also provided medical care for the poor, but as ‘workhouse’ was an explicit identifier of poverty, workhouses were discussed in Chapter One and the speech event was excluded from the keyword searches for this database.

The most compelling evidence for the experiences of some of these defendants comes from close analysis of the contexts within which they, and other actors, spoke in court. As with those defendants who were identified using the language of poverty (who were discussed in Chapter One) a series of categories for court actors was used to determine who issued the utterance. An analysis of those actors reveals that, like poverty, illness and injury was pointed out about the defendant by a range of people. The categories are the same as they were for Chapter One. Table 8 illustrates the actors and the frequency of their speech events.

**Table 8:** Speech events and court actors who articulated sickness, disability, or pregnancy (by gender)

|  |  |  |  |
| --- | --- | --- | --- |
| **Actor** | **Total with % of ‘sickness’ dataset** | **Male (defendant)** | **Female (defendant)** |
|  |  |  |  |
| Accomplice | 10 (2%) | 8 | 2 |
| Defence witness | 84 (14%) | 73 | 11 |
| Defendant | 321 (52%) | 214 | 107 |
| Official | 38 (6%) | 29 | 9 |
| Prosecutor | 67 (11%) | 30 | 37 |
| Prosecution witness | 95 (15%) | 63 | 32 |
|  |  |  |  |
| Total | 615 | 417 | 198 |

In over half the cases, defendants articulated their own illness or physical condition (or that of their spouse). However, that their physical conditions were also pointed out by a range of other people, including court and community figures of authority suggests that their physical condition was visible, or known, to these other courtroom actors and that it was felt relevant enough by these speakers to remark upon it within the court. It also reveals the social relationships present between prosecutors and prosecution witnesses and the defendant. These people were not strangers to one another. However, what is perhaps more revealing than the speakers in this case is the context within which each utterance was made (there were, as expected multiple utterances within each trial which accounts for the higher total of categories than observed defendants). A series of categories were devised to assign context to each utterance (see Table 9).

**Table 9:** Context of speech events by defendant gender

|  |  |  |  |
| --- | --- | --- | --- |
| **Context.** | **Total with % of ‘sickness’ dataset** | **Male** | **Female** |
|  |  |  |  |
| Alibi | 58 (10%) | 50 | 8 |
| Court behaviour | 22 (4%) | 16 | 6 |
| Defence for crime | 83 (14%) | 40 | 43 |
| Excuse for being at scene | 38 (7%) | 27 | 11 |
| Extortion | 1 | 0 | 1 |
| General information | 338 (59%) | 231 | 107 |
| Reason for respite/reduced punishment | 26 (4%) | 18 | 8 |
| Mercy plea | 10 (2%) | 3 | 7 |
|  |  |  |  |
| Total | 576 | 385 | 191 |

It is in the ‘defence for crime’ category where we see truly compelling evidence for sickness causing poverty and that poverty subsequently prompted crime as part of an economy of makeshift. Moreover, we can see that for some people, who lived precariously at the best of times, a period of sickness could not just prompt people to engage in criminal behaviour, but could also prompt them into risky behaviour which, because they were unable to fulfil a negotiation, or arrangement, saw them prosecuted and therefore criminalised. In these cases, a period of sickness could alter their entire life course.

When the context category of ‘defence for the crime’ is sub-divided we can see that the eighty-three defendants who used their sickness as part of their defence in court fell into three types. 12 per cent of those defendants admitted the theft, admitted sickness was the reason it happened, but insisted that the crime was an accident, or committed through error. William Williams was convicted of stealing a pound of tea from an East India Company warehouse 1792. Williams admitted the crime but claimed it was an accident as he was delirious through sickness.[[365]](#footnote-365) 39 per cent were accused of stealing money or items to sell, or pawn, for financial gain (referred to as the ‘theft group’), and 49 per cent of these defendants were charged with theft after pawning items and failing to replace them (referred to as the ‘pawned group’) and consequently, a prosecution was raised against them.

The reasons that the ‘theft group’ stole because of economic hardship related to sickness were varied. Cases of theft of items for financial gain were sometimes straightforward narratives of economic need. Elizabeth Slack, aged 51 and whose husband had a settlement many miles from London in Cumberland, admitted stealing pewter plates from a public house and claimed that, whilst she had previously worked ‘honestly for her bread’, she had been sick with ague and a fever and was very much distressed. Slack was convicted, privately whipped, and then ordered to be removed to her husband’s parish of settlement.[[366]](#footnote-366)

A handful of other defendants stole to pay for medicine or treatment for illness. Sarah Bloss, a servant, was convicted of stealing clothing and money from her master, Thomas Barlow. Barlow testified that that he suspected Bloss of stealing and so had her belongings searched. Barlow’s goods were discovered and Bloss admitted to him, and a witness, that she stole them. Though she returned the items, she could not return the money. Bloss claimed to Barlow that she had given some of it away (perhaps she was re-paying a loan as she gave the money to ‘Morgan’, who kept an ‘intelligence office’ in the Minories, and who had initially recommended Bloss to Barlow’s service) except for one guinea which she had used to pay a doctor who had ‘partly cured’ her of venereal disease.[[367]](#footnote-367) It is possible that the witness told the court that Bloss needed to be cured of syphilis to besmirch her reputation and character and thus strengthen the case for prosecution. Yet, it is equally as possible that Bloss was indeed suffering from a sexually transmitted disease and needed some money to pay for a cure. In 1796, Paul Offracius, aged 18, stood trial for stealing a silver watch. Offracious was described by witnesses as a ‘sober, quiet man’ who had been very ill. Both Offracious and his prosecutor were described as ‘foreigners’ (though the trial does not say where either man came from) and through a process of translators and a jury which were ‘half foreigners’, it transpired that Offracious had pawned the watch to obtain the money to pay for a doctor to attend him in his illness. In acknowledgement of this, both the prosecutor and the jury recommended Offracious to mercy and the court sentenced him to a short period of imprisonment and then to be sent to the hospital to be cured. Who would pay for the hospital treatment was undisclosed.[[368]](#footnote-368)

These defendants, who reported that they stole to support themselves, illustrate that when sickness struck it impoverished them. For these defendants, theft was a response to that poverty, or so they claimed. Furthermore, some of these cases show that medical care might have been prohibited by expense and that the defendants alleged that their theft was employed to raise the funds for whatever treatment they could access. These two aspects suggest that for some people, sickness which reduced the ability to earn a living, and the cost of treatment, reduced financial circumstances and crime became a way to meet economic need, therefore, it was part of a makeshift economy.

Though this group do confirm that crime was part of an economy of makeshift and was certainly perceived to be so by contemporaries, it is the group of people who were categorised as the ‘pawned group’ who provide even more compelling evidence for crime being part of an economy of makeshift, and not just during times of sickness, but also on a general day-to-day basis. This group of defendants claimed they pawned items and the only reason why they had not redeemed the items and replaced them is because sickness prevented them from either physically doing so, or having the money to do so. 50 per cent of these cases were tenants appropriating fixtures and fittings from their lodging house with the alleged intent to redeem them before the landlord or landlady noticed the absence. Pawning items from lodgings is a theme that this dissertation returns to in greater detail in Chapter Three. However, it is pertinent to discuss those cases that are linked to the sickness of the defendant in this chapter.

In 1782 Elizabeth Bush pawned kitchenware and linen that was in her lodgings. She admitted the crime and said that she had done it through ‘real necessity’. She had intended to redeem the items but was unable to because she was taken ill. The pawnbroker, William Pope, testified that Bush had previously pawned several of the same items with him but had usually retrieved them, only to bring them back again. Her landlord confirmed that she was indeed ill at this time. Bush was acquitted.[[369]](#footnote-369) Her acquittal might have been because the lodging was taken in her husband’s name, or, it might have been because whilst Bush had a history of pawning the fittings from her lodgings, she had always redeemed them. Or, perhaps her sickness was seen as a valid reason for not retrieving the item. In 1790 John Taylor admitted to pawning items from his lodgings. He told the court that he did not intend to ‘defraud’ his landlady but was taken ill and so it was ‘not in my power’ to redeem the items.[[370]](#footnote-370)

Sometimes it was not that illness prevented the physical redeeming of the goods, but that a lack of money caused by sickness prevented the item’s redemption. In 1793 Mary Rogers pawned items from her lodgings. She admitted taking the items to pawn because she had could not pay her rent after being ill for some time. She testified: ‘I did it, and indeed in distress, because I would not be turned out while I was ill’.[[371]](#footnote-371) Joanna Webb, who pawned curtains and other linen from her lodging house told the court, ‘When I took the room of her I had a deal of sickness, I had been in the hospital, my children were ill, and I was in a great deal of distress when I was in this place; I had no money to go to market, my children cried with hunger; I thought it not wrong to take the curtains and pawn, to get some money to go to market and buy a bushel of apples; I locked the room, and went out’. Webb further testified that her landlady had told her that she would not prosecute if Webb gave her thirteen shillings. Webb told the court; ‘if I had had thirteen shillings I should not have taken the curtains; I had two shillings, and I gave them to her’.[[372]](#footnote-372) These trials, and others like them, show that those individuals and families who lived on the margins of solvency often engaged in risky behaviour which, when things went wrong, such as sickness, this behaviour could result in a criminal prosecution.

These cases point to this type of theft, in particular, as being part of a makeshift economy. Analysing ‘theft from the lodging house’ in detail reveals not just that crime was part of a makeshift economy for some people, sometimes, but also the expectations of tenants and landlords, the hand-to-mouth existence of many plebeian Londoners, and the critical contextual details of the worlds of Old Bailey defendants. For these reasons, this type of crime and the defendants who allegedly committed it, are focused on in Chapter Three.

Within the ‘sickness’ population, 59 per cent of defendants claimed that they were sick or had a sick spouse and simply articulated that (or had it articulated about them) in their trial but did not connect that sickness expressly to the crime they were suspected of. This general information was given in two key ways. It was either reported that a prosecution witness or prosecutor was told by the defendant of their sickness, or information about illness was given in a way that can be broadly defined as ‘life context’. For some reason, the defendant, or witnesses, felt compelled to offer information about the defendant’s recent state of health. Sometimes that life context also included the fact that the sickness had reduced the defendant’s circumstances (though they still did not link that reduction to the crime). Forty-one defendants in this situation told the court that a period of illness or disability had indeed impoverished them to some degree. However, that the remaining 297 defendants did not reveal that information does not mean that they were not also impoverished by sickness; their testimony may simply have gone unrecorded. Though we cannot assume that those 297 defendants were impoverished by poverty, we do know, from the forty-one defendants in this subset alone, that sickness impoverished individuals and families, and we have that in the words of the defendant themselves. In 1753, George Robertson was accused of highway robbery. He denied the crime but told the court ‘I was very ill with the foul disease, so as not to be able to walk, I said I wished I had been dead, because I had no money or friend to put me in the hospital’. Perhaps his claim of syphilis-induced immobility was invoked to evidence that he could not have committed the crime. Nonetheless, George was sentenced to death.[[373]](#footnote-373)

Articulating illness in the context of ‘general information’ could have been done for any number of reasons. It may have been an attempt to gain the sympathy of the court as sickness just might provoke a reduced or respited sentence. 4 per cent of these defendants had their sickness articulated in the court precisely for that reason. That group of defendants did not articulate their sickness themselves, instead it was articulated by court officials as a reason for either a respite, or a lesser sentence. Elizabeth Wicks, a servant, was convicted of grand larceny after allegedly stealing four shillings’ worth of silver canister tops from her master. The court deemed her ‘extremely ill’ and for that reason ordered her to be privately whipped then discharged.[[374]](#footnote-374) Only three out of those twenty-six defendants were with child. Ten defendants made a direct plea to the court for mercy on account of their sickness. These pleas were ignored in all but four cases. A further two defendants had their charges commuted from grand larceny to petty larceny and received a private whipping.[[375]](#footnote-375) 38-year-old John Belville, a ‘poor unfortunate foreigner’ who was convicted of stealing silverware from his ex-employee, was found guilty of stealing goods of a lesser value than was listed in the indictment (under forty shillings) and was transported to New South Wales for seven years. Had he not been found guilty of a lesser charge, Belville might have been sentenced to death.[[376]](#footnote-376) However, the downgrading of items in order to pass a lesser sentence was common practice, as was mercy or respite for pregnancy, so it is unknown whether the defendant’s sickness contributed here.

People also used sickness as an alibi for the crime. 10 per cent of defendants used their sickness this way, and occasionally this alibi was corroborated by defence witnesses. However, it was not always successful. 55 per cent of these defendants were found guilty. Similarly, 7 per cent of defendants used sickness as an excuse for having been found at the scene of the crime. A further 4 per cent of defendants articulated sickness, or had it articulated about them as a reason for their behaviour in court.

This section has shown that, for some people, some of the time, sickness motivated criminal behaviour. It has shown that during times of sickness, the capacity to earn money was reduced and crime became a means of support during a crisis. Sickness could deprive an individual or their family of a living and compel them to acts of theft. An inability to pay for medical treatment might also motivate crime. Though the benefits of medical care may have been questionable, it was still relied upon during times of sickness. Moreover, this section has identified the day-to-day coping strategies of the marginalised, labouring poor into sharp relief. Noting the precarious lives of the poor is not new, but, within this ‘sickness’ population of Old Bailey defendants we can see the common, short-term strategy of pawning items from lodgings to make ends meet in the short term. Immediate need took precedence over future risk, and, during times of sickness, the risk of prosecution became greater as the money to retrieve pawned items was not available, or incapacity prohibited physically retrieving them. In these cases, sickness plunged citizens not just into poverty, but also criminality.

We can also see that sickness in the labouring poor was associated with poverty in eighteenth-century social life. In 1784, John Jacobs accused his employee, John Davis, of stealing a shilling from the shop’s till. He had long suspected Davis of pilfering money and laid a trap for him by marking the coins in the till. However, what caused Jacobs to suspect Davis to be a thief was, as Jacobs said, ‘the prisoner had been ill, and I thought must want money.’ Though Davis was convicted, the court remarked that Jacobs should not have left the temptation of an open till before him as he knew he was ‘in a state that would make him want money’.[[377]](#footnote-377) Though sickness was associated with poverty in this way, the sick poor were at least considered ‘deserving’ of help. Those plebeian Londoners who were unemployed faced a different ideology when their poverty was revealed because idleness was considered, by many, to be a sin, and those guilty of that sin would surely soon succumb to criminality.[[378]](#footnote-378)

**Crime and Unemployment**

*Now industry awakes her busy sons,*

*fully charg’d with news the breathless hawker runs:*

*Shops open, coaches roll, carts shake the ground*

*And all the streets with passing cries resound.[[379]](#footnote-379)*

The image of the waking city, described by John Gay in his 1716 poem, *Trivia, or the Art of Walking the Streets of London*, invokes the clamour of Londoners rising to earn their daily bread.[[380]](#footnote-380) There was scarce a trade imaginable which was not practised within the streets, wharfs and houses of the city, both day and night.[[381]](#footnote-381) Yet, despite the reverberations of industry which formed the soundscape of the city, the desperation of unemployment was audible. As Daniel Defoe wrote, ‘London has an extraordinary disproportion between the Work and the number of hands’.[[382]](#footnote-382) An over-supply of labour meant that, whilst wages were higher than those in the rest of the country, wages in the city were uncertain, particularly for those who were unskilled.[[383]](#footnote-383) For employers, this ensured that few vacancies within a workplace remained unfilled for long, which can be seen in the *Proceedings*. In 1791, 57-year-old James Dillon was convicted of stealing tools from his former workplace. In Dillon’s defence testimony (he denied the crime) he told the court that when he was employed by the prosecutor, he had come to work later than expected. In his absence, his employer dismissed him and ‘put another man in [his] stead’. Dillon complained that this was ‘rather too sharp’ and immediately went to look for work elsewhere. He was successful as he asserted that he was at his new employ when the crime was committed.[[384]](#footnote-384) Whilst the large numbers of workers ensured that vacancies were filled quickly, for those who relied upon their own labour - rather than that of others - to eke out a living in the city, employment was precarious and insecure.[[385]](#footnote-385)

Aside from an over-supply of labour, a regular wage was uncertain for Londoners for other reasons. Almost all London trades were impacted by seasonality.[[386]](#footnote-386) Production and transportation of goods and services were dependant on weather systems, both in and outside of the British Isles.[[387]](#footnote-387) Harsh weather disrupted imports and exports, limited much of the industry in London which relied on the Thames, and obstructed the amount of work that could be done out of doors, though warmth and sunlight did not bring safety and security to London workers either. Robert Campbell wrote in 1747 that house painters were idle for four or five months each year and that tailors were out of work for three or four months every year.[[388]](#footnote-388) The London Season, which lasted from October until June, bought provincial gentry to the city in the autumn then saw an exodus during the summer months. These seasonal visitors and sojourning residents took their demand for goods and services with them to enjoy the rural tranquillity of the countryside.[[389]](#footnote-389) War and peace also interrupted trade and labour opportunities.Enlistment transfigured large numbers of unskilled labourers into troops, which increased opportunities for workers who remained in the city, but when those enlisted men returned from war, they were deposited back into a precarious labour market, increasing competition for employment once again.[[390]](#footnote-390)

Alongside these national and international pressures which affected trade and labour markets, the nature of occupations and work itself contributed to unemployment and underemployment. The notion that individuals had a specific occupation which they were employed in for many years is, as E.P. Thompson pointed out, anachronistic.[[391]](#footnote-391) Rather, despite the contemporary social theory that apprentices would eventually become masters of their trade and thus occupations were a ‘job for life’, most people did a variety of different jobs at different times (and held multiple occupations at the same time).[[392]](#footnote-392) In Leonard Schwarz’ assessment of late eighteenth-century insurance policies, issued by the Sun Fire Office and the Royal Exchange Assurance, he found that some policy holders listed two diverse occupations, such as ‘cook and bricklayer’. Schwarz noted that such policy holders were few.[[393]](#footnote-393) However, those individuals who held fire insurance policies were people of some property, however small that might have been. It is to be expected that people who were unpropertied and wage-dependant were more likely to hold multiple occupations.

For those who were wage-dependant, not only was regular work unreliable, but wages were often substandard and insufficient, especially for individuals with dependants.[[394]](#footnote-394) Moreover, many workers were only paid partially in cash.[[395]](#footnote-395) The hand-to-mouth existence of many of the labouring citizens of London rendered them vulnerable to unemployment and underemployment. Unemployment is, and was, a known cause of poverty and historians have tended to count indictments against times of suspected high unemployment (such as demobilisation) and concluded that crime was a response to those national events.[[396]](#footnote-396) However, we can better understand the relationship between unemployment, which causes poverty, and crime if we analyse day-to-day lives and individual experiences. Micro experiences can help us understand the relationship between unemployment and crime in a more nuanced and detailed way than measuring big data patterns.

M. Dorothy George wrote that ‘the dominating impression of life in eighteenth-century London, from the standpoint of the individual, is one of uncertainty and insecurity’.[[397]](#footnote-397) Yet, despite George writing that almost a century ago, little has been done to understand how that insecurity was experienced by the individual. By investigating the testimony of Old Bailey defendants, we can begin to understand unemployment from the perspective of the individual and can explore whether criminality was a response to the poverty which unemployment inflicted.

For some individuals and families, unemployment and underemployment could have catastrophic consequences, and there might have been little official support beyond the workhouse. Sarah Harris and her husband were both unemployed when she was prosecuted for stealing items from their lodgings. Her husband resorted to the parish because they could get no work and the parish sent the family to the workhouse where they remained for eleven weeks. However, Sarah was prosecuted because she had neglected to pay for her lodgings and the two linen sheets - worth seven shillings - which were missing from the room when she entered the workhouse. The court acquitted her.[[398]](#footnote-398) Following the Workhouse Test Act, parishes routinely sent those who applied for poor relief into the workhouse. This, as it has been discussed previously in this study, was usually undesirable for the applicant. On occasion, the parish might relieve a parishioner without sending them to the workhouse. A witness in the 1784 trial of Charles Manning testified that he knew that Manning had applied to his parish when he was out of work due to frost (Manning was accused of committing highway robbery on January 13th). Manning appears to have successfully petitioned his parish, despite him living in a different one, as the witness confirms that Manning occasionally went to the overseer to ‘get his two shillings’.[[399]](#footnote-399) However, outdoor relief for unemployed parishioners in London appears to be rare. Manning may have been awarded a dole because the overseers knew that the frost would be over in days or weeks so providing for him in the very short term made more fiscal sense than finding space for him in the workhouse, but this was likely unusual.

There are no specific disbursements to parishioners for unemployment in a two-year sample of the detailed accounts of the overseers of St Dionis Backchurch.[[400]](#footnote-400) However, that does not mean that the parish did not relieve those who were out of work. There are disbursements listed without accompanying reasons, and it is possible that some of those might have been made in times of unemployment. Parishes had the discretion to relieve under such circumstances and they may well have done so because short-term relief to assist a parishioner whilst they were unemployed may have made more financial sense in the long-term. To deny casual relief in these circumstances might force a labourer to sell, or pawn, his tools which would reduce his chances of finding work in the near future and therefore leave him, and perhaps his family, more likely to rely on the parish for a longer period. In any case, the parish was often a last resort for those who were eligible for parochial relief. For those who could get no relief, or who wanted no parochial relief, there were few options. Through the testimony of defendants, and through the testimony about them from other courtroom actors, we can see how unemployment was experienced by some eighteenth-century Londoners. We can also see that sometimes crime was a response to that experience.

Eighteenth-century parlance about unemployment is imprecise and scattered. This is undoubtedly because work itself was thus, so locating the language of unemployment within the testimonies of Old Bailey defendants is challenging. There were numerous ways in which this experience was articulated and so, as previously, a series of keywords and phrases were selected to reveal the spoken words by or about defendants which belied their employment status. That the language used was so imprecise helps to confirm that the testimonies are as, Huber maintained ‘as close the spoken word as we can get’.[[401]](#footnote-401) Certainly, if court scribes were not attempting to report testimony accurately we would not see such diverse phraseology. Scribal practices do change over time, yet, even trials within the same month or year contain different terms and phrases.

The words most associated with unemployment within the *Old Bailey Proceedings* between 1750 and 1799, were ‘place’, ‘livelihood’, ‘work’, ‘business’, ‘unemployed’, ‘employed’, ‘living’, and ‘job’, prefixed as appropriate with phrases such as ‘out of’ (‘out of business’, ‘out of a job’) and ‘could get no’ (‘could get no livelihood’, ‘could get no business’). These words and phrases alone were unable to draw out those who lacked employment from the *Proceedings*. To reveal unemployment within the texts, specific phrases which incorporated those keywords, such as ‘out of work’, ‘not in work’, ‘out of place’, ‘looking for a job’ and other similar phrases were used to search for unemployment.[[402]](#footnote-402) The compiling of this glossary was, again, an iterative process. As more trials emerged, which featured different combinations of words and phrases to denote a lack of work, the number of searchable phrases in the glossary increased. As many of these words and phrases had various meanings, meticulous contextualisation was once again applied to each utterance. For instance, ‘Work’ is both a noun and a verb, and ‘out of place’ also meant ‘without permanent residence’. Any ambiguous trials were discarded to ensure that each defendant in this dataset were contextually correct. Due to the imprecise nature of eighteenth-century phraseology, as well as the imprecise nature of eighteenth-century employment, it is probable that many individuals are unavoidably omitted from this ‘unemployed’ dataset as it is impossible to apply corpus linguistic methods to an incomplete corpus. However, this dataset does provide, using the most common and relevant keywords and phrases, a significant population of 407 unemployed – either temporarily or long-term – individuals who were tried in the Old Bailey between 1750 and 1799. The unavoidable limitations of the *Proceedings* and the phraseology suggest that those unemployed defendants that have been observed are merely the tip of the iceberg. There are likely to be many more defendants who had the same experience but who remain uncaptured by this dataset.

As with previous defendant population datasets, court actors were assigned categories, which remain the same as previously used in this chapter, and in Chapter One. However, the context of speech utterances were slightly different, which necessitated the conception of altered context categories. Moreover, in some cases, those categories needed to be subdivided to facilitate the necessary extra contextualisation within which these words and phrases were used.

The speech event denoting unemployment was used a defence for the crime (when the defendant or other court actor, claimed unemployment as a reason why the crime was committed). In many cases, this was a simple case of the defendant, or another actor claiming that the crime was committed because the defendant was out of work. However, in other cases, the utterance was used in the context of defence but, though the crime was admitted, and the unemployment of the defendant linked to it, the defence was that it was an accident or a mistake. This will be discussed more fully later in this chapter. Sometimes defendants or other actors claimed that the defendant’s unemployment was the reason why they were at the scene of the crime. For example, some defendants claimed that they were at a location as they were looking for employment, but they were innocent of any wrongdoing. Sometimes the language was used by or about a defendant as general information about the defendant though that experience was not verbally linked to the crime. In these cases, it was either recorded as general life context to the court, or it was reported to somebody before the trial as life context. On some occasions the language was used during the crime and at other times the defendant told somebody in a position of authority that they committed the crime because they were unemployed, yet they did not testify that in the Old Bailey. Included within this ‘unemployed’ dataset are defendants whose trials do not detail their own unemployment but rather that of their spouse. They have been included because the unemployment of a household contributor could have prompted theft as part of a family makeshift economy. Those defendants were few. Only eight defendants articulated this, all of whom were women.

This population of defendants was overwhelmingly male. Of the 407 defendants, only seventy-three were female, and eight of those women attributed unemployment to a spouse rather than themselves. This is significant as women were generally more vulnerable to poverty than men were, and they described themselves as poor, or were described as such by others in the Old Bailey, proportionally more often than their male counterparts did. Yet, they did not articulate that they were unemployed to the Old Bailey as frequently as men did. This is not because women were less likely to be in employment than men were. It is possible that female defendants felt that a narrative of poverty was sufficient whereas men might have been compelled to explain why they were distressed. It could also be because women used different speech events to report unemployment, or they viewed unemployment in a different way, or, perhaps they were more likely to be underemployed than men were (which will also be discussed later in this chapter). The most likely explanation, however, is that because women were more vulnerable to poverty, they were more likely to obtain official and unofficial relief. As was discussed previously, women were more likely to gain access to parochial relief and certainly entered the workhouse in greater numbers than men and for different reasons. Tim Hitchcock wrote, women were more likely to enter the workhouse for ‘short term’ relief, whereas men used the workhouse as a ‘last resort’.[[403]](#footnote-403) As women were more able to access support, they perhaps did not need to resort to theft during times of unemployment at the same rate that men did.

That poor relief, especially the workhouse, was used by men more as last resort than as a short-term respite from poverty is reflected in the lengths of time some of these defendants were out of work. Only seventy-seven defendants articulated (or had it articulated about them) how long they had been without regular, or any, employment, but those cases are still revealing. Twenty-six defendants claimed that they had been unemployed for an ambiguous and subjective period, such as, ‘a great while’, or ‘a long time’. It is impossible to do anything more than speculate how long defendants like George Gilling were unemployed for. George admitted stealing a silver snuffer stand in 1785 and claimed he worked ‘in the coal work’ but had been ‘out of work for a long while’.[[404]](#footnote-404) In George’s case, his unemployment had distressed him so that he needed to steal to provide for himself.

Most (forty-six defendants) verbalised that they were unemployed for a period of less than six months. Only two defendants explained that they had been without work for between six months and a year, and only three told the court that they had been out of work for over a year. Of those unemployed for a period of six months or less, twenty-five defendants articulated that they had been without work for periods ranging between one day and one month. Five of this group had been unemployed for one or two days, eight of them were unemployed for a time between two days and one week. However, the largest group which articulate unemployed time frames appear to have been unemployed for periods between one week and three months. Twelve defendants claimed they were out of work for periods between one week and four weeks, and fourteen defendants stated that they had lacked work for anywhere between one month and three months. Though the cases are few, they reveal that unemployment for a medium length appears to have put a particular pressure on labouring citizens. The reason for this might be because often rent was paid quarterly, and almost always paid in cash.[[405]](#footnote-405) We have no way of knowing whether these periods of unemployment coincided with rent that was due, but we can know that non-payment of rent could be disastrous. Landlords could, and did, distrain tenant’s goods when they were in rent arrears, and tenants could obviously face eviction.[[406]](#footnote-406)

These actions might have plunged tenants further into poverty, and in some cases, criminality as a response to that. In 1788 John Walker was accused of stealing tools. A witness in the case told the court that John worked alongside him but that he did not have his own tools because they had been ‘seized for rent’. This prohibited John from working and so he ‘staid from work a day or two’. He returned with tools but, because of his absence, was turned away from the job. In Walker’s defence, he admitted having the stolen tools, but claimed that he had found them. He had taken them, he said, because he was ‘out of work for want of tools’.[[407]](#footnote-407) As Joanne McEwan wrote, a large proportion of London’s populace lived in lodgings of some description.[[408]](#footnote-408) Although there were many different types of lodgings, which ranged from shared rooms (and even beds) charged by the night, to long-term furnished accommodation, the paying of rent was a ‘financial burden’ for the London poor.[[409]](#footnote-409) When unemployment occurred, theft was sometimes attempted to meet that financial burden. John Knight, a ‘sawyer by trade’ but ‘out of work’ admitted stealing a tea kettle lent to him by the maid of the public house within which he lodged. Knight claimed he had stolen it because he ‘owed a quarter’s rent’ and that he had intended to replace it.[[410]](#footnote-410)

Rent was due whatever the weather, but the seasonality of employment might have prohibited the labouring class’s ability to pay their rent, and to sustain themselves with food, fuel, and other necessary expenses. Adam Smith wrote in 1776 that when trade was precarious during certain times of the year, the earnings of the labouring classes would have to sustain them through the idle months.[[411]](#footnote-411) However, for those who had no ability to save for leaner times, because they were already living hand-to-mouth, or lacked the discipline to save, seasonal unemployment might plunge them into criminality. Analysing the dates of the crimes which these defendants were accused of committing does suggest that there was a seasonal element to crimes linked to unemployment, but that it is more nuanced than simply a response to bad weather and the London Season.

