CRIME, COMMUNITIES AND AUTHORITY
IN EARLY MODERN WALES:
DENBIGHSHIRE, 1660-1730

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THESIS SUBMITTED IN FULFILMENT OF THE REQUIREMENTS FOR THE
DEGREE OF PhD

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2003
DECLARATIONS

This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.

Signed .......... (S. Howard) ...................................... (candidate)
Date ............. 21 May 2003 .................................

STATEMENT 1

This thesis is the result of my own investigations, except where otherwise stated.

Other sources are acknowledged by footnotes giving explicit references. A bibliography is appended.

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Summary

The social history of crime and the use of legal records to study history ‘from below’ has since the early 1970s become well established in English early modern historiography, but has been a more recent development in Welsh history; this is the first full-length study for the early modern period. The thesis is a detailed study of the records of the courts of Great Sessions and Quarter Sessions in the county of Denbighshire in north-east Wales between 1660 and 1730. The county was chosen for its rich surviving source materials from both courts and from other archives, and for its geographical and social diversity. The thesis draws primarily on the recent growth of ‘qualitative’ approaches to the study of early modern crime, which is combined with comparative quantitative analysis, in order to set the varied experiences of the county in wider contexts. The structure of the thesis is intended to highlight ways in which the diversity and rich qualitative materials of early modern Welsh court records (among others) may be fruitfully explored; it includes but also goes beyond the topics of theft and homicide upon which many English studies have focused, with thematic studies of aspects of ‘authority’ and ‘community’ relations. It is argued that Denbighshire’s prosecution patterns show similarities to heavily-studied southern English counties and distinctive characteristics that nonetheless have resonances beyond the Welsh border, especially in northern regions of England that have only recently begun to attract intensive attention from early modern historians of crime and the law. Thus, the thesis aims to contribute both to the historiography of early modern Wales, especially addressing questions of ‘conflict’ and ‘consensus’ in local communities and between different social groups, and to that of early modern crime, the courts and experiences of authority, in a larger ‘British’ regional framework.
Acknowledgements

The debt I owe to my supervisor, Dr Michael Roberts, goes far beyond his unstinting advice, support and willingness to share his knowledge in the course of the making of this thesis. As an undergraduate he introduced me to the mysteries and pleasures of early modern history, and opened up new horizons and challenges, ways of thinking about and doing history. Garthine Walker and Richard Ireland both read draft chapters of the thesis and were sources of much advice and encouragement. But my oldest debts are owed to the staff at Coleg Harlech, and especially to Neil Evans, who set me on my academic path, introduced me to Welsh history (among other subjects), was always the most generous and encouraging of teachers, and has ever since been a friend and guide.

A thesis such as this would be impossible without institutional supports and the labours of many archivists. The Arts and Humanities Research Board provided a three-year-studentship that enabled me to undertake the research. The Department of History and Welsh History at Aberystwyth has always been a nurturing and supportive environment, and all the staff (from various departments) involved in the memorable Writing Workshop provided by the University at Gregynog in 2002 deserve special thanks. The staff in the Manuscripts Department at the National Library of Wales have been endlessly helpful and professional, and always friendly, making a national institution at the same time a welcoming and comfortable environment in which to spend so many hours of one’s life. The team at the Denbighshire Record Office soldiered on magnificently despite building work and the banishment of the archival records to temporary storage miles from Ruthin. The team at the Flintshire Record Office, too, were very helpful; I am grateful for their permission to use their map of north-east Wales parishes in the thesis.

My family remain largely bemused at my late-developing obsession with history and dusty manuscripts, but have always been supportive. Among friends, special thanks are owed to Melanie and to Conor, who ensured that my more hermit-like tendencies were kept in check, and who have always been, both individually and together, an inexhaustible fund of good food and drink, entertainment and great company.
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<td>THSC</td>
<td><em>Transactions of the Honourable Society of Cymmrodorion</em></td>
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Conventions and note on Welsh names

In quoting from court records and other manuscripts, capitalisation is modernised and conventional contractions or abbreviations are silently expanded, but spelling remains as in the originals.

Except within quotations, the spelling of Welsh place names follows M. Richards, *Welsh administrative and territorial units: medieval and modern* (Cardiff, 1969), and this book was also used as the main source to locate townships within parishes and parishes within hundreds. Maps 3 and 4 are provided for guidance on the locations and boundaries of the parishes and hundreds.

Personal names follow the normally anglicised forms used in documents. Patronymics were still common during the period being studied and are used wherever originally recorded by scribes: ‘ap’ = ‘son of’; ‘ferch’ (usually ‘verch’ in originals) = ‘daughter of’.
This thesis is based on detailed study of the court records of the county of Denbighshire in north-east Wales from 1660 to 1730. The sheer scale of surviving early modern court archives attests to the importance of the institutions that produced them, and they have since the 1970s become major sources for a wide range of early modernists – not simply specialists in ‘the history of crime’. The functioning of much government and administration depended heavily on legal institutions and their officers; the criminal justice system, in turn, depended heavily on ‘popular’ participation. It is then a fundamental, fascinating paradox of the records of crime and the courts that they can illuminate both order and disorder, law-keepers and law-breakers, the ‘respectable’ and the ‘unruly’. They can show authority as both powerful and precarious; they reveal the divisions and inequalities as well as the shared experiences and attitudes within local communities.

There has in recent years been a shift in research using court archives away from heavily statistical methods and towards more sophisticated use of qualitative materials, to which the Denbighshire records are particularly well-suited. With these tools, historians have explored a range of topics illuminated by court records: the ‘experience of authority’, ‘popular cultures’ and mentalities, gender and the experiences of women, community relationships. Yet most research on early modern crime in the British islands has focused on England.1 Welsh historians have only recently turned to the subject and there are no detailed monograph-length studies of the subject (in contrast to research on the nineteenth and twentieth centuries).2 My aims in this thesis

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are two-fold: to expand our understanding of crime in Britain, and to further our understanding of Wales in this period.

The thesis is divided into three sections. The first two chapters are intended to set the scene for what follows. In chapter 1, I follow three strands that encompass the concerns of the thesis as a whole: the early modern (English) criminal justice system and its capacity to illuminate our understandings of ‘popular’ values and decision-making and of the rise of the early modern state; the study of ‘community’ and communities as both ‘symbolic’ and social relations; and achievements and problems in the historiography of early modern Wales. Chapter 2 firstly outlines social, economic and demographic developments in early modern Denbighshire, both setting it within the broader regional context of north Wales and pointing to its internal variety. I then discuss the legal and administrative background, the work of the two courts that are the focus of study, the Court of Great Sessions (equivalent to English Assizes) and Quarter Sessions, including the issue of language use and how far prosecution patterns in the two courts resemble or differ from those found in English courts.

Chapters 3 and 4 focus on the two main types of felony prosecuted in Denbighshire: homicide (also touching on non-lethal interpersonal violence) and theft. Homicide generated the most detailed and extensive records of any single offence, indicating its seriousness and cultural significance, and facilitating intensive qualitative analysis of attitudes towards violence and the contexts within which it occurred. Chapter 4 traces theft cases from their beginnings, the generation of suspicion and investigation, to their conclusions in court, via discussion of the exchange and circulation of stolen animals and goods within the regional economy and local communities.

The next three chapters, however, approach ‘crime’, the courts and the inhabitants of the county in a rather different way. Rather than focusing on a specific category of offence, I use the court records to throw light on the inter-related topics of ‘authority’ and community relations from three angles. Chapter 5 focuses on views of ‘the centre’ – that is, state authority, including its local representatives and impacts – from the perspectives of both the ‘county community’ of the gentry and local communities. I analyse relations and tensions between local officials and communities; and trace relations between the state and the county and its people over the course.

of the seventy years following the Restoration, and internal political and religious tensions related to that larger political picture. Chapter 6 is concerned with somewhat different forms of politics, rooted in local social-economic relations and conflicts. I discuss ideals and disruptions of ‘neighbourliness’, interpersonal disputes that often focused directly on the concerns of farming communities. This moves on to a study of disputes over land, ownership and customary rights, conflicts between landlords and tenants, with particular attention to resistance to enclosures. Finally, chapter 7 discusses ‘marginal’ elements in local communities, the varying experiences and status of the settled poor, of poor ‘strangers’ and of servants. It examines processes of ‘inclusion’ and ‘exclusion’ and their consequences, and the roles played by courts and officials in providing aid or discipline or mediating between ‘marginals’ and the more powerful.

Throughout the thesis, certain themes recur: issues of ‘regionality’ and ‘locality’, the relationship and differences between England and this area of Wales; the dynamics and negotiations of social relations, whether ‘horizontal’ or ‘vertical’, including gender relations; the complexity of attitudes towards the varied activities that we rather crudely call ‘crime’ and the diversity of participation in, manipulation of or resistance to the criminal justice system and ‘the law’. A final concluding chapter will attempt to draw some of these themes together, expand on others, and to suggest directions for research that could contribute to a future historiography of crime and society in early modern Britain.
Early modern criminal justice, participation and power

Enthusiasm for a new ‘scientific’ social history fuelled pioneering archival research on early modern English crime during the 1970s: the ‘demand for more precision’ was to be met by detailed case-studies based on the statistical analysis of indicted offences. In England between the sixteenth and eighteenth centuries, broad patterns for both property crimes and lethal violence have been outlined: a rise in the late sixteenth century, peaking in the early decades of the seventeenth century and declining from the Restoration into the eighteenth century. In terms of punishment, execution rates declined with – but even more sharply than – falling indictment rates from the 1660s. Innovative penal alternatives to execution were adopted well before the reform movement of the late eighteenth century; and it seems that lessening pressure on the criminal justice system led to greater lenience.

However, there have been a number of criticisms of the quantitative method. Attempts to relate patterns in prosecution levels to wider socio-economic phenomena have been controversial. Without professional police and with a wide range of alternatives, in the early modern period formal prosecution was a relatively rare outcome; the ‘dark figure’ of unrecorded

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crime may be an even larger problem than in the modern period. Thus, the decisions made by victims had a profound influence on patterns of prosecuted crime: ‘even small changes in the behaviour of prosecutors would have had far greater effects on fluctuations in the movement of indictments than quite large changes in the behaviour of offenders’. Quantitative methods raise another set of difficulties, of particular significance for this study. Aggregation, as has been pointed out, has tended to mean that minority players such as women ‘get lost in the broad overview’. In Denbighshire, a small county with relatively short gaol calendars, the aggregates of prosecutions are not large to begin with, making attempts to break them down and uncover ‘trends’ problematic. Nevertheless, ‘quantification can provide a framework for future research, and a starting-point for future debate’, and it will be used in this thesis in that spirit. Moreover, given the paucity of any criminal statistics for early modern Wales, where quantification is employed the approach will frequently be explicitly comparative.

From the 1980s, research with varying degrees of emphasis on quantitative analysis shifted focus from ‘crime’ to ‘criminal justice’, from those who broke the law to those who used and enforced it. For early seventeenth-century Sussex, Cynthia Herrup traced the complex chain of events from offending and accusations through to conviction and sentencing, revealing the numbers and social breadth of people involved, and the values that underpinned those decisions. John Beattie’s influential monograph on eighteenth-century Surrey and Sussex treats indictments ‘as the outcome of a process in which some acts were translated into the categories of offenses provided by the criminal law and some were not.’ Robert Shoemaker focused on the prosecution of misdemeanours, showing that formal prosecution by indictment was only one of a wide range of responses, including arbitration, summary jurisdiction, binding over and use of houses of correction. Most recently, Peter King has shown the extent and importance of discretionary justice in the treatment of property felonies between 1740 and 1820.

These studies have overturned crude images of the ‘Bloody Code’, to reveal a highly

8 Innes and Styles, ‘Crime wave’, 213.
10 Sharpe, Crime in early modern England, 43.
12 Beattie, Crime and the courts, 10.
complex, sophisticated and flexible criminal justice system, adapted to its (changing) social context. They also contributed to significant shifts in research: not only towards more in-depth qualitative analyses, but also wider-ranging uses of court records beyond the specialist category ‘social history of crime’. There are risks, however, in approaches that emphasise the uses made of the legal system by the ‘law-abiding’ and respectable. It has been warned that ‘[t]he acceptance of the legal record as a basis for defining crime reproduces past conceptions of social reality and falls into the trap of seeing crime through the eyes, attitudes and motivations of the law and its administrators.’ The distinction between legal and illegal appropriation, for example, was not always a straightforward one and could, indeed, be strongly disputed, something that has been highlighted by a number of (mainly Marxist) historians of eighteenth-century England studying ‘social crime’. This, it was suggested, might be distinguished by one or more of three features: a ‘conflict of laws’ (for example, between official and unofficial codes); a ‘distinct element of social protest’; and close links with social or political unrest.

Provocative and stimulating, research on ‘social crime’ was marked by a methodological emphasis on richly detailed qualitative analysis. However, Marxist eighteenth-century historians concerned with social crime and related issues have tended to oppose a rather homogeneous ‘popular’ social entity, the ‘plebs’, to the ruling élites and to focus on ‘class’ to the exclusion of other hierarchies and conflicts. This also applied to Douglas Hay’s powerful essay on the legitimisation of the criminal law in eighteenth-century England, in which he argued that the ‘ruling class’ was using the law to protect its property from the poor – ‘the division of property by terror’; but terror alone was not enough. To sustain the authority of the law, belief in ‘equality before the law’ had to be maintained: a small (but symbolically vital) number of ‘respectable’ criminals went to the gallows, while mercy, through the use of pardons, was shown to many poor ones. But ‘the claims of class saved far more men who had been left to hang by the assize judge than did the claims of humanity’. Further research argues convincingly that the pardons process was in practice rather more complex than this; several ‘favourable’ factors including previous good character and conduct, youth, distress and poverty ranked more prominently than ‘respectability’ and wealth. Indeed, the better-off might be treated more

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severely since they could not plead necessity.20

A bipolar ‘patricians-plebs’ model precludes serious analysis of the ‘middling sorts’, which is particularly problematic when writing on ‘crime’, given their prominence in the courts as decision-makers: minor officers, prosecutors, witnesses and jurors. Including them, it should be pointed out, certainly does not rule out consideration of ‘class’ conflict, although it does shift its focus. Wrightson and Levine’s study of the Essex village of Terling during the sixteenth and seventeenth centuries proposes a process of social differentiation primarily within the ranks of the lower to middling orders. The expansion of state government offered new opportunities for local office-holding and influence for men from the ranks of yeoman and husbandman, the wealthier tradesmen and skilled craftsmen, from which the lower ranks of the poor were excluded. And, it is argued, the more substantial villagers were increasingly willing to use the courts to regulate and control the behaviour of the lower ranks.21 The eighteenth-century criminal law was ‘more extensive in its influence and more important to a wide variety of social groups’ than Hay’s argument would allow.22 But it has to be emphasised that opportunities to use and to influence the legal process and the authority it represented varied considerably between different social groups, perhaps increasingly so as local communities became more ‘oligarchic’.23

Research on one subordinate group excluded from formal decision-making – women – highlights the complexities of participation in the criminal justice system. It is well known that men are more likely to commit crimes of most types than are women, yet until the advent of feminist criminology this striking imbalance was little investigated; there were few attempts to explain it other than in terms of largely untested stereotypes relying on female ‘passivity’.24 Historians tended to stress how female criminality (and their behaviour more generally) was characterised by dependence on men, something that has been challenged by much recent research.25 Moreover, quantitative criminal history, as has been pointed out, tended to result in

22 P. King, ‘Decision-makers and decision-making’, 51.
24 F. Heidensohn, Women and crime (Basingstoke, 1996), ch. 6-8.
‘women being duly counted and then discounted’. Women were most likely to be studied through the lens of ‘female’ crimes (witchcraft, infanticide, prostitution), neglecting their roles in other less explicitly gendered areas.

Nevertheless, careful study of ‘women’s crimes’ has frequently been rewarding. For example, the crime of ‘infanticide’ was strongly gendered. It is not simply that men were rarely accused of it: harsh legislation relating to the offence was often directed specifically at women, and most of all young, single women. Illicit sex and its concealment, as much as the killing of new-born infants, was the target of such policies. But the study of infanticide is also revealing at the ‘community’ level, not least in showing women as accusers and witnesses, active participation founded on their specific skills and knowledge of the female body. Women were also evident in the investigation and prosecution of the theft of domestic goods, clothing, food (by both women and men). But this was largely informal influence, and its limitations have to be recognised: women’s authority was in the main confined to situations that required ‘women’s knowledge’. And the limits of female authority in the legal system were perhaps exposed most clearly (and sometimes brutally), both in theory and in practice, by attitudes and responses towards women who accused men of sexual abuse.


26 Kermode and Walker (eds), Women, crime and the courts, ‘Introduction’, 4. Yet quantitative research can be illuminating; recent work has indicated that, even though women were in a minority, the ratios were by no means constant across time and space: M. Feeley and D. Little, ‘The vanishing female: the decline of women in the criminal process, 1687-1912’, Law and Society Review, 25 (1991), 719-57; M. Feeley, ‘The decline of women in the criminal process: a comparative history’, Criminal Justice History, 15 (1994), 235-74.

27 A notable exception is discussed by D. Turner, ‘“Nothing is so secret but shall be revealed”: the scandalous life of Robert Foulkes’ in T. Hitchcock and M. Cohen (eds), English masculinities, 1660-1800 (London, 1999), 169-92.


John Brewer and John Styles emphasised the multi-faceted, even ‘paradoxical’ nature of English law in the seventeenth and eighteenth centuries, as the chief means of exercising authority, the main vehicle of state power, an important way of resolving disputes and, because of the extraordinarily widespread acceptance of the notion of the rule of law, a vital means of legitimizing private initiatives.\footnote{Brewer and Styles (eds), \textit{An ungovernable people}, 20.}

Arguments that view ‘the law’ in the early modern period in terms of a single, primary function, whether as a tool of ‘class discipline’ or (in an aggressively anti-Marxist formulation) ‘to serve and protect the interests of the people’ obscure these complexities.\footnote{J. H. Langbein, ‘Albion’s fatal flaws’, \textit{P & P}, 98 (1983), 96-120, at 97.} The massive expansion of civil litigation as well as the increasing use of centrally-directed courts to regulate behaviour and to prosecute offenders, in many parts of Europe, indicates a range of ways in which early modern people were increasingly coming to accept and use ‘the rule of (state) law’. As many historians have argued, substantially developing the debates opened during the 1970s, this was not a one-way process.\footnote{See, in particular, P. Griffiths, A. Fox and S. Hindle (eds), \textit{The experience of authority in early modern England} (Basingstoke, 1996); S. Hindle, \textit{The state and social change, c.1550-1640} (Basingstoke, 2000); T. Harris (ed), \textit{The politics of the excluded, c.1500-1850} (Basingstoke, 2001).} The law did not benefit only an élite ruling class, even if they were best placed to create and manipulate the ideology of the law: indeed, they frequently found themselves constrained by it. Increasingly, historical research into crime and the records of the early modern courts, has stressed the complexities that they reveal, the interacting, fluid politics of such factors as socio-economic status, gender, age, the varying dimensions of ‘authority’ and ‘locality’.

\textbf{Communities, courts and the state}

‘Community’ is a dangerous concept, susceptible to romantic idealism, and yet seemingly an indispensable one for social scientists and historians alike. We now have increasingly sophisticated analyses of the concept, emphasising the variability of community relations, the ways in which membership (and exclusion) is constructed and used – and the costs and restraints that ‘belonging’ imposes.\footnote{C. J. Calhoun, ‘Community: toward a variable conceptualization for comparative research’, \textit{Social History}, 5 (1980), 105-29; see also G. Crow and G. Allan, \textit{Community life: an introduction to local social relations} (Hemel Hempstead, 1994); A. Macfarlane, S. Harrison and C. Jardine, \textit{Reconstructing historical...}} ‘Community’ can cover many forms of social relations, not just the
small, geographically-bounded ‘traditional community’, and can connote feelings of belonging as much as patterns of social interaction. Some social theorists have, indeed, focused on the ‘symbolic’ construction of community, emphasising the creation of community identity, what is included and what is excluded, by means of symbol, ritual, custom, the drawing of invisible boundaries. Such emphasis on subjective attitudes, on the ‘sense of belonging’, has received some criticism as insufficient; what matters ‘is not someone’s identification of membership in a bounded collectivity, but his modification of his consideration of alternative courses of action on the basis of the communal relations to which he belongs’. Nevertheless, the study of ‘community’ requires both attention to both the ‘subjective’ and the ‘social’. A sense of belonging (whether to kin, ‘class’, ‘community’ or any other grouping) is needed for shared action, for modifications of individual behaviour to sustain group interests; conversely, ‘shared identities are unlikely to be sustained where professed loyalties fail to materialise in practical action’.

In studying crime, both aspects come into play. Historians have, for example, pointed to differing responses to criminal behaviour according to whether those accused were ‘locals’ (and if so, their status within the local hierarchies) or ‘strangers’. Meanwhile, in the sociology of deviance, crime plays an important role in the maintenance of symbolic ‘boundaries’. According to Kai Erikson: ‘Deviance is not a property inherent in any particular kind of behaviour; it is a property conferred upon that behaviour by the people who come into direct or indirect contact with it’. The types of behaviour a particular society defines as deviant reveal much about its values and norms. Further, the process of labelling a ‘deviant’ – through the rituals of prosecution or other sanctions and punishment – acts to demonstrate, reaffirm (and sometimes shift) those limits for the members of the community. Indeed, ‘boundaries remain a meaningful point of reference only so long as they are repeatedly tested by persons on the fringes of the group and repeatedly defended by persons chosen to represent the group’s inner morality’.

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36 On the vast array of sociological definitions, see C. Bell and H. Newby, Community Studies: an introduction to the sociology of the local community (London, 1971), 27-32; Crow and Allan, Community life, 3-7.

37 See A. P. Cohen, The symbolic construction of community (Chichester, 1985); idem (ed), Belonging: identity and social organisation in British rural cultures (Manchester, 1982).

38 Calhoun, ‘Community’, 110.

39 Crow and Allan, Community life, xvii.


Throughout the early modern period, without doubt, activities were redefined as ‘boundaries’ moved; the processes of definition and redefinition have proved fertile ground for historical research. Witchcraft and religious nonconformity were just two disparate examples of such processes. They are also cases, however, where the removal of the label of ‘deviance’ by governors was not necessarily granted general support. Witchcraft was still feared and on occasion suspected witches were attacked; religious tolerance after 1688 was not welcomed by all, and attacks on nonconformist chapels and ‘papists’ alike were a frequent occurrence throughout the eighteenth century. These examples, like that of ‘social crime’, warn against over-simplifying the contours of ‘norm’ and ‘deviance’: for the question must be, whose norm, whose deviance? ‘The community’ of Massachusetts as described by Erikson is too unitary; as Timothy Curtis argued at an early stage in the development of the ‘new’ social history of crime, we need to consider the varying ‘sectional interests’, from village to state, that influence the workings of the criminal justice system: the varied and interacting factors that could turn an ‘unlawful act’ into a prosecuted crime.

Since Curtis’ tentative explorations of this idea, it has become a central theme in much research. The local background to prosecutions (or pressures not to prosecute) – community tensions and alliances, personal histories, the significance of local standing and reputation, etc – has been extensively studied, as have the pressures from above and below that faced local representatives of the law, constables and the more elevated magistrates alike, strongly influencing the degree of enthusiasm with which they approached different duties and problems of law enforcement. The law courts – criminal and civil, secular and ecclesiastical – directly connected localities and central government, and their role in the development of the early modern ‘English’ state, the ‘increase of governance’ has recently been emphasised. While this was not altogether unprecedented – medieval England was already a heavily-governed place – the early modern period is nonetheless marked by ‘intensifying dialogue between centre and

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localities’. And it was a process that fundamentally depended on delegation (and therefore transfer) of authority to individuals within their communities, in what has strikingly been termed an ‘unacknowledged republic’.  

**Historiographies of early modern Wales**

The historiography of early modern Wales has expanded since the middle of the twentieth century to produce an impressive body of work in political, social, cultural and economic histories. Welsh historians have, for example, explored the complex meanings and consequences of the sixteenth-century ‘Acts of Union’ for Welsh society and the Welsh language, overturning both the ‘unqualified praise’ of writers from the late sixteenth to the early twentieth centuries (who saw union as bringing civilisation to a society racked by violence and lawlessness) and subsequent nationalists’ conspiracy theories. The painstaking research of historians concerned with large-scale demographic and economic trends has also brought into focus the socio-economic context of this political transformation (making it both possible and successful) and of subsequent centuries: population trends, changes in land use and settlement, urban growth.

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Perhaps this was experienced rather differently in the medieval Welsh marcher regions (part of which became Denbighshire, although those lordships were under crown control). Medieval Wales was ‘a land of fragmented authority and multiple jurisdictions’ (Ll. B. Smith, ‘Disputes and settlements in medieval Wales: the role of arbitration’, *English Historical Review*, 421 (1991), 835-60, at 840) and with the Acts of Union, legal and governmental institutions that had evolved gradually in England were established within the space of a few years.


47 Humphreys, *Crisis of community*, 1-2. One of the early pioneers, G. N. Evans, *Social life in mid-eighteenth century Anglesey* (Cardiff, 1936), suggests that, concentrating on the Methodist revival, Welsh historians saw the earlier period as ‘the period of darkness that preceded the light, and darkness has no history’, 12.


49 A good deal of this research is contained in unpublished theses; but see the excellent synthesis by M. Griffiths, ‘The emergence of the modern settlement pattern, 1450-1700’ in D. H. Owen (ed), *Settlement and society in Wales* (Cardiff, 1989), 225-48. E.g. (published and unpublished), B. M. Evans, ‘Settlement and agriculture in north Wales, 1536-1670’ (PhD thesis, University of Cambridge, 1966); D. Sylvester, *The rural landscape of the Welsh borderland: a study in historical geography* (London, 1969); A. Teale,
Another major theme in the historiography is that of religious developments, from the policies first initiated under Elizabeth I of accommodating the Welsh language in churches, which successfully established the Anglican church in Wales, through the early growth of Welsh Puritanism and Quakerism in the seventeenth century, to the ‘Great Awakening’ of the 1730s. Historians of seventeenth-century dissent, in particular, have shown that previous images of a country in spiritual darkness before the coming of heroic Methodist pioneers were ill-founded; eighteenth-century revivals built on some well-established foundations.\(^{50}\) Meanwhile, detailed local studies of dissenting communities have enriched our understandings of their social backgrounds, activities and, most recently, gender relations.\(^{51}\)

Some of the most impressive achievements have been made using the massive archives of Wales’ gentry families, some of which cover several centuries, enabling historians to follow (among other things) the fortunes of the Welsh gentry, that pre-eminent group in the social hierarchy. Their diversity, successes and difficulties have been illuminated through county or regional studies, studies of particular families and thematic studies of their activities in politics and local government and ideas about gentility.\(^{52}\) Yet their historians have often seemed


ambivalent about them, emphasising their power and contribution to economic developments, while depicting a process of ‘anglicisation’ that detached them from Welsh communities and cultural traditions, and fostered increasing disaffection amongst the lower orders that opened the way for new leaders, ideologies and politics. Indeed, the history of eighteenth-century Wales has become a complex account of both ‘remaking’ and ‘crisis’, of ‘renaissance’ and loss: the painful transition to modernity, no less, whether in the realms of industry, of evangelical religion, of cultural identities (and inventions), or of the emergence of radical politics.

So the achievements of early modern Welsh historiography are considerable. But the omissions are nonetheless serious and demand urgent attention in future research. There is a near-total divide in social history between the period to 1642 (indeed, frequently to 1603) and 1660 (or even later) to the end of the eighteenth century, with the Civil Wars and Interregnum period representing an overwhelmingly political interlude (and the seventeenth century as a whole still comparatively neglected). Attempts to trace developments across the whole period are far less common. This has some strange effects: the emphasis on ‘remaking’ in the eighteenth century produces a tendency to portray what went before in terms of immobility and even stagnation. Yet studies of the sixteenth century may well, in contrast, see processes of

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55 Humphreys, Crisis of community, 3, emphasises the family, demography, the labouring poor, crime and disorder.
56 This division is typified by the two main textbooks covering the period: Williams, Renewal and reformation; Jenkins, Foundations of modern Wales; and, even more strikingly, by the gap between T. Herbert and G. E. Jones (eds), Tudor Wales (Cardiff, 1988) and idem (eds), Remaking of Wales in the eighteenth century. Similar divisions are also common in county histories: G. Williams (ed), Glamorgan county history, vol 4: Early modern Glamorgan (Cardiff, 1974); B. Howells (ed), Pembrokeshire county history, vol. 3: early modern Pembrokeshire, 1536-1815 (Haverfordwest, 1987). The ‘1642’ divide is of course also common in English historiography, but alongside many examples of longer treatments and also substantial studies covering all or much of the seventeenth century, e.g., Sharpe, Seventeenth-century England; Wrightson and Levine, Poverty and piety; S. D. Amussen, An ordered society: gender and class in early modern England (New York, 1988); Wrightson, English society.
57 B. Howells, ‘Social and agrarian change in early modern Cardiganshire’, Ceredigion, 7 (1974-5), 256-72, is an article-length exception. Welsh readers are better served, with a wide-ranging survey by G. H. Jenkins, Hanes Cymru yn y cyfnod modern cynnar 1530-1760 (Caerdydd, 1983).
58 Evans, ‘Settlement and agriculture’, taking the less conventional terminal dates of 1530 and 1670, offers a rather different and more dynamic perspective on north Wales in the first half of the seventeenth century.
change and social polarisation echoing those in England; ‘the overall impact of social and economic change between the fifteenth and the mid-eighteenth century remains unclear’.  

Further, while there has been extensive study of professed dissenters and radicals, the perspectives of ‘history from below’, ‘popular cultures’ and women’s history have only recently begun to make headway. The topic of crime, as noted, is in its infancy. The quality and character of the surviving records has influenced the development of research in significant ways; the Great Sessions records are particularly suitable for qualitative analysis (from the sixteenth century onwards in some counties), while the early run of Caernarvonshire Quarter Sessions records has enabled study of administration and magistracy in that county in the vitally important period following the Acts of Union. But the great legal archives, especially before the eighteenth century, remain mostly unexplored; and there is very little statistical material for comparison with other regions.

There are, moreover, largely unexamined tensions within the social history of early modern Wales which are of particular significance for this study. On the one hand, historians emphasise harmony and order in social relations. According to Geraint Jenkins, ‘social cohesion was the order of the day in Wales’ (in contrast to growing social strains in England and Europe), and the ‘traditional personal ties of neighbourliness and common social status were still powerfully important’. However, there is another set of images available, of villages riven by strife, feuding and violence, especially in the recent work of David Howell. While acknowledging the importance of co-operation amongst farmers, ‘there were inevitable irritations and disputes between neighbouring farmers over a range of issues which must lead us to query the degree of harmony which obtained’. Moreover, it is repeatedly emphasised that eighteenth-

61 See especially Humphreys, Crisis of community, ch. 9; N. M. W. Powell, ‘Crime and the community in Denbighshire during the 1590s: the evidence of the records of the Court of Great Sessions’ in J. G. Jones (ed), Class, community and culture in Tudor Wales (Cardiff, 1989), 261-94.
63 Kenneth Morgan has drawn attention to the absence of feuds or quarrels more generally among Welsh historians; and the downside to this that even significant disparities in interpretation receive little examination: K. O. Morgan, ‘Consensus and conflict in Welsh history’, in D. W. Howell and K. O. Morgan (eds), Crime, protest and police in modern British society: essays in memory of David J. V. Jones (Cardiff, 1999), 16-41, at 18-9.
century neighbourhoods are characterised by a ‘bruising confrontational tone’; ‘this was a rough, brutal and unsqueamish society, in which men and women alike turned naturally to assaulting those who in any way offended them’. Yet, even so, Howell can also write without qualification of ‘the strong community spirit of this pre-industrial era’. 

This without doubt reflects the complexities of early modern Welsh society; and, after all, as has been recently (re-)emphasised by an English historian, intense rivalries and quarrels are frequently the product of personal ‘face-to-face’ relationships: ‘conflict exists where co-operative bonds are the most interpersonal’. Their relative significance cannot be easily assessed; the ‘conflict’ perspective is based on records of prosecution and litigation, while the evidence for cohesion, co-operation and charitableness comes from different sources. Yet ‘conflict’ and ‘consensus’ in early modern Welsh communities need to be subjected to more considered discussion and analysis. The records of disputes and disorder do raise questions about the degree of ‘harmony’ in Welsh communities; but such records do not authorise the opposite conclusion that conflict was instead the ‘normal’ state of early modern Welsh society. Anthropologists studying ‘remote’ communities in modern Britain, such as Whalsay in the Shetland Isles, have noted that strong ideals of consensus can co-exist with considerable underlying dissent and conflict. Similarly, there are pressing questions to be asked about the relationship and divergences between ideals and realities in early modern Welsh communities.

A similar point, finally, applies to hierarchical social relations in early modern Wales. In the field of gender relations, new research has indicated the inadequacy of such assertions as ‘women were expected to be completely subservient to their husbands’. Secondly, without in any way denying the power wielded by the gentry as a class, over economic resources and governing institutions, sweeping statements of their social dominance need to be re-examined:

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65 Howell, *Rural poor*, 129, 213, 177
66 Howell, *Rural poor*, 140; conversely, Jenkins, ‘Popular beliefs’, 148, also comments that ‘Village life was often shot through with petty jealousies and antagonisms’. But the contrasting emphases of the two historians are clear.
67 C. Muldrew, ‘From a “light cloak” to an “iron cage”: historical changes in the relation between community and individualism’, in Shepard and Withington (eds), *Communities in early modern England*, 156-77, quote at 161.
69 See Morgan, ‘Conflict and consensus’, for the complexities of a later period.
70 As stressed by Powell, ‘Crime and the community in Denbighshire’, 263-5; as she comments, while these are records of conflict, violence and lawbreaking, we know of them precisely because they were reported to legal authorities.
72 Teale, ‘Economy and society’, 74-5.
Few questioned their God-given right to rule... The most prosperous gentlemen were, in effect, rural patriarchs, lording it over the rest of society and insisting upon the punctilious observance of such social obligations as bowing, curtseying and forelock-tugging'.

The patriarchs may well have insisted on these obeisances, and have believed that ‘it was the duty of those below them in the non-gentle orders to obey without question’. But these are the views from above; we should not take the ruling classes’ assertions at face value. Bowing, curtseying and forelock-pulling are no safe indicators of the attitudes of social subordinates; they might believe that their rulers had an unquestionable, ‘God-given right to rule’, but we cannot infer it from their public performances.

We cannot accept simple generalisations that the Welsh gentry ‘controlled every aspect of life’. To begin with, closer examination reveals considerable variations in the extent of gentry influence over Welsh communities. Philip Jenkins contrasts the situation in the vale of Glamorgan, with its larger numbers of rich and powerful resident gentry, with the more sparsely-populated uplands of the county (where gentility still tended to reside in genealogy rather than wealth and there was a more egalitarian structure): the people of the hills were more stoutly independent, more likely to resist encroachments on their rights. This is reminiscent of David Underdown’s well-known thesis on English regional cultures, although he primarily associates pastoral (and forest) cloth-making areas with individualisation, social polarisation and Puritanism, compared to the conservatism, deference and collectivism of arable, nucleated-settlement populations. While overly simplified identifications of upland-pastoral-disorder and lowland-arable-deference should be avoided, such variations cannot be ignored.

Secondly, moreover, extensive research has done much to overturn older models (such as that of Harold Perkin) that similarly insisted on near-absolute gentry power in rural English society. Throughout the early modern period, historians emphasise that ‘paternalism-

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73 Jenkins, Foundations of modern Wales, 98.
76 Teale, ‘Economy and society’, 35.
77 Jenkins, Making of a ruling class, 13-17; Underdown, Revel, riot and rebellion, ch. 4 (he does also note other sparsely populated pastoral areas with continuing traditions of co-operation, resistant to Puritan reforms, connecting this to less intense penetration by a market economy); also Wrightson, English society 1580-1680, 171-2.
78 Walker, ‘Crime, gender and social order’, 28-9 warns against crude contrasts between upland rebelliousness and lowland strict control.
deference’ was, however unequal, a two-way relationship, marked by negotiation far more often than coercion. ‘The poor might be willing to award their deference to the gentry, but only for a price... the poor imposed upon the rich some of the duties and functions of paternalism just as much as deference was in turn imposed upon them’.\(^80\) ‘Authority was always, to a certain extent, bound by the limits of the possible and mitigated by the need for consent’.\(^81\) There were important constraints on the use of the law by the powerful – the workings of the law itself, their own ideologies of paternalism and justice, the need to secure the co-operation of the less powerful in order for the system to function at all. As already noted, in the (related) areas of criminal justice and local government the consent and co-operation of the ‘governed’ was crucial. If few people in Wales questioned the order of things and the pre-eminence of the gentry as a class, they did not simply submit unquestioningly to abuses; and they took the principles of law and justice just as seriously as their English counterparts.

**Conclusion**

The limits of this thesis in terms of coverage, source materials and methodology should be underlined. I do not attempt any detailed reconstruction of a local community, nor of the multiple legal and administrative ‘spheres of activity’ examined by Steve Hindle in order to explore the complex relations between local society and the state.\(^82\) Rather, this is an in-depth analysis of a more restricted set of source materials, primarily the records of the courts of Great Sessions and Quarter Sessions. Peter King’s observation that the ‘English records’ great strength is quantity not quality’ is virtually turned on its head by the records of the Welsh Great Sessions’ Chester circuit (i.e., Denbighshire, Montgomeryshire and Flintshire), and that has a profound influence on my use of these sources.\(^83\) Nevertheless, the thesis is constrained by the perspectives offered by those particular records, although these are supplemented by other local and regional sources (including the archives of gentry families).\(^84\) As a result, inevitably, it says

\(^81\) Griffiths, Fox and Hindle (eds), *Experience of authority*, ‘Introduction’, 5.
\(^83\) King, *Crime, justice and discretion*, 131. But see Gaskill, *Crimes and mentalities*, 22-3, for some of the depositional English materials available (unaccountably, he neglects to mention the Cheshire records).
\(^84\) In particular the magnificent Chirk Castle archives, which (certainly in comparison to, say, the Wynn of Gwydir papers) have received far less attention from Welsh historians than they deserve. Indeed, almost all of the surviving seventeenth-century Quarter Sessions records are preserved in this archive, but
far too little about informal sanctions that left few traces in the legal record (gossip, shaming, ridicule, ostracism) or about processes of mediation and arbitration.85

Another omission, due to the poverty of my linguistic capacities, is research in Welsh-language sources, including ‘popular’ print; and while the delayed flowering of a Welsh popular print culture (following the establishment of the first ‘Welsh’ presses after 1695) may make that less damaging in this period than it would be in the English context, the cultural perspectives offered by, for example, eighteenth-century ballads and *anterliwtiau* (interludes) remain in need of exploration.86 Further, the thesis leaves much to be done at two contrasting levels. Firstly, research covering both longer periods (especially on the sixteenth and seventeenth centuries) and wider geographical areas is sorely needed. Secondly, the issues discussed here need to be put under the microscope, through detailed local studies using a wider range of legal (and other) records, such as Sharpe’s research on the Essex parish of Kelvedon.87

Nevertheless, the concerns, and some of the techniques, of both the detailed community studies and of research on relations between society and state, have influenced the making of this thesis. Moreover, I aim to examine what is distinctive about (north-east) Wales and what can be understood within larger ‘British’ contexts.88 Early modern Welsh historians have been late


88 The ‘new’ British history has tended to focus heavily on political history at the ‘four nations’ (or ‘three
coming to the subject of crime, but with access to a wealth of qualitative material often – though
not always – denied to English historians, they have begun to develop distinctive, richly-textured
accounts of early modern Welsh crime and use of the courts.⁸⁹ Recent research has shown the
extent of popular participation: ordinary people in Wales using the criminal law ‘with maturity
and ingenuity’.⁹⁰ This thesis is intended to build on and extend that work, as well as to stimulate
further research and to raise questions of relevance to both Welsh and English historians.

⁸⁹ See especially Humphreys, Crisis of community, ch. 9; Howell, Rural poor, ch. 9-10; Powell, ‘Crime
and the community’.

⁹⁰ Humphreys, Crisis of community, 249.
Chapter Two
Denbighshire: regional contrasts and contexts

Introduction

The early modern county of Denbighshire was created around 1540 from five marcher lordships\(^1\) nestling between the existing counties of Flintshire, Caernarvonshire and Merioneth, and divided into six hundreds (map 4). It was a county of considerable environmental, social and economic diversity. The fertile, populous, lowland areas of the south-east and of the vale of Clwyd contrast with extensive uplands and highly dispersed habitation patterns. Its economic foundations were agricultural, mainly livestock husbandry, with mixed farming in lowland areas; but there were also expanding pockets of ‘new’ industry. Much of the county lay within the Welsh language ‘zone’, but there were extensive bilingual areas, and on the eastern edge pockets that had long been anglicised.\(^2\) Further, the county contained some of Wales’s earliest Puritan communities and eminent Parliamentarians; but the majority of the inhabitants’ sentiments were royalist, Anglican and ‘Tory’ – to an extent that would be a source of considerable anxiety to governments and their supporters after the Glorious Revolution.

According to A. H. Dodd, the county’s basic east-west dualism ‘determined the whole political set-up of the shire’ from its establishment, including the loyalties that emerged during the Civil Wars. Yet even the eastern part of the county was overwhelmingly loyal to the Crown, with only a handful of committed Parliamentarians among the local gentry.\(^3\) Nevertheless, after defeat most could live with the new rulers; the process was probably made easier by the presence of such influential local Parliamentarians as Sir Thomas Myddelton and Sir John Trevor.\(^4\) And perhaps the final paradox of the civil wars in north-east Wales was that Myddelton became


increasingly alienated from his own side; in 1659 he joined a premature Cheshire rising to restore the younger Charles Stuart to the throne, and was to be found among those enthusiastically welcoming the return of the king the following year.\(^5\)

Contemporary observers were well aware of the dramatic contrasts that the region presented. Although he probably described an imaginary rather than a real journey, Defoe expressed it particularly memorably. He wrote of being surprised to discover, on coming through Denbighshire from the north coast after a mountain journey that would have daunted Hannibal himself,

that descending now from the hills, we came into a most pleasant, fruitful, populous, and delicious vale, full of villages and towns, the fields shining with corn, just ready for the reapers, the meadows green and flowing, and a fine river, with a mild and gentle stream running thro’ it...\(^6\)

This was the vale of Clwyd, described in equally fulsome terms in Camden’s Britannia (quite possibly Defoe’s main source), here in contrast to the ‘somewhat barren’ western part of the county around Mynydd Hiraethog, and to the ‘mountainous tract’ of Yale, ‘a very rough, cold, bleak country’, although well stocked with cattle, sheep and goats. But that further contrasted with Maelor Gymraeg (i.e., Bromfield): ‘a pleasant little country, and well stored with lead’, with Wrexham at its centre.\(^7\) Defoe also described that town (one which he had visited earlier in the century) as ‘large, well-built and populous’; it was in the later seventeenth century the largest town in Wales, with around 3200 inhabitants in 1670.\(^8\)

In its divisions, and in the way in which they were described by contemporaries, Denbighshire resembles another political creation of the sixteenth century by the merger of marcher lordships, Glamorgan. There too, northern uplands (Blaenau) contrasted with lowlands (Bro), the vale of Glamorgan, and the latter was described by visitors in terms remarkably similar to those used of the vale of Clwyd; these were among the few parts of Wales where (language differences notwithstanding, not to mention the area’s contributions to Welsh language and literary culture) the English could feel ‘at home’. As Defoe put it, the vale of Clwyd ‘made us

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\(^7\) Camden’s Wales, being the Welsh chapters taken from Edmund Gibson’s revised and enlarged edition of William Camden’s Britannia (1722), compiled by T. James (Carmarthen, 1984), 83, 86.

think our selves in England again, all on a sudden’. Yet Denbighshire’s geographical contrasts are even more complex than the dual pattern of Glamorgan; there are two quite separate major lowland zones between the various upland ranges and coast (see map 1).

The county ‘Denbighshire’ might seem, then, an artificial construct, and certainly its internal differences cannot be ignored. On the other hand, its sheer variety and its position encompassing the English borders to the east and Gwynedd to the west offer opportunities to explore diversity, contrasts, pluralities of experience. Further, rather than viewing it in terms of opposing halves, it may be more rewarding to see the county, within the wider border region of north-east Wales, as a ‘contact area’, where ‘Welsh and English people and cultures meet and mingle’. No county, after all, is a homogeneous unit, and Denbighshire’s contrasts parallel those of Wales as a whole. Moreover, Denbighshire managed to exist as an administrative and political unit for over four hundred years; it is this existence that inevitably frames this study, and it is not insignificant. Magistrates for the county were appointed, courts for the county were established and met regularly, creating focal points in the towns of Ruthin, Denbigh and Wrexham. For voters, parliamentary elections may have also helped to foster a sense of identification at county level.

Denbighshire was a creation of the English state – and an element, it might be added, in the development of a British state with all its pluralities and tensions. English laws and legal institutions, shire and parish governance, parliamentary representation: these novel, ‘foreign’ institutions did, nonetheless, help to forge a meaningful, however diverse, regional identity, within the context of increasing ‘interpenetration of the national and the local’. For if such institutions created new local relationships, they also bound the area as never before into larger structures and connections. The ‘county’ represented only one possible level of local relationships and identity, just one aspect of the networks increasingly connecting the most ‘remote’ communities to each other and to central governments.


10 Sylvester, *Rural landscape*, 23. See also Dodd, ‘Welsh and English in east Denbighshire’.


12 See G. A. Williams, *When was Wales? A history of the Welsh* (London, 1985), 141-51, for a typically stimulating discussion of this process in the eighteenth century.

Households, settlements and communities

Household structures in early modern north Wales closely resembled the English patterns delineated by historians such as Peter Laslett.\(^{14}\) Although there are no detailed census-type listings available for the area in this period, an unusual set of records, the St Asaph notitiae, have enabled historians to establish average household sizes in Montgomeryshire and Flintshire respectively of 4.6-4.7 and 4.2.\(^{15}\) The Denbighshire notitiae, however, have yet to be fully studied.\(^{16}\) The average for the parish of Denbigh was 5.15, but this cannot be taken as typical; a small sample of Denbighshire parishes indicated considerable variations, from 4.0 (Llanddulas) to 5.5 (Cerrigydrudion).\(^{17}\) Nevertheless, they were similar to the neighbouring counties: essentially, a society of ‘nuclear’ (rather than extended) families plus servants; most households were headed by a married couple, a minority by a widow or widower, and very few consisted of adults living alone. And, as elsewhere, higher status tended to coincide with larger household sizes; in Denbigh the average gentry household contained 7.8 people.\(^{18}\)

Indeed, poorer areas were likely to be providers rather than employers of servants, ‘exporting’ their young people to places within or beyond the county.\(^{19}\) London seems to have attracted many looking to improve their prospects, though for most, the movements were probably over relatively short distances and temporary, ultimately returning to their home area to set up their own households.\(^{20}\) But the significance of youth mobility in search of work


The notitiae were compiled by parish priests during the 1680s at the request of the bishop of St Asaph, who asked them to give 1) the name of each head of household, 2) the number of ‘souls’ in each household and 3) the number aged under 18 in each household (as well as requiring information about recusants and dissenters). The formats vary and some respondents gave additional detail such as occupation/status: see Jenkins, ‘Population, society and economy’, 44-6; Humphreys, Crisis of community, 30-1.

\(^{16}\) They have now been transcribed and published: P. Chadwick (ed), Parochial notitiae for St Asaph diocese, 1681-1687: volume 1, parishes within the old county of Denbighshire (Gwernymynydd, 1997).

\(^{17}\) See map 3 for the parish; throughout the thesis, smaller units will wherever possible be identified by parish for reference.


\(^{19}\) See Jenkins, ‘Population, society and economy’, 52-3; also, Humphreys, Crisis of community, 34-5.

\(^{20}\) A remarkable local example was Magdalen Lloyd, who spent some years during the 1670s in service in
(especially if the Welsh experience even approached Laslett’s English estimate that as much as one-tenth of the population was in service at any one time), warns against any notion that early modern Welsh society was largely ‘immobile’, that few people had any experience of life outside their home parishes.21

Denbighshire’s settlement patterns were diverse, including all three of the main types of rural Welsh settlement identified in the modern context: scattered settlements, rural villages and market towns.22 Overall, the county belonged within a larger context of large, multi-township parishes characteristic of both north-eastern Wales and the northern counties of England, in strong contrast to the small parishes characteristic of southern England (and some parts of Wales).23 Moreover, much of the county exhibited very dispersed settlement patterns (map 2), contrasting strongly with English border counties, which themselves showed more ‘mixed’ patterns than is typical of lowland England. The nucleated settlements that did exist were concentrated in the vale of Clwyd (these, as much as the green fields, probably helped to make English visitors feel almost at home) and in Bromfield. In the north-west beyond the vale, in particular, settlement was almost entirely dispersed, with Llanrwst, on the border with Caernarvonshire, the only town. Before the nineteenth century small northern hamlets such as Abergele and Eglwys-bach were essentially parochial centres for scattered farms.24 In medieval Denbighshire as throughout Wales, ‘[u]rban life was in its origins largely an artificial creation’, as in the planted boroughs of Denbigh, Ruthin and Holt, and many settlements suffered a ‘winnowing’ process in the later middle ages.25 And Welsh early modern towns remained small and scattered compared to their English counterparts, although they fulfilled similarly varied

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21 Laslett, *Family life and illicit love*, 61. There is also a conventional view of farmers as the most settled and stable elements in rural societies, but that surely applies fully only to freehold tenures and the minority who inherited them. D. Jenkins, *The agricultural community in south-west Wales at the turn of the twentieth century* (Cardiff, 1971), shows considerable mobility amongst farmers (albeit in a general context of shorter tenures than in the early modern period): ‘Farmers’ children may need to move considerable distances to get farms of their own for the first time; later they may move to better farms when the opportunity arises’, 8.

22 H. Williams, ‘Three types of rural Welsh community’, *Sociologia Ruralis*, 16 (1976), 279-90.

23 D. Sylvester, ‘Parish and township in Cheshire and north-east Wales’, *Journal of the Chester Archaeological Society*, 54 (1967), 222-31; Sylvester, *Rural landscape*, 166-71, 182-3. In 1811, the average number of townships per parish in Denbighshire was 4.6 (contrasting with 1.1 in Cambridgeshire). Cheshire averaged 6, Flintshire 5.1 and Montgomeryshire 4.5.

24 Sylvester, *Rural landscape*, 200-8, 215, ch. 19. The twelve towns and villages were: (vale of Clwyd) Ruthin, Denbigh, Henllan, Llanfwrog; (south-east) Wrexham, Holt, Gresford, Ruabon, Llangollen; (north-west) Llanrwst, Abergele, Eglwys-bach. But some of these were no more than hamlets in the seventeenth and eighteenth centuries.

25 Griffith, ‘Emergence of the modern settlement pattern’, 228.
economic, social and political functions. Their fortunes were mixed, however: Wrexham’s success was outstanding; Ruthin also expanded. But Denbigh, despite being the county town, only grew slightly and Holt went into long-term decline.

Dispersal is regarded as a characteristically Welsh settlement pattern, with its roots in the ‘tribal’ past, and still to be found in much of the rural uplands. Indeed, it seems that during the sixteenth century, the Welsh population became even more dispersed than during the medieval period for a variety of reasons, such as the rise of primogeniture, consolidation of holdings and enclosures, developments in livestock husbandry. But this ‘did not necessarily mean a weakening in social relationships since... blood ties, rather than locational ties, were the cement of Welsh rural society’. Dispersal does not necessarily negate neighbourliness and sociability, but it might well necessitate different ways to sustain them; if simple physical proximity is of lesser importance, historians and sociologists have put forward a number of major elements in the construction of community in rural Welsh and British dispersed populations.

One, as already noted, is the importance of kinship ties, but although important, these were not the only major social networks. There were many sociable and festive activities, often organised around homesteads themselves, and vital co-operative traditions in farming and working. The ‘great house’ and its squire (where there was one), and the varied obligations and institutions of manor, township and parish, could also provide sources of collective local identity; not least, perhaps, the fellowship of shared grumbling about rents, taxes and highway maintenance. Also, there was the unifying element of exclusion and of rivalries between

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26 H. Carter, The towns of Wales: a study in urban geography (Cardiff, 1965), ch. 3; Griffith, ‘Emergence of the modern settlement pattern’, 227-32.
29 Sylvester, Rural landscape, 196.
30 Elsewhere in Britain, see A. P. Cohen, ‘Whalsay’, and P. Mewett, ‘Clachan’, both in A. P. Cohen (ed), Belonging: identity and social organisation in British rural cultures (Manchester, 1982), 21-49, 101-30, both referring to at least semi-dispersed populations, and including significant emphasis on kin networks, co-operative work-groups, the church and special gatherings such as weddings.
31 And it might be added that it is unclear just how far kin relations differed from English models by this period: the importance and reach of kinship ties tends to be asserted rather than investigated. There is some evidence from wills that extended kin relations in upland English parishes were not particularly significant, contrary to Joan Thirsk’s earlier argument: W. Coster, Kinship and inheritance in early modern England: three Yorkshire parishes (York, 1993); cf. J. Thirsk, ‘The farming regions of England’, in Thirsk (ed), Agrarian history of England and Wales, IV, 1-112, at 9. Wills have not been much exploited by Welsh historians (although a number of the theses cited in this chapter use probate inventories quite extensively): see G. Morgan, ‘Women’s wills in west Wales, 1600-1750’, THSC (1992), 95-114.
32 T. M. Owen, The customs and traditions of Wales (Cardiff, 1991); Howell, Rural poor, 139-43. See Jenkins, Agricultural community in south-west Wales, especially ch. 2, for a detailed account of cooperation in farming in a later period; also A. D. Rees, Life in a Welsh countryside: a study of Llanfihangel-yng-Ngwynfa (Cardiff, 1950).
communities, often expressed through festivals such as the *mabsant* or parish wake, which was common in north-east Wales.\(^{33}\) Parish and township, then, were in Denbighshire as elsewhere vital local units, and neighbourhood ties within them were strong, but it cannot be assumed that social relations within them worked in quite the same way as in the more familiar nucleated village: far more research is needed in this vital area.

**Demographic and economic developments**

Denbighshire was ‘regarded throughout Tudor and Stuart times as the richest county of north Wales’; it was also one of the most populous: by 1670 Bromfield hundred contained the highest population densities of the six northern counties, by some distance, and only Flintshire was more densely populated than Ruthin hundred.\(^ {34}\) The population of Denbighshire as a whole grew strongly over the course of the early modern period (table 2.1), especially in the later sixteenth century and early seventeenth century and again in the later eighteenth century.

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
</tr>
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<tbody>
<tr>
<td>1545a</td>
<td>20,030</td>
</tr>
<tr>
<td>1670a</td>
<td>40,990</td>
</tr>
<tr>
<td>1700b</td>
<td>39,700</td>
</tr>
<tr>
<td>1750b</td>
<td>46,900</td>
</tr>
<tr>
<td>1801b</td>
<td>60,300</td>
</tr>
</tbody>
</table>

**Table 2.1: Early modern Denbighshire: population estimates\(^ {35}\)**

*Note on sources*

\(^{a}\) Evans, ‘Settlement and agriculture’, appendix 1


\(^{34}\) B. M. Evans, ‘Settlement and agriculture in north Wales 1536-1670’ (PhD thesis, Cambridge, 1966), 80, 50-1.

\(^{35}\) These figures should be used with caution; the apparent decline between 1670 and 1700 seems questionable. The main problem is that B. M. Evans only counts households; I have used Leonard Owen’s multiplier of 4.75 in ‘The population of Wales in the sixteenth and seventeenth centuries’, 109, although I suspect this is too high (see n.18 above) – which could help to account for the apparent fall after 1670. To
There were, unsurprisingly, considerable local variations. The highest rates of increase in north Wales seem to have been in areas where industrial development supplemented agricultural incomes, whether mineral and metal working or the woollen industry. The population of Bromfield, with the prodigious growth of Wrexham as well as small but expanding industrial settlements, grew by 200 per cent between 1545 and 1670 (much of the growth during the seventeenth century); the two westernmost hundreds by only just over 50 per cent (the county average was 104 per cent). The patterns also varied considerably within hundreds. A few parishes in the western hundreds shrank, one or two by as much as a third; others grew only slightly. But nearly all the parishes did grow, some of them spectacularly, such as Ruthin parish (430 per cent) or Wrexham (316 per cent).

There are, unfortunately, no demographic analyses available for Denbighshire in the period between 1670 and 1730 to test, or elaborate, the bare statistics tabulated above. However, the neighbouring counties of Flintshire and Montgomeryshire, which have been studied in some detail, provide helpful comparisons. Both cases confirm the continuing diversity of local experiences, even between neighbouring parishes, and also indicate the importance of short-term fluctuations. Moreover, they also corroborate the outline impression given by the Denbighshire estimates of slowing rates of population growth, and even short-term contractions, in the later seventeenth century and the early eighteenth century. It is estimated that the population of north Flintshire expanded by 24.4 per cent between the 1660s and 1680s, but by only 17 per cent between the 1680s and 1730s. The estimates for Montgomeryshire between 1680 and 1730 suggest that there growth was even slower, perhaps just 6.4 per cent between 1681 and 1720.

The last two decades of the seventeenth century were perhaps particularly crisis-ridden; one Montgomeryshire estimate suggests that population fell between 1691 and 1701 to reach a lower level than in 1681. There is, at least, clear evidence that the early 1680s, late 1690s, late 1700s and late 1720s were periods of poor harvests, high mortality and general distress in both Flintshire and Montgomeryshire, and that some of these were experienced considerably more severely than in England. Indeed, ‘there is a growing conviction that, in the context of the British Isles, the crises of 1698-1701 and 1706-10 were primarily famine crises of the Celtic

36 Evans, ‘Settlement and agriculture’, 52-6. The rates of growth for the other five hundreds are: Dyffryn Clwyd (Ruthin) 129%; Yale 113%; Chirk 95%; Isdulas 56%; Isaled 52%, at 53.
37 Evans, ‘Settlement and agriculture’, 83-84 and appendix 1.
41 Teale, ‘Economy and society’, 16-7; Humphreys, Crisis of community, 71-4, Table IV.2 at 75; Jenkins,
It is likely that Denbighshire’s experiences were similar; difficulties in the early 1680s, late 1690s and late 1720s are discernible from a number of sources. To be sure, there must still have been considerable demographic differences across the county, which could only be established by detailed study. It would be particularly helpful to be able to compare the area around Wrexham with both the vale of Clwyd and the western uplands. Nevertheless, even if further research modifies the existing figures, the inescapable conclusion is that population growth – and with it economic expansion – in Denbighshire was slower and more uncertain than it had been earlier in the seventeenth century, until after the close of the period under study here.

The rapid population growth of the sixteenth and seventeenth centuries, although it seems to have led to some polarisation and increasing numbers of landless labouring poor, created considerably less social and economic pressure than it might have done (and indeed did in sixteenth-century England). By the late Stuart period these may have made up one-third of the Welsh population, although the proportion in Denbighshire is unknown; but this seems nonetheless lower than in England. In the nineteenth century, the ratios of labourers to farmers in most of Wales was lower than in England, while living-in servants remained far more significant. In large part this can be attributed to extensive reserves of unappropriated land – in the hills, at least – into which to extend farming and settlement, and the resulting cheapness of small farms and widespread availability of commons. Enclosure proceeded throughout the early modern period, but most of it consisted of small-scale encroachments by farmers themselves (rather than the imposition of large-scale enclosures from ‘above’, which caused resistance and rioting from the sixteenth through to the nineteenth centuries); there were still vast tracts of unenclosed land at the end of the eighteenth century when the ‘great enclosures’ got under way. If most of the land was considerably less productive and valuable than in lowland English regions (and production expanded by cultivating more land, not by raising yields), it was still
capable of supporting considerable population growth without the need for radical changes in farming methods. The period between 1536 and 1670 in north Wales has been described as one of transition in agriculture during which there was much in the way of change, but not wholesale upheaval.\textsuperscript{47}

It was during the seventeenth century that sheep farming, for example, seems to have become commercially important on a widespread scale in north Wales, and cattle farming also expanded. While standards of material comfort remained spartan, they also rose. It is unsurprising to find affluent farmers in the fertile lowland areas that could support substantial arable crops; what is more unexpected is probate inventories’ evidence of a ‘markedly prosperous community’ during the 1660s in parts of the uplands too, including the area around Cerrigydrudion in Isaled (as well as parts of western Montgomeryshire and Merionethshire). Here, it was in large part owing to the growing trade in cattle and sheep for English markets and the expanding woollen industry. Yale, Chirkland and the north-western hills in Isdulas, on the other hand, contained the county’s poorest farmers both at the beginning of the seventeenth century and after the Restoration.\textsuperscript{48}

However, the period of growth did not last and seems to have been followed by an extended period of hardship and stagnation in farming. Small farms may have been cheap, but they could barely sustain their occupiers at the best of times. Nor can tenant farmers have been helped by the increasing demands placed on them by eighteenth-century landlords (higher rents, shorter leases, more aggressive and impersonal attitudes to estate management), although these developments were limited before mid-century, and emphasis has been placed on the continuing ‘mutual interdependence’ of landlords and tenants in earlier decades.\textsuperscript{49} The seventeenth-century developments had undoubtedly been limited and modest in scale; Welsh farmers had little capital, and few surpluses even at the best of times, with which to risk ‘improvement’. ‘In the last analysis it was the poverty of the land which caused the impetus to slacken, and the area to lose that momentum which at one period it appeared to possess’.\textsuperscript{50}

But that is not the same as there never having been any momentum at all. The economic history of the first half of the seventeenth century illuminates a period of dynamic activity that throws into question Welsh historians’ frequent emphasis on the profound conservatism of early

\textsuperscript{47} Evans, ‘Settlement and agriculture’, 18.

\textsuperscript{48} Evans, ‘Settlement and agriculture’, 227-58, at 254; on livestock husbandry generally, see R. Trow-Smith, \textit{A history of British livestock husbandry to 1700} (London, 1957); \textit{idem}, \textit{A history of British livestock husbandry 1700-1900} (London, 1959).

modern Welsh farmers (and society in general).\textsuperscript{51} Welsh historians have yet to respond to the comment that the ‘unevenness and variety of change should not be mistaken for the frozen immobility of “age-old” traditions’.\textsuperscript{52} Nor should continuity in \textit{techniques} be mistaken for stasis in activities and their economic significance. By 1660, very few farmers in Denbighshire, wherever they were situated, were truly isolated ‘peasants’ engaged in unchanging, subsistence agriculture; they were irrevocably bound in to a money-based economy and national (even international) markets.\textsuperscript{53} And by the mid-eighteenth century, their ‘conservatism’ was at least in part a pragmatic attitude rooted in the constraints placed upon them by their environment and lack of material resources.\textsuperscript{54}

Huge numbers of the livestock which were such an important element in the north Wales economy were exported on the hoof, store cattle to be fattened up on richer pastures to the east; they also formed much of the basis for ‘traditional’ industries in the region.\textsuperscript{55} The court records, indeed, bear witness to the regional importance of livestock husbandry. ‘Yeoman’ farmers were by far the most common status/occupational category recorded in almost every capacity, underlining the centrality of agriculture in the regional economy, not to mention the continuing importance of the small independent farmer.\textsuperscript{56}

As in Montgomeryshire, some Denbighshire farmers were undoubtedly also proto-industrialists, involved with their families in woollen production, but that is the kind of occupational versatility generally obscured by official records.\textsuperscript{57} Historians of the Welsh woollen industry during this period have emphasised the fundamentally domestic, small-scale organisation of the woollen industry throughout Wales (with the partial exception of the proliferating fulling mills, but even these were small concerns). Denbighshire was no exception,

\textsuperscript{50} Evans, ‘Settlement and agriculture’, 20.
\textsuperscript{51} A classic example is A. H. Dodd, \textit{The industrial revolution in north Wales} (2\textsuperscript{nd} edn, Cardiff, 1951), 4-8, which despite its age remains highly influential. Jenkins, \textit{Foundations of modern Wales}, 114-5, writes of attachment to ‘well-tried and familiar farming practices hallowed by centuries of use’, and of the ‘force of custom’. Most recently, see Howell, \textit{Rural poor}, 43, on eighteenth-century small farmers’ ‘stubborn attachment to the ways of their forefathers’.
\textsuperscript{52} Roberts, ‘Another letter from a far country’, 94-5.
\textsuperscript{53} See Humphreys, \textit{Crisis of community}, 60-1.
\textsuperscript{56} It should be noted that ‘yeoman’ in north Wales (as in parts of upland England) was probably used more broadly than in the English lowlands, frequently denoting relatively small and impoverished farmers (not necessarily freeholders). Certainly ‘husbandman’ is rarely used in court records. See Teale, ‘Economy and society’, 82-93; Jenkins, ‘Population, society and economy’, 84-93.
\textsuperscript{57} Humphreys, \textit{Crisis of community}, 47-8.
although the county’s producers seem to have some extent managed to evade the Shrewsbury Drapers’ Company’s long-standing monopoly on Welsh woollens. Defoe commented on Wrexham’s ‘great market’ for Welsh flannel, ‘which the factors buy up of the poor Welch people’ for the London markets.58

Nevertheless, men given the formal title of weaver, along with butchers, tanners, glovers, fullers and feltmakers also appear frequently in the court records, as well as trades that might be expected anywhere: tailors, shoemakers, victuallers and shopkeepers, the building trades, smiths.59 Tanners – practising a complex craft that required relatively high levels of capital – and glovers, to a lesser extent, frequently appeared among the urban business elites, most notably in Denbigh with its important leather trades.60 Craftsmen – certainly the wealthier examples – were often, unsurprisingly, concentrated in towns, but were rarely confined to them. Denbighshire towns possessed wealthy mercers, vintners, drapers, apothecaries and even the occasional goldsmith or clockmaker, but the latter representatives of such ‘luxury’ trades were few and far between by 1730; the ‘consumer revolution’ that has been identified in eighteenth-century England was inhibited – although not entirely thwarted – in north Wales by sparse population and material resources.61

The ‘new’ industries based on mining and metal working, though already expanding, were also limited by the scarcity of capital for such risky ventures, and were ‘confined to a small group of industries in a limited area’.62 The ventures were small in scale; and it tended to be the larger landowners such as the Myddeltons, or a newcomer such as John Meller at Erddig, who had the material resources to undertake them. Thus, one of the early iron forges was Pont y Blew

59 See also Evans, ‘Market towns’, 87-8, for a detailed breakdown of the population of Denbigh in the 1680s, in which glovers (some 16% of households), weavers and tanners are the three most common crafts. Tanners head some of the largest households (after gentry and mercers) in the town and although the glovers’ and weavers’ household sizes are below average, they are not among the smallest (notably poor groups such as labourers and cobblers).
60 Evans, ‘Market towns’, 120-3; but glovers could also appear in the poorest inventoried groups, 101-4.
61 See Jenkins, ‘Population, society and economy’, 169-70; Humphreys, Crisis of community, 48; Evans, ‘Market towns’, 120-3. Sylvanus Crew of Wrexham, a frequently-presented recusant, may have been the county’s only goldsmith in the later seventeenth century (e.g. NLW GS 4/25/4.30) – there were none at Denbigh in the 1680s according to the notitiae (Evans, ‘Market towns’, 87-8). Wrexham and Ruthin had at least one clock maker each in the last two decades of the seventeenth century: NLW GS 4/31/4.66; 4/35/5.41. See J. Brewer and R. Porter (eds), Consumption and the world of goods (London, 1993).
at Chirk, not far from the Black Park coal mine, both of which were established in the
seventeenth century by the Myddeltons. Meller established the Bryn-yr-Owen mine at
Esclusham near Wrexham in 1715; an associate of his, Charles Lloyd, was a friend of Abraham
Darby and apparently the first person to use the new technique of smelting iron with coke outside
Shropshire, for a brief period at Bersham during the early 1720s. The Wynnstay coal miners at
Ruabon were a notorious bunch, regularly in the middle of election riots and other disturbances,
but they presumably took enough time off causing trouble on Wynnstay’s behalf to make the
mines there a thriving concern. The other mineral of significance in the county was lead, found
in pockets at Llanferres, Llanarmon-yn-Iâl and the ancient workings at Minera. But it was not
until the later eighteenth century that ‘take-off’ really began – and even then industrial
development remained limited to specific geographical locations, mostly in the south-east. The
foundations of Denbighshire’s economy would long continue to be rooted in farming.

English law, Welsh courts in a border county

Although familiar institutions by the period of this study, the system of twice-yearly Great
Sessions (the equivalent in Wales of the Assize courts), Quarter Sessions, Justices of the Peace
and so on were late coming to Wales, introduced by the legal transformations of 1536-43 that
created Denbighshire itself. The ‘Acts of Union’ finally swept away the remnants of native law
and marcher autonomy. All of Wales was in future to be governed by the same laws as England;
there were to be no more ‘sinister usages and customs’. And the laws demanded that office-
holders be able to speak English, which would be the official language for court business in
Wales until the twentieth century. The legislation not only bound Wales much more closely to

63 Dodd, Industrial revolution in north Wales, 18, 19; idem, Studies in Stuart Wales, 27; G. M. Griffiths,
‘The Chirk Castle MSS and documents’, NLWJ, 8 (1954), 335-48, at 340-1; Lerry, ‘Industries of
Denbighshire’, 41-2, 52; idem, Collieries of Denbighshire, 47-8; C. N. Hurdman, A history of the parish
of Chirk (Wrexham, 1996), 177, 185-91.

64 Dodd, Industrial revolution in north Wales, 23; Lerry, ‘Industries of Denbighshire’, 43; idem,
Collieries of Denbighshire, 99-100; Dodd, ‘The north Wales coal industry’, 201-2.

65 Dodd, Industrial revolution in north Wales, 23; P. D. G. Thomas, ‘Wynnstay versus Chirk Castle:
parliamentary elections in Denbighshire, 1716-1741’, NLWJ, 11 (1959-60), 105-23.

66 Lerry, ‘Industries of Denbighshire’, 38-41; Dodd, Industrial revolution in north Wales, 19; W. J.
Lewis, Lead mining in Wales (Cardiff, 1967).

67 The main pieces of legislation are: ‘An Act for making of justices of peace in Wales’ (27 Henry VIII, c
5); ‘An act for laws and justice to be ministered in Wales in like form as it is in this realm’ (27 Henry VIII,
c 26); ‘An act for certain ordinances in the king’s dominion and principality of Wales’ (34 & 35 Henry
VIII, c 26): printed in I. Bowen (ed), The statutes of Wales (London, 1908), 67-9, 75-93, 101-33, the
in the courts (Aberystwyth, 1984), ch. 1, briefly traces language use in the Welsh courts from the Act of
England (politically and administratively at least), within Wales it ‘created unity of jurisdiction and administration for the first time’. It also created the conditions under which early modern Welshmen would achieve a notoriety for hot-tempered litigiousness (to match their late-medieval reputation for lawlessness and violence), encouraged perhaps by their access to an extensive range of courts in both Wales and in England.

The Courts of Great Sessions were established in 1543, with four circuits of three counties each (the south-eastern county of Monmouthshire was attached to an English assize circuit), like Assizes to be held twice a year and presided over by centrally-appointed judges riding the circuits; in Denbighshire the courts alternated between Denbigh, Ruthin and Wrexham. Essentially, procedures in prosecutions at Great Sessions and Quarter Sessions followed the same lines as their English equivalents.

Great Sessions was given substantial and extensive powers: the same jurisdiction as Assizes to try serious felonies, as well as civil trials, ‘the entire range of actions entertained by both the courts of King’s Bench and Common pleas in England’, and also an equity jurisdiction. Denbighshire was part of the ‘Chester’ circuit, along with Flintshire and Montgomeryshire, and this circuit was closely connected to the Cheshire administration, not least in that the Chester chief justices also presided over the three Welsh counties’ Great Sessions.

But the Great Sessions, with all its powers, was far from exhausting the options available to the Welsh for litigation and prosecution of ‘serious’ crimes. Until 1642 they made extensive use of Star Chamber. Moreover, they could also turn to the Council in the Marches of Wales.

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69 See P. M. Zall (ed), A hundred merry tales and other English jestbooks of the fifteenth and sixteenth centuries (Lincoln and London, 1963), 78-9, for an early sixteenth-century example; J. Torbuck, ‘The Briton describ’d, or a journey thro’ Wales’, in A collection of Welsh travels, and memoirs of Wales (London, 1738), 43, 57-60 (originally published in 1682 as W. R., Wallography or the Britton described); and see P. Lord, Words with pictures: Welsh images and images of the Welsh in the popular press, 1640-1860 (Aberystwyth, 1995), ch. 2.
73 P. Williams, The council in the marches of Wales under Elizabeth I (Cardiff, 1958); C. A. J. Skeel, The council in the marches of Wales: a study in local government during the sixteenth and seventeenth
In the early seventeenth century, there were evidently extensive links between the Great Sessions criminal justice business and the Council; the Council’s own records are poorly preserved, but early-seventeenth-century Denbighshire gaol files frequently contain evidence of the connections between the two courts. The records in part illustrate the Council’s concern to supervise the county judiciary, but they also point to personal initiatives in soliciting its intervention by victims and defendants. However, the Council was abolished by Parliament at the Civil War, and although it was re-established following the Restoration, it had lost its criminal jurisdiction and much of its political authority. The Council was finally killed off in 1689.

The abolition of the Council did not leave Great Sessions with exclusive power in Wales. The central courts of Common Pleas and Exchequer also held common law jurisdiction in Wales; and King’s Bench increasingly encroached on Great Sessions’ authority; it has been argued that the demise of the Council ‘made the Great Sessions far more vulnerable to the predatory King’s Bench’. But even so, until the later eighteenth century King’s Bench was in effect only a court of appeal: Welsh cases could be removed but not commenced there. This subject can only be touched on, as it was not possible within the confines of this research to investigate the central records, but there is some evidence from Denbighshire archives of the strategic use of the London courts; and such removals were condemned as unfair to those who could not afford the costs of fighting their case in England.

Another aspect of the use of the courts that drew contemporary expressions of concern was the issue of language. During the period of this study, this was apparently not a problem at Quarter Sessions (or at the pre-trial stages). It seems likely that most active Denbighshire JPs were bilingual, although we rarely have such direct evidence of this as the record (following allegations of perjury) of a magistrate’s questioning an assault victim in Welsh, asking who had beaten him: ‘Pwy ach drawodd di’? There are, conversely, occasional instances of magistrates recording that they had sworn interpreters in taking the examinations of Welsh-speakers. That might imply that most did not need to do so; but perhaps it ought not to be assumed that all

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74 For example, NLW GS 4/12/1.2-6; 4/13/2.42-4 (1601 and 1603, examinations taken ‘by commission from the council in the marches’); the records of the latter case include interrogatories ‘ministered by’ the widow of the victim, indicating that she was actively involved in the investigation. In another case men accused of murder petitioned the Council, claiming that they could not get a fair case locally: GS 4/12/1.1.

75 Skeel, Council in the marches, ch. 6; Dodd, Studies in Stuart Wales, 71-5; T. H. Lewis, ‘The administration of justice in the Welsh county in its relation to other organs of justice, higher and lower’, THSC (1945), 151-66, at 155.

76 Parry, Guide to the Great Sessions, xiv-xxii, quotes at xvi, xvii. See ch. 6 below, 191, 201.

77 NLW CC F11560; GS 4/32/1.50.

78 DRO QSD/SR/70/26; NLW GS 4/43/2, examinations of Edward Griffith and of Owen Rogers, 31 December 1722; GS 4/40/1, examination of Richard Jones, 6 January 1710 (examinations taken in
magistrates would have troubled to record in writing the swearing of an interpreter. The
evidence is, as elsewhere, sparse, but it was probably not until later in the eighteenth century that
a serious language barrier began to emerge between the magistracy and the Welsh-speaking
majority.  

Throughout its history, however, worries were expressed in relation to Great Sessions.
The ‘language clause’ of 1536, it should be stressed, did not banish the Welsh language from the
courts, not even Great Sessions, and there is ample evidence of its presence in a variety of
contexts. But it had no official status, and formal proceedings were conducted in English,
leading to the possibility that incomprehension and confusion could result in miscarriages of
justice. In 1663, David Morris petitioned Great Sessions for release from gaol after being
incarcerated for failing to appear before the court on a recognizance, claiming that he had been
present but ‘not being perfect in the English tongue could not answear when he was called’. 