Much historiography which measures crime rates against seasonal fluctuations does so by counting indictments and prosecutions according to when the trial took place.[[412]](#footnote-412) However, qualitatively reading judicial evidence enables the dates when the alleged crime took place, in the words of prosecutors and court officials, to be analysed. This is an important distinction as crimes might take place very close to the indictment or trial, but similarly they might have taken place several weeks, or months beforehand. Exploring the dates of the alleged offence can enable a seasonal pattern to be drawn from the data. That seasonal pattern is displayed in figure 5.

**Figure 5:** Months of alleged crime, as testified within the accounts of those defendants in the ‘unemployed’ dataset

Contemporaries such as Robert Campbell and Adam Smith wrote that the summer months were times of high unemployment for some trades.[[413]](#footnote-413) Smith maintained that chairmen, tailors, and other artificers often went without employment during the summer season.[[414]](#footnote-414) The patterns in Figure 5, however, align more closely with weather systems. The colder months saw an upsurge in alleged crimes which took place when the defendant claimed that they were unemployed, whereas the summer months saw a considerable drop. This suggests, *prima facie*, that the London Season did not impact as much upon unemployment related crimes as would be expected if rises in crime were associated with periods of high unemployment. Perhaps this was because only certain trades saw a lack of work in the summer and perhaps those trades which were closely associated with the London Season were better paid and therefore those people in those occupations could save to see them through the lean months. Or, more plausibly, it might suggest that the summer months were not as high in unemployment as suggested by historians such as Schwarz.[[415]](#footnote-415)

There is indeed seasonality here, but it is more congruent with weather than with the rhythms of London’s aristocratic mobility. For those trials where unemployment was ascribed to the defendant in some way, the highest numbers were in those months when the London Season occurred, rather than the other way around. There is also a spike in June, when the London Season traditionally ended. Seasonality clearly affected these Londoners, but it is evident that the kind of unemployment that the London Season bought and removed was not affecting the London poor to the extent that they committed theft at any increased scale because of it. For those defendants who were unemployed within this dataset, they committed more property crimes because of the impact of winter weather, rather than because of the movement of London’s elite. Perhaps the types of jobs that they had were not really affected by the London Season.

The summer months were undoubtedly difficult for some trades. George Barlow was capitally convicted of a highway robbery which took place on September 1st, 1796. The two character witnesses in his trial sought to furnish him with an alibi by telling the court they had all been drinking together that evening. All three men, including Barlow, had been out of work, and Barlow had been moved to pawn his jacket. When asked why a witness could be clear on the day, the witness, Hugh Biggs responded that he knew it was September 1st because, after August had been a ‘hard month for work’, Biggs had said, on the first day of the new month ‘I hope God will send some work this month’. The men appear to have been casual labourers, hoping to find work on the river (presumably this was a common practice in the summer for casual labourers), as, during their travels to look for work that day they had journeyed to Blackwell to see ‘if the Indiamen were working out’, to Poplar and finally to Wapping.[[416]](#footnote-416)

Despite the London Season impacting upon labour and trade within the city, it did not necessarily limit employment opportunities in the agrarian areas beyond the metropolis. The migration of rural farm labourers into London for work is well documented.[[417]](#footnote-417) Many people also left the city to do agricultural work in the summer harvest months. Moreover, the river was busy in the summer and food was often cheaper.[[418]](#footnote-418) In contrast. during those cold winter months - particularly January - accusations of crime were at a peak for this group. Cold weather affected the price of food and fuel and impacted upon the type of work that could be done.[[419]](#footnote-419) Adam Smith maintained that ‘a mason or bricklayer’ could not work in ‘hard frost or foul weather’ and William Stout recorded that the particularly hard winter of 1739-40 was so severe ‘that many trades men [were] frozen out of their trades and imploy’.[[420]](#footnote-420)

Harsh weather was not restricted to the winter months either. The spring could also bring frost and snow which limited labour opportunities. In 1784 George Bannister, aged 16, was a co-defendant in a trial for ‘burglariously’[sic] stealing clothing from the home of John Newen on March 26th. Bannister told the court in his defence (he denied the crime) that he had no work because of the snow. His 15-year-old co-defendant also remarked upon the snow that day, though the river could not have been frozen, for when he was apprehended for the crime in the street, the two men who had captured him threatened to throw him into the Thames (an unpleasant fate at any time of year).[[421]](#footnote-421)

Understanding the seasonality of the thefts alleged to have been committed by defendants in the Old Bailey who claimed that they were unemployed illustrates that when we explore the day-to-day experiences of Londoners, we can add layers of nuance to the big data trends which were previously dominant within the historiography. Seasonality impacted upon unemployment, which then provoked some people to commit theft as a response, and when we look at the experiences of these defendants, we can see how, and sometimes why.

Leonard Schwarz argued that after seasonality, the event which impacted upon labour markets the most was demobilisation.[[422]](#footnote-422) When the trial dates for this population are analysed, it reveals that crimes which discuss the unemployment of defendants does reflect that. It must be remembered that an increase in trials does not necessarily mean an increase in crime. As Peter King pointed out, it was likely that demobilisation did not necessarily cause a ‘crime wave’ but rather a rise in anxiety which provoked a rise in indictments.[[423]](#footnote-423) In the five years before the Seven Years War began in 1756, twenty-one trial accounts discuss the unemployment of the defendants. During the period of the war, thirty-nine such cases are recorded. In the five years following the Peace of Paris in 1763, sixty-five trials discuss the unemployment of the defendants. This is almost double the war-time levels of unemployment specifically mentioned in the trials (see Figure 6).

**Figure 6:** Number of prosecutions where the defendant was identified as unemployed, by year, 1751-1768

A closer look at those years suggest that although demobilisation in the 1760s might have increased unemployment, which then caused poverty for some individuals, there were other pressures which also contributed to the poverty of defendants. In 1764, the year immediately following the Peace of Paris, only seven incidences of unemployment were recorded in the trials (compared to six the previous year). It is the years of 1765 and 1768 which contained the peak unemployment incidences within the years after the war. In those years, there were thirteen and sixteen incidences, respectively. Importantly, these years were years of dearth.[[424]](#footnote-424) Not only were food prices high at this time but also the occupations involved with food production and distribution were more precarious. It appears that, in the 1760s, dearth had a greater impact upon those defendants who claimed that they were unemployed than the cessation of the Seven Years War.

The situation following demobilised troops from the American Wars of Independence is more striking, and, given the nature of the *Proceedings* in the 1780s, potentially more likely to provide a comprehensive account of how any defendants were unemployed at this time and whether there might be a connection to demobilisation and their unemployment (see Figure 7). Between 1776 and 1783 there were thirty-eight instances of unemployed defendants in the Old Bailey, as articulated by themselves or by court actors. For the five years after the war, 103 instances were recorded. This is a significant increase. Yet, the peak years were not those which immediately followed the demobilisation of troops. 1785 and 1786 were the years with the highest peaks in unemployed defendants with twenty-three and twenty-two instances respectively (incidentally, these are the highest peak years throughout the fifty-year chronological range of this study, and the *Old Bailey Proceedings* as a whole).

**Figure 7**: Number of prosecutions where the defendant was identified as unemployed, by year, 1776-1778

As in the 1760s, there was a period of dearth in the 1780s, but, as John Beattie wrote, that period of dearth lasted from 1782 to 1784.[[425]](#footnote-425) Within this ‘unemployment’ dataset that period, in fact, had comparatively fewer trials which mention the unemployment of the defendant. Beattie also wrote that there were increases in prosecutions in the immediate aftermath of the war, but, as he points out, transportation had (temporarily) ceased and anxieties about crime were high.[[426]](#footnote-426) It is also at the time when the *Old Bailey Proceedings* became more comprehensive by order of the Corporation. As Richard Ward pointed out, in the 1750s demobilised men competing for labour in an already insecure and precarious market must have plunged many workers into hardship, and for at least some of those men ‘theft may have been a means to keep their heads above water’ and this was almost certainly the case in the 1780s too.[[427]](#footnote-427) Given the nature of the changes in the evidence which occurred at this time, though, and the rise in anxieties about crime and criminality, it cannot be determined whether demobilisation following the war caused the unemployment for the defendants within this ‘unemployed’ dataset which provoked them into crime.

The testimonies of courtroom actors and the contexts within which the utterances about the unemployment of the defendant were made provide further evidence that for some people, the pressures caused by unemployment sometimes provoked a criminal response. Of the 407 defendants within this population, 101 were verbally identified as being impoverished by unemployment or underemployment. People like Isaac Matcham (also known as Balcham), who was convicted of grand larceny in 1789, testified with tales of distress and necessity, and explained that unemployment had triggered a criminal response out of economic necessity. Matcham stole three pewter pots but claimed that ‘I had been out of business a great while, and in great distress, I had a wife and child almost starving for bread; I never was guilty of anything before’.[[428]](#footnote-428) Others did not so readily admit the crime but did testify that they were impoverished through unemployment. Thomas Turner was accused of taking away lead from a dwelling house in 1769. Turner denied the removal of the lead and argued that he had found it in the street. He also told the court that he had been ‘out of work some time’ and was impoverished to the extent that he had had to sell or pawn all his tools.[[429]](#footnote-429) Other defendants were described by other court actors as poor because of unemployment. James Ward testified at the trial of Thomas Buckley on behalf of his ill master, the prosecutor, from whom Buckley had allegedly stolen a watch, a silver seal and some breeches in 1771. Ward told the court that Buckley had taken the items because he was in ‘great distress’ after being out of work for some time. He reported that the prosecutor wished to recommend Buckley to mercy because of his lack of work, and that he had not stolen some other things of value that were available to him. The jury appears to have agreed as, despite that the value of the stolen goods being £5 8s., the value of the items was downgraded to thirty-nine shillings and Buckley was branded.[[430]](#footnote-430)

Some historians have been inclined to believe that the *Proceedings* are of most use for understanding the experiences of plebeian prosecutors, but analysing the contexts of speech occurrences shows that these defendants, as with the defendants analysed previously in this chapter and in the preceding one, used the language of unemployment more than any other court actor.[[431]](#footnote-431) 53 per cent of utterances were by the defendant, whereas 25 per cent were made by the prosecutor. When defendants expressed that they were unemployed, it was as part of their defence testimony in more than any other way they used it (121 instances, or 45 per cent). Due to the nature of the language used and the context that it provided to the alleged crimes and circumstances, using the language of unemployment as part of the defence did not always mean that the defendant took full responsibility for the crime. Just under half of those defendants who used unemployment in their defences admitted the crime and attributed it to their lack of work. For those defendants, narratives such as that by Walter Bedford who was transported for stealing a pair of linen sheets (he was transported even though the value of the items was downgraded to under one shilling) were common. Bedford told the court; ‘I was out of work, and have several small children, and having no money pawned them in hopes soon to have money to redeem them again’.[[432]](#footnote-432) For defendants like this, crime was a way to help make ends meet when unemployed.

Yet, the remaining sixty-four defendants admitted having taken an object, linked it to their unemployment, but also claimed it was an accident or a misunderstanding. This is not just an important distinction for quantitative analysis, but it reveals much about the day-to-day experiences of these defendants. James Best was acquitted of stealing a wooden box containing saffron and cantharides in 1769. Best admitted he had the box on his person, but claimed that, as he was a plasterer out of work and glad to earn a shilling, he obliged when a stranger offered to pay him to carry the box for him. Unfortunately, he said, when he was apprehended in possession of the box, the stranger had disappeared into the crowd.[[433]](#footnote-433) Similarly, James Thomas was convicted of stealing a box of aniseed in 1785. Thomas claimed that he was a poor man, out of employment, and trying to get a day’s work. He met a man on Cheapside who offered to pay him to carry his box for him. Thomas and the stranger negotiated payment, Thomas was apprehended, and once again the stranger who had paid him melted into the crowd, and was not seen again.[[434]](#footnote-434) It is possible that this was a feasible defence offered by defendants who were guilty, as ‘doing work’ signalled respectability and legitimacy, but, it is also probable that thieves were inclined to pay a person to carry stolen goods to a place of safety to avoid apprehension themselves. This suggests that unemployed Londoners were vulnerable to other thieves seeking to exploit their poverty. The courts sometimes did believe these accounts. Best was acquitted despite admitting possession of the goods. In his case the court believed that his intent was good. This also tells us that picking up jobs from strangers was a usual scenario for those who were out of regular work in eighteenth-century London.

That ‘doing a job’ which turned out to be illegal was used as a defence (whether true or otherwise) likely stems from eighteenth-century political ideology. In the long eighteenth century idleness and discipline were at the forefront of contemporary debate. John Locke and Daniel Defoe followed later by Henry Fielding, all espoused that honesty was synonymous with labour and virtue, whereas idleness was a symptom of debauchery and vice.[[435]](#footnote-435) Defendants would likely want to distance themselves from perceived idleness which might condemn them as one of the debauched and feckless poor. These contemporary ideas of virtuous industriousness can be seen in some of the trials where defendants claimed that they were innocent of any wrongdoing and were only at the scene of the crime to look for work. Fifty-four defendants used the language of unemployment in this way. In 1785, Joseph Merchant, an unemployed plasterer, was transported for stealing apparel from the home of James Clarke. Merchant testified that he saw Clarke’s house under repair and entered it to see if there was work there for him, as he was ‘out of employ’. He testified he did nothing but ask for work though was left alone in a passage when a maid went to make enquiries for him.[[436]](#footnote-436) Looking for work was respectable and afforded a legitimate excuse for being where a theft had taken place. A witness testified that Merchant was found with the stolen items upon him when he was apprehended – a fact that Merchant denied to the court – but for many of these defendants, this excuse may well have been true. However, because of the ideological links between idleness, vice and crime, being unemployed condemned some Londoners to be suspected by their neighbours, colleagues and employers of criminal behaviour.

As Robert Shoemaker and Tim Hitchcock have told us, anyone could be accused of a crime, but it appears that having no visible means of support could increase the chances of being suspected of theft.[[437]](#footnote-437) Forty-seven utterances were made in the court by actors other than the defendant. In some of those cases we can see how closely unemployment (and the poverty that it wrought) and crime were linked in the mentalities of eighteenth-century Londoners. Two brewers, Truman Hertford and John Vickery Taylor, lost a quantity of barrel hoops from their premises over twelve months. At first, the company suspected the coopers of having them, but investigations proved that they had not. The company clerk, John Bayliss, who stood as prosecution witness in the trial identified Joseph Carr, a previous employee, as the man who had stolen them. Bayliss had suspected Carr because, ‘the prisoner being out of employ’, and so Bayliss had ‘concealed’ himself ‘behind a piece of timber’ to await Carr’s return to the premises. From his hiding place, he watched Carr steal the hoops and so he apprehended him and ‘delivered him into the hands of the officer’.[[438]](#footnote-438) Ideas of suspected criminality because of unemployment were also reinforced by the court. An official in the 1754 trial of John Black asked one of his character witnesses if Black was ‘a man who can get his bread without thieving?’. The witness replied that Black was a carpenter and he himself was a cooper, so he believed ‘we both can’.[[439]](#footnote-439)

These cases demonstrate that unemployment might make an individual suspected of criminality. Crime was a very real response to poverty caused by unemployment in the expectations of eighteenth-century Londoners, and those expectations were likely to be grounded in the reality of their experience. Though, as E.P. Thompson wrote, the ‘propertied classes’ assumed ‘that any person out of steady employment and without property must maintain himself by illicit means’ and many Londoners clearly agreed, the *Proceedings* reveal that even then some Londoners felt sympathy for those individuals who were out of work.[[440]](#footnote-440) Tim Hitchcock wrote that London had a reputation for generosity towards the ‘beggarly poor’ (perhaps contemporaries recognised that those people could not work, rather than were simply idle, too).[[441]](#footnote-441) In some cases this extended to the labouring poor who were not visibly begging in the streets. When William Smeton was accused of burgling a waistcoat from the home of William Dean, a waiter who apprehended Smeton after having seen him enter the house, conversed with him and learned he was a ‘servant out of place’. Learning of his situation, the waiter, Clement Dewsbury was ‘anxious to set him at liberty’.[[442]](#footnote-442)

Reading the trial *Proceedings* of 407 underemployed and unemployed defendants quantitatively and qualitatively reveals that theft was sometimes a response to poverty when work was unavailable, both in the short term and the long. Stable employment was precarious at the best of times but when it dried up, for some people - especially men -there was little they could do to support themselves but turn to theft. Men, particularly those who were single, were unlikely to be able to access (or did not want to access) parish relief and so theft became an option. The winter months limited work opportunities and competition in a dynamic labour market made many occupations insecure. During such times, crimes related to the unemployment of the defendant rose. Not only was unemployment financially catastrophic, it could also be socially stigmatising. Many defendants were apprehended of crimes because their lack of work made them suspect. A character witness in the trial of William Davis was asked by the court if he had ever heard any harm of him before. The witness, William Bagwell, who had known Davis for six or seven years, responded candidly ‘people will talk when young men are out of employ’.[[443]](#footnote-443)

**The Precariousness of Underemployment**

Even those who had work and who were in reasonable health and physical condition could be, and were, impoverished. Just as the experiences of those who were sick and those who were unemployed have been neglected from historiography, so too has the individual micro-experience of those who were in casual, low-paid, precarious employment. When John Bowditch, who we met in chapter one, admitted stealing from his employers, he told the court: ‘I was tempted to commit this wicked act, to support my wife and four young children, at the time of her lying in […] my wages but 11 s. a week, would not buy sufficient necessaries to support six of us [in] these dear times’.[[444]](#footnote-444)

The eleven shillings a week earned by John Bowditch must have seemed generous to many of London’s labouring poor, especially as he articulated that sum as ‘wages’, thus implying that it was regular and reliable remuneration for his labour. However, with his wife unable to work because of the late stage of her pregnancy, and five children to feed, it was not enough, and so Bowditch resorted to theft to support himself and his family. There were many other wage-earners in similar precarious economic circumstances who either did not earn enough at regular employment, or whose work was too casual and irregular to provide the money needed to support themselves and their families.[[445]](#footnote-445) They too stole to augment substandard, insufficient or irregular wages.

R. Campbell, in his guide for parents and young people wishing to take apprenticeships, *The London Tradesman* (1747), listed 248 trades and their dependant occupations.[[446]](#footnote-446) He discussed artisans, manufacturers, merchants, scholars and a variety of other trades. Yet, as both R. Malcolmson and E.P. Thompson have pointed out, despite the contemporary social theory that apprentices would eventually become masters of their trade and thus occupations were a ‘job for life’, a single occupation which provided employment for decades was not the reality for most people who depended on their labour to survive.[[447]](#footnote-447) Often their jobs were casual, menial, erratic, and poorly paid. No chairwomen, shoe blacks, or brick dust collectors appear in Campbell’s compendium.[[448]](#footnote-448)

Many people also did a variety of jobs at any given time. That, coupled with imprecise occupational descriptors, variable phraseology, and the nature of the *Proceedings* themselves means that this analysis cannot be a comprehensive account of underemployment and criminal economies of makeshift. Instead, three types of occupations, which broadly capture gender differences within employment, and which were typically casual and often poorly paid, have been analysed. Street traders (costermongers, old clothes street-sellers, fish and fruit vendors, and other salesmen and women who sold their wares from a basket or cart in the city streets and doorways) who were both male and female; casual labourers, who were male; and the broadly equivalent ‘casual women’s work’ (washerwomen, chair women, and casual needle workers), were selected because of their historiographically understood links to poverty and insecurity and their frequency of recorded occupations in the language dataset analysed in Chapter One.[[449]](#footnote-449)

Extracting Old Bailey defendants who were engaged in these tasks resulted in a cohort of 569 defendants, spread almost equally across the three types of employment. This section shows that many of these defendants were sometimes compelled to steal because they were underemployed. It is impossible to produce a comprehensive analysis of underemployment within judicial records generally, but defendants in this cohort – referred to as the ‘underemployment’ dataset - were unlikely to have been the only underemployed people who resorted to theft as part of their makeshift economy. There were doubtless many more who remain beyond the scope of this study.

**Street-Sellers**

*With clapper tongues and iron lungs,*

*We sell our goods by bawling:*

*And up and down about the town,*

*Are turnips, carrots calling.* [[450]](#footnote-450)

The street-sellers of eighteenth-century London were a noisy, vibrant, and sometimes irritating fixture of life in the metropolis.[[451]](#footnote-451) Described by Dorothea Reeve in 1972 as a ‘picturesque throng’, they sold almost everything that was possible to carry in baskets, carts, arms and pockets, whilst capturing the imaginations of artists and balladeers who recorded their cries and costume in engravings, cartoons and rhymes.[[452]](#footnote-452) Yet, as colourful and as cheerful as they might have been depicted in some eighteenth-century representations, they were often desperate, hard-working and usually, as Sean Shesgreen contextualised them, the ‘poorest of the urban poor’.[[453]](#footnote-453) Life for these people was no better half a century later when Henry Mayhew interviewed such ‘street folk’ and opened his 1851 compendium, *London Labour and the London Poor,* with a detailed account of their practices, habits and low economic status.[[454]](#footnote-454)

As Mayhew described in the nineteenth century, eighteenth-century street-sellers traded in an assortment of items and from a variety of locations.[[455]](#footnote-455) Some distributed their wares from baskets carried upon the head, others used a hand cart. Despite the variety of methods of transportation of goods and the types of items sold, the street-sellers that Mayhew detailed shared the common strategy of moving about the streets, crying their wares. Some street-sellers in London traded from static market stalls or rudimentary premises, but, as Mayhew distinguished between market sellers and those who sold in the open air from a basket or cart, so too does this study.[[456]](#footnote-456) Those sellers who had fixed premises, regardless of how modest they might have been, have not been considered for this study as it is those ‘street folk’ who were compelled to walk the city, footsore and gravel-throated through hawking, who were the poorest of them all.

That street-sellers were largely members of the urban poor is clear from contemporary literature and accepted within historiography.[[457]](#footnote-457) Tim Hitchcock considered street-selling to be a ‘pauper profession’ which could contain a ‘beggarly element’ which was manifest when, unable to trade their wares, hawkers ‘traded in pity and compassion’.[[458]](#footnote-458) He further remarked, ‘whether you cried oysters or cabbage nets, the assumption was always that begging was part of one’s activities; that any spare food, or old clothing, any spare cash or spare kind, would be picked up and reused’.[[459]](#footnote-459) Hitchcock’s work has done much to explain how begging was part of the makeshift economy utilised by poor street-sellers. However, less is known about the extent to which property crimes were also part of that makeshift economy. By examining the testimonies by and about some of the Old Bailey defendants we can begin to trace theft as also being part of that economy.

A wide range of goods were sold by such traders so it is impossible to identify every street-seller who appeared in the Old Bailey through keyword searches. However, using searches for words such as ‘sells’, ‘seller’, ‘cries’, ‘old cloaths’, and ‘old clothes’, 210 defendants were identified as street traders.[[460]](#footnote-460) In some cases, there is evidence that theft was part of a makeshift economy for these defendants. There are likely to be many more street-sellers in the *Proceedings* who remain hidden from view, either because the goods they traded were not captured by the contextualised keywords, or because their vague and transient occupation was not recorded, or even revealed in the account of their trial. Those who have been uncovered here are likely only a selection of those street traders who actually appeared in the Old Bailey during the chronological range of this study.

A variety of items were bought and sold, and in all parts of the city. Some made more money than others, but all shared the characteristic of eking out their living through exchanging small goods for money, and many of them subsidised their income with property crime, or, used theft as a short-term fix for financial difficulties which their income alone could not provide for. Men, woman, and sometimes children are found within this cohort.

Peter Earle wrote that street-selling in the first half of the eighteenth-century was predominantly a female occupation though that began to change towards the end of the century to the extent that Mayhew considered male street-sellers to be more numerous.[[461]](#footnote-461) 121 female street-sellers are recorded within this population of defendants compared to ninety-two males. Street-selling also, as Earle points out, a trade which was often seasonal, or ‘part time’.[[462]](#footnote-462) Therefore, women with caring responsibilities could continue this trade, often with the help of children. The image of a woman selling her wares alongside small children is familiar from the images of eighteenth-century street-sellers.[[463]](#footnote-463) Occasionally, it is revealed in the *Proceedings* that defendants were children who worked with their mothers in this way. In 1768 11-year old Thomas Purney was prosecuted for stealing a silk handkerchief in the street. Purney claimed that he found the handkerchief on the ground and ‘did not pick the gentleman’s pocket’. In his testimony, Purney revealed that he got his living by ‘going about with my mother selling hymns and spiritual songs’.[[464]](#footnote-464)

Male and female defendants hawked slightly different items, which can be seen in Table 10. Often the items that they were accused of stealing, or receiving, were similar to those which they sold. This is particularly the case with those sellers who sold second hand articles about the streets. These defendants formed the largest group, whether male or female, and the greatest type of second hand article which was traded in this way was wearing apparel and textiles. However, regardless of the types of goods they themselves traded in, this entire cohort of street-selling defendants was accused of the theft of these items more than any other type of goods.

The theft of these types of items by street-sellers does not necessarily point to that theft as being part of a makeshift economy. Textiles and clothing have been considered by some historians to be a ‘currency substitute’ – the value of such items were often easily discernible by plebeian Londoners, and they were a commodity which was in constant demand.[[465]](#footnote-465) On the other hand, perhaps because of this, stolen clothing was a key part of a makeshift economy. It was obtainable, and demand for such items made them easily re-sellable so they changed hands quickly and easily, cooling down with each transaction. It is not inconceivable that the income of many old clothes sellers was augmented by stealing, receiving, and selling stolen clothing and textiles. Considering how integral the sale of second hand clothing and textiles was within the city, it is unsurprising that they were commonly stolen items. There were even pawn shops which operated specifically for the trade of old clothing and no other items.[[466]](#footnote-466)

**Table 10**: Types of wares sold and sex of seller

|  |  |  |
| --- | --- | --- |
| **Category of items** | **Total male sellers** | **Total female sellers** |
|  |  |  |
| Eatables and drinkables | 2 | 3 |
| Fish, foul & dairy | 8 | 8 |
| Fruit and vegetables | 25 | 33 |
| Literature & art | 1 | 0 |
| Live animals | 4 | 0 |
| Manufactured items | 7 | 2 |
| Mixed foodstuffs | 1 | 7 |
| Not recorded | 7 | 4 |
| Second hand articles | 37 | 64 |
|  |  |  |
| Total | 85 | 117 |

Note: Some sellers sold more than one type of item which accounts for the difference between category totals and total defendants within this dataset. These categories are based on those devised by Henry Mayhew in 1851. Henry Mayhew, *London Labour and the London Poor*, pp. 1-11

Few of the defendants in this cohort admitted theft and explicitly claimed, using the language of poverty, that they were driven to it by distress (which is why most of them do not appear in the ‘language’ population dataset analysed in Chapter One), but, when qualitatively analysing the testimony of these defendants, their poverty is often evident, though not in all cases. For some defendants, even though they were engaging in this ‘pauper profession’ of street-selling, they were able to sustain a reasonable living.[[467]](#footnote-467) Abraham Cohen, who chiefly sold lemons but sometimes also sold second hand clothing, was convicted of stealing a cloak. In his testimony, he told the court that he might earn ‘10s. or 8s. a week’ from his endeavours. The cloak that he stole was worth his top weekly wage - ten shillings.[[468]](#footnote-468) Perhaps Cohen told the court of his earnings to convince them that he had no need to steal as ten shillings a week was not a meagre sum. A journeyman brick layer, might, as Campbell recorded, earn half a crown per day (fifteen shillings for six consecutive days’ work).[[469]](#footnote-469) However, the income of a street-seller was never guaranteed, and of course, we do not know how many people Cohen was supporting on his takings.

Some of those street-sellers who sold clothes did seem to be marginally better off than their costermonger peers. Some might be considered, as Peter Earle terms them, to be ‘petty capitalists’ despite having no premises to speak of.[[470]](#footnote-470) In 1783 Sarah Slade and Mary Wood were acquitted of stealing various textiles and wearing apparel (including a distinctive scarlet cloak), worth £2 15s. 6d., from a ‘common lodging house’ which they did not reside in, but were accused of somehow obtaining a key for. Sarah and Mary successfully argued that they were in possession of the items because they had bought them recently, from another second-hand clothes dealer, to resell about the streets. Sarah told the court that her husband had given her a guinea and she had spent twenty-six shillings buying some of the items ‘of a woman’. Other clothes dealers recalled the transaction (because of the red cloak) and so could testify to the truth of her statement.[[471]](#footnote-471)

However, though some old clothes dealers may have enjoyed a slightly higher standard of living, some were barely making ends meet. Mary Johnson, acquitted of coining offences with her fellow old clothes seller accomplice, Mary M’Carty, was not solvent enough to pay her rent. A witness appeared for her who had known her to be honest, but as her ‘bedfellow’, said that she now owed her twelve shillings for lodgings.[[472]](#footnote-472) When times were hard, some of these street dealers of old clothes directly reported that they pawned goods which did not belong to them to make ends meet (a felony), and did so frequently. Thomas Barker had lodged in the house of Margaret Carrione in St Giles for several years, paying eighteen pence a week for his room. In 1761 Carrione found Thomas in the process of removing items, such as his bed, from the lodgings with the intent to pawn them. Barker testified in the Old Bailey that Carrione’s late husband had frequently allowed him to pawn the furnishings from his lodgings and that he routinely did so, even following Mr Carrione’s death. ‘A great many times’ Barker was obliged to pawn the fittings of his room to pay his rent and to keep his clothing business afloat. He reported that he often pawned items, bought old clothes with the proceeds, and ‘when he was sure of a bargain, I used to bring them all home again’.[[473]](#footnote-473) Barker used borrowing as a clear part of his makeshift economy, and in this instance, his borrowing turned into theft when he could not return the items in time. Through this case, and others like it, we can not only see how hand-to-mouth and week-to-week (as well as day-to-day) the urban poor lived.

Perhaps because of the frequency with which old clothes dealers deliberately or accidentally handled stolen items they were also handy scapegoats for other criminals. John Morton (who was also known as Wharton, occupation unknown) was accused of the theft of a book *Syphallis, a Practical Dissertation on the Venereal Disease* [sic]. George Miles testified that he bought the book from Morton, who in turn testified that he purchased it ‘amongst some cloaths of an old cloaths man’.[[474]](#footnote-474)

Pawning items for short-term gain was not the only criminal practice which street-sellers engaged in. Desperation also made people who made their living by finding and selling vulnerable to accusations of criminality in other ways, or made them prone to criminality. In 1771, Elizabeth Ingram picked up 27 lbs of iron from a wharf, worth sixteen pence. Every day Elizabeth went to the wharf to pick up ‘old rags and things’. On that particular day, her scavenging found her facing prosecution. Elizabeth claimed that she ‘did not take it with an intent to steal it’ yet she had taken it and so she was prosecuted for theft and punished by whipping.[[475]](#footnote-475)

The appeal of stolen goods might have often been too tempting to resist. Nathaniel Shortland sold tripe around the streets. He stood trial for receiving liver stolen from Mathias Austin, a ‘tripe man’. The two women who stole the liver admitted to selling it to Shortland and so he was prosecuted for receiving stolen goods. Shortland, however, was acquitted as the jury was satisfied that he was unaware of the provenance of the liver. Yet, if Shortland had knowingly received the liver, it is easy to see why he might have done so. The six bull livers that were stolen were valued by the prosecutor at three shillings. Shortland bought it from the two women at three pence a-piece. It was revealed in court that he could then expect to sell the liver on the street at six pence a-piece.[[476]](#footnote-476) Doubling an investment with such easily resalable items would have been a temptation indeed. Small acts of shoplifting were also committed by this cohort. Catharine Fleming, who denied the theft of twelve pairs of children’s stockings, valued at six shillings, from the shop of a parish overseer, sold fish from a barrow. She had three children, ‘never a father for them’, one of whom was in the workhouse infirmary. Catharine was clearly poor, and the theft of such small, portable, opportunistic and easily-traded items might have been a way for her to make some extra money on her fish wagon as she trundled it through Carnaby Street. [[477]](#footnote-477)

Other, non-criminal economies of makeshift are revealed in the testimonies by or about these prosecuted street-sellers. They formed a community which created borrowing networks, reciprocal arrangements, and spoke out for each other in times of need, and this too was a vital part of a makeshift economy for London’s urban poor. People in the same business frequently appeared as witnesses for the defendant and testified to their good and honest character (whether true or not). When Dorothy Lloyd, who sold fruit and oysters ‘and things of that sort’ about the streets, was convicted of stealing a piece of gold worth £3 12s. from William Haddon, out of his hand, six fellow female fruit and fish sellers appeared at the Old Bailey to swear to her honest character. The last, Ann Bigshine, testified that Lloyd ‘laboured daily and hourly, as other poor women do’. Significantly, two of the witnesses ‘shared fish’ with Lloyd. When asked by the court what that meant, a witness explained: ‘that is, putting our money together to buy fish’.[[478]](#footnote-478) Sarah Perrin, a prostitute and old clothes dealer, was convicted of stealing money from John Roghahn after picking him up on a street corner, taking him to a bed in White Stairs and finding him too drunk to complete the transaction and drunk enough to not notice her picking his pocket. Yet, he did miss his money and pressed for the prisoner to be searched, whereupon his distinctive guineas were found. Perrin claimed that she had borrowed the money from another old clothes dealer, adding: ‘I deal in old cloaths, and we borrow of one another’.[[479]](#footnote-479)

As Mayhew reported, for those who were very poor, finding the capital to initiate street-selling could be difficult.[[480]](#footnote-480) The wider street-selling community coming forward to assist the very poor in this way can also be seen in the *Old Bailey Proceedings*. When Jane Pryor first started to sell oysters around the streets, she was, according to her neighbour, Mary Woolington, ‘very poor and miserable’ and had ‘not a thing that would fetch a shilling’ and so Mary lent her a shilling to purchase some oysters. Pryor graduated from the streets into service but had been there not three days when she stole twenty guineas from her employer. Her theft was not discovered until three weeks had passed when her new employers became suspicious of her as she had come to them ‘very bare of cloaths’ but had ‘since bought a great many cloaths’.[[481]](#footnote-481) Borrowing and kinship networks formed a critical part of makeshift economies, and that is confirmed within the testimonies of London’s working poor.[[482]](#footnote-482) Some of these street-sellers were compelled through financial distress to steal. In many cases, theft was a solution to a short-term problem which could be rectified once the crisis had passed. At other times, it was a regular strategy. Although other strategies have been identified as contributing towards a makeshift economy, theft was clearly part of that economy.

**Casual Labourers**

‘In country villages’, noted William Chapple in 1785, ‘the poor labourer exhibited all the marks of poverty and distress’, due to meagre wages.[[483]](#footnote-483) In London, the wages were higher (though still often insufficient), but work was less secure.[[484]](#footnote-484) The term ‘labourer’ itself is imprecise and flexible. Those who were described as ‘labourers’ had a wide range of pay and levels of security but that also fluctuated with the seasons and global and national pressures (such as war).[[485]](#footnote-485) Due to the nature of eighteenth-century language and the scribal practises of Old Bailey clerks, the *Proceedings* were searched for all incidences of the keyword ‘labourer’ and related terms, such as ‘labouring man’, and ‘day labourer’.[[486]](#footnote-486) Returned trials were scrutinised and those defendants who were further contextualised as journeymen, apprentices, or more specific occupational roles, such as coal-heavers, were discarded from the data. Only those who identified themselves solely as a ‘labourer’ (or ‘day-labourer’) or who were identified as such by others, were extracted from the *Proceedings*. This resulted in 225 defendants who were described as labourers and who were accused of property crimes. This population was further scrutinised and all of those labourers who appeared to have regular, secure employment (such as being employed by the East India Company) were discarded, resulting in 151 labourers who appeared to be in casual, intermittent employ and who were, in all likelihood, poor. Due to the difficulty of accessing all labourers through linguistic analysis (because of the imprecise terminology of eighteenth-century labouring tasks and roles), it is probable that the defendants within this cohort are only a small portion of those labourers who were prosecuted for property crime in the Old Bailey between 1750 and 1799. In order to capture male casual workers, the only female labourer to appear in the *Proceedings* was discarded.[[487]](#footnote-487)

It is difficult to capture the accurate economic and social status of labourers because of the varieties of language and the different tasks of the occupation. However, the *Proceedings* reveal that labourers were vulnerable to poverty, even if at times they might also be relatively solvent. In 1759 Edward More was tried and subsequently acquitted for highway robbery. More was, at that time, employed as a labourer for a cabinet maker though he seemed to get his living by a range of labouring work. Several witnesses spoke for him in court, remarking on his honesty and sobriety and shedding more light on his occupational habits. When times were good, More was solvent enough to able to employ people to work alongside him, and, according to one witness, always paid them honestly too. When times were hard, particularly in the winter, More found industry grinding oatmeal.[[488]](#footnote-488) This illustrates that even though labouring could provide a reasonable living, work was never guaranteed and was often insecure. Even a judge in the Old Bailey considered labourers to often be poor. Stephen Brougham, a labourer who lived in Enfield, had his home burgled during daylight. Before the accused – Joseph Smith (occupation unknown) – was sentenced, the court reminded the jury:

By a Statute that passed in the reign of Queen Elizabeth, it is made a capital offence for any person to break and enter a dwelling house in the day time, no person being therein, and stealing to the value of 5 s. this act of parliament was made for the protection of poor labourers, who are obliged to leave their houses, to follow their daily industry.[[489]](#footnote-489)

Some labourers within this cohort did link their stealing to their poverty. In 1765 William Keatley was accused of breaking in to a washhouse and stealing washed linen and soap. Keatley denied the crime, claiming he was too drunk to know where he obtained a bundle of wet linen, though he was sure that someone had given it to him. Yet, in his testimony he revealed that he had no wife, two small orphans and a helpless father in Dublin.[[490]](#footnote-490) Matthew Stamford was prosecuted for stealing a copper pot in 1769. Stamford was seemingly poor enough to not have a pot to cook in so made use, with the permission of the prosecutor, Francis Bocket, of Bocket’s copper pot to get his ‘victuals ready’. Stamford used it to cook milk and potatoes but, Bocket claimed, he did not give permission for Stamford to take the pot from his own house. The pot was found in Stamford’s lodgings, where it had been for ‘about half a year’. Stamford was acquitted, perhaps because the prosecution was considered malicious given the arrangement between the two men, even though Stamford admitted having possession of it.[[491]](#footnote-491)

The desperate crime and bizarre excuse of James Cobham in 1771 is also revealing in its nature and its aftermath. Cobham was apprehended, literally red-handed, with seven handkerchiefs which had just been stolen from the window of a shop after the window was smashed in. Cobham was pursued through a ‘dark passage’ and captured with his hands so ‘bloody’ that the blood ‘ran down in drops’. When Cobham was taken before Sir John Fielding he stated that it was the first offence he had ever committed, that he had a wife lying in, and that he had actually smashed the window because he was ‘roving about almost mad for want of money’, and that his head ‘fell through the window and the handkerchiefs fell out’.[[492]](#footnote-492)

Through the testimony of prosecuted casual labourers, we can also see how poverty could trickle down to them when their employers became immiserated. In 1768 Benjamin Burton and Francis Fitzpatrick stood accused of burgling the home of William Morley. Though they both denied the crime, they were convicted and sentenced to be transported. However, it is in the testimony of the two men where we can see how poverty affected labourers and how they might have been driven to robbery. Burton was a bricklayer and Fitzpatrick worked for him as his labourer. Burton was owed money by his own master, which in turn meant that he could not pay Fitzpatrick. Fitzpatrick readily admitted to being in want because of this. They claimed that they were near the burgled house as Burton was looking for his master. Fitzpatrick had accompanied him in the hopes of being paid.[[493]](#footnote-493)

As the term labourer is flexible and imprecise, a comprehensive account of labourers and property crime cannot be completed through the Old Bailey Proceedings. However, this brief analysis of some of these defendants does reveal that casual labourers were vulnerable to poverty, and that sometimes they committed theft because they did not have enough money, despite being employed. Their experience is not likely to be atypical. Certainly, many more labourers were tried in the Old Bailey for theft committed, in part, because of their immiseration.

**Casual Women’s Work**

The first chapter of this dissertation discussed how women were likely to be poorer than men and that their utilities to labour were lower. As John Beattie wrote, the occupational status of large numbers of women was precarious. Often work was menial, casual and poorly paid.[[494]](#footnote-494) There were many types of paid tasks and occupations that women engaged in the three most frequently recorded ‘occupations’ found in the ‘language’ dataset analysed in Chapter One can be broadly categorised into three types: Washing, charring, and needlework. There were many other types of casual female labour, but the scope of this dissertation restricts the number of occupational tasks that can be analysed here. These types of work were irregular, poorly paid, and done by those who had few other ways to make a living. Charring (or chairing as it is often called in the testimonies of defendants), in particular, was precarious, laborious, and unprofitable. It ranged from casual cleaning of items, or areas to cleaning entire rooms and houses. Or it could involve simply sweeping out fire places, handling refuse, and a host of other household duties, including errand-running, attendance on relatives and cooking. As Tim Hitchcock wrote, charwomen were, perhaps ‘the most common’ of those engaged in ‘beggarly professions’. Women would go door-to-door asking for work and hope that perhaps charity would also be forthcoming.[[495]](#footnote-495) Washing, too, covered a range of activities from casual laundering as piece-work, or as a favour exchanged for money, to regular laundry clients. Needlework was often piece-work and could be for a clothes seller or trader, or it could be casual sewing within the neighbourhood.

That these occupations were poorly paid can be seen from the testimonies of defendants, witnesses and victims of crime in the Old Bailey Proceedings. Though witnesses and victims do not appear in this cohort (or any other population dataset analysed within this study because they did not commit the crime), their testimonies were uncovered by keyword searches and reveal much about the economic circumstances of women engaged in these types of occupations. Israel Murray, who was a witness and informer in the trial of Mary Carlton (occupation unknown) went ‘out a-chairing’. When the court remarked that she could not earn any great deal, she replied that she earned one shilling a day.[[496]](#footnote-496) In 1787 Mary Davis alleged that she was raped by William Wellen. She testified that her husband had been sentenced to transportation eighteen months previously and was currently in Woolwich awaiting his sentence and that she had a child. Davies explained that she now got her living by washing, alongside three shillings a week from the parish. [[497]](#footnote-497) Davies’ testimony illustrates some key features of the lives of some poor women. It highlights the difficulty that families could face when a household contributor was incarcerated, transported, or executed - a topic that urgently needs further research. It also confirms that in some London parishes, the parish only provided partial support, even to single women with children. Lastly, it tells us that washing, in her case, did not pay enough for her to relinquish parish support altogether. Women, especially single ones, who worked at these menial, casual jobs were likely to be poor.

To extract a cohort of defendants who engaged in these tasks, a series of keywords which related to the three types of work was compiled. Words like ‘chairing’, ‘scouring’, ‘washing’, ‘cinders’, and others were searched for in the *Proceedings*.[[498]](#footnote-498) This resulted in a cohort of 205 defendants, who were accused of property crimes. The number of defendants who worked at each task (twenty-one of them worked at a combination of the tasks, further highlighting how casual these types of employment were) are recorded in Table 11.

**Table 11:** Types of casual women’s work

|  |  |
| --- | --- |
| **Activity** | **Total defendants within cohort** |
|  |  |
| Chairing/charring | 71 |
| Needlework | 29 |
| Washing | 86 |
| Mixed activities | 19 |
|  |  |
| Total | 205 |

When we explore the testimony of defendants, we can see that because of their poverty, they sometimes committed theft as part of their makeshift economy. Ann Spooner was accused of stealing diverse items of clothing from the home of Joseph Houghton in 1794. Ann had been hired by Houghton’s wife Lydia as a charwoman and had been in the post for four days when she took the items and pawned them. In her testimony, Ann told the court that, for a variety of duties, including washing, nursing the child and to ‘do about the house’, she was paid six pence a day. Ann was a widow and had a child in the poorhouse. She took leave to visit her child, who was taken ‘very bad’, and then returned after a night to the Houghton’s. Then, she claimed, she went into the country for haymaking for a fortnight and upon her return was charged with the theft of the Houghton’s items. Ann was clearly poor, and she cobbled together an economy of makeshifts which included casual work, seasonal work, parish support for her child, and, in this instance, theft.[[499]](#footnote-499)

Chairing could be extremely casual and irregular work could lead to immiseration which then led to theft. Mary Deprose was employed by Robert Allen to ‘char about’ in his public house, The Cock, in Stepney. Deprose stole a tankard from the premises, though she had not been at work there that day. Indeed, she had not been there to work for a week as Allen had had no call for her. Perhaps Deprose was moved to relieve him of a tankard because she had been without his contribution to her wage for seven days.[[500]](#footnote-500) It is small wonder that charwomen might hope for food, drink, or monetary charity on the doorstep. Even if they secured a job there was no security of regular hours.[[501]](#footnote-501)

Stealing from employers was common within this population. Out of 205 defendants, 123 of them were accused of stealing from their place of work. However, it must be remembered that often the reason we know the occupations of defendants is because it forms part of the prosecutor’s evidence. Even so, workplace theft by casual female workers seems relatively commonplace. In 1777 Penelope Collier was hired to wash and clean for Joseph Wood after his previous servant maid robbed him and ran away. Collier too stole from him, but, argued that she pawned the items with the intent to redeem them before Wood noticed. [[502]](#footnote-502)

Throughout this study we have identified the pawning of goods with an attempt to redeem them before the owner realised their loss as part of a makeshift economy (and we return to this topic in greater detail in the next chapter). Women who had access to domestic spaces and items through their work were well placed to adopt this strategy. Rebecca Carns, a charwoman, pawned items from her workplace in 1777 as did Jane Brown, also a chairwoman, in 1751.[[503]](#footnote-503) When Sarah Buckingham appeared at the door of James French in 1765 and asked if he could employ her in anything, he let her in and she immediately took up a broom and swept the house. The following day she returned to light a fire for breakfast. At some point during her short tenure French lost several items, which Buckingham admitted taking (some of them, at least) and putting into pawn. However, her professional relationship with French was casual; he told the Old Bailey that he did not intend to have her as a ‘constant servant’.[[504]](#footnote-504) The nature of Buckingham’s initial employment asserts Hitchcock’s view that charwomen were almost beggarly in their approach to securing employment.[[505]](#footnote-505) Numerous other casually-employed women were prosecuted for similar crimes between 1750 and 1799. This background level of poverty, especially for women, was continuous, regardless of national or international changes. Some defendants admitted that they stole items to pawn explicitly because their wages were not paid. Ann Lumley was engaged to wash for John Manning. She stole some items of clothing from him and put them into pawn. She defended herself in court by saying ‘I own I took the shirt and neck-cloth through distress: I meant to redeem them; he owes me more than the things were worth.’ Lumley was sentenced to be imprisoned for one week, a relatively minor punishment.[[506]](#footnote-506)

The workplace was the place most frequently stolen from for these women, but it was not the only place. Elizabeth Griffiths stole clothing from her sister-in-law Mary in 1793. Both women were needle workers. Elizabeth admitted the theft and told the court: ‘I was distressed for money to pay my lodging, and I took the things out, I thought I could make more free with her than with a stranger.’[[507]](#footnote-507) Robert Gray and his wife, Dorothy, kept an old clothes shop. Sarah Tongue came to them to sell her last gown as she was distressed after coming from Lancashire and not being able to get into a place (presumably as a servant) until the next week. His wife took pity upon Tongue, as she appeared in a bed-gown as she was selling her only remaining dress and said that she ought to stay with them and eat and drink with them until her place was available. Dorothy Grey set Sarah to wash some things and left the house. Sarah made away with them. Perhaps her desperation made her take advantage of the kindness shown to her.[[508]](#footnote-508)

These types of jobs, primarily done by women, were casual, menial and poorly paid. The women who engaged in them were likely already poor, and the nature of these tasks and the remuneration for them, did little to raise these women out of poverty. In many cases, theft, particularly the theft of items to pawn and then redeem later, was a common strategy to provide financial support. For many of these women, crime was part of their makeshift economy. Moreover, these women that we know of were only a portion of those who committed similar crimes and for similar reasons. There were likely to be many, many more but because of the nature of the *Proceedings* and the imprecise descriptions of such occupations, they remain absent from this analysis.

**Conclusion**

Identifying the ‘hidden poor’ in the *Proceedings* of the Old Bailey is complex because of the imprecise nature of language and the limitations of the sources, but careful linguistic analysis can reveal defendants who were likely to be poor because of the contexts of their lives at the time of the crime. Sickness, and other physical conditions which prohibited labour, as well as unemployment and underemployment were (and still are potentially) immiserating, yet, these events have received little historiographical attention in connection with crime, except at the macro level. Analysing the causes and effects of poverty at the micro-level of individual experience can tell us as much about society in eighteenth-century London as the trends and patterns drawn from big data.

Analysis of this population of defendants reveals that circumstances and life events, such as sickness, unemployment or underemployment disadvantaged many people and that they sometimes committed theft for financial gain during these times. Sickness and other physical conditions reduced an individual’s capacity for labour, which could impoverish those who were solvent, or fully immiserate those who were already struggling to make ends meet. Although there was a range of options that Londoners could access during sickness, they were not available to everybody or the cost could be prohibitive. However, those who were sick might be considered more deserving or poor relief or charity than their unemployed neighbours. For those who relied upon their wage to support themselves and their families, the London labour market was precarious and insecure, and few unemployed persons, especially those who did not or could not enter the workhouse, were eligible for relief. In some of these cases, defendants who were unemployed or underemployed turned to theft. Those women who were engaged in casual and poorly paid work were particularly vulnerable to criminality because of the nature of their underemployment, and, because of their access to domestic spaces, they also had good opportunities to steal.

Though many defendants directly stole to obtain money, others engaged in short-term risky strategies which resulted in a criminal charge. It has been well documented in this chapter that some defendants who were sick pawned items from their lodgings with the intent to redeem them when they became well, but unemployed and underemployed defendants also engaged in this practice. When William Shaw was out of work in 1789 he pawned a sheet from his lodging house. He had been out of work but was due to start another job on the following Monday. He pawned the sheet to pay his lodgings for that night.[[509]](#footnote-509) This short-term solution, to remedy what was surely hoped to be temporary hardship, illustrates the hand-to-mouth lifestyle which many eighteenth-century Londoners lived, and will be discussed at length in the following chapter. Moreover, for some people, acts of theft were considered necessary to provide the means to return to work. Some workmen pawned their tools during times of hardship or had them distrained for rent or other debts and so stole others or pawned those belonging to acquaintances to enable their return to labour. In other cases, items or wearing apparel were needed to obtain a job. In 1766 Duncan Gordon, a footman, invited William Baillie to lodge alongside him as he knew him to be ‘out of place’. Baillie took some clothing that belonged to Gordon and pawned them. Baillie said that he needed to do so because his own clothing was in pawn and he needed money to be able to redeem them because he ‘had heard of a place’ and needed his own clothing ‘to appear in’.[[510]](#footnote-510)

Sickness or unemployment could be immiserating enough when they appeared in isolation, but when both events struck individuals and families the desperation can be seen in the testimonies of the twenty-seven defendants who appear in both the ‘sickness’ and the ‘unemployed’ datasets. In the winter of 1772 Benjamin Woadley was indicted twice for stealing food. The first time, he stole 19 lb. (a ‘mouse buttock’) of beef from a butcher’s shop.[[511]](#footnote-511) Woadley told the court that he had been out of work for a ‘great while’ and his wife had been lame for a ‘long time’. When he was apprehended for the theft of the beef, he was also found in possession of a wigeon and a teal, which, William Smith, a poulterer, claimed he had stolen from his shop too. Woadley stated that he had been given the birds by another man, and they were both rotten (they ‘stunk’) but, as he was a ‘poor man’ he accepted them. Even though in both cases the value of the goods were reduced to below one shilling, Woadley was sentenced to be transported.[[512]](#footnote-512)

Due to the nature of the *Proceedings* and the omitted speech events from many trials, it is likely that many more defendants committed theft because sickness or unemployment plunged them into poverty, or made their existing poverty worse, or that they were not sufficiently paid for labour or had irregular work which made it difficult to make ends meet. That sickness, unemployment and underemployment caused poverty-related theft was certainly more widespread than the *Proceedings* record. This can be seen by qualitatively analysing the testimonies of witnesses, prosecutors, and court officials. These eighteenth-century Londoners expected such life events to impoverish people, which would then make them turn to theft as a means of self-support.

Unemployed people were suspected of criminality because of their unemployment more than sick people were, but it was acknowledged that sickness too could bring a person to financial distress and theft might be the remedy. Those who were underemployed were also suspected of theft, partly because of their access to the goods of others, and partly because of the concerns of their employers. These expectations were often based in the reality of their experiences. However, though we saw many cases of suspected criminality due to unemployment, we also caught glimpses of sympathy from court actors. It is probable that many victims of theft did not raise a prosecution because they sympathised with the plight of the defendant. As has been discussed, the ‘dark figure’ of crime is unknowable, but perhaps some of the shadows contained within it are thefts by unemployed, underemployed and unwell individuals who were forgiven. When those who lived by their labour encountered events which reduced that capacity for labour, be it by sickness or lack of work, they became increasingly vulnerable to poverty and were in many cases tempted to theft as part of a makeshift economy, especially as there was little support that they could, or would access.

The first chapter of this dissertation extracted a population of defendants who said, or had it said of them that they were poor. This chapter examined some of the common circumstances found across that first dataset and applied them to create new datasets of defendants who shared the characteristics of poverty. The following chapter combines those datasets and qualitatively examines the experiences, strategies, and circumstances that those defendants experienced. Through the quantitative and qualitative evidence discussed in Chapters One and Two, we have seen that crime was part of a makeshift economy. The following chapter closely examines why and how that relationship worked.

**Chapter Three: Behaviour, Strategies, and the Experiences of Criminal Makeshift Economies**

**Introduction**

With the exception of M. Dorothy George, historians have been late to recognise the rich social narratives which can be drawn from trial proceedings.[[513]](#footnote-513) Generally perceived as traditional top-down records of law and order, it was only in the last years of the twentieth century that more historians began to consider court proceedings as sources which contain evidence about the day-to-day lives of ordinary people. Even then, their use has been considered limited because of the nature of the publications. As Tim Hitchcock, Peter King and Pamela Sharpe wrote, printed trial reports, especially those from London, are potentially a window into plebeian experience if the *victim* of the crime was a labouring citizen as the testimony of victims and prosecutors is considerably richer than that of defendants.[[514]](#footnote-514) However, as the previous chapters have shown, combining quantitative and qualitative methods whilst borrowing methodological techniques from other disciplines, such as linguistics, a detailed picture of some of the experiences of defendants can be obtained from the testimony of prosecutors, witnesses, court officials and the defendants themselves.

The first chapter of this dissertation identified a population of Old Bailey defendants who, within their testimony, articulated that they were poor (or had it articulated about them by other actors within the courtroom). Many of those defendants described a range of circumstantial limitations which were part of, or the whole reason, why they were impoverished at the time they were accused of committing property crimes. Sickness (or other physical prohibitions to wage labouring), unemployment and underemployment were common themes in many of the lives of those defendants. As they were likely to be common experiences in the lives of eighteenth-century Londoners more generally, chapter two identified, and discussed, a further population of defendants who articulated that they shared one or more of those circumstances but did not always use the language of poverty. This chapter combines those datasets analysed in Chapters One and Two into a population dataset of 2,350 unique instances of prosecuted activity.[[515]](#footnote-515) It unpacks the narratives revealed by the publication of those instances in the *Proceedings* and explores the criminal strategies, motivations, negotiations and experiences which provoked some of these defendants’ alleged thefts.