But perhaps the most frequently expressed contemporary anxieties concerned the inability
of presiding judges to understand Welsh (most of the judges appointed throughout the court’s
history were English), necessitating the use of interpreters. Even the most competent interpreter,
as Benjamin Malkin commented in the early nineteenth century,

can never convey the exact meaning, the tone, the gesture, as it bears upon the
verbal impact of the evidence, the confidence or hesitation of the witnesses. The
consequence is, that property or even life may be endangered by a defective
interpretation...

Malkin thought that the only remedy for such dangers was for English to become the ‘universal’
tongue. In the sixteenth century, however, a senior administrator had proposed a different
solution (never adopted) to the problem: the appointment of some Welsh-speaking judges, for
‘many tymes the evidence is tolde accordynge to the mynde of the interpreter, whereby the
evidence is expounded contrarie to that which is said by the examynate, and the judge gyveth a

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79 See J. G. Jones, ‘The Welsh language in local government: justices of the peace and the courts of
Quarter Sessions c.1536-1800’ in G. H. Jenkins (ed), The Welsh language before the industrial revolution
(Cardiff, 1997), 181-206; idem, Law, order and government in Caernarfonshire, 1558-1640: justices of the
peace and the gentry (Cardiff, 1996), 68-71.

80 P. R. Roberts, ‘The Welsh language, English law and Tudor legislation’, THSC (1989), 19-73; idem,
’Tudor legislation and the political status of “the British tongue”’ in Jenkins (ed), Welsh language before
the industrial revolution, 122-52. See also R. Suggett, ‘The Welsh language and the court of Great
Sessions’, in ibid, 153-180; idem, ‘Slander in early modern Wales’, BBCS, 39 (1992), 120-49. G.
5-9, points out that the wording of the ‘language clause’ insisted on English only for certain parts of the
courts’ proceedings: the ‘proclaiming’ and ‘keeping’ of courts, the swearing of officers, juries, inquests
and affidavits, giving verdicts and ‘wagers of law’. See also Jones, Law, order and government, 67.

81 NLW GS P.662, petition of David Morris. See Suggett, ‘Welsh language and Great Sessions’, 160,
162.
wronge charge’. 82

However, too much emphasis could be placed on this role of the judge in criminal trials before ‘the coming of the lawyers’. 83 Depositional evidence overwhelmingly attests that ordinary Welsh people were far from ignorant of the criminal law, which was not yet a ‘legalistic’ domain ruled by experts. Under those circumstances, it might be argued that the real crux of the matter in the trial lay in whether jurors could understand those giving evidence, whether for prosecution or defence.84 And while educated and chauvinistic contemporaries, especially English visitors, might be contemptuous of the capacities of Welsh juries (they were frequently equally prejudiced towards English ones),85 the jurors themselves might have taken a different view – and perhaps behaved more independently as a result. If they did not need an interpreter, while the judge did, whose knowledge was superior?

And all of this must have been rendered even more complex in a county as linguistically variegated as Denbighshire; trial jury lists, for example, contain a wide range of names from the Welsh patronymic through to unmistakably English surnames. But it is impossible to know how many of the jurors might have been Welsh/English monoglots, or able in varying degrees to understand both languages.86 There were stages in court procedures that were potentially mystifying and intimidating to those with little or no English; not all interpreters were competent; and the problems of translating complex legal points (perhaps in civil trials more often than criminal trials) might well have been at times a real barrier to justice. But it should not be assumed that difficulties were experienced only by monoglot Welsh speakers. Indeed, perhaps

83 In a unique detailed account of an eighteenth-century trial in Wales, of William Owen for murder at Carmarthen Great Sessions in 1747, the role of the judges hardly emerges as pivotal; their most active intervention was when they ‘read the deposition of the witnesses to the jury and told them to consider whether the prisoner was guilty or no’: NLW MS 21834B, ‘The birth, life, education and transactions of Captain William Owen the noted smuggler’, 153-4.
84 See M. E. Jones, ‘“An invidious attempt to accelerate the extinction of our language”: the abolition of the Court of Great Sessions and the Welsh language’, WHR, 19 (1998), 226-64, arguing that the jury system was crucial for the acceptance of an English-medium legal institution.
86 E.g. NLW GS 4/25/4.5, 46; 4/26/3.57-9; 4/31/5.51-2; 4/36/2.48. Even if one could infer individuals’ linguistic skills from names, ambiguities arise because different scribes did not necessarily record patronymics accurately, or consistently, and apparent surnames may be misleading: eg Ellen Jones (indictment) is also recorded as Ellen John, Ellen Shone or Ellen ferch Shone (depositions, gaol calendars): GS 4/36/1.24-5, 53-5; 4/36/3.49.
only the fluently bilingual were fully comfortable (and even a modicum of bilingual competence could, it seems, lead to a marked degree of assertiveness, a willingness to act as ‘brokers’) in what must have been a fluid, confusing language domain.87

**Great Sessions, Quarter Sessions and the local administration of justice**

The relationship between Great Sessions and Quarter Sessions in Denbighshire has been described as generally harmonious; Great Sessions ‘provided direction’, while Quarter Sessions was responsible for preserving local order and administration.88 There were close connections between the two courts, and ‘no precise dividing line’ between their criminal justice business.89 The prosecution of certain indictable offences, as elsewhere, was divided between the two courts along familiar lines: ‘serious’ crimes, capital felonies, were reserved to Great Sessions; Quarter Sessions tried petty larcenies, but not those felonies that incurred the death sentence.90 There were very occasional exceptions at Quarter Sessions, such as a prosecution for theft of a cow worth £2 in 1690 (dismissed by the grand jury). A unique indictment for murder at Quarter Sessions in 1686 was swiftly moved to Great Sessions.91 Conversely, there were just five indictments for petty larceny tried at Great Sessions between 1660 and 1730.92

But when it comes to a range of misdemeanours and breaches of the peace – assault, riot, close-breaking and disseisin, in the main (as well as neglect of highways and bridges) – the distinctions are less clear, although the overall proportions of types of offence varied, with a higher proportion of misdemeanours and also regulatory breaches at Quarter Sessions (tables 2.2 and 2.3). And as depositional material less often survives for such offences, it is very difficult to

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87 Suggett, ‘Welsh language and Great Sessions’, 157-8, on the ‘crucial role of bilingual jurors’, notably the example of a juror who took it upon himself to inform his fellow jurors, most of them Welsh monoglots, of the judge’s directions and the evidence (his enthusiasm may have out-run his ability).


89 All references to Quarter Sessions in this thesis refer to the county Quarter Sessions, not the borough Quarter Sessions at Denbigh, which were established under the terms of its Restoration charter. Little is known of its work as very few records have survived; see Evans, ‘Market towns’, 51-3; Gardner, ‘Justices of the peace’, 32. Some offences occurring in Denbigh were still indicted at the county Quarter Sessions.


91 NLW CC B47/b.20; B42/c.16; GS 4/33/4.44.

92 NLW GS 4/26/1.17; 4/26/3.35; 4/30/1.73; 4/30/3.32; 4/33/5.94.
assess whether the differences reflected criminal ‘seriousness’ or prosecutorial strategy.

Also, few distinctions can be made between the types of presentments made at the two courts by juries and high constables. Indeed, presentments at one court are frequently repeated at the other; occasionally Quarter Sessions constables’ presentments simply state that all matters have already been presented at Great Sessions. However, Quarter Sessions dealt with a much wider variety of complaints than Great Sessions. Indictments represented only a fraction of its work; the bench also had to regularly consider an array of recognizances, complaints and petitions, presentments, as well as administrative business such as alehouse licences, soldiers’ pensions, poor relief, the repair of highways and bridges. The bench was also faced with puzzling cases: for example, at Gresford in 1691 locals opened up the grave of a still-born baby, following rumours that the mother had never been pregnant, and allegedly exhumed a ‘thing made like to a childe’, formed of offal and wood. Yet there were also witnesses to the premature still-birth. This case was unusually grotesque, but it does highlight the less clearly defined – and often less easily resolved – nature of much Quarter Sessions work compared to Great Sessions business.

Another area of notable differences between Great Sessions and Quarter Sessions concerned the characteristics of defendants, in terms of social or occupational status (tables 2.4 and 2.5) and of gender (tables 2.6 and 2.7). Along with the high proportion of indictments for interpersonal assault and use of recognizances, Quarter Sessions emerges as overwhelmingly a forum for settling interpersonal disputes among those of ‘middling’ status, especially small farmers. At the same time it is clear that at both courts defendants of gentry status are over-represented in every category of offence except perhaps property offences (mostly for misdemeanours). Meanwhile, defendants from the ‘labouring poor’ (perhaps corroborating the suggestion that they constituted a smaller proportion of the population) are relatively few in number; they rise to significant proportions only in offences against property at Great Sessions, and even then are less prominent than in English courts.

93 E.g., NLW CC B38/b.9, 18; B40/b.3, 6, 7.
94 For valuable overviews of the work of Quarter Sessions and JPs in north Wales, see W. O. Williams (ed), Calendar of the Caernarvonshire Quarter Sessions records, vol I: 1541-1558 (Caernarvon, 1956); K. Williams-Jones (ed), A calendar of the Merioneth Quarter Sessions rolls, vol I: 1733-65 (Merioneth County Council, 1965); Jones, Law, order and government, ch. 2; see also J. R. S. Phillips, The justices of the peace in Wales and Monmouthshire 1541 to 1689 (Cardiff, 1975).
95 See Gardner, ‘Justices of the peace’, 123-205.
96 NLW CC B47/c.30.
97 Two-thirds of men accused of property offences in rural Sussex in the 1780s were described as labourers: Beattie, Crime and the courts, 251; in Yorkshire 1650-1700, 76% of theft defendants at Assizes were ‘labourers’, 57% at Quarter Sessions: S. Barbour-Mercer, ‘Prosecution and process: crime and the criminal law in late seventeenth-century Yorkshire’ (DPhil thesis, University of York, 1988), 195.
### Table 2.2: Indicted offences, Denbighshire 1661-1730: Great Sessions

<table>
<thead>
<tr>
<th>Category</th>
<th>number of indictments</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Offences against authority</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coining (counterfeiting, clipping, uttering)</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Perverting justice (perjury, subornation)</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Negligent/delinquent official</td>
<td>24</td>
<td></td>
</tr>
<tr>
<td>Religious (recusancy, absenteeism)</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Rescue (of people or property)</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Sedition/treason including seditious words</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Assault on identified official</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>117</td>
<td>12.7</td>
</tr>
</tbody>
</table>

| **B. Offences against the peace**                  |                       |    |
| Disrupting neighbourhood                          | 21                    |    |
| Assembled against property                        | 74                    |    |
| Riot and assault-riot (no attack on property)     | 59                    |    |
| **Total**                                          | 154                   | 16.7|

| **C. Offences against property**                   |                       |    |
| Arson                                              | 7                     |    |
| Abduction/illegal marriage of minors               | 3                     |    |
| Property misdemeanours                             | 32                    |    |
| Property felonies (excluding arson)               | 279                   |    |
| **Total**                                          | 321                   | 34.8|

| **D. Interpersonal violence**                      |                       |    |
| Simple assault                                     | 166                   |    |
| Homicide (excluding infanticide)                   | 79                    |    |
| Infanticide                                       | 14                    |    |
| Rape and sexual assault                            | 6                     |    |
| Witchcraft                                         | 1                     |    |
| **Total**                                          | 266                   | 28.8|

| **E. Economic and communal regulation**            |                       |    |
| Highways and bridges                               | 25                    |    |
| Land use                                           | 10                    |    |
| Regulating trade                                   | 10                    |    |
| Regulating work                                    | 15                    |    |
| **Total**                                          | 60                    | 6.5 |

| **F. Sexual morality**                             | 5                     | 0.5 |

| **Total**                                          | 923                   | 100.0|

See below for notes to table
Table 2.3: Indicted offences, Denbighshire 1661-1730: Quarter Sessions

<table>
<thead>
<tr>
<th>Category</th>
<th>Number of Indictments</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Offences against authority</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perverting justice</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Negligent/delinquent official</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Religious</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Rescue</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Seditious words</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Assault on identified official</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>33</td>
<td>7.1</td>
</tr>
<tr>
<td><strong>B. Offences against the peace</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disrupting neighbourhood(^b)</td>
<td>28</td>
<td>13.4</td>
</tr>
<tr>
<td>Assembled against property(^c)</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>Riot/assault-riot (no attack on property)</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>62</td>
<td>13.4</td>
</tr>
<tr>
<td><strong>C. Offences against property</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property misdemeanours(^d)</td>
<td>27</td>
<td></td>
</tr>
<tr>
<td>Property felonies(^e)</td>
<td>80</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>107</td>
<td>23.1</td>
</tr>
<tr>
<td><strong>D. Interpersonal violence</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Simple assault</td>
<td>210</td>
<td>45.8</td>
</tr>
<tr>
<td>Homicide</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Sexual assault</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>212</td>
<td>45.8</td>
</tr>
<tr>
<td><strong>E. Economic and communal regulation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highways and bridges</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>Land use(^g)</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Regulating trade(^h)</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>49</td>
<td>10.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>463</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: sample A (see appendix 2)

See below for notes to table
For the purposes of this and all other quantitative analyses of indictments, all surviving Great Sessions indictments from the period 1661-1730 are included, while for Quarter Sessions a 35-year sample was employed, covering all indictments from the years 1661-70, 1681-95, 1721-30. See appendix 2 for details.

a including ignoramus bills: strictly speaking, these documents were not ‘indictments’ until they had been found ‘true bill’ by a grand jury, but throughout this study, unless specifically noted, the term will be used both for ‘true’ and ‘ignoramus’ bills. It should be noted that Great Sessions ignoramus bills were not regularly filed until the mid 1670s; it is not known how many have been lost.

b scolding, barratry, defamation (also a single Quarter Sessions indictment for vagrancy)

c riotous closebreaking, disseisin, damage involving three or more persons

The decision to place ‘riotous’ misdemeanours against property – mainly close-breaking and disseisin – in the ‘peace’ rather than ‘property’ category is somewhat unsatisfactory without contextual evidence about the levels of disorderliness involved. But the alternative assumption seemed no better.

d closebreaking, disseisin, damage, involving fewer than three persons; non-felonious appropriations of property, fraud

e grand and petty larceny, burglary and housebreaking, robbery, pickpocketing

f Counting homicide *indictments* somewhat inflates the actual number of prosecuted homicide cases in Denbighshire, as a number of defendants were indicted twice, once for murder and once for manslaughter (or once for statutory infanticide and once for common-law murder).

g illegal enclosures, cottages, diverting/obstructing watercourses, failing to repair fences

h unlicensed alehouses, forestalling and regrating, selling deficient/underweight/rotten goods, infringing trade/market regulations

i trading without apprenticeship, teaching without licence

j bestiality, bigamy
Table 2.4: Social status/occupation of indicted defendants, Great Sessions

<table>
<thead>
<tr>
<th>Social category</th>
<th>number of defendants overall</th>
<th>% of defendants by indictment categories</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>overall</td>
</tr>
<tr>
<td>farming</td>
<td>519</td>
<td>28.8</td>
</tr>
<tr>
<td>gentry</td>
<td>272</td>
<td>15.1</td>
</tr>
<tr>
<td>labouring</td>
<td>353</td>
<td>19.6</td>
</tr>
<tr>
<td>craft/trade</td>
<td>472</td>
<td>26.2</td>
</tr>
<tr>
<td>spinster</td>
<td>125</td>
<td>6.9</td>
</tr>
<tr>
<td>widow</td>
<td>58</td>
<td>3.2</td>
</tr>
<tr>
<td>total</td>
<td>1799</td>
<td>100.0</td>
</tr>
<tr>
<td>(N)</td>
<td></td>
<td>(277)</td>
</tr>
</tbody>
</table>

Source: sample A (see appendix 2)

Notes to tables 2.4 and 2.5

See tables 2.2 and 2.3 for the indictment categories used. Only defendants whose social categories were given are included; a small minority (less than 10 per cent in each court) were illegible or not stated (also excluded are the majority of roads and bridges indictments directed at ‘the inhabitants’ of a settlement or the county). It should be borne in mind that these categories (especially perhaps ‘labourer’) are not entirely reliable: see J. S. Cockburn, ‘Early-modern assize records as historical evidence’, Journal of the Society of Archivists, 5 (1976-77), 215-31.

women described as ‘wife of’ were included in the husband’s category

farming: yeoman, husbandman, ‘farmer’
gentry: gentleman, esquire, knight, baronet, also educated professionals (clergy, lawyers)
labouring: labourers, other unskilled manual occupations
craft/trade: building, leather, textile, clothing, metal, etc; retail, victualling trades, other services
While women were in the minority in both courts, less than one-fifth of those indicted at Great Sessions were women, compared to just over one-quarter at Quarter Sessions (table 2.6). However, perhaps the most striking gendered differences between the two courts are to be found amongst those bound over to keep the peace or good behaviour (table 2.7). Nevertheless, at Quarter Sessions women were apparently as likely to be indicted as to be bound over, diverging from Robert Shoemaker’s findings that those who prosecuted women in London during the same period tended to favour less formal methods of prosecution.

Table 2.6: Gender of indicted defendants

<table>
<thead>
<tr>
<th></th>
<th>Great Sessions</th>
<th>Quarter Sessions*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>number</td>
<td>%</td>
</tr>
<tr>
<td>female</td>
<td>348</td>
<td>19.2</td>
</tr>
<tr>
<td>male</td>
<td>1614</td>
<td>80.8</td>
</tr>
<tr>
<td>total</td>
<td>2169</td>
<td>100</td>
</tr>
</tbody>
</table>

*Source: sample A (see appendix 2)

Table 2.7: Gender of persons bound over to the peace/good behaviour

<table>
<thead>
<tr>
<th></th>
<th>Great Sessions</th>
<th>Quarter Sessions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>number</td>
<td>%</td>
</tr>
<tr>
<td>female</td>
<td>5</td>
<td>9.1</td>
</tr>
<tr>
<td>male</td>
<td>50</td>
<td>90.9</td>
</tr>
<tr>
<td>total</td>
<td>55</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: sample B (see appendix 2)

It seems likely that Denbighshire authorities were less concerned about the behaviour of

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98 The contrast is perhaps most striking in the case of theft indictments: women comprised 44.9 % of defendants at Quarter Sessions compared with only 23.2% at Great Sessions.

women and issues of sexual morality than their metropolitan counterparts. The proportions of female defendants at Quarter Sessions, whether by recognizance or indictment, were lower in Denbighshire than in Middlesex.101 There are few surviving house of correction records for Denbighshire during this period, and the numbers of inmates were not large, but the few calendars that do survive suggest a very different gender composition to that of the Middlesex houses of correction. In contrast to the marked gender disparity there (more than two-thirds of inmates were female), the proportions in Denbighshire seem to have been quite even. Moreover, there are few ‘vice’ offenders (women described as prostitutes are absent), although in other respects the mix shows similarities to Middlesex inmates: several women and a few men on charges of bastardy, men and women described as ‘idle’ and/or ‘disorderly’, vagrants, misbehaving servants, suspected thieves and fraudsters, a few mentally ‘distracted’.102

Denbighshire women and especially single young women may not have been subject to the same kind of economic difficulties and close supervision by authorities that Shoemaker argues was common in London.103 They were (if not necessarily financially better off) perhaps less vulnerable to becoming isolated and marginalised than London women. It may be the case, as John Beattie suggested, that women in rural areas were less independent, their lifestyles less public, than women in urban London, and as a result they were less likely to become involved with the courts.104 In virtually all types of encounter with the Denbighshire courts, not just as defendants, men outnumber women. Nevertheless, while their numbers were smaller, women *did* appear in almost every possible guise, including witnesses, petitioners, victims and prosecutors: they were more than capable of being assertive, disorderly and law-minded.

There are also geographical variations to the courts’ business that need to be considered. The prestige of Great Sessions, its monopoly on the most ‘serious’ crimes, its multiple civil, criminal and equity jurisdictions (not to mention the fact that it was never held in the winter

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100 This sample covers 16 years : 1663-66; 1681-84; 1694-96; 1710-11; 1724-28.
101 Shoemaker, *Prosecution and punishment*, 208: 35.8% of defendants by recognizance were female, 27.2% of defendants by indictment.
102 Shoemaker, *Prosecution and punishment*, ch. 7, especially table at 185 (he notes that even without prostitution and related committals, women would still be in the majority, 213). But Middlesex was perhaps not representative anyway. See J. Innes, ‘Prisons for the poor: English bridewells, 1555-1800’, in F. Snyder and D. Hay (eds), *Labour, law and crime: an historical perspective* (London, 1987), 42-122, at 84-8, on the range of committals and inmates. Listings before the eighteenth century are fragmentary, and irregular thereafter, but see NLW CC B20/c.14; B52/c.1; DRO QSD SR/53/24, 64/10, 72/4, 80/16.
103 At Great Sessions 190 defendants were married women, 125 were spinsters, 58 widows; Quarter Sessions: 62 married women, 53 spinsters, 22 widows.
months) meant that, wherever it was held, it would draw people from throughout Denbighshire. But the siting of Quarter Sessions may have affected its reach, especially during the winter. One letter writer in the 1670s, arguing that the winter sessions ought to be held in Ruthin as it was ‘about ye center of ye county’, thought it ‘an untollerable thing for ye poore cou[n]trey people to come from ye fur[ther] end of the county to Wrexham’ during the winter. Conversely, in 1725 it was considered ‘very hard and unjust as well to the justices as to the suitors of the court that ye quarters are all allmost constantly at Denbigh’.

Apart from three occasions at Llanrwst between 1663 and 1670, the post-Restoration county Quarter Sessions were shared between Denbigh, Ruthin and Wrexham. Although ‘all allmost constantly at Denbigh’ represented an exaggeration, it was indeed the case that during the 1720s the sessions were infrequently held at Wrexham. But generally Wrexham, despite the earlier complaint, tended to be host less often than the other two towns throughout the period, except during the 1690s when the commission of the peace was temporarily limited to eight JPs, the majority of whom lived in Bromfield and Chirk. Additionally, the movements were irregular: it was not uncommon for one town to hold two (and occasionally even three) successive sessions; or for courts to alternate between two of the towns over several sessions, most often between Ruthin and Denbigh. As a result, on a number of occasions – not just during the 1720s – the south-east of the county went without hosting the court for over two years.

The location of Quarter Sessions certainly had an impact on the composition of juries and the content of their presentments. The majority of grand jurors – varying from 60-75 per cent – were drawn from the hundred in which the court was sited, followed by neighbouring hundreds. As a result, a disproportionate burden was placed on the hundreds of Ruthin and Isaled for Quarter Sessions grand jury service, while the disparities were less marked at Great Sessions (table 2.8). And this did affect the coverage of grand jury presentments, since jurors tended only to present matters relating to their own localities. For example, the grand jury’s presentments

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105 T. H. Lewis, ‘Attendances of justices and grand jurors at the courts of Quarter Sessions in Wales – 16th-18th century’, _THSC_ (1942), 108-22, comments on the difficulties the location of Quarter Sessions could cause (especially at 112-3).
106 NLW CC E58, Peter Foulkes to Thomas Prichard, ?1675. Between 1660 and 1672, the Hilary (January) sessions had in most years been held at Ruthin; it then inexplicably shifted to be shared primarily between Wrexham and Denbigh for the rest of the century (see Gardner, ‘Justices of the peace’, appendix A for the locations). During the 1710s and 1720s, Ruthin was again more often the January host.
107 NLW CC E376, Thomas Meredith to Robert Myddleton, 4 October 1725.
109 Gardner, ‘Justices of the peace’, 41; See J. S. Morrill, _The Cheshire grand jury 1625-59: a social and administrative study_ (Leicester, 1976), 14-5, 30-1, for similar findings elsewhere. In Devon, where Quarter Sessions was settled in one location, recruitment partly reflected location and ease of access, but there seems also to have been an association between jury service and prosperous, enclosed agriculture that may also be relevant in Denbighshire: S. K. Roberts, ‘Juries and the middling sort: recruitment and
at the Quarter Sessions of October 1663 at Wrexham entirely related to the hundreds of Bromfield and Chirk.\textsuperscript{110}

### Table 2.8: Grand jurors: geographical distribution

<table>
<thead>
<tr>
<th>Hundred</th>
<th>% of county population, 1670</th>
<th>Great Sessions grand jurors (%)</th>
<th>Quarter Sessions grand jurors (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bromfield</td>
<td>30.2</td>
<td>28.7</td>
<td>19.6</td>
</tr>
<tr>
<td>Chirk</td>
<td>13.3</td>
<td>9.3</td>
<td>8.4</td>
</tr>
<tr>
<td>Isaled</td>
<td>20.3</td>
<td>23.5</td>
<td>26.1</td>
</tr>
<tr>
<td>Isdulas</td>
<td>13.1</td>
<td>8.3</td>
<td>6.7</td>
</tr>
<tr>
<td>Ruthin</td>
<td>17.6</td>
<td>23.7</td>
<td>34.5</td>
</tr>
<tr>
<td>Yale</td>
<td>5.5</td>
<td>6.5</td>
<td>4.6</td>
</tr>
</tbody>
</table>

Source: sample B (see appendix 2)

**Notes**

Not all the given residences could be clearly identified; only those which could be located with confidence have been included. Each jury appearance by each individual was counted.


Other aspects of Quarter Sessions business, however, such as the attendance of high constables, were apparently less affected by its location, although their presentments were almost entirely confined to dilapidated roads and bridges and, less often, absentees from church. In any case, after the 1680s presenting activity both by juries and constables went into rapid decline, not least because of the effects of religious toleration after 1688. Finally, the location of Quarter Sessions seems not to have had any notable effect on ‘private’ prosecutions. Nevertheless, there were substantial variations between the prosecuting patterns of the different hundreds’ inhabitants. But the patterns are complex (tables 2.9 and 2.10). For example, Bromfield was substantially over-represented in Great Sessions indictments and binding over at Quarter Sessions, but not in Quarter Sessions indictments, while the residents of Ruthin hundred seem to

\textsuperscript{110} NLW CC B19/d38; see also, e.g., CC B39/a.15.
have favoured Quarter Sessions for prosecuting by indictment. While the location of Quarter Sessions did affect the geographical coverage of the court to some extent, then, no session of the court was simply a ‘local’ affair; it always drew people from throughout the county – however inconvenient they found it – which would have contrasted sharply with more localised ‘lower’ jurisdictions such as manor courts.

Table 2.9: Origin of Quarter Sessions recognizances for the peace/behaviour, by hundred

<table>
<thead>
<tr>
<th>Hundred</th>
<th>Recognizances number</th>
<th>%</th>
<th>% of county population, 1670</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bromfield</td>
<td>252</td>
<td>40.5</td>
<td></td>
</tr>
<tr>
<td>Chirk</td>
<td>34</td>
<td>5.5</td>
<td></td>
</tr>
<tr>
<td>Isaled</td>
<td>77</td>
<td>12.4</td>
<td></td>
</tr>
<tr>
<td>Isdulas</td>
<td>106</td>
<td>17.0</td>
<td></td>
</tr>
<tr>
<td>Ruthin</td>
<td>131</td>
<td>21.1</td>
<td></td>
</tr>
<tr>
<td>Yale</td>
<td>22</td>
<td>3.5</td>
<td></td>
</tr>
</tbody>
</table>

|       | 622                  | 100.0| 100.0                          |

Source: sample B (see appendix 2)

Note The residence of those bound over has been used as the basis for this table, but these documents overwhelmingly reflect local disputes

Table 2.10: Origin of indicted offences, by hundred

<table>
<thead>
<tr>
<th>Hundred</th>
<th>Great Sessions %</th>
<th>Quarter Sessions* %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bromfield</td>
<td>41.9</td>
<td>25.7</td>
</tr>
<tr>
<td>Chirk</td>
<td>9.6</td>
<td>8.4</td>
</tr>
<tr>
<td>Isaled</td>
<td>12.6</td>
<td>18.6</td>
</tr>
<tr>
<td>Isdulas</td>
<td>9.4</td>
<td>15.3</td>
</tr>
<tr>
<td>Ruthin</td>
<td>14.8</td>
<td>22.9</td>
</tr>
<tr>
<td>Yale</td>
<td>5.1</td>
<td>4.1</td>
</tr>
<tr>
<td>not known/other</td>
<td>6.5</td>
<td>5.0</td>
</tr>
</tbody>
</table>

|       | 100.0             | 100.0               |

* Source: sample A (see appendix 2)
Finally, some brief observations should be made about Great Sessions’ or Quarter Sessions’ relationships to lower and other courts in the county. As in many other areas, records of petty sessions do not survive; there are only occasional references to magistrates’ ‘monthly meetings’, except for a file from one meeting held at Rhiwabon in 1695. This consisted mostly of presentments from parish constables and overseers of the poor and of highways in Chirk hundred; most had nothing to present. A few overseers of the poor were concerned about poor strangers and parishioners ‘entertaining’ them, while the constables had, it seems, received directions from above concerning poaching and alehouses (one presented himself for owning a net!).

It is also difficult to comment on the activities of the church courts of the dioceses that covered the county (primarily St Asaph; a small area including Ruthin came under the authority of Bangor, and a few eastern parishes were in the diocese of Chester). Church court records for the period in most Welsh dioceses are fragmentary: a handful of surviving Order Books for St Asaph can do no more than suggest that the work of the court was broadly similar to post-Restoration ecclesiastical jurisdictions elsewhere. Given the volume of religious presentments brought at Quarter Sessions and Great Sessions between the 1660s and 1680s, the concerns of secular and ecclesiastical authorities clearly overlapped during that period; the grand jury in January 1683 forbore to present recusants and dissenters, ‘conceiving that the bishop hath taken a course with them all ready’. On the other hand, the secular courts could be asked to assist with problems of church discipline. In 1681, the consistory court of St Asaph requested Quarter Sessions’ assistance in securing three men who had refused to appear at the church court in a suit over the detention of tithes in Llangernyw. The bishop of St Asaph wrote to the Quarter Sessions bench in 1684 to complain about the frequency of clandestine marriages in alehouses, in particular citing that of Thomas Owen in Llanrwst, and to ask them to proceed against him ‘by

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111 NLW CC B51/e. On petty sessions and their expansion in the eighteenth century, see N. Landau, *The justices of the peace, 1679-1760* (Berkeley, 1984), ch. 7.


113 NLW CC B39/a.15; see also B40/c.23/1.

114 NLW CC B37/d.4.
such ways in law as shall be thought in your discretions most effectuall herein’.\footnote{NLW CC B40/a.4.}

More extensive records survive for a number of manorial courts, and they deserve further study, but their business was clearly circumscribed. For example, in the lordship of Chirk, the vast majority of suits related to small debts, with the occasional action for trespass and damage to property. Presentments were also limited, mainly for decayed roads or occasionally negligent officers.\footnote{E.g., NLW CC D84, D99, D106, D252.} A number of people were on one occasion bound over by an unspecified leet court to appear at Quarter Sessions ‘for having ale-quarts under ye standart’, but it was requested that they be excused from appearing as they had paid their fines.\footnote{NLW CC B21/b.24.} It seems likely that binding over to the higher court was here employed to coerce recalcitrant individuals into obeying the authority of the manorial court, rather as the church courts seem to have made use of the secular court’s greater powers when it was found necessary.\footnote{See Lewis, ‘The administration of justice’, 163-5.} Further research into the work of the local courts would be helpful, but it seems that the authority of the various courts should be seen as, on the whole, complementary and co-operative.

**Indicted crimes in their wider context**

Between 1661 and 1730, 923 known indictments\footnote{Including ignoramus bills.} were prosecuted at Great Sessions, an average of just over 13 per annum (representing 1965 indicted individuals). At Quarter Sessions, in 35 selected years between 1661 and 1730, there were 463 bills, a similar average (699 persons). Thus, whatever relationship prosecutions might bear to ‘real’ crimes, it is clear that there was considerably less intense pressure on the criminal justice system of Denbighshire than in areas such as London and the Home Counties. In the context of a growing population, there is an underlying downward trend overall (see table 2.11). But this is complicated by dramatic fluctuations over the period, and in tandem with the low averages, that necessitates considerable caution in using and interpreting any apparent ‘patterns’ in prosecutions. Certainly, no attempts to correlate these in detail to economic or other short-term changes will be made.

However, five-year totals for Great Sessions indictments indicate that two periods were particularly marked by indictment activity at that court: the 1680s and the late 1710s to early 1720s, and it is very likely in addition that prosecutions by indictment were at a heightened level
during the early 1660s, obscured by the absence of ignoramus bills and also the fact that only one file survives for each of the years 1661-2. At Quarter Sessions, the 1660s (especially the first half of the decade) were unambiguously the busiest of the selected years, and the early 1720s also saw above-average indictment levels; although the 1680s there were relatively quiet in terms of indictment activity, the early 1680s were notable for high levels of Quarter Sessions binding over, and also for presentments by juries and high constables at both courts.

Table 2.11: Indictments: five-year totals, 1661-1730

<table>
<thead>
<tr>
<th>Period</th>
<th>Great Sessions</th>
<th>Quarter Sessions*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1661-65</td>
<td>66</td>
<td>105</td>
</tr>
<tr>
<td>1666-70</td>
<td>64</td>
<td>80</td>
</tr>
<tr>
<td>1671-75</td>
<td>57</td>
<td></td>
</tr>
<tr>
<td>1676-80</td>
<td>63</td>
<td></td>
</tr>
<tr>
<td>1681-85</td>
<td>85</td>
<td>52</td>
</tr>
<tr>
<td>1686-90</td>
<td>82</td>
<td>50</td>
</tr>
<tr>
<td>1691-95</td>
<td>65</td>
<td>46</td>
</tr>
<tr>
<td>1696-1700</td>
<td>65</td>
<td></td>
</tr>
<tr>
<td>1701-05</td>
<td>41</td>
<td></td>
</tr>
<tr>
<td>1706-10</td>
<td>51</td>
<td></td>
</tr>
<tr>
<td>1711-15</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>1716-20</td>
<td>72</td>
<td></td>
</tr>
<tr>
<td>1721-25</td>
<td>100</td>
<td>77</td>
</tr>
<tr>
<td>1726-30</td>
<td>52</td>
<td>53</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>923</strong></td>
<td><strong>463</strong></td>
</tr>
</tbody>
</table>

*Source: sample A (see appendix 2)

While the movements sometimes bear some relationship to economic factors, what the three periods of heightened prosecuting activity do share are markedly high levels of political tension and controversy. The early 1660s following the Restoration was a period of anxiety about the security of the new regime; the 1680s also saw intense constitutional and religious controversy; the accession of the Hanoverians in 1714 sparked off factional conflicts which rumbled on into the 1720s. As will be discussed in a later chapter, all of these political and

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120 See appendix 1 for the survival of gaol files and Quarter Sessions records.
religious tensions were made explicit in the court records of the county in a variety of ways. It could also be suggested that they more indirectly influenced a wider range of prosecutions, by heightening local tensions or fears about ‘disorder’, especially as prosecutions that might particularly reflect such tensions at the local level – notably assault and riot – made up a considerably higher proportion of indictments than in many English regions, particularly at the higher court.

The relative proportions of types of indicted offence do differ between Great Sessions and Quarter Sessions: a significantly higher proportion of property offences was tried at Great Sessions, while interpersonal violence was more likely to be indicted at Quarter Sessions (see tables 2.2 and 2.3 above). But both courts regularly tried both types of offences and violent and disorderly misdemeanours were of considerable significance at Great Sessions. Between 1661 and 1730, Denbighshire Great Sessions saw 180 indictments for assault and 59 indictments for riot or assault/riot (excluding riotous disseisin and close-breaking), out of a total of 923 indictments. In Essex between 1620 and 1680, of over 8,500 indicted offences, just 52 assaults and 19 riots were indicted at Assizes. That may have been particularly low, but comparison with other English counties at various periods suggests that the proportions of both lethal and non-lethal interpersonal violence were substantially higher at Denbighshire Great Sessions than at Assize courts in England (figure 2.1). But it has to be stressed that homicide rates relative to population were comparable to the English average by 1660; and prosecuted theft rates were low. It is the disorderly and violent misdemeanours, especially assault, which stand out.

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121 See ch. 5 below, 155-78.
122 At Denbighshire Quarter Sessions 1735-1800, assault prosecutions continued to outnumber those for theft, though less dramatically so: Howell, Rural poor, 212.
123 And this was certainly not confined to Denbighshire: 53% of those indicted at Montgomeryshire Great Sessions between 1690 and 1790 were charged with assault and other violence, and only 28.5% with offences against property: Humphreys, Crisis of community, 225; see also Howell, Rural poor, 211-2.
124 Sharpe, Seventeenth century England, 183, 72, 115. Including Quarter Sessions prosecutions does not seem to greatly alter the higher proportions of assault and riot, although it does even out theft ratios (due to the much heavier use of that court in Essex for economic and community regulation). Thus, between 1660 and 1680 in Essex 25.4 per cent of all indictments studied (King’s Bench, Assizes and Quarter Sessions) were for property felonies, 2.4 per cent for riot, and 7.8 per cent for assault, while combining Denbighshire Great Sessions and Quarter Sessions between 1660 and 1730 gives respective proportions of 25.9 per cent, 5.1 per cent and 29.0 per cent.
125 See ch. 3 and 4 below, 58-61, 102-5.
Some closer comparisons might be made with northern English counties. Cheshire, which shared with Denbighshire a border and a reputation during the sixteenth and early seventeenth centuries for violence and disorder, recorded higher than average lethal violence-to-theft ratios, and also high levels of assault. Indeed, from her research on later-seventeenth-century Yorkshire, Sarah Mercer argued that researchers’ emphasis on the Home Counties may have distorted the picture of early modern ‘English’ crime. Felonies did not dominate the Yorkshire Assizes: 54.4 per cent of defendants (at Quarter Sessions 83 per cent) were charged with misdemeanours. But significant differences remain: fewer than 10 per cent of Yorkshire assize indictments were for assault, compared to 19.5 per cent of Denbighshire Great Sessions.

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indictments.¹²⁷

There are also striking variations in the relative proportions of indicted categories of offence within Denbighshire (figures 2.2 and 2.3). The highest ratios of prosecutions for theft at both Great Sessions and Quarter Sessions come from the south-eastern hundreds, especially Bromfield, and from Ruthin hundred, in the vale of Clwyd. Conversely, the two north-western hundreds of Isaled and Isdulas produced higher proportions of Great Sessions prosecutions for interpersonal violence and offences against the peace, and although the patterns are less clear-cut at Quarter Sessions, Isaled still had the highest proportion of interpersonal violence indictments.

It should be stressed, though, that there was no kind of ‘violence/vol’ transition.¹²⁸ It is too early to know what these figures ‘mean’, but three perspectives seem likely to be rewarding. The variations are suggestive of a ‘rural-urban’ continuum to criminal justice; an association between rural counties and higher proportions of crimes against the person has been noted by English historians.¹²⁹ But that is not sufficient here: the enduring environmental contrasts of uplands and lowlands represent a further significant factor. And, finally, there might be distinctively ‘Welsh’ (or ‘borderland’?) dynamics, rooted in two often conflicting histories and cultures, that deserve further comparative investigation. Subsequent chapters, while not attempting to provide conclusive answers to all of these, will explore these themes.


¹²⁸ English research has refuted any notion of a violence/vol transition; indeed, levels of theft prosecutions declined from the late sixteenth century. Sharpe, Crime in early modern England, 59. My initial impression from early seventeenth-century gaol files is that a similar trend may have taken place in Denbighshire (certainly overall levels of prosecutions declined substantially), but this requires further research.

Figure 2.2: Comparison of offences indicted at Great Sessions, by hundred

![Bar chart showing comparison of offences indicted at Great Sessions, by hundred](image)

Source: sample A (see appendix 2)

Notes to figures 2.2 and 2.3

See tables 2.2 and 2.3 above for details of the categories used. The category of ‘morality’ offences has been omitted from figure 2.2 as the numbers were so small.

Only those places that could be clearly identified and located have been included.

The small numbers of Yale indictments at Quarter Sessions (just 19 in total) mean that this column should be treated with considerable circumspection.
Conclusion

Most of their indictments are generally the tragical effects of some dismal counterscuffle, where a bloody nose and a broken shin is ample matter for the commencement of a suit... and the wounds of this caterwauling and bickering afford stuff for an action the next day... 130

This English satirist, writing of litigation at the Council in the Marches, was presenting a conventional mocking stereotype of the Welsh in the seventeenth and eighteenth centuries; and yet Denbighshire’s court records hint that there may have been some underlying truth to it. Broadly, it is clear from even a cursory inspection of earlier gaol files that Denbighshire conformed to the ‘national’ (English) long-term trend of declining levels of prosecutions from the early seventeenth century. Nevertheless, patterns of prosecution in Denbighshire between 1660 and 1730 at both Great Sessions and Quarter Sessions, but especially the former, differed significantly from some intensively-studied English areas. How far this reflected differences in offending or prosecuting behaviour is unclear, especially since the options available for responding to misdemeanours, including assaults, were so varied (the satirist seems to imply a predisposition both to quarrelling and going to law about it afterwards). Whatever the reasons, the result is patterns of court business in which ‘minor’ offences simply cannot be dismissed as trivial (or, for that matter, comical). A discussion of Denbighshire’s recorded crime between 1660 and 1730 exclusively or even largely in terms of the felonies of theft and homicide, and prosecution by indictment, would be entirely inadequate.

The methods employed will reflect the topic and the records: quantification where appropriate will provide a basis for comparison and context, but the emphasis will be on qualitative analysis, especially in the second part of the thesis. I shall not attempt to cover every type of offence contained within the records, an approach that can lead to a rather sterile and superficial listing of crimes and misdemeanours; rather, the approach will be thematic. The complexity of attitudes towards different offences and laws, degrees of culpability and perceived ‘seriousness’, will be emphasised, as will the variety of ways in which individuals and groups could bring their complaints and concerns to the attention of the courts. And issues of both regional variations and changes over time will frequently be raised – even where they produce more questions than answers.

130 ‘The Briton describ’d’, 58.
Chapter Three

Interpersonal Violence

Introduction

A number of historians, with varying degrees of subtlety, have identified ways in which early modern societies displayed greater tolerance for physical violence than we do today, and have attempted to track and explain this change.¹ As Alan Macfarlane notes, a narrative of the ‘violence and degraded brutality of the inhabitants of England’ before the eighteenth century, and their subsequent transformation, has been influential among twentieth-century historians.² One of its best-known exponents, Lawrence Stone, has written of the period as characterised by ‘ferocity, childishness, and lack of self-control’, describing a complete ‘absence of restraint’ amongst the gentry and endemic violence in the early modern village, ‘a place filled with malice and hatred’.³

Some historians of early modern Wales, too, have emphasised the belligerent temper of their subjects, often adding a distinctive national slant; it has been suggested that there was lingering affection for the old Welsh laws with their supposed tolerance of murder.⁴ Moreover, ‘the explosive Welsh temperament’,⁵ it is sometimes implied, could surpass even the passions of the English (an opinion shared by at least some contemporaries).⁶ In one portrayal of Welsh

⁵ Owen, Elizabethan Wales, 179.
⁶ See M. Roberts, ‘ “More prone to be idle and riotous than the English”? Attitudes to male behaviour in early modern Wales’, in Roberts and Clarke (eds), Women and gender, 259-90; P. Lord, Words with
village life that echoes Stone, it is asserted that the eighteenth-century Great Sessions records leave ‘the strong impression that this was a rough, brutal and unsqueamish society, in which men and women alike turned naturally to assaulting those who in any way offended them’. This chapter is intended to assess the levels of prosecuted violence in Denbighshire during the seventeenth and eighteenth centuries, and moreover to set those patterns in their social context and to examine attitudes toward violence.

**Patterns of prosecution**

While extensive research has traced the long-term decline in English homicide rates from the middle ages (generating considerable debate in the process), no similar long-term statistical analysis has been carried out for Wales. There is evidence of decline from the late seventeenth century at least; in Montgomeryshire between 1680 and 1815 prosecution levels fell. An analysis of homicide prosecutions in Denbighshire in the period of this study confirms the overall downward trend, though it is complicated by short-term fluctuations (table 3.1). During the later seventeenth century the Denbighshire trends may be closer to those of northern England than the south east: Cheshire and Yorkshire saw similar increases in the 1680s, compared to a more ‘straightforward decline’ in Surrey and Sussex from 1660. Calculating homicide rates (although very approximate) gives similar results. The annual average rate for 1671-90 is about 4.3 per 100,000 population (again it peaks during the 1680s), falling away rapidly from 1690 to average about 2 per 100,000 per annum between 1701 and 1730. Meanwhile, the English average is estimated at 4.3 in the second half of the seventeenth century and 2.3 in the first half.
of the eighteenth century. By the later seventeenth century, then, levels of homicidal violence in Denbighshire were comparable with those east of the border: while lethal violence was more prevalent than today, it was nonetheless an extremely unusual event.

Table 3.1: Homicide (including infanticide) cases in Denbighshire, 1661-1730

<table>
<thead>
<tr>
<th>Period</th>
<th>number</th>
<th>annual average*</th>
<th>Period</th>
<th>number</th>
<th>annual average*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1661-65</td>
<td>8</td>
<td>2.0</td>
<td>1696-1700</td>
<td>4</td>
<td>0.9</td>
</tr>
<tr>
<td>1666-70</td>
<td>7</td>
<td>1.6</td>
<td>1701-05</td>
<td>5</td>
<td>1.0</td>
</tr>
<tr>
<td>1671-75</td>
<td>6</td>
<td>1.3</td>
<td>1706-10</td>
<td>5</td>
<td>1.0</td>
</tr>
<tr>
<td>1676-80</td>
<td>3</td>
<td>0.8</td>
<td>1711-15</td>
<td>2</td>
<td>0.4</td>
</tr>
<tr>
<td>1681-85</td>
<td>8</td>
<td>1.6</td>
<td>1716-20</td>
<td>7</td>
<td>1.4</td>
</tr>
<tr>
<td>1686-90</td>
<td>14</td>
<td>3.1</td>
<td>1721-25</td>
<td>5</td>
<td>1.0</td>
</tr>
<tr>
<td>1691-95</td>
<td>5</td>
<td>1.0</td>
<td>1726-30</td>
<td>4</td>
<td>0.8</td>
</tr>
<tr>
<td>1661-1730</td>
<td>83</td>
<td>1.3</td>
<td>1696-1730</td>
<td>32</td>
<td>0.93</td>
</tr>
</tbody>
</table>

* adjusted to allow for missing files (see appendix 1)

The downward trajectory of recorded lethal violence is not, however, matched by prosecutions for interpersonal violence as a whole. The high proportions of assault prosecutions in the Denbighshire courts in comparison to England have already been noted. There are again considerable fluctuations, only a slight rise during the 1680s, but a particular surge during the early 1720s (table 3.2). Even when population growth is taken into account, it can be suggested that prosecutions increased during the second half of the period. (The movements at Quarter Sessions show some similarities to this, especially between 1721-25.) The 1720s peak does appear to be related to the political unrest of the period; but caution in interpretation is needed,

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12 Moreover, an initial survey of earlier Denbighshire indictments suggests the following annual average rates per 100,000 population: 1601-3: 6.5; 1631-41: 5.0 (NLW GS 4/12/1-4/13/2; GS 4/20/1-4/23/1). If this is confirmed by more detailed research, it would mean that, reputations notwithstanding, the Welsh rates are already comparable with those in England by the beginning of the seventeenth century.

13 In this chapter, ‘case’ refers to the prosecution of one individual or group of individuals for one death; this differs from indictment totals as some cases generated more than one indictment, e.g. one for murder and one for felonious killing.

given the opaqueness of assault indictments and the low levels of reporting. Nonetheless, it warns against simply using homicide as an index to measure a society’s levels of violence.16

Table 3.2: Great Sessions interpersonal violence indictments, five-year totals

<table>
<thead>
<tr>
<th>Period</th>
<th>number</th>
<th>annual average*</th>
<th>Period</th>
<th>number</th>
<th>annual average*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1661-65</td>
<td>14</td>
<td>3.5</td>
<td>1696-1700</td>
<td>16</td>
<td>3.6</td>
</tr>
<tr>
<td>1666-70</td>
<td>19</td>
<td>4.2</td>
<td>1701-05</td>
<td>9</td>
<td>1.8</td>
</tr>
<tr>
<td>1671-75</td>
<td>14</td>
<td>3.1</td>
<td>1706-10</td>
<td>22</td>
<td>4.4</td>
</tr>
<tr>
<td>1676-80</td>
<td>7</td>
<td>1.8</td>
<td>1711-15</td>
<td>21</td>
<td>4.2</td>
</tr>
<tr>
<td>1681-85</td>
<td>17</td>
<td>3.4</td>
<td>1716-20</td>
<td>23</td>
<td>4.6</td>
</tr>
<tr>
<td>1686-90</td>
<td>20</td>
<td>4.4</td>
<td>1721-25</td>
<td>52</td>
<td>10.4</td>
</tr>
<tr>
<td>1691-95</td>
<td>15</td>
<td>3.0</td>
<td>1726-30</td>
<td>17</td>
<td>3.4</td>
</tr>
<tr>
<td>1661-95</td>
<td>106</td>
<td>3.3</td>
<td>1696-1730</td>
<td>160</td>
<td>4.6</td>
</tr>
<tr>
<td>1661-1730</td>
<td>266</td>
<td>4.0</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* adjusted to allow for missing files (see appendix 1)

Note: this table refers to indictments in category D, table 2.2 above. This includes homicide, infanticide, assault and sexual assaults, but excludes assault-riot and the small number of assaults on identified officials.

It might also seem likely that the homicide peak of the second half of the 1680s relates to the upheavals of those years, yet depositions rarely contain any reference to that context. Indeed, what is most noticeable about the five years between 1686 and 1690 is that the proportion of women among the accused (five cases out of 14) doubled compared to the period between 1661 and 1685 (four out of 28 cases). It is difficult to imagine that there was any direct relationship between their cases (all were in domestic settings) and political disruptions,17 although it is possible that in such a period of crisis, the behaviour of social subordinates was more subject to surveillance and suspicion (for example, more searching questions asked about apparent

15 Beattie, Crime and the courts, 75-6.
16 See also S. J. Connolly, ‘Unnatural death in four nations: contrasts and comparisons’, in S. J. Connolly (ed), Kingdoms united? Great Britain and Ireland since 1500 (Dublin, 1999), 200-14; he notes that at the end of the nineteenth century, Welsh homicide rates were lower than in England, but overall prosecution rates for violence were significantly higher.
17 One ‘domestic’ case had a possible link to the upheavals of 1688-9, but a very strange one. A small child was fatally shot (the maidservant accused claimed that it was an accident and was acquitted) in Holt on 23 January 1689, with a gun that had been purchased earlier in January and left loaded in the house ‘when the alarums were in the town of Holt’: NLW GS 4/34/1.32.
accidents or sudden illnesses) than in normal circumstances.

There are serious doubts that figures for prosecuted violent behaviour can be taken as ‘a reliable measure of the overall level of violent behaviour in a particular society’. An emphasis on homicide rates seems a particularly inadequate lens through which to view the complexities of past (or, indeed, present) societies. If caution is needed even when counting homicides, accurate figures for violent misdemeanours including assault are impossible to establish. It has been suggested that prosecutions for violence in eighteenth-century Montgomeryshire may ‘say more about the anxieties of the prosecutors than they do about the nature of violence in this community’. Thus, the rest of this chapter focuses on the qualitative evidence and the contexts in which violent behaviour, in particular lethal violence, which offers the most detailed records, took place and was brought to the attention of the law – or not; opening with a discussion of how ‘popular’ attitudes towards homicide related to legal theory and practice.

The ‘wickedness of the heart’ and the ‘sudden heat of the passions’: murder and manslaughter in law and society

The length and detail of homicide depositions compared to those for all other prosecuted offences bear witness to how seriously this crime was regarded. Moreover, witnesses did not speak of the events they had seen in neutral terms. They confronted suspects: ‘In the name of God how is it... which of you did this worke’; ‘In ye name of God, what made you do such a thing’. A man who had witnessed a fatal fight was reported to have said, ‘They are killing of one another, & I feare in my heart Robert Owens is allready killd’. While early modern societies were more tolerant of violence than we are today, violent deaths were not viewed with indifference. But nor were all killings treated with undifferentiated severity. The legal distinction was quite clear (if complex in practice): murder was killing with malice aforethought, often associated with stealth or ambush; manslaughter was unpremeditated, usually as the result of a

18 Cockburn, ‘Patterns of violence’, 105.
21 Humphreys, Crisis of community, 226.
22 NLW GS 4/27/1.66; GS 4/42/7 (examination of Edward Griffiths, 10 May 1721); GS 4/29/4.61.
sudden quarrel. In Blackstone’s memorable phrase, ‘manslaughter arises from the sudden heat of
the passions, murder from the wickedness of the heart’. 23

It is necessary, first, to outline the development of the English law of homicide, which was
applied to much of Wales from the late thirteenth century, following the Edwardian conquest.
The English at the time fulminated against many aspects of native Welsh law: Archbishop
Pecham, for example, attacked it as ‘a travesty of justice’, for failing ‘to condemn homicides and
many other crimes formally and specifically’.24 The Welsh and English law codes were indeed
radically different. Welsh law emphasised the blood-fine and reparation for slayings (galanas),
although it did in fact recognise, and condemn, premeditated murder as a crime which could be
punished by death.25 In English law, however, all ‘culpable’ homicides, planned or sudden,
stealthy or unpredmeditated, had been made capital offences during the twelfth century; only
certain types of killings, such as those in self-defence, which was extremely rigorously defined,
could be pardoned. Thomas Green has argued, though, that societal attitudes were
‘fundamentally at odds with the letter of the law’, and that medieval English juries frequently
manipulated the ‘facts’ to produce verdicts of pardonable self-defence.26 However, during the
sixteenth century, the modern English law of murder and manslaughter began to emerge,
bringing doctrine much closer into line with popular attitudes. This legal change was facilitated
by the Tudor expansion of ‘benefit of clergy’ and of discretionary justice: the death penalty was
still prescribed for murder, and pardons were rarely granted; but men convicted of manslaughter
at common law could (on the first offence) claim benefit of clergy by reading a verse from the
Bible, be branded on the thumb and set free.27

Nevertheless, the overwhelming majority of indictments in homicide cases were formally

History of the pleas of the crown, vol. I (London, 1736), 411-502; idem, Pleas of the crown: a methodical
at 339.
26 T. A. Green, ‘Societal concepts of criminal liability for homicide in medieval England’, Speculum, 47
(1972), 669-94, at 669.
idem, Verdict according to conscience: perspectives on the English criminal trial, 1200-1800 (Chicago,
Brown, ‘The demise of chance medley and the recognition of provocation as a defence to murder in
decision-making and the use of partial verdicts, see Beattie, Crime and the courts, ch. 8; C. B. Herrup, The
5-6; and for Wales: D. J. V. Jones, ‘Life and death in eighteenth-century Wales: a note’, WHR, 10 (1980-
81); J. Minkes, ‘Hanging not punishment enough’, Planet, 90 (1991-92); Humphreys, Crisis of community,
framed as murder charges, regardless of the circumstances surrounding events; the court’s task was not simply to convict or acquit, or to choose between already-decided charges, but to evaluate culpability. Hale stressed the point that ‘[m]urder and manslaughter differ not in the kind or nature of the offense, but only in the degree’, and thus ‘upon an indictment of murder the party offending may be acquitted of murder, and yet found guilty of manslaughter’. And indeed this was often the case; several studies have demonstrated that only a minority of those tried for ‘murder’ were convicted of that charge. For example, in eighteenth-century Surrey, just under 20 per cent of defendants were convicted of murder, 28 per cent of the reduced charge of manslaughter and over half were set free. (The conviction rates for accessories were even lower.) The outcomes for Denbighshire are broadly similar to such findings (table 3.3).

Table 3.3: Homicide verdicts, 1661-1730 (principals only)

<table>
<thead>
<tr>
<th>charge on indictment</th>
<th>unknown/ at large</th>
<th>ignoramus bill</th>
<th>not guilty</th>
<th>partial verdict</th>
<th>guilty as charged</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>manslaughter b</td>
<td>4</td>
<td>1</td>
<td>4</td>
<td>1 c</td>
<td>3</td>
<td>13</td>
</tr>
<tr>
<td>murder</td>
<td>13</td>
<td>12</td>
<td>24</td>
<td>18</td>
<td>8</td>
<td>75</td>
</tr>
<tr>
<td>infanticide b</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>0</td>
<td>4</td>
<td>14</td>
</tr>
<tr>
<td>TOTAL</td>
<td>17</td>
<td>13</td>
<td>38</td>
<td>19</td>
<td>15</td>
<td>102</td>
</tr>
<tr>
<td>percentage of known verdicts</td>
<td>15.3</td>
<td>44.7</td>
<td>22.4</td>
<td>17.6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes

a as already noted, a number of individuals was tried on more than one indictment, often with differing results; here, the verdicts have been counted separately to set out the jury decisions.
b excludes 1 indictment found true bill by the grand jury but lacking a trial verdict, presumably because the accused was convicted on another indictment.
c a charge of statutory manslaughter (1603 Stabbing Act) reduced to common law manslaughter

But what lies behind such figures? J A Sharpe notes of trial outcomes in Essex: ‘[t]he

ch. 9.

28 Beattie, Crime and the courts, 80.
29 Hale, History of the pleas of the crown, I, 449.
31 The ignoramus/not guilty total is almost certainly an under-estimate (but not greatly so) since ignoramus bills were rarely filed before the 1670s. Some have a shadowy presence in entries on gaol calendars, but I have not attempted to ‘reconstruct’ them as cases.
readiness of juries to acquit homicide suspects... indicates that the response to an accusation of homicide was not one of immediate horror. Even so, the exceptionally brutal crime could produce a sharp reaction from juries’.32 But English historians of early modern crime have found it difficult to address this question in any depth, as many English Assize records contain little more than the indictments themselves during this period.33 Some have used pamphlet literature to great effect, but these tend to be biased towards more ‘sensational’ murders that would appeal to the buying public.34 In contrast, the Denbighshire Great Sessions gaol files contain substantial deposits of pre-trial witness examinations and depositions. Throughout the period 1660-1730, it is in fact unusual to find a homicide indictment without accompanying depositions, making it possible to undertake a systematic analysis of the relationship between the initial events as narrated by witnesses and their ultimate outcomes in court.

Attempting to draw conclusions from a comparison of pre-trial depositions and final outcomes requires some caution. Written depositions were still read in court on at least one Welsh circuit in the mid-eighteenth century,35 and it might seem reasonable to suggest that a witness would have given similar evidence in court to that which was recorded in a deposition, but we have no accounts of the actual trials for comparison.36 Additionally, the influence of the judge, directing the flow of evidence and asking questions of witnesses, should not be underestimated, but is difficult to assess; there is considerable debate amongst historians about the extent to which the bench dominated English trials and juries in this period.37 We know even

32 Sharpe, Seventeenth-century England, 125.
33 The main exceptions are the Northern Circuit of the English Assizes from the 1640s and also the gaol files of the Chester Great Sessions. The latter have now been studied in detail by Walker, ‘Crime, gender and social order’. Although they have regularly been visited by historians studying specific topics, notably infanticide, the Northern Circuit’s wealth of depositional material has yet to be fully exploited. See, e.g., M. Jackson, New-born child murder: women, illegitimacy and the courts in eighteenth-century England (Manchester, 1996); L Gowing, ‘Secret births and infanticide in seventeenth-century England’, P & P, 156 (1997), 87-115. Macfarlane, Justice and the mare’s ale, also makes interesting use of the material.
34 Beattie, Crime and the courts, 23-5. His subsequent discussion of homicide trials reflects this, even with the use of the more sober Old Bailey Sessions Papers and Surrey Assize Proceedings (ch. 3); even M. Gaskill, Crime and mentalities in early modern England (Cambridge, 2000), ch. 6-7, despite extensive use of depositional material, is still weighted towards the ‘concealed’ murders of print accounts.
35 NLW MS 21834B, ‘The birth, life, education and transactions of Captain William Owen the noted smuggler’, 153-4 (unfortunately the corresponding gaol file has not survived). However, given changing attitudes towards rules of evidence and objections to the use of depositions in court from the later seventeenth century, it perhaps cannot be assumed that it was still general practice: Beattie, Crime and the courts, 273-4.
36 Indeed, the reason given for reading them in court in an early seventeenth-century document was ‘to confirme the witnesses sayeings’: NLW GS 35/18, ‘The manner of proceedinge against the prisoners in the Greate Sessions...’, fol. 7.
less about these matters in the early modern Welsh courtroom. 38

Moreover, depositional materials raise two main concerns for historians. One, comparable to uncertainties about the independence of juries, is the extent to which these can be see as ‘authentically’ representing the voices of lay people rather than the concerns of legal authorities. The influence exerted by examining officials in shaping pre-trial depositions is largely obscured. Early in the seventeenth century, however, interrogatories, lists of questions, were sometimes prepared which can be compared with witness responses. Those in the case of Thomas Knowsley, accused of killing John Ieuan David Lloyd at Nantglyn in 1603 were expressly aimed at constructing a case for premeditated murder. Had not the victim been quietly walking along the street when Thomas ran after him, carrying a ‘mightie large greate clube or staffe the like wherof not usualy caried aboute by anie man’ with which he struck John down? When he had been asked ‘what he mente to carie soe monsterous a weapon about him did he not then answere that to kill therwith one of [the] Nanklyn men’? And a final question: ‘doe you not knowe that the sayd Thomas Knowssley hath prepared the sayd staffe purposely for the sayd day’?

The witnesses were certainly not about to exonerate Thomas altogether: they agreed that he had indeed struck John, who had not offered any provocation. They made it clear that the blows had incurred in the course of an affray for which Thomas had been at least partly responsible. However, several also told how Thomas had himself already been struck on the head with a stone and was bleeding profusely – corroborating his own claim that he had confusedly struck out thinking that John was one of those attacking him – and that Thomas had himself collapsed immediately after giving the blow. And on the question of murderous intent they were not forthcoming at all. One witness had ‘heard’ that Thomas was ‘offended’ with John for intervening in a previous fight, and had threatened to be even with him. Another had similarly heard that Thomas had spoken of going to kill a Nantglyn man, but became extremely vague on being asked where he had heard it; he gave a single name. And that witness, on being asked, unequivocally denied having heard anywhere that Thomas had said it, or having told the former witness any such thing. No one testified to hearing Thomas say the incriminating words. These witnesses, at least, were not prepared to be led by their questioners anywhere they did not

to conscience, ch 4; J. S. Cockburn and T. A. Green (eds), Twelve good men and true: the criminal trial jury in England, 1200-1800 (Princeton, 1988).

38 But see ch. 2 above, 36-8, suggesting that the language barrier (for judges) might have afforded Welsh juries a degree of autonomy unavailing to their English counterparts. The mid-eighteenth-century account of William Owen’s trial shows a far less interventionist bench than the usual images of English judges (although the use of the Welsh language is not recorded at all, the process of translation might have been edited out for a hoped-for English-language audience). Owen was concerned to vindicate himself, so might have censored unfavourable interventions by the bench; yet the complete absence of any cross-examination or summing-up is striking: NLW MS 21834B, ‘Captain William Owen the noted smuggler’.
wish to go.  

The second problem when analysing depositions, however, is that of reliability: accusers might be malicious or prejudiced, the accused would understandably wish to try to extricate themselves, onlookers too could be biased one way or the other. But they can be approached in a similar way to French pardon letters, by asking what truths they might tell as narratives that were intended be persuasive and credible to an audience: ‘the artifice of fiction did not necessarily lend falsity to an account; it might well bring verisimilitude or a moral truth.’ In the most recent in-depth study of English homicide depositions and pamphlet literature, Malcolm Gaskill has similarly argued that witness testimony can be seen as ‘popular strategy deployed in order to influence and engage the authorities’. This does not simply mean that witnesses ‘lied’. Rather, they most often articulated their own convictions about what had taken place, and constructed accounts that would most convincingly communicate those beliefs to examiners and influence the subsequent legal process.

To begin with what might be seen as an exemplary case of ‘secret’ murder, at the Great Sessions of March 1686, two Wrexham women were charged with murder by poison, a method of killing viewed with particular repugnance: as Hale wrote, ‘an act of deliberation odious in law, and presumes malice.’ Women who employed poison used ‘their very position within the household as a powerful and deadly weapon against those who expected nourishment and succour’. But the fates of the two accused women diverged, even though they had been closely linked together, and the issue of intent was central to their respective cases. Jane Foulkes was charged with murdering her husband Richard, Lettice Lloyd with the murder of her daughter’s husband, Hugh Morris; the two deaths had occurred less than a fortnight apart. By her own confession, Jane had purchased the poison fully intending to administer it to Richard, and she also bought some for Lettice at the other woman’s request. But she explained that she had used it, at Lettice’s recommendation, as a purging medicine; Lettice had told her that it would ‘make him a little sick & make him vomitt & in a short tyme after make him better in condicion or better humor’d’. There is evidence that Richard was a violent husband, which might have been seen as a source of ill-will, perhaps even murderous malice, towards him on Jane’s part. But a

39 NLW GS 4/13/2.16, 42-4 (the case was probably thrown out by the grand jury).
41 Gaskill, Crime and mentalities, 233.
42 See also Walker, ‘Crime, gender and social order’, 114-33.
43 Hale, History of the pleas of the crown, I, 455.
very different scenario is presented: he was abusive and bad-tempered because he was ill and Jane simply wished to restore him to health. It proved a successful defence, and she was acquitted.

And in the process of exonerating herself, Jane incriminated and even demonised Lettice, telling of how the ‘alurments of a wicked woman’ had brought her to this ‘great trouble and affliction’. It simply added to a mass of incriminating evidence against Lettice. Unlike Jane, she refused to make any statement to her examiners, who were displeased at what they saw as her obstinacy. A search of her house produced quantities of poison. And she had allegedly tried to use it before. Witnesses related how she had prevented her daughter Barbara, Hugh’s wife, from tasting a drink intended for him, and had taken the mug away and washed out the contents. Yet (rather conveniently, it might be thought) Barbara somehow had managed to taste a little and became violently ill. Moreover, Barbara herself told of other suspicious events: a conversation with her mother about poison and its effects; and the recent occasion when Lettice said that she had had Barbara’s fortune told, and asked her how she would like to be a widow. When Barbara became upset, she said ‘what do you cry for, you shall have your choice of a husband if he dies but you shall have no mother but me, & thou shalt be a widow before a yeare comes about’. Lettice was convicted of murder.46 It could have made a sensational pamphlet.

But poison was not only used by women. Almost forty years later, Rice Jones was accused of poisoning Robert Simon, the Denbigh county gaoler, with a poisoned drink of brandy. There was extensive evidence of pre-existing conflict between the two men, apparently to do with a law-suit in which Robert testified against Rice, who lost the case. A witness told how she had heard him ‘in a passion’ cursing Robert and swearing that he would ‘send him to the devil before his time that giving him a dose would be the most effectuall way and that he would give him a dose or words to that effect’. Another witness heard Rice tell Robert ‘that he wou’d be revenged on him or on his son’. In spite of this, the two men rode together from Wrexham to Ruthin on 9 December 1722; later, while he was sick, Robert told an apothecary that Rice offered him some brandy to drink ‘which Mr Jones said had some sugar in’, and immediately after drinking it Robert ‘found an alteration in himself and had nott been well since’. It was clear who Robert blamed; as he said to his maid servant: ‘tis a pitty that I shoud loose my life by means of one ill man’. And even after Robert’s death, it would seem, Rice’s hatred was undiminished. On the day of Robert’s funeral, there was a violent storm; someone asked what was the ‘occasion’ of the storm, and Rice replied: ‘Dost thou not know that the wicked fellow the goaler is buryed today’.

45 NLW GS 4/33/3.29-41, 73-4.
46 She was almost certainly hanged; there is no sign in the gaolfiles of any reprieve or pardon; nor could I
And, as in Lettice Lloyd’s case, witnesses suggested that this was not his first attempt to poison someone, his intended victim having been his own wife.47

Poisonings were rare and exceptional events in the courts. Much closer to a ‘typical’ Denbighshire homicide was the trial of Edward and John Vaughan of Llanddulas for the murder of Ellis Vaughan in 1671. But although this was, like many of the cases that were ultimately decided as manslaughter, the result of a physical fight between men, three main features ruled out any likelihood of the reduced verdict. First, the severity and manner of the victim’s injuries were highlighted: not only was his neck ‘wrong and twisted about’, he had been beaten around the head, his right shoulder was broken and his left wrist black with bruising, and he had received ‘a greate blow and bruse’ in his ‘privities’. Secondly, there was no shortage of testimony to serious ongoing conflict between the parties, especially a dispute between John and Ellis over some woodland near John’s house; John had been heard to ‘utter many angrie words against the said Ellis Vaughan touching the said matter’, while Ellis was reported to have said of John, ‘God blesse mee from him for hee is a wicked mynded person’. Thirdly, there is a strong suggestion of stealth and ambush. Edward Vaughan claimed that Ellis had attacked him, and he did have a bloody nose, but there were no witnesses to corroborate his version of the struggle between the two men, or the defendants’ statements that John had not been there. Worse, a witness reported that John had run past her in the twilight ‘as though hee would not have himselfe knowne making towards the place where the said Ellis Vaughan was killed’. The jury found the two men guilty of murder.48

In contrast to the premeditation and malice that were the signifiers of murder, however, the majority of Denbighshire homicides resulted from sudden public confrontations. The weapons used were frequently those that readily came to hand: the staves or knives that men habitually carried, snatched-up pieces of furniture, branches from hedges, iron bars, or simply hands and feet. As the stories unfold in depositions, emphasis is laid on all the elements that constitute unpremeditated manslaughter in law: suddenness and lack of prior ill-will, provocation and anger.49 This often results in narratives of confusion and uncertainty that should perhaps not simply be taken at face value – although it is quite true that such encounters could indeed be chaotic, especially brawls in confined spaces involving a number of people. It is not simply that the accused would, understandably, wish to present their actions in the best light; their claims are

47 NLW GS 4/43/2 (various examinations, December 1722-April 1723).
48 NLW GS 4/28/4.55-62, 86-7. (Again, there is no sign of a pardon for either man.)
49 The complexities surrounding provocation in law are discussed by Hale, History of the pleas of the crown, I, 455-6.
frequently corroborated by witnesses. Indeed, that there should be witnesses, meaning that there had been no attempt at concealment, is in itself relevant as an implicit indicator of the absence of intent. But if the events had been confused, the testimonies in important ways were not. They had their own narrative patterns; they were tales of the unexpected.

Oliver Jones was tried following a fatal brawl in a Llansilin alehouse in 1676. Witnesses agreed unanimously that Oliver had killed Richard Arthur, the alehouse-keeper. One witness believed that Oliver had been aiming to strike another man, William Morris, and had instead, by accident, fatally wounded Richard, who had been attempting to stop the fight. Several said that there had been no former malice between Oliver and Richard, indeed that they had been good friends and kinsmen. The emphasis on personal histories of friendship, or at least prior lack of conflict between accused and victim, was frequently significant in establishing manslaughter; but in this case, according to legal doctrine, if Oliver had been deliberately trying to kill William Morris, his ‘malice’ would simply be ‘transferred’ to his actual victim and it would still be murder.\(^50\) However, the witnesses further asserted that Oliver had not started the fight: a quarrel had broken out between William Morris and Edward Jones, Oliver’s brother. Indeed, Morris had struck Edward first, ‘that he fell and lay by it some time’. Moreover, there are also a number of statements about the confused state of the room. Oliver himself, predictably, emphasised both Morris’s aggression and the confusion: ‘the roome being full the quarrell being hott and the candle out’. But he received support in this, especially from a maidservant ‘cast and bushed to and fro’ so that she had been unable to see what happened. So, a picture is built up: Oliver’s brother was attacked, Oliver tried to help him, and in the chaos struck his friend. The jury agreed that it was manslaughter, not murder.\(^51\)

A certain indeterminacy concerning the causes of death is not an uncommon feature of the cases, especially among those that were dismissed altogether by juries. Victims in such cases had often received only a single blow, in striking contrast to Ellis Vaughan’s catalogue of wounds. Some lived on for several days (or more: the longer the gap, the less likely a conviction), dying perhaps of internal bleeding or infections, sometimes probably aggravated by failing to follow doctors’ advice to rest.\(^52\) Doctors might well be reluctant to make definitive statements that a particular wound had indeed caused death. That reflects the limitations of seventeenth-century medical knowledge, but it does also point to a significant issue in establishing absence of premeditation: the violence used by the killer should be within certain limits, and moreover should be short-lived; the resulting injury could indeed be ambiguous.

\(^{50}\) Hale, *History of the pleas of the crown*, I, 431, 466.
\(^{51}\) NLW GS 4/30/2.8, 20-1, 29-34.
For example, John ap John was tried for killing Thomas Dudlyston in an alehouse in Sutton (p. Holt) in 1669. John was sitting on a bed when Thomas, who was drunk, pulled him up by the arms; they ‘grappled together’ briefly and fell onto the floor with Thomas underneath. Thomas died almost immediately, but of what? There were several witnesses, but none of them reported (or admitted) having seen John strike Thomas in any way. He was acquitted.\(^{53}\) Or, in the case of Robert Pierce and his father Pierce William, of Llanrwst, tried for the death of John Edmund in 1686 and also acquitted, there was evidence of violence committed by Robert against the dead man, but none to establish that it was related to John’s death. On 20 July, Robert knocked down John with a stick following an altercation concerning money the latter had demanded (wrongfully, Robert claimed) from Robert’s mother. On 25 July, John’s body was found in a ditch. However, more than one witness who had seen the body was of the opinion that he had died as a result of excessive drinking and that there were no signs of a beating. There were also witnesses to say that following the assault, John had picked himself up and walked away, with no sign of being seriously hurt.\(^{54}\)

It does seem that Denbighshire juries were strongly inclined to give any benefit of the doubt to defendants. John Roberts was acquitted of killing his wife Mary Hughes in 1682, even though a witness testified that he had stabbed her at least twice after throwing her to the ground. John himself said in his statement that ‘she deserved it, for she had broke his house, and robbed him but would give noe further answer, till he came to the bar’. So it seems that at the trial he was able to defend himself, though his actions seem excessive even in the context of husbands’ rights to punish their wives (perhaps the judge was unhappy about it: John was sent to the house of correction at hard labour and ordered to find sureties for his good behaviour).\(^{55}\) It is also a reminder that jury decisions cannot simply be predicted from witness depositions, although in general their verdicts are consistent with that evidence. They were perhaps more inclined to lenience than severity in interpreting evidence, and might occasionally be more tolerant than the bench would have liked; but this does not seem to have led to the serious conflicts and the fining of jurors that occurred in some English courts.\(^{56}\)

Although so far the emphasis has been on cases where witnesses were in general agreement in their recording of events, it should not be imagined that this was always the case.

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\(^{52}\) E.g., NLW GS 4/39/7 (death of Abraham Evans, examinations of 27 April 1709).

\(^{53}\) NLW GS 4/27/5.51-3, 73, 76.

\(^{54}\) NLW GS 4/33/4.14-5, 39, 42.

\(^{55}\) NLW GS 4/31/7.20, 24-5, 51-2, 55. See Cockburn, *Introduction*, 114-5, on judges taking this kind of action; cf. Green, *Verdict according to conscience*, 151.