By combining the two defendant populations discussed in the previous chapters and qualitatively analysing testimonies in greater depth, this chapter confirms that crime was one of the responses to poverty for Londoners during the last half of the eighteenth century. Furthermore, by digging further into those testimonies we can, importantly, offer some explanations for why that was. We can achieve a more in-depth understanding of why poverty sometimes provoked criminality. This chapter expands on some typical circumstances and offers more quantitative evidence from the Old Bailey that shows these circumstances were much more widespread than this chapter can investigate, and that the *Proceedings* record.

Poorer Londoners were vulnerable to criminality because of their economic circumstances but they were also vulnerable to being criminalised for engaging in risky behaviour, or for engaging in behaviour which was previously sanctioned within their social relationships until those relationships broke down. Life for many eighteenth-century Londoners was lived hand-to-mouth. This is demonstrated by the thefts which occur within these 2,350 prosecutions which were designed to be a short-term fix. The lived experience of these defendants emerges as one of day-to-day subsistence and struggle.

There were many pressures which condemned an individual to poverty or which made lives for the indigent even more precarious. A large family, sickness, underemployment, unemployment, housing crises, rent pressures, and a breakdown of familial relationships or severing of kinship ties could all provoke a criminal response from those individuals who were experiencing them. Theft resulting from these pressures was far more widespread than historians can measure, and there were, of course, many other causes of crime. Yet, this chapter shows that an inability to meet material needs prompted criminal behaviour for many people and that those criminal responses were manifested in many ways. There were numerous incidences of simple theft to provide goods, or to translate goods into cash, for immediate need, but there were also many more complex elements involved.

It would be foolish to assume that there were not professional thieves (from across the economic spectrum) but many of the defendants analysed in this chapter stole (or, claimed that they had stolen) for specific reasons. People claimed that they could not support their families in any other way, or that they needed to pay rent. Others pawned items which did not belong to them (a felony) but intended to redeem the items and were either apprehended before they could, or something occurred which prohibited their redemption. Others stole simply because they had exhausted all other options; parish relief was lacking, insufficient, or avoided and kinship support was absent. This chapter drills down into these narratives and explores the *how* and *why* of theft, rather than just the act itself. Whilst this chapter focuses on the relationship between crime and poverty, it also highlights some of the nature of poverty, and how it was experienced. The complexity of London life was enacted in the testimonies spoken in the Old Bailey. The kindness of strangers, the spite of neighbours, the minutiae of domestic arrangements were all expressed in and around the dock, and we can learn much about lived experience from them. We can see strategies, negotiations, excuses, and expectations.

In 1759 John Griffin, an old man, and his son, James, were prosecuted for stealing flour and hempen sacks. Though there was no trace of the flour, when the witness, (who was responsible for looking after the flour for the prosecutors) located the sacks he found that the defendants (who were his tenants) had nothing but rags and were using the sacks as bedding; ‘some to lie upon and some over and under them’. The witness reported, ‘I fancy they took them only with an intent to keep them warm on nights’.[[516]](#footnote-516) This kind of evidence is obscured by quantitative research, but the poverty of John and James Griffin is highlighted in the nature of the items that they stole, their motivation for stealing them, and how they used those items. We see how those two men lived at this point in their lives and how their situation was viewed by those around them.

Distress, and its relationship to criminality was very real. However, to confirm this we need to unpick evidence and uncover human stories. This chapter looks at the relationship between parish poor relief (or lack of it) and criminality, the function of pawnbroking, and the pressures (and facilitation of subsistence crime) of home and family life to confirm this facet of everyday plebeian life. As always, we can only know about those individuals who had contact with authorities, and at the point at which that contact is made. Therefore, these defendants are likely to be only a small portion of Londoners who shared a similar experience. Theft, as part of a makeshift economy, was much more widespread, both in the defendants investigated for this study, and in other eighteenth-century London lives.

**Settlement, Belonging and Exclusion: Crime and Parish Relief**

The density and number of London parishes, and their associated records of official relief, means that even if John and James Griffin were on the parish (and we have no evidence that they were, or that they were not) we could not locate them, nor can we see if they applied for relief and were given casual payments, or, denied it. Their parish was not recorded in the trial and so they are impossible to find, even if they exist, in poor law records. Yet, the testimony about them clearly positions them as poor. The poor laws existed to aid the indigent but the reality, as discussed in the introduction, was that this was not always the case. People were excluded from poor relief systems for many reasons. Sometimes, that exclusion was verbalised in court and blamed as a motivation for theft. In other cases, parish support was not enough, or seeking it would mean drawing attention to oneself and risking removal, or it might mean, following the Workhouse Test Act, that an individual or their family might be condemned to the workhouse. The introduction to this dissertation discussed parish relief, parish autonomy and the reasons why people might have been unable to access parish support, or why they might not desire to. Some historians have claimed that London poor relief systems were unlike those found in provincial and rural England and Wales.[[517]](#footnote-517) Whilst it is true that there were various divergences from the rest of the country (because of the density of the population), the laws were the same. Settlement and belonging still mattered in the metropolis. Individuals were keenly aware of their right to settlement, and where they did belong. We can see evidence for this in qualitative reading of the *Proceedings*.[[518]](#footnote-518) There is also evidence that theft was part of a makeshift economy when the parish would not provide or did not provide enough.

Despite the Settlement Act, eighteenth-century London society was mobile - both rich and poor citizens moved in and out of the city for pleasure and economic opportunity.[[519]](#footnote-519) In fact, London, as discussed in the introduction, needed high numbers of migrants to counteract the high mortality rate and replace the constant flow of emigrants from the city.[[520]](#footnote-520) It is difficult to assess levels of migration through the *Proceedings* as a defendant’s origins rarely formed part of the evidence. However, sometimes it did, and from that we can learn more about individual defendants and we can understand that people appeared in that court who came from around the globe. We can also, as Peter King has written, discern some defendant’s origins through the Home Office criminal registers.[[521]](#footnote-521) For the most part, the limitations of the *Proceedings* prohibit such studies. Even if these sources are representative of what was said in court, they can only record questions which were asked, or information which was volunteered. In lengthy trials this information is often omitted. Nicholas Campbell, a ‘distressed’ man, was capitally convicted of forgery in 1761. Though his trial account contains approximately 10,179 words, Campbell’s origins remain opaque within it. However, he gave his account to the Ordinary of Newgate who reported that although Campbell was evasive about his parentage, he claimed that he was from the north of Britain and that he had ties to Ireland.[[522]](#footnote-522)

Whilst it is important to understand the demographics of London, what is most important here is the idea, and legislation, of settlement and belonging. Migrants who came to London to seek their fortune were technically unable to claim poor relief whilst in the city if they could not claim or gain settlement there, unless they could access relief from their home parish by way of a settlement certificate. Settlement certificates enabled people to travel but with the security of their parish agreeing that they were responsible for them. Although it would have been difficult for parish authorities to administer, settlement was important in London and settlement certificates were issued, although because of the difficulties of poor law administration in London, and the patchy survival of poor law records more generally, settlement documents for the city parishes are unlikely to survive in large numbers.

We can still see evidence of settlement and removal in the city. Martha Dennis was granted a settlement certificate from the churchwardens in St Dionis Backchurch in 1764 after she had been passed to them from the overseers of St John Hackney.[[523]](#footnote-523) Pamela Sharpe also traced the correspondence between a resident of Colchester who belonged to St Botolph’s parish in London.[[524]](#footnote-524) However, for those who had no certificate, and who did not belong in London, or whose settlement derived from someone else (married women and children), they risked removal or a vagrancy charge if they became chargeable to the parish, or even looked like they might become so.[[525]](#footnote-525) Although removal was difficult to administer in London, it still occurred. In January 1732 Henry Norris, the Hackney justice of the peace, spent a large part of his day examining settlement and ordering certificates, proof of settlement, and removal.[[526]](#footnote-526)

M. Dorothy George called London a ‘devouring monster’ because of the city’s appetite for migrants.[[527]](#footnote-527) She also wrote that, due to the high volume of migrants, urban parishes were not able to protect themselves from chargeable migrants in the same ways that rural parishes could (it was unfeasible to remove every potentially chargeable migrant in the parish).[[528]](#footnote-528) Legal settlement was an important safety net and whilst London parishes might have been fighting the tide against poor, or potentially poor incomers, settlement still mattered and was used as a mechanism to remove some people and prohibit their application for poor relief. Some London parishes were bigger than many provincial towns, but ideas of belonging were still important in London.[[529]](#footnote-529) John Walham stole three dead ducks in 1788. In his testimony, Walham stated that he ‘belonged’ to the workhouse in the parish of St Luke’s (it is unclear whether Walham belonged in St Luke’s Chelsea, or St Luke’s Old Street) but lived with his brother. That he belonged to the workhouse certainly impacted upon his sentence as he was severely whipped and then sent to the parish officers so that they could deal with him.[[530]](#footnote-530) Moreover, that he was attached to the workhouse means that Walham was clearly poor, which might be why he stole dead ducks in the first place. Another St Luke’s parishioner (again, which parish is unrecorded), Robert Jones, stood trial for stealing pewter pots. He told the court that he had stolen the pots by mistake (he unwittingly placed them in his pockets whilst he was ‘weak and low’) and that he was ill. If the court allowed mercy, he proffered, then he would go to his parish of St Luke’s until he had recovered from his illness.[[531]](#footnote-531) These cases show that ideas of belonging were important.

Being unable to apply for relief in the city prompted some migrants to commit theft. Thomas Archer was whipped and returned to his parish in Norfolk because he came to London to seek for work. Finding none, and with a wife and three children to provide for, Thomas stole two loaves of bread after having none for three or four days. He had applied for work as a baker in the city, but nobody wanted a journeyman.[[532]](#footnote-532) Settlement encompassed a whole family: husband, wife and children (indeed, some settlement certificates in rural England promised to protect any future wife a single man might take).[[533]](#footnote-533) This was designed to give the family unit security, and women took their husband’s settlement on marriage, which superseded any previous settlement that they had obtained. Though this meant that married women (and children) could not be removed away from their husbands, it did mean that married women had no independent right to welfare.[[534]](#footnote-534) The effects of this derived settlement could be devastating for women and children. The death of a husband, or abandonment by him, not only had the potential to plunge women into poverty, but it could also leave them trapped by their husbands’ settlement and therefore unable to obtain parish relief where they lived if their husband was not settled in that location. This was particularly difficult when wives were abandoned as they could not re-marry and gain new settlement. This was equally problematic for step-children (who were given the settlement of their father) and illegitimate children (who took the settlement of their birth). A man’s settlement might have been tenuous even to him, but for his wife and children, it was even more so.

When Elizabeth Slack, who we met in the previous chapter, was convicted of stealing pewter plates at the Old Bailey, the court ordered her removal to her husband’s parish of Whitehaven, Cumberland. Elizabeth had been sick and told the court that she stole the plates because she was ‘very much distressed’. We do not know how long Slack had been in London before she committed this theft, or where her husband was (or even if he was still alive) but we do know, because she was ordered to be removed by the Old Bailey, that she was not settled and therefore entitled to claim parish relief in London.[[535]](#footnote-535) Women were particularly vulnerable to the mechanisms of the Settlement Act and may have determinedly tried to avoid coming to the attention of the parish. Those women who were widowed or abandoned were considered most likely to need relief and often pre-emptively removed before they had even tried to obtain it.[[536]](#footnote-536) That they were tied to their husband’s settlement meant that they could have been removed to somewhere that they themselves had never been and had limited, if any, support networks. Although settlement could be granted if a person had resided in a parish for forty days, from 1695 that residence only began once formal notice had been given to overseers.[[537]](#footnote-537)

Perhaps theft was a better solution than being removed and losing any support network which they might have developed whilst in London or access the employment opportunities that existed there. Hannah Hooper was convicted of stealing and pawning sheets from her lodgings. Her husband was ill, she was ‘starving to death’ and had been passed to ‘her’ parish, which would have been that of her husband. After she was removed, she ‘fretted’ so much that she came back to London from sixty miles away and stole from the lodgings. Her husband had ‘left her a stranger in town’ and she had ‘left’ her children.[[538]](#footnote-538) We can see that Hannah was poor and, in her necessity, took the sheets and pawned her own clothes. In Hannah’s case, it seemed that she risked returning to the city rather than stay in her own parish. Her theft appears to be part of her makeshift economy, rather than accessing the relief that she was entitled to in her parish.

Henry Conway was a 9-year-old boy who was acquitted of assaulting and robbing another child. Conway’s mother appeared in court and swore that Conway was born in Laffley, Staffordshire. However, she argued that as she had gained settlement in Westminster, her son’s settlement was there also. Nonetheless, because, as the court said, Henry was ‘past nine years old’, they instructed him to be removed to the parish of his birth.[[539]](#footnote-539) It is understandable why families like this would have wanted to stay beneath the scrutiny of the authorities. Therefore, crime was one of their only options for subsistence when sufficient wage labour could not be found. The evidence from these trials, and the others like them, illustrate that rather than risking removal by approaching the parish for relief, people might be tempted to steal to support themselves instead (though if they were caught and then prosecuted, they came to the attention of authorities anyway).

It is possible that criminal justice was used to rid the environs of ‘troublesome’ (chargeable, or likely to become so) parishioners. In October 1758 Mary Brown was indicted for stealing clothing from Jane Williams, after she had been tasked with collecting the items for Williams whilst she was ill in bed. Brown pawned the items, claiming that she had permission to use the items. More than that, she complained that Williams was only prosecuting her because the churchwardens belonging to St Michael’s Wood Street had ‘given her a crown to prosecute me, because I am troublesome to the parish’. Whilst this might have been the desperate pitch at defence before the jury, the court officials did not consider this an outlandish suggestion. Indeed, they questioned Williams at length about this accusation. They asked whether Williams had had a conversation with the churchwardens about Brown (she had not, though she had had contact with them the day before the trial) and, most tellingly, the court asked Williams: ‘Did you ever hear she was troublesome to that parish?’ Williams told them that she knew that Brown had a very bad, sore leg. Williams was pressed to say whether she had been bribed to prosecute, for money, Williams said that she had not even been offered ‘a pint of small beer’. What is important here is that when Brown made this claim, the court did not discount it. They took it seriously.[[540]](#footnote-540) We do not know how ‘troublesome’ Mary Brown was to the overseers of St Michael Wood Street, but in July 1758 she was given a discretionary payment of a pair of shoes and five shillings, to ‘set her up’. Sometimes such payments were given to avoid future claims on the parish. The parish vestry minutes record that, in December of that year, another parishioner, Hannah Care, was given a discretionary payment of six shillings. The churchwarden recorded that Care was ‘promising not to be troublesome again’.[[541]](#footnote-541)

Even those who were entitled to relief in the city might have been driven to theft because they were refused relief or because the relief they did get was not enough, even if contemporaries considered that the mechanisms of the poor law would remove any need to steal as part of a makeshift economy. Samuel Bonner was prosecuted for extortion - he threatened to harm the person and property of Lady Teshmaker in a letter, writing, “[…]If you dwo not dwo a Corden to what this leater menshons you may expect that your Estate shall be Broght to ashes and Your Self to the Ground […]” [sic] unless she gave he and a friend a ‘present’ of one and a half guineas (each). Bonner described the poverty of the two men, and their distress, though a witness remarked that poverty could not have driven him to it as he had a workhouse which he could go to ‘whenever he thought proper’.[[542]](#footnote-542) Some defendants pleaded innocence in the Old Bailey because they were in receipt of poor relief. Charles Manning, who we also met in Chapter Two because he was unemployed, was capitally convicted of highway robbery in 1784. He told the court that he had no need to steal as he was ‘on the parish’ and had ‘two shillings every other day’. He did add by way of a refutation of his charge, however, that as he was formerly tried in the Old Bailey for piracy, if he was ‘given to any thing that way’ [robbery], then he ‘could get more gains on the water than I could on land’.[[543]](#footnote-543) However, the reality for many people who thought they were entitled to relief, or who were actually in receipt of it, was that it was unobtainable, or not enough.

Sarah Coomes was allowed ten shillings a month from Whitechapel parish. Yet, she was tried in the Old Bailey for pawning items which did not belong to her. Those ten shillings apparently did not go far enough for her to avoid pawning as part of her makeshift economy (even when the goods were not hers). She explained in court that she had pawned the items to get her through until her next parish payment.[[544]](#footnote-544) When Samuel Rowley found himself in distress in 1781, he went to his parish. They would only give him six pence for a lodging (which would not have gone very far - the cost of rent is discussed later in this chapter). This, he claimed, drove him to steal a pewter pint pot, worth ten pence, to supplement the relief he had received.[[545]](#footnote-545) Richard Warner Wilson was 59-years-old and belonged to St James’s Clerkenwell parish. He had raised eleven children and was infirm after suffering five ‘paralytic’ strokes. He went to his parish, but they would not take him into the workhouse (the limited access of adult men to workhouses is discussed in Chapter One). In response, he stole pewter pots to support himself in his immediate need.[[546]](#footnote-546) Mary Johnson, prosecuted for theft in 1752, stole a silver spoon from a parish officer. According to Mary, the overseer would give her no relief, which made her ‘lie about’.[[547]](#footnote-547) These trials show that for some people, parish relief was not enough to support themselves, or they were refused it despite them believing that they were entitled to it. This then, prompted them to commit theft to support themselves when the parish would not.

Both the settled and the unsettled poor were vulnerable to criminality because of poor law systems. The search for work compelled thousands of people to travel to the city, as Thomas Archer did to seek any or better work. A witness in the trial of migrant Ann Torbuck described these expectations. Ann was a servant who earned three pounds a year working and living in with John Goulding and his family. She was accused of stealing money from them. Her previous employer, who had employed her before she came to London, gave her a good character at the trial, and Ann was acquitted. The witness described Ann’s reasons for coming to London from Hertfordshire. ‘She went from me about two years ago; she behav'd very well: she liv'd with me three years, but she had a mind to come to London, like a great many more people, they are very fond of London where there is a great deal of silver; she thought to get all the world by coming here […]’[[548]](#footnote-548) Yet, as Thomas Archer found out, there was not a great deal of silver in London for all migrants, and he did not get ‘all the world’ but rather a whipping and journey back to Norfolk.[[549]](#footnote-549) That was the likely situation for many people who arrived on the city streets. For both the settled labouring poor, and for migrants, poor relief might not support them adequately, or at all. Some of these defendants supplemented their parish income with pawning. Many other defendants, who did not have parish support also pawned items, some of which were stolen. Pawning was a vital part of makeshift economies, regardless of whether they were in receipt of parish relief, or not. Pawning was also, in the cases of many of these defendants, linked to their prosecutions for theft.

***‘I’ll Vamp it and Tip you the Cole’***:**Pawning and crime[[550]](#footnote-550)**

At the end of the eighteenth century, pawnbroking shops were numerous throughout Europe and their importance to poor communities was well recognised. In Italy, they were an integral part of relief for the poor. ‘Communal pawnshops’ (*montes pietatis*) were a charitable institution, sanctioned by the church. [[551]](#footnote-551) While the early eighteenth century saw a similar idea emerge in England, as Paul Slack wrote, the concept of institutional pawnshops never gained enough support to become a permanent feature of English society.[[552]](#footnote-552) Though they lacked charitable status, pawnshops were still popular in England, and became increasingly so throughout the eighteenth century. Kenneth Hudson estimated that in 1750 there were around 250 large pawn shops and a greater number of smaller premises in London alone. Their numbers would only increase as the century progressed.[[553]](#footnote-553) Hudson’s figure roughly corresponds with Leonard Schwarz’ survey of insurance registers of 1775-87, where he located 215 listed pawnbrokers.[[554]](#footnote-554) This though, is likely a conservative figure. The smaller establishments that Hudson cites would not necessarily feature on these registers. Campbell estimated that it cost between £500-2000 to establish as a pawnbroker in 1747, but, given the costs involved, these establishments must have been of a particular type.[[555]](#footnote-555) As Dianne Payne wrote, ‘pawnbroker’ was a label that could be attached to anyone who lent money on material items and little is known about this practice before 1800.[[556]](#footnote-556) It is certain that many outfits and individuals simply lent money on goods on an ad hoc basis without necessarily having three golden balls on their signage.

Pawnbrokers were, as Hudson remarked, ‘a central figure in working class life’.[[557]](#footnote-557) Their role within makeshift economies for poorer members of society is clear, and in some places, as was the case in Italy, they were encouraged and sanctioned by the state because of their ability to offer a means of provision for those in want.[[558]](#footnote-558) Yet, as Hudson wrote in 1982, there has been a ‘silence of historians’ regarding pawnbroking and pawnbrokers.[[559]](#footnote-559) In the intervening four decades since Hudson published his monograph, historians have not been much louder. Hudson’s work remains one of few surveys of pawnbrokers in the past, yet it is problematic for the temporal range of this dissertation. Hudson gave only a cursory glance to the eighteenth century, instead concentrating on oral testimony gathered from early twentieth-century pawnbrokers.[[560]](#footnote-560) The early 1980s also saw the publication of Melanie Tebbutt’s study of pawnbroking. However, Tebbutt focuses solely on the nineteenth and twentieth centuries. Tebbutt does, though, highlight the role of the pawnbroker for women managing their household economies.[[561]](#footnote-561) Only recently has the eighteenth century been considered and despite the prominence of pawnbroking in London and the acknowledgment of its importance within most eighteenth-century studies, it remains largely a hinterland within the scarce pawnbroking studies which exist (though some work is beginning to emerge). Alannah Tomkins has done much to illuminate pawnbroking and its importance to the labouring poor in the eighteenth century, yet her important work does not focus on London (though she draws attention to the city, and pawnbroking incidences in the Old Bailey).[[562]](#footnote-562) Whilst doing this, though, Tomkins firmly positioned pawning as part of a makeshift economy for the poor.[[563]](#footnote-563)

More recently still, Alexandra Shepard journeyed into eighteenth-century London to explore pawnbroking, but she examined the topic through the recorded experiences of two female pawnbrokers who operated there.[[564]](#footnote-564) Her micro-study reasserts pawning and credit as part of female household management, but it does little to consider how the pawnbroker was used by the poor, and how that might be linked to criminality, which is the focus of this dissertation. Shepard did, however, survey the London and Middlesex Sessions Papers and the *Old Bailey Proceedings* for the five years between 1718 and 1722, where she found ninety-seven references to pawnbrokers.[[565]](#footnote-565) That both Shepard and Tomkins dip into the *Proceedings* (and other court records) to discuss pawning illustrates that there is space for a systematic survey of the relationship of pawning to theft in the eighteenth century using the digitised records of the Old Bailey.

The motivations and economic strategies that ordinary Londoners employed to negotiate through their lives are revealed in the defendant testimony (and witness testimony about them) within this population, and so pawning incidences can be found and assessed systematically within those records. However, space does not permit that analysis here. Instead, the 2,350 defendants within this population were investigated for incidences of pawning. In doing so, this chapter illustrates that for a significant portion of this defendant cohort, pawning was an integral part of their economies of makeshift. In many cases, when they ran out of their own items to pawn, or did not have any to begin with, they pawned the goods of others which is when we meet them in the Old Bailey. Hudson wrote that the twentieth-century pawnbroker was not the ‘friend of thieves’ but this dissertation shows that the eighteenth-century pawnbroker did provide a means to convert stolen and borrowed items into cash and therefore, to some degree, facilitated theft as part of a makeshift economy.[[566]](#footnote-566) Pawnbrokers were considered, by some, to be men who schemed to ‘grind the face of the poor’, their links to theft were outlined in contemporary literature (although as Alexandra Shepard has demonstrated, not all pawnbrokers were male).[[567]](#footnote-567) Henry Fielding characterised them as ‘miscreants’ who grew fat on the blood of the poor and whose shops were ‘fountains of theft’.[[568]](#footnote-568)

Of course, many pawnbrokers acted entirely within the framework of the law, but it is because many stolen items were uncovered at the pawnshop, or were reported as being pawned, that pawning appears in the *Proceedings*. It is precisely this that means we can begin to see how widespread pawning was in this population, and for Old Bailey defendants overall. We see pawnbrokers refusing to handle stolen items in this evidence too. Samuel Prior, a pawnbroker who was approached by Priscilla Davis with a stolen spoon, refused to lend money upon it until he knew who the spoon belonged to. He was so suspicious that he kept the spoon in his hand and refused to give it back to Davis. Davis commandeered a friend to visit the pawnbroker and say it was hers, but as she could not describe it accurately, Prior still would not relinquish it.[[569]](#footnote-569) In many cases the pawnbroker did convert (knowingly or not) stolen items into cash. Henry Stockton was another broker who appeared to give evidence in the Old Bailey. He was called to the trial of Elizabeth Jones in 1757 as she had pawned stolen goods with him. The court admonished him; ‘You ought to be more cautious, for you and such as you are the cause of abundance of robberies that are committed.’[[570]](#footnote-570)

Of the 2,350 defendants in this population, 25 per cent of them (584) were reported as having pawned stolen, or misappropriated items. This is a substantial proportion and still only conservative evidence as we can only know this when their pawning became part of the evidence. These numbers cannot reflect the true extent of pawning within this population, and we only know about the times when they were caught. Instead, these numbers reflect those defendants who claimed that they pawned the item, or had someone else do it on their behalf, or who were apprehended attempting to pawn items. Of those defendants, 132 claimed in court that they were only pawning the items but were intending to put the goods back in their place. This was a more widespread practice than this snapshot of defendants, at the moment of their court appearance, displays. Between January 1750 and December 1799 there were 28,120 trials in the *Proceedings.*[[571]](#footnote-571) Of these trial, 5,741 (20 per cent) contain potential references to pawning.[[572]](#footnote-572) This shows that criminal proceedings linked in some way to pawnbroking were relatively common. We cannot analyse each of those trials within this study, but the topic remains for future work as the *Proceedings* contain important evidence on this topic.

Within this population of 2,350 defendants, the 584 whose crime was linked to pawning did so under a variety of circumstances and for a range of reasons. Significantly, 66 per cent were women. Alexandra Shepard maintained that pawning and credit broking was a critical part of married women’s household economies.[[573]](#footnote-573) However, we do not know what percentage of the women within this cohort were married or single (though many appear unmarried). What is certain is that women were accused of theft through pawning items more than men within this cohort, and that is likely for two reasons. Firstly, the eighteenth century was not simply a cash economy. Clothing and moveable possessions were tradeable commodities.[[574]](#footnote-574) Women, with their access to domestic spaces, might have had more recourse to remove and pawn such items. Secondly, there were few options for women to support themselves outside of the parish, employment, or kinship support, and he limits of these strategies have been discussed throughout this study. When those things were lacking, pawning often seems to have been the only recourse for subsistence for many women, both criminally and legitimately. When Mary Murray (otherwise Barrington) stood trial for highway robbery in 1796, her landlady was called to give evidence. Mary was a widow and had a small son. Her landlady described her as very poor, so poor that she only had access to the landlady’s fire to boil water or cook with; her own room had no such facilities. When her landlady was asked to disclose how Mary did ‘subsist’, she responded, ‘things were continually in pawn’.[[575]](#footnote-575) Paul Slack wrote than seventeenth-century communities turned to pawning during times of crisis, such as dearth or plague.[[576]](#footnote-576) Evidence from the Old Bailey suggests that in the eighteenth century, pawning was part of day-to-day life for many Londoners, not just in times of local or national distress. Enterprising (or perhaps exploitative) Londoners even developed their own businesses to complement that of the pawnbroker. Robert Aspel was a witness in the trial of James Barret in 1774. When asked to account for himself, Aspel declared, ‘I assist persons in distress by taking their goods out of pawn and selling them for them’.[[577]](#footnote-577)

People pawned stolen items for a variety of reasons. William Peterson had pawned his own belongings when he was out of work and ‘distressed for want’. He stole items to pawn so that he could redeem his own goods from the broker.[[578]](#footnote-578) Other defendants claimed that the owners of goods had given them permission to pawn their items, as a type of loan. Other people took items without permission but intended to put the items back. As Peter Ogier said during his trial for grand larceny; ‘I did not mean to steal the things, I only took them for a temporary relief’.[[579]](#footnote-579) Some defendants viewed particular items as being theirs to use as they saw fit provided that they put them back again. Mary Evans was indicted for stealing from her lodgings, and a second time for stealing from her workplace. On both occasions she stated that she was in necessity. When she stole from her mistress, she took items and pawned them. She was seven months pregnant, had a small child and her husband was out of place. When she stole from her lodgings, again, by taking items and pawning them, seven months later it was because her husband was out of town and she intended to redeem them.[[580]](#footnote-580) This trial shows that where Mary had access to items which were portable and suitable to pawn, Mary used them as if they were her own.

The distinction between defendants intending to permanently deprive the prosecutor of their items, and them intending to replace them was something that jurors grappled with throughout the century. William Tatum, whose prosecutor admitted that Tatum had previously pawned his goods, when he needed ‘bread and medicine’, was acquitted. Closing the case, the formidable Mr. Garrow said:

My Lord, I think it more important to this young man, that his character should be cleared, than that he should be barely acquitted: by an act of the 13th of George II . chap. 24. there is a specific penalty imposed on persons who shall pawn the goods of others, without the consent of the proprietor: that is clearly the case of the prisoner; he, without the consent of the proprietor, pawned the goods: the Act of Parliament has provided the penalty of twenty shillings, and certainly as the legislature annexed that penalty to the offence, it shewed at that time it was not to be considered as a felony; I shall submit therefore to your Lordship, in point of law, he cannot be convicted on this indictment.

The court responded to the lawyer by telling the jury:

This is a question in some measure to be left to the Jury, with direction in point of law; it has very frequently occurred to my own mind, what difficulties must arise from the Act of Parliament which I have now before me, upon that particular kind of felony, of which we have a great many instances here; and I take it, (for otherwise it seems extremely difficult, if not impossible, to reconcile the law) I take the distinction to be this, that where things are taken with a felonious intention, and afterwards pawned, then the circumstance of pawning does not make the act less penal, it remains a felony, and requires no Act of Parliament to make it so; it is one way of disposing of stolen property; but where there is no offence but that of pawning without the consent of the owner, with an intention of restoring the property, it seems to me that if any offence can be within this Act of Parliament, it must be that offence; therefore I shall leave it to the Jury, to declare whether they believe that he intended to steal these things, and convert them to his own use […][[581]](#footnote-581)

It is worth noting that just because Tatum had engaged William Garrow for his defence, it does not mean that he was not poor. Garrow did act *pro bono* on occasion (including his first appearance at the Old Bailey).[[582]](#footnote-582) It is possible that this law, and this distinction, was social knowledge in the streets of London, which might account for why 132 of these defendants claimed in court that they were only temporarily pawning other people’s goods. Even so, it can be seen from the trial of William Tatum that it was not unusual to pawn goods belonging to others, and there are many more trials that echo his. On the other hand, some judges were uninterested in whether defendants intended to only temporarily pawn items. Mary Smith was recently widowed with two small children when she stole shirts from her landlady and pawned them. Mary claimed that she had intended to redeem the items and had only taken them because she was in ‘great distress’. The court told her, ‘but you being in distress was no reason why you should rob that poor woman’. The court did, however, express leniency and she was sentenced to be privately whipped. As they passed sentence, they told her ‘if you are not able to maintain yourself by honest industry, apply to your parish’.[[583]](#footnote-583) Whether Smith was able to do that, or had already attempted to do so, her trial account does not say. However, as was discussed previously in this chapter, some people did take and pawn items because they were unable to claim parish relief.

Alannah Tomkins examined pawning in 1770s York. She found that paupers (defined as those on the parish books) rarely utilised pawning.[[584]](#footnote-584) This might be because those people in York who were being relieved by the parish had enough to get by without pawning, or, there is a chance that those paupers did use the pawnshop but simply used an alias when conducting their business. Mary Barker Read, in her 1988 Ph.D. thesis, wrote that there was evidence from parish account books from Kent that the parish poor *did* pawn regularly. She uncovered a large number of entries which detailed the parish redeeming pawned goods on behalf of their poor.[[585]](#footnote-585) Regional variations are not unexpected, but it is difficult to understand which was the case in London. People regularly put things into pawn using a false name, which makes record linkage here, and in other studies, very difficult.[[586]](#footnote-586) However, there is certainly scope to consider pawnbroking alongside poor rate disbursals and consider what impact parish relief had on pawnbroking rates, if any. Using pawnbrokers enabled people, who lived hand-to-mouth, to manage from one day to the next. It was the ultimate short-term fix and a classic economy of makeshift, even recognised and sanctioned as such by authorities in continental Europe (although perhaps not when the pawned items were reportedly stolen). What is apparent through some of these cases is that some defendants felt that they had consent to pawn the items, either implicitly or explicitly. This is especially the case when items were being used already by the defendant. Analysis of this cohort of 2,350 defendants also revealed many of their living arrangements. The fixtures and fittings of a defendant’s living space provided ample opportunity for people to pawn them, and sometimes this activity was considered criminal and prosecuted as such.

**Crime and the Home**

Whether rich, poor, or middling, securing a home, or shelter of some description must have been a priority for most Londoners. Qualitative reading of the evidence found within the *Proceedings* reveals that out of the 2,350 defendants in the population under analysis, 869 of them explicitly articulated (or had it articulated for them) their living arrangements in their testimonies.[[587]](#footnote-587) Analysis of those 869 defendants reveals much about the hand-to-mouth nature of poverty, the use of domestic spaces as facilitating criminal economies of makeshift, the need for shelter as a motivation for theft, and the short-term subsistence strategies which formed part of the lived experience for many plebeian Londoners. Different types of living arrangements were uncovered. The largest proportion of these defendants lived in rented accommodation, hereafter referred to as lodgings – which is unsurprising. Most people (whether rich or poor) in eighteenth-century London lived in rented accommodation.[[588]](#footnote-588)  However, many of the lodgings that these defendants resided in were cheap rooms in multi-occupancy dwellings, and were only often a shared room, or even shared bed. Only 2 per cent of these defendants described themselves as householders or housekeepers (see Table 12).

**Table 12:** Living arrangements of 869 Old Bailey defendants

|  |  |  |
| --- | --- | --- |
| **Category** | **Number of defendants** | **Percentage of total number of defendants in population** |
|  |  |  |
| Lodgings | 579 | 67% |
| Live-in employees | 83 | 10% |
| Guests ‘taken in through charity’ | 83 | 10% |
| Workhouse or another public poor house | 31 | 4% |
| Householders or housekeepers | 26 | 2% |
| Homeless, destitute of shelter | 20 | 2% |
| Rented whole house | 17 | 2% |
| Living with family as a dependant | 16 | 2% |
| Live-in apprentice | 13 | 1% |
| Billeted soldier | 1 | - |
|  |  |  |
| Total | 869 | 100% |

The largest proportion of these defendants lived in insecure circumstances, which often explicitly confirms the poverty of these defendants. In many cases, we know the living arrangements of these defendants because it forms part of the evidence against them. This is useful because it helps us to understand how the need for shelter, or for better shelter, could be a motivation for crime, or, how housing and shelter could become opportunities for theft as part of a makeshift economy**.** As expected, most of these defendants lived in lodgings. It is likely that most Old Bailey defendants lived in lodgings. ‘Lodgings’, as a speech event, occurs frequently in many of the trials found in the *Proceedings* because it is relevant to the evidence. Lodgings were often where prisoners were apprehended, where stolen goods were found, or where a crime had taken place. However, these 869 defendants were extracted from the population analysed in this chapter because their accommodation could be explicitly identified. Either a witness claimed to lodge with them, they discussed their living arrangements, or their living arrangements formed part of the evidence against them.

The lodgings rented by these defendants ranged in cost, facilities and space. Most of the defendants who revealed their living arrangements rented a single room ranging from two pence for one night to seven shillings a week (the prices of rent identified within this population is discussed later in this chapter).Living in lodgings, or, for those householders who were able to, taking in lodgers, was widespread in London during this period and those who lived in lodgings - even those residing in multi-occupancy buildings - were not necessarily poor.[[589]](#footnote-589) It has been recognised by historians that the *Proceedings* can reveal details about the lives of those defendants who resided in some of London’s many lodging houses.[[590]](#footnote-590)

Joanne McEwan drew attention to the difficulties of understanding living circumstances through the language used to describe them. ‘Lodgers’ were described in many ways (they might be called a ‘boarder’, or a ‘sojourner’). Moreover, the identification of someone who ‘lodged’ was subjectively interpreted by those involved in domestic and household arrangements.[[591]](#footnote-591) These difficulties obviously impact upon keyword searches. This limitation has been mitigated within this chapter as its backbone is the qualitative reading of 2,350 trials which accounted for discrepancies of language use. However, it is worth noting that ‘lodgings’, ‘lodged’ and ‘room’ were used in almost all cases to describe those types of accommodation within this population. To capture all of those within the cohort who rented accommodation, whether that was in a multi-occupancy dwelling, a shop or dwelling house, no real distinction was made in this study between those who lodged in chandler’s shops and those who abided in lodging inns or houses.

Stealing from lodging houses was seemingly a widespread practice, and, can be seen as a fundamental part of the makeshift economy for poor lodgers. Some people simply stole from their lodgings with the intention of doing so for financial gain. Lodger Charles Mackdaniel stole items (including the bed) and sold them as he was in want of money, but explicitly said that he sold them rather than pawned them.[[592]](#footnote-592) For the most part, though, the defendants within this cohort took items from their lodgings and pawned them for temporary relief, intending to put them back again when they had the money to do so.

An Act in 1691 declared that it was a ‘frequent practice for idle and disorderly persons’ to take lodgings and then steal the ‘goods and furniture’ within them (the wording of the act includes bedding). Should a person take away these items from a lodging, let by contract, ‘with an intent to steal embezzle or purloin’ [sic] then the offender had committed a felony.[[593]](#footnote-593) This ensured that, as John Styles pointed out, many such cases went before the Old Bailey. As such cases appeared there, Styles used keyword searches with the *Old Bailey Online* to uncover the material lives of Londoners as determined from the items stolen from lodging houses and he examined a selection of these cases as they reveal important details about the material lives of the poor.[[594]](#footnote-594)

Styles used the keyword searches: ‘furnishings’ and ‘lodging room’ for two decades (the 1750s and 1790s) and uncovered 269 cases which detailed 1,682 stolen items. He highlighted that most stolen items were pawned and that tenants often claimed permission to pawn them.[[595]](#footnote-595) Using methodology similar to that which has been used throughout much of this dissertation, Styles created a masterful analysis of the types of material items that working men and women of London had access to and positioned that analysis within narratives of consumerism and choice. However, what Styles did not do (nor did he ever intend to) is to position those stolen items as part of a makeshift economy for those defendants who engaged in this practice. Moreover, he did not analyse the reasons why the defendants in his sample stole from their lodgings. This chapter does just that. It posits that theft from the lodging house was a common occurrence, and it was part of a makeshift economy for many of those defendants who had access to household items. Perhaps they believed that they had a right to use those items as they saw fit as part of their tenancy arrangement, or that permission was given because it had been given previously.

In her examination of female defences in the Old Bailey, Lynn MacKay identified theft from lodgings as a product of a ‘somewhat fluid notion of private property’ and wrote that throughout the 1780s an average of nine women and four men a year admitted taking items from their lodgings and placing them into pawn.[[596]](#footnote-596)

It can be seen through the *Proceedings* analysed within this defendant population that only a small proportion of these offences would have made it to court, and we can see why. Both defendants and prosecutors reported that taking items from the lodging house and pawning them was a frequent occurrence. Although it could be a crime, it was often one that went unnoticed by the landlord, or was even forgiven by them. This suggests that, at times, this type of theft was one that was legitimised by the defendant, the victim and the wider community, therefore it was much more frequently committed than can be seen from statistical analysis of Old Bailey trials. Although it has not been positioned as such yet by historians, theft from the lodgings was clearly a type of ‘social crime’.[[597]](#footnote-597) Theft from a lodging house was a felony, yet, tenants were utilising the fittings within their rooms as a cash supply and in some cases, did not believe this to be inherently criminal.[[598]](#footnote-598) Neither did their landlords, in many cases. This is demonstrated by the trials in which tenants (and landlords) told the court that the defendant often pawned items from their lodgings.

Analysis of the *Proceedings* also helps us to understand some aspects of the nature of poverty and some of the strategies and negotiations, and social and power relationships, that formed part of the lived experiences of these Londoners. Most of all, we can see how this crime was a commonly practiced part of makeshift economies. The relationship between landlord and tenant was not always a simple business transaction, as this chapter will show, and this aspect raises questions about social relationships and power relationships in the living space. Further research on this topic would considerably augment knowledge of the living arrangements of plebeian Londoners. However, in this chapter we can see how fixtures and fittings within living spaces were utilised, and how the relationship between landlord and tenant was negotiated as part of a makeshift economy. We can also suggest some of the reasons why landlords chose to prosecute their tenants in particular cases, when at other times they forgave and therefore legitimised the offence. In some cases, landlords might have been disinclined to prosecute specifically because the offence could be considered felonious.

Within this cohort of defendants analysed, 185 (eleven were married or co-habiting couples, friends sharing a lodging room, or family groups) were accused of removing items from their lodgings, and in many cases the evidence of this theft as part of a makeshift economy is clear. However, keyword searches in the *Proceedings* for the fifty-year chronological range of this study shows that it was a more widespread practice than this analysis, or the investigation by John Styles, has captured. Not all lodging house thefts (that is, those prosecuted against the specific statute) used the terms ‘lodgings’ or ‘furnishings’ (in many cases within this cohort of defendants, the nature of the theft was described as stealing from his or her ‘room’) but often (though not always) the *Proceedings* record the preamble of the trial. Searching for the phrase ‘let by contract’ between 1750 and 1799 uncovers 304 trials, ‘lett by contract’ reveals fifty-one and the phrase ‘ready furnished lodging’ (which may also be found in the ‘let by contract’ trials) reveals ninety-four trials. Those trials involve some kind of theft from lodgings, but not necessarily linked to pawning, nor are they necessarily linked to the poverty of the defendant. This is again a conservative estimate of how many such cases were tried.[[599]](#footnote-599)

Within the population of defendants analysed in this chapter, there were incidences of theft from the lodgings for which no explanation was given. However, many defendants in this population gave information as to the reason for their alleged thievery. Henry Crabtree had rented lodgings from William Eliot for two years and had always paid him ‘well’. In the winter of 1755, Crabtree pawned a sheet and blanket from the lodgings. Eliot told the court that if Crabtree had put the item back he would not have prosecuted, but Crabtree failed to do so and so was taken before the jury. Crabtree told the court that his ‘poverty was great’, his wife had died and left him with five children to provide for, and it was a very hard winter. Moreover, he said that he wanted to borrow money from Eliot’s wife and instead she gave him permission to pawn the blanket and sheet from the lodgings.[[600]](#footnote-600) Crabtree was impoverished him to the point where he utilised the domestic items in his environs to raise necessary funds, and he argued in court that he had permission to do so. Nonetheless, Crabtree was found guilty and sentenced to be whipped. John Knight was similarly convicted. In 1770 Knight found himself out of work, with a child in hospital and a wife sick with fever. He owed a quarter’s rent and so pawned a tea kettle lent to him by the maid in the public house within which he lodged. Though Knight reported that he intended to put the kettle back as soon as he was able, he was sentenced to be transported.[[601]](#footnote-601)

Some defendants claimed that this was the first time that they had committed such an offence. John and Jane Hudson admitted that they had pawned items from their lodgings in St Catherine’s but argued that the landlady knew of the items’ whereabouts and had agreed to let them remain in the lodgings for a month following the discovery of the theft. This suggested to the Hudsons that their landlady did not mind the items’ - in their view - temporary displacement. The landlady eventually ran out of patience and turned them and their children out in to the street, even though, as Jane Hudson remarked ‘she knew I did it for want’. The Hudsons testified in court that it was only their circumstances which had prompted the theft and they had never before been guilty of pawning items belonging to another person.[[602]](#footnote-602) Many other defendants explained to the court that they had repeatedly taken items from their lodgings (often the same items) and put them into pawn and redeemed them when they had the money to do so. This provides evidence that practice was far more widespread, and far more frequent than statistical analysis of lodging house thefts would reveal. For example, Elizabeth Jones admitted that she had taken the goods from her lodgings to pawn ‘from time to time’.[[603]](#footnote-603) Some defendants even claimed that their landlord or landlady knew that they pawned furnishings from their lodgings and previously had forgiven the offence, or were prepared to forgive the offence this time. Mary Holt took items from her accommodation, but her landlord told the court that had she replaced them then he should not have prosecuted her.[[604]](#footnote-604)

Testimonies like this demonstrate that not only was the practice widespread and often unreported and therefore unprosecuted, but also, despite the fact that this type of theft could be considered a felonious, it could be legitimised by the defendant, the landlord and even the wider community (such as neighbours and, clearly, pawn brokers) providing that the agreements between landlord and tenant remained unbroken. Jane Curfey, when convicted of stealing bedding from her lodgings, reported that she had put the items into pawn, but had not quitted the lodgings and was intending to return the items. She also testified that when she had been previously in distress, on numerous occasions, she had pawned the items. Furthermore, she claimed that the landlord’s wife gave her permission to do so.[[605]](#footnote-605) As permission had previously been given, perhaps Curfey believed that pawning these items as part of her makeshift economy was not regarded by the landlord as an offence, if she put the items back in their place as she had done on previous occasions. If defendants could successfully argue that they did not intend to permanently remove the items and defraud the owner, then they might secure a lesser charge, or even an acquittal.

The business relationship between landlord and tenant was not always purely based on the transaction of shelter for money and it is, perhaps, the blurred lines of the relationship which enabled tenants to feel that they had a right, or had permission, to remove fittings and furnishings from the rooms which they rented. Ben-Amos noted evidence from the *Proceedings* that gift-giving and household support between landlords and tenants in the early modern period did occur. Credit for rent, rent in exchange for household labour, and the use of items within the household and even meals and clothing were featured as gifts and favours between landlords and tenants.[[606]](#footnote-606) Elizabeth May was prosecuted for stealing bedding and household items from her lodgings in Mile End. Though May and her husband had only lived there for seven weeks, James Du Chemin, their landlord, lent her money. They paid five shillings in rent (the weekly, or monthly, rent of the lodging is not revealed in the trial) and from that rent payment, he lent her half a crown and a shilling.[[607]](#footnote-607) Perhaps May felt that if the landlord was prepared to lend her money, then the lending of goods to put into pawn was not dissimilar. Actions such as lending money might have confused the boundaries of the relationship and implied permissiveness. Tenants could consider that the temporary removal of items was not really a theft at all. Joanna Webb, who we met previously, testified in 1779 that she ‘thought it not wrong to take the curtains and pawn’.[[608]](#footnote-608) Elizabeth Walker pawned furnishings from her lodgings because she was in distress. It was a ‘very hard’ winter and Elizabeth was ‘starving alive’. She intended to redeem the items and ‘thought it no sin’.[[609]](#footnote-609)

As we have already seen, landlords sometimes negotiated the return of items that had been pawned and agreed not to prosecute. However, sometimes, something prompted them to prosecute despite knowing that the tenant intended to replace items. When Margaret Parke pawned items from her lodgings, her landlady Elizabeth Best gave her a week to return the items. Margaret failed to do so and so Best prosecuted her.[[610]](#footnote-610) Margaret was a single parent, having been abandoned by her husband and she had used the items in her lodgings as part of her economy of makeshift. The jury appears to have considered that, because she had previously had permission to take the items, and because her landlady had negotiated around their return, Margaret was not guilty of the offence. We can see what prompted Best to prosecute in the first place. Margaret had simply failed to produce the items within the time frame negotiated. In other cases, it is not clear why a prosecution was raised. Something changed within the relationship which prompted the landlord or landlady to prosecute.

Poor lodgers were vulnerable to committing this offence because it was part of a makeshift economy for them, but also because when they did take items, they risked not having the means to redeem them. Mary Chitty pawned sheets and a flat iron which belonged in her lodgings in Cable Street. Chitty claimed that she had not quit her lodgings and that she intended to return the items as soon as she could, but she had been sick and had nothing to support her child. Indeed, instead of quitting her lodgings as her landlord had claimed, Mary said that he had put her out of the lodgings when he had discovered the missing goods but locked her child inside the room and kept them ‘a prisoner all night’. Mary’s poverty inhibited her from redeeming the items and so her landlord took extreme action against her and her child.[[611]](#footnote-611)

Why some landlords prosecuted, and others did not, or did not prosecute a tenant for this transgression at one time, but then prosecuted at another, is a point of interest. The cost of prosecution might have been a factor in this decision, especially if tenants were pawning items on a regular basis. To raise a prosecution cost between ten shillings and one pound, which was often far more than the value of the items stolen.[[612]](#footnote-612) On the other hand, although prosecution could be expensive, perhaps one of the reasons why some landlords chose to prosecute was because much of their wealth was in clothing and household items, rather than cash.[[613]](#footnote-613) The loss of items in lodgings could potentially hit landlords heavily, especially if it frequently occurred. Landlords might also wish to send a message to their other tenants to discourage them from the same actions, or, they simply ran out of patience with a tenant. It is clear, though, that tenants were at the mercy of landlord’s choices. It was their poverty, and lack of property, which made them vulnerable to whatever decision their landlord came to under these circumstances.

In some cases, a theft of lodging house items was hoped to remain undiscovered, but, something happened which made lodgers unable to replace them. We saw in the previous chapter that defendants claimed that sickness prohibited them from redeeming items from the pawnbroker, but there were other reasons why redemption was impossible. Bridget Cassidy lodged with her child in Bambridge Street, St Giles. She claimed that she and her child were in distress as she had no work. Bridget, like many defendants, intended to redeem the items stolen from her lodging house. However, while Bridget was able to raise the shilling needed to redeem a sheet, she did not have halfpenny for the interest and so the pawnbroker would not return it.[[614]](#footnote-614) Again, this highlights that it was economic insecurity that led Cassidy to take the items, but it also led to her not being able to put them back in her place. It often appears that Old Bailey juries, even though this crime was a felony, took a lenient view, especially if it was recorded that the landlord or landlady had previously forgiven the theft.

Female defendants (68 per cent of this defendant cohort) were prosecuted for this offence in much higher numbers than men. Women were more vulnerable to poverty than men, and, as we saw earlier in this chapter, more women used pawning as part of their makeshift economy generally, so they were perhaps more likely to commit this type of offence. However, women may also have prepared to take the blame for this offence as, if she were part of a couple who had taken the lodging, she might have been more successful in avoiding conviction. It was perhaps social knowledge that women were possibly more likely to be acquitted than men because of coverture. Therefore, wives taking the blame for this offence – if they should be prosecuted at all – might be part of a family strategy to avoid harsh sentences.

In 1798, in a decade when the *Proceedings* were detailed and lengthy, William and Martha Jones were prosecuted for stealing from their lodgings. The lodgings, in Westminster, were let to the couple together, and the landlady presumed them to be married, though they were not. The couple took the lodging in August, for three shillings a week but in November, they did not pay their rent – they owed two weeks rent and a further two shillings - and so the landlady padlocked the door to the room. Upon re-entering the room, the landlady found a range of items including bedding and a tea kettle were missing. What is distinctive about this trial is that it is recorded that the court asked the landlady, Ann Prosser, whether the couple had also rented the furniture and furnishings within the room. Prosser replied that they had. The court also remarked, tellingly, that ‘Do not you know it is a common thing for people in your house to pawn things, in a momentary distress, and bring them back again?’. This tells us that the courts knew how widespread this practice was. Prosser argued that the couple had vacated the lodgings, the court reminded her that she had padlocked the door thus the couple were unable to return the items. Mr Jones, a pawnbroker who received the goods stated that Martha, in particular, had frequently pawned items and redeemed them again. The court asked him, ‘when she is in distress she pawns, and when she gets money again, she redeems? Mr Jones replied that she did. No witness was asked about William’s pawning habits. The couple were both acquitted after their lawyer, Mr Alley, argued:[[615]](#footnote-615)

As to the woman prisoner, if she was the wife of the man, she being under coverture, of course must be acquitted; and that, if she was not the wife, she ought to have been indicted for a common law larceny, and not upon the statute upon which this indictment is framed, the contract for the lodging being made with him […]

The court responded:

I am of opinion with you, that if the woman did this without the knowledge of the man, he ought to be acquitted; but, on the other hand, I think there is a case to go to the Jury, from the circumstances under which this property was pledged, upon the subject of privity, they both living together.[[616]](#footnote-616)

In 1765 William and Elizabeth Newbury were jointly prosecuted for stealing goods from their lodgings in Old Street and for doing the same again for their lodgings in Goswell Street. At both times, William claimed he knew nothing of the thefts and blamed his wife, claiming in one instance that he believed that she had done it ‘in regard to the children’ as he had been out of work for five or six weeks. Elizabeth admitted that she had pledged the items herself, in the first case, because they could not pay their rent. Both times Elizabeth was acquitted, and her husband convicted, though he received the relatively light sentence of being branded.[[617]](#footnote-617) If this was a strategy it was a risky one as the court did not always rule in favour of married women - the law of coverture was not always followed. As is widely recognised, justice, even at the highest levels, was discretionary.[[618]](#footnote-618) Sarah and John Page were jointly prosecuted for stealing from their lodgings. Sarah Page argued that her husband stood outside the pawn shop whilst she pawned the goods, thus implying that he was equally (and perhaps more so) culpable for the deed. However, the court acquitted John and convicted Sarah.[[619]](#footnote-619)

Sarah Griffice pawned items from her lodging house. She claimed that she was forced to do it by necessity as her husband did not ‘bring her half a crown a week’ but also that he had ordered her to take and pawn the items. Sarah was still convicted.[[620]](#footnote-620) If landlords knew these women to be married, or presented themselves as married, this poses the question of why they bothered to raise a prosecution against them if they knew the law of coverture might protect them. We can see that it did not always do so, and landlords likely knew this too. If might the female partner negotiated the lodging space, the landlord probably believed her culpable and hoped that the law agreed.

Whether the lodger was male, or female, married, or not, it is clear that this type of theft was part of a makeshift economy. We can sometimes learn more about the nature of poverty from these narratives. In 1753 Walter Bedford pawned sheets from his lodgings because he was out of work and had ‘several small children’. He had no money but hoped to soon have some so that he could redeem the items. He was sentenced to be transported. The impact that sentence had on his children remains hidden, though the hand-to-mouth nature of Bedford’s daily life at that time is visible.[[621]](#footnote-621)

Often, lodgers engaged in pawning from their lodgings to pay their rent. As Jeremy Boulton writes, rent was usually paid in cash and therefore rents might have been particularly sensitive to times of economic hardship.[[622]](#footnote-622) Seventy-four defendants within this cohort of 2,350 defendants record their rent. The price and the frequency with which it was due ranged from two pence per night to seven pounds per year, though most people (sixty-four defendants) paid between two and four shillings, on a weekly basis. Only one person paid seven pounds a year, or at least agreed to. Bridget Greville rented a whole floor of a house but only stayed a week before absconding with a sheet, a table cloth, and two silver spoons.[[623]](#footnote-623)

The paying of rent, to keep shelter, was important, and we can see evidence for this in the *Proceedings*. When Elizabeth Pugh’s acquaintance John Hogan brought her home a cloak that he had stolen from the corpse of a woman that he had just brutally murdered, Pugh remarked that she was cross as she had no need of a cloak. What she needed was money to pay her rent and so she duly pawned it.[[624]](#footnote-624) Though this trial does not appear in any dataset used within this study, as the trial is for murder and not a property crime, it does illustrate how Pugh viewed rent as a priority.

Ironically, many of the defendants who stole from their lodgings did so to pay rent to their landlord. Sixty-four of those defendants in this cohort told the court that they stole to pay the rent. John Moore and Elizabeth Rymes presented themselves as a married couple and lodged in the house of Richard Williams for three shillings a week. Elizabeth pawned items from the lodgings intending to redeem them, whilst William, aware that Elizabeth had pawned them, went to work to earn money to redeem the items and pay the rent, which was not due for fifteen hours. Unfortunately, the theft of the items was discovered before the rent was due to be paid and Elizabeth was prosecuted and convicted.[[625]](#footnote-625) Even when rent was cheap, it was still a struggle for some Londoners. William Shaw paid two pence a night for a bed in a lodging room. He pawned the sheets from the bed because he had been out of work and could not pay for the lodging that night. He intended to redeem them when he could get some work the following Monday.[[626]](#footnote-626) These thefts were part of the makeshift economy for poor Londoners. They utilised the fittings and furnishing of their lodgings for a short-term fix to keep the roof over their heads, even though it was risky behaviour which could result in a criminal charge.

Other defendants stole from different places to pay their rent or to secure a lodging. Edward Wright stole pocket knives from a shop. He told the court that he needed to pay a shilling a night for his lodging ‘and where am I to get it?’.[[627]](#footnote-627) Stephen Collett, was in arrears with his rent so his landlord threatened to distrain his goods. To avoid that, and to feed his family, Collett stole.[[628]](#footnote-628) Rent was even more problematic because it was paid in cash (although other arrangements existed, as explained by Ben-Amos).[[629]](#footnote-629) Cash was hard for poor people to find, but easy for them to spend. It is small wonder that many people stole items which the pawnbroker could convert into that cash. Rent was a core material need, and meeting that need through theft was sometimes the only way that individuals could make shift.