\(^{56}\) Green, *Verdict according to conscience*, ch. 6.
Differing emphases and minor anomalies between witnesses’ accounts are neither uncommon nor surprising. But sometimes the conflict may be more serious. Richard Key was a Ruthin alehousekeeper accused, along with Lewis Lloyd and Hugh ap Edward, of killing George Piers in June 1665. A fight had broken out in the alehouse between George, Lewis and Hugh before Richard arrived on the scene. The evidence concerning what happened next was fundamentally divided. Until his death some days later, George consistently and strongly maintained, as several witnesses testified, that Richard came into the room ‘in a rage, & struck him with a stoole in ye head, which [George] soone (as he said) concluded would proove deadly’. However, Richard unequivocally denied that ‘he tooke up any stoole or gave ye said George any maner of blow’, and there was no direct eye-witness testimony that he had struck George. To the contrary, several witnesses including a maidservant asserted that there had been no such stool in the room, or even in the house. The grand jury had already reduced the original murder charge to manslaughter before the trial, an unusual move; the trial jury acquitted all three men.57

By modern standards, the only prosecution evidence was hearsay: reports of what the victim said had happened to him (a man who had, after all, received a fatal blow to the head and had been drunk at the time). In early modern courts this kind of evidence was often presented. According to Gaskill: ‘The last dying words of any dying person had strong evidentiary status in law, on the assumption that those about to meet God would have been unlikely to lie, and so the opinion of the moribund victim as to whether he or she had been murdered was valued highly’, and only in the eighteenth century did the legal status of such evidence begin to decline.58 There are indeed several cases in the seventeenth-century Denbighshire records where assertions to the effect of ‘You have killed me’ were recorded.59 But such evidence, even earlier in the seventeenth century, had no marked effect on prosecutions: I have so far found only one such case in which the verdict was murder, and it was one where the accused man himself admitted to having previously been in conflict with the victim.60 It seems possible that such dying statements, while they might be accepted if they corroborated other evidence, by themselves lacked sufficient weight to influence the outcome of a trial. However, they were considered important enough to be recorded and they may represent conflicting opinions: there were those

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57 NLW GS 4/26/4.13-4, 46.
59 E.g., NLW GS 4/33/6.18: ‘O god thou hath killed me’; 4/34/1.36: ‘I am afrayd Robert Lloyd you have killed me’ (the victim was also reported as having said ‘fyng lanastra i am plant a fo arno fo’, translated as ‘mine & my childrens & my wifes curse be upon you’, 4/34/1.36, 39); 4/43/10 (examination of John Maddocks, 18 February 1727): ‘O Lord I am killed’. A seriously wounded assault victim ‘sayd that in case he dyed, he left his gelinastra upon’ his attackers (‘galanastra’: murder): CC B23/b.5.
60 NLW GS 4/12/3.10-1 (1602); see also GS 4/33/6.17-8, 1687 (verdict: manslaughter); 4/34/1.34-41, 1689 (manslaughter); 4/20/1.14-5, 1630 (not guilty); 4/22/1.26-31, 1636 (not guilty).
who did not consider Richard Key to be innocent. They certainly included George’s widow: the following year she petitioned the court, claiming that Richard had frequently threatened her so ‘that she stands in greate feare’ of him, and requesting a new trial. And the jurors who had acquitted him (though not unreasonably, given the evidence) were bound over to appear before the Great Sessions, although they seem to have been discharged without further action against them.  

It may be argued that homicide prosecutions differed significantly from those for most offences. The investigations involved more witnesses, they were more extensive, and moreover they were far more detailed and complex. Witnesses demonstrated sophisticated, recognisably modern concerns about motivation, culpability, the establishment of causal connections between a violent act and a death. Very few prosecution witnesses ever gave evidence of premeditated murder, the charge normally set out in the indictment. Many were more equivocal or sympathetic; collectively they might be confusing or even contradictory, requiring juries to evaluate extensive, fragmented testimonies. Similar points can be made about the juries’ decisions. When juries undervalued stolen goods in cases of larceny, to make the offence non-capital, this was very often a clear legal fiction, in some sense reflecting a conflict between law and society. However, a manslaughter conviction represented a complex evaluation of criminal responsibility. But that does not mean that we are dealing with purely objective, impartial processes; a variety of factors including gender, the focus of the rest of this chapter, affected decision-making about culpability and evaluations of the legitimacy of violence, right through from the communities witnessing – or possibly ignoring – violence to the deliberations of a court.

**Fatal confrontations and dangerous masculinities**

The sudden violent confrontation ‘in hot blood’ was by far the most common type of homicide in early modern Denbighshire, and moreover it was a ‘scenario’ not confined to lethal encounters. Compared to premeditated murder, as we have seen, it was viewed with a degree of lenience both by local communities and the law: someone who had killed out of sudden anger and provocation could expect the sympathy of witnesses and merciful treatment from the legal system. And it is no accident that most of the protagonists were men, most often though not always of similar social status. Recently, historians of early modern Europe have begun to write

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61 NLW GS 4/26/6.12; GS 4/26/5.55; 4/26/6.86.
‘men’s history’ anew, showing the complexities and diversity of the historical making of masculine identities and patriarchy. This has followed increasingly sophisticated theoretical analyses of ‘masculinities’, including the relationship between masculinity and violence. The ‘scenarios’ of violence witnessed in depositions often strikingly resemble modern case studies. At Betws-yn-Rhos in 1694, Ellis ap Rowland protested angrily when Robert John ap Roger (who was already rather rowdy) drank the flagon of ale for which Ellis had paid. Robert responded with verbal and physical aggression, calling Ellis a ‘rogue’ and giving him a fatal wound on the head with a staff. Almost three centuries later on the other side of the world, an Australian man was fatally stabbed during a fight that developed after the victim took and drank some cans of beer belonging to his attacker’s father.

Yet there are also distinctive dimensions to the early modern context, both in terms of different attitudes to the legitimacy of violence and particular sensitivity to the maintenance of personal honour and reputation. In early modern society, physical violence was not simply a weapon of the ‘weak’ and marginal. Susan Amussen has, indeed, argued that much physical violence in early modern England was used as a disciplinary tool. It was crucial to state power, not least in the judicial system, but it could not be entirely monopolised by the state: power and the right to use violence went hand in hand – as did the use of violence and any claim to, or defence of, status or authority. Malcolm Greenshields suggests that in early modern society violent behaviour ‘often involved a defence, an assertion or a violation’ of ‘psychic property’: ‘all that a person possesses, mentally or physically, that can be violated: honour, dignity, space, possessions, and the physical person’. In the violent scenarios under discussion here, the ‘psychic property’ at issue was masculinity: many masculine confrontations, whether lethal or not, began with a perceived violation of obligations or codes of behaviour and violence was used to reassert one’s position, to regain ‘face’. Women were quite capable of using violence, as we

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63 The following were found useful: R. W. Connell, *Masculinities* (Berkeley, 1995); M. an Ghaill (ed), *Understanding masculinities: social relations and cultural arenas* (Buckingham, 1996); K. Polk, *When men kill: scenarios of masculine violence* (Cambridge, 1994).  
64 NLW GS 4/35/5.27-8.  
66 Amussen, ‘Punishment, discipline and power’.  
shall see – and they were no less sensitive about defending their honour than men – but, as Garthine Walker comments, ‘concern with male honour was bound up with physical prowess in a way which was incommensurable for women’. Men could call on ‘conventions of male honour’ to justify violent actions, something also evident in Natalie Davis’s study of French men’s pardon tales.69

But those conventions did not simply justify violence; sometimes they might demand it. Donna Andrew has written that ‘the willingness to fight a duel, as well as the recognition of being a person who was “challenge-able” defined, in great part, what it meant to be a gentleman.’70 This kind of sentiment would have been relevant to many men, not just gentlemen, and not just in the formal context of the aristocratic duel. The ‘trivial altercations’71 that seem so often to precipitate masculine violence in early modern Denbighshire begin to make more sense once viewed in this way. I am focusing here, of course, on the ‘disruptive’ elements of masculinities, those that, in Lyndal Roper’s words, ‘were a serious danger to civic peace rather than a prop of patriarchy’.72 But it should be emphasised that they were not ‘mindless’; the men involved were acting with a purpose, however dangerous and disruptive.

At Richard Key’s Ruthin alehouse in 1665, the trouble began with an argument between Lewis Lloyd and George Piers when George demanded some money that Lloyd owed him: ‘there passed severall base and threatning words between them on both sides’. Hugh ap Edward, a friend of George, ‘began to multiplie words and foment the quarrell’, ‘snapping’ Lewis under the chin, snatching his hat and hiding it in another room. When Hugh returned, Lewis threw him to the ground, ‘beateing him with his hands’. George moved in to ‘second’ Hugh; they were ‘[d]esperately and confusedly lugging one another by the haiare of the head’, and bystanders could not part them. Ultimately, the landlord arrived to break up the fight, and amidst the confusion George received the injuries for which, as we have seen, he blamed Richard.73

Alcohol may well have contributed to the violence: both George and Hugh were reported to have been very drunk, and it seems likely that Lewis was in a similar state. The fighting began with an argument over debts, a recurrent scenario in violent confrontations.74 But most

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69 Walker, ‘Crime, gender and social order’, 78; Davis, Fiction in the archives, ch. 2.
71 This term is from Polk, When men kill, 89; he stresses that what seems ‘trivial’ to an outsider may be understood quite differently by participants.
72 Roper, Oedipus and the devil, 108.
74 Debt and contract disputes, as Craig Muldrew has pointed out, were the most common forms of litigation in early modern England; indeed, he views economic expansion built on the edifice of credit as a
striking of all is the way in which a man’s hat played a role in escalating the conflict. The significance of Hugh’s ostensibly ‘trivial’ action depends on an understanding of the symbolic importance of this item of clothing in the period. Men’s hats directly signified status, ‘symbolic representations of the differences in social rank and quality on which order rested’. Refusing to remove one’s hat in the presence of a social superior was a sign of outrageous political radicalism. Conversely, to knock a man’s hat from his head represented a serious affront, and refusing to return it could only have compounded the insult. As Natalie Davis, noting similar incidents in sixteenth-century France, comments: ‘[e]xchanged, demanded, stolen, and especially knocked off, hats triggered trouble’.76

Verbal insults could also provoke violent reactions. In April 1663, Edward Williams and Morgan Jones were in a Stansty (p. Wrexham) alehouse with Richard Rogers and William Evans, bargaining for some pigs. However, the men could not complete the deal, and Williams and Jones left and went towards Wrexham. But Rogers and Evans followed them, accusing them of taking a staff. At this point, there are two slightly different accounts of the fight by the same witness, Morgan Jones. According to his second statement, ‘perceyvinge that they [Rogers and Evans] intended to pyck some quarrell’, he said to them, ‘thou art but a knave to follow us thus for thy staff’, at which Rogers struck him with a hedging bill. In the first statement (taken a week earlier while the victim was still alive), he simply reported that Rogers struck him on the shoulder, and it was Williams who said that Rogers ‘was a knave to strike a man yt had nothinge in his hand’.77 So, who said precisely what and when is uncertain, but the key word is clear: knave. So is the implication that in striking an unarmed man, Rogers had behaved less than honourably – indeed, less than manfully. The force of unfamiliar insults such as ‘knave’, or its close companions ‘rogue’ and ‘rascal’, should not be underestimated: like ‘whore’, frequently directed at women (and ‘knave’ and ‘rogue’ could also have sexual connotations), these were insults that could provoke strong reactions. Quite apart from violence, they might lead to slander litigation.78 The words, as much as the physical blow that Williams directed at Rogers,
represented an affront that might take us some of the way towards understanding why Rogers
struck out with such force: Edward Williams died of his wounds a week later.

The pub and the consumption of alcohol are common features in both twentieth- and
seventeenth-century homicide scenarios. But, although alcohol’s role is frequently taken for
granted, it does not in itself constitute a straightforward explanation for what happened.
Sometimes the protagonists were drunk and occasionally they were completely inebriated; John
Power, accused of killing James Lindsay in Wrexham in 1687, had participated in what might
well be described as a pub crawl and claimed to be completely unable to remember what had
happened, ‘being exceedingly overtaken with drink’. 79 But in other cases, many if not all of the
men involved had consumed only the ‘two pence apiece’ that seems to have been almost a
standard measure of alehouse sociability – or none at all. 80

The anthropologist David Riches has discussed the role of alcohol in violent behaviour,
arguing that although alcohol consumption does have physiological effects, ‘alcohol behaviour’
is strongly culturally influenced. 81 It is, moreover, essential not to focus simply on alcohol
consumption but also on the setting itself and the relationships among those involved. 82 The
alehouse or inn stands as a particularly significant space for the violent ‘performance’ of
masculinity, undoubtedly influenced by factors such as the availability of alcohol and disputes
over payment for it, but it is not the only such public space. 83 Streets, fairs and festivals and
workplaces were all notable contexts for contests over masculine honour and authority. These
are essentially public events. Moreover, Greenshields emphasises the ‘theatrical quality’ of
much violence, and despite their apparent spontaneity and their unpredictabilities, it does seem
appropriate to consider these events as dramatic social ‘performances’ with near-ritualistic,
recurring elements. 84 ‘Far from being simply the result of drunken flashes of heated temper,
vioence was staged and ritualized’, ‘part of men’s contests for status’. 85

The alehouse was more than simply a venue for drinking or socialising; it was a place
where business was done and deals were made, with all their potential for conflict. Disputes

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79 NLW GS 4/33/5.78.
80 E.g., NLW GS 4/26/3.34; 4/27/5.51-3; 4/33/6.20-3.
81 D. Riches, ‘The phenomenon of violence’ in D. Riches (ed), The anthropology of violence (Oxford,
82 Polk, When men kill, 68.
83 For background on the alehouse, see P. Clark, The English alehouse: a social history 1200-1830
(London, 1983), especially ch. 7 on its role in various kinds of (actual and feared) disorder.
84 Greenshields, Economy of violence, 2.
about debts, accusations of cheating, for example, involved challenges to a man’s moral integrity; ‘in a developing market economy which was founded upon myriad bonds of trust’, the seriousness of such disputes should not be underestimated. And disputes over trade and work were central to a substantial number of men’s confrontations. At a Ruthin alehouse in 1709, Abraham Mathews and Abraham Evans, aided (according to Mathews) by John Symon, were ‘bargaineing about a parcell of weathers’. Evans failed to offer enough for the sheep, at which point things began to go very wrong. A maidservant told how Evans came to the kitchen of the house where he

imediately fell in a passion & sayd I have travaelled both sea & land there was never such knavery offered me upon that this examinant asked him what was it & he sayd I was even now a bargaineing with one Abraham Mathews for a parcell of weathers & have offerred him foure gineas for two & twenty but the sayd Abraham Mathews would lett me have but 21 weathers upon that one John Symon sayd if I would not take the 21 weathers for foure ginne he would take them & he was not fayre to take my bargaine out of my hand...

Then Symon himself came into the room, and Evans said to him: ‘Stand off knave thou art but a knave’, and the two men began to fight, but were separated. However, they soon resumed their fight, and Evans was seriously injured. He died some days later.

Honesty was not the only source of trouble, however; impugning a man’s workmanship or skill could also lead to violence. A non-fatal encounter in a work setting in Wrexham in 1664 followed an argument over some work that George Malpas, a blacksmith, had done for Hugh Dutton. George himself was absent; it was his servant, Thomas Evans (encouraged by George’s wife) who came to the defence of the smith’s honour when Hugh called him ‘a cheating rogue and knave for selling [Hugh] an iron chayre made of ill iron’. The two men accused each other of lying and then exchanged physical blows, with Thomas seriously wounding Hugh on the head with an iron bar. Similarly, a lethal chain of events at Denbigh in September 1687 involving John Salusbury and his servant Robert ap Richard intertwined both honesty and competence in a physical occupation – although this time the servant was attacking rather than defending his master. Robert was driving Salusbury’s oxen when they got into some difficulty ploughing. Robert detailed his efforts to rescue the situation, getting onto the shaft ‘to stay it from falling’; but his master rebuked him and ‘gave [him] crabit words’. According to a witness, John asked Robert ‘why he did not drive the sayd teame as other people did’, and Robert replyed, ‘ther was more people to follow the other teames’. John then declared that Robert ‘did lie’; ‘hearing that

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85 Shepard, ‘Manhood, credit and patriarchy’, 103.
86 Shepard, ‘Manhood, credit and patriarchy’, 86; see also C. Muldrew, The economy of obligation: the culture of credit and social relations in early modern England (Basingstoke, 1998), ch. 6.
87 NLW GS 4/39/7 (examinations before William Williams, coroner, 27 April 1709).
word’, Robert retorted that John was the liar. At this display of insubordination, John struck Robert on the back with a stick. But Robert, still defiant, hit back, striking John on the head with the handle of the goad he was carrying to drive the oxen. John was knocked to the ground, and although he managed to get up and strike Robert again, and maintained that he would have him punished, he was reeling ‘as iff he was drunke’ and died later the same day.89

Here, as before, we have a escalating sequence of hostile exchanges, shifting rapidly from verbal to physical assaults, and marked by the utter refusal of either party to give ground. Harangued and accused of incompetence, Robert’s decidedly undeferential response contained strong implications about his master’s worth: Salusbury was too miserly, or too poor, to employ enough workers to do the job properly.90 When Robert refused to be silenced, his master attempted to physically ‘discipline’ him. But, in his own words, Robert was unable to ‘endure the blowes’, and struck back. And even after being knocked down and seriously wounded, John continued to try to re-assert his authority. The jury at the subsequent trial appear to have agreed he was being unreasonable; they found Robert guilty only of manslaughter.91

Another notable group of fatal confrontations centred not on working relationships but holidays and festivities. The mabsant or wake in eighteenth-century Wales, usually held around harvest-time, was intended as ‘an occasion for neighbourly hospitality’, but could equally be an occasion for disorder and brawling. It has been argued that these festivals expressed competitive and antagonistic relationships between parishes – usually symbolically, such as in the ritual enactment of battles in which invading enemies were routed.92 But these tensions could on occasion engender real, and lethal, fights. A particularly dramatic case took place at Henllan, near the town of Denbigh, in 1754, and is notable for involving hostility not simply between neighbouring parishes but also between industrial and agricultural communities, and between English and Welsh. The fighting, which came at the very end of the day, revolved around the actions of John Foulke, a Henllan blacksmith who bore a grudge against some visitors from Denbigh – a group that was described variously as ‘Denbigh people’, ‘factory people’ and ‘Englishmen’, while the locals were ‘the Welsh country people’. Tensions were already brewing between these two groups, although it is unclear why, when John Foulke picked a fight with a man pointed out as the ‘champion of Denbigh’ and sparked off a general battle, with many of the men armed with sticks torn from hedges, and some throwing stones. In the melée John received

88 NLD CC B20/d.44/2-3.
89 NLD GS 4/33/6.20-3.
90 See Shepard, ‘Manhood, credit and patriarchy’, 82-90, on the importance of economic sufficiency, the ability to provide for one’s household, for notions of manhood.
91 NLD GS 4/33/6.48.
head wounds which he proudly showed off to friends. If he had satisfied his honour, he paid a high price: he died shortly afterwards.93

While closer examination of the qualitative contexts of men’s lethal confrontations so far has tended to draw attention to significant continuities rather than the pattern of change emphasised by statistical surveys, there are also major differences, and one particularly needs to be examined here. Today, homicide, and physical violence more generally, is overwhelmingly a lower- or even under-class crime as well as a masculine one. Indeed, this characteristic is central to a number of modern sociological analyses: physical violence as the preserve of men who lack social and political power.94 But in the seventeenth century it encompassed a far broader social spectrum, and a very different place in the workings of political authority.

Natalie Davis suggested that in pardon letters, ‘anger plots’ could vary with ‘social location’, producing distinctive ‘Peasant Tales’, ‘Gentleman’s Tales’ and even ‘Artisan’s Tales’.95 In Denbighshire confrontations, there are also distinctive elements among those involving upper-class men.96 They might be linked to political rivalries. John Moris, gent., was riding from Ruthin towards Denbigh in August 1690, when he overtook (‘without giving any sort of offence to any of them’) a group of men which turned out to include John Doulben, another gentleman, who rode after Moris and called him

rogue & rascall and asked him why he durst offer to take the way of him ye said John Doulben and thereupon did immediately assault the said deponent & with a large staffe or cane... struck severall blowes att this deponent & att last broake this deponents head with the bigger end or handle end of the said staffe or cane...

When Moris tried to defend himself, Doulben threatened him with a pistol. There was a history to this incident: after Moris had refused to vote with him at a previous parliamentary election, Doulben had thrown a glass of drink in his face and ‘said he would treade on his heels’. Vying for precedence in the confined space of the highway (it is difficult to completely accept Moris’s self-presentation as passive victim), the two men came to dramatically play out their political and personal grievances. Finally, when Moris took his complaint to a nearby JP, he was ignored despite ‘frequent importunate messages’; he survived the physical attack, but this failure to command the attention of a figure of local authority represents a further blow to his sense of dignity and honour as a man and a gentleman.97

Violence involving gentlemen frequently foregrounds their leisure pursuits and, moreover,

93 NLW GS 4/51/4.41-5. See also: GS 4/37/5.47; CC B48/c.39/1; B51/d.38.
94 Polk, When men kill, 88-92; see also Connell, Masculinities, ch. 4.
95 Davis, Fiction in the archives, 38.
96 See also Humphreys, Crisis of community, 229-30.
highlights aspects of masculine honour codes specific to that class. A group of gentlemen assembled at Chester in August 1661 for a foot race to be run to Wrexham between Laurence, a footman of Roger Grosvenor and a servant of John Pulford of Wrexham. An argument began when Grosvenor accused Hugh Roberts of Hafod-y-bwch (near Wrexham) of riding in front of Laurence and stirring up dust. The two gentlemen dismounted and drew their swords, and as they fought, Roberts mortally wounded Grosvenor in the belly. Although not mentioned, it is highly likely that money (and pride) had been wagered on the outcome of the race, and it could well be compared with other competitive sports pursued by the early modern gentry – especially, of course, horse-racing. Physical violence was not unknown on the racecourse, either. If not as formally ritualistic as the conventional image of the duel, this fight clearly belonged to that cultural context. Certainly, Grosvenor’s death was subsequently understood in that light by his wife’s family, the Myddeltons – although later memory of the events was not perhaps characterised by slavish obedience to fact.

Sometimes, the choice of weapon in itself might be a significant status issue. A drinking party at Wrexham in December 1686 included two gentlemen, John Power and James Eyton (both described as living in Shropshire, but regular visitors to the town) and two dragoons, John Rich and James Lindsay, who were fellow soldiers in the same troop. Visiting four different inns or taverns in the course of the afternoon, the group consumed substantial quantities of ale and wine. Quite early in the proceedings, the two civilians tried on the soldiers’ uniforms: Eyton borrowed Rich’s red cloak, ‘saying yt he ye said Mr James Eyton would goe & walk with ye cloak for a frolick if [Rich] was pleas’d to lend it him’, and Power followed suit by borrowing Lindsay’s cloak. It was agreed, however, that something more was needed – ‘they did not look like souldiers without swords’ – and so they added the two soldiers’ swords to their costumes.

Events took a distinctly less playful turn later in the day, however, when William Lewis, another dragoon, arrived at the Sun tavern where they were drinking wine and called Rich out of the room. In Lewis’ version, it was to ask ‘why [Rich] reflected upon him because he was a

97 NLW GS 4/34/3.31.
98 NLW GS 4/25/2.21-2.
100 On duelling, see V. G. Kiernan, The duel in European history: honour and the reign of aristocracy (Oxford, 1988); J. Kelly, “That damn’d thing called honour”: duelling in Ireland, 1570-1860 (Cork, 1995); Andrew, ‘The code of honour and its critics’.
101 W. M. Myddelton, Chirk Castle accounts, 1605-1666 (1908), 33n; NLW CC E35 (letter of Philip Yorke, 11 November 1799), writing ‘from memory’ (though he refers to a written memoir) that Grosvenor was killed ‘in a duel on horseback with pistols on Belgrave heath’!
102 The sword (or rapier) was perhaps the weapon of choice for homicidal gentlemen in Denbighshire; more plebeian stabbers tended to use knives. But it should be said that both gentle and non-gentle killers used a considerable range of weapons. According to Kiernan, Duel in European history, 64, amongst
Welchman’, although Rich gave a different reason for Lewis’s chagrin: Rich and Lindsay had allegedly ‘spoke ill of him behind his back, by reason that he ye said William Lewis had been tyed neck & heels’. In their examinations, both men claim (not too plausibly) that they then amicably resolved their difference before joining the others. At first, the group seems to have made some effort to keep the peace, but then

Mr John Power changed his seat, and went by William Lewis to sitt, yn Mr John Power & William Lewis spoke in Welch which language this examinant [John Rich] understandeth not to one another, sometimes whispering, then presently Mr John Power said, I know there is a quarrell amongst you, you had best box it out, no sir, said this examinant, tis not ye fashion amongst souldiers to box, then said Mr John Power, fight it out with swords, it is but ye killing of one man...

After that it was not long before fighting began in earnest and in the melée Lindsay was fatally stabbed, perhaps by Power himself.103

This case weaves strands of a complex, fascinating fabric of masculine identity: elements of national and linguistic tensions, but also connections (Power spoke Welsh and belonged to a local gentry family although he may have resided mainly in Shropshire);104 military honour codes; and a riotous upper-class masculinity that was already giving way to codes of masculine gentility that emphasised ‘civility’.105 At the turn of the seventeenth century, one could find members of powerful gentry families complete with followers in a pitched bloody battle on the streets of Ruthin, probably unusual even then but, I suspect, extremely unlikely by the 1680s.106 John Power and James Eyton could only play at being warriors. Like other gentlemen of the period, they may have been experiencing the contradictions between ongoing older virtues – ‘heroic’ prowess and physical mastery107 – and new manners emphasising reason and politeness. Moreover, as Anna Bryson points out, there were inherent tensions within the new rules, between ‘gentlemanly freedom, or independence, and the demands of rules of civility’, for self-control

103 NLW GS 4/33/5.68-85. Power, Rich and Lewis were convicted of manslaughter; Power and Rich subsequently obtained pardons, perhaps to save them from the ignominy of branding or to ensure that they did not risk forfeiting their estates (this was the emphasis of the pardon): PRO C231/8, 179; C66/3298.10; SP44/337, 319.

104 His pardon gives his place of residence as Bersham (p. Wrexham), the home of a gentry family of that name: see A. N. Palmer, A history of the thirteen country townships of the old parish of Wrexham (Wrexham, 1903), 58-61. The family had moved to the area earlier in the century, so it is very likely that they would have extensive connections elsewhere.


106 NLW GS 4/12/1.1-22.

and discipline. 108 And it has been suggested that Welshmen in adjusting to political and cultural change ‘experienced a very particular version of the so-called “civilizing process”’. 109 Perhaps, in his sudden shift from peace-making to inciting violence, John Power was dramatically expressing the inner conflicts felt by many men of his time and (social and geographical) place.

The domestic contexts of women’s violence

The contrast between men’s violence and women’s violence can be overstated, especially when non-lethal violence is considered. 110 In 1661, Richard Jones and his wife Catherine were accused of being ‘lewd and unruly people’ who attacked several of their neighbours, including Jane the wife of John Williams:

Catherine with her fist strucke the sayd Jane upon her teeth and the same did breake & dash to ye effusion of her bloud and the sayd Catherine in prosecution of her violence against the sayd Jane tooke up a stone to knocke the sayd Jane downe and the sayd Catherine called to her children to fall upon the sayd Jane & to kill her that of the life of the sayd Jane it was despayred. 111

In 1720, Mary the wife of Samuel Lee assaulted a neighbouring stall-holder in Wrexham High Street in the course of some kind of territorial dispute. She ‘spit in ye said John Davies’s face, punching him with her fist in ye belly or breast and saying she wou’d make him ridiculous to all fairs and markets as he shou’d frequent or use’. 112 This was not just the preserve of women from the lower classes, either. Dame Mary Broughton was in 1683 charged with leading a vicious assault on two men, ‘commanding [her sons] to knocke [George Rondle] down’, and herself struck ‘him a box on the eare’ and hit him with a stick. 113

Moreover, in homicide cases, women did not always rely on poison or other covert means of violence: more women were prosecuted for causing death by blows struck (with or without some kind of weapon) than by poisoning. Gwen Lloyd severely beat her young servant Griffith ap Richard with a reaping hook, apparently from dissatisfaction at his work, and he died a few

109 Roberts, ‘“More prone to be idle and riotous”’, 281.
111 NLW CC B17/d.40.
112 DRO QSD/SR/48.50.
113 NLW GS 4/32/2.20.
eight weeks later. Katherine ferch John David was charged with the murder of Jane ferch John Powell, at Llangollen in 1682, following a public confrontation and fight similar to ‘masculine’ scenarios. Katherine said that

shee & her husband haveing taken up sand to make morter neare Llangollen Bridge... [she learned] that one Samuel ap Richard the deceadents husband and his sonn Thomas Salmon had thrown away the said sand, whereupon this examinant repaired immediatly thither & finding the said deceadent the wife of the said Salmon there questioned & asked her whether the said Salmon & Thomas her sonn had nothing else to doe but spite them, meaning her selfe & husband, upon which shee gave this examinant bad language which provoaked her to thrust ye said Jane from her, soe as the said deceadent did fall downe & did complaine that shee was hurt in her arme & her hipps..."115

It can hardly be said that women were in any way incapable of inflicting direct physical violence, which might have fatal consequences.

Nevertheless, there are significant differences between the patterns of prosecuted homicide committed by men and by women. Firstly, in Denbighshire as elsewhere women were prosecuted for homicide less frequently than men, making up just over a quarter (25.3 per cent, 21 individuals) of those accused as principals, and they were even rarer amongst accessories.116 But there are further contrasts. Men were more likely to be indicted in groups (including accessories); on indictments naming only one person, the proportion of women accused rose to almost one third (table 3.4). Moreover, prosecuted lethal and non-lethal violence alike were to a considerable extent ‘sex-segregated’: men and women were not often accused of homicide or assault together (less than 10 per cent of cases in both categories, mostly married couples). But it was also uncommon for anyone to be indicted for a physical attack on someone of the opposite sex. At Great Sessions, 86 per cent of men’s homicide cases involved attacks on men, and almost the same proportion in assaults (excluding rape and sexual assault, of which there were few prosecutions); at Quarter Sessions 73 per cent of men had assaulted other men. Similarly, at Quarter Sessions, three-quarters of women indicted for assault had female victims; in Great Sessions assault indictments, this proportion dropped slightly to 69 per cent. Only 38 per cent of homicide (excluding infanticide) cases involved women as both defendants and victims, but the numbers involved are very small. As Beattie notes, ‘[t]he homicide cases of men and women are... hardly comparable’, and this seems to be echoed in non-lethal violence as well.117

114 NLW GS 26/6.13.
115 NLW GS 4/32/1.49.
116 This is higher than seventeenth-century Cheshire, Walker, ‘Crime, gender and social order’, 109 (about one-fifth); but lower than in Surrey 1660-1800 (almost 30%, homicides and infanticides combined, Beattie, Crime and the courts, 83, 115).
117 Beattie, Crime and the courts, 437.
Table 3.4: Homicides: gender and numbers indicted (by case), including accessories

<table>
<thead>
<tr>
<th>number indicted</th>
<th>all male</th>
<th>all female</th>
<th>mixed sex</th>
<th>total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>38</td>
<td>18</td>
<td>0</td>
<td>56</td>
</tr>
<tr>
<td>2</td>
<td>10</td>
<td>0</td>
<td>5</td>
<td>15</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>4+</td>
<td>5</td>
<td>0</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>total</td>
<td>56</td>
<td>19</td>
<td>8</td>
<td>83</td>
</tr>
</tbody>
</table>

Perhaps the most fundamental difference was that, whereas masculine homicide was overwhelmingly a public occurrence, women were largely accused of killing in ‘private’, even ‘secret’ circumstances. That might be expected, given the earlier emphasis on the distinctions between manslaughter and murder, to have an impact on the outcomes of their cases, and it did. The picture is however complex. Figure 3.1 indicates that compared to men, women were both more likely to be acquitted and more likely to be convicted of a charge which was excluded from benefit of clergy.\(^{118}\) The reduced charge of manslaughter was less often available to women; indeed, they were not eligible for benefit of clergy for manslaughter until 1691.\(^{119}\) Nevertheless, the concerns with evidence, intent and culpability which have already been explored were also evident in women’s homicides; it took very strong evidence and a particularly shocking crime for a woman to be executed. The difference was that they were more dependent than men on the pardon process to save them from that fate.

\(^{118}\) This parallels Beattie’s findings for Surrey, Crime and the courts, 436-7, verdicts in murder trials: 43.8% of men acquitted, 22.3% convicted, 33.9% partial verdict; 63.2% of women acquitted, 26.3% convicted, 10.5% partial verdict.
As in other parts of Britain, a high proportion of women charged with homicide in Denbighshire were accused of killing members of their own families, especially if we use the broad early modern definition of ‘family’, which included servants living in the household (or Spierenburg’s similar category of ‘intimate victims’): all but two of the twenty-four accused women for whom depositions survive.\textsuperscript{120} Victims included servants, in-laws, an employer’s young relative and, of course, their own children; over half of the victims were new-born infants born to unmarried women. The cases could be odd and inconclusive, perhaps suggestive of Garthine Walker’s argument that there was a lack of ‘available conventions’ to draw on when speaking of women’s violence;\textsuperscript{121} maybe also reflecting the greater evidentiary problems that ‘private’ homicides seem generally to have posed. In May 1665, Elizabeth Hughes had recently separated from her husband and was living in lodgings with their young son. Her husband, who was rearing their other child, had refused to contribute to the boy’s maintenance, and Elizabeth had tried to persuade other relatives to take care of him. A witness saw the boy alive, being fed by his mother in their room, but not long afterwards Elizabeth came to her in some distress: the

\begin{footnotes}
\footnotetext{119}{Hale, \textit{History of the pleas of the crown}, 46.}
\footnotetext{121}{Walker, ‘Crime, gender and social order’, 83.}
\end{footnotes}
child was dead. There was no testimony as to what might have been the cause of death; witnesses asserted that they had never heard Elizabeth threaten the child’s life. In the end, she was not put on trial for the death, although a bill may have been considered and dismissed by the grand jury.\textsuperscript{122}

One notable case revolved around a dispute about family property. A witness described how Pierce John Lewis, brother-in-law to Margaret wife of Morris John Lewis, told Margaret (‘among some rough discourse’) ‘that he would passe a fffine uppon his lands that he might sell it that shee or hers might not have any thing’, at which Margaret said ‘that she would give him a penyworth of somethinge before he could doe it’. Within weeks Pierce was dead and Margaret was accused (and convicted) of poisoning him.\textsuperscript{123} Far more than men, women’s recorded violence took place in the context of the tensions and conflicts of household life and relationships: disputes with in-laws and other kin over inheritances; mistresses beating their servants;\textsuperscript{124} mothers harming their children.

Neonatal infanticides\textsuperscript{125} made up over half of the cases where women were the principals and about 15 per cent of all homicides (there were 14 sets of depositions between 1661-1730, of which two cases have no surviving indictments). In some ways, the circumstances surrounding allegations that unmarried mothers had killed their new-born infants differ significantly from other ‘family’ homicides. The women accused were often isolated from, or on the margins of, family structures, something that did not however protect them from intense scrutiny by their neighbours, especially other women – in stark contrast to the communal rituals and sociability of lying-in for married women.\textsuperscript{126} And, moreover, the act of which they were accused represented the transgression of legitimate family relationships: sexual relations outside marriage, compounded by murder to conceal its consequences.

They did resemble other ‘family’ homicides in that many cases were not clear-cut killings;

\textsuperscript{122} NLW GS 4/26/3.1; no indictment (or \textit{ignoramus} bill) survives on file. Tracing the case in gaol calendars is complicated by the fact that at the same session Elizabeth was convicted as an accessory on an unrelated charge of petty larceny (and sentenced to be whipped) so that it is not clear whether subsequent records of her appearances on bail refer to the child’s death or the theft conviction: GS 4/26/3.65, 70; 4/26/4.51; 4/26/5.55.

\textsuperscript{123} NLW GS 4/39/5 (examinations of 19 and 22 July 1707).

\textsuperscript{124} NLW GS 4/26/6.13; 4/39/6 (Mary Jones: examinations before John Hughes, coroner, 9 September 1708).

\textsuperscript{125} Throughout this discussion the term ‘infanticide’ refers exclusively to cases involving new-borns and unmarried mothers.

given the circumstances under which such women gave birth, it should not simply be assumed that the infants’ deaths were intended. The 1624 statute aimed at dealing with such cases, the ‘Act to prevent the destroying and murthering of bastard children’, circumvented such matters entirely. It expressed concern that ‘lewd women’ who bore bastards, ‘to avoid their shame, and to escape punishment’ secretly buried or hid their children’s deaths, afterwards claiming, if the body were found, that the child had been still-born. It enacted that any woman who secretly gave birth to an illegitimate child and killed it, or procured its death, or attempted to conceal its death, ‘as that it may not come to light, whether it were born alive or not’ (unless she could produce at least one witness to show that it had been still-born), should ‘suffer death as in case of murther’.127 The Act did not, quite, presume murder; but it did make the concealment of a death in itself a non-clergyable felony and it was the mother who had to prove that a child had been born dead, rather than the courts having to prove it had been born alive.

If ‘concealment’ was the Act’s foremost concern, it was the concealment of sexual immorality as much as of an unnatural death: the ‘preamble condemned sexual promiscuity almost as much as murder’.128 Historians of infanticide argue that single women had a number of motives for concealing pregnancies: the loss of ‘reputation’, the difficulty of gaining future respectable employment; the possibility of being punished in the courts for their ‘lewdness’: they ‘faced the prospects of poverty, isolation, vagrancy and perhaps prostitution’.129 This has perhaps a particular Welsh dimension, given courting customs – notably ‘courting on the bed’ (apparently virtually unknown in England), as well as pre-marital sexual relations for testing fertility – which, it is suggested, ‘left maidservants vulnerable to casual promiscuity’. But in such a cultural context, can it equally be presumed that becoming pregnant was inevitably disastrous for a servant?130 All too little is known about levels of bastardy and bridal pregnancies in early modern Wales, although illegitimacy rates were found to be low in late-Stuart Montgomeryshire.131 However, it has been suggested that ‘courting on the bed’ was condoned by both parents and employers of servants.132 It might be wondered if reactions to an illegitimate

128 Hoffer and Hull, Murdering mothers, 22.
130 Humphreys, Crisis of community, 231; Howell, Rural poor, 221-2 (he briefly mentions courting on the bed, or ‘bundling’, 147). See C. Stevens, Welsh courting customs (Llandysul, 1993), especially ch. 4, on courting on the bed (‘caru ar y gwely’) and fertility testing.
132 Stevens, Welsh courting customs, 91. Eighteenth-century English travellers romantically portrayed the customs as innocent, Stevens, Welsh courting customs, 86-8; but in a changed cultural context, the
birth following a courtship (for example if the woman were abandoned) were universally
damning; and the numbers of prosecutions are in fact small compared with, say, neighbouring
Cheshire.133

Nevertheless, the issues dealt with in depositions are very familiar from English research,
and that is at least in part due to the framing of the law itself. The 1624 statute seems to run
counter to all the concerns with evidence and culpability which I have argued were central to the
law and the prosecution of homicide during the period.134 Yet concealment itself still had to be
proved, and this was central to nearly all of the Denbighshire investigations. It produced pitiable
accounts of enduring the pains of labour in a self-imposed isolation that might have little to do
with whether other people were nearby or not. Mary ap Richard (alias Jones) confessed

\[
yt \text{ she and the said Alce Jones her sister & the said Margarett Shone were att the fier} \\
\text{side together, and then had both paine in her teeth and was in labour, but did not} \\
\text{discover it to her sister nor Margarett Shone that she was in labour and at bed time} \\
\text{the said examinant went to her bed, and her said sister and Margarett Shone went} \\
\text{alsoe to their bed who then lay together and a little before day she was delivered of} \\
\text{a bastard child still borne or dead child and noe person was present with her at the} \\
birth of the said child... \\
\]

After the birth, Mary hid the body in the house for two days and then ‘tooke a spade and made a
hole behind the doore about halfe a yard deep and buried her child’ 135

In practice, certainly by the period being studied here, the final outcomes resembled those
for homicide generally, if by somewhat different routes. Eight of the accused were acquitted and
four were convicted, of whom three were definitely pardoned; only one seems to have been
executed. It seems that, whatever the original intent of the statute, it was in the Denbighshire
courts interpreted with considerable latitude by this period. Indeed, the only convictions were in
cases where the accused women, while denying that they killed the child, had confessed both to
giving birth privately and to hiding the body (which in theory gave juries little choice but to
convict under the terms of the statute). Where there was any uncertainty, juries consistently gave
the women the benefit of the doubt. Gwen Griffith simply denied everything, saying ‘that she

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Chester, 1650-1800’, in M. Jackson (ed), Infanticide: historical perspectives on child murder and
concealment, 1550-2000 (Aldershot, 2002), 35-51. Moreover, in Denbighshire before the Civil Wars, the
1624 statute seems to have had very little impact; there are no surviving indictments for the offence
between 1631 and 1641 and just one set of depositions (NLW GS 4/21/1.50-1). Cf. Cheshire and Essex

134 And it was in part a response to the particular evidentiary difficulties of the offence: Jackson, New-
born child murder, 30-5; Hoffer and Hull, Murdering mothers, 9, 20-1.

135 NLW GS 4/33/3.29.
never was with child, neither does she know any thinge of the murthered child nor of the bureing of it, nor of any body that was privy to it, although she had been seen ‘scrapeing’ and ‘treadeing the earth backwards & forwards’ at a spot where the buried body of a baby was subsequently discovered.\(^{136}\) Gwen Foulk also strongly denied the accusation, questioning the credibility of the main witness and plausibly pointing out that there would have been better places to hide the birth ‘than a common publick field’ with ‘many footpaths in it and surrounded by several highways’.\(^{137}\) Both women were acquitted.

Evidence that could be taken to indicate the absence of intent to conceal was important. In 1673 Gwen Hughes did admit to having given birth and hidden her child’s body, but she claimed that her mistress Jane Parry and her son Thomas, the child’s father, had both known of her pregnancy and delivery.\(^{138}\) Other women said that they had only given birth alone because they had been taken by surprise. Jane Foulkes told how she had been travelling to a neighbour’s house when she ‘fell in labour’, and could not reach the house, and was afterwards ‘in soe weake a condition, that shee cold not Cary it of to the howse where shee thought then to goe’. Although she did not explain why she had left the child where it was, telling no one what had happened until after it had been found, the jury accepted this explanation.\(^{139}\)

The lone woman who did not escape execution, as far as can be ascertained, was Dorothy ferch Thomas in 1670, and her case demonstrated striking characteristics that have elsewhere been shown to make the difference between life and death for the accused. Almost every witness spoke about the state of the child’s corpse: ‘the childs mouth being open and some parte of yt tounge out of yts mouth, and saw some three strypes or strakes on yts throate beinge also blackyshe, the like signe shee had never seene on any childe’, according to one. Dorothy herself admitted as much, but claimed that it was due to ‘striveing wth some young men that were burning of land in yt neighbourhood the Wednesday before she was delivered’.\(^{140}\)

The descriptions of the marks on the body of Dorothy’s child were exceptional among the Denbighshire cases. It has been argued that a very high degree of certainty was required for conviction and execution, in which evidence of serious violence used against the child was often an important factor.\(^{141}\) Conversely, witnesses occasionally emphasised their belief that a child

\(^{136}\) NLW GS 4/33/6.25-7.

\(^{137}\) NLW GS 4/41/6 (examinations before Robert Wynne, 17 November 1716).

\(^{138}\) NLW GS 4/29/2.54-60. That a woman had informed others of her condition was often taken as evidence that concealment had not been intended: Jackson, New-born child murder, 143.

\(^{139}\) NLW GS 4/34/4.29. See also the case of Mary Ellis, 4/40/8 (examinations before William Williams, coroner, 2 May 1713).

\(^{140}\) NLW GS 4/28/2.97-100.

had in fact been premature and still-born, as in another case ending in acquittal: ‘she verily believes the child had not been born alive for it had not ye full share of flesh, as such, used to have but seem’d wasted’; ‘she thought that it had not been born alive, for it was so very little & unlike children of full age’.\textsuperscript{142} As with adults, then, witnesses’ readings of the body of a victim could play a significant role in the outcome of a case.

Infanticides were unusual in the prominence of women taking active roles in investigating local suspicions.\textsuperscript{143} Indeed, it could be suggested that it is this overwhelmingly female-orientated context for the \textit{policing} of infanticide, not simply the extent to which women featured as \textit{suspects}, that makes this a distinctively ‘feminine’ crime. And, whatever we make of Welsh attitudes towards sexual morality, the experience of an unmarried woman suspected of infanticide could be humiliating and traumatic. Questioning might well start while the woman was thought to be pregnant, only to intensify when there was no sign of a living child. Jane Parry told a magistrate how she had suspected that her servant Gwen Jones was pregnant and ‘taxed her with itt’, but Gwen ‘absolutely denied itt with severall oaths’. Then one day, returning home from harvesting corn with other servants, Gwen was briefly separated from the rest, and that evening she ate no supper and complained of a headache. Jane, believing ‘by some token’ that Gwen ‘had either borne a child or miscarryed’, persisted in her questioning, still receiving only denials. But she later learned ‘that there was a dead child found in the neighbourhood [and] she imediately went in search of the said Gwen’, and having found her, took her to the field where the body had been found.\textsuperscript{144}

The interventions of some women who suspected an unmarried neighbour of killing her new-born make Jane Parry’s actions look comparatively mild. Jane ferch John David, next-door neighbour to Dorothy ferch Thomas’s master and mistress, had on a number of occasions asked Dorothy whether she was pregnant to which ‘shee alwaies said shee was not’. Then Jane learned from another neighbour that Dorothy was unwell, and promptly went to the house and found her lying in a loft. Jane enquired what was the matter and Dorothy said it was a headache, and asked Jane to leave. But Jane perceived her hands to be bloudy and saw on the loft much bloudy yssue and some other signes that shee did not like of; shee this examinant went to her owne house... and could not rest but returned instantly to Dorothy againe and beinge then lyinge in the bedclothes on a bed there this examinant wisht her to ryse up and that shee might make the bedd who rose up and this examinant perceived that shee held somethinge in her hand close to her syde which shee tooke from her, and found a woman childe new borne wrapt up and bound in an a greene appron...

\textsuperscript{142} NLW GS 4/41/6 (examinations before Robert Wynne, 17 November 1716).
\textsuperscript{143} They might also be prominent in cases of theft of household goods; see ch. 4, 126-8.
\textsuperscript{144} NLW GS 4/37/6.21-2.
Moreover, this pursuit was a collective activity; three other women went with Jane into the loft, and two more deposed to having seen the body in its makeshift wrapping.¹⁴⁵

Given the other evidence – the blood and ‘other signes’, the still-warm body, Dorothy’s own admission that it was her child – no physical examinations for evidence of pregnancy or birth seem to have been carried out. But in other cases, witnesses’ suspicions justified intimate, intrusive physical searches. The searchers might be professional midwives. In August 1722, Mary Davies suspected that Jane Evans had been recently delivered, and sent for two Denbigh midwives, Hannah Law and Abigail Roberts. They examined Jane and ‘found such signs as usually attend women in ye condition she was represented’.¹⁴⁶ But married and widowed laywomen (some might have been part-time village midwives) also felt qualified to take on this role. In Morton Wallicorum (p. Ruabon) in 1685, Elizabeth the wife of Robert Rythericke went to Mary ap Richard’s house, following reports that she was pregnant. The first time, Mary shut the door and refused to let her in, but she returned with a group of women, ‘and the doore beinge still shutt they told her yt she must open the doore & yt they must see her breasts’. Elizabeth, ‘takeinge her breasts in her hands drawed out milk’. Another of the women, Shonnett ap Hugh, a widow,

lookinge upon her breasts told her here is the signe where is the child, the said Mary ap Richard told her it was to bee had, and fallinge upon her knees begged this examinants favour this examinant told she had noe favour for her but yt it was in the hands of greater persons & still demandinge the child, the said Mary ap Richard went some wheare about ye doore of ye house & digged up ye child...

Mary also offered Elizabeth ‘one shillinge in money and cloath to make her shift if she would take the child & putt it in the garden which she refused’.¹⁴⁷

Men became involved in infanticide investigations at a relatively late stage in the process: searching for and viewing new-borns’ bodies, often in their official capacities as constables, and the formal interventions of the justice of the peace or coroner in issuing warrants and taking examinations. Once this stage had been reached, however, they largely took over, as legal officers, judges and jurors. Female involvement in infanticide prosecutions, then, closely resembles their roles in witchcraft cases, not least in their specialist expertise in ‘reading’ other women’s bodies. It has been argued that, whatever their numbers, women’s involvement in witchcraft cases was secondary to the decisions and actions of the more substantial men of a neighbourhood; that women were ‘largely passive actors in the formal legal process against

¹⁴⁵ NLW GS 4/28/2.97-100.
¹⁴⁶ NLW GS 4/43/1 (examinations before John Chambres, 26 August 1722).
¹⁴⁷ NLW GS 4/33.3.25-7.
witches’. And when Shonnett ap Hugh told Mary ap Richard that ‘she had noe favour for her but yt it was in the hands of greater persons’, it might suggest that similar processes operated in infanticide prosecutions.

Certain decisions – not least the final decisions: to acquit or to convict, to recommend for pardon or not – were indeed made by men, often at some remove from local opinion. But the argument depends on more generally down-playing the role of non-officials. It only considers how far authorities ‘tailored the evidence’, not whether witnesses might have actively ‘tailored’ their evidence to the ‘juridical forms’. In contrast, Malcolm Gaskill has shown how witnesses shaped depositions ‘to make a convincing case to men whose task it was to evaluate the evidence before taking appropriate action’. Narratives of ‘corpse-touching’, of ghosts and dreams, he suggests, were forms of evidence that should be seen as ‘a formal means of confirming existing suspicions, or even of articulating popular convictions’.

In 1701, the partial remains of Gwen Jones’s child were found in a field. Dorothy Roberts, one of the witnesses, said that she saw it there, ‘some part of it being devoured by a kite’. This seems to go beyond the simply factual – how did she know so precisely what kind of animal had been responsible? However, it is strikingly reminiscent of a case reported by Richard Crompton in 1593, which was frequently reproduced in influential law texts through to the nineteenth century and which may have influenced the construction of the 1624 statute: the ‘kite case’, in which a woman had hidden her new-born child under leaves in an orchard, and it had been attacked and killed by a kite. Perhaps, as the original case had occurred in Cheshire, this story might have been known in north-east Wales as local legend, independent of any printed text. It is fragmentary and inconclusive – when Dorothy gave a second deposition, this time to the coroner rather than a local JP, it was not recorded – yet it is possible to see this as an example of witness testimony ‘as a popular strategy deployed in order to influence and engage the authorities’. It is perhaps symbolic of the determination displayed by witnesses to exert an influence on the process and its outcome, while its disappearance from the later statement hints at the limits on their ability to do so; they did have to negotiate with powerful men in order to make

150 Gaskill, Crime and mentalities, 230.
151 NLW GS 4/37/6.20-1.
152 Hoffer and Hull, Murdering mothers, 8-20; Jackson, New-born child murder, 35. See, for example, Dalton, Countrey justice, 218; Blackstone, Commentaries, IV, 198.
153 Gowing suggests that, as neonatal infanticides rarely appeared in print, stories about them instead circulated orally in local contexts, ‘Secret births and infanticide’, 89. Indeed, Crompton himself apparently learned about the kite case by ‘word of mouth’: Hoffer and Hull, Murdering mothers, 8.
154 Gaskill, Crime and mentalities, 231.
their testimony count.

One could, then, offer an alternative interpretation of Shonnett ap Hugh’s words: underlining her stern, unyielding severity towards this heinous crime, and at the same time demonstrating her properly deferential attitude towards the magistrates to whom she was recounting her narrative. That she should emphasise her refusal to help, just as Elizabeth the wife of Robert Rythericke highlighted her resistance to bribery, is in itself a reminder that exposure to the legal process was not neighbours’ only option. Court records only include those cases where concealment failed and these might well be the exceptions. Some women did try to aid a suspect, helping her to hide herself or the child’s body. Others give an impression of at best reluctant involvement; and they might well include some of those who claimed to have heard nothing, seen nothing, known nothing. Even Jane Parry, who had determinedly interrogated and pursued Gwen Jones, finally bringing her to the field where her child’s body lay, finished her narrative on a note of pathos, suggesting some sympathy: ‘shee the said Gwen Jones went straite to the place & took itt up & putt itt in her apron’.

Moreover, attitudes were probably changing over time; even the small number of cases cannot disguise a pattern of decline similar to that found elsewhere. Eight of the indictments were during the period 1670-1701, of which four resulted in a conviction. There was then a fifteen-year gap before the next indictment in 1716, and between then and 1730 there were just four prosecutions; none led to a guilty verdict (and the two cases with no record of an indictment date from after 1710). Moreover, the most detailed depositions and determined investigations belong to the seventeenth century; the narratives of the 1710s and 1720s are shorter and often very inconclusive, lacking in conviction. Prosecutions did continue, however sporadically, throughout the century, and it may be, as Mark Jackson argues, that such prosecutions were primarily intended to deter single women from producing bastards which might become financial burdens on parishes: the humiliation of exposure and prosecution was sufficient. Already mixed attitudes were increasingly sympathetic, including, as in England, a growing tendency to

155 NLW GS 4/29/2.54-5; 4/37/5.2-4.
156 NLW GS 4/33/6/26-7; 4/33/3.25-6; 4/29/2.59.
158 NLW GS 4/40/8 (child of Mary Ellis, examinations before coroner, 2 May 1713), 4/43/1 (child of Jane Evans, examinations before John Chambres, 26 August 1722).
159 Jackson, New-born child murder, 46-7. See Howell, Rural poor, 221-3; Humphreys, Crisis of community, 231-2, for eighteenth-century examples in Wales. Cases in Wales continued in the nineteenth century, though again conviction was extremely rare: Jones, Crime in the nineteenth century, 75-7; R. W. Ireland, ‘“Perhaps my mother murdered me”: child death and the law in Victorian Carmarthenshire’, in C. Brooks and M. Lobban (eds), Communities and courts in Britain, 1150-1900 (London, 1997), 229-44.
Men’s violence against women

The brevity of this section reflects its minor significance in Denbighshire court records; whether that in any way matches ‘reality’ seems more doubtful. As has already been emphasised, most recorded male violence took place in public and against other men. Less common even than women’s homicides are those committed by men against women. Wife-beating, for example, is rarely recorded, with two fatal and two other cases during the period, and that seems hardly likely to indicate the full extent of this form of violence. In one prosecution for homicide by a husband, witnesses testified after her death to Margaret Hughes’ (or Jenkins’) bruises and injuries over a period of time, and that she had consistently said they were caused by her husband John Hughes, but no one had actually witnessed any of the abuse, nor could they establish a specific cause of death. It seems that Margaret Hughes’ neighbours, even when they treated her injuries, made no attempt to investigate her claims, let alone intervene between her and her husband (which contrasts starkly with the persistence of those suspecting infanticide). After all, husbands were permitted to ‘discipline’ their wives (and the limits of acceptable violence were ambiguous), while it was never legitimate for wives to strike their husbands. I am not suggesting that extremes of domestic violence were anything other than very rare. But it should be borne in mind that this is an area where the court records may not be at all reliable; it may have been relatively easy for husbands and others in positions of authority over subordinates...

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161 Ten homicides: NLW GS 4/25/5.3, 22 (a boy threw a stone which hit the victim on the head, probably accidental); GS 26/5.19, 46 (possible sexual motive); 27/1.65-7, 90 (kicked victim when she intervened in a fight); 29/5.27, 48 (accused along with wife; no detail, except that the victim was a relative); 31/7.51 (wife); 32/3.14 (wife); 33/4.44 (no detail); 34/1.22, 82 (beating, relationship/reason unknown); 36/1.20, 26 (accidental shooting); 44/6 (Alexander Crabball, death of Mary Price, an infant child, in strange circumstances).

162 One domestic homicide has already been noted: the case of John Roberts, acquitted of murdering his wife Mary Hughes (NLW GS 4/31/7.20, 24-5, 51-2, 55). The two non-lethal cases are that of Gwen Jones in 1684, NLW GS 4/32/3.16, 19; and of Margaret Studley in 1728, GS 4/44/3 (articles of the peace, 28 September 1728).


sometimes women as mistresses of servants and parents of legitimate children) to disguise even lethal domestic violence as ‘punishment’ or even mere accident or natural causes.\textsuperscript{165} And when a wife claimed, as Margaret Studley did in 1728, that she ‘apprehends her life to be in danger’ from her husband Joseph ‘unless he be prevented by this honorable court’, it may have been more than a rhetorical flourish.\textsuperscript{166}

The rarity of men’s sexual violence in the records is also unlikely to be trustworthy. The reasons for under-reporting of sexual violence – the expense of prosecution, shame, the likelihood of a humiliating ordeal in court – have been discussed elsewhere; but even in the small number of Denbighshire cases, similar issues can be discerned.\textsuperscript{167} Just three men were indicted for rape during the period; one was released by the grand jury and the other two acquitted at trial despite their accuser’s detailed account of a horrific ordeal (which she might well have found extremely difficult to repeat in court), evidence from a midwife of physical injury, and other testimony that the two men had been harassing her later that day.\textsuperscript{168} The chances for the accuser were perhaps better if an attack were prosecuted as attempted rape (four indicted cases), a misdemeanour rather than a felony. Roger Davies was convicted of the attempted rape of Alice Jones, who was just twelve years old, sent to the house of correction and whipped. In fact, however, according to Alice’s deposition, he had raped her. But she had been unwilling to report her experience at all: she ‘durst not reveale yt least her father and mother would beate her’. Perhaps a trial for attempted rape was as much as she could bear.\textsuperscript{169}

\textit{Conclusion}

It has been suggested at various points in the course of this chapter that prosecutions for

\textsuperscript{165} Cockburn, ‘Patterns of violence’, 96-7: ‘the correlation between [recorded] homicide and violence is at its weakest within the context of the family’. According to Hale, if a servant received ‘moderate correction’ and ‘by some misfortune’ died of it, the verdict should be \textit{per infortunium}, not manslaughter or murder, because the law allowed a master ‘to use moderate correction, and therefore the deliberate purpose thereof is not \textit{ex maliitia praecogitata}’: Hale, \textit{Pleas of the crown}, I, 454.

\textsuperscript{166} NLW GS 4/44/3 (articles dated 28 September 1628).


\textsuperscript{168} NLW GS 4/42/1 (John William Bedward, rape of Elizabeth Williams); 4/44/4 (Thomas Dennis and John Francis, rape of Mary ferch Thomas, indicted separately, and examinations before aldermen of Ruthin, 12 and 15 November 1728).

\textsuperscript{169} NLW GS 4/26/1.2, 14, 4/26/2.50, 4/26/3.70. Edelstein, ‘An accusation easily to be made?’, 378, points out that a prosecution for attempted rape ‘would have limited the level of intimate detail necessary to the prosecution’, since it was not necessary to prove penetration.
violence say more about the attitudes and relationships of people in their communities than about ‘real’ levels of violent behaviour. This may be true to some extent even of homicide, and particularly of ‘domestic’ homicides, including infanticide. ‘Secrecy’ was one highly significant factor in raising the ‘seriousness’ of a homicide; and that ‘secret murders’, especially by wives or servants, so often dominated the printed literature says much about fears that innumerable such murders went undetected and unpunished.\textsuperscript{170} Such killings may or may not in reality have been more common than court records suggest; cases that show successful surveillance of young women do not demonstrate that it was always effective. Yet if such cases cannot permit generalisations, they are illuminating about the forms which surveillance might take, and how suspicions became accusations and ultimately prosecutions.

Denbighshire juries, while frequently bringing in partial and reduced verdicts where they could, were deeply unwilling to convict on charges of non-clergyable capital felony of any kind (as will also be seen in theft prosecutions) unless there was substantial, strong evidence against the accused and they agreed that the seriousness of the crime warranted execution. And their views on the latter point influenced the standards they applied in interpreting the former. While their decisions were not arbitrary, they were far from being neutral assessors of fact, any more than witnesses were neutral observers of events.

Gender was a crucial factor influencing the entire decision-making process.\textsuperscript{171} Violence in defence of masculine honour, from gentleman to labourer, was regarded as at least semi-legitimate, and its occasionally fatal consequences as forgivable and deserving of mercy. But beyond that the issues were not straightforward and much depended on circumstances. Women were perhaps more likely than men both to be in a position to use poison and to arouse suspicion about their actions; but even a wife who poisoned her husband was not automatically condemned, while a male poisoner was no less wicked than his female counterpart. The law relating to infanticide was unquestionably gendered and weighted against single women; but in practice, attitudes to infanticide within and outside the courts were ambiguous, and softening after 1700, resulting in both fewer prosecutions and fewer convictions. As for violence committed by men against women, the rarity with which it is recorded makes analysis extremely difficult, although the outcomes of the few cases of domestic homicide and rape seem to suggest that male jurors (and judges) were predisposed to subject prosecution evidence to the highest levels of scrutiny and to accept any available mitigating circumstances.

The initial decisions made by those who witnessed or suspected violent deaths also helped to shape the final outcomes of prosecutions – and even whether prosecutions took place at all. Cynthia Herrup has argued that legal decisions reflected ‘the common ground between the values of the legal elite, the gentry and the local men of middling status’. She was perhaps more concerned with theft prosecutions, but the observation is also appropriate for homicide cases – with certain reservations. For one thing, it overlooks the issue of gender, the particular contributions of and problems faced by women, who had to negotiate with the men who had official authority in the criminal justice system. Secondly, although there was considerable ‘common ground’ between the various groups involved in prosecuting homicide – witnesses, magistrates, juries, judges – there were also sometimes disagreements, contested opinions, and these should not be too neatly smoothed over. And, as will later be seen, there was no similar consensus when it came to uses of both interpersonal and collective violence that did not have fatal consequences.

Chapter Four

Investigating Theft

Introduction

Studies of property crime in the early modern period have largely focused on the final stages in the judicial process, the prosecution as represented by its formal documentary record, the indictment. Thus, we have a substantial number of quantitative time-series analyses, covering a range of English regions and periods. Broad, long-term patterns in property crime have been outlined: rising levels of prosecutions from the later sixteenth century, peaking in the first decades of the 1600s, followed by declining numbers well into the eighteenth century. Dissenting voices, however, emphasise the difficulty of knowing whether there is any consistent relationship between crimes committed and crimes prosecuted. Significantly, attention has to a considerable extent shifted to patterns of prosecution and of punishment and what they reveal about decision-making and discretion in the criminal justice process. However, if we do not know what relationship the final decisions in court bore to their initiating events and responses, our understanding of offences and prosecutions alike, and of broader patterns of participation in the criminal justice system, must necessarily be severely limited.


The subject has not been entirely ignored. The example set by Cynthia Herrup’s examination of Sussex Quarter Sessions theft depositions demonstrated the possibilities. John Beattie acknowledged the value of such records in Crime and the courts, but in a tantalisingly brief discussion on the subject. The depositional materials surviving in various types of English court records have been mined to illuminate a range of topics: their value in studying collective protest and riot is well established; more recently, they have been used to throw light on defamation, reputation and marital violence through church court records. Historians of crime concerned with gender, in particular, have promoted an approach that emphasises qualitative rather than quantitative analysis; not all Assize (or equivalent) archives lack suitable material. To a considerable extent, however, qualitative approaches are deployed by English historians, however brilliantly, to study ‘sensational’ and exceptional crimes such as murder, infanticide and witchcraft.

However, some historians of early modern (especially eighteenth-century) Wales have used the strengths of the Great Sessions records in order to discuss the generation of suspicion and

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5 Beattie, Crime and the courts, 37-8.

6 The literature on crowds and riot (perhaps especially for the eighteenth century) is enormous, as is its debt to the work of E. P. Thompson: his pioneering 1971 article, ‘The moral economy of the English crowd in the eighteenth century’ is reprinted in his Customs in common (London, 1993), followed by his review of the subsequent debate, 185-258, 259-352. For a useful recent survey, see A. Wood, Riot, rebellion and popular politics in early modern England (Basingstoke, 2002); and on Wales, see D. J. V. Jones, ‘The corn riots in Wales, 1793-1801’, WHR, 2 (1965), 323-50; D. W. Howell, ‘Riots and public disorder in eighteenth-century Wales’, in D. W. Howell and K. O. Morgan (eds), Crime, protest and police in modern British society: essays in memory of David J. V. Jones (Cardiff, 1999), 42-72.


8 Kermode & Walker (eds), Women, crime and the courts; G. Walker, ‘Crime, gender and social order’.

evidence and the methods employed in theft investigations. Their emphasis has been on the importance of community surveillance, in terms that create a strong impression of a near-paranoid, oppressively watchful society: ‘Such was the need felt for watching out for the comings and goings of others that we are justified in thinking in terms of a “peeping tom”, meddling society.’

‘Montgomeryshire’s criminal records leave an abiding impression of a remarkably inquisitive community, with eyes constantly peeping over hedges and with noses sneaking round neighbours’ doors.’

These studies have indicated the importance of a number of factors in theft investigations: information and active help from neighbours, hard work and travel in making face-to-face inquiries and spreading news of a loss. Certain groups of people were more likely than others to experience close surveillance and to face questioning if their actions were deemed somehow odd or inappropriate. However, a more detailed analysis of the records than has been possible in previous short discussions suggests that responses to theft and the generation of suspicion were more nuanced than these negative ‘peeping tom’ images allow.

It should be emphasised that the term ‘theft’ throughout this chapter refers to ‘felonious’ property offences, primarily grand and petty larceny, burglary and housebreaking (robbery was rare). Property-related misdemeanours, especially in the context of ‘riot’ and trespass, have rather different contexts (and were treated differently in courts). Take, for example, the indictment of Thomas Shaw, a Denbigh glover, and 19 others for the misdemeanour of riotously breaking and entering a field in Denbigh in 1662 and carrying away 18 dragloads of hay; a later petition to the court from Thomas indicates that this prosecution was part of one of the frequent disputes over land and property use rights, in which strategic litigation, ‘direct’ action and criminal prosecution were regular and often interlinked strategies. That direct action might include the seizure of property, whether land itself or goods and chattels, but it was precisely the question of rightful ownership, or use-rights, that was in dispute. Here, however, the focus is on situations where property was taken away from its rightful owner (quite often someone of limited means), by someone who did not have,


\[11\] The key word in Latin indictments was ‘felonice’: the distinction between felonious and non-felonious thefts lay not in the value of the goods stolen, but in the offender’s intent and in some cases, technicalities relating to the nature of the property taken: S. Barbour-Mercer, ‘Prosecution and process: crime and the criminal law in late seventeenth-century Yorkshire’ (DPhil thesis, University of York, 1988), 188-92.

\[12\] NLW GS 4/25/3.33; 4/25/3.7. See ch. 6 below.
or was not perceived to have, any legitimate claim to it. That qualification is not insignificant; we cannot assume that the situation was always quite as straightforward as it seems on the surface, and a number of historians have problematised the apparent simplicity of ‘theft’. They have amply demonstrated the contentious ways in which customary use-rights were being criminalised, especially during the eighteenth century, not without resistance from those affected; for example, servants’ perks might become ‘embezzlement’, while gleaning corn and gathering dead wood became theft. In 1683, a number of women in Ruabon were brought to the attention of the Quarter Sessions for carrying away ‘corde-wood’ (‘cut or fallen wood’) from the lands of Richard Myddelton, esquire, a case which might be viewed from that ‘conflict’ perspective. Yet the depositions could equally suggest that the issue was not the taking of wood in itself, but the quantity (and kind) of wood the women had taken: whether, in fact, they had overstepped the bounds of customary rights. There is insufficient detail to draw firm conclusions; but in the end, their case was left to be adjudicated by a magistrate rather than being formally prosecuted in court.

To a considerable extent, the emphasis in this chapter – the emphasis of the records themselves – is on the responses and attitudes of victims and accusers, witnesses for the prosecution. The majority of theft depositions are their testimonies, and as such they inevitably speak less to the experiences and motives of those who broke the law than they do to participation in its enforcement, by people who were in the main from, or connected to, the ‘middling’ ranks within Denbighshire towns and villages. The person labelled ‘thief’ did not necessarily agree that their actions were unjustified – even if the ‘theatre of authority’ of the magistrate’s parlour or courtroom hardly encouraged railing at economic inequality and social injustice. The reported view of Elizabeth Hughes, accused of receiving a stolen duck, that there was ‘noe harme in takeing soe small a thing from a person of soe plentifull an estate as Mr Whyte for he would not misse it’ is unsurprisingly a rarely recorded attitude (and she denied the accusations), but might have been widely shared.


14 NLW CC B39/b.41.


16 NLW GS 4/26/3.33.
As with the previous chapter, this chapter begins with an examination of broad patterns of prosecution and compares them to the findings of other studies, while subsequent sections focus largely on qualitative evidence. Theft cases are traced from their ‘beginnings’, the generation of suspicion and investigations by victims. Then I focus on the specific contexts of livestock theft and of the sale, exchange and distribution of stolen domestic goods. Finally, the chapter will conclude by analysing outcomes in theft prosecutions, examining discretionary decision-making in the courts.

Patterns of prosecution

Reservations about just how much can be learnt by counting theft prosecutions notwithstanding, a brief outline of quantitative patterns in Denbighshire between 1661 and 1730 is a necessary starting point. Moreover, it may aid much-needed comparisons between the Welsh and English courts. Again, the overall trend is downward but the short-term movements are far from straightforward (tables 4.1 and 4.2). At Great Sessions, prosecutions peak between 1676-90, followed by long-term decline. In both courts, there was a smaller rise between 1726-30, encompassing a period of considerable economic distress. But peaks do not frequently coincide with severe economic crisis, as they did in the years of 1696-97 (Great Sessions) and 1728. At Great Sessions, the terrible period of 1698-1700 produced very few theft indictments (in contrast to Montgomeryshire) and the busiest years of the 1680s were 1685-86, after the worst economic distress of the early years of that decade. And movements at Quarter Sessions bear very little relationship to such crisis years. Given such small numbers and irregular fluctuations (especially at Quarter Sessions) it seems barely appropriate to speak of ‘patterns’ at all – and that these figures have much to say about ‘real’ levels of thieving would be highly doubtful.

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17 This shows some similarities in terms of the small numbers prosecuted and the range of annual fluctuations to the picture for Montgomeryshire: Humphreys, *Crisis of community*, 233.
Table 4.1: Great Sessions theft indictments, 1661-1730

<table>
<thead>
<tr>
<th>Period</th>
<th>number</th>
<th>annual average*</th>
<th>Period</th>
<th>number</th>
<th>annual average*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1661-65</td>
<td>17</td>
<td>4.3</td>
<td>1696-700</td>
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<tr>
<td>1666-70</td>
<td>16</td>
<td>3.6</td>
<td>1701-05</td>
<td>14</td>
<td>2.8</td>
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<tr>
<td>1671-75</td>
<td>19</td>
<td>4.2</td>
<td>1706-10</td>
<td>8</td>
<td>1.6</td>
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<tr>
<td>1676-80</td>
<td>25</td>
<td>6.3</td>
<td>1711-15</td>
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<td>3.8</td>
</tr>
<tr>
<td>1681-85</td>
<td>30</td>
<td>6.0</td>
<td>1716-20</td>
<td>21</td>
<td>4.2</td>
</tr>
<tr>
<td>1686-90</td>
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<td>6.9</td>
<td>1721-25</td>
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<td>2.6</td>
</tr>
<tr>
<td>1691-95</td>
<td>21</td>
<td>4.2</td>
<td>1726-30</td>
<td>24</td>
<td>4.8</td>
</tr>
<tr>
<td>1661-95</td>
<td>159</td>
<td>5.1</td>
<td>1696-700</td>
<td>120</td>
<td>3.5</td>
</tr>
<tr>
<td>1661-1730</td>
<td>279</td>
<td>4.2</td>
<td></td>
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</tbody>
</table>

* adjusted to allow for missing files (see appendix 1)

Table 4.2: Quarter Sessions theft indictments, 1661-1730

<table>
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<tr>
<th>Period</th>
<th>number</th>
<th>annual average*</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>1726-30</td>
<td>17</td>
<td>3.6</td>
</tr>
<tr>
<td>1661-1730</td>
<td>80</td>
<td>2.4</td>
</tr>
</tbody>
</table>

* adjusted to allow for missing files (see appendix 1)

Source: sample A (see appendix 2)

However, small numbers may have their own kind of significance, suggesting that the inhabitants of Denbighshire were subject to fewer of the social and economic pressures (and opportunities) that could motivate decisions to steal and to prosecute theft. As noted in chapter 2, theft was far from dominating either court’s business: only 17 per cent of Quarter Sessions indictments and 30 per cent of Great Sessions indictments. And not only are the numbers of...
prosecutions small, prosecution *rates* are clearly lower than in the most intensively researched English counties. Annual rates of indicted theft can be roughly estimated at 18 per 100,000 population during the later seventeenth century and about 15 during the 1720s. Between 1663 and 1802, the average was 74 per 100,000 in urban Surrey, 53 in rural Surrey and 26 in Sussex. In Restoration Essex property crime indictment rates were 37 per 100,00, and 43 per 100,000 during the 1750s.19 By any measure, the Denbighshire court records hardly provide evidence for a recent depiction of theft levels in eighteenth-century Wales as ‘chronic’.20 But, again, a *spatial* analysis is illuminating: county-wide averages conceal considerable variations in the significance of theft prosecutions in the hundreds (table 4.3). Bromfield, with its expanding urban and industrial populations, was generating entirely disproportionate levels of theft prosecutions (to give *very* approximate annual prosecution rates per 100,000 population of 30 during the later seventeenth century and 20 by the 1720s – closer to rural English counties); while Ruthin was prominent at Quarter Sessions.21

<table>
<thead>
<tr>
<th>Hundred</th>
<th>Percentage of county population, 1670</th>
<th>Percentage of theft indictments</th>
<th>*Source: sample A (see appendix 2)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Great Sessions</td>
<td>Quarter Sessions *</td>
</tr>
<tr>
<td>Bromfield</td>
<td>30.2</td>
<td>56.3</td>
<td>35.5</td>
</tr>
<tr>
<td>Chirk</td>
<td>13.3</td>
<td>10.0</td>
<td>9.2</td>
</tr>
<tr>
<td>Isaled</td>
<td>20.3</td>
<td>7.3</td>
<td>11.8</td>
</tr>
<tr>
<td>Isdulas</td>
<td>13.1</td>
<td>5.0</td>
<td>9.2</td>
</tr>
<tr>
<td>Ruthin</td>
<td>17.6</td>
<td>14.9</td>
<td>28.9</td>
</tr>
<tr>
<td>Yale</td>
<td>5.5</td>
<td>6.5</td>
<td>5.3</td>
</tr>
<tr>
<td>100.0</td>
<td>100.0</td>
<td>99.9</td>
<td></td>
</tr>
</tbody>
</table>

21 The prominence of Quarter Sessions theft indictments from Ruthin hundred reflects the court’s more general popularity in that hundred (23% of all Quarter Sessions indictments, see table 2.10 above). Much of this hundred lay in the populous and prosperous vale of Clwyd, and the borough of Ruthin, unlike Denbigh, had no Quarter Sessions of its own as a possible forum for petty theft and misdemeanours. Less explicable, however is the particular preference for Quarter Sessions over Great Sessions.
Theft was sometimes related to poverty, but its causes were complex. A recurring theme of this chapter sets theft in the context of economic and social exchange, in both trading and community networks. The extent of the ‘world of stolen goods’, of buying and selling stolen goods and animals at markets, fairs, shops and more informal settings stands out strikingly in depositional evidence. There are, of course, many minor thefts for direct consumption, yet even the ‘smallest’ theft in terms of what was taken – a bag of corn, a fat duck, a scruffy sheep – might become a form of ‘currency’. However, by that is not meant only narrowly-defined economic exchange through sale or barter; stolen property could also be used in the social interactions of gift-exchange, and it could become part of a shared social occasion. Theft was a diverse activity with a range of meanings; stolen goods and animals circulated throughout the county, and beyond, alongside and intertwined with ‘legitimate’ economic and social exchange.

The generation of suspicion and the investigation of theft

The initiation of theft investigations in Denbighshire came under two main headings: those (the majority) which began with the discovery of an offence, leading to enquiries to discover the perpetrator and recover lost property; and those originating with suspicion of a person or of goods in that person’s possession. In the first category, the nature of the subsequent investigation depended on the property that had been stolen: searches for small-scale items such as clothing and cloth, plate and foodstuffs tended to remain local, while the pursuit of livestock could cover many miles and indeed several counties. Suspicion might focus on a particular person because of a bad local reputation (or, indeed, a known criminal past) or odd behaviour. Alternatively, furtive or incongruous activities might in themselves generate suspicion and investigation.

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22 It can be noted that at Great Sessions, the ‘labouring’ population was prominent amongst defendants charged with property offences, the largest single group at 39.3% of defendants, which moreover represented a much higher involvement than in any other category of offence (labourers were only 19.6% of all defendants). At Quarter Sessions, again, while they averaged only 7.2% of defendants, they made up 12.3% of property offence defendants – but at this court they were heavily outnumbered by both the ‘craft/trade’ group and by farmers as property offence defendants (see tables 2.4 and 2.5; these figures include property misdemeanours).

23 And these are probably seriously under-recorded: thefts of food made up only a small proportion of prosecutions, and moreover the small numbers of petty larceny indictments surely cannot be representative.

It is uncertain how far these documents record ‘ordinary’ observing behaviour, and what processes of selection and editing went into the recording of depositions. The apparent promptness of investigative responses may imply that ‘noticing’ was routine and unexceptional, part of everyday living; or it might be an effect of what was left out by witnesses in ordering their narratives, as well as by the scribes who wrote down their testimonies. Yet, from sixteenth-century Sussex to eighteenth-century Yorkshire (and even in modern criminological research) there are similar patterns that help to support the argument that the practices of observation and investigation drew on familiar and common skills. The effectiveness of the methods they employed cannot be measured; as Herrup notes, all the records ‘detail successful rather than unsuccessful detections’. However, it seems likely that, while there were few certainties, prompt and discerning responses were important for effective detection, and moreover that the ability to recruit assistance from a range of private individuals was crucial in the absence of an organised police force.