Though lodgings were the most typical sort of accommodation within this population, the other living arrangements of the defendants in this population also highlight aspects of lived experience which might link their crime to their poverty. ‘Live in employees’ encompassed all of those who were servants or live-in staff of some sort. Peter Earle reports that as many as 50,000 servants were estimated to have been busy behind the walls of mid eighteenth-century London properties.[[630]](#footnote-630) Though many of these servants were undoubtedly poor, they were not, as Tim Meldrum points out, a homogenous group. Instead, there were variations in the remuneration that servants received, depending on location, experience and the status of employees.[[631]](#footnote-631) Therefore, there is little that this group can tell us about their circumstances through their occupational and residential label.

Those defendants who were homeless and had nowhere to sleep except what little shelter they could find out of doors, were the poorest of the poor. Aaron and Asher Barnet were two young brothers who were tried for stealing old iron screws. They were apprehended at the time of the crime and told a witness that they had taken the screws to get a bit of bread. Their mother was in Bedlam and their father was a soldier fighting abroad. Asher went on to say that they were ‘starving alive’ and ‘they were lying in stables and in the streets’. Both boys were acquitted.[[632]](#footnote-632) Alongside destitution, being homeless might make people vulnerable to accusations of crime, and certainly made them vulnerable to a vagrancy charge. Peter Dubois was tried for burglary in 1779. He was prosecuted because he was found in possession of the goods which had been stolen. Dubois successfully argued that he had found the goods because he had been sleeping in a hay stack where they had been hidden. He had come to London to look for work as a day-labourer and was sleeping in a hay stack at night. Dubois was acquitted.[[633]](#footnote-633)

Defendants who resided in workhouses were similarly poor, but in a slightly better position that the Barnet brothers, although some residents claimed that they did not have enough and were forced to steal to supplement what they received in the workhouse. Mary Hall was one of the poor in St Sepulchre workhouse. She stole clothing from the workhouse and pawned it with Mr Bruin at Snow Hill. When apprehended, Hall confessed to the crime and said that she had done it as ‘they’ (she and other residents) were almost starved to death for want of food and drink. In court, Hall said that they had had no victuals for three days for twenty-five children in the workhouse.[[634]](#footnote-634) This trial illustrates that it was felt, in this instance, that the workhouse did not have adequate provision for all who resided in it. Moreover, Hall’s testimony suggests that she was not just trying to support herself but also other residents, particularly children. This is perhaps a reason why people might have been reluctant to enter the workhouse, even as a last resort.

It is possible that some people stole from the workhouse to supplement the bed and board provided by indoor relief. Ann Burger (otherwise Burgess) was a widow who lived in the parish workhouse of St George Hanover Square. She stole a large quantity of materials and clothing from the workhouse where she had opportunity to do so as she was put to work making up gowns and other things for other people in the workhouse (before Ann fell on such hard times she was a mantua maker). Allegedly, she had been taking goods and selling them regularly for quite some time before she was caught. Ann was sentenced to be branded, but whether she was expelled from the workhouse, the trial does not say.[[635]](#footnote-635)

**Taken in by Charity**

Workhouses were not the only accommodation which some poorer people had access to because they were poor. Eighty-three of these defendants were given shelter in the homes of other people because they were in distressed circumstances and the house resident took them into their homes out of charity. ‘Taken in through charity’ (the phrase often used in Old Bailey testimony) is a curious facet of plebeian life and one which we know little about.[[636]](#footnote-636)

Some of the very poorest within this cohort of defendants did not always pay rent because they were residing in the homes of other Londoners, through ‘charity’. Or if they did, it was a cheaper rent than they might find in a London lodging.This was likely to be a much more widespread practice, but we know about these defendants because their arrangement forms part of the evidence against them; specifically, that they went on to steal from their benefactor. Many more people who were taken in thus might have stolen from their host, but the crime was forgiven and therefore unprosecuted. Jane Philips was taken in by John Murphy, a fruit seller (so unlikely to have been rich himself) and his wife. Jane was in distress and so they let her ‘lie in our room out of pity’. There were already three people in the room (John, his wife and ‘a little child of about eleven years of age’) so even though this family had very little space, they took another person into their home. While Jane was there, she robbed them of a gold ring and seven shillings which were kept in a box in the room. Jane said nothing in her defence. The trial does not say how they knew her, or how they came to take her in.[[637]](#footnote-637)

Sarah Brett was invited to live with Mary Lake in her lodging room for sixpence a week. Lake had taken pity on Brett as she had not eaten for three days and she did not want her to ‘lie starving on the floor’ so she invited her to stay with her, through ‘charity’ (although, Sarah was not staying wholly for free, but for a very reduced rent). When Lake was sent out to nurse in Rotherhithe for nine days, Brett stripped the room of fittings and furnishings. Brett admitted the theft and showed Lake where the items were pawned but she was unable to redeem them. Brett insisted that Lake had given her things to pawn previously, which Lake confirmed, but reported that she had not had permission to pawn these particular items at this time.[[638]](#footnote-638) This indicates that there was an ongoing charitable relationship between Lake and Brett, but, the relationship broke down when Brett transgressed their agreement (seemingly because she was too poor to replace items which were previously lent) and therefore Lake prosecuted her. Some of these defendants might have been simply deviant, but they were all clearly poor and in desperate situations. So desperate, perhaps, that they stole from those who offered shelter as charity. Mary Legerwood took in Elizabeth Bradford to live with her and take care of her during her illness. Legerwood recovered after a month but kept Bradford with her ‘out of charity’ and invited her to share her bed. Bradford pawned a petticoat, bed-gown, and an iron box belonging to Legerwood, claiming that she had ‘liberty to do so’ (a fact denied by Legerwood). That Legerwood could only offer part of her bed in hospitality suggests that she had very little to lose.[[639]](#footnote-639)

We can see several things from these trials. People were willing to help others, even strangers. Tim Hitchcock reported that it was not uncommon for neighbours to offer short-term hospitality to people when they were homeless.[[640]](#footnote-640) The labouring poor in London provided support to each other as part of a makeshift economy. Additionally, people were willing, or desperate enough, to steal from those who helped them. However, sometimes prosecutors created a narrative of themselves as being kind, charitable benefactors who had been wronged, whereas the reality might have been a little different. Some people who were ‘taken in through charity’ were expected to work within the household in the capacity of a servant but paid no wage. Elizabeth Jones was taken in by Edward Marshall and his wife. Though they did not pay her. Jones claims that she tried to leave the family to go into service elsewhere, but Mrs Marshall would not let her go, as Marshall was ill. As there was no money coming to Jones, she took clothing and pawned it, intending to redeem it when she could get some money.[[641]](#footnote-641)

In 1757 Abraham Thomas, who sold gingerbread and salop in St Paul’s Churchyard, found Elizabeth Knotmill in the street. As she was ‘in a starving condition’ and as his wife, Mary, wanted a ‘little girl’ to assist her, they took her into their home. Elizabeth claimed no mother, nor father, nor any friend ‘in the world’. Elizabeth had been there less than a week when Abraham’s watch went missing. From here, the narrative of Elizabeth’s experience, both inside and outside of Abraham’s home is revealed. Elizabeth claimed that she had been put to work by Mary Thomas, scouring the house. Elizabeth made a mistake, she said, and so Mary had ‘quarrel’d’, ‘abused’, ‘cursed’ and ‘swore’. Mary, in response told the court that Elizabeth was ‘lazy and slothful’ but that she had never given her an ‘ill word’. Mary also insisted that nobody could have taken the watch except Elizabeth and when her husband went to find her, he found that she did indeed have a father and his neighbours told Abraham that she was a ‘very bad girl’ and that Elizabeth herself had been taken into Tothill Fields Bridewell as a disorderly person. Whether Elizabeth was a ‘bad girl’ or not, she was certainly considered disorderly enough to earn a stint in the house of correction. Though it is also clear that when she was taken into the home of Mr and Mrs Thomas she was vulnerable to their exploitation (and they were vulnerable to her light fingers). They obviously thought her a stranger, but, took her in anyway.[[642]](#footnote-642) Mary Draper was prosecuted for stealing clothing after she had been taken in out of charity by the prosecutor Elizabeth Curtis. However, Draper claimed that the house was actually a ‘house that takes in girls to go out at night’.[[643]](#footnote-643)

Perhaps it is significant that fifty-seven of these defendants were female. Tony Henderson wrote that it was common practice for brothels to dress prostitutes and send them out to the streets. When they absconded, or did not earn the money expected of them, they would be charged with theft. In some of the cases that Henderson documented from the *Proceedings*, he noted that the prosecutors told the court that they had taken the defendants in ‘through charity’.[[644]](#footnote-644) Whether those who were taken in by charity were exploited by their hosts, or whether they exploited their hosts by stealing from them, it is evident that these defendants were poor. Perhaps so desperately poor that they stole from those who had shown them kindness, or perhaps they stole because they were exploited by their hosts and had no other way to make a living (or perhaps wanted to exact revenge for this and used theft to do so).

Thefts of this nature were also likely more common than those reported. Those who were exploiting such guests might not have wanted to raise a prosecution because of fear of being admonished or indicted for criminality themselves. Those who were poor and had genuinely taken in other paupers might well have been too poor to raise a prosecution. These arrangements also raise some other questions: many more people would have lived like this without incident, so how common was this type of hospitality? How long might people have typically stayed in these arrangements and what does it tell us about domestic spaces? These questions remain for future work. However, what we can see through these cases is that London was not a city which was hostile to strangers, and poor people attempted to help one another in a multitude of ways. It also shows that, for those without kith and kin, the hospitality of strangers offered an alternative support network, though it could sometimes be exploitative and dangerous. Those who had families might have been slightly better off, in terms of support, than those who did not, but financially supporting a family was a contributing factor to poverty. This chapter will lastly consider how the economic pressures of supporting a family might motivate criminal economies of makeshift.

**Family and Crime**

What I did was merely through want, that my children should not perish through the sharp thorn of hunger; they cried for bread, and I had none to give them. - Charles Tucker, convicted of tax offences, 1791.[[645]](#footnote-645)

Several historians have attempted to explain the family structure of the past, and there is still much work to be done to understand how families lived and moved together in the eighteenth century.[[646]](#footnote-646) In any case, they were shifting units. Death, remarriage, births, inclusion or exclusion of household members, such as lodgers, or godparents might all be included within the family, and these arrangements changed over time.[[647]](#footnote-647) Whichever way the unit is defined, financial responsibility for spouses and children, and elderly parents could be a strain on household economies. Indeed, the provisions of the poor laws stated that adult children of indigent parents were obliged to support them.[[648]](#footnote-648) There is evidence in the *Proceedings* that some defendants turned to crime to meet the material needs of their families and so theft was part of their economies of makeshift. As discussed in Chapter One of this dissertation, there were options for parents who could not afford to support their offspring; the workhouse took children independently of their parents, children were apprenticed out to other families, and there was occasional outdoor relief and casual disbursements to help with supporting them. However, this help was not always wanted, available to those who were unsettled, or, even if people were entitled to relief, it was not always forthcoming, or there was not enough of it. The testimonies of defendants within this cohort suggest that parents were amongst those most vulnerable to turning to criminality within the context of family economies of makeshift. Raising children placed a considerable burden on those who had intermittent or insufficient employment.

The supposed fecundity of the poor was of grave concern to many writers during the long eighteenth century. At the beginning of the period, John Locke bemoaned the cost of large, poor families and Malthus advocated population control at the end of it.[[649]](#footnote-649) However, there was some truth to Locke’s remarks that people who were ‘overburdened with children’ were a considerable cost to the parish.[[650]](#footnote-650) Children were expensive and the more children a family had to provide for, the more strained their circumstances would have been. Yet, even families with few children might struggle to support them when times were hard.

Some couples with children stole to support their families. James Padbury was ‘very much distressed’ (a fact verified by the prosecutor) when he stole two loaves of bread. He was ‘reduced’ by his large family - he had three children and his wife was workhouse imminently expecting a fourth. He had already buried six children, he told the court. He was acquitted and the prosecutor, who sympathised with Padbury but told him that he had to prosecute as he had lost so much bread before, was admonished by the court for leaving his bread basket ‘open as a bait for every distressed man that might come’.[[651]](#footnote-651)

Sometimes families used both the provisions of the poor law and crime as part of their makeshift economy. John Askew’s pregnant wife and five children were in the workhouse when Askew took a sixpenny bed for two hours’ sleep at the Queen’s Head in Billingsgate. John was expecting to board a boat to Gravesend (for reasons unknown, but presumably to try and find work) once high water arrived and so two hours’ sleep was all that he could afford himself. When John left after being woken at high water as requested, he bundled up the sheets from the bed that he had slept in and took them with him. When he appeared in court, John claimed that he had had two steady jobs (he was employed by a rug maker for seven years and then a clerk in the lottery business for a further seven years) but now he was out of work. He had been to Kent to harvest hops but still could not maintain his wife and children. His wife, who was allegedly in labour in the workhouse, had asked him if he could ‘assist her with a few shillings more than the workhouse would allow’. John testified that he stole the sheets to provide for his wife.[[652]](#footnote-652) Whether John’s narrative is true or not, what is compelling is his tale of too many children, the workhouse providing insufficient support and John stealing to provide. Yet, as was discussed in chapter one, women were more likely than men to elicit a positive response from parish authorities when attempting to gain relief, especially if they were due to give birth. It is feasible that families negotiated female access to relief while a male spouse stole to bolster their household income. Robert Shoemaker and Tim Hitchcock, by using the automated matching facility on the *London Lives* website, discovered several families which adopted this strategy.[[653]](#footnote-653)

Life could be particularly difficult for single parents, as so eloquently described by Thomas Trout when he admitted criminal activity to support his children. Trout described the impact of his large family, which he was raising alone, on his finances and explained that to support them, he sold wheels that he had stolen from his workplace (though claimed he had done so with his employer’s permission). He asked the court not to convict him as ‘I am a poor man, that my afflictions are much exaggerated, by having a numerous infant offspring, without a mother, and they must be without a friend should conviction follow’. The court convicted him, despite his pleas, and he was sentenced to be transported. [[654]](#footnote-654) Supporting children, especially as a single parent provoked many of these defendants to steal, and it was likely that there were many other defendants in a similar situation but the evidence for it does not appear in their trial account. These individuals were clearly in difficult circumstances and their testimonies describe their struggles for subsistence.

Despite denying the theft, Catherine Hickey, who was a charwoman who graduated to service, was convicted of stealing a spoon from her employer, Lydia Kemp, a merchant’s wife. Catherine was a widow with six children, three of whom were ‘with the parish’.[[655]](#footnote-655) Catherine was clearly poor, even though she was employed. As we know from chapter two, charwomen were casual, poorly-paid female workers and though Lydia Kemp had re-classified her employment, it was likely because it formalised their arrangement. We do not know whether Hickey’s wage increased in line with this. Hickey was able to use parish support for at least some of her children, though not all. Some lone parent defendants had no luck trying to access relief for their children and so turned to theft. Walter Dixon stole a pewter pot in 1799. He admitted the theft and said that he was driven to it by distress as he had two motherless children. He had applied to his parish ‘many’ times and they would neither relieve him, nor take his children.[[656]](#footnote-656) Single parents, like Catherine Hickey and Walter Dixon faced particular pressures when trying to raise their children alone but had varying degrees of success when obtaining help from the parish.

Not all single parents revealed whether they had attempted (or were receiving) parish relief but they too stole to support their children. James Whitechurch stole a leg of pork because he had not had ‘a bit of victuals for [illegible] days’ and he had three ‘motherless children’.[[657]](#footnote-657) In 1798 Mary Chattle admitted stealing a mouse buttock of beef (worth four or five shillings). She told the court: ‘I was in great distress, I had not a gown to my back; I have got three children, and no husband; I had not eat any thing for almost a week’.[[658]](#footnote-658) Theft was part of an economy of makeshifts for these defendants. Furthermore, these cases (and the others like it within this population of defendants) are likely only a portion of those single parents who stole as part of a makeshift economy. These types of circumstances are not always revealed in court, and even if they were, they were not always recorded. Furthermore, many such crimes would have been considered petty offences and tried within lower courts, if they were even prosecuted at all. Many people might have been disinclined to prosecute a widow with three hungry children at her skirts.

Spousal abandonment (for those with children or without) – either strategically or through circumstance - could also prompt the spouse left behind into criminality through poverty. London parishes could help women in this situation, and sometimes did. In 1758 the churchwardens of St Michael Wood Street ordered that they would give Mary Harrison three shillings a week ‘till her husband comes home’.[[659]](#footnote-659) Yet, that help was never guaranteed. In 1767 Elizabeth Banning pawned items from her lodging house. She claimed that she was moved to pawn the items out of necessity as her husband, who had been out of work, had gone ‘into the country’ to try and get work there. He had not been heard of since (though she does not say how long he had been absent).[[660]](#footnote-660) Similarly, when her husband was in confinement (either through illness or incarceration), Margaret Martin was plunged in necessity. To keep herself from starving she stole a cloak and pawned it.[[661]](#footnote-661) More work needs to be done on the impact on families left behind when a spouse was incarcerated, transported, or executed, especially within the framework of derived settlement, but space limitations prohibit that analysis here.

It was not only parents supporting children through theft or spouses supporting each other, but occasionally young people stole to help provide for their struggling families. In 1786 Robert Newman was convicted of stealing six silk handkerchiefs from a shop window. Newman (whose age was unrecorded) told the court that his mother had many children and his father was very ill and had one leg. The family were ‘all crying for want of bread’ and so Newman stole so that he could provide while his mother and father were unable to.[[662]](#footnote-662) Edward Edwards stole 19 lb. of bacon in 1799. He told both the prosecutor when he was apprehended, and the court, that his father was sick in bed. Edward was 15-years-old. Was he a chance thief, or was he trying to provide where his father could not?[[663]](#footnote-663) While these testimonies may be narratives designed to illicit maximum sympathy from the jury, the fact remains that even if they were embellished tales, they were plausible enough to be voiced in court. If it was unbelievable that people might steal to support their families, then it would not have been put forward as a mitigating circumstance.

Families might also be moved to prosecute other family members. In 1759 Elizabeth Ricketts was prosecuted by her stepfather, James Walker, for stealing her mother’s gowns. She was 22-years-old and Walker claimed that she was delinquent. He testified that Elizabeth had deliberately stolen the gowns ‘to transport her’ and insisted that upon her step-father ‘taking her up’, before she did something so dreadful that she was hanged and therefore ‘discredit’ her family. Walker told the court that Elizabeth lived ‘no where, any where, where she could’ and that she roved amongst ‘wicked persons, pick-pockets, and the like’. When questioned as to her support from her mother and step-father, Walker reported that they had bred her to work, put her in the workhouse and then she was bound out apprentice. Her mother, Jane, too testified against her, prompting the court to remark, ‘It seems you are her own mother’ and questioned ‘Did you ever do for her as a mother ought to do?’ Jane Walker responded by saying that she prosecuted out of tenderness, to save her daughter from Tyburn, and that Elizabeth had been a notorious girl for many years. Elizabeth, however, claimed a different narrative. She admitted taking the gowns to sell, but said she was driven to it by necessity as she had ‘neither house nor home’. She thought her mother would forgive her for the theft and said, ‘I did not think that my mother would have brought me to such a place as this’.[[664]](#footnote-664) Elizabeth may have been delinquent (though she does not appear to have been at the Old Bailey before this trial) or she may have been particularly vulnerable as a step child and indeed without ‘house and home’, so stole from her mother as she thought she might be forgiven.

Raising a family, especially as a single person, put economic pressure upon people and sometimes theft was a response to that, especially if that family was large. We can see, through looking at the lived experiences of some of these defendants, that hunger (either theirs or their families) might prompt criminal behaviour and that the parish was often inaccessible, insufficient, or avoided. We can also see that the trials which we know about are likely to be the tip of the iceberg as not all defendants described their family lives in the courtroom. Through the lived experiences of these defendants as revealed in court we can see how people lived hand-to-mouth at times, and how theft was one way of stopping body and soul parting company through hunger, and how theft augmented the family income (even if some of that income was provided by the parish). We can also see that the parish turned families away, which sometimes motivated people to turn to theft.

**Conclusion**

By contextualising the lives of some of the 2,350 defendants who articulated that they were poor (or who were described as such by others) or who were living in circumstances likely to make them poor, we can see that crime was frequently part of their makeshift economy. The relationship between crime and poverty is complex, but by qualitatively investigating the narratives found within these testimonies we can see the ways in which some of these defendants experienced poverty and some of the pressures which prompted people to commit crime to make ends meet. Some people were able to claim parish relief in London, but many were excluded from those systems because of the laws of settlement, and when they came to the attention of authorities (including those in the Old Bailey) they were removed. Others were refused parish relief, which prompted them to theft, or were given relief, but it was not sufficient for them or their family’s needs. Supporting a family and paying rent were pressures which sometimes moved people to steal, especially when poor relief was absent, through choice or exclusion.

Alongside this, the circumstances of poor Londoners made them vulnerable to engaging in risky behaviour and vulnerable to that behaviour being prosecuted, especially as they had little recourse to make amends. Pawning provided the ultimate means of converting stolen, or borrowed, items into cash, which poor people could use to meet their material needs, and many people employed this as part of their day-to-day economic survival strategies. Often this practice went forgiven by the prosecutor, until the defendant neglected to fulfil their side of a bargain which had been negotiated with the victim of the theft. In many cases it appears that some prosecutors simply wanted their goods to be returned. When people failed to return them, or did not return them in a timely manner, a prosecution was raised. This was particularly problematic for landlords whose tenants had appropriated the fixtures and fittings from their lodgings. Historians have long assumed a link between crime and poverty, and this chapter demonstrates that when we drill down into the testimonies of Old Bailey defendants we can clearly see the nature of that relationship and thus we can confirm the links between the two social experiences. We can see why and how poorer people stole as part of their makeshift economy and we get a clear view of the risk-taking borne out of poverty and an inability to meet core material needs. Moreover, these defendants are only those whose lives were punctuated by engagement with criminal justice systems. The evidence strongly suggests that these experiences were not confined to those who were prosecuted in the Old Bailey who articulated these experiences - there were likely many more Old Bailey defendants shared these circumstances, and many people who were never even prosecuted at all.

**Conclusion**

The *Old Bailey Proceedings* are extraordinary sources which contain the details of thousands of eighteenth-century London lives. By blending digital, quantitative, and qualitative methods, this study identified speech events pertaining to poverty and utilised them as an analytical tool to unpack the narratives found within 2,350 prosecutions which took place in the Old Bailey during the last half of the eighteenth century. Between January 1750 and December 1799 there were 39,156 defendants who appeared before the Old Bailey. [[665]](#footnote-665)  In 6 per cent of those prosecutions, the defendant either identified themselves as poor (or were identified as such by others in the courtroom), or they shared an experience or circumstance that was a recognised cause of immiseration (such as illness, underemployment in casual, erratic, low-paid occupations, or had no work at all).

Those prosecutions in the Old Bailey, where the poverty of the defendant was articulated in some way, could only have been a portion of those property crimes which actually took place under similar circumstances. Due to the nature of the *Proceedings*, there would have been much said within court which was not recorded for the publication. There would also have been much evidence of defendant experience which was not spoken during these trials and therefore could not be recorded. Moreover, many property crimes went unreported, or even if they were reported, they were unprosecuted. Even when such crimes were prosecuted in London, not all of those accused defendants were tried at the Old Bailey in any case. justices of the peace routinely dealt with all kinds of theft. As Drew Gray pointed out, most Londoners who faced judicial authorities would not have done so in the Old Bailey but rather at lesser courts.[[666]](#footnote-666) Therefore, the cases that were analysed here could only have been the tip of the iceberg.

It is also clear that not all poor people responded to their circumstances, or attempted to meet their material needs, through crime. John Styles, Joanna Innes and Vic Gatrell cautioned against assuming that crime was an automatic response to poverty, and this counsel is legitimate and proper.[[667]](#footnote-667) There were many strategies that poorer people used as part of their makeshift economies. Official relief, charity, kinship support, loans, gleaning, borrowing and begging (which could be criminal) were some of the practices utilised by marginal people to help them make ends meet.[[668]](#footnote-668) There were also many reasons why people committed property offenses. Marxist interpretations of criminal acts have positioned crime as a form of class conflict, resistance to legislation, or in response to perceived injustices.[[669]](#footnote-669) Historians such as Beverly Lemire and T.H. Breen have pointed to the growth of consumerism in the eighteenth century as a motivation for crime.[[670]](#footnote-670) Peter D’Sena and Peter Linebaugh have considered perquisites (and the criminalisation of them) as a cause.[[671]](#footnote-671) However, still in many of these theories, the poverty of the offender was assumed. As Clive Emsley remarked, monocausal explanations of crime are too simplistic (as causes of crime are often interlinked). [[672]](#footnote-672)

This dissertation has demonstrated that poverty was a cause of crime because some property crime was motivated by poverty because theft was adopted as part of makeshift economies. However, the relationship between crime and poverty was complex and depended upon a range of factors. Some people coped with poverty by resorting to crime, particularly when they were experiencing certain circumstances. When other strategies failed, or could not be adopted, or were unsuitable for the specific circumstances and pressures that the individual experienced, some people resorted to crime. Moreover, poverty caused some people to engage in risky behaviour which, while sometimes sanctioned by those around them, left them vulnerable to prosecution and criminalisation. This dissertation has shown that there was a link between poverty and theft in the last half of the eighteenth century, and it has also demonstrated some of the reasons why that was.

Using speech events to extract a population of 2,350 defendants who were identified as poor, or who had circumstances likely to impoverish them, and then quantitatively and qualitatively analysing their lived experiences, as articulated in the court, was the only way to reliably identify a large cohort, over a broad chronological range. Analysing a significant cohort, over fifty years was crucial for unpicking the experience of background-level poverty as well as establishing if these incidents were isolated or part of a wider, continuing pattern. Investigating how people coped with poverty day-to-day is important for understanding whether crime was sometimes part of makeshift economies generally, rather than a response to extraordinary local and national crises. Using this methodology to investigate the narratives revealed by speech events has shown that there was a relationship between crime and poverty, and that crime did form part of a makeshift economy for some Londoners. Moreover, analysis of those narratives reveals the nature of the relationship. We can see why some of these defendants turned to theft.

London was a city of migrants from provincial towns in England and Wales, as well as from Ireland, Scotland and other places around the globe. For people who were unsettled in their London parish (many of the migrant poor would have been unable to gain settlement because their poverty prohibited access to many of the qualifications for settlement), they were unable to obtain parish relief where they presently resided. This put pressure on many of the poor, some of whom were then moved to steal to support themselves and their families. Migrants from Ireland or Scotland (as well as those from other countries) had no right of settlement at all. This meant that they could not be subject to removal laws, but they also had no rights to parish relief. Even for those who were settled in London, relief could be refused, or if it was given, be simply insufficient. Some defendants told the Old Bailey that they had resorted to theft because the parish refused them, or that what outdoor relief the parish provided simply was not enough and so theft supplemented that parish income. In some cases, parishioners receiving regular parish payments resorted to theft to get by from one monthly dole to the next. The poor laws, which existed to aid the indigent (through the discretion of the parish officials) may have provided a safety net for some people but, for many others, insufficient relief or exclusion from relief prompted theft as part of a makeshift economy.

Experiences of poor relief, and criminal economies of makeshift, were gendered. Women had more access to parish relief and support systems than their male counterparts, but women were more likely to claim in court that they were poor (compared to male and female ratios in the *Old Bailey Proceedings* overall) and were more likely to be poor in reality. They had fewer opportunities for regular, well-paid labour and typically more caring responsibilities. However, while they might have been more successful at obtaining parish relief, they were also more vulnerable to the controls of the Settlement Act. Married women’s parish of settlement derived from their husbands. That parish may have been somewhere where the woman had never lived, or even visited, and therefore may have been devoid of any kinship networks or informal support systems. For these reasons, derived settlement could trap a widowed or abandoned wife. They may have been entitled to relief in their husband’s parish (if they could prove it), but, accessing that relief might have meant leaving their neighbours, friends, and even their children. Moreover, if they came to the attention of the parish which they were not settled in, they risked removal by the parish authorities. In some cases that made women reluctant, or unable, to attempt to apply parish relief and so they stole instead.