Almost all policing and detective work was a matter of private initiative and as such frequently limited in its capacity. Most victims relied first and foremost on their own kin and neighbours, but investigators had often to rely on the voluntary co-operation of strangers, such as Lewis Humphreys, pursuing Edward Hughes to Wrexham, who came to Edward Jones, the landlord of the Goat Inn ‘and being a stranger intreated Edward Jones to assist him in findinge out ye said Edward Hughes which said Edward Jones did readily comply with his request’. Investigators might also use other more coercive methods, as we shall see, to recruit help. The further they had to travel, the more difficult the task became, and the capacity to communicate effectively over wider areas was certainly limited. Sometimes, word of lost property was more formally broadcast in public places: a lost horse was ‘cried’ at Wrexham; Jonathan Moore’s cloth was ‘cryed and proclaimed’, also in Wrexham; a hog was ‘proclaimed’ in Llanarmon-yn-fûl church; stolen shoes were ‘cry’d’ in St Asaph churchyard. Later in the eighteenth century, as in England, the use of newspaper advertisements and handbills would become more common. But during this period criminal investigations largely relied on personal and oral communication.

Aid and information frequently came from neighbours. Owen Hughes of Wrexham travelled

25 Herrup, Common peace, 67-8n.
26 NLW GS 4/33/4.17.
27 NLW GS 4/30/2.25; 4/42/2; CC B19/c.41; DRO QSD/SR/73.52; also the occasional hue and cry warrant: NLW GS 4/33/5.66 (‘hue and cry’ more often seems to refer to a more informal, spontaneous process).
28 For examples, see G. Parry, Launched to eternity: crime and punishment 1700-1900 (Aberystwyth, 2001), 15.
to Staffordshire on business in February 1694, and returned a month later to discover that some pewter goods and a coat had been stolen from his house. ‘[H]earing that one Richard Williams had sold some pewter in Wrexham faire and was suspected to have stolen it’, he went to inspect the pewter and found that it was indeed his own, which resulted in a search of Richard’s goods and the retrieval of the missing coat. 29 Griffith John David of Llanelidan was out harvesting in September 1682 when his wife came to call him to dinner; when they arrived home, they found a pair of shoes and a hat missing. He ‘acquainted his neighbours with the losse’, and learned the very same day that Thomas Lloyd, a Merionethshire labourer, had attempted to sell the shoes three miles away in Gwyddelwern (Merionethshire). Thomas was pursued by a group of men from Llanelidan and finally arrested in Derwen. 30

Despite the limitations of early modern detection, comparison with modern criminological studies reveals much that is familiar in terms of the importance of ‘legwork’ and communities’ co-operation. Indeed, researchers have demonstrated the continuing importance of the role of ‘the public’ in crime investigation, showing that police initiative accounts for a minority of arrests and that most of their information comes from civilians. Today and in the seventeenth century, the investigation of theft often relied on catching offenders at the scene or shortly afterwards; with stolen property still in their possession; and on searches, confessions and witness identification. 31 Early modern detectives lacked many of the material resources and technologies of modern police forces, but they were more than capable of careful, sustained and intelligent mobilisation of the knowledge and resources that they did possess.

When malt was stolen from the malting kiln of Edward Brereton of Borras (p. Gresford), the suspicions of the manager of the kiln, Hugh Dod, rapidly focused on his assistant John Griffith. On entering the kiln one morning in November 1688, Hugh noticed ‘some lyme mortar falln upon the killn floore’ and saw that part of the wall was damaged. He went upstairs to view the malt, and saw that some was missing. He went outside to the spot where the wall was damaged, and

found more mortar the outside then ye inside soe that he believes the wall was broak from within meerely out of colour & not to convey ye malt out yt way for ye breach was so litle & noe malt spilt or lost within side or without side ye breach...

29 NLW GS 4/35/3.32.
30 NLW GS 4/32/1.46-7.
As a result, he was convinced that the missing malt had been taken out by the door rather than through the hole in the wall, which was just a ruse. Finally, he noted that John Griffith had had all the keys to the kiln with him at ‘the begining of ye night yt ye said malt was stolne’. Another servant stated that John had been in the kiln the night before (and had been reprimanded for going there at an ‘unseasonable tyme’), and had returned only one of the keys. Hugh’s deductions were based on his working familiarity with the layout and operations of the kiln; John’s evasion and earlier behaviour enhanced suspicion. What was missing in this case was the establishment of a direct connection between the suspect and the missing property after its theft. There was no evidence of John handling anything resembling the stolen corn (the grand jury threw out the case). Indeed, it may be precisely because there was none of this kind of evidence that the witnesses felt it necessary to set out ‘circumstantial’ evidence in unusual detail, constructing narratives of the detection process that would be left out of more ‘straightforward’ cases.

During the night of 22/23 October 1675, ten measures of malt were stolen from the kiln of John Meredith in Wrexham. On learning the news, John’s wife Mary paid a visit to a local mill to make enquiries. While she was there Owen Hughes, a Wrexham tailor, came in, and on seeing her ‘seemed surprised and afrfrighted’. This made Mary suspicious enough to ask the miller to show her some of his ‘toll’ of malt he had just ground for Owen and ‘it appeared to be very like’ that which had been stolen. This led to a search of Owen’s house, where three measures of malt were found hidden in the loft; Mary was convinced that this was also part of the stolen corn. Owen and two youths who confessed that he had encouraged them, and had received stolen malt on several occasions, were subsequently convicted. Mary may have gone to the mill merely in order to alert the miller to the theft, or to make general enquiries, or she might even already have had more specific suspicions. Either way, her response to the theft was focused and rational; convicting a receiver of stolen goods was, as we shall see, quite an achievement in itself.

If Owen’s behaviour after the discovery of theft attracted suspicion, a number of cases were initiated by suspicions of a person’s behaviour or the provenance of goods in their possession. But what was ‘suspicious’ behaviour?

What makes someone a ‘suspect’? Most people assume that the simple answer to this is anyone who breaks the law and/or who excites police suspicion that they have done so.

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32 NLW GS 4/34/1.24.
33 See Herrup, Common peace, 113-4, 121-3.
34 NLW GS 4/30.1.51.
The constitution of the suspect population seems, at first glance, to be unproblematic – a naturally occurring group which any successful and efficient police force would encounter.

‘Suspicion’, the writers of this modern criminological study of police methods argue, is not that straightforward, arguing that ‘stereotypical cues that make individuals or groups “suspicious” are the partial or total basis for law enforcement decisions by police officers, non-police agencies and ordinary citizens alike’. 35 Some of those ‘cues’ relate to personal history, others to personal demeanour and attitude towards investigating officers. Other factors are ‘situational’: being observed in certain areas or with certain people, or ‘incongruity’ in terms of place and behaviour. And, despite the very different historical context being studied here, similar processes seem to have operated in early modern Wales.

Strangers and members of local communities alike could come under suspicion of theft, although there were differing emphases between the two groups in the ‘cues’ for its generation. The immediate behaviour – the ‘body language’ – of strangers was the primary subject of scrutiny – because, by definition, nothing else was known about them. In the case of local residents, such observations were more complex and were made in the light of shared knowledge about individuals – personal history, character and ‘normal’ demeanour, not to mention their income and hence appropriate standard of living. Richard Lloyd was immediately suspicious when John Edwards tried to sell him some iron harrow pins in 1681. He asked where John had got them, and John claimed they had come from his father Edward Morris, ‘which increased [Richard’s] suspition in as much yt ye said Edward Morris... is a very poore man & releived by the parish & hath neither plow nor h[arrow] nor any land whereupon to use them’.36

Even so, observers would not necessarily immediately make accusations. Criminologists who have studied processes of observation stress that ‘watching’ is only the starting point. ‘People must also notice the event and define it as being an example of disorder. And then they must decide what to do about it and what to say about it to whom’. There is a sequence of events and decisions, which are affected by social factors, including perceptions of the seriousness of the event, and these can be redefined in the light of new information.37 Thomas David earned himself some close attention at an alehouse in Llanhychan, in April 1718. Thinking him a ‘poor honest traveller’, the owners had

35 McConville, Sanders and Leng, Case for the prosecution, 14, 26.
36 NLW CC QS B37/c.16
given him overnight lodging, and in the morning he left ‘as he pretended’ to go to Flint to see his mother. However, he returned that night, with a pocketful of silver and gold coins, which the landlady refused to change; when he produced a sixpence, she gave him some ale. But, having heard reports that two houses in the neighbourhood had been broken into that afternoon, ‘she began to suspect, that this might be ye man yt did it, especially when she saw him soe free of his money’. Then, the men who had been making enquiries about the break-in, and had heard that someone matching a description of a man seen near the scene was in the alehouse, came in and ‘seeing ye stranger there, one of them said, This is he’. Only then was Thomas seized and searched.38

Surreptitious behaviour by a stranger (especially at unusual hours) could lead to active intervention. In August 1660, Elisabeth Jones of Allington (p. Gresford) was returning home after taking her husband’s breakfast to the field where he was working when she saw a man near her house, ‘whoe when he had spied this examinate went to ye dich side pretending to doe his bisnesse; and had cast the goods yt he had into the hedge’. She hastened home, ‘misdowpting some thing might be a misse’: the house had been broken into, and she made an outcry so that the man, Thomas Middleton, was captured.39 On 16 September 1665, ‘verie betymes in the morneing before sunriseing’, Roger Lewis ‘hard his wife crie out after one that went by his house, & had a packe upon his backe, which she suspected to be a theife’. He promptly went in pursuit of the man, who on seeing him threw down his pack and ran; Roger caught him and made him carry the pack to the house of the constable of Gwersyllt. Roger and the constable then brought him before the magistrate in Wrexham, where he confessed to having stolen the goods in the pack – some pewter dishes and two pairs of shoes, as well as a silver cup that he had thrown into a hedge and which was later found – from the house of Edward Edwards of Holt Park.40

A too-hasty departure by a visitor following an overnight stay in an inn was another kind of early morning activity that might lead to closer inspection of home and property. John Jones stayed two nights at Easter 1674 at the inn of Rice Parry in Llandyrnog. The family rose on the Monday morning to find that he had already left, at which ‘they looked about the house whether he had taken anything with him’. Some money and a knife had disappeared from Rice’s pockets; his wife Mary Jones found that her purse, ‘which shee had layd under her boulster’, had been removed. Short of

38 NLW GS 4/42/1 (examinations of Jane Edwards the wife of William Griffith, William Griffith and Hugh Jones, 16 April 1718).
39 NLW GS 4/25/1.10.
40 NLW GS 4/26/5.20-1.
ten shillings, it was found in the room where John had slept, alongside the key to the cellar cupboard. The cupboard proved to be unlocked, and more money, a brass ring and some lace had been stolen. John was pursued and found with the goods on him.\textsuperscript{41}

In December 1671, Owen Hughes lodged for two nights at Anne ferch Robert’s house in Ruthin. The first night he spent there with his wife; the second night he was alone, and Anne (a widow) only reluctantly took him in again. Then she had heard ‘some stirre’ in the hall the following morning between two and three o’clock. She ‘presently’ made her daughter, Margaret Davies, get up to begin work pressing linen. Shortly afterwards, Owen came downstairs and asked Margaret for a candle to find his shoes and stockings, and ‘when he had found them he came backe againe to the hall tremblinge, and said that hee had beene gone long before if any in the house had beene up’. He paid Margaret for the lodging, and following orders from her mother ‘to give the said Owen Hughes some bread & cheese before he went away’, she went to a cupboard in the hall. She found ‘the doore wrested into the cubbord’; just over £14 had been stolen.\textsuperscript{42} Anne and Margaret do not state that any of their actions were unusual or connected to the presence of their not-very-welcome guest, the noise Anne heard in the early hours, or Owen’s ‘tremblinge’; but it does seem likely that they were being particularly vigilant under the circumstances.

A number of ‘anomalies’ could rapidly foster suspicion of those travelling on horseback or driving livestock. John Cort alias Foxe was brought before a JP on suspicion of stealing the mare he was riding: he could ‘give noe good account of his travells’, had no money in his purse, and (possibly the initial and most visible factor) ‘had noe sadle nor bridle’, and was riding with only a halter.\textsuperscript{43} Similarly, Ann Jones was suspected ‘by many’ because she was riding a horse ‘without saddle or any other materiall (only a cart bridle)’.\textsuperscript{44} By the very nature of the trade, people driving livestock were often travellers and hence ‘strangers’. But this was certainly not the only thing that concerned John Griffith Lloyd about John Oliver. Returning home from Ruthin market in the evening of 28 June 1675

\begin{quote}
he saw John Oliver leape out of a corne feild where there is noe footpath into the highway, he looked after him & observed him to drive a heifer before him, hee went unto him (knowing him to bee a stranger & drivinge one heifer singlie before him) and asked him from whence hee brought the heifer, whither he had bought her...
\end{quote}

\textsuperscript{41} NLW GS 4/29/3.34. See also: GS 4/27/5.49; 4/27/4.64.  
\textsuperscript{42} NLW GS 4/28/3.75-7.  
\textsuperscript{43} NLW GS 4/25/3.43.  
\textsuperscript{44} NLW GS 4/41/6 (examination of Anne Jones, 12 February 1717).
Oliver said that he had come from Northop fair (Cheshire) and was now driving the heifer to Bala fair (Merionethshire). Lloyd then entered into negotiations to buy her, offering 20s, to which Oliver agreed if Lloyd ‘would give him a lodginge that night’. Lloyd was clearly still suspicious; he called another man, Morris ap Edward, to view the beast and, taking him to one side, ‘asked him whether ye said John Oliver did not offer the said heifer much under the markett rate who replied hee thought hee did’. Then the two men seized Oliver and took him to the local constable.45

Also, particular local circumstances might serve to heighten watchfulness of individual strangers and their activities. Thomas ap Robert of Meifod (p. Llanrhaeadr-yng-Nghinmeirch) was passing the house of Ellin ferch Rees in the same village in September 1668, when he heard the door creaking. At this, he turned back to the house ‘& saw a man standing in ye house by ye dore putting forth his head’. Thomas asked the stranger several questions: who he was and what he was doing there, where he was from, where he was going. The man claimed to be waiting to meet the maid of the house, and that he was from Anglesey and on his way to Bachymbyd (p. Llanynys). Thomas then insisted that they should speak to the maid before he would allow the man to continue on his way. Moreover, and here the probable reason for Thomas’s caution emerges, he sent for some of his neighbours to see if they could identify the stranger ‘for there was a reporte in ye countrey, yt there was a greate feare of one Henery of Higate, otherwise called Henery Davis’, who had broken out of Flint gaol. And when they arrived, one of them did in fact identify the man as the escaped prisoner.46

Coming suddenly into money was another potential source of suspicion. William Glegg, a Wrexham saddler, returned home from business in October 1667 to discover that some money had been stolen from a trunk in his house, and ‘hearing that Richard Davyes of Wrexham barber had lately bought him some new cloaths and payd some debts’, he confronted Richard, who confessed to the theft.47 Similarly, Alice the wife of Henry Smith suspected her maidservant Katherine ferch Lewis of theft in the spring of 1676. She had entered the Smith household’s service a few months earlier ‘without having of much money then’, but at Wrexham fair in March, ‘shee clothd herselfe, with severall new wearing cloths’. She claimed that the money had come from her brother; but when asked by a neighbour, he denied having given her any money. Alice searched Katherine’s possessions and found a black cloth which resembled one that Alice’s previous maid, Gwennie Edwards, had used to wrap her savings – more than £2 in cash – and left with the Smiths, locked in a

45 NLW GS 4/29/6.34-5. For suspicions about cheap sales, see also: GS 4/34/7.99; CC B39/c.30.
47 NLW GS 4/27/2.59. See also GS 4/44/3 (John Basset).
box for safe-keeping, when she went on to another position in Cheshire. Katherine confessed that she had broken into the box, taken the money and spent it on the clothes which had initially aroused her mistress’s suspicions.  

Sometimes witnesses referred to a suspect’s generalised bad reputation: Richard Lloyd, arrested in 1685 on suspicion of horse theft, had ‘a bad repute of dishonesty before his apprehension and worse after’. However, they were often more specific than this. Grace ferch John Kenricke was suspected of stealing some clothing because she had been seen in the vicinity and ‘she is and long hath been of a very ill fame & suspected to have formerly stolen many small things’. When one of Edward Brereton’s horses went missing from its pasture at Gresford in March 1700, there were suspicions of a local man, Thomas Jones, ‘by reason yt the said Thomas Jones was then for severall dayes missinge out of yt neighborhood & yt hee is a person of evill name & fame amongst his neighbours’. Moreover, the mare in question was particularly difficult to catch in the field and among the few people who could normally do so was Peter Barlow, one of Brereton’s grooms – and Thomas Jones’s father-in-law.

And occasionally a ‘bad reputation’ encompassed a criminal record. In 1728, John Davis of Ruabon was immediately suspected following the theft of money and clothes from Dorothy Eyton as ‘he had an ill word in his neighbour-hood & was one yt used to go into outer chambers & steal small things’. And, moreover, it was reported that ‘he was burnt in ye hand the last Great Sessions for such offences’, and the gaol files bear this out. Indeed, John’s criminal career had already begun several years earlier while he was still a teenager, stealing money from shops in Wrexham, for which he had been whipped (after a reduced verdict). He escaped from gaol on this occasion and returned (rather unwisely) to the Ruabon area; in November a man whose house had been broken suspected John ‘by reason ye examinant was informed he was got out of ye county gaol & was come into that neighbourhood’. John was eventually captured, convicted and transported.

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48 NLW GS 4/30/2.19.
49 NLW GS 4/33/2.29.
50 NLW GS 4/32/1.48. See also: GS 4/30/2.9.27; CC B50/c.32; DRO QSD/SR/46.10.
51 NLW GS 4/37/3.33.
52 NLW GS 4/44/4 (examinations before Robert Wynne, 2 November 1728, and gaol calendar); 4/44/3 (examination of Roger Jones, 10 July 1728); 4/44/2 (three indictments, examination of John Davis, 7 January 1728); 4/42/4 (two indictments, examinations before John Jones, 29 January 1720). Whilst John Davis is hardly an uncommon name, this one could sign his name (which was more unusual for someone described as a labourer), enabling comparison of the autographs.
Morris ap Robert was an earlier long-term recidivist whose criminal reputation amongst his neighbours should be viewed as the crucial context for his ultimate downfall in 1682. William Griffith of Ruabon lost some lambs in 1681, later finding two of them. His own marks had been cut away ‘and the said lamb’s niked’ with Morris’ mark; a neighbour had had a similar experience. Because of this, ‘and because hee had hearde that... Morris ap Robert had beene convicted of felony’ some years earlier, William had Morris’s house searched, and some mutton was found (amidst evasive behaviour by both Morris and his wife). Again, this rumour had material foundations: following his conviction, Morris was denied benefit of clergy because he had previously been branded, and he was sentenced to hang, an extremely rare outcome for sheep theft.\(^53\) He was almost certainly the Morris ap Robert of Llanarmon-yn-Iâl who had been prosecuted in both Quarter Sessions and Great Sessions during the early 1660s on a variety of theft charges (including a hog, a barrel and a sheep), convicted and granted benefit of clergy at the Great Sessions in July 1664.\(^54\)

The ‘cues’ that generated suspicion in early modern Denbighshire were indeed stereotyped, but they were also complex. Those who came under suspicion frequently *were* from certain groups: ‘strangers’, temporary lodgers and travellers, as well as servants, or local residents with an existing bad ‘name’. It is probable that certain people were more likely to be subject to scrutiny and watchfulness than others, and more likely to be questioned following the discovery of a theft. But simply being an outsider, or a stranger, or poor, did not in itself create suspicion that a crime had already occurred, let alone physical interventions against the watched person such as a pursuit, arrest or search. That required some kind of incongruity, behaviour ‘out of place’: a known pauper or servant who suddenly had handfuls of money to spend, a local or a traveller who behaved irregularly or furtively, someone selling goods far too cheaply. But in any case, very often property went missing before anyone had noticed any suspicious behaviour – especially where the stolen property was livestock, which was frequently rapidly moved from the immediate area to be sold at regional markets.

\(^{53}\) NLW GS 4/31/7.27, 20, 49, 55.

\(^{54}\) NLW GS 4/26/1.18, 20-1; CC B18/b.1, B19/c.41, B20/a.3-4, 22.
Livestock theft in a pastoral economy

The pursuit of early modern criminal justice was primarily the responsibility of those directly affected by the crime, and effective detection and investigation, as we have seen, required cooperation. Relatives, servants and friends and colleagues were frequently crucial figures in the process – as were suspects themselves, not necessarily as willing participants. This was particularly noticeable in investigations of livestock thefts, which could be complex and cover extensive distances. Horse theft, ‘the epitome of a crime founded in avarice and calculation’, often receives substantial attention from historians: horses were valuable, highly mobile and often the prey of organised criminals.\(^\text{55}\) Convicted horse thieves were treated with particular severity by the courts, and many eighteenth-century initiatives in criminal investigation were primarily concerned with horse theft.\(^\text{56}\) But execution rates are only one index of attitudes to a crime, and it can be argued that in Denbighshire, the theft of sheep and cattle aroused at least as much concern – even though sheep and cattle thieves were almost never executed – because of their economic significance.\(^\text{57}\)

Sheep and cattle were common targets for thieves prosecuted at both Great Sessions (sheep theft accounted for 15.1 per cent of theft indictments; cattle theft 6.8 per cent; horse theft 12.2 per cent) and Quarter Sessions (16.3 per cent of theft indictments were for sheep theft) (see table 4.4 below).\(^\text{58}\) Moreover, sheep stealing was also among the most diverse categories of theft to be recorded.\(^\text{59}\) At its most ‘petty’ level, there were opportunistic cases in which poor and hungry

\(^{55}\) Herrup, Common peace, 168.


\(^{57}\) For background, see R. Trow-Smith, A history of British livestock husbandry to 1700 (London, 1957); idem, A history of British livestock husbandry, 1700-1900 (London, 1959).

\(^{58}\) Great Sessions figures in Denbighshire are lower than in Montgomeryshire 1690-1790 (sheep 27%, cattle 20% and horses 19% of indictments; but at Montgomeryshire Quarter Sessions only 2% of indictments were for sheep theft): Humphreys, Crisis of community, 235; but they are similar to figures for Montgomeryshire 1660-1720, Jenkins, ‘Population, society and economy’, 119; see also Howell, Rural poor, 230.

labourers, or women, stole single animals for the cooking pot. Edward Evan, confessing to the theft of a heifer, said that he ‘had none of his owne and sayth that this he did whereby to provide for his wife and family, prayeth God to forgive him for it’. The ‘need’ defence is surprisingly enough rarely recorded in theft confessions during the period, but Edward was probably not so unusual. Thefts of one or two animals accounted for the majority of cases, especially at Quarter Sessions, but it was not an overwhelming majority, and even a single animal could have a commercial value.

At the other end of the spectrum, Great Sessions saw sheep thefts involving considerable numbers of animals. Such cases imply a degree of skill and even organisation; it was probably relatively easy to lift the odd sheep from remote uplands and commons, but both handling and disposing of any number was more difficult. The largest number of sheep on a single indictment was 122; this was exceptional, the next largest being 38, but 25.6 per cent of Great Sessions prosecutions involved more than ten sheep – enough to require some expertise in handling them and knowledge of the markets in which they were to be sold – and a further 35.9 per cent of Great Sessions prosecutions involved between three and nine sheep. Moreover, even these smaller numbers had in most cases been stolen to be sold, either as butchered meat or alive, rapidly disposed of at the region’s markets or fairs – making it perhaps a particularly apt example of Douglas Hay’s definition of larceny as ‘the principal form of economic activity forbidden by law’, which forms ‘part of the larger regional economy’.

Sometimes cases involving livestock were resolved locally, employing essentially the same methods used in other types of theft. This was especially the case with small livestock such as poultry, which might be hidden under clothing and rapidly conveyed away. Robert Lloyd and Richard Merton of Ruthin each lost a goose during the night in early December 1669; they recruited the help of the local constable to help in searching ‘suspected houses’. At the house of Katherine ferch William in nearby Llanfwrog, they found two carcases, giblets and blood (as well as some flaxen sheets bearing an assortment of owners’ marks). Thomas Rogers of Llanynys lost some sheep from pasture at Trefydd Bychain (p. Llanrhaeadr-yng-Nghinmeirch); he promptly got a search warrant and with the local constable found a skinned carcass at the nearby house of Rees Cadwalader. The discovery of some skinned sheep carcases on Mynydd Hiraethog, near Henllan,
led to a number of local men setting up a watch during the night. They saw a fire, where they
discovered Maurice John and Robert Lewis and some fresh sheepskins. The men confessed to
having taken four sheep which they killed and skinned, taking away the skins.63

But frequently the investigations covered considerable distances, following the beasts as they
were driven across the countryside to markets and fairs and sold; they could be split up and pass
through several hands before their proper owners found them, and in such cases, it would
additionally be necessary to trace back the chain of transactions. In December 1683, Owen Jones
stole a cow belonging to Jane Jones from its pasture at Lleweni (p. Henllan). The following day he
drove the cow to Chester, where he attempted to sell her, unsuccessfully; a would-be purchaser
suspected the cow to be ‘stollen goods’. He found a (presumably less scrupulous) buyer, who was not
identified, outside the city a few days later. There is no record that the cow was ever traced.64
Or, very often, unfortunate owners found their lost animals, but they had already been butchered.
Robert Humphreys discovered early in 1675 that he had lost eleven sheep at Esclusham. Making
enquiries in Wrexham, he found a number of skins bearing his sheep-marks in the possession of
Robert Benjamin, a skinner, who had bought them from Charles Davies, a butcher.65 Davies was not
at home when Humphreys arrived there, but some of his ‘friends & neighbours’ told Humphreys that
he had bought that number of sheep from Morgan Arthur. Morgan was arrested and brought before a
JP for questioning. He claimed that he had bought the sheep from Rondle Jones of Bryneglwys. But
if he did exist, Rondle Jones was apparently never found.66

Between the afternoon of 11 January 1676 and the morning of the next day, Piers Phillips lost
36 sheep from their grazing near Caerwys in Flintshire. Searching for them, he arrived in Wrexham
on 19 January, where he found that the animals had already been dispersed; Richard Jones and
Richard Benjamin had each bought some from two brothers, William and Robert Thomas. Richard
Benjamin had seen the two brothers driving 30 sheep into Wrexham in the early afternoon of 12
January: they had said that they were taking them to market, and were on their way to get grazing for
them. Richard Benjamin subsequently bought twenty, while Richard Jones bought ten, selling nine
two days later and slaughtering the tenth. Piers Phillips threatened to prosecute both of them, and

63 NLW CC B26/a.11; B24/a.33/1; GS 4/31/7.26.
64 NLW GS 4/32/3.32.
65 Butchers, unsurprisingly, feature regularly in sheep and cattle theft depositions; see Wells, ‘Sheep-rustling’,
135-6, for varying degrees of caution in their buying practices.
66 NLW GS 4/29/5.18. Humphreys notes a similar case in which a victim in Montgomeryshire patiently
enquired among leather workers until he found skins bearing his own mark, Crisis of community, 222.
they had to go to some lengths to free themselves from the threat. They obtained a warrant against the two brothers and began a search for them. Benjamin learned that William Thomas lived in Dodleston (Cheshire) and made unsuccessful enquiries there; on 24 January, Richard Jones’s son and servant caught up with the two men – now using the surname Jones – in Shrewsbury.67

Piers Phillips’s action in threatening to prosecute the men who had bought his sheep, forcing them to trace those from whom they had purchased the animals, was not uncommon in such situations. Perhaps even if there had been no such threat, co-operating in the investigation and helping to effect an arrest perhaps represented the best way to free oneself of suspicion. For example, among the men who pursued Thomas Lloyd was the husband of the woman who had purchased stolen shoes from him; when Gwen ferch John’s cloth was stolen at Mary ferch Humphrey’s alehouse, it was one of Mary’s son’s apprentices who took the decisive actions that led to its recovery and an arrest.68 But perhaps the particular problems and inconvenience of tracing animals meant that compulsion, the explicit threat of legal action, was more likely in such cases.

Robert John Price of Llangernyw bought five yearling sheep in May 1719, from Robert Jones; some months later, Rowland Jeffreys came to his house in his absence and identified the sheep as his, and told Jones’s wife to enquire after the vendor with her husband, ‘for he was resolv’d to have his own from them’.69 Richard Francis of Dinhinlle Uchaf (p. Ruabon) lost a horse in May 1699, and ‘after much inquiry amongst his acquaintance & others’ he learnt that a horse matching its description had been sold at Llanfyllin fair (Montgomeryshire) a few days after the loss, to Owen Richard of Llanuwchllyn (Merionethshire). Richard found Owen, who had bought the horse from a man ‘who went by the name of David William’ and had sold it on to a Montgomeryshire man. At this, Richard went to a Montgomeryshire JP for aid in reclaiming his horse, who advised him ‘to take his remedy at law’ against Owen Richard’. Richard trudged back to Merioneth to find another JP, who summoned Owen to be examined and agreed to send him to a Denbighshire JP to arrange his appearance ‘on [Richard’s] complaint either at Great or Quarter Sessions’. Instead, a few weeks later, Owen came to Richard with a warrant to apprehend ‘suspected persons’. When Richard heard ‘an ill report’ of Edward William of Dinbren, both men went with the local constable to Edward’s house, where Owen identified Edward (who subsequently confessed) as the person who had sold him

67 NLW GS 4/30/1.52-5.
68 NLW GS 4/32/1.46-7, 4/28/3.78-81.
the horse. 70 Again, Owen Richard had been put to considerable trouble to free himself of suspicion.

And the seriousness of the situation in which Owen had found himself is underlined by the outcome of a number of cases where a suspect was unable to produce the man from whom he claimed to have bought the stolen livestock. 71 Robert ap William of Minera (p. Wrexham) lost 117 sheep from upland grazing at Michaelmas 1675. Following ‘much labour and enquiry by himself and his agents & servants to his great charge’ he found thirteen of the missing beasts on the road near Chester, in the possession of two Chester butchers, William Selsby and William Hale. They had bought the sheep in Chester from Hugh ap William John Morgan of Llanrwst. Though described as a butcher rather than a drover, Hugh was clearly highly mobile (and bilingual), trading in large numbers of stock on both sides of the border. He claimed to have bought the sheep in question from Ellis Evans, a husbandman of Llanddeiniolen (Caernarvonshire); he had sold some at Holt, and then gone on to Chester, where he sold thirty-five to the butchers Selsby and Hale. He had used the money from that sale in buying a further 107 sheep in Llanllyfni (Caernarvonshire), which he had sent to Warrington (Cheshire) to sell. A colleague or employee of his recounted further transactions over several years, perhaps to help establish both men’s credentials as respectable traders. But there was no sign of any Ellis Evans, and Hugh was convicted of the theft. 72

To be sure, it was not unusual for someone accused of theft to claim in vague terms that they had bought stolen property in good faith. William Jones, charged with the theft of iron bars, said that he bought them ‘of a little black man yt hee did not know... upon the mountaines above Chirk Castle’. In a similar vein, Thomas Roberts, apprehended with two oxen by their rightful owner, claimed that he had been employed to drive them by ‘a stranger whose name he knowes not nor ever enquired’. It comes as no surprise to learn that the anonymous stranger never turned up to pay him, and Thomas was convicted. John Jones, accused of sheep stealing in 1692, said that he had bought the sheep from a man and his wife, neither of whom he knew, who lived ‘beyond Mould in Flintshire’. But he also claimed that he had persuaded these complete strangers to take part payment (less than half the agreed price) for the sheep on the promise that he would pay the remainder later. 73

70 NLW GS 4/37/2.44.
71 And by two anxious petitions to Quarter Sessions in July 1665: Richard Jones and William Morris, both of Montgomeryshire, had been indicted for sheep theft in that county after buying stolen sheep from two men who were now being held in Denbighshire: they requested that the bench cause the two men to appear at Montgomeryshire Quarter Sessions to ‘free’ Jones and Morris from prosecution: NLW CC B21/c.15-6.
72 NLW GS 4/30/1.57-8.
In contrast, Hugh ap William John Morgan offered a precise identification and details of his transactions. We should perhaps be cautious in assuming that because ‘Ellis Evans’ was not found, he did not exist – especially, perhaps, if he did not wish to be traced.

Some of those who claimed to have purchased stolen animals from a vendor who could then not be traced were probably duped by criminals exploiting a weakness for a bargain. Morgan Arthur’s explanation for buying sheep clandestinely instead of at open market was that he had been tempted ‘out of hopes hee should have a better bargaine’. One would at least have to question the judgement of Roger Hanmer, who claimed to have bought some sheep from William Hughes, ‘a stranger to this examinant’, at an alehouse, ‘noebody being present’. To make things even worse, the two men had originally met at Corwen fair, but had privately viewed the sheep later in the day some miles away, William having allegedly told Roger that he had no stock with him at the fair. Almost pathetically, Roger’s statement concludes with his efforts to trace William, ‘but could not find nor heare of him’. William Hughes never appeared; Roger was, once again, found guilty.74

Thus, the respectability of a transaction and the innocence of the purchaser were often emphasised. The two butchers who had bought Robert ap William’s sheep from Hugh ap William John Morgan stated that they had bought the sheep at the ‘Cross’ in Chester, and had paid for them at the eminently respectable house of a city alderman (which the latter confirmed).75 A transaction did not necessarily have to take place in open market or a formal setting; perhaps what mattered most was that it had been conducted in the presence of witnesses who were themselves persons of good credit. James Gatcliffe, a Liverpool butcher who had bought two stolen cows in late November 1721 from John Philips, had a neighbour ready to appear with him before the mayor of Liverpool and a Lancashire JP, to solemnly swear ‘on ye holy evangelist’ that he had witnessed James buying the beasts and that, moreover, ‘he verily beleives the said James Gatcliffe was utterly & intirely ignorant that the said two cows were stoln goods’.76

Payment in instalments was common in all kinds of transactions. For example, Edward ap Evan confessed that he had stolen a heifer and sold her at Denbigh fair, receiving ‘either six pence or twelve pence then in earnest’ of an agreed price of 48s, collecting the rest of the money from the

74 NLW GS 4/29/5.18; 4/33/8.25.
75 NLW GS 4/30/1.57-8.
76 NLW GS 4/43/2 (5 December 1722). C. Muldrew, The economy of obligation: the culture of credit and social relations in early modern England (Basingstoke, 1998), ch. 2, notes the presence of witnesses even in less ‘public’ locations such as shops and households, though in a context of regulating bargaining to protect
buyer’s house. John Griffith bought four oxen from John Davies (who was later charged with their theft), at Chester in July 1675, for £10 7s: he paid 40s there and then and another 40s some days later, with the rest due to be paid the following Michaelmas (long before then, the owner had traced his lost animals).\textsuperscript{77} As well as representing a form of financial credit, such practices could be used by a buyer as a precautionary measure: checks could be undertaken following the first payment, before the remainder would be paid. Edward Lloyd of Cristionydd had bought three heifers from Hugh ap Brynault that were claimed some time later as stolen; following the deal, he had delayed paying Hugh until he received word from a local gentleman that ‘the cattle were honestly come unto’.\textsuperscript{78} The delay in payment might, indeed, give the owner of the animals a chance to catch up with them. Hugh Jones had sold Rondle Kettle’s stolen heifers to William David at Wrexham market, at an agreed price of £6 8s; William gave him one shilling ‘earnest’ and drove them home. Rondle found them there shortly afterwards; William told him that if he waited ‘hee should see the man that sould them come to demaund his money’, and they were still speaking when Hugh arrived. William was clearly displeased at being placed in this situation; he told Hugh ‘that hee done an ill turne for the cattle were claimed by another’ and demanded the return of the shilling, after which he assisted Rondle in taking Hugh to the constable.\textsuperscript{79}

Clearly, buyers did not always take precautions. Purchasing livestock outside the public spaces of the fair or market, without witnesses, failing to check the identity of a vendor or the origins of the animals: these actions did not necessarily imply criminal intent, but they were risky. And Denbighshire juries did not respond sympathetically to such claims. They tended to severity rather than leniency in dealing with sheep and cattle theft, possibly with the aim of discouraging such activity. Several men who claimed that they had unwittingly bought stolen animals were convicted even though they named vendors and there was no direct evidence on record to place them near the scene of the crime.\textsuperscript{80} Moreover, the divergence between the theoretical demand for precision in indictments and the reality of court practice (which must have involved some collusion between judges and juries) was particularly acute in these cases.\textsuperscript{81} Despite William Lambarde’s dictum that against disagreements and litigation.

\textsuperscript{77} NLW GS 4/30/1.47; 4/29/6.36.

\textsuperscript{78} NLW GS 4/25/1.18.

\textsuperscript{79} NLW GS 4/29/6.38.

\textsuperscript{80} Cf. Herrup, \textit{Common peace}, 147-8; Sussex Quarter Sessions juries almost always accepted such defences where the defendant could name the alleged vendor.

'certeintie' not only of time but also of the place of the offence 'must bee conteyned in the enditement', and Dalton’s solemn assertion that indictments 'ought to be framed so neere the truth as may be... for that they are to bee found by the jury upon their oathes', palpable fictions in indictments concerning the location, and on occasion the date, of the theft of sheep or cattle were frequently, perhaps even consistently, overlooked at trials. Several, as depositions show quite conclusively, did not even take place in Denbighshire, but the accused were nonetheless found guilty.

Perhaps significantly, in such cases the framers of the indictments usually chose the location where the accused had sold (or attempted to sell) the animals, often at Wrexham with its important regional fairs and markets. Recorded sheep and cattle theft was, I have argued, to a considerable degree a commercial activity, whether it involved a few animals or much larger numbers. It was extremely difficult to prosecute receivers of stolen goods. Cockburn has suggested that sometimes a person named as principal on a Home Counties theft indictment was in fact a receiver or accessory; it looks as though the Denbighshire courts were similarly blurring this theoretically strict distinction when it came to livestock theft. Denbighshire juries, it can be suggested, were at least as concerned about the ‘illegal conversion’ of livestock as they were about the initial thefts. Theft committed out of need might be forgiven; profiting from selling and buying stolen livestock – and using the


W. Lambarde, Eirenarcha, or the office of justices of peace (London, 1582), 390-1; M. Dalton, The countrey justice (London, 1619), 364-5. Beattie suggests that technical weaknesses in indictments ‘were treated by the bench like any piece of evidence: to be exploited when it worked in the favor of a prisoner to whom they were sympathetic, and otherwise ignored’, Crime and the courts, 413.

Hugh Jones, cattle theft, July 1675: indictment states Wrexham, depositions that the cattle were taken at Helsby, Cheshire (NLW GS 4/29/6.48, 38); William and Robert Thomas alias Jones, sheep theft, January 1676: indictment: Wrexham, depositions: Whitford, Flintshire (GS 4/30/1.78, 52-5); John Jones, sheep theft, May 1692: indictment: Wrexham, depositions: Hope, Flintshire (GS 4/34/7.90, 99). Cases within Denbighshire: Rice ap Richard: indictment: Ruthin; depositions: Penbedw (GS 4/25/3.17, 36); Thomas ap Rees: indictment: Llanrhxaeadr(-ym-Mochnant), depositions: Llanelidan (GS 4/30/2.9, 57). This occasionally happened in cases of nonclergyable horse theft, but only where the evidence that the accused had stolen the horse was particularly strong – and the suspect was a stranger to the county: GS/4/33/5.66, 93, 97, 4/33/7.93 (John Acton); 4/40/3 (William Parr alias Park); 4/41/1 (Edward Hughes). See ch. 7 below, 232-4, on the treatment of ‘strangers’ tried for theft.

Cockburn, ‘Early modern assize records’, 222. Until 1691 it was not possible to prosecute receivers at all, and then only as an accessory, so the receiver could not be tried until the principal had been convicted. It was not until the eighteenth century that receivers could be independently prosecuted, but it remained extremely difficult to do so in practice: Beattie, Crime and the courts, 189-90.
channels of the legitimate trade as cover – was another matter. 85

In convicting, the jurors were not committing judicial murder: those convicted of sheep and cattle theft were routinely granted benefit of clergy (except for the extremely rare repeat offenders). 86 But they were sending out a warning to all those who dealt in livestock in the county: not simply through the humiliation of the trial and the pain of the punishment, but also the consequent damage to reputation; indeed, Roger Wells suggests that the need to maintain a good reputation in business may have had a more powerful restraining influence on those concerned in livestock than the criminal code. 87 The consequence of branding on the thumb, perhaps especially serious for anyone involved in trade, was a permanent physical mark of the event, a sign of discredit in a society where ‘credit’ was all-important. 88

Long before cases reached the court room, the seriousness with which cattle and sheep theft was taken is underlined by the pains victims took in conducting investigations, recruiting friends, neighbours, relatives and servants, and combing the countryside, visiting towns, making enquiries at market-places and searching back yards, sometimes considerably beyond the borders of Denbighshire and indeed of Wales. Additionally, the earliest local reference I have so far found to any kind of ‘association’ against criminal activities is in relation to sheep theft: in 1692, Samuel Fennah of Hope (Flintshire), described how he and his neighbours ‘had made an agreement amongst themselves to help one another in the recovery of lost sheep’. 89 Sheep and cattle lack the glamour of horses, but to Welsh farmers may have been far more important.

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85 See Herrup, Common peace, 158, on jury sympathy to thefts motivated by need.
86 Even after sheep-theft was excluded from benefit of clergy by statute in 1741, the sentence was frequently reduced to transportation: Howell, Rural poor, 235, 237-9; see also E. V. Jones, ‘Sheep stealing at Llangelynin, 1792’, Journal of Merionethshire Historical & Record Society, 7 (1986), 384-403 for a case-study of this process in action. But see King, Crime, justice and discretion, 310-11 for harsh – even vindictive – Welsh juries convicting sheep thieves in the 1780s.
87 Wells, ‘Sheep-rustling’, 144.
88 Cf. Beattie’s apparent view that branding barely constituted a real punishment at all: Crime and the courts, e.g., 469-70.
89 NLW GS 4/34/7.99. See Howell, Rural poor, 233-4, for Welsh examples of prosecution associations later in the eighteenth century.
Table 4.4: Stolen property, Great Sessions and Quarter Sessions indictments

<table>
<thead>
<tr>
<th>Category</th>
<th>Great Sessions</th>
<th>Quarter Sessions*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>number</td>
<td>%</td>
</tr>
<tr>
<td>sheep</td>
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<tr>
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</tr>
<tr>
<td>household(^b)</td>
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<td>7.9</td>
</tr>
<tr>
<td>clothing/cloth</td>
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</tr>
<tr>
<td>money and clothing/cloth</td>
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<td>4.3</td>
</tr>
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<td>valuables(^c)</td>
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<td>3.2</td>
</tr>
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<td>17</td>
<td>6.1</td>
</tr>
<tr>
<td>mixed(^d)/other</td>
<td>7</td>
<td>2.5</td>
</tr>
<tr>
<td>manufactures/industrial(^e)</td>
<td>12</td>
<td>4.3</td>
</tr>
<tr>
<td>'intent' only</td>
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<td>0.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>279</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

*Source: sample A (see appendix 2)

Notes to table 4.4

\(^a\) chickens, ducks, geese, pigs
\(^b\) furnishings, linen, food, kitchenware
\(^c\) jewelry, church plate, silverware, ‘luxury’ goods (e.g. clocks)
\(^d\) more than two categories listed on one indictment
\(^e\) craft (except textiles), agricultural and industrial products and equipment (e.g. saddlery, farm equipment; metals, coal)
The world of stolen goods

Buyers of stolen property other than livestock were often equally concerned to establish their reputable credentials and to deny any criminal culpability. John Jones, a Wrexham saddler, was accused of receiving ‘sadlers goods’ from Rondle Williams. But John said that, although he had accepted the items from Rondle, he had not given the boy any money ‘saying yt he wold enquire amongst ye sadlers and if anyone claimed ye said goods they should be forth comeing’. As soon as the constable arrived and found them, he had handed them over.90 Edward Vose, a glasier of Wrexham, who had bought stolen lead at various times from Daniel Lloyd never bought any leade of Daniell Lloyd but in the day tyme in Wrexham towne, which leade at the buying of it, was alwayes weighed openly in George Malpas his shop in Wrexham; and... he thought that the said Daniell Lloyd had come honestly by the said leade for the said Daniell Lloyd told him, that he kept a victualling house in Llanarmon, & that leade was given him, instead of monies for the workmens meate, that wraught at the Mint...91

Still, perhaps some buyers could afford to be less cautious than others. Christopher Rowles, a Wrexham brazier, bought at his shop a stolen brass furnace pan from Arthur Davies, with no record of any questions being asked (and no sign that Rowles was afterwards suspected of criminal involvement). It was a later buyer, in a more casual setting, who became suspicious about Arthur. John Bacon, a plasterer, said that Arthur had come past his house carrying a brass pan and when John’s wife ‘asked him if he would sell the pan, he answered he would’. Before they agreed on a sale, they took the pan to another brazier’s shop to be weighed; however, finding Arthur ‘in severall storyes about the said pan’, John and his wife left it in the shop and had him arrested on suspicion of its theft. Rowles was trading in a public arena, under the banner of his specialised trade, which might well give him a security lacking in the apparently chance encounter between a stranger and a woman outside her house, so that he would feel less need to interrogate a seller as to the provenance of his wares.92

A number of cases record the concern of thieves to provide a plausible provenance for the goods they offered for sale. William ap William, prosecuted for stealing various items from his master, Sir John Wynne, in the early 1660s, told how he had ‘picked out’ the mark on a blanket and

90 NLW GS 4/41/3 (examination of John Jones, 31 March 1716).
91 NLW GS 4/26/6.16.
92 NLW GS 4/41/6 (examinations before William Williams, 1 March 1716). (Rowles gave his evidence under
sold it to Elizabeth, the wife of Thomas ap Harry, for 6s, telling her he had received it from ‘Philip of ye Park’ as part payment for a debt. Thomas Jones had told buyers that the stolen shoes he was selling had belonged to his wife who had recently died. Similarly, David Jones arrived at an Abergele inn in the evening of 11 December 1691 and after taking lodgings for the night, opened a pack of clothes on the table which included woollen and flannel cloth, a blanket and an apron. He told those present that they had belonged to his recently deceased mother whose funeral he had just attended ‘and asked if any would buy the said goods, he being weary in carrying of them’. He had no difficulty in selling the items before news arrived that they had been stolen from a woman in Llysfaen. James Fewtrall similarly claimed, when he sold a stolen gold ring to a shopkeeper, that it had belonged to his aunt. In his case, however, his credibility must surely have been undermined by the fact that he had begun with the story that he had found it in the street.

Meanwhile, John Thomas junior, son of a bodice-maker, did not need to account individually for the women’s bodices (amongst other stolen goods) that he confessed to having sold. They had been stolen by Edward Williams, another bodice-maker’s son, many from his own father, with the two youths sharing out the proceeds between them. John explained that he was already regularly employed in buying and selling for his father (indeed, he sold some stolen sheepskins that Edward gave him to John Thomas senior), and this was why Edward had chosen him as his accomplice in the first place. The case highlights the way in which, just as in livestock theft, boundaries between the illicit and the legitimate could easily become blurred in the world of domestic goods, textiles and clothing.

Men, though, were rarely accused of receiving domestic goods. Men who became involved (knowingly or otherwise) in buying stolen goods of any kind were more often identified as participants in a commercial trade, with explicit references to ‘shop’ environments; they tended, moreover, to be dealing in more specialised types of craft or industrial manufactures. The prominent involvement of women as buyers and sellers of stolen domestic goods may partly explain why formal occupational categories, and clear-cut commercial trade settings, are less apparent in such cases. As Garthine Walker points out: ‘[m]ale affiliations are easier for the historian to detect as they often existed within visible occupational, institutional and economic structures from whose

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93 NLW GS 4/26/4.15.
94 NLW GS 4/32/1.46-7, 4/34/6.54-6.
95 NLW GS 4/33/7.73-4. See also: GS 4/26/3.36; CC B25/a.18; B50/c.32.
96 NLW CC B50/d.30.
public realm women were largely excluded’. Women’s work was less clearly defined than that of men, even when it was not obscured altogether by conventional labels (‘spinster’, ‘wife of’, ‘widow’). But they were primarily responsible for making household purchases and they also participated extensively in trading and pawnbroking, often within the ‘economy of makeshifts’ that was essential for the survival of many poorer women.

This was no minor category of theft: domestic goods, cloth and clothing appeared in more than one-third of indictments in both courts (table 4.4 above). In Denbighshire, as Walker has noted of Cheshire, ‘[t]he world of stolen clothes, linens and household goods was populated by women’. They were much more prominent, as investigators, witnesses and suspects, in this world than in the industrial and agricultural environments of artisans, farmers and livestock traders. And, as Walker comments, ‘[t]he mundane aspect of the pattern of female targets for theft should not... be interpreted in terms of lack of bravado or initiative’. Indeed, two of the most striking theft cases in the Great Sessions records in terms of nerve, initiative and organisation exclusively involved women. William Packhill and Robert Ellis were at Wrexham on 13 March 1710 when they saw

four women standing & discourseing together in the street near the shopp of John Broadfoot of Wrexham mercer (vizt) Jane Griffith, Jane Beevan, Joanne Thomas & Ellenor Thomas, and that the three first named of them went into the said shopp, and the last stood without, and whilst the said Jane Griffith cheapened a handkercheife of John Broadfoot, the said Jane Beevan tooke a peece of stuffe from the shop window, and delivered it into the hands of the said Joanne Thomas, who conveyed the same away under her mantle, untill she was apprehended in the street at some distance from the said shop...

Hugh Hamelton, a Scottish pedlar, told a magistrate in 1720 that he was at his stall at Wrexham

97 Walker, ‘Women and the world of stolen goods’, 97; also Mackay, ‘Why they stole’.
98 Mary Moore of Wrexham, described as a milliner, is a very rare example of a woman being given an occupational designation, DRO QSD/SR/7.30; also Mary Owens of Wrexham, ‘fisherwoman’, NLW GS 4/43/8 (indictment for assault). See M. Roberts, ‘“Words they are women and deeds they are men”: images of work and gender in early modern England’, in L. Charles and L. Duffin (eds), Women and work in preindustrial England (London, 1985), 122-81.
100 Walker, ‘Women and the world of stolen goods’, 97, 90.
101 NLW, GS 4/40/1 (examinations before Peter Ellice, 17 March 1710).
market on 26 May when he saw Margaret Jones, ‘whom he suspected’, spread a piece of cloth over some silk handkerchiefs on a neighbouring stall, and ‘immediately one Jane Williams came behind the said Margaret Jones and took away a parcel of silk handkerchiefs’. He pursued Jane, ‘and searching her found the said parcel of handkerchiefs under her mantle under her arm whereupon she immediately dropped them’.  

Beverly Lemire has suggested that the theft of clothing was related to the ‘rise of consumerism’; that the secondhand trade which provided a market for stolen clothes flourished, and the theft of clothing with it, as a result of growing popular demand for fashionable dress. In doing so, she rightly challenges the simplistic characterisation of the theft of clothing as petty and ‘opportunistic’. But her argument tends to over-glamorise the trade (at least outside London, the source of much of her material), and also overlooks the significance of the extent to which thieving and receiving clothing was dominated by women. That the theft of clothing (along with cloth and other domestic goods) was in the main mundane does not mean it was not important, and that it was rooted in the ‘domestic’ world of women does not mean that it was inevitably amateurish. Female thieves – and investigators – were involved in what they knew, the networks with which they were familiar.

Exchanges are often described too briefly in the records to enable any distinction between purchases for personal use and those for commercial re-sale. Mary Lloyd sold over 14 yards of flannel cloth to Dorothy Lewis; Ithell Jones sold a sheet to Elizabeth Jones; Robert Jones sold a shirt and small linen to Grace Salesbury, all without further elaboration as to the circumstances of the sale. On other occasions, more detail about buying and selling emerges. Mary David, her daughter Mary Richard and Esther Lloyd were all from Monmouthshire and on being charged with suspicion of stealing pieces of cloth and clothing, they provided quite detailed accounts of buying cloth at Chester fair ‘for a gentleman in Herefordshire named Mr Price’, and buying small items of clothing accessories – aprons, ribbons, laces – at Chester, Shrewsbury and Hereford over a period of some

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102 NLW, GS 4/42/5 (examination of Hugh Hamelton, 27 May 1720).
104 In cases of stealing cloth, clothing and household goods, women and men were indicted in roughly equal numbers. Conversely, very few women were accused of stealing larger livestock.
105 NLW GS 4/27/1.69; 4/31/3.46-7; 4/26/6.17.
months. Dorothy the wife of John Owens, a butcher of Wrexham, who claimed that she bought the cloth she was accused of stealing from ‘a strange woman’ she met in Wrexham for two shillings, said that

she exposd it to sale at Mrs Hosiers house & proffered it Mrs Hosier to be sold & told her yt she bought it of a woman for two shillings which she feard yt it was two cheap & Mrs Hosier prefered 3s for it.

The wording (‘exposing’ the cloth for sale) implies at least a semi-public setting, and it is possible that ‘Mrs Hosier’ was a trader making a ‘commercial’ purchase. Judging by the number of items that they bought from Lowry ap Ellis in Wrexham ‘at severall times’, the spinsters Elizabeth and Katherine Jones may also have been dealers or pawnbrokers: two chamberpots, two plates, a basin, two porringer and a number of candles. They too came under suspicion of receiving. However, the size of a sale is not necessarily a guide; pawning could clearly involve very small quantities of goods. Margaret the wife of John Jones, a Wrexham innkeeper, also bought a stolen chamberpot from Lowry ap Ellis, after some haggling, and she also told her examiner that Lowry had shortly afterwards returned to her house ‘and offered to her... a sheet in pawne for eighteen pence’, which she refused to take.

If references to the selling and buying of stolen goods were common, convictions for receiving were extremely rare; usually those accused strongly denied it. Margaret Edwards, confessing to having stolen a sheet, said that she took it to Ursula Fowler in Wrexham where

the said Ursula tooke it from her out of her apron & carryed it into the buttery & their looked at it to see if their were any marke uppon it & bidd this examinate to come thither againe...

According to Margaret, this was not the first time Ursula had knowingly received stolen goods from her, paying not in money but in drink. However, Ursula categorically denied the allegation and implied that it was motivated by malice: a few months earlier, she said, she had ‘beat the said Margarett for cosoning of her child’. Margaret was convicted and whipped; the grand jury dismissed the case against Ursula. Similarly, Rebecca Wood of Wrexham denied Jane Locker’s allegation that she took two stolen sheets from Jane in payment for a debt while fully aware that they were stolen.

106 DRO QSD/SR/59.33. None of them was indicted.
107 NLW GS 4/38/3 (examinations of Samuel Kenrick et al, ?November 1702).
108 NLW GS 4/34/2.28, 35-8; for other cases referring to pawning goods with women: GS 4/25/1.19; GS 4/37/4.29-30; QSD/SR/64.63.
Rebecca was bound over to appear in court, but she was never indicted, while Jane was convicted.\textsuperscript{109}

Finally, the circulation of stolen goods was not confined to strictly ‘commercial’ exchanges. Another world that emerges from depositions is one of barter and reciprocal favours, of gifts – and bribes – and the communal and sociable sharing of resources, especially food. Sometimes, the sale of stolen goods was intended to raise funds for social activities: the youth Edward Williams, stealing bodices made by his own father, wanted money ‘to goe a courting’ a young woman.\textsuperscript{110} Again, the boundaries can be blurred: William ap William (or William Williams) stole blankets and small quantities of grain from his master Sir John Wynn of Watstay (p. Ruabon) over a period of time; he sold the blankets but gave away much of the corn. One Christmas, he gave a peck of ‘French wheat’ to Thomas John Howell’s daughter ‘of good will’, and on another occasion he gave a sieve of wheat to Thomas John Howell himself. (That these ‘gifts’ were in fact bribes seems very likely, since much of the corn that William pilfered had been taken from a store-room located on Thomas’s property.) A peck of oats also went to Elizabeth the wife of Thomas Parry to be fed to her mare ‘which she had promised to lend [William] to go to Flintshire’.\textsuperscript{111}

Priscilla Jones, confessing in 1727 to stealing grain from her master, Robert Conway of Ruthin, gentleman, was more explicit: she said that she gave John Edwards a measure of the stolen malt in return for ‘concealing another quantity’ of malt and wheat. She also gave John Edwards’ wife some malt ‘against her lyeing in’, for which she was promised a hat as a gift in return. On other occasions, she received from various people in return for her illicit presents (mostly grain, occasionally other foodstuffs): a pair of stockings; six pence; a shilling and an old shift; a promise of some old petticoats; and offers to make or mend clothing for her. Less tangible, but perhaps no less important to her, William Edwards ‘used frequently to return [his wife’s] thanks’.\textsuperscript{112} In Wrexham in 1726, Anne the wife of John Morris denied knowingly receiving stolen butter from Jane Lewis, but said that Jane had previously brought her ‘candles oatmeal & wheat flower & once some mutton’, and Anne gave her apples in return. Jane Griffiths, another servant, gave wheat that she stole from her master’s barn to Elinor Roberts for, according to Elinor’s son, ‘no manner of reward or gratuity’. Jane also gave stolen milk to Elinor (whom she accused of encouraging her to steal), ‘about two quarts of sweet milk each time... & the last time about four quarts of sweet milk being for ye use of

\begin{flushright}
\textsuperscript{109} NLW CC B25/d.29; GS 4/39/8 (examinations before Peter Ellice, 3 February 1709).
\textsuperscript{110} NLW CC B50/d.30.
\textsuperscript{111} NLW GS 4/26/4.15.
\textsuperscript{112} DRO QSR/75/38.
\end{flushright}
morrice dancers, yt were at ye said Elinor Roberts’s house about Whitsontide last’.

This kind of link between stolen goods, gift-exchange and sociability emerges quite frequently. John Davies, Samuel Pugh and Robert Williams stole some malt which, they said, they took to Elizabeth Davies’s Wrexham alehouse and received in return ‘two or three gunns of drink’. Edward Jones and John Hughes claimed that they took a duck they stole on 7 February 1665 (Shrove Tuesday) to the house of Elizabeth Hughes in Ruthin ‘where it was roasted & eaten’, shared between at least seven people including Edward and John. Another merry party took place at Benjamin Price’s house after Thomas Jones brought him a goose, stolen from Thomas’s master. The goose ended up ‘in some pies, one whereof was played for at the cardes, and was won by one William Daye’, while the rest were eaten by Jones and Price ‘at severall tymes’.

Natalie Davis has, in her vivid account of gift-giving practices in sixteenth-century France, pointed to the importance of gifts of food amongst neighbours in communities with limited financial resources, creating chains of mutual connections, partly voluntary and partly obligatory, partly about friendship and partly about maintaining status. Gift-exchange in early modern societies was undoubtedly as important as, and related to, credit and borrowing networks (in the case of Priscilla Jones, for example, it would be difficult to make clear distinctions as to the nature of the exchanges). Although rarely examined by historians of crime, thieving for such purposes has been noted elsewhere. A sheep claimed as stolen in seventeenth-century Sussex had been used by the suspect for a meal for his labourers after harvest. In late-eighteenth-century Yorkshire there were cases in which stolen sheep were consumed in communal dinners, with surplus joints being sent to relatives; others in which the meat became part of the feasts at public celebrations, perhaps helping poorer households to maintain ‘face’ with their neighbours. It seems no accident that so frequently servants, especially those whose masters were relatively affluent, were involved in these exchanges. Sarah Maza, arguing that French servants were often rather isolated in the neighbourhoods in which

113 DRO QSD/SR/70.27; QSD/SR/71.45.
114 NLW GS 4/39/3 (examination of John Davies, 20 January 1706).
117 See Mackay, ‘Why they stole’, 630-3, on women’s borrowing networks (and how they could go wrong); also Muldrew, Economy of obligation, ch. 4, on ‘the structure of credit networks’, which emphasises the ‘tangled webs of economic and social dependency which linked... households... within communities and beyond’, 97.
118 Herrup, Common peace, 123; Wells, ‘Sheep-rustling’, 133-5.
they lived, asks: ‘where did servants find support and conviviality?’ ¹¹⁹ German maidservants, Ulinka Rublack shows, stole food to eat with friends, money to buy gifts for lovers, to establish ‘reciprocal friendships’. ¹²⁰ Similarly, in Denbighshire stealing in order to give was one route for the poor and servants, from the margins into participation in the activities and support networks of a community.

**Outcomes: verdicts and discretion**

Studies of punishment in eighteenth-century Wales have suggested that execution rates were lower than in England, within a broadly similar regime of discretion and extensive mitigation of the theoretical severity of the criminal justice system. ¹²¹ Certainly, executions of thieves were rare events in later seventeenth- and eighteenth-century Denbighshire: only eleven people, all of them men, are known with reasonable certainty to have been hanged for theft in the period of this study. The figures relating to sentences (table 4.6) are problematic, partly because of the small numbers and particularly because of certain gaps in the records. The most serious problem is that most of the gaps come after 1705, when the gaol calendars that are a vital source of information about sentences (and sometimes verdicts) at Great Sessions cease to be filed; after this date sentencing information is given only irregularly, making it impossible to trace punishment patterns through to the end of the period, precisely at the time when important changes were beginning to take place elsewhere. ¹²² The problems are most acute for female defendants, with a particularly high proportion of unknown sentences. One woman was probably executed in 1678 for burglary aggravated by arson. ¹²³ Finally, I have not attempted to represent Quarter Sessions outcomes at all, due to inconsistent recording; given the higher proportion of women tried there, that may also have unknown gendered implications.

¹²¹ Jones, ‘Life and death’; Minkes, ‘Hanging not punishment enough’.
¹²² Beattie, *Crime and the courts*, ch. 9; *idem*, ‘The royal pardon and criminal procedure in early modern England’, *Historical Papers/Communications Historiques* (1987), 9-22. In addition to the Denbighshire gaol files, relevant records at the PRO were consulted for information on pardons (particularly PRO C66, C231). There may be a handful of pardons, especially from the 1710s and 1720s, that I did not find: Beattie, *Crime and the courts*, 642-3, notes the difficulties in following these paper trails.
¹²³ NLW GS 4/30/5.71-9, 85-85a. The gaol calendar for that session is missing, but leniency in such a case is highly unlikely (and she would be likely to appear in subsequent gaol calendars if awaiting a pardon).
Table 4.5: Jury decisions in Great Sessions theft indictments

<table>
<thead>
<tr>
<th>Verdict</th>
<th>women</th>
<th></th>
<th>men</th>
<th></th>
<th>total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>number</td>
<td>% of known verdicts</td>
<td>number</td>
<td>% of known verdicts</td>
<td>number</td>
<td>% of known verdicts</td>
</tr>
<tr>
<td>ignoramus</td>
<td>20</td>
<td>26.7</td>
<td>70</td>
<td>29.5</td>
<td>90</td>
<td>28.8</td>
</tr>
<tr>
<td>not guilty</td>
<td>24</td>
<td>32.0</td>
<td>46</td>
<td>19.5</td>
<td>70</td>
<td>22.5</td>
</tr>
<tr>
<td>not convicted</td>
<td>44</td>
<td>56.7</td>
<td>116</td>
<td>49.0</td>
<td>160</td>
<td>51.3</td>
</tr>
<tr>
<td>guilty reduced value</td>
<td>12</td>
<td>16.0</td>
<td>29</td>
<td>12.2</td>
<td>41</td>
<td>13.1</td>
</tr>
<tr>
<td>guilty reduced charge</td>
<td>1</td>
<td>1.3</td>
<td>8</td>
<td>3.4</td>
<td>9</td>
<td>2.9</td>
</tr>
<tr>
<td>guilty as charged</td>
<td>18</td>
<td>24.0</td>
<td>84</td>
<td>35.4</td>
<td>102</td>
<td>32.7</td>
</tr>
<tr>
<td>guilty verdict</td>
<td>31</td>
<td>41.3</td>
<td>121</td>
<td>51.0</td>
<td>152</td>
<td>48.7</td>
</tr>
<tr>
<td>not known</td>
<td>9</td>
<td>27</td>
<td></td>
<td>36</td>
<td></td>
<td></td>
</tr>
<tr>
<td>at large</td>
<td>1</td>
<td>11</td>
<td></td>
<td>12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>other</td>
<td>0</td>
<td>2</td>
<td></td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>85</td>
<td>277</td>
<td>362</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note

Some defendants were tried on more than one indictment, with varying results: I have counted each separate verdict. This is in contrast to the method adopted by both Beattie and Sharpe, where only one (the most ‘serious’) of multiple verdicts was counted (Beattie, *Crime and the Courts*, 411; Sharpe, *Seventeenth-century*, 95). Beattie explains that he is ‘judging the effect of the juries’ verdicts’ and therefore recording multiple verdicts would be misleading. However, my aim in this table is to present decision-making, rather than the ‘effect’ of the decisions; each verdict represents a separate decision and thus needs to be recorded separately. Unfortunately, this precludes precise comparison with Beattie’s or Sharpe’s figures.
Table 4.6: Treatment of convicted thieves at Great Sessions

<table>
<thead>
<tr>
<th>Sentence</th>
<th>women</th>
<th></th>
<th>men</th>
<th></th>
<th>total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>number</td>
<td>% of known sentences</td>
<td>number</td>
<td>% of known sentences</td>
<td>number</td>
<td>% of known sentences</td>
</tr>
<tr>
<td>clergy, branding</td>
<td>8</td>
<td>44.4</td>
<td>47</td>
<td>51.1</td>
<td>51</td>
<td>46.4</td>
</tr>
<tr>
<td>whipping</td>
<td>7</td>
<td>38.9</td>
<td>16</td>
<td>17.4</td>
<td>23</td>
<td>20.8</td>
</tr>
<tr>
<td>pardon (unconditional)</td>
<td>2</td>
<td>11.1</td>
<td>4</td>
<td>4.4</td>
<td>6</td>
<td>5.5</td>
</tr>
<tr>
<td>pardon (transportation)</td>
<td>1</td>
<td>5.6</td>
<td>14</td>
<td>15.2</td>
<td>19</td>
<td>17.3</td>
</tr>
<tr>
<td>hanging</td>
<td>0</td>
<td>0</td>
<td>11</td>
<td>11.9</td>
<td>11</td>
<td>10.0</td>
</tr>
<tr>
<td>not known</td>
<td>9</td>
<td>13</td>
<td>22</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>total</td>
<td>27</td>
<td>100.0</td>
<td>105</td>
<td>100.0</td>
<td>132</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Notes

For the reasons already noted, the figures for female convicts should be regarded as particularly unreliable: one-third of all women’s sentences are not recorded (cf. 12.4% of men’s sentences; 16.7% overall), and if the one woman who was almost certainly hanged were included that would immediately inflate the ‘hanging’ category to 5.3% of women’s sentences. However, the circumstances of the remaining cases as described in indictments and depositions are such as to make merciful treatment likely; I think it unlikely that there were any further executions of women.

Where an individual was convicted on multiple indictments at the same session of the court the same sentence was invariably recorded on each indictment and so is counted only once. However, in the few cases involving recidivists who appeared at more than one session (sometimes many years apart), the outcomes are counted separately.

Despite the uncertainties, the picture that results is a familiar one to historians of early modern crime: a minority of defendants was convicted, and a minority of convicts was executed. Of those convicted of theft, only about ten per cent were hanged. The process that weeded out so many was the same used in England: grand juries dismissed substantial numbers of bills as ignoramus; trial juries acquitted yet more and, moreover, used ‘partial verdicts’ to save convicts from execution. Finally, judges recommended for royal pardon, usually on condition of transportation, some of those whose cases the juries had been unable (or unwilling) to manipulate in this way.

Judicial pardons were, however, not the most important ‘escape route’ for convicted thieves, at

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125 E.g., Margaret Colly, Margaret Meyrick and Rowland Jackson, 1686: NLW GS 4/33/3.66-9, 80, 4/33/4.45,
least before 1705. That was provided either by the common law itself (some common-law felonies – including sheep- and cattle-theft and many simple larcenies – automatically qualified for benefit of clergy). Or juries could manipulate the outcome, in one of two ways. Most commonly, they reduced the value of the property stolen. The frequent decision to reduce the value to under 1s and thus redefine the offence as petty larceny was not the only such strategy. The second, and perhaps the most significant during the later seventeenth century, was the reduction of a charge or undervaluing of stolen goods so that benefit of clergy was made available. Often, the charge itself was reduced – from non-clergyable burglary to simple grand larceny, for example.126 Reductions in the value of goods were used to manipulate legal technicalities. For example, before 1691, women had only limited access to benefit of clergy; they qualified only for thefts worth less than 10s, and sometimes stolen goods were undervalued apparently to bring them in under this limit. Thus, Mary Lloyd was tried in 1667 for the theft of cloth worth 11s; the jury found her guilty to the value of 9s 8d.127

As has already been noted, trial juries were strongly inclined to convict those charged with stealing sheep and cattle, but this can also be seen in a wider context: offences that were eligible for benefit of clergy attracted a higher conviction rate than those that were not, most notably in horse theft where there was no possibility of manipulating the result by partial verdicts (table 4.7). This too parallels the findings of English historians: as Herrup comments of sixteenth- and seventeenth-century Sussex, ‘[j]urors were generally more lenient in crimes carrying punishments over which they had less control, even if the threat to local peace was more severe’.128 The Denbighshire conviction rates for sheep and cattle theft are similar to those of early-seventeenth-century Sussex and seventeenth-century Essex, and the marked use of partial verdicts for burglary and housebreaking is also similar. Only in two categories, burglary and horse theft, were Denbighshire juries in the later seventeenth and early eighteenth centuries noticeably more lenient than their English counterparts.129 They certainly shared the reluctance to send all but the most ‘serious’ criminals to the gallows.

126 E.g., NLW GS 4/26/6.24, 26; John Parry, 1727: GS 4/43/10 (examinations before Thomas Jones, 20 January 1727).
127 NLW GS 4/27/1.89. See Beattie, Crime and the courts, 142n.
128 Herrup, Common peace, 145.
129 Herrup, Common peace, 145, 146n; Sharpe, Seventeenth-century England, 94, 108; see also Beattie, Crime
Finally, the patterns of jury decision-making can be further highlighted by a closer look at individual cases, comparing the initial details of the evidence with the formal prosecution and court outcomes. About two-thirds of Great Sessions cases are accompanied by depositions of varying detail, though some are very brief, merely a bare accusation or confession/denial. Also, a number of factors not recoverable from pre-trial documents, not least character assessments of accusers and accused, or such considerations as age, good reputation, status, powerful patrons, poverty and need, were significant at trial. Nevertheless, a picture emerges that fits and elaborates the quantitative patterns: juries demanded very strong evidence to bring in verdicts that would leave the fate of the prisoner in the hands of the judge and the pardon process, but were often less strict in cases that would lead to lesser punishments or that they could manipulate to this end. Almost all of the ‘inexplicable’ decisions are in the direction of leniency, not severity.

Clear identification of goods or animals by their owner (or someone else with knowledge of the items in question), along with testimony that the possessions so identified had been in the possession of the accused, represented the most important components of most prosecution cases.

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Table 4.7: Great Sessions trial verdicts in selected categories of theft (known verdicts only)

<table>
<thead>
<tr>
<th>Category</th>
<th>not convicted</th>
<th></th>
<th>guilty as charged</th>
<th></th>
<th>partial verdict</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>no.</td>
<td>%</td>
<td>no.</td>
<td>%</td>
<td>no.</td>
<td>%</td>
</tr>
<tr>
<td>nonclergyable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>burglary</td>
<td>12</td>
<td>52.2</td>
<td>5</td>
<td>21.7</td>
<td>6</td>
<td>26.1</td>
</tr>
<tr>
<td>housebreaking</td>
<td>7</td>
<td>26.9</td>
<td>8</td>
<td>30.8</td>
<td>11</td>
<td>42.3</td>
</tr>
<tr>
<td>horse theft</td>
<td>11</td>
<td>52.4</td>
<td>10</td>
<td>47.6</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>clergyable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>sheep theft</td>
<td>12</td>
<td>34.3</td>
<td>19</td>
<td>54.3</td>
<td>4</td>
<td>11.4</td>
</tr>
<tr>
<td>cattle theft</td>
<td>5</td>
<td>35.7</td>
<td>9</td>
<td>64.3</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>other</td>
<td>12</td>
<td>16.4</td>
<td>38</td>
<td>52.1</td>
<td>23</td>
<td>31.5</td>
</tr>
</tbody>
</table>

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130 See Herrup, *Common peace*, 143-4; see also Beattie, *Crime and the courts*, 412-5 (emphasising ‘technical’ acquittals and the judge’s role in these).
That may be stating the obvious, but weaknesses in establishing either element of identification are often associated with subsequent ignoramus bills or acquittals. A precise listing of missing goods was frequently given, matching those found on the accused. The ‘ear-marks’ of sheep might be described in some detail, as well as attempts to obscure them; white markings on horses and cattle; specific distinctive details of other items. Confessions before magistrates, it should be noted, were certainly not conclusive; as Beattie argues, they ‘were often simply treated as another piece of information that might or might not be decisive’. Similarly, circumstantial evidence – sightings of the suspect in the vicinity, suspicious behaviour, suddenly having money to spend – could be used to bolster a prosecution based on the key components of identification, but it was rarely sufficient on its own.

Apart from relying on a weak prosecution case, what might make for a positive defence? All of the forms of prosecution evidence noted counted for little if the accused could convince the court that they had an adequate explanation for their involvement, although, again, what represented ‘adequate’ could vary with the charge. Most commonly, defendants claimed to have bought or occasionally ‘found’ the stolen property (with varying degrees of plausibility). As has been noted, in thefts of sheep and cattle claiming to have innocently bought the stolen animals rarely let a defendant off the hook unless there were witnesses to the purchase; meanwhile, such a defence in cases of horse theft was apparently more successful. In cases involving the theft of domestic and other

131 See Beattie, Crime and the courts, 415-7; Herrup, Common peace, 146-8. For examples of acquittals/ignoramus bills where the link between accused and stolen goods is missing or very inconclusive: NLW GS 41/31/7.22, 28; 4/31/1.7, 36; 4/34/1.24, 43; 4/43/10 (Thomas Williams; examinations before John Jones, 28 November 1726).

132 E.g., NLW GS 4/27/5.49; 4/34/6.54-6; 4/39/8 (Jane Locker; examinations before Peter Ellice, 3 February 1709); 4/43/2 (Dorothy wife of John Prichard; examinations before John Myddelton, 13 October 1722).

133 Sheep ear-marks: NLW GS 4/26/5.23-5, 29; 4/29/5.18, 50; 4/30/2.9, 27, 57; on the use of ear-marks, see W. Linnard, ‘Welsh ear-marks’, Bulletin of the Board of Celtic Studies, 34 (1987), 78-87. A horse’s distinctive white markings: 4/33/5.66; embroidered marks on napkins: 4/30/2.26; identification of a ‘bad’ shilling ‘by reason of a remarkable crack it had in it’, NLW GS 4/42/4 (John Davis; examinations before John Jones, 29 January 1720).

134 Beattie, Crime and the courts, 416.

135 A rare conviction of a ‘local’ where there is purely circumstantial depositional evidence is that of Humphrey Davies for sheep theft in 1670; the circumstances included accusations of nightwalking, mutton seen in his house, and an attempted escape – from neighbours who had armed themselves with clubs. I suspect that there was a long ‘history’ behind this isolated incident, and that the unknown (to the historian) factor was the testimony in court of neighbours whose patience had run out: NLW GS 4/28/1.62, 80. The same can probably be said of the recidivist Morris ap Robert: GS 4/31/7.27.