Whether people were entitled to parish relief, or not, there were many pressures which could result in impoverishment. When these struck, some defendants resorted to theft to alleviate financial hardship. Sickness and other prohibitions to labour could be catastrophic to a wage labourer in terms of both lost labour and the costs of medical care. Many defendants stole because they could not work through illness or disability. Others stole to pay for medical treatment. Though there were hospitals and benefit societies which could help during times of such distress, these were not always free, and certainly not accessible to everyone. London’s labour markets were precarious and competitive, and wars, seasonality, and migration impacted upon those markets. Unemployment, and underemployment was familiar to many of the labouring poor. A lack of work prompted some defendants to steal to support themselves but also it sometimes prompted people to steal in order to find, obtain or keep a job. Some defendants stole tools so that they could fulfil a labouring opportunity, other defendants stole clothes so that they appeared respectable enough to obtain a service.

Even those that had work sometimes were forced to steal to supplement their meagre incomes. Street-sellers, casual female employees (such as chairwomen), and casual male labourers were often insufficiently employed, or insufficiently paid, and struggled to support themselves and their families. Some defendants stole from their employers with the intention of replacing the items before they were discovered, while others stole from them as they believed that they needed better (or even any, in some cases) remuneration for their labour.

Many of the items that these defendants stole ended up in the premises of the pawnbroker. Pawning, as this dissertation has shown, was an intrinsic part of makeshift economies for eighteenth-century Londoners. Whilst the pawnbroker has been characterised as a shadowy figure preying on the desperation of paupers, they fulfilled a vital function in enabling people to ‘get by’ by translating almost all types of goods into a source of cash - which was critical for the payment of rent and obtaining victuals. They also, however, were a conduit for stolen items. There are no in-depth studies on pawnbroking in London during this period, but this dissertation has confirmed that pawning was a part of plebeian experience in the everyday lives of eighteenth-century Londoners. 25 per cent of all defendants considered for this study pawned the items that they had stolen. This is likely to be a conservative estimate as only those defendants who discussed this in court were accounted for. Further study on pawnbroking, especially in London, and using the evidence found within testimonies in the *Proceedings of the Old Bailey,* would considerably augment knowledge of this practice and its prevalence in the eighteenth century. There is much scope for significant further research here in order to shed light on several topics. Investigation of pawnbroking through the *Proceedings* could help to illustrate how commonly people pawned goods which did not belong to them, for what reasons, and to what extent pawning facilitated criminal economies of makeshift, as well as the practice of pawnbroking itself in the eighteenth century, of which little is known.

Rent and housing pressures could also impoverish Londoners. Most people in London lived in lodgings. An inability to obtain shelter (without it, people might risk a vagrancy charge), or to make rent that was due provided a motive for theft in some cases, but the lodgings of defendants also facilitated pawning as part of an important makeshift economy. Many lodgers within this dataset were accused of stealing from their lodgings. In most cases, the tenant had taken fittings and fixtures from the lodging house and pawned them but had the intention of putting them back before their absence was noted. This was commonplace, far more so than quantitative evidence can reveal. Qualitatively assessing the testimony of such defendants shows that this happened frequently and was sometimes forgiven by the landlord. Often, a prosecution was raised when the tenant did not put the items back within a specific timeframe, despite them having repeatedly pawned the same items before. Significantly, the evidence from these trials highlights some strategies and negotiations that poorer members of society engaged in to meet their material needs. It shows that the poor often engaged in risky behaviour (theft from the lodging house was a felony) but it was in the hopes that the crime would be unnoticed or forgiven, or they believed that they had a right to use the items in this way. This crime, which was a type of ‘social crime’, was much more widespread than the *Proceedings* can detail because it often remined unreported, unprosecuted, and sometimes even sanctioned by the victim and wider society. Moreover, those who were tried for this crime were acquitted in relatively high numbers compared to other crimes, such as grand larceny. This factor may have dissuaded landlords from raising a prosecution, especially as they had to pay to do so.

Regardless of where and how people lived, having a family to support was also a pressure which could impoverish individuals, especially if they were a lone parent through abandonment or death. Many parents stole to support their children, and in some cases young people stole to support their parents, especially during times of illness. The poor laws might have alleviated family poverty. The workhouse was an option for those families who were struggling and who were settled in the parish (in principle, at least), but, in some cases entry to the workhouse was refused by the parish, as was outdoor relief. At these times, some people stole to meet their material needs and those of their families. Moreover, when the workhouse was accessible it sometimes appears to have been used as part of a family makeshift economy which combined theft and parish relief, and also work and parish relief. In some cases, women and children, or just children, would reside for a time in the workhouse while men remained outside of it, committing acts of thievery to supplement the family income, or children remained in the workhouse while their parents were earning a living outside of it. Some people, however, claimed that the workhouse did not provide enough to support the resident habituating it. There are no instances of men being in the workhouse and their wives stealing on the outside within this dataset.

Whilst analysing the nature of the relationship between crime and poverty in the latter half of the eighteenth century in London, through the *Proceedings*, we can also see much about the nature of both crime and poverty independently of each other. Experiences of poverty are revealed in courtroom testimony from defendants and the testimonies about them. These testimonies demonstrate how the poor were vulnerable to risky behaviour and how they engaged with different layers of justice, and their agency when they encountered both poor law and criminal justice authorities. Some of the strategies which people adopted inside and outside of the courtroom are revealed through this analysis.

Many defendants used different language and described different motivations for crime depending on who they came into contact with, something we can only investigate when we, as this study has done, assign categories to court actors and investigate their speech events about the defendant. While defendants did use their circumstances as an excuse for their crime, some did not articulate that in court (because it involved an admission of guilt), yet they had told a prosecutor, or witness, or even a lesser magistrate that they were poor. This demonstrates that Londoners were acutely aware of interactions with different layers of justice, and the authority that those layers had. It also demonstrates that some would-be prosecutors may have felt compassion for thieves or would have been satisfied by the return of their items and therefore not raised a prosecution, if they knew, and cared, that the defendant had acted out of poverty. Many Londoners had social knowledge of the functions of the judiciary and were able to try and persuade magistrates and juries, as well as victims and witnesses, to consider their mitigating circumstances. Plebeian Londoners were not passive recipients of their fate, they had agency and they utilised it through their voices, strategies, negotiations and actions.

The narratives found within the *Proceedings* also reveal the rich social relationships which contributed to the noise and bustle of the city streets. The circumstances of the defendant were articulated by neighbours, colleagues, friends, and family within the court. Through those articulations, we can see social networks and kinship relationships. In particular, when street-sellers were prosecuted for theft, other street-sellers appeared as character witnesses for them, sometimes stating that they shared business or items. This highlights borrowing and sharing as part of a makeshift economy and further research on the community of London’s street-sellers would complement Sean Shesgreen and Tim Hitchcock’s existing work and strengthen our understanding of street life in London.[[673]](#footnote-673)

We can also see that ‘taking in’ people (sometimes strangers) into dwellings was relatively common. There is little work on this aspect of social life and living arrangements, but it was part of a makeshift economy for both the benefactor and the recipient of this ‘charity’. There is much more to learn here because we know little about how this kind of hospitality, from the perspective of both the benefactor and the recipient. We need to look at how common this arrangement was and understand how it worked. Moreover, many of the speech events in the *Proceedings* were used differently by, or about, male and female defendants, or by other court actors. This is also a topic for further study, especially employing the *Old Bailey Corpus* which makes this work possible.[[674]](#footnote-674)

Above all, this study has confirmed that voices of the plebeian Londoners are clear in courtroom testimony, and we can hear them when we investigate speech events within testimony. Poor law historians should not just confine themselves to records of poor law decisions in the eighteenth century but should also consider court proceedings to build a more holistic view of plebeian lived experience ‘from below’. This dissertation has shown that there is value in analysing the words of actors in the court room and that when we do so, we can reveal much about plebeian experience. Even if we concede that in some cases, these ‘narratives of distress’ were false and made to gain sympathy from juries, it is important to remember that these narratives were deemed plausible. As a strategy, it was high risk (as it involved an admission of guilt), but it still formed part of the negotiations that plebeian Londoners held with authority, and it displays the agency of these defendants. Moreover, those narratives were not just created by the defendants. A range of people supported these statements or pointed out the poverty of the defendant in court and prosecutors, and witnesses, often confirmed poverty and shared sympathy with the defendant. Their plausibility was also reliant on what the juries could see and hear in the courtroom, which included how people spoke and how they dressed – not just the words recorded in court and then printed on the page of the publication, which is what historians have left to decode.

This dissertation has shed light on experiences of poverty, and criminality, and the relationship between the two in London in the last half of the eighteenth century. Though the chronological range of this study has been fifty years, it has been, essentially, a micro-study of individual lived experiences of plebeian Londoners as articulated in their own speech (and that about them) in the *Old Bailey* *Proceedings* and that has enabled us to understand the causal relationship between crime and poverty. There is still much work to be done on this topic, especially in more areas of England, but this dissertation has confirmed that for some Londoners property crime formed part of their makeshift economies, especially when they faced particular pressures. However, some such thefts were also a part of day-to-day life. Pawning borrowed items, especially from their lodgings, was commonplace and often not considered even to be a crime by the defendant.

Qualitatively examining the relationship between poverty and theft, especially in the framework of the Elizabethan poor laws, and at the level of individual causation, has shown that for some people crime was part of a makeshift economy and it has shown that economies of makeshift, especially criminal ones, are complex and dependant on a range of circumstances. Crime was not an automatic response to poverty, but it was still *a* response. Some plebeian Londoners coped with their poverty by stealing to help make ends meet, others coped with poverty by engaging in risky behaviours and actions which were then labelled and prosecuted as thefts. Other Londoners coped with their poverty without risking a criminal prosecution or resorting to stealing. Those Londoners who did not resort to theft, or risky behaviour, adopted other strategies to make ends meet. Some Londoners were wholly reliant, and able to be so, on the parish (or used a range of legal strategies alongside parish relief), others kept body and soul together through borrowing networks and kinship support.

There were many activities and practices which can be considered part of a makeshift economy, but we know now, that for some Londoners, property crime was one of them. However, this is only part of the picture. Even for those Londoners who did resort to theft, crime was only one of the ways in which they made shift. Casual labour, pawning, borrowing networks, formal and informal charity, and parish relief (in some cases) were also part of their lived experiences, as can be seen through their courtroom testimonies. Exploring all of these facets would help us to better understand how the labouring poor managed and negotiated their way through their often-difficult lives.

As this dissertation has shown, by qualitatively analysing these prosecutions, many Londoners lived day-to-day and hand-to-mouth. Theft was, in many cases, about securing a short-term fix, and getting by from one day to the next. Sometimes it was not even felt to be theft at all though it was still prosecuted as such. Moreover, the cases that were analysed here were only the tip of the iceberg. The causal relationship between poverty and theft, which existed at the level of the individual, was likely to have been far more widespread, both in the lives analysed here and in wider eighteenth-century society.

**Appendix One: Comprehensive Lists of all Keyword Searches with Variant Spellings**

This appendix provides comprehensive lists of all keyword searches with variant spellings. Organised by chapter datasets. It includes words which were searched for but discarded because they were impractical, contextually incorrect, or returned no contextually correct ‘hits’.

**Table 13:** ‘Language of Poverty’ keywords (Chapter One)

Poverty

Reduced

Remov\*

Relie\*

Settle\*

Sojourner

Starv\*

Vagran\*

“Want”

“Work house”

“Work-house”

Workhouse

Charity

Distres\*

“Dole”

Extremity

Indigen\*

Intruder

Necessit\*

Necessity

“Over seer”

Overseer

Parish

Pauper\*

“Poor”

“Poore”

Poorhouse

“Poor house”

“Alms”

“Alms House”

Almshouse

“Beg”

Beg’\*

“Begg”

Begg’\*

“Begs”

“Begg”

“Begging”

“Beggar”

“Beggars”

“Begger”

“Begger”

Chargeable

Charitable

Charity

**Table 14:** Keyword searches for ill health and other physical prohibitions to labour(Chapter Two)

“Not well”

Pox

Pregnan\*

Sick\*

“Taken bad”

Unhealthy

“Unwell”

“was bad”

“Weak”

Weaken\*

“With child”

Wound\*

“Health”

Hospital

“Hurt”

“Ill”

“Illness”

“Ill health”

Infirm\*

Injured

Injury

“Lame”

Lameness

“Lying in”

Malaria

Palsey

Palsy

“Not been well”

Ague

“Bad health”

“Bad with”

“Been bad”

“Been very bad”

Decayed

Decrepid

Decrepit

Decay\*

Diseas\*

Doctor

Disable\*

Feeble

Fever

Frail

**Table 15:** Keyword searches for unemployment(Chapter Two)

“Out of imploy\*”

“Out of work”

“Out of place”

“Shift”

“to work”

Support

Unemploy\*

Unimploy\*

Industr\*

Livelihood

“My living”

“No business”

“No place”

“No work”

“Out of business”

“Out of employ\*”

“A living”

“Any work”

Bread

Employment

“For business”

“For work”

“In place”

Imployment

**Table 16:** Keywords for street-sellers(Chapter Two)

“Sell”

“Seller”

“sells”

“Cried”

“Cries”

“Cry”

“Crying”

“Old cloaths”

“Old clothes”

**Table 17:** Keywords for labourers(Chapter Two)

“By his labour”

“By my labour”

“Day labourer”

Labourer

“Labouring man”

**Table 18:** Keywords for casual women’s work(Chapter Two)

Scower\*

“She chairs”

“To chair”

Wash\*

Cinder\*

“Chare woman

Charr\*

“Charr woman”

Charwoman

“I chair”

Needle\*

Scour\*

Chair\*

“Chair woman”

Chairwoman

Char\*

“Char”

“Char woman”

Chare\*

“Chare”