136 John Jones said that he bought a stolen horse ‘from one that he does not know but told him he was one from the sea side at the Morva neer Ruthland’, at Caerwys fair; he was acquitted: NLW GS 4/38/6 (examinations before Kenrick Eyton and Peter Ellice, 6 August 1704). Robert Jones, also acquitted, said that
goods, the influence of such defences is unclear; here, perhaps it did depend to a considerable extent on assessments of the defendant in court – and, yet again, on the consequences of a guilty verdict.\textsuperscript{137}

Finally, defendants who could show that they had some claim to the property, especially in the context of familial disputes, could expect to be freed. John Furmeston, accused of stealing two cows from his brother William Furmeston, told an examining magistrate that he had taken them in order to pay off a long-standing debt William owed him; he was acquitted. Lawrence Cooke, his son and several others were prosecuted for burglary and theft from Alexander Robinson; in depositions, it emerges that Cooke was Robinson’s father-in-law, and it was claimed that Robinson had been about to desert his wife, trying surreptitiously to make off with the goods in question (which belonged to her) and leaving her with ‘nothing to mainetaine her selfe & her child’. The grand jury dismissed the bill.\textsuperscript{138}

Closer attention to the details of cases is particularly instructive in consideration of the higher acquittal rates for female suspects; rather than a product of some form of male ‘chivalry’, it frequently reflected, and can be seen as attempting to compensate for, gendered inequities in the law itself.\textsuperscript{139} Katherine ferch Lewis, accused of stealing money from another servant in 1676, confessed to the theft, and the cloth in which the money had been wrapped was found among her possessions and identified by the victim. Apparently a clear-cut case – yet she was acquitted. She had stolen over £2, well over the 10\(\text{\textpounds}\) limit at which women were excluded from benefit of clergy until 1691; and, as it was cash alone, it was difficult for the jury to reduce the value of the theft to give a partial verdict. It looks very much as though they acquitted against the evidence to ensure that Katherine was not left to the mercy of the judge. However, women similarly involved in thefts of money after 1691, when they could claim clergy, were likely to be convicted.\textsuperscript{140}

he bought a stolen horse ‘of a person with whom he had been drinking’ at Bala, whom he ‘beleives’ was named Evan Rowland of Dolgellau (Merionethshire): 4/43/4 (examinations before John Myddelton and Thomas Price, 27 September 1723).

\textsuperscript{137} Dorothy the wife of John Prichard said vaguely that she had bought stolen clothing from ‘a person commonly called Katherine Dorothy’; she was convicted (but of under 1s value): NLW GS 4/43/2 (examinations before John Myddelton, 13 October 1722). Elizabeth Edwards was even vaguer in saying that she had bought some flannel cloth ‘from a stranger’, but she was acquitted; however, she was indicted for a statutory felony (theft of cloth from the manufacturer’s racks or ‘tентers’): NLW GS 4/39/3 (examinations before K. Eyton); on this particular offence, see Beattie, \textit{Crime and the courts}, 172-3.

\textsuperscript{138} NLW GS 4/34/1.26, 42; GS 4/34/2.9-12, 17; also GS 4/34/1,46, 50.


\textsuperscript{140} Katherine was sent to the house of correction despite her acquittal (which may imply that the judge did not altogether approve of the jury’s action, or might hint at a consensus that she ought to be punished, short of death): NLW GS 4/30/2.19, 82, 85. Cf. later cases ending in conviction and branding: GS 4/37/1,37, 56; GS 4/43/7 (Sarah Williams, theft of £10). Sometimes before 1691 a partial verdict followed cases involving the
Denbighshire juries, then, behaved in similar ways to their English counterparts; they were not, during the period of this study, generally more merciful towards those accused of theft than English juries, although suspected horse thieves and burglars may have had better chances of acquittal than in England. Moreover, there is some suggestion of jury assertiveness and autonomy in the ways in which juries inclined towards outcomes which minimised the subsequent influence of the judge over the process. As in England, decision-making in court depended on a variety of factors, some of them the result of personal interactions within (and beyond) the courtroom which are hidden from the historian dependent on documentary sources. Even so, there are often clear links between the nature and quality of the evidence brought against a defendant and the final outcome. The strictness with which evidence was interpreted, however, seems to have been related to the legal status of the offence being tried – and to the consequences of conviction.

Conclusion

In the course of this chapter, I have attempted to go beyond the statistics of crime, to uncover details of behaviour and decision-making in a range of individual cases and also to relate them to larger patterns of action and discretion, inside and outside the courtroom, in order to demonstrate the value of more extensive use of qualitative sources in studying theft. Again, the importance of individual initiative and participation within communities has been emphasised. The difficulties that early modern investigators faced, especially when trying to trace lost animals over considerable distances, must have severely hampered their chances of success. They had to rely on informal local networks, co-operation from strangers, habits of observation, sometimes built-in ‘checks’ (identifying marks on animals or property, or cautious market practices, for example), a lot of hard work and an unmeasurable quantity of luck.

While it is more difficult to uncover the worlds of those accused of theft, since they rarely had the opportunity to make more than a bare denial or confession, there is a wealth of information contained in depositions about the buying and selling, and other forms of exchange, of stolen

thief of money alongside other goods (perhaps the cash component was simply ignored): Alice Jones in 1685 was tried for housebreaking and stealing 10d worth of handkerchiefs and other items and 14s in money (all of which she had, again, confessed before a magistrate): she was found guilty to the value of just 6d and whipped: NLW GS 4/31/4.28, 43, 48.
livestock and goods – and, moreover, this frequently offers insights into ‘legitimate’ trade and exchange as well, for stolen and honestly acquired property often passed along the same channels, through markets and fairs, shops and pawnbrokers, gifts between friends and acquaintances, the credit networks of the poor, business deals in the houses of the better-off. The worlds of stolen and legitimate goods (as well as the dynamics of market exchange, credit and gifts), ‘criminal’ and ‘respectable’, were not clearly separated. And this was true not only of the less well-defined neighbourhood networks of women and ‘the poor’, but also of formalised, ‘male’ arenas of commerce. Under these circumstances, it is hardly surprising that it was so difficult to prosecute receivers of stolen goods.

The low levels of theft prosecutions in Denbighshire could genuinely reflect low levels of thieving; certainly, they strongly suggest that levels of anxiety about thieving were far from acute – with the possible exception of Bromfield hundred in the south-east, which was experiencing rapid urban growth and early industrialisation, and with few local government institutions for social order. Subsequent chapters will return to some of the tensions and difficulties experienced in the Wrexham area, which mark it out not just from the rest of Denbighshire, but from much of north Wales. The two chapters so far have focused largely on ‘consensus’, the shared ground between authorities and local communities, especially their ‘middling’ elements, in relation to homicides and property felonies in Denbighshire during this period. However, as was earlier pointed out, those are only two of the types of offence with which Denbighshire courts were regularly concerned. In moving away from these clearly-defined avenues of enquiry, the following chapters turn to more contentious topics. Felonies (even high treason) will appear, but much of what follows will be concerned with ‘misdemeanours’, and with less formal means of prosecution than indictments. And if the categories of action are less easily defined, so too are attitudes towards them.
Chapter Five
Contesting authority: communities and the state

Introduction

This chapter focuses on ‘political’ crimes in both a broad and a narrow sense, on relationships and conflicts between the inhabitants of the county and central government. After all, what were the implications for attitudes to ‘authority’ when kings, the ultimate symbols of earthly authority, could be successively removed, restored, deposed, invited to replace those judged to be unsatisfactory? The chapter raises the issues of how far, and by whom, the legitimacy of successive governments was accepted in the county over the course of the period, as well as considering ongoing causes of friction and contention between centre and locality. It is introduced by a discussion of the conflicts that could arise in relationships between communities and local representatives of state authority. Attention is paid both to generalised sources of tension and specific local circumstances which created conflict, as the immediate context for the experience of state authority.\(^1\)

This is brought into focus by a discussion centring on allegations of seditious words. Although they were never numerous, as moments when grievances and strains are brought to the surface they can be revealing of both ‘local’ politics and the relationships between locality and ‘centre’. Indeed, a high proportion of prosecuted speeches referred specifically to local contexts, and to the immediate impact of government policies. I then explore prosecutions that did refer to ‘high’ politics, and their changing meanings, to explore reactions to the national political controversies of the period between 1660 and 1730. Finally, I focus on the town of Wrexham and the violent disturbances that took place there during the early eighteenth century, as a case study in contention and popular politics, the legacies of the Civil Wars and Commonwealth period in an area that had experienced both enthusiastic ‘propagation’ of and hostility to reforming ideas and politics. In this context, I develop the discussion of ‘popular politics’ and relations between political élites and commoners raised during the course of the chapter.

\(^1\) Tim Harris has argued that personal experiences of the impact of government – justice, taxation, religious policies, war – were crucial in raising political awareness; it was not dependent on print and literacy: T. Harris (ed), The politics of the excluded, c.1500-1850 (Basingstoke, 2001), ‘Introduction’, 8-9; idem, Politics under the later Stuarts: party conflict in a divided society 1660-1715 (London, 1993), ch. 7.
Contesting local authorities: officials, abusive or abused?

David John Salusbury, a yeoman of Pryslllygod (p. Llanfair Talhaearn), was in company with three other men in an alehouse at Llangernyw in 1666 when ‘he began to exclayme and inveigh against’ John Wynne of Melai, JP, for refusing to grant him a warrant. The subtly varying accounts of two of those present (a blacksmith and another yeoman) are recorded. In the first, David

told them that [Wynne] had denied to grant him a warrant and yt he was but a poore man to give him bribes, if he gott bribes from others, & further told that although he did not doe him justice, that he could repaire to them that would doe him justice, & being reproved by some of ye company for his bitter & opprobrious language to ye kings officer, replied that he would maintayne what he had said ye next day after...

But according to the second witness, David said

that he granted warrants to foure upon there requests, & him he had denied haveing required one, and that if others brought him baskettes, he was butt a poore man & not able to send him any & being asked by some of the company whither he would make good & stand to ye words he had then spoken ye next day after, answeared he would...

The differing accounts are not diametrically opposed; rather, both witnesses were being selective. Each attributed the audience response only to some of the company; reactions to David’s allegations were not uniform. And the nature of the disparity is telling. In one account, David’s complaints were ‘bitter & opprobrious’ slights against a ‘kings officer’, to be promptly censured, giving an image of unquestioning deference. David’s deviance was highlighted by his willingness to manipulate the law, by seeking out a magistrate who would serve his interests; hence, his assertion that ‘he would maintayne what he had said’ simply highlighted his obstinacy and insubordination. But in the second version, the relationship, however unequal, was not one-way. Emphasis was laid upon the unfairness of the magistrate’s actions: ‘he was butt a poore man & not able to send him any [baskettes]’. If what David said was true – hence the need for him to ‘make good’ his accusations – it was John Wynne who was in the wrong. The justice of the peace who failed to dispense justice fairly, especially if he exploited his position to his own advantage, failed in the obligations that flowed from his privileged position: redolent of E. P.

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2 David was bound over to the good behaviour and appear at Quarter Sessions, where he was released from his recognizance and discharged by the court. No further action appears to have been taken against him (or the magistrate John Wynne). NLW CC B22/c.27-8; DRO QSD/SB/1, July 1666.
Thompson’s ‘paternalism-deference equilibrium’. As the early-eighteenth-century magistrate Edmund Pryce of Gunley in neighbouring Montgomeryshire piously reminded himself, he should not be biased towards either poor or rich, nor should he ‘proceed according to my own will & affeccon without law or other sufficient rule or warrant’.

This record of a conversation – or argument – in a village alehouse in north Wales echoes the great political controversies and philosophical debates of the seventeenth century, between those who promoted absolutism and unconditional obedience, and those for whom both governors and subjects were subject to the constraints of law and justice. David John Salusbury and the witnesses who reported his outburst were not consciously rehearsing these debates; even the more sympathetic account was hardly ‘radical’. (But then, this was a ‘script’ in a ‘theatre of authority’, and the audience which would need to be persuaded that David’s outburst against a magistrate was justified were other magistrates.) Nevertheless, the words of these men, along with many others in the court records, challenge easy generalisations about the ‘common’ people of early modern Wales and their attitudes to their rulers; they illustrate in microcosm the tensions that could arise between governors and governed in late-seventeenth- and eighteenth-century Wales, the complexities of ‘paternalism’ and ‘deference’. Even if they pragmatically accepted the inequalities of power, Welsh people did not willingly submit to perceived injustices and abuses of authority. And where it collided with their own interests and values, they could be stubbornly reluctant to accept the legitimacy of higher authorities’ commands and expectations.

Resistance to the authority of officials and complaints about their personal conduct are frequently closely related, though in ways that are not always easy to decipher; sometimes it is difficult to be sure whether the legal complaint (on either side) is legitimate or represents a tactical continuation of less justifiable resistance or oppression (or even personal hostilities). Officials might be oppressive and manipulative, abusing their power to their own ends; they might be honest but officious and insensitive, arousing resentment and hostility. Or they might be unfortunate victims of malice, or simply of the unpopularity of demands made by their masters. The distinctions are frequently unclear, and it is necessary to emphasise the complexity – and, often, uncertainties – of such cases. As Garthine Walker has pointed out, ‘in many ways the distinctions between what we might call plebeian legalism and plebeian resistance to the law

4 NLW Gunley 30, ‘Things necessary to be continually had in remembrance by a minister of justice’.
were blurred’. 7

And that could undoubtedly include ‘vexatious’ uses of the law against its officers. Keith Wrightson and Joan Kent have indicated further the range of hazards that constables who angered their neighbours might have to face. They might find themselves the objects of local ridicule and gossip, physical resistance, threats and violence. 8 Peter Haywood, constable of Wrexham in 1671 (and high constable of Bromfield the previous year), an ‘officious, over-zealous individual who in his presentments dwelt at length with minor transgression in the town’, experienced personal humiliation: a man whom Peter tried to arrest and put in the stocks resisted and tore the constable’s clothes beyond repair, ‘both smiteing & sporning soe that I was rather demed to be the transgressor or offender rather then the officer to comand ther civillytie’. 9

Yet if they failed to carry out their duties – making presentments, executing warrants, arresting and securing offenders, and so on – constables might face complaints of negligence, and could even be prosecuted and fined. The bench at Quarter Sessions in 1665 was told what had happened to one warrant: it was delivered to an unnamed constable, but ‘instead of doeing his office hee put your warrant [in] his thach to keepe and never loock to apreand the partes’. The gaoler at Denbigh, Roger Middleton was also prosecuted and fined £10 for a negligent escape in 1664. David Williams, constable of Gwernhosbyn (p. Chirk), was indicted and fined 13s 4d in 1691 for failing to secure a suspect. 10 And a number of officers whose prisoners had escaped reported the incidents in ways that suggest concern that they might be blamed, emphasising the force that had been used against them (or their own physical weakness), or the inadequacies of holding facilities, and stressing the efforts they had made to recapture the escapee. 11

It is not entirely surprising that some constables resisted taking office in the first place. For example, Richard Redrope of Sycharth (p. Llansilin) refused to obey a warrant to go before a JP and be sworn into office as a petty constable at the end of 1664, ‘saying that he would not serve this yeare nor ye next’ – much to the dismay of Richard Jeffryes, whose place he was

10 NLW CC B21/d.10; GS 4/26/1.16 (Middleton’s fine was later resited: 4/26/3.70, 4/26/4.51, 4/26/5.55. He was also in trouble in 1665 for allowing imprisoned conventiclers to hold a prayer meeting in gaol: CC B21/b.29); CC B47/c.16/3.
11 E.g., NLW GS 4/26/6.19; GS 4/30/1.66; GS 4/37/1.58; GS 4/40/2 (escape of John Emanuel, examinations before Ellis Meredith and Peter Ellice, 4 April 1710); CC B38/b.7; DRO QSD SR/55.47.
supposed to take. Appointments could be strongly contested in court – or by less legitimate means. Petitioners might refer to their age and physical weakness or illness, lack of material resources and status, or ignorance of the English language; or they might claim malicious motives on the part of those who had put their names forward for the office. In January 1665, John Humffreyes of Glynfechan (p. Llansanffraid Glyn Ceiriog) complained that ‘by the malice of some ill affected neighboures’ he had been chosen as a high constable of Chirk hundred, although he was ‘both feeble and verie sicklie’, and ‘diverse others of greater meanes in his neighbourhood, have from tyme to tyme beene excused or favored’. On the other hand, he did not sound very ‘feeble’ in the petition made by the existing incumbent who had tried to make him take up his office: John ‘wilfully did refus to com & yeeld obedience’, had tried to evade him and then threatened and shot at him when he obtained a warrant from a JP. The court was apparently not too impressed by John’s plea: within a few months he had been made to take up his office and was, however resentfully, bringing his presentments to Great Sessions.

Petty constables, living in the midst of the neighbourhoods which they policed for such a short time, had to strike a particularly difficult balance: ‘they were required to represent the state to the village’ and ‘to represent the village to the state’. But they were not alone in experiencing such difficulties. As mediators between the state and localities, many officials appear at the centre of conflicts about authority and justice, conflicts whose causes could be tangled and obscure. Complaints alleging abuses by officials cannot be viewed as typically malicious. When large numbers of people are involved in petitions or prosecutions against bailiffs or other officers, it seems unlikely that they were all merely trying to evade their legal responsibilities by smearing the reputation of an official, or carrying on personal feuds; it is probable that their grievances were genuinely felt.

Nevertheless, disputed cases highlight the questions that all legal documents raise: who should we believe? Doubts always remain, placed there by the very process of claim and counter-claim, accusation and denial. Most of the documents are extremely one-sided: the petitioner is always innocent, the accused is vicious and abusive without any just cause. It is often unclear what was decided even at the time, or even if there was a final judgement within

12 NLW CC B21/a.25.
14 NLW CC B21/a.16, 29; GS 4/26/3.27.
15 Kent, Village constable, 222; see also Humphreys, Crisis of community, 221.
16 See Kent, Village constable, 211-8 on lawless constables.
the legal system. However, if we cannot be sure of ‘what really happened’, we can examine what was said to have happened as a focus of study in its own right, to explore the attitudes, priorities and strategies of participants. What happens when opposing groups or individuals tell their competing stories, especially when one side possesses the inherent advantage of official authority? What choices do they make – which court, which method of lodging their complaint, what kind of language and narrative do they employ?

In 1682 a bitter dispute erupted between excise officers and alehousekeepers in and around Ruthin. At the Great Sessions in April, William Heighington (or Highington), an exciseman, made a complaint about Samuel Edwards, a Ruthin alehousekeeper, and Richard Holt and Griffith Wedgworth, two of the constables of the town. On 3 March, he alleged, he was carrying out his duties at the house of Mr Peter Edwards, when Samuel ‘without any provocation’ told William that ‘his eares should bee nayled to the pillory and that hee should be made an example to all rougues and knaves called excisemen’, which was followed by threats and the assertion that ‘all excisemen were perjured rouges, and that they should be pist uppon, and driven out of the contry like rouges & knaves’. And, Samuel added, Richard Parry JP had said ‘that the excisemen were a packe of fooles, and that the said Justice Parry would make them know that hee would wipe his arse with the best of them’.

Three days later, Samuel was taunting William again, saying that ‘hee did not value any warrant’ issued against him. William got his warrant from Edward Brereton and took it to Richard Holt, but Richard asked that it should be taken to another constable, ‘pretending buisness and that he could not leave his shop’. On being told that no other was available and he must do it, he refused and with ‘dispising manner and with greate indignation knocking his hands on the table’, said that he would not execute a warrant from Brereton, or any warrant ‘unless sent to him by the aldermen of the toune of Ruthyn’, and threw it on the ground. Griffith Wedgworth ‘swore many oathes that hee would beate out the braines of the said William Heighington’, and later threatened William with his own sword. He declared to William ‘that all excisemen, were broaken merchants, rouges and theives’ and then, saying

that he would either kill his owne wife or the said Heighington... thereupon tooke upp a spitte and ranne full tillte att his wife, and tooke upp a fire shovell and stroake the said William Heighington over the head and swore hee would sell what he had

17 Even when misdemeanours were indicted, the outcomes were less systematically documented than was the case in felonies. Additionally, it should be noted that there are few surviving Great Sessions documents to match the Quarter Sessions order books.

18 Muir and Ruggiero (eds), History from crime, ‘Introduction’, ix. Of course, some cases are less opaque than others; but contestation is central to many of the cases discussed in this and the next chapter.
and put the mony in his pocket let his wife and family be damned and that another country was as good for him as this... 19

However, at Quarter Sessions the following week, Samuel Edwards lodged his own extensive list of complaints against the exciseman, backed by more than a dozen witnesses. At Peter Edward’s house (on ‘about’ 4 March), Samuel and William were discussing ‘a pretended concealment’; Samuel said they should not speak of it there but refer it to the justices at the next Quarter Sessions, at which William displayed his contempt for the magistracy: ‘hee would not give a fart for what all the justices of ye peace in England and Wales could doe’. Samuel told him that if he continued to ‘use such base expressions’, he would report it at the Quarter Sessions, to which William said ‘I matter not what thou wouldst doe’ and repeated his assertion that he did not ‘give a fart’ for the magistrates.

Over the following month, his alleged offences, harassing and threatening a number of local householders including Samuel, were varied and outrageous. He threatened to prosecute Grace Jones of Llanfair ‘if she would not sweare by an image now produced that she had not brued since his last being there’ (implying sinister papist tendencies, in a period dominated by political anxieties about Catholics). He subjected another woman to a stream of violent obscenities when she complained that he was ‘exacting’ far more than his predecessor had done, saying that the previous man was ‘a foole & knave & that he did not know how to gage a vessell’. When, because William was extremely drunk, one of the Ruthin aldermen refused to take his deposition on oath that Samuel had threatened to kill him, he tried to pick a quarrel with the man. After searching an inn and failing to find any ‘concealment’, William took the covers off some butter being stored there, ‘turnd his breech on ye said butter and farted severall tymes in the presence of the stewards of Mr Anwill & Mr Morris Wynne’; the following day, after yet another fruitless search, he went to the room where the two stewards were eating and ‘thundred out his farts that ye men loathed their meate left it and went there wayes’. Finally, he claimed to be under the protection of his ‘cozen’ Edward Brereton, and threatened that he would ruin Samuel’s witnesses if they gave evidence against him. 20

There had already been a complaint at the January 1682 Quarter Sessions (although no names were named) about the conduct of the Ruthin excisemen from William Jones, a Ruthin innkeeper (and previously an alderman). He claimed that they were, not for the first time, behaving oppressively and extortionately, overcharging and frequently failing to leave a ‘survey’ of their charges (as was legally required); and when they did, he had discovered that ‘they exacted sometimes six pence sometimes 8d or more or lesse above what was there due whereby

19 NLW GS 4/31/6.28-30, 69.
20 NLW CC B38/b.32-3.
your petitioner may not say his estate is his owne & beinge subiect to there dispose’. 21 Officials whose job was to extract money from the population were unlikely to be popular at the best of times; the excise was particularly disliked. A parliamentary innovation of the 1640s, it was after 1660 considerably less popular with parliaments (and the population) than with the executive. It ‘came to be associated with an imagined threat of royal absolutism’; the search powers and ‘inquisitorial activities’ of the exciseman were seen as a ‘subtly degrading’ threat to liberty and privacy. 22 William Jones’s complaints were not unusual.

Peter Clark argues that ‘a strong undercurrent of local opposition’ to the excise was particularly strong among small brewers as it bore more heavily on them than the larger commercial enterprises. Additionally, in 1677 and 1680, the terms of the contract between the government and the farmers of the excise were changed in the government’s favour, cutting into the farmers’ profits. They cut administration costs, and probably placed extra pressures on the collectors to deliver. The government returned to direct collection in 1683, but things did not get better: excise rates would rise steeply after 1689. But there was an important change from 1683, as new emphasis was placed on proper training and financial rewards for the excise officers. 23 Discontent occasionally, but less sensationally, came to the surface in later years (as it had indeed done before); in 1694, Thomas Roberts petitioned Quarter Sessions to complain that although he was no longer keeping an alehouse or selling ale in Ruthin, one of the tax collectors had a grudge toward Thomas and ‘utterly intending to ruin him (as in speeches he often utters)’, was threatening him with malicious prosecutions. 24 Yet the intensity of the dispute of 1682 is highly unusual, and seems to have been in large part due to the overbearing and aggressive behaviour of William Heighington, who had evidently quite recently taken up the post. He may well have been corrupt too; but he could simply have aroused anger and antagonism through his crude and confrontational methods in enforcing a stricter regime than his predecessor.

Some caution is needed in making final judgements about who was guilty of precisely what in this case. But the language of the complaints rewards closer examination. The allegations of the opposing sides mirrored each other to a considerable degree. Both – not just the officer – emphasised their opponent’s disrespect for authority, not just through insulting words but also their cynical manipulations of the law by invoking the protection of powerful individual JPs. Moreover, both employed notions and the language of ‘civility’ – and its

21 NLW CC B38/a.20.
shocking obverse, with depictions of a shameful lack of self-control over words and bodies, perhaps even hints of madness. One of Heighington’s colleagues had tried in a ‘civell manner’ to persuade Richard Holt to serve the warrant; Heighington’s disrespectful language towards justices of the peace was described as ‘very uncivill’. Then there was the piling up of obscenity, blasphemy and defamatory language: Edwards said that excisemen were ‘perjured rogues’ who should be ‘pist upon’; Heighington ‘did not give a fart’ for JPs, ‘he shouted and bawled God damme him but he smellt mony’; he used sexually violent language towards women; Griffith Wedgworth swore ‘many oathes’, and wildly ran at his own wife before turning on the excise officer and beating him on the head. Heighington was on one occasion ‘soe farr in drinke that he could hardly speake’; and his feats of farting were simply the most repellently absurd moment in a pair of narratives full of grotesque bodily images.

Yet there were also significant structural differences between the opposing narratives, reflecting the different status of the accusers. Heighington’s case against Samuel Edwards and Griffith Wedgwood focused on their reprehensible actions directly towards himself as an officer, and how this undermined his authority and by extension that of the state. He concluded by pointing out the implications of such misbehaviour for the government and the wider social order: ‘greate discouragements’ to the excise officers and ‘ill example scandelous towards the magistrates and against comon justice’. Meanwhile, Heighington was accused of being a corrupt, lawless official. Garthine Walker has shown the difficulties that ordinary people often faced in bringing complaints against figures of authority: ‘the very act of complaint was itself central to the élite’s construction of disorder’. Hence, perhaps, the need for a substantial number of witnesses against Heighington, to show that he was unjustly abusing a whole community and not merely confronting an individual, pre-empting the potential defence that disorderly resistance to his authority had necessitated a harsh response.

There was a further dimension to the dispute: tension between different sources of authority. Heighington’s complaint against the constable Richard Holt emphasised a minor

24 NLW CC B50/b.13. For earlier cases: CC B25/d.13 (Ruthin, 1669); B26/d.31 (Cerrigydrudion, 1670).
25 ‘Civility’ is now a rich and expanding theme in early modern historiography; see N. Elias, The civilizing process: sociogenetic and psychogenetic investigations (rev. edn., Oxford, 2000); A. Bryson, From courtesy to civility: changing codes of conduct in early modern England (Oxford, 1998); P. Burke, B. Harrison and P. Slack (eds), Civil histories: essays presented to Sir Keith Thomas (Oxford, 2000); L. Klein, ‘Liberty, manners and politeness in early eighteenth-century England’, Historical Journal, 32 (1989), 583-605. English contemporaries might have mocked the idea that the Welsh could comprehend notions of civility, but Prys Morgan has recently pointed out that from well before the seventeenth century the Welsh language contained a rich and evolving vocabulary of civility and politeness: ‘Wild Wales: civilizing the Welsh from the sixteenth to the nineteenth centuries’, in Burke, Harrison and Slack (eds), Civil histories 265-83, at 272; and see J. G. Jones, Concepts of order and gentility in Wales, 1540-1640 (Llandysul, 1992).
official’s contempt of the authority of the law (as represented by a JP’s warrant), while Holt in resisting asserted the claims of the borough to jurisdiction over its residents.\(^{27}\) The decision to take the counter-complaint promptly to Quarter Sessions, rather than waiting for the summer Great Sessions, might suggest that greater sympathy was anticipated from the more ‘local’ court. Conversely, Heighington could have preferred Great Sessions in the hope that its more elevated and distanced judges would be more likely to uphold the state’s ‘concepts of order’ than those of local neighbourhoods.\(^{28}\) The bench at Quarter Sessions did in fact hold up the complaints against Heighington, and he was even briefly imprisoned for refusing to provide sureties for his good behaviour. There is no record of the Great Sessions’ response to his complaint, and Edwards and Holt, who had been bound over in April, were released from their recognizances at the summer session. It looks as though Great Sessions agreed to accept the lower court’s judgement, and the Ruthin citizens’ defence was successful.\(^{29}\)

Tax collectors were not the only officials given the unpopular task of separating people from their property. Bailiffs and constables also had to do this, distraining goods as fines, levying taxes; or they had to deprive people of their physical liberty. It was in these areas of activity that they were most likely to face active resistance to their authority, including both physical violence and legal challenges.\(^{30}\) Half of the Great Sessions indictments against men identified as officials involved charges of extortion or other corrupt practices in the handling of money, goods, rents and so on.\(^{31}\) But formal prosecutions by indictment were rather less common than jury presentments, petitions and articles of misdemeanour, addressed to either Great Sessions or Quarter Sessions, which were again often supported by substantial numbers of people. Such collective complaints to the courts again went beyond describing specific instances of extortion or malpractice to indicate an official’s general unfitness for his post, such as his lack of status, education or English, as well as his oppressive, disorderly and disruptive behaviour.

In 1663 there were extensive complaints about Hugh ap Robert, a bailiff of Ruthin. He was accused of barratry, taking bribes, commencing vexatious suits and demanding excessive costs and legal fees in the county court for small debts, neglecting to carry out writs. Although

\(^{27}\) It should be noted that Brereton was not a ‘local’ JP; he resided in Bromfield: J. S. Gardner, ‘Justices of the peace in Denbighshire, 1660-99’ (LLM thesis, University of Wales, 1984), appendix B.


\(^{29}\) Quarter Sessions order book, BL Add. MS 40175 (NLW MS 4753D), fol.23; NLW GS 4/31/6.83, 4/31/7.55. (Both of the magistrates mentioned by the two sides sat on the bench at the Easter Quarter Sessions: Gardner, ‘Justices of the peace’, 270.)

\(^{30}\) Kent, *Village constable*, 239-52, 252-76, highlights resistance to constables’ collecting taxes and rates and particular law-enforcement duties such as serving warrants for arrest; see also Humphreys, *Crisis of community*, 226; Howell, *Rural poor*, 207-8.

\(^{31}\) 12 indictments out of a total of 24; the rest, a reminder of the difficult balancing act officers had to perform, all referred to negligence in office, usually negligent escapes.
he was acting as an attorney at the county court, he was ‘an illiterat man, and not read in the English tongue’. At a higher social level, Sir John Carter, an unpopular Parliamentarian newcomer who had successfully changed sides at the Restoration, was presented by the Great Sessions grand jury in 1663 for a long list of abuses in his capacity as steward of the lordship of Denbigh. The presentment did not bother to spell out his unsuitability for office; but, then, it hardly needed to given his notoriety as an upstart who had established himself in the county by political opportunism and an advantageous marriage. Again, he may have in fact been oppressive, even corrupt, in office – but even if he were this presentment was almost certainly a ‘political’ move.

Then there was direct, illegal resistance. A number of officers in Denbighshire experienced physical violence, again usually when they tried to distrain goods or to make arrests. Rescues frequently involved close relatives, and women were as prominently involved in protecting their family members as men. When Robert Jones, a high constable of Ruthin hundred, attempted in January 1683 to apprehend Edward Williams of Llangynhafal, to be sworn in as the next high constable, Edward’s wife and Margaret the wife of John Edwards helped him to escape. Margaret struck Robert ‘with a great stroake’ and Edward’s wife ‘layd violent hands upon him & gave him very rude & ill language’. Sometimes an officer might have exaggerated the violence of resistance in order to avoid charges of negligence, but sometimes there can be no doubt of the viciousness of an attack. Thomas Meare and his father Jeffrey and mother Martha jointly assaulted Richard Hughes and Abraham Keys, sheriff’s bailiffs, after they had arrested Thomas in November 1698. Jeffrey held Abrahm by his hair while Martha kicked and punched him, Thomas beat both Richard and Abraham with a pitchfork. They broke Abraham’s thigh and beat him as he lay on the ground, and then rescued Jeffrey. And Nathaniel Parry was assaulted so violently after trying to arrest Thomas Ellis at Gresford in 1706 that he died of his injuries the same day. Thomas and his father attacked Nathaniel and another man who was helping him with a sword and an axe, while Thomas’s wife Maudlin and Dorothy his daughter pelted the unfortunate bailiff with stones.

32 NLW GS P.662, P.663; GS 4/25/3.30 for the indictment for barratry, which has an exceptionally long list of witnesses. Hugh is there described only as ‘labourer’, with no mention of his official status; there may well be similar indictments against other unpopular officers not identified as such.


34 NLW CC B39/b.11. Women, as has been noted elsewhere, were frequently prominent in rescues: Walker, ‘Crime, gender and social order’, 239.

35 NLW GS 4/37/1.58.

36 NLW GS 4/39/3 (examinations of 16 November 1706). The outcome was yet another verdict of manslaughter, which, assuming that Nathaniel had a lawful warrant, seems an extremely lenient decision; as he was an officer in the course of his duty it should strictly have been murder: see M. Hale, History of
Such events were uncommon, as Joan Kent has sensibly pointed out. Assertions that Denbighshire’s ‘petty constables operated in a hostile atmosphere’, continually facing intimidation and enmity, are exaggerated. Resistance to constables and other officials, legitimate or otherwise, was usually selective, even at its most violent. Certain areas of officers’ duties created tension and conflict; the records of theft, for example, equally show considerable co-operation. Honest or otherwise, local officers, often policing their own neighbours, carried out the demands of state governments; they were the personally known faces trying to enforce sometimes unpopular decisions from above. It is hardly surprising that they sometimes found themselves the direct targets of resentment or outright refusal to accept those decisions – whether through legal challenges, direct physical resistance, or seditious verbal insults.

**Seditious words: local controversies and national politics**

What was seditious changed radically in 1660 and again in 1689; and between those two dates prosecutions in Denbighshire can be divided into two distinct phases, both closely related to the national political context. J. A. Sharpe has cautioned historians that prosecutions for seditious libel ‘are probably better interpreted as evidence of governmental sensitivity rather than of a continuous underground current of potential rebellion’. Nevertheless, while they certainly cannot be used to measure the extent of ‘disaffection’ (let alone ‘potential rebellion’) in early modern communities, in their highly selective way, they do illuminate some views of governments and governors in the local alehouse and the street. Thus, they are – despite their small numbers – a useful entry-point into a wider discussion of the impact of state politics and policies in British localities.

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37 Kent, *Village constable*, 263.
40 J. Samaha, ‘Sedition amongst the “inarticulate” in Elizabethan Essex’, *Journal of Social History*, 8 (1975), 61-79, argues that they may not be ‘representative opinions’, but the views expressed in seditious libels, and authority responses to them, are still of importance – not least in demonstrating that not all of the governed passively accepted their governors’ values and edicts (at 75-8).
41 There are 12 Great Sessions indictments during the period and a further three from Quarter Sessions in the 35 years covered by the indictments sample, in all representing 11 separate cases. But these represent a minority of recorded incidents; there are in all about 30 sets of depositions alleging seditious words that directly referred to ‘national’ politics, and a few more documents in which activities such as toasting the Pretender are mentioned. There are also further related cases not perhaps strictly classifiable as ‘seditious’,
Conversely, they were at the same time frequently connected to local and personal conflicts – which does not necessarily mean that the accusations were false.\textsuperscript{42} At the very least, the question of why certain accusations were brought to the courts may, as in a number of offences that have been more extensively studied (such as witchcraft), need to be studied for their \textit{interactions} between authority and interpersonal relationships.\textsuperscript{43} Probably only a minority of ‘seditious’ words can be interpreted as voicing the views of professed dissenters or radicals. Only a small proportion of the defendants ever appeared amongst those presented to Great Sessions and Quarter Sessions for religious or related offences; most probably made only this single appearance on the criminal record. The words of some explicitly expressed hostility to government policies as they impacted directly on their lives and could imply a generalised dislike of interference from central governments of any colour, as in one case in Pembrokeshire in 1663: ‘This government is worse than the government of the Protector’.\textsuperscript{44}

In 1665, a Betws-yn-Rhos alehousekeeper told magistrates about William ap Hugh David ap Owen’s criticisms of the Restoration government: ‘I saw noe good dayes since ye kinges coming to this kingdome, wee are troubled with chimney money, maimed soldiers or some other plague continually’. Moreover, he was also indicted for words spoken on an earlier occasion and not recorded in depositions: declarations hostile to both the JPs of the county and their king, and a threat that they could only take his sons for military service if they took him by surprise. These represent common grievances about taxation and conscription; nevertheless, the magistrates at Quarter Sessions took them seriously – seriously enough for him to be indicted there and then sent on to Great Sessions for the words concerning his sons’ impressment.\textsuperscript{45}

But what brought cases to the attention of the authorities in the first place? William ap Hugh David ap Owen claimed that his prosecutor was motivated by ‘revenge’; and it is noticeable that over a year had elapsed between the earlier of the two outbursts and his being brought to court.\textsuperscript{46} One prosecution, however, brings into sharp focus the significance of the local context, of personal relationships and histories, even for offences against ‘the realm’. In

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\textsuperscript{44} F. Jones, ‘Disaffection and dissent in Pembrokeshire’, \textit{THSC} (1946-7), 205-31, at 213.
\end{flushright}
1708, Richard Morris, a collier of Cristionydd Cynrig (p. Ruabon), got into trouble for an angry outburst after his son (also a collier) was ‘pressed for a soldier’ at Wrexham. Richard Lloyd, a local gentleman who had according to his own account unsuccessfully tried to ‘sollicit’ the officials in charge of the commission on Morris’s behalf for the son’s ‘releasement’, told magistrates that Morris had said ‘that the devill would take the queene and all that belonged to her and also Sir John Wynn and Ellis Lloyd and all the Floyds of the parish for takeing away his deare son’.

Yet, as Lloyd admitted, he had not reported this immediately. Moreover, he continued, he ‘would not now have given in any information against’ Morris, but for the fact that he ‘hath lately abused [Lloyd] in a gross maner by declareing to several persons that [Lloyd] had sold his son for a soldier, and did not stick to utter provoqueing expressions (vizt) that [Lloyd] was a theeff and his wife a whore’. He added for good measure that Morris was ‘well known in the neighbourhood... to be a very quarellsome and troublesome person’ (although this had not, it would seem, prevented Lloyd from intervening on his behalf in the first place). Whatever the priorities of the judiciary, for Richard Lloyd it was not the seditious libel against the queen that was the most serious transgression, but the ungrateful and wounding slandering of himself and his family.

Nevertheless Morris’s choice of wording gave Lloyd a powerful weapon with which to punish him for that personal affront (and from Morris’s point of view, Lloyd’s action must have looked very like ‘revenge’); and it also takes us beyond a personal grudge at the loss of a beloved son and family earner, or the image of a local ‘trouble-maker’ picking quarrels with his neighbours and slandering his superiors. Nicholas Rogers argues that the fear of war was the foremost reason for the unpopularity of the Whigs in the early eighteenth century, exacerbated by the view of them as greedy profiteers. And Morris’s words precisely traced the early modern chain of command in action: from central government policy, to the county governors on whom the state relied to put its commands into practice, to the micro-political manoeuvrings – a world of individual ‘solicitations’ and favours, of parochial pecking orders, of personal and family obligations, alliances and rivalries – which determined just where the impact of those far-off policy decisions would fall.

46 NLW CC B22/a.2.
47 NLW GS 4/41/4 (examination before Roger Mostyn, 28 May 1708; the words had been spoken on 16 April. They were given in Welsh on the indictment: ‘diawl el ar brenhines in chimri ag sydd yn belongi alti hi yn enwedig Sir John Wynne a Mr Ellis Lloyd ar holl Lloydie sy yn yn plwy am cymerid fy anwyld blentin i ffwrdd’).
Such cases also indicate the difficulties central and local governors experienced in persuading those who were negatively affected by their actions to accept the legitimacy of their authority. While utterances directly challenging the central authority of the monarch and state government were rare – and organised acts that might have posed grave political threats to that authority were even rarer – the abuse, verbal as well as physical, of local representatives of official authority, was considerably more common. Such words could also be considered ‘seditious’; the abuser of the officer of the law ‘was presented as not merely abusing him personally, but as potentially or actually undermining the entire social order’. Failing to discipline disobedience and disrespect could indeed undermine the effectiveness of the individual officer and his colleagues. 49 In practice, though, it was wording that explicitly referred to and insulted both the individual official and the royal authority which he represented that was likely to be defined and prosecuted as ‘seditious’.

Stephen Thomas, the master of the house of correction (and possibly not the most tactful of men in carrying out his office), was at an alehouse in Ruthin in June 1687, where he saw John Dod whom he suspected ‘to bee an idle person’ and questioned him about ‘his way of livelyhood’. Dod asked ‘whose servant he was’, and when Thomas replied that he was the ‘kings servant’, Dod declared that he was ‘a knaves servant’. 50 Indeed, a striking proportion of indicted cases coupled both local hostilities and national politics: we have already seen the cases of William Pugh David ap Owen and Richard Morris. In 1682, Andrew Lloyd was prosecuted for his words to George Goldsmith, gent., ‘thou and the king bee hanged’; in 1688, Robert Arthur of Llai was indicted at Quarter Sessions for saying that there would soon be war and when it came he would burn down ‘Mr Brereton’s’ house. 51 As with Richard Lloyd’s decision to report Richard Morris, the sting of the personal threat or insult may well have been a significant factor in the prosecution of this type of case. And, although it is rare for them to come so clearly into view, it may well be that such local hostilities need to be understood as part of the context for the decisions to report and prosecute even those speeches that referred only or primarily to the ‘national’ context.

**Fears, plots and revolutions: the changing meanings of sedition**

Changes in prosecutions for seditious words between 1660 and 1730 – their content,
incidence and legal outcomes – provide a striking commentary on the religious and political anxious and upheavals of the period. A flurry of allegations of seditious words in the early 1660s (six cases reported in 1660 alone) clearly included some settling of old scores against the discomfited supporters of the Parliamentary cause. Most were recorded at Quarter Sessions, where they were rarely prosecuted by indictment. Charles Bradshaw of Holt was bound over to appear in court for having reputedly said ‘that the queen [Henrietta Maria] was a whore, and the king [Charles I] a cuckold, and that their children were bastards’ seventeen years earlier in 1643, and for calling Charles I a papist at some time around 1649. Others were more recent, reflecting anger and disappointment at the failure of the republican experiment: not all shared in the enthusiasm for the Restoration. Mary Williams, a maidservant, told a JP that when she asked her mistress, Mary Glynne, for permission to go to hear Charles II being proclaimed king at Holt, she received the bitter reply: ‘I would you were so willing to serve God as the devil’. David Moyses of Llangollen was reported as having been even more outspoken, saying that ‘whenever he should hear the king proclaimed, he would shoot him that should make ye proclamation, whosoever he were’.54

Mary Glynne and her husband Thomas, who were living in Stansty by 1663, were amongst those regularly prosecuted as nonconformists in the 1660s, absenting themselves from church and attending illegal conventicles. They were presented for absence from church at Great Sessions and Quarter Sessions three times as a couple in 1663, and Thomas alone on a further occasion. In the same year, a conventicle was held at their house in Stansty and they were among 25 people indicted for attending this ‘riotous’ assembly. Both avoided appearing before either court in 1664, but in 1665 Thomas was arrested again for attending a conventicle – among, it was reported, 80 to 100 people – at John Manley’s house in Wrexham (if Mary was present, she was among the majority who escaped as a result of Manley’s delaying tactics). Of those arrested, Thomas was one of a small group singled out in a report sent to the government, as people who had formerly been in arms against the king, and were ‘notoriously obstinate in their principles’. Certainly, they were ‘obstinate’ enough to refuse to allow imprisonment to interfere with their worship: they held a prayer meeting in gaol on 17 March 1665.55

52 NLW CC B16/c.33, 39 (no indictment). See J. Miller, *Popery and politics in England 1660-1688* (Cambridge, 1973), 80-4, on pre-Civil War beliefs that Charles I was dangerously sympathetic toward Catholics, and perhaps even a Papist in disguise.
53 On the extent of disillusionment with Parliamentary rule and enthusiasm for the Restoration in 1660, Harris, *Politics under the later Stuarts*, ch. 2 (expressions of hostility to the monarchy’s return, 30-1).
54 NLW CC B16/c.34/1-2; CC B16/c.38.
55 NLW CC B19/c.17, CC B19/d.39; GS 4/25/4.33, 4/25/5.7; GS 4/25/4.24, 26, 35 (1663 conventicle; the indictment was apparently subsequently removed to King’s Bench); PRO SP 29/112/125 (1665 conventicle); NLW CC B21/b.25, 29 (prayer meeting in gaol). On church court prosecutions for nonconformity under the penal acts, see W. T. Morgan, ‘The prosecution of nonconformists in the
In June 1663, Thomas Lloyd was arrested by the watch in Wrexham at about 11pm for being ‘abroade soe late’ and was taken to Richard Ellis, a constable, who decided to take him before a magistrate. (He may have been the Thomas Lloyd, glover of Wrexham, who was prosecuted at that sessions for attending the Stansty conventicle – which would help to explain why his movements were subject to suspicion.) Walking together to the magistrate’s house, Richard ‘tould the said Lloyd in your tyme of partie durst hardly be seen walke with anything in our hands in the day tyme’, and Thomas replied, ‘it may be a tyme may come againe’: precisely what worried so many for decades after 1660.\textsuperscript{56} By the mid 1660s, however, the Restoration regime was becoming more securely established. The disloyal and untrustworthy had been marginalised; a number of institutions abolished by Parliament had been re-established (including the Council in the Marches of Wales, though it never regained its former power); religious dissent was being suppressed, using increasingly severe laws to punish those who refused to conform.\textsuperscript{57}

Moreover, in Denbighshire, the attempted Puritan revolution had signally failed to put down roots; it was in the main confined to small groups in the south-east around Wrexham. While there was no sweeping purge of JPs, a few regarded as particularly untrustworthy were put out of the commission and replaced by men loyal to the royalist cause.\textsuperscript{58} The accusations of seditious words subsided; in any case, the muted legal response to almost all the cases (except for that of William ap Hugh David ap Owen, who was not among the county’s prosecuted nonconformists) suggests that there was considerable confidence as to most of the county population’s political sympathies: such words were not perceived as a great danger. That contrasts with the impact of the next period of political crisis in the late 1670s and a renewed

\textsuperscript{56} NLW GS 4/25/4.22; GS 4/25/4.24, 35. (He could alternatively be the Thomas Lloyd of Place Drain, gent., who was named in the list of conventiclers in PRO SP 29/112/125, and was probably among the prisoners at the prayer meeting in gaol, NLW CC B21/b.29.)

\textsuperscript{57} See T. Richards, \textit{Wales under the penal code 1662-1687} (London, 1925); G. H. Jenkins, \textit{Protestant dissenters in Wales 1639-1689} (Cardiff, 1992), ch. 5-6.

\textsuperscript{58} Gardner, ‘Justices of the peace’, 19. The Denbighshire commission, notwithstanding occasional ‘political’ changes, was remarkably stable throughout the period to 1730, in comparison to many Welsh and English counties: A. H. Dodd, ‘“Tuning” the Welsh bench, 1680’., \textit{NLWJ}, 6 (1949-50), 249-59; L. Glassey, \textit{Politics and the appointment of justices of the peace, 1675-1720} (Oxford, 1979); N. Landau, \textit{The justices of the peace, 1679-1760} (Berkeley, 1984), ch. 3, and see table at 371. The main occasions for political manoeuvring were in 1680, 1686 and 1696, Gardner, ‘Justices of the peace’, 20-3; PRO PC 2/76, 504; and in 1720-1: FRO Erdig D/E 1158, John Meller to Philip Yorke, 20 December 1720; NLW CC E4593, William Travers to Robert Myddelton, 21 February 1721; CC E4594, William Travers to Robert Myddelton, 25 March 1721. For listings 1660-99, see Gardner, ‘Justices of the peace’, Appendix B; for later lists, PRO C 234/83 (1706-27); FRO Erdig D/E 1283, 1542.56 (1718, 1721); and \textit{nomina ministrorum} in most gaol files.
wave of paranoia about Papists.\textsuperscript{59}

Since the Restoration, Catholics had been presented alongside Protestant nonconformists for failing to attend church or refusing to swear oaths of supremacy and allegiance. In Denbighshire, their small numbers were in reality hardly threatening.\textsuperscript{60} Some were, though, as stubborn in refusing to conform as any Protestant dissenter – and were perhaps prosecuted more regularly too. As with the nonconformists, many were based in the Wrexham area, often in family clans whose names recur consistently in the records right through to the 1690s: the Crew (or Crue) family at Wrexham and Holt, Ridgeways at Holt, Bostocks at Wrexham, the Trevors of Esclusham. Further north, those regularly named on presentments included Basil Wood at Ruthin and the Parrys of Tywysog (p. Henllan). Small their numbers might be, but those who were presented were frequently of gentry or upper-middling social status: the Crew family included several gentlemen, a goldsmith, an apothecary and a linen draper; Basil Wood, too, was an apothecary; Thomas Bostock ran the largest inn in Wrexham.\textsuperscript{61} They were, then, often significant and affluent figures, hardly social outcasts.\textsuperscript{62} Yet their religion made them vulnerable to persecution.

The extent and strength of anti-Catholic feeling in Denbighshire is difficult to assess; the penal laws were not enforced with consistent severity, and intensified court activity tended to coincide with particular periods of political anxiety.\textsuperscript{63} It seems that anti-popery was far less intense than in the southern Welsh border counties, where Catholicism was considerably stronger numerically and more ‘politicised’ (due to the presence of powerful aristocratic Catholic families).\textsuperscript{64} One event might seem to suggest a significant current of anti-popery in

\textsuperscript{59} For the background to the crisis of the late 1670s and early 1680s: M. Knights, \textit{Politics and opinion in crisis, 1678-81} (Cambridge, 1994); Harris, \textit{Politics under the later Stuarts}, ch. 4; J. Kenyon, \textit{The popish plot} (London, 1974); J. Miller, \textit{Popery and politics}; G. H. Jenkins, \textit{Literature, religion and society in Wales, 1660-1730} (Cardiff, 1978), 189-97.

\textsuperscript{60} The ‘Compton census’ of 1676 counted 0 in Denbigh, 2 in Ruthin and 22 in Wrexham: Gardner, ‘Justices of the peace’, 109.

\textsuperscript{61} A. N. Palmer, \textit{A history of the older nonconformity of Wrexham and its neighbourhood} (Wrexham, 1888), 131-2; for presentments, e.g. NLW CC B19/d.38; CC B20/b.8; CC B37/a.1; CC B37/c.11; CC B38/b.8; CC B39/c.17; GS 4/25/4.30; GS 4/25/5.9. Comparing post-Restoration presentments with E. G. Jones, ‘Catholic recusancy in the counties of Denbigh, Flint, and Montgomery’, \textit{THSC} (1945), 114-33, which examines Great Sessions presentments 1581-1624, indicates that during the seventeenth century Denbighshire’s recusant numbers outside the towns had gone into drastic decline.

\textsuperscript{62} English studies have also emphasised the prominence of the gentry among Catholics: M. A. Mullett, \textit{Catholics in Britain and Ireland, 1558-1829} (Basingstoke, 1998), 19-21; J. Bosssy, \textit{The English Catholic community, 1570-1850} (London, 1975). However, Jones, ‘Catholic recusancy in the counties of Denbigh, Flint, and Montgomery’, 115-22, finds that in the early seventeenth century most Denbighshire recusants were of yeoman status.


Denbighshire, brought to the surface by the Popish Plot: 1679 saw the county’s only prosecution for high treason between 1660 and 1730, of an Irish priest. Charles Mihan (or Mahoney) was shipwrecked off England in 1678 while travelling from France to Ireland, and was arrested while trying to make his way to Holyhead; there is no evidence that he ever acted as a priest in England or Wales, and he was convicted under the Elizabethan statute that made it a capital offence merely for a priest to enter or stay within the realm.65

Yet on closer inspection the local response to his presence seems less than zealous. He was arrested at Denbigh in June 1678, and then there was a considerable delay in deciding how to proceed. A number of letters passed between Whitehall and north Wales between July and September. Government officials had asked to be sent his books and papers seized, and took some time to return them, which seems to have held up the case in Denbighshire (or was used as an excuse to do so). In early August, Sir John Salusbury (MP and alderman of Denbigh, where Mihan was imprisoned) was enquiring whether he should appear at Great Sessions, and requesting the return of the books and papers which could be used as evidence against him. But over a month later, with the Great Sessions shortly to begin, there had been no response, and Salusbury wrote again: ‘without [the papers] or your further directions we shall not know what to allege against or prosecute him for’. Finally, in mid September, there was a central decision: the books were being returned and the local authorities were ordered: ‘You will please now perfect this matter yourself and take care he be brought to his trial according to law’. The delay was even noted in the House of Commons in November 1678, with an address to the king urging a speedy trial. After Mihan’s conviction, there was a final effort to spare him: according to the gaol calendar of the spring 1679 Sessions, following the conviction and the sentence of hanging, drawing and quartering, he was ‘reprieved till farther order’. But on 12 August 1679 he was executed at Ruthin.66

It has been suggested that Salusbury felt a need ‘to display sympathy with the mood of the moment’.67 But while he does urge action on the government, he seems distinctly unwilling to

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65 NLW GS 4/31/1.25, 45; T. P. Ellis, The catholic martyrs of Wales, 1535-1680 (London, 1933), 125-6.
67 Kennedy, ‘Roman Catholic recusancy in Denbighshire’, 33. Salusbury as an alderman of Denbigh might well have wanted to be rid of an unwelcome burden on the town: Mihan, despite requests to have him sent to the county gaol, was being held in Denbigh gaol, and was described as ‘very unruly and distracted’, having to be guarded night and day, ‘to the great charge of the poor inhabitants of the town’: CSPD 1678, 348. (For his part, Mihan complained that he was being abused by his gaoler. The response
take responsibility for making any decision himself. His claimed ignorance of what to do with Mihan is slightly disingenuous; there were local witnesses to Mihan’s admission that he was a priest. Many local authorities prevaricated and avoided carrying out government orders to deal briskly with arrested priests: they made excuses to send them off to London, or neglected to put them on trial. Jurors might well have been unhappy about condemning men to a gruesome death if there were no evidence of active involvement in conspiracies. Mihan was convicted and executed, as was another priest in south Wales, perhaps due to pressure from the Welsh MPs who had raised the case in Parliament (the equivocating Salusbury was listed among those involved). But the ‘mood of the moment’ was not straightforward in Denbighshire, even at the height of fears about popery and plots.

Meanwhile, the lesser offence of seditious libel was prosecuted with renewed vigour, and some particularly harsh sentences were meted out. Humphrey Peter’s words ‘the king is either a theef or a rogue’ in 1678 earned him a spell in the pillory, while Valentine Lewis was also sentenced to be pilloried, as well as fined, for expressing the view that ‘I am as good a man as the king and what doe I knowe but his soule may goe to hell’. In 1679, Thomas Walley deposed that he was drinking for several hours with Hillary Long, a ‘papist as this deponent conceaved by his discorse’. Then Walley

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\text{tooke a glasse of drinck in his hand & said Mr Long here is a health to King Charles (meaning King Charles of England) whereto the said Hillary Long answered, I will not drinck it I hope to wash my hands in his blood before August next...}
\]

Perhaps, in demanding that Long drink a health to the king, and then reporting his negative response to the authorities, Walley was publicly reasserting his loyalty to church and government after finding himself in a somewhat compromised situation; spending several sociable hours in the company of a drunkenly outspoken papist was not the wisest of moves at a time of such political sensitivity. Long was convicted in August 1680, fined the enormous sum of £100 and ordered to find sureties for his good behaviour for the rest of his life. Yet, it might be noted, it took two separate attempts and over a year to secure this conviction. A bill against Long had been found ignoramus by a grand jury in October 1679, after which he had nonetheless been returned to gaol (he was not finally released until September 1681). Again, there is an impression of divided opinions: on the one hand, reluctance to prosecute solely on the word of a man who had been the accused’s drinking partner; on the other, a determination to see him

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68 NLW GS 4/31/1.32.
69 Kenyon, Popish plot, 212-3.
70 NLW GS 4/31/1.37, 26, 45; GS 4/30/5.80, 87, 45 (‘Rwi yn gystall gwr ar brennin a beth a wn i ond eiff i enaid ef i yffern’).
severely dealt with, to set an example to others.\textsuperscript{71}

In the decade from 1678, seditious words were reported with a frequency not seen since the early 1660s. Moreover, the locus of prosecution had shifted: from Quarter Sessions to Great Sessions, along with more consistent use of the formal indictment, suggesting that the offence was now regarded as a more serious threat.\textsuperscript{72} Nearly all the prosecutions, once the panic of 1678-9 had subsided, were quite specific, their subject words about the Catholic Stuarts – as would be the case into the eighteenth century. Before 1688, it was the expression of sentiments hostile to James Stuart that led to prosecutions, as when Maurice Edwards was prosecuted in 1683 for declaring that James, then duke of York, ‘was a rebel, rogue and traytor’ and he hoped to see him hanged.\textsuperscript{73} While the Monmouth rebellion did not apparently find much support in north Wales, at Gresford in 1687 George Frost, a lead miner from Derbyshire, rashly asserted the claims of the duke of Monmouth to the throne, and that ‘he would fight’ for Monmouth’s son.\textsuperscript{74}

But by then James’s misjudged policies were already creating concern amongst opponents of Catholicism. In Denbighshire, for example, three Catholics were added to the commission of the peace in 1686, and more names were being suggested in 1688. The Catholic magistrates were rapidly removed, however, after James’s departure; and two of them were among 32 people (most of them familiar as recusants) indicted at Great Sessions in September 1689 for failing to attend church.\textsuperscript{75} Moreover, one of the three Catholic JPs (and the only one who had been active), John Parry of Tywysog (p. Henllan) experienced what might well be interpreted as a more populist and violent expression of the rejection of Catholic authority. On 18 December 1688, a crowd led by Robert Anwyll, a yeoman of Penporchell (p. Llanefydd), broke into Parry’s house during the night, assaulted a servant, broke several locks ‘& moreover spoild & brake to peices severall of his houshold stuffe, pretending yt he had power given him to fire the said house’, and finished by carrying off more of Parry’s goods. There is no sign of a prosecution.\textsuperscript{77}

Meanwhile, two Catholics carrying ‘popish relicts’, who were connected to Powys Castle, and

\textsuperscript{71} NLW GS 4/31/3.42-4, 53, 56; 4/31/2.11, 30; 4/31/4.80; 4/31/5.60.
\textsuperscript{72} There are in all eight reported cases, seven of which were indicted (more than half the indicted cases during the period), between 1678 and 1687.
\textsuperscript{73} NLW GS 4/32/2.27, 68 (Edwards was acquitted). During and after the Exclusion crisis, rumours had circulated that James had been personally involved in the Popish Plot, and Whig pamphlets painted lurid pictures of the dire consequences of James’s succession: Miller, Popery and politics, ch. 8.
\textsuperscript{74} NLW GS 4/33/6.28, 55, 58; 4/33/7.93 (Frost was pilloried, whipped and gaoled until the following session). Unwisely enough, he had expressed his opinions in the house of Edward Brereton, a supporter of James who subsequently opposed giving the crown to William of Orange: P. D. G. Thomas, Politics in eighteenth-century Wales (Cardiff, 1998), 58.
\textsuperscript{75} Gardner, ‘Justices of the peace’, 21-2; NLW GS 4/34/1.10-1.
\textsuperscript{76} Gardiner, ‘Justices of the peace’, 117.
\textsuperscript{77} NLW CC B45/b.97.
were arrested in the south of the county at almost the same time as the assault on John Parry’s house (they claimed to be on their way to Holywell), were imprisoned for refusing to swear oaths of allegiance and supremacy, and not bailed until the following September. James II’s policies had temporarily brought Catholics legal tolerance and political influence; but they divided the country and finally led to his overthrow, a political revolution and a backlash against ordinary Catholics.

The Glorious Revolution turned the meaning of sedition upside-down: at a stroke, supporting James, and his descendants, became a crime. And there are signs (hostility to Catholics notwithstanding) that the transformation in state government and policy that this re-definition represented was not well received by many in the county of Denbighshire. After 1689, Denbighshire became notorious for Toryism and even Jacobitism, among both lower and upper ranks of society – including the magistrates to whom such incidents would have to be reported. This was not a simple product of Catholicism. To take a well-known example, the Jacobite Watkin Williams Wynn was an Anglican Tory who detested nonconformists and Whigs. The small numbers of Denbighshire Catholics have already been noted; generally, Welsh Catholicism was in steady decline (in comparison to sustained if unspectacular growth in England) throughout the period: ‘in the course of the eighteenth century Catholicism increasingly lost the battle for Welsh hearts and minds’. Catholicism in Wales, certainly in Denbighshire, largely ceased to be a live political issue, despite a minor wave of Welsh anti-popery literature after the ’15. Fears about Protestant nonconformity once again came to the fore; but this time local sentiments were in conflict with those of the political centre.

Quite apart from political and religious affiliations, William III (a Calvinist) and his followers were probably seen as alien intruders, something that was brought to the surface when William attempted to gift the lordships of Denbigh, Bromfield and Yale to one of his Dutch favourites, the earl of Portland, in 1695. The Welsh MPs protested in Parliament that this was ‘to great a power for any foreign subject to have, and ye people of yt county to great to be subject to him’. An earlier conqueror by the name of William, it was noted, ‘had brought

78 NLW GS 4/34/1.23, 86.
79 See Dodd, Studies in Stuart Wales, ch. 6, on the divided loyalties in Wales; Harris, Politics under the later Stuarts, ch. 5.
80 Thomas, Politics in eighteenth-century Wales, ch. 6; P. D. G. Thomas, ‘Jacobitism in Wales’, WHR, 1 (1960), 279-300.
81 Thomas, Politics in eighteenth-century Wales, ch. 6, 7.
82 Mullett, Catholics in Britain and Ireland, 101.
84 Harris, Politics under the later Stuarts, 217, also notes English expressions of anti-Dutch feeling in
England to subjection, but could not subdue ye Welch’ – in a remarkable speech that managed simultaneously to assert the loyalty of the Welsh to the English crown (or, at least, to their ‘rightfull’ king, which under the circumstances seems rather double-edged) and to remind audiences of their past violent responses to English oppression. Whatever the ambiguities of the speech, the House of Commons was sufficiently roused to make a formal protest to William, who subsequently backed down.85

But it appears that hostility to the new political order did not fully emerge until after 1700, with growing hostility towards Whig policies, particularly on religion and war, and from about 1710 the prospect of a king (another foreigner, this time a Lutheran) who could be expected to overturn Tory power in government.86 There were those for whom even limited religious toleration undermined the restoration settlement and the Anglican church; the furore surrounding the affair of Dr Sacheverell underlined the strength of those feelings – and the extent to which for many ‘Puritan’ dissenters and ‘levellers’ had come, once again, to be identified as the most significant threat to the political and religious order.87 The emotive issues of religious faith were precisely what made the factions of the early eighteenth century so potent. Although Denbighshire’s gentry leaders, like those almost everywhere else, failed to join the rebellion of 1715 – at least partly a matter of prudence but perhaps also due to ambivalence about that ever-divisive issue, the Stuart claimant’s Catholicism – their sympathies were well-known, and an ongoing source of concern amongst government supporters.

However, the court records are almost silent on such local hostilities towards the government, except when, as in 1710 and 1715, they were expressed too loudly and violently to be ignored – and on the first of those two occasions, to the fury of the Great Sessions judge, none of the rioters were indicted. On the second, there were a number of indictments, but at least some were subsequently removed by certiorari to Salop Assizes (and they did not come to trial there until March 1717); it was clearly feared that Denbighshire juries would refuse to convict.88 Local Whigs certainly did not believe that the lack of prosecutions reflected the real situation. In December 1720, John Meller of Erddig complained of the failure of ‘all magistrates to punish those who impudently & in publick dranke ye Pretenders health & not only winked hard but were guilty of ye like practices’; he referred specifically to Watkin Williams Wynn having been forced to make a hasty exit from Shrewsbury to avoid being prosecuted for the offence. Additionally,
he claimed that ‘at ye Quarter Sessions, the Bench of Justices generally side with Sir William
Williams’s interest’, 89 and the ‘middling’ gentry tended to conform, thinking it ‘advisable to be
of ye strongest side’. 90

This hardly sounds a welcoming environment for the reporting of disaffection with the
government and, indeed, very few cases of seditious words are to be found in the court records
after 1688.91 In 1693 Roger Salusbury, David Lloyd and Francis Courtier were prosecuted for
drinking toasts to King James at Ruthin – the last such case to be indicted during the period.92
But it was not the last report of such words. James Robinson allegedly said at a Wrexham inn in
1696, ‘God damme King William and all that belongs to him’ and that ‘he hoped to see King
James in England again’. In March 1708, there was a report of gossip in Wrexham about ‘the
prince of Wales’, and the hope of Charles Field (Sir John Wynn’s coachman) that ‘it may be he
will come to Wales’. 93 Finally, the arrival of the Hanoverians and the spectacular disturbances
of 1715 were accompanied by just one report of support for the Stuart cause: at Wrexham in
November that year, Robert Hughes reputedly said, ‘Down with ye rump now for a merry chase
att the forest of Dalamore, who will fight for King James’.94 In June 1716, Wrexham crowds
‘wore feathers in their hats and oak boughs and openly blessed the pretender’.95 John Meller was
complaining again in 1722: ‘the Jacobites in our parts... are so barefaced, as to drink the
Pretender’s health in public companys. But tho’ we have intimation of it, yet we cannot prevail
with any in company to prove it upon them’.96

It can be noted, additionally, that offences against ‘authority’ (category A, tables 2.2-2.3
above) dropped away precipitously after 1710 – having been at their highest levels from the late

88 PRO SP 34/12/34; Palmer, Older nonconformity of Wrexham, 64
89 Watkin Williams Wynn’s father, and the second baronet of that name: the son added the extra surname
when he inherited the large estates of his mother’s cousin, Sir John Wynn: Thomas, Politics in eighteenth-
century Wales, 152.
90 FRO Erddig D/E 1158, John Meller to Philip Yorke, 30 December 1720.
91 This contrasts strongly with the Oxford circuit of the English Assizes between 1689 and 1752, where
(in much larger numbers overall) prosecutions for seditious words peaked after 1714: about 30% of the
total (224 cases) occurred between 1689-97, and 47% of the total in the first decade of George I’s reign:
Monod, Jacobitism and the English people, 245.
92 NLW GS 4/35/2.39.
93 NLW GS 4/36/2.42; DRO QSD/SR/7.26-7
94 NLW GS 4/41/4 (examination of Henry Fisher, 21 November 1715). Robert Hughes was however
indicted with others (several of them involved in the attacks on Wrexham’s nonconformist meeting
houses) at the same session, for riot and assault on a constable. The ‘forest of Dalamore’ is probably
Delamere forest in Cheshire; whether this has any particular significance is at present unknown.
95 Palmer, Older nonconformity of Wrexham, 64.
1670s into the early 1690s. Given the disturbances of the 1710s, and rising levels of prosecutions for assault, it seems unlikely that this reflects a suddenly more orderly and obedient population. Still, magistrates did not ‘wink’ at all breaches of authority. Disturbances and challenges to local authority continued to be reported and disciplined. In Ruthin, several indictments for assault at Quarter Sessions followed election disturbances in 1722. Trouble was said to have begun in the evening of 6 February when a crowd led by William Wynne, an innkeeper, and accompanied by a fiddler, assembled under the Cross, ‘shouting and makeing very great noise to the disturbance of the neighbours’, and

alsoe cryed aloud & shouted Myddelton, Myddelton &c and daring any person to call or name the name Watkin meaning Watkin Williams Wynne esquire and alsoe the same persons did beate the timber parte of the said Crosse which was in open defyance to those persons that were in the interest of the said Mr Watkin Williams Wynne...

When David Whitley took up the challenge, answering ‘I durst name him or cry Watkin’, William Wynne ‘made att’ and ‘chollard him’. The disturbances continued for several hours. Witnesses on both sides alleged violent attacks and fighting; the windows of the White Lyon inn were broken.

Disciplinary action was not confined to tumultuous mass disorders. Prosecutions continued to be regularly brought for assaults on officials and rescues – though indictments were used less often than in the seventeenth century. Hugh Hughes, a bailiff in Bromfield hundred had William Lloyd bound to the peace in 1728 after a violent encounter. He had delivered to William a summons to attend the county court at Wrexham, to defend himself in a civil action for debt. William told Hugh that if he served execution upon him ‘he would thrash him, & kill him’, to which Hugh responded ‘that he did not fear him’. After this, William threatened him with a pitchfork, forcing him to beat a hasty retreat. Finally, serious affronts to the dignity of a magistrate (except, sometimes, an unpopular Whig) were not likely to be ignored. In 1726, David Moses responded to a warrant against him, written by David Yale, with scorn: he

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97 20.3% of Great Sessions indictments between 1676-95; cf. 5.1% between 1711-30 (just 1.9% between 1726-30). The proportion during the 1660s was 10%. The numbers at Quarter Sessions were much smaller – although again the proportions are notably low during the 1720s (3.8%, cf. 10.8% 1681-95). Between 1691-95 nearly half of the Great Sessions indictments were for coining offences; such prosecutions were concentrated on the 1690s (and there were none after 1699) with 9 of a total of 13 indictments. The only convictions ever obtained were for the lesser offence of ‘uttering’ false coin. See Gaskill, Crime and mentalities, ch. 4-5, on ambivalent attitudes, and jury sympathy, to coining (in the context of chronic shortages of coin not resolved until much later), and heightened governmental concern in the late seventeenth century.

98 DRO QSD/SR/55.33, 41-2, SR/55.7-8, 10-2, 14-8.

99 DRO QSD/SR/78.29. For indicted cases of assault, see, e.g., QSD/SR/44.30, 2; SR/49.45, 48; SR/51.7; SR/74.18; SR/84.17; SR/55.22.
sayd yt ye warrant was nonsensicall and yt he ye said Moses knew how to draw a better and yt he (calling him Davy Yale at every word) was more fitt to make pudding with his wife than to grant warrants...

David Moses was bound over to the good behaviour, just one of several encounters with the court of Quarter Sessions during the 1720s. While they might turn a blind eye to expressions of disaffection with central government, the county’s governors in Quarter Sessions did continue to deal with those who disturbed the county’s peace and defied the authority of the courts and magistracy.

Denbighshire’s court records provide a number of insights into the changing relations between the political centre and the county between 1660 and 1730. For all their insecurities and fears elsewhere, in Denbighshire Restoration governments were able to rely on the loyalty of county governors and the majority of the population alike. The minority that had supported Puritanism and Parliament was kept in check by the (selectively variable) use of repressive legislation, but was not in the main seen as a real threat. From the late 1670s the tensions and conflicts surrounding the royal succession, and the resurgence of anti-papery, were also reflected in the business of the courts of Denbighshire; for a decade, sedition was treated with heightened severity, and presentments of both recusants and nonconformists also increased. However, the political resolution of those difficulties in 1688-9 tended to undermine the previously good relationship between the state and this particular county; and it also exacerbated conflicts within the county itself. Disaffection in Denbighshire never became a serious threat to the stability of the realm, but it did cause anxiety for governments and their supporters. By 1715, with Whig ascendency under the Hanoverian monarchy, much of the county leadership was hostile to the central government, and a series of violent disturbances as well as less spectacular expressions of disaffection (ignored by sympathetic magistrates) suggest that hostility went far beyond the county élites. But at the same time there were small but growing, primarily urban, respectable communities who welcomed the changes and opportunities brought by the Glorious Revolution. Nonconformists, with renewed confidence, had taken advantage of religious toleration to establish more visible, public institutions; but their chapels became direct targets for violent displays of collective hostility. The final section of this chapter examines events in Wrexham, the town that seemed to be the prime focus of political disorder and religious antagonism in

\(^{100}\) DRO QSD/SR/70.23, 21. Moses was bound to the peace/behaviour several times: QSD/SR/51.34, 32; SR/66.21; SR/67.37 (this recognizance was written by David Yale, and may be the encounter that produced Moses’ outburst against the JP); complaint of assault: SR/77/1, 23-4. David Yale was seemingly not a particularly active magistrate (only three recognizances on the Quarter Sessions files between 1725 and 1728), so it is possible that for all his misbehaviour David Moses, who certainly had a good deal of experience of magistrates’ documents, was making a valid point about his legal skills.
north-east Wales in the early eighteenth century.

**A contested town: religion, politics and riot in Wrexham**

Alfred Palmer, Wrexham’s late-nineteenth-century historian, wrote of the town: ‘Although the parliamentary party was very strong in Wrexham during the Commonwealth period, in little more than fifty years afterwards the town had become furiously attached to the Stuart interest’. This seeming transformation may be to some extent a distorting effect of the selectivity of record survival and historiographical emphasis. While Wrexham’s experiences under commonwealth and protectorate may have been inspiring for subsequent historians seeking the origins of Welsh Nonconformity, it is not at all clear that the majority of the town’s population would have shared their enthusiasm; equally, it cannot be assumed that the rioters of 1710 and 1715 were in fact any more representative of the general population than Morgan Llwyd’s followers had been in the 1650s. This, then, is not intended as a general account: it is rather a discussion of the religious and political controversies that marked the town’s history between 1660 and 1730, and the reasons for the intensity of the disturbances of the second decade of the eighteenth century.

Nor should Wrexham be viewed as representative of Denbighshire’s experiences. Not only was it unique in north Wales, the largest and fastest-growing town in the six counties, it faced the south-eastern border with England, in a prosperous area of lowland mixed farming alongside burgeoning new industries. It was a vital, expanding commercial centre, and it was increasingly significant as a locus of county government and justice, even though it was not a chartered borough until the nineteenth century. But its internal government was rather less effective, certainly compared to the boroughs of Ruthin and Denbigh. Quite apart from political controversies, Wrexham represented a growing problem for ‘order’. And it was more divided and contentious than any other settlement in the region. In September 1661, it was described by a local Royalist as ‘the most factious town in England [sic]’. This was an exaggeration, the view of a man who saw enemies and plots everywhere. But Wrexham was indeed ‘factious’, and the collective violence of the 1710s was only the most dramatic expression of those conflicts.

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102 Wrexham lacks a recent scholarly history drawing on developments in urban, social and economic history, but see A. H. Dodd (ed), *A history of Wrexham* (Wrexham, 1957); Evans, ‘Market towns of Denbighshire’, *passim*.

103 Evans, ‘Market towns of Denbighshire’, 24-5.

The growth of puritan nonconformity in seventeenth-century Wrexham has been well documented, but anti-nonconformity in the town has received less considered attention. It is clear that Puritanism was embraced with enthusiasm only by a minority in the town. In 1676 the numbers of nonconformists in the town were estimated at 132 out of a total population of 3774. But even that sharply contrasted with Ruthin (6) and Denbigh (2). The figures, however unreliable, demonstrate that, of Denbighshire’s three main towns, only Wrexham possessed a dissenting community which may well have perceived itself, rather like the townspeople of Dorchester against the wider county, according to David Underdown, as ‘a beleaguered bastion of godliness in the midst of a sea of popery and moral corruption’. Their numbers would steadily grow following the Toleration acts: by 1715, total attendance at the town’s two licensed chapels was estimated at 380. Indeed, Wrexham’s nonconformity and anti-nonconformity need to be seen as closely related: the emergence of antagonistic ‘communities’ defining themselves against each other.

The simple linear shift described by Palmer (and by A. H. Dodd in the characterisation of ‘Puritan Wrexham’ followed by ‘Tory Wrexham’) does apply in one sense, when referring to the town’s ruling strata. Puritans did govern Wrexham in the 1640s and 1650s – though by virtue of conquest, as ‘a minority protected by the power of the Parliamentary regime’. In ‘Puritan Wrexham’, the attitudes of those ordinary Wrexham inhabitants who submitted reluctantly to the regime are rarely recorded. But there are hints of the attitudes underlying quiescence. A number of townspeople abused Parliamentary prisoners early in the war: they ‘did beate and wound some of them, slewe other some and tooke the... clothes from other some’. Local legends, too, are suggestive of the hostility aroused by Puritan government: that Cromwell fired a cannon at the church tower, when he is unlikely ever to have gone near the town – and the church never even came under artillery fire (although the organ pipes were removed to melt down for bullets).

The Puritan ascendancy was rapidly erased at the Restoration. Committed

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105 Palmer, Older nonconformity of Wrexham; also T. Richards, A history of the Puritan movement in Wales (London, 1920); idem, Religious developments in Wales 1654-1662 (London, 1923); Jenkins, Literature, religion and society; idem, Protestant dissenters in Wales. Meanwhile, English historians interested in Jacobite sympathies and popular politics have ignored Wrexham, or at best mentioned it only in passing: e.g., Rogers, Crowds, culture and politics, 32-3.

106 Evans, ‘Market towns’, 193; at 86-7, Evans rightly points out that as population indicators the figures of the ‘Compton census’ are virtually worthless; the totals are too low. But they may give at least some idea of the significance of anti-conformity within the towns.


108 Palmer, Older nonconformity of Wrexham, 65, 97.

109 Dodd (ed), History of Wrexham, 57, 67.

Parliamentarians were removed from office; for example, John Manley was put out of the commission of the peace in September 1660, as his Royalist brother Francis was being reinstated. Thomas Baker the ‘arch-royalist’ was made a churchwarden, and additionally appointed himself as a zealous intelligence officer, planting informers and writing to send warnings to the government. And most of the Puritans who had been in charge would now appear in the records only in prosecutions as dissenters – which began almost immediately, and continued, though with fluctuating levels of zeal, for over a quarter of a century. Religious toleration following the Glorious Revolution was without doubt welcomed by dissenters in Denbighshire (even if the lifting of the unifying effects of persecution was soon followed by a split in the Wrexham congregation). The licensing of alternative places of worship began within months of the Toleration Act. Yet, as Paul Monod comments, although toleration rescued dissenters from the political wilderness, it also set them ‘further apart from the Anglican mainstream’, and it fuelled both elite and popular fears about their influence. And at Wrexham the changes were soon marked by conflict.

In June 1691, there was a dispute over the funeral of a member of the Speed family, a family that had appeared on numerous presentments during the 1660s and 1680s. Cicely the wife of Richard Speede, was being buried at Wrexham church when Richard and his brother William, accompanied by a group of friends and relations, interrupted the minister who was officiating ‘by pushing of him & jostling him when he was in readeing over the grave & very peremptorily and irreverndly with their hatts on, declared they were for noe reading neither would they have any’. They then threatened the parish clerk, and jostled and pushed him so that he nearly fell backwards into the grave.

Richard and William gave their explanations of what had led up to the disturbance: Richard had sent William to ask the curate, Robert Smith, that Cicely might be buried ‘without

111 Dodd (ed), History of Wrexham, 55, 54.
112 See the listings in J. R. S. Phillips, The justices of the peace in Wales and Monmouthshire 1541 to 1689 (Cardiff, 1975), 77-80. For John and Francis Manley, see Tucker, Denbighshire officers, 67-9.
113 Evans, ‘Market towns’, 187; Green (ed), Calendar of state papers domestic, 1661-2, 80, 145, 481. See also Tucker, Denbighshire officers, 17-8.
114 Evans, ‘Market towns’, 187. For an early presentment, see NLW GS 4/25/1.29-30 (September 1660, the first surviving gaol file after the restoration).
115 Following the Toleration Act in May 1689, four Denbighshire meeting houses were licensed at Quarter Sessions in October 1689, including one at Wrexham: NLW CC B45/b.24. For the split into Presbyterian and Independent congregations, see Palmer, Older nonconformity of Wrexham, 51-6.
116 Monod, Jacobitism and the English people, 171.
117 NLW GS 4/32/1.2-3; GS 4/26/4.1; GS 4/26/6.9. The burial of nonconformists had frequently been controversial; burials in consecrated ground had often been refused to those who died ‘outside the communion of the Church’. Bishop Lloyd of St Asaph wrote in 1683 that he would allow them burial in the churchyard if their relatives were ‘good conformable people’, but only by night without prayers:
readeinge & performeing the office of ye church’, to which Smith said that he would speak with the vicar and send word if he did not give consent. Hearing nothing, Richard ‘did suppose they connived at it, and thought he might have liberty to bury the corps without the order of ye church’. In fact, the curate said that both he and the vicar had been extremely hostile to the idea, but the latter had forbidden him to send an answer, saying that he would give William an answer ‘if he came to demand one from him’. However, both the curate and vicar were away from Wrexham on the day of the funeral and a stand-in was officiating (who seems to have been prepared to ‘connive’). The political changes had apparently given the Speeds new confidence to assert their wishes; but to others it was deeply disturbing. The parish clerk was reported to have said, ‘I would not for tenn pounds the corps should be putt in the grave without reading & haveing the office of the dead performed’. Indeed, the clerk had personally insisted on the reading over the grave which so upset the Speeds. 118 The case is revealing of the strength of feelings on both sides.

Following the Revolution, the concessions that were made to dissenters aroused deep hostility and fear amongst many Anglicans, convinced that the church (and with it the entire social and moral order that it underpinned) was in danger. In 1710, this controversy erupted far beyond the debates and pamphlets of churchmen. On 5 November 1709 Henry Sacheverell, one of the most fervent of the representatives of the High Church, had preached a highly inflammatory sermon in St Paul’s Cathedral. He attacked Whigs, government officers and policies of Toleration, and following the publication of the sermon, the Whig government impeached him and put him on trial in Westminster Hall. Although he was found guilty, on 20 March 1710, he was given only a mild punishment. And in the meantime, crowds in London began to demonstrate their sympathies by rioting and attacking dissenting meeting-houses. It was a public relations disaster for the government, and largely contributed to its downfall and an election victory for the Tories in October 1710. 119

The end of the trial was far from being the end of the affair. As the news of the outcome spread into the provinces, so did the riots. 120 They began in Wrexham within a week: on Friday 24 March, ‘a great rabble of this town got together to rejoice as they said for the mild sentence against Dr Sacheverell’, in the words of the Whig chief justice of Chester, Joseph Jekyll. Two witnesses guessed the number of rioters at around 500; another put it at 200-300: certainly there

Richards, Wales under the penal code, 19.

118 NLW GS 4/34/5.38.


120 Holmes, Trial of Doctor Sacheverell, ch. 10; on rioting in neighbouring Montgomeryshire,
was ‘a great number’. A witness described seeing them going along the street that night ‘with a
drum beating and musick playing’, and Edward Hughes, a cooper, ‘carrying a barrell or firkin
advanced upon a pole with burning fire blazing therein’. Others were ‘armed with great sticks’.
They broke the windows of the house of Joseph Buttall, a member of one the town’s leading
nonconformist families; those of Joseph Nicholas, a shoemaker; of ‘Widow Barnett’s’ shop; and
‘such of ye windows of the New meeting house as they could come att’.121 The following
Monday, Edward Hughes was heard to declare ‘yt if any warrant was served upon him wee... will
pull down ye meeting house and be the death of some of them’.122

Joseph Jekyll arrived in Wrexham a few days later for the Great Sessions. Not just any
Whig judge, he had been among those prominently involved in prosecuting Sacheverell, and he
and his fellow justice John Pocklington (a Whig MP) suffered multiple humiliations throughout
that circuit of the Great Sessions. ‘Sir Joseph Jekyll had no respect showed him but was
affronted rather, and suspected somebody put aqua-fortis on his coach-braces, for it fell in
Bromfield’. And he had to sit through two Sacheverellite assize sermons, at Welshpool (where,
to add insult to injury, the grand jury refused to indict the minister concerned) and again at
Wrexham.123 He was further outraged at the failure of the local authorities to take action against
the rioters of 24 March; magistrates had issued some warrants, but none had been acted on.
Jekyll issued a warrant of his own for the arrest of those who had been identified by witnesses,
but the sheriff’s attempt to execute it on 31 March met with further defiance, again with Edward
Hughes at the forefront: ‘att the head of the said rioters armed with a great stick’, speaking ‘for
all ye rest of ye sd rioters and declaring they stood up in ye defence of ye Church’. The sheriff,
according to Jekyll, managed to disperse the crowd, but failed to take anyone into custody.
Indeed, only one person had been arrested by 4 April. And, despite Jekyll’s efforts and his
warning to the government that ‘when insolence joyned with a hypocritical zeal has arrived to
this pitch all the care imaginable seems to be required to put a stop to it’, no one was prosecuted
in the Denbighshire courts for their part in the rioting.124

Jekyll fumed at the negligence and inertia of the county’s officers; but even those who did
not share the rioters’ sympathies would have been understandably reluctant to take actions that
might have brought their wrath down upon their own heads. The town quietened, but its

Humphreys, Crisis of community, 228.

121 Palmer, Older nonconformity of Wrexham, 82; for presentments, e.g., NLW CC B19/d.39; CC
B20/d.1; GS 4/26/5.16; GS 4/31/5.5; GS 4/32/1.2.
122 PRO SP 34/12/34, letter of Joseph Jekyll at Wrexham, 4 April 1710; NLW GS 4/40/1 (examinations
before J. Jekyll, 31 March and 3 April 1710).
123 Historical Manuscripts Commission, The manuscripts of the Duke of Portland, vol. IV (London,
1897), 539, Richard Knight to Robert Harley, 4 April 1710; Holmes, Trial of Doctor Sacheverell, 235-7.
124 PRO SP 34/12/34; Holmes, Trial of Doctor Sacheverell, 235.
inhabitants demonstrated their sympathies once again that summer when Sacheverell passed through on his triumphant ‘progress’ through England and Wales to his new living at Selattyn, a parish just over the English border. They decorated the streets with flowers and their houses with boughs, while women queued up to kiss the eligible bachelor, bonfires were lit and effigies burnt. Their enthusiasm slightly alarmed even Sacheverell’s entourage.  

The crowd in 1710 stopped short of breaking into the meeting house, confining themselves to threats and throwing stones at the windows. In 1715, they showed no such restraint. This second wave of rioting against nonconformist meeting houses was again part of a wider series of riots across England; between the end of May and the beginning of August at least 50 meeting houses were attacked, especially around Manchester and the west Midlands. These disturbances followed the Hanoverian succession in 1714 and the Whig election victory in the spring of 1715: there was anger at the Tory defeat, at George I’s favourable attitude to the Whigs, and again there were fears that Whig government would lead to war, not to mention the further undermining of the Anglican Church.  

During the night of 16 July, the Wrexham rioters first attacked the ‘New’ (Presbyterian) meeting house on Chester Street, they broke in, ‘pulled down the pulpit and pews, and threw them into the pool; broke down the door and battered the windows’. Then they went on to the ‘Old’ meeting house of the Independents, which ‘was uncovered, the slates and laths and walls destroyed the same night’. They returned to the Presbyterian chapel for several subsequent nights until the end of the month; on 18 July alone, ‘the town people did a great deal of harm, uncovering the roof, breaking the timbers, demolishing the entire walls, breaking the door frames and window frames’. One of the rioters also gave an account of the destruction of the ‘new chappell’: ‘the pews & seats... were forcefully pulldown’ on the night of the sixteenth; and he returned over several nights to help finish the job and ‘pull down the said meeting house’.

This rioter was one Edward Hughes, who had been working as a labourer for John Puleston, gent., at the time (by the time he gave his evidence, in Chester, he had left Wrexham and joined the army). If this were the same Edward Hughes who had been so prominent in the 1710 riots, his account of how he came to be there needs to be treated with some scepticism. Puleston, he said, incited him to join in the destruction, overcoming his reluctance and his fear that involvement might land him in trouble by saying that ‘there was noe danger & that he wold save [Edward] harmlesse from any damage that shold happen to him thereby’. Throughout,

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125 Holmes, Trial of Doctor Sacheverell, 247; NLW Brogyntyn MS 1003.
126 Rogers, Crowds, culture and politics, 32-7; N. Rogers, ‘Riot and popular jacobitism in early Hanoverian England’, in E. Cruickshanks (ed), Ideology and conspiracy: aspects of Jacobitism, 1689-1759 (Edinburgh, 1982), 70-88; Monod, Jacobitism and the English people, 185-94; Harris, Politics under the later Stuarts, 219-23.
127 Palmer, Older nonconformity of Wrexham, 63.
Puleston was present encouraging them 'to pull down & destroy the said chappell', along with John Jones, a local attorney, who had reassured Edward that 'he wold come to noe damage thereby' and who egged the rioters on in their task: 'Good ladds goe on'. Even if this is a coincidence, a different Edward Hughes (it is not a particularly rare name, after all), the passions demonstrated by the rioters five years earlier, as well as the months of disorders and anti-Whig demonstrations in Wrexham after the destruction of the meeting-houses, warn against taking at face value this portrayal of unwilling participation at the behest of local gentlemen. The Edward Hughes of 1715 was – like Welsh rioters caught in a similar situation throughout the eighteenth century – concerned to play down his role, to avoid trouble. He might even have been turning informer.  

In politics, the corollary of gentry prestige and power, after all, was gentry culpability.

The Whig John Meller saw popular sympathies as merely reflecting the influence of a dominating gentry. His opinion that ‘this whole country is governed by fear & those of large estates do as much awe & tyranize over ye lesser gentry as they do over ye poor’ has been frequently quoted by Welsh historians. They have not questioned either that assertion, or his statement that ‘it is now very evident that many joyned with ye disaffect’d party more out of fear of ye gentry then any ill will to ye government’. Certainly, the activities of both the Wynnstay and Myddelton camps in their election campaigns included coercion of their tenantry as well as the mobilisation of large, sometimes confrontational and undoubtedly intimidating groups of people. But Meller was an English newcomer to the area with a political axe to grind, as an outspoken supporter of an unpopular government, and he was writing at the beginning of an election campaign and amid manoeuvrings for a new commission of the peace. He may have articulated accurately the feelings of some intimidated by the power of the Tory-dominated county oligarchy, and have understood the politics of Quarter Sessions and elections. But he was hardly in a position to speak for ‘this whole country’, especially its Welsh-speaking majority.


\[129\] FRO Erddig D/E 1158. It has been recently quoted by Jenkins, Foundations of modern Wales, 157; Thomas, Politics in eighteenth-century Wales, 4; Howell, Rural poor, 168.

\[130\] P. D. G. Thomas, ‘Wynnstay versus Chirk Castle: parliamentary elections in Denbighshire 1716-1741’, NLWJ, 11 (1959-60), 105-23; idem, Politics in eighteenth-century Wales, 175. However, David Howell points out that expectations ran both ways: in return for their loyalty, voters demanded rewards and favours through jobs, tenancies, credit, entertainments: Rural poor, 168-71.

\[131\] Meller, a London lawyer (with family origins in Derbyshire), bought Erddig Hall in 1714 following the bankruptcy of its previous owner Joshua Edisbury and was in full occupation of the house by 1718. He had succeeded Joshua's disgraced brother John as Master in Chancery in 1708, but any other previous connections to the area are obscure: A. N. Palmer, History of the thirteen country townships of the old parish of Wrexham (Wrexham, 1903), 224-36; also A. L. Cust, Chronicles of Erhig on the Dyke, vol. I (London, 1914).

\[132\] He could not speak Welsh, judging by his use of interpreters in taking examinations: e.g., NLW GS
Welsh historians have yet to seriously re-examine Peter Thomas’s argument, made over forty years ago, that the ‘mass of the [Welsh] population’ in the eighteenth century was ‘politically inert’, and ‘was not Jacobite in sympathy’, unless ‘instigated’ or ‘encouraged’ (or coerced) by the gentry. However, historians of English Jacobitism have recently turned away from a previous narrow emphasis on ‘high’ politics and plots to look more closely at its popular manifestations and significance. Popular Jacobitism, it has been argued was far from being merely subordinate to, and manipulated by, forces from above; it was subversive, unpredictable, ‘a language of dissent and defiance’ that ‘could generate meanings beyond political orthodoxy’. The possible meanings of ‘Jacobite’ expressions and actions are highly varied, not necessarily representative of a serious commitment to a Stuart restoration; some might be seen as early manifestations of the romantic nostalgia still surrounding the Stuarts, in a world of wars, taxation and corrupt politicians. Yet the repertoire of symbols – oak leaves, turnips, horns, the drinking of toasts, songs, the collective celebrations, demonstrations, effigy-burnings and protests, can also be seen as defiant, provocative, sometimes mocking, activities, and they certainly unsettled Whig governments and their supporters.

In Denbighshire, discontent with Whig government and the Hanoverian succession was by no means confined to the county’s élites; and although there was a good deal of encouragement or ‘licence’ from ‘above’, crowds were not predictable, easily managed pawns. In 1715 and 1716 the inhabitants of Wrexham did not use violence alone to demonstrate their opinion of the new monarch. On 1 August 1715, the anniversary of George I’s accession, according to a local nonconformist minister ‘there was no bell-ringing, no bonfire, nor illumination – the ordinary marks of public rejoicing’ (they reserved this instead for the Pretender’s birthday the following June); only ‘the dissenters’ marked the event, ‘who had a sermon preached that day and their shops shut’. But ‘there was abundant demonstration of joy on account of the successes of the rebels at Preston’ in mid-November (about a week before news of defeat ‘quieted the mad and disaffected’). And a decade later these sympathies were still strong: in January 1727, Samuel

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4/43/2 (examinations of 31 December 1722); DRO QSD/SR/70.26.


134 Rogers, *Crowds, culture and politics*, ch. 1; Rogers, ‘Riot and popular Jacobitism’; Monod, *Jacobitism and the English people*, especially ch. 6-8.

135 Rogers, *Crowds, culture and politics*, 22.

136 The ‘Cycle of the White Rose’ in north-east Wales, despite its notoriety, might well be seen in this light, with its elaborate rules, its meetings over dinner, its engraved glasses, its song attacking the corruption of Walpole’s government; see Thomas, *Politics in eighteenth-century Wales*, 138-9.

Prichard, a Wrexham bricklayer, complained that he had been ‘suspected & reproach’d’ and abused by ‘severall people in the town’, because he was reputed (wrongly, he said) to have informed on a number of people who had been drinking the Pretender’s health.\textsuperscript{138}

Why then was there such antagonism towards dissent in Wrexham? Although this needs closer investigation than is possible here, it does not appear to have been a matter of ‘class’. Socially, Wrexham’s dissenters and their tormentors (as elsewhere) seem to have broadly similar kinds of people: mostly, middling craftsmen and tradesmen, those who benefited from the town’s economic development. Later-seventeenth-century religious presentments show bakers, butchers, glovers and weavers, joiners and smiths (and occasionally labourers); for the eighteenth century, Palmer mentions smiths, ironmongers, fullers, dyers, grocers, glovers, skinners, a few yeomen and gentlemen.\textsuperscript{139} There were certainly shoemakers, not usually among the more affluent craftsmen, in the dissenting congregation and targets of the Sacheverell crowd in 1710. These, then, are similar to the occupations of rioters in 1710 and 1715, which include: cooper, glazier, shoemaker, bodicemaker, skinner, butcher, glover, barber (and again a mere handful of labourers, as well as occasional gentlemen).\textsuperscript{140} More detailed research might uncover distinctions obscured by these broad occupational designations; but it does not seem at this stage that there were significant ‘class’ differences between nonconformists and anti-nonconformists.

Nor, in contrast to some parts of England that were particularly affected by rioting in 1715, had either the Whigs or the nonconformists acquired much local political influence.\textsuperscript{141} More significant, however, were memories (and myths) of past Puritan abuses, and anxieties about the consequences of their successors regaining such influence. Just how long those memories were is indicated at by an outburst directed against John Meller in 1729. Brought before Meller to give sureties for the behaviour following a scurrilous libel against one of Meller’s associates, Jonathan Fabian railed at him, saying that he had ‘oppressed ye country worse than Pick and Ball

\textsuperscript{138} FRO, Erddig D/E 697; both Samuel Prichard and a number of the people who had allegedly been toasting the Pretender were bound over to appear at Quarter Sessions: DRO QSD/SR/74.39, 50.

\textsuperscript{139} Palmer, \textit{Older nonconformity of Wrexham}, passim; for presentments, e.g., NLW GS 4/25/4.33; GS 4/26/5.15-6; GS 4/26/6.9; GS 4/32/1.1-4; CC B19/c.17; CC B19/d.39 (including many not explicitly named as dissenters, but who were repeatedly presented for absenteeism from church, which seems to imply more than indifference). See Evans, ‘Market towns of Denbighshire’, 221-80, for a survey of craftsmen and tradesmen in the county’s towns, and ch. 4 on ‘hierarchies of affluence’.

\textsuperscript{140} NLW GS 4/40/1 ((examinations before J. Jekyll, 31 March and 3 April 1710), GS 4/41/4 (various indictments concerning riots and assaults in Wrexham, July 1715). Similarly English crowds in 1715 (according to legal records) largely comprised artisans and tradesmen, with few rural labourers and limited numbers of gentlemen: Rogers, \textit{Crowds, culture and politics}, 33-4; Monod, \textit{Jacobitism and the English people}, 188-90.

in the time of the late usurpation’. The ‘late usurpation’ is clear enough; less obvious, ‘Pick and Ball’ were John Peck and Thomas Ball, Parliamentary captains, magistrates and members of several county committees during the Interregnum, and amongst those rapidly removed from positions of authority at the Restoration. Seventy years on, ‘the late usurpation’ and its representatives were far from being forgotten in Wrexham.

There were other more contemporary differences, which moreover united the Tory gentry and much of the working population in opposition to the nonconformists. Nicholas Rogers has drawn attention to the contrast between ‘Tory conviviality’ and ‘dissenting piety’. ‘Dissent’, he suggests, especially ‘aggravated discontent where it was socially isolated from county society and where its social attitudes contrasted with the more permissive, convivial stance of the local gentry’. This may have been exacerbated when, as was the case with much nonconformity in Wales before the advent of Methodism, this ‘dissenting piety’ was associated with ‘foreigners’: the English. Wrexham’s early Puritanism was influenced from Chester, and Dodd has described the congregation in the mid-seventeenth century as ‘a centre of Anglicising influence’ – although the town was also one of the first centres of Welsh-language dissent, led by Morgan Llwyd. And John Meller, John Peck and Thomas Ball, separated by more than half a century, all shared the condition of being recent English immigrants.

The beliefs of religious reformers in later-seventeenth and eighteenth-century Wales have been explored in detail; ‘popular’ mentalities have received far less attention. Reformers such

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143 See Dodd, *Studies in Stuart Wales*, 110-76 *passim*. Both men were removed from the county commission of the peace at the first opportunity; Peck was briefly readmitted to the commission of the peace in 1661 and removed again in 1662: Phillips, *Justices of the peace*, 78-80; Gardner, ‘Justices of the peace’, 277-8. On John Peck, see also Tucker, *Denbighshire officers*, 77.
145 Rogers, ‘Riots and popular Jacobitism’, 75, 78.
as Elis Lewis and Stephen Hughes ‘were bent on inculcating the habits of moral and social discipline, efficiency and restraint, decorum of bearing and propriety of speech, sobriety, caution and thrift’. They railed against Sunday recreations, maypoles, alehouses, drunkenness, many popular forms of sociability: ‘acceptance of the Puritan ethic would have entailed a profound disruption of traditional ways of life’. Despite that acknowledgement, the picture of early modern Welsh popular culture has tended to be largely one of habits grounded in ‘ignorance’ and ‘superstition’, maintained by unthinking conservatism. But such assessments are in need of reconsideration in the light of the now substantial body of research on ‘popular’ cultures and beliefs across early modern Europe. The case of Wrexham demonstrates clearly that resistance to Puritan piety was hardly confined to ‘backward’ rural populations, as sometimes seems to be implied. The notion that popular festivals were merely conservative ‘survivals’, simply waiting for the efforts of reformers to make the participants see the error of their ways, has been cast into doubt by Richard Suggett’s analysis of the chronology of the gwylmabsantau or parish wakes (which were popular in north-east Wales) from the later seventeenth century, abandoned by communities only when no longer relevant to their lives.

At Wrexham ‘Tory conviviality’ is most noticeable during election campaigns sponsored by rival gentry families. In the later seventeenth century the Myddeltons spent substantial sums of money on popular entertainments and ‘treating’ during their campaigns – beer and wine, tobacco, food, music – even when there was in the end no contest. In the long run-up to the 1722 election, the Myddelton (representing ‘moderate’ Toryism) and Wynnstay factions competed aggressively in feasting and entertaining their supporters. At the beginning of December 1720 Watkin Williams Wynn had ‘an ox roasted whole in Wrexham’; towards the end of the month Robert Myddelton planned to roast not only an ox but a hind, and ‘to drink the town of Wrexham dry’. The results were frequently tumultuous. But these were not the only local forms of unruly sociability, although others not directly the result of Tory gentry patronage are less often recorded – and usually only when attempts to suppress them created conflict.

148 Jenkins, *Literature, religion and society*, 85, 111.
150 Jenkins, ‘Popular beliefs in Wales’, consistently associates with rural populations the ‘superstitions’ and traditional beliefs which reformers opposed; e.g., writing of ‘rustic habits’ (440), ‘the tenacity of rural values and needs’ (442); ‘credulous peasants’ (446).
151 Suggett, ‘Festivals and social structure’, 89-105.
In 1691, constables in Bromfield hundred were ordered to assist in suppressing ‘the meeting of a disorderly sort of people’ on Sunday 6 September. This disorderly assembly was in fact the annual Wrexham wakes, which included ‘football & other unlawfull sports’, the ‘selling of ale cakes nuts & fruite’ and ‘other unlawfull exercises’ (which ‘had been practised for many yeares without interrupcion’). There is a strong suggestion that the constables’ efforts were not in fact very effective. Nevertheless, they certainly aroused the anger of Richard Attkinson, the curate of Gresford, who subsequently abused the constables for their interference. And in October 1722, John Meller’s interference with ‘disorderly’ communal activities also caused outrage amongst both ‘high’ and ‘low’. When he attempted to prevent the use of Wrexham town hall for entertainments by any ‘danceing master stage players or other disorderly persons’ (‘as formerly had been done’),

it gave great offence to Mr Ellice and other persons in ye town and ye order of Quarter Sessions which was fixed on ye said hall was torn down by ye rabble and in ye evening a great concourse of people were gott together with sticks in their hands hollowing Watkin for ever damn that Meller...

This kind of clash was not peculiar to Wales, let alone the town of Wrexham. Just as the religious-political concerns and hostilities which manifested themselves in attacks on meeting-houses encompassed the British state (and beyond), the conflict between ‘Tory conviviality’ and ‘dissenting piety’ might be seen in the context of the long-term, European-wide process which has been termed the ‘reform of popular culture’. As Peter Burke notes, Wales (like other upland regions) resisted this process for considerably longer than much of lowland England. Wrexham (and Bromfield hundred more generally), however, was oddly poised, perhaps not always easily so, between environmental, cultural, social lines: ‘upland’ and ‘lowland’, ‘Welsh’ and ‘English’, ‘rural’ and ‘urban’. The Wrexham area has been described as a ‘sort of cultural bridgehead’, a place where currents from west and east ebbed and flowed for centuries. This gave the area diversity and cultural vigour; but the same currents might all too easily cause friction.

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153 NLW GS 4/34/5/37, 36.
154 FRO Erddig D/E 2468.
156 Dodd, ‘Welsh and English in east Denbighshire’, 35.
Conclusion

Viewing Wrexham in the longer perspective of the period between the Restoration and the mid-nineteenth century, Dodd could write of ‘a period of calm’, with ‘a few exceptions’. 157 In 1720 the ‘exceptions’ were not so easily dismissed; no one could have taken it for granted that there would be calm. Yet it has to be concluded that, however widespread hostility to the new regime within Wrexham, and in Denbighshire more generally, may have been, however worrying for governments, it was too isolated to be a serious threat to the new political order. Moreover, forceful government action in 1715 and the 1720s firmly discouraged élites from meddling in such dangerous political terrain. ‘Popular’ politics, it has been argued, could frequently influence the actions of politicians, and popular support was crucial for revolutionary political change – but so too was organised leadership from ‘above’. 158 When Robert Hughes asked ‘who will fight for King James’ in November 1715, after the rebellion had already failed, his words could seem as much an expression of frustration as of enthusiasm for the cause. 159

The 1720s in Denbighshire were hardly ‘quiet’ either – the court records, if anything, suggest higher levels of localised tensions and disputes (for example, the previously noted increase in assault indictments) than since the late 1680s. Some disturbances and violent incidents were clearly political. The 1722 elections witnessed serious violence and disorder in Denbighshire, notably at Ruthin, as in neighbouring Montgomeryshire. 160 On 5 November 1722 a group of people at Wrexham who gathered at a bonfire to commemorate the ‘great deliverances’ and toast King George (‘no Popery, no Pretender’) ‘so enraged the Jacobit party in ye town’ that they threw stones until the party was forced to disperse; there were similar incidents into December, which were followed by accusations and counter-accusations of brutality. 161

But there was no repeat of 1715 (or even 1710). In the end, as they had done in the 1640s, the population of Denbighshire pragmatically if unenthusiastically accepted the new settlement. And this time they were not confronted with zealous missionaries and foreign governors (except perhaps John Meller, whose power was far more limited than that of the Interregnum ‘Committee men’). Indeed, the eighteenth century has been seen as the great era of ‘home rule’ by the Welsh

158 Post-Restoration governments were well aware of the importance of popular support: T. Harris, “‘Venerating the honesty of a tinker’: the king’s friends and the battle for the allegiance of the common people in Restoration England”, in Harris (ed), *The politics of the excluded*, 195-232.
160 DRO QSD SR/55.7-18, 33, 41-2; NLW CC F2617. There were similar disturbances in Montgomeryshire: Humphreys, *Crisis of community*, 229.
gentry – and as a period during which they progressively lost touch with those whom they ruled, ultimately leading to a growing ‘crisis of community’, which laid the foundations for new kinds of conflict and politics.\(^{162}\) That does not mean, however, that the earlier period can simply be seen as one of peace and order, whether in terms of immediate relations between local communities and representatives of state authority; nor of the larger religious-political conflicts and tensions that ran through the seventeenth century; nor, as is the subject of the next chapter, of the ‘internal’ dynamics and disputes of local neighbourhoods.

\(^{161}\) FRO Erddig D/E 2468; NLW GS 4/43/2 (indictment for riot-assault against William Johnson et al).

\(^{162}\) This is a central argument of Humphreys, *Crisis of community*; see especially ch. 10, ‘Conclusion: some manifestations of crisis’. 
Chapter Six

Local conflicts and disputing neighbours

Introduction

As has already been noted, early modern Welsh historiography contains an uneasy and largely unacknowledged tension between two prominent approaches to local social relations. A ‘consensus’ approach tends to play down neighbourhood conflict: occasionally ‘seemingly harmonious communities were torn by petty criminal deeds, family quarrels, and cases of assault and riot’. The second stresses conflict, from dramatic images of sixteenth-century lawlessness and violence (largely focusing on gentry rivalries), to a ‘rough, brutal and unsqueamish society’ in the eighteenth century. Yet neither seems to do justice to the possible complexities of local relations in early modern Wales. This chapter turns to a closer examination of contentions rooted within local neighbourhoods, with a greater emphasis on what might be termed the ‘social’ and ‘economic’ dimensions of community life and tensions. The focus shifts somewhat, though not exclusively, to rural areas.

The discussion falls into two parts. Firstly, I explore complaints and concerns about disruptive neighbours, ideals and transgressions of ‘neighbourliness’, largely contentions amongst villagers (less often townspeople) of roughly equal social status: independent yeomen and tenant farmers, and also some minor gentry. These frequently centre on a number of themes: the disruption of the household, that fundamental ideological and economic unit of early modern society; conflict over the foundations of livelihood: land, enclosures, rights of way, livestock, crops; and the use and abuse of the power of the law. The second part of the chapter is also expressly concerned with disputes involving land and its use and access, but from a different perspective, that of ‘riot’ and violence in defence of group interests and ‘custom’. The uses of law and of violence were, far from being opposed, closely connected: I explore the strategic uses

1 There is a similar split in English historiography, with the difference that it has generated far more critical attention and debate: see S. Hindle, The state and social change in early modern England, c.1550-1640 (Basingstoke, 2000), 95-6; also A. Macfarlane, The justice and the mare’s ale: law and disorder in seventeenth-century England (Oxford, 1981), ‘Introduction: the rediscovery of violence’.  
2 Jenkins, Foundations of modern Wales, 107.  
3 G. D. Owen, Elizabethan Wales: the social scene (Cardiff, 1964), especially 30-5 and ch. 4; Howell,
of both law and extra-legal action, the range of inter-linked tactics available in the waging of such disputes. A major theme will be the allegiances made between groups of large and small landholders in defending customary rights against major landowners such as the Myddeltons, which will be developed through a detailed case-study of a series of enclosure riots and law-suits over common lands at Chirk.

**Denbighshire neighbourhoods: ideals and disruptions**

The importance of ‘neighbourliness’ in early modern England has been underlined by historians. Referring to considerably more than patterns of residence, ‘it involved a mutual recognition of reciprocal obligations of a practical kind’, ‘a degree of normative consensus as to the nature of proper behaviour between neighbours’. However, it did not encompass all locally-based social relations; it represented a relationship among, broadly-speaking, social equals, and among ‘the more settled inhabitants’. Possible regional variations, however, receive less attention; as has been noted, much of Denbighshire was (and is) characterised by dispersed settlement patterns, which may have affected the dynamics of neighbourhood relations in ways that would require more detailed local study than is possible here.

Welsh historians have nonetheless frequently emphasised the importance of neighbourly co-operation and ideals, continuing well after historians of England see increasing social polarisation and conflict. ‘The stresses and strains which were provoked as English society moved from a highly integrated, neighbourly community to a more individualist or commercial economy were not evident in Wales’. Whatever the extent of quarrelling and violence, in rural neighbourhoods down to the early nineteenth century it is argued that there were few marked ‘class’ divisions below the level of the increasingly distanced gentry. Yet, while Welsh historians have extensively examined the hierarchical social structure, there has been much less

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5 Wrightson, *English society*, 55-6, comments briefly on the significance of regional variations to ‘neighbourliness’.

study of neighbourhood relations *in action*. We need to investigate more closely the ways in which often scattered (and far from affluent) populations formed ‘community’ bonds and support networks, the circumstances under which tensions and conflicts emerged, and how disruptions were dealt with.

Court records have played an important part in study of this subject in England, whether through detailed village studies such as Wrightson and Levine’s research on Terling, or in specific studies of local crime and delinquency. I want to take as a starting point one particular form of prosecution in Denbighshire’s courts, which perhaps especially expressed ideals of neighbourliness and highlighted their disruption: ‘articles of misdemeanour’ (or similar terms), at both Great Sessions and Quarter Sessions (though more often in the latter) during the seventeenth century (averaging perhaps two a year between the 1660s and 1680s). They could be used in various situations: the 1682 excise dispute at Ruthin discussed in the previous chapter utilised this method (on both sides), and this was not the only occasion on which it was used to prosecute complaints by or against local officials. More often, though, articles of misdemeanour were directed against a neighbour who was disrupting a local community by his or her misbehaviour; they were considerably less formal, and less formulaic, than indictments (and, no doubt, cheaper), though less ‘immediate’ and personal than witness depositions.

Unlike petitions, it should be noted, articles of misdemeanour are not couched in terms of deferential supplication. These are assertive documents: essentially *prosecutions*, not appeals for aid or mercy. Most were collective efforts; although usually one or two named persons formally ‘exhibited’ (or ‘preferred’) the articles in court, they were rarely the only victims. There could be ten or more named witnesses. Thus, they did not need to ‘pray’ for help from those in authority; they exercised their own authority through their implicit – and sometimes explicit – claims to represent ‘community’ *and* to uphold law and order. Katherine Jones had accused Thomas ap Edward of fathering her bastard child, but he ‘never comitted any carnall action with her, as all the countrey well doth knowe’; John Powell committed many assaults to

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7 See Jenkins, *Foundations of modern Wales*, ch. 3, for a masterly synthesis of research on the social ‘pyramid’.


9 NLW CC B38/b.29; B25/d.13.


11 The two types of document have tended to be conflated: e.g., Amussen, *Ordered society*, 167.
Moreover, articles of misdemeanour highlighted community ideals through detailed reference to their *opposites*. Positive attributes tend to be described only briefly, in conventional terms: ‘quiet’, ‘peaceable’, ‘honest’. Mary Edwards was ‘of honest behavior & carriadge’. John Rogers ‘from his infancie hath behaved himselfe in a very faire deportment’ and was ‘of good and honest life and conversacion’. He was ‘a loyall subject’, and although himself ‘an indiffrent freehoulder’, he often ‘relieved maimed, poore, impotent, and decrepit people in their great necessitie with both foode and lodgeinge’.

Articles do share certain important characteristics with petitions. They are selective, one-sided accounts of events, concerned to convince those in authority. They are highly polarised: complainants are entirely innocent victims, who used law or physical violence alike only in self-defence and as a last resort (after ‘civil’ and ‘gentle’ efforts to persuade disturbers to mend their ways had brought only further abuse), while the actions of the accused are not simply unprovoked, they are senseless, irrational, extreme. Most of those accused only responded to the charges orally, in court; because no written record of their defence survives, we should not assume that they never had one. Although the accusations are probably rarely altogether false, they might well be exaggerated and, moreover, could be obscuring larger conflicts in which the complainants were not as ‘quiet’ as they presented themselves. I shall return to those issues, but I begin by focusing on the ‘fictional’ aspects of the documents in the sense employed by Natalie Davis, that of crafting a narrative.

Most articles of misdemeanour were prosecuted against single individuals; a few named pairs, mainly married couples, only a handful mentioned more than two miscreants. About one-third of those accused were women (somewhat higher than the proportions of women indicted or bound over: see tables 2.6-2.7 above), and while men and women alike could display any of the

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12 NLW CC B19/b.20 (my italics); GS 4/25/2.17.
13 NLW CC B16/b.11; B24/c.39. However, lodging the poor could at times be a more doubtful virtue, giving rise to charges of harbouring vagrants who might become burdens on the parish: see ch. 7.
14 Cf. M. Ingram, “‘Scolding women cucked or washed’: a crisis in gender relations in early modern England?” in Kermode and Walker (eds), *Women, crime and the courts*, 48-80, especially 65-72; even after noting acquittals in scolding prosecutions where the accused defended themselves by claiming provocation, he never seems to question the versions of events given by scolds’ accusers.
characteristics of the ‘bad neighbour’, some of its aspects did tend to concentrate around one
gender or the other. The main categories of disruptive behaviour included were: physical
violence; verbal violence (including threats, slander, cursing and swearing); insubordination and
disrespect for authority; quarrelling and fomenting discord among neighbours; attacks on
property and livestock; immorality and impiety; perversions or contempts of law and justice.
Few individuals were accused of all of these, but it was common for the accusations to
encompass a number of them. The ‘bad neighbour’ did more than to commit specified illegal
acts; he or she created an atmosphere of fear and animosity, fostered discord and disorder,
insubordination and even criminality, and threatened the cohesion of the community from within.

Physical violence (and/or the threat of it) was the most common complaint; indeed, a few
articles are simply catalogues of violent assaults. Thomas Lloyd of Llandyrnog, for example,
was accused at Great Sessions in April 1669 of assaulting seven named individuals (including his
own sister), as well as unnamed servants of his sisters and mother, since September 1666.16 And,
while this might be interpreted as evidence of ‘the bruising confrontational tone’ of Welsh
neighbourhoods in ‘a rough, brutal and unsqueamish society’,17 articles of misdemeanour equally
document what was seen as being beyond tolerable limits of violent behaviour. Thus, in contrast
to the characteristics of ‘justifiable’ violence in defence of honour, discussed in chapter 3, the
sheer ferocity of violent attacks and the absence of provocation, was frequently emphasised.18

John Price of Lleweni challenged William Jones to a fight in the road, and after being refused, ‘in
a rage’ John
did meete with one William Francys upon the kinges highway and without any
cause or reason in a furious and violent maner fell upon the said William Francys
and with a cudgell which he the said John then had in his hand did cruelly beate and
hurte the said Wiliam Francys soe that by reason therof he languished for a while,
and lost the use of one of his armes, and is in danger whether ever he shall have and
recover the strength and use therof...19

The extremeness of individual violent acts combined with the repetitive accumulation of violence
create a powerful picture of a man out of control, dangerous and frightening, a menace to his

16 NLW GS 4/27/4.5.
17 Howell, Rural poor, 213
18 G. M. Walker, ‘Crime, gender and social order in early modern Cheshire’ (PhD thesis, University of
Liverpool, 1994), 66-8, on similar strategies used by witnesses to enhance the ‘seriousness’ of assaults.
19 NLW CC B26/d.37. The long-term physical effects of such attacks were often noted, and sometimes
there was explicit reference to their economic consequences: after an assault by John Price, Margaret ferch
William ‘to this day remaynes sicke and is never like to recover her former strength beinge but a poore
maide havinge nothinge to subsist, unless it please God to graunt her health and the use of her limmes’,
CC B26/d37. For assault depositions that stress extreme violence in attacks, see, e.g., CC B23/b.5-6;
B25/a.33; B45/a.30; B50/a.12; DRO QSD/SR/37.51; SR/68.62; NLW GS 4/44/6.31 (assault by Richard
Williams alias ‘Dick the Devil’).
neighbours.

This might be associated with drunkenness, which again referred to more than simply being inebriated on occasion; it suggested habitual excess which moreover led to aggressive behaviour. Another Thomas Lloyd was ‘reputed to bee a frequent and comon drunkard, and very abusive to most persons aboute him, at such times’. Neither physical violence nor drunkenness was gender-specific. Marie ferch Harry of Llangollen, for example, attacked Marie the wife of John Thomas,

fell upon her, bitt her with her teeth in her very druncknesse, and with stones and some timber, did wound her in many places of her bodie to the great effusion of her blood, & in endangeringe of her life, and everye lymbe, and being then with childe she miscarried.21

Meanwhile, men did use verbal violence; there was no absolute gender divide. William Lloyd was ‘a comon swearer and prophaner of lords name’; Thomas ap Edward Griffith called Margaret the wife of Robert Williams ‘a drunken sow’ and William John a ‘durtie swine’ and a ‘contented cuckold’.22 Nevertheless, men were more likely to be primarily accused of physical assaults and intimidation, while allegations against women tended to focus on their words, scolding and slandering their neighbours. Garthine Walker has argued that early modern society lacked cultural conventions to speak of ‘violent women’, and tended to draw on one that was readily available: that of the ‘scold’. They emphasised the violent language that accompanied assaults by women; accounts of the assault itself tended to be rather flat and lacking in detail.23 Perhaps, then, the particularly vivid account of Marie ferch Harry’s attack on a pregnant woman made it all the more shocking. Nevertheless, this was just one of a range of complaints against Marie, as we shall see, which included the charge that she was a ‘common schowld and drunkard’; and she was, indeed, separately presented by the Quarter Sessions grand jury for scolding and breach of the peace.24

20 NLW GS 4/30/1.9.
21 NLW CC B20/d.7. Walker, ‘Crime, gender and social order’, 68, notes that attackers of pregnant women, causing them to miscarry, heightened the seriousness of the violence, the ‘moral depravity’ of the attacker ‘exaggerated by the notion of an assault on the person of the unborn child’; for another attack on a pregnant woman, this time by a man, see CC B38/a.10/1.
22 NLW CC B39/c.30; B38a.10/1.
23 Walker ‘Crime, gender and social order’, 83-9. In the Denbighshire records, no man was indicted as a scold between 1660 and 1730, although a handful of women were indicted for barratry, e.g., NLW CC B42/c.12 (with husband); GS 4/43/7 (Jane wife of John Richard); DRO QSD/SR/14.2 (with husband); SR/79.16. However, men were occasionally presented as scolds: NLW GS 32/4.22; CC B51/a.04/2.
24 NLW CC B20/d.1. There are 17 indictments for scolding (all but one at Quarter Sessions) and 28 barraty indictments, 17 of them at Great Sessions. More commonly scolds were presented by juries or constables, usually singly or in groups of 2-3, but notably 12 women were presented in 1663 by the high constable of Bromfield: CC B19/c.17. In all 31 scolds were presented at the two courts in the 16-year sample period, the last in 1695; indictments continued into the 1720s. Almost all barrators and scolds
One form of verbal violence was, in these records, exclusively used by women: ritualised cursing. For example, in 1681, Elizabeth Parry of Llwyn (p. Llanrhæadr-yng-Nghinmeirch) ‘fell downe upon her knees and cursed... Elizabeth verch Richard and wished that God would send from heaven wild fire to consume the sayd Elizabeth verch Richard and her house and her daughters house’. As Suggett comments, this kind of cursing, the ‘formal invocation of God’s wrath’, however disdainfully it was regarded by later observers, was taken very seriously. Elizabeth’s particular choice of curse was particularly terrifying, in a society that rightly feared the dangers of fire (for example, much of Wrexham had been seriously damaged by a fire during the 1640s) and punished arson very severely (as a felony without benefit of clergy), despite the rarity of the offence in court records.

Ellenor Owen of Ruabon was presented as a formidable, frightening curser and scold, ‘of a turbulent & unquiet carriage & conversation amongst her neighbours revilinge & reproachinge them with false & scandalous untrueethes usinge frequently to curse them & their cattell’. She cursed one neighbour’s cattle, wishing that they were ‘on fyer’, and also scolded and cursed the whose social status is identified were yeomen or craftsmen and their wives, or gentlemen (particularly barrators). On the gendering of scolding and barratry, see Walker, ‘Crime, gender and social order’, 70-7; whether scolding prosecutions are evidence of a ‘crisis in gender relations’ in the late sixteenth and early seventeenth centuries, D. Underdown, ‘The taming of the scold: the enforcement of patriarchal authority in early modern England’, in A. Fletcher and J. Stevenson (eds), Order and disorder in early modern England (Cambridge, 1985), 116-36; cf. Ingram, “‘Scolding women cucked or washed’”. Supporters of the thesis argue that it declined by mid-century (in Norfolk interest in disciplining scolds in church courts waned before 1660: Amussen, Ordered society, 122-3); but, intriguingly, it has recently been suggested that in Wales such a ‘crisis’ might have been delayed: M. Roberts, ‘Another letter from a far country: the pre-history of labour, or the history of work in preindustrial Wales’, Llafur, 5 (1989), 93-106, at 101. The Denbighshire records may give some support to this idea, but more research would be needed.

25 See R. Suggett, ‘Witchcraft dynamics in early modern Wales’, in Roberts and Clarke (eds), Women and gender, 75-103. Cursing by men was not unknown in Wales, but he suggests that before the mid-eighteenth century it was an overwhelmingly female activity.

26 NLW CC B38/a.12. An Elizabeth Parry was also accused in 1673 of cursing her neighbours at Wrexham in similar terms, although the geographical distance makes it seem less likely that this was the same woman: CC B29/a.3; D. L. Davies, ‘The black arts in Wrexham’, TDHS, 19 (1970), 230-3; Suggett, ‘Witchcraft dynamics’, 92. Similarly, Prudence Williams the wife of Edward Jones was in 1670 alleged to have cursed her landlord and his family and ‘hoped ere long’ to see all of his houses in Wrexham ablaze: CC B26/c.18.

27 Suggett, ‘Witchcraft dynamics’, 91, 96, noting late-eighteenth-century comments concerning Flintshire farmers’ fears of being cursed by turnip thieves. ‘Incredible as it appears, numbers of them are in fear of being cursed at St Aelian’s well and suffer the due penalty for their superstition’: T. Pennant, The history of the parishes of Whiteford and Holywell (London, 1796), 159-60. See also K. Thomas, Religion and the decline of magic: studies in popular beliefs in sixteenth- and seventeenth-century England (London, 1973), 599-611.


29 See B. Capp, ‘Arson, threats of arson, and incivility in early modern England’, in P. Burke, B. Harrison and P. Slack (eds), Civil histories: essays presented to Sir Keith Thomas (Oxford, 2000), 196-213; P. Roberts, ‘Arson, conspiracy and rumour in early modern Europe’, Continuity & Change, 12 (1997), 9-29; Sharpe, Seventeenth-century England, 160-1. There were just seven indictments for arson in Denbighshire 1661-1730, and only two of the defendants were convicted, but both were probably executed: NLW GS
neighbour’s son when he was working on some trees on his father’s land. She scolded and threatened a work party repairing the highway near her house so aggressively that they abandoned their work. Lastly, on the way to church in the company of Elizabeth Davies she ‘causelesly’ scolded Elizabeth so that she ‘for feare of’ Ellenor turned back; and on another Sunday on the way home from church, Ellenor pursued Elizabeth ‘with threatning & revilinge speeches insoemuch that shee did all shee could to avoid her’, yet Ellenor persisted in following and scolding her. Ellenor was so disruptive that she was preventing her neighbours from fulfilling their own obligations as good neighbours and subjects.

While cursing was associated with witchcraft, the offences of the cursers already noted did not include reference to the use of magical practices. Witchcraft in early modern Wales was predominantly (if not exclusively) the work of women, and the instances recorded in articles of misdemeanour, though not common, do have a particularly feminine – and sexual – orientation. Katherine Jones of Minera (p. Wrexham) mixed a drink using herbs to give to ‘younge woemen that had unlawfullie... conceaved with childe, interlie and of purpose to destroie the childe then in her bodie’ (and similar accusations were levelled against Marie ferch Harry). Katherine also made love potions which destroyed marriages and households: her ‘entising’ potion caused Anna ferch Hugh Griffith ‘to forsake her husband and followe another man’. Marie ferch Harry, on the other hand, simply left her own husband – for an incestuous union with her own brother from which she returned with a child ‘supposed’ to have been fathered by him. And ‘it is not yet known, what is become of either her said brother or husband, both of them supposed to destroye one another’.

Charges of sexual immorality were not particularly prominent, however, in articles of misdemeanour (or other records) at Great Sessions or Quarter Sessions. Women were perhaps accused of sexual incontinence slightly more often than men, and moreover it could play a more prominent part in the charges against them. John Lloyd of Gwrych (p. Abergele), esquire, was accused of having seven or eight bastard children, but this was just one charge at the end of a long list of offences; in contrast, the lurid account of Marie ferch Harry’s desertion and incestuous cuckolding of her husband headed the list of accusations against her. Katherine Jones and her family’s transgressions were all related to sex, and moreover were deeply concerned with

4/29/5.46; 4/30/5.85-6; 4/31/1.8; 4/31/6.81; 4/33/2.39; 4/36/2.56.

Ellenor was committed to gaol to find sureties for the behaviour, ‘for scowlinge & usinge & devisinge scandalous stories & untruethes to rayse debate amongst her neighbours’: NLW CC B19/b.34, 37/3.

Similarly, John Lloyd of Gwrych ‘did soe threaten his neighbours that severall of his neighbours durst not come to their parish church to hear divine service, nor to the markett town about their lawfull osccasions’: NLW GS 4/33/2.9.

the ways in which they incited others to deviance: apart from Katherine herself procuring abortions and making her ‘entising powder’, her two daughters ran a bawdy house (under cover of an alehouse), ‘where they entise young men and woemen to leudenesse, and... keepe great disorders, and very evill doeings and courses’; moreover, one of them was pregnant and falsely accusing a local man of being the father.³⁴ Alehouses, as ever, were a source of concern for the disorders they encouraged, perhaps especially amongst the young. Ales ferch Rhytherch of Llandyrnog not only kept an unlicensed and disorderly alehouse, she also permitted ‘the neighbours servants into her sayd house to tipple & to play at unlawfull games’. In addition to this, Ales, a widow, ‘hath noe man liveing within the same house but admitteth of women inmates with her’.³⁵

More than illicit sex in itself, subversions of proper family and household order frequently constituted a significant part of the charges against both women and men (although, again, charges against men emphasised physical violence).³⁶ John Powell was specifically accused of attacks on his sister Anne and his father Piers Powell, as well as ‘neighboures & strangers’. The abuse of his father and the challenge to patriarchal authority that it represented was particularly highlighted; he insulted Piers in an outburst which included many ‘irreverent speeches for a sonne to use towards his father’.³⁷ Much of Thomas Lloyd’s violence was directed at his own family: apart from assaulting a sister and family servants, he had one night ‘violently rushed and entred into’ his sisters’ house and threatened them. As a result of his threats and violence, the servants had neglected their work ‘and doe resolve and declare that they will leave and forgoe their said service for feare of receiveing further harme’: Thomas was causing the breakdown of an entire household.³⁸ William John Anwyll was accused in 1666 of undermining patriarchal authority in another man’s household, that of his neighbour John Lloyd senior of Gwrych, gent. Although he had already been bound to keep the peace, he kept in his house several firearms he

³³ NLW CC B19/b.20; B20/d.7.
³⁴ NLW GS 4/33/2.9; CC B19/b.20.
³⁶ On theories of familial and household order, their wider political significance and workings in practice: S. D. Amussen, ‘Gender, family and the social order, 1560-1725’, in Fletcher and Stevenson (eds), Order and disorder, 196-217; Amussen, Ordered society; Wrightson, English society, ch. 4.
³⁷ NLW GS 4/25/2.17.
³⁸ NLW GS 4/27/4.5.
had received from John Lloyd junior and Humphrey Lloyd; even worse, he had plotted with the younger John and Humphrey against the life of John Lloyd senior and ‘doth harbour them in his house day & night for that purpose’. He also harboured persons who stole goods from John Lloyd senior, and himself burgled John’s house and barn. Finally, he intimidated witnesses brought against him, including threatening to kill Thomas John Anwyll (his brother?).  

Accusations of theft were considerably less common than violence, perhaps reflecting the fact that complaints were being made against ‘middling’ and to a lesser extent minor gentry offenders rather than the marginal poor. There were different ‘channels’ for dealing with theft: on the one hand, petty pilfering motivated by need was likely to be dealt with informally; conversely, more serious felonious thefts were supposed to be prosecuted by formal indictment. Most of the few mentions of theft are almost incidental, merely one of a catalogue of offences. Theft was unusually high on the agenda in the case of William Lloyd, a butcher who was suspected ‘by all or most’ of the inhabitants of Betws-yn-Rhos of stealing sheep, as he was selling large amounts of mutton very cheaply at Denbigh and other towns (undercutting the legitimate butchers in the process). However, this case was also unusual in depicting William as on the very margins of the community, both economically and geographically: he lived ‘with his father in an obscure place in ye mountaines’ and ‘hath noe visible estate to maintaine himselfe’. 

However, violent attacks on property – houses, goods or livestock – were more frequently recorded, sometimes related to assaults and threats to the owners (such as forced entry to houses to attack an inhabitant), sometimes independent of interpersonal violence. William ap Edward of Tywyn (p. Abergele) chased neighbours’ cattle away from his property ‘soe inordinately that the cattell were very many lymes hurt and spoyled soe that many thereof died’. John Price, his wife and two other men riotously broke into the close of William Jones of Galltfaenan (p. Trefnant), ‘and brake open one gapp therein and drive one horse & carr or dragg over and through the said close’ (for which he was also indicted). Peter Williams and his wife Katherine ‘did batter the walls of [Simon Jones’s] house’ at Llandyrnog, forced their way in, beat Simon and ‘thence threw him forcibly out of his possession’. 

The common statement that disturbances had been committed when the perpetrator was already bound over had a two-fold impact. Firstly, it demonstrated that there was a history of

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39 NLW CC B22/d.44.
40 Though it should be borne in mind that ‘middling’ groups, notably yeoman farmers, were frequently indicted for property offences at Quarter Sessions: see table 2.5 above. Allegations of theft also made up the majority of slanders litigated at Great Sessions in Flintshire: R. Suggett, ‘Slander in early modern Wales’, *BBCS*, 39 (1992), 119-49, table at 127.
41 NLW CC B39/c.30; for a more incidental accusation of pilfering, CC B38/c.19.
42 NLW CC B19/c.15; B26/d.37, 14; GS 4/28/5.49.
disorderly behaviour. For example, John Price had been ‘severall tymes bound to the peace... for several misdemeanours’; Hugh Vaughan had been bound to the peace twice, ‘yet doth not reclaime’. Secondly, it emphasised disrespect for authority, a recurring theme varying from rude irreverence through to violent abuse of officers and expressions of contempt for the law. Jane the wife of Thomas ap Thomas caused a disruption in Llanelidan church, jostling her neighbours in what may have been some kind of pew dispute; when she was reprimanded by one of the church wardens, she said to him, ‘Crewch ych pen ol’ (‘Scrape your backside’). John Powell told two of his neighbours, ‘The hast a warrant to take me, Ile take thy warrant... & wipe my tayle with it’. Peter Williams threatened and cudgelled a constable who tried to arrest him, and escaped. Richard Jones said, on being upbraided for his unruly behaviour: ‘What care I if I kill two or three I will goe to Ireland or France where I shall never be questioned for soe doing’.

The vexatious and manipulative use of the courts to intimidate and harass neighbours, or to ‘sow discord’ amongst them, represented a further demonstration of contempt for law and justice as well as creating local strife. Women were rarely accused of vexatious litigiousness, and when they were, it was usually in association with their husbands. Peter Pierce, ‘backt & seconded by his wife Jane’, had ‘severall quarrells with severall persons on purpose to have an occacion to comence vexacious suites’. Jane the wife of Evan David spat at and insulted John Roger, whom she had had bound to the peace ‘without cause’, with the probable implication that she was attempting to provoke him to an assault or disorder that would cause him to forfeit his recognizance. Her husband Evan, meanwhile, frequently used the law to attack his neighbours. While petty constable of Pengwern (p. Llangollen), he got a warrant against John Thomas from a JP, and additionally chose to execute it late at night: calling John out of his bed, ‘hee tooke him by the throate’ and threatened him before having him bound over. He also compounded his offences by using distant, expensive courts; he commenced malicious, unjust lawsuits in both the Council in the Marches and the London courts, forcing his opponents to make expensive out-of-court settlements rather than attend expensive and inconvenient trials; indeed, he was ‘soe litigious & subject to molest people’ that the mere threat of a suit was sufficient to compel them to do as he wished.

It was said of Evan David that unless he ‘were questioned & punished, not anie neighbour

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43 NLW CC B26/d.37; B21/d.15.
44 NLW CC B16/d.11; on the social significance of church seating and disputes about it, see Amussen, Ordered society, 137-44; D. Underdown, Revel, riot and rebellion: popular politics and popular culture in England 1603-1660 (Oxford, 1985), 29-33.
45 NLW GS 4/25/2.17; GS 4/28/5.49; CC B17/d.40.
46 NLW CC B38/c.19.
47 NLW CC B24/d.40.
should or could live at quiet’. The ‘bad neighbour’ was not someone who occasionally got drunk and misbehaved, quarrelled with neighbours or relatives or went to law to resolve a conflict, but one who did these things persistently, unjustly, maliciously, and who destroyed the ‘quiet’ of whole households and communities, undermining patriarchal order and the peace of the realm, until their victims were forced to turn to the law courts in an effort to impose discipline. That, at least, was the narrative created by complainants in making their case: but how far did it resemble the reality of relations between accuser and accused?

Contestation and dispute: local and legal contexts

My focus so far on the linguistic construction of articles of misdemeanour has not been intended to reduce them to mere ‘texts’. Rather, the aim has been to explore what insights they might offer into attitudes, what was regarded as particularly threatening to order and community cohesion in early modern Wales. Nevertheless, the question remains: how ‘truthful’ were they? It affects our interpretation of the cases: what were articles of complaint used for? Are they evidence of ways in which communities attempted to bring under control disruptive elements which undermined law and order, and ‘community’ itself, turning to the law as a last resort when other means of pacification failed?\(^48\) Or might we more sceptically see in them possible instances of the courts being manipulated and abused in the course of neighbours’ disputes, ‘malicious’ prosecutions representing essentially ‘instrumental’ attitudes to the law?\(^49\) And do they then represent ‘authentic’ expressions of community ideals and anxieties about ‘order and disorder’ or those of the authorities to whom they were addressed and aimed to influence?

The simple polarities of the accusations need to be more closely interrogated. Firstly, it is worth pointing out that the courts did not automatically accept all the accusations. Where decisions are recorded, it appears that the bench took some pains to separate out those allegations that were backed up by credible testimony. Only two of the charges against Marie ferch Harry,


for example, were deemed to be ‘proved’, and the lurid charges of incestuous adultery were among those rejected. Occasionally, clear evidence emerges that accusations were malicious. At Quarter Sessions in January 1682, Thomas ap Edward Griffith of Clocaenog preferred articles of misdemeanour against Robert John William, alleging that he was ‘a man of evill report amongst his neighbours & hath at several tymes cutt & clipt the haire’ of grazing cattle; that he had bribed people not to appear as witnesses against him in law suits; and that he had purchased a debt owed by Thomas and was pursuing the action in the lordship of Ruthin’s courts. But this is followed by extensive evidence of Thomas’s past ill will toward Robert John William and another man, Owen John. In 1678, he had been made to submit to mediation by the local parson and had signed a declaration that having ‘rashly & in drink’ defamed Owen and Robert, he was ‘ready & willing to make any reasonable submission to the offended persons’ publicly in the parish church. But he soon ‘fell to frequent & fresh quarrells’: insults, slander, physical attacks, threats to sue Robert in London courts ‘untill he made him a begger’, pulling down his fences. As a result, Thomas was bound over, but his continuing ‘outrages’ caused him to forfeit his recognizance; in October 1682, he petitioned the bench to communicate his remorse at ‘disturbing of his good peaceable neighbours’, and to beg for merciful treatment. But it is rare that there is such clear evidence of malice and falsehood.

Much more common, however, is evidence of underlying mutual conflict between accuser and accused; what were represented in articles of misdemeanour as unwarranted attacks on quiet and orderly neighbours can emerge on closer investigation as considerably more contested affairs. Sometimes they were conflicts relating to property, livestock, or the use of land. Anne Lancelot, a widow of Cacadutton (p. Holt), complained in July 1685 that John Richardson and his son John, while bound to the peace, had on more than one occasion violently ‘rescued’ his cattle which had been found trespassing on her land and were being driven to the pinfold. The Richardsons had indeed been bound to keep the peace towards Ann; but they gave the court a very different account of events, in which the recognizances became part of malice against them. John Richardson senior, of Dutton-y-brain (p. Holt), had since April been co-tenant with Ann of the field in which the cattle had been grazing, but she ‘did out of meere malice & against all law’ have his cattle driven out of the field and sent to the pinfold. After he had had them released (any details of how this was effected, it should be noted, were omitted from his petition), he sent his son John and a servant to return them to the field, but they found Ann and Urian Weaver, 50 NLW CC B20/d.7. Similarly, only two of the complaints against Thomas Lloyd of Llandyrnog were ‘proved’: GS 4/27/4.5.

51 NLW CC B38/a.9 (articles ‘not proved’), 10-10/1; B38/b.34; B38/c.18; B38/d.1, 43; BL Add. MS 40175 (NLW MS 4753D), f.24.

52 See also Howell, Rural poor, 129-32.
gent., with several others waiting ‘with staves & pikells & did then & there in a hostile manner withstand & hinder your peticomers said son & servant to turne the said cattle into the said pasture’. On learning of this John went to the field with his other son Roger and daughter Elizabeth and ‘the said Richardson thelder being constable in the kings name demanded the peace & that he might turne his cattle into their pasture’. But they refused and he was forced to break a gap in the fence, after which Weaver said to Ann, ‘Wee will bind them all to the peace & then wee may doe whatt wee will with them’.

It seems very likely that both sides simply wrote their own more dubious actions out of their respective accounts (and probably exaggerated the misdeeds of their opponents). The Richardsons additionally failed to mention that they had previously been bound to keep the peace towards Ann Lancelot, in 1684; no details of this earlier binding over are available, but it does suggest that there was pre-existing bad feeling, which could have both contributed to and been exacerbated by the dispute over grazing. That John Richardson was a constable and that both sides were employers of servants highlights, yet again, the extent to which such conflicts involved not marginal elements but communities’ established and more substantial members.53

I have already suggested the significance of references to offenders being already bound over when they committed disturbances, in terms of establishing a previous history of offending and lack of respect for the authority of the law. But that too could be only one side of the story; sometimes the accusers turn out to have been bound over by the accused. Very occasionally, complainants acknowledge as much, but such admissions are rare – even if accompanied by assertions that the binding over was malicious – perhaps because they drew attention to the possibility of mutual conflict rather than unilateral abuse. Marie ferch Harry ‘in her drunken and madde humours’ was said to have challenged Magdalen Edwards ‘with most uncivill and opprobrious speeches, onelie to provoke her to the breatch of the peace, which she was formerlie ingaged to observe’. There was no suggestion that the original binding over had been malicious (although the attempts to provoke Magdalen into behaviour that might lead to forfeiting her recognizance were ‘meerlie in malice’). But, unsurprisingly enough, nor was there was any elaboration of what Magdalen’s own offence towards Marie had been.54

This issue is well illustrated by the case of Elizabeth Parry of Llwyn, who as we have seen

53 NLW CC B41/c.30, 33; B41/c.47-47/1; B40/c.12, 13, 15. It might be added that twenty years earlier, a John Richardson of Dutton-y-brain had been accused of bigamy; in 1685 Anne Lancelott and Urian Weaver were accused of adultery; and that forty years later one Margaret Weaver of Is-y-coed (p. Holt) fathered her bastard child upon Roger Richardson: CC B21/d.35; B41/a.33-4; DRO QSD/SR/73.27. Further local study might well elucidate these persisting connections and tensions.

54 NLW CC B20/d.7, 33. Their dispute, whatever it was, was subsequently mediated by a JP, who wrote to the clerk of the peace that he had ‘made them friends’: CC B21/a.35. For a case where the binding over
was accused in 1682 of dramatically cursing Elizabeth ferch Richard and her family.\textsuperscript{55} It was reported that Parry told a neighbour that her husband Robert Morris had

heard the sayd Elizabeth verch Richard to speake something in disgrace of the Elisabeth Parry but if that she the sayd Elizabeth Parry had b[een] herselfe then present she would have killed the sayd Elizabeth verch Richard... Gwen verch Evan then asked the said Elizab[eth] Parry what then would have come of her, she the said Elizabeth[her] Parry then answeread if I had killed her I would have willingly b[een] hanged at the Green upon that account...

The force of this accusation of extreme verbal violence, then, is to some extent undermined by the revelation (nowhere denied) that Elizabeth ferch Richard had herself wronged Parry, by speaking ‘in disgrace’ of her, and provoked her anger. Additionally, the very first charge in the articles that Parry was ‘a common quarreller’ was not substantiated by the rest, all of which were actions specifically directed against Elizabeth ferch Richard and in one case, Edward Griffith and his wife Jane. On this occasion, that initial effort to construct Parry in terms of the ‘bad neighbour’ might well be seen as tactical. Indeed, the absence of any recognizance or other legal decision against Parry, whereas Elizabeth ferch Richard, Edward Griffith and his wife had recently been bound over to keep the peace towards Elizabeth Parry and her husband, implies that the court declined to accept this construction of Elizabeth Parry’s behaviour.\textsuperscript{56}

Recognizances, along with other documents, then, sometimes provide evidence warning against taking allegations in articles at face value. In a considerable number of Quarter Sessions recognizances individuals, usually near neighbours, were reciprocally bound to keep the peace towards each other, and these were occasionally cases where one of the parties was complained against by articles of misdemeanour. For example, Thomas ap Hugh and Thomas ap William Bevan (or ap Evan) of Llandrillo-yn-Rhos were mutually bound over in this way towards the end of 1664, and Thomas ap William Bevan preferred articles (alleging general ‘ill fame’ and threats of violence) against Thomas ap Hugh in January 1665. Thomas ap William Bevan, indeed, appears to have been at the centre of some conflict in and around Llandrillo; he also preferred articles against Reynold Williams, that Reynold had assaulted him in church, and the local constables had failed to take any action.\textsuperscript{57}

\textsuperscript{55} After, all, cursing was not merely ‘irrational’ violence, but was ‘linked with notions of justice and the concern to punish wrong-doers’: Suggett, ‘Witchcraft dynamics’, 90.

\textsuperscript{56} NLW CC B38/a.12; B37/d.34; DRO QSD/SB/1, October 1681. Parry was also accused of attempting to provoke Elizabeth ferch Richard to violence after the latter had been released from her recognizance.

\textsuperscript{57} NLW CC B21/a.17-8; also B21/b.34-5; B21/a.21-2. Thomas ap Hugh was committed to the house of correction on Thomas ap William Bevan’s complaint: CC B2.35. Three years later, Thomas ap William Bevan was accused of causing the death of an ox belonging to Richard Owen by allowing a servant to set his dogs on the beast; he claimed in turn that the accusation was malicious: CC B24/c.15-7, GS 4/27/3.76.

During the 1660s almost one-fifth of Quarter Sessions peace bonds were used to ‘mutually’ bind a pair of...
According to Dalton, who was clearly anxious about potentially vexatious uses of binding over, if ‘a man will require the peace because he is at variance, or in suite with his neighbour, it shall not be graunted by the justice of peace’. And yet ‘variance’ between neighbours is precisely the situation implied by such mutual binding over. It should not, though, be taken inevitably to indicate vexatious motives on either side. For one thing, in most cases the pair of recognizances was issued by the same magistrate (quite often at the same time), suggesting that he agreed that both parties had a case to answer. The practice is intriguing, though the Denbighshire records unfortunately do not contain any clues as to why it was used: perhaps ‘mutual’ binding over was regarded as a useful tool to bring pressure to bear on both sides of a dispute to resolve their differences. But it is unknown whether the impetus to do this came primarily from the disputants’ neighbours or from local authorities. Nor do the Denbighshire records indicate how effective the practice was in resolving disputes compared to the more conventional binding over of a single party.

Apart from binding over, some of those prosecuted by articles of misdemeanour made other appearances in court. Some were formally indicted on charges directly related to the complaints made against them, most commonly assault or assault-riot. Additionally, a few men accused in articles of stirring up lawsuits and manipulating legal process were also at some point prosecuted for barratry; and their encounters with the courts could span years or decades. Some fifteen years after Evan David of Pengwern (p. Llangollen) was prosecuted at Quarter Sessions by articles of misdemeanour, an Evan David, yeoman of Llangollen, very likely the same man, was indicted at Great Sessions for barratry. John Lloyd of Gwrych, a JP, was indicted twice for individuals, so it seems to have been a more significant practice than in Middlesex: R. B. Shoemaker, Prosecution and punishment: petty crime and the law in London and rural Middlesex, c.1660-1725 (Cambridge, 1991), 110. However, by the 1680s it was rarer, one or two cases a year: see, e.g., CC B38/d.36-7; B39/c.41-2; B39/d.43, 48; B50/d.27-8; B51/a.30. It may still have been in use during the eighteenth century, but the growing tendency for Denbighshire magistrates to issue recognizances for the behaviour, which unlike peace bonds rarely specify an individual towards whom ‘good behaviour’ was to be kept, hinders its identification.

59 Unfortunately, the informal mediation and arbitration that probably resolved most cases of binding over appears only occasionally in the Denbighshire court records, and with very little detail to throw light on the process; for brief references, see NLW CC B21/d.28; B22/c.34; B37/h.2; B40/c.35; B51/b.17. For more detailed discussions of this topic, see Ingram, ‘Communities and courts’, 126-7; Sharpe ‘ ‘Such disagreement’’, 174-6; Shoemaker, Prosecution and punishment, ch. 4; Muldrew, ‘Culture of reconciliation’; Hindle, The state and social change, 107-10; Ll. B. Smith, ‘Disputes and settlements in medieval Wales: the role of arbitration’, English Historical Review, 421 (1991), 835-60.
60 E.g. John Price (NLW CC B26/d.14; GS 4/28/3.92); Evan David (CC B24/c.5); Richard and Catherine Jones (CC B17/d.39).
61 NLW CC B24/d.40; GS 4/32/2.65. Although Garthine Walker has suggested that there was in reality little behavioural difference between ‘female’ scolding and ‘male’ barratry, it might be suggested that here the latter did particularly signify this kind of legal abuse – and as such might indeed have been more frequently committed by men: Walker, ‘Crime, gender and social order’, 70-7; see also Ingram, ‘‘Scolding
this offence as well as being complained against by articles at Great Sessions in 1685 for
(amongst other things) embracing juries, suborning and threatening witnesses, procuring
‘unnecessary’ law suits and stirring up quarrels, maliciously suing several of his neighbours,
deliberately leaving his lands unfenced so their cattle would trespass on his property and being ‘a
man of debauch life & conversacion’ who never took the sacrament and had fathered several
bastards.\(^{62}\) But this was in John’s case just one of several encounters with the courts. In 1683,
he and John Doulben of Gwrych, esquire, were mutually bound to keep the peace towards each
other. He had been indicted with three other men in 1671 for riot, breaking into a house and
assault. Moreover, he was almost certainly the younger John Lloyd of Gwrych who had been
accused of plotting to kill his own father in 1666.\(^{63}\)

But, yet again, some of the complainants in articles were to be found being prosecuted for
attacks on those whom they accused. In 1672, Peter Williams of Llandyrnog and his wife
Katherine were accused by articles at Great Sessions of quarrelling, assaulting and threatening
neighbours and officers, pilfering and so on. But at the same sessions, men named among the
witnesses to the complaints against Peter and Katherine were indicted for ‘riotously’ breaking
into a close belonging to Peter and taking away two cartloads of growing barley.\(^{64}\) A set of
articles against William ap Edward at Quarter Sessions in July 1663, which included alleged
assaults on William Davies and two of his servants, also made no mention of the fact that
William Davies (or David) and others had been indicted at the previous session for an assault on
William ap Edward.\(^{65}\) Neither William ap Edward nor Peter and Katherine Williams were
accused of any malicious abuse of the law. In contrast, the catalogue of John Lloyd of Gwrych’s
vexatious litigation and other legal abuses casts doubt on a number of prosecutions initiated by
him where the defendants included men who had made complaints against him – especially given
the nature of his accusations. Humphrey Williams, for example, was indicted three times, once
for perjury (for accusing Lloyd of assaulting him during an arrest) and twice for conspiring to
defame Lloyd by spreading rumours that he aided French and Irish papists.\(^{66}\)

Finally, two striking features of the patterns of use of articles of misdemeanour invite

\(^{62}\) NLW GS 4/32/4.34, 4/33/2.32; 4/33/2.9. Lloyd had been made a JP in July 1684 (renewed June 1685),
and removed from the commission of the peace of September 1686: NLW CC F1116-8.

\(^{63}\) NLW GS 4/33/2.9; CC B39/c.41-2; GS 4/28/5.71; CC B22/d.44. Doulben was named as one of those
on the receiving end of Lloyd’s abuse in the articles of 1685.

\(^{64}\) NLW GS 4/28/5.49; 4/28/5.70.

\(^{65}\) NLW CC B19/c.15; B19/b.11.

\(^{66}\) NLW GS 4/33/2.9 (alleging that Lloyd had threatened Humphrey when he was a witness against him
and had incited another man to sue Humphrey); see also petition of Humphrey Davies, CC B40/a.13;
B40/b.16; B46/c.23; GS 4/34/3.30; and CC B40/c.5; B46/c.23; GS 4/35/3.37.
attention, although they raise more questions than can be answered here. First is their chronological incidence: after being a regular feature of the court records until the mid-1680s, they disappeared quite suddenly. Nor did they have any obvious successor; petitions were only occasionally used in a similar manner. Were these informal and ‘communal’ methods of complaint no longer being used at Quarter Sessions? There is a parallel decline in the use of binding over – particularly in recognizances to keep the peace, which virtually disappear by the late 1720s (figure 6.1). Yet, as noted in chapter 3, assault indictments increased in number at both Great Sessions and Quarter Sessions from the 1690s (table 3.2 above). It certainly seems unlikely that neighbours suddenly ceased to dispute or misbehave.

Figure 6.1: Binding over to the peace/behaviour at Quarter Sessions, 1663-1728

Source: sample B (see appendix 2)

67 There are just three examples later than 1685: one in 1690 and in 1695 (both of which are more scrappy, uncertain, documents than the earlier examples); and one document, much later in 1728, described as ‘articles of the peace’, similar in style to the seventeenth-century articles but quite different in subject, being brought by a woman, Margaret Studley, against her abusive husband: NLW CC B46/b.5; B51/d.1; GS 4/44/3. In Norfolk, however, similar types of document at Quarter Sessions seem to have largely disappeared somewhat earlier, from the 1660s: Amussen, Ordered society, 177. (Articles of misdemeanour were probably more common during the first half of the seventeenth century; although Quarter Sessions records do not survive before the mid 1640s, articles average about one a year in the 1630s Great Sessions gaol files – considerably more than in that court after the Restoration.)

68 E.g. NLW CC B47/c.21; B47/d.19; QSD SR/38.14.

The increase in binding over to the good behaviour is of interest: it could conceivably be regarded as a replacement for articles of misdemeanour, representing more collective, communal complaints than swearing to the peace: according to Dalton a recognizance for the good behaviour was usually ‘to be granted at the suite of divers’ persons ‘whereas the suretie of the peace is usually grunted at the request of one’. Unfortunately for this theory, eighteenth-century Denbighshire JPs do not in fact seem to have made such nice distinctions: a number of occasions can be identified during the 1720s where they issued recognizances for the behaviour after recording that an individual had sworn the peace against another party. Historians have noted that ‘good behaviour’ demanded a higher standard of behaviour to avoid forfeiture and could be issued under an even wider range of circumstances, permitting magistrates enormous discretionary powers. So it could be suggested that from the magistrate’s point of view, the behaviour recognizance was a more potent symbolic weapon of authority ‘from above’ (even when it actually derived from a complaint ‘from below’), than binding over to the peace. And, while the trend suggested here was not confined to Wales, that might have particular resonance for early eighteenth-century Wales, with the rise of the Welsh ‘Leviathans’ and a process of social and cultural distancing between governors and governed. The court business represented by articles of misdemeanour may have been re-routed to other fora such as petty sessions; but their disappearance, along with the decline in recognizances, hints that Quarter Sessions was gradually becoming less accessible for informal complaints by ordinary villagers.