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239. ‘Theft from a specified place’ is an artificial category devised by the *Old Bailey Online* project, which will be discussed presently. [↑](#footnote-ref-239)
240. *OBP*, Tabulating offence subcategory, between January 1750 and December 1799. Counting by defendant, [accessed 12th December 2016]. [↑](#footnote-ref-240)
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243. *OBP,* Tabulating by verdict category and offence category, between January 1750 and December 1799. Counting by defendant, [accessed 10th September 2018]; *OBP*, Tabulating verdict subcategory where offence is grand larceny and verdict category is guilty, between January 1750 and December 1799. Counting by defendant, [accessed 10th September 2018]. [↑](#footnote-ref-243)
244. For reasons of space, data for imprisonment includes those who were incarcerated anywhere in the city. Defendants typically were imprisoned in either Newgate or a house of correction. Similarly, the data for whipping includes those defendants who were either publicly or privately whipped. [↑](#footnote-ref-244)
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294. Peter Linebaugh, ‘The Ordinary of Newgate and his *Account*’, in J.S Cockburn (ed.), *Crime in England*, pp. 246-269; Andrea McKenzie, *Tyburn’s Martyrs.* [↑](#footnote-ref-294)
295. Andrea McKenzie, *Tyburn’s Martyrs*, pp. 124-125. [↑](#footnote-ref-295)
296. Linebaugh, ‘The Ordinary of Newgate and his *Account*’, p. 256. [↑](#footnote-ref-296)
297. *Ibid*. [↑](#footnote-ref-297)
298. The population dataset was manipulated to reveal all of those who were capitally convicted. Those defendants were then checked against the *Accounts* of the Ordinary of Newgate database. All matching defendants were extrapolated to a new dataset, which was then analysed in depth. For some of those defendants, for whom we can trace an alternative sentence outcome, see the section in this chapter on ‘sentence outcomes’. [↑](#footnote-ref-298)
299. *OBP*, June 1752, trial of William Morris (t17521206-21); *OBP, Ordinary’s Account*, 12 February 1753 (OA17530212). [↑](#footnote-ref-299)
300. *OBP*, September 1754, trial of John Haine (T17540911-12); *OBP,* *Ordinary’s Account*, 9 December 1754 (OA17541209). [↑](#footnote-ref-300)
301. *OBP,* October 1757, trial of Henry Clark (T17571026-6); *OBP*, *Ordinary’s Account*, 17 April 1765 (OA17650417). [↑](#footnote-ref-301)
302. *OBP*, *Ordinary’s Accounts*. Searched by date, between February 1750 and October 1772, [accessed 16th April 2015]. [↑](#footnote-ref-302)
303. Linebaugh, ‘The Ordinary and his *Account*’, p. 257. [↑](#footnote-ref-303)
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305. *OBP*, December 1799, trial of James Charlick (t17991204-48). [↑](#footnote-ref-305)
306. Williams, *Poverty, Gender and the Life-Cycle*, p. 101. [↑](#footnote-ref-306)
307. *OBP*, July 1754, trial of Francis Collins (t17540717-55). [↑](#footnote-ref-307)
308. *OBP*, January 1768, trial of William Peterson (t17680114-9). [↑](#footnote-ref-308)
309. *OBP*, searched for all transcriptions which contain instances of the words ‘sick’, ‘out of work’, ‘wash’ etc, between 1750 and 1799, [Accessed 20th August 2016]. A complete list appears in each relevant section, and in Appendix One. [↑](#footnote-ref-309)
310. *OBP*, May 1770, trial of John Knight (t17700530-21). [↑](#footnote-ref-310)
311. Lees, *The Solidarities of Strangers*, p. 49. [↑](#footnote-ref-311)
312. Thomas Hobbes, *Leviathan* [1651], in Richard Tuck (ed.), *Thomas Hobbes: Leviathan* (Cambridge: Cambridge University Press, 1994), p. 89. [↑](#footnote-ref-312)
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315. Roy Porter, *Disease, Medicine and Society in England, 1550-1860* (Cambridge: Cambridge University Press, 2002), p. 20. [↑](#footnote-ref-315)
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317. George, *London Life in the Eighteenth Century*, p. 39. [↑](#footnote-ref-317)
318. Hindle, *On the Parish*?. p. 18. [↑](#footnote-ref-318)
319. 39 El. c.3, 18. [↑](#footnote-ref-319)
320. St Dionis Backchurch Parish: Churchwardens and Overseers of the Poor Account Books, 1 January 1729-31 December 1762, *LL*, **GLDBAC30006, [accessed 19th September 2017].** [↑](#footnote-ref-320)
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322. Camden Local Studies and Archive Centre [CLSAC]: St Giles in the Fields Parish. Minutes of the Vestry and its Committees, 1771-1840. P/GF/M/1/3. [↑](#footnote-ref-322)
323. Kevin Siena, ‘Contagion, Exclusion, and the Unique Medical World of the Eighteenth-Century Workhouse’*,* p. 27. [↑](#footnote-ref-323)
324. DRO: Coldridge Vestry Minutes, 1712-1751: DRO 272 A/PV 1-4. [↑](#footnote-ref-324)
325. Porter, *Disease, Medicine and Society*. p. 30-31; Roy Porter, ‘Cleaning up the Great Wen: Public Health in Eighteenth-Century London’, *Medical History*, Supplement 11 (1991), pp. 61-75; for hospitals which accepted the unsettled poor, see Kevin Siena, ‘Contagion, Exclusion, and the Unique Medical World of the Eighteenth-Century Workhouse’*,* pp. 19-39. [↑](#footnote-ref-325)
326. Kevin Siena, ‘Contagion, Exclusion, and the Unique Medical World of the Eighteenth-Century Workhouse’*,* p. 22 [↑](#footnote-ref-326)
327. *OBP*, September 1793, trial of Gabriel More (t17930911-125). [↑](#footnote-ref-327)
328. *OBP*, January 1782, trial of William Owen (t17820109-45). [↑](#footnote-ref-328)
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371. *OBP*, May 1793, trial of Mary Rogers (t17930529-54). [↑](#footnote-ref-371)
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399. *OBP*, February 1784, trial of Charles Manning (t17840225-26). [↑](#footnote-ref-399)
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402. These words were determined to be the most common words after preliminary surveys of the documents. *OBP*, searched for all transcriptions which contain instances of the words and phrases ‘out of place’, ‘livelihood’, ‘business’, ‘out of a job’ etc, between 1750 and 1799, [accessed 19th October 2017]. For a full list of key phrases and search terms see: Appendix One. [↑](#footnote-ref-402)
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415. Schwarz, *London in the age of Industrialisation,* pp. 103-124*.* [↑](#footnote-ref-415)
416. *OBP*, October 1796, trial of George Barlow (t17961026-2). [↑](#footnote-ref-416)
417. Snell, *Annals of the Labouring Poor*, p. 364. [↑](#footnote-ref-417)
418. Schwarz, *London in the age of Industrialisation,* pp. 103-124*.* [↑](#footnote-ref-418)
419. Beattie, *Crime and the Courts*, p. 209. [↑](#footnote-ref-419)
420. Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations, Volume II* p.157; J.D Marshall (ed.) *The Autobiography of William Stout of Lancaster, 1665-1752* (Manchester: N.P, 1976), quoted in Beattie, *Crime and the Courts*, p. 209. [↑](#footnote-ref-420)
421. *OBP*, April 1784, trial of George Robinson, George Bannister and John Nurse (t17840421-22). [↑](#footnote-ref-421)
422. Schwarz, *London in the age of Industrialisation*, p. 90. [↑](#footnote-ref-422)
423. Peter King, ‘Newspaper Reporting, Prosecution Practice, and Perceptions of Urban Crime: The Colchester Crime Wave of 1765’, *Continuity and Change,* 2:03 (1987), pp. 423-454. [↑](#footnote-ref-423)
424. Beattie, *Crime and the Courts*, p. 208. [↑](#footnote-ref-424)
425. *Ibid*., p. 219. [↑](#footnote-ref-425)
426. *Ibid*., p. 223. [↑](#footnote-ref-426)
427. Ward, *Print Culture*, p. 52. [↑](#footnote-ref-427)
428. *OBP*, June 1789, trial of Isaac Matcham (t17890603-65). [↑](#footnote-ref-428)
429. *OBP*, February 1769, trial of Thomas Turner (t17690222-24). [↑](#footnote-ref-429)
430. *OBP*, February 1771, trial of Thomas Buckley (t17710220-30). [↑](#footnote-ref-430)
431. Hitchcock, King and Sharpe (eds), *Chronicling Poverty,* p. 7. [↑](#footnote-ref-431)
432. *OBP*, December 1753, trial of Walter Bedford (t17531205-14). [↑](#footnote-ref-432)
433. *OBP*, February 1769, trial of James Best (t17690222-15). [↑](#footnote-ref-433)
434. *OBP*, February 1785, trial of James Thomas (t17850223-89). [↑](#footnote-ref-434)
435. Locke, 'An Essay on the Poor Law', pp. 182-199; Fielding, *An Enquiry into the Causes of the Late increase of Robbers,* p. 17; Defoe, ‘Giving Alms No Charity’, p. 541. [↑](#footnote-ref-435)
436. *OBP*, September 1785, trial of Joseph Merchant (t17850914-71). [↑](#footnote-ref-436)
437. Hitchcock and Shoemaker, *London Lives: Poverty, Crime and the Making of a Modern City*, p. 5. [↑](#footnote-ref-437)
438. *OBP*, May 1797, trial of Joseph Carr (t17970531-7). [↑](#footnote-ref-438)
439. *OBP*, May 1754, trial of John Black (t17540530-20). [↑](#footnote-ref-439)
440. Thompson, *The Making of the English Working Class*, p. 60, [↑](#footnote-ref-440)
441. Hitchcock, *Down and Out*, p. 1. [↑](#footnote-ref-441)
442. *OBP*, May 1796, trial of William Smeton (t17960511-28). [↑](#footnote-ref-442)
443. *OBP*, December 1773, trial of William Davis (t17731208-1). [↑](#footnote-ref-443)
444. *OBP*, February 1767, trial of John Bowditch (t17670218-44). [↑](#footnote-ref-444)
445. Hindle, *On the Parish?,* p. 15. [↑](#footnote-ref-445)
446. Campbell, *The London Tradesman*, pp. 5-12. [↑](#footnote-ref-446)
447. Thompson, *The Making of the English Working* *Class*, p. 247; R.W Malcolmson*, Life and Labour in England*, *1700-1780* (London: Hutchinson, 1981). p. 23; Earle, *A City Full of People*, p. 66. [↑](#footnote-ref-447)
448. Campbell, *The London Tradesman*, pp. 5-12. [↑](#footnote-ref-448)
449. See: Ivy Pinchbeck, *Women Workers and the Industrial Revolution, 1750-1850* [1930] (London: Virago, 1985); Pamela Sharpe (ed.), *Women’s Work: the English Experience, 1650-1914* (London: Arnold, 1998); Peter Earle, *A City Full of People*. [↑](#footnote-ref-449)
450. E. Wallis, *The Cries of London* (London: N.P,1835), p. 7, quoted in Dorothea D. Reeves, *Come Buy! Old Time Street-Sellers of London and Paris and their Cries*, *Harvard Library Bulletin*, 20.2 (April 1972), n.pag. [↑](#footnote-ref-450)
451. For an account of the economic status of street-sellers and contemporary views of them in eighteenth-century London see: Hitchcock, *Down and Out*, pp. 49-54. [↑](#footnote-ref-451)
452. Reeves, *Come Buy! Old Time Street-Sellers of London and Paris,* n.pag; for an excellent account of ballads about street-sellers, and a comprehensive representation of engravings and drawings of such people, especially the collection engraved by Marcellus Laroon, see: Sean Shesgreen, *Images of the Outcast*: *The Urban Poor in the Cries of London* (Manchester: Manchester University Press, 2002) and Sean Shesgreen, *The Criers and Hawkers of London*: *Engravings and Drawings* (Stanford: Stanford University Press, 1990). [↑](#footnote-ref-452)
453. For colourful and smiling images of London street-sellers see: Paul Sandby, ‘Wine Seller’ [c.1759] and Marcellus Laroon, ‘The Merry Milkmaid’ [1787] represented in Shesgreen, *Images of the Outcast*, plate 9 and p.109; For economic status of street-sellers see: Shesgreen *Images of the Outcast*, p. 1; Hitchcock, *Down and Out*, pp. 49-54. [↑](#footnote-ref-453)
454. Henry Mayhew, *London Labour and the London Poor: A Cyclopaedia of the Condition and Earnings of those that will work, those that can not work, and those that will not work, Volume 1: The London Street Folk* (London: N.P, 1851), p. 2. [↑](#footnote-ref-454)
455. Mayhew, *London Labour and the London Poor*, pp .3-11. [↑](#footnote-ref-455)
456. Mayhew, *London Labour and the London Poor*, pp. 1-8. [↑](#footnote-ref-456)
457. Shesgreen, *Images of the Outcast*. [↑](#footnote-ref-457)
458. Hitchcock, *Down and Out*, p. 51. [↑](#footnote-ref-458)
459. Tim Hitchcock, ‘Begging on the Streets of Eighteenth-Century London’, *Journal of British Studies*, 44.3 (2005), pp. 478-498. [↑](#footnote-ref-459)
460. *OBP*, searched for all transcriptions which contain instances of the words ‘sells’, ‘cries’, ‘old cloaths’ etc, between 1750 and 1799, [accessed 12th January 2017].For a full list of keyword searches, see Appendix One. [↑](#footnote-ref-460)
461. Earle, *A City Full of People,* p. 144; Mayhew, *London Labour and the London Poor*, pp. 1-11. [↑](#footnote-ref-461)
462. Earle, *A City Full of People*, p. 146. [↑](#footnote-ref-462)
463. Francis Wheatley, ‘Two Bunches a Penny Primroses’ [1793] and Thomas Rowlandson, ‘Water Cresses, Come Buy my Water cresses’ [1799], represented in Shesgreen, *Images of the Outcast*, pp. 138, 134. [↑](#footnote-ref-463)
464. *OBP*, May 1768, trial of Thomas Purney (t17680518-2). [↑](#footnote-ref-464)
465. Beverly Lemire, *The Business of Everyday Life: Gender, Practice and Social Politics in England*, *c*.1600-1900 (Manchester: Manchester University Press, 2012), pp. 90-92. [↑](#footnote-ref-465)
466. *OBP*, May 1795, trial of William Cane (t17950520-19). [↑](#footnote-ref-466)
467. Hitchcock, *Down and Out*, p. 51. [↑](#footnote-ref-467)
468. *OBP*, January 1782, trial of Abraham Cohen (t17820109-10). [↑](#footnote-ref-468)
469. Campbell, *The London Tradesman*, p. 160. [↑](#footnote-ref-469)
470. Earle, *A City Full of People*, p. 145. [↑](#footnote-ref-470)
471. *OBP*, December 1783, trial of Sarah Slade and Mary Wood (t17831210-44). [↑](#footnote-ref-471)
472. *OBP*, October 1751, trial of Mary M’Carty (t17511016-47). [↑](#footnote-ref-472)
473. *OBP*, December 1761, trial of Thomas Barker (t17611209-18). [↑](#footnote-ref-473)
474. *OBP*, September 1776, trial of John Morton (t17760911-81). [↑](#footnote-ref-474)
475. *OBP*, July 1771, trial of Elizabeth Ingram (t17710703-58). [↑](#footnote-ref-475)
476. *OBP*, July 1763, trial of Nathaniel Shortland (t17630706-19). [↑](#footnote-ref-476)
477. *OBP*, September 1794, trial of Catharine Fleming (t17940917-33). [↑](#footnote-ref-477)
478. *OBP*, October 1759, trial of Dorothy Lloyd (t17591024-14). [↑](#footnote-ref-478)
479. *OBP*, September 1761, trial of Sarah Perrin (t17610916-52). [↑](#footnote-ref-479)
480. Mayhew, *London Labour and the London Poor*, pp. 31-6. [↑](#footnote-ref-480)
481. *OBP*, October 1755, trial of Jane Pryor (t17551022-9). [↑](#footnote-ref-481)
482. Hanley, ‘The Economy of Makeshifts and the Poor Law: A Game of Chance?’, pp. 76-99. [↑](#footnote-ref-482)
483. William Chapple, *A Review of part of Risdon’s survey of Devon Containing the General Description for the County; with Corrections, Annotations and Additions* (Exeter: N.P, 1785), p. 52. [↑](#footnote-ref-483)
484. George, *London Life in the Eighteenth Century*, p. 263. [↑](#footnote-ref-484)
485. Schwarz, *London in the age of Industrialisation,* pp. 75-124*.* [↑](#footnote-ref-485)
486. *OBP*, searched for all transcriptions which contain instances of the words ‘labourer’, ‘labouring man’, ‘day labourer’ etc, between 1750 and 1799, [accessed 18th February, 2017]. [↑](#footnote-ref-486)
487. Mary Dollard was described as a ‘labourer in the brick fields’. *OBP*, September 1774, trial of Mary Dollard (t17740907-99). [↑](#footnote-ref-487)
488. *OBP*, April 1759, trial of Edward More (t17590425-10). [↑](#footnote-ref-488)
489. *OBP*, December 1782, trial of Joseph Smith (t17821204-52). [↑](#footnote-ref-489)
490. *OBP*, February 1765, trial of William Keatley (t17650227-18). [↑](#footnote-ref-490)
491. *OBP*, February 1769, trial of Matthew Stamford (t17690222-21). [↑](#footnote-ref-491)
492. *OBP,* October 1771, trial of James Cobham(t17711023-11). [↑](#footnote-ref-492)
493. *OBP*, December 1768, trial of Benjamin Burton and Francis Fitzpatrick (t17681207-1). [↑](#footnote-ref-493)
494. John Beattie, ‘The Criminality of Women in Eighteenth-Century England’, *Journal of Social History*, 8.4 (1975), pp. 80-116. [↑](#footnote-ref-494)
495. Hitchcock, *Down and Out*, p. 61. [↑](#footnote-ref-495)
496. *OBP,* May 1780, trial of Mary Carlton (t17980523-38). [↑](#footnote-ref-496)
497. *OBP,* September 1787, trial of William Wellen (t17870912-48). [↑](#footnote-ref-497)
498. *OBP*, searched for all transcriptions which contain instances of the words ‘char’, ‘chair’, ‘scour’ etc, between 1750 and 1799, [accessed 14th February 2017]. [↑](#footnote-ref-498)
499. *OBP*, September 1794, trial of Ann Spooner (t17940917-69). [↑](#footnote-ref-499)
500. *OBP*, May 1764, trial of Mary Deprose (t17640502-22). [↑](#footnote-ref-500)
501. Hitchcock, *Down and Out*, p. 61. [↑](#footnote-ref-501)
502. *OBP*, April 1777, trial of Penelope Collier (t17770409-70). [↑](#footnote-ref-502)
503. *OBP*, September 1777, trial of Rebecca Carns (t17770910-93); *OBP*, May 1751, trial of Jane Brown (t17510523-5). [↑](#footnote-ref-503)
504. *OBP*, September 1765, trial of Sarah Buckingham (t17650918-12). [↑](#footnote-ref-504)
505. Hitchcock, *Down and Out,* p*.* 61. [↑](#footnote-ref-505)
506. *OBP*, 31 October 1792, trial of Ann Lumley (t17921031-20). [↑](#footnote-ref-506)
507. *OBP*, October 1793, trial of Elizabeth Griffiths (t17931030-46). [↑](#footnote-ref-507)
508. *OBP*, February 1777, trial of Sarah Tongue (t17770219-33). [↑](#footnote-ref-508)
509. *OBP*, October 1789, trial of William Shaw (t17891028-63). [↑](#footnote-ref-509)
510. *OBP*, February 1766, trial of William Bailie (t17660219-22). [↑](#footnote-ref-510)
511. A ‘mouse buttock’ of beef was an inferior cut of ‘coarse meat’ cut from between the buttock and the legbone of the cow. John Trusler, *The London Adviser and Guide* (London: N.P., 1790), p. 28. [↑](#footnote-ref-511)
512. *OBP*, January 1772, trial of Benjamin Woadley (t17720109-15). [↑](#footnote-ref-512)
513. George, *London Life in the Eighteenth Century*. [↑](#footnote-ref-513)
514. Hitchcock, King and Sharpe, (eds), *Chronicling Poverty*, p. 7. [↑](#footnote-ref-514)
515. Note: each of the 2,350 defendants appeared at a unique point in time at the Old Bailey. Due to name frequency and the associated difficulties with record linkage, it is impossible to determine how many of these defendants were recidivists. However, this thesis is concerned with incidences of criminal activity and the causes of those thefts. Recidivist thieves did not always steal for the same reasons and so, they have been counted as ‘unique incidences of prosecuted activity’. Furthermore, as discussed in Chapter Two, there were individuals who appeared across both datasets and who were retained for statistical purposes. All duplicated defendants have been removed from this final dataset. [↑](#footnote-ref-515)
516. *OBP*, April 1759, trial of John Griffin and James Griffin (t17590425-6). [↑](#footnote-ref-516)
517. King, *Poverty and Welfare in England,* p. 13. [↑](#footnote-ref-517)
518. Actions of parish officials who had allegedly committed offences whilst carrying out their duties can also be seen the Old Bailey. Removal was sometimes a brutal business. John Meredith, the beadle of Hammersmith, was accused of murdering a pauper, Thomas Payne, because he had ‘with some degree of inhumanity’ forced him from Hammersmith to Chiswick workhouse as Payne belonged to Chiswick. Payne died soon after. Witness statements, including that of a surgeon, concluded that Payne, died ‘by the visitation of God’ and thus Meredith was acquitted. *OBP*, May 1781, trial of John Meredith (t17810530-62). [↑](#footnote-ref-518)
519. Peter Clark, ‘Migration in England during the Late Seventeenth and Early Eighteenth Centuries’, *Past and Present*, 83 (1979), pp. 57-90. [↑](#footnote-ref-519)
520. George, *London Life in the Eighteenth Century*, p. 116. [↑](#footnote-ref-520)
521. King, ‘Ethnicity, Prejudice, and Justice’, pp. 290-414. [↑](#footnote-ref-521)
522. *OBP*, January 1761, trial of Nicholas Campbell (t17610116-29); *OBP*, Ordinary’s Account, 8 December, 1760 (OA17601208). [↑](#footnote-ref-522)
523. St Dionis Backchurch Parish: Miscellaneous Parish and Bridewell Papers, 3rd December 1701-27th August 1817, *LL*, GLDBPM306050079, [accessed 18th August 2018]. [↑](#footnote-ref-523)
524. Pamela Sharpe, ‘”The Bowels of Compation”: A Labouring Family and the Law, c.1790-1834’ in Hitchcock, King and Sharpe (eds), *Chronicling Poverty*, pp. 87-108. [↑](#footnote-ref-524)
525. Hampson, 'Settlement and Removal in Cambridgeshire’, p. 273-289. [↑](#footnote-ref-525)
526. 'Hackney Petty Sessions Book: 1732 (nos 437-603)', in Ruth Paley (ed.) *Justice in Eighteenth-Century Hackney: The Justicing Notebook of Henry Norris and the Hackney Petty Sessions Book* (London: 1991), pp. 83-103. *British History Online* (http://www.british-history.ac.uk/london-record-soc/vol28/pp83-103), [accessed 15 September 2018]. [↑](#footnote-ref-526)
527. M. Dorothy George, *England in Transition* (1931; Harmondsworth: Penguin Books, 1969), p. 68. [↑](#footnote-ref-527)
528. George, *London Life in the Eighteenth Century*, pp.116, 119; Seleski, ‘Identity, Immigration and the State’, pp. 11–27. [↑](#footnote-ref-528)
529. Green, *Pauper Capital,* pp. 16, xiv. [↑](#footnote-ref-529)
530. *OBP*, September 1788, trial of John Walham (t17880910-108). [↑](#footnote-ref-530)
531. *OBP*, April 1782, trial of Robert Jones (t17820410-57). [↑](#footnote-ref-531)
532. *OBP*, October 1784, trial of Thomas Archer (t17841020-23). [↑](#footnote-ref-532)
533. The Devon parish of Ugborough occasionally granted such certificates. DRO: Ugborough Settlement Certificate: 5721A/PO34 [↑](#footnote-ref-533)
534. Lees, *The Solidarities of Strangers.* p. 56. [↑](#footnote-ref-534)
535. *OBP*, October 1785, trial of Elizabeth Slack (t17851019-73). [↑](#footnote-ref-535)
536. This was common in rural Devon. See Lucy Huggins, ‘Social Discipline Theory and the English Old Poor Law: A Case Study of the Rural Mid-Devon Parish of Coldridge in the Eighteenth Century’, M.Res thesis (Plymouth University, 2014). [↑](#footnote-ref-536)
537. Snell, *Parish and Belonging,* pp. 85-86. [↑](#footnote-ref-537)
538. *OBP*, October 1786, trial of Hannah Hooper (t17861025-6). [↑](#footnote-ref-538)
539. *OBP*, February 1787, trial of Henry Conway (t17870221-43). [↑](#footnote-ref-539)
540. *OBP*, October 1758, trial of Mary Brown (t17581025-19). [↑](#footnote-ref-540)
541. LMA: St Michael Wood Street Vestry Minutes 22 April 1756 – 23 December 1800: P69/MIC7. [↑](#footnote-ref-541)
542. *OBP*, December 1778, trial of Samuel Bonner (t17781209-44). [↑](#footnote-ref-542)
543. *OBP*, February 1784, trial of Charles Manning (t17840225-26). [↑](#footnote-ref-543)
544. *OBP*, February 1768, trial of Sarah Coomes (t17680224-21), [↑](#footnote-ref-544)
545. *OBP*, October 1781, trial of Samuel Rowley (t17811017-47). [↑](#footnote-ref-545)
546. *OBP*, October 1798, trial of Richard Warner Wilson (t17981024-28). [↑](#footnote-ref-546)
547. *OBP*, October 1752, trial of Mary Johnson (t175211016-12). [↑](#footnote-ref-547)
548. *OBP*, December 1758, trial of Ann Torbuck (t17581206-22). [↑](#footnote-ref-548)
549. *OBP*, October 1784, trial of Thomas Archer (t17841020-23). [↑](#footnote-ref-549)
550. ‘I will pawn it and give you the money’ recorded in Grose, *A Classical Dictionary of the Vulgar Tongue*, p. 238. [↑](#footnote-ref-550)
551. Jütte, *Poverty and Deviance*, p. 132. [↑](#footnote-ref-551)
552. Slack, *Poverty and Policy*, p. 206. [↑](#footnote-ref-552)
553. Kenneth Hudson, *Pawnbroking: An Aspect of British Social History* (London: the Bodley Head, 1982), pp. 33-35. [↑](#footnote-ref-553)
554. Schwarz, *London in the age of Industrialisation*, p. 21. [↑](#footnote-ref-554)
555. Campbell, *The London Tradesman*, pp. 33-1. Hudson wrote that the sign of three golden, or blue balls, for pawnbrokers first appeared in the mid-eighteenth century. Hudson, *Pawnbroking*, p. 33. [↑](#footnote-ref-555)
556. Payne, ‘Children of the Poor in London’, p. 225. [↑](#footnote-ref-556)
557. Hudson, *Pawnbroking*, p. 13 [↑](#footnote-ref-557)
558. Jütte, *Poverty and Deviance*, p. 132; Alannah Tomkins, ‘Pawnbroking and the Survival Strategies of the Urban Poor in 1770s York’, in Tomkins and King (eds), *The Poor in England*, pp. 166-198. [↑](#footnote-ref-558)
559. Kenneth Hudson, *Pawnbroking*, p. 13 [↑](#footnote-ref-559)
560. Hudson, *Pawnbroking.* [↑](#footnote-ref-560)
561. Melanie Tebbutt, *Making Ends Meet: Pawnbroking and Working Class Credit* (Leicester: Leicester University Press, 1983). [↑](#footnote-ref-561)
562. Alannah Tomkins, ‘Pawnbroking and the Survival Strategies of the Urban Poor’, p. 212. [↑](#footnote-ref-562)
563. *Ibid.,* pp. 166-198. [↑](#footnote-ref-563)
564. Alexandra Shepard, ‘Minding their own business: Married Women and Credit in Early Eighteenth-Century London’, *Transactions of the Royal Historical Society,* 25 (2015), pp. 53-74. [↑](#footnote-ref-564)
565. *Ibid*. [↑](#footnote-ref-565)
566. Hudson, *Pawnbroking*, p. 9. [↑](#footnote-ref-566)
567. Anonymous, *A Plain Answer to a Late Pamphlet Intitled the Business of Pawnbroking Stated and Defended* (London: W. Bickerton, 1745), p. 4. Quoted in Alannah Tomkins, ‘Pawnbroking and the Survival Strategies of the Urban Poor’, pp. 167-8; Shepard, ‘Minding their own business’, pp. 53-74. [↑](#footnote-ref-567)
568. Henry Fielding, *Amelia* (London, 1751) and Henry Fielding, *An Enquiry into the Late Increase in Robbers* (London, 1751) quoted in Tomkins, ‘Pawnbroking and the Survival Strategies of the Urban Poor’, pp. 167-8. [↑](#footnote-ref-568)
569. *OBP*, October 1753, trial of Priscilla Davis (t17531024-46). [↑](#footnote-ref-569)
570. *OBP*, May 1757, trial of Elizabeth Jones (t17570526-26). [↑](#footnote-ref-570)
571. *OBP*,searched for all trial accounts between January 1750 and December 1799, [accessed 18th September 2015]. [↑](#footnote-ref-571)
572. A keyword search for ‘pawn’ resulted in 1,930 hits, ‘duplicate\*’ resulted in 837 trials, ‘pawnbroker’ resulted in 2,619 trials and ‘pledge\*’ resulted in 1,355 trials. As a selection of words were used, some of these utterances will be multiple events within the same trial proceedings. Also, some words used within this keyword search have other meanings and so each trial would need to be contextualised. *OBP*, searched for all transcriptions which contain instances of the words ‘pawn’, ‘duplicate\*’, ‘pawnbroker’ and ‘pledge\*’ between 1750 and 1799, [accessed 2nd April 2017]. [↑](#footnote-ref-572)
573. Shepard, ‘Minding their own business’, pp. 53-74. [↑](#footnote-ref-573)
574. *Ibid.* [↑](#footnote-ref-574)
575. *OBP*, November 1796, trial of Mary Murray (t17961130-40). [↑](#footnote-ref-575)
576. Slack, *Poverty and Policy*, p. 51. [↑](#footnote-ref-576)
577. *OBP*, January 1774, trial of James Barret (t17740112-1). [↑](#footnote-ref-577)
578. *OBP*, January 1768, trial of William Peterson (t17680114-9). [↑](#footnote-ref-578)
579. *OBP*, April 1786, trial of Peter Ogier (t17860426-15). [↑](#footnote-ref-579)
580. *OBP*, September 1768, trial of Mary Evans (t17680907-19). [↑](#footnote-ref-580)
581. *OBP*, May 1785, trial of William Tatum (t17850511-17). [↑](#footnote-ref-581)
582. John Beattie, ‘Garrow and the Detectives: Lawyers and Policemen at the Old Bailey in the Late Eighteenth Century’, *Crime, History and Societies*, 11.2 (2007), pp. 5-23. [↑](#footnote-ref-582)
583. *OBP*, April 1783, trial of Mary Smith (t17830430-18). [↑](#footnote-ref-583)
584. Tomkins, ‘Pawnbroking and the Survival Strategies of the Urban Poor’, p. 166. [↑](#footnote-ref-584)
585. Mary Barker-Read, ‘The Treatment of the Aged Poor in Five Selected West Kent Parishes from Settlement to Speenhamland (1662-1797), Ph.D. thesis (The Open University, 1988), p. 93. [↑](#footnote-ref-585)
586. *OBP*, October 1753, trial of Sarah Darby (t17531024-15). [↑](#footnote-ref-586)
587. Many other defendants hinted at where they lived or offered information about past residences (often seen in the accounts of witnesses who ‘once lodged’ with the defendant). Only those defendants who revealed where they lived at the time of their alleged crime were calculated for this analysis. Due to the fluid and changing nature of poverty, it was felt that past domestic arrangements might result in a false sample of defendants. [↑](#footnote-ref-587)
588. McEwan, ‘The Lodging Exchange’, p. 50. [↑](#footnote-ref-588)
589. *Ibid*. [↑](#footnote-ref-589)
590. John Styles, ‘Lodging at the Old Bailey: Lodgings and Their Furnishings in Eighteenth-Century London’, in John Styles and Amanda Vickery (eds), *Gender, Taste and Material Culture* (New Haven: Yale University Press, 2006), pp.61-80 [↑](#footnote-ref-590)
591. McEwan, ‘The Lodging Exchange’, pp. 50-1. [↑](#footnote-ref-591)
592. *OBP*, January 1769, trial of Charles Mackdaniel (t17690112-49). [↑](#footnote-ref-592)
593. 3 W. & M. c.9. [↑](#footnote-ref-593)
594. Styles, ‘Lodging at the Old Bailey’, pp. 61-80. [↑](#footnote-ref-594)
595. *Ibid.,* pp. 66-68 [↑](#footnote-ref-595)
596. MacKay, ‘Why they Stole’, p. 631. [↑](#footnote-ref-596)
597. Rule, ‘Social Crime’, pp. 135-53. [↑](#footnote-ref-597)
598. McEwan, ‘The Lodging Exchange’, p. 54. [↑](#footnote-ref-598)
599. *OBP*, searched for all transcriptions which contain instances of the words ‘let by contract’, ‘lett by contract’ and ‘ready furnished lodging’, between 1750 and 1799, [accessed 2nd July 2017]. Unfortunately, because not all of this cohort has the preamble within their trials, it is impossible to work out which percentage of those Old Bailey trials were committed by people who articulated that they were poor, or who were likely to be poor through sickness, underemployment, or underemployment. [↑](#footnote-ref-599)
600. *OBP*, June 1756, trial of Henry Crabtree (t17560603-11). [↑](#footnote-ref-600)
601. *OBP*, May 1770, trial of John Knight (t17700530-21). [↑](#footnote-ref-601)
602. *OBP*, December 1759, trial of John Hudson and Jane Hudson (t17591205-7). [↑](#footnote-ref-602)
603. *OBP*, January 1753, Elizabeth Jones (t17530111-23). [↑](#footnote-ref-603)
604. *OBP*, April 1780, trial of Mary Holt (t17800405-33). [↑](#footnote-ref-604)
605. *OBP*, June 1785, trial of Jane Curfey (t17850629-35). [↑](#footnote-ref-605)
606. Ben-Amos, ‘Gifts and Favours’, pp. 295-338. [↑](#footnote-ref-606)
607. *OBP*, September 1784, trial of Elizabeth May (t17840915-57). [↑](#footnote-ref-607)
608. *OBP*, February 1797, trial of Joanna Webb (t17970215-20). [↑](#footnote-ref-608)
609. *OBP*, February 1789, trial of Elizabeth Walker (t17890225-62). [↑](#footnote-ref-609)
610. *OBP*, December 1786, trial of Margaret Parke (t17861213-120). [↑](#footnote-ref-610)
611. *OBP*, January 1793, trial of Mary Chitty (t17930109-47). [↑](#footnote-ref-611)
612. Beattie, *Crime and the Courts*, pp. 41-48. [↑](#footnote-ref-612)
613. Shepard, ‘Minding their own business’, pp. 53-74. [↑](#footnote-ref-613)
614. *OBP*, September 1790, trial of Bridget Cassidy (t17900915-38). [↑](#footnote-ref-614)
615. Peter Alley was an Irish Lawyer with a reputation similar to that of William Garrow. See Allyson N. May, ‘*The Bar and the Old Bailey, 1750-1850’* (North Carolina: The University of North Carolina Press, 2003), pp. 46-49. [↑](#footnote-ref-615)
616. *OBP*, December 1798, trial of William Jones and Martha Jones (t17981205-26). [↑](#footnote-ref-616)
617. *OBP*, July 1765, trial of William Newbury and Elizabeth Newbury (t17650710-53). [↑](#footnote-ref-617)
618. King, *Crime, Justice and Discretion*. [↑](#footnote-ref-618)
619. *OBP*, December 1757, trial of John Page and Sarah Page (t17571207-7). [↑](#footnote-ref-619)
620. *OBP*, January 1754, trial of Sarah Griffice (t17540116-13). [↑](#footnote-ref-620)
621. *OBP*, December 1753, trial of Walter Bedford (t17531205-14). [↑](#footnote-ref-621)
622. Boulton, ‘”Turned into the Street with my Children Destitute of Every Thing”’*,* pp. 26-28. [↑](#footnote-ref-622)
623. *OBP*, September 1795, trial of Bridget Greville (t17950916-68). [↑](#footnote-ref-623)
624. *OBP*, January 1786, trial of John Hogan (t17860111-1). [↑](#footnote-ref-624)
625. *OBP*, October 1789, trial of John More and Elizabeth Rymes (t17891028-23). [↑](#footnote-ref-625)
626. *OBP*, October 1789, trial of William Shaw (t17891028-63). [↑](#footnote-ref-626)
627. *OBP*, May 1798, trial of Edward Wright (t17980523-9). [↑](#footnote-ref-627)
628. *OBP*, February 1794, trial of Stephen Collett (t17940219-41). [↑](#footnote-ref-628)
629. Ben-Amos, ‘Gifts and Favours’, pp. 295-338. [↑](#footnote-ref-629)
630. Earle, *A City Full of People*, p. 82. [↑](#footnote-ref-630)
631. Tim Meldrum, ‘London Domestic Servants from Depositional Evidence, 1660-1750: Servant-Employer Sexuality in the Patriarchal Household’, in Hitchcock, King and Sharpe (eds.), *Chronicling Poverty*, p. 49. [↑](#footnote-ref-631)
632. *OBP*, May 1799, trial of Aaron Barnet and Asher Barnet (t17990508-4). [↑](#footnote-ref-632)
633. *OBP*, October 1779, trial of Peter Dubois (t17791020-11). [↑](#footnote-ref-633)
634. *OBP*, July 1773, trial of Mary Hall (t17730707-44). [↑](#footnote-ref-634)
635. *OBP*, June 1756, trial of Ann Burger (t17560603-5). [↑](#footnote-ref-635)
636. *OBP,* October 1786, trial of Sophia Jones (t17861025-69). [↑](#footnote-ref-636)
637. *OBP*, December 1756, trial of Jane Philips (t17561208-15). [↑](#footnote-ref-637)
638. *OBP*, July 1757, trial of Sarah Brett (t17570713-44). [↑](#footnote-ref-638)
639. *OBP*, December 1762, trial of Elizabeth Bradford (t17621208-2). [↑](#footnote-ref-639)
640. Hitchcock, *Down and Out*, p. 32. [↑](#footnote-ref-640)
641. *OBP*, February 1757, trial of Elizabeth Jones (t17570526-26). [↑](#footnote-ref-641)
642. *OBP*, January 1757, trial of Elizabeth Knotmill (t17570114-17). [↑](#footnote-ref-642)
643. *OBP*, April 1777, trial of Mary Draper (t17770409-5). [↑](#footnote-ref-643)
644. Tony Henderson, *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis, 1730-1830* (Charlottesville: University of Virginia, 2008), p. 29. [↑](#footnote-ref-644)
645. *OBP*, February 1791, trial of Charles Tucker (t17910216-43). [↑](#footnote-ref-645)
646. For an account of historiographical debates around family units see: Naomi Tadmor, *Family and Friends in Eighteenth-Century England: Household, Kinship, and Patronage* (Cambridge: Cambridge University Press, 2004), pp. 1-17. [↑](#footnote-ref-646)
647. Jütte, *Poverty and Deviance*, p. 86. [↑](#footnote-ref-647)
648. 43. El. c.2. [↑](#footnote-ref-648)
649. Locke, 'An Essay on the Poor Law'*;* T.R. Malthus, ‘An Essay on the Principle of Population’ [1798], in Donald Winch (ed.), *T.R Malthus: An Essay on the Principle of Population* (Cambridge: Cambridge University Press, 1992). [↑](#footnote-ref-649)
650. Locke, 'An Essay on the Poor Law', pp. 182-199. [↑](#footnote-ref-650)
651. *OBP*, May 1798, trial of James Padbury (t17980523-52). [↑](#footnote-ref-651)
652. *OBP*, October 1782, trial of John Askew (t17821016-47). [↑](#footnote-ref-652)
653. Hitchcock and Shoemaker, *London Lives: Poverty, Crime and the Making of a Modern City*, p. 7. [↑](#footnote-ref-653)
654. *OBP*, April 1786, trial of Thomas Trout (t17860426-43). [↑](#footnote-ref-654)
655. *OBP*, October 1793, trial of Catherine Hickey (t17931030-86). Catherine’s employer claimed that, regarding Catherine’s children, ‘assisted in putting to the parish, and they are better away from her than with her; since I lost the spoon I find she has the basest of characters.’ Incidentally, Catherine was accused of pawning the spoon. The court admonished the pawnbroker saying that ‘it was very bad behaviour to take such things of a charewoman’. [↑](#footnote-ref-655)
656. *OBP*, September 1799, trial of Walter Dixon, (t17990911-62). [↑](#footnote-ref-656)
657. *OBP*, February 1791, trial of James Whitechurch (t17910216-27). [↑](#footnote-ref-657)
658. *OBP*, May 1798, trial of Mary Chattle (t17980523-52). [↑](#footnote-ref-658)
659. LMA: St Michael Wood Street Vestry Minutes 22 April 1756-23 December 1800: P69/MIC7. [↑](#footnote-ref-659)
660. *OBP*, June 1767, trial of Elizabeth Banning (t17670603-45). [↑](#footnote-ref-660)
661. *OBP*, September 1768, trial of Margaret Martin (t17680907-35). [↑](#footnote-ref-661)
662. *OBP*, February 1786, trial of Robert Newman (t17860222-15). [↑](#footnote-ref-662)
663. *OBP*, February 1799, trial of Edward Edwards (t17990220-21). [↑](#footnote-ref-663)
664. *OBP*, April 1759, trial of Elizabeth Ricketts (t17590425-15). [↑](#footnote-ref-664)
665. *OBP*, Tabulating trials, between January 1750 and December 1799. Counting by defendant, [accessed 15th November 2016]. [↑](#footnote-ref-665)
666. Drew D. Gray, *Crime,* *Prosecution and Social Relations,* p. 3. [↑](#footnote-ref-666)
667. Innes and Styles, ‘The Crime Wave’, pp. 380-435; Gatrell, ‘Crime, Authority and the Policeman State’, pp. 243, 245. [↑](#footnote-ref-667)
668. Tomkins and King, ‘Introduction’, in King and Tomkins (eds), *The Poor in England*, pp. 1-38. [↑](#footnote-ref-668)
669. Hay, Linebaugh, Rule, Thompson and Winslow, *Albion’s Fatal Tree.* [↑](#footnote-ref-669)
670. Beverly Lemire, ‘The Theft of Clothes and Popular Consumerism in Early Modern England’, *Journal of Social History*, 24.2 (1990), pp. 255-276; Breen, ‘The Meaning of Things’, p. 253. [↑](#footnote-ref-670)
671. Peter D’Sena, ‘Perquisites and Casual Labour on the London Wharf side’, pp. 130-147; Linebaugh, *The London Hanged*. [↑](#footnote-ref-671)
672. Emsley, *Crime in England*, p. 298. [↑](#footnote-ref-672)
673. Shesgreen, *Images of the Outcast*; Tim Hitchcock, *Down and Out*. [↑](#footnote-ref-673)
674. *OBC*, ([www.uni-giessen.de/oldbaileycorpus](http://www.uni-giessen.de/oldbaileycorpus)) [accessed 10th April 2016]. [↑](#footnote-ref-674)