The second notable feature of articles of misdemeanour is geographical and somewhat puzzling: not only were most rural in context, two-thirds came from just two hundreds, Isdulas and Ruthin, and few were from Bromfield, which usually accounts for high proportions of all types of recorded offence (and most forms of prosecution). Moreover, certain parishes appear

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70 Dalton, *Countrey justice*, 170; see Hindle, *The state and social change*, 100.
71 E.g., QSD/SR/57.50-3; SR/67.40-1; SR/77.12-5; SR/80.44. This happened in a very high proportion of the few cases where the depositions swearing the peace do survive.
73 See N. Landau, *The justices of the peace, 1679-1760* (Berkeley, 1984), 244-63, on declining business at Kent Quarter Sessions; while much business (such as poor relief and petty offending) was shifted to petty sessions, Quarter Sessions became more bureaucratic, formal and grand; and ‘constables and even the community were increasingly disinclined to use the machinery’ (248).
74 See tables 2.9-2.10 above. Of those articles whose location can be identified, Isdulas accounted for 11 cases, Ruthin hundred for 14, and the other four hundreds together just 10 (of which 4 were from Bromfield). ‘Urban’ articles of misdemeanour were often rather different from ‘rural’ ones, however; three of the four Ruthin town cases involved disputes with officials, and the only case recorded at Wrexham involved an attorney whose main targets of abuse were other figures of authority: NLW CC B25/d.13, GS 4/31.6.28-30, CC B38/b.32-3; B51/d.1; GS 4/30/1.9. There are no Denbigh cases, and these
disproportionately often: notably Llandyrnog (Ruthin hundred), Abergele and Llandrillo-yn-Rhos (Isdulas), parishes whose contribution to the indicted crime rates is far from noteworthy. Sometimes there are discernible if rather opaque connections between complaints, as in the three cases located at Llandrillo: these may well relate to a single, if particularly intense, dispute.75 Two of the six cases in Abergele townships directly involved John Lloyd of Gwrych; it may be speculated that some of the others owed something to his disruptive influence.76 However, the four cases from Llandyrnog cover a period of over twenty years and share no common names or other (at present) identifiable links.77 Perhaps detailed community studies would uncover underlying connections and help to explain the specific dynamics underlying the disorders in these diverse parishes. At the moment, more can be said about their (contrasting) demographic and agricultural characteristics than their internal social relations.78

What can be noted is that the geographical focus of articles of misdemeanour, away from the pockets of urban and industrial development, frequently results in an emphasis on the central concerns of farming communities. If it is rarely possible to be sure of the truth or otherwise of individual accusations, it does seem likely is that often the accusers were not quite as innocent as they portrayed themselves. Yet that does not in itself mean that they were acting with calculated ‘malice’, a label that grossly oversimplifies complex, ambiguous motives and emotions.

Whatever local particularities might be at work, complaints from across the county, from a variety of communities, contain recurrent, shared themes: family, livelihood, land and livestock. These contexts root them firmly in the mental worlds of those involved; genuine or not, perhaps framed with an eye to what would most impress and alarm magistrates, they did nevertheless express real concerns and sources of tension within those communities.

were probably taken to the borough Quarter Sessions, inevitably obscuring the true picture for Isaled.

75 NLW CC B20/c.6; B21/a.21-2.
76 NLW CC B19/c.15; B21/d.15; B22/d.44; B38/c.19; B39/c.3; GS 4/33/2.9.
77 NLW CC B17/c.44; GS 4/27/4.5; GS 4/28/5.49; CC B39/b.20.
78 Llandyrnog was among the most densely populated parishes in the vale of Clwyd, following rapid population growth since the sixteenth century, with good farming lands of which a high proportion was under plough. Much of it had been enclosed by the early seventeenth century, largely held under small freehold tenures, although (unlike many settlements in the Vale) there were still some open fields. Abergele and Llandrillo were both in northern Isdulas, with dispersed settlement, little enclosure and much slower population growth, although Abergele, in the fertile coastal plain, was one of the more populous parishes in Isdulas: B. M. Evans, ‘Settlement and agriculture in north Wales, 1536-1670’ (PhD thesis, Cambridge 1966), Llandyrnog: 53, 84-5, 139, 153; Abergele and Llandrillo: 81, 83, 84.
In 1670, a law-suit at Great Sessions between the Myddeltons and the Morris family of Kevenhire in Banhadla (p. Llanrhaeadr-ym-Mochnant), contesting title to a piece of property called Cae’r Goe in nearby Prys (or Tre-brys), resulted in a legal judgement in favour of the Myddeltons. The Morrises promptly sought to have the decision overturned, obtaining a writ of error from the court. And they chose to supplement the law with force, with fatal consequences. Theodor Morris the younger threatened four men who had temporarily been left in charge of the house at Cae’r Goe by Richard Myddelton of Llansilin. The men sent for guns and barricaded themselves into the house before Theodor returned with a group of men that included his brother John and one of the family’s servants, John Price, carrying both the writ and an assortment of weapons including swords and guns of their own. The men inside refused to hand over; after efforts to break in, shots were fired from both sides and Price was shot and killed. He was quite possibly shot by someone in his own party; the situation was extremely confused and each side blamed the other. Both groups were separately indicted for the killing, but what happened subsequently is also rather confused; much to the Myddeltons’ displeasure, the Morrises had their case removed by certiorari to King’s Bench, claiming that they could not obtain a fair trial against the influence of the Myddeltons. There might have been some truth in that, but it was alleged that the elder Theodor Morris habitually used writs of certiorari to remove prosecutions against himself, his family or supporters to distant courts expressly in order to discourage prosecutors.79 Certainly, the Morrises frequently turn up in Denbighshire court records from at least the 1630s into the eighteenth century, usually on charges involving assault and riot.80

Homicide was, it must be stressed, an extreme outcome for a land dispute, and the Morrises seem to have been an exceptionally turbulent gentry family.81 But the events leading up to the death of John Price were not so unusual – they were simply recorded in detail because of the outcome – in terms of the strategic, intertwined use of a range of courts and legal processes and of extra-legal violence to protect interests and assert rights. Exploring these issues, however, requires us to go beyond the records of ‘crime’ in the Great Sessions and Quarter Sessions and begin to examine records of civil suits in Wales and in central courts. There has been some study of Welsh litigants in Star Chamber and the Council in the Marches for the Elizabethan and early

79 NLW GS 4/28/2.1-21, 124-5; CC F6924, F12718, F12644.
80 NLW GS 4/21/4.45; 4/26/5.39-40 (riot, housebreaking and attempted rape); GS 4/27/1.87-8; 4/27/3.59 (barratry); 4/36/4.52; 4/37/1.1; CC B21/a.1; DRO QSD/SR/2/18-9; CC F6294 (warrant to take Theodor Morris into custody to find sureties for his good behaviour, 1722).
81 Though they had some rivals, notably the Broughtons of Marchwiail, frequently indicted for assault and riotous behaviour over two generations: NLW GS 4/30/5.84; 4/32/2.19-21, 40-1, 63-4; 4/32/4.32;
Stuart period, but so far no attempt to compare this legal activity to the use of county courts. Moreover, there has been little study of the intimidatingly voluminous (and uncalendared) records of the civil side of the Great Sessions in any period, or the post-Restoration use of central London courts by Welsh litigants. It was unfortunately not possible within the confines of this study to address that, but a number of legal records drawn from estate archives will be used to introduce some of the interactions between law and violence in Denbighshire.

It has been commented that it was easy enough to persuade the Welsh to bring their cases to the courts that were established in the sixteenth century, but ‘it was another matter to get them to accept their verdicts and to submit to them with a good grace’. Most probably did submit (gracefully or otherwise); if they had not, the system would have broken down. But on occasion they did reject legal decisions and resisted attempts to carry out courts’ orders. A dispute over the payment of rents in the lordship of Ruthin (over £960 of arrears owed to the crown, representing rents unpaid since the Restoration) led to dramatic resistance when royal officers attempted to execute a Treasury warrant to seize tenants’ livestock for the unpaid rents in late 1669. The resistance was led by some substantial burgesses and gentry, who were said to have given ‘threatening language’ to those attempting to execute the warrant, and the servants of Charles Goodman, esquire, rescued some cattle ‘declareing they would & were comanded to dye rather then lett ye cattle be destreynd’. Ellis Lloyd, gent., also resisted the distrainers and rescued his cattle and then
drew his sword agaynst me & the men whom I employed to drive his cattle, swoare severall oathes that he would stab & cut in peeces, whosoever should presume to distrayne his cattle, smote one of my servants with his naked sword, and stabbed another in the side, [and] vilified the authority of my warrant...

More than this, a concerted legal campaign was mounted against the collection of the rents: a meeting of tenants was called, at which each contributed half a year’s rent to fund legal

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85 NLW CC F4572; F4575; F4579.
action. Local magistrates were intimately involved in the legal campaign and giving support to the direct resistance: Owen Thelwall and William Parry were named as among the leaders of the tenants in persuading the rest to ‘wage lawe rather then pay theire just dues’, and Parry was specifically accused of inciting the tenants to oppose the warrant. Parry also refused to issue warrants against those resisting distraint; moreover, Thelwall and Sir John Salusbury were subsequently accused of putting pressure on a jury to find an unwarranted indictment at a ‘privie sessions’ in Ruthin (brought by the ‘persuasion’ of the Goodmans) against the distraining officers for riot, forcible entry and assault.86

The crucial context for this resistance was a legal battle over title to the lordship that lasted thirty years from the 1650s. Sir Francis Crane (known as ‘Tapestry Crane’ for his involvement in tapestry production in England) had in 1634 bought the royalties of the lordship, for £4000 and an annual rent of just over £243 8s, and it went to his brother Sir Richard Crane when he died without issue in 1637.87 Following Sir Richard’s death, also without heirs, a dispute arose between two sets of distant relatives (Arundels and Cranes) over the terms of Sir Richard’s will. The law courts seem to have had no great difficulty in deciding, repeatedly, in favour of the Arundels; unfortunately, however, local sympathies evidently did not concur with the courts.88 Such partisan loyalties were not however mentioned in the legal defence mounted by the tenants. It was claimed that most of the arrears were owed by the lord and not the tenants (implying, it seems, corruption on the part of previous rent collectors); and, moreover, that the Treasury had no right to demand anything directly from the tenants: ‘theire rents are not due to the kinge but to Sir Frauncis Crane and his heires’, and even if the latter had failed to pay the crown, ‘the kinge cannot distraine the tenants for any rent or services’. If rents owed by the tenants were not paid directly to the lord he might force them to pay him the same rents again, an issue that might have been a genuine concern in a situation where there were rival claimants to an estate.89

The sheer intensity of opposition to the rent collectors also suggests that the argument may have been something more than a legal stratagem. But in any case it was not met with much sympathy; it was formally recommended that the ringleaders should be summoned ‘to appeare before your lordships [at the Treasury] or before his majesty in counciill, to answer the sayd misdemeanours, being of so dangerous a nature & example... and that the messenger may be impowred to proceed in the levying of the said arreares, for his majestys service, with a clause of assistance to the sherife & justices of the peace’. Whether such measures were in fact employed,

86 NLW CC F4572-3; F4582; F4576; F4578.
87 See W. J. Smith, ‘“Tapestry Crane” and the lordship of Ruthin’, NLWJ, 7 (1951-52), 160-1.
88 NLW CC F5595; F4585.
89 NLW CC F4589; Wynn of Gwydir 2568-9.
most of the arrears were eventually paid; and the last legal challenge to the Arundels’ title was in 1683.\(^{90}\)

However, other kinds of land dispute continued to take place in and around Ruthin, disputes over customary rights.\(^{91}\) In 1682, members of the Thelwall family were also involved in a different kind of dispute over land, in which the ‘Parke Gate’ on lands of Sir Thomas Myddelton near Ruthin town was ‘constantly broake in peeces’ by inhabitants claiming a right of way to transport hay from lands belonging to Edward Thelwall during the hay harvest; Thomas Thelwall, gent., Evan Francis, Thomas Roberts, Robert Pierce and Thomas Jones were those specifically named. But according to the Myddeltons’ complaint against the ‘rioters’ there was no ‘right’ of way; Myddelton had in the past merely agreed to allow ‘some’ of the town’s inhabitants to use the route through the park ‘on condition that they mend any gaps they made’.

The gate-keeper, Peter Hughes, testified that he had been employed by Myddelton for over four years, keeping the gate, which was only for the access of Myddelton and his tenants, ‘locked up for the better preservacion of [Myddelton’s] lands’, and until 1681, no one else had claimed any right of way to his knowledge. Following the complaint, the Council in the Marches issued an order that the defendants were ‘to permitt & suffer the said complainant peaceably & quietly to hold & enjoy the said gate’ pending a final legal decision (outcome not known).\(^{92}\)

But there was soon more trouble over these and other rights of way at Ruthin. The dispute over the park gates entered the Great Sessions records in a way that highlights the anthropologist Simon Roberts’ point that there may be ‘some disparity between the form in which a dispute appears in court and the “real” substance of the quarrel which gives rise to it’, and thus the legal record sometimes gives ‘an uncertain guide to the nature of social tensions’.\(^{93}\) For Peter Hughes the gate-keeper was indicted in spring 1683 for perjury in accusing Robert Jones, one of the gate-breakers, of assault (the prosecutor was another gate-breaker, Evan Francis). From the gaolfiles alone we would know nothing of the background to this perjury prosecution: that the assault had taken place when Hughes tried to prevent Jones and his companions from breaking the gate; nor that there were eye-witnesses (one of them the JP who had taken the allegedly false deposition) prepared to testify to the truth of Hughes’ accusation. Nor would we have any idea of the context

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\(^{90}\) NLW CC F4582; F5595.


\(^{92}\) NLW CC F11262; F10389; E6313.

surrounding allegations, at the following Great Sessions, that two senior Myddelton agents – one of them Thomas Prichard, the county clerk of the peace – had attempted to rig the jury for Peter Hughes’ trial. Whether those accusations were true or not (there is no record of any prosecution against Prichard or his colleague, following examinations taken before the not-yet-infamous George Jeffreys, chief justice of Chester), they certainly demonstrated just how contentious this issue had become.  

As do two further indictments: these apparently disputed a different piece of land and right of way in or near Ruthin, but involved a number of the same people. Firstly, William Jones and others were accused of riot and assault on John Humphreys and Ellis ap Richard of Maesmaencymro (p. Llanynys), at Ruthin on 21 July 1683, a bill prosecuted by Robert Jones. Allegedly, William and his companions had obstructed John and Ellis, who were leading two horses with drag loads of hay from a meadow called Gwerne-y-Clas, ‘peaceably and quietly without anie thing in their hands the common and usuall way of carriage of hay from the said meadow to the towne of Ruthin’, threatened them with violence if they continued, cut the ropes binding the hay, and struck both men. However, in response, the witnesses were to be ‘strictly’ questioned as to whether ye parties indited were not makeing of hey and the persons on whom ye pretended assault is supposed to be made did make a gapp on ye hedge of William Jones & carried hey thorough his ground ye supposed assaulate was noe more but ye hindering them in a gentle maner to have a way where they had noe right to a way...

Secondly, at the next Great Sessions a counter-prosecution was brought against John Humphreys, Ellis ap Richard, Edward ap Richard and Robert Pierce for riotously breaking into the close of William Jones and assaulting him. 

Disputes over customary rights or enclosures could flare repeatedly over decades and even generations. Conflict over the rights of way through the Myddelton lands at Ruthin

94 NLW GS 4/32/1.50; 4/32/2.23-6; CC F11560; F13191.
95 NLW GS 4/32/2.35, 66; 4/32/3.35; CC F9943-4. The Robert Pierce (of p. Llanynys) in the second indictment is almost certainly the Robert Pierce amongst the breakers of Ruthin park gates: Robert Pierce, of Maesmaencymro (p. Llanynys), was bound over to keep the peace to Peter Hughes at Quarter Sessions in October 1682: CC B38/d.23. Also, Robert Jones, prosecutor of the indictment against William Jones et al, cannot be certainly identified with the Robert Jones who was accused of assaulting Peter Hughes, but I suspect that it is not coincidence.
recurred a decade later: the park gates were broken open again on five separate occasions in July
and October 1692.\(^{97}\) When it came to enclosures, strange-seeming reversals could take place.
Anti-enclosure riots were reported on Galltegfa common (p. Llanfwrog), where ‘some of the
rioters would claim [rights of herbage] as common time out of mind’, in February 1712. But on
the same common in 1728, reported ‘riots’ involved raising illegal enclosures in defiance of the
landlord, exploiting the existence of a previous enclosure: ‘if theres be taken down they say they
will doe ye like with this’.\(^{98}\) However, perhaps that simply indicates the complexities of attitudes
towards enclosure in seventeenth- and early eighteenth-century Denbighshire and elsewhere.
That those resisting enclosure had previously carried out enclosures of their own is, in fact, a
common theme in the records. It was intended to undermine the resisters’ case, but it should not
automatically be seen as evidence of hypocrisy, since all enclosures were not automatically
objectionable. Enclosure came in many forms including small-scale encroachments by
inhabitants through to much larger enclosures of common lands by landlords; the former has
been described in seventeenth-century north Wales as a quiet and steady ‘process of nibbling’,
which led to few law-suits (it was generally congenial to landowners as a source of rental
income), whereas more extensive enclosures attempted by landlords for their own profit often
met ‘resolute opposition’.\(^{99}\)

This was certainly the case with the recurring disputes during the seventeenth century
over enclosures at Rhos-y-waun (also called Chirk Heath or Gwaun Issa). The first Sir Thomas
Myddelton was hauled into Star Chamber over complaints about enclosures of commons within
two years of purchasing the lordship, and faced particular opposition from the long-established
Edwards family of Plas Newydd in the early seventeenth century. In 1618, they complained to
the Council in the Marches about illegal enclosures in Chirkland at ‘Rorseth Werne’ and seizures
of land at ‘Wayne Issa’. This has in some accounts been characterised as personal hostility, even
malice, towards the powerful newcomers from traditionalists; Sir Thomas Myddelton II’s
biographer argues that on the whole relations between landlord and tenants were good, and that
the management of the estate was ‘careful and business-like’ rather than ruthlessly
exploitative.\(^{100}\) Nevertheless, enclosures at Rhos-y-waun remained a particular bone of

\(^{97}\) NLW Lordship of Ruthin 1744, 1715. Another Thelwall was among the accused on these occasions.
\(^{98}\) NLW CC E6120; E3126; see also Wynnstay L173.
\(^{99}\) Evans, ‘Settlement and agriculture’, 294, 291. Evans outlines five main forms of enclosure, including
the much-criticised conversion of arable open-field systems to enclosed grazing (virtually unknown in
north Wales where there was so much pasture available), and emphasises the diversity in chronology and
extent of enclosure in north Wales, and of responses to it, 281-96, 323-30. Even the larger enclosures that
tended to arouse opposition were very different to the whole-scale enclosures by Act of Parliament of the
later eighteenth century.
\(^{100}\) NLW CC F13316; Dodd, *Stuart Wales*, 29; G. R. Thomas, ‘Sir Thomas Myddelton II, 1586-1666’
contention between landlord and commoners throughout the seventeenth century.  

The timing of the next recorded attack on the enclosures, September 1659, may be significant. Sir Thomas II had taken part in Booth’s Rebellion in Cheshire that summer, which led to him being declared a traitor and deprived of his estates in August. He fled to avoid arrest, and had to wait until the return of the monarchy for his own restoration. The opponents of his enclosing activities, then, may well have taken advantage of the opportunity provided by his fall from power. In the course of the subsequent legal action against the rioters, they claimed in response that Myddelton’s enclosures, which had been erected about fourteen years earlier during the ‘late usurped power’, were illegal and to their ‘prejudice wrong and greate damage’, as the lands were part of the commons which they used to graze their livestock. However, it would seem that their argument was ultimately unsuccessful: twenty years later exactly the same enclosures were under attack again. And this time the assault was led by a man whose political power rivalled that of the Myddeltons: Sir John Trevor of Bryncunallt (p. Chirk). On 23 February 1681, he and a group of at least six men went to a number of enclosures in Rhos-y-waun, in each case asking ‘one Edward John David a very ancient man & tenant to Sir John’ whose lands they were and how long they had been enclosed, before ordering the rest to pull down the enclosure. Further incidents were reported over the following month, some of them in Sir John’s presence, and on at least one occasion, with the support of a local JP.

And, again, resistance was also pursued in various law courts. The almost predictable indictments of a number of people whose enclosures had been pulled down, for riotous assault on the fence-breakers, were prosecuted at Great Sessions. According to one of their ‘victims’, Jacob Reynolds (who was prominently involved in the destruction of the enclosures), on 8 March he and Richard Browne were working, as they had been ordered by Sir John, ‘in a peaceable manner’ to pull down enclosures on the common, when Edward Joseph and Rees Daniel


101 It is not altogether clear why this should be: enclosure proceeded quite slowly in Chirk hundred, and much of the activity was small-scale encroachment; there was plenty of common to go around: B. M. Evans, ‘Settlement and agriculture’, 216, 284, 323-9. However, it may be that in this specific area, close to Chirk Castle itself, there was more of a problem (which is perhaps implied in the complaints). Also, inhabitants of the lordship were accustomed to strong manorial protections and may have been particularly assertive in resisting any threat.

102 Morgan, ‘Sir Thomas Myddelton II’, ch. 3; Dodd, Studies in Stuart Wales, 162-72 passim.

103 NLW Lordship of Ruthin, 1464-5, 1597.

104 The dictionary of Welsh biography down to 1940 (London, 1959), s.v. ‘Trevor family of Brynkynallt’.

105 NLW CC F12713, F12818, F12906, F12921, F5996, F13133; also Lordship of Ruthin 1692, 1696, 1728. This questioning of an ‘ancient’ man is another reminder of the appeal to custom, the authority of the past, at the heart of this kind of dispute; it also connects this direct collective action against enclosures to legal challenges, since it was similarly a frequent feature of the official testimony in law-suits: see Thompson, Customs in common, 98; Wood, ‘Place of custom’, 52.
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‘threatened to knock out their braines and to cleeve their heads’. Edward’s and Rees’s own enclosures had been pulled down three days earlier; the prosecutions may well be calculated and vexatious (that the fence-breakers behaved ‘peaceably’ is certainly doubtful), but that the small tenants affected might have responded with anger and even violence is equally likely. And Rees Daniel was among several who had experienced this before in 1659.

Meanwhile, a range of law-suits were launched by both sides in courts outside Denbighshire. Myddelton went to the Council in the Marches to complain about the disturbances, inaccurately claiming that the enclosures had been quietly held ‘for the space of forty yeares now last past without the lett or interruption of any person or persons whatsoever’, and he also prosecuted Trevor and others in King’s Bench. And he claimed that Sir John had brought a total of 13 actions complaining about Myddelton’s enclosures at Rhos-y-waun in the Court of Exchequer at Westminster. Whatever the number of suits, Trevor did indeed go to that court, with a remarkable narrative of growing rapacity and abuse of power by successive Myddeltons, checked only by the determined resistance of commoners.

Trevor claimed that in the lordship of Chirk ‘there were antiently time out of minde and till of late divers large and great wastes up and downe’, giving all the tenants sheepwalks, ‘libertyes of common’, cattle grazing without stint and a wide range of other rights. However, the first Sir Thomas, ‘grudginge it seemes soe much common to his tenants did by litle parcells dispersedly taken in inclosed and encroach much of the said commons’, at Rhos-y-waun. But some of the tenants ‘minding theire rights and haveinge justice of theire sides’ pulled down the enclosures and got a judgement in their favour from the Council in the Marches, and Sir Thomas I retreated. Sir Thomas II, however, was of ‘a more greedy disposicion’, and, taking advantage of ‘the late warrs and troubles’ and his own enhanced power as a military commander, ‘enclosed even what and where he pleased without controle’, dividing up the common partly for his own park and partly into small tenancies ‘to the great increase of beggers’. All that had prevented him from enclosing all of the wastes, it claimed, was the direct action of tenants in pulling down fences (seemingly referring to the events of 1659). Sir Thomas II’s eldest son had persuaded Trevor – whose own common rights had been badly affected by the enclosures – not to take further action himself at that time, promising that when he inherited he would ‘lay all open’; but he

106 NLW GS 4/31/4.70-2, 4/31/4.57.
107 NLW CC F12713.
108 Four tenants’ names are the same in both 1659 and in 1681 and probably a further three in 1681 were children of the earlier tenants. Additionally, one of the fence-breakers of 1681, Robert Nathaniel, was the son of Nathaniel Thomas who had been amongst the 1659 rioters and had died in 1663: see NLW CC D84, Isclawdd leet court and view of frankpledge, October 1663.
109 NLW CC F13133, Lordship of Ruthin 1692. It would be less than surprising if the dispute also made
predeceased his father, and the third Sir Thomas inherited as a minor. The latter made further promises to remove the enclosures, but ultimately reneged on them once he thought that most of the witnesses against him would be dead or too old to travel; he had publicly declared that he would spend £20,000 pounds before he would take down one foot of the enclosures, and he had ‘frighted’ the tenants ‘out of their rights’. To prevent him unjustly using his great wealth to multiply suits, it was requested that he either be ordered to take down the enclosures or be ‘restrained’ to just one ‘faire and indifferent triall’.  

Myddelton’s answer to these accusations was less than compelling. He claimed to know nothing of any previous enclosures by his grandfather or of them being pulled down – Trevor was entirely contemptuous of this claim – but he hoped to prove that the enclosures were lawful and that there was plenty of common remaining for all those who needed it. (His ignorance was also selective: in a second set of ‘answers’ he was able to refer to several centuries of the lordship’s legal history and to cite older enclosures as legal precedents.) One judge reporting to the court of Exchequer in May 1681, at any rate, found in Trevor’s favour. But that was far from being the end of the matter, whether in the law courts or on the ground. In 1688, Myddelton was writing of his hopes of negotiating agreement with the Trevors on a number of issues including the enclosures. And in 1692, the enclosures at Rhos-y-waun were thrown down again by Trevor’s ‘servants’ – although this time it was strongly denied that Trevor had any knowledge of it. The truth of that cannot be ascertained; but it is striking that he was now distancing himself from what he had previously so openly supported.

By 1692, Sir John was probably rather less interested in local and county matters than he had been in early 1681; after a slight lull in his political fortunes after the Glorious Revolution (for his support of James II), he was busily rebuilding his influence with the new regime (before his final fall for gross corruption). Back in 1681, however, he had been fighting the Myddeltons for the county seat in Parliament. Indeed, the election, which he had won by unscrupulous exploitation of a technicality, had taken place amid considerable disturbances just one week before the first assault on the Rhos-y-waun enclosures. And the election was just the most

an appearance in some form in Great Sessions litigation.

110 NLW Lordship of Ruthin 1454.

111 NLW Lordship of Ruthin 1455, 1727, 1463. Trevor thought that Myddelton’s claimed ignorance was ‘downright perjury’, unless it were in the very strict legal sense that he did not know it ‘of his owne knowledge’, as an eye-witness: A. L. Cust, Chronicles of Erthig on the Dyke, vol. I (London, 1914), 57.

112 NLW CC E77, E5797.

113 G. M. Griffiths, ‘Chirk Castle election activities, 1600-1750’, NLWJ, 10 (1957-58), 33-50, at 46-50; Dodd, Studies in Stuart Wales, 205-6. The technicality was a candidate’s residence in the county; had the new parliament lasted more than a few days the Myddeltons could probably have overturned the decision.
dramatic and public episode in a long-running series of disputes between the two families.\textsuperscript{114} However, agreement was reached about political representation by 1685, sponsored by a royal government alarmed at the ‘explosion of partisanship’, in a deal whereby the Myddeltons secured the county seat in return for supporting Trevor in the boroughs.\textsuperscript{115} So, for Sir John, had this long-running conflict about enclosure merely been something to be exploited for his own political advantage?\textsuperscript{116} It is difficult not to suspect it, especially given his notorious reputation.

But commons were of vital importance to many smaller landholders, and from their point of view it might be argued that Trevor’s motives for his actions were less important than the benefits to be gained from having his support. He had the financial resources for litigation, as well as a wealth of legal expertise, and the influence to back it up \textit{and} to protect them against prosecution. It can be argued that they readily took the opportunity his rivalry with the Myddeltons offered in 1681, just as they had seized the opportunity presented by Sir Thomas II’s political fall back in 1659. The role of gentry supporters in resisting enclosures, and their particular contribution to legal forms of resistance (not to mention the \textit{recording} of resistance for the benefit of future researchers), has been noted by eighteenth-century historians. As E. P. Thompson comments, ‘[u]nless some party with a substantial interest was involved on [the small commoners’] side, their rights were liable to be lost silently and without contest’.\textsuperscript{117} The disadvantage might be that smaller commoners’ own grievances became obscured in fights between more powerful men – indeed, they could be seen by outsiders (including historians) as mere pawns in other people’s power struggles – to whom the commoners’ interests were ultimately of secondary importance. It looks suspiciously as though the commoners of Rhos-y-waun were losing their ‘patron’ by 1692, as he came to terms with his local rivals and shifted his political energies elsewhere. But the outcome is so far unknown; the Chirk Castle records seem to be silent on this topic after 1692.\textsuperscript{118}

The Rhos-y-waun disputes highlight the complexities of seventeenth-century enclosure disputes and the alignments of those involved in them. Again, further local study of the participants and their victims would be required to elucidate the status of those involved over the

\textsuperscript{114} Notably a dispute over pews in Chirk church: Thomas, ‘Sir Thomas Myddelton’, 22-3; W. M. Myddelton, \textit{Chirk Castle accounts}, 1605-1666 (1908), 14n.
\textsuperscript{115} Dodd, \textit{Studies in Stuart Wales}, 209.
\textsuperscript{116} A lawyer giving his (admittedly not very impartial) opinion on the case for Myddelton thought that ‘it savours of spleen and malice’: NLW Lordship of Ruthin 1695.
\textsuperscript{117} Thompson, \textit{Customs in common}, 141; also Neeson, \textit{Commoners}, 208-10, 267-70, 284.
\textsuperscript{118} Chirk and Chirkland was the subject of an Enclosure Act in 1839, which may provide helpful records: I. Bowen, \textit{The great enclosures of common lands in Wales} (London, 1914), 53, 42.
course of the seventeenth century, but they certainly included both major and obscure gentry, yeomen and labourers, opposed not only to the lord of the manor but also some of his small tenants (who included colliers working in his mines). The complaint that Myddelton’s enclosures had increased the numbers of beggars in the area echoes a theme highlighted by Steve Hindle: the fears of opponents of local enclosures that the loss of commons ‘would inevitably lead to an increase in the burden of poverty and, in turn, of poor rates’. They were quite right too. Such anxieties probably came later to most Denbighshire parishes than in England, but there are signs of growing concern and conflict in some hundreds, including Chirk, from the 1660s – as will be seen in the next chapter.

**Conclusion**

The conflicts around land and property discussed in this chapter were particularly dramatic, exceptional episodes in sometimes long-running disputes and in a wider context of tensions about land use: conflicts over grazing or straying animals, access for harvesting, contested ownership, are simply examples. A dispute over enclosures can connect us on the one hand to high-level political machinations amongst the county elite (which were serious enough to alarm central government), and on the other to growing concerns about the burden of the poor. It points to the emerging conflicts between ‘modernisers’ (or ‘improvers’) and the interests upheld by ‘custom’, which would become much more serious in the late eighteenth and nineteenth centuries. But in seventeenth-century Denbighshire it cannot be seen in terms of polarised ‘class’ conflict between patricians and plebs – although it is also necessary to bear in mind that the alliances discussed here did not represent equal alliances, nor did they necessarily outlive short-term coincidences of interest.

Hindle stresses that it is crucial to explore ‘the shifting configurations of interest within the social order’ in analysing such local disputes and their wider significance. He adds that (English) historians’ emphasis on conflict between rural middling and poorer sorts has obscured their ‘shared struggles’ and ‘the willingness of the more prosperous to defend their poorer neighbours

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in certain situations where their interests ran in similar directions’. 121 It would be difficult to level this criticism at Welsh early modernists, who stress co-operation and shared values between employing and labouring groups until at least the late eighteenth century. 122 There is much to be said for this view in the Welsh context with its extensive upland commons, many small hill-farmers and readily-available, cheap tenancies. However, it has tended to inhibit closer investigation of the situations in which conflicts could arise, of the possible extent of such frictions and their longer-term, varying development in Welsh regions. I turn now to a discussion of these issues, through the examination of relations between independent householders and the dependent poor, between ‘settled’ inhabitants and poor strangers, and between servants and their masters.

121 Hindle, ‘Persuasion and protest’, 75.
122 See, e.g., Humphreys, Crisis of community, 54-6, 76-83; Howell, ‘Welsh agricultural neighbourhoods’, 461; Howell, Rural poor, 33-4, but see also 132-4, which begins to explore tensions between farmers and labourers.
Chapter Seven

Experiences of authority at the margins of ‘community’

Introduction

‘Community’, it can be said, comes into focus at its ‘boundaries’, defined as much by what is excluded as what is included. \(^1\) This chapter examines a three-way set of relations: local authorities, ‘independent’ householders and taxpayers, and groups rendered ‘marginal’ and subordinate in local hierarchies by their dependence on the charity or employment of others for their survival. The focus is on three groups occupying varying places on (or beyond) the ‘margins’: ‘settled’ inhabitants reduced to needing charitable and parochial relief, poor ‘strangers’ and servants. This discussion will be concerned with to what extent and the ways in which the three groups were differentiated, ‘included’ or ‘excluded’, the means of providing for, or disciplining, them, and how these might have been changing over time, as well as their own strategies, legal and illegal, for survival, their negotiations and difficulties with the legal system.

Keith Wrightson has pointed out that in every neighbourhood there was both a ‘continuum’ and a ‘hierarchy’ of belonging, and emphasised the paradoxical nature of the poor relief system: ‘providing relief, enforcing discipline, an expression of communal responsibility yet a potent reminder of social distance’. Even the ‘settled’ poor occupied an ‘ambivalent’ position, and sometimes had to negotiate the politics of the poor relief system, to demonstrate that they were deserving and entitled. \(^2\)

‘Settlement’ (again, paradoxically, both a valuable resource for the poor and a tool that could be used against them) defined one set of community boundaries, but it could be contested – increasingly so, it seems, in Denbighshire. However, poor mobile ‘strangers’ were far more vulnerable to ‘exclusion’, to becoming objects of suspicion, ‘criminals’, vagrants and thieves; and they are often fragmentary and shadowy figures in court records. I finish with a discussion of an essentially ambiguous social group, servants (and also apprentices): young and single, often from poor families, moving from one service to the next, yet living within and closely identified with their masters’ households. It is not surprising that tensions could arise or that they could experience ill-treatment and abuse. But court records

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\(^1\) A. P. Cohen, _The symbolic construction of community_ (Chichester and London, 1985), especially ch. 2.

encompass both vulnerability and agency, conflict and co-operation; servants are not simply offenders, the ‘usual suspects’, or victims.

Parishes, paupers and poor relief

There seems to be a prevailing view that there is little to say on this topic in Wales, especially north Wales, before the mid-eighteenth century. A. H. Dodd’s pioneering article of 1926 emphasised the late adoption of poor rates compared to English parishes and the ongoing importance of traditional forms of informal, personal or community-based, charity, until industrial and urban development along with war and enclosures made pauperism a newly urgent problem in the late eighteenth century. This continues to dominate discussions of the subject. It was certainly not a reflection of a prosperous society; as Dodd commented, ‘to say there was little pauperism is not to say there was little poverty’. Indeed, it is in the context of a harsh environment and generally impoverished (and also cash-poor) society, less polarised between affluent propertied and poor landless groups than in England, that the workings of the old poor law in Wales need to be understood. The distance from independence to dependence was, by implication, even shorter than in England, inhibiting the processes of differentiation that have characterised understandings of English attitudes towards the poor.

There is no question that in Wales expenditure on formal poor relief was low until the second half of the eighteenth century, with growth accelerating from about 1750. In the earlier period, apart from famine years, most parochial relief was directed towards the aged or disabled ‘impotent’ poor or orphaned children; most of the able-bodied poor, most of the time, could be relieved without recourse to ‘official’ poor rates. However, more systematic research into local archives has begun to modify

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4 Dodd, ‘Old poor law’, 112.


6 Humphreys, *Crisis of community*, 88-94; see also Howell, *Rural poor*, 96; J. Williams, *Digest of Welsh
this picture and to show an earlier period of expansion. Adrian Teale has argued that Dodd’s view of the situation before the mid-eighteenth century is over-simplified, masking significant local variety, and ‘far too idyllic’. Melvin Humphreys’ examination of Montgomeryshire vestry records shows, moreover, that there were rapid and substantial increases (not subsequently reversed) in the numbers of Montgomeryshire poor relief claimants between the mid-1690s and about 1720, followed by a more stable period to mid-century. Additionally, the poor laws may have also had a significant impact on relations between Welsh parishes well before the mid-eighteenth century, creating rivalries and tensions that were symbolically expressed in a number of festive rituals, growing in popularity from the later seventeenth century, such as the mabsant and the ‘guarding of the summer birch’.

A systematic analysis of the levels and distribution of poor relief in Denbighshire during the period 1660-1730 would require careful study of parochial records. This discussion of the topic as it appears in Denbighshire’s court records, primarily in Quarter Sessions, is necessarily selective. Going beyond the records of ‘crime’ into the court’s administrative business, it nevertheless focuses on situations where conflict brought what was usually a local matter to the attention of the county authorities – but, after all, what was contentious may itself be significant. What the court records do indicate is that by the 1660s, the absence of compulsory poor rates, which Dodd and other historians have emphasised, cannot be taken to imply that organised relief at parish level, and with it the politics of exclusion and control associated with the old poor laws, was unimportant. Moreover, the records suggest variations in need and provision across the county which deserve more considered attention.

Most records relate to the county’s southern hundreds. The prominence of Chirk and neighbouring parishes in Yale (and western Bromfield) during the later seventeenth century may reflect the local influence of the Myddeltons. In 1665, for example, Sir Thomas Myddelton and another JP sent a directive to the churchwardens and overseers of the poor in Chirk parish, requiring them to take special care ‘that the poore of your said parish be releeved by imposing a competent summe and rate upon your parish... as for raiseing a stocke as well for the setting of the said poore to worke, as also for placing (as apprentices) such children, as their parents are not able to keepe’.


9 Teale, ‘Battle for poverty’, 75, shows striking variations in the proportions of paupers amongst neighbouring parishes in Flintshire.
settlement or refusals to pay relief. In the eighteenth century, however, the focus shifted to Wrexham and the surrounding parishes, which account for the majority of settlement examinations and removal orders. What was happening in the north-west of the county, especially before the eighteenth century, is obscure, which if nothing else suggests that poor relief there was less often a source of conflict. Yet even if developments were largely confined to the southern hundreds and to urban areas, this would represent people whose numbers, and experiences, are far from negligible.

Dodd’s dichotomy between ‘local and personal charity’ (meeting ‘all normal calls’) and ‘official action’ (for emergencies only) is an over-simplification even by the 1660s. A view of Denbighshire’s implementation of the poor laws in terms of magisterial failure and lack of commitment, based on Quarter Sessions records, is also inadequate: it seems to over-emphasise the significance (and capacities) of institutional relief and it signally fails to consider the agency of paupers themselves, demand (or possibly lack of it) and strategies ‘from below’. It might be argued that this is best seen as a period of transition in administration. There was a continuing preference for more flexible and informal methods of raising money, for forms of aid that did not drain cash reserves, and for assistance facilitating self-help amongst the able-bodied poor. Nevertheless, whatever its source, parish officers in Denbighshire after the Restoration were also busy administering and distributing constrained funds of money (or withholding them), just as their English counterparts did.
officers – and the inhabitants of parishes themselves – were concerned to exclude ‘strangers’ from parochial benefits; petitions for relief might be countered by appeals from the overseers of the poor arguing that the claimant had no settlement in that parish. And the situation was not static.

The primary concerns of formal parish relief in the later seventeenth century (and probably well beyond), to judge by Quarter Sessions records, were with maintenance payments for the ‘impotent’ poor, the elderly and disabled, and orphaned or abandoned children. ‘Paupers’ in Denbighshire, it has been suggested, ‘were regarded in general with distrust and disfavour by parishioners because of the likelihood of their becoming chargeable to the parish’. But that generalisation does not withstand closer examination. While officials might contest a pauper’s status, equally striking can be demonstrations of local support for their appeals. Nevertheless, the crux of the matter was the need to demonstrate ‘belonging’ in both geographical and moral terms: ‘settlement’ was crucial, but not the whole story. Petitions highlighted not only the primary qualification of established residence, but the sheer desperation of the petitioner’s situation: the application for poor relief was presented as a last resort after all other means of maintenance had failed. Further, the elderly, in particular, emphasised their life-long contributions to their communities through fulfilling the obligations of taxes, charity and their labour. The latter, it should be noted, was as likely to be highlighted by women as men. Katherine ferch John Griffith, for example described herself as a

poore ould lame blind & decreeped person, haveinge noe meanes to mayntayne, her & not able to gett her liveinge, and beinge borne and bread in the parish of Llangollen..., where shee lived, all or most parte of her life hitherto & gote her liveinge by her heard labors, till shee fell into this poverty and decreepednes, beinge not able to helpe her selfe nor to weare her cloathes, butt by the helpe of others, and hadd like to a starved this last winter, butt for the helpe of well disposed people of the parische of Llandissillio, the said parishioners of the parische of Llangollen refusinge to releive her...

Similarly, Elizabeth Knox, a widow of Wrexham: after sixty years as a schoolmistress in the town, ‘in which calling shee behaved her selfe very industrious’, ‘taught the poore free, and brought up many fatherlesse children upon her owne charge’, age and failing sight were making her ‘incapable of acquiring a livelyhood by her endeavours’.

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18 E.g. NLW CC B22/d.17-8: Edward ap Robert petitioned the bench for relief in Llandysilio-yn-Iâl; the churchwardens there, however, said that he was a resident of neighbouring Llangollen.
20 E.g. NLW CC B22/c.24-5; B38/b.47-47/1.
21 See Boulton, ‘Going on the parish’, 26-8, on the language of pauper petitions.
22 NLW CC B21/b.12. It would seem that, though she was ‘born and bred’ (as she emphasised, three times) in Llangollen, Katherine had been living for some time in Llandysilio-yn-Iâl. Perhaps the status of her settlement there was uncertain, and the parish officers, even if some residents had given her informal help, were unwilling to establish a permanent entitlement; the bench, however, ordered Llandysilio to relieve her.
23 NLW CC B20/d.2 (granted an allowance of 12d per week). See also, e.g., DRO QSD SR/65.6. Men were perhaps more likely to comment on their tax-paying contributions: e.g., NLW CC B22/d.17; B38/d.25.
Petitions for the relief of younger disabled adults and children strongly emphasised their helplessness: the underlying implication may well be that they were too incapacitated even to beg. Two of the eight children (one a teenager, the other about 21 years old) of Harry John of Eglwysegl (p. Llangollen) were ‘ignorants and cripeles, not able to stand, stirre, goe, nor speake, as was made apparent unto the right worshipfull Sir John Wynne knight and Francis Manley esquier’. Moreover, once again, he stressed how he had done his best to support them himself before turning to the parish: he and his wife had ‘laboured and spent all their stocke and estate to seeke and finde helpe for their said children, and runne into great arreare of debt [to] relieve, keepe, and maintaine theese his two sadd children, besides his other great charge’. References to parish relief for able-bodied ‘life-cycle’ poor with children are meanwhile largely confined to families where a parent (usually but not always the father) was sick, had died or run away. It seems that the emphasis for young families was on informal charity and relief and local support networks (although there was no equivalent in Denbighshire of the somewhat unscrupulous local poor in Holywell, selling stones and moss from the well to Catholic pilgrims). In 1716, the dean of Bangor complained that it was impossible to ensure children’s regular education in many local parishes ‘because they must go for ever and anon to beg for victuals, there being no poor rates settled in those parts’. Charity was an element in the ideals of ‘neighbourliness’ and of gentility; charitable giving to beggars continued to be widespread and, moreover, positively accepted in north Wales into the eighteenth century: in neighbouring Montgomeryshire, the memorial to Humphrey Kynaston of Bryngwyn, who died in 1710, proclaimed that ‘his heart and purse were ever open to the poor’. In Wrexham in 1729, among magistrates’ reported objections to an attempt to levy a supplementary poor rate following a surge in the numbers of poor (which will be further discussed later) was the view that the existing rate should be sufficient for the sick and elderly, while the able-bodied poor ‘ought to [be] reliev’d by begging as they us’d to be’.

Responses to personal disasters were varied, but probably not commonly recorded at Quarter

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24 Aged petitioners too could imply this: Elizabeth ferch David, aged 70, could not ‘soe much as lift up her hand to her mouth to put bread in’; more explicitly, David ap Evan, 70 and nearly blind, was ‘not able to goe abroad to begg his bread’: NLW CC B22/c.24; B40/c.18.
25 NLW CC B21/b.4 (granted 1s 6d weekly). See also, e.g., CC B37/c.20; QSD SR/67.9.
26 E.g., after Robert Lloyd of Wrexham went bankrupt and fled the county, his wife Anne petitioned for relief for their children and was ordered 6d weekly for each child: NLW CC B38/c2; BL Add. MS 40175 (NLW MS 4753D), fol. 24; the court ordered relief for Katherine the widow of John Owens of Ruabon and her family in 1679: BL Add. MS 40175 (NLW MS 4753D), fol. 17.
27 C. Morris (ed), The journeys of Celia Fiennes (London, 1947), 181. According to Fiennes, who thought this trade was ‘a certaine gaine to the poore people’ (her disapproval of the credulous pilgrims notwithstanding), at nights they stuck moss taken from elsewhere onto the sides of the well in order to meet demand!
28 M. Clement (ed), Correspondence and minutes of the SPCK relating to Wales, 1699-1740 (Cardiff, 1952), 86.
29 NLW CC B24/c.39; Humphreys, Crisis of community, 55. See also J. G. Jones, Concepts of order and gentility in Wales, 1540-1640 (Llandysul, 1992), 89-90, 209-22.
Sessions. One-off and short-term forms of aid do appear occasionally; in 1682, Richard ap Edward and Thomas ap Edward petitioned the bench for relief after their barn, with corn and hay and 9 cattle, was ‘willfully burnt’, to their ‘utter ruine and great poverty’; an order was made for their relief. One common means of assistance was the provision of a small plot of common land (sometimes along with donations of materials) in order to build a cottage, for which a magistrates’ licence was needed. Thus, John David Morris, a weaver, petitioned the bench for permission to build a cottage on the commons at Talybidwal (p. Bryneglwys), in 1682; he had the support of other local inhabitants who certified that he had been a hard worker supporting himself and his family until a fire destroyed his home and possessions – including his loom.

But there were limits to personal charity; bequests, contributions to the poor box, alms for beggars, help for one’s own kin were one thing, but individual parishioners expected parish assistance for more long-term burdens such as caring for orphans. So, for example, in 1682 Ellin Yewood of Wrexham, widow, petitioned the bench to order the churchwardens and overseers of the poor to pay her ten weeks’ arrears for the care of one of five children which had been abandoned by their father, since she was ‘reduced to extreme poverty’. She was petitioning the court yet again in 1683, now with two of the children under her charge; as was Thomas Williams, a button-maker who taken two more of the siblings as pauper apprentices and had received only part of the weekly allowances he was supposed to have for them. In July 1681 John Thomas, labourer of Llanfair Dyffryn Clwyd, petitioned Quarter Sessions about arrears of 25s owed him by the parish for raising an orphan child (for which he was supposed to receive 40s annually). And, at the same session, Hugh ap Thomas, a ‘poor fuller’ of Glynfechan (p. Llansanffraid Glyn Ceiriog), explained that his wife had taken pity on Jane

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30 FRO Erddig MSS D/E 680, John Meller to Mr Edwards, 17 June 1729.
31 NLW CC B38/a.2 (the accused was Martha the wife of Jasper John, who was tried and acquitted at Great Sessions: GS 4/31/6.81, 83). Relief from tax was another strategy: after Hugh Blanthorne’s house had been ‘shut up’ because of plague in 1665, a request was sent to the treasury for him to be temporarily exempted from taxes: CC B22/d.23; B2, 60.
33 NLW CC B38/c.14-5, 17; BL Add. MS 40175 (NLW MS 4753D), fol. 24. Other cases include: NLW CC B21/c.34-34/1 (Ruabon); B21/c.35; B2, 41 (Marchwiail and Cerrigydrudion); B37/d.2, B38/a.14-5, BL Add. MS 40175 (NLW MS 4753D), fol. 20 (Llanrhedad-y-m-Mochnant); NLW CC B38/c.9/1 (Chirk); CC B40/h.25-25/1 (Chirk). References to this practice disappear from Quarter Sessions records by 1690, but it was certainly still in use in the 1720s: E. E. Thomas, ‘Extracts from the vestry book of Marchwiel church’, TDHS, 6 (1957), 119-22. Prosecutions for building cottages were rare; there are a few in the late 1660s: CC B25/b.32, B25/c.3, 15. It seems not have been much of an issue in the Chirk manorial courts, where there was no shortage of common land, but see E. Rogers, ‘Notes at random on eighteenth-century Denbighshire’, TDHS, 6 (1957), 53-66, for presentments at Wrexham court leet, 1719-20 (at 65-6).
34 NLW CC B38/c.11; B39/a.21/a; B39/a.14. See also, e.g. CC B37/b.18, B38/c.3 (Chirk); B40/a.5 (Llanfair Dyffryn Clwyd); B50/a.1 (Henllan); B52/c.3 (Henllan); B52/c.19 (Bryneglwys); DRO QSD SR/18.15 (Ruthin). It is my impression that orphans were the source of more conflict than any other single group of poor relief recipients, although to confirm (or explain) this would require a more systematic analysis. Again, beyond infancy, they may have been regarded to some extent as ‘able-bodied’ poor who ought to be able to contribute towards their own upkeep by begging and work.
ferch David, a crippled widow who had been removed from Oswestry to Llansanffraid, and had given her a night’s lodging. But now the parish ‘would impose the said criple woman upon your peticoner to be releeved by him’. He asked the bench to order that Jane should be relieved by the parish and not put upon his charge.35

Conversely, parish officers were concerned to minimise their financial burdens even amongst ‘their own’. They used the provisions of the poor laws that obliged people to look after their needy relatives.36 In 1694, the overseers of the poor of Iscoed (p. Holt) asked the bench for a court order so that a bequest of 40s made to an orphan by her grandfather, which was being withheld by the executor of the will, could be released for her maintenance. In 1696, the parish of Llangollen obtained a court order that Robert Lea, another orphan, was to be maintained by his grandmother, Susan Lloyd of Plas Evan.37 The majority of Quarter Sessions records relating to bastardy, meanwhile, are primarily concerned with ensuring, wherever possible, that the child would not become a burden on the parish. Usually fathers, but occasionally mothers, grandparents or other relatives, were ordered, and bound over by recognizance, to maintain a bastard child. In 1718, the obligations placed upon William Thomas and Mary Jones, after Mary had deposed that he had got her with child while they were fellow servants, were set out in detail. William was to pay the costs of Mary’s lying-in (10s for four weeks from the birth) and then 1s a week towards their daughter’s relief and maintenance, while she was to be ‘kept and nourished’ by her mother until old enough to maintain herself or get an apprenticeship, towards which William was to pay £5. Finally, the parents were to obtain sureties that they would jointly indemnify the parish (Llanynys) from any charges for the child’s upkeep.38

In the mid-1690s, a period of increasing hardship and distress, Quarter Sessions business related to regulating and controlling expenditure on parochial poor relief dramatically increased. The loss of records between 1700 and 1706 obscures just what happened next, but it seems likely that, unlike previous short-term crises, this was the beginning of a more sustained increase. In Montgomeryshire the numbers claiming poor relief rose consistently from the mid-1690s and did not stabilise until after 1715 (in England levels of poor relief also rose significantly at the end of the seventeenth into the early eighteenth centuries).39 By 1710, a new pattern of frequent removals and appeals has emerged in

35 NLW CC B37/c.7; B37/c.1.
36 Slack, Poverty and policy, 84.
37 NLW CC B50/c.17; B52/a.11, B52/b.14. Also CC B1, 149, 156 (sons ordered to maintain their fathers).
38 DRO QSD/SR/41.28-9. Similarly, Katherine ferch Roger and John Williams were ordered to share the burden of providing for their child in 1677: John was to wholly maintain the child for six months, and then Katherine was to pay him 4d weekly towards its upkeep for seven years and six months: BL Add. MS 40175 (NLW MS 4753D), fol. 7. For fathers maintaining their bastards: NLW CC B22/b13; DRO QSD/SB/1, October 1664, NLW CC B2, 32; DRO QSD/SB/1, October 1663; QSD/SR/71.33. However, in 1683, Gwen Jones’ request for the bench to make her bastard’s father contribute to its maintenance was for some reason rebuffed; she was simply ordered to ‘take care by her labour and paynes’ to maintain the child: CC B39/a.7; BL Add. MS 40175 (NLW MS 4753D), fol. 28.
39 Humphreys, Crisis of community, 89; in England, e.g., Rushton, ‘Poor law, the parish and the community’,
Denbighshire’s Quarter Sessions files. In January of that year, an order for the removal of William Smith and his family from Wrexham to Lytham (Lancashire) was issued; the parish of Llandegla petitioned the bench for Sarah Roberts, who had been removed there from Ruabon, to be returned to the latter parish; Llanfwrog petitioned for a bastard child to be removed to the care of his father in Breconshire.40

In January 1718, Quarter Sessions issued an order attempting to control the proliferation of poor law-related business. It noted that dealing with poor relief had recently ‘taken up the greatest part of the time at the Quarter Sessions’ and pressure of business was preventing proper examination of the cases; in future the court ‘shall not be troubled therewith nor intermeddle or inta fer therein’ except in case of appeals.41 Certainly, the pauper petitions that were such a regular feature of the seventeenth-century files virtually disappeared. But the amount of paperwork relating to settlements and removals in the 1720s Quarter Sessions files suggests that this order only stabilised the pressure on the bench. The politics of ‘settlement’ were far from absent in the later seventeenth century; conversely, settlement examinations and removal orders in Quarter Sessions records by the end of the 1720s were never particularly numerous (e.g., six cases in 1728).42 And yet their rapid growth in the early eighteenth century (like the expansion of houses of correction, discussed below) suggests that significant social changes were beginning to take place. While it would be some decades before the real ‘take-off’ of poor relief in the region, expansion in parochial poor relief between 1690 and 1730 was, in some areas, placing ‘traditional’ methods of organising poor relief under considerable pressure.

Contention, disorder and discipline: authorities and the poor

Denbighshire’s court records between 1660 and 1730 do not suggest overwhelming concern about the behaviour of the poor except, to some extent, during specific periods when economic distress


41 DRO QSD/SR/38.17; FRO Erddig D/E 1282 (Quarter Sessions Order book, January 1718).

42 In 1666, Randle Reade was presented for coming to Dinhinlle Isaf (p. Ruabon) from Worthenbury (Flintshire), ‘beinge burthensome to the parish’, with the request that he be ‘constrayned by law’ to return; but there is no recorded decision: NLW GS 4/26/5.15, 16. The earliest Quarter Sessions settlement examination and removal order for an individual I have found so far is from 1696: NLW CC B52/a.4, 13 (Jane Hughes or Powell, Ruabon to Northop, Flintshire). Of course, as Hindle cautions, Quarter Sessions records of removals are only a selective record of such activity; they are skewed towards contentious decisions, usually ignoring those that were executed without contestation: ‘Power, poor relief and social relations’, 88. But if removals occurred with any frequency, some would inevitably create contentious decisions that would find their way to Quarter Sessions – as
swelled their numbers. As was noted in chapter 2, for example, the only area of indictment activity in which people of ‘labourer’ status were notable was in property offences, and that primarily at Great Sessions. Only about 8 per cent of those bound over to keep the peace/behaviour were described as labourers or their wives, while over one-third were of yeoman and about 12 per cent of gentry status.

Concern with the ‘morality’ and ‘manners’ of the poor, in contrast to the vigorous reformation of manners campaigns of London in particular, seems at best sporadic, although it was probably increasing from the early eighteenth century.

In cases of bastardy, for instance, as has been noted, Quarter Sessions’ primary concerns were financial rather than moral. There are occasional references to the use of shaming punishments, committals to the house of correction and whippings. These were particularly applied to mothers, at least partly the product of the sexual double standard (and partly due to the fact that fathers would have found it easier to abscond and avoid the courts altogether). It is probable, however, that only those who had no means to maintain a child, or who failed to keep their bonds to maintain a child, were committed to the house of correction; after all, in cases such as that of William Thomas and Mary Jones, incarceration could only have been counter-productive. It was also, moreover, used for single mothers who were viewed as particularly disorderly and shameless (and so likely to produce yet more burdensome bastards). Thus, for example, in 1677 Sarah Shefton of Holt was described as a ‘lewd incontinent idle woman’ and ‘burthensome to the sayd parish’, and so was ordered to the house of correction for one year, ‘by her hard labour to mayntayne herselfe and her infant bastard child’. At the same session, the court, being satisfied of ‘the incontinency and ill behavior’ of Mary Lloyd of Wrexham, who had been recently delivered of a bastard child, ordered her to be committed to the

they certainly did in the 1710s and 1720s.

43 See tables 2.4-2.5 above.


45 Quarter Sessions was informed in 1666 that Susannah Jones had done penance in Hawarden church; meanwhile the father of her child, John Jones of Burton, was ordered to be committed to gaol until he provided sureties to provide for the child (which he did before the next session): NLW CC B22/b.31, 43; B22/c36; B2, 51. Susannah’s penance was of course a punishment ordered by the church courts, for which only fragmentary records survive during this period and it is therefore difficult to know how frequently it occurred. The St Asaph Act Books do include presentments for sexual incontinence, sometimes noting punishment by penance (for both men and women): NLW SA/CB/11-18.

house of correction at hard labour until further order.  

Others among the disorderly poor were brought to the attention of the courts, but infrequently and not in large numbers. In 1666 the court ordered that Anne Davies of Ruthin, a soldier’s widow, who ‘abused and vilified’ the magistrates and town officers and was often drunk, was no longer to receive her pension, but this was exceptional. A house of correction was in use by 1660 to discipline the unruly poor other than ‘lewd’ mothers, although the records are fragmentary. An ‘idle, dissolute & disordered fellow’ was committed (to be subjected to ‘moderate’ whipping) in 1667. In 1683, Thomas Hughes and Jane Jones of Abergele, who were reputed to be idle and disorderly, were committed to the house of correction with instructions to ‘see that they gett noe more for their sustenance but what they can earne by their labours’. Alice ferch William of Llansanffraid, a ‘lewd impudent and a vitious liver’, ‘common entertainresse of whores [and] a maintainersse of their bastards’ was to be committed, whipped and put to work in 1690.

There were notable short-term periods of heightened concern, notably in 1681 and 1682 – but that was a particularly difficult period, both economically and politically. A very severe winter of 1680/1 and crop failures in 1681 caused considerable distress in the region. That the political crises of the late 1670s and early 1680s might have also contributed to concerns about disorder amongst the marginal poor ought not to be discounted. The Ruthin borough jury, in a flurry of activity during 1681-2, temporarily varying its usual diet of religious nonconformists and road repairs, presented a number of the borough’s idle and disorderly poor. Several men were presented as ‘idle’, ‘wandering’, ‘dangerous’ persons and nightwalkers (two were presented twice, one of whom was separately presented ‘for abusing the jury’). Four women were presented, twice, as ‘sturdy beggars’, who ‘will not worke’ and ‘disturbe all the gentry yt comes to there towne by there debauchery and unssufferable ille behaviours’. There was also a group of ‘pedlers’, ‘not haveing any residence in any one perticuler place within this county’.

Moreover, during that difficult period it was not only the poor who were the subjects of complaint. The county’s JPs were presented by the Great Sessions grand jury in September 1681 ‘for neglecting their dueties in not... ordering provision for the poore whoe are now become the great

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47 BL Add. MS 40175 (NLW MS 4753D), fol. 8.
48 NLW CC B2, 59. Two years later, there was a further order for the treasurer of the maimed soldiers fund to pay Anne Davies 5s for her relief, thereafter to be ‘dismissed’ from receiving any further allowance: CC B2, 78.
49 NLW CC B23/a.4; B39/b.9; B46/a.11.
50 Teale, ‘Battle against poverty’, 76.
51 NLW CC B37/c.10; GS 4/31/6.10-1; CC B38/a.3; B38/c.12; GS 4/31/7.11-2. In April 1681, the Ruthin jury also presented the Ruthin magistrates and churchwardens for allowing ‘idle people’ to ‘revell’ in the churchyard and the streets during divine service: GS 4/31/4.41; a variety of other Ruthin presentments included an adulterer: CC B37/a.1; the lack of a ducking stool: B37/c.10; villages holding illegal fairs or markets: B38/a.3; an absentee from church who was also a ‘very debouch liver and drunk on the last saboth day’: GS 4/31/6.10-1; over 30 unlicensed ale-sellers: GS 4/31/7.11-2. The Ruthin jury’s activity was not matched by the Ruthin hundred high
nusance of our county’. A subsequent exhortation was sent by the Great Sessions judges to Quarter Sessions, for the magistrates to ‘take the state of the poore of the said county into their serious consideracion and... effectually putt the lacks in execucion concerning them by providing for the aged and impotent poore and setting the able att worke and punishing the obstinate sturdy and lazy beggers according to law’. In September 1682, the grand jury at Great Sessions recorded that: ‘As for the releife of the poore, the justices of peace as we conceive have lately mett in order to make provision for them’. But they were complaining again a year later. This was, however the last complaint for the time being, probably because the crisis had eased rather than because of any special effort on the part of the magistrates; the Ruthin jury, too, had by the beginning of 1683 almost entirely returned to its usual monotonous fare.

Again, in the difficult years of the later 1690s, there are signs of heightened anxiety about both the poor and the authorities’ failures to control them properly. Towards the end of 1694, a scheme ‘to sett the poor on worke’ in Wrexham (using both public money and a charitable bequest), since ‘the number of the poore does dayly increase’, was proposed and money raised, although it was still not in operation over a year later. There are references to, and presentments of, vagrants (and those harbouring them); and in 1697 a number of parishes were ordered to show why they were failing to relieve their poor ‘according to law’, while there were complaints about ‘swarms’ of beggars at Ruthin. By the second decade of the eighteenth century, as noted, there is evidence of more sustained pressure on the system, and with it concerns among sections of the county authorities to bring proper order to both poor relief and the poor.

Suggestive of the changes is the development of houses of correction in the county. This institution was late coming to Denbighshire – a century after its first appearances in England – and the fragmentary records suggest only slow growth until the end of the seventeenth century. In November constables, the Holt jury or the grand juries.

52 NLW GS 4/31/5.5; CC B37/d.33. This kind of complaint was voiced sporadically during the later seventeenth century; in 1663 at Great Sessions, the JPs had been presented for neglecting to execute the poor laws and those against absentees from church: GS 4/25/4.30.

53 NLW GS 4/31/7.2; 4/32/2.1; see also a similar presentment by the Quarter Sessions grand jury in January 1683: CC B39/a.15.

54 NLW CC B51/d.7, B52/c.31; B53/a.5; and see Gardner, ‘Justices of the peace’, 184-7. Assuming that it did get started, it does not seem to have lasted; a similar scheme at Wrexham was proposed in the 1720s: DRO QSD/SA/72.7.

55 NLW CC B50/c.5; B51/c.20, 44, 46; B52/b.2, 10, B52/c.3; B53/c.19. As in the early 1680s, there are also signs of heightened concern about other disorders, such as unlicensed and disorderly alehouses: CC B50/a.2/5, d.8/2; B52/a.6/5, b.3/8.

56 J. Innes, ‘Prisons for the poor: English bridewells, 1555-1800’, in F. Snyder and D. Hay (eds), Labour, law and crime: an historical perspective (London, 1987), 42-122. See Gardner, ‘Justices of the peace’, 181-9 on the second half of the seventeenth century: the first house of correction in the county was established at Ruthin in 1655, which was closed in 1691 (by which point there was also a house of correction in Denbigh borough) and replaced by a new one in Wrexham. The Ruthin aldermen were not happy with this state of affairs and a Ruthin institution was operating again by the 1720s (NLW CC B53/c.19; DRO QSD/SA/53.24). See also T. H. Lewis,
1663 just two people, men described as ‘idle wanderers’, were listed as being in the house of correction (at Ruthin). Subsequent order books suggest a trickle rather than flood of committals (at Quarter Sessions) from the 1660s to 1680s, with a predictable increase in the early 1680s. In 1696, 13 people were in the county house of correction (and an unknown number in the separate Denbigh borough institution). By the 1720s, however, there were perhaps 10-15 people in each of the three houses at any time – still not large, but a substantial increase since the Restoration.57

In 1718, besides its attempt to reduce poor relief business, the Quarter Sessions bench had other complaints to make: ‘several townships’ were relieving only their own poor and not contributing to their parishes; and overseers of the poor had been taking it upon themselves ‘to relieve what poor they please without an order of justices, and suffering other poor to starve who have much greater pretence to such relief’. Every township was to contribute an equal rate to relieve the parish poor; and overseers of the poor were not to be allowed money without an order from a local magistrate.58 The guilty townships were not named, but it is possible that they were located in dispersed, multi-township parishes such as Abergale, Cerrigydrudion, Llanraheadr-y-Mochnant (which straddled county boundaries) and Llanrhafadr-ys-Nghinmeirch. As Rushton notes, ‘twentieth-century reformers’ might have seen the parish as ‘a hopelessly small and ineffective unit of administration’, but residents in many similarly large, scattered northern England parishes ‘thought it so large that they would be paying for the relief of “strangers”.’59

Equally, the bench might have been alluding to Wrexham, another less-than-cohesive multi-township parish.60 A number of Welsh historians have noted that the only deanery in the diocese of St Asaph which was levying compulsory poor rates by 1729 was that which covered the Wrexham area.61 What has not been discussed is the contentiousness of those rates during the 1720s, and especially the furore that erupted over the levying of an additional rate in 1729. Similar concerns to those expressed in 1718, about the accountability of overseers of the poor and inequitable levying and distribution of funds among townships, came to the fore again in this dispute. And, again, this was set in the context of economic crisis and high corn prices; the extra levy of 2d in the pound (on top of the usual one of

‘Documents illustrating the county gaol and house of correction in Wales’, THSC (1946-7), 232-49.

57 NLW CC B20/c.14; see CC B1-2 and BL Add. MS 40175 (NLW MS 4753D), passim. In the first half of 1683 at least 6 people were committed: NLW CC B39/a.6; B39/a.25, 29-30; B39/b.9. For the 1696 list: B52/c.1. 1720s: DRO QSD/SR/53.24, SR/64.10, SR/72.4, SR/80.16. A more systematic analysis of the order books and scattered documents would help to clarify the trends, although inevitably gaps will remain. On English growth from the 1690s, see Innes, ‘Prisons for the poor’, 77-92.


59 Rushton, ‘Poor law, the parish and the community’, 149-50; Hindle, State and social change, 154; also Levine and Wrightson, Making of an industrial society, 348-51.

60 Wrexham’s administrative structures were clearly unsatisfactory, lacking a proper balance between its urban core and rural townships; Quarter Sessions control over the parochial officers has been described as ‘at best haphazard’: Evans, ‘Market towns’, 24-5, 78-80.

61 Dodd, ‘Old poor law’, 112; most recently in Howell, Rural poor, 95.
was necessitated by ‘ye extraordinary price of bread-corn and... the sickness which hath long continued in these parts’ which had increased the number of dependent poor. However, the dispute cannot be divorced from the political scene in the town during the 1720s: at the centre of the storm, yet again, was the Whig magistrate John Meller.

The dispute of 1729 was not the first. In August 1724, John Meeson and John Green, the overseers of the poor for the town of Wrexham, brought an assessment for poor rates to Meller, who refused to sign it on the grounds that ‘several persons... were very unequally rated’, and ordered the overseers to have it altered ‘according to an equal rate of four pence per pound throughout ye said township’. According to Meeson, they dutifully produced a new assessment, but as Meller was then absent, they took it to another JP, Robert Ellis, to approve. Ellis took it, as well as the original assessment, and he returned to them only the latter. But in October, Meeson and Green were ordered by Quarter Sessions to set that aside and make the new equal rate assessment. They returned to Ellis and another magistrate, Thomas Meredith, ‘to know what they should do’, and were told to ignore the order and carry out the collection according to the original assessment, and that the two JPs would ‘indemnify’ them. Meredith also told them that it was none of the business of magistrates from ‘the further side of ye county’, and Quarter Sessions had no ‘power to meddle’ in such a matter. However, in 1726, Quarter Sessions attached Meeson (Green had since died) for contempt in disobeying the order to make a new assessment, after which Meredith hired them an attorney to remove the matter to Great Sessions.

It seems that the opposition to Meller’s equal assessment was successful; Meller ‘declin’d acting [as a magistrate] for three years’ because of the unequal rates on the Wrexham townships, especially in Wrexham town. During 1728, however, he became involved again, and early in 1729, anticipating that an extra levy would be required that year, he ordered the churchwardens and overseers of the peace to make new assessments ‘according to an equal pound rate’ for the whole parish. According to Meller, there was initially no difficulty, until the magistrate Robert Ellis complained (falsely) that his property had been over-rated, refused to accept the new rate, and then ‘he and several of ye gentlemen set ymselv’s to oppose us in everything’. But the mutiny really took off when the money already collected for poor relief that year did begin to run out and Meller and Lloyd ordered the additional 2d levy: ‘part of ye parish were put in an uproar who inveigh’d against ye proceedings & said they never had pay’d but one tax in a year & yt they would not submit to pay a second tax’. Some of the townships paid up without trouble; the disruption, in Meller’s account, was entirely down to Robert Ellis and his cronies. They appealed against the order to Quarter Sessions which, much to Meller’s outrage (especially as Ellis was on the bench at the time), upheld the appeal. Meller took the issue to King’s Bench, which

62 FRO Erddig D/E 1296, orders of 4 and 6 March 1729 for churchwardens and overseers of the poor in two rural townships to levy a supplementary poor rate; also Erddig D/E 1295.

63 FRO Erddig D/E 1289, deposition of of John Meeson, 5 September 1726.
refused to interfere, and after that he laboured (at wearying length) to have the matter brought before
the Lord Chancellor himself, refusing to accept that the Chancellor would not wish to ‘intermeddle’ in
such affairs.

Meller had landed in a very uncomfortable position. There was clearly considerable bad feeling
in the area: his opponents were encouraging those parishioners who had paid the extra rate to take
action against the overseers of the poor (who had also been threatened and abused), and scandalous
gossip was being spread that Meller and his colleague Major John Lloyd ‘had given away ye poor’s
money’ to their own ‘friends’. Indeed, a number of ‘scurrilous libels’ were being circulated against
Lloyd, and even shouted after him publicly in the street; and although Meller had not received such
abuse to his face, ‘behind my back they doe not spare me’. The hostility towards his efforts was clear;
there was ‘rejoycing in ye town’ when the news of the King’s Bench decision arrived, and the reported
comment: ‘doe those two sons of whores think to govern ye town’. Meller suggested that there was a
sinister political agenda at work: the agitating was intended to undermine his political ‘interest’ – that
is, the Whigs and therefore the government – in the area.⁶⁴

That was perhaps rhetorical exaggeration, an attempt to enhance his case in his efforts to involve
central government. But the abusive comment that Meller reported may well reflect local fears that
unpopular Whigs were attempting surreptitiously to take over the running of the town. Certainly,
Meller had been doing considerably more than simply ordering a new poor rate assessment and the
extra levy. During 1728, he had intervened extensively in the running of the parish vestry, on finding
there a state of affairs that deeply offended his orderly sensibilities: no proper lists of the parish poor,
the accounts totally disorganised and considerable sums of money from bequests entirely unaccounted
for. It had been impossible, he claimed, to obtain regular vestry meetings or to persuade the vestry to
involve itself with matters relating to the poor. So, ‘several of the parishioners’ proposed public
monthly parish meetings, and these meetings promptly set about bringing proper order and discipline
both to the system of poor relief and to the poor themselves. Apart from the sick, they were brought
before the monthly meetings and their condition ‘strictly examined into’, the certificates of those from
other parishes were checked, and ‘strangers’ were removed. New lists of the poor were drawn up;
Meller himself (who otherwise played down his role in the initiatives) ‘bought them a large book
wherein was entred ye names of such poor people who apply’d for relief’. A chest was provided for
relevant documents from the townships – settlement certificates, recognizances to maintain bastards
and so on – to be centrally deposited. Moreover, the poor who were relieved ‘were distinguished by
badges, pursuant to Act of Parliament, which never was done in our parts before’; and ‘methods were
proposed, to set the lazy poor at work’. Plans were set in motion to bring the neglected workhouse into
use and to set up ‘a manufacture for the poor’. According to Meller, there was much satisfaction at the

⁶⁴ FRO Erddig D/E 680, John Meller to Vigarus Edwards, 17 June 1729; Vigarus Edwards to John Meller, 23
June 1729.
new methods for several months (the poor forced to wear badges and undergo interrogations might, one imagines, have been less pleased), until the dispute about the extra levy also disrupted the work of the meetings. His rivals then revived the vestry, but Meller claimed that in several months it had done almost nothing; all the work had been brought to a standstill. Again, it would seem, his efforts had been frustrated.

The full integration of Denbighshire parishes into the old poor law system was a slow and uneven process, as well as being at times a contentious one. Llanferres parish, for example, had no official poor rate until the 1760s, while Wrexham’s was possibly established in the 1690s. Even there, there was considerable hostility to anything more than the most basic level of rating right through to the end of the period under study, and ‘reform’ caused considerable controversy. The contrasts within the county deserve closer investigation in themselves. But the broader question remains: just why did it take so long for much of Wales, especially in the north, to follow the English example? Compulsory poor rates were almost universal there by the 1690s, even in poorer English border areas such as northern Shropshire; in parts of north Wales it was almost a century before that was the case. Even then, it has been suggested that the spread of rating in northern parishes during the 1770s owes a good deal to a scandalised Great Sessions judge, Daines Barrington, who ‘embarked on a prolonged campaign cajoling and bullying local authorities into conformity with English norms’. Why did Welsh practice remain distinct for so long, even from the English border counties?

Firstly, there simply were fewer paupers. In Wrexham rapid growth was placing unprecedented pressure on local resources – and the institutions for its governance – exacerbated by the factional conflicts discussed in chapter 5, which were brought to a head by the economic crisis of 1729. But that is only a partial explanation. The poor law statutes, it should be noted, had stopped short of forcing all parishes to levy rates (just as legislation for building workhouses remained permissive rather than obligatory). Joanna Innes comments that ‘[p]arishes which did not choose to levy rates could avoid proceeding in the manner suggested by statute only so long as they were able to satisfy their poor by other means’. Acceptable ‘other means’, however, could vary considerably: as, for example, the

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65 FRO Erddig D/E 680, John Meller (to Vigarus Edwards), 5 July 1729; John Meller (to Vigarus Edwards), Erddig 27 June 1729 (unfinished, ‘not sent’). A listing of the poor, although undated, is probably a product of this period of activity: FRO Erddig D/E 679.

66 Reference was made to an assessment of 1693 which was treated by some virtually as an authoritative, fixed settlement, so it may have been the first of its kind: FRO Erddig D/E 680, John Meller to Vigarus Edwards, 17 June 1729. For Llanferres, see Gardner, ‘Justices of the peace’, 173.


69 Innes, ‘The state and the poor’, 238.
contrast between Cheshire justices of the peace in the early seventeenth century who liberally issued begging licences, and Sir Richard Grosvenor’s contemporaneous condemnation of such tolerance.70 Poor relief was not simply an economic issue, a matter of demographic pressure on resources, or harvest failures and high prices.71

It was also a matter of ideas of how social relationships should be ordered and where ‘the poor’ fitted into the scheme of things. In both the English and wider European contexts, contrasts between rural and urban provision have been highlighted in ways that mirror the difference between England and Wales.72 In the English countryside, it is suggested, the dependent poor were far fewer in number, at least in part because of stronger mechanisms of ‘neighbourly pressure and mutual help’. Moreover, the ‘deserving poor were well known’ and ‘outsiders could easily be denied relief’. But in urban populations ‘the poor were more easily seen as an undifferentiated and dangerous mass than as individuals to whom the community had a collective responsibility’.73 In many Welsh communities, moreover, there were not only fewer ‘paupers’ but also fewer affluent members who were secure enough to set themselves apart from ‘the poor’. This cannot be taken to mean that the ‘traditional’ methods lacked any ‘political’ dimension. The personalised relationship between alms-giver and beggar was just as asymmetric and subject to discipline as the more formal relations between overseer of the poor and pauper. Indeed, social distance could be reinforced in the process of charitable giving.74 And were those ‘well known’ to be undeserving local poor included in the many communal, sociable forms of charity and assistance that long retained their vigour in the Welsh countryside?75

And one final point might be made. Many of those ‘traditional’ forms of charity and assistance were part of public festive activities, sociable and boisterous, and some even involved unruly inversions and assertiveness on the part of the recipients, increasingly censured by respectable moralists and reformers.76 It is reminiscent, again, of Nicholas Rogers’ distinction between ‘Tory conviviality’ and ‘dissenting piety’; the Wrexham dispute, indeed, connects local political culture and social policy.77 At the very least, that the changes were promoted by a man who was both a Whig and

70 Hindle, ‘State and social change’, 155.
71 See Slack, The English poor law, 11-7; idem, Poverty and policy, ch. 2.
72 Jutte, Poverty and deviance, 140; Slack, Poverty and policy, 62-72.
73 Slack, Poverty and policy, 62, 69.
75 Wrightson, ‘Politics of the parish’, 20, has warned against ‘assumptions about who participated in the occasions of commensality’. Nevertheless, studies of Welsh folk customs show their continued vitality well into the nineteenth century, e.g., T. M. Owen, Welsh folk customs (4th edn., Llandysul, 1987); idem, The customs and traditions of Wales (Cardiff, 1991), especially ch. 3 on community ‘assistance’ customs.
English may have exacerbated resistance, tending to associate poor rates with an unpopular government, political corruption and religious dissent. Might poor rates even have been perceived as somehow ‘un-Welsh’? It may seem an unlikely place to look for Welsh identity, but the question of what should be done about poverty was a political, social and cultural issue, not merely an economic one.

**The lone stranger: the mobile poor, crime and authorities**

If the status of the local ‘settled’ poor was a matter of controversy, poor strangers were in a considerably more vulnerable situation. Historians of crime and of poverty alike have drawn attention to the difficulties of defining and understanding ‘vagrancy’. Historians of crime have highlighted the contrast between literary stereotypes and the anxieties underlying harsh legislation, and the isolated and unprepossessing figures in court records.78 It has been argued that ‘vagrancy was a socially defined offence which reflects the dual problem of geographical and social mobility in early modern Europe. Offenders were arrested and punished not because of their actions, but because of their marginal position in society’.79 In court records, those classified as ‘vagrants’ are indeed largely marginalised, virtually silenced. Occasionally there are narratives of impoverishment, of unemployment, hunger, begging and the slide into criminality; but they very rarely had the opportunity to speak for themselves amidst the complaints about the ‘harbouring’ of strangers, the presentments and prosecutions, the orders for whippings and removals.

Yet also largely silenced is the process by which a poor stranger became legally categorised as a ‘vagrant’ or ‘vagabond’; most records show only what happened once the official label of deviance had already been applied, not how it came to be placed there.80 While there were the already-convicted vagrants, on their way to the whipping post and expulsion, there were also mobile poor who might or might not turn to crime, might or might not be suspected of it, might or might not be disciplined and labelled ‘vagrant’. Paul Slack has emphasised the fluidity of the category, seeing vagrants as ‘suspicious persons in the middle ground between the deserving poor and the criminal fraternity’; ‘vagrant and vagabond were emotive, elastic terms’.81 And it has been argued that after 1660, a ‘pincer attack’ by authorities was making life harder and more unpleasant for long-distance subsistence migrants whilst encouraging the poor to stay at home, or to confine movement to short-distance

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79 Jutte, *Poverty and deviance*, 146.
80 See Jutte, *Poverty and deviance*, ch. 9 on ‘strategies of marginalisation’.
81 Slack, *Poverty and policy*, 93; P. Slack, ‘Vagrants and vagrancy in England, 1598-1664’, *Economic History*
Even the fragmentary records in Denbighshire warn, however, against assuming that attitudes to poor strangers were straightforwardly and universally hostile and suspicious; there was compassion too, especially for the sick. Fleeting references to them being given charity or overnight lodging in barns, and villagers presented for ‘harbouring’, suggest that poor migrants and unknown beggars were not automatically turned away or arrested. References to vagrants being whipped and removed are not very common, and often coincide with periods of economic distress. Similarly, it was suggested in chapter 4 that being a ‘stranger’ did not automatically generate suspicion of theft. Nevertheless, poor strangers, honest or not, were vulnerable to suspicion and arrest – by urban officials, as will be seen, as much as the supposedly chronically suspicious inhabitants of remote villages.

The harsh realities of life on the road and their potential for criminality cannot be denied. Supplementing dwindling resources by means of petty theft must have been at least tempting, sometimes for even slightly more ‘respectable’ poor travellers. William Price of Bangor, Caernarvonshire (who was described as a yeoman), ‘was going from Llanynys towards Bryneglwys to enquire for worke’, when he went past the house of Elizabeth ferch Thomas of Llanelidan; he broke into the house and ‘cut and took away a piece of a loafe of bread which he found in a chest there’. It was certainly opportunistic; it was also rather desperate and, at the same time, oddly civilised (taking time to cut a piece of bread from a loaf). When Elizabeth walked in and caught him red-handed, he returned the piece of bread to her and left; she went for help and it was not long before he was caught.

Elizabeth was unsurprisingly alarmed to find a strange man in her home, but most of the wandering criminal poor to be found in Denbighshire’s court records are far from frightening figures. Anne ferch William (from Montgomeryshire) and Katherine Evans, with their children, went to the house of Sir Kenrick Eytton ‘to beg for releife’. Anne confessed that she was passing nearby later in the day when she noticed some clothing and linens left out to dry. That night the two women and their children were lodging in a nearby barn and Anne persuaded Katherine to go with her to steal the items. The group


\[83\] E.g. NLW CC B52/b.2, 10; B37/c.1; B52/c.3; GS 4/25/1.24; 4/30/4.26; 4/43/9 (coroner’s examination of Catherine wife of William Jones, 7 June 1726). William Probert Foulke was presented by overseers of the poor in Llanfair Dyffryn Clwyd ‘for harboureing and keeping in his house twoe strangers under pretence of a husband and wife she being with child’, which one suspects was the main source of concern: CC B40/b.9.

\[84\] NLW CC B2, 43 (1665); B37/d.16; BL Add. MS 40175 (NLW MS 4753D) fol. 20 (1681, family from Staffordshire). In 1729, numbers of vagrants were removed across the county’s northern parishes (on their way to Ireland): DRO QSD/SR/84.30-40. Of course, this excludes vagrants dealt with at the local level without ever coming to the attention of the courts.

\[85\] See ch. 4 above, 105-14.

\[86\] NLW GS 4/29/4.64. John Jones from Caernarvonshire, who said that he was in Denbighshire ‘to gett harvest
left early the following morning and crossed the river Dee by boat; they were subsequently caught by constables while staying in another barn at Dodleston (Cheshire) and brought back to Denbighshire county gaol.87

Indeed, it should be stressed that violence, whether interpersonal or collective, is in Denbighshire’s records overwhelmingly an offence committed by ‘locals’; around three-quarters of those indicted for riot, assault or homicide at Great Sessions were recorded as coming from within the parish in which the offence took place, and less than 5 per cent from outside the county. Meanwhile, somewhat higher proportions of those tried for theft were ‘strangers’. According to indictments, 12.6 per cent came from outside the county (virtually all of them from neighbouring Welsh and English counties) and a further 21.3 per cent from a Denbighshire parish other than that in which the theft took place – about one-third in all.88 The proportion of ‘strangers’ according to indictments is undoubtedly an underestimate. As historians have demonstrated, the residence of the offender is among the less reliable pieces of information given on indictments.89 For example, the indictment against Anne ferch William and Katherine Evans stated that both were from Eyton (p. Erbistock), where the theft for which they were tried took place; but according to their examinations Anne came from Montgomeryshire (no information was given for Katherine), and both were on the move, begging and lodging overnight in barns.90 An indication of the scale of the problem may be gleaned from a sample of 52 people indicted for theft whose details were cross-referenced against examinations and recognizances: 13 (25 per cent) were found to be inaccurate; in all the cases, the indictment gave residence and location of offence as the same, but the other documents indicated that the accused was a ‘stranger’ – seven of them from outside Denbighshire.

Bearing this in mind, examining outcomes produces some intriguing results (table 7.1). Among suspects from within Denbighshire, it apparently made little difference whether they came from the parish in which the theft took place or from outside it. Complete strangers (those from outside the county) were treated relatively leniently by trial juries. Only one-third were convicted, compared to an overall average of almost one-half. However, once convicted they stood a higher chance of being hanged than did residents of the county (probably three of the seven strangers convicted of a capital charge were hanged). The low conviction rates of complete strangers suggest the possibility that there


88 A small number of indictments in which details were illegible or given place-names were not identifiable were ignored.


90 NLW GS 4/30/4.26, 60.
was indeed a tendency to accuse them of theft on weak and subjective evidence subsequently rejected by more distanced juries, but an important point needs to be made. The type of property stolen varied significantly among the three groups: complete outsiders were in particular frequently prosecuted for horse theft, which attracted low conviction rates and high execution rates. In several types of theft with low execution rates – sheep and cattle theft, theft of food and grain – there were much lower proportions of outsiders among the indicted.91

As Cynthia Herrup noted, travelling to another county to steal gave ‘an air of added calculation’, heightening the perceived seriousness of the crime; but higher execution rates may also point to the importance of local ‘credit’ and networks in influencing recommendations for pardon. Convicts from outside the county, even if they did have local networks of their own, might well find it much more difficult to contact and mobilise them over the longer distances involved.92 Indeed, being separated from one’s own support networks was a potential problem for poor travellers faced with suspicious local authorities even in rather less momentous circumstances.

91 According to indictments, 35% of theft defendants from outside the county were tried for horse theft, compared to 10% of those from a different parish within the county and only 5% of those from within the same parish. Sheep theft: 9%, 17%, 16% respectively; cattle theft: 2%, 10%, 5% respectively. Almost all of those tried for thefts of food/grain came from within the county.

Table 7.1: Verdicts at Great Sessions, by residence of accused and location of theft

<table>
<thead>
<tr>
<th>Verdict</th>
<th>outside county</th>
<th>within county, different parish</th>
<th>same parish</th>
<th>overall average</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of known verdicts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>guilty as charged</td>
<td>21.1</td>
<td>30.8</td>
<td>35.4</td>
<td>32.7</td>
</tr>
<tr>
<td>guilty partial verdict</td>
<td>13.2</td>
<td>20.0</td>
<td>13.5</td>
<td>16.0</td>
</tr>
<tr>
<td>convicted</td>
<td>34.2</td>
<td>50.8</td>
<td>48.9</td>
<td>48.7</td>
</tr>
<tr>
<td>ignoramus</td>
<td>23.7</td>
<td>33.8</td>
<td>28.7</td>
<td>28.8</td>
</tr>
<tr>
<td>not guilty</td>
<td>42.1</td>
<td>15.4</td>
<td>22.4</td>
<td>22.5</td>
</tr>
<tr>
<td>not convicted</td>
<td>65.8</td>
<td>49.2</td>
<td>51.1</td>
<td>51.3</td>
</tr>
</tbody>
</table>

At Wrexham fair in March 1682, Stephen Thomas, master of the house of correction, arrested a woman who is known to us only as ‘Wilson’ (or to be precise, and repeatedly, as ‘the strange woman called Wilson’). His stated grounds for his suspicion at that point seem fairly slight: ‘he had observed [her] about twelve of the clock to weare a little short riding hood and in the afternoone she wore a much larger riding hood, that hung downe over her armes’. Then he asked her what countrey woman she was, she answered, that she was a Lancashire woman, and came to Wrexam aforesaid to looke after an uncle of hers that was a Londoner and expected to find him at the said Wrexam fair but could not find him, upon which and in pursuance of his duty suspecting her to be a theife he secured her, till he could bring her before a justice of the peace...

Fortunately for her, it turned out that ‘Wilson’ had a supporter. The following day an attorney, John Paine, sent a message to Stephen to take her to him to be brought before a magistrate. However, Paine ‘kept her from’ Stephen, and moreover ‘said that he would answer for the said Wilson, and that he would pursue the said Stephen Thomas with law as long as he lived & yt he would endeavor to ruine him’. The attorney subsequently insulted one of the JPs who had taken Stephen’s deposition and threatened to sue him as well. His relationship to ‘Wilson’ is unknown; on being asked to account for his actions he ‘answered the divell take the woman and divell take the buisness but refused to put his hand and subscribe his answer’. So he was not, perhaps, an entirely willing champion, although he was certainly a pugnacious one; perhaps he was acting on behalf of someone else (the mysterious uncle, maybe).93

But without his intervention, without someone of standing prepared to ‘answer for’ her, we
might reasonably ask, what would have happened to ‘Wilson’? Even if she really were a poor but honest visitor who had (say) felt cold and changed into warmer clothes? She had already been subjected to arrest and a night in the house of correction. She might even have been sharing with others in a similar situation. In 1663, the Quarter Sessions bench had to issue an order for the release of Hugh ap Robert of Caernarvonshire, labourer, who was being held in gaol ‘on suspicion of stealing 12 weathers’, ‘nothing appearing against him to the court’ (and the sheep were to be restored to him).94

Three travellers, Richard Prosser, Elinor Holland and Elisabeth Rees – two from English border counties and one from Flintshire – petitioned Quarter Sessions in 1662, complaining that they had been wrongfully imprisoned and ill-treated by local officials, who had taken most of their money away from them. Richard, who claimed a number of respectable connections in south Wales and Chester, explicitly made the point that he was ‘farr from his freinds’ and unable to send to them ‘by reason hee hath noe mony to hier a messenger’.95

The petitions of Elinor Holland, Elisabeth Rees and Richard Prosser in 1662 and their protestations of innocence may or may not have been truthful; but they are rare examples of ‘suspicious’ poor strangers (who would probably have been listed merely as vagrants or suspected thieves in house of correction calendars) having an opportunity to put their own case. ‘Wilson’ never appears as more than a kind of near-anonymous cipher. We only know of her, in fact, because she created conflict amongst her social superiors. All we know for sure is that she was a stranger; that someone was prepared to support her suggests that there was at least some truth to her account. And, unless she had an even more faceless companion overlooked by the vigilant Stephen Thomas, it can be inferred that she took some action to remedy her situation, sending word to someone who could help her. But the only agency and identity local authorities seemed to be prepared to allow her was a criminal one.

Servants and their masters: the ‘usual suspects’?

Servants make regular appearances in the Denbighshire court records, in a variety of ways that – although a partial and limited perspective into their experiences and their relationships with their employers – rapidly take us beyond images of the ‘usual suspects’, or victims, the one-dimensional guises in which servants, like ‘vagrants’ (and the boundary between the two groups could be porous), tend to appear in histories of crime. While I do examine servants’ theft, that is far from being the whole story: the participation of servants in policing theft, as accusers, investigators and witnesses is

93 NLW GS 4/31/6.70.
94 NLW CC B1, 165; see also B2, 70.
equally noteworthy. Moreover, ‘theft’ in the context of the servant/master relationship was not always as straightforward as we might at first assume; it may on some occasions disguise the public playing-out of disputes between servant and master. Thus, I shall move on to examine instances where the relationship between servant and master publicly broke down, into accusations and counter-accusations of failed obligations, violence and exploitation.

Service was, historians agree, vitally important in the early modern period, and yet its historiography remains patchy. Outside London, research on English servants, especially farm servants, has often been largely concerned with tracing long-term employment patterns. Beyond the statistical, until very recently historians have depended heavily on source materials voicing only the attitudes of the employing classes, frequently the archives of large employers, or the complaints of moralists. Recently, the imaginative use of alternative sources, such as church court records, has begun to set out new ways of exploring early modern experiences of ‘service’, not just from the employers’ point of view. But this has so far been confined to London domestic servants. The extent to which service in early modern Wales might have differed from the English experience – quantitatively and qualitatively – has been pondered, but little explored. Statistical data so far are confined to the later eighteenth century and beyond. Yet it was undoubtedly highly significant; servants appear regularly in Denbighshire court records, especially in towns – and even poorer areas which were less significant employers of servants provided many for the better-off.

95 NLW CC B18/b.8-9. See also CC B26/c.2.


99 M. Roberts, ‘Gender, work and socialization in early modern Wales, c.1450-c.1850’, in S. Betts (ed), Our daughters’ land past and present (Cardiff, 1996), 15-54, at 32-3, 35; Ll. B. Smith, ‘Towards a history of women in late medieval Wales’, in Roberts and Clarke, Women and gender, 14-74, at 35n. However, Humphreys, Crisis of community, 34-5; 50-5, 80-2, and Howell, Rural poor, 22-6, 66-9, 127-8, 132-4, have pointed the way forward for future researchers, for farm servants at least.

100 Humphreys, Crisis of community, 34-5; Howell, Rural poor, 22-4. See also Snell, Annals of the labouring poor, 96-7, showing labourer to farmer ratios and proportions of farm-servants in Wales and England in 1851, where Denbighshire has much in common with north and west England, and both are in sharp contrast to the southern English counties. However, it has recently been argued that in northern England the high nineteenth-century levels of farm servants were not a ‘survival’ but a recent development: Gritt, ‘The “survival” of service’.

101 See D. Jenkins, ‘The population, society and economy of late Stuart Montgomeryshire c.1660-1720’ (PhD thesis, University of Wales, 1985), 52-3; Humphreys, Crisis of community, 34.
This discussion will encompass ‘servants’, ‘apprentices’ and the occasional ‘labourer’.  

Although the distinctions are important (on the whole the records do seem to recognise them), it needs to be noted that the term ‘master’ was used more generally to describe any employer (and ‘servant’ was not always rigidly defined either), marking an important affinity between the different forms of employer/employee relationship: simultaneously personalised and inherently unequal, marked by expectations of obedience and loyalty – and fears of insubordination and disorder.

We need to bear in mind the ambiguities of early modern service: servants and apprentices lived within households on intimate terms with masters and their families, yet most were at the same time strangers, temporary residents bound by contract; they often came from poorer families than those in which they worked, not necessarily even from the immediate area. They were supposed to be obedient and loyal, entirely subject to the authority of their masters, but they had expectations and desires of their own.

Contemporaries often drew attention to the supposed thieving propensities of servants, such as Thomas Williams writing from Denbigh to the S.P.C.K. in November 1713: ‘Servants too often affect beyond their station, and that this is the reason that to supply their prodigality they very often betake themselves to unlawful causes’. Modern historians have not always closely examined the validity of this kind of perception; indeed, in the study of the growth of ‘consumerism’ in the eighteenth century, there is a tendency to uncritically treat the views expressed by Thomas Williams as actual behaviour, ‘social emulation’. Yet, it has been warned, these were not neutral, objective views: commentators’ ‘jealous regard for their own privileges’ and their anxieties about social stability made them ‘prone to see imitative consumption as inherently threatening’. Historians of crime, emphasising the temptations for low-paid servants of attractive, easily pilferable household items, have done little to question the stereotype. J. A. Sharpe comments that servants were seen as ‘constantly’ seeking to rob or cheat their masters, and that court records ‘suggest that these fears were all too frequently justified’. But this does not seem to represent a systematic analysis (indeed, Sharpe’s source

\[\text{\textsuperscript{102}}\text{For discussions of definitions, often emphasising the fluidity of categories: Meldrum, }\textit{Domestic service and gender}, 25-32; B. Hill, }\textit{Servants: English domestics in the eighteenth century} (Oxford, 1996), 11-5; Kussmaul, }\textit{Servants in husbandry}, 5-8.\]

\[\text{\textsuperscript{103}}\text{The anxieties about servants have been explored particularly well by cultural historians working with literary and legal sources: M. T. Burnett, }\textit{Masters and servants in English renaissance drama and culture} (Basingstoke, 1997); F. E. Dolan, }\textit{Dangerous familiars: representations of domestic crime in England 1550-1700} (Ithaca, 1994).\]

\[\text{\textsuperscript{104}}\text{Clement (ed), }\textit{Correspondence and minutes of the S.P.C.K.}, 62.\]


\[\text{\textsuperscript{106}}\text{U. Rublack, }\textit{The crimes of women in early modern Germany} (Oxford, 1999), 99-107, is an unusually subtle discussion of maidservants’ motivations for theft.\]

\[\text{\textsuperscript{107}}\text{J. A. Sharpe, }\textit{Crime in early modern England 1550-1750} (London, 1984), 103. See also, e.g., J. M. Beattie,}\]
materials would hardly make that possible); very few studies have tried to do so, though a number of studies of eighteenth-century France argue that servants were not over-represented among thieves. \(^{108}\)

In fact, attempting to assess early modern servants’ propensity to theft is a project fraught with problems. Indictments do not provide this kind of information; out of 292 sets of depositions in theft cases at the Great Sessions and Quarter Sessions, 41 suspects (14 per cent), 16 of them women, were described as servants. Of those, 28 were accused of stealing from their present or past masters. Interestingly, this suggests that women servants, at about 40 per cent of the sample, compared to just over a quarter of the accused in all theft indictments, were more likely to be prosecuted for theft than women generally. Many women servants were domestics and probably came into contact with middling- to gentry-household possessions far more frequently than any other group, male or female, from the labouring population; and at the same time perhaps their activities were particularly subject to scrutiny: both more likely to steal and to get caught.

The very first problem is that depositions vary greatly in detail; there might be more servants who cannot be identified from brief accusations or confessions/denials. Secondly, we do not know what percentage of the Denbighshire population was made up of servants, and this is something that, as various studies demonstrate, can vary considerably over time and location. \(^{109}\) Moreover, the ‘dark figure’ of unrecorded crime may be particularly problematic in this type of case. On the one hand, servants might, as Melvyn Humphreys suggests, be more likely to be prosecuted than other groups, since they ‘were regarded with suspicion as young, wayward, irresponsible and in need of constant vigilance and discipline.’ \(^{110}\) However, employers of dishonest servants could use other, informal methods of discipline, especially for petty pilfering: docking wages, physical punishment, dismissal. \(^{111}\) An employer might simply decide not to take any action at all. Randle Robinson had employed Ann Tew for the hay harvest, and a few days after she left, his wife found that some clothes were missing; but ‘these things being of a small value’ he did not pursue Ann – until it was discovered later that


more valuable clothing stored in the house had also been taken.\textsuperscript{112} But such decisions to overlook petty thefts were not confined to cases involving servants or other employees, and there is no way of knowing whether they were in fact treated differently. All that might be said is that 14 per cent does not seem grossly disproportionate; certainly juries do not seem to have been particularly anxious about servants’ thieving. There are only 32 known verdicts, but they suggest that servants were not being singled out for harsh treatment when they did come to court.\textsuperscript{113} Half were acquitted; moreover, the juries used the full range of discretionary decisions available to them, just as they did for other accused thieves. Only one of the convicted servants was definitely sentenced to death – and he was subsequently pardoned.\textsuperscript{114}

Turning away from statistics, what do the records suggest about the circumstances and nature of theft by servants? First of all, unsurprisingly, when they did steal, servants tended to take what was close at hand in the course of their work. It was, indeed, their familiarity with and access to their masters’ houses and possessions that made servants prone to suspicion. When money went missing from a box Jane Jones kept in her bedchamber, she suspected her maidservant Mary Jones, who slept in the same room.\textsuperscript{115} Suspicion was heightened if the theft coincided with a servant’s sudden departure. Thus, Jane ferch Thomas became the prime suspect when she ‘absented herselfe from her ... service’ two days before a variety of items disappeared from her master Henry Mostyn’s house in Ruthin.\textsuperscript{116} On the other hand, Katherine ferch Lewis aroused her mistress’s suspicion when she appeared in new clothes, when she had previously had little money to spend.\textsuperscript{117}

Katherine might, perhaps, be a real example of Thomas Williams’s servants who ‘affect beyond their station’ and took to theft ‘to supply their prodigality’. There is however no clear evidence of such motives, while other servants who stole evidently were in more desperate circumstances. A number of those accused were out of work at the time of the theft; service was less insecure than day-labouring, but a period of unemployment could be a precarious, even disastrous time for a servant as hard-earned savings ran out. Tim Meldrum describes how many servants existed ‘on the interstices of the labour market’, alternating between service and unemployment which quickly reduced them to poverty.\textsuperscript{118}

\begin{itemize}
\item \textsuperscript{111} Beattie, ‘Criminality of women’, 93
\item \textsuperscript{112} NLW GS 4/44/5 (examination of Randle Robinson, 6 August 1729).
\item \textsuperscript{113} Similarly, see Humfrey, ‘Female servants and women’s criminality’, 75-6; cf. European responses: Rublack, \textit{Crimes of women in early modern Germany}, 99, maidservants who stole ‘were always severely punished’; in France, particularly harsh punishments were laid down for servants who stole from their masters: Fairchilds, \textit{Domestic enemies}, 72-3; Maza, \textit{Servants and masters}, 100.
\item \textsuperscript{114} NLW GS 4/26/3.35, 64, 70, 4/26/4.51, 4/26/5.55, 4/26/6.86, 4/27/1.102; PRO C66/3086.4 (Richard ap Edward, 1664, housebreaking and theft of £5).
\item \textsuperscript{115} NLW GS 4/35/2.44.
\item \textsuperscript{116} NLW GS 4/36.2.38.
\item \textsuperscript{117} NLW GS 4/30/2.19.
\item \textsuperscript{118} Meldrum, ‘London domestic servants’, 49; see also Fairchilds, \textit{Domestic enemies}, 73-4; Humfrey, ‘Female
Arthur Davies, confessing to the theft of a brass pan from a brew house in 1716, said ‘that he was out of service, and forced to beg his bread’, before giving a detailed account of his criminal activities.\(^{119}\) Others – all of them men in these records – seem to have found themselves in similar situations. In 1665, Robert Jones recounted to a magistrate an account of a working life that had begun well, with four years’ continuous service with one master in Eglwys-bach, before deteriorating into insecure short-term labouring, moving around the country, taking messages for a few pence, being forced to pawn his clothes. He began stealing around the Ruthin/Denbigh area, sometimes from households where he had previously worked: blankets, coats, linens, shirts, which he sold, and a suit of clothing which he ‘did weare out... in his travaile’.\(^{120}\)

Robert Jones clearly used his knowledge of the households where he had worked when he returned to steal from them. However, it was precisely this close knowledge of household goods, equipment and materials, or produce and livestock that made servants invaluable in policing theft: reporting crimes, undertaking searches and the pursuit of suspects, identifying stolen items, and then giving evidence before magistrates and courts.\(^{121}\) So, for example, early in the morning of 22 June 1682, Mary Kenrick, Sir Jeffrey Shakerley’s dairy maid at Gwersyllt, discovered that a number of cheeses had gone missing overnight from the dairy-house. The door to the dairy-house was locked, as she had left it the night before, but on closer examination she found that an iron bar in one of the windows was loose and could easily be removed. She sent word to her master of the theft, and he ordered a search of the local area. Another servant, John Lewis, described in some detail how he and Roger Jones, one of Sir Jeffrey’s day-labourers, carried out a search. The two men went through a number of meadows and woods, at times separating to search. They turned over a ‘great heap of stones’ in one field without success, before John ‘observed a track in the wood yt had been newly used’. Although Roger claimed that he had already gone that way without success, ‘they both came together and followed the track’, and discovered the missing cheese. Roger was subsequently prosecuted but released by the grand jury (probably because of the purely circumstantial evidence).\(^{122}\)

Just as servants’ theft often took place in the immediate context of their work, so too did their ‘policing’ activities. As they began their work in the early hours of the morning, they might be the first to discover the signs of a theft, in their own households or others. Jane Davies, a fifteen-year-old Wrexham maidservant, was fetching ‘fire’ for the household laundry between four and five o’clock in the morning when she saw ‘a hole in ye wall of Mr Bradfords shopp, and a peece of ye wall broaken

\(^{119}\) NLW GS 4/41/6 (examination of Arthur Davies, 1 March 1716).

\(^{120}\) NLW GS 4/26/6.17 (he was born in Eglwys-bach, and his first service was there; then he went to Gwernhywel; back to Eglwys-bach; cattle droving to Kent; Eglwys-bach; Cheshire; Llanferres; Ruthin).

\(^{121}\) The involvement of servants in investigating recurs without any comment in Herrup, Common Peace, 73, 74, 84, 151 (cf. 76, 83, 120, for servants accused of theft).

\(^{122}\) NLW GS 4/31/7.28.
down under the butchers stall yt was by the shop’; she fetched the neighbours, who sent her to summon the constable. Mary Hughes, a servant of Kenrick Eyton, had been laundering sheets at Wrexham and put them to dry on a hedge near his house and returned later to find that some had been taken. On her master’s orders, Mary obtained a warrant from a local magistrate to search houses for the sheets, and went with the local constable to carry out the search. Christian Sharp, maid servant to Mrs Anne Randles of Wrexham, received information about some suspect chamberpots in Elizabeth Edwards’ house. On viewing them there, she thought the pots belonged to her mistress, and went to fetch her. Finally, she found and brought the suspected thief to the house to be questioned.123

While maidservants were most often involved in investigating domestic thefts close to home, male farm servants responsible for livestock might have to travel long distances – often unsupervised – in search of stolen animals. William Thomas and Robert Thomas sold a number of stolen sheep in Wrexham, to Richard Jones and Richard Benjamin. Jones’s son and servant were sent in pursuit, catching up with them at an inn in Shrewsbury.124 Others came to Denbighshire from English counties: William Spencer, servant to a shoemaker in Lichfield, Staffordshire, traced his master’s stolen horse to Wrexham in 1686. In 1665, two of the servants of George Manley, a Cheshire gentleman, were sent to Wrexham to find and identify some sheep that had been stolen from their master.125

Finally, one less commonly used method of detection was entrusted to servants: where suspicions of theft had been aroused, they were set to watch the scene of the crime. John Lewis was caught this way, after William Morris and his family suspected that corn was being stolen from his barn. They set a watch on the barn for some nights early in March 1728; finally, John Roberts and another servant were on watch one night, when they heard ‘some smal disturbance’ at the back door of the barn, and the dog of the house began to bark. Once it quietened, Roberts heard ‘a gentle & gradual force or art used to open the door of the said barne’, and someone entered using ‘caution & gradual motions’. Roberts watched quietly as the intruder filled a bag with some barley, and as he was about to leave ‘surprized him with a blow that reduced the prisoner to the ground’, and then went to rouse the household. It has been suggested that for early modern farmers one of the main attractions of employing living-in servants was that it provided workers ‘who were available throughout the year, at any time of the day or night’, and could be called upon to deal with emergencies at unsociable hours.126

Sitting up in a barn overnight, early in March, to watch for a thief certainly falls into that category.

It should not be presumed that these activities were always motivated by simple loyalty to an employer. Servants were after all vulnerable to charges of negligence, or worse, when items went

123 NLW GS 4/35/1.56; GS 4/39/8 (examination of Mary Hughes, 3 February 1708/9); GS 4/34/2.28.
124 NLW GS 4/30/1.52-5.
125 NLW GS 4/33/5.66; GS 4/26/5.22.
126 NLW GS 4/44/2 (examination of John Roberts, 9 March 1728); Woodward, ‘Early modern servants in husbandry’, 143.
missing. At the very least, the cost of stolen goods might be docked from the servant’s wages, not a matter to be taken lightly. In 1711, Elizabeth Williams’ master wanted her to pay for a missing pewter pan that had been ‘under her care & charge’. And for a servant to ignore evidence of a theft, or to be perceived as failing to take action about it, might under the circumstances all too easily be viewed as suspicious. When Mary Edwards caught a woman taking a pan from Mary’s master’s house, she confronted the woman publicly ‘because she knew her master would question nobody but her for it’. Nevertheless, the court records demonstrate the prompt reactions and the work of many servants as investigators, and the trust that their masters frequently placed in them as deputies. In this, then, they provide something of an antidote to employers’ peevish grumblings about troublesome and untrustworthy servants, or the rhetoric and prejudices of moralists, which historians have all too often relied on as sources for servant/master relations. But of course, relations between servants and their masters were not always harmonious, as court records clearly show. However, they also indicate that when things did go wrong, the causes and the nature of conflict were often complex.

At the Quarter Sessions of April 1665, the Bench dealt with two cases concerning apprentices and their masters. In the first, Thomas Myddleton, a cooper, complained about his apprentice Richard Roberts: Richard had, he said, stolen the ‘bond’ of his apprenticeship, had run away from his master before his term of apprenticeship expired, and had repeatedly thrown stones at Thomas and threatened him with physical violence. The magistrates ordered that Richard be committed to the house of correction at hard labour and ‘twice well whipped’. The second case, however, they found less easy to deal with. Despite efforts at reconciliation, John Tudyr, a shoemaker, was refusing to ‘receive’ his apprentice, John Lloyd. According to Lloyd’s friends, Tudyr could give no reason for his actions; merely, Tudyr’s wife ‘was unwilling that hee should bee entertained their any more’. However, Tudyr told the magistrates that he had thrown Lloyd out after the apprentice had absent himself without leave and ‘playd up and downe ye streets’. A witness said that Lloyd had pilfered a groat from his master several months earlier; there was a strange, inconclusive deposition darkly hinting at a more serious attempted break-in and theft from a neighbour. The bench was undecided, ordering that magistrates should investigate further.

Just what had gone wrong in this case, and who was to ‘blame’ is obscure and contested, but one thing is clear: the case was presented to the court in terms of the accepted legal and moral obligations

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127 DRO QSD/SR/19.42-42A; SR/59.29.
128 Wills also often provide evidence of mutual affection and trust between masters and servants: McIntosh, ‘Servants and the household unit’, 19-20; Evans, ‘Market towns’, 147-8.
129 Recently, see Woodward, ‘Early modern servants in husbandry’, 142-3: his reassessment of Kussmaul’s work on farm servants uses the grumblings of employers to criticise her argument that servants were more reliable (and thus more attractive to employers) than day-labourers. Kussmaul, Servants in husbandry, 44-8, was less inclined to take the employers’ complaints at face value.
130 NLW CC B21/b.10, 28; B2, 39.
131 NLW CC B21/b.26/1-2; B2, 38.
on each side. Master and apprentice were bound together by a contract considerably more formal than that between most masters and servants, which placed certain demands and gave protections to both parties: the apprentice was to work hard, to be honest and obedient; the master in return was to treat him fairly, take care of him and thoroughly train him in his trade. Masters and apprentices do not make frequent appearances in Denbighshire’s court records, but when they do, it is more often in complaints about abusive masters than about disorderly apprentices. In 1710, Thomas Appleton was apprenticed to Thomas Cross, a Wrexham corviser, for the sum of £4; however, Cross ‘did often and barbarously beat’ Appleton and did not give him enough food, ‘by reason of which usage [Appleton] was compelled to quit his said apprenticeship’. The bench was asked to consider the case, presumably in order to have Appleton formally released from his contract and any threat of punishment for running away from his master. This they certainly did in 1718 for Elias Price junior, who had been apprenticed to Edward Owens, weaver of Wrexham. On the complaint that Elias had ‘been abused by his said master by inmoderate beating & other hard usage & that his said master hath not duly taught or instructed his said apprentice in the trade of a weaver’, Owens was ordered to release him from his contract.

Another complicated situation faced the bench at the quarter sessions in January 1685, where Anne Lancelot, a widow, and Urian Weaver, of Cacadutton (p. Wrexham) were accused of adultery, and the main witnesses were their servants John Kenrick and Gwen Vaughan. Between Christmas 1683 and the following November they claimed to have ‘observed the said Urian Weaver dayly to frequent the said Lancelott house & to keepe company with the said Anne Lancelot daies & nights’. Matters came to a head after the intervention of Weaver’s wife; following a ‘greivious complaint’ by her, the two servants sat up through the night of 3 November to watch their mistress and Weaver together. Anne’s response was to dismiss both of them, before their term of service was up, and to refuse to pay their wages. And she went further: she prosecuted Gwen for petty theft, and both servants for assaulting her – on 4 November, presumably the day that they confronted her and she dismissed them. So this seems to be a case of a mistress striking out at the servants who, as she would have seen it, had betrayed her trust and challenged her authority, while their justification would have been her immoral behaviour and the way in which the adulterous relationship was undermining another household. The court apparently sided with the two servants; a trial jury acquitted Gwen of the theft, and the grand jury threw out the assault charges. And this case also complicates the cases referred to

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133 DRO QSD/SR/19.48; SR/39.7. In June 1728, Robert Conway was committed to Wrexham house of correction for ‘out runing his prentishipe’: QSD/SR/80.16. See also masters bound over for assault on their apprentices: QSD/SR/65.23; SR/78.32, 34 (in the latter case it was said that the apprentice had ‘transgressed’).

134 NLW CC B41/a.33-4, 10-1, 14. Again, the two servants may have had some outside support, from the Richardsons who were engaged in a dispute with Lancelot and Weaver (see ch. 6 above, 193-4): a John Richardson of Cacadutton, gent., stood surety for John Kenrick: CC B41/a.20-1, 35.
earlier, where a servant’s departure supposedly aroused suspicions of theft; other studies have shown how servants who left a post under a cloud might subsequently be accused of ‘stealing’ items that had originally been gifts.135

In the most extreme circumstances of conflict, those that resulted in a death, the records offer detailed accounts of the breakdown of relations between servant and master, in disputes that almost always centred on the servant’s work (an alternative was conflict over wages).136 Nearly all involved men (in one case a mistress severely beat a young male servant who died some weeks later)137 and they showed many similarities to the violent masculine confrontations discussed previously: the themes of masculine honour, anger, ‘discipline’. Nevertheless, the cases involving servants and their masters stand out, in comparison to most cases which concerned social ‘equals’, because of the way in which they disrupted – and hinted at the tensions within – the hierarchical master/servant relationship.

Edward Powell had hired Edward Edwards to work in his fulling mill in 1705. One morning, Powell came to the mill and inspected a piece of cloth that Edwards had made, and complained that it had been made too thick, so that it was not long enough, and said that he would dock Edwards’ wages for it. Later the same day, Powell complained about a piece of broken equipment, and when Edwards said he knew nothing about it and refused to pay for it, Powell ‘told him that he would make him pay for it.’ Powell then picked up a piece of wood and struck Edwards with it; in defending himself, Edwards gave Powell a blow on the head with a stick, and he later died.138 And we have already seen a similar chain of events when Robert ap Richard fatally wounded his master, John Salusbury, after being (unfairly, as he thought) chastised for his work while ploughing.139 From the employer’s point of view, a servant’s angry refusal to meekly submit to his master was a direct challenge to his authority, to be punished. But from the perspective of these two men masters were being unjust, abusing them unfairly and shaming them in front of their peers (both confrontations were ‘public’, before other men). In this patriarchal society, after all, a male servant or labourer was placed in a position that did not always fit well with assertions of manhood. At any rate, in both these cases, the juries seem to have agreed that the accused had been unreasonably provoked, and brought in verdicts of manslaughter.

Meanwhile, female servants appear in court records as more vulnerable to abuse, not least sexual abuse, within the master/servant relationship. Generally, women who can be identified as servants, unlike their male counterparts, are rarities in Denbighshire’s records of interpersonal violence. If male servants might be able to invoke masculine honour to justify striking a master who had shamed or provoked them, the female servant’s options were more circumscribed. The maidservant was caught in

135 Meldrum, Domestic service and gender, 200.
136 NLW GS 4/34/1.34-41 (although the employee here was a journeyman artisan rather than servant).
137 NLW GS 4/26/6.13.
138 NLW GS 4/39/1 (various examinations, 4-6 December 1705)
139 NLW GS 4/33/6.20 (see ch. 3 above, 77-8).
a double bind: she was supposed to maintain her chastity, but she had no justifiable recourse to any form of violence against a master in order to resist sexual advances (the only advice available was for her to leave her post).\textsuperscript{140} Certainly, it should not be assumed that all maidservants were abused, nor that sexual exploitation was a typical experience.\textsuperscript{141} But it was difficult for a maidservant to prevent her master from taking advantage of his powerful position, and sexual relations could have disastrous consequences, much more so for her than for him. To take the most extreme situation, four of the 12 women indicted for infanticide in Denbighshire between 1660 and 1730 were definitely identified as servants. In one of the cases, that of Dorothy ferch Thomas it was reported that she had implied that her master was the father (in her examinations, she named someone else, but in rather vague terms). Gwen Hughes claimed not only that her dead child’s father was her mistress’s son (almost certainly true), but also that her mistress had consequently helped her to hide from the authorities and to leave the area (which may have been true as well).\textsuperscript{142}

The need for caution in seeing maidservants as inevitably sexual victims (of their employers) is, however, underlined by bastardy examinations and related records. Only a minority of identified servants named their masters (or their friends or relatives) as the father. More often, the father was of a similar social status to the maidservant herself, another servant, a labourer or craftsman. The father of Elizabeth Edwards’s child was the brother of some of her female friends; he first persuaded her to have sex with him when she was on leave visiting home.\textsuperscript{143} Hannah Edwards, a servant of Sir Edward Broughton of Marchwiail, had two lovers to choose from, Robert Worrall (described both as a fellow servant and as a ‘yeoman’), the other, Josua Kendrick, a local man whom she had let into the house. She was apparently not inhibited by the fact that she shared the bed with another maidservant (who described how she heard the bed ‘crack very much’; this was not, apparently, an innocent version of ‘courting on the bed’).\textsuperscript{144}

However, maidservants’ vulnerability to abuse from their masters is underlined by the experiences of Elizabeth Owens, servant to Philip Roberts of Wrexham. After he ‘prevailed’ upon her to have sex with him and she became pregnant, he ‘told her she must not father ye child upon him for it would create a difference between him & his wife’, and told her to ‘swear’ the child on Edward Owens, a Wrexham labourer (even though she told Philip that she had never had sex with Edward) and if she

\textsuperscript{140} Meldrum, ‘London domestic servants’, 50-2.

\textsuperscript{141} See Meldrum’s critique of the bleak picture painted by many historians, Domestic service and gender, 102-4. He does not doubt that maidservants could experience sexual abuse (which he sensitively discusses), but argues that historians should not assumed that it was the norm.

\textsuperscript{142} NLW GS 4/29/2.56.

\textsuperscript{143} DRO QSD/SR/60.48. Again, while cases concerned with the maintenance of bastards appear regularly in the seventeenth-century Quarter Sessions records, standardised bastardy examinations of this type are again a feature of the eighteenth-century files, with about half-a-dozen cases yearly during the 1720s.

\textsuperscript{144} DRO QSD/SR/38.19-21. Hannah seems to have been uncertain herself as to the child’s paternity, she chose Robert when examined, but this was after naming each man in different conversations with witnesses. For
would, Philip’s ‘wife would be as a mother to her’. When Elizabeth subsequently told Philip’s wife that he was the child’s father, master and mistress ganged up on her, threatening to use the law against her: ‘to put her in Bridewell for a twelvemonth and a day if she would swear it upon him’. She subsequently deposed that Edward Owens was the father, but the magistrate was doubtful of the allegation and sent her home to think it over. Her master and mistress followed up their threats by first locking her in a room and then refusing her wages so that she could go home; but she finally returned to the magistrates and named Philip as the father, confessing that her first statement had been false and made under duress.145 And so this case also points to the ways in which external legal authorities could sometimes check the power of an abusive master: the magistrate’s suspicions created more trouble (in the short term) for Elizabeth, but also offered a way out that she could not have taken alone.

Closer examination of appearances made by servants in Welsh court records dispels simplistic generalisations about their relationships with their masters, the communities within which they lived, and with the law. What we find is complex, not always clear-cut: trusted deputies; cheating abusers; bad masters; wronged victims. Nevertheless, servants were vulnerable. Their well-being depended on a range of factors that were only partially under their control: maintaining good relations with their masters and mistresses, retaining physical fitness and health, managing to avoid unemployment.146 A thread running through many of the records of dispute between servants and masters is the significance of alliances and support outside the servant’s household: often the servant’s own family and friends, occasionally the master or mistress’s enemies. Complaints about the conduct of masters were often made on the servant’s behalf, perhaps by a relative (as in the case of Thomas Appleton). Even the reprobate apprentice Richard Roberts was helped by members of his family.147 And that some servants turned to the risky strategy of theft from an employer in order to create links to local support networks simply underlines their importance.148

Conclusion

The ‘respectable’ settled poor, especially those who had become impoverished as a result of old

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145 DRO QSD/SR/78.9-11.
146 In 1722, John Roberts’s service for Mary Rogers of Gresford was painfully disrupted when a cart overturned, breaking his thigh; fortunately Mary looked after him for a time, but he was subsequently removed from the parish: DRO QSD/SR/58.26-7.
147 DRO QSD/SR/19.48; NLW CC B21/a.24. See also D. Jenkins, ‘The population, society and economy of late Stuart Montgomeryshire c. 1660-1720’ (PhD thesis, University of Wales, 1985), 95, noting a case where an employer had failed to pay wages owed to a servant, following it up with false accusations of theft and arson, but it was only later when the servant found another ally that he took it to court.
148 See ch. 4 above, 130-2.
age and debilitation after a lifetime of participatory membership of their communities, were the most secure and ‘included’, the primary recipients of formal poor relief in Denbighshire well beyond the period of this study. The physically fit ‘life-cycle’ poor with expanding families were more likely to be expected to maintain a precarious existence aided by a range of informal community networks and assistance and by self-help measures, as were those in need of ‘extraordinary’ short-term aid. However, the ‘disorderly’ local poor, often young and single, who were seen as refusing to work, as disruptive and possibly criminal, as promiscuous and likely to produce offspring who would burden local resources, were more likely to face disapproval and discipline.

The ‘vagrants’, the moved-on, the beggars and migrants who ran out of funds before they found work, were the most marginal of all, something reflected in the limited and largely negative appearances they make in court records. Finally, servants were a rather ambiguous group: poor, young and single, living in their employers’ households; at once part of their families, an essential part of their households, and a source of anxiety and possible conflict. It was all too easy, moreover, for a servant to slide into ‘stranger’ status: moving between households, their settlement could be uncertain and the servant who failed to get a post could ultimately slide into vagrancy – and from there it was extremely difficult to be ‘re-admitted’.

As all this suggests, for the poor, creating and maintaining membership of social networks in which they possessed some form of ‘credit’ – a good reputation, an influential ‘patron’, a place in the circulation of mutual assistance – was of crucial significance in sustaining any kind of security. For some, sometimes, the law offered protection and help in securing their needs, and the poor could be as law-minded as their social superiors. If overseers of the poor refused help, it was possible to go over their heads and apply directly to Quarter Sessions for an order for relief. Even ‘strangers’, separated from their own networks, could on occasion turn to the legal system for help against local prejudice or malice. Some said as much: Richard Lewis petitioned the judges at Great Sessions for their help in releasing him from a malicious debt action: ‘beinge soe farr remove from his frinds & acquaintance is like to be utterlie undone hearein unlesse your lordships will comisserat the sad condicion your petitioner is in’. But if anything the law tended to work to the disadvantage of those on the margins, was more likely to be a tool with which the more powerful could effect the process of exclusion and stigmatisation. For poor and marginalised groups, social networks were perhaps more important: indeed, they could make use of the legal system possible in the first place.

149 NLW GS P.662, August 1663 (petition of Richard Lewis).
Chapter Eight

Conclusion

The main goals of this thesis have been two-fold: to draw attention to the diversity of early modern attitudes towards crimes and the law and the uses of two criminal courts in a Welsh county over a 70-year period; and to set the detailed study of that county and its own local varieties in larger regional and ‘British’ (and sometimes European) contexts. Much early modern English history of crime has focused on narrow sections of the topic, whilst nonetheless confidently making generalisations about ‘crime’.\(^1\) Geographically, much of it has been equally narrowly focused; the research has often been careful in examining distinctions between urban and rural – but frequently that has referred to only one kind of ‘rural’ environment: that of the south-eastern lowlands.\(^2\) Meanwhile, ‘the new British history’ has largely been concerned with state-level politics (in which Wales, politically integrated much earlier and much more successfully than Scotland or Ireland, is frequently a bit-part player), or national-level cultural formations. It has not done much to expand the horizons of social history beyond conventional national compartments, or to counter its disproportionate emphasis on English history. Thus, this chapter after summarising the major themes of the thesis, will conclude by discussing both of those issues in some detail.

\(^1\) Sharpe, *Seventeenth-century England*, remains unusual amongst published studies in taking a broad view of ‘crime’ that gives equal weighting to economic/community regulation and the ‘serious’ felonies – and acknowledges in its title that it is a ‘county study’. This is not to question the value of in-depth research on specific topics; more troubling is the way in which certain privileged categories (especially theft) are made to stand for ‘crime’ as a whole: e.g., P. King, *Crime, justice and discretion in England, 1740-1820* (Oxford, 2000), is in fact concerned with property felonies, primarily in Essex.

\(^2\) But see now G. Morgan and P. Rushton, *Rogues, thieves and the rule of law: the problem of law enforcement in north-east England, 1718-1800* (London, 1998); and Garthine Walker’s PhD research based on Cheshire is nearing publication. The qualitative riches of Northern Circuit records have more often been quarried for specific sub-topics of crime: A. Macfarlane, *The justice and the mare’s ale: law and disorder in seventeenth-century England* (Oxford, 1981); M. Jackson, *New-born child murder: women, illegitimacy and the courts in eighteenth-century England* (Manchester, 1996). Yet they are also well-suited to quantitative analysis, as are the Chester Great Sessions records. The neglect can hardly be ascribed to a lack of sources. T. C. Curtis, ‘Some aspects of the history of crime in seventeenth-century England, with special reference to Cheshire and Middlesex’ (PhD thesis, University of Manchester, 1973), is a rare study of crime in both a northern and southern county, but regional comparison is not a central organising principle. Ch. 5 does however study spatial distribution of offences within Cheshire to argue against an association between ‘forest’ areas and lawlessness.
Crimes and courts in Denbighshire, 1660-1730

Overall, certainly in relation to population levels, there was a decline in indictments in Denbighshire Great Sessions and Quarter Sessions during the period of this study. But the movements were not straightforward, nor uniform across all categories of offence. I have argued that the movements are often more closely related to political than economic crises. Three periods of heightened indicting activity – often paralleled in, for example, presentments and recognizances – could be discerned. Following the Restoration, especially at Quarter Sessions, there was a period of considerable activity that was followed by a lull in the 1670s. During the 1680s and into the 1690s the fall was reversed; theft and homicide prosecutions both peaked during the second half of the 1680s. This was again followed by a quieter period in the early eighteenth century, but during the 1710s through to the mid-1720s, the levels rose again, making the first half of the 1720s the busiest half-decade of the entire period for overall indicting activity – partly due to substantial increases in prosecutions for non-lethal interpersonal violence.

Moreover, the characteristics of prosecutions differ significantly from those in English courts, especially in southern England; there are substantially higher proportions of non-lethal interpersonal violence and riot indictments especially at Great Sessions compared to Assize courts (although homicide rates are very similar to English figures). Within the county the north-western areas show the highest proportions of interpersonal and ‘peace’ prosecutions; while theft is more prominent in the vale of Clwyd and, most of all, in Bromfield. Yet even there, prosecution rates for theft are relatively low in comparison to south-east England. It was suggested that the low levels of theft prosecutions were related to the slower progress of social-economic (‘class’) differentiation in Wales than in England. But the higher proportions of prosecutions for assault, riot and so on warn against consequently exaggerating the cohesiveness and ‘harmony’ of social relations.

Although subsequent qualitative analyses were not rigidly determined by the quantitative patterns, the latter did influence the direction taken by the thesis. It was clear that to follow many English historians in emphasising property crimes would have been inappropriate in the Denbighshire context; much more attention to the topics of non-lethal violence and disorder would be required. Nevertheless, opening chapters examined the two major felonies of homicide and theft, focusing in detail on attitudes towards these offences, the contexts in which they took place and their social significance.

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3 This is confirmed in the longer term by a preliminary examination of earlier gaol files: the annual average number of indictments during the 1630s was about 35 – much higher than after the Restoration. Also, analysis of the 1650s files (though problematic due to irregular survival) is needed to determine whether the 1660s levels represent a genuine ‘peak’ or rather a ‘plateau’ followed by further decline.
In discussing attitudes toward homicide, I emphasised the fundamental distinction between
murder and manslaughter, the ways in which this was established in court cases, and the extent of
consensus between ‘the law’ and society on this issue. Subsequent analyses of gender and
violence also elaborated on this theme. Lethal masculine confrontations, defending honour and
status in public, were contrasted to women’s homicides – overwhelming ‘family’-based and
often ‘private’. Cases of neonaticide by unmarried mothers suggested considerable ambivalence
towards this offence. Finally the near-silence surrounding men’s violence towards women, both
domestic and sexual, was addressed; it was suggested that here the problem of the ‘dark figure’
of unreported crime was especially acute. But this was more than simple ‘misogyny’; the likely
under-reporting of wife-beating, for example, has to be set in a cultural context that permitted
those in positions of household authority, both men and women, to physically ‘correct’
subordinates and where there were no clear dividing lines between ‘discipline’ and abuse.

Chapter 4 also set out to place the complexities of theft and its policing in context. I
explored the generation of ‘suspicion’, and responses to the discovery of theft. Despite the
absence of a professional police force and its material and technological resources, I argued that
the policing and investigation of theft in the early modern period was far from primitive and had
more in common with its modern counterpart than we tend to realise: especially the importance
of ‘policing by the public’, and of basic legwork and co-operation (not always voluntary). I then
went on to explore the exchange and circulation of stolen livestock and goods. I argued that
sheep and cattle theft was to a considerable degree commercial, with porous boundaries between
licit and illicit trade; there was not much sympathy for those who bought stolen beasts as a result
of breaking the ‘rules’ that aimed to protect those boundaries. In the realm of stolen domestic
goods, clothing and textiles, again the records show much in the way of economic exchange
enmeshed in legal trade, though here much of it was between women in informal and semi-
formal contexts; but they also reveal a world of credit networks, gift exchange and sociability,
the very fabric of neighbourhood relations and co-operation.

The following chapters, in leaving the safety of the clearly bounded topics of chapters 3
and 4, were compelled to confront, repeatedly, the uncertainties of allegations and counter-
allegations, accusations of malicious accusations, complaints of unscrupulous tactics, with few
clear contemporary decisions for guidance. It was frequently stressed that although ‘what really
happened’ in individual cases might be confused and confusing, there was much to be learnt
about attitudes by examining the claims that were made, and the contexts in which alleged
disorders and misbehaviours arose, pointing to common points of social ‘friction’. What was
adopted, in a sense, was a ‘relational’ approach, as considerable evidence suggested that many
complaints of abuse, although not simply ‘false’, concealed more complex disputes within
communities, or between officials and communities.
Local representatives of state authority could find themselves caught between demands from above and the attitudes of their neighbours. Chapter 5 focused on various manifestations of these relations and tensions between the state and local communities; firstly, the local contexts in which government was experienced; and secondly, the changing relationship between county and ‘centre’, with growing disaffection (and internal divisions) following the ‘Glorious Revolution’. Chapter 6 turned to focus on conflicts arising largely within local communities. After a discussion of disruptive and disputing neighbours, I examined the strategic uses of both law and violence, and of collective action in disputes relating to land, with a particular study of resistance to enclosures by landlords, and the ways in which convergences of interests led to the formation of alliances across social strata.

Finally, chapter 7 examined the ‘marginal’ elements in local communities, and their experiences of the legal system. In supporting the dependent settled poor, there were continuing traditions of informal support and assistance; compulsory poor rates were adopted late and generally low, although there was some expansion in the second half of the period. Poor ‘strangers’ were the most vulnerable elements of the population; often compelled by desperation to turn to petty theft, liable to attract suspicion and hostility, with few protections. Servants, meanwhile, occupied an ambiguous position. The court records show that images of them either as habitual criminals or eternal victims are inadequate: relations between masters and servants were complex, and as likely to be marked by co-operation as by conflict; unequal, but not unconditionally so.

Finally, there were also certain absences in the thesis that deserve comment. In the entire 70 years covered there was just one indictment for witchcraft (thrown out by the grand jury). There was a handful of other references to the practice, but this is consistent with Wales as a whole: witchcraft prosecutions came late and were few in number, despite evidence of widespread witch-beliefs. The most recent explanations of witchcraft accusations in England are far more complex than the older ‘refused charity’ model, but they focus on competition between households for scarce resources. In much of Wales resources were even scarcer; the rarity of witch-hunting may therefore provide further corroboration for the view that, whatever the frictions within communities, traditions of co-operation remained powerful influences on social relations. It might also (given that so many prosecuted witches in England and Wales were women) hint at fewer tensions in gender relations; or that concerns about women’s behaviour

\[4 \text{ NLW GS 4/41/6 (Elinor wife of Hugh David). Prosecutions were rare even in the earlier seventeenth century, with just one indictment during the 1630s (GS 4/21/3.74).}
were channelled elsewhere, such as presentments (but rarely indictments) for scolding. The Denbighshire houses of correction were not disproportionately populated by women; similarly, sexual morality and the ‘reformation of manners’ seem to have been very low on the secular authorities’ agenda.

Again, Denbighshire authorities seem not to have been intensely concerned about the unruliness of ‘popular culture’. They routinely issued licences for alehouses; they rarely suppressed them. Moral reformers’ condemnations of sabbath-breaking and drunkenness seem to have had little influence. In election campaigns, disorder, feasting and misrule (and even violence) were encouraged, and financed, by the county’s most powerful gentry families, who also encouraged, by action and by inaction, expressions of disaffection with the Hanoverian regime. Indeed, occasional attempts by less tolerant magistrates to prevent local revels could meet considerable resistance – and not just from the ‘plebs’.

Before 1730 there are, then, few signs of a ‘crisis of community’, the fragmentation and distancing of gentry from the rest that has been identified in later-eighteenth-century Wales; hostility towards early-eighteenth-century English governments (and those identified with them) might even have been an unifying factor. If there was not yet much ‘class’ polarisation, there were divisions on religious-political lines, the ongoing legacy of the Civil Wars rather than the product of socio-economic change. Yet it has been argued that there were hints of the changes to come. It was tentatively suggested that Quarter Sessions was starting to become more ‘distanced’ from local communities, a more grandiose, formal institution more concerned with displaying the power of the county gentry than with mediating in mundane disputes amongst neighbours or over paupers. The growing pressure on the traditional system of poor relief from the early eighteenth century was accompanied by signs of increased concern about ‘disciplining’ the poor; houses of correction, a late introduction (under Interregnum government), expanded considerably. There was, then, a good deal that differentiated criminal justice and ‘social policy’ in Denbighshire from its English counterparts, as well as some broad similarities and signs of ‘convergence’ in specific areas, which may even so have been understood and responded to somewhat differently: future research is needed to better understand both particularities and wider correspondences.

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6 CC E4576, Thomas Meredith to John Myddelton, 8 May 1732, is extremely unusual (and at the very end of our period): the recipient, having promised assistance in ‘rectifying the disorders of these licentious parts’, and was asked to sign a warrant against ‘the cockers and interluders’.

7 E.g.s of multiple recognizances for alehousekeepers: NLW CC B17/c.14-24; B19/c.23; B38/c.39; DRO QSD/SR/16.3-4; references to suppression (or threat of it), all mid-1690s: NLW CC B50/a.2/5; B50/c.2; B52/a.6/5; and GS 4/26/3.70, ordering the suppression of an Eryrys alehouse, followed the exceptional
Towards a social history of the ‘British regions’?

This thesis has not been ‘British history’ in the sense of much written on that topic since Pocock’s call to arms in the 1970s: that tends to be concerned with ‘high’ politics and culture, and ‘national’ identities.8 Indeed, Nicholas Canny has commented that ‘the “new British history” seems to be further widening the rift that already exists in British historiography between political history and social and economic history’.9 The latter, quite rightly, remains rooted in smaller territories; a ‘composite’ social history of early modern ‘Britain’ (too big, too modern, too English-dominated) is probably neither possible nor desirable. And yet there is a need for social histories that go beyond the national boundaries. Social and economic relations and interactions did not conform to national compartments. Indeed, David Rollison has written of a process of ‘intensification’ of communications and interactions during the early modern period, and that certainly does not apply only to England.10

One useful approach may be found in recent efforts to re-connect political and social history in various ways, often extensively using legal records: broadening the definition of ‘politics’, examining relations between the state and local society (including the use of the courts), attending to political participation ‘out of doors’.11 That has indeed so far been largely concerned with England, but the diverse methods and approaches employed are ripe for appropriation by Welsh historians: something that this thesis has aimed to demonstrate. Indeed, topics have been raised in the course of this thesis – aspects of the administration of criminal justice, poor relief, local responses to ‘central’ political change – that differ, sometimes substantially, from the same processes in England. The same framework of laws, institutions, governance, did not produce uniform results; the political ‘centre’ can look rather different from Wales, in ways that ought not to be reduced to ‘backwardness’ and ‘conservatism’.12 Joanna


9 N. Canny, ‘Irish, Scottish and Welsh responses to centralisation, c.1530-c.1640’, in Grant and Stringer (eds), Uniting the kingdom?, 147-69, at 147.


11 P. Griffiths, A. Fox and S. Hindle (eds), The experience of authority in early modern England (Basingstoke, 1996); S. Hindle, The state and social change in early modern England, c.1550-1640 (Basingstoke, 2000); T. Harris (ed), The politics of the excluded, c.1500-1850 (Basingstoke, 2001).

12 See also the example in political history set by S. G. Ellis, ‘Tudor Northumberland: British history in circumstances of a fatal brawl.
Innes has recently suggested, for example, a ‘four-nations’, comparative approach to the study of eighteenth-century social policy. As she concludes, ‘the territories of the British crown’ (in the isles and beyond) represent a ‘highly complex polity’:

We will surely understand the history of each of the parts of that polity better if we learn to set them in the context of the whole; we will not understand the whole until we have better charted the range of practices within the parts, and achieved a better understanding of the extent and character of interactions between them.13

Geography, too, did not straightforwardly correspond with political frontiers: its boundaries could be both much smaller and much larger. I have, for example, frequently stressed the importance of the upland/lowland divides, as much as the eastern (‘anglicised’) and western (‘Welsh’), within Denbighshire. The comparative study of crime in the upland areas of Wales and England could enrich our understanding of both, as research on the south Wales and north-east English coalfields has begun to do for a later period.14 It has been commented that British historians are far more interested in ‘time’ than ‘space’, 15 and it would indeed be hard to imagine a British equivalent of the 400-page celebration of geographical diversity (and its scholarship), down to the smallest pays, that was Braudel’s first volume of The identity of France.16 Yet there are established traditions of English and Welsh local and regional history, studying communities and areas in detail, thinking about ‘space’ in diverse and stimulating ways.17 Moreover, this historiography has become increasingly ambitious and sophisticated in recent years – including compelling arguments for the wider importance of ‘local’ histories and regional perspectives. ‘To understand the origins of modern society we need a new kind of history, one that begins in the localities but does not end there’.

13 J. Innes, ‘What would a “four nations” approach to the study of eighteenth-century British social policy entail?’ in Connolly (ed), Kingdoms united? Great Britain and Ireland since 1500: integration and diversity (Dublin, 1999), 29-42, which applies perspectives from Irish historiography to a northern English county to eye-opening effect.


17 See Marshall, ‘Proving ground’. See, e.g. D. G. Hey, An English rural community: Myddle under the Tudors and Stuarts (Leicester, 1974); M. Spufford, Contrasting communities: English villagers in the sixteenth and seventeenth centuries (Cambridge, 1974); D. Jenkins, The agricultural community in southwest Wales at the turn of the twentieth century (Cardiff, 1971).
past.\textsuperscript{18} We need histories on a range of ‘scales’, local and comparable, regional and comparative, if we are to achieve a better understanding of the larger entities (‘Wales’, ‘England’, ‘Britain’) in which the smaller ones (co-)exist. The records of crime, prosecution and litigation offer one important route towards such a goal: they cover centuries of development, richly varied localities and a wide range of activities. But to do so fully, historians using these records need to break down some enclosures and limits of their own.

\textit{Crime and conflicts in early modern communities}

One of the central arguments of this thesis is that attitudes towards courts, the ‘law’ and ‘crime’ cannot be fully understood by reference to a narrow range of offences or through a single conceptual prism. And we may need to accept considerable uncertainty in many aspects of the subject, to avoid imposing judgements on events that were at the time surrounded by controversy, that may never have been fully resolved. Historians of crime have to a considerable extent side-stepped these issues by emphasising certain crimes – indicted felonies – that are easy to classify and to enumerate, and were at the time prosecuted and punished by relatively standardised and visible procedures (including, in its own way, the operation of discretion). In following this path, they have by default virtually adopted the position taken almost thirty years ago by G. R. Elton, objecting to a broadened definition of ‘crime’ by historians such as J. A. Sharpe, which encompassed a wide range of misbehaviours and courts (including church courts). In Elton’s view, ‘real’ crime meant treason and serious felonies against property or person, not adultery or defamation.\textsuperscript{19}

Sharpe responded by pointing out the inconsistencies and anachronisms in Elton’s argument: why should adultery and theft be separated while treason and theft were equated? Was it the most ‘serious’ or the most common offences that should be regarded as real crime? Moreover, contemporaries did not separate out ‘sin’ (offences against God) and ‘crime’ (offences against society) in the way that modern people do. Yet even Sharpe took the view, for no clear reason, that certain religious offences such as recusancy and absenteeism from church should be classed under religious history rather than history of crime.\textsuperscript{20} And, despite his efforts, studies of civil litigation and of ecclesiastical courts are largely divorced from histories of crime; the connections between litigation and criminal prosecution are artificially separated, for example.

\textsuperscript{18} Rollison, \textit{Local origins of modern society}, 15, 17.
Part of the problem was the emphasis on quantitative methods and the indictment: driving analysis by enclosed legal categories, unable to deal with indeterminacy, superficial on the numerically ‘insignificant’.\(^{21}\) Another is the sheer diversity of activities encompassed by early modern legal records; just what do the misbehaviours of defamation and theft, or responses to them, have in common? The approach chosen in the second part of this thesis, exploiting the turn to qualitative rather than quantitative methods of research, has shown some ways of making connections. But I want here to develop the conceptual underpinnings of such empirical analysis. Two perspectives from the social sciences that have been subjected to rigorous interrogation and debate seem helpful: those of ‘deviance’ and of ‘disputes’. Both cover diverse methods and standpoints, but do have a certain overall coherence (and have, importantly, demonstrated their value in historical research).\(^{22}\)

Deviance is perhaps particularly elusive and varied, although a helpful basic definition has been given: ‘banned or controlled behaviour which is likely to attract punishment or disapproval’, and hence often (certainly not always) carried out covertly.\(^{23}\) Meanwhile, ‘disputes’ have been defined as ‘confrontations which follow from an actor’s perception that some harm he has suffered or anticipates flows from another’s departure from accepted criteria of association’, ‘occasions where one feels he has suffered an injury, sees another as to blame and confronts him with responsibility’. This goes on to distinguish three types of dispute: those between equals or relative equals; ‘disputes which cross lines of stratification’, between social superiors and subordinates; and ‘disputes which arise directly out of a ruler’s efforts to govern’.\(^{24}\) The two subjects are separated by academic discipline – criminologists and sociologists study ‘deviance’, legal anthropologists study ‘dispute’ – but this is a rather artificial distinction. After all, one of the major reasons that certain behaviours are ‘banned or controlled’ is the perception that they cause harm.

Firstly, ‘deviance’ and ‘dispute’ could be taken to represent degrees of ‘seriousness’, in which an outstanding example would be the distinction between murder and manslaughter. Cold-blooded murder, the product of the ‘wicked heart’, was an unambiguously deviant,
malicious act, outside all moral boundaries: hence the severity with which it was treated. But the fatal (usually masculine) confrontations resulting in ‘manslaughter’ belonged to the sphere of dispute enacted within social ‘rules’ and obligations. Of course, manslaughter was a serious deviation from order, causing terrible damage that demanded punishment, but, as local observers, courts, legal theorists and legislators all agreed, it also necessitated clemency.

Dispute, it is abundantly clear, was unwelcome, frequently condemned for undermining social relations, creating discord and disorder where there ought to be harmony. And those who lived in the aftermath of civil war could hardly fail to be aware of the potential seriousness of that. Yet attitudes towards disputes remained ambiguous, because dispute itself is ambiguous: conflict between fellow ‘members’ of communities ready to defend transgressions of ideals of harmony and neighbourliness. But ‘deviance’ can be ambiguous and contentious too, as historians of ‘social crime’ (and radical criminologists) have so amply demonstrated. In property crimes, we might bear in mind Cynthia Herrup’s detailed analysis of the process of differentiation between ‘two sorts of convicts: those who were too dangerous to remain in the community, and those who despite misbehaviour still deserved some sympathy’.25 Only certain circumstances – theft aggravated by violence, calculation and the profit motive, refusal to reform – earned the label of irredeemably deviant. And why did ‘need’ in particular mitigate the seriousness of theft? Because if it was wrong to steal, it was also wrong that someone should fall into such desperate circumstances: theft committed from need exposed a collective failure in moral obligations towards the poor and vulnerable.

Then there are the disconcerting ambiguities of ‘vexatious’ prosecutions or law-suits; the accusations of ‘deviance’ (e.g., theft, perjury, unwarranted violence) that were frequently part and parcel of the waging of disputes. Here, then, deviance and dispute perspectives overlap and interact. At the heart of the most intractable disputes, very often, lies the mutual conviction of each party that it is a victim of the other’s malevolent intent and actions. Or, of course, an accusation of ‘deviance’ may be tactical, at least exaggerated and selective, intended to undermine an opposing disputant. The historian’s dilemma is precisely the uncertainty about an accuser’s motives; yet we can learn much about the dynamics of social relations and conflicts without having to allot ‘blame’.

The reference to disputes that ‘cross lines of stratification’, and those between rulers and ruled, opens up an important perspective that re-connects us to the twin themes of ‘authority’ and ‘community’. In early modern society, the very notion that disputes could cross social or

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political hierarchies may at first seem doubtful. For subordinates, the ‘accepted criteria of
association’ crucially included deference, obedience, submission, to their social superiors and
governors; ‘disputing’ their authority was in itself liable to be labelled a form of deviance. And
those above did not ‘dispute’ with those below: they disciplined them for their disobedience. But
sympathetic responses to, say, servants who stole or even killed their masters, under certain
circumstances, warn against assuming that a subordinate who transgressed was automatically
labelled ‘deviant’; ideals of justice imposed certain constraints on the behaviour of those with
authority; the acceptable limits of ‘discipline’ were far from being uncontested.

However, very often, those of low status, servants, the poor, needed the support of others
in order to ‘dispute’. They might turn to higher-status ‘patrons’, who in return expected displays
of gratitude and deference, as in the very language of pauper petitions. But equally important
was ‘belonging’ to larger collectivities – community, social network, alliance of interests, ‘class’
– that could marshal both material and symbolic resources against, say, an enclosing landlord or
a mean overseer of the poor or an abusive master (or even a monarch). Access to the benefits of
‘belonging’ had its own price: dues paid (in advance and the long term) by accepting the moral
‘rules’ and obligations of community; in the case of small local communities, ‘neighbourliness’,
participation in support and credit networks, working and paying taxes, upholding and protecting
that neighbourhood’s interests against ‘outsiders’. The price was not small (and perhaps not
always willingly paid), but nor were the consequences. Belonging moderated disadvantage,
aided survival, enriched life beyond narrow material considerations; exclusion and isolation
could be fatal.

‘Authority’, as recent historians have stressed, is not a simple matter of haves and have-
nots; it was at every level negotiated. Most early modern people had ‘an amphibious relationship
to authority, at once its conduits and receptacles’. The legal authorities depended on the co-
operation and participation of the majority, not just those holding office. And in all of this,
‘community’ was not something opposed to or outside ‘authority’; any ‘community’ was much
more powerful than its members as individuals could be. Nor were local communities apolitical
spaces without authority structures, especially perhaps in a context of miniature parish ‘states’
with considerable autonomy: they had their own pecking orders (not least those of gender, or of
the ‘independent’ and ‘dependent’), and one further ‘rule’ of belonging not yet mentioned
undoubtedly involved knowing, or carefully negotiating, one’s place within them (with the aid,
o no doubt, of ‘micro-communities’ of friends and kin).

It has been suggested that in many early modern Denbighshire communities there was significantly less social-economic polarisation than in English society at the same period. Indeed, the low levels of prosecution for theft (especially petty theft) may point to the ongoing power of ideals of mutual obligation: maybe in reality resulting in less theft, but also constraining decisions to prosecute impoverished needy thieves. But that does not mean that such differentiation was absent; nor was it uniformly experienced across the county; nor was it unchanging. ‘Class’ was in any case never the only source of social discord. Individuals (with all their peculiarities, desires, weaknesses, strengths) were part of intricate, radiating ‘webs’ of communal association, variable small and large networks that might create conflicts of loyalty, that had their own tensions and pitfalls. Harmony was a powerful social ideal, not just in Wales, one that we should not lose sight of; but the Denbighshire court records show that it was not so easy to achieve. More importantly, though, the wealth of qualitative material that they contain offers clues about why and when ideals faltered or broke down, and how individuals, communities, law enforcers and governments responded to the challenges that such moments represented – and continue to represent for historians attempting to understand our multi-layered, multi-cultural, troublesome pasts.
Appendix 1

Survival of records

Denbighshire Great Sessions gaol files, 1661-1730
Appendix 2

Note on sampling and use of records

The volume of Great Sessions criminal business was not such as to necessitate sampling of depositions and indictments (and related materials, such as jury verdicts and gaol calendar records on sentencing decisions): all such documents for the period 1661-1730 were recorded. An outline calendar of the surviving 132 files was created, representing almost 7000 items. The information in indictments and trial outcomes was then recorded in a computer database, the basis for quantitative analysis of indicted offences and decisions. Depositions and related qualitative materials (including articles of misdemeanour) were transcribed almost in their entirety and a free-text database was used to facilitate access to a large body of text. A number of earlier gaol files, for the periods 1601-03 and 1631-41, were also inspected, indictments noted and some depositions transcribed, for comparative and longer-term perspective.

However, given the larger and more heterogeneous body of surviving Quarter Sessions records (there were 4300 documents for the 25 years 1661-70 and 1681-95) and, not least, severe limitations imposed on access to the eighteenth-century records at the Denbighshire Record Office during an extended period of refurbishment and rebuilding work, I decided to undertake some sampling of the Quarter Sessions files for these records. A period totalling 35 years (Sample ‘A’), comprising three blocks of at least a decade, was chosen for analysis, and recorded in the same way as the Great Sessions files (except that, given the constraints and since the DRO has produced an admirable typescript calendar of its files, I did not calendar all the 1720s records). A more rudimentary inspection of intervening files yielded further material, as did the surviving order books and a recognizance book.

A shorter sample period of 16 years (Sample ‘B’) was chosen for more intensive recording of a fuller range of documents from both courts in order to facilitate study and comparison of their work beyond formal indictments, and the relations between the courts; in particular, all recognizances, petitions, presentments and jury lists during those years were fully recorded, along with more miscellaneous categories of documents (particularly in Quarter Sessions files) and records relating to poor relief, and ‘name’ databases were constructed. The years chosen for this sample were selected with a number of criteria in mind: (a) they had to be years with two Great Sessions and four Quarter Sessions files surviving; (b) to trace the courts’ work across several sessions’ business, clusters of at least two and preferably three to four adjacent years were required; (c) the clusters should be distributed, if not with exact regularity, across the period of study to allow comparisons over time.
The years chosen for each sample are set out below.

<table>
<thead>
<tr>
<th>Sample ‘A’</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quarter Sessions</td>
</tr>
<tr>
<td>1661-70</td>
</tr>
<tr>
<td>1681-95</td>
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<tr>
<td>1721-30</td>
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<tr>
<td>All indictments, verdicts and sentences, depositions, articles of misdemeanour, petitions concerning ‘misbehaviour’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sample ‘B’</th>
</tr>
</thead>
<tbody>
<tr>
<td>Great Sessions and Quarter Sessions</td>
</tr>
<tr>
<td>1663-6</td>
</tr>
<tr>
<td>1681-4</td>
</tr>
<tr>
<td>1694-6</td>
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<tr>
<td>1710-11</td>
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<tr>
<td>1725-8</td>
</tr>
<tr>
<td>Recognizances, jury returns, jury and constables’ presentments, all petitions, letters, records of settlements and removals, court orders (except those relating to highways and bridges), etc.</td>
</tr>
</tbody>
</table>
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